United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, June 15, 2016*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER of Florida).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 15, 2016.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

JOCELYN DORSEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, first of all, I thank my colleague and fellow Georgian, Mr. DAVID SCOTT, for inviting me to share some words and congratulations toward a great Georgian who is here today. That Georgian is Jocelyn Dorsey, who was recently inducted into the Georgia Association of Broadcasters Hall of Fame.

Jocelyn has served our community for more than 43 years as an employee of Atlanta's number one local station, WSB-TV Channel 2 Action News. Jocelyn now serves as the director of editorials and public affairs at WSB, where she is responsible for all community and public service outreach programs. Over the years, she has become not only an accomplished and trusted news anchor but a person who gives her money and her time and who is a friend to all who have ever met her.

Aside from her work at the station, Jocelyn uses her free time to bring awareness to the Atlanta area nonprofits and assists them with fundraising. I have been involved with her many times at some of these fundraising opportunities that she takes. Jocelyn serves on the advisory board of many charitable organizations in Atlanta, working to improve the lives of those with developmental disabilities and to improve the lives of the children of the community. She is also a mentor to teens and is an advocate for family values. Jocelyn has been a pioneer for women in journalism in our State, especially for African American women. She is a leader and has been recognized by the city of Atlanta and county commissioners for all of the work that she has done.

Many people want to make Atlanta better, but what makes Jocelyn special is that she actually works hard every day to make our city a better place. Whether it is at the TV studio or during her free time, she is committed to making Atlanta a great place to work, live, and raise children. Jocelyn knows and embodies the best values of Georgians—hard work, service, and, of course, leadership. There cannot be improvement without action, and Atlanta's next generation is fortunate to have a strong, active leader in the community like Jocelyn to look up to and to try to follow.

Mr. Speaker, I congratulate Jocelyn on her induction into the Georgia Association of Broadcasters Hall of Fame. I also thank her for her commitment to Atlanta and to the State of Georgia. I wish Jocelyn and her family all the best, and I know that she will continue to do great things for our city and our State.

JOCELYN DORSEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. DAVID SCOTT) for 5 minutes.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, the United States Congress today gives great and special recognition to an extraordinary Georgian and a great American, Ms. Jocelyn Dorsey, for her pioneering and trailblazing career with WSB Television, the flagship station in Atlanta, Georgia, of Cox Enterprises, and also for her induction into the prestigious Georgia Association of Broadcasters Hall of Fame.

I am pleased to join with my colleagues, both Democrats and Republicans, as we share with the Nation Ms. Dorsey's remarkable contributions and her high nobility of purpose.

Jocelyn Dorsey was the very first African American to anchor a television newscast in the Atlanta market, ushering in the New South. She broke down racial barriers in television—in anchoring, in reporting, in management, in producing. Jocelyn Dorsey is a one-of-a-kind because she was able to put together an award-winning public affairs television program called ''People to People.''

Truly, through this program, Jocelyn Dorsey has done and is doing God's work, which is in helping those who need help the most: children who need shelter, children with disabilities, and disabled veterans. As well, her work in breast cancer and prostate cancer and for Sisters By Choice is absolutely legendary. Every year, Jocelyn Dorsey is a major partner in Georgia's largest job fairs and health fairs, bringing badly needed jobs to thousands of Georgians and to our military veterans.

What an extraordinary person Ms. Jocelyn Dorsey is. She has been with this station, WSB, for 43 years. That is very significant because WSB Television has been in existence for 67 years—43 years out of the station's 67 years of existence. As famous WSB sportscaster Chuck Dowdle said, Jocelyn Dorsey is the backbone of WSB Television.

Mr. Speaker, she loves her motorcycle, and she rode that motorcycle all the way from Alaska to Key West, Florida, and raised $250,000 for the Special Olympics. You talk about God's work. That is it that she is doing—7,680 miles. It took her 21 days.

I am telling you, Mr. Speaker, that God gives us His loving kindness and His grace by His divine calling to certain persons. Such a person is Jocelyn Dorsey, and we in the United States Congress today take great pride in having her story, which is a great American story, enshrined into the CONGRESSIONAL RECORD and into the congressional Library of Congress for all times, for generations to come—forever.

God bless Jocelyn Dorsey with WSB Television, and God bless the Georgia Association of Broadcasters Hall of Fame, and God bless the United States of America.

JOCELYN DORSEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. LOUDERMILK) for 5 minutes.

Mr. LOUDERMILK. Mr. Speaker, I thank my colleague, Mr. DAVID SCOTT, for coordinating this tribute to Jocelyn Dorsey.

I am honored to recognize Jocelyn Dorsey, who is being inducted into the Georgia Association of Broadcasters Hall of Fame, for her steadfast commitment to journalism excellence.

Jocelyn has served the Atlanta, Georgia, region for over 40 years in her reporting for WSB-TV. During her career, she has been recognized for her work ethic and devotion to the field of journalism. Jocelyn's commitment to excellence quickly advanced her career, and she has served as the director of editorial and public affairs at Channel 2 since 1983.

She has received numerous awards for her work with WSB-TV, including seven Southeast Regional Emmys for Editorial Excellence from the National Academy of Television Arts and Sciences. Jocelyn was also the first woman and the first African American to receive the Georgia Association of Broadcasters' Citizen of the Year Award, which is a lifetime achievement award.

Her work speaks for itself, but she is more than a reporter, anchor, and director. Jocelyn is the mother of two sons and is a grandmother. She is also an active volunteer in her community, and she rode her Harley-Davidson around the country, raising thousands of dollars for the Special Olympics of Georgia.

As the Atlanta Magazine puts it, Jocelyn is a ''woman making a mark.'' She is truly an inspiration to the journalism community.

Congratulations, Jocelyn Dorsey, on your well-deserved induction into the Georgia Association of Broadcasters Hall of Fame.

JOCELYN DORSEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. LEWIS) for 5 minutes.

Mr. LEWIS. Mr. Speaker, it is my honor to say a few words about Jocelyn Dorsey.

Jocelyn Dorsey has won some of the highest honors the field of broadcasting has to offer, and, in many categories, she has been the first one to do it. She is an Emmy award-winning journalist and is the first African American woman to appear on a daily news show in Atlanta. She is the first woman and the first African American to receive the Georgia Association of Broadcasters' lifetime achievement award, Citizen of the Year, among many other honors. She has achieved so much. I will not have enough time here to mention it all.

I have known Jocelyn ever since she first came to Atlanta so many decades ago. How do you put into a few short words the gift that is 40 years of one person's life? It is not easy to sum up all we have seen together, all she has done, and what she means to our community, to our city, to our State, and to our Nation. But when you boil it all down, Jocelyn Dorsey stands for trust and credibility, generosity and human kindness.

Jocelyn is a professional who shines in the spotlight, who deserves the fame and the acclaim. But the reason she lasted 40 years in a tough business is that she loved the people and the institution she served. We could feel it, and we loved her back.

Jocelyn wants to touch people. She wants to do something that helps create life-changing outcomes for those around her. Her work was not a job; it was a way of life. She has traveled the length and breadth of America on her motorcycle, even as far away as Fairbanks, Alaska, meeting people as she went.

She served on community boards in Atlanta that help the disabled, that mentor young girls, that support minority businesses, children's shelters, voter empowerment, and many other worthy causes. She gave her time and used her power as a broadcaster, not because it was fashionable but because it was the right thing to do. It was right. Jocelyn Dorsey has won just about every accolade she could have won in her region.

I don't know whether I can offer any words that would surpass what she has already heard. But we brought her here to the House of Representatives to celebrate her retirement because she is committed and dedicated to the citizens of this country—a woman who took her responsibility as an American seriously and did all she could to help others in any way she could.

I know and truly believe that WSB is so sorry to see her go, but, as a community, we are glad to know where she will stay—in our hearts. She will be forever in the hearts of all of our people and at the center of public service in our community.

Thank you, Jocelyn Dorsey, for all of your great and good work, and may the blessing of the Almighty be with you.

□ 1015

SUPREME COURT RULING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. GIBBS) for 5 minutes.

Mr. GIBBS. Mr. Speaker, just 2 weeks ago the United States Supreme Court issued a ruling on an important case that deals with private property rights, the Clean Water Act, and the ability of Americans to challenge administrative decisions made by Federal agencies.

In the U.S. Army Corps of Engineers v. Hawkes decision, a private company wanted the ability to dispute a proposed determination by the Corps before they were put through the burdensome and costly process of applying for a section 404 permit. When the Hawkes Company, which wanted to harvest peat from a tract of land that is 120 miles from the Red River in Minnesota, began the process with the Corps, the Corps provided a jurisdictional determination—also called a JD—that stated there was a ''significant nexus'' between the Red River and the acreage Hawkes expected to harvest. Thus, requiring a permit.

But there was no guarantee that the permit would even be approved. The Hawkes Company believed they should not be forced to spend thousands of dollars in permit applications only to be denied and then go through the long process of appealing the decision.

The government's lawyers tried to argue that the approved jurisdictional determination is not the same as the final agency action, which is required before any legal or judicial review can even begin.

This is one of several important points made in the Supreme Court's unanimous decision siding with the Hawkes Company. While the Federal Government argued to the Court that an approved JD is not a final agency action, the Court found that the Army Corps considers it so in other Federal regulations. Using conditions set by previous court precedents, the Supreme Court sided with Hawkes and agreed that an approved JD essentially constitutes a final agency action. This now gives Hawkes and other entities applying for Clean Water Act permits in the future the ability to dispute rulings by the Corps before spending thousands and thousands of dollars for permits.

The Federal Government's arguments in this case were unconvincing

at best and repugnant at worst. Army Corps lawyers contended that Hawkes had an alternative to the expensive permit application. They argued the company could simply begin their operations without a permit, face the wrath of the Environmental Protection Agency, and attempt to argue in court that a permit isn't necessary. The problem with these alternatives is that Hawkes would be facing fines as much as $37,500 a day by operating without a permit.

In their 8–0 decision, the Court rightly sided with reason and sanity. American citizens and private companies should not be at the mercy of a bureaucracy that is effectively extorting them to have their day in court.

On the surface, this court case was about a peat company in Minnesota trying to sell some turf to golf courses, but it represents much more than that. We have a government that is too large, spends too much, and interferes with the private sector, especially at a time when our economy is stagnant and millions of Americans are struggling to find the work they are eager to take on. We have the ability to return the government's role in the economy to its original and appropriate place by creating the conditions for economic growth for all Americans rather than attempting to pick winners and losers through a centrally planned economy.

Yesterday, Speaker RYAN introduced a proposal by House Republicans that provides a better way toward economic prosperity for all Americans. One of those ways is to reduce the regulatory and administrative burdens placed on the private sector. If we modernize the regulatory framework, provide real and aggressive oversight of major regulations by requiring an up-or-down vote by Congress, and give the American people a larger role in the development of the Federal rules and regulations that affect them, we can set our economy on a path towards prosperity. More importantly, we can make sure all Americans have the opportunity to improve their lives, to live out their own version of the American Dream, and allow their children and grandchildren to inherit a more confident and prosperous Nation.

MASS SHOOTING IN ORLANDO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DANNY K. DAVIS) for 5 minutes.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise today, along with other Members of this body and tens of millions of Americans in every corner of our Nation, to express my profound sympathy and heartfelt condolences to the families and friends of the 49 beautiful young people of Orlando whose lives were stolen Sunday morning. We may never know the kind of hatred, what kind of sickness moves an individual so vehemently with such unchecked racism and homophobia to commit mass murder allegedly in the name of one or more terrorist causes.

My mind constantly returns to those who lost their lives at the Pulse, along with the 53 who were wounded, in an attempt to understand how one individual came to have the power to wreak such destruction and havoc. These innocent souls now join those lost at Blacksburg, Virginia; Newtown, Connecticut; Killeen, Texas; San Ysidro, California; San Bernardino, California; Edmund, Oklahoma; Fort Hood, Texas; Binghamton, New York; and Aurora, Colorado, as victims of modern warfare.

So far 2016 has seen 136 mass shootings, according to the Gun Violence Archive.

How can we countenance the continued ownership, availability, and use of semiautomatic weapons such as the AR–15? What legitimate purpose can they serve? What legitimate need do they fulfill? How many more must die before we rise up as a Nation and reinstate the ban on such weapons in civilian life? Would that have an impact? Would such a ban save lives?

We don't have to guess. We can look to the experience of Australia, a nation with some significant parallels to the United States. In 1996, after the worst mass shooting in Australian history, then-Prime Minister John Howard led the battle for what was to become the National Firearms Agreement, which banned certain semiautomatic and self-loading rifles and shotguns and required all firearm license applicants to show a genuine reason for owning a gun, which couldn't include self-defense.

The country instituted a mandatory federally financed gun buyback program, which led to the repurchase of 700,000 guns, which halved the number of gun-owning households and reduced the number of guns in circulation by about 20 percent. The firearm homicide rate fell by 59 percent and the firearm suicide rate fell by 65 percent without increases in other types of deaths. Australia hasn't had another mass shooting on that scale since.

Mr. Speaker, I want to close on another even more critical note: addressing the deadly end result of racism, homophobia, and male chauvinism.

The self-serving notion that any individual or group is superior to another has plagued America from our earliest days as a Nation. Slavery was a cancer on our people. Justified by the crudest, cruelest, most vicious ideology, which proclaimed persons of African or Native American ancestry to be inferior and subhuman and persons of European ancestry to be their natural masters, it was the basis of a vicious system of social oppression and economic exploitation. No people will endure such oppression and exploitation forever. Indeed, it inevitably led to the deadliest and most divisive war in our Nation's history: the Civil War. 204,070 people died in battle or from injury in battle, and 414,152 died from disease or accident, a total of 618,000 souls.

Yet here we have these evils lingering in our society today. They continue to express themselves in so many different ways.

What kind of deranged mind leads itself to believe that it can pass judgment on other individuals or groups? What kind of mind raised in the United States places itself above our constitutional declarations of equality for all? What kind of mind finds the basis to declare other individuals or groups defective or inferior? What kind of mind declares other individuals unworthy or unqualified to share the protections of our Constitution? What kind of mind asserts they are above judgment by a member of another group? What kind of mind envisions a world where one people are superior to another people and believes that such notions can lead to anything other than enduring conflict, death, and destruction?

Mr. Speaker, these kinds of thoughts can no longer linger. The answer rests, to a real degree, with us.

CALLING ON SENATE ACTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. ZELDIN) for 5 minutes.

Mr. ZELDIN. Mr. Speaker, I rise today to call on the Senate to act now to send to the President's desk several important bills that I have introduced in this Chamber, which have all now passed this House.

In Congress, I have been working hard to pursue my New Era of American Strength agenda to protect America's security at home and abroad, help grow our economy, support our veterans and first responders, improve the quality of education, repair our Nation's infrastructure, improve health care in America, and safeguard our environment.

Working with my colleagues on both sides of the aisle in the House and Senate, I have been able to secure a number of important victories for my district. These include a 5-year fully funded transportation bill, including my Safe Bridges Act, which was passed and signed into law.

My proposal to allow States to opt out of Common Core without penalty from the Federal Government was also passed and signed into law.

Working with Peconic Bay Medical Center, I was able to open a new veterans healthcare clinic in Manorville.

I also helped lead the effort to permanently reauthorize the Zadroga Act for our 9/11 first responders and stop the Medical Device Excise Tax for 2 years.

Additionally, my office has successfully resolved over 3,000 cases in favor

of New York's First Congressional District constituents.

While I am very proud of the victories I have been able to secure thus far for New York's First Congressional District, I have introduced a number of other bills that have now passed this House.

The Senate should act to pass all of the following bills:

My Counterterrorism Screening and Assistance Act, which is H.R. 4314. With the rise of terrorism across the world, the need for an improved security clearance process and increased border security has become even more apparent. The free movement of those who would commit horrific acts of terror is one of the greatest threats to America's safety, both at home and abroad. My bipartisan bill, H.R. 4314, would help close gaps in foreign borders by establishing international security standards while also guaranteeing that U.S. resources are utilized in the most efficient way possible wherever they are needed the most. H.R. 4314 would also put in place a monitoring system to screen for infectious diseases abroad, like Zika, in order to contain and prevent any potential outbreaks.

The Senate should also pass my three bills for our Nation's veterans: H.R. 2460, H.R. 1569, and H.R. 1187. One of my greatest priorities is ensuring that the veterans of our Armed Forces receive the treatment and benefits that they have earned and deserve. In Congress, I have introduced several pieces of legislation to provide for our heroes, including H.R. 2460, which would provide adult day health care for disabled veterans at no cost; H.R. 1569, to require the VA to pay accrued benefits to the estate of deceased veterans; and H.R. 1187, to eliminate the loan limit that the VA can guarantee for a veteran. Passing all these bills, all of which have received enormous support from Democrats and Republicans alike, are essential to increase our veterans care and assistance.

I also introduced a bill to save Plum Island: H.R. 1887. This island is a critical natural, cultural, and historical treasure that has been cherished by our local community since before the 1700s. Rather than allow the Federal Government to sell the island to the highest bidder, H.R. 1887 would safeguard the island from development to preserve this beautiful land, almost all of which is completely undeveloped. Additionally, we can ensure good-paying research jobs are on the island while allowing public access for more Long Islanders and others to experience this great land that is right in our own backyard.

Another one of my bills, H.R. 3070, would allow striped bass fishing off the coast of Montauk. Just this month, H.R. 3070 passed the House with unanimous bipartisan support. My bill would clarify Federal laws governing the management of the striped bass fishery in the exclusive economic zone between Montauk, New York, and Block Island, Rhode Island. Fishermen are desperately pleading for commonsense relief, and the EEZ Transit Zone Clarification and Access Act is one way that Congress can help.

The Senate should act quickly on all of these essential pieces of legislation. I will continue doing everything in my power to bring home more victories for Long Island through my New Era of American Strength agenda.

□ 1030

A TIME COMES WHEN SILENCE IS BETRAYAL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Connecticut (Ms. ESTY) for 5 minutes.

Ms. ESTY. Mr. Speaker, I rise today to remind this House that Martin Luther King, Jr. said: A time comes when silence is betrayal.

Early Sunday morning, 49 Americans were murdered and 53 wounded, gunned down at a gay nightclub in Orlando.

As a nation, we grieve for the 49 Americans who were taken from us that day. Our hearts and prayers are with their loved ones and with all those who were wounded. Yet while we grieve, we must also act. This heinous, hateful attack had three important aspects, each of which we must acknowledge and address. Orlando was a hate crime. It was a terrorist attack, and it was committed with a gun that this individual should never have had.

This terrorist attack was a hate crime, and if we ignore that brutal reality, if we are silent about it, then we disrespect the victims of this tragedy, their families, and LGBT Americans across this Nation. So let's be very clear. On Sunday, an individual set out to kill LGBT Americans simply because of who they are. It was a direct attack on the LGBT community in a place where they gathered for safety and fellowship, and it was an attack on the Latino and Hispanic community as well.

As the sister of a gay man, this attack is personal to me, but in reality, this attack is personal to all Americans. It is an attack on our families, our friends, our values. It is an attack on our diversity and our freedom. As Americans, we do not back down from our values. We unite around them. We do not respond to hatred with hatred.

Today it is more important than ever to stand up proudly against discrimination in all forms, whether it is based on sexual orientation, on gender identity, religion, race, or anything else.

This was also a terrorist attack that requires a counterterrorism response. We need to strengthen our intelligence efforts at home and abroad. At home we need to identify potential lone wolf attackers and stop them before they become radicalized. Our political leaders, or those seeking to become political leaders, need to stop singling out Muslim Americans for hatred and violence.

Targeting Muslim Americans with violence and discrimination isn't just un-American; it makes our entire Nation less safe. It gives ISIS a recruiting tool to radicalize individuals in this country and around the world. It puts families in this country in greater danger, and it puts our troops at greater risk. We need the Muslim communities throughout this country that are standing up against terrorism and against dangerous radical perversions of their faith. We rely on their cooperation to identify potential attackers before they attack.

Finally, we need to close the gaping hole in our laws that allow suspected terrorists who are on the FBI's terrorist watch list to walk into a store and buy a firearm. This issue is only controversial in this House and in Congress. Among our constituents, it is common sense. If you are too dangerous to fly, you are too dangerous to own a gun. Quite simply, no fly, no buy.

The time for silence is over. We in Congress have a sworn obligation to protect the people of the United States. Every day we fail to act is a failure to carry out our most basic duty.

So, Mr. Speaker, I ask unanimous consent that the House bring up H.R. 1076, the Denying Firearms and Explosives to Dangerous Terrorists Act.

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the House is in session solely for the purpose of conducting morning-hour debate. Therefore, that unanimous consent request cannot be entertained.

Ms. ESTY. Mr. Speaker, I will stand here for the remainder of my time to protest the appalling silence of this House and its refusal to act in the face of this terrorist act.

The SPEAKER pro tempore. The gentlewoman's time has expired.

REMEMBERING JERRY McCLOSKEY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Mrs. MIMI WALTERS) for 5 minutes.

Mrs. MIMI WALTERS of California. Mr. Speaker, on May 24, Laguna Niguel councilman and former mayor Jerry McCloskey passed away unexpectedly.

Jerry, a United States Navy veteran, continued his service to the military and his community through his volunteer work with Laguna Niguel Military Support Foundation and the American Legion Post 281. He was also involved in the local Rotary Club, Lions Club and Historical Society, and served as the president of the Orange County Watershed and Environmental Center.

I met Jerry when I ran for city council in 1996, and in all the years I knew Jerry, he truly exemplified what it means to serve. He will be sorely missed.

Jerry leaves behind his beloved wife Marilyn, his two daughters, and his four grandchildren. We join them in their mourning and hope that they can find comfort in knowing that his impact on the Orange County community will live on for decades to come.

HONORING JOCELYN DORSEY ON HER RETIREMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. JOHNSON) for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to honor one of the great servants, a truly great servant in Atlanta broadcasting history. Her name is Jocelyn Dorsey. She has been working at WSB-TV in Atlanta for the last 40 years. She was the first regularly scheduled Black female anchor on Atlanta TV in the history of our great city. She is truly a pioneer. She was inducted into the Georgia Association of Broadcasters Hall of Fame among her many accolades and recognitions in the industry.

Throughout her more than 40-year award-winning career, Jocelyn Dorsey has collected more hardware in terms of awards than I could possibly take 5 minutes to recite. It certainly would take us all day to recite the many awards that she has received, but my point is that in every professional recognition category that she has been considered under, she has won awards, and her recognition is duly noted by the professionals and her peers throughout the country.

She has been giving back to her community in ways that have been unseen. While she started her career out in front of the camera, she is ending her career behind the cameras. She has been behind the cameras promoting community awareness, community service, making the station itself, WSB, which is the top-ranked station in the Atlanta market, truly representative of the community and truly responsive to the community.

There are just so many things that have transpired as a result of her behind-the-scenes work that have helped so many individual Atlantans and not just Atlantans, people who are served by the Atlanta television market. She has truly left a great impact. We hate to see her go. She has been a true warrior for good and for fairness and inclusion as well.

I will leave with the words of someone who has worked closely with Jocelyn for more than 40 years. His name is Mark Winne, who is an award-winning investigative reporter in his own right.

She has found her calling in life, the way to use the distinctive suite of gifts God has given her in a way that serves others, and at the same time she makes a living doing it. She lives and breathes the work, rolling up her sleeves, and sticking her arms all the way into the dirt to plant, harvest, and plant again year in, year out. She brings zest and joy to it. She digs new technology, and she uses it, but her keen people sense has enabled her to be such an effective steward of the considerable resources WSB-TV invests in the community. She is a personal heroine and role model, and I think she may have the best—and in some ways toughest—job in the Atlanta television market.

I will rest on those words of Mark Winne, and I will say to Jocelyn Dorsey: Work well done. I hope you enjoy your tremendous retirement. You are still a young woman. You have a lot to offer, but you deserve to have some fun. So have fun.

By the way, she is an avid motorcyclist, and she rode—or, actually, piloted her motorcycle all the way from Anchorage, Alaska, to, I think, Tampa, Florida, in a ride to raise money for various charitable events and causes.

So you will have a lot more time to ride now. When the group tells you, Hey, we are getting ready to go to Nevada, you won't have the excuse of having to go to work anymore. You will be able to jump on the bike and ride. So ride peacefully, ride strong, and we will see you soon.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair and not to a perceived viewing audience.

RECOGNIZING DICK RAMSAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. CURBELO) for 5 minutes.

Mr. CURBELO of Florida. Mr. Speaker, I rise today to recognize the passing of one of Monroe County's most respected and decent public servants. Richard ''Dick'' Ramsay, a former Marathon mayor and city councilman, small-business owner and airline pilot, passed away on June 2 at the age of 74.

A true visionary who worked tirelessly to better his community, Mayor Ramsay played a pivotal role in the incorporation of Marathon, Florida. He possessed a genuine passion for the Florida Keys, a passion that was reflected in his dedication to public service.

Dick's contributions to Marathon are both significant and extensive. He served three 2-year terms on the city council and expressed great interest in issues concerning the Florida Keys Marathon International Airport. One of his many successful projects was the newly installed U.S. Customs and Border Protection facility, which now allows international flights to clear customs in Marathon for the first time in decades.

Beloved by his family, his friends, and his community, Dick Ramsay will be dearly missed by all. I am honored to have been able to call him my friend. My thoughts and prayers go out to the Ramsay family and to the Florida Keys for the loss of such an active and caring member of the community.

RECOGNIZING ED KNIGHT

Mr. CURBELO of Florida. Mr. Speaker, I rise today to recognize Edward B. Knight of the Florida Keys. Ed, as he is known, is a true staple in our community. During his time in Key West, he and his wife opened one of the first U.S. Volkswagen dealerships, operated a successful real estate company, and served as an executive on several boards, including the Rotary Club of Key West and the Boy Scouts of America. Mr. Knight also created an annual Rotary scholarship program to help students attend Florida Keys Community College.

Edward Knight is a leader, a businessman, and the definition of a philanthropist, so much so that Key West Mayor Craig Cates led a naming ceremony of the White Street Pier in Mr. Knight's honor on June 9.

I want to personally congratulate Ed Knight. Thank you for all you have done for the Florida Keys community throughout the years. Your service is deeply appreciated.

□ 1045

ALZHEIMER'S AND BRAIN AWARENESS MONTH

Mr. CURBELO of Florida. Mr. Speaker, I rise to recognize June as Alzheimer's and Brain Awareness Month.

There are more than 5 million Americans in the United States who have been diagnosed with Alzheimer's. It is a devastating disease for patients and their families and is currently the sixth leading cause of death for individuals living in the United States.

This disease, unfortunately, cannot be prevented, cured, or slowed, but as lawmakers, we have the ability to support patients and their families. I have cosponsored the HOPE for Alzheimer's Act, which would amend Medicare to cover comprehensive Alzheimer's disease care-planning services.

I look forward to working with my colleagues on both sides of the aisle to help move toward finding a cure for this awful disease.

BOY SCOUTS OF AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 5 minutes.

Mr. FITZPATRICK. Mr. Speaker, today marks 100 years since the Boy Scouts of America received their Federal charter. This week also represents an important anniversary for my hometown council in Pennsylvania.

For three-quarters of a century, the Ockanickon Scout Reservation in Pipersville, Bucks County, has fulfilled the goals of its early founders and provided adventure and fun for scouts

from States as far away as Arizona, Texas, and the U.S. Virgin Islands, and hosted many scouts from across the globe. While the site is busy year-round, more than 3,000 young people arrive each summer, with more than 3,800 expected this year alone.

Ockanickon Scout Reservation's objectives are simple: character, citizen training, and personal fitness. But there is also a rich scouting history of meeting the spiritual, developmental, and social needs of young people and instilling lifetime values that will help them reach their full potential.

As a former camper and counselor myself, I want to offer my congratulations to Camp Ockanickon, the Washington Crossing Council, and Ajapeu Lodge on this anniversary marking 75 years. I hope there are many, many more years ahead of providing an outstanding experience to tomorrow's leaders.

STATESVILLE IS A GREAT PLACE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, today, I rise to recognize the city of Statesville, North Carolina, which was recently named one of North Carolina's Great Places by the State's American Planning Association chapter.

The Great Places in North Carolina program honors the best planning efforts in the State. The selected cities are celebrated for their active main streets and serve as models for vision, partnerships, and collaboration.

Statesville is a dynamic town located in the foothills of North Carolina at the intersection of Interstates 77 and 40. Its vibrant main street is the intersection of Center and Broad Streets, which is known affectionately as ''The Square.''

The Square serves as the center of this charming community known for its beautiful buildings, historic homes, terrific quality of life, and incredibly friendly people. The 223-year-old city boasts a variety of retail, dining, and entertainment options, with art at every corner. It is an honor to represent Statesville in North Carolina's Fifth Congressional District.

HONORING THE ORLANDO SHOOTING VICTIMS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE. Mr. Speaker, the overwhelming grief that America now feels warrants this body to continue to offer our sympathies and concern to those families now in the most dire of conditions; that is, those families whose loved ones are no more, who died on what was to be a joyous occasion, socializing, as we do as Americans, and those families who are hovering over sickbeds for those who are injured.

I rise this morning to again give them my sympathy and my respect. What the American people want to see from this body is action.

I rise as well to pay tribute to the LGBTQ community all over the Nation. In my hometown of Houston, Texas, over these last tragic days, we have come together with them and the Muslim community. The Muslim community is making a very strong stand that they stand with those fallen and killed, those who were part of the LGBTQ community. The Muslims were strong. They were Americans. They were prayerful. They were imams, and they were civilians.

We prayed. We heard from a Catholic deacon. We heard from a Christian Presbyterian minister in a press conference when we came together on Sunday in the midst of the unbelievable. We came together in Houston and advocated for unity and respect. We quoted scriptures that said to love one another.

We joined President Barack Obama in taking the moment not to politicize but to speak that we must come together. Calling names and defining what a radical religion is or not will not answer any question. It may make some feel good, but it will not answer for the basis of the violence of Mr. Mateen.

I do believe that the American people are mourning and giving our love and letting them know that they are not alone; they will not walk this place alone. I use that because I listened to that rendition by an Orlando choir as the names and faces of the 49 were shown on television. In the quietness of my office, the emotion was overwhelming.

So I think it is immoral. It is clearly a response to the depravity of this Nation if my colleagues cannot come together and do something this week. Ban the assault weapons. Join us in recognizing that this is not a violation of the Second Amendment. Pass the no fly, no buy bill. If you are on the terrorist watch list, why are you getting assault weapons?

Then H.R. 5470, introduced by my colleague, Congresswoman BROWN, the Representative of Orlando—where the tragedy and terrorist act occurred—and myself, gives added tools to the FBI that says that if you have had any encounter with Federal law enforcement, as you purchase a gun, you must make that known so that it can be a trigger; and if you do not respond, you still must have that reported to the FBI so that a thorough investigation can be had.

I don't believe that we can leave this week without answering the concerns of the American people. I make a plea to organizations that we know have consistently stood in blocking the door of sensible, responsible gun safety legislation, to go on their knees and pray for humility and guidance and to be able to seek some other place of responsibility than their own selfish interests.

Dead people cannot speak. Their families are overwhelmed with grief. The injured are filled with grief and are trying to recover.

This Congress must pass the no fly, no buy bill. It must pass a ban on assault weapons. It must enhance the various tactics that our law enforcement can have to stop a heinous terroristic and horrible killing—a massacre, a slaughter.

Mr. Speaker, I say that we will be in the band of the immoral if we do not do something today. To those who mourn in Houston, I wish I could be with you. I thank the mayor and all of those who will come together this evening. My spirit is with you. I love you.

JOSEPH MUSSOMELI ARTICLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, Joseph Mussomeli spent 35 years in the U.S. Foreign Service, including serving as our Ambassador to both Cambodia and Slovenia.

Ambassador Mussomeli wrote a column for The Washington Post, which, frankly, I am very surprised that the paper published in its June 10 edition. I would like to quote at length from this very important column.

Ambassador Mussomeli wrote as follows:

Most of my former colleagues at the State Department will be appalled by the assertion, but much of the media-fed angst about Donald Trump's dearth of foreign policy expertise is contrived.

Our cadre of neoconservative foreign policy experts, unhumbled after marching us into a reckless war in Iraq and a poorly conceived one in Afghanistan, who applauded as we bombed Libya and bitterly resent our having failed to bomb Syria, are frightened.

Wisely, they often focus on comments that Trump has made on issues that are of less genuine interest to them. But what really troubles them is his generally level-headed and unmessianic attitude untoward foreign affairs. Trump has no desire to make the rest of the world in our image.

The neocons bemoan Trump's rejection of a global role for the United States, but Trump has no intent to withdraw the United States from the world stage. He only rejects the wanton use of our young men and women on foreign adventures of questionable value.

The neocons have two clear foreign policy objectives, and Trump may grant them neither. For many of them, their deepest yearning is an air campaign against Iran.

Trump doesn't like the Iran nuclear agreement, but his instinct is to make a better deal rather than attacking, while Hillary Clinton has a strong record of supporting the prodigal misuse of military force.

Clinton is just another neocon, though wrapped in sheep's clothing. But clothing

makes a huge difference. Most Americans don't want the United States to be disrespected, and they want a muscular military that doesn't take any nonsense—but they also don't want military adventurism.

Trump succeeds in having it both ways: he reassures that the United States will be respected and also that we will not employ our troops as cannon fodder on distant battlefields.

Underneath all the tirades against illegal immigration and the need to be tough with our adversaries, there is an inward focus. There is a sense that America—in order to be great again—needs to relinquish its role as global cop and tend first to its needs at home.

By sounding caustic, Trump is able to appear more militaristic and tougher than the far more reckless Clinton. Calculating and cavalier, Clinton would agree with her old pal, then-U.N. Ambassador Madeline Albright, ''What's the point of having this superb military . . . if we can't use it?'' The stern rebuke to that question later provided by General Colin Powell that the military is not a toy is lost on the neocons and Clinton. Among Clinton's weaknesses, her fear of appearing weak may be her most damning.

The second neocon priority? A new cold war with Russia. Vladimir Putin, unlikable and increasingly uncooperative and antagonistic, admittedly makes this objective more within reach, but Trump might avoid it as well. Clinton repeats over and over that Russia only understands a tough and determined opponent, while Trump may have a more sophisticated and mature approach.

Far less petulant than most of the former Republican candidates, Trump says he would actually talk with Putin. That takes real courage, given the general view among Republican elites.

Contrast that with Clinton, who thinks we should not be talking too much to Putin and that we ought to further expand NATO because, in her view, Russia would be an even greater threat had it not been for NATO expansion. Of course, to admit that NATO expansion triggered the current crisis would be admitting that her husband is largely responsible for it.

Trump seems to understand George Kennan's warning that NATO expansion would directly lead to a more paranoid and aggressive Russia.

Trump, for all his bizarre commentary on domestic issues, better grasps the subtleties of global politics and the dangers of thinking ourselves infallible and invincible.

It is quite an irony: The ostensibly more reckless, infantile, inexperienced and bombastic candidate may actually be more mature, level-headed, and reasonable on foreign policy than his critics who, against all the good advice our parents gave us as children, pout and refuse to talk to those they don't like, escalate arguments to violence when they are upset, lack any remorse for the harm caused by their past opinions and actions, and fail repeatedly to see that there might be two sides to any disagreement.

Mr. Speaker, I think these words of Ambassador Mussomeli should be considered very seriously by all of our Members.

The SPEAKER pro tempore. The Chair would remind Members to refrain from engaging in personalities toward presumptive nominees for the Office of President.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 a.m.), the House stood in recess.

The following proceedings were held before the House convened for morning-hour debate:

UNITED STATES ASSOCIATION OF FORMER MEMBERS OF CONGRESS 2016 ANNUAL REPORT TO CONGRESS

The meeting was called to order by the Honorable Martin Frost, Secretary of Former Members of Congress Association, at 8:30 a.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Lord God of history, we thank You for this day when former Members return to Congress to continue in a less official manner their service to our Nation and to this noble institution.

May their presence here bring a moment of pause, where current Members consider the profiles they now form for future generations of Americans.

May all former Members be rewarded for their contributions to this constitutional Republic and continue to work and pray that the goodness and justice of this beloved country be proclaimed to the nations.

Bless all former Members who have died since last year's meeting. May their families and their constituents be comforted during a time of mourning and forever know our gratitude for the sacrifices made in service to the House.

Finally, bless those gathered here, that they might bring joy and hope to the present age and supportive companionship to one another. Together, we call upon Your Holy Name now and forever.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARTIN FROST led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Mr. FROST. The Chair is happy at this point to recognize the distinguished Speaker of the House, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. First of all, welcome everybody. I see a lot of familiar faces, a lot of folks I served with, people I know who came here before I served.

I came here when I was 28, in 1998, and never thought I would be doing what I am doing. And it is just funny how this place can work its will.

I would say a couple of things.

I grew up with mentors. I lost my dad when I was young, so I went from mentor to mentor to mentor. When I came here to this job at a young age, I had a lot of mentors. Jack Kemp was my original mentor, who taught me about public service and politics and policy. A lot of you, like Jim, you served with Jack; you knew him well from the delegation and the rest.

But then when I came here, I had mentors. I don't know if McCrery is here or not. Jim is a part of the organization, I assume; right? So Jim McCrery.

Bill Thomas was a mentor of mine. Even though that is hard to imagine, he really was because he taught me to be scrutinous, how to really pay attention to detail.

I see Tim Petri is here. Tim Petri was a mentor. He taught me kindness. He taught me how to relate to people. He taught me how to be like a nice person and still be a nice person after years in Congress. I try.

But all I would say is it is great to have you home. So welcome home.

I look at you, and I see relaxed faces. I see the lines have kind of gone away. I see happy people. I see people in a great phase and stage of life. So know that when we see you, it gives us happiness and hope because we know that, in the mix of the day and all the tumult we go through around here, a lot of this is just a tempest in the teapot; a lot of this is just noise that doesn't take us off the horizon where we are all going to.

So I would say a couple of things. Thank you for being the mentors you have been, on behalf of the people you have been mentored to, number one. Number two, thank you for your passion and for keeping your dedication to the causes you believed in and the causes you came here to fight for.

I came young, idealistic, you know, thinking I kind of knew everything. And then as time got on, in the ninth term, I realized discernment, temperament, and just good judgment is what matters the most. And I realized that there is so much we have yet to learn from people who have walked the same path and have been in the same kind of shoes. And because you are here giving the rest of our Members—on our side of the aisle, 65 percent of our people are first- or second-termers. So we have so many new people for whom it is important that they learn from those who have been through this. It is important that you make new friendships with new people so that they can get a little discernment and get a little wisdom from your pearls that you can drop them. So thank you for being here and being involved in doing that. Please mentor some of our folks.

And the last point I would say is just thanks for showing that this life of public service continues on in a very graceful way, in a very relaxing way, in a way where you can really be in control of your own destiny in your own time. I mean, probably you look back at this and you remember time was my problem, time management, having

time to do this, having time to do that. That is one of the big frustrations of the day to day around here. And just knowing that you can get back in control of your own time and your own life after these days of public service, that, to me, is very comforting. It is a very comforting thought.

So your presence helps our Members kind of get their keel, get their groove, get their sense of peace and calm so that they can focus on what is really important and not get distracted by the things that knock us off our game. So all I would say is welcome. It is great having you, and thanks for doing what you do. I appreciate it.

Mr. FROST. Thank you. Mr. Speaker, we all wish you well in the months ahead.

The Chair recognizes the distinguished Democratic whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I am glad I got here to hear the Speaker talk a little bit. And I am so glad that you guys have brought calm and consideration to us junior Members. I happen to be one of the old junior Members, as all of you know—I am older than some of you—but I am still here.

Mr. FROST. We wish you a happy birthday.

Mr. HOYER. Thank you so much.

I always loved so many of you with whom I had the opportunity to serve.

I remember a time many years ago when I got into the Members' elevator on floor seven, which my office is on floor seven in the Longworth. I have got an office here, too, obviously, as you know. But anyway, this young kid gets on, tall, dark, nice-looking kid got on, and I sort of looked at him and wondered who he was. He thought I was looking at him as if he shouldn't be on the elevator, which I, by the way, think is a pretty kind of arrogant thing to have. This is a Members' elevator.

In any event, I said, ''Hi.'' He said, ''I am PAUL RYAN. I am a Member.'' And he has since been calling me ''old man'' for a number of years now, which I highly resent, which I don't think is very bipartisan and not good camaraderie. But in any event, he does it anyway.

All of you have seen the House for a long period of time. I came in 1981. Some of you came before, and I have been here since. I remember Jim and I serving together on the Appropriations Committee, others of you—Jo Bonner. Bev Byron I have known since—there was just censorship there. She said, ''All right. That is enough.''

She is like NANCY. I start telling stories about NANCY, and NANCY says, ''Nope. Nope. That is not when it happened. It happened 20 years later than you are saying it happened.''

But in any event, it is lamentable what has happened to the House. You know, we can have a lot of happy talk, and we can talk about all this. It is lamentable—it is manifest, frankly, in our Presidential campaign—and our country deserves better.

ELIJAH CUMMINGS, our colleague, whom many of you know, he says, ''We are better than that.'' And we are better than that.

I remember serving with so many of you for such a long period of time where, yes, there was an aisle, but there was much greater diversity of sentiment in terms of working together than exists today—in part, because a lot of Members are new. We have had great turnover.

Remember, we talked about term limits. You have got to have turnover. There has been extraordinary turnover. Has it been helpful? I am not so sure. I am not so sure because Members come, and before they get to know people as individuals, as opposed to just Republicans or R's on this side of the aisle or that side of the aisle, they want to confront.

Now the longer you get to know people—you know, Chris Shays. Sure, he was a Republican, I am a Democrat, but we had an opportunity to sit down and talk. And Jim and Chris are sitting next to one another now. You know, they are friends. We are all friends.

I mentioned Jo's name. But a lot of Republicans that I have been very close to—as many of you know, ROY BLUNT is one of my best friends, and he was the minority whip and then the minority leader for a while, and we worked very closely together.

You know what I tell my staff? I say, when they leave—all to make more money than I am making, for the most part, or that you made when you were here. I say, ''I let my staff go off the payroll, but not off the staff.''

You are off the payroll. But I hope none of you—and obviously your presence here in this Chamber reflects that you think you are off. And that is what PAUL was talking about. PAUL was talking about those of you who have served.

Connie and I—and Connie and I were on different sides of the aisle in our State; but Connie and I have been good friends, with great respect for one another. And I know that Bev and Connie are good friends. They represented sort of the same part of our State, the western part of our State.

We have lost that. And, frankly, I want to tell my Republican former colleagues that your side of the aisle now is having great difficulty working together with one another—forget about the other side of the aisle—and that is why John Boehner wasn't speaking to you today. John Boehner ultimately said, look, if you don't want to work with me, I am out of here. Not to us. John and I worked very closely together. We had a great relationship.

And I think a lot of PAUL RYAN, but he has got a lot of Members who think that they are not part of a team but they are part of a different group that is outside, that wants to confront. I don't want to be too negative here, but we would be silly and we would be Pollyannaish if we didn't look at this and say this is a problem for our country and we need to resolve it.

We need to let our citizens know that, yes, each of us has ideas in our own districts, but we come here in a body of 435 people. It wasn't that large when our Founding Fathers constructed it, but they constructed it so that it would be a crucible to which we could bring all the differences and different perspectives and different interests that we have in the country and try to bring them together, sort of grind them up so they would come out as a positive substance together.

Barb is shaking her head. Barbara and I came in special elections, and we came just sort of back-to-back in special elections. Bev was already here. Some of you were already here when I got here. We were able to work together.

I tell people, you know, even in the Gingrich years, when it was perceived to be really—you know, Gingrich came in on fire, and he worked us about 9,000 hours a week. My Republican friends were coming over here and saying, ''He is going to kill us.'' I mean, we were working around the clock, some of you who were here. But the fact is there was a large number of people who were in the body at that point in time who were used to working together.

Of course those of us who served on the Appropriations Committee, on the Appropriations Committee, it was pretty easy to make a deal. You know, if you have got $100 and you are in the majority, you get $60, the minority gets $40. There is not a philosophical issue here. It is easy just to divide it up. On the authorizing committees, it is a little tougher. But, frankly, all the committees now, as you have seen, have become sort of partisan confrontations—not good for the country, not good for the Members.

By the way, the working conditions of Members has been sorely tested. And I will tell you—and I tell my Republican friends, if I were the Speaker or the leader, I would work very hard to get earmarks back, make sure that Members get COLAs so they don't have to be living in their offices, and make sure that we go back to the Federal Employee Health Benefits Program. Not only have Members not gotten COLAs for 7 years, but they are paying $4,000, on average, more for their health insurance, because GRASSLEY thought it would be a fun thing to do to say, okay, you want the Affordable Care Act, all of you guys are going to have to be in, in effect, the D.C. small market.

So, Members, when you see Members, they are getting $4,000 or $5,000 less in

take-home pay because the Federal Employee Health Benefits Program is no longer available to them. We are not serving Members well or this institution well.

My view, as a leader, was to try to protect Members from themselves. I am serious. You know, if a leader can't take the heat and say, look, this is what we are going to do for Members who cannot take the heat because they will be demagogued by taking a 1.5 percent COLA—what a lot of baloney that is. We don't have the press here, but I say this publicly.

Members are feeling put upon—I don't mean some of the ideologues who think it is great to beat their chest and wear a sack cloth and black ash all over them. But we need you to speak up on that because you can speak up on that, and you can say, if you don't have respect for your Members, you are not going to have respect for your institution.

I forget which Member said—we were talking about pay at one point in time. He said, ''Well, pay then was probably, you know, maybe $120,000 or something.'' And I said, ''Well, you may not think I am worth it, but the job is worth it. And elect somebody you think is worth the job.''

I think former Members can do a great deal, given your perspective, given your experience, and given the fact that it no longer has political consequences for you, that you can speak up to make the institution stronger by respecting our Members and making it affordable for all but the rich to serve here.

So I thank you for staying in touch, for staying on the staff—not on the payroll, but staying on the staff—and for making sure that the public understands what a great institution this is.

And I tell people the Congress of the United States, right now, in my view, is less than the sum of its parts. And I tell people there are great Members on both sides of the aisle, but together we are not, as a board of directors for the greatest country on the face of the Earth, doing what we need to do for our country and for our people.

Thank you for staying involved. Thank you for raising up the message of what a great institution this is and how critically important it is to have respect for our institutions if our democracy is going to be all that we want it to be.

God bless you. Thank you very much.

Mr. FROST. I thank the gentleman from Maryland.

The Chair now calls upon the Honorable Jim Walsh, vice president of the U.S. Association of Former Members of Congress, to present the Association's annual report to Congress.

Mr. Walsh.

Mr. WALSH. I thank the Chair and ask the Clerk to call the roll of former Members.

Mr. Altmire of Pennsylvania.
Mr. Blanchard of Michigan.
Mr. Bonner of Alabama.
Ms. Byron of Maryland.
Mr. Carr of Michigan.
Mr. Edwards of Texas.
Mr. Ferguson of New Jersey.
Mr. Frost of Texas.
Mr. Gordon of Tennessee.
Mr. Gingrey of Georgia.
Mr. Hertel of Michigan.
Mr. Horsford of Nevada.
Mr. Hughes of New Jersey.
Ms. Kennelly of Connecticut.
Mr. Konnyu of California.
Mr. Kramer of Colorado.
Mr. Lancaster of North Carolina.
Mr. Lungren of California.
Mr. McIntyre of North Carolina.
Mr. Mezvinsky of Iowa.
Mr. Moran of Virginia.
Ms. Morella of Maryland.
Mr. Petri of Wisconsin.
Mr. Rahall of West Virginia.
Mr. Sarasin of Connecticut.
Mr. Shays of Connecticut.
Mr. Slattery of Kansas.
Mr. Stearns of Florida.
Mr. Tanner of Tennessee.
Mr. Walsh of New York.

Mr. FROST. The Chair announces that 30 former Members of Congress have responded to their names.

Mr. Walsh.

Mr. WALSH. Thank you all for coming here and being with us this morning. It is always a great privilege to be back in this Chamber and to reconnect with so many friends and colleagues, and there are many here.

I am honored to represent the Association today in my capacity as vice president of the organization. I am a nonascending vice president. I ask that I not be considered as president, and I am delighted that Cliff Stearns will be the new president. So I suspect this will be my last opportunity to speak from the well, other than perhaps with a tour of family and friends and so forth.

My dad served here before I did, so it is a great, great pleasure to make this presentation with you this morning, to have the associations that I have had with you all over the years. It is a huge and distinct honor to serve in this place. You all have experienced that. Very few people do. You all know the purpose of this place and the importance of this place, and we, every day, even as retired Members, represent those values.

So I have had the great pleasure of serving with Barbara Kennelly of Connecticut. I am very proud of the many impactful things that we have been able to accomplish through the Association this year.

We have many, many programs. And over the next 20 minutes or so, Barbara and I will report on our work. Unlike other years, we are a bit pressed for time, so Barbara and I will submit for the RECORD a more in-depth report covering our activities since the 2015 annual meeting. I encourage you to go online in a day or two and take a look at the additional information in the CONGRESSIONAL RECORD because we really are delighted with how much our Association accomplishes, both domestically and abroad.

Our Association is bipartisan. It was founded in 1970 and chartered by the Congress in 1983. The purpose of the U.S. Association of Former Members of Congress is to promote public service and strengthen democracy, abroad and in the United States. About 600 former Senators and Representatives belong to the Association. Republicans, Democrats, and Independents are united in this organization's desire to teach about Congress and the importance of representative democracy.

We are proud to have been chartered by Congress, and we are proud to receive no funding from Congress. All the activities which we are about to describe are financed via membership dues—thank you—program-specific grants and sponsors, or via our major fundraising dinner, which many of you have helped with, and we would welcome even more.

Our finances are sound, our projects are fully funded, our most recent audit by an outside accountant confirmed that we are running our Association in a fiscally sound, responsible, and transparent manner.

It has been another successful, active, and rewarding year. We have continued our work serving as a liaison between the current Congress and legislatures overseas. We have created partnerships with highly respected institutions in the area of democracy building and election monitoring. We have developed new projects and are expanding others. And we again sent dozens of bipartisan teams of former Members of Congress to teach about public service and representative democracy at universities and high schools, both in the United States and abroad.

Our most important domestic undertaking is teaching America's next generation about their government and their responsibility of citizenship. We do so via our Congress to Campus program. And I would like to thank Larry LaRocco of Idaho and Jack Buechner of Missouri, who co-chair the Congress to Campus program, for the terrific job that they are doing with this program.

The Congress to Campus program sends bipartisan teams of former Members to colleges and universities across the country and around the world. The program engages our Members from all over the country, to educate the next generation of leaders about the institution of Congress, the duties and responsibilities of being a Member of Congress, and, most importantly, the value of public service. And since our visits always involve a bipartisan team, they demonstrate that civil discourse can

be—and should be—respectful and dynamic, all while remaining courteous.

The former Members volunteer their time leading classes, meeting with student leaders and campus organizations, speaking to campus media, sharing meals with students and faculty, joining in student government meetings and holding community forums and interacting with local citizens.

The schools are encouraged to offer the program to the entire campus community, and even to reach out into the community at large, to show how decisions in Congress affect their areas of study, and their everyday lives. The former Members also ask the students to look at the importance of public service and to consider whether they would like to engage in public service.

We are delighted to report that this year we have added some new schools to our roster as well as having returned to visit some of our favorites. During the 2015–2016 academic year, the Congress to Campus program visited over 22 schools, including Palm Beach State, Missouri Western University, Boise State University, Waubonsee Community College, both the U.S. Naval Academy and West Point, and, I am proud to say, my alma mater, St. Bonaventure University, where I was joined by Richard Stallings of Idaho. It was fun. That is just to name a few of the colleges. More than 40 former Members participated during the academic year, including a few who had never participated in the Congress to Campus program before, but have vowed to participate more in the future. Most of the former Members wonder who gets more out of the visits, they or the students.

I hope the Members in attendance this morning will consider volunteering and inviting a friend from across the aisle to join them on a visit. If your time is limited, you can still help the program, for example, by connecting us with your alma mater or a school located in your old congressional district.

We are thrilled that we continue our outstanding partnership with the Stennis Center for Public Service in the administration of the program, and we are grateful particularly to its associate director, Brother Rogers. The Stennis Center has been a great partner in bringing the program to schools all around the country.

Internationally, the Congress to Campus program was again able to send two delegates to the U.K. for a week-long visit where the former Members met with hundreds of British students and also participated in town hall meetings open to the public. It has been reported that this is one of the highlights of their semester, and we want to thank Philip Davies with the British Library in London for all he does to make the U.K. program so successful.

Also thanks to David Skaggs, our colleague from Colorado, who was able to arrange for a Congress to Campus visit to Oman, Jordan. I understand it was a fascinating experience. We hope to arrange for more international Congress to Campus visits. We find that students around the world are deeply interested in the U.S. Government and the political system. Who better to explain how Congress truly works than former Members. The students of the host countries are extremely inquisitive and immensely appreciative of the visit. We hope to have more international Congress to Campus visits on the roster in the future.

Sadly, after years of partnering with the People to People program, the organization is no longer in existence. However, Former Members of Congress has expanded its partnership with Envision, which brings hundreds of middle school students from around the country to our Nation's capital to learn about leadership and the American government. We have 12 days this summer for a bipartisan pair of former Members to speak to hundreds of middle school students. In fact, Jason Altmire from Pennsylvania and Ann Marie Buerkle from my old district of upstate New York addressed a group of students this morning here in the House Chamber. Thank you to all of the Members who have been available to the students, and if there are any former Members here now willing to talk with these young people this summer, please tell our staff.

We also partnered with the Ford's Theatre and their oratory programs, by being an example of how public speaking is critical to influencing people and getting across a point of view. We have recently begun to work with the D.C. Public Schools system to bring former Members into the D.C. high school U.S. Government classes.

An informed and engaged citizenry helps our democracy prosper. As former Members, I hope that you will consider becoming involved in this program and all of the programs that FMC has to offer to inspire and educate America's young people and future leaders.

Since our last annual meeting and our last report to Congress, we have added a number of projects to expand our outreach in civic education. One is a series of webinars which brought a condensed version of Congress to Campus to community colleges across the country. Bipartisan teams of former Members were assembled here in Washington and spent 2 hours via Internet connecting with a number of community colleges.

The schools brought the former Members team either into a specific class or had a large group of students meet as an extracurricular activity. After making some opening remarks focused on a specific topic, for example our environmental policy, the students were given the opportunity to question our former Members via email.

While this certainly cannot replace the value of a person-to-person visit, it is a cost-effective and abbreviated way of bringing Congress to Campus to audiences we would not normally reach.

At our last annual meeting, we began an effort to engage former Members across the Nation in an effort to restore civics to our Nation's public school curriculum. Working with the University of Central Florida, where the Lou Frey Institute is housed, as well as with the Civic Mission of Schools, we positioned the Association to become an umbrella group connecting former Members across the country with like-minded NGOs in their States. Through us, former Members in any State can team up with a statewide effort to incorporate basic civics back into the State's public school system. Who better than former Members, who have public service and civic responsibility in their DNA, to become an advocate at the State level for increased civic understanding.

Our Common Ground work also continued to bring bipartisan groups of former Members together with the public for a constructive and productive dialogue on the issues that affect all of us. We achieve this mostly via a wonderful partnership with the National Archives. And we thank the Archivist of the United States, David Ferriero, for his many years of supporting our public outreach in this manner. Those are great programs.

Since our last report to Congress, we assembled former Member panels on the topics of The Partisan Divide, based on the book of same title written by our chair, Martin Frost, and also Tom Davis. There was a program on D.C. Statehood and Representative Democracy, a panel on which I participated. I was chair of the Legislative Branch Subcommittee when we set up the Financial Control Board, and all of the emotions came back. It was pretty cool. I was joined by former D.C. Mayor Tony Williams and D.C. Delegate ELEANOR HOLMES NORTON. There were panels Caring for Our Veterans, a panel that included Purple Heart recipient Charles Eggleston; also Money and Politics, in partnership with a great organization called Issue One; and a conversation about Congress with former Members Lee Hamilton and Ray LaHood. It was a wonderful evening.

Again, this is one of our most impactful ways to connect with the public, and all of our programs are carried live—if not by C–SPAN then on the YouTube channel of the National Archives.

Next I will cover our charitable golf tournament. Another great example of how powerful and productive bipartisanship can be is our Annual Congressional Golf Tournament. It is chaired by our past president, Dennis Hertel of Michigan, and by fellow board member Ken Kramer of Colorado. We benefit two great charities, Disabled Sports USA's Warfighter Sports and Tee It Up for the Troops.

The mission of Warfighter Sports is simple: to provide adaptive sports to severely wounded warriors free of cost. The organization was founded by Vietnam War veterans in 1967 and now offers 30 sports as part of its rehabilitative programs. In 2015 alone, over 1,500 wounded warriors received support. Their experience includes a family member, so that in addition to improving the warrior's self-confidence and independence, the program also helps unite families through shared healthy activities. I encourage you to find out more about this outstanding organization at www.disabledsportsusa.org.

Please also get to know Tee It Up for the Troops. Tee It Up believes in engaging and inspiring communities across the United States to do great things on behalf of the military men and women who have served and sacrificed so much for our freedoms. Tee It Up for the Troops targets its efforts across the most pressing areas of need, with priority emphasis in supporting PTS research and treatment, suicide prevention, employment, rehabilitation, and athletics equipment and services. You can find them at www.teeitupforthetroops.org.

The Members Charity Golf Classic was held in April this year, which turned out to be a great decision. We had fabulous weather, the course at Army and Navy Club was outstanding, and we had one of the best turnout of sponsors and players in many years. There were 25 current and former Member players and over 30 wounded veterans returning from Afghanistan and Iraq.

This tournament gets better and better every year. Nine years ago we converted the event from a highly competitive tournament with just former and current Members of Congress to a fun and meaningful and inspiring charity event. It is still a great day of golf on a great course, and the tournament continues to have a friendly competition with the Speaker's Cup. This year, I am proud to say, this side of the aisle won that trophy. Actually, I believe JIMMY DUNCAN from Tennessee, one of the honorary co-chairs of the tournament, was here a few weeks ago making note of the Republican win. Congressman GENE GREEN, our good friend from Texas, the Democrat honorary co-chair, assures us that he will be back and the Democrats will bring home the trophy next year.

Over the past 9 years, we have raised nearly three-quarters of a million dollars for our beneficiaries. One of our beneficiaries has been with us since the very beginning, Warfighters Sports, a program of Disabled Sports USA, and this was our third year with a second beneficiary, Tee It Up for the Troops. Both of these organizations use golf to help severely wounded veterans. At the tournament this year, several wounded warriors spoke to the group and explained how warfighters are competitive at their core, and using sports profoundly helps them with their readjustment to civilian life.

I want to thank our tournament co-chairs Ken Kramer and Dennis Hertel and everyone at the Association for all they have done to make this tournament such a great success. I would also like to thank all of our sponsors for their generous contributions. We look forward to continuing to raise money and awareness, and having a little bipartisan fun with the tournament again next year. We hope all current and former Members will consider joining us.

And we should also thank our great corporate partners who make the event such a success and help us support this highly deserving constituency. They include Lockheed Martin, AIG, PING, Trijicon, Oshkosh Defense, Anthem, Robert Trent Jones Charitable Golf Foundation, Ernst and Young, Willis Group Holding, Ariel Corporation, The Club Foundation, AVI Systems, International Council of Shopping Centers, Geoffrey Feldesman, Master Electric, B–3 Solutions, Trinity Logistics, Northrup Grumman, BMW of Fairfax, Hanger and the Congressional Federal Credit Union. Our sincere thanks to all of them for making such an impactful contribution to a very worthy cause.

Let me add one more veterans-oriented group which our Association supports and which you should take a closer look at: Veterans Campaign. Veterans Campaign's goal is to demystify the process of running for public office, and make it accessible to veterans who are interested in continuing their service as elected officials. The organization encourages, mentors, and prepares veterans for a second service in civic leadership. Veterans Campaign works with potential candidates from both parties, as well as independents. In addition to love for country, leadership, and commitment to service, veterans are united by a common bond that has historically encouraged bipartisanship, cooperation, and better government. We strive to connect former Members from both sides of the aisle with veterans interested in running for office, regardless of party affiliation. Our former Members serve as mentors and sounding boards to these outstanding men and women. We are pleased that there exists an organization aimed at recruiting highly qualified candidates for elected office, and we hope you will consider getting involved in this effort. Please check out their website at www.veteranscampaign.org.

In addition to the National Archives panels which we already reported on earlier, our Association continues to identify opportunities to highlight in a bipartisan way the many important contributions our Members have made to our representative democracy and the lessons learned from present day politics. An example of this type of outreach is a full-day conference we organized focused on the accomplishments of the 94th Congress, the group of legislators elected following Watergate.

In September, former Members partnered with the College of Behavioral and Social Sciences at the University of Maryland to present a symposium at the U.S. Capitol Visitor Center. The event commemorated the 40th anniversary of the 94th Congress by highlighting and exploring its record and the political change it helped to initiate. Reforms adopted by both the 94th Congress and the 104th Congress under GOP control were contrasted with the current management and operation of today's 114th Congress. With the 2016 elections looming and the challenges to govern facing the Republican-controlled Congress, the symposium was of great currency and of great relevance.

While a number of former Members from that class were involved in putting this effort together, we should acknowledge again that David Skaggs and Bob Carr, two of our active Members, along with our CEO Pete Weichlein were the driving force behind this effort, which gives me an opportunity to thank Peter and all of our staff for the marvelous, marvelous work they do to prepare us for these events.

Opening remarks were given by FMC President, Barbara Kennelly (D–CT) followed by FMC Board Members and event organizers David Skaggs (D–CO) and Bob Carr (D–MI). FMC Board Member Ron Sarasin (R–CT) served as the moderator to the Congressional Reform and the Republican Resurgence panel. Former Members Dave Obey (D–WI) and Mickey Edwards (R–OK) were integral panelists during the afternoon discussions on Congressional Reform in the 1970s and Congressional Reform and Republican Resurgence. FMC was delighted to be working with UMD and the members of the Steering Committee to help make this event a huge success.

This wonderful conference was made possible by grants from three outstanding foundations, which we wish to recognize and acknowledge: The Williams and Flora Hewlett Foundation; the Rockefeller Brothers Fund; and the Carnegie Corporation of New York. Links to the videos of the presentations and photographs can be found through the FMC website at www.usafmc.org.

Having thus far reported on our domestic programs, I would like to yield at this time to our Association's distinguished president, Barbara Kennelly of Connecticut, to report on our international work. She has been a tireless president. I have greatly enjoyed working with her and learning from her and laughing with her and sometimes whining with her about all of the work that this organization performs. It has been a great experience. I would like to add that I enjoyed the experience every minute. She was an outstanding president for our organization who has really put her personal stamp on the terrific work that we do.

Barbara, thank you for your leadership, and I yield the floor.

Mr. FROST. Ms. Kennelly is recognized.

Ms. KENNELLY. Thank you, Jim, for those kind words. I really enjoyed working with you also. These past 2 years have been incredibly busy. You heard Jim's report. Now get ready, I am going to take more than 1 minute, to be sure. We have done so much.

Each year when Connie was president and following, it is magnificent work how much work this staff is able to accomplish, and include the Members who want to be active. Tell your friends how much they can get out of this Association and how we have grown. We are really becoming part of the scene here.

Listening to STENY, aren't we lucky. We are totally nonpartisan. We all get along. If that can happen, it can happen to them, too.

As Jim has already demonstrated when reporting on our domestic undertakings, we are just as busy and impactful in the larger world. This is certainly true in our international work.

In addition to the domestic programs Jim has just described, our Association has a very active and far-reaching international focus.

We conduct programs focused on Europe and Asia. We bring current Members of Congress together with their peers in legislatures overseas. Just last week, a group came back from China. Some of you are sitting right here. I understand it was a marvelous trip and you were exhausted, but that is the way it should be.

We partner with former parliamentarians from other countries for democracy strengthening missions. Two of our most valued partners over the years have been the Canadian Association of Former Parliamentarians and the Association of Former Members of the European Parliament.

Right now, we have a former head of the European group, Enrique Baron Crespo, and he has come all of the way from Brussels. I met him in Brussels about a month ago and told him that he had to be with us because I enjoyed the visit in Brussels with him so much. It was shortly after the bombing, and it was an absolute wonderful thing to see the parliament functioning and seeing everything being absolutely calm. I thank you for being such a wonderful host.

In Brussels, I participated in the annual general meeting of the former members of the European Parliament. And just a few weeks ago, my colleague Martin Frost joined the Canadian former Members for their annual meeting in Ottawa. We are expecting representation from the group, but their plane was held up and I guess they haven't gotten here yet. We will welcome them later.

Via the Association of Former Members, I have met with numerous groups of legislators from emerging democracies who have come to Washington for a better understanding of our representative government and our form of democracy. These conversations and meetings are always two-way streets, and I have learned as much, if not more, from our visitors as they do from me. Just last month our Association hosted at our offices a large group of young professionals from ASEAN countries including Vietnam and Indonesia. We had a great dialogue about running for office and serving our constituency. I would also like to thank Bev Byron because when we have some of these wonderful folk coming in from other countries, she has been very generous in entertaining them in her home and it has been a delight.

Our Association has also had a longstanding partnership with a great NGO called Legacy International—bringing young professionals from the Middle East and North Africa to the United States. Our most recent group just completed their 6-week D.C. stay last month and was composed of young professionals from Morocco and Tunisia. An earlier group also included young professionals from Egypt.

Our program promotes a positive relationship between the United States and North Africa, which, in light of the Arab Spring is now more vital than ever. Our Association connects the Fellows with former Members, whom they meet with several times over the course of their stay. The former Members act as a kind of mentor to these young men and women through one-on-one meetings, roundtable discussions, and by attending Program discussions and events.

The goal of this program is to seek a better understanding between cultures and establish an avenue of dialogue between nations. It is a unique opportunity to create a constructive political and cultural discourse between the United States and North Africa. I am very proud that our association can be part of this very interesting and vital dialogue.

In addition to hosting visiting delegations, our Association organizes former Member delegations to travel overseas and engage overseas audiences—students, government officials, NGOs, and corporate representatives—in a dialogue about the many challenges that are global in nature and require across-border communication.

You have already heard about our Congress to Campus program, and it has a very active international component in that we have brought the program to numerous universities and countries such as Turkey and the U.K.

Also, earlier this year we brought a bipartisan team of former Members to Germany for a number of town hall meetings in Munich and Berlin to talk about the United States election. It was no surprise that many discussions this year veered toward the upcoming Presidential election and the two presumptive candidates. Even in Europe, it is a lead topic of conversation, as you can well imagine.

Two foundations in Germany invited a bipartisan pair of former Members to provide some insight into what they thought about the elections, the candidates and how it may or may not impact the US-Germany relationship and the US-Europe relationship. Speaking to audiences in both Berlin and in Munich this spring Mary Bono of California and Carol Moseley Braun of Illinois participated in two journalist moderated town-hall style discussions, fielding questions from business leaders, student and political junkies. The former Members were asked to address a number of central issues that appeared controversial during the presidential debates. The discussions included the TTIP agreement, the role of Putin, education reforms, growing populism on both sides of the Atlantic and the status of western democracies in general. The audience was also able to take part during the course of the debate, by vote on central issues by iPods, with the resulted revealed at the end of the discussion.

We thank the BMW Foundation and the Alfred Herrhausen Foundation for their partnership and sponsorship of this excellent program.

Other overseas delegations, we called them ExDELs, have traveled to countries where dialogue is often difficult, but nonetheless incredibly important. A country on which we have focused quite extensively is China. In the past 5 years, we have sent nine delegations of former Members to China. The most recent one just returned last week, and included your colleagues Cliff Stearns, Tim Petri, Mike Ross, Jim McCrery, and Tim Roemer, as well as our Association's CEO Pete Weichlein. They traveled to Beijing, Chongqing, and Shanghai, and had meetings with the National People's Congress, the Foreign Ministry, as well as corporate and academic representatives, and engaged in dialogue focused on issues ranging from environmental policy to the South China Sea. I can see why they were somewhat tired when they got home.

The ExDELs are an excellent example of how former Members can play a pivotal role in establishing a dialogue where current Members might be a bit more curtailed in their outreach.

Since starting our China outreach, we have been able to send 9 delegations totaling almost 40 former Members of Congress. These ExDELs depend on strong partners in China, and we are extremely fortunate to work with two of the most respected and influential NGOs in China: The China Association for International Friendly Contact, and the China United States Exchange Foundation. In addition, we have partnered with the Committee of 100 to bring a more productive and impactful focus on China to Capitol Hill. Thanks to these three outstanding partners, our China program now involves current and former Members of Congress as well as senior staff in both the House and the Senate.

In addition to these former Member international programs, our Association supports Congress' international

dialogue in a meaningful, productive and bipartisan way via our Congressional study groups. These are groups that I am really most proud of because sometimes—years ago—when we became members of the Association of Former Members, we really didn't know what we were getting into or what it was. Now we have these study groups, and they are incredibly successful. They are incredibly successful. We have luncheons and we have get-togethers, and that means that present Members of Congress are familiar with our organization and are ready to join us. As you can see as we read these many programs that we have, we need more active Members. We are so appreciative of you coming this morning at 7:30, but we do need more active members, and I think this is going to do it by having present Members be active in the Association before they leave Congress.

"The Congressional Study Groups on Germany, Japan, Turkey and Europe are the flagship international programs of FMC. The Study Groups are independent, bipartisan legislative exchanges for current Members of Congress and their senior staff that strive to create better understanding and cooperation between the United States and our most important strategic and economic partners abroad.

The Congressional study groups are not the only programs dedicated to this mission, but they are unique in their year-round outreach to Capitol Hill. Unlike our other formats, we provide long-lasting staff support and maintain a well-respected reputation as independent and nonadvocacy. As a result, our network attracts a large, diverse group of legislators and policymakers who are committed to international dialogue. What is most important for us is that they join the discussion.

Our model celebrates active discussion among all participants, avoiding lengthy speeches or formal presentations in order to create an atmosphere that promotes personal connections. We believe that the network of peers created via our programs have acted to renew and expand areas of mutual cooperation.

Each Study Group has a membership roster of between 75 and 125 Members of Congress and is led by a bipartisan, bicameral pair of co-chairs. Our co-chairs are true leaders, who not only serve in their role at official Study Group events, but are also called on by various embassies and outside organizations to speak on panels, attend roundtables, and meet with countless visiting delegations.

I would like to acknowledge the service of all of our co-chairs for their hard work and dedication to these critical programs:

The Congressional Study Group on Germany is led by Senator JEFF SESSIONS, Senator JEANNE SHAHEEN, Representative CHARLIE DENT, and Representative TED DEUTCH.

The Congressional Study Group on Japan is led by Senator MAZIE K. HIRONO, Senator LISA MURKOWSKI, Representative DIANA DEGETTE, and Representative BILLY LONG.

The work of The Congressional Study Groups is complemented by our Diplomatic Advisory Council. Initially focused on European nations, the Diplomatic Advisory Council is now comprised of four dozen ambassadors from six continents who advise and participate in our programming. Their interest and commitment to multilateral dialogue is a valued addition to The Congressional Study Groups and provides a valuable outreach beyond our four core Study Groups.

In the past year, we have also formed the Congressional Staff Advisory Council. As former Members of Congress, we know the value of good staff. The Staff Advisory Council formally recognizes the mutually beneficial relationships we have in offices across Capitol Hill. We are as grateful for the staff who participate in and support our programming as we are for the Members of Congress.

Finally, I would like to thank the institutions, foundations, and companies which support our mission. We would like to give particular thanks to Admiral Dennis Blair and Ms. Junko Chano of Sasakawa Peace Foundation USA and Dr. Karen Donfried and Ms. Reta Jo Lewis of the German Marshall Fund for their support as our institutional funders of The Congressional Study Groups in 2016.

The Congressional Study Groups are also grateful for the support of the international business community here in Washington, D.C., represented by each Study Group's Business Advisory Council. Companies of the 2016 Business Advisory Council are: Allianz, All Nippon Airways, Airbus Group, American Honda Motor Co., BASF, Bank of Tokyo—Mitsubishi UFJ, B. Braun Medical, Central Japan Railway Company, Cheniere Energy, Daimler, Deutsche Telekom, DHL, Fresenius, Hitachi, Honda, Lockheed Martin, Lufthansa German Airlines, Marubeni America Corporation, Mitsubishi Corporation (Americas), Mitsubishi Heavy Industries America, Mitsui, Representative of German Industry and Trade, Sojitz, Toyota Motor North America, United Parcel Service, and Volkswagen Group of America.

Because of this support, our activities not only help to build vital bilateral relationships between legislatures, but also build bipartisan relationships within our own Congress. Mutual understanding and shared experiences among legislators are crucial to solving pressing problems, whether at home or abroad.

As former Members of Congress, we are proud to bring the important services provided by The Congressional Study Groups to our colleagues still in office and are proud to play an active role in our continued international outreach.

In addition to these substantive and issue-specific international projects, our Association also offers its members the opportunity to participate in group travel where our staff puts together the logistics and participating Members assume all the costs. These trips are unique because they combine a tourist experience with more formal meetings that involve current and former government officials in the country we are visiting.

For the 2015 FMC Study Tour, over 25 former Members traveled to Cuba, on two separate trips. Both trips proved to be incredibly insightful at this interesting time in the history of U.S.-Cuban relations. After fifty years of limited travel to the country, the recent changes in our diplomatic relations make it one of the most intriguing destinations for Americans at this time.

The proud people of this culturally rich country were welcoming to the delegations. The former Members met with experts on the U.S.-Cuban relationship, Cuban government officials helping to define the new bilateral relationship, and government officials dealing with trade and the promotion of new businesses. We met with Cuban professors focused on Cuba's economy, Members of the Cuban National Assembly, internationally acclaimed Cuban artists, students and average citizens of Cuba. The group also had the privilege of meeting with Ambassador Jeffrey DeLaurentis (Charge d'Affaires at the U.S. Embassy in Cuba). The contingent heard frank opinions regarding the burden the embargo has had on the citizens of Cuba and many of their international relationships.

Many Cuban citizens welcome a more extensive relationship with America. However, concerns about the endurance of Cuban cultural identity have grown in light of increasing American presence. There is clearly apprehension and suspicion directed toward the motives of the United States.

Though Fidel Castro is still much respected and admired, there was a clear feeling that Raul Castro—or rather the current political state—as softened the hard edges of communist living and blurred the bold line defining the U.S.-Cuba bilateral relationship. The Cubans remain very proud of their government's ability to provide free healthcare, free education, and support for the arts. That being said, the study groups noted a substantial positive effect that private businesses, such as the paladores (privately owned restaurants), had on the Cuban community.

We visited artists' studios, art museums and went to iconic music and dance shows, enhancing the rich cultural experience. Though many of the buildings in Havana were shadows of their past beauty, one could see in the restored Old Havana how it was once one of the most cosmopolitan cities of the Caribbean, and very well could be again.

We all came home from the visit with a new appreciation and understanding of the country. Changes are happening which will take a lot of work and may take a long time. In fact, later today we will be hosting a panel discussion on Cuba that will include some of those who traveled there.

By traveling at this time and meeting the U.S. Ambassador, members of the Cuban government, esteemed professors and citizens of Cuba, the former Members were able to still see how Cuba has existed for the past fifty years while getting a glimpse of the dynamic and promising future of this island nation.

All the programs you have heard about clearly require funding, and we have been very successful in growing our fundraising capabilities along with our programming. The most impactful single fundraising mechanism we have created is the Annual Statesmanship Awards Dinner.

We held our 19th Annual Statesmanship Awards Dinner on April 14 of this year at the

historic Mellon Auditorium on Constitution Avenue in Washington, D.C. This year's theme was Recognizing Those Who Support Our Nation's Heroes. The dinner paid tribute to individuals and programs that have made it their mission to support the nation's active duty troops, veterans, and military families.

The Statesmanship Awards Dinner has become a ''must attend'' event in Washington, and this year was no exception. There were over 400 VIP guests, including former and current Members of Congress, Ambassadors, wounded warriors, military service members from the U.S., France and Japan, and heads of industry.

FMC was honored to give the Statesmanship Award to Senator Max Cleland of Georgia, who has been a distinguished public servant for nearly 50 years. Senator Cleland served his country in uniform and returned from Vietnam a highly decorated and severely wounded veteran. His commitment to our troops continued during his time in elected offices in the state of Georgia and in the United States Senate, and while heading the Veterans Administration. Currently, he preserves the memory of American troops who have fallen overseas by leading the efforts of the American Battle Monuments Commission. Fellow Georgian, Representative JOHN LEWIS, presented the award to Senator Cleland.

In recognition of its company-wide commitment to facilitate the transition of active duty personnel and veterans into the labor force, FMC was proud to present Audi of America, Inc. with the Corporate Statesmanship Award. Audi's highly successful ''Veterans to Technicians'' program trains former military personnel to become service technicians, service consultants, shop foremen and parts specialists in dealerships across the country. Scott Keogh, president of Audi of America, accepted the award on behalf of Audi.

The Navy SEAL Foundation, whose mission is to provide immediate and ongoing support and assistance to the Naval Special Warfare (NSW) community, their families, and the families of the fallen, as well as wounded and transitioning NSW veterans, was the recipient of the Civic Statesmanship Award. Robin King, Chief Executive Officer and wife of a Navy SEAL, accepted the award for the Foundation. This is as impressive and outstanding an NGO as we have ever worked with, and I urge you to find out more about their crucial work by visiting www.navysealfoundation.org.

The tradition of holding a panel discussion with the awardees was continued this year, and our new emcee, Jennifer Griffin of Fox News, deftly moderated the discussion with Senator Cleland, Scott Keogh and Robin King, which touched upon the different ways we can support our troops, veterans, and military families. The award recipients talked about the progress and challenges this community has faced, as well as what needs to be done to take care of our heroes in the future. FMC was proud to recognize these individuals and organizations that have demonstrated a true commitment to our nation's armed forces, veterans, and military families.

All the programs we have described of course require both leadership and staff to implement. Our Association is blessed to have top people in both categories. I want to take this opportunity to thank our board of directors—30 former Members divided equally between parties—for their advice and counsel, I really appreciate it.

I also want to thank the many partners and supporters we have to make our programs possible. We are truly lucky to have assembled a group of corporations and foundations that believe in our work and make our success possible, and we very much value our partnership with them. Also, I would be remiss if I did not thank the other members of our Association's Executive Committee: our Vice President, Jim Walsh; our Treasurer, Martin Frost; our Secretary, Mary Bono; and our Past President, Connie Morella. You all have made this Association a stronger and better organization than it has ever been, and I thank you for your time and energy.

To administer all these programs takes a staff of dedicated and enthusiastic professionals.

Alexis Terai is part of our international team and runs our Congressional Study Group on Japan. She was born here in the United States, but spent many years in Japan. She's fluent in Japanese and has already been an invaluable addition to our Japan program, as well as a host of other projects.

Lorraine Harbison is our other international programs officer, focusing mostly on our Germany and Europe programming. She has studied both in the United States and in Europe, is fluent in Spanish, and has been instrumental in making our Diplomatic Advisory Council such a huge success.

Rachel Haas is our CEO's right hand person, but she is so much more. First of all, she's the most pleasant professional you could ever spend time with, and I would know because Rachel and I traveled to Brussels together earlier this year for our sister organization's annual meeting. In addition to that, Rachel runs the office, controls the books, and plays a leading role in putting together our outstanding gala fundraising dinner.

Andrew Shoenig, who is our Associate Director of International Programs, has been with the Association for five years now. He is instrumental in putting together all the international programs you heard about earlier today, and as we're speaking he's leading a delegation of District Office Directors on a Study Tour to Germany.

Sharon Witiw is our Domestic Programs Director and without her our Congress to Campus Program would not be half as active and as successful as it currently is. In addition, she oversees all of our civic education projects, makes sure the golf tournament is a success and put together the two Cuba trips you heard about earlier.

Sabine Schleidt is our Managing Director who designs and implements all the current Member international programs called the Congressional Study Groups. In addition, she's the driving force behind our fundraising efforts, has 10 brilliant ideas every day, and never seems to take a break!

Pete Weichlein is our Chief Executive Officer, who has been with the Association since 1999 and became CEO in 2003.

In addition to our wonderful staff, we benefit greatly from volunteers who lend us their talents and expertise pro bono. None deserve more appreciation than Dava Guerin, who has taken on the role of our Communications Director. She tells our story and connects us with the media. She also is an author and her most recent publication is a terrific book called ''Unbreakable Bonds'' about the mothers who become full-time caregivers again when their grown children return severely injured from the battlefields in Iraq and Afghanistan.

I should also mention that we are benefitting tremendously from the support of our Association's Auxiliary, led so ably by Betty Ann Tanner, wife of former Member John Tanner. The Auxiliary is playing a more and more prominent role in working with us on our programming, and the memorial service in Statuary Hall, which we will host for the first time later this afternoon, is a great example of the tremendously valuable contribution our Auxiliary is making. Thank you Betty Ann, and we're looking forward to getting the same outstanding leadership from her successor, Chris English, spouse of Phil English.

It is now my sad duty to inform the Congress of those former and current Members who have passed away since our last report. I ask all of you, including the visitors in the gallery, to now rise as I read the names and at the end of the list we will pay our respect to their memory with a moment of silence. We also want to use this time to include in our thoughts and prayers the victims of the horrible massacre in Orlando, and remember them as well as all victims of terrorism across the globe. Thank you.

We honor the following Members of Congress for their service.

They are: Bruce Alger of Texas, Thomas Cass Ballenger of North Carolina, Robert Bennett of Utah, Mario Biaggi of New York, Edward Brooke of Massachusetts, Dale Bumpers of Arkansas, Don H. Clausen of California, Howard Coble of North Carolina, Wes Cooley of Oregon, Frank Denholm of South Dakota, Don Edwards of California, Allen Ertel of Pennsylvania, Joe Gaydos of Pennsylvania, Robert Griffin of Michigan, John Paul Hammerschmidt of Arkansas, Robert W. Kastenmeier of Wisconsin, Delbert Latta of Ohio, Arch A. Moore, Jr. of West Virginia, John H. Murphy of New York, Morgan Murphy of Illinois, John T. Myers of Indiana, Allen Nunnelee of Mississippi, Mike Oxley of Ohio, Martin Sabo of Minnesota, James Santini of Nevada, Gus Savage of Illinois, Richard Schweiker of Pennsylvania, Louis Stokes of Ohio, Fred Thompson of Tennessee, Tim Valentine of North Carolina, George Voinovich of Ohio, Jim Wright of Texas.

Mr. FROST. Will the gentlewoman suspend for just a moment.

We have been advised that we have to vacate the floor in 5 minutes by 9:25. I would ask that the gentlewoman submit the remainder of her remarks for the RECORD. However, she must proceed directly to the election of the board and the officers for the coming year.

Ms. KENNELLY. Yes.

I really want to thank Betty Ann Tanner, wife of former Member John Tanner.

Another thing I am going to say quickly is we are working very closely

with the Auxiliary. This afternoon, I am going to read the names of former Members who have died this year, and this afternoon at 6 p.m. we are going to have a memorial. It was my visit to the European community where they had the most wonderful, wonderful memorial to their members who had died that year. And another one in Canada that some of our Members went to, and I want to have something like that this afternoon so I hope you can come. Staff has put a great deal of thought into it.

Now we are going to have the election of our board of directors.

Every year at our annual meeting we ask the membership to elect new officers and board members. The candidates are running unopposed. Everybody who wants to say ''yea,'' say ''yea.'' I doubt there will be any ''nays.''

For the Association's board of directors, the candidates are:

Ann Marie Buerkle of New York
Bob Clement of Tennessee
Mike Ferguson of New Jersey
Phil Gingrey of Georgia
Dan Maffei of New York
L.F. Payne of Virginia
Tom Petri of Wisconsin
Nick Rahall of West Virginia.

All in favor of electing these eight former Members to our board of directors, please say ''yea.'' Any opposed? Hearing no ''nays,'' the slate has been elected by the membership, and I congratulate them on their election and the work they are going to do.

Next, we will elect our executive committee. The candidates for our executive committee are:

Cliff Stearns of Florida for president
Martin Frost of Texas for vice president
Tim Petri of Wisconsin for treasurer
Karen Thurman of Florida for secretary.

All in favor of electing these four former Members to our executive committee please say ''yea.'' Any opposed? Hearing no opposition, the slate has been elected by the membership. Congratulations to all four of them, and I especially look forward to working with Cliff Stearns.

Mr. FROST. We need to go directly, if we may, to Cliff Stearns.

Ms. KENNELLY. All right. But before I do that, I do want to tell you that the 6 p.m. event, the memorial that many of us have worked hard on, will take place at 6 in Statuary Hall, and we have invited the families of the Members who have passed this year, and we have had a good reception from them. If you have to leave, I do hope you will come back for the memorial. We will have the memorial, and then we will have a reception after the memorial.

Now our new president will say a few words to us.

Mr. STEARNS. Barbara, thank you very much. And thank you, Members, for your confidence.

I think in light of the hour here, we will go right directly to honoring our past president and our vice president.

Pete, if you will give me the plaques, I would like to read them. They have done an extraordinary job, and I think at this point we are going to recognize what they have done.

So, Jim, would you mind coming up here.

I want to thank Congressman Jim Walsh of New York for his stewardship and counsel as vice president of the association. His dedication to bipartisanship and his respect for the Congress, as an institution, were evident in every program he led, and he played a pivotal role in making our association even more impactful and successful.

Jim, congratulations.

Mr. WALSH. Thank you.

Mr. STEARNS. Barbara, if you will come up.

Barbara, your plaque is inscribed:

''We thank Congresswoman Barbara Kennelly of Connecticut for her leadership and guidance for the past 2 years as president of the U.S. Association of Former Members of Congress. Her wisdom and sage counsel have been invaluable. The dedication and support she has given to the board, her fellow Members, and the Former Members of Congress staff has guided and grown the Association, and we are a better organization thanks to her.''

Thank you, Barbara.

Ms. KENNELLY. As I accept this award—and we are not going to read the names of the memorial that we are going to have this afternoon—I think we all ought to just stand for a moment and just say a small prayer for what happened in Orlando.

Thank you.

Mr. STEARNS. Thank you, Barbara. And let me just conclude before we leave here to say we have a lunch today—and I hope all of you will come—to bestow the 2016 Distinguished Service Award on the current Senators and Representatives who are retiring after the 114th Congress. Our Association has decided that every 2 years, we will take our Distinguished Service Award and dedicate it to the retiring Members as an opportunity to thank them for their public service and to let them know that, through our Association, their service can continue.

And since we cannot hand a plaque to all of these people, we have decided to award a $1,000 scholarship in their name to a graduating high school senior from a D.C. school. We invited students to compete for this scholarship by writing an essay about civic responsibility and what it means to be a citizen. Out of the many really outstanding submissions we received, we selected a very impressive individual who is graduating and is heading to Harvard. His name is Nicholas Stauffer-Mason, and he and his mother will join us for lunch later today. I hope all of you will attend.

Thank you, everybody, for this opportunity.

Mr. FROST. The Chair again wishes to thank the former Members of the House for their presence here today and also the leadership of the House of Representatives for hosting us once again in this revered Chamber.

Before terminating these proceedings, the Chair would like to invite those former Members who did not respond when the roll was called to give their names to the Reading Clerk for inclusion in the roll.

The meeting stands adjourned.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Father Mina D. Essak, St. Mark Coptic Orthodox Church, Troy, Michigan, offered the following prayer:

Almighty God, thank You for our lives, our health, and the opportunity to serve our beloved United States of America. Send Your spirit for protection of her inhabitants as she continues to exist as the most powerful nation in the world.

Send Your spirit to touch the hearts of our Nation's leaders.

Endow the spirit of wisdom on President Obama and the Members here today with familiar words: The Lord bless you and keep you; the Lord make His face to shine upon you and be gracious unto you; the Lord lift up His countenance upon you and give you peace.

Accept the great goodness they strive for: trust, justice, and peace in our great Nation. Inspire our leaders with new approaches to increase the prosperity of those whom they represent. Grant each Member talent with which to multiply their fruits.

May we please You, O God, this day. Hear us, Almighty God.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi (Mr. KELLY) come forward and lead the House in the Pledge of Allegiance.

Mr. KELLY of Mississippi led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND FATHER MINA D. ESSAK

The SPEAKER. Without objection, the gentleman from Michigan (Mr. TROTT) is recognized for 1 minute.

There was no objection.

Mr. TROTT. Mr. Speaker, I rise today to recognize the contributions of Father Mina and the Coptic community he represents in southeast Michigan. Egypt's Coptic Christians have been a staple in my district since they held their first liturgy at St. Mark Coptic Orthodox Church in Troy almost 40 years.

Father Mina is an engineer by trade, but in 1991, he accepted God's calling and became a priest to serve the then-small congregation of Coptic Christians in southeast Michigan. Under the leadership of Father Mina, the Coptic community has grown from a handful of families to over 750 today.

The Copts are my neighbors and friends. They are our nurses, schoolteachers, public servants, and business leaders. The Copts represent what America represents. Their story is America's story: the story of people who dreamed of a better life, the story of people who left everything they had ever known to come to this country for a new beginning.

I am proud to represent this vibrant and welcoming community, and, under the leadership of Father Mina and Father Maximus, the Copts will continue to serve an important role in southeast Michigan for a long time.

I want to thank, again, Father Maximus and Father Mina for leading the House in prayer today.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

HAPPY BIRTHDAY TO THE U.S. ARMY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday was the 241st birthday of the United States Army, a celebration for the strongest fighting force in the world. There are now more countries liberated and thriving in peace and democracy than in the history of the world because of the American military.

It is an honor to represent Fort Jackson in the Midlands of South Carolina, the largest initial entry training facility of the Army. I was grateful to meet the incoming commanding general of Fort Jackson, Brigadier General Pete Johnson. I appreciate departing Brigadier General Roger Cloutier, who served in the tradition of Major General Bradley Becker.

This is also a special day for my family, as the son of a World War II veteran of the U.S. Army Air Corps, as a grateful 31-year veteran of the Army Reserves and the South Carolina Army National Guard. I especially appreciate the Guard service of my sons, Alan in Iraq, Julian in Egypt, and Hunter in Afghanistan. My fourth son, Addison, served as a Navy doctor with the Army Rangers in Iraq.

In conclusion, God bless our troops, and may the President, by his actions, never forget September the 11th in the global war on terrorism.

Happy 241st birthday, U.S. Army.

ORLANDO

(Ms. BROWNLEY of California asked and was given permission to address the House for 1 minute.)

Ms. BROWNLEY of California. Mr. Speaker, my heart goes out to the victims of the tragedy in Orlando. This act of terror and hate has reverberated across our Nation with a goal to divide us and instill fear against those who simply wish to express themselves and live their lives freely.

We cannot let fear lead us to single out an entire community or take our focus away from fighting terrorism. We cannot allow politics to distract us from coming together and passing commonsense gun reform.

We must stand up against hate in all of its forms and the weapons that allow our enemies to too easily violently express it. That is something we all stand for.

We must act. The victims and their families of Orlando deserve no less.

TUPELO POLICE ATHLETIC LEAGUE

(Mr. KELLY of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLY of Mississippi. Mr. Speaker, today I rise to recognize the incredible work being done by the Tupelo Police Athletic League.

The Police Athletic League is a national organization that allows members of the police force to expand community outreach and connect with young people and their parents through athletics and other school-related activities. This organization has reduced juvenile crime and teaches our youth to appreciate and trust police officers.

During the National Police Athletic League conference, Major Anthony Hill of the Tupelo Police Department was named the national 2016 Male Volunteer of the Year. Additionally, Tupelo Police Department Lieutenant Michael Russell was appointed to the Police Athletic League national executive board.

I want to thank Major Anthony Hill and Lieutenant Michael Russell, among others, not only for their dedication to this program, but for their work to leave Tupelo a better place than they found it.

I have worked with both of these officers firsthand as a city prosecutor, and I have seen the love and dedication they have for their community and the youth, and the countless hours of overtime, nights, and weekends they spent away from their families to make sure they help our youth.

Police officers across the country make countless sacrifices to both protect and improve our communities.

Thank you for all you do, Major Hill and Lieutenant Russell.

HATE CONTINUES TO FESTER

(Mr. LOWENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENTHAL. Mr. Speaker, 49 dead Americans: sons, daughters, husbands, wives, friends.

Whatever his ideology, whatever gun he used, this killer was driven by hate toward the lesbian, gay, bisexual, and transgender community.

Just as hate struck the LGBT community at the UpStairs Lounge in New Orleans or at Uncle Charlie's in New York City or the BeBar nightclub here in Washington or the hundreds and hundreds other attacks that occur each year, it is because of the inaction of bodies like this, the Congress of the United States, to address discrimination, to ignore cries for equality, that this hate continues to fester.

The LGBT community deals with this fear and hate every single day, all for wanting to live and love and be who they are. And who they are, just like every member of the LGBT community, are sons, daughters, husbands, wives, and friends.

ALZHEIMER'S AND BRAIN AWARENESS MONTH

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, I rise today to recognize June as Alzheimer's & Brain Awareness Month.

More than 80,000 Americans die as a result of Alzheimer's each and every year, which makes it the sixth leading cause of death among our Nation's senior citizens.

With over 5 million Americans suffering from Alzheimer's, research toward finding a cure, as well as the rehabilitation of patients, is crucial to eliminating this debilitating disease. That is why I am a cosponsor of the HOPE for Alzheimer's Act, which will increase access to care for those with

Alzheimer's and ease the burden on their families.

Mr. Speaker, Alzheimer's and dementia have affected everyone in this country, in every congressional district across the country, in some way, shape, or form. A strong congressional response is critical to helping those struggling with this disease as well as their family and friends.

This month, I call on my colleagues to pass the HOPE for Alzheimer's Act, and I ask them to join me in raising awareness for this very important issue.

WE NEED MOMENTS OF SUSTAINED ACTION

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, the murder of 49 innocent people at the Pulse nightclub in Orlando last Sunday once again demonstrates the urgency of addressing gun violence in this country.

While I appreciate the moment of silence we observed earlier this week, what we really need are moments of sustained action to ensure that this never happens again.

We should immediately close the terror gap so individuals on the terrorist watch list cannot legally purchase a gun. If you are too dangerous to get on an airplane, you are too dangerous to own a gun.

We should move quickly to prohibit the sale and possession of weapons of war, like the assault rifle that the Orlando gunman used.

We should also close the hate crimes loophole so that anyone convicted of a hate crime is prohibited from buying or owning a gun.

We should close the Charleston loophole so gun sales cannot go forward until a background check is completed.

These are commonsense measures that would immediately reduce the incidence of gun violence in this country.

It is on all of us, as the people's elected representatives, to take action today. Choosing to do nothing is an insult to the victims of these attacks and a danger to the safety of those we represent. There is no more solemn responsibility that we have than to protect the people we represent.

Let's get to work.

FARM CREDIT CELEBRATES 100 YEARS

(Mr. YOHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOHO. Mr. Speaker, I rise today to recognize Farm Credit on its 100th anniversary.

On July 17, 1916, the Federal Farm Loan Act was signed into law, thus creating the Farm Credit System. Since then, Farm Credit has provided our Nation's rural communities with the financial tools they sorely need.

At a national level, Farm Credit has provided more than $260 billion in credit to more than 500,000 rural customers. In my district, the Farm Credit System serves over 544 borrowers and customers, providing roughly $160 million in credit.

As a large animal veterinarian, I have seen firsthand how Farm Credit has served generations of young farmers and ranchers who rely on these tools available to start successful businesses, businesses that keep American farming strong.

Without the Farm Credit System, our farmers in Florida and the Nation would not have access to the much-needed credit required to farm so that they can feed not just America, but the world.

DERELICTION OF DUTY

(Mr. JEFFRIES asked and was given permission to address the House for 1 minute.)

Mr. JEFFRIES. Mr. Speaker, on June 12, the worse mass shooting in the history of this great Republic took place in Orlando, Florida. It was an egregious act of terror, a vicious hate crime directed at the LGBT community, and an attack on our democracy.

In times like this, the American people deserve real congressional leadership. The American people deserve legislation to prevent suspected terrorists on the no-fly list from being able to purchase weapons of war that are not used to hunt deer, but are used to hunt human beings, such as the 49 individuals who were viciously killed in Orlando, Florida.

Instead, House Republicans brought us a brief moment of silence and then got back to business as usual. It is a shameless, shameful dereliction of duty, but it is what we have come to expect from this reckless Republican majority—and the American people deserve better.

□ 1215

REMEMBERING ENDY EKPANYA

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, there is great pain and agony in Pearland, Texas, and all across America. Pearland police officer Endy Ekpanya was killed in the line of duty while on patrol in Pearland. He was killed at 3:15 a.m. on Sunday. He died 45 minutes later at a hospital.

Endy was only 30 years old. He had been with the Pearland police force for less than a year. His fellow D squad officers said he was always eager to learn, and with that huge smile. Endy was the first Pearland policeman killed since 1973. As you can see, Endy leaves behind a wife and a young son.

Mr. Speaker, I will use my remaining time to say a silent prayer to honor Endy.

IT IS TIME FOR CONGRESS TO DO ITS JOB

(Ms. FRANKEL of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FRANKEL of Florida. Mr. Speaker, once again, the United States Congress observed a moment of silence for the victims of a mass shooting, this time in Orlando, Florida. Once again, many in this Chamber remain silent on stopping more of the same.

Nearly a third of the world's mass shootings occur right here in our country; and yet, this Congress, defying the wishes of our constituents, refused to take any reasonable steps to keep dangerous guns out of the wrong hands.

This Congress has refused to ban military grade assault rifles whose primary purpose is to kill as many people as possible at one time. This Congress refuses to close the loophole that lets criminals buy firearms online or at gun shows without a background check. And, most shockingly, this Congress is refusing to prevent those suspected of terrorism from buying weapons that could be used in the next attack.

This Congress offers lots of thoughts and sympathies when people are massacred by firearms, but no action to stop the carnage. It is time for this Congress to do its job before we have to say more prayers for innocent victims.

RECOGNIZING VIRGINIA STATE PARKS

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, I rise in recognition of our Virginia State parks. From the Blue Ridge Mountains to the Chesapeake Bay, the Commonwealth boasts some of the most beautiful natural landscapes in the United States, and for the past 80 years, the Virginia State Parks have served as an avenue for families to enjoy the outdoors together.

Outdoor recreation is such an important part of our national heritage, and our 36 Virginia State parks have fostered that tradition by helping generations of Virginians explore and understand our natural resources. With more than 600 miles of trails and convenient access to Virginia's major waterways, our Virginia State parks offer no shortage of opportunities for Virginians to go places they have never been before.

I commend the Virginia Department of Conservation and Recreation for their role in maintaining the Commonwealth's State parks and for preserving our lands in the public trust.

I thank Virginia State Parks for keeping our Commonwealth beautiful. I wish them a happy 80th anniversary and many, many more to come.

REMEMBERING TWO YOUNG MICHIGANDERS KILLED IN ORLANDO

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, I rise today to remember two young Michiganders who tragically were among the 49 people who lost their lives in Orlando on Sunday.

Tevin Crosby, from Saginaw, Michigan, was just 25 years old. He was on a trip visiting family in North Carolina and went on to Florida to see some friends and some colleagues. He was a young businessowner. He was described as a rising star, according to his friends and his colleagues. An employee at his company told The Saginaw News that he was always smiling and always positive.

Michigan also lost Christopher ''Drew'' Leinonen, who was a native of Detroit. His mother, Christine, told ABC that her son established the gay-straight alliance at his high school and received a humanitarian award for his effort. Juan Ramon Guerrero, the man he planned to wed, was also killed.

My heart aches for Tevin and Drew's families and their loved ones and all those who were killed over the weekend. This was an act of terror against the LGBT community.

As our Nation heals from this tragedy, Congress must turn our country's grief into action. There is no place for weapons of war on the streets of America's cities, murdering our children. This Congress has it within its hands to act, and this Congress needs to act.

RECOGNIZING 100TH ANNIVERSARY OF BOY SCOUTS OF AMERICA CHARTER

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in recognition of the 100th anniversary of the Boy Scouts of America Charter. On June 15, 1916, President Woodrow Wilson signed the law granting a national charter to the Boy Scouts of America, which had been incorporated 6 years earlier in 1910.

I spent more than four decades in scouting as a scoutmaster, Juniata Valley Boy Scouts Council executive board member and Council president. In my own scouting experience, I was honored to become one of just 2,000 people since 1969 to receive the national Distinguished Eagle Scout Award.

It was my experience in scouting that first sparked my interest in public service, in the vein of the Boy Scouts model, which urges us in part to do our duty to our country.

In 2013 there were more than 2.6 million members of the Boy Scouts of America. In a time which has in many ways been highlighted by a decline of volunteerism, I know that our Nation's future is in good hands with these young men and young ladies.

It is my hope that this wonderful organization continues to contribute to the lives of youth for generations to come.

SICK OF SILENCE

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, our country continues to grieve with Orlando and the LGBT community in the wake of the deadly shooting at the Pulse nightclub.

The American people are angry; they are anxious; they are afraid; and they have good reason to be. This is the deadliest in a long list of recent attacks. Yet, after each mass shooting, many of my Republican colleagues have stood in the way of efforts to protect Americans from the next one.

Monday night we held yet another moment of silence on the House floor. I have lost track of how many moments of silence we have had since I have been in Congress. Mr. Speaker, I am sick of silence.

Forty-nine people were murdered this weekend in Orlando, and that is not just a number. Those are 49 young men and women who had parents and boyfriends and girlfriends who loved them and whose lives will never be the same. Moments of silence are not enough to honor these victims, and they do nothing to prevent future attacks.

Mr. Speaker, I am calling on you to allow us to vote on reinstating the assault weapons ban and legislation to prevent suspected terrorists from buying firearms.

WHAT WE KNOW ABOUT THE ORLANDO ATTACK

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, we all know the facts from the Orlando attack, and they are absolutely heartbreaking. We know that the terrorist pledged his allegiance to ISIS before he carried out the assault and murder of 49 people.

We also know that we need to be supporting our law enforcement. What we are learning is that law enforcement, local law enforcement, is constrained by political correctness. They are constrained by lack of communication. They are constrained, and we have to understand that they are on the front lines in this fight. Congress must listen to the FBI, Homeland Security, and other law enforcement entities and give them the tools that they need to protect our communities.

This attack calls into question the assessment, threat assessment programs, the vetting, and the information sharing that is in place. The FBI twice investigated the Orlando shooter. This reveals vetting is nearly impossible. The vetting process being nearly impossible is one of the reasons that we need to halt the migration of Syrian refugees until a proper process is in place.

THIS IS NOT THE TIME TO BE SILENT

(Ms. JUDY CHU of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JUDY CHU of California. Mr. Speaker, once again, our country has been shocked by a horrific act of gun violence, and, once again, the only real response from Congress has been a moment of silence.

Well, this is not the time to be silent. Congress needs to act, and Congress needs to act now.

This murderer at the Pulse nightclub of Orlando, who was once on the terror watch list, was free to walk into a store and purchase an assault weapon that could kill 49 people and wound 53 others. Today, someone inspired by ISIS, who was deemed too dangerous to even board a plane, could walk into a gun store to buy whatever weapon they want. That is outrageous. That is why we must pass the no fly, no buy legislation that would keep those on the terrorist watch list from buying lethal weapons.

Unless we act to finally keep the most dangerous weapons out of the most dangerous hands, our moments of silence will become our legacy of silence.

RESILIENCE IN THE FACE OF ADVERSITY

(Mr. HIMES asked and was given permission to address the House for 1 minute.)

Mr. HIMES. Mr. Speaker, in June, a gay nightclub—what is supposed to be a safe place where the LGBT community can gather and be who they are—was targeted by violence and bigotry. That was 47 years ago in New York City. The Stonewall riots are considered the very beginning of the gay

rights movement, and that is why we celebrate June as LGBT Pride Month, pride for progress made against fear, against HIV/AIDS, against violence, and against the silence that too often greets bigotry, including in this Chamber.

Here we stand today, so much progress, but still so far from true equality. And we see more hatred-fueled violence at a gay gathering place.

What do we do?

I know only because I have seen the path well worn by my LGBT brothers and sisters, whose resilience in the face of adversity inspires me. We organize, we fight for equality and against prejudice. We change the hearts and minds of those who have yet to embrace the fundamental American principle that all are created equal.

This Pride Month we stand up against bigotry and against the silence, and we do it proudly.

□ 1230

ORLANDO

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, as we have heard repeatedly, this past weekend, Omar Mateen walked into a nightclub that had been a fixture of Orlando's LGBT community for over a decade and opened fire, killing 49 people and wounding dozens more.

This tragedy was many things. It was an act of terror and the deadliest mass shooting in American history. It was an attack targeting the LGBT community in what was meant to be a safe space on what was meant to be a night of celebration.

Information is still coming in about the perpetrator and his past, and we will continue to learn more in the days ahead. But we do know now that Mateen had been investigated by the FBI for possible terrorist ties and placed on the terrorist watch list. Despite this, he was able to pass a background check and legally purchase a gun.

There were other warning signs as well. He was described by coworkers and family as a violent and unstable person with a history of domestic abuse. But the loophole by which suspected terrorists can purchase guns is something that we have the power to fix right now with one simple change. The vast majority of Americans agree with us: if you are too dangerous to ride on a plane, you are too dangerous to own a gun.

Let's fix this commonsense loophole.

ORLANDO SHOOTING

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, on Monday, the House stood to bow our heads in a moment of silence for gun violence on the House floor for the 27th time since the horrific shooting of children at Sandy Hook Elementary; this time, for the unspeakable murders that took place in Orlando.

A moment of silence for gun violence; that is what we do. We have stood, and we have prayed.

One time, I stood up and said: Now, let's do something. We are not short of solutions.

The American people cannot believe that the Republicans have voted against a bill that says that people on the suspected terrorist watch list should not be able to buy guns. That is right. They would not support that law. They won't support a ban on assault weapons that have no other purpose than to kill people.

Enough is enough. That silence is a deafening silence. We cannot stand to do that anymore without taking real action.

CLOSE THE CHARLESTON LOOPHOLE

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, I often quote Martin Luther King, Jr.'s iconic letter from the Birmingham City Jail when he wrote:

> We are going to be made to repent not just for the hateful words and deeds of bad people, but for the appalling silence of good people.

Mr. Speaker, some very dastardly acts have been committed, one of which we will be commemorating the first anniversary of on Friday, June 17, when the people of Charleston, South Carolina, the State, and many across the Nation, will pause to commemorate the lives of nine people who were murdered and the three who survived because our gun laws allowed a young man to purchase a gun whose background check showed he should not have have been allowed to purchase a gun. However, the loophole says if the background check is not completed in 3 days, you can still purchase the gun.

Mr. Speaker, it is time to close the Charleston loophole.

PRINTING OF PROCEEDINGS OF FORMER MEMBERS PROGRAM

Mr. BYRNE. Mr. Speaker, I ask unanimous consent that the proceedings during the former Members program be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the proceedings have the privilege of revising and extending their remarks.

The SPEAKER pro tempore (Mr. WESTMORELAND). Is there objection to the request of the gentleman from Alabama?

There was no objection.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5293, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

Mr. BYRNE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 783 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 783

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes. No further general debate shall be in order.

SEC. 2. (a) The bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 170, line 7. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived.

(b) No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution, amendments en bloc described in section 3 of this resolution, and pro forma amendments described in section 4 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as provided by section 4 of this resolution, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or against amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chair of the Committee on Appropriations or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees, shall not be subject to amendment except as provided by section 4 of this resolution, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 4. During consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their respective designees may offer up to 10 pro forma amendments each at any point for the purpose of debate.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee

shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. It shall be in order at any time on the legislative day of June 16, 2016, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 1 hour.

Mr. BYRNE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the ranking member, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BYRNE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BYRNE. Mr. Speaker, House Resolution 783 provides for further consideration of H.R. 5293, the Department of Defense Appropriations Act. The resolution provides for a structured rule and makes in order 75 amendments. The rule also provides suspension authority for Thursday.

I want to kick off today's debate by making one thing very clear: the underlying bill is a very good bill. I know some of my colleagues may have some things to say that they would want to have added or a few things they would want to see changed. But all things considered, this is a very good bill. Let me tell you why.

This bill provides funding for the entire United States military, including critical funding to help fight the Islamic State and others who wish to do us harm. This bill ensures that our military receives the 2.1 percent pay raise they deserve, instead of the 1.6 percent pay raise requested by President Obama.

An important function of our military is research and development of new technologies and weapons systems, so this bill provides funding for those efforts. This bill makes important investments in military readiness by providing for equipment procurement for each of the service branches. We are sending far too many of our servicemembers into harm's way with outdated or damaged equipment, so this bill also includes much-needed funding for maintenance operations.

This bill also includes vital funding for the Defense Health Program, which provides care for our troops, while also spurring investment in important areas like traumatic brain injuries, cancer research, suicide prevention programs, and sexual assault prevention and response.

Now, I seriously doubt that any of my colleagues disagree with those functions. So this should be a bipartisan bill that passes with overwhelming support, especially considering all that is going on in the world today.

Just look at what happened this past weekend in Orlando. A person influenced by radical Islamic terrorists took the lives of innocent Americans.

Well, this bill includes funding to help fight the groups and organizations like the Islamic State that are spreading this radicalization. This bill is critical if we are to defeat the radical organization that is spreading terror all around the globe.

Sadly, Mr. Speaker, I expect that today's debate will focus little on what is actually in this bill. I fear that today's debate will result in conversations about things that have absolutely nothing to do with the United States military. That is a real shame, because this bill is so very important.

I know some of my colleagues are going to express concerns about procedure and the fact that this is a structured rule. So I want to share some quick facts with you. More importantly, this rule makes in order 75 amendments out of 105 submitted to the Rules Committee. Forty-three of these amendments—over half—are Democrat and bipartisan amendments.

Mr. Speaker, we hear a lot of talk here about regular order. Well, regular order means that the House works. Regular order doesn't mean chaos. Regular order doesn't mean that Members get to offer poison pill amendments just to kill a bill. Regular order is about ensuring we can do the business that the American people elected us to do and that they expect us to do.

Let's be real for a second. Only in Washington are people debating or worried about whether a bill to fund our troops comes to the floor under a structured rule or an open rule.

You know what people are worried about in homes from Maine to Hawaii? They are worried about the safety and security of their families.

So let's not get caught up, especially on this bill, in political games. The men and women who put their lives on the line each and every day to keep us safe deserve better than that. And the American people deserve better than that.

I urge my colleagues to support this rule and this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for yielding.

Mr. Speaker, despite Speakers BOEHNER and RYAN promising that the Chamber would be open, we haven't had an open rule since Speaker RYAN became Speaker. He has closed down the legislative process, shutting out Members and, thus, their constituents.

We need a full, open debate process, and though Speaker RYAN had the best of intentions when he assumed the mantle, his best laid plans have already crumbled and the Chamber has been slowed to a halt so Republicans can avoid taking difficult votes.

Mr. Speaker, the bill before us provides appropriations for the Department of Defense at a level $3 billion above fiscal year 2016, though it still remains $587 million below the President's request.

There are some strong, bipartisan measures in the bill, including funding for research into traumatic brain injuries, cancer, and physiological health research, as well as sexual assault prevention funds. Those are welcome investments.

Also included is a well-deserved pay raise for our men and women in uniform. Their immense sacrifice cannot be quantified, and they deserve our wholehearted support for the tireless defense of our Nation.

Additionally, the bill provides robust funding for cybersecurity and sorely needed assistance for our friends struggling for democracy in Ukraine so they can get the training and equipment they need to defend themselves against Russian aggression.

One of the most important aspects of this bill, however, is the investment made in the Department's manufacturing technology programs. That is the wave of the future, Mr. Speaker. We have no way to achieve national security if we cannot manufacture the goods that we need here at home.

The Manufacturing Technology Office administers the soon to be eight DOD-led Manufacturing Innovation Institutes that allow us to secure technological advantage and economic competitiveness around the world.

I am proud that one of these institutes, AIM Photonics, is included, and that this bill fully funds the institute's launch with $25 million of the total $110 million committed by the Federal Government. I thank the chair and the ranking member for making our Nation's industrial policy a bipartisan priority.

However, these essential pieces of funding are overshadowed by the way in which the House majority has decided to source their funds. They do so by raiding the overseas contingency operations, or OCO, which is meant to be emergency supplemental funding.

This budget gimmick makes it even more likely that the Department of Defense will run out of funding early next year as we will come to another standoff over funding.

□ 1245

This is robbing Peter to pay Paul, and it is not how any rational citizen would run a household budget. And why would the House majority endorse it?

The discussion and debate, while essential, detract from the urgency of addressing the war at home, the gun violence epidemic that is crippling our Nation. Mr. Speaker, I rise today heartbroken from the horrific loss of life due to gun violence in America, but this Chamber keeps turning and churning, and going about business as usual.

On Monday night, as so many of my colleagues said, we held yet another moment of silence. Since there have been 998 mass shootings in the United States since Newtown, that is a lot of moments of silence, but no action at all.

How many times do we have to stand on the floor and observe that silence when our colleagues who actually have the power to make the changes necessary to stop it are in the room with us?

For the victims of Orlando and every shooting before, for their families and our constituents, we need more than thoughts and prayers. We need action and laws now.

Mr. Speaker, according to the United Nations, half of the world's guns are in the United States. We have 317 million people in our Nation, but an estimated 350 million guns. If you think that the ubiquity of firearms in our Nation has not increased the likelihood of mass shootings, I encourage you to reconsider.

What happened in Orlando was a man with a military weapon shot without pause for heaven knows how long a time because he had a weapon. The fact that he had that—and we have said over and over again that those guns are only intended to kill people, and, unfortunately, that has come true, and it is our citizens that they are killing.

Now, we, the Members of this body, could vote for lifesaving, commonsense measures, yet the majority refuses to act. The majority blocks votes to prevent terrorists from buying guns. A terrorist on a watch list can go ahead and buy a gun.

They won't consider legislation to require universal background checks, which the majority of Americans support. They won't even consider, anymore, the assault weapons ban. Before it expired, it made a lot of difference in the mass killings in this country.

What is even more dangerous is that, in the healthcare bill passed—it was stunning to me that it was even in there—the Centers for Disease Control can't even track data on gun violence as a public health issue. Also, family doctors, who can ask about drugs in the home, are not allowed to ask about guns in the home; and some gun sales records are destroyed after 24 hours, by law, making it incredibly hard, if not impossible, to verify information and to track sales.

So that is the state of affairs in this Chamber today. Instead of thoughts and prayers, which we always turn to for solace, we would like to have, now, some actions and laws.

Mr. Speaker, I reserve the balance of my time.

Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentlewoman's positive words about the underlying bill. She pointed out a number of things about this bill that are very good indeed.

I hear that she disagrees with the use of the overseas contingency account for funding part of what is going on here, but we are in a war. We are in a war overseas, and we are going to have to use that account to fight that war overseas.

I also heard her say that we need to do more than just have a moment of silence, as we did the other night. Acting on this bill does something very important to stop terrorists over there from coming over here and harming us, or to stop terrorists over there from being able to inspire some of our own citizens to attack us. I have said many times, if you want to stop terrorism in the United States, it is better to defeat them over there. The underlying bill does that. It has been worked out carefully, in a bipartisan fashion, as the gentlewoman said, with the Department of Defense, so that they have what they need to protect us, because the most important way to stop violence from terrorists hitting us here at home is to make sure those terrorists are destroyed abroad.

I am glad the gentlewoman from New York brought up the issue of open rules. To have this debate, I think it is important to look at the minority's record when it comes to openness and fairness on appropriations bills.

When the gentlewoman was chair of the Rules Committee in the 111th Congress, they also had a structured rule for the Department of Defense Appropriations. So how many amendments did they make in order? Fifteen. This bill makes in order 75 amendments to the Defense Appropriations bill. That is a pretty stark difference, Mr. Speaker.

Let's not just look at the Defense Appropriations legislation. On the Energy and Water bill, which this House considered under an open rule a few weeks ago, the Democrat majority considered it under a structured rule and made just 21 amendments in order.

What about the Military Construction and Veterans Affairs bill in fiscal year 2010? The gentlewoman made just eight amendments in order. The House considered the same bill earlier this year under an open rule.

A few more numbers for you from fiscal year 2010. Only 5 amendments were made in order through the Labor, Health and Human Services bill, just 23 for Transportation, Housing and Urban Development Appropriations, 17 for Financial Services, and 1—only 1—amendment to the Legislative Branch Appropriations bill.

Then, for fiscal year 2011, under the Democrat majority, only two appropriations bills were presented to the House, both under structured rules. They were considered, and then they just stopped the appropriations process altogether.

Mr. Speaker, it is easy to talk a big game about open rules and the importance of fairness; but, if you look at the record, it is clear that this House has been much more open and much fairer under Republican leadership.

Our Conference wanted to restore open rules in the appropriations process; however, the minority has abused the process, and we have no choice but to take the steps necessary to ensure we can get the business of the American people done.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, let me take just a minute to say that I appreciate the history lesson, but the fact is that both Speaker BOEHNER and Speaker RYAN had said that this was going to be the most open Congress in history, but we haven't had a single open rule since Speaker RYAN took over. So I think we could go on in this debate like a tennis match all day long, but the facts are the facts.

Mr. Speaker, I am pleased now to yield 5 minutes to the gentleman from Maryland (Mr. HOYER), the Democrat whip.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding.

I tell my friend, BRADLEY BYRNE, I would love to have a discussion with him on that issue that he raised, but I don't have the time to do it now because I want to speak about the bill.

First, let me thank Chairman FRELINGHUYSEN, who is the chairman of the Defense Appropriations Subcommittee, and Mr. VISCLOSKY. They have worked together. They worked positively, and America can be proud of their leadership. Both of them have been extraordinary advocates for our military and men and women who serve.

This rule presents a rejection, however, of the regular order Speaker RYAN promised in the House. He promised it. That is the issue, not a question of how many. What he said was this was going to be open.

As soon as it became clear, however, that the House Republicans might have to take an up-or-down vote again on whether to ban discrimination against LGBT Americans, they shut the open appropriations process down. And, in fact, when we adopted that amendment, a majority of the Republican

Members voted against their own bill. That was the abuse of the system, I tell my friend, not anything we have done over here.

No transparency, no open process, no regular order, no scruples about denying Americans' Representatives the chance to add their input in this Defense bill, simply because they want to allow discrimination against LGBT Americans. That is what this is about. That is how we got to this closed rule or structured rule. Make no mistake about it.

In rejecting the Maloney amendment last month and now closing the process as a result of losing the Energy and Water bill because it did not allow discrimination, House Republicans are feeding the same kind of anti-LGBT sentiment that makes gay, lesbian, bisexual, and transgender Americans feel unsafe in our country and creates an environment which furthers racism, homophobia, and xenophobia. That is tough language. I get it.

Speaker RYAN had said he would allow the House to work its will. That was his pledge. He told Roll Call in November that the Republican leadership would not ''predetermine the outcome of everything around here.''

Well, in this instance, the House is being steered in a very deliberate direction by the Speaker and the leader. The Republican leadership, once again, is more concerned with keeping its Members from having to vote on LGBT discrimination than on maintaining the open process that it promised. Each and every Member of this House ought to be not only willing but eager to cast their votes to say, unequivocally, we are against discrimination.

Let me be clear. There are many provisions in this bill that I support, but there are a number about which I have serious concerns. My concerns include the dangerous act of setting up a funding cliff next year that would put our troops in danger.

In their attempt to get around the funding caps both parties agreed to last year, House Republicans pretend that they are keeping the deal we made, but, in reality, they are raiding the account that provides our troops with the resources they need to do their jobs safely.

This bill also includes restrictions on the Pentagon's ability to transfer Guantanamo Bay detainees as well as, once again, abandoning military-civilian pay parity in cost-of-living increases.

The American public, Mr. Speaker, ought to know it costs $5 million per incarceree at Guantanamo, $5 million per person. How many terrorists have escaped from American prisons? Zero. Zero.

Now there is a Republican amendment to ban DREAMers from serving in uniform, a discriminatory provision in this bill.

Because the process has been shut down, Mr. Speaker, Democrats have been severely limited in our ability to put forward amendments to improve this bill and address these concerns. We will continue, however, to push hard to ensure all our troops have the tools they need to succeed at their mission and come home safely, and we will keep asking the House to take a vote to end discrimination. We must not rest until all Americans are truly equal under the laws and Constitution our men and women in uniform put their lives at risk to defend.

Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

I really appreciate my friend from Maryland who, recently, he and I had an opportunity to spend some time together. I have enjoyed his company, and I recognize that he is a man of great experience and wisdom. I do have some differences with him on some of his remarks, however.

He mentioned the Guantanamo Bay provision. It has recently come to light that the White House has now admitted that some of the Guantanamo Bay detainees that have been released are now back on the battlefield trying to kill American servicemen and -women. So, for those of us on this side of the aisle, that is not acceptable. We don't want more Guantanamo Bay detainees out there putting our men and women in harm's way. We want to keep them where they are, to keep our men and women in uniform safe.

He talked about a funding cliff. What he is referring to is that this takes us, on the OCO account, into next spring, to when we will have a new President in place and, at that time, we can put in the rest of the funding.

Now, this is exactly what was done 8 years ago when we were having a transition from the Bush administration to the Obama administration. At that time, then-Senator Obama, then-Senator Kerry, both voted for that, both supported that. So all we are doing now is the same thing we did 8 years ago. It is common sense. It was perfectly okay with them then; it is not now.

And then on the Maloney amendment, I know exactly what the gentleman is talking about. The other side asked for that amendment. It was adopted by the House. It was put in the bill, and then when the bill itself, with the amendment on it, came up for a vote, only six Democrats voted for it. I voted for the bill with the language in it. The Democrats voted and killed the bill that had the antidiscriminatory language that they feel so strongly about.

So let's understand what is really going on here. This is not an effort to do anything about discrimination. This is an effort to bring an end to the appropriations process, to throw a rock in the gears of what we have got to do to make government work for the American people. And our side of the aisle, the majority, is simply not going to allow that to happen. We are going to do the work that the American people sent us here to do; we are going to use structured rules; we are going to bring order out of chaos; and we are going to get the people's work done.

Mr. Speaker, I reserve the balance of my time.

□ 1300

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a valued member of the Rules Committee.

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman from New York, our ranking member, for yielding me the time.

I urge my colleagues on both sides of the aisle to vote against this restrictive rule. The gentleman from Alabama talks about a poison pill. The poison pill amendment he is talking about is an amendment that would prohibit discrimination against the LGBT community. That is the poison pill. It is pathetic that an anti-discrimination measure would be considered a poison pill, but only in this Republican-controlled House would that be the case.

I would also say to the gentleman that the last time I checked, Republicans have the majority in this place. You have 247; we have 188. You can do whatever you want to do. That is why we see these restrictive rules one after another after another coming before the House.

When I hear that we are limiting the appropriations amendment process only to get rid of poison pills, there are other amendments that I don't think would be considered poison pills that were denied. My colleague from California, JACKIE SPEIER, had an amendment dealing with littoral combat ships. That was not made in order. If we had an open rule under the appropriations process that we should have had, that we were promised, she could have offered her amendment. But that was denied as well.

In terms of how the whole bill is funded with this overseas contingency account, it is one gimmick after another. It is embarrassing to try to defend this OCO account and how my colleagues have tried to get around the budget caps by going in and taking money to lift up the overall amounts in the base bill.

But here is the deal: I will say that I am grateful that an amendment was made in order that I authored along with Congressman JONES and many of my other colleagues that would basically say that it is about time Congress has a debate and a vote on an AUMF. We are at war in Syria, and we are at war in Iraq again. Our troops are in combat situations. That is the way the Secretary of Defense describes it. Our troops are being wounded. We have lost

soldiers in these recent battles, and we have not had the courage in this institution to actually debate these wars and to vote up or down on whether we should continue these wars.

My friends have all kinds of excuses why we can't do this. First they say: Well, the White House has to come up with a plan.

The White House did.

Now it is: Well, we can't debate this because it is a delicate time.

We should have debated these wars before we entered these wars, yet the leadership of this House prevented us time and time again.

Now we have 10 minutes, 5 on both sides, to debate this amendment. But my amendment is very simple. It basically says no AUMF, no money. If we don't have the courage to have this debate and to authorize these wars, then our troops ought to come home. It is that simple. It is very, very straightforward. For the life of me, I can't understand why anybody would vote against this.

The SPEAKER pro tempore (Mr. ROTHFUS). The time of the gentleman has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. MCGOVERN. If some of my colleagues want to expand these wars, then this is the opportunity for you to do it. If some of my colleagues, like me, want to lessen our military footprint in the Middle East, this is the opportunity. But to do nothing is unconscionable, and voting for this would force us—would force us—to do our job and to live up to our constitutional responsibility.

We cannot hide behind all these excuses anymore. There is no more excuse. Our brave men and women are in harm's way. The least we can do is show them that we care enough about what is going on to have this debate and vote on an AUMF.

Mr. Speaker, I urge my colleagues on both side of the aisle to vote for the McGovern-Jones amendment. Vote to force this House to have a debate and a vote on an AUMF. If not, let us bring our troops back home to safety with their families.

Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague from the Rules Committee is exactly right. We made in order his amendment that would allow him to have a debate on this floor on the AUMF. I also agree with him that it is probably not enough time to have a full debate on the AUMF. We talked about this several times in the Rules Committee, and he and I have a common understanding of the need for us to have a full debate on this floor on an AUMF. I agree with the gentleman, so we made his amendment in order.

I think he would like for us to go beyond that and actually bring an AUMF itself to the floor so we could have a fuller debate. When the time is right—and I don't know when that is going to be—I am going to be supportive of that. I have written letters in that respect, so I believe in that.

I want to point out to him that we made his amendment in order. We made his amendment in order and 74 others. That is 60 more amendments that were made in order on the Defense Appropriations bill than when the Democrats were in control of this House. So I have heard enough about this closed debate, closed rules. We have a structured rule to bring order out of chaos, and we have allowed many, many, many more amendments than the Democrats ever allowed on appropriations bills.

This is a good rule. It is a fair and balanced rule that allows for a full debate on issues. Some of these amendments I don't agree with, Mr. Speaker, but I thought they should be made in order, as did everybody else in the Rules Committee who voted for the rule. I know the Democrats didn't. This is a good rule, and I hope that we will adopt this rule and move forward with the debate on these important issues.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I would like to ask if my colleague has further speakers.

Mr. BYRNE. Mr. Speaker, I do not.

Ms. SLAUGHTER. Then I am prepared to close.

Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, my colleague says that some amendments he likes, some he doesn't. That is perfectly legitimate, but that is not why we make amendments in order in the Rules Committee. We don't pick out some we like and some we don't. We talk about the germaneness of the amendments. Certainly, if you have 70, I am sure there are going to be several people do not agree with.

But there is beginning to be a very unpleasant trend—and I am very concerned about it—that members of the majority on the Rules Committee will ask people coming to ask to have their amendments made in order—which, remember, as far as I can say right now, and I could be proved wrong, I think we are the only committee where members of a committee come up and ask for something. It is a totally different process from what happens in the other committees.

They come to us with full understanding—of course, the ratio, as you know, is 9–4, so it is kind of window dressing a lot of time—to ask that an amendment be in order. Those are sometimes people from the committee whose amendments weren't made in order in the committee, or it is other Members who have a great interest in that bill and would like to express the interest of their constituents in it.

But there is no question that there is really beginning to be a trend: if they don't like the amendment themselves, it is out the window. There is no chance of debate. In fact, so few of us get a chance to do any debating that we believe—and think that it is a fact—that many of our constituents in the country are just shut out of the debate.

What is even worse than that, now members have begun to ask the witnesses, as they come with their amendments: If we make your amendment in order, will you vote for the bill?

I object most strenuously to that. We are just getting into it, and I really want to study, but there is a quid pro quo there that I don't believe is intended for members of the Rules Committee to have.

There is a favoritism being asked: If we do this for you, not because it is good, it is germane, it should move the bill and because, as a Member of Congress, you have a right to do it; but if we grant you this wish, your obligation is to vote for the bill, even though you may hate everything else that is in it.

So we will amplify on that a little bit. We have some review to do on how that is going to work, but on the face of it, I find it totally offensive myself.

Mr. Speaker, we have an opportunity now to make a meaningful change, as all my colleagues have said, to address the gun violence epidemic that is crippling our Nation.

If we defeat the previous question, I will offer an amendment to the rule to bring up bipartisan legislation that would bar the sale of firearms and explosives to those on the FBI's terrorist watch list.

No matter how hard I might try—and I don't plan to—I don't believe I could find any kind of cogent argument that would argue against that. I think a thinking person would say: Yes, someone on the FBI's terrorist list, we would not like them to be collecting firearms and explosives.

It is unconscionable that the Republican majority has repeatedly refused to even debate closing such a glaring loophole. In fact, in our discussions about that and shouldn't that be done—as I said, the public really wants that done—they won't even consider it.

The country can't wait any longer for Congress to act. I think the whole country is absolutely paralyzed with sadness, anger, and mixed feelings about what is going on in this country. The number of people shot in a weekend in Chicago; the young singer the other night, just before the Orlando massacre, who was shot to death because somebody wanted to do it and had the ability to do it.

We have Second Amendment rights, but we also have rights to live. We have the right to think that when our children go to school in the morning, they are going to come home in the

afternoon. I can assure you that all the people worshiping in Mother Emmanuel Church believed they were going to go home after that to supper and to bed and to look forward to the next day.

We are not sensibly looking at what is going on here. Our record internationally is appalling. I will tell you that the country, I believe, at this moment is really crying out for something, and I am afraid, again, it will fall on deaf ears.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question so that we can do an amendment on guns and to vote ''no'' on the rule.

I yield back the balance of my time.

Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I listened very intently to the gentlewoman, and I do want to say this to her and to all of my colleagues in the House: The American people are worried. They are fearful, and they are fearful because there are people in other places who want to come here and do us harm simply because we are different from them. We are Christians, or we are a different type of Muslim from them, or we are LGBT, or we believe in all the principles that make America great. They want to come here and destroy all of us.

The attack on Sunday was an attack on every citizen of the United States of America. People are fearful that those terrorists will come here or they will find more people who are here now and inspire them to do the horrendous act that we saw done Saturday night, early Sunday morning.

They want us to defend them. We defend them by authorizing and appropriating the money to pay for the activities of the Armed Forces of the United States of America. That is what this bill is about. That is what we should be debating. That is what the people of the United States want us to do.

So we have put together a rule that is going to get the people's work done and provide the money to defend them from people that would harm us. That is the least we could do in reaction to what happened the other night, but it is a very, very important step for the people of this country.

Mr. Speaker, I, again, urge my colleagues to support House Resolution 783 and the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 783 OFFERED BY MS. SLAUGHTER

At the end of the resolution, add the following new sections:

SEC. 7. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 8. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BYRNE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 13 minutes p.m.), the House stood in recess.

□ 1402

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDING) at 2 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on questions previously postponed. Votes will be taken in the following order:

Ordering the previous question on House Resolution 783;

Adopting House Resolution 783, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5293, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 783) providing for further consideration of the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 239, nays 183, not voting 12, as follows:

[Roll No. 304]

YEAS—239

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin
Zinke

NAYS—183

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOT VOTING—12

Brat
Fattah
Forbes
Herrera Beutler
Love
Pearce
Rice (NY)
Takai
Westmoreland
Whitfield
Wilson (FL)
Young (IN)

□ 1420

Mr. BRENDAN F. BOYLE of Pennsylvania changed his vote from ''yea'' to ''nay.''

Messrs. BOUSTANY and McHENRY changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

(By unanimous consent, Ms. WASSERMAN SCHULTZ was allowed to speak out of order.)

CONGRESSIONAL WOMEN'S SOFTBALL GAME

Ms. WASSERMAN SCHULTZ. Mr. Speaker, colleagues, we stand before you as the congressional women's softball team. Our bipartisan team, which we are very proud of, has won the Congressional Women's Softball Game for the last 2 years in a row, and we are looking to three-peat against the Bad News Babes press team tonight.

So we encourage all of you to come out tonight. Tell your staffs and anyone that is interested in helping to raise money to beat cancer to join us tonight at 7 at Watkins Recreation Center near Eastern Market. You are going to see a phenomenal competition.

We are raising money for the Young Survival Coalition, which is an organization that helps young women under 40 years old who are diagnosed with breast cancer.

I know many of you know that I was diagnosed with breast cancer at 41 years old, 8½ years ago, and continue to be a survivor who is very proud to be healthy, and continue to spread the message that women need to pay attention to their breast health. I stand here with my sisters in Congress, sisters in the fight against breast cancer.

I yield to the gentlewoman from the great State of Alabama (Mrs. ROBY), my friend and cocaptain.

Mrs. ROBY. Mr. Speaker, on behalf of our side of the aisle, I would encourage all of you to come tonight. We are going to beat cancer. More importantly, we are going to beat the press. Although, they are not up there, so they must be intimidated.

Every person in this room has been affected by cancer, so I would just encourage you to come. This is a great bipartisan effort for a great cause, and we would love to have all of you out there cheering us on to beat the press and beat cancer.

The SPEAKER pro tempore (Mr. CURBELO of Florida). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 185, not voting 9, as follows:

[Roll No. 305]

YEAS—240

Abraham	Gowdy	Moolenaar
Aderholt	Granger	Mooney (WV)
Allen	Graves (GA)	Mullin
Amodei	Graves (LA)	Mulvaney
Babin	Graves (MO)	Murphy (PA)
Barletta	Griffith	Neugebauer
Barr	Grothman	Newhouse
Barton	Guinta	Noem
Benishek	Guthrie	Nugent
Bilirakis	Hanna	Nunes
Bishop (MI)	Hardy	Olson
Bishop (UT)	Harper	Palazzo
Black	Harris	Palmer
Blackburn	Hartzler	Paulsen
Blum	Heck (NV)	Pearce
Bost	Hensarling	Perry
Boustany	Hice, Jody B.	Pittenger
Brady (TX)	Hill	Pitts
Bridenstine	Holding	Poe (TX)
Brooks (AL)	Hudson	Poliquin
Brooks (IN)	Huelskamp	Pompeo
Buchanan	Huizenga (MI)	Posey
Buck	Hultgren	Price, Tom
Bucshon	Hunter	Ratcliffe
Burgess	Hurd (TX)	Reed
Byrne	Hurt (VA)	Reichert
Calvert	Issa	Renacci
Carter (GA)	Jenkins (KS)	Ribble
Carter (TX)	Jenkins (WV)	Rice (SC)
Chabot	Johnson (OH)	Rigell
Chaffetz	Johnson, Sam	Roby
Clawson (FL)	Jolly	Roe (TN)
Coffman	Jones	Rogers (AL)
Cole	Jordan	Rogers (KY)
Collins (GA)	Joyce	Rohrabacher
Collins (NY)	Katko	Rokita
Comstock	Kelly (MS)	Rooney (FL)
Conaway	Kelly (PA)	Ros-Lehtinen
Cook	King (IA)	Roskam
Costello (PA)	King (NY)	Ross
Cramer	Kinzinger (IL)	Rothfus
Crawford	Kline	Rouzer
Crenshaw	Knight	Royce
Culberson	Labrador	Russell
Curbelo (FL)	LaHood	Salmon
Davidson	LaMalfa	Sanford
Davis, Rodney	Lamborn	Scalise
Denham	Lance	Schweikert
Dent	Latta	Scott, Austin
DeSantis	LoBiondo	Sensenbrenner
DesJarlais	Long	Sessions
Diaz-Balart	Loudermilk	Shimkus
Dold	Love	Shuster
Donovan	Lucas	Simpson
Duncan (SC)	Luetkemeyer	Smith (MO)
Duncan (TN)	Lummis	Smith (NE)
Ellmers (NC)	MacArthur	Smith (NJ)
Emmer (MN)	Marchant	Smith (TX)
Farenthold	Marino	Stefanik
Fincher	Massie	Stewart
Fitzpatrick	McCarthy	Stivers
Fleischmann	McCaul	Stutzman
Fleming	McClintock	Thompson (PA)
Flores	McHenry	Thornberry
Fortenberry	McKinley	Tiberi
Foxx	McMorris Rodgers	Tipton
Franks (AZ)	McSally	Trott
Frelinghuysen	Meadows	Turner
Garrett	Meehan	Upton
Gibbs	Messer	Valadao
Gibson	Mica	Wagner
Gohmert	Miller (FL)	Walberg
Goodlatte	Miller (MI)	Walden
Gosar	Moolenaar	Walker
Walorski	Williams	Young (AK)
Walters, Mimi	Wilson (SC)	Young (IA)
Weber (TX)	Wittman	Young (IN)
Webster (FL)	Womack	Zeldin
Wenstrup	Woodall	Zinke
Westerman	Yoder	
Westmoreland	Yoho	

NAYS—185

Adams	Frankel (FL)	Nadler
Aguilar	Fudge	Napolitano
Amash	Gabbard	Neal
Ashford	Gallego	Nolan
Bass	Garamendi	Norcross
Beatty	Graham	O'Rourke
Becerra	Grayson	Pallone
Bera	Green, Al	Pascrell
Beyer	Green, Gene	Payne
Bishop (GA)	Gutiérrez	Pelosi
Blumenauer	Hahn	Perlmutter
Bonamici	Hastings	Peters
Boyle, Brendan F.	Heck (WA)	Peterson
	Higgins	Pingree
Brady (PA)	Himes	Pocan
Brown (FL)	Hinojosa	Polis
Brownley (CA)	Honda	Price (NC)
Bustos	Hoyer	Quigley
Butterfield	Huffman	Rangel
Capps	Israel	Rice (NY)
Capuano	Jackson Lee	Richmond
Cárdenas	Jeffries	Roybal-Allard
Carney	Johnson (GA)	Ruiz
Carson (IN)	Johnson, E. B.	Ruppersberger
Cartwright	Kaptur	Rush
Castor (FL)	Keating	Ryan (OH)
Castro (TX)	Kelly (IL)	Sánchez, Linda T.
Chu, Judy	Kennedy	
Cicilline	Kildee	Sanchez, Loretta
Clark (MA)	Kilmer	Sarbanes
Clarke (NY)	Kind	Schakowsky
Clay	Kirkpatrick	Schiff
Cleaver	Kuster	Schrader
Clyburn	Langevin	Scott (VA)
Cohen	Larsen (WA)	Scott, David
Connolly	Larson (CT)	Serrano
Conyers	Lawrence	Sewell (AL)
Cooper	Lee	Sherman
Costa	Levin	Sinema
Courtney	Lewis	Sires
Crowley	Lieu, Ted	Slaughter
Cuellar	Lipinski	Smith (WA)
Cummings	Loebsack	Speier
Davis (CA)	Lofgren	Swalwell (CA)
Davis, Danny	Lowenthal	Takano
DeFazio	Lowey	Thompson (CA)
DeGette	Lujan Grisham (NM)	Thompson (MS)
Delaney	Luján, Ben Ray (NM)	Titus
DeLauro		Tonko
DelBene	Lynch	Torres
DeSaulnier	Maloney, Carolyn	Tsongas
Deutch		Van Hollen
Dingell	Maloney, Sean	Vargas
Doggett	Matsui	Veasey
Doyle, Michael F.	McCollum	Vela
	McDermott	Velázquez
Duckworth	McGovern	Visclosky
Edwards	McNerney	Walz
Ellison	Meeks	Wasserman Schultz
Engel	Meng	Waters, Maxine
Eshoo	Moore	Watson Coleman
Esty	Moulton	Welch
Farr	Murphy (FL)	Yarmuth
Foster		

NOT VOTING—9

Brat	Forbes	Takai
Duffy	Grijalva	Whitfield
Fattah	Herrera Beutler	Wilson (FL)

□ 1431

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BRAT. Mr. Speaker, regretfully I am absent from the floor today. My son is graduating from high school tonight. Had I been present, however, I would have voted: On the Ordering the Previous Question on H. Res. 783 (rollcall 304), I would have voted "yea." On the Adoption of H. Res. 783 (rollcall 305), I would have voted "yea."

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 5293, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 783 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5293.

Will the gentleman from Georgia (Mr. COLLINS) kindly take the chair.

□ 1434

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, with Mr. COLLINS of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, June 14, 2016, all time for general debate pursuant to House Resolution 778 had expired.

Pursuant to House Resolution 783, no further general debate shall be in order. The bill shall be considered for amendment under the 5-minute rule and shall be considered read through page 170, line 7.

The text of the bill through page 170, line 7, is as follows:

H.R. 5293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2017, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training

Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $39,986,962,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $27,774,605,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $12,701,412,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $27,794,615,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,458,963,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,898,825,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $736,305,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,718,126,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,827,440,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,271,215,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, $34,436,295,000: *Provided*, That not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, $40,213,485,000: *Provided*, That not to exceed $15,055,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $6,246,366,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, $38,209,602,000: *Provided*, That not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $32,263,224,000: *Provided*, That not more than $15,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $35,045,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $8,023,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger

motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,767,471,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $975,724,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $320,066,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,106,066,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,923,595,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,708,200,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $14,194,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $170,167,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $289,262,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $371,521,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $9,009,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $222,084,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $108,125,000, to remain available until September 30, 2018.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance, including assistance provided by contract or by grants, under programs and activities of the Department of Defense Cooperative Threat Reduction Program authorized under the Department of Defense Cooperative Threat Reduction Act, $325,604,000, to remain available until September 30, 2019.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary

therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,628,697,000, to remain available for obligation until September 30, 2019.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,502,377,000, to remain available for obligation until September 30, 2019.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,244,547,000, to remain available for obligation until September 30, 2019.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,513,157,000, to remain available for obligation until September 30, 2019.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $6,081,856,000, to remain available for obligation until September 30, 2019.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $15,900,093,000, to remain available for obligation until September 30, 2019.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,102,544,000, to remain available for obligation until September 30, 2019.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $601,563,000, to remain available for obligation until September 30, 2019.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Ohio Replacement Submarine, $773,138,000;

Carrier Replacement Program, $1,271,205,000;

Carrier Replacement Program, (AP), $1,370,784,000;

Virginia Class Submarine, $3,187,985,000;

Virginia Class Submarine (AP), $1,742,134,000;

CVN Refueling Overhauls, $1,689,920,000;

CVN Refueling Overhauls (AP), $248,599,000;

DDG–1000 Program, $271,756,000;

DDG–51 Destroyer, $3,211,292,000;

Littoral Combat Ship, $1,439,192,000;

LHA Replacement, $1,559,189,000;

TAO Fleet Oiler, $73,079,000;

Moored Training Ship, $624,527,000;

Ship to Shore Connector, $128,067,000;

Service Craft, $65,192,000;

LCAC Service Life Extension Program, $1,774,000;

YP Craft Maintenance/ROH/SLEP, $21,363,000;

For outfitting, post delivery, conversions, and first destination transportation, $645,054,000; and

Completion of Prior Year Shipbuilding Programs, $160,274,000.

In all: $18,484,524,000, to remain available for obligation until September 30, 2021, of which $160,274,000 shall remain available until September 30, 2017, to fund completion of prior year shipbuilding programs: *Provided*, That additional obligations may be incurred after September 30, 2021, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $6,099,326,000, to remain available for obligation until September 30, 2019.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,213,872,000, to remain available for obligation until September 30, 2019.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices,

spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $14,325,117,000, to remain available for obligation until September 30, 2019.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,288,772,000, to remain available for obligation until September 30, 2019.

SPACE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of spacecraft, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,538,152,000, to remain available for obligation until September 30, 2019.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,609,719,000, to remain available for obligation until September 30, 2019.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,342,313,000, to remain available for obligation until September 30, 2019.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,649,876,000, to remain available for obligation until September 30, 2019.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533), $74,065,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $7,864,517,000, to remain available for obligation until September 30, 2018.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $16,831,290,000, to remain available for obligation until September 30, 2018: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $27,106,851,000, to remain available for obligation until September 30, 2018.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,311,236,000, to remain available for obligation until September 30, 2018: *Provided*, That, of the funds made available in this paragraph, $250,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: *Provided further*, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $178,994,000, to remain available for obligation until September 30, 2018.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,371,613,000.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $33,576,563,000; of which $31,696,337,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2018, and of which up to $15,523,832,000 may be available for contracts entered into under the TRICARE program; of which $413,219,000, to remain available for obligation until September 30, 2019, shall be for procurement; and of which $1,467,007,000, to remain available for obligation until September 30, 2018, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further*, That of the funds provided under this heading for research, development, test and evaluation, not less than $644,100,000 shall be made available to the United States Army Medical Research and Materiel Command to carry out the congressionally directed medical research programs.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $551,023,000, of which $147,282,000 shall be for operation and maintenance, of which no less than $49,533,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $20,368,000 for activities on military installations and $29,165,000, to remain available until September 30, 2018, to assist State and local governments, not more than $30,000,000, to remain available until September 30, 2018, shall be for the destruction of eight United States-origin chemical munitions in the Republic of Panama, to the extent authorized by law; $15,132,000 shall be for procurement, to remain available until September 30, 2019, of which $15,132,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $388,609,000, to remain available until September 30, 2018, shall be for research, development, test and evaluation, of which $380,892,000 shall only be for the Assembled Chemical Weapons Alternatives program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $908,800,000, of which $631,087,000 shall be for counter-narcotics support; $118,713,000 shall be for the drug demand reduction program; and $159,000,000 shall be for the National Guard counter-drug program: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $322,035,000, of which $318,882,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $3,153,000, to remain available until September 30, 2018, shall be for research, development, test and evaluation.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $483,596,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2017: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled Explanation of Project Level Adjustments in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2017: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement: *Provided*, That this subsection shall not apply to transfers from the following appropriations accounts:

(1) Environmental Restoration, Army;

(2) Environmental Restoration, Navy;

(3) Environmental Restoration, Air Force;

(4) Environmental Restoration, Defense-wide;

(5) Environmental Restoration, Formerly Used Defense Sites; and

(6) Drug Interdiction and Counter-drug Activities, Defense.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer: *Provided further*, That except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 30-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2017, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2018 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2018 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2018.

(c) As required by section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2358 note) civilian personnel at the Department of Army Science and Technology Reinvention Laboratories may not be managed on the basis of the Table of Distribution and Allowances, and the management of the workforce strength shall be done in a manner consistent with the budget available with respect to such Laboratories.

(d) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8018. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. Of the funds made available in this Act, $15,000,000 shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C.

1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8020. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8022. (a) Of the funds made available in this Act, not less than $40,021,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $28,000,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) $10,337,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $1,684,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8023. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during the current fiscal year may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings not located on a military installation, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development: *Provided*, That up to 1 percent of funds provided in this Act for support of defense FFRDCs may be used for planning and design of scientific or engineering facilities: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees 15 days in advance of exercising the authority in the previous proviso.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2017, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That, of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2018 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $126,800,000.

SEC. 8024. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8025. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8027. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2017. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

SEC. 8028. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8029. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such

conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8030. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8031. None of the funds made available by this Act may be used to—

(1) disestablish, or prepare to disestablish, a Senior Reserve Officers' Training Corps program in accordance with Department of Defense Instruction Number 1215.08, dated June 26, 2006; or

(2) close, downgrade from host to extension center, or place on probation a Senior Reserve Officers' Training Corps program in accordance with the information paper of the Department of the Army titled ''Army Senior Reserve Officers' Training Corps (SROTC) Program Review and Criteria'', dated January 27, 2014.

SEC. 8032. The Secretary of Defense shall issue regulations to prohibit the sale of any tobacco or tobacco-related products in military resale outlets in the United States, its territories and possessions at a price below the most competitive price in the local community: *Provided*, That such regulations shall direct that the prices of tobacco or tobacco-related products in overseas military retail outlets shall be within the range of prices established for military retail system stores located in the United States.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2018 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2018 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2018 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2018: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947 (50 U.S.C. 3093) shall remain available until September 30, 2018.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act and hereafter shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats;

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense; or

(4) an Air Force field operating agency established to administer the Air Force Mortuary Affairs Program and Mortuary Operations for the Department of Defense and authorized Federal entities.

SEC. 8040. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires

the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

(1) ''Aircraft Procurement, Army'', 2015/2017, $15,000,000;

(2) ''Other Procurement, Army'', 2015/2017, $30,000,000;

(3) ''Aircraft Procurement, Navy'', 2015/2017, $150,000,000;

(4) ''Weapons Procurement, Navy'', 2015/2017, $16,698,000;

(5) ''Procurement of Ammunition, Navy and Marine Corps'', 2015/2017, $43,600,000;

(6) ''Aircraft Procurement, Air Force'', 2015/2017, $65,800,000;

(7) ''Procurement of Ammunition, Army'', 2016/2018, $13,000,000;

(8) ''Other Procurement, Army'', 2016/2018, $58,000,000;

(9) ''Aircraft Procurement, Navy'', 2016/2018, $6,755,000;

(10) ''Weapons Procurement, Navy'', 2016/2018, $15,413,000;

(11) ''Procurement of Ammunition, Navy and Marine Corps'', 2016/2018, $1,000,000;

(12) ''Shipbuilding and Conversion, Navy'', 2016/2020, $276,906,000;

(13) ''Other Procurement, Navy'', 2016/2018, $54,394,000;

(14) ''Aircraft Procurement, Air Force'', 2016/2018, $178,300,000;

(15) ''Other Procurement, Air Force'', 2016/2018, $23,250,000;

(16) ''Procurement, Defense-wide'', 2016/2018, $2,600,000;

(17) ''Research, Development, Test and Evaluation, Army'', 2016/2017, $73,000,000;

(18) ''Research, Development, Test and Evaluation, Navy'', 2016/2017, $75,000,000;

(19) ''Research, Development, Test and Evaluation, Air Force'', 2016/2017, $181,700,000; and

(20) ''Research, Development, Test and Evaluation, Defense-wide'', 2016/2017, $3,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 103 of title 41, United States Code, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds made available by this Act for Evolved Expendable Launch Vehicle service competitive procurements may be used unless the competitive procurements are open for award to all certified providers of Evolved Expendable Launch Vehicle-class systems: *Provided*, That the award shall be made to the provider that offers the best value to the government.

SEC. 8048. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $44,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the national interest, the Secretary shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations and $24,000,000 to the Red Cross.

SEC. 8049. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8050. Notwithstanding any other provision in this Act, the Small Business Innovation Research program and the Small Business Technology Transfer program setasides shall be taken proportionally from all programs, projects, or activities to the extent they contribute to the extramural budget.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of United States Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act: *Provided further*, That this section does not apply to administrative control of Navy Air and Missile Defense Command.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8056. Of the funds appropriated in this Act under the heading ''Operation and Maintenance, Defense-wide'', $25,000,000 shall be for continued implementation and expansion of the Sexual Assault Special Victims' Counsel Program: *Provided*, That the funds are made available for transfer to the Department of the Army, the Department of the Navy, and the Department of the Air Force: *Provided further*, That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority provided in this Act.

SEC. 8057. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8058. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section XI (chapters 50–65) of the Harmonized Tariff Schedule of the United States and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8059. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8060. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8061. The Secretary of Defense shall continue to provide a classified quarterly report to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8062. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8063. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either:

(1) rendered incapable of reuse by the demilitarization process; or

(2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8064. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8065. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $75,950,170 shall remain available until expended: *Provided*, That, notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8066. (a) None of the funds appropriated in this or any other Act may be used to take any action to modify—

(1) the appropriations account structure for the National Intelligence Program budget, including through the creation of a new appropriation or new appropriation account;

(2) how the National Intelligence Program budget request is presented in the unclassified P–1, R–1, and O–1 documents supporting the Department of Defense budget request;

(3) the process by which the National Intelligence Program appropriations are apportioned to the executing agencies; or

(4) the process by which the National Intelligence Program appropriations are allotted, obligated and disbursed.

(b) Nothing in section (a) shall be construed to prohibit the merger of programs or changes to the National Intelligence Program budget at or below the Expenditure Center level, provided such change is otherwise in accordance with paragraphs (a)(1)-(3).

(c) The Director of National Intelligence and the Secretary of Defense may jointly, only for the purposes of achieving auditable financial statements and improving fiscal reporting, study and develop detailed proposals for alternative financial management processes. Such study shall include a comprehensive counterintelligence risk assessment to

ensure that none of the alternative processes will adversely affect counterintelligence.

(d) Upon development of the detailed proposals defined under subsection (c), the Director of National Intelligence and the Secretary of Defense shall—

(1) provide the proposed alternatives to all affected agencies;

(2) receive certification from all affected agencies attesting that the proposed alternatives will help achieve auditability, improve fiscal reporting, and will not adversely affect counterintelligence; and

(3) not later than 30 days after receiving all necessary certifications under paragraph (2), present the proposed alternatives and certifications to the congressional defense and intelligence committees.

(e) This section shall not be construed to alter or affect the application of section 1633 of the National Defense Authorization Act for Fiscal Year 2016 to the amounts made available by this Act.

SEC. 8067. In addition to amounts provided elsewhere in this Act, $5,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8068. Of the amounts appropriated in this Act under the headings ''Procurement, Defense-Wide'' and ''Research, Development, Test and Evaluation, Defense-Wide'', $600,735,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $62,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, subject to the U.S.-Israel Iron Dome Procurement Agreement, as amended; $266,511,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $150,000,000 shall be for co-production activities of SRBMD missiles in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, of which not more than $90,000,000, subject to previously established transfer procedures, may be obligated or expended until establishment of a U.S.-Israeli co-production agreement for SRBMD; $204,893,000 shall be for an upper-tier component to the Israeli Missile Defense Architecture, of which $120,000,000 shall be for co-production activities of Arrow 3 Upper Tier missiles in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, of which not more than $70,000,000, subject to previously established transfer procedures, may be obligated or expended until establishment of a U.S.-Israeli co-production agreement for Arrow 3 Upper Tier; and $67,331,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $160,274,000 shall be available until September 30, 2017, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading ''Shipbuilding and Conversion, Navy'', 2012/2017: LPD–17 Amphibious Transport Dock Program $45,060,000;

(2) Under the heading ''Shipbuilding and Conversion, Navy'', 2011/2017: DDG–51 Destroyer $15,959,000;

(3) Under the heading ''Shipbuilding and Conversion, Navy'', 2012/2017: Littoral Combat Ship $3,600,000;

(4) Under the heading ''Shipbuilding and Conversion, Navy'', 2013/2017: Littoral Combat Ship $82,400,000;

(5) Under the heading ''Shipbuilding and Conversion, Navy'', 2012/2017: Expeditionary Fast Transport $6,710,000; and

(6) Under the heading ''Shipbuilding and Conversion, Navy'', 2013/2017: Expeditionary Fast Transport $6,545,000.

SEC. 8070. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2017 until the enactment of the Intelligence Authorization Act for Fiscal Year 2017.

SEC. 8071. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8072. The budget of the President for fiscal year 2018 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, the Procurement accounts, and the Research, Development, Test and Evaluation accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8073. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8074. Notwithstanding any other provision of this Act, to reflect savings due to favorable foreign exchange rates, the total amount appropriated in this Act is hereby reduced by $573,400,000.

SEC. 8075. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8076. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8077. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8078. Up to $15,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8079. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2018.

SEC. 8080. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8081. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a

report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2017: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8082. None of the funds made available by this Act may be used to eliminate, restructure, or realign Army Contracting Command—New Jersey or make disproportionate personnel reductions at any Army Contracting Command—New Jersey sites without 30-day prior notification to the congressional defense committees.

SEC. 8083. None of the funds made available by this Act for excess defense articles, assistance under section 2282 of title 10, United States Code, or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c et seq.) may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008, unless such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8084. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $17,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8085. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

(1) creates a new start effort;

(2) terminates a program with appropriated funding of $10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations, unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

SEC. 8086. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8087. For the purposes of this Act, the term ''congressional intelligence committees'' means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8088. The Department of Defense shall continue to report incremental contingency operations costs for Operation Inherent Resolve, Operation Freedom's Sentinel, and any named successor operations, on a monthly basis and any other operation designated and identified by the Secretary of Defense for the purposes of section 127a of title 10, United States Code, on a semi-annual basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8089. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for ''Operation and Maintenance, Army'', ''Operation and Maintenance, Navy'', and ''Operation and Maintenance, Air Force'' may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. Funds appropriated by this Act may be available for the purpose of making remittances and transfers to the Defense Acquisition Workforce Development Fund in accordance with section 1705 of title 10, United States Code.

SEC. 8091. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8092. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a ''covered subcontractor'' is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8093. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $122,375,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010,

Public Law 111–84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8094. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8095. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Defense or a component thereof in contravention of the provisions of section 130h of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8096. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $1,000,000,000 of the funds made available in this Act for the National Intelligence Program: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2017.

SEC. 8097. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 8098. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 8099. None of the funds appropriated or otherwise made available in this Act may be used to transfer any individual detained at United States Naval Station Guantanamo Bay, Cuba, to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity except in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) and section 1034 of the National Defense Authorization Act for Fiscal Year 2017.

SEC. 8100. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 8101. None of the funds made available by this Act may be used by the Department of Defense or any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for any agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

SEC. 8102. (a) None of the funds appropriated or otherwise made available by this or any other Act may be used by the Secretary of Defense, or any other official or officer of the Department of Defense, to enter into a contract, memorandum of understanding, or cooperative agreement with, or make a grant to, or provide a loan or loan guarantee to Rosoboronexport or any subsidiary of Rosoboronexport.

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary, in consultation with the Secretary of State and the Director of National Intelligence, determines that it is in the vital national security interest of the United States to do so, and certifies in writing to the congressional defense committees that, to the best of the Secretary's knowledge:

(1) Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic;

(2) The armed forces of the Russian Federation have withdrawn from Crimea, other than armed forces present on military bases subject to agreements in force between the Government of the Russian Federation and the Government of Ukraine; and

(3) Agents of the Russian Federation have ceased taking active measures to destabilize the control of the Government of Ukraine over eastern Ukraine.

(c) The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport with respect to a waiver issued by the Secretary of Defense pursuant to subsection (b), and not later than 90 days after the date on which such a waiver is issued by the Secretary of Defense, the Inspector General shall submit to the congressional defense committees a report containing the results of the review conducted with respect to such waiver.

SEC. 8103. None of the funds made available in this Act may be used for the purchase or manufacture of a flag of the United States unless such flags are treated as covered items under section 2533a(b) of title 10, United States Code.

SEC. 8104. (a) Of the funds appropriated in this Act for the Department of Defense, amounts may be made available, under such regulations as the Secretary of Defense may prescribe, to local military commanders appointed by the Secretary, or by an officer or employee designated by the Secretary, to provide at their discretion ex gratia payments in amounts consistent with subsection (d) of this section for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

(b) An ex gratia payment under this section may be provided only if—

(1) the prospective foreign civilian recipient is determined by the local military commander to be friendly to the United States;

(2) a claim for damages would not be compensable under chapter 163 of title 10, United States Code (commonly known as the ''Foreign Claims Act''); and

(3) the property damage, personal injury, or death was not caused by action by an enemy.

(c) NATURE OF PAYMENTS.—Any payments provided under a program under subsection (a) shall not be considered an admission or acknowledgement of any legal obligation to compensate for any damage, personal injury, or death.

(d) AMOUNT OF PAYMENTS.—If the Secretary of Defense determines a program under subsection (a) to be appropriate in a particular setting, the amounts of payments, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment, which should include such factors as cultural appropriateness and prevailing economic conditions.

(e) LEGAL ADVICE.—Local military commanders shall receive legal advice before making ex gratia payments under this subsection. The legal advisor, under regulations of the Department of Defense, shall advise on whether an ex gratia payment is proper under this section and applicable Department of Defense regulations.

(f) WRITTEN RECORD.—A written record of any ex gratia payment offered or denied shall be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

(g) REPORT.—The Secretary of Defense shall report to the congressional defense committees on an annual basis the efficacy of the ex gratia payment program including the number of types of cases considered, amounts offered, the response from ex gratia payment recipients, and any recommended modifications to the program.

SEC. 8105. None of the funds available in this Act to the Department of Defense, other than appropriations made for necessary or routine refurbishments, upgrades or maintenance activities, shall be used to reduce or to prepare to reduce the number of deployed and non-deployed strategic delivery vehicles and launchers below the levels set forth in the report submitted to Congress in accordance with section 1042 of the National Defense Authorization Act for Fiscal Year 2012.

SEC. 8106. The Secretary of Defense shall post grant awards on a public Web site in a searchable format.

SEC. 8107. None of the funds made available by this Act may be used to fund the performance of a flight demonstration team at a location outside of the United States: *Provided*, That this prohibition applies only if a performance of a flight demonstration team at a location within the United States was canceled during the current fiscal year due to insufficient funding.

SEC. 8108. None of the funds made available by this Act may be used by the National Security Agency to—

(1) conduct an acquisition pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 for the purpose of targeting a United States person; or

(2) acquire, monitor, or store the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.

SEC. 8109. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 8110. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of any agency funded by this Act who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8111. None of the funds made available in this Act may be obligated for activities authorized under section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 112–81; 125 Stat. 1621) to initiate support for, or expand support to, foreign forces, irregular forces, groups, or individuals unless the congressional defense committees are notified in accordance with the direction contained in the classified annex accompanying this Act, not less than 15 days before initiating such support: *Provided*, That none of the funds made available in this Act may be used under section 1208 for any activity that is not in support of an ongoing military operation being conducted by United States Special Operations Forces to combat terrorism: *Provided further*, That the Secretary of Defense may waive the prohibitions in this section if the Secretary determines that such waiver is required by extraordinary circumstances and, by not later than 72 hours after making such waiver, notifies the congressional defense committees of such waiver.

SEC. 8112. None of the funds made available by this Act may be used with respect to Iraq in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed forces into hostilities in Iraq, into situations in Iraq where imminent involvement in hostilities is clearly indicated by the circumstances, or into Iraqi territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of such Resolution (50 U.S.C. 1542 and 1543).

SEC. 8113. None of the funds made available by this Act may be used to divest, retire, transfer, or place in storage or on backup aircraft inventory status, or prepare to divest, retire, transfer, or place in storage or on backup aircraft inventory status, any A–10 aircraft, or to disestablish any units of the active or reserve component associated with such aircraft.

SEC. 8114. Of the funds provided for ''Research, Development, Test and Evaluation, Defense-Wide'' in this Act, not less than $2,800,000 shall be used to support the Department's activities related to the implementation of the Digital Accountability and Transparency Act (Public Law 113–101; 31 U.S.C. 6101 note) and to support the implementation of a uniform procurement instrument identifier as described in subpart 4.16 of Title 48, Code of Federal Regulations, to include changes in business processes, workforce, or information technology.

SEC. 8115. None of the funds provided in this Act for the T–AO(X) program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Auxiliary equipment (including pumps) for shipboard services; propulsion equipment (including engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes.

SEC. 8116. The amount appropriated in title II for ''Operation and Maintenance, Army'' is hereby reduced by $336,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds.

SEC. 8117. Notwithstanding any other provision of this Act, to reflect savings due to lower than anticipated fuel costs, the total amount appropriated in title II of this Act is hereby reduced by $1,493,000,000.

SEC. 8118. None of the funds made available by this Act may be used to divest or retire, or to prepare to divest or retire, KC-10 aircraft.

SEC. 8119. None of the funds made available by this Act may be used to divest, retire, transfer, or place in storage or on backup aircraft inventory status, or prepare to divest, retire, transfer, or place in storage or on backup aircraft inventory status, any EC-130H aircraft.

SEC. 8120. None of the funds made available by this Act may be used for Government Travel Charge Card expenses by military or civilian personnel of the Department of Defense for gaming, or for entertainment that includes topless or nude entertainers or participants, as prohibited by Department of Defense FMR, Volume 9, Chapter 3 and Department of Defense Instruction 1015.10 (enclosure 3, 14a and 14b).

SEC. 8121. None of the funds made available by this Act may be used to propose, plan for, or execute a new or additional Base Realignment and Closure (BRAC) round.

SEC. 8122. Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows: AH-64E Apache Helicopter and UH-60M Blackhawk Helicopter.

SEC. 8123. Of the amounts appropriated in this Act for ''Operation and Maintenance, Navy'', $274,524,000, to remain available until expended, may be used for any purposes related to the National Defense Reserve Fleet established under section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. 4405): *Provided*, That such amounts are available for reimbursements to the Ready Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8124. Of the funds previously appropriated for the ''Ship Modernization, Operations and Sustainment Fund'', the Secretary of the Navy may transfer such funds to appropriations for research, development, test and evaluation; and procurement, only for the purposes of sustaining, equipping, and modernizing the Ticonderoga-class guided missile cruisers CG-63, CG-64, CG-65, CG-66, CG-67, CG-68, CG-69, CG-70, CG-71, CG-72, CG-73, and the Whidbey Island-class dock landing ships LSD-41, LSD-42, and LSD-46: *Provided*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred: *Provided further*, That the transfer authority provided herein shall be in addition to any other transfer authority provided in the Act: *Provided further*, That the Secretary of the Navy shall, not less than 30 days prior to making any transfer from the ''Ship Modernization, Operations and Sustainment Fund'', notify the congressional defense committees in writing of the details of such transfer: *Provided further*, That the Secretary of the Navy shall transfer and obligate funds from the ''Ship Modernization, Operations and Sustainment Fund'' for modernization of not more than two Ticonderoga-class guided missile cruisers: *Provided further*, That no more than six Ticonderoga-class guided missile cruisers shall be in a phased modernization at any time: *Provided further*, That the Secretary of the Navy shall contract for the required modernization equipment in the year prior to inducting a Ticonderoga-class cruiser for modernization: *Provided further*, That the prohibition in section 2244a(a) of title 10, United States Code, shall not apply to the use of any funds transferred pursuant to this section.

SEC. 8125. The Secretary of Defense may use up to $95,000,000 appropriated in titles II and IV of this Act to develop, replace, and sustain Federal Government security and suitability background investigation information technology systems of the Office of Personnel Management: *Provided*, That such funds shall supplement, not supplant any other amounts made available to other Federal agencies for such purposes.

SEC. 8126. None of the funds made available by this Act for the Joint Surveillance Target Attack Radar System recapitalization program may be obligated or expended for pre-milestone B activities after December 31, 2017.

SEC. 8127. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2918 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements shall include the use of energy sourced domestically within the United States as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of domestically sourced United States energy sources.

SEC. 8128. Of the amounts made available by this Act for ''Defense Working Capital Funds'' that are provided for the Defense Working Capital Fund, Defense Commissary Agency (DeCA), not less than $48,000,000 shall be used to support the transportation of fresh fruits and vegetables to commissaries in Asia and the Pacific.

SEC. 8129. None of the funds provided in this Act shall be used for the acceptance of fresh fruits and vegetables at any commissary in Asia and the Pacific unless such

fresh fruits and vegetables were grown within the country in which the commissary was located or were accepted for use by the Defense Commissary Agency at a location in the continental United States.

SEC. 8130. None of the funds made available in this Act or any other Act making appropriations for the Department of Defense may be used to close, in part or in whole, or transfer, in part or in whole, from the jurisdiction of the Department of Defense of the United States, Naval Station Guantanamo Bay.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8131. In addition to amounts provided elsewhere in this Act for military personnel pay, including active duty, reserve and National Guard personnel, $340,000,000 is hereby appropriated to the Department of Defense and made available for transfer only to military personnel accounts: *Provided*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

SEC. 8132. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8133. Additional readiness funds made available in title II of this Act for ''Operation and Maintenance, Army'', ''Operation and Maintenance, Navy'', ''Operation and Maintenance, Marine Corps'', and ''Operation and Maintenance, Air Force'' may be transferred to and merged with any appropriation of the Department of Defense for activities related to the Zika virus in order to provide health support for the full range of military operations and sustain the health of the members of the Armed Forces, civilian employees of the Department of Defense, and their families, to include: research and development, disease surveillance, vaccine development, rapid detection, vector controls and surveillance, training, and outbreak response: *Provided*, That the authority provided in this section is subject to the same terms and conditions as the authority provided in Sec. 8005 of this Act.

SEC. 8134. (a) The Secretary of Defense may provide from funds appropriated in title II of this Act up to $5,000,000 for financial support for military service memorials and museums in the acquisition, installation, and maintenance of exhibits, facilities, and programs that highlight the role of women in the military.

(b)(1) Subject to paragraph (2), the Secretary may carry out subsection (a) by entering into contracts with nonprofit organizations under which such an organization shall carry out the activities described in such subsection.

(2) The Secretary may not enter into a contract under paragraph (1) until the congressional defense committees have received a report from the Secretary that describes how the use of such a contract will help educate and inform the public on the history and mission of the military, or support training and leadership development of military personnel, and is in the best interests of the Department of Defense.

SEC. 8135. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities, or for any activity necessary for the national defense, including intelligence activities.

SEC. 8136. None of the funds made available by this Act may be used to carry out the changes to the Joint Travel Regulations of the Department of Defense described in the memorandum of the Per Diem Travel and Transportation Allowance Committee titled ''UTD/CTD for MAP 118–13/CAP 118–13—Flat Rate Per Diem for Long Term TDY'' and dated October 1, 2014.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS/ GLOBAL WAR ON TERRORISM

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $2,426,130,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $1,154,828,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $257,501,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $63,500,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $453,542,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $349,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $591,792,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $145,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $203,174,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $172,362,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $7,905,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $3,087,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $15,979,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $436,968,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $316,454,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $4,125,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $12,582,680,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $2,186,672,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency

Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $5,029,252,000, of which up to $162,692,000 may be transferred to the Coast Guard ''Operating Expenses'' account: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $1,082,170,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $916,496,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $166,900,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $6,870,406,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $960,626,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,895,434,000: *Provided*, That of the funds provided under this heading, not to exceed $1,100,000,000, to remain available until September 30, 2018, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and the Levant: *Provided further*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and the Levant, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used to support the Government of Jordan, in such amounts as the Secretary of Defense may determine, to enhance the ability of the armed forces of Jordan to increase or sustain security along its borders, upon 15 days prior written notification to the congressional defense committees outlining the amounts intended to be provided and the nature of the expenses incurred: *Provided further*, That of the funds provided under this heading, up to $30,000,000 shall be for Operation Observant Compass: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $351,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $272,047,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $186,381,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $138,019,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $112,350,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $29,628,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $24,550,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $72,723,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $27,550,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $380,221,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $237,880,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $279,036,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $247,950,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

COUNTERTERRORISM PARTNERSHIPS FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Counterterrorism Partnerships Fund'', $750,000,000, to remain available until September 30, 2018: *Provided*, That such funds shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support, or facilitate counterterrorism and crisis response activities: *Provided further*, That the Secretary of Defense shall transfer the funds provided herein to other appropriations provided for in this Act to be merged with and to be available for the same purposes and subject to the same authorities and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority under this heading is in addition to any other transfer authority provided elsewhere in this Act: *Provided further*, That the funds available under this heading are available for transfer only to the extent that the Secretary of Defense submits a prior approval reprogramming request to the congressional defense committees: *Provided further*, That upon a determination by the Secretary of Defense that all or part of the

funds transferred from this appropriation are not necessary for the purposes herein, such amounts may be transferred back to the appropriation and shall be available for the same purposes and for the same time period as originally appropriated: *Provided further*, That the amount provided under this heading is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $3,448,715,000, to remain available until September 30, 2018: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Afghanistan and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the security forces of Afghanistan or transferred to the security forces of Afghanistan and returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That of the funds provided under this heading, not more than $25,000,000 shall be for recruitment and retention of women in the Afghanistan National Security Forces, and the recruitment and training of female security personnel: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COUNTER-ISLAMIC STATE OF IRAQ AND THE LEVANT TRAIN AND EQUIP FUND

For the ''Counter-Islamic State of Iraq and the Levant Train and Equip Fund'', $880,000,000, to remain available until September 30, 2018: *Provided*, That such funds shall be available to the Secretary of Defense, in coordination with the Secretary of State, to provide assistance, including training; equipment; logistics support, supplies, and services; funding, including payments and stipends; infrastructure repair, renovation, and sustainment, to military and other security forces of or associated with the Government of Iraq, including Kurdish and tribal security forces or other foreign security forces, irregular forces, or groups with a security mission, to counter the Islamic State of Iraq and the Levant, and their affiliated or associated groups: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That the United States may accept equipment procured using funds provided under this heading, or under the heading ''Iraq Train and Equip Fund'' in prior Acts, that was transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and the Levant and returned by such forces or groups to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That equipment procured using funds provided under this heading, or under the heading, ''Iraq Train and Equip Fund'' in prior Acts, and not yet transferred to security forces, irregular forces, or groups participating or preparing to participate in activities to counter the Islamic State of Iraq and the Levant may be treated as stocks of the Department of Defense when determined by the Secretary to no longer be required for transfer to such forces or groups and upon written notification to the congressional defense committees: *Provided further*, That amounts made available under this heading shall be available to provide assistance only for activities in a country designated by the Secretary of Defense, with the concurrence of the Secretary of State, as having a security mission to counter the Islamic State of Iraq and the Levant, and following written notification to the congressional defense committees within 15 days of such designation: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign security forces, irregular forces, or groups: *Provided further*, That the Secretary of Defense shall ensure that prior to providing assistance to elements of any forces such elements are appropriately vetted, including, at a minimum, by assessing such elements for associations with terrorist groups or groups associated with the Government of Iran; and receiving commitments from such elements to promote respect for human rights and the rule of law: *Provided further*, That the Secretary of Defense may accept and retain contributions, including assistance in-kind, from foreign governments, including the Government of Iraq and other entities, to carry out assistance authorized under this heading: *Provided further*, That contributions of funds for the purposes provided herein from any foreign government or other entities may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That not more than 25 percent of the funds appropriated under this heading may be obligated or expended until not fewer than 15 days after: (1) the Secretary of Defense submits a report to the appropriate congressional committees, describing the plan for the provision of such training and assistance and the forces designated to receive such assistance; and (2) the President submits a report to the appropriate congressional committees on how assistance provided under this heading supports a larger regional strategy: *Provided further*, That of the amount provided under this heading, not more than 60 percent may be obligated or expended until not fewer than 15 days after the date on which the Secretary of Defense certifies to the appropriate congressional committees that an amount equal to not less than 40 percent of the amount provided under this heading has been contributed by other countries and entities for the purposes for which funds are provided under this heading, of which at least 35 percent shall have been contributed or provided by the Government of Iraq: *Provided further*, That the limitation in the preceding proviso shall not apply if the Secretary of Defense determines, in writing, that the national security objectives of the United States will be compromised by the application of the limitation to such assistance, and notifies the appropriate congressional committees not less than 15 days in advance of the exemption taking effect, including a justification for the Secretary's determination and a description of the assistance to be exempted from the application of such limitation: *Provided further*, That the Secretary of Defense may waive a provision of law relating to the acquisition of items and support services or sections 40 and 40A of the Arms Export Control Act (22 U.S.C. 2780 and 2785) if the Secretary determines such provisions of law would prohibit, restrict, delay or otherwise limit the provision of such assistance and a notice of and justification for such waiver is submitted to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided under this heading. The reports shall include claimed numbers of members in each organization, as previously defined; numbers of actual fighters trained; ideology; status of relationship for each group; the areas of operation for each group and the scope of support provided for each group, and a listing of the countries, groups, and individuals providing assistance: *Provided further*, That the term ''appropriate congressional committees'' under this heading means the congressional defense committees, the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives: *Provided further*, That amounts made available under this heading are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $795,071,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section

251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $481,900,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $828,917,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $196,100,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $610,544,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $212,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $541,723,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $240,200,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,381,410,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $8,400,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $971,037,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $626,714,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $183,700,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $175,100,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $120,540,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $58,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

SHIPBUILDING AND CONVERSION, NAVY

For an additional amount for ''Shipbuilding and Conversion, Navy'', $3,086,300,000, to remain available until September 30, 2021, to be provided to the following programs: Carrier Replacement Program, (AP), $263,000,000; DDG–51 Destroyer, $433,000,000; Amphibious Ship Replacement LXR, $1,550,000,000; Ship to Shore Connector, $160,000,000; LCAC Service Life Extension Program, $80,300,000; and Classified Programs, $600,000,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $3,086,300,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $214,081,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $102,530,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $213,667,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $107,463,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $2,005,549,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $1,295,716,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $335,795,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $194,420,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $478,158,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $323,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $3,479,781,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the

Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $389,134,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $170,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

For procurement of rotary-wing aircraft; combat, tactical and support vehicles; other weapons; and other procurement items for the reserve components of the Armed Forces, $1,000,000,000, to remain available for obligation until September 30, 2019: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That none of the funds made available by this paragraph may be used to procure manned fixed wing aircraft, or procure or modify missiles, munitions, or ammunition: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $167,522,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $67,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $106,323,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $65,990,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $42,905,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $10,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $179,919,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $20,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $140,633,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $781,764,000, which shall be for operation and maintenance: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the amount provided under this heading, $450,000,000 shall be made available to support base budget requirements as detailed in the appropriate account table included under the heading ''Title IX – Overseas Contingency Operations/Global War on Terrorism'' in the report accompanying this Act.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $215,333,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOINT IMPROVISED-THREAT DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised-Threat Defeat Fund'', $408,272,000, to remain available until September 30, 2019: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $22,062,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2017.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $4,500,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9003. Supervision and administration costs and costs for design during construction associated with a construction project funded with appropriations available for operation and maintenance or the ''Afghanistan Security Forces Fund'' provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That, for the purpose of this section, supervision and administration costs and costs for design during construction include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the United States Central Command area of responsibility: (1) passenger motor vehicles up to a limit of $75,000 per vehicle; and (2) heavy

and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $5,000,000 of the amounts appropriated by this title under the heading ''Operation and Maintenance, Army'' may be used, notwithstanding any other provision of law, to fund the Commanders' Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $2,000,000: *Provided further*, That not later than 45 days after the end of each 6 months of the fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that 6-month period that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each fiscal year quarter, the Army shall submit to the congressional defense committees quarterly commitment, obligation, and expenditure data for the CERP in Afghanistan: *Provided further*, That, not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $500,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third-party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Afghanistan and to counter the Islamic State of Iraq and the Levant: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9009. None of the funds provided for the ''Afghanistan Security Forces Fund'' (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: *Provided*, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of $50,000,000 annually and any non-standard equipment requirements in excess of $100,000,000 using ASFF: *Provided further*, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding proviso and accompanying report language for the ASFF.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 9011. From funds made available to the Department of Defense in this title under the heading ''Operation and Maintenance, Air Force'', up to $60,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support United States Government transition activities in Iraq by funding the operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction, and site closeout activities prior to returning sites to the Government of Iraq: *Provided*, That to the extent authorized under the National Defense Authorization Act for Fiscal Year 2017, the operations and activities that may be carried out by the Office of Security Cooperation in Iraq may, with the concurrence of the Secretary of State, include non-operational training activities in support of Iraqi Minister of Defense and Counter Terrorism Service personnel in an institutional environment to address capability gaps, integrate processes relating to intelligence, air sovereignty, combined arms, logistics and maintenance, and to manage and integrate defense-related institutions: *Provided further*, That not later than 30 days following the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees a plan for transitioning any such training activities that they determine are needed after the end of fiscal year 2017, to existing or new contracts for the sale of defense articles or defense services consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.): *Provided further*, That, not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary of Defense shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for the operations and activities of the Office of Security Cooperation in Iraq at each site where such operations and activities will be conducted during fiscal year 2017: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 9012. Up to $500,000,000 of funds appropriated by this Act for the Counterterrorism Partnerships Fund may be used to provide assistance to the Government of Jordan to support the armed forces of Jordan and to enhance security along its borders.

SEC. 9013. None of the funds made available by this Act under the heading ''Counter-Islamic State of Iraq and the Levant Train and Equip Fund'' may be used to procure or transfer man-portable air defense systems.

SEC. 9014. For the ''Ukraine Security Assistance Initiative'', $150,000,000 is hereby appropriated, to remain available until September 30, 2017: *Provided*, That such funds shall be available to the Secretary of Defense, in coordination with the Secretary of State, to provide assistance, including training; equipment; lethal weapons of a defensive nature; logistics support, supplies and services; sustainment; and intelligence support to the military and national security forces of Ukraine, and for replacement of any weapons or defensive articles provided to the Government of Ukraine from the inventory of the United States: *Provided further*, That the Secretary of Defense shall, not less than 15 days prior to obligating funds provided under this heading, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Ukraine and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the military or National Security Forces of Ukraine or returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 9015. Funds appropriated in this title shall be available for replacement of funds

for items provided to the Government of Ukraine from the inventory of the United States to the extent specifically provided for in section 9014 of this Act.

SEC. 9016. None of the funds made available by this Act under section 9014 for ''Assistance and Sustainment to the Military and National Security Forces of Ukraine'' may be used to procure or transfer man-portable air defense systems.

SEC. 9017. (a) None of the funds appropriated or otherwise made available by this Act under the heading ''Operation and Maintenance, Defense-Wide'' for payments under section 1233 of Public Law 110–181 for reimbursement to the Government of Pakistan may be made available unless the Secretary of Defense, in coordination with the Secretary of State, certifies to the congressional defense committees that the Government of Pakistan is—

(1) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(2) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan's military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(3) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(4) preventing the proliferation of nuclear-related material and expertise;

(5) implementing policies to protect judicial independence and due process of law;

(6) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(7) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(b) The Secretary of Defense, in coordination with the Secretary of State, may waive the restriction in subsection (a) on a case-by-case basis by certifying in writing to the congressional defense committees that it is in the national security interest to do so: *Provided*, That if the Secretary of Defense, in coordination with the Secretary of State, exercises such waiver authority, the Secretaries shall report to the congressional defense committees on both the justification for the waiver and on the requirements of this section that the Government of Pakistan was not able to meet: *Provided further*, That such report may be submitted in classified form if necessary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9018. In addition to amounts otherwise made available in this Act, $500,000,000 is hereby appropriated to the Department of Defense and made available for transfer only to the operation and maintenance, military personnel, and procurement accounts, to improve the intelligence, surveillance, and reconnaissance capabilities of the Department of Defense: *Provided*, That the transfer authority provided in this section is in addition to any other transfer authority provided elsewhere in this Act: *Provided further*, That not later than 30 days prior to exercising the transfer authority provided in this section, the Secretary of Defense shall submit a report to the congressional defense committees on the proposed uses of these funds: *Provided further*, That the funds provided in this section may not be transferred to any program, project, or activity specifically limited or denied by this Act: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the authority to provide funding under this section shall terminate on September 30, 2017.

SEC. 9019. None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).

(RESCISSIONS)

SEC. 9020. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

(1) ''Operation and Maintenance, Defense-Wide, DSCA Coalition Support Fund'', 2016/2017, $300,000,000;

(2) ''Counterterrorism Partnership Fund'', 2016/2017, $200,000,000; and

(3) ''Other Procurement, Air Force'', 2016/2018, $169,000,000.

SEC. 9021. Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. (a) Congress finds that—

(1) the United States has been engaged in military operations against the Islamic State of Iraq and the Levant (ISIL) for more than 20 months;

(2) President Obama submitted an authorization for the use of military force against ISIL in February 2015; and

(3) under article 1, section 8 of the Constitution, Congress has the authority to ''declare war''.

(b) Therefore, Congress has a constitutional duty to debate and determine whether or not to authorize the use of military force against ISIL.

SPENDING REDUCTION ACCOUNT

SEC. 10002. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0.

The Acting CHAIR. No amendment to the bill shall be in order except those printed in House Report 114–623, amendments en bloc described in section 3 of House Resolution 783, and pro forma amendments described in section 4 of that resolution.

Each amendment printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as provided by section 4 of House Resolution 783, and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chair of the Committee on Appropriations or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees, shall not be subject to amendment except as provided by section 4 of House Resolution 783, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their respective designees may offer up to 10 pro forma amendments each at any point for the purpose of debate.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 114–623.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 2, after the dollar amount, insert ''(reduced by $2,000,000) (increased by $2,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I want to thank the chairman of the subcommittee and the ranking member of the subcommittee for coming forward on what I know is a very hard task. I thank them so very much.

I thank the Rules Committee, in this structured rule, for allowing this amendment to come forward, and I would like to share with my colleagues my intense commitment to the language of this amendment and the purpose.

Over the last year, I have been working with IFES and NDI, and I have been working with women around the world who have come here to the United States Congress to discuss peace and security.

The purpose of this amendment is to encourage the Secretary of Defense to allocate resources needed to provide technical assistance to U.S. military women, to military women in other countries, so military women to military women, in combating violence as a weapon of war, terrorism, human trafficking, narcotics trafficking, and their impact on women and girls.

I recall the aftermath of the Afghan war, when we went over to Afghanistan, when they were writing the constitution. Members of the United States Congress, women, insisted on women's rights being in that constitution.

I, myself, went to Afghanistan and met with women parliamentarians, and we thought that we had secured their place in the infrastructure of that country. But, ultimately, when the Taliban rose up again, girls' schools were burned, and women were not protected.

I believe that now that more women are in the military—not only in the United States, but they are in the military around the world—this women-to-women conversation is a very important dialogue to help protect women and girls. Again, it is to give them the technical assistance and to help provide the Department of Defense with the resources needed for that technical assistance.

Terrorism, human trafficking, narcotics trafficking has a great impact on women and girls. To find your school burned has an impact.

It will help curb terrorism, this communication between women in the military of the United States and around the world, by making available American technical military expertise to militaries in other countries like, for example, Nigeria, which is combating violent jihadists such as Boko Haram.

These victims include Christians, Muslims, journalists, healthcare providers, relief workers, school children, and members of the diplomatic corps, and the armed services.

Terrorists across the globe have wreaked havoc on our society and cannot be tolerated or ignored, for their actions pose a threat to our national security and the security of the world.

I ask for support for the Jackson Lee amendment.

Mr. FRELINGHUYSEN. Will the gentlewoman yield?

Ms. JACKSON LEE. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to accept the gentlewoman's amendment, and thank her for her advocacy.

Ms. JACKSON LEE. Mr. Chairman, again, let me thank the ranking member for his support and assistance, and let me also thank the chairman.

I ask my colleagues to support this amendment for the protection and safety and security of women and girls around the world. Peace and security can be emphasized by the Jackson Lee amendment.

I want to thank Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY for shepherding this legislation to the floor and for their devotion to the men and women of the Armed Forces who risk their lives to keep our Nation safe and for their work in ensuring that they have resources needed to keep our Armed Forces the greatest fighting force for peace on earth.

Mr. Chair, thank you for the opportunity to explain my amendment, which is simple and straightforward and affirms an example of the national goodness that makes America the most exceptional nation on earth.

The purpose of the Jackson Lee amendment is to provide the Secretary of Defense flexibility to allocate resources needed to provide technical assistance by U.S. military women to military women in other countries combating violence as a weapon of war, terrorism, human trafficking, narcotics trafficking.

Mr. Chair, the United States is committed to combating violent extremism, protecting our borders and the globe from the scourge of terrorism.

The United States Armed Forces possess an unparalleled expertise and technological capability that will aid not only in combating and defeating terrorists who hate our country and prey upon innocent persons, especially women, girls, and the elderly.

But we must recognize that notwithstanding our extraordinary technical military capabilities, we face adversaries who adapt very quickly because they are not constrained by geographic limitations or norms of morality and decency.

Al Qaeda, Boko Haram, Al Shabaab, ISIS/ISIL and other militant terrorists, including the Sinai's Ansar Beit al-Maqdis in the Sinai peninsula which poses a threat to Egypt.

The Jackson Lee amendment will help provide the Department of Defense with the resources needed to provide technical assistance to countries on innovative strategies to provide defense technologies and resources that promote the security of the American people and allied nation states.

Terrorism, human trafficking, narcotics trafficking and their impact on women and girls across the globe has had a great adverse impact on us all.

According to a UNICEF report, rape, torture and human trafficking by terrorist and militant groups have been employed as weapons of war, affecting over twenty thousand women and girls.

Looking at the history of terrorism highlights the importance of providing technical assistance through our military might, as this enables us to combat terrorism which now can plague us here in the United States.

The Jackson Lee amendment will help curb terrorism abroad by making available American technical military expertise to military in other countries, like Nigeria, who are combating violent jihadists in their country and to keep those terrorists out of our country.

Time and again American lives have been lost at the hands of terrorists.

These victims include Christians, Muslims, journalists, health care providers, relief workers, schoolchildren, and members of the diplomatic corps and the Armed Services.

This is why the technical assistance offered by our military personnel is integral to promoting security operation of intelligence, surveillance, and reconnaissance aircraft for missions to empower local forces to combat terrorism.

Terrorists across the globe have wreaked havoc on our society and cannot not be tolerated or ignored, for their actions pose a threat to our national security and the security of the world.

Mr. Chair, from the United States to Africa to Europe to Asia and the Middle East, it is clear that combating terrorism remains one of highest national priorities.

Collectively, helping our neighbors and their military build capacity to combat terrorism, eradicate human trafficking, stop narcotics trafficking and negate their impact on women and girls across the globe serves our national interest.

I urge my colleagues to support the Jackson Lee amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SHUSTER

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 114–623.

Mr. SHUSTER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, line 14, after the dollar amount insert the following: ''(increased by $170,000,000)''.

Page 13, line 11, after the dollar amount insert the following: ''(reduced by $20,000,000)''.

Page 14, line 6, after the dollar amount insert the following: ''(reduced by $20,000,000)''.

Page 15, line 3, after the dollar amount insert the following: ''(reduced by $20,000,000)''.

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $135,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I rise today in support of my amendment, to protect America's depots, arsenals, and ammunition plants, commonly known as the organic industrial base.

For over 200 years, the U.S. military has relied on a set of unique, highly technical facilities to equip its

warfighters. They take equipment worn down in the field over months of hard use and remanufacture it, bringing it back to fighting condition and returning it to the hands of our Armed Forces.

In my district, Letterkenny Army Depot works tirelessly to get equipment turned around and to supply the Patriot missile battalions, the most deployed units in the Army. Everything from helicopters to small arms and tanks are brought into the depot system to be reset.

During the course of the war in Iraq and Afghanistan, the organic industrial base reset more than 3.9 million items, and over $30 billion worth of equipment for the Army, Air Force, Navy, and Marine Corps have been reset. In 2015 alone, over 66,000 pieces of equipment were reset in our depots.

Even better, the organic industrial base makes good business sense. For every dollar invested in depots and arsenals, $1.78 is returned to the taxpayers. Taken together, these installations are America's national security readiness insurance policy.

My amendment seeks to restore a damaging cut that will directly impact our depots and arsenals, and would do concrete damage to the ability to support the warfighter.

According to the Army, these reductions will affect the Army's ability to repair equipment needed to sustain readiness, increase unit production cost, and could result in the loss of critical skill sets.

Further, these cuts threaten Army readiness and the ability to support future operations.

ISIS is on the move. Russia is flying their jets within a few feet of our ships. And China is building a small island empire. Now is not the time to make cuts to the depots and arsenals repairing equipment so we can reuse it to defend our Nation.

Ladies and gentlemen, let me compare this to something that we all can relate to, and that is, if we were building a house and we had $1,000 to build the external structure of that house and, at the end of the year, we had spent $250 to build the foundation, well, that $750 that is not going to be spent this year has to be spent next year building the walls, building the roof, and building the siding. And that is what this is tantamount to doing.

□ 1445

Those equipment have long lead times. It takes them time. They can't get it all done at the end of the year, so those dollars are already obligated. They are dollars that are going to be spent to rebuild these pieces of important equipment.

With a range of dangerous enemies and a U.S. military that is stretched thin, it is not in our best national interest to strip these funds for such a critical purpose.

So I ask all Members to fully support this amendment. It is fully offset with bipartisan support, Mr. Chairman, and, again, I urge Members to accept it.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes

Mr. FRELINGHUYSEN. Mr. Chairman, let me thank Chairman SHUSTER for his strong advocacy on behalf of our military, our Army, our depot, and our arsenals.

Let me explain why I am opposed to his amendment. This amendment is in response to the committee's decision to make targeted reductions to the Army Working Capital Fund due to the historically large carryover balances above the allowable ceiling. Our bill does not cut funds for Army depots. Please understand that our bill strongly supports the depots and the organic industrial base. In fact, our bill provides an additional $750 million in the fiscal year 2017 budget for additional depot maintenance work across all of our services.

I know the gentleman is aware that given the fiscal constraints under the current budgetary caps, targeted reductions aimed at money unspent helps alleviate the need for actual programmatic reductions in the Army and the department's O&M activities. I can't support an amendment that would cut operations and maintenance accounts, which this does.

These accounts provide critical funding for training, operations, maintenance, and readiness programs, things our committee bill has emphasized.

After a decade of war, restoring readiness is the top priority for both the Army and our committee. Therefore, while I appreciate my colleague's concern and pledge to work with him closely on this issue, I urge rejection of his amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Again, I certainly thank the chairman and my good friend from New Jersey for being a champion for our national defense, but I disagree. I think this does hurt our readiness because these are dollars that are obligated. These are projects that aren't completed at the end of the fiscal year but have to go on to the next year. The Army, in fact, has been reducing carryover for the last 5 years, and, again, these budgets that are tight, you still have to complete the reset for this equipment to be able to go back into the field.

Again, it is already obligated, and it will impact readiness. So, again, our bill offsets it. I think we have bipartisan support, so I would, again, urge all my colleagues to support this to protect our depot system which is critical to the Nation's readiness.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman yielding, and I simply want to associate myself with his remarks.

I also have a deep respect for the gentleman from Pennsylvania. I appreciate what he is trying to do, but as the chairman did mention, this does make cuts as far as operation, readiness, and training. So I do associate myself with Chairman FRELINGHUYSEN's remark.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

Mr. SHUSTER. Again, I have great respect for both the gentlemen from Indiana and New Jersey, but this, I do believe, does affect readiness. As I keep saying, these dollars are obligated. By cutting them, we will stop the flow of work once the fiscal year ends and they continue to rebuild this vital, vital equipment that needs to get back into the field and needs to be back and deployed so that our warfighters have the equipment necessary.

With that, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. MICHELLE LUJAN GRISHAM OF NEW MEXICO

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 114–623.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, line 14, after the dollar amount, insert ''(reduced by $1,000,000)''.

Page 7, line 23, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 8, line 11, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 31, line 8, after the dollar amount, insert ''(increased by $7,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM of New Mexico) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chair, the United States is a leader in the research and development of directed energy technologies, including high energy lasers. Now, this technology plays a significant role for our military on and off the battlefield, offering substantial advantages to our troops.

Directed energy technology uses highly focused energy to minimize collateral damage, reduce civilian casualties, and then give our troops the advantage they need on the battlefield.

Now, I have seen these systems being developed and tested when I visited the Air Force Research Laboratory in New Mexico. I am very proud of the groundbreaking work being done there and New Mexico's contribution to developing and advancing this important technology.

Now, I hope that as this technology develops, it could spur the development, then, of non-defense and civilian-related applications.

My amendment increases the funding for the HEL–JTO by $7 million. The HEL–JTO is the High Energy Laser Joint Technology Office which oversees the high energy laser research for the Air Force, Navy, and Army.

Now, this funding will support the development of beam directors, adaptive optics, deformable mirrors, and high energy diodes. These components, in fact, will help high energy laser technology to become smaller, more portable, and more efficient, which expands the possibilities for the military.

Given that the Army's current work is focused on large ground systems that lack mobility, I was pleased that the House Appropriations Committee recognized the need for smaller and more portable directed energy technology and urged the Army to invest in directed energy capabilities for both combat vehicles and dismounted soldiers.

The committee further encouraged the Secretary of the Army to reduce the size, weight, power, and cost for these directed energy systems and to focus on integrating them into our existing or future combat and tactical vehicles as well as individual soldier weapon systems.

It is clear that the committee understands the importance of further development of this important technology through HEL–JTO, and I hope to continue to work with my colleagues on both sides of the aisle to ensure that they have the funding that they need to fulfill their important mission.

Mr. Chairman, it is my hope that you will continue to work with me as this process moves forward in order to ensure that we are, in fact, fully investing in these and other technologies that really can make the difference, frankly, on and off the battlefield.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT NO. 4 OFFERED BY MRS. HARTZLER

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 114–623.

Mrs. HARTZLER. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $20,000,000)''.

Page 20, line 14, after the dollar amount insert the following: ''(increased by $20,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentlewoman from Missouri (Mrs. HARTZLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Missouri.

Mrs. HARTZLER. Mr. Chairman, as our military has been severely shortchanged over the past few years from budget cuts, it has been stretched thin—too thin—and we must make some very significant decisions to ensure our military readiness remains at a level capable of addressing the expanding threats of today.

We have seen stories of airplane parts being cannibalized from museum aircraft and units making do with old or degraded resources, and our military operations and troops are suffering as a result. We have also seen evidence of buildings in disrepair, falling apart, or unusable due to their poor conditions.

This is true of the Army's old and aging ammunition plants like pictured here. These plants produce the small caliber ammunition and armaments required by our troops for training and combat operations. These critical facilities operate 24/7, 365 days a year, and they have little or no counterpart in the private sector, meaning any shutdown or production stoppage would have significant impacts and consequences for our men and women in uniform. At 75 years old, all four of these plants are in various states of disrepair and in dire need of modernization and upkeep. Failing to make this investment could result in the loss of 90 percent of all small caliber ammunition used by troops in every branch of our Armed Forces. Almost 90 percent of all small caliber ammo used by troops in every branch of our Armed Forces are produced in plants, and we must continue to provide the necessary resources to modernize these aging facilities.

The plants' conditions are the result of devastating budget cuts which have forced valuable dollars into other programs and projects. They have been neglected too long, and we must act before it is too late.

We are charged with making sure our men and women in uniform have the resources they need to address the threats of today and prepare for those of tomorrow. This amendment makes this critical investment for our troops, and I urge my colleagues to support it.

Mr. FRELINGHUYSEN. Will the gentlewoman yield?

Mrs. HARTZLER. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. We are very pleased to support the gentlewoman's amendment, and we thank her for her advocacy on behalf of much-needed modernization of these ammunition plants.

Mrs. HARTZLER. Thank you, Mr. Chairman, and I appreciate your support. It is critical that we modernize these plants, and I urge all my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Missouri (Mrs. HARTZLER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. MEEHAN

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 114–623.

Mr. MEEHAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $7,000,000) (increased by $7,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Pennsylvania (Mr. MEEHAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MEEHAN. Mr. Chairman, I rise to offer an amendment that will facilitate health screenings in communities coping with groundwater contamination from nearby defense installations. My amendment dedicates $7 million in the operations and maintenance defense-wide account to screenings for residents who, unbeknownst to them, have fallen victim to exposure to firefighting chemicals which have bled into the drinking water.

One of those sites where this has happened for over a couple of decades is in my district, a district I share with the gentleman from Philadelphia, Mr. BRENDAN F. BOYLE, the Navy Air Station in Montgomery County, and Mr. FITZPATRICK of Bucks County in Warminster.

The Navy has been working very closely with the EPA and the public

water authorities to take wells off line to address contamination and to provide public drinking water. But one of the things that they have not done is levels of screening to determine whether there has been any impact associated with the presence of what we call PFOAs, something the EPA has determined levels at which it may create a potential risk.

Make no mistake about it, the Federal Government is responsible for this. That will not be an issue which will be contested. So the question is whether there is precedent for the ability to work on something like this, allowing the Navy. And the answer is, yes, this has happened. Private entities in both Hoosick, New York, and West Virginia have worked through State authorities to enable there to be testing of thousands of local residents in situations like this to determine whether or not there could have been any local impact due to that.

So we are not asking the Defense Department to put any kind of man hours into this. We are asking them to work with what we believe are appropriate authorities that already exist, and for them to work in public-private partnerships with State entities to enable and facilitate some of this testing to take place.

I think the Navy deserves credit for being proactive in the way they have looked at this issue. But we see this as a continuing obligation and would like to see the Navy fulfill the support to enable this important, important testing to take place.

Mr. Chairman, I want to thank Chairman FRELINGHUYSEN for putting important language in the appropriations bill that includes report language requiring the Pentagon to report on what sites pose a potential health risk and its plan to address them. I am very thankful to my friend, Representative BRENDAN F. BOYLE from Philadelphia, who has worked closely with me on this issue. But I also understand, Mr. Chairman, that the chairman of the committee has some observations on this.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding. I appreciate the gentleman's concerns and share those concerns very deeply, as do all members of our committee.

Concerns about PFCs have been proliferating nationwide as more evidence becomes available about the toxicity of these compounds.

□ 1500

Our bill does provide $33 billion for the Defense Health Program and another $289 million for the Navy Environmental Restoration Program, nearly $8 million more than requested.

However, it has come to our attention that the Department may lack the authority presently to administer blood screening tests or spend funds requested by my colleague for this specific activity. Our committee is certainly committed to working with him and thanks him for his leadership. We will be working very closely with him and closely with the State of Pennsylvania to see what sort of partnerships we could put together to address this problem and what would be a success in Pennsylvania. We could look across the Nation for implementation as well.

I thank the gentleman for yielding.

Mr. MEEHAN. I thank the chairman.

Mr. Chairman, I yield to the gentleman from Philadelphia, Pennsylvania (Mr. BRENDAN F. BOYLE).

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Chair, I thank my colleague who also represents Montgomery County and parts near Philadelphia, Mr. MEEHAN. It has been an absolute pleasure to work with him on this issue on a bipartisan basis, as well as our colleague, Mr. FITZPATRICK, from Bucks County.

Mr. Chair, PFOA and PFOS are chemical compounds, PFCs, that are found in the firefighting foams that have been used on military bases throughout the country. The EPA and other agencies are testing these chemicals for suspected links to cancer and other serious health impacts and recently lowered advisory levels for drinking water.

This past March, the DOD released a list of 664 sites nationwide where these firefighting foams might have been used and similarly infiltrated local groundwater. Every State in the Union has at least one of these sites. The DOD is currently investigating.

To date, 16 public wells and 140 private wells in our area have been taken offline because of the Navy's contamination at and around the former Naval Air Station Joint Reserve Base Willow Grove in my district. This list will likely grow.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRELINGHUYSEN. Mr. Chairman, I claim the time in opposition to the amendment to give the gentleman a further opportunity to make his case, and I also recognize his leadership on this important issue.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE).

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Chairman, I appreciate the gentleman from New Jersey showing that those from Philadelphia and those from across the Delaware River, in New Jersey, can get along, and I appreciate his support on this issue.

Just to continue and conclude with what I was saying, the Navy and National Guard have taken responsibility for contamination and have agreed to pay approximately $19 million to provide replacement water, install filtration systems on affected public wells, and hook homes with affected public wells into public water systems, but the community is seeking information regarding their years—possibly decades—of past exposure due to our military's contamination.

I think the amendment that Mr. MEEHAN and I are offering for $7 million in the context of a $32 billion operations, maintenance, and defense-wide account for screenings is reasonable. I understand, though, the recent Defense Department concerns.

I look forward to working with the chairman, as well as the ranking member, to ensure that we continue to fight for and advocate for our constituents in Montgomery County and Bucks County and all those potentially across the country who may be affected by this same issue. It is an issue that this body must pay closer attention to. Let's inform communities as the Defense Department investigates the potential scope of this issue.

Mr. FRELINGHUYSEN. I, again, thank both of the gentlemen from Pennsylvania.

Mr. Chair, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I would add my voice to the chair's. I look forward to working with both gentlemen on this very important issue. I do appreciate him raising it and do look forward to working with the chairman and with the both of them.

Mr. FRELINGHUYSEN. Mr. Chair, I yield to the gentleman from Pennsylvania (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chair, I thank the gentleman for yielding, and I want to thank the gentleman and the chairman and the ranking member for their recognition of the issue and their willingness to work with Mr. BOYLE and Mr. FITZPATRICK in Bucks County, who is similarly situated, and myself. I look forward to working with both of those gentlemen and the committee on this issue.

Mr. FITZPATRICK. Mr. Chair, I rise to join my colleagues from Pennsylvania, Representatives MEEHAN and BOYLE, in supporting an amendment that would provide health screenings for our constituents.

The DOD has begun the process of checking whether chemical compounds like PFOS and PFOA may have contaminated groundwater surrounding more than 660 military sites across the nation, including confirmed contamination around the former Naval Air Warfare Center in Warminster and former Willow Grove Naval Station in Horsham. In each of these instances, both public and private wells in my district have been impacted by contaminated groundwater—rightly concerning residents and local leaders.

Because of this immediate and widespread concern, it is only right the Department increase efforts to offer health screenings in communities surrounding these formerly used defense sites. This simple amendment clears that path by increasing funding for these screenings.

I urge this body to support this bipartisan amendment and, in doing so, reaffirm this government's commitment to protecting the health and safety of its citizens.

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. FRELINGHUYSEN OF NEW JERSEY

Mr. FRELINGHUYSEN. Mr. Chairman, pursuant to House Resolution 783, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 consisting of amendment Nos. 7, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, and 73 printed in House Report 114–623, offered by Mr. FRELINGHUYSEN of New Jersey:

AMENDMENT NO. 7 OFFERED BY MR. ROONEY OF FLORIDA

Page 8, line 22, after the dollar amount, insert ''(reduced by $40,000,000)''.

Page 33, line 11, after the dollar amount, insert ''(increased by $32,000,000)''.

Page 33, line 12, after the dollar amount, insert ''(increased by $32,000,000)''.

Page 33, line 15, after the dollar amount, insert ''(increased by $32,000,000)''.

AMENDMENT NO. 47 OFFERED BY MS. MCSALLY OF ARIZONA

Page 146, line 17, after the dollar amount, insert ''(reduced by $100,000,000) (increased by $100,000,000)''.

AMENDMENT NO. 49 OFFERED BY MS. JACKSON LEE OF TEXAS

Page 13, line 11, after the dollar amount, insert ''(reduced by $1,000,000)''.

Page 33, line 11, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 33, line 19, after the dollar amount, insert ''(increased by $1,000,000)''.

AMENDMENT NO. 50 OFFERED BY MR. LOWENTHAL OF CALIFORNIA

Page 7, line 14, after the dollar amount, insert ''(reduced by $5,600,000)''.

Page 8, line 22, after the dollar amount, insert ''(increased by $5,000,000)''.

AMENDMENT NO. 51 OFFERED BY MR. COFFMAN OF COLORADO

Page 7, line 23, after the dollar amount, insert ''(reduced by $6,086,000) (increased by $6,086,000)''.

AMENDMENT NO. 52 OFFERED BY MR. DUFFY OF WISCONSIN

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $1,000,000) (increased by $1,000,000)''.

AMENDMENT NO. 53 OFFERED BY MR. MCKINLEY OF WEST VIRGINIA

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $5,000,000) (increased by $5,000,000)''.

AMENDMENT NO. 54 OFFERED BY MR. AGUILAR OF CALIFORNIA

Page 8, line 22, after the dollar amount, insert ''(reduced by $5,000,000) (increased by $5,000,000)''.

AMENDMENT NO. 55 OFFERED BY MR. NADLER OF NEW YORK

Page 8, line 22, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 30, line 1, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 31, line 20, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 85, line 7, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 85, line 8, after the dollar amount, insert ''(increased by $10,000,000)''.

AMENDMENT NO. 56 OFFERED BY MRS. NOEM OF SOUTH DAKOTA

Page 8, line 22, after the dollar amount, insert ''(reduced by $7,000,000)''.

Page 26, line 22, after the dollar amount, insert ''(increased by $7,000,000)''.

AMENDMENT NO. 57 OFFERED BY MR. ADERHOLT OF ALABAMA

Page 8, line 22, after the dollar amount, insert ''(reduced by $17,000,000)''.

Page 30, line 16, after the dollar amount, insert ''(increased by $17,000,000)''.

AMENDMENT NO. 58 OFFERED BY MR. GRAYSON OF FLORIDA

Page 8, line 22, after the dollar amount insert the following:''(reduced by $5,000,000)''.

Page 30, line 16, after the dollar amount insert the following: ''(increased by $5,000,000)''.

AMENDMENT NO. 59 OFFERED BY MR. BERA OF CALIFORNIA

Page 8, line 22, after the dollar amount, insert ''(reduced by $5,500,000)''.

Page 31, line 20, after the dollar amount, insert ''(increased by $5,000,000)''.

AMENDMENT NO. 60 OFFERED BY MR. GRAYSON OF FLORIDA

Page 8, line 22, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 33, line 11, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 33, line 19, after the dollar amount, insert ''(increased by $5,000,000)''.

AMENDMENT NO. 61 OFFERED BY MR. GRAYSON OF FLORIDA

Page 8, line 22, after the dollar amount, insert ''(reduced by $1,000,000)''.

Page 33, line 11, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 33, line 19, after the dollar amount, insert ''(increased by $1,000,000)''.

AMENDMENT NO. 62 OFFERED BY MRS. HARTZLER OF MISSOURI

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $5,000,000)''.

Page 33, line 11, after the dollar amount insert the following: ''(increased by $5,000,000)''.

Page 33, line 19, after the dollar amount insert the following: ''(increased by $5,000,000)''.

AMENDMENT NO. 63 OFFERED BY MS. MENG OF NEW YORK

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $8,000,000)''.

Page 33, line 11, after the dollar amount insert the following: ''(increased by $8,000,000)''.

Page 33, line 19, after the dollar amount insert the following: ''(increased by $8,000,000)''.

AMENDMENT NO. 64 OFFERED BY MR. NOLAN OF MINNESOTA

Page 8, line 22, after the dollar amount, insert ''(reduced by $2,000,000)''.

Page 33, line 11, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 33, line 19, after the dollar amount, insert ''(increased by $2,000,000)''.

AMENDMENT NO. 65 OFFERED BY MR. DELANEY OF MARYLAND

Page 8, line 22, after the dollar amount insert the following: ''(reduced by $7,800,000)''.

Page 84, line 16, after the dollar amount insert the following: ''(increased by $5,000,000)''.

AMENDMENT NO. 66 OFFERED BY MR. FITZPATRICK OF PENNSYLVANIA

Page 8, line 22, after the dollar amount, insert ''(reduced by $2,000,000)''.

Page 33, line 11, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 33, line 19, after the dollar amount, insert ''(increased by $2,000,000)''.

AMENDMENT NO. 67 OFFERED BY MS. JACKSON LEE OF TEXAS

Page 30, line 1, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 33, line 11, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 33, line 19, after the dollar amount, insert ''(increased by $10,000,000)''.

AMENDMENT NO. 68 OFFERED BY MR. MACARTHUR OF NEW JERSEY

Page 30, line 1, after the dollar amount, insert ''(increased by $12,500,000)''.

Page 31, line 20, after the dollar amount, insert ''(increased by $12,500,000) (reduced by $25,000,000)''.

Page 85, line 7, after the dollar amount, insert ''(increased by $25,000,000)''.

AMENDMENT NO. 69 OFFERED BY MR. LARSEN OF WASHINGTON

Page 30, line 23, after the dollar amount, insert ''(reduced by $2,000,000) (increased by $2,000,000)''.

AMENDMENT NO. 70 OFFERED BY MS. GABBARD OF HAWAII

Page 31, line 8, after the dollar amount insert the following: ''(reduced by $5,000,000)''.

Page 31, line 20, after the dollar amount insert the following: ''(increased by $5,000,000)''.

AMENDMENT NO. 71 OFFERED BY MR. WALBERG OF MICHIGAN

At the end of the bill (before the short title), insert the following:

SEC. 10003. None of the funds made available by this Act may be used to promulgate Directive 293, issued December 16, 2010, by the Office of Federal Contract Compliance Programs.

AMENDMENT NO. 72 OFFERED BY MR. GRAYSON OF FLORIDA

At the end of the bill (before the short title), insert the following:

SEC. 10003. None of the funds made available by this Act may be used to enter into a contract with any offeror or any of its principals if the offeror certifies, as required by the Federal Acquisition Regulation, that the offeror or any of its principals—

(1) within a 3-year period preceding the offer has been convicted of or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property;

(2) is presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated above in paragraph (1); or

(3) within a 3-year period preceding the offer, has been notified of any delinquent Federal taxes in an amount that exceeds $3,000 for which the liability remains unsatisfied.

AMENDMENT NO. 73 OFFERED BY MR. YOHO OF FLORIDA

At the end of the bill (before the spending reduction account), insert the following:

SEC. __. None of the funds made available by this Act may be used to provide arms, training, or other assistance to the Azov Battalion.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, the majority and minority have agreed to this en bloc amendment package. These are noncontroversial amendments that cover topics such as lung cancer, personnel security, and gulf war illness. The sponsors of the amendments have agreed to the amendments being considered en bloc.

I ask for the adoption of the amendment.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I simply would indicate that I, too, support the en bloc amendment.

I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, I thank, again, both gentlemen, the ranking member and the chairman.

I have come to the floor to emphasize these two amendments that are very important, I believe, to the work of the Defense Department and the many persons that they serve. I want to speak to the Jackson Lee amendment that addresses the question of post-traumatic stress disorder by emphasizing the numbers of individuals who are now coming back from service that have PTSD. PTSD has been discovered post the time of leaving the battlefield. Post-traumatic stress disorder is where one repeatedly relives the trauma of war in their thoughts—the day in and day out nightmares.

Texas, in particular, is a State that has a large number of returning veterans.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. VISCLOSKY. Mr. Chairman, I yield an additional 30 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. In the name of a young boy who was killed by a former marine who indicated that he had post-traumatic stress disorder, this increase of $1 million is important.

Finally, let me say, triple negative breast cancer kills more women. It is important that there be an emphasis of up to $10 million for added research to ensure that this deadly aspect of breast cancer does not continue to kill women not only in the United States military, but elsewhere. As a survivor, let me be very clear that this research has not yet been completed. Lives have not yet been saved.

I hope these amendments will be passed because it provides $10 million for triple negative breast cancer and $1 million for post-traumatic stress disorder.

I ask support for the Jackson Lee amendments.

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. NOLAN).

Mr. NOLAN. Mr. Chairman, Members of the House, I would like to begin by thanking the staff and respective chairman and ranking member and my colleagues as well, FRANK LOBIONDO and LOIS CAPPS, who co-chair with me the Lung Cancer Caucus. I have come to be so impressed with the hard work that the staff and the chairman and the ranking member do to bring this legislation forward.

My amendment would simply increase the amount of money available for lung cancer research by $2 million, from $12 million to $14 million, in the hope that we can do better.

Mr. Chairman, $2 million, I know, is but a dent in the Defense operations budget, but it is a source of great hope and great promise for people struggling with lung cancer, the most deadly of all cancers. 159,000 people, including many veterans, are victims of that each year.

I think so many of you know that my daughter Katherine was diagnosed some time ago with an advanced stage form of lung cancer. I would be remiss if I didn't thank my colleagues for their prayers, for their condolences, for their support, and for their support for this medical research to give hope to the victims of lung cancer for the future because, but for the money that this Congress has appropriated, my daughter wouldn't be experiencing the hope that she has for her recovery. With this additional amendment—it is a small one—I am appreciative of your support for it because it provides not only great hope for Katherine and her family, but it offers hope for so many more people all across the country affected with this dreadful disease.

I thank the committee, and I urge adoption of the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. AGUILAR).

Mr. AGUILAR. Mr. Chairman, I would like to thank the chairman and the ranking member for adding this amendment to the en bloc package, and to staff for their coordination and effort.

My amendment would increase funding for the Information Assurance Scholarship Program by $5 million and decrease the operation and maintenance defense-wide Office of the Secretary of Defense administrative account by the same amount.

The IASP is a DOD program designed to address our cyber personnel demands through the recruitment and retention of top IT and cybersecurity talent. It allows the Secretary of Defense to provide financial assistance to individuals pursuing studies in computer and network security in exchange for their obligation to either serve in the Armed Forces or fulfill a DOD civilian service commitment postgraduation.

Using 2014 numbers, the DOD has employed over 500 IASP/CAE—Centers for Academic Excellence—graduates, and has seen a 97 percent completion rate since the program was started in 2001.

It is imperative that we give the Department of Defense the tools necessary to recruit those personnel charged with protecting our critical infrastructure, fortifying DOD networks, and conducting computer network operations.

We must make sure that we have the right people with the proper training in the right positions, and this amendment would aid in that effort.

Mr. Chairman, I once again thank the chairman and the ranking member.

Mr. VISCLOSKY. I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Chair, I rise today to encourage all members to support the Rooney amendment (Number 7) to the Department of Defense Appropriations Act of 2017, H.R. 5293, to reverse DOD's reimbursement rate cuts for Applied Behavioral Analysis (ABA) therapy for children of service members with autism.

Military life presents unique challenges for children with autism and their families, given the frequent changes of residence and schools, and the prolonged absences of a parent. In this context, coverage of ABA therapy is even more necessary to help military children adjust day-to-day, while also improving outcomes over the long term.

The Administration's reduction in the reimbursement rates for ABA for military children with autism could jeopardize access to this critical therapy. ABA is proven to bring about positive behavior change and assist in a child's long term development, especially for children with autism, and the program must be protected.

I urge my colleagues to support this amendment.

Mr. COFFMAN. Mr. Chair, I'd like to offer a statement in support of my amendment to H.R. 5293, the Department of Defense Appropriations Act for Fiscal Year 2017, as reported

by the House Appropriations Committee. I commend my colleague, Rep. RODNEY FRELINGHUYSEN, the chairman of the Defense Appropriations Subcommittee, for his work on the bill before us and I thank him and all the members of the subcommittee and staff for their hard work in crafting this important piece of legislation.

My amendment seeks to transfer $6.086 million from within the Navy's fiscal year 2017 Operations & Maintenance (O&M) account, to increase funding for the Weapons Support, Fleet Ballistic Missiles, Project 934, Engineering and Technical Services sub-account managed by the Navy's Strategic Systems Program office. My objective in offering this amendment is to strengthen nuclear deterrence by improving the operational readiness and reliability of the Navy's Strategic Weapons Systems aboard Fleet Ballistic Missile submarines.

At a time when Russia is flexing its nuclear muscles, both China and Russia are aggressively modernizing every aspect of their nuclear arsenals, and North Korea is conducting long-range missile tests and underground nuclear weapon tests, it is incumbent on Congress to authorize and appropriate sufficient funds to ensure the operational readiness and reliability of our nuclear forces, including the most survivable leg of the U.S. nuclear triad, the sea-launched ballistic missiles aboard fleet ballistic missile submarines.

A strategic weapon system consists of the launches, fire control, navigation, test instrumentation, missile, missile checkout, guidance and re-entry subsystems. Funding in this particular account provides support for all subsystem equipment aboard Trident II (D–5) submarine-launched ballistic missiles (SLBMs) and at shore facilities. Critical readiness-related efforts include: maintenance for subsystem equipment aboard SLBMs; equipment renewal and updating during overhauls; testing and repair of various electronic and other components and subcomponents; logistics control procedures; operational flight testing; support of crew training; technical engineering services required to test, analyze and maintain reliability of the weapon system; missile maintenance operations; and targeting support.

According to the Navy's Congressional Budget Justification Book, in Fiscal Year 2017 the Strategic Systems Program office was forced to absorb a program decrease in Operational Engineering Support of over $6 million. This reduction will negatively impact Navy readiness in areas such as missile anomaly evaluations, re-entry body accuracy, launcher reliability maintenance, navigation accuracy, and guidance system performance evaluations.

I remind my colleagues of the fact that the Trident II (D–5) strategic weapon system will likely be in service through at least 2040, and possibly through 2080. This places a premium on engineering and technical services such as qualification and accelerated life testing, and other readiness-support efforts aimed not only at sustaining the missile system but also on ensuring its reliability.

Furthermore, I would add that my amendment is entirely consistent with one of the main themes and thrusts of this bill—and the National Defense Authorization Act (NDAA) as well—namely, identifying serious shortfalls in readiness across the armed forces and taking steps to address those readiness challenges by adding funding, where necessary and appropriate. A nearly identical increase to this account was also authorized in the House's NDAA.

In sum, given the increasingly dangerous global security environment, we must take proactive steps to bolster nuclear deterrence—and the readiness and reliability of systems such as the sea-launched ballistic missiles aboard SSBNs on which deterrence rests. My amendment is intended to move a modest amount of funds ($6.086 million) within the Navy Operations & Maintenance (O&M) account of over $40 billion to help sustain the readiness of a key leg of the U.S. Nuclear Triad, our Trident II (D–5) submarine-launched ballistic missiles.

Ms. MENG. Mr. Chair, I rise today to speak on amendment number 63 which has been included in the first en bloc package. My amendment seeks to increase funding for the Department of Defense Peer-Reviewed Cancer Research Program by $8 million in order to fight bladder cancer, brain cancer, colorectal cancer, liver cancer, lymphoma, melanoma and other skin cancers, mesothelioma, pancreatic cancer, stomach cancer, and cancer in children, adolescents, and young adults.

I'd like to thank Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY for their support of this measure, and for accepting it into this package. It is my hope that this additional funding will be used to contribute to the creation of a cure for these horrific cancers. Every year, millions of Americans die far too early from these diseases. Perhaps, however, our actions here today will lead to a world where future generations will not have to know the pain of such losses. Thank you to each of my colleagues who supported this measure, and to the many groups who lent their support as well—including: Action to Cure Kidney Cancer, American Brain Tumor Association, American Urological Association, Asbestos Disease Awareness Organization, Bladder Cancer Action Network, Fight Colorectal Cancer, Melanoma Research Foundation, and Pancreatic Cancer Action Network.

We may not know the end of cancer in our lifetimes, but I pray we can find it during my children's. I submit the following letter:

JUNE 15, 2016.

DEAR MEMBER OF CONGRESS, The undersigned organizations strongly support the recent approval by the Senate Committee on Appropriations of $60 million for the Peer Reviewed Cancer Research Program (PRCRP) in their version of the fiscal year 2017 Defense Appropriations Act.

We are therefore encouraged to learn of an amendment that will be offered by Representative Grace Meng (D–NY) to the House version of the Defense Appropriations Act for fiscal year 2017 (H.R. 5293) to move funding for the PRCRP closer to the Senate level. Specifically, the Meng amendment increases by $8 million the $30 million appropriation for the Peer Reviewed Cancer Research Program (PRCRP) included in the bill.

Funded at $50 million in fiscal year 2016, the PRCRP funds innovative, cutting-edge research on a variety of cancers. Since Fiscal Year 2009, the PRCRP has funded innovative basic, applied, and translational cancer research to support our nation's military service personnel, their families, and the American public. Members of the military are exposed to hazardous environments due to the nature of their service and deployments and are therefore at risk for the development of many types of cancers. Funding innovative and translational research, the PRCRP focuses on the gaps in cancer research with respect to unique situations and military environments.

As approved by the House Committee on Appropriations, H.R. 5293 provides $30 million for the PRCRP and includes as eligible areas of study: bladder cancer, brain cancer, colorectal cancer, listeria vaccine for cancer, liver cancer, lymphoma, melanoma and other skin cancers, mesothelioma, pancreatic cancer, stomach cancer, and cancer in children, adolescents, and young adults.

House approval of the Meng amendment would bring the PRCRP funding level closer to the $60 million approved by the Senate Committee on Appropriations in their version of the Defense Appropriations. We hope that you will support this amendment to ensure the strongest possible funding level is included in the House-Senate conference for the final enacted version of the Defense Appropriations Act.

Thank you for your consideration of this important request.

Sincerely,

Action to Cure Kidney Cancer, American Brain Tumor Association, American Urological Association, Asbestos Disease Awareness Organization, Bladder Cancer Action Network, Fight Colorectal Cancer, Lymphoma Research Foundation, Melanoma Research Foundation, Pancreatic Cancer Action Network.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN).

The en bloc amendments were agreed to.

AMENDMENT NO. 6 OFFERED BY MR. PAULSEN

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 114–623.

Mr. PAULSEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 22, after the dollar amount, insert ''(reduced by $25,000,000)''.

Page 30, line 7, after the dollar amount, insert ''(increased by $25,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Minnesota (Mr. PAULSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PAULSEN. Mr. Chairman, I thank Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY for their hard work in bringing this important legislation to the floor today. It is vital that we do provide our men and women in uniform with the support and resources they need to keep our country safe. Mr. Chairman, I am offering this amendment to provide funding

for Defense Production Act purchases for strategic radiation-hardened microelectronics.

Through research, development, and testing we have been able to create the most sophisticated weapons systems in the world. These systems are created using thousands of different parts, many of which utilize some of the most advanced technology that is available anywhere.

□ 1515

One of those products that many of our systems rely on is radiation-hardened microelectronics. These microelectronics are specially designed to withstand extremely harsh natural and manmade radiation environments. Although they can be small, they play a large role in ensuring our systems work in the toughest conditions.

The Department of Defense requires accesses to these unique products from sources that it knows and that it trusts to be responsible for handling those components with the utmost security. That is why, in 2004, the DOD created the Trusted Foundry Program for microelectronics.

This program would ensure that the DOD had access to cutting-edge microelectronics that were produced right here in America by American companies. The Trusted Foundry Program has given the DOD the peace of mind of knowing that the microelectronics they receive are not counterfeit, are not tampered with, and have not been compromised in any way as to jeopardize our national security.

Unfortunately, through challenges both inside and outside of the DOD's control, we now find ourselves in the unenviable position of having no clear vision for the future of this vital program. One issue that we currently face is that there is a shrinking number of American-owned and -operated companies that are capable of producing strategic radiation-hardened microelectronics. We now face the stark decision of trusting foreign-owned entities or of scrapping these products altogether.

I think we all share the same belief that the DOD needs to reevaluate its long-term strategic plan on how it plans to acquire microelectronics going forward. However, in the meantime, we should make sure that we have continued access to these products from sources that the Department already knows and trusts.

Mr. Chair, that is simply what this amendment aims to do by providing the funding for purchases through the Defense Production Act. The Defense Production Act was created to make sure we always have access to the industrial resources that are necessary for national defense. This year's report that accompanies the National Defense Authorization Act highlights the exact same concerns that I have raised. In fact, the NDAA encourages the Secretary of Defense to do exactly what this amendment would do, which is to use his authority under the Defense Production Act to ensure that continued access to a domestic supply for strategic radiation-hardened microelectronics is there.

Mr. Chair, we should make sure that the DOD has access to as many trusted domestic suppliers as it possibly can instead of relying on just a single supplier for these products. The challenges that a single supplier presents have been well highlighted by the GAO in the past.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. PAULSEN. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I am pleased to accept the gentleman's amendment.

Mr. PAULSEN. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. PAULSEN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. ZINKE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 114–623.

Mr. ZINKE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 22, after the dollar amount, insert ''(reduced by $80,000,000)''.

Page 26, line 22, after the dollar amount, insert ''(increased by $80,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Montana (Mr. ZINKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Montana.

Mr. ZINKE. Mr. Chair, 2 weeks ago, when I held events across Montana to finally welcome our Vietnam veterans home and present them with the 50th Anniversary Vietnam Veteran Lapel Pin, many of these veterans were surprised to find out that the same UH–1 Novembers that they flew in in Vietnam are still in service today. Even more astonishing is that these 50-year helicopters are still used to protect our national nuclear missile sites.

Mr. Chair, I commend our men and women in uniform who are still able to maintain these aircraft in a constant state of readiness, but, in reality, the Huey is incapable of meeting the mission requirements they face today. In fact, they have failed multiple exercises, not from personnel issues but from equipment issues.

This amendment will provide the funding that is necessary for the Air Force to expedite a full and open competition to replace these aging aircraft. It is critical we provide our men and women who protect our Nation's nuclear missiles and arsenals with the equipment that is capable of meeting the requirements of this important mission.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. ZINKE. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I commend the gentleman for bringing this important issue to our attention. We support his amendment and commend him for his work.

This is something that needs to be done. It is hard to believe that we are still flying Hueys out there, and the fact that we are moving into competition I think is a very positive development.

I thank the gentleman for his special service to our Nation.

Mr. ZINKE. Mr. Chair, I thank the chairman and his staff for the hard work they have done in helping me to bring this to the floor. It was a learning experience for all of us. I thank the gentleman for his efforts and work.

I also thank the Vietnam veterans. They don't have to look at the UH–1s flying to protect our missiles again.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Montana (Mr. ZINKE).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. ELLISON

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 114–623.

Mr. ELLISON. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 22, after the dollar amount, insert ''(reduced by $1,000,000) (increased by $1,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Minnesota (Mr. ELLISON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Mr. Chair, we can raise living standards for families who have members who are working for Federal contractors right now. I propose in this amendment that we can raise that living standard for working families across the country if we use the Federal dollars to create good jobs.

My amendment would reprogram funds to create an Office of Good Jobs in the Department of Defense that would help ensure that the Department's procurement, grant-making, and regulatory decisions encourage the creation of decently paid jobs, collective bargaining rights, and responsible employment practices.

Right now, the U.S. Government is America's leading low-wage job funder,

funding over 2 million poverty jobs through contracts, loans, and grants with corporate America. That is more than the total number of low-wage workers who are employed by Walmart and McDonald's combined. Many U.S. contract workers who work for Federal contractors earn so little that nearly 40 percent use public assistance programs, like food stamps and Section 8, to feed and shelter their families. To add insult to injury, many of these low-wage U.S. contract workers are driven deeper into poverty because their employers take away their wages through wage theft—breaking other Federal laws.

Now, some people might think, well, the debarment system covers this. Why is this necessary? The fact is you can get away with a lot of labor violations before you are debarred, yet there are some Federal contractors who have excellent employee relations, who pay decent wages, who allow collective bargaining, and who never engage in wage theft. These good contractors are competing with the bad ones.

Not only is this Office of Good Jobs going to prioritize the best public contractors, but it will also make sure that workers are treated fairly and that good, high road contractors are treated fairly.

Mr. Chair, I yield 30 seconds to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chair, I appreciate the gentleman for yielding, and I appreciate his effort to look at the largest Federal employer and look at ensuring that we do everything possible to make sure employees have living wage jobs and that there are responsible employment practices.

I tell people repeatedly what my greatest regret of public service is. When I came to the United States Congress on staff in 1977, the real hourly wage for 1-hour's worth of human labor, whether it was pushing papers, waiting on tables in a diner, or working for the military, or in a mill, was more in 1977 in the United States of America than it is today. I do think that we ought to look at Federal resources and do everything possible to make sure that people do have a living wage.

Mr. FRELINGHUYSEN. Mr. Chair, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chair, this amendment would create a new office that would require the Department of Defense to make subjective determinations concerning a contractor's or a grant provider's workplace policies. The amendment would delay and disrupt an already complicated Federal procurement system and would harm a potentially large civilian contracting workforce that is essential to the missions and the operations of the Department of Defense. Furthermore, this amendment is unnecessary and duplicative of the many efforts that are already underway by the Department. The best way to ensure that government contracts or provides grants to the best employers is to enforce the existing suspension and debarment system.

Finally, the amendment reprograms funds away from the Department's operations and maintenance accounts—accounts which are critical to supporting our warfighters—and restores readiness to the services and to, may I say, our committee's top priority.

I urge a ''no'' vote on the amendment.

Mr. Chair, I yield back the balance of my time.

Mr. ELLISON. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Minnesota has 2½ minutes remaining.

Mr. ELLISON. Mr. Chair, first of all, I have a particular story I would like to tell.

There is a young woman named Mayra who works at the Pentagon food court. She was fired after challenging her managers to comply with labor laws and for going on strike multiple times in response to those violations.

Mayra is a first-generation immigrant who is struggling to pay her tuition at George Mason University. She now works odd jobs to make ends meet. Her experience at the Pentagon has inspired her to seek further education so she can help workers who get treated unfairly.

Research shows that Mayra is not alone. Federal contractors break Federal laws sometimes—not all. Many are good, but not all are, and the bad ones are not good for the United States. A U.S. Senate report, for example, found that over 30 percent of the biggest penalties for law-breaking were filed against the biggest U.S. contractors. This is an issue. We need an office to make sure that the best public contractors—Federal contractors—are the ones who get the best contracts and who get preferential treatment over the ones who have multiple violations.

Workers aren't the only ones who benefit from this new office, as I already mentioned. Let me emphasize that this is about benefiting law-abiding contractors, high road employers. They are competing with people who cut every corner and do the least to avoid debarment. We need to make sure that our system works well and that the largest spender of money in the world—the U.S. Government—spends it wisely, not with the ones who can barely skate by through the debarment process but with the best contractors, the ones who really prioritize good employment practices.

I ask Members to vote in favor of this amendment. It is a step toward bringing forth good jobs and closing this awful wage gap and wage stagnation we have seen in our country for 30 years. Please give us a ''yes'' vote.

Mr. Chair, it is intended that funds in the appropriation for Defense Wide Operations and Maintenance be used to establish an Office of Good Jobs in the Department aimed at ensuring that the Department's procurement, grantmaking, and regulatory decisions encourage the creation of decently paid jobs, collective bargaining rights, and responsible employment practices. The office's structure shall be substantially similar to the Centers for Faith-Based and Neighborhood Partnerships located within the Department of Education, Department of Housing and Urban Development, Department of Homeland Security, Department of Health and Human Services, Department of Labor, Department of Agriculture, and Department of Commerce, Department of Veterans Affairs, U.S. Department of State, Small Business Administration, Environmental Protection Agency, the Corporation for National and Community Service, and U.S. Agency for International Development.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ELLISON. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. GIBSON

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 114–623.

Mr. GIBSON. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 30, line 16, after the dollar amount, insert ''(reduced by $1,000,000) (increased by $1,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from New York (Mr. GIBSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

□ 1530

Mr. GIBSON. Mr. Chairman, this amendment pluses up the account for extended-range cannon artillery, and it is paid for.

I want to begin by thanking the leadership of this esteemed committee, both the chairman and the ranking member, for their teamwork and also for their great work. I have been here 6 years, and I think this is the strongest bill that I have seen with regard to

Defense Appropriations. I am deeply grateful.

Let me say that a principle for our country dating back to the founding is one of peace through strength, which relies on this concept of deterrence. It certainly brings forward a strong military with the intent that we would deter potential adversaries so, indeed, that we can empower our diplomats.

On our best day, other countries want to be like us, and this bill here is critically important toward that end. Look, after this past weekend, as we continue to mourn for those killed in the terrorist attack in Florida, I think it is on everyone's mind how important it is that we get this bill passed.

With regard to peace through strength and deterrence, I do have some concerns. Inasmuch as I am a very strong advocate of this bill, I am concerned about where we are today with regard to our indirect fires capability. In some regard, it is understandable that we are beginning to fall behind some of our potential adversaries, certainly our competitors.

We have spent the last 15 years consumed in efforts to protect our people, protect our homeland, existential threats from terrorists, and that has led to largely counterinsurgency operations. And that has been somewhat at the detriment to our full spectrum capability, including indirect fires.

Part of our concept is we do rely heavily on close air support as part of this, understanding that, but saying that there is some risk to that. And I do appreciate the fact that the committee has actually taken note of this. There is a plus-up in this bill, and I want to commend both the chairman and ranking member for doing that. I think that we need more.

I would encourage my colleagues, if they haven't already, to take a look at the writings of Lieutenant General H.R. McMaster. I think he is a visionary. He is a great battlefield commander. I served under his command in Iraq in 2005, and he continues to do great work for this Nation. He has written about Russian activities, for example, in Ukraine and Syria. And it is clear that Russia and China are continuing to march forward with their capabilities, including in Ukraine, where Russia has shown a very extensive capability to mass fires. Candidly, they outrange our artillery, and I think this is something we need to address.

So I brought forward this amendment. It does plus-up this account by a million dollars. I mean, candidly, we could do more. But I do want to commend the committee for what they have done so far, and I think our amendment would help reinforce that.

I want to also say, as proud as I am of all of this work, I want to say, too, that I am very proud of the work of those men and women who serve us in the industrial base.

The work that is done on cannons is done in Watervliet, New York, at the Watervliet Arsenal. I am very proud of their work, but no one is more proud than their own Representative. Their own Representative is here with us today. He sponsors this bill. He is a Democrat from New York, and his name is PAUL TONKO.

I yield 1 minute to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Chairman, I thank the gentleman from New York (Mr. GIBSON), my colleague and friend for yielding and for leading us on this very important amendment.

Improving our artillery weapons system has been identified as a need by the Army Modernization Strategy. This amendment would make a modest increase to the Army's weapons and munitions advanced technology funding for extended-range cannon artillery.

We know that with additional research, development, and testing, we can make meaningful advances to these systems. Unfortunately, these systems have been overlooked in recent years as we have chosen to modernize other parts of our forces.

During this time, other countries have begun to produce artillery with new capabilities such as improved range, mobility, and accuracy. Not only does this increase the risk to our warfighters in the field, it has encouraged our allies to consider purchasing these systems from elsewhere.

I know we are capable of designing and building the best artillery in the world. I have seen it firsthand at the Watervliet Arsenal and Benet Laboratories in my district where hundreds of women and men support our warfighters by developing and manufacturing cutting-edge cannons and mortars.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GIBSON. Mr. Chair, I yield an additional 30 seconds to the gentleman from New York.

Mr. TONKO. Mr. Chair, we know that. It is a great inspiration just by their tradition alone.

We have an incredibly skilled workforce, the best in the world. Now we just need to make the investments necessary to ensure the products they manufacture will continue to be the best as well.

Once again, I thank our colleague, Congressman GIBSON, for this amendment, and I urge my colleagues to support it.

Mr. GIBSON. Mr. Chair, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the esteemed chairman of the Defense Subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from New York for his advocacy on behalf of some remarkable installations in the State of New York. May I say we have a very close working relationship through Picatinny Arsenal. Firepower is important, considering what our adversaries are utilizing today and may be using in the future.

I am pleased to support the gentleman's amendment.

Mr. GIBSON. Mr. Chair, I appreciate the gentleman's comments, and I appreciate the support.

I just want to express my gratitude to both the chairman, the ranking member, and the committee staff. I know that this bill takes a lot of work, and I deeply appreciate all of those who are involved. I thank my friend and colleague, PAUL TONKO, for his great support and great work on this issue.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. GIBSON).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. LANGEVIN

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 114–623.

Mr. LANGEVIN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 30, line 23, after the dollar amount, insert ''(increased by $29,800,000)''.

Page 31, line 20, after the dollar amount, insert ''(reduced by $33,900,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Rhode Island (Mr. LANGEVIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to offer this bipartisan amendment today with my friends, Mr. GARAMENDI, Mr. CONAWAY, Mr. LAMBORN, and Mr. NUGENT. The Navy's electromagnetic rail gun is a technology described as revolutionary and a potential multimission game changer for long-range, land-attack, ballistic, and cruise missile defense, and antisurface warfare.

Mr. Chairman, the best mix of air and missile defenses will consist of complementary kinetic and nonkinetic weapons systems, enhancing our capability to defeat larger salvos of air and missile threats.

Rail guns have the capability to fire at higher velocities, which means longer ranges. Under certain conditions, a 32-megajoule gun will be able to launch projectiles more than 100 nautical miles. And it is more cost-effective. Whereas low-cost kinetic defenses run around $400,000 each, surface-to-air interceptors and guided hypervelocity projectiles can be as low as $25,000 to $40,000 each.

My amendment also provides for the mount for the rail gun, a necessity that was promised to the Navy, appropriated but ultimately never delivered.

So this bipartisan amendment tracks the funds authorized in the FY17 NDAA and continues to provide imperative assistance to our Navy as they pursue high-tech, game-changing weapons systems across the fleet.

We must also not leave our sailors high and dry on a technology that we promised, one that is critical to the future of our military and promises to change the landscape of our missile defense capabilities at sea.

I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I rise in support of the amendment that would restore the funding for the directed energy weapons and rail gun.

If this funding reduction is left in place, then contracts will have to be renegotiated. Generally, those result in higher funding later on. We will lose a workforce that has been built and crafted generally over a long period of time, and that would require additional years getting back to this.

As my colleague from Connecticut said, this is about defending, in many instances, surface combatants. The current opportunities are very expensive with a laser or rail gun. The cost per shot is dramatically less than it will be under the way we currently try to defend these multibillion-dollar assets as they move forward.

In my view, Mr. Chairman, these cuts are ill-timed and the program is mature to the point that it is ready to go that way. I understand we have a legitimate difference of opinion with my colleagues on our side of the aisle and the staff. This clearly may be one of those glass-half-full/glass-half-empty kind of scenarios. But many of us who look at this program—I am on the Seapower Subcommittee—believe that this program does, in fact, need to move forward.

I would request a positive end result and an ''aye'' vote on this amendment.

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman from Texas for his comments. I support what he had to say and concur.

Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. LAMBORN), the distinguished co-chair of the Directed Energy Caucus.

Mr. LAMBORN. Mr. Chairman, I thank the gentleman from Rhode Island for his strong support of our national defense and especially for his leadership as ranking member of the Emerging Threats and Capabilities Subcommittee where we serve together. I also thank the gentleman for his engaged and well-informed chairmanship with me of the Directed Energy Caucus.

Mr. Chairman, I rise in strong support of this amendment because a rail gun is a game-changing, third-offset technology that has many applications across warfare domains and very high potential for a significant leap in capability.

It should also save money in the long term as guided hypervelocity projectiles, as has been mentioned, only cost around $30,000 apiece. Without this critical funding, this program will be hard-pressed to make progress and keep moving forward. This next-generation technology will be delayed, and warfighters will lack long-range precision fires against multiple threats.

Finally, funding is offset from an account that was originally intended for the exact same purpose.

I urge my colleagues to support the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I claim time in opposition, but do so reluctantly because the three previous speakers I have a very high regard for.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chair, the gentleman's amendment would restore a funding reduction and increase funding above the President's budget request for the Navy power projection advanced technology line.

While the Navy's high-energy laser program has its merits, it is one of the many examples of defense programs that has had, quite honestly, significant increases in funding for fiscal year 2017, in fact, 250 percent greater than the enacted level. So it hasn't been impoverished.

Our funding reduction still allows for a level that is more than 160 percent of the enacted level, a significant growth that allows for additional testing but puts the program on a path to actually be able to obligate funding in a manageable timeframe.

Our committee has a responsibility to conduct appropriate budget oversight, reducing funding to programs that aren't justified and adding funding to programs that aren't fully funded.

Appropriate budget oversight, reducing a program that is funded above its needs is an example of what I think we see, to some extent, here with this amendment.

We see no justifiable reason to add funding to this line, but it may be a matter of disagreement, but I think we have taken a close look at it.

This technology has great potential, but it also has significant development challenges that may be difficult to overcome. The weapons require very substantial power sources, cooling platforms, and corrosion protection.

The program should be continued in a fiscally responsible manner, which includes slowing funding to an appropriate level. I think we have reached that level.

While we may have some disagreement here, we are certainly supportive of the program, but I do reluctantly oppose the amendment put forward by these three great gentlemen.

I reserve the balance of my time.

Mr. LANGEVIN. Mr. Chairman, I have great respect for the chairman of the Appropriations Subcommittee on Defense. And although we respectfully disagree, I hope my colleagues will see the wisdom of following what the House Armed Services Committee did and add additional funding for this great capability, which is a game-changing technology which will better protect both our fleet, also ultimately all of our military assets, and our men and women in uniform who serve.

I would urge my colleagues to support the amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. ROGERS OF ALABAMA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 114–623.

Mr. ROGERS of Alabama. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 31, line 8, after the dollar amount, insert ''(reduced by $108,515,000)''.

Page 31, line 20, after the dollar amount, insert ''(increased by $108,515,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Alabama (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

□ 1545

Mr. ROGERS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

I rise to urge the House to support my bipartisan amendment to restore critical missile defense funding for next-generation investments. I want to be clear: the mark by the gentleman from New Jersey is a good mark. I support it. I just want to improve it a little.

Mr. Chairman, Deputy Secretary of Defense Bob Work has recently stated: ''Competitors have caught up on this regime and they're going to fire mass guided missile salvos at us . . . it doesn't have to be a kinetic solution. Hell, I don't really want a kinetic solution . . . it's got to be something else.''

Last week my subcommittee received a classified briefing by the Joint Staff on the results of the Joint Capabilities Mix Study IV. It is clear that we have to change the way we do missile defense if we expect to win in future years.

Our adversaries have not been standing still, and we can't stand still either. This amendment I offer, along with 13 colleagues on both sides of the aisle, including Mr. LANGEVIN, Mr. GARAMENDI, Ms. GABBARD, Mr. FRANKS, and Mr. LAMBORN, would simply restore the funding to the level of the President's budget for directed energy efforts in the weapons technology and technology maturation initiatives lines as well as the special programs—MDA technology line.

My amendment offsets this increase by cutting RDT&E for the KC–46 tanker program's budget request, which is not executable this year according to the GAO's recent budget fact sheet, and the Air Force does not dispute this fact. My office can share this document with any Member who has questions about the cut, which both the House and Senate NDAAs have also recommended.

Again, I strongly support the mark of the gentleman from New Jersey. I urge the House to support my bipartisan amendment to improve it and allow us the room to continue to work on this bill in the conference committee.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition, again, reluctantly.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise reluctantly knowing that the gentleman is extremely knowledgeable and is a strong advocate for some very important things that relate to our missile defense. However, I do believe in responsible budgeting, which is a prerogative of our subcommittee. As stewards of taxpayer dollars, we prioritize funding programs at appropriate levels, levels that the Department can obligate responsibly in a timely manner. As such, when projects such as the weapons technology directed energy line are continually slow to develop and lag significantly behind other similar technology developments, reductions are warranted.

The funding provided in this bill provides $9 million for each of three projects to continue. This is an opportunity for these laboratories—and they are remarkable laboratories—to prove that their demonstrations will be effective and deserve to continue to be funded in the future. A more advanced directed energy line, technology maturation initiatives, was supported in our bill at an increase of 275 percent over the enacted level.

The minor reduction in this program is due to the fact that funding will not be obligated in fiscal year 2017 to purchase long lead items, making the request early to need. Let me reiterate, we are highly supportive of the program. However, funding should be appropriately timed to the schedule.

As for the request to restore $72 million in funding to a special program line, which, due to its classification we cannot discuss in an open forum, the funding is not tied to any requirement. We are concerned, and it is reflected in our bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member.

Mr. VISCLOSKY. Mr. Chairman, I would associate myself with the chairman's remarks. I appreciate what the gentleman from Alabama wants to do, but I do oppose his amendment for two reasons primarily.

One, obviously, under the circumstances we find ourselves in, he had to find the money for the increase, and it was taken from research and development for the United States Air Force, also vitally needed research and development dollars.

And, secondly, dollars do matter, but dollars have to be effectively spent.

It is not my personal belief that any additional dollars to this particular account—given the analysis that the committee has done on the budget this year—can be effectively spent.

So, again, I join with the chairman in respectful opposition to the gentleman's amendment.

Mr. ROGERS of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. LAMBORN), the vice chair of the Subcommittee on Strategic Forces.

Mr. LAMBORN. Mr. Chairman, I thank the gentleman from Alabama for yielding. I do thank the gentlemen from both New Jersey and Indiana for their good work. Most of the time I am going to agree with their recommendations, but I reluctantly have to disagree in this case.

I rise in strong support of this amendment because we must do everything we can to protect our country from nuclear attack, especially in light of the rapidly growing threat from Iran, North Korea, and elsewhere.

Unfortunately, increasingly sophisticated ballistic missile technology is being widely produced and proliferated, and there is a long list of bad actors that currently have or desire this technology. According to the intelligence community, ballistic missile systems are becoming more mobile, survivable, reliable, accurate, and capable of striking targets over longer distances.

Today we can trust our current system and those who operate it to keep us safe and our allies safe from ballistic missiles, including warfighters like NORTHCOM/NORAD and the 100th Missile Defense Brigade in my district, and those doing the research and development, capably led by Admiral Syring of the Missile Defense Agency. However, we must not rest on our laurels. We must invest now in future technologies to be prepared to face future threats.

Most important, as my colleagues pointed out, there is consensus among senior DOD leaders as well as outside experts that nonkinetic, third-offset technologies such as directed energy are vital both to maintain superiority and to enable us to transition to a more cost-effective approach to missile defense over the long term. The current cost equation is against us. Our interceptor missiles we use to shoot down threats cost much more than hostile missiles we may have to destroy, and buying enough interceptors to counter a proliferating threat is ultimately a huge challenge.

Finally, I would simply point out that this amendment restores funding that is so highly classified, we can't debate it publicly, but suffice it to say that it has great promise to help us protect our homeland and keep Americans safe.

I appreciate the leadership of the gentleman from Alabama on the Subcommittee on Strategic Forces. It is an honor to serve with him as vice chairman.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Chairman, I would just close by saying I have enormous respect for the gentleman from New Jersey. I just disagree on this particular issue.

I would like to point out the GAO language in particular for this offset that I have offered.

GAO says:

> The Air Force fiscal year 2017 RDT&E budget request for the KC–46 program could be reduced by up to $140 million because fiscal year 2016 RDT&E funds are potentially in excess to program need.

So we have the money to pay for this. It is a critical national security need. I urge my colleagues to vote ''yes'' on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, again, I will say that I understand the gentleman's concerns. We respect them. We certainly respect his position and knowledge and commitment of the members of his subcommittee. They are experts.

We also take a look at the bottom line as well. We understand the gentleman's concerns that we properly fund homeland defense initiatives of the Missile Defense Agency. That is why our bill includes $130 million above the request for important Homeland Security defense priorities, including the Ground-Based Midcourse Defense System and the Aegis Weapons System, two systems that have demonstrated their capacity to perform, that should be, quite honestly, robustly funded.

I have no further comments and would ask that the amendment be opposed.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. ROGERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROGERS of Alabama. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alabama will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. QUIGLEY

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 114–623.

Mr. QUIGLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 31, line 8, after the dollar amount, insert ''(reduced by $75,802,000)''.

Page 170, line 7, after the dollar amount, insert ''(increased by $75,802,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Air Force plans to acquire 1,000 next-generation air-launched cruise missiles, otherwise known as the long-range standoff weapon. This is double the size of the existing nuclear-armed cruise missile arsenal. However, many experts have already told us there is no need for nuclear-armed cruise missiles.

We already have the most advanced bomber ever created in our arsenal, the B–2 Stealth bomber, and the Air Force will be acquiring new B–21 Stealth bombers. These bombers are capable of penetrating enemy airspace and dropping a nuclear bomb directly above a target, making nuclear-armed cruise missiles redundant.

If we decide we want to shoot nuclear missiles from thousands of miles away, we still have very expensive submarines and very expensive ICBMs capable of doing just that. Instead of investing more dollars into our outdated and oversized nuclear arsenal, we must make smart investments on other priorities that actually keep us safe, or on reducing our unsustainable debt and deficits. Yet, last year's budget doubled down and accelerated production of the missile by 2 years to 2025. The accelerated procurement schedule will cost taxpayers an additional $75.8 million more in 2017 than originally planned in the fiscal year 2015 acquisition schedule, but that makes little sense when there is so much uncertainty about whether this missile is affordable or even necessary.

That is why my amendment will put $75.8 million towards deficit reduction by placing funding for the long-range standoff weapon back on its 2015 acquisition schedule. There is no need to rush development when as little as 2 years ago the Air Force had requested a delay in procurement to pay for higher priorities before changing its mind a year later.

On top of that, the existing air-launched cruise missile and warhead isn't being phased out until the 2030s.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR (Mr. HULTGREN). The gentleman from Alabama is recognized for 5 minutes.

Mr. ROGERS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

As chairman of the Subcommittee on Strategic Forces, I am deeply familiar with our nuclear forces. I want to urge my colleagues to vote ''no'' on this amendment.

Two successive Secretaries of Defense have said that nuclear deterrence is the most important mission the Department has.

Secretary Hagel said: ''Our nuclear deterrent plays a critical role in assuring U.S. national security, and it is DOD's highest priority mission. No other capability we have is more important.''

Secretary Carter said: ''The nuclear mission is the bedrock of our security. It is what stands in the background and looms over every action this country takes on the world stage. It is the foundation for everything we do.''

The LRSO program is critical to the mission, and it must remain on schedule. The fleet of existing air-launched cruise missiles that the LRSO will replace is over 30 years old, and their reliability is rapidly declining. Projected improvements in adversary air defense will impact its effectiveness even more. Simply put, our nuclear deterrent will not be credible unless it is modernized. The funding this amendment seeks to eliminate is necessary to modernize and keep this aspect of our nuclear deterrent on schedule.

There is a clear military requirement for the LRSO, and it is a national security imperative. This requirement has been identified and documented by the military and the Obama administration.

We should not be supporting the unilateral nuclear disarmament, and we should not be supporting this amendment. I urge my colleagues to vote ''no.''

Mr. Chairman, I reserve the balance of my time.

Mr. QUIGLEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, this amendment today is being offered by my colleague, Mr. QUIGLEY, along with Mr. BLUMENAUER, Mr. GARAMENDI, Ranking Member SMITH, and myself. It would take the first step toward right-sizing a project in the U.S. military.

The U.S. military is in the midst of a major modernization program to sustain the strategic nuclear triad. The program will generate a massive wave of spending requirements into the 2020s, but the Pentagon does not know how to pay for it. Well, look, we have at least a partial idea for how to pay for the security needs of our country.

The United States, in the next decade, will build a new ballistic missile submarine, a new strategic bomber, a replacement for the Minuteman III, and the cruise missile discussed today. Now, one might ask why a Stealth bomber needs a nuclear long-range standoff weapon, and that is exactly what many military experts are already asking.

Slowing the spending on the LRSO would slow spending on a redundant weapon, one that many military commanders agree is simply not needed. It would save $75 million and help start us on a road towards making smart decisions about our Nation's security, and save dollars down the road as well.

□ 1600

I am very pleased to be supporting this amendment. The Pentagon comptroller recently called the strategic force modernization ''the biggest acquisition problem that we don't know how to solve yet.'' The cruise missile alone is estimated to cost $20 billion to $30 billion over its life cycle.

Let's make some commonsense decisions to make our country economically stronger, economically more secure, as well as our military stronger.

Mr. ROGERS of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN), chairman of the Defense Appropriations Subcommittee.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Chair, it is a pleasure to stand with the chairman of the committee that has oversight of this important, critical program.

The bottom line is that this amendment would unilaterally disarm our country by undermining the development of this new cruise missile, which would, in turn, weaken the airborne leg of our nuclear triad, which we depend on for a deterrent. You can be darn sure that the Russians and Chinese are not sitting back.

For the record, our committee has taken fiscally prudent minor reductions in the Standoff Weapon program when justified. This cut, which is nearly 80 percent of the funds requested, would be crippling, which, of course, is

the apparent intention of this amendment. We don't support that.

The Air Force remains on track to issue a request for a proposal to industry for the technology maturation and risk reduction phase of the program before the end of the fiscal year, with a contract award to be made in fiscal year 2017. This amendment, if adopted, would radically slash funding and bring this effort to a halt. Therefore, I join with the chairman in urging strong opposition to this amendment.

Mr. QUIGLEY. Mr. Chairman, might I inquire how much time I have left?

The Acting CHAIR. The gentleman from Illinois has 1½ minutes remaining. The gentleman from Alabama has 2 minutes remaining.

Mr. QUIGLEY. I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member.

Mr. VISCLOSKY. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the gentleman's amendment.

The chairman mentioned that the reduction that is called for in this amendment would certainly impact the cruise missile program; however, I would point out that there is funding in the legislation, and we are developing a B–21, a new penetrating bomber. Also, moneys are being set aside by the United States Congress to extend the life of the B–61 nuclear weapon.

Congress will likely continue to provide robust funding for both of these very costly systems. I do not think we need a third redundancy, and we ought to pull back and support the gentleman's amendment.

Mr. ROGERS of Alabama. Mr. Chairman, I would like to close by saying that it is essential that we keep this modernization pace that we have got in place. Vote ''no'' on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. QUIGLEY. Mr. Chairman, in the brief time I have, this doesn't gut the program. It brings it back to its 2015 acquisition schedule.

Folks, we have to prioritize. We can't have three redundancies when we have cut homeland security money by 50 percent in the last 5 years. After Orlando, we should learn to reprioritize what really keeps Americans safe. I encourage a ''yes'' vote.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. QUIGLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. WITTMAN

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 114–623.

Mr. WITTMAN. Mr. Chairman, as the designee of the gentleman from Virginia (Mr. FORBES), I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 8055.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Virginia (Mr. WITTMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WITTMAN. Mr. Chairman, I rise today in support of the amendment offered by Representative FORBES and myself that would strike section 8055, a provision that prohibits modifying the command and control relationships between U.S. Fleet Forces Command and the U.S. Pacific Fleet.

Importantly, this amendment directly aligns with guidance provided by the Chief of Naval Operations, Admiral John Richardson, in his ''A Design for Maintaining Maritime Superiority,'' released just 5 months ago. In that guidance, Admiral Richardson advocated for examining the organization of U.S. Fleet Forces Command, U.S. Pacific Fleet, and their subordinate commands, with the end goal of clearly defining operational and wartime demands and generating ready forces to meet these demands.

Further, this amendment would allow our Navy to conduct an internal review and amend its organization and direction as needed to create organizational effectiveness. The Navy has advocated for this opportunity, and granting their request would streamline processes and support the Navy's efforts to become a greater fighting force than ever before.

Finally, this amendment eliminates redundant expenditures on Naval organizational structure and provides opportunities to redirect funds toward bolstering fleet readiness.

This amendment is consistent with the FY 2017 NDAA that passed the House by a vote of 277–147. Specifically, section 910 of the House-passed FY 2017 NDAA reduces component commanders to the grade of lieutenant general or vice admiral. This amendment grants our Navy the latitude it needs to effectively organize its own commands in order to meet our Nation's maritime defense demands.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, the world's largest fleet command, the United States Pacific Fleet, encompasses 100 million square miles, nearly half the Earth's surface. As our Nation conducts a rebalance in the Asia Pacific arena, it is critical that the Pacific Fleet preserve and increase its force structure, when necessary.

Under the current organization and command structure, the Fleet reports directly to the administrative offices of the Chief of Naval Operations and, operationally, to the U.S. Pacific Command.

It is my belief that the current command structure ensures more oversight and more accountability, particularly for budgeting and resources, which we as appropriators certainly appreciate. Changing this relationship, I believe, would make that oversight of this committee and the Congress more difficult, and, therefore, I am opposed to it. We have enough problems with oversight at the Department of Defense. We don't need to pile on.

Mr. Chairman, I reserve the balance of my time.

Mr. WITTMAN. Mr. Chairman, I would say to the gentleman that, when the Navy asks for the ability to reduce its organizational structure to make itself more efficient to do the things that it needs to do to indeed fulfill the role in the Asia Pacific, maybe we ought to do what the Navy asks for us to do.

I am certainly an advocate for streamlined organizational structure and not more organizational structure. I think that this actually gets at that. It allows the Navy to perform its mission there in the Asia Pacific, allows that realignment to happen, but allows it to do so in a modernized organizational structure that the CNO is asking for. To me, that just makes sense. That is why I am strongly in favor of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chair, it is my understanding that, because I am defending the position of the committee, I have the right to close.

The Acting CHAIR. The gentleman is correct.

Mr. VISCLOSKY. I reserve the balance of my time.

Mr. WITTMAN. Mr. Chairman, again, I would say that, based on the direction from the CNO and his directives of how the Navy is looking to reorganize itself to make sure that it has the ability to maintain maritime superiority—this came out just 5 months ago—to me, it makes perfect sense for us to be able to do that. It is to enable the Navy do the things that it needs to do.

We have a modern Navy that needs the flexibility to make sure that it brings all of its assets forward, especially in the Asia Pacific, with new challenges there for our surface fleets,

for our submarines, and for our aircraft carrier strike groups there. This, to me, is a needed change to make sure that the Navy can become more efficient organizationally to be able to get the job done.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the chairman of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Chair, let me say I support the gentleman's amendment. I think it makes good sense. I understand his rationale and strong feelings as to why it needs to take effect.

Mr. WITTMAN. Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I would again point out, as I did in my opening remarks, that the current organization and command structure of the U.S. Pacific Fleet works well. It provides us with the necessary ability to oversight.

Despite the gentleman's representations, and I would not suggest he is misrepresenting the facts, I am not aware that our committee was approached by the Chief of Naval Operations for a reorganization of the Pacific Fleet command structure. I am not suggesting they are the fount of all wisdom, but they have not brought that to this committee's attention. I would, therefore, respectfully oppose the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. WITTMAN).

The amendment was agreed to.

The Acting CHAIR. The Chair understands amendment No. 15 will not be offered.

AMENDMENT NO. 16 OFFERED BY MR. O'ROURKE

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 114–623.

Mr. O'ROURKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 112, beginning line 23, strike section 8121.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Texas (Mr. O'ROURKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. O'ROURKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I can think of no more important, awesome responsibility for us, as Representatives of our various districts across the country, than to ensure that the servicemembers whom we place in harm's way in over 140 countries around the world in the longest conflicts we have ever fought in Afghanistan, Iraq, Syria, and elsewhere are resourced, that they are trained, that they have everything that they need to complete the missions to which we have assigned them and to return home from the battlefield safely. And yet, despite authorizing a record amount this year in defense authorizations—over $600 billion—we have stretched our military thin.

We are approaching a crisis in readiness, and what that means is that we are approaching a point where we are going to send men and women into harm's way without the resources and training and support they need to ensure they come back safely. This is at a time, Mr. Chairman, when we learn that the Army has 33 percent over capacity in terms of resources that it has that it does not need to perform its functions. The Air Force is 32 percent over capacity, and the Department of Defense, as a whole, is 22 percent over capacity.

Just one example, in the Department of the Army, if we were to reduce that overcapacity and move those resources where they can be more effectively placed, we would save $500 million a year.

If we want to better serve our servicemembers, I ask my colleagues to join me in this amendment, which strikes language from the underlying bill that prohibits the Department of Defense from planning, proposing, or implementing a base realignment and closure round.

Now, to be clear, by striking that language, this would not authorize a BRAC. It would simply allow the Department of Defense to begin discussions around this, to begin planning it, and if it thinks it is the best way to serve our servicemembers and pursue our missions overseas, the Department of Defense could then propose a base realignment and closure round.

Mr. Chairman, I think this is the best way that we can serve both our servicemembers and the taxpayer and place resources where they can be most efficiently and effectively used.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chair, respectfully, again, while the administration has argued that additional base realignment and closure rounds may be necessary to reduce infrastructure costs and overall costs, the 2000 BRAC one-time implementation costs were billions more than were assumed by the BRAC Commission.

□ 1615

Let's be honest. Even today, many States and regions are suffering from the effects of the last BRAC. I have seen little evidence that it saved us money, and we have taken a close look at it.

Furthermore, the authorization bill which we passed several weeks ago rejects BRAC for fiscal year 2017, and our bill provides none of the requested funding for a BRAC analysis and planning. I think the majority in Congress have made their views clear, and I rise in opposition to the amendment and urge a ''no'' vote.

Mr. Chairman, I yield back the balance of my time.

Mr. O'ROURKE. Mr. Chair, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman yielding.

I do rise in support of his amendment. The fact is, the Congress of the United States today excels at one thing. We excel better than anybody else at one thing: doing nothing. We do nothing better than anybody else. We should do something, and I do believe we ought to look ahead.

The Department is asking us to take a longer view, and let's take a look at this. The Department has indicated that they believe they have 22 percent excess capacity. Maybe they are wrong. Maybe it is much less than that. But I think we ought to have a serious examination of it and find moneys in a constrained environment for readiness, for training, for necessary procurement.

So I appreciate the gentleman offering his amendment, and I do support it.

Mr. O'ROURKE. Mr. Chairman, I thank the gentleman from Indiana for his comments, and I also thank the gentleman from New Jersey for his and for mentioning the cost of these BRAC rounds.

Yes, there is a significant, one-time cost, but if we look at the combined return that we see from all BRACs in all previous years, we realize $13.6 billion annually to the positive. Just from the 2005 BRAC alone, it is $3.8 billion that we can place in support of our servicemembers, in reducing waste, and ensuring that those precious tax dollars go to where they will be most effective.

Mr. Chairman, may I ask how much time I have remaining?

The Acting CHAIR. The gentleman from Texas has 1 minute remaining.

Mr. O'ROURKE. Mr. Chair, I yield 45 seconds to the gentleman from Florida (Mr. JOLLY).

Mr. JOLLY. Mr. Chairman, I thank my colleague from Texas, and I thank the chairman for a very good bill that I intend to support. This is a strong bill. The chairman has done great work.

But I do want to rise in support of the effort of my colleague from Texas. We do continue to hear about the excess capacity that each of the services have. And I ask the question: Should we really be paying for cement we

don't need when we face end-strength needs, recapitalization needs, and other more important priorities than facilities?

This is a hard issue, and the answer doesn't lie simply in today's amendment. But I think we should continue the conversation. That is why I rise to support my colleague; I rise to support the bill and my chairman as well, and to thank the gentleman for offering the amendment.

Mr. O'ROURKE. Mr. Chairman, I thank the gentleman from Florida.

I will just ask my colleagues to support a commonsense, bipartisan amendment that moves beyond parochialism, that moves beyond partisanship, that ensures that we have fiscal responsibility and effective and efficient support of our servicemember and our warfighter.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. O'ROURKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. O'ROURKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. HUFFMAN

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 114–623.

Mr. HUFFMAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 8127.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from California (Mr. HUFFMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. HUFFMAN. Mr. Chairman, I stand, once again, today to offer an amendment with my fellow Californian, TOM MCCLINTOCK, and I have to say this is a deja vu moment. Just last year, Mr. MCCLINTOCK and I worked together, on a bipartisan basis, to finally strike a wasteful provision that was in the 2016 Defense Appropriations Act and had been in many previous Defense Appropriations Acts.

Our amendment, which passed overwhelmingly in this House, would save taxpayers millions of dollars by ending an outdated earmark mandating that the Defense Department ship coal from a certain part of Pennsylvania, 4,000 miles across the planet, to American bases in Germany.

Somehow, this zombie provision from the deepest days of the cold war and the golden era of congressional earmarks, when you could go into a bill like this and arrange a sweetheart deal for a certain district and a certain coal company, somehow that provision was snuck back into this year's bill. It just won't die.

Now, for years, the Department of Defense and the President's annual budget has urged Congress to get rid of this provision, to allow the use of cheaper fuels to power its military bases in Germany. But because of certain special interests, the provision has persisted. It is a terrible deal for the American taxpayers, for the environment, but it has persisted.

Now that finally changed last year, and our amendment not only passed this House but it passed by a vote of 252–179. In this House, that is what we call a home run.

Like a bad sequel, this earmark is back once again, sneaking into the 2017 bill under a new name. Now don't let the new wording trick you. The practical implications and the intent are exactly the same as the old zombie earmark language.

Congress worked on a bipartisan basis last year to kill this bad idea, and it should do so again because the bottom line is that taxpayers should not be paying to ship coal, or any other energy source, 4,000 miles across the planet to a certain facility in Germany. We should give the Air Force the same flexibility to meet its energy needs that every other U.S. military installation around the world has.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I rise in opposition to the Huffman/McClintock amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, last year, the House voted to remove longstanding language from the fiscal year '16 Department of Defense Appropriations bill that sourced Pennsylvania Anthracite to a public utility in Germany, which provides energy and heat for our troops stationed in the Rhine area and, in particular, in Kaiserslautern.

While seemingly well-intentioned, my colleagues misrepresented the overall costs associated with this provision, and they painted this as the poster child for government waste.

Taking their concern into account, the Appropriations Committee drafted language for fiscal year 2017 that does not prescribe the energy type or where it is to be sourced from, with the exception that the energy be domestically produced here in the United States.

Mr. Chairman, nearly 56,000 American defense personnel and family members reside in the Kaiserslautern military community. There are more overseas U.S. defense installations and personnel in Germany than in any other nation. Their well-being is of the utmost importance.

Unfortunately, the amendment to strike section 8127 will place the energy needs of our military installations and, by the way, all the dependents, those family members, clearly in the hands of Russia.

And I am not the only one sounding this alarm. In February, Commander of the U.S. Forces in Europe, General Philip Breedlove, testified before the House Armed Services Committee that, and I quote: ''European continued dependence on Russian energy, specifically former Soviet and Eastern Bloc states, only serves to bolster Russia's ability to coerce those nations to achieve political gains.''

Former Supreme Allied Commander of NATO provided testimony before the Armed Services Committee that: ''Mr. Putin's strategy does not rely on military power alone. He seeks to maintain European dependence on Russian gas and continues to use that dependence as a weapon; he deftly applies a 'divide and conquer' strategy to undermine Europe's cohesion.''

Mr. Chairman, Former Deputy Assistant Secretary of Defense for Russia, Ukraine, and Eurasia, Dr. Evelyn Farkas testified that ''the Defense Department should no longer do any business with Russia.'' She concluded that ''we must work with Germany and other allies to meet Europe's natural gas demand in a way that gives them leverage against Moscow, not the other way around, and benefits U.S. companies and alternative suppliers.''

Those who have environmental concerns need to recognize that even Greenpeace evaluated the facilities at Kaiserslautern in 2013. They set a goal for the reduction of CO_2 emissions by 2020 greater than 40 percent, with a 35.4 percent reduction that was achieved by 2014.

Mr. Chairman, I do agree with my colleagues that we should do everything in our power to increase efficiency, but the cold reality is that if we do not domestically source energy for our troops, it is going to be left in the hands of Russia.

I encourage my colleagues to take into consideration what is at stake and reject the Huffman amendment. Failure to address these concerns could leave our servicemen and -women serving overseas in a new and very literal cold war.

Mr. Chairman, I reserve the balance of my time.

Mr. HUFFMAN. Mr. Chairman, may I inquire as to the balance of my time?

The Acting CHAIR. The gentleman from California has 2½ minutes remaining.

Mr. HUFFMAN. Mr. Chairman, I yield 2 minutes to the other gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Mr. Chairman, I do not support the war on coal that is waged by this administration and my friends on the left, but I do support the war on waste, and I support this amendment based upon that fiscal imperative.

Now we are told our defense budget is so stretched that we now have to scavenge museums for aircraft parts. Yet there appears to be plenty of money to squander in a corrupt earmark that dates back to 1961.

As has been pointed out, that earmark requires that one American Air Force base in Kaiserslautern, Germany, has to purchase 9,000 tons of coal a year at a grossly inflated price, plus the cost of transporting this overpriced coal across the Atlantic Ocean and halfway across the European Continent.

The latest excuse we just heard is, well, otherwise we have to buy coal from Russia. Well, why in the world would we want to do that?

One company in Poland produces 48 million tons of coal from 23 mines. It produces more coal in an hour than this base uses in a year. And the objection seems particularly ludicrous, considering that the NDAA authorizes hundreds of millions of dollars for rocket engines purchased from Russia.

The Pentagon and successive Presidents have consistently protested this waste, but these protests have fallen on deaf ears in Congress, even while we are told that our defense spending has been cut to the bone.

If we don't change the spending trajectory of this government, the Congressional Budget Office warns that, in 6 years, interest on the national debt will exceed what we spent this year for our defense. That makes rooting out waste like this a national defense imperative.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARLETTA).

Mr. BARLETTA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California. A vote for this amendment is a vote to force American servicemembers serving abroad to rely on Russia as their source of energy, energy they need for warmth and comfort.

The language that this amendment strikes simply requires our military base in Kaiserslautern, Germany, to use at least one American energy source for heat and power. If we remove this, our military base will have to turn to Russia for energy.

Now Vladimir Putin has used Russian energy as a weapon in international politics before. We should not give him that power over our military assets.

I urge my colleagues to reject this amendment and stand against Russian influence over the energy used by our military personnel.

Mr. HUFFMAN. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield such time as he may consume to another gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I want to concur with the comments of my colleagues Mr. THOMPSON and Mr. BARLETTA in opposition to this amendment. I work closely with our friends in Germany. I am chair of the Congressional Study Group on Germany. I also have been very close and meet with many leaders from Kaiserslautern. They are very pleased with the arrangement that we have had with their community for a very long time. In fact, I met with their leaders, their municipal utility, and we have had these conversations.

But what they have said is true. We might as well call this the ''Buy Russian'' amendment. Buy from Russia because if you are going to replace anthracite from the United States, there is really only one place you are going to get that. It is in Russia or perhaps in maybe some Russian-dominated areas of Ukraine right now.

□ 1630

That is it. If this energy is not sourced in the U.S., it will be sourced in Russia. As has been stated, Russia uses energy as a weapon against the West, particularly against our European allies. Why we would be unwitting allies with Vladimir Putin on this little dustup on Kaiserslautern is beyond me.

For all these reasons, I say oppose this amendment, buy American-sourced energy, and reject this buy Russian amendment.

Mr. HUFFMAN. Mr. Chairman, the boogeyman of Russian coal and Vladimir Putin really do strain credulity. In addition to the option of buying coal in Germany itself, which would obviously be one way to do this, as my colleague, Mr. MCCLINTOCK, points out, there is abundant coal alternatives if they want to buy coal in Poland, our NATO ally, or in Ukraine, an ally that we would like to help in lots of ways as they strive for independence and economic development under the boot of Vladimir Putin's Russia.

The last thing that was raised, the fact that somehow the language in the base bill would not require coal from Pennsylvania, is also a red herring. The language in this bill that says domestically sourced energy is required and other provisions effectively mean that the status quo—the sweetheart arrangement with one specific coal company in Pennsylvania—would be the only way that the Air Force could comply with this requirement.

So let's reiterate our bipartisan opposition to this wasteful, zombie earmark. I ask for an ''aye'' vote.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. HUFFMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HUFFMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 114–623.

Mr. PETERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 8132.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from California (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. PETERS. Mr. Chairman, my amendment strikes language in the underlying bill that undermines and underfunds the Department of Defense's ability to develop and acquire alternative fuels that improve mission capabilities under section 526 of the Energy Independence and Security Act of 2007.

Section 526 established important baselines that guide private sector innovators in the development of alternative fuels for our military.

It is a low-cost, commonsense provision that helps the military fulfill its existing goals to diversify its fuel supply to reduce costs and save lives.

It does not, as some incorrectly claim, ban any fuels. It has not hindered the Department of Defense from purchasing the fuels that we need right now to counter the new and dynamic threats we face throughout the globe. It simply requires fuel producers seeking to do business with our military to meet certain requirements. We cannot expect to fight and to win the wars of tomorrow with only the fuels of yesterday.

A $1 increase in the price of a barrel of oil translates to approximately a $130 million increase in DOD expenditures over the course of a year. A blip in the world oil market forces the Department to redirect resources away from mission priorities—grounding planes and turning ships around.

Since September 11, 2001, more than 3,000 servicemembers have been killed or wounded in attacks on fuel convoys

in Afghanistan. Delivering technologies to our troops that improve efficiency and cost certainty over traditional sources of fuel is both a lifesaving strategy and has tactical benefits on the battlefield.

Some of my colleagues on the other side of this issue will say that section 526 is putting President Obama's green climate initiative into national security policy, but that is not true. But this provision was signed into law 9 years ago by a Republican President, George Bush. It is still supported by our military leaders today, and Congress should support it.

My colleagues will say that they are simply broadening the market for alternative fuels for the military, but they are not. They are ripping the bottom out from under it.

By inserting an anti-environmental agenda into the process of funding our national defense, the funding prohibition cripples existing efforts at the DOD to purchase cost-competitive biofuels and abolishes any certainty in the commercial marketplace.

This would take us backwards at a time when we need a smart, forward-looking approach to increase fuel diversity, particularly in ways that improve efficiency, enhance our range and agility, and better prepare our forces for future security environments where logistics may be constrained.

Energy security is national security.

Mr. Chairman, I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, fuel for our troops' mobility and strike capability is one of our military's most critical resources. The provision it would strike ensures that our military has all the options it needs for fuel.

Mr. Chairman, I urge my colleagues to oppose the amendment.

I yield back the balance of my time.

Mr. PETERS. Mr. Chairman, may I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from California has 2 minutes remaining.

Mr. PETERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman's yielding and I rise in support of his amendment.

As he has, I think, very ably mentioned, the Department of Defense is the largest purchaser on the planet of fuel. We do need to increase the menu of our energy sources. The Department has clearly stated that section 526 has not hindered it from purchasing the fuel it needs today worldwide to support military operations, but we ought to think about tomorrow's soldiers, sailors, airmen, and marines who will need a greater range of energy sources. We ought to keep those options open.

Mr. Chairman, I appreciate the gentleman's offering the amendment, and I do support it.

Mr. PETERS. Mr. Chairman, I would just say, again, the politics on this amendment is really on the other side. We have seen the military support this. This is an effort started by President George Bush to improve our security and cost containment.

Mr. Chairman, I urge my colleagues to support removing this restriction by voting for this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. PETERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PETERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. PETERS. Mr. Chairman, I ask unanimous consent to withdraw my request for a recorded vote.

The Acting CHAIR. Without objection, the request for a recorded vote is withdrawn. Accordingly, on the basis of the voice vote, the noes have it and the amendment is not adopted.

There was no objection.

AMENDMENT NO. 19 OFFERED BY MR. POE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 114–623.

Mr. POE of Texas. Mr. Chairman, I have an desk amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 126, line 13, after the dollar amount insert the following: ''(reduced by $200,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE of Texas. Mr. Chairman, I yield myself such time as I my consume.

Mr. Chairman, the underlying bill gives $900 million of American money to Pakistan. That is $200 million more than last year.

My amendment cuts the money given to Pakistan to the same amount as last year, $700 million. Of course, if I had my way, I would cut all the money to Pakistan.

Here is the reason, Mr. Chairman: the Pakistanis hid Osama bin Laden, and we had to go into Pakistan and take him out. They hid him, and the world knows about it. After they hid Osama bin Laden, amazingly, the CIA section chief in Pakistan is poisoned. He comes back to the United States. He believes, and the CIA believes, that it was the Pakistani ISI that poisoned him. I agree with them.

People say that we need to help Pakistan fight the war in Afghanistan, but Pakistan is on the wrong side of the war, Mr. Chairman.

In an editorial by The New York Times entitled ''Time to Put the Squeeze on Pakistan,'' the paper calls Pakistan a dangerous and duplicitous partner, and said that Pakistan was fueling the war in Afghanistan.

Now, I don't agree with The New York Times on a lot of things, but I agree here. We can't trust the Pakistanis, yet every year, we give them more money.

In February 2012, a NATO report confirmed that ISI was supporting the Taliban and other terrorist groups with resources, sanctuary, and training. On May 21 of this year, the United States killed the leader of the Taliban in a drone strike.

And guess where he was hiding out?

In Pakistan.

Once again, the Pakistanis cannot be trusted. We are supposed to be fighting the Taliban in Afghanistan. The military in Pakistan, in my opinion, is taking the money we give them and helping to support the Taliban in Afghanistan. They want to have it both ways. U.S. officials later revealed that the Taliban leader that we took out was plotting new attacks on American targets in Afghanistan.

We have given Pakistan $33 billion of aid since 9/11, and each year we say that Pakistan is at the crossroads and needs to decide whether it is going to fight terrorists or fight on our side. Let me tell you, we are being played by the Pakistanis. They are taking money from whomever they can get it. They support the Taliban, and they claim they support us.

Let's just make them get a little less money every year. Cut it down from $900 million—which is in this year's budget—to what it was last year, $700 million.

Mr. Chairman, we don't need to pay Pakistan to betray us. They are going to do it for free. That is what this amendment does. It cuts money, $200 million.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I appreciate the gentleman's passion on the issue and his consistent passion.

For the record, Mr. Chairman, the Coalition Support Fund allows the Secretary of Defense, as was true of his predecessor, to reimburse any key cooperating nation for logistical and military support, including access, specialized training to personnel, procurement, and provision of supplies and equipment provided by that nation in connection with a United States military operation, and Pakistan is one of those.

Receipts for reimbursements are submitted by cooperating nations and are fully vetted by the Pentagon and follow strict—and I say strict—criteria to meet standards for reimbursement. It is all about reimbursement. All payments are made in arrears and following notification to Members of Congress on appropriate committees.

Regarding Pakistan, the Coalition Support Fund remains a critical tool to enable Pakistan to effectively deal with future challenges from the emerging U.S. drawdown—and we are drawing down.

It also remains a cost-effective tool for the U.S. to remain engaged in the region and with Pakistan. We shouldn't be abandoning Pakistan, because we might actually have something even worse than what the gentleman describes if we turn our back on Pakistan.

Mr. Chairman, I feel strongly this amendment ought to be opposed.

I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman's yielding. I associate myself with his remarks and I am in opposition to the gentleman's amendment.

There is no question that the relationship with Pakistan has been very difficult, but we ought to also remember that not only are we talking about the issues of terrorism in this country, but that Pakistan is possessed of nuclear weapons and has capabilities.

The committee is not ignorant of these facts, and the fact is that under the chairman's leadership, we do have section 9017 that requires the Secretary of Defense, prior to obligating the funds, to certify certain actions. One of those is that Pakistan is cooperating on counterterrorist efforts. They are preventing the proliferation of nuclear-related materials and expertise, and they are not intervening extra judiciously in political or judicial processes.

No one is completely naive here in this Chamber, but it is important that we continue that relationship with great care and oversight.

And, again, I do join with the chairman in opposition to the amendment, and I appreciate the gentleman yielding.

□ 1645

Mr. FRELINGHUYSEN. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from New Jersey has 2 minutes remaining.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE), my good friend.

Ms. JACKSON LEE. Mr. Chairman, my good friend, Mr. POE, is a good friend and a great leader on these issues dealing with terrorism, but let me, sadly, join in opposition to this amendment.

Over the years, I have worked with a number of persons in the Pakistani Government. But, in particular, I want to emphasize that the Pakistan military, over a period of years, has fought against terrorism and suffered a great treasure in the loss of their soldiers. I believe it is important that we continue to collaborate and, as my two colleagues have said, that we work extensively with oversight.

We must be mindful that they do have nuclear capacity. I believe it is important that we are engaging and that we use these resources for them to maintain the security of these resources but, more importantly, to keep a collaboration with, in particular, their military operations which, overall, have been helpful in the war on terror.

I oppose that reduction, and I thank the gentleman for offering his amendment.

Mr. Chair, I rise to speak in support of En Bloc Amendment No. 1 to H.R. 5293, the Defense Appropriations Act for Fiscal Year 2017.

Mr. Chair, I want to thank Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY for shepherding this legislation to the floor and for their devotion to the men and women of the Armed Forces who risk their lives to keep our nation safe.

Mr. Chair, I am pleased that the En Bloc Amendment includes two of my amendments that were made in order under the Rule.

The first Jackson Lee Amendment (No. 49) increases funding for the PTSD by $1,000,000.

These funds should be used toward outreach activities targeting hard to reach veterans, especially those who are homeless or reside in underserved urban and rural areas, who suffer from Post Traumatic Stress Disorder (PTSD).

Mr. Chair, along with traumatic brain injury, PTSD is the signature wound suffered by the brave men and women fighting in Afghanistan, Iraq, and far off lands to defend the values and freedom we hold dear.

For those of us whose daily existence is not lived in harm's way, it is difficult to imagine the horrific images that American servicemen and women deployed in Iraq, Afghanistan, and other theaters of war see on a daily basis.

In an instant a suicide bomber, an IED, or an insurgent can obliterate your best friend and right in front of your face. Yet, you are trained and expected to continue on with the mission, and you do, even though you may not even have reached your 20th birthday.

But there always comes a reckoning. And it usually comes after the stress and trauma of battle is over and you are alone with your thoughts and memories.

And the horror of those desperate and dangerous encounters with the enemy and your own mortality come flooding back.

PTSD was first brought to public attention in relation to war veterans, but it can result from a variety of traumatic incidents, such as torture, being kidnapped or held captive, bombings, or natural disasters such as floods or earthquakes.

People with PTSD may startle easily, become emotionally numb (especially in relation to people with whom they used to be close), lose interest in things they used to enjoy, have trouble feeling affectionate, be irritable, become more aggressive, or even become violent.

They avoid situations that remind them of the original incident, and anniversaries of the incident are often very difficult.

Most people with PTSD repeatedly relive the trauma in their thoughts during the day and in nightmares when they sleep. These are called flashbacks. A person having a flashback may lose touch with reality and believe that the traumatic incident is happening all over again.

Mr. Chair, the fact of the matter is that most veterans with PTSD also have other psychiatric disorders, which are a consequence of PTSD. These veterans have co-occurring disorders, which include depression, alcohol and/or drug abuse problems, panic, and/or other anxiety disorders.

My amendment recognizes that these soldiers are first and foremost, human. They carry their experiences with them.

Ask a veteran of Vietnam, Iraq, or Afghanistan about the frequency of nightmares they experience, and one will realize that serving in the Armed Forces leaves a lasting impression, whether good or bad.

Jackson Lee Amendment No. 49 will help ensure that ''no soldier is left behind'' by addressing the urgent need for more outreach toward hard to reach veterans suffering from PTSD, especially those who are homeless or reside in underserved urban and rural areas of our country.

The second Jackson Lee Amendment No. 67 included in the En Bloc Amendment increases funding for the Defense Health Program's research and development by $10 million. These funds will address the question of breast cancer in the United States military.

The American Cancer Society calls several strains of breast cancer as a particularly aggressive subtype associated with lower survival rates; in this instance, it's a triple negative. But I raise an article that says: ''Fighting a Different Battle; Breast Cancer and the Military.''

We all know, by the way, that breast cancer can affect both men and women. The bad news is breast cancer has been just about as brutal on women in the military as combat.

Let me say that sentence again. Breast cancer has been just about as brutal on women in the military as combat. More than 800 women have been wounded in Iraq and Afghanistan, according to the Army Times; 874 military women were diagnosed with breast cancer just between 2000 and 2011. And according to that same study, more are suspected. It grows.

The good news is that we have been working on it, and I want to add my appreciation to the military.

Jackson Lee Amendment No. 67, however, will allow for the additional research.

That research is particularly needed since women are joining the Armed Services in increasing numbers and serving longer, ascending to leadership. Within increased age comes increased risk and incidence of breast cancer.

Not only is breast cancer striking relatively young military women at an alarming rate, but male service members, veterans and their dependents are at risk as well.

With a younger and generally healthier population, those in the military tend to have a lower risk for most cancers than civilians—including significantly lower colorectal, lung and cervical—but breast cancer is a different story.

Military people in general, and in some cases very specifically, are at a significantly greater risk for contracting breast cancer, according to Dr. Richard Clapp, a top cancer expert at Boston University who works at the Centers for Disease Control and Prevention on military breast cancer issues.

Dr. Clapp notes that life in the military can mean exposure to a witch's brew of risk factors directly linked to greater chances of getting breast cancer.

We are on the right track, we're on the right road.

I thank the Chair and Ranking Member for including the Jackson Lee Amendments Nos. 49 and 67 in the En Bloc Amendment and urge my colleagues to support the En Bloc Amendment.

Mr. FRELINGHUYSEN. Mr. Chair, I would like to point out that these reimbursements are made to maintain some 186,000 Pakistani forces along 1,600 miles of border between Afghanistan and Pakistan to deter border conflict, movement, counterterrorism-counterinsurgency operations.

The Pakistanis have paid quite a price in their military for deaths related to their work to protect Afghanistan, and, may I say, the bad guys have paid a price. Nearly 28,000 militants were killed, injured, and arrested due to these operations. It is better that the Pakistanis are doing it than the United States military.

I yield back the balance of my time.

Mr. POE of Texas. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Texas has 2 minutes remaining.

Mr. POE of Texas. Mr. Chairman, I thank the chairman for his comments.

Pakistan is playing everybody. They take our money, it goes through ISI, and it ends up in the hands of the Taliban and Afghanistan that is killing Americans.

And, yes, they file reimbursements about us giving them money. They file reimbursements about the money that is being used. They file it with the Pentagon, and the Pentagon says that 50 percent of the reimbursement requests that they make are fraudulent. They lie and they cheat to get that American money. So Pakistan is playing everybody.

Nuclear weapons? Yes, they have got them. Now we hear reports that they may be working with the North Koreans and supplying them nuclear capability. I don't know if that is true or not.

The Pakistanis cannot be trusted. They are getting money from whomever they can. They do what is in the best interests of the current government. The military may not even be working with the government. We don't need to pay them any more money. Give them the same amount that they got last year and save the American taxpayers $200 million.

Once again, we don't need to pay Pakistan to betray us, Mr. Chairman; they will do it for free.

And that is just the way it is.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. DUNCAN OF TENNESSEE

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 114–623.

Mr. DUNCAN of Tennessee. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 132, line 24, after the dollar amount, insert ''(reduced by $448,715,000)''.

Page 170, line 7, after the dollar amount, insert ''(increased by $448,715,000)''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Tennessee (Mr. DUNCAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. DUNCAN of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have tremendous respect for Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY. I know that they have had a very difficult job in trying to resolve all the competing interests in this bill. They are two of our finest Members.

My amendment is being offered primarily because of my very great concern for our astounding national debt, now over $19 trillion, and a debt that is going up much higher in the years ahead. Also, I just do not believe in forever, permanent wars, and we have now been involved militarily in Afghanistan for over 15 years, with no end in sight.

The words we see most often about the American public's view of the war in Afghanistan are ''war weary.'' The American people want us to stop spending so much money in Afghanistan and start making things more secure here at home.

Afghanistan is classified as one of the least developed countries in the world. With a population of 30 million, their GDP is approximately $20 billion in American dollars. Even with my amendment, which would be a 13 percent cut, we would still be spending $3 billion there in the next fiscal year. My amendment would save $448 million and place it in the deficit reduction account.

The OCO account has been referred to as a slush fund for the Defense Department and as a budgetary gimmick. Just yesterday on this floor, the ranking members of the full committee and the subcommittee both criticized this way of funding some of our overseas operations.

The NDAA bill funded the OCO only to the level of $35.7 billion instead of the $58.6 billion in this bill, and there has already been acknowledgement that there probably will be a supplemental appropriations bill to be passed before May 1.

Afghanistan was referred to by the disgraced General Petraeus, who is still respected by many, and many others as the ''graveyard of empires.'' It is ruled by tribes and village warlords, and the threats from radical Islamic terrorists to the U.S. are much greater for almost every other country, and even here at home.

The average income there is about $667 a year. With the $3.5 billion in this bill for Afghanistan, we could put almost every leader there on the U.S. payroll and give them big raises.

My amendment has been endorsed by the fiscally conservative Taxpayers for Common Sense.

I commend the subcommittee leadership for already having a small cut in this bill for Afghan funding from $3.65 billion to $3.45 billion. This seems to me to be at least a partial admission that most on the committee agree with me. I believe that they have not gone far enough. In fact, I would have liked to have gone much further with my amendment. I simply believe that we should stop throwing money down this very wasteful black hole and start putting our own people and our own country and our own needs first once again.

In recognition that the subcommittee is at least headed in the right direction with this small cut and in hopes that additional cuts could be made at conference, or at least in next year's bill, I appreciate being given the opportunity to at least express my very strongly held views on this situation in Afghanistan.

I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

AMENDMENT NO. 21 OFFERED BY MR. SANFORD

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 114–623.

Mr. SANFORD. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. 10003. None of the funds made available by this Act may be used in contravention of section 418 of title 37, United States Code, as such section was in effect on June 9, 2016, with respect to athletic shoes.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, this amendment, in simplest form, would block section 808, the so-called New Balance provision, by defunding it.

I want to say before I get into the content, I want to compliment BRUCE POLIQUIN, BILL HUIZENGA, and MARTHA MCSALLY. We just had a fascinating conversation in the Cloakroom just a few moments ago. I think that, if their constituents and the American public at large could see the degree of thoughtfulness, their forthright approach, and the intellectual weight behind the things we just discussed in trying to find some kind of a solution here, they would be most impressed.

It is with reservation that I offer this amendment, based on respect for each one of them, but I do so based on some concerns that I have in looking at the base language's approach and what it would mean for the average recruit out there.

I offer this amendment based on, one, a concern for the troops. Right now, if you look at ballpark, the average new recruit, not all, but many of them have about 13 different choices in terms of shoe size. Fundamentally, this would bring it down to one, hopefully two, as Saucony came on line, and maybe two or three models of those different shoes in time, but it would begin to limit choices.

I think that, for the average recruit out there, when there are very, very few choices, there is a wisdom to having more choices based on the notion of one size never fitting all. There have been any number of different Army and other military studies that have shown a correlation between injury and fewer choices.

Secondly, I would say that this amendment is in the interest of the taxpayer. We now spend about $100 million a year in the recruit cycles on musculoskeletal injuries, 80 percent of which are tied to the lower extremities; disproportionately, those are tied to training injuries in, again, the new recruit cycle. Again, there is a degree of correlation between injury and fewer choices. I think that this amendment gets at that.

Finally, I think this is about process. The military has allowed cash allowances for some time because they have recognized, again, the need for personal choices and personal matters. For instance, for women's undergarments, people are allowed a personal choice in picking the woman undergarments that work for them.

Yet there is nothing more personal, at the end of the day, for a new recruit than their shoes. I think that, from a standpoint of process, preserving this notion of military cash allowances is important. I think it is for that reason that this amendment is supported by the Association of the United States Army, the White House, the DOD, a variety of different conservative groups, and more.

But before we get into that, so that we might have a little bit further debate on this issue, I reserve the balance of my time.

Ms. TSONGAS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Massachusetts is recognized for 5 minutes.

Ms. TSONGAS. Mr. Chairman, this amendment would undermine a provision included in both the House- and Senate-passed NDAAs that is aimed at ensuring that the Department of Defense adheres to the law, a law that DOD indicated that it would follow once a 100 percent American-made shoe was available that met its cost and durability standards.

Well, today the domestic shoe industry has rebounded—employing thousands of workers throughout the country—and several versions of a completely American-made shoe are now available to the Defense Department, but they have yet to provide those shoes to new recruits.

After testing and approving two 100 percent American-made athletic shoes last year, Defense Department officials underscored their quality, writing that one of those shoes ''scored higher overall than any other neutral/cushioned running shoe we have tested thus far.''

This is quite an endorsement, since the Defense Department has been testing sneakers for more than 20 years. Even so, should recruits require something more specific, they can receive a waiver.

And Stars and Stripes reported last week that, when the Navy switched to Made in America shoes in 2004, ''stress fractures had been reduced by 69.7 percent.''

We should ensure that all recruits have the best quality shoes to choose from always—and the best is American made.

As for cost, industry has committed to providing new recruits with running shoes that cost $15 per pair less than the cash allowance currently provided to new recruits. And to be clear, any U.S. footwear manufacturer that makes 100 percent American-made shoes is eligible for this contract.

The provision in the House- and Senate-passed NDAA supports American workers, provides a better value for American taxpayers, and supports American servicemembers by supplying them with the highest quality athletic shoes available.

I strongly oppose this amendment.

I reserve the balance of my time.

Mr. SANFORD. Mr. Chairman, I continue to reserve the balance of my time.

Ms. TSONGAS. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. POLIQUIN), with whom I have worked so closely.

□ 1700

Mr. POLIQUIN. Mr. Chair, the Berry amendment has been the law of the land in the United States for 75 years. Very simply, it requires the Pentagon to issue American-made gear and equipment to men and women in uniform for basic training. This is very important because it promotes good-paying, U.S. manufacturing jobs and national security by assuring an American supply chain for that equipment. Today, the Berry amendment supports 600,000 U.S. manufacturing jobs—from T-shirts to combat boots to parachutes.

I represent 900 of the most skilled, hardworking athletic shoemakers in the world. They are proud and they are honored to manufacture the highest quality athletic shoes for our troops.

Mr. Chair, a vote for the Sanford amendment is a vote for manufacturing jobs in Asia. I ask everyone to please vote ''no'' on the Sanford amendment. Vote ''no'' on the Sanford amendment in order to support U.S. manufacturing jobs, to save taxpayer dollars, and to reduce injuries by providing the highest quality, 100 percent American-made athletic shoes made for U.S. recruits.

Mr. SANFORD. Mr. Chair, I reserve the balance of my time.

Ms. TSONGAS. Mr. Chair, I yield 1 minute to the distinguished gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. Mr. Chair, I rise in strong opposition to the Sanford amendment.

This proposed amendment runs counter to a 2014 DOD policy change that allows our military recruits to have athletic shoes that are manufactured right here in the United States.

My friend from South Carolina is misguided in his understanding of this policy, I believe. There are multiple American companies that are competing to supply our men and women in uniform. As this Member has fought against earmarks, this is not an earmark. In fact, in Michigan, Bates currently produces Berry-compliant combat boots and dress shoes for our warfighters, and it is ready to do the same for military recruits with its all-American name Saucony athletic shoe right here. It wants to compete.

In reality, the Sanford amendment, ironically, works against our men and women in uniform to have access to the best equipment available. I urge my colleagues to oppose the Sanford amendment and to make sure that our recruits have the gear that they need and deserve, both with Saucony and New Balance, and the choices that those would offer.

Mr. SANFORD. Mr. Chair, I would just make two points in this conversation.

One, this debate before us is, really, about this notion of individual choice. I think that liberty is the hallmark of the American experiment, and I think, wherever possible, we need to preserve it. So this is not about taking away American jobs. It is about saying that I believe that American companies, based on the products that they produce, can compete on the world stage, and we don't need a mandate to ensure that they do. It is not about taking away New Balance as a choice. It is just saying: Can it be among a range of different competitive choices out there for the new recruit?

Secondly, I would make this point that, actually, if you look at the New Balance shoes, two of the three options were offered. Stability and cushioning, they approved, but the DOD has still not signed off on motion control. So, actually, only two of the three choices are available. I would add that.

Mr. Chair, I reserve the balance of my time.

Ms. TSONGAS. Mr. Chair, I yield 1 minute to the distinguished gentlewoman from Arizona (Ms. MCSALLY).

Ms. MCSALLY. Mr. Chair, I rise in strong opposition to this amendment.

As a runner for 36 years and as someone who served in the military for 26 years in leading and in supervising recruits and individuals and in coaching a lot of people to run marathons and multiple running events, I know a lot about this issue. I couldn't agree with the gentleman from South Carolina more. They need to have choice in order to make sure that they are set up for success as the types of runners that they are.

Right now, our recruits are getting injured because they are handed cash, and they are told to go over to the BX and buy some shoes. Most of them have no idea: Am I a pronator? Am I a supinator? Do I have a high arch or a medium arch? Do I need a motion-control or a stability or a cushion shoe? They buy shoes based on price and put the rest in their pockets, or it is based on which ones they like, on which ones they think look good. Also, individuals at the BX are not trained to be able to put them in the right shoes to set them up for success. Right now, they are being injured; their dreams are being broken; and they are unable to contribute, due to shin splints, stress fractures, and other things, because they are not set up for success.

If we comply with this amendment, which we vigorously discussed in HASC and passed unanimously by a voice vote, they would have the opportunity for the Pentagon to measure them, their gait, and then provide them with shoes that are appropriate for them. There are multiple choices in motion control, stability, or cushioning, whichever applies to them. This is about readiness and avoiding injury. We need our troops to start off on the right foot and with the right footwear.

I strongly oppose this amendment.

The Acting CHAIR. The time of the gentlewoman from Massachusetts has expired.

Mr. SANFORD. Mr. Chair, I would say a couple of different things.

One, if you look at section 418 within the NDAA, cash allowances are absolutely Berry-compliant. It is something that we have done for a long number of years. That notion of preserving a choice has been something that has been consistently offered through all armed services.

Two, people care about things that they can control, and I would argue that the average new recruit out there is going to be that much more vested in a decision that they have control over versus one that they don't.

Finally, I think there are whole hosts of people who care deeply about our Armed Forces and our readiness—people like JOHN MCCAIN and JONI ERNST, who spent I think 20 or 30 years of her time in the military and who is now in the U.S. Senate—and who are against, again, this particular provision and who have been working on language over on the Senate side. I think it is why the White House opposes and the DOD opposes, and why a range of different conservative taxpayer groups opposes. It is not because they don't care about the DOD. It is because they believe, from the standpoint of the recruit and training, it is better for the recruit, and from the standpoint of taxpayer compliance and in watching out for the taxpayer, it is better.

Again, I have heard very loudly and clearly what my colleagues have said on this. I admire the way in which they have advocated, but I, respectfully, take a different viewpoint on this one.

Mr. Chair, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chair, I yield to the gentlewoman from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. I thank the gentleman.

Mr. Chair, first of all, I would just like to set the record straight. Cash allowances are a circumvention of the Berry amendment. They are not Berry-compliant.

Then just to address a couple of the issues that have been raised, first of all, as we have heard, requiring the Defense Department to abide by the Berry amendment would not advantage only one company, and it would not limit the varieties of shoes that are offered to new recruits. As we have heard, multiple companies that employ thousands of Americans have expressed their interest in manufacturing athletic shoes and would provide new recruits with the highest quality of brands to choose from.

Beyond the fact that there are multiple companies, they also would provide multiple models, as we have heard—the stability, the cushioning, the motion control. All of these would have to pass rigorous testing. As we have heard, one of those shoes has already scored higher than any other shoe that has been tested over the course of 20 years. As Stars and Stripes reported again—just to reiterate from last year—when the Navy switched to Made in America shoes in 2004, stress fractures had been reduced by 69.7 percent.

I believe we should close this loophole to make sure that all recruits have the best quality shoes to choose from, and the best is American-made.

I urge my colleagues to oppose this amendment.

Mr. VISCLOSKY. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SANFORD. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

AMENDMENT NO. 22 OFFERED BY MR. BUCK

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 114–623.

Mr. BUCK. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used to implement Department of Defense Directive 4715.21 on Climate Change Adaptation and Resilience.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Colorado (Mr. BUCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. BUCK. Mr. Chair, this amendment to the Department of Defense Appropriations Act prohibits funds from being used to implement the President's climate change agenda at the cost of our national defense.

Directive 4715.21 on Climate Change Adaptation and Resilience would force our military to incorporate climate change in everything they do—from combat operations to preparedness to training. Climate change would become one of our Nation's greatest enemies. When our Nation is under attack, generals in the war room and officers in the field need to be focused on winning the battle, not on limiting their carbon footprint.

Our national security has already been impacted by the thinking behind this directive. Former Acting Director of the CIA, Michael Morell, admitted recently that the U.S. declined attacking ISIS' oil wells in part for fear of the environmental impact, yet these oil wells provide funding for ISIS and allow the terrorist organization to recruit individuals in the United States for its evil mission.

With ISIS and its ideology attacking our homeland, now is the time to focus on our imminent defense requirements because climate change is not an enemy of the United States. ISIS, with its anti-American ideology, is our enemy. China and Russia are our enemies. North Korea and Iran are our enemies.

The lives of American citizens, the lives of our soldiers, and the lives of innocent people around the world depend on the strength and resolve of the U.S. military. When we distract our military with a climate change agenda, we detract from its ultimate purpose.

I urge my colleagues to support this commonsense amendment.

Mr. Chair, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chair, I don't know how much more scientific evidence we are going to need before we understand the reality that there is a change in our climate and that we are going to have to accommodate that change. Today, I am not talking about coal or carbon. I am talking about accommodating the change that is taking place today on the planet Earth.

We have one individual who is running for President of the United States who claims that this is hogwash and let's bury our heads in the sand. Nevertheless, one of the properties he owns has asked for money to build barriers that are justified because of climate change.

In setting aside the raw politics of this position, I would also point out that we have had the Chief of the Pacific Command, Admiral Locklear, come in. I wouldn't suggest his being an ideologue in any way shape or form but someone who was charged with the command of the Pacific Fleet, which we had a conversation about earlier today, and greatly concerned about the adverse consequences these changes have on the United States Navy.

We have had a hearing with the Director of National Intelligence, who is charged with the supervision of the 17 intelligence agencies of the United States of America. He testified that extreme weather, climate change, and environmental degradation exacerbate and spark political instability and humanitarian crises.

It is imperative that we do not hamstring our military, which is defending our interests in a changing global environment, by adopting this gentleman's amendment. I strongly oppose it.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. BUCK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. VISCLOSKY. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 23 OFFERED BY MR. BUCK

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 114–623.

Mr. BUCK. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to designate or expand a heritage asset under division A of subtitle III of title 54, United States Code (commonly referred to as the ''National Historic Preservation Act''), in any of Baca, Bent, Crowley, Huerfano, Kiowa, Las Animas, Otero, Prowers, and Pueblo counties, Colorado.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Colorado (Mr. BUCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. BUCK. Mr. Chair, this amendment to the Department of Defense Appropriations Act prohibits funds from being used to limit private property rights in southeast Colorado.

The Department of Defense can designate land, buildings, and archaeological sites as heritage assets to extend Federal control over private property, claiming that they need to protect areas of heritage in our country. But part of the heritage of the land in southeast Colorado is the farming and ranching that has gone on for generations.

□ 1715

The people who work on the land there take good care of it. They are true stewards who know that overuse and mistreatment will hurt next year's harvest or the next generation of livestock. After all, that land is their heritage.

These property owners now face an attempt by the Federal Government to impose a forced conservation agreement on their property without compensating them. This scheme is simply a backdoor method for the government to impose Federal control over private property.

Our democracy depends on private property rights because these rights are a key part of a free and prosperous society. We must protect the freedom, prosperity, and heritage of southeast Colorado from overreaching government.

I urge my colleagues to support this commonsense amendment.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I do appreciate the gentleman from Colorado's concern for his constituency and his State. We had a markup of another bill earlier today in the Appropriations Committee, and I was very vocal on behalf of the constituents I serve, so I certainly do appreciate that, but I respectfully oppose his amendment.

The previous amendment offered literally dealt with our entire globe. Now we have shrunk our concern to several counties in the State of Colorado. I appreciate—because his amendment is covered under the rules—his impulse to attach it to an appropriation bill, because, for better or for worse, the work product of this great committee is

about the only one that is going to see the light of day between now and December.

Having said that, I do think it is premature. It is a matter of authorization and does not belong in the bill. And, therefore, I am opposed to it.

I reserve the balance of my time.

Mr. BUCK. Mr. Chair, I yield back the balance of my time.

Mr. VISCLOSKY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. BUCK).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. BYRNE

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 114–623.

Mr. BYRNE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used to modify a military installation in the United States, including construction or modification of a facility on a military installation, to provide temporary housing for unaccompanied alien children.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Alabama (Mr. BYRNE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BYRNE. Mr. Chairman, I want to start by thanking both the chairman of the subcommittee and the ranking member for the fine work they have done in this underlying bill. I have been with them on a couple of occasions, and we owe them a great debt of gratitude. The bipartisanship showed in this is a great reflection on our institution.

I regret that I have to offer this amendment, but something has come up since the committee had its meeting that I could not foresee.

My amendment will address a serious issue relating to unaccompanied alien children being housed at the Department of Defense facilities across the United States.

The Department of Health and Human Services has recently made agreements with various defense facilities across the U.S. about housing unaccompanied minors who are caught crossing the southern border. The large number of migrants from Central and South America crossing our southern border is a serious humanitarian crisis, and I understand the need to responsibly handle this situation with compassion.

That said, it simply makes no sense for these individuals to be held at military installations. These facilities often pose serious safety issues for children. Some of the children could be placed near live artillery ranges around active military airfields.

I represent a district in coastal Alabama, and my office recently learned that the Department of Health and Human Services was evaluating housing illegal immigrants at Navy outlying airfields right near the Gulf of Mexico. Mr. Chairman, these are airfields where they do touch-and-goes, where you have pilots that are being trained trying to learn how to do it right. Last time I checked, we try to keep children away from airfields, not put them close to them.

Even worse, these facilities lack basic infrastructure needs. There is no sewage, and as far as I know, there is no potable water. And there are no shelters there or buildings that could be turned into shelters. This means temporary housing would be set up at a Navy airfield on the Gulf Coast in the middle of hurricane season in a low-lying wet area that is prone to many mosquitos in a place we know is a major threat for Zika. The idea just defies logic.

There are other horror stories of housing these migrants and how it has impacted our military. For example, at Fort Hood in Texas, units have been unable to train on ranges. This has a direct and negative impact on military readiness. At a time when we face so many challenges around the globe, it just makes no sense to alter the intended use of our military facilities to serve a completely different purpose.

My amendment would simply prohibit the Department of Defense from using any funds to alter existing facilities or construct new ones for the purpose of providing temporary housing for unaccompanied alien children. There are other nondefense facilities near the border that are available. They do not have to use military facilities.

I ask my colleagues to support my amendment as we work to ensure that defense funds are not spent on issues outside the mission of the Department of Defense.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chair, there is no question, I think, from anyone in this Chamber that the Members of the United States military and the Department of Defense are the finest human beings on planet Earth. Their primary charge is to keep our country safe and secure.

But I also think that we take great pride when they go above and beyond that particular charge that we have given them under the Constitution. And when there is a disaster in the country of Haiti, who do people call on for help but members of the Department of Defense and the United States military.

When there is flooding in Bangladesh, who is called upon? Members of the United States Armed Forces to help in a humanitarian crisis. When you have problems and earthquakes in Japan, who do they reach out to? Members of the United States military for humanitarian assistance. We have concerns in Pakistan and tragedies; who reaches out to members in the Armed Forces of the United States for humanitarian assistance but the Government of Pakistan. You have a typhoon in the Philippines, and who is called into action, not militarily, but from a humanitarian and relief standpoint? Members of the United States military repeatedly because we are a humane Nation.

What we are talking about with this gentleman's amendment that I strongly oppose is temporarily housing unaccompanied minor children who find themselves in a tragic circumstance in the United States of America. The Department of Health and Human Services Office of Refugee Resettlement is required by law to provide shelter, care, and placement. Because the number of unaccompanied children has spiked in recent years, it is difficult for HHS to find temporary housing for all of them.

As long as there is no impact on DOD military activities, the Department should be allowed to identify facilities in the United States to provide the same type of humanitarian assistance to minor children that we do in the Philippines, Pakistan, Japan, Bangladesh, and Haiti.

I live in a humane country that reaches out to help people who can't help themselves, and I think we should allow the United States military to do that in the United States of America when it does not impact their military operations.

I reserve the balance of my time.

Mr. BYRNE. Mr. Chairman, I completely agree with the ranking member that we take great pride in opportunities for our military around the world to do things of a humanitarian nature. That is one of the hallmarks of the United States.

I am thinking more in this circumstance, however, about the needs of these children. I would not put my children out where they are talking about putting these children in my district. I daresay none of us would want our children to be in these places. It is simply not safe for them. With this Zika threat that is out there, we can't say that they are not going to be exposed to mosquitos that we know are vectors for this disease.

Unfortunately, where I live, this time of year, we have tropical storms, and we have hurricanes. Those children can't stay there in temporary housing.

This is simply not the right place to put them.

There are other facilities that the Federal Government owns that are military facilities that are appropriate, that are closer to the border. And HHS is simply refusing to do its job by putting them in those places and burdening the Department of Defense facilities by putting them in those places, and they are not the right places for these children.

I understand the gentleman's remarks. I agree with virtually everything that he said, but I think, in this particular circumstance, this amendment is in order.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I reiterate my opposition to the gentleman's amendment.

I yield back the balance of my time.

Mr. BYRNE. Mr. Chair, I thank the gentleman, and I thank the House for listening to me. I ask for a positive vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BYRNE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. VISCLOSKY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alabama will be postponed.

AMENDMENT NO. 25 OFFERED BY MR. KING OF IOWA

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in House Report 114–623.

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out or in response to the memorandum of the Deputy Assistant Secretary of Defense for Homeland Defense Integration and Defense Support of Civil Authorities titled ''Memorandum for Secretaries of the Military Departments Director, Joint Staff'' and dated November 25, 2015.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, my amendment is a bit different than the gentleman from Alabama's previous amendment in that I drafted this amendment to block the use of any funds within this appropriations bill from being used by our military to house illegal aliens or unaccompanied alien children.

So my amendment is a bit more specific, and I think it is on target in that it says that:

''None of the funds made available by this Act may be used to carry out or in response to the memorandum of the Deputy Assistant Secretary of Defense. . . . titled 'Memorandum for Secretaries of the Military Departments Director, Joint Staff' and dated November 25, 2015.''

The summary of that is that this memorandum, which I have in my hand, dated November 25, is from the Department of Homeland Security to the military that says identify the inventory that you could allow to be used to house unaccompanied alien children, and then they want to enter into private agreements for each facility.

So this amendment that I have, as drafted, really says this: No military bases or buildings will be used to house the unaccompanied alien children, period. So that covers, I think, the topic that is in Mr. BYRNE's amendment, and it covers the broader topic, which is our military should not be used to inappropriately house and be part of the welcome party that the President has set up that is encouraging people to come into the United States illegally.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, the gentleman indicated that his amendment differs from the previous one just offered and debated. I would suggest it is a difference without a distinction.

I would suggest that the solution to the concern that the gentleman has is, if we did not starve and cut and slash and pillage and burn the budget of Health and Human Services every year, maybe they would have the financial resources to house these minor children. We are in a position where the bill that is being debated on the floor has about one-half of all discretionary domestic spending in this country. Obviously, that is where the gentleman has gone.

But the fact is if he, in fact, believes that it is Health and Human Services that ought to be addressing a greater amount of the shelter needs, if they had the adequate resources, perhaps they could reach out and do it.

In the meantime, again, I continue to live in a humane nation that provides humanitarian relief worldwide. I think we can do the same in the United States for minor unaccompanied children.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I would point out the distinction that the ranking member defines as without a difference, without a distinction.

There is a difference, and the distinction is that the previous amendment said no new construction and no renovation on existing bases. My amendment says no funds can be used to even negotiate any provisions nor do new construction or renovation. None of the resources can be used.

□ 1730

Mine actually blocks the President's policy as opposed to catching up on the other end of it. But the important point of it is this. We have a President, an administrative policy that has defied the rule of law. He has even refused to enforce the laws that he has signed, and then put the welcome mat down in, especially, Central America.

We have reports of planes lifting off from places like Guatemala City flying unaccompanied alien children into the United States, and then they claim the Department of Homeland Security has a legal obligation to care for them and house them—well, not for everybody on the planet that the President has sympathy for, Mr. Chairman.

So what we are trying to bring forth here is a greater respect for the rule of law—the President, I believe, has gone outside the law with this memorandum—a greater respect for the rule of law and moving towards a fiscal responsibility that may require a sense of austerity. We don't have either one with this administration.

This amendment does also preserve the Article I authority of the United States Congress, which has been eroded significantly over the last 7½ years.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. I would simply reiterate my opposition to the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I would say again, addressing you, and with the attention of the body, that this is one of the pieces that the President has used to go outside the bounds of his authority and inside the bounds of our constitutional authority.

I have made it a point to come to this floor time after time and protect our Article I authority that is vested in us and to be able to make sure that we keep all of this in front of us. The House has never failed to send a message to the President of the United States that we will defend our constitutional authority, at least with regard to immigration. This amendment does that. I urge its adoption.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 26 OFFERED BY MR. GOSAR

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in House Report 114–623.

Mr. GOSAR. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used to extend the expiration date of, or to reissue with a new date of expiration, the memorandum titled ''Military Accessions Vital to the National Interest Program Changes'' and dated September 25, 2014.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Arizona (Mr. GOSAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Mr. Chairman, in September of 2014, on the same day Attorney General Eric Holder resigned, the Obama administration took executive action and issued a memo that allowed DACA aliens to begin enlisting in the military. Specifically, President Obama's administration unilaterally expanded eligibility in the Military Accessions Vital to the National Interest, or MAVNI, program to include DACA aliens through a September 25, 2014 memo. Prior to this memo, the executive branch never attempted to enlist DACA aliens through MAVNI.

Further, military enlistment rules explicitly prohibit illegal aliens from enlisting in the Armed Forces. MAVNI is a military program intended for lawful immigrants and lawful nonimmigrants. The Department of Homeland Security's Web site states that DACA aliens lack lawful status and are subject to all legal restrictions and prohibitions on individuals in unlawful status.

The Gosar amendment would not end the MAVNI program, as open border advocates have falsely claimed. I support the intent of MAVNI. As NumbersUSA accurately states, the Gosar amendment would return the MAVNI program to its original intent by defunding any extension of the memorandum responsible for expanding MAVNI to include DACA beneficiaries.

When I offered a similar amendment less than a month ago, DOD reported that only five DACA aliens had enlisted in the Armed Forces. Yesterday, DOD confirmed to my office that 141 total DACA aliens had enlisted in the military through April 30, 2016, as a result of Obama's backdoor amnesty program.

As noted by the nonpartisan Congressional Research Service, CRS, the MAVNI program allows citizenship to be granted to any enlistee who serves at least 1 day of wartime service. MAVNI was never intended to be utilized for the benefit of illegal aliens. Testimony from DOD states that MAVNI was created to recruit legal noncitizens with critical foreign language and cultural skills.

Retired Lieutenant Colonel Margaret Stock, who created and implemented the MAVNI program, previously stated, as quoted in a Politico story: ''It's a major bureaucratic screw-up by the Obama administration . . . The MAVNI program is not designed for DACA at all . . . It was rather alarming to see DACAs being put into MAVNI. Someone didn't know what they were doing.''

An Army Times story also quoted Stock as stating: ''It was set up for people who are legally in the country, and had been legal their whole history . . . They have to go back and redo all the security screenings, train recruiters all over again . . . it's one of these things where people want magic to happen, and bureaucracy doesn't work that way.''

These comments are even more noteworthy, as Stock is a huge amnesty supporter and testified in support of provisions in an earlier version of the DREAM Act.

Article 1, section 8 of the Constitution gives Congress clear jurisdiction on immigration matters. Congress has consistently rejected and failed to act on policies that aim to allow illegal aliens to serve in the military. In fact, the House has rejected DACA three times. Furthermore, MAVNI, a pilot program, created by executive order, has never been authorized by Congress.

The amendment is supported by Americans for Limited Government; Eagle Forum; the Federation for American Immigration Reform, FAIR; Heritage Action; and NumbersUSA. In fact, it is being key scored by NumbersUSA and Heritage Action.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SESSIONS), the chairman of the Committee on Rules.

Mr. SESSIONS. Mr. Chairman, I thank Mr. GOSAR not only for his work, but also for working with the Committee on Rules diligently to have this made in order.

I am very supportive of this amendment to ensure the administration cannot implement what I consider to be an unconstitutional memo expanding the Military Accessions Vital to the National Interest program, I think in clear violation of congressional intent—as a matter of fact, working around Congress.

We must ensure that congressional intent is always protected and executed in accordance with the will of the people and rule of law. The purpose of this program is too important to be exploited for those who I believe have used it for a political agenda. Immigration policy must and should be debated in the Halls of Congress, not written in an agency behind closed doors.

I am very pleased with the gentleman from Arizona, and I thank him for his amendment and for working with the Committee on Rules to have this made in order today.

Mr. GOSAR. Mr. Chairman, I reserve the balance of my time.

Mr. GALLEGO. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Arizona (Mr. GALLEGO) is recognized for 5 minutes.

Mr. GALLEGO. Mr. Chairman, I also strongly oppose the amendment offered by my friend, Mr. GOSAR. Mr. GOSAR is an outstanding Member of this body and a great advocate for the great State of Arizona, but unfortunately we don't see eye to eye on this amendment.

Mr. Chairman, immigrant service in uniform shouldn't be a controversial issue. The Secretary of Defense has the statutory authority to allow any immigrant to enlist if it is in our national interest, including DACA recipients who want to fight for our country.

Simply put, we shouldn't let political posturing stand in the way of our military's recruitment goals. Our Armed Forces need the best and the brightest soldiers, marines, and airmen they can get. Countless DREAMers and other immigrants want nothing more than to serve the country they love and call home. I fought in Iraq, and I know that on the battlefield what matters is your character and your commitment, not your immigration status.

Mr. Chairman, when we vote on this amendment later this evening, I hope we all consider the long sweep of history and not just the anti-immigrant politics of this present time. Immigrants, including those who came here without the right papers, have served with distinction in both world wars. Our military was made stronger in the 1940s because these men were allowed to enlist, and our military will be made stronger in 2016 if we vote to give another generation of immigrants the chance to serve.

Mr. Chairman, the willingness to fight and die in uniform is the purest expression of our love for our country. Let's oppose this amendment and give immigrants who love America the opportunity to try to enlist in America's Armed Forces.

Mr. Chairman, I yield back the balance of my time.

Mr. GOSAR. Mr. Chairman, I didn't serve in the military, but I understand my constitutional obligation, Article I,

section 8 power as well as the application of the rule of law. That is exactly what made America great was equal application of the law.

If you don't like the law, don't go around it and bypass it with an executive order. Understand that the full jurisdiction of this House is to uphold Article I, section 8 powers. We never gave jurisdiction to this, and it shouldn't go forward. I ask all of those voting on behalf of this amendment to go forward, as well as the King amendment as well.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GALLEGO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 27 OFFERED BY MR. KING OF IOWA

The Acting CHAIR. It is now in order to consider amendment No. 27 printed in House Report 114–623.

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used to extend the expiration date of the memorandum titled ''Military Accessions Vital to the National Interest Program Changes'' and dated September 25, 2014.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, my amendment is very similar to Mr. GOSAR's. I think it is important that we continue the debate on this particular issue.

What it says is that none of the funds made available by this act may be used to extend the expiration date of the memorandum titled Military Accessions Vital to the National Interest program changes. Again, it is the President reaching outside the bounds of the law. It is the President deciding he is a legislator instead of the executor. His job is to take care that the laws be faithfully executed, not make them up and go around the United States Congress.

I think there is something missing from this debate. It is an assumption that if we have someone in the military and they happen to be covered under DACA, that somehow they are legal. The President can't legalize people that are unlawfully present in America by law. He just asserts that executively, and we have to go to court then to reverse it and get the courts to change that. But the President has relentlessly amended immigration law by executive fiat and executive edict, and this is another time.

Under my amendment, he has the authority to put specialized people in place in the military if they have a special skill set. Now, one of those skill sets is not being an interpreter from English into Spanish. We have plenty of people who can do that. But it is for perhaps interpreters who speak Arabic; it is people who have special skills. It is not for the President to use this as a blanket amnesty.

By the way, people who come into this country under DACA have violated the law. Now, whether they were old enough to be aware or not, it is a matter of law. It doesn't matter to the law. They wave their DACA card at me and say, ''I am now here legally.'' They are not here legally. They just presume they are because we haven't been able to yet block the President on this issue; but we have litigated it, and I have been one who helped initiate the lawsuits to do that.

Now, when someone gets into the military who is Deferred Action for Childhood Arrivals, chances are they were in the military before they ended up with that card. But if they did, if they came into the country illegally and the President said, ''I am not going to enforce the law against them until such time as DACA expires,'' and then he would like to extend it, they broke the law to come into America, then they lied to get into the military, and then they took an oath to support and defend the Constitution of the United States. So I would say which of those three times were they really honorable, the last time or one or two of the first two times? That is really what is at stake here, Mr. Chairman. We can't be allowing the President to go outside the law.

I urge the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GALLEGO. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GALLEGO. Mr. Chairman, immigrants have been fighting in America's Armed Forces since the founding of the Republic. Many of them did not come here legally, but in countless cases we still allow them to enlist because, for most of our history, your patriotism was more important than your papers.

The amendment offered by Congressman KING is inconsistent with this rich tradition of immigrant service.

DOD is currently allowing a small number of immigrants who possess critical foreign language and technical skills to join the military through a program called Military Accessions Vital to the National Interest. The amendment before us would end this important program, preventing immigrants from serving in uniform who have medical expertise, linguistic skills, and cultural knowledge that could make a difference in the battlefields of Iraq and Afghanistan. It is important to note that the MAVNI program is fully consistent with current law.

As the chairman of the House Committee on Armed Services, Congressman THORNBERRY, stated in a recent debate on this issue:

The Secretary has the authority to fill critical needs, whatever they may be, with individuals, however they may have gotten here.

It is also worth noting that, though the MAVNI program allows certain DREAMers to serve, it also makes eligible 22 other categories of immigrants, including a variety of visa holders who entered the country legally.

Finally, this amendment is contrary to our national security interests. As a proud veteran of the Iraq war, I know that the strength of our military is defined not just by the potency of our weapons, but the quality of our people. Our Armed Forces need the best soldiers, sailors, marines, and airmen they can get.

□ 1745

Mr. Chairman, we should leave the doors of our military open to our young immigrants who love America and are willing to lay down their lives for our country.

Please join me in voting ''no'' on this misguided, mean-spirited amendment.

I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I would point out that I disagree with the gentleman from Arizona. There is a provision that allows the MAVNI program to be used by the Secretary of Defense, and it has notwithstanding language:

Notwithstanding paragraph, the Secretary concerned may authorize the enlistment of a person if that Secretary determines that such enlistment is vital to the national interest.

That has long been used in the MAVNI program. It has just never been used under another President to circumvent our immigration laws and fast track people not just into the military, but into citizenship.

If a DACA person is able to get into the military under this MAVNI program or any other program, they don't have to go the green card route with a lawful permanent residence card. They can go directly on a fast track to citizenship. It is a way of circumventing our immigration laws. The President

has been using it. And this amendment would block at least that provision of it, so I urge its adoption.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GALLEGO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 28 OFFERED BY MR. HUDSON

The Acting CHAIR. It is now in order to consider amendment No. 28 printed in House Report 114–623.

Mr. HUDSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act may be used to transfer any individual detained at United States Naval Station, Guantanamo Bay, Cuba, to any other location.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from North Carolina (Mr. HUDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. HUDSON. Mr. Chairman, I rise to urge my colleagues to support my amendment that prohibits funds from this appropriations bill from being used to transfer prisoners from Guantanamo Bay.

Over the weekend, we were tragically reminded of the very real threat of radical Islam when 49 Americans were murdered in the worst terrorist attack on our soil since 9/11. As we continue to mourn and pray for the victims and their families, we must recommit our efforts to defeat those who want to harm us.

We are at war with the radical Islamic extremists, yet our Commander in Chief is so focused on closing Guantanamo Bay that he ignores the danger posed by the terrorists detained there. The American people are counting on us to protect them.

This is a prison that houses some of the world's most dangerous war criminals and hardened terrorists, including some responsible for 9/11.

How can this administration guarantee that these prisoners won't return to the battlefield?

The fact is they can't. In a gut-wrenching admission, a senior Pentagon official told the House Foreign Affairs Committee that former Guantanamo inmates are responsible for the deaths of our fellow Americans overseas. According to The Washington Post, the Obama administration admitted at least 12 detainees released from the prison have launched attacks, killing about a half dozen Americans. This confirms, Mr. Chairman, our worst fears.

The American people get it, and are strongly opposed to closing Guantanamo. Our constituents continue to agree these prisoners do not belong in our backyards and shouldn't be transferred to other countries where there is a great risk they will be released and returned to the battlefield.

In the last several months alone, our world has been rocked by terrorist attacks from San Bernardino to Paris, and, most recently, in Orlando. Many of our biggest national security threats no longer come from traditional nations but from determined groups of extremists like these very detainees, whose sole desire is to kill Americans. The war on terror is an ongoing battle against evil, and we must remain vigilant.

We must take every action necessary to block the President's plan to close Guantanamo Bay. My amendment is another hurdle that will make sure it never happens. I urge my colleagues to put the safety and security of the American people first, and support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I regret that a bill and other relevant appropriations acts continue to see attempts to close Guantanamo by prohibiting viable alternatives.

We are debating an appropriations bill, and the committee and this Congress has to pay for things. I think maybe the appropriate discussion ought to be: Who is going to pay for this?

It is estimated that we are spending $5 million annually per inmate or 60 times the cost per inmate in a supermaximum Federal prison in the United States of America. But in the end, having talked about cost, this is not a cost issue. This is one question of law.

We are a Nation of laws and our military protects this country so that we can continue to be governed by those laws. I, for one, happen to think that the indefinite detention of a human being—any human being—without a trial, in some instances, after more than 10 years, is violative of those laws and our constitutional standards. It is a fundamental principle of this Nation, and we ought to conduct ourselves accordingly.

It is also interesting, from my perspective, that there have been a total of over 780 detainees at Guantanamo. The previous administration released more than 500, as far as transfers. We are all tied up in knots because the current administration has, over a period of 7½ years, transferred 157. Certainly, I also suggest there is a double standard.

Having said that, Mr. Chairman, I am in opposition to the gentleman's amendment.

I reserve the balance of my time.

Mr. HUDSON. Mr. Chairman, I don't have any further speakers, and I am prepared to close.

How much time is remaining?

The Acting CHAIR. The gentleman from North Carolina has 2½ minutes remaining.

Mr. HUDSON. Mr. Chairman, I would just, again, urge my colleagues to support this amendment. I understand the point raised by my colleague, and I think there are some valid points that ought to be discussed; but I think the bottom line here is the folks who are left at Guantanamo are the worst of the worst. These are some of the most violent, dangerous criminals in the world, and this President has shown that he is willing to transfer them to other places where the risk of them escaping back to the battlefield is very high. So I believe we can't risk that. I think the American people are counting on us to put their interests first.

So I will close by urging my colleagues to please support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I have spoken on this floor many, many times against amendments—so far, futilely—against amendments to bar the transfer of prisoners from Guantanamo or to prohibit the expenditure of funds to move them here or anywhere else.

This amendment is particularly pernicious. It says you may not spend any funds to move anyone from Guantanamo, period. That has to be unconstitutional, because what it says is, even if you find that an individual is innocent, even if you factually find out he is guilty of no terrorism, he didn't fight against us, he is not a prisoner of war, he is guilty of nothing, he must stay in jail forever.

How can an American legislative body pass a provision that says we will hold someone in jail forever, not only without trial, but even if we know he is innocent of everything?

I will make no further argument—I only have 1 minute—but the fact of the matter is it is clearly unconstitutional, clearly immoral, and against everything we should stand for. No one should vote for this amendment.

Mr. VISCLOSKY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. HUDSON).

The amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MR. LAMBORN

The Acting CHAIR. It is now in order to consider amendment No. 29 printed in House Report 114–623.

Mr. LAMBORN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Department of Defense to survey, assess, or review potential locations in the United States to detain any individual detained at United States Naval Station, Guantanamo Bay, Cuba, as of the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Colorado (Mr. LAMBORN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. LAMBORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Congress has consistently made it very clear that it is against the law for the terrorists held at Guantanamo to be brought to the United States. Though this debate is often partisan, this commonsense policy has often had bipartisan support. In fact, Democrats were actually the first to include restrictions in the Defense Appropriations bill in 2009 when they controlled both Chambers of Congress. Since then, a bipartisan majority has renewed these restrictions every year.

My amendment is simple and logical and is slightly different than the current law that we do have on the books and the language that is in the NDAA right now. This amendment prohibits the use of any funds to study or prepare U.S. detention facilities to house these terrorists.

If it is against the law to bring dangerous terrorists to the United States, why would we allow the Obama administration to study, using taxpayer dollars, how it would try to do this? Why would we want any administration to study how it can break the law?

Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. DUNCAN), my friend and colleague.

Mr. DUNCAN of South Carolina. Mr. Chairman, I rise today in support of my colleague, Mr. LAMBORN's amendment.

I am strongly opposed to the President using funds to survey potential sites within the United States at which to hold terrorists that are currently held at Guantanamo Bay.

Congress has passed numerous times, and the President has signed into law, legislation which explicitly prohibits the President from using taxpayer funds to bring terrorists to our soil and close the detention facility. Despite the law, the President has made his intent clear to close Guantanamo Bay and bring these terrorists to our States and local communities.

In the face of opposition from the American people and Congress and State Governors, the President continues to move forward with bringing these terrorists to our soil.

Last month, Governor Haley from my State of South Carolina testified before the Homeland Security Committee. She sent a letter to President Obama opposing terrorists coming to South Carolina, and never got a response from the administration and was never included in the initial talks. The President refuses to work with State Governors and with this Congress.

Mr. Chairman, no State should be a terrorist dumping ground. No State, whether South Carolina, Colorado, or any other, should be a terrorist dumping ground. Doing so would only make our communities the most high-profile terrorist targets in the world.

As Members of Congress, we must use every tool at our disposal to prevent the President from disregarding the law and the will of the people, including our power of the purse, by not allowing taxpayer dollars going towards bringing terrorists into this country.

I fully support this, and I urge my colleagues to support it as well.

Mr. VISCLOSKY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I yield such time as he may consume to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment would prohibit the Department of Defense from even reviewing locations in the U.S. to hold Guantanamo detainees. It would obviously make it much more difficult to close the prison, which is obviously its purpose, which experts agree that it is the prison that harms U.S. national security.

Major General Michael Lehnert, the first commander charged with constructing and operating the Guantanamo detention facility after 9/11, recently submitted a statement for the record to the House Subcommittee on Homeland Security, calling Guantanamo ''inconsistent with our values as Americans,'' and recommending the prison be closed.

As General Lehnert stated: ''Guantanamo's continued existence hurts us in our prosecution of the fight against terrorists. It feeds into the narrative that the United States is not a Nation of laws nor one that respect human rights.''

Former Secretary of State Colin Powell recently said that closing Guantanamo is in the United States ''best interest.'' Powell also stressed the effectiveness of U.S. Federal courts to prosecute terrorism offenses, which have convicted over 67 individuals of such charges since 9/11, including Osama bin Laden's son-in-law, Sulaiman Abu Ghaith.

Federal courts have been vastly more successful than the Guantanamo military commissions, where four of the eight detainees convicted have had their convictions completely overturned.

Prohibiting the Department of Defense from assessing U.S. locations to hold Guantanamo detainees is fiscally irresponsible. It costs us $34,000 a year to hold a detainee in a Federal supermax prison. It costs us $5 million a year to hold a detainee in Guantanamo. That is $5 million versus $34,000.

Even if it costs money to build a new supermax—although, I don't know why we would need a new supermax. There is plenty of room in our supermax prisons for the maximum number, which is 91 people now in Guantanamo, even assuming none of them were released.

□ 1800

Ninety-one times $5 million, minus 91 times $34,000 is a gross waste of money. Even if you had to spend money to build a new supermax prison, you are still saving a lot of money in the long run.

The last thing I want to say is, why would we subject our States as dumping grounds for terrorists?

Well, we have 67 terrorists convicted since 9/11 in American prisons and supermaxes in the United States. No one has ever escaped from a supermax prison. It is pure fear-mongering to say that a State or any place in the United States would be endangered by having a terrorist or anyone else in a supermax prison.

If the terrorist from Orlando had not been shot dead, he would presumably be either sentenced to death or sentenced to life in prison. He would be in a prison in the United States, and no one would say that is unsafe. No one would say: You have got to export him from the country. That is just pure, aberrant nonsense.

So we ought to shut the prison because it is fiscally sound. It would remove a terrorist propaganda point from al Qaeda and ISIS and everybody else. And not all those 91—some of them may be the worst of the worst. Some of them may not be. Some of them we know were simply handed over to bounty hunters because some other tribe in Afghanistan thought this is a good way—the Americans are handing out $5,000, $10,000—this is a good way to get rid of our rivals.

They ought to be tried. If guilty, they ought to be kept in prison for life, perhaps, depending on what they are guilty of. But if innocent, they ought to be released. And to say they ought to stay in Guantanamo without trial—and we know the military tribunals don't work; they haven't managed to convict anybody and make it stick—forever is un-American.

Mr. LAMBORN. Mr. Chairman, President Obama's policy of releasing people willy-nilly from Guantanamo is a bad policy. The risk is real. In recent months, the administration has finally admitted that there have been Americans who have died because of Guantanamo detainees who have been released. The Director of National Intelligence has said one of every three released detainees has rejoined the fight.

Even if detainees are brought to the U.S. and never escape, to address what my colleague from New York said, there is a very real danger of proselytization within the prison system, radicalizing the inmate population, and allowing terrorists to have increased legal rights, the risk of contraband, and access to communications. If there ever were a trial on U.S. soil, they would have the right to access methods and sources used by our intelligence agencies, and those would be given away to the bad guys. The people of Colorado and other States certainly don't feel safe having these terrorists in their backyards for those reasons.

Transferring Guantanamo prisoners to American soil is illegal, period. We need to do everything we can to ensure the President doesn't break the law or overturn the will of the American people and increase the risk to the American people, all because of a foolish and misguided campaign promise.

I would like to inform the President that 9/11 happened way before there ever was a Guantanamo prison. That is not why the Islamic radicals attacked us. They oppose our very way of life. They oppose us for who we are, not for what we do.

Let's keep GTMO open.

Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, following up on part of the discussion, we have had 443 people convicted of terrorist-related charges held in U.S. prisons, and as has already been indicated, they are very secure because no one has escaped.

I don't think it is necessarily wrong, even if a person is evil, that they have some modicum of legal rights under the United States of America. And you have 63 people being held in Guantanamo today for over 10 years with no trial. I just don't think that is according to the constitutional principles of this country.

But what I find upsetting is the prohibition on surveys, assessment, and reviews, the search for knowledge. There may be no better way to deal with the detention issue than keeping Guantanamo open. I would acknowledge that to the gentleman. There may not be a better way.

But if we don't search for knowledge and information and the truth, we will never know. What is the harm in asking?

I am opposed to the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. VISCLOSKY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POE of Texas) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 5485, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2017

Mr. CRENSHAW, from the Committee on Appropriations, submitted a privileged report (Rept. No. 114–624) on the bill (H.R. 5485) making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

The SPEAKER pro tempore. Pursuant to House Resolution 783 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5293.

Will the gentleman from Georgia (Mr. CARTER) kindly take the chair.

□ 1807

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, with Mr. CARTER of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 29, printed in House Report 114–623, offered by the gentleman from Colorado (Mr. LAMBORN), had been postponed.

AMENDMENT NO. 30 OFFERED BY MR. MASSIE

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in House Report 114–623.

Mr. MASSIE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used for drug interdiction or counter-drug activities in Afghanistan.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Kentucky (Mr. MASSIE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. MASSIE. Mr. Chair, today my friend, Congressman JONES, and I are offering an amendment to end the DOD's involvement in and funding of the futile war on drugs in Afghanistan.

In his most recent quarterly report from April 2016, the Special Inspector General for Afghanistan, Mr. John Sopko, said that the United States has provided a total of $8.5 billion in funding for counternarcotics efforts in Afghanistan since 2002. But these efforts have failed. They have been a colossal failure.

Afghanistan remains the world's leading opium supplier. It provides over 90 percent of the world's opium today, and since our efforts in Afghanistan to counter poppy production and opium production, would you believe that their production has doubled?

That is right. We have spent over $8 billion in counternarcotics efforts in Afghanistan, and they have doubled their production in that period of time. If this isn't a measure of failure, I don't know what it is.

Congress annually appropriates counternarcotics funds through the DOD drug interdiction and counterdrug accounts. It also appropriates drug interdiction funds via the State Department's International Narcotics Control and Law Enforcement account and through the Drug Enforcement Administration.

My amendment would specifically end DOD funding for the Afghanistan

drug war, which would substantially cut the United States overall spending on antidrug efforts there. Since 2002, Congress has appropriated a total of $3 billion, that is billion with a B, for the DOD drug interdiction and counterdrug activities fund.

That is $3 billion that could have been spent here at our border on border control efforts or on antidrug efforts or counternarcotics efforts here in the United States.

Mr. Chair, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, for years, the production and trafficking of heroin in Afghanistan has provided an important source of revenue to the Taliban and other antigovernment forces in the region. It is estimated the Taliban receives between $70 million and $100 million per year from the illicit drug trade.

Regional heroin trafficking is also fueling corruption and impeding legitimate economic activity critical for Afghans' continued development and stability.

$140.8 million was requested to provide direct counternarcotic support for Afghanistan. It is badly needed. These activities directly support the activities of the Department of Defense Operation Freedom's Sentinel by building their capacity and neighboring countries' capacities, their counternarcotics force, to disrupt illicit trafficking and deny proceeds from being used to fund terrorists' insurgent activities.

Funds support the training and equipping of special Afghan units, including their counternarcotics police as well as their national interdiction unit. It is important.

Allowing more illicit narcotics cultivation and trade to continue, without any methods or action to counter or interdict it, would be a total disaster, a total mistake.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, for any comments he may wish to make.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the time and join with the chairman in opposition to the gentleman's amendment.

I would agree with the gentleman from Kentucky that it is hard at times to measure progress in Afghanistan. However, with the continued presence of 10,000 troops, with the sacrifice, both in terms of life and our treasury, that have been expended over the last decade and a half, I do not believe that it is now time to completely desist, particularly, as the chairman rightfully points out, that this is a profit center for one of our enemies. So I would ask my colleagues to oppose the gentleman's amendment.

Mr. MASSIE. Mr. Chair, you know, in Congress, we often make the mistake of confusing activity with progress. And no doubt there has been a lot of activity—and the goals are noble—to cut off the funding for the Taliban. This is a source of income, opium production. And the activity has been there. We have spent $8 billion.

The problem is they have doubled their production. Ironically, we have helped them with irrigation and better roads, their infrastructure. Something we are doing over there isn't working, unless our goal is to increase their profits, because they have tripled the acreage that they are growing of poppy fields over there.

So we need to do something differently. What we are doing is not working. And throwing money at the problem will not solve it.

What I am proposing today is to stop the war on drugs there. It has been ineffective.

I would also remind folks—I probably don't need to remind any of my colleagues, there is a heroin epidemic here in the United States, and it is terrible in my district. My constituents are asking me, why are we throwing the money away in Afghanistan when we have the problems here? In Afghanistan, when we see no positive results—we see negative results—why don't we, instead, use that money to secure our border and prevent the influx of opium and heroin? Why don't we first focus our efforts on cleaning up our own streets, keeping our young people away from deadly drugs, versus throwing billions of dollars more away in Afghanistan on a program that has proven, by any objective measure, to be ineffective?

We had a hearing on this in the Oversight and Government Reform Committee, and there was no evidence there that any of these efforts have curtailed the opium production in Afghanistan. That is why I am offering this amendment today with Congressman JONES. I encourage my colleagues to support me in this.

□ 1815

Stop throwing money away. Stop wasting it in foreign countries. Bring that money back home and spend it here domestically instead for our constituents.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, in closing, there has been progress in Afghanistan. As long as we have nearly 10,000 troops over there, this is one of the things we need to focus on because it has a lot to do with protecting those that are there fighting on our behalf doing the work of freedom.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. MASSIE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MASSIE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kentucky will be postponed.

AMENDMENT NO. 31 OFFERED BY MR. MASSIE

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in House Report 114–623.

Mr. MASSIE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. ____. (a) Except as provided in subsection (b), none of the funds made available by this Act may be used by an officer or employee of the United States to query a collection of foreign intelligence information acquired under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) using a United States person identifier.

(b) Subsection (a) shall not apply to queries for foreign intelligence information authorized under section 105, 304, 703, 704, or 705 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805; 1842; 1881b; 1881c; 1881d), or title 18, United States Code, regardless of under what Foreign Intelligence Surveillance Act authority it was collected.

(c) Except as provided for in subsection (d), none of the funds made available by this Act may be used by the National Security Agency or the Central Intelligence Agency to mandate or request that a person (as defined in section 101(m) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(m))) alter its product or service to permit the electronic surveillance (as defined in section 101(f) of such Act (50 U.S.C. 1801(f))) of any user of such product or service for such agencies.

(d) Subsection (c) shall not apply with respect to mandates or requests authorized under the Communications Assistance for Law Enforcement Act (47 U.S.C. 1001 et seq.).

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Kentucky (Mr. MASSIE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. MASSIE. Mr. Chairman, our Founding Fathers included the Fourth Amendment in our Constitution for a reason: to require probable cause and a warrant before the government and government agents can spy on any of its citizens. Our Founding Fathers were fed up, and, frankly, I think our citizens are fed up with being spied on by the government.

I am here to offer an amendment today that would prevent warrantless

surveillance of Americans. I am offering it with many of my colleagues. I want to mention that this amendment has passed this House, this body, twice previously: once by 293–123, and another time by 255–174. It enjoys broad bipartisan support.

My cosponsors are Mr. JORDAN, Mr. O'ROURKE, Mr. AMASH, Representative POCAN, Representatives NADLER, GABBARD, FARENTHOLD, TED LIEU of California, ISSA, BUTTERFIELD, LABRADOR, GOSAR, DELBENE, POE of Texas, CONYERS, SENSENBRENNER, and Ms. ZOE LOFGREN from California.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, warrantless bulk collection of U.S. person communications and information was not ended with the USA FREEDOM Act. Twice in the last 2 years the House voted overwhelmingly to close two loopholes, but House leadership blocked us. The first back door will be shut by prohibiting search of government databases for information pertaining to U.S. citizens without a warrant. You can get the information, but you have to get a warrant.

In October of 2011, in a declassified FISA court decision, we learned that tens of thousands of wholly domestic communications—which are not even allowed to be collected under 702—have been collected. We need to make sure that, when you look for an American in that database, you get a warrant as the Fourth Amendment requires.

The second door to be shut prohibits the government from coercing companies into weakening security protections by creating back doors in products to make surveillance easier.

What is encryption? It is sophisticated computer code that is the most powerful tool we have for preventing outsiders from gaining entry into digital systems. Encryption protects the power grid, the air traffic control system, and your smartphone. Even if a weakness in encryption is promoted and created with good intentions, it is only a matter of time until a hacker finds and exploits it.

Such flaws put data security of every person and business—and really, the security of the United States—at risk. Our government should strengthen the technology that protects our privacy, our businesses, and our country—not take advantage of it.

The Massie-Lofgren amendment will make America safer, and it will defend the Fourth Amendment.

Mr. Chairman, I urge its adoption.

Mr. MASSIE. Mr. Chairman, I thank the gentlewoman from California.

May I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Kentucky has 2 minutes remaining.

Mr. MASSIE. Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, this amendment would impose greater restrictions on the intelligence community's ability to protect our national security and create an impediment to the government's ability to locate threat information already in its possession. Such an impediment, therefore, would put a lot more American lives at risk both at home and abroad.

Colleagues, as recent events have tragically reminded us, this issue is critical to our national security. Lawful queries can enable analysts to identify potential terror plots, to identify foreign nations trying to hack into our networks, to locate foreign intelligence officers spying within our borders, and, yes, to locate hostage victims.

These authorities were fully considered, as they should be, and we will hear in a moment from Chairman GOODLATTE during the development and the consideration of the USA FREEDOM Act.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), my ranking member.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the time and simply associate myself with the chairman's remarks. I am opposed to the amendment. I do appreciate the seriousness of people's opinion on both sides of this issue.

I am an appropriator. I don't have a complete allergic reaction to authorizing in an appropriation bill, but given the seriousness of this issue and the complexity of it, I don't think this is the right venue to make that decision. It should be done in the authorizing process.

I thank the gentleman for yielding.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time.

Mr. MASSIE. Mr. Chairman, I would just like to reiterate that all this amendment basically does is reassert the Fourth Amendment to the Constitution. All of the tools currently available to our intelligence agencies and those that keep us safe in the United States would still be available.

The only thing that changes after this amendment passes is that the warrant is required to search for information on Americans. It has been this way constitutionally since the beginning of our country. We are just trying to reassert that. Let them have all the tools they have today; just require a warrant if you want to search for information on Americans.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Utah (Mr. STEWART), a member of the Intelligence Committee.

Mr. STEWART. Mr. Chair, I rise today to oppose the Massie amendment and the inaccurate accusations that underlie it. Let me restate that. The supposition of this amendment is based off a fundamental misunderstanding of intelligence operations.

Contrary to rumor, it is illegal to use 702 surveillance authorities to spy on Americans. It is subject to multiple layers of oversight, and section 702 is an extremely powerful tool that has proven effective in disrupting terror plots, including, for one example, the 2009 plot to bomb the New York City subway. If this amendment were in effect today, the intelligence community would be unable to query the 702 database for the names of the Orlando nightclub attacker, for his wife, or even the nightclub itself.

We should be focusing on thwarting terror attacks, not on thwarting the ability of intelligence professionals to investigate and to stop them.

Mr. Chairman, I urge Members to prioritize the safety of U.S. citizens and to reject false allegations. Let me say that one more time: false and irresponsible allegations of government spying on Americans. We can scarcely afford to hamstring our intelligence community as it investigates these horrific shootings and tries to prevent similar plots from reaching fruition.

All of us want to protect our privacy and our constitutional rights. I want to protect our privacy and our constitutional rights. But objections to intelligence operations must be based on facts and not rumors or misunderstandings. Limiting access to critical law enforcement tools to stop these plots would directly put Americans in danger.

Mr. MASSIE. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Kentucky has 1¼ minutes remaining.

Mr. MASSIE. Mr. Chairman, I include in the RECORD a letter from the Director of National Intelligence that shows that Americans are being spied on without a warrant using the 702 program.

DIRECTOR OF NATIONAL INTELLIGENCE,
Washington, DC, March 28, 2014.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: During the January 29, 2014, Worldwide Threat hearing, you cited declassified court documents from 2011 indicating that NSA sought and obtained the authority to query information collected under Section 702 of the Foreign Intelligence and Surveillance Act (FISA), using U.S. person identifiers, and asked whether any such queries had been conducted for the communications of specific Americans.

As reflected in the August 2013 Semiannual Assessment of Compliance with Procedures and Guidelines Issued Pursuant to Section 702, which we declassified and released on August 21, 2013, there have been queries,

using U.S. person identifiers, of communications lawfully acquired to obtain foreign intelligence by targeting non U.S. persons reasonably believed to be located outside the U.S. pursuant to Section 702 of FISA. These queries were performed pursuant to minimization procedures approved by the FISA Court as consistent with the statute and the Fourth Amendment. As you know, when Congress reauthorized Section 702, the proposal to restrict such queries was specifically raised and ultimately not adopted.

For further assistance, please do not hesitate to contact Deirdre M. Walsh in the Office of Legislative Affairs.

Sincerely,

JAMES R. CLAPPER.

Mr. MASSIE. Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, who has the right the close?

The Acting CHAIR. The gentleman from New Jersey has the right to close.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time.

Mr. MASSIE. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. Mr. Chairman, our government spies on Americans. Section 702 was designed to go after the bad guys overseas, but it is being used to collect communications of Americans in America without a search warrant under the Fourth Amendment.

The amendment that the gentleman from Kentucky has introduced does something very basic. It says the Fourth Amendment will apply to a 702(a). If you have got a search warrant, go see a judge like I used to be; and if you have probable cause, then let a judge sign it. If you don't have probable cause, then you don't get a warrant. That is all it does.

It says the Constitution must apply to Americans, and fear tactics—I am sorry—on the other side don't change the facts. Get a warrant if you have probable cause. That is all the gentleman from Kentucky's amendment does.

Mr. MASSIE. To the judge's point, I would say that this doesn't take any tools away from those who want to investigate what happened in Orlando, none whatsoever. That is a mischaracterization, a complete mischaracterization of this amendment. You obviously can get a warrant on the perpetrator of this crime. So it would be wrong to characterize it in the way it is being characterized. It is unfortunate that my colleagues would take advantage of that situation to try and motivate people to vote ''no'' against this amendment.

Mr. Chairman, I urge my colleagues to vote ''yes'' on this amendment. It doesn't take away any of the tools. Read the amendment; you will find out. Just get the warrant; do the search.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, before I yield my time, how much time remains on my side?

The Acting CHAIR. The gentleman from New Jersey has 2 minutes remaining.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield the remainder of my time to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the House Judiciary Committee.

Mr. GOODLATTE. Mr. Chairman, I thank the chairman of the subcommittee.

Mr. Chairman, the tragic mass shooting in Florida Sunday morning is but the latest in a string of terror attacks here in America. Sadly, these plots have not been carried out by foreign terrorists but by Americans against Americans, on American soil.

We are all searching for the same answer: What motivated Omar Mateen to kill?

Investigators are still combing through evidence to determine whether Mateen was in contact with known or suspected terrorists. This amendment prohibits the government from searching data already in its possession, collected lawfully under section 702 of FISA, to determine whether Omar Mateen was in contact with foreign terrorists overseas.

Despite the characterization by proponents of the amendment that a search could occur if the government has obtained a FISA or criminal probable cause-based order, the exception does not, in fact, authorize such a query. Section 702 and the other provisions of the FISA Amendments Act are not set to expire until December 31 of next year.

The House Judiciary Committee shares the concerns of all here that we protect all Americans' rights under the Fourth Amendment of the United States Constitution. The committee has engaged and will continue to be engaged in robust oversight of the programs operated under the act.

A floor amendment to a spending bill debated for 10 minutes is not the appropriate venue for Congress to alter our intelligence gathering capabilities. This complicated issue must be closely examined and appropriately vetted by the committees of jurisdiction.

Sunday's deadly attack proves once again that the terror threat has not dissipated. The FBI has roughly 1,000 active ISIS probes in the United States, and these are probes into those we know about. Now is not the time to block the use of a critical investigative tool.

Mr. Chairman, I urge my colleagues to oppose this amendment, and I thank the gentleman for yielding.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. MASSIE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MASSIE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kentucky will be postponed.

□ 1830

AMENDMENT NO. 32 OFFERED BY MR. MC CLINTOCK

The Acting CHAIR. It is now in order to consider amendment No. 32 printed in House Report 114–623.

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ___. None of the funds appropriated or otherwise made available in this Act may be used to carry out any of the following:

(1) Section 2, 3, 4, 5, 6(b)(iii), or 6(c) of Executive Order 13653 (78 Fed. Reg. 66817).

(2) Section 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, or 15(b) of Executive Order 13693 (80 Fed. Reg. 15869).

(3) Paragraph (4), (9), (10), or (12) of subsection (c) or subsection (e) of section 2911 of title 10, United States Code.

(4) Section 400AA or 400FF of the Energy Policy and Conservation Act (42 U.S.C. 6374, 6374e).

(5) Section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

(6) Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852).

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from California (Mr. MCCLINTOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCCLINTOCK. Mr. Chairman, this amendment forbids scarce defense dollars from being spent to fund two executive orders and several other provisions of law that require the military to squander billions of dollars on so-called green energy.

The House adopted this amendment by voice vote last year and the year before, and I hope it will do so again.

We have been told this year that the defense budget is so tight that the Air Force has to scavenge museums for spare aircraft parts. Yet, it seems we have plenty of defense money to indulge the green energy mandates that are imposed upon our Armed Forces.

The GAO reports that these mandates have cost the Navy as much as $150 per gallon for jet fuel. In 2012, the Navy was forced to purchase 450,000 gallons of biofuel for its so-called green fleet at the cost of $26.60 per gallon when conventional petroleum costs just $2.50 per gallon.

These mandates forced the Air Force to pay $59 per gallon for 11,000 gallons of biofuel in 2012—10 times more than regular jet fuel cost. And it is not just biofuels.

Two years ago, the Pentagon was required to purchase over 1,000 Chevy Volts at a subsidized price of $40,000 each. As Senator Coburn's office pointed out, each one of these $40,000 Chevy Volts represents the choice not to provide an entire infantry platoon with all new rifles, or 50,000 rounds of ammunition that cannot be used for realistic training.

These green energy mandates have required the Army and Navy to install solar arrays in various facilities. At Naval Station Norfolk, the Navy spent $21 million to install a 10-acre solar array, which will supply a grand total of 2 percent of the base's electricity. According to the Inspector General's Office, this project will save enough money to pay for itself in only 447 years. Too bad solar panels only last 25 years.

We don't know how much all of these mandates waste because, as the GAO reports, ''There is currently no comprehensive inventory of which Federal agencies are implementing renewable energy related initiatives and the types of initiatives they are implementing.'' But outside estimates are as much as $10 billion for the Department of Defense last year, a figure that continues to grow.

We are told this program is necessary to maintain flexibility. Well, shouldn't flexibility free us to get cheaper and more plentiful fuels rather than more expensive and more exotic ones?

We are told the military should do its part for the environment, as if it is possible to fight an environmentally sensitive war.

I feel the real reason for this wasteful spending is part of an ideological agenda imposed on our military that will pointlessly consume billions of defense dollars, namely, to keep money flowing to politically well-connected green energy companies that can't get anybody else to buy their products.

As long as this product continues to consume our defense dollars, we cannot say that we are stretching our defense budget to the utmost.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I would point out to my House colleagues that the gentleman's amendment is very extensive and, for all practical purposes, will prohibit the Department of Defense in pursuing green energy initiatives. We have had previous debates today about the issue of climate change and the defense issues it presents to our Nation.

The gentleman says no funds shall be used for a wide range of initiatives. It would prohibit sections 2, 3, 4, 5, 6(b)(iii), or 6(c) of an executive order; sections 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, or 15(b) of an executive order; paragraphs (4), (9), (10), or (12) of subsection (c) or subsection (e) of section 2911 of title 10, United States Code; section 400AA or 400FF of the Energy Policy and Conservation Act; section 303 of the Energy Policy Act of 1992; and section 203 of the Energy Policy Act of 2005 under the last administration.

As I mentioned earlier in my remarks, sometimes we are very good at doing nothing. This would essentially block the Department of Defense from buying recycled paper.

The gentleman talked about solar arrays. Maybe if we continued to develop solar power and made them available to help in the field for tents, for example, we wouldn't have so many casualties in fuel convoys.

And we do have, unfortunately, a Metro stop at the Pentagon. This would block considering sites for pedestrian-friendly or public transportation access. So I assume we should essentially close the Metro stop at the Pentagon.

I think that this amendment is wrongheaded, unwarranted, and I am opposed to it.

I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, I thank the gentleman for pointing out just how much we are wasting in this program. If the Metro stop at the Pentagon cost us $10 billion a year, maybe we should close it; but that is not the point of this bill.

We have to ask ourselves how serious we are about meeting the defense needs of our Nation. We have been constantly warned how poorly funded our military is. The program this amendment would end is an estimated $10 billion of sheer waste, grossly inflated energy costs that come directly out of our military preparedness—$10 billion. Divide that by the number of families in America, and it comes to about $80 per family. It makes a mockery of claims that we have cut the military to the bone and puts the lie to any claim that we are serious about meeting our basic defense needs without bankrupting our country.

I would remind the House of Admiral Mullen's chilling warning that in his professional military judgment, our greatest national security threat is the national debt, because before we can provide for the common defense, we have to be able to pay for it, and waste like this robs us of our ability to defend our Nation and the Treasury upon which our defense depends.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, in his closing remarks, the gentleman suggested that if the Metro stop at the Pentagon costs $10 billion, perhaps we should close it. It doesn't. It doesn't cost $10 billion, and it doesn't cost that money to the Department of Defense.

We can debate and we can disagree on facts. We should not use exaggeration during debate in the House.

I am adamantly opposed to the gentleman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. VISCLOSKY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 33 OFFERED BY MR. MULVANEY

The Acting CHAIR. It is now in order to consider amendment No. 33 printed in House Report 114–623.

Mr. MULVANEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by title IX may be used in contravention of section 101(a)(13) of title 10, United States Code.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from South Carolina (Mr. MULVANEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. MULVANEY. Mr. Chairman, I am here, once again, to talk about the overseas contingency operations budget. My opinion of it by now should be no secret to anybody. I don't like it very much. There are other folks who agree with me. Unfortunately, not enough. But I will continue to come here and try to draw attention to what I believe to be a tremendous waste of taxpayer dollars.

There are folks, by the way, who agree with me. I don't often come to this microphone and cite JOHN MCCAIN as somebody who agrees with me on something, but he has described it as a gimmick and thinks that we can do better. The CBO described it as a method of spending with ''relatively little backup.'' Other folks in this Chamber from both parties have described as a slush fund. I happen to agree with all of those statements.

In the past, I have come here, Mr. Chairman, to try and simply get rid of the OCO budget because of the weaknesses that I think it contains. We are not doing that today. We have tried something different. We have tried to drill down a little bit and be a little bit more detailed in how we address the OCO budget by simply trying to define what it means to be OCO. We call it the war budget, but we don't really know what it means.

We tried today to figure out a way to define what it means. Lo and behold, we found out that in law, it is already defined. If you turn to title 10, section 101 of the U.S. Code, the definition of the Armed Forces section of the U.S. Code, General Military Law, Organization and General Military Powers, Chapter 1—Definitions, lo and behold, in section 13, the term ''contingency operation'' is defined. It reads as follows:

''The term 'contingency operation' means a military operation that:

''(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

''(B) results in the call or order to, or retention on, active duty of members of the uniformed services . . . or any other provision of law during a war or during a national emergency declared by the President or Congress.''

Contingency operations are defined in law, and have been for quite some time. Mr. Chairman, we have been ignoring that.

My amendment is very simple. It puts a stop to that. My amendment simply says that none of the funds available under title IX of this bill should be used in contravention of section 101(a)(13) title 10 of the United States Code. That is it. That is all it does. It simply says, in layman's terms, the overseas contingency operations will be used for contingency operations. To change the words a little bit to the stuff that ordinary people can understand, what the amendment does is make sure that the war budget is used for warfighters in the war effort and is no longer used as a slush fund to hide government spending from the taxpayers.

I urge my colleagues, even those who have opposed my efforts before, to completely discontinue the OCO budget, to bring some modicum of discipline to spending the war budget, making sure that it is spent on what the law provides, and not used on things that we have no idea where the money is being spent, which is so often the case.

I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I appreciate the opportunity to talk about the important investments our bill makes in our military, investments that the President's request simply did not make.

As I outlined in general debate, this bill shifts roughly $16 billion from the President's request for the overseas contingency account, which we call in our bill also the war on terror account, for their operations into critical investments in our personnel training and equipment by providing a bridge fund for our overseas operations through the end of April of next year.

Need I remind my colleagues that we currently have the lowest manning level in the Army since before World War II. At this time when North Korea, Iran, Russia are threatening international stability, ISIS isn't drawing back, and other groups are actually on the attack across the Middle East in northern Africa.

This legislation also boosts the Army and Marine Corps end strength to begin rebuilding our forces eroded in strength and morale by years of underinvestment. We also have the smallest Navy since before World War I—World War I. Let me assure my colleagues that Russia and China aren't slowing down their shipbuilding, and neither is Iran doing the same in terms of their Navy.

The readiness level for all of our services are alarmingly low, seriously risking our ability to defend American interests when called to do so. This is simply an unacceptable risk. It is the highest priority of all of us, and has been, on our committee, which is entirely bipartisan, to ensure that we have a strong national defense.

□ 1845

We have corrected deficiencies to the best of our ability. With what the President has provided us, we have provided oversight and have promoted accountability. These dollars are well spent. I strongly oppose the gentleman's amendment.

Mr. Chair, I yield such time as he may consume to the gentleman from New York (Mr. GIBSON).

Mr. GIBSON. I thank the gentleman.

Mr. Chair, I rise in opposition to the amendment. I say that with very strong respect for the gentleman who offered it. I think his heart is in the right place. He wants to see that we spend in a very disciplined manner. Yet, in the way that the amendment is currently crafted, we are going to see a significant downsize to our readiness.

As the chairman mentioned, we are on a path to having the smallest military since 1939. We just have a point of disagreement with the administration about that. We are trying to stop, roughly, 70,000 troops from getting pink slips between now and 2018, and we are doing that in a manner that ensures they have the kit—all the modernization, the operations, and maintenance—that goes with it.

I would suggest to the gentleman, if he withdrew his amendment and if he worked with us, that on my committee—the Armed Services Committee and the Appropriations Committee—there is a sentiment to begin to move and get it back. In fact, we even use language that it is designated for base requirements. To the gentleman's point, I would agree, but I would also say that, in the way the amendment is currently crafted, we will end up with the smallest military since 1939, and in this world, as described by the chairman, we cannot afford to do that.

I have one last thing, Mr. Chair. This whole House is united in its support for veterans. Veterans have had to continually go overseas and come back at a rapid pace because of its being a small force, so one way of looking after our servicemen and -women and our veterans is to make sure that we have the right-sized force. That is why we must reject this amendment.

Mr. FRELINGHUYSEN. I reserve the balance of my time.

Mr. MULVANEY. Mr. Chair, again, with all due respect to my friend, the gentleman from New York, to suggest that if my amendment passes, that somehow readiness will go down admits that we are spending money in violation of the law. Contingency operations are not meant for readiness. That is what the base military budget is for. We should be doing that anyway. I share in the concern of my colleagues on both sides of the aisle about the size of the military and our readiness, but that is not war. Readiness to go to war is not war. This is not supposed to be a replacement for the base budget. This should be, as my colleague from New York correctly pointed out, part of the war on terror. The OCO budget should be used to fight ISIS overseas, and it should be used to fight in Iraq and to fight in Syria. It should not be used for items that are not contingency operations.

I go back to the example of the MILCON-VA bill that we had here a couple of weeks ago. We had no direction as to where money was being spent. I had a subcommittee chairman get up and say, ''Well, it is going to be a health facility in Djibouti.'' Nothing in law says that—nothing. The only thing we passed out of this House was X number of dollars to be spent overseas before 2022. That is it. You could sit here and say, ''Well, this money is for the troops, or this money is for a base.'' No, it is not. This money is for whatever we decide we want to spend it on, and that is not right.

The OCO budget came into existence for a good reason. We were caught in 2011 without the ability to fund a war on terror, and we started spending money off budget to solve that problem. It is no longer an emergency. We should be having this money for readiness in the base budget. We should pass this amendment so that the OCO budget returns to what it is meant to be.

Mr. Chair, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chair, I yield to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member.

Mr. VISCLOSKY. Mr. Chair, I rise to tell the gentleman from South Carolina that, in my opening remarks, I said, as I have said in previous years, we should eliminate the reliance on OCO funding, in the first instance, and shift activities to the base budget. I also said in my opening remarks that I am concerned that other committees have placed our subcommittee in a very difficult position by authorizing this particular transfer, while not violative of the caps, in violation, from my perspective, of the budget agreement we made last year when we were to have certainty for 2 years in a row.

I would point out that the one fallacy I see with the gentleman's amendment is that, under that agreement that, I believe, gave us 2 years of predictability, there was an internal agreement that you could have that transfer of $5 billion of OCO to base, and because I was upset that that continuity of certainty was broken, I would have to oppose the gentleman's amendment, but he is on the right track.

Mr. FRELINGHUYSEN. Mr. Chair, I strongly oppose the gentleman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. MULVANEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MULVANEY. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

AMENDMENT NO. 34 OFFERED BY MR. DESANTIS

The Acting CHAIR. It is now in order to consider amendment No. 34 printed in House Report 114–623.

Mr. DESANTIS. Mr. Chair, as the designee of the gentleman from Kansas (Mr. POMPEO), I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used to pay for any salaries or expenses of the office or position of the Special Envoy for Guantanamo Detention Closure or the Principal Director, Detainee Policy.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Florida (Mr. DESANTIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. DESANTIS. Mr. Chair, as we have seen with stark clarity recently, Islamic jihadists are on the march, not only abroad but here at home. I think, once we have individuals in our custody who we know are committed to this destructive ideology and to waging war against the United States—like we have almost 80 of them in Guantanamo Bay now—they should remain in custody. We don't want to get into a situation in which we are transferring these detainees unwittingly simply because we are on an ideological mission to close Guantanamo Bay, and this facility is a key part of our strategy in fighting the war on terror.

The Obama administration recently admitted that they were not seeking to use an executive order in order to close Gitmo's detention facility, and that is a welcome admission, because that was something that had been reported was being considered behind the scenes.

Recent news reports, perhaps, shed light on why this is a nonstarter. Recent news reports have shown that at least 12 released Guantanamo detainees have attacked U.S. personnel or allied forces in Afghanistan, and they are responsible for killing at least six Americans. These are terrorists we had in our custody who were then released and who went out to kill a half dozen Americans, according to U.S. officials. This is totally unacceptable.

This amendment, which I am cosponsoring with Congressman POMPEO, would ban funding to two DOD offices whose purposes are, simply, to close the detention facility at Guantanamo Bay.

The facts and the reality show that their mission is unwise and unneeded. My amendment would prohibit funds for salaries or expenses for the Office of the Special Envoy for Guantanamo Detention Closure and the Principal Director of the Office of Detainee Policy. The sole mission of the Principal Director of the Office of Detainee Policy is to end detainee operations at Guantanamo Bay. That means either transferring people to the United States or overseas, where we know many of them go back to the jihad once they are released. President Obama also established the Office of the Special Envoy for Guantanamo Detention Closure, which has the same objective.

This amendment will eliminate unnecessary bureaucracy and will help keep Americans safe. As President Obama himself begins to give up on his misguided campaign to close Gitmo, Americans, especially the people whom I represent, can rest assured that none of these terrorists will be brought to their States or, hopefully, will be transferred to countries that are not going to keep tabs on them.

It is time we end the funding for these two offices and get back to protecting Americans and holding those hardened terrorists in a secured facility we already have that is located off our shores.

I reserve the balance of my time.

Mr. NADLER. Mr. Chair, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Mr. Chair, this amendment is another amendment in a series we have seen today to prevent any movement toward closing the Guantanamo Bay facility, obviously, and it would prevent the expenditure for any officials who are trying to do that. A number of myths have been propounded as to why we should do this.

One, we cannot bring terrorists to the United States. First of all, not everybody in Guantanamo is a terrorist. Some are. Some are not. There should be trials. There should be some form of due process. It is un-American to hold people there for life. Apparently, the people who are in favor of these amendments—this one included—want everyone in Guantanamo to be held forever because you can't spend any money to release them. You can't spend any money to close the prison. You can't spend any money to put them in a facility in the United States. You can't spend any money to do anything except to hold them in jail in Guantanamo forever and for $5 million a piece per year.

Several reasons have been introduced for doing this.

One, if they are brought to the United States and to a supermax prison, that is dangerous. No, it is not. No one has ever escaped from a supermax prison, and the executive director, Jim Gondles, of the American Correctional Association recently submitted a statement for the record to a House Homeland Security subcommittee stating that U.S. corrections systems, both military and civilian, already hold extremely dangerous people, including terrorists, and have done so for years. No matter how dangerous the detainees are, U.S. correctional systems professionals, military and civilian, have the ability, training, and capacity to take them on.

Second, we are told that there is a risk if these people are released—and some of them should be because they are not guilty—that, at some point, they could return to terrorism, assuming they are all terrorists. The fact of the matter is the recidivism rate—now it is true—under the Bush administration was 20.9 percent. Twenty-one percent of the detainees who were released under the Bush administration have returned to some sort of combat or insurgent activity. They didn't do a great job in screening under the Bush administration. Under the Obama administration—in other words, for the last 7½ years—the figure is not 21 percent; it is a little under 5 percent, 4.9 percent.

The White House recently confirmed that no detainees who have been released in this administration—that is to say in the last 8 years—have been responsible for the death of any American. Let's get rid of that bogus point.

It has also been misstated on this floor tonight that we don't want to bring Guantanamo prisoners to a supermax facility in the United States: A, because it is dangerous, which is nonsense; B, because they can radicalize other prisoners, which they can be kept apart from; and, C, because they would have more constitutional rights in the United States than in Guantanamo. The Supreme Court has ruled that prisoners at Guantanamo have exactly the same constitutional rights as prisoners who are held in the United States—no more, no less. The attempts to give them fewer constitutional rights are why every single conviction in the military tribunal in Guantanamo has been overturned on appeal so far.

They should be brought to the United States or released, depending on the case. They should be tried in a Federal court and put in a supermax prison forever if they are guilty, and if they are not guilty, they ought to be released. That is the American tradition. That is our way of life. It is what we are fighting to defend, at least presumably.

I reserve the balance of my time.

Mr. DESANTIS. Mr. Chair, the fact of the matter is, if you inject them into American prisons with the idea that you are going to be able to 100 percent segregate them and that they are not going to be able to radicalize any other inmates, why would you even want to run that risk?

In terms of bringing them to trial, the problem is that these guys were not captured under civilian law. They were captured under the law of war. If you are expecting our troops to amass legal cases against people they are capturing in war zones, that is going to put more of our troops' lives at risk. If you are in a hot fire zone but if you need to get evidence to make sure that that could withstand a court of law, they should be held under the law of war, not under civilian laws under which Americans would be.

I am sorry. I don't care if Bush released a detainee—or Obama. It is not about partisan games for me. If detainees are released in Afghanistan and they kill Americans, that is a bad thing, and I don't want to repeat that. The people who are there right now are some of the most radical detainees. These are people who have been reviewed for years, and no one would have ever thought that they should have been released. So why on Earth would you want to run the risk of putting more of these guys out into circulation given that we know Americans have already been killed?

I reserve the balance of my time.

□ 1900

Mr. NADLER. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from New York has 1¼ minutes remaining.

Mr. NADLER. Mr. Chair, I yield myself such time as I may consume.

Number one, they can be segregated in Federal prisons in the United States, and maybe they should be. Number two, some of them are indeed great terrorists and some aren't. Number three, they may have been captured in war zones, but they weren't in uniform, which means some of them may not have been combatants. That is what has to be determined. If they were combatants, they can be held under the law of war; but if they weren't combatants and they haven't committed any crimes, they should be released.

There has to be some due process. We can't hold people in prison forever with no trial, no due process because we think maybe—and remember, some of these people were. We offered bounties to tribes in Afghanistan. And like the Hatfields and the McCoys, the Hatfields turned in the McCoys, and we don't really know that all the McCoys were guilty of anything or engaged in combat.

Before we can hold them under the laws of war, we ought to at least have some sort of review to find that out. It is not true that all of them are the most dangerous. Some are; some are not. We owe it to our own traditions to figure out the difference.

Not to mention the fact that, to hold them in the United States, it costs $34,000 a year, and to hold them in Guantanamo costs $5 million a year, each. Who is the fiscally responsible party today?

I yield back the balance of my time.

Mr. DESANTIS. Mr. Chair, like a lot of these numbers, I mean, they get around-the-clock medical care and halal meals. I would be fine with curtailing that. If we could have paid that money to save those American troops, I would pay it every day, every single day.

I am a little confused by this argument that we would actually reward people who were picked up in combat zones when they are not wearing uniforms. That is essentially rewarding these terrorists who are not wearing insignia and they are not following the laws of war. So to then give them a civilian trial where someone actually followed the laws of war, they would simply end up being held under Geneva III. To me, that totally skews the incentive.

I think it is a good amendment, and I urge my colleagues to support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. DESANTIS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. NADLER. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 35 OFFERED BY MR. REICHERT

The Acting CHAIR. It is now in order to consider amendment No. 35 printed in House Report 114–623.

Mr. REICHERT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available by this Act may be used to carry out Executive Order 13688 entitled ''Federal Support for Local Law Enforcement Equipment Acquisition''.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, tragically, as we saw in San Bernardino and most recently in Orlando, we are living in a time with increasing threats in our local communities. This leaves our law enforcement officers and first responders with the responsibility of fighting from the front lines against the war on terror.

Not only is more being asked of our first responders, but as local budgets get cut, they are asked to undertake these tasks with fewer and fewer resources. This is why the Defense Logistics Agency transfer of excess military equipment to civilian law enforcement agencies, otherwise known as the 1033 Program, has been critical for first responders throughout the country and a necessity to keep our cities and neighborhoods safe.

The name 1033, by the way, comes from a section of the 1997 National Defense Authorization Act that made that program permanent. However, the law enforcement officers who might be listening to this presentation tonight know that 1033 in the 10 code means ''officer needs help.'' As a former law enforcement officer for 33 years, I have had many occasions to use a 1033 call for officer needs help.

Mr. Chairman, we are in, today, a world where our first responders are saying: 1033, we need help; we need support; we need you to stand by us and support us, provide us with the tools that we need to protect this country.

This is a cost-neutral program that allows civilian law enforcement offices to acquire military equipment, giving

them the tools to respond to the new and dangerous threats that America faces.

For example, during the tragic San Bernardino terrorist attack in December 2015, the local police used an armored vehicle acquired through the 1033 Program for officers to take cover in while the attackers were shooting hundreds of rounds at them. They were then able to move the vehicle, to maneuver and eventually take down the attackers.

Firefighters have also used the 1033 Program. In fact, in my own district, the Kittitas County Search and Rescue team has acquired a light military tactical vehicle that can access the mountain terrain in my district where wildfires constantly affect remote households. The Kittitas Valley Fire and Rescue agency spent $65,000 for a $250,000 machine that will be used to save lives in our community.

The President's Executive Order 13688 prohibits our law enforcement officers from acquiring some of the equipment needed to carry out their critical missions of protecting our communities.

Mr. Chairman, I have already said I served in law enforcement for 33 years. I know, from my own experience and from speaking with members of the law enforcement community, that by not fully equipping our first responders, we expose the American people to dangers that they don't need to be exposed to, and we can't be there to help them.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. REICHERT. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chair, law enforcement in my community, New Jersey sheriffs and police chiefs, are grateful for appropriate Defense Department equipment that allows them to do their jobs. It is all about, certainly, protecting the public, public safety, and allowing our law enforcement people to do their job on behalf of the people.

I am proud to support the gentleman's amendment.

Mr. REICHERT. Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR (Mr. NEWHOUSE). The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I don't think any of us are in disagreement in the Chamber that anything we can do, particularly as far as excess military equipment to help local law enforcement, is the right thing to do.

Relatively recently, in my congressional district, we were successful in helping the community of Munster, Indiana, secure a wheeled armored tactical vehicle for the very purpose that the gentleman recognized: to help people safely egress a very dangerous situation or to ingress one.

I do think, however, we need to make a distinction as to some of the types of help to be transferred to local communities. I don't think we can object—and the President's executive order allows it to take place—that those wheeled armored tactical vehicles continue to be transferred, or that, with justification, specialized firearms and ammunition be transferred to local authorities, or that explosives and pyrotechnics can be transferred under the executive order to local communities, or that riot equipment can be transferred to local communities under the executive order. There is broad discretion here.

What can't be transferred under the executive order are tanks. What can't be transferred are grenade launchers. What can't be transferred are bayonets.

So I do think there has to be some limit, and I am opposed to the gentleman's amendment. I think it was drafted overly broad.

I reserve the balance of my time.

Mr. REICHERT. Mr. Chairman, well, with respect to the gentleman's comments, I think it is important for us to remember that this equipment is required to be demilitarized. You can't acquire this equipment and have it still maintain a military component. You can't mount machine guns on top of the armored vehicles.

I don't know of any police chief or sheriff in the country who has asked for grenade launchers or rocket launchers or explosives, Mr. Chairman. These are reasonable requests. And there is a process in place, a very restrictive process that has been in place prior to the President's executive order.

The problem is that the President's executive order has created so much restriction now that it has essentially prevented law enforcement agencies and fire departments and rescue agencies across the country from acquiring the needed equipment that they so need to protect our communities.

Mr. Chairman, I think this is a commonsense amendment, again, that really spells out the need for law enforcement to have this equipment. It has been used properly in the past. I myself have used this equipment as the sheriff in King County and as a SWAT team commander.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I suggest to my colleague we should be discerning and to recognize, again, under the executive order, that things like specialized firearms and ammunition, riot equipment, explosives, and pyrotechnics still can be transferred.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The amendment was agreed to.

AMENDMENT NO. 36 OFFERED BY MR. ROHRABACHER

The Acting CHAIR. It is now in order to consider amendment No. 36 printed in House Report 114–623.

Mr. ROHRABACHER. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used to provide assistance to Pakistan.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I thank the ranking member and the chairman for all of the hard work they are putting into this very important piece of legislation. It is part of the job that we must do in Congress.

My amendment prohibits funds in the bill from being used to provide assistance to Pakistan. Since 9/11, we have given Pakistan well over $30 billion, the majority of which goes to military and security services of Pakistan. And Pakistan has used those services to murder and oppress their people, people like the heroic Baloch people or the Sindhis, who are struggling for freedom under Pakistani oppression.

It is a grotesque charade for us to suggest that our aid is buying Pakistani cooperation in the war on radical Islamic terrorism or in anything else. The Pakistani Government is neither our friend nor shares a common interest with our country. They are hardcore, two-faced enemies of our country.

If you don't believe that, then take a close look at what has happened to Dr. Afridi, a Pakistani medical doctor who helped pinpoint the location of Osama bin Laden and continues to languish in a Pakistani prison. This is because Dr. Afridi helped us bring to justice Osama bin Laden for the slaughter of 3,000 Americans on 9/11.

Last year, I came here to speak on this same issue, and this has been something we have been calling on. If the Pakistanis wanted to show a sign of good faith that they really were our friends, they would have released Dr. Afridi a long time ago.

While Dr. Afridi continues to remain in prison, we continue to provide weapons and cash to his tormenters. Arresting him and now keeping him in prison is a slap in the face to Americans and an insult to the families of those who died on 9/11.

Given the miserable human rights track record of the Pakistani Government—as well as the ongoing struggle of the people of Pakistan, who are

seeking their own self-determination and freedom, such as the Baloch and Sindhi minorities—this is morally wrong for us to continue to give weapons and assistance to this dictatorial and corrupt government.

□ 1915

Unless my amendment passes, our aid will continue to strengthen and bolster a government that has committed crimes against their own people, and we will be then basically giving money to a government that not only represses its own people but, through its support of terrorism and terrorist organizations, threatens the people of the United States as well as those peoples elsewhere.

I would ask my colleagues to vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. First of all, I would like to recognize the gentleman's passion and perseverance on this issue. I do want to pay tribute to the gentleman's perseverance and strong feelings. We engage in the elevator since we share the same third floor. I just want to recognize his passion about this issue.

Let me say, whatever the failings of Pakistan, they have been one of our allies for over 30 or 40 years, and the Coalition Support Fund does remain a critical tool to enable Pakistan to effectively deal with present and future challenges that are coming, quite honestly, as a result of our drawdown. It is a more cost-effective tool than putting more of our troops on the ground.

I respect the gentleman's passion, but I strongly oppose his amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from California has 1¾ minutes remaining.

Mr. ROHRABACHER. Let me just note I respect the chairman's leadership and the hard work he is putting in on this as well as the ranking member. This is a needed piece of legislation, and I respect that. Our primary job is to watch out for the security of our country, and this bill is supposed to address that. That is one reason why I have decided that unless the Pakistanis prove to us that I am wrong by simply releasing Dr. Afridi, basically they are insulting us, they are insulting the victims and the families of 9/11, and the fact is they can't even do this.

If they can't even do this, how do we expect them not to be supporting terrorism behind the scenes, which many of us believe the Pakistanis are guilty of? I suggest that what more can they do—who will trust us around the world if we let our friends like Dr. Afridi linger and let them sit there in a dungeon? Here is the man who helped us get Osama bin Laden, and the Pakistanis won't even let him out of jail. He is an American hero, for God's sake. What more can they do to us before we cut them off from all the billions of dollars of aid we have given them? I ask my colleagues to join me in supporting this resolution, this moral resolution.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, before I yield to Ranking Member VISCLOSKY, let me say that Dr. Afridi needs to be freed. We certainly want to go on public record that Pakistan needs to free this man who did remarkable things. He needs to be recognized for his courage. He needs to get out of prison or jail, wherever he is. I think all Members of Congress feel very strongly that he needs to be released.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I would associate myself with the chairman's remarks at this point in time. I do appreciate the gentleman's passion, his search for justice in this world, but I also do believe that the amendment is overly broad. The chairman of the committee certainly recognizes the difficulties we face in Pakistan. Hence, the inclusion of section 9017, which prohibits funds being spent unless there are certain certifications made. For that reason, I would be opposed and join with my chairman against the amendment. I thank the gentleman for yielding.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 37 OFFERED BY MR. WALBERG

The Acting CHAIR. It is now in order to consider amendment No. 37 printed in House Report 114–623.

Mr. WALBERG. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ___. None of the funds made available in this Act may be used to enforce, implement, or carry out the second proviso in the paragraph designated ''Afghanistan Security Forces Fund'' in Public Law 114–113.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Michigan (Mr. WALBERG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. WALBERG. Mr. Chairman, I thank the chairman of the committee and the ranking member for the work that has been done, and I look forward to supporting this important appropriations, but I rise to offer a bipartisan amendment with the gentleman from Tennessee (Mr. COHEN), the gentleman from North Carolina (Mr. JONES), the gentleman from Rhode Island (Mr. CICILLINE), the gentleman from Kentucky (Mr. MASSIE), the gentleman from Vermont (Mr. WELCH), the gentleman from Virginia (Mr. RIGELL), and the gentleman from Minnesota (Mr. NOLAN) that works to ensure the appropriate use of American taxpayer dollars in Afghanistan.

This amendment is in keeping with the clear position of the House, as we have voted several times in bipartisan fashion, to limit funds for the Afghanistan Infrastructure Fund, a program which has been poorly run and is lacking in oversight. Last year, the House passed my bipartisan amendment that would have prevented the Department of Defense from redirecting $50 million in funds from the Afghanistan Security Forces Fund to the Afghanistan Infrastructure Fund. Unfortunately, the fiscal year 2016 omnibus did not retain the House language and provided DOD the authority to obligate funds for the Afghanistan Infrastructure Fund through the end of fiscal year 2017.

My current amendment would turn off this authority. Mr. Chairman, we have spent billions of dollars toward rebuilding the infrastructure of Afghanistan. In fact, Congress has provided $1.3 billion to the Afghanistan Infrastructure Fund since it was created in 2011. However, funds have been slow to be spent, and as of March 31, 2016, $488 million of these infrastructure funds have yet to be expended.

SIGAR has already expressed reservations about the Afghans' ability to even operate and maintain these projects upon completion. So, Mr. Chairman, I ask with almost 50 percent of funds remaining to be expended, why take away from other programs and give to this one?

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Let me thank the gentleman for his amendment and his thoughtfulness and his

concerns, which we share about a lot of projects we have invested in Afghanistan.

I understand the gentleman's intentions are well placed. There were a few projects that were initiated, and the Afghanistan Infrastructure Fund ran into hurdles, as construction projects do, and are yet to be completed. The construction hurdles are by and large complete. The Kandahar bridging solution—this is the plan to provide electrical power to Kandahar—should be completed soon. This was a top counterinsurgency priority.

Initiated in fiscal year 2011, the Afghanistan Infrastructure Fund funded infrastructure projects in Afghanistan to lock in security gains and maintain stability by providing basic essential infrastructure to the people of Afghanistan. Our appropriations act enacted last year was not to extend funding or add any new projects but merely to have the authority to respond to out-of-scope adjustments on existing projects so they can be completed and functional for the Afghan people.

We, of course, realize we have infrastructure needs here at home in the United States, but what message does it send to the Afghan people, yet to the world, that we would leave nine major power-generation projects unfinished, including the Kajaki Dam? Six of these projects are estimated to be completed by the end of the year, with only three completions remaining.

May I say the committee opposes the amendment. They like to see these projects through so we can give the Afghani people a fighting chance. I am opposed to the amendment.

I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I thank the gentleman. I do appreciate the sentiments of the gentleman who offered the amendment. As I said earlier in our debate this evening, it is very hard at times to measure progress in Afghanistan, but I would agree with the chairman that after the sacrifice that has been expended—we are towards the end—we ought to give them a chance to stand on their own and join with the chair in opposition to the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time.

Mr. WALBERG. Mr. Chairman, I appreciate the chairman and ranking member's concerns, but 50 percent of the funds still remain to be used. They are there for that purpose. I think that is sufficient. Last year, 233 of us voted in favor of this amendment in a bipartisan fashion. I think that directs also the will of the House.

I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE), my good friend and colleague.

Mr. CICILLINE. Mr. Chairman, I thank the gentleman for yielding. I rise in strong support of this amendment offered by the gentleman from Michigan.

We have enormous infrastructure needs here in our own country. And, in fact, the Federal Highway Administration estimates that we have $106 billion of work to be done to our Nation's deteriorating bridges. As a country, it is absolutely critical that we make investments in repairing our own Nation's infrastructure.

Instead, we continue to invest taxpayer money in the Afghanistan Infrastructure Fund. To make matters worse, the Afghanistan Infrastructure Fund is notorious for inefficiencies and shortfalls. Several government watchdog groups have said that projects under this account have lagged significantly behind schedule, have lacked proper oversight, and have been poorly administered. There has been documented serious waste and fraud in this program.

When this program was established in 2011, it was intended to identify a handful of infrastructure projects that were shovel-ready and able to be completed by the middle of 2013. According to the Special Inspector General for Afghanistan Reconstruction, projects funded under this account have been consistently over budget and behind schedule.

Since 2003, the taxpayers of the United States have spent $1.3 billion rebuilding Afghanistan. As of April of this year, the Department of Defense has yet to disburse nearly $500 million for this program. With so much funding still waiting to be spent, why should we, in fact, provide additional funds for this program in light of that?

It is time that we put the needs of our own roads and bridges first. This amendment would prohibit funds from being reprogrammed for this very troubled program. I urge my colleagues to support this so that we can really refocus our attention on rebuilding our own country and put an end to this wasteful, inefficient program that has been fraught with fraud and waste.

I thank my colleague for allowing me to cosponsor the amendment. I strongly urge my colleagues to support the amendment.

Mr. WALBERG. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Michigan has 15 seconds remaining.

Mr. WALBERG. Mr. Chairman, in closing, I ask my colleagues to support this. I appreciate the sentiment and the concern of the ranking member and the chairman of the committee, but this is an issue that has weighed concerns for too long. It is time to give the infrastructure improvements our direction. Afghanis understand that, I believe. SIGAR has proved the concerns, so I ask for support of my amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. WALBERG).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WALBERG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

It is the understanding of the Chair that amendment No. 38 will not be offered.

□ 1930

AMENDMENT NO. 39 OFFERED BY MR. CARTWRIGHT

The Acting CHAIR. It is now in order to consider amendment No. 39 printed in House Report 114–623.

Mr. CARTWRIGHT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds appropriated by this Act may be used to plan for, begin, continue, complete, process, or approve a public-private competition under the Office of Management and Budget Circular A-76.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Pennsylvania (Mr. CARTWRIGHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. CARTWRIGHT. Mr. Chairman, with my compliments to the chairman of the subcommittee, the gentleman from New Jersey, as well as the ranking member, the gentleman from Indiana, I rise today to offer a bipartisan amendment which would prohibit the Department of Defense from conducting new A–76 studies, a process that both the GAO and the inspector general of the Department of Defense concluded could not demonstrate any savings to the taxpayer, and which has been subject to a congressional moratorium since the year 2010.

Specifically, the A–76 process uses faulty methodology, not updated since 2003, to determine whether Federal civilian jobs should be outsourced. The DOD inspector general's report noted that this A–76 process fails to keep track of costs and savings.

A–76, Mr. Chairman, is unmoored from fact, incorporating an arbitrary 12 percent overhead factor cost for Federal employees as opposed to contractors. The inspector general concluded that ''multimillion-dollar decisions are based, in part, on a factor not supported by data . . . Unless DOD develops a supportable rate or an alternative method to calculate a fair and

reasonable rate, the results of future competitions will be questionable . . .''

Making decisions based on such a faulty process is an irresponsible use of taxpayer dollars.

Maintaining the moratorium on the A–76 process is particularly important to the bipartisan House Military Depot, Arsenal, Ammunition Plant, and Industrial Facilities Caucus. While statutory law currently shields the core work of depots from the A–76 process, this process could still subject a depot's non-core work to its flawed assumptions.

Absent the protections of my amendment, significant depot workload, as well as arsenals, ammunition plants, and the rest of the organic industrial base operations, will be open to these flawed A–76 studies and eventual outsourcing.

This risks disruption, putting at risk the critical skills needed to support our warfighters, and interrupting workflow just when our military is in great flux. This kind of disruption could lead to significant delays in providing weapons and equipment to our warfighters, reducing readiness and weakening our organic industrial base, as well as reducing jobs in our local communities.

This body, this House, owes a duty to our warfighters and the taxpayers. Allowing A–76 studies to move forward would be a breach of both.

I urge my colleagues to vote ''yes'' on this amendment to maintain the moratorium on A–76 studies, shielding our military readiness from a process in desperate need of drastic revision.

I thank Representative DON BEYER, as well as Representatives WALTER JONES and ROB BISHOP across the aisle, for their support on this important amendment.

Additionally, I would like to thank the American Federation of Government Employees for their support as well, especially the hardworking men and women at Tobyhanna Army Depot in my own district.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman offering his amendment. I believe it is a very good one, and I rise in support of it.

Mr. CARTWRIGHT. Mr. Chairman, I urge my colleagues to vote ''yes'' on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BEYER. Mr. Chair, I rise today in support of Rep. CARTWRIGHT's amendment to H.R. 5293, the Department of Defense Appropriations Act, 2017, of which I am a proud cosponsor.

Rep. CARTWRIGHT's amendment would keep in place a moratorium on the use of the Office of Management and Budget's Circular A–76 privatization studies at the Department of Defense. These studies use a faulty methodology to determine whether or not to outsource federal civilian jobs.

It is wrong to jeopardize their livelihood in the name of privatization, especially when the tools to justify it are so faulty and biased against our federal workforce. Multiple reports, including by the Government Accountability Office and the Department of Defense Inspector General, criticized the A–76 process for failing to properly track costs and savings.

A–76 studies improperly alienate our hard working civilian employees critical to the military. These personnel provide depot maintenance and equipment recapitalization, logistics capabilities, engineering expertise necessary for modernization, warfighter training, base support and facilities sustainment, medical care and treatment, and family care programs that are critical to our Soldiers, Sailors, Airmen, Marines and their families.

We cannot afford to leave such costly decisions up to faulty data. A–76 studies cost the Department of Defense money, at the expense of military readiness, troop safety, and our federal civilian workforce. We should not lift this moratorium.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. CARTWRIGHT).

The amendment was agreed to.

AMENDMENT NO. 40 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 40 printed in House Report 114–623.

Mr. CONYERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. __. None of the funds made available by this Act may be used to transfer or authorize the transfer of any cluster munitions to Saudi Arabia.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I urge the support of every Member in this body for this amendment to block the transfer of American-made cluster bombs to Saudi Arabia.

This amendment is endorsed by the United States Conference of Catholic Bishops, as well as Human Rights Watch, Amnesty International, and a number of other organizations.

American-manufactured cluster bombs are currently being used by the Saudi-led coalition that is bombing Yemen. That campaign has caused the deaths of over 900 children, 3,000 civilians, and has forced 2.8 million people from their homes.

In violation of American law, the Saudis have used cluster bombs in civilian areas, endangering innocent civilians and threatening agriculture and other industries in Yemen.

Since the United States is supplying cluster bombs to the Saudis, and is a member of the coalition led by the Saudis, the United States could be held responsible for careless Saudi actions in this widely criticized bombing campaign.

The Obama administration recently took unilateral action to stop the sale of some cluster bombs to the Saudis. This amendment would put that prohibition into law, and make it more transparent and accountable.

I urge my colleagues to pass this reasonable amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. The Department of Defense strongly opposes this amendment. They advise us that it would stigmatize cluster munitions, which are legitimate weapons with clear military utility, and are effective weapons, providing distinct advantages against a range of targets, and can result in less collateral damage than unitary weapons.

The United States should be encouraging other states, such as the Kingdom of Saudi Arabia, to upgrade their cluster munitions stockpiles rather than making it more difficult for new sales and transfers.

Advancements in Sensor Fuzed technology have enabled newer types of cluster munitions to select and engage individual targets, which are not possible with older types of cluster munitions. These advancements in precision dramatically reduce the likelihood of unintended harm to civilians and civilian infrastructure from the use of cluster munitions.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in support of this amendment.

We have all seen the horrific reports coming from human rights groups on the ground in Yemen, where American-made cluster bombs are being used by Saudi Arabia against innocent bystanders—all under the guise of attacking Houthi rebels.

Earlier this year, the Saudi-led coalition dropped cluster bombs in Yemen's capital of Sana'a, specifically targeting known civilian neighborhoods. One of the buildings hit was the Al Noor Center for Care and Rehabilitation for the Blind, which also has a school for blind children. The destruction of the school and the injuries sustained by the children was unbearably gruesome.

This deliberate and reckless use of cluster munitions by Saudi Arabia highlights their complete disregard for the welfare of innocent people.

These actions are unacceptable. There is something fundamentally wrong with preaching human and civil rights here at home while we export death abroad. We cannot ignore our duty to protect basic human rights and values here and around the world. Unfortunately, as long as we sell cluster munitions to Saudi Arabia, these outrageous violations will continue to occur.

I ask my colleagues to support this amendment.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I rise in strong support of the gentleman's amendment.

While I applaud the administration for their recent suspension of sales of these weapons to Saudi Arabia, as of May 23, the gentleman's amendment would add certainty to the administration's position. I do support him in his effort, and I appreciate him offering the amendment.

Mr. CONYERS. Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to oppose the amendment.

Relating to the newer munitions that I talked about a few minutes ago, with improved performance, Human Rights Watch stated that, in perhaps the greatest technological advance, Sensor Fuzed weapon munitions, known as Air Force tank busters, are capable of independently sensing and attacking specific targets, like armored vehicles.

Without the Saudi order—this is a lot of what this is focusing on—this U.S. production line will close in 2017, significantly impacting the industrial base and prevent future U.S. procurement. For the record, over 85 suppliers in 30 States will be shuttered.

If the administration holds up or Congress blocks the sale, Saudi Arabia will likely purchase legacy cluster munitions from Russia, China and others, which, when used, will leave significant hazardous, unexploded munitions on the battlefield, further endangering civilians, as opposed to improve manufactured munitions.

Therefore, for these and other reasons, I strongly reject this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CARTER of Texas) having assumed the chair, Mr. NEWHOUSE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, had come to no resolution thereon.

□ 1945

HELPING FAMILIES IN MENTAL HEALTH CRISIS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, earlier today, I noted with particular joy that the House Energy and Commerce Committee moved through, by unanimous vote and complete bipartisanship, the Helping Families in Mental Health Crisis Act, H.R. 2426.

Without question, it is one of the most important pieces of legislation to address the serious mental illness crisis that has plagued our Nation since de-institutionialization turned millions of seriously ill citizens out on our streets, assuming they could function in the community in the second half of the 20th century. That proved not to be possible for millions of our fellow citizens.

Lacking effective treatment, many froze to death in back alleys, sat in their own excrement on the sidewalks of our cities, sought refuge under bridges and in doorways and street grates, became victims of abuse, and, too often, disappeared into the vapors of life, propelled by the force of their own unquiet minds.

Let me thank profusely and recognize Congressman TIM MURPHY of Pennsylvania, a psychologist who relied on his three decades of experience, and Congresswoman EDDIE BERNICE JOHNSON of Texas, a psychiatric nurse with two decades of experience in practice, for their visionary and unrelenting efforts to move the plight of the mentally ill into the main arena of this Congress.

I urge the Speaker to swiftly allocate time for its advancement to the House floor for a vote. Let us do something in our time and generation worthy of being remembered. This bill is it.

HOUR OF MEETING ON TOMORROW

Mr. MCCLINTOCK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. NEWHOUSE). Is there objection to the request of the gentleman from California?

There was no objection.

THE GROWING THREAT OUR NATION FACES FROM ISLAMIC TERRORISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from California (Mr. MCCLINTOCK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCCLINTOCK. Mr. Speaker, the terrorist attack on Orlando should bring into sharp focus the growing threat that our Nation faces from Islamic terrorism, and that begins with realizing that although Islam is a religion, it is often accompanied by a poisonous political ideology that is antithetical to everything that our country stands for. That ideology now poses a direct threat to the liberty and safety of our people, and we have every right to defend ourselves against it.

We knew for years that the terrorist's father was broadcasting pro-Taliban and anti-American rhetoric aimed principally at a large and growing Afghan Islamic population within the United States.

We knew that the terrorist, himself, had traveled repeatedly to Saudi Arabia under mysterious circumstances, associated with known terrorists and Islamic radicals in the United States, and expressed the most virulent anti-American views. And we took no action because there are far more instances of such threats than we can begin to assess or address.

This administration has drastically increased the admission of refugees from regions where overwhelming majorities believe in imposing sharia law. Those who are fleeing sharia law and Islamist political ideology should be welcome in this country at assimilable levels; but those who are coming here to impose it are a direct threat to our Constitution, and they have no business being admitted to our shores. Yet this administration makes no distinction between the two.

Indeed, earlier this year, when Governor Rick Scott of Florida, acting on behalf of law enforcement, requested information on the Islamic immigrants being inserted into his State, he was refused that vital public safety information.

While seeking to rapidly increase the number of Islamists being admitted to this country, this administration has failed not only to enforce our immigration laws, but it has actively undermined those laws. As a result of these deliberate government policies, we are enduring Islamist attacks within our borders that will continue to increase in both frequency and severity.

There is no blinking at the fact that these policies have encouraged a large and growing fifth column that is violently hostile to our country, and it has become deeply embedded within our communities. San Bernardino and Orlando were just the first bloody foretaste of what is to come until and unless these policies are stopped and reversed.

Last year, the House passed the SAFE Act. That is an acronym for Safety Against Foreign Enemies. It was the first tentative step toward properly screening refugees from hotbeds of Islamic extremism. It merely required affirmative verification of a refugee's lack of hostile intent if they were coming from Islamist strongholds in Iraq and Syria. 135 Democrats in this House opposed the SAFE Act, and Senate Democrats killed it in January at the behest of their President.

The very same politicians who will not allow us even to confirm the intent of Islamists entering America are at the same time using the Orlando atrocity as an excuse to disarm loyal and law-abiding Americans. Within minutes of the attack, the left began to use this terrorist atrocity to justify more restrictions on the rights of Americans to defend themselves. They would have us believe that terrorists who are bent on destroying our country by violently killing Americans will somehow make one exception to their contempt for our Nation by meticulously obeying our gun control laws.

The leftists tell us to leave it to the police. Really? In Orlando, it took 3 hours for police to secure the scene and confront the attacker, while hostages were being shot and the wounded were left to bleed to death—3 hours. In San Bernardino, the terrorists had already fled before police even arrived at the scene.

The first line of defense against an armed terrorist is an armed American; yet the Democrats seek to make it harder for Americans to arm themselves, while increasing the threat posed by mass immigration from those countries where Islamist ideology is rampant.

Is it possible that they don't understand that there is an international arms market and that terrorists can get their hands on any kinds of weapons they want as effortlessly as teenagers can buy pot?

While the Orlando terrorist got his guns legally, he could just as easily have gotten them illegally. But that is not the case of law-abiding American citizens. Law-abiding citizens obey our laws; terrorists do not.

The left's vision for our country is one in which Americans cannot shoot back and must helplessly wait to be rescued while they are being terrorized by Islamic extremists who should never have been in this country in the first place. And that is going to continue in this country until it wakes up to the danger that it faces and takes decisive action at the ballot box.

That is ultimately the choice before us: we can either suffer increasingly violent attacks on increasingly defenseless Americans, or we can choose to finally take seriously the nature of the enemy we face and finally demand leaders who will secure our borders, empower Americans to defend themselves, and act forthrightly to defend our country.

Mr. Speaker, I yield back the balance of my time.

WORDS FROM A SEXUAL ASSAULT SURVIVOR TO HER ATTACKER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentlewoman from California (Ms. SPEIER) is recognized for 60 minutes as the designee of the minority leader.

Ms. SPEIER. Mr. Speaker, we are doing something tonight that has never been done before on the House floor. We will read the entire gut-wrenching statement of the sexual assault survivor who was attacked on the Stanford campus last year.

The sexual predator received a paltry sentence of 6 months in county jail, of which he will serve only 3 for committing a violent crime. We are not moved by the felon's excuse of alcohol. We are not moved by the judge, who said a longer sentence would have a ''severe impact'' on the offender. We are not moved by the felon's father, who said that his son should not serve jail time for ''20 minutes of action.''

Emily Doe is a survivor in every sense of the word, and her words deserve to be amplified.

Mr. Speaker, I ask unanimous consent that we read the statement in its entirety without yielding, by name, to each Member, to preserve the continuity of the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SPEIER. ''Your Honor, if it is all right, for the majority of this statement I would like to address the defendant directly.

''You don't know me, but you've been inside me, and that's why we're here today.

''On January 17th, 2015, it was a quiet Saturday night at home. My dad made some dinner and I sat at the table with my younger sister who was visiting for the weekend. I was working full time and it was approaching my bed time. I planned to stay at home by myself, watch some TV and read, while she went to a party with her friends.''

Ms. CLARK of Massachusetts. ''Then, I decided it was my only night with her, I had nothing better to do, so why not, there's a dumb party ten minutes from my house, I would go, dance like a fool, and embarrass my younger sister. On the way there, I joked that undergrad guys would have braces. My sister teased me for wearing a beige cardigan to a frat party like a librarian. I called myself 'big mama', because I knew I'd be the oldest one there. I made silly faces, let my guard down, and drank liquor too fast not factoring in that my tolerance had significantly lowered since college.

''The next thing I remember I was in a gurney in a hallway. I had dried blood and bandages on the backs of my hands and elbow. I thought maybe I had fallen and was in an admin office on campus. I was very calm and wondering where my sister was. A deputy explained I had been assaulted. I still remained calm, assured he was speaking to the wrong person. I knew no one at this party. When I was finally allowed to use the restroom, I pulled down the hospital pants they had given me, went to pull down my underwear, and felt nothing.

''I still remember the feeling of my hands touching my skin and grabbing nothing. I looked down and there was nothing. The thin piece of fabric, the only thing between my vagina and anything else, was missing and everything inside me was silenced. I still don't have words for that feeling. In order to keep breathing, I thought maybe the policeman used scissors to cut them off for evidence.

''Then I felt the pine needles scratching the back of my neck and started pulling them out my hair. I thought maybe, the pine needles had fallen from a tree onto my head. My brain was talking my gut into not collapsing. Because my gut was saying, help me, help me.

''I shuffled from room to room with a blanket wrapped around me, pine needles trailing behind me, I left a little pile in every room I sat in. I was asked to sign papers that said 'Rape Victim' and I thought something has really happened. My clothes were confiscated and I stood naked while the nurses held a ruler to various abrasions on my body and photographed them. The three of us worked to comb the pine needles out of my hair, six hands to fill one paper bag. To calm me down, they said it's just the flora and fauna, flora and fauna. I had multiple swabs inserted into my vagina and anus, needles for shots, pills, had a Nikon pointed right into my spread legs. I had long, pointed beaks inside me and had my vagina smeared with cold, blue paint to check for abrasions.''

Mr. CICILLINE. ''After a few hours of this, they let me shower. I stood there examining my body beneath the steam of water and decided, I don't want my body anymore. I was terrified of it, I didn't know what had been in it, if it had been contaminated, who had touched it. I wanted to take off my

body like a jacket and leave it at the hospital with everything else.

''On that morning, all that I was told was that I had been found behind a dumpster, potentially penetrated by a stranger, and that I should get retested for HIV because results don't always show up immediately. But for now, I should go home and get back to my normal life.

''Imagine stepping back into the world with only that information. They gave me huge hugs and I walked out of the hospital into the parking lot wearing the new sweatshirt and sweatpants they provided me, as they had only allowed me to keep my necklace and shoes.''

□ 2000

''My sister picked me up, face wet from tears and contorted in anguish. Instinctively and immediately, I wanted to take away her pain. I smiled at her, I told her to look at me, I'm right here, I'm okay, everything's okay. I'm right here.

''My hair is washed and clean, they gave me the strangest shampoo, calm down, and look at me. Look at these funny new sweatpants and sweatshirt, I look like a P.E. teacher, let's go home, let's eat something. She did not know that beneath my sweatsuit, I had scratches and bandages on my skin, my vagina was sore and had become a strange, dark color from all the prodding, my underwear was missing, and I felt too empty to continue to speak. That I was also afraid, that I was also devastated. That day we drove home and for hours in silence my younger sister held me.

''My boyfriend did not know what happened, but called that day and said, 'I was really worried about you last night, you scared me, did you make it home okay?' I was horrified. That is when I learned I had called him that night in my blackout, left an incomprehensible voicemail, that we had also spoken on the phone, but I was slurring so heavily he was scared for me, that he repeatedly told me to go find [my sister]. Again, he asked me, 'What happened last night? Did you make it home okay?' I said yes, and hung up to cry.''

Ms. TSONGAS. ''I was not ready to tell my boyfriend or parents that actually, I may have been raped behind a dumpster, but I don't know by who or when or how. If I told them, I would see the fear on their faces, and mine would multiply by tenfold, so instead I pretended the whole thing wasn't real.

''I tried to push it out of my mind, but it was so heavy I didn't talk, I didn't eat, I didn't sleep, I didn't interact with anyone. After work, I would drive to a secluded place to scream.

''I didn't talk, I didn't eat, I didn't sleep, I didn't interact with anyone, and I became isolated from the ones I loved most. For over a week after the incident, I didn't get any calls or updates about that night or what happened to me. The only symbol that proved that it hadn't just been a bad dream, was the sweatshirt from the hospital in my drawer.

''One day, I was at work, scrolling through news on my phone, and came across an article. In it, I read and learned for the first time about how I was found unconscious, with my hair disheveled, long necklace wrapped around my neck, bra pulled out of my dress, dress pulled off over my shoulders and pulled up above my waist, that I was butt naked all the way down to my boots, legs spread apart, and had been penetrated by a foreign object by someone I did not recognize.

''This was how I learned what happened to me, sitting at my desk reading the news at work. I learned what happened to me the same time everyone else in the world learned what happened to me. That's when the pine needles in my hair made sense, they didn't fall from a tree. He had taken off my underwear, his fingers had been inside of me. I don't even know this person. I still don't know this person. When I read about me like this, I said, this can't be me, this can't be me. I could not digest or accept any of this information.''

Ms. MAXINE WATERS of California. ''I could not imagine my family having to read about this online. I kept reading. In the next paragraph, I read something that I will never forgive; I read that according to him, I liked it. I liked it. Again, I do not have words for these feelings.

''It's like if you were to read an article where a car was hit, and found dented, in a ditch. But maybe the car enjoyed being hit. Maybe the other car didn't mean to hit it, just bump it up a little bit. Cars get in accidents all the time, people aren't always paying attention, can we really say who's at fault.

''And then, at the bottom of the article, after I learned about the graphic details of my own sexual assault, the article listed his swimming times. She was found breathing, unresponsive with her underwear six inches away from her bare stomach curled in fetal position. By the way, he's really good at swimming. Throw in my mile time if that's what we're doing. I'm good at cooking, put that in there, I think the end is where you list your extracurriculars to cancel out all the sickening things that've happened.

''The night the news came out I sat my parents down and told them that I had been assaulted, to not look at the news because it's upsetting, just know that I'm okay, I'm right here, and I'm okay. But halfway through telling them, my mom had to hold me because I could no longer stand up.

''The night after it happened, he said he didn't know my name, said he wouldn't be able to identify my face in a lineup, didn't mention any dialogue between us, no words, only dancing and kissing.

''Dancing is a cute term; was it snapping fingers and twirling dancing, or just bodies grinding up against each other in a crowded room? I wonder if kissing was just faces sloppily pressed up against each other? When the detective asked if he had planned on taking me back to his dorm, he said no. When the detective asked how we ended up behind the dumpster, he said he didn't know. He admitted to kissing other girls at that party, one of whom was my own sister who pushed him away. He admitted to wanting to hook up with someone. I was the wounded antelope of the herd, completely alone and vulnerable, physically unable to fend for myself, and he chose me.''

Mrs. WATSON COLEMAN. ''Sometimes I think, if I hadn't gone, then this never would have happened. But then I realized, it would have happened, just to somebody else. You were about the enter four years of access to drunk girls and parties, and if this is the foot you started off on, then it is right you did not continue. The night after it happened, he said he thought I liked it because I rubbed his back. A back rub. Never mentioned me voicing consent, never mentioned us even speaking, a back rub. One more time, in public news, I learned that my ass and vagina were completely exposed outside, my breasts had been groped, fingers had been jabbed inside me along with pine needles and debris, my bare skin and head had been rubbing against the ground behind a dumpster, while an erect freshman was humping my half naked, unconscious body. But I don't remember, so how do I prove I didn't like it.

''I thought there's no way this is going to trial; there were witnesses, there was dirt in my body, he ran but he was caught. He's going to settle, formally apologize, and we will both move on. Instead, I was told he hired a powerful attorney, expert witnesses, private investigators who were going to try and find details about my personal life to use against me, find loopholes in my story to invalidate me and my sister, in order to show that this sexual assault was in fact a misunderstanding. That he was going to go to any length to convince the world he had simply been confused.

''I was not only told that I was assaulted, I was told that because I couldn't remember, I technically could not prove it was unwanted. And that distorted me, damaged me, almost broke me. It is the saddest type of confusion to be told I was assaulted and nearly raped, blatantly out in the open, but we don't know if it counts as assault yet. I had to fight for an entire year to make it clear that there was something wrong with this situation.

''When I was told to be prepared in case we didn't win, I said, I can't prepare for that.''

Ms. JUDY CHU of California. ''He was guilty the minute I woke up. No one can talk me out of the hurt he caused me. Worst of all, I was warned, because he now knows you don't remember, he is going to get to write the script. He can say whatever he wants and no one can contest it. I had no power, I had no voice, I was defenseless. My memory loss would be used against me. My testimony was weak, was incomplete, and I was made to believe that perhaps, I am not enough to win this. His attorney constantly reminded the jury, the only one we can believe is Brock, because she doesn't remember. That helplessness was traumatizing.

''Instead of taking time to heal, I was taking time to recall the night in excruciating detail, in order to prepare for the attorney's questions that would be invasive, aggressive, and designed to steer me off course, to contradict myself, my sister, phrased in ways to manipulate my answers. Instead of his attorney saying, Did you notice any abrasions? He said, You didn't notice any abrasions, right? This was a game of strategy, as if I could be tricked out of my own worth.

''The sexual assault had been so clear, but instead, here I was at the trial, answering questions like:

''How old are you? How much do you weigh? What did you eat that day? Well what did you have for dinner? Who made dinner? Did you drink with dinner? No, not even water? When did you drink? How much did you drink? What container did you drink out of? Who gave you the drink? How much do you usually drink? Who dropped you off at this party? At what time? But where exactly? What were you wearing? Why were you going to this party?

''What'd you do when you got there? Are you sure you did that? But what time did you do that? What does this text mean? Who were you texting? When did you urinate? Where did you urinate? With whom did you urinate outside? Was your phone on silent when your sister called? Do you remember silencing it? Really? Because on page 53 I'd like to point out that you said it was set to ring. Did you drink in college? You said you were a party animal? How many times did you black out? Did you party at frats?''

Ms. ESHOO. ''Are you serious with your boyfriend? Are you sexually active with him? When did you start dating? Would you ever cheat? Do you have a history of cheating? What do you mean when you said you wanted to reward him? Do you remember what time you woke up? Were you wearing your cardigan? What color was your cardigan? Do you remember any more from that night? No? Okay, well, we'll let Brock fill it in.

''I was pummeled with narrow, pointed questions that dissected my personal life, love life, past life, family life, inane questions, accumulating trivial details to try and find an excuse for this guy who had me half naked before even bothering to ask for my name. After a physical assault, I was assaulted with questions designed to attack me, to say see, her facts don't line up, she's out of her mind, she's practically an alcoholic, she probably wanted to hook up, he's like an athlete right, they were both drunk, whatever, the hospital stuff she remembers is after the fact, why take it into account, Brock has a lot at stake so he's having a really hard time right now. And then it came time for him to testify and I learned what it meant to be revictimized.

''I want to remind you, the night after it happened he said he never planned to take me back to his dorm. He said he didn't know why we were behind a dumpster. He got up to leave because he wasn't feeling well when he was suddenly chased and attacked. Then he learned I could not remember. So one year later, as predicted, a new dialogue emerged. Brock had a strange new story, almost sounded like a poorly written young adult novel with kissing and dancing and hand holding and lovingly tumbling onto the ground, and most importantly in this new story, there was suddenly consent. One year after the incident, he remembered, oh yeah, by the way she actually said yes, to everything, so.

''He said he had asked if I wanted to dance. Apparently I said yes. He'd asked if I wanted to go to his dorm, I said yes. Then he asked if he could finger me and I said yes. Most guys don't ask, can I finger you? Usually there's a natural progression of things, unfolding consensually, not a Q and A. But apparently I granted full permission. He's in the clear. Even in his story, I only said a total of three words, yes yes yes, before he had me half naked on the ground.''

□ 2015

Mr. TAKANO. ''Future reference, if you are confused about whether a girl can consent, see if she can speak an entire sentence. You couldn't even do that. Just one coherent string of words. Where was the confusion? This is common sense, human decency.

''According to him, the only reason we were on the ground was because I fell down. Note; if a girl falls down help her get back up. If she is too drunk to even walk and falls down, do not mount her, hump her, take off her underwear, and insert your hand inside her vagina. If a girl falls down help her up. If she is wearing a cardigan over her dress don't take it off so that you can touch her breasts. Maybe she is cold, maybe that's why she wore the cardigan.

''Next in the story, two Swedes on bicycles approached you and you ran. When they tackled you why didn't you say, 'Stop! Everything's okay, go ask her, she's right over there, she'll tell you.' I mean you had just asked for my consent, right? I was awake, right? When the policeman arrived and interviewed the evil Swede who tackled you, he was crying so hard he couldn't speak because of what he'd seen.

''Your attorney has repeatedly pointed out, well we don't know exactly when she became unconscious. And you're right, maybe I was still fluttering my eyes and wasn't completely limp yet. That was never the point. I was too drunk to speak English, too drunk to consent way before I was on the ground. I should never have been touched in the first place. Brock stated, 'At no time did I see that she was not responding. If at any time I thought she was not responding, I would have stopped immediately.'

''Here's the thing; if your plan was to stop only when I became unresponsive, then you still do not understand. You didn't even stop when I was unconscious anyway! Someone else stopped you. Two guys on bikes noticed I wasn't moving in the dark and had to tackle you. How did you not notice while on top of me?

''You said, you would have stopped and gotten help. You say that, but I want you to explain how you would've helped me, step by step, walk me through this. I want to know, if those evil Swedes had not found me, how the night would have played out.''

Mrs. DINGELL. ''I am asking you; Would you have pulled my underwear back on over my boots? Untangled the necklace wrapped around my neck? Closed my legs, covered me? Pick the pine needles from my hair? Asked if the abrasions on my neck and bottom hurt? Would you then go find a friend and say, Will you help me get her somewhere warm and soft? I don't sleep when I think about the way it could have gone if the two guys had never come. What would have happened to me? That's what you'll never have a good answer for, that's what you can't explain even after a year.

''On top of all this, he claimed that I orgasmed after 1 minute of digital penetration. The nurse said there had been abrasions, lacerations, and dirt in my genitalia. Was that before or after I came? To sit under oath and inform all of us, that yes I wanted it, yes I permitted it, and that you are the true victim attacked by Swedes for reasons unknown to you is appalling, is demented, is selfish, is damaging. It is enough to be suffering. It is another thing to have someone ruthlessly working to diminish the gravity of validity of this suffering.

''My family had to see pictures of my head strapped to a gurney full of pine needles, of my body in the dirt with my

eyes closed, hair messed up, limbs bent, and dress hiked up. And even after that, my family had to listen to your attorney say the pictures were after the fact, we can dismiss them. To say, yes her nurse confirmed there was redness and abrasions inside her, significant trauma to her genitalia, but that's what happens when you finger someone, and he's already admitted to that.

''To listen to your attorney attempt to paint a picture of me, the face of girls gone wild, as if somehow that would make it so that I had this coming for me. To listen to him say I sounded drunk on the phone because I'm silly and that's my goofy way of speaking. To point out that in the voicemail, I said I would reward my boyfriend and we all know what I was thinking. I assure you my rewards program is nontransferable, especially to any nameless man that approaches me.''

Ms. KAPTUR. ''He has done irreversible damage to me and my family during the trial and we have sat silently, listening to him shape the evening. But in the end, his unsupported statements and his attorney's twisted logic fooled no one. The truth won, the truth spoke for itself.

''You are guilty. Twelve jurors convicted you guilty of three felony counts beyond a reasonable doubt, that's twelve votes per count, thirty-six yeses confirming guilt, that's one hundred percent, unanimous guilt. And I thought finally it is over, finally he will own up to what he did, truly apologize, we will both move on and get better. Then I read your statement.

''If you are hoping that one of my organs will implode from anger and I will die, I'm almost there. You are very close. This is not a story of another drunk college hook-up with poor decision making. Assault is not an accident. Somehow, you still don't get it. Somehow, you still sound confused. I will now read portions of the defendant's statement and respond to them.

''You said, Being drunk I just couldn't make the best decisions and neither could she.

''Alcohol is not an excuse. Is it a factor? Yes. But alcohol was not the one who stripped me, fingered me, had my head dragging against the ground, with me almost fully naked. Having too much to drink was an amateur mistake that I admit to, but it is not criminal. Everyone in this room has had a night where they have regretted drinking too much, or knows someone close to them who has had a night where they regretted drinking too much. Regretting drinking is not the same as regretting sexual assault. We were both drunk. The difference is I did not take off your pants and underwear, touch you inappropriately, and run away. That's the difference.

''You said, If I wanted to get to know her, I should have asked for her number, rather than asking her to go back to my room.

''I'm not mad because you didn't ask for my number. Even if you did know me, I would not want to be in this situation. My own boyfriend knows me, but if he asked to finger me behind a dumpster, I would slap him. No girl wants to be in this situation. Nobody. I don't care if you know their phone number or not. You said, I stupidly thought it was okay for me to do what everyone around me was doing, which was drinking. I was wrong.''

Ms. GABBARD. ''Again, you were not wrong for drinking. Everyone around you was not sexually assaulting me. You were wrong for doing what nobody else was doing, which was pushing your erect dick in your pants against my naked, defenseless body concealed in a dark area, where partygoers could no longer see or protect me, and my own sister could not find me. Sipping fireball is not your crime. Peeling off and discarding my underwear like a candy wrapper to insert your finger into my body, is where you went wrong. Why am I still explaining this.

''You said, During the trial I didn't want to victimize her at all. That was just my attorney and his way of approaching the case.

''Your attorney is not your scapegoat, he represents you. Did your attorney say some incredulously infuriating, degrading things? Absolutely. He said you had an erection, because it was cold.

''You said, you are in the process of establishing a program for high school and college students in which you speak about your experience to 'speak out against the college campus drinking culture and the sexual promiscuity that goes along with that.'

''Campus drinking culture. That's what we're speaking out against? You think that's what I've spent the past year fighting for? Not awareness about campus sexual assault, or rape, or learning to recognize consent. Campus drinking culture. Down with Jack Daniels. Down with Skyy Vodka. If you want to talk to people about drinking go to an AA meeting. You realize, having a drinking problem is different than drinking and then forcefully trying to have sex with someone? Show men how to respect women, not how to drink less.

''Drinking culture and the sexual promiscuity that goes along with that. Goes along with that, like a side effect, like fries on the side of your order. Where does promiscuity even come into play? I don't see headlines that read, Brock Turner, Guilty of drinking too much and the sexual promiscuity that goes along with that. Campus Sexual Assault. There's your first powerpoint slide. Rest assured, if you fail to fix the topic of your talk, I will follow you to every school you go to and give a follow up presentation.''

Mr. POE of Texas. ''Lastly you said, I want to show people that one night of drinking can ruin a life. A life, one life, yours, you forgot about mine. Let me rephrase for you, I want to show people that one night of drinking can ruin two lives. You and me. You are the cause, I am the effect. You have dragged me through this hell with you, dipped me back into that night again and again. You knocked down both our towers, I collapsed at the same time you did. If you think I was spared, came out unscathed, that today I ride off into sunset, while you suffer the greatest blow, you are mistaken.

''My independence, natural joy, gentleness, and steady lifestyle I had been enjoying became distorted beyond recognition. I became closed off, angry, self deprecating, tired, irritable, empty. The isolation at times was unbearable. You cannot give me back the life I had before that night either. While you worry about your shattered reputation, I refrigerated spoons every night so when I woke up, and my eyes were puffy from crying, I would hold the spoons to my eyes to lessen the swelling so that I could see. I showed up an hour late to work every morning, excused myself to cry in the stairwells, I can tell you all the best places in that building to cry where no one can hear you.

''The pain became so bad that I had to explain the private details to my boss to let her know why I was leaving. I needed time because continuing day to day was not possible. I used my savings to go as far away as I could possibly be. I did not return to work full time as I knew I'd have to take weeks off in the future for the hearing and trial, that were constantly being rescheduled. My life was put on hold for over a year, my structure had collapsed.

''I can't sleep alone at night without having a light on, like a five year old, because I have nightmares of being touched where I cannot wake up, I did this thing where I waited until the sun came up and I felt safe enough to go to sleep. For three months, I went to bed at six o'clock in the morning.

''Nobody wins. We all have been devastated, we all have been trying to find some meaning in all of this suffering. Your damage was concrete; stripped of titles, degrees, enrollment. My damage was internal, unseen, I carry it with me. You took away my worth, my privacy, my energy, my time, my safety, my intimacy, my confidence, my own voice, until today.''

□ 2030

''See one thing we have in common is that we were both unable to get up in the morning. I am no stranger to suffering. You made me a victim. In newspapers my name was 'unconscious, intoxicated woman', ten syllables and, nothing more than that.

''For a while, I believed that that was all I was. I had to force myself to relearn my real name, my identity. To relearn that this is not all that I am. That I am not just a drunk victim at a frat party found behind a dumpster, while you are the All-American swimmer at a top university, innocent until proven guilty, with so much at stake. I am a human being who has been irreversibly hurt, my life was put on hold for over a year, waiting to figure out if I was worth something . . . I used to pride myself on my independence, now I am afraid to go on walks in the evening, to attend social events with drinking among friends where I should be comfortable being. I have become a little barnacle always needing to be at someone's side, to have my boyfriend standing next to me, sleeping beside me, protecting me. It is embarrassing how feeble I feel, how timidly I move through life, always guarded, ready to defend myself, ready to be angry.

''You have no idea how hard I have worked to rebuild parts of me that are still weak. It took me eight months to even talk about what happened. I could no longer connect with friends, with everyone around me. I would scream at my boyfriend, my own family whenever they brought this up. You never let me forget what happened to me.''

Mr. SWALWELL of California. ''At the end of the hearing, the trial, I was too tired to speak. I would leave drained, silent. I would go home turn off my phone and for days I would not speak. You bought me a ticket to a planet where I lived by myself. Every time a new article came out, I lived with the paranoia that my entire hometown would find out and know me as the girl who got assaulted. I didn't want anyone's pity and am still learning to accept victim as part of my identity. You made my own hometown an uncomfortable place to be.

''You cannot give me back my sleepless nights. The way I have broken down sobbing uncontrollably if I'm watching a movie and a woman is harmed, to say it lightly, this experience has expanded my empathy for other victims. I have lost weight from stress, when people would comment I told them I've been running a lot lately. There are times I did not want to be touched. I have to relearn that I am not fragile, I am capable, I am wholesome, not just livid and weak.

''When I see my younger sister hurting, when she is unable to keep up in school, when she is deprived of joy, when she is not sleeping, when she is crying so hard on the phone she is barely breathing, telling me over and over again she is sorry for leaving me alone that night, sorry sorry sorry, when she feels more guilt than you, then I do not forgive you. That night I had called her to try and find her, but you found me first. Your attorney's closing statement began, '[Her sister] said she was fine and who knows her better than her sister.' You tried to use my own sister against me? Your points of attack were so weak, so low, it was almost embarrassing. You do not touch her.

''You should have never done this to me. Secondly, you should have never made me fight so long to tell you, you should have never done this to me. But here we are. The damage is done, no one can undo it. And now we both have a choice. We can let this destroy us, I can remain angry and hurt and you can be in denial, or we can face it head on, I accept the pain, you accept the punishment, and we move on.

''Your life is not over, you have decades of years ahead to rewrite your story. The world is huge, it is so much bigger than Palo Alto and Stanford, and you will make a space for yourself in it where you can be useful and happy. But right now, you do not get to shrug your shoulders and be confused anymore. You do not get to pretend that there were no red flags. You have been convicted of violating me, intentionally, forcibly, sexually, with malicious intent, and all you can admit to is consuming alcohol. Do not talk about the sad way your life was upturned because alcohol made you do bad things. Figure out how to take responsibility for your own conduct.''

Ms. LORETTA SANCHEZ of California. ''Now to address the sentencing. When I read the probation officer's report, I was in disbelief, consumed by anger which eventually quieted down to profound sadness. My statements have been slimmed down to distortion and taken out of context. I fought hard during this trial and will not have the outcome minimized by a probation officer who attempted to evaluate my current state and my wishes in a fifteen minute conversation, the majority of which was spent answering questions I had about the legal system. The context is also important. Brock had yet to issue a statement, and I had not read his remarks.

''My life has been on hold for over a year, a year of anger, anguish and uncertainty, until a jury of my peers rendered a judgment that validated the injustices I had endured. Had Brock admitted guilt and remorse and offered to settle early on, I would have considered a lighter sentence, respecting his honesty, grateful to be able to move our lives forward. Instead he took the risk of going to trial, added insult to injury and forced me to relive the hurt as details about my personal life and sexual assault were brutally dissected before the public. He pushed me and my family through a year of inexplicable, unnecessary suffering, and should face the consequences of challenging his crime, of putting my pain into question, and of making us wait so long for justice.''

Mrs. DAVIS of California. ''I told the probation officer I do not want Brock to rot away in prison. I did not say he does not deserve to be behind bars. The probation officer's recommendation of a year or less in county jail is a soft time-out, a mockery of the seriousness of his assaults, an insult to me and all women. It gives the message that a stranger can be inside you without proper consent and he will receive less than what has been defined as the minimum sentence. Probation should be denied. I also told the probation officer that what I truly wanted was for Brock to get it, to understand and admit to his wrongdoing.

''Unfortunately, after reading the defendant's report, I am severely disappointed and feel that he has failed to exhibit sincere remorse or responsibility for his conduct. I fully respected his right to a trial, but even after twelve jurors unanimously convicted him guilty of three felonies, all he has admitted to doing is ingesting alcohol. Someone who cannot take full accountability for his actions does not deserve a mitigating sentence. It is deeply offensive that he would try and dilute rape with a suggestion of 'promiscuity'. By definition rape is not the absence of promiscuity, rape is the absence of consent, and it perturbs me deeply that he can't even see that distinction.''

Mr. GOSAR. ''The probation officer factored in that the defendant is youthful and has no prior convictions. In my opinion, he is old enough to know what he did was wrong. When you are eighteen in this country you can go to war. When you are nineteen, you are old enough to pay the consequences for attempting to rape someone. He is young, but he is old enough to know better.

''As this is a first offense I can see where leniency would beckon. On the other hand, as a society, we cannot forgive everyone's first sexual assault or digital rape. It doesn't make sense. The seriousness of rape has to be communicated clearly, we should not create a culture that suggests we learn that rape is wrong through trial and error.

''The consequences of sexual assault needs to be severe enough that people feel enough fear to exercise good judgment even if they are drunk, severe enough to be preventative. The probation officer weighed the fact that he has surrendered a hard earned swimming scholarship. How fast Brock swims does not lessen the severity of what happened to me, and should not lessen the severity of his punishment. If a first time offender from an underprivileged background was accused of three felonies and displayed no accountability for his actions other than drinking, what would his sentence be? The fact that Brock was an athlete at a private university should not be seen as an entitlement to leniency, but as an opportunity to send a message that sexual assault is against the law regardless of social class.''

Ms. KUSTER. ''The Probation Officer has stated that this case, when compared to other crimes of similar nature, may be considered less serious due to the defendant's level of intoxication. It felt serious. That's all I'm going to say.

''What has he done to demonstrate that he deserves a break? He has only apologized for drinking and has yet to define what he did to me as sexual assault, he has revictimized me continually, relentlessly. He has been found guilty of three serious felonies and it is time for him to accept the consequences of his actions. He will not be quietly excused.

''He is a lifetime sex registrant. That doesn't expire. Just like what he did to me doesn't expire, doesn't just go away after a set number of years. It stays with me, it's part of my identity, it has forever changed the way I carry myself, the way I live the rest of my life.

''To conclude, I want to say thank you. To everyone from the intern who made me oatmeal when I woke up at the hospital that morning, to the deputy who waited beside me, to the nurses who calmed me, to the detective who listened to me and never judged me, to my advocates who stood unwaveringly beside me, to my therapist who taught me to find courage in vulnerability, to my boss for being kind and understanding, to my incredible parents who teach me how to turn pain into strength, to my grandma who snuck chocolate into the courtroom throughout this to give to me, my friends who remind me how to be happy, to my boyfriend who is patient and loving, to my unconquerable sister who is the other half of my heart, to Alaleh, my idol, who fought tirelessly and never doubted me.''

Mr. GOHMERT. ''Thank you to everyone involved in the trial for their time and attention. Thank you to girls across the nation that wrote cards to my DA to give to me, so many strangers who cared for me.

''Most importantly, thank you to the two men who saved me, who I have yet to meet. I sleep with two bicycles that I drew taped above my bed to remind myself there are heroes in this story. That we are looking out for one another. To have known all of these people, to have felt their protection and love, is something I will never forget.''

□ 2045

Mr. SPEIER. ''And finally, to girls everywhere, I am with you. On nights when you feel alone, I am with you. When people doubt you or dismiss you, I am with you. I fought everyday for you. So never stop fighting, I believe you. As the author Anne Lamott once wrote, ''Lighthouses don't go running all over an island looking for boats to save; they just stand there shining.'' Although I can't save every boat, I hope that by speaking today, you absorbed a small amount of light, a small knowing that you can't be silenced, a small satisfaction that justice was served, a small assurance that we are getting somewhere, and a big, big knowing that you are important, unquestionably, you are untouchable, you are beautiful, you are to be valued, respected, undeniably, every minute of every day, you are powerful and nobody can take that away from you. To girls everywhere, I am with you. Thank you.''

Mr. Speaker, I yield back the balance of my time.

VICTIM STATEMENT

The SPEAKER pro tempore (Mr. PALMER). Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I want to first thank my friend. I am very grateful to my friend from California, Congresswoman SPEIER, for having the idea and doing this. Powerful. As a former judge who heard cases like this, it is a powerful reminder of the evil or, as the poet said, the inhumanity of man to man. It is such an outrage.

This was a special evening to bring attention to a grave injustice, so I am very grateful that Congresswoman SPEIER did what she did.

It also brings to mind the fact that there is grave injustice. Nobody should get 6 months in prison for what was done in that case. In Texas, the minimum would be 5 years. I saw Judge POE, a former district judge, also reading part of the statement of the victim in the case. And I just cannot imagine Judge POE or myself giving a sentence anywhere close to 5 years. We would have been heading for the top, if not the top. It is just so outrageous.

In considering an appropriate sentence, a judge—we were taught and the rule was—considered punishment just for what was done. You considered deterrence to the individual who committed the act. You considered general deterrence to the public at large and the message that would be sent with the sentence that was assessed. And you considered the protection of the general public.

The sentence in this case was just outrageous beyond measure. It is no deterrence to the defendant, criminal actor. It is no general deterrence to the public at large. Somebody thinks they could get away with what he did and get the kind of light sentence he did; it is no deterrence at all.

It certainly didn't protect the public. If he had done 30, 40 years in prison, the public would have been protected all that time. It certainly wasn't much punishment for punishment's sake.

ORLANDO SHOOTING

Mr. GOHMERT. Mr. Speaker, I want to turn now to the issue of the Orlando shooting. There is an article from The Daily Caller from June 12, ''Did FBI Training Material Purge Cause Agency to Drop the Ball on Orlando Shooter?'' I would submit that it absolutely did.

The FBI agents who questioned or investigated this matter I do not believe are at fault for shortcomings. I don't see them. Because I know, Michele Bachmann knows, LYNN WESTMORELAND knows, as we went over and were going through material that the FBI had classified—I thought it was ridiculous; the public should know—the documents about radical Islam that have been purged from the FBI training. Some were ridiculous, cartoon, this or that. But they classified them so that none of us could tell you, Mr. Speaker, or anyone publicly how ridiculous some of the purging was.

According to this administration and Homeland Security, the Council on American-Islamic Relations, CAIR, is an honorable organization. So are they all—all—honorable organizations? The Islamic Society of North America, all organizations that were named as coconspirators in the Holy Land Foundation trial: there were coconspirators named, and the judge found plenty of evidence to keep the named coconspirators in the pleading, though some of them tried to have them removed. But they say they are offended.

They convince people in this administration that somehow the fact that nothing emboldens ISIS more than seeing a weak America and a weak American response is made to be somehow false, though it is absolutely the truth.

Somehow, with the help of some of the media, some in this administration have been able to convince a lot of people that somehow, if you describe radical Islamist terrorists as what they are, you somehow are the reason that there is terrorism. They forget so quickly.

Bill Clinton as President of the United States did more to try to help Muslims around the world, Eastern Europe than most any President. What happened? They tried to bring down the World Trade Center in 1993 on his watch. Not only that, it turns out that the whole time President Clinton was sacrificing American life and limb and treasure to protect Muslims, they were plotting to try again to bring down the World Trade Center.

No, Mr. Speaker, calling radical Islam is not what evokes terrorism. There are a number of factors, but weakness is definitely one of them. And this is a paraphrase, but Ronald Reagan pointed out that, in his lifetime, there was no war that was begun because the country was too strong. That prevents wars. It doesn't cause them. It doesn't cause terrorist attacks.

I go again and again back to the comment from the African gentleman. My wife and I were visiting the Mercy Ship

there and the good they were doing treating the thousands and thousands there in West Africa who didn't have proper medical care. This wonderful charitable institution was doing great things. We were there for a week, washed dishes, assisted any way I could in surgery, anything I could do.

But it was the Africans, at the end of the week, who wanted to meet with me and told me: Look, we were so excited when you elected your first Black President, but we have seen, since he has been President, you have gotten weaker and weaker in America. And when America gets weak, we suffer.

Basically, we know where we are going when we die, but our only chance of having peace in this life is if America is strong. And this country has been weakened.

As Muslims leaders have asked in the Middle East, North Africa, Asia: How do you not understand the Muslim Brotherhood has been at war with you since 1979? We don't understand. You placate, you help the Muslim Brotherhood, and you turn on your Muslim friends. We don't understand it. All around the world, they don't understand it.

Iran is an enemy of the United States. They continue to say that. They continue to say that they lied and they would never submit to the terms that this administration said they agreed to. And it is one more thing that makes the radical Islamists or Islamists who are thinking about radicalizing, it helps them realize America is weak and they are stupid and they need to be wiped off the map.

So what does this administration do? Well, Mr. Speaker, I have spoken from the floor here about a fellow Texan, Mr. Elibiary, who was a featured speaker at the 20th Century Man of Peace, the Ayatollah Khomeini, big closed-door event. He was a featured speaker to honor the Ayatollah Khomeini. When the convictions came through for supporting terrorism in the largest, most important terrorist case in America, he took up for the defendants. He said they were wrongly treated.

We know that Osama bin Laden said that the writings of the Muslim brother Qutb—Q-U-T-B is how it is spelled—that Qutb, especially his booklet, ''Milestone,'' helped radicalize him.

Mr. Elibiary was online encouraging people to read ''Milestone,'' that it was a great thing to read, that it was very helpful. And Osama bin Laden said it sure helped radicalize him.

With all the warning signs, Janet Napolitano didn't care. She wanted to show the Muslim world that she was so above the fray and above these silly mortals, what fools these mortals be, that she was above all of that, that she could bring someone who named his foundation the same name as the political party of the Muslim Brotherhood in Egypt. And he never would disclose—as far as I have seen, he still has not disclosed—where he got all the money for what he did.

And yet she made him part of the Countering Violent Extremism advisory committee and then promoted him to the Homeland Security Advisory Council and gave him a classification so he could get online and review classified information.

And Janet Napolitano, as Secretary of Homeland Security, testified falsely before our committee, first, that she didn't know anything about what I was talking about, him downloading documents and trying to offer them to news media, specific national news media, to publish. Thankfully, they turned it down.

□ 2100

She said she didn't know anything about it, yet the night before, her chief told the director of the Department of Public Safety in Texas—because he called me right after the call—I just got a call from Napolitano. He says he has just finished fully briefing Secretary Napolitano on what Elibiary did on his own laptop at his home downloading this information.

She said the next day: I have no idea, basically, what you are talking about.

The next time, I told her: You said you would investigate.

She said: We investigated. There was nothing to it.

None of that was true. When documents were sought to show what was done in the investigation, it turns out there was no investigation. She was testifying falsely about that as well.

So what are radical Islamists supposed to take from all this?

You have an administration that is protecting them. When you review documents that have been cleaned out, taken, purged out of the training material for the FBI, for the State Department, for the Defense Department, for the CIA, for our intelligence, Department of Defense, it is no wonder FBI agents cannot discern that Tsarnaev had been radicalized even though Russia told us twice. And still this administration, they had so miseducated and undereducated our agents, they didn't know what to ask.

How do you establish that somebody had been radicalized?

My dear friend, Philip Haney, one of the original members of Homeland Security, it probably was a record the number of people that he put together the information to show their terrorist ties. He got a commendation for it. But when he started showing there were ties that people with this administration were having with known terrorists, they deleted thousands of pages of entries of what he had done. When he filed an IG report, they came after him. They impaneled a grand jury to try to destroy him, and he was so squeaky clean. Even though it put his wife in the hospital, nearly killed her, this patriot who has given his life and the opportunity to make millions of dollars with the kind of brilliant mind he has gave it all for his country.

And what did this administration do in return?

This award-winning, wonderful patriot was harassed and investigated, had rumors spread so that they could make sure that the other agents within Homeland Security knew that you don't want to say anything about people with terrorist ties because this will happen to you next.

You know, he has been run through the wringer with a grand jury, and now we are going to take away his gun, his weapon in front of others—terrible humiliation—and then basically put in a closet to push him into retirement. Thank God he was close to retirement. Now he is where he can tell all that was not classified. And we find out just how bad things have been, as this administration did more to protect radical Islamists than it has done really to help keep America safe.

I know I am critical a lot, but I am grateful. I am very grateful that after this terrorist attack, the President didn't go play golf this time. He didn't call the Governor of Florida, but I am very grateful he didn't go play golf. He didn't go to a baseball game. He wasn't on the kiss camera somewhere. I think he is making progress now after 7½ years, and I am grateful for that. I thank him for that, Mr. Speaker, through you.

But this article from the Daily Caller by Peter Hasson says: ''Syrian Immigrant Who Said 9/11 'Changed the World for Good' is a Homeland Security Adviser.'' It goes through and it talks about, you know, that she was picked by Jeh Johnson to help advise him. And here are some of the tweets—oh, and by the way, Mr. Elibiary, like I said, they finally let him end his term after he said the international caliphate was inevitable. Obviously, the United States, by his comments, will have to fall on our knees in front of the ultimate caliph, perhaps the 12th Imam in his mind. But he said Americans need to get used to it.

Well, here is a new replacement. It looks like she has some of the views of Mr. Elibiary. This is a lady with the last name Alawa. So Ms. Alawa, on February 4, 2013, tweeted out: ''I can't deal with people saying America is the best nation in the world. Be critical. Be conscious. Don't be idiots.''

Well, this Nation has previously been the best nation in the world. It has been the freest nation in the world, and that has been shown. But in recent years, we have fallen further and further down the list of the most free nations in the world. So we are certainly not the most free nation anymore, although we have been the most blessed

nation with personal freedoms and personal assets. The only nation in history, that I am aware of, where the number one health problem for the Nation's poor involved obesity.

This adviser to Jeh Johnson also tweeted out that ''The US has never been a utopia unless you were a straight white male that owned land. Straight up period go home shut up.''

Isn't that great, Mr. Speaker, that we have people with this mentality and hatred from Americans and bigoted racial positions that she can advise our Secretary of Homeland Security?

Here is another one, September 17, 2014: ''9/11 is your day to pull out your flag themed clothing, and my day to look behind my back as I walk home.''

Well, actually, I don't see a lot of attacks on Muslims in America, especially by true Christians because that is not a Christian thing to do. It is a radical Islamist thing to do.

That is actually quite confirmed by this tweet on 26 April of 2013. She says: ''You can't say something intolerant and not expect consequences. Not on my watch.''

Well, what she is advocating there, in America, under our Constitution, under every law of every State, is called a crime. She is advocating a crime.

Our American Revolution saw the quoting, usually attributed to Voltaire—some differ for the proper attribution, perhaps Voltaire, but the saying was, ''I disagree with what you say, but I will defend to the death your right to say it.''

Now, according to this high-flying adviser to our own American Homeland Security Department, that is now being changed. Basically, to put it more in Voltaire's potential terms, Miss Alawa is saying: I disagree with what you say, and I am going to cause hell to come down on you. There will be consequences because I disagree with what you say, and I am going to make you suffer for it.

Well, see, that is under sharia law, and we find, obviously, she follows sharia law. She doesn't believe in the United States Constitution, she doesn't believe in freedom of speech, and yet here she is, a top adviser to our own Homeland Security Secretary.

Here is another tweet. This was after Pamela Geller was exposing the lies and hypocrisy of radical Islam and had a drawing contest about Mohammed, and she says: How the blank is—and she fills in blanks. How the blank is the S blank @PamelaGeller is spewing ''free speech''? It's straight up warmongering hate speech. It's xenophobia.

No. The hatred is belonging to Miss Alawa.

Here is another to show her racism. She says: ''Because, Ya know, @TheBachelor, white people in America? They're not gonna be dominant majority for much longer.''

So it is wonderful that Secretary Johnson feels that the way to protect America is to have racist, sharia-loving, above-the-Constitution advisers telling him that you have to go easy on the radical Islamists and not call them what they are, and be mean and tough on people who are concerned about their physical safety, and you need to take the guns away.

I mean, I found this statement. This is consistent. This administration says, when radical Islam attacks, it is time to take guns away from law-abiding Americans. And he keeps proposing this idea that this list that only this administration can compile—nobody in Congress is allowed to even know how they put their list together, potential watch list, terrorist list. We don't know how they put it. They won't tell us. They won't tell people how you get off the list. And yet this unconstitutional way of depriving people of their constitutional rights is being advocated by mostly everybody in this administration. We have to take away Americans' right to keep and bear arms if the President puts them on a list that says he doesn't want them to have guns.

I mean, we have already seen what this administration has done to seniors. Okay. If you are a senior citizen and you have found—because of arthritis in your hands, whatever reason—it is easier for a family member to take care of your checking account and pay your bills so you don't have to suffer the problems—I know, I have had relatives deal with this, and it is happening now.

So somebody is taking care of your checking account, you lose your Second Amendment right to protect yourself with a gun. But what I have seen repeatedly is seniors who may have a family member take care of their checking account, but they sure do know when somebody is breaking into their home, and they need to defend themselves. They know that. It is instinct. But apparently not in this administration.

And how about this?

The security firm that employed the Orlando gunman guards U.S. nuclear sites. Well, we had heard he worked for this—I believe it was G4S, something like that. Yeah, G4S. They have thousands of employees, and they guard nuclear sites.

I have read before publicly from the request for proposal to provide security for Dulles Airport right out here from Washington. Such an important airport to our Nation's government. It is a request for proposal for independent contractors to provide security. The only qualification to providing the security for Dulles Airport, for the toll roads, for the perimeter around Dulles where you don't want somebody that might leave a gate open for a terrorist friend, well, your only qualification is you have to be over 21 and legally allowed to work, which means you can be a Syrian refugee and have gotten one of the work permits this administration hands out as a basic form of amnesty or maybe be part of a gang bang group that came up from Central America and lied about who you were, where you were coming from, and got a work permit through this President's amnesty bill, you are welcome to go to work at Dulles providing security. Great stuff.

And then this article: ''American-born children of immigrants proving fruitful recruiting ground for jihad in the U.S.'' It seems like I have been talking about that for 6 years. People come over here on visas, they have children, and then the children are taught to hate America.

In fact, our own al-Awlaki, the first American citizen to have been killed by presidential order with a drone strike, even though he had worked with the administration, he has led prayers. He is so dangerous, the Muslim staffers here on Capitol Hill had him lead their prayers a number of times. So dangerous, the President had to take him out with a drone strike, and yet he was an American citizen only because his parents came over on college visas, had him here, took him back to Yemen and taught him to hate America.

□ 2115

''Orlando Terrorist Worked for Same Security Contractor That Has Been Moving Illegal Aliens Into the United States by the Vanload.'' This is from Debra Heine, June 13, from PJ Media.

''FBI Twice Probed Orlando Gunman,'' from Devlin Barrett, June 13, The Wall Street Journal.

The FBI, the government, and homeland security had all kinds of warnings, but they chose to keep playing patsy with people that hate America, who are bigoted, racist Islamic supremacists, and the Nation has suffered as a result.

So what are we going to do? We are supposed to take up a bill. And I applaud our party's leaders. They have made very clear that the President is making a severe mistake by not using the term ''Islamic terrorists.'' So we are taking up a nine-page bill tomorrow that uses the President's term repeatedly, over and over, ''countering violent extremism.'' We never use the term ''Islam.''

We require reports and training, basically, in the Secretary's discretion, if he wants to. The bottom line is it gives cover for countering violent extremism when we are supposed to be pointing out radical Islamists are our enemy.

This is not the bill we should be passing.

Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 16, 2016, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5687. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting the Department's Biennial Core Report to Congress, pursuant to 10 U.S.C. 2464(d); Public Law 112-239, Sec. 322(d); (126 Stat. 1695); to the Committee on Armed Services.

5688. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting the Department's report to Congress entitled ''Distribution of Department of Defense Depot Maintenance Workloads for Fiscal Years 2015 through 2017'', pursuant to 10 U.S.C. 2466(d)(1); Public Law 100-456, Sec. 326(a) (as amended by Public Law 106-65, Sec. 333); (113 Stat. 567); to the Committee on Armed Services.

5689. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General James F. Jackson, United States Air Force Reserve, and his advancement to the grade of lieutenant general on the retired list, pursuant to 10 U.S.C. 1370(c)(1); Public Law 96-513, Sec. 112 (as amended by Public Law 104-106, Sec. 502(b)); (110 Stat. 293); to the Committee on Armed Services.

5690. A letter from the Acting Under Secretary, Personnel and Readiness, Department of Defense, transmitting a letter authorizing four officers to wear the insignia of the grade of brigadier general, pursuant to 10 U.S.C. 777(b)(3)(B); Public Law 104-106, Sec. 503(a)(1) (as added by Public Law 108-136, Sec. 509(a)(3)); (117 Stat. 1458); to the Committee on Armed Services.

5691. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units [EPA-HQ-OAR-2003-0119; FRL-9945-72-OAR] (RIN: 2060-AS11) June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5692. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production [EPA-HQ-OAR-2010-0544; FRL-9947-30-OAR] (RIN: 2060-AS94) received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5693. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Chemical Reporting: Community Right-to-Know; Revisions to Hazard Categories and Minor Corrections [EPA-HQ-SFUND-2010-0763; FRL-9945-07-OLEM] (RIN: 2050-AG85) received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5694. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — D-glucurono-6-deoxy-L-manno-D-glucan, acetate, calcium magnesium potassium sodium salt (diutan gum); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2015-0350; FRL-9946-48] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5695. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Completeness Findings for 110(a)(2)(C) State Implementation Plan Pertaining to the Fine Particulate Matter (PM2.5) NAAQS; California; El Dorado County Air Quality Management District and Yolo-Solano Air Quality Management District [EPA-R09-OAR-2016-0300; FRL-9947-35-Region 9] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5696. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; California; California Mobile Source Regulations [EPA-R09-OAR-2015-0622; FRL-9947-59-Region 9] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5697. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alpha-2,4,6-Tris[1-(phenyl)ethyl]-Omega-hydroxypoly(oxyethylene) poly(oxypropylene) copolymer; Tolerance Exemption; Technical Correction [EPA-HQ-OPP-2015-0485; FRL-9946-43] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5698. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alcohols, C>14, ethoxylated; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2015-0858; FRL-9946-16] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5699. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Air Plan Approval; Minnesota; Sulfur Dioxide [EPA-R05-OAR-2015-0136; FRL-9947-48-Region 5] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5700. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; Indiana; Removal of Gasoline Vapor Recovery Requirements [EPA-R05-OAR-2015-0315; FRL-9947-39-Region 5] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5701. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Air Plan Approval; Illinois; NAAQS Updates [EPA-R05-OAR-2015-0009; EPA-R05-OAR-2015-0314; FRL-9946-80-Region 5] received June 7, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5702. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the text of Recommendation No. 204, ''Transition from the Informal to the Formal Economy'', adopted June 12, 2015, by the 104 Session of the International Labor Conference in Geneva, Switzerland, in accordance with the obligations of the United States as a member of the International Labor Organization; to the Committee on Foreign Affairs.

5703. A letter from the Secretary, Department of Education, transmitting the Department's Semiannual Report of the Inspector General for the period October 1, 2015, through March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5704. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5705. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting the Federal Election Commission Inspector General's Semiannual Report to Congress for the period October 1, 2015 through March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5706. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Cincinnati, transmitting the Federal Home Loan Bank of Cincinnati 2015 management report, pursuant to the Chief Financial Officers Act of 1990; to the Committee on Oversight and Government Reform.

5707. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's Inspector General Semiannual Report to Congress covering the period October 1, 2015 through March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103), also the ''Management Report on Final Actions for the Six Month Period Ending March 31, 2016''; to the Committee on Oversight and Government Reform.

5708. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the Foundation's Annual Report for 2015 in accordance with 20 U.S.C., Chapter 57; to the Committee on Oversight and Government Reform.

5709. A letter from the Chairman and the General Counsel, National Labor Relations Board, transmitting the Board's Semiannual Report of the Inspector General for the period October 1, 2015 — March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5710. A letter from the Director, Peace Corps, transmitting the Peace Corps' Inspector General Semiannual Report to Congress covering the period from October 1, 2015 through March 31, 2016 pursuant to 5 U.S.C.

app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5711. A letter from the Labor Member and Management Member, Railroad Retirement Board, transmitting the Board's Inspector General's Semiannual Report to Congress for the period October 1, 2015, through March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5712. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition filed on behalf of workers at the Lawrence Livermore National Laboratory, in Livermore, California, to be added to the Special Exposure Cohort, pursuant to 42 U.S.C. 7384q(c)(2); Public Law 106-398, Sec. 1 (as amended by Public Law 108-375, Sec. 3166(b)(1)); (118 Stat. 2188); to the Committee on the Judiciary.

5713. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition filed on behalf of workers at the Idaho National Laboratory in Scoville, Idaho to be added to the Special Exposure Cohort, pursuant to 42 U.S.C. 7384q(c)(2); Public Law 106-398, Sec. 1 (as amended by Public Law 108-375, Sec. 3166(b)(1)); (118 Stat. 2188); to the Committee on the Judiciary.

5714. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition filed on behalf of workers at the Argonne National Laboratory-West in Scoville, Idaho, to be added to the Special Exposure Cohort, pursuant to 42 U.S.C. 7384q(c)(2); Public Law 106-398, Sec. 1 (as amended by Public Law 108-375, Sec. 3166(b)(1)); (118 Stat. 2188); to the Committee on the Judiciary.

5715. A letter from the Deputy Under Secretary for Management and Chief Financial Officer, Department of Homeland Security, transmitting a report entitled ''Public Assistance Program Alternative Procedures — Third Quarterly Status Report for FY 2015'', pursuant to House Report 113-481 accompanying the Fiscal Year 2015 Department of Homeland Security Appropriations Act (Public Law 114-4); to the Committee on Transportation and Infrastructure.

5716. A letter from the Deputy Under Secretary for Management and Chief Financial Officer, Department of Homeland Security, transmitting a report entitled ''Public Assistance Program Alternative Procedures — Fourth Quarterly Status Report for FY 2015'', pursuant to House Report 113-481 accompanying the Fiscal Year 2015 Department of Homeland Security Appropriations Act (Public Law 114-4); to the Committee on Transportation and Infrastructure.

5717. A letter from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting additional legislative proposals that the Department of Defense requests be enacted during the second session of the 114th Congress; jointly to the Committees on Armed Services and Oversight and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CRENSHAW: Committee on Appropriations. H.R. 5485. A bill making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes (Rept. 114–624). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. NEWHOUSE:

H.R. 5483. A bill to extend the deadline for commencement of construction of a hydroelectric project; to the Committee on Energy and Commerce.

By Mr. YOHO (for himself, Mr. ROYCE, Mr. DUNCAN of South Carolina, and Mr. SALMON):

H.R. 5484. A bill to modify authorities that provide for rescission of determinations of countries as state sponsors of terrorism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BYRNE (for himself, Mr. MILLER of Florida, Ms. SEWELL of Alabama, Mr. BROOKS of Alabama, and Mr. SESSIONS):

H.R. 5486. A bill to reaffirm that certain land has been taken into trust for the benefit of the Poarch Band of Creek Indians, and for other purposes; to the Committee on Natural Resources.

By Ms. BASS:

H.R. 5487. A bill to increase purchasing power, strengthen economic recovery, and restore fairness in financing higher education in the United States through student loan forgiveness, caps on interest rates on Federal student loans, and refinancing opportunities for private borrowers, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself, Mrs. KIRKPATRICK, Mr. GALLEGO, Mr. VEASEY, Ms. JACKSON LEE, Mr. TED LIEU of California, Mrs. WATSON COLEMAN, Ms. NORTON, Mr. CONYERS, Mr. MEEKS, Mr. HIGGINS, Ms. WASSERMAN SCHULTZ, Mr. RICHMOND, Mr. VAN HOLLEN, Mr. SCOTT of Virginia, Mr. BLUMENAUER, and Ms. LEE):

H.R. 5488. A bill to amend the Help America Vote Act of 2002 to require States to meet standards for the location and operation of polling places used in elections for Federal office, including a standard requiring States to ensure that no individual waits for longer than one hour to cast a vote at a polling place, and for other purposes; to the Committee on House Administration.

By Mr. KIND (for himself, Mr. REED, Mr. WALZ, Mr. RIBBLE, Mr. WELCH, Mr. POCAN, Mr. SIMPSON, Ms. STEFANIK, Mr. VALADAO, Mr. MOOLENAAR, Ms. DELBENE, Mr. COURTNEY, Mr. GIBBS, and Mr. NEWHOUSE):

H.R. 5489. A bill to amend the Internal Revenue Code of 1986 to make qualified biogas property and qualified manure resource recovery property eligible for the energy credit and to permit new clean renewable energy bonds to finance qualified biogas property, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOVE:

H.R. 5490. A bill to amend the Consumer Financial Protection Act of 2010 to require that no deference be given to the interpretation of consumer financial law by the Bureau of Consumer Financial Protection, to define the scope of judicial review of Bureau actions, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MULVANEY:

H.R. 5491. A bill to require the Director of the Bureau of Consumer Financial Protection to verify the accuracy of consumer complaint information before making such information available to the public; to the Committee on Financial Services.

By Mr. MURPHY of Florida (for himself and Mr. CLAWSON of Florida):

H.R. 5492. A bill to support programs for mosquito-borne and other vector-borne disease surveillance and control; to the Committee on Energy and Commerce.

By Ms. STEFANIK (for herself and Mr. MESSER):

H.R. 5493. A bill to direct the Librarian of Congress to ensure that each version of a bill or resolution which is made available for viewing on the Congress.gov website is presented in a manner which permits the viewer to follow and track online, within the same document, any changes made from previous versions of the bill or resolution; to the Committee on House Administration.

By Mr. PAYNE (for himself and Mr. MULLIN):

H. Con. Res. 137. Concurrent resolution supporting National Men's Health Week; to the Committee on Oversight and Government Reform.

By Mr. COLLINS of New York (for himself, Mrs. MCMORRIS RODGERS, Mr. SESSIONS, Mr. COOPER, Mr. GRAVES of Missouri, Mr. STIVERS, Mr. FITZPATRICK, Mr. THOMPSON of Pennsylvania, Mrs. ELLMERS of North Carolina, Mr. BARLETTA, Mr. KELLY of Pennsylvania, Mr. YOUNG of Alaska, Mr. HENSARLING, Mr. WALDEN, Mr. HARDY, Mr. DOLD, Mr. MCKINLEY, Mr. TIPTON, Mr. JENKINS of West Virginia, Mr. LABRADOR, Mr. LOUDERMILK, Mr. WILLIAMS, Mr. SMITH of New Jersey, Mr. PITTS, Mr. LANCE, Mr. KATKO, Mr. KENNEDY, Mr. HIGGINS, Mr. COSTA, Mr. GARAMENDI, Mr. ROHRABACHER, Mr. GOHMERT, Mr. WESTMORELAND, Ms. SLAUGHTER, and Mr. HILL):

H. Res. 785. A resolution recognizing the Boy Scouts of America for its long history of service on the 100th anniversary of the day it was granted a Federal charter; to the Committee on the Judiciary.

By Mr. PALLONE (for himself and Mr. BERA):

H. Res. 786. A resolution expressing the sense of the House of Representatives that India should be a permanent member of the United Nations Security Council; to the Committee on Foreign Affairs.

By Ms. JACKSON LEE (for herself, Mr. RANGEL, Ms. NORTON, Ms. LORETTA

SANCHEZ of California, Mr. PALLONE, Mr. MEEKS, Mr. JOHNSON of Georgia, Mrs. BEATTY, Mr. CLAY, Mr. BISHOP of Georgia, Mr. CUMMINGS, Mrs. LAWRENCE, Mr. VEASEY, Mr. CROWLEY, Mr. HONDA, Ms. ADAMS, Ms. EDWARDS, Ms. SEWELL of Alabama, Mrs. WATSON COLEMAN, Mr. GUTIÉRREZ, Ms. FUDGE, Mr. HINOJOSA, Mr. JEFFRIES, Ms. BROWNLEY of California, Mr. POCAN, Mr. CONNOLLY, Mr. GALLEGO, Mr. GENE GREEN of Texas, Mr. ISRAEL, Mr. DANNY K. DAVIS of Illinois, Mr. KILDEE, Mrs. DINGELL, Ms. BROWN of Florida, Mr. NADLER, Mr. COHEN, Mr. CUELLAR, Mr. BLUMENAUER, Ms. HAHN, Ms. KELLY of Illinois, Mr. KILMER, Mr. BUTTERFIELD, Mr. ENGEL, Ms. LEE, Ms. DUCKWORTH, Ms. LOFGREN, Mr. CONYERS, Mr. RICHMOND, Ms. PLASKETT, Mr. TED LIEU of California, Ms. MCCOLLUM, Mr. LARSEN of Washington, Mr. FATTAH, Mr. VAN HOLLEN, Mr. HASTINGS, Mr. OLSON, Mr. LEWIS, Mr. AL GREEN of Texas, and Mr. WEBER of Texas):

H. Res. 787. A resolution recognizing June 19, 2016, as this year's observance of the historical significance of Juneteenth Independence Day; to the Committee on Oversight and Government Reform.

By Mr. NUNES:

H. Res. 788. A resolution expressing the sense of the House of Representatives that Arctic lease sales which are already included in the Draft Proposed Plan must stay in the proposed 2017-2022 Outer Continental Shelf Oil & Gas Leasing Program; to the Committee on Natural Resources.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

262. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 40, encouraging reform in the military investigatory and prosecutorial systems governing child sexual abuse and increased transparency in the military justice system and military reporting of criminal sex offenses involving children; to the Committee on Armed Services.

263. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 32, requesting the revision of federal regulations so that housing subsidies through the Section 8 rental assistance and homeownership program paid directly to an applicant of the Supplemental Nutrition Assistance Program are excluded from the calculation of household income to determine eligibility for the Supplemental Nutrition Assistance Program; jointly to the Committees on Financial Services and Agriculture.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. NEWHOUSE:

H.R. 5483.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18, Congress may enact laws necessary and proper to the execution of its enumerated powers. As this legislation solely amends the amount of time available for execution of previously granted authority, it is merely technical in nature and an appropriate exercise of Congress' authority to amend its previous actions through necessary and proper statutes.

By Mr. YOHO:

H.R. 5484.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution

By Mr. CRENSHAW:

H.R. 5485.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . .'' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . .'' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. BYRNE:

H.R. 5486.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8 which grants Congress the power to regulate Commerce with the Indian Tribes.

This bill is enacted pursuant to Article II, Section 2, Clause 2 in order the enforce treaties made between the United States and several Indian Tribes.

By Ms. BASS:

H.R. 5487.

Congress has the power to enact this legislation pursuant to the following:

Article. I.

Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. GRIJALVA:

H.R. 5488.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, §§1 and 8.

By Mr. KIND:

H.R. 5489.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 7, Clause 1

''All Bills for raising Revenue shall orginate in the House of Representatives''

By Mrs. LOVE:

H.R. 5490.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, and Article III, Sections 1 and 2, of the Constitution.

By Mr. MULVANEY:

H.R. 5491.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3. ''To regulate Commerce . . .''

Article I, Section 8, Clause 14. ''To make Rules for the Government . . .''

Article I, Section 8, Clause 18. ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. MURPHY of Florida:

H.R. 5492.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Ms. STEFANIK:

H.R. 5493.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 115: Mr. JORDAN, Mr. MASSIE, and Mr. ROE of Tennessee.

H.R. 140: Mr. CHABOT, Mr. PITTENGER, Mr. LAMALFA, and Mr. WILSON of South Carolina.

H.R. 210: Mr. MARCHANT.

H.R. 302: Ms. TITUS.

H.R. 391: Ms. SCHAKOWSKY.

H.R. 525: Mr. VAN HOLLEN.

H.R. 608: Mr. VAN HOLLEN and Mr. CARTWRIGHT.

H.R. 752: Mr. RICHMOND.

H.R. 932: Mr. HECK of Washington.

H.R. 997: Mr. LAMALFA, Mr. ISSA, Mr. PITTENGER, Mr. CHABOT, and Mr. BISHOP of Michigan.

H.R. 1062: Mr. FLEMING and Mr. YOUNG of Indiana.

H.R. 1076: Ms. GRAHAM, Ms. BROWN of Florida, Mr. COOPER, and Mr. HECK of Washington.

H.R. 1217: Ms. GRAHAM.

H.R. 1220: Mr. LOWENTHAL and Mr. FARR.

H.R. 1391: Ms. TITUS and Ms. BONAMICI.

H.R. 1453: Mr. FARR.

H.R. 1707: Mr. BEN RAY LUJÁN of New Mexico.

H.R. 1859: Ms. CASTOR of Florida.

H.R. 2254: Mrs. NAPOLITANO.

H.R. 2732: Mr. SARBANES.

H.R. 2799: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROKITA, Mr. WENSTRUP, Mr. CALVERT, and Mr. TAKANO.

H.R. 2804: Mr. MCNERNEY.

H.R. 2896: Mr. WALZ.

H.R. 2980: Mr. DANNY K. DAVIS of Illinois and Mr. FARENTHOLD.

H.R. 3012: Mr. LANCE.

H.R. 3051: Mr. CUMMINGS and Mr. COURTNEY.

H.R. 3084: Mr. JEFFRIES and Miss RICE of New York.

H.R. 3095: Ms. PINGREE.

H.R. 3099: Mr. SIMPSON, Ms. KELLY of Illinois, and Mr. NOLAN.

H.R. 3117: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3119: Mr. LAMBORN and Mr. DESAULNIER.

H.R. 3129: Mr. LUCAS.

H.R. 3130: Mr. CONYERS.

H.R. 3229: Mr. KEATING.

H.R. 3284: Mr. DONOVAN and Mr. KIND.

H.R. 3299: Mr. PASCRELL.

H.R. 3323: Mr. YOHO.

H.R. 3463: Ms. SINEMA and Ms. KUSTER.

H.R. 3514: Ms. ESHOO.

H.R. 3523: Mr. AGUILAR.

H.R. 3535: Mr. KING of New York.

H.R. 3666: Mr. LOWENTHAL.

H.R. 3734: Mr. MOONEY of West Virginia.

H.R. 3846: Mr. THOMPSON of Mississippi.
H.R. 3913: Ms. KELLY of Illinois.
H.R. 4117: Ms. DUCKWORTH.
H.R. 4247: Mr. CRAMER and Mr. MULLIN.
H.R. 4269: Mr. BUTTERFIELD, Ms. CASTOR of Florida, Mr. PAYNE, Mr. KILDEE, Mr. FATTAH, Mr. SMITH of Washington, Mr. O'ROURKE, Mr. PERLMUTTER, and Mr. AL GREEN of Texas.
H.R. 4365: Mr. GOSAR.
H.R. 4474: Mr. LAMALFA.
H.R. 4479: Mr. AGUILAR, Mr. SEAN PATRICK MALONEY of New York, Mr. VISCLOSKY, and Mr. MURPHY of Florida.
H.R. 4480: Ms. DELBENE.
H.R. 4481: Mr. CICILLINE.
H.R. 4538: Mr. POSEY.
H.R. 4558: Ms. MATSUI and Mr. CURBELO of Florida.
H.R. 4567: Mr. VISCLOSKY.
H.R. 4603: Mr. FARR, Mr. QUIGLEY, Ms. CASTOR of Florida, and Mr. RUSH.
H.R. 4614: Mr. LANGEVIN.
H.R. 4616: Ms. MICHELLE LUJAN GRISHAM of New Mexico.
H.R. 4654: Mr. KIND.
H.R. 4662: Mr. KENNEDY.
H.R. 4665: Mr. KNIGHT and Mr. HUFFMAN.
H.R. 4760: Mr. KING of New York.
H.R. 4959: Mr. KIND and Ms. MICHELLE LUJAN GRISHAM of New Mexico.
H.R. 4979: Mr. KINZINGER of Illinois.
H.R. 5094: Mrs. WAGNER.
H.R. 5127: Mr. COLLINS of New York.
H.R. 5147: Ms. SPEIER.
H.R. 5166: Ms. LEE, Mr. CONYERS, Mrs. BROOKS of Indiana, Mr. RIGELL, Mr. BARTON, Mr. TOM PRICE of Georgia, and Mr. BISHOP of Michigan.
H.R. 5172: Mr. KIND.
H.R. 5177: Mr. TONKO and Mr. COLE.
H.R. 5178: Mrs. RADEWAGEN.
H.R. 5180: Mr. AUSTIN SCOTT of Georgia, Mr. GOSAR, Mr. POLIQUIN, Mr. MULLIN, Mr. BEN RAY LUJÁN of New Mexico, and Mr. GRIFFITH.
H.R. 5190: Mr. WALKER.
H.R. 5213: Mr. COLLINS of New York, Mr. ROKITA, Mr. BLUM, and Mr. BOST.
H.R. 5216: Mr. MCNERNEY.
H.R. 5275: Mr. FINCHER.
H.R. 5292: Mr. OLSON, Mr. CAPUANO, Mr. DENT, Ms. PINGREE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UPTON, Mr. POCAN, Mrs. MILLER of Michigan, Mr. ZINKE, Ms. DELAURO, Mr. LOBIONDO, Mr. LARSEN of Washington, Mr. BEN RAY LUJÁN of New Mexico, and Mr. DEUTCH.
H.R. 5319: Mr. SAM JOHNSON of Texas.
H.R. 5351: Mr. MILLER of Florida.
H.R. 5364: Mr. MCNERNEY.
H.R. 5365: Mr. BUCSHON.
H.R. 5392: Mr. MACARTHUR and Mr. GOODLATTE.
H.R. 5417: Mr. LOWENTHAL.
H.R. 5447: Mrs. NOEM, Mr. MEEHAN, Mr. DOLD, Mr. TIBERI, Mr. ROSKAM, Mr. PAULSEN, Mr. HOLDING, Mr. KELLY of Pennsylvania, Mr. NUNES, Mr. TOM PRICE of Georgia, Mr. MARCHANT, Mr. BUCHANAN, Mr. RENACCI, Ms. LINDA T. SÁNCHEZ of California, Mr. PASCRELL, Mr. BLUMENAUER, Mr. ASHFORD, Mr. SCHRADER, Ms. ESHOO, Mr. PETERSON, Mr. KIND, Mr. LARSON of Connecticut, Mrs. TORRES, Ms. SINEMA, Ms. BONAMICI, and Mr. HECK of Washington.
H.R. 5456: Ms. BASS, Mr. REICHERT, Mr. LANGEVIN, and Mr. PAULSEN.
H.R. 5457: Mr. GRAVES of Louisiana, Mr. LAHOOD, Mr. HARDY, Mr. ABRAHAM, Mr. WILSON of South Carolina, Mr. BABIN, Mr. PALMER, Mrs. BROOKS of Indiana, and Mr. ZINKE.
H.R. 5458: Mr. BOUSTANY and Ms. GABBARD.
H.R. 5471: Mrs. MILLER of Michigan, Mr. CARTER of Georgia, Mr. HURD of Texas, Mr. RATCLIFFE, Mr. KING of New York, Ms. SINEMA, Mr. DONOVAN, and Mr. FARENTHOLD.
H.J. Res. 94: Mr. RYAN of Ohio, Mr. GRIJALVA, Ms. LOFGREN, and Mr. MCDERMOTT.
H. Con. Res. 19: Mrs. CAPPS.
H. Con. Res. 33: Mr. LONG.
H. Res. 590: Mr. WELCH, Mr. ROTHFUS, and Mr. HONDA.
H. Res. 647: Mr. KILMER.
H. Res. 686: Mr. THOMPSON of California, Mr. AGUILAR, Ms. MAXINE WATERS of California, and Mr. POCAN.
H. Res. 728: Mr. MEADOWS.
H. Res. 729: Mrs. BLACKBURN, Mr. DUNCAN of South Carolina, Mr. HUFFMAN, Mr. COSTA, Mr. NEWHOUSE, Mr. ROSKAM, Mr. KING of New York, Mr. RIBBLE, Mr. FLORES, Mr. SMITH of Nebraska, Mr. CAPUANO, Mr. FOSTER, Mr. MEADOWS, and Mr. MILLER of Florida.
H. Res. 740: Mr. JOYCE and Mr. CHABOT.
H. Res. 750: Mr. ROSKAM, Mr. PASCRELL, Mr. KING of New York, and Mr. SIRES.
H. Res. 752: Mr. SIRES, Mr. BEYER, Mr. COSTELLO of Pennsylvania, Mr. ENGEL, Mr. HECK of Nevada, Ms. JACKSON LEE, Mr. QUIGLEY, Ms. LORETTA SANCHEZ of California, Mr. SCHWEIKERT, Mr. ZELDIN, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. LOEBSACK, Ms. CLARKE of New York, and Mr. BISHOP of Michigan.
H. Res. 758: Mr. CARTWRIGHT, Mr. MCNERNEY, and Mr. DESAULNIER.
H. Res. 769: Ms. KUSTER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. SWALWELL of California, Mr. JEFFRIES, and Mr. PAYNE.
H. Res. 777: Ms. LEE, Mr. CUELLAR, and Mr. HUFFMAN.

SENATE—*Wednesday, June 15, 2016*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who inhabits eternity but dwells in contrite hearts, we magnify Your Name. Shine the light of Your love, joy, and peace into the hearts of our Senators today. May they make the commitment to stand for whatever is pure and true and just and good. Help them to labor for the rights of the weak and the oppressed, putting principle before partisanship and others before self. Lord, give them brave, true, and compassionate hearts as they strive to live for Your glory. Open their ears that they may hear Your voice calling them to high endeavors.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. PAUL). The majority leader is recognized.

ISIL

Mr. MCCONNELL. Mr. President, 7 months ago ISIL terrorists massacred 130 civilians across the city of Paris, 6 months ago ISIL supporters murdered more than a dozen Americans at a holiday party in San Bernardino, 3 months ago ISIL bombings killed and maimed indiscriminately in the heart of Europe, and then last month ISIL's spokesman issued a chilling declaration of war against the Western world. He called for attacks—specifically lone wolf attacks—throughout the month of Ramadan in Europe and the United States. He said:

Get prepared . . . to make it a month of calamity for the nonbelievers. [T]he smallest action you do in their heartland is better and more enduring to us than what you would do if you were with us here.

On Sunday, a terrorist claiming allegiance to ISIL took 49 American lives. The next day, an ISIL supporter in France murdered two people, including an off-duty police officer.

We hope to learn more about the Orlando terrorist attack and the depth of that particular terrorist's involvement with ISIL when Senators are briefed later today by the FBI Director and the Homeland Security Secretary. This much seems clear already: I do not believe this was some random act of violence. It seems clear this was a cold-blooded murder committed by a terrorist who picked his targets with deliberate malice, who pledged his allegiance to a group who stones gay men and tosses them from rooftops, enslaves women, and crucifies children.

ISIL is not the JV team; it is the personification of evil in our world. ISIL is not contained, nor can it be. The way to prevent more ISIL-inspired and ISIL-directed heartbreak is to defeat ISIL. This is why we have repeatedly demanded a serious plan from the President to defeat ISIL and have done what we can to fill the leadership vacuum he has left. This is why we worked to strengthen law enforcement, rebuild our military, and develop counterterrorism tools designed to save lives. The terrorist attack in Orlando underlines the critical importance of this work, and it presents each of us with a choice: Do we want to make the tough choices to actually solve the problem and defeat ISIL, or do we want to use the Senate floor to make a 30-second political ad?

As I said, the principle way to defeat ISIL-inspired or ISIL-directed attacks is to defeat ISIL inside Iraq and Syria. The President's containment strategy, which has relied primarily upon a ground proxy force of Syrian YPG Kurds, will not be sufficient to dislodge ISIL from its headquarters in Raqqa or clear and hold ground in Arab parts of Syria.

The next President must do much more, and there are steps we can take today to help him or her succeed in that effort. The sweeping Defense bill we passed yesterday represents a decisive step in the right direction. Not only will it help prepare our next Commander in Chief, it will help strengthen military readiness, better enable servicemembers to confront threats, and help keep the American people safer from an array of national security challenges. Passing that bill sent a strong signal to our men and women in uniform, it sent a strong signal to our allies, it sent a strong signal to our adversaries, but there is more we can and must do.

This week, through the appropriations process, we will continue to discuss ways we can shore up our efforts to fight terrorism. Several Republican colleagues have already offered ideas on how we can do so. Republicans have offered ideas to address the threat of lone wolf attacks like the one we saw in Orlando. Republicans have offered ideas to help connect the dots with respect to terrorists' communications. Republicans have offered ideas to help disrupt terrorists' plans. These are the kinds of things we have long advocated. They were important before the horrific events this weekend and are all the more important today.

By passing the underlying appropriations bill, we can provide the FBI with more of the support it needs to follow leads generated here within our borders. In the meantime, I encourage Senators to work with the very capable bill managers who crafted this legislation, the senior Senators from Alabama and Maryland. If they have other effective ideas, talk to them and try to make the bill even stronger.

This much is clear: We can choose to respond to terrorist attacks after the damage is already done, or we can make it our goal to prevent them in the first place. I know my choice. I am going to keep doing what I can to prevent the pain and loss from terrorism. Our families and communities are counting on us. Our freedoms and rights as Americans are counting on it too. We must continue to do what is necessary to seek out terrorist threats at every level and protect the country we love.

COMPREHENSIVE ADDICTION AND RECOVERY BILL

Mr. MCCONNELL. Mr. President, both the Senate and House took decisive action to combat the heroin and prescription opioid epidemic that has devastated so many of our communities. We are now working to take the next important step forward. The Comprehensive Addiction and Recovery Act we passed would expand education and prevention efforts, improve treatment programs, and enhance tools for law enforcement. This critical legislation can bring hope to those affected by this horrible epidemic and would not have been possible without the dedicated leadership of Members such as Senator GRASSLEY, Senator PORTMAN, and Senator AYOTTE. We are currently working toward an agreement that will allow us to go to conference with the House and work out the final legislation.

We have all seen the toll this heroin and prescription opioid crisis has taken on our home States. It is absolutely heartbreaking to see the continuing impact in Kentucky. Getting this done

is important for our country. With continued cooperation from both sides, we will get a good bill to the President's desk very soon.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

TERRORISM AND OUR NATION'S GUN LAWS

Mr. REID. Mr. President, here is a frightening quote from an Al Qaeda spokesman urging would-be terrorists to buy weapons in the United States. This is exactly what he said:

> America is absolutely awash with easily obtainable firearms. You can go down to a gun show at the local convention center and come away with a fully automatic assault rifle, without a background check, and most likely without having to show an identification card. So what are you waiting for?

This is an Al Qaeda blueprint for would-be lone wolf terrorists. They are telling them to buy guns because nobody will stop them and then go and murder Americans. That statement should make every Member of Congress think long and hard about our Nation's gun laws.

Terrorist groups like ISIS and Al Qaeda are using America's gun laws against America. They are using these gun laws against Americans in every State. These murderers are calling on their radical followers to exploit loopholes in America's gun laws. Why? Because firearms are easier to obtain in America than making their homemade bombs. Republicans need to think about this very closely because, as Adam Lankford, an expert in criminal justice at the University of Alabama, told the Washington Post this week, ''It is becoming increasingly apparent that mass shootings may be just as deadly as bombings. And the scary part is it's often much easier to pull off.''

Republicans are in denial about the connection between terrorism and guns. In the aftermath of the mass murders with guns at the LGBT nightclub in Orlando, Republicans are saying that these attacks have nothing to do with guns.

The senior Senator from South Carolina said yesterday: ''This is not a gun control issue.'' It is a gun control issue, and that is undeniable. There is no question about that—none.

Terrorist leaders are urging lone wolves to exploit our Nation's gun laws by telling them to buy assault weapons and then go out and murder Americans.

The Republicans have blocked every attempt we have tried to address the deficiencies in our Nation's gun laws. Last December, Republicans blocked legislation that would close the so-called terror loophole, which allows suspected terrorists to enter a gun store and legally buy firearms or explosives or both. Republicans also blocked legislation that would close the gun show loophole, which allows criminals and terrorists to purchase guns without any background check. Remember what Al Qaeda's spokesman said:

> You can go down to a gun show at the local convention center and come away with a fully automatic assault rifle, without a background check. . . .

That is what he said. This terrorist was talking about the gun show loophole. He was specifically pointing to a flaw in our Nation's gun laws that allows convicted terrorists to slip through, and it is a big, wide hole to slip through. Yet the Republicans refuse to respond to this crisis. Why? Because the National Rifle Association and the Gun Owners of America told them not to allow us to address this flaw in the law. This flaw in the law is leading to Americans being murdered.

By blocking sensible gun safety, Republicans are playing into the terrorists' hands. Republicans' failure to legislate has added a new chapter in the ISIS playbook. As we have seen in Orlando and San Bernardino, deranged individuals are using the terrorist playbook. When terrorist groups are urging lone wolves to buy assault rifles and murder Americans, keeping guns away from terrorists is one of the most important steps we can take to protect Americans.

How many more people must be murdered by terrorists wielding assault weapons before Republicans stop their obstruction? How many more? Perhaps 49 is enough. Hopefully we will find out this week with a vote here. How much longer will Republicans allow killers to manipulate our laws and continue their campaign of terror? How much longer will Republicans fail to protect the American people by allowing these gun loopholes to remain? Democrats are going to wait no longer. We are going to demand solutions to our Nation's gun law epidemic every chance we get.

On Monday, I stated that we would demand a vote on the terror loophole, and we are going to do that. This is our obligation. We must try at every opportunity to say to the Republicans: The American people, not the NRA and not the Gun Owners of America, should be their obligation. There is no excuse for allowing suspected terrorists to buy guns. Guns are the problem. It may not be the only problem, but it is a problem, and it is a big problem.

DACA PROGRAM

Mr. REID. Mr. President, today marks the fourth anniversary of President Obama's Deferred Action for Childhood Arrivals Program. Four years ago today, President Obama announced that young people—DREAMers—who do not present a risk to national security may become eligible for temporary protection from deportation. Since that day, over 730,000 DREAMers no longer live in fear of deportation. More than 12,000 of these young men and women are in Nevada, and they have been protected by this program. They are our newest college students, teachers, engineers, small business owners, and they have contributed enormously to our communities, making America better. Because of the President's program, the authorities can sensibly prioritize those who do present a threat to our safety and our country.

What a shame that Donald Trump and his Republican supporters in the Senate want to deport these kids who know no other country than the USA. In my morning briefing this morning, I heard that the House is going to do something really unique today. They have a measure not to allow these young men and women to serve in the United States military.

It doesn't matter what you do, you can't be mean enough using the Republicans' playbook. There have been efforts made, votes taken to rescind what the President did. There have been efforts made to make sure there is no money in the Immigration and Naturalization Service to expedite the processing of these young men and women to become legitimate in the only country they know.

These are the same Republican Senators who last year were willing to shut down the Department of Homeland Security—stop it. Why? They wanted to stop this program. These are the same Republican Senators who insist on eliminating the Constitution's guarantee of birthright citizenship, ending family-based immigration and deporting hard-working families.

It is because of what has happened by Republicans in the Congress that we are now faced with Donald Trump. We are here because of what the Republicans in Congress have done. Look at the Senate. Who was the leader initially of birthright citizenship? President Obama was not born in America; he was born in Africa. Everybody should know that. He is an illegitimate President.

Republicans in Congress have made Donald Trump legitimate—to some, but not to us.

So I look forward to the day when programs like DACA are replaced with permanent, comprehensive immigration reform. It needs to be done. It is long overdue. I am hopeful the Supreme Court builds DACA's success when their opinion is rendered over the next few weeks, which could extend the same protection to the parents of DREAMers that the DREAMers have.

Mr. President, I would ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Wyoming.

100TH ANNIVERSARY OF THE FEDERAL CHARTER FOR THE BOY SCOUTS OF AMERICA

Mr. ENZI. Mr. President, a few moments ago I got to speak to 45 students from 5 towns in Wyoming who are here for National History Day competition. So it is only fitting that I rise today to recognize a historic event, and that would be the 100th anniversary of the Boy Scouts of America receiving a congressional Federal charter. On this day in 1916, President Woodrow Wilson signed the Federal Charter of the Boy Scouts of America, and I am submitting a resolution to commemorate that important event.

The congressional charter has helped the Boy Scouts to become one of the largest youth organizations in the United States. In fact, it is estimated that more than 110 million Americans have served as members within its ranks.

Scouting offers those young people friendship, an opportunity to set positive goals, and outdoor experiences. But, above all, Scouting is about building character and service. That concept of service is based on a young boy in London who happened to guide an American through fog, and when the American tried to pay the boy, the boy said: No, that was my good deed for the day. The man brought that concept back to the United States and started the Boy Scouts. A few years later, in 1916, they got the Federal charter.

The service that Scouts perform is immeasurable, but there are many noteworthy moments I'd like to mention. During World War I, Scouts played an important role by collecting used paper and glass from homes. Scouts also sold Liberty Bonds valued at over $147 million. That was a lot of money at that time.

President Roosevelt called on Scouts to help the needy during the Great Depression, and throughout World War II, the Scouts again collected materials and sold war bonds.

The call to service continues, and today Boy Scouts are doing projects all over this country, thousands of hours every year, to earn their Eagle award.

Another service opportunity will happen next year when the National Scout Jamboree takes place 13 months from now in West Virginia. Volunteers are needed for that effort. The jamboree dates back to 1937 when more than 27,000 Scouts camped on the National Mall, right out there. On July 19 of next year, 35,000 Scouts and Venturers will arrive at the Summit Bechtel Reserve in West Virginia for the 18th National Scout Jamboree.

I went to a National Scout Jamboree at Valley Forge when I was in Scouts. It started with trains on the West Coast and picked up cars as it came through each State, heading east to Valley Forge. It was the largest civilian movement of people in the history of the United States. It was an opportunity to get together with people who were fellow Scouts from all over the United States, as well as from other countries. I remember getting to meet some Australian Scouts at that particular jamboree. We were having a campfire with them in the evening, and somehow a garter snake happened to come through the camp. They leaped up and hacked that snake to pieces.

We said: What is that all about?

They said: In Australia, we have 25 snakes and 23 of them are poisonous, so we try to kill them first and then identify them.

There are a lot of opportunities in Scouts. This jamboree will provide some outstanding experiences, adventures, and achievements for merit badges through a number of outdoor sports such as whitewater rafting, rock climbing, and zip-lining. In keeping with the Boy Scout slogan of ''Do a Good Turn Daily,'' there are also opportunities to participate in service projects near the reserve.

I am especially excited by next year's jamboree because Matt Myers, the Scout executive director from my home State of Wyoming, is the National Scout Jamboree director. But Matt can't do this alone. Thousands of volunteers have to work to make the jamboree a success by serving as first responders, media specialists, IT support, doctors, and more. An interesting thing about these volunteers is they have to pay their own way to the session, they have to pay the same fee as everybody who camps there, and they have to spend two weeks of their vacation volunteering. When they had the last jamboree 3 years ago, I think there were 8,000 of these volunteers that came and dedicated their time to the boys in Scouts.

Scouting has meant a great deal to me and my family over the years. Incidentally, there are 10 U.S. Senators who are Eagle Scouts. The normal percentage would be about 4 percent. In the Eagle Scouts you learn a lot of leadership skills and are also encouraged to participate in your community, your country, and the world. Scouts do that.

Incidentally, there are a whole lot more in this body who have been in Scouts. I remember one saying that he made it only to Life Scout, and he wanted me to know that they call it Life Scout because if that is as far as you get—if you don't make that next step to Eagle—you will regret it for life. But no matter what rank you go to in Scouts, no matter how long you are in Scouts, you will learn some things that you will not learn anywhere else.

Part of it is the merit badge system. We have a Scout in Wyoming who has earned all 132 of the merit badges—what a tremendous adventure in personal finance, safety, and career exploration. You can learn about just about any career working on a merit badge, and you can find out what is involved in it, what you have to know, how you get into that profession.

There have been some outstanding Scouts over the years. Richard Byrd, when he went to the South Pole, took a Boy Scout with him. That was the first Scout to visit the pole, and there have been opportunities for Antarctic Scouts at the South Pole ever since. Paul Siple was the first Scout who got to go because he earned the taxidermy merit badge. The expedition wanted to capture some of the animals to have specimens when they came back to the United States, so Siple was chosen.

A year and a half ago on the space station, there was a Boy Scout. He had been to an academy and had been a test pilot, but after he was selected and got to see his reviewed application, there was only one thing on the application that was circled, and that was ''Eagle Scout.'' While he was up in the space station, they had a piece of equipment break loose. Anything floating around in space, especially if it is big, can be a real hazard. So the Scout took the thing and tied it down using a clove hitch. Of course, they reported back to NASA and said ''We have this little problem.'' NASA worked on it for 2 days and sent back word that they needed to tie the equipment down with a clove hitch. NASA sent instructions. But the Scout had already taken care of the problem. This shows that you never know what you can learn in Scouts and how it can be used later.

Yesterday I got to meet with some of the Upward Bound TRIO students. Those are kids who would be first generation college students. One of them was named Michael Nadig. He was proud to tell me during our meeting that he is an Eagle Scout. I am pretty certain that this young man is going to complete his college because one of the things that an Eagle Scout represents is a symbol of perseverance and a quest to get extra knowledge. I am pretty sure Michael is one of those young people who is going to get that extra knowledge and make it through college.

I am pleased to meet with Scouts everywhere and hear of their adventures

and remember my own. And Mr. President, today I am proud to recognize the 100th anniversary of the Boy Scouts Federal Charter. The values of leadership, service, character, and achievement will live on, thanks to the Boy Scouts of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

DACA PROGRAM

Mr. DURBIN. Mr. President, it was 4 years ago that President Barack Obama announced a new program through an Executive Action. It was called the Deferred Action for Childhood Arrivals program, known as DACA. This was an action by the President which I had asked him to consider. I had written a letter with Senator Richard Lugar, a Republican from Indiana, and later with another 21 Senators, asking President Obama to consider the creation of this program because many of us believed that it was the right thing to do and the fair thing to do.

It was 15 years ago that I introduced the DREAM Act. The DREAM Act was really a response to a constituent case in my home State of Illinois. A young woman, Korean, had been brought to this country at the age of 2, came in on a visitor's visa, and when the visa expired, she and her mother and the rest of the family stayed. The papers were filed for everyone in the family but her. Now she was here in the United States, undocumented and illegal at the age of about 18. She wanted to go on to college. She had a promising music career ahead of her. But under American law as written—and still written—it was very clear that she didn't belong in the United States and that she had to leave for 10 years and petition to come back.

It seemed fundamentally unfair that a young person brought in at the age of 2 would face that sort of onerous responsibility and have to leave America, so I introduced the DREAM Act. If you were brought here under the age of 16, finished high school, had no serious criminal record, and you were prepared to go to college, enlist in the military, we would put you on the path to citizenship. It was that simple.

That was 15 years ago. That measure has been passed in the House, it has been passed in the Senate, but it has never passed in both Chambers in the same year, so it is still a bill waiting to become law. Yet there are 2.5 to 3 million young people who could qualify under the DREAM Act. So we wrote to President Obama and said ''Could you give these young people some protection from deportation if they were brought here under the conditions of the DREAM Act,'' and 4 years ago he said yes. He created the DACA Program. The signup was to start in August of that same year, 4 years ago, and I joined with Congressman LUIS GUTIÉRREZ in offering a signup day at Navy Pier in Chicago. We had volunteer immigration lawyers come in to help these young people fill out their forms so they could qualify to stay in the United States for a few years, not be deported, and pay their fee and be here and have a future. We didn't know if 200 would show. We were worried when we heard it might be 300. In the end, there were thousands who came signing up. Many of them waited in line all night with their parents. This was their first chance to stay in America legally.

It was an amazing day, one of the most rewarding days of my public career, to see these young people so anxious to be part of America's future to sign up under this program. That was 4 years ago that President Obama created it. He thought—and I think wisely—that if these young people are a part of America's future, what about their parents? What if in the same household there is a father or mother undocumented? If they have no serious criminal issues, if they are prepared to pay the fee, if they will pay their taxes, if they will sign up with the government, shouldn't they be allowed to stay in America at least on a temporary, renewable basis? That led to the DAPA Program—DACA for the children, DAPA for the parents, created by Executive order by the President.

Well, that Executive order has been challenged in Court, across the street in the Supreme Court. In a few weeks, I expect it will be resolved, and I believe the President's position will be sustained. He has said it is his Executive responsibility to decide priorities in deportation. He wants to deport felons, not families, and he wants to make sure young people have a chance.

The President is doing what every other President has done in both political parties. He has been challenged by Republican Governors in a handful of States, and those challenges have suggested that these young people and their parents should be deported. In fact, there is a Presidential candidate on the Republican side, the presumptive nominee, Mr. Trump, who has called for the deportation of these people—the deportation of people whom you are going to meet every single day. They are your neighbors. They are the people who wait on you in the store. They may be working in a nursing home caring for your parent. They might be sitting next to you in church.

The Trump position—and those of the more radical wing of the Republican Party—is that they should be asked to leave America and deported. To me, that is unwise and unfair. These people should be given a chance to earn their way to legalization and citizenship, to pay their taxes, pay their fees, go through a background check to make sure they are no threat to our country, and be allowed to continue and stay and live in the United States.

Well, the challenges to DACA, the program for the original DREAMers, have reached the point where one judge in Texas, Andrew Hanen, a district court judge, hearing the case challenging DACA, ordered the Justice Department to turn over the details on 108,000 of these DREAMers who received 3-year DACA permits, including their contact information. Judge Hanen indicated this information could be provided to the Republican Governors who filed the lawsuit. DREAMers are understandably very nervous about this personal information being turned over to Republican officials who made clear they want to deport these young people back to countries where they haven't lived since they were children. Thankfully, Judge Hanen's order to turn over this information has been put on hold while we await the Supreme Court's decision.

Even if the Supreme Court upholds President Obama's actions in creating DACA and DAPA, consider the possibility of Donald Trump as the next President. Mr. Trump has referred to Hispanic immigrants in the most offensive terms. He has called them ''killers'' and ''rapists.'' Mr. Trump has pledged that if he is elected President, he will eliminate DACA and DAPA and deport the 11 million undocumented immigrants who live in this country.

Over the years, I have come to the floor to tell the individual stories of these DREAMers, the young immigrant students who grew up in this country. I want to put a face on the people Donald Trump would deport. I want people who are following this debate to meet the young people who they believe have no right to be in the United States and have no future in this country and should be asked to leave—in fact, forced to leave. I want to show America who these people are. Let's not talk about these undocumented people. Let's talk about the individual who is involved and the families who are involved.

This photo is Lisette Diaz. Lisette was brought to America when she was 6 years old from Chile. She grew up in Long Island, NY, and was a pretty good student—in fact, excellent. In high school, she won the AP Scholar with Distinction Award and was a member of the National Honor Society. She made the high honor roll because she had an overall average grade above 95 percent. I wish I could say the same for my high school career. Lisette was involved in extracurricular activities, including soccer, the literary magazine, and the dance team.

Here is what she said about growing up in Long Island, NY:

I knew that being undocumented made me different from my [high school] classmates.

But I couldn't help but feel like I belonged here. I recited the pledge of allegiance every day in school. I knew U.S. history better than Chilean history. I watched American television. The vast majority of my friends were American. I just really felt American.

Lisette went on to attend Harvard University, where she received numerous awards and participated in many extracurricular activities. She volunteered at the Harvard Immigration and Refugee Clinic, where she worked as an interpreter. Of course, because of her immigration status, Lisette wasn't eligible for any Federal financial assistance for college. Thanks to the DACA Program, which we are commemorating today, she has been able to work as a student supervisor at Harvard Kennedy School Library to help support herself and put herself through school. Just last month, Lisette graduated from Harvard with honors. Her dream—to become a lawyer and to work in public service.

Lisette Diaz is one story. One of the 730,000 who have successfully applied for this deferred action under President Obama's Executive order. Lisette is one of these undocumented people Donald Trump would deport and send away from America.

Mr. Trump and those who happen to be endorsing him don't have any use for young people like Lisette Diaz. They believe they should leave. They add nothing to this country, in their estimation. They are just wrong. Both Donald Trump and other Republicans have made their agenda clear. They want to shut down DACA and DAPA and deport hundreds of thousands of DREAMers and the parents of American children who may be undocumented. If they have their way, Lisette will be deported back to Chile, a country where she hasn't lived since she was 6 years old. Will America be a stronger country without her? Will we be a better country if someone of her extraordinary talent is gone? Will it make us any safer, any better, if she is deported, as Donald Trump has called for? The answer to most rational people is very clear.

I am hopeful the Supreme Court will uphold the President's immigration action. Then I hope the Republicans in Congress will reject Donald Trump's bigoted rhetoric and work with us to pass comprehensive reform immigration and fix our broken immigration system once and for all. There was a time, and it wasn't that long ago, when we passed comprehensive immigration reform in the U.S. Senate. Fourteen Republicans joined with the Democrats to make this bipartisan measure at least a vehicle for us to finally address immigration reform in America. It was one of the better days in my service in the U.S. Senate. What happened to that bill after it passed with a bipartisan majority? It went to the House of Representatives, where it languished and died.

In 3 years, not a single piece of legislation has been brought forward on the issue of immigration reform. Everyone concedes our immigration system is broken. We know we have undocumented people in this country. Those who are dangerous should be deported immediately; those who are not should be given a chance. That is what the bill said—a chance to file their filing fee, to go through a criminal background check, to pay their taxes, to register with the government, and go to the back of the line and wait, many times waiting for 10 or 15 years for that chance to finally become a citizen of this country. That is what our bill said. I think it is fair, but the House of Representatives, under Republican leadership, would not bring it up. Sadly, this Presidential campaign has shown that many in the Republican Party are not only opposed to that legislation, they are opposed to the concept of immigration. They are opposed to the notion that people can come to this country and make a difference.

Of the Fortune 500 companies in this country, the biggest employers, the ones that have had the most impact on our economy—a study found that 90 were started by immigrants to the United States, including some of the biggest and the most important.

This is a nation of immigrants. I have said before, and I will again, I am proud to stand here as a first-generation American. My mother was an immigrant to this country. Thank goodness my grandparents had the courage to get up and leave Lithuania and come to the United States of America. Because of that, I stand here today. That is my story. That is my family's story. It is America's story, and those who reject that history of this country and that heritage of this country are rejecting our birthright and our identity as the United States of America.

This campaign by Donald Trump against immigrants—building walls and all the hateful things he said—is going to be remembered by a lot of people for a long time. It is going to be transformational as people identify where they think America's future will be. I don't believe it is going to be part of the hatred and fear that is being peddled by Mr. Trump and others who support him.

We are a hopeful, positive nation. When we come together, our diversity is our strength. It is our unity. It is what distinguishes us in the world.

Today, on the fourth anniversary of the President's Executive order for the Deferred Action for Childhood Arrivals Program, I thank the President again for his leadership. I hope the Supreme Court decision, in a few weeks, will chart a path for us to open this so we can start moving through the President's leadership toward a goal which we started in the Senate and unfortunately which died in the U.S. House of Representatives.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. PERDUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCE-SCIENCE-JUSTICE APPROPRIATIONS BILL

Mr. PERDUE. Mr. President, I rise to continue setting the record straight for the ongoing issue of water rights between Alabama, Florida, Georgia, and the Army Corps of Engineers.

As I said yesterday, language from the committee report that accompanies this CJS—Commerce-Justice-Science—bill has been inserted in an attempt to strong-arm the outcome of a matter that should clearly be left to the States. This is an interstate dispute, with negotiations and litigation still pending, and much like other parts of the country, the States have been in negotiations for many years.

Clearly, this is not a matter for Congress. This is not a matter that Congress in any way needs to insert itself into. Furthermore, this is a debate we have already had.

Last year, the leaders of both Chambers here in Washington determined that Congress has no business using the appropriations process to tip the scales one way or the other on this water rights issue. Why are we going through this again?

This is not the work our constituents had in mind for us when they sent us here. They expect us to deliver results on the priority issues of our day, and they expect the national interests and the Constitution to come before the self-interests of a select few Members of the Senate, but, yet again, the senior Senator from Alabama is attempting to impose Washington as the solution for a matter that should be and is being handled by the States.

For over 20 years, Alabama, Florida, and Georgia have litigated and negotiated over water rights issues. Despite decades of litigation, neither Alabama nor Florida has been able to prove any real or substantial harm resulting from the Army Corps of Engineers' or Georgia's water management practices. As a matter of fact, they are under court direction today.

The numbers show this. Since 1980, the population of the Metro Atlanta water district has more than doubled from just over 2 million to over 5 million, and that is as a percentage of about 10.5 million people in the State as a whole in 2014. Since 2000 alone, the population of this metro area has grown by more than 1 million.

Since the formation of the Metropolitan North Georgia Water Planning District in 2001, water withdrawals in

Metro Atlanta have decreased dramatically even as the population grew by more than 1 million. As a matter of fact, the consumption per capita has gone down by more than one-third.

This is good water management. Georgia has been a good steward of water resources, and this has been repeatedly validated. In fact, Metro Atlanta water systems have gone above and beyond the necessary water management practices to ensure that they are conserving as much as possible and efficiently properly using the water they do withdraw.

Again, the numbers back this up. There are 15 counties in the metro district. As I said before, from 2000 to 2013, water withdrawals have declined by more than one-third. Both Alabama and Florida have consistently lost in court because their claims have been found to be baseless. Because they cannot win in court, now we see the senior Senator from Alabama trying to win through the appropriations process in Congress.

There is a case on this issue currently being litigated between the States in the U.S. Supreme Court that is due to be heard by a court-appointed special master in November of this year. There is another case pending in the U.S. District Court for the District of Columbia, and yet another one is pending in the U.S. District Court for the Northern District of Georgia. We need to allow the legal process to run its natural course on these cases.

But, again, some in this body are short-circuiting that litigation through the appropriations process. That is just not appropriate. This short-circuiting would have improper influence on the outcomes of these court cases. That speaks volumes.

We are not sent here to pick winners and losers among the States. This is a matter for the States involved to litigate and negotiate, as are all interstate disputes. By the way, this could set a dangerous precedent not just for these three States but for all States that have water rights issues.

This is a matter for the States involved to litigate and negotiate, as are all interstate disputes. This is not a matter to be dealt with through the appropriations process of the Federal Government.

Attempts at this kind of Washington meddling are exactly why many of our constituents have lost trust in this body. We must remove this language from the CJS bill or we will set a dangerous precedent moving forward.

I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report the pending business.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 120, H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. The clerk will report the bill.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2578) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes, namely:

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $473,000,000, to remain available until September 30, 2017, of which $10,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of title 31, United States Code: Provided, That, of amounts provided under this heading, not less than $16,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

OFFICE OF UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by section 3109 of title 5, United States Code, $54,250,000, of which $1,000,000 shall remain available until expended: Provided, That section 141(a) of the Trade Act of 1974 (19 U.S.C. 2171(a)) is amended by striking ''Executive Office of the President'' and inserting ''Department of Commerce'': Provided further, That not to exceed $124,000 shall be available for official reception and representation expenses.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of citizens of the United States and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $13,500 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by section 1(b) of the Act of June 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $106,500,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and

other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), $213,000,000, to remain available until expended; of which $10,000,000 shall be for grants under such section 27.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $37,000,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $30,000,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $100,000,000, to remain available until September 30, 2017.

BUREAU OF THE CENSUS

CURRENT SURVEYS AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics, provided for by law, $266,000,000: Provided, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics for periodic censuses and programs provided for by law, $862,000,000, to remain available until September 30, 2017: Provided, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: Provided further, That within the amounts appropriated, $1,551,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to the Bureau of the Census.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $38,200,000, to remain available until September 30, 2017: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, $3,272,000,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2016, so as to result in a fiscal year 2016 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2016, should the total amount of such offsetting collections be less than $3,272,000,000 this amount shall be reduced accordingly: Provided further, That any amount received in excess of $3,272,000,000 in fiscal year 2016 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: Provided further, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That any amounts reprogrammed in accordance with the preceding proviso shall be transferred to the United States Patent and Trademark Office ''Salaries and Expenses'' account: Provided further, That from amounts provided herein, not to exceed $900 shall be made available in fiscal year 2016 for official reception and representation expenses: Provided further, That in fiscal year 2016 from the amounts made available for ''Salaries and Expenses'' for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the FEHB Fund, as appropriate, and shall be available for the authorized purposes of those accounts: Provided further, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: Provided further, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): Provided further, That within the amounts appropriated, $2,000,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology (NIST), $684,700,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the ''Working Capital Fund'': Provided, That not to exceed $5,000 shall be for official reception and representation expenses: Provided further, That NIST may provide local transportation for summer undergraduate research fellowship program participants.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, $145,000,000, to remain available until expended, of which $130,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which $15,000,000 shall be for the Advanced Manufacturing Technology Consortia.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), $63,300,000, to remain available until expended: Provided, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000, and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,242,723,000, to remain available until September 30, 2017, except that funds provided for cooperative enforcement shall remain available until September 30, 2018: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: Provided further, That in addition, $130,164,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'', which shall only be used for fishery activities related to the Saltonstall-Kennedy

Grant Program, Cooperative Research, Annual Stock Assessments, Survey and Monitoring Projects, Interjurisdictional Fisheries Grants, and Fish Information Networks: Provided further, That of the $3,390,387,000 provided for in direct obligations under this heading, $3,242,723,000 is appropriated from the general fund, $130,164,000 is provided by transfer and $17,500,000 is derived from recoveries of prior year obligations: Provided further, That the total amount available for National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $222,523,000: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That in addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $2,079,494,000, to remain available until September 30, 2018, except that funds provided for acquisition and construction of vessels and construction of facilities shall remain available until expended: Provided, That of the $2,092,494,000 provided for in direct obligations under this heading, $2,079,494,000 is appropriated from the general fund and $13,000,000 is provided from recoveries of prior year obligations: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: Provided further, That, within the amounts appropriated, $1,302,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition and construction.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $65,000,000, to remain available until September 30, 2017: Provided, That, of the funds provided herein, the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: Provided further, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: Provided further, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $350,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2016, obligations of direct loans may not exceed $24,000,000 for Individual Fishing Quota loans and not to exceed $100,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed $4,500 for official reception and representation, $56,000,000: Provided, That within amounts provided, the Secretary of Commerce may use up to $2,500,000 to engage in activities to provide businesses and communities with information about and referrals to relevant Federal, State, and local government programs.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $30,596,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

SEC. 104. The requirements set forth by section 105 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112–55), as amended by section 105 of title I of division B of Public Law 113–6, are hereby adopted by reference and made applicable with respect to fiscal year 2016: Provided, That the life cycle cost for the Joint Polar Satellite System is $11,322,125,000 and the life cycle cost for the Geostationary Operational Environmental Satellite R-Series Program is $10,828,059,000.

SEC. 105. Notwithstanding any other provision of law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms, or organizations are authorized, pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority, to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 106. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 107. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization, for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 108. Notwithstanding section 14 of the Act of June 18, 1934 (commonly known as the ''Foreign Trade Zones Act'') (48 Stat. 998, chapter 590; 19 U.S.C. 81n), none of the funds provided for in this Act, or any other appropriations Act, for the Department of Commerce shall be available to enforce or carry out any activities under 15 CFR 400.43.

SEC. 109. (a) None of the funds made available by this Act or any other appropriations Act may be used by the Secretary of Commerce to manage fisheries in the Gulf of Mexico unless such management is subject to the boundaries for coastal States set out under subsection (b).

(b) Notwithstanding any other provision of law, for the purpose of fisheries management the seaward boundary of a coastal State in the Gulf of Mexico is a line 9 nautical miles seaward from the baseline from which the territorial sea of the United States is measured.

SEC. 110. The National Technical Information Service shall not charge any customer for a copy of any report or document generated by the Legislative Branch unless the Service has provided information to the customer on how an electronic copy of such report or document may be accessed and downloaded for free online. Should a customer still require the Service to provide a printed or digital copy of the report or document, the charge shall be limited to recovering the Service's cost of processing, reproducing, and delivering such report or document.

SEC. 111. To carry out the responsibilities of the National Oceanic and Atmospheric Administration (NOAA), the Administrator of NOAA is

authorized to: (1) enter into grants and cooperative agreements with; (2) use on a non-reimbursable basis land, services, equipment, personnel, and facilities provided by; and (3) receive and expend funds made available on a consensual basis from: a Federal agency, State or subdivision thereof, local government, tribal government, territory, or possession or any subdivisions thereof: Provided, That funds received for permitting and related regulatory activities pursuant to this section shall be deposited under the heading ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' and shall remain available until September 30, 2018 for such purposes: Provided further, That all funds within this section and their corresponding uses are subject to section 505 of this Act.

SEC. 112. The Secretary of Commerce may waive the requirement for bonds under 40 U.S.C. 3131 with respect to contracts for the construction, alteration, or repair of vessels, regardless of the terms of the contracts as to payment or title, when the contract is made under the Coast and Geodetic Survey Act of 1947 (33 U.S.C. 883a et seq.).

SEC. 113. Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Economics and Statistics Administration of the Department of Commerce, including amounts provided for programs of the Bureau of Economic Analysis and the U.S. Census Bureau, shall be available for expenses of cooperative agreements with appropriate entities, including any Federal, State, or local governmental unit, or institution of higher education, to aid and promote statistical, research, and methodology activities which further the purposes for which such amounts have been made available.

This title may be cited as the ''Department of Commerce Appropriations Act, 2016''.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $109,000,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $25,842,000, to remain available until expended: Provided, That the Attorney General may transfer up to $34,400,000 to this account, from funds made available to the Department of Justice in this Act for information technology, to remain available until expended, for enterprise-wide information technology initiatives: Provided further, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act.

ADMINISTRATIVE REVIEW AND APPEALS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $411,072,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examinations Fee'' account: Provided, That, of the amount available for the Executive Office for Immigration Review, not to exceed $15,000,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $89,000,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $13,308,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $885,000,000, of which not to exceed $20,000,000 for litigation support contracts shall remain available until expended: Provided, That of the amount provided for INTERPOL Washington dues payments, not to exceed $685,000 shall remain available until expended: Provided further, That of the total amount appropriated, not to exceed $9,000 shall be available to INTERPOL Washington for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: Provided further, That of the amounts provided under this heading for the election monitoring program, $3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $9,358,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $162,246,000, to remain available until expended: Provided, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $124,000,000 in fiscal year 2016), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2016, so as to result in a final fiscal year 2016 appropriation from the general fund estimated at $38,246,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,973,000,000: Provided, That of the total amount appropriated, not to exceed $7,200 shall be available for official reception and representation expenses: Provided further, That not to exceed $25,000,000 shall remain available until expended.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $225,908,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $162,000,000 of offsetting collections pursuant to section 589a(b) of title 28, United States Code, shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2016, so as to result in a final fiscal year 2016 appropriation from the Fund estimated at $63,908,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $2,374,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $270,000,000, to remain available until expended, of which not to exceed $16,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $13,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: Provided, That amounts made under this heading may not be transferred pursuant to section 205 of this Act.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $14,446,000: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, $20,514,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,195,000,000, of which not to

exceed $6,000 shall be available for official reception and representation expenses, and not to exceed $15,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $9,800,000, to remain available until expended.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, $1,454,414,000, to remain available until expended: Provided, That not to exceed $20,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to section 4013(b) of title 18, United States Code: Provided further, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System: Provided further, That any unobligated balances available from funds appropriated under the heading ''General Administration, Detention Trustee'' shall be transferred to and merged with the appropriation under this heading.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $93,000,000, of which not to exceed $5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $507,194,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $8,433,492,000, of which not to exceed $216,900,000 shall remain available until expended: Provided, That not to exceed $184,500 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally-owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; $108,982,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $2,033,320,000; of which not to exceed $75,000,000 shall remain available until expended and not to exceed $90,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,201,000,000, of which not to exceed $36,000 shall be for official reception and representation expenses, not to exceed $1,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed $20,000,000 shall remain available until expended: Provided, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $6,848,000,000: Provided, That the Attorney General may transfer to the Department of Health and Human Services such amounts as may be necessary for direct expenditures by that Department for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $5,400 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2017: Provided further, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities: Provided further, That, notwithstanding section 1345 of title 31, United States Code, or any other provision of law, up to $540,000 may be used to pay expenses associated with reentry programs to assist inmates in preparation for successful return to the community, including prison institution and Residential Reentry Center programs that involve inmates' family members and significant others, community sponsors, and volunteers.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $106,000,000, to remain available until expended, and of which not less than $81,000,000 shall be available only for modernization, maintenance and repair, and of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated, shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) (''the 1974 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); and the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and for related victims services, $479,000,000, to remain available until expended, of which $245,000,000 shall be derived by transfer from amounts available for obligation in this Act from the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601), notwithstanding section 1402(d) of such Act of 1984: Provided, That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: Provided further, That of the amount provided—

(1) $215,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) $30,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;

(3) $3,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to ''Research, Evaluation and Statistics'' for administration by the Office of Justice Programs;

(4) $11,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: Provided, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303 and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: Provided further, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: Provided further, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

(5) $51,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which $4,000,000 is for a homicide reduction initiative;

(6) $35,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) $35,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) $20,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) $45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) $5,000,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) $16,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act: Provided, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002 of the 1994 Act, prior to their amendment by the 2013 Act, shall be available for this program;

(12) $6,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) $500,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(14) $1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act: Provided, That such funds may be transferred to ''Research, Evaluation and Statistics'' for administration by the Office of Justice Programs;

(15) $500,000 is for a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women; and

(16) $5,000,000 is for grants to assist tribal governments in exercising special domestic violence criminal jurisdiction, as authorized by section 904 of the 2013 Act: Provided, That the grant conditions in section 40002(b) of the 1994 Act shall apply to this program.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and other programs, $117,000,000, to remain available until expended, of which—

(1) $41,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act;

(2) $36,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act;

(3) $35,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act; and

(4) $5,000,000 is for activities to strengthen and enhance the practice of forensic sciences, of which $4,000,000 is for transfer to the National Institute of Standards and Technology to support Scientific Area Committees.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and other programs, $1,009,000,000, to remain available until expended as follows—

(1) $382,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g) of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, $15,000,000 is for a Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative (VALOR), $10,000,000 is for an initiative to support evidence-based policing, $2,500,000 is for an initiative to enhance prosecutorial decision-making, $15,000,000 is for an Edward Byrne Memorial criminal justice innovation program, $20,000,000 is for a competitive matching grant program for purchases of body-worn cameras for State, local and tribal law enforcement, and $2,400,000 is for the operationalization, maintenance and expansion of the National Missing and Unidentified Persons System;

(2) $75,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): Provided, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) $41,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

(4) $10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(5) $12,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(6) $4,000,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review;

(7) $13,000,000 for economic, high technology and Internet crime prevention grants, including

as authorized by section 401 of Public Law 110–403, of which not more than $2,500,000 is for intellectual property enforcement grants, including as authorized by Section 401 of Public Law 110–403;

(8) $3,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

(9) $20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities;

(10) $22,500,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: Provided, That $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;

(11) $1,000,000 for the National Sex Offender Public Website;

(12) $8,500,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

(13) $55,000,000 for grants to States to upgrade criminal and mental health records for the National Instant Criminal Background Check System, of which no less than $12,000,000 shall be for grants made under the authorities of the NICS Improvement Amendments Act of 2007 (Public Law 110–180);

(14) $15,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(15) $125,000,000 for DNA-related and forensic programs and activities, of which—

(A) $117,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) (the Debbie Smith DNA Backlog Grant Program): Provided, That up to 4 percent of funds made available under this paragraph may be used for the purposes described in the DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108–405, section 303);

(B) $4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108–405, section 412); and

(C) $4,000,000 is for Sexual Assault Forensic Exam Program grants, including as authorized by section 304 of Public Law 108–405;

(16) $41,000,000 for a grant program for community-based sexual assault response reform;

(17) $68,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110–199), without regard to the time limitations specified at section 6(1) of such Act, of which not to exceed $6,000,000 is for a program to improve State, local, and tribal probation or parole supervision efforts and strategies, and $5,000,000 is for Children of Incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy: Provided, That up to $7,500,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to $5,000,000 shall be for Pay for Success programs implementing the Permanent Supportive Housing Model;

(18) $5,000,000 for a veterans treatment courts program;

(19) $7,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(20) $22,000,000 for a justice reinvestment initiative, for activities related to criminal justice reform and recidivism reduction;

(21) $4,000,000 for additional replication sites employing the Project HOPE Opportunity Probation with Enforcement model implementing swift and certain sanctions in probation, and for a research project on the effectiveness of the model; and

(22) $75,000,000 for the Comprehensive School Safety Initiative, and for related hiring: Provided, That section 213 of this Act shall not apply with respect to the amount made available in this paragraph:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the PROTECT Our Children Act of 2008 (Public Law 110–401); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and other juvenile justice programs, $253,500,000, to remain available until expended as follows—

(1) $65,500,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process: Provided, That of the amounts provided under this paragraph, $500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local and tribal juvenile justice residential facilities;

(2) $75,000,000 for youth mentoring grants;

(3) $40,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $10,000,000 shall be for the Tribal Youth Program;

(B) $5,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities;

(4) $68,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110–401) shall not apply for purposes of this Act);

(5) $500,000 for an Internet site providing information and resources on children of incarcerated parents;

(6) $2,000,000 for competitive grants focusing on girls in the juvenile justice system; and

(7) $2,500,000 for a program to improve juvenile indigent defense:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: Provided further, That not more than 2 percent of the amounts designated under paragraphs (1) through (3) may be used for training and technical assistance: Provided further, That the two preceding provisos shall not apply to grants and projects administered pursuant to sections 261 and 262 of the 1974 Act and to missing and exploited children programs.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and $16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to ''Public Safety Officer Benefits'' from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''), $212,000,000, to remain available until expended: Provided, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: Provided further, That of the amount provided under this heading—

(1) $11,000,000 is for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(2) $187,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: Provided, That, notwithstanding section 1704(c) of such title (42 U.S.C. 3796dd–3(c)), funding for hiring or rehiring a career law enforcement officer may not exceed $125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: Provided further, That within the amounts appropriated under this paragraph, $30,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities: Provided further, That of the amounts appropriated under this paragraph, $10,000,000 is for community policing development activities in furtherance of the purposes in section 1701: Provided further, That within the amounts appropriated under this paragraph, $10,000,000 is for the collaborative reform model of technical assistance in furtherance of the purposes in section 1701;

(3) $7,000,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: Provided, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers; and

(4) $7,000,000 is for competitive grants to statewide law enforcement agencies in States with high rates of primary treatment admissions for heroin and other opioids: Provided, That these

funds shall be utilized for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. Funds appropriated by this or any other Act under the heading ''Bureau of Alcohol, Tobacco, Firearms, and Explosives, Salaries and Expenses'' shall be available for retention pay for any employee who would otherwise be subject to a reduction in pay upon termination of the Bureau's Personnel Management Demonstration Project (as transferred to the Attorney General by section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (28 U.S.C. 599B)): Provided, That such retention pay shall comply with section 5363 of title 5, United States Code, and related Office of Personnel Management regulations, except as provided in this section: Provided further, That such retention pay shall be paid at the employee's rate of pay immediately prior to the termination of the demonstration project and shall not be subject to the limitation set forth in section 5304(g)(1) of title 5, United States Code, and related regulations.

SEC. 207. None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 208. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.

SEC. 209. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 210. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the accompanying report and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 211. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 212. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.

SEC. 213. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings ''Research, Evaluation and Statistics'', ''State and Local Law Enforcement Assistance'', and ''Juvenile Justice Programs''—

(1) up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance;

(2) up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs; and

(3) up to 7 percent of funds made available for grant or reimbursement programs: (1) under the heading ''State and Local Law Enforcement Assistance''; or (2) under the headings ''Research, Evaluation, and Statistics'' and ''Juvenile Justice Programs'', to be transferred to and merged with funds made available under the heading ''State and Local Law Enforcement Assistance'', shall be available for tribal criminal justice assistance without regard to the authorizations for such grant or reimbursement programs.

SEC. 214. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2013 through 2016 for the following programs, waive the following requirements:

(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1)), the requirements under section 2976(g)(1) of such part.

(2) For State, Tribal, and local reentry courts under part FF of title I of such Act of 1968 (42 U.S.C. 3797w–2(e)(1) and (2)), the requirements under section 2978(e)(1) and (2) of such part.

(3) For the prosecution drug treatment alternatives to prison program under part CC of title I of such Act of 1968 (42 U.S.C. 3797q–3), the requirements under section 2904 of such part.

(4) For grants to protect inmates and safeguard communities as authorized by section 6 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15605(c)(3)), the requirements of section 6(c)(3) of such Act.

SEC. 215. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)) shall not apply to amounts made available by this or any other Act.

SEC. 216. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 217. No funds provided in this Act shall be used to deny the Inspector General of the Department of Justice timely access to all records, documents, and other materials in the custody or possession of the Department or to prevent or impede the Inspector General's access to such records, documents and other materials, unless in accordance with an express limitation of section 6(a) of the Inspector General Act, as amended, consistent with the plain language of the Inspector General Act, as amended. The Inspector General of the Department of Justice shall report to the Committees on Appropriations within five calendar days any failures to comply with this requirement.

SEC. 218. Section 8(e) of Public Law 108–79 (42 U.S.C. 15607(e)) shall not apply to funds appropriated to or administered by the Office on Violence Against Women, including funds appropriated in previous appropriations acts that remain available for obligation.

SEC. 219. Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal year 2016.

This title may be cited as the ''Department of Justice Appropriations Act, 2016''.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed $2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,555,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $5,295,000,000, to remain available until September 30, 2017: Provided, That the formulation and development costs (with development cost as defined under section 30104 of title 51, United States Code) for the James Webb Space Telescope shall not exceed $8,000,000,000: Provided further, That should the individual identified under subsection (c)(2)(E) of section 30104 of title 51, United States Code, as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $524,700,000, to remain available until September 30, 2017.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space technology research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $600,000,000, to remain available until September 30, 2017: Provided, That $150,000,000 shall be for the RESTORE satellite servicing program for completion of pre-formulation and initiation of formulation activities for RESTORE, and such funds are independent of the asteroid rendezvous mission or satellite servicing demonstration activities on the International Space Station.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,831,200,000, to remain available until September 30, 2017: Provided, That not less than $1,200,000,000 shall be for the Orion Multi-Purpose Crew Vehicle: Provided further, That not less than $2,310,000,000 shall be for the Space Launch System, which shall have a lift capability not less than 130 metric tons and which shall have an upper stage and other core elements developed simultaneously: Provided further, That of the funds made available for the Space Launch System, $1,900,000,000 shall be for launch vehicle development and $410,000,000 shall be for exploration ground systems: Provided further, That the National Aeronautics and Space Administration (NASA) shall provide to the Committees on Appropriations of the House of Representatives and the Senate, concurrent with the annual budget submission, a 5 year budget profile and funding projection that adheres to a 70 percent Joint Confidence Level (JCL) and is consistent with the Key Decision Point C (KDP–C) for the Space Launch System and with the future KDP–C for the Orion Multi-Purpose Crew Vehicle: Provided further, That funds made available for the Orion Multi-Purpose Crew Vehicle and Space Launch System are in addition to funds provided for these programs under the ''Construction and Environmental Compliance and Restoration'' heading: Provided further, That $321,200,000 shall be for exploration research and development.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $4,756,400,000, to remain available until September 30, 2017.

EDUCATION

For necessary expenses, not otherwise provided for, in the conduct and support of aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $108,000,000, to remain available until September 30, 2017, of which $18,000,000 shall be for the Experimental Program to Stimulate Competitive Research and $40,000,000 shall be for the National Space Grant College program.

SAFETY, SECURITY AND MISSION SERVICES

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space technology, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $2,784,000,000, to remain available until September 30, 2017.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, $352,800,000, to remain available until September 30, 2021: Provided, That proceeds from leases deposited into this account shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts: Provided further, That such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2016 in an amount not to exceed $6,905,600: Provided further, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of title 51, United States Code.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $37,400,000, of which $500,000 shall remain available until September 30, 2017.

ADMINISTRATIVE PROVISIONS

Funds for any announced prize otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The spending plan required by this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

For the closeout of all Space Shuttle contracts and associated programs, amounts that have expired but have not been cancelled in the Exploration, Space Operations, Human Space Flight, Space Flight Capabilities, and Exploration Capabilities appropriations accounts shall remain available through fiscal year 2025 for the liquidation of valid obligations incurred during the period of fiscal year 2001 through fiscal year 2013.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86–209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,933,645,000, to remain available until September 30, 2017, of which not to exceed $540,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, $200,310,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, $866,000,000, to remain available until September 30, 2017.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $325,000,000: Provided, That not to exceed $8,250 is for official reception and representation expenses: Provided further, That contracts may be entered into under this heading in fiscal year 2016 for maintenance and operation of facilities and for other services to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,370,000: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, $14,450,000, of which $400,000 shall remain available until September 30, 2017.

ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the ''Science Appropriations Act, 2016''.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,200,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of eight full-time individuals under Schedule C of the Excepted Service: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: Provided further, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to $29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, $364,500,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,250 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $2,250 for official reception and representation expenses, $84,500,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $385,000,000, of which $353,000,000 is for basic field programs and required independent audits; $4,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $18,500,000 is for management and grants oversight; $4,000,000 is for client self-help and information technology; $4,000,000 is for a Pro Bono Innovation Fund; and $1,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996(d)): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: Provided further, That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2015 and 2016, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), $3,431,000.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) $5,121,000, of which $500,000 shall remain available until September 30, 2017: Provided, That not to exceed $2,250 shall be available for official reception and representation expenses: Provided further, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than

those as to which it is held invalid shall not be affected thereby.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2016, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

(2) The term ''promotional items'' has the meaning given the term in OMB Circular A–87, Attachment B, Item (1)(f)(3).

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of each quarter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That for the Department of Commerce, this section shall also apply to actions taken for the care and protection of loan collateral or grant property.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 510. (a) Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601) in any fiscal year in excess of $2,602,000,000 shall not be available for obligation until the following fiscal year:

(b) Notwithstanding section 1402(d) of such Act of 1984, of the amounts available from the Fund for obligation, the following amounts shall be available without fiscal year limitation—

(1) to the Assistant Attorney General for the Office of Justice Programs—

(A) $50,000,000 for victim services programs for victims of trafficking as authorized by section 107(b)(2) of Public Law 106–386, or programs authorized under Public Law 113–4;

(B) $16,000,000 for an initiative relating to children exposed to violence;

(C) $12,000,000 for the court-appointed special advocate program, as authorized by section 217 of the Victims of Child Abuse Act of 1990;

(D) $15,000,000 for supplemental victims' services and other victim-related programs and initiatives, including research and statistics, and for tribal assistance for victims of violence;

(E) $20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(F) $3,000,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the Victims of Child Abuse Act of 1990; and

(G) $18,000,000 for community-based violence prevention initiatives, including for public health approaches to reducing shootings and violence.

(2) to the Director of the Office for Victims of Crime, $52,000,000 for assistance to Indian tribes only for supplementing victims' services and other victim-related programs and initiatives.

(3) to the Department of Justice Office of Inspector General, $10,000,000 for oversight and auditing purposes.

SEC. 511. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 513. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 514. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 515. None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire a high-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, ''Standards for Security Categorization of Federal Information and Information Systems'' unless the agency has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST to inform acquisition decisions for high-impact information systems within the Federal Government and against international standards and guidelines, including those developed by NIST;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the Federal Bureau of Investigation and other appropriate agencies; and

(3) developed, in consultation with NIST and supply chain risk management experts, a mitigation strategy for any identified risks.

SEC. 516. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 517. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this

Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 518. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

SEC. 519. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 520. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA Freedom Act; and the laws amended by these Acts.

SEC. 521. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 522. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2016 until the enactment of the Intelligence Authorization Act for fiscal year 2016.

SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

SEC. 524. (a) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2016, from the following accounts in the specified amounts—

(1) ''Working Capital Fund'', $55,000,000;

(2) ''Legal Activities, Assets Forfeiture Fund'', $362,945,000, of which $58,945,000 is permanently rescinded;

(3) ''United States Marshals Service, Federal Prisoner Detention'', $69,500,000;

(4) ''Federal Bureau of Investigations, Salaries and Expenses'', $80,000,000;

(5) ''State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs'', $5,020,000; and

(6) ''State and Local Law Enforcement Activities, Community Oriented Policing Services'', $10,000,000.

(b) The Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2016, specifying the amount of each rescission made pursuant to subsection (a).

SEC. 525. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 526. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency, who are stationed in the United States, at any single conference occurring outside the United States unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

SEC. 527. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 529. (a) None of the funds appropriated or otherwise made available in this Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 530. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are ''Energy Star'' qualified or have the ''Federal Energy Management Program'' designation.

SEC. 531. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United

States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 532. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

SEC. 533. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 534. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

SEC. 535. (a) The head of any executive branch department, agency, board, commission, or office funded by this Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2016 for which the cost to the United States Government was more than $100,000.

(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period—

(1) a description of its purpose;

(2) the number of participants attending;

(3) a detailed statement of the costs to the United States Government, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of employee or contractor travel to and from the conference; and

(D) a discussion of the methodology used to determine which costs relate to the conference; and

(4) a description of the contracting procedures used including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.

(c) Within 15 days of the date of a conference held by any executive branch department, agency, board, commission, or office funded by this Act during fiscal year 2016 for which the cost to the United States Government was more than $20,000, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any entity without an Inspector General, of the date, location, and number of employees attending such conference.

(d) A grant or contract funded by amounts appropriated by this or any other appropriations Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(e) None of the funds made available in this or any other appropriations Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M–12–12 dated May 11, 2012 or any subsequent revisions to that memorandum.

SEC. 536. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 537. The head of any executive branch department, agency, board, commission, or office funded by this Act shall require that all contracts within their purview that provide award fees link such fees to successful acquisition outcomes, specifying the terms of cost, schedule, and performance.

SEC. 538. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.

SEC. 539. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 540. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 541. None of the funds made available under this Act may be used in contravention of section 7606 (''Legitimacy of Industrial Hemp Research'') of the Agricultural Act of 2014 (Public Law 113–79) by the Department of Justice or the Drug Enforcement Administration.

SEC. 542. None of the funds made available in this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin, or with respect to either the District of Columbia or Guam, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

This Act may be cited as the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016''.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 4685

(Purpose: In the nature of a substitute)

Mr. MCCONNELL. Mr. President, I call up the substitute amendment No. 4685 to H.R. 2578.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. SHELBY, proposes an amendment numbered 4685.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 4686 TO AMENDMENT NO. 4685

Mr. SHELBY. Mr. President, I call up amendment No. 4686 to the substitute amendment.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 4686 to amendment No. 4685.

Mr. SHELBY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make a technical correction)

On page 23, beginning on line 15, strike ''U.S. Census Bureau,'' and insert ''Bureau of the Census,''.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise this morning to encourage my colleagues on both sides of the aisle to support H.R. 2578, the Commerce, Justice, Science, and Related Agencies appropriations bill for fiscal year 2017.

Before I discuss this bill, I want to take a few minutes to extend my condolences to all who lost loved ones in

the horrific act of terrorism that took place over the weekend in Orlando, FL. The unthinkable act of violence underscores how critical it is for the Nation's law enforcement to have the tools they need to prevent future incidents and protect the American people.

This bill funds important functions that are vital to our Nation's security, including law enforcement, immigration enforcement, cyber security, and severe-weather forecasting. I believe this bill reflects our strong bipartisan relationship on the Committee on Appropriations, and I thank my colleagues across the aisle for working with us to move the bill out of the committee.

As chairman of the Commerce, Justice, Science Subcommittee, I worked with my colleagues to provide critical funding for the U.S. Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation, among others.

The Commerce-Justice-Science bill before us meets the subcommittee's allocation of $56.3 billion in discretionary spending. This level is $563 million above the fiscal year 2016 enacted amount and is $1.6 billion above the budget request. However, when taking out scorekeeping adjustments and comparing true spending, this bill is actually $1.83 million below the President's request.

The committee has made difficult but I believe responsible decisions to craft a bill that stays within the 2-year budget agreement that was agreed to last fall. Within these budgetary boundaries, I believe the committee has achieved a careful balance between the competing priorities of law enforcement, national security, economic development, scientific research, and space exploration.

The bill also funds the Department of Commerce at $9.3 billion, which keeps our next generation of weather satellites on schedule and ensures that the National Weather Service can continue to provide timely warnings for severe weather.

To help NOAA modernize the way it manages fisheries, the bill continues to provide strong funding for NOAA to expand its adoption of electronic monitoring and reporting in order to increase coverage of our Nation's fisheries and reduce costs for our commercial fishermen.

The red snapper fishery is vital to fishermen and businesses across my State of Alabama and the rest of the Gulf Coast States. I am pleased this bill continues several provisions that will help respond to the challenges facing anyone who wants to fish for gulf red snapper.

This committee remains supportive of science and innovation by maintaining healthy funding for the National Science Foundation, while preserving a balanced space program within NASA. The budget request that NASA presented to Congress included, I believe, a disingenuous combination of discretionary spending and an unprecedented amount of funding disguised as mandatory spending. The truth is that NASA's request only totaled $18.2 billion—a cut of $1 billion from what Congress provided last year. These cuts, if they were enacted, would erode ongoing science missions, delay exploration launches, and stifle American innovation.

In contrast to the budget request, the bill now before us funds NASA at $19.3 billion, preserving the funding Congress provided in 2016. This level makes it possible for the agency to continue supporting ongoing science and exploration missions, especially the Space Launch System and the Orion capsule development, which are both in critical stages of development.

The bill maintains strong funding for the Department of Justice at $29.2 billion, and the bill provides either the budget request or at least a 1.5-percent increase for all Federal law enforcement operations to support men and women on the frontlines of preserving public safety. The bill before us also includes essential cyber security funding through the Department in order to protect our Nation and to track down, arrest, and prosecute child predators to keep our communities safe.

I want to point out that this bill provides $2.96 billion for victims of violent crime from the Crime Victims Fund, or CVF, which meets the 3-year average of deposits into the fund and is a metric the Committee on the Budget requested. As a result, overall funding for victims and victim-related grant programs—which are widely supported by many members of this committee as well as Members of the Senate—remain at or above the 2016 levels.

I believe this bill strikes a balance between the competing priorities of law enforcement, terrorism prevention, research, scientific advancement, and U.S. competitiveness. I think we have basically a transparent product that accommodates the Senate's priorities and addresses the needs of our Nation. I urge my colleagues at the proper time to support the bill's swift passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I, too, rise in support of the Commerce-Justice-Science appropriations bill. As my colleague, the chair of the subcommittee, the Senator from Alabama, Mr. SHELBY, said, the CJS bill does provide $56.3 billion to fund the Department of Commerce and its many agencies, the Justice Department, the National Science Foundation, and the National Aeronautics and Space Administration. It meets the Bipartisan Budget Act of 2015. Every account is pretty much at the level we funded last year. It is a bipartisan bill, it is free from poison pill riders, and it was reported 30 to 0 from the committee. I support the underlying bill and look forward to moving it through the Senate.

What a difference a few days make. When I left the Senate on Thursday to return to Maryland to be with my constituents, I was so excited about joining with Senator SHELBY to bring the Commerce-Justice-Science appropriations bill to the floor. I was excited about it for several reasons—not only about the legislation, but what the legislation and what we brought here actually meant.

First of all, we actually were going to bring a bill that was bipartisan, and I was going to join with my colleague of so many years, Senator SHELBY of Alabama, where we have worked together, where we have tried to come up with how we meet the needs of the United States of America to protect our citizens, to make sure that we are the country of innovation and discovery, and that we do this in a way that is also fiscally responsible. In order to have bipartisanship, you must start with friendship. Senator SHELBY and I have developed that over the years based on mutual respect, candor, civility, and consultation. I was looking forward to bringing the bill based on context.

This will be the last subcommittee bill that I will bring to the Senate. With my retirement at the end of this session, I will be leaving. But this subcommittee is one that I have chaired for a number of years, and I have worked with such wonderful colleagues on the other side of the aisle. So there was a whole sense of excitement in bringing the bill to the floor. People were working together to bring something before our colleagues in a spirit of, No. 1, meeting America's needs, being fiscally responsible, and showing that with mutual respect we can get a mutual job done. But that excitement ended. It ended Sunday morning when I woke up and, to my horror and shock, saw what had happened in Orlando.

Orlando, I saw, was bleeding. The LGBT community was bleeding. The Latino community was bleeding. America was bleeding. It was a terrible act of terrorism and hate, killing 49 innocent people, with a death toll possibly on the rise, at a nightclub in Orlando. This was just terrible. I knew it wasn't the first time a terrorist with hate in his heart and a gun in his hand had mowed down his fellow citizens with a high-powered weapon. It seemed too hard to believe, yet I noted that last Friday it was 1 year since the murder at Charleston. Innocent Americans going about their lives have been murdered in churches, schools, movie theaters, at work. They have names like Newtown, Aurora, and San Bernardino. America wants to know: What are we doing to keep America safe?

I want to say to America, first of all, that in the underlying bill we really worked hard to make America safe. The Senate CJS bill includes $3.7 billion to protect Americans from terrorism and to respond to growing threats and incidents. With Senator SHELBY leading the way and working with me, we worked to help the FBI transform from fighting bank robbers to fighting ISIL and lone wolves. The bulk of the Department of Justice, or DOJ, counterterrorism funding is for the FBI—$3.5 billion to uncover and disrupt plots against America. For example, we fund the Joint Terrorism Task Force, where all the agencies work together in 104 cities. We make sure we have a watch list through the Terrorist Screening Center of individual investigations resulting in arrests for those who seek to join ISIL in Syria. This legislation, this appropriations bill before us, also funds something called the National Security Division—$95 million to make sure we have the prosecutors, law enforcement, and coordinated intelligence communities to make the case against terrorism. We fund the Office of the U.S. Attorneys at $51 million, and we also make sure that when we catch the bad guys they go to Federal prison.

Also, we help local law enforcement to train and respond to the active shooter incidents. In the last decade, we have had to respond to 160 incidents in which there was an active shooter trying to commit mass murder. Overall, the bill contains a 1-percent increase for Federal law enforcement. It is what we could do with our budget allocation, but that is not enough. Our tight allocation means we can't afford the resources to respond to the threats of America and stay within the budget caps. The FBI needs the right tools, the right technology, and the right training to stop terrorists before they act to uncover these lone-wolf and organized operations. That is why later on in the bill, I will offer an amendment for emergency funding for the FBI to add $170 million to fight terrorism, whether it originates overseas or here in the United States. We have helped with emergency supplemental funding for the FBI before, every year between 2001 and 2008, but the threat is growing with emergencies now.

But Sunday's attack was also a hate crime. No hate crime should be tolerated against any community or any group, ever. America's strength lies in its diversity. We also have to stay together, and we have to stand strong in denouncing prejudice and violence directed at any group. We must speak out against hate in any form.

I, too, want to express my condolences to those people who died in Orlando. I also want to express my condolences to their family members, to the injured, and to all who will bear the permanent impact of this.

This bill is also a way of showing that we are serious about hate crimes. The bill that Senator SHELBY and I brought here maintains funding for the Civil Rights Division of $148 million to enforce anti-discrimination laws. We worked with Assistant Attorney General Gupta and her colleagues to keep schools, workplaces, and companies safe and free from intolerance and discrimination. But again, there, we need more help, and I hope to add $30 million to that agency to fight discrimination. Hearing the strong cries across the country, I know there will be those who will be calling for action on gun control. Senator FEINSTEIN and others will speak later on today on that.

In terms of what just happened—it happened in Orlando, but it happened in Newtown and so on—I think we have a good response in the bill, and I think there are good pending amendments. But I also want to speak to the other part of the bill. One of my big issues is jobs—jobs today and jobs tomorrow. In this legislation, working again with my colleague, we put money into this for jobs and innovation.

Why is innovation so important? For the companies in the S&P 500, about 80 percent of their value comes from intangible assets—patents and trademarks and research software—not bricks and mortar and inventory. That means that through innovation, companies need new knowledge to invent new products and to have new jobs. We want to win not only the Nobel Prizes, but we want to win the markets, and we have to start with research. That is why we fund the National Science Foundation at $7.5 billion, supporting more than 11,000 research grants, and the National Institute of Standards and Technology at $974 million to make sure that it sets our standards for products to be sold everywhere in the world. Those are American standards, not Chinese standards. We are not buying Chinese mammogram equipment. We are not buying Chinese equipment to make our cars lighter and safer. Also, we are doing important work there on cyber security.

Also, we have the National Oceanic and Atmospheric Administration. I am very proud of the work they do in terms of fisheries and our oceans and certainly their work in the Chesapeake Bay. But we also have the very important weather prediction, where, again, working with the other side of the aisle, we made sure they had the right computational capacity to be able to do the weather forecasting that we need.

Hurricane season is upon us. We need to pinpoint when a hurricane is coming to be able to save lives and be able to save property. Every mile of evacuation costs $1 million. The more accurate we can be, the earlier we can be, the more lives we will be able to save and also protect property. That is what they do.

Then, of course, there is NASA. My colleague from Alabama, Senator SHELBY, and I have worked a number of years on the national space agency. We have worked so hard for a balanced space program—human space flight, reliable space transportation, aeronautical and space science. We have inspired new discovery. We have helped promote innovation. We have looked at new stars from the Hubble. We have looked at new planets using Pluto. We have spawned a new satellite servicing industry. We have also looked out for the planet. Whether it is in Huntsville, AL, or at the Goddard Space Flight Center, we have really moved this work.

We need our science agencies to invent and to be able to sell their products, but we also want to protect ideas and innovation. That is why we fund the Patent and Trademark Office. Senator SHELBY and I believe that private property needs to be protected. But intellectual property is private property, and we want to make sure that our Patent and Trademark Office really is able to be not a bottleneck but a pathway to protecting this. We also promote the International Trade Administration and the Economic Development Administration.

I look forward to a robust amendment process to address the issues related to safety and security and other aspects of the bill. I hope our colleagues will come forth to debate—there are no restrictions here—and then to offer amendments. Now is the time to seize the moment.

I look forward to working with my colleague Senator SHELBY and all of our colleagues to move this bill. I think at the end of the day, we can be very proud of what we are doing to protect America on many different levels.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I commend the chairman and ranking member for many, many things. I want to say to the ranking member, Senator MIKULSKI, that we are going to miss her upon her retirement. As one who is near and dear to our Nation's space program, both civilian and military, their leadership has been extraordinary.

MASS SHOOTING IN ORLANDO

I want to talk about Orlando. Since I didn't have time to blow this up, I want people to see this small print, where my finger is on an AR–15. A similar weapon is what the shooter Mateen used called a Sig Sauer, and it has some designation of letters. It has a collapsible stock. That is probably why he was able to conceal it as he went into the nightclub late in the evening while some people were leaving. It was last call. There was probably some reduction of heightened awareness because the evening was over.

The AR–15 is an extremely lethal military weapon which, like the military M–16, can shoot a bullet called a .223, or it can shoot a bullet that is a little larger and more powerful called a .300 AAC Blackout, all the more that will do damage tearing into flesh.

This tragedy in my State, in the town in which I live, could have been prevented, since he had been on the terrorist watch list for over 2 calendar years. While he was questioned three times—in 2013 and 2014—upon that questioning, the FBI saw no prosecutable evidence to continue and closed the case.

As the Director of the FBI said, ''Once an investigation is closed there is then no notification of any sort that is triggered by that person then attempting to purchase a firearm,'' when the case or cases were closed as inconclusive. That was FBI Director Comey.

Therefore, I have introduced legislation that would—if you have been questioned about a possible terrorist act—much more so if you have been put on the terrorist watch list but have been taken off because, as the Director said, that case was closed as inconclusive, his words—when you go to purchase a gun, you can purchase that gun legally. Why shouldn't the FBI be notified that the person who has just purchased the weapon had been on the terrorist watch list? It is common sense. I don't think that even the NRA can object to this—and they are accustomed to getting their way around here—because this does not in any way inhibit the purchase of that firearm. This is after the fact of the purchase that a notification is given to the NCIS system—the National Instant Criminal Background Check System—that this person was once under investigation by the FBI and/or put on the terrorism watch list.

It seems to me this is common sense. Had that law been in place, 50 people—49 innocent victims—would not be dead, and there would not be another 50, some of whom are fighting for their lives.

I will also say we have already hotlined a resolution that my colleague Senator RUBIO and I have introduced expressing the condolence to Orlando, condemning the terrorist attack, giving our support for the families and friends of those affected, and applauding the dedication of the law enforcement who responded and the interagency officials.

I will also say what I repeated in my remarks Monday afternoon, as I had just returned from South Orange Avenue, the street in Orlando not far from the nightclub and not far from ORMC, the hospital where so many of those victims are still in critical condition: We are healing. It is going to take a long time, but one of the things in the healing process that we need is the expression of unity instead of division.

It was a marvelous sight in the temporary command center, set up in the middle of Orange Avenue, to see the State, local, and Federal level all working together seamlessly, with the FBI taking the lead. That is how government is supposed to respond.

How is a society supposed to respond? Was it on Sunday when we opened our Orlando office to try to help with the incoming calls, all of which were support; was it like the ceremony two nights ago at the First Baptist Church of Orlando, where it was one of unity and the members of the Muslim community were prayed for by the other faith communities in that church setting; or was it in the 400 calls we had in our Orlando office on Monday, the day after—95 percent of which were expressing hate, anti-gay, anti-immigrant, anti any gun control, anti whatever it was, expressing not a message of unity but a message of division?

This Senator had just been elected in 2000. In the first year of my tenure in the Senate, 9/11 happened. What I saw was remarkable. This Senate came together to crowd around the Senators from New York, Connecticut, and New Jersey, offering them the unity of the Nation. At the time that we were still under the terror watch on that very evening of September 11, 2001, the Members of Congress in this Senate and the House said: We don't care. We are going to the center steps on the east front of the U.S. Capitol Building, and we broke out in unison singing ''God Bless America.'' We were showing our unity.

Where is that unity now? It is being expressed in pockets around this country, and it is being expressed to those grieving in Orlando. We must do more.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Missouri.

Mr. BLUNT. Mr. President, I want to follow up on the remarks of our friend Senator NELSON from Florida.

Let me first say a couple of things about the bill that is on the floor. This is a challenging bill to bring to the floor. Senator SHELBY is the chairman of the committee. He has done a great job on bringing a bill to the floor. It is not the bill he would have written if he were writing the bill by himself. Senator MIKULSKI has done the same thing. By having these bills on the floor, we have a chance to let all the Senators express their views by offering amendments and voting on amendments.

This bill has some excellent things in it at a critical time and pursues a national network of manufacturing centers. A couple of years ago, Senator BROWN and I were able to get Advanced Manufacturing Centers of Excellence into the law in a way that the Commerce Department could do things that they otherwise are not able to do. This fully funds an important program that the administration zeros out every year. The victims of child abuse advocacy centers are centers where kids can go who have either been the victims of a crime or the witness to a crime and have the interview that needs to be had and have it one time, in almost all cases by somebody who knows what they are doing—a forensic interview that puts that crime on the record in a way that kids don't have to constantly relive that moment because somebody who might be very good at interviewing adults isn't very good at interviewing kids, someone who doesn't understand how traumatic that moment is if you are 2, 5, or 15.

Senator COONS and I were able to put legislation on the books that extended that program a few years ago, and I am grateful to see the program fully funded, even though I am annually puzzled by why the Justice Department says we don't need these programs for these victims. That is taken care of here.

Lots of things happened, as we should be focusing on the law enforcement community. Once again, after what happened Sunday morning, we are praising the law enforcement community. We are praising the equipment they have. I haven't heard anybody critical of the fact that there were armored vehicles—not armed vehicles but armored vehicles—there, the BearCat they used that could perforate the wall. Those weren't in the State capital, and the local police didn't have to call and ask: Is it OK if we get the armored vehicle brought down here from Tallahassee? They had a vehicle.

Many of these vehicles were bought under programs that uniquely allow either funding or equipment to be transferred. When you see those holes in the wall where victims got out and law enforcement officials got in, that was the very kind of vehicle that many in this Congress were critical of just a couple of years ago when those same vehicles were being used to save lives, bring people out who had been injured in our country, and we heard a lot about the militarization of the police. We didn't hear any of that over the weekend, and thank goodness we didn't hear that.

I am pleased the Senate has responded to Senator RUBIO and Senator NELSON's resolution that expresses our gratitude for those who helped in this tragedy, gratitude to the law enforcement community, gratitude to first responders, gratitude to people in the community who stepped forward to donate blood, people in Orlando and around the country who sent in national support groups to offer counseling at a time when a lot of counseling is necessary.

It is hard to imagine what it would have been like to be in that nightclub. It is hard to imagine what it would have been like. One father I heard yesterday had a message from his son, over his son's iPhone, that he thought was the last time he would ever hear from his son, and only hours later he saw a video of his son. He was one of

the people who was being helped out of the building. Only then did he know his son was alive.

A lot of counseling needs to happen for a lot of people who lost their loved ones, people who have lost people who mean so much to them. Forty-nine innocent people were killed on Sunday. Fifty-three people are still suffering injuries, and many more people are suffering the trauma of what happens when you are there or when this is your community or this is your family. We need to be thinking about that, and the resolution recognizes that.

People need help at times like this. After a tragedy such as this, we are almost certain to hear two debates; one is about the Second Amendment, and one is about how big of a problem is the mental health problem of this. We have now added to this debate Orlando, San Bernardino, and other places around the world. We now have to deal with radical Islamic terrorism being used as a motivator, those who have taken faith out of any rational concept of faith and have used it as an excuse for violence.

We will have debates about the no-fly list and terror watch list. By the way, those are two very different lists. The no-fly list is a relatively small list. The terror watch list has about 1 million people on it.

As a member of the Intelligence Committee, I am still waiting to hear a better explanation as to why a terror suspect was taken off the list other than them coming to the conclusion that the interview was inconclusive. The Senator from Florida said that was the reason for the decision that was made by the FBI Director. ''Inconclusive'' is not a good enough answer. I would think that if there is a reason an individual is on that list, there should be a conclusive reason that person is taken off the list and not an inconclusive reason for being taken off the list. I suggest we need to be thoughtful here. When the government can put people on the list outside the normal justice system and because the government has put your name on a list, somehow you lose rights you might otherwise have—that is the kind of thing we wouldn't assume our government would be able to do. To put somebody on a list who needs to be watched is a different thing, and how they get on and off that list is a different debate. But just the idea that we could have a government put your name or my name or the name of anybody listening to this on a list and that because you are on that list, certain things could happen that wouldn't happen otherwise, is concerning to me.

Senator STABENOW and I have been working for a long time now to try to create an opportunity for States—back to the counseling element of this—to treat all health care, including mental health care, the same. We have a bill, the Expand Excellence in Mental Health Act, where we have had 24 States that have applied for the grant process to make a proposal to the Federal Government that would allow them to try this program for a couple of years so they can see what happens. The 8 to 24 States that are able to do this will likely find out that not only is this the right thing to do on all fronts, but it is the right thing to do in terms of health care costs generally. If we treat mental health care like we treat all other health care, all of those costs will go down.

The last bill President Kennedy signed into law was the Community Mental Health Act at the end of October 1963. The law was meant to free the thousands of Americans who suffered from mental illness and were institutionalized. The only problem was that once those mental health institutions closed, no other alternatives had been made available in the way they should have been. According to the National Institutes of Health, one in four adult Americans has a diagnosable and almost always treatable mental health issue, and they say that one in nine adult Americans has a mental health issue that impacts how they live every day.

This brings me to one of the points I wanted to be sure to make today. We always talk about mental health after one of these tragedies occurs. People with a mental health issue are much more likely to be the victim of a crime than they are to be the perpetrator of a crime. As we have this discussion, we want to be careful that we don't drive people further away from an interest in seeking treatment.

If one out of four adult Americans has a diagnosable mental health issue, this is not unique. If one out of nine adult Americans has a diagnosable mental health issue that impacts how they live every day, we should be talking about this as a health care issue. Clearly, somebody who does irrational things may have a mental health concern, but we don't ever want to make the mistake that mental health and crime are somehow the same thing.

I will repeat this one more time: If you have a mental health issue, you are much more likely to be the victim of a crime than the perpetrator of a crime.

For far too long, we have allowed the law enforcement community and the emergency rooms in this country to be the de facto mental health care delivery system. We are doing significant and helpful things in this bill for law enforcement. Let's look for other opportunities to do the right thing for law enforcement by being sure that we take one of their daily obligations—the mental health care delivery system obligation—and look for every way we can to minimize that by creating opportunities to have mental health care treated like all other forms of health care.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

GUN VIOLENCE

Mr. MURPHY. Mr. President, first, I extend my thanks to Chairman SHELBY and Ranking Member MIKULSKI for putting together a truly bipartisan bill. I am honored to be a member of the Appropriations Committee and honored to support this bipartisan compromise. This was a difficult bill to put together, but they did very good work to make this a product both sides could support. I thank them for allowing me to be a part of that process.

Second, let me acknowledge the remarks of Senator MIKULSKI, who noted that in many ways the world and the country have changed since this bill was scheduled to come to the floor.

Our hearts break collectively in this country for the citizens of Orlando. In particular, for those of us from Connecticut, our hearts break for the people of Orlando because we know in a very real way about the pain that exists there today, and we also know how that pain is really never-ending. The ripples of that pain are unceasing and unrelenting, and they span generations, neighborhoods, and years. Newtown is still putting itself back together and probably will be for a long time, and the same goes for Orlando. Our hearts break for what that community is going through.

The world is different today than it was at the end of last week. There is a newfound imperative for this body to find a way to come together and take action to try to do our part to stem this epidemic of gun violence and in particular this epidemic of mass shootings that plagues this Nation like no other industrialized nation in the world. There is something fundamentally different happening in the United States that causes us to have these catastrophic-level mass shootings on almost a monthly basis. In 2015 it caused us to have 372 mass shootings. The definition of a mass shooting is when four or more people are shot at any one time. Every day results in 80 or more people being killed by guns through domestic violence, accidental shootings, and homicides.

It won't surprise you to know that for those of us who represent Connecticut, the failure of this body to do anything at all in the face of that continued slaughter isn't just painful to us, it is unconscionable. I can't tell you how hard it is to look into the eyes of the families of those little boys and girls who were killed in Sandy Hook and tell them that almost 4 years later, we have done nothing at all to reduce the likelihood that that will happen again to another family. I shudder to think what it will be like for Senator NELSON 4 years from now to talk to the

parents of those who were killed this past weekend in Orlando and tell them that 4 years after Orlando and 8 years after Newtown, Congress has been utterly silent.

I have stood on this floor dozens of times talking about this subject. I often come down to tell the story of the voices of the victims of these gun homicides and mass shootings just to make sure people know who these victims are. They are real people with families. This isn't new to me, but I am at my wit's end. I have had enough. I have had enough of the ongoing slaughter of innocents, and I have had enough of the inaction in this body.

Every shooting is different. There are a different set of facts around every single shooting. The story in Newtown was about a deeply mentally ill individual who had been isolated in his school and neighborhood. It was a story about a young man who had a fascination with violent content and violent video games. It was a story of a young man who had access to a very powerful weapon and who was able to shoot and kill 20 kids.

The shooting in Orlando has a different set of facts as well. There is clearly a terrorist connection. It is a story about radicalization. It is also a story about a very ill, very confused young man. It is a story of access to a very powerful weapon. It is a story about interaction with the FBI and the holes in the network of surveillance and checks that we need to discuss.

Every set of facts is different, but what unites all of these shootings—from Littleton, to Aurora, to Newtown, to Blacksburg, to Orlando—is that the weapon of choice in every case is a gun, often a very powerful gun, an AR–15 or AR–15 style of gun that was designed for the military and law enforcement to kill as many people as quickly as possible. What unites all of these incidents is our failure to do anything about it.

No one can guarantee that a shooting won't occur. No set of laws can allow us to say with certainty that there won't still be killings in Chicago, New Haven, and Los Angeles. There is no legislative guarantee that there won't be another Omar Mateen. But the idea that we haven't even tried or proffered ideas on this floor and debated them is offensive to those of us who have lived through these tragedies.

I have great respect for the product that Chairman SHELBY and Ranking Member MIKULSKI have put on the floor. I know this isn't going to make me popular with many of my colleagues or with the leadership of this body, but I don't think we should proceed with debate on amendments to this bill until we have figured out a way to come together on—at the very least—two simple ideas that enjoy the support of 80 to 90 percent of Americans. These two ideas, two pieces of legislation, would have been potentially dispositive and impactful with respect to the case in Orlando.

Senator FEINSTEIN has introduced one of those pieces of legislation which would simply say that if you are on a terror watch list, you shouldn't be able to buy a weapon. I heard one of my colleagues talk about reservations about this legislation, but I am certain there is a way to bridge any divide we have on how to administer that protection in a way that could bring Republicans and Democrats together.

Second, in order to make that protection meaningful, we also need to make sure that wherever a would-be shooter buys a gun, he goes through a background check. If you put terrorists or suspected terrorists on a list of those who are prohibited to buy guns, it doesn't do much good when around half of all gun purchases today are made outside of the background check system.

Let's say that the Orlando shooter was on a list that prohibited him from buying a weapon and he went to a store and was denied that AR–15-style weapon because he was on that list. But all he would have to do is go to a weekend gun show or go online, and he would be able to get that weapon without a background check. So if you really want to prevent terrorists or would-be terrorists or suspected terrorists from obtaining weapons, you have to pass legislation that puts those on the terrorist watch list on the list of those who are prohibited to buy guns; give them an ability to get off that list if they are on there without reason, but put them on that list as a default. Second, we have to expand the sales that are subject to background checks to make sure that we are creating a web that catches that potential terrorist when he tries to buy that weapon.

I am prepared to stand on this floor and talk about the need for this body to come together on keeping terrorists away from getting guns—through those two measures—for, frankly, as long as I can, because I know we can come together on this issue. I know there is other really important business to be done here. I know other people have amendments they would like to call up. I know there are other issues that Senators would like to raise. But having come through the experience of Newtown, I have had enough.

It has been 4 years and nothing has been done, despite the fact that 90 percent of the American public wants us to act. The vast majority of gun owners want us to expand the reach of background checks. Polls suggest that 80 percent of Americans believe that people on a terrorist watch list shouldn't be able to buy guns. There is no controversy out there about these two provisions. We can work it out. We can work it out today.

We got a majority of the Senate to support Manchin-Toomey. That legislation still exists. Senator SCHUMER has introduced other legislation. Senator FEINSTEIN has introduced a bill to keep terrorists from getting guns. I am certain there are ways that it can be made better.

As someone who represents the community of Sandy Hook, which is still grieving today, I am going to stand on this floor and talk about our experience at Sandy Hook and Orlando's experience and the need to come together on this issue of making sure that dangerous people who have designs on mass murder don't get dangerous weapons, as long as I can, so that we can allow time to try to figure out a path forward, to bring this body together on the issue of changing our gun laws so that they reflect the will of 90 percent of the American people. I know what I am suggesting is extreme, but we have had enough of inaction in Connecticut. I just don't want the Senator from Florida, who just spoke, to say to those families 4 years from now that he couldn't do anything either.

Let me tell my colleagues what I mean about how this affects Sandy Hook in an ongoing way and why I couldn't help myself but to come down and take this stand today. The families that are dealing with this grief in Orlando are spread out all over the country and all over the greater Orlando area. It is awful. We just can't imagine—I certainly can't imagine—what it is like to lose a child. These are young men and women who died in that nightclub. But it is something different to lose a 6- or 7-year-old. It is something different when four or five of those kids lived on one road in Newtown. All of a sudden, overnight, four or five kids disappear. They are gone. It is something different when all of the other kids in that school heard those gun shots. They had to flee, stepping over the bodies of the administrators and their teachers.

That pain stays with you for a long time as a community, such that in the months and months after what happened in Sandy Hook occurred, you could be in a classroom and hear a young child scream out a word that seemed like a non sequitur. In one particular class the word was ''monkey'' and, every so often, we would have a student stand up and yell ''monkey.'' That was a safe word. The teachers had worked out that if a conversation started in class about the shooting, about maybe what one kid had seen and another student didn't want to be a part of that conversation—because we remember there were survivors from these classrooms as well as from the classroom next door—if one kid didn't want to be in that conversation, then that one child would stand up and say ''monkey'' at the top of their lungs, and a teacher would come over and break up that conversation. I don't know why, but I think about that a

lot—about a little kid standing up and screaming ''monkey'' in the middle of the classroom, just as a reminder of how the trauma of these events doesn't end.

They say in cities across America that when one American is shot, there are 20 people surrounding them—friends, family members including aunts, uncles, children—who experience post-traumatic stress after that event. Studies suggest that there are 20 people that experience levels of trauma. Often in our cities, that leads to a cycle of violence; the anger that comes from a loved one being killed often leads to someone else getting killed as well. It is part of the reason why, over Memorial Day weekend in Chicago, there were over 60 people who were shot.

So this grief is never-ending for communities like Newtown, which is why I am as passionate today as I was in the days and weeks following, and why, for me, Orlando was a breaking point. I just look at myself in the mirror and I think—as we will hear from some of our colleagues who will interject with questions and who have reached a breaking point as well—that we couldn't proceed with business as usual in the Senate this week, that we couldn't do what we have largely done after mass shooting after mass shooting; we couldn't go on and debate other issues and ignore the fact that the vast majority of Americans—80 to 90 percent—want us to take this action, and that it would be impactful.

Now, again, you can say what I am proposing today wouldn't have changed the result in Sandy Hook because this individual in Sandy Hook did buy the weapon with a background check through a legal means—his mother. I understand that. There is no one change in law that is going to apply to every situation. But it potentially would have been impactful in Orlando. As I am sure Senator FEINSTEIN will explain later today, there is a possibility that if her bill had been in effect, the FBI could have put this individual on a list that would have prohibited him from buying a weapon. And had we expanded background checks to make sure that they applied to Internet sales and gun show sales, then he might have been stopped in his ability to get this weapon. We can't know that for sure, but we certainly can say that it would have been less likely that he would have been able to get that weapon and carry out this crime had those laws—again, supported by the vast majority of the American public—been in effect. And by acting, by coming together and finding a way to act on these two noncontroversial measures, I think we also send an important signal to the American public and to would-be murderers that we are serious about stemming this epidemic.

I think people notice when we remain silent. I know it is unintentional, but it almost seems to some people as if we don't care about what happens when we don't try to do anything about it. I understand that we have deep disagreements about how to proceed, but with the exception of one week in 2013, we have not brought a debate to this floor in which we try to hash out our differences. The Republican leadership didn't announce in the wake of Orlando that we are going to spend this week working on trying to enact measures to make sure that another mass shooting doesn't happen. And there is a fundamental disconnect with the American people when these tragedies continue to occur and we just move forward with business as usual.

So I am going to remain on this floor until we get some signal, some sign that we can come together on these two measures, that we can get a path forward on addressing this epidemic in a meaningful, bipartisan way.

Orlando is the worst mass shooting in American history. A gunman shot and killed 49 people and shot and injured at least 53 others outside of Pulse, a gay nightclub in Orlando. At about 2 o'clock in the morning on Sunday, a gunman opened fire inside Pulse, a large gay nightclub in downtown Orlando. It opened in 2004. The owner started it to, frankly, promote awareness of the area's lesbian, gay, bisexual, and transgender community, and they host monthly LGBT-related education events. There was one ununiformed Orlando police officer working security at the nightclub, along with a number of other private security officers. The police officer working security exchanged fire with the gunman after this incident began. The gunman proceeded to retreat back into the nightclub and take the remaining club-goers hostage, where he held them for three hours until 5 a.m. A SWAT team comprised of true heroes stormed the club with stun grenades and an armored vehicle. The gunman was killed in the resulting firefight. One officer was injured. Law enforcement rescued approximately 30 hostages.

In a press conference at about 10:30 that morning—we all remember this—the police indicated that 50 people were killed and 53 more were injured. The shooter was identified as Omar Seddique Mateen, 29, a U.S. citizen from St. Lucie County, FL.

We now know that this shooter became a person of interest to law enforcement in 2013 when the FBI learned that he had made comments to coworkers alleging possible terrorist ties, and again in 2014. The FBI did open an investigation into the shooter, but it was subsequently closed when they didn't think that it warranted any further investigation.

Mateen was armed with an AR–15-style assault rifle and a Glock handgun. He did obtain licenses to buy both of these guns legally—a handgun and a long gun. He bought them about a week or two before the incident, so it is pretty clear he was buying these weapons with an intent to kill civilians.

Prior to the shooting, Mateen called 9-1-1 and pledged his allegiance to ISIS. He mentioned the Boston bombers. It is a complicated story line, and we know some of the other story lines about this shooting, as well, including whether he had been frequenting that club prior to entering it as the shooter. It is a complicated story line. But at the root of it is someone who had been flagged by the FBI. The root of it is someone who had access to a weapon that was not designed for civilians.

AR–15-style weapons weren't legal in the United States until 2004 after being banned for 10 years. It is not coincidental that there was a massive increase in mass shootings in this country after 2004. We are still gathering information on the exact nature of the motive, but what we know is this incident is the deadliest mass shooting and the highest casualty mass shooting in American history, but it is not the first, and if we don't do something, it won't be the last.

In 2009, in Fort Hood, TX, a gunman shot and killed 13 people and shot and injured 30 others at the Fort Hood military post. In August of 2012, in Oak Creek, WI, a gunman shot and killed six people and injured three others at a Sikh temple in Oak Creek. In June of 2015, in Charleston, SC—and we are sitting on the 1-year anniversary of this mass shooting—a gunman shot and killed nine people at the Emanuel African Methodist Church, one of the oldest Black congregations in the South. About a month later, in July, a gunman shot and killed five people, including two U.S. marines and a naval officer, and shot and injured two others. In San Bernardino, at the beginning of December of 2015, 2 gunmen killed 14 people and injured 21 others at the Inland Regional Center. I mention these particular shootings because these were the shootings that were investigated as acts of terrorism. These are the shootings that have involved connections to radical groups or the intention to commit an act of terrorism against a minority group.

So I think it is right that we drill down today on this issue of stopping would-be terrorists from getting guns because just since 2009 this would be the sixth American mass shooting to be investigated by the FBI as an act of terrorism. We think of terrorists as using bombs or improvised explosive devices as their weapons of choice. In fact, the reality is that over the course of the last 12 months, it has been the military assault weapon that has been the weapon of choice of would-be terrorists.

The San Bernardino shooter and the Orlando shooter chose a gun, not a

bomb, in order to carry out their attacks. Why? Because it is, frankly, a lot easier to get a powerful rifle that was designed for the military than it is to obtain or construct a military-capacity bomb or explosive device.

We have to admit that there is this trendline heading in the direction of powerful firearms that used to be banned in this country—and by the way, through bipartisan legislation—to carry out this destruction. You don't have to listen to me; you can listen to terrorist organizations themselves. ISIS today relies on lone wolf attackers in order to perpetuate its mythology of increasing strength. Why is that? Well, it is because we have actually had success in reversing their territorial gains in Iraq and Syria. ISIS is on the run in the Middle East. They are far from being defeated, and we need to keep up strong steps to continue to support the Syrian rebel forces and to support the Iraqi Army to push ISIS back.

They have two narratives that they proffer in order to recruit people into their ranks: No. 1 is that the caliphate was inevitable and growing, and for a long time it was. That so-called caliphate—their geographical territory of control—was growing. No. 2 is that the East is at war with the West, that this is a fight between the Muslim faith and the Christian faith.

Well, that first narrative is not as available to them as it used to be because the people who are thinking of signing up for ISIS don't have to read too deep in the news to know that the so-called caliphate is shrinking, not growing. It doesn't look so inevitable that ISIS is going to control big portions of the Middle East for the long term. Looks like the gig might be up for them, so they are now more than ever relying on the second narrative—that this is a much broader war between the East and the West, and so lone wolf attackers in places such as Paris or Brussels or Orlando or San Bernardino become much more important to their continued international growth. So it is not without coincidence that terrorist groups have made it very clear to potential converts in the United States that a firearm works just as well as a suicide bomb. They took credit very quickly for this attack, and they are going to be hoping there are others who will go to a store and buy a powerful assault weapon and turn it on Americans. It is our duty to do everything possible to make sure that doesn't happen.

It isn't an either/or proposition. It is not fight them there or fight them here. It is not focus on terrorism or focus on guns. It is both. It is the need to continue to support the momentum that exists on the ground in the Middle East to defeat ISIS and defeat them for good and to harden our defenses here in the United States to make sure these potential lone wolf attackers can't get access to an assault weapon.

Think about this statistic today. We know who is on the list of those who are being watched as potential terrorists, and we can match that against who has requested to buy a weapon, and the statistics are pretty stunning. Individuals on the consolidated terrorist watch list cleared a background check when seeking to obtain a gun in 91 percent of the attempted transactions between 2004 and 2014. That is a total of 2,043 successful transactions out of 2,233. There are 2,000 people, over the course of 10 years, who are on the terrorist watch list and who walked into a gun store and bought a weapon. Now, those are only the ones we know about, because 40 percent of gun sales happen outside of gun stores. So there are likely another 1,000 to 2,000 people on the terrorist watch list who got guns through other mechanisms.

If we are serious about taking on terrorism, then we have to beat these guys where they live in the Middle East, and we have to support the administration's efforts to do that and supplement them, but we also have to make sure these potential mass shooters don't get their hands on powerful weapons, especially when we know they have connections to terrorist sources. In order to do that, we have to do both. We have to put those people who are on the terrorist watch list on the list of those who are prohibited from buying weapons, and we also have to make sure that wherever that person is going to buy a weapon, they are checked to make sure they aren't a terrorist.

Mr. President, I don't know how long I will last here, but I hope I will be able to give time to our leadership to come together and try to find a path forward on legislation that will make this country safer and will acknowledge that our gun laws are part of the story—not the whole story but part of the story—as to why this mass slaughter continues in this country. I live every single day with the memory of Sandy Hook. I know this is inconvenient for the leadership and for colleagues on both sides of the aisle. I get that. Most of the time around here, I am a team player, but I have had it. I have had enough, and I just couldn't bring myself to come back to the Senate this week and pretend like this is just business as usual. We have to do something. We have to find a way to come together.

I don't know how long this will take, but I am going to stand here and continue to hold the floor while we give time for our colleagues to try to figure out a path forward to recognize that without changes in this Nation's gun laws supported by the vast majority of Americans, the slaughter will continue.

I see my colleague from Connecticut rising. I will yield to my colleague from Connecticut for a question without losing my right to the floor.

Mr. BLUMENTHAL. Mr. President, I have a question which I will preface with the context of that question. First, I thank him for his leadership.

We have worked together as a team on this issue of gun violence prevention and the fight against terrorism abroad and at home, and I thank our other colleagues who will be part of this effort. It is very much a team effort that we bring to the floor today, involving our friend and distinguished colleague from New Jersey, Senator BOOKER; Senator FEINSTEIN, who has worked so hard on this legislation before we arrived here; our colleague Senator DURBIN, who is with us now; and Senator SCHUMER. So many of us feel so deeply.

I think for Senator MURPHY and myself, the deeply emotional experience of Orlando evokes the images and sounds and sights of Newtown on that tragic day when both of us were there and witnessed the aftermath of 20 beautiful children and sixth grade educators gunned down senselessly and needlessly in an act of unimaginable and unspeakable horror.

This effort is more than about just words. This Chamber is filled with words. Rhetoric is the business of the floor of the Chamber. We are here today to seek action, and action has been too long delayed on banning gun violence, the kinds of acts of hatred and terror that happened in Orlando. Actions speak louder than words, and the Nation deserves action. Ninety percent of the American people want sensible, commonsense measures like background checks to be adopted by the Senate.

There is no question that we are learning more in shock and horror about the details of Orlando. It seems to have involved potentially insidious bigotry and hatred, a pernicious, extremist ideology, perhaps inspired by ISIS and others abroad, as well as very likely mental illness of some kind. But we know it was an act of terror and hatred that can be prevented by the kinds of measures we are seeking today, specific measures preventing anybody who is too dangerous to fly in a commercial plane from buying a gun—no flying, no gun. Someone who is deemed to be a terrorist or deserving to be on the terrorist watch list should also be deemed too dangerous to purchase the kinds of weapons this individual was able to purchase.

We need to strengthen the FBI because its investigative authority, in effect—perhaps not legally but in effect—would have been strengthened by this kind of measure, enabling anybody too dangerous to fly to also be stopped from buying a gun. This individual could have been stopped—not with any certainty, but at least the possibility is realistically there—and its investigations might have been continued and

pursued had that law been in effect. Background checks are a means to enforce existing law and prevent categories of people already deemed too dangerous to buy guns—convicted felons or drug addicts or others in those categories adopted literally decades ago with the full support of the opponents of background checks who may be in opposition now. These measures complement each other.

We know we must fight terrorism abroad. We are at war against ISIS. We must pursue that war effectively, aggressively, and relentlessly. We must fight the homegrown terrorists who are either inspired or supported by ISIS, the lookalikes and soundalikes who claim allegiance to ISIS, whether they are supported or inspired, and for whom ISIS may claim responsibility.

The defenses must be hardened at home. That is part of what we are seeking to do here, just as we fight abroad against terrorism that would reach our shores and threaten our security.

Those measures must involve some military action, and that military action includes intercepting intelligence and finances, air superiority, and air aid for our allies on the ground, without committing massive numbers of U.S. troops to that effort. That war must be pursued even as we pursue the war against terror and hatred here at home.

But hardening our defenses requires that kind of action. So as a body we must commit to stop the terrorist gap from continuing to threaten our security at home, as well as implementing universal background checks that will keep guns out of the hands of dangerous people. We owe it not only to the memory of the children and educators at Sandy Hook and to the countless innocent people who have perished since in the mass shootings that so preoccupy our attention but also the daily shootings—30,000 of them every year. In downtown Hartford and around Connecticut, no place is immune. No one is safe so long as there is this threat.

These measures are modest, and they should be followed by others, such as a repeal of PLCAA, the protection against domestic violence for victims, and the kind of measure I have offered, the Lori Jackson Act. The repeal of PLCAA, which my colleague from Connecticut and I have championed, would repeal immunity that is unique to the gun industry. A ban on illegal trafficking and straw purchases, mental health issues, and school safety steps are measures that must be pursued as part of a strategy to combat gun violence and terrorism, whether it is inspired by ISIS or an organization abroad or homegrown here. These measures are complementary, and they must be pursued together.

We have lived too long, and I have worked literally for decades since I first supported a ban on assault weapons in Connecticut in the early 1980s and then defended it in court after it was adopted. These measures of protection will require steps against those kinds of assault weapons that are truly weapons of destruction, designed to kill and maim human beings as quickly as possible and as many people as possible.

Those assault weapons, whether they were involved in Orlando or not or in any of those other examples, such as Aurora, Virginia Tech, and Sandy Hook, clearly presented threats and were implements of destruction there. We must take action. We must come together. We must unify as a nation to recognize the common threat rather than divide ourselves with the kind of demagogy that has been all too common in the wake of these tragedies.

So I ask my colleague a question, and I look forward to continuing to ask questions and working with him as part of this team today to continue the pressure that we feel must be brought to bear at this moment of national crisis, when the conscience of the nation can be evoked, when we all owe it to ourselves to search our consciences and convictions, look at ourselves in the mirror, and look the Nation in the eye and say: We must act. We cannot allow this moment in our history to pass without action.

I ask my good friend and colleague, Senator MURPHY, if he can understand why this body has so long refused to recognize the will of the Nation and why for so long the Senate has been, in effect, complicit by its inaction in these kinds of killings—30,000 a year.

What about the influence of the gun lobby has made it so powerful in exerting this hold over the Congress and many of our State legislators, and what can we do to address this public health crisis? It is more than just an epidemic; it is a public health crisis, a scourge of gun violence that we must counter.

If 30,000 people died as a result of Ebola or Zika or some other disease, the Nation would be rightly outraged. There would be drastic and immediate action. Why is there not for this public health crisis and this health epidemic that is not only threatening but is deadly to our Nation?

Mr. MURPHY. I thank my colleague for the question, and I want to reiterate the nature of our partnership that he underscored.

He and I were there together in Newtown in that firehouse hours after that shooting, and we have spent probably hundreds of hours with the families. Since then, we have probably spent hundreds of hours together on this floor arguing as a team for changes in our laws.

I am so grateful to my friend Senator BLUMENTHAL for being part of this effort today. He is right in stating that long before I was, shall we say, a convert on this issue myself in the days and weeks following Sandy Hook, it was Senator BLUMENTHAL as our attorney general and then as our Senator who has been fighting this fight for years.

Connecticut has some of the strongest laws keeping guns out of the hands of criminals in the Nation, and it is not a coincidence that our gun homicide rate is one of the lowest.

I will just say this to answer the Senator's question. I know my colleague from New Jersey is rising as well. The United States is unique. We have written into our Constitution language about the intersection of private individuals and firearms. So we have to take seriously the words that are in that Second Amendment. But even in the controversial Supreme Court case, which overturns decades of precedent and held that there was, indeed, in the Constitution an individual right to own a firearm, the author of that decision, Justice Scalia said definitively that it is not an absolute right and that, yes, the majority of that Court was holding that there is an individual right to a firearm, but there is not an individual right to any firearm under any conditions at any time that you want it.

So I think part of the problem for my colleague from Connecticut is that the gun lobby has managed to convince many members of the public that the Second Amendment is unconditional, when it is not. It allows for reasonable limitations on the right to own a weapon.

What we know is that in States that have imposed those reasonable limitations, there are less gun crimes. There are less homicides. There is no truth to this mythology that the only way to stop a bad guy with a gun is to have a good guy with a gun. There is no truth to the mythology that if there are more guns in a community, there is less gun homicides. It is the exact opposite.

I think the gun lobby has been able to convince not just colleagues but many of our fellow Americans that the Second Amendment is absolute in its terms. It isn't.

I think they have also been successful in perpetuating this mythology that good guys with guns stop bad guys with guns, when, in fact, most of the time when you have a gun in your home, it is going to be used to kill you and not used to kill an intruder.

I don't know if the Senator has another question. But if he does, I yield to the Senator without losing my right to the floor.

Mr. BLUMENTHAL. I need to follow up with an additional question, and then my colleague from New Jersey is on the floor to ask a question.

On the issue of Second Amendment rights, which Senator MURPHY has just pointed out so well, that is the law of the land. There is a Second Amendment right for law-abiding people to

buy and possess firearms. But is it not true that in these measures, we are talking about people who are dangerous and who are recognized to be dangerous? That is why they are on the list. And there is also a right on their part to remove their names from that list if there is an error or a mistake of fact that has caused them to be on that list without good reason. So these measures that bring us to the floor today acknowledge and recognize the importance of that Second Amendment right, and the potential impact of our opponents in their arguments against it—saying that there is a lack of due process and that the people will be denied that Second Amendment right—is really mistaken. Is that not correct?

Mr. MURPHY. That is true. I thank the Senator for making that patently clear.

What we are suggesting here is that the way we can come together in this body is around the simple premise that individuals with serious criminal records, individuals who have been deemed mentally incompetent or incapable, and people on the terrorist watch list shouldn't be able to buy firearms. That is it. That is what we are talking about here today and to build out that system in an effective way that is as foolproof as possible.

That has nothing to do with the limitation on an individual's Second Amendment right. If someone wants to go buy a firearm, they are not a suspected terrorist, they do not have a serious criminal record, and they have not been judged or deemed by a judge to be mentally incapable of making their own decisions, then there is nothing in what we are proposing in this body to come together on that would restrict that.

I yield to my friend, the Senator from New Jersey, Mr. BOOKER, for a question, without losing my right to the floor.

Mr. BOOKER. I thank the Senator from Connecticut, CHRIS MURPHY, and the senior Senator from Connecticut as well.

I do want to echo his spirit and the deference he gave to Senator BARBARA MIKULSKI and Senator SHELBY. Both of these two Senators are people I respect a tremendous amount. In fact, I would go beyond that for Senator SHELBY and Senator MIKULSKI because I have deep affection for them. They are great, strong legislators, and they have produced legislation that is important to this country. I have a reverence for their work, the attention to detail, and the focus they have provided preparing legislation to move forward.

I asked for indulgence from them to understand why I stand on the floor today preparing to ask a question to Senator MURPHY. Last night, Senator MURPHY and I talked about the tragedy of what happened in Florida. It was painful to both of us because we knew this was not in any way an anomaly. This was something happening with terrible, savage routine. In this Nation we are seeing mass killing after mass killing after mass killing after mass killing.

We both understood, with other colleagues, that right now our Nation stands at a point of vulnerability to those who seek to do us harm, those who seek to inflict terror, those who seek to inflict grievous bodily harm, those who seek to kill Americans, and they have the ability to exploit loopholes in order to have access to weapons.

So I stand on the floor today in preparation to ask a question to Senator MURPHY, wanting to say that the motivation for his presence on the floor right now is that we just cannot go on with business as usual in this body at a time where there is such continued, grievous threat and vulnerability to our country, where you see again and again mass shooting after mass shooting.

There is a saying that the only thing necessary for evil to be triumphant is for good people to do nothing. I am grateful to Senator MURPHY for his conviction in our conversations yesterday and into the night that we could not just go along with business as usual; that we have had enough; that we have to push this body to come to some consensus on that which the overwhelming majority of Americans, indeed, the overwhelming majority of gun owners in this country and, indeed, the overwhelming majority of NRA members in this country believe; that we should put commonsense safety measures in place to protect against terrorists obtaining firearms to inflict the kind of carnage we have seen too often in this country and in others. Please understand, while many people imagine that when terrorists act, they act with bombs, more and more across the globe and across the United States they are acting with assault weapons and firearms.

We are here today to say: Enough. I have cleared my entire day. This will not be business as usual. I cleared my evening events so that I could stay on this floor and support Senator MURPHY as he pushes this body to come to some consensus, in the way the country has already done, to find commonsense, practical ways we can protect this Nation from terrorism.

The Constitution of this country begins with the understanding that the primary responsibility of this Nation is about the common defense. It says in our preamble that ''We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.'' Written there in plain English, the Constitution laid out the very form of government in which this body stands and put in clear English at the beginning that we are to focus on domestic tranquility, the common defense, the general welfare. So we cannot go on with business as usual in this body. We must stand because this violence in our country will continue unless we take measures, commonsense measures, to restrict these firearms from going to known or suspected terrorists.

I believe this is a day that should not be business as usual. I believe this should be a day that this body comes together as it has before, to put forth commonsense safety measures to prevent terrorism. I want to paraphrase one of our great leaders, Martin Luther King, who said: What we will have to repent for in this day and age is not just the vitriolic words and violent actions of the bad people but the appalling silence and inaction of the good people.

That is why I stand now to ask a question of the Senator. That is why I will stay on this floor with my colleague from Connecticut and support him in this effort to move this body into putting forth the commonsense steps we should take to prevent weapons from getting into the hands of our enemies, from getting into the hands of terrorists, from getting into the hands of people who seek to wreak the kind of carnage that our Nation tragically witnessed this past weekend.

The Senator from Connecticut, my colleague and friend, went through the unforgettable lists of mass shootings—Newtown, 20 schoolchildren and 6 employees killed; Santa Monica, 5 Americans killed; Washington, DC, at the naval yard, 12 people killed; Fort Hood, 3 people killed; Isla Vista, CA, 6 people killed; Marysville, WA, 4 people killed in a high school cafeteria; Charleston, SC, 9 people at a church killed; Chattanooga, TN, at a military recruiting office, 4 marines and a naval petty officer killed; Roseburg, OR, 10 people killed at a local community college; Colorado Springs, CO, 3 people killed at a Planned Parenthood clinic; San Bernardino, CA, in an act of terrorism, 14 people killed; Orlando, this past weekend—this past Saturday night—49 innocent people murdered, killed.

I rise to ask Senator MURPHY a question because there is a question on the hearts and minds of the majority of the people of our Nation. They are asking the question: How long will this go on? They are asking the question: How can we be a nation so mighty and great, yet hold this distinction on the planet Earth where these kinds of mass killings go on at a rate, at a level nowhere else seen on the planet Earth? It is here in this country—founded upon the idea that we formed this government for our common defense, that we

formed this government to ensure domestic tranquility, that we formed this government based on the idea that we can make for a safer, stronger, and more prosperous land—that question is being asked from coast to coast, from north to south.

Senator MURPHY and I talked yesterday about coming to the floor today and not letting business as usual happen. We talked with our other colleagues who will come to this floor today and who all have in their hearts that word: Enough. Enough. Enough. What we are seeking is not radical. What we are seeking is not something that is partisan. What we are seeking is common sense and is supported by the overwhelming majority of this Nation. In study after study, poll after poll, survey after survey of gun owners, of people who have weapons and who take to heart their Second Amendment rights—when you ask them ''What should we do? Do you support closing the terrorist loophole, creating practical, commonsense bars for people who are suspected of terrorism from buying a gun,'' 82 percent of gun owners say ''Yes, we should do that.'' They say: Enough.

Mr. SASSE. Mr. President, humbly, I raise a point of order about whether there is a question. I would like to ask a question.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Connecticut may yield for a question only without losing his rights.

Mr. BOOKER. Mr. President, I have a question, but I think I can have a preamble to my question to set the context of the question.

The PRESIDING OFFICER. Ask the question through the Chair.

Mr. BOOKER. The question I would like to ask is, Given the fact that the overwhelming majority of Americans support commonsense gun legislation, given the fact that 82 percent of gun owners support closing the terrorist loophole, and given the fact that 75 percent of NRA members support closing the terrorist loophole, why does the Senator from Connecticut feel this body is not moving on commonsense legislation that will protect our Nation, that will defend us against terrorists, and that will prevent tragedies such as the one that happened in Orlando?

I direct my question to the Senator from Connecticut.

Mr. MURPHY. I thank my colleague for his question. I think this is a question people throughout this country are asking today: Why are these measures we are asking for consensus on today so controversial in the Senate when they are not controversial in the American public?

My colleague Senator BOOKER talked about the statistics. It is not just that 90 percent of the American public supports expanded background checks to make sure people aren't criminals when buying guns; it is that the majority of gun owners support expanded background checks. It is Democrats who support it. It is Republicans who support it.

Similarly, on the issue at hand today, which is making sure potential terrorists don't obtain weapons, a similar majority of the American public supports that as well. There is less polling on that question, but suggestions are that 75 to 80 percent of Americans support the idea that if you are on the terrorist watch list, if you are on the consolidated list, then you shouldn't be able to obtain a weapon.

The question of my colleague is, Why can we not get consensus here? I guess, at some level, it is tough for me to answer that because it seems so clear to me that I am willing to vote for those measures. I am willing to cosponsor them. I am willing to come to the floor and speak in support of them. In many ways, it is a question for those who are blocking these measures from coming forward. As I said before, I believe much of it is rooted in what I believe is a misunderstanding of the Second Amendment. It is not an absolute right; it comes with responsibilities and conditions. I think a lot of it is a misunderstanding about the data that suggests—State by State, community by community—if you have tougher gun laws that keep guns out of the hands of criminals or prevent these powerful military-style assault weapons from flowing through your streets, you are going to have less level of gun homicide.

So part of our effort—and part of my belief—is to come to the floor today to continually reinforce what the real story is about the nature of the underlying right and about what the data tells us, but also, Senator BOOKER, about what we know to be the threat to this country. Research shows that on U.S. soil, people who are seeking to commit acts of terror rely almost exclusively on guns. And when guns are used in potential acts of terror, they are vastly more likely to result in casualties—when guns are used.

Now, this isn't me talking. This is an analysis of domestic terror attacks in the United States by Professor Louis Klarevas of the University of Massachusetts. He showed that since September 11, 2001, 95 percent of the associated deaths connected with terrorist attacks—with terrorism—were committed with guns.

According to a project run by the Department of Homeland Security's Center for Excellence at the University of Maryland—something called the Global Terrorism Database, which is a government database run by the Department of Homeland Security—terrorist attacks in the United States are 10 times more likely to result in fatalities when they involve guns than when they do not. Between 1970 and 2014, nonfirearm terrorist attacks resulted in deaths 4 percent of the time, whereas 40 percent of the attacks involving firearms resulted in deaths.

If you really want to get down to the chilling bone here, Mr. President, listen to the words of one of the most notorious Al Qaeda operatives—actually an American who is now deceased—whose name is Adam Gadahn. He released a video in 2011. In it he said:

> In the West, you've got a lot at your disposal. Let's take America for example. America is absolutely awash with easily obtainable firearms. You can go down to a gun show at the local convention center and come away with a fully automatic assault rifle without a background check and most likely without having to show an identification card. So what are you waiting for?

Even if his facts weren't 100 percent correct on whether you can get a fully automatic weapon at a gun show, this is clearly a message being sent by some of the most notorious operatives and recruiters within the Al Qaeda and ISIS network: Go get a gun. They are easily obtainable. Do as much damage as possible.

So to answer Senator BOOKER's question, I guess I don't want to sit here and impute malevolent motives or intentions or the interference of interest groups on my colleagues. I just have to believe that we have the facts wrong and that we are maybe misreading our constituents. I know people who listen to the NRA are very vocal. I know they call in to all of our offices frequently and express their opinions very strongly. I will admit that the majority of Americans—and this majority exists in every single State—who support expanded background checks, support keeping terrorists off the watch list, they are maybe not as passionate in their views. So it may also be that there is a misread coming on where the American public exists on this question. I think there are more and more Americans who are rising up and choosing to make this a priority when they come to the polling places and when they talk to us.

To Senator BOOKER, I think this is just about trying to do our best to correct the record—as the Senator said, doing our best to explain that what we are asking for is not revolutionary. It is not radical. It is simply commonsense. If we lay it out in plain facts, most of the people we represent would expect that we would have already taken care of this. If we told them we have not yet put individuals who are on the terrorist watch list on those that are prohibited from buying guns, I think they would be very surprised. If we told them that the majority of gun sales happen without background checks, I think they would probably be surprised by that. I think they expect us to act on this.

I know the Senator from Nebraska is looking to ask a question. I would be

happy to yield to the Senator from Nebraska for a question without losing my right to the floor.

Mr. SASSE. I thank the Senator from Connecticut.

I am happy to defer to the assistant Democratic leader if he has a question first.

I thank the junior Senator from Connecticut for helping lead us into an important discussion. I do have a genuine question.

In your colloquy with the senior Senator from Connecticut, I think the question was asked that there is due process for I think what the Senator has been calling the terrorist watch list. I would just ask if the Senator can explain to me what the terrorist watch list is. I am familiar with the terrorist screening database. There is a series of lists that fall from the database, but I don't think there is any such thing as the ''terrorist watch list,'' and I certainly don't understand what due process rights would apply to this list. If the Senator could help clarify that, that would help me. I thank the Senator.

Mr. MURPHY. I thank the Senator from Nebraska for his question.

There is something called the consolidated watch list, which is an amalgam of a number of different databases. As the Senator understands, one of them is the no-fly list. The legislation Senator FEINSTEIN has propounded and will propound refers to those consolidated lists and then provides the ability for an individual to contest their placement on those lists, to be able to be notified why they were prohibited from buying a gun and to be able to contest that with either the agency that put them on that list or with the NICS database itself. I take seriously this issue of due process. As we know, there are certainly people who are on that list who should not be—as, frankly, there are people today on the list of those prohibited from buying guns who should not be. There are mistakes made on the NICS list today—names that get put on there that shouldn't be put on, people who may have been wrongfully convicted.

I would agree with the gentleman that it is important that the legislation we come to agreement on specifically refers to the set of lists—which I would suggest mirror the consolidated database that is maintained by Federal law enforcement—and have a very explicit right to get off that list. I don't think it is impossible that we can come together on that in very short order.

I yield to the Senator from Illinois for a question without losing my right to the floor.

Mr. DURBIN. If the Senator from Connecticut will yield for a question—first, let me say at the outset I thank him for his leadership. I am happy to join with this willful band who feels as he does; that this is an issue long overdue and that the American people have asked us over and over again: When is Congress going to do something about these mass shootings and the carnage which has taken place?

I would like to ask a specific question, though, about an element here. We have talked about terrorism, those who may be on a terrorism watch list or some version of it, which Senator FEINSTEIN will address in her amendment, but there is a second part to this which is equally, if not more, important, from my perspective. We define mass murder as those that involve more than four victims, but many of us are living and representing communities where there is massive murder taking place over long periods of time. Maybe not so many deaths in one particular incident but over a long period of time. Yesterday, our colleague from New Jersey eloquently explained to us, in our private caucus luncheon, about the carnage in his hometown that has taken place in New Jersey for a long period of time.

My question to the Senator from Connecticut goes to a city which I am honored to represent, the city of Chicago. There were 488 homicides in Chicago in 2015. The vast majority of those were shootings. Chicago's 488 murders were the highest total number of any U.S. city last year. In New York, there were only—only—339 in comparison, and in Los Angeles, 280, cities much larger than Chicago with much smaller numbers of homicides.

The Bureau of Alcohol, Tobacco, Firearms and Explosives has gone to the areas of Chicago where we have the most intense gunfire and killings taking place on a regular basis. Here is what they told me in 2015: Forty percent of the crime guns confiscated after these homicides and killings came from gun shows in Northern Indiana, just across the border from Chicago.

The reason I raise this question is, I believe the second part of this suggested approach—terrorists, the loophole, closing that once and for all, and, secondly, closing the loopholes when it comes to background checks—would include and envision putting an end to what we see happening in Chicago, where in the most dangerous neighborhoods 40 percent of these crime guns are crammed into the trunks of cars at gun shows in Northern Indiana, with no background checks. Then, the people who buy them head for the city, to the streets of Chicago, to sell them, usually to teenagers who then spray their bullets at night in gang warfare and other activity.

My question to the Senator from Connecticut—there are so many other aspects we need to address—straw purchasing is one, assault weapons is another—but what the Senator is trying to focus on is not just the horrible tragedy that occurred in Orlando but to really expand our reach in terms of addressing new legislation when it comes to closing the loopholes in the law—loopholes which allow gun show sales without background checks and sales over the Internet without background checks. I would ask the Senator from Connecticut the rationale behind including that provision.

Mr. MURPHY. I thank the Senator. The Senator from Illinois, like Senator BLUMENTHAL, has been a leader and a hero on this issue since before I got to the Senate, and he is exactly right. The state of this Nation is not just this repeated story line of mass shooting after mass shooting, it is the fact that even on days when there is not a mass shooting, there is the equivalent of a mass shooting happening in cities like Chicago, Baltimore, or New Orleans every single day. The numbers over Memorial Day weekend over Chicago are absolutely chilling.

Think about living in a city in which, over the course of what should be a celebratory weekend, there are 60-some odd incidents of gunfire, and that is just gunfire that hits people. So it is critical we acknowledge that this epidemic that we are often focused on because of these mass shootings is an epidemic that exists every single day in this country.

Senator DURBIN is right that part of the reason we are asking that expanded background checks be part of this agreement that we come to over the course of today is because while we are on the bill that funds the Justice Department, while we are debating the bill that funds, in part, the background checks system, let's make sure it works. As the Senator knows, the data is clear: In jurisdictions that have near-universal background checks, there are less gun deaths—period, stop. In jurisdictions that decide they are going to apply background checks to as many sales as they can—let's be honest, you often can't get every sale, but you can certainly say, if you are selling guns online through advertisement or you are selling guns at a gun show that is organized and marketed, that those sales should be subject to a background check. In States that do that, they have lower rates of gun crimes. As the Senator knows so painfully—because Chicago sits right at the intersection of other jurisdictions—States can't do this by themselves. Even if a State decides to expand out the forums in which a gun sale is subject to a background check, if the other State next-door—let's say Indiana—has a lower standard, then your law is virtually meaningless. Of course, that is the story line in Chicago. The story line in Chicago is a handful of gun dealers—irresponsible gun dealers across the State line—selling guns to individuals who then take them into Chicago.

This is certainly a debate brought on by another mass shooting, and we certainly have an obligation to make sure

the terrorists don't obtain guns, but the Senator is right that this ultimately has to be an issue of doing something about our urban gun violence as well.

Mr. BLUMENTHAL. Will the Senator yield?

Mr. MURPHY. I yield to the Senator from Connecticut for a question without losing my right to the floor.

Mr. BLUMENTHAL. I thank the Senator for yielding for a question only. I want to ask more specifically about a point he made so well at the very beginning of this conversation; that the fight against gun violence and extremism abroad and at home is not an either/or, that we need to fight the violent extremism abroad, whether it is called jihadism or radical Islam or violent extremists, whatever label we give it. This fight is about that battle and about enlisting our allies abroad in supporting us in that battle and combating the homegrown terrorists, the extremists who are supportive or inspired by ISIS or others abroad. We do not have an either/or situation here, as the Senator said so well. They are complementary.

My question to my colleague from Connecticut is whether these kinds of measures that we are seeking to advance on the floor today also empower and enable a stronger alliance with our allies abroad that are joining us in this fight.

I ask that question of him because he as a member of the Foreign Relations Committee, as I am a member of the Armed Services Committee, is aware of the importance of acting with our allies abroad. These measures, do they not, enable us to form and enlist and advance those alliances?

Mr. MURPHY. I thank the Senator for the question because of course this is a global fight against terrorism. This is not a battle that can be waged by one country and one country alone. The Senator is right that we are right now calling on our allies in Europe to take steps that would better protect all of us from these terrorist plotters. For instance, we have real concerns about the degree to which European nations are sharing data about potential terrorist plotters. Right now, law enforcement and terrorism surveillance in Europe is largely done on a country-by-country basis. Even within some countries, it is heavily siloed. In Brussels itself, I think by last count, there were six different police departments that didn't even communicate with each other. So there is a big problem in Europe about agencies not being able to talk to each other, and we are pressing Europe and Europeans to get more serious about both tracking terrorists throughout that continent and then sharing information with us.

How is that relevant to the Senator's question? It is very hard for us to preach to the Europeans that they should get more serious about tracking terrorists if we have big holes in our databases as well, and we do today. From the information that is out there, we know that in Orlando, this individual was on a watch list. He came off of it. Because of the way in which the network of lists and notifications work today, the FBI was not notified when he went to buy a gun.

We can have a debate as to whether he should have been prohibited from buying a gun if he was no longer on those lists, but it probably makes sense that the FBI should at least be notified so they can perhaps do some followup. As long as we have these gaps in our laws related to access to firearms for potential terrorists, then I think it is hard for us to tell the Europeans to do better. As the Senator knows, we also want to be able to connect what they know with what we know.

There are American citizens who travel to other countries, and they may be radicalized in part in connection with those visits. We want to be able to get that information to the extent that a foreign country knows about the activities of American citizens when they travel abroad so that it is incorporated into our databases, incorporated into the list of people we are concerned about getting access to a weapon.

I yield to the Senator from New Jersey for a question without losing my right to the floor.

(Mr. SASSE assumed the Chair.)

Mr. BOOKER. Senator MURPHY, I am grateful for your yielding for a question. I think I want to drill deeper down on that point because I am not sure if Americans understand that there is a lot of bipartisanship when it comes to CVE, countering violent extremism. I am very proud to serve on the Homeland Security Committee. I have worked with members on the other side of the aisle to do a lot of commonsense things to try to counter violent extremism here at home. Those involve efforts of coordination, as Senator MURPHY was talking about, investing resources in trying to counter violent extremist efforts here at home.

There is a tremendous bipartisan effort that has gone on in this country since 9/11 in trying to take down silos of information—sharing, cooperating, coordinating, and investing resources in many ways to keep us safer as a nation. We should all be very proud of that. But it is clear—especially from what should be stunning to people who don't know this and from the information you read—that the very enemies we are talking about—terrorist organizations that now have become common knowledge in this country, because people know Al Qaeda, they know ISIS, and folks are focused on that—the very enemies we are fighting against are aware of the big loophole that exists in this Nation—that someone who is a suspected terrorist, who has a terrorist intent, who is even known by the FBI, can come to our Nation or can be a citizen of our Nation and go to a gun show and buy weapons.

I want to clarify what I said. That was not an accident. This could be someone who is in our Nation as a citizen or it could be someone who has come to our Nation through the Visa Waiver Program and could still exploit this loophole of buying weapons without a background check. So we have actually enough sharing of information to go on that we actually can stop an individual from getting on a plane.

Think about this. We can take an action to stop someone from flying, but we do not have the ability in this country right now to stop that known individual from getting in a car and driving down 95 from New Jersey and going to a gun show and buying weapons.

The data show that the GAO has found that between February of 2004 and December of 2014 there were at least 2,033 cases where a known suspected terrorist tried to buy a firearm or even obtain it. We know there are that many people trying to do this and that we have the ability to stop those folks. So given the context of all the areas in which we are cooperating to stop terrorism and that there is this one black hole where now the information isn't being shared for actions to stop folks from getting these weapons that can do such carnage, isn't this a glaring gap in our overall security procedures, policies, and structures in our country?

Mr. MURPHY. I thank the Senator. It is a glaring loophole, and it is unclear why it has persisted. This idea of closing the loophole has been backed by both Democratic and Republican administrations, and I think the Senator talked about how this has been a bipartisan commitment. The George W. Bush Department of Justice supported the exact same bill that we are talking about today, in 2007. Attorney General Holder, in response to a question from Senator FEINSTEIN at a 2009 Judiciary Committee hearing, said: I think that legislation was initially proposed by the Bush administration. It was well conceived, and we will continue to support that.

Not so long ago, this was an issue that was conceived by a Republican administration. It didn't seem to become controversial until gun lobbying organizations decided that it should be. We should remember that about all the things we are discussing here, because we live in a world today in which we think the issue of gun laws is the third rail of American politics. But all of the legislation that we are talking about could not have passed if it wasn't for Republicans and Democrats coming together, whether it be to support the existing background check system or to support the existing ban on assault

weapons—plenty of Republicans voted for that—or to conceive of this idea of terrorists being kept off the list.

Here is how it plays out in real time. Elton Simpson is the name of the individual who opened fire on a Texas community center that was hosting an event displaying cartoons of the prophet Muhammad. I think we all agree that was an act of terrorism that was perhaps as a result of the radicalization of this individual. He was reportedly on the U.S. no-fly list. One of the Boston marathon bombers, Tamerlan Tsarnaev, was reportedly placed on two terrorist watch lists in 2011. He committed that act with an explosive device, but he also killed a police officer with a handgun. Orlando is the latest example of crimes being committed by those who were in and around this database.

The Senator from Nebraska asked the question earlier: How do we make sure that people aren't on there by mistake? Both parties will only support legislation that gives a practical means for individuals to grieve the fact that they are prohibited from buying a gun when indeed they should not be. I think at some level, we should accept that in virtually every Federal database that exists of people who are ineligible to buy a gun or people who are eligible to receive Medicare reimbursement, there are occasionally mistakes. But that does not stop us from trying to engage in collective action as a community to better protect our Nation.

Let's get that list right. Let's give people the ability to get off it if they are on it wrongly. But let's accept that what we know is that in 90 percent of the cases over that 10-year period where people tried to buy a gun and were on the terrorist watch list, they were able to buy it.

Let's be honest. This is only one element of what needs to be a broader strategy to combat either the potential radicalization leading to violence of American citizens or this broader question of combating gun violence at-large that Senator DURBIN brought up. But it is an important glaring hole that needs to be corrected.

I yield to my friend from Connecticut for a question without losing my right to the floor.

Mr. BLUMENTHAL. Thank you to my friend and colleague from Connecticut for yielding for a question and his holding the floor.

I want to follow a question that was asked by our colleague from New Jersey. I have heard him speak so eloquently about the people in his city of Newark, and, in fact, children dying in his arms as victims of gun violence. Those kinds of acts of violence are unpredictable.

The FBI was investigating the killer in the Orlando tragedy and knew of his potential dangerousness, but there are countless individuals who commit these acts of murder. Thirty thousand deaths every year occur as a result of gun violence. Many of them are unpredictable and perhaps unpreventable under current law, but they could be prevented with stronger laws.

So my question to my colleague from Connecticut is whether this measure will enhance the fact-finding and investigative powers of the FBI in seeking to stop gun violence where we know it may occur and—in fact, as much as I deeply respect the diligence and dedication of the FBI—whether additional resources combined with this kind of measure will enhance their ability to stop these acts of hatred and terror such as we saw so tragically in Orlando.

Mr. MURPHY. Thank you, Senator BLUMENTHAL, and I want to thank you for your work on the Judiciary Committee for leading this fight to try to make sure that law enforcement has what it needs to protect this country.

Again, I spoke to this broader conversation about how you protect this country from domestic terrorist attacks. I think there are a lot of people who want to drill it down to only one silo of conversation. As I remarked at the beginning, some people want to make this just about the fight in the Middle East. Some people want to make this just about surveillance. Other people want to make this just about gun laws.

It is not any of those things. It is about a combination of efforts. So we have to admit that this fight against ISIS and against Al Qaeda in the areas in which they have large amounts of control is an ongoing fight. That is not going to be concluded tomorrow or next week or the month after. We think we are making dramatic progress, but it is going to take us a while.

As I remarked at the outset, it also means that there is an inverse proportionality between our success in taking the fight to Al Qaeda and ISIS inside theaters of war and their importance in attacking us here at home in the sense that they are going to need to take the fight to us here if they are having less success in repelling our efforts to push them back inside the Middle East.

That is where law enforcement comes in, Senator BLUMENTHAL, and you are exactly right. Let's make it a priority to defeat ISIS. But let's admit that for the time being, they are going to try to launch lone-wolf attacks here. What we know is they generally don't go through the trouble of trying to coordinate these attacks ahead of time. So it makes it much more difficult to stop. They are trying to find someone who is on the fringes of society, who may be mentally ill or prone to radicalization and weaponize them. Sometimes it makes it difficult for law enforcement to find that needle in a haystack.

What we know is that in this case, they had found that needle in a haystack. They had found him twice. Perhaps his inclusion permanently on one of these lists wouldn't have done much good because it wouldn't have prevented him from getting a firearm. There wasn't as much due diligence done as should have been.

This clearly is an important tool of law enforcement, and we need to give it to them. I hope—and I think Senator MIKULSKI talked about this in her opening comments—we can talk about giving broader resources to the FBI and to law enforcement to do the job they need do. We ask them to do more and more, but we don't give them the resources that are necessary. If we are going to give them additional responsibilities—keeping a better monitored, consolidated database, having a process for individuals to grieve their inclusion on it—then we have to make sure they have the resources necessary.

To the Senator from New Jersey, I yield for a question without losing my right to the floor.

Mr. BOOKER. Again, I appreciate this point that I want to keep coming back to, which is that we are—and both Republicans and Democrats talk about—in a war with a determination to defeat our enemy. Yet our enemy has spoken very clearly about exploiting the loopholes that exist in a way for those who are seeking to do terror to buy weapons. In other words, as to someone who is suspected already by the FBI, suspected by the American Government to have designs on the kind of terroristic act that could take many Americans, as we saw this past weekend, we already know who that person is, and our enemy has basically advertised the fact that it doesn't matter. If they were already suspected by the FBI and had been interviewed by them last year or 5 years ago, they explicitly said: Don't worry about that because America—singling us out from European countries and others that are terrorist targets—in particular has this loophole we can exploit. Even though you have been suspected of terrorism and have been interviewed by the FBI, you can still find ways to easily obtain weapons by taking these measures, such as going to a gun show or ordering online.

We just passed a Defense authorization bill that will allocate billions and billions of dollars for our national defense. I don't mean to be over the top about this issue, but if our past enemies and past wars have specifically showed us what our vulnerabilities are and that they are going to continue to exploit these vulnerabilities and literally have ISIS-inspired individuals who have been interviewed by the FBI carry out these horrific actions by using a loophole, as we saw this past weekend, doesn't it make common sense to close that loophole when we are at war with folks who are inspiring individuals to take so much human life?

When we talk about closing the terrorist loophole, we need to be very articulate and make sure that it is done in a way that just has to do with those people. As it stands now, the NICS system can potentially check to see if a person is on one of those aggregated watch lists. I wish to ask the Senator from Connecticut: Doesn't it make sense to have universal background checks in this context? That is what I would really like to get at. If you have steps to stop terrorists from exploiting this loophole but it is not a universal stop, we are not solving this problem. We are not really arresting it in the way that we should.

Mr. MURPHY. Mr. President, I thank the Senator for that question. That is why it is so important to link those two pieces together. If you really want to protect this country from terrorist attacks by a firearm—as I stated before, that is the weapon of choice for those who want to do harm to this country for political reasons—then you have to both make sure those individuals are on the list of those prohibited from buying weapons and you have to make sure when you go and buy a weapon you intersect with that list.

This has been a long trend line, as both of my friends know. It used to be that almost everybody who bought a gun went into their local gun store to purchase that weapon, and over the course of time, for a variety of reasons, the means by which you bought a firearm has diversified significantly. We now have lots of sales occurring online, as we do with almost every other commercial good, and there is this buildout of gun shows, which are places where both licensed and nonlicensed dealers go to sell their guns in a very organized and controlled fashion. We have story upon story of individuals who have gone to buy guns in those gun stores in mass quantities, knowing that they would not have to go through a background check and then selling them on the black market. So someone who knows they are prohibited from buying a gun decides not to buy a gun in a gun store; instead, they go buy a number of weapons at a gun show, which is unregulated. Those individuals who are not licensed gun dealers are able to sell their weapons without background checks at a gun show, and they can get as many as they want. That is not a secret. I mean, you don't have to scratch the surface of America's gun law or debate this subject very hard to find out that there are easy ways to get guns without getting a background check. You can also go online. You can very easily buy a weapon on ARMSLIST without going through a background check.

We cannot adequately protect this country from terrorist attacks by firearm unless you do both, and that is why those two are linked together. As the Senator also knows, let's not shy away from the fact that the reason we are on the floor today is that this slaughter also happens outside the realm of terrorist attacks. In fact, the majority—95-plus percent—of Americans who have been killed by guns were not killed in a terrorist attack, but many of them were killed by guns sold outside the background check system.

This is a two for one. If there are objections on the Republican side to the provisions of the Manchin-Toomey legislation, I hope that over the course of this afternoon and this evening we can come together on those issues. If you pass some version of that legislation, which is supported by 90 percent of the American public and the vast majority of gun owners, in conjunction with putting terrorists or would-be terrorists or suspected terrorists on that same list, then you have not only protected our country from terrorist attacks, but you have also addressed this epidemic that we all live with on a regular basis, whether it be in Newark, Bridgeport, or, as Senator DURBIN talked about, Chicago. The regularity of gun crime that is often associated with weapons that were purchased outside of the background check system is not an inevitability that we have to accept. We can do something about it by coming together today.

I think that is what my friend is getting at by linking together two policies that have to be interdependent in order to protect ourselves from a terrorist attack, and it is also about this broader issue of taking on crimes in our city.

I yield to the Senator from Connecticut for a question without losing my right to the floor.

Mr. BLUMENTHAL. Mr. President, I thank Senator MURPHY. I wish to draw out a point he was making by posing another question. There is no one-size-fits-all fix to the problem of hatred and terrorist attacks in this country that involve gun violence. The kind of attack that we saw in Orlando may have been motivated by an insidious bigotry that involves deep-seated hatred or pernicious extremist ideology inspired by ISIS or some enemy abroad or mental illness. The facts are developing. We will know more, as the Senator from Connecticut knows. The point is that the laws we now have enable our enemies to weaponize the people in this country who may be prone to use assault weapons that are designed to kill as many people as possible and as quickly as possible. This idea of weaponizing our enemies or homegrown terrorists or people who can be inspired by the twisted insidious ideology that ISIS spawns should really bring us to recognize that there is not only a security threat abroad but one at home as well.

I ask my colleague, the Senator from Connecticut, whether people who are too dangerous to be permitted to board a plane should be in some way stopped from buying one of these guns that can be used—whatever their motive—to do the kind of destruction that we saw with such unspeakable horror in Orlando, Virginia Tech, Aurora, Columbine, and our own town of Newtown? We have met with these families in our State and in towns and cities across the country. We have heard their cries beseeching us to do something. Is there more that we can do?

Mr. MURPHY. Mr. President, I thank my friend. Let me put it to the body this way, through the Chair. This is also about sending a message to everyone in this country that we are serious about taking on this epidemic of gun violence, whether it is a terrorist attack or it is an attack by someone who is deeply mentally ill, such as the attack in Newtown, or the ordinary, everyday violence that is just epidemic in our cities. I think it is incredibly important for us to send a message that we are serious about this and, frankly, not worry about whether we have addressed every aspect of this debate and solved every problem at once—not allowing the perfect to be the enemy of the good. I say that to my colleague, through the Chair, for two reasons. One is this notion I talked about earlier in which I really do worry that there is a quiet unintentional message of endorsement that is sent when we do nothing or all we do is talk. I believe that when there is not a collective condemnation of policy change from what is supposedly the world's greatest deliberative body, there are very quiet cues picked up by people who are contemplating the unthinkable in their minds. This isn't intentional. I am not accusing anybody of being intentional in their endorsement, but I think when we don't act, there is a quiet signal being sent to those whose minds are becoming unhinged and who are thinking about doing something truly horrific. Since we have been talking about this—since Sandy Hook—we haven't heard anything that would suggest that the highest levels of government condemn it with any real policy change.

Second, this is more deeply personal, and I know both of my colleagues on the floor today share this point of view. Almost every one of us has had a conversation with a family member who has lost a son or daughter to gun violence. Too many of us have had that collective conversation with families who have lost a loved one or have spoken to someone who lost a family member or their loved one in a mass atrocity. As for me personally, I need to be able to tell them something. They need to be able to hear something that helps in their healing.

The fact is, every day there are 80 sets of families who begin a process of grief surrounding the taking of a life through a firearm, and for many of them, their process of healing is encumbered by the fact that their leaders

are not doing anything to stop it. If we could simply be compassionate as a body—forget the broader systemic impact of passing laws that will reduce the levels of violence in this country—that would enable us to help in the healing process of the families in Sandy Hook and Orlando. I know that after my colleagues met with the families in Sandy Hook, they came to the floor to plead for change.

We should pass legislation. This is easy, given that it should unite broad members of the American public.

I think the Senator's question is right: What are the other things we can do? We can go down the list. The Senator from Connecticut suggested that we make sure that individuals who have a restraining order against them by a spouse or partner aren't able to buy a weapon, and other suggestions have been to ban military-style assault weapons and provide more resources to law enforcement. There are a variety of other things we can do. Here is an easy place to start. Here is an easy place to start, where we know there is no real disagreement among the American public; 80 to 90 percent approval. We know there are Republicans and Democrats at least who can start negotiating this afternoon and this evening. Here is an easy place to start.

I don't know, maybe it is a muscle. Maybe it is a muscle. Maybe once you start to exercise that muscle, once you start to get in the habit of coming together to try to find ways to address gun violence, it makes it easier to take the next step. And also, maybe people see that the sky doesn't fall. Maybe people will see that if we do expand background checks, that hundreds won't lose their right to go practice their sport, that people who want to shoot for sport don't all of a sudden lose access to that pastime. So maybe we will also see, as we have seen in Connecticut, that the sky doesn't fall when we pass these commonsense laws, that people still enjoy a fulsome right to own a firearm so long as they can prove that they are not a criminal, that they are not on the terrorist watch list, and that they haven't been adjudicated as mentally ill.

I yield to the Senator for an additional question.

Mr. BLUMENTHAL. We need to be realistic, don't we, I ask Senator MURPHY? The President has said we are not going to prevent every death from gun violence. I think we owe the President a great debt of thanks for his leadership and courage and strength for advancing the debate on gun violence and seeking specific, constructive steps that will help to stop it, but we know we are not going to be successful in preventing every single death as a result of gun violence. This kind of set of measures is a start.

My colleague from Connecticut has said it is an easy start. It is easy to understand and it is easy to see the effect and the tangible difference it can make. But obviously, if it were easy to achieve, it would have been done long ago.

Unfortunately, as he and I have said all too often and as we have had to say to those families from Connecticut and around the country who have come to us at the vigils and the townhalls and the public meetings and in our offices, there is no one single solution, and Congress has been complicit by its inaction on any solution to this problem. So we are not going to completely prevent all 30,000 deaths or every act of potential terror and hatred, like Orlando, but we can make a start, can't we?

Mr. MURPHY. Mr. President, through the Chair, that is exactly right. Let's make a start.

I guess what is so offensive to the people Senator BLUMENTHAL and I represent, especially in Connecticut, is that we have done absolutely nothing; that in the face of mass slaughter after mass slaughter, this body has taken absolutely no action. I know times are tough here. I know we are often at each other's throats. But that in and of itself is unacceptable.

Let's find some limited common ground on issues that the broad American electorate support, and let's move forward on it. Maybe we wait to litigate some of the more controversial pieces until later on.

As Senator BLUMENTHAL said earlier, this level of death would be absolutely unacceptable if it came by way of disease or if it came by way of infection. No one would contemplate standing pat and doing nothing if a mosquito-borne illness were killing 80 people a day in this country or wiped out 50 in one evening. No one would accept Congress doing nothing and just moving on to the next piece of legislation after the next wave of people dies. That is just not something people would accept. But for some reason in this country, we have come to accept that gun violence is inevitable and that there is nothing we can do or should do about it.

I am going to make this argument with greater specificity later this afternoon, but it is important for us to look at the data on gun deaths in America versus gun deaths in every other industrialized nation. It doesn't happen in other places like it happens here. And it is not because America has more people who are mentally ill. It is not because America spends less money on law enforcement. It is not because America has a less well-funded system of mental health, although we have a terrible system of mental health that we should fix. The reason we have epidemic levels of gun violence is not that we are different from other countries in all of these other ways; it has to be explained in part because we have allowed so many people who shouldn't have guns to have them. There is a reason we are different, and thus we shouldn't accept it.

I yield to the Senator from Florida for a question without losing my right to the floor.

Mr. NELSON. Yes. Mr. President, if I may, if the Senator will yield for a question.

The PRESIDING OFFICER (Mr. PERDUE.) The Senator from Connecticut has yielded to the Senator from Florida for a question.

Mr. NELSON. Mr. President, I wish to ask the Senator about the weapon that was used in Orlando. My home is in Orlando. I was there right after the shooting. Of course, I speculated at the time that this was going to be a combination of ISIS-inspired, a hate crime, anti-gay, and very likely anti-Hispanic because 44 of the 49 had Hispanic surnames.

I want to ask the Senator if he is aware of the difference between the lethal killing machine that was used and the AR–15, which is a military weapon used by the military called the M–16, and the SIG SAUER MCX. They can use the same bullets, but this one, in fact, can use an even larger, more lethal bullet, traveling at 2,000 miles per hour. I wanted the Senator to see this. Is he aware that down in Orlando, this killer used this rifle?

Mr. MURPHY. Mr. President, through the Chair, I thank my colleague for the question. From the layman's perspective, they don't seem like they are different weapons. They are both incredibly powerful weapons. They are both derivatives of weapons that were intended to kill as many people as quickly as possible.

Mr. NELSON. For the military, that is expected.

Mr. MURPHY. I yield for an additional question.

Mr. NELSON. And the Senator no doubt but unfortunately agrees, along with the rest of us about what happened in Orlando, that these are not weapons for hunting; these are weapons for killing. And this particular weapon has a collapsible stock. Would the Senator be surprised? This is how he got it in. You take out the magazine. You collapse the stock. He probably had a blousy outer garment. It is near the 2 o'clock closing time. People are leaving, security is lessening, and he walks in with this. How did he get it in? He didn't have to have a long rifle; he had a collapsible stock. What would the Senator think about that?

Mr. MURPHY. Well, it is not surprising to me, would be my answer.

I think, as the Senator knows, the marketing techniques of the companies that sell these guns are very disturbing. They often are marketing these guns in a way that would suggest that the intended use by the manufacturer is, in fact, to kill as many people as possible. They advertise the fact

that you can conceal them easily, so they don't shy away from the fact that the collapsible elements make them easily concealable. The manufacturers are not suggesting that they should be used for mass slaughter, but they certainly are selling them in a way that speaks to an audience who is contemplating what they were contemplating.

I yield to the Senator for an additional question.

Mr. NELSON. Those who are listening to this, if they are concerned about this stilted parliamentary language we are using, it is the Senate's rules that I am requesting through the Presiding Officer permission to ask a question, so I will ask this in the form of a question.

Would the Senator believe that these are the shoes of one of the trauma surgeons? It just so happened that two blocks from the nightclub is the trauma center in Orlando, the Regional Medical Center, the No. 1 trauma center with trained trauma surgeons. They called them all in in the middle of the night.

Would the Senator like me to read what the doctor who owns these shoes said?

Mr. MURPHY. First of all, let me say that it doesn't surprise me because we know the level of carnage that entered that emergency room. But I think it should pain everyone to look at that pair of shoes, look at the blood splattered on them, think of the amount of blood that was lost by those who died and lived, and to think that we are not going to do anything about it.

I yield for an additional question. I know the Senator from New York is waiting as well.

Mr. NELSON. Mr. President, since the Senator would like to know what Doctor Joshua Corsa, the medical doctor who owns these shoes, said, he wrote in one of the Orlando publications:

These are my work shoes from Saturday night. They are brand new, not even a week old. I came to work this morning and saw these in the corner of the call room, next to the pile of dirty scrubs. I had forgotten about them until now. On these shoes, soaked between its fibers, is the blood of 54 innocent human beings. I don't know which were straight, which were gay, which were black, or which were Hispanic. What I do know is that they came to us in wave upon wave of suffering, screaming, and death. And somehow, in that chaos, doctors, nurses, technicians, police, paramedics, and others, performed super human feats of compassion and care. This blood, which poured out of those patients and soaked through my scrubs and shoes, will stain me forever. In these Rorschach patterns of red I will forever see their faces and the faces of those that gave everything they had in those dark hours.

There is still an enormous amount of work to be done. Some of the work will never end. And while I work I will continue to wear these shoes. And when the last patient leaves our hospital, I will take them off, and I will keep them in my office. I want to see them in front of me every time I go to work. For on June 12, after the worst of humanity reared its evil head, I saw the best of humanity come fighting right back. I never want to forget that night.

Dr. Joshua Corsa, Orlando Regional Medical Center.

I thank the Senator for yielding.

Mr. SCHUMER. Mr. President, will the Senator yield for a question?

Mr. MURPHY. I yield to the Senator from New York for a question without losing my right to the floor.

Mr. SCHUMER. First, I thank my colleague from Florida for that amazing presentation. I thank my colleagues from Connecticut and New Jersey for the amazing job they have done in making sure they do everything they can, using the procedures of this body, to see that we get votes on this important legislation. I also thank my friend from Connecticut, who has held the floor for some time today—both Senators from Connecticut, who have done an amazing job. And I know we will all be looking forward to hearing from our friend from West Virginia for his words. I thank all of the Senators on the floor because this is so important.

The Senator from Connecticut said it has been nearly 4 years since Sandy Hook and this body has done nothing. He is right. This body is shameful. This body is shameful in its obeisance to the hard right of the gun lobby in not even doing the most reasonable things that almost all Americans support, that don't affect the rights of legitimate gun owners, and that would simply make our country safer.

I say to the Senator from Connecticut, we are in a new world. We are in a world where lone wolves can get a hold of guns and do huge damage, as we saw and as our friend from Florida eloquently talked about in his own State. We have to change and adapt to that world. Maybe in the old days people would say: Well, terrorism is not going to happen here. It has. It has, and we need to make sure we do everything we can to prevent terrorists from getting guns.

My colleagues have talked about two pieces of legislation; No. 1, making sure that if someone is a person the authorities suspect might commit terrorism and may be planning a terrorist attack and they also know that a gun which that person purchased can be used in that attack, they would stop them from getting a gun, and, No. 2, legislation on universal background checks because we need both.

My question to my colleague is along these lines. If we closed the terror loophole, we still could have a terrorist go to a gun show or go online and buy a gun. If we just deal with making sure there are universal background checks, we haven't prevented terrorists from getting guns at a gun show, online, or at a gun shop, as we saw.

As the author of the Brady law, there was no online then, so we didn't ban online purchases. The NRA, to get the vote—it only passed by one vote on the House floor—said let gun shows get in. In those days, gun shows were what they used to be, not a massive place where people go buy guns but people who needed to sell the one gun they had. What has evolved is that the people who want to get around the law use gun shows methodically and regularly to avoid the background check. I would simply ask my colleague this. Isn't it true that these two pieces of legislation go hand in hand? Isn't it true that if we did one—either one but not the other—that terrorists or suspected terrorists could still get their hands on guns? And isn't it true that both pieces of legislation have the overwhelming support of a huge number of Americans?

Mr. MURPHY. I thank the Senator for his lifelong leadership on this question. I feel as though I am in a caucus of giants here, where people are coming down to the floor—from Senator DURBIN to Senator SCHUMER, to Senator BLUMENTHAL—who have all been working on this issue about firearms, trying to protect Americans from gun violence far longer than I have. Of course, as one of the original authors of the bill, Senator SCHUMER knows better than anyone that had you known that you were building a bill that would only cover 60 percent of gun sales, you never would have designed it, nor probably voted for it, with the terms that exist today. What has happened is that over time gun sales have migrated to other places.

What we are simply trying to do is to reinforce the existing intention of the law. We are not trying to change the law at all. For everybody who voted for that bill originally to make sure criminals were not able to buy guns, they did so because they believed they were going to cover the majority of sales that were done in a commercial atmosphere. Now commerce happens in gun shows and online, and we need for the system to migrate to it.

The Senator is also right that protecting America from terrorist attacks is ineffective unless we do both—make sure people on the terrorist watch list can't buy guns and that the forums which that list reaches are both gun stores and gun shows but also Internet sales.

Further, the Senator is right that this is the only place where this issue is controversial. This is the only place in which there is a 50–50 argument over this question. You find any other forum in any other part of the country and it is 90–10 on this issue, which is why my friend from West Virginia has led on this because he knows that in all of our States, this is something that brings Republicans and Democrats and gun owners and nongun owners together. Maybe other things don't, but this issue does.

I yield to the Senator from New York for a question.

Mr. SCHUMER. I have one other question, if I might, Mr. President, for the Senator from Connecticut, and then we want to hear what the Senator from West Virginia has to say. He has been a courageous leader on this issue.

There is some talk on both sides of a compromise. I know I have talked with the Senator from Connecticut and all of my colleagues here, that on our side of the aisle we are willing to compromise. It doesn't have to be one way to do it, but I would just ask the Senator: Isn't it true that we don't want to compromise so we can say we did something and not really close both of these loopholes?

Mr. MURPHY. That is right.

Mr. SCHUMER. That the compromise that is built around what the Senator from Texas has proposed—which says that you have to go to court to prove that the person might be a terrorist, and after 3 days they can get a gun, and that no court proceeding would take that long—would be a meaningless compromise, a pyrrhic victory, and something the vast majority of us on this side of the aisle would not accept?

Mr. MURPHY. I think that is a very important point, and I thank the Senator for making it. Let's be honest. The American people support the proposal that is in the underlying Feinstein legislation. The American people support the underlying legislation that is incumbent in Manchin-Toomey.

So, yes, we want to be able to find common ground, but that common ground can't result in loopholes that are big enough to drive a truck through, allowing terrorists or those on the terrorist watch list to get guns.

This idea that you can give law enforcement 72 hours to go to court to stop somebody from obtaining a gun is ridiculous. There are not enough resources in our system of law enforcement and our judicial system to track every single terrorist who is buying guns and bring every single one of those sales to court. Secondly, the legislation I have seen would only give 72 hours to do that, which would leave thousands of these sales to go through without prohibition. No, we can find common ground here, but let's remember, the American public by big numbers already supports the proposals that have been put before this body and have failed previously.

Mr. SCHUMER. I thank my colleague and agree with him completely and look forward to the questions from the Senator from West Virginia.

Mr. MURPHY. I yield to the Senator from West Virginia for a question without losing my right to the floor.

Mr. MANCHIN. Let me first thank all our colleagues and Senators for being here today speaking about this most important issue for the citizens in each one of our respective States.

My question to the Senator from Connecticut is on gun culture. I don't think there is another State—if there is, I don't know—that has more of a gun culture than West Virginia. We take the Second Amendment rights extremely seriously, and I want to make sure we are on the same page because some people come from States that don't have much of a gun culture or weren't exposed to guns as a young person growing up.

I can state that in West Virginia, at a very young age, we are taught, first of all, how to handle guns safely. We are taught to never sell our gun to a stranger, never sell a gun to someone who has a criminal background, never sell a gun to someone who is mentally unstable. We don't give our guns to a family member or a friend if we don't think they are responsible. This is how we are taught in our gun culture.

I am sure Connecticut has the same gun culture we have. So how this all came about with the amendment 3 years ago, after the horrible, horrific tragedy in Newtown, was that if we respect a law-abiding gun owner who didn't buy the gun because they want to do something wrong with it or they are a criminal or are soon to be a criminal because they own it, then you have to assume they are law-abiding, and they are going to do the right thing. If they are going to do the right thing, the right thing is we don't sell to strangers, we don't sell to criminals, we don't sell to mentally unstable people.

Doesn't it make sense that if you go to a gun show that would allow somebody not to go through that but to go to a table where there is an unlicensed dealer selling to someone who isn't required by law to have a background check, to say: Well, wait a minute. You can't do that. This is a commercial transaction. As a law-abiding gun owner, I don't do that. I don't know who you are. I don't know you. You want to buy my gun, but before I sell you my gun, I am not going to do that until I know you are capable of owning a gun and respect it and know how it operates. That is what we said and we do so much more.

I would say to my good friend from Connecticut, is the gun culture the same? You come from a State that has a gun culture. Even those wonderful families who suffered in the tragic loss of their children weren't trying to ban anything. They wanted common sense. So is the gun culture in your State similar to ours; that we treat people as law-abiding gun owners who do the right thing, and the right thing is to find out who wants to buy your gun and don't let them go to a gun show or on the Internet where they are able to skew around that?

Mr. MURPHY. I would be interested in the Senator's reaction when I answer his question, and then he can ask another question to follow up.

People are going to say that Connecticut and West Virginia are very different States, and they are. There are a lot of differences between the citizens of Connecticut and West Virginia, but I have found that gun owners aren't that different in the sense that they are serious about their guns. They are serious about being a collector. They are serious about having the right to protect themselves. They are serious about the right to be able to hunt. But they also recognize that it is a responsibility, and you can lose that responsibility if you commit crimes.

Almost every single gun owner I have talked to has said, yes, absolutely criminals should not be able to buy guns. And every gun owner in Connecticut that I asked this question to said to me: What? Terrorists, people on the watch list, are allowed to buy guns?

So I think as different as our States are, I think gun owners are largely the same in that they come to this issue with the sentiment of not wanting the government to take away their ability to own a firearm, and they want a diversity of products available to them. They want to make sure they are able to collect or hunt, but also they don't want a criminal—somebody convicted of domestic violence, murder, or assault and battery—to be able to get their hands on a weapon. I think that is where both of our gun communities are, and I will yield to the Senator from West Virginia for another question or if he wants to correct me, if I am wrong.

Mr. MANCHIN. My question is a followup on that.

After we tried to do the Manchin-Toomey amendment to put commonsense measures into place—as law-abiding gun owners do every day—did you have anybody in Connecticut come and say to you that the Manchin-Toomey amendment would take away their gun rights and make it so they can't keep their gun, can't own a gun, or can't buy a gun? Because, in fact, for those who took time to read it, we protected the Second Amendment greater than it had ever been protected. We protected law-abiding gun owners so they are able to do what the Second Amendment right gives them the right to do. We never banned anything because we know the law-abiding gun owners will do the right thing.

I think in West Virginia and I would say in Connecticut that 70 to 80 percent of the real ardent collectors, shooters, sportsmen say it makes sense. They don't mind getting a background check. Why we hit a roadblock, I don't know.

Did you have anybody coming to you in your State and saying: Senator MURPHY, please don't vote for that because I don't want you to take my rights away.

Mr. MURPHY. No one in Connecticut thought this was taking their rights

away, and as the Senator from West Virginia knows, we have a strict background check system in Connecticut already, so in Connecticut we had already subjected these sales to the background check system. My impression is that our hunters, sports shooters, and collectors have never felt that they were on the precipice of losing their right to enjoy their sport or their pastime, or to be able to build on their collection.

As you mentioned, there are definitely disputes when you get into the area of banning this kind of weapon or that kind of weapon, but that has nothing to do with this bill. This bill is just about saying that if you are a criminal, you can't buy a weapon.

There may be other things that are controversial, but this one is noncontroversial. The Senator has told me it is not controversial in West Virginia either, when laid out as to what it really is.

I yield for a question.

Mr. MANCHIN. If I can ask my good friend from Connecticut a question.

When the Senator goes home to Connecticut to explain it, they understand it, they read it. If anything, we are protecting them more to do the thing they do every day and the way they were trained, and they believe that we are correct. What happens is they start saying: Did you get this question? Yes, but if you do that, then they will just expand it further, and they will take more of our rights away.

I say that this is a constitutional amendment. It cannot be by an Executive order. It has to have the action of Congress. So don't worry about someone expanding it or some office or law saying that they are going to expand the rule or expand the interpretation of it, or that the executive—the Governor—is basically going to have an executive ruling that takes more of your rights away.

I said you cannot do that with a constitutional amendment. We have to do what we are doing right now. So can't we do the logical thing in passing something that is a building block for us to make sure those who are unstable, who have been criminals, or who want to do harm to all of us should not be able to conveniently go anywhere they want to in America, to a gun show in America, or on the internet—which we never know—and buy that.

Did the Senator have any feedback on that to him?

Mr. MURPHY. I did. We hear it constantly, which is this belief that there is a secret agenda, that this is really about a slippery slope to gun confiscation.

As the Senator stated very eloquently in his remarks, there is a Second Amendment, and there is an interpretation by the Supreme Court of that Second Amendment that guarantees the individual's right to a firearm, which we cannot broach and which we cannot breach as a legislative body. So that is unquestioned.

The question of whether there is a secret agenda is one we have to confront, but the reality here is when we passed the initial background checks law, I am sure people at the time said this is just the camel's nose under the tent.

Mr. MANCHIN. Sure.

Mr. MURPHY. And it was not. As we stated, this system worked for a very long time until all of these gun sales migrated out of the system. But we have plenty of examples in which we have passed sensible commonsense gun laws that didn't lead to all of the worst case scenarios that many people often proffer to us.

I yield to Senator MANCHIN for another question.

Mr. MANCHIN. My other question would be that I am understanding that the Senator and most of my colleagues would like to do two amendments here. We have two amendments proposed. They are basically commonsense building blocks to protect the citizens of this great country in each one of our respective States.

There is the one on terrorists, if you are on a terrorist watch list. I have heard my colleagues on both sides here and my colleagues on the other side of the aisle say: Well, there is no due process. Basically, we are taking people's rights away, which is the foundation and the cornerstone of this great democracy of ours.

I said: You know, there is not another nation on Earth that has a target on its back the way the United States of America does.

Understanding that if a person is being called in—let's take the shooter in Orlando. Our hearts and prayers go out to the families of those who have lost loved ones and those who are still suffering. With that being said, I think this gentleman was called in a couple of times. He was suspected of being a terrorist or of being of a terrorist mindset. They are thinking: How was he able to still legally go and buy the firearms—legally? He didn't go illegally.

So they said: You mean you cannot even stop that from happening?

Then they said: Well, due process.

I know one of my colleagues wants 72 hours, which we know is not even reasonable or practical.

But on that, I think both sides—Democrats and Republicans—both want to keep terrorists from getting firearms.

The question has been, I am sure—and your people are asking you in Connecticut: How do you go further? How do we get this to the point to where if you have been questioned and are suspected, you should be at least on a watch for 5 years, and you can't buy on a NICS no-buy list?

There is the easy list, which they keep asking me about. I don't know if the Senator from Connecticut is asked this same question. But, my goodness, if a person is thought to be of a terrorist mindset and we have flagged them not to fly on an airline—a commercial airline in the United States of America—don't you think we ought to have the same concerns about them being able to buy a weapon legally?

Mr. MURPHY. Through the Chair to my friend, it is important to remember that there is consensus in this body that those individuals shouldn't fly. There is nobody who has come to the floor of the Senate and has proposed a law that we should take all of these individuals who are on these watch lists and give them back the ability to fly; right? Nobody would propose that on the floor of the Senate because they would get tarred and feathered by their constituents if you came in and said: Everybody who has been investigated by the FBI who is on the terrorist watch list, we think that you are depriving them of their right, and so let them fly. No, no one would propose that.

So if it is not controversial that individuals who have had intersections with law enforcement over terrorism are not permitted to fly, why is it so controversial that they should be stopped from buying a firearm, at least until they grieve the process and make it clear that they had no reason to be feared?

Mr. MANCHIN. Senator, do you have anybody in the State of Connecticut who is coming to you and saying: You know, I have a friend who was suspected of being a terrorist, and their rights have been taken away. They are an American citizen, and for some reason they were on the Internet, they were checked out, and the FBI has come to their home and suspected them and questioned them.

Should that person still be on the no-buy list, if you will, because they are a suspected terrorist?

Mr. MURPHY. I think people in my State are shocked that this isn't already law. I think at some level people don't understand why this hasn't been baked into the background system as it is. As you know, this is just simply not a controversial issue anywhere but in this Chamber.

Mr. MANCHIN. Do they think we have broached the amendments and the Bill of Rights, that we have taken people's rights away?

Mr. MURPHY. Nobody believes that, no.

Mr. MANCHIN. I have not had that in West Virginia at all. If anything, they said: Please, err on the side of caution. Keep me and my children safe.

That is what they are saying. We are not taking any people's rights. But we have to have a process where if that person, basically, over a period of time has shown that they haven't really engaged and haven't been involved, then

they can come back. I think we have all said: That makes sense to us; we can do that.

I think Senator FEINSTEIN has a 5-year provision in there for that which is very reasonable.

I can't go back home this weekend and explain to the people in West Virginia why we haven't moved forward on this. There could be another Orlando in, God forbid, one of our States.

Mr. MURPHY. I thank the gentleman for joining us on the floor today. I think that is really what this is about—not being able in our heart of hearts to go back to our States, especially those that have been touched by these crimes, and tell them that we wasted another week, that we sat here and we ignored the problem for yet another week.

The reason I am on the floor, the reason that Senator BLUMENTHAL and Senator BOOKER are joining me, is that we have just had enough. We have had enough of these shootings, enough of this talk. We think it is time for action and time for action now.

Mr. MANCHIN. I thank the Senator for answering the questions that we have had. I thank all of you for being informative in the questions that we still have furthermore to ask.

Mr. MURPHY. I know the Senator from Maryland is on the floor, but I yield to the Senator from Connecticut for a question.

Mr. BLUMENTHAL. Thank you, Senator MURPHY.

I want just to pursue some of the questions, the excellent inquiries that have been posed by our colleague from West Virginia and just to say that some folks in America who may be listening or watching or may hear afterward about this debate may say to themselves: Somebody who has been put on that watch list erroneously, someone who is precluded from boarding a plane or traveling in the United States—regardless of whether they can buy a gun or not—aren't they entitled to the due process right to correct that list?

The answer, in my view, is very simply yes, as a matter of constitutional right and due process, as a matter of equal protection, as a matter of the right to travel freely in the United States of America. If someone is on that list erroneously, he or she deserves the right to have that record corrected. I am going to pose that question to my colleague from Connecticut now.

But I have a second question, which is also probably on the minds of a number of our Connecticut constituents who are watching or listening or may hear about it afterwards: Don't we have some of the strongest gun protection laws in the United States of America, and isn't that enough? Why are we worried about this terrorist watch list? Why are we worried about background checks for the Nation as a whole when Connecticut has helped to lead the Nation; when Illinois, as a matter of fact, has strong gun laws, perhaps in theory; when California or other States pass their own laws? Why are we here on the floor of the Senate seeking action and saying enough is enough? Why are we so outraged and passionate about achieving gun violence protection barring people on a terrorist watch list from buying guns, making sure that we have universal background checks, a ban on straw trafficking, and illegal importation across State borders?

I think the answer is these measures are necessary because even the strongest State laws are basically ineffective—at least to protect many people—as long as stolen guns, lost guns, can be transported across State boundaries. Guns have no respect for State boundaries. In Connecticut we are vulnerable because of the weaker laws in other States. So this national protection is vitally important.

Is that not the case, I ask Senator MURPHY?

Mr. MURPHY. I thank Senator BLUMENTHAL.

I think that is critically important here. I would answer it in two ways.

The first is to underscore your point. Our Nation's set of State-based firearms regulations are only as strong as the weakest link. We can have the strongest laws in Connecticut, but guns, terrorists, and would-be criminals don't observe State boundaries. If you are intent on committing a heinous crime, you probably also have the means to figure out how to get around one State's tough gun laws.

Senator DURBIN was here earlier talking about the fact that a large number of the weapons that are used in Chicago to commit murders—60-some odd shootings over Memorial Day weekend alone—come from outside the State of Illinois. Illinois has some pretty tough gun laws, but Indiana doesn't. So you can get to Indiana from Chicago in a heartbeat, and you could pick up a firearm online or at a gun show, or you can go to a pretty miserably regulated gun dealer and bring what effectively are illegal weapons back to Chicago. Yes, we are talking about a Federal law because this cannot be a State-based solution.

Through the Chair, that being said, as Senator BLUMENTHAL knows, State laws do have an effect.

That is helpful in showing, through this body, that we are not powerless, that if we pass these laws and apply them on a national basis, it will have an effect.

In Connecticut, we have seen a 40-percent reduction in gun crimes since these laws went into effect. That is a preview to this body, that if we were to adopt that standard—yielding to my friend for another question—then we could potentially bear the same reward in human lives saved on a national basis.

I yield to the Senator for another question.

I know Senator CARDIN is on the floor as well.

Mr. BLUMENTHAL. I would be pleased to yield to other colleagues for their questions, but let me just ask the Senator one more quick question.

Again, somebody unfamiliar with this topic might be wondering. Convicted felons under law are barred from buying firearms. So someone who has been to prison, paid the price, done probation, been out of our prisons for years and years, and done nothing to repeat that criminal episode—whatever it was—is still barred from buying a gun. Yet someone who is deemed dangerous enough to be on a watch list or a no-fly list—the consolidated list that the Senator from Connecticut referred to earlier—is free to walk into any gun store or any gun show and, in 7 minutes—a reporter of the Philadelphia Inquirer, I believe, was able to do it in 7 minutes—simply present the money and walk out with an AR–15 automatic weapon, a firearm designed to kill as many people as quickly as possible, designed for combat and largely manufactured and used around the world to kill people—not predominantly for hunting or recreation. It is designed to kill people.

Isn't there an irony to this kind of an inconsistency? Irony is probably a euphemism. Or isn't that an outrage that the terrorist watch list people can buy an AR–15—no questions asked—in 7 minutes or less or slightly more? And a convicted felon, having committed a serious crime, having paid his dues to society, having paid a fine, having served time in prison, done and out—and we talk a lot now about a second-chance society, about their being able to live normal lives and work and so forth—is barred, even though that person may be far less dangerous, far less a threat to innocent people in Orlando or at Virginia Tech or in Newtown, CT, or to the 30,000 people every year who either are killed or kill themselves because of this easy availability of guns to people who are dangerous.

The terrorist watch list—again, not a panacea, not a single solution—barring those people from buying guns will not fix this problem alone, but it is a start. It sends a message, and it will provide hope to those families who have looked in our eyes, the families of Newtown, families across the country who have lost loved ones and who say: Why can't Congress act? That is why we are here saying enough is enough, if I am correct.

Mr. MURPHY. I say to Senator BLUMENTHAL, I don't think there is any more I can offer in answer. You are correct that it is both ironic and outrageous.

I yield to the Senator from Maryland for a question without losing my right to the floor.

Mr. CARDIN. Mr. President, through the Chair, I would like to inquire of my friend from Connecticut with regard to the relationship between the tragedies we have seen far too often in this country—most recently in Orlando but, as Senator MURPHY and Senator BLUMENTHAL know all too well, in Newtown and at Virginia Tech and the list goes on and on—and the work we have done in order to protect our homeland from radicalization.

I would like to ask my colleague because he has been one of the leaders on the Senate Foreign Relations Committee and he has worked very hard to make sure we have the very best intelligence information to keep our country safe, to support law enforcement against terrorists, and that we do everything we can to make sure we identify those who would commit terrorist actions and take law enforcement action against those individuals.

With regard to the Orlando episode, although we don't know all about it yet, we are still learning information about the perpetrator, we do know the LGBT community feels particularly threatened by what happened. They were victimized at this particular spot.

Senator MURPHY, Senator BOOKER, Senator BLUMENTHAL, and Senator MARKEY—all who are on the floor—have worked very hard to deal with the root causes of hate in our society, which is another factor concerning safety in our communities.

I would like to get the connection here on the gun issues, but I think it is important to point out that we have worked very hard to support the LGBT community, to make it clear that the rights of all people in this country are going to be protected. We celebrated the Supreme Court decision that recognized marriage. We celebrated some actions within our military to open up full participation by the LGBT community, and we were particularly pleased with the recent confirmation of Eric Fanning that we saw take place in our military. We have seen some progress in America.

Globally, we have seen some progress in regard to the LGBT community. We have seen in several countries—and I mention this specifically in asking the question of Senator MURPHY because of his work on the Senate Foreign Relations Committee—such as Malta, Ireland, Thailand, Libya, and Vietnam, that laws have been passed to protect transgenders. That is all work we have done to try to keep all of our communities safe. Ukraine passed a law that repealed one of the workforce discrimination laws against the LGBT community.

These are all important steps we have taken to try to keep not only our community but the global community safe from these types of hate acts. So we have taken some positive steps in trying to isolate terrorists, in trying to make sure law enforcement has all the tools they need, and we have done a lot of work to protect vulnerable communities to make sure we stand for the rights of all people.

I applaud my colleagues for being here on the floor to talk about the relationship here—this is what I want to ask Senator MURPHY about—why, in the week following Orlando, he is here on the floor talking about gun safety.

I noticed in the Orlando tragedy that one of the weapons used was an assault weapon, a military-style weapon. I must say that in my observations in Maryland, I don't know too many people who need to have that type of weapon in order to do hunting in my State or to keep themselves safe. It seems to be a weapon of choice by those who want to commit crimes.

My colleague talked at great length about terrorists and those on the terrorist watch list and that loophole that exists. We can talk about what happened in my colleague's State with a high-volume ammunition clip that certainly added to the numbers of victims before law enforcement could deal with the perpetrator.

So my question is, As we are looking at ways to keep Americans safe, how does my colleague see these issues coming together? How can we have a coordinated strategy, and why haven't we acted?

Mr. MURPHY. I thank the Senator for his question, and I want to thank him for the work he has done as our leader on the Foreign Relations Committee to make LGBT rights not just a domestic priority but an international priority for this country.

I started this out about 3 hours ago talking about how complicated the attack in Orlando was and how many different competing influencers there were on the incomprehensible decision this individual made. But clearly he had a hatred in his heart for people in the LGBT community. And it is a reinforcement for us to pay attention to the words that we use, the things we do, and the legislation we contemplate or pass. If we build inclusive societies in this country and promote—as my colleague from Maryland is—inclusive societies abroad, then we give less room for individuals who might be contemplating these hateful actions against individuals who are members of a minority group—LGBT, Hispanic, or whatever it may be.

So I think our obligation here is multiple. We need to pass stronger gun laws and we need to take the fight to ISIS, but we also need to double down on inclusive societies and we need to double down on fighting discrimination against our LGBT brothers and sisters because to the extent that we make discrimination, that we make hatred, and that we make malevolent thought much more of an outlier in our society, we cut down on the potential for this to happen in the future.

I thank the gentleman for also bringing together all these other potential steps forward on our gun laws. Of course assault weapons should not be legal in this country. When they were prohibited for 10 years, we saw a diminution in the number of mass murders committed. Of course these mega-clips—the 30-round and 100-round clips—have no place in a civilized society.

I guess our hope is that if we start exercising this muscle of getting consensus on gun laws, we start with background checks and the terror gap, which we know the American public is together on and we know we can find agreement on in this body, then that will give us the platform with which to get agreement on some of these other issues. If we start finding common ground today, this afternoon, tonight, then we will have the room to find more common ground in the future.

But the Senator is right—we have to link these efforts together. We have to understand how complicated the motivations were for the shooter, but we also have to understand we are not powerless in confronting it.

I yield again to the Senator for a question.

Mr. CARDIN. Mr. President, one additional question, if I might ask at this time.

The Senator pointed out—and rightly so—that there is no one problem we have to deal with, there are multiple issues involved. I have heard some of my colleagues say, well, the problem is not the weapons they use or the problem is not the social issues or the problem is not this or that, but I would ask this of my friend from Connecticut: It seems to me the one option that should be off the table is doing nothing.

It just seems to me that the American people are demanding—and rightly so—that we take action now to make our communities safer. Quite frankly, they don't understand the inaction of this body. Quite frankly, I don't understand the inaction of this body.

Would my colleague agree that the only option we should take off the table in trying to deal with this is doing nothing?

Mr. MURPHY. Through the Chair, I thank the Senator for the question, and let me say that I think that is why we are here. I think that is why we are here. This was just backbreaking. The idea of this body moving on as if it is just business as usual after the worst mass shooting in the history of this Nation, coming on the heels of the second and the third and the fourth worst mass shootings in the history of this country, was unacceptable.

I think the reason that I am here with Senator BLUMENTHAL, Senator

BOOKER, Senator DURBIN, why you are here, why Senator MARKEY has now joined us, why Senator MANCHIN was here, why Senator SCHUMER was here, and why so many others will be coming to ask questions of me later today, is because there is no option other than action. The idea that we wouldn't even try, the idea that the leadership of this body wouldn't even schedule a debate this week to try to find common ground instead of just moving on as if it didn't happen, is the only thing that is truly unacceptable.

I thank the Senator.

I yield to the Senator from Massachusetts for a question without losing my right to the floor.

(Mr. CRUZ assumed the Chair.)

Mr. MARKEY. I thank the Senator from Connecticut for his leadership on this issue. It is the issue we should be debating this week and next week in the Senate. I thank him and Senator BLUMENTHAL from Connecticut, Senator DURBIN, Senator BOOKER, Senator CARDIN—everyone whose voices down here are saying the same thing.

We have learned a lot about this problem, but we still don't know all of the answers. The answers we do know we should be voting on this week. We should be putting those protections on the books.

There is some commonsense knowledge we each have—that the FBI should have the authority to block gun sales to potential terrorists. How hard is that? No gun sales to potential terrorists in the United States.

The NRA says no. The NRA said no last year. The NRA said no the year before. The NRA controls the agenda of the Senate. They control this body. They are the ones who decide whether guns can be sold to terrorists in the United States of America—the NRA.

The American people say that NRA should stand for ''not relevant anymore'' in American politics, but it is not so. The NRA controls whether we are going to be able to vote on banning terrorists from being able to purchase guns.

So a terrorist can be on a no-fly list and can't get on a plane. We don't want a terrorist in the passenger cabin of a plane in the United States, so they are banned from getting on that plane. But they can just walk across the street into a gun shop and buy an assault weapon that they can then use to kill people whom they hate in the United States. Does that really make any sense? Of course not. Why don't we have the vote? Because the NRA does not want a vote on the floor of the U.S. Senate. They don't want a debate on this issue.

So we are going to continue to stand up and fight for this vote, for this issue to be considered on the floor for as long as it takes because if the FBI believes there is a reasonable chance that someone is going to use a gun in a terrorist attack on our people, it should have the ability to block the sale of a gun to that person. That is only common sense. That is what the police chiefs want. It is what the FBI wants. Why are we being denied a vote on the floor of the Senate on that issue?

Historically, this goes all the way back to the incredible power of the NRA. From 2004 until 2014, people on the terrorist watch list legally purchased guns more than 2,000 times because the FBI had no authority to block those sales. Over a 10-year period, over 2,000 times, the FBI could not stop a terrorist—a potential terrorist—from buying a gun in the United States because the National Rifle Association does not want potential terrorists to be denied purchasing guns in the United States. What kind of crazy position—that potential terrorists should be allowed to buy guns in the United States—is that for the NRA to take?

Back in 1994, we were having a debate over the ban of assault weapons in our country, but it came to my attention that China was actually selling 1 million semiautomatic assault weapons per year for $80 apiece inside the United States—1 million guns a year—and we were negotiating a treaty with China at the same time. So I organized about 130 members of the House on a letter to President Clinton saying no support for any deal with China until China agrees that they will not be selling assault weapons for $80 apiece in our country. That was 22 years ago—1 million assault weapons a year being sold by China. That would be 22 million additional assault weapons in our country coming in from China. That is banned. However, the domestic ban here expired a couple years ago.

Now, here we have another case of a terrorist saying that he was inspired by ISIS—inspired by this so-called caliphate outside of our borders to buy a weapon to kill Americans. Like China, are we just going to allow the NRA to say: No, it is all part of free commerce; no, we don't have any rights to limit the sale of these weapons. Or are we going to say there has to be commerce with a conscience; that not everything can be sold to anyone in our country; that some people and some things are too dangerous to be allowed to be purchased within our country.

I support very strongly the bill which Senator FEINSTEIN has introduced to give the Attorney General the discretion to prevent someone from buying a firearm or explosives or obtaining a firearms dealer license if the Attorney General determines the individual is a known or suspected terrorist and has a reasonable belief that the individual may use the weapon in connection with terrorism.

Can it happen again? You know that it can happen again. This terrorist cited the two terrorists in Boston, the Tsarnaev brothers, as an inspiration to him. There is an online brainwashing recruitment which is going on all across our country. So that idea is out there.

The question is, How easy are we going to make it for them to be able to gain access to the instrumentality of their devastating acts against our society? Are we just going to allow them to walk into any gun store once they have been so radicalized that they are about to act on these dangerous activities? Well, Senate Republicans oppose that commonsense legislation.

Senate Republicans aren't allowing us to have a vote or a debate on this issue out on the Senate floor. One day after the tragic terrorist attack in San Bernardino last December, Senate Republicans voted against Senator FEINSTEIN's legislation to close the terrorists' gap in terms of their ability to be able to buy these assault weapons. Six months later, Omar Mateen, a terrorist investigated by the FBI, targeted the LGBTQ community and murdered 49 innocent people at the Pulse nightclub in Orlando. Yet Republicans continue to willingly follow the NRA and oppose this bill from becoming law in our country. The NRA has repeatedly opposed and worked to block that legislation, and apparently they think it is OK for someone like Omar Mateen to be able to buy an assault weapon with impunity in our country.

Mark Twain once remarked that common sense is very uncommon. He was surely talking about the Senate Republican caucus when it comes to having a terrorist be prohibited from buying an assault weapon in the United States of America. This mass shooting in Orlando has exposed the Senate Republicans and their common suffering from a commonsense deficit disorder. Today I call on them to stop their opposition. I call on them to have the courage to stand up for what is right for the American people and for the people of Orlando because I truly believe that a vote on that bill—if you hold hands with the NRA, the Americans will hold you accountable. I hope our Republican colleagues understand that and fear that because Americans are tired of living in fear that their community will be the next Orlando.

I ask another question: Wouldn't it be easier to develop effective solutions to gun violence in America if our Nation's top researchers could actually do research on gun violence? We are facing an epidemic of gun violence. More than 33,000 people are dying in our country each year from gun violence. It is a public health emergency, and we must treat it that way. So shouldn't we ask ourselves: Why is it happening and what can we do to stop it? When disease and illness bring widespread death, doctors, scientists, and public health researchers study the causes so that they can find solutions, and the

Federal Government invests in those efforts. For diabetes, which kills almost 76,000 people in the United States each year, the Centers for Disease Control and Prevention receive $170 million. For planning and preparedness against the flu, which leads to 57,000 deaths each year, the CDC's budget is more than $187 million. For asthma, 3,600 people, the CDC receives $29 million. For gun violence, which kills more than 33,000 Americans a year, the CDC's budget is zero dollars—yes, zero dollars. That is because, beginning more than 20 years ago, an appropriations rider has prevented the Centers for Disease Control and Prevention from advocating or promoting gun control. Many interpreted this provision as a ban, and it has chilled any research into the causes of gun violence and how to prevent it. But in 2013, President Obama directed the CDC to conduct critical public health research, and the principal congressional author of the rider, former Republican Congressman Jay Dickey of Arkansas, has now disavowed it, recognizing it was a mistake and calling for Federal gun violence prevention to move forward.

Just yesterday, the American Medical Association—the Nation's largest association of physicians—voted for the first time in support of ending the so-called ban on CDC gun violence research. As AMA president Steven Stack said yesterday: With about 30,000 people dying each year at the barrel of a gun, an epidemiological analysis of gun violence is in fact necessary. So that is the question which I ask of Senator MURPHY, that is the question which I ask of Senator DURBIN, and that is the question which I ask of the Senate president: Why can't we find a way to at least fund the research on the causes of gun violence? Why can't we find a way of just putting $10 million a year into that research? Why can't we do that?

I ask Senator MURPHY the question, but he knows the answer. The answer is that the NRA does not want a single nickel to be spent on that issue, and the NRA controls the agenda on the Senate floor with a vice-like grip, and it will not let it go. But we have reached a defining moment. The American people have seen in this one incident how tightly the NRA controls the agenda of the Republican Party in our country. We should already have voted on this ban. We should already have moved on to other gun control issues—but, no. Whether it be the terror watch list or it even be research at the CDC on gun violence, there is no action. We can study how to prevent children from operating pill bottles, from suffering from head injuries on bicycles, how to use a cigarette lighter so they don't hurt themselves, but shouldn't we study how to stop kids from firing guns that can hurt them?

Let's give the medical, scientific, and public health community the resources they need. Let's ensure that if someone is going to buy a gun, they have to get a background check completed before they are allowed to do it. Let's make sure that we put in place all of the protections that are going to be needed to protect ordinary Americans from this action.

So I say to Senators MURPHY and BLUMENTHAL from Connecticut, what you suffered in Newtown, CT, is sadly just a preview of coming attractions unless we change the laws in our country, unless we put the preventive measures on the books, so we can avoid the worst, most catastrophic consequences of this out-of-control gun epidemic in our country.

What the Senator is doing here today, along with Senator BOOKER, is forcing America to understand the cause of their problems and why we cannot ban a terrorist from buying a gun in the United States. All issues go through three phases: political education, political activation, political implementation. What the Senators are doing today is forcing this political education and forcing people to understand that this is not bipartisan. This is not the whole institution doesn't work; this is a deliberate decision made by the Republicans to abide only by what it is that the NRA—an outside party—wants to permit being debated on the Senate floor. But at 33,000 deaths a year, with terrorist activity after terrorist activity now occurring on our own shores—in Boston alone, we had Mohamed Atta and nine others who hijacked nine planes; we had the Tsarnaev brothers who detonated explosives on Patriots Day at the Boston Marathon.

It is time for us to just stop here. It is time for us to start to do the right thing so we can make it harder for these acts to take place. I don't think we should stop this discussion until that happens. That is why I thank Senator MURPHY for taking this time—Senator BOOKER, Senator BLUMENTHAL, and everyone who has participated. I am going to be with you every step of the way until we get the votes the American people expect from their elected Senators.

I thank the Senator for yielding for a question.

Mr. MURPHY. I thank Senator MARKEY very much. I think he has gotten to the root of why we are here. There are a lot of very important issues in this underlying bill.

As I said at outset, it is uncomfortable for those of us who began here at the beginning of this time to postpone amendments and to put off debate on the underlying bill, the very important bill, the CJS bill. We feel like enough is enough, that this is the moment when this body has to come together and find a path forward to try to address this epidemic of gun violence and admit that it is within our power to make the next attack less likely. This doesn't come easily, but at this point, many of us think it is our only hope to really force action.

I know Senator BOOKER has a question. Before yielding to Senator BOOKER, I want to thank Senator MARKEY for his incredible leadership on this issue of promoting research into gun violence. Unfortunately, science has become politicized, and Senator MARKEY is on the frontlines of trying to address climate change. But there is no reason this Congress should be deciding what researchers at the CDC pursue by means of lines of inquiry and what they do not pursue. That should be left up to scientists. That should be left up to people who are professionals in the field of deciding what is worthy of research and what is not. We are politicians. I don't cower from that term. I am proud of the fact that I and we have chosen to try to make this country better through the political process. But we aren't scientists. We don't have medical backgrounds. When we get into the field of deciding what is worthy of research and what is not, bad things happen routinely, whether it is on the question of climate change or on the question of gun violence research.

The private sector simply cannot pick up the slack. Why? Because when the Federal Government bans private research on a subject like gun violence research, it chills private dollars from going into those research proposals as well. There is a fear on behalf of the private sector that if they get intermingled with public funds, there could be a problem. That hasn't stopped some people in the private sector from pursuing this research because they know it is critical.

Avielle Richman was one of the little boys and girls who were killed at Sandy Hook. Avielle was a beautiful young girl. As has been the case with many of the parents following that tragedy, her parents have decided to set up a foundation in her name. Maybe over the course of the afternoon, we will be able to talk about some of the other good work that has been done by these foundations because we think that, as devastating as the tragedy was, Newtown and Sandy Hook are defined by the response. The Richman foundation is all about research. The Richman foundation is all about research trying to discover the linkages between mental illness and a predilection toward gun violence or toward violence in general. We know there is not an inherent connection. We know people who are mentally ill are much more likely to be the victims of gun violence than they are the perpetrators of gun violence. We know there is an intersection, but the only money that is going into that intersection right now is private dollars that are being raised by two parents of a girl who perished at Sandy Hook. They are not professional fundraisers. They have other

jobs. They are trying to scrape together what they can to perform this research. They know it is worthy. They know it is worthwhile. But because of that ban Senator MARKEY is trying so hard to overturn, the public sector can't do research into that connection, or it becomes very hard for the public sector to justify it because they fear violating that law.

I thank Senator MARKEY for being so persistent on this question of research dollars. There are so many different angles of this problem. There are so many different ways to attack it. This is another example of a way in which we can come together. I think this is one of the ways in which Democrats and Republicans can come together.

I yield for a question from the Senator from Illinois.

Mr. DURBIN. Will the Senator yield for a question?

Mr. MURPHY. I will.

Mr. DURBIN. I would like to thank the Senator from Connecticut, Mr. MURPHY.

You have been on the floor for a little over 3 hours in the process of raising an important issue about gun violence in America.

I think it is important for us from time to time to remind those who might be just joining this conversation why we are here. You are certainly a leader in this, as are Senator BLUMENTHAL, Senator BOOKER, and so many others, because we have each in our own ways been touched by gun violence—the terrible tragedy that occurred at Sandy Hook in Connecticut, the tragedies we see every weekend and every day in the city of Chicago, in Newark, and all across the United States. I thank the Senator for bringing this to our attention. Certainly, it is Orlando that our attention is focused on these days.

As I understood your earlier statement, you came to the floor because there was no indication from the Republican leadership that we will even have a debate on the issue of guns, terrorists, and keeping America safe.

Senator MURPHY came to the floor saying that he would hold the floor in the hopes that we can move this to the point where there is an actual debate in the Senate. That would be historic—a real debate in the Senate about an issue that really means something. In Orlando, we found what really means something with these grieving families of 49 victims and 53 more who were seriously injured.

I want to make sure there is clarity as to what we are trying to seek with this group gathering in terms of the two proposals, the two amendments we are seeking. I ask the Senator to clarify. One relates to whether someone who is suspected of being a terrorist can buy a weapon, such as an assault weapon, which literally killed 49 people in that nightclub in Orlando and could have killed many more—more than 50 were injured. So if we suspect that a person is a terrorist and a threat to the United States, can we slow them down or stop them from purchasing a military-style weapon?

I think the Senator from Connecticut was very prescient in noting that we think of terrorists and bombs, terrorists and airplanes, not with automatic weapons and semiautomatic weapons. These terrorists have the capacity to kill dozens of people, if not more.

So the first question is, What can we do to stop those suspected of terrorism from buying assault weapons and threatening us? The second question is, If we cannot stop them through the ordinary process of going to a gun store, how are we going to stop them if they decide to buy a gun on the Internet or to buy a gun at a gun show where there is no background check?

I understand the Senator from Connecticut has suggested we need to close the loopholes so that the roughly 40 percent of firearms sold without a background check in the United States is reduced dramatically and so that we know who is buying a gun and we can take guns out of the hands of those who misuse them.

So if the Senator would state with clarity what our goal and objective is in this now 3½-hour debate. I credit him with leading it, but I ask him to state with clarity—a question from me—what is our purpose, what is our goal and the reason we have taken the floor?

Mr. MURPHY. I thank the Senator. I am reclaiming my time. I thank the Senator for asking that question because I think it is important for us to be clear about why we are here. We are here not to hold the floor for holding the floor's sake but because we have had enough of condolences and thoughts and prayers without action from this body.

We think we have identified two commonsense measures that are supported by the vast majority of the American public: making sure that people who are suspected of being terrorists cannot purchase weapons and making sure that the background check system applies to all of the commercial venues in which guns are sold.

We think it is time for us to have a debate on those two measures on the floor of the Senate and to be able to get a vote—something this body used to do a lot of—on those two measures. We have selected measures that are not controversial to the American public. They are supported by 80 to 90 percent of Americans.

So we are holding the floor and we are standing on the floor today in anticipation of Republican and Democratic leadership coming to us and saying: We are ready to talk about how we can make this country safer by keeping guns away from suspected terrorists. If we can get an agreement to have a vote on expanding background checks and including people on the terrorist watch list on the list of those who are prohibited from having guns, then this debate we are having can stop and we can move forward to a vote.

I yield for a question.

Mr. DURBIN. If the Senator will yield for a question without yielding the floor, I know the answer to this, but I want to ask this question for the record. We have had votes on both of those measures. After San Bernadino, Senator DIANNE FEINSTEIN of California came forward and asked the Senate to vote on the simple proposition that if someone's name appears on a terrorist watch list, they would not able to buy firearms, and her effort failed. Similarly, a bipartisan measure by Senators MANCHIN and TOOMEY to close the loopholes so that there will be background checks failed as well.

I would ask the Senator from Connecticut—and I know his response—why would we revisit two issues that have already been voted on in the Senate?

Mr. MURPHY. These are measures that can save lives. Facts have changed. We have seen over and over again the carnage that comes by allowing these loopholes to persist. Yes, we have had debates on this floor, but we have had debates and taken votes on this floor before. But our hope is that our colleagues' eyes have been opened to the epidemic that persists in the absence of legislative action.

Our job is not to send condolences; our job is to debate legislation. My hope, through the Chair to Senator DURBIN, is that there are discussions happening right now on ways to bring the two parties together around moving these two issues forward. Our job is to debate and to vote, to go on the record, to show our constituents where we stand on these issues, and to find ways to achieve common ground. Our hope is that by holding up consideration of the CJS bill, we will prompt both sides to come together and find a path forward on these issues.

Mr. DURBIN. If the Senator will yield for one more question.

Mr. MURPHY. I yield for a question.

Mr. DURBIN. The CJS bill, incidentally, is a bill that includes the Department of Justice appropriations. We are raising this issue on a bill which has real relevance to the question of our national security and law enforcement in keeping America safe.

I would ask the Senator from Connecticut—we think of the tragedy that occurred in your State with those 20 beautiful children who were killed in their classroom at Sandy Hook. We think of what happened in San Bernardino and what has happened across America and now most recently in Orlando. But the point I tried to make earlier was that those are mass

murders—more than four people killed in each instance—but for many of us, the urban violence that every day, every weekend is claiming even more lives should also be our concern.

I mentioned to the Senator earlier that when the Bureau of Alcohol, Tobacco, Firearms and Explosives took a look at the crime guns that were confiscated in the worst, deadliest sections of Chicago, 40 percent of them came from gun shows in northern Indiana, where people did not submit themselves to a background check; they just went in and bought guns in volume to come and sell them to gangbangers and thugs on the streets of Chicago.

Our intention is to focus clearly on mass murder but even more so on gun violence in America to protect innocent people who are losing their lives to those who would abuse the use of firearms and those who would turn to these assault weapons, which have no purpose for the legitimate hunter or sportsman. I have said that if you need an AK–47 or AR–15 to hunt a deer, you ought to stick to fishing because that is not the weapon of choice of real sportsmen in my State or those whom I know.

I ask the Senator, when it comes to this general issue of gun violence, even though we speak of terrorists as part of this, how will closing the loopholes have value to the overall issue of gun violence?

Mr. MURPHY. I thank Senator DURBIN for the question. Illinois and Connecticut have amongst the toughest background check laws in the Nation, but our laws are no good if the State next door to us has amongst the weakest laws in the Nation. Our Nation's system of State-based background check laws is only as strong as the weakest link. If we don't have a national commitment to ensure that individuals who are criminals or who are potential terrorists don't buy guns, then it really doesn't matter what each State does. That is why this background check proposal, which is a bipartisan proposal and which is supported by 90 percent of Americans and 85 percent of gun owners, is such a win-win, because it speaks to the very real fear that Americans have of continued terror attacks but also addresses this catastrophe of regular, everyday urban gun violence.

By the time we are done today, Senator DURBIN, probably 80 people—somewhere in that neighborhood—will be killed by guns, many of them in cities throughout this country. This is a means to both get at the question of terrorist violence and at the question of urban gun violence.

I thank the Senator for joining us on the floor.

Mr. President, I yield to the ranking member of the Judiciary Committee for a question.

Mr. LEAHY. Mr. President, without losing his right to the floor, I thank my distinguished neighbor in New England and ask through the Chair if he is aware that the Senate Judiciary Committee pushed for years to close the glaring loopholes in the background check system to try to prevent criminals from buying guns.

Is the Senator aware that today you could have three murder warrants and a conviction for armed robbery and walk to a gun show and buy any kind of weapon you want without having to go through a background check or have a license?

Mr. MURPHY. Mr. President, through the Chair, I am.

I yield to the Senator for another question.

Mr. LEAHY. Mr. President, if the Senator will yield for another question without losing his right to the floor, the Senator knows that three years ago the Judiciary Committee reported out these commonsense measures. We actually had broad support for measures to stop illegal gun trafficking, provide for universal background checks, and provide grants for schools to improve their security and ban assault weapons. The Senate Republicans filibustered our effort, which a majority of Americans supported, to make commonsense reforms that would make our country safer. I do not even want to think about how many Americans—although I do every day—have been killed since then.

I believe I speak for most Americans when I say we are tired of the status quo. Congress has to act to keep guns out of the hands of criminals and terrorists. My question to the distinguished Senator from Connecticut is, in order for background checks to keep guns out of the hands of criminals and terrorists, do we need to give law enforcement new tools—in other words, the tools we have now are not enough—to stop a suspected terrorist, or somebody who has recently been under investigation for terrorism, from buying a gun?

Mr. MURPHY. Mr. President, I thank the Senator for the question. We have given law enforcement new tools to find people who are contemplating political violence against American citizens; yet there is this gap in which law enforcement has information about an individual's potential or real ties to terrorist groups, and we are not able to prevent them from buying a weapon. They are prevented from flying, but they are not prevented from buying a weapon. It is an absolute necessity to give them those new tools and also to expand the reach of our background system so we can make sure protection exists that no matter where that individual goes to buy a gun—whether they walk into a gun store or a gun show—they will be prevented from buying a weapon. There is a large loophole that exists today.

Mr. President, I yield to the Senator for a question without losing my right to the floor.

Mr. LEAHY. Mr. President, if the Senator will yield for a question without losing his right to the floor, we know that a person can go to a gun show or go online and buy a gun without being subjected to a background or identification check.

One of our local newspapers had an article about a reporter who communicated with an individual online—they had never met before—and then met that person in a parking lot and bought an assault weapon for cash. The person selling the weapon insisted on cash. When the reporter was asked if he had any identification, he said that he preferred not to give him any. The seller of the weapon said: OK. You look old enough. The seller sold the weapon to him for $500 from the trunk of a car.

I ask the Senator from Connecticut, through the Chair, if we made universal background checks mandatory and made it illegal to sell guns without a universal background check, might that make a difference?

Mr. MURPHY. Mr. President, I say through the Chair to the ranking member of the Judiciary Committee that of course it would make a difference. What the Manchin-Toomey bill has always contemplated is that sales that were advertised would be covered by background checks. There would be limitations on relative-to-relative transactions, but if you are engaged in any sort of commercial business where you are selling a firearm, whether it is at a gun show, gun store, or out of a trunk, you would have to go through a background check before selling a weapon.

Mr. LEAHY. Mr. President, I again ask through the Chair if the Senator will yield further without losing the floor.

Mr. MURPHY. Mr. President, I yield for a question.

Mr. LEAHY. Mr. President, I consider myself a responsible gun owner. I think common sense tells us that if we have assault weapons that are designed for the battlefield, they really have no place on our streets, in our schools, in our churches, or in our communities. I move to support an assault weapons ban. We do not even allow them for hunting in Vermont.

Does the Senator agree with me?

Mr. MURPHY. Mr. President, I do agree with the Senator. We are both members of New England States. We are both members of States where people enjoy hunting. I run into very few hunters who believe they need an AR–15-style weapon in order to enjoy their pastime.

Mr. LEAHY. Mr. President, if the Senator will yield for a question.

Mr. MURPHY. Mr. President, I will yield for a question.

Mr. LEAHY. Mr. President, I know that Vermont has very few gun laws,

but we at least restrict the number of rounds that one can put in a semiautomatic gun during deer season. I would like to see as much restriction and protection for the children who are walking our streets, the people in our churches or our synagogues, and the people gathering for social reasons as we do to protect the deer herd.

My final question is one that I get from Vermonters all the time. These Vermonters—many are gun owners and many are not—are all repulsed and saddened not just by what they saw this past weekend in Florida but by what they see with numbing consistency on our news. Day after day after day they see people being gunned down in the streets of America. They ask me: What is Congress doing? They ask me why Congress is not responding by giving law enforcement the tools they need. Certainly law enforcement wants to stop this. I suspect the questions I get asked in Vermont are similar to the questions that my friend from Connecticut gets.

How do we respond to these Americans—thousands in Vermont and millions throughout this country—who say: What in heaven's name are you doing in Washington to make life safer for us?

Mr. MURPHY. Mr. President, I thank Senator LEAHY for being such an amazing champion and the author of many of the underlying protections that we are talking about expanding and making more effective today. He is an absolute giant on the issue of protecting Americans from gun violence.

We don't have to dig deep to understand why this body has an approval rating that rivals venereal disease. They think we spend all of our time fighting, and they see big problems in this Nation, and this Congress is doing nothing to even attempt to solve it. This is a paramount example.

Mr. TOOMEY. Mr. President, will the Senator yield without yielding the floor?

Mr. MURPHY. I ask through the Chair if the Senator from Pennsylvania will wait.

Mr. TOOMEY. Mr. President, my only problem is that I will be in the Chair at 3 p.m., at which point I will not be able to participate in the discussion.

Mr. MURPHY. Mr. President, I yield to the Senator from Pennsylvania without losing my right to the floor.

Mr. TOOMEY. Mr. President, I will be very brief. I know and fully respect the passion that both Senators from Connecticut, as well as many others, have about this issue.

I am of the view that it is time to get something done. We have been doing a lot of talking. We have two alternatives to this issue about what to do with people we have very good reason to believe are terrorists and what to do when they attempt to buy a gun.

We had a vote on a version that I think was badly flawed. It was badly flawed because it provided no meaningful process for someone who is wrongly on the list. Errors happen. Actually, they happen all the time. One thing is for sure; innocent people and law-abiding citizens will eventually be on a terrorist watch list.

What I think we need to do is everything we can to make sure that terrorists are not able to buy guns—at least not legally—and we also need to have a meaningful mechanism for people to challenge their status of being on that list, and that is what we haven't put together here.

I think the Feinstein approach doesn't provide any meaningful opportunity to appeal one's being put on this list erroneously, and, frankly, I think the Cornyn approach doesn't give the AG the opportunity that an AG needs to make a case against someone who is actually a terrorist.

There is an obvious opportunity to work together and find a solution. I have been speaking with some of my colleagues on both sides of the aisle, and I think there is an interest in doing this. What I am suggesting is that we get to work. Let's sit down together and figure out how to achieve this. I think everybody ought to be in agreement in principle. We don't want terrorists to be able to walk into a gun store and buy a gun, and we don't want an innocent, law-abiding citizen to be denied his Second Amendment rights because he is wrongly on the list with a bunch of terrorists. This is not rocket science.

I thank the Senator for yielding the floor. I will take my turn in the chair, but I would love to continue this conversation.

I thank my colleagues on the other side of the aisle for giving me this moment.

Mr. MURPHY. Mr. President, reclaiming the floor, I thank the Senator for his comments. We are here for the explicit purpose of trying to bring this body together in a way that can advance both of these issues—stopping terrorists from being able to buy guns and them making sure that the law covers as many forms as possible to make sure that that prohibition is effective.

The frustration for us is that we have had 6 months since we last debated that provision. If there were ways to come together, then we have had 6 months to find that common ground. I take the Senator's offer very sincerely, but my hope is that by taking the floor today and not moving on the CJS bill until we resolve these issues, we will provide the impetus for our sides to come together and find that common ground.

I thank the Senator for his participation and his question.

Mr. President, I yield to the Senator from Minnesota for a question without losing my right to the floor.

Mr. FRANKEN. Mr. President, I thank the Senator from Connecticut for everything he is doing today on the floor.

My question for the Senator is whether he is aware that a GAO report requested by Senator FEINSTEIN was released yesterday and provides updated data on background checks involving terrorist watch list records.

Mr. MURPHY. Mr. President, I am familiar with that report.

Mr. President, I yield to the Senator for another question.

Mr. FRANKEN. Mr. President, allow me to briefly share some of the key data points from this, and then I will pose another question. The report provides that during the calendar year of 2015, the FBI's data demonstrates that individuals on the terrorist watch list were involved in firearm-related background checks 244 times. The report further provides that of those 244 times, 233 of the transactions were allowed to proceed and only 21 were denied. GAO helpfully points out that this means that potential terrorists were permitted to buy guns 91 percent of the time in 2015. Further, GAO provides that since the FBI began checking background checks against terrorist watch lists in 2004, individuals on such watch lists were permitted to purchase weapons 2,265 times out of 2,477 requests or, again, 91 percent of the time.

I ask my friend from Connecticut: If we are allowing over 90 percent of people on the terrorist watch list to purchase deadly weapons here at home, does that not suggest that we aren't even coming close to doing everything in our power to combat terrorism and address gun violence?

Mr. MURPHY. Mr. President, I thank the Senator for the question and for specifically referring to the GAO report.

Over 10 years, 91 percent of people who were on the terrorist watch list who tried to buy a gun was successful in buying a gun—9 out of 10 times. The reason this is such an important issue that the Senator brings up is because, as he knows, people who are trying to commit political crimes against Americans, people who are trying to commit acts of terror against Americans, are increasingly turning to the firearm—to the assault weapon rather than to the IED or the explosive—in order to perpetuate their terror attack. So as studies have shown us—studies I referred to earlier today—the weapon of choice in homegrown domestic terror attacks is the firearm. Why wouldn't we do everything in our power to take that weapon of choice away from those individuals? We are making this country less safe every day that we allow for 9 out of 10 individuals who are on the terrorist

watch list who seek to buy guns to buy them.

By the way, as the Senator knows, that 1 out of 10 isn't denied a gun because he is on the terrorist watch list, that 1 out of 10 is denied a gun because he is on another list, because that individual has committed a crime that has caused him to be prohibited from buying a weapon.

I yield to the Senator for a question.

(Mr. TOOMEY assumed the Chair.)

Mr. FRANKEN. My last question for Senator MURPHY concerns Senator FEINSTEIN's legislation.

As has been discussed, Senator FEINSTEIN's terror gap legislation would give the Attorney General the discretion necessary to deny known or suspected terrorists from purchasing firearms or explosives so long as there is a reasonable belief that such a purchase would be used in terrorist-related activities. I am a strong supporter of this legislation as a commonsense measure to keep guns out of the hands of potential terrorists and to take a significant step toward keeping our communities safer.

So my last question is whether the Senator believes this legislation would be likely to make a real and significant difference in preventing those on the terrorist watch list from getting guns they could use in acts of mass violence?

Mr. MURPHY. Mr. President, I thank my friend for coming to the floor and asking these questions and making these important points. Yes, this would make a difference. It would make a difference because we know every month there are people on the terrorist watch list who are trying to buy weapons. Not all of them are buying weapons for malevolent purposes, but we know individuals from the Boston bombers to the Orlando shooter were in the network of those who were being watched and monitored by the FBI, and they were able to buy weapons despite that. This would make a difference. If we were able to pair it, as we are requesting, with an examination of background checks, that would also make a difference for the thousands of people every month who are dying on the streets of America due to our inability to stop illegal weapons from flowing into our communities. So I thank the Senator for his questions.

I yield to the Senator from Connecticut who has been with me since the very beginning. I yield to him for a question.

Mr. BLUMENTHAL. And proudly so, along with our colleague from New Jersey standing with you as a team here, joined by so many colleagues. I thank the Senator from Minnesota. I see that Senator MURRAY of Washington State has joined us. Thank you so much.

I am going to ask a quick question, and then I have other questions I am going to ask afterward, but I want to pursue a point our distinguished colleague from Vermont raised about the perception of Americans who can't get that we can't get things done here. There are many issues and problems beyond our control. There are many issues and problems we cannot affect. The state of the economy, perhaps, we can impact. World problems seem intractable a lot of the time.

Here are commonsense, straightforward measures where the Senate of the United States and the Congress can get the job done—at least save lives. It is really that important. We can save lives if we do the right thing. The Senate has been complicit by its inaction in the loss of those lives—30,000 every year. Some of them at least could be saved by saying and putting into law the very simple proposition that if somebody is too dangerous to fly, if that person is on a watch list under an investigation, then they should be deemed too dangerous to buy a gun. They are at least as dangerous as a convicted felon who is now barred from buying a gun.

I wish to ask my colleague from Connecticut—the two of us have spoken to so many people across the country, some of them survivors of gun violence, families who have lost loved ones to gun violence, and others who are simply citizens who watch this carnage, not only in Sandy Hook and Orlando but on the streets of Hartford, moms and dads who have lost children and brothers and sisters. Isn't this issue of gun violence and terrorist attacks one of the signature issues of our time in showing the American people our government can work? We have talked about the message it sends to our allies. I asked a question about that point. We have talked about the message it sends to law enforcement, such as the FBI, but to the American people the failure to act not only makes the Senate complicit in a moral sense in those lives lost but undermines the credibility and trust of the American people in their government to protect them, to achieve the most basic assignment they give us, to make America safe and secure—safe and secure from the bad men like Adam Lanza, who killed 20 innocent children and sixth-grade educators, or the homegrown terrorist inspired and supported by ISIS or sent here by some foreign terrorist organization, or the twisted haters who are bigoted against LGBT or some other group. This signature issue is about keeping America safe and giving our law enforcement authorities and our protectors the powers they need to do their job.

So I ask my colleague from Connecticut—we have joined today in this effort—is there a message to the American people here, that we are sending the message that enough is enough but also enough killing is enough, enough inaction is enough, we have seen enough, the time for action is now?

Mr. MURPHY. I thank the Senator. I think the question is simply: Why are you here—you asked for this job—if you didn't want to confront the big questions and the big problems?

Nobody denies that this is an epidemic of criminal proportions. Nobody denies that this is happening only in the United States and nowhere else in the industrialized world. Nobody denies that crippling, never-ending grief that comes with a loved one being lost. Yet we do nothing. We just persist this week as if it is business as usual. Why did you sign up for this job if you are not prepared to use it to try to solve big problems?

I appreciate the hope of my friend from Pennsylvania that we can find common ground. We have had a long time to find common ground. We have had 4 years since those kids were slaughtered in Sandy Hook to find common ground, but we haven't, which is why we are here today—to demand that we are not going to go along with business as usual any longer until we come together on at least two of the proposals that 90 percent of the American public supports.

I yield to the Senator from Washington for a question without losing my right to the floor.

Mrs. MURRAY. Mr. President, if the Senator will yield for a question, first of all, I thank the Senator for bringing attention to this critical issue and for everything that he is doing to fight for more than just thoughts and prayers but actually for action. Few Senators have a better firsthand understanding of this issue and the impact it has on our families and our communities and the urgent need to address it.

As we mourn for the victims and families who were impacted by the horrific violence and terror against LGBT and Latino Americans in Orlando on Sunday, we are once again reminded that no one is safe from the horrific epidemic of gun violence in our country—not even in our schools, which should be safe havens for our students.

I know the Senator knows this all too well. My home State of Washington is no stranger to this as well. In 2014, a man walked into an academic hall at Seattle Pacific University in Seattle, shooting three students and taking the life of a freshman. Later that very same year, a 15-year-old boy shot five other students, killing four, at Marysville Pilchuck High School in Marysville, with his dad's gun. Those shootings were devastating to parents, siblings, friends, and teachers—to our entire community. Those are just two examples in my home State.

In Newtown, and across the country, there are too many shootings in schools to even name. According to a report from Everytown, from 2013 to 2016, we had 188 shootings at schools across the country. Not all were mass murders; some just a gun going off in

the air, other students were wounded, others were attempts at self-harm. That is terrifying in a school when a shotgun goes off; that noise, what happens to the kids around it, and it is frightening to me that this is not letting up.

It sickens me actually that in America today parents have to wonder if their children will be safe when they send them off to school or when they go to a movie theater or a mall or even on a street in their own neighborhood. Every time there is a new mass shooting, I get the same question from the people I represent in Washington State: What is Congress going to do to stop this?

It is frustrating to me that every time I come back with the same answer, ''We have been blocked from doing anything,'' in response to my constituents and the people across the country. People are asking and begging for us to do something—anything—to stop this scourge of gun violence that has once again been splashed across the front pages of our newspapers and on our TV screens.

I say to Senator MURPHY, I know you are talking about a number of issues around gun violence today. We all so appreciate it, but I wanted to come here today to specifically ask you: Can you talk a little bit—because you have seen it firsthand—about how this impacts our students in particular?

Mr. MURPHY. I thank the Senator for that question in particular. I think back to where I was—and I think we all can remember with specificity where we were when we first heard about Sandy Hook, when we first heard that there were 20 dead children lying on the floor of their first-grade classrooms. I was with my little kids. I was with my then-1-year-old and 4-year-old on a train platform in Bridgeport, CT, getting ready to go down to New York to see the Christmas tree displays. They were so excited about that to go down. I remember having to tell them I had to go to work, and I left them and my wife on that train platform as we told them the trip was off.

I am here today, as I think all of us are, because this is personal to us. My oldest, who was 4 years old then, is this week in his final week of first grade—first grade—the same year as those kids who were killed in Sandy Hook. And so, I think in deeply personal terms about what Sandy Hook means to the kids who survived in addition to the families who lost loved ones. There is no recovery for that community. It is still a community in crisis. There are waves and ripples of trauma that never end. I think about the reality of what it is to be a kid in school today, being increasingly in an environment that seems more like a prison than it does a place of learning, going through metal detectors, performing active shooter drills, and having to live in a perpetual state of fear that somebody is going to walk into your school with a gun or there is going to be a gunfight that breaks out between students. That is no way to learn and that is no way to live.

So I think almost all of us on this floor, Republicans and Democrats, are either parents or grandparents, and we know what a horrific reality it must be to live with that fear as a child, and how little solace we give parents when we do nothing. At least, as a parent, if Congress were acting to try to make the next mass shooting less likely, you could maybe hold your head a little higher and your back a little straighter when you are telling your kids it is going to be all right, but there are a lot of parents who are so angry with us because they don't think we are keeping their kids safe.

Senator MURRAY, I thank you for framing it in the eyes of kids because we think about it in terms of stopping someone from committing a crime or about how a background check system works, but when we stop these shootings, it is really about protecting those kids.

I yield to the Senator for a question.

Mrs. MURRAY. I appreciate the Senator's response because, to me, there are multiple layers, but certainly if we are not doing anything to provide that safety for our young kids in this country, we are not living up to our responsibility as adults today. It is horrific for a parent to get that text home saying there has been a school lockdown. It is even worse if the consequences are real. It seems to me, the Senator is right to be out here today discussing and bringing attention to it and doing more than just saying, ''Let's do something,'' but really forcing us to make sure we are doing something, and I thank the Senator.

Mr. MURPHY. I thank the Senator from Washington.

Before yielding to the Senator from Michigan, let me note there are a number of House Members who have joined us on the floor. I thank them for their support in our effort to force a debate and discussion on the floor of the Senate today. I would note that of the House Members who have joined today, there have been a number from different States who have joined us. Representative LANGEVIN was on the floor. I am particularly proud of all five Members from Connecticut who have stopped by on the floor for these proceedings, and I know we will expect more with that.

I yield to Senator PETERS for a question without losing my right to the floor.

Mr. PETERS. I would like to thank my colleague from Connecticut for yielding the floor for a question.

While I intend to ask my colleague from Connecticut shortly about the interaction between closing the terror gap for gun purchasers and expanding background checks, I would first like to take a moment to mourn the loss of the 49 people who were killed and recognize the dozens more who were wounded in the worst mass shooting our Nation has ever seen.

While my heart goes out to all the families and friends of the victims, today I would like to honor two Michigan men who lost their lives that night. Tevin Crosby and Christopher Andrew Leinonen, who went by the name of Drew.

Tevin was only 25. He was born in North Carolina, and he came to call Michigan home after finishing school and starting his own marketing business in Saginaw. Total Entrepreneurs Concepts is the name of the company. Founded just last year, his business already employs about 20 people and handles marketing for Fortune 500 companies. Tevin had recently visited family in North Carolina to watch several nieces and nephews graduate before traveling to Florida to see friends and colleagues.

Drew was 32, and grew up in metro Detroit before moving to Orlando with his mother. He became a civically minded activist early in life, starting a gay-straight alliance in high school before studying psychology and becoming a licensed mental health counselor. He recently won the Anne Frank Humanitarian Award for his work in the gay community.

Drew was at Pulse with his partner, Juan Guerrero, who also lost his life that night. Now, instead of potentially helping them plan a wedding one day, their loving families are planning a joint funeral. They want their sons to be side-by-side as their friends and family pay their respects and bid them farewell.

Orlando's events serve as a stark reminder that the fight for equality in this Nation for LGBT Americans must not end with marriage equality. We still live in a nation where Americans can face discrimination and even be killed simply because of whom they love. We cannot tolerate violence that targets any individual based on their gender, sexuality, race, or religion.

This horrific incident raises a number of questions. Was it a hate crime, an act of terrorism, an outgrowth of ease in which individuals in this country can purchase deadly weapons with high-capacity magazines or the heinous actions of a self-radicalized young man inspired by and swearing allegiance to ISIS? The answer to all these questions is yes.

I urge my colleagues and Americans across the country to resist painting this tragedy in simple, reductive terms. This attack was a hate crime. This attack was an act of terrorism. Yes, this attack speaks to the disturbing ease with which dangerous firearms can be acquired in our Nation.

The problems that led to this tragedy are complex, but complexity is not an argument for inaction.

We need to start somewhere. Thoughts and prayers can be meaningful and are certainly powerful, but we need to do more than just offer our thoughts and prayers. Now is the time for action. As Senators, we have no higher duty than keeping the American people safe. This includes taking the fight to ISIS overseas with our allies and vigilant law enforcement here at home. My colleague from Connecticut has been discussing two simple critical changes we can make to help prevent gun violence in our Nation, including the acts of terror like we have seen in Orlando. We need to keep guns away from those who shouldn't have them. This includes individuals who have been convicted of domestic violence offenses, people with court orders related to stalking, and convicted felons. These groups are already barred under Federal law from purchasing or otherwise possessing firearms, and this is enforced through background checks.

It is also painfully clear that we need to keep guns out of the hands of terrorists. This is why we need to close the terror gap and prevent individuals on terrorist watch lists from purchasing firearms. Unfortunately, however, closing the terror gap and enforcing gun safety laws cannot be effective without universal background checks. It doesn't matter if we ban selling guns to people on the terror watch list if large percentages of purchasers avoid background checks by buying a gun at a gun show or over the Internet.

A story from our neighboring State, Wisconsin, haunts me as an example of violence that could have been stopped. Recently, a Wisconsin man subject to a restraining order from his estranged wife—a man who was barred under current law from purchasing a gun—was able to take advantage of the private seller loophole and purchase a weapon without a background check. He then confronted his wife at the spa where she worked. He killed her and two others, injured four more people, before turning the gun on himself.

Just like our current law bans gun sales to those convicted of domestic violence or with restraining orders in place against them, closing the terror gap will only be fully effective if we have universal background checks.

My question to the Senator from Connecticut is, Will closing the terror gap alone prevent the sale of weapons to potential terrorists in the United States or will we need universal background checks to ensure that these individuals are not able to exploit the loopholes in the current law?

Mr. MURPHY. I thank the Senator from Michigan for asking the question that is the crux of this debate. It is our responsibility to do everything within our power to protect Americans from terrorist attacks. The reality is, terrorist attacks can come in many different forms, but recently it has been coming through one form; that is, firearms, and often very lethal, military-style firearms. So it is our duty to do everything possible to protect Americans from that new trend in terrorist attacks. The Senator is right. The answer to the question is, simply putting suspected terrorists on the list of those prohibited from buying weapons is not enough because 40 percent of gun sales today are not happening in places where background checks are conducted. We have to do both.

It is not a secret that someone can go online to arms lists and easily get a weapon in minutes without having to go through a background check. It is full of holes like Swiss cheese. There is limited utility in passing an inclusion for people on the terrorist watch list for those prohibited from buying weapons unless we do the secondary bill we are asking for. As Senator DURBIN and I have talked about a number of times this afternoon, expanding background checks also has a double benefit of addressing this secondary epidemic of urban gun violence, which is often perpetrated by individuals who have illegal weapons. Law enforcement, police chiefs, and guys on the frontlines in our cities will state that if we force every gun sale through a background check or virtually every commercial sale through a background check, we will have fewer firearms on our street, and there will be less carnage on the streets of Chicago, New Orleans, and Baltimore.

The answer to the question is, yes, we have to do more to protect Americans from terrorist attacks, but we also have to address this ongoing slaughter that often doesn't rise to the level of getting on national news but is a reality in our cities.

I yield to the Senator from Michigan for a question, if he has a question.

Mr. PETERS. I don't, but I think that sums it up. I hope this body will come together to take up this important legislation, this amendment. If these two measures are separated into two potential votes, as we hear may happen, I hope we all understand that we can't vote for one and not the other and think we are really dealing with this issue. If we only block someone on a terrorist list but do not require universal background checks, it is basically a vote that may sound good but is simply not going to be effective in dealing with this horrible situation and dealing with the incident I mentioned from Wisconsin. These stories happen every day. It may not capture the national media like the horrible, tragic event we saw in Orlando, but the devastation to the families is every bit as real every single day. It is the obligation of this body to step up. I appreciate that answer. I appreciate my colleague from Connecticut for standing up on this issue, and I look forward to working closely with you to address this.

Mr. MURPHY. The Senator from Pennsylvania is on the floor with an incredibly important and tragically on-point piece of legislation.

I yield to the Senator from Pennsylvania for a question without losing my right to the floor.

Mr. CASEY. I thank the Senator from Connecticut who has taken the floor to take a stand for those who lost their lives in Orlando and so many other places. I know he has lived through that horror, representing folks in Connecticut, who went through the horror in 2012.

I have a question about why we have to take action. I want to set forth a predicate first. The numbers here are just startling when you consider in the context of just the last couple of days—49 dead and so many others—so many others are grievously, and I hope not permanently, injured and all the devastation that means.

Another number that we probably don't talk about enough and it is a much larger number. It is a number above 33,000—33,000 Americans lose their lives to gun violence every year. That is hard to comprehend. We have lost numbers like that in wars that go over multiple years. So 33,000 is the number. We have to ask ourselves why in the face of that whether it is Orlando or Newtown or Aurora or Tucson or go down the list of mass shootings. By the way, mass shootings were not a part of American life when I was growing up in 1960s, 1970s, and 1980s. This is a rather new phenomenon—a very recent vintage. But when a tragedy and a crime like this happens and the scale of it is so immense, we have to ask ourselves, is there something we can do?

The answer by a lot of Democrats has been, yes, we can do a number of things. We can say finally that we can ban military-style weapons so we don't have to have them on our streets. We can take action instead of just debating and expressing solidarity and sympathy and mourning. That is appropriate, but in addition to that, we can take action. We can take action on military-style weapons. We can take action on limiting the amount of clips and the amount of bullets any one person can fire at any one time.

I am convinced, for example, based on the evidence we saw in Newtown at Sandy Hook Elementary School that the Senator from Connecticut talked about—the most horrific way those children died—based upon the evidence, I am convinced that the killer, if he had more time, would have killed hundreds of children and that number would have gone far above the horrific number of 20. So we can take action on that and make sure that at least maybe that criminal, maybe that killer won't have a military-style weapon

and won't have an unlimited supply of ammunition.

We can also take action on background checks. We tried that. We got the most votes of any of the three votes we took in 2013. But we should certainly vote on that again and take action. That is a third way of taking action. We have had bipartisan consensus on that but not enough. Frankly, there were not enough Republican votes to pass background checks, which 90 percent of the American people support. It is hard to comprehend why 90 percent support it and not enough Members of our Senate.

We can also take action on mental health reforms. That, too, has been bipartisan, but that hasn't happened. That is another way to take action.

What I am trying to do is to focus on the other aspect or at least the additional aspect of this tragedy in Orlando, which is, as the President said, I said, and a lot of people said, this was an act of terrorism, but it was also an act of hate. Unless we begin to do something about the problem of hate in America, which infuses the horrific actions killers take, unless we take action against that in some fashion, we are not going to solve this problem.

One of the things we could do—again, we have a long list of things to do to deal with gun violence, to reduce that number of 33,000 Americans dying every year because the Congress of the United States refuses to take any action at all. But this is what my bill would do, and it is very simple. It would say: If you have been convicted of a misdemeanor hate crime, in order to meet the requirements of this law, there is a two-part test. It would have to be a misdemeanor hate crime that fit this two-part test.

First, it would have to be either an act of violence that was part of a conviction or an attempt to use violence or an action directed at either the attempt, the use, or the actual use of force or violence.

Second, in addition to that, the crime and the conviction would have to be a hate crime motivated by hate or bias against eight groups of Americans who are in what we call the law-protected class.

First, if someone committed a hate crime against someone because of their race—and that is on the rise. We are told by the experts that there are over 890—the number they put is 892—there are 892 hate groups in the United States of America. Over 190 of them are the Ku Klux Klan. All of that is part of this problem, the rise of hate crimes, the rise of hate groups. Hate groups who are directing violence and other actions against African Americans—that is on the rise. Hate groups who are targeting Muslims—that is on the rise. Hate groups who are targeting people with disabilities—that is on the rise. And of course, as we saw horrifically in Orlando, hate crimes—in this case, there were 49 people killed because of animosity toward LGBT Americans.

So you are engaged in hateful actions that rise to the level of the definition of this bill, and you are directing that at someone because of their race, color, religion, national origin, gender, sexual orientation, gender identity, or disability. So if you are directing hateful actions against Americans who are in those classes, that would meet the definition of a misdemeanor hate crime. The consequence of that, the consequence of a conviction or the consequence of a sentence enhancement because of a hate crime, would be that you would be denied a firearm. That is just one of many ways that we can make sure someone's hate is checked at a much lower level. I don't want to wait until that hate manifests itself in a felony conviction where there is a much graver crime that has been perpetrated because of hate, because you are directing your hate through violence against individuals because of their race or because of whom they love or because of some other reason. So this is one of several ways I think we can act.

The list gets longer. Obviously we are at a point now where we might be able to vote on finally taking action on the terrorist watch list. Why is it that if you are too dangerous to be on an airplane, you are not too dangerous to have a weapon or to have a high-powered weapon, a military-style weapon, with unlimited ammunition to shoot at anyone you want?

There are a lot of things we can do, and that is why I pose the question to the Senator from Connecticut about what we can do and what we should do.

I wanted to make a point as well before I pose the exact question. We know that in Orlando three of the victims were from Philadelphia, my home State. They were in that nightclub in Orlando when the gunman opened fire.

Eighteen-year-old Akyra Murray's family took her and two friends, Patience Carter and Tiara Parker, on vacation from Philadelphia to Orlando to celebrate Akyra Murray's graduation from West Catholic Prep High School. The Presiding Officer, my colleague from Pennsylvania, knows where that high school is, as I do. She had a full basketball scholarship to Mercyhurst University, which is at the other end of our State in northwestern Pennsylvania. She was third in her class. She just happened to be in Orlando and happened to be in that club when her life was ended. They were there that night to dance and to laugh. She was 18 years old and not even a resident of that area. Both Parker and Carter were injured in the attack, but Akyra Murray lost her life.

Our hearts break—everyone in this Chamber, I know—our hearts break for her family. Our prayers are with Patience Carter and Tiara Parker as they recover.

Sadly, the LGBT community isn't alone in experiencing this hate that I spoke of a moment ago. One year ago this Friday marks the 1-year anniversary of the massacre at Emanuel AME Church in Charleston, SC. At this historically African-American church—the oldest AME church in the South, often referred to as ''Mother Emanuel''—a racist young man with hate in his heart opened fire and took nine shots.

We all know the very moving speech the President gave that day or in the days after. One of the things the President said was that we have to recognize the uncomfortable truth of that tragedy, and that truth is staring us in the face today. It still stares us in the face.

I think we must act. When we consider the 33,000 people who are killed every year by gun violence, the 43,000 hate crimes committed with a firearm over the course of just 4 years—43,000 hate crimes over 4 years with a firearm—when we consider those numbers, we have a long way to go.

I ask my colleague from Connecticut a two-part question. Why is it that when these things happen, these horrific events, we have some people—and this is part of the debate—when we say we need to take action or ask ''Will you join us in taking action?'' their answer is ''We just have to enforce existing laws, and that is as far as we can go. We can't do anything more than that. We just have to enforce existing laws.'' So I would ask that part of the question. The second part is, if we believe the answer to that question is ''No, we can do more,'' what is it we should be doing?

I pose this because I have to only wonder and imagine, really imagine in horror, what if that was our answer? What if that was our answer on September 12, 2001, and the days after that? What if we said at the time ''You know what. This is a horrific event, what happened on 9/11. Three thousand people were killed, and the country was shaken to its core. But terrorism is a difficult problem to solve. We will always be dealing with it. We should just enforce existing laws.'' No, we didn't do that. We said ''No, we are going to stop this from happening. We are going to take action so that planes won't be flying into buildings and killing thousands of people. We are going to take action to stop that.''

Guess what. People came together in this country, from one end of the country to the other, and we solved that problem. It hasn't happened. Now, we have had other terrorist attacks. We know that. We know we will continue to fight terrorism. But we solved part of the problem because we came together. We even opened up a new Federal Government agency, for goodness'

sake, the Department of Homeland Security, which has made our country safer.

We have a long way to go on this issue, but I am pleased that we answered that question with a determined effort and with a consensus across this city, this center of government, and across the country that, no, we are not going to surrender to the terrorists. We are going to take action to stop them from getting on airplanes. Why is it that we are not taking the same approach to gun violence? It is complicated, and it is difficult to solve this problem, but why not take a series of actions that in and of themselves will not solve the problem, but we can at least take action?

I ask the Senator from Connecticut, why is it that the answer by so many people who serve in Congress is that there is not much we can do except enforce the law? And if we can take these actions, which I believe we can, what is it we can do?

Mr. MURPHY. I thank the Senator for his question, for his passion, and for his ability to articulate how complicated this issue is and the complicated nature of the motivations that led to the shooting in Orlando, which is why the Senator's legislation that would elevate the treatment of hate crimes with respect to the prohibitions on gun sales is so critically important. I hope we have time to debate that as well.

It is imperative that we act right now, and it is within our power to change the reality that exists every day on the streets of America and with respect to these mass shootings. What we have is loads and reams of data from State experiences to tell us that when you take these commonsense steps—such as applying background checks to a broader range of gun sales—you have a dramatic reduction in the number of homicides that are committed, you have a dramatic reduction in the number of people who are killed.

There is no doubt that we have the ability to do something. You are right that there is a panoply of measures we need to consider. We have suggested starting with the two that are the least controversial. Start with the two that have broad support of the American public. Start with an expansion of background checks to gun shows and internet sales and the inclusion of people on the terrorist watch list, of those who are prohibited from buying guns.

There are the two on which there is no controversy outside of this body, so that would be a nice start. Then we can get to working on all of those other measures that will truly end up in substantial change—a change in reality for people who have lived with this epidemic every day.

I thank the Senator for his questions and for his passion on this issue.

Mr. WYDEN. Will the Senator yield for a question?

Mr. MURPHY. I yield to the Senator from Oregon for a question without yielding control of the floor.

Mr. WYDEN. I thank my colleague, Senator MURPHY. I thank him, Senator BOOKER, and Senator BLUMENTHAL for what they have done today.

Here is the bottom line for me, Senator MURPHY and colleagues. Mass shootings are now happening like clockwork in America: Thurston, Columbine, Blacksburg, Tucson, Newtown, Aurora, Charleston, Roseburg, and Orlando. Communities are being torn apart like clockwork by unspeakable gun violence. In this building we come together now for moments of silence honoring the victims of these shootings like clockwork, and, like clockwork, this Congress does nothing about it.

When I was home last month, I visited Umpqua Community College, just outside of Roseburg, which was the site of a horrendous shooting 8 months ago—one of the deadliest school shootings in our Nation's history. What I saw at Umpqua Community College, what I heard from those at the school and the families in the community is, I am sure, a lot like what my friend from Connecticut hears about how the suffering doesn't go away.

The 1-year anniversary of the shooting in Charleston, SC, is coming up soon. I am quite sure it is the same way for people in South Carolina. The trauma, the process of mourning, rebuilding, and then trying to find a way somehow, some way to move forward from the enveloping grief is a horrendous experience and a common experience now that so many of our communities share. The reality is the trauma doesn't just vanish into the vapor. The news cameras are eventually going to leave Orlando, just like they left Roseburg. The bullet holes in the nightclub will get patched up. The families and the friends of the victims will try to live their lives the best they can, but it is going to be such a difficult, difficult task for the LGBTQ community in Orlando. But the trauma—the trauma—isn't vanishing.

So there is no perfect solution, but trauma ought to be followed up in a very concrete way with some specific constructive steps that begin to lay out an answer. It just seems to me that in the Senate and the Congress, the idea of following up with more moments of silence, with more inaction, just isn't enough. There are common steps, practical steps the Congress can take now.

Those who have argued that the only possible response to the shooting in Orlando can come in a war zone thousands of miles away are looking for excuses not to do something—not to do something meaningful here at home. There are steps that can be taken now to curb this violence. It won't stop every crime—a number of the ideas have been discussed before—but the victims of the shootings are owed a response.

First, I know my colleagues have mentioned this already this afternoon, but Senator FEINSTEIN has put forward a proposal to close the dangerous terrorist gun loophole. I thought that was a sensible step—common sense. People shouldn't look at that as a partisan issue. Americans want to know why anyone would vote to allow individuals suspected of terrorist ties and motivations to purchase regulated firearms.

Next, close the loopholes. Close the loopholes in the background check. It is way past time to do that and to stop allowing the purchase of a gun online or at a gun show without a background check. Certainly, the background checks themselves have to be substantially improved. There are holes that ought to be plugged, including those that keep guns in the hands of somebody who has been a convicted domestic abuser. I am not talking about being charged or something that is speculative. We are talking about a convicted domestic abuser.

Once and for all the Congress ought to close the pipeline for illegal guns, straw purchases, and gun trafficking. These ought to be Federal crimes.

The Senator from Connecticut and I have also been strong advocates of beefing up the research into gun violence. There has been a prohibition on doing that. Say that one to yourself—a prohibition on doing research into gun violence. It just defies common sense. It makes no sense at all to block the Centers for Disease Control from gathering information that can help our communities and our families be safe.

I am just going to wrap up by getting personal for a moment. My late brother suffered from serious mental illness. Senator MURPHY, not a day went by—not a day went by—when I wasn't worried that my brother, who was a schizophrenic, would be out on the streets and would either hurt himself or would hurt somebody else. That was the case with my family. It is time to establish once and for all a system through which individuals who are found to be a potential threat to themselves or others can get the treatment they need. I see my colleague from Michigan here. She has championed this effort year after year after year.

I am not going to recap the proposals. Some of them have been discussed at length here on the floor. But a majority of Americans finds these kinds of commonsense gun safety measures not to be ones that infringe on the rights of responsible gun owners or violate the Second Amendment or even come close to it. A majority of gun owners think these proposals make sense.

So this is what I would like to ask my colleague from Connecticut, in

terms of an update, because my colleague from Connecticut has been a leader in this effort. Senator FEINSTEIN's proposal, of course, is designed to prevent those on the watch list from buying guns. Numbers have been thrown around repeatedly about the number of people this would actually impact. I know the General Accounting Office has looked into this. Can the Senator tell me how many people on this watch list have been able to buy a gun?

Mr. MURPHY. I thank Senator WYDEN for his question. It is a really important one because the number is certainly shocking for how high it is and how low it is at the same time. Let us take 2015. In 2015, there were 244 individuals who were on the terrorist watch list who attempted to buy weapons, and 223 of those were successful in buying the weapon. So in 90 percent of the occasions in which someone on the terrorist watch list attempted to buy a weapon, they walked out of that store with the weapon.

Now, it gives you, A, a sense of the scope of this. There are only 224 people over the course of the whole year who were on the terrorist watch list and who attempted to buy a weapon. But what we know from this weekend is it only takes one with malevolent intentions to create a path of death and destruction that is almost impossible to calculate. It is just impossible for the American public to understand how that number persists—how we allow for 90 percent of the people on that watch list to walk into a store and to successfully buy a weapon.

That is the number from 2015—223 out of 244 were successful.

I yield to the Senator for a question.

Mr. WYDEN. I thank my colleague, and I will just wrap up by way of saying that it seems to me that what has been learned here is that while the investigation goes on, there may have been a terrorist attack, there may have been a hate-inspired attack. My question is this: Aren't the steps I have outlined here today commonsense, practical steps, whether it is a hate-inspired attack? We have seen the human toll that discrimination takes against those who are targeted on the basis of hate. We have seen what it means to families who have been struck by terror. But aren't the steps that have been outlined here by you and colleagues on the floor—Senator CASEY, with his very valuable proposal—commonsense legislative efforts that make sense whether this has been primarily a terror attack or a hate-inspired attack?

Mr. MURPHY. I thank the Senator for his question. Of course they are commonsense measures, and, importantly, they are measures that are supported by the broad cross-section of the American public. What my colleague is proposing is only controversial here in the Senate. It is controversial nowhere else in this country.

Mr. WYDEN. I see colleagues waiting, and I thank the Senator.

Mr. MURPHY. I yield to the Senator from Massachusetts for a question, through the Chair, without losing my right to the floor.

Ms. WARREN. I thank my colleague.

Last Saturday, I was in Boston for our annual Pride Parade. They are practically an institution in Boston, and this marked our 46th annual march. I have gone to Pride for years, and when I go, I don't march, I dance. I dance with people—young people and old people, Black people and White people, Asian people and Latino people, gay people and straight people, bisexual people, transgender people, queer people. The parade has everything. It has intricate floats, marching bands, elaborate costumes, and tons of onlookers.

One Boston reporter called our parade pure joy, and he is right. I love Boston's Pride Parade. I love it as much as anything I have done as a Senator. For me, this parade is the tangible demonstration of what happens when we turn away from darkness and division and turn toward our best selves, when we turn toward each other. It shows us what this Nation looks like when we are at our best—inclusive, strong, united, optimistic, and proud. It shows us what this Nation looks like when we beat back hate and embrace each other.

Early Sunday morning, at around 2 a.m., someone tried to take that away from us. It wasn't the first time. It was the most recent. It was extreme and horrible and shocking. Dozens of lives were lost, and dozens more were injured. All across our country we grieve for those lost and for their families and for their loved ones.

This is especially true in Massachusetts. Three years ago, the people of Boston came face-to-face with terror at the finish line of the Boston Marathon. The cowardly attack and its aftermath took lives, injured people, and forever changed a beloved tradition. This week, two people with Massachusetts roots were killed in Orlando and at least two more were wounded.

Thirty-seven-year-old Kimberly ''KJ'' Morris, who was working the door at Pulse, had lived in Northampton, MA, for more than a decade, performing in nightclubs and working at Amherst College and Smith College. She had recently moved to Florida to help take care of her mother and grandmother.

Twenty-three-year-old Stanley Almodovar, a pharmacy tech, spent his childhood in Springfield, MA. He came out of the bathroom at Pulse just as the bullets were flying. He pushed people out of harm's way as he was shot three times.

A third Massachusetts native who survived the massacre was also shot three times. Angel Colon of Framingham, MA, was shot in the leg, the hand, and the hip. He is alive today, according to Colon, only because the gunman missed his head as he shot those who were lying on the floor to make sure they were dead.

Thirty-seven-year-old Geoffrey Rodriguez, raised in Leominster, remains in critical condition now. Rodriguez was shot three times. As of Tuesday, he had undergone three surgeries. His family is optimistic he will pull through, and all of us from Massachusetts and all across the Nation are rooting for him.

Now, there are still things we don't know about the shooter. We don't know about his planning, his motives—things we may never know. But here is what we do know. We know the shooter called 911 and pledged allegiance to ISIS, declaring his intention to be known in history as a terrorist. We know he carried an assault-style weapon that was designed for soldiers to carry in war. We also know that hundreds of people in Orlando went to the Pulse nightclub to continue their celebration of Pride and that the shooter targeted them to die.

I woke up on Sunday morning still in the glow of the Boston Pride Parade. That ended fast. But I thought about the history of Pride. In the 1960s, the mere act of publicly associating with the LGBT community was considered radical. That was true even in places where the community came together to seek strength and protection, like New York's Greenwich Village. Greenwich Village's Stonewall Inn was one of the popular gay bars in New York, and it was regularly raided by police officers who arrested patrons for any number of bureaucratic violations, obviously designed to harass, embarrass, and abuse people whose only crime was to want a place to be together. One night, in late June of 1969, the bar's patrons fought back. The rioting continued intermittently for five nights, and it wasn't pretty. It reflected the demands of the group for equality, for the same chances that other Americans have to be themselves. A few months after that, LGBT activists began planning for the first Pride march. It was set for the following June to commemorate the Stonewall uprising. The idea was to use that anniversary as an opportunity for the community to remind us all that they, too, are citizens, they, too, get to have some fun, and they, too, are entitled to the same dignity and respect as every other American. Over the years, the tradition expanded across this great Nation, just as tolerance and acceptance expanded across this great Nation. Pride both helped us move forward and showed us how far we have moved together.

When terrible things like the Orlando shooting happen, we face important choices, as a country, as individuals, and as a community. When terrible

things happen, we have to choose how we respond, and all of us will decide whether we are going to come together or splinter apart. We have become a country that is defined by fear and hate—fear of each other and hatred for anyone who is different from ourselves. In the America of fear and hate, we will alienate and isolate entire communities, creating even more fear and hate, and threatening further violence. We will fracture as a people, splintering off into separate groups, each fearing others and each seeking to serve only themselves. Or we can make the choice to come together. We can choose that no community—no community of immigrants, no community of Muslims, no community of young men—is isolated in this country. We can do this knowing that when we embrace each other and build one people out of many, we become a stronger country—stronger because the bonds of community prevent alienation, stronger because the bonds of community make it harder to turn us against each other and break us apart, stronger because the bonds of community mean people can get help before it is too late.

We cannot ignore the fact that this massacre targeted an LGBT club, and we should learn from that and from the message of Pride. In Orlando, an act of terrorism was also an act of hate visited upon people who came together in friendship and celebration. But the patriots at Stonewall showed us the way. They gave birth to a movement that changed our Nation. They beat back hate. They showed us that change is possible—that change for the better is possible. They showed everyone that love can triumph over fear and hate, that we can all come together. But, boy, they showed us that you have to work for it.

This is not an abstract idea. When it comes to our response to the tragedy in Orlando, we are already beginning to see the splintering of America. One side shouts: It was a gun that killed all those people. The other side shouts: It wasn't a gun; it was a terrorist that killed all those people. Through all of the shouting, we miss what should be obvious: It was a terrorist with a gun who killed all those people—a terrorist with hate in his heart and a gun in his hand who killed all those people. It is time for us to acknowledge all of these truths and to come together to address them.

First, we must take the threat of terrorism seriously. We must continue to stop the flow of money to terrorist groups and to work with our allies to stop the movement of terrorists and disrupt hubs of radicalization abroad. Here at home, we need to make sure that our law enforcement agencies have the resources they need—funding, training, equipment. But we also need to make sure we have the resources to analyze and counter radical propaganda. The war on terror is now fought online, and we need to put our best forces online to fight back. We need to work with people in our local communities—not isolate or demonize them—to stop radicalization before it starts and to prevent tragedies before they occur and to show that nobody is kept out of the American family because of how they look or talk or pray.

Second, we must take the threat from guns seriously. Our Nation is awash in the weapons of murder, and there are many things we can do to address that. We can ban Rambo-style assault weapons. We can take these weapons of war off our streets. We can also close the terror gap.

The FBI should have the authority to block gun sales to anyone they believe is a terrorist. If someone cannot get on an airplane because the FBI is concerned that they might be plotting to do harm against Americans, then they shouldn't be able to walk into a store and buy a Rambo-style assault weapon. We believe we can close the background checks loophole. Anyone who cannot buy a gun because of a felony conviction or mental illness should not be able to go to a gun show or go online and buy that same gun. We can act to make the next shooting less likely. We can act to reduce the likelihood that a disturbed individual, a criminal, or a terrorist is again able to kill dozens with a gun. If we fail to act, the next time someone uses a gun to kill one of us—a gun that we could have kept out of the hands of a terrorist—then Members of this Congress will have blood on our hands.

But the truth is this is not just about Congress. It is about all of us. We all have choices. We have choices about how we are going to treat our neighbors and our fellow citizens; choices about what we do when someone is targeted at a coffee shop because of their background or their looks or their race; choices about how we react when a friend or a coworker, a son or a daughter, tells us the truth about who they love; and choices about how we treat our neighbors and fellow citizens who don't look or talk or pray like we do. It is a scary world out there. We all know that. Terrorism mutates into new and more dangerous forms. Terrorists have easy access to assault weapons that put us all at risk. And hate—plain, old-fashioned, naked, ugly hate—still lurks in dark corners. It is a scary world. But America is strongest when we work together, and all of us will decide whether we come together or splinter apart.

We can keep weapons from those who would do us harm. We can make it harder for terrorism to take root in this country. We can drive the forces of hate out of our Nation. We can build a stronger, more united America, and we can begin right here in the Senate. We can begin right now.

With that, my question for the Senator from Connecticut is this: Do you believe it is time for the Senate to act in the interest of the American people and finally pass these commonsense, widely supported proposals to keep guns out of the hands of dangerous people?

Mr. MURPHY. I thank the Senator from Massachusetts for those incredibly powerful words making clear what our moral obligation is. Our moral obligation is to witness a crisis happening at our feet and do something about it. Why have this job—one of the most powerful jobs in the world—if we are not going to exercise it to try to protect Americans from harm?

So our choice—my choice, the choice of Senator BLUMENTHAL, Senator BOOKER—is to say enough—enough of treating these mass shootings as if they are just part of the American fabric and landscape, enough of accepting that 80 people will die every single day when there is no other country in the world in which this happens, enough of pretending like there isn't anything we can do about it.

Senator WARREN has outlined some basic commonsense bipartisan steps that we can take to make this better, and the Senator is so right. This is our choice. There are only 100 of us. There are only 100 of us. We can make the collective decision to do something about it.

I thank the Senator from Massachusetts.

I yield to the Senator from Oregon for a question without losing my right to the floor.

(Mr. GARDNER assumed the Chair.)

Mr. MERKLEY. Mr. President, I begin by noting that the Senator from Connecticut and the Senator from Oregon have a common thread that runs between our two States. That common thread that runs between Connecticut and Oregon is that our two States have been the sites of two very deadly school shootings. At Sandy Hook in Connecticut, it was in mid-December 2012 when a madman armed for a war zone stormed into Sandy Hook Elementary School and began a murderous rampage—a rampage that ended with the death of 6 school staff and 20 little boys and girls.

Not even 3 years later, a nightmare came to Roseburg, OR. Roseburg is a quiet little town in southern Oregon. It is the town where I spent part of my childhood. It is a town where I went to first grade. It is a town where I learned to swim in the Umpqua River. As I said last October, if this can happen in Roseburg, it can happen anywhere. But happen in Roseburg it did. It was October 1, 2015. It was a beautiful autumn morning in the small town. There on the college campus we heard the sound of gunfire. A disturbed individual charged into a classroom at Umpqua Community College with six guns, and

within the space of just a couple of minutes, he took nine lives, including his own. One of the lives he took was a cousin of mine, Rebecka Ann Carnes. Eighteen years old, she had just graduated from South Umpqua High School the previous June. She was an avid hunter. She was a lover of four-wheeling. In the picture she posted online for graduation, she was holding her graduation cap, which said on it: ''And so the adventure begins.'' She was ready for the adventure of adulthood. She was ready for the adventure of going off to college. She was ready to explore the world. She was excited. She was a beautiful spirit. But her adventure ended so shortly after graduating from high school, before she could really get started on the journey of the balance of life.

Our hearts break for Sandy Hook, our hearts break for Roseburg, and our hearts break for all those who are afflicted day after day after day all across this country as victims of gun violence. Now our hearts break for Orlando, the latest name to be added to a list that no town or city ever wants to join. In that occasion, 49 innocent were lives taken—49 young Americans full of hope and promise—and 49 individuals, each with their own story, were cut down simply because of who they are, whom they loved, or whom they associated with.

A hate-filled individual targeted a place that was a sanctuary for the LGBT community. He turned this place of solidarity, togetherness, and love into a place of fear, divisiveness, hatred, and bloodshed.

This unthinkable carnage leaves Congress—all of us here, all of us here in the Senate—with a choice. It is a simple choice. We have two basic options. One option is to take some action that might diminish the odds of the next Sandy Hook or the next Umpqua or the next Orlando or the next assault—the type of assault that takes place day in and day out across this Nation. The second option is to do nothing. That is where we are. Option one is take some action—take some reasonable action. There is no perfect answer. But there are substantial things that could make a difference. It will not make a difference in every case; it will make a difference in some cases. Isn't that the case with every law we consider? It will make a difference, at least part of the time, to avert a tragedy.

I come from a gun State. I come from the beautiful State of Oregon, the best State in the United States of America, where people love to hunt. They love to target practice. They believe powerfully in the individual rights of the Second Amendment. But Oregon is also a State where the citizens believe that we should not put guns into the hands of felons or those who are deeply mentally disturbed.

It was in the year 2000 that Measure 5 was put on the ballot as a citizen initiative—and it passed overwhelmingly in the State of Oregon—to expand background checks to gun shows. The citizens did that in an initiative at the ballot. It is a State where our legislature took action just last year in Senate bill 941, the Oregon Firearms Safety Act, to close the Craigslist loophole.

Why does this make so much sense? If you keep a terrorist from buying a gun at a gun shop, shouldn't you also keep that terrorist from buying a gun at a gun show? Shouldn't you also keep that terrorist from buying a gun out of the classifieds or the online classifieds, the Craigslist classifieds? Yes, of course. Each piece of this makes sense to keep guns out of the hands of felons or those who are deeply mentally disturbed.

In Oregon, folks believe that people should buy their guns legally with a background check and that process shouldn't be averted through straw purchasers subverting the law by putting a different name than the name of the person who is actually acquiring the weapon.

Hunters and target shooters in Oregon know you don't need a military-grade, super-sized magazine to go hunting, and smaller magazine sizes may give an opportunity to interrupt a killer during his shooting spree. When you hunt for ducks, you are allowed three shells in the gun—one in the chamber and two in the magazine.

My question for the Senator from Connecticut is this: When will Congress finally say enough is enough? How many lives have to be lost in one shooting for Congress to act? When will Congress join with responsible gun owners across this country and support commonsense steps to prevent horrific tragedies? When will we close the terrorist gun loophole? When will we close the gun show loophole? When will we close the Craigslist loophole?

As we have seen in Sandy Hook and as we have seen in Roseburg, and now as we have seen with Orlando, all too much tragedy has taken place.

Mr. MURPHY. I thank the Senator.

At this point, I yield to the Senator from Connecticut for a question without losing my right to the floor.

Mr. BLUMENTHAL. I want to thank all of our colleagues who have come today and thank Senator MURPHY, my friend and teammate in this cause and in so many other causes, and just bring us back to the issue of why we are here today. Senator MURPHY, Senator BOOKER of New Jersey, and I have come to the floor to make three essential points. I am going to ask my colleague from Connecticut whether I have hit these points—the reasons that have brought us here today, along with so many eloquent colleagues, I might add. I am deeply grateful to them. We are here debating an appropriations bill for Commerce, Justice, and Science. But we are here on a much larger issue.

Why is this debate different? Why is this day different? Orlando has hopefully brought us to a tipping point, changed the dynamic, and enabled us to break through the paralysis and the complicity by inaction that has characterized the U.S. Senate on the issue of stopping acts of terror and hatred in our country. Those acts may emanate from abroad. We have to fight the terrorism that is inspired or supported by our enemies abroad, as well as people who are motivated by the twisted, insidious ideology that may be inspired or supported abroad, the pernicious hatred and bigotry that may be exemplified by Orlando and mental illness or whatever the cause.

There are three simple points, are there not? There will be no business as usual until there is action. Enough is enough. We are here to say the time for business as usual on a routine appropriations bill, CJS appropriations—that time is done. We are here to make a historic point and seek to change the dynamic and seize this moment of national tragedy and demand action. That is what the American people want, and that is the second point.

There is a national consensus that it is not only our opportunity but our obligation to protect the American people, to make our Nation safer, to assure that whether it is twisted ideology, pernicious bigotry and hatred, mental illness, or any other cause, we can and we will take steps to stop it.

Third, closing the terrorist loophole must be accompanied by universal background checks. For someone to be too dangerous to board a plane and still be able to buy a gun makes no sense. But beyond the intellectual, nonsensical quality of it, there are real, practical safety implications. Somebody who is too dangerous to board a plane, to travel by air, should be deemed too dangerous to buy a gun and as dangerous as a convicted felon already precluded by law from buying a gun. But that terrorist now, even if he were barred from buying a gun, could easily go to a gun show and buy a gun because there is no check whatsoever at those gun shows, not on the NICS system, let alone on the terrorist watch list. The two measures—closing the gun show loophole or the background check gap and closing the terrorist gap or loophole—go hand in hand. They are a start. They are not a panacea. They are not a complete solution.

We are going to be talking throughout the evening about other measures that can be taken. Those three points are essential: No business as usual—enough is enough; a national consensus in favor of commonsense, sensible measures to make our Nation safer from gun violence and from acts of terror and hate, inspired and supported by forces of evil abroad and at home; and, finally, combining these two measures,

closing the terrorist gap loophole and also making sure there are background checks on all gun sales in the country.

Are those not our essential points, I ask Senator MURPHY?

Mr. MURPHY. I thank the Senator for distilling the reasons for our presence on the floor down to those points.

We see this as possible. We see it as possible to get a concensus between the Democrats and Republicans to bring these two measures—closing the terrorist gap and expanding background checks—before the Senate floor this afternoon or tonight. We think that is possible, and we intend to hold the floor until we make significant progress on that front.

I yield to the Senator for a question.

Mr. BLUMENTHAL. Those points really should be bipartisan. They should attract support from both sides of the aisle. There is nothing Republican or Democratic about any of these points, is there?

Mr. MURPHY. There is not, Senator BLUMENTHAL, through the Chair. That is the reason we posited these two proposals as a means forward on this bill. We know they are noncontroversial in the American public. They enjoy broad bipartisan support.

I yield to the Senator from New Jersey, Senator MENENDEZ, for a question without losing my right to the floor.

Mr. MENENDEZ. I thank my colleague for yielding for a question. I thank him and my colleague from New Jersey, Senator BOOKER, and also Senator BLUMENTHAL for galvanizing the sentiment that has existed for some time among many of us that enough is enough. It is outrageous that it took another mass shooting to bring us to this moment in the U.S. Senate.

On Sunday morning, I woke up, as did the Nation, heartbroken by the news that 49 human beings were killed in another senseless act of violence—49 people who were at a dance club, celebrating Pride Week. By the way, most of them overwhelmingly were Latino. Forty-nine Americans were celebrating in an environment that they felt was safe, and in an instant their lives were shattered, and families were broken.

I believe this was an attack on all of us, and we need more than another moment of silence. Although we take a moment of silence to remember those lives that were lost, we need more than another moment of silence. We need more.

I am tired of saying that our hearts and prayers go out to the families of those who lost a loved one or who were injured. We need more than a vigil and a bouquet. We need action. We need commonsense gun safety laws. We need to stand together with one voice. I hope that we can prick the conscience of the Senate to finally act.

I deeply appreciate my colleague from New Jersey, Senator BOOKER, who has passionately described the ongoing threat of gun violence in our communities. We are galvanizing this moment because we had such a horrific act, but, in many ways, those horrific acts take place every day in the streets and neighborhoods of our communities across the country. While they may not add to so many lives lost at a single event, they add up to many lives lost, and they seem to go largely unreported. We have become desensitized to that reality. And he has seen the havoc that is wreaked by the Nation's lax gun laws when he was the mayor of Newark, and I have seen it in the streets of our communities in New Jersey.

The threat of those who are prone to violence, those looking to vent their anger or their prejudices, those who would act on their own worst instincts toward others, for whatever reason, have easy access to weapons of war. It isn't limited to Orlando. It isn't limited to Aurora. It isn't limited to Newtown. It isn't limited to any State or any city. People travel. Guns are trafficked. The violence and the carnage they create in the wrong hands know no borders. We need to act and say: No more, no more.

It is inexcusable in the midst of America's nonstop gun violence epidemic to not come together, hold commonsense center, and pass gun safety measures that we know are supported by a vast majority of the American people.

How in God's Name can a person on the terrorist watch list, unable to board a plane—so dangerous that they cannot fly, so dangerous that they are known to the FBI—how can they walk into a gun store and walk out with a semi-automatic weapon and hundreds of rounds of ammunition, and nothing is flagged?

What does it say when our Nation's laws are so wildly misguided that a potential terrorist doesn't even have to go to a gun store? They can simply open up their computer and click with a mouse on a Web site, or they can go to a gun show and buy a deadly weapon or two or three or four deadly weapons—military-style and designed for war—without even a cursory background check. That is unbelievable. It defies logic, and it is time to do something about it.

I don't believe these are controversial proposals. A majority of Americans agree with universal background checks. If you have nothing to hide, you can still have access to a weapon if you can pass those background checks. Even a majority of NRA members agree with universal background checks. It makes sense. It is a position upon which we should all be able to agree. It is a position that holds the center and can be a starting point for a larger discussion. The fact that we haven't done this yet is, in my mind, a national disgrace. Frankly, it needed to have happened already. It should have happened after Aurora when a madman ruined movie theaters for the rest of us. It should have happened after Virginia Tech when gun violence invaded our colleges. It should have happened after Sandy Hook when gun violence came to our elementary schools. I am reminded of that old Chinese proverb that says: ''The best time to plant a tree was 20 years ago. The second best time is now.'' Let's at least have the will and resolve to do what is right now.

Do you know how long it takes to get an AR–15, the weapon used in this horrific attack? Well, a Philadelphia Inquirer Daily News reporter decided to find out. The answer is 7 minutes. It took 7 minutes. That is all the time it took to get a weapon that has a frightening number of similarities to the M–16 rifle used by the military. It was pointed out in that article that it could take more time to read the names of the more than 100 people who were either killed or injured in Orlando than to buy the AR–15. Of course, that model was just the base model. If you go to a gun store, you can buy a variety of add-ons to make the weapon kill that much more—yes, kill. This isn't about hunting. If you need something that has hundreds of rounds in it to hunt a deer, my God, you are in trouble.

The prime example is the bump fire stock, which increases the gun rate of fire up to 800 rounds per minute. That is more than 13 per second. Maybe the NRA will claim these are cosmetic. It insults intelligence—if it is not completely absurd—to claim that modification that allows a gun to fire 800 rounds per minute is merely cosmetic, but apparently to the NRA, 800 rounds a minute is normal and covered by the Founders' language in the Second Amendment, when no one could even imagine at the time the Second Amendment was being written that there could be an instrument that could fire 800 rounds a minute.

We have seen how our Nation's laws have hurt our families and communities again and again. Every day, there are shootings that don't make front pages of the newspapers, but they ruin lives, tear families apart, and test the very fabric of our society. The Orlando shooting was 1 of 43 shootings on Sunday that resulted in 18 deaths, including 5 children.

We can honor the Constitution, and we can honor the intent of our Founders, but I don't think I am alone in believing that we can enact commonsense, realistic gun safety laws that respect the Constitution and also protect the lives of Americans.

I have heard my colleagues say many times that the government's No. 1 responsibility is the safety and security of its citizens. Well, you have abdicated that part in this regard.

In the case of Orlando, those in the LGBT community have always had to

live with the threat of violence hanging. And 90 percent of the victims were Hispanic. This is a horrible reminder that bigotry and hate are not dead and that the forces of evil have no compulsion about using our Nation's lax gun laws against us.

Again, we need to come together and say: No more. We need to hold the commonsense center and pass realistic gun safety measures that can respect the Second Amendment and that can fully protect Americans from a Second Amendment that has no limits, no common sense, and no realistic restrictions.

Mr. President, I ask my colleague from connect, through the Chair, as he has helped us galvanize in this moment, isn't it possible to preserve those constitutional rights as were originally envisioned by the Framers and protect our fellow Americans, which many of our colleagues have said is the No. 1 responsibility of the government?

Mr. MURPHY. Mr. President, I thank the Senator for his passionate words and advocacy on this issue. I refer the Senator to a conversation Senator MANCHIN and I had earlier today when we talked about the gun culture in West Virginia and how Senator MANCHIN hasn't run into anyone who was passionate about gun ownership who believes that people on the terrorist watch list should be able to buy guns and believes that terrorists should be able to buy guns. The Senator from West Virginia argued passionately for the notion that my friend has proffered that there is no choice to be made between upholding the Second Amendment and protecting our citizens from attack.

Justice Scalia himself said in a very controversial decision that not everyone agrees with that the Second Amendment is not absolute; that the Second Amendment, even in the minds of those who hold that it has a private right of gun ownership inherent in it, believe that all the things we are talking about—denying terrorists from getting guns, keeping dangerous assault weapons off the streets, recognizing that there is no place in civilized society for 100-round drums with ammunition—all of those restrictions are wholly in keeping with the Second Amendment.

Mr. President, I yield to the Senator from New Hampshire for a question without losing my right to the floor.

Mrs. SHAHEEN. Mr. President, I thank my colleague from Connecticut.

I am here, like everyone else on the floor, in the wake of horrific mass shootings, from Sandy to Orlando. Americans have come together united as a family to grieve for the dead and comfort those left behind. But we haven't come together to do anything to stop the next shooting, prevent the next series of funerals, and prevent future devastation. That is why I want to thank Senators MURPHY and BLUMENTHAL, the Senators from Connecticut, and Senator BOOKER from New Jersey, for leading us here today to demand action.

Let's be clear. Tears are not enough and expressions of outrage are not enough. After Columbine, Virginia Tech, Aurora, Newtown, Charleston, San Bernardino, and so many shootings that have happened with numbing regulatory, moments of silence and expressions of sympathy are just not enough. This Senate, this Congress, needs to pass commonsense gun safety legislation—legislation supported by 9 out of 10 Americans.

It is inconceivable that Congress would fail to act in the wake of the Orlando tragedy. To do nothing would be an affront to all of those Americans who have lost loved ones to senseless gun violence.

The distinguished Senators from Connecticut and the distinguished Senator from New Jersey have been outspoken advocates of commonsense gun safety legislation. Senators MURPHY and BLUMENTHAL have wept with the families of the 20 schoolchildren massacred at Sandy Hook Elementary. In the subsequent 3½ years, working with the Sandy Hook families, they have advocated for legislation to address the menace of widely available automatic assault weapons—weapons that have only one purpose, and that purpose is to kill large numbers of people.

We are here today to demand action on commonsense measures to address gun violence. The first would be to deny guns to people on the FBI's no-fly list. Those people who are on the no-fly list because of suspected ties to extremist organizations or ideologies should not be allowed to fly and they should not be allowed to buy a gun. It doesn't get more common sense than that. If a person is considered too dangerous to board an airplane, then that person is too dangerous to purchase a military-style assault weapon. Second, ensure universal background checks for gun buyers so we can keep dangerous weapons out of the hands of dangerous people. At least 9 out of 10 Americans support these measures. It is a no-brainer.

Enough is enough. It is time for us to say enough is enough. We get a second chance to vote on this legislation, and this time we must come together on a bipartisan basis to pass commonsense gun safety legislation to end the violence.

As we contemplate this legislation, let's remember the photographs. We have all seen them on television and in the newspapers. These are photographs of so many wonderful young people—this time from Orlando—who were killed by gun violence. The Orlando shooting was both a crime of terror and a crime of hate, and now it is time for us to honor those who died, honor our friends in the LGBT community who are hurting, honor our friends in the Latino community, and honor all of those Americans whom we lost to senseless gun violence.

To my friend from Connecticut, I ask, isn't the best way to honor all of those people we lost to gun violence to act now to prevent future tragedies?

Mr. MURPHY. Mr. President, I thank the Senator for her question. I think about the survivors. I think about the parents of those who were lost in Newtown, and I think about the additional layer of grief we intentionally place upon their shoulders by our inaction. There is some solace—a small measure of solace—in knowing that the people for whom you voted to run your country care so deeply about your dead child that they are going to do something about it, but there is a next level of grief when you realize they don't actually care enough to even have a debate to protect other children like them.

This is our choice, I say to Senator SHAHEEN.

And my friend is very articulate in her challenge to us. I hope we respond to it.

Mr. President, I yield to the Senator from New York for a question without losing my right to the floor.

Mrs. GILLIBRAND. Mr. President, I rise to join my colleagues in questioning why this body, after so many horrific tragedies over the years, still refuses to pass laws that would make us safer from massacres like what happened in Orlando.

I thank my colleague from Connecticut for leading this charge on the Senate floor. He knows too well what it is like to have his State fall victim to a mass murder. He knows what it is like to have happy, innocent lives cut short by gun violence. The massacre at the elementary school in Newtown took place more than 3 years ago, but it still feels like it was yesterday. Sweet, smiling children were slaughtered by someone so evil and so hateful and who was allowed to have easy access to an assault weapon, a weapon of war.

It happened again last year in Charleston. Churchgoers who were praying were slaughtered by someone so evil and hateful and who was allowed to have easy access to a deadly, powerful weapon.

It happened again in San Bernardino. Colleagues were in an office and celebrating at the end of the year. They were slaughtered by two people so evil and hateful and who were allowed to have easy access to an assault weapon, a weapon of war.

The list goes on and on.

After all of these mass shootings, Congress must do something, right? They must respond, right? No. Why didn't the Congress do anything? Why do they stand silent? Why do they not

look those parents in the eye and say: This will not happen again.

After all of these mass shootings, in each and every case, someone with no business handling a powerful deadly weapon has had easy access to that weapon and used it to kill people quickly, and now we have a new tragedy to add to this book.

Like all of my colleagues here, I was devastated when I heard about the attack this past weekend in Orlando, and my heart goes out to everyone who was affected by this awful, hateful crime—the family and friends of 49 victims, the entire LGBT community, the entire Latino community. These were 49 happy people dancing together, laughing, celebrating who they are, in the middle of Pride Month, in a club that has always been a safe haven for them. But, once again, an evil and hateful person, a citizen of this country who was angry, hateful, and radicalized, was allowed by this Congress to have easy access to a deadly weapon of war.

Let's be very clear about the kind of weapon this man used. The weapon is an AR–15. It was not designed to hunt deer. It was not designed for target practice. It was designed to kill large numbers of people quickly, at war. This is not a weapon used in hunting.

Why are we allowing private citizens to have access—such easy access—to these weapons of war?

Something has to change. No one outside of our military, which is trained to use these weapons, needs to have access to a weapon that can fire hundreds of bullets in a minute—hundreds of bullets in a minute.

The only people with the power to change this are the men and women who serve in this Chamber—who serve in the Senate and House of Representatives. Is this slaughter not a wake-up call? Is it not enough to convince us to act? Where is our spine?

The gun industry is a rich and powerful lobby in this country, but we weren't elected to protect the gun industry's profits. We were elected to protect America and its safety.

We have to make it harder for hateful, angry, violent people to get their hands on a weapon—a weapon of war that is designed to kill as many people as possible as quickly as possible. The only way we change it—the only way—is if Congress fulfills its responsibility to protect the American people and passes new laws that keep us safe.

The people of Orlando, San Bernardino, Charleston, Newtown, New York—the entire Nation—none of them should have to go through their daily lives in fear of violence, in fear that an angry, radicalized citizen can buy and use a weapon of war against innocent Americans.

We already have bipartisan reforms that are ready to go that are overwhelmingly supported by the American people—obviously, background checks that are more effective so would-be terrorists could not buy a weapon of war. They won't be able to do that. The American people support that.

Let's stop allowing would-be murderers to legally buy weapons of war like the AR–15 without scrutiny. Let's lift our irrational hold on the CDC and allow them to actually study the issue of gun deaths the way we are allowed to study any other cause of death in this country. The American people support this as well. Let's stop the people who have been deemed too dangerous to fly an airplane from being allowed to buy guns. Let's stop tying the hands of law enforcement and preventing them from sharing crime data. Let's stop preventing ATF from requiring gun stores to conduct inventory and report any guns that have been lost or stolen, and let's stop blocking the ATF from preventing the dumping of nonsporting weapons into the American market from abroad. Let's finally crack down on gun trafficking and straw purchasing. These are all measures the American people strongly support.

My State of New York suffers deeply from gun violence. Our biggest problem is the amount of illegal weapons that flow into our State every single day from other States. The amount of guns—90 percent—used in crimes come from out of State, and 85 percent of them are illegal. These are weapons literally sold out of the back of a truck from someone in another State to a gang member. And how many innocent lives do we have to lose because a stray bullet hits them while they are out with friends? It is unconscionable that this Congress stands and does nothing.

I thank my friend from Connecticut for yielding the floor, and I will ask him this final question: What do you propose we should do to protect Americans from this type of senseless violence? What should we do now as Senators and as Members of this body?

Mr. MURPHY. I thank the Senator for her passion. It is not a coincidence that sitting in this front row, in this section of the Senate, are three parents of young kids. We are friends, but we are also involved in a common cause, and maybe we bring a little bit more of our gut to this question of what we do to protect children and adults because we think of our own children and we think of how at risk they are.

To Senator GILLIBRAND through the Chair, we have proposed two simple measures to begin with. Let's bring to the floor a background checks bill that expands background checks to gun shows and Internet sales where the majority or the lion's share of sales have migrated to, and let's make sure the terrorists can't buy guns; those that are on the terrorist watch list and no-fly list. Let's start there.

If we could get an agreement to bring those two pieces before the Senate in a bipartisan way, then we would gladly pack up our stuff and go home, but we need to have bipartisan consensus on those two votes to move forward and that is our hope and that is the reason we are holding the floor here today.

With that, I yield to the Senator from Missouri, a great leader on this issue, for a question without losing my right to the floor.

Mrs. MCCASKILL. I wish to read out loud verbatim a voice mail that was left on my office phone this morning. I wish I could play it because if my colleagues hear the voice, they will understand more completely why I believe this particular voice mail was compelling:

> I am 14 years old from St. Louis, 63011, and I've been really looking a lot into the Orlando shootings and just really gun control in general, and I was kind of thinking, and I thought, like, I'll be a freshman this year, and I want to go to high school, and I want to drive a car, and I want to go to prom, and I want to graduate high school, and I want to go to college, and I want to graduate college, and I want to get a job, and I want to get married, and I want to have kids.
>
> But since Missouri voted that those on terrorist watch list can purchase guns, I'm scared that I won't be able to do those things.
>
> And I know that I'm young and I don't really know what plays into your job at all, and I don't know all the arguments and all the factors, but at this point I'm just really scared and people are dying and I think something needs to change.
>
> And so, whatever that may take, please just take my feelings into consideration and I would really, really, appreciate it. So, thank you so much. Bye.

A little 14-year-old girl from St. Louis.

Now, she is a little confused about who has decided that people on the terrorist watch list can buy guns. It is, in fact, the U.S. Senate that made the decision in December on a vote that has been recounted over and over again, basically a party-line vote that we were not going to take the commonsense step of saying that if the most trusted law enforcement professionals in the world—the most professional and highly trained—have put an individual on the terrorist watch list, that we should not let them buy guns in this country. Pretty common sense, and a 14-year-old knows it, and she is scared.

One of the pieces of legislation that Senator MURPHY is asking for bipartisan support for is the one that closes the gun show loophole and the online loophole when it comes to background checks. What are we afraid of? What are we afraid of with a background check? Why should we have massive categories of gun purchases in this country without a background check? Why do we require a background check for a small business that is selling guns but we don't for somebody who wants to operate online? And we know for a fact that there has been terrorist messaging sent to people in this country:

You can weaponize yourself at gun shows with some pretty heavy artillery.

We are, in fact, pointed out in the rest of the world as the place where it is easiest, with no questions asked, to obtain weapons that can kill and slaughter dozens and dozens of people in mere seconds.

Why is this so hard? Where is the invisible hand that is stopping this? I don't want to be cynical about it. Is it the NRA? Is it the NRA that is singlehandedly stopping this? Is everyone so afraid of the NRA? Why are they so afraid of the NRA? Do they not have faith in their constituents, that their constituents are right about this, because there is no question the majority of constituents in this country want background checks, and the majority of constituents in this country want us to not sell guns to people on the terrorist watch list.

Before I ask a question of Senator MURPHY, I wish to cover one more subject that is really bugging me as a former prosecutor; that is, the argument that has been presented: Well, we don't want to put—we want to make sure we don't somehow let the terrorists know that we are investigating them, so if we put them on a list and they can't get a gun and they go to buy a gun, then all of a sudden this terrorist is going to know we are on to them.

That is such hogwash, and let me explain why. We have a no-fly list. We have other kinds of lists in this country. If the FBI is investigating, they have the discretion in this bill to remove someone from that list for purposes that would support pursuing that individual without his knowing that he was ever on the list. So all they would have to do is if they are about to get intelligence or they think they are about to get intelligence or they think they are about to be able to uncover a larger plot or even if they think they are about to arrest the terrorist in question, they are absolutely on top of it, they can easily remove the name from the list and continue to pursue that individual, track that individual, and make sure that whatever gun they might purchase is never used.

This bill, when it comes to the terrorist watch list, gives the FBI that discretion. There is not going to be a terrorist that gets the heads-up that is all of a sudden going to send them into hiding or send them, unfortunately—unless we pass the bill—to the Internet or to the nearest gun show.

It amazes me the kind of trust that I hear mouthed about law enforcement on the other side of the aisle. Yet they are not willing to trust the FBI with the serious decision as to whether an individual belongs on a terrorist watch list, and they are not willing to trust the FBI as to whether they do what they need to do to continue to pursue an investigation and arrest as it relates to this list.

I think this is a gut-check moment for this country. If you look at the graph of where we lie with how many mass shootings we have compared to all the other developed nations in the world, some of which have lax gun laws like we do—maybe not quite to the extent that we do—we are way, way an outlier. That is not what we want to be an outlier on in the United States of America—mass shootings. I think the American people are rising up and are saying enough is enough.

I ask the Senator from Connecticut if he agrees that the legislation that would restrict the ability of an identified terrorist to buy guns in this country contains the discretion necessary for the FBI to continue to protect America and continue to pursue investigations and continue to pursue arrests and intelligence because of the discretion we have given the FBI in that piece of legislation?

Mr. MURPHY. I thank the Senator for the question, and the answer is yes, so long as you pair it with an expansion of background checks to make sure they are seeing these purchases wherever they take place. That is why we have asked for this body to move forward on both of those pieces of legislation, because we cannot ask the FBI to protect this Nation from terrorist attacks if we don't give them the tools to keep firearms from those who threaten us.

Before turning the floor over to the Senator from Virginia, let me underscore the last point Senator MCCASKILL made. There is no other country in the world in which this happens. The rate of gun violence in this country is 20 times higher than the combined rates of the 22 countries that are our peers in wealth and population—20 times higher. More people died in this country in the first 15 years of this century than died in all of the wars in the last century combined. That is unique to the United States. Shame on us if we don't recognize that and do something about it.

In the days after Sandy Hook, the Senator from Virginia was one of the first to stand up intentionally to the national media and say that something had to change. He was one of the early signals that this Nation has woken up in the wake of Sandy Hook. I am glad to yield to him for a question without losing my right to the floor.

Mr. WARNER. Mr. President, I appreciate my colleague, the Senator from Connecticut, yielding for a question.

I am proud to join so many Members of the Senate. I want to echo the comments of the Senator from Missouri, her comments about getting the same kind of calls, notes, and questions.

I want to acknowledge as well that there have been Members of the House from Virginia and Louisiana who have come to show solidarity in the effort being led so eloquently from mostly the Senator from Connecticut and the Senator from New Jersey.

I think we are all trying to wrap our heads around the fact that a single lone gunman was able to extinguish the lives of 49 Americans in a gay nightclub in Orlando. Before we get to this legislation, I think we also have to acknowledge that this was a crime of hate—a crime of hate that unfortunately targeted the Latino community and in particular the LGBT community. And as the LGBT community grieves nationwide, we need to make clear that the long fight for equality includes not only marriage equality but equal protection in terms of public safety and living in safety.

The Senator from Connecticut has made some comments about the number of deaths that take place in our country each year from gun violence—30,000 a year. I think about, just as the Senator from Connecticut acknowledged in the aftermath of Newtown how I rethought some of my positions on some of these issues. We all have to take a fresh look at the challenges our country faces in providing a reasonable framework of gun legislation that protects the rights as well of law-abiding gun owners.

One of the things that troubles me is I think virtually every Member of this body has probably stated or tweeted out their thoughts and prayers for the victims in Orlando. What I think I am hearing from the media, from those victims, and from Virginians across the board, is they want to see more than thoughts and prayers; they actually want to see us act.

There are a whole host of different proposals we could look at to try to deal with gun violence. I believe the Senator from Connecticut has picked two that are frankly the most reasonable, with the most common ground that we should take on.

Like the Senator from Connecticut, I know the scourge of having a mass murder take place in your State. Until this terrible tragedy in Orlando, the deadliest mass shooting was at Virginia Tech in the Commonwealth of Virginia, where 32 lives were taken. I know how that community grieves, how Newtown grieves, how Aurora grieves, how Charleston grieves, and now how Orlando is grieving. Quite honestly, day in and day out, how many other communities are affected by this scourge of gun violence?

As a member of the Senate Intelligence Committee, I know the challenges we face every day in dealing with the threat of violent terrorists determined to do our Nation harm. But if we are going to talk about taking on terrorism—which we need to have a united effort on—shouldn't we take this reasonable step of abiding by the judgment of law enforcement and saying: If you end up on a terrorist watch

list, you should not be able to purchase a firearm.

We have seen in recent days statistics that show that more than 90 percent of known or suspected terrorists who attempted to buy weapons since 2004 have passed a background check and then have been able to purchase a firearm. To me, that is an internal contradiction that, by taking action this week, we can turn around. If you are too dangerous to get on an airplane, aren't you too dangerous to be allowed to purchase a firearm?

The second solution my friend the Senator from Connecticut has put forward is to take up and pass the bipartisan proposal, which has the overwhelming support of the general public, to increase background checks. Ninety percent of the public supports this effort. Over 70 percent of gun owners support this effort. Why? Because we know background checks work. Since 1994, 2.6 million people, by either evidence of criminal backgrounds or mental illnesses, have been prevented from purchasing firearms.

There are a host of other proposals that I know the Senator from Connecticut has put on his agenda, but what I want to do is thank the Senator from Connecticut for putting forward two of the most basic proposals, two of the proposals that have bipartisan broad appeal.

I would ask the Senator from Connecticut, with the overwhelming public support that Americans express for this type of commonsense legislation and with, unfortunately, the sometimes low regard this body is held, does the Senator believe that if we took these actions and passed them, not only could we send a strong signal of making America safer, but we could once again show we will uphold our constitutional duties?

Mr. MURPHY. I thank the Senator from Virginia for his question. I think that is the essence of this debate, why we are on the floor today and why we are lodging this protest. If you look at why the ratings of Congress are so low, it is because of the challenges we are ignoring. People are upset that we are fighting and bickering all the time, but they are also deeply upset that there are these epidemics and public safety crises and we are doing nothing.

I think our ability to respond to this in a bipartisan way to reflect the support of 98 percent of the American public is about saving lives but also about fulfilling our constitutional responsibility. Why did we sign up for this job? Why did we decide to be a U.S. Senator if we were going to ignore this epidemic of slaughter in this Nation? There is nobody who disagrees with the fact that this is a major problem. It is in the headlines in the papers on almost a weekly basis. Why become a Senator if you are going to ignore this?

I thank the Senator from Virginia for his remarks and the question.

I will yield to the Senator from Minnesota for a question without losing my right to the floor. She has been such a leader in general on this issue focusing on protecting victims of domestic violence. This hopefully will lead to one of the breakthroughs we are seeking in the context of this debate.

I yield to the Senator from Minnesota for her question.

Ms. KLOBUCHAR. Mr. President, I ask if the Senator from Connecticut will yield for a question without yielding the floor?

Mr. MURPHY. I will yield to the Senator from Minnesota for a question.

Ms. KLOBUCHAR. I thank the Senator from Connecticut for his work, along with the Senator from New Jersey, Mr. BOOKER, Senator BLUMENTHAL, and many others, in bringing people together today to call for commonsense action to make our communities safer. I know Senator MANCHIN was here earlier. He has been such a leader on the bipartisan bill with Senator TOOMEY about criminal background checks.

I extend my heartfelt condolences to all the families of those who were massacred in Orlando and also those who lie injured—some very seriously, some critically injured—in hospital beds in Orlando today. My prayers are with the victims and their families.

I look at this, first of all, and I look at the Senator from Connecticut and think of the people from his own State, whom he knows so well, the parents of those young, little children who were killed at Sandy Hook.

I remember them coming to my office the day the background check bill went down. They came to my office, and a number of us were telling them that it was going to go down, that we didn't have enough votes to pass this commonsense measure for background checks. What I was struck by was that they knew that particular measure wouldn't save their babies, but they were there because they had come to the conclusion that this was the best way to save other children, to save other people from dying. And as they told me their stories—one of them told me the story of how their young son, who was autistic, who went to school that day had looked up at the refrigerator and pointed to the picture of his health aide. It was someone who was with him all the time. He could barely speak, but he pointed up at that picture in the morning. So as she sat in that firehouse with the other parents waiting and waiting to see if her child would come back, it became very clear that some children were never coming back, and hers was one of them. When they found that little boy, he was in the arms of that health aide whom he loved so much, and they were both shot and they were both killed.

As she told me that story, I thought, these parents are so courageous that they are coming today to try to advocate for something that they knew—they had come to grips with the fact that they wanted more, but they knew the background check measure was the best they could do to save lives at that moment. They knew the background check measure would especially help in cases of domestic violence and suicide because they knew the statistics that in those States that had passed such measures, they had seen improvements in the numbers for those kinds of deaths, so they were advocating for it. That was why they were there. Yet this body didn't have the courage those parents had to be there that day, to pass that measure.

So here we are today. We are looking at, first of all, a dangerous loophole that allows terrorists to buy firearms here in the United States. In Minnesota we have a little experience with this. We were the State that, before 9/11, some citizens—flight instructors were able to detect something was wrong with a man who cared about flying—Moussaoui—but not about landing. So they turned him in, and no one was ever able to connect the dots, but there he was in a jail in Minnesota.

I know a little bit about this as a former prosecutor, and I know a little bit about this because of the cases we have had in our State. We had dozens of indictments against people who had been trying to go join Al-Shabaab in Somalia or the terrorist group ISIS. We had three convictions in U.S. Federal court in just the last week. We know about this in our State and how close it hits to home. We love our Muslim communities in our State. They are part of the fabric of life. We have a big Somali community in the country. But we also know that we need to keep our communities safe. By working with our communities, we have been able to bring these kinds of prosecutions. When it is that close, you know you don't want people who are on the terror watch list to get guns.

Incredibly, current U.S. law does not prevent individuals who are on the terror watch list from purchasing guns. A total of 2,233 people on a watch list tried to buy guns in our country between 2004 and 2014, and nearly 2,000—or 91 percent—of them cleared a background check, according to the Government Accountability Office.

I am a cosponsor of Senator FEINSTEIN's bill to close this loophole. During last year's budget debate, I joined 25 of my Senate colleagues, including my colleague from Connecticut, in offering an amendment that also would have stopped these dangerous individuals from buying firearms and explosives.

The background check bill—we know that this helps. That is why two—at the time—A-rated NRA Senators, Mr. MANCHIN and Mr. TOOMEY, joined together to try to put forward some commonsense legislation. Sadly, sadly,

that bill did not pass, and I believe we should bring that bill up again for a vote.

The third piece of legislation that I think is possible to pass, as I look at what has bipartisan support and what could make the biggest difference, is a bipartisan bill with Senator KIRK. There is a House bill, as well, and that bill focuses on victims of stalking, victims of domestic violence.

As we look at some commonsense measures, we know that not one bill is going to fix all these cases. Not one bill is going to make the difference in every case, but combined they make a major difference.

My question for the Senator from Connecticut is about an area where I believe we should be able to find consensus, and that is also in addition to the important closure of the loophole in the terrorist watch list for people buying guns, the background check bill—that is this domestic violence area. Studies have shown that more than three women per day lose their lives at the hands of their partners, and more than half of those killed are shot by their partners with a gun.

There is a simple bill that would first make sure that dating partners—the same rule that applies to those who are married would apply to dating partners. Even the Republican witnesses at our hearing with Senator LEAHY and Senator GRASSLEY embraced this portion of the bill. If people are dating partners as opposed to married, it should make no difference in terms of how you look at their ability to go in and buy a gun if they have committed an act of domestic violence.

The second piece of this bill is about stalking. If someone is convicted of a stalking crime, they shouldn't be able to go in and buy a gun.

When I look at these types of commonsense measures, I always think about my Uncle Dick. He loved to hunt, and he always would hunt deer. And I have to think to myself, would closing off the loophole in the terrorist watch list hurt my Uncle Dick in his deer stand? Not at all. Would putting the background check bills in place across the country hurt my Uncle Dick in his deer stand? Not at all. Would closing these loopholes on stalking and on dating partners in any way hurt my Uncle Dick in his deer stand because our State loves hunting? We are a big hunting State, so I always have to do a gut check when I look at these bills.

To the Senator from Connecticut, I would like you to answer that question. Of these commonsense bills that we have been talking about today, which could save hundreds if not thousands of lives, do you think they would in any way hurt those who are law-abiding citizens in our States and every State in this Nation that value their guns and value hunting?

Mr. MURPHY. I thank the Senator for that question. You just have to look to the data for the answer. We have had pretty robust survey data on the question of support for expanding background checks or support for denying access to guns for people on the no-fly list. It is universal. Everyone wants these changes. Republicans want them; Democrats want them. Non-gun owners want them; gun owners want them. The vast number majority of NRA members support the bipartisan provisions that we are proposing for bipartisan action today.

I would suggest the same thing is true for protecting victims of domestic violence. This has nothing to do with being a Republican or a Democratic gun owner or a non-gun owner. When you tell people that somebody who has a restraining order lodged against them shouldn't get a gun, everybody nods their head.

I thank Senator KLOBUCHAR for being such a leader on that particular issue because it is one in this basket of changes we are requesting that is controversial only here. It is controversial only in Washington, DC, and in the political arenas of this country. It is not really controversial out in the broader American public.

I thank the Senator.

Ms. KLOBUCHAR. I thank the Senator for that. I also want to note for the Members of the House here that Congresswoman DINGELL is the leader of that bill on domestic violence in the House, so we have two bipartisan bills in both Chambers.

Ms. MIKULSKI. Will the Senator from Minnesota yield for a question?

Mr. MURPHY. I yield to the Senator from Maryland for a question without losing my right to the floor.

Ms. MIKULSKI. First, joining you as a social worker, my question is, Is the Senator from Minnesota, with her vast experience as an attorney general as well as her advocacy here in the Senate——

The PRESIDING OFFICER (Mr. LEE). The question must be directed to the Senator from Connecticut.

Ms. MIKULSKI. To the Senator from Connecticut, most of the victims of guns in domestic violence are law enforcement officials responding to aid a domestic violence victim. In my own State there have been wonderful men in blue who came to a home to rescue someone who was being held or something by their spouse—often off their meds. When the police officer responded because it was domestic violence—not responding as if it were an active scene—he was also killed. Has that been the Senator's observation?

Mr. MURPHY. I thank the Senator, the ranking member of the Appropriations Committee, for the question. That certainly is a big part of this story line, this toxic mixture of guns and restraining orders. It puts everyone in jeopardy. It puts the individual who lodged the restraining order in jeopardy, and it puts the law enforcement officers who get in the middle of that conflict in jeopardy. It is hard enough for law enforcement officers to try to enforce a restraining order. This is a spouse who is angry and who often is at the peak of their fury. When you add a gun to that mix, everyone's life is in danger. I thank the Senator.

I yield to the Senator from Ohio for a question without losing my right to the floor.

Mr. BROWN. To my friend from Connecticut, thank you. I so admire that when you came to the Senate, it was right after perhaps the most tragic 2 hours in our Nation's recent existence with what happened to those kids—those young children in your congressional district.

I say to Senator MURPHY, how do we go home—I just hear this—I watched what happened at Sandy Hook, I watched what happened in Colorado, and I watched what happened in California. Now we see what happened in Orlando to those 49 mostly young men and women, mostly of Hispanic descent—mostly gay, we think—what happened to them.

How do we go home and face people when this body fails year after year after year to do the right thing? I admire so much what Senator MURPHY did when he came here and just got in the face of so many Members of the Senate and said: You have to do the right thing.

My question for Senator MURPHY is, How do we go home, look people in the eye, and say we failed again?

I think this body should stay in session until we do a number of things, from confirming a Supreme Court Justice, to taking care of the mineworkers' pension, to this legislation.

How do I go back to Cleveland and say: Well, we tried it again. We didn't do it. It is not that big a deal. If people can't fly on an airplane, they still ought to be able to get a gun.

How do we possibly look people in the eye and answer that question?

Mr. MURPHY. I thank the Senator for a question that is unanswerable.

The answer is we cannot.

As you know, there is a very real, palpable fear out there today. There is no way to look at what happened in San Bernardino, to look at what happened in Orlando, and not be scared. Yes, it is an attack that is designed to elicit a fear that is disproportional to the actual threat; that is what terrorism is. But people's fear is elevated when they don't see us taking action.

Earlier today I think Senator CASEY made this point. He said: Can you imagine doing nothing after September 11? Can you imagine if our response after that tragedy was to just do nothing, to just move on to the next piece of legislation as if it didn't occur? That was 3,000 people whose lives were taken. There are 30,000 people a year

who are killed by guns. If you add up those who have been killed in mass shootings, the numbers approach that of September 11.

So this is a moment in which I think it is impossible for us to go back home and once again say that we haven't done anything. I guess that is the reason we are here. I know it is uncomfortable to stop the CJS process, to force and ask staff to stay beyond regular hours.

For many of us—and I think Senator BROWN is amongst this group—we just couldn't pretend this was business as usual again. We couldn't go through another one of these shootings—this one the worst in history of this country—and just go back to our regular business. That is why we are here today, to suggest that this time it has to be different.

I yield for a question.

Mr. BROWN. Through the Chair, if my friend from Connecticut will yield again, I was in a meeting yesterday with a group of Democratic Senators. I heard two of the youngest and most impressive Members of our caucus, Senator BOOKER and Senator MURPHY, talk about the number of gun deaths in this country.

My wife and I live in the city of Cleveland. We live in the ZIP Code in Cleveland that in 2007 had more foreclosures than any ZIP Code in the United States of America. We live in a nice neighborhood of about 250 homes. Most of the rest of the neighborhood has suffered—some in our neighborhood and many outside that neighborhood—foreclosure after foreclosure and urban blight. Many nights we heard gunshots, and then we heard police sirens.

I know Senator BOOKER said—and I think my friend from Connecticut heard him talk about what he sees in Newark and what we see. Just 3 weeks ago, we had a terrible, terrible number of deaths in southern, very rural Appalachia, southern Ohio, where apparently one family member killed a whole bunch of others with a gun.

I got a letter today or yesterday from a man in Toledo:

> I am a gay man living in Toledo, OH, and I have never been to a gay pride event. This year was going to be my year, and I am scared.

Just as you talked about, the fear—I don't live in fear, but when I hear a gunshot and I hear sirens in my neighborhood—or not that far away from my direct neighborhood—I have grandchildren, and I have not heard those gunshots and police sirens when my daughters or grandchildren have been there, but you think about that.

The question is, Why is it harder to obtain a driver's license than it is to buy a gun? Why do we not have the political courage to pass reasonable laws?

I have been in public office a long time, and I have seen so many of my colleagues, mostly Republicans, just cower when the NRA calls or cower when they think about the whole idea of passing gun laws.

Yesterday a reporter told me that Republican Senators will not talk to her right now about any issue because they are afraid they might ask about the NRA and the campaign dollars they have gotten from the NRA.

What is it? Fundamentally, why is it harder to obtain a driver's license than it is to buy a gun?

Mr. MURPHY. I thank the Senator for the question. I just want to acknowledge we have had a number of House Members come to the floor of the Senate today to support our effort.

Congressman RICHMOND, a good friend of mine and of Senator BOOKER, who has just witnessed the ongoing slaughter in New Orleans—unabated because of inaction from this Congress—has joined us. I have seen a number of other Members from the House join us as well. I thank them and I thank in particular my friend Representative RICHMOND for being here.

I think that is a great question, Senator BROWN, especially in the context of the history of the NRA's advocacy in this body.

It used to be that the NRA actually supported expanding background checks. In the wake of the Columbine tragedy, it was the NRA that was arguing to close the loopholes in our background check system. So as a means of answering why we can't get agreements, you have to ask yourself and answer the question as to what has happened to the gun lobby.

The gun lobby used to come here. It originated, of course, as just a gun safety organization. It morphed into much more of an advocacy organization. But even as late as the Columbine massacre, they were still arguing for changes in our laws to better protect individuals.

Today they are an absolutist organization. Today they broker no compromise. Unfortunately, there is a large percentage of this body, enough to block commonsense legislation, that follows their lead. But there has been a transformation in the advocacy of that organization.

Many of us are still hopeful that gun owners who are members of the NRA support what we are talking about today, right? The polls tell you that NRA members support background checks to cover more sales and stop people on the no-fly list from getting guns. We hope they might prevail upon their association to be more constructive.

I yield for another question.

Mr. BROWN. May I ask one more question and then I will turn it back to Senator STABENOW, who I know has some questions for Senator MURPHY. I want to share a letter I received from a woman in Columbus:

> I'm devastated by the events this weekend in Orlando. Frankly, I have had to personally be retriggered with every mass shooting that's occurred in the past three years.
>
> My tragedy occurred 3 years ago this July. The love of my life, best friend and man I was going to marry was murdered. . . . He was shot to death by a prior felon—with a gun.
>
> It can happen to anyone, anywhere, at anytime, for any reason.
>
> Change is needed now. We can't keep waiting. . . . Please do something. Anything. Saving one person from feeling the hell I've felt these past three years is worth it. My heart hurts for the loved ones affected by this weekend, because I know this pain.

I guess this is just a question, and maybe there is no answer. But why, when so many in our country have felt this pain—certainly, the pain is felt more among poorer people and people of color because they have been the victims far too often and, in the great majority of cases, are totally innocent, and far too many of them are children, whether it is Sandy Hook or a random shooting in Cleveland or Newark or Hartford or Detroit or New Haven. What do I tell this woman from Cincinnati or from Columbus who says to me: Can't you do something? Why should more people have the pain she has felt?

Mr. MURPHY. I thank Senator BROWN. I think the answer is we have to look at ourselves sometimes, and ask: Have we fought as hard as we possibly could to galvanize the American public around these changes?

The reality is—and I said this earlier on the floor—that the small handful of individuals in this country who oppose these changes are calling our offices sometimes with more frequency than the large majority of Americans who support these changes, and they take cues from us.

So that is why we are here. We were about to come back to the Senate and just proceed with business as usual. As if Orlando didn't happen, we were just going to start debating amendments to the Commerce-Justice-Science act. Those on the floor today—certainly, in particular myself, Senator BOOKER, and Senator BLUMENTHAL—said: Enough. Enough. We have to give a signal to the American public that we care—that we care so deeply about the consequences of inaction that we are, at the very least, going to stop this process from moving forward until we can't stand any longer.

Now that is a tiny, tiny sacrifice. But at least it shows we are willing to put something behind the passion that letter writer and many others have.

So there are a variety of answers to your question, I say to Senator BROWN—the strength of the gun lobby, the misunderstanding about the nature of the Second Amendment, and the data that we have not done a good enough job of getting out there that talks about the efficacy of stronger gun laws. But this exercise today on the floor is also a part of changing that reality.

With that, I yield for a question, without losing my right to the floor, to just a great champion on this issue, the Senator from Michigan.

Ms. STABENOW. Well, I thank the Senator, and I appreciate the junior Senator from Connecticut for yielding for a question.

I first want to thank Senator MURPHY and the senior Senator from Connecticut, the Senator from New Jersey, and so many others who have been on the floor. Our Democratic caucus is united in saying: Enough is enough. I am very grateful to our Senators from Connecticut and New Jersey who have come to the floor to lead us in that stand of saying: Enough is enough.

So I do have a question, but let me first indicate that when we look at this situation—whether it is Orlando or Sandy Hook or Tucson or Columbine or on and on and on or every day on the streets of our cities and communities across the country—it is time to stop just putting out statements. I don't know about my colleagues on the floor, but I am sure they share with me this sense of frustration of constantly having to put out statements saying that our thoughts and prayers are with the families, because, of course, our thoughts and prayers are with the families, but our actions should be with the families. That is what we are here today to focus on. It is not enough to have words. They expect us to act and to make a difference.

I am so grateful for so many Americans from all walks of life and all religions who have joined together. I am so proud of the powerful statements coming from the Muslim community, standing in partnership and friendship with the LGBT community and the Jewish and Christian community at large, and all of those who have said: Enough is enough. Hate crime, act of terror—enough is enough.

I want to lift up, before asking my question, two young people from Michigan who were part of the horror 4 days ago. A 25-year-old who had been living in Saginaw, MI, was killed in the Orlando terrorist hate-crime attack. By all accounts he was a wonderful young man. He owned his own business, loved his family, and recently attended his niece's graduation. His friends said:

> Nobody can say a bad word about him. He always had a smile on his face. He always loved to laugh.

Additionally, a Detroit native was also killed in the attack. He worked as a mental health counselor, and he had won awards for his work in the LGBT community.

We in Michigan have a long tradition of enjoying hunting, fishing, and outdoor activities. I grew up in northern Michigan. My family is very involved in hunting and legal and safe gun ownership. But that is not what this debate is about. My family—my brothers, my son, my nieces and nephews—and others look at me and say: What is going on here? This is not about whether we can enjoy hunting or legal gun ownership. My family is saying to me: Wait a minute; let me get this straight. There is a terror watch list where you can't fly, but you can buy a gun. What is that? They go into a gun shop, and they get a background check. But you can go to a gun show or on the Internet and not?

So I ask my colleague, a great leader on this issue, because I think it is important now to explain a little more about these two things we want to accomplish: What are the two things we want to accomplish? In going through all of this—stopping the regular business of the Senate and saying we have to act; we have to begin to address what we can do for these horrors—what are the two things we are asking for?

Mr. MURPHY. I thank Senator STABENOW because I think it is important sometimes to reset the floor and talk about what we are asking for. They are pretty simple, they are bipartisan, and they are noncontroversial outside of this body.

One, we want a version of the Feinstein bill, which prohibits individuals on the no-fly list from getting a gun to come before the Senate Floor for a vote. Second, in order to make that bill effective, we want a version of the Manchin-Toomey compromise to expand background checks to gun shows and Internet sales to come before the Senate for a vote.

Both of those measures are supported broadly by 80 to 90 percent of the American public, and both are necessary in order to protect Americans from terrorist attack. Why? Because we know last year 90 percent of individuals who were on the no-fly list and who tried to buy a gun were successful in buying one. The only reason 10 percent weren't is because they were on some other list of prohibited individuals. So we know every year there are individuals on the no-fly list who are trying to buy guns and they are getting them. We know, unfortunately, the individual—the shooter—in Orlando was at least for a period of time on those lists, and he went and bought a gun.

In order to make it effective, you also have to make sure you are capturing gun sales that happen online and at gun shows. We think what we are asking for is pretty simple. Both those proposals have drawn bipartisan support. Neither are controversial outside this body. And, frankly, it is about the lowest hanging fruit we could imagine in order to get this body on record as trying to stop the carnage in this country.

I yield for a question.

Ms. STABENOW. I thank my colleague. I wonder if I might just ask something, in addition to that. I understand our distinguished leader on appropriations, Senator MIKULSKI, and Senator NELSON as well, have an amendment that would give law enforcement the resources necessary to combat terrorism. We certainly came from a very important briefing today, and we are discussing how terrorism certainly is an all-hands-on-deck operation. But without adequate resources, other things may not receive the resources they need as well, in terms of law enforcement.

I wonder if the Senator might just talk about the importance of resources for law enforcement as well, and how it is our job, in the context of this appropriations bill, to make sure we are prioritizing the fighting of terrorism as well as gun violence.

Mr. MURPHY. I thank Senator STABENOW for the question.

We are asking the FBI to do more and more to protect us from an increasingly complex array of threats, and we are not giving them enough resources to do the job. The alternative that has been proposed to Senator FEINSTEIN's legislation is laughable, in that it would require the FBI and law enforcement to go to court every single time they want to stop someone on the no-fly list from getting a weapon. It wouldn't be automatic. Instead, they would have 3 days to scurry into a court, file a motion to deny the weapon, and have a hearing.

First of all, there is no way all of that could happen in 3 days, but it certainly can't happen with the resources we provide them. So they do not have the resources they need right now in order to protect us from these myriad of threats that are posed from this desire of ISIS and others to inspire lone-wolf attacks. But the alternative to the proposal we have proposed just is unworkable on its face, especially given the resources the FBI has.

I yield for a question.

Ms. STABENOW. If I might just again clarify with the distinguished Senator, so we are all clear. Right now, an individual can be stopped from getting on an airplane——

Mr. MURPHY. Right.

Ms. STABENOW. Because they are on a terror watch list, but they can choose, rather than getting on that plane, to go buy a gun and go into a nightclub in Orlando and have carnage and terrorism occur.

That is basically what is happening now and that Republican colleagues are saying should continue. Not that they want the violence to continue but they are not willing to act to stop people from getting a gun who are on the terrorist no-fly list.

Mr. MURPHY. That is correct. I am still waiting for one of our Republican colleagues to come to the floor and suggest that the individuals on the no-fly list have their right to fly restored, because if you are so worried about the wrong people being on that list, then you should come to the floor and propose those individuals be able to get on a plane.

But no one is proposing that because they would be tarred and feathered by their constituents if they were to propose individuals who have had intersection with terrorist groups be able to get on a plane at their local airport. Thus, it is hard to understand why there is a belief that none of these people should fly, but all of these people should be able to buy assault weapons.

Ms. STABENOW. I think the American people are scratching their heads at this moment. Hopefully, enough colleagues on the other side of the aisle will join us to close this incredible loophole.

Mr. MURPHY. I thank the Senator.

My friend from Massachusetts was so eloquent earlier on the floor, and I yield to Senator MARKEY for a question without losing my right to the floor.

Mr. MARKEY. I thank the Senator, and again I ask my colleague: Why won't the Republicans allow for the debate and a vote on whether or not individuals on a terrorist target list should be able to get a gun anywhere in America?

The answer to that question has not been forthcoming from the Republican Party because the NRA, or the National Rifle Association, does not have a good answer to it, except that they do not want any exceptions to the rule that anybody should be able to buy a gun at any time, even if they are on a terrorist target list in the United States.

So that is going to be our big challenge out here. What are the limits to the power of the National Rifle Association over the Republican Party; and, as a result, over the United States Senate? Because the American people don't think we have to accept this epidemic of gun violence in our country. The American people do not believe it is preordained. They believe it is preventable.

Every week, 56 children die from gun violence. That is nearly three Newtown massacres every single week. Thirty thousand Americans shot and killed each year is not inevitable. It is unacceptable, and it is immoral.

We cannot wait any longer to put these commonsense gun laws on the books. We cannot wait any longer to make our streets safer.

I believe assault weapons belong in combat, not in our communities. We need a ban on these military-styled assault weapons. We need to eliminate the trafficking of guns into our communities across our Nation. We need to ban high-capacity magazine clips that turn guns into weapons of war. There is no reason for an ordinary American to have this in our neighborhoods, on our streets, or near our schools. We need background checks on all gun sales, including private sales and purchases made online and at gun shows. We need to crack down on straw purchasing. We need to ban gun sales on sites on the Internet like Facebook and Instagram. Right now, anyone can do a search for an AK–47 or AR–15 or even guns for sale on Instagram and find guns for sale. Could you be under 18? Yes. Could you get a gun without a background check? Yes. We should not allow Instagram to be used as ''Instagun,'' enabling the sale and purchase of deadly weapons in possible violation of State and Federal law.

We can do something here. We don't have to do all of it this week, but the least we should be able to do is what the Senator from Connecticut just outlined, two steps; one, if you are on a terrorist watch list, you can't buy a gun in the United States, and, two, you can't get around the background check if you go to a gun show or you go to Instagram. You have to go through a background check. Leave all the rest of it off the table, banning assault weapons, all the rest of it. We will not do that. How about just debating and doing those two things, which overwhelmingly the American people want us to do.

Now, back on September 11, 2001, Mohamed Atta and nine others boarded two planes at Logan Airport. They hijacked those planes using box cutters to kill the flight attendants, to kill the pilots. We do not allow box cutters into the passenger section of a plane any longer. We don't allow knives in the passenger section of planes any longer. But believe it or not, we actually had a debate at the time as to whether every bag that goes onto a passenger plane should be screened. We had a debate that lasted for 4 years as to whether the cargo, which goes into the bottom of a plane, should be screened—4 years. The cargo industry did not want it. The airline industry said it would be too much of an inconvenience. Who in America wanted to fly on a plane that had cargo underneath their feet that had not been screened after 9/11, after Mohamed Atta? Well, we finally won that issue, and everyone accepts the wisdom of ensuring that screening takes place on every single passenger flight in America because otherwise that is where the new Mohamed Atta would find the aperture to create a disaster in the air. They are smart people. They are cunning people. They are trying to find the opening. They are trying to find the weakness. They are trying to find the Achilles heel in our system so they can kill Americans.

That is what is happening here. There is another Achilles heel, and that Achilles heel is the fact that the NRA has a vice-like grip on the U.S. Senate and the U.S. Congress. They will not let it go. They will not make it possible for us to have a straight up-or-down vote on whether this latter-day Mohamed Atta on a terror target list can buy a gun, buy an assault weapon in the United States, whether this new Mohamed Atta, this new terrorist group, can buy assault weapons at gun shows without any background checks whatsoever and then use those weapons to kill innocent American citizens. How can the NRA align itself with latter-day Mohamed Attas? With latter-day Tsarnaev brothers? How can the NRA do that? How can the Republican Party align themselves with the NRA if that is their agenda? These are the votes we should be having.

It is very simple. If you cannot fly, you should not be allowed to buy a weapon in America. If you are a terrorist and you are not permitted to fly in our country, how can we have a system that allows you simultaneously to buy an assault weapon that can kill dozens of people or more? We know what is at the top of the terrorist target list in our country. We know what they are trying to do. They try to bring down planes. They try to find ways in which they can terrorize otherwise innocent communities in our country to spread their terror, and we know where the Achilles heels are. We shut it down when it came to airlines. We can shut it down here when it comes to the purchase of weapons if you have already been identified as being on a terror target list, a watch list. The FBI is looking at you, but you can still buy an assault weapon. It makes no sense. How many times do we have to learn the lesson until we finally act? Is this not enough? Is what happened in Orlando not enough—49 people dead, gay, 44 out of 49 names Latino, a hate crime, a terror attack, all of it. Do we really need more? Do we need another and another and another? Because we know the day is coming when this law is going to change. The test of us is that we do it before more innocent lives are lost; that we have these two bills that Senator MURPHY referred to brought out here onto the floor; that we block this open door for terrorists to be able to kill in our country, to be able to purchase these weapons of mass destruction that kill at a level that is almost unimaginable.

Once again, I thank my friend, and I ask the question of the Republican leadership: Why can't we have this debate? Why can't we have these votes? Now, I know the answer. It is that the NRA—the National Rifle Association—does not want those votes, but our job as elected officials is to ensure that NRA stands for ''not relevant anymore'' in American politics after Orlando, after this massacre. That is our historic challenge out here today.

I thank the Senator from Connecticut, the Senator from New Jersey, the colleague of the Senator from Connecticut, Senator BLUMENTHAL, and for all the Members who have participated in this debate, discussion, filibuster. This is the issue. This is the time. This is the place. We are the people who have to resolve this issue. People will look back and they will ask: Did we

try? Did we really try to put a ban on the purchase of these weapons by these terrorist list people in our own country? That is going to be the test for us. We can't fight the battles over in Aleppo, we can't fight the battles over in Fallujah, but we can fight this battle here on the streets of America. We know what has to be done. This body just has to have the courage to say to the NRA: No, it is too much. Our country is bleeding. Families are hurting. We don't want to see it happen again. This is going to be the challenge of this week and next week and every week until we have these votes and until we close these loopholes.

Again, I thank the Senator from Connecticut for conducting this very important discussion.

Mr. MURPHY. I thank the Senator for his remarks. I thank him for his focus on assault weapons.

We are asking for two different proposals to come before the Senate, not one on banning assault weapons, but it remains a passion of many of us. One of the most gruesome facts from the Newtown killings is that there were 20 kids who were shot with that weapon, and not one of them survived. All 20 of them died. That speaks to the epic, life-ending power of an exceptional weapon.

I yield to the ranking member of the Homeland Security Committee, the Senator from Delaware, for a question without losing my right to the floor.

Mr. CARPER. I thank my colleague from Connecticut for inviting us here and encouraging us to have this conversation.

Many of our colleagues have come from a briefing by three of the top officials in this country who deal with homeland security and law enforcement. One of the questions that was asked deals with the ability of someone who is on a terrorist watch list to be denied the opportunity to fly on an airplane and then whether that same person on a terrorist watch list can be denied the opportunity to buy, for example, an assault weapon. The answer is, I think, shockingly disappointing. A person who is on a terrorist watch list can and will be denied the opportunity to fly on an airplane. That makes sense. But what doesn't make sense is that same person who is denied the ability to fly on an airplane because he or she is on a terrorist watch list can then go into a gun show or a gun store and buy a weapon, including an assault weapon. That just makes no sense to me. That makes no sense to me.

I would add maybe two other quick points, if I may, and then I will stop and yield to others, including the Senator from Wisconsin who was kind enough to allow me to say a few words. The number of people who want to leave this country and go to link up with ISIS and be a fighter, that number has dropped and continues to drop dramatically, down to one per month now. In the United States, it is down to one per month. The reason that number continues to drop, and drop dramatically, is because ISIS is on the run. ISIS early on was thought of as a winning team. No more. They are being regarded, I think appropriately, as a losing team.

I asked the question of the Secretary of Homeland Security: Is it true that since 9/11 every American who has died in this country at the hands of a jihadist terrorist—have they died at the hands of someone from another country who has somehow slipped in secretly or covertly? The answer is, every person who has died in this country since 9/11—an American citizen—has been killed by someone who is a U.S. citizen or someone who is a legal resident here.

The Secretary of Homeland Security is pleading with us to give his Department the ability to create counterviolent extremism capability within the Department to improve it. That would enable us to establish partnerships with the Muslim communities, faith organizations, and other organizations to be able to reach out to work with them to reduce the likelihood that folks who are already here and could be radicalized will not be radicalized.

I appreciate the chance to share a couple of those takeaways from what I thought was a very important briefing. I again say thank you to the Senator from Wisconsin for allowing me to slip in at this point in the discussion.

Mr. MURPHY. I thank the Senator from Delaware who, earlier on the floor, talked about this notion that ISIS is on retreat inside the Middle East, and they have only a handful of motivations remaining for people to join their movement. No longer is the inevitable geographic expansion of the caliphate available to them as a reason for recruitment, but the belief or the argument that the East is at war with the West certainly is still available to them, especially if we react in the wrong way to the threat that is presented to us. Frankly, we have not gotten into a discussion thus far on this floor about what one of the Presidential candidates is proposing, but part of the reason we are demanding a vote on these measures is because this is the right way to respond. There is a latent fear in the American public that is understandable. There is a wrong way to respond to that that will, frankly, make us less safe. There is a right way to respond, and I think the American public gets that because of the 90-percent approval ratings of the things we are proposing.

I thank the Senator, and I yield to the Senator from Wisconsin for a question without losing my right to the floor.

Ms. BALDWIN. Through the Chair, I would like to ask a question about the tragic massacre in Orlando.

I wanted to lead into that by first of all thanking and deeply appreciating the work and efforts of my colleague from Connecticut who has come to the floor so many times to talk about the lives and the identities and the legacies of the people who have lost their lives to gun violence and the families who are there to remember them.

I remember so profoundly the massacre at Newtown. Senator MURPHY brought photographs of all of the victims and their families and told their stories at length on this Senate floor.

As weeks and months persisted here in the U.S. Senate and no action was taken to do commonsense things to make access to these weapons more difficult, the Senator from Connecticut started coming to the floor and talking about some of the people we don't read about because the media doesn't rush to the scene when somebody dies in a drive-by shooting or in a place that doesn't garner the attention and the spotlight the way the massacre and tragedy in Orlando has.

I thank the Senator from Connecticut for his perseverance, and I am so proud to join him this afternoon in this insistence for action. I am in such strong agreement with the Senator from Connecticut about the need to close what we call the terror gap and strengthen our background check laws because what we have seen over the last weeks and certainly on Sunday in the early morning is the nexus of hate and terror and easy access to weapons of war by people who should not have them.

I can't tell you how many times I have penned the words ''You are in my thoughts and prayers'' and spoken the words ''You are in my heart, in my thoughts, and in my prayers.'' I can't tell you how many times I have joined—either in my former service in the House of Representatives or here in the Senate—in a moment of silence. Silence is not enough. Thoughts and prayers are important, but they are not enough. We have to act.

I join many of my colleagues here tonight in the effort toward securing a vote by this Senate to make it harder—just a little bit harder—for people who hate and people involved in terrorism to get a hold of weapons of war. We have an opportunity because we have a bill before us. It is the Commerce-Justice-Science appropriations bill.

I have the honor of serving on the Senate Appropriations Committee and being a member of the subcommittee. This is the moment, this is the bill, and this is our opportunity. I am not saying that had this been in law a year ago, a month ago, a week ago, that this wouldn't have happened, but our silence is unacceptable, and we must act.

We are better than this as a country. I can't tell you how many times I have woken up or heard midday of another mass killing—a crowd around the television set, hungry for news, wanting to

know about who perished, who is in the hospital, and when is it enough. When are we going to act?

In the political world, we also, regrettably, fall into our—I don't know what to call it—comfort zone. Let's only talk about this as a terrorist incident, or let's only talk about this as a hate crime, or let's only talk about this in terms of gun violence. This is all of the above. We have to come together. We have to be united. We have to be strong in order to respond.

I also have to speak as a member of the LGBTQ community. This last Friday, I had the honor of going to the opening ceremonies at the Pridefest in Milwaukee, WI. They were celebrating their 30th year of Pridefest. In preparing for what I was going to say at that opening ceremony, I reflected on how different things were 30 years ago, in 1986. That was actually the year I was first elected to local office. I didn't have a lot of colleagues who were in the LGBT community in America, let alone the world, at that point in time. Boy, we have changed. We have seen such progress. After celebrating the opening of Pridefest in Milwaukee, I woke up on Sunday morning, as we all did, to this horrific tragedy in Orlando.

A hate crime is a crime that targets a particular audience, a particular group in order to send terror throughout that community—not just the victims but all who share characteristics with the victims. And in a month—June—which is Pride Month, when we usually celebrate how far we have come over oppression, over discrimination, over hate crimes, to wake up and see this was truly unspeakable.

Back to the legislating we do on the Senate floor, I will be supporting a number of amendments on this appropriations bill—the one that I came to ask Senator MURPHY about but additionally an amendment that would add resources to the Department of Justice to help prevent and investigate and enforce our Nation's hate crimes laws. I hope those also will earn votes. I will be supporting the amendment of a colleague, Senator CASEY from Pennsylvania, relating to including misdemeanor hate crimes in the list of offenses that should prohibit individuals from being able to acquire or possess weapons of war.

Back to our focus right now, our focus right now is on getting a vote on closing the terror gap, getting a vote on making sure that background checks occur with regard to every purchase so that you can't be rejected from purchasing a weapon and then run to the Internet and purchase a weapon that way or run to a gun show and purchase a weapon that way outside of the background check system.

One of the things that are so important is when the Senator from Connecticut came to the floor and showed the faces and read the names and told the stories of the victims of gun violence, massacres in Connecticut and in locations all over the United States. I have been so moved as I have had the opportunity to see the media begin to share with us information about the names and the lives of the 49 victims of this hateful attack.

Through the Chair, I want to ask Senator MURPHY a question about the 49 victims of this tragedy.

Luis Daniel Conde was 39 years old, and Juan P. Rivera Velazquez was 37 years old. Luis, originally from San Lorenzo, Puerto Rico, was with his loving partner, Juan P. Rivera Velazquez, at Pulse. Both men were killed in the shooting. Luis was known by his loved ones as a fun-loving person with a great sense of humor. Juan, also originally from Puerto Rico, was the owner of the D'Magazine Salon and Spa in Kissimmee, FL.

Simon Adrian Carrillo Fernandez was 31, and Oscar A. Montero was 26. Simon was a manager at McDonald's who was well loved. He was known for bringing in cakes to celebrate the birthdays of each and every employee. Simon and his partner Oscar were killed just after returning home from vacation in Niagara Falls.

Christopher Andrew Leinonen was 32 years old, and Juan Ramon Guerrero was 22 years old. Christopher Andrew, who went by Drew, was with his partner Juan Ramon at the time of the shooting. Both men died. Drew had a bachelor's and master's degree from the University of Central Florida and founded a gay-straight alliance at his high school.

Akyra Monet Murray was 18 and a recent graduate of West Catholic Preparatory High School in Philadelphia, where she was a top student and a top athlete on the women's basketball team. She had recently signed to play at Mercyhurst University in Pennsylvania.

Jean Carlos Mendez Perez was 35, and Luis Daniel Wilson-Leon was 37. Jean and Luis were loving partners. Both men were killed in the shooting. The families of both men took to Facebook to share their love and sadness.

Edward Sotomayor, Jr., was 34 years old. Edward handled brand management for ALandCHUCK.travel, an agency that plans vacations for the LGBTQ community. On hearing the news of Edward's death, his boss, Al Ferguson, spent time with Edward's family at the hospital. He died while urging his partner to exit the club doors to get to safety.

Leroy Valentin Fernandez. Leroy was 25 years old. He was a leasing agent at an Orlando apartment complex and a vibrant performer who loved Beyonce, Adele, and Jennifer Lopez. His friend described her grief as ''it just feels very quiet now.''

Rodolfo Ayala was 33 years old. Rodolfo was a biologics assistant at the OneBlood donation center, a donation center that has been working to supply blood to the survivors of the shooting. His friend described him as compassionate and said he loved his career.

Brenda Leigh Marquez McCool was 49 years old. Brenda was a two-time cancer survivor and real estate agent. She was the mother of 11 and was at Pulse with one of her sons for a night of dancing.

Angel Luis Candelario-Padro was 28 years old. He moved to Orlando from Chicago and started a job as an ophthalmic technician only 4 days before the shooting. He was from Guanica, Puerto Rico, and described himself online as ''adventurous, easy going and responsible.''

Antonio Davon Brown was a captain in the U.S. Army Reserve. He had previously been a member of the Army Officers Training Corps at Florida A&M University. He was 29 years old.

Stanley Alamodovar III, age 23. Originally from Massachusetts, Stanley worked as a pharmacy technician in Claremont, FL. Friends have been taking to social media to comment on his ''bubbly'' and ''down to earth'' personality.

Amanda Alvear was 25 years old. Amanda was a beloved sister and godmother. Before the shooting, Amanda posted videos to Snapchat, showing herself and a friend, Mercedez Marisol Flores, dancing and enjoying themselves at Pulse. Mercedez was another victim of the shooting.

Darryl Roman Burt II, age 29. Darryl was a financial aid officer at Keiser University and a passionate volunteer. The president of the Jacksonville Jaycees, which Darryl was a member of, described him as ''always interested in a positive impact on the people's lives in the community.''

Juan Chavez-Martinez was 25 years old. Juan, a Davenport resident, was known by his colleagues as a kind and loving person. Facebook lists his hometown as Huichapan, Mexico.

Cory James Connell was 21 years old and well loved. His teachers described him as ''their all-time favorite'' student. His brother took to Facebook to share his grief: ''The world lost an amazing soul today. God just got the best of angels.''

Anthony Luis Laureano Disla was 25 years old. He was a graduate of the University of the Sacred Heart in Santurce, Puerto Rico, where he studied education. He was also a well-known drag artist in Orlando, performing as Alanis Laurell.

Deonka Deidra Drayton, age 32. Deonka, known as Dee Dee, was working at Pulse when the massacre occurred, according to a family member. ''Senseless,'' her aunt wrote on Facebook. ''Rest in peace Dee Dee. You know this Auntie will miss you.''

Mercedez Marisol Flores was 26 years old. Mercedez was at Pulse with her

friend, Amanda Alvear, when the shooting occurred. She was a student at Valencia Community College and worked at the local Target.

Peter O. Gonzalez-Cruz was 22 years old. Peter worked at UPS and spent his high school years in New Jersey. On Facebook, his mother thanked everyone for reaching out and expressed ''deep and immense pain'' at the loss of her son.

Miguel Angel Honorato was 30 years old. He was a resident of Apopka, FL. Miguel worked for FajitaMex Mexican catering. On Facebook his brother wrote: ''I can't face the fact that my blood brother is gone. May your soul rest in peace Brother. I love you so much.''

Javier Jorge-Reyes was 40 years old. Javier, of Orlando, worked as a supervisor at Gucci. He was originally from Guayama, Puerto Rico, and studied at the Universidad del Sagrado Corazon. Said one Facebook friend: ''Your energy and love of life and of all things beautiful was infectious. . . . You were one of a kind.''

Jason Benjamin Josaphat was 19 years old. He was an ambitious young man with many passions—computers, athletics, and photography. Jason's uncle described him as ''very excited about his journey.''

Eddie Jamoldroy Justice was 30 years old. He was an accountant and loved to make other people smile. He was able to text his mother right before he died on Sunday night. He said that he loved her and to call the police.

Alejandro Barrios Martinez, age 21. A Cuban news source identified Alejandro and spoke with his family and friends who described him as ''always very positive.'' He was able to contact his family at Pulse before he died.

Gilberto Ramon Silva Menendez, age 25. Gilberto studied health care management at Ana G. Mendez University and worked as a sales associate at Speedway. He was originally from Manati, Puerto Rico.

K.J. Morris was 37 years old. K.J. was a bouncer at Pulse, known for her excellent dancing and amazing smile that could light up a room. She previously lived in Massachusetts.

Luis Omar Ocasio-Capo, age 20. Omar loved to dance and dreamed of becoming a performer. He grew up in Nashville, TN, and worked at a local Target and Starbucks.

Eric Ivan Ortiz-Rivera, age 36. Originally from Puerto Rico, Eric worked at Party City and Sunglass Hut. He had been married for about a year. On Sunday morning, his husband frantically called friends and family when he couldn't connect with Eric.

Joel Rayon Paniagua was 32 years old. He loved dancing and is remembered as humble and cheerful. He was also a religious man and attended church in Winter Garden.

Enriquo L. Rios, Jr., age 25. Enriquo was from Brooklyn, NY, and was vacationing in Orlando at the time of the attack. He had been working as a coordinator at True Care Home Health Care and studied social work at St. Francis College. His mother said her family has been ''torn apart.''

Xavier Emmanuel Serrano Rossado was 35 years old. He was the father of a young son and worked as an entertainer at Splash Bar in Panama City Beach, FL. He was a mentor to many of his coworkers who described him as ''quick with a smile.''

Shane Evan Tomlinson, age 33. Shane was a gifted singer who performed as the front man for the band Frequency. He had a vibrant and charismatic stage presence. He was at Pulse following a performance at a local club.

Martin Benitez Torres was 33 years old and from San Juan, Puerto Rico, where he studied at Ana G. Mendez University System. He was in Orlando visiting his family.

Franky Jimmy De Jesus Velazquez, age 50. Franky was a visual merchandiser at Forever 21 and studied at InterAmerican University in Puerto Rico. His family took to Facebook to share their love of Franky saying: ''What happened in Orlando affects all of us because it is an act of hate against the freedom to be who you are.''

Luis S. Vielma was 22 years old. He was a student at Seminole State College and worked as an operator for Universal Studios' Harry Potter and the Forbidden Journey ride.

Jerald Arthur Wright. Jerald was 31 and was employed at Walt Disney World and was well loved by both of his families—his biological one and his Disney family. He was at Pulse to celebrate a friend's birthday.

Tevin Eugene Crosby. Tevin was a Michigan native and 25 years old. He was the ambitious owner of Total Entrepreneurs Concepts. He was visiting Orlando after traveling to watch his nieces and nephews graduate.

Jonathan Antonio Camuy Vega. Jonathan was 24 and worked for a Spanish TV network as a producer of a popular children's talent competition. He was a member of the National Association of Hispanic Journalists in Puerto Rico before he moved to Florida.

Jean Carlos Nieves Rodriguez was 27 and was a manager at a local McDonald's. He was known for being incredibly dependable. His closest friends describe him as ''just a caring, loving guy—just like a big teddy bear.''

Yilmary Rodriguez Sulivan, age 24. Yilmary was a wife, a sister, and a mother of two sons, Jariel and Sergio. Her sister described her as the most loving and caring person you could ever meet, saying her smile lit up the room and her laughter brought a smile to your heart.

Frankie Hernandez Escalante, 27. Frankie was a loving big brother who taught his little sisters how to walk in heels and do their hair and makeup. Frankie had a tattoo on his upper right arm reading ''love has no gender.'' Frankie moved to Orlando from Louisiana.

Enrique L. Rios, Jr., age 25, who I spoke of before. Enrique, from Brooklyn, NY, was vacationing in Orlando at the time of the attack. He had been working as a coordinator at True Care Home Health Care and studied social work at St. Francis College. His mother describes that their family has been ''torn apart.''

There are three more names that I will read and tell you just a little bit about who lost their lives in that massacre early Sunday morning in Orlando.

Paul Terrell Henry was 41. Paul was planning to return to college. He was a Chicago native and loved dancing and playing pool. He had two children, including a daughter who had just graduated from high school.

Christopher Joseph Sanfeliz, 24. Christopher worked at a local bank and was known for having a positive outlook on life. He was very close to his family and told family members earlier in the weekend that he planned to go to Pulse with friends.

Geraldo A. Ortiz-Jimenez, age 25. Geraldo, known as ''Drake Ortiz'' to his closest friends, was originally from Santo Domingo in the Dominican Republic. He studied law at the Universidad del Este en Carolina.

Now, through the Chair, I would like to ask Senator MURPHY a question about the 45 victims of this tragedy. As someone who has come to this floor and read the names, shared the images, and told the stories of so many in our country who have lost their lives to gun violence, does the Senator from Connecticut agree that the time to act is now, and that our thoughts and prayers for their deaths are important, but not enough?

(Mr. SASSE assumed the Chair.)

Mr. MURPHY. Mr. President, I thank the Senator for the time she has taken to talk about each of these beautiful individuals—these young men and women who went to a dance club to celebrate their lives and their friends and Pride Month and who will never, ever walk the face of this Earth again, and their friends and families will never get to celebrate these individuals' lives. It is a reminder, as you talk about who these people are individually, as much as we talk about statistics—the 30,000 who have died—that this is about lives.

You could tell the story, for each one of them, of 20 other people whose lives will never be the same because of this tragedy. You could put nearly two of those charts up every single day, and that is what is so scary. We are fixated on this tragedy because it is unique and horrific, but we could put up that chart every day, and it is important to

tell their stories—to tell who they were—because hopefully that is part of the imperative for us to act.

Senator UDALL has been patient and on the floor, and I know there are others who are waiting to speak. So let me yield for a question to Senator UDALL, who has been a great friend on this issue, without losing my right to the floor.

Mr. UDALL. Mr. President, I really appreciate the leadership of Senator MURPHY and his effort to see that the Senate addresses commonsense gun legislation. It is probably around the hour when people are getting home, and they are wondering why we are here, why the Senator is choosing to hold the floor in this extended debate.

People should know that our Nation has seen a string of gun tragedies. The Senator's home State of Connecticut saw the horrific Sandy Hook shooting of young children. In San Bernardino we saw an ISIL-inspired terrorist attack. This terrorist slaughtered his former coworkers—innocent people. In Orlando, a disturbed man, perhaps inspired by ISIL, murdered 49 people in cold blood. This was an assault on the LGBT community—a hate crime. In the last week, in my home State of New Mexico, we have seen some terrible gun tragedies. A man is now accused of murdering his wife and four children in Roswell, NM.

There are so many tragedies, and they all have different reasons. But one thing that almost all of us agree on is that we must do more to keep dangerous weapons out of the hands of people who mean harm to others or to themselves. You should have to pass a background check to buy a gun. If you are a risk to others because of a history of making threats or because you may be affiliated with a known terrorist organization, law enforcement should be able to step in and prevent you from buying weapons.

The first thing I wanted to ask the Senator from Connecticut, for people who are just tuning in right now, is this: What are the two amendments that you are seeking to vote on today, and how would they help stem this tied of horrific violence that we are seeing across the country, and as you have continually pointed out happens every day?

Mr. MURPHY. Mr. President, I thank the Senator for the question. It is simple. We are asking for the two sides of the aisle here to come together and bring us votes on a bill that would prevent individuals who are on the terrorist watch list—the no-fly list—from being able to purchase firearms and then, second, to expand out those purchases that are covered by background checks to places where gun sales are migrating, which is largely gun shows and Internet sales. These are both measures that are supported broadly by the American people.

To the Senator from New Mexico, we are asking for more than just votes on these measures. We think there is common ground on these issues. We can't think of any excuse why we can't come together and figure out a way to get these passed.

We have taken votes in the past, and votes are important and would be important if we took them, but what would be more important is to bridge our differences. There are plenty of people who aren't on the floor today who can make that happen so that we can pass legislation rather than just debate and vote on it.

I yield to the Senator for an additional question.

Mr. UDALL. Mr. President, I ask the Senator this, through the Chair. My offices in New Mexico today received many calls asking why Democrats are on the floor debating the Second Amendment. I would like to ask the Senator from Connecticut if this is an accurate assessment of today's debate.

It is my understanding—and I believe most of my colleagues would agree—that the Supreme Court has settled this issue. Congress can't take away that right. President Obama can't take away that right.

What we are doing here today is taking steps to ensure that dangerous people are not able to buy a gun. Is that the Senator's understanding?

Mr. MURPHY. Mr. President, I thank the Senator for this clarification. I, in fact, don't think there is anything about this debate that we are having that, as they would describe it, is a debate about the Second Amendment. There is no dispute that the Second Amendment now, in the wake of the Heller decision, guarantees the right of an individual to own a firearm. That is the law of the land. But that same decision very explicitly makes it clear that it is within the right of Congress to put parameters around that right to make sure, for instance, that criminals or would-be criminals don't get access to firearms.

So this certainly is not a debate about the Second Amendment. The Second Amendment is clear. Right now, as interpreted by the Supreme Court, it guarantees an individual's right to a firearm, with reasonable conditions placed upon it by Congress. So we are simply debating the extension of a widely accepted condition on the Second Amendment, which is the inability of criminals, and as we are debating today, individuals on the terrorist watch list.

I yield to the Senator for a question.

Mr. UDALL. I would ask an additional question here. Last week, several of us announced a ''we the people'' government reform package, and I plan to introduce that bill tomorrow. The bill includes several pieces. It has Senator WHITEHOUSE's DISCLOSE Act, which would require mandatory disclosure of all special interest campaign donations. It also includes my good friend Senator BENNET's legislation to strengthen lobbying laws.

I bring this up because I think it highlights the reason for Congress's inaction on gun violence. We have been here before after the tragedy in Connecticut at Sandy Hook. We stood here and debated many of the same issues, including expanding background checks, closing the gun show loophole, limiting the capacity of magazines—things that should have been passed but weren't.

I wish to ask my friend from Connecticut: Do you think our inability to pass commonsense gun safety legislation is in any way connected to the flood of money in our campaigns from special interests?

Mr. MURPHY. I thank the Senator for the question.

I think the flood of special interest money into politics is the answer for why lots of things don't happen here, and, frankly, it is also the answer for why a lot of things do happen here. So I think you are spot-on, through the Chair to Senator UDALL, that part and parcel of this conversation is a conversation about reforming the way in which influence is exerted in this place.

Something is wrong when 90 percent of the American public says that they want expanded background checks, and something is wrong when 75 percent of the American public says they want people on the no-fly list to be prohibited from buying guns, and we don't act on it. I can't give specific diagnoses as to why that is, but it certainly speaks to the need for the reforms the Senator is talking about.

I yield to the Senator for an additional question without losing my right to the floor.

Mr. UDALL. I ask one additional question through the Chair.

Many New Mexicans live in very rural areas near the border with Mexico. Carrying a gun is not unusual in those areas. It is a different way of life than in Connecticut or anywhere on the east coast. For example, the entire State of Connecticut is about 5,500 square miles, with a population of 3.5 million. Hidalgo County, NM, one of our 33 counties in southwestern New Mexico, is almost 3,500 square miles and has a population of fewer than 5,000. Many of the ranches there are tens of thousands of acres. They are in the remote boot heel area of the State, a region that is divided by mountain ranges and that borders Mexico on two sides. So I understand why many New Mexicans feel safer carrying a firearm. They might be miles from the closest help. It might take law enforcement a significant time to reach them. So I certainly don't want to do anything to infringe on their right to protect themselves with a firearm.

But I would ask my friend from Connecticut who has worked on this issue so long and understands this so well, would any of the proposals we are asking to get a vote on take away their rights to purchase or own a firearm?

Mr. MURPHY. I thank the Senator for the question. I will forgive the disparagement of Connecticut's small size, but the answer is no. The only limitation would be that if any of those individuals were not permitted to fly because they were on the terrorist watch list, they would not be able to purchase a gun. In 2015 there were only 200-some-odd individuals who were on the no-fly list who attempted to buy a gun. Other than that limitation—and I imagine there are very few or no ranchers who are on that list.

Mr. UDALL. I appreciate that answer, and I yield the floor.

Mr. MURPHY. I thank the Senator very much.

I yield to my good friend, the Senator from Colorado, for a question without losing my right to the floor.

Mr. BENNET. Mr. President, I thank the Senator from Connecticut, and I would say to the Senator from Connecticut, those attempting to disparage the size of Connecticut—being from Colorado, I certainly won't do that, but I would ask you to share the biggest concern you have heard about requiring universal background checks on gun sales.

Mr. MURPHY. I thank the Senator for that question. I talked to Senator MANCHIN about this earlier today. Much of the concern that I hear from individuals is that it is somehow a slippery slope that eventually leads to the government confiscating weapons. That is a mythology that has been created out of whole cloth by individuals who have something to gain from selling the story of perpetual fear of the government.

Of course there is no evidence in the history of the national criminal background check system that is the case. So I think the root of people's opposition is in a fear about a hidden agenda of the government, which we know is simply not the truth. All the criminal background check systems do is protect the public by keeping guns out of the hands of violent criminals.

I yield for the question.

Mr. BENNET. I appreciate the answer to that question.

I will share some of the experiences of Colorado, and I will ask the Senator from Connecticut a question.

I want to say first to the people of Orlando and the people of Florida how sorry I am for the tragedy that has befallen them. On Sunday morning, I got up and opened the paper on my device and saw at that time that 20 people had been killed, and then it quickly grew to 50. I can only remember the shock when we had the shootings in the Aurora movie theater, and I know the Senator from Connecticut had the tremendous shock of the killings of the elementary school children in Newtown, CT. I thought, as I always do when this happens, that my brother or sister could have been in there, my mother or father could have been in there, or my son or actually one of my daughters could have been in there, and I thought of the feeling somebody must have when they know they are never going to see their loved one again.

I was fortunate, obviously, not to be in that circumstance, but on Sunday morning, my wife Susan and I were taking my 11-year-old daughter—my youngest daughter—to camp, and the only thing I was trying to do before I got her there was to make sure she didn't see the news, make sure she didn't hear about what happened, make sure she didn't leave her parents feeling the anxiety they felt after Newtown happened, the horror they felt after Aurora happened, the knowledge that they are growing up in a country unlike the country we grew up in, where children have a reasonable fear that something like this could happen to them.

Our experience in Colorado—as the Senator knows, on July 20, 2012, a gunman walked into a crowded theater in Aurora—people were there just to watch a show—and killed 12 innocent people, just like the innocent people who were killed on Sunday morning or the children killed in Newtown. There were 58 wounded from the gunfire. We lost 12 lives, people who were full of life and aspirations, loved by family and friends. I have read their names on this floor. I have talked about who they were on this floor.

But unlike Washington, in Colorado, our legislators rose to the occasion and made some tough decisions, which is why I am asking this line of questions to the Senator from Connecticut. They got together and they actually strengthened our background check system. Colorado's Legislature closed the gun show loophole and the Internet loophole and required a background check for every gun sale.

What has happened? Let me give an example. In 2015 the stronger background check system blocked 7,000—I want to be precise about this—7,714 people from buying guns. That may sound like a lot, but 350,000 people applied for guns in Colorado in 2015. That is just over 2 percent of the people who applied for guns. Ninety-eight percent of the people who applied got their guns.

By the way, I have a report from the Colorado Bureau of Investigation, which on a monthly basis publishes all this data so everybody in Colorado can see what is going on. It has, among other things, the average wait time, the average time it takes on the Internet to get this check done in Colorado. It takes 9 minutes to get the background check.

More important than the percentage—that, of course, is a low percentage—is who is in the percentage. We have murderers who have been denied guns. We have rapists who have been denied guns. We have domestic abusers in that 2 percent who have been denied guns. We have kidnappers who have been denied guns. Is there anybody who is going to come to the floor of the Senate and say that Colorado is worse off because we have kept guns out of the hands of murderers and kidnappers and rapists?

This isn't mythical; this is the actual fact of what is going on in a western State that has background checks. Nobody can come here and argue that we are not safer because these people who shouldn't have had a gun don't have a gun, this 2 percent.

But in stark contrast—this is why I came to the floor tonight—this is in stark contrast to what the Colorado Legislature did after the Aurora shooting. This Congress did nothing after Newtown, after Aurora, after Orlando—nothing. Time and again we return to this floor after a mass shooting and yet are unable to do the simple things, such as close the gun show loophole once and for all. That is not about taking guns from people who already have guns; that is about keeping guns out of the hands of people who shouldn't have guns. If your State is like my State, that is going to be somewhere in the neighborhood of 2 percent of the people who can't get a gun or apply for a gun permit.

The least we can do is close the terrorism loophole that allows terrorists on the watch list or people who are on the watch list to buy a weapon. That makes no sense at all. I think the American people clearly agree with that. The American people clearly support background checks. Ninety percent of the American people believe we should strengthen background checks.

I thank my colleagues who are here today. It is a particular privilege to be here with my two colleagues from New Mexico, and I thank the Senator from Connecticut for his leadership.

Mr. MURPHY. I thank the Senator from Colorado for his passion on this issue and for the personal decisions we wrestle with, especially those of us with children.

I now yield for a question.

Mr. BENNET. Mr. President, I would just like to add one thing, if I could.

Mr. MURPHY. I will yield to the Senator from Colorado for a question.

Mr. BENNET. You know, it is Pride Month, and we have our Pride parade this Sunday in Denver. For the last 10 years, that is how we have celebrated Father's Day. Father's Day coincides with Denver's Pride parade, and my wife and children and I all go. This Sunday my phone rang. My oldest daughter was on a civil rights tour in

the South with her choir, and we started talking about this, and she reminded me that we missed last year's Pride parade because we were at the Shorter AME Church in Denver worshipping with that congregation in the wake of the shootings in Charleston. She was the one who had to remind me of that, but when she did, it was another reminder of how searing these experiences are for the next generation of Americans.

I thank my colleagues.

Mr. MURPHY. I thank my colleague. He is right. Charleston was almost a year ago to the day. But it is hard to keep track of when these year anniversaries occur because we are now having 1-year and 2-year and 3-year and 4-year anniversaries and major, epidemic mass shootings almost every month, and we are coming up on 4 years for Sandy Hook this December.

I thank the Senator, and now I yield for a question to the Senator from Hawaii without losing my right to the floor.

Ms. HIRONO. I thank the Senator from Connecticut for yielding his time on the floor for a question, and I want to join all the people of Hawaii in expressing our deep sadness and condolences to the families and friends of all those who lost their lives and who were injured in this tragedy in Orlando. Our entire country shares in your grief.

Like everyone who has spoken today, I am saddened and outraged by what occurred in Orlando this past weekend. One of the victims, Kimberly ''K.J.'' Morris, moved to Orlando from Hawaii just 2 months ago to take care of her mother and grandmother in Florida. K.J.'s grandmother Emma Johnson said:

> Knowing her, she would be trying to help everybody get out instead of running for her life. That is the type of person she is.

The lives K.J. and others led were cut tragically short. Meanwhile, Congress has been unable and unwilling to act to keep guns out of the hands of people who shouldn't have them.

I commend my colleague from Connecticut for his leadership on this important issue. He has been on the floor of the Senate week after week, month after month, calling on us to enact sensible gun legislation to keep our communities safe and to save lives.

I shared a transition office with Senator MURPHY in the days following the Newtown attack, and I saw his dedication and passion on this issue firsthand.

In his first speech on the Senate floor, the Senator from Connecticut said:

> I never imagined that my maiden speech would be about guns or gun violence. Just like I could never imagine I would be standing here in the wake of 20 little kids having died in Sandy Hook or six adults who protected them. But sometimes issues find you.

We all share his heartbreak that, of all issues, this is the one that found him. But I am proud to stand with him and with all my colleagues and with all the children, families, and communities affected by the gun violence epidemic in our country.

I agree with my colleague wholeheartedly when he says that it is no longer the time for thoughts, for prayers, for reflection; it is time for action.

In Hawaii, we have one of the lowest firearm death rates in the entire country. This is not an accident. Our elected leaders in the Hawaiian community have recognized that our laws should balance the interests of responsible gun owners with the interests of public safety.

Of course, we need to do more—so much more—on the Federal level. I supported the Manchin-Toomey bill to close the gaping loopholes in our background check system before guns can be purchased, and I strongly support Senator FEINSTEIN's bill to prevent people on the terror watch list from purchasing a gun.

Now is the time for action on these measures today, on this bill before us. Otherwise, the carnage in our country will continue. This year alone, 6,093 people have been killed by guns in our country. This includes 125 people who were killed by guns in the 3½ days since Orlando. So 125 more people have died since Orlando.

If we stood here and provided 6,093 victims a minute of silence, we would be standing here for 4 days, 5 hours, and 33 minutes. Moments of silence are not enough.

I wish to ask my colleague from Connecticut a question. What kind of message are we sending to communities around the country if we once again do nothing to make our country safer?

(Mr. ROUNDS assumed the Chair.)

Mr. MURPHY. I thank the Senator for the question.

I think it is a very dangerous message. I think it is the complete inability of this body to deal with important questions of the day. There is no doubt that we have disagreements. There is no doubt that there is a different approach on this side of the aisle than there is on the other side of the aisle. We have proffered the two policy proposals that are the easiest to find common ground on, but there is a host of other things that we would like on that we know will be much more difficult to get consensus on from the other side.

What is so damaging about not doing anything and, frankly, what is so offensive about not even scheduling a debate is that we are admitting that this place doesn't have the capacity and the ability to deal with the big questions that are on people's minds. People are scared right now. They are scared, having watched what happened in Orlando and what happened in San Bernardino. You heard the letter or the voice mail that Senator MCCASKILL transcribed for us by a 14-year-old who didn't know whether she was going to be able to live out her dreams because she thought that gun violence was going to sweep over her community.

It is so damaging to this country to leave people exposed to this potential terror, but it is also damaging to the reputation of this body, which is about as low as you can already get if we don't act.

I yield for any other questions.

Ms. HIRONO. I thank the Senator for his response. What could be more fundamental a job for government than to keep our people and our communities safe.

Mr. MURPHY. I thank the Senator, and I thank her for the questions.

I am thankful that my friend from New Mexico, Senator HEINRICH, has joined us.

I yield to him for a question without losing my right to the floor.

Mr. HEINRICH. I have several questions I wish to ask Senator MURPHY through the Chair today, but I want to start by thanking my friend, CHRIS MURPHY.

I am very proud to call him a colleague. I am proud of seeing him take this stand. I am proud that is forcing us to have this conversation. We all get sent here by our constituents to make tough decisions, to find the truth, and to find a path forward. I am very proud of him for not letting this go quietly with just another moment of silence and no action.

Since Sunday, I think most of us have been walking around feeling literally sick to our stomachs, with a sickness that is not going away.

I know our whole country is just so weary of seeing shooting after shooting and not seeing action and change and something meaningful from all of us.

I was very proud to see my constituents fill Morningside Park in Albuquerque, Pioneer Woman's Park in Las Cruces, the Plaza in Santa Fe, St. Andrew's Episcopal Church in Roswell, and Orchard Park in Farmington—all to remember the victims in Orlando and to say to their families that we are not going to forget them and to say to that entire community that when the LGBT community is attacked, really all of us are attacked.

I came to the floor because I can't believe that we are going to let this happen again and not change something. That goes to what I want to ask the Senator from Connecticut about.

I am here because I know that we can take tangible steps to make our country safer again, steps that are not a burden to gun owners—to gun owners like me. Senator MURPHY and I have talked about this at length. We are friends, our families are friends, and our kids are friends.

This is not about creating a burden for law-abiding gun owners, it is not about a threat to the Second Amendment. What has become clear is that

there are simply critical junctures where we have to be able to identify those who would do us harm. Whether it is a young person drastically losing their way or a potential terrorist who is intent on doing harm to others, there are times when we have to be able to step in.

It is no secret that I have always believed that law-abiding citizens should be able to own firearms for sport, for self-defense. A lot of New Mexicans do just that and do it with incredible responsibility, but I simply cannot stand by and let this pass with just another moment of silence.

It is personal. As the parent of a 13-year-old, as the parent of a 9-year-old, and watching what happened at Sandy Hook in Senator MURPHY's home State—without believing there must be something more that we can do—I find it so frustrating that kids today in elementary school, in middle school, have to do things that we never had to do when we were growing up—practice sheltering in place and what happens in an active shooter situation. Our kids simply shouldn't have to do that. We owe it to the American people to take real action, to reduce the violence in our communities. I truly believe that keeping guns out of the hands of people who are, frankly, legally prohibited from having them is just such common sense.

The fact that we are arguing about this is a little bit unfathomable, but that is all we are talking about with background checks. That is what background checks do. That is what closing the terror gap would do.

I can't tell you how many times I have been through the background check process. Through the Chair, I ask Senator MURPHY, if I have to pass a background check to buy a deer rifle, why shouldn't firearms sales made on the Internet or at a gun show require such a simple procedure that makes sure that law-abiding people have access to firearms and makes sure that people who aren't law-abiding, who have been convicted of a felony, who potentially could be on the terrorist watch list do not. We are going to talk a little bit about closing that gap. Shouldn't we make sure that all of our firearms sales cut a clear and decisive line between the law-abiding and those who have lost their rights through the actions they have taken?

Mr. MURPHY. I thank the Senator for his question. I really appreciate his outlining at the beginning of his question that not only is the Senator from New Mexico a gun owner but that he is a proud gun owner. He is an active hunter and somebody who cares very deeply about Second Amendment rights.

His question is spot-on. Why would you have a system that requires Senator MARTIN HEINRICH to go get a background check when he buys a gun at a gun store but not require an individual to get a background check when they buy a gun at a gun show? The reality is that when this law was passed, the intention was for the background check to cover almost all commercial sales in the country, but it was passed at a time when almost all commercial sales were being done in gun stores. What has happened since that law was passed is that gun sales have migrated—for reasons that you can understand—away from bricks-and-mortar stores and onto Internet sales and to these gun shows. I guess really all we are asking for the text of the law is to basically re-up on the original law's intent.

The Manchin-Toomey bill, for instance, still doesn't contemplate the sale of a gun from a father to a son or from a neighbor to a neighbor to be subject to a background check, but if you were advertising your gun on the Internet or if you are going to an organized market and gun sale, then you should go through that background check.

I saw you nodding when Senator BENNET mentioned that the average background check takes under 10 minutes. Some people say: Oh, we can't have background checks; it is so onerous.

No, everybody who has gone through a background check can tell you that you are by and large in and out of there in a very short amount of time. Frankly, as to the people who aren't in and out of there in a short amount of time, sometimes that is for a reason, and that is important to remember.

I yield for additional questions.

Mr. HEINRICH. Well, I want to get to a second question, but I want to say that is absolutely accurate. I can tell you I don't think it has ever taken me more than 15 minutes to go through that process.

As a law-abiding gun owner, as somebody who has taught my kids how to be responsible with firearms, I don't want criminals to be in possession of firearms. I don't want someone who has been convicted of domestic violence to be in possession of firearms.

This is about separating the law-abiding from terrorists and criminals. What could be more common sense?

If you look at Federal law, it literally identifies 10 categories of individuals who today are prohibited from shipping or transporting or receiving firearms or even ammunition, because we have made the judgment through our judicial system and through our laws that they present a threat to public safety.

This list includes convicted felons, as it should. It includes fugitives. It includes drug addicts and people who are committed to mental health institutions. It includes undocumented immigrants. It includes anyone who has received a dishonorable discharge from the military, someone who has renounced their U.S. citizenship, or someone with a restraining order for domestic violence or misdemeanor convictions for domestic violence. Finally, it includes anyone who is under a felony indictment.

To me, the second amendment that Senator MURPHY was speaking of—the second amendment not to the Constitution but the second amendment to this bill—speaks to whether it shouldn't be true that someone who is suspected of terrorism should not be considered as unfit to own and use a firearm legally as someone who has been dishonorably discharged or has renounced their U.S. citizenship. We are talking about people who have gotten on the no-fly list, for example, for some very real reasons.

Through the Chair, I ask Senator MURPHY: If the FBI or intelligence community believes that someone is such an imminent threat that they are so dangerous that we cannot allow them to board a commercial airliner, shouldn't they also be prohibited from buying a gun or shouldn't we at least let the Attorney General flag that sale and do something about it?

Mr. MURPHY. I thank the Senator for the question. The amendment that has been filed by Senator FEINSTEIN is pretty plain in its wording. It says that the Attorney General can deny the transfer of a firearm based on the totality of circumstances, that the transferee represents a direct threat to public safety based on a reasonable suspicion that the transferee is engaged or has been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or has provided material support or resources thereof.

There is not a single Member coming to this floor and suggesting that people who are on the no-fly list today should be taken off of it because their right to fly has been abridged or that there are names on the list that shouldn't be. That would be ludicrous. No one is going to suggest that we should allow people who meet that criteria to be allowed to fly in this country. So why on Earth would we allow them to purchase a gun?

I would hope that our colleagues would take a close look at this language that Senator FEINSTEIN has filed. It is different from her initial amendment. It is very clear and straightforward. If you are deemed to be a potential threat to the United States because of connections to terrorists, you probably shouldn't be buying dangerous assault weapons.

I yield for a question.

Mr. HEINRICH. And is it not true, I ask Senator MURPHY through the Chair, that there are due process protections in this amendment so that if someone were to find themselves on a list, there is a right to redress so that we ensure not only that terrorists can't simply walk into a gun store or go online and buy firearms but also so that there is due process?

Mr. MURPHY. I thank the Senator for that question because that is kind of the red herring that gets thrown into this mix. Yes, we all agree we don't think people who are on the no-fly list should get guns, but it is about the mistakes that are made.

No, in Senator FEINSTEIN's amendment—I know she will speak to it over the course of the debate—there is a process for individuals to remedy any erroneous denial of a firearm. So there is going to be an explicit process set up with which to do that.

I think Senator MCCASKILL said this earlier; she remarked that the bipartisan reference is showered upon law enforcement. It is wonderful that we support our members of law enforcement, but then why don't we trust them to make decisions when they have information that would make them very worried about a specific individual buying a firearm? Why don't we trust them to make that decision if we all agree that we trust them to make other decisions to keep us safe?

I yield for additional questions.

Mr. HEINRICH. I was looking at updated data from the Government Accountability Office that sort of leads to my next question, and it shows that known or suspected terrorists pass a background check to purchase a firearm or to purchase explosives 91 percent of the time. The terrorists themselves have actually identified this weakness. They know it exists. I sit on the Intelligence Committee, and we look at what they communicate to each other so that we can learn how to make our country safer.

There was an Al Qaeda video in 2011 that literally instructed potential terrorists to take advantage of our incomplete background check system.

There have been a number of terrorist attacks in recent years where giving the Attorney General the authority to prohibit a suspected terrorist from purchasing a firearm could have at least thrown up meaningful barriers. I think most notable was the horrendous Fort Hood shooting in 2009, where MAJ Nidal Hasan was able to pass a background check and buy a handgun, even though he was under an active FBI investigation for links to terrorism. He went on to shoot and kill 13 people. He wounded 30 others.

So if we are saying that whole categories of other people present such a public safety threat that they shouldn't have access to firearms, I just can't believe we shouldn't at least give the Attorney General the ability to put terrorists on the same do-not-buy list. Why wouldn't we do that, Senator MURPHY?

Mr. MURPHY. I say to Senator HEINRICH, it is hard to understand why we wouldn't do that, especially when, as you noted, people on that list go in and buy a gun and they are almost universally successful in walking away with that weapon. It doesn't happen very often; let's be realistic about what the numbers are. I think I read them earlier and from 2004 to 2014 there were 2,233 instances where suspected terrorists attempted to purchase a gun. And as my colleague mentioned, in 91 percent of those instances they were successful. So we are only talking about 200 or so instances a year.

Now, of course, those are the only ones we know about because those are the ones that actually went through a background check. We don't actually know about all those people on the no-fly list who tried to buy a weapon successfully online or at a gun show. We know about these that rated about 200 a year.

The reality is that terrorists today who are trying to perpetrate attacks on American citizens have lately not been using a bomb or an explosive device to carry out that attack. They have been using weapons—in the latest attack, an assault weapon. So we should just wake up to the weapon of choice of terrorist attackers and adopt this commonsense measure.

I yield for a question.

Mr. HEINRICH. I have one last question for my colleague from Connecticut, and this one is probably the hardest one. It is simply why? Why is this so hard?

I stand here as a gun owner. I have looked at each of these amendments through the lens of what it means to be a law-abiding gun owner in this country, with both rights and responsibilities. That is why we have hunter safety before we ever go out into the field as a 12-year-old or a 13-year-old.

I just don't see anything in these two amendments that is an unreasonable burden to someone like me. So why is it so hard to even have this conversation on the floor of the Senate? Why is it so hard to get a vote? And more importantly, why is it so hard to change these policies and these laws to try to make our country just a little bit safer?

Mr. MURPHY. I guess, I say to Senator HEINRICH, if I had the 100-percent correct answer to that question, we probably wouldn't be here because we would probably have figured out how to solve it.

It is such a unique issue in the American public sphere today, where 90 percent of the American public wants something to happen and this body will not do it. It is only controversial in the U.S. Congress. It is not controversial in people's living rooms. It is, frankly, not controversial in gun clubs. When you sit in a gun club and talk about whether a person who has been suspected of being a terrorist should be able to buy a gun, there is a consensus there too.

We have talked about the cornucopia of reasons this doesn't happen, and it is part a story of the influence of the gun lobby; it is part a misinterpretation of the nature of the Second Amendment; it is part a belief that more guns make people safer, which the data does not show; it is part an answer in how voters prioritize the things they care about—that the 10 percent that doesn't agree is calling in to Members' offices at a level the 90 percent aren't; and, lastly, in part, it is an indictment of us. It is an indictment of those of us who have just let business as usual run on this floor, mass shooting after mass shooting.

The reason we have chosen to do something exceptional—which is to hold up work on the CJS appropriations bill until we get an agreement to move forward on these two issues—is that we have something to answer for here as well. Maybe we haven't fought as hard as we should in order to get this done. And this may not get us there. We still need votes from Republicans. We can call for a vote, but we ultimately need them to vote yes on that. But at least we are showing the American public that we care as deeply as we should about ending this slaughter.

I would be happy to yield for a question.

Mr. HEINRICH. I just want to thank Senator MURPHY for everything he has done on this issue and for not taking no for an answer.

Mr. MURPHY. I thank the Senator.

I am so glad to have my neighbor, Senator WHITEHOUSE, joining us on the floor, and I yield to him for a question without losing my right to the floor.

Mr. WHITEHOUSE. I am delighted to be here. And before I ask my question, I just want to thank my colleague for what he is doing. I guess my first question would be, How are you doing? You have been on the floor for quite a while now, and I really appreciate it, but how do you feel?

Mr. MURPHY. I say to Senator WHITEHOUSE, when I was in my early 20s, I actually ruptured two discs in my back, and so I spent a lot of time reworking my back in my later 20s to make sure that wouldn't happen again. That rigorous back work to repair my broken discs is paying off, I would say.

Mr. BOOKER. Will the Senator yield for a question?

Mr. MURPHY. I will yield to the Senator from New Jersey for a question.

Mr. BOOKER. The Senator is not asserting he is still in his 20s, is he?

Mr. MURPHY. I am no longer in my 20s, but I am saying that early preventive work has paid off in the long run.

Mr. BOOKER. I thank the Senator. I just wanted to clarify that.

Mr. MURPHY. I yield back to the Senator from Rhode Island for a question.

Mr. WHITEHOUSE. We have some obligations that we ought to meet and that the American people would support us in meeting, and my question is,

Do those obligations include not only strengthening our gun laws to make sure that certain individuals who should not purchase firearms are legally prevented from purchasing firearms—for instance, people convicted of violent hate crimes?

I think Americans agree that is not a class of people whose defense of their right to purchase firearms we should be rushing to defend. Those who are suspected terrorists on the no-fly list, on the terrorist watch list—that seems to be a very reasonable group of people to take out of the list of folks who are allowed to purchase firearms.

But if we just do those two things and we don't beef up the background checks, so that even if we do create a law that protects people who have committed violent hate crimes from being able to buy a firearm and even if we do pass a law that prevents people from the terrorist watch list or the no-fly list from being able to buy a firearm—even if those laws are in place, is it not true that if all they have to do is go online to buy a gun, if all they have to do is go to a gun show to buy a gun, then we have failed in our responsibility to protect the American people?

Mr. MURPHY. The Senator is correct. Today, the estimates are that 40 percent of all gun sales happen outside of brick-and-mortar stores. And the secret is out that if you can't get a gun because of your criminal record—or in this case because of your inclusion on the no-fly list—then just circle back and find another way. All it takes is a quick Internet search. All it takes is to plug in armslist.com, and you can get a weapon delivered to you in short order.

If we don't close that loophole—that Internet and gun show loophole—then simply denying terrorists guns at gun stores is a half measure.

I yield for a question.

Mr. WHITEHOUSE. That problem applies to a convicted felon who can right now get around the conviction and go and buy a gun through either of those loopholes—online or from a gun show. It applies to a domestic violence abuser who is ordinarily prohibited but can easily get around it by going to a gun show or buying a gun online. It applies to someone who has been determined by a court to be dangerously mentally ill.

So right now we have a system, as I understand it, where if you have been determined by a court to be dangerously mentally ill, if you go to a gun shop and go through the regular procedure, then your purchase of the gun will be interrupted. But all you have to do is go to a gun show or go online, and you get around the restriction. Isn't that the state of play right now, even for convicted felons, domestic violence abusers, and people who have been adjudicated to be seriously mentally ill?

Mr. MURPHY. That is the state of play, I say to Senator WHITEHOUSE.

We had Senator DURBIN on the floor earlier today, telling the horrific tales of Chicago, for which the strong background check laws in Illinois make almost no difference on the streets of Chicago because the weak background check laws of Indiana allow for individuals to go there and buy guns online or at gun shows and then ferry them back onto the streets of Chicago.

So without that Federal law that creates a uniform standard that you need to go through a background check for whatever commercial means you attempt to buy a gun, then there are criminals every single day who are getting their hands on weapons, separate and aside, as the Senator said, from this question of terrorist access.

Mr. WHITEHOUSE. Will the Senator yield for another question?

Mr. MURPHY. I will yield for a question.

Mr. WHITEHOUSE. I have some statistics here that I find a little surprising, and I would love to ask my colleague for his explanation of them.

The statistics that I have are that 76 percent of gun owners and 71 percent of National Rifle Association members support prohibiting people on the terror watch lists from purchasing guns. Yet despite the fact that 76 percent of gun owners support putting people on the terror watch list—on the list that doesn't allow them to buy firearms—and despite the fact that 71 percent of NRA members support putting terror watch list folks onto the ban list for buying firearms, nevertheless the NRA has repeatedly opposed and attempted to block legislation that attempts to close the terrorist watch list gap.

Does the Senator have an explanation or a thought about why it is that when three-quarters of gun owners and nearly three-quarters of NRA members take one position, the organization is taking a completely different position from what their members support and from what gun owners support across America?

Mr. MURPHY. The Senator has asked the $64,000 question, in a way, and I can hazard a guess. My guess would be this: that the nature of gun ownership has changed over the years. It used to be that over 50 percent of Americans owned guns. Most only owned one gun, but the majority of Americans owned guns some 30 years ago. Today that number is rapidly decreasing. Now 30-some odd percent of Americans own guns. It means the nature of the industry is changing. It means the industry now has to sell a smaller number of individuals a larger number of weapons. So part of the marketing technique by the industry—and the industry is essentially equated to the NRA. It is the industry that funds the NRA in substantial part. Part of the marketing necessity of the industry is to create this belief in the government any day approaching your house to confiscate your weapons. So every initiative to just try to enact commonsense gun laws is distorted by the industry as just another attempt to get closer to the day in which black helicopters swoop down on your house and steal away all of your weapons. Of course, that is not what we are going at here. It has nothing to do with our agenda. We simply want people on the terrorist watch list to not be able to buy guns and for criminals to not be able to buy guns. But because the industry needs this perpetual fear of government in order to sell more weapons, I think there has been a desire of the NRA to not listen to its membership and instead listen to its industry members and feed this sense of dread about the secret intentions of the Federal Government.

Mr. WHITEHOUSE. If the Senator will yield for another question, it is my understanding that this position the NRA takes against any and every, even very reasonable, gun safety measure—and very likely, I suspect, for the reasons the Senator has identified as a marketing ploy on behalf of the big industry that pays them to do this. But it is my understanding that applies to a variety of other issues as well. The issue I want to ask about is the issue of high-capacity magazines.

Now, I am a gun owner myself. I belong to a gun club in Rhode Island. In order to get access to the range, I had to have a safety briefing by the gun club saying what I could and could not do on the range, saying what the range rules are. One of the range rules that was imparted to me in the safety briefing is that they don't allow high-capacity magazines on the range. They don't allow them for safety reasons.

I doubt this is the only one. If you have gun clubs around the country that will not allow high-capacity magazines on the range for safety reasons at the range itself, and yet here is the NRA wildly opposing any effort to limit any high-capacity magazine restriction of any kind, does that follow as part of that same argument? Is the industry as determined not only to sell more and more guns to a smaller number of people by creating fear that some imaginary black helicopter is going to come and take their guns away but also restricting the limits on high-capacity magazines?

Mr. MURPHY. The margins involved for the industry in these very powerful weapons and these large-capacity magazines are big. So when you are attempting to put together a portfolio in which you are going to make a substantial profit in return for your investors, you have to double down on things like 100-round drums and AR–15-style weapons. Now, I don't know every hunter in my State, but I have yet to talk to one who feels like they need a 30-round clip in order to go into the woods and hunt. It is not something

hunters need. And the design of all of these weapons and the high-capacity magazines we are referring to were originally for one purpose and one purpose only—to kill as many human beings as quickly as possible. They are military in nature and design and thus the reason many gun clubs around the country deny access to this kind of ammunition. It certainly stands to reason that the rationale for continuing to sell this is monetary in nature.

Mr. WHITEHOUSE. If the Senator will yield for a question, does the Senator recall that years ago there was an effort to prevent armor-piercing ammunition from being sold? Because our police officers who wear body protection for protection against armed assailants were very concerned that selling people armor-piercing ammunition would make them more effective at killing police officers. Whereas, it would make no difference in hunting deer or elk or anything else. They customarily, as I understand it, don't wear armor, but police officers do. Police officers have to go into dangerous situations with armed individuals. Therefore, there was considerable pressure to protect our law enforcement officers to try to put limits on the amount of armor-piercing ammunition that people could buy.

My recollection—if the Senator would confirm it, that would be my question—is that at the time, the NRA opposed any limit on armor-piercing ammunition and opposed the law enforcement forces, the local police chiefs and police officers who come to these crisis situations and their desire to be safe and their desire to be able to tell their families: It is going to be OK, honey. I have protective armor. It is going to help make me safe, and there is an armor-piercing ammunition that people are allowed to shoot at me; that they took all that away, and this was an argument that they made and they succeeded, and right now armor-piercing ammunition is available as a result of NRA lobbying.

Mr. MURPHY. That is certainly the way I remember the events as well. I remember one of the many chilling conversations I had in the 24 hours after the shooting in Newtown. One was with a police officer who remarked that it was a good thing Adam Lanza killed himself and didn't engage in a shoot-out with police because they were not confident they would be able to survive a shoot-out with an individual who had that much ammunition and that kind of high-powered capacity in a firearm.

Separate and aside from the question of armor-piercing bullets, law enforcement has stood with us in our calls to restrict the sale of assault-style weapons and high-capacity ammunition because even that, without the armor-piercing bullets, puts them at risk.

Mr. WHITEHOUSE. Will the Senator yield for one more question? I see my senior Senator JACK REED on the floor. I am sure he wants to engage in a question-and-answer with Senator MURPHY. Before that, may I ask one additional question?

Mr. MURPHY. I yield to the Senator for a question.

Mr. WHITEHOUSE. The other question I want to ask is that in response to our effort to put people who are on the terrorist watch list into a category where they are not able to go and buy firearms in order to commit the acts of terror for which they are on the watch list, our friends on the other side of the aisle have suddenly come up with a new piece of legislation they say is designed to address this problem.

My question is, Do we know if this piece of legislation has ever been seen before? Do we know if it has been brought up in committee and given any kind of a review? Have they built a track record of interest and concern about this issue and built a legislative record to support their bill or does this appear to be something they whipped out of their pocket at the last minute to try to fend off the sensible provisions we have long fought for to keep people on the terror watch list from being able to go out and buy high-powered firearms?

Mr. MURPHY. It will shock and surprise you to know, I say to Senator WHITEHOUSE, that it appears to be the latter. We had one of our colleagues come down to the floor and suggest there is a way out of this; that we could come together and work on a compromise. I think all of us—Senator BOOKER, Senator BLUMENTHAL, and I—were happy to take them up on that effort.

I have noted that we have had 6 months since the failure of the last measure to prevent terrorists or suspected terrorists from buying weapons to work on this. No one in the Republican caucus has approached us about trying to find common ground. It wasn't until we took the floor this morning and shut down the process on this appropriations bill that we started to see movement on the Republican side about coming up with an alternative. Now, they did pose an alternative back in December, but it was a miserable alternative that would require law enforcement to go to court in order to stop someone on the list from getting a weapon and capped them at 72 hours to complete that whole process. It was ridiculous and ludicrous. They are probably going to present another alternative. It is important to note that none of that happened until we took the floor, and we have had 6 months since the last vote, and, frankly, 3 days since the shooting in which we could have been trying to work that out.

Mr. WHITEHOUSE. To the point the Senator just made—if he will yield for one final question. When the government would have to go into court within 72 hours in order to try to interrupt the sale, presumably that would give the person on the terrorist watch list all sorts of notice about the government's investigative activities and an opportunity in court to do further inquiry into the government's investigative activities and in fact allow somebody who is on the terrorist watch list to have a window into the government investigation that he or she might be the subject of; is that not the way that would play out? It doesn't seem to make much sense to me.

Mr. MURPHY. It doesn't seem to make much sense. For the question, we can only imagine what that court process looks like. Who knows what rules apply, who knows what the rights to discovery are.

Mr. WHITEHOUSE. There is no model for it.

Mr. MURPHY. There is no model for it. We have hamstrung the FBI and the Attorney General by asking them to do more and more with the same amount of resources. To ask them to go through dozens and dozens of court processes—remember, there were 240 people on these lists who tried to get guns last year. So we are talking about a lot of court processes they would have to undertake. It is just totally unrealistic, totally unprecedented. It makes no sense at all.

I thank the Senator from Rhode Island.

I am glad to be joined by Senator REED. I yield for a question without losing my right to the floor.

Mr. REED. First, let me commend the Senator for this extraordinary and principled discussion that the Senator has led, along with Senators BLUMENTHAL and BOOKER.

I do have a question, and it stems from some of the comments I have received from the Chief of Police in the State of Rhode Island, Colonel Steven O'Donnell, a skilled professional. What Colonel O'Donnell said—and it goes to one of the issues that Senator WHITEHOUSE discussed, the access to high-capacity magazines for these assault weapons. Colonel O'Donnell said:

> I've yet to hear a viable argument for high capacity magazines, what the purpose is. I have friends that are hunters. They use high capacity weapons, but not magazines. They use several rounds to hunt, but they don't need 15, 30, and 45 round clips to hunt an animal.

Is that some of the responses you are getting from some of your law enforcement professionals who deal every day with firearms?

Mr. MURPHY. That is the same response we get. I just reflect on one of my earlier responses to Senator WHITEHOUSE, that I have also heard fear in the wake of Sandy Hook from law enforcement about their ability to combat an individual who has staked out in a school or a workplace who doesn't engage in a suicide mission but then tries

to confront and take on police, that you have 30-round magazines, 100-round drums. That is very difficult to match from law enforcement's perspective.

I yield for additional questions.

Mr. REED. The Senator continually references military-style assault weapons. Frankly, I had the privilege of commanding paratroopers, and we were armed with M–16s, which is an AR–15 military variance. It was clear to us—and this was 30 years ago—these are military weapons. These are weapons that were designed to mass fire, rapid fire, even in semiautomatic mode. These were not designed for hunting. In fact, back in those days, we replaced the M–14—which didn't have the same capabilities, much more accurate—because what they were looking for was just a sheer volume of fire that can inflict the most casualties possible, particularly in confined spaces, because of woods, because of jungle, because of war, because you are in a building.

I think your points about military assault weapons are exactly the right points, and you, like me, have heard this not only from law enforcement professionals but also from military personnel about the nature of this weapon.

Mr. MURPHY. I think it is tragically instructive, I say to Senator REED, to think about what happened inside that school in Sandy Hook. There were 20 kids hit, and 20 kids died. These are powerful weapons with the capacity not only to discharge an enormous amount of ammunition in a short period of time, but the force of it is unprecedented in the firearms world, and there is a reason why not a single child survived. These are powerful killing machines that, as you said, were not designed for hunting. They were designed to kill as many people as possible, and that is why you see this epic rate of slaughter when they are used inside schools, inside nightclubs, inside churches.

Mr. REED. The Senator also commented, and I want to reconfirm it, that one of the characteristics of these weapons is that even in semiautomatic mode, there is a high rate of fire, and the velocity of the rounds are such that they inflict extreme damage. So even if it is in a semiautomatic mode, you have the ability to deliver devastating fire, and coupled with a large magazine, you can keep this fire up.

The other point is that changing the magazine on one of these weapons is a matter of seconds. It is not a laborious task where you have to individually load rounds into the weapon. That, too, I think increases the lethality.

Again, if the Senator would comment and concur, the adoption by the military had a logical military purpose—to increase the lethality of the weapons that we are giving to the soldiers, marines, sailors, and airmen of the United States. That is not, I don't think, what you and I would like to see in our civilian population—weapons for which the primary purpose is increased lethality. It is not accuracy, necessarily, not for a skill in terms of marksmanship, but simply increased lethality. Is that the sense that you have?

Mr. MURPHY. It is, I say to Senator REED. If you think about what we are doing today, the individuals who are contemplating lone-wolf attacks are not building IEDs in their basements any longer. They are going to the store and buying assault weapons. We essentially are selling weapons to the enemy. We are selling weapons to the enemy—powerful military style weapons. We are advertising them, and individuals who are contemplating these lone-wolf attacks are buying them.

In fact, I have read quotes earlier today on the floor from terrorist operatives where they are calling on Americans to purchase these weapons and turn them on civilians because it is so easy to get access to them. This is a very deliberative tactic on behalf of these very dangerous international terrorist organizations, and that is one of the reasons why we think we have to wake up to the new reality of the threat of lone-wolf attacks and change our laws.

Mr. REED. Will the Senator yield again for a question?

Mr. MURPHY. I will.

Mr. REED. Essentially, what our adversaries are doing is exploiting loopholes in our law, and they are doing it very deliberately, very consciously. To date, we are standing by and letting them do that. They know where the weak points are. The weak points are not only that you can get these assault weapons, but another point is that a significant number of weapons were sold without a background check because they can be done through the Internet, through gun show sales, et cetera. We have taken this issue on before, and we failed to address those issues too.

Mr. MURPHY. Had we had in place a ban on individuals who were on the terrorist watch list to buy a weapon, it only would apply to brick-and-mortar stores. Even if Omar Mateen was on one of those lists and even if we passed a law saying that prohibited him from buying a weapon, he would have gone into that store, be told that he couldn't buy a weapon, and then he could have walked right back to his house and gone online and bought one there or waited for the next weekend's gun show, of which there are many in Florida, and bought one there.

We don't know how it would have played out, but without an expansion of background checks to people on the no-fly list being prohibited to buy guns, it is a half measure. I reiterate, these are the two things we are asking for—to have consensus on these two issues because they are the right thing to do, as we are discussing, but they also have the support of the American public.

Mr. REED. I have one final question for the Senator. It would seem to me that this would essentially deny our fiercest adversaries, the Islamist jihadists who are using the Internet to radicalize people—not only to radicalize them but, without directly controlling their conduct, suggesting to them the way they can get assault weapons legally in the United States and can arm themselves. If we take these steps, as you would suggest, we can deny our fiercest adversaries the arms they seek to inflict harm on our families, our friends and our neighbors.

Mr. MURPHY. It stands to reason that in the wake of this latest attack, we should wake up to the new tactics of our enemy. This is the new tactic of our enemy—to go buy these weapons and to use them against civilians. The genius of what we are proposing is that it keeps weapons out of the hands of would-be terrorists without affecting the Second Amendment rights of anyone else.

We are talking about such a small number of sales. Over the course of the year, we are talking about 200 some-odd sales. Think about that, 200-some odd sales that would be affected, that would force someone to be denied a purchase of a weapon because they were on the terrorist watch list. It stands to reason that we should accept the new tactics of these groups and amend our laws.

Here is the Senator from New Jersey. We have had such a long run of colleagues coming to the floor that we haven't gotten to hear from the Senators from New Jersey and Connecticut. I yield to the Senator from New Jersey for a question without yielding control of the floor.

Mr. BOOKER. I appreciate the Senator yielding for a question. I have a number of questions for Senator MURPHY.

I think you bring up a good point. We have now been at this for about 8½ hours, and we have seen colleague after colleague. We have worked now through the majority of the Democrats in this caucus who have stood up and asked Senator MURPHY question after question.

I want to start, before I even give a question, by giving my respect and gratitude to Senator MURPHY. In Isaiah, it talks about those who wait on the Lord, running and not getting weary, walking and not being faint. I see the consistency of his efforts, which is not just manifest during this filibuster. He has been on his feet now for 8½ hours, and it is not just today. Senator MURPHY, in his maiden speech here in the Senate, stood right there—I know this because at that time I was still mayor of the city of Newark—and gave, still to this day for me of all the

Senate speeches I have heard, probably one of the most eloquent, moving, factual, compelling speeches on gun violence that I have heard.

I am grateful today because just yesterday, in a caucus meeting that I think my colleagues who are here will agree got very heated, very emotional, in which he spoke with passion, as did other colleagues, he and I began talking about making sure that this was not business as usual and that we didn't go through the same routines in this body every single time there was a mass shooting. There are mass shootings with greater and greater routine.

You have heard it from my colleagues. It is an insufficient response that our elected leaders should simply pray and share condolences. To paraphrase one of my heroes whose picture stands on my wall, Frederick Douglass said: I prayed for years for my freedom, but I was still a slave. It wasn't until I prayed with my hands and prayed with my feet that I found my salvation. Faith without works is dead. Prayer is not enough.

I stand here first and foremost to express my gratitude to Senator MURPHY. We talked during the day, we talked into the night, and we chose to be here. I am grateful for his senior Senator, who has been here for the entire duration. These two partners from Connecticut went through the unimaginable when they shared the grief of a community where child after child—20 children—were gunned down and murdered. These two men have been dedicated and determined—not yielding, not giving up, not surrendering to cynicism about government or this body but continuing to fight and to fight so that we would do something about this problem.

This is the first question I have for Senator MURPHY. There is this idea that is deep within the history of our Nation, that when there is injustice—and there is no greater injustice than the savage murder of our fellow citizens, the murder of innocents. I have seen you time and again—and today is a model of courage as well as a model of endurance—take on a Senate that was prepared to move on, a Senate that was prepared to go on with business after the greatest, largest mass killing in this Nation's history. We were going to go on with business as usual. In my conversations into the night last night with Senator MURPHY, I saw his determination not to let the business as usual go on in this Senate.

I have a number of questions for you. But the first one, Senator MURPHY, is that there are a lot of people who are surrendering to cynicism about government, a lot of people who are showing frustration. But yet, you are still going on with this in a way that reflects those people who didn't give up on the idea of civil rights in the 1940s and the 1950s and kept pushing legislation—pushing legislation before the 1965 Voting Rights Act, before the 1964 Civil Rights Act, before the consciousness of the country caught up. But this must be frustrating to you. I have been here for 2½ years. You have been here longer. We came here tonight—today—for a reason. I say today because we are approaching the ninth hour. We are about a half-hour away from the ninth hour. Can you frame one more time why you are expending your energy doing this now, here, in the Senate, especially because I know that perhaps there are people talking about: Well, they don't have a shot; they don't have a chance. There are cynics, there are critics, and there are pundits probably saying they may not get a vote. The majority of Americans, the majority of gun owners, the majority of NRA members might agree with Senator MURPHY, but the NRA has too much of a hold on the Senate. Why are you here right now doing this on this day?

Mr. MURPHY. I thank the Senator. I want to thank Senator BOOKER and Senator BLUMENTHAL for being here from the very beginning. This has been miraculous in its own regard, not just being able to spend this time with the two of you but to have had the majority of our caucus come to this floor and express their support for our determination to move forward this debate and, at the very least, to get votes, but really to try to bring consensus around this issue.

I don't think I am breaking confidences to share that both Senator BOOKER and I spoke at our meeting yesterday of Democrats in which Senator BOOKER shared an immensely powerful series of stories about his experience as mayor of a grief-torn city, his direct personal intersection with friends, with neighbors who had lost their lives. I know how deeply and personally this has affected him.

I tell you why I am doing this as maybe a means of telling you why Senator BLUMENTHAL and I are both doing this, and I tell you through the prism of a story from the awful, awful series of days following the shooting in Sandy Hook.

Senator BLUMENTHAL and I went to the first of what were umpteen wakes and funerals. We were standing in line at the first wake about to talk to the first set of parents who had lost, in this case, their young daughter. I remember being so uncertain about what we were supposed to say to these parents—not just what you are supposed to say to provide some measure of condolence, but we were their elected representatives. We had some additional obligation to show them that we were ready to act, but was it too soon to make that offer? Was it not the right moment to suggest that there was a public policy response to the slaughter of their children? It was Senator BLUMENTHAL who very gently and appropriately said to the mother and father as we walked by the closed casket: Whenever you are ready, we will be there to fight. The father said: We are ready now. This was probably not 48 hours after the death of their 6- or 7-year-old daughter.

We have been thinking about this necessity, this imperative of action, since that moment. It gets harder and harder to look into the eyes of those parents and surviving children and explain to them why this body has not acted. It gets harder and harder to defend the complete silence from this institution in the face of murder after murder.

Franklin Delano Roosevelt wasn't confident that everything he proposed was going to solve the economic crisis of the 1930s and 1940s, but he was damned if he wasn't going to try something. He and his aides talked unabashedly and unapologetically about trial and error. If we try one thing and it doesn't work, we will try something else. Why don't we do that? Why don't we try one thing, and if it doesn't stem the violence, try something else? But doing nothing is an abomination and makes it impossible for those of us who have lived through these tragedies to look these families in the eye.

I remember that it took 10 years from the attempted assassination of President Reagan and the maiming of his press secretary, James Brady, for the Brady handgun bill to be signed into law. It took a decade of political action, and it probably took many nights like this when legislators or advocates stood out at a rally or maybe stood on the floor of the Senate or House and argued until they had no more energy left, knowing they weren't going to get the victory the next day.

As I said to my friends in the movement back in Connecticut and throughout the country—I know the Senator has said versions of this as well—every great change movement is defined by the moments of failure, not the moments of success. Every great change movement in this country is defined by the fact that there were times in which you could have given up, but you didn't; you persisted. The changes that never happen are the ones where the movement, once they hit that brick wall, said ''It is too hard'' and went home. That is the reason we are here, and I think I am speaking in some way, shape, or form for the three of us. We want to get votes on these measures, and we will stand here until we get those votes. But even if we don't, it is important to continue to engage in the fight.

Mr. BOOKER. That is the first part of the framing that is very important—this determination that we will not do business as usual and that this fight will not stop. We will take this fight to the Senate floor, we will take this fight to legislators, and we will take this fight to neighborhoods and communities. It is not a physical fight. It is a

fight, in my opinion, of love. It is a fight that says we can be a country that affirms people's right to own weapons. We heard from one of our closest friends in the Senate, Mr. HEINRICH, who is an ardent gun owner. He is a hunter. As a vegan, I have seen some pictures of what he has shot and killed, and he takes great pride and joy in that. What we are talking about—and this gets me to the next area of questioning—is that it is not about hunters, it is not about people who want guns for self-defense, and it is not about people who want guns because they love the sport. Senator BENNET took me out skeet shooting when I was in Colorado. It is not about the folks who want guns for that. This is about something very narrow, and that is the question that I have, which is the second part of this framing. I have heard some people talk about this in partisan terms. The truth is that this may be a partisan issue in Washington-speak, but when I go back to New Jersey—I go to communities like the ones I grew up in, where a majority of the community is Republican, and communities like the one I live in, where the majority is Democrat—I hear the same thing from members of both parties. They say that there is a lack of understanding in this country. How can we be at a point where our country is at war with terrorists, with our enemy in places such as Iraq and Syria literally trying to egg on and radicalize young people, saying ''Go to America''? Al Qaeda and others are instructing them that this is the country to go to and buy guns because it is so easy to get access to guns, thanks to these massive loopholes. That is the point that brings us here.

Senator MURPHY and I probably share beliefs about gun safety that are not shared by the majority of gun owners, and there are things I heard brought up tonight, frankly, that, hey, I might like. People have talked about magazines and research on this issue. I heard a lot of subjects brought up, but what brought Senator MURPHY and Senator BLUMENTHAL to the floor for almost 9 hours now, with me standing here this entire time, is to say: Hey, we as Americans can agree that someone who is a suspected terrorist and under investigation and might be on a no-fly list—that person should not be able to buy not just a weapon or handgun but an assault rifle. When you look at this issue, it is not controversial with Americans. This is not controversial with Republicans. This is not controversial with NRA members because the overwhelming majority of them agree that we should not be a country where a person can't get on a plane in Newark, NJ, but they can drive to a private seller or a gun show or go on the Internet and buy a gun.

The second of three questions I have is that this not a radical thing the Senators from Connecticut are asking for. Senator MURPHY is not calling for something controversial. This is something that, at this point, is common sense and is agreed upon by over 70 percent of gun owners. I am not sure if there is an elected official in the Senate that has a 70-plus percent approval rating. Rarely do you see people agree that greatly.

Could the Senator please explain why he is taking a stand on this issue right now and what it is that he thinks we should be able to achieve on this common ground for the common good?

Mr. MURPHY. Mr. President, I appreciate the Senator talking about what a limited ask we are making here. Let's talk about the scope of the limitation on gun ownership. We are asking that those people who are on a terrorist watch list and on a no-fly list be added to those who are those prohibited from buying guns. We have data that tells us how many of those individuals are buying guns every year because they can match one list to the other, even though they don't intersect in a way that prohibits the purchase. What we know is that there are only about 200 sales at gun stores every year from people who are on those lists. So we are talking about a minuscule limitation on the right, which is to take a small handful of individuals who have been placed on a terrorist no-fly list, and saying that they shouldn't be able to get a weapon and building into it a process to grieve that limitation so if there is a mistake that is made, you can have your right restored. We are talking about a few hundred sales a year. You could say: Oh, it is a few hundred sales, so why does that matter? Well, if you get it wrong once, it is a mass slaughter. It is a small number of sales, a minuscule limitation, with potentially enormous reward when it comes to public safety.

Mr. BOOKER. Mr. President, I said one more question, but I have two more questions. This is sort of a progression. My friend is here today because of a commitment Senator MURPHY made in his maiden speech in the U.S. Senate—a consistent sense of belief that my friend will never give up until we have commonsense gun safety in America. After the grievous act that we saw in Florida, where 49 innocent people were slaughtered, Senator MURPHY, Senator BLUMENTHAL, countless Senators, and I—at least half of our caucus has come down here and said the same thing: Enough is enough. We can't let business as usual happen.

No. 2, and the reason my friend stood up and has been holding the floor for 9½ hours, has been in order to say: Hey, the terrorist loophole should be closed. There is one more element to this progression—an indefatigable Senator with a noncontroversial element in terms of the terrorist loophole, but now there is this other piece, which is just common sense, and I want to take that one step and ask that my friend go a little deeper with it. That last step is this: If you just have the terrorist loophole closed but don't have universal background checks—in other words, if you close the terrorist loophole so that anybody who goes to a Federal firearm licensed dealer or goes to a NICS check, that stops that terrorist, but if you still have these Internet and private sales, that terrorist, who probably will not even go to that Federal arms licensee, will go to the back doors that are still wide open for people to get guns. So what the Senator from Connecticut is saying is that he is not giving up. No. 2, 70-plus percent of NRA members agree with me on what I am asking for. This last step, where the majority of gun owners in America agree, why is it important to also make sure that if we want to stop terrorists from doing what they did in Orlando—if we do nothing, it may happen again, God forbid. Why is this universal background check element the second thing my friend is standing up for today, along with his colleagues?

Mr. MURPHY. Mr. President, when I go to bed at night, I lock the front and the back doors. It doesn't do much good to lock only the back door and leave the front door open or vice versa. That is what we are proposing. If we believe in a commitment to stop individuals who are associated with terrorists from buying guns, then you have to lock both doors. You have to stop them from buying guns when they walk into a brick-and-mortar store, but then you have to acknowledge that it is frankly easier for individuals to just type in one of the main online arms sellers and buy a weapon that way because it is faster, it can get delivered right to your door, and you don't have to go through a background check.

If you really want to make a commitment to preventing terrorists from getting guns, then you have to do both. You have to put them on the list and then you have to reconcile the fact that 40 percent of sales today are happening outside of that pathway. By the way, the added benefit of that is that you are shutting down the pathway that criminals have been using for a decade in order to get these weapons, and you will have a dramatic effect on the slaughter that is happening in our cities, as well, by limiting the flow of illegal arms into the cities.

Mr. BOOKER. So the last question—and I know the senior Senator from Connecticut would like to ask a question. But this is where I have to say it becomes deeply personal to me, because what you are talking about there is your persistent, unyielding fight for commonsense gun legislation from the second you walked into the U.S. Senate, to the noncontroversial idea that terrorists in America—people who are suspected terrorists—should not be allowed to buy assault weapons, period.

And your comment that that affects a very small universe of people, that in order to make that ironclad—again, nothing is going to stop everybody, but this is doing something that will constrict access to terrorists—you have to do a universal background check, so you close the back door, as you said.

Now, this is what gets personal to me even more so because it is more than all this. When you do that, you are not affecting sports people; you are not affecting Second Amendment right believers who believe that I need to have my right to bear arms; you are not affecting folks who are worried about self-defense and want to have a gun to defend themselves; who you are affecting when you do that is not just terrorists, but you actually have a collateral benefit when you tighten up the system that you then stop criminals of all categories from getting guns.

We live in a nation where women are victims of violence at astonishing rates. You close down that system for terrorists, you are going to make it much harder for someone who seeks to engage in domestic violence with a firearm—you are going to shut down their access. You are going to shut down criminals from getting guns.

This is really what I experienced as a U.S. mayor. I looked at all of my shootings and murders as too many in Newark when I was mayor. I could only find one case—one case—where a law-abiding citizen used a gun in violence. The problem we saw overwhelmingly in our city was that criminals who should have been stopped were using these loopholes to buy lots of weapons and engage in criminal activity. So much of the carnage in our communities is happening when criminals can easily get access to guns.

You and I have had this conversation privately so many times. I have sat with you in Connecticut cities. We have seen the impact and the pain and the agony of murder after murder after murder after murder in our cities. And this commonsense terrorist loophole closure—would the Senator please explain how that will also constrict the ability for all criminals committing murders at rates not seen anywhere on the planet Earth, because someone who has restrictions on them for buying guns for domestic violence, stalking, threatening a woman, can go get a gun; somebody who is an ex-con for a violent crime can go get a gun. Why is this also important because of the collateral benefits that would come about from this commonsense constricting and closing of the terrorist loophole?

(Mr. GARDNER assumed the Chair.)

Mr. MURPHY. I say to Senator BOOKER, there is nobody better than you in making people understand the human consequences of inaction and the potential for human benefit of action, so I am not going to try to compete. Let me give the statistics. Let me tell my colleagues what happens in States that impose rigorous systems of background checks.

There are 64 percent fewer guns trafficked out of State, there are 48 percent fewer firearm suicides, there are 48 percent fewer police killed by handguns, there are 46 percent fewer women who are shot to death by intimate partners, and there are 17 percent fewer aggravated assaults with guns. Those numbers could be even better if there was a national commitment to the same concept because, as Senator DURBIN has told us, as tough as Illinois' laws are, all it takes is for a criminal to go across the border into Indiana and buy guns at a gun show or buy them online or get them from an unregulated dealer and bring them back into Chicago. And what every police chief will tell you is that the fewer illegal guns on the street, the fewer crimes there are. The harder you make it for an individual at a moment of passion or a moment of frustration or whatever that moment may be to get a gun, the less likely you are to have a homicide.

Senator BLUMENTHAL and I went to a meeting of activists on this issue in Hartford, CT, a few weeks after the Newtown shooting, and they were furious. They were furious that the world had woken up to gun violence because of Newtown after it had been a reality to them for so long.

That is the genius of what we are proposing. Without taking away any Second Amendment rights, Senator BOOKER, we are able with this proposal to both extend protections to Americans who might be the victim of a terror attack but also individuals who right now are living with the everyday slaughter that happens in our cities.

I am happy to yield to my friend from Connecticut for a question without relinquishing the floor.

Mr. BLUMENTHAL. Senator MURPHY's very eloquent reference to a family we met just a day or so after the loss of their child brings back a memory that always evokes an almost indescribable emotion from me. My heart goes to my throat whenever I think of that couple saying to me: We are ready now, ready to help, ready to take action. And that has been the story of the Newtown and Sandy Hook families who lived through that loss. They came here and told their stories to our colleagues, nearly achieved—or helped us achieve—a victory. We came within four or five votes of that outcome. And from the Gallery of the Chamber, when we failed came the cry ''shame,'' and it was indeed shameful that the Senate failed to move forward.

My colleague from New Jersey, Senator BOOKER, has described the real-world impact in such graphic and powerful terms that I hesitate to follow him, but I want to make two points and ask my colleague from Connecticut whether he agrees with them. The first is that those families from Connecticut in a sense represented the community as a whole—the Newtown community, the Connecticut community—through organizations like Sandy Hook Promise and the Newtown Action Alliance and others around the country—Everytown, Americans for Responsible Solutions. They are doing what proponents of sensible, commonsense measures have done for much longer, which is to organize and to galvanize and educate and raise awareness. And that, in the end, will be the way we win. I pay tribute to them tonight. I thank them and the families for their courage and strength again.

I want to bring this issue home to Connecticut, where my friend and colleague Senator MURPHY and I live and where we went through the searing experience of the Newtown tragedy. I had been involved for two decades in gun violence prevention, helping to advocate and then to defend in court our ban on assault weapons—one of the first State laws in the country. But that experience transformed many of us in our State, and it impacted people of all ages to be more vigorous advocates and more articulate advocates.

I want to read a letter from a young man who lives in Danbury, CT.

> I am a constituent of yours and I became a victim of gun violence when my 7-year-old cousin, Daniel Barden, was murdered at Sandy Hook Elementary School in 2012. I am no longer ''saddened'' by recent mass shootings; I am instead angry and frustrated by the inaction of this Nation's leaders to implement obvious and basic safeguards to gun ownership such as universal background checks, CDC research into gun violence, limiting magazine capacity, restriction of gun ownership to domestic abusers and people on terrorist watch lists, to name a few. One of the most infuriating aspects of the continued mass shootings in this country is that they are so eminently preventable. We can't do much about earthquakes or hurricanes, but it is pretty simple to just NOT SELL military grade weapons to civilians or just NOT SELL AR–15s to domestic abusers who have been investigated by the FBI for terrorist connections and threats.
>
> I am furious and feel powerless. I beg you to stand up for me, my family, everyone who has ever lost family or friends to senseless gun violence, and for our society as a whole, which we are currently failing to protect. Enough is enough.

That is from a young person who lives in Danbury, CT. It summarizes the feeling of powerlessness and helplessness and fury that Americans all across the country feel.

Just to give one example, I understand that in the last 96 hours, 500,000 people have signed a petition in favor of banning assault weapons—half a million people in just 96 hours, a petition circulated by MoveOn.org.

Assault weapons are designed for one purpose: to kill as many people as possible as quickly as possible. They are combat hardened and tested and used. They are military-style assault weapons—AR–15s. As some of our colleagues

have said, most hunters would not use them to shoot deer or other animals. Yet they are sold freely.

Our request is a much more limited one than even assault weapons, as much as they need to be banned in terms of new sales. We are simply saying don't sell those weapons to somebody who is on the terrorist watch list, somebody who is under investigation for potentially being supported and funded and maybe educated and trained by one of our adversaries, our enemies abroad, like ISIS. And don't sell those kinds of weapons or any others to anyone without a background check because they may fit that category or the other prohibited categories that are already in the law. It is simply a means of enforcing the law.

These proposals are really relatively modest, and so are the others that this young person has advocated that we adopt—''obvious and basic safeguards,'' to quote him or her, ''to gun ownership such as universal background checks, CDC research into gun violence, limiting magazine capacity, restricting gun ownership to domestic abusers and people on terrorist watch lists, to name a few.'' All of them should be adopted. We are asking for two. We are asking for votes. We are asking for action. And we are saying: No more business as usual.

Connecticut also had a connection to Orlando—a 37-year-old young woman named Kimberly Morris, educated in Torrington, CT, at the Torrington High School and then at Post University in Waterbury, CT. Kimberly Morris was known as a ''scrappy player,'' according to Charlie McSpiritt, the Torrington High School's former athletic director. He can still remember Morris because she ''played the game to her fullest.'' She was ''a tenacious'' small forward on the basketball team as well at Post University in Waterbury. Her teammate Narvell Benning, who played for the men's team, said: ''She didn't let nobody push her around.'' She was 37 years old. She is among the older victims who were killed in Orlando.

What is so striking about the biographies of these men and women is how young they are and how much life they had ahead. They were not as young as the 6-year-olds gunned down in Sandy Hook, those 20 beautiful children, but Kimberly, like those children, had her whole life ahead.

So my question to my colleague is whether Connecticut still feels the impact, and whether Connecticut wants us to act at a national level as well, as the Nation?

Mr. MURPHY. I thank the Senator for the question. Connecticut is still dealing with this tragedy to this day. Newtown is a community that has not recovered. Connecticut wants us to act not just because they don't understand the inaction of this place but they have seen the benefits of stronger gun laws. Connecticut responded in a bipartisan way. Republicans and Democrats came together and passed legislation to ban major assault weapons and extended background checks to more sales, and we have seen an immediate diminution in the number of gun crimes in our State. We have seen an immediate impact on the safety of residents. So people in Connecticut want us to act because they acted like grown-ups in Connecticut.

The minority leader of the State senate, who wanted to run for Governor, put his political future in peril by sitting down at the table and negotiating a compromise. He stands by it today because that compromise saved lives. So the people of Connecticut want us to act, Senator BLUMENTHAL, and that is the reason we are here today.

Senator BLUMENTHAL, if I could, I would just note for a moment, before I hand it over to Senator CASEY, that when one of our colleagues had a moment to hold the floor for an extended period of time, he read a story to his kids who were at home. I actually didn't know this was going to occur, but my oldest little boy just showed up in the gallery, and, A, you are supposed to be in bed, and, B, I am sorry that I missed pizza night, and, C, I hope that you will understand some day why we are doing this, why we have been standing here for 8 hours trying to fight to make our country a safer and better place, and why, sometimes, even if you don't get everything that you want, trying hard, trying and trying and trying to do the right thing is ultimately just as important as getting the outcome in the end. So go to bed.

But this is, for those of us who are parents, deeply personal. This is about protecting not just every kid in this country but our kids personally.

I yield to Senator CASEY for a question without losing control of the floor.

Mr. CASEY. I want to thank Senator MURPHY.

Mr. MURPHY. My wife is up there, by the way, too. He didn't come alone, by the way.

Mr. CASEY. For anyone within the sound of my voice related to Senator MURPHY, my question is a basic one, but I think it is fundamental to his efforts. I will address Senator MURPHY and say that your efforts and the efforts of those you have worked with, not only today but on other days—Senator BLUMENTHAL, who is with you today, has been working so hard on these issues, and Senator BOOKER. The three of you have been—if there is a way to express inspiration beyond just using that terminology, I would like to hear it, because it has been so—an inspiration.

My basic question is this, and I will ask you to hold your answer for just a couple of minutes. My question is this: How do you stay focused? How do you stay inspired to continue this fight, which for you hasn't been just hours long or days long or weeks, but it has literally been for years? I will ask forbearance for just a couple of minutes to give you a sense of part of the motivation that I have.

I am holding here—it will be difficult to see from far away, but this is a one-page tear sheet from the Wall Street Journal dated Monday, December 17, 2012. It says at the top: ''Connecticut School Shooting.'' The headline below that, in larger letters, says: ''Shattered Lives.'' I, obviously, won't read it all, but this has been on my desk since that week. We can see it is a bit yellowed, and every story here has an element of inspiration that is almost unimaginable. I mention that because I am from Pennsylvania. I don't represent the State of Connecticut, but this tragedy in Connecticut, at Newtown's Sandy Hook Elementary School, stays with all of us for different reasons—maybe because some of us are parents, maybe because we were struck by the gravity of the enormity and brutality of that crime on what so many of us have called that awful day. But, I will tell you, I don't think I have been as affected by a news event other than 9/11 in my life, and certainly not one that ever affected in the way that it had a connection to what I would do and how I would vote. So this tragedy in Newtown in 2012 directly affected the way I would vote. It changed my thinking in so many different ways. I won't walk through all of that tonight. But as much as these stories of these children inspired me then and continue to inspire me, I don't want to add another set of stories to my desk or keep adding to the chronicle of suffering and the chronicle of murder and destruction that gun violence will leave with us.

Today the Washington Post—and I will just open this up for illustrative purposes—had one page and then another page, and they needed two pages of it, obviously, because of the number of victims. I didn't count, but if that is not 49, it is close to 49. Each of them has a story as well. So just as the children whose stories were summarized in the Wall Street Journal in 2012, today's Washington Post—and I am sure many other papers—have these stories.

We don't have time to go through every story, but I was inspired by the lives of those children, what they meant to their families and what their life meant to their community, and how in their very young lives they had already begun to achieve significant things in their life, either by making their sisters or brothers happy or by comforting their sisters and brothers and family and friends. I am sure the same will be said of those who lost their lives in Orlando.

Let me give you two examples in the interest of time. This is on page A–11 in

the Washington Post today. It is one of the many vignettes. I mentioned Akyra Monet Murray, 18 years old, who happened to be from Philadelphia. I talked about her earlier today. She was third in her class and on her way to a basketball scholarship, and she happened to be in Orlando, FL. She was killed. She was a remarkable young woman. I wish I knew her, but she had just graduated from West Catholic in Philadelphia.

Here is someone as well who died in Orlando. Brenda Lee Marquez McCool, 49 years old, is one of the oldest on these 2 pages. Many of them listed, as many people here know, were 25 and 21 and 18 and 24 and 22, and on and on. But here are the first two lines of this vignette about Brenda Lee Marquez McCool. A two-time cancer survivor, McCool was first diagnosed with cancer about 8 years ago. This is what her exhusband Robert Presley said: ''The doctor gave her a year to live. She lived eight, until this nonsense.''

She lived 8 years after a diagnosis of cancer. So her life and her fight to overcome cancer should be a reminder for us that this is a long fight. She lost her life ultimately, but she beat cancer for a long time, even though she lost her life this weekend.

I will give you one more. There are so many more, but we just don't have time tonight to go through all. Shane Evan Tomlinson was 33. He was working that night, playing in a band, and he left there to go to the club, to be able to relax a little bit after working. He was a member of an all-male gospel choir at the House of Blues in Orlando. Again, he was 33 years old.

So I don't want to keep adding to this chronicle. None of us want to. We all want to figure out a way to make progress on this issue, to finally say to ourselves that as Americans we can come together and take even incremental steps. But, I think, for this week that would be significant. As all three Senators—Senator MURPHY, Senator BLUMENTHAL, and Senator BOOKER—have reminded us, what we are asking for here is a model of reasonableness. We are asking for a simple solution to a very discreet but horrific problem. If you are too dangerous to get on an airplane, if we have made that determination, why would you be allowed to have a firearm? Why would a terrorist or potential terrorist be allowed to have a firearm? Let's solve that one problem.

Then, of course, there is the problem that we have tried to solve in 2013—background checks, which, at last count, was about a 90–10 issue in the United States of America. This is a reasonable and sensible set of requests, just two in number. I can go on with others, but I won't.

Let me just conclude with Sandy Hook for a moment. We all know the horror of what happened there and the impact it had on all of our lives, but Senator BOOKER reminded us yesterday that in so many communities and in so many inner cities in America they have large numbers of gun deaths every single week, and in some communities every single day. I won't mention a list of cities or communities, to not be exhaustive, but I think people know them. We have to figure out a way to stay focused on those communities even as we focus on the horror and gravity and dimensions of what happened in Orlando or Newtown or Sandy Hook or so many other places.

Let's think about this just for a moment, before I, at long last, ask my question or ask for the answer to Senator MURPHY. How about school shootings since Sandy Hook? What do we find there? Since Sandy Hook, a gun has been fired on school grounds nearly once a week for a total of 188 school shootings, including several in my home State of Pennsylvania, according to data compiled by Every Town For Gun Safety. This has happened weekly since Newtown. It is not as if we have these events and we focus on them and then the problem recedes as we recede in our action or lack of action, in our focus, in our determination, in our sense of urgency. The problem does not go away. The problem is not going away. If anything, it is growing in dimension.

Just look at the data on how this problem has grown since the 1960s and 1970s. It just didn't happen in those days. It didn't even happen much in the 1980s, but if you look at 1990 forward, you see incident after incident. In 2000 and forward, it goes on and on. So if anything, it is accelerating at a pace that no one—no one in this body—should be content about.

So that means that every week—every single week—there is some schoolchild or school student. This goes all the way, obviously, to colleges and universities. So every single week some group of Americans who happen to be children or young adults are in a school setting of one kind or another, and they are either the direct victim or the victim who lives through that horror and has the imprint of that horror for the rest of their lives. That is the reality.

So to anyone who thinks this is just a random occurrence, go to a school in a lot of places and talk to people in schools and go to our cities. I think we could all learn a lot.

I want to just mention a few more statistics because we were talking about children. Numbers don't ever paint the right picture, but they are instructive on a night like tonight.

I live in a State which has a proud tradition of support for the Second Amendment—and I mean really strong, like maybe no other State in the country, maybe one or two others but not many—a strong tradition of hunting and sport. Hunting is almost a part of not just the culture of our State but part of family life. Fathers and sons go out and hunt, and I am sure fathers and daughters or mothers and daughters. It is part of growing up in some communities. They go out and hunt, they participate in a tradition, they work to do it safely, they do a lot of training, and they pass on from one generation to another not just the experience but the rules and the way to do things.

We have as strong a tradition as any of the country. By some estimates, there are about a million gun owners. I don't know where that puts us in the rankings, but it is no lower than second or third or fourth in the country.

We have a lot of people in our State that not only value the Second Amendment, but the benefits of that amendment for their lives are significant because they get to own a gun to hunt and in some cases obviously to protect themselves or their families.

This is what the numbers tell us about just gun violence in a State like Pennsylvania as it relates to children only. According to the Pennsylvania Trauma Systems Foundation, every year about 400 children—meaning individuals under the age of 20. That is the cutoff. They don't say under 18. This is under 20, so children, and I guess you could say young adults. Four hundred are treated for firearm injuries in the Commonwealth of Pennsylvania. This number does not count the children who die at the scene, like most firearm suicide victims, so it doesn't even count some young people.

In 2013, there were 1,378 firearm-related injuries in Pennsylvania. Almost half of these were persons under the age of 25 years old. In that same year of 2013, the same year as Newtown, 1,670 children under 18 died by gunshot and an additional 9,718 were injured. So in just 1 year in one State, 1,670 children died by gunshot, 9,718 were injured.

That is the reality. When we consider the gravity of this problem in our cities, in communities of all kinds, and most tragically in Orlando, FL, we know it is a problem of great significance, dimension, and complexity. We know this is not easy to solve, but we know our country has faced huge challenges in the past. We are the country that won World War II. Without our participation, the Allies could never have won. That is who America was. That was a pretty tough problem, trying to defeat the Axis powers and trying to take on these powerful military machines, but we figured out a way to do that as a nation. We all came together.

We all came together after 9/11. It is a complicated problem involving rights, having to stand in line and say: I am going to participate in this process to make our airlines safe so we don't have airplanes flying into buildings.

That was a big problem, but we did not surrender to the terrorists after 9/11. We came together and figured out a solution to a problem. We haven't solved the terrorism problem. We have certainly solved the problem of preventing terrorists from taking an airplane and flying it into a building, not only to kill thousands of people but to create untold kinds of fear.

Where does that leave us with the children of Sandy Hook? Well, I will take another day to read some of the stories, but let me just leave you with one thought. I want to ask Senator MURPHY a question after I read this.

One of the children killed that day—and every child's story is worthy of mention, but in the interest of time I will highlight, and it will be a highlight of one, Caroline Previdi. Caroline was 6 when she lost her life at Sandy Hook Elementary School.

Among other things they wrote:

Caroline loved to draw and dance. Her smile brought happiness to everyone she touched.

That is what her obituary read at the age of 6.

She will be remembered for accompanying a nervous kindergartner on the schoolbus. Caroline, a first grader, sat with Karen Dryer's son Logan on the bus each day. This is what Mrs. Dryer said about Caroline: She sat with her son Logan so that he wasn't scared. That is what a grateful mother said about little Caroline and about what she did before she died.

What does that mean for tonight? If little Caroline, at the age of 6, could comfort someone younger than she was on the bus every day, knowing he was afraid, knowing he was scared or worried about what was happening in his life, a kindergartner on a bus—if Caroline could do that and show not just a measure of courage but really a measure of responsibility—she took responsibility in her young life to help solve the one problem that one of her classmates or ''almost'' classmate, that one of her friends was having—I think we should take inspiration from Caroline's sense of responsibility. She thought apparently it was her duty to help someone younger than she was and to give them comfort, to give a measure of security. In her young life, in that little world that she was, she figured out a way to be responsible.

I hope that people across this Chamber will do more than just kind of casually review these amendments, casually think about this issue, and just stay in your lane, which the lane is, for a number of people here, the usual response is no laws will change this. I am glad we didn't say that after 9/11, by the way. It is a good thing we didn't do that as a nation—no laws will change us, no policy will change us. I hope in light of what Caroline has taught us that we will all be responsible, serious, and sober about what we do here, and we will examine our conscience, to use an old expression.

Is there something you can do with your vote this week, next week, next month, or next year that will help solve a part of this problem? Because this is a big problem which has not gone away, and every one of our lives is going to be affected by it in some way or another going forward. Many of us have seen too much of this in our States and in our communities.

Finally, Senator MURPHY, I will ask you this question. I will not guess at the answer. In light of those stories—and you know the stories, you know the families personally, I do not—how do you stay focused on a goal, the goal that you are pursuing and we are talking about tonight, and how do you stay inspired in the midst of and in the absence of significant progress?

Mr. MURPHY. Thank you, Senator CASEY, for that question. I thank you for how you have conducted yourself since the shooting in Sandy Hook. I was remarking to Senator WARNER on the same topic, but it was really you and Senator WARNER who, in the days following the shooting, came out and said we need to engage, we need to change something, and we are willing to change our minds or our level of advocacy. You were one of the most persuasive voices on behalf of the families of Sandy Hook in the days and weeks following, and you have been so generous to meet with them, as have many of my colleagues when they come here.

In answer to your question, I go back to those families. Probably the worst day that I have had legislatively while I have been here was the day in which that background check bill failed. Remember, it didn't really fail. It got the majority of this Senate to vote for it, but it failed because of a Republican-led filibuster.

I thank Representative SWALWELL and Representative GABBARD for joining us on the floor today. I really appreciate our friends from the House being here.

I remember standing with them after that bill failed. They whispered to me some version of a very simple idea. They said: We aren't advocates for 4 months. We are advocates for 40 years, right? A tragedy like Sandy Hook, like Orlando or like Aurora, it fundamentally reorders the lives of those who are affected. The reason I think this Congress has been focused on this question perpetually since Sandy Hook is because those families continue to come here, continue to show up at our doors, and continue to press.

The simple answer to your question is as long as those families aren't going to give up, then we are not going to give up. There is no more articulate spokesman in the Senate for children than you, Senator CASEY.

I have a feeling that so long as children's lives are at risk because we are choosing to allow for dangerous criminals and potential terrorists to get weapons, that you are not going to stop either. I appreciate you being a big part of our effort on the floor today.

With that, I yield the floor for a question, without relinquishing control of it, to Senator KING.

Mr. KING. I say to the Senator, I have a series of questions and some comments.

First, I come from a predominantly rural State with a very high number of gun owners, a very low rate of gun crime.

What you are talking about here today, adding the terrorist watch list as one of the elements of the background check and covering the noncovered parts of gun sales, online gun shows, will that have any practical effect on the gun owners in Maine?

Mr. MURPHY. It will not have any practical effect on the law-abiding gun owners in Maine, and that is whom you and I are talking to. The only effect it would have is upon criminals or felons who are attempting to circumvent our laws and get weapons by avoiding background checks. The only effect it would have is if there were individuals in Maine who were the subject of terrorist investigations. They would be prevented from buying weapons, but of course even those individuals—if they thought they were on the list for the wrong reasons—would have a process to grieve that. But for law-abiding citizens in Maine or Connecticut or Pennsylvania or New Jersey, this law has no impact on them.

Mr. KING. It will have no practical effect. They will still be able to buy guns in either place. They would have to go through the instant background check and the law as if they were a felon or something like that. Then they would be prevented. But other than that, this isn't going to have any practical effect on the practical law-abiding gun owners in Maine?

Mr. MURPHY. It will have no effect on law-abiding gun owners in Maine or anywhere else. This has nothing to do with those individuals.

Mr. KING. I want to take a slightly different view than I have heard today on the issue of terrorism.

I am on the Intelligence Committee. Every Tuesday afternoon and Thursday afternoon that we are in session we meet upstairs in a closed room. Ever since I have been here in January of 2013, the subject in one way or another has been terrorism, has been the threats that this country is facing around the world.

What has happened in the last 4 years is a subtle change in the nature of that threat. When we first came, we were talking about Al Qaeda. We were talking about plots. We were talking about people coming here using airplanes, otherwise penetrating this country from abroad.

What has happened is that the terrorist threat has become homegrown. In fact, there is even a term for it of homegrown extremists or local terrorists.

ISIS is here. Every place there is a computer with an Internet connection, ISIS is there, and people like the shooter in Orlando may never go to the Middle East. I think he actually had traveled, but many of the people involved in this threat to our Nation never leave the United States.

So here is what we are doing, and here is why your amendment makes so much sense. We are spending millions of dollars—in fact, billions over the past 15 years—to counteract this terrorist threat, and it suddenly occurred to me, as I was thinking through it, we are spending millions of dollars to bomb ISIS's weapons supplies in Syria and Iraq, and they can buy their weapons here. How much sense does that make? It is just crazy that we are spending millions of dollars to interdict their weapons supply and yet the people who are here, who are under their thrall, who are thinking about terrorist acts and whom they are inspiring to these acts, can walk out and get a gun without any hesitation as long as they do not violate one of the terms of the current law.

The other piece of this that I think is important is that the current law that has the list of prohibitions—mental illness, felony, domestic violence, and there are nine—was passed in 1993. The world is enormously and fundamentally different than it was in 1993. In 1993 we had barely heard of Al Qaeda. There was no ISIS. There was very little threat or acknowledgment or understanding of domestic terrorism whatsoever. But now we are in terrorism 2.0. What happened in Orlando is exactly what we have been hearing about in the Intelligence Committee, what has been predicted by all our intelligence officials, and what many of us have been talking about. It is the nightmare scenario of an American who is radicalized online, who goes out and gets a gun and kills 50 people. That is the hardest threat to stop because there is no plot, there is no email trail, and there are very few phone calls. There is nothing. It is hard for our intelligence community to track someone like that. But if we have some knowledge of them, if they are in our database—to me, it just makes common sense that should be added to the list of disqualifications for buying guns.

This is no threat to anybody who is not on such a list. And I understand—and the Senator can please comment—the legislation we are talking about has a constitutional escape hatch for people who are wrongly on the list or whose names are mixed up, and they will have an opportunity to protest that list and to have their names expunged if they can make the case that there was something wrong with their being on the list; is that correct?

Mr. MURPHY. It is correct. It is correct, and that is an important facet of the amendment Senator FEINSTEIN has submitted.

But it is also important, as we remarked earlier—perhaps when you were on the floor, Senator KING—to understand the scope of this. We are talking about a very small number of sales that actually would be affected. In 2015, thanks to a report Senator FEINSTEIN released, we know that in that year there were only about 215 sales at gun stores to individuals who were on the terrorist watch list. So it is a very small number of sales we are talking about in the first place.

Mr. KING. But if someone says: Well, if that is such a small number, why are we bothering? Because it only takes one to kill a number of people.

Mr. MURPHY. Correct.

Mr. KING. And that is really the essence of what the Senator is talking about.

As I understand it, there are two parts of what we are talking about today. By the way, the Senator is not talking about an assault weapons ban or magazine control or any of those things; we are really talking about two things. The first is the terrorist watch list. If you are on the list, you can't buy a gun. No fly, no buy. The second is to fill the loophole in the background check system because, as I understand the Senator's argument, if we say ''If you are on the watch list, you can't buy a gun,'' but there is this gaping 40 percent loophole where you could get a gun without any check whatsoever, then it doesn't matter. Anybody—a felon or anybody—could get a gun under that circumstance. Is that the logical progression?

Mr. MURPHY. That is exactly right. And I think my colleague very smartly referred back to the initiation of the background check system, where no one was contemplating a terrorist watch list or a no-fly list existing. It is the same thing with Internet sales, it is the same thing with armslist.com, and it is the same thing with gun shows. Back when we passed the background checks law, the vast majority of gun sales were done in bricks-and-mortar stores. What has happened is that sales have migrated into other forms, especially online.

So in all of these respects, as the Senator is accurately pointing out, all we are really seeking to do is to have the law and the initial intent of it catch up with the trajectory of time.

Mr. KING. And I find it hard to believe that if we were debating that law in 1993 under the current circumstances, that some cognizance wouldn't have been taken of the risk of domestic terrorists.

Mr. MURPHY. I don't think there would have been any question that category would have been included. That is probably why 80 percent of Americans support the adoption of this amendment or some version of it.

Mr. KING. By the way, I would mention that since the Senator has been on the floor today, 10 people have been murdered with guns. It is about one an hour. Since the Orlando shooting, 100 people—twice as many as in Orlando—have been murdered with guns.

So we are talking about Orlando, but we are also talking about people all over the country, mostly innocent people, sometimes people who are victims of domestic violence. We are not talking about taking guns away from people; we are just talking about keeping people who shouldn't have them from getting guns. And I have never met a gun owner who doesn't agree that is just a commonsense restriction. Does my colleague view this in any way as a violation of the Second Amendment?

Mr. MURPHY. Senator UDALL was on the floor earlier, and he said somebody called his office earlier today asking why we were debating the Second Amendment today, and of course the answer to that is we are not debating the Second Amendment. There is actually nothing about this debate relevant to the Second Amendment because the Second Amendment is clear. As the Supreme Court has stated, an individual has a right to own a firearm. But, as that same Court very clearly stated in an opinion by Justice Scalia himself, that right is not absolute. The Congress has the ability to say there are some weapons that should be out of bounds and that there are some individuals who are so dangerous they shouldn't own weapons. So even the most conservative jurists on the Supreme Court have held very plainly that the Second Amendment allows for the Congress or State legislatures to decide there are certain individuals—felons, people who have been convicted of violent crimes, or individuals we suspect of terrorist activities—who shouldn't buy a weapon.

Of course, as we remarked earlier, if you go into any gun club in Maine or Connecticut, that is what people in those forums believe as well. They believe law-abiding citizens should be able to get any weapons they want, by and large, but they do not believe criminals should be able to buy weapons. That is a view held by gun owners and non-gun owners alike because everyone accepts that that is in keeping with the Second Amendment.

Mr. KING. Don't you think one of the problems with this debate as it has evolved over the past few years is that it has become a kind of either/or?

Mr. MURPHY. Right.

Mr. KING. If you are for the Second Amendment, there are no limitations whatsoever, and if you talk about limitations, you are against the Second Amendment. Do you accept that characterization?

Mr. MURPHY. I think you are exactly right. I think this has become an either/or debate in so many different perspectives.

I am so glad we are bringing together this question of how we respond to terrorism and how we protect Americans from the consequences of loose gun laws because there is also this juxtaposition in which these terrorist attacks are either about the fight against ISIS or they are about our loose gun laws, and they are about both. And this shooting in Orlando is about a whole host of other subjects as well.

So I think we have tried to stay true to the complexity of this question on the floor during this time. We are not suggesting that what we are proposing is going to solve the problem, but we do have to get out of this paradigm in which if you are a supporter of the Second Amendment, you can't support any restrictions on individuals, whether or not they are on a terrorist watch list, to obtain guns.

Mr. KING. Well, this solution being proposed, even if it only prevents 1 person, that could mean 50 lives or 100 lives. I think that is important.

By the way, it is a dirty trick, Senator, to quote Justice Scalia on this subject. He did make it clear in the Heller decision, as you point out, that the Second Amendment, as the First Amendment or any of the amendments, is not absolute. People say the First Amendment says Congress shall make no law respecting speech, but you can't yell ''fire'' in a crowded theater. That is established law. And Justice Scalia, in the Heller decision, said the same thing about the Second Amendment. It is not absolute. There are limitations that can be placed upon it, particularly in the transfer of firearms, and I think that is what we are talking about here.

So I commend the Senator, and I believe what we are talking about—and let me go back to the Intelligence Committee for a minute. It took me 2 or 3 months—maybe I am a slow learner—but as I was sitting in the Intelligence Committee, I finally had two really visceral insights. One was that we are the only people watching the intelligence community; that we have this large apparatus, and we have these small committees in the House and the Senate, and we are the only people watching. That is not relevant to this debate, but that was an important realization imposed upon me, and what I thought was an extraordinary responsibility to pay close attention to what these agencies are doing.

The second insight was that the fundamental role of the Intelligence Committee and, I would argue, the fundamental role of this body is to constantly monitor and calibrate the tension that exists between two fundamental provisions of the Constitution—in this case, three. The first is in the preamble—the fundamental reason this government was formed in the first place—to insure domestic tranquility and provide for the common defense. That is the essence of any government, the fundamental, sacred responsibility.

Then we have the First Amendment, the Second Amendment, and the Fourth and Fifth Amendments that have issues of privacy and issues of gun ownership, and we have to constantly balance and calibrate those provisions based upon technology and reality, circumstances, and facts.

We have a new set of facts. We are facing a threat today in the United States that is different from what we have ever faced before, where we have people who are being motivated from abroad mostly but are in our society, in our country—this fellow in Orlando was an American citizen, was born here—and we have to take cognizance of that. We have to take account of that reality. If we don't, we are failing, it seems to me, our fundamental responsibility under the preamble of the Constitution to provide for the common defense. That is what the American people expect us to do—to keep them safe—and this is simply one piece of the armor we can provide to keep the people of America safe.

I would conclude with a question to the Senator. Is there any hope of getting this accomplished? Where are we? Why is this so hard? This seems to be a commonsense response. I read a quote from the NRA today that said: We believe that terrorists should not have guns. So is there room for discussion, for compromise? Does my colleague feel there is an opportunity here to get to a place where we can respond to this new threat that is facing us without in any way compromising the values of the Second Amendment?

Mr. MURPHY. I thank the Senator for guiding us toward that compromise because it has to be there. On this issue, we are speaking the same language. Frankly, on background checks, we tend to speak the same language. We both say—Republicans and Democrats—that we don't want criminals to get guns. We both say we don't want terrorists to get guns. Yet we have been unable to meet in the middle.

My understanding is that the majority has a concern about the ability of individuals who shouldn't be on these lists to get off the list. So do we. We have no less interest in due process than they do. So we want to bring these issues to a vote on the floor. Our preference is to bring a compromise measure that can pass and get the support of both sides.

I know we have had Senator TOOMEY and some others come to the floor today and suggest there is some work to be done to get a compromise. My hope is we can get there. If we can't, then let's at least take the vote and let the American people see where we stand.

Mr. KING. But my understanding is the amendment as proposed does provide a specific process whereby a person who believes they are wrongfully on the list, wrongfully denied the opportunity to purchase a firearm, has the opportunity to contest that, to have it litigated, and have it resolved in a reasonably prompt manner.

Mr. MURPHY. I think that has been the difficulty in finding a compromise. The existing text gives the ability already for anyone who believes they are on the list wrongly to get off that list. That is why I said that we are just as concerned with that, and the underlying amendment that we have proposed and Senator FEINSTEIN has proposed does exactly that. It gives an escape hatch for anyone wrongly on that list.

Mr. KING. One of the odd things about this debate is that if this had been 15 years ago, I don't think we would even be having this debate. Background checks were generally uncontroversial. If we had would have had the terrorist threat, I couldn't believe—we have domestic violence on there. How about terrorism violence? That should be a part of this as well. That is all you are really proposing. Is that correct?

(Mr. SCOTT assumed the Chair.)

Mr. MURPHY. That is correct. It is only controversial here; it is not controversial out in the American public. By and large, they want this done. So we have created a controversy that doesn't really exist in the living rooms and social halls of this country.

Mr. KING. I thank the Senator. I thank him for his answers and thank him for his leadership on this issue.

Mr. MURPHY. I thank the Senator. I think it is really important that we have the diversity of our caucus represented as part of this discussion today. Senator KING and Senator DONNELLY are both strong supporters of the Second Amendment. I am glad to yield the floor for a question, without losing my right to the floor, to Senator DONNELLY.

Mr. DONNELLY. Will the Senator from Connecticut yield for a question?

Mr. MURPHY. I will.

Mr. DONNELLY. Like all my colleagues on both sides of the aisle, I was sick when I learned of the tragic shooting in Orlando. Since Sunday, like so many people, my thoughts have been with the families and with the friends of the victims, with the LGBT community, with the people of Orlando, and with all Americans who are mourning the loss of loved ones at the hands of senseless gun violence. My thoughts are also with the parents across our Nation. We have to explain to our kids, how can something like this happen in our country?

We were elected in this Chamber to do a job—to discuss issues, to debate them, and to vote on legislation that

makes our communities and our country safer. I came to the floor tonight to participate in this discussion because we have a job to do and we have action to take. I thank Senator MURPHY for leading this.

I am a supporter of the Second Amendment. I am also someone who believes it is reasonable for all of us to consider smart and responsible ways to reduce gun violence. Those things are not in opposition to each other. Since I have come to the Senate, we have talked about mass shootings in Orlando, in San Bernardino, in Charleston, and in Newtown, CT, the Senator's home State. The truth is, there is gun violence across this country every single day. No State is immune, including my home State of Indiana. Every victim of gun violence is someone's mom or someone's dad or someone's sister or someone's brother or someone's son or someone's daughter or someone's husband or someone's wife, and those lives are destroyed.

There are bipartisan proposals we can consider today that can make a difference. They will not solve every problem, but we can save lives. We can start by considering the bipartisan proposal by Senators JOE MANCHIN and PAT TOOMEY that strengthens our background check system to help prevent criminals and individuals with serious mental illnesses from getting guns. This legislation requires background checks for all commercial gun sales, whether they are at a store or whether they are at a gun show or whether they are online.

We should also debate and pass bipartisan legislation that denies firearms sales to known or suspected terrorists. This is simple American common sense. This is what the American people expect of us. This is what we were elected to do. If a person is on a terrorist watch list, they shouldn't be able to buy a gun. It is that simple and that uncomplicated. It is time to do our job—to do our job as Members of Congress to confront the serious problem of gun violence in our country, to debate our options, to work to find solutions to help keep all Americans safe, and to protect our individual rights. As Members of this body we have differences, but we shouldn't have differences on this.

We have also demonstrated that we can find common ground at critical times. I am confident that every Member of this body agrees we should keep weapons out of the hands of criminals, terrorists, and people with mental illnesses. This should not be controversial. I urge all my colleagues to come together on behalf of the American people who have blessed us with this opportunity to serve here and to stand up for them and to vote on these proposals. It is the very least we can do for those families, for the people we represent, and for the serious obligation and responsibility they have given us to do these things. They expect us to do our job. It is time for us to step up to the plate.

With all that in mind, I have a question for my good friend, the Senator from Connecticut. The question is this: Don't we owe it to the victims of Orlando, the victims from Newtown in your home State, the victims of Charleston, and the victims of gun violence in all our States to have a vote on these proposals, which are bipartisan in every single way?

Mr. MURPHY. I think that last phrase is the most important. They are bipartisan in every single way. We have had bipartisan support for these proposals on the floor of the Senate. But, frankly, more importantly, in Indiana and Connecticut there is bipartisan support. Whether talking to progressive Democrats or rock-ribbed Republicans, they all are of the consensus position that if you can't fly because we have deemed you to be a terrorist threat, then you probably shouldn't be able to buy an assault weapon, and that if you are a criminal, it shouldn't really matter whether you walk into a gun show or a gun store, you shouldn't be able to buy a weapon.

So I think the Senator put it perfectly, which is that in every way these are bipartisan proposals. At the very least, it is incumbent upon us to show the American people where the Senate stands on these issues. Let's show the people of Indiana and Connecticut and Illinois where Senators stand on these two simple questions that have bipartisan grassroots support in this country.

Mr. DONNELLY. I have one more question. Does the Senator think we are underestimating in this body—that Senators are underestimating the common sense of the American people; that they know terrorists shouldn't be allowed to have these weapons; that they know it is a danger to our kids, to our families; that we would do great credit to the American people to have faith in them, to believe in them; that they are ready to take these steps; that they are ready to see their Senators take these steps and to stand with us? We all love our children. We all love our families. We all want to make sure that when they go out to be with their friends, they come home safe that night. For all of our families—whether Republican or Democrat—most important, we are not red or blue. We are red, we are white, and we are blue. We are all Americans. We are one team. We are in this together.

Doesn't it seem to make sense that we ought to be able to reflect the will of the American people? I think the American people are ready for this. Don't you?

Mr. MURPHY. It is a political issue here; it is not a political issue anywhere else. The Senator talked about, I think, a very apt description of our underestimation of the common sense of the American people. I also think we underestimate our ability to fundamentally address the fear that exists today about the next terrorist attack. I think if we were able to come together and pass these two simple measures, it would be a show of faith for the American people that we get it—that we understand how anxious they are, how fearful they are, how angry they are, and there is a salve to the wound that could come if we were able to come together and act. It is not just that it would make a practical difference in stopping potential terrorists from getting guns, but it would have a psychological impact on people.

So I think the Senator is right that we underestimate the common sense of the American public. But I think we also underestimate our ability to do something meaningful, to address what is a very legitimate anxiety in the public, having watched San Bernardino to Orlando.

I thank the Senator.

I yield to Senator DURBIN for a question without losing my right to the floor.

Mr. DURBIN. I wish to direct a question to the Senator from Connecticut.

First, I would like to acknowledge that the Senator from Connecticut took the floor about 10 hours ago and has stood here with his colleagues, the Senator from New Jersey, Mr. BOOKER, and many others who have joined him during the course of the day. Senator BLUMENTHAL of Connecticut was also here.

I would like to ask a few questions and then ask the Senator to react to a news story that just came out. I think it is important for us from time to time to remind those who are just starting to follow this debate why we are here and particularly why the Senator has been on the floor for 10 hours straight. This is unusual in the Senate. It is technically known as a filibuster, when one Member takes the floor and doesn't yield the floor. It is done for a variety of reasons. It has been done throughout the history of this Chamber. But I hope we can make it clear from the outset why we are doing it today, why the Senator is leading it, why we are joining him today, and why this is an important message that we are trying to send across America from one coast to the other, including the islands of Hawaii.

We are dealing with this because what happened in Orlando has really focused America on gun violence and the terrible tragedy that occurred there, with 49 deaths and over 50 who are seriously injured as a result of this gunman who turned his guns loose on these poor people who gathered at this nightclub.

I would like to ask the Senator from Connecticut, at the risk of repeating

himself—which is part of what we do here, making sure that those who are following the debate—if he would tell us the two issues that he believes bring us together in this common effort late this evening on the floor of the Senate.

Mr. MURPHY. I thank the Senator for continuing to focus us on why we are here. Frankly, we are not here just to talk; we are here to bring some resolution to this debate and to move on to consideration of the CJS appropriations bill.

We are asking for two votes on what could be consensus measures with respect to protecting Americans.

One, we want to make sure that if you are on the terrorist watch list, if you are on the no-fly list, then you cannot buy a gun. You are prohibited by law from buying a gun. There is no controversy about that in the American public. It would make a tremendous difference.

Second, in order to make that provision truly effective, we need to make sure that no matter where you buy a gun—whether you buy it at a bricks-and-mortar store, online, or a gun show—you are subject to background checks. One of those provisions without the other doesn't protect us. Both of them together protect Americans from terrorist attacks, protect the flow of illegal guns into communities like Chicago without having any effect on individual Second Amendment rights. If you are a law-abiding citizen in this country, the two measures that we are proffering for a vote on the Senate floor will have zero impact on you.

If we can get agreement to move forward in a consensus way on those two measures, my hope is that we could come together and find language that both sides could agree with. At the very least, we should have a vote on these measures so we could see where people stand. Then we would gladly relinquish the floor.

Mr. DURBIN. I ask the Senator from Connecticut, without asking him to yield the floor, if he will yield for a question.

Mr. MURPHY. I will.

Mr. DURBIN. Our colleague from California, Senator FEINSTEIN, has filed an amendment. I believe she is making slight changes to it, but the amendment addresses the first issue. It enables the Attorney General of the United States to deny a request to transfer a firearm to a known or suspected terrorist. The Senator from Connecticut said repeatedly, and I would like to repeat it myself, this is something the vast majority of Americans say: You mean a terrorist can buy a gun in America and you can't stop him? So, overwhelmingly, Democratic, Republican, Independent, gun owners, non-gun owners believe this is common sense. The Senator from California in this amendment says:

> Hereafter the Attorney General may deny the transfer of a firearm if the Attorney General determines, based on the totality of circumstances, that the transferee—
>
> Purchaser of the firearm—
>
> represents a threat to public safety based on a reasonable suspicion that the transferee is engaged, or has been engaged, in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources therefor.

So in the first sentence of about a six- or seven-sentence amendment, the Senator from California, in a few words, says exactly what the Senator from Connecticut has said. We want to give to the Attorney General the power to stop a suspected terrorist from buying a firearm in this country.

Today we had a briefing, and I know the Senator couldn't attend because he was here on the floor with this important responsibility. The briefing came from the leader of the Federal Bureau of Investigation, Jim Comey, and Jeh Johnson, the head of the Department of Homeland Security. They talked about what happened in Orlando. Some of the things they told us cannot be repeated outside of that closed-door briefing and some of it will come out as the investigation unfolds, but here is something they told us that can be shared.

This man who went into the Pulse nightclub at 2 o'clock in the morning in Orlando had two firearms with him. Before that tragic evening ended, he had shot hundreds of rounds into that crowded nightclub—this one man, hundreds of rounds. What I asked him was to please put this in perspective for me. Since 9/11, we have focused on what happened that terrible day when 3,000 innocent Americans died because terrorists took over airplanes and crashed them into the World Trade Center and the Pentagon and might have crashed them into this building had the brave passengers and crew not stopped them over Pennsylvania.

What we do every single day is to spend hundreds of millions of dollars for safety on airplanes and airports because we don't want to run the risk that a passenger will get on board a plane and endanger the lives of passengers, up to 200 passengers or more, with a bomb or some other means. We go to elaborate lengths. Think about it. How many times have you taken off your shoes, opened your bags, put things on the conveyor belt? We have done that now for 15 years so we don't have to relive the tragedy of 9/11.

Think about this for a second. If that same terrorist decides not to use an airplane but to use a semiautomatic weapon, the kind of weapon used by this man in Orlando, that person can endanger the lives of hundreds of people and killed 49 in that tragic situation.

So my question to the Senator from Connecticut is this. As we are focusing on the use of these military-style weapons, are we not reflecting the new reality of the terrorist threat to America—not just airplanes and the other means they have used but now what appears to be a more common weapon of choice, commonly purchased at gun stores by even suspected terrorists. Is that not what you were focusing on and we are focusing on as the first thing that needs to be changed in the law?

Mr. MURPHY. Senator DURBIN, let me read to you the transcript of a video from one of Al Qaeda's most important operatives, an American by the name of Adam Gadahn. He is deceased now, but here is what he said in a video that he sent to potential converts in the United States:

> In the West, you've got a lot at your disposal. Let's take America for example. America is absolutely awash with easily obtainable firearms. You can go down to a gun show at the local convention center and come away with a fully automatic assault rifle without a background check and most likely without having to show an identification card. So what are you waiting for?

This is an Al Qaeda operative, an Al Qaeda recruiter, specifically instructing their potential followers in the United States to go to gun shows to buy assault weapons in order to carry out lone-wolf attacks. This isn't theoretical. We aren't making this up on the floor of the Senate. This is a clear, strategic decision on behalf of these groups. They are losing territory inside Iraq and Syria. They are more dependent on lone-wolf attacks than ever, and they have figured out that the quickest pathway to massive death and destruction is not to hijack an airplane, is not to construct an explosive device but to buy an assault weapon.

Mr. DURBIN. Will the Senator yield for a further question without yielding the floor?

Mr. MURPHY. I will.

Mr. DURBIN. Despite the worst mass shooting in the history of the United States of America that occurred in Orlando, FL, despite the national reaction and international reaction to this tragedy, there was nothing scheduled this week in the U.S. Senate on the issue of firearms and terrorism, nothing—not until the Senator from Connecticut took the floor 10 hours 20 minutes ago and said: I am not going to sit down until there is an agreement that we are going to debate this issue on the floor of the U.S. Senate. It was not even on the schedule of things for us to discuss this week until this Senator from Connecticut and his friends and colleagues decided to make an issue of it.

I ask the Senator if he is aware of the fact that the American Medical Association put out a press release in Chicago. I think it is historic and I would like to read a story about it if my colleagues will bear with me for a minute. This is from the American Medical Association.

> The worst mass shooting in modern U.S. history has prompted the American Medical

Association to call gun violence a 'public health crisis' and urge that Congress fund research into the problem.

The AMA, which lobbies on behalf of doctors, said on Tuesday it will press Congress to overturn 20-year-old legislation that blocks the Centers for Disease Control and Prevention from conducting research on gun violence.

A 29-year-old gunman slaughtered 49 people at a gay nightclub in Orlando, FL, before dawn on Sunday.

The AMA adopted the policy at its annual meeting in Chicago. It called U.S. gun violence a crisis that requires a comprehensive response and solution. ''With approximately 30,000 men, women and children dying each year at the barrel of a gun in elementary schools, movie theaters, workplaces, houses of worship and on live television, the United States faces a public health crisis of gun violence,'' Dr. Steven Stack, AMA president, said in a statement.

''Even as America faces a crisis unrivaled in any other developed country, the Congress prohibits the CDC from conducting the very research that would help us understand the problems associated with gun violence and determine how to reduce the high rate of firearm-related deaths and injuries.''

Congress placed restrictions on CDC funding of gun research into the federal budget in 1996 at the urging of gun rights supporters who claimed the agency was biased toward gun control.

AMA has several long-standing gun safety policies including support of legislation that calls for a waiting period before the purchase of any form of firearm in the United States. It also supports background checks for all handgun buyers. (Reporting by Susan Kelly in Chicago; Editing by Caroline Humer and Matthew Lewis)

Mr. BROWN. Will the Senator yield?

Mr. DURBIN. I would like to complete the question to the Senator, and then I will be happy to yield.

The point that we are getting to is this is the beginning of an important national debate brought on by the tragedy in Orlando. It is a debate which would not have occurred this week had the Senator from Connecticut and his colleagues not taken the floor with this filibuster on the Senate floor. I thank the Senator for his leadership on this. I ask the Senator if we can reach a point where we have a statement by the Republican leadership of the Senate that they will give us the votes on these two key issues that we raised over and over again; is that the purpose and intent of your filibuster?

Mr. MURPHY. I thank the Senator for his question. That is exactly why we are here. Let me reiterate the supposition, the premise of his question.

Senator BOOKER, Senator BLUMENTHAL, and I—and I know you share this view as well—just couldn't come back here and debate amendments on the CJS bill that had nothing to do with this epidemic of gun violence witnessed most recently by the worst mass shooting in the history of this country. I simply couldn't come back here and pretend that there is nothing we can do about it because of course we can come together and find a path forward. Yes, we are on the floor demanding a vote because it would be unconscionable to leave this week without having a specific debate on these measures and without trying to find a path forward.

I will say to my friend that my greatest hope is that we can find common ground on these measures, but in absence of common ground, in absence of a willingness on behalf of the majority party to actually sit down and negotiate this, then let's have the vote. Then let's have the vote and see where Members of this body stand, up or down. Let's see what Members choose to do a week after the worst mass shooting in the history of this country, when they are proffered with the question: Do you want terrorists to be able to own guns in this country? Do you want individuals who have known connections to terrorist organizations to be able to buy military assault-style weapons?

Let's put that question on the floor of the Senate and see what everyone's answer is.

I thank the Senator, and I yield to Senator BROWN for a question without losing my right to the floor.

Mr. BROWN. I will ask my question through the Chair.

First of all, I so appreciate, as Senator DURBIN said, the Senator being here this evening. I so appreciate the work that Senator MURPHY has done. I appreciate so much the work he has done and the work Senator BOOKER and Senator BLUMENTHAL have done.

I welcome others of my colleagues to the floor. I heard the Senator from Maine, Mr. KING, say something. We know what happened with this terrible shooting in Orlando with 49 innocent people killed. We know what happened in Sandy Hook. We heard Senator KAINE talking earlier today about what happened at Virginia Tech. We heard what happened in Denver when they shot the Planned Parenthood clinic. We know what happened in San Bernardino. We know what happened in southern Ohio, in a rural Appalachian area of my State where there were a number of people who were killed, and it didn't get quite as much attention. We know what happened to Tamir Rice in my city of Cleveland, a 12-year-old boy who was gunned down.

What Senator KING said was so interesting because we see these awful massacres of 5, 10, 20, or as many now as 49 people murdered in cold blood, but what he said was, on average, every hour a person is murdered in this country. Two or three people die from gun violence. Since the Orlando massacre, about 100 people have been killed by gunfire—twice as many as were killed in Orlando.

We had an intelligence briefing from the FBI, as Senator DURBIN said, about this mass killing. We all get together and talk about these mass killings, but we don't talk about the day-by-day gun violence. I think the American people know of the mass killings. They always write our offices and tell us to do something, and then interest tends to diminish as it becomes news that is 1, 2, 3, 4 days old. But what Senator KING said was so important that this just happens every day. As Senator BOOKER says, it is often a poor kid who is murdered.

I was on the floor earlier tonight, and I mentioned how my wife and I live in ZIP Code 44105 in Cleveland. In the first half of the year in 2007, that ZIP Code had more foreclosures than any ZIP Code in the United States of America. It is a ZIP Code where there is a lot of poverty. There is a lot of violence.

The other night when I was in Washington, my wife heard gunshots and then heard a police siren. That has happened far too many times when I am home. If my grandchildren are there, you are alarmed. The gunshots are usually maybe a quarter mile away, half a mile away, but we know that each time it might be somebody who is badly injured or worse.

We see what is happening. We see maybe the Members of the Senate who have been at the beck and call of the gun lobby, maybe they are listening now. My question is, How do we make sure we remind them and remind the American people because I don't think the American people think about what Senator KING said. There is roughly one murder an hour on average in this country, 24 hours day, 7 days a week. There are two or three people who are victims of gunfire hour after hour, day after day. All we really read about, all we really react to are these terrible mass shootings but not the day-by-day violence. How do we bring that to people's attention so people in this body go home and do their job?

This Senate is not doing its job in confirming a Supreme Court nominee. It is not doing its job for the mine workers whom Senator DONNELLY, Senator DURBIN, and I have in our States or the pensioners with the Teamsters Central States Pension Fund. They are not doing their job there either.

But on this one, until this Senate actually does the right thing, Senator MURPHY, how do we keep attention on this issue when people's memories fade and we go back to work and do nothing? That is why you are standing on this floor hour after hour. You can understand, anybody who is watching—and I know we are not speaking to the country here, but this is a Senator from Connecticut who has not sat all day, has not been able to eat, just stands here and leads this debate and leads this filibuster, pleading to this Senate. Most of our colleagues are out for dinner or home by now, but Senator MURPHY is here pleading for our colleagues to stand up and do the right thing. I give my friend so much credit for that.

How do we sustain this until we get our colleagues here to finally do their job?

Mr. MURPHY. Mr. President, I give credit to Senators BOOKER and BLUMENTHAL, who have also been here. I think Senator BOOKER has been physically standing for the exact same amount of time that I have been standing as well. Hopefully, we are answering that question right now.

Let me just give the evidence of what is happening in social media today. This filibuster has been the No. 1 trending topic on Twitter all day long. So there is nothing that is being discussed more on the most popular social media application in the country than our effort to bring light to this epidemic of tragedy that exists in our cities every day.

The Senator from Ohio probably doesn't know this, but last year there was a mass shooting, on average, more than once a day. If you categorize a mass shooting as four or more people being shot at any one time, there were mass shootings in Cleveland, Baltimore, New Orleans, Bridgeport, and Chicago on a regular basis.

I hope this effort is not just in the service of trying to bring a vote and a debate to the floor on these two measures but on opening of this country's eyes to the epidemic of gun violence that exists.

Second, I think we need to do more of what Senator BALDWIN did tonight. We need to come to the floor and go out in our communities and tell the stories of who these victims are. We need to tell the story of who these young 17- and 18-year-olds are who died in your cities and my cities. We need to tell the stories of their moms and dads who were left behind. We need to personalize this in a way that is not real right now for most Americans.

I have been asked a number of times tonight: Why haven't we been able to move this debate? I think some of it is on us for not being as relentless as we can on the floor of the Senate and out in our districts on commanding attention to this issue of the routineness of gun violence in our cities.

Frankly, it warms my heart to look around the room today and see 8 or 9 or 10 Senators still sitting on the floor at 10 p.m. at night. Maybe this is a means for us to recommit ourselves to bringing the message of the reality of everyday gun violence in our cities to every single corner of this country.

I thank the Senator from Ohio and will yield for any further questions.

Mr. SCHUMER. Mr. President, will my colleague from Connecticut yield for a question?

Mr. MURPHY. Mr. President, I yield for a question without losing my right to the floor.

Mr. SCHUMER. Mr. President, I just came from the Sandy Hook Promise Dinner, a dinner put together by the parents in his State. These are family members who have lost loved ones in that horrible tragedy of Sandy Hook. They were so inspired by the actions of their two Senators, who are also chairs of this organization, the Senator from New Jersey, and so many others who have taken to the floor tonight. When I mentioned what was going on here, they rose up in a standing ovation. They inspire us, and I know they have inspired our good friends from Connecticut. They are amazing people.

When something like this happens and a loved one is taken from you, as so many loved ones were lost in Orlando—as the good Senator from Wisconsin so eloquently documented earlier this evening—the natural inclination is to curse the darkness, to ask ''why me,'' to be angry, to turn inward and say: I don't want to live life anymore. For those who can light candles to try and prevent this from happening to others even though their losses will never, never, never be extinguished—the holes in their hearts will never be gone—is an amazing thing.

Before I ask my question, I wanted to convey to my good friend how his activities and the activities of his colleague from Connecticut and the Senator from New Jersey and so many others here today have inspired this group just as they have inspired us. I think the Senator is correct. If we can have a virtuous cycle of being inspired by others and then trying, through our small efforts, to inspire others, we will win this fight. I have every confidence that we will.

Dr. King said: The arc of history is long, but it bends in the direction of justice. That is something that we are all mindful of. It will bend in the direction of justice, and my colleague from Connecticut has helped to bend it a little bit more, and for that, we are so, so, so thankful.

I wish to ask my colleague a question about what we have heard from some on the other side, which is about the Second Amendment and the kind of proposals that we have seen by the Senator from Texas and the Senator from Pennsylvania, as they seek a compromise and talk about the Second Amendment. To them, it almost seems that the Second Amendment is absolute.

I, for one, believe in the Second Amendment. I believed there was a right to bear arms even before the Heller decision. I believe that it is not fair to read the other amendments of the Constitution in such an expansive way and then say that the Second Amendment means just militia. Some of my colleagues on this side of the aisle will agree, and some will disagree.

The question to my colleague is very simple. Even if he has a strong belief in the Second Amendment, no amendment is absolute. The First Amendment is so dear to us, but you can't falsely scream ''fire'' in a crowded theater. That is a limitation on our First Amendment rights. We have laws against child pornography, as we should, and that is a limitation on our First Amendment rights. We have libel laws. If you say something that is false that hurts or damages someone, you can be sued. That is a limitation on First Amendment rights.

Isn't it true that just as we have limitations on First Amendment rights, there are reasonable limits on Second Amendment rights? It would seem to me that one of the most logical limitations is to say that someone who is totally dangerous or might be totally dangerous and can wreak the kind of tragedy that we saw in Orlando, Newtown, Aurora, and in other places across the country, such as San Bernardino, should not have an absolute right to a firearm. Another point here—before I get to my question—is that I find it ironic that so many of my colleagues who are so meticulous on the Second Amendment in terms of civil liberties and due process don't really seem to care about it on all the other amendments. That is the sort of inverse. We don't hear rousing speeches from some of the Senators who have gotten up in the past few days to say something like: Let's make sure we don't make a single mistake when it comes to the criminal justice system. We have a number of Senators from New Jersey and Illinois here tonight who have worked hard on criminal justice relief, but we don't hear from the other side about the need for making sure due process is followed when it comes to the criminal, except for the Second Amendment.

Let's try to be consistent here. Let's believe in all the amendments, but let's realize that every amendment has a limitation. That a balancing test has always been the watch word of the Supreme Court from the founding of the Republic.

I ask my colleague to explore this contradiction about the idea from some that the Second Amendment alone is the only one that should be absolute. Would my colleague talk a little about that? We have talked about this together in the past. Would my colleague talk about the need for reasonable limitations on every amendment, including the Second Amendment, as we are attempting to do here with two pieces of legislation we seek a vote on—a simple vote?

Mr. MURPHY. Mr. President, I thank the Senator for his question. I will just remind him and others that this concept of the Second Amendment that my friend has offered is embedded in the Heller decision. The Heller decision itself—and Senator KING chided me for referring to the majority opinion in that decision by Justice Scalia earlier—says very specifically that though the majority holds that there is an individual right to own a gun, that right

is absolutely not absolute. He actually gives specific examples in the majority decision of ways in which you can condition that right in order to affect the public safety, like for instance, restricting the types of weapons that are bought or restricting guns and firearms from individuals who are deemed dangerous. This isn't theoretical. This is the law and the interpretation of the Second Amendment as determined by this Court.

On this question of inconsistency, let's just keep it packed into the question of the terrorist watch list. I have not heard one of my Republican colleagues come down to the floor and defend the right of those on that list to get into any airplane they want and travel anywhere in the world. There is no one who has done that, nor will they, and that is because of this inconsistency—this inconsistency in which the absolute protection of Second Amendment rights is treated in a fundamentally different way than the protection of other rights.

It is no less dangerous for an individual to pick up a dangerous assault weapon that can kill hundreds of people at a time than it might be in order to get on a crowded airplane. You could conceivably kill the same number of people with an assault weapon as you can with an airplane. Yet, those two rights—the right to travel and the right to own a gun—are treated differently.

Mr. SCHUMER. Mr. President, I thank my colleague.

Mr. MURPHY. Mr. President, I thank my colleague from New York, and through the Chair, I yield for a question from the Senator from Minnesota without losing my right to the floor.

Ms. KLOBUCHAR. I ask if the Senator from Connecticut will yield for a question without losing his right to the floor.

Mr. MURPHY. I will.

Ms. KLOBUCHAR. I thank the Senator from Connecticut. One of our fellow Senators noted that maybe not many people are watching. I have been around talking to people tonight, and I can tell you that a lot of people are watching this. The country is watching this because people have been waiting for action.

Many of us here have been involved in law enforcement. For me, it is about a series of pictures. It is the picture of those victims in Orlando, and with every picture, there is a story. Everyone killed in that massacre was someone's brother, someone's son, someone's loved one.

I think of the little girl with the blue dress with stars, walking down a sidewalk to a church. Her dad had been murdered by a madman, someone who was mentally ill, someone who was a perpetrator of domestic violence. Her dad was a police officer in Lake City, MN. It is a beautiful little town on a beautiful lake. He was just doing his job one day when he was called to a home. He went to the front door and had on a bulletproof desk, but the guy shot him in the head.

There we all were at the funeral, at the same church where only a week ago the children had been in a Nativity play and their dad was sitting in the front proudly watching. A week later, that same family was walking down the center aisle of the church. The little girl was in a blue dress covered with stars.

I think about those Sandy Hook parents—the ones Senator MURPHY knows so well—who were in my office, as well as in many other Senators' offices, the morning of the vote on the background check bill. I told this story earlier this afternoon. There was a mom sitting there. They were all so sober and so glum because they actually thought there was a chance that the people in this Chamber would respond after they lost their little children in another senseless act of violence.

The mom in the office looked at me and said: You know my story? She said my son was severely autistic and could hardly speak. Every morning he would point up at a picture on the refrigerator. It was a picture of his help aide, the woman who was with him every day. The next thing she knows, she gets a call, goes to the school and sits in that fire hall with those parents. Some kids come in, and all the parents who are left know that they are the ones whose babies are never coming back. As she sat in that fire hall, she kept thinking about, of course, her son, but she also thought about the woman who was with him and sacrificed her life for him. She was found with her arms around him in that school. Both were shot dead. Those are the images that I think about—the little girl in the blue dress at the funeral, her daddy, a police officer, shot dead at the door; that mom in my office, her son and her son's faithful aide shot dead in that school. Then you think of all these young people killed in this massacre right in our midst in Orlando, FL.

(Mr. PERDUE assumed the Chair.)

We all know that one solution won't fit all. We all know that in some cases it is about an assault weapon and in some cases it is about background checks. In some cases it is about getting someone off a terror watch list who shouldn't have a gun. Every solution may be different, but when we start doing the right thing, we start saving lives.

Tyesha Edwards was a little girl who was shot at her dining room table while doing her homework. Her mom said: You get your homework done, you can go to the mall. A gang bullet right through the house. Melissa Schmidt, a Minneapolis police officer—young, excited to do her job—was shot in a bathroom by someone who was mentally unstable. These are the images I think about. And Senator BOOKER has pointed out so many times that this isn't just about the massacres, it is also about the individual cases that happen every single day, the domestic violence cases that happen every single day.

So while it is so important to focus today on this bizarre situation where you can have thousands of people on a terror watch list who can still get access to firearms, there are other things we can do as well. We can put sensible background checks in place. Think about Senator MANCHIN and Senator TOOMEY coming together at a time—two A-rated NRA legislators who were able to come together and put that background check together. And think about those parents from Sandy Hook who knew that bill would not have saved their babies but looked at the thing that could most likely get done in this body, what is the thing that could pass that would save the most lives, because they know that background checks, when done right and thoroughly, have saved lives. They mostly help in cases of suicide and in cases of domestic violence. They had the courage to come to this Chamber, to come to our offices time and time again to advocate for something that they knew wouldn't save their babies' lives, but they did it because they knew it was the right thing and they had the courage to do it—the courage that many people did not have in this Senate Chamber.

Domestic violence, background checks help. Do we know what else helps with domestic violence? Going after stalkers. Right now you can be convicted of stalking and still get a gun in this country. That is why we have a bipartisan bill in the House and in the Senate that would stop that.

We also bizarrely don't include dating partners, even though in many parts of the law, they are included. You don't have to be married to someone if you have a domestic violence conviction and you are dating partners. A Republican witness at a Judiciary hearing agreed that that part of the law could change, but we cannot get that simple thing changed in the law because people are not willing to take just the slightest risk to vote for it, even when their own constituents favor it. As Senator MURPHY has pointed out over and over again, we have a situation where the majority of gun owners support these changes. We have a situation where the vast majority of people want to see these changes.

I thank the Senator from Connecticut and ask him just one question focused again on the terror watch list. I know Senator FEINSTEIN released updated information from the Government Accountability Office just yesterday which showed that roughly 91 percent of known or suspected terrorists

who attempted to purchase a firearm were able to clear a background check in 2015. I think people would be pretty shocked if they knew that statistic, and obviously one of the reasons we are talking all day today is that people understand how bizarre this situation is, that we can't even close that loophole.

I ask Senator MURPHY, what does that mean to you when you hear a statistic like that, that you have 91 percent of known or suspected terrorists who can purchase a firearm but are still able to clear a background check?

Mr. MURPHY. It shows, I say to Senator KLOBUCHAR, that we are intentionally putting our constituents in danger, that we have data which tells us that when people on the terrorist watch list are walking into gun stores, they are getting approved at a 90-percent rate. By the way, the 10 percent who aren't getting approved because they are on the terrorist watch list—it is because they are on some other list. But that is a chilling statistic. If you play it out over the course of 10 years, it is the same percentage. Over the course of 10 years, 90 percent of individuals who walked into gun stores who were on the terrorist watch list have been handed a gun that they could walk out with. It is a small number on a year-to-year basis—200 people—but it only takes one of those individuals in order to commit a mass atrocity.

I thank the Senator for coming back to the floor here tonight and making this very clear case because what we are asking for is eminently reasonable. We are asking, Senator KLOBUCHAR, as you know, for debates and votes on two commonsense, bipartisan amendments to the underlying bill: first, legislation that would make sure that if you are on the terrorist watch list, if you are on the no-fly list, that you cannot get a weapon, that you are prohibited from buying a weapon, just like a criminal; and second, that background checks be extended to gun shows and to Internet sales so we make sure we have a net wide enough to capture these terrorists wherever they are trying to obtain weapons. That will, as Senator DURBIN has said over and over again for the last 10 hours, have an ancillary effect on the gun violence that is plaguing his city, my city, and your city, Senator KLOBUCHAR, because many of the weapons that flow into Chicago and Hartford and Minneapolis come through sales that happen outside of gun shows and that aren't subject to background checks.

So it is thrilling to me, frankly, to have a floor that is full of Senators at 10 o'clock at night. It is thrilling to me, as I stated earlier, that we have been—our collective effort has been the No. 1 trending topic on Twitter over the course of the entire day. It is thrilling to me that, as I just heard, our phone lines in our office are still ringing off the hook right now as we speak with people all around the country who are demanding that we continue to stand on this floor as long as we can, as long as I can, until we get these votes.

I thank the Senator for bringing this issue back to the floor.

I would be thrilled to yield for a question, without losing my right to the floor, to the Senator from Washington.

Ms. CANTWELL. I want to thank the Senator from Connecticut for his tremendous leadership out here tonight and all through the day. I think for Senators, if you have never led a filibuster, up until that point, you probably don't know for sure that you are ready for this task, but a moment occurs in which you know you must act, steel is inserted into your spine, and you come out here and you give it your all.

Before asking a question, I want to thank the Senator from Connecticut and his colleague, the Senator from New Jersey, for showing such steel in making sure America hears our response to the events that have happened not just this past weekend but for so many weekends and so many days and so many incidents. I say to our colleagues that we deserve to have a vote on these two issues.

I know my colleague is impressed that there are other colleagues out here, but we so admire your courage, in the face of such tragedy in your State, to not forget the effort that needs to happen in the United States of America, to let the American people know that policies they would like to see debated and discussed are getting bottled up. That is what tonight is all about. It is all about saying don't bottle up these issues and, yes, if you want to test the fortitude of a human being to see how long they can stand on their feet, we will find out the answer to that.

But the real question is: ''Are you going to let us vote on important public safety issues that the American public wants us to do something about?'' That is what is so ironic about the fact that we can't have these votes. The American people want us to have these votes and are fully supportive.

I thank my colleague who was just here who was a prosecutor herself, so she knows what this is all about. She knows on a day-to-day basis what it is about.

So this issue of voting on whether an individual on the terrorist watch list can purchase firearms—we say to people: If you are on the terrorist watch list, we are not going to let you on an airplane, and you cannot get a gun if you are on that list.

According to a 2015 poll, 77 percent of the American voters supported banning sales of guns to people on the terrorist watch list. So we know that the majority of Americans support us in this effort. Yet we cannot get the support to make that happen here on the Senate floor.

I also want to bring up public safety because I am reading a statistic here that Washington is one of just 14 States where more people die by gunfire than by motor vehicle accidents. We also have a statistic that 61 percent of perpetrators who killed police officers with guns in Washington between 1980 and 2013 were prohibited from possessing guns but were still able to get them.

This issue, for us, is something that we spend a lot of time here debating. There are other colleagues who have led the battle on trying to have background checks and closing the loopholes that exist in current law. I thank them for that. I thank them for their battles and efforts.

I wanted to ask the Senator from Connecticut if he is aware—and I am sure he will be somewhat aware—that this issue being neglected by the U.S. Senate is being taken up by citizens of the United States through every measure and vehicle available to them?

In the face of growing violence in our State, Washingtonians demanded change, and in 2014 voters in our State overwhelmingly passed a ballot initiative to require background checks for all firearm sales, including online sales, sales at gun shows, and sales between private citizens. That is what we passed by initiative in the State of Washington.

Is the Senator from Connecticut aware that States are taking up this effort?

Mr. MURPHY. I am aware, and I wish that weren't the case. I wish that citizens through referendum didn't have to take up this cause on a State-by-State basis because of utter inaction from this body.

I will cite statistics in a moment, maybe, Senator CANTWELL, but when States act, it makes a difference. When States act, it results in an appreciable decline in gun homicide rates, but it is much better and much more effective if the Federal Government acts.

Ms. CANTWELL. I so appreciate the Senator, and I wanted to ask him because his comments are right in line with the comments that I think are so important for people to understand.

This past March, we got the first hard numbers from the impact of this law that we passed in Washington State. In addition to the nearly 4,000 felons who were caught illegally trying to buy a firearm in Washington through a licensed dealer—another 50 felons were prevented from buying guns from private sellers because of the provisions of the new law. According to data from the FBI, nearly 8,000 private sale background checks have occurred that otherwise would not have without changes in the law.

So the fact that we now have this law in place in our State and are now seeing the results that we are actually

stopping felons from getting firearms says to me that these are results that the rest of my colleagues and their States should look at. But we should do U.S. citizens a favor by, as you said, not continuing to have this be done State by State, but do it at the Federal level.

I ask my colleague from Connecticut how aware he is of this movement and how important it is that the American public continue to demand that we deal with this issue.

Mr. MURPHY. Let me just respond by giving some statistics about what happened in States with strong background check laws that they require for every gun purchase. We know what the numbers are. This is unequivocal; this isn't guesswork or conjecture. We know what they are with universal background check laws and States without them.

In States that have universal background check laws, 64 percent fewer guns are trafficked out of State. There are 48 percent fewer firearms suicides, 48 percent fewer police officers are killed, and 46 percent fewer women are shot to death by intimate partners. That is in States that have universal background checks, and those numbers would be even better and even stronger if we had that law applied nationally because what we know is that those intimate partners who are buying a gun in the midst of their fury, those criminals who are trying to traffic in illegal arms—all they have to do sometimes is cross a simple State line in order to find those weapons of destruction and bring them back into a State that has universal background check laws. So there is no doubt that stronger background check laws lead to fewer gun deaths. That is what the data shows. Washington is proving that, Connecticut is proving that, and it is absurd that the U.S. Congress with 90 percent of the American public supporting this proposition doesn't assure this protection for everyone who lives under the umbrella of security of this Congress.

Ms. CANTWELL. I would just say to the Senator from Connecticut—and I thank him for his leadership—that we need to come together and consider ways in which to stop gun violence. We need to improve the mental health system, and I know people have talked about that this evening as well. But I want the Senator from Connecticut to know that in the State of Washington we are looking at an additional ballot initiative to prevent gun tragedies involving mental illness. So I think people are going to continue to explore all the ways in which we can make sure that our citizens can become safe, and if it takes that initiative process, I think people are going to see the results. But let's have a vote. Let's at least know where your representative, where your Senator is on these policies that are important.

If you are on a terrorist watch list and you can't get on a plane, you shouldn't be able to get a gun. Let's have a good law like this good law that has been enacted in the State of Washington and background checks that produce results like catching felons and stopping them from having access to guns.

I thank the Senator from Connecticut for answering those questions and, again, for his leadership tonight on the Senate floor.

Mr. MURPHY. I thank the Senator from Washington, and I thank her for the work she did to allow the citizens of Washington to pass that referendum. That was a bright spot, and it was a reminder that when you take this question out of the political morass that is Washington, DC, and you give it to voters, you give it to citizens, they choose the protections that we are asking for votes on here.

I would note that Senator KING is still on the floor. There are referendums planned in Maine; there are referendums planned in Nevada. This campaign of citizen-based activism, demanding change in gun laws to reflect the overwhelming majority will of the public, is happening. It is inevitable. It is not stopping; it is marching forward. We would do well to listen to that tempest and adopt these measures.

I will at this point yield for a question, without losing my right to the floor, to the Senator from Virginia.

Mr. KAINE. Mr. President, thank you for the opportunity to appear tonight, and I share my praise for my colleague, the Senator from Connecticut. We came to the Senate together. His leadership on this issue is something I admire, but more than leadership on the issue, I admire his heart and his compassion. He has suffered because his citizens have suffered. And if you suffer and you don't try to change things—if you don't try to do things differently—then you are not fully alive. I honor that in the Senator, that he is willing to be vulnerable and in his suffering is trying to find help for others.

I have a little scar tissue on this issue. I would love to describe the Virginia experience and my own personal experience on this and then ask a series of questions of my colleague from Connecticut.

I was elected to office—to the Richmond City Council—for the first time in May of 1994. At the time I was elected, Richmond had the second highest homicide rate per capita in the United States. I was sworn in on July 1, 1994.

On October 14, 1994—I will never forget that day—in my city council district, in a public housing community, Gilpin Court, which is the largest between Washington and Atlanta, a 35-year-old guy walked into an apartment and gunned down a family of six, from a 35-year old woman, to her younger sister, to tiny little babies and children. I got a call as a city council member. I raced to the scene, and it was chaos. That has begun a 22-year experience of being too intimate with this problem. That funeral of the family in the Arthur Ashe Center in Richmond with 3,000 people and six little white coffins at the front of the room is something that I will never, ever forget.

A number of years later I was Governor of Virginia. I had just taken a trade mission to Japan and had landed, had checked into the hotel, and had fallen asleep. Someone knocked on my door. It was April 16, 2007, and my security detail said: You have to call home. Something horrible has happened in Virginia, and it is still underway.

I called to find that a shooting was still taking place at Virginia Tech University in Blacksburg that eventually killed 32 people and injured dozens of others. At that point—at that point, it was the worst shooting incident in the history of the United States, but no longer. That was the worst day of my life, and it will always be the worst day of my life—comforting the families of the victims, talking to the first responders who went into a classroom where bodies littered the floor and who heard in the pockets of deceased students and professors cell phones ringing as parents who had seen it on the news were calling their kids, just knowing they were at Virginia Tech to ask them if they were all right—calls that would never be answered. This traumatized some of the most hardened first responders whom I know. I knew priests and ministers in that community who had seen a lot and were traumatized in the days to follow.

The Senator from Connecticut has a reasonable proposal on the floor with respect to background record checks. The deranged young man who had committed that crime and then killed himself was not supposed to get a weapon. He was federally prohibited from getting a weapon because he had been adjudicated to be mentally ill and dangerous, but the weaknesses of a background check system—gaps in the background check system—had created the ability for him to buy this weapon and create this unspeakable carnage.

We learned everything we could learn from that tragedy; we fixed what we could fix. To my everlasting regret, I could fix part of the background record check system, but I went to the legislature and said: Let's have universal background checks so this will not happen again. Even in the aftermath of the worst shooting tragedy in the United States, I couldn't get my legislature to do the simple thing that the voters, that gun owners, and that NRA members said they should do.

Then, a year ago—it was in August of 2015—in the same community, the Blacksburg-Roanoke community in Virginia, a young woman I know who

was the TV reporter at WDBJ television, Alison Parker, who covered Senator WARNER and me—we know her parents—was shooting a live piece in the morning about the anniversary of a local chamber of commerce, and a mentally ill former employee of the station came up, live on television, and videoing himself, killed Alison and Adam Ward, her cameraman, and ultimately took his own life later that day.

We have scar tissue in my town. We have scar tissue in my Commonwealth. We have scar tissue in this country. We have scar tissue personally. And after every one of these instances, we resolved to be better, and we resolved to do more. Why do we need to be passive? Why do we need to do nothing? We resolved to do better and do more. Yet here in this body, we can't.

We were together here, my colleague from Connecticut and I. I talked about the worst day of my life at Blacksburg, but the worst day in the Senate was standing here on the floor in April of 2013 and having a debate about this very piece of legislation about background record checks, and we were surrounded in the gallery by the victims and the families from Newtown, and they were watching us. There is a line in the Letter to the Hebrews that talks about being surrounded by a great cloud of witnesses, and we were surrounded by a great cloud of witnesses. With them were Virginia Tech families, and they were together, and they were watching us, and they were praying, I know, for us to do the right thing. Yet, even with the family members who had suffered from the State of Senator MURPHY and Senator BLUMENTHAL, even with those family members hoping we would do the right thing, we couldn't get there.

As surely as night follows day, there have been other tragedies. And now—something I hoped would never happen—a shooting tragedy has eclipsed even the horrific tragedy in Blacksburg in 2007.

So the question that has to be asked is, What will it take and when will we act?

So I would ask the Senator a series of questions because I am not just grappling with this as a legislator; I am grappling with this as a person, as a parent, as a friend, as somebody who has scar tissue.

I have an organization, the National Rifle Association, that is headquartered in my State and that says we can't do anything because of the Second Amendment.

Let me ask a couple of questions of my colleague. The Senator would agree with me, would he not, that the Second Amendment is in the Constitution, so of course it is important. It is important, as the First Amendment is important, wouldn't the Senator agree with me on that?

Mr. MURPHY. It is in there for a reason.

Mr. KAINE. It is in there for a reason. And it has been in there since 1787, and Virginians were the drafters. So it is in there for a reason, and it is important, just like the First Amendment.

Let me ask the Senator about the First Amendment. The First Amendment says there is a right to free speech and a right to freedom of the press. Does that mean that constitutionally I can go out and slander and libel anyone, and there is no consequence for that? Is that what the First Amendment means?

Mr. MURPHY. The First Amendment is as important as the Second Amendment, but it comes with conditions and responsibilities. One of them is that you can't slander your fellow citizens. You can't yell ''fire'' in a crowded theater. There have been important limitations since the beginning of the Republic built around the First Amendment which, frankly, are as sacred as any of the individual rights that are encompassed in the Bill of Rights.

Mr. KAINE. There is another part of the First Amendment that says you have a right to assemble.

My understanding—and the Senator is a lawyer, so he can tell me if I am wrong about the right to assemble. You have a right to assemble, but a government can condition that. It can say you have to get a permit or you can assemble here, not there. It cannot discriminate among points of view, but the common constitutional provision is that there can be reasonable restrictions on the time, place, and manner of assembly under the First Amendment, and that is completely constitutional. Is that the Senator's understanding of the clause?

Mr. MURPHY. Another qualified right of the Bill of Rights.

Mr. KAINE. I can do the same thing on the Third Amendment, and I can do the same thing on the Fourth Amendment, and I can do the same thing on the Sixth Amendment and the Seventh amendment, the right to trial by jury in civil matters. And each of these rights are important just as the Second Amendment is important, and in each of these rights we commonly accept—actually, we demand, not just accept—that consistent with constitutional rights there be reasonable limits so that we can live together in peaceable harmony as citizens.

Would the Senator agree with me that there is nothing about those reasonable restrictions in the First or the Second or the Third or the Fourth or the Sixth or the Seventh Amendments that is at all inconsistent with the constitutional framework that we take an oath to uphold when we come into this body?

Mr. MURPHY. I haven't memorized portions of the Constitution as well as Senator KING has, but he very eloquently stated for us the preamble of the Constitution, which commits us first and foremost to preserve domestic tranquility and to protect the common defense. So at the very beginning of the Constitution is this obligation to take the issue of public safety as a sacred duty upon inheriting the mantle of preserving and defending the Constitution.

So, as he has stated, all of those rights in the Bill of Rights come with conditions and responsibilities demanded by the American people, and when we talk about the Second Amendment, it is educated by that very important preamble which commands all of us to do whatever is necessary to protect the safety of our citizens.

Mr. KAINE. Am I not right that the Second Amendment even has the phrase ''well regulated'' in it and even acknowledges the notion that this particular right is one where regulation is contemplated?

Mr. MURPHY. Whereas the First Amendment doesn't place the condition into the text—they are read into it—the Second Amendment has conditions in the literal text.

Mr. KAINE. So the organization in Virginia that makes this argument about the Second Amendment—I think we can clearly demonstrate it is specious.

The Second Amendment is critically important. We all take an oath to uphold it, and we do uphold it, but there is nothing inconsistent with the Second Amendment in terms of the provisions you are talking about on the floor.

Let me ask you this. Here is an argument they make, and I hear them make this all the time: What these guys who are advocating these propositions want to do is they want to take away all of your guns.

You were in the House a while before I got here. To your recollection, has there ever been, in your time here, a proposal that has been put in place in Congress to take away the guns of American citizens?

Mr. MURPHY. It is a wonderful subtext to all of the rhetoric that comes from the gun lobby and the NRA that there is this secret agenda to essentially get the camel's nose under the tent through an expansion of background checks or a restriction on individuals who are on the terrorist watch list as far as buying guns, because the ultimate goal is to eventually parachute into people's homes and take away all of their weapons—gun confiscation.

Of course, that is a mythology that has been created by the gun lobby in order to sell more weapons and in order to make people scared of their government so they have to arm themselves. There is no logic to it.

As you state in reference to your question, there has never been a proposal before the U.S. Congress to engage in any of the widespread confiscation efforts that have been imagined

out of thin air by these advocacy organizations.

Mr. KAINE. I thought that was the case. I am a gun owner, I am a supporter of the Second Amendment, and I have been unaware of this body or any State legislature putting in a proposal to take away folks' guns, as advocates would suggest.

Let me ask the Senator this one. Here is a position this organization used to advocate all the time: We don't want to have things that restrict law-abiding citizens; we just want to keep guns out of the hands of the bad guys.

For a very long time, that was the NRA's position—don't restrict law-abiding citizens; keep guns out of the hands of bad guys. As far as you know, is there any way to enforce the existing laws and keep the guns out of the hands of the bad guys pursuant to the Federal laws that have been in place for a very long time and that prohibit nine categories of people from owning weapons? Is there any way to do that job and keep the guns out of the hands of the bad guys without a comprehensive background record check so that somebody who is selling can determine whether somebody who is buying is a bad guy?

Mr. MURPHY. When we passed the background checks law initially, I say to Senator KAINE, it was pretty good at keeping guns out of the hands of bad guys because at that time the vast majority of gun sales occurred in brick-and-mortar gun stores. But what has happened, as you know, is that sales of guns have transferred from brick-and-mortar stores to online sales and to sales in gun shows. Because the law has not caught up, there are quite literally thousands of criminals and convicts and felons who are now walking into gun stores are just typing in armslist.com online and buying guns with no background check because the law has not kept up.

So if you are truly sincere about stopping the bad guys from getting the guns, then by definition you have to expand the number of sales that are subject to background checks to those that are happening in 40 percent of the sales, which occur now online and in gun shows—never mind the fact that the baddest of the guys are probably the ones who have had known connections and communications with terrorist groups and who are not on that list today of those who are prohibited from buying guns.

Mr. KAINE. May I ask the Senator this since we have started to talk about this question. Has anybody come up to you and said: Hey, people on the terrorist watch list—we just shouldn't be worried about them. Why would we worry about people on the terrorist watch list?

Have they tried to argue that those are good guys?

Mr. MURPHY. Quite the opposite. They would rise to the highest level of concern for most of our constituents.

Mr. KAINE. Here is where I am puzzled. For an organization that says that they are about the Second Amendment, they advocate a position that has no support in the Second Amendment. An organization that shakes their fists and says we are trying to take their guns away—that has no basis because there are no such provisions that are on the floor and that have been introduced. An organization that says they want to keep guns out of the hands of bad guys—the only way to do that is to have a background record check. So doesn't it seem like the organization's principles are really—well, let's start with this: It seems to me they are at odds with the point of view of not only most Americans but also most gun owners. Most gun owners support the commonsense provisions that you are describing on the Senate floor.

Mr. MURPHY. I assume you have gun clubs in Virginia, just as we have them in Connecticut.

Mr. KAINE. Absolutely.

Mr. MURPHY. If you walk into a gun club in Connecticut, there is going to be pretty solid consensus that criminals shouldn't buy guns. And those law-abiding gun owners who sit in those gun clubs on Saturdays and Sundays have absolutely no problem with sales online or sales at gun shows being subject to background checks because they have gone through background check. They know that on average a background check takes less than 10 minutes. They know that it is nothing more than a 9-minute, on average, inconvenience for someone who is buying a gun, and they support it further. Frankly, those guys in the gun clubs are amongst the loudest in their concern that terrorists have the ability today to buy dangerous weapons and commit mass murder like we saw in Orlando.

So this consensus that exists out there in the American public is not a consensus amongst progressive Democrats; it is a consensus amongst gun owners, non-gun owners, Democrats, Republicans, moms, dads, conservatives, liberals, Georgia, Connecticut, California. There isn't a cross-section of the American public that doesn't support keeping bad guys from getting guns and thus the two reforms we are asking for here today—a law that prohibits people on the terrorist watch list from getting guns and a law that expands background checks to all of the forms in which guns are sold today.

Mr. KAINE. I would go one further. Not only is it consistent with what the American public wants in virtually any ZIP Code in this country, I think the notion of keeping guns out of the hands of bad guys, which for a long time has been the stated principle of the National Rifle Association—I think that is in accord with the opinions of the members of the National Rifle Association. As I have seen polling by NRA members, the members of the organization overwhelmingly support background record checks because they want to keep guns out of the hands of bad guys.

Mr. MURPHY. Senator KAINE, they support it. NRA members support it at the exact same rate that non-gun owners and non-NRA members support it. In fact, NRA members, frankly, have been historically those who have been most supportive of provisions that would prevent guns from getting into the hands of criminals because by and large NRA members are law-abiding gun owners. Historically, they have had some of the greatest concern about this, which is why it is so hard to understand this disconnect between where their members are, where gun owners are, and where the advocacy organization is.

Mr. KAINE. That is talking about outside this building. How about the disconnect between what our citizens, gun owners, and NRA members want and expect us to do and the complete lack of action and, frankly, counterproductive action.

Let's talk about that. Congress has given gun manufacturers a unique form of liability protection that virtually nobody else in this country gets. We have put a number of restrictions in place to stop research into causes of gun violence, to stop the ability to trace weapons in gun violence. These are not only not doing the right thing but doing the wrong thing in the sense of the thing that seems completely contrary to the wishes of the constituents who send us here to represent them.

Mr. MURPHY. When you present these issues to the American public, they scratch their heads, or they scratch their heads because they assume already that individuals on the terrorist watch list cannot buy guns. They think it is absurd that we passed a law that subjects toy guns to a greater standard of negligence than real guns. I mean, that is what that law effectively did. That law said that if you sell a toy gun, then you are going to be subject to a higher standard of negligence if that gun misperforms than a gun company is going to be held to if its gun—its real gun—misfires. When you explain that to somebody in your State, whether you are in a red State or a blue State, they scratch their heads. It doesn't make sense to them.

Mr. KAINE. Finally, Senator, if I could do this, I know as part of standing on this floor, you are not standing here over words in draft legislation, you are standing here because of people. I sat with you, and we talked about people in your community who had been affected. I would love to tell you

the story about just one Virginian, if I could, and then I would love to have you comment on the story I am going to tell you. I could tell a lot of stories about a lot of different people, but one just epitomizes to me so plainly this challenge, and it is a story of a man named Liviu Lebrescu.

Liviu Lebrescu was one of the people who were killed at Virginia Tech. He was a professor of aerospace engineering. He was an amazing professor. On April 16, 2007, when Seung-Hui Cho came into Norris Hall and started shooting people, he stood in front of the door and told his engineering students to try to get out of the window so that they would be safe. He blocked the door, and Seung-Hui Cho was shooting bullets through the door. He kept saying: Hurry, hurry, hurry. Until the last breath he took, he told students to hurry. Everyone in his class got out the window except one other student, Minal Panchal, who stayed behind and encouraged others to go ahead of them.

Professor Lebrescu was one of the 32 killed that day. Here is the amazing thing about Liviu Lebrescu that I just find myself continuing to contemplate. Liviu Lebrescu was 76 years old. He was born in the 1930s as a Jew in Romania. When Hitler and the Nazis started to sweep across Europe, he and his family were put into labor camps and concentration camps. But this amazing survivor, who was a young boy and a teenager, survived the Holocaust. Most of his family was killed. He survived the Holocaust, and he was a teenager with a lot of his family gone. A lot of people who had been through that experience in Romania decided to leave, they were so shattered, but he said: This is my home. My family is gone. This is my home. I am going to stay in Romania.

Then the Soviet Union took over Romania, and they asked that he renounce his Judaism, and he wouldn't do it. Then they asked that he pledge allegiance to the Communist Party, and he wouldn't do it.

He had gotten a Ph.D., and he was a well-recognized engineer, but suddenly, first, he couldn't travel to go to academic conferences, and then second, he was going to lose his job.

This Holocaust survivor had to live under Soviet communism and be persecuted, but he wouldn't give up his faith, and he wouldn't give up his moral integrity. He kept trying for a better life.

Finally, in 1977, when he was past 40, he was allowed to immigrate to Israel, and he moved to Israel. That had been his dream. And he was a teacher in Israel.

In 1985, he got a 1-year teaching fellowship at Virginia Tech in Blacksburg to teach engineering. He came in 1985 for a 1-year fellowship, and he kept renewing it year after year after year because he found in Virginia, he found in America, he found in Blacksburg a community that he loved and a community that he cared about.

So somebody who survived a holocaust of the Nazis and who survived the Soviet oppression of his native land couldn't survive the holocaust of gun violence in this country.

There is one more thing about Liviu Lebrescu. It is about the day he was killed because it was a very different day for him than it was for his students. It was a Monday. It was April 16, 2007. That day was a special day in the Jewish faith for somebody who was Jewish. It was Yom HaShoah from sundown on April 15, 2007, until sundown on April 16. It is the day to remember the Holocaust. For Jews worldwide and people who care about Judaism worldwide, it is a day to remember the Holocaust.

When you remember the Holocaust, well, it is one thing to reflect upon it, but it is another thing to reflect upon it as a Holocaust survivor. What you reflect upon is the perpetrators and the gravity of the tragedy that they perpetrated. You reflect upon the victims who lost their lives, and you reflect upon the survivors. You reflect upon the heroes, and you also reflect upon the bystanders.

So while the students who went into that class on the morning of April 16 weren't thinking about Yom HaShoah, Liviu Lebrescu was.

I have to believe that when that shooting started on that day where he was thinking about what he had been through, then he was faced with an existential—am I going to be perpetrator? Am I going to be a victim? Am I going to be a survivor? Am I going to be a bystander? Am I going to be a hero? He chose to be a hero, and he lost his life. He chose to be a hero, and he lost his life.

Would I do that? Would I stand in front of a door, block it, take bullets, and tell my students to get out the window? Would I do that? I cannot honestly stand here and say that I would. I can't say that I would have the courage of Liviu Lebrescu. He was a hero. I can't say I would be a hero.

But in this body, we don't have to be heroes; we just have to not be bystanders. We have been bystanders in this body. We have been bystanders in this Nation as this carnage of gun violence has gone from one tragedy to the next. To cast a vote, that is not heroic. To stand up and say, ''We can be safer tomorrow. We can protect people's lives,'' that is not heroic. That is just saying I will not be a bystander. And that is all we have to do—stop being bystanders.

Mr. President, I would just ask my colleague from Connecticut if he has any close on that, and I appreciate the chance to engage in this dialogue with him.

Mr. MURPHY. I thank the Senator from Virginia. That is as compelling a case as can be made.

Before I yield the floor for a question from Senator BLUMENTHAL, who has been here with me and Senator BOOKER for every one of the now 12 hours we have been standing here, I want to put that challenge to stop being a bystander to the body in very personal terms. This, for Senator BLUMENTHAL and me, is rooted in our history as well.

I was not more than 30 days from my election to the Senate—a celebratory moment in my life—when I was sitting on a train platform, waiting to go to New York City with my then-4-year-old and 1-year-old to see the Christmas lights, when I got the call about the shooting at Sandy Hook, and Senator BLUMENTHAL and I were there hours later. And there are certainly days when I wish I wasn't there and I didn't witness the things I saw and connect with the tragedy that was evidenced that day. But our challenge from those families is to stop being bystanders, and there are similar stories of heroism that maybe I will get the chance to tell later tonight from inside those classrooms, but a letter I keep with me is from a mother whose child survived Sandy Hook.

So let me just read an excerpt from it before yielding the floor to Senator BLUMENTHAL, to make this challenge real from a mom who thinks about this every day. She said:

> In addition to the tragic loss of her playmates, friends and teachers, my first grader suffers from PTSD. She was in the first room by the entrance to the school. Her teacher was able to gather the children into a tiny bathroom inside the classroom. There she stood with 14 of her classmates and her teacher, all of them crying.
>
> You see, she heard what was happening on the other side of the wall. She heard everything. She was sure she was going to die that day. She didn't want to die for Christmas.
>
> Imagine what that must have been like. She struggles nightly with nightmares, difficulty falling asleep, and being afraid to go anywhere in her own home. At school, she becomes withdrawn—crying daily, covering her ears when it gets too loud, and waiting for this to happen again. She is six, and we are furious.

I want to read the rest of this to challenge us to stop being bystanders.

> [We are] furious that 26 families must suffer with grief so deep and so wide that it is unimaginable. Furious that the innocence and safety of my children's lives has been taken. Furious that someone had access to the type of weapon used in this massacre. Furious that gun makers make ammunition with such high rounds, and our government does nothing to stop them. Furious that the ban on assault weapons was carelessly left to expire. Furious that lawmakers let the gun lobbyists have so much control. Furious that somehow someone's right to own a gun is more important than my child's right to life. Furious that lawmakers are too scared to take a stand.

This mother of a child who survived one of those Sandy Hook classrooms finishes by saying:

I ask you to think about your choices. Look at the pictures of the 26 innocent lives taken so needlessly and wastefully, using a weapon that never should have been in the hands of civilians. Really think. Changing the laws may inconvenience some gun owners, but it may also save a life—perhaps a life that is dear to me or you.

Are you willing to risk it? You have a responsibility and an obligation to act now and to change the laws. I hope and I pray that you do not fail.

This was written by the mother of a girl who survived the massacre at Sandy Hook.

I yield to my colleague from Connecticut—who has been here with me and Senator BOOKER since the beginning, 12 hours ago—for a question, without losing my right to the floor.

Mr. BLUMENTHAL. Thank you. And I will ask a question of my colleague and friend from Connecticut, but first I want to thank all my colleagues who have been here over these 12 hours off and on, speaking so powerfully, as our friend from Virginia just did about his experience.

Every one of us has this kind of experience that brings us here and binds us together in this cause because we have seen the flesh and blood and emotional impacts. And I want to read a letter also from a Newtown survivor—another. I read one earlier. This is from someone who lived through Newtown and wrote me after Orlando, and she said:

As a Newtown teacher who was in lockdown at the Middle School on 12/14, this work is particularly important to me. That could just have easily been my classroom, and I find it abhorrent that we have chosen as a nation to be complacent in the face of mass shootings. It is incumbent upon us, our elected officials to enact meaningful change in order to save lives.

I urge and implore citizens around the country, people who are watching this proceeding, who are listening to the powerful words of my colleagues—most especially Senator MURPHY—to let us know that you hear us, and equally important to let the other side of the aisle know, which right now is vacant—completely empty. This side is full, the other side is empty. Let them hear how you feel, the same way this teacher who lives in Trumbull, CT, let me know how she feels.

There is a lot of talk these days in our politics about the need for change—on the Presidential campaign, in the Senate campaigns, at every level of our elected process. Politicians are telling people they will change things in Washington. Well, we can give people change in our laws, in our enforcement practices, in our culture. It all has to change for lives to be saved. It isn't only new laws, there has to be more resources for the enforcement of that law.

The background check is actually an enforcement tool. Expanding that check gives law enforcement the ability to stop people already prohibited by law from buying guns. The terrorist watch list and the Attorney General's discretion based on evidence to stop people engaged or preparing for terrorism to be barred from buying guns is an enforcement tool. It protects people. So people should demand changes not just in the abstract and in general terms but in the way we deal with guns.

This day has been enormously meaningful because of the reaction it has provoked across the country in our offices, the phones that have rung, the tweets that have emanated, and the messages we have received in every form, but it must be followed by action. In this Chamber we hear words. This place is filled with words. It is what we do in this place—we talk. But actions speak louder than words. Now is the time for action. Enough is enough.

Give us the votes. Give us the votes on these amendments. Let us vote. That is the reason we are here. Let us act to fulfill the expectations and the wishes of the American people who are begging for us to take meaningful action. We need to do our job. That is our job—to act and to protect the American people.

I would ask my colleague from Connecticut whether he believes we can reach a resolution here that will permit us to act, whether reasonable minds can come together, whether we can forge consensus involving the other side of the aisle, whether we can bridge the partisan gaps and come together in a meaningful way—as we have done on veterans issues, on immigration reform, and on other issues, where we may not have crossed the finish line in the House of Representatives but, in the past, we have succeeded in bridging our differences. Is that possible?

I want to hear from the American people that they think it is not only possible but necessary, and it is our job.

Mr. MURPHY. I thank the Senator for that question, and I guess we both agree that of course it has to be possible. There just aren't many moments in which the American public is so resolute in their belief that we should do something and this place is so resolute in its belief it should stay on the outside of consensus. There just aren't many issues where the American public has decided at a 90-percent rate that we should act and we refuse to do so.

So my belief is, democracy doesn't allow for this condition to persist for very long, but I will be honest with my colleague. The burden is not so much on us. The burden is on our Republican friends to come to the table with proposals that mirror those that are supported by the American public.

Today, the proposals we are asking for votes on enjoy the support of 90 percent of Americans—increasing the range of background checks and making sure terrorists don't get weapons. So given the fact the American public supports our position, frankly, it would be irresponsible of us to agree to something that is an abandonment of those fundamental beliefs on behalf of Americans.

Our frustration is that we have had lots of time to work out a compromise. It was 6 months ago when we last had a vote on the issue of terrorist access to weapons, and we still have not had any effort, any outreach from the Republican side of the aisle, to try and find common ground. So the answer is, of course, yes, we can find that common ground, but there has to be another party to work with.

I would commend my Republican friends to take a look at the language Senator FEINSTEIN filed today. It is not her original bill that was 18 pages long. The bill she filed today is a simple bill of about 2 to 3 pages, which simply gives to the Attorney General the ability to put a system in place whereby individuals who have demonstrable connections to terrorist organizations cannot buy weapons and a clear exit ramp for individuals who are on that list wrongly to be able to purchase firearms.

So I think that amendment has addressed the concerns Republicans have raised, and I hope, if we can get an agreement to bring that amendment to a vote, they will see it as that consensus product and allow us to adopt it.

I thank Senator DONNELLY again for joining us, and I yield to the Senator from Indiana for a question without losing my right to the floor.

Mr. DONNELLY. I have a question for the Senator from Connecticut, and it is, Is this vote as simple as it appears?

We are all moms and dads—all of us in the Senate and the Gallery—many of us, all of us, and these 49 beloved people in Orlando all had moms and dads who today are absolutely crushed. The unthinkable has occurred, the same as at Virginia Tech, in my colleague's State, the same as at Charleston, the same as the little children from Newtown, CT, in the home State of my two colleagues here. As I said, every one of these is a precious child.

Is there any mom or dad anywhere on this floor or in our Senate who, when you look at this, wouldn't say: We can avoid this, these tragedies, by saying someone on the terrorist threat list shouldn't be able to buy a gun or that we expand background checks to online sales or gun shows so they are just the same as if you buy them at the local store in town? These two bipartisan proposals are what we are talking about.

My question is, Are these as simple as they appear? And why on earth not only would any mom or dad be against them but anyone on the Senate floor?

Mr. MURPHY. I think this is a wonderfully simple question which a lot of

people are probably asking: What is the problem? Is there a catch? Why isn't there consensus? The simple answer is that there is no catch, and there is no secret agenda. There is no alternative story line. This is about saying that if you are on the terrorist watch list, you shouldn't buy a gun, period, stop. And if you want to buy a gun in a commercial sale, you should prove that you are not a criminal first, period, stop. Those are the only two things that we are asking for a debate and a vote on—no secret agenda, no hidden prefaces. That is it.

I thank Senator DONNELLY, and I yield to my great friend who has been with us for a majority of the evening here on the floor. He has not yet posed a question. I yield to my friend from Hawaii for a question without losing my right to the floor.

Mr. SCHATZ. I thank the Senator from Connecticut and the senior Senator from Connecticut for their leadership. Before I ask my question, I want to read something I received just about a half hour ago from a constituent:

Dear Senator Schatz, I am following the filibuster online and though I know you don't need more convincing about what we need to do, I thought to reach out to you anyway. Like many Americans I felt so paralyzed since Sunday's shooting in Orlando. On Sunday afternoon I brought my 4-year-old to the [University of Hawaii] campus for a film screening and I found myself, for the very first time, strategizing about where to sit and what I would do if there was an active shooter and how I could best cover my son's body if we couldn't escape. I am not an anxious person by nature but I refuse to accept that powerlessness to gun violence must be our accepted ''new normal.'' I work diligently at my job and as a mom to care for my own kids and the community of students I work with and am intentional in trying to create opportunities for their growth and learning. So it seems completely insane that in 2016 we have nothing more inspiring to offer a nation of families other than hoping that loved ones are not ''in the wrong place at the wrong time.'' That is totally unacceptable to me and I am willing to help with any community or national efforts to bring about necessary change. . . . I have personally sent postcards . . . to every Senator who voted against background checks. Please let your supporters in Hawaii know what we need to do. I will show up. #notonemore

Your constituent, Vanessa Ito.

I really want to thank Senator MURPHY for his leadership in this. This is really moral leadership. I was in the Presiding Officer's chair. Both Senator MURPHY and I were new to the Senate under very, very different circumstances, in a lot of ways both tragic circumstances. But I was in the chair and CHRIS MURPHY gave his maiden speech. He was my friend. We had sort of just met and become fast friends. The first speech he gave was on this topic, and I understood his personal passion. But what he is doing now is bigger than that. He has displayed physical courage, emotional courage, and political courage that I think we couldn't imagine even at the beginning of the week. And even though all of us are committed to this issue, he shocked our conscience in that caucus room and laid down a marker for all of us to do better and to do more.

I just want to say one thing before I go into a sort of preamble to my question, and that is this: My instinct about this is that our political opponents absolutely rely upon our being despondent. I think they absolutely rely upon the idea that we will give up by the end of the week—that we get our memo that this week is the National Defense Authorization Act, next week is the Commerce-Justice-Science appropriations measure, and every week it is a different topic. Donald Trump will say something and distract the national media, and everybody will move on.

But here is why I am so hopeful about what has happened today. It is not just that we have a bunch of Members of the Senate on the floor pretty late at night. It is very difficult to get any of us together for anything other than lunch—for anything—and yet here we are. Senator MURPHY did some recruiting through staff and everything else, but this was organic. We saw what was happening, and we wanted to offer our moral support—and not, frankly, to him as a friend and a colleague but to everybody across the country who deserves people who are going to fight on this issue.

The other really exciting thing that is happening is outside of the Senate, and that is more important. The gallery doesn't usually get more and more crowded through the day. People visit, people do their Capitol tour, and they come and check out the gallery—and we are yammering at each other or we are voting and we are shuffling around—and then they leave. But what is happening in the gallery physically is that people are actually coming to see that something meaningful has happened. Senator MURPHY's phone lines are ringing off the hook. CHRIS MURPHY himself is the No. 1 trending topic on Facebook. And it is not about CHRIS MURPHY. It is about the sense that maybe we can actually do something here. Maybe we can actually do something here.

So for all of the people who are watching this online or observing it on Twitter or hearing about it for the first time, I want people to understand that this is the continuation of a movement, but this is an inflection point. This is a point at which we are not going to accept that if 90 percent of the public is demanding that we take action, the Senate and the House won't. That is unacceptable to me.

Since I got to the Senate alone, there have been nearly 1,000 mass shootings. That is not 1,000 people killed. That is 1,000 mass shootings. Over 40,000 Americans have been killed by guns, and there are zero changes to our gun laws. The shooting in Orlando was the worst mass shooting event that our Nation has ever seen in one night—49 people killed and 53 shot and injured. Those numbers are shocking, but here is what I think is even more shocking—and Senator BOOKER mentioned this both in public and in private: Since then, more than that many people have been killed as a result of gun violence. This happens all of the time.

Now, the Orlando situation was uniquely shocking because of the public dimension, because of the homophobia, because of the awful, graphic, shocking violence in one place at one time for one purpose—to strike terror in people's hearts and to strike terror in the hearts of people who are gay. So that was uniquely shocking. But in terms of the number of people killed, this was actually pretty similar to any other day in the United States.

So my first question for Senator MURPHY is—you haven't taken a break, you haven't had a meal, you haven't been able to interact with your son or your wife except in the gallery and at your podium. I guess my question for you is this: Do you feel momentum now? Do you feel momentum now?

Mr. MURPHY. I thank the Senator for that question, and I appreciate your talking about how this happened organically. We didn't decide to do this until this morning. We certainly had been talking about the need to show that we were sick and tired of the normal trajectory of thoughts and prayers being sent out and then a dissipation into nothingness, as is the trend line after these tragedies. We knew we had to do something different. But what is wonderful about this is that much of this is organic. This is now a dozen colleagues who are on the floor at close to midnight this evening, and the gallery is increasing in numbers at this very time. I think the last I saw, 100,000 people were talking about this right now on Twitter. It has been the top trending topic all day long. Thousands of calls are coming in to our office. I hope this is a moment in which we all get to remind ourselves that this change will not happen without vigilance—that it is not just going to be this moment. It is going to have to be repeated moments in which we engage the consciousness of this Nation.

So I do feel momentum here. We are hopeful we will be able to proceed to at least votes on these measures so we can show the American public where everybody is. If we don't win those votes, we will live to fight another day. But these are galvanizing moments, and it is heartwarming to know that there are so many colleagues who have stepped up to the plate to take part.

Mr. SCHATZ. I thank the Senator from Connecticut. I would like to ask a question specifically about the terrorist gun loophole. It seems obviously

straightforward to everyone that we would want to prevent terrorists from getting guns, and yet we can't get the other side of the aisle to even show up, let alone to vote to close this loophole. As we know, last year 53 Senate Republicans voted against closing the terrorist gun loophole that allows known or suspected terrorists to get guns. They had several excuses. But I kind of want to go through the main complaint, and that is that there was not enough due process for these individuals. That is just plain false. There are several layers of due process, starting with the procedures that are available to anyone who does not pass a background check when trying to buy a gun. Anyone denied a firearm transfer has the right to find out the reason for the denial, submit correcting information to the Attorney General, and even bring a civil action against the government.

The bill that Senator FEINSTEIN has introduced—of which I think every Member of the Democratic conference is a cosponsor—provides additional due process. A person denied a firearm transfer because he or she was determined to be a known or suspected terrorist can challenge the determination in court. According to the FBI:

A range of quality control measures are used to ensure that the Terrorist Screening Database contains accurate and timely information. This includes regular reviews, periodic audits, and post-encounter reviews conducted by the Terrorist Screening Center and the agencies that nominated the record to ensure the information continues to satisfy the applicable criteria for inclusion.

Just yesterday, the majority leader stated the obvious—that nobody wants terrorists to have firearms. But what is really being proposed? The bill being proposed by Senator CORNYN—a very skilled and good legislator—is just not viable. The Republicans who would vote for this bill over Senator FEINSTEIN's proposed legislation would keep the loophole wide open, because this bill is unworkable. It will require law enforcement officials to prove to a court that a gun buyer has already committed an act of terrorism instead of stopping likely terrorists ahead of time. Or the government would have to prove to a court that there is probable cause that a gun buyer will commit an act of terrorism.

So in order to stop somebody from buying a gun, you have to show that this person is going to commit an act of terrorism. Now, I am not the lawyer—and I am looking around and seeing a number of lawyers on the floor. But my instinct is if you have probable cause that someone is about to commit an act of terrorism, you don't allow a database to be pinged and say: I'm sorry, sir; we can't give you your gun today. You would arrest that person. You would detain that person.

So my question for Senator MURPHY is first about this proposal from Senator CORNYN, and whether you think it would be workable. And then, if you wouldn't mind fleshing out—even if we are able to solve this so-called terror gap issue, if you would talk about straw purchases and the gun show loophole and how we have to be complete in our strategy—that even if we solve this problem legislatively, there are gaping holes in our security when it comes to this issue. I would like you to talk us through how all of these issues work together. Because one thing I know about Senator MURPHY is that he is deadly serious about actually solving this problem. You don't want to run on this problem. You don't want to tweet on this problem. You want to actually fix it because you feel it in your gut.

(Mrs. CAPITO assumed the Chair.)

Mr. MURPHY. I thank the Senator for bringing up this bogeyman issue that continues to come up about due process. Let's first be clear that there is a double standard here. There is not a single Member of the Republican majority who decries the lack of due process when it comes to individuals who are denied the right to fly because of their inclusion on this list. Nobody stands up and says that there isn't the ability to grieve the fact that you are on the list of those individuals who are prohibited to fly. Yet there is some special consideration that is supposed to be given to an individual who is deemed to have an association with a terrorist group who wants to buy an assault weapon. It would seem almost the opposite. Maybe that individual should be given extra consideration.

Of course, this idea that has been proffered in the Cornyn amendment that we voted on in December is laughable. It is not a serious attempt to solve this problem in that it would provide for a court determination and a court process before anybody on that list would be denied a firearm. That individual would have to walk into a gun store. The gun store would say, no, you have been flagged by the Department of Justice, and we are going to call them to see if they would like to take you to court over the next 72 hours in a process that no one knows what it would look like. There would be potential discovery, the ability to rebut the claim that you were a terrorist. It would be a laughingstock, a mockery of the judicial process.

I think those who have supported the amendment probably know that. They are voting for it so they can claim that they supported something other than the piece of legislation that the majority of Americans support, which is the simple addition to the list of those who are prohibited from buying weapons of individuals who are on the terrorist no-fly list.

I will state very quickly as to your second question, yes, of course, if you are serious about solving this problem, you can't just put those individuals on the no-fly list, on the list of those who are prohibited from buying weapons. You actually have to also close that loophole that allows for thousands upon thousands of gun sales to occur at gun shows and online because a terrorist or a would-be terrorist may get denied at the bricks-and-mortar gun store, but then they can later that day go online or that weekend go to a gun show at the convention center and buy a weapon. So you have to do both, which is why we are asking for both of these votes.

Mr. SCHATZ. I thank the Senator from Connecticut. I believe firmly—and I really appreciated the conversations between him and Senator KAINE about the Second Amendment. I am a Second Amendment Democrat. A lot of us are. I believe firmly that as Senator SCHUMER said, you can't pick the amendments you like and pick the amendments you don't like. I believe that we can protect the Second Amendment while protecting communities from gun violence.

As stated by the late Justice Scalia, ''Like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.''

To Senator MURPHY, I would like to ask him, how does he view the Second Amendment fitting into this conversation? Speaking of bogeyman, I think that there is this sense that if you are for reasonable restrictions on purchasing a gun, that you are against guns. It seems to me, at least in the State of Hawaii, that people who are the most concerned with gun safety, the people who impart gun safety to their children, the people who do this right are gun owners, are hunters, are people who even have a gun for protection.

So the question I have for the Senator is, What is the right balance, both under the law and from the perspective of keeping our people safe?

Mr. MURPHY. This may sound strange, but you look to Justice Scalia for that balance. He writes in the majority opinion in Heller, a decision that a lot of our friends disagree with, that the Second Amendment right is not an unlimited right, just like all of the other amendments that Senator KAINE and I spoke about.

In an interaction that I had with Senator UDALL earlier in the day, we were remarking that neither of us believe that this really was a debate about the Second Amendment. This has nothing do with the Second Amendment because the Second Amendment very clearly, as interpreted by the Supreme Court very recently, is a right that comes with conditions. There are certain weapons that civilians shouldn't be able to own, and there are certain individuals who shouldn't be able to own any weapons

at all if they have lost that right through, for instance, the commission of a felony. We just shouldn't accept this juxtaposition that gets made between those who say that you either support the Second Amendment or you want to stop criminals from getting guns at gun shows. These two goals are not mutually exclusive.

Every single one of us can be a supporter of the Second Amendment and recognize, as the Supreme Court has very clearly, that there are limitations on that right; for instance, your ability to lose that right if you committed a crime or if you have had known association with terrorist organizations.

Mr. SCHATZ. Thank you. I believe the Senator from Wisconsin has a question for the Senator.

Mr. MURPHY. I yield to Senator BALDWIN for a question without losing my right to the floor.

Ms. BALDWIN. Thank you. Through the Chair, I would like to ask the Senator from Connecticut a question, actually about a number of things—about the need for us to stand united as a country in the fight against hatred and terrorism and easy access to what are really weapons of war. It is about 6 hours ago that I came to the floor to participate in this very important discussion.

Mr. MURPHY. That was 6 hours ago?

Ms. BALDWIN. Yes.

Mr. MURPHY. Wow.

Ms. BALDWIN. One of the things I did was read through the names and tell a little bit about each of the 49 victims of the shooting in Orlando. I am not going to do that again, but I do want to display their beautiful faces because I do think telling these stories is such an important part of creating the resolve we need as a nation, as a nation united to take action. Not to repeat too much of what I said earlier this evening, but our thoughts and prayers are no longer enough.

It gets me thinking about what will it take, how many mornings do we have to wake up to news of a shooting in an elementary school or college campus, a theater where people are gathering for a chance to escape and enjoy a movie, or as we learned last Sunday morning, a nightclub during June, which is Gay Pride Month, where people were celebrating the accomplishments of a movement and enjoying themselves and recognizing that we still live in a world with discrimination but feeling safe among friends, colleagues.

It was an act of hate. It was an act inspired by terrorists and terrorism, and it couldn't have happened without such easy access to a weapon of war. We offer our thoughts and prayers, but our thoughts and prayers simply are not enough. Again, it makes me think of what will it take? I am ashamed it has taken us this long.

Earlier I read some names. Now I am going to share a list of catastrophic events. Each one brought terror to a community, brought grief and sadness to families, and they have been reduced to ways of referring to them much in the way that we decided to call the terrorist attacks on September 11, 2001, 9/11.

If you just look back a decade, and this is not a database of all of them, but it is a database of many of the mass killings in our country: the Amish school shooting in Lancaster County, PA, in 2006, killed 6, wounded 5; the Trolley Square shooting in Salt Lake City, UT, in 2007, killed 6, injured 4. You heard Senator KAINE talking moments ago about the Virginia Tech massacre in Blacksburg, VA, in 2007, 33 dead, 23 wounded; the Crandon shooting in Crandon, WI, in 2007, 6 dead, 1 wounded; the Westroads Mall shooting in Omaha, NE, in 2007, 9 dead, 4 wounded; the Kirkwood City Council shooting in Kirkwood, MO, in 2008, 6 dead, 2 wounded; the Northern Illinois University shooting in DeKalb, IL, in 2008, 6 dead, 21 wounded; the Atlantis Plastics shooting in Henderson, KY, in 2008, 6 dead, 1 wounded; the Carthage nursing home shooting in Carthage, NC, 8 dead, 3 wounded; the Binghamton shooting in Binghamton, NY, in 2009, 14 dead, 4 wounded; the Fort Hood massacre, Fort Hood, TX, in 2009, 13 dead, 30 wounded; the Coffee shop police killings in Parkland, WA, in 2009, 4 dead, 1 wounded; the Hartford beer distributors shooting in Manchester, CT, in 2010, 9 dead, 2 wounded; the Tucson shooting in Tucson, AZ, 6 dead, 13 wounded, including my dear former colleague in the House of Representatives, Gabby Giffords; the IHOP shooting in Carson City, NV, in 2011, 5 dead, 7 wounded; the Seal Beach shooting in Seal Beach, CA, in 2011, 8 dead, 1 wounded; the Su Jung Health Sauna shooting in Norcross, GA, in 2012, 5 dead, 0 wounded; the Oikos University killings in Oakland, CA, in 2012, 7 dead, 3 wounded; the Seattle Cafe shooting in Seattle, WA, in 2012, 6 dead, 1 wounded; the Aurora theater shooting in Aurora, CO, in 2012, 12 dead, 58 wounded; the Sikh temple shooting in Oak Creek, WI, in 2012, 7 dead, 3 wounded; the Accent Signage Systems shooting in Minneapolis, MN, in 2012, 7 dead, 1 wounded; the Newtown school shooting in Newtown, CT, in 2012, 28 dead, 2 wounded; the Mohawk Valley shootings in Herkimer County, NY, in 2013, 5 dead, 2 wounded; the Pinewood Village Apartments Shooting, Federal Way, Washington, in 2013, 5 dead, 0 wounded; the Santa Monica rampage in Santa Monica, CA, in 2013, 6 dead, 3 wounded; the Hialeah apartment shooting in Hialeah, FL, in 2013, 7 dead, 0 wounded; the Washington Navy Yard shooting in Washington, DC, in 2013, 12 dead, 8 wounded; the Alturas tribal shooting in Alturas, CA, in 2014, 4 dead, 2 wounded; the second Fort Hood shooting—I can't believe I have to say that—in Fort Hood, TX, 3 dead, 12 wounded; the Isla Vista mass murder in Santa Barbara, CA, in 2014, 6 dead, 13 wounded; the Marysville-Pilchuck High School shooting in Marysville, WA, in 2014, 5 dead, 1 wounded; the Trestle Trail bridge shooting in Menasha, WI, in 2015, 3 dead, 1 wounded; the Charleston church shooting, Charleston, SC, in 2015, 9 dead, 1 wounded; the Chattanooga military recruitment center shooting in Chattanooga, TN, in 2015, 5 dead, 2 wounded; the Umpqua Community College shooting in Roseburg, OR, in 2015, 9 dead, 9 wounded; the Colorado Springs shooting rampage in Colorado Springs, CO, in 2015, 3 dead, 0 wounded; the Planned Parenthood clinic in Colorado Springs, CO, in 2015, 3 dead, 9 wounded; the San Bernardino mass shooting in San Bernardino, CA, in 2015, 14 dead, 21 wounded; the Kalamazoo shooting spree in Kalamazoo, MI, in 2016, 6 dead, 2 wounded; the Excel Industries mass shooting in Hesston, KS, in 2016, 3 dead, 14 wounded; the Orlando nightclub massacre in Orlando, FL, this past Sunday, 49 dead, 53 wounded.

What will it take? How many times do we have to wake up to these tragedies?

I have the honor of representing the State of Wisconsin, and as you heard me read through that list, you heard that my home State, which I love, is not immune to these acts of violence. I just want to talk about some of the mass shootings in Wisconsin in recent years.

In November of 2004, during hunting season in Sawyer County, six hunters were killed and two were wounded.

In March of 2005, a gunman burst into the Church of Living God congregation during church services and fired 22 rounds, killing 7, including the pastor and his family.

In June 2007, five people were killed by a gunman, including twin infants, their mother, and two other victims in Delavan, WI.

In October of 2007, six young adults were killed during a party in Crandon, WI.

In August of 2012, a gunman killed six and wounded four, including an Oak Creek police lieutenant, when he opened fire at the Sikh Temple of Wisconsin during Sunday morning services. He had a semiautomatic pistol, and as I mentioned, murdered worshippers before he was killed by the police. He also injured four others, including one of the responding police officers, whom he shot 15 times.

The victims of the Sikh Temple shooting were Satwant Singh Kaleka, age 65, and founder of that Sikh Temple; Paramjit Kaur, 41 years old; Prakash Singh was 39 years old; Sita Singh was 41 years old, Ranjit Singh, age 49; Suveg Singh, age 84.

Just a couple months after the Sikh Temple shooting in Oak Creek, WI, a gunman killed three and wounded four

when he opened fire inside a salon and spa in Brookfield, WI. The shooter was the estranged husband of an employee and entered the Azana Spa in Brookfield armed with a .40-caliber handgun and murdered three people, including his wife, and injured four others, including a pregnant woman.

The victims of the Azana Spa shooting were Zina Haughton, age 42, the shooter's estranged wife. According to witnesses, she heroically tried to stop her husband from harming others before being killed. Cary Robuck, age 32, and Maelyn Lind, age 38, were also victims.

In June of 2015 in Wisconsin a gunman killed three, including two men and an 11-year-old girl, on the Trestle Trail bridge in Menasha, WI.

We also had some success in thwarting what could have been horrendous mass killings in our State.

In late January 2016, a plan for a mass shooting at a Masonic temple in Milwaukee was thwarted by the intensive work of the FBI, and the plotter was arrested and criminally charged. I think it is important to note that while I have talked about these mass shootings, these mass casualty events, we lose so many Americans on a daily basis to violence in our communities, and it is an epidemic. Since those shootings in Orlando on Sunday morning, throughout the country we have seen at least that many deaths due to gun violence.

In Milwaukee, the local newspaper has taken to creating a homicide tracker. They are literally counting the homicides because they are so rampant. So far this year, their homicide tracker notes 51 homicides. This is just in one city in Wisconsin. Eighty-two percent of those homicides were caused by people using guns rather than other means.

I just want to tell you one more name and one more story. In May, last month, a little girl in Milwaukee named Zalayia Jenkins approached a patrol officer and asked if they could keep her safe. The next week, 1 day before Zalayia's tenth birthday, she was shot by a stray bullet while watching television inside her house. She died 11 days later.

Whether these murders were perpetrated in violent communities, whether they are the acts of terror and terrorists, whether they are hate crimes, the fact remains that we have to tackle this. When will be the time? The time is now.

It is amazing for me to see so many of my colleagues on the floor of the Senate as the hour nears midnight in Washington, DC. We have a bill before us in the Senate that is the appropriate opportunity to take up this measure offered by my colleague from Connecticut and another colleague, Senator FEINSTEIN from California. It is the Commerce-Justice-Science appropriations bill. We can't let another moment pass without a vote, without doing everything within our power to make the world a little safer, to do more than hold these victims and their families in our thoughts and prayers. Thoughts and prayers are no longer enough.

Earlier today my colleague from Connecticut talked about the power of this moment and how people are taking to social media and urging their elected officials to listen and act. I want the people's voice to be heard. I want it to be so deafening that our colleagues who suggest that the American public for some reason isn't behind this—we know the opposite to be true. We know how much support there is for universal background checks and for doing something as common sense as making sure that people who are on the terror watch list are not eligible to purchase guns, something as simple as allowing the FBI to deny a firearm sale to somebody who is not able to fly on a commercial plane because they are being investigated for terror. In addition to tweeting, I ask Senator MURPHY, what would he urge people to do right now to help us act?

Mr. MURPHY. Madam President, I thank the Senator for this question, which is at the center of this moment. This can't just be about the 30-some odd Senators who have taken to the floor over the last 12 hours. And by the way, we have now been on the floor for over 12 hours.

This has to be about something bigger. This has to be about a national movement that commands this place to act. It has happened before, and it has to happen here. It means voters have to elevate this issue on their priority list. It means more people have to start asking questions about why their Members of Congress, why their Senators, are voting in a way that is contrary to the vast majority of their constituents. It means everyone in this country deciding not to accept what exists today as the status quo.

And let's remind everyone, as Senator DURBIN has over and over again, that what exists today is not just a regularity of mass shootings; that prior to 2008, it happened at the pace of one per every 2 months—these are the big shootings—that now happen once every single month. It is also the regularity of gun violence that happens in our cities, such that kids in Hartford, CT, explained to me a year ago that police sirens and ambulance sirens are their lullaby at night because it is just a regular facet of their existence. The American people can't accept that either.

Let me just say before I turn the floor over to Senator MERKLEY how proud I am of all of our colleagues, not just for joining in but for the way in which we have conducted this debate over the last 12 hours. We are angry at a lot of people, but I am really proud that this debate has been on the level and that we have tried to remain as dispassionate as we can about the path forward.

Let me add one statistic to the mix. I just heard that my office has received 10,000 phone calls today. I actually have no idea how my office could handle 10,000 phone calls, so I asked to double and triple check that number. We only have two phones up front. But we have apparently received 10,000 phone calls today encouraging all of us to continue on this mission.

I appreciate the work that is being done by the staff on the floor. They are staying and laboring extra hours. We know that is not in their job description. This is the professional staff who man the desks and also the political staff within both caucuses and the personal staff. There are a lot of people who didn't know they were going to be staying this late tonight, including those who are reporting our words, and I thank them as well.

I want to acknowledge that there is progress being made as we speak on trying to find a path forward. So I want to thank those on both sides of the aisle who are working to try to find a way forward to take these votes.

We are hopeful at this hour. We still have more to say, and at this point I will yield for a question to Senator MERKLEY without relinquishing my right to the floor.

(Mr. ROUNDS assumed the Chair.)

Mr. MERKLEY. Thank you. I appreciate the opportunity to ask a question of my colleague from Connecticut.

Earlier I came to the floor and I was reflecting on the connection between Connecticut and Oregon in terms of the shooting in Sandy Hook and the shooting we had last year at Umpqua Community College, the 10 individuals who were killed at Umpqua Community College. But as I was pondering during the day, my head was going further back in time to 1998 when I was running for my first race for State legislature. Our primary was held May 19 of that year, and I was immersed in this primary. I was running a race against two former State representatives and the head of the water district, and I was the individual who had never run for office and never held office, and I assumed I would lose. But on May 19 when the results came in, I had won the primary.

Two days later, on May 21, a young man who had been expelled from his school—his name was Kip Kinkel—Thurston High School in Springfield, OR, took the guns from his house. He murdered his parents. He proceeded to go to Thurston High School. He had with him a 9mm Glock. He had a .22-caliber semiautomatic rifle, he had a .22-caliber Mark II pistol, and he had 1,127 rounds of ammunition. His goal was to shoot as many students, to kill

as many students as he could. He shot a lot of students. Two died and twenty-five were wounded. As he exhausted the ammunition in his semiautomatic rifle, he had to reload the magazine, and as he did that, he was tackled by one student who was already wounded, six others piled on, and the carnage ended. But he had only begun to tap into the 1,127 rounds of ammunition he was carrying. Thank goodness that individual, that student, Jacob Ryker, succeeded in stopping him when he was reloading that rifle.

The year went on. November was the general election. I was elected to the Oregon House. The Oregon House came into session in January of 1999, and we said: It is time to fix the background check system we have in our State. It is time to close the gun show loophole.

What makes no sense is to have this background check system when you go to a gun store and then no background check system when you go to a gun show. And we knew that many people who had felony backgrounds were seeking to acquire guns. We knew that many people who were deeply mentally disturbed were seeking weapons. They were being turned away at the gun store, and they were going to the gun show or they were going to the classifieds. So we tried to pass that bill to close that background loophole, the gun show loophole, and we failed. We could not muster the majority, just as this body has not been able to muster the majority to address the complete illogic of this situation.

Then the citizens of Oregon took this into their own hands. They petitioned for an initiative. They put it on the ballot, and the citizens of Oregon voted overwhelmingly—by a huge margin—they voted overwhelmingly to close the gun show loophole. But it would be many years later—not until 2015—that the legislature would take the additional step of closing the classified ads loophole, or the Craigslist loophole, as it is often called.

So in Oregon, if you go to a gun store or a gun show or to a Craigslist listing, you have to go through a background check. But someone who is turned away in Oregon can go to any of a number of States across our country, bypass that background check, buy those guns, and come back to our home State.

It makes no sense to have a national system without national effectiveness. And I so much appreciate my colleagues being here tonight to talk about this, to talk about the fact that those who are on a terrorist list should be on a list to deny guns, and that those who are denied guns—to have it effectively, you have to have a background check system.

My State is a State that loves guns. We are a State with incredible wilderness. People love to hunt. They love to target practice. They love to just shoot guns. And they love the Second Amendment and nature. But they voted for the background check system because they knew it didn't make sense to have guns in the hands of felons or deeply disturbed individuals because of the carnage that comes from that.

There is another story I wanted to share that is related to 1998. This story fast-forwards from the primary election in May to the general election in October, November. So it was as we were approaching that first Tuesday in November, the general election, which would be held November 3. The day was October 6, so roughly a month away—a month before—a young man named Matthew Wayne Shepard was offered a ride home by two other young men, Eric McKinney and Russell Henderson. They didn't give him a ride home. They took him out to a very rural area near Laramie, WY. They tied him to a fence because he was gay. They robbed him, they pistol-whipped him, they tortured him, and they left him there to die. It was 18 hours later that a bicyclist riding past saw this young man still tied to a fence. The bicyclist thought that Matthew Wayne Shepard was a scarecrow but went to investigate, realized it was a young man, and proceeded to get help. Matthew was extremely damaged. His skull was fractured, his brain stem absolutely inflamed. He never regained consciousness. He died six days later.

It was a hate crime that rocked the Nation. It was a hate crime that shocked the conscience. These crimes were happening with some regularity—these hate crimes against our LGBT community—but this one caught the attention of the Nation, and a bill was crafted, the Matthew Shepard Hate Crimes Prevention Act. That bill was championed by my predecessor in office, Gordon Smith, but it didn't get passed until I came to the Senate in 2009—not because I came but because it took that long to build the support on the foundation that others had laid in the years before. So we passed that hate crimes act, but the hate crimes act doesn't stop the discrimination against the LGBT community. It doesn't stop the promotion of hate.

I am going to be submitting a resolution, and I thought I would read it tonight. It is a resolution that Senator MARK KIRK has agreed to cosponsor, that Senator BALDWIN has agreed to cosponsor, that Senator CORY BOOKER has agreed to cosponsor, and I hope many others will join us in this. It says the following:

(1) Equal treatment and protection under the law is one of the most cherished constitutional principles of the United States of America.

(2) Laws in many parts of the country still fail to explicitly prohibit discrimination against lesbian, gay, bisexual, and transgender . . . individuals.

The failure to actively oppose and prohibit discrimination leaves our LGBT individuals vulnerable based on who they are or whom they love; vulnerable to being evicted from their homes; vulnerable to being denied credit or other financial services; vulnerable to being refused basic services in public places, such as restaurants or shops, or terminated from employment or otherwise discriminated against in employment.

(4) To allow discrimination to persist is incompatible with the founding principles of this country.

(5) Failure to ensure that all people of the United States are treated equally allows a culture of hate against some people in the United States to fester.

(6) This hate culture includes continuing physical assaults and murders committed against LGBT individuals, and particularly against transgender individuals, in the United States.

(7) The events that transpired on June 12, 2016, in Orlando, Florida, were a horrifying and tragic act of hate and terror that took the lives of 49 innocent individuals and injured 53 more. The victims were targeted because of who they were, who they loved, or who they associated with.

(b) It is the sense of Congress that—

(1) it is time to end discrimination against LGBT individuals and stand against the culture of hatred and prejudice that such discrimination allows;

(2) it is incumbent on policymakers to ensure that LGBT individuals benefit from the full protection of the civil rights laws of the Nation; and

(3) Congress commits to take every action necessary to make certain that all people in the United States are treated and protected equally under the law.

That is the philosophy embedded in our Constitution—equal treatment and equal opportunity. It is the spirit of anti-discrimination that is our higher self that we should treat each individual with respect, each individual with dignity. It is the principle of opportunity for all that cannot take place when discrimination interferes. It is the spirit that we have carried along a long journey—a journey in which we have reached out to embrace individuals who were excluded.

Our original practices in this Nation operated under the vision of full opportunity for all, but it was a flawed vision. It was a vision that didn't include Native Americans. It was a vision that at that time didn't include individuals who were minorities. It was a vision that at that time didn't include women. But over time we have reached out and started to make that incredible picture portrayed in our founding documents and in the hearts of our Founders a reality. We have done so in step by step along an arc. It was Martin Luther King who said that ''the moral arc of the universe is long but it bends towards justice.'' But that bending takes place because ordinary mortals say they are determined to make it happen. They apply themselves to that effort, whether in their everyday life with the individuals they encounter and work with and live with and

worship with and recreate with or in the lives of legislators who work within their institutions to say: We are changing hearts, but let's change our laws as well.

We have the 1964 Civil Rights Act as a foundation, a milestone, an anchor, a foundation of laws against discrimination, but when you read the 1964 act, you don't see any protections for our LGBT community. Now many of us have put forward a law called the Equality Act that would remedy that, that would use the foundation of the 1964 Civil Rights Act to extend full equality for the LGBT community.

It is unbelievable that today in America you can get married to someone you love in the morning and announce it in the afternoon and be fired from your job—legally fired from your job or evicted from your apartment before nightfall because your marriage demonstrates that you are gay or lesbian or transgender or bisexual. Some States have remedied that, but we haven't done it as a nation. And when you have a legal structure that embraces discrimination, that fosters a culture of discrimination among some. Let's end that. Let's end that structure of law. Let's pass the Equality Act.

I am sure it will be sometime before they call up the act in hearing in committee. That shouldn't be the case on something so profound, so important. It should have had a hearing right after it was introduced, and we will keep pushing for that hearing. We hope it can get to the floor, but in the meantime, let's stand behind a sense-of-the-Senate that it is way past time for us to address this issue of discrimination that fosters this culture of hatred. We saw that culture in full demonstration the night of October 6, 1998, when Matthew Shepard was tied to a fence, brutally assaulted, tortured, and left to die. We saw that culture of hatred in Orlando, FL, with the deaths of so many beautiful young people on that tragic night.

So we have before us two challenges. Let's address simple measures that can make a difference—that terrorists shouldn't have access to guns and that we should have a background check system that actually works, so gun shows and classified ads are treated the same as a purchase at a gun shop.

Let's decrease the size of the magazines. When Kip Kinkel took 1,127 rounds of ammunition and 3 guns to his school to kill as many of his schoolmates as he could, he was stopped because he ran out of ammunition and had to reload, and those 2 seconds gave a fellow student, Jacob Ryker, an opportunity to tackle him. He probably saved dozens of lives that day.

We have the challenge before us of these simple improvements in our background check system, in our terrorist list, and in our gun magazines, but we also need to end the discrimination that is embedded in the law that treats millions of Americans as second-class citizens and can foster among some, unfortunately, and contribute to a culture of hatred against those individuals. So let's do both.

Tonight I am so honored to be here with my colleagues sharing in this joint effort to say enough is enough. Let's not hide from these issues. Let's have a vote on these issues. Let's be accountable to our constituents on these issues. That will not happen if my colleague from Connecticut cannot get a vote on the proposal he is putting forward.

I wish this room right now had every desk filled. The beautiful speeches my colleagues have been giving, the reflections, the insight, the wisdom, the earnestness, the grief. But the room is not full. We need our colleagues in the majority to join us in this conversation that affects the lives of so many people in America.

What happened in Orlando, FL, not only killed 49 individuals, but it shattered their families, it shattered the community, and it shattered and reverberated throughout this Nation. And this—perhaps not to the same degree, but this type of violence goes on and on and on.

I believe my colleague from Connecticut has said that a major event of this nature, of multiple deaths, occurs every month. If you look at the events of person-on-person violence, if you look at what happens in our cities across this country, our rural areas across this country, every day there are acts of violence. Every day there are acts of hate crimes against our LGBT community. So let's do both of these.

We ask and we hope that citizens across the country will weigh in with those Senators who may not be here tonight and may not have been here this afternoon and may not have been here when this conversation started over 12 hours ago; that they might hear at least a reverberation, that the thoughts issued here reverberate back through the country and come back in those phone calls and in those letters to our colleagues' offices; that they might be aware and they might read the stories so many citizens could tell of an incident that might have been averted if we had a better system of laws on background checks and if we got rid of the discrimination embedded in our laws in this country.

So I ask my colleague from Connecticut, is it your hope, is it your aspiration that this body will indeed embrace and have a full dialogue—not just one side of the aisle but on both sides of the aisle—and that will lead to votes on these very significant proposals so that we can act to make America a better place?

Mr. MURPHY. I thank the Senator from Oregon for his passion on both of these topics and for laying out the challenge for us, which is to move forward on these consensus proposals to close the terrorist loophole, to expand the number of sales that are subject to background checks, and to make sure everybody who buys a gun through a commercial sale has to prove they are not a criminal, but linking together what I would call doubling down on inclusiveness that has to happen in the wake of Orlando.

An incident like this has a tendency to pull a community apart. Yet what we know is that the way to prevent this kind of tragedy from happening again is for to us recommit ourselves to inclusiveness and to tolerance and to fighting discrimination.

I can't say anything more than the Senator said with respect to that commitment as it applies to LGBT Americans. I do hope we are able to move the Equality Act through this body. I think we are in a long and frustratingly slow transition to a place that we all know we are going to get to, which is the full right to individuals no matter their sexual orientation.

I also know that coming off this tragedy, there is going to be a tendency to marginalize another community, and that is the Muslim community in this country. As we talk about our efforts to build an inclusive society, we have to remember that the way in which we make our Nation safe is by building these inclusive communities where Muslim Americans feel a part of the whole, not feel excluded, because it builds and plays straight into the recruiting rhetoric of these terrorist groups if we are divided, if we push people out to the extremes.

So I think this is a very important message for us all to hear, that fighting terrorism, whether it be hate-based crimes or politically based crimes inspired by terrorist groups—we combat it best, yes, when we tailor our gun laws to make sure that those who are thinking about these crimes, these horrific murderers, don't get guns, but also when we build these inclusive communities, which acts as a pretty strong prophylactic to terror.

I yield to the Senator from Pennsylvania for a question without losing my right to the floor.

Mr. CASEY. I thank the Senator from Connecticut. The question I pose will center on not just why we are here, what the two measures are we are hoping to get a vote on, but why we seek to have support for those—first, to have support to get a vote in and of itself, and then to get support from our colleagues.

I want to take us back to two scenes, one I referred to earlier today but one that I had just remembered tonight that is a painful memory for a lot of people in Pennsylvania.

I did want to say this first as well. I had mentioned earlier a Pennsylvanian

who had lost her life in Orlando in the terrible incident of this weekend. What I did not mention was a second Pennsylvanian, and I should have. The second person from Pennsylvania who was killed in that murderous rampage at the nightclub was a graduate of McCaskey High School in Lancaster, PA.

Ortiz-Jimenez, 25, known to his friends as ''Drake,'' was a native of Santo Domingo in the Dominican Republic, according to his Facebook page. It also says he studied law in Puerto Rico. It goes on from there to talk about his life, but I did want to pay tribute to him as well. He was one of the 49 killed in addition to Akyra Murray, who I mentioned before. She was only 18 years old and lost her life as well.

The two scenes I wanted to bring us back to include, of course, Charleston, SC. We are remembering that day of horror as well. We had an incident this weekend in a nightclub. In Charleston it was in a place of worship, and in Sandy Hook it was in a school, a school classroom. All of these settings were where people, I think, should have some reasonable expectation of some measure of safety, but even now that is at risk because of the horror of gun violence.

Today, I mentioned earlier as well: Let's remember the national number. By one estimate, 33,000 lives are lost each year through gun violence. That is why when you add up all the well-known incidents, it doesn't add up to anywhere near 33,000 because as the Senator from New Jersey, Mr. BOOKER, reminded us, there are a lot of places in between where the numbers go not just into the thousands but literally the tens of thousands, because of what happens on our streets day after day.

But here is the reason I raise Charleston.

We know that took place at the Emanuel AME Church, often called ''Mother Emanuel,'' in Charleston. Nine people were shot in their place of worship by a young man with hate in his heart. That was a hate crime murder—certainly an act of domestic terrorism. It had no connection to anything international, nothing about ISIS or international connections.

The second incident I will mention has that same characteristic, hate and murder domestically, nothing having to do with some inspiration from a terrorist organization.

But here is the remarkable feature of what happened after Charleston, what some of the family members did. They were so courageous, just like so many others of these families who have lived through this. After the massacre, the relatives of those killed attended a bond hearing where the accused shooter appeared. They didn't attack him, they didn't yell at him, they didn't scream at him, they didn't convey their justifiable anger, even outrage, which we all would consider a justifiable feeling of vengeance, of score settling. However you want to call it, they didn't do that. Instead, what did they do? They forgave him.

Nadine Collier, the daughter of Ethel, who had been killed in the church that day, said to the killer:

> You took something very precious from me. I will never talk to her again. I will never, ever hold her again. But I forgive you. And have mercy on your soul.

So said Nadine Collier, a remarkable testament to forgiveness, to mercy, which is almost superhuman.

I am not sure I could have done that. I am not sure many people could have.

She wasn't the only one. Other relatives took their turn one after another expressing pain but always showing grace and praying for mercy.

None of us or very few of us—and I count myself among those who could not—could do that in that circumstance. That was Charleston, SC.

Let me take it back in time. I was so moved that Senator BALDWIN mentioned, when she was doing that chronology, that she started in 2006, 10 years ago. I mentioned Lancaster County before, Lancaster, PA. The first incident she mentioned was so-called Nickel Mines, a small community in Lancaster, this Amish community. It is this great community of faith of industriousness people and a community that is bonded together by their work ethic, by their faith, and by their families.

Even that tranquil community—that community which has enjoyed for generations a kind of tranquility that many other communities would not—was subjected to violence.

Ten years ago, this coming October, a man entered a one-room Amish schoolhouse in Nickel Mines, PA, with a cache of weapons, including a 9mm pistol, two shotguns, a stun gun, two knives, two cans of gunpowder, and 600 rounds of ammunition, into this small community of the Amish community.

He executed five girls and wounded six others before taking his own life. It is hard to comprehend the horror of that scene, just like so many others we talked about.

Yet on the very same day, as the shooter committed this heinous act, a grieving grandfather told young relatives: ''We must not think evil of this man.'' ''We must not think evil of this man.''

I mentioned both of those scenes, scenes of the kind of bloodshed, tragedy, and horror that we cannot even imagine. I certainly cannot. But in both instances you had very close relatives in the immediate aftermath of the killings expressing mercy and forgiveness. Nadine Collier saying:

> But I forgive you. And have mercy on your soul.

And the Amish grandfather said: ''We must not think evil of this man.''

We are not asking anyone in this Chamber to do anything like that. We are not asking anyone here to forgive someone who just murdered one of their family members. We are not asking someone in this Chamber to do something which is, in a sense, superhuman. We are just asking people to support two votes.

In this place, when you are a U.S. Senator you are judged on a number of scales, but you are mostly judged on how you vote. That is what we are supposed to be doing here—how you vote. And that becomes the scorecard of your work. That becomes one of the measures against which people will make a judgment about you. So we are not asking people to do something that is all that difficult. I know there might be some political difficulty to it but, come on, this isn't like having to forgive someone who just murdered your loved one and you are standing in front of them. This isn't as difficult as what the families of all these places mentioned went through—Nickel Mines, PA, all the way through Sandy Hook Elementary School in Newtown, CT, and all the way to Orlando, FL. We are not asking people to do anything very difficult. All you have to do is put your hand up and then put it down twice if you are going to vote for it. And if you want to vote against it, so be it.

But at least put your hand up to allow a vote on two simple measures that will begin—just begin—the long journey to rectify a substantial national problem that takes 33,000 people every year. All we are asking for is a start, a foot in the door, maybe even a toe in the door—but just a start to do something about this problem we have to reduce this number.

No one can convince me that the greatest country in the history of the human race cannot begin to tackle this problem. This idea that there is nothing we can do, that all we need to do is enforce the law just doesn't make sense anymore. It really, really doesn't if you look at the facts.

In essence, there is nothing we can do, some say in Washington, other than enforce the law and just hope that good law enforcement every day of the week is going to save 33,000 lives. That is not logical. It is not tenable based upon the facts. To me, it is unacceptable.

So I would ask the Senator from Connecticut, a very simple question. What are we asking people to do, Members of the Senate, in the next couple of days and asking them as well as we are asking Members of the Senate to do something which puts them in any risk beyond political risk?

If you could just reiterate for us what is at stake here, why we need to take at least these two actions, and how we can best begin to solve this problem.

Mr. MURPHY. I thank the Senator from Pennsylvania for his comments

and the question. Of course, the answer is that there is absolutely no risk involved in the votes that we are hopeful to bring forward in the Senate. Why? Because these are propositions that are supported by the vast majority of the American public. There is no controversy over either of these issues.

The risk is in doing nothing. The risk is in continuing to allow for this very large loophole for would-be terrorists to walk through.

I won't read it again, but several times on the floor today I have read this quote from a now-deceased Al Qaeda operative in which he very clearly advertises to recruits here in the United States:

> You can go down to a gun show at the local convention center and come away with a fully automatic assault rifle, without a background check. . . . So what are you waiting for?

This is one of Al Qaeda's top operatives, directing individuals in the United States to take advantage of this loophole. We have seen this trend line away from other means of terrorist attacks to the assault weapon, to the firearm. So we should pay attention to this trend and do something about it.

The real risk is doing nothing, Senator CASEY. There is no risk in voting for this. You will be celebrated by the American people. After tonight, I hope there will be even more who will join our call.

The real risk is in standing pat and allowing for ISIS to recruit straight into the loophole that we have created. Think about what we are doing. We are selling guns to the enemy knowingly if we allow our set of laws today to persist. That is why we have to move forward and enact these commonsense measures.

With that, I yield to Senator KING for a question, who has been great to be with us for the majority of this late evening, without losing my right to the floor.

Mr. KING. I wish to discuss with the Senator and bring back the point we were discussing some 4 hours ago. It is hard to believe that it was some 4 hours ago, but this is really a national security discussion. This is really a national security discussion because of the changed nature of our adversaries and the changed strategy that they have for attacking us.

But first I want to go back to the Constitution, and purely by coincidence today I am wearing the Constitution. My daughter bought me this tie at the Library of Congress, and it is the handwritten version of the Constitution. You can see ''We the People'' in very large letters.

Why are governments formed, why are constitutions written? Going back to the earliest human societies, the fundamental function of bestowing power on the government is to protect you. Security is the fundamental, most sacred obligation of any government. And our Framers recognized that because in the preamble to the Constitution—the heart of the document, why we are doing this—the Framers were explaining to posterity, and two of the fundamental purposes, among several others, are to ensure domestic tranquility and provide for the common defense—the basic function of any government and the explicit function of our government.

Now, here are three important dates: 1812, 2001, and 2016. There is 1812 because that was the last time an adversary violated our shores. That was when Washington was burned by the British. It was the last invasion of America until 2001, but 2001 and 1812 have some similarities because 2001 was, in effect, a foreign invasion. It was plotted abroad, it was planned abroad, and people came here from outside of our shores and attacked our country.

Now, in response to that attack in 2001, we mobilized a number of resources. We developed ways of protecting our aircraft, we developed great intelligence, an ability to determine when people were plotting against us, and indeed we sent our blood and treasure and young people to Afghanistan because it was a haven for terrorists. That was the reason we went there and in fact are still there—to keep that country from becoming an incubator for terrorists to attack this country, and we have been effective. We have been effective in preventing an attack on our country from abroad.

So as is always the case with warfare, our adversaries have developed a new strategy, and that is why the third date I mentioned is 2016. It was in the last few years, particularly in the last year, as ISIS has begun to be beaten back and to lose its territory in Syria and Iraq, that they have developed a new strategy which doesn't involve sending people here. It doesn't involve sending arms here or bombs or anything else. It involves using the Internet to radicalize people who are already here—often they are U.S. citizens—and then turn them against us. That is the new nature. This is terrorism 2.0. That is the nature of the struggle we are in now, and that is why the amendment that is being proposed makes so much sense from the point of national security.

If we discover an arms cache in Syria, we bomb it, but if ISIS wants to attack us here with terrorism 2.0, we sell them weapons. It makes no sense. The first rule of warfare is disarm your enemies, if you can, and that is exactly what we are talking about.

I think a lot of people just say: Well, this is just another gun control debate. We are talking about gun control. We are talking about national security. We are talking about defending ourselves from a strategy that relies upon people being able to acquire guns easily in this country—people who are terrorists or who are inspired by the terrorists or who want to be terrorists. And we can't have a bill that says you have to have probable cause to show you have already committed a terrorist act. That is too late. It has to be prevented, and that is what we are talking about here today.

So I think it is very important to remind ourselves that this is really a national security bill, and it makes no sense to close the terrorist loophole unless you close the gun show loophole because the terrorists aren't stupid. The terrorist APB they send out from somewhere else in the world to tell somebody to get a gun and kill people will also say, by the way, do it at a gun show or do it online because they will not check you.

My colleague already read a quote from the Al Qaeda operative who explicitly told people to do that. So if we don't do both things, it really is a false security. We are kidding ourselves. So we have to, one, close the terrorist loophole. I would venture to say 90 percent of the American people agree to that. If you were to walk up to people on the street and say: Do you think people should be prevented from getting on airplanes but they should be able to buy guns, they would look at you like you were crazy. That doesn't make any sense.

Yes, there are constitutional provisions built into the amendment we are talking about that allow people who are wrongfully on that list to have an opportunity to get off the list and to contest that designation. So this isn't some kind of wholesale violation of the Second Amendment. This respects the Second Amendment and is based upon the premise that due process is available in this situation.

Then we have to close the gun show loophole and the online loophole because otherwise doing the first thing just isn't going to be effective. So the two things together, to me, are national security and personal security because of all the other tragedies that we have talked about tonight that don't involve Al Qaeda or ISIS or al-Nusra or al-Shabaab or any of the other terrorist organizations but involve our individual citizens being killed in just stunning numbers. Since we have started talking here today—since the Senator took this floor—a dozen people have been murdered by guns—one an hour, 24 hours a day, 365 days a year.

So we have a national security reason to do this, and we have also—remember, the preamble, and I will finish with my question. The preamble has two pieces: provide for the common defense. That is what I have been talking about—national security. Insure domestic tranquility. That means keeping people safe here, not from enemies

abroad but from criminal elements within our own society—again, the most fundamental and sacred obligation of ''we'' as a government. If we don't do this, we are committing constitutional malpractice. We are not abiding by the most sacred obligation in our Constitution—to keep our people safe. It can be done consistent with the Second Amendment, respectful of the Second Amendment, but in a way that will fundamentally realize the promise the Constitution makes to all Americans; that their government will protect them from foreign attack and from domestic unrest.

So I ask the Senator: Does he view this as, in large measure, a national security issue?

Mr. MURPHY. I thank the Senator from Maine, especially because, as he mentioned in his previous comments, he sits on the Intelligence Committee and so he is, frankly, privy to information he likely cannot state on the floor but is directly on point, which is this notion these terrorist groups, whether it be Al Qaeda or ISIS, now are more dependent than ever on inspiring and launching lone-wolf attacks. Why? Because they are losing ground in Syria and in Iraq, and this notion there was going to be an inevitable caliphate that was going to grow and prosper and control large amounts of territory in the Middle East is no longer a reality.

As someone earlier today said on the floor, there is a record-low trickle of American citizens today going abroad—maybe it was my colleague from Maine—to join Al Qaeda, which suggests how their pull, how their gravitational pull has been greatly reduced.

It means there are right ways and wrong ways to engage in this second front, this effort to try to launch lone-wolf attacks. The wrong way is to marginalize Muslim communities in this country by telling them they are less than, by telling them they are threats, by nature of their ethnicities or their religion, to the United States.

Mr. KING. Will the Senator yield for a question?

Mr. MURPHY. I will yield for a question.

Mr. KING. On February 15, 2015, Dabiq, which is the sort of public newspaper of ISIS, published an explicit strategy for what they hope will become a worldwide conflict. The strategy is that westerners will fall into the trap of persecuting Muslims and drive them into the arms of radicals. That is the strategy.

So to the extent that we persecute and marginalize these overwhelmingly peaceful citizens who want to be citizens of our country or citizens of other countries in the world, we are doing their job. They said that is what we want to do and indeed some people in our society have fallen into that trap and are doing it. This is exactly what they want because they want this to be a war between Islam and the West. Do we really want to radicalize 1.6 billion people and 3.3 million here in this country, the vast majority of whom want nothing more than what the rest of us want, which is to raise our families and live our lives and enjoy the benefits of this wonderful country.

So I agree with the Senator and would ask him if he concurs that if we are marginalizing people of any faith, then in this particular case we are driving them into the arms of our adversaries.

Mr. MURPHY. The name Dabiq itself, which is the name of the publication this organization—that ISIS sends to the rest of the world is rooted in a spot that is representative to this terrorist group of the historic clash between East and West. So the entire orthodoxy of ISIS is based on this idea that we convince would-be converts that this is a fight between the Muslim faith and the Christian faith, which just again speaks to the fact that there are right ways and wrong ways to go about fulfilling the mission my colleague has articulated in the preamble of the Constitution.

The wrong way is to blame these attacks on everyone who shares the Muslim faith. The right way is to target the very small subset of individuals of any faith who have connections to terrorist groups. The good news is that because of a network of surveillance we have endorsed, we can do much better than before in finding what individuals have that contact with terrorist groups, and when we find that out, it simply makes sense that we shouldn't sell them weapons.

I thank the Senator.

Mr. KING. I thank the Senator for his answers and for his leadership on this issue.

Mr. MURPHY. I would say in yielding to Senator DURBIN for a question, just personally, it has meant so much to me to have Senator DURBIN on the floor for almost the entirety of the now 13-plus hours. He is frankly a hero to those of us who showed up relatively late to this fight for justice on the issue of combating gun violence. I am so thankful to Senator DURBIN for being here consistently with us, and I yield to him for a question without losing my right to the floor.

Mr. DURBIN. I would like to propose a question to the Senator from Connecticut, but before I do, first I would like to thank the Senator who is presiding at this early morning hour. I thank him and his fellow Senators who made this possible.

A special thanks to staff. They have been thanked before, but they should be thanked again for their diligence and patience during this conversation and debate on the floor of the Senate.

And a special thanks to the pages who stayed late, late tonight and will have stories to tell about that night when the Senate went into the morning and we were there. So you will be able to tell those stories when you get back home to your families and friends, but it is a historic debate and it is an important debate and it is one that will affect your lives and the lives of the many people you treasure on this Earth.

We come to this floor at this early morning hour—a quarter to 1 here in Washington, DC, as the Senator from Connecticut noted, more than 13 hours after he first took the floor—to discuss the critically important issue about the safety and security of America.

When I think about what we are facing here, as has been said by the Senator from Maine, we are dealing with a new strategy by terrorists. I can remember the day of 9/11, 2001, in the room just a few feet away, when a little after 9 in the morning we quickly turned on the television to see that planes were crashing into the World Trade Center in New York. By the time the second plane went in, we knew it wasn't an accident. Then there was a crash at the Pentagon, black smoke billowing over the mall, and we were quickly advised to evacuate the Capitol of the United States. We did. We raced for the exits and went outside, we stood on the lawn and didn't know which way to turn, feeling that the next plane was headed for the Capitol dome. That was the threat we faced and the reality of that threat right here in this building, that some terrorists—unimaginable—would use an airplane to attack us. That was the weapon.

Well, it was a bitter lesson, and 3,000 innocent Americans died. We changed America. Osama bin Laden changed America. The way we went to the airport, when we arrived, how we arrived, what we carry, what we wore became part of our defense of America, and for 15 years it has become a routine. Our children and grandchildren have grown up with it. They couldn't imagine a day when you didn't go through intense security at an airport. But before 9/11, it virtually never happened, and when it did it wasn't very reliable.

What we are talking about is a new strategy, a new tactic by terrorists. That is why this debate is about more than just this horrible tragedy at Orlando. It is about a pattern that is emerging of those who are radicalized and marginalized and turn to guns that they can buy legally in the United States to threaten us. How serious are these guns? In an earlier meeting, I made a mistake of calling it an automatic weapon. The weapon that was found to have been taken in by this man in Orlando is a semiautomatic weapon. The difference, of course, is with an automatic weapon, you hold the trigger and it bursts all the cartridges in the magazine, as many as

you have. With a semiautomatic, you literally have to pull the trigger each time. But let me give an idea of what that meant.

In the early morning hours at the Pulse nightclub in Orlando, a brief video was uploaded to Snapchat by one of the victims, Amanda Alvear. It was the last video she ever shot because she died. What the early moments of the massacre sounded like came through on the Snapchat video: a frantic drumbeat of shots, 17 or more shots in 9 seconds, one shot per trigger pull in a continual barrage. Today the FBI told us there were hundreds—hundreds of shots fired.

So when we talk about a potential terrorist with a gun, it is a terrorist with the capacity to kill hundreds of people. That is the new tactic. And that is why this conversation is not just about the Second Amendment in theory; it is about keeping America safe in fact from the new wave of terrorism.

When the Senator from Connecticut took the floor, it was for two reasons. We said them and we should say them again—to make sure that if someone is suspected of being a terrorist, they cannot legally purchase a weapon in America, and particularly not this kind of weapon that could create such carnage and kill so many innocent people. Secondly, that this terrorist, once realizing he is stopped by the legal process, can't go through the extraordinary process of going to a gun show. I have been by these gun shows in the armories and gymnasiums across Illinois. They all come piling in to show their weapons and sell their weapons, and people buy them in bulk. And rarely—in some States, in Indiana for example, for many sellers there is no background check. Do you want to buy more than one, a Glock pistol? How much money do you have? Do you want to fill up the trunk of your car and take them in to the city of Chicago? Be my guest. This is exactly what happens. Of course, now the Internet is another source.

Are we so certain of the security of America that we are not going to protect our families and our friends and the people we love from the next attack, from the next would-be terrorist? I don't know if this man in Orlando was truly associated with a terrorist organization. The investigation is underway. Some of the things he said were nonsensical when it came to identifying himself with these terrorist groups. I don't want to dismiss that possibility. Let the FBI investigate that in its full range to find out whether he was associated. But then who is the next one? And will the next one have access to some weapon that can kill so many innocent people at once? That is what this conversation is all about. It isn't about some age-old debate on the floor of the Senate. It is about the new world we live in. The Senator from Maine made it clear. The Senator from Connecticut read directly from terrorists who were instructing those who would kill Americans how to get it done most efficiently. That is what we are trying to stop. That is what this is all about. It will be great if at the end of this we not only get these amendments called, but maybe even a bipartisan agreement on stopping terrorists from buying guns in America to threaten innocent people in Orlando, in Connecticut, in Illinois, in Maine, in New Jersey.

I would close by first thanking Senator MURPHY and Senator BOOKER, who has been a stalwart supporter and friend throughout this debate. I believe he has tried to stand by Senator MURPHY literally throughout. I say to Senator BOOKER, thank you for bringing to our attention at our caucus lunch yesterday the fact that this is about more than mass murder. It is about the murders of Americans that go on every day, every hour. In the cities that we love, innocent people die because of it. It is all part of the same conversation and the same debate. I thank the Senator for bringing that message home. It touched me because of what we are enduring in my State of Illinois and the city of Chicago.

I say to Senator MURPHY, it has been a long day. Here we are, a new day. I hope it is a new day for our country—a new day when we start looking seriously at putting an end to this gun violence and this carnage and doing a smart, sensible, commonsense thing to make sure that those who would be terrorists don't have access to the most lethal killer weapons available in gun stores and gun shows across America.

My close is a simple question. At the end of this battle there are more to be fought, not just on this issue but on the issue of military-style weapons being sold to civilian populations. But let's save that for another day. I would just ask the Senator in closing what he is feeling as he watched his colleagues give up their time during the course of yesterday and the early hours of this morning in terms of the intensity of feeling and the stories that he heard that I hope have inspired him as they have me.

Mr. MURPHY. I thank the Senator from Illinois. I thank him for setting an example of how to speak truth to power in this body. We have talked over the course of this afternoon about the influence of special interests and how they have affected this debate. There is simply no one in the U.S. Senate who, over a period of time, has ignored special interests and money and power and just done and said and fought for the right thing over and over again. To the extent that people like Senator BOOKER and I made the choice to run for this body even amidst its reputation for dysfunction, it is because we hoped that when we got here we could maybe—we could maybe—equal some portion of the example that the Senator has set. So personally—and I think I can speak on behalf of Senator BOOKER and Senator BLUMENTHAL and myself. Certainly, for me it has meant so much that the Senator has been here for the totality of this debate. I say to Senator DURBIN, thank you.

It has meant just as much to me to have all our colleagues here today. It has meant the world to me to have Senator BLUMENTHAL, my partner, engaging in this together and to have Senator BOOKER, as was mentioned, in an act of wonderful sympathy, make the decision to stand on his feet for the duration of this time as well.

This has been organic. We sent out the word that we thought this was something important, but this really happened of its own volition. Everything that has happened outside of this Chamber today and tonight, with the hundreds of thousands of interactions, the ten thousand phone calls that have just come into our office alone speak to the wellspring of desire there is in this country to act—to act on the issue of the epidemic of gun violence.

Of course, what we have proffered here are two simple measures that we think we are on our way to perhaps getting votes on. But we don't want votes; we ultimately want agreement. Hopefully, the momentum that comes from today and tonight and the 13 hours that we have been on the floor will get us there.

I will yield for a question at this point, without losing my right to the floor, to Senator BOOKER.

Mr. BOOKER. I thank Senator MURPHY very much for what I think has been one of the more remarkable exhibitions of grit and toughness. Senator MURPHY has not only been on his feet, not only has not left the floor to use facilities, but he has stood in the saddle and has been for this entire time—as our colleagues have flowed through this Chamber, he has been answering question after question after question after question on a topic that he is passionate about, on a topic about which he feels deeply and personally. I just want to thank him for his leadership because it has captured the attention of our Nation.

This filibuster right here—I know a little bit about social media. This filibuster right here has been the focus trending on Twitter, the focus of Facebook. It has created media attention on a problem because in a sense the Senator is giving hope. His very intention of coming here has met the urgent need that the public has seen that this auspicious body, this greatest deliberative body on the planet Earth, this Senate, designed by the Constitution to deal with the biggest problems of our land—this body would not just

go on with business as usual. What the Senator chose to do is to say: Enough. Stop. We are going to have a discussion about an issue that is not just on the minds of the American public but is grievously affecting the hearts and the spirit of our Nation.

Tens of thousands of people since Sunday have been standing around our country in vigils, in solidarity, expressing their pain and expressing their sorrow but expressing the feelings they have that we should be better than to allow such grievous, terroristic, hateful acts to happen on our soil. While the American public has been stepping up, this body today had a different plan—to move on a piece of legislation, to barely acknowledge this.

So before I want to really reframe this, I just want to say to the Senator, thank you for the courage that you have put forth to say: Enough is enough. No business as usual; we are going to stop, and we are going to push for two commonsense amendments that cannot end gun violence in America, cannot stop terrorist activity here and abroad, but they can take a step—a constructive step—toward beginning to choke the flow of commonality of these incidents on American soil. As has been said time and again, as has been said by a number of Senators today, what reason was our government organized in the first place? We heard ANGUS KING—wearing the Constitution on his tie—talk to that preamble: common defense, domestic tranquility.

So I want to frame this again. But the first frame, I just have to say—the Senator and I talked about it after caucus lunch yesterday, we talked about it during the day, and we talked about it last night. I say to the Senator, you are not talking about it today; you are doing it—no business as usual. For that, I am grateful.

It is merited that we also thank the many people who are involved. When the Senate is open past midnight, hundreds of people have to be here as well—not just the people you see here on the floor. The pages are in their first days, and this is one of their seminal experiences. Not the folks who are working behind the dais there, not the great Republican colleagues who have had to man that chair, but there are security guards and subway operators and the people who are seating folks in the gallery.

I want to say thank you, and I want to point out the fact that CHRIS has helped to pay for food for not only a lot of the folks here but including the Republican cloakroom. I appreciate you, Senator MURPHY.

Now I want to get to the framing of what this is about because there has been a lot talked about tonight, most of which I agree with, a lot discussed, a lot far afield, but you came here with a purpose around two issues that are common sense; one is that in the United States of America, if our investigatory authorities see people as threats, are investigating people because they are believed to be desirous of committing acts of terrorism on American soil—people who have already been banned, in some cases, from flying on airplanes—we should take a step, we should make it the law of this land that the person who is a suspected terrorist, that person who can't get on an airplane, that person also should not be able to buy an assault rifle.

That is so commonsense that as you said earlier today, perhaps 4, 5 hours ago, many people in America are shocked when they realize that a terrorist loophole actually exists. What you are fighting for, Senator MURPHY, is not radical. It is not out of the box. It is common sense.

What is even more important is that in this day and age, when partisanship does cripple this body from time to time on big issues, this issue is actually not partisan. Study after study has shown, survey after survey, poll after poll says overwhelmingly Americans agree with this. In fact, over 80 percent of American gun owners say we need to close the terrorist loophole. In fact, over 70 percent of NRA members say we should close the terrorist loophole.

What nation when they are at war—where your enemy is actually trying to incite terrorism in your country, when your enemy is explicitly saying exploit this loophole—would keep that loophole wide open, where it is easy for someone with terroristic aims to hurt, injure, destroy, and kill? But you took it one step further, and I was happy this morning to work on an amendment with you that says you can't just close a terrorist loophole and leave open, as you called it hours ago, a backdoor for those terrorists to use. That means if you do background checks, they need to be universal because if it is just the brick-and-mortar gun retailers, you go there and you are going to have to do a background check.

By the way, those background checks stop people every single year, not just people who may be suspected of terrorism. Frankly, they stop criminals, but we now know that we are a nation of change, where the buyers of weapons have migrated from the brick-and-mortar stores now to another market, often online or gun shows. Unless we close those avenues for terrorists to use, they are going to use them—so very much common sense again. The second thing that you were saying today is that we need to close the terrorist loophole, and we need to make sure we are doing universal background checks. That is the reason we are here—the grit of a Senator and the common sense of two amendments that are very critical.

For a moment, I want to tell you what was perhaps the most touching time for me in this 13, 14 hours. I actually checked the rules, and you can't acknowledge people who are in the Gallery. They are not here now, so I am not acknowledging anybody who is here, but your wife and child showed up. When I heard you talk as a parent about the love of your child and how you did something that is so important for us as Americans—in fact, I think it is at the core of who we are that this is what our country calls us to do, which is to take courageous steps of empathy and say, when other people's children are dying, that is not their problem. It triggers empathy in me. I think of my own child. I think about my niece. I think about my nephew. I think about my family.

There is a privilege in this country that is a dangerous type of privilege. It is the type of privilege that says if something is not happening to me personally, if a problem is not happening to me personally, then it is not a problem. It is not a problem if it is not happening to me personally.

That is contrary to what we say about ourselves as a country. The spirit of this country has always been we are all in this together. We all do better when we all do better. If there is injustice in our midst affecting another family, another State, another neighborhood, then that is an injustice that is threatening the whole.

Senator MURPHY, this is one of your core values. It is expressed by great Americans. It was expressed by Martin Luther King in perhaps one of the greatest pieces of American literature, the ''Letter from a Birmingham Jail,'' this idea that if something is going on wrong in Connecticut, if a tragedy happens there, if children are murdered there, that is not Connecticut's problem, it is our problem. Dr. King said:

> Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a common garment of destiny.

So, to me, that is a core element of our Nation. It is what our Founders understood when they said we are in this together. The very Declaration of Independence ends with a nod toward that interdependence, toward that interwoven nature. It was said by our Founders on the Declaration of Independence, right at the end, that in order for this Nation to work, we must be there for each other. We must care about each other. We must invest ourselves in each other. If an injustice happens to my brother or my sister, it is affecting me. That Declaration of Independence ends with those words: ''We mutually pledge to each other our Lives, our Fortunes and our sacred honor.''

Now we see these tragedies, and I don't want to believe that we are becoming numb to them. We see them as

some distant reality and not as a personal attack because when you attack one American, you attack us all. When you have an avenue where you can make a difference to preserve and protect life and you do not claim it, to me, that is a sin.

There is a great writer, great thinker, Nobel laureate, who once said to the effect that the opposite of love is not hate, it is indifference. The opposite of love is not just hate, it is inaction—lack of caring, lack of compassion.

What gets me upset about this issue is that we have commonsense tools that have been enumerated by wise colleagues of mine. We have legal scholars in our caucus who understand clearly that there is no absolute right when it comes to freedom of speech. As has been quoted many times, the majority opinion in the Heller case, there is no absolute right to bear arms. It has been said by multiple Senators, just closing the terrorist loophole doesn't infringe on the rights of any American to bear arms, of any American sportsmen, any American seeking self-defense. This is just saying that if you are someone who is believed to be a terrorist, you should not be able to purchase a gun. If you are somebody on that no-fly list, you should not be able to purchase a gun. Even with that, as you pointed out, there should be due process so that if you have to grieve that, there is a process for you to grieve being on that no-fly list.

When I see the Senator's child come here to listen to her father, when I see parents—many of my colleagues have children. I hope that when we hear about a mass shooting, we don't just say I am praying for those families but begin to think that what is happening to my fellow American is a threat to me. It is happening to us all. We all are lesser as a result of it. We have to think to ourselves, ''How would it feel if I fail to act, to do what is right, to close a terrorist loophole?'' What if right now that person our enemy is working to radicalize, what if right now that person in our country whom our enemy is working to inspire, what about that person who right now is seeking to do harm to Americans, what happens if they exploit that loophole tomorrow, next month, next year? What happens if they exploit that loophole, and this time they go to a playground, a train station, a movie theater, a school, a church, and it happens to be your playground, your movie theater, your school, your church, your child?

If you know there is something we can do to stop our enemy from getting arms and doing us harm—and we have seen now from San Bernardino to Orlando, FL, the terrorists are looking to do us harm—and we can stop our enemy with a commonsense amendment that is believed and supported by the majority of Americans, the majority of Republicans, the majority of gun owners, the majority of NRA members, yet this body can't do that, then we are setting ourselves up for future acts of violence and terror that could have been prevented. What if it is our child or our family or our community or our neighborhood?

There is one more step I have to mention, I say to Senator MURPHY. There is one more step that is important to this because if you close the terrorist loophole and make sure those terrorists cannot exploit the backdoor, if you make sure those background checks are universal—again agreed to by the majority of Americans, the majority of Republicans, the majority of gun owners, the majority of NRA members—you are also going to benefit by creating a background check system that stops criminals from getting guns, that better undermines their ability to get their hands on weapons that they want to carry out violence in our neighborhoods, communities, and our cities. That is where it gets deeply personal to me. As the Senator has for his child, every American has for their kids. We have big dreams. This is a nation of dreams. We have something called the American dream, which is known across the globe. It is a bold dream. It is a humble dream that this is a nation where our children can grow up, have the best of opportunities. Our children can do better than us. It is the American dream.

But the challenge I see with American reality, where we have such liberal access to weapons by people who are criminals, what that has resulted in—I have seen it myself—is so many children taken, killed, murdered, time and time again, every day, every hour. Time and time again, another dream destroyed, another dream devastated, another dream murdered. And those are not just my words. I have seen it across my State. I have seen it in our cities and on our street corners where shrines with candles and Teddy bears are set up, marking place after place and street after street where children have been murdered. I have stood on too many street corners looking down at bodies—13-year-olds, 14-year-olds, 16-year-olds murdered in our Nation with a regulatory that has not been seen in wars past. I have been to funerals with parents begging us to do something about the violence in our country. I have seen children who are living, yet live with trauma and stress because they hear gunshots in their neighborhoods.

We have the power to stop this, and we can't assume that these problems are not ours. Langston Hughes said it so poetically: ''There is a dream in this land with its back against the wall, to save the dream for one, we must save the dream for all.'' How many children's dreams must be destroyed by gun violence before we do the commonsense things we agree on to begin to shrink those numbers?

It is written in Genesis that when Joseph's brothers see him approaching, with murder in their eyes, they said, ''Here cometh the dreamer, let us slay him, and see what becomes of his dreams.'' We have lost so many, and so many have been slain, but the dream of America can't die. There are people who want to take it from us. They want to inject it with fear and hate. The dream of our country cannot die.

There are rules and loopholes that allow madmen, terrorists, and criminals to get their hands on assault weapons. We cannot let the dream of our country die and be dashed and killed. We can do something about it, and it is unacceptable, when you have the power, to do nothing.

We, those of us elected to this body, are the caretakers of that dream. We are the torch with the light, the hope, and the promise of this country that still attracts so many. Hundreds of millions of people in our Nation believe, as do so many people outside of our Nation, that we must make sure that we form a more perfect union, where we see that unfinished business, the work to be done, and answer the call of our citizens.

I return to where I began. There have been literally thousands of Americans who have taken to the streets this past week. I saw them in New Jersey. I read about them in California and Florida. I see them in Washington, DC, here in our Nation's Capital.

Today I am proud that my friend has decided that that dream was worth fighting for, that the call of our Nation had to be answered, that that dream demanded something more than business as usual. Senator MURPHY has stood on this floor for 13-plus hours.

I don't know how long it will take, but I know that closing the terrorist loopholes and closing the avenues for terrorists to go online or to gun shows is just doing what makes common sense to keep us safe. I know we will win this battle. It is not a matter of if, it is a matter of when.

As the hour grows later and later and this filibuster drags on, I just wish to address one more item. Senator MURPHY and I both know from the thousands of calls to his office that one of the problems we happen to have is that we allow our inability to undermine our determination to do something; that when you have a majority of people who believe in something, often the only thing that stops us from achieving it is not that we can't—it is not a matter of can we, it is this: Do we have the collective will?

I know from scanning social media that there are thousands of people watching this right now. As Senator MURPHY speaks to our colleagues and speaks to the Chair, my question is, Can my friend speak to those people tonight, many of whom were cynical

about this body but found a little bit of hope by your action? Can my friend take a moment to speak to them about how we can keep fighting this fight and what they can do to press forward and how we can make the dream of our Nation stronger, mightier, and more just so that a week or a month from now, we are not gathered together and mourning our Nation about dreams that were dashed by violent terrorists?

(Mr. DAINES assumed the Chair.)

Mr. MURPHY. Mr. President, I thank my friend for the question, and I thank him for standing, quite literally, with me every second of these last 13-plus hours. I thank my friend from Connecticut as well, who is about to speak, for doing the same.

It is nice to have friends. It is nice to have friends who are committed to the same thing as you are, but it is just nice to have friends.

It doesn't have to be like this. There are so many things in this country that we accept as inevitable, true, and unchangeable, and we are right on the precipice of getting to the point in this country where we accept this level of gun violence and gun homicide as just a normal facet of life in this country. I know it because I heard the kids in the North End of Hartford tell me that the sound of ambulances and police sirens is their goodnight lullaby. They are used to falling asleep to the response of the next shooting.

I knew it at the beginning of this week, when, as the news was filled with not just another mass shooting but the worst mass shooting in the history of this country, this body signaled that it wasn't going to take up any measures to combat the epidemic of gun violence in the wake of the worst mass shooting in the history of this country. It has felt like we have fallen upon the precipice of accepting this as the new normal in this country.

All we are doing tonight is standing here and talking. We are asking for a vote. And I think, as I will speak to in a moment, we have gotten to a place where we are going to get votes on these important amendments, but all we are doing here is talking.

Senator BOOKER was right when he said that what has happened this afternoon and this evening is a platform for sustained and collective action that demands that this not be just a one-time phenomenon, that this passion you heard from dozens of Members of the Senate who came down here organically just because they cared sustains throughout the day, the months, and the years.

As I said earlier on this floor, great change movements are defined by their obstacles and failures, and we have already had a bunch of failures when it comes to our fight for gun violence measures. We lost a big vote on the floor of the Senate in 2013. There are State legislatures that have gone in the other direction and made it easier to get weapons. We lost a vote here in December when we tried to expand our background check system to make sure that people who are on the terrorist watch list are captured by it. We have had our share of defeats and losses.

As it turns out, we will get to have votes on these amendments, and maybe we will lose those too. But every great change movement in this country is defined by persistence in the face of obstacles and failures, and this change movement isn't defined by what we do here, it is defined by the 90 percent of Americans who believe in the righteousness of what we are proposing.

Frankly, we aren't in the business of changing the minds of millions of Americans; we are in the business of changing the minds of a few dozen Members of Congress. It doesn't sound that bad when you put it that way, right? We don't have to convince the broad electorate that something has to change; we just have to convince a few people here. And that can happen—it can—but it won't happen through Senator BOOKER, Senator BLUMENTHAL, and me coming down here and doing this week after week; it will happen because members of the public decided to make those 10,000 phone calls that somehow plausibly fit themselves into the phone lines to my office today. Those phone calls need to go to every other office in the Senate and House over the course of the coming days, weeks, and months as we lead up to these meaningful votes. This is an issue that voters prioritize when they go to the voting booth. They need to pay attention to whether their Member of Congress is voting with or against them when it comes to commonsense issues like expanding background checks to cover gun shows and Internet sales and making sure terrorists don't get guns. It is a commitment to never lose that sense of empathy which has to be at the root of this.

Luis Vielma was 22 years old when he was shot and killed late Sunday night in Orlando in the largest mass shooting in American history. He had been so excited that night because he was hosting a friend of his who was visiting from Miami. He wanted to show him this wonderful nightclub that he had found, this place where the community could come together and celebrate themselves. His father Jose suggested that the two of them come over to his house for some homemade Mexican food, but Luis was so excited to have a great time that night with his visiting friend that he put off his dad and said: I am going down to the club. I am heading downtown.

On his way to the club, he texted to his dad: ''I love you.'' Those were the last words Jose ever heard from his son.

His family said that he went to the club that night to dance. ''Oh, and he can dance and get down,'' a family friend said. ''Yes, he can.''

He was born in Florida, but he loved the Mexican national football team, adored his family, liked to play tricks on his younger brother, and was a huge Harry Potter fan. He had a job at Universal Studios. He worked on the Harry Potter ride, and that was a big deal to Luis.

Upon hearing of his death, J.K. Rowling tweeted out a tribute to him. His job at Universal was a passion for him because he loved Harry Potter, but it was also paying for his education. He was studying to be a physical therapist at Seminole State College.

His friend Will Randle said:

> Luis was by far the best person I knew. He inherently made us all better people by simply existing around us. Part of him will always live on in every good decision that I make.

Kelly, a friend of his on Facebook, asked: ''How could this happen to someone so kind?'' How could this happen to anyone?

In December of 2015, Jonathan Aranda was shot and killed in the morning hours of December 8 in New Haven, CT. He was 19 years old. He had just graduated from Eli Whitney Technical High School in Hamden, CT. In a statement, the superintendent of schools talked about the devastation in the entire educational community because of the loss of this beautiful young man. His cousin said he was hard-working, and he was well-liked. He worked at Brook & Whittle, a packaging company in Guilford. He was getting out of work. He had stopped at a friend's house to talk about cars, and then, bam, this senseless act of violence happened.

His friend said that he was quick to lend a hand when you needed help and he wouldn't ask for anything in return. He worked the third shift and he came home, and then he helped his friends and his family. His younger sister said that he was a humble and loving person, and he never picked fights. A very, very likeable kid, said his cousin. He didn't have a problem with anybody.

Luis Vielma was 22 years old when he was killed on Saturday night in the worst mass shooting in the history of this country. This shooting has gotten a lot of publicity, and it has prompted us to come down to this floor and demand change. But nobody in this country knows about Jonathan Aranda. He was killed in December of last year on the streets of New Haven, and his family and friends and his educational family mourn for him, but he didn't make headlines. There are the 80 others that day on December 8 who died didn't make headlines either, but their deaths are just as meaningful, just as impactful, and just as unacceptable as the 50 people who died late on Saturday night, early Sunday morning in Orlando.

It doesn't have to be like this. That is why we have come to the floor this evening.

I am going to turn the floor over to Senator BLUMENTHAL in a moment. Actually, I will turn it over to Senator BOOKER for some comments and then to Senator BLUMENTHAL. But let me just finish these remarks by talking about the families of Sandy Hook. Senator BOOKER was talking about courageous acts of empathy. I think it is a wonderful turn of a phrase. I think about the courageous act of empathy inherent in the decision made by the families of those murdered in Sandy Hook to come to the Congress to argue in 2013 and then again in 2014, 2015, and 2016 for background checks, because if you know the facts of the case in Sandy Hook, background checks on sales at gun shows or with respect to online sales wouldn't have mattered in that case, because that sale was done with a background check. To the families of Sandy Hook, what would matter much more is a ban on military-style assault weapons like the kind that was used to kill every single kid that was shot in Sandy Hook or a ban on high-capacity magazines.

Let me tell you this. There are kids who survived that shooting. They survived that shooting because the shooter fumbled when he went to reload and a handful of kids snuck out. But because he was using 30-round magazines, he only had to reload a handful of times. Had he been forced to reload after discharging 10 bullets rather than 30 bullets, there are a lot of families in Newtown who think there would be more kids alive today. That mattered to them. But they came to Washington in a courageous act of empathy to argue on behalf of Jonathan Aranda, who was still alive in the spring of 2013 when we took that vote. They came to this Congress to argue on behalf of those still living on the streets of this country who could benefit by an expanded background check system that would stem the flow of illegal weapons on their streets. Had we been successful, had we been able to pick up a few more votes to persist and beat that filibuster, maybe Jonathan Aranda would be alive today. Had we years ago passed a law that puts people who have had an intersection with the FBI with respect to terrorist connections on the list of those who are prohibited from buying guns, maybe that network would have caught up with Omar Mateen, and he would never have bought the weapon that he used to kill those in Orlando.

Those are all maybes, but life isn't always a game of certainties. What we have been asking for here today is to just take a step forward and take a vote on two commonsense measures that can start to show that we have the ability to make progress as a body. There is a laundry list of other things that everyone who has spoken wants to happen. Our families in Sandy Hook have a laundry list of other things that they want to occur. But we want to start with these two commonsense measures.

Through the Chair to Senator BOOKER and Senator BLUMENTHAL, I think we can report some very meaningful progress over the course of these 13 hours. When we began this debate on the floor, when we declared that we were not going to move forward on the CJS bill without a commitment to talk about what happened in Orlando, to talk about how we fix it, and when we began, there was no commitment, no plan to debate these measures. It is our understanding that the Republican leader and the Democratic leader have spoken and that we have been given a commitment on a path forward to get votes on the floor of the Senate on a measure to assure that those on the terrorist watch list do not get guns, the Feinstein amendment, and an amendment introduced by myself and Senator BOOKER and Senator SCHUMER to expand background checks to gun shows and to Internet sales.

Now, we still have to get from here to there, but we did not have that commitment when we started today, and we have that understanding at the end of the day. There is no guarantee that those amendments will pass. But we will have some time to take the movement that existed before we started and maybe is a little bit stronger now and try to prevail upon Members to take these two measures and turn them into law.

So I am deeply grateful to be standing here at now 1:40 in the morning with both of my friends who started here with me now going on 14 hours ago. I gladly yield to my friend Senator BOOKER for a question and any final comments that he has.

Mr. BOOKER. This is my final question. I ask the Senator one more time, will you yield for a question?

Mr. MURPHY. I yield for a question without relinquishing my control of the floor.

Mr. BOOKER. I just want, again, to say thank you to you. We started this about 13 and a half or almost 14 hours ago with business as usual. We started almost 14 hours ago with no focus on these issues in this body. We started this 14 hours ago with something as obvious as closing the terrorist loophole not on the agenda of the Senate.

This filibuster—your standing tall, your multiple colleagues standing with you, over 2 dozen representing States from East to West—and this measure is standing here together. It now seems that we at least will have a vote on those two things, the closing of the terrorist loophole and the expanding of the terrorist block so that we have background checks that can block terrorists who seek to get weapons through secondary avenues. So that is a good step. It is not everything I would have hoped for out of this day. But it seems clear to me that we have some work to do in changing the hearts and minds of some of our colleagues so these measures that have failed in the past can pass now.

For those of you who don't know the history of this body, a lot of the most prideful legislation of America—let's take the Civil Rights Act, for example—failed many, many, many times. But those who kept fighting and didn't give up or didn't give in to cynicism were able to break that measure on the floor. This has happened with many pieces of legislation, from the abolishing of slavery to a woman's right to vote.

Sweet Honey in the Rock is a group that I love. They sing a song called Ella's Song, where they say: We who believe in freedom cannot rest. We who believe in freedom cannot rest until it is won.

So my hope is that this filibuster, now going into its 14th hour, didn't just win a vote on these two amendments, didn't just stop business as usual, didn't just get a chance to have a final determination at least on these two amendments, but that it happened to do something else, Senator MURPHY. My hope is that it helped to push back on cynicism. I think cynicism is a refuge for cowards, that cynical people basically throw up their hands and say nothing can change. Thank God people who are fighting for our freedoms in this country didn't give in to cynicism and stop fighting. Thank God that those who have reasons to be cynical about government didn't fall into that trap of cynicism, didn't take that refuge for cowards and kept fighting in this body for so much of the legislation that we take for granted, from workers' rights to the rights of immigrants.

So my hope, Senator MURPHY, if I can express it to you, is that not only will we fight to win the vote on these two amendments—one by DIANNE FEINSTEIN in closing the terrorist loophole and the other authored by you, me, and Senator SCHUMER to expand background checks—but my hope is that this filibuster did not just get those four votes but will mobilize it and engage more people to reach out to their Senators.

I really appreciate the fact that your office got 10,000 calls. I appreciate the fact that your effort has been trending on social media, but that is nothing calling you, who already support this, and not reaching out to Senators who are deliberating over whether to support this or not.

We are all here because folks not only didn't take that refuge for cowards through cynicism, that toxic state that debilitates us from being agents of change, but we are also here not just because of people who shun cynicism but because of people who embrace

love. Love—I use that word very purposefully—love of country, love of patriotism necessitates loving your country, men and women, and if you love your country, men and women, you don't just tolerate them. I think that is kind of a cynical aspiration for this country, that we will be a nation of tolerance, stomaching each other's right to be different. If we are a nation of love, love doesn't just stomach someone's right to be different. Love actually sees the truth of who we are. We each have value, worth, and merit. We need each other. We are interwoven in each other's destiny. And if there is injustice facing you, it affects me, and I have to work to correct that.

I am here, Senator BLUMENTHAL is here, Senator MURPHY is here, and all of the people who are working here, we are here because of this conspiracy of love of folks who didn't just take care of themselves and their families, they got engaged in their country, in their communities, in their neighborhoods. They did it for others. They served, they volunteered, and they sacrificed.

So we are on another inflection point in America's history, with the worst mass murder in our country's history. You cannot control always what happens to you, but you can control your response to it. Let our response to this hateful act be love. Let our response to this terroristic act seeking to scare us be courage.

Let us in the days ahead act with love and courage, as demonstrated by our engagement with our political system—pressing, pushing, letting our representatives be heard from in this body that we want them to support commonsense initiatives, the closing of the terrorist loophole and expanding that with background checks that shut off the back door for terrorists to exploit to get assault weapons to do repeats of what we saw. With that kind of courage, with that kind of love, our enemies do not win. We do. With that kind of courage, that kind of love, we don't stumble, we don't stop, we don't hesitate, equivocate, or retreat; we advance this country toward its highest ideals that we will be a Nation with liberty and justice for all. We are all families. From inner city communities to suburban, from rural to urban, all communities should enjoy safety, security, strength, and prosperity.

So with that, I ask the question, does Senator MURPHY agree that we have not just achieved this first step of stopping business as usual, letting this body go on, but actually getting two measures that were not on this agenda until this action began? Does the Senator believe that is not enough, and with thousands of people watching, people on social media now, we need to get more engagement to begin, as the Senator said earlier, not to change the hearts and minds of all Americans—frankly most of America is with us—but to start focusing on the Senators that will be deliberating over the coming hours, maybe days, about these specific pieces of legislation?

Mr. MURPHY. I thank the Senator. This is an important start, but it is not sufficient.

What is unacceptable is to do nothing. What would have been unacceptable is to spend this entire week on legislative business that was irrelevant to the epidemic of gun violence that has been made more real than ever by the tragedy in Orlando. So I thank the Senator for helping us convene our colleagues over the course of 14-some odd hours. I think we can report having made progress, but certainly not enough.

I will yield for a question to my friend Senator BLUMENTHAL, who has been on the floor with us for the entirety of this time, standing with me, and frankly I have been standing with him, my senior Senator in this fight since 2012. I yield to him for a question without relinquishing control of the floor.

Mr. BLUMENTHAL. I thank Senator MURPHY. And I join in thanking all of the staff who have worked over this day and into the night and into the next day at great personal sacrifice and at great benefit to the U.S. Senate.

I want to thank my colleague Senator BOOKER for his eloquence, his perseverance, and his dedication to this cause, and Senator MURPHY for his courage and strength in this cause that brings us here today, tonight, tomorrow, and in the days ahead because this experience is, as he has said, only the next step, and this legislation is only a next step.

We have talked a lot in great—and some of it very powerful and compelling—terms about what is at stake here. Certainly the reason we are here has to do with the deadliest mass shooting in the history of the United States. But the numbers are important. Numbers are cold, hard, and stark. Forty-nine people were killed in that single attack in Orlando, but in an ordinary day in America, dozens of people are shot without any notice. It is not a headline, barely a mentioning. Certainly there are no speeches on the floor of the U.S. Senate. The fact is that gun homicides are a common cause of death in our Nation—the greatest, strongest Nation in the history of the world—killing about as many people as car crashes, and in direct contrast to the experience of other countries where, for example, in Poland and England, only about one out of every million people dies in a gun homicide—about as often as when an American dies from an agricultural accident or falling off a ladder. These numbers come from the New York Times of just a few days ago, June 13, which I ask to be printed in the RECORD if there is no objection.

Mr. MURPHY. I would ask the Senator to withdraw that request at this time.

Mr. BLUMENTHAL. I will offer it at another time. Thank you.

The point is that we can do something about these numbers. We can reduce them, and we can save lives if we adopt commonsense central measures such as are going to be debated specifically and given a vote in the U.S. Senate.

A result of our staying—our colleagues and the three of us staying—is no more business as usual. Enough is enough. Let's listen to the American people. There is a consensus. The poll numbers show that 90 percent of the American people think we should have background checks. The majority of gun owners and the majority of people also think that someone suspected of terrorist activities based on evidence should be barred from buying a gun. That is a national consensus, as well, and makes good common sense. If we are at war with ISIS—and we are—we should stop ISIS inspired or supported terrorists in this country from buying guns. If we think ISIS is trying to create extremist violence here that leads to the kind of attack that we saw in Orlando, those individuals who are motivated by the twisted, pernicious, insidious ideology of hate should be barred from buying a gun. These determinations are not based on speculation; they are based on evidence and facts under the measure that we have proposed, and they provide due process for someone to have his name removed if that determination is made in error that he is on the list or that he is barred from buying guns.

The details are important, as they are in every law, because they are a guarantee of due process and individual rights. The same is true of background checks. Somebody who is mistakenly on the NICS list should have that name removed. But facts are important; evidence is critical. That is what is involved in these measures, which are a start.

Laws work when they are enforced. We know they work in Connecticut because there was a 40-percent reduction in some crimes in the wake of the permit to purchase laws passed in 1994. That study was recently done by researchers at Johns Hopkins University and the University of California, Berkeley, saying to those doubters or skeptics that the permit-to-purchase laws passed in Connecticut in 1994 actually were a huge success for public safety.

My colleague from Connecticut has cited other efforts that show that laws work when they are enforced, and national laws are important because Connecticut cannot itself create the kind of protections that our citizens deserve. Borders are porous to the trafficking of guns. Guns have no respect

for State boundaries, nor do the traffickers, so we need national laws to protect the citizens of every State.

We are here because there is a national consensus in favor of those laws, and we know that we have an obligation and a historic opportunity to be changemakers in this body. The American people want change on both sides of the political aisle. We know that voters want Washington to change, they want the political system to change, they want our laws to change, and they want the system of public financing to change, so that the public interest, not special interests, will prevail. Other measures surely should be sought—the repeal of the unique immunity and shield from accountability that gunmakers have, the inability of a protective order to protect against domestic abusers that have guns, the absence of laws to protect against straw purchasers and illegal trafficking. There ought to be national laws, again, that provide those protections.

Of course, even for licensed firearms dealers, a person whose background check is not completed in 72 hours can still buy a gun, even though if the background check had been completed, he would have been barred. That is the reason that in Charleston, SC, nine people were murdered by Dylann Roof, who obtained that gun even though he was in effect legally barred from buying a gun because the background check was not completed within 72 hours.

There are many more steps that need to be taken, and even with the passage of measures that we are advocating today, there is no single solution.

We are only at the beginning of the efforts to pass these measures, but we have at least changed this debate. We have changed the context of this consideration, and the reason is that Senator MURPHY has shown the leadership that he has shown. We are grateful to him for it, and we will continue this fight together.

So my question, generally, to my colleague from Connecticut is, How should we close tonight, and isn't he glad there will be no more questions?

Mr. MURPHY. I thank Senator BLUMENTHAL for the final question. Let me reiterate my thanks to everyone who has persisted this evening—for all of our colleagues who have come down to the floor to join in this exercise, and, again, to all of the staff and the pages who, indeed, just showed up a week ago for standing with us and for their commitment to public service and to those who sat in the Chair. I have done that for an overnight session or two. I know it is not exactly the way to plan to spend your Wednesday evening. Most importantly, I thank Senator BOOKER for standing with me quite literally since 11:20 this morning and Senator BLUMENTHAL for being a perpetual friend and partner.

I woke up this morning determined to make sure that this wasn't going to be a lost week, and I have been furious since those days following Sandy Hook. I have been so angry that this Congress has mustered absolutely no response to mass shooting after mass shooting in city after city that is plagued by gun violence, such that the children who grow up in the east end of Bridgeport or the north end of Hartford live through stress and trauma that affects their brains in irreparable ways.

I am embarrassed that it took me so long to become a convert to this issue. I am embarrassed, frankly, that it took the tragedy in Sandy Hook for me to wake up to the fact that people all around this country, in Newark, in cities in my State, have been living through this horror without attention from this body. There is no silver lining to what happened in Newtown, but inarguably what has happened in the 4 years since has been the focus of attention from all over this country on the inaction of this body and the failure of it to respond, and that is what is so perplexing to me. We have disagreements over what should be done, but what I have not understood is why we don't even attempt to find common ground on this floor—why, week after week, there is not a single vote or debate scheduled on any of the measures that have been proposed to try to stop this carnage. There hasn't been a debate scheduled on the floor of the Senate. There haven't been debates in committees. I am not saying we aren't doing important work, but there are 30,000 people dying every year on the streets of this country. Those whom they leave behind—their moms, their dads, their little sisters and brothers—don't get the total indifference we portray.

I know we are not indifferent. I know, in talking to my Republican colleagues, that they feel just as deeply about the loss in Orlando and about the loss in New Haven or Chicago or Newark as we do. I know there is a commonality of emotion here that betrays the story line we portray to the American people.

This exercise over the course of the last 14 hours in many ways has been a plea for this body to find a way to come together on answers, because it is devastating. It is devastating to the families who live through this trauma to watch the U.S. Senate do nothing, absolutely nothing, week after week. Think about that. Sandy Hook was 4 years ago, 3½ years ago, and Congress hasn't passed a single measure that would make the next mass shooting, the next murder of kids in this country, less likely.

I don't know what the vote is going to be—if we are successful, as we believe we will be, in getting these votes—but I do know it will be another chance for our colleagues to come together on two measures that we have carefully selected as being the most likely to get bipartisan votes.

That is why we chose to demand votes on these two measures—A, because they are significant, they will make a difference, and B, because they are as noncontroversial as you can get.

The American people have already made up their minds. They want a background check system that captures potential terrorists. They want to make sure everybody who buys a gun through a commercial sale has to prove they are not a criminal before they buy it. The American people have made up their minds.

We chose to ask for the two least controversial provisions possible that still will do a world of good. I am pleased that we are on a path to get those votes. It is a necessary but insufficient response to the carnage that we witness in this country every single day.

This is personal to all of us. Senator KAINE said it well earlier tonight—that we have scar tissue, but it is razor-thin scar tissue compared to those today in Orlando who are living through the catastrophe of losing a 21-year-old son in the prime of his life or losing a 24-year-old daughter with all of her potential ahead of her. Our scar tissue is there, but it is tiny.

I close by telling a story that I told during my first speech on the floor of the Senate. I introduce you to Dylan Christopher Jack Hockley, who in this picture is age 6. According to just about everybody who knew him, it was impossible not to fall in love with Dylan Hockley if you met him. He loved video games, and he loved jumping on the trampoline and watching movies. He loved munching garlic bread. He had dimples, he had blue eyes, and he had this very mischievous little grin. You can see it here. And he is wearing one of his favorite shirts. His beaming smile would light up almost any room he was in. He loved to cuddle. He loved to play tag every single morning with the neighbors at the bus stop. He liked to watch movies, the color purple, and he loved seeing the Moon. He loved eating his favorite foods, especially chocolate. He was so proud that he was learning how to read, and he would bring a new book home every day. Most importantly, he adored his big brother Jake, who was his best friend and his role model.

Dylan's mom Nicole, who has been a champion in the cause of ending gun violence in the country, always thought that Dylan was, in her words, ''a bit special, a bit different.'' She said:

> He was late to develop speech. He was late to learn to crawl, and there was always a little something about him, but we couldn't put our finger on it.

He said he only liked bland foods and he wanted only plain spaghetti. He had

a habit of flapping his hands when he got excited. He would put his hands over his ears when he heard sudden or loud noises. He was diagnosed with autism, but, as his father points out, autism is a spectrum with many different facets to it.

Dylan loved repetition, and he would watch his favorite movies over and over again—''Up,'' ''Wall-E,'' and ''The Gruffalo.'' He would find a particular portion of that movie that he loved and he watched that portion. He would rewind, he would watch it, he would rewind, and he would watch it. When he watched his favorite parts, his laugh was infectious.

Dylan was struggling with autism as a student at Sandy Hook Elementary School, but he was a special boy who was going to turn into a special young man.

He idolized his brother Jake, but he idolized someone else as well. He idolized a woman named Anne Marie Murphy. Anne Marie Murphy was his special education teacher and his personal aide. Over the course of the beginning of his first grade year, they formed a bond, a deep bond that is often hard to form for kids with autism like Dylan. Their bond was so tight that he had a picture of her on the refrigerator, along with his class. Every day when he would walk by the refrigerator, he would point to the picture and say ''There's my class! There's Mrs. Murphy!'' It meant something to him to have that relationship, and he loved going to school in large part because he knew he had someone there who loved him back.

Senator BOOKER has talked about the expectations that we should have for each other, that expectation of deep, passionate love for each other. Dylan and Anne Marie Murphy had it.

Senator BLUMENTHAL and I got to Sandy Hook Elementary School after most of the families had come to realize that their loved ones weren't coming back, that their little boys and girls were probably lying on the floor of those classrooms. We still saw and heard things that I think we both wish we didn't hear and see.

When Nicole Hockley was standing in or outside the firehouse, when she came to the slow, awful, crippling realization that her little boy was not coming back, she had a moment where she thought to herself, maybe Anne Marie will come back and she will tell me what happened to my little boy. Then she had a second thought: that Anne Marie probably wouldn't leave Dylan if he was in danger.

When Adam Lanza walked into that classroom and aimed his military-style assault weapon with clips attached to it, holding 30 bullets, Anne Marie Murphy probably had a chance to run or to hide or to panic. Instead, Anne Marie Murphy made the most courageous decision that any of us could imagine. Instead of running, instead of hiding, instead of panicking, Anne Marie Murphy found Dylan Hockley and embraced him. Do you know how we know that? Because when the police entered the classroom, that is how they found Dylan Hockley—dead, wrapped in the embrace of Anne Marie Murphy.

It doesn't take courage to stand on the floor of the Senate for 2 hours or 6 hours or 14 hours. It doesn't take courage to stand up to the gun lobby when 90 percent of your constituents want change to happen. It takes courage to look into the eye of a shooter instead of running, wrapping your arms around a 6-year-old boy and accepting death as a trade for just a tiny, little, itty piece of increased peace of mind for a little boy under your charge.

So this has been a day of questions. I ask you all this question: If Anne Marie Murphy could do that, then ask yourself what you can do to make sure that Orlando or Sandy Hook never ever happens again.

With deep gratitude to all of those who have endured this very late night, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

MORNING BUSINESS

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHARITIES HELPING AMERICANS REGULARLY THROUGHOUT THE YEAR ACT

Mr. HATCH. Mr. President, today I wish to discuss a topic that has been near and dear to me my entire life: the importance of charities and charitable giving to the well-being of America. I am taking this moment to discuss this issue for several reasons.

Late last year, Congress managed to make permanent a few of the temporary charitable tax provisions that I have supported for years. Since then, two of my esteemed colleagues, Senator THUNE and Senator WYDEN, have introduced legislation to enact several more important charitable tax provisions. And later this week, the Alliance for Charitable Reform, the Council on Foundations, and the Independent Sector will send its members to fan out across Capitol Hill to tell Members of Congress and their staffs about the good and essential work charities and nonprofits perform every day in America.

Alexis de Tocqueville wrote in ''Democracy in America'' of the importance of intermediate associations that stand between the individual and a centralized state. The Catholic Church speaks about subsidiarity, the principle that matters ought to be handled by the least centralized competent authority. To put these insights into constitutional terms, the Federal Government cannot—and should not—do it all. The truth of these moral and legal principles is embodied in the work of America's churches and charities, which have played a critical role in securing the welfare of Americans throughout our Nation's history when faced with difficulties like war, natural disasters, and economic recessions and depressions.

And it is no secret that our economy has been growing much too slowly in recent years. That means that a healthy, well-resourced charitable community is essential to the well-being of those in need. As State and local governments grapple with budget deficits and revenue shortfalls and as Americans face unemployment, stagnant wages, and lower workforce participation, people in need are turning for help in ever greater numbers to churches, charities, shelters, and other social welfare groups.

But charities need resources to meet these needs, and charitable giving by generous and civic-minded Americans is where it all starts. That is why I have defended the tax deduction for charitable giving and I have resisted attempts by some to raise revenue for reckless government spending by reducing the incentives for charitable giving. As my friend and colleague Senator WYDEN, the ranking member of the Senate Finance Committee, has said: ''The charitable deduction is a lifeline, not a loophole.''

It is essential that charities have sufficient resources to carry forward the good works our society so desperately needs them to perform. It makes perfect sense to provide the greatest tax incentive for giving to the donors with the greatest capacity to give. These donors, the ones in the high marginal tax brackets, are the very donors that are in a position to give substantial amounts to charity. It should come as no surprise that for nearly 100 years the Tax Code has provided such an incentive.

And the charitable tax deduction is truly special. It is the only deduction that encourages you not to spend or invest your income, but to give it away. Every charitable gift has one thing in common: The donor is always left worse off financially, but society is made better.

So, yes, I am a champion of the charitable sector. And in addition to defending the charitable deduction, I have promoted positive improvements in the charitable tax law. Some of these proposals have been enacted. For example, last year, Congress made the IRA charitable rollover a permanent feature of the Tax Code, as well as the

deduction for contributions of food inventory to charity. Congress also extended public charity status to agricultural research organizations associated with a university.

But there is more to do.

Two colleagues that are leading the way in this Congress are Senator THUNE and Senator WYDEN. They recently introduced the Charities Helping Americans Regularly Throughout the Year, or CHARITY, Act. This bill would complete some of the unfinished business from previous years. For example, it expands the group of organizations eligible to receive charitable IRA distributions, it makes a much needed reform to the private foundation excise tax, and it allows foundations to own businesses devoted to philanthropy.

We got close to passing some of these proposals late last year. They didn't make it over the finish line, but we ought to revisit them and try to pass them this year. These provisions, taken together, will help advance the causes of worthwhile charities by allowing American taxpayers to more freely donate their own resources. That is a good thing in my book, and that is why I intend to help my colleagues on the Finance Committee process the CHARITY Act and enact it into law.

Thank you.

TRIBUTE TO RECIPIENTS OF THE CONGRESSIONAL AWARD

Mr. MCCONNELL. Mr. President, I want to share with my colleagues the names of this year's winners of the Congressional Award. Established in 1979, the Congressional Award is a way for the U.S. Congress to recognize the achievements of young Americans aged 14 to 23 years old. It rewards them for success in four vital areas: volunteer public service, personal development, physical fitness, and expedition-exploration.

Recipients choose the activities in each area that interest them and set goals that will challenge them and help them grow. If they are successful, they earn bronze, silver, and gold certificates and medals. Along the way, they have gained new skills and earned greater confidence and positioned themselves to become productive, well-rounded, and accomplished citizens.

Each year in June, a ceremony is held here in the Nation's Capital to present these young people with their Congressional Awards. I want to personally congratulate every one of this year's winners for their achievements and for the example they set for others. By improving their own talents, the recipients of the 2016 Congressional Awards are strengthening their communities and our Nation.

Mr. President, I ask unanimous consent that a list of this year's recipients of the Congressional Award be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

2016 CONGRESSIONAL AWARD RECIPIENTS

Gabriel Cutler, Sean Villeneuve Jr., Adriana Tapia, Jacob Massie, Cydney Kaslar, Catherine Liang, Conor Hassett, Gianna Chien, Dominic Solari, Griffin Ansel, Claire Dashe, Meghan Leong, Ariane Tsai, William Chen, Terence Lee, Benjamin Dotson, Madison DeBruin, Sienna Santer, Brandon Chen, Mark A. Hanson, George McGuigan, John Monday, Kanhai Shah, Ken Iwane, Carl Xue, William Gutzman, Erica Kang, SungMin Shin, Michael Simic, Bryan Denq, Claire YeaLee, Devin Kanzler, Elizabeth Sams, Brandon Winner, Angela SoyChon, Lynn Kim, Jaewoo Han, Steve Han, Brandon Ho, Sora Jeong, Timothy Joo, Kayla Kang, Charlotte Kim, Jay Kim, Vivian Kim, Joanne Lee, Junsu Lee, Robert Lee, Sarah Lee, Bonnie Lei, Emily Mun, Esther Park, Joo Min Yeo, Jae-Hee Yoo, Sang Yun, So Hee Ki, Jeong Inn Lee, Hannah Park, Karan Shah, Joseph Bastien, Sarah Chen, Kayla Jahangiri, Chris Jiang, Alexandra Lee, Samuel Sugarman, Chelsea Barrows, Karl Garrett, Thomas Meiser, Christina Bear, Lauren Lang, Eric Zhang.

Meredith Karle, Duncan Khosla, Allegra Molkenthin, Charlotte Wechsler, Shaleen Thakur, Sonal Thakur, Shyla Blackmon, Jelisa Jackson, Aliya Centner, Safia Centner, Peter Lee, Parker Coye, Varun Singh, Evan Albury, Gabriel Coughlin, Richard Coughlin, Laura Drake, Drew Dubauskas, Robert Ferruggia, Madeline Horowitz, Samantha Keating, Cristina Kodadek, Morgan McDonald, Regina Murphy, Noah Pack, Shikha Patel, Austin Paxson, Thomas Pinkham, Mary Powers, Koushal Rao, Hunter Russo, Joseph Russo, Tyler Wilkinson, Jillian Wrieden, Gabriel Del Campo, Joshua Puchferran, Jade Gibson, Dimitri Godur, Kara McDonough, Julia Abelsky, Elizabeth Harvey, Katie RoseDionne, Noah Smith, Billy McGahan, Kathleen Stueve, Elyssa Turnbull, Cheyenne Quilter, Eric Summers, Kelly Turney, Sarah Close, Christian Cooper, Sarah Stephen, Maddy Peticolas, Robert JamHuber.

Caroline Luehrmann, Carissa McAfee, Tiffany Dattel, Nikhil Kuppuswamy, Megan Nalamachu, Ryan Olson, Melissa Rosenthal, Gavin Zhu, Noah Gillis, Amanda Otten, Ben Otten, Audrey Moore, Gabrielle Moore, Garima Dewan, Mahima Dewan, Lynda Loucif, Rachel Steadman, Lillian Bermel, Sophia Duplin, Catherine Upton, Elizabeth Monger, Megan Selby, Samuel Chestna, Justin Conner, Emily Staunton, Christian Kunau, David Kunau, Benjamin Baker, Hillary Burgess, Molly Chamblee, Karynton NDuke, Dee-Ivy Franklin, John ''J.J.'' Hitt, Marisa Laudadio, Katherine Penney, Katherine Taylor, David Huff, Meghana Bharadwaj, Nicholas Kahan, Olivia Long, Kaitlynn Allen, Joel Moss, Edayla Talley, Kristin Walther, Emily Gustafson, Amelia Smith, Madison Grooms, Emily Berg, Katrina Nesbit, Marian Sanchez Romo, Andrew Eisert, Megan Feldmann, Stephen Baird, Andrew Geldreich, Philip Ballas, Alexander Brescia, Alexander Bruman, Paige Crain, Elizabeth Emberger, Amaya Liles, Khushbu Patel, Shannon Renshaw, Andrew Sooy.

Alexis Vanaman, Olivia Weldon, Jennifer Farmer, Madeline Farmer, Neharika Pitta, Isaiah Udotong, Christian Boujaoude, Vishvajit Mohan, Harsha Pavuluri, Ruchi Raval, Abhay Sampat, Samay Sampat, Viraj Sampat, Jessica Janneck, Nishi Shah, Trevor Somers, Richard Stelfox, Abigail Campbell, Mary CatheGreeley, Marissa Grillo, Laura Mondadori, Brian Handen, Winona Guo, Marc Klinger, James Borovilas, Sarah Primiano, Jason Pymento, Thomas Walsh, Madeline Fouts, Cameron Martel, Navkiran Aujla, Stephanie Shum, Edward Moran, Isaac Smith, William Casstevens, ApolinaireBrown, Chloe Harty, Kaitryana Leinbach, Sam Maxwell, Caroline Schauder, Quinn Schneider, Julianna Viveiros, Savannah Bell, William Ruff, Ishan Rola, Hannah Chappell-Dick, Micah Karr, Morgan Karr, Rachana Raghupathy, Elise Radzialowski, Mara Radzialowski, Weston Clark, Nick Schwartz, Gabriela Rueda, Puspa Chamlagai, Ganesh Gurung, Reena Gurung, Shiva Gurung, Ashley Hoyle, Ah Mu Htoo, Mura Htoo, Dhan Karki, Mu Mu, Cing San Nuam, Thayku Paw, Krishna Powdyel, Dhan Tamang, Bawitha Tling, Dhaka Kharel, Katherine Hung, Rachael Eddowes, Katherine Mars, Kyla Martin, Brian Agnew, Cameron Hayes, Ye Eun Kim, Binod Poudel, Madeline Reich, Jared Stevenson, Brianna Yarnoff, Swata Alagar, Cindy Hsieh, Ava Lesko, Marsha Girish, Heather Smith, Briana Minter, Lucy Tomforde, Claire Cromley, Frank Masuelli.

William Ford, Colby Janecka, Hugo Guerra, John Craig, Gabriela Font, Sohan Gadkari, Alisha Kashyap, Christian Barham, Joseph Beatty, Emily Hall, Andrew Zelewski, Akshay Malhotra, Aleskar Villarreal, Anna Nemec, Travis Purser, Ahmet Selimoglu, Patrick Sharpe, Matthew Dunmire, Lizzy Mothershead, Robert Bishop, James ReedHuston, Rhianna Shaheen, Kelsey Barklund, Kameron Mize, Hunter GraJernigan, Emma Westerhof-Shultz, Divya Wodon, Naina Wodon, Luke Beasey, Snigdha Madiraju, Samantha Lane, Michael Park, Bryan Shin, Christian Pugh, Alyssa LaFleur, Alexandra Coleman, Gerald Johnson, Christine Chen, Sophia Miller, Daniel Saphiere, Olivia Coon, Noah Schuetz, Sarah Burton, Francesca Hinkle, Ashlynn Johnson, Amelia Rosmarin, Abigail Shockley, and Cristian Soles.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. DURBIN. Mr. President, I am very concerned about section 563 in the Senate-passed fiscal year 2017 National Defense Authorization Act related to access by institutions of higher education, IHE, to military installations purportedly for advising and support services.

The provision opens the floodgates to military bases and servicemembers for for-profit college recruiters. It guts the President's Principles of Excellence Executive order meant to protect servicemembers from aggressive or abusive recruiting practices on military installations by requiring that an IHE be granted access to a military installation if it has entered into a memorandum of understanding with the Department of Defense, DOD, and has been approved to provide services by the installation's educational service officer. Regardless of other factors which may be of concern to DOD—investigations and lawsuits, infractions of the MOU, etc.—if an IHE convinces a base's educational service officer to grant them access, there is nothing DOD can do to stop it.

In addition, the provision provides preferential treatment to IHE's that enroll large proportions of servicemembers. Providing access to installations based on how many servicemembers an IHE enrolls instead of the actual needs of the servicemembers at those installations does nothing to help improve services for enrolled servicemembers. Instead, it further entrenches the big for-profit players whose business models rely heavily on servicemembers. Those institutions will be able to tout their statutorily guaranteed increased access to military installations when recruiting.

Finally, as passed in the Senate, section 563 does not limit advising and support services to an IHE's currently enrolled students. There have been well-documented cases of IHE's using access to military bases gained under the guise of offering advising and other services for recruitment. The Senate-passed language does not limit an IHE's contact with servicemembers, once on base, to students it currently enrolls. This creates the opportunity for IHE's to clandestinely or openly use their access to recruit other servicemembers to their programs.

Because of the potential harm this provision in the Senate-passed bill will cause to servicemembers—giving near unrestricted access to for-profit college recruiters at a time when most major companies are under State or Federal investigations or lawsuits—I joined Senator BROWN, along with Senators WARREN, BLUMENTHAL, MURRAY, FRANKEN, CARPER, MARKEY, MURPHY, REED, BOXER, HEINRICH, and SANDERS, to introduce an amendment to remove section 563 from the bill. Military and veterans groups including the Air Force Sergeants Association, Association of the United States Navy, Blue Star Families, Iraq and Afghanistan Veterans of America, Military Officers Association of America, Student Veterans of America, Veterans Education Success, and Vietnam Veterans of America submitted a letter in opposition to the provision. The attorneys general of California, Maine, Connecticut, Maryland, District of Columbia, Massachusetts, Hawaii, Minnesota, New York, Iowa, and Pennsylvania also wrote of their opposition.

Not only is the provision harmful, but it is unnecessary. IHE's already have the ability to gain access to military installations for certain legitimate educational activities. I will work with others who are opposed to this provision to get it removed in conference.

MASS SHOOTING IN ORLANDO

Mr. LEAHY. Mr. President, Marcelle and I, along with all Vermonters, were devastated by the news of the attack in Orlando, and our hearts go out to the victims and their families. All Americans deserve to feel safe in their communities regardless of their race, age, sex, ethnicity, religion, or sexual orientation. In the wake of the worst mass shooting in American history, all of us must stand with the people of Orlando who have been so shaken by this hateful act of terrorism and violence. And in particular, as we celebrate Pride Month, we must stand with and support the LGBT community, both in Orlando and throughout the Nation.

We are so thankful for the law enforcement officers and first responders who rushed to the scene in the middle of the night to confront the killer and save lives. We also are grateful for the work of the doctors and nurses who fought and continue to fight to save even more. My wife, Marcelle, is a registered surgical nurse, and we have been deeply moved to see the outpouring of support by people across Florida and the country who are donating blood and doing what they can to support the victims and their families.

In the wake of tragedies like this, whether the victims are members of the LGBT community, African-American church parishioners, first graders in an elementary school, college students, moviegoers, or others in our community, we are called as Americans to come together in solidarity. We come together in grief and in shock. We come together in support of the victims, their families, law enforcement personnel and first responders, and the entire community. And we come together to try and find a way to prevent further acts of senseless violence. We are at our best as a nation when we come together. When we are united in strength and in courageous acts of selflessness and kindness, our country can move forward with a greater sense of purpose and hope.

We must not allow ourselves to be divided by the bigoted actions of a murderer or by any fear that the killer sought to foment. He took an assault rifle into a nightclub, one that was known as a special place in Orlando's LGBT community. He fired on a crowd of innocent, unarmed people. This man was no fighter and certainly no soldier. This was either the act of a murderous bigot trying to shroud his hatred by professing allegiance to ISIL or the actions of a cowardly terrorist seeking to paralyze and divide us with fear—or perhaps both. In either case, we cannot let his heinous acts lead us to turn on one another.

Some are already using this horrific attack as an opportunity to further divide us. The Republican Party's presumptive Presidential nominee continues to peddle his corrosive rhetoric of fear by proposing to ban all Muslims from entering the country. This week he went even further by suggested that the entire Muslim American community was somehow complicit in this heinous act. This is irresponsible fearmongering—plain and simple. It is guilt by association. And it makes us less safe. We should all condemn this bigotry and reject attempts to foment fear and hatred. We are stronger and safer when we reject such attempts to divide us.

The Republican standard bearer has also questioned the motivations and patriotism of the President of the United States. These insinuations are dangerous. They are beyond the pale, and I reject them emphatically and categorically. I call on every Member of this body to do the same. We are a better nation than this.

The American people are rightfully demanding action instead of rhetoric. They are tired of hearing that the tragedy in Orlando and the countless others we have endured are not about our gun laws. We must recognize that we have a security weakness in this country and ISIL is exploiting it. Our enemies know that in the United States you can go online or to a gun show and buy a gun. You don't need to have identification. No background check will be run. You can simply acquire a semi-automatic weapon that can kill dozens of people in a matter of minutes.

We must have universal background checks. That is simply common sense. We have had background checks for decades. I am among millions of responsible gun owners in this country who undergo background checks when we purchase a firearm. And, like millions of responsible gun owners, I understand that this check is necessary to help keep guns out of the hands of criminals and terrorists. It is common sense that we need to close the loopholes that allow people to evade background checks altogether. And we must also make sure that the background checks are effective. That means giving law enforcement the power to stop a suspected terrorist, or someone who has recently been under investigation for terrorism, from buying a gun. It is also common sense that assault weapons designed for the battlefield have no place on our streets, in our schools, in our churches, or in our communities. I have moved and supported an assault weapons ban for this simple reason.

These changes make sense, and they fix glaring vulnerabilities in our system. This is not about politics. This is about keeping Americans safe. This is about stepping up and taking action and not just resigning ourselves to the repeated call for moments of silence, tragedy after tragedy. I am a responsible gun owner, and I do not take this issue lightly. I have fought for years to pass these commonsense measures, and I will continue to do so.

Americans have shown throughout the course of history that we can live up to the principles of freedom, equality, and liberty that have guided us for so long. Now is the time to stand defiantly against the petty politics of fear.

Despite what others may say, we are a great nation. Now is the time for Congress to act to pass commonsense measures that have languished for too long and could save American lives.

BUDGET COMMITTEE COST ESTIMATE—S. 2837

Mr. ENZI. Mr. President, I wish to offer for the RECORD the Budget Committee's cost estimate of S. 2837, the Commerce, Justice, and Science Appropriations Act for Fiscal Year 2017.

The reported measure provides $56.3 billion in discretionary budget authority for fiscal year 2017, which will result in discretionary outlays of $64.4 billion.

The reported bill matches its section 302(b) allocation set forth in S. Rept. 114–273 for budget authority for both the security and nonsecurity categories, and matches the 302(b) allocation for outlays.

The bill is not subject to any budget-related points of order.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2837, 2017 COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal Year 2017, $ millions)

	Budget Authority		Outlays	
	Security	Nonsecurity	Total	Total
Senate-reported bill:	5,117	51,168	56,285	64,409
Senate 302(b) allocation:	5,117	51,168	56,285	64,409
2016 Enacted:	5,101	50,621	55,722	63,872
President's request:	5,102	49,522	54,624	64,468
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:	0	0	0	0
2016 Enacted:	16	547	563	537
President's request:	15	1,646	1,661	−59

NOTE: Details may not add to totals due to rounding.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. ALEXANDER. Mr. President, Senator MURRAY and I rise today to speak about our shared concerns with language included in this year's National Defense Authorization Act, NDAA.

Section 578 of this year's National Defense Authorization Act, NDAA, is an inappropriate place from which to impose mandates on nearly 20,000 public elementary and secondary schools in 1,225 public school districts across the country.

Legislative language is included in the NDAA this year that dictates disruptive policies on public schools that would create a complicated and confusing system where one school system follows established background checks under State or local law, while a neighboring county must now comply with a new unfunded Federal mandate. This language should not be included in the final version of this bill.

The U.S. Senate takes seriously the goal of ensuring the safety of the more than 50 million children in our 100,000 public schools, including federally connected children. These issues have been and should be discussed, debated, and legislated within the appropriate committees of jurisdiction. Measures related to education are within the jurisdiction of the Senate Health, Education, Labor, and Pensions Committee under Rule XXV of the Standing Rules of the Senate, as well as within the jurisdiction of the House Committee on Education and the Workforce under Rule X of the Rules of the House of Representatives for the 114th Congress.

So while it may be appropriate for the Armed Services Committee to dictate background check policies for the 172 schools operated by the Department of Defense, it is not appropriate to use the authorization bill for the Department of Defense to impose mandates on nearly 20,000 public elementary and secondary schools in 1,225 public school districts across the country.

These 20,000 public schools, out of 100,000 total, are being singled out because they receive ''Impact Aid'' funds from the Federal Government under title VII of the Elementary and Secondary Education Act, ESEA, of 1965. The purpose of the program is to ''fulfill the Federal responsibility to assist with the provision of educational services to federally connected children in a manner that promotes control by local educational agencies with little or no Federal or State involvement.''

According to the Government Accountability Office, 46 States already require background checks of some kind for all public school employees, and 42 States have established professional standards or codes of conduct for school personnel. Section 578 of the NDAA would create confusion for all those States and localities, as they are forced to navigate two sets of potentially conflicting background checks policies.

As chairman and ranking members of the Senate HELP Committee, Senator MURRAY and I worked tirelessly last year to pass a long-overdue reauthorization of the Elementary and Secondary Education Act. Our law, called the Every Student Succeeds Act, addressed the issue of background checks.

I now want to yield to my colleague, Mrs. MURRAY, to speak on this issue.

Mrs. MURRAY. Mr. President, I thank the Chairman of the HELP Committee, Senator ALEXANDER, for his comments.

I share his concerns that section 578 of the National Defense Authorization Act bill is not the right way to ensure students can learn in safe and secure school environments, and will impose unfair and unreasonable requirements on more than 1,200 schools districts across the country. Criminal background checks are a critically important means to ensure that students are safe in our schools, and that is why they are required in 46 States. But the language of section 578 will force the 1,225 school districts that receive Impact Aid funds—and which are in almost every State—to have two separate criminal background check systems for different schools and different employees within a single school district. It is costly, duplicative, poorly conceived, and should not be part of a Defense authorization bill.

In my State of Washington 628 schools, about a quarter of our public schools, receive Impact Aid funds and would be subject to a separate expensive set of background checks that differs from the background checks already conducted. In the chairman's State, 571 schools receive Impact Aid funds and would be subject to this different standard. It is fundamentally unfair and not beneficial to students to ask our schools and our school districts to assume the costs of these checks, which are similar to but not exactly the same as those already conducted in our States.

Our highest priority is making sure students in schools across the country are protected. But I agree with the chairman that section 578 of the National Defense Authorization Act, NDAA, is not the right way to help schools effectively protect their students. As the Chairman already noted,

the reauthorization of the Elementary and Secondary Education Act that occurred less than a year ago took a major step forward in protecting unsuspecting students and families from school employees suspected of abuse in previous positions. We incentivized schools and districts to report cases of suspected abuse to law enforcement and made it far more difficult for schools to quietly allow suspected abusers to seek employment in another State or school district. The amendment that provided those protections was adopted by a vote of 98–0.

While this was an important step forward, I continue to look for ways to build on it and continue our work making sure students are being protected most effectively. Unfortunately, rather than taking the important step of extending similar protections for students to schools operated by the Department of Defense, the bill instead overrides a comprehensive Department of Defense criminal background check regulation that provides strong new protections to students and is less than a year old. NDAA section 578 imposes a background check system with serious problems on DOD schools and then further extends that problematic background check system to non-Department of Defense schools all over the country.

Section 578 imposes a system of criminal background checks that prohibits people from working in any capacity in these schools if they have committed low-level offenses having nothing to do with violence or children. Unlike the laws in 29 States, as well as the new Department of Defense regulation, section 578 of the NDAA offers employees no way to demonstrate mitigating circumstances and requires that employees are terminated while appealing a finding, even though these records are often inaccurate or incomplete.

Section 578 is unnecessary, expensive, unfairly creates competing background check systems in States across the county and, most importantly, is not the right way to ensure our schools are safe. This provision is not within the jurisdiction of the Armed Services Committee, and I join the chairman in his position that it should not be included in the final bill.

Mr. President, I thank the Senator for engaging in the colloquy.

DACA 4-YEAR ANNIVERSARY

Mr. MENENDEZ. Mr. President, I wish to speak on this fourth anniversary of the Deferred Action for Childhood Arrivals Program, DACA, for all of the young men and young women it has helped bring out of the shadows—young men and woman who came to this country as children and, because of DACA, have had the security of temporary deportation relief and work authorization so they could achieve their full potential as young Americans.

I celebrate DACA's anniversary with great pride and tremendous hope. For years, I pushed hard to make this program a reality.

I have spoken directly—and frankly—to the President many times about granting long-overdue administrative relief to DREAMers, who are Americans in every way except for a piece of paper.

And 4 years ago, with the tireless advocacy of DREAMers and the power of their individual stories, with the help of the immigrant community, community leaders in cities and towns across America, and countless Members of Congress, the President took action and changed the lives of thousands of young men and women, allowing them to fully contribute to the country they call home—the only country they have ever known. DACA recipients are part of our communities in all 50 States.

New Jersey ranks ninth in the Nation, with over 34,000 approved DACA applications. These young people have been granted the most important thing they could have: the peace of mind that comes with temporary protection from deportation and the ability to work and contribute.

Since its inception, DACA has harnessed their talents in measurable ways and is a success today because of the President's bold Executive actions in June of 2012. In an immigration system as flawed as ours, DACA has been a beacon of hope, one shining light leading the way toward fairness, justice, and a better life for so many immigrants looking for a chance to succeed in America as Americans.

The numbers tell the story. DACA has been granted to approximately 728,000 young immigrants. It has strengthened our economy. A survey by the National Immigration Law Center and the Center for American Progress found that after obtaining DACA, more than two-thirds of recipients were able to secure a job with higher pay and their wages rose by an average of 45 percent.

Higher wages are not just good for DACA recipients, but for all Americans; it stimulates economic growth and translates into more tax revenue.

DACA has allowed young Americans to open bank accounts, get a driver's license, go to college, and prepare for a stable, economically secure, and financially solvent future for themselves and their families.

There is no question in my mind—and the numbers prove it—that DACA has been a model of success, and that success has been shaped by the courageous young men and women who decided to come forward, register with the government, subject themselves to a background check, work hard, and take advantage of every single opportunity that DACA provides.

These young men and women and their families represent who we are as a nation. They embody the spirit of American life, which has always been shaped by the hopes, dreams, and courage of those who have made this country their home.

In the absence of comprehensive immigration reform, DACA allows these young people to live with dignity and without the fear of deportation—the fear of being separated from their families. Now, they are our newest college students, teachers, and small business owners.

So here we are—with the perspective of 4 years of DACA success, 4 years of dreams fulfilled, potential reached—and proof that all of America benefits when an undocumented individual steps out of the shadows—proof that, when we give people a chance, they can make it on their own ingenuity, skill, and hard work, and they will not only contribute to the economy, but to the strength of America.

With the lessons of 4 years of DACA, it should be clear that we need to build upon DACA's success, not turn our backs on extending fair opportunities to those who are willing to work hard for them.

For many, the dream began with DACA. For others, the dream remains only a dream, delayed because of the politically motivated lawsuit of U.S. v. Texas. A case which has blocked the President's more recent Executive actions, Deferred Action for Parents of Americans and Legal Permanent Residents, DAPA, and expanded DACA from being implemented.

These new programs provide temporary relief from deportation and a work permit to parents of U.S. citizens and lawful permanent resident children and a larger group of DREAMers.

The case is currently before the Supreme Court, and we expect the Court to issue a decision this month.

I attended oral arguments on April 18 and remain hopeful that the Justices will see through the hate and the political theater, and that it will be clear that our Nation governs by its values, that we favor building bridges instead of walls.

And I am not alone in that hope. I was joined by 224 Members of Congress in filing an amicus brief outlining the legality and importance of implementing the President's DAPA and expanded DACA programs.

We felt the need to show our support for the President's actions while pushing back against the jingoism, isolationism, and xenophobia of those who insist on leaving millions of families, millions of parents of U.S. children stuck in the shadows.

With this case, the Supreme Court has an opportunity to do something positive: to provide temporary relief from deportation and a work permit to almost 4 million parents of U.S. citizens and lawful permanent residents.

It would allow the current DACA program to be expanded to benefit almost 300,000 more DREAMers. Combined, these programs would help almost 5 million immigrants waiting for a chance to come out of the shadows.

And we know, at the end of the day, when all is said and done, DAPA and expanded DACA have one dramatic impact that cannot be denied: They give young people and their parents the peace of mind every family deserves—to be able to build their lives together.

It is my sincere hope that the politics of what is happening in this lawsuit and with the immigration rhetoric in general will be abundantly clear to the Supreme Court and we will have a positive ruling that allows expanded DACA and DAPA to move forward, bring some order, and keep hard-working families together.

I believe the Supreme Court will agree that the President's Executive actions are within his legal authority, that they represent the very best of American values and a fundamental respect for family unity. This is a pivotal legal battle over what amounts to the basic humanity of American immigration policy. I am not exaggerating when I say that people's lives and families are at stake.

It is personal. I have spoken to police chiefs, teachers, religious leaders, moms and dads, and U.S. citizen children, and it is clear that these policies are just and humane to keep these families together.

Ultimately, the only way to fix our broken immigration system is for Congress to pass comprehensive immigration legislation. I will continue to fight for comprehensive immigration reform that will fix our Nation's broken immigration system once and for all, not just because it makes good economic sense, but because it is the right thing to do—because we are a nation of immigrants.

DACA's success should further encourage Congress to move forward, fortified by the conviction that comprehensive immigration reform is a fight worth fighting for.

But today I join my colleagues in commemorating DACA's anniversary as a day that marks 4 years of smart and successful policy, as a step in the right direction, and as a foundation upon which we can continue to build. The foundation that the Supreme Court should look to when ruling on DAPA and expanded DACA.

Let's work to extend the American Dream to all.

REMEMBERING MITCHELL WINEY

Mr. DONNELLY. Mr. President, today, I wish to honor West Point Cadet Mitchell Winey of Chesterton, IN, who tragically passed away along with eight other soldiers during a military training accident at Fort Hood, Texas, on June 2. He was 21 years old.

Mitchell was everything a parent hopes for in a son. He was kind, hardworking, and someone the community of Chesterton was proud to know. He was an honor roll student, captain of the soccer team, prom king, and class president for 4 years at Chesterton High School. Mitchell was a born leader, who lived his life in service to others. He was someone who inspired his friends and family to step outside of their comfort zones and try new things. He was also the friend who came home on leave and immediately visited a fellow student he used to tutor.

In 2013, I had the honor of nominating Mitchell for the U.S. Military Academy at West Point, after he came to my office seeking to fulfill his dream of serving our country and becoming a West Point cadet. In his application for an academy nomination, Mitchell wrote, ''Attending one of the United States' service academies will help me grow to be the best officer I could become. Through all the rigorous leadership, communication, and military training, any of the service academies would help me grow to not only be the best person I could be, but the best officer I could possibly be.''

At West Point, Mitchell was an emerging leader in his class and a dedicated cadet. Mitchell personified the ideals and values of West Point—duty, honor, and country—as he pursued a major in engineering management and excelled both academically and athletically as a member of the Ski Patrol and founding member of the newly formed freestyle ski team.

The loss of Mitchell is felt by West Point, Chesterton, and the State of Indiana. He touched many lives and left an impact on all who knew him. Mitchell will be remembered not only for his selfless service but for his positive attitude, contagious smile, caring nature, love of life, as well as for the love he had for his family, friends, and our country.

Mitchell is survived and deeply missed by his parents, Tim and Margo Winey, and his sister, Paige Winey-Scheuer. His loss is felt by his fellow cadets, the entire Chesterton community, and all who had the pleasure of knowing Mitchell. Let us always remember and emulate the shining example this dedicated, modest young man set for us, and honor him for his commitment to serving his fellow citizens. May God welcome Mitchell home and shed his grace on his family, friends, and fellow cadets.

ADDITIONAL STATEMENTS

250TH ANNIVERSARY OF CROYDON, NEW HAMPSHIRE

● Ms. AYOTTE. Mr. President, today I wish to honor Croydon, NH, a wonderful community in Sullivan County that is celebrating the 250th anniversary of its founding.

Croydon sits atop the plateaus between the Connecticut and Merrimack Rivers. The charter of Croydon was signed by Colonial Governor Benning Wentworth and witnessed by Theodore Atkinson on May 31, 1763. Named for a suburb of London, England, Croydon was incorporated and granted to 71 individuals.

In the spring of 1766, individuals hailing from Grafton, MA, made their way to Croydon to begin the settlement process. On June 10, 1766, the Chase family became the first family in Croydon. The first town meeting was held March 8, 1768, and since that time, the population has grown to include 764 residents as of the year 2010.

Known for its mountainous terrain, Croydon is home to many peaks and hills. Croydon Peak is the highest location in Sullivan County with an elevation of 2,756 feet, and it extends across the western portion of the town. Pine Hill lies in the eastern part. Due to Croydon's access to the Sugar River, the town is well-fertilized, which encouraged residents to become skilled in agriculture and raising cattle.

Croydon's most notable landmark is the ''Little Red School,'' which is reported to be the longest continuously operated one-room schoolhouse since the late 1700s. Little Red first opened in 1794 and today is the schoolhouse for the third and fourth grade classes.

In the year of 2016, we join together to honor the 250th anniversary of Croydon. Croydon has contributed greatly to the State of New Hampshire. I am proud to salute its citizens and recognize their accomplishments, their love of country, and their spirit of independence.●

TRIBUTE TO DANIELLE TA'SHEENA FINN

● Ms. HEITKAMP. Mr. President, I want to congratulate Danielle Ta'Sheena Finn, a resident of the great State of North Dakota, on being crowned the 2016–2017 Miss Indian World.

The Miss Indian World competition is the largest and most prestigious cultural pageant for young Native women and was recently held during the Gathering of Nations Powwow at the University of New Mexico in Albuquerque. Twenty-four contestants from across the United States and Canada were judged on public speaking, personal interview, talent presentation, traditional dance, and essay. Throughout the competition, contestants demonstrated an in-depth knowledge of their culture and tribal history. Danielle won ''Best Public Speaking'' and ''Best Personal Interview.'' Her traditional talent was an explanation, song, and dance of the Lakota Penny Dress.

Danielle is the first tribal member from the Standing Rock Sioux Tribe to be crowned Miss Indian World. At 25 years old, she is a 3rd-year law student at Arizona State University and will graduate a semester early in December. Danielle also has a degree in criminal justice and a minor in international business from Minot State University. In 2014, the Center for Native American Youth recognized Danielle as a prestigious ''Champion for Change,'' which she achieved through a national nomination process for aspiring young Native leaders. Danielle also served as an intern in my Bismarck office where she displayed a sense of leadership. Through her internship, I had the opportunity to see firsthand the compassion she has for others and her eagerness to make a positive difference.

Danielle plans to use the platform of Miss Indian World to advocate for suicide prevention and higher education. As a speaker of her traditional Lakota language, Danielle also plans to advocate for Native language preservation. The National Congress of American Indians has declared Native languages to be in a state of emergency. According to the United Nations Organization for Education, Science, and Culture, 74 Native languages stand to disappear within the next decade. Equally alarming, scholars project that without immediate and persistent action, only 20 Native languages will still be spoken by 2050.

As Congress works to support Native youth and address their holistic needs that include behavioral and mental health issues, it is heartening to see Danielle be a strong voice in areas so critical to helping her tribe and community members succeed. I wish Danielle the best as she travels and advocates in her role as Miss Indian World, an ambassador for all tribal nations. It is truly a great honor to have such a talented young woman represent North Dakota and Indian Country on the world stage.●

MESSAGE FROM THE HOUSE

At 11:17 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5049. An act to provide for improved management and oversight of major multi-user research facilities funded by the National Science Foundation, to ensure transparency and accountability of construction and management costs, and for other purposes.

H.R. 5053. An act to amend the Internal Revenue Code of 1986 to prohibit the Secretary of the Treasury from requiring that the identity of contributors to 501(c) organizations be included in annual returns.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5049. An act to provide for improved management and oversight of major multi-user research facilities funded by the National Science Foundation, to ensure transparency and accountability of construction and management costs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5053. An act to amend the Internal Revenue Code of 1986 to prohibit the Secretary of the Treasury from requiring that the identity of contributors to 501(c) organizations be included in annual returns; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5754. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clofentizine; Pesticide Tolerances'' (FRL No. 9942–23) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5755. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorantraniliprole; Pesticide Tolerances'' (FRL No. 9946–75) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Agriculture , Nutrition, and Forestry.

EC–5756. A communication from the Principal Deputy Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to a consolidated budget justification display that includes all programs and activities of the Department of Defense combating terrorism program (OSS–2016–0810); to the Committee on Armed Services.

EC–5757. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to the global defense posture (OSS–2016–0830); to the Committee on Armed Services.

EC–5758. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to depot-level maintenance and repair workloads by the public and private sectors; to the Committee on Armed Services.

EC–5759. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to core depot-level maintenance and repair capability and sustaining workloads; to the Committee on Armed Services.

EC–5760. A communication from the Deputy Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Trade Acknowledgment and Verification of Security-Based Swap Transactions'' (RIN3235–AK91) received in the Office of the President of the Senate on June 9, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5761. A communication from the Regulatory Liaison, Office of Natural Resources Revenue, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalties Inflation Adjustment'' (RIN1012–AA17) received in the Office of the President of the Senate on June 9, 2016; to the Committee on Energy and Natural Resources.

EC–5762. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Indiana; Ohio; Disapproval of Interstate Transport Requirements for the 2008 Ozone NAAQS'' (FRL No. 9947–71–Region 5) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Environment and Public Works.

EC–5763. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Failure to Submit a State Implementation Plan; New Jersey; Interstate Transport Requirements for 2008 8-hour National Ambient Air Quality Standards for Ozone'' (FRL No. 9947–77–Region 2) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Environment and Public Works.

EC–5764. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of California Air Plan Revisions, Eastern Kern Air Pollution Control District and Yolo-Solano Air Quality Management District'' (FRL No. 9946–38–Region 9) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Environment and Public Works.

EC–5765. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia Infrastructure Requirements for the 2012 Fine Particulate Matter National Ambient Air Quality Standards'' (FRL No. 9947–76–Region 3) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Environment and Public Works.

EC–5766. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; UT; Revised format for Material Incorporated by Reference'' (FRL No. 9945–65–Region 8) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Environment and Public Works.

EC–5767. A communication from the Principal Deputy Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS–2016–008); to the Committee on Foreign Relations.

EC–5768. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Argonne National Laboratory-West, Scoville, Idaho, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–5769. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at

the Lawrence Livermore National Laboratory, Livermore, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–5770. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Idaho National Laboratory, Scoville, Idaho, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–5771. A communication from the Deputy Under Secretary for Management and Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Purchase and Usage of Weapons for 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–5772. A communication from the Deputy Under Secretary for Management and Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Public Assistance Program Alternative Procedures: Fiscal Year 2015 Report to Congress—Fourth Quarterly Status Report''; to the Committee on Homeland Security and Governmental Affairs.

EC–5773. A communication from the Deputy Under Secretary for Management and Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Public Assistance Program Alternative Procedures: Fiscal Year 2015 Report to Congress—Third Quarterly Status Report''; to the Committee on Homeland Security and Governmental Affairs.

EC–5774. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act of 1974; exemptions'' (RIN3095–AB91) received in the Office of the President of the Senate on June 9, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5775. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5776. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the foreign aviation authorities to which the Administration provided services during fiscal year 2015; to the Committee on Commerce, Science, and Transportation.

EC–5777. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Categorical Exclusions'' (RIN2132–AB29) received in the Office of the President of the Senate on June 9, 2016; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURR, from the Select Committee on Intelligence:

Report to accompany S. 3017, An original bill to authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 114–277).

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2017'' (Rept. No. 114–278).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. THUNE for the Committee on Commerce, Science, and Transportation.

Coast Guard nomination of Rear Adm. Marshall B. Lytle III, to be Vice Admiral.

*Coast Guard nomination of Vice Adm. Fred M. Midgette, to be Vice Admiral.

*Blair Anderson, of California, to be Under Secretary of Transportation for Policy.

*Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2020.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON (for himself and Mr. KIRK):

S. 3058. A bill to require that certain information relating to terrorism investigations be included in the NICS database, and for other purposes; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself and Mr. SULLIVAN):

S. 3059. A bill to reauthorize and amend the John H. Prescott Marine Mammal Rescue and Response Grant Program and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself, Ms. HEITKAMP, Mr. PORTMAN, Mr. VITTER, Mr. GARDNER, Mr. ROBERTS, Mr. ISAKSON, Mr. JOHNSON, Mr. BENNET, and Mr. COONS):

S. 3060. A bill to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements; to the Committee on Finance.

By Mr. MANCHIN (for himself, Mr. KIRK, and Mr. PERDUE):

S. 3061. A bill to establish a national commission on fiscal responsibility and reform; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Mr. TILLIS):

S. 3062. A bill to require the Federal Trade Commission to consider including smart grid capability on Energy Guide labels for products; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 207

At the request of Mr. MORAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 207, a bill to require the Secretary of Veterans Affairs to use existing authorities to furnish health care at non-Department of Veterans Affairs facilities to veterans who live more than 40 miles driving distance from the closest medical facility of the Department that furnishes the care sought by the veteran, and for other purposes.

S. 314

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 425

At the request of Mr. BOOZMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 425, a bill to amend title 38, United States Code, to provide for a five-year extension to the homeless veterans reintegration programs and to provide clarification regarding eligibility for services under such programs.

S. 551

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 551, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 865

At the request of Mr. TESTER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 865, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.

S. 1566

At the request of Mr. FRANKEN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1566, a bill to amend the Public Health Service Act to require group and individual health insurance coverage and group health plans to provide for coverage of oral anticancer drugs on terms no less favorable than the coverage provided for anticancer medications administered by a health care provider.

S. 1686

At the request of Ms. BALDWIN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 1686, a bill to amend the Internal Revenue Code of 1986 to provide for the

proper tax treatment of personal service income earned in pass-thru entities.

S. 1737

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1737, a bill to provide an incentive for businesses to bring jobs back to America.

S. 1982

At the request of Mr. CARDIN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1982, a bill to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund the Wall of Remembrance.

S. 2390

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2390, a bill to provide adequate protections for whistleblowers at the Federal Bureau of Investigation.

S. 2484

At the request of Mr. SCHATZ, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 2484, a bill to amend titles XVIII and XI of the Social Security Act to promote cost savings and quality care under the Medicare program through the use of telehealth and remote patient monitoring services, and for other purposes.

S. 2736

At the request of Mr. THUNE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2736, a bill to improve access to durable medical equipment for Medicare beneficiaries under the Medicare program, and for other purposes.

S. 3034

At the request of Mr. CRUZ, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of S. 3034, a bill to prohibit the National Telecommunications and Information Administration from allowing the Internet Assigned Numbers Authority functions contract to lapse unless specifically authorized to do so by an Act of Congress.

S. 3039

At the request of Mr. KING, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3039, a bill to support programs for mosquito-borne and other vector-borne disease surveillance and control.

S. 3053

At the request of Mr. CASEY, the names of the Senator from Massachusetts (Ms. WARREN), the Senator from Oregon (Mr. WYDEN) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 3053, a bill to prevent a person who has been convicted of a misdemeanor hate crime, or received an enhanced sentence for a misdemeanor because of hate or bias in its commission, from obtaining a firearm.

S.J. RES. 35

At the request of Mr. FLAKE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S.J. Res. 35, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of Labor relating to ''Interpretation of the 'Advice' Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act''.

S. CON. RES. 35

At the request of Mr. RUBIO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 35, a concurrent resolution expressing the sense of Congress that the United States should continue to exercise its veto in the United Nations Security Council on resolutions regarding the Israeli-Palestinian peace process.

S. RES. 373

At the request of Ms. HIRONO, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. Res. 373, a resolution recognizing the historical significance of Executive Order 9066 and expressing the sense of the Senate that policies that discriminate against any individual based on the actual or perceived race, ethnicity, national origin, or religion of that individual would be a repetition of the mistakes of Executive Order 9066 and contrary to the values of the United States.

S. RES. 482

At the request of Mr. RUBIO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 482, a resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization and to increase pressure on the organization and its members to the fullest extent possible.

S. RES. 483

At the request of Mr. ALEXANDER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 483, a resolution designating June 20, 2016, as ''American Eagle Day'' and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Ms. HEITKAMP, Mr. PORTMAN, Mr. VITTER, Mr. GARDNER, Mr. ROBERTS, Mr. ISAKSON, Mr. JOHNSON, Mr. BENNET, and Mr. COONS):

S. 3060. A bill to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, for much of this Congress, I have been working on a bipartisan basis to correct a little understood provision in the Affordable Care Act, ACA, that punishes small businesses for attempting to help their employees purchase individual insurance.

That is right, this provision actually punishes businesses that want to do the right thing and help their employees obtain health insurance coverage.

This is a result of so-called market reforms in the ACA, which based on IRS guidance generally prohibit employers from reimbursing their employees for the cost of health insurance the employee purchases on the individual market. An employer who does do this faces a $100 a day per employee penalty.

This fails to meet the common sense test, particularly when it comes to farmers, ranchers, and small business owners who frequently do not have the resources to offer a traditional group health plan to their employees.

These businesses have no obligation under the ACA to offer any form of insurance. However, they would like to do what they can to help their employees obtain coverage. This is a practice that should be commended, not penalized.

This is why last June 1 introduced the Small Business Health Care Relief Act with Senator HEITKAMP. Under our bill, small businesses would once again be able to do something many have done for years. Namely, reimburse their employees on a pre-tax basis for the purchase of health insurance on the individual market.

Since introduction, Senator HEITKAMP and I have been working, along with Congressman BOUSTANY and THOMPSON in the House, with the Joint Committee on Taxation and Treasury to get feedback on our bill to ensure it works as intended.

I am pleased today to see that this hard work is starting to bear fruit. The Ways and Means Committee marked up and favorably reported to the full House a slightly revised version of our bill with bipartisan support.

In hopes of continuing this momentum, Senator HEITKAMP and I are reintroducing this revised version of the Small Business Health Care Relief Act in the Senate today.

This new version mainly makes improvements to the bill to ensure the bill will work as intended. Further, in order to address cost concerns, the bill imposes a generous limit on the amount an employer may provide to their employee to purchase individual insurance. This limit is set at $5,130 for individuals and $10,260 for a family. These amounts are indexed for inflation going forward.

I am pleased that our bill continues to have strong support from the small

business community, including the National Association of Home Builders, the National Association for the Self-Employed, the National Federation of Independent Business, the Council for Affordable Health Coverage, the American Farm Bureau, and many more.

This legislation should be a no brainer for anyone who supports small business. I hope with today's action in the Ways and Means Committee, it is only a matter of time before this legislation becomes law. I urge all my colleagues to work with Senator HEITKAMP and me to see to it that this becomes a reality.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4685. Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) proposed an amendment to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

SA 4686. Mr. SHELBY proposed an amendment to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra.

SA 4687. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4688. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4689. Ms. MIKULSKI (for herself and Mr. NELSON) submitted an amendment intended to be proposed by her to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4690. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4691. Mr. MURPHY (for himself, Mr. SCHUMER, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4692. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4693. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4694. Mr. LEE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4695. Mr. LEE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4696. Mr. LEE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4697. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4698. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4699. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4700. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4701. Mr. ISAKSON (for himself and Mr. PERDUE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4702. Mr. ISAKSON (for himself and Mr. PERDUE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4703. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4704. Mrs. FISCHER (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4705. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4706. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4707. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4708. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4709. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. NELSON, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Ms. MIKULSKI, Mrs. BOXER, Mr. BOOKER, Mr. UDALL, Mr . CARPER, Mr. MARKEY, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. WARNER, Mr. KAINE, Mr. COONS, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. CASEY, Mr. BROWN, Mrs. GILLIBRAND, Mr. KING, Mr. SCHATZ, Ms. KLOBUCHAR, and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4710. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4711. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4712. Mr. BURR submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4713. Mr. BURR submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4714. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4715. Mr. HELLER (for himself, Mr. VITTER, Mr. CRAPO, Mr. PAUL, Mr. LEE, and Mr. CRUZ) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4716. Mr. MANCHIN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4717. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4718. Mr. CRUZ (for himself, Mr. GRASSLEY, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4719. Ms. BALDWIN (for herself, Ms. MIKULSKI, Ms. HIRONO, Mr. SCHUMER, Mr. BOOKER, Mr. MERKLEY, Mr. BROWN, Mr. NELSON, Mrs. SHAHEEN, Mr. MARKEY, Mr. BENNET, Mr. SANDERS, Mrs. FEINSTEIN, Mr. WYDEN, Mr. PETERS, Mr. DURBIN, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4720. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. NELSON, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Ms. MIKULSKI, Mrs. BOXER, Mr. UDALL, Mr. CARPER, Mr. MARKEY, Mr. MENENDEZ, Mr. COONS, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. BROWN, Mr. SCHATZ, Ms. KLOBUCHAR, Mr. MURPHY, Mrs. MCCASKILL, Mr. HEINRICH, Mr. FRANKEN, Mr. BOOKER, and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4685. Mr. MCCONNELL (FOR MR. SHELBY (for himself and Ms. MIKULSKI))

proposed an amendment to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2017, and for other purposes, namely:

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $495,000,000, to remain available until September 30, 2018, of which $12,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of title 31, United States Code: *Provided*, That, of amounts provided under this heading, not less than $16,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of citizens of the United States and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $13,500 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by section 1(b) of the Act of June 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $112,500,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), $215,000,000, to remain available until expended, of which $20,000,000 shall be for grants under such section 27.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $39,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $32,000,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $109,000,000, to remain available until September 30, 2018.

BUREAU OF THE CENSUS

CURRENT SURVEYS AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics, provided for by law, $270,000,000: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics for periodic censuses and programs provided for by law, $1,248,319,000, to remain available until September 30, 2018: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: *Provided further*, That within the amounts appropriated, $2,580,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to the Bureau of the Census.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $39,500,000, to remain available until September 30, 2018: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, $3,230,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2017, so as to result in a fiscal year 2017 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2017, should the total amount of such offsetting collections be less than $3,230,000,000 this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of $3,230,000,000 in fiscal year 2017 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act

and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That any amounts reprogrammed in accordance with the preceding proviso shall be transferred to the United States Patent and Trademark Office ''Salaries and Expenses'' account: *Provided further*, That from amounts provided herein, not to exceed $900 shall be made available in fiscal year 2017 for official reception and representation expenses: *Provided further*, That in fiscal year 2017 from the amounts made available for ''Salaries and Expenses'' for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the FEHB Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: *Provided further*, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): *Provided further*, That within the amounts appropriated, $2,000,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the National Institute of Standards and Technology (NIST), $700,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the ''Working Capital Fund'': *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses: *Provided further*, That NIST may provide local transportation for summer undergraduate research fellowship program participants.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, $155,000,000, to remain available until expended, of which $130,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which $25,000,000 shall be for the National Network for Manufacturing Innovation.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), $119,000,000, to remain available until expended: *Provided*, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000, and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,339,376,000, to remain available until September 30, 2018, except that funds provided for cooperative enforcement shall remain available until September 30, 2019: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That in addition, $130,164,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'', which shall only be used for fishery activities related to the Saltonstall-Kennedy Grant Program, Cooperative Research, Annual Stock Assessments, Survey and Monitoring Projects, Interjurisdictional Fisheries Grants, and Fish Information Networks: *Provided further*, That of the $3,487,040,000 provided for in direct obligations under this heading, $3,339,376,000 is appropriated from the general fund, $130,164,000 is provided by transfer and $17,500,000 is derived from recoveries of prior year obligations: *Provided further*, That the total amount available for National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $230,050,000: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $2,286,853,000, to remain available until September 30, 2019, except that funds provided for acquisition and construction of vessels and construction of facilities shall remain available until expended: *Provided*, That of the $2,299,853,000 provided for in direct obligations under this heading, $2,286,853,000 is appropriated from the general fund and $13,000,000 is provided from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: *Provided further*, That, within the amounts appropriated, $1,302,000 shall be transferred to the ''Office of Inspector General'' account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition and construction.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $65,000,000, to remain available until September 30, 2018: *Provided*, That, of the funds provided herein, the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $350,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2017, obligations of direct loans may not exceed $24,000,000 for Individual Fishing Quota loans and not to exceed $100,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed $4,500 for official reception and representation, $58,000,000: *Provided*, That within amounts provided, the Secretary of Commerce may use up to $2,500,000 to engage in activities to provide businesses and communities with information about and referrals to relevant Federal, State, and local government programs.

RENOVATION AND MODERNIZATION

For necessary expenses for the renovation and modernization of Department of Commerce facilities, $12,224,000, to remain available until expended: *Provided*, That unobligated balances of available discretionary funds appropriated for the Department of Commerce in this Act or previous appropriations Acts may be transferred to, and merged with, this account: *Provided further*, That any such funds appropriated in prior appropriations Acts transferred pursuant to the authority in the preceding proviso shall retain the same period of availability as when originally appropriated: *Provided further*, That the transfer authority provided in the first proviso is in addition to any other transfer authority contained in this Act: *Provided further*, That any transfer pursuant to the authority provided under this heading shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $32,744,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

SEC. 104. The requirements set forth by section 105 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112–55), as amended by section 105 of title I of division B of Public Law 113–6, are hereby adopted by reference and made applicable with respect to fiscal year 2017: *Provided*, That the life cycle cost for the Joint Polar Satellite System is $11,322,125,000 and the life cycle cost for the Geostationary Operational Environmental Satellite R-Series Program is $10,150,059,000.

SEC. 105. Notwithstanding any other provision of law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms, or organizations are authorized, pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority, to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 106. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 107. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization, for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 108. The National Technical Information Service shall not charge any customer for a copy of any report or document generated by the Legislative Branch unless the Service has provided information to the customer on how an electronic copy of such report or document may be accessed and downloaded for free online. Should a customer still require the Service to provide a printed or digital copy of the report or document, the charge shall be limited to recovering the Service's cost of processing, reproducing, and delivering such report or document.

SEC. 109. The Secretary of Commerce may waive the requirement for bonds under 40 U.S.C. 3131 with respect to contracts for the construction, alteration, or repair of vessels, regardless of the terms of the contracts as to payment or title, when the contract is made under the Coast and Geodetic Survey Act of 1947 (33 U.S.C. 883a et seq.).

SEC. 110. None of the funds appropriated or otherwise made available in this Act may be used in contravention of section 110 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016 (Public Law 114–113).

SEC. 111. To carry out the responsibilities of the National Oceanic and Atmospheric Administration (NOAA), the Administrator of NOAA is authorized to: (1) enter into grants and cooperative agreements with; (2) use on a non-reimbursable basis land, services, equipment, personnel, and facilities provided by; and (3) receive and expend funds made available on a consensual basis from: a Federal agency, State or subdivision thereof, local government, tribal government, territory, or possession or any subdivisions thereof: *Provided*, That funds received for permitting and related regulatory activities pursuant to this section shall be deposited under the heading ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' and shall remain available until September 30, 2019, for such purposes: *Provided further*, That all funds within this section and their corresponding uses are subject to section 505 of this Act.

SEC. 112. Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Economics and Statistics Administration of the Department of Commerce, including amounts provided for programs of the Bureau of Economic Analysis and the U.S. Census Bureau, shall be available for expenses of cooperative agreements with appropriate entities, including any Federal, State, or local governmental unit, or institution of higher education, to aid and promote statistical, research, and methodology activities which further the purposes for which such amounts have been made available.

SEC. 113. No funds appropriated or otherwise made available in this Act may be used by the Department of Commerce Office of General Counsel during the time period in which the Department of Commerce Office of Inspector General has notified the Committees on Appropriations of the House of Representatives and the Senate that any component within the Department of Commerce is not in compliance with section 536 of this Act.

This title may be cited as the ''Department of Commerce Appropriations Act, 2017''.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $114,124,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

JUSTICE INFORMATION SHARING TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $50,000,000, to remain available until expended: *Provided*, That the Attorney General may transfer up to $35,400,000 to this account, from funds available to the Department of Justice for information technology, to remain available until expended, for enterprise-wide information technology initiatives: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act.

ADMINISTRATIVE REVIEW AND APPEALS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $426,791,000 of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examinations Fee'' account: *Provided*, That of the amount available for the Executive Office for Immigration Review, not to exceed $15,000,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $95,583,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $13,308,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $893,000,000, of which not to exceed $20,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the amount provided for INTERPOL Washington dues payments, not to exceed $685,000 shall remain available until expended: *Provided further*, That of the total amount appropriated, not to exceed $9,000 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: *Provided further*, That of the amounts provided under this heading for the election monitoring program, $3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $9,358,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $164,977,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $125,000,000 in fiscal year 2017), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2017, so as to result in a final fiscal year 2016 appropriation from the general fund estimated at $39,977,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $2,030,000,000: *Provided*, That of the total amount appropriated, not to exceed $7,200 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $25,000,000 shall remain available until expended: *Provided further*, That each United States Attorney shall establish or participate in a task force on human trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $225,908,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, deposits to the United States Trustee System Fund and amounts herein appropriated shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, fees collected pursuant to section 589a(b) of title 28, United States Code, shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That to the extent that fees collected in fiscal year 2017, net of amounts necessary to pay refunds due depositors, exceed $225,908,000, those excess amounts shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year 2017, net of amounts necessary to pay refunds due depositors, (estimated at $163,000,000) and (2) to the extent that any remaining general fund appropriations can be derived from amounts deposited in the Fund in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $2,374,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $270,000,000, to remain available until expended, of which not to exceed $16,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $13,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: *Provided*, That amounts made available under this heading may not be transferred pursuant to section 205 of this Act.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Community Relations Service, $14,446,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, $20,514,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,249,040,000, of which not to exceed $6,000 shall be available for official reception and representation expenses, and not to exceed $15,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $10,000,000, to remain available until expended.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, $1,454,414,000, to remain available until expended: *Provided*, That not to exceed $20,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to section 4013(b) of title 18, United States Code: *Provided further*, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That any unobligated balances available from funds appropriated under the heading ''General Administration, Detention Trustee'' shall be transferred to and merged with the appropriation under this heading.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the activities of the National Security Division, $95,000,000, of which not to exceed $5,000,000

for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking organizations, recognized transnational organized crime, and money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in recognized transnational organized crime and drug trafficking, $512,000,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $8,617,133,000, of which not to exceed $216,900,000 shall remain available until expended: *Provided*, That not to exceed $184,500 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; $833,982,000, to remain available until expended: *Provided*, That $646,000,000 shall be for the construction of the new Federal Bureau of Investigation consolidated headquarters facility in the National Capital Region.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $2,102,976,000, of which not to exceed $75,000,000 shall remain available until expended and not to exceed $90,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,258,600,000, of which not to exceed $36,000 shall be for official reception and representation expenses, not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed $20,000,000 shall remain available until expended: *Provided*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $6,978,500,000: *Provided*, That the Attorney General may transfer to the Department of Health and Human Services such amounts as may be necessary for direct expenditures by that Department for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $5,400 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2018: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $113,022,000, to remain available until expended, of which not less than $99,022,000 shall be available only for modernization, maintenance, and repair, and of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated, shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) (''the 1974 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and the Rape Survivor Child Custody Act of 2015 (Public Law 114–22) (''the 2015 Act''); and for related victims services, $481,500,000, to remain available until expended, of which $379,000,000 shall be derived

by transfer from amounts available for obligation in this Act from the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601), notwithstanding section 1402(d) of such Act of 1984, and merged with the amounts otherwise made available under this heading: *Provided*, That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided—

(1) $215,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act (except that section 8(e) of Public Law 108–79 (42 U.S.C. 15607(e)) shall not apply for purposes of this Act);

(2) $30,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;

(3) $3,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to ''Research, Evaluation and Statistics'' for administration by the Office of Justice Programs;

(4) $11,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303, and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: *Provided further*, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

(5) $53,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which $4,000,000 is for a homicide reduction initiative and $4,000,000 is for a domestic violence firearm lethality reduction initiative;

(6) $35,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) $35,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) $20,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) $45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) $5,000,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) $16,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act: *Provided*, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002 of the 1994 Act, prior to their amendment by the 2013 Act, shall be available for this program;

(12) $6,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) $500,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(14) $1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act: *Provided*, That such funds may be transferred to ''Research, Evaluation and Statistics'' for administration by the Office of Justice Programs;

(15) $500,000 is for a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women;

(16) $4,000,000 is for grants to assist tribal governments in exercising special domestic violence criminal jurisdiction, as authorized by section 904 of the 2013 Act: *Provided*, That the grant conditions in section 40002(b) of the 1994 Act shall apply to this program; and

(17) $1,500,000 for the purposes authorized under the 2015 Act.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and other programs, $118,000,000, to remain available until expended, of which—

(1) $41,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act;

(2) $36,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act;

(3) $36,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act; and

(4) $5,000,000 is for activities to strengthen and enhance the practice of forensic sciences, of which $4,000,000 is for transfer to the National Institute of Standards and Technology to support Scientific Area Committees.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and other programs, $1,183,649,000, to remain available until expended as follows—

(1) $384,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g) of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, $15,000,000 is for an Officer Robert Wilson III memorial initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR), $10,000,000 is for an initiative to support evidence-based policing, $2,500,000 is for an initiative to enhance prosecutorial decision-making, $1,000,000 is for competitive grants to distribute firearm safety materials and gun locks, $2,400,000 is for the operationalization, maintenance and expansion of the National Missing and Unidentified Persons System, and $5,000,000 is for a national training initiative to improve police-based responses to people with mental illness or developmental disabilities;

(2) $100,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) $47,649,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386, for programs authorized under Public Law 109–164, or programs authorized under Public Law 113–4;

(4) $43,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

(5) $11,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(6) $14,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(7) $2,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review;

(8) $14,000,000 for economic, high technology and Internet crime prevention grants, including as authorized by section 401 of Public Law 110–403;

(9) $2,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

(10) $20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities;

(11) $8,000,000 for an initiative relating to children exposed to violence;

(12) $22,500,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;

(13) $1,000,000 for the National Sex Offender Public Website;

(14) $6,500,000 for competitive and evidence-based programs to reduce gun crime and gang violence;

(15) $75,000,000 for grants to States to upgrade criminal and mental health records for the National Instant Criminal Background Check System, of which no less than $25,000,000 shall be for grants made under the authorities of the NICS Improvement Amendments Act of 2007 (Public Law 110–180);

(16) $13,500,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(17) $125,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and federal forensic activities for the purposes described in section 2 of Public Law 106–546 as amended (the Debbie Smith DNA Backlog Grant Program) of which—

(A) $117,000,000 is for grants to crime laboratories for purposes under 42 USC 14135, section (a). Other funds under this section may be used to support training programs that are specific to the needs of DNA laboratory personnel and for programs outlined in sections 303, 304, 305, and 308 of Public Law 108–405, as amended;

(B) $4,000,000 is for the Kirk Bloodsworth Post-Conviction DNA Testing Program as authorized by section 412 and 413 of Public Law 108–405; and

(C) $4,000,000 is for Sexual Assault Forensic Exam Program Grants as authorized by section 304 of Public Law 108–405, as amended.

(18) $45,000,000 for a grant program for community-based sexual assault response reform;

(19) $9,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(20) $75,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110–199), without regard to the time limitations specified at section 6(1) of such Act, of which not to exceed $6,000,000 is for a program to improve State, local, and tribal probation or parole supervision efforts and strategies, $5,000,000 is for Children of Incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy, and $4,000,000 is for additional replication sites employing the Project HOPE Opportunity Probation with Enforcement model implementing swift and certain sanctions in probation, and for a research project on the effectiveness of the model: *Provided*, That up to $7,500,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to $5,000,000 shall be for Pay for Success programs implementing the Permanent Supportive Housing Model;

(21) $6,000,000 for a veterans treatment courts program;

(22) $14,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(23) $75,000,000 for the Comprehensive School Safety Initiative: *Provided*, That section 213 of this Act shall not apply with respect to the amount made available in this paragraph; and

(24) $70,000,000 for initiatives to improve police-community relations, of which $22,500,000 is for a competitive matching grant program for purchases of body-worn cameras for State, local and tribal law enforcement, $25,000,000 is for a justice reinvestment initiative, for activities related to criminal justice reform and recidivism reduction, $17,500,000 is for an Edward Byrne Memorial criminal justice innovation program, and $5,000,000 is for a nationwide incident-based crime statistics program:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the PROTECT Our Children Act of 2008 (Public Law 110–401); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) (''the 2013 Act''); and other juvenile justice programs, $272,000,000, to remain available until expended as follows—

(1) $63,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process: *Provided*, That of the amounts provided under this paragraph, $500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local and tribal juvenile justice residential facilities;

(2) $75,000,000 for youth mentoring grants;

(3) $27,500,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $10,000,000 shall be for the Tribal Youth Program;

(B) $5,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities;

(C) $500,000 shall be for an Internet site providing information and resources on children of incarcerated parents; and

(D) $2,000,000 shall be for competitive grants focusing on girls in the juvenile justice system;

(4) $21,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) $8,000,000 for community-based violence prevention initiatives, including for public health approaches to reducing shootings and violence;

(6) $73,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110–401) shall not apply for purposes of this Act);

(7) $2,000,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(8) $2,500,000 for a program to improve juvenile indigent defense:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of the amounts designated under paragraphs (1) through (4) and (7) may be used for training and technical assistance: *Provided further*, That the two preceding provisos shall not apply to grants and projects administered pursuant to sections 261 and 262 of the 1974 Act and to missing and exploited children programs.

PUBLIC SAFETY OFFICER BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and $16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to ''Public Safety Officer Benefits'' from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''), $215,000,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: *Provided further*, That of the amount provided under this heading—

(1) $11,000,000 is for anti-methamphetamine-related activities, which shall be

transferred to the Drug Enforcement Administration upon enactment of this Act;

(2) $187,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided*, That, notwithstanding section 1704(c) of such title (42 U.S.C. 3796dd–3(c)), funding for hiring or rehiring a career law enforcement officer may not exceed $125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: *Provided further*, That within the amounts appropriated under this paragraph, $30,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities: *Provided further*, That of the amounts appropriated under this paragraph, $10,000,000 is for community policing development activities in furtherance of the purposes in section 1701: *Provided further*, That within the amounts appropriated under this paragraph, $10,000,000 is for the collaborative reform model of technical assistance in furtherance of the purposes in section 1701;

(3) $7,000,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: *Provided*, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers; and

(4) $10,000,000 is for competitive grants to statewide law enforcement agencies in States with high rates of primary treatment admissions for heroin and other opioids: *Provided*, That these funds shall be utilized for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 207. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.

SEC. 208. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 209. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the report accompanying this Act, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 210. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 211. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.

SEC. 212. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings ''Research, Evaluation and Statistics'', ''State and Local Law Enforcement Assistance'', and ''Juvenile Justice Programs''—

(1) up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance;

(2) up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs; and

(3) up to 7 percent of funds made available for grant or reimbursement programs:

(A) under the heading ''State and Local Law Enforcement Assistance''; or

(B) under the headings ''Research, Evaluation, and Statistics'' and ''Juvenile Justice Programs'', to be transferred to and merged with funds made available under the heading ''State and Local Law Enforcement Assistance'', shall be available for tribal criminal justice assistance without regard to the authorizations for such grant or reimbursement programs.

SEC. 213. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2014 through 2017 for the following programs, waive the following requirements:

(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1)), the requirements under section 2976(g)(1) of such part.

(2) For State, Tribal, and local reentry courts under part FF of title I of such Act of 1968 (42 U.S.C. 3797w–2(e)(1) and (2)), the requirements under section 2978(e)(1) and (2) of such part.

(3) For the prosecution drug treatment alternatives to prison program under part CC of title I of such Act of 1968 (42 U.S.C. 3797q–3), the requirements under section 2904 of such part.

(4) For grants to protect inmates and safeguard communities as authorized by section 6 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15605(c)(3)), the requirements of section 6(c)(3) of such Act.

SEC. 214. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)) shall not apply to amounts made available by this or any other Act.

SEC. 215. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 216. Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public

Law 114–113, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal year 2017.

SEC. 217. In addition to any other transfer authority available to the Department of Justice, for fiscal years 2017 through 2022, unobligated balances available in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) may be transferred to the ''Federal Bureau of Investigation, Construction'' account, to remain available until expended for the construction of the new Federal Bureau of Investigation headquarters in the National Capital Region: *Provided*, That the cumulative total amount of funds transferred from the Working Capital Fund from fiscal year 2017 through 2022 pursuant to this section shall not exceed $315,000,000: *Provided further*, That transfers pursuant to this section shall not count against any ceiling on the use of unobligated balances transferred to the capital account of the Working Capital Fund in this or any other Act in any such fiscal year.

This title may be cited as the ''Department of Justice Appropriations Act, 2017''.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed $2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,555,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $5,395,000,000, to remain available until September 30, 2018: *Provided*, That the formulation and development costs (with development cost as defined under section 30104 of title 51, United States Code) for the James Webb Space Telescope shall not exceed $8,000,000,000: *Provided further*, That should the individual identified under subsection (c)(2)(E) of section 30104 of title 51, United States Code, as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $601,000,000, to remain available until September 30, 2018.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space technology research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $686,500,000, to remain available until September 30, 2018: *Provided*, That $130,000,000 shall be for the RESTORE satellite servicing program for continuation of formulation and development activities for RESTORE and such funds shall not support activities solely needed for the asteroid redirect mission.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $4,330,000,000, to remain available until September 30, 2018: *Provided*, That not less than $1,300,000,000 shall be for the Orion Multi-Purpose Crew Vehicle: *Provided further*, That not less than $2,150,000,000 shall be for the Space Launch System (SLS) launch vehicle, which shall have a lift capability not less than 130 metric tons and which shall have core elements and an Exploration Upper Stage developed simultaneously: *Provided further*, That of the amounts provided for SLS, not less than $300,000,000 shall be for Exploration Upper Stage development: *Provided further*, That $484,000,000 shall be for exploration ground systems: *Provided further*, That the National Aeronautics and Space Administration (NASA) shall provide to the Committees on Appropriations of the House of Representatives and the Senate, concurrent with the annual budget submission, a 5-year budget profile for an integrated budget that includes the Space Launch System, the Orion Multi-Purpose Crew Vehicle, and associated ground systems, that will meet the Exploration Mission 2 (EM–2) management agreement launch date of no later than 2021 at a success level equal to the Agency Baseline Commitment for EM–2 of the Orion Multi-Purpose crew vehicle: *Provided further*, That $396,000,000 shall be for exploration research and development.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $4,950,700,000, to remain available until September 30, 2018.

EDUCATION

For necessary expenses, not otherwise provided for, in the conduct and support of aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $108,000,000, to remain available until September 30, 2018, of which $18,000,000 shall be for the Experimental Program to Stimulate Competitive Research and $40,000,000 shall be for the National Space Grant College program.

SAFETY, SECURITY AND MISSION SERVICES

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space technology, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $2,796,700,000, to remain available until September 30, 2018.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, $400,000,000, to remain available until September 30, 2022: *Provided*, That proceeds from leases deposited into this account shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts: *Provided further*, That such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2017 in an amount not to exceed $9,470,300: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected

pursuant to section 20145 of title 51, United States Code.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $38,100,000, of which $500,000 shall remain available until September 30, 2018.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Funds for any announced prize otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The spending plan required by this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86–209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $6,033,645,000, to remain available until September 30, 2018, of which not to exceed $544,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, $246,573,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, $880,000,000, to remain available until September 30, 2018.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $330,000,000: *Provided*, That not to exceed $8,280 is for official reception and representation expenses: *Provided further*, That contracts may be entered into under this heading in fiscal year 2017 for maintenance and operation of facilities and for other services to be provided during the next fiscal year: *Provided further*, That of the amount provided for costs associated with the acquisition, occupancy, and related costs of new headquarters space, not more than $40,770,000 shall remain available until expended.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,370,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, $15,200,000, of which $400,000 shall remain available until September 30, 2018.

ADMINISTRATIVE PROVISION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the ''Science Appropriations Act, 2017''.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,200,000: *Provided*, That none of the funds appropriated in this paragraph may be used to employ any individuals under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to $29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, $364,500,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,250 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $2,250 for official reception and representation expenses, $88,500,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $395,000,000, of which $362,000,000 is for basic field programs and required independent audits; $4,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $19,400,000 is for management and grants oversight; $4,000,000 is for client self-help and information technology; $4,000,000 is for a Pro Bono Innovation Fund; and $1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996(d)): *Provided further*,

That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: *Provided further*, That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2016 and 2017, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), $3,431,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by section 3109 of title 5, United States Code, $59,376,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) $5,121,000, of which $500,000 shall remain available until September 30, 2018: *Provided*, That not to exceed $2,250 shall be available for official reception and representation expenses: *Provided further*, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2017, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

(2) The term ''promotional items'' has the meaning given the term in OMB Circular A–87, Attachment B, Item (1)(f)(3).

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of each quarter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That for the Department of Commerce, this section shall also apply to actions taken for the care and protection of loan collateral or grant property.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 510. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601) in any fiscal year in excess of $2,957,000,000 shall not be available for obligation until the following fiscal year: *Provided*, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation, $10,000,000 shall remain available until expended to the Department of Justice Office of Inspector General for oversight and auditing purposes: *Provided further*, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation, 5 percent shall be available for grants to Indian tribal governments to improve services and justice for victims of crime.

SEC. 511. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 513. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 514. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit

and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 515. None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire a high-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, ''Standards for Security Categorization of Federal Information and Information Systems'' unless the agency has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST to inform acquisition decisions for high-impact information systems within the Federal Government and against international standards and guidelines, including those developed by NIST;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the Federal Bureau of Investigation and other appropriate agencies; and

(3) developed, in consultation with NIST and supply chain risk management experts, a mitigation strategy for any identified risks.

SEC. 516. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 517. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 518. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

SEC. 519. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 520. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; USA FREEDOM Act of 2015; and the laws amended by these Acts.

SEC. 521. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 522. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2017 until the enactment of the Intelligence Authorization Act for fiscal year 2017.

SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

SEC. 524. (a) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2017, from the following accounts in the specified amounts—

(1) ''Working Capital Fund'', $289,743,000;

(2) ''Federal Bureau of Investigation, Salaries and Expenses'', $181,191,000;

(3) ''State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs'', $5,000,000;

(4) ''State and Local Law Enforcement Activities, Office of Justice Programs'', $20,000,000;

(5) ''State and Local Law Enforcement Activities, Community Oriented Policing Services'', $10,000,000;

(6) ''Legal Activities, Assets Forfeiture Fund'', $304,000,000 of which $152,000,000 is permanently rescinded;

(7) ''United States Marshals Service, Federal Prisoner Detention'', $24,000,000; and

(8) ''Drug Enforcement Administration, Salaries and Expenses'', $6,192,000.

(b) The Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2017, specifying the amount of each rescission made pursuant to subsections (a) and (b).

SEC. 525. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 526. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency, who are stationed in the United States, at any single conference occurring outside the United States unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

SEC. 527. None of the funds appropriated or otherwise made available in this Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 528. (a) None of the funds appropriated or otherwise made available in this Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 529. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are ''Energy Star'' qualified or have the ''Federal Energy Management Program'' designation.

SEC. 530. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 531. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

SEC. 532. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.

SEC. 533. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, the Commission on Civil Rights, the Equal Employment Opportunity Commission, the International Trade Commission, the Legal Services Corporation, the Marine Mammal Commission, the Offices of Science and Technology Policy and the United States Trade Representative, and the State Justice Institute shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

SEC. 534. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 535. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.

SEC. 536. No funds provided in this Act shall be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978, or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access. A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner. Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978. Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 537. None of the funds made available in this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming, or with respect to the District of Columbia, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

SEC. 538. None of the funds made available under this Act may be used by the Department of Justice to prevent a State from implementing its own State laws that authorize the use, distribution, possession, or cultivation of industrial hemp, as defined in section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940).

This Act may be cited as the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2017''.

SA 4686. Mr. SHELBY proposed an amendment to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

On page 23, beginning on line 15, strike ''U.S. Census Bureau,'' and insert ''Bureau of the Census,''.

SA 4687. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. None of the funds made available in this Act may be used by the Bureau of the Census to conduct a decennial census that does not contain questions to ascertain United States citizenship and immigration status.

SA 4688. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. ____. None of the funds made available in this Act may be provided to a State or local government or a private or nonprofit entity for employment or contracting, or for the provision of a program or activity or public accommodation, if the government or entity (including any subrecipient) uses any of such funds in a manner that discriminates against individuals on the basis of sexual orientation or gender identity, in administering, supervising, or performing the employment, contracting, or provision involved.

SA 4689. Ms. MIKULSKI (for herself and Mr. NELSON) submitted an amendment intended to be proposed by her to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2____. (a) In addition to the amounts provided under the heading ''SALARIES AND EXPENSES'' under the heading ''FEDERAL BUREAU OF INVESTIGATION'' under this title, $175,000,000 for personnel, training, and equipment needed to counter both foreign and domestic terrorism, including lone wolf actors: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(b) In addition to the amounts provided under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title, $15,000,000 for an Officer Robert Wilson III memorial initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR): *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SA 4690. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V (before the short title) insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Equal Employment Opportunity Commission for the ''collection of information'', as defined in section 3502(3)(A) of title 44, United States Code, from employers as set forth in the notice entitled ''Agency Information Collection Activities: Revision of the Employer Information Report (EEO–1) and Comment Request'', published by the Commission (81 Fed. Reg. 5113 (February 1, 2016)) or for any final ''collection of information'' related to such notice.

SA 4691. Mr. MURPHY (for himself, Mr. SCHUMER, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, between lines 9 and 10, insert the following:

TITLE VI—FIXING GUN CHECKS

SEC. 601. SHORT TITLE.

This title may be cited as the ''Fix Gun Checks Act of 2016''.

Subtitle A—Ensuring That All Individuals Who Should Be Prohibited From Buying a Gun Are Listed in the National Instant Criminal Background Check System

SEC. 611. PENALTIES FOR STATES THAT DO NOT MAKE DATA ELECTRONICALLY AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 102(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended to read as follows:

''(b) IMPLEMENTATION PLAN.—

''(1) IN GENERAL.—Within 1 year after the date of the enactment of this subsection, the Attorney General, in coordination with the States, shall establish, for each State or Indian tribal government, a plan to ensure maximum coordination and automation of the reporting of records or making of records available to the National Instant Criminal Background Check System established under section 103 of the Brady Handgun Violence Prevention Act, during a 4-year period specified in the plan.

''(2) BENCHMARK REQUIREMENTS.—Each such plan shall include annual benchmarks, including qualitative goals and quantitative measures, to enable the Attorney General to assess implementation of the plan.

''(3) PENALTIES FOR NONCOMPLIANCE.—

''(A) IN GENERAL.—During the 4-year period covered by such a plan, the Attorney General shall withhold the following percentage of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the following year in the period:

''(i) 10 percent, in the case of the 1st year in the period.

''(ii) 11 percent, in the case of the 2nd year in the period.

''(iii) 13 percent, in the case of the 3rd year in the period.

''(iv) 15 percent, in the case of the 4th year in the period.

''(B) FAILURE TO ESTABLISH A PLAN.—A State with respect to which a plan is not established under paragraph (1) shall be treated as having not met any benchmark established under paragraph (2).''.

SEC. 612. REQUIREMENT THAT FEDERAL AGENCIES CERTIFY THAT THEY HAVE SUBMITTED TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM ALL RECORDS IDENTIFYING PERSONS PROHIBITED FROM PURCHASING FIREARMS UNDER FEDERAL LAW.

Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended by adding at the end the following:

''(F) SEMIANNUAL CERTIFICATION AND REPORTING.—

''(i) IN GENERAL.—The head of each Federal department or agency shall submit to the Attorney General a written certification indicating whether the department or agency has provided to the Attorney General the pertinent information contained in any record of any person that the department or agency was in possession of during the time period addressed by the certification demonstrating that the person falls within a category described in subsection (g) or (n) of section 922 of title 18, United States Code.

''(ii) SUBMISSION DATES.—The head of a Federal department or agency shall submit a certification under clause (i)—

''(I) not later than July 31 of each year, which shall address any record the department or agency was in possession of during the period beginning on January 1 of the year and ending on June 30 of the year; and

''(II) not later than January 31 of each year, which shall address any record the department or agency was in possession of during the period beginning on July 1 of the previous year and ending on December 31 of the previous year.

''(iii) CONTENTS.—A certification required under clause (i) shall state, for the applicable period—

''(I) the number of records of the Federal department or agency demonstrating that a person fell within each of the categories described in section 922(g) of title 18, United States Code;

''(II) the number of records of the Federal department or agency demonstrating that a person fell within the category described in section 922(n) of title 18, United States Code; and

''(III) for each category of records described in subclauses (I) and (II), the total number of records of the Federal department or agency that have been provided to the Attorney General.''.

SEC. 613. ADJUDICATED AS A MENTAL DEFECTIVE.

(a) IN GENERAL.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'adjudicated as a mental defective' shall—

''(A) have the meaning given the term in section 478.11 of title 27, Code of Federal Regulations, or any successor thereto; and

''(B) include an order by a court, board, commission, or other lawful authority that a person, in response to mental illness, incompetency, or marked subnormal intelligence, be compelled to receive services—

''(i) including counseling, medication, or testing to determine compliance with prescribed medications; and

''(ii) not including testing for use of alcohol or for abuse of any controlled substance or other drug.

''(37) The term 'committed to a mental institution' shall have the meaning given the term in section 478.11 of title 27, Code of Federal Regulations, or any successor thereto.''.

(b) LIMITATION.—An individual who has been adjudicated as a mental defective before the date that is 180 days after the date

of enactment of this Act may not apply for relief from disability under section 101(c)(2) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) on the basis that the individual does not meet the requirements in section 921(a)(36) of title 18, United States Code, as added by subsection (a).

(c) NICS IMPROVEMENT AMENDMENTS ACT OF 2007.—Section 3 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by striking paragraph (2) and inserting the following:

''(2) MENTAL HEALTH TERMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the terms 'adjudicated as a mental defective' and 'committed to a mental institution' shall have the meanings given the terms in section 921(a) of title 18, United States Code.

''(B) EXCEPTION.—For purposes of sections 102 and 103, the terms 'adjudicated as a mental defective' and 'committed to a mental institution' shall have the same meanings as on the day before the date of enactment of the Fix Gun Checks Act of 2016 until the end of the 2-year period beginning on such date of enactment.''.

SEC. 614. CLARIFICATION THAT FEDERAL COURT INFORMATION IS TO BE MADE AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 103(e)(1) of the Brady Handgun Violence Protection Act (18 U.S.C. 922 note), as amended by section 612 of this Act, is amended by adding at the end the following:

''(G) APPLICATION TO FEDERAL COURTS.—In this paragraph—

''(i) the terms 'department or agency of the United States' and 'Federal department or agency' include a Federal court; and

''(ii) for purposes of any request, submission, or notification, the Director of the Administrative Office of the United States Courts shall perform the functions of the head of the department or agency.''.

Subtitle B—Requiring a Background Check for Every Firearm Sale

SEC. 621. PURPOSE.

The purpose of this subtitle is to extend the Brady Law background check procedures to all sales and transfers of firearms.

SEC. 622. FIREARMS TRANSFERS.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended—

(1) by striking subsection (s) and redesignating subsection (t) as subsection (s);

(2) in subsection (s), as so redesignated—

(A) in paragraph (3)(C)(ii), by striking ''(as defined in subsection (s)(8))''; and

(B) by adding at the end the following:

''(7) In this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.''; and

(3) by inserting after subsection (s), as so redesignated, the following:

''(t)(1) It shall be unlawful for any person who is not a licensed importer, licensed manufacturer, or licensed dealer to transfer a firearm to any other person who is not so licensed, unless a licensed importer, licensed manufacturer, or licensed dealer has first taken possession of the firearm for the purpose of complying with subsection (s). Upon taking possession of the firearm, the licensee shall comply with all requirements of this chapter as if the licensee were transferring the firearm from the inventory of the licensee to the unlicensed transferee.

''(2) Paragraph (1) shall not apply to—

''(A) a transfer of a firearm by or to any law enforcement agency or any law enforcement officer, armed private security professional, or member of the armed forces, to the extent the officer, professional, or member is acting within the course and scope of employment and official duties;

''(B) a transfer that is a loan or bona fide gift between spouses, between domestic partners, between parents and their children, between siblings, or between grandparents and their grandchildren;

''(C) a transfer to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of another person;

''(D) a temporary transfer that is necessary to prevent imminent death or great bodily harm, if the possession by the transferee lasts only as long as immediately necessary to prevent the imminent death or great bodily harm;

''(E) a transfer that is approved by the Attorney General under section 5812 of the Internal Revenue Code of 1986; or

''(F) a temporary transfer if the transferor has no reason to believe that the transferee will use or intends to use the firearm in a crime or is prohibited from possessing firearms under State or Federal law, and the transfer takes place and the transferee's possession of the firearm is exclusively—

''(i) at a shooting range or in a shooting gallery or other area designated and built for the purpose of target shooting;

''(ii) while hunting, trapping, or fishing, if the hunting, trapping, or fishing is legal in all places where the transferee possesses the firearm and the transferee holds all licenses or permits required for such hunting, trapping, or fishing; or

''(iii) while in the presence of the transferor.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 922.—Section 922(y)(2) of such title is amended in the matter preceding subparagraph (A), by striking '', (g)(5)(B), and (s)(3)(B)(v)(II)'' and inserting ''and (g)(5)(B)''.

(2) SECTION 925A.—Section 925A of such title is amended in the matter preceding paragraph (1), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall take effect 180 days after the date of the enactment of this Act.

SEC. 623. LOST AND STOLEN REPORTING.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

''(aa) It shall be unlawful for any person who lawfully possesses or owns a firearm that has been shipped or transported in, or has been possessed in or affecting, interstate or foreign commerce, to fail to report the theft or loss of the firearm, within 48 hours after the person discovers the theft or loss, to the Attorney General and to the appropriate local authorities.''.

(b) PENALTY.—Section 924(a)(1)(B) of such title is amended to read as follows:

''(B) knowingly violates subsection (a)(4), (f), (k), (q), or (aa) of section 922;''.

SA 4692. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, strike ''$100,000,000'' and insert ''$950,000,000''.

On page 68, between lines 20 and 21, insert the following:

SEC. 218. Of the unobligated balances in the Prevention and Public Health Fund established under section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11), $850,000,000 is hereby rescinded.

SA 4693. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used to develop or implement the Supplemental Poverty Measure described in the notice and solicitation of comments of the Bureau of the Census published on May 26, 2010 (75 Fed. Reg. 29513).

SA 4694. Mr. LEE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5____. None of the funds made available under this Act may be used by the Department of Justice to enforce the Fair Housing Act (42 U.S.C. 3601 et seq.) in a manner that relies upon an allegation of liability under section 100.500 of title 24, Code of Federal Regulations, or any successor regulation.

SA 4695. Mr. LEE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 4 through 22.

SA 4696. Mr. LEE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike lines 20 through 24 and insert the following:

''services, $25,000,000, to remain available until expended, for the National Network for Manufacturing Innovation.''.

SA 4697. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. It is the sense of Congress that—

(1) the Attorney General should investigate the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') and the employees and contractors of the Environmental Protection Agency for violations of criminal law in connection with the Gold King Mine disaster, including at a minimum—

(A) any criminal violation of Federal environmental law;

(B) criminal negligence;

(C) obstruction of proceedings under section 1505 of title 18, United States Code;

(D) obstruction of a Federal audit under section 1516 of title 18, United States Code; and

(E) false statements under section 1001 of title 18, United States Code;

(2) on August 5, 2015, the activities of the Administrator at the Gold King Mine in the State of Colorado caused a 3,000,000-gallon acidic plume of lead, mercury, arsenic, and other metals to flow into the Animas River in Colorado and the San Juan River near Farmington, New Mexico;

(3) the Gold King Mine disaster devastated an estimated 1,500 farms located within the Navajo Nation because the spill contaminated and interrupted water supplies and damaged the crops, soil, livestock, wildlife, irrigation, and drinking water that are critical to the Navajo Nation;

(4) a technical evaluation of the Gold King Mine disaster, led by the Secretary of the Interior and dated October 2015—

(A) found that the Administrator failed to conduct necessary water pressure testing on the Gold King Mine;

(B) was initially rejected by a peer reviewer based on reservations of the peer reviewer regarding the chronology of key events and internal communications provided by the Administrator; and

(C) was amended 2 months after the date on which the technical evaluation was initially rejected with a statement by the Administrator that contains an inconsistent account relating to the actions of employees of the Environmental Protection Agency; and

(5) as of the date of enactment of this Act, the resources and reimbursements provided by the Administrator to the Navajo Nation are insufficient to address the devastation of the economic, agricultural, and cultural centers of the Navajo Nation caused by the Gold King Mine disaster.

SA 4698. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 13, insert '': *Provided*, That of the grants awarded through such section 27, up to $1,200,000 may be awarded to university incubators eligible to participate in the Experimental Program to Stimulate Competitive Research of the National Science Foundation'' after ''27''.

SA 4699. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEPARTMENT OF JUSTICE.

(a) STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE.—In addition to any amounts otherwise made available, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2017, $240,000,000, to remain available until expended, to the Department of Justice for State law enforcement initiatives (which shall include a 30 percent pass-through to localities) under the Edward Byrne Memorial Justice Assistance Grant program, as authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (except that section 1001(c) of such Act (42 U.S.C. 3793(c)) shall not apply for purposes of this Act), to be used, notwithstanding such subpart 1, for a comprehensive program to combat the heroin and opioid crisis, and for associated criminal justice activities, including approved treatment alternatives to incarceration: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(b) COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.—In addition to any other amount for ''Community Oriented Policing Services Programs'' for competitive grants to State law enforcement agencies in States with high rates of primary treatment admissions for heroin or other opioids, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2017, $10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SA 4700. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEPARTMENT OF JUSTICE.

(a) STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE.—In addition to any amounts otherwise made available, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2017, $240,000,000, to remain available until expended, to the Department of Justice for State law enforcement initiatives (which shall include a 30 percent pass-through to localities) under the Edward Byrne Memorial Justice Assistance Grant program, as authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (except that section 1001(c) of such Act (42 U.S.C. 3793(c)) shall not apply for purposes of this Act), to be used, notwithstanding such subpart 1, for a comprehensive program to combat the heroin and opioid crisis, and for associated criminal justice activities, including approved treatment alternatives to incarceration: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(b) COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.—In addition to any other amount for ''Community Oriented Policing Services Programs'' for competitive grants to State law enforcement agencies in States with high rates of primary treatment admissions for heroin or other opioids, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2017, $10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SEC. _____. DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.—In addition to any amounts otherwise made available for ''Substance Abuse Treatment'', there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2017, $300,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)): *Provided further*, That of the amount provided—

(1) $285,000,000 is for the Substance Abuse Prevention and Treatment block grant program under subpart II of part B of title XIX of the Public Health Service Act;

(2) $10,000,000 is for the Medication Assisted Treatment for Prescription Drug and Opioid Addiction program of the Programs of Regional and National Significance within the Center for Substance Abuse Treatment; and

(3) $5,000,000 is for the Recovery Community Services program of the Programs of Regional and National Significance within the Center for Substance Abuse Treatment.

(b) CENTERS FOR DISEASE CONTROL AND PREVENTION.—In addition to any amounts otherwise made available, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2017, $50,000,000, to remain available until expended, to the Centers for Disease Control and Prevention of the Department of Health and Human Services, for prescription drug monitoring programs, community health system interventions, and rapid response projects: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i)

of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SA 4701. Mr. ISAKSON (for himself and Mr. PERDUE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 217, insert the following:

SEC. 218. None of the funds made available by this Act may be used—

(1) to conduct an audit of—

(A) all Federal water contract violations in multi-State water basins since 2005; and

(B) any contract violation notification the Department of Justice has received from the Secretary of the Army regarding all multi-State river basins since 2005;

(2) to develop and submit a record of how the Department of Justice has handled the violations and notifications described in subparagraphs (A) and (B) of paragraph (1);

(3) to develop and implement a comprehensive plan to enforce Federal law and respond to the violations described in subparagraphs (A) and (B) of paragraph (1);

(4) to issue or submit a report relating to the violations described in subparagraphs (A) and (B) of paragraph (1); or

(5) to enter into an agreement with the Secretary of the Army to receive notifications relating to the violations described in subparagraphs (A) and (B) of paragraph (1).

SA 4702. Mr. ISAKSON (for himself and Mr. PERDUE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 217, insert the following:

SEC. 218. Notwithstanding any other provision of law, the provision of Senate Report 114–239 (April 21, 2016) relating to Federal water usage violations shall have no force or effect of law.

SA 4703. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 20 and 21, insert the following:

SEC. 218. None of the funds appropriated under this Act may be used for the Department of Justice to participate in, or carry out actions arising from, the Department of Education's Interagency Task Force of For-Profit Institutions of Higher Education or the enforcement working group associated with the Interagency Task Force.

SA 4704. Mrs. FISCHER (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available for the immediate Office of the Deputy Attorney General under the heading ''SALARIES AND EXPENSES'' under the heading ''GENERAL ADMINISTRATION'' under this title may be obligated or expended until the date on which the Deputy Attorney General submits to Congress a plan for the Department of Justice to monitor the effects of the licensing of the cultivation, processing, distribution, and retail sale of marijuana or marijuana products under State law on the marijuana enforcement policies of the Federal Government, including preventing the distribution of marijuana to minors, preventing the diversion of marijuana to States where it remains illegal under State law, and preventing the exacerbation of public health consequences associated with marijuana use, in accordance with the 2013 marijuana enforcement policy guidance of the Department of Justice, which shall include—

(1) a description of the various data the Deputy Attorney General will use to monitor such effects and the limitations of this data;

(2) a description of how the Deputy Attorney General will use the information sources in its monitoring efforts to help inform decisions on whether States are effectively protecting the marijuana enforcement priorities of the Federal Government, including the use, if any, of pre-established metrics; and

(3) a description of how the Deputy Attorney General will decide whether a State's failure to effectively protect these priorities necessitates Federal action to challenge a State's regulatory system.

SA 4705. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) The Department of Justice shall condition the receipt of funds made available to State and local law enforcement agencies on the agency adopting a policy prohibiting the use of race, color, religion, national origin, sex, sexual orientation, and gender identity as a factor in its law enforcement activities, except with respect to suspect-specific information that includes a racial, ethnic, religious or other protected category identifier.

(b) The State and local law enforcement policies described in subsection (a) shall be consistent with the memorandum issued by the Department of Justice on December 2014 entitled ''Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity''.

(c) The Department of Justice shall have the authority to engage in compliance reviews of State and local law enforcement agencies in terms of implementation of the guidance described in subsection (b).

(d) The Department of Justice shall submit to Congress a report on its efforts to systematically train State and local law enforcement agencies to comply with the guidance described in subsection (b), including providing model policies and model training manuals.

SA 4706. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. The Department of Justice shall condition the receipt of funds made available to State and local law enforcement agencies on the agency collecting data on the use of race, ethnicity, gender, national origin, or religion in its law enforcement activities.

SA 4707. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. The Department of Justice shall—

(1) instruct the Bureau of Prisons to take administrative steps immediately to provide information to incarcerated individuals regarding voting rights restoration upon release and return to their home State;

(2) instruct United States attorneys to provide notice to defendants in Federal criminal cases regarding the loss of their right to vote as a result of a plea agreement to any disfranchising crime, whether misdemeanor or felony; and

(3) not later than 180 days after the date of enactment of this Act, submit to Congress a report that includes findings on the disproportionate impact of criminal disenfranchisement laws on minority populations, including data on disfranchisement rates by race and ethnicity.

SA 4708. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, line 24, insert ''$5,000,0000 is for emergency law enforcement assistance, as authorized by section 609M of the Justice Assistance Act of 1984 (42 U.S.C. 10513),'' after ''subpart 1,''.

SA 4709. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. NELSON, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Ms. MIKULSKI, Mrs. BOXER, Mr. BOOKER, Mr. UDALL, Mr. CARPER, Mr. MARKEY, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. WARNER, Mr. KAINE, Mr. COONS, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. CASEY, Mr. BROWN, Mrs. GILLIBRAND, Mr. KING, Mr. SCHATZ, Ms. KLOBUCHAR, and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AUTHORITY TO DENY TRANSFERS OF FIREARMS TO TERRORISTS.

Hereafter, the Attorney General may deny the transfer of a firearm if the Attorney General determines, based on the totality of the circumstances, that the transferee represents a threat to public safety based on a reasonable suspicion that the transferee is engaged, or has been engaged, in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources thereof. A denial described in this section shall be subject to the remedial procedures set forth in section 103(g) of Public Law 103–159 (18 U.S.C. 922 note) and the intended transferee may pursue a remedy for an erroneous denial of a firearm under section 925A(1) of title 18, United States Code. Such remedial procedures and judicial review shall be subject to procedures that may be developed by the Attorney General to prevent the disclosure of information that would likely compromise national security or ongoing law enforcement operations, consistent with due process. The Attorney General shall establish, within the amounts appropriated, procedures to ensure that, if an individual who is, or within the previous 5 years has been, under investigation for conduct related to a Federal crime of terrorism, as defined in section 2332b(g)(5) of title 18, United States Code, attempts to purchase a firearm, the Attorney General or a designee of the Attorney General shall be promptly notified of the attempted purchase.

SA 4710. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 113, insert the following:

SEC. 114. The Bureau of the Census shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report on the efforts of the Bureau of the Census to evaluate and, where possible, reduce the number of questions included in the Management and Organizational Practices Survey, and the steps being taken to ensure that the Survey is conducted as efficiently and unobtrusively as possible.

SA 4711. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 25, strike ''$1,248,319,000,'' and insert ''$1,100,319,000,''.

SA 4712. Mr. BURR submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY ON GAPS IN NEXRAD COVERAGE AND REQUIREMENT FOR PLAN TO ADDRESS SUCH GAPS.

(a) STUDY ON GAPS IN NEXRAD COVERAGE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall complete a study on gaps in the coverage of the Next Generation Weather Radar of the National Weather Service (referred to in this section as ''NEXRAD'').

(2) ELEMENTS.—In conducting the study required under paragraph (1), the Secretary shall—

(A) identify areas in the United States with limited or no NEXRAD coverage below 6,000 feet above ground level of the surrounding terrain, particularly metropolitan areas lacking sufficient NEXRAD coverage;

(B) for the areas identified under subparagraph (A)—

(i) identify the key weather effects for which prediction would improve with improved radar detection;

(ii) identify additional sources of observations for high impact weather that were available and operational for such areas on the day before the date of the enactment of this Act, including Terminal Doppler Weather Radar (commonly known as ''TDWR''), air surveillance radars of the Federal Aviation Administration, and cooperative network observers; and

(iii) assess the feasibility and advisability of efforts to integrate and upgrade Federal radar capabilities that are not owned or controlled by the National Oceanic and Atmospheric Administration, including radar capabilities of the Federal Aviation Administration and the Department of Defense;

(C) assess the feasibility and advisability of incorporating State-operated and other non-Federal radars into the operations of the National Weather Service;

(D) identify options to improve radar coverage in the areas identified under subparagraph (A); and

(E) estimate the cost of, and develop a timeline for, carrying out each of the options identified under subparagraph (D).

(3) REPORT.—Upon the completion of the study required under paragraph (1), the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Appropriations of the House of Representatives that includes the findings of the Secretary with respect to the study.

(b) PLAN TO IMPROVE RADAR COVERAGE.—Not later than 30 days after the completion of the study under subsection (a)(1), the Secretary of Commerce shall submit a plan to the congressional committees referred to in subsection (a)(3) for improving radar coverage in the areas identified under subsection (a)(2)(A) by integrating and upgrading, to the extent practicable, additional observation solutions to improve hazardous weather detection and forecasting.

(c) REQUIREMENT FOR THIRD-PARTY REVIEWS REGARDING PLAN TO IMPROVE RADAR COVERAGE.—The Secretary of Commerce shall seek third-party reviews on scientific methodology relating to, and the feasibility and advisability of, implementing the plan submitted under subsection (b), including the extent to which warning and forecast services of the National Weather Service would be improved by additional NEXRAD coverage.

SA 4713. Mr. BURR submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BRUNSWICK COUNTY.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purpose of the delineation of metropolitan statistical areas, the Director of the Office of Management and Budget shall consider Brunswick County, North Carolina to be part of the same metropolitan statistical area that contains Wilmington, North Carolina.

(b) SUNSET.—Subsection (a) shall cease to be effective on January 1, 2021.

SA 4714. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NO BUDGET, NO PAY.

(a) SHORT TITLE.—This section may be cited as the ''No Budget, No Pay Act''.

(b) DEFINITION.—In this section, the term ''Member of Congress''—

(1) has the meaning given under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

(c) TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.—If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year and have not passed all the regular appropriations bills for the next fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year and all the regular appropriations bills.

(d) NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under subsection (e).

(2) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under subsection (e), at any time after the end of that period.

(e) DETERMINATIONS.—

(1) SENATE.—

(A) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate for certification of determinations made under clause (i) and (ii) of subparagraph (B).

(B) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate shall—

(i) on October 1 of each year, make a determination of whether Congress is in compliance with subsection (c) and whether Senators may not be paid under that subsection;

(ii) determine the period of days following each October 1 that Senators may not be paid under subsection (c); and

(iii) provide timely certification of the determinations under clauses (i) and (ii) upon the request of the Secretary of the Senate.

(2) HOUSE OF REPRESENTATIVES.—

(A) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives for certification of determinations made under clauses (i) and (ii) of subparagraph (B).

(B) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives shall—

(i) on October 1 of each year, make a determination of whether Congress is in compliance with subsection (c) and whether Members of the House of Representatives may not be paid under that subsection;

(ii) determine the period of days following each October 1 that Members of the House of Representatives may not be paid under subsection (c); and

(iii) provide timely certification of the determinations under clauses (i) and (ii) upon the request of the Chief Administrative Officer of the House of Representatives.

(f) EFFECTIVE DATE.—This section shall take effect on February 1, 2017.

SA 4715. Mr. HELLER (for himself, Mr. VITTER, Mr. CRAPO, Mr. PAUL, Mr. LEE, and Mr. CRUZ) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. ____. None of the funds made available in this Act may be used to carry out the program known as ''Operation Choke Point''.

SA 4716. Mr. MANCHIN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, between lines 9 and 10, insert the following:

TITLE VI—PUBLIC SAFETY AND SECOND AMENDMENT RIGHTS PROTECTION ACT

SECTION 601. SHORT TITLE.

This title may be cited as the ''Public Safety and Second Amendment Rights Protection Act of 2016''.

SEC. 602. FINDINGS.

Congress finds the following:

(1) Congress supports, respects, and defends the fundamental, individual right to keep and bear arms guaranteed by the Second Amendment to the Constitution of the United States.

(2) Congress supports and reaffirms the existing prohibition on a national firearms registry.

(3) Congress believes the Department of Justice should prosecute violations of background check requirements to the maximum extent of the law.

(4) There are deficits in the background check system in existence prior to the date of enactment of this Act and the Department of Justice should make it a top priority to work with States to swiftly input missing records, including mental health records.

(5) Congress and the citizens of the United States agree that in order to promote safe and responsible gun ownership, dangerous criminals and the seriously mentally ill should be prohibited from possessing firearms; therefore, it should be incumbent upon all citizens to ensure weapons are not being transferred to such people.

SEC. 603. RULE OF CONSTRUCTION.

Nothing in this title, or any amendment made by this title, shall be construed to—

(1) expand in any way the enforcement authority or jurisdiction of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or

(2) allow the establishment, directly or indirectly, of a Federal firearms registry.

SEC. 604. SEVERABILITY.

If any provision of this title or an amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be invalid for any reason in any court of competent jurisdiction, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any other person or circumstance, shall not be affected.

Subtitle A—Ensuring That All Individuals Who Should Be Prohibited From Buying a Gun Are Listed in the National Instant Criminal Background Check System

SEC. 611. REAUTHORIZATION OF THE NATIONAL CRIMINAL HISTORY RECORDS IMPROVEMENT PROGRAM.

Section 106(b) of Public Law 103–159 (18 U.S.C. 922 note) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''of this Act'' and inserting ''of the Public Safety and Second Amendment Rights Protection Act of 2016''; and

(2) by striking paragraph (2) and inserting the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this subsection $100,000,000 for each of fiscal years 2016 through 2019.''.

SEC. 612. IMPROVEMENT OF METRICS AND INCENTIVES.

Section 102(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended to read as follows:

''(b) IMPLEMENTATION PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016, the Attorney General, in coordination with the States, shall establish for each State or Indian tribal government desiring a grant under section 103 a 4-year implementation plan to ensure maximum coordination and automation of the reporting of records or making records available to the National Instant Criminal Background Check System.

''(2) BENCHMARK REQUIREMENTS.—Each 4-year plan established under paragraph (1) shall include annual benchmarks, including both qualitative goals and quantitative measures, to assess implementation of the 4-year plan.

''(3) PENALTIES FOR NON-COMPLIANCE.—

''(A) IN GENERAL.—During the 4-year period covered by a 4-year plan established under paragraph (1), the Attorney General shall withhold—

''(i) 10 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the first year in the 4-year period;

''(ii) 11 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the second year in the 4-year period;

''(iii) 13 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and

Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the third year in the 4-year period; and

''(iv) 15 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the fourth year in the 4-year period.

''(B) FAILURE TO ESTABLISH A PLAN.—A State that fails to establish a plan under paragraph (1) shall be treated as having not met any benchmark established under paragraph (2).''.

SEC. 613. GRANTS TO STATES FOR IMPROVEMENT OF COORDINATION AND AUTOMATION OF NICS RECORD REPORTING.

(a) IN GENERAL.—The NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking section 103 and inserting the following:

''SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF COORDINATION AND AUTOMATION OF NICS RECORD REPORTING.

''(a) AUTHORIZATION.—From amounts made available to carry out this section, the Attorney General shall make grants to States, Indian Tribal governments, and State court systems, in a manner consistent with the National Criminal History Improvement Program and consistent with State plans for integration, automation, and accessibility of criminal history records, for use by the State, or units of local government of the State, Indian Tribal government, or State court system to improve the automation and transmittal of mental health records and criminal history dispositions, records relevant to determining whether a person has been convicted of a misdemeanor crime of domestic violence, court orders, and mental health adjudications or commitments to Federal and State record repositories in accordance with section 102 and the National Criminal History Improvement Program.

''(b) USE OF GRANT AMOUNTS.—Grants awarded to States, Indian Tribal governments, or State court systems under this section may only be used to—

''(1) carry out, as necessary, assessments of the capabilities of the courts of the State or Indian Tribal government for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories;

''(2) implement policies, systems, and procedures for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories;

''(3) create electronic systems that provide accurate and up-to-date information which is directly related to checks under the National Instant Criminal Background Check System, including court disposition and corrections records;

''(4) assist States or Indian Tribal governments in establishing or enhancing their own capacities to perform background checks using the National Instant Criminal Background Check System; and

''(5) develop and maintain the relief from disabilities program in accordance with section 105.

''(c) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible for a grant under this section, a State, Indian Tribal government, or State court system shall certify, to the satisfaction of the Attorney General, that the State, Indian Tribal government, or State court system—

''(A) is not prohibited by State law or court order from submitting mental health records to the National Instant Criminal Background Check System; and

''(B) subject to paragraph (2), has implemented a relief from disabilities program in accordance with section 105.

''(2) RELIEF FROM DISABILITIES PROGRAM.—For purposes of obtaining a grant under this section, a State, Indian Tribal government, or State court system shall not be required to meet the eligibility requirement described in paragraph (1)(B) until the date that is 2 years after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016.

''(d) FEDERAL SHARE.—

''(1) STUDIES, ASSESSMENTS, NON-MATERIAL ACTIVITIES.—The Federal share of a study, assessment, creation of a task force, or other non-material activity, as determined by the Attorney General, carried out with a grant under this section shall be not more than 25 percent.

''(2) INFRASTRUCTURE OR SYSTEM DEVELOPMENT.—The Federal share of an activity involving infrastructure or system development, including labor-related costs, for the purpose of improving State or Indian Tribal government record reporting to the National Instant Criminal Background Check System carried out with a grant under this section may amount to 100 percent of the cost of the activity.

''(e) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments for use by Indian tribal judicial systems.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2016 through 2019.'';

(2) by striking title III; and

(3) in section 401(b), by inserting after ''of this Act'' the following: ''and 18 months after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections in section 1(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by striking the item relating to section 103 and inserting the following:

''Sec. 103. Grants to States for improvement of coordination and automation of NICS record reporting.''.

SEC. 614. RELIEF FROM DISABILITIES PROGRAM.

Section 105 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by adding at the end the following:

''(c) PENALTIES FOR NON-COMPLIANCE.—

''(1) 10 PERCENT REDUCTION.—During the 1-year period beginning 2 years after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016, the Attorney General shall withhold 10 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

''(2) 11 PERCENT REDUCTION.—During the 1-year period after the expiration of the period described in paragraph (1), the Attorney General shall withhold 11 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

''(3) 13 PERCENT REDUCTION.—During the 1-year period after the expiration of the period described in paragraph (2), the Attorney General shall withhold 13 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

''(4) 15 PERCENT REDUCTION.—After the expiration of the 1-year period described in paragraph (3), the Attorney General shall withhold 15 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.''.

SEC. 615. ADDITIONAL PROTECTIONS FOR OUR VETERANS.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

''(a) IN GENERAL.—In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is determined by the Secretary to be mentally incompetent shall not be considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18 until—

''(1) in the case in which the person does not request a review as described in subsection (c)(1), the end of the 30-day period beginning on the date on which the person receives notice submitted under subsection (b); or

''(2) in the case in which the person requests a review as described in paragraph (1) of subsection (c), upon an assessment by the board designated or established under paragraph (2) of such subsection or court of competent jurisdiction that a person cannot safely use, carry, possess, or store a firearm due to mental incompetency.

''(b) NOTICE.—Notice submitted under this subsection to a person described in subsection (a) is notice submitted by the Secretary that notifies the person of the following:

''(1) The determination made by the Secretary.

''(2) A description of the implications of being considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18.

''(3) The person's right to request a review under subsection (c)(1).

''(c) ADMINISTRATIVE REVIEW.—(1) Not later than 30 days after the date on which a person described in subsection (a) receives notice submitted under subsection (b), such person may request a review by the board designed or established under paragraph (2) or a court of competent jurisdiction to assess whether a person cannot safely use, carry, possess, or store a firearm due to mental incompetency. In such assessment, the board may consider the person's honorable discharge or decoration.

''(2) Not later than 180 days after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016, the Secretary shall designate or establish a board that shall, upon request of a person under paragraph (1), assess whether a person cannot safely use, carry, possess, or store a firearm due to mental incompetency.

''(d) JUDICIAL REVIEW.—Not later than 30 days after the date of an assessment of a person under subsection (c) by the board designated or established under paragraph (2) of such subsection, such person may file a petition for judicial review of such assessment with a Federal court of competent jurisdiction.

''(e) PROTECTING RIGHTS OF VETERANS WITH EXISTING RECORDS.—Not later than 90 days after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016, the Secretary shall provide written notice of the opportunity for administrative review and appeal under subsection (c) to all persons who, on the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016, are considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18 as a result of having been found by the Department of Veterans Affairs to be mentally incompetent.

''(f) FUTURE DETERMINATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the enactment of the Public Safety and Second Amendment Rights Protection Act of 2016, the Secretary shall review the policies and procedures by which individuals are determined to be mentally incompetent, and shall revise such policies and procedures as necessary to ensure that any individual who is competent to manage his own financial affairs, including his receipt of Federal benefits, but who voluntarily turns over the management thereof to a fiduciary is not considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18.

''(2) REPORT.—Not later than 30 days after the Secretary has made the review and changes required under paragraph (1), the Secretary shall submit to Congress a report detailing the results of the review and any resulting policy and procedural changes.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

''5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.''.

(c) APPLICABILITY.—Section 5511 of title 38, United States Code (as added by this section), shall apply only with respect to persons who are determined by the Secretary of Veterans Affairs, on or after the date of the enactment of this Act, to be mentally incompetent, except that those persons who are provided notice pursuant to section 5511(e) shall be entitled to use the administrative review under section 5511(c) and, as necessary, the subsequent judicial review under section 5511(d).

SEC. 616. CLARIFICATION THAT FEDERAL COURT INFORMATION IS TO BE MADE AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 103(e)(1) of Public Law 103–159 (18 U.S.C. 922 note), is amended by adding at the end the following:

''(F) APPLICATION TO FEDERAL COURTS.—In this subsection—

''(i) the terms 'department or agency of the United States' and 'Federal department or agency' include a Federal court; and

''(ii) for purposes of any request, submission, or notification, the Director of the Administrative Office of the United States Courts shall perform the functions of the head of the department or agency.''.

SEC. 617. CLARIFICATION THAT SUBMISSION OF MENTAL HEALTH RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IS NOT PROHIBITED BY THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT.

Information collected under section 102(c)(3) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) to assist the Attorney General in enforcing section 922(g)(4) of title 18, United States Code, shall not be subject to the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

SEC. 618. PUBLICATION OF NICS INDEX STATISTICS.

Not later than 180 days after the date of enactment of this Act, and biannually thereafter, the Attorney General shall make the National Instant Criminal Background Check System index statistics available on a publically accessible Internet website.

SEC. 619. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect 180 days after the date of enactment of this Act.

Subtitle B—Providing a Responsible and Consistent Background Check Process

SEC. 621. PURPOSE.

The purpose of this subtitle is to enhance the current background check process in the United States to ensure criminals and the mentally ill are not able to purchase firearms.

SEC. 622. FIREARMS TRANSFERS.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended—

(1) by repealing subsection (s);

(2) by redesignating subsection (t) as subsection (s);

(3) in subsection (s), as redesignated—

(A) in paragraph (1)(B)—

(i) in clause (i), by striking ''or'';

(ii) in clause (ii), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(iii) in the case of an instant background check conducted at a gun show or event during the 4-year period beginning on the effective date under section 630(a) of the Public Safety and Second Amendment Rights Protection Act of 2016, 48 hours have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; or

''(iv) in the case of an instant background check conducted at a gun show or event after the 4-year period described in clause (iii), 24 hours have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; and'';

(B) in paragraph (3)(C)(ii), by striking ''(as defined in subsection (s)(8))''; and

(C) by adding at the end the following:

''(7) In this subsection—

''(A) the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual; and

''(B) the term 'gun show or event' has the meaning given the term in subsection (t)(7).

''(8) The Federal Bureau of Investigation shall not charge a user fee for a background check conducted pursuant to this subsection.

''(9) Notwithstanding any other provision of this chapter, upon receiving a request for an instant background check that originates from a gun show or event, the system shall complete the instant background check before completing any pending instant background check that did not originate from a gun show or event.''; and

(4) by inserting after subsection (s), as redesignated, the following:

''(t)(1) Beginning on the date that is 180 days after the date of enactment of this subsection and except as provided in paragraph (2), it shall be unlawful for any person other than a licensed dealer, licensed manufacturer, or licensed importer to complete the transfer of a firearm to any other person who is not licensed under this chapter, if such transfer occurs—

''(A) at a gun show or event, on the curtilage thereof; or

''(B) pursuant to an advertisement, posting, display or other listing on the Internet or in a publication by the transferor of his intent to transfer, or the transferee of his intent to acquire, the firearm.

''(2) Paragraph (1) shall not apply if—

''(A) the transfer is made after a licensed importer, licensed manufacturer, or licensed dealer has first taken possession of the firearm for the purpose of complying with subsection (s), and upon taking possession of the firearm, the licensee—

''(i) complies with all requirements of this chapter as if the licensee were transferring the firearm from the licensee's business inventory to the unlicensed transferee, except that when processing a transfer under this chapter the licensee may accept in lieu of conducting a background check a valid permit issued within the previous 5 years by a State, or a political subdivision of a State, that allows the transferee to possess, acquire, or carry a firearm, if the law of the State, or political subdivision of a State, that issued the permit requires that such permit is issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by the unlicensed transferee would be in violation of Federal, State, or local law;

''(B) the transfer is made between an unlicensed transferor and an unlicensed transferee residing in the same State, which takes place in such State, if—

''(i) the Attorney General certifies that State in which the transfer takes place has in effect requirements under law that are generally equivalent to the requirements of this section; and

''(ii) the transfer was conducted in compliance with the laws of the State;

''(C) the transfer is made between spouses, between parents or spouses of parents and their children or spouses of their children, between siblings or spouses of siblings, or between grandparents or spouses of grandparents and their grandchildren or spouses of their grandchildren, or between aunts or uncles or their spouses and their nieces or nephews or their spouses, or between first cousins, if the transferor does not know or have reasonable cause to believe that the transferee is prohibited from receiving or possessing a firearm under Federal, State, or local law; or

''(D) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986.

''(3) A licensed importer, licensed manufacturer, or licensed dealer who processes a transfer of a firearm authorized under paragraph (2)(A) shall not be subject to a license revocation or license denial based solely upon a violation of those paragraphs, or a

violation of the rules or regulations promulgated under this paragraph, unless the licensed importer, licensed manufacturer, or licensed dealer—

''(A) knows or has reasonable cause to believe that the information provided for purposes of identifying the transferor, transferee, or the firearm is false;

''(B) knows or has reasonable cause to believe that the transferee is prohibited from purchasing, receiving, or possessing a firearm by Federal or State law, or published ordinance; or

''(C) knowingly violates any other provision of this chapter, or the rules or regulations promulgated thereunder.

''(4)(A) Notwithstanding any other provision of this chapter, except for section 923(m), the Attorney General may implement this subsection with regulations.

''(B) Regulations promulgated under this paragraph may not include any provision requiring licensees to facilitate transfers in accordance with paragraph (2)(A).

''(C) Regulations promulgated under this paragraph may not include any provision requiring persons not licensed under this chapter to keep records of background checks or firearms transfers.

''(D) Regulations promulgated under this paragraph may not include any provision placing a cap on the fee licensees may charge to facilitate transfers in accordance with paragraph (2)(A).

''(5)(A) A person other than a licensed importer, licensed manufacturer, or licensed dealer, who makes a transfer of a firearm in accordance with this section, or who is the organizer of a gun show or event at which such transfer occurs, shall be immune from a qualified civil liability action relating to the transfer of the firearm as if the person were a seller of a qualified product.

''(B) A provider of an interactive computer service shall be immune from a qualified civil liability action relating to the transfer of a firearm as if the provider of an interactive computer service were a seller of a qualified product.

''(C) In this paragraph—

''(i) the term 'interactive computer service' shall have the meaning given the term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)); and

''(ii) the terms 'qualified civil liability action', 'qualified product', and 'seller' shall have the meanings given the terms in section 4 of the Protection of Lawful Commerce in Arms Act (15 U.S.C. 7903).

''(D) Nothing in this paragraph shall be construed to affect the immunity of a provider of an interactive computer service under section 230 of the Communications Act of 1934 (47 U.S.C. 230).

''(6) In any civil liability action in any State or Federal court arising from the criminal or unlawful use of a firearm following a transfer of such firearm for which no background check was required under this section, this section shall not be construed—

''(A) as creating a cause of action for any civil liability; or

''(B) as establishing any standard of care.

''(7) For purposes of this subsection, the term 'gun show or event'—

''(A) means any event at which 75 or more firearms are offered or exhibited for sale, exchange, or transfer, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

''(B) does not include an offer or exhibit of firearms for sale, exchange, or transfer by an individual from the personal collection of that individual, at the private residence of that individual, if the individual is not required to be licensed under section 923.''.

(b) PROHIBITING THE SEIZURE OF RECORDS OR DOCUMENTS.—Section 923(g)(1)(D) is amended by striking, ''The inspection and examination authorized by this paragraph shall not be construed as authorizing the Attorney General to seize any records or other documents other than those records or documents constituting material evidence of a violation of law,'' and inserting the following: ''The Attorney General shall be prohibited from seizing any records or other documents in the course of an inspection or examination authorized by this paragraph other than those records or documents constituting material evidence of a violation of law.''.

(c) PROHIBITION OF NATIONAL GUN REGISTRY.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

''(m) The Attorney General may not consolidate or centralize the records of the—

''(1) acquisition or disposition of firearms, or any portion thereof, maintained by—

''(A) a person with a valid, current license under this chapter;

''(B) an unlicensed transferor under section 922(t); or

''(2) possession or ownership of a firearm, maintained by any medical or health insurance entity.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 922.—Section 922(y)(2) of title 18, United States Code, is amended, in the matter preceding subparagraph (A), by striking '', (g)(5)(B), and (s)(3)(B)(v)(II)'' and inserting ''and (g)(5)(B)''.

(2) CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012.—Section 511 of title V of division B of the Consolidated and Further Continuing Appropriations Act, 2012 (18 U.S.C. 922 note) is amended by striking ''subsection 922(t)'' and inserting ''subsection (s) or (t) of section 922'' each place it appears.

SEC. 623. PENALTIES.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(8) Whoever makes or attempts to make a transfer of a firearm in violation of section 922(t) to a person not licensed under this chapter who is prohibited from receiving a firearm under subsection (g) or (n) of section 922 or State law, to a law enforcement officer, or to a person acting at the direction of, or with the approval of, a law enforcement officer authorized to investigate or prosecute violations of section 922(t), shall be fined under this title, imprisoned not more than 5 years, or both.''; and

(2) by adding at the end the following:

''(q) IMPROPER USE OF STORAGE OF RECORDS.—Any person who knowingly violates section 923(m) shall be fined under this title, imprisoned not more than 15 years, or both.''.

SEC. 624. FIREARMS DISPOSITIONS.

Section 922(b)(3) of title 18, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ''located'' and inserting ''located or temporarily located''; and

(2) in subparagraph (A)—

(A) by striking ''rifle or shotgun'' and inserting ''firearm'';

(B) by striking ''located'' and inserting ''located or temporarily located''; and

(C) by striking ''both such States'' and inserting ''the State in which the transfer is conducted and the State of residence of the transferee''.

SEC. 625. FIREARM DEALER ACCESS TO LAW ENFORCEMENT INFORMATION.

Section 103(b) of Public Law 103–159 (18 U.S.C. 922 note), is amended—

(1) by striking ''Not later than'' and inserting the following:

''(1) IN GENERAL.—Not later than''; and

(2) by adding at the end the following:

''(2) VOLUNTARY BACKGROUND CHECKS.—Not later than 90 days after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2016, the Attorney General shall promulgate regulations allowing licensees to use the National Instant Criminal Background Check System established under this section for purposes of conducting voluntary preemployment background checks on prospective employees.''.

SEC. 626. DEALER LOCATION.

Section 923 of title 18, United States Code, is amended—

(1) in subsection (j)—

(A) in the first sentence, by striking '', and such location is in the State which is specified on the license''; and

(B) in the last sentence—

(i) by inserting ''transfer,'' after ''sell,''; and

(ii) by striking ''Act,'' and all that follows and inserting ''Act.''; and

(2) by adding after subsection (m), as added by section 622(c), the following:

''(n) Nothing in this chapter shall be construed to prohibit the sale, transfer, delivery, or other disposition of a firearm or ammunition not otherwise prohibited under this chapter—

''(1) by a person licensed under this chapter to another person so licensed, at any location in any State; or

''(2) by a licensed importer, licensed manufacturer, or licensed dealer to a person not licensed under this chapter, at a temporary location described in subsection (j) in any State.''.

SEC. 627. RESIDENCE OF UNITED STATES OFFICERS.

Section 921 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) For purposes of this chapter:

''(1) A member of the Armed Forces on active duty, or a spouse of such a member, is a resident of—

''(A) the State in which the member or spouse maintains legal residence;

''(B) the State in which the permanent duty station of the member is located; and

''(C) the State in which the member maintains a place of abode from which the member commutes each day to the permanent duty station of the member.

''(2) An officer or employee of the United States (other than a member of the Armed Forces) who is stationed outside the United States for a period of more than 1 year, and a spouse of such an officer or employee, is a resident of the State in which the person maintains legal residence.''.

SEC. 628. INTERSTATE TRANSPORTATION OF FIREARMS OR AMMUNITION.

(a) IN GENERAL.—Section 926A of title 18, United States Code, is amended to read as follows:

''§ 926A. Interstate transportation of firearms or ammunition

''(a) DEFINITION.—In this section, the term 'transport'—

''(1) includes staying in temporary lodging overnight, stopping for food, fuel, vehicle

maintenance, an emergency, medical treatment, and any other activity incidental to the transport; and

''(2) does not include transportation—

''(A) with the intent to commit a crime punishable by imprisonment for a term exceeding 1 year that involves a firearm; or

''(B) with knowledge, or reasonable cause to believe, that a crime described in subparagraph (A) is to be committed in the course of, or arising from, the transportation.

''(b) AUTHORIZATION.—Notwithstanding any provision of any law (including a rule or regulation) of a State or any political subdivision thereof, a person who is not prohibited by this chapter from possessing, transporting, shipping, or receiving a firearm or ammunition shall be entitled to—

''(1) transport a firearm for any lawful purpose from any place where the person may lawfully possess, carry, or transport the firearm to any other such place if, during the transportation—

''(A) the firearm is unloaded; and

''(B)(i) if the transportation is by motor vehicle—

''(I) the firearm is not directly accessible from the passenger compartment of the motor vehicle; or

''(II) if the motor vehicle is without a compartment separate from the passenger compartment, the firearm is—

''(aa) in a locked container other than the glove compartment or console; or

''(bb) secured by a secure gun storage or safety device; or

''(ii) if the transportation is by other means, the firearm is in a locked container or secured by a secure gun storage or safety device; and

''(2) transport ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the ammunition, to any other such place if, during the transportation—

''(A) the ammunition is not loaded into a firearm; and

''(B)(i) if the transportation is by motor vehicle—

''(I) the ammunition is not directly accessible from the passenger compartment of the motor vehicle; or

''(II) if the motor vehicle is without a compartment separate from the passenger compartment, the ammunition is in a locked container other than the glove compartment or console; or

''(ii) if the transportation is by other means, the ammunition is in a locked container.

''(c) LIMITATION ON ARREST AUTHORITY.—A person who is transporting a firearm or ammunition may not be—

''(1) arrested for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the possession, transportation, or carrying of firearms or ammunition, unless there is probable cause that the transportation is not in accordance with subsection (b); or

''(2) detained for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the possession, transportation, or carrying of firearms or ammunition, unless there is reasonable suspicion that the transportation is not in accordance with subsection (b).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 926A and inserting the following:

''926A. Interstate transportation of firearms or ammunition.''.

SEC. 629. RULE OF CONSTRUCTION.

Nothing in this subtitle, or an amendment made by this subtitle, shall be construed—

(1) to extend background check requirements to transfers other than those made at gun shows or on the curtilage thereof, or pursuant to an advertisement, posting, display, or other listing on the Internet or in a publication by the transferor of the intent of the transferor to transfer, or the transferee of the intent of the transferee to acquire, the firearm; or

(2) to extend background check requirements to temporary transfers for purposes including lawful hunting or sporting or to temporary possession of a firearm for purposes of examination or evaluation by a prospective transferee.

SEC. 630. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect 180 days after the date of enactment of this Act.

(b) FIREARM DEALER ACCESS TO LAW ENFORCEMENT INFORMATION.—Section 625 and the amendments made by section 625 shall take effect on the date of enactment of this Act.

Subtitle C—National Commission on Mass Violence

SEC. 641. SHORT TITLE.

This subtitle may be cited as the ''National Commission on Mass Violence Act of 2016''.

SEC. 642. NATIONAL COMMISSION ON MASS VIOLENCE.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Commission on Mass Violence (in this subtitle referred to as the ''Commission'') to study the availability and nature of firearms, including the means of acquiring firearms, issues relating to mental health, and all positive and negative impacts of the availability and nature of firearms on incidents of mass violence or in preventing mass violence.

(b) MEMBERSHIP.—

(1) APPOINTMENTS.—The Commission shall be composed of 12 members, of whom—

(A) 6 members of the Commission shall be appointed by the Majority Leader of the Senate, in consultation with the Democratic leadership of the House of Representatives, 1 of whom shall serve as Chairman of the Commission; and

(B) 6 members of the Commission shall be appointed by the Speaker of the House of Representatives, in consultation with the Republican leadership of the Senate, 1 of whom shall serve as Vice Chairman of the Commission.

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—The members appointed to the Commission shall include—

(i) well-known and respected individuals among their peers in their respective fields of expertise; and

(ii) not less than 1 non-elected individual from each of the following categories, who has expertise in the category, by both experience and training:

(I) Firearms.

(II) Mental health.

(III) School safety.

(IV) Mass media.

(B) EXPERTS.—In identifying the individuals to serve on the Commission, the appointing authorities shall take special care to identify experts in the fields described in section 643(a)(2).

(C) PARTY AFFILIATION.—Not more than 6 members of the Commission shall be from the same political party.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (1) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) MEETINGS.—

(i) IN GENERAL.—The Commission shall meet at the call of the Chairman.

(ii) INITIAL MEETING.—The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(I) the date of the appointment of the last member of the Commission; or

(II) the date on which appropriated funds are available for the Commission.

(B) QUORUM; VACANCIES; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this subtitle or other applicable law.

SEC. 643. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of mass violence, including incidents of mass violence not involving firearms, in the context of the many acts of senseless mass violence that occur in the United States each year, in order to determine the root causes of such mass violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of these recurring and tragic acts of mass violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the role of schools, including the level of involvement and awareness of teachers and school administrators in the lives of their students and the availability of mental health and other resources and strategies to help detect and counter tendencies of students towards mass violence;

(B) the effectiveness of and resources available for school security strategies to prevent incidents of mass violence;

(C) the role of families and the availability of mental health and other resources and strategies to help families detect and counter tendencies toward mass violence;

(D) the effectiveness and use of, and resources available to, the mental health system in understanding, detecting, and countering tendencies toward mass violence, as well as the effects of treatments and therapies;

(E) whether medical doctors and other mental health professionals have the ability, without negative legal or professional consequences, to notify law enforcement officials when a patient is a danger to himself or others;

(F) the nature and impact of the alienation of the perpetrators of such incidents of mass violence from their schools, families, peer groups, and places of work;

(G) the role that domestic violence plays in causing incidents of mass violence;

(H) the effect of depictions of mass violence in the media, and any impact of such depictions on incidents of mass violence;

(I) the availability and nature of firearms, including the means of acquiring such firearms, and all positive and negative impacts of such availability and nature on incidents of mass violence or in preventing mass violence;

(J) the role of current prosecution rates in contributing to the availability of weapons that are used in mass violence;

(K) the availability of information regarding the construction of weapons, including explosive devices, and any impact of such information on such incidents of mass violence;

(L) the views of law enforcement officials, religious leaders, mental health experts, and other relevant officials on the root causes and prevention of mass violence;

(M) incidents in which firearms were used to stop mass violence; and

(N) any other area that the Commission determines contributes to the causes of mass violence.

(3) TESTIMONY OF VICTIMS AND SURVIVORS.—In determining the root causes of these recurring and tragic incidents of mass violence, the Commission shall, in accordance with section 644(a), take the testimony of victims and survivors to learn and memorialize their views and experiences regarding such incidents of mass violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of these recurring and tragic incidents of mass violence and to reduce such incidents of mass violence.

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than 3 months after the date on which the Commission first meets, the Commission shall submit to the President and Congress an interim report describing any initial recommendations of the Commission.

(2) FINAL REPORT.—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the findings and conclusions of the Commission, together with the recommendations of the Commission.

(3) SUMMARIES.—The report under paragraph (2) shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 644(e); and

(B) any other material relied on by the Commission in the preparation of the report.

SEC. 644. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 643.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency such information as the Commission considers necessary to carry out its duties under section 643. Upon the request of the Commission, the head of such agency may furnish such information to the Commission.

(c) INFORMATION TO BE KEPT CONFIDENTIAL.—

(1) IN GENERAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (d) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) DISCLOSURE.—Information obtained by the Commission or the Attorney General under this subtitle and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (d) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(d) CONTRACTING FOR RESEARCH.—The Commission may enter into contracts with any entity for research necessary to carry out the duties of the Commission under section 643.

SEC. 645. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional employees as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other employees without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such employees may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 646. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 647. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the final report under section 643(c)(2).

SA 4717. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2____. In addition to amounts made available under this Act, there is appropriated for the Federal Bureau of Investigation out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2017, $2,840,000,000 to better protect people in the United States from both domestic and international acts of terror, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SA 4718. Mr. CRUZ (for himself, Mr. GRASSLEY, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EXPATRIATE TERRORIST ACT.

(a) SHORT TITLE.—This section may be cited as the ''Expatriate Terrorist Act''.

(b) LOSS OF NATIONALITY DUE TO SUPPORT OF TERRORISM.—Section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)) is amended to read as follows:

''(a) IN GENERAL.—A person who is a national of the United States whether by birth

or naturalization, shall lose his or her nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality:

''(1) Obtaining naturalization in a foreign state upon his or her own application or upon an application filed by a duly authorized agent, after having attained 18 years of age.

''(2) Taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state, a political subdivision thereof, or a foreign terrorist organization designated under section 219, after having attained 18 years of age.

''(3) Entering, or serving in, the armed forces of a foreign state or a foreign terrorist organization designated under section 219 if—

''(A) such armed forces are engaged in hostilities against the United States; or

''(B) such persons serve as a commissioned or noncommissioned officer.

''(4) Accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state, a political subdivision thereof, or a foreign terrorist organization designated under section 219 if, after having attained 18 years of age—

''(A) the person knowingly has or acquires the nationality of such foreign state; or

''(B) an oath, affirmation, or declaration of allegiance to the foreign state, a political subdivision thereof, or a designated foreign terrorist organization is required for such office, post, or employment.

''(5) Making a formal renunciation of United States nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State.

''(6) Making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense.

''(7)(A) Committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States;

''(B) violating or conspiring to violate any of the provisions of section 2383 of title 18, United States Code;

''(C) willfully performing any act in violation of section 2385 of title 18, United States Code; or

''(D) violating section 2384 of such title by engaging in a conspiracy to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them,

if and when such person is convicted thereof by a court martial or by a court of competent jurisdiction.

''(8) Knowingly providing material support or resources (as defined in section 2339A(b) of title 18, United States Code) to any foreign terrorist organization designated under section 219 if such person knows that such organization is engaged in hostilities against the United States.''.

(c) REVOCATION OR DENIAL OF PASSPORTS AND PASSPORT CARDS TO INDIVIDUALS WHO ARE MEMBERS OF FOREIGN TERRORIST ORGANIZATIONS.—The Act entitled ''An Act to regulate the issue and validity of passports, and for other purposes'', approved July 3, 1926 (22 U.S.C. 211a et seq.), which is commonly known as the ''Passport Act of 1926'', is amended by adding at the end the following:

''SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORT AND PASSPORT CARD.

''(a) INELIGIBILITY.—

''(1) ISSUANCE.—The Secretary of State shall not issue a passport or passport card to any individual whom the Secretary has determined, by a preponderance of the evidence—

''(A) is serving in, or is attempting to serve in, an organization designated by the Secretary as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

''(B) is a threat to the national security interest of the United States.

''(2) REVOCATION.—The Secretary of State shall revoke a passport or passport card previously issued to any individual described in paragraph (1).

''(b) RIGHT OF REVIEW.—Any person who, in accordance with this section, is denied issuance of a passport or passport card by the Secretary of State, or whose passport or passport card is revoked or otherwise restricted by the Secretary of State, may request a due process hearing, under regulations prescribed by the Secretary, not later than 60 days after receiving such notice of the nonissuance, revocation, or restriction.

''(c) NATIONAL SECURITY WAIVER.—Notwithstanding subsection (a), the Secretary may—

''(1) issue a passport or passport card to an individual described in subsection (a)(1); or

''(2) refuse to revoke a passport or passport card of an individual described in subsection (a)(1),

if the Secretary finds that such issuance or refusal to revoke is in the national security interest of the United States.''.

(d) CONFORMING AMENDMENT.—Section 351(b) of the Immigration and Nationality Act (8 U.S.C. 1483(b)) is amended by striking ''(3) and (5)'' and inserting ''(3), (5), and (8)''.

SA 4719. Ms. BALDWIN (for herself, Ms. MIKULSKI, Ms. HIRONO, Mr. SCHUMER, Mr. BOOKER, Mr. MERKLEY, Mr. BROWN, Mr. NELSON, Mrs. SHAHEEN, Mr. MARKEY, Mr. BENNET, Mr. SANDERS, Mrs. FEINSTEIN, Mr. WYDEN, Mr. PETERS, Mr. DURBIN, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2____. (a) In addition to the amounts provided under the heading ''SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES'' under the heading ''LEGAL ACTIVITIES'' under this title, $30,000,000 for the Civil Rights Division of the Department of Justice: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(b) In addition to the amounts provided under the heading ''SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE'' under the heading ''LEGAL ACTIVITIES'' under this title, $11,000,000 for the Community Relations Service of the Department of Justice for personnel and training to respond to hate crimes: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SA 4720. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. NELSON, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Ms. MIKULSKI, Mrs. BOXER, Mr. UDALL, Mr. CARPER, Mr. MARKEY, Mr. MENENDEZ, Mr. COONS, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. BROWN, Mr. SCHATZ, Ms. KLOBUCHAR, Mr. MURPHY, Mrs. MCCASKILL, Mr. HEINRICH, Mr. FRANKEN, Mr. BOOKER, and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. MCCONNELL (for Mr. SHELBY (for himself and Ms. MIKULSKI)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Hereafter, the Attorney General may deny the transfer of a firearm if the Attorney General determines, based on the totality of the circumstances, that the transferee represents a threat to public safety based on a reasonable suspicion that the transferee is engaged, or has been engaged, in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources therefor. For purposes of sections 922(t)(1), (2), (5), and (6) and 925A of title 18, United States Code, and section 103(g) of Public Law 103–159 (18 U.S.C. 922 note), a denial by the Attorney General pursuant to this provision shall be treated as equivalent to a determination that receipt of a firearm would violate section (g) or (n) of section 922 of title 18, United States Code, or State law. A denial described in this section shall be subject to the remedial procedures set forth in section 103(g) of Public Law 103–159 (18 U.S.C. 922 note) and the intended transferee may pursue a remedy for an erroneous denial of a firearm under section 925A of title 18, United States Code. Notwithstanding any other provision of law, such remedial procedures and judicial review shall be subject to procedures that may be developed by the Attorney General to prevent the unauthorized disclosure of information that reasonably could be expected to result in damage to national security or ongoing law enforcement operations, including but not limited to procedures for submission of information to the court ex parte as appropriate, consistent with due process. The Attorney General shall establish, within the amounts appropriated, procedures to ensure that, if an individual who is, or within the previous 5 years has been, under investigation for conduct related to a Federal crime of terrorism, as defined in section 2332b(g)(5) of title 18, United States Code, attempts to purchase a firearm, the Attorney General or a designee of the Attorney General shall be promptly notified of the attempted purchase.

AUTHORITY FOR COMMITTEES TO MEET

Mr. ROUNDS. Mr. President, I have nine requests for committees to meet

during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on June 15, 2016, at 10 a.m., in room SR–253 of the Russell Senate Office Building.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on June 15, 2016, at 2 p.m., in room SR–253 of the Russell Senate Office Building, to conduct a Subcommittee hearing entitled ''Assessing the Coast Guard's Increasing Duties: A Focus on Drug and Migrant Interdiction.''

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on June 15, 2016, at 2 p.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Challenges and Opportunities for U.S. Business in the Digital Age.''

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on June 15, 2016, at 2:15 p.m., to conduct a hearing entitled ''U.S. Policy in Libya.''

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on June 15, 2016, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Implementing the Child Care Development Block Grant Act of 2014: Perspectives of Stakeholders.''

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on June 15, 2016, at 10 a.m., to conduct a hearing entitled ''America's Insatiable Demand for Drugs: Examining Potential Approaches.''

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on June 15, 2016, at 2:30 p.m., in room SD–562 of the Dirksen Senate Office Building to conduct a hearing entitled ''Closing the Gap: Innovations to Promote Americans' Financial Security.''

SUBCOMMITTEE ON NATIONAL PARKS

The Committee on Energy and Natural Resources' Subcommittee on National Parks is authorized to meet during the session of the Senate on June 15, 2016, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON WESTERN HEMISPHERE, TRANSNATIONAL CRIME, CIVILIAN SECURITY, DEMOCRACY, HUMAN RIGHTS, AND GLOBAL WOMEN'S ISSUES

The Committee on Foreign Relations Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues is authorized to meet during the session of the Senate on June 15, 2016, at 10 a.m., to conduct a hearing entitled ''Barriers to Education Globally: Getting Girls in the Classroom.''

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

On Tuesday, June 14, 2016, the Senate passed S. 2943, as amended, as follows:

S. 2943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2017''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations.

(4) Division D—Funding Tables.

(5) Division E—Uniform Code of Military Justice Reform.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Budgetary effects of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Distributed Common Ground System-Army.
Sec. 112. Multiyear procurement authority for UH–60M/HH–60M Black Hawk helicopters.
Sec. 113. Multiyear procurement authority for AH–64E Apache helicopters.

Subtitle C—Navy Programs

Sec. 121. Incremental funding for detail design and construction of LHA replacement ship designated LHA 8.
Sec. 122. Littoral Combat Ship.
Sec. 123. Certification on ship deliveries.
Sec. 124. Limitation on the use of sole source shipbuilding contracts.
Sec. 125. Limitation on availability of funds for the advanced arresting gear program.
Sec. 126. Limitation on procurement of USS JOHN F. KENNEDY (CVN–79) and USS ENTERPRISE (CVN–80).
Sec. 127. Limitation on availability of funds for Tactical Combat Training System Increment II.

Subtitle D—Air Force Programs

Sec. 141. Extension of prohibition on availability of funds for retirement of A–10 aircraft.
Sec. 142. Limitation on availability of funds for destruction of A–10 aircraft in storage status.
Sec. 143. Repeal of the requirement to preserve certain retired C–5 aircraft.
Sec. 144. Repeal of requirement to preserve F–117 aircraft in recallable condition.
Sec. 145. Limitation on availability of funds for EC–130H Compass Call recapitalization program.
Sec. 146. Limitation on availability of funds for Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program.

Subtitle E—Defense-wide, Joint and Multiservice Matters

Sec. 151. Report to Congress on independent study of future mix of aircraft platforms for the Armed Forces.
Sec. 152. Limitation on availability of funds for destruction of certain cluster munitions and report on Department of Defense policy and cluster munitions.
Sec. 153. Medium altitude intelligence, surveillance, and reconnaissance aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Modification of mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
Sec. 212. Making permanent authority for defense research and development rapid innovation program.
Sec. 213. Authorization for National Defense University and Defense Acquisition University to enter into cooperative research and development agreements.
Sec. 214. Manufacturing Universities Grant Program.
Sec. 215. Increased micro-purchase threshold for basic research programs and activities of the Department of Defense science and technology reinvention laboratories.
Sec. 216. Directed energy weapon system programs.
Sec. 217. Limitation on B–21 Engineering and Manufacturing Development program funds.
Sec. 218. Pilot program on disclosure of certain sensitive information to contractors performing under contracts with Department of Defense federally funded research and development centers.
Sec. 219. Pilot program on enhanced interaction between the Defense Advanced Research Projects Agency and the service academies.

Sec. 220. Modification of authority for use of operation and maintenance funds for unspecified minor construction projects consisting of laboratory revitalization.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

Sec. 302. Modified reporting requirement related to installations energy management.
Sec. 303. Report on efforts to reduce high energy costs at military installations.
Sec. 304. Utility data management for military facilities.
Sec. 305. Linear LED lamps.

Subtitle C—Logistics and Sustainment

Sec. 311. Deployment prioritization and readiness of Army units.
Sec. 312. Revision of guidance related to corrosion control and prevention executives.
Sec. 313. Repair, recapitalization, and certification of dry docks at Naval shipyards.

Subtitle D—Reports

Sec. 321. Modifications to Quarterly Readiness Report to Congress.
Sec. 322. Report on HH–60G sustainment and Combat Rescue Helicopter (CRH) program.

Subtitle E—Other Matters

Sec. 331. Repurposing and reuse of surplus military firearms.
Sec. 332. Limitation on development and fielding of new camouflage and utility uniforms.
Sec. 333. Hazard assessments related to new construction of obstructions on military installations.
Sec. 334. Plan for modernized Air Force dedicated adversary air training enterprise.
Sec. 335. Independent study to review and assess the effectiveness of the Air Force Ready Aircrew Program.
Sec. 336. Mitigation of risks posed by certain window coverings with accessible cords in military housing units in which children reside.
Sec. 337. Tactical explosive detection dogs.
Sec. 338. STARBASE program.
Sec. 339. Access to Department of Defense installations for drivers of vehicles of online transportation network companies.
Sec. 340. Women's military service memorials and museums.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Personnel

Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2017 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Technical corrections to annual authorization for personnel strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Reform of distribution and authorized strength of general and flag officers.
Sec. 502. Repeal of statutory specification of general or flag officer grade for various positions in the Armed Forces.
Sec. 503. Temporary suspension of officer grade strength tables.
Sec. 504. Enhanced authority for service credit for experience or advanced education upon original appointment as a commissioned officer.
Sec. 505. Authority of promotion boards to recommend officers of particular merit be placed at the top of the promotion list.
Sec. 506. Promotion eligibility period for officers whose confirmation of appointment is delayed due to nonavailability to the Senate of probative information under control of non-Department of Defense agencies.
Sec. 507. Length of joint duty assignments.
Sec. 508. Modification of definitions relating to joint officer management.
Sec. 509. Continuation of certain officers on active duty without regard to requirement for retirement for years of service.
Sec. 510. Extension of force management authorities allowing enhanced flexibility for officer personnel management.

Subtitle B—Reserve Component Management

Sec. 521. Authority for temporary waiver of limitation on term of service of Vice Chief of the National Guard Bureau.
Sec. 522. Authority to designate certain reserve officers as not to be considered for selection for promotion.
Sec. 523. Rights and protections available to military technicians.
Sec. 524. Extension of suicide prevention and resilience programs for the National Guard and Reserves.
Sec. 525. Inapplicability of certain laws to National Guard technicians performing active Guard and Reserve duty.

Subtitle C—General Service Authorities

Sec. 531. Responsibility of Chiefs of Staff of the Armed Forces for standards and qualifications for military specialties within the Armed Forces.
Sec. 532. Leave matters.
Sec. 533. Transfer of provision relating to expenses incurred in connection with leave canceled due to contingency operations.
Sec. 534. Reduction of tenure on the temporary disability retired list.
Sec. 535. Prohibition on enforcement of military commission rulings preventing members of the Armed Forces from carrying out otherwise lawful duties based on member gender.
Sec. 536. Board for the Correction of Military Records and Discharge Review Board matters.
Sec. 536A. Treatment by discharge review boards of claims asserting post-traumatic stress disorder or traumatic brain injury in connection with combat or sexual trauma as a basis for review of discharge.
Sec. 537. Reconciliation of contradictory provisions relating to qualifications for enlistment in the reserve components of the Armed Forces.

Subtitle D—Military Justice and Legal Assistance Matters

PART I—RETALIATION

Sec. 541. Report to complainants of resolution of investigations into retaliation.
Sec. 542. Training for Department of Defense personnel on sexual assault trauma in individuals claiming retaliation in connection with reports of sexual assault in the Armed Forces.
Sec. 543. Inclusion in annual reports on sexual assault prevention and response efforts of the Armed Forces of information on complaints of retaliation in connection with reports of sexual assault in the Armed Forces.
Sec. 544. Metrics for evaluating the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.

PART II—OTHER MILITARY JUSTICE MATTERS

Sec. 546. Discretionary authority for military judges to designate an individual to assume the rights of the victim of an offense under the Uniform Code of Military Justice when the victim is a minor, incompetent, incapacitated, or deceased.
Sec. 547. Appellate standing of victims in enforcing rights of victims under the Uniform Code of Military Justice.
Sec. 548. Effective prosecution and defense in courts-martial.
Sec. 549. Pilot programs on military justice career track for judge advocates.
Sec. 550. Modification of definition of sexual harassment for purposes of investigations of complaints of harassment by commanding officers.
Sec. 551. Extension and clarification of annual reports regarding sexual assault involving members of the Armed Forces.
Sec. 552. Expansion of authority to execute certain military instruments.
Sec. 553. United States Court of Appeals for the Armed Forces.
Sec. 554. Medical examination before administrative separation for members with post-traumatic stress disorder or traumatic brain injury in connection with sexual assault.

Subtitle E—Member Education, Training, and Transition

Sec. 561. Limitation on tuition assistance for off-duty training or education.
Sec. 562. Modification of program to assist members of the Armed Forces in obtaining professional credentials.

Sec. 563. Access to Department of Defense installations of institutions of higher education providing certain advising and student support services.
Sec. 564. Priority processing of applications for Transportation Worker Identification Credentials for members undergoing discharge or release from the Armed Forces.

Subtitle F—Defense Dependents' Education and Military Family Readiness Matters

Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 572. Impact aid for children with severe disabilities.
Sec. 573. Impact aid amendments.
Sec. 574. One-year extension of authorities relating to the transition and support of military dependent students to local educational agencies.
Sec. 575. Comptroller General of the United States analysis of unsatisfactory conditions and overcrowding at public schools on military installations.
Sec. 576. Enhanced flexibility in provision of relocation assistance to members of the Armed Forces and their families.
Sec. 577. Reporting on allegations of child abuse in military families and homes.
Sec. 578. Background checks for employees of agencies and schools providing elementary and secondary education for Department of Defense dependents.
Sec. 579. Support for programs providing camp experience for children of military families.
Sec. 580. Comptroller General of the United States report on Exceptional Family Member Programs.
Sec. 581. Repeal of Advisory Council on Dependents' Education.

Subtitle G—Decorations and Awards

Sec. 586. Authorization for award of the Medal of Honor to Charles S. Kettles for acts of valor during the Vietnam War.
Sec. 587. Authorization for award of the Medal of Honor to Gary M. Rose for acts of valor during the Vietnam War.
Sec. 588. Authorization for award of the Distinguished Service Cross to Chaplain (First Lieutenant) Joseph Verbis Lafleur for acts of valor during World War II.
Sec. 589. Posthumous advancement of Colonel George E. ''Bud'' Day, United States Air Force, on the retired list.

Subtitle H—Miscellaneous Reports and Other Matters

Sec. 591. Applicability of Military Selective Service Act to female citizens and persons.
Sec. 592. Senior Military Acquisition Advisors in the Defense Acquisition Corps.
Sec. 593. Annual reports on progress of the Army and the Marine Corps in integrating women into military occupational specialities and units recently opened to women.
Sec. 594. Report on career progression tracks of the Armed Forces for women in combat arms units.
Sec. 595. Repeal of requirement for a chaplain at the United States Air Force Academy appointed by the President.
Sec. 596. Extension of limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies.
Sec. 597. Report on discharge by warrant officers of pilot and other flight officer positions in the Navy, Marine, Corps, and Air Force currently discharged by commissioned officers.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2017 increase in military basic pay.
Sec. 602. Publication by Department of Defense of actual rates of basic pay payable to members of the Armed Forces by pay grade for annual or other pay periods.
Sec. 603. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.
Sec. 604. Reform of basic allowance for housing.
Sec. 605. Repeal of obsolete authority for combat-related injury rehabilitation pay.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 616. Conforming amendment to consolidation of special pay, incentive pay, and bonus authorities.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Maximum reimbursement amount for travel expenses of Reserves to attend inactive duty training outside or normal commuting distances.
Sec. 622. Period for relocation of spouses and dependents of certain members of the Armed Forces undergoing a permanent change of station.

Subtitle D—Disability Pay, Retired Pay, and Survivor Benefits

PART I—AMENDMENTS IN CONNECTION WITH RETIRED PAY REFORM

Sec. 631. Election period for members in the service academies and inactive Reserves to participate in the modernized retirement system.
Sec. 632. Effect of separation of members from the uniformed services on participation in the Thrift Savings Plan.
Sec. 633. Continuation pay for members who have completed 8 to 12 years of service.
Sec. 634. Combat-related special compensation coordinating amendment.
Sec. 635. Sense of Congress on Roth contributions as default contributions of members of the Armed Forces participating in the Thrift Savings Plan under retired pay reform.

PART II—OTHER MATTERS

Sec. 641. Extension of allowance covering monthly premium for Servicemembers' Group Life Insurance while in certain overseas areas to cover members in any combat zone or overseas direct support area.
Sec. 642. Use of member's current pay grade and years of service, rather than final retirement pay grade and years of service, in a division of property involving disposable retired pay.
Sec. 643. Permanent extension of payment of special survivor indemnity allowances under the Survivor Benefit Plan.
Sec. 644. Authority to deduct Survivor Benefit Plan premiums from combat-related special compensation when retired pay not sufficient.
Sec. 645. Sense of Congress on options for members of the Armed Forces to designate payment of the death gratuity to a trust for a special needs individual.
Sec. 646. Independent assessment of the Survivor Benefit Plan.

Subtitle E—Commissary and Non-Appropriated Fund Instrumentality Benefits and Operations

Sec. 661. Protection and enhancement of access to and savings at commissaries and exchanges.

Subtitle F—Other Matters

Sec. 671. Compliance with domestic source requirements for footwear furnished to enlisted members of the Armed Forces upon their initial entry into the Armed Forces.
Sec. 672. Authority for payment of pay and allowances and retired and retainer pay pursuant to power of attorney.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

Sec. 701. Reform of health care plans available under the TRICARE program.
Sec. 702. Modifications of cost-sharing requirements for the TRICARE Pharmacy Benefits Program and treatment of certain pharmaceutical agents.
Sec. 703. Eligibility of certain beneficiaries under the TRICARE program for participation in the Federal Employees Dental and Vision Insurance Program.
Sec. 704. Coverage of medically necessary food and vitamins for digestive and inherited metabolic disorders under the TRICARE program.

Sec. 705. Enhancement of use of telehealth services in military health system.
Sec. 706. Evaluation and treatment of veterans and civilians at military treatment facilities.
Sec. 707. Pilot program to provide health insurance to members of the reserve components of the Armed Forces.
Sec. 708. Pilot program on treatment of members of the Armed Forces for post-traumatic stress disorder related to military sexual trauma.

Subtitle B—Health Care Administration

Sec. 721. Consolidation of the medical departments of the Army, Navy, and Air Force into the Defense Health Agency.
Sec. 722. Accountability for the performance of the military health care system of certain positions in the system.
Sec. 723. Selection of commanders and directors of military treatment facilities and tours of duty of commanders of such facilities.
Sec. 724. Authority to convert military medical and dental positions to civilian medical and dental positions.
Sec. 725. Authority to realign infrastructure of and health care services provided by military treatment facilities.
Sec. 726. Acquisition of medical support contracts for TRICARE program.
Sec. 727. Authority to enter into health care contracts with certain entities to provide care under the TRICARE program.
Sec. 728. Improvement of health outcomes and control of costs of health care under TRICARE program through programs to involve covered beneficiaries.
Sec. 729. Establishment of centers of excellence for specialty care in the military health system.
Sec. 730. Program to eliminate variability in health outcomes and improve quality of health care services delivered in military treatment facilities.
Sec. 731. Establishment of advisory committees for military treatment facilities.
Sec. 732. Standardized system for scheduling medical appointments at military treatment facilities.
Sec. 733. Display of wait times at urgent care clinics, emergency departments, and pharmacies of military treatment facilities.
Sec. 734. Improvement and maintenance of combat casualty care and trauma care skills of health care providers of Department of Defense.
Sec. 735. Adjustment of medical services, personnel authorized strengths, and infrastructure in military health system to maintain readiness and core competencies of health care providers.
Sec. 736. Establishment of high performance military-civilian integrated health delivery systems.
Sec. 737. Contracts with private sector entities to provide certain health care services at military treatment facilities.
Sec. 738. Modification of acquisition strategy for health care professional staffing services.
Sec. 739. Reduction of administrative requirements relating to automatic renewal of enrollments in TRICARE Prime.

Subtitle C—Reports and Other Matters

Sec. 751. Pilot program on expansion of use of physician assistants to provide mental health care to members of the Armed Forces.
Sec. 752. Implementation of plan to eliminate certain graduate medical education programs of Department of Defense.
Sec. 753. Modification of authority of Uniformed Services University of the Health Sciences to include undergraduate and other medical education and training programs.
Sec. 754. Memoranda of agreement with institutions of higher education that offer degrees in allopathic or osteopathic medicine.
Sec. 755. Extension of authority for joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.
Sec. 756. Prohibition on conduct of certain medical research and development projects.
Sec. 757. Authorization of reimbursement by Department of Defense to entities carrying out State vaccination programs for costs of vaccines provided to covered beneficiaries.
Sec. 758. Maintenance of certain reimbursement rates for care and services to treat autism spectrum disorder under demonstration program.
Sec. 759. Incorporation into certain surveys by Department of Defense of questions on servicewomen experiences with family planning services and counseling.
Sec. 760. Assessment of transition to TRICARE program by families of members of reserve components called to active duty and elimination of certain charges for such families.
Sec. 761. Requirement to review and monitor prescribing practices at military treatment facilities of pharmaceutical agents for treatment of post-traumatic stress.
Sec. 762. Report on plan to improve pediatric care and related services for children of members of the Armed Forces.
Sec. 763. Comptroller General report on health care delivery and waste in military health system.
Sec. 764. Treatment of certain provisions relating to limitations, transparency, and oversight regarding medical research conducted by the Department of Defense.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy Management

Sec. 801. Rapid acquisition authority amendments.
Sec. 802. Authority for temporary service of Principal Military Deputies to the Assistant Secretaries of the military departments for acquisition as acting Assistant Secretaries.
Sec. 803. Conduct of independent cost estimation and cost analysis.
Sec. 804. Modernization of services acquisition.
Sec. 805. Modified notification requirement for exercise of waiver authority to acquire vital national security capabilities.
Sec. 806. Repeal of temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by contractors.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Defense cost accounting standards.
Sec. 812. Increased micro-purchase threshold applicable to Department of Defense procurements.
Sec. 813. Enhanced competition requirements.
Sec. 814. Elimination of bid and proposal costs and other expenses as allowable independent research and development costs on certain contracts.
Sec. 815. Exception to requirement to include cost or price to the Government as a factor in the evaluation of proposals for certain multiple-award task or delivery order contracts.
Sec. 816. Modified restrictions on undefinitized contractual actions.
Sec. 817. Non-traditional contractor definition.
Sec. 818. Comprehensive small business contracting plans.
Sec. 819. Limitation on task and delivery order protests.
Sec. 820. Modified data collection requirements applicable to procurement of services.
Sec. 821. Government Accountability Office bid protest reforms.
Sec. 822. Report on bid protests.
Sec. 823. Treatment of side-by-side testing of certain equipment, munitions, and technologies manufactured and developed under cooperative research and development agreements as use of competitive procedures.
Sec. 824. Defense Acquisition Challenge Program.
Sec. 825. Use of Lowest Price Technically Acceptable source selection process.
Sec. 826. Penalties for the use of cost-type contracts.
Sec. 827. Preference for fixed-price contracts.
Sec. 828. Requirement to use firm fixed-price contracts for foreign military sales.
Sec. 829. Preference for performance-based contractual payments.
Sec. 829A. Share-in-savings contracts.
Sec. 829B. Competitive procurement and phase out of rocket engines from the Russian Federation in the evolved expendable launch vehicle program for space launch of national security satellites.

Sec. 829C. Special emergency procurement authority to facilitate the defense against or recovery from a cyber, nuclear, biological, chemical, or radiological attack.
Sec. 829D. Limitation on use of reverse auction and lowest price technically acceptable contracting methods.
Sec. 829E. Avoidance of use of brand names or brand-name or equivalent descriptions in solicitations.
Sec. 829F. Sunset and repeal of certain contracting provisions.
Sec. 829G. Flexibility in contracting award program.
Sec. 829H. Products and services purchased through contracting program for firms that hire the severely disabled.
Sec. 829I. Applicability of Executive Order 13673 ''Fair Pay and Safe Workplaces'' to Department of Defense contractors.
Sec. 829J. Contract closeout authority.
Sec. 829K. Closeout of old Navy contracts.

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

Sec. 831. Repeal of major automated information systems provisions.
Sec. 832. Revisions to definition of major defense acquisition program.
Sec. 833. Acquisition strategy.
Sec. 834. Improved life cycle cost control.
Sec. 835. Modification of certain Milestone B certification requirements.
Sec. 836. Disclosure of risk in cost estimates.
Sec. 837. Authority to designate increments or blocks of items delivered under major defense acquisition programs as major subprograms for purposes of acquisition reporting.
Sec. 838. Counting of major defense acquisition program subcontracts toward small business goals.
Sec. 839. Use of economy-wide inflation index to calculate percentage increase in unit costs.
Sec. 840. Waiver of notification when acquiring tactical missiles and munitions above the budgeted quantity.
Sec. 841. Multiple program multiyear contract pilot demonstration program.
Sec. 842. Key Performance Parameter reduction pilot program.
Sec. 843. Mission and system of systems interoperability.
Sec. 844. B–21 bomber development program baseline and cost control.

Subtitle D—Provisions Relating to Acquisition Workforce

Sec. 851. Improvement of program and project management by the Department of Defense.
Sec. 852. Authority to waive tenure requirement for program managers for program definition and program execution periods.
Sec. 853. Enhanced use of data analytics to improve acquisition program outcomes.
Sec. 854. Purposes for which the Department of Defense Acquisition Workforce Development Fund may be used.

Subtitle E—Provision Related to Commercial Items

Sec. 861. Inapplicability of certain laws and regulations to the acquisition of commercial items and commercially available off-the-shelf items.
Sec. 862. Department of Defense exemptions from certain regulations.
Sec. 863. Use of performance and commercial specifications in lieu of military specifications and standards.
Sec. 864. Preference for commercial services.
Sec. 865. Treatment of items purchased by prospective contractors prior to release of prime contract requests for proposals as commercial items.
Sec. 866. Treatment of services provided by nontraditional contractors as commercial items.
Sec. 867. Use of non-cost contracts to acquire commercial items.
Sec. 868. Pilot program for authority to acquire innovative commercial items, technologies, and services using general solicitation competitive procedures.

Subtitle F—Industrial Base Matters

Sec. 871. Greater Integration of the National Technical Industrial Base.
Sec. 872. Integration of civil and military roles in attaining national technology and industrial base objectives.
Sec. 873. Distribution support and services for weapon systems contractors.
Sec. 874. Permanency of Department of Defense SBIR and STTR programs.
Sec. 875. Modified requirements for distribution of assistance under procurement technical assistance cooperative agreements.
Sec. 876. Nontraditional and small disruptive innovation prototyping program.

Subtitle G—International Contracting Matters

Sec. 881. International sales process improvements.
Sec. 882. Working capital fund for precision guided munitions exports in support of contingency operations.
Sec. 883. Extension of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.
Sec. 884. Clarification of treatment of contracts performed outside the United States.
Sec. 885. Enhanced authority to acquire products and services produced in Africa in support of covered activities.
Sec. 886. Maintenance of prohibition on procurement by Department of Defense of People's Republic of China-origin items that meet the definition of goods and services controlled as munitions items when moved to the ''600 series'' of the Commerce Control List.

Subtitle H—Other Matters

Sec. 891. Contractor business system requirements.
Sec. 892. Authority to provide reimbursable auditing services to certain non-Defense Agencies.
Sec. 893. Improved management practices to reduce cost and improve performance of certain Department of Defense organizations.
Sec. 894. Director of Developmental Test and Evaluation.
Sec. 895. Exemption from requirement for capital planning and investment control for information technology equipment included as integral part of a weapon or weapon system.
Sec. 896. Modifications to pilot program for streamlining awards for innovative technology projects.
Sec. 897. Enhancement of electronic warfare capabilities.
Sec. 898. Improved transparency and oversight over Department of Defense research, development, test, and evaluation efforts and procurement activities related to medical research.
Sec. 899. Extension of enhanced transfer authority for technology developed at Department of Defense laboratories.
Sec. 899A. Rapid prototyping funds for the military services.
Sec. 899B. Defense Modernization Account.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

Sec. 901. Under Secretary of Defense for Research and Engineering and related acquisition position in the Office of the Secretary of Defense.
Sec. 902. Qualifications for appointment of the Secretaries of the military departments.
Sec. 903. Establishment of Assistant Secretary of Defense for Information (Chief Information Officer) in Office of Secretary of Defense.
Sec. 904. Reduction in maximum number of personnel in Office of the Secretary of Defense and other Department of Defense headquarters offices.
Sec. 905. Limitations on funds used for staff augmentation contracts at management headquarters of the Department of Defense and the military departments.
Sec. 906. Unit within the Office of the Secretary of Defense supporting achievement of results in Department of Defense management reform and business transformation efforts.

Subtitle B—Combatant Command Matters

Sec. 921. Joint Chiefs of Staff and related combatant command matters.
Sec. 922. Delegation to Chairman of Joint Chiefs of Staff of authority to direct transfer of forces.
Sec. 923. Organization of the Department of Defense for management of special operations forces and special operations.
Sec. 924. Pilot program on organization of subordinate commands of a unified combatant command as joint task forces.
Sec. 925. Expansion of eligibility for deputy commander of combatant command having United States among geographic area of responsibility to include officers of the Reserves.

Subtitle C—Organization and Management of Other Department of Defense Offices and Elements

Sec. 941. Organizational strategy for the Department of Defense.

Sec. 942. Department of Defense management overview by the Secretary of Defense.

Sec. 943. Modification of composition and mission of Joint Requirements Oversight Council.

Sec. 944. Enhanced personnel management authorities for the Chief of the National Guard Bureau.

Sec. 945. Management of defense clandestine human intelligence collection.

Sec. 946. Repeal of Financial Management Modernization Executive Committee.

Sec. 947. Reorganization and redesignation of Office of Family Policy and Office of Community Support for Military Families with Special Needs.

Sec. 948. Pilot programs on waiver of applicability of rules and regulations to Department of Defense science and technology reinvention laboratories and DARPA to improve operations and personnel management.

Sec. 949. Redesignation of Assistant Secretary of the Air Force for Acquisition as Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics.

Subtitle D—Whistleblower Protections for Members of the Armed Forces

Sec. 961. Improvements to whistleblower protection procedures.

Sec. 962. Modification of whistleblower protection authorities to restrict contrary findings of prohibited personnel action by the Secretary concerned.

Sec. 963. Improvements to authorities and procedures for the correction of military records.

Sec. 964. Comptroller General of the United States review of integrity of Department of Defense whistleblower program.

Subtitle E—Other Matters

Sec. 971. Modification of requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing.

Sec. 972. Modification of authority of the Secretary of Defense relating to protection of the Pentagon Reservation and other Department of Defense facilities in the National Capital Region.

Sec. 973. Enhanced security programs for Department of Defense personnel and innovation initiatives.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. Increased use of commercial data integration and analysis products for the purpose of preparing financial statement audits.

Sec. 1003. Sense of Senate on sequestration.

Subtitle B—Counter-Drug Activities

Sec. 1006. Codification and modification of authority to provide support for counter-drug activities and activities to counter transnational organized crime of civilian law enforcement agencies.

Sec. 1007. Extension of authority to support unified counterdrug and counterterrorism campaign in Colombia.

Subtitle C—Naval Vessels and Shipyards

Sec. 1011. Availability of funds for retirement or inactivation of cruisers or dock landing ships.

Sec. 1012. Prohibition on use of funds for retirement of legacy maritime mine countermeasures platforms.

Subtitle D—Counterterrorism

Sec. 1021. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.

Sec. 1022. Extension of prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1022A. Prohibition on reprogramming requests for funds for transfer or release, or construction for transfer or release, of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1023. Designing and planning related to construction of certain facilities in the United States.

Sec. 1024. Authority to transfer individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States temporarily for emergency or critical medical treatment.

Sec. 1025. Authority for article III judges to take certain actions relating to individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1026. Extension of prohibition on use of funds for transfer or release to certain countries of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1027. Matters on memorandum of understanding between the United States and governments of receiving foreign countries and entities in certifications on transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1028. Limitation on transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, pending a report on their terrorist actions and affiliations.

Sec. 1029. Prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to countries covered by Department of State travel warnings.

Sec. 1030. Extension of prohibition on use of funds for realignment of forces at or closure of United States Naval Station, Guantanamo Bay, Cuba.

Subtitle E—Assured Access to Space

Sec. 1036. Restrictions on use of rocket engines from the Russian Federation for space launch of national security satellites.

Sec. 1037. Limitation on use of rocket engines from the Russian Federation to achieve assured access to space.

Sec. 1038. Repeal of provision permitting the use of rocket engines from the Russian Federation for the evolved expendable launch vehicle program.

Subtitle F—Miscellaneous Authorities and Limitations

Sec. 1041. Assigned forces of the combatant commands.

Sec. 1042. Quadrennial independent review of United States military strategy and force posture in the United States Pacific Command area of responsibility.

Sec. 1043. Designation of a Department of Defense Strategic Arctic Port.

Sec. 1044. Modification of requirements regarding notifications to Congress on sensitive military operations.

Sec. 1045. Reconnaissance Strike Group matters.

Sec. 1046. Transition of Air Force to operation of remotely piloted aircraft by enlisted personnel.

Sec. 1047. Prohibition on divestment of Marine Corps Search and Rescue Units.

Sec. 1048. Modification of requirements relating to management of military technicians.

Sec. 1049. Support for the Associate Director of the Central Intelligence Agency for Military Affairs.

Sec. 1050. Enhancement of interagency support during contingency operations and transition periods.

Sec. 1051. Enhancement of information sharing and coordination of military training between Department of Homeland Security and Department of Defense.

Sec. 1052. Notification on the provision of defense sensitive support.

Sec. 1053. Modification of authority to transfer Department of Defense property for law enforcement activities.

Sec. 1054. Exemption of information on military tactics, techniques, and procedures from release under Freedom of Information Act.

Sec. 1055. Treatment of certain sensitive information by State and local governments.

Sec. 1056. Recovery of excess firearms, ammunition, and parts granted to foreign countries and transfer to certain persons.

Sec. 1057. Sense of the Senate on development and fielding of fifth generation airborne systems.

Sec. 1058. Technical and conforming amendments.

Subtitle G—National Commission on Military, National, and Public Service

Sec. 1066. Purpose and scope.

Sec. 1067. National Commission on Military, National, and Public Service.

Sec. 1068. Commission hearings and meetings.
Sec. 1069. Principles and procedure for Commission recommendations.
Sec. 1070. Executive Director and staff.
Sec. 1071. Judicial review precluded.
Sec. 1072. Termination.
Sec. 1073. Funding.

Subtitle H—Studies and Reports

Sec. 1076. Annual reports on unfunded priorities of the Armed Forces and the combatant commands.
Sec. 1077. Assessment of the joint ground forces of the Armed Forces.
Sec. 1078. Report on independent assessment of the force structure of the Armed Forces to meet the national defense strategy.
Sec. 1079. Annual report on observation flights over the United States under the Open Skies Treaty.
Sec. 1080. Reports on programs managed under alternative compensatory control measures in the Department of Defense.
Sec. 1081. Requirement for notice and reporting to Committees on Armed Services on certain expenditures of funds by Defense Intelligence Agency.
Sec. 1082. Repeal of Department of Defense reporting requirements for which statutory requirement is from an amendment made by an annual national defense authorization Act.
Sec. 1083. Repeal of Department of Defense reporting requirements for which statutory requirement is specified in an annual national defense authorization Act.
Sec. 1084. Repeal of requirements relating to efficiencies plan for the civilian personnel workforce and service contractor workforce of the Department of Defense.
Sec. 1085. Report on priorities for bed downs, basing criteria, and special mission units for C–130J aircraft of the Air Force.

Subtitle I—Other Matters

Sec. 1086. Military service management of F–35 Joint Strike Fighter program.
Sec. 1087. Treatment of follow-on modernization for the F–35 joint strike fighter as a major defense acquisition program.
Sec. 1088. Reduction in minimum number of Navy carrier air wings and carrier air wing headquarters required to be maintained.
Sec. 1089. Streamlining of the National Security Council.
Sec. 1090. Form of annual national security strategy report.
Sec. 1091. Border security metrics.
Sec. 1092. Consolidation of marketing of the Army within the Army Marketing Research Group.
Sec. 1093. Protection against misuse of Naval Special Warfare Command insignia.
Sec. 1094. Program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier.
Sec. 1095. Sense of Congress regarding the OCONUS basing of the KC–46A aircraft.
Sec. 1096. Replacement of quadrennial defense review with national defense strategy.
Sec. 1097. Project management.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Department of Defense Matters Generally

Sec. 1101. Civilian personnel management.
Sec. 1102. Repeal of requirement for annual strategic workforce plan for the Department of Defense.
Sec. 1103. Temporary and term appointments in the competitive service in the Department of Defense.
Sec. 1104. Personnel authorities related to the defense acquisition workforce.
Sec. 1105. Direct hire authority for financial management experts in the Department of Defense workforce.
Sec. 1106. Direct-hire authority for the Department of Defense for post-secondary students and recent graduates.
Sec. 1107. Public-private talent exchange.
Sec. 1108. Training for employment personnel of Department of Defense on matters relating to authorities for recruitment and retention at United States Cyber Command.
Sec. 1109. Increase in maximum amount of voluntary separation incentive pay authorized for civilian employees of the Department of Defense.
Sec. 1110. Repeal of certain basis for appointment of a retired member of the Armed Forces to Department of Defense position within 180 days of retirement.
Sec. 1111. Pilot programs on career sabbaticals for Department of Defense civilian employees.
Sec. 1112. Limitation on number of SES employees.
Sec. 1113. No time limitation for appointment of relocating military spouses.

Subtitle B—Department of Defense Science and Technology Laboratories and Related Matters

Sec. 1121. Permanent personnel management authority for the Department of Defense for experts in science and engineering.
Sec. 1122. Permanent extension and modification of temporary authorities for certain positions at Department of Defense research and engineering laboratories.
Sec. 1123. Direct hire authority for scientific and engineering positions for test and evaluation facilities of the Major Range and Test Facility Base.
Sec. 1124. Permanent authority for the temporary exchange of information technology personnel.
Sec. 1125. Pilot program on enhanced pay authority for certain research and technology positions in the science and technology reinvention laboratories of the Department of Defense.
Sec. 1126. Discharge of certain authorities to conduct personnel demonstration projects.

Subtitle C—Government-Wide Matters

Sec. 1131. Expansion of personnel flexibilities relating to land management agencies to include all agencies.
Sec. 1132. Direct hiring for Federal wage schedule employees.
Sec. 1133. Appointment authority for uniquely qualified prevailing rate employees.
Sec. 1134. Limitation on preference eligible hiring preferences for permanent employees in the competitive service.
Sec. 1135. Authority for advancement of pay for certain employees relocating within the United States and its territories.
Sec. 1136. Elimination of the foreign exemption provision in regard to overtime for federal civilian employees temporarily assigned to a foreign area.
Sec. 1137. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.

Subtitle D—Other Matters

Sec. 1151. Modification of flat rate per diem requirement for personnel on long-term temporary duty assignments.
Sec. 1152. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Three-year extension of Commanders' Emergency Response Program.
Sec. 1202. Increase in size of the Special Defense Acquisition Fund.
Sec. 1203. Codification of authority for support of special operations to combat terrorism.
Sec. 1204. Prohibition on use of funds to invite, assist, or otherwise assure the participation of Cuba in certain joint or multilateral exercises.

Subtitle B—Matters Relating to Afghanistan and Pakistan

Sec. 1211. Extension and modification of authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan.
Sec. 1212. Modification of authority for reimbursement of certain coalition nations for support.
Sec. 1213. Prohibition on use of funds for certain programs and projects of the Department of Defense in Afghanistan that cannot be safely accessed by United States Government personnel.
Sec. 1214. Reimbursement of Pakistan for security enhancement activities.
Sec. 1215. Improvement of oversight of United States Government efforts in Afghanistan.

Subtitle C—Matters Relating to Syria and Iraq

Sec. 1221. Extension and modification of authority to provide assistance to the vetted Syrian opposition.
Sec. 1222. Extension of authority to provide assistance to counter the Islamic State of Iraq and the Levant.
Sec. 1223. Extension of authority to support operations and activities of the Office of Security Cooperation in Iraq.

Subtitle D—Matters Relating to Iran
Sec. 1226. Additional elements in the annual report on the military power of Iran.
Subtitle E—Matters Relating to the Russian Federation
Sec. 1231. Extension and enhancement of Ukraine Security Assistance Initiative.
Sec. 1232. Extension and modification of authority on training for Eastern European national military forces in the course of multilateral exercises.
Sec. 1233. Additional matters in annual report on military and security developments involving the Russian Federation.
Sec. 1234. European investment in security and stability.
Sec. 1235. Sense of Senate on European Deterrence Initiative.
Subtitle F—Matters Relating to Asia-Pacific Region
Sec. 1241. Annual update of Department of Defense Freedom of Navigation Report.
Sec. 1242. Inclusion of the Philippines among allied countries with whom United States may enter into cooperative military airlift agreements.
Sec. 1243. Military exchanges between the United States and Taiwan.
Sec. 1244. Sense of Senate on Taiwan.
Sec. 1245. Sense of Senate on enhancement of the military relationship between the United States and Vietnam.
Sec. 1246. Redesignation of South China Sea Initiative.
Sec. 1247. Military-to-military exchanges with India.
Subtitle G—Reform of Department of Defense Security Cooperation
Sec. 1251. Sense of Congress on security sector assistance.
Sec. 1252. Enactment of new chapter for defense security cooperation.
Sec. 1253. Military-to-military exchanges.
Sec. 1254. Consolidation and revision of authorities for payment of personnel expenses necessary for theater security cooperation.
Sec. 1255. Transfer and revision of authority on payment of expenses in connection with training and exercises with friendly foreign forces.
Sec. 1256. Transfer and revision of authority to provide operational support to forces of friendly foreign countries.
Sec. 1257. Department of Defense State Partnership Program.
Sec. 1258. Modification of Regional Defense Combating Terrorism Fellowship Program.
Sec. 1259. Consolidation of authorities for service academy international engagement.
Sec. 1260. Security Cooperation Enhancement Fund.
Sec. 1261. Consolidation and standardization of reporting requirements relating to security cooperation authorities.
Sec. 1262. Requirement for submittal of consolidated annual budget for security cooperation programs and activities of the Department of Defense.
Sec. 1263. Department of Defense security cooperation workforce development.
Sec. 1264. Coordination between Department of Defense and Department of State on certain security cooperation and security assistance programs and activities.
Sec. 1265. Repeal of superseded, obsolete, or duplicative statutes relating to security cooperation authorities.
Subtitle H—Miscellaneous Reports and Other Matters
Sec. 1271. Free trade agreements with sub-Saharan African countries.
Sec. 1272. Extension and expansion of authority to support border security operations of certain foreign countries.
Sec. 1273. Modification and clarification of United States-Israel anti-tunnel cooperation authority.
Sec. 1274. Modification to and extension of authorization of non-conventional assisted recovery capabilities.
Sec. 1275. Assessment of proliferation of certain remotely piloted aircraft systems.
Sec. 1276. Efforts to end modern slavery.
Sec. 1277. Sense of Congress on commitment to the Republic of Palau.
Subtitle I—Human Rights Sanctions
Sec. 1281. Short title.
Sec. 1282. Definitions.
Sec. 1283. Authorization of imposition of sanctions.
Sec. 1284. Reports to Congress.
TITLE XIII—COOPERATIVE THREAT REDUCTION
Sec. 1301. Specification of Cooperative Threat Reduction funds.
Sec. 1302. Funding allocations.
TITLE XIV—OTHER AUTHORIZATIONS
Subtitle A—Military Programs
Sec. 1401. Working capital funds.
Sec. 1402. Chemical Agents and Munitions Destruction, Defense.
Sec. 1403. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1404. Defense Inspector General.
Sec. 1405. Defense Health Program.
Sec. 1406. Security Cooperation Enhancement Fund.
Subtitle B—National Defense Stockpile
Sec. 1411. National Defense Stockpile matters.
Sec. 1412. Authority to dispose of certain materials from and to acquire additional materials for the National Defense Stockpile.
Subtitle C—Chemical Demilitarization Matters
Sec. 1421. Authority to destroy certain specified World War II-era United States-origin chemical munitions located on San Jose Island, Republic of Panama.
Sec. 1422. National Academies of Sciences study on conventional munitions demilitarization alternative technologies.
Subtitle D—Other Matters
Sec. 1431. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.
Sec. 1432. Authorization of appropriations for Armed Forces Retirement Home.
TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
Subtitle A—Authorization of Appropriations
Sec. 1501. Purpose.
Sec. 1502. Overseas contingency operations.
Sec. 1503. Procurement.
Sec. 1504. Research, development, test, and evaluation.
Sec. 1505. Operation and maintenance.
Sec. 1506. Military personnel.
Sec. 1507. Working capital funds.
Sec. 1508. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1509. Defense Inspector General.
Sec. 1510. Defense Health Program.
Sec. 1511. Security Cooperation Enhancement Fund.
Subtitle B—Financial Matters
Sec. 1521. Treatment as additional authorizations.
Sec. 1522. Special transfer authority.
Subtitle C—Limitations, Reports, and Other Matters
Sec. 1531. Joint Improvised Explosive Device Defeat Fund.
Sec. 1532. Extension and modification of authorities on Counterterrorism Partnerships Fund.
Sec. 1533. Afghanistan Security Forces Fund.
TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS
Subtitle A—Space Activities
Sec. 1601. Requirement that pilot program for acquisition of commercial satellite communication services demonstrate order-of-magnitude improvements in satellite communications capabilities.
Sec. 1602. Plan for use of allied launch vehicles.
Sec. 1603. Long-term strategy on electromagnetic spectrum for warfare.
Sec. 1604. Five-year plan for Joint Interagency Combined Space Operations Center.
Sec. 1605. Independent assessment of Global Positioning System Next Generation Operational Control System.
Sec. 1606. Government Accountability Office assessment of satellite acquisition by National Reconnaissance Office.
Sec. 1607. Cost-benefit analysis of commercial use of excess ballistic missile solid rocket motors.
Sec. 1608. Assessment of cost-benefit analyses by Department of Defense of use of KA-band commercial satellite communications.
Sec. 1609. Limitation on use of funds for Joint Space Operations Center Mission System.
Sec. 1610. Limitation on availability of fiscal year 2017 funds for the Global Positioning System Next Generation Operational Control System.
Sec. 1611. Availability of certain amounts to meet requirements in connection with United States policy on assured access to space.
Sec. 1612. Availability of funds for certain secure voice conferencing capabilities.
Subtitle B—Defense Intelligence and Intelligence-Related Activities
Sec. 1621. Department of Defense-wide requirements for security clearances for military intelligence officers.

Subtitle C—Cyber Warfare, Cybersecurity, and Related Matters

Sec. 1631. Cyber protection support for Department of Defense personnel in positions highly vulnerable to cyber attack.
Sec. 1632. Cyber Mission Forces matters.
Sec. 1633. Limitation on ending of arrangement in which the Commander of the United States Cyber Command is also Director of the National Security Agency.
Sec. 1634. Pilot program on application of consequence-driven, cyber-informed engineering to mitigate against cybersecurity threats to operating technologies of military installations.
Sec. 1635. Evaluation of cyber vulnerabilities of F–35 aircraft and support systems.
Sec. 1636. Review and assessment of technology strategy and development at Defense Information Systems Agency.
Sec. 1637. Evaluation of cyber vulnerabilities of Department of Defense critical infrastructure.
Sec. 1638. Plan for information security continuous monitoring capability and comply-to-connect policy.
Sec. 1639. Report on authority delegated to Secretary of Defense to conduct cyber operations.
Sec. 1640. Deterrence of adversaries in cyberspace.

Subtitle D—Nuclear Forces

Sec. 1651. Procurement authority for certain parts of intercontinental ballistic missile fuzes.
Sec. 1652. Modification of report on activities of the Council on Oversight of the National Leadership Command, Control, and Communications System.
Sec. 1653. Review by Comptroller General of the United States of recommendations relating to nuclear enterprise of Department of Defense.
Sec. 1654. Sense of Congress on nuclear deterrence.
Sec. 1655. Expedited decision with respect to securing land-based missile fields.

Subtitle E—Missile Defense Programs

Sec. 1661. Required testing by Missile Defense Agency of ground-based midcourse defense element of ballistic missile defense system.
Sec. 1662. Iron Dome short-range rocket defense system codevelopment and coproduction.
Sec. 1663. Non-terrestrial missile defense intercept and defeat capability for the ballistic missile defense system.
Sec. 1664. Review of pre-launch missile defense strategy.
Sec. 1665. Modification of national missile defense policy.
Sec. 1666. Extension of prohibitions on providing certain missile defense information to the Russian Federation.

Subtitle F—Other Matters

Sec. 1671. Survey and review of Defense Intelligence Enterprise.
Sec. 1672. Milestone A decision for the Conventional Prompt Global Strike Weapons System.
Sec. 1673. Cyber Center for Education and Innovation and National Cryptologic Museum.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.
Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
Sec. 2003. Effective date.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Authorization of appropriations, Army.
Sec. 2104. Modification of authority to carry out certain fiscal year 2014 project.
Sec. 2105. Extension of authorizations of certain fiscal year 2013 projects.
Sec. 2106. Extension of authorizations of certain fiscal year 2014 projects.

TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2014 project.
Sec. 2206. Extension of authorizations of certain fiscal year 2013 projects.
Sec. 2207. Extension of authorizations of certain fiscal year 2014 projects.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Modification of authority to carry out certain fiscal year 2016 project.
Sec. 2306. Extension of authorizations of certain fiscal year 2014 projects.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Authorized energy conservation projects.
Sec. 2403. Authorization of appropriations, defense agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 2014 project.
Sec. 2405. Extension of authorizations of certain fiscal year 2013 projects.
Sec. 2406. Extension of authorizations of certain fiscal year 2014 projects.

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

Subtitle B—Host Country In-Kind Contributions

Sec. 2511. Republic of Korea funded construction projects.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Subtitle B—Other Matters

Sec. 2611. Modification of authority to carry out certain fiscal year 2014 project.
Sec. 2612. Modification of authority to carry out certain fiscal year 2015 project.
Sec. 2613. Extension of authorization of certain fiscal year 2013 project.
Sec. 2614. Extension of authorizations of certain fiscal year 2014 projects.
Sec. 2615. Report on replacement of security forces and communications training facility at Frances S. Gabreski Air National Guard Base, New York.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account.
Sec. 2702. Prohibition on conducting additional base realignment and closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.
Sec. 2802. Limited authority for scope of work increase.
Sec. 2803. Permanent authority for acceptance and use of contributions for certain construction, maintenance, and repair projects mutually beneficial to the Department of Defense and Kuwait military forces.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Authority to carry out military construction projects for energy resiliency and security projects not previously authorized.
Sec. 2812. Authority of the Secretary concerned to accept lessee improvements at Government-owned/contractor-operated industrial plants or facilities.
Sec. 2813. Treatment of insured depository institutions operating on land leased from military installations.

Subtitle C—Land Conveyances
Sec. 2821. Land acquisitions, Arlington County, Virginia.
Sec. 2822. Land conveyance, Campion Air Force Radar Station, Galena, Alaska.
Sec. 2823. Land conveyance, High Frequency Active Auroral Research Program facility and adjacent property, Gakona, Alaska.
Sec. 2824. Transfer of Fort Belvoir Mark Center Campus from the Secretary of the Army to the Secretary of Defense and applicability of certain provisions of law relating to the Pentagon Reservation.
Sec. 2825. Transfer of administrative jurisdictions, Navajo Army Depot, Arizona.
Sec. 2826. Lease, Joint Base Elmendorf-Richardson, Alaska.
Subtitle D—Utah Land Withdrawals and Exchanges.
PART I—AUTHORIZATION FOR TEMPORARY CLOSURE OF CERTAIN PUBLIC LAND ADJACENT TO THE UTAH TEST AND TRAINING RANGE
Sec. 2831. Short title.
Sec. 2832. Definitions.
Sec. 2833. Memorandum of agreement.
Sec. 2834. Temporary closures.
Sec. 2835. Liability.
Sec. 2836. Community resource advisory group.
Sec. 2837. Savings clauses.
PART II—BUREAU OF LAND MANAGEMENT LAND EXCHANGE WITH STATE OF UTAH
Sec. 2841. Definitions.
Sec. 2842. Exchange of federal land and nonfederal land.
Sec. 2843. Status and management of nonfederal land acquired by the United States.
Sec. 2844. Hazardous materials.
Subtitle E—Other Matters
Sec. 2851. Certification of optimal location for 4th and 5th generation combat aircraft basing and for rotation of forces at Naval Air Station El Centro or Marine Corps Air Station Kaneohe Bay.
Sec. 2852. Replenishment of Sierra Vista Subwatershed regional aquifer, Arizona.
TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION
Sec. 2901. Authorized Navy construction and land acquisition projects.
Sec. 2902. Authorized Air Force construction and land acquisition projects.
Sec. 2903. Authorization of appropriations.
DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS
TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
Subtitle A—National Security Programs Authorizations
Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Nuclear energy.
Subtitle B—Program Authorizations, Restrictions, and Limitations
Sec. 3111. Common financial systems for the nuclear security enterprise.
Sec. 3112. Industry best practices in operations at National Nuclear Security Administration facilities and sites.
Sec. 3113. Limitation on acceleration of dismantlement of retired nuclear weapons.
Sec. 3114. Contract for mixed-oxide fuel fabrication facility construction project.
Sec. 3115. Unavailability for general and administrative overhead costs of amounts specified for certain laboratories for laboratory-directed research and development.
Sec. 3116. Increase in certain limitations applicable to funds for conceptual and construction design of the Department of Energy.
Subtitle C—Plans and Reports
Sec. 3121. Estimate of total life cycle cost of tank waste cleanup at Hanford Reservation.
Sec. 3122. Analysis of approaches for supplemental treatment of low-activity waste at Hanford Nuclear Reservation.
Sec. 3123. Analyses of options for disposal of high-level radioactive waste.
Sec. 3124. Elimination of duplication in reviews by Comptroller General of the United States.
Sec. 3125. Repeal of requirement for Comptroller General of the United States report on the program on scientific engagement for nonproliferation.
TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD
Sec. 3201. Authorization.
TITLE XXXIII—FEDERAL AVIATION ADMINISTRATION THIRD CLASS MEDICAL REFORM AND GENERAL AVIATION PILOT PROTECTIONS
Sec. 3301. Short title.
Sec. 3302. Medical certification of certain small aircraft pilots.
Sec. 3303. Expansion of Pilot's Bill of Rights.
Sec. 3304. Limitations on reexamination of certificate holders.
Sec. 3305. Expediting updates to NOTAM program.
Sec. 3306. Accessibility of certain flight data.
Sec. 3307. Authority for legal counsel to issue certain notices.
TITLE XXXV—MARITIME ADMINISTRATION
Sec. 3501. Maritime Administration.
Sec. 3502. National security floating dry docks.
DIVISION D—FUNDING TABLES
Sec. 4001. Authorization of amounts in funding tables.
TITLE XLI—PROCUREMENT
Sec. 4101. Procurement.
Sec. 4102. Procurement for overseas contingency operations.
TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
Sec. 4201. Research, development, test, and evaluation.
Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.
TITLE XLIII—OPERATION AND MAINTENANCE
Sec. 4301. Operation and maintenance.
Sec. 4302. Operation and maintenance for overseas contingency operations.
TITLE XLIV—MILITARY PERSONNEL
Sec. 4401. Military personnel.
Sec. 4402. Military personnel for overseas contingency operations.
TITLE XLV—OTHER AUTHORIZATIONS
Sec. 4501. Other authorizations.
Sec. 4502. Other authorizations for overseas contingency operations.
TITLE XLVI—MILITARY CONSTRUCTION
Sec. 4601. Military construction.
Sec. 4602. Military construction for overseas contingency operations.
TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
Sec. 4701. Department of Energy national security programs.
DIVISION E—UNIFORM CODE OF MILITARY JUSTICE REFORM
Sec. 5001. Short title.
TITLE LI—GENERAL PROVISIONS
Sec. 5101. Definitions.
Sec. 5102. Clarification of persons subject to UCMJ while on inactive-duty training.
Sec. 5103. Staff judge advocate disqualification due to prior involvement in case.
Sec. 5104. Conforming amendment relating to military magistrates.
Sec. 5105. Rights of victim.
TITLE LII—APPREHENSION AND RESTRAINT
Sec. 5121. Restraint of persons charged.
Sec. 5122. Modification of prohibition of confinement of members of the Armed Forces with enemy prisoners and certain others.
TITLE LIII—NON-JUDICIAL PUNISHMENT
Sec. 5141. Modification of confinement as non-judicial punishment.
TITLE LIV—COURT-MARTIAL JURISDICTION
Sec. 5161. Courts-martial classified.
Sec. 5162. Jurisdiction of general courts-martial.
Sec. 5163. Jurisdiction of special courts-martial.
Sec. 5164. Summary court-martial as noncriminal forum.
TITLE LV—COMPOSITION OF COURTS-MARTIAL
Sec. 5181. Technical amendment relating to persons authorized to convene general courts-martial.
Sec. 5182. Who may serve on courts-martial and related matters.
Sec. 5183. Number of court-martial members in capital cases.
Sec. 5184. Detailing, qualifications, and other matters relating to military judges.
Sec. 5185. Qualifications of trial counsel and defense counsel.
Sec. 5186. Assembly and impaneling of members and related matters.
Sec. 5187. Military magistrates.
TITLE LVI—PRE-TRIAL PROCEDURE
Sec. 5201. Charges and specifications.
Sec. 5202. Proceedings conducted before referral.
Sec. 5203. Preliminary hearing required before referral to general court-martial.
Sec. 5204. Disposition guidance.
Sec. 5205. Advice to convening authority before referral for trial.
Sec. 5206. Service of charges and commencement of trial.
TITLE LVII—TRIAL PROCEDURE
Sec. 5221. Duties of assistant defense counsel.

Sec. 5222. Sessions.
Sec. 5223. Technical amendment relating to continuances.
Sec. 5224. Conforming amendments relating to challenges.
Sec. 5225. Statute of limitations.
Sec. 5226. Former jeopardy.
Sec. 5227. Pleas of the accused.
Sec. 5228. Subpoena and other process.
Sec. 5229. Refusal of person not subject to UCMJ to appear, testify, or produce evidence.
Sec. 5230. Contempt.
Sec. 5231. Depositions.
Sec. 5232. Admissibility of sworn testimony by audiotape or videotape from records of courts of inquiry.
Sec. 5233. Conforming amendment relating to defense of lack of mental responsibility.
Sec. 5234. Voting and rulings.
Sec. 5235. Votes required for conviction, sentencing, and other matters.
Sec. 5236. Findings and sentencing.
Sec. 5237. Plea agreements.
Sec. 5238. Record of trial.

TITLE LVIII—SENTENCES

Sec. 5261. Sentencing.
Sec. 5262. Effective date of sentences.
Sec. 5263. Sentence of reduction in enlisted grade.
Sec. 5264. Repeal of sentence reduction provision when interim guidance takes effect.

TITLE LIX—POST-TRIAL PROCEDURE AND REVIEW OF COURTS-MARTIAL

Sec. 5281. Post-trial processing in general and special courts-martial.
Sec. 5282. Limited authority to act on sentence in specified post-trial circumstances.
Sec. 5283. Post-trial actions in summary courts-martial and certain general and special courts-martial.
Sec. 5284. Entry of judgment.
Sec. 5285. Waiver of right to appeal and withdrawal of appeal.
Sec. 5286. Appeal by the United States.
Sec. 5287. Rehearings.
Sec. 5288. Judge advocate review of finding of guilty in summary court-martial.
Sec. 5289. Transmittal and review of records.
Sec. 5290. Courts of Criminal Appeals.
Sec. 5291. Review by Court of Appeals for the Armed Forces.
Sec. 5292. Supreme Court review.
Sec. 5293. Review by Judge Advocate General.
Sec. 5294. Appellate defense counsel in death penalty cases.
Sec. 5295. Authority for hearing on vacation of suspension of sentence to be conducted by qualified judge advocate.
Sec. 5296. Extension of time for petition for new trial.
Sec. 5297. Restoration.
Sec. 5298. Leave requirements pending review of certain court-martial convictions.

TITLE LX—PUNITIVE ARTICLES

Sec. 5301. Reorganization of punitive articles.
Sec. 5302. Conviction of offense charged, lesser included offenses, and attempts.
Sec. 5303. Soliciting commission of offenses.
Sec. 5304. Malingering.
Sec. 5305. Breach of medical quarantine.
Sec. 5306. Missing movement; jumping from vessel.
Sec. 5307. Offenses against correctional custody and restriction.
Sec. 5308. Disrespect toward superior commissioned officer; assault of superior commissioned officer.
Sec. 5309. Willfully disobeying superior commissioned officer.
Sec. 5310. Prohibited activities with military recruit or trainee by person in position of special trust.
Sec. 5311. Offenses by sentinel or lookout.
Sec. 5312. Disrespect toward sentinel or lookout.
Sec. 5313. Release of prisoner without authority; drinking with prisoner.
Sec. 5314. Penalty for acting as a spy.
Sec. 5315. Public records offenses.
Sec. 5316. False or unauthorized pass offenses.
Sec. 5317. Impersonation offenses.
Sec. 5318. Insignia offenses.
Sec. 5319. False official statements; false swearing.
Sec. 5320. Parole violation.
Sec. 5321. Wrongful taking, opening, etc. of mail matter.
Sec. 5322. Improper hazarding of vessel or aircraft.
Sec. 5323. Leaving scene of vehicle accident.
Sec. 5324. Drunkenness and other incapacitation offenses.
Sec. 5325. Lower blood alcohol content limits for conviction of drunken or reckless operation of vehicle, aircraft, or vessel.
Sec. 5326. Endangerment offenses.
Sec. 5327. Communicating threats.
Sec. 5328. Technical amendment relating to murder.
Sec. 5329. Child endangerment.
Sec. 5330. Rape and sexual assault offenses.
Sec. 5331. Deposit of obscene matter in the mail.
Sec. 5332. Fraudulent use of credit cards, debit cards, and other access devices.
Sec. 5333. False pretenses to obtain services.
Sec. 5334. Robbery.
Sec. 5335. Receiving stolen property.
Sec. 5336. Offenses concerning Government computers.
Sec. 5337. Bribery.
Sec. 5338. Graft.
Sec. 5339. Kidnapping.
Sec. 5340. Arson; burning property with intent to defraud.
Sec. 5341. Assault.
Sec. 5342. Burglary and unlawful entry.
Sec. 5343. Stalking.
Sec. 5344. Subornation of perjury.
Sec. 5345. Obstructing justice.
Sec. 5346. Misprision of serious offense.
Sec. 5347. Wrongful refusal to testify.
Sec. 5348. Prevention of authorized seizure of property.
Sec. 5349. Wrongful interference with adverse administrative proceeding.
Sec. 5350. Retaliation.
Sec. 5351. Extraterritorial application of certain offenses.
Sec. 5352. Table of sections.

TITLE LXI—MISCELLANEOUS PROVISIONS

Sec. 5401. Technical amendments relating to courts of inquiry.
Sec. 5402. Technical amendment to article 136.
Sec. 5403. Articles of Uniform Code of Military Justice to be explained to officers upon commissioning.
Sec. 5404. Military justice case management; data collection and accessibility.

TITLE LXII—MILITARY JUSTICE REVIEW PANEL AND ANNUAL REPORTS

Sec. 5421. Military Justice Review Panel.
Sec. 5422. Annual reports.

TITLE LXIII—CONFORMING AMENDMENTS AND EFFECTIVE DATES

Sec. 5441. Amendments to UCMJ subchapter tables of sections.
Sec. 5442. Effective dates.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

In this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. DISTRIBUTED COMMON GROUND SYSTEM-ARMY.

(a) TRAINING FOR OPERATORS.—The Secretary of the Army shall take such actions as may be necessary to improve training for operators of the Distributed Common Ground System–Army (DCGS–A) and their leaders, at division level and below tactical units, with equipment that was current as of the day before the date of the enactment of this Act.

(b) FIELDING OF CAPABILITY.—

(1) IN GENERAL.—The Secretary shall rapidly identify and field a capability for fixed and deployable multi-source ground processing systems for units described in subsection (a).

(2) COMMERCIALLY AVAILABLE EQUIPMENT.—In meeting the requirement in paragraph (1), the Secretary shall procure a commercially available off the shelf, non-developmental capability that—

(A) meets essential tactical operational requirements for processing, analyzing and displaying intelligence information;

(B) is substantially easier for personnel in tactical units to use than the Distributed Common Ground System–Army; and

(C) requires less training than the Distributed Common Ground System–Army.

(3) LIMITATION ON AWARD OF CONTRACT.—The Secretary may not award any contract for the design, development, procurement, or operation and maintenance of any data architecture, data integration, ''cloud'' capability, data analysis, or data visualization and workflow capabilities, including various warfighting function-related tools under or contributing to any increment of the Distributed Common Ground System–Army, for tactical units described in subsection (a) unless the contract—

(A) is awarded not later than 180 days after the date of the enactment of this Act;

(B) is awarded using procedures relating to the acquisition of commercial items pursuant to part 12 of the Federal Acquisition Regulation (48 CFR 12.000 et seq.);

(C) includes firm fixed-price procedures; and

(D) provides that the technology to be procured through the contract will—

(i) begin initial fielding rapidly after the contract award;

(ii) achieve Initial Operating Capability (IOC) within nine months of the contract award; and

(iii) achieve Full Operating Capability (FOC) within 18 months of the contract award.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR UH–60M/HH–60M BLACK HAWK HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2017 program year, for the procurement of UH–60M/HH–60M Black Hawk helicopters.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2017 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR AH–64E APACHE HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2017 program year, for the procurement of AH–64E Apache helicopters.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2017 is subject to the availability of appropriations for that purpose for such later fiscal year.

Subtitle C—Navy Programs

SEC. 121. INCREMENTAL FUNDING FOR DETAIL DESIGN AND CONSTRUCTION OF LHA REPLACEMENT SHIP DESIGNATED LHA 8.

(a) AUTHORITY TO USE INCREMENTAL FUNDING.—The Secretary of the Navy may enter into and incrementally fund a contract for detail design and construction of the LHA Replacement ship designated LHA 8 and, subject to subsection (b), funds for payments under the contract may be provided from amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy, for fiscal years 2017 and 2018.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

SEC. 122. LITTORAL COMBAT SHIP.

(a) REPORT ON LITTORAL COMBAT SHIP MISSION PACKAGES.—

(1) IN GENERAL.—The Secretary of the Navy shall include annually with the justification materials submitted with the budget of the President under section 1105(a) of title 31, United States Code, a report on Littoral Combat Ship mission packages.

(2) ELEMENTS.—The report required under paragraph (1) shall include for each mission package and increment therein the following elements:

(A) A description of the current status of and plans for development, production, and sustainment, including—

(i) currently projected versus originally estimated unit costs for each system composing the mission package;

(ii) currently projected versus originally estimated development cost, procurement cost, and 20-year sustainment cost for each system composing the mission package;

(iii) demonstrated versus required performance for each system composing the mission package and for the mission package as a whole; and

(iv) realized and potential cost, schedule, or performance problems with such development, production, or sustainment and mitigation plans to address such problems.

(B) A description, including dates, for each developmental test, operational test, integrated test, and follow-on test event completed in the preceding fiscal year and forecast in the current fiscal year and each of the next five fiscal years.

(C) The planned initial operational capability (IOC) date and a description of the performance level criteria that must be demonstrated to declare IOC.

(D) A description of systems that reached IOC in the preceding fiscal year and the performance level demonstrated versus the performance level required.

(E) The acquisition inventory objective listed by system.

(F) The current locations and quantities of delivered systems listed by city, State, and country.

(G) The planned locations and quantities of systems listed city, State, and country in each of the next five fiscal years.

(b) CERTIFICATION OF LITTORAL COMBAT SHIP MISSION PACKAGE PROGRAM OF RECORD.—

(1) IN GENERAL.—The Undersecretary of Defense for Acquisition, Technology, and Logistics shall include with the justification materials submitted with the budget of the President under section 1105(a) of title 31, United States Code, for fiscal year 2018 a certification on Littoral Combat Ship mission packages.

(2) CERTIFICATION.—The certification required under paragraph (1) shall include the current program of record quantity for—

(A) surface warfare (SUW) mission packages;

(B) anti-submarine warfare (ASW) mission packages; and

(C) mine countermeasures (MCM) mission packages.

(c) LIMITATION ON THE USE OF FUNDS TO REVISE OR DEVIATE FROM THE LITTORAL COMBAT SHIP ACQUISITION STRATEGY.—

(1) LIMITATION ON REVISIONS AND DEVIATIONS.—Except as provided under paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2017 may be used to revise or deviate from revision three of the Littoral Combat Ship acquisition strategy.

(2) WAIVER.—The Secretary of Defense may waive the limitation required under paragraph (1) if the Secretary submits to the congressional defense committees a notification of such waiver. The waiver shall include—

(A) the rationale of the Secretary for issuing such waiver to revise or deviate from revision three of the Littoral Combat Ship acquisition strategy;

(B) a determination that a proposed revision to, or deviation from, revision three of the Littoral Combat Ship acquisition strategy is in the national security interest;

(C) a description of the specific revisions or deviations to the Littoral Combat Ship acquisition strategy;

(D) the Littoral Combat Ship acquisition strategy that is in effect following such revision or deviation; and

(E) Independent Cost Estimates prepared by the Assistant Secretary of the Navy for Financial Management and Comptroller, as well as the Office of the Secretary of Defense, that compare the cost of such revision or deviation to revision three of the Littoral Combat Ship acquisition strategy.

(d) DEFINITIONS.—In this section:

(1) LITTORAL COMBAT SHIP MISSION PACKAGE.—The term ''Littoral Combat Ship mission package'' means a mission module combined with the crew detachment and support aircraft.

(2) MISSION MODULE.—The term ''mission module'' means the mission systems (such as vehicles, communications, sensors, weapons systems) combined with support equipment (such as support containers and standard interfaces) and software (including related to the mission package computing environment and multiple vehicle communications system).

(e) REPEAL OF REPORTING REQUIREMENTS RELATED TO NAVAL VESSELS AND MERCHANT MARINE.—Section 126 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1657) is amended by striking subsection (b).

SEC. 123. CERTIFICATION ON SHIP DELIVERIES.

(a) IN GENERAL.—The delivery of the USS JOHN F. KENNEDY (CVN–79), the USS ZUMWALT (DDG–1000), and any other new construction ship that employs a multiple phase delivery scheme shall be deemed to occur at the completion of the final phase of construction.

(b) CERTIFICATION REQUIREMENT.—Not later than January 1, 2017, the Secretary of the Navy shall certify that ship delivery dates have been adjusted in accordance with subsection (a). The certification shall include the ship hull numbers and delivery date adjustments. The adjustments shall be reflected in the budget of the President submitted under section 1105(a) of title 31, United States Code, as well as Department of Defense Selected Acquisition Reports.

SEC. 124. LIMITATION ON THE USE OF SOLE SOURCE SHIPBUILDING CONTRACTS.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for Joint High Speed Vessels (JHSV) or Expeditionary Fast Transports (EPF) may be used to enter into or prepare to enter into a sole source contract unless the Secretary of the Navy submits to the congressional defense committees the certification described in subsection (b) and the report described in subsection (c).

(b) CERTIFICATION.—A certification described in this subsection is a certification by the Secretary of the Navy that a contract for one or more Joint High Speed Vessels (JHSV) or Expeditionary Fast Transports (EPF)—

(1) is in the national security interest of the United States;

(2) will not result in exceeding the requirement for the ship class, as delineated in the most recent Navy Force Structure Assessment;

(3) will use a fixed-price contract;

(4) will include a fair and reasonable contract price, as determined at the discretion of the Service Acquisition Executive; and

(5) will provide for government purpose data rights of the ship design.

(c) REPORT.—A report described in this subsection is a report that contains the following elements:

(1) The basis for awarding a non-competitive sole source contract.

(2) A description of courses of action to achieve competitive ship or component-level contract awards in the future, should additional ships in the class be procured, including for each such course of action, a notional implementation schedule and associated cost savings, as compared to a sole source award.

SEC. 125. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ADVANCED ARRESTING GEAR PROGRAM.

(a) LIMITATION ON FUNDS.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for research and development, design, procurement, or advanced procurement of materials for the Advanced Arresting Gear to be installed on USS ENTERPRISE (CVN–80) may be obligated or expended until the Secretary of Defense submits to the congressional defense committees the report described under section 2433a(c)(2) of title 10, United States Code, for the Advanced Arresting Gear program.

(b) BASELINE ESTIMATE.—The Secretary of Defense shall deem the 2009 Advanced Arresting Gear acquisition program baseline as the original Baseline Estimate and execute the requirements of sections 2433 and 2433a of title 10, United States Code, as though the Department had submitted a Selected Acquisition Report with this Baseline Estimate included.

SEC. 126. LIMITATION ON PROCUREMENT OF USS JOHN F. KENNEDY (CVN–79) AND USS ENTERPRISE (CVN–80).

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for advance procurement or procurement of USS JOHN F. KENNEDY (CVN–79) or USS ENTERPRISE (CVN–80), not more than 25 percent may be obligated or expended until the Secretary of the Navy and the Chief of Naval Operations submit to the congressional defense committees the report required under subsection (b).

(b) REPORT ON CVN–79 AND CVN–80.—Not later than December 1, 2016, the Secretary of the Navy and the Chief of Naval Operations shall submit to the congressional defense committees a report on alternatives, including de-scoping requirements if necessary, to achieve a CVN–80 procurement end cost of $12,000,000,000. In addition, the report shall describe all applicable CVN–80 alternatives that could be applied to CVN–79 to enable an $11,000,000,000 procurement end cost.

(c) ANNUAL REPORT ON CVN–79 AND CVN–80.—

(1) IN GENERAL.—The Secretary of the Navy and the Chief of Naval Operations shall annually submit, with the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, a progress report describing efforts to attain the CVN–79 and CVN–80 procurement end costs specified in subsection (b).

(2) ELEMENTS.—The report under paragraph (1) shall include the following elements:

(A) A description of progress made toward achieving the procurement end costs specified in subsection (b), including realized cost savings.

(B) A description of specific low value-added or unnecessary elements of program cost that have been reduced or eliminated.

(C) Cost savings estimates for current and planned initiatives.

(D) A schedule including a spend plan with phasing of key obligations and outlays, decision points when savings could be realized, and key events that must take place to execute initiatives and achieve savings.

(E) Instances of lower estimates used in contract negotiations.

(F) A description of risks to achieving the procurement end costs specified in subsection (b).

(G) A description of incentives or rewards provided or planned to be provided for meeting the procurement end costs specified in subsection (b).

SEC. 127. LIMITATION ON AVAILABILITY OF FUNDS FOR TACTICAL COMBAT TRAINING SYSTEM INCREMENT II.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense for the Tactical Combat Training System Increment II, not more than 75 percent may be obligated or expended until 60 days after the Secretary of the Navy submits to the congressional defense committees the report required by section 235 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 780).

Subtitle D—Air Force Programs

SEC. 141. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF A–10 AIRCRAFT.

Section 142 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 755) is amended—

(1) in subsection (a)—

(A) by inserting ''or any subsequent fiscal year'' after ''fiscal year 2016''; and

(B) by inserting ''until the Secretary of the Air Force and Chief of Staff of the Air Force submit to the congressional defense committees the report described in subsection (f)(2)'' before the period at the end;

(2) in subsection (b)(1)—

(A) by striking ''during the period before December 31, 2016,''; and

(B) by inserting ''until the Secretary and Chief of Staff submit the report described in subsection (f)(2)'' before the period at the end;

(3) in subsection (c)—

(A) by inserting ''or any subsequent fiscal year'' after ''fiscal year 2016''; and

(B) by inserting ''or to reduce manning levels to less than those commensurate with other Air Force fighter operational, test, or training units or divisions until the Secretary and the Chief of Staff submit the report described in subsection (f)(2)'' before the period at the end;

(4) in subsection (d)—

(A) by striking ''during the period before December 31, 2016,''; and

(B) by inserting ''until the Secretary and Chief of Staff submit the report described in subsection (f)(2)'' before the period at the end;

(5) by redesignating subsection (e) as subsection (g); and

(6) by inserting after subsection (d) the following new subsections:

''(e) COMPARISON TEST OF THE F–35A AND A–10C AIRCRAFT.—The Director for Operational Test and Evaluation (DOT&E) shall ensure the initial operational test and evaluation (IOT&E) of the F–35 aircraft includes a realistic comparison and evaluation test examining the abilities of the F–35A aircraft and A–10C aircraft in conducting close air support, combat search and rescue, and forward air controller (airborne) missions under a tactically representative variety of combat conditions.

''(f) REPORTS REQUIRED.—

''(1) DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—The Director of Operational Test and Evaluation shall submit to the congressional defense committees a report that includes the following elements:

''(A) The results and findings of the initial operational test and evaluation of the F–35 aircraft program.

''(B) The results and findings of the comparison test and evaluation required under subsection (e) that details the results of all scenarios tested and the capabilities of the F–35A and the A–10C aircraft in conducting close air support, combat search and rescue, and forward air controller (airborne) missions in a tactically representative variety of combat conditions.

''(C) A detailed assessment of the F–35A aircraft's close air support, combat search and rescue, and forward air controller (airborne) capabilities and whether the replacement of the A–10C aircraft with the F–35A aircraft for these missions would create a capability gap in these missions.

''(2) SECRETARY OF THE AIR FORCE AND CHIEF OF STAFF OF THE AIR FORCE.—

''(A) REPORT REQUIRED.—Not later than 180 days after the date of the submission of the report under paragraph (1), the Secretary of the Air Force and Chief of Staff of the Air Force shall submit to the congressional defense committees a report that includes—

''(i) the views of the Secretary and Chief of Staff with respect to the results of the initial operational test and evaluation of the F–35 aircraft program as summarized in the report under paragraph (1), including any issues or concerns of the Secretary and Chief of Staff with respect to such results;

''(ii) a plan for addressing any deficiencies and carrying out any corrective actions identified in such report; and

''(iii) short-term and long-term strategies for preserving the capability of the Air Force to conduct close air support, combat search and rescue, and airborne forward air controller missions.

''(B) REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES.—

''(i) IN GENERAL.—Not later than 90 days after the date that the Secretary of the Air Force and Chief of Staff of the Air Force submit the report required under subparagraph (A), the Comptroller General of the United States shall submit to the congressional defense committees a report on the report submitted under such subparagraph.

''(ii) CONTENTS.—The report submitted under clause (i) shall include the following:

''(I) An assessment of whether the conclusions and assertions included in the report submitted under subparagraph (A) are comprehensive, fully supported, and sufficiently detailed.

''(II) An identification of any shortcomings, limitations, or other reportable matters that affect the quality of the report's findings or conclusions.

''(3) FORM.—The reports submitted under paragraph (1) and paragraph (2)(B) may be submitted in classified form, but shall contain unclassified summaries.''.

SEC. 142. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF A–10 AIRCRAFT IN STORAGE STATUS.

(a) LIMITATION.—None of the amounts authorized to be appropriated by this Act or otherwise made available for the Air Force may be obligated or expended to scrap, destroy, or otherwise dispose of any A–10 aircraft in any storage status in the Aerospace Maintenance and Regeneration Group (AMARG) that have serviceable wings or other components that could be used to prevent total active inventory A–10 aircraft from being permanently removed from

flyable status due to unserviceable wings or other components until the F–35 initial operational test and evaluation is complete and the Secretary of the Air Force and Chief of Staff of the Air Force submit the report required under subsection (f)(2) of section 142 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 755), as added by section 141 of this Act.

(b) NOTIFICATION REQUIREMENT.—The Deputy Chief of Staff of the Air Force for Logistics, Engineering and Force Protection shall notify the congressional defense committees at least 45 calendar days in advance of any action to scrap, destroy, or otherwise dispose of any A–10 aircraft in any storage status at AMARG. The notification shall include a certification that the A–10 aircraft does not possess serviceable wings or other components necessary to prevent the permanent removal from flyable status of total active inventory A–10 aircraft.

(c) PLAN TO PREVENT REMOVAL OF TOTAL ACTIVE INVENTORY A–10 AIRCRAFT FROM FLYABLE STATUS.—The Secretary of the Air Force shall submit with the budget for the Department of Defense for fiscal year 2018, as submitted to Congress pursuant to section 1105 of title 31, United States Code, and shall implement, a plan to prevent any total active inventory A–10 aircraft from being permanently removed from flyable status for unserviceable wings or any other required component over the course of the future years defense plan.

SEC. 143. REPEAL OF THE REQUIREMENT TO PRESERVE CERTAIN RETIRED C–5 AIRCRAFT.

Section 141 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1659) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 144. REPEAL OF REQUIREMENT TO PRESERVE F–117 AIRCRAFT IN RECALLABLE CONDITION.

Section 136 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2114) is amended by striking subsection (b).

SEC. 145. LIMITATION ON AVAILABILITY OF FUNDS FOR EC–130H COMPASS CALL RECAPITALIZATION PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any other fiscal year may be obligated or expended on the Air Force EC–130H Compass Call recapitalization program unless the Air Force conducts a full and open competition to acquire the replacement aircraft platform.

SEC. 146. LIMITATION ON AVAILABILITY OF FUNDS FOR JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM (JSTARS) RECAPITALIZATION PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any other fiscal year for the Air Force may be made available for the Air Force's Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program unless the contract for engineering and manufacturing development uses a firm fixed-price contract structure.

Subtitle E—Defense-wide, Joint and Multiservice Matters

SEC. 151. REPORT TO CONGRESS ON INDEPENDENT STUDY OF FUTURE MIX OF AIRCRAFT PLATFORMS FOR THE ARMED FORCES.

(a) INDEPENDENT STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall obtain a study, to be performed by an organization or entity independent of the Department of Defense selected by the Secretary for purposes of this section, that determines the following:

(A) An optimized future mix of shorter range fighter-class strike aircraft and long range strike aircraft platforms for the Armed Forces.

(B) An appropriate future mix of manned aerial platforms and unmanned aerial platforms for the Armed Forces.

(2) CONSIDERATIONS IN DETERMINING MIX.—The mixes determined pursuant to the study shall be determined taking into account relevant portions of the defense strategy, critical assumptions, priorities, force-sizing construct, and cost.

(b) REPORT.—

(1) IN GENERAL.—Not later than April 14, 2017, the Secretary shall submit to the congressional defense committees a comprehensive report on the results of the study required by subsection (a), including, at a minimum, the following:

(A) A detailed discussion of the specific assumptions, observations, conclusions, and recommendations of the study.

(B) A detailed description of the modeling and analysis techniques used for the study.

(C) An overarching plan for fielding complementary weapons systems to meet combatant commander objectives and fulfilling warfighting capability and capacity requirements in the areas of an optimized force mix of—

(i) long-range versus medium/short-range intelligence, surveillance, and reconnaissance (ISR)/strike platforms;

(ii) manned versus unmanned platforms;

(iii) observability characteristics;

(iv) land-based versus sea-based capabilities;

(v) advanced fourth-generation platforms of proven design;

(vi) next generation air superiority capabilities; and

(vii) game-changing, advanced technology innovations.

(2) FORM.—The report required by paragraph (1) may be submitted in classified form, but shall include an unclassified executive summary.

(3) OTHER SUBMISSIONS.—The Secretary of Defense may refer to other reports or efforts of the Department of Defense for purposes of meeting the requirements of this subsection.

(4) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this subsection, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 152. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF CERTAIN CLUSTER MUNITIONS AND REPORT ON DEPARTMENT OF DEFENSE POLICY AND CLUSTER MUNITIONS.

(a) LIMITATION.—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended for the destruction of cluster munitions before the date on which the Secretary of Defense submits the report required by subsection (c).

(b) EXCEPTION FOR SAFETY.—The limitation under subsection (a) shall not apply to any cluster munitions that the Secretary determines are unsafe or could pose a safety risk if not demilitarized or destroyed.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2017, the Secretary of Defense shall submit to Congress a report that includes each of the following elements:

(A) A description of the policy of the Department of Defense regarding the use of cluster munitions, including methods for commanders to seek waivers to use such munitions.

(B) A 10-year projection of the requirements and inventory levels for all cluster munitions that takes into account future production of cluster munitions, any plans for demilitarization of such munitions, any plans for the recapitalization of such munitions, the age of the munitions, storage and safety considerations, and other factors that will impact the size of the inventory.

(C) A 10-year projection for the cost to achieve the inventory levels projected in subparagraph (B), including the cost for potential demilitarization or disposal of such munitions.

(D) A 10-year projection for the cost to develop and produce new cluster munitions compliant with the 2008 Department of Defense Policy on Cluster Munitions and Unintended Harm to Civilians that the Secretary determines are necessary to meet the demands of current operational plans.

(E) An assessment, by the Chairman of the Joint Chiefs of Staff, of the effects of the projected cluster inventory on operational plans.

(F) Any other matters that the Secretary determines should be included in the report.

(2) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) CLUSTER MUNITIONS DEFINED.—In this section, the term ''cluster munitions'' includes systems delivered by aircraft, cruise missiles, artillery, mortars, missiles, tanks, rocket launchers, or naval guns that deploy payloads of explosive submunitions that detonate via target acquisition, impact, or altitude, or that self-destruct (or a combination of both).

SEC. 153. MEDIUM ALTITUDE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT.

(a) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated for fiscal year 2017 for the Department of Defense by this Act and available for the procurement of manned medium altitude intelligence, surveillance, and reconnaissance aircraft by the United States Special Operations Command may be obligated or expended for that purpose until the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, in consultation with the Commander of the United States Special Operations Command, submits to the congressional defense committees a report on the requirements of the Command for manned intelligence, surveillance, and reconnaissance aircraft.

(b) ELEMENTS.—The report described in subsection (a) shall include the following:

(1) An accounting of all Government-owned, Government-operated and contractor-owned, and contractor-operated manned intelligence, surveillance, and reconnaissance aircraft funded by the United States Special Operations Command in fiscal year 2016.

(2) An analysis of the remaining service life of the aircraft accounted for under paragraph (1).

(3) An explanation of the plans of the Command with regard to the acquisition, sustainment, or divesture of Government-owned, Government-operated and contractor-owned, and contractor-operated

manned intelligence, surveillance, and reconnaissance aircraft over term of the future-years defense program submitted to Congress in 2016.

(4) A timeline for establishing a program of record for next generation manned intelligence, surveillance, and reconnaissance aircraft for the Command.

(5) Such other matters with respect to manned intelligence, surveillance, and reconnaissance aircraft for the Command as the Assistant Secretary considers appropriate.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. MODIFICATION OF MECHANISMS TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

(a) AMOUNT AUTHORIZED UNDER CURRENT MECHANISM.—Paragraph (1) of subsection (a) of section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended in the matter before subparagraph (A) by striking ''three percent'' and inserting ''four percent''.

(b) ADDITIONAL MECHANISM TO PROVIDE FUNDS.—Such subsection is further amended by adding at the end the following new paragraph:

''(3) FEE.—After consultation with the science and technology executive of the military department concerned, the director of a defense laboratory may charge customer activities a fixed percentage fee, in addition to normal costs of performance, in order to obtain funds to carry out activities authorized by this subsection. The fixed fee may not exceed three percent of costs.''.

(c) MODIFICATION OF COST LIMIT COMPLIANCE FOR INFRASTRUCTURE PROJECTS.—Subsection (b)(4) of such section is amended by adding at the end the following new subparagraph:

''(C) Section 2802 of such title, with respect to construction projects that exceed the cost specified in subsection (a)(2) of section 2805 of such title for certain unspecified minor military construction projects for laboratories.''.

(d) REPEAL OF SUNSET.—Such section is amended by striking subsection (d).

SEC. 212. MAKING PERMANENT AUTHORITY FOR DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM.

Section 1073 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2359 note) is amended—

(1) in subsection (d), by striking ''for each of fiscal years 2011 through 2023 may be used for any such fiscal year'' and inserting ''for a fiscal year may be used for such fiscal year''; and

(2) by striking subsection (f).

SEC. 213. AUTHORIZATION FOR NATIONAL DEFENSE UNIVERSITY AND DEFENSE ACQUISITION UNIVERSITY TO ENTER INTO COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

(a) NATIONAL DEFENSE UNIVERSITY.—Section 2165 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—(1) In engaging in research and development projects pursuant to subsection (a) of section 2358 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Secretary may enter into such contract or cooperative agreement or award such grant through the National Defense University.

''(2) The National Defense University shall be considered a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).''.

(b) DEFENSE ACQUISITION UNIVERSITY.—Section 1746 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—(1) In engaging in research and development projects pursuant to subsection (a) of section 2358 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Secretary may enter into such contract or cooperative agreement or award such grant through the Defense Acquisition University.

''(2) The Defense Acquisition University shall be considered a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).''.

SEC. 214. MANUFACTURING UNIVERSITIES GRANT PROGRAM.

Section 2196 of title 10, United States Code, is amended to read as follows:

''§ 2196. Manufacturing engineering education: grant program

''(a) ESTABLISHMENT OF MANUFACTURING UNIVERSITIES GRANT PROGRAM.—(1) The Secretary of Defense shall establish a program under which the Secretary makes grants to support—

''(A) the enhancement of existing programs in manufacturing engineering education to further a mission of the department; or

''(B) the establishment of new programs in manufacturing engineering education that meet such requirements.

''(2) Grants under this section may be made to institutions of higher education or to consortia of such institutions.

''(3) The Secretary shall establish the program in consultation with the Secretary of Education, the Director of the National Science Foundation, the Director of the Office of Science and Technology Policy, and the secretaries of such other relevant Federal agencies as the Secretary considers appropriate.

''(4) The Secretary shall ensure that the program is coordinated with Department programs associated with advanced manufacturing.

''(5) The program shall be known as the 'Manufacturing Universities Grant Program'.

''(b) NEW PROGRAMS IN MANUFACTURING ENGINEERING EDUCATION.—A program in manufacturing engineering education to be established at an institution of higher education may be considered to be a new program for the purpose of subsection (a)(1)(B) regardless of whether the program is to be conducted—

''(1) within an existing department in a school of engineering of the institution;

''(2) within a manufacturing engineering department to be established separately from the existing departments within such school of engineering; or

''(3) within a manufacturing engineering school or center to be established separately from an existing school of engineering of such institution.

''(c) GEOGRAPHICAL DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall, to the maximum extent practicable, avoid geographical concentration of grant awards.

''(d) COVERED PROGRAMS.—(1) A program of engineering education supported with a grant awarded pursuant to this section shall meet the requirements of this section.

''(2) Such a grant may be made for a program of education to be conducted at the undergraduate level, at the graduate level, or at both the undergraduate and graduate levels.

''(e) COMPONENTS OF PROGRAM.—The program of education for which such a grant is made shall be a consolidated and integrated multidisciplinary program of education having each of the following components:

''(1) Multidisciplinary instruction that encompasses the total manufacturing engineering enterprise and that may include—

''(A) manufacturing engineering education and training through classroom activities, laboratory activities, thesis projects, individual or team projects, and visits to industrial facilities, consortia, or centers of excellence in the United States and foreign countries;

''(B) faculty development programs;

''(C) recruitment of educators highly qualified in manufacturing engineering;

''(D) presentation of seminars, workshops, and training for the development of specific research or education skills;

''(E) activities involving interaction between the institution of higher education conducting the program and industry, including programs for visiting scholars or industry executives;

''(F) development of new manufacturing curriculum, course offerings, and education programs;

''(G) establishment of centers of excellence in manufacturing workforce training;

''(H) establishment of joint programs with defense laboratories and depots; and

''(I) expansion of advanced manufacturing training and education for members of the armed forces, veterans, Federal employees, and others.

''(2) Opportunities for students to obtain work experience in manufacturing through such activities as internships, summer job placements, or cooperative work-study programs.

''(3) Faculty and student research that is directly related to, and supportive of, the education of undergraduate or graduate students in advanced manufacturing science and technology because of—

''(A) the increased understanding of advanced manufacturing science and technology that is derived from such research; and

''(B) the enhanced quality and effectiveness of the instruction that result from that increased understanding.

''(f) GRANT PROPOSALS.—The Secretary of Defense shall solicit from institutions of higher education in the United States (and from consortia of such institutions) proposals for grants to be made pursuant to this section for the support of programs of manufacturing engineering education that are consistent with the purposes of this section.

''(g) MERIT COMPETITION.—Applications for grants shall be evaluated on the basis of merit pursuant to competitive procedures prescribed by the Secretary.

''(h) SELECTION CRITERIA.—The Secretary may select a proposal for the award of a grant pursuant to this section if the proposal, at a minimum, does each of the following:

''(1) Contains innovative approaches for improving engineering education in manufacturing technology.

''(2) Demonstrates a strong commitment by the proponents to apply the resources necessary to achieve the objectives for which the grant is to be made.

''(3) Provides for the conduct of research that supports the instruction to be provided in the proposed program and is likely to improve manufacturing engineering and technology.

''(4) Demonstrates a significant level of involvement of United States industry in the proposed instructional and research activities.

''(5) Is likely to attract superior students.

''(6) Proposes to involve fully qualified faculty personnel who are experienced in research and education in areas associated with manufacturing engineering and technology.

''(7) Proposes a program that, within three years after the grant is made, is likely to attract from sources other than the Federal Government the financial and other support necessary to sustain such program.

''(8) Proposes to achieve a significant level of participation by women, members of minority groups, and individuals with disabilities through active recruitment of students from among such persons.

''(9) Trains college graduates, from engineering or other science and technical fields, and other members of the technical workforce, in advanced manufacturing and in relevant emerging technologies and production processes.

''(i) FEDERAL SUPPORT.—The amount of financial assistance furnished to an institution of higher education under this section may not exceed 50 percent of the estimated cost of carrying out the activities proposed to be supported in part with such financial assistance for the period for which the assistance is to be provided.

''(j) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term 'institution of higher education' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).''.

SEC. 215. INCREASED MICRO-PURCHASE THRESHOLD FOR BASIC RESEARCH PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.

(a) INCREASED MICRO-PURCHASE THRESHOLD.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Micro-purchase threshold for basic research programs and activities of the Department of Defense science and technology reinvention laboratories

''Notwithstanding subsection (a) of section 1902 of title 41, the micro-purchase threshold for the Department of Defense for purposes of such section is $10,000 for purposes of basic research programs and for the activities of the Department of Defense science and technology reinvention laboratories.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2338. Micro-purchase threshold for basic research programs and activities of the Department of Defense science and technology reinvention laboratories.''.

(b) CONFORMING AMENDMENT.—Section 1902(a) of title 41, United States Code, is amended by striking ''For purposes'' and inserting ''Except as provided in section 2338 of title 10, for purposes''.

SEC. 216. DIRECTED ENERGY WEAPON SYSTEM PROGRAMS.

(a) INCLUSION OF DIRECTED ENERGY WEAPON SYSTEM PROGRAMS IN THE RAPID ACQUISITION AUTHORITY PROGRAM.—

(1) IN GENERAL.—Section 806(c)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note) is amended by adding at the end the following new subparagraph:

''(D)(i) In the case of any supplies and associated support services that, as determined in writing by the Secretary of Defense without delegation, are urgently needed to eliminate a deficiency in directed energy weapon systems, the Secretary may use the procedures developed under this section in order to accomplish the rapid acquisition and deployment of needed offensive or defensive directed energy weapon systems capabilities, supplies, and associated support services.

''(ii) For the purposes of directed energy weapon systems acquisition, the Secretary of Defense shall consider use of the following procedures:

''(I) The rapid acquisition authority provided under this section.

''(II) Use of other transactions authority provided under section 2371 of title 10, United States Code.

''(III) The acquisition of commercial items using simplified acquisition procedures.

''(IV) The authority for procurement for experimental purposes provided under section 2373 of title 10, United States Code.

''(iii) In this subparagraph, the term 'directed energy weapon systems' means military action involving the use of directed energy to incapacitate, damage, or destroy enemy equipment, facilities, or personnel.''.

(2) CONFORMING AMENDMENTS.—Section 2373 of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''and aeronautical supplies'' and inserting '', aeronautical supplies, and directed energy weapon systems''; and

(B) by adding at the end of the following new subsection:

''(c) DIRECTED ENERGY WEAPON SYSTEMS DEFINED.—In this section, the term 'directed energy weapon systems' means military action involving the use of directed energy to incapacitate, damage, or destroy enemy equipment, facilities, or personnel.''.

(b) JOINT DIRECTED ENERGY PROGRAM OFFICE.—

(1) REDESIGNATION.—The High Energy Laser Joint Technology Office of the Department of Defense is hereby redesignated as the ''Joint Directed Energy Program Office'' (in this subsection referred to as the ''Office'').

(2) STRATEGIC PLAN FOR DEVELOPMENT AND FIELDING OF DIRECTED ENERGY WEAPONS CAPABILITIES.—In addition to the functions and duties of the Office in effect on the day before the date of the enactment of this Act, the Office shall develop a strategic plan for development and fielding of directed energy weapons capabilities for the Department, in which the Office may define requirements for directed energy capabilities that address the highest priority warfighting capability gaps of the Department.

(3) ACCELERATION OF DEVELOPMENT AND FIELDING OF DIRECTED ENERGY WEAPONS CAPABILITIES.—

(A) IN GENERAL.—To the degree practicable, the Office shall use the policies of the Department that are revised pursuant to this section and new acquisition and management practices established pursuant to this section to accelerate the development and fielding of directed energy capabilities.

(B) ENGAGEMENT.—The Secretary shall ensure that use of policies and practices described in subparagraph (A) include engagement with defense and private industries, research universities, and unaffiliated, nonprofit research institutions.

SEC. 217. LIMITATION ON B–21 ENGINEERING AND MANUFACTURING DEVELOPMENT PROGRAM FUNDS.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 may be made available for the B–21 Engineering and Manufacturing Development (EMD) program until the Air Force releases the value of the B–21 EMD contract award made on October 27, 2015, to the congressional defense committees.

SEC. 218. PILOT PROGRAM ON DISCLOSURE OF CERTAIN SENSITIVE INFORMATION TO CONTRACTORS PERFORMING UNDER CONTRACTS WITH DEPARTMENT OF DEFENSE FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) IN GENERAL.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of permitting officers and employees of the Department of Defense to disclose sensitive information to federally funded research and development centers of the Department for the sole purpose of the performance of administrative, technical, or professional services under and within the scope of the contracts with such federally funded research and development centers.

(b) FFRDCS.—The pilot program shall be carried out with one or more federally funded research and development centers of the Department selected by the Secretary for participation in the pilot program.

(c) FFRDC PERSONNEL.—Sensitive information may be disclosed to personnel of a contractor of a federally funded research and development center under the pilot program only if such personnel agree to be subject to, and comply with, such ethics standards and requirements as the Secretary shall specify for purposes of the pilot program, including the Ethics in Government Act of 1978, section 1905 of title 18, United States Code, and chapter 21 of title 41, United States Code.

(d) CONDITIONS ON DISCLOSURE.—Sensitive information may be disclosed under the pilot program only if the federally funded research and development center concerned and any relevant contractors agree to and acknowledge that—

(1) sensitive information furnished to the federally funded research and development center and any relevant contractor under the pilot program will be accessed and used only for the purposes stated in the contract between the federally funded research and development center and such contractor;

(2) the federally funded research and development center and any relevant contractor will take all precautions necessary to prevent disclosure of the sensitive information furnished to anyone not authorized access to the information in order to perform the applicable contract;

(3) sensitive information furnished under the pilot program shall not be used by the

federally funded research and development center and any relevant contractor to compete against a third party for a Government or non-Government contract, or to support current or future research or technology development activities performed by the federally funded research and development center or contractor; and

(4) any personnel of a contractor of a federally funded research and development center participating in the pilot program may not have access to any trade secrets, or to any other nonpublic information which is of value to the research and technology development activities of the private-sector organization from which such employee is assigned, unless specifically authorized by this section or other law.

(e) DURATION.—The pilot program shall terminate on the date that is three years after the date of the commencement of the pilot program.

(f) ASSESSMENT.—Not later than two years after the commencement of the pilot program, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program, including an assessment of the effectiveness of activities under the pilot program in improving acquisition processes and the effectiveness of protections of private-sector intellectual property in the course of such activities.

(g) SENSITIVE INFORMATION DEFINED.—In this section, the term ''sensitive information'' means confidential commercial, financial, or proprietary information, technical data, contract performance, contract performance evaluation, management, and administration data, or other privileged information owned by other contractors of the Department of Defense that is exempt from public disclosure under section 552(b)(4) of title 5, United States Code, or which would otherwise be prohibited from disclosure under section 1832 or 1905 of title 18, United States Code.

SEC. 219. PILOT PROGRAM ON ENHANCED INTERACTION BETWEEN THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY AND THE SERVICE ACADEMIES.

(a) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of additional and enhanced interaction between the Defense Advanced Research Projects Agency and the service academies.

(b) AWARDS OF FUNDS.—In carrying out the pilot program, the Secretary of Defense may provide funds to current contractors and grantees of the Department of Defense under the Defense Advanced Research Projects Agency in order to encourage such contractors and grantees to do as follows:

(1) Develop research partnerships with the service academies for the purpose of utilizing the technology transition networks service academies maintain among their academic departments, resident research centers, and existing partnerships with service laboratories and other Federal degree granting institutions.

(2) Utilize technology transition insight from faculty-in-training who are enrolled at academic institutions conducting advanced research for the Department.

(3) Include the service academies' faculty members, cadets, and midshipmen as participants in technology user evaluations.

(4) Provide sabbaticals and internships for faculty members, cadets, and midshipmen at the service academies at research agencies, laboratories, and facilities of the Department and at university and industry research facilities.

(c) TERMINATION.—The authority to carry out the pilot program shall terminate on September 30, 2020.

(d) DEFINITIONS.—In this section:

(1) The term ''faculty-in-training'' means personnel attending graduate school programs at the expense of the Armed Forces with follow-on assignments as faculty at the service academies.

(2) The term ''service academies'' means the following:

(A) The United States Military Academy

(B) The United States Naval Academy.

(C) Th United States Air Force Academy.

(D) The United States Coast Guard Academy

(E) The United States Merchant Marine Academy.

SEC. 220. MODIFICATION OF AUTHORITY FOR USE OF OPERATION AND MAINTENANCE FUNDS FOR UNSPECIFIED MINOR CONSTRUCTION PROJECTS CONSISTING OF LABORATORY REVITALIZATION.

(a) INCREASE IN AMOUNT AUTHORIZED.—Section 2805(d) of title 10, United States Code, is amended by striking ''$4,000,000'' each place it appears and inserting ''$6,000,000''.

(b) EXTENSION OF SUNSET.—Paragraph (5) of such section is amended by striking ''2018'' and inserting ''2025''.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 302. MODIFIED REPORTING REQUIREMENT RELATED TO INSTALLATIONS ENERGY MANAGEMENT.

Subsection (a) of section 2925 of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting ''AND RESILIENCY'' after ''ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT'';

(2) by striking paragraphs (2), (3), (4), (5), (6), (7), (8), and (10); and

(3) by redesignating subsections (9) and (11) as paragraphs (2) and (3), respectively.

SEC. 303. REPORT ON EFFORTS TO REDUCE HIGH ENERGY COSTS AT MILITARY INSTALLATIONS.

(a) REPORT.—

(1) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in conjunction with the assistant secretaries responsible for installations and environment for the military services and the Defense Logistics Agency, shall submit to the congressional defense committees a report detailing the efforts to achieve cost savings at military installations with high energy costs.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A comprehensive, installation-specific assessment of feasible and mission-appropriate energy initiatives supporting energy production and consumption at military installations with high energy costs.

(B) An assessment of current sources of energy in areas with high energy costs and potential future sources that are technologically feasible, cost-effective, and mission-appropriate for military installations.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost-effective, where appropriate, and consistent with Department of Defense priorities.

(D) An explanation on how military services are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of extent of which activities administered under the Federal Energy Management Program could be used to assist with the implementation strategy.

(F) An assessment of State and local partnership opportunities that could achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) COORDINATION WITH STATE AND LOCAL AND OTHER ENTITIES.—In preparing the report required under paragraph (1), the Under Secretary may work in conjunction and coordinate with the States containing areas of high energy costs, local communities, and other Federal departments and agencies.

(b) DEFINITIONS.—In this section, the term ''high energy costs'' means costs for the provision of energy by kilowatt of electricity or British Thermal Unit of heat or steam for a military installation in the United States that is in the highest 20 percent of all military installations for a military department.

SEC. 304. UTILITY DATA MANAGEMENT FOR MILITARY FACILITIES.

(a) PILOT PROGRAM.—The Secretary of Defense, in consultation with the Secretary of Energy, shall develop a pilot program to investigate the utilization of utility data management services to perform utility bill aggregation, analysis, third-party payment, storage, and distribution.

(b) USE OF FUNDS.—The Secretary of Defense may use funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for operation and maintenance, Navy, and available for enterprise information to carry out the pilot program required under subsection (a).

SEC. 305. LINEAR LED LAMPS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall amend section 2–4.1.1.2 of the Department of Defense's Unified Facilities Criteria 3–530–1 to provide that—

(1) linear LED lamps with luminaire conversion kits may be UL Type B, receiving power on only one end of the lamp, 110–277VAC compatible; and

(2) for Army, Air Force, and Navy projects, linear LED lamps are allowed for light source retrofits.

Subtitle C—Logistics and Sustainment

SEC. 311. DEPLOYMENT PRIORITIZATION AND READINESS OF ARMY UNITS.

(a) DEPLOYMENT PRIORITIZATION AND READINESS.—

(1) IN GENERAL.—Chapter 1003 of title 10, United States Code, is amended by inserting after section 10102 the following new section:

''§ 10102a. Deployment prioritization and readiness of Army units

''(a) DEPLOYMENT PRIORITIZATION.—The Secretary of the Army shall maintain a system for identifying the priority of deployment for units of all components of the Army.

''(b) DEPLOYABILITY READINESS RATING.—The Secretary shall maintain a readiness rating system for units of all components of the Army that provides an accurate assessment of the deployability of a unit and those

shortfalls of a unit that require the provision of additional resources. The system shall ensure that—

''(1) the personnel readiness rating of a unit reflects—

''(A) both the percentage of the overall personnel requirement of the unit that is manned and deployable and the fill and deployability rate for critical occupational specialties necessary for the unit to carry out its back mission requirements; and

''(B) the number of personnel in the unit who are qualified in their primary military occupational specialty; and

''(2) the equipment readiness assessment of a unit—

''(A) documents all equipment required for deployment;

''(B) reflects only that equipment that is directly possessed by the unit;

''(C) specifies the effect of substitute items; and

''(D) assesses the effect of missing components and sets on the readiness of major equipment items.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1003 of such title is amended by inserting after the item relating to section 10102 the following new item:

''10102a. Deployment prioritization and readiness of Army units.''.

(b) REPEAL OF SUPERSEDED PROVISIONS OF LAW.—Sections 1121 and 1135 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 10 U.S.C. 10105 note) are repealed.

SEC. 312. REVISION OF GUIDANCE RELATED TO CORROSION CONTROL AND PREVENTION EXECUTIVES.

Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Director of Corrosion Policy and Oversight, shall revise corrosion-related guidance to clearly define the role of the corrosion control and prevention executives of the military departments in assisting the Office of Corrosion Policy and Oversight in holding the appropriate project management office in each military department accountable for submitting the report required under section 903(b)(5) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2228 note) with an expanded emphasis on infrastructure, as required in the long-term strategy of the Department of Defense under section 2228(d) of title 10, United States Code.

SEC. 313. REPAIR, RECAPITALIZATION, AND CERTIFICATION OF DRY DOCKS AT NAVAL SHIPYARDS.

Amounts authorized to be appropriated for fiscal year 2017 by section 301 for operation and maintenance and available as foreign currency fluctuation savings as specified in the funding table in section 4301 may be made available for the repair, recapitalization, and certification of dry docks at Naval shipyards.

Subtitle D—Reports

SEC. 321. MODIFICATIONS TO QUARTERLY READINESS REPORT TO CONGRESS.

(a) DEADLINE FOR REPORT.—Subsection (a) of section 482 of title 10, United States Code, is amended by striking ''Not later than 45 days after the end of each calendar-year quarter'' and inserting ''Not later than 30 days after the end of each calendar-year quarter''.

(b) ELIMINATION OF REPORTING REQUIREMENTS RELATED TO PREPOSITIONED STOCKS AND NATIONAL GUARD CIVIL SUPPORT MISSION READINESS.—Such section is further amended—

(1) in subsection (a), by striking ''subsections (b), (d), (e), (f), (g), (h), and (i)'' and inserting ''subsections (b), (d), (e), (f), and (g)'';

(2) by striking subsections (d) and (e); and

(3) by redesignating subsections (f), (g), (h), (i), and (j) as subsections (d), (e), (f), (g), and (i) respectively.

(c) INCLUSION OF INFORMATION ON CANNIBALIZATION RATES.—Such section, as amended by subsection (b), is further amended by inserting after subsection (g), as redesignated by paragraph (3) of such subsection (b), the following new subsection:

''(h) CANNIBALIZATION RATES.—Each report under this section shall include a separate unclassified report containing the information collected pursuant to section 117(c)(7) of this title.''.

SEC. 322. REPORT ON HH–60G SUSTAINMENT AND COMBAT RESCUE HELICOPTER (CRH) PROGRAM.

(a) REPORT ON SUSTAINMENT PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth a plan to modernize, sustain training, and provide depot maintenance for all components of the HH–60 helicopter fleet until total force combat rescue units have been fully equipped with HH–60W Combat Rescue Helicopters.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) A description of the Air Force's modernization plan for legacy HH–60G combat rescue helicopters.

(2) A description of the Air Force's plan to maintain the training pipeline for the HH–60G aircrew and maintenance force required to maintain full readiness through the end of fiscal year 2029.

(3) A description of the Air Force's depot maintenance plan to ensure the legacy HH–60G fleet of helicopters is maintained to meet readiness rates through the end of fiscal year 2029.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Subtitle E—Other Matters

SEC. 331. REPURPOSING AND REUSE OF SURPLUS MILITARY FIREARMS.

(a) ARMY TRANSFERS.—

(1) REQUIRED TRANSFER.—Not later than 90 days after the date of the enactment of this Act, and subject to paragraphs (3) and (4), the Secretary of the Army shall transfer to Rock Island Arsenal all excess firearms, related spare parts and components, small arms ammunition, and ammunition components currently stored at Defense Distribution Depot, Anniston, Alabama, that are no longer actively issued for military service.

(2) REPURPOSING AND REUSE.—The items specified for transfer under paragraph (1) shall be melted and repurposed for military use as determined by the Secretary of the Army, including—

(A) the re-forging of new firearms or their components; and

(B) force protection barriers and security bollards.

(3) TRANSFER FOR HISTORICAL PURPOSES.—Notwithstanding paragraphs (1) and (2), the Secretary may transfer up to 2,000 surplus caliber .45 M1911/M1911A1 pistols and 2,000 M–14 Rifles to a military museum for display and preservation.

(4) ITEMS EXEMPT FROM TRANSFER.—M–1 Garand and caliber .22 rimfire rifles are not subject to the transfer requirement under paragraph (1).

(b) NAVY TRANSFERS.—Section 40728 of title 36, United States Code, is amended by adding at the end the following new subsection:

''(i) AUTHORIZED NAVY TRANSFERS.—

''(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Secretary of the Navy may transfer to the corporation, in accordance with the procedures prescribed in this subchapter, M–1 Garand and caliber .22 rimfire rifles held within the inventories of the United States Navy and the United States Marine Corps and stored at Defense Distribution Depot, Anniston, Alabama, or Naval Surface Warfare Center, Crane, Indiana, as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.

''(2) USE AS MARKSMANSHIP TROPHIES.—The items specified for transfer under paragraph (1) shall be used as awards for competitors in marksmanship competitions held by the United States Marine Corps or the United States Navy and may not be resold.''.

SEC. 332. LIMITATION ON DEVELOPMENT AND FIELDING OF NEW CAMOUFLAGE AND UTILITY UNIFORMS.

No funds may be obligated or expended for the development or fielding of new camouflage or utility uniforms or families of uniforms until one year after the Secretary of Defense notifies the congressional defense committees of the proposed development or fielding.

SEC. 333. HAZARD ASSESSMENTS RELATED TO NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—Section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4201; 49 U.S.C. 44718 note) is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraph (3), (4), and (5), respectively;

(B) by inserting after paragraph (1) the following new paragraph:

''(2) ELEMENTS OF HAZARD ASSESSMENT.—Each hazard assessment shall, at a minimum, include—

''(A) an analysis of—

''(i) the electromagnetic interference that the proposed project would cause for any military installation, military-owned or military-operated air traffic control radar site, military training route or range, navigation aid, and approach systems;

''(ii) any other adverse impacts of the proposed project on military operations, safety, and readiness, including adverse effects to instrument or visual flight operations; and

''(iii) what alterations could be made to the proposed project, including its location and physical proximity to the affected military installation, military-owned or military-operated air traffic control radar site, military training route or range, or navigation aid, to sufficiently mitigate any adverse impacts described under clauses (i) and (ii); and

''(B) a determination as to whether the proposed project will have any adverse aeronautical effects, as described in clauses (i) and (ii) of subparagraph (A), or other significant military operational impacts.'';

(C) in paragraph (4), as redesignated by subparagraph (A), by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(D) in paragraph (5), as redesignated by such subparagraph, by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(2) in subsection (j), by adding at the end the following new paragraph:

''(4) The term 'unacceptable risk to the national security of the United States' includes any significant adverse aeronautical effects, such as electromagnetic interference with the affected military installation, military-owned or military-operated air traffic control radar site, navigation aid, and approach systems, as well as any other significant adverse impacts on military operations, safety, and readiness, such as adverse effects to instrument or visual flight operations.''.

(b) REVIEW OF APPROVED PROJECTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of mitigation plans developed pursuant to subsection (e) of section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4201; 49 U.S.C. 44718 note) to ensure that the mitigation plans comply with the requirements of paragraph (2) of such subsection, as added by subsection (a) of this section.

SEC. 334. PLAN FOR MODERNIZED AIR FORCE DEDICATED ADVERSARY AIR TRAINING ENTERPRISE.

(a) PLAN REQUIRED.—The Chief of Staff of the Air Force shall develop a plan—

(1) to provide a modernized dedicated adversary air training enterprise for the Air Force in order to—

(A) maximize warfighting effectiveness and synergies of the current and planned fourth and fifth generation combat air forces through optimized training and readiness; and

(B) harness intelligence analysis, emerging live-virtual-constructive training technologies, range infrastructure improvements, and results of experimentation and prototyping efforts in operational concept development;

(2) to explore all available opportunities to challenge the combat air forces of the Air Force with threat representative adversary-to-friendly aircraft ratios, known and emerging adversary tactics, and high fidelity replication of threat airborne and ground capabilities; and

(3) to execute all means available to achieve training and readiness goals and objectives of the Air Force with demonstrated institutional commitment to the adversary air training enterprise through the application of Air Force policy and resources, partnering with the other Armed Forces, allies, and friends, and employing the use of industry contracted services.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall include enterprise goals, objectives, concepts of operations, phased implementation timelines, analysis of expected readiness improvements, prioritized resource requirements, and such other matters as the Chief of Staff considers appropriate.

(c) SUBMITTAL OF PLAN AND BRIEFING.—Not later than March 3, 2017, the Chief of Staff shall provide to the Committees on Armed Services of the Senate and the House of Representatives a written plan and a briefing on the plan under subsection (a).

SEC. 335. INDEPENDENT STUDY TO REVIEW AND ASSESS THE EFFECTIVENESS OF THE AIR FORCE READY AIRCREW PROGRAM.

(a) STUDY.—The Secretary of the Air Force shall commission an independent review and assessment of the assumptions underlying the Air Force's annual continuation training requirements and the efficacy of the overall Ready Aircrew Program in the management of Air Force's aircrew training requirements.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the review conducted.

(2) ELEMENTS.—The report required under paragraph (1) shall include an analysis, and where appropriate, an assessment of—

(A) the total sorties required by each combat aircraft and mission type to reach minimum and optimum levels of proficiency;

(B) the optimal mix of live and virtual training sorties by aircraft and mission type;

(C) the requirements for and availability of supporting assets and infrastructure to achieve proficiency levels;

(D) the accumulated flying hours or other measurements needed to achieve experienced aircrew designations, and whether different measures should be used;

(E) the optimum mix of experienced versus inexperienced aircrews by aircraft and mission type;

(F) the actions planned and taken, and the estimated magnitude of resources required, to incorporate the assessment recommendations; and

(G) any other matters the Secretary determines are appropriate to ensure a comprehensive review and assessment.

(c) COMPTROLLER GENERAL REVIEW.—

(1) IN GENERAL.—The Comptroller General of the United States shall review the report submitted under subsection (b) and submit to the congressional defense committees an assessment of the matters contained in the report, including an assessment of—

(A) the extent to which the Air Force's report addressed the mandated reporting elements;

(B) the adequacy and completeness of the assumptions reviewed to establish the annual training requirements;

(C) the Air Force's actions planned to incorporate the report results into annual training documents; and

(D) any other matters the Comptroller General determines are relevant.

(2) BRIEFING.—The Comptroller General shall brief the congressional defense committees on the preliminary results of the review conducted under paragraph (1) not later than 60 days after the date on which the Secretary of the Air Force submits the report required under subsection (b).

SEC. 336. MITIGATION OF RISKS POSED BY CERTAIN WINDOW COVERINGS WITH ACCESSIBLE CORDS IN MILITARY HOUSING UNITS IN WHICH CHILDREN RESIDE.

(a) REMOVAL OF CERTAIN WINDOW COVERINGS.—The Secretary of Defense shall remove and replace window coverings with accessible cords exceeding 8 inches in length and window coverings with continuous loop/bead cord from military housing units in which children under the age of 9 reside.

(b) REQUIREMENT FOR HOUSING CONTRACTORS TO PHASE OUT WINDOW COVERINGS WITH ACCESSIBLE CORDS FROM MILITARY HOUSING UNITS.—The Secretary of Defense shall require housing contractors to phase out window coverings with accessible cords exceeding 8 inches in length and window coverings with continuous loop/bead cords that do not contain a cord tension device that prohibits operation when not anchored to the wall from military housing units within one year of the date of the enactment of this Act.

SEC. 337. TACTICAL EXPLOSIVE DETECTION DOGS.

(a) INCLUSION IN DEFINITION OF MILITARY ANIMALS.—Section 2583(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) A tactical explosive detection dog (TEDD) that has been transferred to the 341st Training Squadron from a private contractor.''.

(b) REQUIRED CONTRACT CLAUSE.—

(1) CIVILIAN CONTRACTS.—

(A) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

''§ 4713. Contracts for provision of tactical explosive detection dogs: requirement to transfer animals to 341st Training Squadron after service life

''(a) IN GENERAL.—Each contract with a provider of tactical explosive detection dogs (TEDDs) shall include a provision requiring the contractor to transfer the dog to the 341st Training Squadron after the animal's service life as described in subsection (b), including for purposes of reclassification as a military animal and placement for adoption in accordance with section 2583 of title 10.

''(b) SERVICE LIFE.—For purposes of this section, an animal's service life is over and the animal is available for transfer to the 341st Training Squadron only if—

''(1) the animal's final United States Government-wide contractual obligation is with the Department of Defense, military service, or defense agency; and

''(2) the animal has no additional capability to be utilized by another United States Government agency due to age, injury, or performance.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4713. Contracts for provision of tactical explosive detection dogs: requirement to transfer animals to 341st Training Squadron after service life.''.

(2) DEFENSE CONTACTS.—

(A) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410r. Contracts for provision of tactical explosive detection dogs: requirement to transfer animals to 341st Training Squadron after service life

''Each Department of Defense contract with a provider of tactical explosive detection dogs (TEDDs) shall include a provision requiring the contractor to transfer the dog to the 341st Training Squadron after the animal's service life, including for purposes of reclassification as a military animal and placement for adoption in accordance with section 2583 of this title.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2410r. Contracts for provision of tactical explosive detection dogs: requirement to transfer animals to 341st Training Squadron after service life.''.

SEC. 338. STARBASE PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) The budget of the President for fiscal year 2017 requested no funding for the Department of Defense STARBASE program.

(2) The purpose of the STARBASE program is to improve the knowledge and skills of students in kindergarten through 12th grade in science, technology, engineering, and mathematics (STEM) subjects, to connect them to the military, and to motivate them to explore science, technology, engineering,

and mathematics and possible military careers as they continue their education.

(3) The STARBASE program currently operates at 76 locations in 40 States and the District of Columbia and Puerto Rico, primarily on military installations.

(4) To date, nearly 750,000 students have participated in the STARBASE program.

(5) The STARBASE program is a highly effective program run by dedicated members of the Armed Forces and strengthens the relationships between the military, communities, and local school districts.

(6) The budget of the President for fiscal year 2017 seeks to eliminate funding for the STARBASE program for that fiscal year due to a reorganization of science, technology, engineering, and mathematics programs throughout the Federal Government.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the STARBASE program should continue to be funded by the Department of Defense.

SEC. 339. ACCESS TO DEPARTMENT OF DEFENSE INSTALLATIONS FOR DRIVERS OF VEHICLES OF ONLINE TRANSPORTATION NETWORK COMPANIES.

(a) ACCESS TO BE PERMITTED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish policies, terms and conditions under which drivers of vehicles affiliated with online transportation network companies shall be permitted access to installations of the Department of Defense. In establishing such policies, terms and conditions, the Secretary shall take into account force protection requirements and ensure the protection and safety of members of the Armed Forces, civilian employees of the Department, and their families.

(b) ELEMENTS.—

(1) IN GENERAL.—The policies, terms, and conditions established pursuant to this section shall—

(A) permit access to installations by drivers of vehicles affiliated with transportation network companies that have authorized access to installations of the Department as of the date of the enactment of this Act;

(B) permit access to installations by drivers of vehicles affiliated with transportation network companies that seek authorized access to installations of the Department after the date of the enactment of this Act, but only if such drivers of vehicles agree to abide by such terms and conditions;

(C) prohibits drivers of vehicles, and personnel, affiliated with transportation network companies, from accessing sensitive areas of installations of the Department;

(D) permit drivers of vehicles affiliated with transportation network companies that have authorized access to installations of the Department access to barracks areas, housing areas, temporary lodging facilities areas, and military unit areas; and

(E) require each transportation network company whose affiliated drivers of vehicles have authorized access to installations of the Department—

(i) to track, in real-time, the location of the entry and exit of such drivers onto and off such installations; and

(ii) to provide, on demand, the information described in clause (i) to personnel and agencies of the Department.

(2) CONFIDENTIALITY OF INFORMATION PROVIDED.—The terms and conditions shall provide for the treatment of any information provided by a transportation network company in accordance with the requirements of paragraph (1)(E) as confidential and proprietary information of the transportation network company exempt from public disclosure pursuant to section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''). The Department shall not disclose such information to any person or entity without the express written consent of the transportation network company unless required by a court order.

(c) TRANSPORTATION NETWORK COMPANY DEFINED.—In this section, the term ''transportation network company'' means a corporation, partnership, sole proprietorship, or other entity that uses a digital network to connect riders to drivers affiliated with the entity in order for a driver to provide transportation services to a rider.

SEC. 340. WOMEN'S MILITARY SERVICE MEMORIALS AND MUSEUMS.

(a) AUTHORIZATION.—The Secretary of Defense may provide not more than $5,000,000 in financial support for the acquisition, installation, and maintenance of exhibits, facilities, historical displays, and programs at military service memorials and museums that highlight the role of women in the military. The Secretary may enter into a contract with a non-profit organization for the purpose of performing such acquisition, installation, and maintenance.

(b) OFFSET.—Of the funds authorized to be appropriated by section 301 for operation and maintenance, Army, and available for the National Museum of the United States Army, not more than $5,000,000 shall be provided, at the discretion of the Secretary of Defense, to carry out activities under subsection (a).

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Personnel

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2017, as follows:

(1) The Army, 460,000.

(2) The Navy, 322,900.

(3) The Marine Corps, 182,000.

(4) The Air Force, 317,000.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2017, as follows:

(1) The Army National Guard of the United States, 335,000.

(2) The Army Reserve, 195,000.

(3) The Navy Reserve, 58,000.

(4) The Marine Corps Reserve, 38,500.

(5) The Air National Guard of the United States, 105,700.

(6) The Air Force Reserve, 69,000.

(7) The Coast Guard Reserve, 7,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2017, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 30,155.

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 9,955.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,764.

(6) The Air Force Reserve, 2,955.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

(a) IN GENERAL.—The authorized number of military technicians (dual status) as of September 30, 2017, for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 25,507.

(2) For the Army Reserve, 7,570.

(3) For the Air National Guard of the United States, 22,103.

(4) For the Air Force Reserve, 10,061.

(b) VARIANCE.—Notwithstanding subsection (d) of section 115 of title 10, United States Code, the end strength prescribed by subsection (a) for a reserve component specified in that subsection may be varied in the same manner as is provided for the variance of end strengths in subsections (f)(1) and (g)(1)(B) of such section as if such end strength prescribed by subsection (a) were an end strength for personnel otherwise described by such subsection (f)(1) or (g)(1)(B), as applicable.

SEC. 414. FISCAL YEAR 2017 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2017, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2017, may not exceed 420.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2017, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2017, the maximum number of members of the reserve components of

the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 416. TECHNICAL CORRECTIONS TO ANNUAL AUTHORIZATION FOR PERSONNEL STRENGTHS.

Section 115 of title 10, United States Code, is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by striking ''502(f)(2)'' and inserting ''502(f)(1)(B)''; and

(B) in subparagraph (C), by striking ''502(f)(2)'' and inserting ''502(f)(1)(B)''; and

(2) in subsection (i)(7), by striking ''502(f)(1)'' and inserting ''502(f)(1)(A)''.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2017.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. REFORM OF DISTRIBUTION AND AUTHORIZED STRENGTH OF GENERAL AND FLAG OFFICERS.

(a) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.—

(1) REFORM.—Chapter 32 of title 10, United States Code, is amended by inserting after section 525 the following new section:

''§ 525a. Distribution of commissioned officers on active duty in general officer grades and flag officer grades after December 31, 2017

''(a) IN GENERAL.—For purposes of the applicable limitation in section 526a(a) of this title on general and flag officers on active duty, no appointment of an officer on the active duty list may be made after December 31, 2017, as follows:

''(1) In the Army, if that appointment would result in more than—

''(A) 4 officers in the grade of general;

''(B) 23 officers in a grade above the grade of major general; or

''(C) 62 officers in the grade of major general.

''(2) In the Air Force, if that appointment would result in more than—

''(A) 4 officers in the grade of general;

''(B) 20 officers in a grade above the grade of major general; or

''(C) 52 officers in the grade of major general.

''(3) In the Navy, if that appointment would result in more than—

''(A) 4 officers in the grade of admiral;

''(B) 17 officers in a grade above the grade of rear admiral; or

''(C) 42 officers in the grade of rear admiral.

''(4) In the Marine Corps, if that appointment would result in more than—

''(A) 2 officers in the grade of general;

''(B) 9 officers in a grade above the grade of major general; or

''(C) 16 officers in the grade of major general.

''(b) EXCLUSIONS IN CONNECTION WITH JOINT DUTY ASSIGNMENTS.—The limitations of subsection (a) do not include the following:

''(1) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than three officers from each armed forces may be on active duty who are excluded under this paragraph.

''(2) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526a(b) of this title for each armed force.

''(c) APPOINTMENTS IN CONNECTION WITH OFFSETTING REDUCTIONS.—

''(1) IN GENERAL.—Subject to paragraph (3), the President—

''(A) may make appointments in the Army, Air Force, and Marine Corps in the grades of lieutenant general and general in excess of the applicable numbers determined under this section if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and

''(B) may make appointments in the Navy in the grades of vice admiral and admiral in excess of the applicable numbers determined under this section if each such appointment is made in conjunction with an offsetting reduction under paragraph (2).

''(2) OFFSETTING REDUCTION.—For each appointment made under the authority of paragraph (1) in the Army, Air Force, or Marine Corps in the grade of lieutenant general or general, or in the Navy in the grade of vice admiral or admiral, the number of appointments that may be made in the equivalent grade in one of the other armed forces (other than the Coast Guard) shall be reduced by one. When such an appointment is made, the President shall specify the armed force in which the reduction required by this paragraph is to be made.

''(3) LIMITATIONS.—

''(A) GRADE OF GENERAL OR ADMIRAL.—The number of officers that may be serving on active duty in the grades of general and admiral by reason of appointment made under the authority of paragraph (1) may not exceed 1.

''(B) GRADE OF LIEUTENANT GENERAL OR VICE ADMIRAL.—The number of officers that may be serving on active duty in the grades of lieutenant general and vice admiral by reason of appointments made under the authority of paragraph (1) may not exceed 4.

''(4) TERMINATION.—Upon the termination of the appointment of an officer in the grade of lieutenant general or vice admiral or general or admiral that was made in connection with an increase under paragraph (1) in the number of officers that may be serving on active duty in that armed force in that grade, the reduction made under paragraph (2) in the number of appointments permitted in such grade in another armed force by reason of that increase shall no longer be in effect.

''(d) EXCLUSION OFFICERS UPON RELIEF FROM CHIEFS OF STAFF DUTY.—An officer continuing to hold the grade of general or admiral under section 601(b)(5) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of this section.

''(e) EXCLUSION FOR RETIREMENT, SEPARATION, RELEASE, OR RELIEF.—The following officers shall not be counted for purposes of this section:

''(1) An officer of that armed force in the grade of brigadier general or above or, in the case of the Navy, in the grade of rear admiral (lower half) or above, who is on leave pending the retirement, separation, or release of that officer from active duty, but only during the 60-day period beginning on the date of the commencement of such leave of such officer.

''(2) At the discretion of the Secretary of Defense, an officer of that armed force who has been relieved from a position designated under section 601(a) of this title or by law to carry one of the grades specified in such section, but only during the 60-day period beginning on the date on which the assignment of the officer to the first position is terminated or until the officer is assigned to a second such position, whichever occurs first.

''(f) EXCLUSION FOR RESERVE OFFICERS ON CERTAIN ACTIVE DUTY.—

''(1) IN GENERAL.—The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for a period in excess of 365 days, but not to exceed three years, except that the number of officers from each reserve component who are covered by this subsection and are not serving in a position that is a joint duty assignment for purposes of chapter 38 of this title may not exceed 5 per component, unless authorized by the Secretary of Defense.

''(2) NOTICE TO CONGRESS.—Not later than 30 days after authorizing a number of reserve component general or flag officers in excess of the number specified in paragraph (1), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of such authorization, and shall include with such notice a statement of the reason for such authorization.''.

(2) CONFORMING AMENDMENT.—Section 525 of such title is amended by adding at the end the following new subsection:

''(h) The provisions of this section shall not apply to appointments in general officer grades and flag officer grades made after December 31, 2017. For provisions applicable to the distribution of appointments in such grades after that date, see section 525a of this title.''.

(b) AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY AFTER DECEMBER 31, 2017.—

(1) REFORM.—Chapter 32 of title 10, United States Code, is further amended by inserting after section 526 the following new section:

''§ 526a. Authorized strength after December 31, 2017: general and flag officers on active duty

''(a) LIMITATIONS.—The number of general officers on active duty in the Army, Air Force, and Marine Corps, and the number of flag officers on active duty in the Navy, after December 31, 2017, may not exceed the number specified for the armed force concerned as follows:

''(1) For the Army, 173.

''(2) For the Navy, 121.

''(3) For the Air Force, 148.

''(4) For the Marine Corps, 47.

''(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary of Defense may designate up to 232 general officer and flag officer positions that are joint duty assignments for purposes of chapter 38 of this

title for exclusion from the limitations in subsection (a). The Secretary shall allocate those exclusions to the armed forces based on the number of general or flag officers required from each armed force for assignment to these designated positions.

''(2) MINIMUM NUMBER.—Unless the Secretary of Defense determines that a lower number is in the best interest of the Department of Defense, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

''(A) For the Army, 63.

''(B) For the Navy, 45.

''(C) For the Air Force, 54.

''(D) For the Marine Corps, 15.

''(3) DISTRIBUTION ACROSS PARTICULAR GRADES.—The number excluded under paragraph (1) and serving in positions designated under that paragraph—

''(A) in the grade of general or admiral may not exceed the aggregate number of officers serving as Chairman of the Joint Chiefs of Staff, Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, commander of any unified or specified combatant commands, Commander, United States Forces Korea, two additional officers in the grade of general or admiral arising from the limitation after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 on the number unified combatant commands pursuant to section 161(b) of this title, and one additional officer in the grade of general or admiral designated by the President and appointed by and with the advice and consent of the Senate;

''(B) in a grade above the grade of major general or rear admiral may not exceed 42; and

''(C) in the grade of major general or rear admiral may not exceed 74.

''(4) NOTICE TO CONGRESS.—Not later than 30 days after determining to raise or lower a number specified in paragraph (2), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of such determination.

''(5) POSITIONS HELD BY RESERVE OFFICERS.—

''(A) IN GENERAL.—The Chairman of the Joint Chiefs of Staff may designate up to 11 general and flag officer positions in the unified and specified combatant commands, and up to three general and flag officer positions on the Joint Staff, as positions to be held only by reserve component officers who are in a general or flag officer grade below lieutenant general or vice admiral. Each position so designated shall be considered to be a joint duty assignment position for purposes of chapter 38 of this title.

''(B) EXCEPTION FROM LIMITATION.—Except as provided in subparagraph (E), a reserve component officer serving in a position designated under subparagraph (A) while on active duty under a call or order to active duty that does not specify a period of 180 days or less shall not be counted for the purposes of the limitations under subsection (a) and under section 525a of this title if the officer was selected for service in that position in accordance with the procedures specified in subparagraph (C).

''(C) PROCEDURES GENERALLY.—Whenever a vacancy occurs, or is anticipated to occur, in a position designated under subparagraph (A)—

''(i) the Secretary of Defense shall require the Secretary of the Army to submit the name of at least one Army reserve component officer, the Secretary of the Navy to submit the name of at least one Navy Reserve officer and the name of at least one Marine Corps Reserve officer, and the Secretary of the Air Force to submit the name of at least one Air Force reserve component officer for consideration by the Secretary for assignment to that position; and

''(ii) the Chairman of the Joint Chiefs of Staff may submit to the Secretary of Defense the name of one or more officers (in addition to the officers whose names are submitted pursuant to clause (i)) for consideration by the Secretary for assignment to that position.

''(D) PERFORMANCE EVALUATION OF RECOMMENDED OFFICERS.—Whenever the Secretaries of the military departments are required to submit the names of officers under subparagraph (C)(i), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense the Chairman's evaluation of the performance of each officer whose name is submitted under that subparagraph (and of any officer whose name the Chairman submits to the Secretary under subparagraph (C)(ii) for consideration for the same vacancy).

''(E) INAPPLICABILITY OF EXCEPTION.—Subparagraph (B) does not apply in the case of an officer serving in a position designated under subparagraph (A) if the Secretary of Defense, when considering officers for assignment to fill the vacancy in that position which was filled by that officer, did not have a recommendation for that assignment from each Secretary of a military department who (pursuant to subparagraph (C)) was required to make such a recommendation.

''(c) EXCLUSION OF CERTAIN RESERVE OFFICERS.—

''(1) ACTIVE DUTY FOR TRAINING OR LESS THAN 180 DAYS.—The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for training or who is on active duty under a call or order specifying a period of less than 180 days.

''(2) SPECIFIED NUMBER ON ACTIVE DUTY FOR NOT MORE THAN 365 DAYS.—The limitations of this section also do not apply to a number, as specified by the Secretary of the military department concerned, of reserve component general or flag officers authorized to serve on active duty for a period of not more than 365 days. The number so specified for an armed force may not exceed the number equal to 10 percent of the authorized number of general or flag officers, as the case may be, of that armed force under section 12004a of this title. In determining such number, any fraction shall be rounded down to the next whole number, except that such number shall be at least one.

''(3) LIMITED NUMBER ON ACTIVE DUTY FOR MORE THAN 365 DAYS.—The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for a period in excess of 365 days but not to exceed three years, except that the number of such officers from each reserve component who are covered by this paragraph and not serving in a position that is a joint duty assignment for purposes of chapter 38 of this title may not exceed 5 per component, unless authorized by the Secretary of Defense.

''(d) EXCLUSION OF CERTAIN OFFICERS PENDING SEPARATION OR RETIREMENT OR BETWEEN SENIOR POSITIONS.—The limitations of this section do not apply to a general or flag officer who is covered by an exception under section 525a(e) of this title.

''(e) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—

''(1) IN GENERAL.—The limitations in subsection (a) and in section 525a(a) of this title do not apply to a general or flag officer assigned to a temporary joint duty assignment designated by the Secretary of Defense.

''(2) DURATION OF EXCLUSION.—A general or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this subsection from the limitations in subsection (a) for a period of longer than one year.

''(f) EXCLUSION OF OFFICERS DEPARTING FROM JOINT DUTY ASSIGNMENTS.—The limitations in subsection (a) do not apply to an officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers on active duty from each armed force may be covered by an extension under this sentence at the same time.

''(g) ACTIVE-DUTY BASELINE.—

''(1) NOTICE AND WAIT REQUIREMENTS.—If the Secretary of a military department proposes an action that would increase above the baseline the number of general officers or flag officers of an armed force under the jurisdiction of that Secretary who would be on active duty and would count against the statutory limit applicable to that armed force under subsection (a), the action shall not take effect until after the end of the 60-calendar day period beginning on the date on which the Secretary provides notice of the proposed action, including the rationale for the action, to the Committees on Armed Services of the Senate and the House of Representatives.

''(2) BASELINE DEFINED.—In paragraph (1), the term 'baseline' for an armed force means the lower of—

''(A) the statutory limit of general officers or flag officers of that armed force under subsection (a); or

''(B) the actual number of general officers or flag officers of that armed force who, as of January 1, 2018, counted toward the statutory limit of general officers or flag officers of that armed force under subsection (a).

''(3) LIMITATION.—If, at any time, the actual number of general officers or flag officers of an armed force who count toward the statutory limit of general officers or flag officers of that armed force under subsection (a) exceeds such statutory limit, then no increase described in paragraph (1) for that armed force may occur until the general officer or flag officer total for that armed force is reduced to or below such statutory limit.

''(h) JOINT DUTY ASSIGNMENT BASELINE.—

''(1) NOTICE AND WAIT REQUIREMENT.—If the Secretary of Defense, the Secretary of a military department, or the Chairman of the Joint Chiefs of Staff proposes an action that would increase above the baseline the number of general officers and flag officers of the armed forces in joint duty assignments who count against the statutory limit under subsection (b)(1), the action shall not take effect until after the end of the 60-calendar day period beginning on the date on which such Secretary or the Chairman, as the case may be, provides notice of the proposed action, including the rationale for the action, to the Committees on Armed Services of the Senate and the House of Representatives.

''(2) BASELINE DEFINED.—In paragraph (1), the term 'baseline' means the lower of—

''(A) the statutory limit on general officer and flag officer positions that are joint duty assignments under subsection (b)(1); or

''(B) the actual number of general officers and flag officers who, as of January 1, 2016, were in joint duty assignments counted toward the statutory limit under subsection (b)(1).

''(3) LIMITATION.—If, at any time, the actual number of general officers and flag officers in joint duty assignments counted toward the statutory limit under subsection (b)(1) exceeds such statutory limit, then no increase described in paragraph (1) may occur until the number of general officers and flag officers in joint duty assignments is reduced to or below such statutory limit.

''(i) ANNUAL REPORT.—Not later than March 1 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report specifying the following:

''(1) The numbers of general officers and flag officers who, as of January 1 of the calendar year in which the report is submitted, counted toward the service-specific limits of subsection (a).

''(2) The number of general officers and flag officers in joint duty assignments who, as of such January 1, counted toward the statutory limit under subsection (b)(1).''.

(2) CONFORMING AMENDMENT.—Section 526 of such title is amended by adding at the end the following new subsection:

''(k) CESSATION OF APPLICABILITY.—The provisions of this section shall not apply to number of general officers and flag officers in the armed forces after December 31, 2017. For provisions applicable to the number of such officers after that date, see section 526a of this title''.

(c) STRENGTH IN GRADE OF RESERVE GENERAL AND FLAG OFFICERS IN ACTIVE STATUS.—

(1) REFORM.—Chapter 1201 of title 10, United States Code, is amended by inserting after section 12004 the following new section:

''§ 12004a. Strength in grade after December 31, 2017: reserve general and flag officers in an active status

''(a) IN GENERAL.—The authorized strengths of the Army, Air Force, and Marine Corps in reserve general officers in an active status, and the authorized strength of the Navy in reserve flag officers in an active status, after December 31, 2017, are as follows:

''(1) In the Army, 155.

''(2) In the Air Force, 117.

''(3) In the Navy, 36.

''(4) In the Marine Corps, 7.

''(b) AGGREGATE NUMBER OF CERTAIN NATIONAL GUARD OFFICERS.—

''(1) IN GENERAL.—The aggregate number of general officers described in paragraph (2) serving on active duty after December 31, 2017, may not exceed the number equal to 75 percent of the aggregate number of such officers who were serving on active duty as of December 31, 2015.

''(2) COVERED GENERAL OFFICERS.—The general officers described in this paragraph are the following:

''(A) General officers of the National Guard of the States and territories.

''(B) General officers serving in the National Guard Bureau

''(c) EXCLUSION OF CERTAIN ARMY AND AIR FORCE OFFICERS.—The following Army and Air Force reserve officers shall not be counted for purposes of this section:

''(1) Officers serving as adjutants general or assistant adjutants general of a State.

''(2) Except as provided in subsection (b), officers serving in the National Guard Bureau.

''(3) Officers counted under section 526a of this title.

''(4) Officers serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the armed force concerned by subsection (a).

''(d) EXCLUSION OF CERTAIN NAVY OFFICERS.—

''(1) IN GENERAL.—The following Navy reserve officers shall not be counted for purposes of this section:

''(A) Officers counted under section 526a of this title.

''(B) Officers serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Navy in subsection (a).

''(2) SCOPE OF EXCLUSION.—Not more than 50 percent of the officers in an active status authorized under this section for the Navy may serve in a grade above the grade of rear admiral (lower half).

''(e) EXCLUSION OF CERTAIN MARINE CORPS OFFICERS.—The following Marine Corps reserve officers shall not be counted for purposes of this section:

''(1) Officers counted under section 526a of this title.

''(2) Officers serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Marine Corps in subsection (a).

''(f) EXCLUSION OF OFFICERS DEPARTING FROM JOINT DUTY ASSIGNMENTS.—The limitations in subsection (a) do not apply to an officer released from a joint duty assignment or other non-joint active duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty or other active duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers in an active status from each reserve component may be covered by an extension under this sentence at the same time.

''(g) PRESERVATION OF GRADE.—

''(1) ARMY AND AIR FORCE OFFICERS.—A reserve general officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of general officers authorized under subsection (a).

''(2) NAVY AND MARINE CORPS OFFICERS.—An officer of the Navy Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for the officer's grade.''.

(2) CONFORMING AMENDMENT.—Section 12004 of such title is amended by adding at the end the following new subsection:

''(g) The provisions of this section shall not apply to authorized strengths for reserve general and flag officers after December 31, 2017. For provisions applicable to the authorized strengths of such officers after that date, see section 12004a of this title.''.

(d) CLERICAL AMENDMENTS.—

(1) CHAPTER 32.—The table of sections at the beginning of chapter 32 of title 10, United States Code, is amended—

(A) by inserting after the item relating to section 525 the following new item:

''525a. Distribution of commissioned officers on active duty in general officer grades and flag officer grades after December 31, 2017.''.

(B) by inserting after the item relating to section 526 the following new item:

''526a. Authorized strength after December 31, 2017: general and flag officers on active duty.''.

(2) CHAPTER 1201.—The table of sections at the beginning of chapter 1201 of such is amended by inserting after the item relating to section 12004 the following new item:

''12004a. Strength in grade after December 31, 2017: reserve general and flag officers in an active status.''.

SEC. 502. REPEAL OF STATUTORY SPECIFICATION OF GENERAL OR FLAG OFFICER GRADE FOR VARIOUS POSITIONS IN THE ARMED FORCES.

(a) ASSISTANTS TO CJCS FOR NG MATTERS AND RESERVE MATTERS.—

(1) IN GENERAL.—Section 155a of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 155a.

(b) LEGAL COUNSEL TO CJCS.—Section 156 of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) DIRECTOR OF TEST RESOURCE MANAGEMENT CENTER.—Section 196(b)(1) of title 10, United States Code, is amended by striking the second and third sentences.

(d) DIRECTOR OF MISSILE DEFENSE AGENCY.—

(1) IN GENERAL.—Section 203 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 8 of such title is amended by striking the item relating to section 203.

(e) JOINT 4-STAR POSITIONS.—Section 604(b) of title 10, United States Code, is amended by striking paragraph (3).

(f) SENIOR MEMBERS OF MILITARY STAFF COMMITTEE OF UN.—Section 711 of title 10, United States Code, is amended by striking the second sentence.

(g) CHIEF OF STAFF TO PRESIDENT.—

(1) IN GENERAL.—Section 720 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 720.

(h) ATTENDING PHYSICIAN TO CONGRESS.—

(1) IN GENERAL.—Section 722 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 722.

(i) PHYSICIAN TO WHITE HOUSE.—

(1) IN GENERAL.—Section 744 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 of such title is amended by striking the item relating to section 744.

(j) CHIEF OF LEGISLATIVE LIAISON OF THE ARMY.—Section 3023(a) of title 10, United States Code, is amended by striking the second sentence.

(k) CHIEFS OF BRANCHES OF THE ARMY.—Section 3036(b) of title 10, United States Code, is amended in the flush matter following paragraph (2)—

(1) by striking the first sentence; and

(2) in the second sentence, by striking '', and while so serving, has the grade of lieutenant general''.

(l) JUDGE ADVOCATE GENERAL OF THE ARMY.—Section 3037(a) of title 10, United States Code, is amended by striking the last two sentences.

(m) CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''; GRADE'';

(2) by striking ''(1)''; and

(3) by striking paragraph (2).

(n) DEPUTY AND ASSISTANT CHIEFS OF BRANCHES OF THE ARMY.—

(1) IN GENERAL.—Section 3039 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 305 of such title is amended by striking the item relating to section 3039.

(o) CHIEF OF ARMY NURSE CORPS.—Section 3069(b) of title 10, United States Code, is amended by striking the second sentence.

(p) ASSISTANT CHIEFS OF ARMY MEDICAL SPECIALIST CORPS.—

(1) IN GENERAL.—Section 3070 of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''and assistant chiefs'';

(B) by striking subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 3070. Army Medical Specialist Corps: organization; Chief''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 307 of such title is amended by striking the item relating to section 3070 and inserting the following new item:

''3070. Army Medical Specialist Corps: organization; Chief.''.

(q) JUDGE ADVOCATE GENERAL'S CORPS OF THE ARMY.—Section 3072 of title 10, United States Code, is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(r) CHIEF OF VETERINARY CORPS OF THE ARMY.—

(1) IN GENERAL.—Section 3084 of title 10, United States Code, is amended by striking the second sentence.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 3084. Chief of Veterinary Corps''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 307 is amended by striking the item relating to section 3084 and inserting the following new item:

''3084. Chief of Veterinary Corps.''.

(s) ARMY AIDES.—

(1) IN GENERAL.—Section 3543 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 343 of such title is amended by striking the item relating to section 3543.

(t) PRINCIPAL MILITARY DEPUTY TO ASSISTANT SECRETARY OF THE NAVY FOR RD&A.—Section 5016(b)(4)(B) of title 10, United States Code, is amended by striking ''a vice admiral of the Navy or a lieutenant general of the Marine Corps'' and inserting ''an officer of the Navy or the Marine Corps''.

(u) CHIEF OF NAVAL RESEARCH.—Section 5022 of title 10, United States Code, is amended—

(1) by striking ''(1)''; and

(2) by striking paragraph (2).

(v) CHIEF OF LEGISLATIVE AFFAIRS OF THE NAVY.—Section 5027(a) of title 10, United States Code, is amended by striking the second sentence.

(w) DIRECTOR FOR EXPEDITIONARY WARFARE.—Section 5038 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(x) SJA TO COMMANDANT OF THE MARINE CORPS.—Section 5046(a) of title 10, United States Code, is amended by striking the last sentence.

(y) LEGISLATIVE ASSISTANT TO COMMANDANT OF THE MARINE CORPS.—Section 5047 of title 10, United States Code, is amended by striking the second sentence.

(z) BUREAU CHIEFS OF THE NAVY.—

(1) IN GENERAL.—Section 5133 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5133.

(aa) CHIEF OF DENTAL CORPS OF THE NAVY.—Section 5138 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''not below the grade of rear admiral (lower half)''; and

(2) in subsection (c), by striking the first sentence.

(bb) BUREAU OF NAVAL PERSONNEL.—

(1) IN GENERAL.—Section 5141 of title 10, United States Code, is amended—

(A) in subsection (a), by striking the first sentence; and

(B) in subsection (b), by striking the first sentence.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 5141. Chief of Naval Personnel; Deputy Chief of Naval Personnel''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5141 and inserting the following new item:

''5141. Chief of Naval Personnel; Deputy Chief of Naval Personnel.''.

(cc) CHIEF OF CHAPLAINS OF THE NAVY.—Section 5142 of title 10, United States Code, is amended by striking subsection (e).

(dd) CHIEF OF NAVY RESERVE.—Section 5143(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''; GRADE'';

(2) by striking ''(1)'';

(3) by striking paragraph (2).

(ee) COMMANDER, MARINE FORCES RESERVE.—Section 5144(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''; GRADE'';

(2) by striking ''(1)'';

(3) by striking paragraph (2).

(ff) JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of title 10, United States Code, is amended by striking the last sentence.

(gg) DEPUTY AND ASSISTANT JUDGE ADVOCATES GENERAL OF THE NAVY.—Section 5149 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by striking '', by and with the advice and consent of the Senate,''; and

(B) by striking the second sentence;

(2) by striking subsections (b) and (c); and

(3) by redesignating subsection (d) as subsection (b).

(hh) CHIEFS OF STAFF CORPS OF THE NAVY.—Section 5150 of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking ''Subject to subsection (c), the Secretary'' and inserting ''The Secretary''; and

(2) by striking subsection (c).

(ii) PRINCIPAL MILITARY DEPUTY TO ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION.—Section 8016(b)(4)(B) of title 10, United States Code, is amended by striking ''a lieutenant general'' and inserting ''an officer''.

(jj) CHIEF OF LEGISLATIVE LIAISON OF THE AIR FORCE.—Section 8023(a) of title 10, United States Code, is amended by striking the second sentence.

(kk) JUDGE ADVOCATE GENERAL AND DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Section 8037 of title 10, United States Code, is amended—

(1) in subsection (a), by striking the last sentence; and

(2) in subsection (d)(1), by striking the last sentence.

(ll) CHIEF OF THE AIR FORCE RESERVE.—Section 8038(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''; GRADE'';

(2) by striking ''(1)'';

(3) by striking paragraph (2).

(mm) CHIEF OF CHAPLAINS OF THE AIR FORCE.—Section 8039 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(2) by striking subsection (c).

(nn) CHIEF OF AIR FORCE NURSES.—

(1) IN GENERAL.—Section 8069 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''POSITIONS OF CHIEF AND ASSISTANT CHIEF'' and inserting ''POSITION OF CHIEF''; and

(ii) by striking ''and assistant chief'';

(B) in subsection (b), by striking the second sentence; and

(C) by striking subsection (c).

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 8069. Air Force nurses: Chief; appointment''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 807 of such title is amended by striking the item relating to section 8069 and inserting the following new item:

''8069. Air Force nurses: Chief; appointment.''.

(oo) ASSISTANT SURGEON GENERAL FOR DENTAL SERVICES OF THE AIR FORCE.—Section 8081 of title 10, United States Code, is amended by striking the second sentence.

(pp) AIR FORCE AIDES.—

(1) IN GENERAL.—Section 8543 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 843 is amended by striking the item relating to section 8543.

(qq) DEAN OF FACULTY OF THE AIR FORCE ACADEMY.—Section 9335(b) of title 10, United States Code, is amended by striking the first and third sentences.

(rr) VICE CHIEF OF THE NATIONAL GUARD BUREAU.—Section 10505(a) of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by adding ''and'' at the end;

(B) in subparagraph (D), by striking ''; and'' at the end and inserting a period; and

(C) by striking subparagraph (E); and

(2) by striking subsection (c).

(ss) OTHER SENIOR NATIONAL GUARD BUREAU OFFICERS.—Section 10506(a)(1) of title 10, United States Code, is amended in each of subparagraphs (A) and (B)—

(1) by striking ''general''; and

(2) by striking '', and shall hold the grade of lieutenant general while so serving,''.

SEC. 503. TEMPORARY SUSPENSION OF OFFICER GRADE STRENGTH TABLES.

(a) DOPMA TABLES.—Section 523(a) of title 10, United States Code, is amended—

(1) in paragraphs (1) and (2), by inserting ''paragraph (4) and'' after ''Except as provided in''; and

(2) by adding at the end the following new paragraph:

''(4) The limitations in paragraphs (1) and (2) shall not apply with respect to fiscal years 2017 through 2021.''.

(b) ROPMA TABLES.—Section 12011(a) of title 10, United States Code, is amended—

(1) in paragraphs (1) and (2), by striking ''Of the'' and inserting ''Except as provided in paragraph (3), of the''; and

(2) by adding at the end the following new paragraph:

''(3) The limitations in paragraphs (1) and (2) shall not apply with respect to fiscal years 2017 through 2021.''.

SEC. 504. ENHANCED AUTHORITY FOR SERVICE CREDIT FOR EXPERIENCE OR ADVANCED EDUCATION UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.

(a) SERVICE CREDIT SUFFICIENT FOR APPOINTMENT AS REGULAR COLONEL OR NAVY CAPTAIN.—Subsection (b)(2) of section 533 of title 10, United States Code, is amended—

(1) by striking ''in the case of a medical and dental officer'';

(2) by striking ''major'' and inserting ''colonel''; and

(3) by striking ''lieutenant commander'' and inserting ''captain''.

(b) RESTATEMENT AND MODIFICATION OF SERVICE CREDIT FOR CYBERSPACE EXPERIENCE OR ADVANCED EDUCATION.—

(1) RESTATEMENT AND MODIFICATION.—Subsection (b)(1) of such section is amended by adding at the end the following new subparagraph:

''(F)(i) If the Secretary concerned determines that the number of commissioned officers with cyberspace-related experience or advanced education serving on active duty in an armed force under the jurisdiction of the Secretary is critically below the number needed, a period of constructive service for the following:

''(I) Special experience or training in a particular cyberspace-related field if such experience or training is directly related to the operational needs of the armed force concerned.

''(II) Any period of advanced education in a cyberspace-related field beyond the baccalaureate degree level if such advanced education is directly related to the operational needs of the armed force concerned.

''(ii) Constructive service credited an officer under this subparagraph shall not exceed one year for each year of special experience, training, or advanced education.

''(iii) Constructive service credited an officer under this subparagraph is in addition to any service credited the officer under subsection (a), and shall be credited at the time of the original appointment of the officer.''.

(2) REPEAL OF SUPERSEDED AUTHORITY.—Such section is further amended by striking subsection (g).

(c) TECHNICAL AMENDMENT.—Subsection (c) of such section is amended by inserting '', (e),'' after ''subsection (b)''.

SEC. 505. AUTHORITY OF PROMOTION BOARDS TO RECOMMEND OFFICERS OF PARTICULAR MERIT BE PLACED AT THE TOP OF THE PROMOTION LIST.

(a) AUTHORITY OF PROMOTION BOARDS TO RECOMMEND OFFICERS OF PARTICULAR MERIT BE PLACED AT TOP OF PROMOTION LIST.—Section 616 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) In selecting the officers to be recommended for promotion, a selection board may, when authorized by the Secretary of the military department concerned, recommend officers of particular merit, from among those officers selected for promotion, to be placed at the top of the promotion list promulgated by the Secretary under section 624(a)(1) of this title.

''(2) The number of such officers placed at the top of the promotion list may not exceed the number equal to 20 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competitive category. If the number determined under this subsection is less than one, the board may recommend one such officer.

''(3) No officer may be recommended to be placed at the top of the promotion list unless the officer receives the recommendation of at least a majority of the members of a board for such placement.

''(4) For the officers recommended to be placed at the top of the promotion list, the board shall recommend the order in which these officers should be promoted.''.

(b) OFFICERS OF PARTICULAR MERIT APPEARING AT TOP OF PROMOTION LIST.—Section 624(a)(1) of such title is amended by inserting '', except such officers of particular merit who were approved by the President and recommended by the board to be placed at the top of the promotion list under section 616(g) of this title as these officers shall be placed at the top of the promotion list in the order recommended by the board'' after ''officers on the active-duty list''.

SEC. 506. PROMOTION ELIGIBILITY PERIOD FOR OFFICERS WHOSE CONFIRMATION OF APPOINTMENT IS DELAYED DUE TO NONAVAILABILITY TO THE SENATE OF PROBATIVE INFORMATION UNDER CONTROL OF NON-DEPARTMENT OF DEFENSE AGENCIES.

Section 629(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) Paragraph (1) does not apply when the Senate is not able to obtain information necessary to give its advice and consent to the appointment concerned because that information is under the control of a department or agency of the Federal Government other than the Department of Defense.''.

SEC. 507. LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) IN GENERAL.—Subsection (a) of section 664 of title 10, United States Code, is amended by striking ''assignment—'' and all that follows and inserting ''assignment shall be not less than two years.''.

(b) REPEAL OF AUTHORITY FOR SHORTER LENGTH FOR OFFICERS INITIALLY ASSIGNED TO CRITICAL OCCUPATIONAL SPECIALTIES.—Such section is further amended by striking subsection (c).

(c) EXCLUSIONS FROM TOUR LENGTH.—Subsection (d) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''the standards prescribed in subsection (a)'' and inserting ''the requirement in subsection (a)'';

(2) in paragraph (1)(D), by striking ''assignment—'' and all that follows and inserting ''assignment as prescribed by the Secretary of Defense in regulations.'';

(3) by striking paragraph (2);

(4) by redesignating paragraph (3) as paragraph (2); and

(5) in paragraph (2), as redesignated by paragraph (4) of this subsection, by striking ''the applicable standard prescribed in subsection (a)'' and inserting ''the requirement in subsection (a)''.

(d) REPEAL OF AVERAGE TOUR LENGTH REQUIREMENTS.—Such section is further amended by striking subsection (e).

(e) FULL TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) in paragraph (1), by striking ''standards prescribed in subsection (a)'' and inserting ''the requirement in subsection (a)'';

(2) by striking paragraphs (2) and (4);

(3) by redesignating paragraphs (3), (5), and (6) as paragraphs (2), (3), and (4), respectively; and

(4) in paragraph (4), as redesignated by paragraph (3) of this subsection, by striking '', but not less than two years''.

(f) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended—

(1) by striking ''(1)'';

(2) by striking ''accord'' and inserting ''award''; and

(3) by striking paragraph (2).

(g) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by redesignating subsections (d), (f), (g), and (h), as amended by this section, as subsections (c), (d), (e), and (f), respectively;

(2) in paragraph (2) of subsection (c), as so redesignated and amended, by striking ''subsection (f)(3)'' and inserting ''subsection (d)(2)''.

(3) paragraph (2) of subsection (d), as so redesignated and amended, by striking ''subsection (g)'' and inserting ''subsection (e)'';

(4) in subsection (e), as so redesignated and amended, by striking ''subsection (f)(3)'' and inserting ''subsection (d)(2)''; and

(5) in subsection (f), as so redesignated and amended, by striking ''paragraphs (1), (2), and (4) of subsection (f)'' and inserting ''subsection (d)(1)''.

SEC. 508. MODIFICATION OF DEFINITIONS RELATING TO JOINT OFFICER MANAGEMENT.

(a) JOINT MATTERS.—Subsection (a) of section 668 of title 10, United States Code, is amended—

(1) by striking paragraph (1), by striking ''matters related to'' and all that follows and inserting ''matters related to—

''(A) developing or achieving strategic objectives through the synchronization, coordination, and organization of integrated forces in operations conducted across domains such as land, sea, or air, in space, or in the information environment, including matters relating to—

''(i) national military strategy;

''(ii) strategic planning and contingency planning;

''(iii) command and control, intelligence, fires, movement and maneuver, protection, or sustainment of operations under unified command;

''(iv) national security planning with other departments and agencies of the United States; or

''(v) combined operations with military forces of allied nations; or

''(B) acquisition matters conducted by members of the armed forces and covered by chapter 87 of this title involved in developing, testing, contracting, producing, or fielding of multi-service programs or systems;

''(C) homeland security matters conducted in close coordination with Federal, State, or local agencies in support of natural disasters or emergencies; or

''(D) other matters designated in regulations by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff.''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking '' 'integrated military forces' '' and inserting '' 'integrated forces' ''; and

(ii) by striking ''the planning or execution (or both) of operations involving'' and inserting ''participants from''; and

(B) in subparagraph (B), by adding at the end the following new clause:

''(iv) State and local governments, when in support of natural disasters or emergencies, including planning activities relating thereto.''.

(b) JOINT DUTY ASSIGNMENT.—Subsection (b)(1)(A) of such section is amended by inserting ''preponderance of the officer's duties are involved in joint matters in which the'' after ''in which the''.

(c) REPEAL OF DEFINITION OF CRITICAL OCCUPATIONAL SPECIALTY.—Such section is further amended by striking subsection (d).

SEC. 509. CONTINUATION OF CERTAIN OFFICERS ON ACTIVE DUTY WITHOUT REGARD TO REQUIREMENT FOR RETIREMENT FOR YEARS OF SERVICE.

(a) AUTHORITY FOR CONTINUATION ON ACTIVE DUTY.—

(1) IN GENERAL.—Subchapter IV of chapter 36 of title 10, United States Code, is amended by inserting after section 637 the following new section:

''§ 637a. Continuation on active duty: officers in certain military specialties and career tracks

''(a) IN GENERAL.—The Secretary of the military department concerned may authorize an officer in a grade above grade O–4 to remain on active duty after the date otherwise provided for the retirement of the officer in section 633, 634, 635, or 636 of this title, as applicable, if the officer has a military occupational specialty, rating, or specialty code in a military specialty designated pursuant to subsection (b).

''(b) MILITARY SPECIALTIES.—Each Secretary of a military department shall designate the military specialties in which a military occupational specialty, rating, or specialty code, as applicable, assigned to members of the armed forces under the jurisdiction of such Secretary authorizes the members to be eligible for continuation on active duty as provided in subsection (a).

''(c) DURATION OF CONTINUATION.—An officer continued on active duty pursuant to this section shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 40 years of active service.

''(d) REGULATIONS.—The Secretaries of the military departments shall carry out this section in accordance with regulations prescribed by the Secretary of Defense. The regulations shall specify the criteria to be used by the Secretaries of the military departments in designating military specialities for purposes of subsection (b).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 36 of such title is amended by inserting after section the following new item:

''637a. Continuation on active duty: officers in certain military specialties and career tracks.''.

(b) CONFORMING AMENDMENTS.—The following provisions of title 10, United States Code, are amended by inserting ''or 637a'' after ''637(b)'':

(1) Section 633(a).

(2) Section 634(a).

(3) Section 635.

(4) Section 636(a).

SEC. 510. EXTENSION OF FORCE MANAGEMENT AUTHORITIES ALLOWING ENHANCED FLEXIBILITY FOR OFFICER PERSONNEL MANAGEMENT.

(a) TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking ''December 31, 2018'' and inserting ''December 31, 2025''.

(b) CONTINUATION ON ACTIVE DUTY.—Section 638a(a)(2) of title 10, United States Code, is amended by striking ''December 31, 2018'' and inserting ''December 31, 2025''.

(c) VOLUNTARY SEPARATION PAY.—Section 1175a(k)(1) of such title is amended by striking ''December 31, 2018'' and inserting ''December 31, 2025''.

(d) SERVICE-IN-GRADE WAIVERS.—Section 1370(a)(2)(F) of such title is amended by striking ''2018'' and inserting ''2025''.

Subtitle B—Reserve Component Management

SEC. 521. AUTHORITY FOR TEMPORARY WAIVER OF LIMITATION ON TERM OF SERVICE OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

Section 10505(a)(4) of title 10, United States Code, is amended by striking ''paragraph (3)(B) for a limited period of time'' and inserting ''paragraph (3) for not more than 90 days''.

SEC. 522. AUTHORITY TO DESIGNATE CERTAIN RESERVE OFFICERS AS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.

Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) CERTAIN OFFICERS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.—The Secretary of the military department concerned may provide that an officer who is in an active status, but is in a duty status in which the only points the officer accrues under section 12732(a)(2) of this title are pursuant to subparagraph (C)(i) of that section (relating to membership in a reserve component), shall not be considered for selection for promotion at any time the officer otherwise would be so considered. Any such officer may remain on the reserve active-status list.''.

SEC. 523. RIGHTS AND PROTECTIONS AVAILABLE TO MILITARY TECHNICIANS.

Section 709(f) of title 32, United States Code, is amended—

(1) in paragraph (4), by striking ''; and'' and inserting the following: ''when the appeal concerns activity occurring while the member is in a military status, or concerns fitness for duty in the reserve components;'';

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph (5):

''(5) with respect to an appeal concerning any activity not covered by paragraph (4), the provisions of section 717 of the Civil Rights Act of 1991 (42 U.S.C. 2000e–16) shall apply; and''.

SEC. 524. EXTENSION OF SUICIDE PREVENTION AND RESILIENCE PROGRAMS FOR THE NATIONAL GUARD AND RESERVES.

Section 10219(g) of title 10, United States Code, is amended by striking ''October 1, 2017'' and inserting ''October 1, 2022''.

SEC. 525. INAPPLICABILITY OF CERTAIN LAWS TO NATIONAL GUARD TECHNICIANS PERFORMING ACTIVE GUARD AND RESERVE DUTY.

Section 709(g) of title 32, United States Code, is amended—

(1) by inserting ''(1)'' after ''(g)''; and

(2) by adding at the end the following new paragraph:

''(2) In addition to the sections referred to in paragraph (1), section 6323(a)(1) of title 5 also does not apply to a person employed under this section who is performing active Guard and Reserve duty (as that term is defined in section 101(d)(6) of title 10).''.

Subtitle C—General Service Authorities

SEC. 531. RESPONSIBILITY OF CHIEFS OF STAFF OF THE ARMED FORCES FOR STANDARDS AND QUALIFICATIONS FOR MILITARY SPECIALTIES WITHIN THE ARMED FORCES.

(a) IN GENERAL.—Except as provided in subsection (d), responsibility within an Armed Force for establishing, approving, and modifying the criteria, standards, and qualifications for military speciality codes within that Armed Force shall be vested solely in the Chief of Staff of that Armed Force.

(b) MILITARY SPECIALTY CODES.—For purposes of this section, a military specialty code is as follows:

(1) A Military Occupational Speciality Code (MOS) and any other military specialty or military occupational specialty of the Army, in the case of the Army.

(2) A Naval Enlisted Code (NEC), Unrestricted Duty code, Restricted Duty code, Restricted Line duty code, Staff Corps code, Limited Duty code, Warrant Officer code, and any other military specialty or military occupational specialty of the Navy, in the case of the Navy.

(3) An Air Force Specialty Code (AFSC) and any other military specialty or military occupational specialty of the Air Force, in the case of the Air Force.

(4) A Military Occupational Speciality Code (MOS) and any other military specialty or military occupational specialty of the Marine Corps, in the case of the Marine Corps.

(c) CHIEF OF STAFF FOR MARINE CORPS.—For purposes of this section, the Commandant of the Marine Corps shall be deemed to be the Chief of Staff of the Marine Corps.

(d) GENDER INTEGRATION.—Nothing in this section shall be construed to terminate, alter, or revise the authority of the Secretary of Defense to establish, approve, modify, or otherwise regulate gender-based criteria, standards, and qualifications for military specialties within the Armed Forces.

SEC. 532. LEAVE MATTERS.

(a) PRIMARY AND SECONDARY CAREGIVER LEAVE.—Section 701 of title 10, United States Code, is amended—

(1) by striking subsections (i) and (j); and

(2) by inserting after subsection (h) the following new subsections (i) and (j):

''(i)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces described in paragraph (2) who is the primary caregiver in the case of the birth of a child or the adoption of a child is allowed up to 6 weeks of leave to be used in connection with such event.

''(2) A member described in this paragraph is a member as follows:

''(A) A member on active duty.

''(B) A member of a reserve component performing active Guard and Reserve duty.

''(C) A member of a reserve component subject to an active duty recall or mobilization order in excess of 12 months.

''(3) The Secretary shall prescribe in the regulations referred to in paragraph (1) a definition of the term 'primary caregiver' for purposes of this subsection.

''(4) The taking of leave by a member under this subsection in connection with the birth of a child shall be treated as commencing at the conclusion of any period of medical convalescent leave resulting from childbirth. Any such convalescent leave may be for more than six weeks only if specifically recommended, in writing, by the member's medical provider and approved by the member's commander.

''(5) Any leave taken by a member under this subsection, including leave under paragraphs (1) and (4), may be taken only in one increment in connection with the event concerned.

''(6)(A) Any leave authorized by this subsection that is not taken within one year of the event concerned shall be forfeited.

''(B) Any leave authorized by this subsection for a member of a reserve component on active duty that is not taken at the time the member is separated from active duty shall be forfeited at that time.

''(7) The period of active duty of a member of a reserve component may not be extended in order to permit the member to take leave authorized by this subsection.

''(8) Under the regulations for purposes of this subsection, a member taking leave under paragraph (1) may, as a condition for taking such leave, be required—

''(A) to accept an extension of the member's current service obligation, if any, by one week for every week of leave taken under paragraph (1); or

''(B) to incur a reduction in the member's leave account by one week for every week of leave taken under paragraph (1).

''(9)(A) Leave authorized by this subsection is in addition to any other leave provided under other provisions of this section.

''(B) Medical convalescent leave under paragraph (4) is in addition to any other leave provided under other provisions of this subsection.

''(10)(A) Subject to subparagraph (B), a member taking leave under paragraph (1) during a period of obligated service shall not be eligible for terminal leave, or to sell back leave, at the end such period of obligated service.

''(B) Under the regulations for purposes of this subsection, the Secretary concerned may waive, whether in whole or in part, the applicability of subparagraph (A) to a member who reenlists at the end of the member's period of obligated service described in that subparagraph if the Secretary determines that the waiver is in the interests of the armed force concerned.

''(j)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces described in subsection (i)(2) who is the secondary caregiver in the case of the birth of a child or the adoption of a child is allowed up to 21 days of leave to be used in connection with such event.

''(2) The Secretary shall prescribe in the regulations referred to in paragraph (1) a definition of the term 'secondary caregiver' for purposes of this subsection.

''(3) Any leave taken by a member under this subsection may be taken only in one increment in connection with the event concerned.

''(4) Under the regulations for purposes of this subsection, paragraphs (6) through (10) of subsection (i) (other than paragraph (9)(B) of such subsection) shall apply to leave, and the taking of leave, authorized by this subsection.''.

(b) PROHIBITION ON LEAVE NOT EXPRESSLY AUTHORIZED BY LAW.—

(1) PROHIBITION.—Chapter 40 of title 10, United States Code, is amended by inserting after section 704 the following new section:

''§ 704a. Administration of leave: prohibition on authorizing, granting, or assigning leave not expressly authorized by law

''No member or category of members of the armed forces may be authorized, granted, or assigned leave, including uncharged leave, not expressly authorized by a provision of this chapter or another statute unless expressly authorized by an Act enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 704 the following new item:

''704a. Administration of leave: prohibition on authorizing, granting, or assigning leave not expressly authorized by law.''.

SEC. 533. TRANSFER OF PROVISION RELATING TO EXPENSES INCURRED IN CONNECTION WITH LEAVE CANCELED DUE TO CONTINGENCY OPERATIONS.

(a) ENACTMENT IN TITLE 10, UNITED STATES CODE, OF AUTHORITY FOR REIMBURSEMENT OF EXPENSES.—Chapter 40 of title 10, United States Code, is amended by inserting after section 709 the following new section:

''§ 709a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement

''(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces under the jurisdiction of the Secretary for travel and related expenses (to the extent not otherwise reimbursable under law) incurred by the member as a result of the cancellation of previously approved leave when—

''(1) the leave is canceled in connection with the members's participation in a contingency operation; and

''(2) the cancellation occurs within 48 hours of the time the leave would have commenced.

''(b) REGULATIONS.—The Secretary of Defense and, in the case of the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security shall prescribe regulations to establish the criteria for the applicability of subsection (a).

''(c) CONCLUSIVENESS OF SETTLEMENT.—The settlement of an application for reimbursement under subsection (a) is final and conclusive.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 709 the following new item:

''709a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement.''.

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 453 of title 37, United States Code, is amended by striking subsection (g).

SEC. 534. REDUCTION OF TENURE ON THE TEMPORARY DISABILITY RETIRED LIST.

(a) REDUCTION OF TENURE.—Section 1210 of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''five years'' and inserting ''three years''; and

(2) in subsection (h), by striking ''five years'' and inserting ''three years''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall take effect on January 1, 2017, and shall apply to members of the Armed Forces whose names are placed on the temporary disability retired list on or after that date.

SEC. 535. PROHIBITION ON ENFORCEMENT OF MILITARY COMMISSION RULINGS PREVENTING MEMBERS OF THE ARMED FORCES FROM CARRYING OUT OTHERWISE LAWFUL DUTIES BASED ON MEMBER GENDER.

(a) PROHIBITION.—No order, ruling, finding, or other determination of a military commission may be construed or implemented to prohibit or restrict a member of the Armed Forces from carrying out duties otherwise lawfully assigned to such member to the extent that the basis for such prohibition or restriction is the gender of such member.

(b) APPLICABILITY TO PRIOR ORDERS, ETC..—In the case of an order, ruling, finding, or other determination described in subsection (a) that was issued before the date of the enactment of this Act in a military commission and is still effective as of the date of the enactment of this Act, such order, ruling, finding, or determination shall be deemed to be vacated and null and void only to the extent of any prohibition or restriction on the duties of members of the Armed Forces that is based on the gender of members.

(c) MILITARY COMMISSION DEFINED.—In this section, the term ''military commission'' means a military commission established under chapter 47A of title 10, United States Code, and any military commission otherwise established or convened by law.

SEC. 536. BOARD FOR THE CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARD MATTERS.

(a) BCMR MATTERS.—

(1) COMPOSITION OF BOARDS IN CERTAIN CLAIMS.—Subsection (a) of section 1552 of title 10, United States Code, is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3)(A) In the case of a claim of a claimant described in section 1553(d)(1) of this title with respect to a discharge or dismissal described in such section, the board established under this subsection shall include a clinical psychologist or psychiatrist, or a physician described in such section.

''(B) In the case of a claim of a claimant described in section 1553(e) of this title with respect to a discharge or dismissal described in such section, the board established under this subsection shall include a clinical psychologist or psychiatrist, or physician described in such section.''.

(2) INFORMATION THROUGH THE INTERNET.—Such section is further amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection (h):

''(h) Each board established under this section shall make available to the public each calender quarter, on an Internet website of the military department concerned or the Department of Homeland Security, as applicable, that is available to the public the following:

''(1) The number of claims considered by such board during the calendar quarter preceding the calender quarter in which such information is made available, including cases in which a mental health condition of the claimant, including post-traumatic stress disorder or traumatic brain injury, is alleged to have contributed, whether in whole or part, to the original characterization of the discharge or release of the claimant.

''(2) The factor or factors alleged to have contributed, whether in whole or part, to the original characterization of discharge or release of claimants, including, specifically, whether such factor or factors included conditions such as post-traumatic stress disorder, traumatic brain injury, or other conditions.

''(3) The periods of military service of claimants in the claims covered by paragraph (1).

''(4) The number of military records corrected pursuant to the consideration described in paragraph (1) to upgrade the characterization of discharge or release of claimants.''.

(b) INFORMATION ON DRBS THROUGH THE INTERNET.—Section 1553 of such title is amended by adding at the end the following new subsection:

''(f) Each board established under this section shall make available to the public each calender quarter, on an Internet website of the military department concerned or the Department of Homeland Security, as applicable, that is available to the public the following:

''(1) The number of motions or requests for review considered by such board during the calendar quarter preceding the calender quarter in which such information is made available, including cases in which a mental health condition of the former member, including post-traumatic stress disorder or traumatic brain injury, is alleged to have contributed, whether in whole or part, to the original characterization of the discharge or dismissal of the former member.

''(2) The factor or factors alleged to have contributed, whether in whole or part, to the original characterization of discharge or release of individuals covered by such motions or requests, including, specifically, whether such factor or factors included conditions such as post-traumatic stress disorder, traumatic brain injury, or other conditions.

''(3) The periods of military service of former members in the motions and requests for review covered by paragraph (1).

''(4) The number of discharges or dismissals corrected pursuant to the consideration described in paragraph (1) to upgrade the characterization of discharge or dismissal of former members.''.

SEC. 536A. TREATMENT BY DISCHARGE REVIEW BOARDS OF CLAIMS ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH COMBAT OR SEXUAL TRAUMA AS A BASIS FOR REVIEW OF DISCHARGE.

Section 1553(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) In addition to the requirements of paragraph (1) and (2), in the case of a former member described in subparagraph (B), the Board shall—

''(i) review medical evidence of the Secretary of Veterans Affairs or a civilian health care provider that is presented by the former member; and

''(ii) review the case with liberal consideration to the former member that post-traumatic stress disorder or traumatic brain injury potentially contributed to the circumstances resulting in the discharge of a lesser characterization.

''(B) A former member described in this subparagraph is a former member described in paragraph (1) or a former member whose application for relief is based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury as supporting rationale, or as justification for priority consideration, whose post-traumatic stress disorder or traumatic brain injury is related to combat or military sexual trauma, as determined by the Secretary concerned.''.

SEC. 537. RECONCILIATION OF CONTRADICTORY PROVISIONS RELATING TO QUALIFICATIONS FOR ENLISTMENT IN THE RESERVE COMPONENTS OF THE ARMED FORCES.

Section 12102(b) of title 10, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) that person has met the requirements established in section 504(b)(1) of this title; or

''(2) that person is authorized to enlist by the Secretary concerned under section 504(b)(2) of this title.''.

Subtitle D—Military Justice and Legal Assistance Matters

PART I—RETALIATION

SEC. 541. REPORT TO COMPLAINANTS OF RESOLUTION OF INVESTIGATIONS INTO RETALIATION.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the results of an investigation by an office, element, or personnel of the Department of Defense or the Armed Forces of a complaint by a member of the Armed Forces of retaliation shall be reported to the member, including whether the complaint was substantiated, unsubstantiated, or dismissed.

(2) MEMBERS OF COAST GUARD.—The Secretary of Homeland Security shall provide in a similar manner for reports on the results of investigations by offices, elements, or personnel of the Department of Homeland Security or the Coast Guard of such complaints made by members of the Coast Guard when it is not operating as a service in the Navy.

(b) RETALIATION DEFINED.—In this section, the term ''retaliation'' has the meaning given the term by the Secretary of Defense in the strategy required by section 539 of the National Defense Authorization Act of Fiscal Year 2016 (Public Law 114–92; 129 Stat. 818) or a subsequent meaning specified by the Secretary.

SEC. 542. TRAINING FOR DEPARTMENT OF DEFENSE PERSONNEL ON SEXUAL ASSAULT TRAUMA IN INDIVIDUALS CLAIMING RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the personnel of the Department of Defense specified in subsection (b) who investigate claims of retaliation in connection with reports of sexual assault in the Armed Forces receive training on the nature and consequences of sexual assault trauma. The training shall include such elements as the Secretary shall specify for purposes of this section.

(b) PERSONNEL.—The personnel of the Department of Defense specified in this subsection are the following:

(1) Personnel of military criminal investigation services.

(2) Personnel of Inspectors General offices.

(3) Personnel of any command of the Armed Forces who are assignable by the commander of such command to investigate claims of retaliation made by or against members of such command.

(c) RETALIATION DEFINED.—In this section, the term ''retaliation'' has the meaning given the term by the Secretary of Defense in the strategy required by section 539 of the National Defense Authorization Act of Fiscal Year 2016 (Public Law 114–92; 129 Stat. 818) or a subsequent meaning specified by the Secretary.

SEC. 543. INCLUSION IN ANNUAL REPORTS ON SEXUAL ASSAULT PREVENTION AND RESPONSE EFFORTS OF THE ARMED FORCES OF INFORMATION ON COMPLAINTS OF RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended by adding at the end the following new paragraph:

''(12) Information on each claim of retaliation in connection with a report of sexual assault in the Armed Forces made by or against a member of such Armed Force as follows:

''(A) A narrative description of each complaint.

''(B) The nature of such complaint, including whether the complainant claims professional or social retaliation.

''(C) The gender of the complainant.

''(D) The gender of the individual claimed to have committed the retaliation.

''(E) The nature of the relationship between the complainant and the individual claimed to have committed the retaliation.

''(F) The nature of the relationship, if any, between the individual alleged to have committed the sexual assault concerned and the individual claimed to have committed the retaliation.

''(G) The official or office that received the complaint.

''(H) The organization that investigated or is investigating the complaint.

''(I) The current status of the investigation.

''(J) If the investigation is complete, a description of the results of the investigation, including whether the results of the investigation were provided to the complainant.

''(K) If the investigation determined that retaliation occurred, whether the retaliation was an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).''.

SEC. 544. METRICS FOR EVALUATING THE EFFORTS OF THE ARMED FORCES TO PREVENT AND RESPOND TO RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

(a) METRICS REQUIRED.—The Sexual Assault Prevention and Response Office of the Department of Defense shall establish and issue to the military departments metrics to be used to evaluate the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.

(b) BEST PRACTICES.—For purposes of enhancing and achieving uniformity in the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces, the Sexual Assault Prevention and Response Office shall identify and issue to the military departments best practices to be used in the prevention of and response to retaliation in connection with such reports.

PART II—OTHER MILITARY JUSTICE MATTERS

SEC. 546. DISCRETIONARY AUTHORITY FOR MILITARY JUDGES TO DESIGNATE AN INDIVIDUAL TO ASSUME THE RIGHTS OF THE VICTIM OF AN OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE WHEN THE VICTIM IS A MINOR, INCOMPETENT, INCAPACITATED, OR DECEASED.

Section 806b(c) of title 10, United States Code (article 6b(c) of the Uniform Code of Military Justice), is amended by striking ''shall designate'' and inserting ''may designate''.

SEC. 547. APPELLATE STANDING OF VICTIMS IN ENFORCING RIGHTS OF VICTIMS UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) VICTIM AS REAL PARTY IN INTEREST DURING APPELLATE REVIEW.—Section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(f) VICTIM AS REAL PARTY IN INTEREST DURING APPELLATE REVIEW.—(1) If counsel for the accused or the Government files appellate pleadings under section 866 or 867 of this title (article 66 or 67), the victim of an offense under this chapter may file pleadings as a real party in interest when the victim's rights under the rules specified in paragraph (2) are implicated. The victim's right to file pleadings as a real party in interest includes the right to do so through counsel, including through a Special Victims' Counsel under section 1044e of this title.

''(2) Paragraph (1) applies with respect to the protections afforded by the following:

''(A) Military Rule of Evidence 412, relating to the admission of evidence regarding a victim's sexual background.

''(B) Military Rule of Evidence 513, relating to the psychotherapist-patient privilege.

''(C) Military Rule of Evidence 514, relating to the victim advocate-victim privilege.

''(3) In this subsection, the term 'victim of an offense under this chapter' means an individual who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of an offense under this chapter (the Uniform Code of Military Justice) and for which there was a guilty finding that is the subject of appeal under section 866 or 867 of this title (article 66 or 67).''.

(b) NOTICE OF APPELLATE AND POST-TRIAL MATTERS.—Subparagraph (C) of subsection (a)(2)of such section (article) is amended to read as follows:

''(C) A court-martial and any appellate matters, including post-trial review, relating to the offense.''.

SEC. 548. EFFECTIVE PROSECUTION AND DEFENSE IN COURTS-MARTIAL.

(a) PROGRAM FOR EFFECTIVE PROSECUTION AND DEFENSE.—Each Secretary concerned shall carry out a program to ensure that—

(1) trial counsel and defense counsel detailed to prosecute or defend a court-martial have sufficient experience and knowledge to effectively prosecute or defend the case; or

(2) there is adequate supervision and oversight of the trial counsel and the defense counsel so detailed to ensure effective prosecution and defense in the court-martial.

(b) SKILL IDENTIFIERS.—

(1) IN GENERAL.—Each Secretary concerned shall establish and use a system of skill identifiers for purposes of identifying judge advocates with skill and experience in military justice proceedings in order to ensure that judge advocates with skills identified through such skill identifiers are assigned to supervise and oversee less experienced judge advocates in the prosecution and defense in courts-martial when required under a program carried out pursuant to subsection (a).

(2) USE OF CIVILIAN EMPLOYEES.—In addition to judge advocates assignable pursuant to paragraph (1), a Secretary concerned may assign the function of supervising and overseeing prosecution or defense in courts-martial as described in that paragraph to civilian employees of the military department concerned or the Department of Homeland Security, as applicable, who have extensive litigation expertise.

(3) STATUS AS SUPERVISOR.—A judge advocate or civilian employee assigned to supervise and oversee the prosecution or defense in a court-martial pursuant to this subsection is not required to be detailed to the case, but must be reasonably available for consultation during court-martial proceedings.

(c) DEFINITIONS.—In this section

(1) The term ''judge advocate'' has the meaning given that term in section 801(13) of title 10, United States Code (article 1(13) of the Uniform Code of Military Justice).

(2) The term ''Secretary concerned'' means the following:

(A) The Secretary of the Army, with respect to judge advocates and courts-martial of the Army.

(B) The Secretary of the Navy, with respect to judge advocates and courts-martial of the Navy and the Marine Corps.

(C) The Secretary of the Air Force, with respect to judge advocates and courts-martial of the Air Force.

(D) The Secretary of Homeland Security with respect to judge advocates of the Coast Guard and courts-martial of the Coast Guard when it is not operating as a service in the Navy.

SEC. 549. PILOT PROGRAMS ON MILITARY JUSTICE CAREER TRACK FOR JUDGE ADVOCATES.

(a) PILOT PROGRAMS REQUIRED.—Each Secretary of each military department shall carry out a pilot program to assess the feasibility and advisability of a military justice career track for judge advocates in the Armed Forces under the jurisdiction of the Secretary.

(b) DURATION.—Each pilot program under this section shall be for a period of five years.

(c) ELEMENTS.—Each pilot program under this section shall include the following:

(1) A military justice career track for judge advocates that leads to judge advocates with military justice expertise in the grade of colonel, or in the grade of captain in the case of judge advocates of the Navy, to prosecute and defend complex cases in military courts-martial.

(2) The use of the suspension of limitations on the number of certain commissioned officers on active duty under section 523(a) of title 10, United States Code, by reason of paragraph (4) of that section (as added by section 503 of this Act), to increase the number of authorized commissioned officers in pay grades O–4 through O–6 in order to accommodate the increased numbers of judge advocates in such grades required in connection with the pilot program.

(3) The use of skill identifiers to identify judge advocates for participation in the pilot program from among judge advocates having appropriate skill and experience in military justice matters.

(4) Guidance for promotion boards considering the selection for promotion of officers participating in the pilot program in order to ensure that judge advocates who are participating in the pilot program have the same opportunity for promotion as all other judge advocate officers being considered for promotion by such boards.

(5) Such other matters as the Secretary of the military department concerned considers appropriate.

(d) REPORT.—Not later than four years after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs under this section. The report shall include the following:

(1) A description and assessment of each pilot program.

(2) Such recommendations as the Secretary considers appropriate in light of the pilot programs, including whether any pilot program should be extended or made permanent.

SEC. 550. MODIFICATION OF DEFINITION OF SEXUAL HARASSMENT FOR PURPOSES OF INVESTIGATIONS OF COMPLAINTS OF HARASSMENT BY COMMANDING OFFICERS.

(a) IN GENERAL.—Section 1561(i) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''(constituting a form of sex discrimination)''; and

(B) in subparagraph (B), by striking ''the work environment'' and inserting ''the environment''; and

(2) in paragraph (3), by striking ''in the workplace''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to complaints described in section 1561 of title 10, United States Code, that are first received by a commanding officer or officer in charge on or after that date.

SEC. 551. EXTENSION AND CLARIFICATION OF ANNUAL REPORTS REGARDING SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) EXTENSION.—Subsection (a) of section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended by striking ''2017'' and inserting ''2025''.

(b) SCOPE OF REPORTING REQUIREMENT.—Such section is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) SEXUAL ASSAULTS COVERED BY REPORTING REQUIREMENT.—The sexual assaults contained in a report under subsection (a) pursuant to paragraphs (1) and (2) of subsection (b) shall include all reported sexual assaults, regardless of the age of the offender or victim or the relationship status between the offender and victim, including, at a minimum, all sexual assault reports received by the Sexual Assault Prevention and Response Program, or equivalent, and the Family Advocacy Program, or equivalent, of each Armed Force.''.

(c) REPORTING DEADLINES.—

(1) MILITARY DEPARTMENT REPORTS TO SECRETARY OF DEFENSE.—Subsection (a) of such section, as amended by subsection (a) of this section, is further amended by striking ''and each March 1, thereafter through March 1,'' and inserting ''each March 1 thereafter through March 1, 2016, and each February 1 thereafter though February 1,''.

(2) SECRETARY OF DEFENSE REPORTS TO CONGRESS.—Subsection (e) of such section, as redesignated by subsection (b)(1) of this section, is amended by striking ''April 30'' and inserting ''March 31''.

SEC. 552. EXPANSION OF AUTHORITY TO EXECUTE CERTAIN MILITARY INSTRUMENTS.

(a) EXPANSION OF AUTHORITY TO EXECUTE MILITARY TESTAMENTARY INSTRUMENTS.—

(1) IN GENERAL.—Paragraph (2) of section 1044d(c) of title 10, United States Code, is amended to read as follows:

''(2) the execution of the instrument is notarized by—

''(A) a military legal assistance counsel;

''(B) a person who is authorized to act as a notary under section 1044a of this title who—

''(i) is not an attorney; and

''(ii) is supervised by a military legal assistance counsel; or

''(C) a State-licensed notary employed by a military department or the Coast Guard who is supervised by a military legal assistance counsel;''.

(2) CLARIFICATION.—Paragraph (3) of such section is amended by striking ''presiding attorney'' and inserting ''person notarizing the instrument in accordance with paragraph (2)''.

(b) EXPANSION OF AUTHORITY TO NOTARIZE DOCUMENTS TO CIVILIANS SERVING IN MILITARY LEGAL ASSISTANCE OFFICES.—Section 1044a(b) of such title is amended by adding at the end the following new paragraph:

''(6) All civilian paralegals serving at military legal assistance offices, supervised by a military legal assistance counsel (as defined in section 1044d(g) of this title).''.

SEC. 553. UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

(a) MODIFICATION OF TERM OF TWO JUDGES OF THE COURT TO RESTORE ROTATION OF JUDGES.—

(1) MODIFICATION OF TERM OF OFFICE.—Notwithstanding section 942(b)(2) of title 10, United States Code (article 142(b)(2) of the Uniform Code of Military Justice)—

(A) the term of Judge Scott W. Stucky as a judge of the United States Court of Appeals for the Armed Forces shall expire on July 31, 2022; and

(B) the term of Judge Margaret A. Ryan as a judge of the United States Court of Appeals for the Armed Forces shall expire on July 31, 2020.

(2) SAVING PROVISION.—No person mentioned in paragraph (1), and no survivor of any such person, shall be deprived of any annuity provided by section 945 of title 10, United States Code (article 145 of the Uniform Code of Military Justice), or under the applicable provisions of title 5, United States Code, by reason of that paragraph.

(b) MODIFICATION OF DAILY RATE OF COMPENSATION FOR SENIOR JUDGES PERFORMING JUDICIAL DUTIES WITH THE COURT.—Section 942(e)(2) of such title (article 142(e)(2) of the Uniform Code of Military Justice) is amended by striking ''equal to'' and all that follows and inserting ''equal to the difference between—

''(A) the daily equivalent of the annual rate of pay provided for a judge of the court; and

''(B) the daily equivalent of the annuity of the judge under section 945 of this title (article 145), the applicable provisions of title 5, or any other retirement system for employees of the Federal Government under which the senior judge receives an annuity.''.

(c) CLARIFICATION OF AUTHORITY OF JUDGES OF THE COURT TO ADMINISTER OATHS AND ACKNOWLEDGMENTS.—Subsection (c) of section 936 of such title (article 136 of the Uniform Code of Military Justice) is amended to read as follows:

''(c) Each judge and senior judge of the United States Court of Appeals for the Armed Forces shall have the powers relating to oaths, affirmations, and acknowledgments provided to justices and judges of the United States by section 459 of title 28.''.

(d) REPEAL OF REQUIREMENT RELATING TO POLITICAL PARTY STATUS OF JUDGES OF THE COURT.—Section 942(b)(3) of such title (article 142(b)(3) of the Uniform Code of Military Justice) is amended by striking ''Not more than three of the judges of the court may be appointed from the same political party, and no'' and by inserting ''No''.

(e) REPEAL OF DUAL COMPENSATION PROVISION RELATING TO JUDGES OF THE COURT.—Section 945 of such title (article 145 of the Uniform Code of Military Justice) is amended—

(1) in subsection (d), by striking ''subsection (g)(1)(B)'' and inserting ''subsection (f)(1)(B)'';

(2) by striking subsection (f); and

(3) by redesignating subsections (g), (h), and (i) as subsections (f), (g), and (h), respectively.

SEC. 554. MEDICAL EXAMINATION BEFORE ADMINISTRATIVE SEPARATION FOR MEMBERS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH SEXUAL ASSAULT.

Section 1177(a)(1) of title 10, United States Code, is amended—

(1) by inserting '', or sexually assaulted,'' after ''deployed overseas in support of a contingency operation''; and

(2) by inserting ''or based on such sexual assault,'' after ''while deployed,''.

Subtitle E—Member Education, Training, and Transition

SEC. 561. LIMITATION ON TUITION ASSISTANCE FOR OFF-DUTY TRAINING OR EDUCATION.

Section 2007(a) of title 10, United States Code, is amended by inserting '', but only if the Secretary determines that such education or training is likely to contribute to the member's professional development'' after ''during the member's off-duty periods''.

SEC. 562. MODIFICATION OF PROGRAM TO ASSIST MEMBERS OF THE ARMED FORCES IN OBTAINING PROFESSIONAL CREDENTIALS.

(a) SCOPE OF PROGRAM.—Subsection (a)(1) of section 2015 of title 10, United States Code, is amended by striking ''incident to the performance of their military duties''.

(b) QUALITY ASSURANCE OF CERTIFICATION PROGRAMS AND STANDARDS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking ''is accredited by an accreditation body that'' and all that follows and inserting ''meets one of the requirements specified in paragraph (2).''; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

''(2) The requirements for a credentialing program specified in this paragraph are that the credentialing program—

''(A) is accredited by a nationally-recognized third-party personnel certification program accreditor;

''(B)(i) is sought or accepted by employers within the industry or sector involved as a recognized, preferred, or required credential for recruitment, screening, hiring, retention, or advancement purposes; and

''(ii) where appropriate, is endorsed by a nationally-recognized trade association or organization representing a significant part of the industry or sector;

''(C) grants licenses that are recognized by the Federal Government or a State government; or

''(D) meets credential standards of a Federal agency.''.

SEC. 563. ACCESS TO DEPARTMENT OF DEFENSE INSTALLATIONS OF INSTITUTIONS OF HIGHER EDUCATION PROVIDING CERTAIN ADVISING AND STUDENT SUPPORT SERVICES.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2012 the following new section:

''§ 2012a. Access to Department of Defense installations: institutions of higher education providing certain advising and student support services

''(a) ACCESS.—

''(1) ACCESS TO BE PERMITTED.—The Secretary of Defense shall grant access to Department of Defense installations to any institution of higher education that—

''(A) has entered into a Voluntary Education Partnership Memorandum of Understanding with the Department for the purpose of providing at the installation concerned timely face-to-face student advising and related support services to members of the armed forces and other persons who are eligible for assistance under Department of Defense educational assistance programs and authorities; and

''(B) has been approved to provide such advising and support services by the educational service office of the installation concerned.

''(2) SCOPE OF ACCESS.—Access shall be granted under paragraph (1) in a nondiscriminatory manner to any institution covered by that paragraph regardless of the particular learning modality offered by that institution.

''(b) REGULATIONS.—The Secretary shall prescribe in regulations the time and place of access required pursuant to subsection (a). The regulations shall provide the following:

''(1) The opportunity for institutions of higher education to receive regular and recurring access at times and places that ensure maximum opportunity for students to obtain advising and support services described in subsection (a).

''(2) Access in a degree in proportion to the number of students enrolled by each institution of higher education.

''(c) DEFINITIONS.—In this section:

''(1) The term 'Department of Defense educational assistance programs and authorities' has the meaning given the term 'Department of Defense educational assistance programs and authorities covered by this section' in section 2006a(c)(1) of this title.

''(2) The term 'institution of higher education' has the meaning given that term in section 2006a(c)(2) of this title.

''(3) The term 'Voluntary Education Partnership Memorandum of Understanding' has the meaning given that term in Department of Defense Instruction 1322.25, entitled 'Voluntary Education Programs', or any successor Department of Defense Instruction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2012 the following new item:

''2012a. Access to Department of Defense installations: institutions of higher education providing certain advising and student support services.''.

SEC. 564. PRIORITY PROCESSING OF APPLICATIONS FOR TRANSPORTATION WORKER IDENTIFICATION CREDENTIALS FOR MEMBERS UNDERGOING DISCHARGE OR RELEASE FROM THE ARMED FORCES.

(a) PRIORITY PROCESSING.—The Secretary of Defense shall consult with the Secretary

of Homeland Security to afford a priority in the processing of applications for a Transportation Worker Identification Credential (TWIC) to applications submitted by members of the Armed Forces who are undergoing separation, discharge, or release from the Armed Forces under honorable conditions, with such priority to provide for the review and adjudication of such an application by not later than 14 days after submittal, unless an appeal or waiver applies or further application documentation is necessary. The priority shall be so afforded commencing not later than 180 days after the date of the enactment of this Act to members who undergo separation, discharge, or release from the Armed Forces after the date on which the priority so commences being afforded.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense and the Secretary of Homeland Security shall enter into a memorandum of understanding in connection with achieving the requirement in subsection (a).

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall jointly submit to the appropriate committees of Congress a report on the implementation of the requirements of this section. The report shall set forth the following:

(1) The memorandum of understanding required pursuant to subsection (b).

(2) A description of the number of individuals who applied for, and the number of individuals who have been issued, a Transportation Worker Identification Credential pursuant to the memorandum of understanding as of the date of the report.

(3) If any applications for a Transportation Worker Identification Credential covered by paragraph (2) were not reviewed and adjudicated within the deadline specified in subsection (a), a description of the reasons for the failure and of the actions being taken to assure that future applications for a Credential are reviewed and adjudicated within the deadline.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.

Subtitle F—Defense Dependents' Education and Military Family Readiness Matters

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2017 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $25,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2017 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 573. IMPACT AID AMENDMENTS.

(a) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

(1) AMENDMENT.—Subclause (I) of section 7003(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)(i)(I)), as amended by sections 7001 and 7004(2)(B) of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074, 2077), is further amended to read as follows:

''(I) is a local educational agency—

''(aa) whose boundaries are the same as a Federal military installation; or

''(bb)(AA) whose boundaries are the same as an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

''(BB) that has no taxing authority;''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802), beginning with fiscal year 2017 and as if enacted as part of title VII of the Every Student Succeeds Act.

(b) SPECIAL RULE REGARDING THE PER-PUPIL EXPENDITURE REQUIREMENT.—

(1) REFERENCES.—Except as otherwise expressly provided, any reference in this subsection to a section or other provision of title VII of the Elementary and Secondary Education Act of 1965 shall be considered to be a reference to the section or other provision of such title VII as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802).

(2) IN GENERAL.—Notwithstanding section 5(d) of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1806) or section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), with respect to any application submitted under section 7005 of such Act (20 U.S.C. 7705) for eligibility consideration under subclause (II) or (V) of section 7003(b)(2)(B)(i) of such Act for fiscal year 2017, 2018, or 2019, the Secretary of Education shall determine that a local educational agency meets the per-pupil expenditure requirement for purposes of such subclause (II) or (V), as applicable, only if—

(A) in the case of a local educational agency that received a basic support payment for fiscal year 2001 under section 8003(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)) (as such section was in effect for such fiscal year), the agency, for the year for which the application is submitted, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement; or

(B) in the case of a local educational agency that did not receive a basic support payment for fiscal year 2015 under such section 8003(b)(2)(B), as so in effect, the agency, for the year for which the application is submitted—

(i) has a total student enrollment of 350 or more students and a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

(ii) has a total student enrollment of less than 350 students and a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local educational agency or 3 comparable local educational agencies (whichever average per-pupil expenditure is greater), in the State in which the agency is located.

(c) PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.—

(1) AMENDMENTS.—Section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), as amended by subsection (a) and sections 7001 and 7004 of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074, 2077), is further amended—

(A) in subclause (IV) of subparagraph (B)(i)—

(i) in the matter preceding item (aa), by inserting ''received a payment for fiscal year 2015 under section 8003(b)(2)(E) (as such section was in effect for such fiscal year) and'' before ''has'';

(ii) in item (aa), by striking ''50'' and inserting ''35''; and

(iii) by striking item (bb) and inserting the following:

''(bb)(AA) not less than 3,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

''(BB) not less than 7,000 of such children are children described in subparagraph (D) of subsection (a)(1);''; and

(B) in subparagraph (D)—

(i) in clause (i)—

(I) in subclause (I), by striking ''clause (ii)'' and inserting ''clauses (ii), (iii), and (iv)''; and

(II) in subclause (II)—

(aa) by inserting ''received a payment for fiscal year 2015 under section 8003(b)(2)(E) (as such section was in effect for such fiscal year) and'' after ''agency that'';

(bb) by striking ''50 percent'' and inserting ''35 percent'';

(cc) by striking ''subsection (a)(1) and not less than 5,000'' and inserting the following: ''subsection (a)(1) and—

''(aa) not less than 3,500''; and

(dd) by striking ''subsection (a)(1).'' and inserting the following: ''subsection (a)(1); or

''(bb) not less than 7,000 of such children are children described in subparagraph (D) of subsection (a)(1).'';

(ii) in clause (ii), by striking ''shall be 1.35.'' and inserting the following: ''shall be—

''(I) for fiscal year 2016, 1.35;

''(II) for each of fiscal years 2017 and 2018, 1.38;

''(III) for fiscal year 2019, 1.40;

''(IV) for fiscal year 2020, 1.42; and

''(V) for fiscal year 2021 and each fiscal year thereafter, 1.45.''; and

(iii) by adding at the end the following:

''(iii) FACTOR FOR CHILDREN WHO LIVE OFF BASE.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subsection (a)(1)(D) shall be—

''(I) for fiscal year 2016, .20;

''(II) for each of fiscal years 2017 and 2018, .22;

''(III) for each of fiscal years 2019 and 2020, .25; and

''(IV) for fiscal year 2021 and each fiscal year thereafter—

''(aa) .30 with respect to each of the first 7,000 children; and

''(bb) .25 with respect to the number of children that exceeds 7,000.

''(iv) SPECIAL RULE.—Notwithstanding clauses (ii) and (iii), for fiscal year 2020 or any succeeding fiscal year, if the number of students who are children described in subparagraphs (A) and (B) of subsection (a)(1) for a local educational agency subject to this subparagraph exceeds 7,000 for such year or the number of students who are children described in subsection (a)(1)(D) for such local educational agency exceeds 12,750 for such year, then—

''(I) the factor used, for the fiscal year for which the determination is being made, to determine the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.40; and

''(II) the factor used, for such fiscal year, to determine the weighted student units under subsection (a)(2) with respect to children described in subsection (a)(1)(D) shall be .20.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965 beginning with fiscal year 2017 and as if enacted as part of title VII of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074).

(3) SPECIAL RULES.—

(A) APPLICABILITY FOR FISCAL YEAR 2016.—Notwithstanding any other provision of law, in making basic support payments under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) for fiscal year 2016, the Secretary of Education shall carry out subparagraphs (B)(i) and (E) of such section as if the amendments made to subparagraphs (B)(i)(IV) and (D) of section 7003(b)(2) of such Act (as amended and redesignated by this subsection and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) had also been made to the corresponding provisions of section 8003(b)(2) of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act.

(B) LOSS OF ELIGIBILITY.—For fiscal year 2016 or any succeeding fiscal year, if a local educational agency is eligible for a basic support payment under subclause (IV) of section 7003(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (as amended by this section and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) or through a corresponding provision under subparagraph (A), such local educational agency shall be ineligible to apply for a payment for such fiscal year under any other subclause of such section (or, for fiscal year 2016, any other item of section 8003(b)(2)(B)(i)(II) of the Elementary and Secondary Education Act of 1965).

(C) PAYMENT AMOUNTS.—If, before the date of enactment of this Act, a local educational agency receives 1 or more payments under section 8003(b)(2)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(E)) for fiscal year 2016, the sum of which is greater than the amount the Secretary of Education determines the local educational agency is entitled to receive under such section in accordance with subparagraph (A)—

(i) the Secretary shall allow the local educational agency to retain the larger amount; and

(ii) such local educational agency shall not be eligible to receive any additional payment under such section for fiscal year 2016.

SEC. 574. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO THE TRANSITION AND SUPPORT OF MILITARY DEPENDENT STUDENTS TO LOCAL EDUCATIONAL AGENCIES.

(a) EXTENSION.—Section 547(c)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

(b) INFORMATION TO BE INCLUDED WITH FUTURE REQUESTS FOR EXTENSION.—The budget justification materials that accompany any budget of the President for a fiscal year after fiscal year 2017 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) that includes a request for the extension of section 547(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 shall include the following:

(1) A full accounting of the expenditure of funds pursuant to such section 547(c) during the last fiscal year ending before the date of the submittal of the budget.

(2) An assessment of the impact of the expenditure of such funds on the quality of opportunities for elementary and secondary education made available for military dependent students.

SEC. 575. COMPTROLLER GENERAL OF THE UNITED STATES ANALYSIS OF UNSATISFACTORY CONDITIONS AND OVERCROWDING AT PUBLIC SCHOOLS ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an analysis of the condition and capacity of public schools on military installations. The analysis shall include schools that were omitted from the July 2011 Department of Defense analysis of such schools.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report setting forth the analysis required by subsection (a). The report shall include the following:

(1) The Numerical Condition Index and Condition Rating of each public school on a military installation, with a ranking of such schools based on the severity of unsafe conditions and facility deficiencies.

(2) The Percentage Over or Under Capacity and the Capacity Rating for each school.

(3) An identification and assessment of the schools likely to become overcrowded, or face condition deficiencies, during the five-year period beginning on the date of the report, based on anticipated changes in the force structure or deteriorating conditions.

(4) A ranking of schools nationwide based on severity of unsatisfactory conditions and on overcrowding.

(5) Such other information as the Comptroller General considers appropriate to establish priorities for the renovation, repair, or revitalization of schools in order to address unsatisfactory conditions and overcrowding.

SEC. 576. ENHANCED FLEXIBILITY IN PROVISION OF RELOCATION ASSISTANCE TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) GEOGRAPHIC REQUIREMENT.—Paragraph (1) of subsection (c) of section 1056 of title 10, United States Code, is amended by striking the second, third, and fourth sentences and inserting the following new sentence: ''Such relocation assistance programs shall ensure that members of the armed forces and their families are provided relocation assistance regardless of geographic location.''.

(b) COMPUTERIZED INFORMATION SYSTEM.—Such subsection is further amended—

(1) in paragraph (2)—

(A) by striking ''available through each military'' and inserting ''a''; and

(B) by striking ''all other military relocation assistance programs'' and inserting ''the relocation assistance programs''; and

(2) in paragraph (3)—

(A) by striking ''Duties of each military relocation assistance program shall include assisting'' and inserting ''Assistance shall be provided to''; and

(B) by striking ''the program'' and inserting ''a relocation assistance program''.

(c) DISCHARGE THROUGH PROGRAM MANAGER.—Subsection (d) of such section is amended to read as follows:

''(d) PROGRAM MANAGER.—The Secretary of Defense shall establish the position of Program Manager of Military Relocation Assistance in the office of the Assistant Secretary of Defense for Manpower and Reserve Affairs. The Program Manager shall oversee the development and implementation of relocation assistance under this section.''.

SEC. 577. REPORTING ON ALLEGATIONS OF CHILD ABUSE IN MILITARY FAMILIES AND HOMES.

(a) REPORTS TO FAMILY ADVOCACY PROGRAM OFFICES.—

(1) IN GENERAL.—The following information shall be reported immediately to the Family Advocacy Program office at the military installation to which the member of the Armed Forces concerned is assigned:

(A) Credible information (which may include a reasonable belief), obtained by any individual within the chain of command of the member, that a child in the family or home of the member has suffered an incident of child abuse.

(B) Information, learned by a member of the Armed Forces engaged in a profession or activity described in subsection (b) of section 226 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031) for members of the Armed Forces and their dependents, that gives reason to suspect that a child in the family or home of the member has suffered an incident of child abuse.

(2) REGULATIONS.—The Secretary of Defense and the Secretary of Homeland Security (with respect to the Navy when it is not operating as a service in the Navy) shall jointly prescribe regulations to carry out this subsection.

(3) CHILD ABUSE DEFINED.—In this subsection, the term ''child abuse'' has the meaning given that term in subsection (c) of section 226 of the Victims of Child Abuse Act of 1990.

(b) REPORTS TO STATE CHILD WELFARE SERVICES.—Section 226 of the Victims of Child Abuse Act of 1990 (title II of Public Law 101–647; 104 Stat. 4806; 42 U.S.C. 13031) is amended—

(1) in subsection (a), by inserting '' and to the agency or agencies provided for in subsection (e), if applicable'' before the period;

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (d) the following new subsection (e):

''(e) REPORTERS AND RECIPIENT OF REPORT INVOLVING CHILDREN AND HOMES OF MEMBERS OF THE ARMED FORCES.—

''(1) RECIPIENTS OF REPORTS.—In the case of an incident described in subsection (a) involving a child in the family or home of

member of the Armed Forces (regardless of whether the incident occurred on or off a military installation), the report required by subsection (a) shall be made to the appropriate child welfare services agency or agencies of the State in which the child resides. The Attorney General, the Secretary of Defense, and the Secretary of Homeland Security (with respect to the Navy when it is not operating as a service in the Navy) shall jointly, in consultation with the chief executive officers of the States, designate the child welfare service agencies of the States that are appropriate recipients of reports pursuant to this subsection. Any report on an incident pursuant to this subsection is in addition to any other report on the incident pursuant to this section.

''(2) MAKERS OF REPORTS.—For purposes of the making of reports under this section pursuant to this subsection, the persons engaged in professions and activities described in subsection (b) shall include members of the Armed Forces who are engaged in such professions and activities for members of the Armed Forces and their dependents.''.

SEC. 578. BACKGROUND CHECKS FOR EMPLOYEES OF AGENCIES AND SCHOOLS PROVIDING ELEMENTARY AND SECONDARY EDUCATION FOR DEPARTMENT OF DEFENSE DEPENDENTS.

(a) BACKGROUND CHECKS.—Commencing not later than two years after the date of the enactment of this Act, each covered local educational agency and each Department of Defense domestic dependent elementary and secondary school established pursuant to section 2164 of title 10, United States Code, shall have in effect policies and procedures that—

(1) require that a criminal background check be conducted for each school employee of the agency or school, respectively, that includes—

(A) a search of the State criminal registry or repository of the State in which the school employee resides;

(B) a search of State-based child abuse and neglect registries and databases of the State in which the school employee resides;

(C) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

(D) a search of the National Sex Offender Registry established under section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

(2) prohibit the employment of a school employee as a school employee at the agency or school, respectively, if such employee—

(A) refuses to consent to a criminal background check under paragraph (1);

(B) makes a false statement in connection with such criminal background check;

(C) has been convicted of a felony consisting of—

(i) murder;

(ii) child abuse or neglect;

(iii) a crime against children, including child pornography;

(iv) spousal abuse;

(v) a crime involving rape or sexual assault;

(vi) kidnapping;

(vii) arson; or

(viii) physical assault, battery, or a drug-related offense, committed on or after the date that is five years before the date of such employee's criminal background check under paragraph (1); or

(D) has been convicted of any other crime that is a violent or sexual crime against a minor;

(3) require that each criminal background check conducted under paragraph (1) be periodically repeated or updated in accordance with policies established by the covered local educational agency or the Department of Defense (in the case of a Department of Defense domestic dependent elementary and secondary school established pursuant to section 2164 of title 10, United States Code);

(4) upon request, provide each school employee who has had a criminal background check under paragraph (1) with a copy of the results of the criminal background check;

(5) provide for a timely process, by which a school employee of the school or agency may appeal, but which does not permit the employee to be employed as a school employee during such appeal, the results of a criminal background check conducted under paragraph (1) which prohibit the employee from being employed as a school employee under paragraph (2) to—

(A) challenge the accuracy or completeness of the information produced by such criminal background check; and

(B) establish or reestablish eligibility to be hired or reinstated as a school employee by demonstrating that the information is materially inaccurate or incomplete, and has been corrected; and

(6) allow the covered local educational agency or school, as the case may be, to share the results of a school employee's criminal background check recently conducted under paragraph (1) with another local educational agency that is considering such school employee for employment as a school employee.

(b) FEES FOR BACKGROUND CHECKS.—The Attorney General, attorney general of a State, or other State law enforcement official may charge reasonable fees for conducting a criminal background check under subsection (a)(1), but such fees shall not exceed the actual costs for the processing and administration of the criminal background check.

(c) DEFINITIONS.—In this section:

(1) COVERED LOCAL EDUCATIONAL AGENCY.—The term ''covered local educational agency'' means a local educational agency that receives funds—

(A) under subsection (b) or (d) of section 8003, or section 8007, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703, 7707), as such sections are in effect before the effective date for title VII of the Every Student Succeeds Act (Public Law 114–95); or

(B) under subsection (b) or (d) of section 7003, or section 7007, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703, 7707), beginning on the effective date of such title VII.

(2) SCHOOL EMPLOYEE.—The term ''school employee'' means—

(A) a person who—

(i) is an employee of, or is seeking employment with—

(I) a covered local educational agency; or

(II) a Department of Defense domestic dependent elementary and secondary school established pursuant to section 2164 of title 10, United States Code, such elementary and secondary school; and

(ii) as a result of such employment, has (or will have) a job duty that results in unsupervised access to elementary school or secondary school students; or

(B)(i) any person, or an employee of any person, who has a contract or agreement to provide services to a covered local educational agency or a Department of Defense domestic dependent elementary and secondary school established pursuant to section 2164 of title 10, United States Code; and

(ii) such person or employee, as a result of such contract or agreement, has a job duty that results in unsupervised access to elementary school or secondary school students.

SEC. 579. SUPPORT FOR PROGRAMS PROVIDING CAMP EXPERIENCE FOR CHILDREN OF MILITARY FAMILIES.

(a) IN GENERAL.—The Secretary of Defense may provide financial or non-monetary support to qualified nonprofit organizations in order to assist such organizations in carrying out programs to support the attendance at a camp or camp-like setting of children of military families.

(b) REPORTS TO DOD.—Each organization that receives support from the Secretary pursuant to subsection (a) shall submit to the Secretary a report on the use of such support containing such information as the Secretary considers appropriate.

SEC. 580. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON EXCEPTIONAL FAMILY MEMBER PROGRAMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effectiveness of each Exceptional Family Member Program (EFMP) of the Armed Forces.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the differences between the Exceptional Family Member Programs of the Armed Forces.

(2) A description and assessment of the manner in which Exceptional Family Member Programs are implemented on joint bases and installations.

(3) An assessment whether all children of members of each Armed Forces are screened for potential coverage under the Exceptional Family Member Program.

(4) An assessment of the degree to which conditions of children of members of the Armed Forces who qualify for coverage under an Exceptional Family Member Program are taken into account in making assignments of military personnel.

(5) An assessment of the degree to which medical and educational services are available to address the conditions identified by the screening described in (3) in children of members of the Armed Forces who qualify for coverage under an Exceptional Family Member Program.

(6) An assessment whether the Department of Defense has implemented specific directives for providing family support and enhanced case management services, such as special needs navigators, to families with special needs children.

(7) An assessment whether the Department has conducted periodic reviews of best practices in the United States for the provision of medical and educational services to children with special needs.

(8) An assessment whether the Department has established an advisory panel on community support for military families with special needs.

(9) An assessment of the uniform policy for the Department regarding families with special needs required by section 1781c(e) of title 10, United States Code.

(10) An assessment of the implementation of the uniform policy described in paragraph (9).

(11) An assessment of the implementation by each Armed Force of the recommendations in the Government Accountability Report entitled ''Military Dependent Students, Better Oversight Needed to Improve Services for Children with Special Needs'' (GAO–12–680).

SEC. 581. REPEAL OF ADVISORY COUNCIL ON DEPENDENTS' EDUCATION.

Section 1411 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 929) is repealed.

Subtitle G—Decorations and Awards

SEC. 586. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO CHARLES S. KETTLES FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 3741 of such title to Charles S. Kettles for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Charles S. Kettles during combat operations on May 15, 1967, while serving as Flight Commander, 176th Aviation Company, 14th Aviation Battalion, Task Force Oregon, Republic of Vietnam, for which he was previously awarded the Distinguished Service Cross.

SEC. 587. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO GARY M. ROSE FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to Gary M. Rose for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Gary M. Rose in Laos from September 11 through 14, 1970, during the Vietnam War while a member of the United States Army, Military Assistance Command Vietnam-Studies and Observation Group (MACVSOG).

SEC. 588. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS TO CHAPLAIN (FIRST LIEUTENANT) JOSEPH VERBIS LAFLEUR FOR ACTS OF VALOR DURING WORLD WAR II.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished Service Cross under section 3742 of that title to Chaplain (First Lieutenant) Joseph Verbis LaFleur for the acts of valor referred to in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Chaplain (First Lieutenant) Joseph Verbis LaFleur while interned as a Prisoner of War by Japan from December 30, 1941, to September 7, 1944.

SEC. 589. POSTHUMOUS ADVANCEMENT OF COLONEL GEORGE E. "BUD" DAY, UNITED STATES AIR FORCE, ON THE RETIRED LIST.

(a) ADVANCEMENT.—Colonel George E. ''Bud'' Day, United States Air Force (retired), is entitled to hold the rank of brigadier general while on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of George E. ''Bud'' Day on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which George E. ''Bud'' Day would have been entitled based upon his military service or affect any benefits to which any other person may become entitled based on his military service.

Subtitle H—Miscellaneous Reports and Other Matters

SEC. 591. APPLICABILITY OF MILITARY SELECTIVE SERVICE ACT TO FEMALE CITIZENS AND PERSONS.

Section 3 of the Military Selective Service Act (50 U.S.C. 3802) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b)(1) The duty to register imposed on male citizens and persons residing in the United States by subsection (a) shall apply to female citizens of the United States and female persons residing in the United States who attain the age of 18 years on or after January 1, 2018.

''(2) The responsibilities and rights of female registrants under this Act shall be the responsibilities and rights of male registrants under this Act, and shall be subject to such terms, conditions, and limitations as are applicable under the provisions of this Act to similarly situated male registrants.

''(3) Any reference in this Act to a registrant or other person subject to the duties, responsibilities, and rights of a registrant under this Act shall be deemed to refer to female citizens of the United States and female persons residing in the United States registering pursuant to this subsection.''.

SEC. 592. SENIOR MILITARY ACQUISITION ADVISORS IN THE DEFENSE ACQUISITION CORPS.

(a) POSITIONS.—

(1) IN GENERAL.—Subchapter II of chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1725. Senior Military Acquisition Advisors

''(a) POSITION.—

''(1) IN GENERAL.—The Secretary of Defense may establish in the Defense Acquisition Corps positions to be known as 'Senior Military Acquisition Advisor'.

''(2) APPOINTMENT.—A Senior Military Acquisition Advisor shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) SCOPE OF POSITION.—An officer who is appointed as a Senior Military Acquisition Advisor—

''(A) shall serve as an advisor to, and provide senior level acquisition expertise to, the Service Acquisition Executive of that officer's military department in accordance with this section; and

''(B) shall be assigned as an adjunct professor at the Defense Acquisition University.

''(b) CONTINUATION ON ACTIVE DUTY.—An officer who is appointed as a Senior Military Acquisition Advisor may continue on active duty while serving in such position without regard to any mandatory retirement date that would otherwise be applicable to that officer by reason of years of service or age. An officer who is continued on active duty pursuant to this section is not eligible for consideration for selection for promotion.

''(c) RETIRED GRADE.—Upon retirement, an officer who is a Senior Military Acquisition Advisor may, in the discretion of the President, be retired in the grade of brigadier general or rear admiral (lower half) if—

''(1) the officer has served as a Senior Military Acquisition Advisor for a period of not less than three years; and

''(2) the officer's service as a Senior Military Acquisition Advisor has been distinguished.

''(d) SELECTION AND TENURE.—

''(1) IN GENERAL.—Selection of an officer for recommendation for appointment as a Senior Military Acquisition Advisor shall be made competitively, and shall be based upon demonstrated experience and expertise in acquisition.

''(2) OFFICERS ELIGIBLE.—Officers shall be selected for recommendation for appointment as Senior Military Acquisition Advisors from among officers of the Defense Acquisition Corps who are serving in the grade of colonel or, in the case of the Navy, captain, and who have at least 12 years of acquisition experience. An officer selected for recommendation for appointment as a Senior Military Acquisition Advisor shall have at least 30 years of active commissioned service at the time of appointment.

''(3) TERM.—The appointment of an officer as a Senior Military Acquisition Advisor shall be for a term of not longer than five years.

''(e) LIMITATION.—

''(1) LIMITATION ON NUMBER AND DISTRIBUTION.—There may not be more than 15 Senior Military Acquisition Advisors at any time, of whom—

''(A) not more than five may be officers of the Army;

''(B) not more than five may be officers of the Navy and Marine Corps; and

''(C) not more than five may be officers of the Air Force.

''(2) NUMBER IN EACH MILITARY DEPARTMENT.—Subject to paragraph (1), the number of Senior Military Acquisition Advisors for each military department shall be as required and identified by the Service Acquisition Executive of such military department and approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(f) ADVICE TO SERVICE ACQUISITION EXECUTIVE.—An officer who is a Senior Military Acquisition Advisor shall have as the officer's primary duty providing strategic, technical, and programmatic advice to the Service Acquisition Executive of the officer's military department on matters pertaining to the Defense Acquisition System, including matters pertaining to procurement, research and development, advanced technology, test and evaluation, production, program management, systems engineering, and lifecycle logistics.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 87 of such title is amended by adding at the end the following new item:

''1725. Senior Military Acquisition Advisors.''.

(b) EXCLUSION FROM OFFICER GRADE-STRENGTH LIMITATIONS.—Section 523(b) of such title is amended by adding at the end the following new paragraph:

''(9) Officers who are Senior Military Acquisition Advisors under section 1725 of this title, but not to exceed 15.''.

SEC. 593. ANNUAL REPORTS ON PROGRESS OF THE ARMY AND THE MARINE CORPS IN INTEGRATING WOMEN INTO MILITARY OCCUPATIONAL SPECIALITIES AND UNITS RECENTLY OPENED TO WOMEN.

(a) REPORTS REQUIRED.—Not later than April 1, 2017, and each year thereafter through 2021, the Chief of Staff of the Army and the Commandant of the Marine Corps shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the current status of the implementation by the Army and the Marine Corps, respectively, of the policy of Secretary of Defense dated March 9, 2016, to open to women military occupational specialties and units previously closed to women.

(b) ELEMENTS.—Each report shall include, current as of the date of such report and for the Armed Force covered by such report, the following:

(1) The status of gender-neutral standards throughout the Entry Level Training continuum.

(2) The propensity of applicants to apply for and access into newly-opened ground combat programs, by gender and program.

(3) Success rates in Initial Screening Tests and Military Occupational Speciality (MOS) Classification Standards for newly-opened ground combat military occupational specialties, by gender.

(4) Attrition rates and causes of attrition throughout the Entry Level Training continuum, by gender and military occupational specialty.

(5) Reclassification rates and causes of reclassification throughout the Entry Level Training continuum, by gender and military occupational specialty.

(6) Injury rates and causes of injury throughout the Entry Level Training continuum, by gender and military occupational specialty.

(7) Injury rates and nondeployability rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.

(8) A comparative analysis of injury rates, causes of injury, and nondeployability rates under paragraphs (6) and (7) with injury rates, causes of injury, and nondeployability rates in similar military occupational specialties of allied countries, including Australia, Canada, Israel, and the United Kingdom, and a comparative analysis of the mitigation factors used by the United States with respect to such injury and nondeployability and the mitigation factors used by such countries with respect to such injury and nondeployability.

(9) Lateral move approval rates into newly-opened military occupational specialties, by gender and military occupational specialty.

(10) Reenlistment and retention rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.

(11) Promotion rates in newly-opened ground combat military occupational specialties, by grade and gender.

(12) Actions taken to address matters relating to equipment sizing and supply, and facilities, in connection with the implementation by such Armed Force of the policy referred to in paragraph (1).

(c) APPLICABILITY TO SOCOM.—In addition to the reports required by subsection (a), the Commander of the United States Special Operations Command shall submit to the Committees on Armed Services of the Senate and the House of Representatives, on the dates provided for in subsection (a), a report on the current status of the implementation by the United States Special Operations Command of the policy of Secretary of Defense referred to in subsection (a). Each report shall include the matters specified in subsection (b) with respect to the United States Special Operations Command.

SEC. 594. REPORT ON CAREER PROGRESSION TRACKS OF THE ARMED FORCES FOR WOMEN IN COMBAT ARMS UNITS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description, for each Armed Force, of the following:

(1) The career progression track for entry level women as officers in combat arms units of such Armed Force.

(2) The career progression track for laterally transferred women as officers in combat arms units of such Armed Force.

(3) The career progression track for entry level women as enlisted members in combat arms units of such Armed Force.

(4) The career progression track for laterally transferred women as enlisted members in combat arms units of such Armed Force.

SEC. 595. REPEAL OF REQUIREMENT FOR A CHAPLAIN AT THE UNITED STATES AIR FORCE ACADEMY APPOINTED BY THE PRESIDENT.

(a) REPEAL.—Section 9337 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of such title is amended by striking the item related to section 9337.

SEC. 596. EXTENSION OF LIMITATION ON REDUCTION IN NUMBER OF MILITARY AND CIVILIAN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCIES.

Section 1559(a) of title 10, United States Code, is amended by striking ''December 31, 2016'' and inserting ''December 31, 2019''.

SEC. 597. REPORT ON DISCHARGE BY WARRANT OFFICERS OF PILOT AND OTHER FLIGHT OFFICER POSITIONS IN THE NAVY, MARINE, CORPS, AND AIR FORCE CURRENTLY DISCHARGED BY COMMISSIONED OFFICERS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Air Force shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions in the Armed Forces under the jurisdiction of such Secretary that are currently discharged by commissioned officers.

(b) ELEMENTS.—Each report under subsection (a) shall set forth, for each Armed Force covered by such report, the following:

(1) An assessment of the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions that are currently discharged by commissioned officers.

(2) An identification of each such position, if any, for which the discharge by warrant officers is assessed to be feasible and advisable.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2017 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2017 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2017, the rates of monthly basic pay for members of the uniformed services are increased by 1.6 percent.

SEC. 602. PUBLICATION BY DEPARTMENT OF DEFENSE OF ACTUAL RATES OF BASIC PAY PAYABLE TO MEMBERS OF THE ARMED FORCES BY PAY GRADE FOR ANNUAL OR OTHER PAY PERIODS.

Any pay table published or otherwise issued by the Department of Defense to indicate the rates of basic pay of the Armed Forces in effect for members of the Armed Forces for a calendar year or other period shall state the rate of basic pay to be received by members in each pay grade for such year or period as specified or otherwise provided by applicable law, including any rate to be so received pursuant during such year or period by the operation of a ceiling under section 203(a)(2) of title 37, United States Code, or a similar provision in an annual defense authorization Act.

SEC. 603. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 604. REFORM OF BASIC ALLOWANCE FOR HOUSING.

(a) REFORM.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 403 the following new section:

''§ 403a. Basic allowance for housing: members first entitled after January 1, 2018; members entitled before January 1, 2018, with interruption in eligibility after that date

''(a) GENERAL ENTITLEMENT.—Except as otherwise provided by law, a member of the uniformed services covered by this section who is entitled to basic pay is entitled to a basic allowance for housing at the monthly rate prescribed under this section or another provision of law with regard to the applicable component of the basic allowance for housing. The maximum amount of the basic allowance for housing for a member will vary according to the pay grade in which the member is assigned or distributed for basic pay purposes and the geographic location of the member. The basic allowance for housing may be paid in advance.

''(b) BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.—

''(1) IN GENERAL.—The monthly rate of basic allowance for housing payable under this section to a member of the uniformed services covered by this section who is assigned to duty in the United States shall be the rate prescribed by the Secretary of Defense for purposes of this section.

''(2) ELEMENTS.—Subject to the provisions of this subsection, the rates of basic allowance for housing payable under this subsection shall meet the following requirements:

''(A) A maximum amount of the allowance shall be established for each military housing area, based on the costs of adequate housing in such area, for each pay grade.

''(B) The amount of the allowance payable to a member may not exceed the lesser of—

''(i) the actual monthly cost of housing of the member; or

''(ii) the maximum amount determined under subparagraph (A) for members in the member's pay grade.

''(C) In the event two or more members occupy the same housing, the amount of the allowance payable to such a member may not exceed—

''(i) the amount of the allowance otherwise payable to such member pursuant to subparagraph (B); divided by

''(ii) the total number of members occupying such housing.

''(D) So long as a member on retains uninterrupted eligibility to receive the allowance and the actual monthly cost of housing for the member is not reduced, the monthly amount of the allowance may not be reduced as a result of changes in housing costs in the area or the promotion of the member.

''(3) CERTAIN RENTAL MATTERS.—

''(A) LUMP SUM PAYMENT FOR DEPOSITS AND ADVANCE RENT.—In the case of a member authorized payment of an allowance under this subsection, the Secretary concerned may make a lump-sum payment to the member for required deposits and advance rent, and for expenses relating thereto, that are—

''(i) incurred by the member in occupying private housing; and

''(ii) authorized or approved under regulations prescribed by the Secretary concerned.

''(B) RECOUPMENT.—The Secretary concerned shall recoup the full amount of any deposit or advance rent payments made by the Secretary under subparagraph (A).

''(c) BASIC ALLOWANCE FOR HOUSING OUTSIDE THE UNITED STATES.—

''(1) IN GENERAL.—The monthly rate of basic allowance for housing payable under this section to a member of the uniformed services covered by this section who is assigned to duty outside in the United States shall be the rate prescribed by the Secretary of Defense for purposes of this section.

''(2) ELEMENTS.—Subject to the provisions of this subsection, the rates of basic allowance for housing payable under this subsection shall meet the following requirements:

''(A) The rates shall be based on the housing costs in the overseas area in which the member is assigned and shall be determined in the manner specified in subparagraphs (A) and (B) of subsection (b)(2).

''(B) In the event two or more members occupy the same housing, the amount of the allowance payable to such a member may not exceed—

''(i) the amount of the allowance otherwise payable to such member pursuant to subparagraph (A); divided by

''(ii) the total number of members occupying such housing.

''(C) So long as a member retains uninterrupted eligibility to receive the allowance in an overseas area and the actual monthly cost of housing for the member is not reduced, the monthly amount of the allowance in the area may not be reduced as a result of changes in housing costs in the area or the promotion of the member. The monthly amount of the allowance may be adjusted to reflect changes in currency rates.

''(3) RENTAL MATTERS.—

''(A) LUMP SUM PAYMENTS FOR DEPOSIT AND ADVANCE RENT.—In the case of a member authorized payment of an allowance under this subsection, the Secretary concerned may make a lump-sum payment to the member for required deposits and advance rent, and for expenses relating thereto, that are—

''(i) incurred by the member in occupying private housing outside of the United States; and

''(ii) authorized or approved under regulations prescribed by the Secretary concerned.

''(B) CURRENCY FLUCTUATION LOSSES AS ALLOWANCE EXPENSES.—Expenses for which a member may be reimbursed under this paragraph may include losses relating to housing that are sustained by the member as a result of fluctuations in the relative value of the currencies of the United States and the foreign country in which the housing is located.

''(C) RECOUPMENT.—The Secretary concerned shall recoup the full amount of any deposit or advance rent payments made by the Secretary under subparagraph (A), including any gain resulting from currency fluctuations between the time of payment and the time of recoupment.

''(d) RESERVE AND RETIRED MEMBERS.—

''(1) IN GENERAL.—A member of a reserve component described in paragraph (2) is entitled to a basic allowance for housing determined in accordance with this section during the time the member is on active duty as described in that paragraph.

''(2) COVERED MEMBERS.—A member of a reserve component described in this paragraph is a member as follows:

''(A) A member of a reserve component of the uniformed services covered by this section without dependents who is called or ordered to active duty to attend accession training, in support of a contingency operation, or for a period of more than 30 days.

''(B) A retired member of the uniformed services covered by this section without dependents who is ordered to active duty under section 688(a) of title 10 in support of a contingency operation or for a period of more than 30 days.

''(e) BASIC ALLOWANCE FOR HOUSING WHEN DEPENDENTS DO NOT ACCOMPANY MEMBER.—

''(1) IN GENERAL.—A member of the uniformed services covered by this section with dependents who is on permanent duty at a location described in paragraph (2) may be paid a family separation basic allowance for housing under this subsection at a monthly rate equal to the rate of the basic allowance for housing established under subsection (b) or the overseas basic allowance for housing established under subsection (c), whichever applies to that location, for members in the same grade at that location without dependents.

''(2) DUTY LOCATIONS.—A permanent duty location described in this paragraph is a location—

''(A) to which the movement of the member's dependents is not authorized at the expense of the United States under section 476 of this title, and the member's dependents do not reside at or near the location; and

''(B) at which quarters of the United States are not available for assignment to the member.

''(3) MEMBER ASSIGNED TO DIFFERENT LOCATION THAN DEPENDENTS RESIDENCE.—If a member with dependents is assigned to duty in an area that is different from the area in which the member's dependents reside, the member is entitled to a basic allowance for housing as provided in subsection (b) or (c), whichever applies to the member, subject to the following:

''(A) If the member's assignment to duty in that area, or the circumstances of that assignment, require the member's dependents to reside in a different area, as determined by the Secretary concerned, the amount of the basic allowance for housing for the member shall be based on the area in which the dependents reside or the member's last duty station, whichever the Secretary concerned determines to be most equitable.

''(B) If the member's assignment to duty in that area is under the conditions of a low-cost or no-cost permanent change of station or permanent change of assignment, the amount of the basic allowance for housing for the member shall be based on the member's last duty station if the Secretary concerned determines that it would be inequitable to base the allowance on the cost of housing in the area to which the member is reassigned.

''(C) If the member is reassigned for a permanent change of station or permanent change of assignment from a duty station in the United States to another duty station in the United States for a period of not more than one year for the purpose of participating in professional military education or training classes, the amount of the basic allowance for housing for the member may be based on whichever of the following areas the Secretary concerned determines will provide the more equitable basis for the allowance:

''(i) The area of the duty station to which the member is reassigned.

''(ii) The area in which the dependents reside, but only if the dependents reside in that area when the member departs for the duty station to which the member is reassigned and only for the period during which the dependents reside in that area.

''(iii) The area of the former duty station of the member, if different than the area in which the dependents reside.

''(4) CONSTRUCTION WITH OTHER ALLOWANCES.—A family separation basic allowance for housing paid to a member under this subsection is in addition to any other allowance or per diem that the member receives under this title. A member may receive a basic allowance for housing under both paragraphs (1) and (3).

''(f) EFFECT OF ASSIGNMENT TO QUARTERS.—Except as otherwise provided by law, a member of the uniformed services covered by this section who is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service appropriate to the grade, rank, or rating of the member and adequate for the member and dependents of the member, if with dependents, is not entitled to a basic allowance for housing.

''(g) INELIGIBILITY DURING INITIAL FIELD DUTY OR SEA DUTY.—

''(1) INITIAL FIELD DUTY.—A member of the uniformed services covered by this section without dependents who makes a permanent change of station for assignment to a unit conducting field operations is not entitled to a basic allowance for housing while on that initial field duty unless the commanding officer of the member certifies that the member was necessarily required to procure quarters at the member's expense.

''(2) SEA DUTY.—A member of the uniformed services covered by this section without dependents who is in a pay grade below pay grade E–6 is not entitled to a basic allowance for housing while the member is on sea duty.

''(3) DEFINITIONS.—The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, shall prescribe regulations defining the terms 'field duty' and 'sea duty' for purposes of this subsection.

''(h) TEMPORARY HOUSING ALLOWANCE WHILE IN TRAVEL OR LEAVE STATUS.—A member of the uniformed services covered by this section is entitled to a temporary basic allowance for housing (at a rate determined by the Secretary of Defense) while the member is in a travel or leave status between permanent duty stations, including time granted as delay en route or proceed time, when the

member is not assigned to quarters of the United States.

''(i) TEMPORARY CONTINUATION OF ALLOWANCE FOR DEPENDENTS OF MEMBERS DYING ON ACTIVE DUTY.—

''(1) OCCUPATION WITHOUT CHARGE FOLLOWING DEATH.—The Secretary of Defense, or the Secretary of Homeland Security in the case of the Coast Guard when not operating as a service in the Navy, may allow the dependents of a member of the armed forces covered by this section who dies on active duty and whose dependents are occupying family housing provided by the Department of Defense, or by the Department of Homeland Security in the case of the Coast Guard, other than on a rental basis, on the date of the member's death to continue to occupy such housing without charge for a period of 365 days.

''(2) ALLOWANCE.—The Secretary concerned may pay a basic allowance for housing (at the rate otherwise payable to the deceased member on the date of death) to the dependents of a member of the uniformed services covered by this section who dies while on active duty and whose dependents—

''(A) are not occupying a housing facility under the jurisdiction of a uniformed service on the date of death;

''(B) are occupying such housing on a rental basis on such date; or

''(C) vacate such housing sooner than 365 days after the date of death.

''(3) TERMINATION OF ALLOWANCE.—The payment of the allowance under paragraph (2) shall terminate 365 days after the date of death of the member concerned.

''(j) MEMBERS PAYING CHILD SUPPORT.—A member of the uniformed services covered by this section with dependents may not be paid a basic allowance for housing at the with dependents rate solely by reason of the payment of child support by the member if—

''(1) the member is assigned to a housing facility under the jurisdiction of a uniformed service; or

''(2) the member is assigned to sea duty, and elects not to occupy assigned quarters for unaccompanied personnel, unless the member is in a pay grade above pay grade E–3.

''(k) TREATMENT OF LOW-COST AND NO-COST MOVES AS NOT BEING REASSIGNMENTS.—In the case of a member of the uniformed services covered by this section who is assigned to duty at a location or under circumstances that make it necessary for the member to be reassigned under the conditions of low-cost or no-cost permanent change of station or permanent change of assignment, the member may be treated for the purposes of this section as if the member were not reassigned if the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned.

''(l) ADMINISTRATION.—This section shall be administering in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this section.

''(m) MEMBER COVERED BY THIS SECTION DEFINED.—In this section, the term 'member covered by this section', with respect to a member of the uniformed services, a member or retired member of the armed forces, or a member of a reserve component of the armed forces, as applicable, means the following:

''(1) A member who first becomes entitled to basic pay on or after January 1, 2018.

''(2) In the case of a member of a reserve component or retired member described in subsection (d), a member who is not entitled to basic allowance for housing as of December 31, 2017, and who becomes entitled to basic allowance for housing after that date pursuant to active duty described in that subsection.

''(3) A member who—

''(A) is entitled to basic allowance for housing under section 403 of this title as of December 31, 2017, within a particular housing or overseas area; and

''(B) after that date, loses uninterrupted eligibility to receive a basic allowance for housing within an area of the United States or an area outside the United States, as applicable.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 403 the following new item:

''403a. Basic allowance for housing: members first entitled after January 1, 2018; members entitled before January 1, 2018, with interruption in eligibility after that date.''.

(b) CONFORMING AMENDMENT.—Section 403 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(p) This section does not apply to members of the uniformed services who are covered by section 403a of this title. In general, such coverage begins on and after January 1, 2018. For provisions applicable to the payment of basic allowance for housing for members of the uniformed services covered by that section after that date, see section 403a of this title.''.

(c) SUBMITTAL OF PROPOSED REGULATIONS TO CONGRESS.—Not later than March 31, 2017, the Secretary of Defense shall submit to the congressional defense committees the regulations the Secretary purposes to prescribe under subsection (l) of section 403a of title 37, United States Code (as added by subsection (a)), to administer basic allowances for housing pursuant to that section.

SEC. 605. REPEAL OF OBSOLETE AUTHORITY FOR COMBAT-RELATED INJURY REHABILITATION PAY.

(a) REPEAL.—Section 328 of title 37, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 328.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 478a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers' Training Corps.

(7) Section 351(h), relating to hazardous duty pay.

(8) Section 352(g), relating to assignment pay or special duty pay.

(9) Section 353(i), relating to skill incentive pay or proficiency bonus.

(10) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 316a(g), relating to incentive pay for members of precommissioning programs pursuing foreign language proficiency.

(6) Section 324(g), relating to accession bonus for new officers in critical skills.

(7) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(8) Section 327(h), relating to incentive bonus for transfer between Armed Forces.

(9) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. CONFORMING AMENDMENT TO CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

Section 332(c)(1)(B) of title 37, United States Code, is amended by striking ''$12,000'' and inserting ''$20,000''.

Subtitle C—Travel and Transportation Allowances

SEC. 621. MAXIMUM REIMBURSEMENT AMOUNT FOR TRAVEL EXPENSES OF RESERVES TO ATTEND INACTIVE DUTY TRAINING OUTSIDE OR NORMAL COMMUTING DISTANCES.

Section 478a(c) of title 37, United States Code, is amended—

(1) by striking ''The amount'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the amount''; and

(2) by adding at the end the following new paragraph:

''(2) HIGHER REIMBURSEMENT AMOUNT AUTHORIZED.—The Secretary concerned may authorize, on a case-by-case basis, a higher reimbursement amount for a member under subsection (a) when the member—

''(A) resides—

''(i) in the same State as the inactive duty training location; and

''(ii) outside of an urbanized area with a population of 50,000 or more, as determined by the Bureau of the Census; and

''(B) is required to commute to the inactive duty training location—

''(i) using an aircraft or boat on account of limited or nonexistent vehicular routes to the training location or other geographical challenges; or

''(ii) from a permanent residence located more than 75 miles from the training location.''.

SEC. 622. PERIOD FOR RELOCATION OF SPOUSES AND DEPENDENTS OF CERTAIN MEMBERS OF THE ARMED FORCES UNDERGOING A PERMANENT CHANGE OF STATION.

(a) PERIOD OF RELOCATION.—

(1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1784a the following new section:

''§ 1784b. Relocation of spouses and dependents in connection with the permanent change of station of certain members

''(a) ELECTION OF TIMING OF RELOCATION OF SPOUSES IN CONNECTION WITH PCS.—

''(1) IN GENERAL.—Subject to paragraph (2) and subsection (c), a member of the armed forces undergoing a permanent change of station and the member's spouse may jointly elect that the spouse may relocate to the location to which the member will relocate in connection with the permanent change of station at such time during the covered relocation period as the member and spouse jointly select.

''(2) MEMBERS AND SPOUSES ELIGIBLE TO MAKE ELECTIONS.—A member and spouse may make an election pursuant to paragraph (1) as follows:

''(A) If the spouse either—

''(i) is gainfully employed at the beginning of the covered relocation period concerned; or

''(ii) is enrolled in a degree, certificate, or license granting program at the beginning of the covered relocation period.

''(B) If the member and spouse have one or more dependents at the beginning of the covered relocation period concerned, either—

''(i) at least one dependent is a child in elementary or secondary school at the beginning of the covered relocation period;

''(ii) the spouse or at least one such dependent are covered by the Exceptional Family Member Program at the beginning of the covered relocation period; or

''(iii) the member and spouse are caring at the beginning of the covered relocation period for an immediate family member with a chronic or long-term illness, as determined pursuant to the regulations applicable to the member's armed force pursuant to subsection (g).

''(C) If the member is undergoing a permanent change of station as an individual augmentee or other deployment arrangement specified in the regulations applicable to the member's armed force pursuant to subsection (h).

''(D) If the member, spouse, or both, meet such other qualification or qualifications as are specified in the regulations applicable to the member's armed force pursuant to subsection (g).

''(E) In the case of a member and spouse who do not otherwise meet any qualification in subparagraphs (A) through (D), if the commander of the member at the beginning of the covered relocation period determines that eligibility to make the election is in the interests of the member and spouse for family stability during the covered relocation period and in the interests of the armed force concerned. Any such determination shall be made on a case-by-case basis.

''(b) ELECTION OF TIMING OF RELOCATION OF CERTAIN DEPENDENTS OF UNMARRIED MEMBERS IN CONNECTION WITH PCS.—

''(1) IN GENERAL.—Subject to subsection (c), a member of the armed forces undergoing a permanent change of station who has one or more dependents described in paragraph (2) and is no longer married to the individual who is or was the parent (including parent by adoption) of such dependents at the beginning of the covered period of relocation may elect that such dependents may relocate to the location to which the member will relocate in connection with the permanent change of station at such time during the covered relocation period as elected as follows:

''(A) By the member alone if such individual is dead or has no custodial rights in such dependents at the beginning of such period.

''(B) By the member and such individual jointly in all other circumstances.

''(2) DEPENDENTS.—The dependents described in this paragraph are as follows:

''(A) Dependents over the age of 19 years for whom the member has power of attorney regarding residence.

''(B) Dependents under the age of 20 years who will reside with a caregiver according to the Family Care Plan of the member during the covered period of relocation until relocated pursuant to an election under this subsection.

''(c) LIMITATION ON NUMBER OF ELECTIONS.—The aggregate number of elections made by a member under subsections (a) and (b) may not exceed three elections.

''(d) HOUSING.—(1)(A) If the spouse of a member relocates before the member in accordance with an election pursuant to subsection (a), the member shall be assigned to quarters or other housing facilities of the United States as a bachelor, if such quarters are available, until the date of the member's permanent change of station.

''(B) The quarters or housing facilities to which a member is assigned pursuant to subparagraph (A) shall, to the extent practicable, be quarters or housing facilities that do not impose or collect a lease fee on the member for occupancy.

''(C) If quarters or housing facilities that do not impose or collect a lease fee for occupancy are not available for a particular member, the quarters or housing facilities to which the member is assigned shall be quarters or housing facilities that impose or collect the lowest reasonable lease fee for occupancy that can be obtained for the member by the Secretary concerned for purposes of this subparagraph.

''(2) If a spouse and any dependents of a member covered by an election under this section reside in housing of the United States at the beginning of the covered period of relocation, the spouse and dependents may continue to reside in such housing throughout the covered period of relocation, regardless of the date of the member's permanent change of station.

''(3) If a spouse and any dependents of a member covered by an election under this section are eligible to reside in housing of the United States following the member's permanent change of station, the spouse and dependents may commence residing in such housing at any time during the covered relocation period, regardless of the date of the member's permanent change of station.

''(e) TRANSPORTATION OF PROPERTY.—(1) Transportation allowances authorized for the transportation of the personal property of a member and spouse making an election under subsection (a) may be allocated either to the relocation of the member or the relocation of the family, as the member and spouse shall elect.

''(2) In this subsection, the terms 'transportation allowances' and 'personal property' have the meaning given such terms in section 451(b) of title 37.

''(f) APPROVAL.—(1) The Secretary of Defense shall establish a single approval process for applications for coverage under this section. The process shall apply uniformly among the armed forces.

''(2) Applications for approval for coverage under this section shall consist of such elements (including documentary evidence) as the Secretary shall prescribe for purposes of the approval process required by this subsection.

''(3) The approval process required by this subsection shall ensure that the processing of applications for coverage under this section is completed in a timely manner that permits a spouse and any dependents to relocate whenever during the covered relocation period selected in the election concerned. In meeting that requirement, the approval process shall provide for the processing of applications at the lowest level in the chain of command of members as it appropriate to ensure proper administration of this section.

''(g) REGULATIONS.—Each Secretary concerned shall prescribe regulations for the administration of this section with respect to the armed force or forces under the jurisdiction of such Secretary.

''(h) COVERED RELOCATION PERIOD DEFINED.—In this section, the term 'covered relocation period', in connection with the permanent change of station of a member, means the period that—

''(1) begins 180 days before the date of the permanent change of station; and

''(2) ends 180 days after the date of the permanent change of station.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title is amended by inserting after the item relating to section 1784a the following new item:

''1784b. Relocation of spouses and dependents in connection with the permanent change of station of certain members.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply with respect to permanent changes of station of members of the Armed Forces that occur on or after the date that is 180 days after such effective date.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on potential actions of the Department of Defense to enhance the stability of military families undergoing a permanent change of station.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A comparison of the current percentage of spouses in military families who work with the percentage of spouses in military families who worked in the recent past, and an assessment of the impact of the change in such percentage on military families.

(B) An assessment of the effects of relocation of military families undergoing a permanent change of station on the employment, education, and licensure of spouses of military families.

(C) An assessment of the effects of relocation of military families undergoing a permanent change of station on military children, including effect on their mental health.

(D) An identification of potential actions of the Department to enhance the stability of military families undergoing a permanent change of station and to generate cost savings in connection with such changes of station.

(E) Such other matters as the Comptroller General considers appropriate.

(3) ADDITIONAL ELEMENT ON FUNDING OF MILITARY FAMILY SUPPORT PROGRAMS.—In addition to the elements specified in paragraph (2), the report required by paragraph (1) shall also include a comparison of—

(A) the average annual amount spent by each Armed Force over the five-year period ending on December 31, 2015, on recruiting and retention bonuses and special pays for members of such Armed Force; with

(B) the average annual amount spent by such Armed Force over such period on programs for military families and support of military families.

Subtitle D—Disability Pay, Retired Pay, and Survivor Benefits

PART I—AMENDMENTS IN CONNECTION WITH RETIRED PAY REFORM

SEC. 631. ELECTION PERIOD FOR MEMBERS IN THE SERVICE ACADEMIES AND INACTIVE RESERVES TO PARTICIPATE IN THE MODERNIZED RETIREMENT SYSTEM.

(a) IN GENERAL.—Paragraph (4)(C) of section 1409(b) of title 10, United States Code, is amended—

(1) in clause (i), by striking ''and (iii)'' and inserting '', (iii), (iv) and (v)''; and

(2) by adding at the end the following new clauses:

''(iv) CADETS AND MIDSHIPMEN, ETC.—A member of a uniformed service who serves as a cadet, midshipman, or member of the Senior Reserve Officers' Training Corps during the election period specified in clause (i) shall make the election described in subparagraph (B)—

''(I) on or after the date on which such cadet, midshipman, or member of the Senior Reserve Officers' Training Corps is appointed as a commissioned officer or otherwise begins to receive basic pay; and

''(II) not later than 30 days after such date or the end of such election period, whichever is later.

''(v) INACTIVE RESERVES.—A member of a reserve component who is not in an active status during the election period specified in clause (i) shall make the election described in subparagraph (B)—

''(I) on or after the date on which such member is transferred from an inactive status to an active status or active duty; and

''(II) not later than 30 days after such date or the end of such election period, whichever is later.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by section 631(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 842), to which the amendments made by subsection (a) relate.

SEC. 632. EFFECT OF SEPARATION OF MEMBERS FROM THE UNIFORMED SERVICES ON PARTICIPATION IN THE THRIFT SAVINGS PLAN.

Effective as of the date of the enactment of this Act, paragraph (2) of section 632(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 847) is repealed, and the amendment proposed to be made by that paragraph shall not be made or go into effect.

SEC. 633. CONTINUATION PAY FOR MEMBERS WHO HAVE COMPLETED 8 TO 12 YEARS OF SERVICE.

(a) CONTINUATION PAY.—Section 356 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) has completed not less than 8 and not more than 12 years of service in a uniformed service; and''; and

(B) in paragraph (2), by striking ''an additional 4 years'' and inserting ''not less than 3 additional years''; and

(2) by striking subsection (d) and inserting the following new subsection (d):

''(d) TIMING OF PAYMENT.—Continuation pay may be paid to a full TSP member under subsection (a) at any time after the member completes 8 years of service in a uniformed service, but before the member completes 12 years of service, as the Secretary concerned shall elect for purposes of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading for such section is amended to read as follows:

''§ 356. Continuation pay: full TSP members with not less than 8 and more than 12 years of service''.

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 356 and inserting the following new item:

''356. Continuation pay: full TSP members with not less than 8 and more than 12 years of service.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by section 634 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 850), to which the amendments made by this section relate.

SEC. 634. COMBAT-RELATED SPECIAL COMPENSATION COORDINATING AMENDMENT.

(a) IN GENERAL.—Section 1413a(b)(3)(B) of title 10, United States Code, is amended by striking ''2½ percent'' and inserting ''the retired pay percentage (determined for the member under section 1409(b) of this title)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by part I of subtitle D of title VI of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 842), to which the amendment made by subsection (a) relates.

SEC. 635. SENSE OF CONGRESS ON ROTH CONTRIBUTIONS AS DEFAULT CONTRIBUTIONS OF MEMBERS OF THE ARMED FORCES PARTICIPATING IN THE THRIFT SAVINGS PLAN UNDER RETIRED PAY REFORM.

It is the sense of Congress that—

(1) having the contribution of a member of the Armed Forces participating in the Thrift Savings Plan (TSP) under military retired pay reform (as enacted pursuant to part I of subtitle C of title of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92)) default to Roth contributions until the member elects not to designate such contributions as Roth contributions would aid enlisted and junior commissioned members of the Armed Forces in saving for their retirement; and

(2) the Department of Defense should assess the feasibility and advisability of making the contributions of members participating in the Thrift Savings Plan under military retired pay reform default to Roth contributions until members elect otherwise.

PART II—OTHER MATTERS

SEC. 641. EXTENSION OF ALLOWANCE COVERING MONTHLY PREMIUM FOR SERVICEMEMBERS' GROUP LIFE INSURANCE WHILE IN CERTAIN OVERSEAS AREAS TO COVER MEMBERS IN ANY COMBAT ZONE OR OVERSEAS DIRECT SUPPORT AREA.

(a) EXPANSION OF COVERAGE.—Subsection (a) of section 437 of title 37, United States Code, is amended—

(1) by inserting ''(1)'' before ''In the case of'';

(2) by striking ''who serves in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom'' and inserting ''who serves in a designated duty assignment''; and

(3) by adding at the end the following new paragraph:

''(2) In this subsection, the term 'designated duty assignment' means a permanent or temporary duty assignment outside the United States or its possessions in support of a contingency operation in an area that—

''(A) has been designated a combat zone; or

''(B) is in direct support of an area that has been designated a combat zone.''.

(b) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE.—Subsection (b) of such section is amended by striking ''theater of operations'' and inserting ''designated duty assignment''.

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 437. Allowance to cover monthly premiums for Servicemembers' Group Life Insurance: members serving in a designated duty assignment''.

(3) TABLE OF SECTIONS.—The item relating to section 437 in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

''437. Allowance to cover monthly premium for Servicemembers' Group Life Insurance: members serving in a designated duty assignment.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to service by members of the Armed Forces in a designated duty assignment (as defined in subsection (a)(2) of section 437 of title 37, United States Code) for any month beginning on or after the date of the enactment of this Act.

SEC. 642. USE OF MEMBER'S CURRENT PAY GRADE AND YEARS OF SERVICE, RATHER THAN FINAL RETIREMENT PAY GRADE AND YEARS OF SERVICE, IN A DIVISION OF PROPERTY INVOLVING DISPOSABLE RETIRED PAY.

(a) IN GENERAL.—Section 1408(a)(4) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (A), (B), (C), (D) as clauses (i), (ii), (iii), (iv), respectively;

(2) by inserting ''(A)'' after ''(4)'';

(3) in subparagraph (A), as designated by paragraph (2), by inserting ''(as determined pursuant to subparagraph (B)'' after ''member is entitled''; and

(4) by adding at the end the following new subparagraph: the following:

''(B) In calculating the total monthly retired pay to which a member is entitled for purposes of subparagraph (A), the following shall be used:

''(i) The member's pay grade and years of service at the time of the court order.

''(ii) The amount of pay that is payable at the time of the member's retirement to a member in the member's pay grade and years of service as fixed pursuant to clause (i).''.

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to any division of property as part of a final decree of divorce, dissolution, annulment, or legal separation involving a member of the Armed Forces to which section 1408 of title 10, United States Code, applies that becomes final after the date of the enactment of this Act.

SEC. 643. PERMANENT EXTENSION OF PAYMENT OF SPECIAL SURVIVOR INDEMNITY ALLOWANCES UNDER THE SURVIVOR BENEFIT PLAN.

Section 1450(m) of title 10, United States Code, is amended—

(1) in paragraph (2)(I), by striking ''during fiscal year 2017'' and inserting ''after fiscal year 2016''; and

(2) by striking paragraph (6).

SEC. 644. AUTHORITY TO DEDUCT SURVIVOR BENEFIT PLAN PREMIUMS FROM COMBAT-RELATED SPECIAL COMPENSATION WHEN RETIRED PAY NOT SUFFICIENT.

(a) AUTHORITY.—Subsection (d) of section 1452 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) DEDUCTION FROM COMBAT-RELATED SPECIAL COMPENSATION WHEN RETIRED PAY NOT ADEQUATE.—In the case of a person who has elected to participate in the Plan and who has been awarded both retired pay and combat-related special compensation under section 1413a of this title, if a deduction from the person's retired pay for any period cannot be made in the full amount required, there shall be deducted from the person's combat-related special compensation in lieu of deduction from the person's retired pay the amount that would otherwise have been deducted from the person's retired pay for that period.''.

(b) CONFORMING AMENDMENTS TO SECTION 1452.—

(1) Subsection (d) of such section is further amended—

(A) in the subsection heading, by inserting ''OR NOT SUFFICIENT'' after ''NOT PAID'';

(B) in paragraph (1), by inserting before the period at the end the following: '', except to the extent that the required deduction is made pursuant to paragraph (2)''; and

(C) in paragraph (3), as redesignated by subsection (a)(1), by striking ''Paragraph (1) does not'' and inserting ''Paragraphs (1) and (2) do not''.

(2) Subsection (f)(1) of such section is amended by inserting ''or combat-related special compensation'' after ''from retired pay''.

(3) Subsection (g)(4) of such section is amended—

(A) in the paragraph heading, by inserting ''OR CRSC'' after ''RETIRED PAY''; and

(B) by inserting ''or combat-related special compensation'' after ''from the retired pay''.

(c) CONFORMING AMENDMENTS TO OTHER PROVISIONS OF SBP STATUTE.—

(1) Section 1449(b)(2) of such title is amended—

(A) in the paragraph heading, by inserting ''OR CRSC'' after ''RETIRED PAY''; and

(B) by inserting ''or combat-related special compensation'' after ''from retired pay''.

(2) Section 1450(e) of such title is amended—

(A) in the subsection heading, by inserting ''OR CRSC'' after ''RETIRED PAY''; and

(B) in paragraph (1), by inserting ''or combat-related special compensation'' after ''from the retired pay''.

SEC. 645. SENSE OF CONGRESS ON OPTIONS FOR MEMBERS OF THE ARMED FORCES TO DESIGNATE PAYMENT OF THE DEATH GRATUITY TO A TRUST FOR A SPECIAL NEEDS INDIVIDUAL.

It is the sense of Congress that the Department of Defense should explore options to allow members of the Armed Forces to designate that, upon their death, the death gratuity payable with respect to members of the Armed Forces upon death may be paid to a trust that is legally established under any Federal, State, or territorial law in order to provide greater financial and estate planning capability for members seeking to provide for those who require the protections of a trust, such as minor children or incapacitated adults, or those with special needs.

SEC. 646. INDEPENDENT ASSESSMENT OF THE SURVIVOR BENEFIT PLAN.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall provide for an independent assessment of the Survivor Benefit Plan (SBP) under subchapter II of chapter 73 of title 10, United States Code, by a Federally-funded research and development center (FFRDC).

(b) ASSESSMENT ELEMENTS.—The assessment conducted pursuant to subsection (a) shall include, but not be limited to, the following:

(1) The purposes of the Survivor Benefit Plan, the manner in which the Plan interacts with other Federal programs to provide financial stability and resources for survivors of members of the Armed Forces and military retirees, and a comparison between the benefits available under the Plan, on the one hand, and benefits available to Government and private sector employees, on the other hand, intended to provide financial stability and resources for spouses and other dependents when a primary family earner dies.

(2) The effectiveness of the Survivor Benefit Plan in providing survivors with intended benefits, including the provision of survivor benefits for survivors of members of the Armed Forces dying on active duty and members dying while in reserve active-status.

(3) The feasibility and advisability of providing survivor benefits through alternative insurance products available commercially for similar purposes, the extent to which the Government could subsidize such products at no cost in excess of the costs of the Survivor Benefit Plan, and the extent to which such products might meet the needs of survivors, especially those on fixed incomes, to maintain financial stability.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the results of the assessment conducted pursuant to subsection (a), together with such recommendations as the Secretary considers appropriate for legislative or administration action in light of the results of the assessment.

Subtitle E—Commissary and Non-Appropriated Fund Instrumentality Benefits and Operations

SEC. 661. PROTECTION AND ENHANCEMENT OF ACCESS TO AND SAVINGS AT COMMISSARIES AND EXCHANGES.

(a) OPTIMIZATION STRATEGY.—Section 2481(c) of title 10, United States Code, is amended by adding at the end the following paragraph:

''(3)(A) The Secretary of Defense shall develop and implement a comprehensive strategy to optimize management practices across the defense commissary system and the exchange system that reduce reliance of those systems on appropriated funding without reducing benefits to the patrons of those systems or the revenue generated by nonappropriated fund entities or instrumentalities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

''(B) The Secretary shall ensure that savings generated due to such optimization practices are shared by the defense commissary system and the exchange system through contracts or agreements that appropriately reflect the participation of the systems in the development and implementation of such practices.''.

(b) AUTHORITY TO SUPPLEMENT APPROPRIATIONS THROUGH BUSINESS OPTIMIZATION.—Section 2483(c) of such title is amended by adding at the end the following new sentence: ''Such appropriated amounts may also be supplemented with additional funds derived from improved management practices implemented pursuant to sections 2481(c)(3) and 2487(c) of this title and the alternative pricing program implemented pursuant to section 2484(i) of this title.''.

(c) ALTERNATIVE PRICING PROGRAM.—Section 2484 of such title is amended by adding at the end the following new subsections:

''(i) ALTERNATIVE PRICING PROGRAM.—(1) The Secretary of Defense may establish and carry out, in accordance with the requirements of this subsection, an alternative pricing program pursuant to which prices may be established in response to market conditions and customer demand. Prices under the alternative pricing program shall reflect the uniform sales price surcharge applicable under subsection (d).

''(2) Before establishing an alternative pricing program under this subsection, the Secretary shall establish the following:

''(A) Specific, measurable benchmarks for success in the provision of high quality grocery merchandise, discount savings to patrons, and levels of customer satisfaction while achieving savings for the Department of Defense.

''(B) A baseline of overall savings to patrons achieved by commissary stores before the initiation of the alternative pricing program, based on a comparison of prices charged by those stores on a regional basis with prices charged by relevant local competitors for a representative market basket of goods. In determining the savings baseline, the Secretary shall take into account the effect of the surcharges added under the pricing program by reason of subsection (d).

''(3) The Secretary shall ensure that the defense commissary system implements the alternative pricing program by conducting price comparisons using the methodology established for paragraph (2)(B) and adjusting pricing as necessary to ensure that pricing in the alternative pricing program achieves overall savings to patrons that are reasonably consistent with the baseline savings established for the relevant region pursuant to such paragraph.

''(j) CONVERSION TO NONAPPROPRIATED FUND ENTITY OR INSTRUMENTALITY.—(1) If the Secretary of Defense determines that the alternative pricing program under subsection (i) has met the benchmarks for success established pursuant to subsection (i)(2)(A) and the savings requirements established pursuant to subsection (i)(3) over a period of at least six months, the Secretary may convert the defense commissary system to a nonappropriated fund entity or instrumentality, with operating expenses financed in whole or in part by receipts from the sale of products and the sale of services. Upon such conversion, appropriated funds shall be transferred to the defense commissary system only in accordance with paragraph (2) or section 2491 of this title. The requirements of section 2483 of this title shall not apply to the defense commissary system operating as a nonappropriated fund entity or instrumentality.

''(2) If the Secretary determines that the defense commissary system operating as a nonappropriated fund entity or instrumentality is not likely, in any fiscal year, to afford the level of patron savings required in subsection (i)(3), the Secretary may authorize a transfer of appropriated funds available for such purpose to the commissary system in an amount sufficient to offset the anticipated loss. Any funds so transferred shall be considered to be nonappropriated funds for such purpose.

''(3) The Secretary may identify positions of employees in the defense commissary system who are paid with appropriated funds whose status may be converted to the status of an employee of a nonappropriated fund entity or instrumentality. The status and conversion of such employees shall be addressed as provided in section 2491(c) of this title for employees in morale, welfare, and recreation programs. No individual who is an employee of the defense commissary system as of the date of the enactment of this subsection shall suffer any loss of or decrease in pay as a result of the conversion.''.

(d) ESTABLISHMENT OF COMMON BUSINESS PRACTICES.—Section 2487 of such title is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) COMMON BUSINESS PRACTICES.—(1) Notwithstanding subsections (a) and (b), the Secretary of Defense may establish common business processes, practices, and systems—

''(A) to exploit synergies between the operations of the defense commissary system and the exchange system; and

''(B) to optimize the operations of the defense retail systems as a whole and the benefits provided by the commissaries and exchanges.

''(2) The Secretary may authorize the defense commissary system and the exchange system to enter into contracts or other agreements for the following:

''(A) Products and services that are shared by the defense commissary system and the exchange system.

''(B) The acquisition of supplies, resale goods, and services on behalf of both the defense commissary system and the exchange system.

''(3) For the purpose of a contract or agreement authorized under paragraph (2), the Secretary may—

''(A) use funds appropriated pursuant to section 2483 of this title to reimburse a nonappropriated fund entity or instrumentality for the portion of the cost of a contract or agreement entered by the nonappropriated fund entity or instrumentality that is attributable to the defense commissary system; and

''(B) authorize the defense commissary system to accept reimbursement from a nonappropriated fund entity or instrumentality for the portion of the cost of a contract or agreement entered by the defense commissary system that is attributable to the nonappropriated fund entity or instrumentality.''.

(e) CLARIFICATION OF REFERENCES TO ''THE EXCHANGE SYSTEM''.—Section 2481(a) of such title is amended by adding at the end the following new sentence: ''Any reference in this chapter to 'the exchange system' shall be treated as referring to each separate administrative entity within the Department of Defense through which the Secretary has implemented the requirement under this subsection for a world-wide system of exchange stores.''.

(f) OPERATION OF DEFENSE COMMISSARY SYSTEM AS A NONAPPROPRIATED FUND ENTITY.—In the event that the defense commissary system is converted to a nonappropriated fund entity or instrumentality as authorized by section 2484(j)(1) of title 10, United States Code, as added by subsection (c) of this section, the Secretary of Defense may—

(1) provide for the transfer of commissary assets, including inventory and available funds, to the nonappropriated fund entity or instrumentality; and

(2) ensure that revenues accruing to the defense commissary system are appropriately credited to the nonappropriated fund entity or instrumentality.

(g) CONFORMING AMENDMENT.—Section 2643(b) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Such appropriated funds may be supplemented with additional funds derived from improved management practices implemented pursuant to sections 2481(c)(3) and 2487(c) of this title.''.

Subtitle F—Other Matters

SEC. 671. COMPLIANCE WITH DOMESTIC SOURCE REQUIREMENTS FOR FOOTWEAR FURNISHED TO ENLISTED MEMBERS OF THE ARMED FORCES UPON THEIR INITIAL ENTRY INTO THE ARMED FORCES.

Section 418 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) In the case of athletic footwear needed by members of the Army, Navy, Air Force, or Marine Corps upon their initial entry into the armed forces, the Secretary of Defense shall furnish such footwear directly to the members instead of providing a cash allowance to the members for the purchase of such footwear.

''(2) In procuring athletic footwear to comply with paragraph (1), the Secretary of Defense shall comply with the requirements of section 2533a of title 10, without regard to the applicability of any simplified acquisition threshold under chapter 137 of title 10 (or any other provision of law).

''(3) This subsection does not prohibit the provision of a cash allowance to a member described in paragraph (1) for the purchase of athletic footwear if such footwear—

''(A) is medically required to meet unique physiological needs of the member; and

''(B) cannot be met with athletic footwear that complies with the requirements of this subsection.''.

SEC. 672. AUTHORITY FOR PAYMENT OF PAY AND ALLOWANCES AND RETIRED AND RETAINER PAY PURSUANT TO POWER OF ATTORNEY.

Section 602 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking '', in the opinion of a board of medical officers or physicians,''; and

(B) by striking ''use or benefit'' and all that follows through ''any person designated'' and inserting the following: ''use or benefit to—

''(1) a legal committee, guardian, or other representative that has been appointed by a court of competent jurisdiction;

''(2) an individual to whom the member has granted authority to manage such funds pursuant to a valid and legally executed durable power of attorney; or

''(3) any person designated'';

(2) in subsection (b)—

(A) by striking ''The board shall consist'' and inserting ''An individual may not be designated under subsection (a)(3) to receive payments unless a board consisting''; and

(B) by inserting ''determines that the member is mentally incapable of managing the member's affairs. Any such board shall be'' after ''treatment of mental disorders,'';

(3) in subsection (c), by striking ''designated'' and inserting ''authorized to receive payments'';

(4) is subsection (d), by inserting '', unless a court of competent jurisdiction orders payment of such fee, commission, or other charge'' before the period;

(5) by striking subsection (e);

(6) by redesignating subsection (f) as subsection (e); and

(7) in subsection (e), as redesignated by paragraph (6)—

(A) by inserting ''under subsection (a)(3)'' after ''who is designated''; and

(B) by striking ''$1,000'' and inserting ''$25,000''.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. REFORM OF HEALTH CARE PLANS AVAILABLE UNDER THE TRICARE PROGRAM.

(a) REFORM OF HEALTH CARE PLANS.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074n the following new section:

''§ 1075. TRICARE program: health care plans

''(a) HEALTH CARE PLANS.—This section establishes the following health care plans under which covered beneficiaries may enroll under the TRICARE program:

''(1) TRICARE Prime (the managed care option).

''(2) TRICARE Choice (the self-managed option).

''(3) TRICARE Supplemental.

''(b) BENEFICIARY CATEGORIES.—In this section, the beneficiary categories for purposes of eligibility to enroll in a health care plan under subsection (a) and cost sharing requirements applicable to those health care plans are as follows:

''(1) ACTIVE-DUTY FAMILY MEMBERS.—The category of 'active-duty family members' consists of the following beneficiaries:

''(A) Beneficiaries covered by section 1079 of this title.

''(B) Beneficiaries covered by section 1086(c)(1) of this title by reason of being a retired member under chapter 61 of this title or a dependent of such a retired member.

''(C) Beneficiaries covered by section 1086(c)(2) of this title.

''(2) RETIRED MEMBERS.—The category of 'retired members' consists of beneficiaries covered by section 1086(c) of this title who are not—

''(A) beneficiaries described in subparagraph (B) or (C) of paragraph (1); or

''(B) beneficiaries described in section 1086(d)(2) of this title.

''(c) TRICARE PRIME.—

''(1) IN GENERAL.—The Secretary of Defense shall establish the TRICARE Prime health care plan in areas described in paragraph (6).

''(2) BENEFITS.—TRICARE Prime is a managed care option that provides medical services to beneficiaries enrolled in such option at reduced cost-sharing amounts for beneficiaries whose care is managed by a designated primary care manager and provided by a network provider.

''(3) ELIGIBILITY.—

''(A) ACTIVE-DUTY FAMILY MEMBERS.—Except as provided in subparagraph (C), a beneficiary in the active-duty family members category is eligible to enroll in TRICARE Prime under this subsection.

''(B) RETIRED MEMBERS.—Except as provided in subparagraph (C), a beneficiary in the retired members category is eligible to enroll in TRICARE Prime under this subsection in locations in which a facility of the uniformed services has, in the judgment of the Secretary, a significant number of health care providers, including specialty care providers, and sufficient capability to support the efficient operation of TRICARE Prime for projected enrollees in that location.

''(C) EXCLUSION.—A beneficiary covered by section 1076d, 1076e, 1078a, or 1086(d)(2) of this title is not eligible to enroll in TRICARE Prime under this subsection.

''(4) REFERRAL REQUIRED.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a beneficiary enrolled in TRICARE Prime shall be required to obtain a referral for care through a designated primary care manager (or other care coordinator) prior to obtaining care under the TRICARE program.

''(B) EXCUSED REFERRAL.—The Secretary may excuse the requirement that a beneficiary obtain a referral under subparagraph (A) in such circumstances as the Secretary may establish for purposes of this section.

''(C) SPECIALTY CARE.—Beneficiaries enrolled in TRICARE Prime shall not be required to obtain a pre-authorization for a referral for specialty care services.

''(D) COST-SHARING.—Notwithstanding subsections (f) and (g), the cost-sharing requirement for a beneficiary enrolled in TRICARE Prime who does not obtain a referral for care as required under subparagraph (A) and is not excused from obtaining such a referral under subparagraph (B) shall be an amount equal to 50 percent of the allowed point-of-service charge for such care.

''(5) ACCESS TO HEALTH CARE.—

''(A) IN GENERAL.—The Secretary shall ensure that beneficiaries enrolled in TRICARE Prime have access to primary care and specialty care services from facilities of the uniformed services or network providers in the applicable area within specific timeliness standards that meet or exceed those of high-performing health care systems in the United States, as determined by the Secretary.

''(B) URGENT CARE SERVICES.—

''(i) IN GENERAL.—In implementing subparagraph (A), the Secretary shall make special provisions for appropriate access of beneficiaries to urgent care services.

''(ii) PRE-AUTHORIZATION.—Beneficiaries enrolled in TRICARE Prime shall not be subject to a pre-authorization requirement for urgent care services.

''(6) AREAS DESCRIBED.—Areas described in this paragraph are areas in which a facility of the uniformed services is located (other than a facility limited to members of the armed forces) that have been designated by the Secretary for purposes of this subsection.

''(d) TRICARE CHOICE.—

''(1) IN GENERAL.—The Secretary of Defense shall establish, without limitation to certain areas, the TRICARE Choice health care plan.

''(2) BENEFITS.—TRICARE Choice is a self-managed option under which beneficiaries enrolled in such option may receive care from any health care provider selected by the beneficiary, subject to such restrictions as the Secretary may establish for purposes of this subsection.

''(3) ELIGIBILITY.—A beneficiary in the active-duty family members category or the retired members category is eligible to enroll in TRICARE Choice under this subsection.

''(e) TRICARE SUPPLEMENTAL.—

''(1) IN GENERAL.—The Secretary of Defense shall establish the TRICARE Supplemental health care plan.

''(2) BENEFITS.—Under TRICARE Supplemental, the Secretary shall pay on behalf of a beneficiary the deductible and copayment amounts under a primary health care plan under which the beneficiary is covered, not to exceed the amount the Secretary would have paid as a primary payer to an out-of-network provider under this section.

''(3) ELIGIBILITY.—A beneficiary in the retired members category is eligible to enroll in TRICARE Supplemental under this subsection.

''(4) ENROLLMENT FEE.—A beneficiary who enrolls in TRICARE Supplemental shall pay an enrollment fee of ½ of the enrollment fee applicable to a beneficiary in the retired members category who enrolls in TRICARE Choice.

''(5) REGULATIONS.—The regulations prescribed by the Secretary under subsection (i) may include such other limitations and provisions for TRICARE Supplemental as the Secretary determines appropriate.

''(f) COST-SHARING AMOUNTS.—

''(1) IN GENERAL.—During calendar year 2018, beneficiaries enrolled in TRICARE Prime and TRICARE Choice under this section shall be subject to cost-sharing requirements, including an enrollment fee, a deductible amount, and copayments, in accordance with the amounts and percentages set forth in the following table:

	"ADFM Category	**ADFM Category**	**Retired Category**	**Retired Category**
	TRICARE Prime	**TRICARE Choice**	**TRICARE Prime**	**TRICARE Choice**
Enrollment Fees, Deductible, and Catastrophic Caps				
Annual Enrollment Fee	$0	$0	$350 Individual $700 Family	$150 Individual $300 Family

	"ADFM Category	ADFM Category	Retired Category	Retired Category
	TRICARE Prime	TRICARE Choice	TRICARE Prime	TRICARE Choice
Annual Deductible ..	$0	E4 and below (E4≤) ..... $100 Individual ..... $200 Family ..... _____ E5 and above (E5≥) $300 Individual $600 Family.	$0	$300 Individual $600 Family
Annual Catastrophic Cap	$1,500	$1,500	$4,000	$4,000
		Copayments (by Service Type)		
Outpatient MTF Visit	$0	$0	$0	$0
Outpatient Private Sector Visit	$0	$15 primary network without deductible. $25 specialty network without deductible. _____ 20% out of network after deductible.	$20 primary $30 specialty	$25 primary network without deductible $35 specialty network without deductible _____ 25% out of network after deductible
ER Visit MTF	$0	$0	$0	$0
ER Visit Private Sector	$0	$50 network without deductible. _____ 20% out of network after deductible.	$75 network	$100 network without deductible _____ 25% out of network after deductible
Urgent Care MTF	$0	$0	$0	$0
Urgent Care Private Sector	$0	$0 network without deductible. _____ 20% out of network after deductible.	$30 network	$40 network without deductible _____ 25% out of network after deductible
Ambulatory Surgery MTF	$0	$0	$0	$0
Ambulatory Surgery Private Sector	$0	$50 network without deductible. _____ 20% out of network after deductible.	$100	$125 network without deductible _____ 25% out of network after deductible
Ambulance Service MTF	$0	$0	$0	$0
Ambulance Service Private Sector	$0	$15	$50	$75
Durable Medical Equipment MTF	$0	$0	$0	$0

	"ADFM Category	ADFM Category	Retired Category	Retired Category
	TRICARE Prime	TRICARE Choice	TRICARE Prime	TRICARE Choice
Durable Medical Equipment Private Sector	$0	10%	20%	20%
Hospitalization tion MTF	$0	$0	$0	$0
Hospitalization Private Sector	$0	$80 per admission - network without deductible. 20% out of network after deductible.	$200 per Admission	$250 per admission - network without deductible 25% out of network after deductible
Inpatient Skilled Nursing/ Rehabilitation - MTF/ Network	$0	$25 per day - network without deductible. $35 per day out of network without deductible.	$25 per day	$25 per day - network without deductible $250 per day or 20% of billed charges (whichever is less) out of network without deductible

''(2) ADJUSTMENTS TO AMOUNTS.—

''(A) ANNUAL ENROLLMENT FEES.—

''(i) CONSUMER PRICE INDEX.—

''(I) IN GENERAL.—With respect to enrollment in TRICARE Choice for beneficiaries in the retired members category, for each calendar year after calendar year 2023, and with respect to all other beneficiaries, for each calendar year after calendar year 2018, each dollar amount for an annual enrollment fee in the table set forth in paragraph (1) shall be increased by the annual percentage increase of the Consumer Price Index for Health Care Services published by the Bureau of Labor Statistics for such calendar year rounded to the next lower multiple of $1.

''(II) ADDITION OF ROUNDED AMOUNT.—An amount equal to the amount rounded down under subclause (I) for an annual enrollment fee shall be accumulated with such amounts for subsequent years and added to the amount of the increase under such subclause when the aggregate accumulated amount under this subclause (and not yet so added) for such fee equals $1 or more.

''(ii) TRICARE CHOICE FOR RETIRED MEMBERS.—With respect to enrollment in TRICARE Choice for beneficiaries in the retired members category, the annual enrollment fee for calendar years 2019 through 2023 shall be—

''(I) for calendar year 2019—

''(aa) for enrollment as an individual, $210; and

''(bb) for enrollment as a family, $420;

''(II) for calendar year 2020—

''(aa) for enrollment as an individual, $270; and

''(bb) for enrollment as a family, $540;

''(III) for calendar year 2021—

''(aa) for enrollment as an individual, $330; and

''(bb) for enrollment as a family, $660;

''(IV) for calendar year 2022—

''(aa) for enrollment as an individual, $390; and

''(bb) for enrollment as a family, $780; and

''(V) for calendar year 2023—

''(aa) for enrollment as an individual, $450; and

''(bb) for enrollment as a family, $900.

''(B) OTHER AMOUNTS.—

''(i) IN GENERAL.—For each calendar year after calendar year 2018, each dollar amount (other than a dollar amount for an annual enrollment fee) expressed as a fixed dollar amount in the table set forth in paragraph (1) shall be increased by an amount equal to the percentage by which retired pay is increased under section 1401a(b)(2) of this title for such calendar year rounded to the next lower multiple of $1.

''(ii) ADDITION OF ROUNDED AMOUNT.—An amount equal to the amount rounded down under clause (i) for a fixed dollar amount specified in the table set forth in paragraph (1) shall be accumulated with such rounded amounts for subsequent years and added to the amount indexed under such clause when the aggregate accumulated amount under this subclause (and not yet so added) for such fixed dollar amount equals $1 or more.

''(3) SPECIAL COVERAGE AND REIMBURSEMENT.—

''(A) IN GENERAL.—In the case of services and products furnished under a health care plan under this section, the Secretary may, under regulations prescribed by the Secretary, adopt special coverage and reimbursement methods, amounts, and procedures to encourage the use of high-value services and products and discourage the use of low-value services and products, as determined by the Secretary.

''(B) AFFECT ON COST-SHARING REQUIREMENTS.—The special coverage and reimbursement methods, amounts, and procedures adopted under subparagraph (A) may include a reduction, waiver, or increase, as the case may be, of cost-sharing requirements set forth in paragraph (1) (as modified under paragraph (2)).

''(4) DEDUCTIBLE AMOUNT.—The deductible amount specified in the table set forth in paragraph (1) (as modified under paragraph (2)) is the initial cost incurred by an individual or family enrolled in a health care plan under this section during a calendar year for services furnished by an out-of-network provider before costs may be paid under the plan.

''(5) CATASTROPHIC CAP.—The catastrophic cap specified in the table set forth in paragraph (1) (as modified under paragraph (2)) is the annual limit on the amount of cost-sharing that an individual or family enrolled in a health care plan under this section may be required to pay under such plan. Enrollment fees and point-of-service charges do not count against the catastrophic cap.

''(6) CALENDAR YEAR ENROLLMENT PERIOD.—Enrollment fees, deductible amounts, and catastrophic caps specified in the table set forth in paragraph (1) (as modified under paragraph (2)) are on a calendar-year basis.

''(7) DEFINITIONS.—For purposes of the table set forth in paragraph (1) (as modified under paragraph (2)):

''(A) ADFM CATEGORY.—The term 'ADFM Category' means the active-duty family members category.

''(B) MTF.—The term 'MTF', with respect to care or services, means care or services provided at a military treatment facility.

''(C) PRIVATE SECTOR.—The term 'private sector', with respect to care or services, means care or services provided in the private sector.

''(D) NETWORK.—The term 'network', with respect to care or services, means care or services provided by a network provider.

''(E) OUT OF NETWORK.—The term 'out of network', with respect to care or services, means care or services provided by an out-of-network provider.

''(g) SPECIAL RULES REGARDING COST SHARING.—

''(1) BENEFICIARIES.—

''(A) TRICARE-FOR-LIFE BENEFICIARIES.—A Medicare-eligible beneficiary enrolled in a health care plan under this section is not responsible for cost sharing for care covered by section 1086(d)(3) of this title, except that the catastrophic cap specified in the table set forth in subsection (f)(1) (as modified under subsection (f)(2)) applies to such care.

''(B) REMOTE AREA DEPENDENTS.—

''(i) COST SHARING.—A remote area dependent (as described in section 1079(o) of this title) enrolled in TRICARE Choice is subject to the cost-sharing requirements for beneficiaries under TRICARE Prime.

''(ii) REFERRAL.—The referral requirements for a beneficiary enrolled in TRICARE Prime shall not apply to a remote area dependent described in clause (i).

''(2) BENEFITS AND PROGRAMS.—

''(A) EXTENDED BENEFITS.—Cost sharing under this section does not apply to extended benefits under subsections (d) and (e) of section 1079 of this title.

''(B) PHARMACY BENEFITS PROGRAM.—

''(i) COPAYMENTS.—Copayments for the receipt of pharmaceutical agents under a health care plan under this section shall be the copayments set forth in section 1074g(6) of this title.

''(ii) OTHER COST SHARING.—The enrollment fee, deductible, and catastrophic cap under this section shall apply to pharmaceutical agents furnished under a health care plan under this section.

''(iii) PHARMACEUTICAL AGENT DEFINED.—In this subparagraph, the term 'pharmaceutical agent' has the meaning given that term in section 1074g(2) of this title.

''(C) OTHER PROGRAMS.—If a beneficiary is enrolled in a program under this chapter for which an annual premium applies, including a premium under Medicare part B for care covered under section 1086(d)(3) of this title, the beneficiary is not required to pay an enrollment fee to enroll in a health care plan under this section.

''(h) OPEN ENROLLMENT PERIOD.—The Secretary of Defense shall establish—

''(1) an annual open enrollment period for beneficiaries to enroll or modify enrollment in a health care plan under this section; and

''(2) other appropriate circumstances under which beneficiaries may enroll or modify enrollment in such a plan outside of that period.

''(i) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to carry out this section.

''(j) DEFINITIONS.—In this section:

''(1) NETWORK PROVIDER.—The term 'network provider' means an individual or institutional health care provider that—

''(A) has met the requirements established by the Secretary to become a preferred provider under this section; and

''(B) improves the experience of care, meets established quality of care and effectiveness metrics, and reduces the per capita costs of health care.

''(2) OUT-OF-NETWORK PROVIDER.—The term 'out-of-network provider' means an individual or institutional health care provider, other than a network provider, that has met the requirements established by the Secretary to be an authorized provider under this section.''.

(2) CONFORMING AMENDMENTS.—Such title is amended—

(A) in section 1072, by amending paragraph (7) to read as follows:

''(7) The term 'TRICARE program' means the various programs carried out by the Secretary of Defense under this chapter and any other provision of law providing for the furnishing of medical and dental care and health benefits to members and former members of the uniformed services and their dependents, including care furnished under the following health care plans:

''(A) TRICARE Prime under section 1075 of this title (a managed care option).

''(B) TRICARE Choice under such section 1075 (a self-managed option).

''(C) TRICARE Supplemental under such section 1075.

''(D) TRICARE-for-Life under section 1086(d) of this title.'';

(B) in section 1079—

(i) by amending subsection (b) to read as follows:

''(b) Plans covered by subsection (a) shall include provisions for the payment by the patient of cost-sharing amounts as specified in section 1075 of this title.'';

(ii) by striking subsection (c); and

(iii) in subsection (g)—

(I) in paragraph (1), by striking ''(1) When'' and inserting ''When''; and

(II) by striking paragraphs (2) through (5);

(C) in section 1086, by amending subsection (b) to read as follows:

''(b) For persons covered by this section, plans contracted for under section 1079(a) of this title shall include provisions for the payment by the patient of cost-sharing amounts as specified in section 1075 of this title.'';

(D) in section 1097, by amending subsection (e) to read as follows:

''(e) CHARGES FOR HEALTH CARE.—The charges for health care provided under this section shall consist of cost-sharing amounts as specified in section 1075 of this title.''; and

(E) by striking section 1097a.

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of such title is amended—

(A) by inserting after the item relating to section 1074n the following new item:

''1075. TRICARE program: health care plans.''; and

(B) by striking the item relating to section 1097a.

(b) REFORM OF HEALTH CARE ENROLLMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 1099 of title 10, United States Code, is amended to read as follows:

''(c) HEALTH CARE PLANS AVAILABLE UNDER SYSTEM.—Covered beneficiaries that seek to receive health care services under this chapter shall enroll in one of the following health care plans and pay an enrollment fee, if any, applicable to such health care plan:

''(1) TRICARE Prime under section 1075 of this title.

''(2) TRICARE Choice under such section 1075.

''(3) TRICARE Supplemental under such section 1075.

''(4) TRICARE-for-Life under section 1086(d) of this title.''.

(2) CONFORMING AMENDMENT.—Subsection (b)(1) of such section is amended by striking ''eligible health care plans designated by the Secretary of Defense'' and inserting ''among health care plans specified in subsection (c)''.

(c) CHANGES TO CLASSIFICATION OF CERTAIN HEALTH CARE PLANS.—

(1) TRICARE RESERVE SELECT.—Section 1076d of title 10, United States Code, is amended—

(A) in the section heading, by striking ''**TRICARE Standard**'' and inserting ''**TRICARE Reserve Select**''; and

(B) by striking ''TRICARE Standard'' each place it appears and inserting ''TRICARE Reserve Select''.

(2) TRICARE RETIRED RESERVE.—Section 1076e of such title is amended—

(A) in the section heading, by striking ''**TRICARE Standard**'' and inserting ''**TRICARE Retired Reserve**'';

(B) by striking ''TRICARE Standard'' each place it appears, other than subsections (b) and (c), and inserting ''TRICARE Retired Reserve'';

(C) in subsection (b)—

(i) in the subsection heading, by striking ''TRICARE STANDARD''; and

(ii) by striking ''TRICARE Standard'' the second place it appears; and

(D) in subsection (c), by striking ''TRICARE Standard'' the fourth place it appears.

(3) CHAMPUS.—Section 1079a of such title is amended—

(A) in the section heading, by striking ''**CHAMPUS**'' and inserting ''**TRICARE program**'';

(B) by inserting ''(including interagency transfers of funds or obligational authority and similar transactions)'' after ''amounts collected''; and

(C) by striking ''the Civilian Health and Medical Program of the Uniformed Services'' and inserting ''the TRICARE program''.

(4) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of such title is amended—

(A) by striking the item relating to section 1076d and inserting the following new item:

''1076d. TRICARE program: TRICARE Reserve Select coverage for members of the Selected Reserve.'';

(B) by striking the item relating to section 1076e and inserting the following new item:

''1076e. TRICARE program: TRICARE Retired Reserve coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.''; and

(C) by striking the item relating to section 1079a and inserting the following new item:

''1079a. TRICARE Program: treatment of refunds and other amounts collected.''.

(d) TRANSITION RULES.—

(1) IN GENERAL.—With respect to cost-sharing requirements for covered beneficiaries under section 1079, 1086, or 1097 of title 10, United States Code, during the period beginning on October 1, 2017, and ending on December 31, 2017—

(A) any enrollment fee shall be one-fourth of the amount in effect during fiscal year 2017;

(B) any deductible amount applicable during fiscal year 2017 shall apply for the 15-month period beginning on October 1, 2016, and ending on December 31, 2017.

(C) any catastrophic cap applicable during fiscal year 2017 shall apply for the 15-month period beginning on October 1, 2016, and ending on December 31, 2017.

(2) COVERED BENEFICIARIES DEFINED.—In this subsection, the term ''covered beneficiaries'' has the meaning given that term in section 1072 of such title.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on January 1, 2018.

(2) TRANSITION RULES.—Subsection (d) shall take effect on October 1, 2017.

SEC. 702. MODIFICATIONS OF COST-SHARING REQUIREMENTS FOR THE TRICARE PHARMACY BENEFITS PROGRAM AND TREATMENT OF CERTAIN PHARMACEUTICAL AGENTS.

(a) IN GENERAL.—Paragraph (6) of section 1074g(a) of title 10, United States Code, is amended to read as follows:

''(6)(A) In the case of any of the years 2017 through 2025, the cost-sharing amounts under this subsection for eligible covered beneficiaries shall be determined in accordance with the following table:

''For:	The cost-sharing amount for 30-day supply of a retail generic is:	The cost-sharing amount for 30-day supply of a retail formulary is:	The cost-sharing amount for a 90-day supply of a mail order generic is:	The cost-sharing amount for a 90-day supply of a mail order formulary is:	The cost-sharing amount for a 90-day supply of a mail order non-formulary is:
2017	$10	$28	$0	$28	$54
2018	$10	$30	$0	$30	$58
2019	$10	$32	$0	$32	$62
2020	$11	$34	$11	$34	$66
2021	$11	$36	$11	$36	$70
2022	$11	$38	$11	$38	$75
2023	$12	$40	$12	$40	$80
2024	$13	$42	$13	$42	$85
2025	$14	$45	$14	$45	$90

''(B) For any year after 2025, the cost-sharing amounts under this subsection for eligible covered beneficiaries shall be equal to the cost-sharing amounts for the previous year adjusted by an amount, if any, determined by the Secretary to reflect changes in the costs of pharmaceutical agents and prescription dispensing, rounded to the nearest dollar.

''(C) Notwithstanding subparagraphs (A) and (B), the cost-sharing amounts under this subsection for a dependent of a member of the uniformed services who dies while on active duty, a member retired under chapter 61 of this title, or a dependent of a member retired under such chapter shall be equal to the cost-sharing amounts, if any, for 2016.''.

(b) TREATMENT OF CERTAIN PHARMACEUTICAL AGENTS.—

(1) PHARMACY BENEFITS PROGRAM.—Such section is amended by adding at the end the following new paragraph:

''(10) Notwithstanding paragraphs (2), (5), and (6), in order to encourage the use by covered beneficiaries of pharmaceutical agents that provide the greatest value to covered beneficiaries and the Department of Defense (as determined by the Secretary, including considerations of better care, healthier people, and smarter spending), the Secretary may, upon the recommendation of the Pharmacy and Therapeutics Committee established under subsection (b) and review by the Uniform Formulary Beneficiary Advisory Panel established under subsection (c)—

''(A) exclude from the pharmacy benefits program any pharmaceutical agent that the Secretary determines provides very little or no value to covered beneficiaries and the Department under the program; and

''(B) give preferential status to any non-generic pharmaceutical agent on the uniform formulary by treating it, for purposes of cost-sharing under paragraph (6), as a generic product under the TRICARE retail pharmacy program and mail order pharmacy program.''.

(2) MEDICAL CONTRACTS.—Section 1079 of such title is amended by adding at the end the following new subsection:

''(q) In the case of any pharmaceutical agent (as defined in section 1074g(g)(2) of this title) provided under a contract entered into under this section by a physician, in an outpatient department of a hospital, or otherwise as part of any medical services provided under such a contract, the Secretary of Defense may, under regulations prescribed by the Secretary, adopt special reimbursement methods, amounts, and procedures to encourage the use of high-value products and discourage the use of low-value products, as determined by the Secretary.''.

(3) REGULATIONS.—In order to implement expeditiously the reforms authorized by the amendments made by paragraphs (1) and (2), the Secretary of Defense may prescribe such changes to the regulations implementing the TRICARE program (as defined in section 1072 of title 10, United States Code) as the Secretary considers appropriate—

(A) by prescribing an interim final rule; and

(B) not later than one year after prescribing such interim final rule and considering public comments with respect to such interim final rule, by prescribing a final rule.

SEC. 703. ELIGIBILITY OF CERTAIN BENEFICIARIES UNDER THE TRICARE PROGRAM FOR PARTICIPATION IN THE FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM.

(a) IN GENERAL.—

(1) DENTAL BENEFITS.—Section 8951 of title 5, United States Code, is amended—

(A) in paragraph (3), by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1), (2), or (8)''; and

(B) by adding at the end the following new paragraph:

''(8) The term 'covered TRICARE-eligible individual' means an individual entitled to dental care under chapter 55 of title 10, pursuant to section 1076c of such title, who the Secretary of Defense determines should be an eligible individual for purposes of this chapter.''.

(2) VISION BENEFITS.—Section 8981 of title 5, United States Code, is amended—

(A) in paragraph (3), by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1), (2), or (8)''; and

(B) by adding at the end the following new paragraph:

''(8)(A) The term 'covered TRICARE-eligible individual'—

''(i) means an individual entitled to medical care under chapter 55 of title 10, pursuant to section 1076d, 1076e, 1079(a), 1086(c), or 1086(d) of such title, who the Secretary of Defense determines in accordance with an agreement entered into under subparagraph (B) should be an eligible individual for purposes of this chapter; and

''(ii) does not include an individual covered under section 1110b of title 10.

''(B) The Secretary of Defense shall enter into an agreement with the Director of the Office of Personnel Management relating to classes of individuals described in subparagraph (A)(i) who should be eligible individuals for purposes of this chapter.''.

(b) CONFORMING AMENDMENTS.—

(1) DENTAL BENEFITS.—Section 8958(c) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new paragraphs:

''(3) in the case of a covered TRICARE-eligible individual who receives pay from the Federal Government or an annuity from the Federal Government due to the death of a member of the uniformed services (as defined in section 101 of title 10), and is not a former spouse of a member of the uniformed services, be withheld from—

''(A) the pay (including retired pay) of such individual; or

''(B) the annuity paid to such individual; and

''(4) in the case of a covered TRICARE-eligible individual who is not described in paragraph (3), be billed to such individual directly.''.

(2) VISION BENEFITS.—Section 8988(c) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new paragraphs:

''(3) in the case of a covered TRICARE-eligible individual who receives pay from the Federal Government or an annuity from the Federal Government due to the death of a member of the uniformed services (as defined in section 101 of title 10), and is not a former spouse of a member of the uniformed services, be withheld from—

''(A) the pay (including retired pay) of such individual; or

''(B) the annuity paid to such individual; and

''(4) in the case of a covered TRICARE-eligible individual who is not described in paragraph (3), be billed to such individual directly.''.

(3) PLAN FOR DENTAL INSURANCE FOR CERTAIN RETIREES, SURVIVING SPOUSES, AND OTHER DEPENDENTS.—Subsection (a) of section 1076c of title 10, United States Code, is amended to read as follows:

''(a) REQUIREMENT FOR PLAN.—(1) The Secretary of Defense shall establish a dental insurance plan for retirees of the uniformed services, certain unremarried surviving spouses, and dependents in accordance with this section.

''(2) The Secretary may satisfy the requirement under paragraph (1) by entering into an agreement with the Director of the Office of Personnel Management to allow persons described in subsection (b) to enroll in an insurance plan under chapter 89A of title 5 that provides benefits similar to those benefits required to be provided under subsection (d).''.

SEC. 704. COVERAGE OF MEDICALLY NECESSARY FOOD AND VITAMINS FOR DIGESTIVE AND INHERITED METABOLIC DISORDERS UNDER THE TRICARE PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Specialized food is often medically necessary for the safe and effective management of many digestive and inherited metabolic disorders that impact digestion, absorption, and metabolism of nutrients.

(2) Although medically necessary food is essential for patients, it is often expensive and not uniformly reimbursed by health insurance, leaving many families with an insurmountable financial burden.

(3) As a result, many patients who cannot afford medically necessary food may experience adverse health consequences from suboptimal disease management, including hospitalization, intellectual impairment, behavioral dysfunction, inadequate growth, nutrient deficiencies, and even death.

(b) AVAILABILITY UNDER THE TRICARE PROGRAM.—

(1) IN GENERAL.—Section 1077 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (3), by inserting before the period at the end the following: '', including medically necessary vitamins''; and

(ii) by adding at the end the following new paragraph:

''(18) Medically necessary food and the medical equipment and supplies necessary to administer such food (other than medical equipment and supplies described in section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n))).''; and

(B) by adding at the end the following new subsection:

''(g)(1) For purposes of subsection (a)(3), the term 'medically necessary vitamins' means vitamins used for the management of a covered disease or condition pursuant to the prescription, order, or recommendation (as applicable) of a specified, duly authorized provider, such as a physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1))), or a nurse practitioner, a clinical nurse specialist, or a physician assistant (as those terms are defined in section 1861(aa)(5) of such Act).

''(2) For purposes of subsection (a)(18), the term 'medically necessary food'—

''(A) means food, including a low protein modified food product or an amino acid preparation product, that is—

''(i) furnished pursuant to the prescription, order, or recommendation (as applicable) of a specified, duly authorized provider, such as a physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1))), or a nurse practitioner, a clinical nurse specialist, or a physician assistant (as those terms are defined in section 1861(aa)(5) of such Act), for the dietary management of a covered disease or condition;

''(ii) a specially formulated and processed product (as opposed to a naturally occurring foodstuff used in its natural state) for the partial or exclusive feeding of an individual by means of oral intake or enteral feeding by tube;

''(iii) intended for the dietary management of an individual who, because of therapeutic or chronic medical needs, has limited or impaired capacity to ingest, digest, absorb, or metabolize ordinary foodstuffs or certain nutrients, or who has other special medically determined nutrient requirements, the dietary management of which cannot be achieved by the modification of the normal diet alone;

''(iv) intended to be used under medical supervision, which may include in a home setting; and

''(v) intended only for an individual receiving active and ongoing medical supervision wherein the individual requires medical care on a recurring basis for, among other things, instructions on the use of the food; and

''(B) does not include—

''(i) food taken as part of an overall diet designed to reduce the risk of a disease or medical condition or as weight loss products, even if they are recommended by a physician or other health professional;

''(ii) food marketed as gluten-free for the management of celiac disease or non-celiac gluten sensitivity;

''(iii) food marketed for the management of diabetes; or

''(iv) such other products as the Secretary determines appropriate.

''(3) In this subsection:

''(A) The term 'covered disease or condition' means the following diseases or conditions:

''(i) Inflammatory bowel disease, including Crohn's disease, ulcerative colitis, and indeterminate colitis.

''(ii) Gastroesophageal reflux disease that is nonresponsive to standard medical therapies.

''(iii) Immunoglobulin E and non-Immunoglobulin E mediated allergies to food proteins.

''(iv) Food protein-induced enterocolitis syndrome.

''(v) Eosinophilic disorders, including eosinophilic esophagitis, eosinophilic gastroenteritis, eosinophilic colitis, and post-transplant eosinophilic disorders.

''(vi) Impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, and motility of the gastrointestinal tract, including short bowel syndrome and chronic intestinal pseudo-obstruction.

''(vii) Malabsorption due to liver or pancreatic disease.

''(viii) Inherited metabolic disorders, including the following:

''(I) Disorders classified as metabolic disorders on the Recommended Uniform Screening Panel Core Conditions list of the Secretary of Health and Human Services' Advisory Committee on Heritable Disorders in Newborns and Children.

''(II) N-acetyl glutamate synthase deficiency.

''(III) Ornithine transcarbamylase deficiency.

''(IV) Carbamoyl phosphate synthetase deficiency.

''(V) Inherited disorders of mitochondrial functioning.

''(ix) Such other diseases or conditions as the Secretary determines appropriate.

''(B) The term 'low protein modified food product' means a product formulated to have less than one gram of protein per serving.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to health care provided under chapter 55 of such title on or after the date that is one year after the date of the enactment of this Act.

SEC. 705. ENHANCEMENT OF USE OF TELEHEALTH SERVICES IN MILITARY HEALTH SYSTEM.

(a) INCORPORATION OF TELEHEALTH.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall incorporate, throughout the direct care and purchased care components of the military health system, the use of telehealth services, including mobile health applications—

(A) to improve access to primary care, urgent care, behavioral health care, and specialty care;

(B) to perform health assessments;

(C) to provide diagnoses, interventions, and supervision;

(D) to monitor individual health outcomes of covered beneficiaries with chronic diseases or conditions;

(E) to improve communication between health care providers and patients; and

(F) to reduce health care costs for covered beneficiaries and the Department of Defense.

(2) TYPES OF TELEHEALTH SERVICES.—The telehealth services required to be incorporated under paragraph (1) shall include those telehealth services that—

(A) provide real-time interactive communications and remote patient monitoring;

(B) allow covered beneficiaries to schedule appointments and communicate with health care providers; and

(C) allow health care providers, through video conference, telephone or tablet applications, or home health monitoring devices—

(i) to assess and evaluate disease signs and symptoms;

(ii) to diagnose diseases;

(iii) to supervise treatments; and

(iv) to monitor health outcomes.

(b) COVERAGE OF ITEMS OR SERVICES.—An item or service furnished to a covered beneficiary via a telecommunications system shall be covered under the TRICARE program to the same extent as the item or service would be covered if furnished in the location of the covered beneficiary.

(c) REIMBURSEMENT RATES FOR TELEHEALTH SERVICES.—The Secretary shall develop standardized payment methods to reimburse health care providers for telehealth services provided to covered beneficiaries in the purchased care component of the TRICARE program, including by using reimbursement rates that incentivize the provision of telehealth services.

(d) LOCATION OF CARE.—For purposes of reimbursement, licensure, professional liability, and other purposes relating to the provision of telehealth services under this section, providers of such services shall be considered to be furnishing such services at their location and not at the location of the patient.

(e) REDUCTION OR ELIMINATION OF COPAYMENTS.—The Secretary shall reduce or eliminate, as the Secretary considers appropriate, copayments or cost shares for covered beneficiaries in connection with the receipt of telehealth services under the purchased care component of the TRICARE program.

(f) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the full range of telehealth services to be available in the direct care and purchased care components of the military health system and the copayments and cost shares, if any, associated with those services.

(B) REIMBURSEMENT PLAN.—The report required under subparagraph (A) shall include a plan to develop standardized payment methods to reimburse health care providers for telehealth services provided to covered beneficiaries in the purchased care component of the TRICARE program, as required under subsection (c).

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than three years after the date on which the Secretary begins incorporating, throughout the direct care and purchased care components of the military health system, the use of telehealth services as required under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the impact made by the use of telehealth services, including mobile health applications, to carry out the actions specified in subparagraphs (A) through (F) of subsection (a)(1).

(B) ELEMENTS.—The report required under subparagraph (A) shall include an assessment of the following:

(i) The satisfaction of covered beneficiaries with telehealth services furnished by the Department of Defense.

(ii) The satisfaction of health care providers in providing telehealth services furnished by the Department.

(iii) The effect of telehealth services furnished by the Department on the following:

(I) The ability of covered beneficiaries to access health care services in the direct care and purchased care components of the military health system.

(II) The frequency of use of telehealth services by covered beneficiaries.

(III) The productivity of health care providers providing care furnished by the Department.

(IV) The reduction, if any, in the use by covered beneficiaries of health care services in military treatment facilities or medical facilities in the private sector.

(V) The number and types of appointments for the receipt of telehealth services furnished by the Department.

(VI) The savings, if any, realized by the Department by furnishing telehealth services to covered beneficiaries.

(g) DEFINITIONS.—In this section, the terms ''covered beneficiary'' and ''TRICARE program'' have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 706. EVALUATION AND TREATMENT OF VETERANS AND CIVILIANS AT MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—The Secretary of Defense may authorize a veteran (in consultation with the Secretary of Veterans Affairs) or civilian to be evaluated and treated at a military treatment facility if the Secretary of Defense determines that—

(1) the evaluation and treatment of the individual is necessary to attain the relevant mix and volume of medical casework required to maintain medical readiness skills and competencies of health care providers at the facility;

(2) the health care providers at the facility have the competencies, skills, and abilities required to treat the individual; and

(3) the facility has available space, equipment, and materials to treat the individual.

(b) REIMBURSEMENT FOR TREATMENT.—

(1) CIVILIANS.—A military treatment facility that evaluates or treats an individual (other than an individual described in paragraph (2)) under subsection (a) may bill the individual and accept reimbursement from the individual for the costs of any health care services provided to the individual under such subsection.

(2) VETERANS.—The Secretary of Defense shall enter into a memorandum of understanding with the Secretary of Veterans Affairs under which the Secretary of Veterans Affairs will reimburse a military treatment facility for the costs of any health care services provided at the facility under subsection (a) to individuals eligible for such health care services from the Department of Veterans Affairs.

(3) USE OF AMOUNTS.—Any amounts collected by a military treatment facility under paragraph (1) or (2) for health care services provided to an individual under subsection (a) shall be made available to such facility to improve access to health care, improve health outcomes, and enhance the experience of care for covered beneficiaries at such facility.

(c) COVERED BENEFICIARY DEFINED.—In this section, the term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 707. PILOT PROGRAM TO PROVIDE HEALTH INSURANCE TO MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) PILOT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense and the Director may jointly carry out a pilot program, at the election of the Secretary, under which the Director provides commercial health insurance coverage to eligible reserve component members who enroll in a health benefits plan under subsection (b) as an individual, for self plus one coverage, or for self and family coverage.

(2) ELEMENTS.—The pilot program shall—

(A) provide for enrollment by eligible reserve component members, at the election of the member, in a health benefits plan under subsection (b) during an open enrollment period established by the Director for purposes of this section;

(B) include a variety of national and regional health benefits plans that—

(i) meet the requirements of this section;

(ii) are broadly representative of the health benefits plans available in the commercial market; and

(iii) do not contain unnecessary restrictions, as determined by the Director; and

(C) offer a sufficient number of health benefits plans in order to provide eligible reserve component beneficiaries with an ample choice of health benefits plans, as determined by the Director.

(3) DURATION.—If the Secretary elects to carry out the pilot program, the Secretary and the Director shall carry out the pilot program for not less than five years.

(b) HEALTH BENEFITS PLANS.—

(1) IN GENERAL.—In providing health insurance coverage under the pilot program, the Director shall contract with qualified carriers for a variety of health benefits plans.

(2) DESCRIPTION OF PLANS.—Health benefits plans contracted for under this subsection—

(A) may vary by type of plan design, covered benefits, geography, and price;

(B) shall include maximum limitations on out-of-pocket expenses paid by an eligible reserve component beneficiary for the health care provided; and

(C) may not exclude an eligible reserve component member who chooses to enroll.

(3) QUALITY OF PLANS.—The Director shall ensure that each health benefits plan offered under this section offers a high degree of quality, as determined by criteria such as—

(A) access to an ample number of medical providers, as determined by the Director;

(B) adherence to industry-accepted quality measurements, as determined by the Director;

(C) access to benefits described in subsection (c), including ease of referral for health care services; and

(D) inclusion in the services covered by the plan of advancements in medical treatments and technology as soon as practicable in accordance with generally accepted standards of medicine.

(c) BENEFITS.—A health benefits plan offered by the Director under this section shall include, at a minimum, the following benefits:

(1) The health care benefits provided under chapter 55 of title 10, United States Code, excluding pharmaceutical, dental, and extended health care option benefits.

(2) The essential health benefits described in section 1302 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022), excluding pharmaceutical and dental benefits.

(3) Such other benefits as the Director determines appropriate.

(d) CARE AT FACILITIES OF UNIFORMED SERVICES.—

(1) IN GENERAL.—If an eligible reserve component beneficiary receives benefits described in subsection (c) at a facility of the uniformed services, the health benefits plan under which the beneficiary is covered shall be treated as a third party payer under section 1095 of title 10, United States Code, and shall pay reasonable charges for such benefits.

(2) MILITARY TREATMENT FACILITIES.—The Secretary, in consultation with the Director—

(A) may contract with qualified carriers with which the Director has contracted under subsection (b) to provide health insurance coverage for health care services provided at military treatment facilities under this section; and

(B) may receive payments under section 1095 of title 10, United States Code, from qualified carriers for health care services provided at military treatment facilities under this section.

(e) SPECIAL RULE RELATING TO ACTIVE DUTY PERIOD.—

(1) IN GENERAL.—An eligible reserve component member may not receive benefits under a health benefits plan under this section during any period in which the member is serving on active duty for more than 30 days.

(2) TREATMENT OF DEPENDENTS.—Paragraph (1) does not affect the coverage under a health benefits plan of any dependent of an eligible reserve component member.

(f) ELIGIBILITY FOR FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—An individual is not eligible to enroll in or be covered under a health benefits plan under this section if the individual is eligible to enroll in a health benefits plan under the Federal Employees Health Benefits Program.

(g) COST SHARING.—

(1) RESPONSIBILITY FOR PAYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible reserve component member shall pay an annual premium amount calculated under paragraph (2) for coverage under a health benefits plan under this section and additional amounts described in paragraph (3) for health care services in connection with such coverage.

(B) ACTIVE DUTY PERIOD.—

(i) IN GENERAL.—During any period in which an eligible reserve component member is serving on active duty for more than 30 days, the eligible reserve component member is not responsible for paying any premium amount under paragraph (2) or additional amounts under paragraph (3).

(ii) COVERAGE OF DEPENDENTS.—With respect to a dependent of an eligible reserve component member that is covered under a health benefits plan under this section, during any period described in clause (i) with respect to the member, the Secretary shall, on behalf of the dependent, pay 100 percent of the total annual amount of a premium for coverage of the dependent under the plan and such cost sharing amounts as may be applicable under the plan.

(2) PREMIUM AMOUNT.—

(A) IN GENERAL.—The annual premium calculated under this paragraph is an amount equal to 28 percent of the total annual amount of a premium under the health benefits plan selected.

(B) TYPES OF COVERAGE.—The premium amounts calculated under this paragraph shall include separate calculations for—

(i) coverage as an individual;

(ii) self plus one coverage; and

(iii) self and family coverage.

(3) ADDITIONAL AMOUNTS.—The additional amounts described in this paragraph with respect to an eligible reserve component member are such cost sharing amounts as may be applicable under the health benefits plan under which the member is covered.

(h) CONTRACTING.—

(1) IN GENERAL.—In contracting for health benefits plans under subsection (b), the Director may contract with qualified carriers in a manner similar to the manner in which the Director contracts with carriers under section 8902 of title 5, United States Code, including that—

(A) a contract under this section shall be for a uniform term of not less than one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party;

(B) a contract under this section shall contain a detailed statement of benefits offered and shall include such maximums, limitations, exclusions, and other definitions of benefits as the Director considers necessary or desirable;

(C) a contract under this section shall ensure that an eligible reserve component member who is eligible to enroll in a health benefits plan pursuant to such contract is able to enroll in such plan; and

(D) the terms of a contract under this section relating to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any conflicting State or local law.

(2) EVALUATION OF FINANCIAL SOLVENCY.—The Director shall perform a thorough evaluation of the financial solvency of an insurance carrier before entering into a contract with the insurance carrier under paragraph (1).

(i) RECOMMENDATIONS AND DATA.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall provide recommendations and data to the Director with respect to—

(A) matters involving military treatment facilities;

(B) matters unique to eligible reserve component members and their dependents; and

(C) such other strategic guidance necessary for the Director to administer this section as the Secretary of Defense, in consultation with the Secretary of Homeland Security, considers appropriate.

(2) LIMITATION ON IMPLEMENTATION.—The Director shall not implement any recommendation provided by the Secretary of Defense under paragraph (1) if the Director determines that the implementation of the recommendation would result in eligible reserve components beneficiaries receiving less generous health benefits under this section than the health benefits commonly available to individuals under the Federal Employees Health Benefits Program during the same period.

(j) FUNDING.—

(1) IN GENERAL.—The Secretary of Defense and the Director shall jointly establish an appropriate mechanism to fund the pilot program under this section.

(2) AVAILABILITY OF AMOUNTS.—Amounts shall be made available to the Director pursuant to the mechanism established under paragraph (1), without fiscal year limitation—

(A) for payments to health benefits plans under this section; and

(B) to pay the costs of administering this section.

(k) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Personnel Management.

(2) ELIGIBLE RESERVE COMPONENT BENEFICIARY.—The term ''eligible reserve component beneficiary'' means an eligible reserve component member enrolled in, or a dependent of such a member described in subparagraph (A), (D), or (I) of section 1072(2) of title 10, United States Code, covered under, a health benefits plan under this section.

(3) ELIGIBLE RESERVE COMPONENT MEMBER.—The term ''eligible reserve component member'' means a member of the Selected Reserve of the Ready Reserve of an Armed Force.

(4) EXTENDED HEALTH CARE OPTION.—The term ''extended health care option'' means the program of extended benefits under subsections (d) and (e) of section 1079 of title 10, United States Code.

(5) FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—The term ''Federal Employees Health Benefits Program'' means the health insurance program under chapter 89 of title 5, United States Code.

(6) QUALIFIED CARRIER.—The term ''qualified carrier'' means an insurance carrier that is licensed to issue group health insurance in any State or the District of Columbia.

SEC. 708. PILOT PROGRAM ON TREATMENT OF MEMBERS OF THE ARMED FORCES FOR POST-TRAUMATIC STRESS DISORDER RELATED TO MILITARY SEXUAL TRAUMA.

(a) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using intensive outpatient programs to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including treatment for substance use disorder, depression, and other issues related to such conditions.

(b) GRANTS TO COMMUNITY PARTNERS.—

(1) IN GENERAL.—The pilot program authorized by subsection (a) shall be carried out using grants, awarded on a competitive basis, to community partners described in paragraph (2).

(2) COMMUNITY PARTNERS.—A community partner described in this paragraph is a private health care organization or institution that—

(A) provides health care to members of the Armed Forces;

(B) provides evidence-based treatment for psychological and neurological conditions that are common among members of the Armed Forces, including post-traumatic stress disorder, traumatic brain injury, substance use disorder, and depression;

(C) provides health care, support, and other benefits to family members of members of the Armed Forces; and

(D) provides health care under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code).

(c) REQUIREMENTS OF GRANT RECIPIENTS.—Each community partner awarded a grant under subsection (b) shall—

(1) carry out intensive outpatient programs of short duration to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including treatment for substance use disorder, depression, and other issues related to such conditions;

(2) use evidence-based and evidence-informed treatment strategies in carrying out such programs;

(3) share clinical and outreach best practices with other community partners participating in the pilot program authorized by subsection (a); and

(4) annually assess outcomes for members of the Armed Forces individually and throughout the community partners with respect to the treatment of conditions described in paragraph (1).

(d) FEDERAL SHARE.—The Federal share of the costs of programs carried out by a community partner awarded a grant under subsection (b) using a grant under that subsection may not exceed 50 percent.

(e) TERMINATION.—The Secretary may not carry out the pilot program authorized by subsection (a) after the date that is three years after the date of the enactment of this Act.

Subtitle B—Health Care Administration

SEC. 721. CONSOLIDATION OF THE MEDICAL DEPARTMENTS OF THE ARMY, NAVY, AND AIR FORCE INTO THE DEFENSE HEALTH AGENCY.

(a) IN GENERAL.—Not earlier than the date that is 60 days after the Committees on Armed Services of the Senate and the House of Representatives receive the consolidation plan submitted under subsection (d), the Secretary of Defense shall disestablish the medical departments of the Armed Forces and consolidate all activities of such departments into the Defense Health Agency in a manner that—

(1) ensures continuity in the provision of health care services to members of the Armed Forces and other eligible beneficiaries; and

(2) maintains the medical force readiness capabilities of the military health system.

(b) MEDICAL OPERATIONS WITHIN DEFENSE HEALTH AGENCY.—

(1) IN GENERAL.—The consolidation required by this section shall, at a minimum, meet the requirements of this subsection.

(2) MEDICAL OPERATIONS.—All medical operations of the Department of Defense (including all military medical treatment facilities, training organizations, and medical research entities of the military departments) shall be discharged through a single agency established or organized within, and assigned to, the Defense Health Agency.

(3) DIRECTOR.—The Director of the Defense Health Agency shall be an officer of the Armed Forces who, while so serving, holds the grade of lieutenant general or, in the case of the Navy, vice admiral. The Director shall be appointed from among officers of the Armed Services who are members of the medical corps, the dental corps, the medical service corps (including the biomedical service corps), or the nurse corps. An individual appointed as the Director shall serve a term of not fewer than four years.

(4) SUBORDINATE ORGANIZATIONS.—

(A) IN GENERAL.—The Defense Health Agency shall have four subordinate organizations as follows:

(i) An organization that includes all military medical treatment facilities, including facilities or elements that are combined or operating jointly with a medical facility of another department or agency of the Federal Government.

(ii) An organization responsible for the following:

(I) All medical professional recruitment and retention activities of the Department.

(II) All medical training, education, research, and development activities of the Department

(III) Any organizations designated as executive agents of the Department for medical operations or activities of the Department as of December 31, 2016.

(iii) An organization responsible for the activities and duties of the Defense Health Agency as of December 31, 2016.

(iv) An organization responsible for all activities and duties of the Department to improve and maintain medical force readiness capabilities and to ensure the combat casualty care and trauma readiness of military health care providers.

(B) HEADS OF ORGANIZATIONS.—The head of each subordinate organization under this paragraph shall, while so serving, be an officer of the Armed Forces who holds the grade of major general or, in the case of the Navy, rear admiral, or a civilian of equivalent grade. The head of each subordinate organization, if an officer of the Armed Forces, shall be a member of the medical corps, the dental corps, the medical service corps (including the biomedical service corps), or the nurse corps.

(5) AUTHORITY OF DIRECTOR.—The Director of the Defense Health Agency shall, subject to the supervision and control of the Assistant Secretary of Defense for Health Affairs, be responsible for and have the authority to conduct the following functions relating to the medical operations activities of the Department:

(A) Development of programs and doctrine.

(B) Preparation and submittal of program recommendations and budget proposals to the Secretary of Defense.

(C) Exercise of authority, direction, and control over the expenditure of funds of the Defense Health Program.

(D) Planning, budgeting, and expenditure of military construction funds within the Defense Health Program.

(E) Training assigned medical forces and conducting specialized medical instruction for military personnel.

(F) Validation, establishment, and prioritizing of requirements.

(G) Ensuring interoperability of equipment and forces.

(H) Monitoring promotions, assignments, retention, training, and professional military education of military health care providers.

(6) MAINTENANCE OF UNIQUE MEDICAL CAPABILITIES AND EXPERTISE OF THE ARMED FORCES.—Notwithstanding a single agency structure for medical operations of the Department, the unique operational medical capabilities and expertise of health care professionals of each of the Armed Forces shall, to the extent practicable, be preserved and maintained.

(c) POSITIONS OF SURGEON GENERAL IN THE ARMED FORCES.—

(1) SURGEON GENERAL OF THE ARMY.—Section 3036 of title 10, United States Code, is amended—

(A) in subsection (d), by striking ''(1)'';

(B) by redesignating subsection (e) as subsection (g);

(C) by redesignating paragraphs (2) and (3) of subsection (d) as paragraphs (1) and (2), respectively, of a new subsection (e); and

(D) by adding after subsection (e), as provided for by subparagraph (C), the following new subsection (f):

''(f)(1) The Surgeon General serves as the principal advisor to the Secretary of the Army and the Chief of Staff of the Army on all health and medical matters of the Army, including strategic planning and policy development relating to such matters.

''(2) The Surgeon General serves as the chief medical advisor of Army to the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Army.''.

(2) SURGEON GENERAL OF THE NAVY.—

(A) IN GENERAL.—Section 5137 of title 10, United States Code, is amended to read as follows:

''§ 5137. Surgeon General: appointment; duties

''(a) APPOINTMENT.—The Surgeon General of the Navy shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) DUTIES.—(1) The Surgeon General shall perform duties prescribed by the Secretary of the Navy and by law.

''(2) The Surgeon General serves as the principal advisor to the Secretary of the Navy and the Chief of Naval Operations on all health and medical matters of the Navy and the Marine Corps, including strategic planning and policy development relating to such matters.

''(3) The Surgeon General serves as the chief medical advisor of the Navy and the Marine Corps to the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Navy and the Marine Corps.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5137 and inserting the following new item:

''5137. Surgeon General: appointment; duties.''.

(3) SURGEON GENERAL OF THE AIR FORCE.—

(A) IN GENERAL.—Section 8036 of title 10, United States Code, is amended to read as follows:

''§ 8036. Surgeon General: appointment; duties

''(a) APPOINTMENT.—The Surgeon General of the Air Force shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) DUTIES.—(1) The Surgeon General shall perform duties prescribed by the Secretary of the Air Force and by law.

''(2) The Surgeon General serves as the principal advisor to the Secretary of the Air Force and the Chief of Staff of the Air Force on all health and medical matters of the Air Force, including strategic planning and policy development relating to such matters.

''(3) The Surgeon General serves as the chief medical advisor of the Air Force to the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Air Force.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 805 of such title is amended by striking the item relating to section 8036 and inserting the following new item:

''8036. Surgeon General: appointment; duties.''.

(d) CONSOLIDATION PLAN.—

(1) IN GENERAL.—Before taking any action under subsection (a) to consolidate the activities of the medical departments of the Armed Forces, the Secretary of Defense shall submit to Committees on Armed Services of the Senate and the House of Representatives a plan to consolidate such activities.

(2) ELEMENTS.—The plan submitted under paragraph (1) with respect to the consolidation of the activities of the medical departments of the Armed Forces under subsection (a) shall include, at a minimum, the following:

(A) A description of the organizational structure of the Defense Health Agency under such consolidation.

(B) A description of the manning and management of all medical personnel under such consolidation.

(C) A description of the command responsibilities of the Director of the Defense Health Agency, the head of each subordinate organization within the Defense Health Agency, and the Surgeons General of the Army, Navy, and Air Force under such consolidation.

(D) A description of the authorities and responsibilities of each commander of an installation or military service under such consolidation.

(E) A description of the activities carried out by all elements of the Defense Health Agency under such consolidation.

(F) An assessment of the impact of such consolidation on—

(i) health care provided by the Department of Defense, including the cost effectiveness of such care;

(ii) the military readiness of members of the Armed Forces; and

(iii) the ability of members of the Armed Forces to meet deployment requirements.

(G) An assessment of the delineation of accountability across the military health system under such consolidation.

(3) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the Secretary of Defense submits the plan under paragraph (1), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a review of such plan.

(e) REPORT.—Not later than January 1, 2017, the Secretary of the Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the consolidation required by this section.

(1) The number of military, civilian, and contractor positions to be eliminated from headquarters staffs by the disestablishment of the medical departments of the Armed Forces and the consolidation of all activities of such departments into the Defense Health Agency.

(2) The number of general and flag officer billets to be eliminated from each Armed Force by the disestablishment and consolidation.

(3) The cost savings expected to be realized as a result of the disestablishment and consolidation.

(4) The complete schedule for the disestablishment and consolidation.

(5) A description of the additional legislative authorities, if any, required to fully carry out the disestablishment and consolidation.

SEC. 722. ACCOUNTABILITY FOR THE PERFORMANCE OF THE MILITARY HEALTH CARE SYSTEM OF CERTAIN POSITIONS IN THE SYSTEM.

(a) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretaries of the military departments, as appropriate, shall incorporate into the annual performance review of each position specified in subsection (b) measures of accountability for the performance of the military health care system described in subsection (c) for which such position should be held accountable.

(b) POSITIONS.—The positions specified in this subsection are the following:

(1) The Director of the Defense Health Agency.

(2) The heads of the subordinate organizations of the Defense Health Agency established pursuant to section 721(b)(4).

(3) The commanders of the military medical treatment facilities of each Armed Force.

(4) The subordinate commanders of the military medical treatment facilities of each Armed Force.

(c) MEASURES OF ACCOUNTABILITY FOR PERFORMANCE.—The measures of accountability for the performance of the military health care system incorporated into the annual performance reviews of a position pursuant to this section shall include measures to assess performance and assure accountability for the following:

(1) Quality of care.

(2) Beneficiaries' access to care.

(3) Improvement in beneficiaries' health outcomes.

(4) Patient safety.

(5) Such other matters as the Secretary of Defense or the Secretaries of the military departments, as appropriate, consider appropriate.

(d) LIMITATION ON PERFORMANCE BONUS PAYMENTS.—Commencing upon the incorporation of measures of accountability for the performance of the military health care system into the annual performance reviews of a position specified in subsection (b), a performance bonus payment may not paid to a civilian employee of the Department of Defense occupying such position unless the performance of the military health care system for which such position is held responsible met or exceeded expectations for performance during the period for which the performance bonus payment would otherwise be made.

(e) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the incorporation of measures of accountability for the performance of the military health care system into the annual performance reviews of positions as required by this section. The report shall include the following:

(1) A comprehensive plan for the use of measures of accountability for performance in annual performance reviews pursuant to this section as a means of assessing and assuring accountability for the performance of the military health care system.

(2) For each position specified in subsection (b), a description of the specific measures of accountability for performance incorporated into the annual performance reviews of such position pursuant to this section.

SEC. 723. SELECTION OF COMMANDERS AND DIRECTORS OF MILITARY TREATMENT FACILITIES AND TOURS OF DUTY OF COMMANDERS OF SUCH FACILITIES.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall do the following:

(1) Develop the common qualifications and core competencies required of individuals for selection as commanders or directors of military treatment facilities.

(2) Establish a minimum length for the tour of duty of an individual as a commander of a military treatment facility.

(b) QUALIFICATIONS AND COMPETENCIES.—

(1) STANDARDS.—In developing common qualifications and core competencies required of individuals for selection as commanders or directors of military treatment facilities pursuant to subsection (a)(1), the Secretary shall include standards with respect to the following:

(A) Professional competence.

(B) Moral and ethical integrity and character.

(C) Formal education in healthcare executive leadership and healthcare management.

(D) Such other matters as the Secretary considers appropriate.

(2) OBJECTIVE.—The objective of the Secretary in developing such qualifications and competencies shall be to ensure that the individuals selected as commanders or directors of military treatment facilities are highly qualified to serve as health system executives in any medical treatment facility of the Armed Forces.

(c) TOURS OF DUTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the length of the tour of duty as a commander of a military treatment facility of any individual assigned to such position after January 1, 2018, may not be shorter than the longer of—

(A) the length established pursuant to subsection (a)(2); or

(B) four years.

(2) WAIVER.—The Secretary of the military department concerned may authorize a tour of duty of an individual as a commander of a military treatment facility of a shorter length than is otherwise provided for in paragraph (1) if the Secretary determines, in the discretion of the Secretary, that there is good cause for a tour of duty in such position of shorter length. Any such determination shall be made on a case-by-case basis.

SEC. 724. AUTHORITY TO CONVERT MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) LIMITED AUTHORITY FOR CONVERSION.—Chapter 49 of title 10, United States Code, is amended by inserting after section 976 the following new section:

"§ 977. Conversion of military medical and dental positions to civilian medical and dental positions: limitation

''(a) REQUIREMENTS RELATING TO CONVERSION.—A military medical or dental position within the Department of Defense may not be converted to a civilian medical or dental position unless the Secretary of Defense determines that—

''(1) the position is not a military essential position;

''(2) conversion of the position would not result in the degradation of medical care or the medical readiness of the armed forces; and

''(3) conversion of the position to a civilian medical or dental position is more cost effective than retaining the position as a military medical or dental position, consistent with Department of Defense Instruction 7041.04.

''(b) DEFINITIONS.—In this section:

''(1) The term 'military medical or dental position' means a position for the performance of health care functions within the armed forces held by a member of the armed forces.

''(2) The term 'civilian medical or dental position' means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

''(3) The term 'military essential', with respect to a position, means that the position must be held by a member of the armed forces, as determined in accordance with regulations prescribed by the Secretary.

''(4) The term 'conversion', with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change

(through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by inserting after the item relating to section 976 the following new item:

''977. Conversion of military medical and dental positions to civilian medical and dental positions: limitation.''.

(c) REPEAL OF RELATED PROHIBITION.—Section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 129c note) is repealed.

SEC. 725. AUTHORITY TO REALIGN INFRASTRUCTURE OF AND HEALTH CARE SERVICES PROVIDED BY MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of a military department may realign the infrastructure of or modify the health care services provided by a military treatment facility under the jurisdiction of such Secretary if such realignment or modification will better serve to—

(1) ensure the provision of safe, high quality health care services to covered beneficiaries at the facility;

(2) adapt the delivery of health care at the facility to rapid changes in health care delivery models in the private sector; or

(3) maintain the medical readiness skills and core competencies of health care providers at the facility.

(b) EXCEPTION.—A Secretary of a military department may not realign the infrastructure of or modify the health care services provided by a military treatment facility under subsection (a) unless such Secretary can ensure that any covered beneficiary who may be affected by such realignment or modification will be able to receive through the purchased care component of the TRICARE program the health care services that will not be available to the covered beneficiary at the facility as a result of such realignment or modification.

(c) REPORT.—

(1) IN GENERAL.—Before taking any action under subsection (a) to realign the infrastructure of or modify the health care services provided by a military treatment facility, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any such proposed realignments or modifications.

(2) ELEMENTS.—The report required by paragraph (1) shall include, at a minimum, the following:

(A) With respect to each military treatment facility for which realignments or modifications are proposed, the following:

(i) A comprehensive assessment of the health care services provided at the facility.

(ii) A description of the current accessibility of covered beneficiaries to health care services provided at the facility and proposed modifications to that accessibility, including with respect to types of services provided.

(iii) A description of the current manning levels at the facility and proposed modifications to such manning levels.

(iv) A description of the current availability of urgent care, emergent care, and specialty care at the facility and in the TRICARE provider network in the area in which the facility is located, and proposed modifications to the availability of such care.

(v) A description of the current level of coordination between the facility and local health care providers in the area in which the facility is located and proposed modifications to such level of coordination.

(vi) A description of any unique challenges to providing health care at the facility, with a focus on challenges relating to rural, remote, and insular areas, as appropriate.

(B) An assessment of the current accessibility of covered beneficiaries to health care from sources other than military treatment facilities and any changes that may be necessary to meet requirements relating to health care for covered beneficiaries from such sources, including access to and receipt of health care.

(d) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the Secretary of Defense submits a report under subsection (c), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a review of such report.

(e) DEFINITIONS.—In this section, the terms ''covered beneficiary'' and ''TRICARE program'' have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 726. ACQUISITION OF MEDICAL SUPPORT CONTRACTS FOR TRICARE PROGRAM.

(a) ACQUISITION OF CONTRACTS.—

(1) NEW COMPETITION.—

(A) IN GENERAL.—Beginning not later than January 1, 2018, the Secretary of Defense shall conduct a new competition of all medical support contracts with private sector entities under the TRICARE program, other than the overseas medical support contract, upon the expiration of each such contract and enter into new medical support contracts with private sector entities—

(i) to improve access to health care for covered beneficiaries;

(ii) to improve health outcomes for covered beneficiaries;

(iii) to improve the quality of health care received by covered beneficiaries;

(iv) to enhance the experience of covered beneficiaries in receiving health care; and

(v) to lower per capita costs to the Department of Defense of health care provided to covered beneficiaries.

(B) EXERCISE OF OPTIONS.—The Secretary may not exercise an option to extend any medical support contract with a private sector entity under the TRICARE program that would delay the award of a new medical support contract pursuant to the competition of that contract under subparagraph (A).

(2) CONTINUOUS COMPETITION.—

(A) IN GENERAL.—Not later than one year after entering into a medical support contract under paragraph (1), the Secretary shall issue an open broad agency announcement to allow potential contractors under the TRICARE program to propose innovative ideas and solutions to meet the medical support contract needs of the Department under the TRICARE program.

(B) COMPETITION REQUIREMENT.—A medical support contract awarded pursuant to the broad agency announcement issued under subparagraph (A) shall be deemed to meet the requirements under section 2304 of title 10, United States Code, relating to the use of competitive procedures to procure services.

(b) TYPES OF CONTRACTS.—

(1) IN GENERAL.—Each contract entered into under subsection (a) shall be competitively procured and automatically renewable for a period of not more than 10 years unless notice for termination is provided by either party not later than 180 days before such termination.

(2) SCOPE.—The Secretary shall enter into under subsection (a) a combination of local, regional, and national contracts to develop individual and institutional high-performing networks of health care providers.

(c) ELEMENTS OF CONTRACTS.—Each contract entered into under subsection (a) shall, to the extent practicable, provide for the following:

(1) The maximization of flexibility in the design and configuration of networks of individual and institutional health care providers, including a focus on the development of high-performing networks of health care providers.

(2) The creation of an integrated medical management system between military treatment facilities and health care providers in the private sector that, when appropriate, effectively coordinates and integrates health care across the continuum of care.

(3) With respect to telehealth services—

(A) the maximization of the use of such services to provide real-time interactive communications between patients and health care providers and remote patient monitoring; and

(B) the use of standardized payment methods to reimburse health care providers for the provision of such services.

(4) The use of value-based reimbursement methodologies that transfer financial risk to health care providers and medical support contractors.

(5) The use of financial incentives for contractors and health care providers to receive an equitable share in the cost savings to the Department resulting from improvement in health outcomes for covered beneficiaries and the experience of covered beneficiaries in receiving health care.

(6) The use of incentives, emphasizing prevention and wellness, for covered beneficiaries receiving health care services from private sector entities to seek such services from high-value health care providers.

(7) The adoption of a streamlined process for enrollment of covered beneficiaries to receive health care and timely assignment of primary care managers to covered beneficiaries.

(8) The elimination of the requirement to receive authorization for a referral for specialty care services from the direct or purchased care component of the military health system.

(9) The use of incentives to encourage covered beneficiaries to participate in medical and lifestyle intervention programs.

(d) RURAL, REMOTE, AND ISOLATED AREAS.—

(1) IN GENERAL.—In entering into medical support contracts under subsection (a) and implementing such contracts, the Secretary shall—

(A) assess the unique characteristics of providing health care services in rural, remote, or isolated locations, such as Alaska and Hawaii and locations in the contiguous 48 States;

(B) consider the various challenges inherent in developing robust networks of health care providers in those locations; and

(C) develop a provider reimbursement rate structure in those locations that ensures—

(i) timely access of covered beneficiaries to health care services;

(ii) the delivery of high-quality primary and specialty care;

(iii) improvement in health outcomes for covered beneficiaries; and

(iv) an enhanced experience of care for covered beneficiaries.

(2) CERTIFICATION.—The Secretary of Defense may not modify existing medical support contracts under the TRICARE program in rural, remote, or isolated locations, such as Alaska and Hawaii and locations in the contiguous 48 States, or enter into new medical support contracts under subsection (a) in those locations, until the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives that medical support contracts in those locations will—

(A) establish individual and institutional provider networks that will ensure timely access to care for covered beneficiaries; and

(B) deliver high-quality care, better health outcomes, and a better experience of care for covered beneficiaries.

(e) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than January 1, 2019, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that assesses the compliance of the Secretary of Defense with the requirements of this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include an assessment of the following:

(A) Whether the approach of the Department of Defense to acquiring medical support contracts under this section would—

(i) improve access to care;

(ii) improve health outcomes;

(iii) improve the experience of care for covered beneficiaries; and

(iv) lower per capita health care costs.

(B) Whether the Department has, in its requirements for medical support contracts entered into under this section, allowed for—

(i) maximum flexibility in network design and development;

(ii) integrated medical management between military treatment facilities and network providers;

(iii) the maximum use of the full range of telehealth services;

(iv) the use of value-based reimbursement methods that transfer financial risk to health care providers and medical support contractors;

(v) the use of prevention and wellness incentives to encourage covered beneficiaries to seek health care services from high-value providers;

(vi) a streamlined enrollment process and timely assignment of primary care managers;

(vii) the elimination of the requirement to seek authorization for referrals for specialty care services;

(viii) the use of incentives to encourage certain covered beneficiaries to engage in medical and lifestyle intervention programs; and

(ix) the use of financial incentives for contractors and health care providers to receive an equitable share in cost savings resulting from improvements in health outcomes and the experience of care for covered beneficiaries.

(C) Whether the Department has developed a plan for continuous competition of medical support contracts to enable the Department to incorporate innovative ideas and solutions into those contracts.

(D) Whether the Department has considered, in developing requirements for medical support contracts, the following:

(i) The unique characteristics of providing health care services in rural, remote, or isolated locations, such as Alaska and Hawaii and locations in the contiguous 48 states.

(ii) The various challenges inherent in developing robust networks of health care providers in those locations.

(iii) A provider reimbursement rate structure in those locations that ensures—

(I) timely access of covered beneficiaries to health care services;

(II) the delivery of high-quality primary and specialty care;

(III) improvement in health outcomes for covered beneficiaries; and

(IV) an enhanced experience of care for covered beneficiaries.

(f) DEFINITIONS.—In this section:

(1) COVERED BENEFICIARY; TRICARE PROGRAM.—The terms ''covered beneficiary'' and ''TRICARE program'' have the meaning given those terms in section 1072 of title 10, United States Code.

(2) HIGH-PERFORMING NETWORKS OF HEALTH CARE PROVIDERS.—The term ''high-performing networks of health care providers'' means networks of health care providers that, in addition to such other requirements as the Secretary may specify for purposes of this section, do the following:

(A) Deliver high quality health care as measured by leading health quality measurement organizations such as the National Committee for Quality Assurance and the Agency for Healthcare Research and Quality.

(B) Achieve greater efficiency in the delivery of health care by identifying and implementing within such network improvement opportunities that guide patients through the entire continuum of care, thereby reducing variations in the delivery of health care and preventing medical errors and duplication of medical services.

(C) Improve population-based health outcomes by using a team approach to deliver case management, prevention, and wellness services to high-need and high-cost patients.

(D) Focus on preventive care that emphasizes—

(i) early detection and timely treatment of disease;

(ii) periodic health screenings; and

(iii) education regarding healthy lifestyle behaviors.

(E) Coordinate and integrate health care across the continuum of care, connecting all aspects of the health care received by the patient, including the patient's health care team.

(F) Facilitate access to health care providers, including—

(i) after-hours care;

(ii) urgent care; and

(iii) through telehealth appointments, when appropriate.

(G) Encourage patients to participate in making health care decisions.

(H) Use evidence-based treatment protocols that improve the consistency of health care and eliminate ineffective, wasteful health care practices.

SEC. 727. AUTHORITY TO ENTER INTO HEALTH CARE CONTRACTS WITH CERTAIN ENTITIES TO PROVIDE CARE UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense may enter into contracts to provide health care to covered beneficiaries, including behavioral health care, with any of the following:

(1) The Department of Veterans Affairs.

(2) An Indian tribe or tribal organization that is party to the Alaska Native Health Compact with the Indian Health Service.

(3) An Indian tribe or tribal organization that has entered into a contract with the Indian Health Service to provide health care in rural Alaska or other locations in the United States.

(b) DEFINITIONS.—

(1) COVERED BENEFICIARY.—The term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

(2) INDIAN TRIBE, TRIBAL ORGANIZATION.—The terms ''Indian tribe'' and ''tribal organization'' have the meaning given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 728. IMPROVEMENT OF HEALTH OUTCOMES AND CONTROL OF COSTS OF HEALTH CARE UNDER TRICARE PROGRAM THROUGH PROGRAMS TO INVOLVE COVERED BENEFICIARIES.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall implement the programs established under subsections (b) and (c)—

(1) to increase the involvement of covered beneficiaries in making health care decisions; and

(2) to encourage covered beneficiaries to share more responsibility for the improvement of their health outcomes.

(b) MEDICAL INTERVENTION INCENTIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program to incentivize covered beneficiaries to participate in medical intervention programs established by the Secretary, such as comprehensive disease management programs, by lowering fees for enrollment in the TRICARE program by a certain percentage or by lowering copayment and cost share amounts for health care services during a particular year for covered beneficiaries with chronic diseases or conditions described in paragraph (2) who met participation milestones in the previous year in such medical intervention programs, as determined by the Secretary.

(2) CHRONIC DISEASES OR CONDITIONS DESCRIBED.—Chronic diseases or conditions described in this paragraph include diabetes, chronic obstructive pulmonary disease, asthma, congestive heart failure, hypertension, history of stroke, coronary artery disease, mood disorders, obesity, and such other diseases or conditions as the Secretary determines appropriate.

(c) LIFESTYLE INTERVENTION INCENTIVE PROGRAM.—The Secretary shall establish a program to incentivize lifestyle interventions, such as smoking cessation and weight reduction, by lowering fees for enrollment in the TRICARE program by a certain percentage or by lowering copayment and cost share amounts for health care services during a particular year for covered beneficiaries who met participation milestones in the previous year with respect to such lifestyle interventions, such as quitting smoking or achieving a lower body mass index by a certain percentage, as determined by the Secretary.

(d) FEE FOR MISSING SCHEDULED APPOINTMENT.—

(1) IN GENERAL.—The Secretary may establish a program to charge and collect a fee from a covered beneficiary, other than a member of the Armed Forces on active duty, for failure to notify a military treatment facility within 24 hours of a scheduled appointment with a health care provider at such facility that the covered beneficiary will not attend the appointment.

(2) USE OF FEE.—Any amounts collected under paragraph (1) from a covered beneficiary for failure to notify a military treatment facility that the covered beneficiary will not attend an appointment at such facility shall be made available to such facility to improve access to health care, improve health outcomes, and enhance the experience

of care for covered beneficiaries at such facility.

(e) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2020, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the programs established under subsections (b), (c), and (d).

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A detailed description of the programs implemented under subsections (b), (c), and (d).

(B) An assessment of the impact of the programs implemented under subsection (b) and (c) on—

(i) improving health outcomes for covered beneficiaries; and

(ii) lowering per capita health care costs for the Department of Defense.

(C) An assessment of any reduction in numbers and types of appointments missed by covered beneficiaries at military treatment facilities resulting from charging fees under subsection (d) for failure to timely notify such facility of the inability to attend a scheduled appointment.

(f) REGULATIONS.—Not later than January 1, 2017, the Secretary shall prescribe an interim final rule to carry out this section.

(g) DEFINITIONS.—In this section, the terms ''covered beneficiary'' and ''TRICARE program'' have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 729. ESTABLISHMENT OF CENTERS OF EXCELLENCE FOR SPECIALTY CARE IN THE MILITARY HEALTH SYSTEM.

(a) CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish regional centers of excellence for the provision of military specialty care to covered beneficiaries at existing major medical centers of the Department of Defense.

(2) SATELLITE CENTERS.—The Secretary may establish satellite centers of excellence to provide specialty care for certain conditions, such as—

(A) post-traumatic stress;

(B) traumatic brain injury; and

(C) such other conditions as the Secretary considers appropriate.

(3) READINESS AND IMPROVEMENT OF CARE.—Centers of excellence established under this subsection shall—

(A) ensure the military medical force readiness of the Department and the medical readiness of the Armed Forces;

(B) improve the quality of health care received by covered beneficiaries from the Department; and

(C) improve health outcomes for covered beneficiaries.

(b) TYPES OF CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—Centers of excellence may be established under subsection (a) for the following areas of specialty care:

(A) Cancer care.

(B) Care for burns, wounds, and other trauma.

(C) Emergency medicine.

(D) Rehabilitative care.

(E) Care for psychological health and traumatic brain injury.

(F) Amputation and prosthetic care.

(G) Health care for women.

(H) Neurosurgical care.

(I) Orthopedic care and sports medicine.

(J) Treatment for substance use disorder, which may include medication-assisted treatment.

(K) Infectious diseases.

(L) Such other areas of specialty care as the Secretary considers appropriate to ensure the military medical force readiness of the Department and the medical readiness of the Armed Forces.

(2) MULTIPLE SPECIALTIES.—A major medical center of the Department may be established as a center of excellence for more than one area of specialty care.

(c) PRIMARY SOURCE FOR SPECIALTY CARE.—

(1) IN GENERAL.—Centers of excellence established under subsection (a) shall be the primary source within the military health system for the receipt by covered beneficiaries of specialty care.

(2) REFERRAL.—Covered beneficiaries seeking specialty care services through the military health system shall be referred to a center of excellence established under subsection (a) or to an appropriate specialty care provider in the private sector.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth a plan for the Department to establish centers of excellence under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A list of the centers of excellence to be established under this section and the locations of such centers.

(B) A description of the specialty care services to be provided at each such center and a staffing plan for each such center.

(C) A comprehensive plan to refer covered beneficiaries for specialty care services at centers of excellence established under this section and centers of excellence in the private sector.

(D) A plan to assist covered beneficiaries with travel and lodging, if necessary, in connection with the receipt of specialty care services at centers of excellence established under this section or centers of excellence in the private sector.

(E) A plan to transfer the majority of specialty care providers of the Department to centers of excellence established under this section, in a number as determined by the Secretary to be required to provide specialty care services to covered beneficiaries at such centers.

(e) COVERED BENEFICIARY DEFINED.—In this section, the term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 730. PROGRAM TO ELIMINATE VARIABILITY IN HEALTH OUTCOMES AND IMPROVE QUALITY OF HEALTH CARE SERVICES DELIVERED IN MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—Beginning not later than January 1, 2018, the Secretary of Defense shall conduct a program—

(1) to establish best practices for the delivery of health care services for certain diseases or conditions at military treatment facilities;

(2) to incorporate those best practices into the daily operations of military treatment facilities selected by the Secretary for purposes of the program, with priority in selection given to military treatment facilities that are or will be established as regional centers of excellence for the provision of military specialty care under section 729; and

(3) to eliminate variability in health outcomes and to improve the quality of health care services delivered at military treatment facilities selected by the Secretary for purposes of the program.

(b) PHASES OF PROGRAM.—The Secretary shall carry out the program in phases as follows:

(1) PHASE 1.—

(A) IN GENERAL.—During phase 1 of the program, the Secretary shall conduct a baseline assessment of health care delivery and outcomes at military treatment facilities—

(i) to evaluate and determine evidence-based best practices, within the direct care component of the military health system and the private sector, for treating not fewer than three diseases or conditions identified by the Secretary for purposes of the program; and

(ii) to select not more than five military treatment facilities to participate as test sites under the program by incorporating the evidence-based best practices determined under subparagraph (A) into the treatment at those facilities of the diseases or conditions identified under such subparagraph.

(B) TIMING.—The Secretary shall initiate phase 1 of the program not later than January 1, 2018, and complete such phase not later than July 1, 2018.

(2) PHASE 2.—

(A) IN GENERAL.—During phase 2 of the program, the Secretary shall—

(i) incorporate the evidence-based best practices determined under paragraph (1)(A)(i) for the treatment of diseases or conditions identified under such paragraph into the treatment for those diseases or conditions at all military treatment facilities that provide treatment for those diseases or conditions; and

(ii) at the military treatment facilities selected as test sites under paragraph (1)(A)(ii), evaluate and determine evidence-based best practices for treating not more than 12 additional diseases or conditions identified by the Secretary for purposes of the program.

(B) TIMING.—The Secretary shall initiate phase 2 of the program immediately following the completion of phase 1 under paragraph (1) and complete phase 2 not later than 180 days after initiating phase 2.

(3) PHASE 3.—

(A) IN GENERAL.—During phase 3 of the program, the Secretary shall incorporate the evidence-based best practices determined under paragraph (2)(A)(ii) for the treatment of the additional diseases or conditions identified under such paragraph into treatment for those diseases or conditions at all military treatment facilities that provide treatment for those diseases or conditions.

(B) TIMING.—The Secretary shall initiate phase 3 of the program immediately following the completion of phase 2 under paragraph (2) and complete phase 3 not later than 180 days after initiating phase 3.

(c) ADJUSTMENT OF SERVICES PROVIDED AT MILITARY TREATMENT FACILITIES.—During the period in which the program is being carried out, the Secretary shall continuously monitor and adjust the health care services delivered at military treatment facilities and the number of patients enrolled at military treatment facilities—

(1) to ensure a high degree of safety and quality in the provision of health care at those facilities; and

(2) to ensure that those facilities provide only the health care services that are critical for maintaining operational medical force readiness and the medical readiness of the Armed Forces.

SEC. 731. ESTABLISHMENT OF ADVISORY COMMITTEES FOR MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—The Secretary of Defense shall establish an advisory committee for each military treatment facility.

(b) MEMBERS.—

(1) IN GENERAL.—The members of each advisory committee established under subsection (a) shall include the following individuals selected by the Secretary:

(A) Six individuals who are eligible for health care under the military health system, selected as follows:

(i) Two members of the Armed Forces on active duty, including one officer and one enlisted member.

(ii) Two family members of a member of the Armed Forces on active duty.

(iii) Two former members of the Armed Forces.

(B) Such employees of the Federal Government as the Secretary considers appropriate for purposes of the advisory committee.

(2) STATUS OF CERTAIN MEMBERS.—A member selected under paragraph (1)(A) who is not a member of the Armed Forces on active duty or a employee of the Federal Government shall, with the approval of the commanding officer or director of the military treatment facility concerned, be treated as a volunteer under section 1588 of title 10, United States Code, in carrying out the duties of the member under this section.

(c) DUTIES.—Each advisory committee established under subsection (a) for a military treatment facility shall provide to the commanding officer or director of such facility advice on the administration and activities of such facility.

SEC. 732. STANDARDIZED SYSTEM FOR SCHEDULING MEDICAL APPOINTMENTS AT MILITARY TREATMENT FACILITIES.

(a) STANDARDIZED SYSTEM.—

(1) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall implement a system for scheduling medical appointments at military treatment facilities that is standardized throughout the military health system to enable timely access to care for covered beneficiaries.

(2) LACK OF VARIANCE.—The system implemented under paragraph (1) shall ensure that the appointment scheduling processes and procedures used within the military health system do not vary among military treatment facilities.

(b) SOLE SYSTEM.—Upon implementation of the system under subsection (a), no military treatment facility may use an appointment scheduling process other than such system.

(c) APPOINTMENT SCHEDULING PROCESS.—

(1) IN GENERAL.—Under the system implemented under subsection (a), each military treatment facility shall make a centralized appointment scheduling process available to covered beneficiaries that includes the ability to schedule appointments manually via telephone or automatically via a device that is connected to the Internet through an online scheduling system described in paragraph (2).

(2) ONLINE SYSTEM.—

(A) IN GENERAL.—The Secretary shall implement an online scheduling system that is available 24 hours per day, seven days per week, for purposes of scheduling appointments under the system implemented under subsection (a).

(B) CAPABILITIES OF ONLINE SYSTEM.—The online scheduling system implemented under subparagraph (A) shall have the following capabilities:

(i) An ability to send automated email and text message reminders, including repeat reminders, to patients regarding upcoming appointments.

(ii) An ability to store appointment records to ensure rapid access by medical personnel to appointment data.

(d) PLAN.—

(1) IN GENERAL.—Not later than January 1, 2017, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive plan to implement the system required under subsection (a).

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following:

(A) A description of the manual appointment process to be used at military treatment facilities under the system required under subsection (a).

(B) A description of the automated appointment process to be used at military treatment facilities under such system.

(C) A timeline for the full implementation of such system throughout the military health system.

(e) COVERED BENEFICIARY DEFINED.—In this section, the term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 733. DISPLAY OF WAIT TIMES AT URGENT CARE CLINICS, EMERGENCY DEPARTMENTS, AND PHARMACIES OF MILITARY TREATMENT FACILITIES.

(a) URGENT CARE CLINICS AND EMERGENCY DEPARTMENTS.—

(1) PLACEMENT.—Not later than January 1, 2018, the commander or director of a military treatment facility shall place in a conspicuous location at each urgent care clinic and emergency department of the military treatment facility an electronic sign that displays the current average wait time determined under paragraph (2) for a patient to be seen by a qualified medical professional.

(2) DETERMINATION.—In carrying out paragraph (1), every 30 minutes, the commander or director, as the case may be, shall determine the average wait time to display under such paragraph by calculating, for the four-hour period preceding the calculation, the average length of time beginning at the time of the arrival of a patient at the urgent care clinic or emergency department, as the case may be, and ending at the time at which the patient is first seen by a qualified medical professional.

(b) PHARMACIES.—

(1) PLACEMENT.—Not later than January 1, 2018, the commander or director of a military treatment facility shall place in a conspicuous location at each pharmacy of the military treatment facility an electronic sign that displays the current average wait time to receive a filled prescription for a pharmaceutical agent.

(2) DETERMINATION.—In carrying out paragraph (1), every 30 minutes, the commander or director, as the case may be, shall determine the average wait time to display under such paragraph by calculating, for the four-hour period preceding the calculation, the average length of time beginning at the time of submission by a patient of a prescription for a pharmaceutical agent and ending at the time at which the pharmacy dispenses the pharmaceutical agent to the patient.

(c) QUALIFIED MEDICAL PROFESSIONAL DEFINED.—In this section, the term ''qualified medical professional'' means a doctor of medicine, a doctor of osteopathy, a physician assistant, or an advanced registered nurse practitioner.

SEC. 734. IMPROVEMENT AND MAINTENANCE OF COMBAT CASUALTY CARE AND TRAUMA CARE SKILLS OF HEALTH CARE PROVIDERS OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall implement measures to improve and maintain the combat casualty care and trauma care skills of health care providers of the Department of Defense.

(b) MEASURES TO BE IMPLEMENTED.—The measures required to be implemented under subsection (a) shall include the following:

(1) The conduct of a comprehensive review of combat casualty care and wartime trauma systems during the period beginning on January 1, 2001, and ending on the date of submittal of the report, including an assessment of lessons learned to improve combat casualty care in future conflicts.

(2) The expansion of the network of military-civilian trauma combat casualty care training sites to provide integrated combat trauma teams, such as forward surgical teams, with maximum exposure to a high volume of patients with critical injuries.

(3) The establishment of a personnel management plan for important wartime medical specialties, as determined by the Secretary, such as emergency medical services and prehospital care, trauma surgery, critical care, anesthesiology, and emergency medicine, that includes, at a minimum—

(A) the number of positions required in each such medical specialty;

(B) crucial organizational and operational assignments for personnel in each such medical specialty; and

(C) career pathways for personnel in each such medical specialty.

(4) The development of standardized tactical combat casualty care instruction for all members of the Armed Forces, including the use of standardized trauma training platforms.

(5) The development of a comprehensive trauma care registry to compile relevant data from point of injury through rehabilitation of members of the Armed Forces.

(6) The development of quality of care outcome measures for combat casualty care.

(7) The conduct of research on the leading causes of morbidity and mortality of members of the Armed Forces in combat.

SEC. 735. ADJUSTMENT OF MEDICAL SERVICES, PERSONNEL AUTHORIZED STRENGTHS, AND INFRASTRUCTURE IN MILITARY HEALTH SYSTEM TO MAINTAIN READINESS AND CORE COMPETENCIES OF HEALTH CARE PROVIDERS.

(a) IN GENERAL.—Except as provided in subsection (c), not later than 90 days after submitting the report required by subsection (d), or one year after the date of the enactment of this Act, whichever occurs first, the Secretary of Defense shall implement measures to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces.

(b) MEASURES TO BE IMPLEMENTED.—The measures required to be implemented under subsection (a) shall include the following:

(1) The Secretary shall ensure that each medical specialty required for the military medical force readiness of the Department of Defense is not substituted for any other medical specialty.

(2) The Secretary shall modify the medical services provided through the military health system to ensure that the only medical services provided at military treatment facilities are those medical services that are directly required—

(A) to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(B) to ensure the medical readiness of the Armed Forces.

(3) The Secretary shall reduce authorized strengths for military and civilian personnel throughout the military health system to the manning levels required—

(A) to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(B) to ensure the medical readiness of the Armed Forces.

(4) The Secretary shall reduce or eliminate infrastructure in the military health system, including infrastructure of military treatment facilities, that—

(A) does not maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; or

(B) does not ensure the medical readiness of the Armed Forces.

(5) The Secretary shall ensure that any covered beneficiary who may be affected by modifications, reductions, or eliminations implemented under this section will be able to receive through the purchased care component of the TRICARE program any medical services that will not be available to such covered beneficiary at a military treatment facility as a result of such modifications, reductions, or eliminations.

(c) EXCEPTION.—The Secretary is not required to implement measures under subsection (a) with respect to overseas military health care facilities in a country if the Secretary determines that medical services in addition to the medical services described in subsection (b)(2) are necessary to ensure that covered beneficiaries located in that country have access to a similar level of care available to covered beneficiaries located in the United States.

(d) REPORT ON MODIFICATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the modifications to medical services, military treatment facilities, and personnel in the military health system to be implemented pursuant to subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include, at a minimum, the following:

(A) A description of the medical services and associated personnel capacities necessary for the military medical force readiness of the Department of Defense.

(B) A comprehensive plan to modify the personnel and infrastructure of the military health system to exclusively provide medical services necessary for the military medical force readiness of the Department of Defense, including the following:

(i) A description of the planned changes or reductions in medical services provided by the military health system.

(ii) A description of the planned changes or reductions in staffing of military personnel, civilian personnel, and contractor personnel within the military health system.

(iii) A description of the personnel management authorities through which changes or reductions described in clauses (i) and (ii) will be made.

(iv) A description of the planned changes to the infrastructure of the military health system.

(v) An estimated timeline for completion of the changes or reductions described in clauses (i), (ii), and (iv) and other key milestones for implementation of such changes or reductions.

(e) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the implementation by the Secretary of Defense of measures to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces, as required under subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of whether the Department of Defense provides any medical services at military treatment facilities that are not services directly required—

(i) to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(ii) to ensure the medical readiness of the Armed Forces.

(B) An assessment of whether the Department has maintained authorized strengths for military and civilian personnel throughout the military health system at manning levels that are higher than the levels required—

(i) to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(ii) to ensure the medical readiness of the Armed Forces.

(C) An assessment of whether the Department has maintained infrastructure in the military health system, including infrastructure of military treatment facilities, that—

(i) does not maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; or

(ii) does not ensure the medical readiness of the Armed Forces.

(d) DEFINITIONS.—In this section:

(1) The term ''critical wartime medical readiness skills and core competencies'' means those essential medical capabilities, including clinical and logistical capabilities, that are—

(A) necessary to be maintained by health care providers within the Armed Forces for national security purposes; and

(B) vital to the provision of effective and timely health care during contingency operations.

(2) The term ''clinical and logistical capabilities'' means those capabilities relating to the provision of health care that are necessary to accomplish operational requirements, including—

(A) combat casualty care;

(B) medical response to and treatment of injuries sustained from chemical, biological, radiological, nuclear, or explosive incidents;

(C) diagnosis and treatment of infectious diseases;

(D) aerospace medicine;

(E) undersea medicine;

(F) diagnosis, treatment, and rehabilitation of specialized medical conditions;

(G) diagnosis and treatment of diseases and injuries that are not related to battle; and

(H) humanitarian assistance.

(3) The terms ''covered beneficiary'' and ''TRICARE program'' have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 736. ESTABLISHMENT OF HIGH PERFORMANCE MILITARY-CIVILIAN INTEGRATED HEALTH DELIVERY SYSTEMS.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall establish military-civilian integrated health delivery systems through partnerships with other health systems, including local or regional health systems in the private sector and the Veterans Health Administration—

(1) to improve access to health care for covered beneficiaries;

(2) to enhance the experience of covered beneficiaries in receiving health care;

(3) to improve health outcomes for covered beneficiaries;

(4) to share resources between the Department of Defense, the Department of Veterans Affairs, and the private sector, including such staff, equipment, and training assets as may be required to carry out such integrated health delivery systems; and

(5) to transfer health care services from military treatment facilities to other health systems that are not essential for the maintenance of operational medical force readiness skills of health care providers of the Department.

(b) ELEMENTS OF SYSTEMS.—Each military-civilian integrated health delivery system established under paragraph (a) shall do the following:

(1) Deliver high quality health care as measured by leading health quality measurement organizations such as the National Committee for Quality Assurance and the Agency for Healthcare Research and Quality.

(2) Achieve greater efficiency in the delivery of health care by identifying and implementing within each such system improvement opportunities that guide patients through the entire continuum of care, thereby reducing variations in the delivery of health care and preventing medical errors and duplication of medical services.

(3) Improve population-based health outcomes by using a team approach to deliver case management, prevention, and wellness services to high-need and high-cost patients.

(4) Focus on preventive care that emphasizes—

(A) early detection and timely treatment of disease;

(B) periodic health screenings; and

(C) education regarding healthy lifestyle behaviors.

(5) Coordinate and integrate health care across the continuum of care, connecting all aspects of the health care received by the patient, including the patient's health care team.

(6) Facilitate access to health care providers, including—

(A) after-hours care;

(B) urgent care; and

(C) through telehealth appointments, when appropriate.

(7) Encourage patients to participate in making health care decisions.

(8) Use evidence-based treatment protocols that improve the consistency of health care and eliminate ineffective, wasteful health care practices.

(9) Improve coordination of behavioral health services with primary health care.

(c) AGREEMENTS.—

(1) IN GENERAL.—In establishing military-civilian integrated health delivery systems through partnerships under subsection (a), the Secretary shall seek to enter into memoranda of understanding or contracts between military treatment facilities and health

maintenance organizations, healthcare centers of excellence, public or private academic medical institutions, regional health organizations, integrated health systems, accountable care organizations, and such other health systems as the Secretary considers appropriate.

(2) PRIVATE SECTOR CARE.—Memoranda of understanding and contracts entered into under paragraph (1) shall ensure that covered beneficiaries are eligible to enroll in and receive medical services under the private sector components of military-civilian integrated health delivery systems established under subsection (a).

(3) VALUE-BASED REIMBURSEMENT METHODOLOGIES.—The Secretary shall incorporate value-based reimbursement methodologies, such as capitated payments, bundled payments, or pay for performance, into memoranda of understanding and contracts entered into under paragraph (1) to reimburse entities for medical services provided to covered beneficiaries under such memoranda of understanding and contracts.

(d) COVERED BENEFICIARY DEFINED.—In this section, the term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 737. CONTRACTS WITH PRIVATE SECTOR ENTITIES TO PROVIDE CERTAIN HEALTH CARE SERVICES AT MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall enter into centrally-managed, performance-based contracts under this section with private sector entities to augment the delivery of health care services at military treatment facilities that have a limited or restricted ability to provide health care services, such as primary care or expanded-hours urgent care.

(b) CONTRACTS.—In entering into contracts with private sector entities under this section, the Secretary shall—

(1) consider the demand by covered beneficiaries for health care services, such as primary care or expanded-hours urgent care services;

(2) project the workload gaps at military treatment facilities associated with the demand for such health care services; and

(3) seek to—

(A) improve the health of covered beneficiaries;

(B) improve the access of covered beneficiaries to health care services;

(C) produce cost savings for the Department of Defense; and

(D) maximize the use by covered beneficiaries of the direct care component of the military health system to maintain operational medical force readiness and the medical readiness of the Armed Forces.

(c) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to carry out this section.

(2) PLAN.—The plan required under paragraph (1) shall include the following:

(A) A description of the number and types of contracts that the Secretary intends to enter into under this section.

(B) A description of the performance measures to be used by the Secretary in procuring performance-based contracts under this section.

(d) COVERED BENEFICIARY DEFINED.—In this section, the term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 738. MODIFICATION OF ACQUISITION STRATEGY FOR HEALTH CARE PROFESSIONAL STAFFING SERVICES.

Section 725(a) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 1091 note) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraph (G) as subparagraph (H); and

(B) by inserting after subparagraph (F) the following new subparagraph (G):

''(G) A plan to implement throughout the Department a performance-based, strategic-sourcing contract for acquiring such services for the military health system that includes the following:

''(i) Except as provided in clause (ii), a requirement that all components of the military health system use such contract.

''(ii) A process for obtaining a waiver of such requirement based on a documented rationale to use another contract or acquisition approach.''; and

(2) by adding at the end the following new paragraph:

''(3) EVALUATION OF RESULTS.—The Secretary shall use methods and metrics established as part of the acquisition strategy under paragraph (1) to evaluate the results of the acquisition strategy and revise the acquisition strategy as the Secretary considers appropriate.''.

SEC. 739. REDUCTION OF ADMINISTRATIVE REQUIREMENTS RELATING TO AUTOMATIC RENEWAL OF ENROLLMENTS IN TRICARE PRIME.

Section 1097a(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''(1) An'' and inserting ''An''; and

(2) by striking paragraph (2).

Subtitle C—Reports and Other Matters

SEC. 751. PILOT PROGRAM ON EXPANSION OF USE OF PHYSICIAN ASSISTANTS TO PROVIDE MENTAL HEALTH CARE TO MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAM.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall commence the conduct of a pilot program to assess the feasibility and advisability of expanding the use by the Department of Defense of physician assistants specializing in psychiatric medicine at medical facilities of the Department of Defense in order to meet the increasing demand for mental health care providers at such facilities through the use of a psychiatry fellowship program for physician assistants.

(b) ELIGIBLE INDIVIDUALS.—An individual eligible for participation in the pilot program is an individual who—

(1) has successfully graduated with a masters degree in physician assistant studies from an accredited physician assistant program;

(2) is certified by the National Commission on Certification of Physician Assistants;

(3) has a valid license, certification, and registration necessary to practice medicine;

(4) does not have any pending challenge, investigation, revocation, restriction, disciplinary action, suspension, reprimand, probation, denial, or withdrawal with respect to any license, certification, or registration described in paragraph (3);

(5) is a commissioned officer in the Armed Forces; and

(6) meets the requirements necessary to be deployed as such an officer throughout the world.

(c) SELECTION OF INDIVIDUALS.—The Secretary shall select not fewer than five individuals described in subsection (b) to participate in the pilot program for each round of the psychiatric fellowship program conducted under subsection (d).

(d) PSYCHIATRIC FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall establish a psychiatric fellowship program for physician assistants.

(2) ROUNDS OF PROGRAM.—The psychiatric fellowship program under paragraph (1) shall consist of two rounds, each with a maximum duration of two years.

(3) USE OF OTHER PROGRAMS.—In carrying out the psychiatric fellowship program under paragraph (1), the Secretary shall use resources available under existing graduate medical education programs of the Department of Defense to the greatest extent possible.

(e) REPORTS ON PILOT PROGRAM.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary completes the first round of the psychiatric fellowship program under subsection (d), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) A description of the implementation of the pilot program, including a detailed description of the education and training provided under the pilot program.

(ii) An assessment of potential cost savings, if any, to the Federal Government resulting from the pilot program.

(iii) A description of improvements, if any, to the access of members of the Armed Forces to mental health care resulting from the pilot program.

(iv) A description of recommendations, if any, of the Secretary of alternative methods to improve the access of members of the Armed Forces to mental health care other than through the pilot program.

(v) A recommendation as to the feasibility and advisability of extending or expanding the pilot program.

(2) FINAL REPORT.—Not later than 90 days after the date on which the pilot program terminates under subsection (f), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an update to the report submitted under paragraph (1).

(f) TERMINATION.—The authority of the Secretary to carry out the pilot program shall terminate upon the completion of the second round of the psychiatric fellowship program under subsection (d).

SEC. 752. IMPLEMENTATION OF PLAN TO ELIMINATE CERTAIN GRADUATE MEDICAL EDUCATION PROGRAMS OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall implement a phased plan to eliminate graduate medical education programs of the Department of Defense that do not directly support the operational medical force readiness requirements for health care providers within the Armed Forces or the medical readiness of the Armed Forces.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth the phased plan of the Secretary that is required to be implemented under subsection (a).

(2) ELEMENTS.—The report required to be submitted under paragraph (1) shall include the following with respect to the phased plan of the Secretary:

(A) An identification of locations at which training under a graduate medical education program will be eliminated under the plan, including training at civilian institutions, disaggregated by military department.

(B) An identification of the types of graduate medical education programs to be eliminated under the plan, such as intern, residency, subspecialty, and fellowship programs, and the number of participants affected, disaggregated by military department.

(C) An assessment of the amount of time required to eliminate the graduate medical education programs under the plan, including a timeline for the elimination of each such program.

(D) An assessment of the annual cost savings to the Department resulting from the elimination of graduate medical education programs under the plan.

SEC. 753. MODIFICATION OF AUTHORITY OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES TO INCLUDE UNDERGRADUATE AND OTHER MEDICAL EDUCATION AND TRAINING PROGRAMS.

(a) IN GENERAL.—Section 2112(a) of title 10, United States Code, is amended to read as follows:

''(a)(1) There is established a Uniformed Services University of the Health Sciences (in this chapter referred to as the 'University') with authority to grant appropriate certificates, certifications, undergraduate degrees, and advanced degrees.

''(2) The University shall be so organized as to graduate not fewer than 100 medical students annually.

''(3) The headquarters of the University shall be at a site or sites selected by the Secretary of Defense within 25 miles of the District of Columbia.''.

(b) ADMINISTRATION.—Section 2113 of such title is amended—

(1) in subsection (d)—

(A) in the first sentence, by striking ''located in or near the District of Columbia'';

(B) in the third sentence, by striking ''in or near the District of Columbia''; and

(C) by striking the fifth sentence; and

(2) in subsection (e)(3), by inserting after ''programs'' the following: '', including certificate, certification, and undergraduate degree programs,''.

(c) REPEAL OF EXPIRED PROVISION.—Section 2112a of such title is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''(a) CLOSURE PROHIBITED.—''.

SEC. 754. MEMORANDA OF AGREEMENT WITH INSTITUTIONS OF HIGHER EDUCATION THAT OFFER DEGREES IN ALLOPATHIC OR OSTEOPATHIC MEDICINE.

(a) IN GENERAL.—The Secretary of Defense shall enter into memoranda of agreement with local or regional institutions of higher education that offer degrees in allopathic or osteopathic medicine to establish affiliations between such institutions and military treatment facilities.

(b) AFFILIATION WITH MILITARY TREATMENT FACILITY.—Under each memorandum of agreement entered into with an institution of higher education under subsection (a), not fewer than one military treatment facility located in the area of such institution shall serve as an affiliated teaching hospital for such institution, including by sharing training facilities, staff, and material resources between the military treatment facility and such institution.

SEC. 755. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), as amended by section 722 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) and section 723 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is further amended by striking ''September 30, 2017'' and inserting ''September 30, 2018''.

SEC. 756. PROHIBITION ON CONDUCT OF CERTAIN MEDICAL RESEARCH AND DEVELOPMENT PROJECTS.

The Secretary of Defense and each Secretary of a military department may not fund or conduct a medical research and development project unless the Secretary funding or conducting the project determines that the project is designed to directly protect, enhance, or restore the health and safety of members of the Armed Forces.

SEC. 757. AUTHORIZATION OF REIMBURSEMENT BY DEPARTMENT OF DEFENSE TO ENTITIES CARRYING OUT STATE VACCINATION PROGRAMS FOR COSTS OF VACCINES PROVIDED TO COVERED BENEFICIARIES.

(a) REIMBURSEMENT.—

(1) IN GENERAL.—The Secretary of Defense may reimburse an amount determined under paragraph (2) to an entity carrying out a State vaccination program for the cost of vaccines provided to covered beneficiaries through such program.

(2) AMOUNT OF REIMBURSEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amount determined under this paragraph with respect to a State vaccination program shall be the amount assessed by the entity carrying out such program to purchase vaccines provided to covered beneficiaries through such program.

(B) LIMITATION.—The amount determined under this paragraph may not exceed the amount that the Department would reimburse an entity for providing vaccines to covered beneficiaries under the TRICARE program.

(b) DEFINITIONS.—In this section:

(1) COVERED BENEFICIARY; TRICARE PROGRAM.—The terms ''covered beneficiary'' and ''TRICARE program'' have the meanings given those terms in section 1072 of title 10, United States Code.

(2) STATE VACCINATION PROGRAM.—The term ''State vaccination program'' means a vaccination program that provides vaccinations to individuals in a State and is carried out by an entity (including an agency of the State) within the State.

SEC. 758. MAINTENANCE OF CERTAIN REIMBURSEMENT RATES FOR CARE AND SERVICES TO TREAT AUTISM SPECTRUM DISORDER UNDER DEMONSTRATION PROGRAM.

Effective as of the date of the enactment of this Act, in order to maintain access to care and services to treat autism spectrum disorder under the Comprehensive Autism Care Demonstration program of the Department of Defense conducted under section 705 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 1092 note), as extended and modified by the Secretary of Defense, the Secretary shall reinstate the reimbursement rates for the provision of applied behavior analysis therapy under such program that were in effect on March 31, 2016, and may not modify such reimbursement rates throughout the duration of such program.

SEC. 759. INCORPORATION INTO CERTAIN SURVEYS BY DEPARTMENT OF DEFENSE OF QUESTIONS ON SERVICEWOMEN EXPERIENCES WITH FAMILY PLANNING SERVICES AND COUNSELING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall initiate action to integrate into the surveys by the Department of Defense specified in subsection (b) questions designed to obtain information on the experiences of women members of the Armed Forces—

(1) in accessing family planning services and counseling; and

(2) in using family planning methods, including information on which method was preferred and whether deployment conditions affected the decision on which family planning method or methods to be used.

(b) COVERED SURVEYS.—The surveys into which questions shall be integrated as described in subsection (a) are the following:

(1) The Health Related Behavior Survey of Active Duty Military Personnel.

(2) The Health Care Survey of Department of Defense Beneficiaries.

SEC. 760. ASSESSMENT OF TRANSITION TO TRICARE PROGRAM BY FAMILIES OF MEMBERS OF RESERVE COMPONENTS CALLED TO ACTIVE DUTY AND ELIMINATION OF CERTAIN CHARGES FOR SUCH FAMILIES.

(a) ASSESSMENT OF TRANSITION TO TRICARE PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall complete an assessment of the extent to which families of members of the reserve components of the Armed Forces serving on active duty pursuant to a call or order to active duty for a period of more than 30 days experience difficulties in transitioning from health care arrangements relied upon when the member is not in such an active duty status to health care benefits under the TRICARE program.

(2) ELEMENTS.—The assessment under paragraph (1) shall address the following:

(A) The extent to which family members of members of the reserve components of the Armed Forces are required to change health care providers when they become eligible for health care benefits under the TRICARE program.

(B) The extent to which health care providers in the private sector with whom such family members have established relationships when not covered under the TRICARE program are providers who—

(i) are in a preferred provider network under the TRICARE program;

(ii) are participating providers under the TRICARE program; or

(iii) will agree to treat covered beneficiaries at a rate not to exceed 115 percent of the maximum allowable charge under the TRICARE program.

(C) The extent to which such family members encounter difficulties associated with a change in health care claims administration, health care authorizations, or other administrative matters when transitioning to health care benefits under the TRICARE program.

(D) Any particular reasons for, or circumstances that explain, the conditions described in subparagraphs (A), (B), and (C).

(E) The effects of the conditions described in subparagraphs (A), (B), and (C) on such family members and the Department of Defense.

(F) Recommendations for changes in policies and procedures under the TRICARE program, or other administrative action by the Secretary, to remedy or mitigate difficulties faced by such family members in transitioning to health care benefits under the TRICARE program.

(G) Recommendations for legislative action to remedy or mitigate such difficulties.

(H) Such other matters as the Secretary determines relevant to the assessment.

(3) REPORT.—

(A) IN GENERAL.—Not later than 180 days after completing the assessment under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing the results of the assessment.

(B) ANALYSIS OF RECOMMENDATIONS.—The report required by subparagraph (A) shall include an analysis of each recommendation for legislative action addressed under paragraph (2)(G), together with a cost estimate for implementing each such action.

(b) EXPANSION OF AUTHORITY TO ELIMINATE BALANCE BILLING.—Section 1079(h)(4)(C)(ii) of title 10, United States Code, is amended by striking ''in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title''.

(c) DEFINITIONS.—In this section, the terms ''covered beneficiary'' and ''TRICARE program'' have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 761. REQUIREMENT TO REVIEW AND MONITOR PRESCRIBING PRACTICES AT MILITARY TREATMENT FACILITIES OF PHARMACEUTICAL AGENTS FOR TREATMENT OF POST-TRAUMATIC STRESS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) conduct a comprehensive review of the prescribing practices at military treatment facilities of pharmaceutical agents for the treatment of post-traumatic stress;

(2) implement a process or processes to monitor the prescribing practices at military treatment facilities of pharmaceutical agents that are discouraged from use under the VA/DOD Clinical Practice Guideline for Management of Post-Traumatic Stress;

(3) implement a plan to address any deviations from such guideline in prescribing practices of pharmaceutical agents for management of post-traumatic stress at such facilities; and

(4) implement a plan to address any instances in which benzodiazepines and opioids are concurrently prescribed.

(b) PHARMACEUTICAL AGENT DEFINED.—In this section, the term ''pharmaceutical agent'' has the meaning given that term in section 1074g(g) of title 10, United States Code.

SEC. 762. REPORT ON PLAN TO IMPROVE PEDIATRIC CARE AND RELATED SERVICES FOR CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan of the Department of Defense to improve pediatric care and related services for children of members of the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) In order to ensure that children receive developmentally-appropriate and age-appropriate health care services from the Department, a plan to align preventive pediatric care under the TRICARE program with—

(A) standards for such care as required by the Patient Protection and Affordable Care Act (Public Law 111–148);

(B) guidelines established for such care by the Early and Periodic Screening, Diagnosis, and Treatment program under the Medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(C) recommendations by organizations that specialize in pediatrics.

(2) A plan to develop a uniform definition of ''pediatric medical necessity'' for the Department that aligns with recommendations of organizations that specialize in pediatrics in order to ensure that a consistent definition of such term is used in providing health care in military treatment facilities and by health care providers under the TRICARE program.

(3) A plan to revise certification requirements for residential treatment centers of the Department to expand the access of children of members of the Armed Forces to services at such centers.

(4) A plan to develop measures to evaluate and improve access to pediatric care, coordination of pediatric care, and health outcomes for such children.

(5) A plan to include an assessment of access to pediatric specialty care in the annual report to Congress on the effectiveness of the TRICARE program.

(6) A plan to improve the quality of and access to behavioral health care under the TRICARE program for such children, including intensive outpatient and partial hospitalization services.

(7) A plan to mitigate the impact of permanent changes of station and other service-related relocations of members of the Armed Forces on the continuity of health care services received by such children who have special medical or behavioral health needs.

(8) A plan to mitigate deficiencies in data collection, data utilization, and data analysis to improve pediatric care and related services for children of members of the Armed Forces.

(c) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given such term in section 1072 of title 10, United States Code.

SEC. 763. COMPTROLLER GENERAL REPORT ON HEALTH CARE DELIVERY AND WASTE IN MILITARY HEALTH SYSTEM.

(a) COMPTROLLER GENERAL REPORTS.—Not later than one year after the date of the enactment of this Act, and not less frequently than once each year thereafter for four years, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report assessing various issues relating to the delivery of health care in the military health system, with an emphasis on identifying potential waste and inefficiency.

(b) ELEMENTS.—

(1) IN GENERAL.—Each report submitted under subsection (a) shall, within the direct and purchased care components of the military health system, evaluate the following:

(A) Processes for ensuring that health care providers adhere to clinical practice guidelines.

(B) Processes for reporting and resolving adverse medical events.

(C) Processes for ensuring program integrity by identifying and resolving medical fraud and waste.

(D) Processes for coordinating care within and between the direct and purchased care components of the military health system.

(E) Procedures for administering the TRICARE program.

(F) Processes for assessing and overseeing the efficiency of clinical operations of military hospitals and clinics, including access to care for covered beneficiaries at such facilities.

(2) ADDITIONAL INFORMATION.—Each report submitted under subsection (a) may include, if the Comptroller General considers feasible—

(A) an estimate of the costs to the Department of Defense relating to any waste or inefficiency identified in the report; and

(B) such recommendations for action by the Secretary of Defense as the Comptroller General considers appropriate, including eliminating waste and inefficiency in the direct and purchased care components of the military health system.

(c) DEFINITIONS.—In this section, the terms ''covered beneficiary'' and ''TRICARE program'' have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 764. TREATMENT OF CERTAIN PROVISIONS RELATING TO LIMITATIONS, TRANSPARENCY, AND OVERSIGHT REGARDING MEDICAL RESEARCH CONDUCTED BY THE DEPARTMENT OF DEFENSE.

(a) MEDICAL RESEARCH AND DEVELOPMENT PROJECTS.—Section 756, relating to a prohibition on funding and conduct of certain medical research and development projects by the Department of Defense, shall have no force or effect.

(b) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS AND PROCUREMENT ACTIVITIES RELATED TO MEDICAL RESEARCH.—Section 898, relating to a limitation on authority of the Secretary of Defense to enter into contracts, grants, or cooperative agreements for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense, shall have no force or effect.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy Management

SEC. 801. RAPID ACQUISITION AUTHORITY AMENDMENTS.

Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (B), by striking ''; and'' and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(C) developed or procured under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note); and'';

(2) in subsection (b), by adding at the end the following new paragraph:

''(3) Specific procedures in accordance with the guidance developed under section 804(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).''; and

(3) in subsection (c)—

(A) in paragraph (2)(A)—

(i) by striking ''Whenever the Secretary'' and inserting ''(i) Except as provided under clause (ii), whenever the Secretary''; and

(ii) by adding at the end the following new clause:

''(ii) Clause (i) does not apply to acquisitions initiated in the case of a determination by the Secretary that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) if the designated official for acquisitions using such pathways is the Service Acquisition Executive.'';

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting ''or upon the Secretary making a determination that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) based on a compelling national security need'' after ''of paragraph (1)'';

(ii) in subparagraph (B)—

(I) by striking ''The authority'' and inserting ''Except as provided under subparagraph (C), the authority'';

(II) in clause (ii), by striking ''; and'' and inserting a semicolon;

(III) in clause (iii), by striking the period at the end and inserting ''; and''; and

(IV) by adding at the end the following new clause:

''(iv) in the case of a determination by the Secretary that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note), in an amount not more than $200,000,000 during any fiscal year.''; and

(iii) by adding at the end the following new subparagraph:

''(C) For each of fiscal years 2017 and 2018, the limits set forth in clauses (i) and (ii) of subparagraph (B) do not apply to the exercise of authority under such clauses provided that the total amount of supplies and associated support services acquired as provided under such subparagraph does not exceed $800,000,000 during such fiscal year.'';

(C) in paragraph (4)—

(i) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(ii) by inserting after subparagraph (B) the following new subparagraph:

''(C) In the case of a determination by the Secretary under paragraph (3)(A) that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note), the Secretary shall notify the congressional defense committees of the determination within 10 days after the date of the use of such funds.''; and

(D) in paragraph (5)—

(i) by striking ''Any acquisition'' and inserting ''(A) Any acquisition''; and

(ii) by adding at the end the following new subparagraph:

''(B) Subparagraph (A) does not apply to acquisitions initiated in the case of a determination by the Secretary that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).''.

SEC. 802. AUTHORITY FOR TEMPORARY SERVICE OF PRINCIPAL MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION AS ACTING ASSISTANT SECRETARIES.

(a) ASSISTANT SECRETARY OF THE ARMY FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Section 3016(b)(5)(B) of title 10, United States Code, is amended by adding at the end the following new sentence: ''In the event of a vacancy in the position of Assistant Secretary of the Army for Acquisition Technology, and Logistics, the Principal Military Deputy may serve as acting Assistant Secretary for a period of not more than one year.''.

(b) ASSISTANT SECRETARY OF THE NAVY FOR RESEARCH, DEVELOPMENT, AND ACQUISITION.—Section 5016(b)(4)(B) of such title is amended by adding at the end the following new sentence: ''In the event of a vacancy in the position of Assistant Secretary of the Navy for Research, Development, and Acquisition, the Principal Military Deputy may serve as acting Assistant Secretary for a period of not more than one year.''.

(c) ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION.—Section 8016(b)(4)(B) of such title is amended by adding at the end the following new sentence: ''In the event of a vacancy in the position of Assistant Secretary of the Air Force for Acquisition, the Principal Military Deputy may serve as acting Assistant Secretary for a period of not more than one year.''.

SEC. 803. CONDUCT OF INDEPENDENT COST ESTIMATION AND COST ANALYSIS.

(a) IN GENERAL.—Section 2334 of title 10, United States Code, is amended—

(1) in subsection (a)(6), by striking ''conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority'' and inserting ''prepare or approve independent cost estimates and cost analyses for major defense acquisition programs, major automated information system programs, and major subprograms'';

(2) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (c), (d), (e), (f), and (g), respectively; and

(3) by inserting after subsection (a) the following new subsection:

''(b) INDEPENDENT COST ESTIMATES.—(1) The Secretary of Defense may not approve the technology maturation and risk reduction, the engineering and manufacturing development, or the production and deployment of a major defense acquisition program, major automated information system program, or major subprogram unless an independent cost estimate of the full lifecycle cost of the program prepared or approved by Director of Cost Assessment and Program Evaluation has been considered by the Secretary.

''(2) The regulations governing the content and submission of independent cost estimates shall require that the independent estimate of the full life-cycle cost of a program include—

''(A) all costs of development, procurement, military construction, operations and support, and manpower to operate, maintain, and support the program upon full operational deployment without regard to funding source or management control; and

''(B) an analysis to support decision making that identifies and evaluates alternative courses of action that may reduce cost and risk and result in more affordable and less costly systems.''.

(b) REPEAL OF OBSOLETE AUTHORITY.—

(1) IN GENERAL.—Section 2434 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by striking the item relating to section 2434.

SEC. 804. MODERNIZATION OF SERVICES ACQUISITION.

(a) SERVICES ACQUISITION CATEGORIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense Instruction 5000.74, dated January 6, 2016 (in this section referred to as the ''Services Acquisition Instruction'')—

(1) to provide guidance on how the acquisition community should consider the changing nature of the technology and professional services markets, particularly the convergence of hardware and services, in its application of the Services Acquisition Categories Instruction;

(2) to reflect a review of, and as appropriate revisions to, the current categories of services acquisition referenced in the Services Acquisition Categories Instruction in order to ensure the categories are fully reflective of changes to the technology and professional services market; and

(3) to reflect a review of existing service contracts of the Department of Defense for purposes of reducing redundancy and duplication.

(b) GUIDANCE REGARDING TRAINING AND DEVELOPMENT OF THE ACQUISITION WORKFORCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue new guidance addressing the training and development of the acquisition workforce, particularly the components of the workforce that are engaged in the procurement of services.

(2) IDENTIFICATION OF TRAINING AND PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND ALTERNATIVES.—The guidance required under paragraph (1) shall identify training and professional development opportunities and alternatives, not limited to existing Department of Defense institutions, that focus on and provide relevant training and professional development in commercial business models and contracting.

(3) TREATMENT OF TRAINING AND PROFESSIONAL DEVELOPMENT.—The training and professional development provided pursuant to this subsection shall be deemed to be equivalent to the respective and appropriate training currently certified or provided by the Defense Acquisition University.

SEC. 805. MODIFIED NOTIFICATION REQUIREMENT FOR EXERCISE OF WAIVER AUTHORITY TO ACQUIRE VITAL NATIONAL SECURITY CAPABILITIES.

Subsection (d) of section 806 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended to read as follows:

''(d) NOTIFICATION REQUIREMENT.—Not later than 10 days after exercising the waiver authority under subsection (a), the Secretary of Defense shall provide a written notification to Congress providing the details of the waiver and the expected benefits it provides to the Department of Defense.''.

SEC. 806. REPEAL OF TEMPORARY SUSPENSION OF PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY CONTRACTORS.

Section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2253) is hereby repealed.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. DEFENSE COST ACCOUNTING STANDARDS.

(a) DEFENSE COST ACCOUNTING STANDARDS BOARD.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 190. Defense Cost Accounting Standards Board

''(a) ORGANIZATION.—The Defense Cost Accounting Standards Board is an independent board in the Office of the Secretary of Defense.

''(b) MEMBERSHIP.—(1) The Board consists of 7 members. One member is the Chief Financial Officer of the Department of Defense or his or her designee, who serves as Chairman. The other 6 members, who shall have experience in contract pricing, finance, or cost accounting in either the Federal government or the private sector, are as follows:

''(A) 3 representatives of the Department of Defense appointed by the Secretary of Defense; and

''(B) 3 individuals from the private sector, each of whom is appointed by the Secretary, and—

''(i) 1 of whom is a representative of an nontraditional defense contractor as defined in section 2302(9) of this title; and

''(ii) 1 of whom is a representative from a public accounting firm.

''(2) A member appointed under paragraph (1)(A) may not continue to serve after ceasing to be an officer or employee of the Department of Defense.

''(c) DUTIES.—

''(1) The Defense Cost Accounting Standards Board has exclusive authority, with respect to the Department of Defense, to prescribe, amend, and rescind cost accounting standards, and interpretations of the standards, designed to achieve uniformity and consistency in the cost accounting standards governing measurement, assignment, and allocation of costs to contracts with the Department of Defense.

''(2) The Chief Financial Officer of the Department of Defense, after consultation with the Board, shall prescribe rules and procedures governing actions of the Board under this section. The Under Secretary when prescribing rules shall ensure the following:

''(A) Cost accounting standards used by contractors to the Department of Defense shall to the maximum extent practicable rely on commercial standards and accounting practices and systems.

''(B)(i) The Secretary, in consultation with the Defense Cost Accounting Standards Board, shall review the cost accounting standards under section 1502 of title 41 and make recommendations to the Cost Accounting Standards Board to conform these standards where practicable to United States Generally Accepted Accounting Principles (GAAP).

''(ii) 180 days after this review, the Under Secretary of Acquisitions, Technology, and Logistics may promulgate new cost accounting standards as they apply to direct costs under cost type contracts at the Department of Defense to conform to the Secretary's recommendations.

''(C) Indirect costs under cost type contracts shall be determined under procedures developed by the Department of Defense Cost Accounting Standards Board using cost accounting records in compliance with United States Generally Accepted Accounting Principles (GAAP).

''(D) Any cost information necessary to allocate incentives on fixed-price incentive contracts shall be determined using cost accounting records in compliance with United States Generally Accepted Accounting Principles (GAAP). However, incentives under fixed price incentive contracts should to the maximum extent practicable be performance-based and not cost-based.

''(3) The Board shall develop standards to ensure that commercial operations performed by government employees at the Department of Defense adhere to cost accounting standards that inform managerial decision making. These standards should be based on cost accounting standards established under this section or United States Generally Accepted Accounting Principles (GAAP).

''(d) COMPENSATION.—(1) Members of the Board who are officers or employees of the Department of Defense shall not receive additional compensation for services but shall continue to be compensated by the employing department or agency of the officer or employee.

''(2) Each member of the Board appointed from the private sector shall receive compensation at a rate not to exceed the daily equivalent of the rate for level IV of the Executive Schedule for each day (including travel time) in which the member is engaged in the actual performance of duties vested in the Board.

''(3) While serving away from home or regular place of business, Board members and other individuals serving on an intermittent basis shall be allowed travel expenses in accordance with section 5703 of title 5.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by adding after the item relating to section 189 the following new item:

''190. Defense Cost Accounting Standards Board.''.

(b) USE OF STANDARDS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Defense Cost Accounting Standards

''(a) MANDATORY USE OF STANDARDS.—(1) Cost accounting standards prescribed under section 190(c)(2) of this title are mandatory for use by the Department of Defense and by contractors and subcontractors in estimating, accumulating, and reporting costs in connection with the pricing and administration of, and settlement of disputes concerning, all negotiated prime contract and subcontract procurements with the Federal Government in excess of the amount set forth in section 2306a(a)(1)(A)(i) of this title as the amount is adjusted in accordance with applicable requirements of law.

''(2) Paragraph (1) does not apply to—

''(A) a contract or subcontract for the acquisition of a commercial item;

''(B) a contract or subcontract where the price negotiated is based on a price set by law or regulation;

''(C) a firm, fixed-price contract or subcontract; or

''(D) a contract or subcontract with a value of less than $7,500,000 if, when the contract or subcontract is entered into, the segment of the contractor or subcontractor that will perform the work has not been awarded at least one contract or subcontract with a value of more than $7,500,000 that is covered by the standards.

''(b) EXEMPTIONS AND WAIVERS.—(1) The Defense Cost Accounting Standards Board established under section 190 of this title may—

''(A) exempt classes of contractors and subcontractors from the requirements of this section; and

''(B) establish procedures for the waiver of the requirements of this section for individual contracts and subcontracts.

''(2) The Secretary of Defense may waive the applicability of the cost accounting standards for a contract or subcontract if the Secretary determines in writing that the segment of the contractor or subcontractor that will perform the work—

''(A) is primarily engaged in the sale of commercial items; and

''(B) would not otherwise be subject to the cost accounting standards under this section.

''(3) In exceptional circumstances, the head of a military service or defense agency may waive the applicability of the cost accounting standards for a contract or subcontract under exceptional circumstances when necessary to meet the needs of the service or agency. A determination to waive the applicability of the standards under this paragraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such chapter is amended by adding at the end the following new item:

''2338. Defense cost accounting standards.''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on October 1, 2018.

(c) COMPTROLLER GENERAL REPORT.—Not later than December 31, 2019, the Comptroller General of the United States shall submit to the congressional defense committees an annual report on the adequacy of the Department of Defense's approach to applying commercial cost accounting standards to indirect and fixed price incentive contracts.

(d) AUDITING REQUIREMENTS.—

(1) GAAP.—Commercial accounting firms shall audit the adequacy of information presented in compliance with United States Generally Accepted Accounting Principles (GAAP).

(2) DCAA AUDITS.—DCAA shall audit direct costs on cost contracts and rely on commercial audits of indirect costs, except that in the case of companies or business units that have more than 50 percent of government cost type contracts as a percentage of sales, DCAA shall audit both direct and indirect costs.

SEC. 812. INCREASED MICRO-PURCHASE THRESHOLD APPLICABLE TO DEPARTMENT OF DEFENSE PROCUREMENTS.

(a) INCREASED MICRO-PURCHASE THRESHOLD.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Micro-purchase threshold

''Notwithstanding subsection (a) of section 1902 of title 41, the micro-purchase threshold for the Department of Defense for purposes of such section is $5,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2338. Micro-purchase threshold.''.

(b) CONFORMING AMENDMENT.—Section 1902(a) of title 41, United States Code, is amended by striking ''For purposes'' and inserting ''Except as provided in section 2338 of title 10, for purposes''.

SEC. 813. ENHANCED COMPETITION REQUIREMENTS.

Section 2306a of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting ''that is only expected to receive one bid'' after ''entered into using procedures other than sealed-bid procedures''; and

(2) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking ''price competition'' and inserting ''competition that results in at least two or more responsive and viable competing bids''; and

(B) by adding at the end the following new paragraph:

''(6) DETERMINATION BY PRIME CONTRACTOR.—A prime contractor required to submit certified cost or pricing data under subsection (a) with respect to a prime contract shall be responsible for determining whether a subcontract under such contract qualifies for an exception under paragraph (1)(A) from such requirement.''.

SEC. 814. ELIMINATION OF BID AND PROPOSAL COSTS AND OTHER EXPENSES AS ALLOWABLE INDEPENDENT RESEARCH AND DEVELOPMENT COSTS ON CERTAIN CONTRACTS.

(a) IN GENERAL.—Section 2372 of title 10, United States Code, is amended to read as follows:

''§ 2372. Independent research and development costs: allowable costs

''(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the payment, by the Department of Defense, of expenses incurred by contractors for independent research and development costs.

''(b) COSTS TREATED AS FAIR AND REASONABLE AND ALLOWABLE EXPENSES.—The regulations prescribed pursuant to subsection (a) shall provide that independent research and development costs shall be considered a fair and reasonable and allowable expense on Department of Defense contracts.

''(c) ADDITIONAL CONTROLS.—Subject to subsection (f), the regulations prescribed pursuant to subsection (a) may include the following provisions:

''(1) A limitation on the fair and reasonableness determination with respect to costs of independent research and development which the Secretary of Defense determines is of potential interest to the Department of Defense.

''(2) A limitation that the total amount of the independent research and development costs of the contractor that are determined as fair and reasonable may not exceed the contractor's adjusted maximum reimbursement amount.

''(3) Implementation of regular methods for transmission—

''(A) from the Department of Defense to contractors, in a reasonable manner, of timely and comprehensive information regarding planned or expected Department of Defense future technology and advanced capability needs; and

''(B) from contractors to the Department of Defense, in a reasonable manner, of information regarding progress by the contractor on the contractor's independent research and development programs.

''(d) ADJUSTED MAXIMUM REIMBURSEMENT AMOUNT.—For purposes of subsection (c)(2), the adjusted maximum reimbursement amount for a contractor for a fiscal year is 5 percent of the total amount of the work performed by the contractor during the preceding fiscal year on Department of Defense contracts funded through procurement or research development, test, and evaluation accounts using authorized appropriations.

''(e) WAIVER OF ADJUSTED MAXIMUM REIMBURSEMENT AMOUNT.—The Secretary of Defense may waive the applicability of any limitation prescribed under subsection (c)(2) to any contractor for a fiscal year to the extent that the Secretary determines that allowing the contractor to exceed the contractor's adjusted maximum reimbursement amount for such year is otherwise in the best interest of the Government.

''(f) LIMITATIONS ON REGULATIONS.—Regulations prescribed pursuant to subsection (c) may not include provisions that would infringe on the independence of a contractor to choose which technologies to pursue in its independent research and development program so long as the chief executive officer certifies that the expenditures will advance Department of Defense future technology and advanced capability needs as transmitted pursuant to subsection (c)(3)(A).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking the item relating to section 2372 and inserting the following new item:

''2372. Independent research and development costs: payments to contractors.''.

SEC. 815. EXCEPTION TO REQUIREMENT TO INCLUDE COST OR PRICE TO THE GOVERNMENT AS A FACTOR IN THE EVALUATION OF PROPOSALS FOR CERTAIN MULTIPLE-AWARD TASK OR DELIVERY ORDER CONTRACTS.

Section 2305(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting ''(except as provided in subparagraph (C))'' after ''shall''; and

(B) in clause (ii), by inserting ''(except as provided in subparagraph (C))'' after ''shall'' and

(2) by adding at the end the following new subparagraphs:

''(C) If the head of an agency issues a solicitation for multiple task or delivery order contracts under section 2304a(d)(1)(B) of this title for the same or similar services and intends to make a contract award to each qualifying offeror—

''(i) cost or price to the Federal Government need not, at the Government's discretion, be considered under clause (ii) of subparagraph (A) as an evaluation factor for the contract award; and

''(ii) if, pursuant to clause (i), cost or price to the Federal Government is not considered as an evaluation factor for the contract award—

''(I) the disclosure requirement of clause (iii) of subparagraph (A) shall not apply; and

''(II) cost or price to the Federal Government shall be considered in conjunction with the issuance pursuant to section 2304c(b) of this title of a task or delivery order under any contract resulting from the solicitation.

''(D) In subparagraph (C), the term 'qualifying offeror' means an offeror that—

''(i) is determined to be a responsible source;

''(ii) submits a proposal that conforms to the requirements of the solicitation; and

''(iii) the contracting officer has no reason to believe would likely offer other than fair and reasonable pricing.''.

SEC. 816. MODIFIED RESTRICTIONS ON UNDEFINITIZED CONTRACTUAL ACTIONS.

Section 2326 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ''Any undefinitized contract shall be awarded on a fixed-price level of effort basis.'';

(2) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(3) by inserting after subsection (e) the following new subsections:

''(f) TIME LIMIT.—No undefinitized contractual action may extend beyond 90-days without a written determination by the Secretary of the military department or head of a Defense Agency that it is in the best interests of the military department or Defense Agency to continue the action.

''(g) FOREIGN MILITARY CONTRACTS.—(1) Except as provided in paragraph (2), a contracting officer of the Department of Defense may not enter into an undefinitized contractual action for a foreign military sale unless the contractual action provides for agreement upon contractual terms, specifications, and price by the end of the 180-day period described in subsection (b)(1)(A).

''(2) The requirement under paragraph (1) may be waived in accordance with subsection (b)(4).''; and

(4) in subsection (i)(1), as redesignated by paragraph (2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

SEC. 817. NON-TRADITIONAL CONTRACTOR DEFINITION.

Section 2302(9) of title 10, United States Code, is amended—

(1) by striking ''of this title, means an entity that is not currently performing'' and inserting the following: ''of this title—

''(A) means a specific business unit or function with a unique entity identifier that is not currently performing'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(B) does not mean a business unit that received a transfer of procurement or transaction from another business unit within the same corporate entity that is currently performing or performed, for at least the one-year period preceding the solicitation of sources by the Department of Defense for the procurement or transaction, any contract or subcontract for the Department of Defense that is subject to full coverage under the cost accounting standards prescribed pursuant to section 1502 of title 41 and the regulations implementing such section.''.

SEC. 818. COMPREHENSIVE SMALL BUSINESS CONTRACTING PLANS.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Comprehensive small business contracting plans

''(a) AUTHORITY.—The Secretary of Defense may negotiate and administer comprehensive subcontracting plans for the purpose of reducing administrative burdens on contractors while enhancing opportunities provided under Department of Defense contracts for small business concerns and covered small business concerns.

''(b) COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLAN.—

''(1) The Secretary of a military department or head of a Defense Agency shall negotiate, monitor, and enforce compliance with a comprehensive subcontracting plan with a Department of Defense contractor described in paragraph (4).

''(2) The comprehensive subcontracting plan of a contractor—

''(A) shall apply to the entire business organization of the contractor or to one or more of the contractor's divisions or operating elements, as specified in the subcontracting plan; and

''(B) shall cover each Department of Defense contract that is entered into by the contractor and each subcontract that is entered into by the contractor as the subcontractor under a Department of Defense contract.

''(3) Each comprehensive subcontracting plan of a contractor shall require that the contractor report to the Secretary of Defense on a semi-annual basis the following information:

''(A) The amount of first-tier subcontract dollars awarded during the six-month period covered by the report to covered small business concerns, with the information set forth separately—

''(i) by North American Industrial Classification System code;

''(ii) by major defense acquisition program, as defined in section 2430(a) of this title, that meets the criteria of Acquisition Category 1;

''(iii) by contract, if the contract is for the maintenance, overhaul, repair, servicing, rehabilitation, salvage, modernization, or modification of supplies, systems, or equipment and the total value of the contract, including options, exceeds $250,000,000; and

''(iv) by military department.

''(B) The total number of subcontracts active under the test program during the six-month period covered by the report that would have otherwise required a subcontracting plan under paragraph (4) or (5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

''(C) Costs incurred in negotiating, complying with, and reporting on comprehensive subcontracting plans.

''(D) Costs avoided by adoption of a comprehensive subcontracting plan.

''(4) A Department of Defense contractor referred to in paragraph (1) is, with respect to a comprehensive subcontracting plan negotiated in any fiscal year, a business concern that, during the immediately preceding fiscal year, furnished the Department of Defense with supplies or services (including professional services, research and development services, and construction services) pursuant to at least three Department of Defense contracts having an aggregate value of at least $100,000,000.

''(c) WAIVER OF CERTAIN SMALL BUSINESS ACT SUBCONTRACTING PLAN REQUIREMENTS.—A Department of Defense contractor is not required to negotiate or submit a subcontracting plan under paragraph (4) or (5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)) with respect to a Department of Defense contract if—

''(1) the contractor has negotiated a comprehensive subcontracting plan under the test program that includes the matters specified in section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6));

''(2) such matters have been determined acceptable by the Secretary of the military department or head of a Defense Agency negotiating such comprehensive subcontracting plan; and

''(3) the comprehensive subcontracting plan applies to the contract.

''(d) FAILURE TO MAKE A GOOD FAITH EFFORT TO COMPLY WITH A COMPREHENSIVE SUBCONTRACTING PLAN.—

''(1) A contractor that has negotiated a comprehensive subcontracting plan under the test program shall be subject to section 8(d)(4)(F) of the Small Business Act (15 U.S.C. 637(d)(4)(F)) regarding the assessment of liquidated damages for failure to make a good faith effort to comply with its comprehensive subcontracting plan and the goals specified in that plan. In addition, any such failure shall be a factor considered as part of the evaluation of past performance of an offeror.

''(2) Effective in fiscal year 2017 and each fiscal year thereafter, the Secretary of Defense shall report to Congress on any negotiated comprehensive subcontracting plan that the Secretary determines did not meet the subcontracting goals negotiated in the plan for the prior fiscal year.

''(e) DEFINITIONS.—In this section, the term 'covered small business concern' includes each of the following:

''(1) A small business concern, as that term is defined under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

''(2) A small business concern owned and controlled by veterans, as that term is defined in section 3(q)(3) of such Act (15 U.S.C. 632(q)(3)).

''(3) A small business concern owned and controlled by service-disabled veterans, as that term is defined in section 3(q)(2) of such Act (15 U.S.C. 632(q)(2)).

''(4) A qualified HUBZone small business concern, as that term is defined under section 3(p)(5) of such Act (15 U.S.C. 632(p)(5)).

''(5) A small business concern owned and controlled by socially and economically disadvantaged individuals, as that term is defined in section 8(d)(3)(C) of such Act (15 U.S.C. 637(d)(3)(C)).

''(6) A small business concern owned and controlled by women, as that term is defined under section 3(n) of such Act (15 U.S.C. 632(n)).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2338. Comprehensive small business contracting plans.''.

(b) REPEAL OF OBSOLETE AUTHORITY.—Section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is hereby repealed.

SEC. 819. LIMITATION ON TASK AND DELIVERY ORDER PROTESTS.

Section 2304c(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order if the Secretary of Defense determines that a task and delivery order ombudsman responsible for reviewing complaints related to task and delivery order contracts of the issuing agency has been appointed or designated pursuant to subsection (f) and a process for reviewing such complaints has been established.''.

SEC. 820. MODIFIED DATA COLLECTION REQUIREMENTS APPLICABLE TO PROCUREMENT OF SERVICES.

(a) INCREASED THRESHOLD.—Subsection (a) of section 2330a of title 10, United States Code, is amended by striking ''in excess of the simplified acquisition threshold'' and inserting ''in excess of $5,000,000''.

(b) CLARIFICATION OF APPLICABILITY OF INVENTORY REQUIREMENT TO STAFF AUGMENTATION CONTRACTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking ''contracts for services'' and inserting ''staff augmentation contracts''; and

(2) by adding at the end the following new paragraph:

''(4) The term 'staff augmentation contracts' means contracts for personnel who are subject to the direction of a government official other than the contracting officer for the contract, including contractor personnel who perform personal services contracts (as that term is defined in section 2330a(g)(5) of this title).''.

(c) ELIMINATION OF REPORTING REQUIREMENTS.—Such section is further amended—

(1) by striking subsections (g) and (h); and

(2) by redesignating subsections (i) and (j) as subsections (g) and (h), respectively.

SEC. 821. GOVERNMENT ACCOUNTABILITY OFFICE BID PROTEST REFORMS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Government Accountability Office bid protests

''(a) PAYMENT OF COSTS FOR DENIED PROTESTS.—

''(1) IN GENERAL.—A contractor who files a protest described under paragraph (2) with the Government Accountability Office on a contract with the Department of Defense shall pay to the Government Accountability Office costs incurred for processing a protest.

''(2) COVERED PROTESTS.—A protest described under this paragraph is a protest—

''(A) all of the elements of which are denied in an opinion issued by the Government Accountability Office; and

''(B) filed by a party with revenues in excess of $100,000,000 during the previous year.

''(b) WITHHOLDING OF PAYMENTS ABOVE INCURRED COSTS OF INCUMBENT CONTRACTORS.—

''(1) IN GENERAL.—Contractors who file a protest on a contract on which they are the incumbent contractor shall have all payments above incurred costs withheld on any bridge contracts or temporary contract extensions awarded to the contractor as a result of a delay in award resulting from the filing of such protest.

''(2) DISPOSITION OF WITHHELD PAYMENTS ABOVE INCURRED COSTS.—

''(A) RELEASE TO INCUMBENT CONTRACTOR.—All payments above incurred costs of a protesting incumbent contractor withheld pursuant to paragraph (1) shall be released to the protesting incumbent contractor if—

''(i) the solicitation that is the subject of the protest is cancelled and no subsequent request for proposal is released or planned for release; or

''(ii) if the Government Accountability Office issues an opinion that upholds any of the protest grounds filed under the protest.

''(B) RELEASE TO AWARDEE.—Except for the exceptions set forth in subparagraph (A), all payments above incurred costs of a protesting incumbent contractor withheld pursuant to paragraph (1) shall be released to the contractor that was awarded the protested contract prior to the protest.

''(C) RELEASE TO GAO IN EVENT OF NO CONTRACT AWARD.—Except for the exceptions set forth in subparagraph (A), if a protested contract for which payments above incurred costs are withheld under paragraph (1) is not awarded to a contractor, the withheld payments shall be released to the Government Accountability Office and deposited into an account that can be used by the Office to offset costs associated with Government Accountability Office bid protests in which the Government Accountability Office issues an opinion in favor of a small business concern,

either as a direct or third party beneficiary.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 2337 the following new item:

''2338. Government Accountability Office bid protests.''.

SEC. 822. REPORT ON BID PROTESTS.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent research entity that is a not-for-profit entity or a Federally funded research and development center with appropriate expertise and analytical capability to carry out a comprehensive study on the prevalence and impact of bid protests on Department of Defense acquisitions, including protests filed with contracting agencies, the Government Accountability Office, and the Court of Federal Claims.

(b) ELEMENTS.—The report required by subsection (a) shall cover Department of Defense contracts and include, at a minimum, the following elements:

(1) A description of trends in the number of bid protests filed, and the rate of such bid protests compared to contract obligations and the number of contracts.

(2) An analysis of bid protests filed by incumbent contractors, including—

(A) the rate at which such protesters are awarded bridge contracts or contract extensions over the period that the protest remains unresolved; and

(B) an assessment of the cost and schedule impact of successful and unsuccessful bid protests filed by incumbent contractors on contracts for services with a value in excess of $100,000,000.

(3) A description of trends in the number of bid protests filed and the rate of such bid protests on—

(A) contracts valued in excess of $3,000,000,000;

(B) contracts valued between $500,000,000 and $3,000,000,000;

(C) contracts valued between $50,000,000 and $500,000,000; and

(D) contracts valued under $50,000,000.

(4) An assessment of the cost and schedule impact of successful and unsuccessful bid protests filed on contracts valued in excess of $3,000,000,000.

(5) An analysis of how often protestors win the protested contract.

(6) A summary of the results of protests in which the contracting agencies took unilateral corrective action, including—

(A) the average time for remedial action to be completed; and

(B) a determination as to what extent such unilateral action was a result of a violation of law or regulation by the agency, or such action was a result of some other factor.

(7) A description of the time it takes agencies to implement corrective actions after a ruling or decision.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the independent entity that conducts the study under subsection (a) shall provide to the Secretary of Defense and the congressional defense committees a report on the results of the study, along with any related recommendations.

SEC. 823. TREATMENT OF SIDE-BY-SIDE TESTING OF CERTAIN EQUIPMENT, MUNITIONS, AND TECHNOLOGIES MANUFACTURED AND DEVELOPED UNDER COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS AS USE OF COMPETITIVE PROCEDURES.

Section 2350a(g) of title 10, United States Code, is amended by inserting after paragraph (2) the following new paragraph:

''(3) The use of side-by-side testing under this subsection shall be considered to be the use of competitive procedures for purposes of chapter 137 of this title, when procuring items that have been successfully tested and found to satisfy United States military requirements or to correct operational deficiencies.''.

SEC. 824. DEFENSE ACQUISITION CHALLENGE PROGRAM.

(a) EXPANSION OF SCOPE TO INCLUDE ALTERNATIVES TO EXISTING ACQUISITION PROGRAMS.—Subsection (a)(2) of section 2359b of title 10, United States Code, is amended—

(1) by inserting '', or an alternative approach to an existing Department of Defense acquisition program,'' after ''of an existing Department of Defense acquisition program''; and

(2) by inserting ''or function'' after ''capability of that acquisition program''.

(b) TREATMENT OF CHALLENGE PROPOSAL PROCEDURES AS USE OF COMPETITIVE PROCEDURES.—Such section is further amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following new subsection:

''(j) TREATMENT OF USE OF DEVELOPED PROCEDURES AS USE OF COMPETITIVE PROCEDURES.—The use of general solicitation competitive procedures developed pursuant to subsection (c)(3) shall be considered to be the use of competitive procedures for purposes of chapter 137 of this title.''.

(c) EXTENSION OF SUNSET FOR PILOT PROGRAM FOR PROGRAMS OTHER THAN MAJOR DEFENSE ACQUISITION PROGRAMS.—Such section is further amended in paragraph (5) of subsection (l), as redesignated by subsection (b)(1) of this subsection, by striking ''2016'' and inserting ''2021''.

SEC. 825. USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION PROCESS.

(a) STATEMENT OF POLICY.—It shall be the policy of the Department of Defense to avoid using Lowest Price Technically Acceptable source selection criteria in inappropriate circumstances that potentially deny the Department the benefits of cost and technical tradeoffs in the source selection process.

(b) REVISION OF DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.—Not later than 120 days after the date of the enactment of this Act, the Department of Defense shall revise the Defense Federal Acquisition Regulation Supplement (DFARS) to require that, for new solicitations issued on or after the date that is 120 days after the date of the enactment of this Act, Lowest Price Technically Acceptable source selection criteria are used only in situations in which—

(1) the Department of Defense is able to comprehensively and clearly describe the minimum requirements expressed in term of performance objectives, measures, and standards that will be used to determine acceptability of offers;

(2) the Department of Defense would realize no, or minimal, value from a contract proposal exceeding the minimum technical or performance requirements set forth in the Request for Proposal;

(3) the proposed technical approaches will require no, or minimal, subjective judgment by the source selection authority as to the desirability of one offeror's proposal versus a competing proposal;

(4) a review of technical proposals of offerors other than the lowest bidder would result in no, or minimal, benefit to the Department; and

(5) the contracting officer has included a justification for the use of a Lowest Price Technically Acceptable evaluation methodology in the contract file, if the contract to be awarded is predominately for the acquisition of information technology services, systems engineering and technical assistance services, or other knowledge-based professional services.

(c) AVOIDANCE OF USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION CRITERIA IN PROCUREMENTS OF INFORMATION TECHNOLOGY.—To the maximum extent practicable, the use of Lowest Price Technically Acceptable source selection criteria shall be avoided when the procurement is predominately for the acquisition of information technology services, systems engineering and technical assistance services, or other knowledge-based professional services.

(d) REPORTING.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 3 years, the Secretary of Defense shall submit to the congressional defense committees a report on the number of instances in which Lowest Price Technically Acceptable source selection criteria is used, including an explanation of how the criteria in subsection (b) was considered when making a determination to use Lowest Price Technically Acceptable source selection criteria.

SEC. 826. PENALTIES FOR THE USE OF COST-TYPE CONTRACTS.

(a) PENALTIES.—Except as provided under subsection (d), for each fiscal year beginning with fiscal year 2018, the Secretary of each military department and the head of each of the Defense Agencies shall pay a penalty for the use of cost-type contracts.

(b) CALCULATION OF COST-TYPE CONTRACT PENALTY.—

(1) IN GENERAL.—For the purposes of this section, the amount of the cost-type contract penalty per fiscal year for a military department or Defense Agency is the total amount of penalties assessed in accordance with paragraph (2) for the use by such military department or Defense Agency during such fiscal year of cost-type contracts awarded on or after October 1, 2017, including cost no fee, cost plus award fee, cost plus fixed fee, and cost plus incentive fee contracts.

(2) PENALTY PER CONTRACT.—the cost-type contract penalty for using a cost-type contract is—

(A) 2 percent of obligated funds in the case of a contract using procurement funds; and

(B) 1 percent of obligated funds in the case of a contract using research, development, test and evaluation funds.

(c) TRANSFER OF FUNDS.—

(1) REDUCTION OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AND PROCUREMENT ACCOUNTS.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2018, the Secretary of each military department and the head of each Defense Agency shall reduce the applicable research, development, test, and evaluation account and procurement account of the military department or Defense Agency that incurs obligations for cost-type contracts by the percentage determined under paragraph (2), and remit such amount to the Secretary of Defense.

(2) DETERMINATION OF AMOUNT.—The percentage reduction to research, development, test, and evaluation and procurement accounts of a military department or Defense Agency referred to in paragraph (1) is the percentage reduction to such accounts necessary to equal the cost-type contract penalty for the fiscal year for such department or Defense Agency determined pursuant to subsection (b).

(3) CREDITING OF FUNDS.—Any amount remitted under paragraph (1) shall be credited to the Department of Defense Rapid Prototyping Fund established pursuant to section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).

(d) EXCEPTIONS.—

(1) FIRST LEAD SHIPS IN A CLASS.—There shall be no penalty assessed under this section for the use of cost-type contracts for first lead ships in a class.

(2) DELAYED APPLICABILITY TO SCIENCE AND TECHNOLOGY AND SBIR/STTR PROGRAMS.—There shall be no penalty assessed under this section until fiscal year 2019 for the following types of contracts:

(A) Contracts awarded under the Small Business Innovation Research (SBIR) and Small Business Technology Transfer Program (STTR) programs (as those terms are defined in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

(B) Contracts awarded using funds under the Basic Research, Applied Research, and Advanced Technology Development budget activity titles.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting or otherwise modifying transfer authorities available to the Secretary of Defense.

(f) SUNSET.—This section shall terminate at the close of September 30, 2021.

SEC. 827. PREFERENCE FOR FIXED-PRICE CONTRACTS.

(a) ESTABLISHMENT OF PREFERENCE.—Not later than 180 days after the date of the enactment of this Act, the Defense Federal Acquisition Regulation Supplement shall be revised to establish a preference for fixed-price contracts, including fixed-price incentive fee contracts, in the determination of contract type.

(b) APPROVAL REQUIREMENT FOR CERTAIN COST-TYPE CONTRACTS.—

(1) IN GENERAL.—A contracting officer of the Department of Defense may not enter into a cost-type contract described in paragraph (2) unless the contract is approved by—

(A) the Service Acquisition Executive, in the case of a contract entered into by a military service; or

(B) the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of a Defense Agency contract.

(2) COVERED CONTRACTS.—A contract described in this paragraph is—

(A) a cost-type contract in excess of $50,000,000, in the case of a contract entered into after the date that is 180 days after the date of the enactment of this Act and before October 1, 2018;

(B) a cost-type contract in excess of $20,000,000, in the case of a contract entered into on or after October 1, 2018, and before October 1, 2019; and

(C) a cost-type contract in excess of $5,000,000, in the case of a contract entered into on or after October 1, 2019.

SEC. 828. REQUIREMENT TO USE FIRM FIXED-PRICE CONTRACTS FOR FOREIGN MILITARY SALES.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to require the use of firm fixed-price contracts for foreign military sales.

(b) WAIVER AUTHORITY.—The regulations prescribed pursuant to subsection (a) shall include a waiver that may be exercised by the Secretary of Defense if the Secretary certifies that a different contract type is in the best interest of United States taxpayers.

SEC. 829. PREFERENCE FOR PERFORMANCE-BASED CONTRACTUAL PAYMENTS.

(a) IN GENERAL.—Section 2307(b) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting ''PREFERENCE FOR'' before ''PERFORMANCE-BASED'';

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(3) by striking ''Wherever practicable, payment under subsection (a) shall be made'' and inserting ''(1) Whenever practicable, payments under subsection (a) shall be made using performance-based payments''; and

(4) by adding at the end the following new paragraphs:

''(2) Performance-based payments shall not be conditioned upon costs incurred in contract performance but on the achievement of milestones or events based on the performance outcomes listed in paragraph (1).

''(3) The Secretary of Defense shall ensure that non-traditional contractors and commercial companies shall be eligible for performance based payments, consistent with best commercial practices.

''(4) In order to receive performance-based payments, a contractor's accounting system shall be in compliance with Generally Accepted Accounting Principles, and there shall be no requirement for a contractor to develop government unique accounting systems or practices as a prerequisite for agreeing to use performance-based payments.''.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to conform with section 2307(b) of title 10, United States Code, as amended by subsection (a).

SEC. 829A. SHARE-IN-SAVINGS CONTRACTS.

SEC. 829B. COMPETITIVE PROCUREMENT AND PHASE OUT OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION IN THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM FOR SPACE LAUNCH OF NATIONAL SECURITY SATELLITES.

(a) INEFFECTIVENESS OF SUPERSEDED REQUIREMENTS.—Sections 1036 and 1037 shall have no force or effect, and the amendments proposed to be made by section 1037 shall not be made.

(b) IN GENERAL.—Any competition for a contract for the provision of launch services for the evolved expendable launch vehicle program shall be open for award to all certified providers of evolved expendable launch vehicle-class systems.

(c) AWARD OF CONTRACTS.—In awarding a contract under subsection (b), the Secretary of Defense—

(1) subject to paragraphs (2) and (3), and notwithstanding any other provision of law, may, during the period beginning on the date of the enactment of this Act and ending on December 31, 2022, award the contract to a provider of launch services that intends to use any certified launch vehicle in its inventory without regard to the country of origin of the rocket engine that will be used on that launch vehicle;

(2) may award contracts utilizing an engine designed or manufactured in the Russian Federation for only phase 1(a) and phase 2 evolved expendable launch vehicle procurements; and

(3) LIMITATION.—The total number of rocket engines designed or manufactured in the Russian Federation and used on launch vehicles for the evolved expendable launch vehicle program shall not exceed 18.

Section 2332 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) TRAINING.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, the Defense Acquisition University shall develop and implement a training program for Department of Defense acquisition personnel on share-in-savings contracts.''.

SEC. 829C. SPECIAL EMERGENCY PROCUREMENT AUTHORITY TO FACILITATE THE DEFENSE AGAINST OR RECOVERY FROM A CYBER, NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Special emergency procurement authority

''(a) APPLICABILITY.—The authorities provided in subsections (b) and (c) apply with respect to a procurement of property or services by or for the Department of Defense that the Secretary of Defense determines are to be used—

''(1) in support of a contingency operation; or

''(2) to facilitate the defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack against the United States.

''(b) INCREASED THRESHOLDS AND LIMITATION.—For a procurement to which this section applies under subsection (a)—

''(1) the amount specified in subsections (a), (d), and (e) of section 1902 of title 41 shall be deemed to be—

''(A) $15,000 in the case of a contract to be awarded and performed, or purchase to be made, in the United States; and

''(B) $25,000 in the case of a contract to be awarded and performed, or purchase to be made, outside the United States;

''(2) the term 'simplified acquisition threshold' means—

''(A) $750,000 in the case of a contract to be awarded and performed, or purchase to be made, in the United States; and

''(B) $1,500,000 in the case of a contract to be awarded and performed, or purchase to be made, outside the United States; and

''(3) the $5,000,000 limitation in section 1901(a)(2) of title 41 and sections 3305(a)(2) and 2304(g)(1)(B) of this title is deemed to be $10,000,000.

''(c) AUTHORITY TO TREAT PROPERTY OR SERVICE AS COMMERCIAL ITEM.—

''(1) IN GENERAL.—The Secretary of Defense, in carrying out a procurement of property or a service to which this section applies under subsection (a)(2), may treat the property or service as a commercial item for the purpose of carrying out the procurement.

''(2) CERTAIN CONTRACTS NOT EXEMPT FROM STANDARDS OR REQUIREMENTS.—A contract in an amount of more than $15,000,000 that is awarded on a sole source basis for an item or service treated as a commercial item under paragraph (1) is not exempt from—

''(A) cost accounting standards prescribed under section 1502 of title 41; or

''(B) cost or pricing data requirements (commonly referred to as truth in negotiating) under chapter 35 of title 41 and section 2306a of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2338. Special emergency procurement authority.''.

SEC. 829D. LIMITATION ON USE OF REVERSE AUCTION AND LOWEST PRICE TECHNICALLY ACCEPTABLE CONTRACTING METHODS.

(a) LIMITATION.—Not later than 90 days after the date of the enactment of this Act, the Defense Supplement to the Federal Acquisition Regulation shall be amended—

(1) to prohibit the use by the Department of Defense of reverse auction or lowest price technically acceptable contracting methods for the procurement of personal protective equipment where the level of quality or failure of the item could result in combat casualties; and

(2) to establish a preference for the use of best value contracting methods for the procurement of such equipment.

(b) CONFORMING AMENDMENT.—Section 884 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is hereby repealed.

SEC. 829E. AVOIDANCE OF USE OF BRAND NAMES OR BRAND-NAME OR EQUIVALENT DESCRIPTIONS IN SOLICITATIONS.

The Secretary of Defense shall ensure that competition in Department of Defense contracts is not limited through the use of specifying brand names or brand-name or equivalent descriptions, or proprietary specifications or interfaces, in solicitations unless a justification for such specification is provided and approved in accordance with section 2304(f) of title 10, United States Code.

SEC. 829F. SUNSET AND REPEAL OF CERTAIN CONTRACTING PROVISIONS.

(a) SUNSETS.—

(1) PLANTATIONS AND FARMS: OPERATION, MAINTENANCE, AND IMPROVEMENT.—Section 2421 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) SUNSET.—This section shall terminate at the close of September 30, 2018.''.

(2) OBLIGATIONS FOR CONTRACT SERVICES: REPORTING IN BUDGET OBJECT CLASSES.—Section 2212 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) SUNSET.—This section shall terminate at the close of September 30, 2018.''.

(3) REQUIREMENT TO ESTABLISH COST, PERFORMANCE, AND SCHEDULE GOALS FOR MAJOR DEFENSE ACQUISITION PROGRAMS AND EACH PHASE OF RELATED ACQUISITION CYCLES.—Section 2220 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) SUNSET.—This section shall terminate at the close of September 30, 2018.''.

(4) GOVERNMENT PERFORMANCE OF CERTAIN ACQUISITION FUNCTIONS.—Section 1706 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) SUNSET.—This section shall terminate at the close of September 30, 2019.''.

(b) REPEALS.—

(1) LIMITATION ON USE OF OPERATION AND MAINTENANCE FUNDS FOR PURCHASE OF INVESTMENT ITEMS.—

(A) IN GENERAL.—Section 2245a of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the item relating to section 2245a.

(C) CONFORMING AMENDMENT.—Section 166a(e)(1)(A) of such title is amended by striking ''in effect under section 2245a of this title''.

(2) INFORMATION TECHNOLOGY PURCHASES: TRACKING AND MANAGEMENT.—

(A) IN GENERAL.—Section 2225 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2225.

(C) CONFORMING AMENDMENTS.—

(i) SECTION 2330A OF TITLE 10, UNITED STATES CODE.—Section 2330a(j) of such title is amended—

(I) by striking paragraph (2);

(II) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(III) by adding at the end the following new paragraphs:

''(5) SIMPLIFIED ACQUISITION THRESHOLD.—The term 'simplified acquisition threshold' has the meaning given the term in section 134 of title 41.

''(6) SMALL BUSINESS CONCERN.—The term 'small business concern' means a business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)) of title 41.

''(7) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term 'small business concern owned and controlled by socially and economically disadvantaged individuals' has the meaning given that term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

''(8) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY WOMEN.—The term 'small business concern owned and controlled by women' has the meaning given that term in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D)).''.

(ii) SECTION 222 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—Section 222(d) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2358 note) is amended by striking ''as defined in section 2225(f)(3)'' and inserting ''as defined in section 2330a(j)''.

(3) PROCUREMENT OF COPIER PAPER CONTAINING SPECIFIED PERCENTAGES OF POST-CONSUMER RECYCLED CONTENT.—

(A) IN GENERAL.—Section 2378 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 140 of such title is amended by striking the item relating to section 2378.

(4) LIMITATION ON PROCUREMENT OF TABLE AND KITCHEN EQUIPMENT FOR OFFICERS' QUARTERS.—

(A) IN GENERAL.—Section 2387 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2387.

(5) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—

(A) REPEAL.—

(i) IN GENERAL.—Section 2302c of title 10, United States Code, is repealed.

(ii) EXEMPTION FROM GENERAL FEDERAL PROCUREMENT REQUIREMENT.—Section 2301 of title 41, United States Code, is amended by inserting ''other than the Department of Defense'' after ''each executive agency'' each place it appears.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking the item relating to section 2302c.

SEC. 829G. FLEXIBILITY IN CONTRACTING AWARD PROGRAM.

(a) ESTABLISHMENT OF AWARD PROGRAM.—The Secretary of Defense shall create an award to recognize those acquisition programs and professionals that make the best use of the flexibilities and authorities granted by the Federal Acquisition Regulation and Department of Defense Instruction 5000.02 (Operation of the Defense Acquisition System).

(b) PURPOSE OF AWARD.—The award established under subsection (a) shall recognize outstanding performers whose approach to program management emphasizes innovation and local adaptation, including the use of—

(1) simplified acquisition procedures;

(2) inherent flexibilities within the Federal Acquisition Regulation;

(3) commercial contracting approaches;

(4) public-private partnership agreements and practices;

(5) cost sharing arrangements;

(6) innovative contractor incentive practices; and

(7) other innovative implementations of acquisition flexibilities.

(c) BENCHMARKS.—The Secretary of Defense shall, for purposes of administering the award program established under this section, establish specific, measurable benchmarks for measuring successful application of Federal Acquisition Regulation flexibilities, both in terms of assessing the level of innovation being applied and in terms of program outcomes.

SEC. 829H. PRODUCTS AND SERVICES PURCHASED THROUGH CONTRACTING PROGRAM FOR FIRMS THAT HIRE THE SEVERELY DISABLED.

(a) LIMITATION ON CONTRACTING WITH ABILITYONE PROGRAM.—

(1) IN GENERAL.—For purposes of procuring goods and services on the procurement list described in section 8503 of title 41, United States Code (in this section referred to as the ''procurement list'') to be performed by other severely disabled, the Secretary of Defense shall not contract with the AbilityOne nonprofit agency or the AbilityOne Central Nonprofit Agency responsible for contracting with other severely disabled, or use the AbilityOne Central Nonprofit Agency responsible for contracting with other severely disabled to identify vendors who are other severely disabled, but shall contract directly with qualified nonprofit agencies for other severely disabled, until such time that the Inspector General for the Department of Defense certifies to Congress as follows:

(A) The internal controls and financial management systems of the AbilityOne nonprofit agency and the AbilityOne Central Nonprofit Agency responsible for contracting with the other severely disabled are sufficient to protect the Department of Defense against waste, fraud, and abuse.

(B) There are fair opportunities for qualified nonprofit agencies for other severely disabled to compete to provide goods and services to the Department of Defense under the procurement list.

(C) Pass-through contracts to contractors who are not qualified nonprofit agencies for other severely disabled are limited to the maximum extent practicable to providing services and supplies necessary for qualified nonprofit agencies for other severely disabled to assemble a final product for use by the Department of Defense.

(D) Department of Defense contracts for items on the procurement list to the maximum extent practicable create opportunities in the production of products and the provision of services by qualified nonprofit agencies for other severely disabled during the fiscal year that result in the employment of other severely disabled individuals for at least 75 percent of the hours of direct labor required for the production or provision of the products or services.

(E) Opportunities for wounded and disabled veterans are maximized in qualified nonprofit agencies for other severely disabled when participating in Department of Defense contracts.

(F) The Department of Defense is receiving fair and reasonable prices for items on the procurement list.

(2) RECOMMENDATIONS BY THE COMPTROLLER GENERAL OF THE UNITED STATES.—In conducting its review of the internal controls and financial management systems of the AbilityOne nonprofit agency and the AbilityOne Central Nonprofit Agency responsible for contracting with the other severely disabled, the Inspector General of the Department of Defense shall consider recommendations previously made by the Comptroller General of the United States pertaining to the AbilityOne program.

(b) PURCHASING CRITERIA.—Contracting officers for the Department of Defense, when purchasing items off the procurement list under subsection (a), shall ensure that—

(1) there are fair opportunities for qualified nonprofit agencies for other severely disabled to compete to provide goods and services to the Department of Defense under the procurement list;

(2) pass-through contracts to contractors that are not qualified nonprofit agencies for other severely disabled are limited to the maximum extent practicable to providing services and supplies necessary for qualified nonprofit agencies for other severely disabled to assemble a final product for use by the Department of Defense;

(3) Department of Defense contracts for items on the procurement list to the maximum extent practicable create opportunities in the production of products and the provision of services by the qualified nonprofit agencies for other severely disabled during the fiscal year that result in the employment of other severely disabled individuals for at least 75 percent of the hours of direct labor required for the production or provision of the products or services;

(4) opportunities for wounded and disabled veterans are maximized in qualified nonprofit agencies for other severely disabled when participating in Department of Defense contracts; and

(5) the Department of Defense is receiving fair and reasonable prices for items on the procurement list.

(c) QUALIFIED NONPROFIT FOR OTHER SEVERELY DISABLED.—In this section, the term ''qualified nonprofit for other severely disabled'' has the meaning given the term in section 8501(6) of title 41, United States Code.

SEC. 829I. APPLICABILITY OF EXECUTIVE ORDER 13673 "FAIR PAY AND SAFE WORKPLACES" TO DEPARTMENT OF DEFENSE CONTRACTORS.

(a) LIMITATION.—The Secretary of Defense shall apply any acquisition regulations promulgated pursuant to Executive Order 13673 or any successor executive order only to contractors or subcontractors who have been suspended or debarred as a result of a Federal labor law violations covered by Executive Order 13673.

(b) COMPLIANCE REQUIREMENTS.—The Secretary shall ensure that Department of Defense contractors or subcontractors who are not described under subsection (a) are not compelled or required to comply with the conditions for contracting eligibility as stated in any acquisition regulations promulgated to implement Executive Order 13673.

SEC. 829J. CONTRACT CLOSEOUT AUTHORITY.

(a) AUTHORITY.—The Secretary of Defense may close out a contract or group of contracts as described in subsection (b) through the issuance of one or more modifications to existing Department of Defense contracts without completing a reconciliation audit or other corrective action. To accomplish closeout of such contracts—

(1) remaining contract balances may be offset with balances in other contract line items within a contract regardless of the year or type of appropriation previously or currently obligated to fund each contract line item and regardless of whether the appropriation has closed; and

(2) remaining contract balances may be offset with balances on other contracts regardless of the year or type of appropriation previously or currently obligated to fund each contract and regardless of whether the appropriation has closed.

(b) COVERED CONTRACTS.—Contracts covered by this section are contracts or a group of contracts between the Department of Defense and a defense contractor that—

(1) were entered into prior to fiscal year 2000;

(2) have no further supplies or services deliverables due under their terms and conditions; and

(3) are determined by the Secretary of Defense to be not otherwise reconcilable because—

(A) the records have been destroyed or lost; or

(B) the records are available but the Secretary of Defense has determined that the time or effort required to determine the exact amount owed to the United States Government or amount owed to the contractor is disproportionate to the amount at issue.

(c) NEGOTIATED SETTLEMENT AUTHORITY.—Any contract or contracts covered by this section may be closed out through a negotiated settlement with the contractor.

(d) WAIVER AUTHORITY.—The Secretary of Defense is authorized to waive any provision of acquisition law or regulation to carry out the authority under subsection (a).

(e) ADJUSTMENT OF RECORDS.—In any case where the authority under this section is exercised, the cognizant payment or accounting offices may adjust and close any open finance and accounting records.

(f) NO LIABILITY.—No liability will attach to any accounting, certifying, or payment official or contracting officer for any adjustments or closeout made pursuant to the authority provided under this section.

(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of the authority under this section.

(h) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify the congressional defense committees not later than 10 days after exercising the authority under subsection (d). The notice shall include an identification of each provision of law or regulation waived.

SEC. 829K. CLOSEOUT OF OLD NAVY CONTRACTS.

(a) AUTHORITY.—The Secretary of the Navy may close out contracts described in subsection (b) through the issuance of one or more modifications to existing Department of the Navy contracts without completing further reconciliation audits or corrective actions other than those described in this section. To accomplish closeout of such contracts—

(1) remaining contract balances may be offset with balances in other contract line items within a contract regardless of the year or type of appropriation previously or currently obligated to fund each contract line item and regardless of whether either appropriation has closed; and

(2) remaining contract balances may be offset with balances on other contracts regardless of the year or type of appropriation previously or currently obligated to find each contract and regardless of whether either appropriation has closed.

(b) COVERED CONTRACTS.—The contracts covered by this section are contracts to design, construct, repair, or support the construction or repair of Navy submarines that—

(1) were entered into between fiscal years 1974 and 1998;

(2) have no further supply or services deliverables due under their terms and conditions;

(3) for which the Secretary of the Navy has established the total final contract value; and

(4) the final allowable cost for which the Secretary of the Navy has determined may have a negative or positive unliquidated obligation balance with respect to which it would be difficult to determine the year or type of appropriation because—

(A) the records have been destroyed or lost; or

(B) the records are available but the contracting officer in collaboration with the certifying official has determined that a discrepancy is of a de minimis value such that the time and effort required to determine the cause of an out-of-balance condition is disproportionate to the amount of the discrepancy.

(c) CLOSEOUT TERMS.—The contracts identified in subsection (b) may be closed out—

(1) upon receipt of $581,803 from the contractor to be deposited into the Treasury as miscellaneous receipts;

(2) without seeking further amounts from the contractor; and

(3) without payment to the contractor of any amounts that may be due under any such contracts.

(d) WAIVER AUTHORITY.—The Secretary of the Navy is authorized to waive any provision of acquisition law or regulation to carry out the authority under subsection (a).

(e) ADJUSTMENT OF RECORDS.—In any case where the authority under this section is exercised, the cognizant payment or accounting offices may adjust and close any open finance and accounting records.

(f) NO LIABILITY.—No liability will attach to any accounting, certifying, or payment official or contracting officer for any adjustments or closeout made pursuant to the authority provided under this section.

(g) NOTIFICATION REQUIREMENT.—The Secretary of the Navy shall notify the congressional defense committees not later than 10 days after exercising the authority under subsection (d). The notice shall include an identification of each provision of law or regulation waived.

(h) EXPIRATION OF WAIVER AUTHORITY.—The authority under this section shall expire upon receipt of the funds identified in subsection (c)(1).

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

SEC. 831. REPEAL OF MAJOR AUTOMATED INFORMATION SYSTEMS PROVISIONS.

(a) IN GENERAL.—Chapter 144A of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle A of such title, and at the beginning of part IV of subtitle A, are amended by striking the item relating to chapter 144A.

(c) CONFORMING AMENDMENTS.—Section 2334(a)(2) of title 10, United States Code, is amended by striking ''or a major automated information system under chapter 144A of this title''.

SEC. 832. REVISIONS TO DEFINITION OF MAJOR DEFENSE ACQUISITION PROGRAM.

(a) IN GENERAL.—Section 2430 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''In this chapter'' and inserting ''(1) Except as provided under paragraph (2), in this chapter''; and

(C) by adding at the end the following new paragraph:

''(2) In this chapter, the term 'major defense acquisition program' does not include—

''(A) an acquisition program or project that is carried out using the rapid fielding or rapid prototyping acquisition pathway under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note); or

''(B) a stand-alone prototype project that—

''(i) is not included or planned as part of an existing major defense acquisition program; and

''(ii) is carried out under a fixed price contract.''.

(b) ANNUAL REPORTING.—The Secretary of Defense shall include in each comprehensive annual Selected Acquisition Report submitted under section 2432 of title 10, United States Code, a listing of all programs or projects being developed or procured under the exceptions to the definition of major defense acquisition program set forth in paragraph (2) of section 2430(a) of United States Code, as added by subsection (a)(1)(C) of this section.

SEC. 833. ACQUISITION STRATEGY.

Section 2431a of title 10, United States Code, is amended—

(1) in subsection (b), by inserting '', or the milestone decision authority, when the milestone decision authority is the service acquisition executive of the military department that is managing the program,'' after ''the Under Secretary of Defense for Acquisition, Technology, and Logistics'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting '', or the milestone decision authority, when the milestone decision authority is the service acquisition executive of the military department that is managing the program,'' after ''the Under Secretary'';

(B) in paragraph (2)(C), by striking '', in accordance with section 2431b of this title''; and

(C) by adding at the end the following new subparagraph:

''(K) A sustainment strategy which includes all aspects of the total life cycle management of the weapon system, including product support, logistics, product support engineering, supply chain integration, maintenance, acquisition logistics, and all aspects of software sustainment.''; and

(3) in subsection (d)—

(A) in paragraph (1), by striking ''(1) Subject to the authority, direction, and control of the Under Secretary of Defense for Acquisition, Technology, and Logistics, the'' and inserting ''The'';

(B) by striking paragraph (2);

(C) by redesignating subparagraphs (A), (B), (C), (D), (E), (F), and (G) as paragraphs (1), (2), (3), (4), (5), (6), and (7), respectively; and

(D) in paragraph (6), as redesignated by subparagraph (C), by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively.

SEC. 834. IMPROVED LIFE CYCLE COST CONTROL.

(a) MODIFIED GUIDANCE FOR RAPID FIELDING PATHWAY.—Section 804(c)(3) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended—

(1) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(E) a process for identifying and exploiting opportunities to use the rapid fielding pathway to reduce total ownership costs.''.

(b) LIFE CYCLE COST MANAGEMENT.—Section 805(2) of such Act (Public Law 114–92; 10 U.S.C. 2302 note) is amended by inserting ''life cycle cost management,'' after ''budgeting,''.

(c) GUIDANCE ON ACQUISITION OF BUSINESS SYSTEMS.—Section 883(e) of such Act (Public Law 114–92; 10 U.S.C. 2223a note) is amended—

(1) in paragraph (7), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(9) policies to maximize use of fixed-price contracting elements and ability to implement tradeoffs among total cost of ownership, schedule, and performance.''.

(d) SUSTAINMENT REVIEWS.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2441. Sustainment reviews

''(a) IN GENERAL.—Following the earliest of (i) five years after declaration of initial operational capability of a major defense acquisition program, (ii) failure of the program to maintain its availability or reliability thresholds, or (iii) breach of the program's operations and support affordability cap, there shall be a sustainment review with the results documented in a memorandum by the relevant decision authority.

''(b) ELEMENTS.—At a minimum, the review required under subsection (a) shall include the following elements:

''(1) An independent cost estimate for the remainder of the life cycle of the program.

''(2) A comparison of actual costs to the budget, and if budgetary shortfalls exists, an explanation of availability implications.

''(3) A comparison between the assumed and achieved system reliabilities.

''(4) An analysis of the most cost-effective source of repairs and maintenance.

''(5) Data on the cost of consumables and depot-level repairables.

''(6) Data on costs of information technology, networks, computer hardware, and software maintenance and upgrades.

''(7) As applicable, an assessment of the actual fuel efficiencies compared to the projected fuel efficiencies as demonstrated in tests or operations.

''(8) An analysis of the effort required for contracted sustaining engineering by contractors and the government.

''(9) As applicable, a comparison of actual manpower requirements to previous estimates.

''(10) An analysis of whether accurate and complete data is being reported in the relevant military department's cost systems, and if deficiencies exist, a plan to update the data and insure accurate and complete data is submitted in the future.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2441. Sustainment reviews.''.

(e) COMMERCIAL OPERATIONAL AND SUPPORT SAVINGS INITIATIVE.—

(1) IN GENERAL.—The Secretary of Defense shall establish a commercial operational and support savings initiative to improve readiness and reduce operations and support costs by inserting existing commercial items or technology into military legacy systems through the rapid development of prototypes and fielding of production items based on current commercial technology.

(2) PROGRAM PRIORITY.—The commercial operational and support savings initiative shall fund programs that—

(A) reduce the costs of owning and operating a military system, including the costs of personnel, consumables, goods and services, and sustaining the support and investment associated with the peacetime operation of a weapon system;

(B) take advantage of the commercial sector's technological innovations by inserting commercial technology into fielded weapon systems; and

(C) emphasize prototyping and experimentation with new technologies and concepts of operations.

(3) FUNDING PHASES.—

(A) IN GENERAL.—Projects funded under the commercial operational and support savings initiative shall consist of two phases, Phase 1 and Phase 2.

(B) PHASE I.—(i) Funds made available during Phase I shall be used to perform the nonrecurring engineering, testing, and qualification that are typically needed to adapt a commercial item or technology for use in a military system.

(ii) Phase I shall include—

(I) establishment of cost and performance metrics to evaluate project success;

(II) establishment of a transition plan and agreement with a military service or Defense Agency for adoption and sustainment of the technology or system; and

(III) the development, fabrication, and delivery of a prototype to a military service for installation into a fielded Department of Defense system.

(iii) Programs shall be terminated if no agreement is established within two years of project initiation.

(iv) The Office of the Secretary of Defense may provide up to 50 percent of Phase I funding for a project. The relevant military service or Defense Agency shall provide the remainder of Phase I funding, which may be provided out of operation and maintenance funding.

(v) Phase I funding shall not exceed three years.

(C) PHASE II.—(i) Phase II shall include the purchase of limited production quantities of the prototype kits and transition to a program of record for continued sustainment.

(ii) Phase II awards may be made without competition as firm, fixed-price awards or as awards for the purchase of commercial items under part 12 of the Federal Acquisition Regulation.

(iii) The competitive procedures requirements of chapter 173 of title 10, United States Code, and the cost and pricing data requirements of section 2306a of such title shall not apply to contracts awarded during Phase II of the commercial operational and support savings initiative.

(4) TREATMENT AS COMPETITIVE PROCEDURES.—The use of general solicitation competitive procedures under the commercial operational and support savings initiative shall be considered to be the use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

SEC. 835. MODIFICATION OF CERTAIN MILESTONE B CERTIFICATION REQUIREMENTS.

Section 2366b(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''total resources available during the period covered by the future-years defense program submitted during the fiscal year in which the certification is made'' and inserting ''total resources available to the program''; and

(2) in subparagraph (D), by striking '', through the period covered by the future-years defense program submitted during the fiscal year in which the certification is made,''.

SEC. 836. DISCLOSURE OF RISK IN COST ESTIMATES.

Subsection (d) of section 2334 of title 10, United States Code, is amended to read as follows:

''(d) DISCLOSURE OF RISK IN COST ESTIMATES.—The Director of Cost Assessment and Program Evaluation, and the Secretary of the military department concerned or the head of the Defense Agency concerned (as applicable), shall each—

''(1) issue guidance requiring a discussion of risk, the potential impacts of risk on program costs, and approaches to mitigate risk in cost estimates for major defense acquisition programs;

''(2) ensure that cost estimates are developed based on historical actual cost information that is based on demonstrated contractor and government performance and that such estimates provide a high degree of confidence that the program can be completed without the need for significant adjustment to program budgets; and

''(3) include the information required by paragraph (1)—

''(A) in any decision documentation approving a cost estimate within the baseline description or any other cost estimate for use at any event specified in subsection (a)(6); and

''(B) in the next Selected Acquisition Report pursuant to section 2432 of this title.''.

SEC. 837. AUTHORITY TO DESIGNATE INCREMENTS OR BLOCKS OF ITEMS DELIVERED UNDER MAJOR DEFENSE ACQUISITION PROGRAMS AS MAJOR SUBPROGRAMS FOR PURPOSES OF ACQUISITION REPORTING.

Section 2430a(1)(B) of title 10, United States Code, is amended by striking ''major defense acquisition program to purchase satellites requires the delivery of satellites in two or more increments or blocks'' and inserting ''major defense acquisition program requires the delivery of two or more increments or blocks''.

SEC. 838. COUNTING OF MAJOR DEFENSE ACQUISITION PROGRAM SUBCONTRACTS TOWARD SMALL BUSINESS GOALS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Counting of major defense acquisition program subcontracts toward small business goals

''(a) ANNUAL PROCUREMENT GOALS.—First tier and second tier subcontracts awarded by the Department of Defense under major defense acquisition programs to small business concerns, small businesses concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women shall be considered toward annual Department of Defense management goals for procurement contracts awarded to those concerns.

''(b) DEFINITIONS.—In this section—

''(1) the terms 'qualified HUBZone small business concern', 'small business concern', 'small business concern owned and controlled by service-disabled veterans', and 'small business concern owned and controlled by women' have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632); and

''(2) the term 'small business concern owned and controlled by socially and economically disadvantaged individuals' has the meaning given the term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2338. Counting of major defense acquisition program subcontracts toward small business goals.''.

SEC. 839. USE OF ECONOMY-WIDE INFLATION INDEX TO CALCULATE PERCENTAGE INCREASE IN UNIT COSTS.

Section 2433(f) of title 10, United States Code, is amended by striking ''stated in terms of constant base year dollars (as described in section 2430 of this title).'' and inserting ''stated in terms of constant dollars. An economy-wide inflation index, such as the Gross Domestic Product Prince Index, shall be used to calculate unit costs in constant dollars.''.

SEC. 840. WAIVER OF NOTIFICATION WHEN ACQUIRING TACTICAL MISSILES AND MUNITIONS ABOVE THE BUDGETED QUANTITY.

Section 2308(c) of title 10, United States Code, is amended by adding at the end the following new sentence: ''However, no such notification is required when the acquisition of a higher quantity of an end item is for an end item under a primary tactical missile program or a munition program.''.

SEC. 841. MULTIPLE PROGRAM MULTIYEAR CONTRACT PILOT DEMONSTRATION PROGRAM.

(a) AUTHORITY.—The Secretary of Defense may conduct a multiyear contract, over a period of up to four years, for the purchase of units for multiple defense programs that are produced at common facilities at a high rate, and which maximize commonality, efficiencies and quality, in order to provide maximum benefit to the Department of Defense. Contracts awarded under this section should allow for significant savings, as determined consistent with the authority under section 2306b of title 10, United States Code, to be achieved as compared to using separate annual contracts under individual programs to purchase such units, and may include flexible delivery across the overall period of performance.

(b) SCOPE.—The contracts authorized in (a) shall at a minimum provide for the acquisition of units from three discrete programs from two of the military departments.

(c) DOCUMENTATION.—Each contract awarded under subsection (a) shall include the documentation required to be provided for a multiyear contract proposal under section 2306b(i) of title 10.

(d) DEFINITIONS.—In this section—

(1) the term ''high rate'' means total annual production across the multiple programs of more than 200 end-items per year; and

(2) the term ''common facilities'' means production facilities operating within the same general and allowable rate structure.

(e) SUNSET.—No new contracts may be issued under the authority of this section after September 30, 2021.

SEC. 842. KEY PERFORMANCE PARAMETER REDUCTION PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall identify at least one acquisition program per military service to reduce the total number of Key Performance Parameters (KPP) levied against the program for purposes of determining whether operational and programmatic outcomes are improved by limiting KPPs on a program to a small number of program-specific performance features.

(b) LIMITATION ON KEY PERFORMANCE PARAMETERS.—Acquisition programs identified for the pilot program established under paragraph (1) shall establish no more than three KPPs, each of which shall describe a program-specific performance attribute. Other mandatory KPPs for such programs shall be treated as Key System Attributes.

SEC. 843. MISSION AND SYSTEM OF SYSTEMS INTEROPERABILITY.

(a) IMPLEMENTATION OF MODULAR OPEN SYSTEMS ARCHITECTURE IN ACQUISITION PROGRAMS.—In implementing section 801 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3425; 10 U.S.C. 2223a note) to enable mission integration and systems of systems interoperability, the Secretary of Defense shall—

(1) ensure that—

(A) system architectures are logically and functionally segmented and interfaces between major system elements and external-facing interfaces are identified and exposed;

(B) interfaces are characterized clearly in terms of form, function, and the content that flows across in order to enable integration and interoperability, including through automated tools; and

(C) the Department of Defense secures appropriate rights to share and publish interface characteristics; and

(2) establish modular open systems bodies and processes to support standards for interfaces that are dynamically managed, flexible, and extensible in order to enable technological innovation and performance growth over the life cycle of systems following the principles of system architecture, interface characterization, and interface publication.

(b) MISSION INTEGRATION MANAGERS.—

(1) IN GENERAL.—Each multi-service and multi-program mission area specified in paragraph (2) shall have a mission integration manager jointly designated by the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff, from among the chairs of the Functional Capabilities Boards, for purposes of such mission area.

(2) COVERED MISSION AREAS.—The mission areas specified in this paragraph are the following:

(A) Close air support.

(B) Air defense and offensive and defensive counter-air.

(C) Interdiction.

(D) Intelligence, surveillance, and reconnaissance.

(E) Any other overlapping mission area of significance, as jointly designated by the Deputy Secretary and Vice Chairman for purposes of this subsection.

(3) QUALIFICATIONS.—A chair of a Functional Capability Board may not be designated as a mission integration manager under this subsection unless the chair has an acquisition certification of level II or above.

(4) RESPONSIBILITIES.—The mission integration manager for a mission area under this subsection shall act as the principal substantive advisor to the Deputy Secretary and the Vice Chairman on all aspects of capability integration for the mission area. In carrying out such responsibilities for a mission area, the mission integration manager shall—

(A) sponsor and conduct tests, demonstrations, and exercises and identify focused experiments for compelling challenges and opportunities;

(B) oversee the establishment of interface management processes described in subsection (a)(1) and standards bodies and processes described in subsection (a)(2);

(C) sponsor and oversee research on and development of (including tests and demonstrations) automated tools for composing systems of systems on demand;

(D) develop mission-based inputs for the requirements process, budgeting and resource allocation, program and portfolio management; and

(E) coordinate with commanders of the combatant commands on the development of concepts of operation and operational plans.

(5) SCOPE OF RESPONSIBILITIES.—The responsibilities of a mission integration manager for a mission area under this subsection shall extend to the supporting elements for the mission area, such as communications, command and control, electronic warfare, and intelligence.

(6) FUNDING FOR CERTAIN RESPONSIBILITIES.—Of the amount authorized to be appropriated for each fiscal year after fiscal year 2016 for the Department of Defense and available for operational systems development, an amount equal to 0.5 percent of such amount shall be available in such fiscal year for mission integration managers to carry out the responsibilities specified in subparagraphs (A) through (C) of paragraph (4).

SEC. 844. B–21 BOMBER DEVELOPMENT PROGRAM BASELINE AND COST CONTROL.

(a) DEFINITIONS.—In this section:

(1) B–21 BOMBER BASELINE DEVELOPMENTAL CONTRACT ESTIMATE.—The term ''B–21 Bomber Baseline Developmental Contract Estimate'', with respect to the engineering and manufacturing development (EMD) phase of the B–21 bomber program, is the agreed contract price as of October 27, 2015, with the selected prime contractor for the EMD phase of the program.

(2) B–21 BOMBER BASELINE DEVELOPMENTAL ESTIMATE.—The term ''B–21 Bomber Baseline Developmental Estimate'' with respect to the EMD phase of the B–21 bomber program is the agreed Independent Cost Estimate for the EMD phase of the program that received the concurrence of the Director of Cost Assessment and Program Evaluation under the procedures of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23).

(3) B–21 BOMBER SIGNIFICANT DEVELOPMENTAL COST GROWTH THRESHOLD.—The term ''B–21 bomber significant developmental cost growth threshold'' means a percentage increase in the B–21 Bomber Baseline Developmental Contract Estimate of at least 15 percent.

(4) B–21 BOMBER CRITICAL DEVELOPMENTAL COST GROWTH THRESHOLD.—The term ''B–21 bomber critical developmental cost growth threshold'' means a percentage increase in the B–21 bomber Baseline Developmental Contract Estimate of at least 25 percent.

(b) B–21 BOMBER SIGNIFICANT DEVELOPMENTAL COST GROWTH THRESHOLD BREACH.—If, based upon the joint determination of the Air Force Service Acquisition Executive and the Under Secretary of Defense for Acquisition, Technology, and Logistics, the B–21 Bomber Baseline Developmental Contract Estimate has increased by a percentage equal to or greater than the B–21 bomber significant developmental cost growth threshold, the Secretary of Defense shall immediately notify Congress in writing of such determination.

(c) B–21 BOMBER CRITICAL DEVELOPMENTAL COST GROWTH THRESHOLD BREACH.—

(1) IN GENERAL.—If, based upon joint determination of the Air Force Service Acquisition Executive and the Under Secretary of Defense for Acquisition, Technology, and Logistics, the B–21 Bomber Baseline Developmental Contract Estimate has increased by a percentage equal to or greater than the B–21 bomber critical developmental cost growth threshold, the Secretary of Defense shall immediately halt the program and take the actions described in paragraphs (2) through (5).

(2) REASSESSMENT OF PROGRAM.—The Secretary shall determine the root cause or causes of the critical developmental cost growth and, in consultation with the Director of Cost Assessment and Program Evaluation, carry out an assessment of—

(A) the projected cost of completing the EMD phase if current requirements are not modified;

(B) the projected cost of completing the EMD phase based on reasonable modification of such requirements;

(C) the rough order of magnitude of the costs of any reasonable alternative system or capability; and

(D) the need to reduce funding for other programs due to the growth in cost of the B–21 program.

(3) PRESUMPTION OF TERMINATION.—

(A) IN GENERAL.—After conducting the reassessment required under paragraph (2), the Secretary shall terminate the contract and program unless the Secretary submits to Congress a written certification that—

(i) the continuation of the contract and program is essential to the national security;

(ii) there are no alternatives to the current contract and program which will provide acceptable capability to meet the joint military requirement (as defined in section 181(g)(1) of title 10, United States Code, at less cost;

(iii) the new estimates of the cost to complete the contract for the EMD phase of the program have been determined by the Director of Cost Assessment and Program Evaluation to be reasonable;

(iv) the program is a higher priority than programs the funding of which must be reduced to accommodate the growth in cost of the program; and

(v) the management structure for the program is adequate to manage and control program acquisition unit cost or procurement unit cost.

(B) SUPPORTING DOCUMENTATION.—A written certification under paragraph (A) shall be accompanied by a report presenting the root cause analysis and assessment carried out pursuant to paragraph (2) and the basis for each determination made in accordance with clauses (i) through (v) of subparagraph (A), together with supporting documentation.

(4) ACTIONS IF PROGRAM NOT TERMINATED.—

(A) If the Secretary elects not to terminate the B–21 bomber EMD contract and program pursuant to paragraph (3), the Secretary shall—

(i) restructure the program in a manner that addresses the root cause or causes of the critical cost growth, as identified pursuant to paragraph (2), and ensures that the program has an appropriate management structure as set forth in the certification submitted pursuant to paragraph (3)(A);

(ii) rescind the most recent milestone approval for the program and withdraw any associated certification under sections 2366a and 2366b of title 10, United States Code;

(iii) require a new milestone approval for the program before taking any contract action to enter a new contract, exercise an option under an existing contract, or otherwise extend the scope of an existing contract under the program, except to the extent determined necessary by the Secretary of Defense, on a non-delegable basis, to ensure that the program can be restructured as intended by the Secretary without unnecessarily wasting resources;

(iv) include in the report required under paragraph (3)(B) a description of all funding changes made as a result of the growth in cost of the program, including reductions made in funding for other programs to accommodate such cost growth; and

(v) conduct regular reviews of the program in accordance with the requirements of section 205 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1724).

(5) ACTIONS IF PROGRAM TERMINATED.—If the B–21 bomber program is terminated pursuant to paragraph (3), the Secretary shall submit to Congress a written report setting forth—

(A) an explanation of the reasons for terminating the program;

(B) the alternatives considered to address any problems in the program; and

(C) the course the Department of Defense plans to pursue to meet any continuing joint military requirements otherwise intended to be met by the program, including the modernization investments required to ensure that B–1, B–2, or B–52 aircraft can carry out the full range of long-range bomber aircraft missions anticipated in operational plans of the Armed Forces.

(d) B–21 BOMBER PROGRAM COST AND ACCOUNTABILITY.—

(1) IN GENERAL.—Commencing with the first quarter of fiscal year 2017, the Secretary of the Air Force shall submit to the Comptroller General of the United States, not later than the 15th day following the end of each calendar quarter, the matrices described in paragraph (2) relating to the B–21 bomber aircraft program updated with that quarter's information. The Comptroller General shall review the matrices for accuracy, identify cost, schedule, and performance trends, and report on its assessment to the congressional defense committees not later than the 45th day following the end of each calendar quarter.

(2) MATRICES DESCRIBED.—The matrices described in this paragraph are the following:

(A) FUNDING PROFILES.—A matrix expressing the total cost for the Air Force service

cost position for the EMD phase and low initial rate of production lots of the B–21 bomber aircraft and a matrix expressing the total cost for the prime contractor spending plan for such EMD phase and production lots, both of which shall be subdivided according to the costs of the following:

(i) Airframe.

(ii) Propulsion.

(iii) Mission systems.

(iv) Vehicle systems, including armament and weapons delivery.

(v) Air vehicle software.

(vi) Systems engineering.

(vii) Program management.

(viii) System test and evaluation.

(ix) Support and training systems.

(x) Contractor fee.

(xi) Engineering changes.

(xii) Direct mission support.

(xiii) Government testing.

(B) DEVELOPMENT PROGRESS GOALS.—A matrix detailing progress in major development elements of the B–21 bomber program subdivided according to the following:

(i) Technology readiness levels of major components.

(ii) Design maturity.

(iii) Software maturity.

(iv) Manufacturing readiness levels of key manufacturing operations.

(v) Manufacturing operations.

(vi) Test and verification key target dates.

(vii) Reliability.

(e) TRANSFER OF FUNDS TO RAPID PROTOTYPING FUND.—

(1) IN GENERAL.—For each fiscal year beginning with fiscal year 2017, the difference between funds budgeted for the B–21 Bomber Baseline Developmental Estimate and funds budgeted for the B–21 Bomber Baseline Developmental Contract Estimate, less other government costs to manage the B–21 bomber program and not otherwise authorized or appropriated, shall be transferred to the Rapid Prototyping Fund.

(2) TIMING.—For each fiscal year after fiscal year 2017, the transfer shall occur in conjunction with that fiscal year's budget submission.

(3) RE-TRANSFER OF FUNDS TO COVER CERTAIN COSTS.—Funds may be transferred from the Rapid Prototyping Fund back to the B–21 bomber program to cover unexpected cost increases for the engineering and manufacturing phase of the B–21 bomber program upon the determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, and notification of such transfers to the congressional defense committees. This notification shall include the detailed reasons why such a transfer is needed.

Subtitle D—Provisions Relating to Acquisition Workforce

SEC. 851. IMPROVEMENT OF PROGRAM AND PROJECT MANAGEMENT BY THE DEPARTMENT OF DEFENSE.

(a) DEPARTMENT-WIDE RESPONSIBILITIES OF SECRETARY OF DEFENSE.—In fulfilling the responsibilities under chapter 87 of title 10, United States Code, the Secretary of Defense shall—

(1) develop Department-wide standards, policies, and guidelines for program and project management for the Department of Defense based on appropriate and applicable nationally accredited standards for program and project management;

(2) develop mechanisms to monitor compliance with the standards, policies, and guidelines developed under paragraph (1); and

(3) engage with the private sector on matters relating to program and project management for the Department.

(b) RESPONSIBILITIES OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—In fulfilling the responsibilities under chapter 87 of title 10, United States Code, for the military departments and the Defense Agencies, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(1) advise and assist Secretary of Defense with respect Department of Defense practices related to program and project management;

(2) review programs identified as high-risk in program and project management by the Government Accountability Office, and make recommendations for actions to be taken by the Secretary to mitigate such risks;

(3) assess matters of importance to the workforce in program and project management, including—

(A) career development and workforce development;

(B) policies to support continuous improvement in program and project management; and

(C) major challenges of the Department in managing programs and projects; and

(4) advise on the development and applicability of standards Department-wide for program and project management transparency.

(c) RESPONSIBILITIES OF ACQUISITION EXECUTIVES.—In fulfilling the responsibilities under chapter 87 of title 10, United States Code, for the military departments, the service acquisition executives (in consultation with the Chiefs of the Armed Forces with respect to military program managers), and the component acquisition executives for the Defense Agencies, shall—

(1) ensure the compliance of the department or Agency concerned with standards, policies, and guidelines for program and project management for the Department of Defense developed by the Secretary of Defense under subsection (a)(1); and

(2) ensure the effective career development of program managers through—

(A) training and educational opportunities for program managers, including exchange programs with the private sector;

(B) mentoring of current and future program managers by experienced public and private sector senior executives and program managers;

(C) continued refinement of career paths and career opportunities for program managers;

(D) incentives for the recruitment of highly qualified individuals to serve as program managers;

(E) improved means of collecting and disseminating best practices and lessons learned to enhance program management; and

(F) improved methods to support improved data gathering and analysis for program management and oversight purposes.

(d) DEADLINE FOR STANDARDS, POLICIES, AND GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall issue the standards, policies, and guidelines required by subsection (a)(1). The Secretary shall provide Congress an interim update on the progress made in implementing this section not later than six months after the date of the enactment of this Act.

SEC. 852. AUTHORITY TO WAIVE TENURE REQUIREMENT FOR PROGRAM MANAGERS FOR PROGRAM DEFINITION AND PROGRAM EXECUTION PERIODS.

(a) PROGRAM DEFINITION PERIOD.—Section 826(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended by striking ''The Secretary may waive'' and inserting ''The Service Acquisition Executive, in the case of a major defense acquisition program of a military service, or the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of a Defense-wide or Defense Agency major defense acquisition program, may waive''.

(b) PROGRAM EXECUTION PERIOD.—Section 827(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended by striking ''The immediate supervisor of a program manager for a major defense acquisition program may waive'' and inserting ''The Service Acquisition Executive, in the case of a major defense acquisition program of a military service, or the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of a Defense-wide or Defense Agency major defense acquisition program, may waive''.

SEC. 853. ENHANCED USE OF DATA ANALYTICS TO IMPROVE ACQUISITION PROGRAM OUTCOMES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Deputy Chief Management Officer, and the Chief Information Officer, and in coordination with the military services, shall establish a set of activities that use data analysis, measurement, and other evaluation-related methods to improve the acquisition outcomes of the Department of Defense and enhance organizational learning.

(b) ACTIVITIES.—

(1) IN GENERAL.—The set of activities established under subsection (a) may include the following:

(A) Establishment of a data analytics capabilities and organizations within the appropriate military service.

(B) Development of capabilities in Department of Defense laboratories, test centers, and Federally funded research and development centers to provide technical support for data analytics activities that support acquisition program management and business process re-engineering activities.

(C) Increased use of existing analytical capabilities available to acquisition programs and offices to support improved acquisition outcomes.

(D) Funding of intramural and extramural research and development activities to develop and implement data analytics capabilities in support of improved acquisition outcomes.

(E) Publication, to the maximum extent practicable, and in a manner that protects classified and proprietary information, of data collected by the Department of Defense related to acquisition program costs and activities for access and analyses by the general public.

(F) Clarification by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, of a consistent policy as to the role of data analytics in establishing budgets and holding milestone decisions for major defense acquisition programs.

(G) Continual assessment, in consultation with the private sector, of the efficiency of current data collection and analyses processes, so as to minimize the requirement for collection and delivery of data by, from, and to government organizations.

(H) Promulgation of guidance to acquisition programs and activities on the efficient use and sharing of data between programs and organizations to improve acquisition program analytics and outcomes.

(I) Promulgation of guidance on assessing and enhancing quality of data and data analyses to support improved acquisition outcomes.

(2) GAP ANALYSIS OF CURRENT ACTIVITIES.—The Secretary, in coordination with the military services, shall identify the current activities, organizations, and groups of personnel that are pursuing tasks similar to those described in paragraph (1) that are being carried out as of the date of the enactment of this Act. The Secretary shall consider such current activities, organizations, and personnel in determining the set of activities to establish pursuant to subsection (a).

(3) TRAINING AND EDUCATION.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall conduct a review of the curriculum taught at the National Defense University, the Defense Acquisition University, and appropriate private sector academic institutions to determine the extent to which the curricula includes appropriate courses on data analytics and other evaluation-related methods and their application to defense acquisitions.

SEC. 854. PURPOSES FOR WHICH THE DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND MAY BE USED.

(a) IN GENERAL.—Section 1705 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (1), by inserting ''and to develop acquisition tools and methodologies and undertake research and development activities leading to acquisition policies and practices that will improve the efficiency and effectiveness of defense acquisition efforts'' after ''workforce of the Department''; and

(B) in paragraph (4), by striking ''other than for the purpose of'' and all that follows through the period at the end and inserting ''other than for the purposes of—

''(i) providing advanced training to Department of Defense employees;

''(ii) developing acquisition tools and methodologies and performing research on acquisition policies and best practices that will improve the efficiency and effectiveness of defense acquisition efforts; and

''(iii) supporting human capital and talent management of the acquisition workforce, including benchmarking studies, assessments, and requirements planning.''; and

(2) in subsection (f), by striking ''Each report shall include'' and all that follows through the period at the end of paragraph (5).

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (d)(2)(C), by striking ''in each'' and inserting ''in such'';

(2) in subsection (f)—

(A) by striking ''Not later than 120 days after the end of each fiscal year'' and inserting ''Not later than February 1 each year''; and

(B) by striking ''such fiscal year'' the first place it appears and inserting ''the preceding fiscal year''; and

(3) in subsection (g)(1)—

(A) by striking ''of of'' and inserting ''of''; and

(B) by striking '', as defined in subsection (h),''.

Subtitle E—Provision Related to Commercial Items

SEC. 861. INAPPLICABILITY OF CERTAIN LAWS AND REGULATIONS TO THE ACQUISITION OF COMMERCIAL ITEMS AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.

(a) AMENDMENT TO TITLE 10, UNITED STATES CODE.—Section 2375 of title 10, United States Code, is amended to read as follows:

''§ 2375. Relationship of commercial item provisions to other provisions of law

''(a) APPLICABILITY OF GOVERNMENT-WIDE STATUTES.—(1) No contract for the procurement of a commercial item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1906(b) of title 41.

''(2) No subcontract under a contract for the procurement of a commercial item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1906(c) of title 41.

''(3) No contract for the procurement of a commercially available off-the-shelf item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1907 of title 41.

''(b) APPLICABILITY OF DEFENSE-UNIQUE STATUTES TO CONTRACTS FOR COMMERCIAL ITEMS.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of defense-unique provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law that are inapplicable to contracts for the procurement of commercial items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to purchases of commercial items by the Department of Defense. This section does not render a provision of law or contract clause requirement not included on the list inapplicable to contracts for the procurement of commercial items.

''(2) A provision of law or contract clause requirement described in subsection (e) that is enacted after January 1, 2015, shall be included on the list of inapplicable provisions of law and contract clause requirements required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt contracts for the procurement of commercial items from the applicability of the provision or contract clause requirement.

''(c) APPLICABILITY OF DEFENSE-UNIQUE STATUTES TO SUBCONTRACTS FOR COMMERCIAL ITEMS.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law that are inapplicable to subcontracts under a Department of Defense contract or subcontract for the procurement of commercial items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to those subcontracts. This section does not render a provision of law or contract clause requirement not included on the list inapplicable to subcontracts under a contract for the procurement of commercial items.

''(2) A provision of law or contract clause requirement described in subsection (e) shall be included on the list of inapplicable provisions of law and contract clause requirements required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt subcontracts under a contract for the procurement of commercial items from the applicability of the provision or contract clause requirement.

''(3) In this subsection, the term 'subcontract' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor. The term does not include agreements entered into by a contractor for the supply of commodities that are intended for use in the performance of multiple contracts with the Department of Defense and other parties and are not identifiable to any particular contract.

''(4) This subsection does not authorize the waiver of the applicability of any provision of law or contract clause requirement with respect to any first-tier subcontract under a contract with a prime contractor reselling or distributing commercial items of another contractor without adding value.

''(d) APPLICABILITY OF DEFENSE-UNIQUE STATUTES TO CONTRACTS FOR COMMERCIALLY AVAILABLE, OFF-THE-SHELF ITEMS.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law that are inapplicable to contracts for the procurement of commercially available off-the-shelf items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to Department of Defense contracts for the procurement of commercially available off-the-shelf items. This section does not render a provision of law or contract clause requirement not included on the list inapplicable to contracts for the procurement of commercially available off-the-shelf items.

''(2) A provision of law or contract clause requirement described in subsection (e) shall be included on the list of inapplicable provisions of law and contract clause requirements required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt contracts for the procurement of commercially available off-the-shelf items from the applicability of the provision or contract clause requirement.

''(e) COVERED PROVISION OF LAW OR CONTRACT CLAUSE REQUIREMENT.—A provision of law or contract clause requirement referred to in subsections (b)(2), (c)(2), and (d)(2) is a provision of law or contract clause requirement that the Under Secretary of Defense for Acquisition, Technology, and Logistics determines sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government, except for a provision of law or contract clause requirement that—

''(1) provides for criminal or civil penalties; or

''(2) specifically refers to this section and provides that, notwithstanding this section, it shall be applicable to contracts for the procurement of commercial items.''.

(b) CHANGES TO DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.—

(1) IN GENERAL.—To the maximum extent practicable, the Under Secretary of Defense

for Acquisition, Technology, and Logistics shall ensure that—

(A) the Defense Federal Acquisition Regulation Supplement does not require the inclusion of contract clauses in contracts for the procurement of commercial items or contracts for the procurement of commercially available off-the-shelf items, unless such clauses are—

(i) required to implement provisions of law or executive orders applicable to such contracts; or

(ii) determined to be consistent with standard commercial practice; and

(B) the flow-down of contract clauses to subcontracts under contracts for the procurement of commercial items or commercially available off-the-shelf items is prohibited unless such flow-down is required to implement provisions of law or executive orders applicable to such subcontracts.

(2) SUBCONTRACTS.—In this subsection, the term ''subcontract'' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor. The term does not include agreements entered into by a contractor for the supply of commodities that are intended for use in the performance of multiple contracts with the Department of Defense and other parties and are not identifiable to any particular contract.

SEC. 862. DEPARTMENT OF DEFENSE EXEMPTIONS FROM CERTAIN REGULATIONS.

(a) EXEMPTIONS.—

(1) IN GENERAL.—The regulations to implement the executive orders and presidential memoranda listed in paragraph (2) shall not apply to the purchases by the Department of Defense of commercially available off-the-shelf items.

(2) EXECUTIVE ORDERS AND PRESIDENTIAL MEMORANDA.—The executive orders and presidential memoranda referenced in paragraph (1) are as follows:

(A) Executive Order 13706: Establishing Paid Sick Leave for Federal Contractors (9/7/2015).

(B) Executive Order 13673: Fair Pay and Safe Workplaces (7/31/2014).

(C) Executive Order 13568: Minimum Wage for Contractors (2/12/2014).

(D) Executive Order 13655: Non-Retaliation for Disclosure of Compensation Information (4/8/2014).

(E) Presidential Memorandum: Advancing Pay Equality Through Compensation Data Collection (4/8/2014).

(F) Presidential Memorandum: Updating and Modernizing Overtime Regulations (3/13/2014).

(G) Memorandum for the Heads of Executive Departments and Agencies on Contractor Tax Delinquency (1/20/2010).

(H) Executive Order 13495: Nondisplacement of Qualified Workers Under Service Contracts (1/30/2009).

(I) Executive Order 13494: Economy in Government Contracting (1/30/2009).

(J) Executive Order 13496: Notification of Employee Rights Under Federal Labor Laws (1/30/2009).

(K) Executive Order 13514: Focused on Federal Leadership in Environmental, Energy, and Economic Performance (10/5/2009).

(L) Executive Order 13502 — Use of Project Labor Agreements for Federal Construction Projects.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive any of the regulations to implement the executive orders and presidential memoranda listed in subsection (a) for the purchases of other items by the Department of Defense.

SEC. 863. USE OF PERFORMANCE AND COMMERCIAL SPECIFICATIONS IN LIEU OF MILITARY SPECIFICATIONS AND STANDARDS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the Department of Defense uses performance and commercial specifications and standards in lieu of military specifications and standards, including for procuring new systems, major modifications, upgrades to current systems, non-developmental and commercial items, and programs in all acquisition categories, unless no practical alternative exists to meet user needs. If it is not practicable to use a performance specification, a non-government standard shall be used.

(b) LIMITED USE OF MILITARY SPECIFICATIONS.—

(1) IN GENERAL.—Military specifications shall be used in procurements only to define an exact design solution when there is no acceptable non-governmental standard or when the use of a performance specification or non-government standard is not cost effective.

(2) WAIVER.—A waiver for the use of military specifications and standards in accordance with paragraph (1) must be approved by either the Milestone Decision Authority, the Service Acquisition Executive, or the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(c) REVISION TO DFARS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Federal Acquisition Regulation Supplement (DFARS) to encourage contractors to propose non-government standards and industry-wide practices that meet the intent of the military specifications and standards.

(d) DEVELOPMENT OF NON-GOVERNMENT STANDARDS.—The Under Secretary for Acquisition, Technology, and Logistics shall form partnerships with appropriate industry associations to develop non-government standards for replacement of military standards where practicable.

(e) EDUCATION AND TRAINING.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that training and education programs throughout the Department are revised to incorporate specifications and standards reform.

(f) LICENSES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall negotiate licenses for standards to be used across the Department of Defense.

SEC. 864. PREFERENCE FOR COMMERCIAL SERVICES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall revise the guidance issued pursuant to section 855 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2377) to provide that the head of an agency may not enter into a contract in excess of the simplified acquisition threshold for facilities-related services, knowledge-based services, equipment-related services, construction services, medical services, logistics management services, or transportation services that are not commercial services unless the head of the agency determines in writing that no commercial services are suitable to meet the agency's needs as provided in section 2377(c)(2) of title 10, United States Code.

SEC. 865. TREATMENT OF ITEMS PURCHASED BY PROSPECTIVE CONTRACTORS PRIOR TO RELEASE OF PRIME CONTRACT REQUESTS FOR PROPOSALS AS COMMERCIAL ITEMS.

(a) IN GENERAL.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2380B. Treatment of items purchased prior to release of prime contract requests for proposals as commercial items

''Notwithstanding 2376(1) of this title, items valued at less than $10,000 purchased prior to the release of a prime contract request for proposal shall be treated as a commercial item for purposed of this chapter.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 2380A the following new item:

''2380B. Treatment of items purchased prior to release of prime contract requests for proposals as commercial items.''.

SEC. 866. TREATMENT OF SERVICES PROVIDED BY NONTRADITIONAL CONTRACTORS AS COMMERCIAL ITEMS.

(a) IN GENERAL.—Section 2380A of title 10, United States Code, is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(a) GOODS AND SERVICES PROVIDED BY NONTRADITIONAL DEFENSE CONTRACTORS.—Notwithstanding''; and

(2) by adding at the end the following new subsection:

''(b) SERVICES PROVIDED BY CERTAIN NONTRADITIONAL CONTRACTORS.—Notwithstanding section 2376(1) of this title, services provided by a business unit that is a nontraditional contractor as defined in section 2302(9) of this title shall be treated as commercial items for purposes of this chapter, to the extent that such services utilize the same pool of employees as used for commercial customers and are priced using similar methodology as commercial pricing.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 2380A of title 10, United States Code, as amended by subsection (a), is further amended by striking the section heading and inserting the following:

''§ 2380A. Treatment of certain items as commercial items''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 140 of title 10, United States Code, is amended by striking the item relating to section 2380A and inserting the following new item:

''2380A. Treatment of certain items as commercial items.''.

SEC. 867. USE OF NON-COST CONTRACTS TO ACQUIRE COMMERCIAL ITEMS.

Section 2377 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) TYPES OF CONTRACTS THAT MAY BE USED.—The Defense Supplement to the Federal Acquisition Regulation shall include, for acquisitions of commercial items—

''(1) a requirement that firm fixed-price, fixed-price incentive, fixed-price with economic price adjustment, and other fixed-price type contracts be used to the maximum extent practicable; and

''(2) a prohibition on use of cost-type contracts.''.

SEC. 868. PILOT PROGRAM FOR AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL ITEMS, TECHNOLOGIES, AND SERVICES USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.

(a) AUTHORITY.—The Secretary of Defense and the Secretaries of the military departments may carry out a pilot program, to be known as the ''commercial solutions opening pilot program'', under which the Secretary may acquire innovative commercial items, technologies, and services through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

(b) TREATMENT AS CICA COMPETITIVE PROCEDURES.—Use of general solicitation competitive procedures for the pilot program under subsection (a) shall be considered to be use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

(c) LIMITATIONS.—

(1) IN GENERAL.—The Secretary may not enter into a contract or agreement under the pilot program for an amount in excess of $100,000,000 without a written determination from the Under Secretary for Acquisition, Logistics, and Technology or the relevant Service Acquisition Executive of the efficacy of the effort to meet mission needs of the Department of Defense or the relevant military service.

(2) FIXED-PRICE REQUIREMENT.—Contracts or agreements executed under this program shall be fixed-price, including fixed-price incentive fee contracts.

(3) TREATMENT AS COMMERCIAL ITEMS.—Notwithstanding section 2376(1) of title 10, United States Code, items, technologies, and services acquired under this pilot program shall be treated as commercial items.

(d) DEFINITION.—In this section, the term ''innovative'' means—

(1) any new technology, process, or method, including research and development; or

(2) any new application of an existing technology, process, or method.

(e) SUNSET.—The authority to enter into contracts under the pilot program shall expire on September 30, 2022.

Subtitle F—Industrial Base Matters

SEC. 871. GREATER INTEGRATION OF THE NATIONAL TECHNICAL INDUSTRIAL BASE.

(a) PLAN REQUIRED.—Not later than January 1, 2018, the Secretary of Defense shall develop a plan to reduce the barriers to the seamless integration between the persons and organizations that comprise the National Technical Industrial Base (as defined in section 2500 of title 10, United States Code). The plan shall include at a minimum the following elements:

(1) A description of the various components of the National Technical Industrial Base, including government entities, universities, non-profit research entities, non-traditional and commercial item contractors, and private contractors that conduct commercial and military research, produce commercial items that could be used by the Department of Defense, and produce defense unique articles controlled under the United States Munitions List.

(2) Identification of the barriers to the seamless integration of the transfer of knowledge, goods, and services among the persons and organizations of the National Technical Industrial Base.

(3) Identification of current authorities that could contribute to further integration of the persons and organizations of the National Technical Industrial Base, and a plan to maximize the use of those authorities.

(4) Identification of changes in export control rules, procedures, and laws that would enhance the civil-military integration policy objectives set forth in section 2501(b) of title 10, United States Code, for the National Technical Industrial Base to increase the access of the Armed Forces to commercial products, services, and research and create incentives necessary for non-traditional and commercial item contractors, universities, and non-profit research entities to modify commercial products or services to meet Department of Defense requirements.

(5) Recommendations for increasing integration of the industrial base that supplies defense articles to the Armed Forces and enhancing allied interoperability of forces through changes to the text or the implementation of—

(A) the International Trafficking in Arms Regulations exemption for Canada contained in section 126.5 of title 22, Code of Federal Regulations;

(B) the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney September 5, 2007;

(C) the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London June 21 and 26, 2007; and

(D) any other agreements among the countries comprising the National Technical Industrial Base.

(b) AMENDMENT TO DEFINITION OF NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Section 2500 (1) of title 10, United States Code, is amended by inserting '', the United Kingdom of Great Britain and Northern Ireland, Australia,'' after ''United States''.

(c) REPORTING REQUIREMENT.—The Secretary of Defense shall report on the progress of implementing the plan in subsection (a) in the report required under section 2504 of title 10, United States Code.

SEC. 872. INTEGRATION OF CIVIL AND MILITARY ROLES IN ATTAINING NATIONAL TECHNOLOGY AND INDUSTRIAL BASE OBJECTIVES.

Section 2501(b) of title 10, United States Code, is amended by striking ''It is the policy of Congress'' and inserting ''The Secretary of Defense shall ensure''.

SEC. 873. DISTRIBUTION SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.

(a) AUTHORITY.—The Secretary of Defense may make available storage and distribution services support to a contractor in support of the performance by the contractor of a contact for the production, modification, maintenance, or repair of a weapon system that is entered into by an official of the Department of Defense.

(b) SUPPORT CONTRACTS.—Any storage and distribution services to be provided under this section to a contractor in support of the performance of a contract described in subsection (a) shall be provided under a separate contract that is entered into by the Director of the Defense Logistics Agency with that contractor. The requirements of section 2208(h) of title 10, United States Code, and the regulations prescribed pursuant to such section shall apply to the contract between the Director of the Defense Logistics Agency and the contractor.

(c) SCOPE OF SUPPORT AND SERVICES.—The storage and distribution support services that may be provided under this section in support of the performance of a contract described in subsection (a) are storage and distribution of materiel and repair parts necessary for the performance of that contract.

(d) REGULATIONS.—Before exercising the authority under this section, the Secretary of Defense shall prescribe in regulations such requirements, conditions, and restrictions as the Secretary determines appropriate to ensure that storage and distribution services are provided under this section only when it is in the best interests of the United States to do so. The regulations shall include, at a minimum, the following:

(1) A requirement for the solicitation of offers for a contract described in subsection (a), for which storage and distribution services are to be made available under this section, including—

(A) a statement that the storage and distribution services are to be made available under the authority of this section to any contractor awarded the contract, but only on a basis that does not require acceptance of the support and services; and

(B) a description of the range of the storage and distribution services that are to be made available to the contractor.

(2) A requirement for the rates charged a contractor for storage and distribution services provided to a contractor under this section to reflect the full cost to the United States of the resources used in providing the support and services, including the costs of resources used, but not paid for, by the Department of Defense.

(3) With respect to a contract described in subsection (a) that is being performed for a department or agency outside the Department of Defense, a prohibition, in accordance with applicable contracting procedures, on the imposition of any charge on that department or agency for any effort of Department of Defense personnel or the contractor to correct deficiencies in the performance of such contract.

(4) A prohibition on the imposition of any charge on a contractor for any effort of the contractor to correct a deficiency in the performance of storage and distribution services provided to the contractor under this section.

(e) RELATIONSHIP TO TREATY OBLIGATIONS.—The Secretary shall ensure that the exercise of authority under this section does not conflict with any obligation of the United States under any treaty or other international agreement.

SEC. 874. PERMANENCY OF DEPARTMENT OF DEFENSE SBIR AND STTR PROGRAMS.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) in the subsection heading, by striking ''TERMINATION'' and inserting ''SBIR PROGRAM AUTHORIZATION''; and

(2) by striking ''shall terminate on September 30, 2017'' and inserting ''shall—

''(1) with respect to each Federal agency other than the Department of Defense, terminate on September 30, 2017; and

''(2) with respect to the Department of Defense, be in effect for each fiscal year''.

(b) STTR.—Section 9(n)(1) of the Small Business Act (15 U.S.C. 638(n)(1)) is amended—

(1) in subparagraph (A), by inserting ''other than the Department of Defense'' after ''each Federal agency'';

(2) in subparagraph (B), by inserting ''and by the Department of Defense in accordance with subparagraph (C)'' after ''subparagraph (A)''; and

(3) by adding at the end the following:

''(C) DEPARTMENT OF DEFENSE.—With respect to each fiscal year, the Department of Defense shall expend with small business concerns not less than the percentage of the extramural budget for research, or research

and development, of the Department specified in subparagraph (B), specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.''.

SEC. 875. MODIFIED REQUIREMENTS FOR DISTRIBUTION OF ASSISTANCE UNDER PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENTS.

(a) MINIMUM GEOGRAPHIC DISTRIBUTION.—Section 2413(c) of title 10, United States Code, is amended by striking ''Department of Defense contract administration services district'' and inserting ''State''.

(b) DISTRIBUTION.—Section 2415 of such title is amended—

(1) in the first sentence—

(A) by striking ''The Secretary'' and inserting ''After apportioning funds available for assistance under this chapter for any fiscal year for efficient coverage of distressed areas referred to in paragraph (2)(B) of section 2411 of this title by programs operated by eligible entities referred to in paragraph (1)(D) of such section, the Secretary'';

(B) by inserting ''the remaining'' before ''funds available''; and

(C) by striking ''Department of Defense contract administration services district'' and inserting ''State''; and

(2) in the second sentence—

(A) by striking ''district'' each place it appears and inserting ''State''; and

(B) by striking ''districts'' and inserting ''States''.

SEC. 876. NONTRADITIONAL AND SMALL DISRUPTIVE INNOVATION PROTOTYPING PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program for nontraditional contractors and small business concerns to design, develop, and demonstrate innovative prototype military platforms of significant scope for the purpose of demonstrating new capabilities that could provide alternatives to existing acquisition programs and assets. The Secretary shall establish the pilot program within the Departments of the Army, Navy, and Air Force and within the United States Special Operations Command.

(b) FUNDING.—There is authorized to be made available $250,000,000 out of the Rapid Prototype Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) to carry out the pilot program.

(c) PLAN.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees, concurrent with the budget for the Department of Defense for fiscal year 2018, as submitted to Congress pursuant to section 1105 of title 31, United States Code, a plan to fund and execute the pilot program in future years.

(2) ELEMENTS.—The plan submitted under paragraph (1) shall consider maximizing use of—

(A) Broad Agency Announcements or other merit-based selection procedures;

(B) the Department of Defense Acquisition Challenge Program authorized under section 2359b of title 10, United States Code;

(C) the Foreign Comparative Test Program;

(D) projects carried out under the Rapid Innovation Program and Phase III Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) projects; and

(E) flexible acquisition authorities under procedures developed under sections 804 and 805 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

(d) PROGRAMS TO BE INCLUDED.—The Secretary of Defense shall allocate up to $50,000,000 on a fixed price contractual basis for fiscal year 2017 or pursuant to the plan submitted under subsection (c) for the demonstration pursuant to the pilot program of the following capabilities:

(1) Swarming of multiple unmanned air vehicles.

(2) Unmanned, modular fixed-wing aircraft that can be rapidly adapted to multiple missions and serve as a fifth generation weapons augmentation platform.

(3) Vertical take off and landing tiltrotor aircraft.

(4) Integration of a directed energy weapon on an air, sea, or ground platform.

(5) Swarming of multiple unmanned underwater vehicles.

(6) Commercial small synthetic aperture radar (SAR) satellites with on-board machine learning for automated, real-time feature extraction and predictive analytics.

(7) Active protection system to defend against rocket-propelled grenades and antitank missiles.

(8) Other systems as designated by the Secretary.

(e) DEFINITIONS.—In this section:

(1) NONTRADITIONAL CONTRACTOR.—The term ''nontraditional contractor'' has the meaning given the term in section 2302(9) of title 10, United States Code.

(2) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(f) SUNSET.—The authority under this section expires at the close of September 30, 2026.

Subtitle G—International Contracting Matters

SEC. 881. INTERNATIONAL SALES PROCESS IMPROVEMENTS.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan to improve the management and use of fees collected on transfer of defense articles and services via sale, lease, or grant to international customers under programs over which the Defense Security Cooperation Agency has administration responsibilities. The plan shall include options to use fees more effectively—

(1) to improve the staffing and processes of the licensing review cycle at the Defense Technology Security Administration and other reviewing authorities; and

(2) to maintain a cadre of contracting officers and acquisition officials who specialize in foreign military sales contracting.

(b) PROCESS FOR GATHERING INPUT.—The Secretary of Defense shall establish a process for contractors to provide input, feedback, and adjudication of any differences regarding the appropriateness of governmental pricing and availability estimates prior to the delivery to potential foreign customers of formal responses to Letters of Request for Pricing and Availability.

SEC. 882. WORKING CAPITAL FUND FOR PRECISION GUIDED MUNITIONS EXPORTS IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) ESTABLISHMENT OF FUND.—The Secretary may establish a working capital fund under section 2208 of title 10, United States Code, to finance inventories of supplies of precision guided munitions in advance of partner and allied forces requirements to enhance the effectiveness of overseas contingency operations conducted or supported by the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated a total of $1,000,000,000 for fiscal years 2017 and 2018 for deposit in the fund established pursuant to subsection (a) to procure and stock precision guided munitions anticipated to be needed by partner and allied forces to enhance the effectiveness of overseas contingency operations conducted or supported by the United States.

(c) REPLENISHMENT OF FUND.—The fund established pursuant to subsection (a) may be replenished through purchases by foreign governments or the United States Government or subsequent appropriations.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as precluding the Secretary of Defense from acquiring or utilizing precision guided munitions to meet immediate United States military requirements on a reimbursable basis that have been purchased and stored through the fund established pursuant to subsection (a).

(e) MANAGEMENT.—The fund established pursuant to subsection (a) and associated inventories of precision guided munitions shall be managed by the Defense Logistics Agency and the Joint Chiefs of Staff to optimize the storage, distribution, and deployment of such precision guided munitions to improve the capability of partner and allied forces to contribute to overseas contingency operations conducted or supported by the United States.

SEC. 883. EXTENSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.

Section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399), as most recently amended by section 1214 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is further amended by striking ''December 31, 2016'' and inserting ''December 31, 2018''.

SEC. 884. CLARIFICATION OF TREATMENT OF CONTRACTS PERFORMED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Clarification of treatment of contracts performed outside the United States

''(a) IN GENERAL.—In accordance with section 19.000(b) of the Federal Acquisition Regulation as in effect on May 1, 2016, Department of Defense contracts performed outside of the United States shall not be subject to the sole source contract requirements or goals for procurement listed in part 19 of the Federal Acquisition Regulation.

''(b) LIMITATION ON FUNDING.—No funds may be expended on any Department of Defense contract performed outside of the United States to which the sole source contract requirements or goals for procurement contracts listed in Part 19 of the Federal Acquisition Regulation are applied.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2338. Clarification of treatment of contracts performed outside the United States.''.

SEC. 885. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN AFRICA IN SUPPORT OF COVERED ACTIVITIES.

(a) AUTHORITY.—In the case of a product or service to be acquired in support of covered

activities in a covered African country for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services from the host nation;

(2) a preference is provided for products or services from the host nation; or

(3) a preference is provided for products or services from a covered African country, other than the host nation.

(b) DETERMINATIONS.—

(1) A determination described in this subsection is a determination by the Secretary of any of the following:

(A) That the product or service concerned is to be used only in support of covered activities.

(B) That it is in the national security interests of the United States to limit competition or provide a preference as described in subsection (a) because such limitation or preference is necessary—

(i) to reduce overall United States transportation costs and risks in shipping products in support of operations, exercises, theater security cooperation activities, and other missions in the African region;

(ii) to reduce delivery times in support of covered activities; or

(iii) to promote regional security, stability, and economic prosperity in Africa.

(C) That the product or service is of equivalent quality of a product or service that would have otherwise been acquired.

(2) A determination under paragraph (1) shall not be effective for purposes of a limitation or preference under subsection (a) unless the Secretary also determines that—

(A) the limitation or preference will not adversely affect—

(i) United States military operations or stability operations in the African region; or

(ii) the United States industrial base; and

(B) in the case of air transportation, an air carrier holding a certificate under section 41102 of title 49, United States Code, is not reasonably available to provide the required air transportation.

(c) DEFINITIONS.—In this section:

(1) COVERED ACTIVITIES.—The term ''covered activities'' means Department of Defense activities in the African region or a regional neighbor.

(2) COVERED AFRICAN COUNTRY.—The term ''covered African country'' means a country in Africa that has signed a long-term agreement with the United States related to the basing or operational needs of the United States Armed Forces.

(3) HOST NATION.—The term ''host nation'' means a nation which allows the armed forces and supplies of the United States to be located on, to operate in, or to be transported through its territory.

(4) PRODUCTS AND SERVICES OF A COVERED AFRICAN COUNTRY.—For purposes of this section:

(A) A product is from a covered African country if it is wholly grown, mined, manufactured, or produced in the covered African country.

(B) A service is from a covered African country if it is performed by a person or entity that is properly licensed or registered by authorities of a covered African country and—

(i) is operating primarily in the covered African country; or

(ii) is making a significant contribution to the economy of the covered African country through payment of taxes or use of products, materials, or labor of the covered African country.

(d) CONFORMING AMENDMENT.—Section 1263 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3581) is repealed.

SEC. 886. MAINTENANCE OF PROHIBITION ON PROCUREMENT BY DEPARTMENT OF DEFENSE OF PEOPLE'S REPUBLIC OF CHINA-ORIGIN ITEMS THAT MEET THE DEFINITION OF GOODS AND SERVICES CONTROLLED AS MUNITIONS ITEMS WHEN MOVED TO THE "600 SERIES" OF THE COMMERCE CONTROL LIST.

(a) IN GENERAL.—Section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2302 note) is amended—

(1) in subsection (b), by inserting ''or in the 600 series of the control list of the Export Administration Regulations'' after ''in Arms Regulations''; and

(2) in subsection (e), by adding at the end the following new paragraph:

''(3) The term '600 series of the control list of the Export Administration Regulations' means the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15 of the Code of Federal Regulations.''.

(b) TECHNICAL CORRECTIONS TO ITAR REFERENCES.—Such section is further amended by striking ''Trafficking'' both places it appears and inserting ''Traffic''.

Subtitle H—Other Matters

SEC. 891. CONTRACTOR BUSINESS SYSTEM REQUIREMENTS.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Contractor business system requirements

''(a) IMPROVEMENT PROGRAM.—The Secretary of Defense shall develop and initiate a program for the improvement of contractor business systems to ensure that such systems provide timely, reliable information for the management of Department of Defense programs by the contractor and by the Department at reduced burden and price to the Government and contractor.

''(b) APPROVAL OR DISAPPROVAL OF BUSINESS SYSTEMS.—The program developed pursuant to subsection (a) shall—

''(1) include system requirements for each type of contractor business system covered by the program;

''(2) establish a process for reviewing contractor business systems and identifying significant deficiencies in such systems;

''(3) identify officials of the Department of Defense who are responsible for the approval or disapproval of contractor business systems;

''(4) provide for the approval or conditional approval of any contractor business system that does not have a significant deficiency; and

''(5) provide for—

''(A) the disapproval of any contractor business system that has a significant deficiency; and

''(B) reduced reliance on, and enhanced and effective analysis of, data provided by a contractor business system that has been disapproved.

''(c) EARNED VALUE MANAGEMENT SYSTEM.—The program developed pursuant to subsection (a) shall not require the use of earned value management systems on other than non-firm fixed-price contracts above the regulatory dollar threshold that have discrete, schedulable, and measurable work scope.

''(d) REMEDIAL ACTIONS.—The program developed pursuant to subsection (a) shall provide the following:

''(1) In the event a contractor business system is conditionally approved or disapproved pursuant to subsection (b)(5), appropriate officials of the Department of Defense will be available to work with the contractor to develop a corrective action plan defining specific actions to be taken to address the significant deficiencies identified in the system and a schedule for the implementation of such actions.

''(2) An appropriate official of the Department of Defense may withhold a percentage, but no more than 10 percent, of progress payments, performance-based payments, and interim payments under covered contracts from a covered contractor, as needed to protect the interests of the Department and ensure compliance, if one or more of the contractor business systems of the contractor has been conditionally approved or disapproved pursuant to subsection (b)(5) and has not subsequently received approval. Such percentage shall be established in agreement with the contractor at time of contract award or modification.

''(3) The amount of funds to be withheld under paragraph (2) shall be reduced if a contractor adopts an effective corrective action plan pursuant to paragraph (1) and is effectively implementing such plan.

''(e) GUIDANCE AND TRAINING.—The program developed pursuant to subsection (a) shall provide guidance and training to appropriate government officials on the data that is produced by contractor business systems and the manner in which such data should be used to effectively manage Department of Defense programs.

''(f) RESTRICTIONS ON REVIEW OF NON-COVERED CONTRACTOR BUSINESS SYSTEMS.—

''(1) IN GENERAL.—Unless a specific determination in writing has been made by the Milestone Decision Authority, the Department of Defense may only review the contractor business system of a non-covered contractor if the contractor has a cost-type contract with the Department of Defense. Any such review shall be limited to confirming that the contractor uses the same contract business system for its government and commercial work and that the outputs of the contract business system based on statistical sampling are reasonable.

''(2) THIRD-PARTY REVIEW.—Any review conducted under this subsection shall be conducted by a third party commercial auditing firm.

''(g) DEFINITIONS.—In this section:

''(1) The term 'contractor business system' means an accounting system, estimating system, purchasing system, earned value management system, material management and accounting system, or property management system of a contractor.

''(2) The term 'covered contractor' means a contractor that—

''(A) has contracts with the United States Government accounting for not less than 30 percent of its total commercial sales; and

''(B) has cost-type contracts with the United States Government accounting for not less than 1 percent of its total commercial sales.

''(3) The term 'covered contract' means a contract that is subject to the cost accounting standards promulgated pursuant to section 1502 of title 41, United States Code, that could be affected if the data produced by a contractor business system has a significant deficiency.

''(4) The term 'significant deficiency', in the case of a contractor business system,

means a shortcoming in the system that materially affects the ability of officials of the Department of Defense and the contractor to rely upon information produced by the system that is needed for management purposes.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2338. Contractor business system requirements.''.

(b) PROHIBITION ON APPLYING CERTAIN CONTRACTOR BUSINESS SYSTEM REQUIREMENTS TO NON-COVERED CONTRACTORS.—The Secretary of Defense may not apply any requirement implemented pursuant to section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note) or any regulation prescribed pursuant to such section to any contractor that is not a covered contractor (as defined in section 2338 of title 10, as added by subsection (a)).

SEC. 892. AUTHORITY TO PROVIDE REIMBURSABLE AUDITING SERVICES TO CERTAIN NON-DEFENSE AGENCIES.

Section 893(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2313 note) is amended—

(1) in paragraph (1), by inserting ''except as provided in paragraph (2),'' after ''this Act,''; and

(2) by amending paragraph (2) to read as follows:

''(2) EXCEPTION FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.—Notwithstanding paragraph (1), the Defense Contract Audit Agency may provide audit support on a reimbursable basis for the National Nuclear Security Administration.''.

SEC. 893. IMPROVED MANAGEMENT PRACTICES TO REDUCE COST AND IMPROVE PERFORMANCE OF CERTAIN DEPARTMENT OF DEFENSE ORGANIZATIONS.

(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall designate units, subunits, or entities of the Department of Defense, other than Centers of Industrial and Technical Excellence designated pursuant to section 2474 of title 10, United States Code, that conduct work that is commercial in nature or is not inherently governmental to prioritize efforts to conduct business operations in a manner that uses modern, commercial management practices and principles to reduce the costs and improve the performance of such organizations.

(b) ADOPTION OF MODERN BUSINESS PRACTICES.—The Secretary shall ensure that each such unit, subunit, or entity of the Department described in subsection (a) is authorized to adopt and implement best commercial and business management practices to achieve the goals described in such subsection.

(c) WAIVERS.—The Secretary shall authorize waivers of Department of Defense, military service, and Defense Agency regulations, as appropriate, to achieve the goals in subsection (a), including in the following areas:

(1) Financial management.

(2) Human resources.

(3) Facility and plant management.

(4) Acquisition and contracting.

(5) Partnerships with the private sector.

(6) Other business and management areas as identified by the Secretary.

(d) GOALS.—The Secretary of Defense shall identify savings goals to be achieved through the implementation of the commercial and business management practices adopted under subsection (b), and establish a schedule for achieving the savings.

(e) BUDGET ADJUSTMENT.—The Secretary shall establish policies to adjust organizational budget allocations, at the Secretary's discretion, for purposes of—

(1) using savings derived from implementation of best commercial and business management practices for high priority military missions of the Department of Defense;

(2) creating incentives for the most efficient and effective development and adoption of new commercial and business management practices by organizations; and

(3) investing in the development of new commercial and business management practices that will result in further savings to the Department of Defense.

(f) BUDGET BASELINES.—Beginning not later than one year after the date of the enactment of this Act, each such unit, subunit, or entity of the Department described in subsection (a) shall, in accordance with such guidance as the Secretary of Defense shall establish for purposes of this section—

(1) establish an annual baseline cost estimate of its operations; and

(2) certify that costs estimated pursuant to paragraph (1) are wholly accounted for and presented in a format that is comparable to the format for the presentation of such costs for other elements of the Department or consistent with best commercial practices.

SEC. 894. DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.

(a) DEVELOPMENTAL TESTING DUTIES.—

(1) IN GENERAL.—Section 139 of title 10, United States Code, is amended—

(A) by striking subsection (d);

(B) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively; and

(C) by inserting after subsection (g), as redesignated by subparagraph (B), the following new subsection:

''(h) The Director shall be the principal advisor to the Secretary of Defense on developmental test and evaluation in the Department of Defense and shall—

''(1) develop policies and guidance for—

''(A) the conduct of developmental test and evaluation in the military departments and other elements of the Department of Defense (including integration and developmental testing of software);

''(B) the integration of developmental test and evaluation with operational test and evaluation; and

''(C) the conduct of developmental test and evaluation conducted jointly by more than one military department or Defense Agency;

''(2) review the developmental test and evaluation plan within the test and evaluation master plan for each major defense acquisition program of the Department of Defense;

''(3) monitor and review the developmental test and evaluation activities of the major defense acquisition programs in order to advise relevant technical authorities for such programs on the incorporation of best practices for developmental test from across the Department;

''(4) provide advocacy, oversight, and guidance to elements of the acquisition workforce responsible for developmental test and evaluation; and

''(5) periodically review the organizations and capabilities of the military departments with respect to developmental test and evaluation and identify needed changes or improvements to such organizations and capabilities, and provide input regarding needed changes or improvements for the test and evaluation strategic plan developed in accordance with section 196(d) of this title.''.

(b) SUPERVISION OF THE DIRECTOR OF THE TEST RESOURCE MANAGEMENT CENTER.—Section 196(g) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''UNDER SECRETARY'' and inserting ''DIRECTOR OF OPERATIONAL TEST AND EVALUATION''; and

(2) by striking ''subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The Director shall report directly to the Under Secretary'' and inserting ''subject to the supervision of the Director of Operational Test and Evaluation. The Director of the Center shall report directly to the Director of Operational Test and Evaluation''.

(c) SERVICE CHIEFS AND SECRETARIES.—The Secretary of Defense shall ensure that the Chiefs of Services and the Secretaries of the military departments—

(1) may inform the Secretary of Defense of concerns over the testing of a major defense acquisition program or a major system; and

(2) are provided a process to request waivers from the Secretary from performing additional testing beyond the program Test and Evaluation Master Plan to reflect cost, schedule, risk, and expected operational use of a program.

SEC. 895. EXEMPTION FROM REQUIREMENT FOR CAPITAL PLANNING AND INVESTMENT CONTROL FOR INFORMATION TECHNOLOGY EQUIPMENT INCLUDED AS INTEGRAL PART OF A WEAPON OR WEAPON SYSTEM.

(a) WAIVER AUTHORITY.—Notwithstanding subsection (c)(2) of section 11103 of title 40, United States Code, a national security system described in subsection (a)(1)(D) of such section shall not be subject to the requirements of paragraphs (2) through (5) of section 11312(b) of such title unless the milestone decision authority determines in writing that application of such requirements is appropriate and in the best interests of the Department of Defense.

(b) MILESTONE DECISION AUTHORITY DEFINED.—In this section, the term ''milestone decision authority'' has the meaning given the term in section 2366a(d)(7) of title 10, United States Code.

SEC. 896. MODIFICATIONS TO PILOT PROGRAM FOR STREAMLINING AWARDS FOR INNOVATIVE TECHNOLOGY PROJECTS.

Section 873 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2306a note) is amended—

(1) in subsection (a)(2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(2) in subsection (b)—

(A) by inserting ''subparagraphs (A), (B), and (C) of section 2313(a)(2) of title 10, United States Code, and'' before ''subsection (b) of section 2313''; and

(B) in paragraph (2), by inserting '', and if such performance audit is initiated within 18 months of the contract completion'' before the period at the end;

(3) by redesignating subsections (c), (d), and (e) as subsections (f), (g), and (h), respectively; and

(4) by inserting after subsection (b) the following new subsections:

''(c) TREATMENT AS COMPETITIVE PROCEDURES.—Use of a technical, merit-based selection procedure or the Small Business Innovation Research Program or Small Business Technology Transfer Program for the

pilot program under this section shall be considered to be use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

''(d) DISCRETION TO USE NON-CERTIFIED ACCOUNTING SYSTEMS.—In executing programs under this pilot program, the Secretary of Defense shall establish procedures under which a small business or nontraditional contractor may engage an independent certified public accountant for the review and certification of its accounting system for the purposes of any audits required by regulation, unless the head of the agency determines that this is not appropriate based on past performance of the specific small business or nontraditional defense contractor, or based on analysis of other information specific to the award.

''(e) GUIDANCE AND TRAINING.—The Secretary of Defense shall ensure that acquisition officials are provided guidance and training on the flexible use and tailoring of authorities under the pilot program to maximize efficiency and effectiveness.''.

SEC. 897. ENHANCEMENT OF ELECTRONIC WARFARE CAPABILITIES.

(a) FIELDING OF ELECTROMAGNETIC SPECTRUM WARFARE SYSTEMS AND ELECTRONIC WARFARE CAPABILITIES.—Funds authorized to be appropriated for electromagnetic spectrum warfare systems and electronic warfare may be used for the development and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities.

(b) INCLUSION OF ELECTRONIC WARFARE PROGRAMS IN THE RAPID ACQUISITION AUTHORITY PROGRAM.—

(1) IN GENERAL.—Section 806(c)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note) is amended by adding at the end the following new subparagraph:

''(D)(i) In the case of any supplies and associated support services that, as determined in writing by the Secretary of Defense without delegation, are urgently needed to eliminate a deficiency in electronic warfare that if left unfilled is likely to result in critical mission failure, the loss of life, property destruction, or economic effects, the Secretary may use the procedures developed under this section in order to accomplish the rapid acquisition and deployment of needed offensive or defensive electronic warfare capabilities, supplies, and associated support services.

''(ii) The Secretary of Defense shall ensure, to the extent practicable, that for the purposes of electronic warfare acquisition, the Department of Defense shall consider use of the following procedures:

''(I) The rapid acquisition authority provided under this section.

''(II) Use of other transactions authority provided under section 2371 of title 10, United States Code.

''(III) The acquisition of commercial items using simplified acquisition procedures.

''(IV) The authority for procurement for experimental purposes provided under section 2373 of title 10, United States Code.

''(V) The rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).

''(iii) In this subparagraph, the term 'electronic warfare' means military action involving the use of electromagnetic and directed energy to control the electromagnetic spectrum or to attack the enemy, and includes electromagnetic spectrum warfare, which encompasses military communications and sensing operations that occur in the electromagnetic operational domain.''.

(2) CONFORMING AMENDMENTS.—Section 2373 of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''and aeronautical supplies'' and inserting '', aeronautical supplies, and electronic warfare''; and

(B) by adding at the end of the following new subsection:

''(c) ELECTRONIC WARFARE DEFINED.—The term 'electronic warfare' means military action involving the use of electromagnetic and directed energy to control the electromagnetic spectrum or to attack the enemy, and includes electromagnetic spectrum warfare, which encompasses military communications and sensing operations that occur in the electromagnetic operational domain.''.

(c) ELECTRONIC WARFARE EXECUTIVE COMMITTEE REPORTS TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Electronic Warfare Executive Committee shall submit to the congressional defense committees a strategic plan with measurable and timely objectives to achieve its mission according to the following metrics:

(1) Progress on intra-service ground and air interoperabilities.

(2) Progress in streamlining the requirements, acquisition, and budget process to further a rapid electronic warfare acquisition process.

(3) The efficiency and effectiveness of the acquisition process for priority electronic warfare items.

(4) The training methods and requirements of the military services for training in contested electronic warfare environments.

(5) Capability gaps with respect to near-peer adversaries identified pursuant to a capability gap assessment.

(6) A joint strategy on achieving near real-time system adaption to rapidly advancing modern digital electronics.

(7) Progress on increasing innovative electromagnetic spectrum warfighting methods and operational concepts that provide advantages within the electromagnetic spectrum operational domain.

SEC. 898. IMPROVED TRANSPARENCY AND OVERSIGHT OVER DEPARTMENT OF DEFENSE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS AND PROCUREMENT ACTIVITIES RELATED TO MEDICAL RESEARCH.

The Secretary of Defense may not enter into a contract, grant, or cooperative agreement for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense unless the contract, grant, or cooperative agreement meets the following conditions:

(1) Compliance with the cost and price data requirements under section 2306a of title 10, United States Code.

(2) Compliance with the cost accounting standards under section 1502 of title 41, United States Code.

(3) Compliance with requirements for full and open competition under section 2304 of title 10, United States Code, without reliance on one of the exceptions set forth in subsection (c) of such section.

(4) Prior to obligation of any funds, review by and certification from the Defense Contract Audit Agency regarding the adequacy of the accounting systems of the proposed awardee, including a forward pricing review of the awardee's proposal.

(5) Prior to any payment on the contract, grant, or cooperative agreement, performance by the Defense Contract Audit Agency of an incurred cost audit.

(6) Agreement that the United States Government will have the same rights to the technical data to an item or process developed under the contract, grant, or cooperative agreement as applicable under section 2320(a)(2)(A) of title 10, United States Code, to items and processes developed exclusively with Federal funds where the medical research results in medicines and other treatments that will be procured or otherwise paid for by the Federal Government through the Department of Defense, the Department of Veterans Affairs, Medicare, Medicaid, or other Federal Government health programs.

SEC. 899. EXTENSION OF ENHANCED TRANSFER AUTHORITY FOR TECHNOLOGY DEVELOPED AT DEPARTMENT OF DEFENSE LABORATORIES.

Section 801 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2514 note) is amended by striking ''2017'' and inserting ''2020''.

SEC. 899A. RAPID PROTOTYPING FUNDS FOR THE MILITARY SERVICES.

Section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended—

(1) in the subsection heading, by striking ''FUND'' and inserting ''FUNDS'';

(2) by striking ''IN GENERAL.—The Secretary'' and inserting the following: ''DEPARTMENT OF DEFENSE RAPID PROTOTYPING FUND.—

''(A) IN GENERAL.—The Secretary'';

(3) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively, and moving such subparagraphs, as so redesignated, two ems to the right;

(4) in subparagraph (B), as redesignated by paragraph (3), by striking ''this subsection'' and inserting ''this paragraph''; and

(5) by inserting after paragraph (1) the following new paragraph:

''(2) RAPID PROTOTYPING FUNDS FOR THE MILITARY SERVICES.—The Secretary of the Army, Navy, and Air Force may each establish service specific funds (and, in the case of the Secretary of Navy, including the Marine Corps) to provide funds, in addition to other funds that may be available for acquisition programs under the rapid fielding and prototyping pathways established pursuant to this section. The service specific funds shall consist of amounts appropriated to the funds.''.

SEC. 899B. DEFENSE MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 2216 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by striking ''commencing'';

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking ''or the Secretary of Defense with respect to Defense-wide appropriations accounts'' and inserting '', or the Secretary of Defense with respect to Defense-wide appropriations accounts,'';

(B) in paragraph (2), by striking ''if—'' and all that follows through ''(B) the balance of funds'' and inserting ''if the balance of funds'';

(C) in paragraph (3)—

(i) by striking ''credited to'' both places it appears and inserting ''deposited in''; and

(ii) by inserting ''and obligation'' after ''available for transfer''; and

(D) by striking paragraph (4);

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''commencing''; and

(ii) by striking ''Secretary of Defense'' and inserting ''Secretary concerned'';

(B) in paragraph (2), by striking ''procurement program'' and inserting ''major system program'';

(C) in paragraph (3), by striking ''modernization of an existing system or of a system being procured under an ongoing procurement program'' and inserting ''paying costs of unforeseen contingencies that could prevent an ongoing major system program from meeting critical schedule or performance requirements''; and

(D) by inserting at the end the following new paragraph:

''(4) For paying costs of changes to program requirements or system configuration that are approved by the configuration steering board for a major defense acquisition program.'';

(4) in subsection (e)(1), by striking ''procurement program'' both places it appears and inserting ''weapon system program'';

(5) in subsection (f)(1), by striking ''Secretary of Defense'' and inserting ''Secretary of a military department, or the Secretary of Defense with respect to Defense-wide appropriations accounts'';

(6) in subsection (g)—

(A) by striking ''in accordance with the provisions of appropriations Acts''; and

(B) by adding at the end the following: ''Funds deposited in the Defense Modernization Account shall remain available for obligation until the end of the third fiscal year that follows the fiscal year in which the amounts are deposited in the account.'';

(7) in subsection (h)(2)—

(A) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (C)(ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) apportionment of amounts deposited in the Fund on a pro rate basis consistent with each military department's deposits in the Fund.'';

(8) in subsection (i)—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting before paragraph (3), as redesignated by subparagraph (B), the following new paragraphs:

''(1) The term 'major defense acquisition program' has the meaning given the term in section 2430(a) of this title.

''(2) The term 'major system' has the meaning given the term in section 2302(5) of this title.''; and

(9) in subsection (j)(1), by striking ''terminates at the close of September 30, 2006'' and inserting ''terminates at the close of September 30, 2022''.

(b) APPLICABILITY.—The authority under section 2216(c) of title 10, United States Code, as amended by subsection (a), applies to funds appropriated for fiscal years after fiscal year 2016.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

SEC. 901. UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING AND RELATED ACQUISITION POSITION IN THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by striking section 133 and inserting the following new section 133:

''§ 133. Under Secretary of Defense for Research and Engineering

''(a) UNDER SECRETARY OF DEFENSE.—

''(1) IN GENERAL.—There is an Under Secretary of Defense for Research and Engineering, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(2) INDIVIDUALS QUALIFIED FOR APPOINTMENT.—The Under Secretary shall be appointed from among persons who have an extensive management background and experience with managing complex or advanced technological programs.

''(3) LIMITATION ON APPOINTMENT.—A person may not be appointed as Under Secretary of Defense for Research and Engineering within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.

''(b) DUTIES AND POWERS.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall perform such duties and exercise such powers as the Secretary may prescribe, including by—

''(1) serving as the chief technology officer and the chief acquisition officer of the Department of Defense with the primary mission of defense technology innovation;

''(2) overseeing, and serving as principal advisor to the Secretary on, all defense research, development, prototyping, and experimentation activities and programs, and unifying the efforts of defense laboratories and the rapid capabilities offices of the military departments;

''(3) establishing policies, and serving as principal advisor to the Secretary, for all elements of the Department of Defense relating to acquisition and the oversight of, access to, and maintenance of the defense industrial base;

''(4) overseeing the modernization of nuclear forces and the development of capabilities to counter weapons of mass destruction, and serving as the chair of the Nuclear Weapons Council;

''(5) serving as the Defense Acquisition Executive for purposes of regulations and procedures of the Department of Defense providing for a Defense Acquisition Executive; and

''(6) exercising advisory authority over national security acquisition programs of the armed forces for which the Service Acquisition Executive is the Milestone Decision Authority.

''(c) REPORTING.—The following officials shall report directly to the Under Secretary:

''(1) The Assistant Secretary of Defense for Acquisition Policy and Oversight.

''(2) The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense.

''(3) The Director of the Defense Advanced Research Projects Agency.

''(4) The Director of the Missile Defense Agency.

''(5) The Director of the Strategic Capabilities Office (or any successor organization).

''(6) The Director of the Defense Threat Reduction Agency.

''(7) The Director of the Defense Acquisition University.

''(8) The head of any office or agency of the Department of Defense with the primary mission of defense technology innovation that is specified by the Secretary of Defense for purposes of this subsection.

''(d) PRECEDENCE IN DEPARTMENT OF DEFENSE.—

''(1) PRECEDENCE IN MATTERS OF RESPONSIBILITY.—With regard to all matters for which the Under Secretary has responsibility by the direction of the Secretary of Defense or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary and the Deputy Secretary of Defense.

''(2) PRECEDENCE IN OTHER MATTERS.—With regard to all matters other than the matters for which the Under Secretary has responsibility by the direction of the Secretary or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary, the Deputy Secretary, and the Secretaries of the military departments.''.

(2) REPEAL OR SUPERSEDED PENDING AMENDMENT.—Effective as of the date of the enactment of this Act, subparagraph (A) of section 901(j)(2) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3462) is repealed, and the amendment otherwise to be made by such subparagraph shall not be made or go into effect.

(b) REPEAL AND REDESIGNATION OF CERTAIN DIRECTOR POSITIONS.—Chapter 4 of title 10, United States Code, is further amended—

(1) by striking sections 139b and 139c; and

(2) by redesignating sections 139 and 139a as sections 139a and 139b, respectively.

(c) REPEAL OF CERTAIN ASD POSITIONS AND ESTABLISHMENT OF ASSISTANT SECRETARY OF DEFENSE FOR ACQUISITION POLICY AND OVERSIGHT.—Chapter 4 of title 10, United States Code, is further amended—

(1) in section 138(b)—

(A) by striking paragraphs (6), (7), (8), and (9);

(B) by inserting after paragraph (5) the following new paragraph (6):

''(6) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Acquisition Policy and Oversight, as provided for in section 139 of this title.''; and

(C) by redesignating paragraph (10) as paragraph (7); and

(2) by inserting after section 138, as so amended, the following new section 139:

''§ 139. Assistant Secretary of Defense for Acquisition Policy and Oversight

''(a) ASSISTANT SECRETARY OF DEFENSE.—

''(1) IN GENERAL.—There is an Assistant Secretary of Defense for Acquisition Policy and Oversight, appointed as provided in section 138(a)(2) of this title.

''(2) INDIVIDUALS QUALIFIED FOR APPOINTMENT.—The Assistant Secretary shall be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with an extensive management background and experience in acquisition, industrial incentives, and contracting.

''(b) REPORTING.—The Assistant Secretary shall report to the Under Secretary of Defense for Research and Engineering.

''(c) DUTIES AND POWERS.—Subject to the authority, direction, and control of the Secretary of Defense and the Under Secretary of Defense for Research and Engineering, the Assistant Secretary shall perform such duties and exercise such powers relating to defense acquisition as the Secretary and the Under Secretary may prescribe, including—

''(1) overseeing, and advising the Secretary and the Under Secretary on, matters relating to the acquisition of Department of Defense national security capabilities;

''(2) establishing acquisition policy for the Department of Defense, including development, production, procurement, testing, logistics, maintenance, contracting support, and other life-cycle considerations for all acquisition activities of the Department;

''(3) establishing policies of the Department of Defense for overseeing, accessing, and maintaining the defense industrial base of the United States and its allies, including

industrial restructuring, technology release and protection, and intellectual property matters;

''(4) exercising advisory authority on behalf of the Under Secretary over national security acquisition programs of the armed forces for which the Service Acquisition Executive is the Milestone Decision Authority;

''(5) serving as the senior procurement executive for the Department of Defense for the purposes of section 1702(c) of title 41; and

''(6) exercising overall supervision of all military and civilian personnel in the Office of the Secretary of Defense, unless otherwise provided by law, with regard to matters for which the Assistant Secretary has responsibility.

''(d) DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR LOGISTICS AND SUSTAINMENT.—

''(1) IN GENERAL.—There is a Deputy Assistant Secretary of Defense for Logistics and Sustainment. The Deputy Assistant Secretary shall be appointed by the Secretary of Defense from among individuals who have extensive experience in military logistics, maintenance, and sustainment support.

''(2) DUTIES.—The Deputy Assistant Secretary shall assist the Assistant Secretary by overseeing logistics, maintenance, and sustainment support for elements of the Department, including the following:

''(A) Management and sustainment of weapon systems.

''(B) Readiness and sustainment support for the combatant commands.

''(C) Sustainment and readiness of the organic industrial base.

''(D) Development, management, integration, and innovation of and within the life cycle management and supply chain of weapon systems.

''(3) DISCHARGE OF DUTIES.—Subject to the authority, direction, and control of the Assistant Secretary, in carrying out such duties, the Deputy Assistant Secretary shall work closely with the following:

''(A) The Under Secretary of Defense for Management and Support and the Director of the Defense Logistics Agency.

''(B) Acquisition personnel of the armed forces, the Department of Defense, and the military departments.''.

(d) MATTERS RELATING TO UNDER SECRETARY OF DEFENSE FOR BUSINESS MANAGEMENT AND INFORMATION.—

(1) REDESIGNATION AS UNDER SECRETARY OF DEFENSE FOR MANAGEMENT AND SUPPORT.—Section 132a of title 10, United States Code, is amended by striking ''Under Secretary of Defense for Business Management and Information'' each place it appears and inserting ''Under Secretary of Defense for Management and Support''.

(2) ENHANCEMENT OF AUTHORITIES.—Such section is further is amended—

(A) in subsection (c), by adding at the end the following new paragraphs:

''(7) Overseeing, supervising, and directing the activities of Defense Agencies responsible for the execution of policies and practices relating to the purchase of consumable goods, spare parts, services, and utilities, the execution of audits, contract administration, real property and installation support, procurement on behalf of other nations, and logistics, maintenance, and sustainment support for elements of the Department of Defense.

''(8) Subject to subsection (e), ensuring that audit and oversight of contractor activities are coordinated and executed in a manner to prevent duplication by different elements of the Department of Defense, and providing for coordination of the annual plans developed by each such element for the conduct of audit and oversight functions within each contracting activity.''; and

(B) by striking subsection (d) and insert the following new subsections:

''(d) REPORTING.—The following officials shall report directly to the Under Secretary:

''(1) The Director of the Defense Logistics Agency.

''(2) The Director of the Defense Contract Management Agency.

''(3) The Director of the Defense Contract Audit Agency.

''(4) The Administrator of the Defense Technical Information Center.

''(5) The Director of the Office of Economic Adjustment.

''(6) The Director of the Defense Commissary Agency.

''(7) The Director of the Defense Finance and Accounting Service.

''(8) The Director of Washington Headquarters Services.

''(9) The Director of the Pentagon Force Protection Agency.

''(10) The head of any agency of the Department of Defense with a business management mission that is specified by the Secretary of Defense for purposes of this subsection.

''(e) AUDITING AND OVERSIGHT OF CONTRACTOR ACTIVITIES.—

''(1) CONSULTATION.—In carrying out subsection (c)(8), the Under Secretary shall consult with the Inspector General of the Department of Defense.

''(2) CONSTRUCTION WITH CERTAIN OTHER AUTHORITY.—Nothing in this section shall affect the authority of the Inspector General of the Department of Defense to establish audit policy for the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App.) and otherwise to carry out the functions of the Inspector General under that Act.''.

(3) CONFORMING AMENDMENTS.—The following provisions of law are each amended by striking ''Under Secretary of Defense for Business Management and Information'' and inserting ''Under Secretary of Defense for Management and Support'';

(A) Section 134(c) of title 10, United States Code.

(B) Section 2222 of title 10, United States Code.

(C) Section 5313 of title 5, United States Code

(D) Section 901(n)(1) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015.

(4) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of section 132a of title 10, United States Code, is amended to read as follows:

''§ 132a. Under Secretary of Defense for Management and Support''.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

''132a. Under Secretary of Defense for Management and Support.''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on February 1, 2017, immediately after the coming into effect of the amendments made by subsection (a)(1), and related provisions, of section 901 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015, to which the amendments made by this subsection relate.

(e) OFFICE OF THE SECRETARY OF DEFENSE ORGANIZATION.—

(1) PLACEMENT OF USD FOR RESEARCH AND ENGINEERING.—Subparagraph (A) of section 131(b)(2) of title 10, United States Code, is amended to read as follows:

''(A) The Under Secretary of Defense for Research and Engineering.''.

(2) ADDITIONAL CONFORMING AMENDMENT RELATING TO PLACEMENT OF LATER ESTABLISHED USD FOR BUSINESS MANAGEMENT AND SUPPORT.—Paragraph (2) of section 901(a) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 is amended to read as follows:

''(2) PLACEMENT IN THE OFFICE OF THE SECRETARY OF DEFENSE.—Effective on the effective date specified in paragraph (1), section 131(b)(2) of such title is amended—

''(A) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

''(B) by inserting after subparagraph (A) by the following new subparagraph (B):

'' '(B) The Under Secretary of Defense for Management and Support.'.''.

(f) ADDITIONAL CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(1) by striking the item relating to section 133 and inserting the following new item:

''133. Under Secretary of Defense for Research and Engineering.''; and

(2) by striking the items relating to sections 139, 139a, 139b, and 139c and inserting the following new items:

''139. Assistant Secretary of Defense for Acquisition Policy and Oversight.

''139a. Director of Operational Test and Evaluation.

''139b. Director of Cost Assessment and Program Evaluation.''.

(g) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Under Secretary of Defense for Acquisition, Technology, and Logistics and inserting the following new item:

''Under Secretary of Defense for Research and Engineering.''.

(h) IMPLEMENTATION.—

(1) COMMENCEMENT.—Except as otherwise provided in this section, the Secretary of Defense shall commence implementation of this section and the amendments made by this section on the date of the enactment of this Act.

(2) NOMINATIONS.—Any individual nominated by the President who takes office in 2017 to a position under section 133 or 139 of title 10, United States Code (as amended by this section), shall meet the qualifications and other requirements of such position as specified in such section.

(3) IMPLEMENTATION PLAN.—Not later than March 1, 2017, the Secretary of Defense shall submit to the congressional defense committees the following:

(A) A plan for the full implementation of this section and the amendments made by this section.

(B) A report that describes the concerns, if any, that the Secretary has with the requirements of this section and the amendments made by this section, and recommendations for such legislative action to address such concerns as the Secretary considers appropriate.

(4) COMPLETION.—The Secretary shall complete the implementation of this section and the amendments made by this section not later than January 20, 2018.

(i) INCUMBENTS.—

(1) RETENTION OF INCUMBENTS.—The incumbent in each position under a provision of

law repealed or superseded by a provision of this section as of the day before the date of the enactment of this Act may, at the election of the Secretary of Defense, remain in such position after the date of the enactment of this Act in accordance with the terms of the provision so repealed or superseded as in effect on the day before the date of the enactment of this Act.

(2) RATE OF PAY.—The rate of pay payable under title 5, United States Code, to an incumbent covered by paragraph (1) for service in the applicable position after the date of the enactment of this Act shall be the rate of pay payable for such position under chapter 53 of title 5, United States Code, as of the day before the date of the enactment of this Act.

(j) REFERENCES.—

(1) USD FOR ATL.—Any reference to the Under Secretary of Defense for Acquisition, Technology, and Logistics in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Under Secretary of Defense for Research and Engineering.

(2) ASD FOR ACQUISITION.—Any reference to the Assistant Secretary of Defense for Acquisition in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to a position designated by the Assistant Secretary of Defense for Acquisition Policy and Oversight.

(3) ASD FOR LOGISTICS AND MATERIEL READINESS.—Any reference to the Assistant Secretary of Defense for Logistics and Materiel Readiness in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the position designated by the Secretary for purposes of this paragraph.

(4) ASD FOR RESEARCH AND ENGINEERING.—Any reference to the Assistant Secretary of Defense for Research and Engineering in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Under Secretary of Defense for Research and Engineering.

(5) ASD FOR ENERGY, INSTALLATIONS, AND THE ENVIRONMENT.—Any reference to the Assistant Secretary of Defense for Energy, Installations, and the Environment in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the position designated by the Secretary for purposes of this paragraph.

(k) REPORT ON ADDITIONAL CONFORMING AND OTHER AMENDMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting for comprehensive recommendations for such conforming and other amendments to law as the Secretary considers appropriate in light of this section and the amendments made by this section.

SEC. 902. QUALIFICATIONS FOR APPOINTMENT OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.

(a) SECRETARY OF THE ARMY.—Section 3013(a)(1) of title 10, United States Code, is amended by inserting after the first sentence the following new sentence: ''The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience of a large complex organization''.

(b) SECRETARY OF THE NAVY.—Section 5013(a)(1) of such title is amended by inserting after the first sentence the following new sentence: ''The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience of a large complex organization''.

(c) SECRETARY OF THE AIR FORCE.—Section 8013(a)(1) of such title is amended by inserting after the first sentence the following new sentence: ''The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience of a large complex organization''.

SEC. 903. ESTABLISHMENT OF ASSISTANT SECRETARY OF DEFENSE FOR INFORMATION (CHIEF INFORMATION OFFICER) IN OFFICE OF SECRETARY OF DEFENSE.

(a) IN GENERAL.—Paragraph (8) of section 138(b) of title 10, United States Code, is amended to read as follows:

''(8) One of the Assistant Secretaries is the Assistant Secretary of Defense for Information (Chief Information Officer), who shall report to the Secretary and the Deputy Secretary of Defense. The Assistant Secretary shall be the principal advisor to the Secretary and have responsibility for all defense cyber and space policy, information network defense, policies and standards governing information technology systems, and related information security activities of the Department, including oversight of the Defense Information Systems Agency or any successor organization.''.

(b) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Subsection (b) of section 132a of such title is amended to read as follows:

''(b) The Under Secretary also serves as the Performance Improvement Officer of the Department of Defense.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on February 1, 2017, immediately after the coming into effect of the amendment made by section 901(a)(1) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 35462), to which the amendment made by paragraph (1) relates.

SEC. 904. REDUCTION IN MAXIMUM NUMBER OF PERSONNEL IN OFFICE OF THE SECRETARY OF DEFENSE AND OTHER DEPARTMENT OF DEFENSE HEADQUARTERS OFFICES.

(a) OFFICE OF THE SECRETARY OF DEFENSE.—Section 143(b) of title 10, United States Code, is amended by striking ''and civilian personnel'' and inserting '', civilian, and detailed personnel''.

(b) LIMITATIONS ON PERSONNEL FOR THE JOINT STAFF.—Section 155 of such title is amended by adding at the end the following new subsection:

''(h) PERSONNEL LIMITATIONS.—(1) The total number of members of the armed forces and civilian employees assigned or detailed to permanent duty for the Joint Staff may not exceed 1,930.

''(2) Not more than 1,500 members of the armed forces on the active-duty list may be assigned or detailed to permanent duty for the Joint Staff.

''(3) The limitations in paragraphs (1) and (2) do not apply in time of war.

''(4) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.''.

(c) OFFICE OF THE SECRETARY OF THE ARMY.—Section 3014(f) of such title is amended—

(1) in paragraph (3), by striking ''67'' and inserting ''50'';

(2) in paragraph (4), by striking ''time of war'' and all that follows and inserting ''time of war.''; and

(3) by adding at the end the following new paragraph:

''(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.''.

(d) OFFICE OF THE SECRETARY OF THE NAVY.—Section 5014(f) of such title is amended—

(1) in paragraph (3), by striking ''74'' and inserting ''56'';

(2) in paragraph (4), by striking ''time of war'' and all that follows and inserting ''time of war.''; and

(3) by adding at the end the following new paragraph:

''(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.''.

(e) OFFICE OF THE SECRETARY OF THE AIR FORCE.—Section 8014(f) of such title is amended—

(1) in paragraph (3), by striking ''60'' and inserting ''45'';

(2) in paragraph (4), by striking ''time of war'' and all that follows and inserting ''time of war.''; and

(3) by adding at the end the following new paragraph:

''(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.''.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 2019.

SEC. 905. LIMITATIONS ON FUNDS USED FOR STAFF AUGMENTATION CONTRACTS AT MANAGEMENT HEADQUARTERS OF THE DEPARTMENT OF DEFENSE AND THE MILITARY DEPARTMENTS.

(a) LIMITATIONS.—

(1) FOR FISCAL YEARS 2017 AND 2018.—The total amount obligated by the Department of Defense for fiscal year 2017 or 2018 for contract services for staff augmentation contracts at management headquarters of the Department and the military departments may not exceed an amount equal to the aggregate amount expended by the Department for contract services for staff augmentation contracts at management headquarters of the Department and the military departments in fiscal year 2016 adjusted for net transfers from funding for overseas contingency operations (in this subsection referred to as the ''fiscal year 2016 staff augmentation contracts funding amount'').

(2) FOR FISCAL YEARS AFTER FISCAL YEAR 2018.—The total amount obligated by the Department for any fiscal year after fiscal year 2018 for contract services for staff augmentation contracts at management headquarters of the Department and the military departments may not exceed an amount equal to 75 percent of the fiscal year 2016 staff augmentation contracts funding amount.

(b) DEFINITIONS.—In this section:

(1) The term ''contract services'' has the meaning given that term in section 235 of title 10, United States Code.

(2) The term ''staff augmentation contracts'' means contracts for personnel who are subject to the direction of a Government official other than the contracting officer for the contract, including contractor personnel

who perform personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

SEC. 906. UNIT WITHIN THE OFFICE OF THE SECRETARY OF DEFENSE SUPPORTING ACHIEVEMENT OF RESULTS IN DEPARTMENT OF DEFENSE MANAGEMENT REFORM AND BUSINESS TRANSFORMATION EFFORTS.

(a) IN GENERAL.—The Secretary of Defense serving in that position as of February 1, 2017, may establish within the Office of the Secretary of Defense on that date a unit of personnel that shall be responsible for providing expertise and support throughout the Department of Defense in efforts of the Department relating to management reform and business transformation. The unit may be known as the ''delivery unit'' for Department efforts on management reform and business transformation.

(b) COMPOSITION.—The unit established under subsection (a) shall consist of not more than 30 individuals selected by the Secretary primarily from among individuals outside the Government who have significant experience and expertise in management consulting, organization transformation, or data analytics.

(c) DUTIES.—

(1) IN GENERAL.—The unit established under subsection (a) shall have the duties as follows:

(A) To assist senior managers in developing and implementing roadmaps to achieve targets in management reform and business transformation for the Department of Defense established by Secretary of Defense referred to in subsection (a).

(B) To assist that Secretary and the Deputy Secretary of Defense in monitoring the progress of management reform and business transformation in the Department, and to assist that Secretary and the Deputy Secretary in providing for corrections in actions based on data-driven decision-making that will expedite the business processes of the Department.

(2) CONSULTATION WITH PRIVATE SECTOR.—In carrying out the duties specified in paragraph (1), the unit shall seek to leverage the expertise available to the Department through current exchange programs of the Department with the private sector in order to obtain and deploy proven data analytics and management consulting practices.

(d) TERMINATION.—The unit established under subsection (a) shall cease to exist on January 31, 2021.

(e) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2017 for the Department of Defense and available for the Office of the Secretary of Defense, up to $30,000,000 may be available for activities of the unit established under subsection (a). Such amount may not be obligated or expended for that purpose until the date on which the unit is established.

Subtitle B—Combatant Command Matters

SEC. 921. JOINT CHIEFS OF STAFF AND RELATED COMBATANT COMMAND MATTERS.

(a) FUNCTIONS OF JOINT CHIEFS OF STAFF.—

(1) CONSULTATION BY CHAIRMAN.—Subsection (c)(1) of section 151 of title 10, United States Code, is amended by striking ''as he considers appropriate'' and inserting ''as necessary''.

(2) REPEAL OF ADVICE ON REQUEST.—Such section is further amended—

(A) in subsection (b)(2), by striking ''subsections (d) and (e)'' and inserting ''subsection (d)'';

(B) by striking subsection (e); and

(C) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(b) CHAIRMAN OF THE JOINT CHIEFS OF STAFF MATTERS.—

(1) TERM OF SERVICE.—Subsection (a) of section 152 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking ''two years, beginning on October 1 of odd-numbered years'' and all that follows and inserting ''four years, beginning on October 1 of an odd-numbered year.''; and

(B) in paragraph (3), by—

(i) by striking the first sentence;

(ii) by striking ''However, the President'' and inserting ''The President'';

(iii) by striking ''combined''; and

(iv) by striking ''in such positions'' and inserting ''as Chairman or Vice Chairman''.

(2) REQUIREMENT FOR APPOINTMENT.—Subsection (b)(1) of such section is amended—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(c) FUNCTIONS OF CHAIRMAN OF JOINT CHIEFS OF STAFF.—The text of section 153 of title 10, United States Code, is amended to read as follows:

''(a) RESPONSIBILITIES.—The Chairman of the Joint Chiefs of Staff is responsible for ensuring that the President and the Secretary of Defense receive military advice on the comprehensive organization, training, equipping, and employment of the armed forces.

''(b) PRIMARY FOCUS.—Subject to the authority, direction, and control of the President and the Secretary of Defense, the primary focus of the Chairman of the Joint Chiefs of Staff shall be the development of the military elements of national security and defense strategy, assisting the President and the Secretary in the integration of military operations and activities worldwide, and advocating for military requirements of the present and future joint force of the United States, including as follows:

''(1) STRATEGY DEVELOPMENT AND OPERATIONAL PLANNING.—In matters relating to strategy development and operational planning:

''(A) Developing strategic frameworks and directing planning, as required, to guide the use and employment of military force and related activities across all geographic regions and military functions and domains, and to sustain military efforts over different durations of time, as necessary.

''(B) Advising the Secretary on the production of the national defense strategy required by section 118 of this title and the national security strategy required by section 108 of the National Security Act of 1947 (50 U.S.C. 3043).

''(C) Providing advice to the President and the Secretary on daily and ongoing military operations.

''(D) Preparing alternative military analysis, options, and plans, as the Chairman considers appropriate, to recommend to the Secretary.

''(E) Preparing joint logistic, mobility, and operational energy plans to support the national defense strategy and recommending the assignment of responsibilities to the armed forces in accordance with these plans.

''(F) Providing for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary.

''(2) GLOBAL MILITARY INTEGRATION.—In matters relating to global military integration:

''(A) Advising the Secretary on the need for the transfer of forces to address transregional, multi-domain, and multifunctional threats, or multiple threats with overlapping timeframes.

''(B) To the extent authorized by the Secretary pursuant to a delegation of authority under section 113(g)(4) of this title, directing the transfer of limited forces on a temporary basis.

''(3) COMPREHENSIVE JOINT READINESS.—In matters relating to comprehensive joint readiness:

''(A) Evaluating the overall preparedness of the joint force to perform the responsibilities of that force under the national defense strategy and to respond to significant contingencies worldwide.

''(B) Assessing the risks to United States missions, strategies, and military personnel that stem from shortfalls in military readiness across the armed forces, and producing comprehensive plans to reduce such risks.

''(C) Identifying the support functions that are likely to require contractor performance under current defense strategies, and the risks associated with the assignment of such functions to contractors.

''(D) Advising the Secretary on critical deficiencies and strengths in force capabilities (including manpower, logistic, and mobility support) identified during the preparation and review of the national defense strategy and contingency plans and assessing the effect of such deficiencies and strengths on meeting national security objectives and policy and on strategic plans.

''(E) Recommending to the Secretary, in accordance with section 166 of this title, a budget proposal for activities of each unified and specified combatant command.

''(F) Establishing and maintaining, after consultation with the commanders of the unified and specified combatant commands, a uniform system of evaluating the preparedness of each such command, and groups of commands collectively, to carry out missions assigned to the command or commands.

''(G) Advising the Secretary on the extent to which the major programs and policies of the armed forces in the area of manpower and contractor support conform with the national defense strategy and the requirements of contingency plans produced by the commanders of the combatant commands, and on the ways to improve and enhance operational contract support for the armed forces.

''(4) JOINT CAPABILITY DEVELOPMENT.—In matters relating to joint capability development:

''(A) Identifying innovative and experimental new technologies to maintain the military technological advantage of the armed forces, and recommending investments in such technologies to the Secretary.

''(B) Performing net assessments of the capabilities of the armed forces of the United States and its allies in comparison with the capabilities of potential adversaries.

''(C) Advising the Secretary under section 163(b)(2) of this title on the priorities of the requirements identified by the commanders of the unified and specified combatant commands.

''(D) Advising the Secretary on the extent to which the program recommendations and budget proposals of the military departments and other components of the Department of Defense for a fiscal year conform with the priorities established in the national defense strategy and with the priorities established for the requirements of the unified and specified combatant commands.

''(E) Submitting to the Secretary alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary, in order to achieve greater conformance with the priorities referred to in subparagraph (D).

''(F) Identifying, assessing, and approving military requirements (including existing systems and equipment) to meet the national defense strategy.

''(G) Recommending to the Secretary appropriate trade-offs among life-cycle cost, schedule, performance, and procurement quantity objectives in the acquisition of materiel and equipment to support the strategic and contingency plans required by this subsection in the most effective and efficient manner.

''(5) JOINT FORCE DEVELOPMENT ACTIVITIES.—In matters relating to joint force development activities:

''(A) Developing doctrine for the joint employment of the armed forces.

''(B) Formulating policies and technical standards, and executing actions, for the joint training of the armed forces.

''(C) Formulating policies for coordinating the military education of members of the armed forces.

''(D) Formulating policies for concept development and experimentation for the joint employment of the armed forces.

''(E) Formulating policies for gathering, developing, and disseminating joint lessons learned for the armed forces.

''(F) Advising the Secretary on development of joint command, control, communications, and cyber capability, including integration and interoperability of such capability, through requirements, integrated architectures, data standards, and assessments.

''(6) OTHER MATTERS.—In other matters:

''(A) Providing for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations.

''(B) Performing such other duties as may be prescribed by law or by the President or the Secretary of Defense.

''(c) NATIONAL MILITARY STRATEGY.—

''(1) NATIONAL MILITARY STRATEGY.—

''(A) IN GENERAL.—The Chairman shall determine each even-numbered year whether to prepare a new national military strategy in accordance with this subparagraph or to update a strategy previously prepared in accordance with this paragraph. The Chairman shall provide such national military strategy or update to the Secretary of Defense in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion in the report, if any, of the Secretary under paragraph (4).

''(B) SCOPE.—Each national military strategy or update under this paragraph shall be based on a comprehensive review conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands. Each update shall address only those parts of the most recent national military strategy for which the Chairman determines, on the basis of the review under subparagraph (A), that a modification is needed.

''(C) BASIS.—Each national military strategy or update submitted under this paragraph shall describe how the military will achieve support the objectives of the United States as articulated in—

''(i) the most recent national security strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

''(ii) the most recent annual report of the Secretary submitted to the President and Congress pursuant to section 113 of this title;

''(iii) the most recent national defense strategy presented by the Secretary of Defense pursuant to section 118 of this title; and

''(iv) any other national security or defense strategic guidance issued by the President or the Secretary.

''(D) ELEMENTS.—At a minimum, each national military strategy or update submitted under this paragraph shall—

''(i) assess the strategic environment, threats, opportunities, and challenges that affect the national security of the United States;

''(ii) develop military ends, ways, and means to support the objectives referred to in subparagraph (C);

''(iii) provide the framework for the assessment by the Chairman of strategic and military risks pursuant to paragraph (2), and developing risk mitigation options;

''(iv) establish a strategic framework for the development of operational and contingency plans;

''(v) identify the priority of joint force capabilities, capacities, and resources; and

''(vi) establish military guidance for the development of the joint force.

''(2) RISK ASSESSMENT.—

''(A) IN GENERAL.—The Chairman shall prepare each year an assessment of the risks associated with the most current national military strategy or update under paragraph (1). The risk assessment shall be known as the 'Risk Assessment of the Chairman of the Joint Chiefs of Staff'. The Chairman shall complete preparation of the risk assessment in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion in the report, if any, of the Secretary of Defense under paragraph (4).

''(B) OBJECTIVES.—Each risk assessment shall do the following:

''(i) As the Chairman considers appropriate, update any changes to the strategic environment, threats, objectives, force planning and sizing constructs, assessments, and assumptions that informed the national military strategy or update under paragraph (1).

''(ii) Identify and define the strategic risks to United States interests and the military risks in executing the national military strategy or update.

''(iii) Identify and define levels of risk, including an identification of what constitutes 'significant' risk in the judgment of the Chairman.

''(iv) Identify and assess risk in the national military strategy or update by category and level, including how risk is projected to increase, decrease, or remain stable over time.

''(v) For each category of risk identified pursuant to clause (iv), assess the extent to which current or future risk increases, decreases, or is stable as a result of budgetary priorities, tradeoffs, or fiscal constraints or limitations as currently estimated and applied in the most current future-years defense program under section 221 of this title.

''(vi) Identify and assess risk associated with the assumptions or plans of the national military strategy or update about the contributions or support of—

''(I) alliances, allies, and other friendly nations (including their capabilities, availability, and interoperability); and

''(II) any other external support, as appropriate.

''(vii) Identify and assess the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of the contingency plans of each unified combatant command, and identify and assess the effect of such deficiencies and strengths for the national military strategy or update.

''(3) SUBMITTAL OF NATIONAL MILITARY STRATEGY AND RISK ASSESSMENT TO CONGRESS.—

''(A) NATIONAL MILITARY STRATEGY.—Not later than February 15 of each even-numbered year, the Chairman shall, through the Secretary of Defense, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the national military strategy or update, if any, prepared under paragraph (1) in such year.

''(B) RISK ASSESSMENT.—Not later than February 15 each year, the Chairman shall, through the Secretary, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the risk assessment prepared under paragraph (2) in such year.

''(C) FORM.—The reports submitted under this subsection shall be classified in form, but shall include an unclassified summary.

''(4) SECRETARY OF DEFENSE REPORTS TO CONGRESS.—

''(A) IN GENERAL.—In transmitting a national military strategy or update, or a risk assessment, to Congress pursuant to paragraph (3), the Secretary of Defense shall include in the transmittal such comments of the Secretary thereon, if any, as the Secretary considers appropriate.

''(B) ADDITIONAL ELEMENTS WITH RISK ASSESSMENT.—If a risk assessment transmitted under paragraph (3) in a year includes an assessment that a risk or risks associated with the national military strategy or update are significant, or that critical deficiencies in force capabilities exist for a contingency plan described in paragraph (2)(B)(vii), the Secretary shall include in the transmittal of the risk assessment the plan of the Secretary for mitigating such risk or deficiency. A plan for mitigating risk of deficiency under this subparagraph shall—

''(i) address the risk assumed in the national military strategy or update concerned, and the additional actions taken or planned to be taken to address such risk using only current technology and force structure capabilities; and

''(ii) specify, for each risk addressed, the extent of, and a schedule for expected mitigation of, such risk, and an assessment of the potential for residual risk, if any, after mitigation.''.

(d) VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—

(1) TERM OF SERVICE.—Paragraph (3) of section 154(a) of title 10, United States Code, is amended is amended by striking ''two years'' and inserting ''four years''.

(2) INELIGIBILITY FOR SERVICE AS CHAIRMAN OR ANY OTHER POSITION IN THE ARMED FORCES.—Such section is further amended by adding at the end the following new paragraph:

''(4) The Vice Chairman shall not be eligible for promotion to the position of Chairman or any other position in the armed forces. The term of the Vice Chairman shall be established so as not to begin in the same year as the term of the Chairman.''.

(e) RESPONSIBILITIES OF COMMANDERS OF THE COMBATANT COMMANDS.—Section 164(b) of title 10, United States Code, is amended—

(1) in paragraph (2)(A), by inserting ''and in consultation with the Chairman of the Joint Chiefs of Staff'' before the semicolon; and

(2) by adding at the end the following new paragraph:

''(3) Among the full range of command responsibilities specified in subsection (c) and as provided for in section 161 of this title, the primary duties of the commander of a combatant command shall be as follows:

''(A) To produce plans for the employment of the armed forces to execute the national defense strategy and respond to significant military contingencies.

''(B) To take actions necessary to deter conflict.

''(C) To command United States armed forces in conflict, if directed by the Secretary of Defense and approved by the President.''.

(f) COMBATANT COMMANDERS COUNCIL.—

(1) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after section 163 the following new section:

''§ 163a. Combatant Commanders Council

''(a) IN GENERAL.—There is in the Department of Defense a council to be known as the 'Combatant Commanders Council' (in this section referred to as 'the Council').

''(b) COMPOSITION.—The Council shall consist of the following:

''(1) The Secretary of Defense, who shall head the Council.

''(2) The Chairman of the Joint Chiefs of Staff.

''(3) The Vice Chairman of the Joint Chiefs of Staff.

''(4) The commanders of the combatant commands.

''(c) CONVENING AUTHORITY.—The Secretary of Defense shall convene regular meetings of the Council as the Secretary determines necessary. The Secretary may delegate the authority to convene meetings of the Council to the Chairman, in which case the Secretary may designate a representative to attend the meeting in the Secretary's place.

''(d) DUTIES.—The responsibilities of the Council are as follows:

''(1) To inform the requirements, production, and periodic review of the national defense strategy required by section 118 of this title.

''(2) To advise the commanders of the combatant commands of their roles and responsibilities in executing the national defense strategy.

''(3) To oversee and guide the implementation of the national defense strategy.

''(4) To support the Secretary of Defense and the Chairman in providing for the effective global integration of all military operations and activities across the combatant commands in furtherance of the current national defense strategy and the guidance of the President and the Secretary of Defense.

''(5) Such other responsibilities as the Secretary may prescribe.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of such title is amended by inserting after the item relating to section 163 the following new item:

''163a. Combatant Commanders Council.''.

SEC. 922. DELEGATION TO CHAIRMAN OF JOINT CHIEFS OF STAFF OF AUTHORITY TO DIRECT TRANSFER OF FORCES.

Section 113(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) The Secretary of Defense may, in the Secretary's discretion, delegate to the Chairman of the Joint Chiefs of Staff the authority to direct the transfer of forces on behalf of the Secretary. Any such delegation shall, at a minimum, specify the following:

''(i) The threats, areas, and missions for which the Chairman of the Joint Chiefs of Staff is authorized to direct the transfer of forces.

''(ii) The categories and quantities of forces that are covered by the authorization.

''(iii) The duration of the transfer.

''(B) Any delegation under this paragraph shall require the Chairman of the Joint Chiefs of Staff to notify the Secretary of any decision to direct the deployment of forces pursuant to the delegation as soon as possible.

''(C) A delegation under this paragraph shall be for a period of not more than one year, and may be renewed.''.

SEC. 923. ORGANIZATION OF THE DEPARTMENT OF DEFENSE FOR MANAGEMENT OF SPECIAL OPERATIONS FORCES AND SPECIAL OPERATIONS.

(a) RESPONSIBILITY OF ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.—Section 138(b)(4) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Subject to the authority, direction, and control of the Secretary of Defense, the Assistant Secretary shall do the following:

''(A) Exercise authority, direction, and control of all administrative matters relating to the organization, training, and equipping of special operations forces.

''(B) Assist the Secretary and the Under Secretary of Defense for Policy in the development and supervision of policy, program planning and execution, and allocation and use of resources for the activities of the Department of Defense for the following:

''(i) Irregular warfare, combating terrorism, countering the proliferation of weapons of mass destruction, and the special operations activities specified by section 167(k) of this title.

''(ii) Integrating the functional activities of the headquarters of the Department to most efficiently and effectively provide the capabilities required for special operations missions.''.

(b) SPECIAL OPERATIONS FUNCTIONAL INTEGRATION AND OVERSIGHT TEAM.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139b, as redesignated by section 901(b)(2) of this Act, the following new section:

''§ 139c. Special Operations Functional Integration and Oversight Team

''(a) IN GENERAL.—In order to fulfill the responsibilities specified in section 138(b)(4) of this title, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall establish and lead a team to be known as the 'Special Operations Functional Integration and Oversight Team' (in this section referred to as the 'Team').

''(b) PURPOSE.—The purpose of the Team is to integrate the functional activities of the headquarters of the Department of Defense in order to most efficiently and effectively provide the capabilities required for special operations missions. In fulfilling this purpose, the Team shall develop and continuously improve policy, joint processes, and procedures that facilitate the development, acquisition, integration, employment, and sustainment of special operations capabilities.

''(c) MEMBERSHIP.—The Team shall include the following:

''(1) The Assistant Secretary, who shall act as leader of the Team.

''(2) Appropriate senior representatives of each of the following:

''(A) The Under Secretary of Defense for Research and Engineering.

''(B) The Under Secretary of Defense for Management and Support.

''(C) The Under Secretary of Defense (Comptroller).

''(D) The Under Secretary of Defense for Personnel and Readiness.

''(E) The Under Secretary of Defense for Intelligence.

''(F) The other Assistant Secretaries of Defense under the Under Secretary of Defense for Policy.

''(G) The military departments.

''(H) The Joint Staff.

''(I) The United States Special Operations Command.

''(J) Such other officials or Agencies, elements, or components of the Department of Defense as the Secretary of Defense considers appropriate

''(d) OPERATION.—The Team shall operate continuously.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title, as amended by section 901(f)(2) of this Act, is further amended by inserting after the item relating to section 139b the following new item:

''139c. Special Operations Functional Integration and Oversight Team.''.

(c) US SPECIAL OPERATIONS COMMAND MATTERS.—

(1) AUTHORITY OF COMMANDER.—Subsection (e)(2) of section 167 of title 10, United States Code, is amended—

(A) in the matter preceding subparagraph (A), by striking ''The commander'' and inserting ''Subject to the authority, direction, and control of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, the commander''; and

(B) by striking subparagraph (J) and inserting the following new subparagraph (J):

''(J) Monitoring the promotions of special operations forces and coordinating with the military departments regarding the assignment, retention, training, professional military education, and special and incentive pays of special operations forces.''.

(2) ADMINISTRATIVE CHAIN OF COMMAND.—Such section is further amended—

(A) by redesignating subsections (f) through (k) as subsections (g), through (l), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

''(f) ADMINISTRATIVE CHAIN OF COMMAND.—(1) Unless otherwise directed by the President, the administrative chain of command to the special operations command runs—

''(A) from the President to the Secretary of Defense;

''(B) from the Secretary of Defense to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; and

''(C) from the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to the commander of the special operations command.

''(2) For purposes of this subsection, administrative chain of command refers to the exercise of authority, direction and control with respect to the administration and support of the special operations command, including the readiness and organization of special operations forces, special operations-peculiar resources and equipment, and civilian personnel. It does not refer to the exercise of authority, direction, and control of operational matters that are subject to the

operational chain of command of the commanders of combatant commands or the exercise of authority, direction, and control of personnel, resources, equipment, and other matters that are not special operations-peculiar that are the purview of the armed forces. In addition, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict is subordinate to the Under Secretary of Defense for Policy in all matters of policy related to special operations activities and low intensity conflict activities of the Department of Defense.''.

SEC. 924. PILOT PROGRAM ON ORGANIZATION OF SUBORDINATE COMMANDS OF A UNIFIED COMBATANT COMMAND AS JOINT TASK FORCES.

(a) PILOT PROGRAM.—The Secretary of Defense shall carry out a pilot program on organizing the subordinate commands of a unified combatant command in the form of joint task forces.

(b) COVERED COMMANDS.—The Secretary shall carry out the pilot program in at least one unified combatant command designated by the Secretary for purposes of this section.

(c) PLAN.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall develop, for each combatant command participating in the pilot program, a plan to—

(A) disestablish, and prohibit the reestablishment of, any subordinate command of such combatant command that is organized by a service of the Armed Forces;

(B) identify the major missions and contingencies in the area of responsibility of such combatant command that would require a military response;

(C) establish subordinate commands for such combatant command in the form of joint task forces, as described in subsection (d);

(D) select a commander of an appropriate grade to lead each joint task force so established based on the scale and complexity of the mission that such task force must perform; and

(E) describe any additional authorities, specialized training, or other organizational elements that such joint task forces may require to meet the objectives of the plan.

(2) OBJECTIVES.—The objectives of each plan under this subsection shall be—

(A) to provide for a greater emphasis on operational military missions;

(B) to improve the effectiveness and efficiency of the combatant command concerned in performing the missions of the combatant command through better integration of functional components and capabilities, both from within the combatant command and across the Department of Defense;

(C) to create more flexible and responsive subordinate commands that can be established, grown, reduced, altered, or disestablished based on the changing nature of threats and contingencies in the area of responsibility of the combatant command concerned;

(D) to devolve responsibility and initiative, to the greatest extent practicable, to lower levels in the combatant command concerned, eliminating unnecessary layers of management and headquarters staff, and reducing the cost and time to perform mission critical tasks;

(E) to enhance the ability of the combatant command concerned to execute global defense strategies and address threats that span multiple regions, functions, and domains, involve different durations of time, and lack clearly defined phases of conflict; and

(F) to enable the commander of the combatant command concerned to integrate the activities of the combatant command across wider spans of control with fewer personnel and resources, and to focus more consistently on the strategic missions of the combatant command, including coordination with other combatant commands and engagement with key foreign partners.

(3) PROBLEMS TO OVERCOME.—The problems that each plan under this subsection shall seek to overcome are—

(A) deficiencies in the current organization of the unified combatant commands that have led senior leaders over many years to rely increasingly on the establishment of ad hoc joint task forces to meet critical emergent requirements for the combatant commands;

(B) dramatic growth in the size of staffs of the unified combatant commands that inhibit an effective and efficient performance of missions, lead to duplication of effort, and draw limited vital resources away from operational units and toward bureaucratic staffing functions;

(C) hierarchal, time-intensive, and resource-intensive planning and decision-making processes that are required to compensate for, and attempt to achieve integration among, functional command structures oriented around separate Armed Forces;

(D) antiquated approaches to persistent, trans-regional, cross-functional, and multi-domain threats that cannot be addressed through discrete and isolated operational plans based on a clear commencement of hostilities leading to combat operations; and

(E) misaligned priorities that result in unified combatant commands being overly focused on mission support activities (such as intelligence analysis and regional theater engagement) and insufficiently focused on the operational missions of the combatant commands.

(4) PREPARATION.—Each plan under this subsection shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff and the commander of the combatant command concerned.

(5) DEADLINE FOR DEVELOPMENT.—Any plan to be developed under this subsection shall be completed by not later than March 1, 2017.

(6) SUBMITTAL TO CONGRESS.—Upon completion of the development of a plan under this subsection, the Secretary shall submit such plan to the congressional defense committees.

(7) IMPLEMENTATION.—The Secretary shall commence implementation of each plan developed under this subsection for purposes of the pilot program by not later than September 1, 2017.

(d) JOINT TASK FORCES.—

(1) IN GENERAL.—Each joint task force established for purposes of the pilot program pursuant to a plan under subsection (c) shall be—

(A) established and organized as a cross-functional team with the primary purpose of performing an identified mission or providing essential support and enabling capabilities to task forces performing such missions;

(B) assigned the necessary number and mixture of Armed Forces personnel and related capabilities to perform the mission of such task force;

(C) organized and sized in a manner that best reflects the scope, scale, complexity, and priority of the mission that such task force is required to perform or support;

(D) comprised of representatives from each functional component from across the Department of Defense that is relevant to the performance of the mission of such task force, including the Armed Forces, other unified combatant commands, other joint task forces that are subordinate to the same or another unified combatant command, defense intelligence agencies, other combat support agencies, and acquisition offices; and

(E) commanded by a military officer of appropriate grade who would be selected as prescribed by section 164(e) of title 10, United States Code, and overseen by the commander of the combatant command as prescribed by section 164(d) of such title were such joint task force the subordinate command of a unified combatant command.

(2) PURPOSES.—The purpose of each joint task force established pursuant to this subsection shall be to achieve the operational military mission of such task force, including by—

(A) integrating all the functional components within such task force into joint efforts;

(B) producing integrated operational plans, consistent with the orders of the commander of the combatant command concerned and the defense strategy of the Department of Defense;

(C) recommending to the commander of the combatant command concerned any additional resources and capabilities that the commander of such joint task force determines necessary to achieve the mission of such task force;

(D) providing better alignment and unity of effort with other joint task forces within the combatant command concerned or other unified combatant commands that are performing related missions or addressing similar threats;

(E) conducting engagements with foreign partners from the area of responsibility of such task force that are necessary to achieving the military mission of such task force; and

(F) experimenting with new operational concepts and developmental capabilities that the commander of such task force considers essential to the mission of such task force.

(e) REPORT.—Not later than September 1, 2018, the Secretary shall submit to the congressional defense committees a report that includes, for each plan developed under subsection (c) for purposes of the pilot program, the following:

(1) A description of such plan.

(2) An assessment of the positive and negative effects of such plan.

(3) A description of key factors that contributed to the success or failure of such plan.

(4) Recommendations on whether, and in what manner, to apply such plan to unified combatant commands not covered by the pilot program.

SEC. 925. EXPANSION OF ELIGIBILITY FOR DEPUTY COMMANDER OF COMBATANT COMMAND HAVING UNITED STATES AMONG GEOGRAPHIC AREA OF RESPONSIBILITY TO INCLUDE OFFICERS OF THE RESERVES.

Section 164(e)(4) of title 10, United States Code, is amended—

(1) by striking ''the National Guard'' and inserting ''a reserve component of the armed forces''; and

(2) by striking ''a National Guard officer'' and inserting ''a reserve component officer''.

Subtitle C—Organization and Management of Other Department of Defense Offices and Elements

SEC. 941. ORGANIZATIONAL STRATEGY FOR THE DEPARTMENT OF DEFENSE.

(a) ORGANIZATIONAL STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than July 20, 2017, the Secretary of Defense shall formulate and issue to the Department of Defense an organizational strategy for the Department that—

(A) identifies the most important missions and other organizational outputs for the Department, including the manner in which capabilities for such missions will be generated and objectives for such outputs will be achieved;

(B) reforms the Office of the Secretary of Defense and the manner in which it operates to support the Secretary;

(C) improves management of relationships and processes involving the Office of the Secretary of Defense, the Joint Chiefs of Staff, the combatant commands, the military departments, and the Defense Agencies;

(D) improves and professionalizes the supervision of the Defense Agencies; and

(E) improves support to the President and the National Security Council in interagency processes and deliberations.

(2) OBJECTIVES.—The objectives of the strategy shall be as follows:

(A) To enable the Department to integrate the expertise and capacities of the components of the Department for effective and efficient achievement of the missions of the Department.

(B) To enable the Department to focus on critical missions that span multiple functional issues, to frame competing and alternative courses of action, and to make clear and effective strategic choices in a timely manner to achieve such missions.

(C) To clarify responsibility and accountability in the decision-making processes in the Department.

(D) To enable the Department to anticipate, adapt, and innovate rapidly to changes in the threats facing the United States, and to exploit the opportunities to counter such threats offered by technological and organizational advances.

(E) To improve the ability of the Department to work effectively in interagency processes in order to better serve the President and the National Security Council and to better contribute to national security missions.

(F) To achieve an organizational structure with fewer layers of management and reduced levels of staffing that performs better than the current organizational structure of the Department.

(3) IMPEDIMENTS TO BE ADDRESSED.—The strategy shall address, and seek to overcome, the following:

(A) Sequential, hierarchical planning and decision-making processes oriented around functional bureaucratic structures that are excessively parochial, duplicative, resistant to integration, and result in unclear, consensus-based outcomes that often constrain the ability of the Department to achieve core missions effectively and efficiently.

(B) Layering of management structures and processes that result in decisions being made by higher levels of management where the authority for cross-functional integration exists but detailed substantive expertise is often lacking or being reduced to lowest common denominator recommendations to senior leaders that suppress rather than resolve disputes across functional organizations.

(C) Weak leadership skills and culture in the Office of the Secretary of Defense.

(D) Misaligned incentives and a culture that rewards bureaucratic parochialism and inertia, risk avoidance, and the deferral or delay of decisions.

(4) CAUSES OF IMPEDIMENTS TO BE ELIMINATED.—In connection with the impediments specified in paragraph (3), the strategy shall address, and seek to eliminate, the following:

(A) A noncollaborative culture within the Department that lacks shared purpose and values.

(B) Risk aversion arising from fear of the consequences of real or perceived failure, or from the absence of positive or negative incentives to reduce such risk aversion.

(C) Lack of viable alternative mechanisms for achieving the integration of the functional components of the Department and for aligning expertise and decision-making authority at the most efficient levels of management.

(5) SOLUTIONS.—In connection with the impediments specified in paragraph (3) and the causes of such impediments specified in paragraph (4), the strategy shall specify, and seek to achieve, the following:

(A) Cross-functional teams to manage the major missions and other high-priority outputs of the Department that inherently cross functional boundaries (in this section referred to as ''mission teams'').

(B) A collaborative, team-oriented, results-driven, and innovative culture within the Department that fosters an open debate of ideas and alternative courses of action.

(C) A simplified organizational structure for the Department with reduced layers of management and increased spans of control.

(D) Streamlined processes designed to produce improved performance in less time.

(b) ACTION IN SUPPORT OF STRATEGY.—During the period between the date of the enactment of this Act and the appointment of the Secretary of Defense first appointed in 2017, the current Secretary of Defense shall take appropriate actions to assist the individual so appointed as Secretary of Defense in the development and issuance of the organizational strategy required by subsection (a).

(c) MISSION TEAMS.—

(1) IN GENERAL.—Not later than April 20, 2017, the Secretary of Defense shall identify the missions, other high-priority outputs, and important activities of the Department of Defense for which mission teams and subteams shall be established in the Department.

(2) PURPOSES.—The purposes of each mission team established pursuant to this subsection shall be as follows:

(A) To produce comprehensive and fully integrated policies, strategies, plans, resourcing, and oversight for the mission or other priority output such team is assigned to support, drawing upon the expertise and capacities of all relevant functional components of the Department.

(B) To supervise the implementation of approved strategies with respect to such mission or other output.

(3) DIRECTIVE ON TEAMS.—Not later than May 20, 2017, the Secretary shall issue a directive—

(A) on the role, authorities, reporting relationships, resourcing, manning, and operations of mission teams established pursuant to this subsection, which directive shall specify that the mission teams are decision-making organizations rather than advisory bodies; and

(B) that provides clear direction that the leaders of functional components of the Department that provide personnel to such mission teams—

(i) may not interfere in the activities of the mission team;

(ii) shall instruct personnel assigned to teams to faithfully represent the views and expertise of their functional components while contributing to the best of their ability to the success of the mission team concerned; and

(iii) shall be assessed for performance review purposes according to their support to and cooperation with mission teams interacting with their components.

(4) ESTABLISHMENT.—The Secretary shall establish mission teams, and any applicable subteams, to be established pursuant to this subsection as follows:

(A) The first three teams, by not later than July 20, 2017.

(B) The second three teams, by not later than October 20, 2017.

(C) Any remaining teams, by not later than January 20, 2018.

(5) FUNCTIONS CONSIDERED.—In establishing a mission team pursuant to this subsection, the Secretary shall consider representatives from the Office of the Secretary of Defense, the Joint Staff, the military departments, and the Defense Agencies in the functional areas of policy, strategy, intelligence, budget, research and engineering, procurement and services, manpower, logistics, cost assessment and program evaluation, test and evaluation, legislative affairs, public affairs, and any other functional area the Secretary considers appropriate.

(6) TEAM PERSONNEL.—For each team established pursuant to this subsection, the Secretary shall—

(A) designate as leader of such team a qualified and experienced individual in a general or flag officer grade, or a member of the Senior Executive Service, who shall report directly to the Secretary regarding the activities of such team;

(B) delegate to the team leader designated pursuant to subparagraph (A) authority to select members of such team from among civilian employees of the Department and members of the Armed Forces in any grade recommended for membership on such team by the head of a functional component of the Department within the Office of the Secretary of Defense, the Joint Staff, and the military departments, by the commander of a combatant command, or the director of a Defense Agency;

(C) provide that the team leader has the authority to obtain full-time support from team members, and to co-locate all members of such team, as the team leader considers appropriate;

(D) ensure that team members are properly trained in teamwork, collaboration, conflict resolution, and appropriately represent the views of their functional components without inappropriately pursuing the interests of their functional components; and

(E) make the team leader available to the congressional defense committees to provide periodic updates on the progress of such mission team.

(7) TEAM STRATEGIES AND DECISION-MAKING AUTHORITY.—

(A) IN GENERAL.—Each mission team established pursuant to this subsection shall issue a charter and strategy for such team to achieve objectives of such team specified by the Secretary, for team training, to specify metrics for evaluation of the achievement of such objectives by such team, and to specify incentives for the team and its members for the achievement of such objectives by such team. The charter and strategy shall not go into effect until approved by the Secretary.

(B) DELEGATION OF AUTHORITY.—In approving the charter and strategy of a mission team, the Secretary shall delegate to the team such decision-making authority as the

Secretary considers appropriate in order to permit the team to execute the strategy. The delegation shall also specify the decision-making authority with respect to the team and the strategy that shall be retained by the Secretary.

(C) SCOPE OF DELEGATION.—Within the delegation provided for pursuant to subparagraph (B), the leader of a mission team shall have authority to draw upon the resources of the functional components of the Department and make decisions affecting such functional components.

(D) REVIEW.—The head of a functional component of the Department may seek the review and modification by the Secretary of any determination pursuant to subparagraph (C) considered by the head of the functional component to have, or have the potential to have, an adverse impact on missions or capabilities of the functional component.

(8) REVIEW OF MISSION TEAMS.—Not later than 120 days after the date of the appointment of the Secretary of Defense first appointed in 2017, the Secretary of Defense shall complete an analysis, with support from external experts in organizational and management sciences, of successes and failures of mission teams and determine how to apply the lessons learned from that analysis.

(d) COLLABORATIVE CULTURE WITHIN OSD.—

(1) DIRECTIVE ON PURPOSES, VALUES, AND PRINCIPLES.—Not later than April 20, 2017, the Secretary of Defense shall issue a directive on shared purposes, values, and principles for the operation of the Office of the Secretary of Defense that sets forth a team-oriented, results-driven culture within the Office to support missions and objectives of the Department of Defense and cross-boundary collaboration within the Department.

(2) DIRECTIVE ON COLLABORATIVE BEHAVIOR.—Not later than May 20, 2017, the Secretary shall issue a directive specifying the collaborative behavior required of personnel of the Office of the Secretary of Defense, including the prevailing behaviors that the Secretary expects to be sustained and the behaviors that the Secretary seeks to eliminate.

(3) DIRECTIVE AND OTHER ACTIONS ON COLLABORATION.—Not later than July 20, 2017, the Secretary shall—

(A) issue a directive describing the methods and means to achieve a high degree of collaboration within and between the Office of the Secretary of Defense and the Joint Staff;

(B) require that cross-boundary collaboration constitute 50 percent of the performance review criteria for each official in such leadership positions as the Secretary shall specify, including leaders of mission teams and heads of functional components of the Department within the Office of the Secretary of Defense that provide personnel or other support to the mission teams;

(C) for purposes of this subsection, provide for a course of instruction in leadership, modern organizational practice, collaboration, and the functioning of mission teams described in subsection (c) for personnel in the Office of the Secretary of Defense who serve in positions in the Office pursuant to an appointment by and with the advice and consent of the Senate; and

(D) issue policy requiring successful service as leader or a member of a mission team as a condition for promotion in the Senior Executive Service above such level as the Secretary shall specify in the directive.

(e) STREAMLINING OF ORGANIZATIONAL STRUCTURE AND PROCESSES OF OSD.—

(1) IN GENERAL.—Not later than one year after the date of the appointment of the Secretary of Defense first appointed in 2017, the Secretary of Defense shall take such actions as the Secretary considers appropriate to streamline the organizational structure and processes of the Office of the Secretary of Defense in order to increase spans of control, achieve a reduction in layers of management, eliminate unnecessary duplication between the Office and the Joint Staff, and reduce the time required to complete standard processes and activities.

(2) CONSULTATION AND SUPPORT.—In carrying out this subsection, the Secretary shall consult with the Defense Business Board, and shall enter into contracts with individuals and entities outside Government with expertise in cross-functional teams, organizational science, and private-sector best practices to obtain advice regarding collaboration across functional boundaries to achieve critical organizational objectives.

(3) REPORT.—Not later than the date on which the Secretary commences actions under this subsection, the Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report setting forth a description of the actions the Secretary proposes to take under this subsection. If legislative action is required in connection with the taking of any such action, the report shall include recommendations for such legislative action.

(f) TRAINING FOR INDIVIDUALS NOMINATED FOR APPOINTMENT FOR OSD POSITIONS CONFIRMED BY SENATE.—

(1) IN GENERAL.—An individual may not be nominated to a position in the Office of the Secretary of Defense appointable by and with the advice and consent of the Senate unless the individual has successfully completed a course of instruction in leadership, modern organizational practice, collaboration, and the operation of mission teams described in subsection (c).

(2) WAIVER.—The President may waive the limitation in paragraph (1) with respect to an individual if the Secretary of Defense determines in writing that the individual possesses, through training and experience, the skill and knowledge otherwise to be provided through a course of instruction as described in that paragraph.

(g) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENTS.—

(1) BIANNUAL REPORT ON ASSESSMENTS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter through December 31, 2019, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive assessment of the actions taken under this section during the six-month period ending on the date of such report and cumulatively since the date of the enactment of this Act.

(2) ASSESSMENT TEAM.—The Comptroller General may establish within the Government Accountability Office a team of analysts to assist the Comptroller General in the performance assessments required by this subsection.

SEC. 942. DEPARTMENT OF DEFENSE MANAGEMENT OVERVIEW BY THE SECRETARY OF DEFENSE.

(a) IN GENERAL.—A Secretary of Defense serving in that position pursuant to an appointment to that position after January 20, 2017, shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than each of the deadlines provided in subsection (b), a report on the management of the Department of Defense that includes, current as of the date of such report, the following:

(1) HUMAN CAPITAL STRATEGY.—A human capital strategy to address the manner in which the Department of Defense civilian workforce is to be managed during the five-year period beginning on the date of the report, including an assessment of the mix of military, civilian, and contractor personnel required across the Department by function.

(2) PERSONNEL COST SAVINGS TARGETS.—In coordination with the Secretaries of the military departments, savings targets for personnel costs during the period of the most current future-years defense program under section 221 of title 10, United States Code, which targets—

(A) shall be applied across the entire Department based on individual mission requirements, and may not be percentage targets for each organization within the Department;

(B) shall use cost and function as barometers of cost savings targets, and may not achieve cost savings by billets or raw numbers of personnel in an attempt to manage and optimize a functional mix of senior, mid-career, and entry-level personnel rather than preserve an unbalanced and top-heavy upper-echelon staff based upon tenure alone.

(3) ELIMINATION OF FUNCTIONS.—A plan to eliminate unnecessary or redundant functions within each component of the Department.

(4) FORCE MANAGEMENT AUTHORITIES.—Recommendations for legislative actions for force management and shaping authorities to achieve the savings targets specified pursuant to paragraph (3) and the elimination of functions planned pursuant to paragraph (4), which authorities shall focus on rewarding talent, managing, hiring, and divestiture of employees, and professional development of employees.

(5) DELAYERING ORGANIZATIONS.—A process for delayering headquarters organizations across the Department, beginning with the Office of the Secretary of Defense and the Joint Staff and subsequently including the Defense Agencies, the combatant commands, and the Armed Forces, which process shall include—

(A) a description of low-priority or redundant functions to be eliminated and of any organizations to be consolidated;

(B) appropriate plans and charts for the reorganization of such headquarters that reflect and depict the new headquarters structure as a result of the process; and

(C) plans and mechanisms to oversee, incentivize, and reward cross-functional teams.

(b) DEADLINES.—The deadlines for the submittal of reports under subsection (a) are December 1, 2017, and December 1 of each year thereafter though 2022.

SEC. 943. MODIFICATION OF COMPOSITION AND MISSION OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) IN GENERAL.—The text of section 181 of title 10, United States Code, is amended to read as follows:

''(a) IN GENERAL.—There is a Joint Requirements Oversight Council in the Department of Defense.

''(b) MISSION.—The Joint Requirements Oversight Council shall—

''(1) assist the Chairman of the Joint Chiefs of Staff—

''(A) in assessing joint military capabilities to meet applicable requirements in the national defense strategy under section 118 of this title;

''(B) in identifying gaps in joint military capabilities, including gaps that could be

filled by force-specific military capabilities or the modification of force-specific military capabilities;

''(C) in establishing requirements for new joint military capabilities based on advances in technology and concepts of operation;

''(D) in approving and prioritizing joint military capability requirements or the modification of force-specific military capabilities needed to address gaps in joint military capabilities;

''(E) in validating proposed materiel capabilities, non-materiel capabilities, or both to fulfill approved joint military capability requirements;

''(F) in ensuring interoperability, where appropriate, of joint military capabilities and between and among joint military capabilities and force-specific military capabilities; and

''(G) in ensuring that appropriate trade-offs are made among life-cycle cost, schedule, performance objectives, and procurement quantity objectives in the establishment and approval of joint military capability requirements in consultation with the advisors specified in subsection (d);

''(2) assist the Chairman, in consultation with the advisors to the Council under subsection (d), in reviewing the estimated level of resources required in to fulfill each approved joint military capability requirement and in ensuring that the total cost of such resources is consistent with the level of priority assigned to such requirement;

''(3) assist acquisition officials in identifying alternatives to any acquisition program that meets approved joint military capability requirements for the purposes of sections 2366a(b), 2366b(a)(4), and 2433(e)(2) of this title; and

''(4) assist the Chairman, in consultation with the commanders of the combatant commands and the Under Secretary of Defense for Research and Engineering, in establishing an objective for the overall period of time within which an initial operational capability should be delivered to meet each approved joint military capability requirement.

''(c) COMPOSITION.—

''(1) IN GENERAL.—The Joint Requirements Oversight Council is composed of the following:

''(A) The Vice Chairman of the Joint Chiefs of Staff, who is the Chair of the Council and is the principal adviser to the Chairman of the Joint Chiefs for making recommendations about joint military capabilities or the modification of force-specific military capabilities to meet joint military capability requirements.

''(B) An Army officer in the grade of general.

''(C) A Navy officer in the grade of admiral.

''(D) An Air Force officer in the grade of general.

''(E) A Marine Corps officer in the grade of general.

''(2) RECOMMENDATIONS.—In making any recommendation to the Chairman as described in paragraph (1)(A), the Vice Chairman shall provide the Chairman any dissenting view of members of the Council under paragraph (1) with respect to such recommendation.

''(d) ADVISORS.—

''(1) IN GENERAL.—The following officials of the Department of Defense shall serve as advisors to the Joint Requirements Oversight Council on matters within their authority and expertise:

''(A) The Under Secretary of Defense for Policy.

''(B) The Under Secretary of Defense for Intelligence.

''(C) The Under Secretary of Defense for Research and Engineering.

''(D) The Director of Cost Assessment and Program Evaluation.

''(E) The Director of Operational Test and Evaluation.

''(F) The commander of a combatant command when matters related to the area of responsibility or functions of that command are under consideration by the Council.

''(2) INPUT FROM COMBATANT COMMANDS.—The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (g).

''(3) INPUT FROM CHIEFS OF STAFF.—The Council shall seek, and strongly consider, the views of the Chiefs of Staff of the armed forces, in their roles as customers of the acquisition system, on matters pertaining to trade-offs among cost, schedule, technical feasibility, and performance in approving and prioritizing joint military capability requirements or the modification of force-specific military capabilities under subsection (b)(1)(D) and in the balancing of resources with priorities pursuant to subsection (b)(2).

''(e) FORCE-SPECIFIC MILITARY CAPABILITY REQUIREMENTS.—

''(1) REQUIREMENTS AS RESPONSIBILITY OF ARMED FORCE.—The Chief of Staff of an armed force is responsible for all force-specific military capability requirements for that armed force. Except as provided pursuant to paragraph (2), a force-specific military capability requirement does not need to be validated by the Joint Requirements Oversight Council before an acquisition program to meet such requirement may commence.

''(2) EXCEPTION.—The following force-specific military capability requirements shall be subject to oversight by the Council:

''(A) A force-specific military capability requirement designated by the Chairman of the Joint Chiefs of Staff for purposes of this paragraph, after a review conducted by the Chairman for purposes of this subsection.

''(B) A force-specific military capability requirement described by subparagraph (B), (C), or (F) of subsection (b)(1).

''(C) A force-specific military capability requirement that is addressed by a major defense acquisition program.

''(f) ANALYTIC SUPPORT FROM DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION.—The Director of Cost Assessment and Program Evaluation shall provide resources and expertise in operations research and systems analysis, and cost estimation, to the Joint Requirements Oversight Council to assist the Council in assessing trade-offs between cost, schedule, performance, and procurement quantity in the identification, establishment, and approval of joint military capability requirements.

''(g) PERIODIC REVIEWS OF CORE MISSIONS OF DOD.—The Joint Requirements Oversight Council shall conduct periodic reviews of joint military capability requirements within a core mission area of the Department of Defense. In any such review of a core mission area, the officer or official assigned to lead the review shall have a deputy from a different military department.

''(h) AVAILABILITY OF OVERSIGHT INFORMATION TO CONGRESSIONAL DEFENSE COMMITTEES.—The Secretary of Defense shall ensure that, in the case of a recommendation by the Chairman of the Joint Chiefs of Staff to the Secretary that is approved by the Secretary, oversight information with respect to such recommendation that is produced as a result of the activities of the Joint Requirements Oversight Council is made available in a timely fashion to the congressional defense committees.

''(i) DEFINITIONS.—In this section:

''(1) The term 'military capability requirement' means a materiel or non-materiel capability necessary to fulfill a gap in joint or force-specific military capabilities in support of the national defense strategy.

''(2) The term 'major defense acquisition program' has the meaning given that term in section 2430 of this title.

''(3) The term 'oversight information' means information and materials comprising analysis and justification that are prepared to support a recommendation that is made to, and approved by, the Secretary of Defense.''.

(b) MILESTONE APPROVALS.—

(1) MILESTONE A.—Section 2366a of title 10, United States Code, is amended—

(A) in subsection (b), in the subsection heading, by striking ''WRITTEN'' and inserting ''MILESTONE DECISION AUTHORITY WRITTEN'';

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(C) by inserting after subsection (b) the following new subsection:

''(c) CHAIRMAN OF THE JOINT CHIEFS OF STAFF WRITTEN DETERMINATION REQUIRED.—A major defense acquisition program or subprogram may not receive Milestone A approval or otherwise be initiated prior to Milestone B approval until the Chairman of the Joint Chiefs of Staff determines in writing that the program or subprogram—

''(1) complies with applicable interoperability requirements established pursuant to section 181(b)(1)(F) of this title; and

''(2) is an appropriate use of resources that will effectively meet the future needs of the commanders of the combatant commands.''.

(2) MILESTONE B.—Section 2366b of title 10, United States Code, is amended—

(A) by redesignating subsections (g) as subsection (h); and

(B) by inserting after subsection (f) the following new subsection:

''(g) CHAIRMAN OF THE JOINT CHIEFS OF STAFF WRITTEN DETERMINATION REQUIRED.—A major defense acquisition program may not receive Milestone B approval until the Chairman of the Joint Chiefs of Staff determines in writing that the program—

''(1) complies with applicable interoperability requirements established pursuant to section 181(b)(1)(F) of this title; and

''(2) is an appropriate use of resources that will effectively meet the future needs of the commanders of the combatant commands.''.

SEC. 944. ENHANCED PERSONNEL MANAGEMENT AUTHORITIES FOR THE CHIEF OF THE NATIONAL GUARD BUREAU.

Section 10508 of title 10, United States Code, is amended—

(1) by inserting ''(a) MANPOWER REQUIREMENTS OF NATIONAL GUARD BUREAU.—'' before ''The manpower requirements''; and

(2) by adding at the end the following new subsection:

''(b) PERSONNEL FOR FUNCTIONS OF NATIONAL GUARD BUREAU.—

''(1) IN GENERAL.—The Chief of the National Guard Bureau may program for, appoint, employ, administer, detail, and assign persons under sections 2103, 2105, and 3101 of title 5, or section 328 of title 32, within the National Guard Bureau and the National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia,

Guam, and the Virgin Islands to execute the functions of the National Guard Bureau and the missions of the National Guard, and missions as assigned by the Chief of the National Guard Bureau.

''(2) ADMINISTRATION THROUGH ADJUTANTS GENERAL.—The Chief of the National Guard Bureau may designate the adjutants general referred to in section 314 of title 32 to appoint, employ, and administer the National Guard employees authorized by this subsection.

''(3) ADMINISTRATIVE ACTIONS.—Notwithstanding the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and under regulations prescribed by the Chief of the National Guard Bureau, all personnel actions or conditions of employment, including adverse actions under title 5, pertaining to a person appointed, employed, or administered by an adjutant general under this subsection shall be accomplished by the adjutant general of the jurisdiction concerned. For purposes of any administrative complaint, grievance, claim, or action arising from, or relating to, such a personnel action or condition of employment:

''(A) The adjutant general of the jurisdiction concerned shall be considered the head of the agency and the National Guard of the jurisdiction concerned shall be considered the employing agency of the individual and the sole defendant or respondent in any administrative action.

''(B) The National Guard of the jurisdiction concerned shall defend any administrative complaint, grievance, claim, or action, and shall promptly implement all aspects of any final administrative order, judgment, or decision.

''(C) In any civil action or proceeding brought in any court arising from an action under this section, the United States shall be the sole defendant or respondent.

''(D) The Attorney General of the United States shall defend the United States in actions arising under this section described in subparagraph (C).

''(E) Any settlement, judgment, or costs arising from an action described in subparagraph (A) or (C) shall be paid from appropriated funds allocated to the National Guard of the jurisdiction concerned.''.

SEC. 945. MANAGEMENT OF DEFENSE CLANDESTINE HUMAN INTELLIGENCE COLLECTION.

(a) ACTIONS SUPPORTING DECISION ON MANAGEMENT OF CLANDESTINE HUMAN INTELLIGENCE COLLECTION.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the Director of National Intelligence, undertake actions to support a decision on whether—

(A) to maintain a separate clandestine human intelligence (HUMINT) collection capability within the Defense Intelligence Agency; or

(B) to consolidate clandestine human intelligence collection within the Directorate of Operations of the Central Intelligence Agency.

(2) PARTICULAR ACTIONS.—These actions undertaken under paragraph (1) shall include the pilot program required by subsection (b) and the assessment required by subsection (c).

(b) PILOT PROGRAM ON MILITARY DIVISION WITHIN DIRECTORATE OF OPERATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the Director of National Intelligence and the Director of the Central Intelligence Agency, carry out a pilot program to assess the feasability and advisability of establishing a military division within the Directorate of Operations of the Central Intelligence Agency.

(2) ELEMENTS.—

(A) IN GENERAL.—The pilot program shall consist of the following elements:

(i) Members of the Armed Forces and civilian employees of the Department of Defense who are trained to be human intelligence case officers (in this paragraph referred to as ''Department of Defense case officers'') shall be detailed to, and supported by, the Directorate of Operations.

(ii) An officer of the Armed Forces shall serve as the deputy director of the Director of Operations for the military division under the pilot program, in which capacity the officer shall direct the activities of the Department of Defense case officers and rate their performance.

(iii) The Department of Defense case officers, and any support personnel, detailed under the pilot program shall be drawn from the available pool of Defense Clandestine Service military and civilian billets and personnel for fiscal year 2017 or 2018, as applicable, and shall not be in addition to any personnel planned for the Defense Clandestine Service in the budget of the President for such fiscal year submitted to Congress pursuant to section 1105 of title 31, United States Code.

(iv) The Department of Defense case officers detailed under the pilot program shall be primarily assigned to collect human intelligence in support of Department of Defense requirements, with particular focus on collection on intelligence relating to science and technology.

(v) The information collected by the Department of Defense case officers detailed under the pilot program in support of Department requirements shall be made promptly and directly available to the Department.

(B) DURATION.—The pilot program shall run for such period as the Secretary considers appropriate, but less than three years.

(c) ASSESSMENT OF PILOT PROGRAM.—The Secretary of Defense and the Director of National Intelligence shall jointly conduct an assessment of the pilot program under subsection (b). The assessment shall address the following:

(1) Whether institutional and procedural safeguards are available to ensure that the Department of Defense can rely on the Directorate of Operations of the Central Intelligence Agency to support the human intelligence collection requirements of the Department.

(2) Whether a high ratio of support personnel to deployed case officers in the Directorate of Operations translates into more productive collection of human intelligence when compared with a model of a lower ratio of support personnel to deployed case officers (as proposed by the Director of the Defense Intelligence Agency for the Defense Clandestine Service).

(3) Whether a consolidated clandestine human intelligence collection organization charged with meeting the needs of the Department and the intelligence community provides a more effective and efficient solution than two organizations, one serving within the Department and the other serving within the Central Intelligence Agency.

(4) Whether it is more effective and efficient to provide support and perform oversight of the consolidated organization described in paragraph (3) through the Directorate of Operations or the Defense Intelligence Agency.

(5) Whether a permanent military division within the Directorate of Operations should be funded within the Military Intelligence Program (MIP) or the National Intelligence Program (NIP).

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the appropriate committees of Congress a report on the actions taken to implement the pilot program required by subsection (b).

(2) FINAL REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary and the Director shall jointly submit to the appropriate committees of Congress a report on the actions taken under this section. The report shall include the following:

(A) A description of the pilot program under subsection (b).

(B) The elements of the assessment under subsection (c).

(C) The joint decision of the Secretary and the Director under subsection (a) on whether—

(i) to maintain a separate clandestine human intelligence collection capability within the Defense Intelligence Agency; or

(ii) to consolidate clandestine human intelligence collection within the Directorate of Operations of the Central Intelligence Agency.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 946. REPEAL OF FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.

(a) REPEAL.—Section 185 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 185.

SEC. 947. REORGANIZATION AND REDESIGNATION OF OFFICE OF FAMILY POLICY AND OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) OFFICE OF FAMILY POLICY.—

(1) REDESIGNATION AS OFFICE OF MILITARY FAMILY READINESS POLICY.—Section 1781(a) of title 10, United States Code, is amended—

(A) by striking ''Office of Family Policy'' and inserting ''Office of Military Family Readiness Policy''; and

(B) by striking ''Director of Family Policy'' and inserting ''Director of Military Family Readiness Policy''.

(2) REQUIREMENT FOR DIRECTOR TO BE MEMBER OF SENIOR EXECUTIVE SERVICE OR GENERAL OR FLAG OFFICER.—Such section is further amended by adding at the end the following new sentence: ''The Director shall be a member of the Senior Executive Service or a general officer or flag officer.''.

(3) INCLUSION OF DIRECTOR ON MILITARY FAMILY READINESS COUNCIL.—Subsection (b)(1)(E) of section 1781a of such title is amended by striking ''Office of Community Support for Military Families with Special Needs'' and inserting ''Office of Military Family Readiness Policy''.

(4) CONFORMING AMENDMENT.—Section 131(b)(7)(F) of such title is amended by striking ''Director of Family Policy'' and inserting ''Director of Military Family Readiness Policy''.

(5) HEADING AND CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of section 1781 of such title is amended to read as follows:

''§ 1781. Office of Military Family Readiness Policy''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of such title is amended by striking the item relating to section 1781 and inserting the following new item:

''1781. Office of Military Family Readiness Policy.''.

(b) OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—

(1) REDESIGNATION AS OFFICE OF SPECIAL NEEDS.—Subsection (a) of section 1781c of title 10, United States Code, is amended by striking ''Office of Community Support for Military Families with Special Needs'' and inserting ''Office of Special Needs''.

(2) REORGANIZATION UNDER OFFICE OF MILITARY FAMILY READINESS POLICY.—Such subsection is further amended by striking ''Office of the Under Secretary of Defense for Personnel and Readiness'' and inserting ''Office of Military Family Readiness Policy''.

(3) REPEAL OF REQUIREMENT FOR HEAD OF OFFICE TO BE MEMBER OF SENIOR EXECUTIVE SERVICE OR GENERAL OR FLAG OFFICER.—Such section is further amended by striking subsection (c).

(4) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively;

(B) by striking ''subsection (e)'' each place it appears and inserting ''subsection (d)'';

(C) in subsection (c), as so redesignated, by striking ''subsection (f)'' in paragraph (2) and inserting ''subsection (e)''; and

(D) in subsection (g), as so redesignated—

(i) in paragraph (2)(A), by striking ''subsection (d)(3)'' and inserting ''subsection (c)(3)''; and

(ii) in paragraph (2)(B), by striking ''subsection (d)(4)'' and inserting ''subsection (c)(4)''.

(5) HEADING AND CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 1781c. Office of Special Needs''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of such title is amended by striking the item relating to section 1781c and inserting the following new item:

''1781c. Office of Special Needs.''.

SEC. 948. PILOT PROGRAMS ON WAIVER OF APPLICABILITY OF RULES AND REGULATIONS TO DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES AND DARPA TO IMPROVE OPERATIONS AND PERSONNEL MANAGEMENT.

(a) PILOT PROGRAMS AUTHORIZED.—The director of a Department of Defense science and technology reinvention laboratory and the Director of the Defense Advanced Research Projects Agency may carry out a pilot program to assess the feasability and advisability of enhancing operations and personnel management of such laboratory or Agency through the waiver of one or more regulations, instructions, publications, policies, or procedures of the Department of Defense or a military department otherwise applicable to such laboratory or the Defense Advanced Research Projects Agency. A provision of statutory law may not be waived under such a pilot program.

(b) PRIORITY IN WAIVER OF RULES AND REGULATIONS ON OPERATIONS AND PERSONNEL MANAGEMENT.—In carrying out a pilot program under subsection (a), the director of a Department of Defense science and technology reinvention laboratory or the Director of the Defense Advanced Research Projects Agency shall place priority on the waiver of regulations, instructions, publications, policies, or procedures relating to the operations and personnel management of the laboratory concerned or the Defense Advanced Research Projects Agency, as applicable, including regulations, instructions, publications, policies, or procedures relating to the following:

(1) Facilities management, construction, and repair.

(2) Business operations.

(3) Human resources.

(4) Public outreach.

(c) WAIVER JUSTIFICATION.—

(1) DOD LABORATORIES.—The director of a Department of Defense science and technology laboratory proposing to grant a waiver under a pilot program under subsection (a) shall submit to the Secretary of the military department concerned and the General Counsel of that military department a justification for the waiver, including the matters specified in paragraph (3).

(2) DARPA.—The Director of the Defense Advanced Research Projects Agency shall submit to the Chief Management Officer of the Department of Defense and the General Counsel of the Department of Defense a justification for each waiver proposed to be issued by the Director under a pilot program under subsection (a), including the matters specified in paragraph (3).

(3) WAIVER JUSTIFICATION MATTERS.—The matters to be included in the justification for a waiver under this subsection are the following:

(A) The regulation, instruction, publication, policy, or procedure to be waived.

(B) The unit or activity to be affected by the waiver.

(C) The anticipated duration of the waiver.

(D) An assessment of the anticipated monetary or operational benefits of the waiver.

(E) A legal review of the waiver by—

(i) in the case of a waiver covered by paragraph (1), a senior legal officer of the laboratory concerned; or

(ii) in the case of a waiver covered by paragraph (2), a senior legal officer of the Defense Advanced Research Projects Agency.

(d) WAIVER EFFECTIVENESS.—

(1) DOD LABORATORIES.—A waiver proposed for a Department of Defense science and technology laboratory under a pilot program under subsection (a) shall go into effect at the end of the 30-day period beginning on the date of the receipt by the Secretary of the military department concerned of the justification for the waiver under subsection (c)(1), unless the Secretary disapproves the waiver during that period. The Secretaries of the military departments shall have sole discretion to disapprove waivers for purposes of pilot programs under subsection (a), subject to the direction of the Secretary of Defense.

(2) DARPA.—A waiver proposed for the Defense Advanced Research Projects Agency under a pilot program under subsection (a) shall go into effect at the end of the 30-day period beginning on the date of the receipt by the Chief Management Officer of the Department of Defense of the justification for the waiver under subsection (c)(2), unless the Chief Management Officer, in the Chief Management Officer's sole discretion, disapproves the waiver during that period.

(3) CONSIDERATIONS.—In considering whether or not to disapprove a waiver pursuant to this subsection, the Secretaries of the military departments and the Chief Management Officer shall take into account whether the waiver will enhance the operations or personnel management of the laboratory concerned or the Defense Advanced Research Projects Agency, as applicable.

(e) DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORY DEFINED.—In this section, the term ''Department of Defense science and technology reinvention laboratory'' means a laboratory specified in section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note).

(f) TERMINATION.—

(1) IN GENERAL.—The authority to grant waivers under subsection (a) shall expire on December 31, 2023.

(2) CONTINUATION OF PRIOR WAIVERS.—Nothing in paragraph (1) shall act to terminate a waiver granted under subsection (a) before the date specified in paragraph (1). Any such waiver may continue according to its terms unless otherwise terminated by the Secretary of the military department concerned or the Chief Management Officer of the Department of Defense, as applicable.

SEC. 949. REDESIGNATION OF ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION AS ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

(a) REDESIGNATION.—Section 8016(b)(4)(A) of title 10, United States Code, is amended—

(1) by striking ''Assistant Secretary of the Air Force for Acquisition'' and inserting ''Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics''; and

(2) by inserting '', technology, and logistics'' after ''acquisition''.

(b) REFERENCES.—Any reference to the Assistant Secretary of the Air Force for Acquisition in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics.

Subtitle D—Whistleblower Protections for Members of the Armed Forces

SEC. 961. IMPROVEMENTS TO WHISTLEBLOWER PROTECTION PROCEDURES.

(a) ACTIONS TREATABLE AS PROHIBITED PERSONNEL ACTIONS.—Paragraph (2) of subsection (b) of section 1034 of title 10, United States Code, is amended to read as follows:

''(2)(A) The actions considered for purposes of this section to be a personnel action prohibited by this subsection shall include any action prohibited by paragraph (1), including the threat to take any unfavorable action, the withholding or threat to withhold any favorable action, making or threatening to make a significant change in the duties or responsibilities of a member of the armed forces not commensurate with the member's grade, a retaliatory investigation, and the failure of a superior to respond to retaliatory action or harassment by one or more subordinates taken against a member of which the superior knew or should have known.

''(B) In this paragraph, the term 'retaliatory investigation' means an investigation requested, directed, initiated, or conducted for the primary purpose of punishing, harassing, or ostracizing a member for making a protected communication.

''(C) Nothing in this paragraph shall be construed to limit the ability of a commander to consult with a superior in the chain of command, an inspector general, or a judge advocate general on the disposition of a complaint against a member of the armed forces for an allegation of collateral misconduct or for a matter unrelated to a protected communication. Such consultation shall provide an affirmative defense against an allegation that a member requested, directed, initiated, or conducted a retaliatory investigation under this section.''.

(b) ACTION IN RESPONSE TO HARDSHIP IN CONNECTION WITH PERSONNEL ACTIONS.—

(1) IN GENERAL.—Subsection (c)(4) of such section is amended—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) If the Inspector General makes a preliminary determination in an investigation under subparagraph (D) that there are reasonable grounds to believe that a personnel action prohibited by subsection (b) has occurred and the personnel action will result in an immediate hardship to the member alleging the personnel action, the Inspector General shall promptly notify the Secretary of the military department concerned or the Secretary of Homeland Security, as applicable, of the hardship, and such Secretary shall take such action as such Secretary considers appropriate.''.

(2) CONFORMING AMENDMENT.—Subsection (e)(1) of such section is amended by striking ''subsection (c)(4)(E)'' and inserting ''subsection (c)(4)(F)''.

(c) PERIODIC NOTICE TO MEMBERS ON PROGRESS OF INSPECTOR GENERAL INVESTIGATIONS.—Paragraph (3) of subsection (e) of such section is amended to read as follows:

''(3)(A) Not later than 180 days after the commencement of an investigation of an allegation under subsection (c)(4), and every 180 days thereafter until the transmission of the report on the investigation under paragraph (1) to the member concerned, the Inspector General conducting the investigation shall submit a notice on the investigation described in subparagraph (B) to the following:

''(i) The member.

''(ii) The Secretary of Defense.

''(iii) The Secretary of the military department concerned, or the Secretary of Homeland Security in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.

''(B) Each notice on an investigation under subparagraph (A) shall include the following:

''(i) A description of the current progress of the investigation.

''(ii) An estimate of the time remaining until the completion of the investigation and the transmittal of the report required by paragraph (1) to the member concerned.''.

(d) CORRECTION OF RECORDS.—Paragraph (2) of subsection (g) of such section is amended to read as follows:

''(2) In resolving an application described in paragraph (1) for which there is a report of the Inspector General under subsection (e)(1), a correction board—

''(A) shall review the report of the Inspector General;

''(B) may request the Inspector General to gather further evidence;

''(C) may receive oral argument, examine and cross-examine witnesses, and take depositions; and

''(D) shall consider a request by a member or former member in determining whether to hold an evidentiary hearing.''.

(e) UNIFORM STANDARDS FOR INSPECTOR GENERAL INVESTIGATIONS OF PROHIBITED PERSONNEL ACTIONS AND OTHER MATTERS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall prescribe uniform standards for the following:

(A) The investigation of allegations of prohibited personnel actions under section 1034 of title 10, United States Code (as amended by this section), by the Inspector General and the Inspectors General of the military departments.

(B) The training of the staffs of the Inspectors General referred to in subparagraph (A) on the conduct of investigations described in that subparagraph.

(2) USE.—Commencing 180 days after prescription of the standards required by paragraph (1), the Inspectors General referred to in that paragraph shall comply with such standards in the conduct of investigations described in that paragraph and in the training of the staffs of such Inspectors General in the conduct of such investigations.

SEC. 962. MODIFICATION OF WHISTLEBLOWER PROTECTION AUTHORITIES TO RESTRICT CONTRARY FINDINGS OF PROHIBITED PERSONNEL ACTION BY THE SECRETARY CONCERNED.

(a) IN GENERAL.—Section 1034(f) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''VIOLATIONS'' and inserting ''SUBSTANTIATED VIOLATIONS''; and

(2) in paragraph (1), by striking ''there is sufficient basis'' and all that follows and inserting ''corrective or disciplinary action should be taken. If the Secretary concerned determines that corrective or disciplinary action should be taken, the Secretary shall take appropriate corrective or disciplinary action.''.

(b) ACTIONS FOLLOWING DETERMINATIONS.—Paragraph (2) of such section is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''the Secretary concerned determines under paragraph (1)'' and inserting ''the Inspector General determines''; and

(B) by striking ''the Secretary shall'' and inserting ''the Secretary concerned shall'';

(2) in subparagraph (A), by inserting '', including referring the report to the appropriate board for the correction of military records'' before the semicolon; and

(3) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) submit to the Inspector General a report on the actions taken by the Secretary pursuant to this paragraph, and provide for the inclusion of a summary of the report under this subparagraph (with any personally identifiable information redacted) in the semiannual report to Congress of the Inspector General of the Department of Defense or the Inspector General of the Department of Homeland Security, as applicable, under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports received by the Secretaries of the military departments and the Secretary of Homeland Security under section 1034(e) of title 10,United States Code, on or after that date.

SEC. 963. IMPROVEMENTS TO AUTHORITIES AND PROCEDURES FOR THE CORRECTION OF MILITARY RECORDS.

(a) PROCEDURES OF BOARDS.—Paragraph (3) of section 1552(a) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following new subparagraphs:

''(B) If a board makes a preliminary determination that a claim under this section lacks sufficient information or documents to support the claim, the board shall notify the claimant, in writing, indicating the specific information or documents necessary to make the claim complete and reviewable by the board.

''(C) If a claimant is unable to provide military personnel or medical records applicable to a claim under this section, the board shall make reasonable efforts to obtain the records. A claimant shall provide the board with documentary evidence of the efforts of the claimant to obtain such records. The board shall inform the claimant of the results of the board's efforts, and shall provide the claimant copies of any records so obtained upon request of the claimant.

''(D) Any request for reconsideration of a determination of a board under this section, no matter when filed, shall be reconsidered by a board under this section if supported by materials not previously presented to or considered by the board in making such determination.''.

(b) JUDICIAL REVIEW OF DETERMINATIONS OF BOARDS.—Paragraph (4) of such section is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in subparagraph (A), as so designated, by inserting ''or subject to review or appeal as described in subparagraph (B)'' after ''Except when procured by fraud''; and

(3) by adding at the end the following new subparagraph:

''(B) A claimant may seek judicial review of a determination of a board under this section in an appropriate court of the United States. The scope of judicial review under this subparagraph shall be as specified in section 706 of title 5.''.

(c) PUBLICATION OF FINAL DECISIONS OF BOARDS.—Such section is further amended by adding at the end the following new paragraph:

''(5) Each final decision of a board under this subsection shall be made available to the public in electronic form on a centralized Internet website. In any decision so made available to the public there shall be redacted all personally identifiable information.''.

(d) TRAINING OF MEMBERS OF BOARDS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall develop and implement a comprehensive training curriculum for members of boards for the correction of military records under the jurisdiction of such Secretary in the duties of such boards under section 1552 of title 10, United States Code. The curriculum shall address all areas of administrative law applicable to the duties of such boards.

(2) UNIFORM CURRICULA.—The Secretary of Defense and the Secretary of Homeland Security shall jointly ensure that the curricula developed and implemented pursuant to this subsection are, to the extent practicable, uniform.

(3) TRAINING.—

(A) IN GENERAL.—Each member of a board for the correction of military records shall undergo retraining (consistent with the curriculum developed and implemented pursuant to this subsection) regarding the duties of boards for the correction of military records under section 1552 of title 10, United States Code, at least once every five years during the member's tenure on the board.

(B) CURRENT MEMBERS.—Each member of a board for the correction of military records as of the date of the implementation of the curriculum required by paragraph (1) (in this paragraph referred to as the ''curriculum implementation date'') shall undergo training described in subparagraph (A) not later than 90 days after the curriculum implementation date.

(C) NEW MEMBERS.—Each individual who becomes a member of a board for the correction of military records after the curriculum implementation date shall undergo training described in subparagraph (A) by not later than 90 days after the date on which such individual becomes a member of the board.

(4) REPORTS.—Not later than 18 months after the date of the enactment of this Act, each Secretary concerned shall submit to Congress a report setting forth the following:

(A) A description and assessment of the progress made by such Secretary in implementing training requirements for members of boards for the correction of military records under the jurisdiction of such Secretary.

(B) A detailed description of the training curriculum required of such Secretary by paragraph (1).

(C) A description and assessment of any impediments to the implementation of training requirements for members of boards for the correction of military records under the jurisdiction of such Secretary.

(5) SECRETARY CONCERNED DEFINED.—In this subsection, the term ''Secretary concerned'' means a ''Secretary concerned'' as that term is used in section 1552 of title 10, United States Code.

SEC. 964. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF INTEGRITY OF DEPARTMENT OF DEFENSE WHISTLEBLOWER PROGRAM.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a review of the integrity of the Department of Defense whistleblower program.

(b) ELEMENTS.—The review for purposes of the report required by subsection (a) shall include the following elements:

(1) An assessment of the extent to which the Department of Defense whistleblower program meets Executive branch policies and goals for whistleblower protections.

(2) An assessment of the adequacy of procedures to handle and address complaints submitted by employees in the Office of the Inspector General of the Department of Defense to ensure that such employees themselves are able to disclose a suspected violation of law, rule, or regulation without fear of reprisal.

(3) An assessment of the extent to which there have been violations of standards used in regard to the protection of confidentiality provided to whistleblowers by the Inspector General of the Department of Defense.

(4) An assessment of the extent to which there have been incidents of retaliatory investigations against whistleblowers within the Office of the Inspector General.

(5) An assessment of the extent to which the Inspector General of the Department of Defense has thoroughly investigated and substantiated allegations within the past 10 years against civilian officials of the Department of Defense appointed to their positions by and with the advice and consent of the Senate, and whether Congress has been notified of the results of such investigations.

(6) An assessment of the ability of the Inspector General of the Department of Defense and the Inspectors General of the military departments to access agency information necessary to the execution of their duties, including classified and other sensitive information, and an assessment of the adequacy of security procedures to safeguard such classified or sensitive information when so accessed.

Subtitle E—Other Matters

SEC. 971. MODIFICATION OF REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.

(a) LIMITATION OF DPAA TO MISSING PERSONS FROM PAST CONFLICTS.—Section 1501(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by inserting ''from past conflicts'' after ''matters relating to missing persons'';

(2) in paragraph (2)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B), (C), (D), (E), and (F) as subparagraphs (A), (B), (C), (D), and (E), respectively; and

(C) by inserting ''from past conflicts'' after ''missing persons'' each place it appears;

(3) in paragraph (4)—

(A) by striking ''for personal recovery (including search, rescue, escape, and evasion) and''; and

(B) by inserting ''from past conflicts'' after ''missing persons''; and

(4) by striking paragraph (5).

(b) ACTION UPON DISCOVERY OR RECEIPT OF INFORMATION.—Section 1505(c) of such title is amended in paragraphs (1), (2), and (3) by striking ''designated Agency Director'' and inserting ''Secretary of Defense''.

(c) DEFINITION OF ''ACCOUNTED FOR''.—Section 1513(3)(B) of such title is amended by inserting ''to the extent practicable'' after ''are recovered''.

SEC. 972. MODIFICATION OF AUTHORITY OF THE SECRETARY OF DEFENSE RELATING TO PROTECTION OF THE PENTAGON RESERVATION AND OTHER DEPARTMENT OF DEFENSE FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) LAW ENFORCEMENT AUTHORITY.—Subsection (b) of section 2674 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (5); and

(2) by striking the matter in such subsection preceding such paragraph and inserting the following:

''(b)(1) The Secretary shall protect the buildings, grounds, and property located in the National Capital Region that are occupied by, or under the jurisdiction, custody, or control of, the Department of Defense, and the persons on that property.

''(2) The Secretary may designate military or civilian personnel to perform law enforcement functions and military, civilian, or contract personnel to perform security functions for such buildings, grounds, property, and persons, including, with regard to civilian personnel designated under this section, duty in areas outside the property referred to in paragraph (1) to the extent necessary to protect that property and persons on that property. Subject to the authorization of the Secretary, any such military or civilian personnel so designated may exercise the authorities listed in paragraphs (1) through (5) of section 2672(c) of this title.

''(3) The powers granted under paragraph (2) to military and civilian personnel designated under that paragraph shall be exercised in accordance with guidelines prescribed by the Secretary and approved by the Attorney General.

''(4) Nothing in this subsection shall be construed to—

''(A) preclude or limit the authority of any Defense Criminal Investigative Organization or any other Federal law enforcement agency;

''(B) restrict the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) or the authority of the Administrator of General Services, including the authority to promulgate regulations affecting property under the custody and control of that Secretary or the Administrator, respectively;

''(C) expand or limit section 21 of the Internal Security Act of 1950 (50 U.S.C. 797);

''(D) affect chapter 47 of this title (the Uniform Code of Military Justice);

''(E) restrict any other authority of the Secretary of Defense or the Secretary of a military department; or

''(F) restrict the authority of the Director of the National Security Agency under section 11 of the National Security Agency Act of 1959 (50 U.S.C. 3609).''.

(b) RATES OF BASIC PAY FOR CIVILIAN LAW ENFORCEMENT PERSONNEL.—Paragraph (5) of such subsection, as redesignated by subsection (a)(1) of this section, is amended by inserting '', whichever is greater'' before the period at the end.

(c) CODIFICATION OF AUTHORITY TO PROVIDE PHYSICAL PROTECTION AND PERSONAL SECURITY WITHIN UNITED STATES TO CERTAIN SENIOR LEADERS IN DOD AND OTHER SPECIFIED PERSONS.—

(1) IN GENERAL.—Chapter 41 of title 10, United States Code, is amended by inserting after section 713 a new section 714 consisting of—

(A) a heading as follows:

''§ 714. Senior leaders of the Department of Defense and other specified persons: authority to provide protection within the United States''; and

(B) a text consisting of the text of subsections (a) through (d) of section 1074 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 113 note).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by adding at the end the following new item:

''714. Senior leaders of the Department of Defense and other specified persons: authority to provide protection within the United States.''.

(3) REPEAL OF CODIFIED PROVISION.—Section 1074 of the National Defense Authorization Act for Fiscal Year 2008 is repealed.

(4) CONFORMING AND STYLISTIC AMENDMENTS DUE TO CODIFICATION.—Section 714 of title 10, United States Code, as added by paragraph (1), is amended—

(A) in subsections (a), (b)(1), and (d)(1), by striking ''Armed Forces'' and inserting ''armed forces'';

(B) in subsection (c)—

(i) by striking ''section:'' and all that follows through ''Forces' and'' and inserting ''section, the terms 'qualified members of the armed forces' and''; and

(ii) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and realigning the left margin of such paragraphs, as so redesignated, two ems to the left; and

(C) in subsection (d)(2), by striking '', United States Code''.

(5) AMENDMENTS FOR CONSISTENCY WITH TITLE 10 USAGE AS TO SERVICE CHIEFS.—Such section is further amended—

(A) in subsection (a)—

(i) in paragraph (6), by striking ''Chiefs of the Services'' and inserting ''Members of the Joint Chiefs of Staff in addition to the Chairman and Vice Chairman'';

(ii) by striking paragraph (7); and

(iii) by redesignating paragraph (8) as paragraph (7); and

(B) in subsection (b)(1), by striking ''through (8)'' and inserting ''through (7)''.

(6) AMENDMENTS FOR CONSISTENCY WITH TITLE 10 USAGE AS TO ''MILITARY MEMBER''.—Subsection (b)(2)(A) of such section is amended—

(A) by striking '', military member,''; and

(B) by inserting after ''of the Department of Defense'' the following: ''or member of the armed forces''.

SEC. 973. ENHANCED SECURITY PROGRAMS FOR DEPARTMENT OF DEFENSE PERSONNEL AND INNOVATION INITIATIVES.

(a) ENHANCEMENT OF SECURITY PROGRAMS GENERALLY.—

(1) PERSONNEL BACKGROUND AND SECURITY INVESTIGATIONS REQUIRED.—The Secretary of Defense shall take such actions as may be necessary for the Defense Security Service to conduct, before October 1, 2017, background investigations for personnel of the Department of Defense whose investigations are adjudicated by the Consolidated Adjudication Facility of the Department.

(2) TRANSFER OF INVESTIGATIVE PERSONNEL TO DEPARTMENT OF DEFENSE.—Not later than October 1, 2017, the Secretary and the Director of the Office of Personnel Management shall develop and carry out a plan to transfer Government investigative personnel and contracted resources to the Department in proportion to the background and security investigative workload to be assumed by the Department.

(3) REPORT.—Not later than August 15, 2016, the Secretary shall submit to the congressional defense committees a report on the number of full-time equivalent employees of the management headquarters of the Department that will be required by the Defense Security Service to carry out this section.

(4) COLLECTION, STORAGE, AND RETENTION OF INFORMATION BY INSIDER THREAT PROGRAMS.—In order to enable detection and mitigation of potential insider threats, the Secretary shall ensure that insider threat programs of the Department of Defense collect, store, and retain information from the following:

(A) Personnel security.

(B) Physical security.

(C) Information security.

(D) Law enforcement.

(E) Counterintelligence.

(F) User activity monitoring.

(G) Information assurance.

(H) Such other data sources as the Secretary considers necessary and appropriate.

(b) ESTABLISHMENT OF ENHANCED SECURITY PROGRAM TO SUPPORT DEPARTMENT OF DEFENSE INNOVATION INITIATIVE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a personnel security program, and take such other actions as the Secretary deems appropriate, to support the Innovation Initiative of the Department to better leverage commercial technology.

(2) POLICIES AND PROCEDURES.—In establishing the program required by paragraph (1), the Secretary shall develop policies and procedures to rapidly and inexpensively investigate and adjudicate security clearances for personnel from commercial companies with innovative technologies and solutions to enable such companies to receive relevant threat reporting and to propose solutions for a broader set of Department requirements.

(3) ACCESS TO CLASSIFIED INFORMATION.—The Secretary shall ensure that access to classified information under the program required by paragraph (1) is not contingent on a company already being under contract with the Department.

(4) AWARD OF SECURITY CLEARANCES.—The Secretary may award secret clearances under the program required by paragraph (1) for limited purposes and periods relating to the acquisition or modification of capabilities and services.

(c) RECIPROCITY FOR SENSITIVE NATIONAL SECURITY POSITIONS.—

(1) RECIPROCITY DIRECTIVE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall coordinate with the Security Executive Agent, in consultation with the Suitability Executive Agent, to issue an updated reciprocity directive that accounts for security policy changes associated with new position designation regulations under section 1400 of title 5, Code of Federal Regulations, new continuous evaluation policies, and new Federal investigative standards.

(2) IMPLEMENTATION DIRECTIVES.—The Secretary of Defense, working with the Security Executive Agent and the Suitability Executive Agent, shall jointly develop and issue directives on—

(A) completing the implementation of the National Security Sensitive Position designations required by section 1400 of title 5, Code of Federal Regulations; and

(B) aligning to the maximum practical extent the investigative and adjudicative standards and criteria for positions requiring access to classified information and national security sensitive positions not requiring access to classified information to ensure effective and efficient reciprocity and consistent designation of like-positions across the Federal Government.

(d) INSIDER THREAT DEFINED.—In this section, the term ''insider threat'' means, with respect to the Department, a threat presented by a person who—

(1) has, or once had, authorized access to information, a facility, a network, a person, or a resource of the Department; and

(2) wittingly, or unwittingly, commits—

(A) an act in contravention of law or policy that resulted in, or might result in, harm through the loss or degradation of government or company information, resources, or capabilities; or

(B) a destructive act, which may include physical harm to another in the workplace.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2017 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCREASED USE OF COMMERCIAL DATA INTEGRATION AND ANALYSIS PRODUCTS FOR THE PURPOSE OF PREPARING FINANCIAL STATEMENT AUDITS.

(a) DEPLOYMENT OF DATA ANALYTICS CAPABILITIES.—The Secretary of Defense shall use competitive procedures under chapter 137 of title 10, United States Code, to procure as soon as practicable information technology services, including non-relational database, data analysis, and data integration platforms, to improve preparation of auditable financial statements for the Department of Defense.

(b) USE OF FUNDING AND RESOURCES.—The Secretary of Defense shall use science and technology funding, prototypes, and test and evaluation resources as appropriate in support of this deployment.

(c) REPORT ON PERFORMANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chief Financial Officer and the Chief Management Officer of the Department of Defense, shall submit to the congressional defense committees a report on the capabilities procured pursuant to subsection (a), including the results of using such capabilities in connection with auditing a financial statement of the Department of Defense.

SEC. 1003. SENSE OF SENATE ON SEQUESTRATION.

It is the sense of the Senate that—

(1) the fiscal challenges of the Nation are a top priority for Congress, and sequestration—nonstrategic, across-the-board budget cuts—remains an unreasonable and inadequate budgeting tool to address the deficits and debt of the United States;

(2) sequestration relief must be accomplished for fiscal years 2018 through 2021, the remaining years of the discretionary spending caps under the Budget Control Act of 2011;

(3) sequestration relief should include both defense and nondefense relief; and

(4) sequestration relief should be offset through targeted changes in mandatory and discretionary spending and revenues.

Subtitle B—Counter-Drug Activities

SEC. 1006. CODIFICATION AND MODIFICATION OF AUTHORITY TO PROVIDE SUPPORT FOR COUNTER-DRUG ACTIVITIES AND ACTIVITIES TO COUNTER TRANSNATIONAL ORGANIZED CRIME OF CIVILIAN LAW ENFORCEMENT AGENCIES.

(a) CODIFICATION AND MODIFICATION.—

(1) IN GENERAL.—Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 384. Support for counter-drug activities and activities to counter transnational organized crime

''(a) SUPPORT TO OTHER AGENCIES.—The Secretary of Defense may provide support for the counter-drug activities or activities to counter transnational organized crime of any other department or agency of the Federal Government or of any State, local, tribal, or foreign law enforcement agency for any of the purposes set forth in subsection (b) or (c), as applicable, if—

''(1) in the case of support described in subsection (b), such support is requested—

''(A) by the official who has responsibility for the counterdrug activities or activities to counter transnational organized crime of the department or agency of the Federal Government, in the case of support for other departments or agencies of the Federal Government; or

''(B) by the appropriate official of a State, local, or tribal government, in the case of support for State, local, or tribal law enforcement agencies; or

''(2) in the case of support described in subsection (c), such support is requested by an appropriate official of a department or agency of the Federal Government that has counter-drug responsibilities or responsibilities for countering transnational organized crime.

''(b) TYPES OF SUPPORT FOR AGENCIES OF UNITED STATES.—The purposes for which the Secretary may provide support under subsection (a) for other departments or agencies of the Federal Government or a State, local, or tribal law enforcement agencies, are the following:

''(1) The maintenance and repair of equipment that has been made available to any department or agency of the Federal Government or to any State, local, or tribal government by the Department of Defense for the purposes of—

''(A) preserving the potential future utility of such equipment for the Department of Defense; and

''(B) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department.

''(2) The maintenance, repair, or upgrading of equipment (including computer software), other than equipment referred to in paragraph (1) for the purpose of—

''(A) ensuring that the equipment being maintained or repaired is compatible with equipment used by the Department of Defense; and

''(B) upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department.

''(3) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime within or outside the United States.

''(4) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime of the Department of Defense or any Federal, State, local, or tribal law enforcement agency within or outside the United States.

''(5) Counter-drug or counter-transnational organized crime related training of law enforcement personnel of the Federal Government, of State, local, and tribal governments, including associated support expenses for trainees and the provision of materials necessary to carry out such training.

''(6) The detection, monitoring, and communication of the movement of—

''(A) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

''(B) surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary.

''(7) Construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States.

''(8) Establishment of command, control, communications, and computer networks for improved integration of law enforcement, active military, and National Guard activities.

''(9) The provision of linguist and intelligence analysis services.

''(10) Aerial and ground reconnaissance.

''(c) TYPES OF SUPPORT FOR FOREIGN LAW ENFORCEMENT AGENCIES.—The purposes for which the Secretary may provide support under subsection (a) for foreign law enforcement agencies are the following:

''(1) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime within or outside the United States.

''(2) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime of a foreign law enforcement agency outside the United States.

''(d) LIMITATION ON COUNTER-DRUG REQUIREMENTS.—The Secretary may not limit the requirements for which support may be provided under subsection (a) only to critical, emergent, or unanticipated requirements.

''(e) CONTRACT AUTHORITY.—In carrying out subsection (a), the Secretary may acquire services or equipment by contract for support provided under that subsection if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department.

''(f) LIMITED WAIVER OF PROHIBITION.—Notwithstanding section 376 of this title, the Secretary may provide support pursuant to subsection (a) in any case in which the Secretary determines that the provision of such support would adversely affect the military preparedness of the United States in the short term if the Secretary determines that the importance of providing such support outweighs such short-term adverse effect.

''(g) CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES.—In providing support pursuant to subsection (a), the Secretary may plan and execute otherwise valid military training or operations (including training exercises undertaken pursuant to section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1564) for the purpose of aiding civilian law enforcement agencies.

''(h) RELATIONSHIP TO OTHER SUPPORT AUTHORITIES.—

''(1) ADDITIONAL AUTHORITY.—The authority provided in this section for the support of counter-drug activities or activities to counter transnational organized crime by the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the other requirements of this chapter.

''(2) EXCEPTION.—Support under this section shall be subject to the provisions of section 375 and, except as provided in subsection (e), section 376 of this title.

''(i) CONGRESSIONAL NOTIFICATION OF FACILITIES PROJECTS.—

''(1) IN GENERAL.—When a decision is made to carry out a military construction project described in paragraph (2), the Secretary shall submit to the congressional defense committees written notice of the decision, including the justification for the project and the estimated cost of the project. The project may be commenced only after the end of the 21-day period beginning on the date on which the written notice is received by Congress.

''(2) COVERED PROJECTS.—Paragraph (1) applies to an unspecified minor military construction project that—

''(A) is intended for the construction, modification, or repair of any facility for the purposes set forth in subsection (b)(4) or (c)(2); and

''(B) has an estimated cost of more than $250,000.

''(3) CONSTRUCTION OF NOTICE REQUIREMENT.—This subsection may not be construed as an authorization for the use of funds for any military construction project that would exceed the approved cost limitations of an unspecified minor military construction project under section 2805(a)(2) of this title.

''(j) DEFINITIONS.—In this section:

''(1) The term 'Indian tribe' means a Federally recognized Indian tribe.

''(2) The term 'tribal government' means the governing body of an Indian tribe, the status of whose land is 'Indian country' as defined in section 1151 of title 18 or held in trust by the United States for the benefit of the Indian tribe.

''(3) The term 'tribal law enforcement agency' means the law enforcement agency of a tribal government.

''(4) The term 'transnational organized crime' means self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary, or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence or through a transnational organization structure and the exploitation of transnational commerce or communication mechanisms.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 18 of such title is amended by adding at the end the following new item:

''384. Support for counter-drug activities and activities to counter transnational organized crime.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is repealed.

SEC. 1007. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 962), is further amended—

(1) in subsection (a)(1), by striking ''2017'' and inserting ''2021''; and

(2) in subsection (c), by striking ''2017'' and inserting ''2021''.

Subtitle C—Naval Vessels and Shipyards

SEC. 1011. AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF CRUISERS OR DOCK LANDING SHIPS.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—Except as provided in subsections (b) through (g), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 may be obligated or expended to retire, prepare to retire, or inactivate a TICONDEROGA–class cruiser, WHIDBEY ISLAND–class dock landing ship, or HARPERS FERRY–class dock landing ship.

(b) CERTIFICATION OF REQUIREMENT FOR OPERATIONAL CRUISERS AND DOCK LANDING SHIPS.—The Chief of Naval Operations shall certify to the congressional defense committees the Navy requirement for operational cruisers and dock landing ships, as provided under subsection (d)(1), from fiscal year 2017 through fiscal year 2030. The certification shall also state the requirement for basic (BMD 3.X), intermediate (BMD 4.X), and advanced (BMD 5.X) ballistic missile defense capability on operational cruisers from fiscal year 2017 through fiscal year 2030.

(c) SHIP MODERNIZATION, OPERATIONS, AND SUSTAINMENT FUND (SMOSF).—Funds within the Ship Modernization, Operations, and Sustainment Fund (SMOSF) shall only be used for 11 TICONDEROGA-class cruisers (CG–63 through CG–73) and 3 WHIDBEY ISLAND-class dock landing ships (LSD–41, LSD–42, and LSD–46).

(d) PHASED MODERNIZATION.—The Secretary of the Navy shall retain the current inventory of 22 TICONDEROGA-class cruisers and 12 WHIDBEY ISLAND- or HARPERS FERRY-class dock landing ships until the end of their service lives, as follows:

(1) OPERATIONAL FORCES.—Through fiscal year 2030, the Navy shall maintain not less than the Chief of Naval Operations' requirement for operational cruisers certified under subsection (b) or 11 operational cruisers, whichever is greater. The Navy shall maintain no less than the Chief of Naval Operations' requirement for dock landing ships certified under subsection (b) or 9 operational dock landing ships, whichever is greater.

(2) PHASED MODERNIZATION.—The Navy is authorized to conduct phased modernization of not more than 11 cruisers and 3 dock landing ships. During the phased modernization period, the Navy may reduce manning on these ships to the minimal level necessary to ensure safety and security of the ship and to retain critical skills. Only the ships listed in subsection (c) may undergo phased modernization. Ships undergoing phased modernization shall comply with subsection (e).

(3) TRANSITION FROM PHASED MODERNIZATION TO OPERATIONAL FORCES.—Each of the cruisers described under paragraph (1) may be decommissioned at the end of its service life concurrent with being replaced by a cruiser that completes phased modernization pursuant to paragraph (2). After being reintroduced into the operational fleet, each of the cruisers modernized pursuant to paragraph (2) may be decommissioned upon reaching its expected service life.

(4) AVAILABILITY FOR WORLDWIDE DEPLOYMENT.—For purposes of this subsection, an operational cruiser or dock landing ship is available for worldwide deployment other than during routine or scheduled maintenance or repair.

(e) REQUIREMENTS AND LIMITATIONS ON PHASED MODERNIZATION.—

(1) IN GENERAL.—During the period of phased modernization authorized under subsection (d), the Secretary of the Navy shall—

(A) continue to maintain the ships in a manner that will ensure the ability of the ships to re-enter the operational fleet in accordance with paragraph (3) of such subsection;

(B) conduct planning activities to ensure scheduled and deferred maintenance and modernization work items are identified and included in maintenance availability work packages;

(C) conduct hull, mechanical, and electrical (HM&E) and combat system modernization necessary to achieve a service life of 40 years;

(D) conduct basic (BMD 3.X), intermediate (BMD 4.X), and advanced (BMD 5.X) ballistic missile defense capability upgrades to meet or exceed the Chief of Naval Operations' requirement certified under subsection (b); and

(E) complete maintenance and modernization of the cruisers, including required testing and crew training, to allow for a one-for-one replacement of operational cruisers in accordance with subsection (d)(3).

(2) RESTRICTED ACTIVITIES.—During the period of phased modernization authorized under subsection (d), the Secretary of the Navy may not—

(A) permit removal or cannibalization of equipment or systems, unless planned for full replacement or upgrade during phased modernization, other than equipment or systems explicitly identified as—

(i) rotatable pool equipment; or

(ii) necessary to support urgent operational requirements approved by the Secretary of Defense;

(B) make any irreversible modifications that will prohibit the ship from re-entering the operational fleet;

(C) through fiscal year 2030, reduce the quantity of operational cruisers below the number certified to be required by the Chief of Naval Operations under subsection (b) or 11 operational cruisers, whichever is greater;

(D) through fiscal year 2030, reduce the quantity of operational dock landing ships below the number certified to be required by the Chief of Naval Operations under subsection (b) or 9 operational dock landing ships, whichever is greater; and

(E) through fiscal year 2030, reduce the basic, intermediate, or advanced ballistic missile defense capability on operational cruisers below the quantities certified to be required by the Chief of Naval Operations under subsection (b).

(f) REPORT REQUIRED.—The Secretary of the Navy shall submit to the congressional defense committees an annual report on the status of the phased modernization program. This report shall accompany the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code. The report shall include, with respect to the ships undergoing phased modernization pursuant to subsection (d)(2), the following information:

(1) The status of modernization efforts, by vessel, including availability schedules, equipment procurement schedules, and annual funding requirements from the fiscal year of induction into the phased modernization program through the fiscal year of planned re-entry into the operational fleet.

(2) Each vessel's current readiness, operational, and manning status.

(3) An assessment of each vessel's current materiel condition.

(4) A list of rotatable pool equipment that is identified across the classes of cruisers and dock landing ships as necessary to support operations on a continuing basis.

(5) A list of equipment, other than rotatable pool equipment, removed from each vessel, including a justification for the removal, the disposition of the equipment, and plan for restoration of the equipment.

(6) A list of planned obligations and expenditures, by vessel, for the fiscal year of the budget of the President submitted to Congress.

(g) NOTIFICATION REQUIRED.—The Secretary of the Navy shall notify the congressional defense committees in writing 30 days prior to executing any deviations to the plans provided pursuant to paragraphs (1) and (6) of subsection (f) of the most recent report required under such subsection.

SEC. 1012. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF LEGACY MARITIME MINE COUNTERMEASURES PLATFORMS.

(a) PROHIBITIONS.—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Navy may be obligated or expended to—

(1) retire, prepare to retire, transfer, or place in storage any AVENGER-class mine countermeasures ship or associated equipment;

(2) retire, prepare to retire, transfer, or place in storage any SEA DRAGON (MH–53) helicopter or associated equipment;

(3) make any reductions to manning levels with respect to any AVENGER-class mine countermeasures ship; or

(4) make any reductions to manning levels with respect to any SEA DRAGON (MH–53) helicopter squadron or detachment.

(b) WAIVER.—The Secretary of the Navy may waive the limitations under subsection (a) if the Secretary certifies to the congressional defense committees that the Secretary has—

(1) identified a replacement capability and the necessary quantity of such systems to meet all combatant commander mine countermeasures operational requirements that are currently being met by the AVENGER-class ships and SEA DRAGON helicopters to be retired, transferred, or placed in storage;

(2) achieved initial operational capability of all systems described in paragraph (1); and

(3) deployed a sufficient quantity of systems described in paragraph (1) that have achieved initial operational capability to continue to meet or exceed all combatant commander mine countermeasures operational requirements currently being met by the AVENGER-class ships and SEA DRAGON helicopters.

Subtitle D—Counterterrorism

SEC. 1021. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

Section 1031 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 1022. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1032(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public

Law 114–92; 129 Stat. 968) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 1022A. PROHIBITION ON REPROGRAMMING REQUESTS FOR FUNDS FOR TRANSFER OR RELEASE, OR CONSTRUCTION FOR TRANSFER OR RELEASE, OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

While the prohibitions in sections 1031 and 1032 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968) are in effect, the Department of Defense may not submit to Congress a reprogramming request for funds to carry out any action prohibited by either such section.

SEC. 1023. DESIGNING AND PLANNING RELATED TO CONSTRUCTION OF CERTAIN FACILITIES IN THE UNITED STATES.

(a) DESIGNING AND PLANNING AUTHORIZED.—Notwithstanding any provision of law limiting the use of funds for the construction or modification of facilities in the United States or its territories or possessions to house individuals detained at Guantanamo, the Secretary of Defense may use amounts authorized to be appropriated or otherwise made available for the Department of Defense for designing and planning related to the construction or modification of such facilities.

(b) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term ''individual detained at Guantanamo'' means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise detained at United States Naval Station, Guantanamo Bay.

SEC. 1024. AUTHORITY TO TRANSFER INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES TEMPORARILY FOR EMERGENCY OR CRITICAL MEDICAL TREATMENT.

(a) TEMPORARY TRANSFER FOR MEDICAL TREATMENT.—Notwithstanding section 1031 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968), or any similar provision of law enacted after September 30, 2015, the Secretary of Defense may, after consultation with the Secretary of Homeland Security, temporarily transfer an individual detained at Guantanamo to a Department of Defense medical facility in the United States for the sole purpose of providing the individual medical treatment if the Secretary of Defense determines that—

(1) the medical treatment of the individual is necessary to prevent death or imminent significant injury or harm to the health of the individual;

(2) the necessary medical treatment is not available to be provided at United States Naval Station, Guantanamo Bay, Cuba, without incurring excessive and unreasonable costs; and

(3) the Department of Defense has provided for appropriate security measures for the custody and control of the individual during any period in which the individual is temporarily in the United States under this section.

(b) LIMITATION ON EXERCISE OF AUTHORITY.—The authority of the Secretary of Defense under subsection (a) may be exercised only by the Secretary of Defense or another official of the Department of Defense at the level of Under Secretary of Defense or higher.

(c) CONDITIONS OF TRANSFER.—An individual who is temporarily transferred under the authority in subsection (a) shall—

(1) while in the United States, remain in the custody and control of the Secretary of Defense at all times; and

(2) be returned to United States Naval Station, Guantanamo Bay, Cuba, as soon as feasible after a Department of Defense physician determines, in consultation with the Commander, Joint Task Force-Guantanamo Bay, Cuba, that any necessary follow-up medical care may reasonably be provided the individual at United States Naval Station, Guantanamo Bay.

(d) STATUS WHILE IN UNITED STATES.—An individual who is temporarily transferred under the authority in subsection (a), while in the United States—

(1) shall be deemed at all times and in all respects to be in the uninterrupted custody of the Secretary of Defense, as though the individual remained physically at United States Naval Station, Guantanamo Bay, Cuba;

(2) shall not at any time be subject to, and may not apply for or obtain, or be deemed to enjoy, any right, privilege, status, benefit, or eligibility for any benefit under any provision of the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), or any other law or regulation;

(3) shall not be permitted to avail himself of any right, privilege, or benefit of any law of the United States beyond those available to individuals detained at United States Naval Station, Guantanamo Bay; and

(4) shall not, as a result of such transfer, have a change in any designation that may have attached to that detainee while detained at United States Naval Station, Guantanamo Bay, pursuant to the Authorization for Use of Military Force (Public Law 107–40), as determined in accordance with applicable law and regulations.

(e) NO CAUSE OF ACTION.—Any decision to transfer or not to transfer an individual made under the authority in subsection (a) shall not give rise to any claim or cause of action.

(f) LIMITATION ON JUDICIAL REVIEW.—

(1) LIMITATION.—Except as provided in paragraph (2), no court, justice, or judge shall have jurisdiction to hear or consider any claim or action against the United States or its departments, agencies, officers, employees, or agents arising from or relating to any aspect of the detention, transfer, treatment, or conditions of confinement of an individual transferred under this section.

(2) EXCEPTION FOR HABEAS CORPUS.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to consider an application for writ of habeas corpus seeking release from custody filed by or on behalf of an individual who is in the United States pursuant to a temporary transfer under the authority in subsection (a). Such jurisdiction shall be limited to that required by the Constitution, and relief shall be only as provided in paragraph (3). In such a proceeding the court may not review, halt, or stay the return of the individual who is the object of the application to United States Naval Station, Guantanamo Bay, Cuba, pursuant to subsection (c).

(3) RELIEF.—A court order in a proceeding covered by paragraph (2)—

(A) may not order the release of the individual within the United States; and

(B) shall be limited to an order of release from custody which, when final, the Secretary of Defense shall implement in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016.

(g) NOTIFICATION.—Whenever a temporary transfer of an individual detained at Guantanamo is made under the authority of subsection (a), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of the transfer not later than five days after the date on which the transfer is made.

(h) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term ''individual detained at Guantanamo'' means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise detained at United States Naval Station, Guantanamo Bay.

(i) APPLICABILITY.—This section shall apply to an individual temporarily transferred under the authority in subsection (a) regardless of the status of any pending or completed proceeding or detention on the date of the enactment of this Act.

SEC. 1025. AUTHORITY FOR ARTICLE III JUDGES TO TAKE CERTAIN ACTIONS RELATING TO INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) USE OF VIDEO TELECONFERENCING.—A judge of a United States District Court shall have jurisdiction to take any of the following actions by video teleconferencing with respect to an individual detained at Guantanamo:

(1) Arraign the individual for a charge under the laws of the United States.

(2) Accept a plea to a charge under the laws of the United States.

(3) Enter a judgment of conviction and sentence the individual for a charge upon which the individual is convicted as a result of such a plea.

An action specified in paragraph (1), (2), or (3) may be taken by video teleconferencing only with the consent of the individual.

(b) VENUE.—A judge of a United States District Court may act by video teleconferencing under subsection (a) only where such District Court maintains venue concerning the offense alleged.

(c) TRANSFER TO SERVE SENTENCE OF IMPRISONMENT.—The Attorney General may transfer to a foreign country an offender who is convicted of an offense by reason of a plea entered into as described in subsection (a) and who is under a sentence of imprisonment resulting from such conviction. Any such transfer shall be made for the purpose of the offender serving the sentence imposed on him, and shall be made under chapter 306 of title 18, United States Code, without regard to the provisions of section 4107 and subsections (a) and (b) of section 4100 of that title.

(d) DEFINITIONS.—In this section:

(1) The term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C.

1101(a)(22)) or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay.

(2) The terms ''imprisonment'', ''offender'', ''sentence'', and ''transfer'' have the meanings given those terms in section 4101 of title 18, United States Code.

SEC. 1026. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE TO CERTAIN COUNTRIES OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1033 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 1027. MATTERS ON MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES AND GOVERNMENTS OF RECEIVING FOREIGN COUNTRIES AND ENTITIES IN CERTIFICATIONS ON TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1034(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 969; 10 U.S.C. 801 note) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) both—

''(A) the United States Government, on the one hand, and the government of the foreign country or the recognized leadership of the foreign entity, on the other hand, have entered into a written memorandum of understanding (MOU) regarding the transfer of the individual; and

''(B) the memorandum of understanding—

''(i) has been transmitted to the appropriate committees of Congress, in classified form (if necessary); and

''(ii) includes an assessment, whether in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or foreign entity, as the case may be, with respect to the matters certified by the Secretary pursuant to paragraphs (2) and (3);''.

SEC. 1028. LIMITATION ON TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, PENDING A REPORT ON THEIR TERRORIST ACTIONS AND AFFILIATIONS.

(a) LIMITATION.—No amounts authorized to be appropriated or otherwise made available for fiscal year 2017 for the Department of Defense may be used to transfer, release, or assist in the transfer or release to any foreign government or foreign entity of an individual detained at Guantanamo until the Secretary of Defense submits to the appropriate committees of Congress a report on the individual that includes the following:

(1) A description of the individual's previous terrorist activities.

(2) A description of the individual's previous memberships in or affiliations or associations with terrorist organizations.

(3) A description of the individual's support for or participation in attacks against the United States or United States allies.

(b) FORM.—Each report under subsection (a) shall be submitted in unclassified form, and may not include a classified annex as a means of conveying any information of material significance to such report.

(c) CONSTRUCTION WITH OTHER PROHIBITIONS AND LIMITATIONS.—The limitation in subsection (a) is in addition to any prohibition or other limitation on the transfer or release of individuals detained at Guantanamo under any other provision of law, including the provisions of subtitle D of title X of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968).

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1029. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO COUNTRIES COVERED BY DEPARTMENT OF STATE TRAVEL WARNINGS.

(a) FINDING.—The Senate makes the following findings:

(1) The Department of State issues travel warnings regarding travel to foreign countries for reasons that include ''unstable government, civil war, ongoing intense crime or violence, or frequent terrorist attacks''.

(2) These travel warnings are issued to highlight the ''risks of traveling'' to particular countries and are left in place until the situation in the country concerned improves.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) countries that pose such a significant travel threat to United States citizens that the Department of State feels obliged to issue a travel warning should not be considered an appropriate recipient of any detainee transferred from United States Naval Station, Guantanamo Bay, Cuba; and

(2) if a country is subject to a Department of State travel warning, it is highly unlikely that the government of the country can provide the United States Government appropriate security and assurances regarding the prevention of the recidivism of any detainee so transferred.

(c) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraphs and (2) and (3), no amounts authorized to be appropriated by this Act or otherwise available for the Department of Defense may be used, during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay to the custody or control of any country subject to a Department of State travel warning at the time the transfer or release would otherwise occur.

(2) EXCEPTION FOR CERTAIN WARNINGS.—Paragraph (1) shall not apply with respect to any country subject to a travel warning described in that paragraph that is issued solely on the basis of one or more of the following:

(A) Medical deficiencies, infectious disease outbreaks, or other health-related concerns.

(B) A natural disaster.

(C) Criminal activity.

(3) EXCEPTION FOR CERTAIN COUNTRY.—Paragraph (1) shall not apply with respect to the Kingdom of Saudi Arabia.

SEC. 1030. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR REALIGNMENT OF FORCES AT OR CLOSURE OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1036(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 972) is amended by inserting ''or 2017'' after ''fiscal year 2016''.

Subtitle E—Assured Access to Space

SEC. 1036. RESTRICTIONS ON USE OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION FOR SPACE LAUNCH OF NATIONAL SECURITY SATELLITES.

(a) IN GENERAL.—Except as provided by section 1608(c) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2271 note) (as in effect on December 1, 2015), the Secretary of Defense may not, on or after the date of the enactment of this Act—

(1) launch any national security satellite on a space launch vehicle with a rocket engine designed or manufactured in the Russian Federation; or

(2) certify any entity to bid for the award or renewal of a contract for the procurement of property or services for space launch activities for the evolved expendable launch vehicle program if, in carrying out such space launch activities, the entity would use a rocket engine designed or manufactured in the Russian Federation.

(b) NATIONAL SECURITY SATELLITE DEFINED.—In this section, the term ''national security satellite'' is a satellite launched for national security purposes, including such a satellite launched by the Air Force, the Navy, or the National Reconnaissance Office, or any other element of the Department of Defense.

SEC. 1037. LIMITATION ON USE OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION TO ACHIEVE ASSURED ACCESS TO SPACE.

Section 2273 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) LIMITATION ON USE OF RUSSIAN ROCKET ENGINES.—Except as provided by section 1608(c) of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2271 note) (as in effect on December 1, 2015), rocket engines designed or manufactured in the Russian Federation may not be used to pursue the attainment of the capabilities described in subsection (a).''.

SEC. 1038. REPEAL OF PROVISION PERMITTING THE USE OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION FOR THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

Section 8048 of the Department of Defense Appropriations Act, 2016 (division C of Public Law 114–113; 129 Stat. 2363) is repealed.

Subtitle F—Miscellaneous Authorities and Limitations

SEC. 1041. ASSIGNED FORCES OF THE COMBATANT COMMANDS.

Section 162(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''Except as provided in paragraph (2)'' and inserting ''As directed by the Secretary of Defense'';

(B) by striking ''all forces'' and inserting ''specified forces''; and

(C) by striking the second sentence;

(2) by striking paragraph (2) and inserting the following new paragraph (2):

''(2) A force not assigned to a combatant command or to the United States element of the North American Aerospace Defense Command under paragraph (1) shall remain assigned to the military department concerned for carrying out the responsibilities of the Secretary of the military department concerned as specified in section 3013, 5013, or 8013 of this title, as applicable.''; and

(3) in paragraph (4)—

(A) by striking ''operating with the geographic area'' and

(B) by striking ''assigned to, and''.

SEC. 1042. QUADRENNIAL INDEPENDENT REVIEW OF UNITED STATES MILITARY STRATEGY AND FORCE POSTURE IN THE UNITED STATES PACIFIC COMMAND AREA OF RESPONSIBILITY.

(a) INDEPENDENT REVIEW.—

(1) IN GENERAL.—Beginning in fiscal year 2018 and occurring every four years thereafter, the Secretary of Defense shall commission an independent review of United States policy in the Indo-Asia-Pacific region, with a focus on issues expected to be critical during the ten-year period beginning on the date of such review, including the national security interests and military strategy of the United States in the Indo-Asia-Pacific region.

(2) CONDUCT OF REVIEW.—The review conducted pursuant to paragraph (1) shall be conducted by an independent organization that has—

(A) recognized credentials and expertise in national security and military affairs; and

(B) access to policy experts throughout the United States and from the Indo-Asia-Pacific region.

(3) ELEMENTS.—Each review conducted pursuant to paragraph (1) shall include the following elements:

(A) An assessment of the risks to United States national security interests in the United States Pacific Command area of responsibility during the ten-year period beginning on the date of such review as a result of changes in the security environment.

(B) An assessment of the current and planned United States force posture adjustments with respect to the Indo-Asia-Pacific region.

(C) An evaluation of any key capability gaps and shortfalls of the United States in the Indo-Asia-Pacific region, including undersea warfare (including submarines), naval and maritime, ballistic missile defense, cyber, munitions, anti-access area denial, land-force power projection, and intelligence, surveillance, and reconnaissance capabilities.

(D) An analysis of the willingness and capacity of allies, partners, and regional organizations to contribute to the security and stability of the Indo-Asia-Pacific region, including potential required adjustments to United States military strategy based on that analysis.

(E) An appraisal of the Arctic ambitions of actors in the Indo-Asia-Pacific region in the context of current and projected capabilities, including an analysis of the adequacy and relevance of the Arctic Roadmap prepared by the Navy.

(F) An evaluation of theater security cooperation efforts of the United States Pacific Command in the context of current and projected threats, and desired capabilities and priorities of the United States and its allies and partners.

(G) An evaluation of the seams between United States Pacific Command and adjacent geographic combatant commands and recommendations to mitigate the effects of those seams.

(H) The views of noted policy leaders and regional experts, including military commanders, in the Indo-Asia-Pacific region.

(b) REPORT.—

(1) SUBMITTAL TO SECRETARY OF DEFENSE.—Not later than 180 days after commencing a review pursuant to subsection (a), the independent organization conducting the review shall submit to the Secretary of Defense a report containing the findings of the review. The report shall be submitted in unclassified form, but may contain an classified annex.

(2) SUBMITTAL TO CONGRESS.—Not later than 90 days after the date of receipt of a report required by paragraph (1), the Secretary shall submit to the congressional defense committees the report, together with any comments on the report that the Secretary considers appropriate.

SEC. 1043. DESIGNATION OF A DEPARTMENT OF DEFENSE STRATEGIC ARCTIC PORT.

(a) ARCTIC DEFINED.—In this section, the term ''Arctic'' has the meaning given that term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, shall submit to the congressional defense committees a report assessing the future security requirements for one or more strategic ports in the Arctic.

(c) REQUIREMENTS.—Consistent with the Department of Defense Arctic Strategy set forth pursuant to section 1068 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–92; 129 Stat. 992), the assessment in subsection (b) shall include—

(1) the amount of sufficient and suitable space needed to create capacity for port and other necessary infrastructure for at least one of each of type of Navy or Coast Guard vessel, including an Arleigh Burke class destroyer of the Navy, or a national security cutter or a heavy polar ice breaker of the Coast Guard;

(2) the amount of sufficient and suitable space needed to create capacity for equipment and fuel storage, technological infrastructure, and civil infrastructure to support military and civilian operations, including—

(A) aerospace warning;

(B) maritime surface and subsurface warning;

(C) maritime control and defense;

(D) maritime domain awareness;

(E) homeland defense;

(F) defense support to civil authorities;

(G) humanitarian relief;

(H) search and rescue;

(I) disaster relief;

(J) oil spill response;

(K) medical stabilization and evacuation; and

(L) meteorological measurements and forecasting;

(3) an identification of proximity and road access to an airport designated as a commercial service airport by the Federal Aviation Administration that is capable of supporting military and civilian aircraft for operations designated in subsection (c)(2); and

(4) a description of the requirements, to include infrastructure and installations, communications, and logistics necessary to improve response effectiveness to support military and civilian operations designated in subsection (c)(2).

(d) DESIGNATION.—Upon completion of the report in subsection (b), the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, the Administrator of the Maritime Administration, shall establish the designation criteria for a Department of Defense ''Strategic Arctic Port'' and shall submit recommendations for the designation of one or more Strategic Arctic Ports within eighteen months. The recommendations shall include an estimated cost for sufficient construction necessary to initiate and sustain expected operations.

(e) CONSTRUCTION.—Nothing in this section may be construed to authorize any additional Department of Defense appropriations for the establishment of a port recommended pursuant to this section.

SEC. 1044. MODIFICATION OF REQUIREMENTS REGARDING NOTIFICATIONS TO CONGRESS ON SENSITIVE MILITARY OPERATIONS.

(a) TIMING OF NOTIFICATION REQUIREMENT.—Subsection (a) of section 130f of title 10, United States Code, is amended by inserting ''not later than 36 hours'' before ''following such operation''.

(b) PROCEDURES.—Subsection (b) of such section is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''The Secretary shall promptly notify the congressional defense committees in writing of any changes to such procedures.''; and

(2) by adding at the end the following new paragraph:

''(3) In the event of an unauthorized disclosure described in paragraph (2), the Secretary shall ensure, to the maximum extent practicable, that the congressional defense committees are notified immediately of the sensitive military operation concerned.''.

(c) BRIEFING REQUIREMENTS.—Such section is further amended—

(1) in subsection (a), by striking the second sentence; and

(2) in subsection (c), by inserting before the period at the end the following: '', including Department of Defense support to operations conducted under the National Security Act of 1947 (50 U.S.C. 3001 et seq.)''.

(d) DEFINITION.—Subsection (d) of such section is amended by striking ''means'' and all that follows and inserting ''means the following:

''(1) A lethal operation or capture operation conducted by the armed forces outside the United States that targets a specific individual or individuals.

''(2) An operation conducted by the armed forces outside a theater of major hostilities in self-defense or in defense of foreign partners.''.

(e) REPEAL OF EXCEPTION TO NOTIFICATION REQUIREMENT.—Such section is further amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(f) CONFORMING AMENDMENTS.—

(1) SECTION HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 130f. Notification requirements for sensitive military operations".

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130f and insert the following new item:

''130f. Notification requirements for sensitive military operations.''.

SEC. 1045. RECONNAISSANCE STRIKE GROUP MATTERS.

(a) MODELING OF ALTERNATIVE ARMY DESIGN AND OPERATIONAL CONCEPT.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, provide for and oversee the modeling of an alternative Army design and operational concept for the Reconnaissance Strike Group (RSG).

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the alternative design and operational concept modeled as described in paragraph (1). The report shall include an assessment of the feasibility and advisability of a follow-on pilot program to test force designs and concepts of operation developed pursuant to the modeling.

(b) TEST, EVALUATION, DEVELOPMENT, AND VALIDATION.—

(1) OFFICE REQUIRED.—Commencing not later than 60 days after the date of the enactment of this Act, the commander of a combatant command designated by the Secretary for purposes of this subsection shall establish within that combatant command an office to carry out testing, evaluation, development and validation of the joint warfighting concepts, and required platforms and structure, of the Reconnaissance Strike Group.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and periodically thereafter, the commander of the combatant command designated pursuant to paragraph (1) shall submit to the committees of Congress referred to in subsection (a)(2) a report on the office required pursuant to paragraph (1), including the structure of the office, the programmatic goals of the office, and the funding required by the office to carry out the activities specified in paragraph (1).

SEC. 1046. TRANSITION OF AIR FORCE TO OPERATION OF REMOTELY PILOTED AIRCRAFT BY ENLISTED PERSONNEL.

(a) IN GENERAL.—Not later than September 30, 2019, the Air Force shall fully transition to an organizational model for all Air Force remotely piloted aircraft (RPA) that uses enlisted personnel as operators of such aircraft rather than officers as the preponderance of operators of such aircraft.

(b) TRANSITION MATTERS.—The transition required by subsection (a) shall account for the following:

(1) Training infrastructure for enlisted personnel operating Air Force remotely piloted aircraft.

(2) Supervisory roles for officers and senior enlisted personnel for enlisted personnel operating Air Force remotely piloted aircraft.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than March 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report that sets forth a detailed description of the plan for the transition required by subsection (a), including the following:

(A) The objectives of the transition.

(B) The timeline of the transition.

(C) The resources required to implement the transition.

(D) Recommendations for any legislation action required to implement the transition.

(2) REPORTS ON PROGRESS IN IMPLEMENTATION.—Not later than each of March 1, 2018, and March 1, 2019, the Secretary shall submit to the committees referred to in paragraph (1) a report on the progress of the Air Force in implementing the plan required under that paragraph, and in achieving the transition required by subsection (a), by not later than September 30, 2019.

SEC. 1047. PROHIBITION ON DIVESTMENT OF MARINE CORPS SEARCH AND RESCUE UNITS.

None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Navy or the Marine Corps may be obligated or expended—

(1) to retire, prepare to retire, transfer, or place in storage any Marine Corps Search and Rescue Unit (SRU) aircraft; or

(2) to make any change or revision to manning levels with respect to any Marine Corps Search and Rescue Unit squadron.

SEC. 1048. MODIFICATION OF REQUIREMENTS RELATING TO MANAGEMENT OF MILITARY TECHNICIANS.

(a) CONVERSION OF CERTAIN MILITARY TECHNICIAN (DUAL STATUS) POSITIONS.—Subsection (a) of section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 981; 10 U.S.C. 10216 note) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) IN GENERAL.—By not later than October 1, 2017, the Secretary of Defense shall convert not fewer than 20 percent of all military technician positions to positions filled by individuals who are employed under section 3101 of title 5, United States Code, or section 1601 of title 10, United States Code, or serving under section 328 of title 32, United States Code, and are not military technicians. The positions to be converted are described in paragraph (2).'';

(2) in paragraph (2), by striking ''the report'' and all that follows and inserting ''by the Army Reserve, the Air Force Reserve, the National Guard Bureau, and the State adjutants general in the course of reviewing all military technician positions for purposes of implementing this section.''; and

(3) in paragraph (3), by striking ''may fill'' and inserting ''shall fill''.

(b) CONVERSION OF ARMY RESERVE, AIR FORCE RESERVE, AND NATIONAL GUARD NONDUAL STATUS POSITIONS.—Subsection (e) of section 10217 of title 10, United States Code, is amended is amended to read as follows:

''(e) CONVERSION OF POSITIONS.—(1) No individual may be newly hired or employed, or rehired or reemployed, as a non-dual status technician for purposes of this section after September 30, 2017.

''(2) On October 1, 2017, the Secretary of Defense shall convert all non-dual status technicians to positions filled by individuals who are employed under section 3101 of title 5 or section 1601 of this title and are not military technicians.

''(3) In the case of a position converted under paragraph (2) for which there is an incumbent employee on October 1, 2017, the Secretary shall fill that position, as converted, with the incumbent employee without regard to any requirement concerning competition or competitive hiring procedures.

''(4) Any individual newly hired or employed, or rehired or employed, to a position required to be filled by reason of paragraph (1) shall an individual employed in such position under section 3101 of title 5 or section 1601 of this title.''.

(c) REPORT ON CONVERSION OF MILITARY TECHNICIAN POSITIONS TO PERSONNEL PERFORMING ACTIVE GUARD AND RESERVE DUTY.—

(1) IN GENERAL.—Not later than March 1, 2017, the Secretary of Defense, shall in consultation with the Chief of the National Guard Bureau, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of converting any remaining military technicians (dual status) to personnel performing active Guard and Reserve duty under section 328 of title 32, United States Code, or other applicable provisions of law. The report shall include the following:

(A) An analysis of the fully-burdened costs of the conversion taking into account the new modernized military retirement system.

(B) An assessment of the ratio of members of the Armed Forces performing active Guard and Reserve duty and civilian employees of the Department of Defense required to best contribute to the readiness of the Reserves and of the National Guard for its Federalized and non-Federalized missions.

(2) ACTIVE GUARD AND RESERVE DUTY DEFINED.—In this subsection, the term ''active Guard and Reserve duty'' has the meaning given that term in section 101(d)(6) of title 10, United States Code.

SEC. 1049. SUPPORT FOR THE ASSOCIATE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY FOR MILITARY AFFAIRS.

(a) SELECTION OF ASSOCIATE DIRECTOR.—The Associate Director of the Central Intelligence Agency for Military Affairs shall be selected by the Secretary of Defense, with the concurrence of the Director of the Central Intelligence Agency, from among commissioned officers of the Armed Forces who are general or flag officers and who have served, in the five years before selection, in a position that involved significant interaction and coordination with the Central Intelligence Agency.

(b) SUPPORT FOR ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Defense and the Under Secretary of Defense for Intelligence shall ensure that the Associate Director of the Central Intelligence Agency for Military Affairs has access to, and support from, offices, Agencies, and programs of the Department necessary for the purposes of the Associate Director as follows:

(A) To facilitate and coordinate Department of Defense support for the Central Intelligence Agency requested by the Director of the Central Intelligence Agency and approved by the Secretary, including oversight of Department of Defense military and civilian personnel detailed or assigned to the Central Intelligence Agency.

(B) To prioritize, communicate, and coordinate Department of Defense requests for, and the provision of support to, the Department of Defense from the Central Intelligence Agency, including support requested by and provided to the commanders of the combatant commands and subordinate task forces and commands.

(2) POLICIES.—The Under Secretary shall develop and supervise the implementation of policies to integrate and prioritize Department of Defense requirements and requests

for support from the Central Intelligence Agency that are coordinated by the Associate Director pursuant to paragraph (1)(B).

SEC. 1050. ENHANCEMENT OF INTERAGENCY SUPPORT DURING CONTINGENCY OPERATIONS AND TRANSITION PERIODS.

(a) AUTHORITY.—The Secretary of Defense and the Secretary of State may enter into an agreement under which each Secretary may provide covered support, supplies, and services on a reimbursement basis, or by exchange of covered support, supplies, and services, to the other Secretary during a contingency operation and related transition period for up to two years following the end of such contingency operation.

(b) AGREEMENT.—An agreement entered into under this section shall be in writing and shall include the following terms:

(1) The price charged by a supplying agency shall be the direct costs that such agency incurred by providing the covered support, supplies, or services to the requesting agency under this section.

(2) Credits and liabilities of the agencies accrued as a result of acquisitions and transfers of covered support, supplies, and services under this section shall be liquidated not less often than once every 3 months by direct payment to the agency supplying such support, supplies, or services by the agency receiving such support, supplies, or services.

(3) Exchange entitlements accrued as a result of acquisitions and transfers of covered support, supplies, and services under this section shall be satisfied within one year after the date of the delivery of the covered support, supplies, or services. Exchange entitlements not satisfied shall be immediately liquidated by direct payment to the agency supplying such covered, support, supplies, or services.

(c) EFFECT OF OBLIGATION AND AVAILABILITY OF FUNDS.—An order placed by an agency pursuant to an agreement under this section is deemed to be an obligation in the same manner that a similar order or contract placed with a private contractor is an obligation. Appropriations remain available to pay an obligation to the servicing agency in the same manner as appropriations remain available to pay an obligation to a private contractor.

(d) CREDITING OF RECEIPTS.—Any receipt as a result of an agreement entered into under this section shall be credited, at the option of the Secretary of Defense with respect to the Department of Defense and the Secretary of State with respect to the Department of State, to—

(1) the appropriation, fund, or account used in incurring the obligation; or

(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

(e) DEFINITIONS.—In this section:

(1) CONTINGENCY OPERATION.—The term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(2) COVERED SUPPORT, SUPPLIES, AND SERVICES.—The term ''covered support, supplies, and services'' means food, billeting, transportation (including airlift), petroleum, oils, lubricants, communications services, medical services, ammunition, base operations support (and construction incident to base operations support), use of facilities, spare parts and components, repair and maintenance services, and calibration services.

SEC. 1051. ENHANCEMENT OF INFORMATION SHARING AND COORDINATION OF MILITARY TRAINING BETWEEN DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Homeland Security shall ensure that information needs of the Department of Homeland Security relating to civilian law enforcement activities in proximity to the borders of the United States are identified and communicated to the Secretary of Defense for the purposes of planning and executing military training.

(b) FORMAL MECHANISM OF NOTIFICATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in coordination with the Secretary of Defense, establish a formal mechanism through which Department of Homeland Security information needs relating to civilian law enforcement activities in proximity to the borders of the United States are identified and communicated to the Secretary of Defense for the purposes of planning and executing military training.

(2) DISSEMINATION TO THE ARMED FORCES.—The Secretary of Defense shall ensure that such information needs are disseminated to the Armed Forces in a timely manner so that the Armed Forces have an opportunity to schedule and design training in accordance with section 371 of title 10, United States Code.

(3) COORDINATION OF TRAINING.—The Secretary of Defense shall ensure that training scheduled and designed as described in paragraph (2) is coordinated, to the maximum extent practicable, with the Department of Homeland Security.

(c) SHARING OF CERTAIN INFORMATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall formulate guidance to ensure that information relevant to civilian law enforcement matters that is collected by the Armed Forces during the normal course of military training or operations in proximity to the borders of the United States is provided promptly to civilian law enforcement officials in accordance with section 371 of title 10, United States Code.

SEC. 1052. NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

(a) LIMITATION.—The Secretary of Defense may provide defense sensitive support to a non-Department of Defense Federal department or agency only after the Secretary has determined that such support—

(1) is consistent with the mission and functions of the Department of Defense; and

(2) does—

(A) not significantly interfere with the mission or functions of the Department; or

(B) interfere with the mission and functions of the Department of Defense but such support is in the national security interest of the United States.

(b) NOTICE REQUIRED.—

(1) IN GENERAL.—Except as provided in paragraph (3), before providing defense sensitive support to a non-Department of Defense Federal department or agency, the Secretary of Defense shall notify the congressional defense committees of the Secretary's intent to provide such support.

(2) CONTENTS.—Notice provided under paragraph (1) shall include the following:

(A) A description of the support to be provided.

(B) A description of how the support is consistent with the mission and functions of the Department.

(C) A description of how the support—

(i) does not significantly interfere with the mission or functions of the Department; or

(ii) significantly interferes with the mission or functions of the Department but is in the national security interest of the United States.

(3) TIME SENSITIVE SUPPORT.—In the event that the provision of defense sensitive support is time-sensitive, the Secretary—

(A) may provide notification under paragraph (1) after providing the support; and

(B) shall provide such notice as soon as practicable after providing such support, but not later than 48 hours after providing the support.

(c) DEFENSE SENSITIVE SUPPORT DEFINED.—In this section, the term ''defense sensitive support'' means support provided by the Department of Defense to a non-Department of Defense Federal department or agency that requires special protection from disclosure.

SEC. 1053. MODIFICATION OF AUTHORITY TO TRANSFER DEPARTMENT OF DEFENSE PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.

(a) RESTATEMENT AND MODIFICATION OF CURRENT AUTHORITY FOR TRANSFER FOR STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES.—Section 2576a of title 10, United States Code, is amended by adding at the end the following new subsections:

''(g) DETERMINATION OF ELIGIBLE DEFENSE ITEMS.—

''(1) CONTROLLED DEFENSE ITEMS ELIGIBLE FOR TREATMENT.—

''(A) IN GENERAL.—Subject to the provisions of this paragraph, the controlled defense items that may be treated as eligible defense items for purposes of this section shall include items that—

''(i) can be readily put to civilian use by State and local law enforcement agencies; and

''(ii) are suitable for transfer to State and local law enforcement agencies pursuant to this section.

''(B) INITIAL ELIGIBLE DEFENSE ITEMS.—The controlled defense items to be treated as eligible defense items for purposes of this section as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 are the following:

''(i) Camouflage uniforms and clothing.

''(ii) Fixed wing manned aircraft.

''(iii) Rotary wing manned aircraft.

''(iv) Unmanned aerial vehicles.

''(v) Wheeled armored vehicles.

''(vi) Wheeled tactical vehicles.

''(vii) Specialized firearms and ammunition under .50-caliber.

''(viii) Explosives and pyrotechnics, including explosive breaching tools.

''(ix) Breathing apparatus.

''(x) Riot batons.

''(C) LIST OF CONTROLLED DEFENSE ITEMS TREATABLE AS ELIGIBLE DEFENSE ITEMS.—The Secretary of Defense shall, acting through the Director of the Defense Logistics Agency and in consultation with the Working Group established by Executive Order 13688, maintain, and periodically update, a list of controlled defense items that are currently appropriate for treatment as eligible defense items for purposes of this section. The list shall be established and maintained in accordance with the regulations for purposes of this section under subsection (g).

''(2) CONTROLLED DEFENSE ITEMS NOT ELIGIBLE FOR TREATMENT.—

''(A) IN GENERAL.—A controlled defense item may not be treated as an eligible defense item for purposes of this section if—

''(i) the item is made exclusively for the military; and

''(ii) the item, or a substantially similar item, cannot be purchased by State or local law enforcement agencies in the private sector even after the item is demilitarized.

''(B) INITIAL PROHIBITED ITEMS.—Unless and until determined otherwise by the Secretary for purposes of this section, the controlled defense items that may not be treated as eligible defense items for purposes of this section are the following:

''(i) Tracked armored vehicles.

''(ii) Weaponized aircraft, vessels, and vehicles of any kind.

''(iii) Firearms of .50-caliber or higher.

''(iv) Ammunition of .50-caliber or higher.

''(v) Grenades, flash bang grenades, grenade launchers, and grenade launcher attachments.

''(vi) Bayonets.

''(vii) Mine Resistant Ambush Protected (MRAP) vehicle.

''(viii) Tasers developed primarily for use by the military.

''(C) LIST OF CONTROLLED ITEMS NOT TREATABLE AS ELIGIBLE DEFENSE ITEMS.—The Secretary shall, acting through the Director and in consultation with the Working Group referred to in paragraph (1)(C), maintain, and periodically update, a list of controlled defense items that are currently prohibited from treatment as eligible defense items for purposes of this section. The list shall be established and maintained in accordance with the regulations for purposes of this section under subsection (g).

''(3) RETURN OF ITEMS NOT TREATED AS ELIGIBLE DEFENSE ITEMS NOT IMMEDIATELY REQUIRED.—

''(A) RETURN OF INITIAL PROHIBITED ITEMS NOT GENERALLY REQUIRED.—The regulations for purposes of this section shall provide that a law enforcement agency in possession on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 of a controlled defense item that is not eligible for treatment as an eligible defense item pursuant to paragraph (2)(B) shall not be required to return such item to the Department pursuant to Executive Order 13688.

''(B) RETURN OF ITEMS SUBSEQUENTLY TREATED AS NOT ELIGIBLE NOT REQUIRED.—The regulations for purposes of this section shall provide that a law enforcement agency in possession of a controlled defense item that is no longer eligible for treatment as an eligible defense item pursuant to paragraph (2)(C) shall not be required to return such item to the Department pursuant to Executive Order 13688.

''(C) CONSTRUCTION.—Nothing in this section shall be construed to require a law enforcement agency, pursuant to Executive Order 13688, to return to the Department equipment obtained from the Federal Government, or obtained using Federal funds, if such equipment was obtained by the agency in a manner consistent with all applicable laws and regulations.

''(D) NO TRANSFER OF OWNERSHIP.—Nothing in this section shall be construed as a transfer of ownership of any equipment obtained from the Federal Government pursuant to this section.

''(h) PROHIBITION ON REQUIREMENT FOR TIMELY USE OF TRANSFERRED ITEMS.—The regulations for purposes of this section may not require the use of an eligible defense item transferred under this section within one year of the receipt of the item by the State or local law enforcement agency concerned.

''(i) NOTICE ON REQUESTS FOR TRANSFERS TO STATE AND LOCAL OFFICIALS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a State or local law enforcement agency may not request transfer of an eligible defense item under this section, including pursuant to interagency transfer under subsection (t), unless the law enforcement agency has provided notice of the request to the head and legislative body of the State or political subdivision of a State of which the law enforcement agency is an agency.

''(2) EXCEPTION.—

''(A) ITEMS FOR UNDERCOVER OPERATIONS.—A State or local law enforcement agency requesting transfer of an eligible defense item is not required to comply with paragraph (1) if the item requested is for an active undercover operation.

''(B) ALTERNATIVE NOTICE REQUIREMENT.—A State or local law enforcement agency receiving an item under this section pursuant to a request covered by subparagraph (A) shall notify the head and legislative body of the State or political subdivision of a State of which the law enforcement agency is an agency of the request not later than 10 business days after the operation concerned becomes an open record.

''(j) TRAINING REQUIREMENTS.—

''(1) MINIMUM TRAINING REQUIREMENTS FOR LAW ENFORCEMENT OFFICERS.—

''(A) IN GENERAL.—On and after the date that is three years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, eligible defense items may not be transferred to a State or local law enforcement agency of a State under this section unless the Governor of the State (or the designee of the Governor) certifies to the Director of the Defense Logistics Agency that the State has in place minimum training requirements for all sworn law enforcement officers in the State, including—

''(i) a requirement that anyone that has decisionmaking authority on the deployment of a SWAT team attends the National Tactical Officers Association unit commanders course or an equivalent within one year of commencing the exercise of such authority;

''(ii) specialized leadership training requirements for unit commanders who have—

''(I) decisionmaking authority on the deployment of SWAT teams and tactical military vehicles; or

''(II) responsibility for drafting policies on the use of force and SWAT team deployment;

''(iii) annual specialized SWAT team training requirements for all SWAT team members, including in law enforcement tactics used in tactical operations;

''(iv) annual training requirements for all law enforcement officers that are members of specialized tactical units other than SWAT teams (including high-risk warrant service teams, hostage rescue teams, and drug enforcement task forces);

''(v) annual training on the general policing standards of the law enforcement agency on equipment such as eligible defense items;

''(vi) annual training on sensitivity, including training on ethnic and racial bias, cultural diversity, and police interaction with the disabled, mentally ill, and new immigrants;

''(vii) annual training in crowd control tactics for any officers that may be called upon to participate in crowd control efforts; and

''(viii) such other training as recommended by the evaluation conducted pursuant to section 1051(d) of the National Defense Authorization Act for Fiscal Year 2016.

''(B) SATISFACTION BY RECENT HIREES.—The requirements under subparagraph (A) shall provide for the first completion of the training concerned by an individual who becomes an officer in a law enforcement agency by not later than one year after the date on which the individual becomes an officer in the law enforcement agency.

''(C) RECORD-KEEPING.—Each law enforcement agency to which eligible defense items are transferred pursuant to this section shall retain training records of each office authorized to use such items, either in the personnel file of the officer or by the training division or equivalent entity of the agency, for not less than three years after the date on which the training occurs, and shall provide a copy of such records to the Director upon request.

''(k) SUSPENSION AND TERMINATION.—

''(1) FOR LOST OR STOLEN ITEMS.—In the event an offensive weapon or ordnance transferred to a State or local law enforcement agency under this section is lost, stolen, or misappropriated, the Director of the Defense Logistics Agency, after providing the law enforcement agency with notice and the opportunity to contest the allegation, shall suspend the law enforcement agency from eligibility for receipt of items under this section for a period of six months.

''(2) INTENTIONAL FALSIFICATION OF INFORMATION.—In the event a State or local law enforcement agency is determined by the Director (or the designee of the Director) to have intentionally falsified any information in requesting or applying for items under this section, the Director, after providing the law enforcement agency with notice and the opportunity to contest the determination, shall terminate the law enforcement agency from eligibility for receipt of items under this section until such time as the head of the law enforcement agency is replaced.

''(l) CONSTRUCTION WITH OTHER DLA AUTHORITY.—Nothing in this section shall be construed to override, alter, or supersede the authority of the Director of the Defense Logistics Agency to dispose of property of the Department of Defense that is not a controlled defense item to law enforcement agencies under another provision of law.

''(m) DEFINITIONS.—In this section:

''(1) The term 'bayonet' means a large knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for the purposes of hand-to-hand combat.

''(2) The term 'breaching apparatus' means a tool designed to provide law enforcement rapid entry into a building or through a secured doorway, including battering rams or similar entry devices, ballistic devices, and explosive devices.

''(3) The term 'controlled defense item' means property of the Department of Defense that is subject to the restriction of the United States Munitions List (22 Code of Federal Regulations Part 121) or the Commerce Control List (15 Code of Federal Regulations Part 774).

''(4) The term 'eligible defense item' means a controlled defense item that is eligible for transfer to a law enforcement agency pursuant to this section.

''(5) The term 'fixed wing manned aircraft' means a powered aircraft with a crew aboard, such as airplanes, that uses a fixed wing for lift.

''(6) The term 'grenade launcher' means a firearm or firearm accessory designed to launch small explosive projectiles.

''(7) The term 'riot baton' means a non-expandable baton of greater length than service-issued types that are intended to protect its wielder during melees by providing distance from assailants. The term does not

include a service-issued telescopic or fixed length straight baton.

''(8) The term 'specialized firearm and ammunition under .50 caliber' means a weapon and corresponding ammunition for specialized operations or assignments. The term does not include service-issued handguns, rifles, or shotguns that are issued or approved by an agency to be used during the course of regularly assigned duties.

''(9) The term 'State Coordinator' means an individual appointed by the Governor of a State—

''(A) to manage requests of State and local law enforcement agencies of the State for eligible defense items; and

''(B) to ensure the appropriate use of eligible defense items transferred under this section by such law enforcement agencies.

''(10) The term 'State or local law enforcement agency' means a State or local agency or entity with law enforcement officers that have arrest and apprehension authority and whose primary function is to enforce the laws. The term includes a local educational agency with such officers. The term does not include a firefighting agency or entity.

''(11) The term 'SWAT team' means a Special Weapons and Tactics team or other specialized tactical team composed of State or local sworn law enforcement officers.

''(12) The term 'tactical military vehicle' means an armored vehicle having military characteristics resulting from military research and development processes that is designed primarily for use by forces in the field in direct connection with, or support of, combat or tactical operations.

''(13) The term 'tracked armored vehicle' means a vehicle that provides ballistic protection to their occupants and utilizes a tracked system instead of wheels for forward motion.

''(14) The term 'unmanned aerial vehicle' means a remotely piloted, powered aircraft without a crew aboard.

''(15) The term 'wheeled armored vehicle' means any wheeled vehicle either purpose-built or modified to provide ballistic protection to its occupants, such as a Mine Resistant Ambush Protected (MRAP) vehicle of an Armored Personnel Carrier.

''(16) The term 'wheeled tactical vehicle' means a vehicle purpose-built to operate onroad and offroad in support of military operations, such as a HMMWV ('Humvee'), 2.5ton truck, 5ton truck, or a vehicle with a breaching or entry apparatus attached.''.

(b) IN GENERAL.—Chapter 153 of title 10, United States Code, is amended by inserting after section 2576b the following new section:

''§ 2576c. Excess property: priority in transfer to other Federal agencies of property also transferrable to State and local agencies

''(a) IN GENERAL.—In transferring excess property of the Department of Defense under authorities specified in subsection (b) that authorize the transfer of such property to both other Federal agencies and State and local agencies, the Secretary of Defense shall afford a priority to other Federal agencies in the transfer of any property that is not a controlled defense item.

''(b) AUTHORITIES.—The authorities specified in this subsection are the following:

''(1) The authority to transfer personal property for law enforcement activities under section 2576a of this title.

''(2) The authority to transfer personal property to assist firefighting activities under section 2576b of this title.

''(3) The authority to transfer documents, artifacts, and other materiel under section 2572 of this title.

''(4) The authority to transfer nonlethal supplies for homeless and humanitarian relief under section 2557 of this title.

''(5) The authority to make foreign military sales under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

''(6) The authority to transfer research equipment under section 11(i) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(i)).

''(7) Such other authorities relating to transfer of property of the Department as the Secretary designates for purposes of this section.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of such title is amended by inserting after the item relating to section 2576b the following new item:

''2576c. Excess property: priority in transfer to other Federal agencies of property also transferrable to State and local agencies.''.

SEC. 1054. EXEMPTION OF INFORMATION ON MILITARY TACTICS, TECHNIQUES, AND PROCEDURES FROM RELEASE UNDER FREEDOM OF INFORMATION ACT.

(a) EXEMPTION.—Subsection (a) of section 130e of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting ''or information related to military tactics, techniques, and procedures'' after ''security information'';

(2) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) the information is—

''(A) Department of Defense critical infrastructure security information; or

''(B) related to a military tactic, technique, or procedure, including a military rule of engagement;'';

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following new paragraph (2):

''(2) the public disclosure of the information could reasonably be expected to risk impairment of the effective operation of Department of Defense by providing an advantage to an adversary or potential adversary; and''.

(b) DEFINITIONS.—Subsection (c) of such section—

(1) is transferred to the end of such section and redesignated as subsection (f); and

(2) as so transferred and redesignated, is amended—

(A) by striking ''DEFINITION.—In this section, the''and inserting the following: ''DEFINITIONS.—In this section:''

''(1) DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—The''; and

(B) by adding at the end the following new paragraphs:

''(2) TACTIC.—The term 'tactic' means the employment and ordered arrangement of forces in relation to each other.

''(3) TECHNIQUE.—The term 'technique' means a non-prescriptive way or method used to perform a mission, function, or task.

''(4) RULE OF ENGAGEMENT.—The term 'rule of engagement' means a directive issued by a competent military authority that delineates the circumstances and limitations under which the armed forces will initiate or continue combat engagement with other forces encountered.''.

(c) DELEGATION AND TRANSPARENCY.—Such section is further amended—

(1) by striking subsection (d);

(2) by redesignating subsections (e) and (f) (as transferred and redesignated by subsection (b)(1) of this section) as subsections (c) and (e), respectively; and

(3) in subsection (c), as redesignated by paragraph (2)—

(A) by striking '', or the Secretary's designee,''; and

(B) by striking ''through the Office of the Director of Administration and Management'' and inserting ''in accordance with guidelines prescribed by the Secretary''.

(d) CITATION FOR PURPOSES OF OPEN FOIA ACT OF 2009.—Such section is further amended—

(1) in subsection (a), as amended by subsection (a) of this section, by striking ''pursuant to section 552(b)(3) of title 5'' in the matter preceding paragraph (1); and

(2) by inserting after subsection (c), as redesignated by subsection (c)(2) of this section, the following new subsection (d):

''(d) CITATION FOR PURPOSES OF OPEN FOIA ACT OF 2009.—This section is a statute that specifically exempts certain matters from disclosure under section 552 of title 5, as described in subsection (b)(3) of that section.''.

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 130e. Nondisclosure of information: critical infrastructure; military tactics, techniques, and procedures''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130e and inserting the following new item:

''130e. Nondisclosure of information: critical infrastructure; military tactics, techniques, and procedures''.

SEC. 1055. TREATMENT OF CERTAIN SENSITIVE INFORMATION BY STATE AND LOCAL GOVERNMENTS.

(a) SPECIAL NUCLEAR MATERIAL.—Section 128 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) Information that the Secretary prohibits to be disseminated pursuant to subsection (a) that is provided to a State or local government shall remain under the control of the Department of Defense, and a State or local law authorizing or requiring a State or local government to disclose such information shall not apply to such information.''.

(b) CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—Section 130e of such title is amended—

(1) by transferring subsection (c) to the end of such section and redesignating such subsection, as so transferred, as subsection (f); and

(2) by striking subsection (b) and inserting the following new subsections:

''(b) DESIGNATION OF DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—In addition to any other authority or requirement regarding protection from dissemination of information, the Secretary may designate information as being Department of Defense critical infrastructure security information, including during the course of creating such information, to ensure that such information is not disseminated without authorization. Information so designated is subject to the determination process under subsection (a) to determine whether to exempt such information from disclosure described in such subsection.

''(c) INFORMATION PROVIDED TO STATE AND LOCAL GOVERNMENTS.—(1) Department of Defense critical infrastructure security information covered by a written determination

under subsection (a) or designated under subsection (b) that is provided to a State or local government shall remain under the control of the Department of Defense.

''(2)(A) A State or local law authorizing or requiring a State or local government to disclose Department of Defense critical infrastructure security information that is covered by a written determination under subsection (a) shall not apply to such information.

''(B) If a person requests pursuant to a State or local law that a State or local government disclose information that is designated as Department of Defense critical infrastructure security information under subsection (b), the State or local government shall provide the Secretary an opportunity to carry out the determination process under subsection (a) to determine whether to exempt such information from disclosure pursuant to subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—

(1) SECTION 128.—The heading of section 128 of such title is amended to read as follows:

''§ 128. Control and physical protection of special nuclear material: limitation on dissemination of unclassified information''.

(2) SECTION 130E.—Section 130e of such title is further amended—

(A) by striking the section heading and inserting the following new section heading:

''§ 130e. Control and protection of critical infrastructure security information'';

(B) in subsection (a), by striking the subsection heading and inserting the following new subsection heading; ''EXEMPTION FROM FREEDOM OF INFORMATION ACT.—'';

(C) in subsection (d), by striking the subsection heading and inserting the following new subsection heading: ''DELEGATION OF DETERMINATION AUTHORITY.—''; and

(D) in subsection (e), by striking the subsection heading and inserting the following new subsection heading: ''TRANSPARENCY OF DETERMINATIONS.—''.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 3 of such title is amended—

(1) by striking the item relating to section 128 and inserting the following new item:

''128. Control and physical protection of special nuclear material: limitation on dissemination of unclassified information.''; and

(2) by striking the item relating to section 130e and inserting the following new item:

''130e. Control and protection of critical infrastructure security information.''.

SEC. 1056. RECOVERY OF EXCESS FIREARMS, AMMUNITION, AND PARTS GRANTED TO FOREIGN COUNTRIES AND TRANSFER TO CERTAIN PERSONS.

(a) RECOVERY.—Subchapter II of chapter 407 of title 36, United States Code, is amended by inserting after section 40728A the following new section:

''§ 40728B. Recovery of excess firearms, ammunition, and parts granted to foreign countries and transfer to certain persons

''(a) AUTHORITY TO RECOVER.—(1) Subject to paragraph (2) and subsection (b), the Secretary of the Army may acquire from any person any firearm, ammunition, repair parts, or other supplies described in section 40731(a) of this title which were—

''(A) provided to any country on a grant basis under the conditions imposed by section 505 of the Foreign Assistance Act of 1961 (22 U.S.C. 2314) that became excess to the needs of such country; and

''(B) lawfully acquired by such person.

''(2) The Secretary of the Army may not acquire anything under paragraph (1) except for transfer to a person in the United States under subsection (c).

''(3) The Secretary of the Army may accept firearms, ammunition, repair parts, or other supplies under paragraph (1) notwithstanding section 1342 of title 31.

''(b) COST OF RECOVERY.—The Secretary of the Army may not acquire anything under subsection (a) if the United States would incur any cost for such acquisition.

''(c) AVAILABILITY FOR TRANSFER.—Any firearms, ammunition, repair parts, or supplies acquired under subsection (a) shall be available for transfer in the United States to the person from whom acquired if such person—

''(1) is licensed as a manufacturer, importer, or dealer pursuant to section 923(a) of title 18; and

''(2) uses an ammunition depot of the Army that is an eligible facility for receipt of any firearms, ammunition, repair parts, or supplies under this paragraph.

''(d) CONTRACTS.—Notwithstanding subsection (k) of section 2304 of title 10, the Secretary may enter into such contracts or cooperative agreements on a sole source basis pursuant to paragraphs (4) and (5) of subsection (c) of such section to carry out this section.

''(e) FIREARM DEFINED.—In this section, the term 'firearm' has the meaning given such term in section 921 of title 18.''.

(b) SALE.—Section 40732 of such title is amended—

(1) by adding at the end the following new subsection:

''(d) SALES BY OTHER PERSONS.—A person who receives a firearm or any ammunition, repair parts, or supplies under section 40728B(c) of this title may sell, at fair market value, such firearm, ammunition, repair parts, or supplies.''; and

(2) in subsection (c), in the heading, by inserting ''BY THE CORPORATION'' after ''LIMITATION ON SALES''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 407 of such title is amended by inserting after the item relating to section 40728A the following new item:

''40728B. Recovery of excess firearms, ammunition, and parts granted to foreign countries and transfer to certain persons.''.

SEC. 1057. SENSE OF THE SENATE ON DEVELOPMENT AND FIELDING OF FIFTH GENERATION AIRBORNE SYSTEMS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The term ''fifth generation'', with respect to airborne systems, means those airborne systems capable of operating effectively in highly contested battle spaces defined by the most capable currently fielded threats, and those reasonably expected to be operational in the foreseeable future.

(2) Continued modernization of Department of Defense airborne systems such as fighters, bombers, and intelligence, surveillance, and reconnaissance (ISR) aircraft with fifth generation capabilities is required because—

(A) adversary integrated air defense systems (IADS) have created regions where fourth generation airborne systems may be limited in their ability to effectively operate;

(B) adversary aircraft, air-to-air missiles, and airborne electronic attack or electronic protection systems are advancing beyond the capabilities of fourth generation airborne systems; and

(C) fifth generation airborne systems provide a wider variety of options for a given warfighting challenge, preserve the technological advantage of the United States over near-peer threats, and serve as a force multiplier by increasing situational awareness and combat effectiveness of fourth generation airborne systems.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that development and fielding of fifth generation airborne system systems should include the following:

(1) Multispectral (radar, infrared, visual, emissions) low observable (LO) design features, self-protection jamming, and other capabilities that significantly delay or deny threat system detection, tracking, and engagement.

(2) Integrated avionics that autonomously fuse and prioritize onboard multispectral sensors and offboard information data to provide an accurate realtime operating picture and data download for postmission exploitation and analysis.

(3) Resilient communications, navigation, and identification techniques designed to effectively counter adversary attempts to deny or confuse friendly systems.

(4) Robust and secure networks linking individual platforms to create a common, accurate, and highly integrated picture of the battle space for friendly forces.

(5) Advanced onboard diagnostics capable of monitoring system health, accurately reporting system faults, and increasing overall system performance and reliability.

(6) Integrated platform and subsystem designs to maximize lethality and survivability while enabling decision superiority.

(7) Maximum consideration for the fielding of unmanned platforms either employed in concert with fifth generation manned platforms or as standalone unmanned platforms, to increase warfighting effectiveness and reduce risk to personnel during high risk missions.

(8) Advanced air-to-air, air-to-ground, and other weapons able to leverage fifth generation capabilities.

(9) Comprehensive and high-fidelity live, virtual, and constructive training systems, updated range infrastructure, and sufficient threat-representative adversary training assets to maximize fifth generation force proficiency, effectiveness, and readiness while protecting sensitive capabilities.

SEC. 1058. TECHNICAL AND CONFORMING AMENDMENTS.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016.—The National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended—

(1) in section 804(d)(3), by inserting ''within 5 business days after such transfer'' before the period at the end of the first sentence; and

(2) in section 809(e)(2)(A), by striking ''repealed'' and inserting ''rescinded''.

(b) SECTION 2431B OF TITLE 10, UNITED STATES CODE.—Subsection (d) of section 2431b of title 10, United States Code, is amended to read as follows:

''(d) DEFINITIONS.—

''(1) CONCURRENCY.—The term 'concurrency' means, with respect to an acquisition strategy, the combination or overlap of program phases or activities.

''(2) MAJOR DEFENSE ACQUISITION PROGRAMS AND MAJOR SYSTEMS.—The terms 'major defense acquisition programs' and 'major systems' have the meanings provided in section 2431a of this title.''.

Subtitle G—National Commission on Military, National, and Public Service

SEC. 1066. PURPOSE AND SCOPE.

(a) PURPOSE.—The purpose of this subtitle is to establish the National Commission on Military, National, and Public Service to—

(1) conduct a review of the military selective service process (commonly referred to as ''the draft''); and

(2) consider methods to increase participation in military, national, and public service in order to address national security and other public service needs of the Nation.

(b) SCOPE OF REVIEW.—In order to provide the fullest understanding of the matters required under the review under subsection (a), the Commission shall consider—

(1) the need for a military selective service process, including the continuing need for a mechanism to draft large numbers of replacement combat troops;

(2) means by which to foster a greater attitude and ethos of service among United States youth, including an increased propensity for military service;

(3) the feasibility and advisability of modifying the military selective service process in order to obtain for military, national, and public service individuals with skills (such as medical, dental, and nursing skills, language skills, cyber skills, and science, technology, engineering, and mathematics (STEM) skills) for which the Nation has a critical need, without regard to age or sex; and

(4) the feasibility and advisability of including in the military selective service process, as so modified, an eligibility or entitlement for the receipt of one or more Federal benefits (such as educational benefits, subsidized or secured student loans, grants or hiring preferences) specified by the Commission for purposes of the review.

(c) DEFINITIONS.—In this subtitle:

(1) The term ''military service'' means active service (as that term is defined in subsection (d)(3) of section 101 of title 10, United States Code) in one of the uniformed services (as that term is defined in subsection (a)(5) of such section).

(2) The term ''national service'' means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.

(3) The term ''public service'' means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission for purposes of this subtitle.

SEC. 1067. NATIONAL COMMISSION ON MILITARY, NATIONAL, AND PUBLIC SERVICE.

(a) ESTABLISHMENT.—There is established in the executive branch an independent commission to be known as the National Commission on Military, National, and Public Service (in this subtitle referred to as the ''Commission''). The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(b) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 11 members appointed as follows:

(A) The President shall appoint three members.

(B) The Majority Leader of the Senate shall appoint one member.

(C) The Minority Leader of the Senate shall appoint one member.

(D) The Speaker of the House of Representatives shall appoint one member.

(E) The Minority Leader of the House of Representatives shall appoint one member.

(F) The Chairman of the Committee on Armed Services of the Senate shall appoint one member.

(G) The Ranking Member of the Committee on Armed Services of the Senate shall appoint one member.

(H) The Chairman of the Committee on Armed Services of the House of Representatives shall appoint one member.

(I) The Ranking Member of the Committee on Armed Services of the House of Representatives shall appoint one member.

(2) DEADLINE FOR APPOINTMENT.—Members shall be appointed to the Commission under paragraph (1) not later than 90 days after the Commission establishment date.

(3) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under subparagraph (B), (C), (D), (E), (F), (G), (H), or (I) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(c) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and Vice Chair from amount its members.

(d) TERMS.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.

(e) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.

(f) PAY FOR MEMBERS OF THE COMMISSION.—

(1) IN GENERAL.—Each member, other than the Chair, of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) CHAIR.—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(g) USE OF GOVERNMENT INFORMATION.—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties. Upon such request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(h) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(i) AUTHORITY TO ACCEPT GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, goods, and property from non-Federal entities for the purposes of aiding and facilitating the work of the Commission. The authority in this subsection does not extend to gifts of money.

(j) PERSONAL SERVICES.—

(1) AUTHORITY TO PROCURE.—The Commission may—

(A) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with the provisions of section 3109 of title 5, United States Code; and

(B) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence, while such individuals are traveling from their homes or places of business to duty stations.

(2) LIMITATION.—The total number of experts or consultants procured pursuant to paragraph (1) may not exceed five experts or consultants.

(3) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 1068. COMMISSION HEARINGS AND MEETINGS.

(a) IN GENERAL.—The Commission shall conduct hearings on the recommendations it is taking under consideration. Any such hearing, except a hearing in which classified information is to be considered, shall be open to the public. Any hearing open to the public shall be announced on a Federal website at least 14 days in advance. For all hearings open to the public, the Commission shall release an agenda and a listing of materials relevant to the topics to be discussed. The Commission is authorized and encouraged to hold hearings and meetings in various locations throughout the country to provide maximum opportunity for public comment and participation in the Commission's execution of its duties.

(b) MEETINGS.—

(1) INITIAL MEETING.—The Commission shall hold its initial meeting not later than 30 days after the date as of which all members have been appointed.

(2) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the Chair or a majority of its members.

(3) PUBLIC MEETINGS.—Each meeting of the Commission shall be held in public unless any member objects or classified information is to be considered.

(c) QUORUM.—Six members of the Commission shall constitute a quorum, but a lesser number may hold hearings or meetings.

(d) PUBLIC COMMENTS.—

(1) SOLICITATION.—The Commission shall seek written comments from the general public and interested parties on matters of the Commission's review under this subtitle. Comments shall be requested through a solicitation in the Federal Register and announcement on the Internet website of the Commission.

(2) PERIOD FOR SUBMITTAL.—The period for the submittal of comments pursuant to the

solicitation under paragraph (1) shall end not earlier than 30 days after the date of the solicitation and shall end on or before the date on which recommendations are transmitted to the Commission under section 1069(d).

(3) USE BY COMMISSION.—The Commission shall consider the comments submitted under this subsection when developing its recommendations.

(e) SPACE FOR USE OF COMMISSION.—Not later than 90 days after the date of the enactment of this Act, the Administrator of General Services, in consultation with the Secretary, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 90-day period, the Commission may lease space to the extent the funds are available.

(f) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

SEC. 1069. PRINCIPLES AND PROCEDURE FOR COMMISSION RECOMMENDATIONS.

(a) CONTEXT OF COMMISSION REVIEW.—The Commission shall—

(1) conduct review of the military selective service process; and

(2) consider methods to increase participation in military, national and public service opportunities to address national security and other public service needs of the Nation.

(b) DEVELOPMENT OF COMMISSION RECOMMENDATIONS.—The Commission shall develop recommendations on the matters subject to its review under subsection (a) that are consistent with the principles established by the President under subsection (c).

(c) PRESIDENTIAL PRINCIPLES.—

(1) IN GENERAL.—Not later than three months after the Commission establishment date, the President shall establish and transmit to the Commission and Congress principles for reform of the military selective service process, including means by which to best acquire for the Nation skills necessary to meet the military, national, and public service requirements of the Nation in connection with that process.

(2) ELEMENTS.—The principles required under this subsection shall address the following:

(A) Whether, in light of the current and predicted global security environment and the changing nature of warfare, there continues to be a continuous or potential need for a military selective service process designed to produce large numbers of combat members of the Armed Forces, and if so, whether such a system should include mandatory registration by all citizens and residents, regardless of sex.

(B) The need, and how best to meet the need, of the Nation, the military, the Federal civilian sector, and the private sector (including the non-profit sector) for individuals possessing critical skills and abilities, and how best to employ individuals possessing those skills and abilities for military, national, or public service.

(C) How to foster within the Nation, particularly among United States youth, an increased sense of service and civic responsibility in order to enhance the acquisition by the Nation of critically needed skills through education and training, and how best to acquire those skills for military, national, or public service.

(D) How to increase a propensity among United States youth for service in the military, or alternatively in national or public service, including how to increase the pool of qualified applicants for military service.

(E) The need in Government, including the military, and in the civilian sector to increase interest, education, and employment in certain critical fields, including science, technology, engineering, and mathematics (STEM), national security, cyber, linguistics and foreign language, education, health care, and the medical professions.

(F) How military, national, and public service may be incentivized, including through educational benefits, grants, Federally-insured loans, Federal or State hiring preferences, or other mechanisms that the President considers appropriate.

(G) Any other matters the President considers appropriate for purposes of this subtitle.

(d) CABINET RECOMMENDATIONS.—Not later than seven months after the Commission establishment date, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts, as the President shall designate for purposes of this subsection shall jointly transmit to the Commission and Congress recommendations for the reform of the military selective service process and military, national, and public service in connection with that process.

(e) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) REPORT.—Not later than 30 months after the Commission establishment date, the Commission shall transmit to the President and Congress a report containing the findings and conclusions of the Commission, together with the recommendations of the Commission regarding the matters reviewed by the Commission pursuant to this subtitle. The Commission shall include in the report legislative language and recommendations for administrative action to implement the recommendations of the Commission. The findings and conclusions in the report shall be based on the review and analysis by the Commission of the recommendations made under subsection (d).

(2) REQUIREMENT FOR APPROVAL.—The recommendations of the Commission must be approved by at least five members of the Commission before the recommendations may be transmitted to the President and Congress under paragraph (1).

(3) PUBLIC AVAILABILITY.—The Commission shall publish a copy of the report required by paragraph (1) on an Internet website available to the public on the same date on which it transmits that report to the President and Congress under that paragraph.

SEC. 1070. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(b) STAFF.—Subject to subsections (c) and (d), the Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(c) LIMITATIONS ON STAFF.—

(1) NUMBER OF DETAILEES FROM EXECUTIVE DEPARTMENTS.—Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense and other executive branch departments.

(2) PRIOR DUTIES WITHIN EXECUTIVE BRANCH.—A person may not be detailed from the Department of Defense or other executive branch department to the Commission if, in the year before the detail is to begin, that person participated personally and substantially in any matter concerning the preparation of recommendations for the military selective service process and military and public service in connection with that process.

(d) LIMITATIONS ON PERFORMANCE REVIEWS.—No member of the uniformed services, and no officer or employee of the Department of Defense or other executive branch department (other than a member of the uniformed services or officer or employee who is detailed to the Commission), may—

(1) prepare any report concerning the effectiveness, fitness, or efficiency of the performance of the staff of the Commission or any person detailed to that staff;

(2) review the preparation of such a report (other than for administrative accuracy); or

(3) approve or disapprove such a report.

SEC. 1071. JUDICIAL REVIEW PRECLUDED.

Actions under section 1069 of the President, the officials specified or designated under subsection (d) of such section, and the Commission shall not be subject to judicial review.

SEC. 1072. TERMINATION.

Except as otherwise provided in this subtitle, the Commission shall terminate not later than 36 months after the Commission establishment date.

SEC. 1073. FUNDING.

Of the amounts authorized to be appropriated by this Act for fiscal year 2017 for the Department of Defense, up to $15,000,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available to the Commission under the preceding sentence shall remain available until expended.

Subtitle H—Studies and Reports

SEC. 1076. ANNUAL REPORTS ON UNFUNDED PRIORITIES OF THE ARMED FORCES AND THE COMBATANT COMMANDS.

(a) ANNUAL REPORTS REQUIRED.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 222 the following new section:

"§ 222a. Unfunded priorities of the armed forces and combatant commands: annual report

''(a) ANNUAL REPORT.—Not later than 25 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, each officer specified in subsection (b) shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and to the congressional defense committees, a report on the current unfunded priorities of the armed force or forces or combatant command under the jurisdiction or command of such officer.

''(b) OFFICERS.—The officers specified in this subsection are the following:

''(1) The Chief of Staff of the Army.

''(2) The Chief of Naval Operations.

''(3) The Chief of Staff of the Air Force.

''(4) The Commandant of the Marine Corps.

''(5) The commanders of the geographic combatant commands and the commanders of the functional combatant commands.

''(c) ELEMENTS.—

''(1) IN GENERAL.—Each report under this subsection shall specify, for each unfunded priority covered by such report, the following:

''(A) A summary description of such priority, including the objectives to be achieved if such priority is funded (whether in whole or in part).

''(B) The additional funds required to fully fund such priority.

''(C) Account information with respect to such priority, including the following (as applicable):

''(i) Line Item Number (LIN) for applicable procurement accounts.

''(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

''(iii) Sub-activity group (SAG) for applicable operation and maintenance accounts.

''(2) PRIORITIZATION OF PRIORITIES.—Each report shall present the unfunded priorities covered by such report in order of urgency of priority.

''(d) UNFUNDED PRIORITY DEFINED.—In this section, the term 'unfunded priority', in the case of a fiscal year, means a program, activity, or mission requirement that—

''(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;

''(2) is necessary to fulfill a requirement associated with an operational or contingency plan of a combatant command or other validated global force requirement; and

''(3) would have been recommended for funding through the budget referred to in paragraph (1) by the officer submitting the report required by subsection (a) in connection with the budget if—

''(A) additional resources been available for the budget to fund the program, activity, or mission requirement; or

''(B) the program, activity, or mission requirement had emerged before the budget was so submitted.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 222 the following new item:

''222a. Unfunded priorities of the armed forces and combatant commands: annual report.''.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 1003 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 113–239; 126 Stat. 1903) is repealed.

SEC. 1077. ASSESSMENT OF THE JOINT GROUND FORCES OF THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, provide for and oversee an assessment of the joint ground forces of the Armed Forces.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment described in subsection (a). The report shall include the following:

(1) A description of any gaps in the capabilities and capacities of the joint ground forces that threaten the successful execution of decisive operational maneuver by the joint ground forces.

(2) Recommendations for actions to be taken to eliminate or otherwise address such gaps in capabilities or capacities.

SEC. 1078. REPORT ON INDEPENDENT ASSESSMENT OF THE FORCE STRUCTURE OF THE ARMED FORCES TO MEET THE NATIONAL DEFENSE STRATEGY.

(a) REPORT REQUIRED.—The Secretary of Defense shall, as provided in subsection (d), submit to Congress a report setting forth an assessment, obtained by the Secretary from an organization independent of the Department of Defense, of the adequacy and sufficiency of the force structure of the Armed Forces to meet future threats to the United States.

(b) CONDUCT OF REVIEW.—

(1) CONTRACT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall contract with an organization independent of the Department for the review required pursuant to subsection (a).

(2) ENTITY QUALIFICATIONS.—The entity with which the Secretary contracts under this subsection shall be an organization that has—

(A) recognized credentials and expertise in national security and military affairs; and

(B) access to policy experts throughout the United States.

(c) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An identification and assessment of the threats to the United States from Russia, China, North Korea, Iran, the Islamic State of Iraq and the Levant, global terrorism, and other sources.

(2) A description of potential conflicts arising from the threats identified pursuant to paragraph (1) and the proposed responses of the Department and the Armed Forces to meet such threats, including the concepts of operations, the end states desired, the timelines required, the availability of host nation and allied support, the use of weapons of mass destruction, the anticipated duration of the conflicts, and the need, if any, for post-hostilities stabilization operations.

(3) An identification and assessment of the forces, warfighting systems, acquisition programs, and associated personnel strengths required to execute such responses at moderate risk, including the demands of simultaneous or nearly simultaneous conflicts in connection with such threats and ongoing global commitments, with such strengths to include strengths for the regular and reserve components of each Armed Force, for the United States Special Operations Command, and for Government civilian and operational contractor personnel.

(4) An identification and assessment of the funding required to build and sustain the forces, warfighting systems, acquisition programs, and personnel identified pursuant to paragraph (3).

(5) A comparison of the forces, warfighting systems, acquisition programs, manpower, and funding identified pursuant to paragraphs (3) and (4) with the forces, warfighting systems, acquisition programs, manpower, and funding planned in the future-years defense program for fiscal year 2017, as amended by any announced changes.

(6) An assessment of the ability of the forces planned in the future-years defense program for fiscal year 2017 to meet the day-to-day requirements of the commanders of the combatant commands for forward deployments, forward stationing (such as in Korea, Japan, and Europe), crisis response (such as Freedom of Navigation operations), humanitarian assistance and disaster response, no-fly zones, evacuation operations, peacekeeping, counterterrorism, operations in Iraq (Operation Inherent Resolve) and Afghanistan (Operation Resolute Support), allied and partner engagement, and homeland security (including missile defense), including a specification of appropriate dwell times for forces and members of the Armed Forces, an assessment of the ability of the Armed Forces to meet such specified dwell times, and a specification of the readiness levels needed for deployed and nondeployed forces.

(d) DEADLINE FOR REPORT; INTERIM BRIEFINGS.—

(1) SUBMITTAL TO SECRETARY OF DEFENSE.—Not later than 180 days after the date on which the Secretary enters into the contract described in subsection (b)(1), the organization with which the Secretary contracts shall submit to the Secretary a report containing the results of the review required pursuant to subsection (a).

(2) INTERIM REPORTS.—The organization shall provide the Secretary such interim briefings as the Secretary considers appropriate to assist the Department in the preparation of the national defense strategy required by section 118 of title 10, United States Code (as amended by section 1096 of this Act), and the quadrennial roles and missions review required by section 118b of such title.

(3) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the date of the receipt of the report under paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report that the Secretary considers appropriate. The report and such comments shall be transmitted in unclassified form, but may contain a classified annex.

SEC. 1079. ANNUAL REPORT ON OBSERVATION FLIGHTS OVER THE UNITED STATES UNDER THE OPEN SKIES TREATY.

(a) ANNUAL REPORT ON OBSERVATION FLIGHTS.—

(1) IN GENERAL.—Not less frequently than once each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the observation flights over the United States under the Open Skies Treaty during the previous year.

(2) CONTENTS.—Each report required by paragraph (1) shall include, for each observation flight described in such paragraph covered by such report, the following:

(A) A description of the flight path of such observation flight.

(B) An analysis of whether and the extent to which any critical infrastructure of the United States or any covered state party critical was the subject of image capture activities of such observation flight.

(C) A description of the mitigation measures and costs imposed on the Department of Defense or other departments and agencies of the United States Government by such observation flight.

(b) UPGRADE ROADMAP.—In the first report submitted under subsection (a), the Secretary shall also include an upgrade roadmap for the observation aircraft of the United States under the Open Skies Treaty that are located at Offutt Air Force Base, Nebraska, and for any analysis and support staff and equipment required in connection with such aircraft.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COVERED STATE PARTY.—The term ''covered state party'' means a foreign country that—

(A) is a state party to the Open Skies Treaty; and

(B) is not the Russian Federation or Belarus.

(3) OBSERVATION FLIGHT; OBSERVATION AIRCRAFT.—The terms ''observation flight'' and ''observation aircraft'' have the meaning

given such terms in Article II of the Open Skies Treaty.

(4) OPEN SKIES TREATY.—The term ''Open Skies Treaty'' means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

SEC. 1080. REPORTS ON PROGRAMS MANAGED UNDER ALTERNATIVE COMPENSATORY CONTROL MEASURES IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 119a. Programs managed under alternative compensatory control measures: congressional oversight

''(a) ANNUAL REPORT ON CURRENT PROGRAMS UNDER AACMS.—

''(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the programs being managed under alternative compensatory control measures in the Department of Defense.

''(2) ELEMENTS.—Each report under paragraph (1) shall set forth the following:

''(A) The total amount requested for programs being managed under alternative compensatory control measures in the Department in the budget of the President under section 1105 of title 31 for the fiscal year beginning in the fiscal year in which such report is submitted.

''(B) For each program in that budget that is a program being managed under alternative compensatory control measures in the Department—

''(i) a brief description of the program;

''(ii) a brief discussion of the major milestones established for the program;

''(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

''(iv) the estimated total cost of the program and the estimated cost of the program for—

''(I) the current fiscal year;

''(II) the fiscal year for which that budget is submitted; and

''(III) each of the four succeeding fiscal years during which the program is expected to be conducted.

''(3) ELEMENTS ON PROGRAMS COVERED BY MULTIYEAR BUDGETING.—In the case of a report under paragraph (1) submitted in a year during which the budget of the President for the fiscal year concerned does not, because of multiyear budgeting for the Department, include a full budget request for the Department, the report required by paragraph (1) shall set forth—

''(A) the total amount already appropriated for the next fiscal year for programs being managed under alternative compensatory control measures in the Department, and any additional amount requested in that budget for such programs for such fiscal year; and

''(B) for each program that is a program being managed under alternative compensatory control measures in the Department, the information specified in paragraph (2)(B).

''(b) ANNUAL REPORT ON NEW PROGRAMS UNDER AACMS.—

''(1) IN GENERAL.—Not later than February 1 each year, the Secretary shall submit to the congressional defense committees a report that, with respect to each new program being managed under alternative compensatory control measures in the Department, provides—

''(A) notice of the designation of the program as a program being managed under alternative compensatory control measures in the Department; and

''(B) a justification for such designation.

''(2) ADDITIONAL ELEMENTS.—A report under paragraph (1) with respect to a program shall include—

''(A) the current estimate of the total program cost for the program; and

''(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the report.

''(3) NEW PROGRAM BEING MANAGED UNDER ALTERNATIVE COMPENSATORY CONTROL MEASURES DEFINED.—In this subsection, the term 'new program being managed under alternative compensatory control measures' means a program in the Department that has not previously been covered by a report under this subsection.

''(c) REPORT ON CHANGE IN CLASSIFICATION OR DECLASSIFICATION OF PROGRAMS.—

''(1) IN GENERAL.—Whenever a change in the classification of a program being managed under alternative compensatory control measures in the Department is planned to be made, or whenever classified information concerning a program being managed under alternative compensatory control measures in the Department is to be declassified and made public, the Secretary shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

''(2) DEADLINE FOR REPORT.—Except as provided in paragraph (3), a report required by paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement concerned is to occur.

''(3) EXCEPTION.—If the Secretary determines that because of exceptional circumstances the requirement in paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a program covered by paragraph (1), the Secretary may submit the report required by that paragraph regarding the proposed change or public announcement at any time before the proposed change or public announcement is made, and shall include in the report an explanation of the exceptional circumstances.

''(d) MODIFICATION OF CRITERIA OR POLICY FOR DESIGNATING PROGRAMS UNDER ACCMS.—Whenever there is a modification or termination of the policy or criteria used for designating a program as a program being managed under alternative compensatory control measures in the Department, the Secretary shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy or criteria as modified.

''(e) WAIVER.—

''(1) IN GENERAL.—The Secretary may waive any requirement in subsection (a), (b), or (c) that certain information be included in a report under such subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

''(2) NOTICE TO CONGRESS.—If the Secretary exercises the authority in paragraph (1), the Secretary shall provide the information described in the applicable subsection with respect to the program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

''(f) LIMITATION ON INITIATION OF PROGRAMS UNDER ACCMS.—

''(1) NOTICE AND WAIT.—Except as provided in paragraph (2), a program to be managed under alternative compensatory control measures in the Department may not be initiated until—

''(A) the congressional defense committees are notified of the program; and

''(B) a period of 30 days elapses after such notification is received.

''(2) EXCEPTION.—If the Secretary determines that waiting for the regular notification process before initiating a program as described in paragraph (1) would cause exceptionally grave damage to the national security, the Secretary may begin a program to be managed under alternative compensatory control measures in the Department before such waiting period elapses. The Secretary shall notify the congressional defense committees within 10 days of initiating a program under this paragraph, including a justification for the determination of the Secretary that waiting for the regular notification process would cause exceptionally grave damage to the national security.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by adding at the end the following new item:

''119a. Programs managed under alternative compensatory control measures: congressional oversight.''.

SEC. 1081. REQUIREMENT FOR NOTICE AND REPORTING TO COMMITTEES ON ARMED SERVICES ON CERTAIN EXPENDITURES OF FUNDS BY DEFENSE INTELLIGENCE AGENCY.

Section 105(c) of the National Security Act of 1947 (50 U.S.C. 3038(c)) is amended by inserting '', the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives'' after ''committees'' each place it appears.

SEC. 1082. REPEAL OF DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS FOR WHICH STATUTORY REQUIREMENT IS FROM AN AMENDMENT MADE BY AN ANNUAL NATIONAL DEFENSE AUTHORIZATION ACT.

(a) PROVISIONS OF TITLE 10, UNITED STATES DODE.—The following provisions of title 10, United States Code, are repealed: sections 113(c)(2), 113(l), 115a, 115b(a), 118(a)(3), 127d(d), 129(f), 153(c), 179(f)(4) and (5)(B), 229(a), 235, 401(d), 428(f), 974(d)(3), 1705(f), 1722b(c), 2011(e), 2166(i), 2193b(g), 2218(h), 2225(e), 2249c(c), 2249d(f), 2262(d), 2263(b), 2306b(l)(4), 2313a, 2330a(c), 2330a(g), 2350j(f), 2410i(c) (second sentence), 2445b(a), 2475(a), 2506(b), 2537(b), 2561(c), 2564(e), 2674(a)(2), 2687a(a), 2687a(b)(4), 2687a(d)(2), 2711, 2831(e), 2859(c), 2861(d), 2866(b)(3), 2884(c), 2912(d), 4316, 4721(e), 5144(d)(2), 7310(c), 10504(b), 10543(a), and 10543(c).

(b) OTHER PROVISIONS OF LAW.—The following provisions of law are repealed:

(1) Section 9902(f)(2)(B) of title 5, United States Code.

(2) Section 509(k) of title 32, United States Code.

(3) Section 103a(b)(3) of the Sikes Act (16 U.S.C. 670c–1(b)(3)).

(4) Section 1003(c) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note).

(5) Section 3002(c)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3343(c)(4)).

SEC. 1083. REPEAL OF DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS FOR WHICH STATUTORY REQUIREMENT IS SPECIFIED IN AN ANNUAL NATIONAL DEFENSE AUTHORIZATION ACT.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991.—Section 211(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1394) is repealed.

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991.—Section 1518(e) of the National Defense Authorization Act for Fiscal Year 1991 (24 U.S.C. 418(e)) is amended by striking paragraph (2).

(c) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 1603 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended by striking subsection (d).

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000.—Section 366 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended by striking subsection (f).

(e) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002.—The National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) is amended as follows:

(1) Section 346 (115 Stat. 1062) is amended by striking subsection (b).

(2) Section 1008(d) (10 U.S.C. 113 note) is amended by striking paragraph (2).

(f) BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—Section 817 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2306a note) is amended by striking subsection (d).

(g) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004.—Section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note) is amended by striking subsection (c).

(h) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended as follows:

(1) Section 123(d) (119 Stat. 3157) is amended by striking paragraph (1).

(2) Section 218(c) (119 Stat. 3172) is amended by striking paragraph (3).

(3) Section 1224 (10 U.S.C. 113 note) is repealed.

(i) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended as follows:

(1) Section 357 (22 U.S.C. 4865 note) is amended by striking subsection (b).

(2) Section 1017 (120 Stat. 2379) is amended by striking subsection (e).

(j) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 328(b) (10 U.S.C. 4544 note) is amended by striking paragraph (1).

(2) Section 330 (122 Stat. 68) is amended by striking subsection (e).

(3) Section 845 (5 U.S.C. App. 5 note) is repealed.

(k) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(1) Section 943 (122 Stat. 4578) is amended by striking subsection (e).

(2) Section 1014 (122 Stat. 4586), as most recently amended by section 1023 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is amended by striking subsection (c).

(l) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—Section 121 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2212) is amended by striking subsection (e).

(m) IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended as follows:

(1) Section 112(b) (124 Stat. 4153) is amended by striking paragraph (3).

(2) Section 243 (10 U.S.C. 2358 note) is amended by striking subsection (c).

(3) Section 866(d) (10 U.S.C. 2302 note) is amended by striking paragraph (1).

(4) Section 1054 (10 U.S.C. 113 note) is repealed.

(n) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—The National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) is amended as follows:

(1) Section 1081 (10 U.S.C. 168 note) is amended by striking subsection (e).

(2) Section 1102 (5 U.S.C. 9902 note) is amended by striking subsection (b).

(3) Section 1207 (22 U.S.C. 2151 note) is amended by striking subsection (n).

(4) Section 2828 (10 U.S.C. 7291 note) is amended by striking subsection (b).

(5) Section 2867 (10 U.S.C. 2223a note) is amended by striking subsection (d).

(o) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—The National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) is amended as follows:

(1) Section 126 (126 Stat. 1657) is amended by striking subsection (b).

(2) Section 144 (126 Stat. 1663) is amended by striking subsection (c).

(3) Section 716 (10 U.S.C. 1074g note) is amended by striking subsection (e).

(4) Section 865 (126 Stat. 1861) is repealed.

(5) Section 917 (126 Stat. 1878) is repealed.

(6) Section 921(c) (126 Stat. 1878), as amended by section 1622 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3632), is repealed.

(7) Section 955(d) (10 U.S.C. 129a note) is amended by striking paragraph (2).

(8) Section 1009 (126 Stat. 1906) is amended by striking subsection (a).

(9) Section 1079(c) (10 U.S.C. 221 note) is repealed.

(10) Section 1211(d)(3) (126 Stat. 1983), as amended by section 1214(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 907), is repealed.

(11) Section 1273 (22 U.S.C. 2421f) is amended by striking subsection (d).

(12) Section 1276 (10 U.S.C. 2350c note) is amended by striking subsection (e).

(p) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—The National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66) is amended as follows:

(1) Section 907 (10 U.S.C. 1564 note) is amended by striking subparagraph (B) of subsection (c)(3).

(2) Section 923 (10 U.S.C. prec. 421 note) is amended by striking subsection (b).

(3) Section 1107 (10 U.S.C. 2358 note) is amended by striking subsection (g).

(4) Section 1203 (10 U.S.C. 2011 note) is amended by striking subsection (e).

(5) Section 1249 (127 Stat. 925) is repealed.

(6) Section 1601 (10 U.S.C. 2533a note) is amended by striking subsection (b).

(7) Section 1611 (127 Stat. 947) is amended by striking subsection (d).

(8) Section 2916 (127 Stat. 1028) is amended by striking subsection (b).

(q) CARL LEVIN AND HOWARD P. ''BUCK'' MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.—The Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended as follows:

(1) Section 232(e) (10 U.S.C. 2358 note) is repealed.

(2) Section 914 (5 U.S.C. 5911 note) is amended by striking paragraphs (2) and (3) of subsection (d).

(3) Section 1026(d) (128 Stat. 3490) is amended by striking paragraph (1).

(4) Section 1052(b) (128 Stat. 3497) is amended by striking paragraph (2).

(5) Section 1204(b) (10 U.S.C. 2249e note) is repealed.

(6) Section 1205 (128 Stat. 3537) is amended by striking subsection (e).

(7) Section 1206 (10 U.S.C. 2282 note) is amended by striking subsection (e).

(8) Section 1207 (10 U.S.C. 2342 note) is amended by striking subsection (d).

(9) Section 1209 (128 Stat. 3542) is amended by striking subsection (d).

(10) Section 1236(d) (128 Stat. 3559), as amended by section 1223(b)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is repealed.

(11) Section 1268 (10 U.S.C. 9411 note) is amended by striking subsection (g).

(12) Section 1275(b) (128 Stat. 3591) is amended by striking ''and every 180 days thereafter'' and inserting ''and every year thereafter''.

(13) Section 1325 (50 U.S.C. 3715) is amended by striking subsection (e).

(14) Section 1341 (50 U.S.C. 3741) is repealed.

(15) Section 1342 (50 U.S.C. 3742) is repealed.

(16) Section 1534 (128 Stat. 3616) is amended by striking subsection (g).

(17) Section 1607 (128 Stat. 3625) is amended by striking subsection (b).

(18) Section 2821 (10 U.S.C. 2687 note) is amended by striking subsection (a)(3).

(r) CONFORMING REPEAL.—Section 1080 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) is repealed.

SEC. 1084. REPEAL OF REQUIREMENTS RELATING TO EFFICIENCIES PLAN FOR THE CIVILIAN PERSONNEL WORKFORCE AND SERVICE CONTRACTOR WORKFORCE OF THE DEPARTMENT OF DEFENSE.

Section 955 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1896; 10 U.S.C. 129a note) is repealed.

SEC. 1085. REPORT ON PRIORITIES FOR BED DOWNS, BASING CRITERIA, AND SPECIAL MISSION UNITS FOR C–130J AIRCRAFT OF THE AIR FORCE.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Air Force Reserve Command contributes unique capabilities to the total force, including all the weather reconnaissance and aerial spray capabilities, and 25 percent of the Modular Airborne Firefighting System capabilities, of the Air Force; and

(2) special mission units of the Air Force Reserve Command currently operate aging aircraft, which jeopardizes future mission readiness and operational capabilities.

(b) REPORT ON PRIORITIES FOR C–130J BED DOWNS, BASING CRITERIA, AND SPECIAL MISSION UNITS.—Not later than February 1, 2017, the Secretary of the Air Force shall submit to the congressional defense committees a report on the following:

(1) The overall prioritization scheme of the Air Force for future C–130J aircraft unit bed downs.

(2) The strategic basing criteria of the Air Force for C–130J aircraft unit conversions.

(3) The unit conversion priorities for special mission units of the Air Force Reserve Command, the Air National Guard, and the regular Air Force, and the manner which considerations such as age of airframes factor into such priorities.

(4) Such other information relating to C–130J aircraft unit conversions and bed downs as the Secretary considers appropriate.

Subtitle I—Other Matters

SEC. 1086. MILITARY SERVICE MANAGEMENT OF F–35 JOINT STRIKE FIGHTER PROGRAM.

(a) DISESTABLISHMENT OF F–35 JOINT PROGRAM OFFICE.—

(1) IN GENERAL.—Except as provided under subsection (d), not later than 180 days after Milestone C approval for the F–35 Joint Strike Fighter program, the Secretary of Defense shall disestablish the F–35 Joint Program Office and devolve relevant responsibilities to the Department of the Air Force and the Department of the Navy. The Department of the Air Force and the Department of the Navy shall establish separate program offices to manage the production, sustainment, and modernization of their respective aircraft.

(2) RESPONSIBILITIES OF THE DEPARTMENT OF THE AIR FORCE.—The Department of the Air Force shall manage all aspects related to the F–35A variant.

(3) RESPONSIBILITIES OF THE DEPARTMENT OF THE NAVY.—The Department of the Navy shall manage all aspects related to the F–35B and F–35C variants.

(4) COORDINATION.—The Department of the Air Force and the Department of the Navy shall establish processes to coordinate on F–35 Joint Strike Fighter issues where commonality exists.

(b) REPORT.—Not later than February 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report outlining the Department's plan for implementing the changes to management of the F–35 Joint Strike Fighter program required under subsection (a).

(c) GAO REVIEW.—Not later than 90 days after the Secretary of Defense submits the report and implementation plan required under subsection (b), the Comptroller General of the United States shall review the implementation plan and brief the congressional defense committees on its findings.

(d) WAIVER.—The Secretary of Defense may waive the requirements of this section if the Secretary certifies to the congressional defense committees that the current Joint Program Office management structure is the optimal management structure for the F–35 Joint Strike Fighter program, including a business case analysis demonstrating that the current management structure is the optimal structure.

SEC. 1087. TREATMENT OF FOLLOW-ON MODERNIZATION FOR THE F–35 JOINT STRIKE FIGHTER AS A MAJOR DEFENSE ACQUISITION PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall treat the programs referred to in subsection (b) for the F–35 Joint Strike Fighter as a major defense acquisition program for which Selected Acquisition Reports shall be submitted to Congress in accordance with the requirements of section 2432 of title 10, United States Code.

(b) COVERED PROGRAMS.—The programs referred to in this subsection for the F–35 Joint Strike Fighter are the Block 4 Follow-on Modernization and any future F–35 Joint Strike Fighter modernization program that would otherwise, if a standalone program, qualify for treatment as a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

SEC. 1088. REDUCTION IN MINIMUM NUMBER OF NAVY CARRIER AIR WINGS AND CARRIER AIR WING HEADQUARTERS REQUIRED TO BE MAINTAINED.

(a) CODIFICATION AND REDUCTION.—Section 5062 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) The Secretary of the Navy shall ensure that the Navy maintains—

''(1) a minimum of 9 carrier air wings; and

''(2) for each such carrier air wing, a dedicated and fully staffed headquarters.''.

(b) REPEAL OF SUPERSEDED REQUIREMENT.—Section 1093 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1606; 10 U.S.C. 5062 note) is repealed.

SEC. 1089. STREAMLINING OF THE NATIONAL SECURITY COUNCIL.

Section 101 of the National Security Act of 1947 (50 U.S.C. 3021) is amended to read as follows:

''SEC. 101. NATIONAL SECURITY COUNCIL.

''(a) NATIONAL SECURITY COUNCIL.—There is a council known as the National Security Council (in this section referred to as the 'Council').

''(b) FUNCTIONS.—Consistent with the direction of the President, the functions of the Council shall be to—

''(1) advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the Armed Forces and the other departments and agencies of the United States Government to cooperate more effectively in matters involving the national security;

''(2) assess and appraise the objectives, commitments, and risks of the United States in relation to the actual and potential military power of the United States, and make recommendations thereon to the President; and

''(3) make recommendations to the President concerning policies on matters of common interest to the departments and agencies of the United States Government concerned with the national security.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Council consists of the President, the Vice President, the Secretary of State, the Secretary of Defense, and such other officers of the United States Government as the President may designate.

''(2) ATTENDANCE AND PARTICIPATION IN MEETINGS.—The President may designate such other officers of the United States Government as the President considers appropriate, including the Director of National Intelligence, the Director of National Drug Control Policy, and the Chairman of the Joint Chiefs of Staff, to attend and participate in meetings of the Council.

''(d) PRESIDING OFFICERS.—At meetings of the Council, the President shall preside or, in the absence of the President, a member of the Council designated by the President shall preside.

''(e) STAFF.—

''(1) IN GENERAL.—The Council shall have a staff headed by a civilian executive secretary appointed by the President.

''(2) STAFF.—Consistent with the direction of the President and subject to paragraph (3), the executive secretary may, subject to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the President in connection with performance of the functions of the Council.

''(3) NUMBER OF PROFESSIONAL STAFF.—The professional staff for which this subsection provides shall not exceed 150 persons, including persons employed by, assigned to, detailed to, under contract to serve on, or otherwise serving or affiliated with the staff. The limitation in this paragraph does not apply to personnel serving wholly in support or administrative positions.''.

SEC. 1090. FORM OF ANNUAL NATIONAL SECURITY STRATEGY REPORT.

Section 108(c) of the National Security Act of 1947 (50 U.S.C. 3043(c)) is amended by striking ''in both a classified form and an unclassified form'' and inserting ''in classified form, but may include an unclassified summary''.

SEC. 1091. BORDER SECURITY METRICS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Homeland Security of the House of Representatives;

(C) the Committee on the Judiciary of the Senate; and

(D) the Committee on the Judiciary of the House of Representatives.

(2) CONSEQUENCE DELIVERY SYSTEM.—The term ''Consequence Delivery System'' means the series of consequences applied by the Border Patrol to persons unlawfully entering the United States to prevent unlawful border crossing recidivism.

(3) GOT AWAY.—The term ''got away'' means an unlawful border crosser who—

(A) is directly or indirectly observed making an unlawful entry into the United States; and

(B) is not a turn back and is not apprehended.

(4) KNOWN MIGRANT FLOW.—The term ''known migrant flow'' means the sum of the number of undocumented migrants—

(A) interdicted at sea;

(B) identified at sea, but not interdicted;

(C) that successfully entered the United States through the maritime border; or

(D) not described in subparagraph (A), (B), or (C), which were otherwise reported, with a significant degree of certainty, as having entered, or attempted to enter, the United States through the maritime border.

(5) MAJOR VIOLATOR.—The term ''major violator'' means a person or entity that has engaged in serious criminal activities at any land, air, or sea port of entry, including—

(A) possession of illicit drugs;

(B) smuggling of prohibited products;

(C) human smuggling;

(D) weapons possession;

(E) use of fraudulent United States documents; or

(F) other offenses that are serious enough to result in arrest.

(6) SITUATIONAL AWARENESS.—The term ''situational awareness'' means knowledge and unified understanding of current unlawful cross-border activity, including—

(A) threats and trends concerning illicit trafficking and unlawful crossings;

(B) the ability to forecast future shifts in such threats and trends;

(C) the ability to evaluate such threats and trends at a level sufficient to create actionable plans; and

(D) the operational capability to conduct persistent and integrated surveillance of the international borders of the United States.

(7) TRANSIT ZONE.—The term ''transit zone'' means the sea corridors of the western Atlantic Ocean, the Gulf of Mexico, the Caribbean Sea, and the eastern Pacific Ocean through which undocumented migrants and illicit drugs transit, either directly or indirectly, to the United States.

(8) TURN BACK.—The term ''turn back'' means an unlawful border crosser who, after making an unlawful entry into the United States, promptly returns to the country from which such crosser entered.

(9) UNLAWFUL BORDER CROSSING EFFECTIVENESS RATE.—The term ''unlawful border crossing effectiveness rate'' means the percentage that results from dividing—

(A) the number of apprehensions and turn backs; and

(B) the number of apprehensions, estimated unlawful entries, turn backs, and got aways.

(10) UNLAWFUL ENTRY.—The term ''unlawful entry'' means an unlawful border crosser who enters the United States and is not apprehended by a border security component of the Department of Homeland Security.

(b) METRICS FOR SECURING THE BORDER BETWEEN PORTS OF ENTRY.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop metrics, informed by situational awareness, to measure the effectiveness of security between ports of entry. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(A) estimates, including recidivism data, survey data, known-flow data, technologically-measured data, and alternative methodologies considered appropriate by the Secretary, of—

(i) total attempted unlawful border crossings;

(ii) the rate of apprehension of attempted unlawful border crossers; and

(iii) the number of unlawful entries;

(B) measurement of situational awareness achieved in each Border Patrol sector;

(C) an unlawful border crossing effectiveness rate;

(D) a probability of detection, which compares the estimated total unlawful border crossing attempts not detected by the Border Patrol to the unlawful border crossing effectiveness rate, as informed by subparagraph (A);

(E) an illicit drugs seizure rate for drugs seized by the Border Patrol, which compares the ratio of the amount and type of illicit drugs seized by the Border Patrol in any fiscal year to the average of the amount and type of illicit drugs seized by the Border Patrol in the immediately preceding 5 fiscal years;

(F) estimates of the impact of the Consequence Delivery System on the rate of recidivism of unlawful border crossers over multiple fiscal years; and

(G) an examination of each consequence referred to in subparagraph (F), including—

(i) voluntary return;

(ii) warrant of arrest or notice to appear;

(iii) expedited removal;

(iv) reinstatement of removal;

(v) alien transfer exit program;

(vi) Operation Streamline;

(vii) standard prosecution; and

(viii) Operation Against Smugglers Initiative on Safety and Security.

(2) METRICS CONSULTATION.—In developing the metrics required under paragraph (1), the Secretary shall—

(A) consult with the appropriate components of the Department of Homeland Security; and

(B) as appropriate, work with other agencies, including the Office of Refugee Resettlement of the Department of Health and Human Services and the Executive Office for Immigration Review of the Department of Justice, to ensure that authoritative data sources are utilized.

(3) MANNER OF COLLECTION.—The data used by the Secretary of Homeland Security shall be collected and reported in a consistent and standardized manner across all Border Patrol sectors, informed by situational awareness.

(c) METRICS FOR SECURING THE BORDER AT PORTS OF ENTRY.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop metrics, informed by situational awareness, to measure the effectiveness of security at ports of entry. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(A) estimates, using alternative methodologies, including survey data and randomized secondary screening data, of—

(i) total attempted inadmissible border crossings;

(ii) the rate of apprehension of attempted inadmissible border crossings; and

(iii) the number of unlawful entries;

(B) the amount and type of illicit drugs seized by the Office of Field Operations of U.S. Customs and Border Protection at United States land, air, and sea ports during the previous fiscal year;

(C) an illicit drugs seizure rate for drugs seized by the Office of Field Operations, which compares the ratio of the amount and type of illicit drugs seized by the Office of Field Operations in any fiscal year to the average of the amount and type of illicit drugs seized by the Office of Field Operations in the immediately preceding 5 fiscal years;

(D) the number of infractions related to travelers and cargo committed by major violators who are apprehended by the Office of Field Operations at ports of entry, and the estimated number of such infractions committed by major violators who are not apprehended;

(E) a measurement of how border security operations affect crossing times, including—

(i) a wait time ratio that compares the average wait times to total commercial and private vehicular traffic volumes at each port of entry;

(ii) an infrastructure capacity utilization rate that measures traffic volume against the physical and staffing capacity at each port of entry;

(iii) a secondary examination rate that measures the frequency of secondary examinations at each port of entry; and

(iv) an enforcement rate that measures the effectiveness of secondary examinations at detecting major violators; and

(F) a cargo scanning rate that includes—

(i) a comparison of the number of high-risk cargo containers scanned by the Office of Field Operations at each United States seaport during the fiscal year to the total number of high-risk cargo containers entering the United States at each seaport during the previous fiscal year;

(ii) the percentage of all cargo that is considered ''high-risk'' cargo; and

(iii) the percentage of high-risk cargo scanned—

(I) upon arrival at a United States seaport before entering United States commerce; and

(II) before being laden on a vessel destined for the United States.

(2) METRICS CONSULTATION.—In developing the metrics required under paragraph (1), the Secretary shall—

(A) consult with the appropriate components of the Department of Homeland Security; and

(B) as appropriate, work with other agencies, including the Office of Refugee Resettlement of the Department of Health and Human Services and the Executive Office for Immigration Review of the Department of Justice, to ensure that authoritative data sources are utilized.

(3) MANNER OF COLLECTION.—The data used by the Secretary of Homeland Security shall be collected and reported in a consistent and standardized manner across all field offices, informed by situational awareness.

(d) METRICS FOR SECURING THE MARITIME BORDER.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop metrics, informed by situational awareness, to measure the effectiveness of security in the maritime environment. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(A) situational awareness achieved in the maritime environment;

(B) an undocumented migrant interdiction rate, which compares the migrants interdicted at sea to the total known migrant flow;

(C) an illicit drugs removal rate, for drugs removed inside and outside of a transit zone, which compares the amount and type of illicit drugs removed, including drugs abandoned at sea, by the Department of Homeland Security's maritime security components in any fiscal year to the average of the amount and type of illicit drugs removed by the Department of Homeland Security's maritime components for the immediately preceding 5 fiscal years;

(D) a response rate, which compares the ability of the maritime security components of the Department of Homeland Security to respond to and resolve known maritime threats, whether inside and outside a transit zone, by placing assets on-scene, to the total number of events with respect to which the Department has known threat information; and

(E) an intergovernmental response rate, which compares the ability of the maritime security components of the Department of Homeland Security or other United States Government entities to respond to and resolve actionable maritime threats, whether inside or outside the Western Hemisphere transit zone, by targeting maritime threats in order to detect them, and of those threats detected, the total number of maritime threats interdicted or disrupted.

(2) METRICS CONSULTATION.—In developing the metrics required under paragraph (1), the Secretary shall—

(A) consult with the appropriate components of the Department of Homeland Security; and

(B) as appropriate, work with other agencies, including the Drug Enforcement Agency, the Department of Defense, and the Department of Justice, to ensure that authoritative data sources are utilized.

(3) MANNER OF COLLECTION.—The data used by the Secretary of Homeland Security shall be collected and reported in a consistent and standardized manner, informed by situational awareness.

(e) AIR AND MARINE SECURITY METRICS IN THE LAND DOMAIN.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop metrics, informed by situational awareness, to measure the effectiveness of the aviation assets and operations of the Office of Air and Marine of U.S. Customs and Border Protection. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(A) an effectiveness rate, which compares Office of Air and Marine flight hours requirements to the number of flight hours flown by such Office;

(B) a funded flight hour effectiveness rate, which compares the number of funded flight hours appropriated to the Office of Air and Marine to the number of actual flight hours flown by such Office;

(C) a readiness rate, which compares the number of aviation missions flown by the Office of Air and Marine to the number of aviation missions cancelled by such Office due to maintenance, operations, or other causes;

(D) the number of missions cancelled by such Office due to weather compared to the total planned missions;

(E) the number of subjects detected by the Office of Air and Marine through the use of unmanned aerial systems and manned aircrafts;

(F) the number of apprehensions assisted by the Office of Air and Marine through the use of unmanned aerial systems and manned aircrafts;

(G) the number and quantity of illicit drug seizures assisted by the Office of Air and Marine through the use of unmanned aerial systems and manned aircrafts; and

(H) the number of times that actionable intelligence related to border security was obtained through the use of unmanned aerial systems and manned aircraft.

(2) METRICS CONSULTATION.—In developing the metrics required under paragraph (1), the Secretary shall—

(A) consult with the appropriate components of the Department of Homeland Security; and

(B) as appropriate, work with other departments and agencies, including the Department of Justice, to ensure that authoritative data sources are utilized.

(3) MANNER OF COLLECTION.—The data used by the Secretary of Homeland Security shall be collected and reported in a consistent and standardized manner, informed by situational awareness.

(f) DATA TRANSPARENCY.—The Secretary of Homeland Security shall—

(1) in accordance with applicable privacy laws, make data related to apprehensions, inadmissible aliens, drug seizures, and other enforcement actions available to the public, academic research, and law enforcement communities; and

(2) provide the Office of Immigration Statistics of the Department of Homeland Security with unfettered access to the data described in paragraph (1).

(g) EVALUATION BY THE GOVERNMENT ACCOUNTABILITY OFFICE AND THE SECRETARY OF HOMELAND SECURITY.—

(1) METRICS REPORT.—

(A) MANDATORY DISCLOSURES.—The Secretary of Homeland Security shall submit an annual report containing the metrics required under subsections (b) through (e) and the data and methodology used to develop such metrics to—

(i) the appropriate congressional committees; and

(ii) the Comptroller General of the United States.

(B) PERMISSIBLE DISCLOSURES.—The Secretary of Homeland Security, for the purpose of validation and verification, may submit the annual report described in subparagraph (A) to—

(i) the National Center for Border Security and Immigration;

(ii) the head of a national laboratory within the Department of Homeland Security laboratory network with prior expertise in border security; and

(iii) a Federally Funded Research and Development Center sponsored by the Department of Homeland Security.

(2) GAO REPORT.—Not later than 270 days after receiving the first report under paragraph (1)(A), and biennially thereafter for the following 10 years, the Comptroller General of the United States, shall submit a report to the appropriate congressional committees that—

(A) analyzes the suitability and statistical validity of the data and methodology contained in such report; and

(B) includes recommendations to Congress on—

(i) the feasibility of other suitable metrics that may be used to measure the effectiveness of border security; and

(ii) improvements that need to be made to the metrics being used to measure the effectiveness of border security.

(3) STATE OF THE BORDER REPORT.—Not later than 60 days after the end of each fiscal year through fiscal year 2025, the Secretary of Homeland Security shall submit a ''State of the Border'' report to the appropriate congressional committees that—

(A) provides trends for each metric under subsections (b) through (e) for the last 10 years, to the extent possible;

(B) provides selected analysis into related aspects of illegal flow rates, including legal flows and stock estimation techniques; and

(C) includes any other information that the Secretary determines appropriate.

(4) METRICS UPDATE.—

(A) IN GENERAL.—After submitting the final report to the Comptroller General under paragraph (2), the Secretary of Homeland Security may reevaluate and update any of the metrics required under subsections (b) through (e) to ensure that such metrics—

(i) meet the Department of Homeland Security's performance management needs; and

(ii) are suitable to measure the effectiveness of border security.

(B) CONGRESSIONAL NOTIFICATION.—Not later than 30 days before updating the metrics under subparagraph (A), the Secretary shall notify the appropriate congressional committees of such updates.

SEC. 1092. CONSOLIDATION OF MARKETING OF THE ARMY WITHIN THE ARMY MARKETING RESEARCH GROUP.

(a) NATURE OF RESPONSIBILITY.—The marketing the Army, and each of the components of the Army, is the responsibility of the Secretary of the Army in the Secretary's duty as the principal officer responsible for the authority, direction, and control of the Army and each of the components of the Army.

(b) CONSOLIDATION WITHIN AMRG.—

(1) CONSOLIDATION REQUIRED.—Not later than October 1, 2017, the Secretary of the Army shall consolidate within the Army Marketing Research Group all functions relating to the marketing of the Army and each of the components of the Army in order to assure unity of effort and cost effectiveness in the marketing of the Army and each of the components of the Army.

(2) REPORT.—Not later than October 1, 2016, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan of the Secretary to carry out the consolidation required by paragraph (1).

SEC. 1093. PROTECTION AGAINST MISUSE OF NAVAL SPECIAL WARFARE COMMAND INSIGNIA.

(a) IN GENERAL.—Chapter 663 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7882. Protection against misuse of insignia of Naval Special Warfare Command

''(a) PROTECTION AGAINST MISUSE.—Subject to subsection (b), no person may use any covered Naval Special Warfare insignia in connection with any promotion, good, service, or other commercial activity when a particular use would be likely to suggest a false affiliation, connection, or association with, endorsement by, or approval of, the United States, the Department of Defense, or the Department of the Navy.

''(b) EXCEPTION.—Subsection (a) shall not apply to the use of a covered Naval Special Warfare insignia for purposes such as criticism, comment, news reporting, analysis, research, or scholarship.

''(c) TREATMENT OF DISCLAIMERS.—Any determination of whether a person has violated this section shall be made without regard to any use of a disclaimer of affiliation, connection, or association with, endorsement by, or approval of the United States Government, the Department of Defense, the Department of the Navy, or any subordinate organization thereof to the extent consistent with international obligations of the United States.

''(d) ENFORCEMENT.—Whenever it appears to the Attorney General that any person is engaged in, or is about to engage in, an act or practice that constitutes or will constitute conduct prohibited by this section, the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice, and such court may take such injunctive or other action as is warranted to prevent the act, practice, or conduct.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of the Navy to register any symbol, name, phrase, term, acronym, or abbreviation otherwise capable of registration under the provisions of the Act of July 5, 1946, popularly known as the Lanham Act or the Trademark Act of 1946 (15 U.S.C. 1051 et seq.).

''(f) COVERED NAVAL SPECIAL WARFARE INSIGNIA DEFINED.—In this section, the term 'covered Naval Special Warfare insignia' means any of the following:

''(1) The Naval Special Warfare insignia comprising or consisting of the design of an eagle holding an anchor, trident, and flintlock pistol.

''(2) The Special Warfare Combatant Craft Crewman insignia comprising or consisting of the design of the bow and superstructure of a Special Operations Craft on a crossed flint-lock pistol and enlisted cutlass, on a background of ocean swells.

''(3) Any colorable imitation of the insignia referred to in paragraphs (1) and (2), in a manner which could reasonably be interpreted or construed as conveying the false impression that an advertisement, solicitation, business activity, or product is in any manner approved, endorsed, sponsored, or authorized by, or associated with, the United

States Government, the Department of Defense, or the Department of the Navy.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 663 of such title is amended by adding at the end the following new item:

''7882. Protection against misuse of insignia of Naval Special Warfare Command.''.

SEC. 1094. PROGRAM TO COMMEMORATE THE 100TH ANNIVERSARY OF THE TOMB OF THE UNKNOWN SOLDIER.

(a) COMMEMORATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier. In conducting the commemorative program, the Secretary shall coordinate, support, and facilitate other programs and activities of the Federal Government and State and local governments.

(2) WORK WITH NONGOVERNMENTAL ORGANIZATIONS.—In conducting the commemorative program, the Secretary may work with nongovernmental organizations working to support the commemoration of the Tomb of the Unknown Soldier. No public funds may be used to undertake activities sponsored by such organizations.

(b) SCHEDULE.—The Secretary shall determine the schedule of major events and priority of efforts for the commemorative program in order to ensure achievement of the objectives specified in subsection (c).

(c) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To honor America's commitment to never forget or forsake those who served and sacrificed for our Country, including personnel who were held as prisoners of war or listed as missing in action, and to thank and honor the families of these veterans.

(2) To highlight the service of the Armed Forces in times of war or armed conflict and contributions of Federal agencies and governmental and nongovernmental organizations that served with, or in support of, the Armed Forces.

(3) To pay tribute to the contributions made on the home front by the people of the United States in times of war or armed conflict.

(4) To educate the American Public about service and sacrifice on behalf of the United States of America and the principles that define and unite us.

(5) To recognize the contributions and sacrifices made by the allies of the United States during times of war or armed conflict.

(d) NAMES AND SYMBOLS.—The Secretary shall have the sole and exclusive right to use the name ''The United States of America Tomb of the Unknown Soldier Commemoration'', and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(e) COMMEMORATION FUND.—

(1) IN GENERAL.—Upon the establishment of the commemorative program under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the ''Tomb of the Unknown Soldier Commemoration Fund'' (in this subsection referred to as the ''Fund''). The Fund shall be administered by the Secretary of Defense.

(2) DEPOSITS.—There shall be deposited into the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Proceeds derived from the use by the Secretary of Defense of the exclusive rights described in subsection (d).

(C) Donations made in support of the commemorative program by private and corporate donors.

(D) Funds transferred to the Fund by the Secretary of Defense from funds appropriated for fiscal year 2017 and subsequent years for the Department of Defense.

(3) USE OF FUND.—The Secretary of Defense shall use the assets of the Fund only for the purpose of conducting the commemorative program. The Secretary shall prescribe such regulations regarding the use of the Fund as the Secretary considers appropriate.

(4) AVAILABILITY.—Amounts deposited under paragraph (2) shall constitute the assets of the Fund and remain available until expended.

(5) BUDGET REQUEST.—The Secretary of Defense may establish a separate budget line for the commemorative program. In the budget justification materials submitted by the Secretary in support of the budget of the President for any fiscal year for which the Secretary establishes the separate budget line (as submitted to Congress pursuant to section 1105 of title 31, United States Code), the Secretary shall—

(A) identify and explain any amounts expended for the commemorative program in the fiscal year preceding the budget request;

(B) identify and explain the amounts being requested to support the commemorative program for the fiscal year of the budget request; and

(C) present a summary of the fiscal status of the Fund.

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(g) FINAL REPORT.—Not later than 60 days after the end of the commemorative program, if established by the Secretary of Defense under subsection (a), the Secretary shall submit to Congress a report containing an accounting of the following:

(1) All of the funds deposited into and expended from the Tomb of the Unknown Soldier Commemoration Fund.

(2) Any other funds expended under this section.

(3) Any unobligated funds remaining in the Fund.

SEC. 1095. SENSE OF CONGRESS REGARDING THE OCONUS BASING OF THE KC–46A AIRCRAFT.

(a) FINDING.—Congress finds that the Department of Defense is continuing its process of permanently stationing the KC–46A aircraft at installations in the Continental United States (in this section referred to as ''CONUS'') and forward-basing outside the Continental United States (in this section referred to as ''OCONUS'').

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force, as part of the strategic basing process for the KC–46A aircraft, should continue to place emphasis on and consider the benefits derived from outside the continental United States (OCONUS) locations that—

(1) support day-to-day air refueling operations, combatant commander operations plans, and flexibility for contingency ops, and have—

(A) a strategic location that is essential to the defense of the United States and its interests;

(B) receivers for boom or probe-and-drogue training opportunities with joint and international partners; and

(C) sufficient airfield and airspace availability and capacity to meet requirements; and

(2) possess facilities that—

(A) take full advantage of existing infrastructure to provide—

(i) runway, hangars, and aircrew and maintenance operations; and

(ii) sufficient fuels receipt, storage, and distribution for 5-day peacetime operating stock; and

(B) minimize overall construction and operational costs.

SEC. 1096. REPLACEMENT OF QUADRENNIAL DEFENSE REVIEW WITH NATIONAL DEFENSE STRATEGY.

(a) REPLACEMENT OF QUADRENNIAL REVIEW WITH NATIONAL DEFENSE STRATEGY.—Section 118 of title 10, United States Code, is amended to read as follows:

''§ 118. National defense strategy

''(a) PRESENTATION OF DEFENSE STRATEGY.—

''(1) IN GENERAL.—Except as provided in paragraph (5), in January each year, the Secretary of Defense shall present to the congressional defense committees a defense strategy for such year. The strategy shall be known as the 'national defense strategy' for the year concerned.

''(2) ELEMENTS.—The defense strategy for a year shall include the following:

''(A) The highest priority missions for the Department of Defense.

''(B) The most critical and enduring threats to the national security of the United States and its allies posed by states or non-state actors, and the strategies that the Department will employ to counter such threats and provide for the national defense.

''(C) A strategic framework that conforms to resource levels prescribed by the Secretary for the manner in which the Department will prioritize among the threats described in subparagraph (B) and the missions specified pursuant to subparagraph (A), allocate the resulting risks, and seek to mitigate such risks.

''(D) The major investments in defense capabilities, force readiness, global posture, and technological innovation that the Department will make over the following five-year period in accordance with the strategic framework described in subparagraph (C).

''(3) ADVICE OF CHAIRMAN OF JCS.—The Secretary shall seek the military advice of the Chairman of the Joint Chiefs of Staff in preparing each defense strategy required by this subsection.

''(4) FORM.—Each defense strategy under this subsection shall be presented in classified form, and shall also include a written unclassified summary.

''(5) SUBMITTAL IN YEARS OF NEW ADMINISTRATION.—In a year following an election for President, which election results in the President appointing a new Secretary of Defense, the Secretary shall present the defense strategy required by this subsection as soon

as possible after appointment by and with the advice and consent of the Senate.

''(b) NATIONAL DEFENSE PANEL.—

''(1) QUADRENNIAL PANEL REQUIRED.—Not later than February 1 of a year following a year evenly divisible by four, there shall be established an independent panel to be known as the National Defense Panel (in this subsection referred to as the 'Panel').

''(2) MEMBERSHIP.—The Panel shall be composed of ten members from private civilian life who are recognized experts in matters relating to the national security of the United States. Eight of the members shall be appointed as follows:

''(A) Two by the chair of the Committee on Armed Services of the Senate.

''(B) Two by the chair of the Committee on Armed Services of the House of Representatives.

''(C) Two by the ranking member of the Committee on Armed Services of the Senate.

''(D) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

''(3) CO-CHAIRS PANEL.—In addition to the members appointed under paragraph (2), the Secretary of Defense shall appoint two members of the Panel from private civilian life to serve as co-chairs of the Panel.

''(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

''(5) FIRST MEETING.—If the Secretary of Defense has not made appointments to the Panel under paragraph (3) by March 1 of a year in which the Panel is established, the Panel shall convene for its first meeting with its other members on that date.

''(6) RECEIPT OF NATIONAL DEFENSE STRATEGY.—The national defense strategy under subsection (a) for a year in which the Panel is established under this subsection shall be submitted to the Panel by the Secretary not later than March 1 of such year.

''(7) DUTIES.—The Panel shall have the following duties:

''(A) Assessing the current national defense strategy submitted to the Panel pursuant to paragraph (5).

''(B) Identifying any changes in domestic or international circumstances that could undermine or limit the effectiveness of the national defense strategy.

''(C) Assessing the key assumptions on which the national defense strategy is based.

''(D) Evaluating the efforts of the Department of Defense to mitigate risks in connection with the strategic framework and choices in the national defense strategy.

''(E) Assessing the extent to which the current annual budget, future-years defense program, and other critical activities of the Department align with the national defense strategy.

''(F) Considering alternative national defense strategies.

''(G) Providing to the Secretary and Congress, in the report required by paragraph (8), any recommendations the Panel considers appropriate for consideration.

''(8) REPORT.—Not later than November 1 of each year in which the Panel is established, the Panel shall submit to the Secretary and the congressional defense committees a report on the results of the discharge of the duties of the Panel in that year under paragraph (7). The report shall be submitted to the congressional defense committees in an unclassified summary, but shall also include with such summary the full report in a classified annex.

''(9) ADMINISTRATIVE PROVISIONS.—The following administrative provisions apply to a Panel:

''(A) The Panel may request directly from the Department and any of its components such information as the Panel considers necessary to carry out its duties under this subsection. The head of the department or agency concerned shall cooperate with the Panel to ensure that information requested by the Panel under this paragraph is promptly provided to the maximum extent practical.

''(B) Upon the request of the co-chairs, the Secretary shall make available to the Panel the services of any Federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

''(C) The Panel shall have the authorities provided in section 3161 of title 5, and shall be subject to the conditions set forth in such section.

''(D) Funds for activities of the Panel shall be derived from amounts available to the Department.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 118 and inserting the following new item:

''118. National defense strategy.''.

SEC. 1097. PROJECT MANAGEMENT.

(a) DEPUTY DIRECTOR FOR MANAGEMENT.—

(1) ADDITIONAL FUNCTIONS.—Section 503 of title 31, United States Code, is amended by adding at the end the following:

''(c) PROGRAM AND PROJECT MANAGEMENT.—

''(1) REQUIREMENT.—Subject to the direction and approval of the Director, the Deputy Director for Management or a designee shall—

''(A) adopt governmentwide standards, policies, and guidelines for program and project management for executive agencies;

''(B) oversee implementation of program and project management for the standards, policies, and guidelines established under subparagraph (A);

''(C) chair the Program Management Policy Council established under section 1126(b);

''(D) establish standards and policies for executive agencies, consistent with widely accepted standards for program and project management planning and delivery;

''(E) engage with the private sector to identify best practices in program and project management that would improve Federal program and project management;

''(F) conduct portfolio reviews to address programs identified as high risk by the Government Accountability Office;

''(G) not less than annually, conduct portfolio reviews of agency programs in coordination with Project Management Improvement Officers designated under section 1126(a)(1) to assess the quality and effectiveness of program management; and

''(H) establish a 5-year strategic plan for program and project management.

''(2) APPLICATION TO DEPARTMENT OF DEFENSE.—Paragraph (1) shall not apply to the Department of Defense to the extent that the provisions of that paragraph are substantially similar to or duplicative of the provisions of chapter 87 of title 10.''.

(2) DEADLINE FOR STANDARDS, POLICIES, AND GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Deputy Director for Management of the Office of Management and Budget shall issue the standards, policies, and guidelines required under section 503(c) of title 31, United States Code, as added by paragraph (1).

(3) REGULATIONS.—Not later than 90 days after the date on which the standards, policies, and guidelines are issued under paragraph (2), the Deputy Director for Management of the Office of Management and Budget, in consultation with the Program Management Policy Council established under section 1126(b) of title 31, United States Code, as added by subsection (b)(1), and the Director of the Office of Management and Budget, shall issue any regulations as are necessary to implement the requirements of section 503(c) of title 31, United States Code, as added by paragraph (1).

(b) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS AND PROGRAM MANAGEMENT POLICY COUNCIL.—

(1) AMENDMENT.—Chapter 11 of title 31, United States Code, is amended by adding at the end the following:

''§ 1126. Program Management Improvement Officers and Program Management Policy Council

''(a) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS.—

''(1) DESIGNATION.—The head of each agency described in section 901(b) shall designate a senior executive of the agency as the Program Management Improvement Officer of the agency.

''(2) FUNCTIONS.—The Program Management Improvement Officer of an agency designated under paragraph (1) shall—

''(A) implement program management policies established by the agency under section 503(c); and

''(B) develop a strategy for enhancing the role of program managers within the agency that includes the following:

''(i) Enhanced training and educational opportunities for program managers that shall include—

''(I) training in the relevant competencies encompassed with program and project manager within the private sector for program managers; and

''(II) training that emphasizes cost containment for large projects and programs.

''(ii) Mentoring of current and future program managers by experienced senior executives and program managers within the agency.

''(iii) Improved career paths and career opportunities for program managers.

''(iv) A plan to encourage the recruitment and retention of highly qualified individuals to serve as program managers.

''(v) Improved means of collecting and disseminating best practices and lessons learned to enhance program management across the agency.

''(vi) Common templates and tools to support improved data gathering and analysis for program management and oversight purposes.

''(3) APPLICATION TO DEPARTMENT OF DEFENSE.—This subsection shall not apply to the Department of Defense to the extent that the provisions of this subsection are substantially similar to or duplicative of the provisions of chapter 87 of title 10.

''(b) PROGRAM MANAGEMENT POLICY COUNCIL.—

''(1) ESTABLISHMENT.—There is established in the Office of Management and Budget a council to be known as the 'Program Management Policy Council' (in this subsection referred to as the 'Council').

''(2) PURPOSE AND FUNCTIONS.—The Council shall act as the principal interagency forum for improving agency practices related to program and project management. The Council shall—

''(A) advise and assist the Deputy Director for Management of the Office of Management and Budget;

''(B) review programs identified as high risk by the General Accountability Office and make recommendations for actions to be taken by the Deputy Director for Management of the Office of Management and Budget or a designee;

''(C) discuss topics of importance to the workforce, including—

''(i) career development and workforce development needs;

''(ii) policy to support continuous improvement in program and project management; and

''(iii) major challenges across agencies in managing programs;

''(D) advise on the development and applicability of standards governmentwide for program management transparency; and

''(E) review the information published on the website of the Office of Management and Budget pursuant to section 1122.

''(3) MEMBERSHIP.—

''(A) COMPOSITION.—The Council shall be composed of the following members:

''(i) Five members from the Office of Management and Budget as follows:

''(I) The Deputy Director for Management.

''(II) The Administrator of the Office of Electronic Government.

''(III) The Administrator of Federal Procurement Policy.

''(IV) The Controller of the Office of Federal Financial Management.

''(V) The Director of the Office of Performance and Personnel Management.

''(ii) The Program Management Improvement Officer from each agency described in section 901(b).

''(iii) Other individuals as determined appropriate by the Chairperson.

''(B) CHAIRPERSON AND VICE CHAIRPERSON.—

''(i) IN GENERAL.—The Deputy Director for Management of the Office of Management and Budget shall be the Chairperson of the Council. A Vice Chairperson shall be elected by the members and shall serve a term of not more than 1 year.

''(ii) DUTIES.—The Chairperson shall preside at the meetings of the Council, determine the agenda of the Council, direct the work of the Council, and establish and direct subgroups of the Council as appropriate.

''(4) MEETINGS.—The Council shall meet not less than twice per fiscal year and may meet at the call of the Chairperson or a majority of the members of the Council.

''(5) SUPPORT.—The head of each agency with a Project Management Improvement Officer serving on the Council shall provide administrative support to the Council, as appropriate, at the request of the Chairperson.

''(6) COMMITTEE DURATION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.''.

(2) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with each Program Management Improvement Officer designated under section 1126(a)(1) of title 31, United States Code, shall submit to Congress a report containing the strategy developed under section 1126(a)(2)(B) of such title, as added by paragraph (1).

(c) PROGRAM AND PROJECT MANAGEMENT PERSONNEL STANDARDS.—

(1) DEFINITION.—In this subsection, the term ''agency'' means each agency described in section 901(b) of title 31, United States Code.

(2) REGULATIONS REQUIRED.—Not later than 180 days after the date on which the standards, policies, and guidelines are issued under section 503(c) of title 31, United States Code, as added by subsection (a)(1), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall issue regulations that—

(A) identify key skills and competencies needed for a program and project manager in an agency;

(B) establish a new job series, or update and improve an existing job series, for program and project management within an agency; and

(C) establish a new career path for program and project managers within an agency.

(d) GAO REPORT ON EFFECTIVENESS OF POLICIES ON PROGRAM AND PROJECT MANAGEMENT.—Not later than 3 years after the date of enactment of this Act, the Government Accountability Office shall issue, in conjunction with the High Risk list of the Government Accountability Office, a report examining the effectiveness of the following on improving Federal program and project management:

(1) The standards, policies, and guidelines for program and project management issued under section 503(c) of title 31, United States Code, as added by subsection (a)(1).

(2) The 5-year strategic plan established under section 503(c)(1)(H) of title 31, United States Code, as added by subsection (a)(1).

(3) Program Management Improvement Officers designated under section 1126(a)(1) of title 31, United States Code, as added by subsection (b)(1).

(4) The Program Management Policy Council established under section 1126(b)(1) of title 31, United States Code, as added by subsection (b)(1).

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Department of Defense Matters Generally

SEC. 1101. CIVILIAN PERSONNEL MANAGEMENT.

(a) MODIFICATION OF MANAGEMENT LIMITATIONS.—Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''solely'';

(B) in the second sentence—

(i) by striking ''The management of such personnel in any fiscal year shall not be subject to any'' and inserting ''Any''; and

(ii) by inserting before the period the following: ''shall be developed on the basis of those factors and shall be subject to adjustment solely for reasons of changed circumstances''; and

(C) in the third sentence, by striking ''unless such reduction'' and all that follows and inserting ''except in accordance with the requirements of this section and section 129a of this title.'';

(2) by striking subsections (b), (c), (e), and (f);

(3) by redesignating subsection (d) as subsection (b); and

(4) by adding at the end the following new subsection (c):

''(c)(1) Not later than February 1 of each year—

''(A) the Secretary of Defense shall submit to the congressional defense committees a report on the management of the civilian workforce of the Office of the Secretary of Defense and the Defense Agencies and Field Activities; and

''(B) the Secretary of each military department shall submit to the congressional defense committees a report on the management of the civilian workforces under the jurisdiction of such Secretary.

''(2) Each report under paragraph (1) shall contain, with respect to the civilian workforce under the jurisdiction of the official submitting the report, the following:

''(A) An assessment of the projected size of such civilian workforce in the current year and for each year in the future-years defense program.

''(B) If the projected size of such civilian workforce has changed from the previous year's projected size, an explanation of the reasons for the increase or decrease from the previous projection, including an explanation of any efforts that have been taken to identify offsetting reductions and avoid unnecessary overall growth in the size of the civilian workforce.

''(C) In the case of a transfer of functions between military, civilian, and contractor workforces, an explanation of the reasons for the transfer and the steps that have been taken to control the overall cost of the function to the Department.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 129. Civilian personnel management''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

''129. Civilian personnel management.''.

SEC. 1102. REPEAL OF REQUIREMENT FOR ANNUAL STRATEGIC WORKFORCE PLAN FOR THE DEPARTMENT OF DEFENSE.

(a) REPEAL.—Section 115b of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 115b.

SEC. 1103. TEMPORARY AND TERM APPOINTMENTS IN THE COMPETITIVE SERVICE IN THE DEPARTMENT OF DEFENSE.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Secretary of Defense may make a temporary appointment or a term appointment in the Department when the need for the services of an employee in the Department is not permanent.

(2) EXTENSION.—The Secretary may extend a temporary appointment or a term appointment made under paragraph (1).

(b) APPOINTMENTS FOR CRITICAL HIRING NEEDS.—

(1) IN GENERAL.—If there is a critical hiring need, the Secretary of Defense may make a noncompetitive temporary appointment or a noncompetitive term appointment in the Department of Defense, without regard to the requirements of sections 3327 and 3330 of title 5, United States Code, for a period that is not more than 18 months.

(2) NO EXTENSION AVAILABLE.—An appointment made under paragraph (1) may not be extended.

(c) REGULATIONS.—The Secretary may prescribe regulations to carry out this section.

(d) DEFINITIONS.—In this section:

(1) The term ''temporary appointment'' means the appointment of an employee in the competitive service for a period that is not more than one year.

(2) The term ''term appointment'' means the appointment of an employee in the competitive service for a period that is more than one year and not more than five years, unless the Secretary of Defense, before the appointment of the employee, authorizes a longer period.

SEC. 1104. PERSONNEL AUTHORITIES RELATED TO THE DEFENSE ACQUISITION WORKFORCE.

(a) REPLACEMENT FOR ACQUISITION DEMONSTRATION PROGRAM.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1762 the following new section.

''§ 1763. Special system of personnel authorities related to the acquisition workforce

''(a) AUTHORITY.—The Secretary of Defense may establish, and from time to time adjust, a special system of personnel programs under the authorities provided by this section for employees in the acquisition workforce of the Department of Defense and supporting personnel assigned to work directly with the acquisition workforce.

''(b) COVERED EMPLOYEES.—

''(1) IN GENERAL.—The Secretary of Defense may determine which employees who meet the requirements in subparagraphs (A) and (B) of subsection (k)(1) are covered by system established under this section, subject to the requirements in subsection (i).

''(2) NOTICE AND WAIT OF COVERAGE OF CATEGORIES OF EMPLOYEES.—A determination by the Secretary under paragraph (1) to cover a category of employees under a system established under this section may not take effect until—

''(A) a general notice of the proposed coverage is provided to affected employees; and

''(B) a period of 30 days has elapsed from the date of the notice, during which those employees (for their representatives) shall be provided an opportunity to provide comments.

''(c) CLASSIFICATION AND RATES OF BASIC PAY.—The Secretary of Defense may determine classification and fix rates of basic pay for covered employees without regard to chapter 51 and subchapter III of chapter 53 of title 5, subject to the following requirements:

''(1) Broadband or classification levels under the system shall be linked to specific levels of the General Schedule and associated minimum and maximum rates of basic pay.

''(2) Rates of basic pay fixed under this subsection may not exceed the maximum rate of basic pay for a position at GS–15 of the General Schedule under section 5332 of title 5, except for a retained rate established under section 3594 or 5363 of such title.

''(3) Covered employees shall receive locality-based comparability payments under section 5304 of title 5 on the same basis as if they were in a General Schedule position, with rates of basic pay fixed under this subsection treated as scheduled rates of basic pay.

''(4) A covered employee shall be treated as if the covered employee is in a General Schedule position for the purposes of determining eligibility under the following provisions of title 5:

''(A) The pay retention provisions in sections 5363–5366.

''(B) Section 5545(d) (relating to eligibility for hazardous duty differentials).

''(C) Sections 5753–5755 (relating to recruitment, relocation, and retention bonuses, and supervisory differentials).

''(D) Section 5941 (relating to allowances based on living costs and environmental conditions for employees stationed in parts of the United States outside the continental United States or Alaska).

''(d) PERFORMANCE MANAGEMENT APPRAISALS AND ADVERSE ACTIONS.—In applying the provisions of chapter 43 (relating to performance appraisal), chapter 45 (relating to incentive awards), and chapter 75 (relating to adverse actions) of title 5 to a covered employee, the Secretary of Defense—

''(1) shall exclude from the provisions in chapters 43 and 75 dealing with a reduction in grade any reduction in broadband or classification level under the system established under this section, if such reduction in broadband or classification level is the result of a covered employee's rate of basic pay falling below the minimum rate of basic pay for the level to which the covered employee is assigned (because the covered employee did not receive the full amount of an increase in the rate of basic pay based on inadequate performance or contributions); and

''(2) may provide awards that are integrated within the system of providing performance-based or contribution-based salary adjustments without regard to the limitations on awards in subsections (a) and (b) of section 4502.

''(e) AUTHORITY TO WAIVE CERTAIN PROVISIONS OF LAW.—In applying the provisions of chapter 31 (relating to employment), chapter 33 (relating to examination, selection, and placement, chapter 43 (relating to performance appraisals), chapter 71, and chapter 75 of title 5 to a covered employee, the Secretary of Defense may act without regard to the following provisions:

''(1) Section 3111 (relating to acceptance of volunteer service), to the extent necessary to allow volunteer service under the provisions of a voluntary emeritus program established by the Secretary for covered employees.

''(2) Section 3308 (relating to examination for the competitive service), to the extent necessary to accommodate the requirement for a college degree appointment as part of a scholastic achievement program established by the Secretary for covered employees.

''(3) Section 3317(a) (relating to competitive service registers) and section 3318(a) (relating to competitive service selection).

''(4) Subchapter I of chapter 33 (other than sections 3303 and 3328), to the extent necessary to structure streamlined external recruitment and appointment programs that afford the swiftest and best access to qualified candidates for direct appointment to positions covered by this chapter.

''(5) Section 3341(b) (relating to details within executive or military departments).

''(6) Section 4304(b) (relating to OPM review of agency performance appraisal systems).

''(7) Sections 7105(a)(2)(E), 7114, and 7116, to the extent those provisions are inconsistent with this section or would prohibit the Department or a labor organization from unilaterally terminating negotiations over whether the system will apply to employees represented by a labor organization or would allow for review of such a termination.

''(8) Section 7119 (relating to negotiation impasses and the Federal Service Impasses Panel), to the extent it gives the Federal Service Impasses Panel jurisdiction to resolve impasses referred to it by either party or both parties during or after implementation of the system.

''(9) Section 7512(4) (relating to adverse actions), to the extent necessary to exclude a conversion from a General Schedule position for which a special rate of pay is in effect under section 5305, or similar provision of law, to a rate of pay under the system that does not result in a reduction in the covered employee's total rate of pay.

''(f) STATUS OF CERTAIN VOLUNTEERS.—A volunteer under a voluntary emeritus program established by the Secretary of Defense for covered employees shall be considered to be an employee of the Federal Government for the purposes specified in section 1588(d) of this title.

''(g) AUTHORITY TO WAIVE CERTAIN OPM REGULATIONS.—The Secretary of Defense may waive application of regulations of the Office of Personnel Management to a system established under this section to the same extent that such regulations were waived for the demonstration project that applied to certain employees in the Department of Defense acquisition workforce under section 1762 of this title as of the day before the date of the enactment of this section.

''(h) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the system of personnel programs established under this section.

''(i) LABOR ORGANIZATIONS.—

''(1) IN GENERAL.—An employee within a unit with respect to which a labor organization is accorded exclusive recognition under chapter 71 of title 5 shall not be covered by a system established under this section unless the labor organization and the Department of Defense have entered into a written agreement covering participation in such system.

''(2) NEW UNITS FOR LABOR ORGANIZATION REPRESENTATION.—If a labor organization is accorded exclusive recognition for a newly recognized unit that includes employees who are designated as covered employees before being included in an appropriate unit under section 7112 of title 5, the labor organization has the right to determine that affected employees (including vacant positions) will be removed from such system and placed under the system that would otherwise apply, under applicable law and regulation. If a labor organization notifies the Secretary of Defense in writing of its determination to remove such an employee (or vacant position) from a system established under this section, the removal may not take effect earlier than 6 months after the date of the receipt by the Secretary of the written notification, unless there is an agreement by the labor organization and the Secretary for an earlier date.

''(3) LIMITATION ON SCOPE OF NEGOTIATIONS.—For purposes of section 7117(a)(1) of title 5, the duty to bargain in good faith with a labor organization regarding a matter arising under a system established under this section shall not extend to any matter relating to the establishment of rates of pay or any other matter which is the subject of any regulation of the Secretary regarding the system in the same manner as if the regulation were a Government-wide regulation.

''(4) LIMITATION ON APPEALS.—Section 7117(c) of title 5 does not apply to a determination by the Secretary that a matter is the subject of regulations prescribed under this section by the Secretary.

''(j) STATUS OF EMPLOYEES MOVING OUT OF SYSTEM.—An employee who, while continuously employed, moves from a position as a covered employee to a General Schedule position—

''(1) shall be treated as if the employee were in a General Schedule position immediately before such movement for the purpose of applying the promotion provision in section 5334(b) of such title; and

''(2) shall be converted to an equivalent level of the General Schedule and rate of basic pay immediately before such movement, under regulations prescribed by the Director of the Office of Personnel Management, for the purpose of applying paragraph (1).

''(k) DEFINITIONS.—In this section:

''(1) The term 'covered employee' means an employee who—

''(A) is—

''(i) in the acquisition workforce of the Department of Defense; or

''(ii) is a supporting employee assigned to work directly with the acquisition workforce;

''(B) would be in a General Schedule position, except for the exercise of the authority under this section; and

''(C) is designated by the Secretary of Defense to be covered under a system established under this section in accordance with subsection (b).

''(2) The term 'General Schedule position' means a position to which subchapter III of chapter 53 of title 5 applies.''.

(b) REPEAL OF ACQDEMO STATUE.—Section 1762 of such title is repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 87 of such title is amended by striking the item relating to section 1762 and inserting the following new item:

''1763. Special system of personnel authorities related to the acquisition workforce.''.

(d) TRANSITION PROVISIONS.—

(1) CONTINUITY OF ACQDEMO SYSTEM.—The system established under the demonstration project authority under section 1762 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall be considered a system established under section 1763 of title 10, United States Code, as added by subsection (a).

(2) CONTINUITY OF ACQDEMO REGULATIONS.—The demonstration project plan published in the Federal Register under section 1762 of title, United States Code, for the Department of Defense acquisition workforce, as in effect on the day before the date of the enactment of this Act, shall be considered to be a regulation prescribed by the Secretary of Defense under subsection (h) of section 1763 of title 10, United States Code, as so added. The provisions of such plan related to the conversion of employees back to the General Schedule pay system shall not apply, except as necessary to allow for possible application of the General Schedule promotion rule in section 5334(b) of title 5, United States Code, pending the issuance of regulation under subsection (j)(2) of section 1763, as so added.

(3) CONTINUITY OF COVERED EMPLOYEES.—The categories of employees covered on the day before the day of the enactment of this Act by the demonstration project referred to in paragraph (1) shall be covered by a system established by the Secretary under section 1763 of title 10, United States Code, as so added, without regard to subsection (b) of that section.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 1105. DIRECT HIRE AUTHORITY FOR FINANCIAL MANAGEMENT EXPERTS IN THE DEPARTMENT OF DEFENSE WORKFORCE.

(a) AUTHORITY.—Each Secretary concerned may appoint qualified candidates possessing a finance, accounting, management, or actuarial science degree, or a related degree or equivalent experience, to positions specified in subsection (c) for the Defense Agencies or the applicable military department without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code.

(b) SECRETARY CONCERNED.—For purposes of this section, the Secretary concerned is as follows:

(1) The Secretary of Defense with respect to the Defense Agencies.

(2) The Secretary of a military department with respect to such military department.

(c) POSITIONS.—The positions specified in this subsection are the positions within the Department of Defense workforce as follows:

(1) Financial management positions.

(2) Accounting positions.

(3) Auditing positions.

(4) Actuarial positions.

(5) Cost estimation positions.

(6) Operational research positions.

(d) LIMITATION.—Authority under this section may not, in any calendar year and with respect to any Defense Agency or military department, be exercised with respect to a number of candidates greater than the number equal to 10 percent of the total number of the financial management, accounting, auditing, and actuarial positions within the financial management workforce of such Defense Agency or military department that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(e) NATURE OF APPOINTMENT.—Any appointment under this section shall be treated as an appointment on a full-time equivalent basis, unless such appointment is made on a term or temporary basis.

(f) EMPLOYEE DEFINED.—In this section, the term ''employee'' has the meaning given that term in section 2105 of title 5, United States Code.

(g) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2022.

SEC. 1106. DIRECT-HIRE AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR POST-SECONDARY STUDENTS AND RECENT GRADUATES.

(a) HIRING AUTHORITY.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may recruit and appoint qualified recent graduates and current post-secondary students to positions within the Department of Defense.

(b) LIMITATION ON APPOINTMENTS.—Subject to subsection (c)(2), the total number of employees appointed by the Secretary under subsection (a) during a fiscal year may not exceed the number equal to 15 percent of the number of hires made into professional and administrative occupations of the Department at the GS–11 level and below (or equivalent) under competitive examining procedures during the previous fiscal year.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall administer this section in accordance with regulations prescribed by the Secretary for purposes of this section.

(2) LOWER LIMIT ON APPOINTMENTS.—The regulations may establish a lower limit on the number of individuals appointable under subsection (a) during a fiscal year than is otherwise provided for under subsection (b), based on such factors as the Secretary considers appropriate.

(d) SUNSET.—The authority in this section terminates on the date that is four years after the date on which the Secretary first appoints a recent graduate or current post-secondary student to a position under this section.

(e) DEFINITIONS.—In this section:

(1) The term ''current post-secondary student'' means a person who—

(A) is currently enrolled in, and in good academic standing at, a full-time program at an institution of higher education;

(B) is making satisfactory progress toward receipt of a baccalaureate or graduate degree; and

(C) has completed at least one year of the program.

(2) The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) The term ''recent graduate'', with respect to appointment of a person under this section, means a person who was awarded a degree by an institution of higher education not more than two years before the date of the appointment of such person, except that in the case of a person who has completed a period of obligated service in a uniformed service of more than four years, such term means a person who was awarded a degree by an institution of higher education not more than four years before the date of the appointment of such person.

SEC. 1107. PUBLIC-PRIVATE TALENT EXCHANGE.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599g. Public-private exchange

''(a) ASSIGNMENT AUTHORITY.—The Secretary of Defense may, with the agreement of the private-sector organization concerned, arrange for the temporary assignment of a Department of Defense employee to such private-sector organization, or from such private-sector organization to a Department organization under this section.

''(b) AGREEMENTS.—

''(1) IN GENERAL.—The Secretary of Defense shall provide for a written agreement among the Department of Defense, the private-sector organization, and the employee concerned regarding the terms and conditions of the employee's assignment under this section. The agreement—

''(A) shall require that an employee of the Department, upon completion of the assignment, will serve in the Department, or elsewhere in the civil service if approved by the Secretary, for a period equal to the length of the assignment; and

''(B) shall provide that if the employee of the Department or the private-sector organization (as the case may be) fails to carry out the agreement, the employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary.

''(2) TREATMENT OF EMPLOYEE LIABILITY.—An amount for which an employee is liable under paragraph (1) shall be treated as a debt due the United States.

''(c) TERMINATION.—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private-sector organization concerned.

''(d) DURATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an assignment under this section shall be for a period of not less than three months and not more than two years.

''(2) EXCEPTION TO MEET CRITICAL MISSION OR PROGRAM REQUIREMENTS.—An assignment under this section may be for a period in excess of two years, but not more than four years, if the Secretary determines that such assignment is necessary to meet critical mission or program requirements.

''(e) TERMS AND CONDITIONS FOR PRIVATE SECTOR EMPLOYEES.—An employee of a private-sector organization who is assigned to a Department of Defense organization under this section—

''(1) may continue to receive pay and benefits from the private-sector organization from which such employee is assigned;

''(2) is deemed to be an employee of the Department for the purposes of—

''(A) chapter 73 of title 5;

''(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18;

''(C) sections 1343, 1344, and 1349(b) of title 31;

''(D) the Federal Tort Claims Act and any other Federal tort liability statute;

''(E) the Ethics in Government Act of 1978; and

''(F) chapter 21 of title 41; and

''(3) may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private-sector organization from which such employee is assigned.

''(f) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.—A private-sector organization may not charge the Department of Defense or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to the Department under this section for the period of the assignment.

''(g) CONSIDERATIONS.—In carrying out this section, the Secretary of Defense shall take into consideration how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of 81 of such title is amended by adding at the end the following new item:

''1599g. Public-private exchange.''.

SEC. 1108. TRAINING FOR EMPLOYMENT PERSONNEL OF DEPARTMENT OF DEFENSE ON MATTERS RELATING TO AUTHORITIES FOR RECRUITMENT AND RETENTION AT UNITED STATES CYBER COMMAND.

(a) TRAINING REQUIRED.—Section 1599f of title 10, United States Code, is amended—

(1) by redesignating subsections (f) through (j) as subsections (h) through (k), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) TRAINING.—(1) The Secretary shall provide training to covered personnel on hiring and pay matters relating to authorities under this section.

''(2) For purposes of this subsection, covered personnel are employees of the Department who—

''(A) carry out functions relating to—

''(i) the management of human resources and the civilian workforce of the Department; or

''(ii) the writing of guidance for the implementation of authorities regarding hiring and pay under this section; or

''(B) are employed in supervisory positions or have responsibilities relating to the hiring of individuals for positions in the Department and to whom the Secretary intends to delegate authority under this section.''.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress (as defined in section 1599f of title 10, United States Code) a report on the training the Secretary intends to provide to each of the employees described in subsection (f)(2) of such section (as added by subsection (a) of this section) and the frequency with which the Secretary intends to provide such training.

(2) ONGOING REPORTS.—Subsection (h)(2)(E) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking ''supervisors of employees in qualified positions at the Department on the use of the new authorities'' and inserting ''employees described in subsection (f)(2) on the use of authorities under this section''.

SEC. 1109. INCREASE IN MAXIMUM AMOUNT OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORIZED FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

Section 9902(f)(5)(A)(ii) of title 5, United States Code, is amended by striking ''$25,000'' and inserting ''an amount determined by the Secretary, not to exceed $40,000''.

SEC. 1110. REPEAL OF CERTAIN BASIS FOR APPOINTMENT OF A RETIRED MEMBER OF THE ARMED FORCES TO DEPARTMENT OF DEFENSE POSITION WITHIN 180 DAYS OF RETIREMENT.

Section 3326(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by adding ''or'' at the end;

(2) in paragraph (2), by striking ''; or'' and inserting a period; and

(3) by striking paragraph (3).

SEC. 1111. PILOT PROGRAMS ON CAREER SABBATICALS FOR DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) PILOT PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Each Secretary of a military department may carry out one or more pilot programs under which civilian employees of the Department of Defense under the jurisdiction of such Secretary are permitted periods of recess of not more than one year from full-time employment by the Department in order to meet personal, familial, or professional needs and return to their full-time civilian employment by the Department at the end of such periods of recess without loss of civil service status or privilege.

(2) PURPOSE.—The purpose of the pilot programs is to assess whether permitting periods of recess from civilian employment for civilian employees of the Department provides an effective means of enhancing retention of civilian employees of the Department and the capacity of the Department to respond to the personal, familial, and professional needs of individual members of its civilian workforce.

(b) INELIGIBLE EMPLOYEES.—A civilian employee of the Department is not eligible to participate in a pilot program under this section during any period of service required of the employee—

(1) during the initial probationary period before the appointment of the employee in the competitive service becomes final; or

(2) in connection with any recruitment, retention, or relocation bonus, incentive payment, or other additional payment for employment received by the employee pursuant to a provision of title 5 or 10, United States Code, or any other provision of law.

(c) PARTICIPATION.—

(1) IN GENERAL.—Civilian employees of a military department shall be selected for participation in pilot programs of the military department under this section by the Secretary of the military department in accordance with such procedures as the Secretary of Defense shall establish for purposes of the pilot programs.

(2) LIMITATION ON NUMBER OF PARTICIPANTS.—Not more than 300 civilian employees of each military department may be selected during each of calendar years 2017 through 2022 to participate in pilot programs under this section.

(d) PERIOD OF RECESS FROM CIVILIAN EMPLOYMENT.—

(1) PERIOD OR RECESS.—The period of recess from civilian employment by the Department under a pilot program under this section of an employee participating in the pilot program shall be such period as the Secretary of the military department concerned shall specify in the agreement of the employee under subsection (e), except that such period may not exceed one year.

(2) PERIOD NOT CREDITABLE TOWARD RETIREMENT BENEFITS.—Any period of recess of a civilian employee of the Department under a pilot program shall not count as creditable service for purposes of chapter 83 or 84 of title 5, United States Code.

(3) CONTINUATION OF ENROLLMENT IN HEALTH BENEFITS PLANS.—A civilian employee of the Department who undertakes a period of recess from full-time employment under a pilot program shall, at the election of the employee, be treated as an employee in nonpay status during such period of recess for purposes of section 890.303(e) of title 5, Code of Federal Regulations (relating to continuation in enrollment in Federal health benefits plans), as such section is in effect on December 15, 2015, for purposes of the eligibility of the employee and any dependents of the employee for enrollment in a Federal health benefits plan.

(4) CONTINUATION OF LIFE INSURANCE.—A civilian employee of the Department who undertakes a period of recess from full-time employment under a pilot program shall be treated as an employee in nonpay status during such period of recess for purposes of continuation of life insurance under the Federal Employees' Group Life Insurance Program without requirement for employee premium payments under section 870.508(a) of title 5, Code of Federal Regulations, or agency premium payments under section 870.404(c) of title 5, Code of Federal Regulations, as such sections are in effect on December 31, 2015.

(e) AGREEMENT.—

(1) IN GENERAL.—Each civilian employee of the Department who participates in a pilot program under this section shall enter into a written agreement with the Secretary of the military department concerned under which agreement such employee shall agree as follows:

(A) To undergo during each period of the recess of such employee from full-time employment by the Department under the pilot program such skills training as the Secretary shall require in order to ensure that such employee retains proficiency, at a level determined by the Secretary to be sufficient, in such employee's professional qualifications and certifications.

(B) Following completion of a period of the recess of such civilian employee under the pilot program, to serve two months as a civilian employee of the Department on a full-time basis for each month of such period of the recess of such employee under the pilot program.

(2) NOTICE ON OBLIGATED SERVICE.—Each employee entering into an agreement under this subsection for purposes of a pilot program shall be notified at the time of entry into the agreement of the obligated service required of the employee as a result of a period of recess from full-time employment by the Department under the pilot program pursuant to paragraph (1)(B).

(f) TERMS AND CONDITIONS OF RELEASE FOR PERIOD OF RECESS.—A civilian employee of the Department who participates in a pilot program under this section shall be eligible for periods of release from full-time employment by the Department under the pilot program in accordance with such terms and conditions as are specified in the agreement of the employee under subsection (e). Such

terms and conditions shall conform to guidelines issued by the Secretary of Defense for purposes of the pilot programs under this section.

(g) INVOLUNTARY RETURN TO FULL-TIME EMPLOYMENT.—

(1) IN GENERAL.—Under guidelines issued by the Secretary of the military department concerned for the purpose of pilots programs of such military department under this section, a civilian employee of the Department who is in a period of recess from full-time employment by the Department under a pilot program may, at the election of Secretary and without the consent of the employee, be required to return to full-time employment by the Department at any time during such period of recess.

(2) GUIDELINES AND PROCEDURES.—The circumstances under which a civilian employee may be required to return to full-time employment pursuant to paragraph (1), and the procedures applicable to requiring such return, shall be specified in guidelines issued by the Secretary of Defense for purposes of the pilot programs.

(h) PAY AND ALLOWANCES.—

(1) PROHIBITION ON RECEIPT OF BASIC PAY AND ALLOWANCES.—While undertaking a period of recess from full-time employment by the Department under a pilot program under this section, a civilian employee of the Department is not entitled to any pay or allowances otherwise payable to the employee under title 5 or 10, United States Code.

(2) PROHIBITION ON RECEIPT OF SPECIAL AND INCENTIVE PAYS.—While undertaking a period of recess from employment under a pilot program, an employee may not be paid any special or incentive pay or bonus to which the employee would otherwise entitled under an employment agreement under a provision of title 5 or 10, United States Code, or any other provision of law, that is in force when the employee commences such period of recess.

(3) REVIVAL OF SPECIAL PAYS UPON RETURN TO FULL-TIME DEPARTMENT EMPLOYMENT.—

(A) REVIVAL REQUIRED.—Subject to subparagraph (B), upon the return of an employee to full-time employment by the Department after completion by the employee of a period of recess from employment under a pilot program—

(i) any employment agreement entered into by the employee under a provision of law referred to in paragraph (2) for the payment of a special or incentive pay or bonus that was in force when the employee commenced such period of recess shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the employee commenced such period of recess; and

(ii) any special or incentive pay or bonus shall be payable to the employee in accordance with the terms of the agreement described in clause (i) for the term specified in that clause.

(B) LIMITATIONS.—

(i) LIMITATIONS AT TIME OF RETURN TO FULL-TIME DEPARTMENT EMPLOYMENT.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an employee if, at the time of the return of the employee to full-time employment as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the employee does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the employee to full-time employment by the Department.

(ii) CESSATION DURING LATER SERVICE.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an employee if, during the term of the revived agreement of the employee under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

(C) REPAYMENT.—An employee who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable employment agreement of the employee under a provision of law referred to in paragraph (2).

(D) CONSTRUCTION OF REQUIRED SERVICE.—Any service required of an employee under an agreement covered by this paragraph after the employee returns to full-time employment by the Department as described in subparagraph (A) shall be in addition to any service required of the employee under an agreement under subsection (e).

(i) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1, 2018, each Secretary of a military department shall submit to the congressional defense committees a report on the implementation and current status of the pilot programs carried out by such Secretary under this section.

(2) FINAL REPORT.—Not later than March 1, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs carried out under this section.

(3) ELEMENTS OF REPORT.—The interim reports under paragraph (1) and the final report under paragraph (2) shall include the following:

(A) A description of each pilot program covered by such report, including a description of the number of applicants for participation in such pilot program and the criteria used to select applicants for participation in such pilot program.

(B) An assessment by the Secretary submitting such report of the pilot programs covered by such report, including an evaluation of the following:

(i) Whether the authorities of this section provided an effective means of enhancing the retention of civilian employees of the Department possessing critical skills, talents, and leadership abilities.

(ii) Whether the career progression in the Department of civilian employees who participated in the pilot programs has been or will be adversely affected.

(iii) Whether the pilot programs were useful in responding to the personal, familial, and professional needs of individual civilian employees of the Department.

(C) Such recommendations for legislative or administrative action as the Secretary submitting such report considers appropriate for the modification or continuation of the pilot programs covered by such report.

(j) DURATION OF AUTHORITY.—

(1) COMMENCEMENT.—The authority to carry out a pilot program under this section shall commence on January 1, 2017.

(2) CESSATION.—No civilian employee of the Department may be granted a period of recess from full-time employment by the Department under a pilot program under this section after December 31, 2022.

SEC. 1112. LIMITATION ON NUMBER OF SES EMPLOYEES.

(a) DEFINITION OF COVERED SES EMPLOYEE.—In this section:

(1) IN GENERAL.—The term ''covered SES employee'' means an employee of the Department of Defense—

(A) who is serving in a Senior Executive Service position, as defined under section 3132(a)(2) of title 5, United States Code; and

(B) subject to paragraph (2), who is not serving in such position under an appointment as a highly qualified expert under section 9903 of title 5, United States Code.

(2) MAXIMUM NUMBER OF HIGHLY QUALIFIED EXPERTS.—Not more than 200 employees may be excluded under paragraph (1)(B) for purposes of determining the number of covered SES employees.

(b) LIMITATION.—On and after January 1, 2019, the number of covered SES employees may not exceed the number equal to the product obtained by multiplying—

(1) number of covered SES employees on December 31, 2015; and

(2) 0.75.

SEC. 1113. NO TIME LIMITATION FOR APPOINTMENT OF RELOCATING MILITARY SPOUSES.

Section 3330d(c) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(3) NO TIME LIMITATION.—A relocating spouse of a member of the Armed Forces may receive an appointment under this section with no time limitation for eligibility from the date of such member's permanent change of station orders.''.

Subtitle B—Department of Defense Science and Technology Laboratories and Related Matters

SEC. 1121. PERMANENT PERSONNEL MANAGEMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR EXPERTS IN SCIENCE AND ENGINEERING.

(a) PERMANENT PERSONNEL MANAGEMENT AUTHORITY.—

(1) IN GENERAL.—Chapter 81 of title 10, United States Code, as amended by section 1107 of this Act, is further amended by adding at the end the following new section:

''§ 1599h. Personnel management authority to attract experts in science and engineering

''(a) PROGRAMS AUTHORIZED.—

''(1) LABORATORIES OF THE MILITARY DEPARTMENTS.—The Secretary of Defense may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for such laboratories of the military departments as the Secretary shall designate for purposes of the program for research and development projects of such laboratories.

''(2) DARPA.—The Director of the Defense Advanced Research Projects Agency may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects and to enhance the administration and management of the Agency.

''(3) DOTE.—The Director of the Office of Operational Test and Evaluation may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering to support operational test and evaluation missions of the Office.

''(b) PERSONNEL MANAGEMENT AUTHORITY.—Under a program under subsection (a), the official responsible for administration of the program may—

''(1) without regard to any provision of title 5 governing the appointment of employees in the civil service—

''(A) in the case of the laboratories of the military departments designated pursuant to subsection (a)(1), appoint scientists and engineers to a total of not more than 40 scientific and engineering positions in such laboratories;

''(B) in the case of the Defense Advanced Research Projects Agency, appoint individuals to a total of not more than 100 positions in the Agency, of which not more than 15 such positions may be positions of administration or management of the Agency; and

''(C) in the case of the Office of Operational Test and Evaluation, appoint scientists and engineers to a total of not more than 10 scientific and engineering positions in the Office;

''(2) notwithstanding any provision of title 5 governing the rates of pay or classification of employees in the executive branch, prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1)—

''(A) in the case of employees appointed pursuant to paragraph (1)(B) to any of 5 positions designated by the Director of the Defense Advanced Research Projects Agency for purposes of this subparagraph, at rates not in excess of a rate equal to 150 percent of the maximum rate of basic pay authorized for positions at Level I of the Executive Schedule under section 5312 of title 5; and

''(B) in the case of any other employee appointed pursuant to paragraph (1), at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5; and

''(3) pay any employee appointed under paragraph (1), other than an employee appointed to a position designated as described in paragraph (2)(A), payments in addition to basic pay within the limit applicable to the employee under subsection (d).

''(c) LIMITATION ON TERM OF APPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the service of an employee under an appointment under subsection (b)(1) may not exceed four years.

''(2) EXTENSION.—The official responsible for the administration of a program under subsection (a) may, in the case of a particular employee under the program, extend the period to which service is limited under paragraph (1) by up to two years if the official determines that such action is necessary to promote the efficiency of a laboratory of a military department, the Defense Advanced Research Projects Agency, or the Office of Operational Test and Evaluation, as applicable.

''(d) MAXIMUM AMOUNT OF ADDITIONAL PAYMENTS PAYABLE.—Notwithstanding any other provision of this section or section 5307 of title 5, no additional payments may be paid to an employee under subsection (b)(3) in any calendar year if, or to the extent that, the employee's total annual compensation in such calendar year will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title, as so amended, is further amended by adding at the end the following new item:

''1599h. Personnel management authority to attract experts in science and engineering.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is repealed.

(c) APPLICABILITY OF PERSONNEL MANAGEMENT AUTHORITY TO PERSONNEL CURRENTLY EMPLOYED UNDER SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Any individual employed as of the date of the enactment of this Act under section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (as in effect on the day before such date) shall remain employed under section 1599h of title 105, United States Code (as added by subsection (a)), after such date in accordance with such section 1599h and the applicable program carried out under such section 1599h.

(2) DATE OF APPOINTMENT.—For purposes of subsection (c) of section 1599h of title 10, United States Code (as so added), the date of the appointment of any employee who remains employed as described in paragraph (1) shall be the date of the appointment of such employee under section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (as so in effect).

SEC. 1122. PERMANENT EXTENSION AND MODIFICATION OF TEMPORARY AUTHORITIES FOR CERTAIN POSITIONS AT DEPARTMENT OF DEFENSE RESEARCH AND ENGINEERING LABORATORIES.

(a) INCREASE OF APPOINTMENT CEILING FOR STUDENTS ENROLLED IN SCIENTIFIC AND ENGINEERING PROGRAMS.—Subsection (c)(3) of section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2358 note) is amended by striking ''3 percent'' and inserting ''10 percent''.

(b) PERMANENT AUTHORITIES.—

(1) IN GENERAL.—Such section is further amended by striking subsection (e).

(2) APPOINTMENT OF SENIOR SCIENTIFIC TECHNICAL MANAGERS.—Subsection (f) of such section is amended by striking paragraph (3).

(c) REPEAL OF ANNUAL REPORTING REQUIREMENT.—Such section is further amended by striking subsection (g).

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by transferring subsection (d) so as to appear after subsection (h); and

(2) by redesignating subsections (f), (h), and (d) (as so transferred) as subsections (d), (e), and (f), respectively.

SEC. 1123. DIRECT HIRE AUTHORITY FOR SCIENTIFIC AND ENGINEERING POSITIONS FOR TEST AND EVALUATION FACILITIES OF THE MAJOR RANGE AND TEST FACILITY BASE.

(a) IN GENERAL.—The Secretary of Defense may, acting through the Director of Operational Test and Evaluation and the Directors of the test and evaluation facilities of the Major Range and Test Facility Base of the Department of Defense, appoint qualified candidates possessing an advanced degree to scientific and engineering positions within the Office of the Director of Operational Test and Evaluation and the test and evaluation facilities of the Major Range and Test Facility Base without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(b) LIMITATION ON NUMBER.—

(1) IN GENERAL.—Authority under this section may not, in any calendar year and with respect to the Office of the Director of Operational Test and Evaluation or any test and evaluation facility, be exercised with respect to a number of candidates greater than the number equal to 3 percent of the total number of scientific and engineering positions within the Office or such facility that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(2) NATURE OF APPOINTMENT.—For purposes of this subsection, any candidate appointed to a position under this section shall be treated as appointed on a full-time equivalent basis.

(c) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2021.

(d) MAJOR RANGE AND TEST FACILITY BASE DEFINED.—In this section, the term ''Major Range and Test Facility Base'' means the test and evaluation facilities that are designated by the Secretary as facilities and resources comprising the Major Range and Test Facility Base of the Department.

SEC. 1124. PERMANENT AUTHORITY FOR THE TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.

(a) PERMANENT AUTHORITY.—Subsection (d) of section 1110 of the National Defense Authorization Act for Fiscal Year 2010 (5 U.S.C. 3702 note) is amended by striking ''; however'' and all that follows and inserting a period.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''SEC. 1110. PROGRAM FOR TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.''.

SEC. 1125. PILOT PROGRAM ON ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN THE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the military departments in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and performing complex, high cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.

(b) APPROVAL REQUIRED.—The pilot program may be carried out in a military department only with the approval of the Service Acquisition Executive of the military department.

(c) POSITIONS.—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

(2) are critical to the successful accomplishment of an important research or technology development mission.

(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Service Acquisition Executive concerned.

(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

(e) LIMITATIONS.—

(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time.

(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having a term of less than five years.

(f) TERMINATION.—

(1) IN GENERAL.—The authority to fix rates of basic pay for a position under this section shall terminate on October 1, 2021.

(2) CONTINUATION OF PAY.—Nothing in paragraph (1) shall be construed to prohibit the payment after October 1, 2021, of basic pay at rates fixed under this section before that date for positions whose terms continue after that date.

(g) SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''science and technology reinvention laboratories of the Department of Defense'' means the laboratories designated as science and technology reinvention laboratories by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note).

SEC. 1126. DISCHARGE OF CERTAIN AUTHORITIES TO CONDUCT PERSONNEL DEMONSTRATION PROJECTS.

Subparagraph (C) of section 342(b)(3) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as added by section 1114(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–315), is amended by inserting before the period at the end the following: ''through the Under Secretary of Defense for Research and Engineering (who shall place an emphasis in the exercise of such authorities on enhancing efficient operations of the laboratory)''.

Subtitle C—Government-Wide Matters

SEC. 1131. EXPANSION OF PERSONNEL FLEXIBILITIES RELATING TO LAND MANAGEMENT AGENCIES TO INCLUDE ALL AGENCIES.

(a) IN GENERAL.—Chapter 96 of title 5, United States Code, is amended as follows:

(1) In section 9601, by striking paragraph (1) and inserting the following:

''(1) the term 'agency' has the meaning given the term in section 101 of title 31; and''.

(2) In section 9602—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''a land management agency'' and inserting ''an agency'';

(II) by inserting after ''appointment in the competitive service'' the following: ''or a time-limited appointment under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1))''; and

(III) by striking ''any land management agency or any other agency (as defined in section 101 of title 31) under the internal merit promotion procedures of the applicable agency'' and inserting ''such agency when the agency is accepting applications from individuals within the agency's workforce under merit promotion procedures, or any agency when the agency is accepting applications from individuals outside its own workforce under the merit promotion procedures of the applicable agency,'';

(ii) in paragraph (1), by inserting after ''chapter 33'' the following: '', or under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) (regardless of the competitive nature of the appointment),''; and

(iii) in paragraph (2)—

(I) by striking ''a land management agency'' and inserting ''an agency'';

(II) by striking ''more than'' and inserting ''not less than''; and

(III) by inserting before the semicolon the following: '', or, in the case of an employee appointed under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) and serving under an intermittent, time-limited appointment, has been deployed for a period or periods totaling not less than 4,160 hours within a 48-month period without a break of 2 or more years''; and

(B) in subsection (d), in the matter preceding paragraph (1)—

(i) by striking ''a land management agency'' and inserting ''an agency''; and

(ii) by inserting ''of the agency from which the former employee was most recently separated'' after ''deemed a time-limited employee''.

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER HEADING.—The heading of chapter 96 of such title is amended to read as follows:

''CHAPTER 96—PERSONNEL FLEXIBILITIES FOR FEDERAL AGENCIES''.

(2) TABLE OF CHAPTERS.—The table of chapters for part III of such title is amended by striking the item relating to chapter 96 and inserting the following new item:

''96. Personnel Flexibilities for Federal Agencies ..... 9601''.

SEC. 1132. DIRECT HIRING FOR FEDERAL WAGE SCHEDULE EMPLOYEES.

The Director of the Office of Personnel Management shall permit an agency with delegated examining authority under 1104(a)(2) of title 5, United States Code, to use direct-hire authority under section 3304(a)(3) of such title for a permanent or non-permanent position or group of positions in the competitive services at GS–15 (or equivalent) and below, or for prevailing rate employees, if the Director determines that there is either a severe shortage of candidates or a critical hiring need for such positions.

SEC. 1133. APPOINTMENT AUTHORITY FOR UNIQUELY QUALIFIED PREVAILING RATE EMPLOYEES.

Section 5343 of title 5, United States Code, is amended by adding at the end the following:

''(g)(1) The head of an agency may appoint an individual to a position in accordance with regulations prescribed under paragraph (2) at such a rate of basic pay above the minimum rate of the appropriate grade as the Office of Personnel Management may authorize.

''(2) The Office of Personnel Management may prescribe regulations that authorize the head of an agency to exercise the authority under paragraph (1) in the case of—

''(A) an unusually large shortage of qualified candidates for employment;

''(B) unique qualifications of a candidate for employment; or

''(C) a special need of the Government for the services of a candidate for employment.''.

SEC. 1134. LIMITATION ON PREFERENCE ELIGIBLE HIRING PREFERENCES FOR PERMANENT EMPLOYEES IN THE COMPETITIVE SERVICE.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended—

(1) in section 3309—

(A) in the matter preceding paragraph (1), by striking ''A preference eligible'' and inserting ''(a) ADDITIONAL POINTS.—Except as provided in subsection (b), a preference eligible''; and

(B) by adding at the end the following:

''(b) ADDITIONAL POINTS ONLY FOR FIRST APPOINTMENT.—If a preference eligible is selected for a permanent position in the competitive service after the application of subsection (a) or the application of section 3319(b), the preference eligible shall not be awarded any additional points under subsection (a) with respect to a subsequent examination for any position in the competitive service.'';

(2) in section 3319—

(A) in subsection (b), in the first sentence, by striking ''Within'' and inserting ''Except as provided in subsection (d), within''; and

(B) by striking subsection (d) and inserting the following:

''(d) If a preference eligible is selected for a permanent position in the competitive service after the application of subsection (b) or the application of section 3309(a), such individual shall not be listed ahead of individuals who are not preference eligibles due to the application of subsection (b) on a subsequent list under this section for any position in the competitive service.''; and

(3) in section 3320, by striking ''3318'' and inserting ''3319''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 703 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–607.3, D.C. Official Code) is amended by striking ''3309(1)'' each place it appears and inserting ''3309(a)(1)''.

SEC. 1135. AUTHORITY FOR ADVANCEMENT OF PAY FOR CERTAIN EMPLOYEES RELOCATING WITHIN THE UNITED STATES AND ITS TERRITORIES.

(a) COVERAGE.—Subsection (a) of section 5524a of title 5, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following new paragraph:

''(2) The head of each agency may provide for the advance payment of basic pay, covering not more than 2 pay periods, to an employee who is assigned to a position in the agency that is located—

''(A) outside of the employee's commuting area; and

''(B) in an area not covered by section 5927.''.

(b) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting ''or assigned'' after ''appointed''; and

(2) in paragraph (2)(B)—

(A) by inserting ''or assignment'' after ''appointment''; and

(B) by inserting ''or assigned'' after ''appointed''.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 5524a. Advance payments for new appointees and for certain current employees relocating within the United States and its territories''.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

''5524a. Advance payments for new appointees and for certain current employees relocating within the United States and its territories.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 1136. ELIMINATION OF THE FOREIGN EXEMPTION PROVISION IN REGARD TO OVERTIME FOR FEDERAL CIVILIAN EMPLOYEES TEMPORARILY ASSIGNED TO A FOREIGN AREA.

(a) IN GENERAL.—Section 5542 of title 5, United States Code, is amended by adding at the end the following:

''(h) Notwithstanding section 13(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(f)), an employee who is working at a location in a foreign country, or in a territory under the jurisdiction of the United States to which the exemption under such section 13(f) applies, in temporary duty travel status while maintaining an official duty station or worksite in an area of the United States that is not exempted under such section 13(f) shall not be considered, for all purposes, to be exempted from section 7 of such Act (29 U.S.C. 207) on the basis of the employee performing work at such a location.''.

(b) FEDERAL WAGE SYSTEM EMPLOYEES.—Section 5544 of title 5, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding section 13(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(f)), an employee whose overtime pay is determined in accordance with subsection (a) who is working at a location in a foreign country, or in a territory under the jurisdiction of the United States to which the exemption under such section 13(f) applies, in temporary duty travel status while maintaining an official duty station or worksite in an area of the United States that is not exempted under such section 13(f) shall not be considered, for all purposes, to be exempted from section 7 of such Act (29 U.S.C. 207) on the basis of the employee performing work at such a location.''.

(c) CONFORMING REPEAL.—Section 5542(a) of title 5, United States Code, is amended by striking paragraph (6).

SEC. 1137. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1108 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1027), is further amended by striking ''through 2016'' and inserting ''through 2017''.

Subtitle D—Other Matters

SEC. 1151. MODIFICATION OF FLAT RATE PER DIEM REQUIREMENT FOR PERSONNEL ON LONG-TERM TEMPORARY DUTY ASSIGNMENTS.

(a) MODIFICATION OF FLAT RATE.—

(1) IN GENERAL.—The Secretary of Defense shall take such action as may be necessary to provide that, to the extent that regulations implementing travel and transportation authorities for military and civilian personnel of the Department of Defense impose a flat rate per diem for meals and incidental expenses for authorized travelers on long-term temporary duty assignments that is at a reduced rate compared to the per diem rate otherwise applicable, the Secretary concerned may waive the applicability of such reduced rate and pay such travelers actual expenses up to the full per diem rate for such travel in any case when the Secretary concerned determines that the reduced flat rate per diem for meals and incidental expenses is not sufficient under the circumstances of the temporary duty assignment.

(2) APPLICABILITY.—The Secretary concerned may exercise the authority provided pursuant to paragraph (1) with respect to per diem payable for any day on or after the date of the enactment of this Act.

(b) DELEGATION OF AUTHORITY.—The authority pursuant to subsection (a) may be delegated by the Secretary concerned to any commander or head of an agency, component, or systems command of the Department of Defense at the level of lieutenant general or vice admiral, or above, or civilian equivalent thereof.

(c) WAIVER OF COLLECTION OF RECEIPTS.—The commander or head of an agency, component, or systems command to which the authority pursuant to subsection (a) is delegated pursuant to subsection (b) may waive any requirement for the submittal of receipts by travelers of such agency, component, or systems command for the purpose of receiving the full per diem rate pursuant to subsection (a) if the commander or head personally certifies that requiring such travelers to submit receipts for that purpose will negatively affect mission performance, create an undue administrative burden, or result in significant additional administrative processing costs for such agency, component, or systems command.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' has the meaning given that term in section 101 of title 37, United States Code.

SEC. 1152. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616) and most recently amended by section 1102 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1022), is further amended by striking ''2017'' and inserting ''2018''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. THREE-YEAR EXTENSION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) EXTENSION OF PROGRAM GENERALLY.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1211(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1042), is further amended in subsections (a), (b), and (f) by striking ''fiscal year 2016'' and inserting ''fiscal years 2017, 2018, and 2019''.

(b) EXTENSION AND EXPANSION OF AUTHORITY FOR PAYMENTS TO REDRESS INJURY AND LOSS IN IRAQ.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 2016 is amended—

(1) in the subsection heading, by striking ''IRAQ'' and inserting ''AFGHANISTAN, IRAQ, AND SYRIA'';

(2) in paragraph (1)—

(A) by striking ''fiscal year 2016'' and inserting ''fiscal years 2017, 2018, and 2019''; and

(B) by striking ''Iraq'' and inserting ''Afghanistan, Iraq, or Syria''; and

(3) in paragraph (3), by striking ''in fiscal year 2016'' and inserting ''in a fiscal year in which the authority in this subsection is in effect''.

SEC. 1202. INCREASE IN SIZE OF THE SPECIAL DEFENSE ACQUISITION FUND.

(a) INCREASE IN SIZE.—Effective on October 1, 2016, section 114(c)(1) of title 10, United States Code, is amended by striking ''$1,070,000,000'' and inserting ''$2,000,000,000''.

(b) REPORTS.—

(1) INITIAL PLAN ON USE OF AUTHORITY.—Before exercising authority for use of amounts in the Special Defense Acquisition Fund in excess of the size of that Fund as of September 30, 2016, by reason of the amendment made by subsection (a), the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report on the plan for the use of such amounts.

(2) ANNUAL SPENDING PLAN.—Not later than August 1 each year, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a detailed plan for the use of amounts in the Special Defense Acquisition Fund for the fiscal year beginning in the year in which such report is submitted.

(3) QUARTERLY UPDATES.—Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report setting forth the inventory of defense articles and services acquired, possessed, and transferred through the Special Defense Acquisition Fund in such fiscal quarter.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' has the meaning given that term in section 301(1) of title 10, United States Code (as added by section 1252(a)(3) of this Act).

SEC. 1203. CODIFICATION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) CODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting before section 128 the following new section:

''§ 127e. Support of special operations to combat terrorism

''(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the relevant Chief of Mission, expend up to $100,000,000 during any fiscal year to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.

''(b) FUNDS.—Funds for support under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for the Department of Defense for operation and maintenance.

''(c) LIMITATION.—Of the funds available for support under this section in a fiscal year, not more than $10,000,000 may be used for support in connection with any particular military operation.

''(d) PROCEDURES.—The authority in this section shall be exercised in accordance with such procedures as the Secretary shall establish for purposes of this section. The Secretary shall notify the congressional defense committees of any material modification of such procedures.

''(e) NOTIFICATION.—

''(1) IN GENERAL.—Not later than 15 days before exercising the authority in this section to make funds available to initiate support of an approved military operation or changing the scope or funding level of any support for such an operation by $1,000,000 or an amount equal to 20 percent of such funding level (whichever is less), or not later

than 48 hours after exercising such authority if the Secretary determines that extraordinary circumstances that impact the national security of the United States exist, the Secretary shall notify the congressional defense committees of the use of such authority with respect to that operation. Any such notification shall be in writing.

''(2) ELEMENTS.—A notification required by this subsection shall include the following:

''(A) The type of support provided or to be provided to United States special operations forces.

''(B) The type of support provided or to be provided to the recipient of the funds.

''(C) The amount obligated under the authority to provide support.

''(f) LIMITATION ON DELEGATION.—The authority of the Secretary to make funds available under this section for support of a military operation may not be delegated.

''(g) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(e)).

''(h) ANNUAL REPORT.—

''(1) REPORT REQUIRED.—The Secretary shall submit to the congressional defense committees each year a report on support provided under this section during the fiscal year ending in the preceding calendar year.

''(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

''(A) A description of supported operations.

''(B) A summary of operations.

''(C) The type of recipients that received support, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

''(D) The total amount obligated in such fiscal year, including budget details.

''(E) The total amount obligated in prior fiscal years under this section and applicable preceding authority.

''(F) The intended duration of support.

''(G) A description of support or training provided to the recipients of support.

''(H) A value assessment of the operational support provided.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting before the item relating to section 128 the following new item:

''127e. Support of special operations to combat terrorism.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is repealed.

SEC. 1204. PROHIBITION ON USE OF FUNDS TO INVITE, ASSIST, OR OTHERWISE ASSURE THE PARTICIPATION OF CUBA IN CERTAIN JOINT OR MULTILATERAL EXERCISES.

(a) PROHIBITION.—The Secretary of Defense may not use any funds to invite, assist, or otherwise assure the participation of the Government of Cuba in any joint or multilateral exercise or related security conference between the United States and Cuba until the Secretary, in coordination with the Director of National Intelligence, submits to Congress written assurances that—

(1) the Cuban military has ceased committing human rights abuses against civil rights activists and other citizens of Cuba;

(2) the Cuban military has ceased providing military intelligence, weapons training, strategic planning, and security logistics to the military and security forces of Venezuela;

(3) the Cuban military and other security forces in Cuba have ceased all persecution, intimidation, arrest, imprisonment, and assassination of dissidents and members of faith based organizations;

(4) the Government of Cuba no longer demands that the United States relinquish control of Guantanamo Bay, in violation of an international treaty; and

(5) the officials of the Cuban military that were indicted in the murder of United States citizens during the shootdown of planes operated by the Brothers to the Rescue humanitarian organization in 1996 are brought to justice.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any joint or multilateral exercise or operation related to humanitarian assistance or disaster response.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION AND MODIFICATION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.

(a) EXPIRATION.—Subsection (h) of section 1222 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1992), as most recently amended by section 1215 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1045), is further amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) CONVERSION OF QUARTERLY REPORTS INTO ANNUAL REPORTS.—Effective on January 1, 2017, subsection (f) of such section 1222, as so amended, is further amended—

(1) in the subsection heading, by striking ''QUARTERLY'' and inserting ''ANNUAL''; and

(2) in paragraph (1)—

(A) by striking ''Not later than 90 days'' and all that follows through ''in which the authority in subsection (a) is exercised'' and inserting ''Not later than March 31 of any year following a year in which the authority in subsection (a) is exercised''; and

(B) by striking ''during the 90-day period ending on the date of such report'' and inserting ''during the preceding year''.

(c) EXCESS DEFENSE ARTICLES.—Subsection (i)(2) of such section 1222, as so amended, is further amended by striking ''During fiscal years 2013, 2014, 2015, and 2016'' each place it appears and inserting ''Through December 31, 2017,''.

SEC. 1212. MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT.

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1212 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1043), is amended by striking ''fiscal year 2016'' and inserting ''fiscal year 2017''.

(b) MILITARY OPERATIONS COVERED.—Such section 1233 is further amended in subsection (a)(1), by striking ''in Iraq or in Operation Enduring Freedom in Afghanistan'' and inserting ''in Afghanistan, Iraq, or Syria''.

(c) LIMITATION ON AMOUNTS AVAILABLE.—Subsection (d)(1) of such section 1233, as so amended, is further amended—

(1) in the second sentence, by striking ''during fiscal year 2016 may not exceed $1,160,000,000'' and inserting ''during fiscal year 2017 may not exceed $350,000,000''; and

(2) by striking the last sentence

(d) TREATMENT OF 2016 UNOBLIGATED BALANCES.—Of the $100,000,000 made available pursuant to section 1212(f) of the National Defense Authorization Act for Fiscal Year 2016, amounts that are unobligated as of September 30, 2016, shall continue to be available in fiscal year 2017 for the purposes specified in such section, in addition to the total amount of reimbursements and support authorized for Pakistan during fiscal year 2017 pursuant to section 1233(d)(1) of the National Defense Authorization Act for Fiscal Year 2008, as amended by this section.

(e) REPEAL AUTHORITY FOR OTHER SUPPORT.—Subsection (b) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008, as most recently amended by section 1212 of the National Defense Authorization Act for Fiscal Year 2016, is repealed.

SEC. 1213. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROGRAMS AND PROJECTS OF THE DEPARTMENT OF DEFENSE IN AFGHANISTAN THAT CANNOT BE SAFELY ACCESSED BY UNITED STATES GOVERNMENT PERSONNEL.

(a) PROHIBITION.—

(1) IN GENERAL.—Amounts available to the Department of Defense may not be obligated or expended for a construction or other infrastructure project of the Department in Afghanistan if military or civilian personnel of the United States Government or their representatives with authority to conduct oversight of such program or project cannot safely access such program or project.

(2) APPLICABILITY.—Paragraph (1) shall apply only with respect to a program or project that is initiated on or after the date of the enactment of this Act.

(b) WAIVER.—

(1) IN GENERAL.—The prohibition in subsection (a) may be waived with respect to a program or project otherwise covered by that subsection if a determination described in paragraph (2) is made as follows:

(A) In the case of a program or project with an estimated lifecycle cost of less than $1,000,000, by the contracting officer assigned to oversee the program or project.

(B) In the case of a program or project with an estimated lifecycle cost of $1,000,000 or more, but less than $40,000,000, by the Commander of United States Forces-Afghanistan.

(C) In the case of a program or project with an estimated lifecycle cost of $40,000,000 or more, by the Secretary of Defense.

(2) DETERMINATION.—A determination described in this paragraph with respect to a program or project is a determination of each of the following:

(A) That the program or project clearly contributes to United States national interests or strategic objectives.

(B) That the Government of Afghanistan has requested or expressed a need for the program or project.

(C) That the program or project has been coordinated with the Government of Afghanistan, and with any other implementing agencies or international donors.

(D) That security conditions permit effective implementation and oversight of the program or project.

(E) That the program or project includes safeguards to detect, deter, and mitigate corruption and waste, fraud, and abuse of funds.

(F) That adequate arrangements have been made for the sustainment of the program or project following its completion, including arrangements with respect to funding and technical capacity for sustainment.

(G) That meaningful metrics have been established to measure the progress and effectiveness of the program or project in meeting its objectives.

(3) NOTICE ON CERTAIN WAIVERS.—In the event a waiver is issued under paragraph (1)

for a program or project described in subparagraph (C) of that paragraph, the Secretary of Defense shall notify Congress of the waiver not later than 15 days after the issuance of the waiver.

SEC. 1214. REIMBURSEMENT OF PAKISTAN FOR SECURITY ENHANCEMENT ACTIVITIES.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense is authorized to reimburse Pakistan for certain activities meant to enhance the security situation in the northwest regions of Pakistan, including the Federally Administered Tribal Areas and Khyber Pakhtunkhwa.

(2) FUNDS AVAILABLE.—Reimbursement under the authority of this subsection may be provided from amounts available to the Department of Defense for the Security Cooperation Enhancement Fund under section 381 of title 10, United States Code (as added by subtitle G of this title).

(3) CITATION.—This section may be referred to as the ''Pakistan Security Enhancement Authorization''.

(b) ACTIVITIES.—Reimbursement may be provided under the authority in subsection (a) for activities as follows:

(1) Counterterrorism activities in the Federally Administered Tribal Areas and Khyber Pakhtunkhwa, including the following:

(A) Eliminating infrastructure, training areas, and sanctuaries used by terrorist groups, and preventing the establishment of new or additional infrastructure, training areas, and sanctuaries.

(B) Direct action against individuals that are involved in or supporting terrorist activities.

(C) Any other activity recognized by the Secretary of Defense as a counterterrorism activity for purposes of this subsection.

(2) Border security activities along the Afghanistan-Pakistan border, including the following:

(A) Building and maintaining border outposts.

(B) Strengthening cooperative efforts between the Pakistan military and the Afghan National Defense and Security Forces, including border security cooperation.

(C) Maintaining access to and securing key ground lines of communication.

(D) Providing training and equipment for the Pakistan Frontier Corps Khyber Pakhtunkhwa.

(E) Improving interoperability between the Pakistan military and the Pakistan Frontier Corps Khyber Pakhtunkhwa.

(c) LIMITATIONS.—

(1) IN GENERAL.—Funds available under the authority in subsection (a) may not be used for reimbursement for any activities described in subsection (b) during any period of time when the ground lines of communication through Pakistan to Afghanistan were closed to the transshipment of equipment and supplies in support of United States military operations in Afghanistan and the retrograde of United States equipment out of Afghanistan.

(2) WAIVER.—The Secretary may waive the limitation in paragraph (1) if the Secretary of Defense certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

(3) AMOUNT.—The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2017 may not exceed $800,000,000.

(4) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary may not enter into any contractual obligation to make a reimbursement under the authority in paragraph (1).

(d) ADDITIONAL LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION.—Of the funds available under the authority in subsection (a), $300,000,000 shall not be available for use as reimbursement described in that subsection unless the Secretary of Defense certifies to the congressional defense committees that the Government of Pakistan is taking demonstrable actions—

(1) to significantly disrupt the safe haven and freedom of movement of the Haqqani Network in Pakistan;

(2) to prevent the Haqqani Network from using Pakistan territory as a safe haven; and

(3) to actively coordinate with the Government of Afghanistan to restrict the movement of militants, such as the Haqqani Network, along the Afghanistan-Pakistan border.

(e) AMOUNTS OF REIMBURSEMENT.—Reimbursement authorized by the authority in subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the activities undertaken.

(f) REPORT.—Not later than December 31, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the expenditure of funds under the authority in subsection (a), including a description of the following:

(1) The purpose for which such funds were expended.

(2) Each organization on whose behalf such funds were expended, including the amount expended on such organization and the number of members of such organization supported by such amount.

(3) Any limitation imposed on the expenditure of funds under subsection (a), including on any recipient of funds or any use of funds expended.

(g) NOTICE TO CONGRESS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Defense shall notify the congressional defense committees not later than 15 days before making any reimbursement under the authority in subsection (a).

(2) EXCEPTION.—The requirement to provide notice under paragraph (1) shall not apply with respect to reimbursement for access based on an international agreement.

(3) ELEMENTS.—Each notification under paragraph (1) shall include an itemized description of the activities conducted by the Government of Pakistan for which the United States will provide reimbursement.

(4) FORM.—Each notification under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(h) INFORMATION ON CLAIMS DISALLOWED OR DEFERRED BY THE UNITED STATES.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees, in the manner specified in paragraph (2), an itemized description of the costs claimed by the Government of Pakistan for activities specified in subsection (b) provided by Government of Pakistan to the United States for which the United States will disallow or defer reimbursement to the Government of Pakistan under the authority in subsection (a).

(2) MANNER OF SUBMITTAL.—

(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall submit each itemized description of costs required by paragraph (1) not later than 180 days after the date on which a decision to disallow or defer reimbursement for the costs claimed is made.

(B) FORM.—Each itemized description of costs under subparagraph (A) shall be submitted in an unclassified form, but may include a classified annex.

SEC. 1215. IMPROVEMENT OF OVERSIGHT OF UNITED STATES GOVERNMENT EFFORTS IN AFGHANISTAN.

(a) REPORT ON IG OVERSIGHT ACTIVITIES IN AFGHANISTAN DURING FISCAL YEAR 2017.—Not later than 60 days after the date of the enactment of this Act, the Lead Inspector General for Operation Freedom's Sentinel, as designated pursuant to section 8L of the Inspector General Act of 1978 (5 U.S.C. App.), shall, in coordination with the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction, submit to the appropriate committees of Congress a report on the oversight activities of United States Inspectors General in Afghanistan planned for fiscal year 2017.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the requirements, responsibilities, and focus areas of each Inspector General of the United States planning to conduct oversight activities in Afghanistan during fiscal year 2017.

(2) A comprehensive list of the funding to be used for the oversight activities described in paragraph (1).

(3) A list of the oversight activities and products anticipated to be produced by each Inspector General of the United States in connection with oversight activities in Afghanistan during fiscal year 2017.

(4) An identification of any anticipated overlap among the planned oversight activities of Inspectors General of the United States in Afghanistan during fiscal year 2017, and a justification for such overlap.

(5) A description of the processes by which the Inspectors General of the United States coordinate and reduce redundancies in requests for information to United States Government officials executing funds in Afghanistan.

(6) Any other matters the Lead Inspector General for Operation Freedom's Sentinel considers appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee Appropriations of the House of Representatives.

Subtitle C—Matters Relating to Syria and Iraq

SEC. 1221. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO THE VETTED SYRIAN OPPOSITION.

(a) NOTICE ON NEW INITIATIVES.—

(1) IN GENERAL.—Subsection (f) of section 1209 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541), as amended by section 1225(e) of the National Defense Authorization Act for

Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1055), is further amended to read as follows:

''(f) NOTICE TO CONGRESS BEFORE INITIATION OF NEW INITIATIVES.—Not later than 30 days before initiating a new initiative under subsection (a), the Secretary of Defense shall submit to the appropriate congressional committees a notice setting forth the following:

''(1) The initiative to be carried out, including a detailed description of the assistance provided.

''(2) The budget, implementation timeline and anticipated delivery schedule for the assistance to which the initiative relates, the military department responsible for management and the associated program executive office, and the completion date for the initiative.

''(3) The amount, source, and planned expenditure of funds to carry out the initiative.

''(4) Any financial or other support for the initiation provided by foreign governments.

''(5) Any other information with respect to the initiative that the Secretary considers appropriate.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to new initiatives initiated under section 1209 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 on or after the date that is 30 days after the date of the enactment of this Act.

(b) EXTENSION OF AUTHORITY.—Subsection (a) of such section is amended by striking ''December 31, 2016'' and inserting ''December 31, 2019''.

SEC. 1222. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND THE LEVANT.

(a) IN GENERAL.—Section 1236(a) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3559) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2019''.

(b) ADDITIONAL ASSESSMENT ON CERTAIN ACTIONS BY GOVERNMENT OF IRAQ.—Subsection (l)(1)(A) of such section, as added by section 1223(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92. 129 Stat. 1050), is amended by striking ''120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016'' and inserting ''each of March 25, 2016, and the date that is 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017''.

SEC. 1223. EXTENSION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) EXTENSION.—Subsection (f)(1) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended by striking ''fiscal year 2016'' and inserting ''fiscal year 2017''.

(b) AMOUNT AVAILABLE.—Such section is further amended—

(1) in subsection (c), by striking ''fiscal year 2016'' and all that follows and inserting ''fiscal year 2017 may not exceed $60,000,000''; and

(2) in subsection (d), by striking ''fiscal year 2016'' and inserting ''fiscal year 2017''.

Subtitle D—Matters Relating to Iran

SEC. 1226. ADDITIONAL ELEMENTS IN THE ANNUAL REPORT ON THE MILITARY POWER OF IRAN.

Section 1245(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2542), as most recently amended by section 1231(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1057), is further amended—

(1) by striking subparagraph (F) and inserting the following new subparagraph (F):

''(F) an assessment of Iran's cyber capabilities, including an assessment of Iran's ability to mask its cyber operations through the use of proxies, irregular forces, the Iranian Revolutionary Guard Corps, and other actors;''; and

(2) by adding at the end the following new subparagraph:

''(H) an assessment of any assistance to, assistance from, or cooperation by Iran with other countries and non-state actors to increase cyber capabilities.''.

Subtitle E—Matters Relating to the Russian Federation

SEC. 1231. EXTENSION AND ENHANCEMENT OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

(a) FUNDING.—Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068) is amended—

(1) in subsection (a), by striking ''Of the amounts'' and all that follows through ''shall be available to'' and inserting ''Amounts available for a fiscal year under subsection (f) shall be available to'';

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following new subsection (f):

''(f) FUNDING.—From amounts authorized to be appropriated for the fiscal year concerned for the Department of Defense for overseas contingency operations, the following shall be available for purposes of subsection (a):

''(1) For fiscal year 2016, $300,000,000.

''(2) For fiscal year 2017, $500,000,000.''.

(b) ADDITIONAL AUTHORIZED ASSISTANCE.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

''(10) Equipment and technical assistance to the State Border Guard Service of Ukraine for the purpose of developing a comprehensive border surveillance network for Ukraine.

''(11) Training for staff officers and senior leadership of the military.''.

(c) AVAILABILITY OF FUNDS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by inserting ''for a fiscal year'' after ''pursuant to subsection (a)'';

(2) in paragraph (2), by striking ''pursuant to subsection (a)'' and all that follows and inserting ''pursuant to subsection (a) for a fiscal year, the amount as follows shall be available only for lethal assistance described in paragraphs (2) and (3) of subsection (b) in that fiscal year:

''(A) In fiscal year 2016, $50,000,000.

''(B) In fiscal year 2017, $150,000,000.'';

(3) in paragraph (3)—

(A) in the paragraph heading, by striking ''OTHER PURPOSES'' and inserting ''AVAILABILITY FOR NON-UKRAINE PURPOSES OF CERTAIN AMOUNT OTHERWISE AVAILABLE FOR UKRAINE DEFENSIVE LETHAL ASSISTANCE'';

(B) in the matter preceding subparagraph (A), by striking the first sentence and inserting the following new sentence: ''Subject to paragraph (5), the amount described in paragraph (2)(B) for fiscal year 2017 shall be available for purposes other than assistance and support described in subsection (a) commencing on the date that is 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 if the Secretary of Defense, with the concurrence of the Secretary of State, determines that the use of such amount for lethal assistance described in paragraphs (2) and (3) of subsection (b) is not in the national security interests of the United States.''; and

(C) in subparagraph (B), by striking ''or the Government of Ukraine''; and

(4) by adding at the end the following new paragraphs:

''(4) AVAILABILITY FOR NON-UKRAINE PURPOSES OF CERTAIN AMOUNT OTHERWISE AVAILABLE FOR UKRAINE GENERALLY.—

''(A) IN GENERAL.—If the certification described in subparagraph (B) is not made to the congressional defense committees by the end of the 90-day period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, commencing as of the end of that period $250,000,000 of the amount available for this section for fiscal year 2017 under subsection (f) shall be available in accordance with paragraph (5)(B).

''(B) CERTIFICATION.—A certification described in this subparagraph is a certification by the Secretary of Defense, in coordination with the Secretary of State, that the Government of Ukraine has taken substantial actions to make defense institutional reforms to decrease corruption, increase accountability, and sustain improvements of combat capability enabled by such security assistance. The certification shall include an assessment of the substantial actions taken to make defense institutional reforms and the areas in which additional action is needed.

''(5) USE.—In the event funds described in paragraph (2)(B) are not used in fiscal year 2017 for defensive lethal assistance described in paragraphs (2) and (3) of subsection (b) by reason of a determination under paragraph (3), and funds described in paragraph (4) are available under that paragraph in that fiscal year by reason of the lack of a certification described in paragraph (4)(B), of the amount available for this section under subsection (f) for fiscal year 2017—

''(A) $250,000,000 may be used for assistance and support described in subsection (a) for the Government of Ukraine; and

''(B) $250,000,000 may be used for purposes described in paragraph (3), of which not more than $150,000,000 may be used for such purposes for a particular foreign country.

''(6) NOTICE TO CONGRESS.—Not later than 15 days before providing assistance or training under paragraph (3), (4), or (5), the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification containing the following:

''(A) The recipient foreign country.

''(B) A detailed description of the assistance or training to be provided, including—

''(i) the objectives of such assistance or training;

''(ii) the budget for such assistance or training; and

''(iii) the expected or estimated timeline for delivery of such assistance or training.

''(C) Such other matters as the Secretary considers appropriate''.

(d) CONSTRUCTION WITH OTHER AUTHORITY.—Such section is further amended by inserting after subsection (f), as amended by subsection (a)(3) of this section, the following new subsection (g):

''(g) CONSTRUCTION WITH OTHER AUTHORITY.—The authority to provide assistance

and support pursuant to subsection (a), and the authority to provide assistance and training support under subsection (c), is in addition to authority to provide assistance and support under title 10, United States Code, the Foreign Assistance Act of 1961, the Arms Export Control Act, or any other provision of law.''.

(e) EXTENSION.—Subsection (h) of such section, as redesignated by subsection (a)(2) of this section, is amended by striking ''December 31, 2017'' and inserting ''December 31, 2019''.

(f) EXTENSION OF REPORTS ON MILITARY ASSISTANCE TO UKRAINE.—Section 1275(e) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3592), as amended by section 1250(g) of the National Defense Authorization Act for Fiscal Year 2016, is further amended by striking ''December 31, 2017'' and inserting ''December 31, 2020''.

SEC. 1232. EXTENSION AND MODIFICATION OF AUTHORITY ON TRAINING FOR EASTERN EUROPEAN NATIONAL MILITARY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

(a) ADDITIONAL SOURCE OF FUNDING.—Subsection (d)(2) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1070; 10 U.S.C. 2282 note) is amended by adding at the end the following new subparagraph:

''(C) Amounts authorized to be appropriated for a fiscal year for overseas contingency operations for operation and maintenance, Army, and available under Land Forces Operations Support for the European Reassurance Initiative for that fiscal year.''.

(b) TWO-YEAR EXTENSION.—Subsection (h) of such section is amended—

(1) by striking ''September 30, 2017'' and inserting ''September 30, 2019''; and

(2) by striking ''through 2017'' and inserting ''through 2019''.

SEC. 1233. ADDITIONAL MATTERS IN ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

Section 1245 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3566), as amended by section 1248 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1066), is further amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (10) through (18) as paragraphs (11) through (19), respectively;

(B) by inserting after paragraph (9) the following new paragraph:

''(10) In consultation with the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, an assessment of Russia's diplomatic, economic, and intelligence operations in Ukraine.'';

(C) by striking paragraph (13), as redesignated by subparagraph (A), and inserting the following new paragraph:

''(13) An analysis of the nuclear strategy and associated doctrine of Russia, based on current assessments, including—

''(A) the capacity, capability, and readiness of Russia's active and inactive strategic and tactical nuclear systems;

''(B) the estimated minimum and maximum flight ranges of each of Russia's active and inactive strategic and tactical nuclear systems;

''(C) an assessment of whether Russia's SAM and ABM systems possess surface-to-surface launch capability, and if so, an estimate of the minimum and maximum surface-to-surface flight range of these systems; and

''(D) an assessment of Russia's investments in alternative delivery systems, including—

''(i) air-launched ICBMs;

''(ii) rail-mobile ICBMs; and

''(iii) nuclear-armed, nuclear-powered unmanned underwater vehicles, including the Maritime Multifunctional System Status–6 (Kanyon).''; and

(D) in subparagraph (B) of paragraph (17), as redesignated by subparagraph (A) of this paragraph, by striking ''day'' and inserting ''month'';

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

''(d) PUBLISHING REQUIREMENT.—Upon submission of the report required under subsection (a) in both classified and unclassified form, the Secretary of Defense shall publish the unclassified form on the Department of Defense website.''; and

(4) in subsection (g), as redesignated by paragraph (3), by striking ''2018'' and inserting ''2022''.

SEC. 1234. EUROPEAN INVESTMENT IN SECURITY AND STABILITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the North Atlantic Treaty Organization (NATO) allies and European partners of the United States are indispensable to addressing global security challenges;

(2) the security and stability of Europe is an enduring vital national security interest of the United States;

(3) while the investments of the United States are important to the security and stability of Europe, the investments of North Atlantic Treaty Organization allies and European partners in developing and employing their own security capabilities should meet or exceed such investments of the United States, including in efforts such as the European Deterrence Initiative;

(4) Congress expects an increase in the forward presence of the military forces of the North Atlantic Treaty Organization allies and European partners, especially by the most capable North Atlantic Treaty Organization allies; and

(5) the forces described in paragraph (4) must be interoperable with the additional United States troops in Eastern Europe, as enabled by the European Deterrence Initiative, and are a critical component of the forward presence of the North Atlantic Treaty Organization to provide improved collective security and increased effective deterrence.

(b) ACCOUNTING OF EUROPEAN INVESTMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall present to the congressional defense committees an accounting of European investment in security capabilities including current and planned efforts to contribute to global security operations such as maintaining security and stability in Afghanistan and countering the Islamic State of Iraq and the Levant, programs and projects designed to deter Russia and maintain the security and stability of Europe, and any other initiative that matches or compliments the efforts the United States is making (such as the European Deterrence Initiative).

(c) ELEMENTS.—The accounting presented pursuant to subsection (b) shall include the following:

(1) A summary of the major outcomes of the 2014 NATO Wales Summit and the 2016 NATO Warsaw Summit including progress towards fulfilment of pledges to increase defense spending as agreed to by Heads of State and Government.

(2) A description of initiatives by other members of the North Atlantic Treaty Organization and European partners to—

(A) deter security challenges posed by Russia;

(B) increase capabilities to respond to unconventional or hybrid warfare tactics such as those used by the Russian Federation to annex Crimea and foment instability in Eastern Ukraine;

(C) enhance security in Europe in ways that match or exceed United States contributions to conventional deterrence in the region;

(D) contribute to the counter-Islamic State of Iraq and the Levant campaign and the North Atlantic Treaty Organization-led mission in Afghanistan; and

(E) counter terrorism elsewhere in Europe and Africa.

(3) Any other matters the Secretary of Defense considers appropriate.

SEC. 1235. SENSE OF SENATE ON EUROPEAN DETERRENCE INITIATIVE.

It is the sense of the Senate that—

(1) the European Deterrence Initiative will bolster efforts to deter further Russian aggression by providing resources to—

(A) train and equip the military forces of North Atlantic Treaty Organization (NATO) and non-North Atlantic Treaty Organization partners in order to improve responsiveness, expand expeditionary capability, and strengthen combat effectiveness across the spectrum of security environments;

(B) enhance the indications and warning, interoperability and logistics capabilities of Allied and partner military forces to increase their ability to respond to external aggression, defend their sovereignty and territorial integrity, and preserve regional stability; and

(C) improve the agility and flexibility of military forces required to address threats across the full spectrum of domains and effectively operate in a wide array of coalition operations across diverse global environments from North Africa and the Middle East to Eastern Europe and the Arctic;

(2) investments that support the security and stability of Europe and that assist European nations in further developing their security capabilities are in the long-term vital national security interests of the United States; and

(3) funds for such efforts should be authorized and appropriated in the base budget of the Department of Defense in order to ensure continued and planned funding to address long-term stability on the European continent, reassure our European allies and partners, and deter further Russian aggression.

Subtitle F—Matters Relating to Asia-Pacific Region

SEC. 1241. ANNUAL UPDATE OF DEPARTMENT OF DEFENSE FREEDOM OF NAVIGATION REPORT.

(a) IN GENERAL.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives on an annual basis a report setting forth an update of the most current Department of Defense Freedom of Navigation Report under the Freedom of Navigation Operations (FONOPS) program. The purpose of each report shall be to document the types and locations of excessive claims that the Armed Forces of the United States have challenged in the previous year in order to preserve the rights, freedoms, and uses of the sea and airspace guaranteed to all countries by international law.

(b) ELEMENTS.—Each report under this section shall include, for the year covered by such report, the following:

(1) Each excessive maritime claim challenged by the United States under the program referred to in subsection (a), including the country making each such claim.

(2) The nature of each claim, including the geographic location or area covered by such claim (including the body of water and island grouping, when applicable).

(3) The specific legal challenge asserted through the program.

(c) FORM.—Each report under this section shall be submitted in unclassified form.

SEC. 1242. INCLUSION OF THE PHILIPPINES AMONG ALLIED COUNTRIES WITH WHOM UNITED STATES MAY ENTER INTO COOPERATIVE MILITARY AIRLIFT AGREEMENTS.

Section 2350c(d)(1)(B) of title 10, United States Code, is amended by inserting ''the Philippines,'' after ''Japan,''.

SEC. 1243. MILITARY EXCHANGES BETWEEN THE UNITED STATES AND TAIWAN.

(a) MILITARY EXCHANGES BETWEEN SENIOR OFFICERS AND OFFICIALS OF THE UNITED STATES AND TAIWAN.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a program of exchanges of senior military officers and senior officials between the United States and Taiwan designed to improve military to military relations between the United States and Taiwan.

(2) EXCHANGES DESCRIBED.—For the purposes of this subsection, an exchange is an activity, exercise, event, or observation opportunity between members of the Armed Forces and officials of the Department of Defense, on the one hand, and armed forces personnel and officials of Taiwan, on the other hand.

(3) FOCUS OF EXCHANGES.—The exchanges under the program carried out pursuant to paragraph (1) shall include exchanges focused on the following:

(A) Threat analysis.

(B) Military doctrine.

(C) Force planning.

(D) Logistical support.

(E) Intelligence collection and analysis.

(F) Operational tactics, techniques, and procedures.

(G) Humanitarian assistance and disaster relief.

(4) CIVIL-MILITARY AFFAIRS.—The exchanges under the program carried out pursuant to paragraph (1) shall include activities and exercises focused on civil-military relations, including parliamentary relations.

(5) LOCATION OF EXCHANGES.—The exchanges under the program carried out pursuant to paragraph (1) shall be conducted in both the United States and Taiwan.

(6) DEFINITIONS.—In this subsection:

(A) The term ''senior military officer'', with respect to the Armed Forces, means a general or flag officer of the Armed Forces on active duty.

(B) The term ''senior official'', with respect to the Department of Defense, means a civilian official of the Department of Defense at the level of Assistant Secretary of Defense or above.

(b) SENSE OF SENATE ON PARTICIPATION OF TAIWAN IN CERTAIN ADVANCED AERIAL COMBAT TRAINING EXERCISES.—It is the sense of the Senate that—

(1) the military forces of Taiwan, in accordance with the Taiwan Relations Act (Public Law 96–8), should be permitted to participate in bilateral training activities hosted by the United States that increase the credible deterrent capabilities of Taiwan;

(2) Taiwan should be extended an invitation to participate in advanced aerial combat training exercises alongside the United States Air Force upon the completion of the upgrades to the 45 F–16A/B fighter aircraft of Taiwan; and

(3) to maintain a high state of readiness, Taiwan must strive to invest at least 3 percent of its annual gross domestic product on defense.

SEC. 1244. SENSE OF SENATE ON TAIWAN.

It is the sense of the Senate that the United States should strengthen and enhance its long-standing partnership and strategic cooperation with Taiwan, and reinforce its commitment to the Taiwan Relations Act and the ''Six Assurances'' as both countries work toward mutual security objectives, by—

(1) conducting regular transfers of defense articles and defense services necessary to enable Taiwan to secure common interests and objectives with the United States;

(2) supporting the efforts of Taiwan to integrate innovative and asymmetric capabilities to balance the growing military capabilities of the People's Republic of China, including fast-attack craft, coastal-defense cruise missiles, rapid-runway repair training, and undersea warfare capabilities optimized for the defense of the Taiwan Straits;

(3) assisting Taiwan in building an effective air defense capability consisting of a balance of fighters and more mobile air defense systems; and

(4) permitting Taiwan to participate in bilateral training activities hosted by the United States that increase the credible deterrent capabilities of Taiwan.

SEC. 1245. SENSE OF SENATE ON ENHANCEMENT OF THE MILITARY RELATIONSHIP BETWEEN THE UNITED STATES AND VIETNAM.

It is the sense of the Senate that—

(1) removing the prohibition on the sale of lethal military equipment to the Government of Vietnam at this time would further United States national security interests;

(2) any future sale of arms by the United States Government to the Government of Vietnam should be monitored to ensure that—

(A) the Government of Vietnam is continuing to make progress on human rights; and

(B) the arms sold are not being used in ways that violate the human rights and freedoms of civilians in Vietnam; and

(3) the United States Government should continue to expand the military-to-military relationship with the Government of Vietnam, including by—

(A) increasing participation in bilateral and multilateral naval exercises;

(B) increasing naval port visits by the United States, including at Cam Ranh Bay and Da Nang, Vietnam;

(C) increasing International Military Education and Training (IMET) and Expanded–IMET (E–IMET) programs for military officers of Vietnam;

(D) establishing bilateral arrangements to support increased cooperation on humanitarian assistance and disaster relief and joint personnel accounting cooperative activities; and

(E) seeking opportunities to promote military observation and participation by Vietnam in regional exercises such as the Rim of the Pacific (RIMPAC) exercise, the COBRA GOLD multinational exercises held in Thailand, and the BALIKITAN exercise of the United States and the Philippines.

SEC. 1246. REDESIGNATION OF SOUTH CHINA SEA INITIATIVE.

(a) REDESIGNATION AS SOUTHEAST ASIA MARITIME SECURITY INITIATIVE.—Subsection (a)(2) of section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1073; 10 U.S.C. 2282 note) is amended by striking ''the 'South China Sea Initiative''' and inserting ''the 'Southeast Asia Maritime Security Initiative'''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''SEC. 1263. SOUTHEAST ASIA MARITIME SECURITY INITIATIVE.''.

SEC. 1247. MILITARY-TO-MILITARY EXCHANGES WITH INDIA.

To enhance military cooperation and encourage engagement in joint military operations between the United States and India, the Secretary of Defense may take appropriate actions to ensure that exchanges between senior military officers and senior civilian defense officials of the Government of India and the United States Government—

(1) are at a level appropriate to enhance engagement between the militaries of the two countries for developing threat analysis, military doctrine, force planning, logistical support, intelligence collection and analysis, tactics, techniques, and procedures, and humanitarian assistance and disaster relief;

(2) include exchanges of general and flag officers; and

(3) significantly enhance joint military operations, including maritime security, counter-piracy, counter-terror cooperation, and domain awareness in the Indo-Asia-Pacific region.

Subtitle G—Reform of Department of Defense Security Cooperation

SEC. 1251. SENSE OF CONGRESS ON SECURITY SECTOR ASSISTANCE.

It is the sense of Congress that—

(1) United States security sector assistance is aimed at strengthening the ability of United States allies and partner nations to build their own security capacity, consistent with the principles of good governance and rule of law;

(2) in an environment of limited resources and diverse security challenges, it is essential that the United States be selective and focus targeted assistance where it can be most effective and where it is most aligned with broader foreign policy and national security objectives of the United States;

(3) the goals of United States security sector assistance are to—

(A) help partner nations build sustainable capacity to address common security challenges;

(B) promote partner support for United States interests;

(C) promote universal values, such as good governance, citizen security, and respect for human rights;

(D) strengthen collective security and multinational defense arrangements and organizations; and

(E) promote the adoption of United States products and technology, which increases interoperability and interdependence;

(4) the Department of State is the coordinator of United State foreign policy, and is responsible for policy direction on all matters relating to security sector assistance;

(5) the Department of Defense provides critical implementing support to the Department of State on security assistance programs, and conducts critical security cooperation programs of its own;

(6) other United States Government agencies, such as the United States Agency for

International Development, the Department of Treasury, the Department of Justice, and the Department of Homeland Security, also play critical roles in executing a whole-of-government approach to security sector assistance;

(7) security sector assistance must be discharged as a shared responsibility across all departments and agencies of the United States Government, with all departments and agencies operating with a shared commitment to agility, effectiveness, and coordination; and

(8) as the two leading implementers of security sector assistance, the Department of State and Department of Defense should work collaboratively in all matters relating to security sector assistance, including by undertaking joint planning to determine the best application of security sector assistance programs under title 10, United States Code, the Foreign Assistance Act of 1961, and other laws relating to such programs for the Department of Defense and the Department of State, particularly when the United States Government seeks to introduce a significant new military capability into a foreign country or region, significantly enhance the security capacity of a foreign country, or engage a diplomatically sensitive foreign country.

SEC. 1252. ENACTMENT OF NEW CHAPTER FOR DEFENSE SECURITY COOPERATION.

(a) STATUTORY REORGANIZATION.—Part I of subtitle A of title 10, United States Code, is amended—

(1) by redesignating chapters 13, 15, 17, and 18 as chapters 12, 13, 14, and 15, respectively;

(2) by redesignating sections 261, 311, 312, 331, 332, 333, 334, 335, 351, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, and 384 (as added by section 1006 of this Act) as sections 241, 246, 247, 251, 252, 253, 254, 255, 261 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, and 284, respectively; and

(3) by inserting after chapter 15, as redesignated by paragraph (1), the following new chapter:

"CHAPTER 16—SECURITY COOPERATION

''Subchapter	Sec.
"I. General Matters	**301**
"II. Military-to-Military Engagements	**311**
"III. Training With Foreign Forces	**321**
"IV. Support for Operations and Capacity Building	**331**
"V. Educational and Training Activities	**341**
"VI. Limitations on Use of Department of Defense Funds	**361**
"VII. Administrative and Miscellaneous Matters	**381**

''SUBCHAPTER I—GENERAL MATTERS

''Sec.
''301. Definitions.

"§ 301. Definitions

''In this chapter:

''(1) The terms 'appropriate congressional committees' and 'appropriate committees of Congress' mean—

''(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

''(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

''(2) The term 'defense article' means—

''(A) any weapon, weapon system, munition, aircraft, boat, or other implement of war;

''(B) any machinery, tool, material, supply, or other item necessary for the repair, servicing, operation, or use of any article listed in this paragraph; and

''(C) any component or part of any article listed in this paragraph.

''(3) The term 'defense service' means any service, test, inspection, repair, training, publication, technical or other assistance related to a defense article.

''(4) The term 'incremental expenses', with respect to a foreign country—

''(A) means the reasonable and proper costs of rations, fuel, training ammunition, transportation, and other goods and services consumed by the country as a direct result of the country's participation in activities authorized by this chapter; and

''(B) does not include—

''(i) any form of lethal assistance (excluding training ammunition); or

''(ii) pay, allowances, and other normal costs of the personnel of the country.

''(5) The term 'security cooperation programs and activities of the Department of Defense' means any program, activity (including an exercise), or interaction of the Department of Defense with the security establishment of a foreign country to achieve a purpose as follows:

''(A) To build relationships that promote specific United States security interests.

''(B) To build and develop allied and friendly security capabilities for self-defense and multinational operations.

''(C) To provide the armed forces with access to the foreign country during peacetime or a contingency operation.

''(6) The term 'small-scale construction' means construction at a cost not to exceed $750,000 for any project.

''(7) The term 'training' includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, or contractors, or technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice to foreign military units and forces.

''SUBCHAPTER II—MILITARY-TO-MILITARY ENGAGEMENTS

''Sec.
''311. Exchange of defense personnel between United States and friendly foreign countries: authority.
''312. Payment of personnel expenses necessary for theater security cooperation.
''313. Bilateral or regional cooperation programs: awards and mementos to recognize superior noncombat achievements or performance.

''SUBCHAPTER III—TRAINING WITH FOREIGN FORCES

''Sec.
''321. Training with friendly foreign countries: payment of training and exercise expenses.

''SUBCHAPTER IV—SUPPORT FOR OPERATIONS AND CAPACITY BUILDING

''Sec.
''331. Friendly foreign countries: authority to provide support for conduct of operations.
''332. Friendly foreign countries; international and regional organizations: defense institution capacity building.
''333. Foreign security forces: authority to build capacity.

''SUBCHAPTER V—EDUCATIONAL AND TRAINING ACTIVITIES

''Sec.
''341. Department of Defense State Partnership Program.
''342. Regional centers for security studies.
''343. Western Hemisphere Institute for Security Cooperation.
''344. Participation in multinational military centers of excellence.
''345. Defense Cooperation Fellowship Program.
''346. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.
''347. International engagement authorities for service academies.
''348. Aviation Leadership Program.
''349. Inter-American Air Force Academy.
''350. Inter-European Air Force Academy.

''SUBCHAPTER VI—LIMITATIONS ON USE OF DEPARTMENT OF DEFENSE FUNDS

''Sec.
''361. Prohibition on providing financial assistance to terrorist countries.
''362. Prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights.

''SUBCHAPTER VII—ADMINISTRATIVE AND MISCELLANEOUS MATTERS

''Sec.
''381. Security Cooperation Enhancement Fund.
''382. Policy oversight and resource allocation; execution and administration of programs and activities.
''383. Annual assessment, monitoring, and evaluation of programs and activities.
''384. Annual report.''.

(b) TRANSFER OF SECTION 1051B.—Section 1051b of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter II of such chapter, and redesignated as section 313.

(c) CODIFICATION OF SECTION 1081 OF FY 2012 NDAA.—

(1) CODIFICATION.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after the table of sections at the beginning of subchapter IV a new section 332 consisting of—

(A) a heading as follows:

"§ 332. Friendly foreign countries; international and regional organizations: defense institution capacity building"; and

(B) a text consisting of the text of subsections (a) through (d) of section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 168 note).

(2) CONFORMING REPEAL.—Section 1081 of the National Defense Authorization Act for Fiscal Year 2012 is repealed.

(d) SUPERSEDING AUTHORITY TO TRAIN AND EQUIP FOREIGN SECURITY FORCES.—

(1) SUPERSEDING AUTHORITY.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 332, as added by subsection (c), the following new section:

"§ 333. Foreign security forces: authority to build capacity

''(a) AUTHORITY.—The Secretary of Defense is authorized to conduct or support a program or programs to provide training and equipment to the national security forces of one or more foreign countries for the purpose of conducting one or more of the following:

''(1) Counterterrorism operations.

''(2) Counter-weapons of mass destruction operations.

''(3) Counter-illicit drug trafficking operations.

''(4) Counter-transnational organized crime operations.

''(5) Maritime and border security operations.

''(6) Military intelligence operations in support of lawful military operations.

''(7) Humanitarian and disaster assistance operations.

''(8) Operations or activities that contribute to an international coalition operation that is determined by the Secretary to be in the national interest of the United States.

''(9) National territorial defense of the foreign country concerned.

''(b) CONCURRENCE AND COORDINATION WITH SECRETARY OF STATE.—

''(1) CONCURRENCE IN CONDUCT OF PROGRAMS.—The concurrence of the Secretary of State is required to conduct any program authorized by subsection (a).

''(2) COORDINATION IN PREPARATION OF CERTAIN NOTICES.—Any notice required by this section to be submitted to the appropriate committees of Congress shall be prepared in coordination with the Secretary of State.

''(c) TYPES OF CAPACITY BUILDING.—

''(1) AUTHORIZED ELEMENTS.—A program under subsection (a) may include the provision and sustainment of defense articles, training, defense services, supplies (including consumables), and small-scale construction.

''(2) REQUIRED ELEMENTS.—A program under subsection (a) shall include elements that promote the following:

''(A) Observance of and respect for the law of armed conflict, fundamental freedoms, and the rule of law.

''(B) Respect for civilian control of the military.

''(3) HUMAN RIGHTS TRAINING.—In order to meet the requirement in paragraph (2)(A) with respect to particular national security forces under a program under subsection (a), the Secretary of Defense shall certify, prior to the initiation of the program, that the Department of Defense is already undertaking, or will undertake as part of the program, human rights training that includes a comprehensive curriculum on human rights and the law of armed conflict to such national security forces.

''(4) DEFENSE INSTITUTION BUILDING.—In order to meet the requirement in paragraph (2)(B) with respect to a particular foreign country under a program under subsection (a), the Secretary shall certify, prior to the initiation of the program, that the Department is already undertaking, or will undertake as part of the program, a program of defense institution building with appropriate defense institutions of such foreign country that is complementary to the program with respect to such foreign country under subsection (a). The purpose of the program of defense institution building shall be to enhance the capacity of such foreign country to exercise responsible civilian control of the national security forces of such foreign country.

''(d) LIMITATIONS.—

''(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in subsection (c) that is otherwise prohibited by any provision of law.

''(2) PROHIBITION ON ASSISTANCE TO UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The provision of assistance pursuant to a program under subsection (a) shall be subject to the provisions of section 362 of this title.

''(3) DURATION OF SUSTAINMENT SUPPORT.—Sustainment support may not be provided pursuant to a program under subsection (a), or for equipment previously provided by the Department of Defense under any authority available to the Secretary during fiscal year 205 or 2016, for a period in excess of five years unless the Secretary provides to the congressional defense committees a written justification that the provision of such support for a period in excess of five years will enhance the security interests of the United States.

''(e) NOTICE AND WAIT ON ACTIVITIES UNDER PROGRAMS.—Not later than 15 days before initiating activities under a program under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a notice of the following:

''(1) The foreign country, and specific unit, whose capacity to engage in activities specified in subsection (a) will be built under the program.

''(2) The cost, implementation timeline and delivery schedule for assistance under the program.

''(3) A description of the arrangements, if any, for the sustainment of the program and the estimated cost and source of funds to support sustainment of the capabilities and performance outcomes achieved under the program beyond its completion date, if applicable.

''(4) Information, including the amount, type, and purpose, on the security assistance provided the foreign country during the three preceding fiscal years pursuant to authorities under this title, the Foreign Assistance Act of 1961, and any other train and equip authorities of the Department of Defense.

''(5) A description of the elements of the theater security cooperation plan of the geographic combatant command concerned that will be advanced by the program.

''(f) QUARTERLY MONITORING REPORTS.—The Secretary of Defense shall, on a quarterly basis, submit to the appropriate committees of Congress a report setting forth, for the preceding calendar quarter, the following:

''(1) Information, by recipient country, of the delivery and execution status of all defense articles, training, defense services, and small-scale construction under programs under subsection (a).

''(2) Information on the timeliness of delivery of defense articles, defense services, and small-scale construction when compared with delivery schedules for such articles and construction previously provided to Congress.

''(3) Information, by recipient country, on the status of funds allocated for programs under subsection (a), including amounts of unobligated funds, unliquidated obligations, and disbursements.

''(g) FUNDING.—Amounts for programs carried out pursuant to subsection (a) in a fiscal year, and for other purposes in connection with such programs as authorized by this section, shall be derived from amounts available for such programs and purposes for such fiscal year in the Security Cooperation Enhancement Fund under section 381 of this title or as otherwise provided by law.

''(h) NATIONAL SECURITY FORCES DEFINED.—In this section, the term 'national security forces', in the case of a foreign country, means the national military and national-level security forces of the foreign country that have among their functional responsibilities the operations and activities specified in subsection (a).''.

(2) FUNDING FOR FISCAL YEAR 2017.—Amounts shall be available for fiscal year 2017 for programs and other purposes described in subsection (g) of section 333 of title 10, United States Code, as added by paragraph (1), as follows:

(A) Amounts authorized to be appropriated by section 301 for operation and maintenance, Defense-wide, and available for such programs and purposes as specified in the funding table in section 4301.

(B) Amounts authorized to be appropriated by section 1504 for operation and maintenance, Defense-wide, for overseas contingency operations and available for such programs and purposes as specified in the funding table in section 4302.

(C) Amounts authorized to be appropriated by section 1510 for the Counterterrorism Partnerships Fund and available for such programs and purposes as specified in the funding table in section 4502.

(3) LIMITATION ON AVAILABILITY OF FUNDS FOR FISCAL YEAR 2017.—Of the amounts available for fiscal year 2017 pursuant to paragraph (2) for programs and other purposes described in subsection (g) of section 333 of title 10, United States Code, as so added, not more than 65 percent of such amounts may be used for such purposes under the guidance required by paragraph (4) is submitted to the congressional defense committees as required by paragraph (4).

(4) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe, and submit to the congressional defense committees, policy guidance on roles, responsibilities, and processes in connection with programs and activities authorized by section 333 of title 10, United States Code, as so added.

(5) CONFORMING AMENDMENTS.—Effective as of the date that is 180 days after the date of the enactment of this Act, section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''tribal, or foreign'' and inserting ''or tribal'';

(ii) in paragraph (1), by adding ''or'' at the end;

(iii) in paragraph (2), by striking ''; or'' and inserting a period; and

(iv) by striking paragraph (3); and

(B) in subsection (b)(4), by striking ''or for the purpose'' and all that follows and inserting a period.

(6) CONFORMING REPEALS.—Effective as of the date that is 180 days after the date of the enactment of this Act, the following provisions of law are repealed:

(A) Section 2282 of title 10, United States Code.

(B) The following provisions of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66):

(i) Section 1203 (127 Stat. 894; 10 U.S.C. 2011 note).

(ii) Section 1204 (127 Stat. 896; 10 U.S.C. 401 note).

(iii) Section 1207 (127 Stat. 902; 22 U.S.C. 2151 note).

(C) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881).

(7) CLERICAL AMENDMENT.—Effective as of the date that is 180 days after the date of the

enactment of this Act, the table of sections at the beginning of chapter 136 of title 10, United States Code, is amended by striking the item relating to section 2282.

(e) TRANSFER AND MODIFICATION OF SECTION 184 AND CODIFICATION OF RELATED PROVISIONS.—

(1) TRANSFER AND REDESIGNATION.—Section 184 of title 10, United States Code, is transferred to chapter 16 of such title as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter V of such chapter, and redesignated as section 342.

(2) MODIFICATION OF AUTHORITIES AND CODIFICATION OF REIMBURSEMENT-RELATED PROVISIONS.—Section 342 of title 10, United States Code, as so transferred and redesignated, is amended—

(A) in subsection (a), by striking ''and exchange of ideas'' and inserting ''and training'';

(B) in subsection (b)—

(i) in paragraph (1)(B), by striking ''and exchange of ideas'' and inserting ''and training'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''European'';

(II) in subparagraph (B), by striking ''Asia-Pacific'';

(III) in subparagraph (C), by striking ''Hemispheric Defense'' and inserting ''Security''; and

(IV) by striking subparagraphs (D) and (E); and

(iii) in paragraph (3), by striking '', except as specifically provided by law after October 17, 2006'';

(C) in subsection (c), by adding at the end the following new sentence: ''The regulations shall assign regional areas of focus to each Regional Center, and shall prioritize within their respective areas of focus the functional areas for engagement of territorial and maritime security, transnational and asymmetric threats, and defense sector governance.''; and

(D) in subsection (f)—

(i) in paragraph (3)—

(I) by inserting ''(A)'' after ''(3)''; and

(II) in subparagraph (A), as so designated, by striking ''civilian government officials'' and inserting ''personnel''; and

(III) by adding at the end the following new subparagraph:

''(B)(i) The Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under this subsection of the costs of activities of the Regional Centers for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States.

''(ii) The amount of reimbursement that may be waived under clause (i) in any fiscal year may not exceed $1,000,000.''; and

(ii) in paragraph (5), by striking ''under the Latin American cooperation authority'' and all that follows and inserting ''under section 312 of this title are also available for the costs of the operation of the Regional Centers.''.

(3) CODIFICATION OF PROVISIONS RELATING TO SPECIFIC CENTERS.—Such section 342, as so transferred and redesignated, is further amended by adding at the end the following new subsections:

''(h) AUTHORITIES SPECIFIC TO MARSHALL CENTER.—(1) The Secretary of Defense may authorize participation by a European or Eurasian country in programs of the George C. Marshall Center for Security Studies (in this subsection referred to as the 'Marshall Center') if the Secretary determines, after consultation with the Secretary of State, that such participation is in the national interest of the United States.

''(2)(A) In the case of any person invited to serve without compensation on the Marshall Center Board of Visitors, the Secretary of Defense may waive any requirement for financial disclosure that would otherwise apply to that person solely by reason of service on such Board.

''(B) A member of the Marshall Center Board of Visitors may not be required to register as an agent of a foreign government solely by reason of service as a member of the Board.

''(C) Notwithstanding section 219 of title 18, a non-United States citizen may serve on the Marshall Center Board of Visitors even though registered as a foreign agent.

''(3)(A) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the Marshall Center for military officers and civilian officials from states located in Europe or the territory of the former Soviet Union if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States.

''(B) Costs for which reimbursement is waived pursuant to subparagraph (A) shall be paid from appropriations available for the Center.

''(i) AUTHORITIES SPECIFIC TO INOUYE CENTER.—(1) The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Daniel K. Inouye Center for Security Studies for military officers and civilian officials of foreign countries if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States.

''(2) Costs for which reimbursement is waived pursuant to paragraph (1) shall be paid from appropriations available for the Center.''.

(4) REPEAL OF CODIFIED PROVISIONS.—The following provisions of law are repealed:

(A) Section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 184 note).

(B) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 113 note).

(C) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892).

(D) Section 8073 of the Department of Defense Appropriations Act, 2003 Public Law 107–248 (10 U.S.C. prec. 2161 note).

(f) TRANSFER OF SECTION 2166.—

(1) TRANSFER AND REDESIGNATION.—Section 2166 of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 342, as transferred and redesignated by subsection (e), and redesignated as section 343.

(2) CONFORMING STYLISTIC AMENDMENTS.—Such section 343, as so transferred and redesignated, is amended by striking ''nations'' each place it appears in subsections (b) and (c) and inserting ''countries''.

(g) TRANSFER OF SECTION 2350M.—Section 2350m of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 343, as transferred and redesignated by subsection (f), and redesignated as section 344.

(h) TRANSFER OF SECTION 2249D.—

(1) TRANSFER AND REDESIGNATION.—Section 2249d of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 344, as transferred and redesignated by subsection (g), and redesignated as section 346.

(2) CONFORMING STYLISTIC AMENDMENTS.—Such section 346, as so transferred and redesignated, is amended—

(A) by striking ''nations'' in subsections (a) and (d) and inserting ''countries''; and

(B) by striking subsection (g).

(i) REENACTMENT OF CHAPTER 905.—

(1) CONSOLIDATION OF SECTIONS 9381, 9382, AND 9383.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 346, as transferred and redesignated by subsection (h), the following new section:

''§ 348. Aviation Leadership Program

''(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may carry out an Aviation Leadership Program to provide undergraduate pilot training and necessary related training to personnel of the air forces of friendly, developing foreign countries. Training under this section shall include language training and programs to promote better awareness and understanding of the democratic institutions and social framework of the United States.

''(b) SUPPLIES AND CLOTHING.—(1) The Secretary of the Air Force may, under such conditions as the Secretary may prescribe, provide to a person receiving training under this section—

''(A) transportation incident to the training;

''(B) supplies and equipment to be used during the training;

''(C) flight clothing and other special clothing required for the training; and

''(D) billeting, food, and health services.

''(2) The Secretary may authorize such expenditures from the appropriations of the Air Force as the Secretary considers necessary for the efficient and effective maintenance of the Program in accordance with this section.

''(c) ALLOWANCES.—The Secretary of the Air Force may pay to a person receiving training under this section a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the armed forces under similar circumstances.''.

(2) CONFORMING REPEAL.—Chapter 905 of such title is repealed.

(j) TRANSFER OF SECTION 9415.—

(1) IN GENERAL.—Section 9415 of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 348, as added by subsection (i), and redesignated as section 349.

(2) CONFORMING AMENDMENT FOR STANDARDIZATION WITH CERTAIN OTHER AIR FORCES ACADEMY AUTHORITY.—Such section 349, as so transferred and amended, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) LIMITATIONS.—

''(1) CONCURRENCE OF SECRETARY OF STATE.—Military personnel of a foreign country may be provided education and training

under this section only with the concurrence of the Secretary of State.

''(2) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—Education and training may not be provided under this section to the military personnel of any country that is otherwise prohibited from receiving such type of assistance under any other provision of law.''.

(k) CODIFICATION OF SECTION 1268 OF FY 2015 NDAA.—

(1) CODIFICATION.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 349, as transferred and redesignated by subsection (j), a new section 350 consisting of—

(A) a heading as follows:

''§ 350. Inter-European Air Forces Academy''; and

(B) a text consisting of the text of subsections (a) through (g) of section 1268 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3585; 10 U.S.C. 9411 note).

(2) CONFORMING REPEAL.—Section 1268 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 is repealed.

(l) TRANSFER OF SECTIONS 2249A AND 2249E.—

(1) TRANSFER AND REDESIGNATION.—Sections 2249a and 2249e of title 10, United States Code, are transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter VI of such chapter, and redesignated as sections 361 and 362, respectively.

(2) CONFORMING REPEAL RELATING TO SUPERSEDED DEFINITION OF CONGRESSIONAL COMMITTEES.—Section 362 of title 10, United States Code, as transferred and redesignated by paragraph (1), is amended by striking subsection (f).

(m) ADMINISTRATIVE MATTERS.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after the table of sections at the beginning of subchapter VII the following new sections:

''§ 382. Policy oversight and resource allocation; execution and administration of programs and activities

''(a) POLICY OVERSIGHT AND RESOURCE ALLOCATION.—The Secretary of Defense shall assign responsibility for the oversight of strategic policy and guidance and responsibility for overall resource allocation for security cooperation programs and activities of the Department of Defense to a single official and office in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or below.

''(b) EXECUTION AND ADMINISTRATION OF CERTAIN PROGRAMS AND ACTIVITIES.—

''(1) IN GENERAL.—The Director of the Defense Security Cooperation Agency shall be responsible for the execution and administration of all security cooperation programs and activities of the Department of Defense involving the provision of defense articles, military training, and other defense-related services by grant, loan, cash sale, or lease.

''(2) DESIGNATION OF RESPONSIBILITY.—The Director may designate an element of an armed force or a combatant command to execute and administer security cooperation programs and activities described in paragraph (1) if the Director determines that the designation will achieve maximum effectiveness, efficiency, and economy in the activities for which designated.

''§ 383. Assessment, monitoring, and evaluation of programs and activities

''(a) PROGRAM REQUIRED.—The Secretary of Defense shall maintain a program of assessment, monitoring, and evaluation in support of the security cooperation programs and activities of the Department of Defense.

''(b) PROGRAM ELEMENTS AND REQUIREMENTS.—

''(1) ELEMENTS.—The program under subsection (a) shall provide for the following:

''(A) Initial assessments of partner capability requirements, potential programmatic risks, baseline information, and indicators of efficacy for purposes of planning, monitoring, and evaluation of security cooperation programs and activities of the Department of Defense.

''(B) Monitoring of implementation of such programs and activities in order to measure progress in execution and, to the extent possible, achievement of desired outcomes.

''(C) Evaluation of the efficiency and effectiveness of such programs and activities in achieving desired outcomes.

''(D) Identification of lessons learned in carrying out such programs and activities, and development of recommendation for improving future security cooperation programs and activities of the Department of Defense.

''(2) BEST PRACTICES.—The program shall be conducted in accordance with international best practices, interagency standards, and, if applicable, the Government Performance and Results Act of 1993 (Public Law 103–62), and the amendments made by that Act, and the GPRA Modernization Act of 2010 (Public Law 111–352), and the amendments made by that Act.

''(c) REPORTS.—

''(1) REPORTS TO CONGRESS.—The Secretary shall submit to the congressional defense committees each year a report on the program under subsection (a) during the previous year. Each report shall include, for the year covered by such report, the following:

''(A) A description of the activities under the program.

''(B) An assessment of the efficacy of the activities under the program.

''(2) INFORMATION FOR THE PUBLIC ON EVALUATIONS.—The Secretary shall make available to the public, on an Internet website of the Department of Defense available to the public, a summary of each evaluation conducted pursuant to subsection (b)(1)(C). In making a summary so available, the Secretary may redact or omit any information that the Secretary determines should not be disclosed to the public in order to protect the interests of the United States or the foreign country or countries covered by such evaluation.''.

(n) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, are amended—

(A) by revising the chapter references relating to chapters 13, 15, 17, and 18 (and the section references therein) to conform to the redesignations made by paragraphs (1) and (2) of subsection (a); and

(B) by inserting after the item relating to chapter 15, as revised pursuant to subparagraph (A), the following new item:

''16. Security Cooperation ..... 301''.

(2) The section references in the tables of sections at the beginning of chapters 12, 13, 14, and 15, as redesignated by paragraph (1) of subsection (a), are revised to conform to the redesignations made by paragraph (2) of such subsection.

(3) The table of sections at the beginning of chapter 7 is amended by striking the item relating to section 184.

(4) The table of sections at the beginning of chapter 53 is amended by striking the item relating to section 1051b.

(5) The table of sections at the beginning of chapter 108 is amended by striking the item relating to section 2166.

(6) The table of sections at the beginning of subchapter I of chapter 134 is amended by striking the items relating to sections 2249a, 2249d, and 2249e.

(7) The table of sections at the beginning of subchapter II of chapter 138 is amended by striking the item relating to section 2350m.

(8) The tables of chapters at the beginning of subtitle D, and at the beginning of part III of subtitle D, are amended by striking the item relating to chapter 905.

(9) The table of sections at the beginning of chapter 907 is amended by striking the item relating to section 9415.

SEC. 1253. MILITARY-TO-MILITARY EXCHANGES.

(a) CODIFICATION IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after the table of sections at the beginning of subchapter II a new section 311 consisting of—

(1) a heading as follows:

''§ 311. Exchange of defense personnel between United States and friendly foreign countries: authority''; and

(2) a text consisting of the text of section 1082 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2672; 10 U.S.C. 168 note).

(b) REVISIONS TO INCORPORATE PERMANENT NONRECIPROCAL EXCHANGE AUTHORITY.—Section 311 of title 10, United States Code, as added by subsection (a), is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking ''an ally of the United States or another friendly foreign country for the exchange'' and inserting ''a friendly foreign country or international or regional security organization for the reciprocal or non-reciprocal exchange'';

(B) in subparagraph (A), by striking ''military'' and inserting ''members of the armed forces''; and

(C) in subparagraph (B)—

(i) by inserting ''or security'' after ''defense''; and

(ii) by inserting before the period at the end the following: ''or international or regional security organization'';

(2) in subsection (c)—

(A) by striking ''Each government shall be required under'' and inserting ''In the case of''; and

(B) by inserting after ''exchange agreement'' the following: ''that provides for reciprocal exchanges, each government shall be required''; and

(3) in subsection (f), by inserting ''defense or security ministry of that'' after ''military personnel of the''.

(c) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Section 1082 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2672; 10 U.S.C. 168 note).

(2) Section 1207 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 168 note).

SEC. 1254. CONSOLIDATION AND REVISION OF AUTHORITIES FOR PAYMENT OF PERSONNEL EXPENSES NECESSARY FOR THEATER SECURITY COOPERATION.

(a) CONSOLIDATION AND REVISION OF AUTHORITIES IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after section 311, as added by section 1253(a) of this Act, the following new section:

''§ 312. Payment of personnel expenses necessary for theater security cooperation

''(a) AUTHORITY.—The Secretary of Defense may pay expenses specified in subsection (b) that the Secretary considers necessary for theater security cooperation.

''(b) TYPES OF EXPENSES.—The expenses that may be paid under the authority provided in subsection (a) are the following:

''(1) PERSONNEL EXPENSES.—The Secretary of Defense may pay travel and subsistence of, and special compensation for, defense and other security-related personnel of friendly foreign governments that the Secretary considers necessary for theater security cooperation.

''(2) ADMINISTRATIVE SERVICES AND SUPPORT FOR LIAISON OFFICERS.—The Secretary may provide administrative services and support for the performance of duties by a liaison officer of another country while the liaison officer is assigned temporarily to any headquarters in the Department of Defense.

''(3) TRAVEL, SUBSISTENCE, AND MEDICAL CARE FOR LIAISON OFFICERS.—The Secretary may pay the expenses of a liaison officer in connection with the assignment of that officer as described in paragraph (2) if the assignment is requested by the commander of a combatant command, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the head of a Defense Agency as follows:

''(A) Travel and subsistence expenses.

''(B) Personal expenses directly necessary to carry out the duties of that officer in connection with that assignment.

''(C) Expenses for medical care at a civilian medical facility if—

''(i) adequate medical care is not available to the liaison officer at a local military medical treatment facility;

''(ii) the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States; and

''(iii) medical care is not otherwise available to the liaison officer pursuant to any treaty or other international agreement.

''(D) Mission-related travel expenses if such travel meets each of the following conditions:

''(i) The travel is in support of the national security interests of the United States.

''(ii) The officer or official making the request directs round-trip travel from the assigned location to one or more travel locations.

''(4) CONFERENCES, SEMINARS, AND SIMILAR MEETINGS.—The authority provided by paragraph (1) includes authority to pay travel and subsistence expenses for personnel described in that paragraph in connection with the attendance of such personnel at any conference, seminar, or similar meeting that is in direct support of enhancing interoperability between the United States armed forces and the national security forces of a friendly foreign country for the purposes of conducting operations, the provision of equipment or training, or the planning for, or the execution of, bilateral or multilateral training, exercises, or military operations.

''(5) OTHER EXPENSES.—In addition to the personnel expenses payable under paragraph (1), the Secretary may pay such other limited expenses in connection with conferences, seminars, and similar meeting covered by paragraph (4) as the Secretary considers appropriate in the national security interests of the United States.

''(c) LIMITATION.—The authority provided in subsection (a) may be used only for the payment of expenses of, and special compensation for, personnel from developing countries, except that the Secretary of Defense may authorize the payment of such expenses and special compensation for personnel from a country other than a developing country if the Secretary determines that such payment is necessary to respond to extraordinary circumstances and is in the national security interest of the United States.

''(d) REIMBURSEMENT.—The Secretary may provide the services and support specified in subsection (b)(2) with or without reimbursement from (or on behalf of) the recipients. The terms of reimbursement (if any) shall be specified in the appropriate agreements used to assign the liaison officer.

''(e) LIMITATIONS.—

''(1) TRAVEL AND SUBSISTENCE EXPENSES GENERALLY.—Travel and subsistence expenses authorized to be paid under subsection (a) may not, in the case of any individual, exceed the amount that would be paid under chapter 7 or 8 of title 37 to a member of the armed forces (of a comparable grade) for authorized travel of a similar nature.

''(2) TRAVEL AND RELATED EXPENSES OF LIAISON OFFICERS.—The amount paid for expenses specified in subsection (b)(3) for any liaison officer in any fiscal year may not exceed $150,000.

''(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEALS.—Sections 1050, 1050a, 1051, and 1051a of title 10, United States Code, are repealed.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 53 of such title is amended by striking the items relating to sections 1050, 1050a, 1051, and 1051a.

(c) SAVINGS PROVISION FOR FISCAL YEAR 2017.—The authority under section 1050 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the Inter-American Defense College during fiscal year 2017 under regulations prescribed by the Secretary of Defense.

SEC. 1255. TRANSFER AND REVISION OF AUTHORITY ON PAYMENT OF EXPENSES IN CONNECTION WITH TRAINING AND EXERCISES WITH FRIENDLY FOREIGN FORCES.

(a) IN GENERAL.—Section 2011 of title 10, United States Code, is transferred to 16 of such title, as added by section 1252(a)(3) of this Act, inserted after the table of sections at the beginning of subchapter III, redesignated as section 321, and amended to read as follows:

''§ 321. Training with friendly foreign countries: payment of training and exercise expenses

''(a) TRAINING AUTHORIZED.—

''(1) TRAINING WITH FOREIGN FORCES.—The armed forces under the jurisdiction of the Secretary of Defense may train with the military forces or other security forces of a friendly foreign country if the Secretary determines that it is in the national security interests of the United States to do so.

''(2) TRAINING TO SUPPORT MISSION ESSENTIAL TASKS.—Any training conducted pursuant to paragraph (1) shall, to the maximum extent practicable, support the mission essential tasks for which the unit of the armed forces participating in such training is responsible.

''(3) ELEMENTS OF TRAINING.—Any training conducted pursuant to paragraph (1) shall, to the maximum extent practicable, include elements that promote—

''(A) observance of and respect for human rights and fundamental freedoms; and

''(B) respect for legitimate civilian authority within the foreign country concerned.

''(b) AUTHORITY TO PAY TRAINING AND EXERCISE EXPENSES.—Under regulations prescribed pursuant to subsection (e), the commander of a combatant command may pay, or authorize payment for, any of the following expenses:

''(1) Expenses of training forces assigned or allocated to that command in conjunction with training, and training with, the military forces or other security forces of a friendly foreign country under subsection (a).

''(2) Expenses of deploying such forces for that training.

''(3) The incremental expenses of a friendly foreign country as the direct result of participating such training, as specified in the regulations.

''(4) The incremental expenses of a friendly foreign country as the direct result of participating in an exercise with the armed forces under the jurisdiction of the Secretary of Defense.

''(5) Small-scale construction that is directly related to the effective accomplishment of the training described in paragraph (1) or an exercise described in paragraph (4).

''(c) PURPOSE OF TRAINING AND EXERCISES.—

''(1) IN GENERAL.—The primary purpose of the training and exercises for which payment may be made under subsection (b) shall be to train the forces available to the combatant command concerned.

''(2) SELECTION OF FOREIGN PARTNERS.—Training and exercises with friendly foreign countries under subsection (a) should be planned and prioritized consistent with applicable guidance relating to the security cooperation programs and activities of the Department of Defense.

''(d) AVAILABILITY OF FUNDS FOR ACTIVITIES THAT CROSS FISCAL YEARS.—Amounts available for the authority to pay expenses in subsection (b) for a fiscal year may be used to pay expenses under that subsection for training and exercises that begin in such fiscal year but end in the next fiscal year.

''(e) REGULATIONS.—

''(1) IN GENERAL.—The Secretary of Defense shall prescribe regulations for the administration of this section. The Secretary shall submit the regulations to the Committees on Armed Services of the Senate and the House of Representatives.

''(2) ELEMENTS.—The regulations required under this section shall provide the following:

''(A) A requirement that training and exercise activities may be carried out under this section only with the prior approval of the Secretary.

''(B) Accounting procedures to ensure that the expenditures pursuant to this section are appropriate.

''(C) Procedures to limit the payment of incremental expenses to developing countries, except in the case of exceptional circumstances as specified in the regulations.

''(e) REPORTS.—Not later than January 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report regarding training and exercises during the preceding fiscal year for which expenses were paid under this section. Each report shall specify the following:

''(1) All countries in which that training was conducted.

''(2) The type of training conducted, the duration of that training, the number of members of the armed forces involved, and expenses paid.

''(3) The extent of participation by foreign military forces, including the number and service affiliation of foreign military personnel involved and the physical and financial contribution, if any, of each host nation to the training effort.

''(4) The relationship of that training to other overseas training programs conducted by the armed forces, such as military exercise programs sponsored by the Joint Chiefs of Staff, military exercise programs sponsored by a combatant command, and military training activities sponsored by a military department (including deployments for training, short duration exercises, and other similar unit training events).

''(5) A summary of the expenditures resulting from the training and exercises for which expenses were paid under this section.

''(6) A discussion of the unique military training benefit to United States forces derived from the activities for which expenses were paid under this section.''.

(b) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Section 2010 of title 10, United States Code.

(2) Section 1203 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 894; 10 U.S.C. 2011 note).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of title 10, United States Code, is amended by striking the items relating to sections 2010 and 2011.

SEC. 1256. TRANSFER AND REVISION OF AUTHORITY TO PROVIDE OPERATIONAL SUPPORT TO FORCES OF FRIENDLY FOREIGN COUNTRIES.

(a) TRANSFER AND REVISION.—Section 127d of title 10, United States Code, is transferred to chapter 16 of such title, as added by section 1252(a)(3) of this Act, inserted after the table of sections at the beginning of subchapter IV, redesignated as section 331, and amended to read as follows:

''§ 331. Friendly foreign countries: authority to provide support for conduct of operations

''(a) AUTHORITY.—The Secretary of Defense may provide support to friendly foreign countries in connection with the conduct of operations designated pursuant to subsection (b).

''(b) DESIGNATED OPERATIONS.—

''(1) IN GENERAL.—The Secretary of Defense shall designate the operations for which support may be provided under the authority in subsection (a).

''(2) NOTICE TO CONGRESS.—The Secretary shall notify the appropriate committees of Congress of the designation of any operation pursuant to this subsection.

''(3) ANNUAL REVIEW FOR CONTINUING DESIGNATION.—The Secretary shall undertake on an annual basis a review of the operations currently designated pursuant to this subsection in order to determine whether each such operation merits continuing designation for purposes of this section for another year. If the Secretary determines that any operation so reviewed merits continuing designation for purposes of this section for another year, the Secretary—

''(A) may continue the designation of such operation under this subsection for such purposes for another year; and

''(B) if the Secretary so continues the designation of such operation, shall notify the appropriate committees of Congress of the continuation of designation of such operation.

''(c) TYPES OF SUPPORT AUTHORIZED.—The types of support that may be provided under the authority in subsection (a) are the following:

''(1) Logistic support, supplies, and services to security forces of a friendly foreign country participating in—

''(A) an operation with the armed forces under the jurisdiction of the Secretary of Defense; or

''(B) a military or stability operation that benefits the national security interests of the United States.

''(2) Logistic support, supplies, and services—

''(A) to military forces of a friendly foreign country solely for the purpose of enhancing the interoperability of the logistical support systems of military forces participating in a combined operation with the United States in order to facilitate such operation; or

''(B) to a nonmilitary logistics, security, or similar agency of a friendly foreign government if such provision would directly benefit the armed forces under the jurisdiction of the Secretary of Defense.

''(3) Procurement of equipment for the purpose of the loan of such equipment to the military forces of a friendly foreign country participating in a United States-supported coalition or combined operation and the loan of such equipment to those forces to enhance capabilities or to increase interoperability with the armed forces under the jurisdiction of the Secretary of Defense and other coalition partners.

''(4) Provision of specialized training to personnel of friendly foreign countries in connection with such an operation, including training of such personnel before deployment in connection with such operation.

''(d) CERTIFICATION REQUIRED.—

''(1) OPERATIONS IN WHICH THE UNITED STATES IS NOT PARTICIPATING.—The Secretary of Defense may provide support under subsection (a) to a friendly foreign country with respect to an operation in which the United States is not participating only—

''(A) if the Secretary of Defense and the Secretary of State jointly certify to Congress that the operation is in the national security interests of the United States; and

''(B) after the expiration of the 15-day period beginning on the date of such certification.

''(2) ACCOMPANYING REPORT.—Any certification under paragraph (1) shall be accompanied by a report that includes the following:

''(A) A description of the operation, including the geographic area of the operation.

''(B) A list of participating countries.

''(C) A description of the type of support and the duration of support to be provided.

''(D) A description of the national security interests of the United States supported by the operation.

''(E) Such other matters as the Secretary of Defense and the Secretary of State consider significant to a consideration of such certification.

''(e) SECRETARY OF STATE CONCURRENCE.—The provision of support under subsection (a) may be made only with the concurrence of the Secretary of State.

''(f) SUPPORT OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of support described in subsection (c) that is otherwise prohibited by any provision of law.

''(g) LIMITATIONS ON VALUE.—

''(1) The aggregate value of all logistic support, supplies, and services provided under subsection (b)(1) in any fiscal year may not exceed $450,000,000.

''(2) The aggregate value of all logistic support, supplies, and services provided under subsection (b)(2) in any fiscal year may not exceed $5,000,000.

''(h) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES DEFINED.—In this section, the term 'logistic support, supplies, and services' has the meaning given that term in section 2350(1) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 127d.

SEC. 1257. DEPARTMENT OF DEFENSE STATE PARTNERSHIP PROGRAM.

(a) CODIFICATION IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after the table of sections at the beginning of subchapter IV a new section 341 consisting of—

(1) a heading as follows:

''§ 341. Department of Defense State Partnership Program''; and

(2) a text consisting of subsections (a) through (g) of section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 897; 32 U.S.C. 107 note), as amended by section 1203 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1037).

(b) REVISIONS TO STRIKE OBSOLETE PROVISIONS AND CONFORM TO PROVISIONS IN NEW CHAPTER.—Section 341 of title 10, United States Code, as added by subsection (a), is amended—

(1) by striking subsection (d) and inserting the following new subsection (d):

''(d) REGULATIONS.—This section shall be carried out in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this section. Such regulations shall include accounting procedures to ensure that expenditures of funds to carry out this section are accounted for and appropriate.'';

(2) in subsection (f)—

(A) by striking ''(f) REPORTS AND NOTIFICATIONS.—'' and all that follows through ''(B) MATTERS TO BE INCLUDED.—'' and inserting the following:

''(f) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than February 1 of each year following a fiscal year in which activities under each program established under subsection (a) are carried out, the Secretary of Defense shall submit to the appropriate congressional committees a report on such activities under such program.

''(2) MATTERS TO BE INCLUDED.—''; and

(B) in paragraph (2), as redesignated by subparagraph (A) of this paragraph—

(i) by redesignating clauses (i) through (vi) as subparagraphs (A) through (F), respectively, and realigning the margin of each such subparagraph two ems to the left; and

(ii) in subparagraph (F), as redesignated by clause (i) of this subparagraph, by striking ''clause (v)'' and inserting ''subparagraph (E)''; and

(3) in subsection (g), by striking ''under title 10'' and all that follows and inserting ''under title 10 as in effect on December 26, 2013.''.

(c) PROHIBITION ON ACTIVITIES WITH UNITS HAVING COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—Subsection (b) of such section is amended—

(1) by striking ''(b) LIMITATION.—An activity'' and inserting the following:

''(b) LIMITATIONS.—

''(1) IN GENERAL.—An activity''; and

(2) by adding at the end the following new paragraph:

''(2) PROHIBITION ON ACTIVITIES WITH UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The conduct of any activities under a program established under subsection (a) shall be subject to the provisions of section 362 of this title.''.

(d) CONFORMING REPEAL.—Section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 897; 32 U.S.C. 107 note) is repealed.

SEC. 1258. MODIFICATION OF REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) IN GENERAL.—Section 2249c of title 10, United States Code, is transferred to chapter 16 of such title, as added by section 1252(a)(3) of this Act, inserted after section 344, as transferred and redesignated by section 1252(g) of this Act, redesignated as section 345, and amended to read as follows:

''§ 345. Defense Cooperation Fellowship Program

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary of Defense is authorized to carry out a program (to be known as the 'Defense Cooperation Fellowship Program') under which the Secretary may pay any costs associated with the education and training described in paragraph (2) of foreign military officers, ministry of defense officials, or national-level security officials of friendly foreign countries. Costs for which payment may be made under this section include the costs of transportation and travel and subsistence costs.

''(2) EDUCATION AND TRAINING.—Education and training described in this paragraph is defense cooperation education and training at a military or civilian educational institution of the United States Government, regional center, conference, seminar, or other training program that is conducted as part of the program under this section.

''(b) REGULATIONS.—The program authorized by subsection (a) shall be carried out under regulations prescribed by the Secretary of Defense. The regulations shall ensure that, to the maximum extent practicable, activities under the program do not duplicate or conflict with activities under International Military Education and Training (IMET). The Secretary shall submit a current copy of the regulations to the Committees on Armed Services of the Senate and the House of Representatives.

''(c) AVAILABILITY OF FUNDS.—

''(1) LIMITATION.—Except as provided in paragraph (2), the total amount of costs that may be paid under the program authorized by subsection (a) in any fiscal year may not exceed $35,000,000.

''(2) AVAILABILITY FOR ACTIVITIES THAT CROSS FISCAL YEARS.—Funds available under the authority in subsection (a) for a fiscal year may be used for activities that begin in such fiscal year but end in the next fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the item relating to section 2249c.

SEC. 1259. CONSOLIDATION OF AUTHORITIES FOR SERVICE ACADEMY INTERNATIONAL ENGAGEMENT.

(a) CONSOLIDATION OF AUTHORITIES.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after section 346, as transferred and redesignated by section 1252(h) of this Act, the following new section:

''§ 347. International engagement authorities for service academies

''(a) SELECTION OF PERSONS FROM FOREIGN COUNTRIES TO RECEIVE INSTRUCTION AT SERVICE ACADEMIES.—

''(1) ATTENDANCE AUTHORIZED.—

''(A) IN GENERAL.—The Secretary of each military department may permit persons from foreign countries to receive instruction at the Service Academy under the jurisdiction of the Secretary. Such persons shall be in addition to—

''(i) in the case of the United States Military Academy, the authorized strength of the Corps of the Cadets of the Academy under 4342 of this title;

''(ii) in the case of the United States Naval Academy, the authorized strength of the Brigade of Midshipmen of the Academy under section 6954 of this title; and

''(iii) in the case of the United States Air Force Academy, the authorized strength of the Cadet Wing of the Academy under 9342 of this title.

''(B) LIMITATION ON NUMBER.—The number of persons permitted to receive instruction at each Service Academy under this subsection may not be more than 60 at any one time.

''(2) DETERMINATION OF FOREIGN COUNTRIES FROM WHICH PERSONS MAY BE SELECTION.—The Secretary of a military department, upon approval by the Secretary of Defense, shall determine—

''(A) the countries from which persons may be selected for appointment under this subsection to the Service Academy under the jurisdiction of that Secretary; and

''(B) the number of persons that may be selected from each country.

''(3) QUALIFICATIONS AND SELECTION.—The Secretary of each military department—

''(A) may establish entrance qualifications and methods of competition for selection among individual applicants under this subsection; and

''(B) shall select those persons who will be permitted to receive instruction at the Service Academy under the jurisdiction of the Secretary under this subsection.

''(4) SELECTION PRIORITY TO PERSONS WITH NATIONAL SERVICE OBLIGATION UPON GRADUATION.—In selecting persons to receive instruction under this subsection from among applicants from the countries approved under paragraph (2), the Secretary of the military department concerned shall give a priority to persons who have a national service obligation to their countries upon graduation from the Service Academy concerned.

''(5) PAY, ALLOWANCES, AND EMOLUMENTS OF PERSONS ADMITTED.—A person receiving instruction under this subsection is entitled to the pay, allowances, and emoluments of a cadet or midshipman appointed from the United States, and from the same appropriations.

''(6) REIMBURSEMENT OF COSTS BY FOREIGN COUNTRIES FROM WHICH PERSONS ARE ADMITTED.—

''(A) REIMBURSEMENT REQUIRED.—Each foreign country from which a cadet or midshipmen is permitted to receive instruction at one of the Service Academies under this subsection shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (5). The Secretaries of the military departments shall prescribe the rates for reimbursement under this paragraph, except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet or midshipmen appointed from the United States.

''(B) WAIVER AUTHORITY.—The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet or midshipmen under subparagraph (A). In the case of a partial waiver, the Secretary of Defense shall establish the amount waived.

''(7) APPLICABILITY OF ACADEMY REGULATIONS, ETC..—

''(A) IN GENERAL.—Except as the Secretary of the military department concerned determines, a person receiving instruction under this subsection at the Service Academy under the jurisdiction of that Secretary is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet or midshipmen at that Academy appointed from the United States.

''(B) CLASSIFIED INFORMATION.—The Secretary of the military department concerned may prescribe regulations with respect to access to classified information by a person receiving instruction under this subsection at the Service Academy under the jurisdiction of that Secretary that differ from the regulations that apply to a cadet or midshipmen at that Academy appointed from the United States.

''(8) INELIGIBILITY FOR APPOINTMENT IN THE UNITED STATES ARMED FORCES.—A person receiving instruction at a Service Academy under this subsection is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

''(9) INAPPLICABILITY OF REQUIREMENT FOR TAKING OATH OF ADMISSION.—A person receiving instruction under this subsection is not subject to section 4346(d), 6958(d), or 9346(d) of this title, as the case may be.

''(b) EXCHANGE PROGRAMS WITH FOREIGN MILITARY ACADEMIES.—

''(1) EXCHANGE PROGRAMS AUTHORIZED.—The Secretary of a military department may permit a student enrolled at a military academy of a foreign country to receive instruction at the Service Academy under the jurisdiction of that Secretary in exchange for a cadet or midshipmen receiving instruction at that foreign military academy pursuant to an exchange agreement entered into between the Secretary and appropriate officials of the foreign country. A students receiving instruction at a Service Academy under the exchange program under this subsection shall be in addition to persons receiving instruction at the Academy under subsection (a).

''(2) LIMITATIONS ON NUMBER AND DURATION OF EXCHANGES.—An exchange agreement under this subsection between the Secretary and a foreign country shall provide for the exchange of students on a one-for-one basis each fiscal year. Not more than 100 cadets or

midshipmen from each Service Academy and a comparable number of students from foreign military academies participating in the exchange program may be exchanged during any fiscal year. The duration of an exchange may not exceed the equivalent of one academic semester at a Service Academy.

''(3) COSTS AND EXPENSES.—

''(A) NO PAY AND ALLOWANCES.—A student from a military academy of a foreign country is not entitled to the pay, allowances, and emoluments of a cadet or midshipmen by reason of attendance at a Service Academy under the exchange program, and the Department of Defense may not incur any cost of international travel required for transportation of such a student to and from the sponsoring foreign country.

''(B) SUBSISTENCE, TRANSPORTATION, ETC..—The Secretary of the military department concerned may provide a student from a foreign country under the exchange program, during the period of the exchange, with subsistence, transportation within the continental United States, clothing, health care, and other services to the same extent that the foreign country provides comparable support and services to the exchanged cadet or midshipmen in that foreign country.

''(C) SOURCE OF FUNDS.—A Service Academy shall bear all costs of the exchange program from funds appropriated for that Academy and such additional funds as may be available to that Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.

''(D) LIMITATION ON EXPENDITURES.—Expenditures in support of the exchange program from funds appropriated for each Academy may not exceed $1,000,000 during any fiscal year.

''(4) APPLICATION OF OTHER LAWS.—Paragraphs (7), (8), and (9) of subsection (a) shall apply with respect to a student enrolled at a military academy of a foreign country while attending a Service Academy under the exchange program.

''(5) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations to implement this subsection. Such regulations may include qualification criteria and methods of selection for students of foreign military academies to participate in the exchange program.

''(c) FOREIGN AND CULTURAL EXCHANGE ACTIVITIES.—

''(1) ATTENDANCE AUTHORIZED.—The Secretary of a military department may authorize the Service Academy under the jurisdiction of that Secretary to permit students, officers, and other representatives of a foreign country to attend that Academy for periods of not more than four weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets or midshipmen, as the case may be.

''(2) EFFECT OF ATTENDANCE.—Persons attending a Service Academy under paragraph (1) are not considered to be students enrolled at that Academy and are in addition to persons receiving instruction at that Academy under subsection (a) or (b).

''(3) FINANCIAL MATTERS.—

''(A) COSTS AND EXPENSES.—The Secretary of a military department may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Service Academy under the jurisdiction of that Secretary under paragraph (1).

''(B) SOURCE OF FUNDS.—Each Service Academy shall bear the costs of the attendance of persons at that Academy under paragraph (1)—

''(i) from funds appropriated for that Academy; and

''(ii) from such additional funds as may be available to that Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendance.

''(C) LIMITATION ON EXPENDITURES.—Expenditures from appropriated funds in support of activities under this subsection for any Service Academy may not exceed $40,000 during any fiscal year.

''(d) SERVICE ACADEMY DEFINED.—In this section, the term 'Service Academy' means the following:

''(1) The United States Military Academy.

''(2) The United States Naval Academy.

''(3) The United States Air Force Academy.''.

(b) CONFORMING REPEALS.—

(1) REPEALS.—Sections 4344, 4345, 4345a, 6957, 6957a, 6957b, 9344, 9345, and 9345a of title 10, United States Code, are repealed.

(2) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of chapter 403 of such title is amended by striking the items relating to sections 4344, 4345, and 4345a.

(B) The table of sections at the beginning of chapter 603 of such title is amended by striking the items relating to sections 6957, 6957a, and 6957b.

(C) The table of sections at the beginning of chapter 903 of such title is amended by striking the items relating to sections 9344, 9345, and 9345a.

SEC. 1260. SECURITY COOPERATION ENHANCEMENT FUND.

(a) IN GENERAL.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after the table of sections at the beginning of subchapter VII the following new section:

''§ 381. Security Cooperation Enhancement Fund

''(a) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated for the Security Cooperation Enhancement Fund (in this section referred to as the 'Fund') shall be available for the purposes provided in subsections (b) and (c).

''(b) PURPOSES GENERALLY .—

''(1) PURPOSES.—Subject to subsection (c), amounts in the Fund shall be available for security cooperation programs and activities of the Department of Defense.

''(2) DURATION AFTER OBLIGATION.—Upon obligation, amounts in the Fund so obligated shall remain available until expended.

''(c) AVAILABILITY FOR SPECIFIC PURPOSES.—Of the amounts in the Fund for a fiscal year, up to four percent of such amounts may be used to carry out the following:

''(1) Execution and administration of security cooperation programs and activities of the Department of Defense pursuant to section 382 of this title.

''(2) Annual assessment, monitoring, and evaluation of security cooperation programs and activities of the Department of Defense pursuant to section 383 of this title.

''(3) Incremental expenses associated with the implementation of the Department of Defense Security Cooperation Workforce Development Program pursuant to section 1263 of the National Defense Authorization Act for Fiscal Year 2017.

''(d) TRANSFERS FROM FUND.—

''(1) TRANSFERS AUTHORIZED.—Amounts in the Fund may be transferred to any account of the Department of Defense for operation and maintenance for the purposes specified in subsection (b).

''(2) EFFECT ON AUTHORIZATION AMOUNTS.—The transfer of an amount to an account under the authority paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

''(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Fund.

''(e) CONTRIBUTIONS.—

''(1) AUTHORITY TO ACCEPT.—The Secretary of Defense may accept and retain contributions to the Fund from any person, foreign government, or international organization.

''(2) AVAILABILITY.—An amount contributed to the Fund pursuant to this subsection shall remain available until expended for purposes of the Fund.

''(3) NOTICE ON CONTRIBUTIONS.—The Secretary shall notify the congressional defense committees, in writing, upon the receipt, and upon the obligation, of any contribution to the Fund pursuant to this subsection, setting forth the source and amount of such contribution and the intended, and actual, use of such contribution.

''(e) CONSTRUCTION WITH OTHER LIMITATIONS.—Nothing in this section may be construed to terminate, alter, or override any requirement or limitation applicable to activities funded with amounts in the Fund under the authority of the Department of Defense that authorizes such activities.

''(f) QUARTERLY REPORTS.—Not later than 30 days after each calendar quarter, the Secretary of Defense shall submit to the congressional defense committees a report on the obligation and expenditure of amounts in the Fund during the preceding calendar quarter.''.

(b) DISCHARGE OF CERTAIN ACTIVITIES UNDER NEW SECURITY COOPERATION CHAPTER.—

(1) IN GENERAL.—Not later than October 1, 2018, the Secretary of Defense shall provide for the discharge of all activities funded by accounts specified in paragraph (2) or funds specified in paragraph (3) under applicable authorities in chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, rather than the provision of law or other authority under which such activities are carried out on the day before the date on which discharge in accordance with this paragraph commences.

(2) COVERED ACCOUNTS.—The accounts specified in this paragraph are the following:

(A) The Afghanistan Security Forces Fund.

(B) The Iraq Train and Equip Fund.

(C) The Southeast Asia Maritime Security Initiative.

(3) OTHER SECURITY COOPERATION FUNDS.—The funds specified in this paragraph are all unobligated balances as of the date of transfer provided for in subsection (c)(1) in any account or fund of the Department of Defense (other than an account specified in paragraph (2) of this subsection) of amounts for security cooperation programs and activities of the Department of Defense.

(4) REPORT.—Not later than October 1, 2017, the Secretary shall submit to the congressional defense committees a report setting forth a description of any gaps that exist between the authorities in chapter 16 of title 10, United States Code, as so added, and current law or other authorities under which activities covered by paragraph (1) are carried out. The report shall include the following:

(A) A description of each discrete set of activities covered by paragraph (1) for which gaps exist between the authorities in chapter 16 of title 10, United States Code, as so added, and current law or other authorities under which such activities are carried out.

(B) For each discrete set of activities covered by subparagraph (A), the following:

(i) A description of the gaps described in subparagraph (A).

(ii) Recommendations for legislative or administrative action to address such gaps.

(c) TRANSFER TO SCEF OF FUNDS IN CONNECTION WITH ACTIVITIES DISCHARGED UNDER NEW SECURITY COOPERATION CHAPTER.—

(1) IN GENERAL.—Not later than October 1, 2017, the Secretary of Defense shall transfer all the unobligated balances that remain in the accounts specified in subsection (b)(2) as of the date of such transfer to the Security Cooperation Enhancement Fund under section 381 of title 10, United States Code, as added by subsection (a).

(2) OTHER SECURITY COOPERATION FUNDS.—In addition to the transfer required by paragraph (1), the Secretary shall also transfer to the Security Cooperation Enhancement Fund on the date provided in that paragraph all unobligated balances as of such date in any other account or fund of the Department of Defense of amounts for security cooperation programs and activities of the Department of Defense.

(4) TREATMENT OF FUNDS TRANSFERRED.—Amounts transferred to the Security Cooperation Enhancement Fund under this subsection shall be merged with amounts in the Fund, and shall be available for the same purposes, and subject to the same terms and conditions, as other amounts in the Fund.

(d) SECURITY COOPERATION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''security cooperation programs and activities of the Department of Defense'' has the meaning given that term in section 301(5) of title 10, United States Code, as added by section 1252(a)(3) of this Act.

SEC. 1261. CONSOLIDATION AND STANDARDIZATION OF REPORTING REQUIREMENTS RELATING TO SECURITY COOPERATION AUTHORITIES.

(a) CODIFICATION.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after section 383, as added by section 1252(m) of this Act, a new section 384 consisting of—

(1) a heading as follows:

''§ 384. Annual report''; and

(2) a text consisting of the text of subsections (a) through (e) of section 1211 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3544).

(b) REVISIONS TO PROVIDE FOR PERMANENT, ANNUAL REPORT.—Subsection (a) of section 384 of title 10, United States Code, as added by subsection (a), is amended—

(1) by striking ''BIENNIAL'' and all that follows through ''the Secretary'' and inserting ''ANNUAL REPORT REQUIRED.—Not later than January 31 each year, the Secretary''; and

(2) by striking ''the two fiscal years'' and inserting ''the fiscal year''.

(c) REVISION TO COVERED AUTHORITIES.—Subsection (c) of such section is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) The following sections of this chapter: 332, 333, 344, 346, and 347.'';

(2) by striking paragraphs (3) through (7);

(3) by redesignating paragraph (8) as paragraph (3) and in that paragraph by striking ''Section'' and inserting ''Sections 401 and'';

(4) by inserting after paragraph (3), as redesignated by paragraph (3) of this subsection, the following new paragraph:

''(4) Section 1206 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2282 note), relating to authority to conduct human rights training of security forces and associated security ministries of foreign countries.'';

(5) by redesignating paragraphs (9) and (10) as paragraphs (5) and (6), respectively;

(6) by striking paragraph (11); and

(7) by redesignating paragraphs (12) through (17) as paragraphs (7) through (12), respectively.

(d) ANNUAL REPORT ON WORKFORCE DEVELOPMENT.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following new subsection (d):

''(d) ANNUAL REPORT ON WORKFORCE DEVELOPMENT.—

''(1) IN GENERAL.—At the same time the reports required by subsection (a) are submitted pursuant to that subsection, the Secretary shall submit to the congressional defense committees a report on funding for the Department of Defense Security Cooperation Workforce Development Program under section 1263 of the National Defense Authorization Act for Fiscal Year 2017 and the security cooperation workforce during the fiscal year beginning in the year in which such report is submitted.

''(2) ELEMENTS.—Each report under this subsection shall include, for the fiscal year covered by such report, the following:

''(A) The funds requested for the Program and for the security cooperation workforce.

''(B) A description of how the funds identified pursuant to subparagraph (A) will be implemented for the following:

''(i) To address any gaps in the skills and competencies of the current or anticipated security cooperation workforce.

''(ii) To provide incentives to retain qualified, experienced personnel in the security cooperation workforce.

''(iii) To provide incentives to attract and recruit new, high-quality personnel to the security cooperation workforce.''; and

(3) in subsections (e) and (f), as redesignated by paragraph (1) of this section, by striking ''subsection (a)'' each place it appears and inserting ''this section''.

(e) REPEAL OF CODIFIED STATUTE.—Section 1211 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3544) is amended by striking subsections (a) through (e).

(f) REPEAL OF OTHER REPORTING REQUIREMENTS.—The following provisions of law are repealed:

(1) Section 401(d) of title 10, United States Code, requiring an annual report on humanitarian and civic assistance activities under that section.

(2) Section 1534(g) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3618), requiring semiannual reports on the Counterterrorism Partnerships Fund.

(3) Section 1233(f) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394), requiring a quarterly report on the use of authority to reimburse certain coalition nations for support provided to United States military operations.

(4) Section 1234(e) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 394), requiring a quarterly report on the use of authorization for logistical support for coalition forces supporting certain United States military operations.

SEC. 1262. REQUIREMENT FOR SUBMITTAL OF CONSOLIDATED ANNUAL BUDGET FOR SECURITY COOPERATION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The budget of the President for each fiscal year after fiscal year 2018, as submitted to Congress by the President pursuant to section 1105 of title 31, United States Code, shall set forth as a separate item, the amounts requested for the Department of Defense for such fiscal year for all security cooperation programs and activities of the Department of Defense to be conducted in such fiscal year, including the specific country or region, to the extent practicable, for the Security Cooperation Enhancement Fund under section 381 of title 10, United States Code, as added by section 1260 of this Act.

(b) SECURITY COOPERATION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''security cooperation programs and activities of the Department of Defense'' has the meaning given that term in section 301(5) of title 10, United States Code, as added by section 1252(a)(3) of this Act.

SEC. 1263. DEPARTMENT OF DEFENSE SECURITY COOPERATION WORKFORCE DEVELOPMENT.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to be known as the ''Department of Defense Security Cooperation Workforce Development Program'' (in this section referred to as the ''Program'') to oversee the development and management of a professional workforce supporting security cooperation programs and activities of the Department of Defense, including—

(1) monitoring, execution, and administration of such programs and activities under chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act; and

(2) execution of security assistance programs and activities under the Foreign Assistance Act of 1961 and the Arms Export Control Act by the Department of Defense.

(b) PURPOSE.—The purpose of the Program is to improve the quality and professionalism of the security cooperation workforce in order to ensure that the workforce—

(1) has the capacity, in both personnel and skills, needed to properly perform its mission, provide appropriate support to the planning, monitoring, execution, and evaluation of security cooperation programs and activities described in subsection (a), and ensure that the Department receives the best value for the expenditure of public resources on such programs and activities; and

(2) is assigned in a manner that ensures personnel with the appropriate level of expertise and experience are assigned in sufficient numbers to fulfill requirements for the security cooperation programs and activities of the Department of Defense and the execution of security assistance programs and activities described in subsection (a)(2).

(c) ELEMENTS.—The Program shall consist of such elements relating to the development and management of the security cooperation workforce as the Secretary considers appropriate for the purposes specified in subsection (b), including elements on training, certification, assignment, and career development of personnel of the security cooperation workforce.

(d) MANAGEMENT.—The Program shall be managed by the Director of the Defense Security Cooperation Agency.

(e) GUIDANCE.—

(1) INTERIM GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue interim guidance for the execution and administration of the Program.

(2) FINAL GUIDANCE.—Not later than one year after the date of the enactment of this Act, the Secretary shall issue final guidance for the execution and administration of the Program.

(3) SCOPE OF GUIDANCE.—The guidance shall do the following:

(A) Provide direction to military departments on the establishment of professional career paths for the personnel of the security cooperation workforce, addressing promotion opportunities and requirements, retention policies, and scope of workforce demands.

(B) Provide for a mechanism for issuing professional certifications for personnel of the security cooperation workforce at different levels of advancement based on requisite training, experience, and seniority.

(C) Establish minimum requirements for training and professional development associated with each level of certification provided for under subparagraph (B).

(D) Provide for a mechanism for assigning appropriately certified personnel of the security cooperation workforce to assignments associated with high-priority missions in connection with security cooperation programs and activities, and for allocating such personnel assignments based on priority, volume of activity, and other relevant factors.

(E) Identify the appropriate composition of career and temporary personnel necessary to constitute the security cooperation workforce.

(F) Identify specific positions throughout the security cooperation workforce to be managed and assigned through the Program.

(f) USE OF FUNDS.—Amounts available for use for the Program may be transferred to any account of the military departments or the Defense Agencies for purposes of the Program.

(g) DEFINITIONS.—In this section:

(1) The term ''security cooperation programs and activities of the Department of Defense'' has the meaning given that term in section 301(5) of title 10, United States Code, added by section 1252(a)(3) of this Act.

(2) The term ''security cooperation workforce'' means the following:

(A) Members of the Armed Forces and civilian employees of the Department of Defense working in the security cooperation organizations of United States missions overseas.

(B) Members of the Armed Forces and civilian employees of the Department of Defense in the geographic combatant commands and functional combatant commands conducting security cooperation activities.

(C) Members of the Armed Forces and civilian employees of the Department of Defense in the military departments performing security cooperation activities, including activities in connection with the acquisition and development of technology release policies.

(D) Other personnel of Defense Agencies who perform security cooperation activities.

(E) Personnel of the Department of Defense who perform assessments of security cooperation programs and activities of the Department of Defense, including assessments under section 383 of title 10, United States Code, as added by section 1252(m) of this Act.

(F) Other members of the Armed Forces or civilian employees of the Department of Defense who contribute significantly to the security cooperation programs and activities of the Department of Defense by virtue of their assigned duties, as determined pursuant to the guidance issued under subsection (e).

SEC. 1264. COORDINATION BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF STATE ON CERTAIN SECURITY COOPERATION AND SECURITY ASSISTANCE PROGRAMS AND ACTIVITIES.

(a) REGULATIONS GOVERNING COORDINATION REQUIRED.—

(1) INTERIM REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly issue interim regulations to facilitate and streamline coordination between the Department of Defense and the Department of State on all matters relating to the policy, planning, and implementation of covered security cooperation and security assistance programs and activities.

(2) FINAL REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly prescribe final regulations on the matters described in paragraph (1).

(3) PERIODIC UPDATE.—The Secretary of Defense and the Secretary of State shall from time to time jointly update the final regulations prescribed pursuant to paragraph (2) in order to ensure that the regulations under this subsection remain current with developments in law and other regulations relating to the matters described in paragraph (1).

(b) ELEMENTS.—The regulations required under subsection (a) shall provide for the following:

(1) Coordination between the Department of Defense and the Department of State on covered security cooperation and security assistance programs and activities.

(2) Wherever the concurrence of, coordination with, or consultation with the Secretary of Defense or the Secretary of State is required by law or regulation for the conduct of covered security cooperation and security assistance programs and activities, mechanisms as follows:

(A) A mechanism to provide for the delegation of such concurrence, coordination, or consultation to an official at the lowest appropriate level of headquarters-based management in the Department concerned.

(B) A mechanism to limit, to the maximum extent practicable, procedural delays in completion of any review required for such concurrence, coordination, or consultation, and in the issuance of such concurrence, coordination, or consultation.

(c) SUBMITTAL TO CONGRESS.—The Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress the interim regulations issued pursuant to subsection (a)(1), the final regulations prescribed pursuant to subsection (a)(2), and any update of the final regulations prescribed pursuant to subsection (a)(3).

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' has the meaning given that term in section 301(1) of title 10, United States Code, as added by section 1252(a)(3) of this Act.

(2) The term ''covered security cooperation and security assistance programs and activities'' means the following:

(A) Security cooperation programs and activities under section 333 of title 10, United States Code, as added by section 1252(d) of this Act.

(B) Operational support to foreign national security forces.

(C) Cooperative Threat Reduction programs and activities.

(D) Defense institution building.

(E) Foreign Military Financing (FMF).

(F) International Military Education and Training (IMET).

(G) Peacekeeping operations and activities.

SEC. 1265. REPEAL OF SUPERSEDED, OBSOLETE, OR DUPLICATIVE STATUTES RELATING TO SECURITY COOPERATION AUTHORITIES.

(a) REPEALS.—The following provisions of title 10, United States Code, are repealed:

(1) Section 168, relating to military-to-military contacts and comparable activities.

(2) Section 1051c, relating to assignment of members of foreign military forces to improve education and training in information security through multilateral, bilateral, or regional cooperation programs.

(3) Section 2562, relating to a limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs.

(4) Sections 4681 and 9681, relating to sale of surplus war material to States and foreign governments.

(b) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 6 is amended by striking the item relating to section 168.

(2) The table of sections at the beginning of chapter 53 is amended by striking the item relating to section 1051c.

(3) The table of sections at the beginning of chapter 152 is amended by striking the item relating to section 2562.

(4) The tables of sections at the beginning of chapter 443 is amended by striking the item relating to section 4681.

(5) The table of sections at the beginning of chapter 943 is amended by striking the item relating to section 9681.

Subtitle H—Miscellaneous Reports and Other Matters

SEC. 1271. FREE TRADE AGREEMENTS WITH SUB-SAHARAN AFRICAN COUNTRIES.

(a) PLAN REQUIREMENTS AND REPORTING.—

(1) IN GENERAL.—Section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723) is amended by striking subsections (b) and (c) and inserting the following:

''(b) PLAN REQUIREMENT.—

''(1) IN GENERAL.—The President shall develop a plan for the purpose of negotiating and entering into one or more free trade agreements with eligible sub-Saharan African countries. The plan shall include a list of eligible sub-Saharan African countries that are most ready for a free trade agreement with the United States.

''(2) ELEMENTS OF PLAN.—The plan required by paragraph (1) shall include, for each country on the list required by that paragraph, the following:

''(A) The steps the country needs to take to be ready to enter into a free trade agreement with the United States, consistent with the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (title I of Public Law 114–26; 129 Stat. 320), including—

''(i) the effective implementation of the commitments of the country under WTO Agreements; and

''(ii) the development of a bilateral investment treaty or equivalent obligations.

''(B) Milestones for accomplishing each step identified in subparagraph (A) for the country, with the goal of establishing a free

trade agreement with the country not later than 10 years after the date on which the country is included on the list required by paragraph (1).

''(C) A description of the resources required to assist the country in accomplishing each milestone described in subparagraph (B).

''(D) The extent to which steps described in subparagraph (A), the milestones described in subparagraph (B), and resources described in subparagraph (C) may be accomplished through regional or subregional organizations in sub-Saharan Africa, including the East African Community, the Economic Community of West African States, the Common Market for Eastern and Southern Africa, and the Economic Community of Central African States.

''(E) Procedures to ensure the following:

''(i) Adequate consultation with Congress and the private sector during the negotiations.

''(ii) Consultation with Congress regarding all matters relating to implementation of the agreement.

''(iii) Approval by Congress of the agreement.

''(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiation of the agreement.

''(3) REPORTING REQUIREMENT.—The President shall prepare and submit to Congress a report containing the plan developed pursuant to paragraph (1)—

''(A) not later than 1 year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017; and

''(B) at the same time as the submission of the report required by section 110(b) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 370) thereafter.

''(4) COORDINATION WITH OTHER AGENCIES.—The United States Trade Representative shall consult and coordinate with other relevant Federal agencies to assist countries on the list required by paragraph (1), including through the deployment of resources from those agencies to such countries and through trade capacity building, in addressing the steps identified under subparagraph (A) of paragraph (2) and the milestones identified under subparagraph (B) of that paragraph.

''(5) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE SUB-SAHARAN AFRICAN COUNTRY.—The term 'eligible sub-Saharan African country' means a country designated as an eligible sub-Saharan African country under section 104.

''(B) WTO.—The term 'WTO' means the World Trade Organization.

''(C) WTO AGREEMENT.—The term 'WTO Agreement' has the meaning given that term in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

''(D) WTO AGREEMENTS.—The term 'WTO Agreements' means the WTO Agreement and agreements annexed to that Agreement.''.

(2) CONFORMING AMENDMENTS.—Section 110(b) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 370) is amended—

(A) in the matter preceding paragraph (1), by striking ''5'' and inserting ''3''; and

(B) in paragraph (3), by striking ''(E)'' and inserting ''(D)''.

(b) COORDINATION OF USAID WITH FREE TRADE AGREEMENT POLICY.—

(1) AUTHORIZATION OF FUNDS.—Funds made available to the United States Agency for International Development under section 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2293) after the date of the enactment of this Act may be used, in consultation with the United States Trade Representative—

(A) to assist eligible countries, including by deploying resources to such countries, in addressing the steps and milestones identified in the plan developed under subsection (b) of section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723), as amended by subsection (a); and

(B) to assist eligible countries in the implementation of the commitments of those countries under agreements with the United States and the WTO Agreements (as defined in subsection (b)(4) of such section 116).

(2) DEFINITIONS.—In this subsection:

(A) ELIGIBLE COUNTRY.—The term ''eligible country'' means a sub-Saharan African country that receives—

(i) benefits under the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.); and

(ii) funding from the United States Agency for International Development.

(B) SUB-SAHARAN AFRICAN COUNTRY.—The term ''sub-Saharan African country'' has the meaning given that term in section 107 of the African Growth and Opportunity Act (19 U.S.C. 3706).

(c) COORDINATION WITH MILLENNIUM CHALLENGE CORPORATION.—

(1) IN GENERAL.—After the date of the enactment of this Act, the United States Trade Representative and the Administrator of the United States Agency for International Development shall consult and coordinate with the Chief Executive Officer of the Millennium Challenge Corporation regarding countries described in paragraph (2) for the purpose of developing and carrying out the plan required by subsection (b) of section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723), as amended by subsection (a).

(2) COUNTRIES DESCRIBED.—A country is described in this paragraph if the country—

(A) has entered into a Millennium Challenge Compact pursuant to section 609 of the Millennium Challenge Act of 2003 (22 U.S.C. 7708); or

(B) is selected by the Board of Directors of the Millennium Challenge Corporation under subsection (c) of section 607 of that Act (22 U.S.C. 7706) from among the countries determined to be eligible countries under subsection (a) of that section.

SEC. 1272. EXTENSION AND EXPANSION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

(a) EXPANSION OF AUTHORITY.—Section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1056; 22 U.S.C. 2551 note) is amended—

(1) in subsection (a)(1)—

(A) by striking ''the Government of Jordan and the Government of Lebanon'' and inserting ''the Government of Egypt, the Government of Jordan, the Government of Lebanon, and the Government of Tunisia'';

(B) by striking ''efforts of the armed forces'' and inserting ''efforts as follows:

''(A) Efforts of the armed forces''; and

(C) by adding at the end the following new subparagraph:

''(B) Efforts of the armed forces of Egypt and the armed forces of Tunisia to increase security and sustain increased security along the border of Egypt and the border of Tunisia with Libya, as applicable.''; and

(2) in subsection (c)(4), by striking ''along the border'' and all that follows and inserting ''along the border of the country as specified in subsection (a)(1).''.

(b) EXTENSION.—Subsection (f) of such section is amended by striking ''December 31, 2018'' and inserting ''December 31, 2019''.

(c) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''SEC. 1226. SUPPORT TO CERTAIN GOVERNMENTS FOR BORDER SECURITY OPERATIONS.''.

SEC. 1273. MODIFICATION AND CLARIFICATION OF UNITED STATES-ISRAEL ANTI-TUNNEL COOPERATION AUTHORITY.

(a) AMOUNT OF SUPPORT PROVIDABLE BY THE UNITED STATES.—Paragraph (4) of section 1279(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1079; 22 U.S.C. 8606 note) is amended by striking ''$25,000,000'' and inserting ''$50,000,000''.

(b) SCOPE OF REQUIREMENT FOR MATCHING CONTRIBUTION BY ISRAEL.—Paragraph (3) of such section is amended by inserting before the period at the end the following: ''in the calendar year in which the support is provided''.

(c) USE OF CERTAIN AMOUNT FOR RDT&E ACTIVITIES IN US.—Of the amount contributed by the United States for activities under section 1279 of the National Defense Authorization Act for Fiscal Year 2016, not less than 50 percent of such amount shall be used in fiscal year 2017 for research, development, test, and evaluation activities for purposes of such section in the United States.

SEC. 1274. MODIFICATION TO AND EXTENSION OF AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) MODIFICATION OF AUTHORIZED ACTIVITIES.—Subsection (c) of section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4578), as amended by section 1205(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1623), is further amended by inserting ''and other individuals as determined by the Secretary of Defense'' before the period at the end of the first sentence.

(b) EXTENSION OF AUTHORITY.—Subsection (h) of such section 943, as most recently amended by section 1271 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1075), is further amended by striking ''2018'' and inserting ''2021''.

SEC. 1275. ASSESSMENT OF PROLIFERATION OF CERTAIN REMOTELY PILOTED AIRCRAFT SYSTEMS.

(a) REPORT ON ASSESSMENT OF PROLIFERATION OF REMOTELY PILOTED AIRCRAFT SYSTEMS.—Not later than six months after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report setting forth an assessment, obtained by the Chairman for purposes of the report, of the impact to United States national security interests of the proliferation of remotely piloted aircraft that are assessed to be ''Category I'' items under the Missile Technology Control Regime (MTCR).

(b) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The assessment obtained for purposes of subsection (a) shall be conducted by a federally funded research and development center (FFRDC), or another appropriate independent entity with expertise in the procurement and operation of remotely piloted aircraft, selected by the Chairman for purposes of the assessment.

(2) USE OF PREVIOUS STUDIES.—The entity conducting the assessment may use and incorporate information from previous studies on matters appropriate to the assessment.

(c) ELEMENTS.—The assessment obtained for purposes of subsection (a) shall include the following:

(1) A qualitative and quantitative assessment of the scope and scale of the proliferation of remotely piloted aircraft that are

''Category I'' items under the Missile Technology Control Regime.

(2) An assessment of the threat posed to United States interests as a result of the proliferation of such aircraft to adversaries.

(3) An assessment of the impact of the proliferation of such aircraft on the combat capabilities of and interoperability with partners and allies of the United States.

(4) An analysis of the degree to which the United States has limited the proliferation of such aircraft as a result of the application of a ''strong presumption of denial'' for exports of such aircraft.

(5) An assessment of the benefits and risks of continuing to limit exports of such aircraft.

(6) Such other matters as the Chairman considers appropriate.

(d) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1276. EFFORTS TO END MODERN SLAVERY.

(a) ACTIONS BY THE SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall implement policies and promulgate guidance to ensure that personnel of the Armed Forces, including uniformed personnel and civilians engaged in partnership with foreign nations, receive education and training on human slavery and the appropriate role of the United States Armed Forces in combatting trafficking in persons.

(2) ELEMENTS.—The training implemented pursuant to paragraph (1) shall include—

(A) a description of resources available for Armed Forces personnel who become aware of instances of human slavery or trafficking in persons while deployed overseas; and

(B) guidance on the requirement to make official reports through the chain of command, the roles and responsibilities of military and civilian officials of the United States Armed Forces and host nations, circumstances in which members of the Armed Forces are authorized to take immediate action to prevent loss of life or serious injury, and the authority to use appropriate force to stop or prevent sexual abuse or exploitation of children.

(b) GRANT AUTHORIZATION.—The Secretary of State is authorized to make grants of funding to provide support for transformational programs and projects that seek to achieve a measurable and substantial reduction of the prevalence of modern slavery in targeted populations within partner countries (or jurisdictions thereof).

(c) MONITORING AND EVALUATION.—Any grantee shall—

(1) develop specific and detailed criteria for the monitoring and evaluation of supported projects;

(2) implement a system for measuring progress against baseline data that is rigorously designed based on international corporate and nongovernmental best practices;

(3) ensure that each supported project is regularly and rigorously monitored and evaluated, on a not less than biennial basis, by an independent monitoring and evaluation entity, against the specific and detailed criteria established pursuant to paragraph (1), and that the progress of the project towards its stated goals is measured by such entity against baseline data;

(4) support the development of a scientifically sound, representative survey methodology for measuring prevalence with reference to existing research and experience, and apply the methodology consistently to determine the baseline prevalence in target populations and outcomes in order to periodically assess progress in reducing prevalence; and

(5) establish, and revise on a not less than annual basis, specific and detailed criteria for the suspension and termination, as appropriate, of projects supported by the grantee that regularly or consistently fail to meet the criteria required by this section.

(d) AUDITING.—

(1) IN GENERAL.—Any grantee shall be subject to the same auditing, recordkeeping, and reporting obligations required under subsections (e), (f), (g), and (i) of section 504 of the National Endowment for Democracy Act (22 U.S.C. 4413).

(2) COMPTROLLER GENERAL AUDIT AUTHORITY.—

(A) IN GENERAL.—The Comptroller General of the United States may evaluate the financial transactions of the grantee as well as the programs or activities the grantee carries out pursuant to this section.

(B) ACCESS TO RECORDS.—Any grantee shall provide the Comptroller General, or the Comptroller General's duly authorized representatives, access to such records as the Comptroller General determines necessary to conduct evaluations authorized by this section.

(e) ANNUAL REPORT.—Any grant recipient shall provide annually the names of each of the projects or sub-grantees receiving such funding pursuant to this section and the amount of funding provided for, along with a detailed description of, each such project.

(f) RULE OF CONSTRUCTION REGARDING AVAILABILITY OF FISCAL YEAR 2016 APPROPRIATIONS.—The enactment of this section is deemed to meet the condition of the first proviso of paragraph (2) of section 7060(f) of the Department of State, Foreign Operations, and Related Appropriations Act, 2016 (division K of Public Law 114–113), and the funds referred to in such paragraph shall be made available in accordance with, and for the purposes set forth in, such paragraph.

(g) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2017 THROUGH 2022.—There is authorized to be appropriated to the Department of State for the purpose of making the grants authorized under this section to a single nonprofit organization, for each fiscal year from 2017 through 2022, $37,500,000.

(h) COMPTROLLER GENERAL REVIEW OF EXISTING PROGRAMS.—

(1) IN GENERAL.—Not later than September 30, 2018, and September 30, 2022, the Comptroller General of the United States shall submit to Congress a report on all of the programs conducted by the Department of State, the United States Agency for International Development, the Department of Labor, the Department of Defense, and the Department of the Treasury that address human trafficking and modern slavery, including a detailed analysis of the effectiveness of such programs in limiting human trafficking and modern slavery and specific recommendations on which programs are not effective at reducing the prevalence of human trafficking and modern slavery and how the funding for such programs may be redirected to more effective efforts.

(2) CONSIDERATION OF REPORT.—The Comptroller General of the United States shall brief the appropriate congressional committees on the report submitted under paragraph (1). The appropriate congressional committees shall review and consider the reports and shall, as appropriate, consider modifications to authorization levels and programs within the jurisdiction of such committees to address the recommendations made in the report.

(i) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

SEC. 1277. SENSE OF CONGRESS ON COMMITMENT TO THE REPUBLIC OF PALAU.

(a) FINDINGS.—Congress makes the following findings:

(1) The Republic of Palau is comprised of 300 islands and covers roughly 177 square miles strategically located in the western Pacific Ocean between the Philippines and the United States territory of Guam.

(2) The United States and Palau have forged close security, economic and cultural ties since the United States defeated the armed forces of Imperial Japan in Palau in 1944.

(3) The United States administered Palau as a District of the United Nations Trust Territory of the Pacific Islands from 1947 to 1994.

(4) In 1994, the United States and Palau entered into a 50-year Compact of Free Association which provided for the independence of Palau and set forth the terms for close and mutually beneficial relations in security, economic, and governmental affairs.

(5) The security terms of the Compact grant the United States full authority and responsibility for the security and defense of Palau, including the exclusive right to deny any nation's military forces access to the territory of Palau except the United States, an important element of our Pacific strategy for defense of the United States homeland, and the right to establish and use defense sites in Palau.

(6) The Compact entitles any citizen of Palau to volunteer for service in the United States Armed Forces, and they do so at a rate that exceeds that of any of the 50 States.

(7) In 2009, and in accordance with section 432 of the Compact, the United States and Palau reviewed their overall relationship. In 2010, the two nations signed an agreement updating and extending several provisions of the Compact, including an extension of United States financial and program assistance to Palau, and establishing increased post-9/11 immigration protections. However, the United States has not yet approved this Agreement or provided the assistance as called for in the Agreement.

(8) Beginning in 2010 and most recently on February 22, 2016, the Department of the Interior, the Department of State, and the Department of Defense have sent letters to Speaker of the House of Representatives and the President Pro Tempore of the Senate transmitting the legislation to approve the 2010 United States Palau Agreement including an analysis of the budgetary impact of the legislation.

(9) The February 22, 2016, letter concluded, ''Approving the results of the Agreement is important to the national security of the United States, stability in the Western Pacific region, our bilateral relationship with Palau and to the United States' broader strategic interest in the Asia-Pacific region.''

(10) On May 20, 2016, the Department of Defense submitted a letter to the Chairmen and

Ranking Members of the congressional defense committees in support of including legislation enacting the agreement in the fiscal year 2017 National Defense Authorization Act and concluded that its inclusion advances United States national security objectives in the region.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to fulfill the promise and commitment of the United States to its ally, the Republic of Palau, and reaffirm this special relationship and strengthen the ability of the United States to defend the homeland, Congress and the President should promptly enact the Compact Review Agreement signed by the United States and Palau in 2010; and

(2) Congress and the President should immediately seek a mutually acceptable solution to approving the Compact Review Agreement and ensuring adequate budgetary resources are allocated to meet United States obligations under the Compact through enacting legislation, including through this Act.

Subtitle I—Human Rights Sanctions

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Global Magnitsky Human Rights Accountability Act''.

SEC. 1282. DEFINITIONS.

In this subtitle:

(1) FOREIGN PERSON.—The term ''foreign person'' means a person that is not a United States person.

(2) PERSON.—The term ''person'' means an individual or entity.

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 1283. AUTHORIZATION OF IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to any foreign person the President determines, based on credible evidence—

(1) is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals in any foreign country who seek—

(A) to expose illegal activity carried out by government officials; or

(B) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections;

(2) acted as an agent of or on behalf of a foreign person in a matter relating to an activity described in paragraph (1);

(3) is a government official, or a senior associate of such an official, that is responsible for, or complicit in, ordering, controlling, or otherwise directing, acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; or

(4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (3).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INADMISSIBILITY TO UNITED STATES.—In the case of a foreign person who is an individual—

(A) ineligibility to receive a visa to enter the United States or to be admitted to the United States; or

(B) if the individual has been issued a visa or other documentation, revocation, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of the visa or other documentation.

(2) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The blocking, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), of all transactions in all property and interests in property of a foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

(C) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(i) IN GENERAL.—The authority to block and prohibit all transactions in all property and interests in property under subparagraph (A) shall not include the authority to impose sanctions on the importation of goods.

(ii) GOOD.—In this subparagraph, the term ''good'' has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(c) CONSIDERATION OF CERTAIN INFORMATION IN IMPOSING SANCTIONS.—In determining whether to impose sanctions under subsection (a), the President shall consider—

(1) information provided by the chairperson and ranking member of each of the appropriate congressional committees; and

(2) credible information obtained by other countries and nongovernmental organizations that monitor violations of human rights.

(d) REQUESTS BY CHAIRPERSON AND RANKING MEMBER OF APPROPRIATE CONGRESSIONAL COMMITTEES.—Not later than 120 days after receiving a written request from the chairperson and ranking member of one of the appropriate congressional committees with respect to whether a foreign person has engaged in an activity described in subsection (a), the President shall—

(1) determine if that person has engaged in such an activity; and

(2) submit a report to the chairperson and ranking member of that committee with respect to that determination that includes—

(A) a statement of whether or not the President imposed or intends to impose sanctions with respect to the person; and

(B) if the President imposed or intends to impose sanctions, a description of those sanctions.

(e) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT AND LAW ENFORCEMENT OBJECTIVES.—Sanctions under subsection (b)(1) shall not apply to an individual if admitting the individual into the United States would further important law enforcement objectives or is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States.

(f) ENFORCEMENT OF BLOCKING OF PROPERTY.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(2) or any regulation, license, or order issued to carry out subsection (b)(2) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(g) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines and reports to the appropriate congressional committees not later than 15 days before the termination of the sanctions that—

(1) credible information exists that the person did not engage in the activity for which sanctions were imposed;

(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a) in the future; or

(4) the termination of the sanctions is in the vital national security interests of the United States.

(h) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(i) IDENTIFICATION OF SANCTIONABLE FOREIGN PERSONS.—The Assistant Secretary of State for Democracy, Human Rights, and Labor, in consultation with the Assistant Secretary of State for Consular Affairs and other bureaus of the Department of State, as appropriate, is authorized to submit to the Secretary of State, for review and consideration, the names of foreign persons who may meet the criteria described in subsection (a).

(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1284. REPORTS TO CONGRESS.

(a) IN GENERAL.—The President shall submit to the appropriate congressional committees, in accordance with subsection (b), a report that includes—

(1) a list of each foreign person with respect to which the President imposed sanctions pursuant to section ____03 during the year preceding the submission of the report;

(2) a description of the type of sanctions imposed with respect to each such person;

(3) the number of foreign persons with respect to which the President—

(A) imposed sanctions under section ____03(a) during that year; and

(B) terminated sanctions under section ____03(g) during that year;

(4) the dates on which such sanctions were imposed or terminated, as the case may be;

(5) the reasons for imposing or terminating such sanctions; and

(6) a description of the efforts of the President to encourage the governments of other countries to impose sanctions that are similar to the sanctions authorized by section ___03.

(b) DATES FOR SUBMISSION.—

(1) INITIAL REPORT.—The President shall submit the initial report under subsection (a) not later than 120 days after the date of the enactment of this Act.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—The President shall submit a subsequent report under subsection (a) on December 10, or the first day thereafter on which both Houses of Congress are in session, of—

(i) the calendar year in which the initial report is submitted if the initial report is submitted before December 10 of that calendar year; and

(ii) each calendar year thereafter.

(B) CONGRESSIONAL STATEMENT.—Congress notes that December 10 of each calendar year has been recognized in the United States and internationally since 1950 as ''Human Rights Day''.

(c) FORM OF REPORT.—

(1) IN GENERAL.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(2) EXCEPTION.—The name of a foreign person to be included in the list required by subsection (a)(1) may be submitted in the classified annex authorized by paragraph (1) only if the President—

(A) determines that it is vital for the national security interests of the United States to do so;

(B) uses the annex in a manner consistent with congressional intent and the purposes of this subtitle; and

(C) not later than 15 days before submitting the name in a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including the name in the classified annex despite any publicly available credible information indicating that the person engaged in an activity described in section ___03(a).

(d) PUBLIC AVAILABILITY.—

(1) IN GENERAL.—The unclassified portion of the report required by subsection (a) shall be made available to the public, including through publication in the Federal Register.

(2) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President shall publish the list required by subsection (a)(1) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Appropriations, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.

(a) FISCAL YEAR 2017 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—In this title, the term ''fiscal year 2017 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711).

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2017, 2018, and 2019.

SEC. 1302. FUNDING ALLOCATIONS.

Of the $325,604,000 authorized to be appropriated to the Department of Defense for fiscal year 2017 in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $11,791,000.

(2) For chemical weapons destruction, $2,942,000.

(3) For global nuclear security, $16,899,000.

(4) For cooperative biological engagement, $213,984,000.

(5) For proliferation prevention, $50,709,000.

(6) For threat reduction engagement, $2,000,000.

(7) For activities designated as Other Assessments/Administrative Costs, $27,279,000.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

SEC. 1406. SECURITY COOPERATION ENHANCEMENT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Security Cooperation Enhancement Fund, as specified in the funding table in section 4501, for use for authorized purposes of the Security Cooperation Enhancement Fund.

Subtitle B—National Defense Stockpile

SEC. 1411. NATIONAL DEFENSE STOCKPILE MATTERS.

(a) MATERIALS CONSTITUTING THE NATIONAL DEFENSE STOCKPILE.—Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended—

(1) in subsection (b), by striking ''required for'' and inserting ''suitable for transfer or disposal through''; and

(2) in subsection (c)—

(A) by striking ''(1)'' and all that follows through ''(2)''; and

(B) by striking ''this subsection'' and inserting ''subsection (b)''.

(b) QUALIFICATION OF DOMESTIC SOURCES.—Section 15(a) of such Act (50 U.S.C. 98h–6(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end ;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(3) by qualifying existing domestic facilities and domestically produced strategic and critical materials to meet the requirements of defense and essential civilian industries in times of national emergency when existing domestic sources of supply are either insufficient or vulnerable to single points of failure; and

''(4) by contracting with domestic facilities to recycle strategic and critical materials, thereby increasing domestic supplies when such materials would otherwise be insufficient to support defense and essential civilian industries in times of national emergency.''.

SEC. 1412. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS FROM AND TO ACQUIRE ADDITIONAL MATERIALS FOR THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORITY.—

(1) IN GENERAL.—Pursuant to section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), the National Defense Stockpile Manager shall dispose of materials contained in the National Defense Stockpile and specified in paragraph (2) so as to result in receipts to the United States in amounts equal to—

(A) $10,000,000 by the end of fiscal year 2017;

(B) $50,000,000 by the end of fiscal year 2022; and

(C) $150,000,000 by the end of fiscal year 2026.

(2) MATERIALS AND DISPOSAL AMOUNTS.—The total quantities of materials authorized for disposal pursuant to paragraph (1) may not exceed the amounts as follows:

(A) 27 short tons of beryllium.

(B) 111,149 short tons of chromium, ferroalloy.

(C) 2,973 short tons of chromium metal.

(D) 8,380 troy ounces of platinum.

(E) 275,741 pounds of contained tungsten metal powder.

(F) 12,433,796 pounds of contained tungsten ores and concentrates.

(b) ACQUISITION AUTHORITY.—

(1) AUTHORITY.—Using funds available in the National Defense Stockpile Transaction Fund, the National Defense Stockpile Manager may acquire the following materials determined to be strategic and critical materials required to meet the defense, industrial, and essential civilian needs of the United States:

(A) High modulus and high strength carbon fibers.

(B) Tantalum.

(C) Germanium.

(D) Tungsten rhenium metal.

(E) Boron carbide powder.

(F) Europium.

(G) Silicon carbide fiber.

(2) AMOUNT OF AUTHORITY.—The National Defense Stockpile Manager may use up to $55,000,0000 in the National Defense Stockpile Transaction Fund for the acquisition of the materials specified paragraph (1).

(3) FISCAL YEAR LIMITATION.—The authority under paragraph (1) is available for purchases during fiscal year 2017 through fiscal year 2021.

Subtitle C—Chemical Demilitarization Matters

SEC. 1421. AUTHORITY TO DESTROY CERTAIN SPECIFIED WORLD WAR II-ERA UNITED STATES-ORIGIN CHEMICAL MUNITIONS LOCATED ON SAN JOSE ISLAND, REPUBLIC OF PANAMA.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to subsection (b), the Secretary of Defense may destroy the chemical munitions described in subsection (c).

(2) EX GRATIA ACTION.—The action authorized by this section is ''ex gratia'' on the part of the United States, as the term ''ex gratia'' is used in section 321 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 2701 note).

(3) CONSULTATION BETWEEN SECRETARY OF DEFENSE AND SECRETARY OF STATE.—The Secretary of Defense and the Secretary of State shall consult and develop any arrangements with the Republic of Panama with respect to this section.

(b) CONDITIONS.—The Secretary of Defense may exercise the authority under subsection (a) only if the Republic of Panama has—

(1) revised the declaration of the Republic of Panama under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction to indicate that the chemical munitions described in subsection (c) are ''old chemical weapons'' rather than ''abandoned chemical weapons''; and

(2) affirmed, in writing, that it understands—

(A) that the United States intends only to destroy the munitions described in subsections (c) and (d); and

(B) that the United States is not legally obligated and does not intend to destroy any other munitions, munitions constituents, and associated debris that may be located on San Jose Island as a result of research, development, and testing activities conducted on San Jose Island during the period of 1943 through 1947.

(c) CHEMICAL MUNITIONS.—The chemical munitions described in this subsection are the eight United States-origin chemical munitions located on San Jose Island, Republic of Panama, that were identified in the 2002 Final Inspection Report of the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons.

(d) LIMITED INCIDENTAL AUTHORITY TO DESTROY OTHER MUNITIONS.—In exercising the authority under subsection (a), the Secretary of Defense may destroy other munitions located on San Jose Island, Republic of Panama, but only to the extent essential and required to reach and destroy the chemical munitions described in subsection (c).

(e) FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2017 for the Department of Defense for Chemical Agents and Munitions Destruction, Defense by section 1402, up to $30,000,000 may be used to carry out the authority in subsection (a).

SEC. 1422. NATIONAL ACADEMIES OF SCIENCES STUDY ON CONVENTIONAL MUNITIONS DEMILITARIZATION ALTERNATIVE TECHNOLOGIES.

(a) IN GENERAL.—The Secretary of the Army shall enter into an arrangement with the Board on Army Science and Technology of the National Academies of Sciences, Engineering, and Medicine to conduct a study of the conventional munitions demilitarization program of the Department of Defense.

(b) ELEMENTS.—The study required pursuant to subsection (a) shall include the following:

(1) A review of the current conventional munitions demilitarization stockpile, including types of munitions and types of materials contaminated with propellants or energetics, and the disposal technologies used.

(2) An analysis of disposal, treatment, and reuse technologies, including technologies currently used by the Department and emerging technologies used or being developed by private or other governmental agencies, including a comparison of cost, throughput capacity, personnel safety, and environmental impacts.

(3) An identification of munitions types for which alternatives to open burning, open detonation, or non-closed loop incineration/combustion are not used.

(4) An identification and evaluation of any barriers to full-scale deployment of alternatives to open burning, open detonation, or non-closed loop incineration/combustion, and recommendations to overcome such barriers.

(5) An evaluation whether the maturation and deployment of governmental or private technologies currently in research and development would enhance the conventional munitions demilitarization capabilities of the Department.

(c) SUBMITTAL TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the study conducted pursuant to subsection (a).

Subtitle D—Other Matters

SEC. 1431. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, $122,400,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 1432. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2017 from the Armed Forces Retirement Home Trust Fund the sum of $64,300,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2017 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1503. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1505. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1506. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1507. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

SEC. 1510. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

SEC. 1511. SECURITY COOPERATION ENHANCEMENT FUND.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Security Cooperation Enhancement Fund, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2017 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $3,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations, Reports, and Other Matters

SEC. 1531. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2017.

(b) EXTENSION OF IMPROVISED EXPLOSIVE DEVICE PRECURSOR CHEMICALS AUTHORITY.—Section 1532(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2057), as most recently amended by section 1532(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1091), is further amended—

(1) in paragraph (1), by striking ''fiscal year 2016'' and inserting ''fiscal years 2016 and 2017''; and

(2) in paragraph (4), by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 1532. EXTENSION AND MODIFICATION OF AUTHORITIES ON COUNTERTERRORISM PARTNERSHIPS FUND.

(a) EXTENSION.—Section 1534 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3616) is amended—

(1) in subsection (a), by striking ''Amounts authorized to be appropriated for fiscal year 2015 by this title'' and inserting ''Subject to subsection (b), amounts authorized to be appropriated through fiscal year 2017''; and

(2) in subsection (h), by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) LIMITATION ON USE OF FUNDS AUTHORIZED FOR FISCAL YEAR 2017.—Such section is further amended—

(1) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) LIMITATION ON USE OF FUNDS AUTHORIZED FOR FISCAL YEAR 2017.—Amounts authorized to be appropriated for fiscal year 2017 for the Counterterrorism Partnerships Fund may only be used for the purposes specified in subsection (a)(2). In the use of such amounts, any reference in this section to 'subsection (a)' shall be deemed to be a reference to 'subsection (a)(2)'.''.

(c) ADMINISTRATION OF FUND.—Subsection (e) of such section, as redesignated by subsection (b)(1) of this section, is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(d) REPORTS.—Subsection (h) of such section, as redesignated by subsection (b)(1) of this section, is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''and 2017'' and inserting ''2017, and 2018''; and

(B) by striking ''and 2016'' and inserting ''2016, and 2017'';

(2) in paragraph (4), by striking ''subsection (d)(5)'' and inserting ''subsection (e)(4)''; and

(3) in paragraph (5), by striking ''subsection (f)'' and inserting ''subsection (g)''.

SEC. 1533. AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING REQUIREMENTS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2017 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) EQUIPMENT DISPOSITION.—

(1) ACCEPTANCE OF CERTAIN EQUIPMENT.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts in the Afghanistan Security Forces Fund authorized under this Act and is intended for transfer to the security forces of Afghanistan, but is not accepted by such security forces.

(2) CONDITIONS ON ACCEPTANCE OF EQUIPMENT.—Before accepting any equipment under the authority provided by paragraph (1), the Commander of United States forces in Afghanistan shall make a determination that the equipment was procured for the purpose of meeting requirements of the security forces of Afghanistan, as agreed to by both the Government of Afghanistan and the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.

(3) ELEMENTS OF DETERMINATION.—In making a determination under paragraph (2) regarding equipment, the Commander of United States forces in Afghanistan shall consider alternatives to Secretary of Defense acceptance of the equipment. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report required under paragraph (5).

(4) TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.—Equipment accepted under the authority provided by paragraph (1) may be treated as stocks of the Department of Defense upon notification to the congressional defense committees of such treatment.

(5) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—Not later than 90 days after the date of the enactment of this Act and every 90-day period thereafter during which the authority provided by paragraph (1) is exercised, the Secretary of Defense shall submit to the congressional defense committees a report describing the equipment accepted under this subsection, section 1531(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 938; 10 U.S.C. 2302 note), and section 1532(b) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3612) during the period covered by the report. Each report shall include a list of all equipment that was accepted during the period covered by the report and treated as stocks of the Department and copies of the determinations made under paragraph (2), as required by paragraph (3).

(c) PLAN TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) REPORTING REQUIREMENT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall include in each report required under section 1225 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3550)—

(A) a current assessment of the security of Afghan women and girls, including information regarding efforts to increase the recruitment and retention of women in the Afghan National Security Forces; and

(B) a current assessment of the implementation of the plans for the recruitment, integration, retention, training, treatment, and provision of appropriate facilities and transportation for women in the Afghan National Security Forces, including the challenges associated with such implementation and the steps being taken to address those challenges.

(2) PLAN REQUIRED.—

(A) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, shall support, to the extent practicable, the efforts of the Government of Afghanistan to promote the security of Afghan

women and girls during and after the security transition process through the development and implementation by the Government of Afghanistan of an Afghan-led plan that should include the elements described in this paragraph.

(B) TRAINING.—The Secretary of Defense, with the concurrence of the Secretary of State and working with the NATO-led Resolute Support mission, should encourage the Government of Afghanistan to develop—

(i) measures for the evaluation of the effectiveness of existing training for Afghan National Security Forces on this issue;

(ii) a plan to increase the number of female security officers specifically trained to address cases of gender-based violence, including ensuring the Afghan National Police's Family Response Units have the necessary resources and are available to women across Afghanistan;

(iii) mechanisms to enhance the capacity for units of National Police's Family Response Units to fulfill their mandate as well as indicators measuring the operational effectiveness of these units;

(iv) a plan to address the development of accountability mechanisms for Afghanistan National Army and Afghanistan National Police personnel who violate codes of conduct relating to the human rights of women and girls, including female members of the Afghan National Security Forces;

(v) a plan to address the development of accountability mechanisms for Afghanistan National Army and Afghanistan National Police personnel who violate codes of conduct relating to protecting children from sexual abuse; and

(vi) a plan to develop training for the Afghanistan National Army and the Afghanistan National Police to increase awareness and responsiveness among Afghanistan National Army and Afghanistan National Police personnel regarding the unique security challenges women confront when serving in those forces.

(C) ENROLLMENT AND TREATMENT.—The Secretary of Defense, with the concurrence of the Secretary of State and in cooperation with the Afghan Ministries of Defense and Interior, shall seek to assist the Government of Afghanistan in including as part of the plan developed under subparagraph (A) the development and implementation of a plan to increase the number of female members of the Afghanistan National Army and the Afghanistan National Police and to promote their equal treatment, including through such steps as providing appropriate equipment, modifying facilities, and ensuring literacy and gender awareness training for recruits.

(D) ALLOCATION OF FUNDS.—

(i) IN GENERAL.—Of the funds available to the Department of Defense for the Afghan Security Forces Fund for fiscal year 2017, it is the goal that $25,000,000, but in no event less than $10,000,000, shall be used for—

(I) the recruitment, integration, retention, training, and treatment of women in the Afghan National Security Forces; and

(II) the recruitment, training, and contracting of female security personnel for future elections.

(ii) TYPES OF PROGRAMS AND ACTIVITIES.—Such programs and activities may include—

(I) efforts to recruit women into the Afghan National Security Forces, including the special operations forces;

(II) programs and activities of the Afghan Ministry of Defense Directorate of Human Rights and Gender Integration and the Afghan Ministry of Interior Office of Human Rights, Gender and Child Rights;

(III) development and dissemination of gender and human rights educational and training materials and programs within the Afghan Ministry of Defense and the Afghan Ministry of Interior;

(IV) efforts to address harassment and violence against women within the Afghan National Security Forces;

(V) improvements to infrastructure that address the requirements of women serving in the Afghan National Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their station;

(VI) support for Afghanistan National Police Family Response Units; and

(VII) security provisions for high-profile female police and army officers.

(d) REPEAL OF SUPERSEDED REQUIREMENTS.—Section 1531 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1088) is amended by striking subsections (b) and (c).

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

SEC. 1601. REQUIREMENT THAT PILOT PROGRAM FOR ACQUISITION OF COMMERCIAL SATELLITE COMMUNICATION SERVICES DEMONSTRATE ORDER-OF-MAGNITUDE IMPROVEMENTS IN SATELLITE COMMUNICATIONS CAPABILITIES.

(a) IN GENERAL.—Section 1605 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2208 note) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated or otherwise made available to carry out the pilot program under subsection (a)(1) may be obligated or expended until the Secretary submits to the congressional defense committees a plan to demonstrate that the pilot program will achieve order-of-magnitude improvements in satellite communications capability, as required by subsection (b)(5).''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is disappointing that, despite numerous requests to the Air Force for its plan to meet the requirement of subsection (b)(5) of section 1605 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2208 note) in carrying out the pilot program under that section, the Air Force has not only failed to meet the statutorily imposed requirement to provide a briefing on that pilot program at the same time as the President submitted to Congress the budget for fiscal year 2017 pursuant to section 1105 of title 31, United States Code, but has also been nonresponsive to requests for information relating to that requirement.

SEC. 1602. PLAN FOR USE OF ALLIED LAUNCH VEHICLES.

(a) IN GENERAL.—The Commander of the Air Force Space Command shall develop a plan to use allied launch vehicles to meet the requirements for achieving the policy relating to assured access to space set forth in section 2273 of title 10, United States Code, in the event that such requirements cannot be met, for a limited period of time, using only United States launch vehicles.

(b) ASSESSMENTS.—In developing the plan required by subsection (a), the Commander shall conduct assessments of—

(1) what United States satellites would be appropriate to be launched on an allied launch vehicle; and

(2) whether any legislation would be necessary to allow for the launch of a national security satellite on an allied launch vehicle.

(c) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Commander shall submit to the congressional defense committees a report on the plan required by subsection (a) and the assessments required by subsection (b).

(d) DEFINITIONS.—In this section:

(1) ALLIED LAUNCH VEHICLE.—

(A) IN GENERAL.—The term ''allied launch vehicle'' means a launch vehicle of the government of a country that is an ally of the United States.

(B) EXCLUSIONS.—A launch vehicle of the government of the Russian Federation, the People's Republic of China, Iran, or North Korea may not be considered an allied launch vehicle for purposes of this section.

(2) NATIONAL SECURITY SATELLITE.—The term ''national security satellite'' means a satellite launched for national security purposes, including such a satellite launched by the Air Force, the Navy, or the National Reconnaissance Office, or any other element of the Department of Defense.

SEC. 1603. LONG-TERM STRATEGY ON ELECTROMAGNETIC SPECTRUM FOR WARFARE.

(a) STRATEGY REQUIRED.—Not later than February 28, 2017, the Commander of the United States Strategic Command shall submit to the Committees on Armed Services of the Senate and the House of Representatives a strategy for the Department of Defense for the availability, use, and protection of electromagnetic spectrum for warfare during the 10-year period beginning on the date of the submittal of the strategy.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) A description of the current intelligence and threat environment for electromagnetic spectrum for warfare.

(2) An assessment of the interoperability among the Agencies, components, elements, and forces of the Department needed to carry out the strategy, and a plan to remedy any shortfalls identified by the assessment.

(3) A plan for developing and maintaining the capability to conduct large-scale simulated exercises involving spectrum with near peer competitors.

(4) A plan to address meaningful capability gaps in providing electromagnetic spectrum for warfare for ground, air, and space layers not currently addressed by any element of the Department.

SEC. 1604. FIVE-YEAR PLAN FOR JOINT INTERAGENCY COMBINED SPACE OPERATIONS CENTER.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the Joint Interagency Combined Space Operations Center for the five-year period beginning on such date of enactment that includes—

(1) a description of the roles and responsibilities of the Center;

(2) an estimate of funding needed for the Center that includes a description of contributions from other Federal agencies;

(3) an estimate of the personnel needed for the Center;

(4) a description of planned activities of the Center; and

(5) a description of how the Center will complement and support the mission of the Joint Space Operations Center.

SEC. 1605. INDEPENDENT ASSESSMENT OF GLOBAL POSITIONING SYSTEM NEXT GENERATION OPERATIONAL CONTROL SYSTEM.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with a federally funded research and development center to assess the acquisition strategy of the Air Force for the Global Positioning System Next Generation Operational Control System (in this section referred to as ''OCX'').

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) An assessment of the ability of the Air Force to complete blocks zero through two of the OCX operating system on a schedule necessary to transition the OCX to full operation.

(2) An estimate of the cost of completing blocks zero through two on the schedule described in paragraph (1), taking into account the following:

(A) The rate of software defects.

(B) Earned value management.

(C) Information assurance requirements.

(3) An assessment of the ability of the Air Force to implement contingency plans for sustaining the Global Positioning System constellation to mitigate the effects of delays to the implementation of the OCX and to alleviate challenges with respect to the operations and checkout of the Global Positioning System III satellites.

(4) An assessment of any risks to the viability and required availability of the Global Positioning System constellation associated with efforts to complete blocks zero through two as described in paragraph (1) or the contingency plans described in paragraph (3).

(5) An assessment of whether there are well-defined methods for terminating the OCX program in the event of the inability of the Air Force to successfully complete blocks zero through two or other requirements for the OCX while ensuring that the Global Positioning System constellation meets requirements for the availability of that System.

(c) SUBMISSION TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the assessment required by subsection (a).

SEC. 1606. GOVERNMENT ACCOUNTABILITY OFFICE ASSESSMENT OF SATELLITE ACQUISITION BY NATIONAL RECONNAISSANCE OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an assessment, for calendar year 2017 and each calendar year thereafter, of the cost, schedule, and performance of each program of the National Reconnaissance Office for developing, acquiring, launching, and deploying satellites or overhead reconnaissance systems that, before, on, or after the date of the enactment of this Act, receives funding from the Military Intelligence Program or is supported by personnel of the Department of Defense.

(b) REPORTING TO CONGRESS.—The Comptroller General shall regularly inform the appropriate congressional committees with respect to any matters relating to the cost, schedule, or performance of a program assessed under subsection (a) that the Comptroller General considers significant.

(c) PROVISION OF INFORMATION BY NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall provide to the Comptroller General, in a timely manner, access to the information the Comptroller General requires to conduct the assessment required by subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1607. COST-BENEFIT ANALYSIS OF COMMERCIAL USE OF EXCESS BALLISTIC MISSILE SOLID ROCKET MOTORS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an analysis of the costs and benefits of allowing the use of solid rocket motors from missiles described in section 50134(c) of title 51, United States Code, for commercial space launch purposes. Such analysis shall include an evaluation of the effect, if any, of allowing such use on national security, the Department of Defense, the solid rocket motor industrial base, the commercial space launch market, and any other areas the Comptroller General considers appropriate.

(b) BRIEFING.—Not later than September 1, 2016, the Comptroller General shall provide a briefing on the analysis required by subsection (a) to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 1608. ASSESSMENT OF COST-BENEFIT ANALYSES BY DEPARTMENT OF DEFENSE OF USE OF KA-BAND COMMERCIAL SATELLITE COMMUNICATIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall assess the types of analyses the Department of Defense has conducted to understand the costs and benefits of the use of KA-band commercial satellite communications by the Department.

(b) ELEMENTS.—In conducting the assessment required by subsection (a), the Comptroller General shall—

(1) assess whether the Department of Defense has evaluated the use of KA-band commercial satellite communications, based on total cost, capabilities, and interoperability with existing or planned terminals; and

(2) consider such other matters as the Comptroller General considers appropriate.

(c) BRIEFING.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall provide a briefing on the assessment required by subsection (a) to the congressional defense committees.

SEC. 1609. LIMITATION ON USE OF FUNDS FOR JOINT SPACE OPERATIONS CENTER MISSION SYSTEM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act and made available for the Joint Space Operations Center Mission System may be obligated or expended for increment three of that System until the Secretary of the Air Force submits to the congressional defense committees a report setting forth a strategy for acquiring a common software and hardware framework for space operating systems described in paragraphs (1) and (2) of subsection (b).

(b) ELEMENTS OF REPORT.—The report described in subsection (a) shall include a description of the following:

(1) Space operating systems that perform space battlement management, communication, and control as of the date of the enactment of this Act.

(2) Space operating systems planned to perform space battlement management, communication, and control in the future.

(3) Schedules for acquisition and an estimate of the cost of space operating systems described in paragraph (2).

(4) Critical elements of space operating systems described in paragraphs (1) and (2) that will require common software and hardware to promote a common operating environment and reduce acquisition costs and long-term maintenance requirements.

SEC. 1610. LIMITATION ON AVAILABILITY OF FISCAL YEAR 2017 FUNDS FOR THE GLOBAL POSITIONING SYSTEM NEXT GENERATION OPERATIONAL CONTROL SYSTEM.

Amounts authorized to be appropriated for fiscal year 2017 by this Act and available for the Global Positioning System Next Generation Operational Control System (GPS–OCX) may not be obligated or expended for the current product development contract for that System, or for any other purpose in connection with that System, until the Secretary of Defense submits to Congress the certification on the System required pursuant to section 2433a(c)(2) of title 10, United States Code, as a result of the determination not to terminate procurement of that System.

SEC. 1611. AVAILABILITY OF CERTAIN AMOUNTS TO MEET REQUIREMENTS IN CONNECTION WITH UNITED STATES POLICY ON ASSURED ACCESS TO SPACE.

(a) FISCAL YEAR 2017 AMOUNTS.—Of the amount authorized to be appropriated for fiscal year 2017 by section 201 for research, development, test, and evaluation, Air Force, and available for the Evolved Expendable Launch Vehicle (PE 0604853F) as specified in the funding table in section 4201, not more than 50 percent may be available in that fiscal year to meet requirements in connection with the United States policy on assured access to space specified in section 2273 of title 10, United States Code.

(b) FISCAL YEAR 2016 AMOUNTS.—Of the amount authorized to be appropriated for fiscal year 2016 for research, development, test, and evaluation, Air Force, available for the Evolved Expendable Launch Vehicle, and available for obligation for that purpose as of the date of the enactment of this Act, not more than 50 percent may be available in fiscal year 2017 to meet requirements in connection with the policy described in subsection (a).

(c) AMOUNTS FOR FISCAL YEARS AFTER FISCAL YEAR 2017.—Of the amount authorized to be appropriated for any fiscal year after fiscal year 2017 for research, development, test, and evaluation, Air Force, and available for the Evolved Expendable Launch Vehicle, not more than 50 percent may be available in that fiscal year to meet requirements in connection with the policy described in subsection (a).

SEC. 1612. AVAILABILITY OF FUNDS FOR CERTAIN SECURE VOICE CONFERENCING CAPABILITIES.

Of amounts authorized to be appropriated or otherwise made available for fiscal year 2015 or 2016 for research, development, test, and evaluation, Air Force, and available for obligation as of the date of the enactment of this Act, not more than $10,200,000 may be used to support the accomplishment by the Air Force of integration and associated critical testing and systems engineering activities for the Presidential and National Voice Conferencing program and the Advanced Extremely High Frequency Extended Data Rate, worldwide, secure, survivable voice conferencing capability for the President and national leaders, as described in the reprogramming action prior approval request submitted by the Under Secretary of Defense (Comptroller) to Congress on March 3, 2016.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

SEC. 1621. DEPARTMENT OF DEFENSE-WIDE REQUIREMENTS FOR SECURITY CLEARANCES FOR MILITARY INTELLIGENCE OFFICERS.

The Secretary of Defense shall ensure that each military intelligence officer serving as a unit or service intelligence officer, or in command of an intelligence unit or activity, has an active security clearance.

Subtitle C—Cyber Warfare, Cybersecurity, and Related Matters

SEC. 1631. CYBER PROTECTION SUPPORT FOR DEPARTMENT OF DEFENSE PERSONNEL IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide cyber protection support to personnel of the Department of Defense while such personnel occupy positions in the Department determined by the Secretary to be of highest risk of vulnerability to cyber attacks on their personal devices, networks, and persons.

(b) NATURE OF SUPPORT.—Subject to the availability of resources, in providing cyber protection support pursuant to subsection (a), the Secretary may provide personnel described in that subsection training, advisement, and assistance regarding cyber attacks described in that subsection.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the provision of cyber protection support pursuant to subsection (a). The report shall include a description of the methodology used by the Secretary to determine the positions in the Department that are of highest vulnerability to cyber attacks for purposes of subsection (a).

SEC. 1632. CYBER MISSION FORCES MATTERS.

(a) ACTIONS PENDING FULL IMPLEMENTATION OF PLAN FOR CYBER MISSION FORCE POSITIONS.—Until the Secretary of Defense completes implementation of the authority in subsection (a) of section 1599f of title 10, United States Code, for Cyber Mission Force (CMF) positions in accordance with the implementation plan required by subsection (d) of such section, the Secretary shall do each of the following:

(1) Provide for and implement an interagency transfer agreement between excepted service position and competitive service position systems in applicable agencies and components of the Department in order to satisfy the requirements for Cyber Mission Force positions from among a mix of employees in the excepted service and the competitive service in such agencies and components.

(2) Direct the Armed Forces to implement in their Defense Civilian Intelligence Personnel Systems for Cyber Mission Force positions a so-called ''Rank-in-Person'' classification system similar to the classification system used by the National Security Agency.

(3) Implement direct hiring authority for Cyber Mission Force positions up to the GG or GS–15 level.

(4) Authorize officials conducting hiring in the competitive service for Cyber Mission Force positions to set starting salaries at up to a step-five level with no justification and at up to a step-ten level with justification that meets published guidelines applicable to the excepted service.

(b) OTHER MATTERS.—The Principal Cyber Advisor shall, working through the cross-functional team established by section 932(c)(3) of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2224 note) and in coordination with the Commander of the United States Cyber Command, supervise—

(1) the development of training standards for computer network operations tool developers for military, civilian, and contractor personnel supporting the Cyber Mission Forces;

(2) the rapid enhancement of capacity to train personnel to those standards to meet the needs of the Cyber Mission Forces for tool development; and

(3) actions necessary to ensure timely completion of personnel security investigations and adjudications for tool development personnel.

SEC. 1633. LIMITATION ON ENDING OF ARRANGEMENT IN WHICH THE COMMANDER OF THE UNITED STATES CYBER COMMAND IS ALSO DIRECTOR OF THE NATIONAL SECURITY AGENCY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the arrangement (commonly referred to as a ''dual-hat arrangement'') under which the Commander of the United States Cyber Command also serves as the Director of the National Security Agency is in the national security interests of the United States.

(b) LIMITATION ON ENDING OF CURRENT ARRANGEMENT.—The Secretary of Defense may not take action to end the arrangement described in subsection (a) until the Secretary and the Chairman of the Joint Chiefs of Staff jointly determine and certify to the appropriate committees of Congress that the end of that arrangement will not pose risks to the military effectiveness of the United States Cyber Command that are unacceptable in the national security interests of the United States.

(c) CONDITIONS-BASED CRITERIA.—The Secretary and the Chairman shall develop criteria for assessing the military and intelligence necessity and benefit of the arrangement described in subsection (a). The criteria shall be based on measures of the operational dependence of the United States Cyber Command on the National Security Agency and the ability of each organization to accomplish their roles and responsibilities independent of the other. The conditions to be evaluated shall include the following:

(1) The sufficiency of operational infrastructure.

(2) The sufficiency of command and control systems and processes for planning, deconflicting, and executing military cyber operations, tools and weapons for achieving required effects.

(3) Technical intelligence collection and operational preparation of the environment capabilities.

(4) The ability to train personnel, test capabilities, and rehearse missions.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1634. PILOT PROGRAM ON APPLICATION OF CONSEQUENCE-DRIVEN, CYBER-INFORMED ENGINEERING TO MITIGATE AGAINST CYBERSECURITY THREATS TO OPERATING TECHNOLOGIES OF MILITARY INSTALLATIONS.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretaries of the military departments, carry out a pilot program to assess the feasibility and advisability of applying consequence-driven, cyber-informed engineering methodologies to the operating technologies of military installations, including industrial control systems, in order to increase the resilience of military installations against cybersecurity threats and prevent or mitigate the potential for high-consequence cyberattacks.

(b) ELEMENTS.—

(1) DISCHARGING ENTITY.—The Secretary shall carry out the pilot program through a research laboratory of the Department of Defense or, with the approval of the Secretary of Energy, a research laboratory of the Department of Energy, selected by the Secretary for purposes of the pilot program.

(2) LOCATIONS.—The Secretary shall carry out the pilot program at not fewer than two military installations selected by the Secretary for purposes of the pilot program from among military installations supporting the most critical mission-essential functions of the Department of Defense.

(c) DURATION.—The duration of the pilot program shall be two years.

(d) REPORTS.—

(1) REPORTS REQUIRED.—Not later than September 30, 2017, and each year thereafter through 2019, the Secretary shall submit to the congressional defense committees a report on the pilot program.

(2) RECURRING ELEMENTS.—Each report under paragraph (1) shall include, current as of the date of such report, the following:

(A) A description of the activities carried out under the pilot program.

(B) An assessment of the value of the methodologies applied during the pilot program in increasing the resilience of military installations against cybersecurity threats.

(3) ADDITIONAL ELEMENT IN FINAL REPORT.—The report under paragraph (1) in 2019 shall also include such recommendations for administrative or legislative action as the Secretary considers appropriate in light of the pilot program, including for actions as follows:

(A) To apply methodologies identified through the pilot program across the Department of Defense.

(B) To require the Armed Forces to build capability of determining whether such methodologies should be included as requirement in applicable future military construction projects.

SEC. 1635. EVALUATION OF CYBER VULNERABILITIES OF F–35 AIRCRAFT AND SUPPORT SYSTEMS.

(a) IN GENERAL.—Subsection (a) of section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1118) is amended—

(1) in paragraph (2), by striking ''The'' and inserting ''Other than a weapon system described in paragraph (3), the''; and

(2) by adding at the end the following new paragraph:

''(3) F–35 AIRCRAFT.—The Secretary shall ensure that a complete evaluation of the F–35 aircraft and its support systems, such as

the Autonomic Logistics Information System, is completed under paragraph (1) before February 1, 2017.''.

(b) REPORT.—Such section is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following new subsections:

''(c) TOOLS AND SOLUTIONS.—The Secretary of Defense may—

''(1) develop tools that improve assessments of cyber vulnerabilities;

''(2) conduct non-recurring engineering for the design of mitigation solutions for such vulnerabilities; and

''(3) establish Department-wide information repositories to share findings relating to such assessments and to share such mitigation solutions.

''(d) REPORT ON F–35 AIRCRAFT.—

''(1) IN GENERAL.—Not later than February 28, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the evaluation completed under subsection (a)(3).

''(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

''(A) The findings of the Secretary with respect to the evaluation completed under subsection (a)(3).

''(B) Identification of any major information assurance deficiencies relating to the F–35 aircraft or its support systems.

''(C) A cyber vulnerability mitigation strategy for such aircraft and systems.''.

SEC. 1636. REVIEW AND ASSESSMENT OF TECHNOLOGY STRATEGY AND DEVELOPMENT AT DEFENSE INFORMATION SYSTEMS AGENCY.

(a) STRATEGY REQUIRED.—The Director of the Defense Information Systems Agency shall develop a research and technology development strategy in support of Defense Information Systems Agency missions.

(b) STRATEGIC PLAN FOR DEFENSE INFORMATION SYSTEMS AGENCY RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.—

(1) IN GENERAL.—(A) Not less frequently than once every two fiscal years through fiscal year 2022, the Director, in coordination with the Under Secretary of Defense for Acquisition, Technology and Logistics and the Chief Information Officer of the Department of Defense, shall complete a strategic plan, in unclassified and classified formats as necessary, reflecting the needs of the Department of Defense with respect to research, development, test, and evaluation activities, facilities, workforce, and resources of the Agency.

(B) Each such strategic plan required by subparagraph (A) shall cover the period of five fiscal years beginning with the fiscal year in which the plan is developed.

(C) The strategic plan shall be based on a comprehensive review of the research, development, test, and evaluation requirements and missions of the Agency and the adequacy of research, development, test, and evaluation activities, facilities, workforce, and resources of the Agency to meet those requirements and missions.

(2) ELEMENTS.—Each strategic plan required by paragraph (1)(A) shall include the following:

(A) An assessment of the research, development, test, and evaluation requirements of the Department to be supported by the Agency for the period covered by the plan.

(B) An identification of performance measures associated with the successful achievement of objectives for the period covered by the plan.

(C) An assessment of the research and development programs and plans of the Agency.

(D) An assessment of the current state of the test and evaluation facilities and resources of the Agency.

(E) An assessment of plans and business case analyses supporting any significant modification of the facilities, workforce, and resources project, proposed, or recommended by the Director, including with respect to the expansion, divestment, consolidation, or curtailment of activities.

SEC. 1637. EVALUATION OF CYBER VULNERABILITIES OF DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE.

(a) EVALUATION REQUIRED.—The Secretary of Defense shall, in accordance with the plan under subsection (b), complete an evaluation of the cyber vulnerabilities of Department of Defense critical infrastructure by not later than December 31, 2020.

(b) PLAN FOR EVALUATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the plan of the Secretary for the evaluation of Department of Defense critical infrastructure under subsection (a), including an identification of each of the facilities and locations to be evaluated and an estimate of the funding required to conduct the evaluation.

(2) PRIORITY IN EVALUATION.—The plan under paragraph (1) shall accord a priority among evaluations based on the criticality of supporting infrastructure, as determined by the Chairman of the Joint Chiefs of Staff based on an assessment of employment of forces and threats.

(3) INTEGRATION WITH OTHER EFFORTS.—The plan under paragraph (1) shall build upon existing efforts regarding the identification and mitigation of cyber vulnerabilities of major weapon systems and Department of Defense critical infrastructure, and shall not duplicate similar ongoing efforts.

(c) STATUS ON PROGRESS.—The Secretary shall inform the congressional defense committees of the activities undertaken in the evaluation of Department of Defense critical infrastructure under this section as part of the quarterly cyber operations briefings under section 484 of title 10, United States Code.

(d) RISK MITIGATION STRATEGIES.—As part of the evaluation of cyber vulnerabilities of Department of Defense critical infrastructure, the Secretary shall develop strategies for mitigating the risks of cyber vulnerabilities identified in the course of the evaluation.

(e) TOOLS AND SOLUTIONS.—The Secretary may—

(1) develop tools that improve assessments of cyber vulnerabilities of Department of Defense critical infrastructure;

(2) conduct non-recurring engineering for the design of mitigation solutions for such vulnerabilities; and

(3) establish Department-wide information repositories to share findings relating to such assessments and to share such mitigation solutions.

(f) DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE DEFINED.—In this section, the term ''Department of Defense critical infrastructure'' means any asset of the Department of Defense of such extraordinary importance to the functioning of the Department and the operation of the military that its incapacitation or destruction from a cyber attack would have a debilitating effect on the ability of the Department to fulfill its missions.

SEC. 1638. PLAN FOR INFORMATION SECURITY CONTINUOUS MONITORING CAPABILITY AND COMPLY-TO-CONNECT POLICY.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—The Chief Information Officer of the Department of Defense and the Commander of the United States Cyber Command, in coordination with the Principal Cyber Adviser, shall jointly develop a plan for a modernized, enterprise-wide information security continuous monitoring (ISCM) capability and a comply-to-connect policy.

(2) ELEMENTS.—The plan required by paragraph (1) shall include an architecture, a concept of operations, component functionality, and interoperability requirements for the tools, sensors, systems, and processes that comprise the information security continuous monitoring capability operating under a comply-to-connect policy.

(b) IMPLEMENTATION OF PLAN.—The Chief Information Officer and the Commander shall each issue such directives for Department of Defense components as they each consider appropriate to take actions to comply with the plan and policy developed under paragraph (1).

(c) TIMEFRAME.—The Chief Information Officer and the Commander shall ensure that the plan and policy required by subsection (a) is developed, and the directives required by subsection (b) are issued, before such time as is necessary for components of the Department of Defense to include necessary funding and program plans in program objective memoranda for the budget submitted by the President under section 1105(a) of title 31, United States Code, for fiscal year 2019.

(d) SOFTWARE LICENSE COMPLIANCE MATTERS.—The plan and policy required by subsection (a) shall enable compliance with the software license inventory requirements of the plan issued pursuant to section 937 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 2223 note) and updated pursuant to section 935 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2223 note).

(e) LIMITATION ON FUTURE SOFTWARE LICENSING.—

(1) IN GENERAL.—The Secretary of Defense may not obligate or expend any funds for a software license for the Department of Defense for which the Department would spend in excess of $5,000,000 annually unless the Department is able, through automated means—

(A) to count the number of such licenses in use; and

(B) to determine the security status of each instance of use of the software licensed.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect—

(A) in the case of a contract for new software licensing, on January 1, 2018; and

(B) in the case of a contract relating to software licensing that was already in effect, on January 1, 2020.

(f) INTEGRATION WITH OTHER CAPABILITIES.—The Chief Information Officer and the Commander of United States Cyber Command shall ensure that information generated through automated- and automation assisted processes for continuous monitoring, asset management, and comply-to-connect policies and processes is accessible and usable in machine-readable form by cyber protection teams and computer network defense service providers.

SEC. 1639. REPORT ON AUTHORITY DELEGATED TO SECRETARY OF DEFENSE TO CONDUCT CYBER OPERATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act,

the Secretary of Defense shall submit to the congressional defense committees a report outlining in detail the authorities that have been delegated by the President to the Secretary for the conduct of cyber operations.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) A detailed description of the standing authorities and limitations that authorize or limit the Secretary's response to—

(A) a malicious cyber activity carried out against the United States or a United States person by a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)); or

(B) malicious cyber activity against an entity of the Department of Defense.

(2) A detailed description of how the authorities described in subsection (a) compare to the authorities delegated to the Secretary regarding activities in non-cyber domains.

SEC. 1640. DETERRENCE OF ADVERSARIES IN CYBERSPACE.

(a) REPORT ON DETERRENCE OF ADVERSARIES IN CYBERSPACE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the President and the congressional defense committees a report on the military and nonmilitary options available to the United States to deter Russia, China, Iran, North Korea, and terrorist organizations in cyberspace.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) A description of the options described in paragraph (1).

(B) For each option described under subparagraph (A), an assessment of the effectiveness of the option.

(C) An integrated priorities list for cyber deterrence capabilities of the Department of Defense that identifies, at a minimum, high priority capability needs prioritized across armed force and functional lines, risk areas, and long-term strategic planning issues.

(b) REPORT ON ACTS OF WAR IN CYBERSPACE.—

(1) IN GENERAL.—Not later than 60 days after the date on which the Chairman submits the report required by subsection (a)(1), the President shall submit to the congressional defense committees a report on determining when an action carried out in cyberspace constitutes an act of war against the United States.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) Identification of what actions carried out in cyberspace constitute an act of war against the United States.

(B) Identification of how the law of war applies to cyber operations of the Department of Defense.

(C) Identification of the circumstances required for responding to a cyber attack against the United States.

(D) A declaratory policy on the use of cyber weapons by the United States.

(3) CONSIDERATIONS.—In preparing the report required by paragraph (1), the President shall consider the following:

(A) Whether a cyber attack must demonstrate a use of force to be considered an act of war.

(B) The ways in which the effects of a cyber attack may be equivalent to effects of an attack using conventional weapons, including with respect to physical destruction or casualties.

(C) Intangible effects of significant scope, intensity, or duration.

(D) How the law of neutrality applies, how the utilization or exploitation of communications infrastructure in neutral States applies, and what limitations, if any, apply in exercising the right of the United States to act in self-defense through a cyber-operation.

Subtitle D—Nuclear Forces

SEC. 1651. PROCUREMENT AUTHORITY FOR CERTAIN PARTS OF INTERCONTINENTAL BALLISTIC MISSILE FUZES.

(a) AVAILABILITY OF FUNDS.—Notwithstanding section 1502(a) of title 31, United States Code, of the amount authorized to be appropriated for fiscal year 2017 by section 101 and available for Missile Procurement, Air Force, as specified in the funding table in section 4101, $17,095,000 shall be available for the procurement of covered parts pursuant to contracts entered into under section 1645(a) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3651).

(b) COVERED PARTS DEFINED.—In this section, the term ''covered parts'' means commercially available off-the-shelf items as defined in section 104 of title 41, United States Code.

SEC. 1652. MODIFICATION OF REPORT ON ACTIVITIES OF THE COUNCIL ON OVERSIGHT OF THE NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

Section 171a(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) An assessment of the readiness of the command, control, and communications system for the national leadership of the United States and of each layer of the system, as that layer relates to nuclear command, control, and communications.''.

SEC. 1653. REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES OF RECOMMENDATIONS RELATING TO NUCLEAR ENTERPRISE OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—During each of fiscal years 2017 through 2021, the Comptroller General of the United States shall conduct a review of the following:

(1) The processes of the Department of Defense for addressing the recommendations of the Department of Defense Internal Nuclear Enterprise Review, the Independent Review of the Department of Defense Nuclear Enterprise, and other recommendations affecting the health of the nuclear enterprise of the Department of Defense identified or tracked by the Nuclear Deterrence Enterprise Review Group, including the process used by the Director of Cost Assessment and Program Evaluation to evaluate the implementation of such recommendations.

(2) The processes used to implement recommendations from other assessments of the nuclear enterprise of the Department of Defense, including the National Leadership Command Capability and Nuclear Command, Control, and Communications Enterprise Review.

(b) BRIEFING.—After conducting each review under subsection (a), the Comptroller General shall provide to the congressional defense committees a briefing on the review.

(c) CONFORMING REPEAL.—Section 1658 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1125) is repealed.

SEC. 1654. SENSE OF CONGRESS ON NUCLEAR DETERRENCE.

The following is the sense of Congress:

(1) The nuclear forces of the United States continue to play a fundamental role in deterring aggression against the interests of the United States and its allies in an increasingly dangerous world in which foreign adversaries, including the Russian Federation, are making explicit nuclear threats against the United States and its allies. Strong United States nuclear forces assure United States allies that the extended deterrence guarantees of the United States are credible and that the resolve of the United States remains strong even in the face of nuclear provocations, including nuclear coercion and blackmail.

(2) The prevention of war through effective deterrence requires survivable and flexible nuclear forces that are well exercised and ready to respond to nuclear escalation if necessary. Possessing a range of capabilities and options to counter nuclear threats assures United States allies and enhances the credibility of United States nuclear deterrence by reinforcing the resolve of the United States in the minds of United States allies and potential adversaries.

(3) The declared policy of the United States with respect to the use of nuclear weapons must be coordinated and communicate clearly that the use of nuclear weapons against the United States or its vital interests would ultimately fail and subject the aggressor to incalculable consequences.

(4) In support of a strong and credible nuclear deterrent, the United States must—

(A) maintain a nuclear force with a diverse, flexible range of nuclear yield and delivery modes that are ready, capable, and credible;

(B) afford the highest priority to the modernization of the nuclear triad, dual-capable aircraft, and related command and control elements; and

(C) ensure the broadest participation of United States allies in nuclear defense planning, training, and exercises to demonstrate the commitment of the United States and its allies and their solidarity against nuclear threats and coercion.

(5) The North Atlantic Treaty Organization (NATO) must make it clear at the NATO summit in Warsaw, Poland, in July 2016 that NATO has taken steps to address the nuclear provocations of the Russian Federation, particularly including steps to counter any calculation by the Russian Federation that the use of nuclear weapons against NATO members could have other than incalculable consequences for the Russian Federation. Effective deterrence requires that NATO clearly communicate that reality to the leaders of the Russian Federation, conduct realistic nuclear planning and exercises, and modernize the full suite of dual-capable aircraft and associated command and control networks and facilities.

SEC. 1655. EXPEDITED DECISION WITH RESPECT TO SECURING LAND-BASED MISSILE FIELDS.

To mitigate any risk posed to the nuclear forces of the United States by the failure to replace the UH–1N helicopter, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff—

(1) decide if the land-based missile fields using UH–1N helicopters meet security requirements and if there are any shortfalls or gaps in meeting such requirements;

(2) not later than 30 days after the date of the enactment of this Act, submit to Congress a report on the decision relating to a request for forces required by paragraph (1); and

(3) if the Chairman determines the implementation of the decision to be warranted to mitigate any risk posed to the nuclear forces of the United States—

(A) not later than 60 days after such date of enactment, implement that decision; or

(B) if the Secretary cannot implement that decision during the period specified in subparagraph (A), not later than 45 days after such date of enactment, submit to Congress a report that includes a proposal for the date by which the Secretary can implement that decision and a plan to carry out that proposal.

Subtitle E—Missile Defense Programs

SEC. 1661. REQUIRED TESTING BY MISSILE DEFENSE AGENCY OF GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.

(a) TESTING REQUIRED.—Except as provided in subsection (c), not less frequently than once each fiscal year, the Director of the Missile Defense Agency shall administer a flight test of the ground-based midcourse defense element of the ballistic missile defense system.

(b) REQUIREMENTS.—The Director shall ensure that each test carried out under subsection (a) provides, when possible, for one or more of the following:

(1) The validation of technical improvements made to increase system performance and reliability.

(2) The evaluation of the operational effectiveness of the ground-based midcourse defense element of the ballistic missile defense system.

(3) The use of threat-representative targets and critical engagement conditions.

(4) The evaluation of new configurations of interceptors before they are fielded.

(5) The satisfaction of the ''fly before buy'' acquisition approach for new interceptor components or software.

(6) The evaluation of the interoperability of the ground-based midcourse defense element with other elements of the ballistic missile defense systems.

(c) EXCEPTIONS.—The Director may forgo a test under subsection (a) in a fiscal year under one or more of the following conditions:

(1) It would jeopardize national security.

(2) Insufficient time considerations between post-test analysis and subsequent pretest design.

(3) Insufficient funding.

(4) An interceptor is unavailable.

(5) A target is unavailable or is insufficiently representative of threats.

(6) The test range or necessary test assets are unavailable.

(7) Inclement weather.

(8) Any other condition the Director considers appropriate.

(d) CERTIFICATION.—Not later than 45 days after forgoing a test for a condition or conditions under subsection (c)(8), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a certification setting forth the condition or conditions that caused the test to be forgone under that subsection.

(e) REPORT.—Not later than 45 days after forgoing a test for any condition specified in subsection (c), the Director shall submit to the congressional defense committees a report setting forth the rationale for forgoing the test and a plan to restore an intercept flight test in the Integrated Master Test Plan of the Missile Defense Agency. In the case of a test forgone for a condition or conditions under subsection (c)(8), the report required by this subsection is in addition to the certification required by subsection (d).

SEC. 1662. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM CODEVELOPMENT AND COPRODUCTION.

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated for Procurement, Defense-wide, and available for the Missile Defense Agency, not more than $42,000,000 may be provided to the Government of Israel to procure Tamir interceptors for the Iron Dome short-range rocket defense system through coproduction of such interceptors in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, subject to an amended bilateral agreement for coproduction for Tamir interceptors. In negotiations by the Missile Defense Agency and the Missile Defense Organization of the Government of Israel regarding such production, the goal of the United States is to maximize opportunities for coproduction of the Tamir interceptors described in paragraph (1) in the United States by industry of the United States.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Director of the Missile Defense Agency and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall jointly submit to the appropriate congressional committees—

(i) a certification that the amended bilateral agreement specified in subparagraph (A) is being implemented as provided in such bilateral agreement; and

(ii) an assessment detailing any risks relating to the implementation of such bilateral agreement.

(b) LIMITATION ON FUNDING FOR DAVID'S SLING WEAPON SYSTEM.—None of the amounts appropriated or otherwise made available pursuant to subsection (a)(1) of section 1679 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1135) that remain available and are unobligated on the date of the enactment of this Act may be expended or obligated until the appropriate congressional committees receive the plan required by subsection (d) of such section (Public Law 114–92; 129 Stat. 1136).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1663. NON-TERRESTRIAL MISSILE DEFENSE INTERCEPT AND DEFEAT CAPABILITY FOR THE BALLISTIC MISSILE DEFENSE SYSTEM.

Section 1685 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1142) is amended—

(1) in subsection (c)(2), by inserting before the semicolon at the end the following: ''for each fiscal year over the five fiscal-year period beginning with the fiscal year following the fiscal year in which the report is submitted, assuming such potential program of record is technically feasible and could be deployed by December 31, 2027''; and

(2) by adding at the end the following new subsection:

''(d) COMMENCEMENT OF RDT&E.—Not later than 60 days after the submittal of the report required by subsection (c), the Director may commence coordination and activities associated with research, development, test, and evaluation on the programs described in subsection (c)(2).''.

SEC. 1664. REVIEW OF PRE-LAUNCH MISSILE DEFENSE STRATEGY.

(a) REVIEW.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly conduct a review of the strategy, programs, and capabilities to counter cruise and ballistic missiles prior to launch in support of regional and homeland missile defense, using the full range of active, passive, kinetic, and nonkinetic defense measures.

(b) ELEMENTS.—The review under subsection (a) shall address the following:

(1) The pre-launch missile defense policy, strategy, and objectives of the United States.

(2) The existing and planned programs across the services and the Department to develop pre-launch missile defense capabilities.

(3) The roles and responsibilities of the Office of the Secretary of Defense, Defense Agencies, combatant commands, the Joint Chiefs of Staff, the military departments, and the intelligence community in such programs.

(4) The process for determining requirements for pre-launch missile defense capabilities under such programs, including input from the joint military requirements process.

(5) The plans to include such programs into the Department's Integrated Air and Missile Defense architecture.

(6) The budget profile for such programs across the Future Years Defense Program.

(7) The role of international cooperation on pre-launch missile defense capabilities and the plans, policies, and requirements for integration and interoperability of such capabilities with allies.

(8) Any other matters the Secretary determines relevant.

(c) REPORT.—

(1) RESULTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of the review under subsection (a).

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) THREAT REPORT.—In conjunction with the report submitted under paragraph (1), the Secretary, in coordination with the Director of National Intelligence, shall submit to the congressional defense committees a classified report with an assessment of the tactical ballistic and cruise missile threat to the United States, deployed forces of the United States, and allies of the United States.

(d) DEFINITIONS.—In this section:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term ''congressional defense committees'' means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Armed Services of the House of Representatives;

(C) the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(D) the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) PRE-LAUNCH MISSILE DEFENSE PROGRAMS.—The term ''pre-launch missile defense programs'' means programs that would lead to improving the capabilities of the United States to counter cruise and ballistic missiles before they are launched against the United States homeland, United States deployed forces, or allies of the United States.

SEC. 1665. MODIFICATION OF NATIONAL MISSILE DEFENSE POLICY.

Section 2 of the National Missile Defense Act of 1999 (Public Law 106–38; 10 U.S.C. 2431 note) is amended by striking ''limited''.

SEC. 1666. EXTENSION OF PROHIBITIONS ON PROVIDING CERTAIN MISSILE DEFENSE INFORMATION TO THE RUSSIAN FEDERATION.

Section 130h(d) of title 10, United States Code, is amended by striking ''2017'' and inserting ''2018''.

Subtitle F—Other Matters

SEC. 1671. SURVEY AND REVIEW OF DEFENSE INTELLIGENCE ENTERPRISE.

(a) SURVEY AND REVIEW.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall—

(A) review the organization, resources, and processes of the Defense Intelligence Enterprise, including the defense intelligence agencies and intelligence elements of the combatant commands and military departments, to assess the capabilities and capacity of such Enterprise, along with the intelligence community, to meet present and future defense intelligence requirements; and

(B) conduct a survey of each geographic combatant command to assess—

(i) the current state of intelligence support to military operations;

(ii) the prioritization and allocation of intelligence resources within each combatant command; and

(iii) whether intelligence resources are balanced between support to theater commanders and support to operational commanders.

(2) ELEMENTS.—The review and survey required by paragraph (1) shall include the following:

(A) A comprehensive assessment of the Defense Intelligence Enterprise and whether such Enterprise—

(i) is organized and has resources to meet current and future defense intelligence requirements;

(ii) is balancing resources appropriately between operational and strategic defense intelligence requirements;

(iii) is responding with sufficient agility to emerging or unexpected requirements; and

(iv) is sufficiently integrated with combatant commands, subordinate commands, and joint task forces.

(B) With respect to each geographic combatant command surveyed—

(i) information on the total intelligence workforce assigned to the combatant command, including civilians, military, and contract personnel;

(ii) detailed information on the allocation of intelligence resources to meet combatant commander priorities;

(iii) detailed information on the intelligence priorities of the commander of the combatant command and intelligence resources allocated to each priority; and

(iv) detailed information on the intelligence resources, including personnel and assets, dedicated to each of the following:

(I) Direct support to the combatant commander.

(II) Contingency planning.

(III) Ongoing operations.

(IV) Crisis response.

(b) REPORT.—

(1) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees and the Under Secretary of Defense for Intelligence a report on the findings of the Chairman with respect to the review and survey required by subsection (a)(1).

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a detailed analysis of how each combatant command uses the intelligence resources available to such command; and

(B) the recommendations of the Chairman, if any, to improve the Defense Intelligence Enterprise to fulfill operational military requirements.

(c) DEFENSE INTELLIGENCE ENTERPRISE DEFINED.—In this section, the term ''Defense Intelligence Enterprise'' means the organizations, infrastructure, and measures, including policies, processes, procedures, and products, of the intelligence, counterintelligence, and security components of each of the following:

(1) The Department of Defense.

(2) The Joint Staff.

(3) The combatant commands.

(4) The military departments.

(5) Other elements of the Department of Defense that perform national intelligence, defense intelligence, intelligence-related, counterintelligence, or security functions.

SEC. 1672. MILESTONE A DECISION FOR THE CONVENTIONAL PROMPT GLOBAL STRIKE WEAPONS SYSTEM.

The Secretary of Defense shall make a Milestone A decision for the Conventional Prompt Global Strike Weapons System not later than the earlier of—

(1) September 30, 2020; or

(2) the date that is 8 months after the successful completion of Intermediate Range Flight 2 of that System.

SEC. 1673. CYBER CENTER FOR EDUCATION AND INNOVATION AND NATIONAL CRYPTOLOGIC MUSEUM.

(a) IN GENERAL.—Chapter 449 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4781. Cyber Center for Education and Innovation and National Cryptologic Museum

''(a) ESTABLISHMENT AUTHORIZED.—The Secretary of Defense may establish at Fort George G. Meade, Maryland, a center to be known as the 'Cyber Center for Education and Innovation and the National Cryptologic Museum' (in this section referred to as the 'Center'). The Center may be used for the identification, curation, storage, and public viewing of materials relating to the activities of the National Security Agency and the Central Security Service, any predecessor or successor organizations, and the history of cryptology. The Center may contain meeting, conference, and classroom facilities that will be used to support such education, training, public outreach, and other purposes as the Secretary considers appropriate.

''(b) DESIGN, CONSTRUCTION, AND OPERATION.—The Secretary may enter into an agreement with the National Cryptologic Museum Foundation (in this section referred to as the 'Foundation'), a non-profit organization, for the design, construction, and operation of the Center.

''(c) ACCEPTANCE AUTHORITY.—

''(1) ACCEPTANCE OF FACILITY.—If the Foundation constructs the Center pursuant to an agreement under subsection (b), upon satisfactory completion of the Center's construction or any phase thereof, as determined by the Secretary, and upon full satisfaction by the Foundation of any other obligations pursuant to such agreement, the Secretary may accept the Center or such phase from the Foundation, and all right, title, and interest in the Center or such phase shall vest in the United States.

''(2) ACCEPTANCE OF SERVICES.—Notwithstanding section 1342 of title 31, the Secretary may accept services from the Foundation. For purposes of this section and any other provision of law, employees or personnel of the Foundation may not be considered to be employees of the United States.

''(d) USE OF CERTAIN GIFTS.—

''(1) MANAGEMENT OF SMALLER GIFTS.—Under regulations prescribed by the Secretary, the Director of the National Security Agency may, without regard to section 2601 of this title, accept, hold, administer, invest, and spend for the benefit of the Center any gift, devise, or bequest of personal property, or of money of a value of $500,000 or less, made for the benefit of the Center.

''(2) PAYMENT OF EXPENSES.—The Director may pay or authorize the payment of any reasonable and necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

''(e) AUTHORITY TO ASSESS FEES AND USE OF FUNDS.—

''(1) FEES AND USER CHARGES.—Under regulations prescribed by the Secretary, the Director may assess fees and user charges for the use of Center facilities and property, including rental, user, conference, and concession fees.

''(2) USE OF FUNDS.—Amounts received by the Secretary under paragraph (1) shall be used for the benefit of the Center.

''(f) FUND.—If the Center is established pursuant to subsection (a), there shall be established on the books of the Treasury a fund to be known as the 'Cyber Center for Education and Innovation and National Cryptologic Museum Fund'. Gifts of money under subsection (d), and fees and user charges received under subsection (e), shall be deposited in the fund and be available until expended for the benefit of the Center, including costs of operation and of the acquisition of books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 449 is amended by adding at the end the following new item:

''4781. Cyber Center for Education and Innovation and National Cryptologic Museum.''.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2017''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family

housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2019; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2020.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2019; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2020 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII shall take effect on the later of—

(1) October 1, 2016; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$47,000,000
California	Concord	$12,600,000
Colorado	Fort Carson	$13,100,000
Georgia	Fort Gordon	$100,600,000
	Fort Stewart	$14,800,000
Texas	Fort Hood	$7,600,000
Utah	Camp Williams	$7,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out the military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	East Camp Grafenwoehr	$22,000,000
	Garmisch	$9,600,000
	Wiesbaden Army Airfield	$19,200,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State/Country	Installation or Location	Units	Amount
Korea	Camp Humphreys	Family Housing New Construction ...	$143,563,000
	Camp Walker	Family Housing New Construction ...	$54,554,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,618,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 986) for Joint Base Lewis-McChord, Washington, for construction of an aircraft maintenance hangar at the installation, the Secretary of the Army may construct an aircraft washing apron.

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (126 Stat. 2119) and extended by section 2107 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1148), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2013 Project Authorizations

State	Installation or Location	Project	Amount
Kansas	Fort Riley	Unmanned Aerial Vehicle Complex	$12,200,000

Army: Extension of 2013 Project Authorizations—Continued

State	Installation or Location	Project	Amount
Japan	Sagami	Vehicle Maintenance Shop	$18,000,000

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (127 Stat. 986) shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2014 Project Authorizations

State or Country	Installation or Location	Project	Amount
Maryland	Fort Detrick	Entry Control Point	$2,500,000
Marshall Islands	Kwajalein Atoll	Pier	$63,000,000
Japan	Kyotango City	Company Operations Complex	$33,000,000

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	$48,355,000
California	Coronado	$104,501,000
	Lemoore	$26,723,000
	Miramar	$74,700,000
	Seal Beach	$21,007,000
Florida	Eglin Air Force Base	$20,489,000
Hawaii	Barking Sands	$43,384,000
	Kaneohe Bay	$72,565,000
Maine	Kittery	$47,892,000
Maryland	Patuxent River	$40,576,000
Nevada	Fallon	$13,523,000
North Carolina	Camp Lejeune	$18,482,000
	Cherry Point Marine Corps Air Station	$12,515,000
South Carolina	Beaufort	$83,490,000
	Parris Island	$29,882,000
Virginia	Norfolk Naval Station	$27,000,000
Washington	Bangor	$40,415,000
	Bremerton	$6,704,000
	Whidbey Island	$75,976,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Guam	Joint Region Marianas	$89,185,000
Japan	Kadena Air Base	$26,489,000
	Sasebo	$16,420,000
Spain	Rota	$23,607,000
Worldwide Unspecified	Unspecified Worldwide Locations	$41,380,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation or location, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

State	Installation or Location	Units	Amount
Mariana Islands	Guam	Replace Andersen Housing PH 1	$78,815,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,149,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $11,047,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2201 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 989) for Pearl City, Hawaii, for construction of a water transmission line at that location, the Secretary of the Navy may construct a 591-meter (1,940-foot) long 16-inch diameter water transmission line as part of the network required to provide the main water supply to Joint Base Pearl Harbor-Hickam, Hawaii.

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (126 Stat. 2122) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1151), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2013 Project Authorizations

State	Installation or Location	Project	Amount
Greece	Souda Bay	Intermodal Access Road	$4,630,000
South Carolina	Beaufort	Recycling/Hazardous Waste Facility	$3,743,000
Worldwide Unspecified	Various Worldwide	BAMS Operation Facilities	$34,048,000

SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (127 Stat. 989), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
Hawaii	Kaneohe	Aircraft Maintenance Hangar Upgrades	$31,820,000
	Pearl City	Water Transmission Line	$30,100,000
Illinois	Great Lakes	Unaccompanied Housing	$35,851,000
Maine	Bangor	NCTAMS VLF Commercial Power Connection	$13,800,000
Nevada	Fallon	Wastewater Treatment Plant	$11,334,000
Virginia	Quantico	Academic Instruction Facility TECOM Schools	$25,731,000
	Quantico	Fuller Road Improvements	$9,013,000

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	$20,000,000
	Eielson Air Force Base	$295,600,000
	Joint Base Elmendorf-Richardson	$29,000,000
Arizona	Luke Air Force Base	$20,000,000
California	Edwards Air Force Base	$24,000,000
Colorado	Buckley Air Force Base	$13,500,000
Delaware	Dover Air Force Base	$39,000,000
Florida	Eglin Air Force Base	$88,600,000
	Patrick Air Force Base	$13,500,000
Georgia	Moody Air Force Base	$30,900,000
Kansas	McConnell Air Force Base	$19,800,000
Louisiana	Barksdale Air Force Base	$21,000,000
Maryland	Joint Base Andrews	$66,500,000
Massachusetts	Hanscom Air Force Base	$20,000,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Montana	Malmstrom Air Force Base	$14,600,000
Nevada	Nellis Air Force Base	$10,600,000
New Mexico	Cannon Air Force Base	$21,000,000
	Holloman Air Force Base	$10,600,000
	Kirtland Air Force Base	$7,300,000
Ohio	Wright-Patterson Air Force Base	$12,600,000
Oklahoma	Altus Air Force Base	$11,600,000
	Tinker Air Force Base	$43,000,000
Texas	Joint Base San Antonio	$67,300,000
Utah	Hill Air Force Base	$44,500,000
Virginia	Joint Base Langley-Eustis	$59,200,000
Washington	Fairchild Air Force Base	$27,000,000
Wyoming	F. E. Warren Air Force Base	$5,550,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Australia	Darwin	$30,400,000
Germany	Ramstein Air Base	$43,465,000
	Spangdahlem Air Base	$13,437,000
Guam	Joint Region Marianas	$80,658,000
Japan	Kadena Air Base	$19,815,000
	Yokota Air Base	$32,020,000
Mariana Islands	Unspecified Location	$9,000,000
Turkey	Incirlik Air Base	$13,449,000
United Arab Emirates	Al Dhafra	$35,400,000
United Kingdom	Royal Air Force Croughton	$69,582,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,368,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $56,984,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1153) for Malmstrom Air Force Base, Montana, for construction of a Tactical Response Force Alert Facility at the installation, the Secretary of the Air Force may construct an emergency power generator system consistent with the Air Force's construction guidelines.

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2301 of that Act (127 Stat. 992), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2014 Project Authorizations

State or Country	Installation or Location	Project	Amount
Mariana Islands	Saipan	PAR—Airport Pol/Bulk Storage AST	$18,500,000
	Saipan	PAR—Hazardous Cargo Pad	$8,000,000
	Saipan	PAR—Maintenance Facility	$2,800,000
Worldwide Unspecified (Italy)	Aviano Air Base	Guardian Angel Operations Facility	$22,047,000

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	$155,000,000
	Fort Greely	$9,560,000
	Joint Base Elmendorf-Richardson	$4,900,000
Arizona	Fort Huachuca	$4,493,000
California	Coronado	$175,412,000
	Travis Air Force Base	$26,500,000
Delaware	Dover Air Force Base	$44,115,000
Florida	Patrick Air Force Base	$10,100,000
Georgia	Fort Benning	$4,820,000
	Fort Gordon	$25,000,000
Maine	Portsmouth	$27,100,000
Maryland	Bethesda Naval Hospital	$510,000,000
	Fort Meade	$38,000,000
Missouri	St. Louis	$801,000
North Carolina	Camp Lejeune	$31,000,000
	Fort Bragg	$86,593,000
South Carolina	Joint Base Charleston	$17,000,000
Texas	Red River Army Depot	$44,700,000
	Sheppard Air Force Base	$91,910,000
Virginia	Pentagon	$8,105,000
CONUS Classified	Battalion Complex	$179,924,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Diego Garcia	Diego Garcia	$30,000,000
Germany	Kaiserslautern	$45,221,000
Japan	Iwakuni	$6,664,000
	Kadena Air Base	$161,224,000
	Yokata Air Base	$113,731,000
Marshall Islands	Kwajalein Atoll	$85,500,000
United Kingdom	Royal Air Force Croughton	$71,424,000
	Royal Air Force Lakenheath	$13,500,000
Wake Island	Wake Island	$11,670,000

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Inside the United States

State	Installation or Location	Amount
American Samoa	American Samoa	$2,100,000
Alaska	Joint Base Elmendorf Richardson	$1,107,000
California	Edwards Air Force Base	$8,400,000
	Fort Hunter Liggett	$5,400,000
	Naval Base San Diego	$4,230,000
Colorado	Fort Carson	$5,000,000
	Schriever Air Force Base	$3,295,000
Georgia	Fort Benning	$2,200,000
	Naval Submarine Base Kings Bay	$3,230,000
Guam	Naval Base Guam	$9,780,000
Louisiana	Fort Polk	$1,900,000
Maryland	Naval Support Activity South Potomac	$1,410,000
Michigan	Detroit Arsenal	$2,050,000
New Mexico	Kirtland Air Force Base	$1,350,000
New York	Fort Drum	$4,500,000
Ohio	Wright Patterson Air Force Base	$14,400,000
Pennsylvania	Tobyhanna Army Dept	$850,000
South Carolina	Marine Corps Air Station Beaufort	$1,395,000
Tennessee	Arnold Air Force Base	$1,215,000

Energy Conservation Projects: Inside the United States—Continued

State	Installation or Location	Amount
Texas	Fort Hood	$1,300,000
Utah	Dugway Proving Ground	$7,500,000
	Hill Air Force Base	$1,638,000
	Tooele Army Depot	$8,200,000
Virginia	Fort Lee	$1,250,000
Various Locations	Various Locations	$17,473,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Bahamas	Andros Island Naval Air Station Key West	$980,000
Diego Garcia	Naval Support Facility Diego Garcia	$17,010,000
Guantanamo Bay	Naval Station Guantanamo Bay	$6,080,000
Japan	Kadena Air Base	$4,007,000
	Misawa Air Base	$5,315,000
	Yokota Air Base	$1,725,000
Various Locations	Various Locations	$3,710,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization in the table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 996), for Royal Air Force Lakenheath, United Kingdom, for construction of a high school, the Secretary of Defense may construct a combined middle/high school.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (126 Stat. 2127) and amended by section 2406(a) of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1160), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
Japan	Camp Zama	Renovate Zama High School	$13,273,000
Pennsylvania	New Cumberland	Replace reservoir	$4,300,000

SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (127 Stat. 995), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Brawley	SOF Desert Warfare Training Center	$23,095,000
Germany	Kaiserslautern	Replace Kaiserslautern Elementary School	$49,907,000
	Ramstein Air Base	Replace Ramstein High School	$98,762,000
Hawaii	Joint Base Pearl Harbor-Hickam	DISA Pacific Facility Upgrade	$2,615,000
Massachusetts	Hanscom Air Force Base	Replace Hanscom Primary School	$36,213,000
United Kingdom	RAF Lakenheath	Replace Lakenheath High School	$69,638,000
Virginia	Marine Corps Base Quantico	Replace Quantico Middle/High School	$40,586,000
	Pentagon	PFPA Support Operations Center	$14,800,000
	Pentagon	Raven Rock Administrative Facility Upgrade	$32,000,000
	Pentagon	Boundary Channel Access Control Point	$6,700,000

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Country	Component	Installation or Location	Project	Amount
Korea	Army	CP Tango	Repair Collective Protection System (CPS)	$11,600,000
	Army	Camp Humphreys	Duplex Company Operations, Zoeckler Station	$10,200,00
	Army	Camp Humphreys	Doppler Very High Frequency Omnidirectional Radio Range (VOR) Infrastructure	$4,100,000
	Army	Camp Humphreys	Vehicle Maintenance Facility & Company Ops Complex (3rd CAB)	$49,500,000
	Army	Camp Humphreys	8th Army Correctional Facility	$14,600,000
	Navy	Chinhae	Upgrade Electrical System, Pier 11	$4,600,000
	Navy	Chinhae	Indoor Training Pool	$2,800,000
	Navy	Camp Mujuk	Marine Air Ground Task Force Operations Center	$68,000,000
	Navy	Camp Mujuk	Camp Mujuk Life Support Area (LSA) Barracks #2	$14,100,000
	Navy	Camp Mujuk	Camp Mujuk Life Support Area (LSA) Barracks #3	$14,100,000
	Air Force	Kunsan Air Base	3rd Generation Hardened Aircraft Shelters (HAS); Phases 4, 5, 6	$132,500,000
	Air Force	Kunsan Air Base	Upgrade Electrical Distribution System	$13,000,000
	Air Force	Osan Air Base	Construct Korea Air Operations Center	$160,000,000
	Air Force	Osan Air Base	Air Freight Terminal Facility	$40,000,000
	Air Force	Osan Air Base	Construct F-16 Quick Turn Pad	$7,500,000
	Defense-Wide	Camp Carroll	Sustainment Facilities Upgrade Phase I – DLA Warehouse	$74,600,000
	Defense-Wide	USAG Humphreys	Elementary School	$42,000,000
	Defense-Wide	Icheon Special Warfare Command	Special Operations Command, Korea (SOCKOR) Contingency Operations Center and Barracks	$9,900,000
	Defense-Wide	K–16 Air Base	Special Operations Forces (SOF) Operations Facility, B-606	$11,000,000

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Hawaii	Hilo	$31,000,000
Colorado	Fort Carson	$16,500,000
Iowa	Davenport	$23,000,000
Kansas	Fort Leavenworth	$29,000,000
New Hampshire	Hooksett	$11,000,000
	Rochester	$8,900,000
Oklahoma	Ardmore	$22,000,000
Pennsylvania	York	$9,300,000
Rhode Island	East Greenwich	$20,000,000
Utah	Camp Williams	$37,000,000
Wyoming	Laramie	$21,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
Arizona	Phoenix	$30,000,000
California	Camp Parks	$19,000,000
	Fort Hunter Liggett	$21,500,000
Virginia	Dublin	$6,000,000
Wisconsin	Fort McCoy	$6,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Louisiana	New Orleans	$11,207,000
New York	Brooklyn	$1,964,000
	Syracuse	$13,229,000
Texas	Galveston	$8,414,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Connecticut	Bradley International Airport	$6,300,000
Florida	Jacksonville International Airport	$9,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	$11,000,000
Iowa	Sioux Gateway Airport	$12,600,000
Minnesota	Duluth International Airport	$7,600,000
New Hampshire	Pease International Trade Port	$1,500,000
North Carolina	Charlotte/Douglas International Airport	$50,600,000
South Carolina	McEntire Air National Guard Station	$8,400,000
Texas	Ellington Field	$4,500,000
Vermont	Burlington International Airport	$4,500,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
North Carolina	Seymour Johnson Air Force Base	$97,950,000
Pennsylvania	Pittsburgh International Airport	$85,000,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1001) for Bullville, New York, for construction of a new Army Reserve Center at that location, the Secretary of the Army may add to or alter the existing Army Reserve Center at Bullville, New York.

SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.

In the case of the authorization contained in the table in section 2603 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3689) for Pittsburgh, Pennsylvania, for construction of a Reserve Training Center at that location, the Secretary of the Navy may acquire approximately 8.5 acres (370,260 square feet) of adjacent land, obtain necessary interest in land, and construct road improvements and associated supporting facilities to provide required access to the Reserve Training Center.

SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2013 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorization set forth in the table in subsection (b), as provided in section 2603 of that Act (126 Stat. 2135) and extended by section 2614 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1166), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard and Reserve: Extension of 2013 Project Authorization

State	Installation or Location	Project	Amount
Iowa	Fort Des Moines	Joint Reserve Center	$19,162,000

SEC. 2614. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in sections 2602, 2603, 2604, and 2605 of that Act (127 Stat. 1001, 1002), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard and Reserve: Extension of 2014 Project Authorizations

State	Location	Project	Amount
California	Camp Parks	Army Reserve Center	$17,500,000
	March Air Force Base	NOSC Moreno Valley Reserve Training Center	$11,086,000
Florida	Homestead Air Reserve Base	Entry Control Complex	$9,800,000
Maryland	Fort Meade	175th Network Warfare Squadron Facility	$4,000,000
	Martin State Airport	Cyber/ISR Facility	$8,000,000
New York	Bullville	Army Reserve Center	$14,500,000

SEC. 2615. REPORT ON REPLACEMENT OF SECURITY FORCES AND COMMUNICATIONS TRAINING FACILITY AT FRANCES S. GABRESKI AIR NATIONAL GUARD BASE, NEW YORK.

(a) FINDINGS.—Congress makes the following findings:

(1) The 106th Rescue Wing at Francis S. Gabreski Air National Guard Base, New York, provides combat search and rescue coverage for United States and allied forces.

(2) The mission of 106th Rescue Wing is to provide worldwide Personnel Recovery, Combat Search and Rescue Capability, Expeditionary Combat Support, and Civil Search and Rescue Support to Federal and State entities.

(3) The current security forces and communications facility at Frances S. Gabreski Air National Guard Base, specifically building 250, has fire safety deficiencies and does not comply with anti-terrorism/force protection standards, creating hazardous conditions for members of the Armed Forces and requiring expeditious abatement.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report setting forth an assessment of the need to replace the security forces and communications training facility at Frances S. Gabreski Air National Guard Base.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.

Section 2808 of the National Defense Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2802 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1169), is further amended—

(1) in subsection (c)(1)—

(A) by striking ''October 1, 2015'' and inserting ''October 1, 2016'';

(B) by striking ''December 31, 2016'' and inserting ''December 31, 2017''; and

(C) by striking ''fiscal year 2017'' and inserting ''fiscal year 2018''; and

(2) in subsection (h)—

(A) in paragraph (1), by striking ''December 31, 2016'' and inserting ''December 31, 2017''; and

(B) in paragraph (2), by striking ''fiscal year 2017'' and inserting ''fiscal year 2018''.

SEC. 2802. LIMITED AUTHORITY FOR SCOPE OF WORK INCREASE.

(a) IN GENERAL.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking ''The scope of work'' and inserting ''Except as provided in subsection (d), the scope of work'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) The limitation in subsection (b)(2) on an increase in the scope of work does not apply if—

''(1) the increase in the scope of work is not more than 10 percent of the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition;

''(2) the increase is approved by the Secretary concerned;

''(3) the Secretary concerned notifies the congressional defense committees in writing of the increase in scope and the reasons therefor; and

''(4) a period of 21 days has elapsed after the date on which the notification is received by the committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.''.

(b) CROSS-REFERENCE AMENDMENTS.—(1) Subsection (a) of such section is amended by striking ''subsection (c) or (d)'' and inserting ''subsection (c), (d), or (e)''.

(2) Subsection (f) of such section, as redesignated by subsection (a)(2), is amended by striking ''through (d)'' and inserting ''through (e)''.

(c) ADDITIONAL TECHNICAL AMENDMENT.—Subsection (a) of such section is further amended by inserting ''of this title'' after ''section 2805(a)''.

SEC. 2803. PERMANENT AUTHORITY FOR ACCEPTANCE AND USE OF CONTRIBUTIONS FOR CERTAIN CONSTRUCTION, MAINTENANCE, AND REPAIR PROJECTS MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND KUWAIT MILITARY FORCES.

(a) PERMANENT AUTHORITY.—Section 2804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2350j note) is amended by striking subsection (f).

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''**TEMPORARY**''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECTS FOR ENERGY RESILIENCY AND SECURITY PROJECTS NOT PREVIOUSLY AUTHORIZED.

(a) IN GENERAL.—Section 2914 of title 10, United States Code, is amended—

(1) in the section heading, by inserting ''**RESILIENCY AND**'' before ''**CONSERVATION CONSTRUCTION PROJECTS**''; and

(2) in subsection (a), by striking ''military construction project for energy conservation'' and inserting ''military construction project for energy resiliency and security, in addition to energy conservation''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 173 of such title is amended by striking the item relating to section 2914 and inserting the following new item:

''2914. Energy resiliency and conservation construction projects.''.

SEC. 2812. AUTHORITY OF THE SECRETARY CONCERNED TO ACCEPT LESSEE IMPROVEMENTS AT GOVERNMENT-OWNED/CONTRACTOR-OPERATED INDUSTRIAL PLANTS OR FACILITIES.

Section 2535 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) ACCEPTANCE OF LESSEE IMPROVEMENTS AT GOVERNMENT-OWNED/CONTRACTOR-OPERATED INDUSTRIAL PLANTS.—(1) A lease of a Government-owned/contractor-operated industrial plant or facility may permit the lessee, with the approval of the Secretary concerned, to alter, expand, or otherwise improve the plant or facility as necessary for the development or production of military weapons systems, munitions, components, or supplies. Such lease may provide, notwithstanding section 2802 of this title, that such alteration, expansion or other improvement shall, upon completion, become the property of the Government, regardless of whether such alteration, expansion, or other improvement constitutes all or part of the consideration for the lease pursuant to section 2667(b)(5) of this title or represents a reimbursable cost allocable to any contract, cooperative agreement, grant, or other instrument with respect to activity undertaken at such industrial plant or facility.

''(2) When a decision is made to approve a project to which paragraph (1) applies costing more than the threshold specified under section 2805(c) of this title, the Secretary concerned shall notify the congressional defense committees in writing of that decision, the justification for the project, and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.''.

SEC. 2813. TREATMENT OF INSURED DEPOSITORY INSTITUTIONS OPERATING ON LAND LEASED FROM MILITARY INSTALLATIONS.

Section 2667 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(l) TREATMENT OF INSURED DEPOSITORY INSTITUTIONS.—All Federal or State chartered insured depository institutions operating on a military installation may be treated equally with respect to the financial terms of leases, services, and utilities.''.

Subtitle C—Land Conveyances

SEC. 2821. LAND ACQUISITIONS, ARLINGTON COUNTY, VIRGINIA.

(a) ACQUISITION AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Army may acquire by purchase, exchange, donation or by other means, including condemnation, which the Secretary determines is sufficient for the expansion of Arlington National Cemetery for purposes of ensuring maximization of interment sites and compatible use of adjacent properties, including any appropriate cemetery or memorial parking, all right, title and interest in and to land—

(A) from Arlington County (in this section referred to as the ''County''), one or more parcels of real property in the area known as the Southgate Road right-of-way, Columbia Pike right-of-way, and South Joyce Street right-of-way located in Arlington County, Virginia; and

(B) from the Commonwealth– of Virginia (in this section referred to as the ''Commonwealth''), one or more parcels of property in the area known as the Columbia Pike right-of-way, including the Virginia Transportation Maintenance Yard, and the Washington Boulevard-Columbia Pike interchange.

(2) SELECTION OF PROPERTY FOR ACQUISITION.—The Memorandum of Understanding between the Department of the Army and Arlington County signed in January 2013 shall be used as a guide in determining the properties to be acquired under this section to expand Arlington National Cemetery to the maximum extent practicable. After consultation with the Commonwealth and the County, the Secretary shall determine the exact parcels to be acquired, and such determination shall be final. In selecting the properties to be acquired under paragraph (1), the Secretary shall seek—

(A) to remove existing barriers to the expansion of Arlington National Cemetery north of Columbia Pike through a realignment of Southgate Road to the western boundary of the former Navy Annex site; and

(B) to support the realignment and straightening of Columbia Pike and redesign of the Washington Boulevard-Columbia Pike interchange.

(3) CONSIDERATION.—The Secretary is authorized to expend amounts up to fair market value consideration for the interests in land acquired under this subsection.

(b) EXCHANGE AUTHORIZED.—

(1) In carrying out the acquisition authorized in subsection (a), in lieu of the consideration authorized under subsection (a)(3), the Secretary may convey through land exchange—

(A) to the County, all right, title, and interest of the United States in and to one or more parcels of real property, together with any improvements thereon, located south of current Columbia Pike and west of South Joyce Street in Arlington County, Virginia;

(B) to the Commonwealth, all right, title, and interest of the United States in and to one or more parcels of property east of Joyce Street in Arlington County, Virginia, necessary for the realignment of Columbia Pike and the Washington Boulevard-Columbia Pike interchange, as well as for future improvements to Interstate 395 ramps; and

(C) to either the County or the Commonwealth, other real property under control of the Secretary determined by the Secretary to be excess to the needs of the Army.

(2) EXCHANGE VALUE.—

(A) MINIMUM VALUE.—The Secretary shall obtain no less than fair market value consideration for any property conveyed under this subsection.

(B) CASH EQUALIZATION.—Where the value of property to be exchanged is greater than the value of property to be acquired by the Secretary, the Secretary may accept cash equalization payments.

(C) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyance under subparagraph (B) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection or, in the case of conveyance of excess property located on a military installation closed under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), shall be deposited in the special account established under section 2906 of such Act.

(c) APPRAISALS.—The value of property to be acquired or conveyed under this section shall be determined by appraisals acceptable to the Secretary.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be acquired or conveyed under this section shall be determined by surveys satisfactory to the Secretary, in consultation with the Commonwealth and the County where practicable.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with transactions authorized under this section as is considered appropriate to protect the interests of the United States.

(f) REPEAL OF AUTHORITY.—Section 2841 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3712) is repealed.

SEC. 2822. LAND CONVEYANCE, CAMPION AIR FORCE RADAR STATION, GALENA, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Town of Galena, Alaska (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at the former Campion Air Force Station, Alaska, as further described in subsection (b), for the purpose of permitting the Town to use the conveyed property for public purposes. The conveyance under this subsection is subject to valid existing rights.

(b) DESCRIPTION OF PROPERTY.—The property to be conveyed under subsection (a) consists of up to approximately 1,300 acres of the remaining land withdrawn under Public Land Order No. 843 of June 24, 1952, and Public Land Order No. 1405 of April 4, 1957, for use by the Secretary of the Air Force as the former Campion Air Force Station. The portions of the former Air Force Station that are not authorized to be conveyed under subsection (a) are those portions that are subject to environmental land use restrictions or are undergoing environmental remediation by the Secretary of the Air Force as of the date of such conveyance.

(c) REVERSIONARY INTEREST.—If the Secretary of the Air Force determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the land, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) CONVEYANCE AGREEMENT.—The conveyance of land under this section shall be accomplished using a quit claim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary

of the Air Force, after consulting with the Secretary of the Interior, and the Town, including such additional terms and conditions as the Secretary of the Air Force, after consulting with the Secretary of the Interior, considers appropriate to protect the interests of the United States.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the Town to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary of the Air Force and by the Secretary of the Interior, or to reimburse the appropriate Secretary for such costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the appropriate Secretary shall refund the excess amount to the Town.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary of the Air Force or by the Secretary of the Interior to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the appropriate Secretary in carrying out the conveyance, or to an appropriate fund or account currently available to the appropriate Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Secretary of the Interior, shall finalize a map and the legal description of the real property to be conveyed under subsection (a). The Secretary of the Air Force may correct any minor errors in the map or the legal description. The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(g) SUPERSEDENCE OF PUBLIC LAND ORDERS.—Public Land Order Nos. 843 and 1405 are hereby superseded, but only insofar as the orders affect the lands conveyed to the Town under subsection (a).

SEC. 2823. LAND CONVEYANCE, HIGH FREQUENCY ACTIVE AURORAL RESEARCH PROGRAM FACILITY AND ADJACENT PROPERTY, GAKONA, ALASKA.

(a) CONVEYANCES AUTHORIZED.—

(1) CONVEYANCE TO UNIVERSITY OF ALASKA.—The Secretary of the Air Force may convey to the University of Alaska (in this section referred to as the ''University'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 1,158 acres near the Gulkana Village, Alaska, which was purchased by the Secretary of the Air Force from Ahtna, Incorporated, in January 1989, contain a High Frequency Active Auroral Research Program facility, and comprise a portion of the property more particularly described in subsection (b), for the purpose of permitting the University to use the conveyed property for public purposes.

(2) CONVEYANCE TO ALASKA NATIVE CORPORATION.—The Secretary of the Air Force may convey to Ahtna, Incorporated, (in this section referred to as ''Ahtna''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4,259 acres near Gulkana Village, Alaska, which was purchased by the Secretary of the Air Force from Ahtna, Incorporated, in January 1989 and comprise the portion of the property more particularly described in subsection (b) that does not contain the High Frequency Active Auroral Research Program facility. The property to be conveyed under this paragraph does not include any of the property authorized for conveyance to the University under paragraph (1).

(b) PROPERTY DESCRIBED.—Subject to the property exclusions specified in subsection (c), the real property authorized for conveyance under subsection (a) consists of portions of sections within township 7 north, range 1 east; township 7 north, range 2 east; township 8 north, range 1 east; and township 8 north, range 2 east; Copper River Meridian, Chitina Recording District, Third Judicial District, State of Alaska, as follows:

(1) Township 7 north, range 1 east:

(A) Section 1.

(B) E½, S½NW¼, SW¼ of section 2.

(C) S½SE¼, NE¼SE¼ of section 3.

(D) E½ of section 10.

(E) Sections 11 and 12.

(F) That portion of N½, N½S½ of section 13, excluding all lands lying southerly and easterly of the Glenn Highway right-of-way.

(G) N½, N½S½ of section 14.

(H) NE¼, NE¼SE¼ of section 15.

(2) Township 7 north, range 2 east:

(A) W½ of section 6.

(B) NW¼ of section 7, and the portion of N½SW¼ and NW¼SE¼ of such section lying northerly of the Glenn Highway right-of-way.

(3) Township 8 north, range 1 east:

(A) SE¼SE¼ of section 35.

(B) E½, SW¼, SE¼NW¼ of section 36.

(4) Township 8 north, range 2 east:

(A) W½ of section 31.

(c) EXCLUSION OF CERTAIN PROPERTY.—The real property authorized for conveyance under subsection (a) may not include the following:

(1) Public easements reserved pursuant to section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)), as described in the Warranty Deed from Ahtna, Incorporated, to the United States, dated March 1, 1990, recorded in Book 31, pages 665 through 668 in the Chitina Recording District, Third Judicial District, Alaska.

(2) Easement for an existing trail as described in the such Warranty Deed from Ahtna, Incorporated, to the United States.

(3) The subsurface estate.

(d) CONSIDERATION.—

(1) CONVEYANCE TO UNIVERSITY.—As consideration for the conveyance of property under subsection (a)(1), the University shall provide the United States with consideration in an amount that is acceptable to the Secretary of the Air Force, whether in the form of cash payment, in-kind consideration, or a combination thereof.

(2) CONVEYANCE TO AHTNA.—As consideration for the conveyance of property under subsection (a)(2), Ahtna shall provide the United States with consideration in an amount that is acceptable to the Secretary, whether in the form of cash payment, in-kind consideration, a land exchange under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq), or a combination thereof.

(3) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the Secretary as consideration for a conveyance under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) REVERSIONARY INTEREST.—If the Secretary of the Air Force determines at any time that the real property conveyed under subsection (a)(1) is not being used by the University in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(f) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the recipient of real property under this section to cover all costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance of that property, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the recipient.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under this section shall be credited and made available to the Secretary as provided in section 2695(c) of title 10, United States Code.

(g) CONVEYANCE AGREEMENT.—The conveyance of property under this section shall be accomplished using a quit claim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Air Force and the recipient of the property, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. TRANSFER OF FORT BELVOIR MARK CENTER CAMPUS FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF DEFENSE AND APPLICABILITY OF CERTAIN PROVISIONS OF LAW RELATING TO THE PENTAGON RESERVATION.

(a) INCLUSION OF MARK CENTER CAMPUS UNDER PENTAGON RESERVATION AUTHORITIES.—

(1) DEFINITION OF PENTAGON RESERVATION.—Paragraph (1) of subsection (f) of section 2674 of title 10, United States Code, is amended to read as follows:

''(1) The term 'Pentagon Reservation' means the Pentagon, the Mark Center Campus, and the Raven Rock Mountain Complex.''.

(2) OTHER DEFINITIONS.—Such subsection is further amended by adding at the end the following new paragraphs:

''(3) The term 'Pentagon' means that area of land (consisting of approximately 227 acres) and improvements thereon, including parking areas, located in Arlington County, Virginia, containing the Pentagon Office Building and its supporting facilities.

''(4) The term 'Mark Center Campus' means that area of land (consisting of approximately 16 acres) and improvements

thereon, including parking areas, located in Alexandria, Virginia, and known on the day before the date of the enactment of this paragraph as the Fort Belvoir Mark Center Campus.

''(5) The term 'Raven Rock Mountain Complex' means that area of land (consisting of approximately 720 acres) and improvements thereon, including parking areas, at the Raven Rock Mountain Complex and its supporting facilities located in Maryland and Pennsylvania.''.

(3) CONFORMING AMENDMENT RELATING TO LAW ENFORCEMENT AUTHORITY.—Subsection (b)(1) of such section is amended by inserting ''for the Pentagon Reservation and'' after ''law enforcement and security functions''.

(4) CONFORMING AMENDMENT RELATING TO DEFINITIONS.—Subsection (g) of such section is repealed.

(b) UPDATE TO REFERENCE TO SECRETARY OF DEFENSE AUTHORITY.—Subsection (a) of such section is amended—

(1) by striking ''Jurisdiction'' and inserting ''The Secretary of Defense has jurisdiction''; and

(2) by striking ''is transferred to the Secretary of Defense''.

(c) REPEAL OF OBSOLETE REPORTING REQUIREMENT.—Such subsection is further amended—

(1) by striking ''(1)'' after ''(a)''; and

(2) by striking paragraphs (2) and (3).

(d) SUBSECTION CAPTIONS.—Such section is further amended—

(1) in subsection (a), as amended by subsection (c) of this section, by inserting ''PENTAGON RESERVATION.—'' after ''(a)'';

(2) in subsection (b), by striking ''(b)(1)'' and inserting ''(b) LAW ENFORCEMENT AUTHORITIES AND PERSONNEL.—(1)'';

(3) in subsection (c), by striking ''(c)(1)'' and inserting ''(c) REGULATIONS AND ENFORCEMENT.—(1)'';

(4) in subsection (d), by inserting ''AUTHORITY TO CHARGE FOR PROVISION OF CERTAIN SERVICES AND FACILITIES.—'' after ''(d)'';

(5) in subsection (e), by striking ''(e)(1)'' and inserting ''(e) PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.—(1)''; and

(6) in subsection (f), by inserting ''DEFINITIONS.—'' after ''(f)''.

SEC. 2825. TRANSFER OF ADMINISTRATIVE JURISDICTIONS, NAVAJO ARMY DEPOT, ARIZONA.

(a) IN GENERAL.—Except as provided under subsection (b), all administrative jurisdiction of the Secretary of Agriculture over 23,682 acres of National Forest System land located within the Kaibab National Forest and the Coconino National Forest shown on the map entitled ''Navajo Army Depot Jurisdiction'' and dated May 9, 2016, is hereby transferred to the Secretary of the Army.

(b) VOLUNTEER MOUNTAIN LOOKOUT.—The Secretary of Agriculture shall retain road access to the Volunteer Lookout Mountain as depicted on the map referred to in subsection (a).

(c) RESTORATION OR REMEDIATION.—

(1) JURISDICTION TRANSFERRED TO THE SECRETARY OF THE ARMY.—The Secretary of the Army shall be responsible for, and fund any environmental restoration or remediation that is required for, the abatement of any release of hazardous substances, pollutants, contaminants, or petroleum products on the land referenced in subsection (a), and shall hold harmless the Secretary of Agriculture from any financial obligation to contribute to any such restoration or remediation.

(2) JURISDICTION RETAINED BY SECRETARY OF AGRICULTURE.—With respect to the approximately 4,741 acres of land that were withdrawn and reserved for use by the Secretary of the Army pursuant to the Public Land Orders referenced in subsection (d) for which the Secretary of Agriculture will retain administrative jurisdiction, the Secretary of the Army shall be responsible for, and fund any environmental restoration or remediation that is required for, the abatement of any release of hazardous substances, pollutants, contaminants, or petroleum products on the lands that occurred prior to the date of the enactment of this section.

(d) REVOCATION.—Public Land Order 59 (dated November 12, 1942) and Public Land Order 176 (dated September 29, 1943) are hereby revoked.

(e) REVERSIONARY INTEREST.—On the request of the owners of the Camp Navajo railroad 1 parcel and the Camp Navajo railroad 2 parcel, any reversionary interest of the United States pursuant to the Act of July 27, 1866 (14 Stat. 292, chapter 278), in and to the Camp Navajo railroad 1 parcel shall be transferred to the Camp Navajo railroad 2 parcel.

(f) RELEASE.—On transfer of the reversionary interest under subsection (e), the Camp Navajo railroad 1 parcel shall no longer be subject to the reversionary interest described in that subsection.

(g) DEFINITIONS.—In this section:

(1) CAMP NAVAJO RAILROAD 1 PARCEL.—The term ''Camp Navajo railroad 1 parcel'' means the land described in the deed recorded in Coconino County, Arizona, on October 6, 2014, as document number 3703647.

(2) CAMP NAVAJO RAILROAD 2 PARCEL.—The term ''Camp Navajo railroad 2 parcel'' means the parcel of land as described in the deed recorded in Coconino County, Arizona, on June 2, 2006, as document number 3386576.

SEC. 2826. LEASE, JOINT BASE ELMENDORF-RICHARDSON, ALASKA.

(a) LEASES AUTHORIZED.—

(1) LEASE TO MUNICIPALITY OF ANCHORAGE.—The Secretary of the Air Force may lease to the Municipality of Anchorage, Alaska, certain real property, to include improvements thereon, at Joint Base Elmendorf-Richardson (''JBER''), Alaska, as more particularly described in subsection (b) for the purpose of permitting the Municipality to use the leased property for recreational purposes.

(2) LEASE TO MOUNTAIN VIEW LIONS CLUB.—The Secretary of the Air Force may lease to the Mountain View Lions Club certain real property, to include improvements thereon, at JBER, as more particularly described in subsection (b) for the purpose of the installation, operation, maintenance, protection, repair and removal of recreational equipment.

(b) DESCRIPTION OF PROPERTY.—

(1) The real property to be leased under subsection (a)(1) consists of the real property described in Department of the Air Force Lease No. DACA85–1–99–14.

(2) The real property to be leased under subsection (a)(2) consists of real property described in Department of the Air Force Lease No. DACA85–1–97–36.

(c) TERM AND CONDITIONS OF LEASES.—

(1) TERM OF LEASES.—The term of the leases authorized under subsection (a) shall not exceed 25 years.

(2) OTHER TERMS AND CONDITIONS.—Except as otherwise provided in this section—

(A) the remaining terms and conditions of the lease under subsection (a)(1) shall consist of the same terms and conditions described in Department of the Air Force Lease No. DACA85–1–99–14; and

(B) the remaining terms and conditions of the lease under subsection (a)(2) shall consist of the same terms and conditions described in Department of the Air Force Lease No. DACA85–1–97–36.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the leases under this section as the Secretary considers appropriate to protect the interests of the United States.

Subtitle D—Utah Land Withdrawals and Exchanges.

PART I—AUTHORIZATION FOR TEMPORARY CLOSURE OF CERTAIN PUBLIC LAND ADJACENT TO THE UTAH TEST AND TRAINING RANGE

SEC. 2831. SHORT TITLE.

This part may be cited as the ''Utah Test and Training Range Encroachment Prevention and Temporary Closure Act''.

SEC. 2832. DEFINITIONS.

In this part:

(1) BLM LAND.—The term ''BLM land'' means certain public land administered by the Bureau of Land Management land in the State comprising approximately 703,621 acres, as generally depicted on the map entitled ''Utah Test and Training Range Enhancement/West Desert Land Exchange'' and dated May 7, 2016.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Utah.

(4) UTAH TEST AND TRAINING RANGE.—The term ''Utah Test and Training Range'' means the portions of the military land and airspace operating area of the Utah Test and Training Area that are located in the State, including the Dugway Proving Ground.

SEC. 2833. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall enter into a memorandum of agreement to authorize the Secretary of the Air Force, in consultation with the Secretary, to impose limited closures of the BLM land for military operations and national security and public safety purposes, as provided in this part.

(2) DRAFT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall complete a draft of the memorandum of agreement required under paragraph (1).

(B) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date on which the draft memorandum of agreement is completed under subparagraph (A), there shall be an opportunity for public comment on the draft memorandum of agreement, including an opportunity for the Utah Test and Training Range Community Resource Advisory Group established under section 2836 to provide comments on the draft memorandum of agreement.

(3) MANAGEMENT BY SECRETARY.—The memorandum of agreement entered into under paragraph (1) shall provide that the Secretary shall continue to manage the BLM land in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans, while allowing for the temporary closure of the BLM land in accordance with this part.

(4) PERMITS AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—The Secretary shall consult with the Secretary of the Air Force regarding Utah Test and Training Range mission requirements before issuing new use permits or rights-of-way on the BLM land.

(B) FRAMEWORK.—The Secretary and the Secretary of the Air Force shall establish

within the memorandum of agreement entered into under paragraph (1) a framework agreed to by the Secretary and the Secretary of the Air Force for resolving any disagreement on the issuance of permits or rights-of-way on the BLM land.

(5) TERMINATION.—

(A) IN GENERAL.—The memorandum of agreement entered into under paragraph (1) shall be for a term to be determined by the Secretary and the Secretary of the Air Force, not to exceed 25 years.

(B) EARLY TERMINATION.—The memorandum of agreement may be terminated before the date determined under subparagraph (A) if the Secretary of the Air Force determines that the temporary closure of the BLM land is no longer necessary to fulfill Utah Test and Training Range mission requirements.

(b) MAP.—The Secretary may correct any minor errors in the map described in section 2832(1).

(c) LAND SAFETY.—If corrective action is necessary on the BLM land due to an action of the Air Force, the Secretary of the Air Force shall—

(1) render the BLM land safe for public use; and

(2) appropriately communicate the safety of the land to the Secretary on the date on which the BLM land is rendered safe for public use under paragraph (1).

(d) CONSULTATION.—The Secretary shall consult with any federally recognized Indian tribe in the vicinity of the BLM land before entering into any agreement under this part.

(e) GRAZING.—

(1) EFFECT.—Nothing in this part impacts the management of grazing on the BLM land.

(2) CONTINUATION OF GRAZING MANAGEMENT.—The Secretary shall continue grazing management on the BLM land pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable resource management plans.

(f) MEMORANDUM OF UNDERSTANDING ON EMERGENCY ACCESS AND RESPONSE.—Nothing in this section precludes the continuation of the memorandum of understanding between the Department of the Interior and the Department of the Air Force with respect to emergency access and response, as in existence on the date of enactment of this Act.

(g) WITHDRAWAL.—Subject to valid existing rights, the BLM land is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

SEC. 2834. TEMPORARY CLOSURES.

(a) IN GENERAL.—If the Secretary of the Air Force determines that military operations (including operations relating to the fulfillment of the mission of the Utah Test and Training Range), public safety, or national security require the temporary closure to public use of any road, trail, or other portion of the BLM land, the Secretary of the Air Force may take such action as the Secretary of the Air Force, in consultation with the Secretary, determines necessary to carry out the temporary closure.

(b) LIMITATIONS.—Any temporary closure under subsection (a)—

(1) shall be limited to the minimum areas and periods during which the Secretary of the Air Force determines are required to carry out a closure under this section;

(2) shall not occur on a State or Federal holiday, unless notice is provided in accordance with subsection (c)(1)(B);

(3) shall not occur on a Friday, Saturday, or Sunday, unless notice is provided in accordance with subsection (c)(1)(B); and

(4)(A) if practicable, shall be for not longer than a 3-hour period per day;

(B) shall only be for longer than a 3-hour period per day—

(i) for mission essential reasons; and

(ii) as infrequently as practicable and in no case for more than 10 days per year; and

(C) shall in no case be for longer than a 6-hour period per day.

(c) NOTICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Air Force shall—

(A) keep appropriate warning notices posted before and during any temporary closure; and

(B) provide notice to the Secretary, public, and relevant stakeholders concerning the temporary closure—

(i) at least 30 days before the date on which the temporary closure goes into effect;

(ii) in the case of a closure during the period beginning on March 1 and ending on May 31, at least 60 days before the date on which the closure goes into effect; or

(iii) in the case of a closure described in paragraph (3) or (4) of subsection (b), at least 90 days before the date on which the closure goes into effect.

(2) SPECIAL NOTIFICATION PROCEDURES.—In each case for which a mission-unique security requirement does not allow for the notifications described in paragraph (1)(B), the Secretary of the Air Force shall work with the Secretary to achieve a mutually agreeable timeline for notification.

(d) MAXIMUM ANNUAL CLOSURES.—The total cumulative hours of temporary closures authorized under this section with respect to the BLM land shall not exceed 100 hours annually.

(e) PROHIBITION ON CERTAIN TEMPORARY CLOSURES.—The northernmost area identified as ''Newfoundland's'' on the map described in section 2832(1) shall not be subject to any temporary closure between August 21 and February 28, in accordance with the lawful hunting seasons of the State of Utah.

(f) EMERGENCY GROUND RESPONSE.—A temporary closure of a portion of the BLM land shall not affect the conduct of emergency response activities on the BLM land during the temporary closure.

(g) LIVESTOCK.—Livestock authorized by a Federal grazing permit shall be allowed to remain on the BLM land during a temporary closure of the BLM land under this section.

(h) LAW ENFORCEMENT AND SECURITY.—The Secretary and the Secretary of the Air Force may enter into cooperative agreements with State and local law enforcement officials with respect to lawful procedures and protocols to be used in promoting public safety and operation security on or near the BLM land during noticed test and training periods.

SEC. 2835. LIABILITY.

The United States (including all departments, agencies, officers, and employees of the United States) shall be held harmless and shall not be liable for any injury or damage to any individual or property suffered in the course of any mining, mineral, or geothermal activity, or any other authorized nondefense-related activity, conducted on the BLM land.

SEC. 2836. COMMUNITY RESOURCE ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, there shall be established the Utah Test and Training Range Community Resource Advisory Group (referred to in this section as the ''Community Group'') to provide regular and continuing input to the Secretary and the Secretary of the Air Force on matters involving public access to, use of, and overall management of the BLM land.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Secretary shall appoint members to the Community Group, including—

(A) 1 representative of Indian tribes in the vicinity of the BLM land, to be nominated by a majority vote conducted among the Indian tribes in the vicinity of the BLM land;

(B) not more than 1 county commissioner from each of Box Elder, Tooele, and Juab Counties, Utah;

(C) 2 representatives of off-road and highway use, hunting, or other recreational users of the BLM land;

(D) 2 representatives of livestock permittees on public land located within the BLM land;

(E) 1 representative of the Utah Department of Agriculture and Food; and

(F) not more than 3 representatives of State or Federal offices or agencies, or private groups or individuals, if the Secretary determines that such representatives would further the goals and objectives of the Community Group.

(2) CHAIRPERSON.—The members described in paragraph (1) shall elect from among the members of the Community Group—

(A) 1 member to serve as Chairperson of the Community Group; and

(B) 1 member to serve as Vice-Chairperson of the Community Group.

(3) AIR FORCE PERSONNEL.—The Secretary of the Air Force shall appoint appropriate operational and land management personnel of the Air Force to serve as a liaison to the Community Group.

(c) CONDITIONS AND TERMS OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Community Group shall serve voluntarily and without compensation.

(2) TERM OF APPOINTMENT.—

(A) IN GENERAL.—Each member of the Community Group shall be appointed for a term of 4 years.

(B) ORIGINAL MEMBERS.—Notwithstanding subparagraph (A), the Secretary shall select ½ of the original members of the Community Group to serve for a term of 4 years and the ½ to serve for a term of 2 years to ensure the replacement of members shall be staggered from year to year.

(C) REAPPOINTMENT AND REPLACEMENT.—The Secretary may reappoint or replace a member of the Community Group appointed under subsection (b)(1), if—

(i) the term of the member has expired;

(ii) the member has retired; or

(iii) the position held by the member described in subparagraph (A) through (F) of paragraph (1) has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.

(d) MEETINGS.—

(1) IN GENERAL.—The Community Group shall meet not less than once per year, and at such other frequencies as determined by 5 or more of the members of the Community Group.

(2) RESPONSIBILITIES OF COMMUNITY GROUP.—The Community Group shall be responsible for determining appropriate schedules for, details of, and actions for meetings of the Community Group.

(3) NOTICE.—The Chairperson shall provide notice to each member of the Community Group not less than 10 business days before the date of a scheduled meeting.

(4) EXEMPT FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to meetings of the Community Group.

(e) RECOMMENDATIONS OF COMMUNITY GROUP.—The Secretary and Secretary of the Air Force, consistent with existing laws (including regulations), shall take under consideration recommendations from the Community Group.

(f) TERMINATION OF AUTHORITY.—The Community Group shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 2837. SAVINGS CLAUSES.

(a) EFFECT ON WEAPON IMPACT AREA.—Nothing in this part expands the boundaries of the weapon impact area of the Utah Test and Training Range.

(b) EFFECT ON SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this part precludes—

(1) the designation of new units of special use airspace; or

(2) the expansion of existing units of special use airspace.

(c) EFFECT ON EXISTING MILITARY SPECIAL USE AIRSPACE AGREEMENT.—Nothing in this part limits or alters the Military Operating Areas of Airspace Use Agreement between the Federal Aviation Administration and the Air Force in effect on the date of enactment of this Act.

(d) EFFECT ON EXISTING RIGHTS AND AGREEMENTS.—

(1) KNOLLS SPECIAL RECREATION MANAGEMENT AREA; BLM COMMUNITY PITS.—Except as otherwise provided in section 2834, nothing in this part limits or alters any existing right or right of access to—

(A) the Knolls Special Recreation Management Area; or

(B)(i) the Bureau of Land Management Community Pits Central Grayback and South Grayback; and

(ii) any other county or community pit located within close proximity to the BLM land.

(e) INTERSTATE 80.—Nothing in this part authorizes any additional authority or right to the Secretary or the Secretary of the Air Force to temporarily close Interstate 80.

(f) EFFECT ON LIMITATION ON AMENDMENTS TO CERTAIN INDIVIDUAL RESOURCE MANAGEMENT PLANS.—Nothing in this part affects the limitation established under section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852).

(g) EFFECT ON PREVIOUS MEMORANDUM OF UNDERSTANDING.—Nothing in this part affects the memorandum of understanding entered into by the Air Force, the Bureau of Land Management, the Utah Department of Natural Resources, and the Utah Division of Wildlife Resources relating to the reestablishment of bighorn sheep in the Newfoundland Mountains and signed by the parties to the memorandum of understanding during the period beginning on January 24, 2000, and ending on February 4, 2000.

(h) EFFECT ON FEDERALLY RECOGNIZED INDIAN TRIBES.—Nothing in this part alters any right reserved by treaty or Federal law for a Federally recognized Indian tribe for tribal use.

(i) PAYMENTS IN LIEU OF TAXES.—Nothing in this part diminishes, enhances, or otherwise affects any other right or entitlement of the counties in which the BLM land is situated to payments in lieu of taxes based on the BLM land, under section 6901 of title 31, United States Code.

(j) WILDLIFE IMPROVEMENTS.—The Secretary and the Utah Division of Wildlife Resources shall continue the management of wildlife improvements, including guzzlers, in existence as of the date of enactment of this Act on the BLM land.

PART II—BUREAU OF LAND MANAGEMENT LAND EXCHANGE WITH STATE OF UTAH

SEC. 2841. DEFINITIONS.

In this part:

(1) EXCHANGE MAP.—The term ''Exchange Map'' means the map prepared by the Bureau of Land Management entitled ''Utah Test and Training Range Enhancement/West Desert Land Exchange'' and dated May 7, 2016.

(2) FEDERAL LAND.—The term ''Federal land'' means the Bureau of Land Management land located in Box Elder, Millard, Juab, Tooele, and Beaver Counties, Utah, that is identified on the Exchange Map as ''BLM Lands Proposed for Transfer to State Trust Lands''.

(3) NON-FEDERAL LAND.—The term ''non-Federal land'' means the land owned by the State in Box Elder, Tooele, and Juab Counties, Utah, that is identified on the Exchange Map as—

(A) ''State Trust Land Proposed for Transfer to BLM''; and

(B) ''State Trust Minerals Proposed for Transfer to BLM''.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Utah, acting through the School and Institutional Trust Lands Administration.

SEC. 2842. EXCHANGE OF FEDERAL LAND AND NON-FEDERAL LAND.

(a) IN GENERAL.—If the State offers to convey to the United States title to the non-Federal land, the Secretary shall—

(1) accept the offer; and

(2) on receipt of all right, title, and interest in and to the non-Federal land, convey to the State (or a designee) all right, title, and interest of the United States in and to the Federal land.

(b) APPLICABLE LAW.—

(1) IN GENERAL.—The land exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) and other applicable law.

(2) EFFECT OF STUDY.—The Secretary shall carry out the land exchange under this title notwithstanding section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852).

(3) LAND USE PLANNING.—The Secretary shall not be required to undertake any additional land use planning under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) before the conveyance of the Federal land under this part.

(c) VALID EXISTING RIGHTS.—The exchange authorized under subsection (a) shall be subject to valid existing rights.

(d) TITLE APPROVAL.—Title to the Federal land and non-Federal land to be exchanged under this part shall be in a format acceptable to the Secretary and the State.

(e) APPRAISALS.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be exchanged under this part shall be determined by appraisals conducted by 1 or more independent and qualified appraisers.

(2) STATE APPRAISER.—The Secretary and the State may agree to use an independent and qualified appraiser retained by the State, with the consent of the Secretary.

(3) APPLICABLE LAW.—The appraisals under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(4) MINERALS.—

(A) MINERAL REPORTS.—The appraisals under paragraph (1) may take into account mineral and technical reports provided by the Secretary and the State in the evaluation of minerals in the Federal land and non-Federal land.

(B) MINING CLAIMS.—Federal land that is encumbered by a mining or millsite claim located under sections 2318 through 2352 of the Revised Statutes (commonly known as the ''Mining Law of 1872'') (30 U.S.C. 21 et seq.) shall be appraised in accordance with standard appraisal practices, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisition.

(C) VALIDITY EXAMINATION.—Nothing in this part requires the Secretary to conduct a mineral examination for any mining claim on the Federal land.

(5) APPROVAL.—An appraisal conducted under paragraph (1) shall be submitted to the Secretary and the State for approval.

(6) DURATION.—An appraisal conducted under paragraph (1) shall remain valid for 3 years after the date on which the appraisal is approved by the Secretary and the State.

(7) COST OF APPRAISAL.—

(A) IN GENERAL.—The cost of an appraisal conducted under paragraph (1) shall be paid equally by the Secretary and the State.

(B) REIMBURSEMENT BY SECRETARY.—If the State retains an appraiser in accordance with paragraph (2), the Secretary shall reimburse the State in an amount equal to 50 percent of the costs incurred by the State.

(f) CONVEYANCE OF TITLE.—It is the intent of Congress that the land exchange authorized under this part shall be completed not later than 1 year after the date of final approval by the Secretary and the State of the appraisals conducted under subsection (e).

(g) PUBLIC INSPECTION AND NOTICE.—

(1) PUBLIC INSPECTION.—At least 30 days before the date of conveyance of the Federal land and non-Federal land, all final appraisals and appraisal reviews for the Federal land and non-Federal land to be exchanged under this part shall be available for public review at the office of the State Director of the Bureau of Land Management in the State.

(2) NOTICE.—The Secretary or the State, as applicable, shall publish in a newspaper of general circulation in Salt Lake County, Utah, a notice that the appraisals conducted under subsection (e) are available for public inspection.

(h) CONSULTATION WITH INDIAN TRIBES.—The Secretary shall consult with any federally recognized Indian tribe in the vicinity of the Federal land and non-Federal land to be exchanged under this part before the completion of the land exchange.

(i) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land to be exchanged under this part—

(A) shall be equal; or

(B) shall be made equal in accordance with paragraph (2).

(2) EQUALIZATION.—

(A) SURPLUS OF FEDERAL LAND.—

(i) IN GENERAL.—If the value of the Federal land exceeds the value of the non-Federal land, the value of the Federal land and non-Federal land shall be equalized by the State conveying to the Secretary, as necessary to equalize the value of the Federal land and non-Federal land—

(I) State trust land parcel 1, as described in the assessment entitled ''Bureau of Land

Management Environmental Assessment UT–100–06–EA'', numbered UTU–82090, and dated March 2008; or

(II) State trust land located within any of the wilderness areas or national conservation areas in Washington County, Utah, established under subtitle O of title I of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1075).

(ii) ORDER OF CONVEYANCES.—Any non-Federal land required to be conveyed to the Secretary under clause (i) shall be conveyed until the value of the Federal land and non-Federal land is equalized.

(B) SURPLUS OF NON-FEDERAL LAND.—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and the non-Federal land shall be equalized—

(i) by the Secretary making a cash equalization payment to the State, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) by removing non-Federal land from the exchange.

(j) GRAZING PERMITS.—

(1) IN GENERAL.—If the Federal land or non-Federal land exchanged under this part is subject to a lease, permit, or contract for the grazing of domestic livestock in effect on the date of acquisition, the Secretary and the State shall allow the grazing to continue for the remainder of the term of the lease, permit, or contract, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(2) RENEWAL.—To the extent allowed by Federal or State law, on expiration of any grazing lease, permit, or contract described in paragraph (1), the holder of the lease, permit, or contract shall be entitled to a preference right to renew the lease, permit, or contract.

(3) CANCELLATION.—

(A) IN GENERAL.—Nothing in this part prevents the Secretary or the State from canceling or modifying a grazing permit, lease, or contract if the Federal land or non-Federal land subject to the permit, lease, or contract is sold, conveyed, transferred, or leased for non-grazing purposes by the Secretary or the State.

(B) LIMITATION.—Except to the extent reasonably necessary to accommodate surface operations in support of mineral development, the Secretary or the State shall not cancel or modify a grazing permit, lease, or contract because the land subject to the permit, lease, or contract has been leased for mineral development.

(4) BASE PROPERTIES.—If non-Federal land conveyed by the State under this part is used by a grazing permittee or lessee to meet the base property requirements for a Federal grazing permit or lease, the land shall continue to qualify as a base property for—

(A) the remaining term of the lease or permit; and

(B) the term of any renewal or extension of the lease or permit.

(k) WITHDRAWAL OF FEDERAL LAND FROM MINERAL ENTRY PRIOR TO EXCHANGE.—Subject to valid existing rights, the Federal land to be conveyed to the State under this part is withdrawn from mineral location, entry, and patent under the mining laws pending conveyance of the Federal land to the State.

SEC. 2843. STATUS AND MANAGEMENT OF NON-FEDERAL LAND ACQUIRED BY THE UNITED STATES.

(a) IN GENERAL.—On conveyance to the United States under this part, the non-Federal land shall be managed by the Secretary in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans.

(b) NON-FEDERAL LAND WITHIN CEDAR MOUNTAINS WILDERNESS.—On conveyance to the Secretary under this part, the non-Federal land located within the Cedar Mountains Wilderness shall, in accordance with section 206(c) of the Federal Land Policy Act of 1976 (43 U.S.C. 1716(c)), be added to, and administered as part of, the Cedar Mountains Wilderness.

(c) NON-FEDERAL LAND WITHIN WILDERNESS AREAS OR NATIONAL CONSERVATION AREAS.—On conveyance to the Secretary under this part, non-Federal land located in a national wilderness area or national conservation area shall be managed in accordance with the applicable provisions of subtitle O of title I of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

SEC. 2844. HAZARDOUS MATERIALS.

(a) COSTS.—Except as provided in subsection (b), the costs of remedial actions relating to hazardous materials on land acquired under this part shall be paid by those entities responsible for the costs under applicable law.

(b) REMEDIATION OF PRIOR TESTING AND TRAINING ACTIVITY.—The Secretary of the Air Force shall bear all costs of evaluation, management, and remediation caused by the previous testing of military weapons systems and the training of military forces on non-Federal land to be conveyed to the United States under this part.

Subtitle E—Other Matters

SEC. 2851. CERTIFICATION OF OPTIMAL LOCATION FOR 4TH AND 5TH GENERATION COMBAT AIRCRAFT BASING AND FOR ROTATION OF FORCES AT NAVAL AIR STATION EL CENTRO OR MARINE CORPS AIR STATION KANEOHE BAY.

(a) NEXT GENERATION FACILITY CERTIFICATION.—No amounts may be expended for the construction of hangars, housing, maintenance or related facilities to support any current or future F/A–18 or F–35 squadrons at Naval Air Station Lemoore, California, as authorized by section 2201, until the Secretary of Defense certifies to the congressional defense committees that the Secretary has determined, based on an analysis of United States operational requirements, that Naval Air Station Lemoore remains the optimal location for F/A–18 or F–35 squadrons. The certification shall include an explanation of the basis for the certification.

(b) EL CENTRO AND KANEOHE BAY UTILIZATION.—

(1) DETERMINATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chief of Naval Operations, shall submit to the congressional defense committees a determination of the operational viability of the use of Naval Air Facility El Centro, California, or Marine Corps Air Station Kaneohe Bay, Hawaii, for the rotational presence of—

(A) fighter aircraft for air-to-air training; or

(B) naval forces.

(2) BASIS OF DETERMINATION.—The submission to the congressional defense committees under paragraph (1) shall include an explanation of the basis for the determination.

(3) PLAN.—If the Secretary of Defense determines that Naval Air Facility El Centro or Marine Corps Air Station Kaneohe Bay is a viable option for one or more of the uses specified in paragraph (1), the Secretary shall, not later than April 1, 2018, submit to the congressional defense committees a plan for such uses that includes the following elements:

(A) The types and number of naval forces or air-to-air training fighter aircraft considered for rotational purposes.

(B) The duration and frequency of such assignment.

(C) A description of any additional infrastructure investment required to support such assignment.

(D) An assessment of the impact to permanent manpower levels necessary to support such assignment.

SEC. 2852. REPLENISHMENT OF SIERRA VISTA SUBWATERSHED REGIONAL AQUIFER, ARIZONA.

The Secretary of the Army or the Secretary of the Interior may enter into agreements with the Cochise Conservation Recharge Network, Arizona, in support of water conservation, recharge, and reuse efforts for the regional aquifer identified under Section 321(g) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1439).

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Navy may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation	Amount
Djibouti	Camp Lemonier	$37,409,000
Iceland	Keflavik	$19,600,000

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Air Force may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation	Amount
Bulgaria	Graf Ignatievo	$13,400,000
Djibouti	Chabelley Airfield	$10,500,000
Estonia	Amari Air Base	$6,500,000
Germany	Spangdahlem Air Base	$18,700,000
Lithuania	Siauliai	$3,000,000
Poland	Powidz Air Base	$4,100,000
	Lask Air Base	$4,100,000
Romania	Campia Turzii	$18,500,000

SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for the military construction projects outside the United States authorized by this title as specified in the funding table in section 4602.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 17–D–401, Saltstone Disposal Unit Number 7, Savannah River Site, Aiken, South Carolina, $125,443,000.

Project 17–D–630, Expand Electrical Distribution System, Lawrence Livermore National Laboratory, Livermore, California, $25,000,000.

Project 17–D–640, U1a Complex Enhancements Project, Nevada National Security Site, Mercury, Nevada, $11,500,000.

Project 17–D–911, BL Fire System Upgrade, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $1,400,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. COMMON FINANCIAL SYSTEMS FOR THE NUCLEAR SECURITY ENTERPRISE.

(a) IN GENERAL.—By not later than three years after the date of the enactment of this Act, the Administrator for Nuclear Security shall complete the implementation of a common financial system for the nuclear security enterprise.

(b) ELEMENTS.—The common financial system implemented pursuant to subsection (a) shall include the following:

(1) Common data reporting requirements for work performed using funds for the National Nuclear Security Administration, including reporting of financial data by standardized labor categories, labor hours, functional elements, and cost elements.

(2) A common work breakdown structure for the Administration that aligns contractor work breakdown structures with the budget structure of the Administration.

(3) Definitions and methodologies for identifying costs for programs of records and base capabilities within the Administration.

(4) A capability to use the Defense Cost Analysis Resource Center of the Office of Cost Assessment and Program Evaluation of the Department of Defense using historical costing data by the Administration.

(c) REPORTS.—

(1) IN GENERAL.—Not later than March 1, 2017, and each year thereafter, the Administrator shall submit to the congressional defense committees a report on progress of the Administration toward implementing a common financial system for the nuclear security enterprise as required by subsection (a).

(2) REPORT.—Each report under this subsection shall include the following:

(A) A summary of activities, accomplishments, and challenges in connection with the implementation of a common financial system for the nuclear security enterprise during the year preceding the year in which such report is submitted.

(B) A summary of planned activities in connection with the implementation of a common financial system for the nuclear security enterprise in the year in which such report is submitted.

(C) A description of any anticipated modifications to the schedule for implementing a common financial system for the nuclear security enterprise, including an update on possible risks or challenges in connection with the implementation.

(3) TERMINATION.—No report is required under this subsection after the completion of the implementation of a common financial system for the nuclear security enterprise.

(d) NUCLEAR SECURITY ENTERPRISE DEFINED.—In this section, the term ''nuclear security enterprise'' has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

SEC. 3112. INDUSTRY BEST PRACTICES IN OPERATIONS AT NATIONAL NUCLEAR SECURITY ADMINISTRATION FACILITIES AND SITES.

(a) COMMITTEE ON INDUSTRY BEST PRACTICES IN OPERATIONS.—The Administrator for Nuclear Security shall establish within the National Nuclear Security Administration a committee (in this section referred to as the ''committee'') to identify and oversee the implementation of best practices of industry in the operations of the facilities and sites of the Administration for the purpose of—

(1) lowering costs and administrative burdens; while

(2) also both—

(A) maintaining or reducing risks; and

(B) preserving and protecting health, safety, and security.

(b) MEMBERSHIP.—The committee shall be composed of personnel of the Administration assigned by the Administrator to the committee as follows:

(1) The Principal Deputy Administrator for Nuclear Security, who shall serve as chair of the committee.

(2) Government personnel representing the headquarters of the Administration.

(3) Government personnel representing offices of facilities and sites of the Administration.

(4) Contractor personnel representing facilities and sites of the Administration, including the following:

(A) Laboratories.

(B) Production plants.

(C) Such other facilities and sites as the Administrator considers appropriate.

(5) Such other personnel as the Administrator considers appropriate.

(c) DUTIES.—The duties of the committee shall include the following:

(1) To identify and oversee the implementation of best practices of industry in the operations of the facilities and sites of the Administration for the purpose described in subsection (a).

(2) To conduct surveys of the facilities and sites of the Administration in order to assess the adoption, implementation, and use by such facilities and sites of best practices of industry described in subsection (a).

(3) To carry out such other activities consistent with the duties of the committee under this subsection as the Administration may specify for purposes of this section.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date on which the budget of the President for a fiscal year after fiscal year 2017 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Administrator shall submit to the congressional defense committees a report on the activities of the committee under this section during the preceding calendar year.

(2) ELEMENTS.—Each report under this subsection shall include, for the calendar year covered by such report, the following:

(A) A description of the activities of the committee.

(B) The results of the surveys undertaken pursuant to subsection (c)(2).

(C) As a result of the surveys, recommendations for modifications to the scope or applicability of regulations and orders of the Department of Energy to particular facilities and sites of the Administration in

order to implement best practices of industry in the operation of such facilities and sites, including—

(i) a list of the facilities and sites at which such regulations and orders could be so modified; and

(ii) for each such facility and site, the manner in which such the scope or applicability of such regulations and orders could be so modified.

(D) An assessment of the progress of the Administration in implementing best practices of industry in the operations of the facilities and sites of the Administration.

(E) An estimate of the costs to be saved as a result of the best practices of industry implemented by the Administration at the facilities and sites of the Administration, set forth by fiscal year.

(e) TERMINATION.—The committee shall terminate after the submittal under subsection (d) of the report required by that subsection that covers 2026.

SEC. 3113. LIMITATION ON ACCELERATION OF DISMANTLEMENT OF RETIRED NUCLEAR WEAPONS.

(a) LIMITATION.—Except as provided in subsections (b) and (c), none of the funds authorized to be appropriated by this Act or otherwise made available for any of fiscal years 2017 through 2021 for the National Nuclear Security Administration may be obligated or expended to accelerate the dismantlement of the nuclear weapons of the United States to a rate faster than the rate mandated by the total projected dismantlement schedule included in table 2–7 of the annex to the stockpile stewardship and management plan for fiscal year 2016 submitted to Congress in March 2015 under section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523).

(b) EXCEPTION FOR COMPLIANCE WITH CERTAIN COMMITMENTS.—

(1) CERTIFICATION.—The limitation under subsection (a) shall not apply with respect to a fiscal year if the President submits to the appropriate congressional committees a certification that the President has—

(A) requested, in the budget of the President for that fiscal year submitted to Congress under section 1105(a) of title 31, United States Code, sufficient amounts to fulfill for that fiscal year all commitments related to nuclear modernization funding, capabilities, and schedules that the President made to the Senate during the consideration by the Senate of the resolution of advice and consent to ratification of the New START Treaty, as described in—

(i) the document entitled, ''Message from the President on the New START Treaty'', dated February 2, 2011; and

(ii) the fiscal year 2012 update to the report required by section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549), submitted to Congress in February 2011; and

(B) except as provided in paragraph (2), fulfilled all such commitments.

(2) EXCEPTION.—If, for any fiscal year covered by the limitation under subsection (a), an appropriations Act is enacted that appropriates amounts that are insufficient for the President to fulfill the commitments described in paragraph (1)(A), the President may certify under paragraph (1)(B) that the President has fulfilled such commitments to the extent possible with available funds.

(c) EXCEPTION FOR CERTAIN STOCKPILE MANAGEMENT AND LIFE EXTENSION COMPONENTS.—The limitation under subsection (a) shall not apply if the President submits to the appropriate congressional committees a written certification that the funds described in subsection (a) are required for activities necessary to obtain critical components that could not reasonably be acquired elsewhere for use in life extension, weapon alteration, or weapon modification programs as described in the stockpile stewardship and management plan for fiscal year 2016 submitted to Congress in March 2015 under section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523).

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(C) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) NEW START TREATY.—The term ''New START Treaty'' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

SEC. 3114. CONTRACT FOR MIXED-OXIDE FUEL FABRICATION FACILITY CONSTRUCTION PROJECT.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement pursuant to sections 1535 and 1536 of title 31, United States Code, with the Chief of Engineers to act as an owner's agent with respect to the following:

(1) Assessing the contractual, technical, and managerial risks for the Department of Energy and the contractor responsible for the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina, as of such date of enactment.

(2) Assessing what elements of the contract in effect on such date of enactment between the Department of Energy and that contractor can be changed to—

(A) a fixed price provision;

(B) a fixed price incentive fee provision; or

(C) another contractual mechanism designed to minimize risk to the Department of Energy while reducing cost.

(3) Assessing the options under paragraph (2), including milestones, cost, schedules, and any damage fees for those options.

(4) Making recommendations on changes to the contract, based on the assessments described in paragraphs (1), (2), and (3), to reduce risk and cost to the Department of Energy while preserving a fair and reasonable contract.

(5) For each element of the contract that the Chief of Engineers does not recommend be changed pursuant to paragraph (4), an assessment of the risks and costs associated with that element and a description of why that element is not appropriate for the provision types described in paragraph (2).

(b) CONSULTATIONS.—In acting as an owner's agent under subsection (a), the Chief of Engineers shall consult with the Secretary of Energy, the contractor described in subsection (a)(1), and other knowledgeable parties, as appropriate.

(c) REPORT OF OWNER'S AGENT.—Not later than 30 days after entering into the arrangement under subsection (a), the Chief of Engineers shall submit to the Secretary of Energy a report on the matters assessed under that subsection.

(d) SUBMISSIONS BY DEPARTMENT OF ENERGY.—Not later than 60 days after receiving the report required by subsection (c), the Secretary of Energy shall transmit to the congressional defense committees and the Comptroller General of the United States—

(1) the report;

(2) any comments of the Secretary with respect to the report;

(3) a determination of whether the contractor described in subsection (a)(1) will or will not agree to the revisions to the contract recommended by the Chief of Engineers and offered by the Secretary to the contractor; and

(4) if the contractor will not agree to such revisions, a description of the reasons given for not agreeing to such revisions.

(e) ASSESSMENT BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 30 days after receiving the report and other matters under subsection (d), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of the actions taken by the Secretary of Energy under this section.

SEC. 3115. UNAVAILABILITY FOR GENERAL AND ADMINISTRATIVE OVERHEAD COSTS OF AMOUNTS SPECIFIED FOR CERTAIN LABORATORIES FOR LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 4811(c) of the Atomic Energy Defense Act (50 U.S.C. 2791(c)) is amended—

(1) by striking ''(c) FUNDING.—Of the funds'' and inserting the following:

''(c) FUNDING.—

''(1) IN GENERAL.—Of the funds''; and

(2) by adding at the end the following new paragraph:

''(2) UNAVAILABILITY FOR CERTAIN COSTS.—The amount specified for such laboratories pursuant to paragraph (1) may not be used to cover the costs of such laboratories for general and administrative overhead.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

SEC. 3116. INCREASE IN CERTAIN LIMITATIONS APPLICABLE TO FUNDS FOR CONCEPTUAL AND CONSTRUCTION DESIGN OF THE DEPARTMENT OF ENERGY.

(a) REQUESTS FOR CONCEPTUAL DESIGN FUNDS.—Subsection (a)(2) of section 4706 of the Atomic Energy Defense Act (50 U.S.C. 2746) is amended by striking ''$3,000,000'' and inserting ''$5,000,000''.

(b) CONSTRUCTION DESIGN.—Subsection (b) of such section is amended by striking ''$1,000,000'' each place it appears and inserting ''$2,000,000''.

Subtitle C—Plans and Reports

SEC. 3121. ESTIMATE OF TOTAL LIFE CYCLE COST OF TANK WASTE CLEANUP AT HANFORD RESERVATION.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a rough estimate of the total life cycle cost of the cleanup of tank waste at Hanford Reservation, Richland, Washington.

(b) ELEMENTS.—The total life cycle cost estimate required by subsection (a) shall include the following:

(1) Cost estimates for the following:

(A) The Waste Treatment and Immobilization Plant, assuming full startup and commissioning in 2036.

(B) Operations of the Waste Treatment and Immobilization Plant, for two scenarios, assuming operations continue to 2047 and assuming operations continue to 2057.

(C) Tank waste management and treatment operations for two scenarios, assuming

operations continue through 2047 and assuming operations continue through 2057.

(2) Cost estimates associated with the following:

(A) Anticipated increases in the volume of tank waste.

(B) A second, supplemental low-activity waste treatment facility.

(C) The effects of extending the schedule for cleanup of tank waste at Hanford Reservation from 2047 to 2057.

(D) High-level waste canister temporary storage, transportation, and permanent disposal.

(E) Any additional facilities that may be needed to treat tank waste at Hanford Reservation.

(c) COST ESTIMATING BEST PRACTICES.—The total life cycle cost estimate required by subsection (a) shall be developed in accordance with the cost estimating best practices of the Government Accountability Office.

(d) SUBMISSION OF ADDITIONAL INDEPENDENT COST ESTIMATES.—The Secretary shall submit to the congressional defense committees, with the total life cycle cost estimate required by subsection (a), any other independent cost estimates for the Waste Treatment and Immobilization Plant or related facilities conducted before the date on which the total life cycle cost estimate is required to be submitted under subsection (a).

SEC. 3122. ANALYSIS OF APPROACHES FOR SUPPLEMENTAL TREATMENT OF LOW-ACTIVITY WASTE AT HANFORD NUCLEAR RESERVATION.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement with a federally funded research and development center to conduct an analysis of approaches for treating the portion of low-activity waste at the Hanford Nuclear Reservation, Richland, Washington, that, as of such date of enactment, is intended for supplemental treatment.

(b) ELEMENTS.—The analysis required by subsection (a) shall include the following:

(1) An analysis of, at a minimum, the following approaches for treating the low-activity waste described in subsection (a):

(A) Further processing of the low-activity waste to remove long-lived radioactive constituents, particularly technetium-99 and iodine-129, for immobilization with high-level waste.

(B) Vitrification, grouting, and steam reforming, and other alternative approaches identified by the Department of Energy for immobilizing the low-activity waste, in whole or after further processing or reclassification.

(2) An analysis of the following:

(A) The risks of the approaches described in paragraph (1) relating to treatment and final disposition.

(B) The benefits and costs of such approaches.

(C) Anticipated schedules for such approaches, including the time needed to complete necessary construction and to begin treatment operations.

(D) The compliance of such approaches with applicable technical standards associated with and contained in regulations prescribed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly referred to as the ''Resource Conservation and Recovery Act''), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act''), and the Clean Air Act (42 U.S.C. 7401 et seq.).

(E) Any obstacles that would inhibit the ability of the Department of Energy to pursue such approaches.

(c) ANALYTICAL APPROACH.—The analysis required by subsection (a) shall be conducted using state-of-the art risk assessment practices such as probabilistic risk assessment.

(d) REVIEW OF ANALYSIS.—

(1) IN GENERAL.—Concurrent with entering into an arrangement with a federally funded research and development center under subsection (a), the Secretary shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to conduct a review of the analysis conducted by the federally funded research and development center.

(2) METHOD OF REVIEW.—The review required by paragraph (1) shall be conducted concurrent with the analysis required by subsection (a), and in a manner that is parallel to that analysis, so that the results of the review may be used to improve the quality of the analysis.

(e) SUBMISSION TO CONGRESS.—

(1) BRIEFINGS ON PROGRESS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary shall provide to the congressional defense committees a briefing on the progress being made on the analysis required by subsection (a) and the review required by subsection (d).

(2) COMPLETED ANALYSIS AND REVIEW.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the analysis required by subsection (a), the review of the analysis required by subsection (d), and any comments of the Secretary on the analysis or review.

SEC. 3123. ANALYSES OF OPTIONS FOR DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement with a federally funded research and development center to conduct comprehensive analyses of the costs, schedules, benefits, and risks of the options for the disposal of high-level radioactive waste managed by the Department of Energy referenced in the report of the Department, dated October 2014, on the disposal of high-level radioactive waste and spent nuclear fuel managed by the Department.

(b) ELEMENTS.—The analyses required by subsection (a) shall include the following:

(1) An analysis of, at a minimum, the following options for the disposal of high-level radioactive waste managed by the Department of Energy:

(A) A single common repository for commercial and defense high-level radioactive waste.

(B) Various options for separate repositories for commercial and defense high-level radioactive waste.

(2) An estimate of the total system life cycle cost and schedule for each of the options described in subparagraphs (A) and (B) of paragraph (1) that—

(A) includes estimates for each phase of work on each such option, including site selection and characterization, licensing activities, design and construction of the repositories, operation of the repositories, transportation of waste, and closure and monitoring; and

(B) is developed in accordance with the cost and schedule best practices of the Government Accountability Office.

(3) An assessment of the benefits and risks associated with each of the options described in subparagraphs (A) and (B) of paragraph (1) that—

(A) uses sensitivity analysis and other techniques, as appropriate, to determine the potential effects of those benefit and risks on the cost and schedule estimates required by paragraph (2); and

(B) includes benefit-cost or cost-effectiveness analyses following the guidelines established by the Office of Management and Budget in Circular A–94.

(c) SUBMISSION OF ANALYSES.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees and the Comptroller General of the United States the analyses required by subsection (a).

(d) REVIEW BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 60 days after receiving the analyses pursuant to subsection (c), the Comptroller General shall submit to the congressional defense committees a review of the design, methodology, and conclusions of the analyses.

(e) LIMITATION ON USE OF FUNDS.—Except to the extent necessary to execute the arrangement required by subsection (a), the Secretary may not obligate or expend any amounts authorized to be appropriated by this Act for fiscal year 2017 for the Department of Energy for the development of a repository for only defense waste until the Comptroller General submits the review required by subsection (d) to the congressional defense committees.

SEC. 3124. ELIMINATION OF DUPLICATION IN REVIEWS BY COMPTROLLER GENERAL OF THE UNITED STATES.

Section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) TEMPORARY SUSPENSION.—The requirements of subsection (a) shall not apply with respect to the nuclear security budget materials submitted for fiscal year 2018 or 2019.''.

SEC. 3125. REPEAL OF REQUIREMENT FOR COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.

Section 3122 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2176), as amended by section 3125 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 1063), is further amended—

(1) in subsection (b)(1), by striking '', and to the Comptroller General of the United States,''; and

(2) by striking subsection (e).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2017, $31,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—FEDERAL AVIATION ADMINISTRATION THIRD CLASS MEDICAL REFORM AND GENERAL AVIATION PILOT PROTECTIONS

SEC. 3301. SHORT TITLE.

This subtitle may be cited as the ''Pilot's Bill of Rights 2''.

SEC. 3302. MEDICAL CERTIFICATION OF CERTAIN SMALL AIRCRAFT PILOTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act,

the Administrator of the Federal Aviation Administration shall issue or revise regulations to ensure that an individual may operate as pilot in command of a covered aircraft if—

(1) the individual possesses a valid driver's license issued by a State, territory, or possession of the United States and complies with all medical requirements or restrictions associated with that license;

(2) the individual holds a medical certificate issued by the Federal Aviation Administration on the date of the enactment of this Act, held such a certificate at any point during the 10-year period preceding such date of the enactment, or obtains such a certificate after such date of enactment;

(3) the most recent medical certificate issued by the Federal Aviation Administration to the individual—

(A) indicates whether the certificate is first, second, or third class;

(B) may include authorization for special issuance;

(C) may be expired;

(D) cannot have been revoked or suspended; and

(E) cannot have been withdrawn;

(4) the most recent application for airman medical certification submitted to the Federal Aviation Administration by the individual cannot have been completed and denied;

(5) the individual has completed a medical education course described in subsection (c) during the 24 calendar months before acting as pilot in command of a covered aircraft and demonstrates proof of completion of the course;

(6) the individual, when serving as a pilot in command, is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly;

(7) the individual has received a comprehensive medical examination from a State-licensed physician during the previous 48 months and—

(A) prior to the examination, the individual—

(i) completed the individual's section of the checklist described in subsection (b); and

(ii) provided the completed checklist to the physician performing the examination; and

(B) the physician conducted the comprehensive medical examination in accordance with the checklist described in subsection (b), checking each item specified during the examination and addressing, as medically appropriate, every medical condition listed, and any medications the individual is taking; and

(8) the individual is operating in accordance with the following conditions:

(A) The covered aircraft is carrying not more than 5 passengers.

(B) The individual is operating the covered aircraft under visual flight rules or instrument flight rules.

(C) The flight, including each portion of that flight, is not carried out—

(i) for compensation or hire, including that no passenger or property on the flight is being carried for compensation or hire;

(ii) at an altitude that is more than 18,000 feet above mean sea level;

(iii) outside the United States, unless authorized by the country in which the flight is conducted; or

(iv) at an indicated air speed exceeding 250 knots.

(b) COMPREHENSIVE MEDICAL EXAMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall develop a checklist for an individual to complete and provide to the physician performing the comprehensive medical examination required in subsection (a)(7).

(2) REQUIREMENTS.—The checklist shall contain—

(A) a section, for the individual to complete that contains—

(i) boxes 3 through 13 and boxes 16 through 19 of the Federal Aviation Administration Form 8500–8 (3–99);

(ii) a signature line for the individual to affirm that—

(I) the answers provided by the individual on that checklist, including the individual's answers regarding medical history, are true and complete;

(II) the individual understands that he or she is prohibited under Federal Aviation Administration regulations from acting as pilot in command, or any other capacity as a required flight crew member, if he or she knows or has reason to know of any medical deficiency or medically disqualifying condition that would make the individual unable to operate the aircraft in a safe manner; and

(III) the individual is aware of the regulations pertaining to the prohibition on operations during medical deficiency and has no medically disqualifying conditions in accordance with applicable law;

(B) a section with instructions for the individual to provide the completed checklist to the physician performing the comprehensive medical examination required in subsection (a)(7); and

(C) a section, for the physician to complete, that instructs the physician—

(i) to perform a clinical examination of—

(I) head, face, neck, and scalp;

(II) nose, sinuses, mouth, and throat;

(III) ears, general (internal and external canals), and eardrums (perforation);

(IV) eyes (general), ophthalmoscopic, pupils (equality and reaction), and ocular motility (associated parallel movement, nystagmus);

(V) lungs and chest (not including breast examination);

(VI) heart (precordial activity, rhythm, sounds, and murmurs);

(VII) vascular system (pulse, amplitude, and character, and arms, legs, and others);

(VIII) abdomen and viscera (including hernia);

(IX) anus (not including digital examination);

(X) skin;

(XI) G–U system (not including pelvic examination);

(XII) upper and lower extremities (strength and range of motion);

(XIII) spine and other musculoskeletal;

(XIV) identifying body marks, scars, and tattoos (size and location);

(XV) lymphatics;

(XVI) neurologic (tendon reflexes, equilibrium, senses, cranial nerves, and coordination, etc.);

(XVII) psychiatric (appearance, behavior, mood, communication, and memory);

(XVIII) general systemic;

(XIX) hearing;

(XX) vision (distant, near, and intermediate vision, field of vision, color vision, and ocular alignment);

(XXI) blood pressure and pulse; and

(XXII) anything else the physician, in his or her medical judgment, considers necessary;

(ii) to exercise medical discretion to address, as medically appropriate, any medical conditions identified, and to exercise medical discretion in determining whether any medical tests are warranted as part of the comprehensive medical examination;

(iii) to discuss all drugs the individual reports taking (prescription and nonprescription) and their potential to interfere with the safe operation of an aircraft or motor vehicle;

(iv) to sign the checklist, stating: ''I certify that I discussed all items on this checklist with the individual during my examination, discussed any medications the individual is taking that could interfere with their ability to safely operate an aircraft or motor vehicle, and performed an examination that included all of the items on this checklist. I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual's ability to safely operate an aircraft.''; and

(v) to provide the date the comprehensive medical examination was completed, and the physician's full name, address, telephone number, and State medical license number.

(3) LOGBOOK.—The completed checklist shall be retained in the individual's logbook and made available on request.

(c) MEDICAL EDUCATION COURSE REQUIREMENTS.—The medical education course described in this subsection shall—

(1) be available on the Internet free of charge;

(2) be developed and periodically updated in coordination with representatives of relevant nonprofit and not-for-profit general aviation stakeholder groups;

(3) educate pilots on conducting medical self-assessments;

(4) advise pilots on identifying warning signs of potential serious medical conditions;

(5) identify risk mitigation strategies for medical conditions;

(6) increase awareness of the impacts of potentially impairing over-the-counter and prescription drug medications;

(7) encourage regular medical examinations and consultations with primary care physicians;

(8) inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency and medically disqualifying conditions;

(9) provide the checklist developed by the Federal Aviation Administration in accordance with subsection (b); and

(10) upon successful completion of the course, electronically provide to the individual and transmit to the Federal Aviation Administration—

(A) a certification of completion of the medical education course, which shall be printed and retained in the individual's logbook and made available upon request, and shall contain the individual's name, address, and airman certificate number;

(B) subject to subsection (d), a release authorizing the National Driver Register through a designated State Department of Motor Vehicles to furnish to the Federal Aviation Administration information pertaining to the individual's driving record;

(C) a certification by the individual that the individual is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly, as required under (a)(6);

(D) a form that includes—

(i) the name, address, telephone number, and airman certificate number of the individual;

(ii) the name, address, telephone number, and State medical license number of the

physician performing the comprehensive medical examination required in subsection (a)(7);

(iii) the date of the comprehensive medical examination required in subsection (a)(7); and

(iv) a certification by the individual that the checklist described in subsection (b) was followed and signed by the physician in the comprehensive medical examination required in subsection (a)(7); and

(E) a statement, which shall be printed, and signed by the individual certifying that the individual understands the existing prohibition on operations during medical deficiency by stating: ''I understand that I cannot act as pilot in command, or any other capacity as a required flight crew member, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner.''.

(d) NATIONAL DRIVER REGISTER.—The authorization under subsection (c)(10)(B) shall be an authorization for a single access to the information contained in the National Driver Register.

(e) SPECIAL ISSUANCE PROCESS.—

(1) IN GENERAL.—An individual who has qualified for the third-class medical certificate exemption under subsection (a) and is seeking to serve as a pilot in command of a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate for each of the following:

(A) A mental health disorder, limited to an established medical history or clinical diagnosis of—

(i) personality disorder that is severe enough to have repeatedly manifested itself by overt acts;

(ii) psychosis, defined as a case in which an individual—

(I) has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or

(II) may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;

(iii) bipolar disorder; or

(iv) substance dependence within the previous 2 years, as defined in section 67.307(a)(4) of title 14, Code of Federal Regulations.

(B) A neurological disorder, limited to an established medical history or clinical diagnosis of any of the following:

(i) Epilepsy.

(ii) Disturbance of consciousness without satisfactory medical explanation of the cause.

(iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.

(C) A cardiovascular condition, limited to a one-time special issuance for each diagnosis of the following:

(i) Myocardial infraction.

(ii) Coronary heart disease that has required treatment.

(iii) Cardiac valve replacement.

(iv) Heart replacement.

(2) SPECIAL RULE FOR CARDIOVASCULAR CONDITIONS.—In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.

(3) SPECIAL RULE FOR MENTAL HEALTH CONDITIONS.—

(A) In the case of an individual with a clinically diagnosed mental health condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed mental health condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a mental health condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that mental health condition.

(4) SPECIAL RULE FOR NEUROLOGICAL CONDITIONS.—

(A) In the case of an individual with a clinically diagnosed neurological condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed neurological condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a neurological condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that neurological condition.

(f) IDENTIFICATION OF ADDITIONAL MEDICAL CONDITIONS FOR THE CACI PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall review and identify additional medical conditions that could be added to the program known as the Conditions AMEs Can Issue (CACI) program.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report listing the medical conditions that have been added to the CACI program under paragraph (1).

(g) EXPEDITED AUTHORIZATION FOR SPECIAL ISSUANCE OF A MEDICAL CERTIFICATE.—

(1) IN GENERAL.—The Administrator shall implement procedures to expedite the process for obtaining an Authorization for Special Issuance of a Medical Certificate under section 67.401 of title 14, Code of Federal Regulations.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing how the procedures implemented under paragraph (1) will streamline the process for obtaining an Authorization for Special Issuance of a Medical Certificate and reduce the amount of time needed to review and decide special issuance cases.

(h) REPORT REQUIRED.—Not later than 5 years after the date of the enactment of this Act, the Administrator, in coordination with the National Transportation Safety Board, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the effect of the regulations issued or revised under subsection (a) and includes statistics with respect to changes in small aircraft activity and safety incidents.

(i) PROHIBITION ON ENFORCEMENT ACTIONS.—Beginning on the date that is 1 year after the date of the enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight, through a good faith effort, if the pilot and the flight meet the applicable requirements under subsection (a), except paragraph (5) of that subsection, unless the Administrator has published final regulations in the Federal Register under that subsection.

(j) COVERED AIRCRAFT DEFINED.—In this section, the term ''covered aircraft'' means an aircraft that—

(1) is authorized under Federal law to carry not more than 6 occupants; and

(2) has a maximum certificated takeoff weight of not more than 6,000 pounds.

(k) OPERATIONS COVERED.—The provisions and requirements covered in this section do not apply to pilots who elect to operate under the medical requirements under subsection (b) or subsection (c) of section 61.23 of title 14, Code of Federal Regulations.

(l) AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—

(1) IN GENERAL.—If the Administrator receives credible or urgent information, including from the National Driver Register or the Administrator's Safety Hotline, that reflects on an individual's ability to safely operate a covered aircraft under the third-class medical certificate exemption in subsection (a), the Administrator may require the individual to provide additional information or history so that the Administrator may determine whether the individual is safe to continue operating a covered aircraft.

(2) USE OF INFORMATION.—The Administrator may use credible or urgent information received under paragraph (1) to request an individual to provide additional information or to take actions under section 44709(b) of title 49, United States Code.

SEC. 3303. EXPANSION OF PILOT'S BILL OF RIGHTS.

(a) APPEALS OF SUSPENDED AND REVOKED AIRMAN CERTIFICATES.—Section 2(d)(1) of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is amended by striking ''or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title'' and inserting ''suspending or revoking an airman

certificate under section 44709(d) of such title, or imposing an emergency order of revocation under subsections (d) and (e) of section 44709 of such title''.

(b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN OF PROOF.—Section 2(e) of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—In an appeal filed under subsection (d) in a United States district court with respect to a denial, suspension, or revocation of an airman certificate by the Administrator—

''(A) the district court shall review the denial, suspension, or revocation de novo, including by—

''(i) conducting a full independent review of the complete administrative record of the denial, suspension, or revocation;

''(ii) permitting additional discovery and the taking of additional evidence; and

''(iii) making the findings of fact and conclusions of law required by Rule 52 of the Federal Rules of Civil Procedure without being bound to any findings of fact of the Administrator or the National Transportation Safety Board.'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) BURDEN OF PROOF.—In an appeal filed under subsection (d) in a United States district court after an exhaustion of administrative remedies, the burden of proof shall be as follows:

''(A) In an appeal of the denial of an application for the issuance or renewal of an airman certificate under section 44703 of title 49, United States Code, the burden of proof shall be upon the applicant denied an airman certificate by the Administrator.

''(B) In an appeal of an order issued by the Administrator under section 44709 of title 49, United States Code, the burden of proof shall be upon the Administrator.''; and

(4) by adding at the end the following:

''(4) APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.—Notwithstanding paragraph (1)(A) of this subsection or subsection (a)(1) of section 554 of title 5, United States Code, section 554 of such title shall apply to adjudications of the Administrator and the National Transportation Safety Board to the same extent as that section applied to such adjudications before the date of the enactment of the Pilot's Bill of Rights 2.''.

(c) NOTIFICATION OF INVESTIGATION.—Subsection (b) of section 2 of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is amended—

(1) in paragraph (2)(A), by inserting ''and the specific activity on which the investigation is based'' after ''nature of the investigation'';

(2) in paragraph (3), by striking ''timely''; and

(3) in paragraph (5), by striking ''section 44709(c)(2)'' and inserting ''section 44709(e)(2)''.

(d) RELEASE OF INVESTIGATIVE REPORTS.—Section 2 of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is further amended by inserting after subsection (e) the following:

''(f) RELEASE OF INVESTIGATIVE REPORTS.—

''(1) IN GENERAL.—

''(A) EMERGENCY ORDERS.—In any proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator issues an emergency order under subsections (d) and (e) of section 44709, section 44710, or section 46105(c) of title 49, United States Code, or another order that takes effect immediately, the Administrator shall provide to the individual holding the airman certificate the releasable portion of the investigative report at the time the Administrator issues the order. If the complete Report of Investigation is not available at the time the Emergency Order is issued, the Administrator shall issue all portions of the report that are available at the time and shall provide the full report within 5 days of its completion.

''(B) OTHER ORDERS.—In any non-emergency proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator notifies the certificate holder of a proposed certificate action under subsections (b) and (c) of section 44709 or section 44710 of title 49, United States Code, the Administrator shall, upon the written request of the covered certificate holder and at any time after that notification, provide to the covered certificate holder the releasable portion of the investigative report.

''(2) MOTION FOR DISMISSAL.—If the Administrator does not provide the releasable portions of the investigative report to the individual holding the airman certificate subject to the proceeding referred to in paragraph (1) by the time required by that paragraph, the individual may move to dismiss the complaint of the Administrator or for other relief and, unless the Administrator establishes good cause for the failure to provide the investigative report or for a lack of timeliness, the administrative law judge shall order such relief as the judge considers appropriate.

''(3) RELEASABLE PORTION OF INVESTIGATIVE REPORT.—For purposes of paragraph (1), the releasable portion of an investigative report is all information in the report, except for the following:

''(A) Information that is privileged.

''(B) Information that constitutes work product or reflects internal deliberative process.

''(C) Information that would disclose the identity of a confidential source.

''(D) Information the disclosure of which is prohibited by any other provision of law.

''(E) Information that is not relevant to the subject matter of the proceeding.

''(F) Information the Administrator can demonstrate is withheld for good cause.

''(G) Sensitive security information, as defined in section 15.5 of title 49, Code of Federal Regulations (or any corresponding similar ruling or regulation).

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Administrator from releasing to an individual subject to an investigation described in subsection (b)(1)—

''(A) information in addition to the information included in the releasable portion of the investigative report; or

''(B) a copy of the investigative report before the Administrator issues a complaint.''.

SEC. 3304. LIMITATIONS ON REEXAMINATION OF CERTIFICATE HOLDERS.

(a) IN GENERAL.—Section 44709(a) of title 49, United States Code, is amended—

(1) by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—The Administrator'';

(2) by striking ''reexamine'' and inserting '', except as provided in paragraph (2), reexamine''; and

(3) by adding at the end the following:

''(2) LIMITATION ON THE REEXAMINATION OF AIRMAN CERTIFICATES.—

''(A) IN GENERAL.—The Administrator may not reexamine an airman holding a student, sport, recreational, or private pilot certificate issued under section 44703 of this title if the reexamination is ordered as a result of an event involving the fault of the Federal Aviation Administration or its designee, unless the Administrator has reasonable grounds—

''(i) to establish that the airman may not be qualified to exercise the privileges of a particular certificate or rating, based upon an act or omission committed by the airman while exercising those privileges, after the certificate or rating was issued by the Federal Aviation Administration or its designee; or

''(ii) to demonstrate that the airman obtained the certificate or the rating through fraudulent means or through an examination that was substantially and demonstrably inadequate to establish the airman's qualifications.

''(B) NOTIFICATION REQUIREMENTS.—Before taking any action to reexamine an airman under subparagraph (A), the Administrator shall provide to the airman—

''(i) a reasonable basis, described in detail, for requesting the reexamination; and

''(ii) any information gathered by the Federal Aviation Administration, that the Administrator determines is appropriate to provide, such as the scope and nature of the requested reexamination, that formed the basis for that justification.''.

(b) AMENDMENT, MODIFICATION, SUSPENSION, OR REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—Section 44709(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(3) in the matter preceding subparagraph (A), as redesignated, by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator''; and

(4) by adding at the end the following:

''(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—

''(A) IN GENERAL.—The Administrator may not issue an order to amend, modify, suspend, or revoke an airman certificate held by a student, sport, recreational, or private pilot and issued under section 44703 of this title after a reexamination of the airman holding the certificate unless the Administrator determines that the airman—

''(i) lacks the technical skills and competency, or care, judgment, and responsibility, necessary to hold and safely exercise the privileges of the certificate; or

''(ii) materially contributed to the issuance of the certificate by fraudulent means.

''(B) STANDARD OF REVIEW.—Any order of the Administrator under this paragraph shall be subject to the standard of review provided for under section 2 of the Pilot's Bill of Rights (49 U.S.C. 44703 note).''.

(c) CONFORMING AMENDMENTS.—Section 44709(d)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(A)(i)''; and

(2) in subparagraph (B), by striking ''subsection (b)(1)(B)'' and inserting ''subsection (b)(1)(A)(ii)''.

SEC. 3305. EXPEDITING UPDATES TO NOTAM PROGRAM.

(a) IN GENERAL.—Beginning on the date that is 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration may not take any enforcement action against any individual for a violation of a NOTAM (as defined in section 3 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C. 44701 note)) until the Administrator submits a certification that the Administrator has complied with the requirements of section 3 of the Pilot's Bill of Rights, as amended by this section, to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) AMENDMENTS.—Section 3 of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44701 note) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''this Act'' and inserting ''the Pilot's Bill of Rights 2''; and

(ii) by striking ''begin'' and inserting ''complete the implementation of'';

(B) by amending subparagraph (B) to read as follows:

''(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that is Internet-accessible, machine-readable, and searchable;'';

(C) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area.''; and

(2) by amending subsection (d) to read as follows:

''(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE FOR NOTAMS.—

''(1) IN GENERAL.—The Administrator—

''(A) shall consider the repository for NOTAMs under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

''(B) may not consider a NOTAM to be announced or published until the NOTAM is included in the repository for NOTAMs under subsection (a)(2)(B).

''(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), beginning on the date that the repository under subsection (a)(2)(B) is final and published, the Administrator may not take any enforcement action against an airman for a violation of a NOTAM during a flight if—

''(i) that NOTAM is not available through the repository before the commencement of the flight; and

''(ii) that NOTAM is not reasonably accessible and identifiable to the airman.

''(B) EXCEPTION FOR NATIONAL SECURITY.—Subparagraph (A) shall not apply in the case of an enforcement action for a violation of a NOTAM that directly relates to national security.''.

SEC. 3306. ACCESSIBILITY OF CERTAIN FLIGHT DATA.

(a) IN GENERAL.—Subchapter I of chapter 471 of title 49, United States Code, is amended by inserting after section 47124 the following:

''§ 47124a. Accessibility of certain flight data

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATION.—The term 'Administration' means the Federal Aviation Administration.

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

''(3) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means an individual who is the subject of an investigation initiated by the Administrator related to a covered flight record.

''(4) CONTRACT TOWER.—The term 'contract tower' means an air traffic control tower providing air traffic control services pursuant to a contract with the Administration under the contract air traffic control tower program under section 47124(b)(3).

''(5) COVERED FLIGHT RECORD.—The term 'covered flight record' means any air traffic data (as defined in section 2(b)(4)(B) of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note)), created, maintained, or controlled by any program of the Administration, including any program of the Administration carried out by employees or contractors of the Administration, such as contract towers, flight service stations, and controller training programs.

''(b) PROVISION OF COVERED FLIGHT RECORD TO ADMINISTRATION.—

''(1) REQUESTS.—Whenever the Administration receives a written request for a covered flight record from an applicable individual and the covered flight record is not in the possession of the Administration, the Administrator shall request the covered flight record from the contract tower or other contractor of the Administration in possession of the covered flight record.

''(2) PROVISION OF RECORDS.—Any covered flight record created, maintained, or controlled by a contract tower or another contractor of the Administration that maintains covered flight records shall be provided to the Administration if the Administration requests the record pursuant to paragraph (1).

''(3) NOTICE OF PROPOSED CERTIFICATE ACTION.—If the Administrator has issued, or subsequently issues, a Notice of Proposed Certificate Action relying on evidence contained in the covered flight record and the individual who is the subject of an investigation has requested the record, the Administrator shall promptly produce the record and extend the time the individual has to respond to the Notice of Proposed Certificate Action until the covered flight record is provided.

''(c) IMPLEMENTATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Pilot's Bill of Rights 2, the Administrator shall promulgate regulations or guidance to ensure compliance with this section.

''(2) COMPLIANCE BY CONTRACTORS.—

''(A) Compliance with this section by a contract tower or other contractor of the Administration that maintains covered flight records shall be included as a material term in any contract between the Administration and the contract tower or contractor entered into or renewed on or after the date of the enactment of the Pilot's Bill of Rights 2.

''(B) Subparagraph (A) shall not apply to any contract or agreement in effect on the date of the enactment of the Pilot's Bill of Rights 2 unless the contract or agreement is renegotiated, renewed, or modified after that date.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47124 the following:

''47124a. Accessibility of certain flight data.''.

SEC. 3307. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CERTAIN NOTICES.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall revise section 13.11 of title 14, Code of Federal Regulations, to authorize legal counsel of the Federal Aviation Administration to close enforcement actions covered by that section with a warning notice, letter of correction, or other administrative action.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. MARITIME ADMINISTRATION.

Section 109 of title 49, United States Code, is amended to read as follows:

''§ 109. Maritime Administration

''(a) ORGANIZATION AND MISSION.—The Maritime Administration is an administration in the Department of Transportation. The mission of the Maritime Administration is to foster, promote, and develop the merchant maritime industry of the United States.

''(b) MARITIME ADMINISTRATOR.—The head of the Maritime Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.

''(c) DEPUTY MARITIME ADMINISTRATOR.—The Maritime Administration shall have a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall carry out the duties prescribed by the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, unless the Secretary designates another individual, during a vacancy in the office of Administrator.

''(d) DUTIES AND POWERS VESTED IN SECRETARY.—All duties and powers of the Maritime Administration are vested in the Secretary.

''(e) REGIONAL OFFICES.—The Maritime Administration shall have regional offices for the Atlantic, Gulf, Great Lakes, and Pacific port ranges, and may have other regional offices as necessary. The Secretary shall appoint a qualified individual as Director of each regional office. The Secretary shall carry out appropriate activities and programs of the Maritime Administration through the regional offices.

''(f) INTERAGENCY AND INDUSTRY RELATIONS.—The Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations throughout the United States, concerned with the transportation of commodities by water in the export and import foreign commerce of the United States, for the purpose of securing preference to vessels of the United States for the transportation of those commodities.

''(g) DETAILING OFFICERS FROM ARMED FORCES.—To assist the Secretary in carrying out duties and powers relating to the Maritime Administration, not more than five officers of the armed forces may be detailed to

the Secretary at any one time, in addition to details authorized by any other law. During the period of a detail, the Secretary shall pay the officer an amount that, when added to the officer's pay and allowances as an officer in the armed forces, makes the officer's total pay and allowances equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility as that performed by the officer during the detail.

''(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.—

''(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—In the same manner that a private corporation may make a contract within the scope of its authority under its charter, the Secretary may make contracts and cooperative agreements for the United States Government and disburse amounts to—

''(A) carry out the Secretary's duties and powers under this section, subtitle V of title 46, and all other Maritime Administration programs; and

''(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

''(2) AUDITS.—The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

''(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to carry out the duties and powers of the Secretary relating to the Maritime Administration.

''(2) LIMITATIONS.—Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—

''(A) acquisition, construction, or reconstruction of vessels;

''(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

''(C) costs of national defense features;

''(D) payments of obligations incurred for operating-differential subsidies;

''(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

''(F) the Vessel Operations Revolving Fund;

''(G) National Defense Reserve Fleet expenses;

''(H) expenses necessary to carry out part B of subtitle V of title 46; and

''(I) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.

''(3) TRAINING VESSELS.—Amounts may not be appropriated for the purchase or construction of training vessels for State maritime academies unless the Secretary has approved a plan for sharing training vessels between State maritime academies.''.

SEC. 3502. NATIONAL SECURITY FLOATING DRY DOCKS.

Section 55122(a)(1)(C) of title 46, United States Code, is amended by striking ''the date of the enactment of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015'' and inserting ''December 19, 2017''.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

(a) PROCUREMENT.—

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
1	UTILITY F/W AIRCRAFT	57,529	57,529
3	MQ–1 UAV	55,388	55,388
	ROTARY		
6	AH–64 APACHE BLOCK IIIA REMAN	803,084	803,084
7	AH–64 APACHE BLOCK IIIA REMAN (AP)	185,160	185,160
8	UH–60 BLACKHAWK M MODEL (MYP)	755,146	755,146
9	UH–60 BLACKHAWK M MODEL (MYP) (AP)	174,107	174,107
10	UH–60 BLACK HAWK A AND L MODELS	46,173	46,173
11	CH–47 HELICOPTER	556,257	556,257
12	CH–47 HELICOPTER (AP)	8,707	8,707
	MODIFICATION OF AIRCRAFT		
13	MQ–1 PAYLOAD (MIP)	43,735	43,735
15	MULTI SENSOR ABN RECON (MIP)	94,527	94,527
16	AH–64 MODS	137,883	137,883
17	CH–47 CARGO HELICOPTER MODS (MYP)	102,943	102,943
18	GRCS SEMA MODS (MIP)	4,055	4,055
19	ARL SEMA MODS (MIP)	6,793	6,793
20	EMARSS SEMA MODS (MIP)	13,197	13,197
21	UTILITY/CARGO AIRPLANE MODS	17,526	17,526
22	UTILITY HELICOPTER MODS	10,807	10,807
23	NETWORK AND MISSION PLAN	74,752	74,752
24	COMMS, NAV SURVEILLANCE	69,960	69,960
25	GATM ROLLUP	45,302	45,302
26	RQ–7 UAV MODS	71,169	71,169
27	UAS MODS	21,804	21,804
	GROUND SUPPORT AVIONICS		
28	AIRCRAFT SURVIVABILITY EQUIPMENT	67,377	67,377
29	SURVIVABILITY CM	9,565	35,565

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	ASE PNT unfunded requirement		[26,000]
30	CMWS	41,626	41,626
	OTHER SUPPORT		
32	AVIONICS SUPPORT EQUIPMENT	7,007	7,007
33	COMMON GROUND EQUIPMENT	48,234	48,234
34	AIRCREW INTEGRATED SYSTEMS	30,297	30,297
35	AIR TRAFFIC CONTROL	50,405	50,405
36	INDUSTRIAL FACILITIES	1,217	1,217
37	LAUNCHER, 2.75 ROCKET	3,055	3,055
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**3,614,787**	**3,640,787**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
1	LOWER TIER AIR AND MISSILE DEFENSE (AMD)	126,470	126,470
2	MSE MISSILE	423,201	423,201
3	INDIRECT FIRE PROTECTION CAPABILITY INC 2–I (AP)	19,319	19,319
	AIR-TO-SURFACE MISSILE SYSTEM		
4	HELLFIRE SYS SUMMARY	42,013	42,013
5	JOINT AIR-TO-GROUND MSLS (JAGM)	64,751	64,751
6	JOINT AIR-TO-GROUND MSLS (JAGM) (AP)	37,100	37,100
	ANTI-TANK/ASSAULT MISSILE SYS		
7	JAVELIN (AAWS-M) SYSTEM SUMMARY	73,508	73,508
8	TOW 2 SYSTEM SUMMARY	64,922	64,922
9	TOW 2 SYSTEM SUMMARY (AP)	19,949	19,949
10	GUIDED MLRS ROCKET (GMLRS)	172,088	172,088
11	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,004	18,004
	MODIFICATIONS		
13	PATRIOT MODS	197,107	197,107
14	ATACMS MODS	150,043	150,043
15	GMLRS MOD	395	395
17	AVENGER MODS	33,606	33,606
18	ITAS/TOW MODS	383	383
19	MLRS MODS	34,704	34,704
20	HIMARS MODIFICATIONS	1,847	1,847
	SPARES AND REPAIR PARTS		
21	SPARES AND REPAIR PARTS	34,487	34,487
	SUPPORT EQUIPMENT & FACILITIES		
22	AIR DEFENSE TARGETS	4,915	4,915
24	PRODUCTION BASE SUPPORT	1,154	1,154
	TOTAL MISSILE PROCUREMENT, ARMY	**1,519,966**	**1,519,966**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
1	STRYKER VEHICLE	71,680	71,680
	MODIFICATION OF TRACKED COMBAT VEHICLES		
2	STRYKER (MOD)	74,348	74,348
3	STRYKER UPGRADE	444,561	433,561
	Early to need		[–11,000]
5	BRADLEY PROGRAM (MOD)	276,433	276,433
6	HOWITZER, MED SP FT 155MM M109A6 (MOD)	63,138	63,138
7	PALADIN INTEGRATED MANAGEMENT (PIM)	469,305	469,305
8	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	91,963	91,963
9	ASSAULT BRIDGE (MOD)	3,465	3,465
10	ASSAULT BREACHER VEHICLE	2,928	2,928
11	M88 FOV MODS	8,685	8,685
12	JOINT ASSAULT BRIDGE	64,752	64,752
13	M1 ABRAMS TANK (MOD)	480,166	620,166
	APS Unfunded requirement		[82,000]
	M1 industrial base Unfunded requirement		[58,000]
	WEAPONS & OTHER COMBAT VEHICLES		
16	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	9,764	9,764
17	MORTAR SYSTEMS	8,332	8,332
18	XM320 GRENADE LAUNCHER MODULE (GLM)	3,062	3,062
19	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM	992	992
20	CARBINE	40,493	40,493
21	COMMON REMOTELY OPERATED WEAPONS STATION	25,164	25,164
36	HANDGUN	0	1,000
	Program increase for Modular Handgun System		[1,000]
	MOD OF WEAPONS AND OTHER COMBAT VEH		
22	MK–19 GRENADE MACHINE GUN MODS	4,959	4,959
23	M777 MODS	11,913	11,913
24	M4 CARBINE MODS	29,752	28,752
	Program decrease		[–1,000]
25	M2 50 CAL MACHINE GUN MODS	48,582	48,582
26	M249 SAW MACHINE GUN MODS	1,179	1,179
27	M240 MEDIUM MACHINE GUN MODS	1,784	1,784
28	SNIPER RIFLES MODIFICATIONS	971	971
29	M119 MODIFICATIONS	6,045	6,045
30	MORTAR MODIFICATION	12,118	12,118

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
31	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	3,157	3,157
	SUPPORT EQUIPMENT & FACILITIES		
32	ITEMS LESS THAN $5.0M (WOCV-WTCV)	2,331	2,331
35	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	3,155	3,155
	TOTAL PROCUREMENT OF W&TCV, ARMY	**2,265,177**	**2,394,177**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
1	CTG, 5.56MM, ALL TYPES	40,296	37,696
	Early to need		[–2,600]
2	CTG, 7.62MM, ALL TYPES	39,237	38,937
	Early to need		[–300]
3	CTG, HANDGUN, ALL TYPES	5,193	3,893
	Early to need		[–1,300]
4	CTG, .50 CAL, ALL TYPES	46,693	41,993
	Early to need		[–4,700]
5	CTG, 20MM, ALL TYPES	7,000	7,000
6	CTG, 25MM, ALL TYPES	7,753	6,453
	Early to need		[–1,300]
7	CTG, 30MM, ALL TYPES	47,000	47,000
8	CTG, 40MM, ALL TYPES	118,178	111,878
	Early to need		[–6,300]
	MORTAR AMMUNITION		
9	60MM MORTAR, ALL TYPES	69,784	69,784
10	81MM MORTAR, ALL TYPES	36,125	36,125
11	120MM MORTAR, ALL TYPES	69,133	69,133
	TANK AMMUNITION		
12	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	120,668	117,868
	Early to need		[–2,800]
	ARTILLERY AMMUNITION		
13	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	64,800	60,800
	75mm blanks early to need		[–4,000]
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES	109,515	109,515
15	PROJ 155MM EXTENDED RANGE M982	39,200	39,200
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	70,881	70,881
	ROCKETS		
19	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	38,000	38,000
20	ROCKET, HYDRA 70, ALL TYPES	87,213	87,213
	OTHER AMMUNITION		
21	CAD/PAD, ALL TYPES	4,914	4,914
22	DEMOLITION MUNITIONS, ALL TYPES	6,380	6,380
23	GRENADES, ALL TYPES	22,760	22,760
24	SIGNALS, ALL TYPES	10,666	10,666
25	SIMULATORS, ALL TYPES	7,412	7,412
	MISCELLANEOUS		
26	AMMO COMPONENTS, ALL TYPES	12,726	12,726
27	NON-LETHAL AMMUNITION, ALL TYPES	6,100	5,900
	Early to need		[–200]
28	ITEMS LESS THAN $5 MILLION (AMMO)	10,006	9,506
	Early to need		[–500]
29	AMMUNITION PECULIAR EQUIPMENT	17,275	13,575
	Early to need		[–3,700]
30	FIRST DESTINATION TRANSPORTATION (AMMO)	14,951	14,951
	PRODUCTION BASE SUPPORT		
32	INDUSTRIAL FACILITIES	222,269	222,269
33	CONVENTIONAL MUNITIONS DEMILITARIZATION	157,383	157,383
34	ARMS INITIATIVE	3,646	3,646
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**1,513,157**	**1,485,457**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
1	TACTICAL TRAILERS/DOLLY SETS	3,733	3,733
2	SEMITRAILERS, FLATBED:	3,716	3,716
3	HI MOB MULTI-PURP WHLD VEH (HMMWV)	0	21,000
	Ambulance recapitalization		[21,000]
4	GROUND MOBILITY VEHICLES (GMV)	4,907	4,907
6	JOINT LIGHT TACTICAL VEHICLE	587,514	587,514
7	TRUCK, DUMP, 20T (CCE)	3,927	3,927
8	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	53,293	53,293
9	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	7,460	7,460
10	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	39,564	39,564
11	PLS ESP	11,856	11,856
13	TACTICAL WHEELED VEHICLE PROTECTION KITS	49,751	49,751
14	MODIFICATION OF IN SVC EQUIP	64,000	52,000
	Higher priorities		[–12,000]
15	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	10,611	10,611
	NON-TACTICAL VEHICLES		
16	HEAVY ARMORED SEDAN	394	394
18	NONTACTICAL VEHICLES, OTHER	1,755	1,755

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	COMM—JOINT COMMUNICATIONS		
19	WIN-T—GROUND FORCES TACTICAL NETWORK	427,598	327,598
	Ahead of need		[–100,000]
20	SIGNAL MODERNIZATION PROGRAM	58,250	58,250
21	JOINT INCIDENT SITE COMMUNICATIONS CAPABILITY	5,749	5,749
22	JCSE EQUIPMENT (USREDCOM)	5,068	5,068
	COMM—SATELLITE COMMUNICATIONS		
23	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	143,805	143,805
24	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	36,580	36,580
25	SHF TERM	1,985	1,985
27	SMART-T (SPACE)	9,165	9,165
	COMM—C3 SYSTEM		
31	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	2,530	2,530
	COMM—COMBAT COMMUNICATIONS		
33	HANDHELD MANPACK SMALL FORM FIT (HMS)	273,645	273,645
34	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	25,017	25,017
35	RADIO TERMINAL SET, MIDS LVT(2)	12,326	12,326
37	TRACTOR DESK	2,034	2,034
38	TRACTOR RIDE	2,334	2,334
39	SPIDER APLA REMOTE CONTROL UNIT	1,985	1,985
40	SPIDER FAMILY OF NETWORKED MUNITIONS INCR	10,796	10,796
42	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM	3,607	3,607
43	UNIFIED COMMAND SUITE	14,295	14,295
45	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	19,893	19,893
	COMM—INTELLIGENCE COMM		
47	CI AUTOMATION ARCHITECTURE	1,388	1,388
48	ARMY CA/MISO GPF EQUIPMENT	5,494	5,494
	INFORMATION SECURITY		
49	FAMILY OF BIOMETRICS	2,978	2,978
51	COMMUNICATIONS SECURITY (COMSEC)	131,356	131,356
52	DEFENSIVE CYBER OPERATIONS	15,132	15,132
	COMM—LONG HAUL COMMUNICATIONS		
53	BASE SUPPORT COMMUNICATIONS	27,452	27,452
	COMM—BASE COMMUNICATIONS		
54	INFORMATION SYSTEMS	122,055	122,055
55	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,286	4,286
56	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	131,794	131,794
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
59	JTT/CIBS-M	5,337	5,337
62	DCGS-A (MIP)	242,514	149,514
	Changing requirement, tactical		[–93,000]
63	JOINT TACTICAL GROUND STATION (JTAGS)	4,417	4,417
64	TROJAN (MIP)	17,455	17,455
65	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	44,965	44,965
66	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	7,658	7,658
67	CLOSE ACCESS TARGET RECONNAISSANCE (CATR)	7,970	7,970
68	MACHINE FOREIGN LANGUAGE TRANSLATION SYSTEM-M	545	545
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
70	LIGHTWEIGHT COUNTER MORTAR RADAR	74,038	61,538
	Reduce to FY16 level		[–12,500]
71	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	3,235	3,235
72	AIR VIGILANCE (AV)	733	733
74	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE	1,740	1,740
75	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	455	455
76	CI MODERNIZATION	176	176
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
77	SENTINEL MODS	40,171	40,171
78	NIGHT VISION DEVICES	163,029	163,029
79	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	15,885	15,885
80	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	48,427	48,427
81	FAMILY OF WEAPON SIGHTS (FWS)	55,536	55,536
82	ARTILLERY ACCURACY EQUIP	4,187	4,187
85	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	137,501	137,501
86	JOINT EFFECTS TARGETING SYSTEM (JETS)	50,726	50,726
87	MOD OF IN-SVC EQUIP (LLDR)	28,058	21,558
	Reduce to FY16 levels		[–6,500]
88	COMPUTER BALLISTICS: LHMBC XM32	5,924	5,924
89	MORTAR FIRE CONTROL SYSTEM	22,331	22,331
90	COUNTERFIRE RADARS	314,509	278,509
	Smooth production profile		[–36,000]
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
91	FIRE SUPPORT C2 FAMILY	8,660	8,660
92	AIR & MSL DEFENSE PLANNING & CONTROL SYS	54,376	54,376
93	IAMD BATTLE COMMAND SYSTEM	204,969	204,969
94	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	4,718	4,718
95	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	11,063	11,063
96	MANEUVER CONTROL SYSTEM (MCS)	151,318	124,318
	Reduce to FY16 level		[–27,000]
97	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	155,660	155,660

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
98	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP	4,214	4,214
99	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	16,185	16,185
100	MOD OF IN-SVC EQUIPMENT (ENFIRE)	1,565	1,565
	ELECT EQUIP—AUTOMATION		
101	ARMY TRAINING MODERNIZATION	17,693	17,693
102	AUTOMATED DATA PROCESSING EQUIP	107,960	98,560
	Program reduction		[–9,400]
103	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	6,416	6,416
104	HIGH PERF COMPUTING MOD PGM (HPCMP)	58,614	58,614
105	CONTRACT WRITING SYSTEM	986	0
	Contract writing unjustified requirement		[–986]
106	RESERVE COMPONENT AUTOMATION SYS (RCAS)	23,828	23,828
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
107	TACTICAL DIGITAL MEDIA	1,191	1,191
108	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	1,995	1,995
	ELECT EQUIP—SUPPORT		
109	PRODUCTION BASE SUPPORT (C-E)	403	403
	CLASSIFIED PROGRAMS		
110	CLASSIFIED PROGRAMS	4,436	4,436
	CHEMICAL DEFENSIVE EQUIPMENT		
111	PROTECTIVE SYSTEMS	2,966	2,966
112	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	9,795	9,795
114	CBRN DEFENSE	17,922	17,922
	BRIDGING EQUIPMENT		
115	TACTICAL BRIDGING	13,553	13,553
116	TACTICAL BRIDGE, FLOAT-RIBBON	25,244	25,244
117	BRIDGE SUPPLEMENTAL SET	983	983
118	COMMON BRIDGE TRANSPORTER (CBT) RECAP	25,176	25,176
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
119	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	39,350	39,350
120	AREA MINE DETECTION SYSTEM (AMDS)	10,500	10,500
121	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	274	274
122	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	2,951	2,951
123	EOD ROBOTICS SYSTEMS RECAPITALIZATION	1,949	1,949
124	ROBOTICS AND APPLIQUE SYSTEMS	5,203	5,203
125	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	5,570	5,570
126	REMOTE DEMOLITION SYSTEMS	6,238	6,238
127	< $5M, COUNTERMINE EQUIPMENT	836	836
128	FAMILY OF BOATS AND MOTORS	3,171	3,171
	COMBAT SERVICE SUPPORT EQUIPMENT		
129	HEATERS AND ECU'S	18,707	18,707
130	SOLDIER ENHANCEMENT	2,112	2,112
131	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	10,856	10,856
132	GROUND SOLDIER SYSTEM	32,419	32,419
133	MOBILE SOLDIER POWER	30,014	30,014
135	FIELD FEEDING EQUIPMENT	12,544	12,544
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	18,509	18,509
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	29,384	29,384
	PETROLEUM EQUIPMENT		
139	QUALITY SURVEILLANCE EQUIPMENT	4,487	4,487
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	42,656	32,656
	Program decrease		[–10,000]
	MEDICAL EQUIPMENT		
141	COMBAT SUPPORT MEDICAL	59,761	59,761
	MAINTENANCE EQUIPMENT		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	35,694	30,694
	Reduce to FY16 level		[–5,000]
143	ITEMS LESS THAN $5.0M (MAINT EQ)	2,716	2,716
	CONSTRUCTION EQUIPMENT		
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	1,742	1,742
145	SCRAPERS, EARTHMOVING	26,233	26,233
147	HYDRAULIC EXCAVATOR	1,123	1,123
149	ALL TERRAIN CRANES	65,285	65,285
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	1,743	1,743
152	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPAP	2,779	2,779
154	CONST EQUIP ESP	26,712	22,212
	Reduce to FY16 level		[–4,500]
155	ITEMS LESS THAN $5.0M (CONST EQUIP)	6,649	6,649
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
156	ARMY WATERCRAFT ESP	21,860	10,860
	Program decrease		[–11,000]
157	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	1,967	1,967
	GENERATORS		
158	GENERATORS AND ASSOCIATED EQUIP	113,266	113,266
159	TACTICAL ELECTRIC POWER RECAPITALIZATION	7,867	7,867
	MATERIAL HANDLING EQUIPMENT		
160	FAMILY OF FORKLIFTS	2,307	2,307
	TRAINING EQUIPMENT		
161	COMBAT TRAINING CENTERS SUPPORT	75,359	75,359

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
162	TRAINING DEVICES, NONSYSTEM	253,050	253,050
163	CLOSE COMBAT TACTICAL TRAINER	48,271	48,271
164	AVIATION COMBINED ARMS TACTICAL TRAINER	40,000	40,000
165	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	11,543	11,543
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
166	CALIBRATION SETS EQUIPMENT	4,963	4,963
167	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	29,781	29,781
168	TEST EQUIPMENT MODERNIZATION (TEMOD)	6,342	6,342
	OTHER SUPPORT EQUIPMENT		
169	M25 STABILIZED BINOCULAR	3,149	3,149
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	18,003	18,003
171	PHYSICAL SECURITY SYSTEMS (OPA3)	44,082	44,082
172	BASE LEVEL COMMON EQUIPMENT	2,168	2,168
173	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	67,367	62,367
	Reduce to FY16 level		[–5,000]
174	PRODUCTION BASE SUPPORT (OTH)	1,528	1,528
175	SPECIAL EQUIPMENT FOR USER TESTING	8,289	8,289
177	TRACTOR YARD	6,888	6,888
	OPA2		
179	INITIAL SPARES—C&E	27,243	27,243
	TOTAL OTHER PROCUREMENT, ARMY	**5,873,949**	**5,562,063**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
3	JOINT STRIKE FIGHTER CV	890,650	890,650
4	JOINT STRIKE FIGHTER CV (AP)	80,908	80,908
5	JSF STOVL	2,037,768	2,037,768
6	JSF STOVL (AP)	233,648	233,648
7	CH–53K (HEAVY LIFT)	348,615	348,615
8	CH–53K (HEAVY LIFT) (AP)	88,365	88,365
9	V–22 (MEDIUM LIFT)	1,264,134	1,264,134
10	V–22 (MEDIUM LIFT) (AP)	19,674	19,674
11	H–1 UPGRADES (UH–1Y/AH–1Z)	759,778	759,778
12	H–1 UPGRADES (UH–1Y/AH–1Z) (AP)	57,232	57,232
14	MH–60R (MYP)	61,177	61,177
16	P–8A POSEIDON	1,940,238	1,940,238
17	P–8A POSEIDON (AP)	123,140	123,140
18	E–2D ADV HAWKEYE	916,483	916,483
19	E–2D ADV HAWKEYE (AP)	125,042	125,042
	TRAINER AIRCRAFT		
20	JPATS	5,849	5,849
	OTHER AIRCRAFT		
21	KC–130J	128,870	128,870
22	KC–130J (AP)	24,848	24,848
23	MQ–4 TRITON	409,005	409,005
24	MQ–4 TRITON (AP)	55,652	55,652
25	MQ–8 UAV	72,435	72,435
	MODIFICATION OF AIRCRAFT		
29	AEA SYSTEMS	51,900	51,900
30	AV–8 SERIES	60,818	60,818
31	ADVERSARY	5,191	5,191
32	F–18 SERIES	1,023,492	1,023,492
34	H–53 SERIES	46,095	46,095
35	SH–60 SERIES	108,328	108,328
36	H–1 SERIES	46,333	46,333
37	EP–3 SERIES	14,681	14,681
38	P–3 SERIES	2,781	2,781
39	E–2 SERIES	32,949	32,949
40	TRAINER A/C SERIES	13,199	13,199
41	C–2A	19,066	19,066
42	C–130 SERIES	61,788	61,788
43	FEWSG	618	618
44	CARGO/TRANSPORT A/C SERIES	9,822	9,822
45	E–6 SERIES	222,077	222,077
46	EXECUTIVE HELICOPTERS SERIES	66,835	66,835
47	SPECIAL PROJECT AIRCRAFT	16,497	16,497
48	T–45 SERIES	114,887	114,887
49	POWER PLANT CHANGES	16,893	16,893
50	JPATS SERIES	17,401	17,401
51	COMMON ECM EQUIPMENT	143,773	143,773
52	COMMON AVIONICS CHANGES	164,839	164,839
53	COMMON DEFENSIVE WEAPON SYSTEM	4,403	4,403
54	ID SYSTEMS	45,768	45,768
55	P–8 SERIES	18,836	18,836
56	MAGTF EW FOR AVIATION	5,676	5,676
57	MQ–8 SERIES	19,003	19,003
58	RQ–7 SERIES	3,534	3,534
59	V–22 (TILT/ROTOR ACFT) OSPREY	141,545	141,545
60	F–35 STOVL SERIES	34,928	34,928

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
61	F–35 CV SERIES	26,004	26,004
62	QRC	5,476	5,476
	AIRCRAFT SPARES AND REPAIR PARTS		
63	SPARES AND REPAIR PARTS	1,407,626	1,458,426
	F–35B spares unfunded requirement		[50,800]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
64	COMMON GROUND EQUIPMENT	390,103	390,103
65	AIRCRAFT INDUSTRIAL FACILITIES	23,194	23,194
66	WAR CONSUMABLES	40,613	40,613
67	OTHER PRODUCTION CHARGES	860	860
68	SPECIAL SUPPORT EQUIPMENT	36,282	36,282
69	FIRST DESTINATION TRANSPORTATION	1,523	1,523
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**14,109,148**	**14,159,948**
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
1	TRIDENT II MODS	1,103,086	1,103,086
	SUPPORT EQUIPMENT & FACILITIES		
2	MISSILE INDUSTRIAL FACILITIES	6,776	6,776
	STRATEGIC MISSILES		
3	TOMAHAWK	186,905	271,105
	Program increase		[84,200]
	TACTICAL MISSILES		
4	AMRAAM	204,697	204,697
5	SIDEWINDER	70,912	70,912
6	JSOW	2,232	2,232
7	STANDARD MISSILE	501,212	501,212
8	RAM	71,557	71,557
9	JOINT AIR GROUND MISSILE (JAGM)	26,200	26,200
12	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	3,316	3,316
13	AERIAL TARGETS	137,484	137,484
14	OTHER MISSILE SUPPORT	3,248	3,248
15	LRASM	29,643	29,643
	MODIFICATION OF MISSILES		
16	ESSM	52,935	52,935
18	HARM MODS	178,213	148,213
	Advanced Anti-Radiation Guided Missile production issues		[–30,000]
19	STANDARD MISSILES MODS	8,164	8,164
	SUPPORT EQUIPMENT & FACILITIES		
20	WEAPONS INDUSTRIAL FACILITIES	1,964	1,964
21	FLEET SATELLITE COMM FOLLOW-ON	36,723	36,723
	ORDNANCE SUPPORT EQUIPMENT		
22	ORDNANCE SUPPORT EQUIPMENT	59,096	66,066
	Program increase		[6,970]
	TORPEDOES AND RELATED EQUIP		
23	SSTD	5,910	5,910
24	MK–48 TORPEDO	44,537	44,537
25	ASW TARGETS	9,302	9,302
	MOD OF TORPEDOES AND RELATED EQUIP		
26	MK–54 TORPEDO MODS	98,092	98,092
27	MK–48 TORPEDO ADCAP MODS	46,139	46,139
28	QUICKSTRIKE MINE	1,236	1,236
	SUPPORT EQUIPMENT		
29	TORPEDO SUPPORT EQUIPMENT	60,061	60,061
30	ASW RANGE SUPPORT	3,706	3,706
	DESTINATION TRANSPORTATION		
31	FIRST DESTINATION TRANSPORTATION	3,804	3,804
	GUNS AND GUN MOUNTS		
32	SMALL ARMS AND WEAPONS	18,002	18,002
	MODIFICATION OF GUNS AND GUN MOUNTS		
33	CIWS MODS	50,900	50,900
34	COAST GUARD WEAPONS	25,295	25,295
35	GUN MOUNT MODS	77,003	77,003
36	LCS MODULE WEAPONS	2,776	2,776
38	AIRBORNE MINE NEUTRALIZATION SYSTEMS	15,753	15,753
	SPARES AND REPAIR PARTS		
40	SPARES AND REPAIR PARTS	62,383	62,383
	TOTAL WEAPONS PROCUREMENT, NAVY	**3,209,262**	**3,270,432**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
1	GENERAL PURPOSE BOMBS	91,659	91,659
2	AIRBORNE ROCKETS, ALL TYPES	65,759	65,759
3	MACHINE GUN AMMUNITION	8,152	8,152
4	PRACTICE BOMBS	41,873	41,873
5	CARTRIDGES & CART ACTUATED DEVICES	54,002	54,002
6	AIR EXPENDABLE COUNTERMEASURES	57,034	57,034
7	JATOS	2,735	2,735
9	5 INCH/54 GUN AMMUNITION	19,220	19,220

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
10	INTERMEDIATE CALIBER GUN AMMUNITION	30,196	30,196
11	OTHER SHIP GUN AMMUNITION	39,009	39,009
12	SMALL ARMS & LANDING PARTY AMMO	46,727	46,727
13	PYROTECHNIC AND DEMOLITION	9,806	9,806
14	AMMUNITION LESS THAN $5 MILLION	2,900	2,900
	MARINE CORPS AMMUNITION		
15	SMALL ARMS AMMUNITION	27,958	27,958
17	40 MM, ALL TYPES	14,758	14,758
18	60MM, ALL TYPES	992	992
20	120MM, ALL TYPES	16,757	12,757
	120mm early to need		[–4,000]
21	GRENADES, ALL TYPES	972	972
22	ROCKETS, ALL TYPES	14,186	14,186
23	ARTILLERY, ALL TYPES	68,656	68,656
24	DEMOLITION MUNITIONS, ALL TYPES	1,700	1,700
25	FUZE, ALL TYPES	26,088	26,088
27	AMMO MODERNIZATION	14,660	14,660
28	ITEMS LESS THAN $5 MILLION	8,569	6,069
	early to need		[–2,500]
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**664,368**	**657,868**
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
1	OHIO REPLACEMENT SUBMARINE (AP)	773,138	773,138
	OTHER WARSHIPS		
2	CARRIER REPLACEMENT PROGRAM	1,291,783	1,291,783
3	CARRIER REPLACEMENT PROGRAM (AP)	1,370,784	1,370,784
4	VIRGINIA CLASS SUBMARINE	3,187,985	3,187,985
5	VIRGINIA CLASS SUBMARINE (AP)	1,767,234	1,767,234
6	CVN REFUELING OVERHAULS	1,743,220	1,743,220
7	CVN REFUELING OVERHAULS (AP)	248,599	248,599
8	DDG 1000	271,756	271,756
9	DDG–51	3,211,292	3,261,092
	Fund additional FY16 destroyer		[49,800]
11	LITTORAL COMBAT SHIP	1,125,625	1,097,625
	Unjustified growth		[–28,000]
	AMPHIBIOUS SHIPS		
13	AMPHIBIOUS SHIP REPLACEMENT LX(R) (AP)	0	50,000
	Advanced procurement for LX (R)		[50,000]
16	LHA REPLACEMENT	1,623,024	1,623,024
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
20	TAO FLEET OILER (AP)	73,079	73,079
22	MOORED TRAINING SHIP	624,527	624,527
25	OUTFITTING	666,158	666,158
26	SHIP TO SHORE CONNECTOR	128,067	128,067
27	SERVICE CRAFT	65,192	65,192
28	LCAC SLEP	1,774	1,774
29	YP CRAFT MAINTENANCE/ROH/SLEP	21,363	21,363
30	COMPLETION OF PY SHIPBUILDING PROGRAMS	160,274	160,274
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	**18,354,874**	**18,426,674**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
3	SURFACE POWER EQUIPMENT	15,514	15,514
4	HYBRID ELECTRIC DRIVE (HED)	40,132	40,132
	GENERATORS		
5	SURFACE COMBATANT HM&E	29,974	29,974
	NAVIGATION EQUIPMENT		
6	OTHER NAVIGATION EQUIPMENT	63,942	63,942
	OTHER SHIPBOARD EQUIPMENT		
8	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	136,421	136,421
9	DDG MOD	367,766	432,766
	BMD upgrade unfunded requirement		[65,000]
10	FIREFIGHTING EQUIPMENT	14,743	14,743
11	COMMAND AND CONTROL SWITCHBOARD	2,140	2,140
12	LHA/LHD MIDLIFE	24,939	24,939
14	POLLUTION CONTROL EQUIPMENT	20,191	20,191
15	SUBMARINE SUPPORT EQUIPMENT	8,995	8,995
16	VIRGINIA CLASS SUPPORT EQUIPMENT	66,838	66,838
17	LCS CLASS SUPPORT EQUIPMENT	54,823	54,823
18	SUBMARINE BATTERIES	23,359	23,359
19	LPD CLASS SUPPORT EQUIPMENT	40,321	40,321
20	DDG 1000 CLASS SUPPORT EQUIPMENT	33,404	33,404
21	STRATEGIC PLATFORM SUPPORT EQUIP	15,836	15,836
22	DSSP EQUIPMENT	806	806
24	LCAC	3,090	3,090
25	UNDERWATER EOD PROGRAMS	24,350	24,350
26	ITEMS LESS THAN $5 MILLION	88,719	88,719
27	CHEMICAL WARFARE DETECTORS	2,873	2,873

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
28	SUBMARINE LIFE SUPPORT SYSTEM	6,043	6,043
	REACTOR PLANT EQUIPMENT		
30	REACTOR COMPONENTS	342,158	342,158
	OCEAN ENGINEERING		
31	DIVING AND SALVAGE EQUIPMENT	8,973	8,973
	SMALL BOATS		
32	STANDARD BOATS	43,684	43,684
	PRODUCTION FACILITIES EQUIPMENT		
34	OPERATING FORCES IPE	75,421	75,421
	OTHER SHIP SUPPORT		
35	NUCLEAR ALTERATIONS	172,718	172,718
36	LCS COMMON MISSION MODULES EQUIPMENT	27,840	24,140
	Cancelled program (RMS)		[–3,700]
37	LCS MCM MISSION MODULES	57,146	57,146
38	LCS ASW MISSION MODULES	31,952	31,952
39	LCS SUW MISSION MODULES	22,466	22,466
	LOGISTIC SUPPORT		
41	LSD MIDLIFE	10,813	10,813
	SHIP SONARS		
42	SPQ–9B RADAR	14,363	14,363
43	AN/SQQ–89 SURF ASW COMBAT SYSTEM	90,029	90,029
45	SSN ACOUSTIC EQUIPMENT	248,765	248,765
46	UNDERSEA WARFARE SUPPORT EQUIPMENT	7,163	7,163
	ASW ELECTRONIC EQUIPMENT		
48	SUBMARINE ACOUSTIC WARFARE SYSTEM	21,291	21,291
49	SSTD	6,893	6,893
50	FIXED SURVEILLANCE SYSTEM	145,701	145,701
51	SURTASS	36,136	46,136
	Additional SURTASS array unfunded requirement		[10,000]
	ELECTRONIC WARFARE EQUIPMENT		
53	AN/SLQ–32	274,892	297,892
	Additional SEWIP Blk 3 unfunded requirement		[23,000]
	RECONNAISSANCE EQUIPMENT		
54	SHIPBOARD IW EXPLOIT	170,733	170,733
55	AUTOMATED IDENTIFICATION SYSTEM (AIS)	958	958
	OTHER SHIP ELECTRONIC EQUIPMENT		
57	COOPERATIVE ENGAGEMENT CAPABILITY	22,034	22,034
59	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	12,336	12,336
60	ATDLS	30,105	30,105
61	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	4,556	4,556
62	MINESWEEPING SYSTEM REPLACEMENT	56,675	32,175
	Ahead of need		[–24,500]
63	SHALLOW WATER MCM	8,875	8,875
64	NAVSTAR GPS RECEIVERS (SPACE)	12,752	12,752
65	AMERICAN FORCES RADIO AND TV SERVICE	4,577	4,577
66	STRATEGIC PLATFORM SUPPORT EQUIP	8,972	8,972
	AVIATION ELECTRONIC EQUIPMENT		
69	ASHORE ATC EQUIPMENT	75,068	75,068
70	AFLOAT ATC EQUIPMENT	33,484	33,484
76	ID SYSTEMS	22,177	22,177
77	NAVAL MISSION PLANNING SYSTEMS	14,273	14,273
	OTHER SHORE ELECTRONIC EQUIPMENT		
80	TACTICAL/MOBILE C4I SYSTEMS	27,927	27,927
81	DCGS-N	12,676	12,676
82	CANES	212,030	212,030
83	RADIAC	8,092	8,092
84	CANES-INTELL	36,013	36,013
85	GPETE	6,428	6,428
87	INTEG COMBAT SYSTEM TEST FACILITY	8,376	8,376
88	EMI CONTROL INSTRUMENTATION	3,971	3,971
89	ITEMS LESS THAN $5 MILLION	58,721	58,721
	SHIPBOARD COMMUNICATIONS		
90	SHIPBOARD TACTICAL COMMUNICATIONS	17,366	17,366
91	SHIP COMMUNICATIONS AUTOMATION	102,479	102,479
92	COMMUNICATIONS ITEMS UNDER $5M	10,403	10,403
	SUBMARINE COMMUNICATIONS		
93	SUBMARINE BROADCAST SUPPORT	34,151	34,151
94	SUBMARINE COMMUNICATION EQUIPMENT	64,529	64,529
	SATELLITE COMMUNICATIONS		
95	SATELLITE COMMUNICATIONS SYSTEMS	14,414	14,414
96	NAVY MULTIBAND TERMINAL (NMT)	38,365	38,365
	SHORE COMMUNICATIONS		
97	JCS COMMUNICATIONS EQUIPMENT	4,156	4,156
	CRYPTOGRAPHIC EQUIPMENT		
99	INFO SYSTEMS SECURITY PROGRAM (ISSP)	85,694	85,694
100	MIO INTEL EXPLOITATION TEAM	920	920
	CRYPTOLOGIC EQUIPMENT		
101	CRYPTOLOGIC COMMUNICATIONS EQUIP	21,098	21,098
	OTHER ELECTRONIC SUPPORT		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
102	COAST GUARD EQUIPMENT	32,291	32,291
	SONOBUOYS		
103	SONOBUOYS—ALL TYPES	162,588	162,588
	AIRCRAFT SUPPORT EQUIPMENT		
104	WEAPONS RANGE SUPPORT EQUIPMENT	58,116	58,116
105	AIRCRAFT SUPPORT EQUIPMENT	120,324	120,324
106	METEOROLOGICAL EQUIPMENT	29,253	29,253
107	DCRS/DPL	632	632
108	AIRBORNE MINE COUNTERMEASURES	29,097	29,097
109	AVIATION SUPPORT EQUIPMENT	39,099	39,099
	SHIP GUN SYSTEM EQUIPMENT		
110	SHIP GUN SYSTEMS EQUIPMENT	6,191	6,191
	SHIP MISSILE SYSTEMS EQUIPMENT		
111	SHIP MISSILE SUPPORT EQUIPMENT	320,446	320,446
112	TOMAHAWK SUPPORT EQUIPMENT	71,046	71,046
	FBM SUPPORT EQUIPMENT		
113	STRATEGIC MISSILE SYSTEMS EQUIP	215,138	215,138
	ASW SUPPORT EQUIPMENT		
114	SSN COMBAT CONTROL SYSTEMS	130,715	130,715
115	ASW SUPPORT EQUIPMENT	26,431	26,431
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	11,821	11,821
117	ITEMS LESS THAN $5 MILLION	6,243	6,243
	OTHER EXPENDABLE ORDNANCE		
118	SUBMARINE TRAINING DEVICE MODS	48,020	48,020
120	SURFACE TRAINING EQUIPMENT	97,514	97,514
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
121	PASSENGER CARRYING VEHICLES	8,853	8,853
122	GENERAL PURPOSE TRUCKS	4,928	4,928
123	CONSTRUCTION & MAINTENANCE EQUIP	18,527	18,527
124	FIRE FIGHTING EQUIPMENT	13,569	13,569
125	TACTICAL VEHICLES	14,917	14,917
126	AMPHIBIOUS EQUIPMENT	7,676	7,676
127	POLLUTION CONTROL EQUIPMENT	2,321	2,321
128	ITEMS UNDER $5 MILLION	12,459	12,459
129	PHYSICAL SECURITY VEHICLES	1,095	1,095
	SUPPLY SUPPORT EQUIPMENT		
131	SUPPLY EQUIPMENT	16,023	16,023
133	FIRST DESTINATION TRANSPORTATION	5,115	5,115
134	SPECIAL PURPOSE SUPPLY SYSTEMS	295,471	295,471
	TRAINING DEVICES		
136	TRAINING AND EDUCATION EQUIPMENT	9,504	9,504
	COMMAND SUPPORT EQUIPMENT		
137	COMMAND SUPPORT EQUIPMENT	37,180	37,180
139	MEDICAL SUPPORT EQUIPMENT	4,128	4,128
141	NAVAL MIP SUPPORT EQUIPMENT	1,925	1,925
142	OPERATING FORCES SUPPORT EQUIPMENT	4,777	4,777
143	C4ISR EQUIPMENT	9,073	9,073
144	ENVIRONMENTAL SUPPORT EQUIPMENT	21,107	21,107
145	PHYSICAL SECURITY EQUIPMENT	100,906	100,906
146	ENTERPRISE INFORMATION TECHNOLOGY	67,544	67,544
	OTHER		
150	NEXT GENERATION ENTERPRISE SERVICE	98,216	98,216
	CLASSIFIED PROGRAMS		
160	CLASSIFIED PROGRAMS	9,915	9,915
	SPARES AND REPAIR PARTS		
151	SPARES AND REPAIR PARTS	199,660	199,660
	TOTAL OTHER PROCUREMENT, NAVY	**6,338,861**	**6,408,661**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
1	AAV7A1 PIP	73,785	73,785
2	LAV PIP	53,423	53,423
	ARTILLERY AND OTHER WEAPONS		
3	EXPEDITIONARY FIRE SUPPORT SYSTEM	3,360	3,360
4	155MM LIGHTWEIGHT TOWED HOWITZER	3,318	3,318
5	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	33,725	33,725
6	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	8,181	8,181
	OTHER SUPPORT		
7	MODIFICATION KITS	15,250	15,250
	GUIDED MISSILES		
9	GROUND BASED AIR DEFENSE	9,170	9,170
10	JAVELIN	1,009	1,009
11	FOLLOW ON TO SMAW	24,666	24,666
12	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	17,080	17,080
	COMMAND AND CONTROL SYSTEMS		
15	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C	47,312	47,312
	REPAIR AND TEST EQUIPMENT		
16	REPAIR AND TEST EQUIPMENT	16,469	16,469

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
19	ITEMS UNDER $5 MILLION (COMM & ELEC)	7,433	7,433
20	AIR OPERATIONS C2 SYSTEMS	15,917	15,917
	RADAR + EQUIPMENT (NON-TEL)		
21	RADAR SYSTEMS	17,772	17,772
22	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	123,758	123,758
23	RQ–21 UAS	80,217	80,217
	INTELL/COMM EQUIPMENT (NON-TEL)		
24	GCSS-MC	1,089	1,089
25	FIRE SUPPORT SYSTEM	13,258	13,258
26	INTELLIGENCE SUPPORT EQUIPMENT	56,379	56,379
29	RQ–11 UAV	1,976	1,976
31	DCGS-MC	1,149	1,149
32	UAS PAYLOADS	2,971	2,971
	OTHER SUPPORT (NON-TEL)		
34	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	76,302	76,302
35	COMMON COMPUTER RESOURCES	41,802	41,802
36	COMMAND POST SYSTEMS	90,924	90,924
37	RADIO SYSTEMS	43,714	43,714
38	COMM SWITCHING & CONTROL SYSTEMS	66,383	66,383
39	COMM & ELEC INFRASTRUCTURE SUPPORT	30,229	30,229
	CLASSIFIED PROGRAMS		
40	CLASSIFIED PROGRAMS	2,738	2,738
	ADMINISTRATIVE VEHICLES		
41	COMMERCIAL CARGO VEHICLES	88,312	88,312
	TACTICAL VEHICLES		
43	MOTOR TRANSPORT MODIFICATIONS	13,292	13,292
45	JOINT LIGHT TACTICAL VEHICLE	113,230	113,230
46	FAMILY OF TACTICAL TRAILERS	2,691	2,691
	ENGINEER AND OTHER EQUIPMENT		
48	ENVIRONMENTAL CONTROL EQUIP ASSORT	18	18
50	TACTICAL FUEL SYSTEMS	78	78
51	POWER EQUIPMENT ASSORTED	17,973	17,973
52	AMPHIBIOUS SUPPORT EQUIPMENT	7,371	7,371
53	EOD SYSTEMS	14,021	14,021
	MATERIALS HANDLING EQUIPMENT		
54	PHYSICAL SECURITY EQUIPMENT	31,523	31,523
	GENERAL PROPERTY		
58	TRAINING DEVICES	33,658	33,658
60	FAMILY OF CONSTRUCTION EQUIPMENT	21,315	21,315
61	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	9,654	9,654
	OTHER SUPPORT		
62	ITEMS LESS THAN $5 MILLION	6,026	6,026
	SPARES AND REPAIR PARTS		
64	SPARES AND REPAIR PARTS	22,848	22,848
	TOTAL PROCUREMENT, MARINE CORPS	**1,362,769**	**1,362,769**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
1	F–35	4,401,894	4,401,894
2	F–35 (AP)	404,500	404,500
	TACTICAL AIRLIFT		
3	KC–46A TANKER	2,884,591	2,884,591
	OTHER AIRLIFT		
4	C–130J	145,655	145,655
6	HC–130J	317,576	317,576
7	HC–130J (AP)	20,000	20,000
8	MC–130J	548,358	548,358
9	MC–130J (AP)	50,000	50,000
	HELICOPTERS		
10	UUH–1N REPLACEMENT	18,337	320,637
	HH–60 Blackhawks, initial spares, and support equipment		[302,300]
	MISSION SUPPORT AIRCRAFT		
12	CIVIL AIR PATROL A/C	2,637	2,637
	OTHER AIRCRAFT		
13	TARGET DRONES	114,656	114,656
14	RQ–4	12,966	12,966
15	MQ–9	122,522	35,522
	Air Force requested realignment		[–87,000]
	STRATEGIC AIRCRAFT		
16	B–2A	46,729	46,729
17	B–1B	116,319	116,319
18	B–52	109,020	109,020
	TACTICAL AIRCRAFT		
20	A–10	1,289	1,289
21	F–15	105,685	105,685
22	F–16	97,331	185,631
	Active missile warning system		[12,000]
	Anti-jam global positioning system (GPS) upgrade		[5,000]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	Digital radar warning system		[23,000]
	Multi-mission computer and MIDS-JTRS		[48,300]
23	F–22A	163,008	163,008
24	F–35 MODIFICATIONS	175,811	175,811
25	INCREMENT 3.2B	76,410	76,410
26	INCREMENT 3.2B (AP)	2,000	2,000
	AIRLIFT AIRCRAFT		
27	C–5	24,192	24,192
29	C–17A	21,555	21,555
30	C–21	5,439	5,439
31	C–32A	35,235	35,235
32	C–37A	5,004	5,004
	TRAINER AIRCRAFT		
33	GLIDER MODS	394	394
34	T–6	12,765	12,765
35	T–1	25,073	25,073
36	T–38	45,090	45,090
	OTHER AIRCRAFT		
37	U–2 MODS	36,074	36,074
38	KC–10A (ATCA)	4,570	4,570
39	C–12	1,995	1,995
40	VC–25A MOD	102,670	102,670
41	C–40	13,984	13,984
42	C–130	9,168	9,168
43	C–130J MODS	89,424	89,424
44	C–135	64,161	64,161
45	COMPASS CALL MODS	130,257	155,857
	Air Force requested realignment from Initial Spares		[25,600]
46	RC–135	211,438	211,438
47	E–3	82,786	82,786
48	E–4	53,348	53,348
49	E–8	6,244	6,244
50	AIRBORNE WARNING AND CONTROL SYSTEM	223,427	223,427
51	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	4,673	4,673
52	H–1	9,007	9,007
54	H–60	91,357	91,357
55	RQ–4 MODS	32,045	32,045
56	HC/MC–130 MODIFICATIONS	30,767	30,767
57	OTHER AIRCRAFT	33,886	33,886
59	MQ–9 MODS	141,929	141,929
60	CV–22 MODS	63,395	63,395
	AIRCRAFT SPARES AND REPAIR PARTS		
61	INITIAL SPARES/REPAIR PARTS	686,491	747,891
	Air Force requested realignment		[–25,600]
	Air Force requested realignment from MQ–9		[87,000]
	COMMON SUPPORT EQUIPMENT		
62	AIRCRAFT REPLACEMENT SUPPORT EQUIP	121,935	121,935
	POST PRODUCTION SUPPORT		
63	B–2A	154	154
64	B–2A	43,330	43,330
65	B–52	28,125	28,125
66	C–17A	23,559	23,559
69	F–15	2,980	2,980
70	F–16	15,155	15,155
71	F–22A	48,505	48,505
74	RQ–4 POST PRODUCTION CHARGES	99	99
	INDUSTRIAL PREPAREDNESS		
75	INDUSTRIAL RESPONSIVENESS	14,126	14,126
	WAR CONSUMABLES		
76	WAR CONSUMABLES	120,036	120,036
	OTHER PRODUCTION CHARGES		
77	OTHER PRODUCTION CHARGES	1,252,824	1,252,824
	CLASSIFIED PROGRAMS		
78	CLASSIFIED PROGRAMS	16,952	16,952
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**13,922,917**	**14,313,517**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
1	MISSILE REPLACEMENT EQ-BALLISTIC	70,247	70,247
	TACTICAL		
2	JOINT AIR-SURFACE STANDOFF MISSILE	431,645	431,645
3	LRASM0	59,511	59,511
4	SIDEWINDER (AIM–9X)	127,438	127,438
5	AMRAAM	350,144	350,144
6	PREDATOR HELLFIRE MISSILE	33,955	33,955
7	SMALL DIAMETER BOMB	92,361	92,361
	INDUSTRIAL FACILITIES		
8	INDUSTR'L PREPAREDNS/POL PREVENTION	977	977
	CLASS IV		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
9	ICBM FUZE MOD	17,095	17,095
10	MM III MODIFICATIONS	68,692	68,692
11	AGM–65D MAVERICK	282	282
13	AIR LAUNCH CRUISE MISSILE (ALCM)	21,762	21,762
14	SMALL DIAMETER BOMB	15,349	15,349
	MISSILE SPARES AND REPAIR PARTS		
15	INITIAL SPARES/REPAIR PARTS	81,607	81,607
	SPECIAL PROGRAMS		
30	SPECIAL UPDATE PROGRAMS	46,125	46,125
	CLASSIFIED PROGRAMS		
31	CLASSIFIED PROGRAMS	1,009,431	1,009,431
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**2,426,621**	**2,426,621**
	SPACE PROCUREMENT, AIR FORCE		
	SPACE PROGRAMS		
1	ADVANCED EHF	645,569	645,569
2	AF SATELLITE COMM SYSTEM	42,375	42,375
3	COUNTERSPACE SYSTEMS	26,984	26,984
4	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	88,963	88,963
5	WIDEBAND GAPFILLER SATELLITES(SPACE)	86,272	86,272
6	GPS III SPACE SEGMENT	34,059	34,059
7	GLOBAL POSTIONING (SPACE)	2,169	2,169
8	SPACEBORNE EQUIP (COMSEC)	46,708	46,708
9	GLOBAL POSITIONING (SPACE)	13,171	13,171
10	MILSATCOM	41,799	41,799
11	EVOLVED EXPENDABLE LAUNCH CAPABILITY	768,586	768,586
12	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	737,853	737,853
13	SBIR HIGH (SPACE)	362,504	362,504
14	NUDET DETECTION SYSTEM	4,395	4,395
15	SPACE MODS	8,642	8,642
16	SPACELIFT RANGE SYSTEM SPACE	123,088	123,088
	SPARES		
17	INITIAL SPARES/REPAIR PARTS	22,606	22,606
	TOTAL SPACE PROCUREMENT, AIR FORCE	**3,055,743**	**3,055,743**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
1	ROCKETS	18,734	18,734
	CARTRIDGES		
2	CARTRIDGES	220,237	220,237
	BOMBS		
3	PRACTICE BOMBS	97,106	97,106
4	GENERAL PURPOSE BOMBS	581,561	581,561
5	MASSIVE ORDNANCE PENETRATOR (MOP)	3,600	3,600
6	JOINT DIRECT ATTACK MUNITION	303,988	303,988
	OTHER ITEMS		
7	CAD/PAD	38,890	38,890
8	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	5,714	5,714
9	SPARES AND REPAIR PARTS	740	740
10	MODIFICATIONS	573	573
11	ITEMS LESS THAN $5 MILLION	5,156	5,156
	FLARES		
12	FLARES	134,709	134,709
	FUZES		
13	FUZES	229,252	229,252
	SMALL ARMS		
14	SMALL ARMS	37,459	37,459
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**1,677,719**	**1,677,719**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
1	PASSENGER CARRYING VEHICLES	14,437	14,437
	CARGO AND UTILITY VEHICLES		
2	MEDIUM TACTICAL VEHICLE	24,812	24,812
3	CAP VEHICLES	984	984
4	ITEMS LESS THAN $5 MILLION	11,191	11,191
	SPECIAL PURPOSE VEHICLES		
5	SECURITY AND TACTICAL VEHICLES	5,361	5,361
6	ITEMS LESS THAN $5 MILLION	4,623	4,623
	FIRE FIGHTING EQUIPMENT		
7	FIRE FIGHTING/CRASH RESCUE VEHICLES	12,451	12,451
	MATERIALS HANDLING EQUIPMENT		
8	ITEMS LESS THAN $5 MILLION	18,114	18,114
	BASE MAINTENANCE SUPPORT		
9	RUNWAY SNOW REMOV & CLEANING EQUIP	2,310	2,310
10	ITEMS LESS THAN $5 MILLION	46,868	46,868
	COMM SECURITY EQUIPMENT(COMSEC)		
12	COMSEC EQUIPMENT	72,359	72,359
	INTELLIGENCE PROGRAMS		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
14	INTELLIGENCE TRAINING EQUIPMENT	6,982	6,982
15	INTELLIGENCE COMM EQUIPMENT	30,504	35,604
	Air Force requested realignment from AFNET		[5,100]
	ELECTRONICS PROGRAMS		
16	AIR TRAFFIC CONTROL & LANDING SYS	55,803	55,803
17	NATIONAL AIRSPACE SYSTEM	2,673	2,673
18	BATTLE CONTROL SYSTEM—FIXED	5,677	5,677
19	THEATER AIR CONTROL SYS IMPROVEMENTS	1,163	1,163
20	WEATHER OBSERVATION FORECAST	21,667	21,667
21	STRATEGIC COMMAND AND CONTROL	39,803	39,803
22	CHEYENNE MOUNTAIN COMPLEX	24,618	24,618
23	MISSION PLANNING SYSTEMS	15,868	15,868
25	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	9,331	9,331
	SPCL COMM-ELECTRONICS PROJECTS		
26	GENERAL INFORMATION TECHNOLOGY	41,779	41,779
27	AF GLOBAL COMMAND & CONTROL SYS	15,729	15,729
28	MOBILITY COMMAND AND CONTROL	9,814	9,814
29	AIR FORCE PHYSICAL SECURITY SYSTEM	99,460	99,460
30	COMBAT TRAINING RANGES	34,850	34,850
31	MINIMUM ESSENTIAL EMERGENCY COMM N	198,925	198,925
32	WIDE AREA SURVEILLANCE (WAS)	6,943	6,943
33	C3 COUNTERMEASURES	19,580	19,580
34	GCSS-AF FOS	1,743	1,743
36	THEATER BATTLE MGT C2 SYSTEM	9,659	9,659
37	AIR & SPACE OPERATIONS CTR-WPN SYS	15,474	15,474
38	AIR OPERATIONS CENTER (AOC) 10.2	30,623	30,623
	AIR FORCE COMMUNICATIONS		
39	INFORMATION TRANSPORT SYSTEMS	40,043	40,043
40	AFNET	146,897	141,797
	Air Force requested realignment		[–5,100]
41	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	5,182	5,182
42	USCENTCOM	13,418	13,418
	ORGANIZATION AND BASE		
52	TACTICAL C-E EQUIPMENT	109,836	109,836
53	RADIO EQUIPMENT	16,266	16,266
54	CCTV/AUDIOVISUAL EQUIPMENT	7,449	7,449
55	BASE COMM INFRASTRUCTURE	109,215	109,215
	MODIFICATIONS		
56	COMM ELECT MODS	65,700	65,700
	PERSONAL SAFETY & RESCUE EQUIP		
58	ITEMS LESS THAN $5 MILLION	54,416	54,416
	DEPOT PLANT+MTRLS HANDLING EQ		
59	MECHANIZED MATERIAL HANDLING EQUIP	7,344	7,344
	BASE SUPPORT EQUIPMENT		
60	BASE PROCURED EQUIPMENT	6,852	6,852
63	MOBILITY EQUIPMENT	8,146	8,146
64	ITEMS LESS THAN $5 MILLION	28,427	28,427
	SPECIAL SUPPORT PROJECTS		
66	DARP RC135	25,287	25,287
67	DCGS-AF	169,201	169,201
69	SPECIAL UPDATE PROGRAM	576,710	576,710
	CLASSIFIED PROGRAMS		
70	CLASSIFIED PROGRAMS	15,119,705	15,119,705
	SPARES AND REPAIR PARTS		
72	SPARES AND REPAIR PARTS	15,784	15,784
	TOTAL OTHER PROCUREMENT, AIR FORCE	**17,438,056**	**17,438,056**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, OSD		
37	MAJOR EQUIPMENT, OSD	29,211	6,111
	Mentor Protégé		[–23,100]
	MAJOR EQUIPMENT, NSA		
36	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	4,399	4,399
	MAJOR EQUIPMENT, WHS		
40	MAJOR EQUIPMENT, WHS	24,979	24,979
	MAJOR EQUIPMENT, DISA		
6	INFORMATION SYSTEMS SECURITY	21,347	21,347
7	TELEPORT PROGRAM	50,597	50,597
8	ITEMS LESS THAN $5 MILLION	10,420	10,420
9	NET CENTRIC ENTERPRISE SERVICES (NCES)	1,634	1,634
10	DEFENSE INFORMATION SYSTEM NETWORK	87,235	87,235
11	CYBER SECURITY INITIATIVE	4,528	4,528
12	WHITE HOUSE COMMUNICATION AGENCY	36,846	36,846
13	SENIOR LEADERSHIP ENTERPRISE	599,391	599,391
15	JOINT REGIONAL SECURITY STACKS (JRSS)	150,221	150,221
	MAJOR EQUIPMENT, DLA		
17	MAJOR EQUIPMENT	2,055	2,055
	MAJOR EQUIPMENT, DSS		
20	MAJOR EQUIPMENT	1,057	1,057

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	MAJOR EQUIPMENT, DCAA		
1	ITEMS LESS THAN $5 MILLION	2,964	2,964
	MAJOR EQUIPMENT, TJS		
38	MAJOR EQUIPMENT, TJS	7,988	7,988
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
23	THAAD	369,608	369,608
24	AEGIS BMD	463,801	463,801
25	BMDS AN/TPY–2 RADARS	5,503	5,503
28	AEGIS ASHORE PHASE III	57,493	57,493
29	IRON DOME	42,000	42,000
30	AEGIS BMD HARDWARE AND SOFTWARE	50,098	50,098
	MAJOR EQUIPMENT, DHRA		
3	PERSONNEL ADMINISTRATION	14,232	14,232
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
21	VEHICLES	200	200
22	OTHER MAJOR EQUIPMENT	6,437	6,437
	MAJOR EQUIPMENT, DODEA		
19	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	288	288
	MAJOR EQUIPMENT, DCMA		
2	MAJOR EQUIPMENT	92	92
	MAJOR EQUIPMENT, DMACT		
18	MAJOR EQUIPMENT	8,060	8,060
	CLASSIFIED PROGRAMS		
41	CLASSIFIED PROGRAMS	568,864	568,864
	AVIATION PROGRAMS		
42	ROTARY WING UPGRADES AND SUSTAINMENT	150,396	168,996
	OCONUS training loss replacement		[18,600]
43	UNMANNED ISR	21,190	21,190
45	NON-STANDARD AVIATION	4,905	4,905
46	U–28	3,970	3,970
47	MH–47 CHINOOK	25,022	25,022
49	CV–22 MODIFICATION	19,008	19,008
51	MQ–9 UNMANNED AERIAL VEHICLE	10,598	25,398
	MQ–9 capability enhancements		[14,800]
53	PRECISION STRIKE PACKAGE	213,122	200,022
	SOCOM requested transfer		[–13,100]
54	AC/MC–130J	73,548	86,648
	SOCOM requested transfer		[13,100]
55	C–130 MODIFICATIONS	32,970	32,970
	SHIPBUILDING		
56	UNDERWATER SYSTEMS	37,098	37,098
	AMMUNITION PROGRAMS		
57	ORDNANCE ITEMS <$5M	105,267	105,267
	OTHER PROCUREMENT PROGRAMS		
58	INTELLIGENCE SYSTEMS	79,963	79,963
59	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	13,432	13,432
60	OTHER ITEMS <$5M	66,436	66,436
61	COMBATANT CRAFT SYSTEMS	55,820	55,820
62	SPECIAL PROGRAMS	107,432	107,432
63	TACTICAL VEHICLES	67,849	67,849
64	WARRIOR SYSTEMS <$5M	245,781	245,781
65	COMBAT MISSION REQUIREMENTS	19,566	19,566
66	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,437	3,437
67	OPERATIONAL ENHANCEMENTS INTELLIGENCE	17,299	17,299
69	OPERATIONAL ENHANCEMENTS	219,945	219,945
	CBDP		
70	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	148,203	148,203
71	CB PROTECTION & HAZARD MITIGATION	161,113	161,113
	TOTAL PROCUREMENT, DEFENSE-WIDE	**4,524,918**	**4,535,218**
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
1	JOINT URGENT OPERATIONAL NEEDS FUND	99,300	99,300
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND	**99,300**	**99,300**
	TOTAL PROCUREMENT	**101,971,592**	**102,434,976**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) PROCUREMENT.—

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	ROTARY		
6	AH–64 APACHE BLOCK IIIA REMAN	78,040	78,040
	MODIFICATION OF AIRCRAFT		
15	MULTI SENSOR ABN RECON (MIP)	21,400	21,400
20	EMARSS SEMA MODS (MIP)	42,700	42,700
26	RQ–7 UAV MODS	1,775	1,775
27	UAS MODS	4,420	4,420
	GROUND SUPPORT AVIONICS		
30	CMWS	56,115	56,115
31	CIRCM	108,721	108,721
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**313,171**	**313,171**
	MISSILE PROCUREMENT, ARMY		
	AIR-TO-SURFACE MISSILE SYSTEM		
4	HELLFIRE SYS SUMMARY	455,830	455,830
	ANTI-TANK/ASSAULT MISSILE SYS		
7	JAVELIN (AAWS-M) SYSTEM SUMMARY	15,567	15,567
8	TOW 2 SYSTEM SUMMARY	80,652	80,652
10	GUIDED MLRS ROCKET (GMLRS)	75,991	75,991
12	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS	4,777	4,777
	TOTAL MISSILE PROCUREMENT, ARMY	**632,817**	**632,817**
	PROCUREMENT OF W&TCV, ARMY		
	MODIFICATION OF TRACKED COMBAT VEHICLES		
7	PALADIN INTEGRATED MANAGEMENT (PIM)	125,184	125,184
9	ASSAULT BRIDGE (MOD)	5,950	5,950
	WEAPONS & OTHER COMBAT VEHICLES		
17	MORTAR SYSTEMS	22,410	22,410
	TOTAL PROCUREMENT OF W&TCV, ARMY	**153,544**	**153,544**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
2	CTG, 7.62MM, ALL TYPES	9,642	9,642
4	CTG, .50 CAL, ALL TYPES	6,607	6,607
5	CTG, 20MM, ALL TYPES	1,077	1,077
6	CTG, 25MM, ALL TYPES	28,534	28,534
7	CTG, 30MM, ALL TYPES	20,000	20,000
8	CTG, 40MM, ALL TYPES	7,423	7,423
	MORTAR AMMUNITION		
9	60MM MORTAR, ALL TYPES	10,000	10,000
10	81MM MORTAR, ALL TYPES	2,677	2,677
	TANK AMMUNITION		
12	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	8,999	8,999
	ARTILLERY AMMUNITION		
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES	30,348	30,348
15	PROJ 155MM EXTENDED RANGE M982	140	140
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	29,655	29,655
	MINES		
17	MINES & CLEARING CHARGES, ALL TYPES	16,866	16,866
	NETWORKED MUNITIONS		
18	SPIDER NETWORK MUNITIONS, ALL TYPES	10,353	0
	Early to need		[–10,353]
	ROCKETS		
19	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	63,210	63,210
20	ROCKET, HYDRA 70, ALL TYPES	42,851	42,851
	OTHER AMMUNITION		
22	DEMOLITION MUNITIONS, ALL TYPES	6,373	6,373
23	GRENADES, ALL TYPES	4,143	4,143
24	SIGNALS, ALL TYPES	1,852	1,852
	MISCELLANEOUS		
27	NON-LETHAL AMMUNITION, ALL TYPES	773	773
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**301,523**	**291,170**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
2	SEMITRAILERS, FLATBED:	4,180	4,180
8	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	299,476	299,476
10	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	6,122	6,122
11	PLS ESP	106,358	106,358
12	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	203,766	203,766
13	TACTICAL WHEELED VEHICLE PROTECTION KITS	101,154	101,154
14	MODIFICATION OF IN SVC EQUIP	155,456	155,456
	COMM—JOINT COMMUNICATIONS		
19	WIN-T—GROUND FORCES TACTICAL NETWORK	9,572	9,572
	COMM—SATELLITE COMMUNICATIONS		
25	SHF TERM	24,000	24,000
	COMM—INTELLIGENCE COMM		
47	CI AUTOMATION ARCHITECTURE	1,550	1,550

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	INFORMATION SECURITY		
51	COMMUNICATIONS SECURITY (COMSEC)	1,928	1,928
	COMM—BASE COMMUNICATIONS		
56	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	20,510	20,510
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
62	DCGS-A (MIP)	33,032	33,032
64	TROJAN (MIP)	3,305	3,305
66	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	7,233	7,233
69	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	5,670	5,670
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
70	LIGHTWEIGHT COUNTER MORTAR RADAR	25,892	25,892
74	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE	11,610	11,610
75	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	23,890	23,890
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
80	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	4,270	4,270
89	MORTAR FIRE CONTROL SYSTEM	2,572	2,572
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
92	AIR & MSL DEFENSE PLANNING & CONTROL SYS	69,958	69,958
	ELECT EQUIP—AUTOMATION		
102	AUTOMATED DATA PROCESSING EQUIP	9,900	9,900
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
108	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	96	96
	CHEMICAL DEFENSIVE EQUIPMENT		
114	CBRN DEFENSE	1,841	1,841
	BRIDGING EQUIPMENT		
115	TACTICAL BRIDGING	26,000	26,000
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
124	ROBOTICS AND APPLIQUE SYSTEMS	268	268
128	FAMILY OF BOATS AND MOTORS	280	280
	COMBAT SERVICE SUPPORT EQUIPMENT		
129	HEATERS AND ECU'S	894	894
134	FORCE PROVIDER	53,800	53,800
135	FIELD FEEDING EQUIPMENT	2,665	2,665
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	2,400	2,400
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	9,789	9,789
138	ITEMS LESS THAN $5M (ENG SPT)	300	300
	PETROLEUM EQUIPMENT		
139	QUALITY SURVEILLANCE EQUIPMENT	4,800	4,800
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	78,240	78,240
	MEDICAL EQUIPMENT		
141	COMBAT SUPPORT MEDICAL	5,763	5,763
	MAINTENANCE EQUIPMENT		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	1,609	1,609
143	ITEMS LESS THAN $5.0M (MAINT EQ)	145	145
	CONSTRUCTION EQUIPMENT		
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	3,047	3,047
148	TRACTOR, FULL TRACKED	4,426	4,426
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	2,900	2,900
155	ITEMS LESS THAN $5.0M (CONST EQUIP)	96	96
	GENERATORS		
158	GENERATORS AND ASSOCIATED EQUIP	31,761	31,761
	MATERIAL HANDLING EQUIPMENT		
160	FAMILY OF FORKLIFTS	846	846
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
168	TEST EQUIPMENT MODERNIZATION (TEMOD)	1,140	1,140
	OTHER SUPPORT EQUIPMENT		
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,500	8,500
	TOTAL OTHER PROCUREMENT, ARMY	**1,373,010**	**1,373,010**
	JOINT IMPROVISED-THREAT DEFEAT FUND		
	NETWORK ATTACK		
1	RAPID ACQUISITION AND THREAT RESPONSE	345,472	345,472
	STAFF AND INFRASTRUCTURE		
2	MISSION ENABLERS	62,800	62,800
	TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND	**408,272**	**408,272**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
2	F/A–18E/F (FIGHTER) HORNET	184,912	184,912
	OTHER AIRCRAFT		
26	STUASL0 UAV	70,000	70,000
	MODIFICATION OF AIRCRAFT		
35	SH–60 SERIES	3,000	3,000
36	H–1 SERIES	3,740	3,740
37	EP–3 SERIES	7,505	7,505
47	SPECIAL PROJECT AIRCRAFT	14,869	14,869
51	COMMON ECM EQUIPMENT	98,240	98,240
59	V–22 (TILT/ROTOR ACFT) OSPREY	8,740	8,740
	AIRCRAFT SPARES AND REPAIR PARTS		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
63	SPARES AND REPAIR PARTS	1,500	1,500
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
65	AIRCRAFT INDUSTRIAL FACILITIES	524	524
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**393,030**	**393,030**
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
10	HELLFIRE	8,600	8,600
	TOTAL WEAPONS PROCUREMENT, NAVY	**8,600**	**8,600**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
1	GENERAL PURPOSE BOMBS	40,366	40,366
2	AIRBORNE ROCKETS, ALL TYPES	8,860	8,860
6	AIR EXPENDABLE COUNTERMEASURES	7,060	7,060
13	PYROTECHNIC AND DEMOLITION	1,122	1,122
14	AMMUNITION LESS THAN $5 MILLION	3,495	3,495
	MARINE CORPS AMMUNITION		
15	SMALL ARMS AMMUNITION	1,205	1,205
17	40 MM, ALL TYPES	539	539
18	60MM, ALL TYPES	909	909
20	120MM, ALL TYPES	530	530
22	ROCKETS, ALL TYPES	469	469
23	ARTILLERY, ALL TYPES	1,196	1,196
24	DEMOLITION MUNITIONS, ALL TYPES	261	261
25	FUZE, ALL TYPES	217	217
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**66,229**	**66,229**
	OTHER PROCUREMENT, NAVY		
	OTHER SHORE ELECTRONIC EQUIPMENT		
81	DCGS-N	12,000	12,000
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	99,329	99,329
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
124	FIRE FIGHTING EQUIPMENT	630	630
	SUPPLY SUPPORT EQUIPMENT		
133	FIRST DESTINATION TRANSPORTATION	25	25
	COMMAND SUPPORT EQUIPMENT		
137	COMMAND SUPPORT EQUIPMENT	10,562	10,562
	CLASSIFIED PROGRAMS		
138	CLASSIFIED PROGRAMS	1,660	1,660
	TOTAL OTHER PROCUREMENT, NAVY	**124,206**	**124,206**
	PROCUREMENT, MARINE CORPS		
	ARTILLERY AND OTHER WEAPONS		
6	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	572	572
	GUIDED MISSILES		
10	JAVELIN	1,606	1,606
	OTHER SUPPORT (TEL)		
18	MODIFICATION KITS	2,600	2,600
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
19	ITEMS UNDER $5 MILLION (COMM & ELEC)	2,200	2,200
	INTELL/COMM EQUIPMENT (NON-TEL)		
26	INTELLIGENCE SUPPORT EQUIPMENT	20,981	20,981
29	RQ–11 UAV	3,817	3,817
	OTHER SUPPORT (NON-TEL)		
35	COMMON COMPUTER RESOURCES	2,600	2,600
37	RADIO SYSTEMS	9,563	9,563
	ENGINEER AND OTHER EQUIPMENT		
53	EOD SYSTEMS	75,000	75,000
	TOTAL PROCUREMENT, MARINE CORPS	**118,939**	**118,939**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	OTHER AIRLIFT		
4	C–130J	73,000	73,000
	OTHER AIRCRAFT		
15	MQ–9	453,030	453,030
	STRATEGIC AIRCRAFT		
19	LARGE AIRCRAFT INFRARED COUNTERMEASURES	135,801	135,801
	TACTICAL AIRCRAFT		
20	A–10	23,850	23,850
	OTHER AIRCRAFT		
47	E–3	6,600	6,600
56	HC/MC–130 MODIFICATIONS	13,550	13,550
57	OTHER AIRCRAFT	7,500	7,500
59	MQ–9 MODS	112,068	112,068
	AIRCRAFT SPARES AND REPAIR PARTS		
61	INITIAL SPARES/REPAIR PARTS	25,600	25,600
	OTHER PRODUCTION CHARGES		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
77	OTHER PRODUCTION CHARGES	8,400	8,400
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**859,399**	**859,399**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
6	PREDATOR HELLFIRE MISSILE	145,125	145,125
7	SMALL DIAMETER BOMB	167,800	167,800
	CLASS IV		
11	AGM–65D MAVERICK	26,620	26,620
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**339,545**	**339,545**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
1	ROCKETS	60,000	60,000
	CARTRIDGES		
2	CARTRIDGES	9,830	9,830
	BOMBS		
4	GENERAL PURPOSE BOMBS	7,921	7,921
6	JOINT DIRECT ATTACK MUNITION	403,126	403,126
	FLARES		
12	FLARES	6,531	6,531
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**487,408**	**487,408**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
1	PASSENGER CARRYING VEHICLES	2,003	2,003
	CARGO AND UTILITY VEHICLES		
2	MEDIUM TACTICAL VEHICLE	9,066	9,066
4	ITEMS LESS THAN $5 MILLION	12,264	12,264
	SPECIAL PURPOSE VEHICLES		
6	ITEMS LESS THAN $5 MILLION	16,789	16,789
	FIRE FIGHTING EQUIPMENT		
7	FIRE FIGHTING/CRASH RESCUE VEHICLES	48,590	48,590
	MATERIALS HANDLING EQUIPMENT		
8	ITEMS LESS THAN $5 MILLION	2,366	2,366
	BASE MAINTENANCE SUPPORT		
9	RUNWAY SNOW REMOV & CLEANING EQUIP	6,468	6,468
10	ITEMS LESS THAN $5 MILLION	9,271	9,271
	ELECTRONICS PROGRAMS		
16	AIR TRAFFIC CONTROL & LANDING SYS	42,650	42,650
	SPCL COMM-ELECTRONICS PROJECTS		
29	AIR FORCE PHYSICAL SECURITY SYSTEM	7,500	7,500
33	C3 COUNTERMEASURES	620	620
	ORGANIZATION AND BASE		
52	TACTICAL C-E EQUIPMENT	8,100	8,100
	MODIFICATIONS		
56	COMM ELECT MODS	3,800	3,800
	BASE SUPPORT EQUIPMENT		
61	ENGINEERING AND EOD EQUIPMENT	53,900	53,900
	SPECIAL SUPPORT PROJECTS		
67	DCGS-AF	800	800
	CLASSIFIED PROGRAMS		
68	CLASSIFIED PROGRAMS	3,472,094	3,472,094
	TOTAL OTHER PROCUREMENT, AIR FORCE	**3,696,281**	**3,696,281**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
7	TELEPORT PROGRAM	3,900	3,900
16	DEFENSE INFORMATION SYSTEMS NETWORK	2,000	2,000
	CLASSIFIED PROGRAMS		
17	CLASSIFIED PROGRAMS	32,482	32,482
	AVIATION PROGRAMS		
41	MC–12	5,000	5,000
43	UNMANNED ISR	11,880	11,880
46	U–28	38,283	38,283
	AMMUNITION PROGRAMS		
57	ORDNANCE ITEMS <$5M	52,504	52,504
	OTHER PROCUREMENT PROGRAMS		
58	INTELLIGENCE SYSTEMS	22,000	22,000
60	OTHER ITEMS <$5M	11,580	11,580
62	SPECIAL PROGRAMS	13,549	13,549
63	TACTICAL VEHICLES	3,200	3,200
69	OPERATIONAL ENHANCEMENTS	42,056	42,056
	TOTAL PROCUREMENT, DEFENSE-WIDE	**238,434**	**238,434**
	TOTAL PROCUREMENT	**9,514,408**	**9,504,055**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
1	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	12,381	12,381
2	0601102A	DEFENSE RESEARCH SCIENCES	253,116	253,116
3	0601103A	UNIVERSITY RESEARCH INITIATIVES	69,166	69,166
4	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	94,280	94,280
		SUBTOTAL BASIC RESEARCH	**428,943**	**428,943**
		APPLIED RESEARCH		
5	0602105A	MATERIALS TECHNOLOGY	31,533	37,033
		Ground vehicle coating system		[5,500]
6	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	36,109	38,109
		Program increase		[2,000]
7	0602122A	TRACTOR HIP	6,995	6,995
8	0602211A	AVIATION TECHNOLOGY	65,914	65,914
9	0602270A	ELECTRONIC WARFARE TECHNOLOGY	25,466	25,466
10	0602303A	MISSILE TECHNOLOGY	44,313	44,313
11	0602307A	ADVANCED WEAPONS TECHNOLOGY	28,803	28,803
12	0602308A	ADVANCED CONCEPTS AND SIMULATION	27,688	27,688
13	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	67,959	67,959
14	0602618A	BALLISTICS TECHNOLOGY	85,436	85,436
15	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	3,923	3,923
16	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	5,545	5,545
17	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	53,581	53,581
18	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	56,322	56,322
19	0602709A	NIGHT VISION TECHNOLOGY	36,079	36,079
20	0602712A	COUNTERMINE SYSTEMS	26,497	26,497
21	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	23,671	23,671
22	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	22,151	22,151
23	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	37,803	37,803
24	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	13,811	13,811
25	0602784A	MILITARY ENGINEERING TECHNOLOGY	67,416	67,416
26	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	26,045	21,045
		Decrease for social science research		[–5,000]
27	0602786A	WARFIGHTER TECHNOLOGY	37,403	37,403
28	0602787A	MEDICAL TECHNOLOGY	77,111	77,111
		SUBTOTAL APPLIED RESEARCH	**907,574**	**910,074**
		ADVANCED TECHNOLOGY DEVELOPMENT		
29	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	38,831	38,831
30	0603002A	MEDICAL ADVANCED TECHNOLOGY	68,365	68,365
31	0603003A	AVIATION ADVANCED TECHNOLOGY	94,280	94,280
32	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	68,714	68,714
33	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	122,132	172,132
		Emerging requirement		[50,000]
34	0603006A	SPACE APPLICATION ADVANCED TECHNOLOGY	3,904	3,904
35	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	14,417	14,417
37	0603009A	TRACTOR HIKE	8,074	8,074
38	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	18,969	18,969
39	0603020A	TRACTOR ROSE	11,910	11,910
40	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT	27,686	27,686
41	0603130A	TRACTOR NAIL	2,340	2,340
42	0603131A	TRACTOR EGGS	2,470	2,470
43	0603270A	ELECTRONIC WARFARE TECHNOLOGY	27,893	22,893
		General decrease		[–5,000]
44	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	52,190	52,190
45	0603322A	TRACTOR CAGE	11,107	11,107
46	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	177,190	177,190
47	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	17,451	17,451
48	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	5,839	5,839
49	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	44,468	44,468
50	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	11,137	11,137
51	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	20,684	20,684
52	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	44,239	39,239
		General program decrease		[–5,000]
53	0603794A	C3 ADVANCED TECHNOLOGY	35,775	35,775
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**930,065**	**970,065**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
54	0603305A	ARMY MISSLE DEFENSE SYSTEMS INTEGRATION	9,433	9,433
55	0603308A	ARMY SPACE SYSTEMS INTEGRATION	23,056	23,056
56	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	72,117	72,117

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
57	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	28,244	28,244
58	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	40,096	40,096
59	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,506	10,506
60	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	15,730	15,730
61	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	10,321	10,321
62	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	7,785	7,785
63	0603790A	NATO RESEARCH AND DEVELOPMENT	2,300	2,300
64	0603801A	AVIATION—ADV DEV	10,014	10,014
65	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	20,834	20,834
66	0603807A	MEDICAL SYSTEMS—ADV DEV	33,503	33,503
67	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	31,120	40,520
		Accelerate small arms improvement		[9,400]
68	0604100A	ANALYSIS OF ALTERNATIVES	6,608	6,608
69	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR	35,132	35,132
70	0604115A	TECHNOLOGY MATURATION INITIATIVES	70,047	70,047
71	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT)	83,279	83,279
73	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	40,510	40,510
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**550,635**	**560,035**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
74	0604201A	AIRCRAFT AVIONICS	83,248	83,248
75	0604270A	ELECTRONIC WARFARE DEVELOPMENT	34,642	34,642
77	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	12,172	12,172
78	0604321A	ALL SOURCE ANALYSIS SYSTEM	3,958	3,958
79	0604328A	TRACTOR CAGE	12,525	12,525
80	0604601A	INFANTRY SUPPORT WEAPONS	66,943	66,943
82	0604611A	JAVELIN	20,011	20,011
83	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	11,429	11,429
84	0604633A	AIR TRAFFIC CONTROL	3,421	3,421
85	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	39,282	39,282
86	0604642A	LIGHT TACTICAL WHEELED VEHICLES	494	494
87	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV	9,678	9,678
88	0604710A	NIGHT VISION SYSTEMS—ENG DEV	84,519	84,519
89	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,054	2,054
90	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	30,774	30,774
91	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	53,332	53,332
92	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	17,887	17,887
93	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,813	8,813
94	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV	10,487	10,487
95	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	15,068	15,068
96	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	89,716	89,716
97	0604802A	WEAPONS AND MUNITIONS—ENG DEV	80,365	80,365
98	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	75,098	75,098
99	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV	4,245	4,245
100	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV	41,124	41,124
101	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	39,630	39,630
102	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	205,590	205,590
103	0604820A	RADAR DEVELOPMENT	15,983	15,983
104	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	6,805	6,805
105	0604823A	FIREFINDER	9,235	9,235
106	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	12,393	12,393
107	0604854A	ARTILLERY SYSTEMS—EMD	1,756	1,756
108	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	74,236	74,236
109	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	155,584	135,584
		Unjustified growth		[–20,000]
110	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	184,221	184,221
111	0605029A	INTEGRATED GROUND SECURITY SURVEILLANCE RESPONSE CAPABILITY (IGSSR-C).	4,980	4,980
112	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	15,041	15,041
113	0605031A	JOINT TACTICAL NETWORK (JTN)	16,014	16,014
114	0605032A	TRACTOR TIRE	27,254	27,254
115	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDITIONARY (GBOSS-E).	5,032	5,032
116	0605034A	TACTICAL SECURITY SYSTEM (TSS)	2,904	2,904
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	96,977	96,977
118	0605036A	COMBATING WEAPONS OF MASS DESTRUCTION (CWMD)	2,089	2,089
119	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	33,836	33,836
120	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	18,824	18,824
121	0605047A	CONTRACT WRITING SYSTEM	20,663	0
		Unjustified request		[–20,663]
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	41,133	54,133
		ASE unfunded requirement		[13,000]
123	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1	83,995	83,995
125	0605380A	AMF JOINT TACTICAL RADIO SYSTEM (JTRS)	5,028	5,028
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	42,972	42,972
128	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	252,811	252,811
131	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	4,955	4,955
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	11,530	11,530

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
133	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	2,142	2,142
134	0210609A	PALADIN INTEGRATED MANAGEMENT (PIM)	41,498	41,498
135	0303032A	TROJAN—RH12	4,273	4,273
136	0304270A	ELECTRONIC WARFARE DEVELOPMENT	14,425	14,425
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**2,265,094**	**2,237,431**
		RDT&E MANAGEMENT SUPPORT		
137	0604256A	THREAT SIMULATOR DEVELOPMENT	25,675	25,675
138	0604258A	TARGET SYSTEMS DEVELOPMENT	19,122	19,122
139	0604759A	MAJOR T&E INVESTMENT	84,777	84,777
140	0605103A	RAND ARROYO CENTER	20,658	20,658
141	0605301A	ARMY KWAJALEIN ATOLL	236,648	236,648
142	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	25,596	25,596
144	0605601A	ARMY TEST RANGES AND FACILITIES	293,748	293,748
145	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	52,404	52,404
146	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	38,571	38,571
147	0605606A	AIRCRAFT CERTIFICATION	4,665	4,665
148	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,925	6,925
149	0605706A	MATERIEL SYSTEMS ANALYSIS	21,677	21,677
150	0605709A	EXPLOITATION OF FOREIGN ITEMS	12,415	12,415
151	0605712A	SUPPORT OF OPERATIONAL TESTING	49,684	49,684
152	0605716A	ARMY EVALUATION CENTER	55,905	55,905
153	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	7,959	7,959
154	0605801A	PROGRAMWIDE ACTIVITIES	51,822	51,822
155	0605803A	TECHNICAL INFORMATION ACTIVITIES	33,323	35,823
		Program increase Geospatial		[2,500]
156	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	40,545	40,545
157	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	2,130	2,130
158	0605898A	MANAGEMENT HQ—R&D	49,885	49,885
159	0303260A	DEFENSE MILITARY DECEPTION INITIATIVE	2,000	2,000
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**1,136,134**	**1,138,634**
		OPERATIONAL SYSTEMS DEVELOPMENT		
161	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	9,663	9,663
162	0603813A	TRACTOR PULL	3,960	3,960
163	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	3,638	3,638
164	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS	14,517	14,517
165	0607133A	TRACTOR SMOKE	4,479	4,479
166	0607134A	LONG RANGE PRECISION FIRES (LRPF)	39,275	39,275
167	0607135A	APACHE PRODUCT IMPROVEMENT PROGRAM	66,441	66,441
168	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	46,765	46,765
169	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	91,848	91,848
170	0607138A	FIXED WING PRODUCT IMPROVEMENT PROGRAM	796	796
171	0607139A	IMPROVED TURBINE ENGINE PROGRAM	126,105	126,105
172	0607140A	EMERGING TECHNOLOGIES FROM NIE	2,369	2,369
173	0607141A	LOGISTICS AUTOMATION	4,563	4,563
174	0607665A	FAMILY OF BIOMETRICS	12,098	12,098
175	0607865A	PATRIOT PRODUCT IMPROVEMENT	49,482	49,482
176	0202429A	AEROSTAT JOINT PROJECT—COCOM EXERCISE	45,482	4,482
		Change in program requirement		[–41,000]
178	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCS)	30,455	30,455
179	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	316,857	328,857
		APS unfunded requirement		[12,000]
180	0203740A	MANEUVER CONTROL SYSTEM	4,031	4,031
181	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	35,793	35,793
182	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	259	259
183	0203758A	DIGITIZATION	6,483	6,483
184	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	5,122	5,122
185	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	7,491	7,491
186	0203808A	TRACTOR CARD	20,333	20,333
188	0205410A	MATERIALS HANDLING EQUIPMENT	124	124
190	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM	69,417	69,417
191	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS)	22,044	22,044
192	0208053A	JOINT TACTICAL GROUND SYSTEM	12,649	12,649
194	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	11,619	11,619
195	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	38,280	38,280
196	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	27,223	2,023
		GCSS unjustified request		[–25,200]
197	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	18,815	18,815
198	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	4,718	4,718
202	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	8,218	8,218
203	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	11,799	11,799
204	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	32,284	284
		Change in tactical requirements		[–32,000]
205	0305219A	MQ–1C GRAY EAGLE UAS	13,470	13,470
206	0305232A	RQ–11 UAV	1,613	1,613
207	0305233A	RQ–7 UAV	4,597	4,597
209	0310349A	WIN-T INCREMENT 2—INITIAL NETWORKING	4,867	4,867
210	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	62,287	62,287

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
220	9999999999	CLASSIFIED PROGRAMS	4,625	4,625
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**1,296,954**	**1,210,754**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**7,515,399**	**7,455,936**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
1	0601103N	UNIVERSITY RESEARCH INITIATIVES	101,714	101,714
2	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,508	18,508
3	0601153N	DEFENSE RESEARCH SCIENCES	422,748	422,748
		SUBTOTAL BASIC RESEARCH	**542,970**	**542,970**
		APPLIED RESEARCH		
4	0602114N	POWER PROJECTION APPLIED RESEARCH	41,371	41,371
5	0602123N	FORCE PROTECTION APPLIED RESEARCH	158,745	158,745
6	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	51,590	51,590
7	0602235N	COMMON PICTURE APPLIED RESEARCH	41,185	41,185
8	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	45,467	45,467
9	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	118,941	118,941
10	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	42,618	42,618
11	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,327	6,327
12	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	126,313	136,313
		Program increase		[10,000]
13	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	165,103	165,103
14	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	33,916	33,916
15	0602898N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR HEADQUARTERS	29,575	29,575
		SUBTOTAL APPLIED RESEARCH	**861,151**	**871,151**
		ADVANCED TECHNOLOGY DEVELOPMENT		
16	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	96,406	81,406
		General decrease		[–15,000]
17	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	48,438	48,438
18	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	26,421	26,421
19	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	140,416	140,416
20	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	13,117	13,117
21	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT	249,092	239,092
		Capable manpower, and power and energy		[–10,000]
22	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	56,712	56,712
23	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	4,789	4,789
24	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	25,880	25,880
25	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	60,550	60,550
26	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	15,167	15,167
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**736,988**	**711,988**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
27	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	48,536	48,536
28	0603216N	AVIATION SURVIVABILITY	5,239	5,239
30	0603251N	AIRCRAFT SYSTEMS	1,519	1,519
31	0603254N	ASW SYSTEMS DEVELOPMENT	7,041	7,041
32	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,274	3,274
33	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	57,034	57,034
34	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	165,775	164,275
		Excess prior year funds		[–1,500]
35	0603506N	SURFACE SHIP TORPEDO DEFENSE	87,066	87,066
36	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,605	7,605
37	0603525N	PILOT FISH	132,068	132,068
38	0603527N	RETRACT LARCH	14,546	14,546
39	0603536N	RETRACT JUNIPER	115,435	115,435
40	0603542N	RADIOLOGICAL CONTROL	702	702
41	0603553N	SURFACE ASW	1,081	1,081
42	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	100,565	100,565
43	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	8,782	8,782
44	0603563N	SHIP CONCEPT ADVANCED DESIGN	14,590	14,590
45	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	15,805	15,805
46	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	453,313	453,313
47	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	36,655	36,655
48	0603576N	CHALK EAGLE	367,016	367,016
49	0603581N	LITTORAL COMBAT SHIP (LCS)	51,630	51,630
50	0603582N	COMBAT SYSTEM INTEGRATION	23,530	23,530
51	0603595N	OHIO REPLACEMENT	700,811	700,811
52	0603596N	LCS MISSION MODULES	160,058	129,158
		Available prior year funding		[–30,900]
54	0603599N	FRIGATE DEVELOPMENT	84,900	84,900
55	0603609N	CONVENTIONAL MUNITIONS	8,342	8,342
56	0603611M	MARINE CORPS ASSAULT VEHICLES	158,682	158,682
57	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	1,303	1,303
58	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	46,911	46,911
60	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	4,556	4,556
61	0603721N	ENVIRONMENTAL PROTECTION	20,343	20,343

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
62	0603724N	NAVY ENERGY PROGRAM	52,479	52,479
63	0603725N	FACILITIES IMPROVEMENT	5,458	5,458
64	0603734N	CHALK CORAL	245,860	245,860
65	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,089	3,089
66	0603746N	RETRACT MAPLE	323,526	323,526
67	0603748N	LINK PLUMERIA	318,497	318,497
68	0603751N	RETRACT ELM	52,834	52,834
69	0603764N	LINK EVERGREEN	48,116	48,116
70	0603787N	SPECIAL PROCESSES	13,619	13,619
71	0603790N	NATO RESEARCH AND DEVELOPMENT	9,867	9,867
72	0603795N	LAND ATTACK TECHNOLOGY	6,015	6,015
73	0603851M	JOINT NON-LETHAL WEAPONS TESTING	27,904	27,904
74	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL	104,144	104,144
75	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	32,700	32,700
76	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80)	70,528	70,528
77	0604122N	REMOTE MINEHUNTING SYSTEM (RMS)	3,001	3,001
78	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	34,920	34,920
80	0604292N	MH-XX	1,620	1,620
81	0604454N	LX (R)	6,354	25,354
		Needed to maintain schedule		[19,000]
82	0604536N	ADVANCED UNDERSEA PROTOTYPING	78,589	44,189
		Ahead of need		[–34,400]
84	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	9,910	9,910
85	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	23,971	23,971
86	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT	252,409	252,409
87	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	23,197	23,197
88	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,110	9,110
89	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	437	437
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**4,662,867**	**4,615,067**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
90	0603208N	TRAINING SYSTEM AIRCRAFT	19,938	19,938
91	0604212N	OTHER HELO DEVELOPMENT	6,268	6,268
92	0604214N	AV–8B AIRCRAFT—ENG DEV	33,664	33,664
93	0604215N	STANDARDS DEVELOPMENT	1,300	1,300
94	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	5,275	5,275
95	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	3,875	3,875
96	0604221N	P–3 MODERNIZATION PROGRAM	1,909	1,909
97	0604230N	WARFARE SUPPORT SYSTEM	13,237	13,237
98	0604231N	TACTICAL COMMAND SYSTEM	36,323	36,323
99	0604234N	ADVANCED HAWKEYE	363,792	363,792
100	0604245N	H–1 UPGRADES	27,441	27,441
101	0604261N	ACOUSTIC SEARCH SENSORS	34,525	34,525
102	0604262N	V–22A	174,423	174,423
103	0604264N	AIR CREW SYSTEMS DEVELOPMENT	13,577	13,577
104	0604269N	EA–18	116,761	116,761
105	0604270N	ELECTRONIC WARFARE DEVELOPMENT	48,766	48,766
106	0604273N	EXECUTIVE HELO DEVELOPMENT	338,357	338,357
107	0604274N	NEXT GENERATION JAMMER (NGJ)	577,822	577,822
108	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	2,365	2,365
109	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	52,065	52,065
110	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	282,764	282,764
111	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	580	580
112	0604329N	SMALL DIAMETER BOMB (SDB)	97,622	97,622
113	0604366N	STANDARD MISSILE IMPROVEMENTS	120,561	120,561
114	0604373N	AIRBORNE MCM	45,622	45,622
116	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	25,750	25,750
118	0604501N	ADVANCED ABOVE WATER SENSORS	85,868	85,868
119	0604503N	SSN–688 AND TRIDENT MODERNIZATION	117,476	117,476
120	0604504N	AIR CONTROL	47,404	47,404
121	0604512N	SHIPBOARD AVIATION SYSTEMS	112,158	112,158
122	0604518N	COMBAT INFORMATION CENTER CONVERSION	6,283	6,283
123	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM	144,395	144,395
124	0604558N	NEW DESIGN SSN	113,013	113,013
125	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	43,160	43,160
126	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	65,002	65,002
127	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,098	3,098
128	0604580N	VIRGINIA PAYLOAD MODULE (VPM)	97,920	97,920
129	0604601N	MINE DEVELOPMENT	10,490	10,490
130	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	20,178	20,178
131	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	7,369	7,369
132	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	4,995	4,995
133	0604727N	JOINT STANDOFF WEAPON SYSTEMS	412	412
134	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	134,619	134,619
135	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	114,475	114,475
136	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	114,211	114,211
137	0604761N	INTELLIGENCE ENGINEERING	11,029	11,029

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
138	0604771N	MEDICAL DEVELOPMENT	9,220	9,220
139	0604777N	NAVIGATION/ID SYSTEM	42,723	42,723
140	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	531,426	531,426
141	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	528,716	528,716
142	0604810M	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—MARINE CORPS	74,227	74,227
143	0604810N	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—NAVY	63,387	63,387
144	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	4,856	4,856
145	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	97,066	97,066
146	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	2,500	2,500
147	0605212N	CH–53K RDTE	404,810	404,810
148	0605215N	MISSION PLANNING	33,570	33,570
149	0605217N	COMMON AVIONICS	51,599	51,599
150	0605220N	SHIP TO SHORE CONNECTOR (SSC)	11,088	11,088
151	0605327N	T-AO (X)	1,095	1,095
152	0605414N	CARRIER BASED AERIAL REFUELING SYSTEM (CBARS)	89,000	89,000
153	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	17,880	17,880
154	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	59,126	59,126
155	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	182,220	182,220
156	0204202N	DDG–1000	45,642	45,642
159	0304231N	TACTICAL COMMAND SYSTEM—MIP	676	676
160	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	36,747	36,747
161	0305124N	SPECIAL APPLICATIONS PROGRAM	35,002	35,002
162	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	4,942	6,726
		Full spectrum cyber operations unfunded requirement		[1,784]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**6,025,655**	**6,027,439**
		MANAGEMENT SUPPORT		
163	0604256N	THREAT SIMULATOR DEVELOPMENT	16,633	16,633
164	0604258N	TARGET SYSTEMS DEVELOPMENT	36,662	36,662
165	0604759N	MAJOR T&E INVESTMENT	42,109	42,109
166	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	2,998	2,998
167	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,931	3,931
168	0605154N	CENTER FOR NAVAL ANALYSES	46,634	46,634
169	0605285N	NEXT GENERATION FIGHTER	1,200	1,200
171	0605804N	TECHNICAL INFORMATION SERVICES	903	903
172	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	87,077	76,277
		Unjustified growth		[–10,800]
173	0605856N	STRATEGIC TECHNICAL SUPPORT	3,597	3,597
174	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	62,811	62,811
175	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	106,093	106,093
176	0605864N	TEST AND EVALUATION SUPPORT	349,146	349,146
177	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	18,160	18,160
178	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	9,658	9,658
179	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	6,500	6,500
180	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	22,247	22,247
181	0605898N	MANAGEMENT HQ—R&D	16,254	16,254
182	0606355N	WARFARE INNOVATION MANAGEMENT	21,123	21,123
		SUBTOTAL MANAGEMENT SUPPORT	**853,736**	**842,936**
		OPERATIONAL SYSTEMS DEVELOPMENT		
188	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	84,501	84,501
189	0607700N	DEPLOYABLE JOINT COMMAND AND CONTROL	2,970	2,970
190	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	136,556	136,556
191	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	33,845	33,845
192	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	9,329	9,329
193	0101402N	NAVY STRATEGIC COMMUNICATIONS	17,218	17,218
195	0204136N	F/A–18 SQUADRONS	189,125	189,125
196	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	48,225	48,225
197	0204228N	SURFACE SUPPORT	21,156	21,156
198	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	71,355	71,355
199	0204311N	INTEGRATED SURVEILLANCE SYSTEM	58,542	58,542
200	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	13,929	13,929
201	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	83,538	83,538
202	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	38,593	38,593
203	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,122	1,122
204	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	99,998	99,998
205	0205601N	HARM IMPROVEMENT	48,635	48,635
206	0205604N	TACTICAL DATA LINKS	124,785	124,785
207	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	24,583	24,583
208	0205632N	MK–48 ADCAP	39,134	39,134
209	0205633N	AVIATION IMPROVEMENTS	120,861	120,861
210	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	101,786	101,786
211	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	82,159	82,159
212	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S)	11,850	11,850
213	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	47,877	47,877
214	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	13,194	13,194
215	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	17,171	17,171
216	0206629M	AMPHIBIOUS ASSAULT VEHICLE	38,020	38,020
217	0207161N	TACTICAL AIM MISSILES	56,285	56,285

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
218	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	40,350	40,350
219	0219902M	GLOBAL COMBAT SUPPORT SYSTEM—MARINE CORPS (GCSS-MC)	9,128	9,128
223	0303109N	SATELLITE COMMUNICATIONS (SPACE)	37,372	37,372
224	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	23,541	23,541
225	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	38,510	38,510
228	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	6,019	6,019
229	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,436	8,436
230	0305205N	UAS INTEGRATION AND INTEROPERABILITY	36,509	36,509
231	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	2,100	2,100
232	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	44,571	44,571
233	0305220N	MQ–4C TRITON	111,729	111,729
234	0305231N	MQ–8 UAV	26,518	26,518
235	0305232M	RQ–11 UAV	418	418
236	0305233N	RQ–7 UAV	716	716
237	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	5,071	5,071
238	0305239M	RQ–21A	9,497	9,497
239	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	77,965	77,965
240	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	11,181	11,181
241	0305421N	RQ–4 MODERNIZATION	181,266	181,266
242	0308601N	MODELING AND SIMULATION SUPPORT	4,709	4,709
243	0702207N	DEPOT MAINTENANCE (NON-IF)	49,322	49,322
245	0708730N	MARITIME TECHNOLOGY (MARITECH)	3,204	3,204
250	9999999999	CLASSIFIED PROGRAMS	1,228,460	1,228,460
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**3,592,934**	**3,592,934**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**17,276,301**	**17,204,485**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
1	0601102F	DEFENSE RESEARCH SCIENCES	340,812	340,812
2	0601103F	UNIVERSITY RESEARCH INITIATIVES	145,044	145,044
3	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	14,168	14,168
		SUBTOTAL BASIC RESEARCH	**500,024**	**500,024**
		APPLIED RESEARCH		
4	0602102F	MATERIALS	126,152	126,152
5	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	122,831	122,831
6	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	111,647	111,647
7	0602203F	AEROSPACE PROPULSION	185,671	190,671
		Program increase		[5,000]
8	0602204F	AEROSPACE SENSORS	155,174	155,174
9	0602601F	SPACE TECHNOLOGY	117,915	117,915
10	0602602F	CONVENTIONAL MUNITIONS	109,649	109,649
11	0602605F	DIRECTED ENERGY TECHNOLOGY	127,163	127,163
12	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	161,650	161,650
13	0602890F	HIGH ENERGY LASER RESEARCH	42,300	47,300
		Joint technology office		[5,000]
		SUBTOTAL APPLIED RESEARCH	**1,260,152**	**1,270,152**
		ADVANCED TECHNOLOGY DEVELOPMENT		
14	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	35,137	35,137
15	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	20,636	20,636
16	0603203F	ADVANCED AEROSPACE SENSORS	40,945	40,945
17	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	130,950	130,950
18	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	94,594	99,594
		Development of application-specific power circuit		[5,000]
19	0603270F	ELECTRONIC COMBAT TECHNOLOGY	58,250	53,250
		General decrease		[–5,000]
20	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	61,593	61,593
21	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	11,681	11,681
22	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	26,492	26,492
23	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	102,009	102,009
24	0603605F	ADVANCED WEAPONS TECHNOLOGY	39,064	39,064
25	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	46,344	46,344
26	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION	58,110	48,110
		Unjustified increase		[–10,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**725,805**	**715,805**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
27	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,598	5,598
28	0603438F	SPACE CONTROL TECHNOLOGY	7,534	7,534
29	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	24,418	24,418
30	0603790F	NATO RESEARCH AND DEVELOPMENT	4,333	4,333
32	0603830F	SPACE SECURITY AND DEFENSE PROGRAM	32,399	32,399
33	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	108,663	108,663
35	0604015F	LONG RANGE STRIKE—BOMBER	1,358,309	1,056,009
		Excess to contract award		[–302,300]
36	0604257F	ADVANCED TECHNOLOGY AND SENSORS	34,818	34,818
37	0604317F	TECHNOLOGY TRANSFER	3,368	3,368

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
38	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM	74,308	74,308
39	0604422F	WEATHER SYSTEM FOLLOW-ON	118,953	118,953
40	0604425F	SPACE SITUATION AWARENESS SYSTEMS	9,901	9,901
41	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	25,890	25,890
42	0604857F	OPERATIONALLY RESPONSIVE SPACE	7,921	17,921
		Program increase		[10,000]
43	0604858F	TECH TRANSITION PROGRAM	347,304	347,304
44	0605230F	GROUND BASED STRATEGIC DETERRENT	113,919	113,919
46	0207110F	NEXT GENERATION AIR DOMINANCE	20,595	20,595
47	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)	49,491	49,491
48	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	278,147	278,147
49	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	42,338	42,338
50	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	158,002	158,002
51	0306415F	ENABLED CYBER ACTIVITIES	15,842	15,842
52	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM	5,782	5,782
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**2,847,833**	**2,555,533**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
54	0604270F	ELECTRONIC WARFARE DEVELOPMENT	12,476	12,476
55	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	82,380	82,380
56	0604287F	PHYSICAL SECURITY EQUIPMENT	8,458	8,458
57	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	54,838	54,838
58	0604421F	COUNTERSPACE SYSTEMS	34,394	34,394
59	0604425F	SPACE SITUATION AWARENESS SYSTEMS	23,945	23,945
60	0604426F	SPACE FENCE	168,364	168,364
61	0604429F	AIRBORNE ELECTRONIC ATTACK	9,187	9,187
62	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	181,966	181,966
63	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	20,312	20,312
64	0604604F	SUBMUNITIONS	2,503	2,503
65	0604617F	AGILE COMBAT SUPPORT	53,680	53,680
66	0604618F	JOINT DIRECT ATTACK MUNITION	9,901	9,901
67	0604706F	LIFE SUPPORT SYSTEMS	7,520	7,520
68	0604735F	COMBAT TRAINING RANGES	77,409	77,409
69	0604800F	F–35—EMD	450,467	450,467
70	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD	296,572	296,572
71	0604932F	LONG RANGE STANDOFF WEAPON	95,604	95,604
72	0604933F	ICBM FUZE MODERNIZATION	189,751	189,751
73	0605030F	JOINT TACTICAL NETWORK CENTER (JTNC)	1,131	1,131
74	0605213F	F–22 MODERNIZATION INCREMENT 3.2B	70,290	70,290
75	0605214F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	937	937
76	0605221F	KC–46	261,724	121,724
		Ahead of need		[–140,000]
77	0605223F	ADVANCED PILOT TRAINING	12,377	4,477
		Early to need		[–7,900]
78	0605229F	CSAR HH–60 RECAPITALIZATION	319,331	319,331
80	0605431F	ADVANCED EHF MILSATCOM (SPACE)	259,131	229,131
		Delayed analysis of alternatives		[–30,000]
81	0605432F	POLAR MILSATCOM (SPACE)	50,815	50,815
82	0605433F	WIDEBAND GLOBAL SATCOM (SPACE)	41,632	41,632
83	0605458F	AIR & SPACE OPS CENTER 10.2 RDT&E	28,911	28,911
84	0605931F	B–2 DEFENSIVE MANAGEMENT SYSTEM	315,615	288,915
		Unobligated prior year funds		[–26,700]
85	0101125F	NUCLEAR WEAPONS MODERNIZATION	137,909	137,909
86	0207171F	F–15 EPAWSS	256,669	256,669
87	0207701F	FULL COMBAT MISSION TRAINING	12,051	12,051
88	0305176F	COMBAT SURVIVOR EVADER LOCATOR	29,253	29,253
89	0307581F	JSTARS RECAP	128,019	128,019
90	0401319F	PRESIDENTIAL AIRCRAFT REPLACEMENT (PAR)	351,220	351,220
91	0701212F	AUTOMATED TEST SYSTEMS	19,062	19,062
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**4,075,804**	**3,871,204**
		MANAGEMENT SUPPORT		
92	0604256F	THREAT SIMULATOR DEVELOPMENT	21,630	21,630
93	0604759F	MAJOR T&E INVESTMENT	66,385	66,385
94	0605101F	RAND PROJECT AIR FORCE	34,641	34,641
96	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	11,529	11,529
97	0605807F	TEST AND EVALUATION SUPPORT	661,417	661,417
98	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	11,198	11,198
99	0605864F	SPACE TEST PROGRAM (STP)	27,070	27,070
100	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	134,111	134,111
101	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	28,091	28,091
102	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	29,100	29,100
103	0606116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT	18,528	18,528
104	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE	176,666	176,666
105	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	4,410	4,410
106	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	14,613	14,613
107	0804731F	GENERAL SKILL TRAINING	1,404	1,404
109	1001004F	INTERNATIONAL ACTIVITIES	4,784	4,784

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
		SUBTOTAL MANAGEMENT SUPPORT	**1,245,577**	**1,245,577**
		OPERATIONAL SYSTEMS DEVELOPMENT		
110	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	393,268	393,268
111	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	15,427	15,427
112	0604445F	WIDE AREA SURVEILLANCE	46,695	46,695
115	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	10,368	10,368
116	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	31,952	31,952
117	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	42,960	42,960
118	0605278F	HC/MC–130 RECAP RDT&E	13,987	13,987
119	0101113F	B–52 SQUADRONS	78,267	78,267
120	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	453	453
121	0101126F	B–1B SQUADRONS	5,830	5,830
122	0101127F	B–2 SQUADRONS	152,458	152,458
123	0101213F	MINUTEMAN SQUADRONS	182,958	182,958
124	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	39,148	39,148
126	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS	6,042	6,042
128	0102110F	UH–1N REPLACEMENT PROGRAM	14,116	14,116
129	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	10,868	10,868
130	0105921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES	8,674	8,674
131	0205219F	MQ–9 UAV	151,373	186,473
		Automatic Takeoff and Landing Control System		[35,100]
133	0207131F	A–10 SQUADRONS	14,853	14,853
134	0207133F	F–16 SQUADRONS	132,795	132,795
135	0207134F	F–15E SQUADRONS	356,717	356,717
136	0207136F	MANNED DESTRUCTIVE SUPPRESSION	14,773	14,773
137	0207138F	F–22A SQUADRONS	387,564	387,564
138	0207142F	F–35 SQUADRONS	153,045	153,045
139	0207161F	TACTICAL AIM MISSILES	52,898	52,898
140	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	62,470	62,470
143	0207227F	COMBAT RESCUE—PARARESCUE	362	362
144	0207247F	AF TENCAP	28,413	28,413
145	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	649	649
146	0207253F	COMPASS CALL	13,723	13,723
147	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	109,859	109,859
148	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	30,002	30,002
149	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	37,621	37,621
150	0207412F	CONTROL AND REPORTING CENTER (CRC)	13,292	13,292
151	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	86,644	86,644
152	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	2,442	2,442
154	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	10,911	10,911
155	0207444F	TACTICAL AIR CONTROL PARTY-MOD	11,843	11,843
156	0207448F	C2ISR TACTICAL DATA LINK	1,515	1,515
157	0207452F	DCAPES	14,979	14,979
158	0207590F	SEEK EAGLE	25,308	25,308
159	0207601F	USAF MODELING AND SIMULATION	16,666	16,666
160	0207605F	WARGAMING AND SIMULATION CENTERS	4,245	4,245
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES	3,886	3,886
162	0208006F	MISSION PLANNING SYSTEMS	71,785	71,785
164	0208087F	AF OFFENSIVE CYBERSPACE OPERATIONS	25,025	25,025
165	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	29,439	29,439
168	0301017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	3,470	3,470
169	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES)	4,060	4,060
175	0301400F	SPACE SUPERIORITY INTELLIGENCE	13,880	13,880
176	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	30,948	30,948
177	0303001F	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	42,378	42,378
178	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	47,471	47,471
179	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	46,388	46,388
180	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	52	52
181	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	2,099	2,099
184	0304260F	AIRBORNE SIGINT ENTERPRISE	90,762	90,762
187	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,354	4,354
188	0305110F	SATELLITE CONTROL NETWORK (SPACE)	15,624	15,624
189	0305111F	WEATHER SERVICE	19,974	19,974
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	9,770	9,770
191	0305116F	AERIAL TARGETS	3,051	3,051
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	405	405
195	0305145F	ARMS CONTROL IMPLEMENTATION	4,844	4,844
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	339	339
199	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,989	3,989
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT	3,070	3,070
201	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	8,833	8,833
202	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	11,867	11,867
203	0305202F	DRAGON U–2	37,217	37,217
205	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	3,841	3,841
206	0305207F	MANNED RECONNAISSANCE SYSTEMS	20,975	20,975
207	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	18,902	18,902
208	0305220F	RQ–4 UAV	256,307	256,307
209	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	22,610	22,610

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
211	0305238F	NATO AGS	38,904	38,904
212	0305240F	SUPPORT TO DCGS ENTERPRISE	23,084	23,084
213	0305258F	ADVANCED EVALUATION PROGRAM	116,143	116,143
214	0305265F	GPS III SPACE SEGMENT	141,888	141,888
215	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	2,360	2,360
216	0305614F	JSPOC MISSION SYSTEM	72,889	72,889
217	0305881F	RAPID CYBER ACQUISITION	4,280	4,280
218	0305906F	NCMC—TW/AA SYSTEM	4,951	4,951
219	0305913F	NUDET DETECTION SYSTEM (SPACE)	21,093	21,093
220	0305940F	SPACE SITUATION AWARENESS OPERATIONS	35,002	35,002
222	0308699F	SHARED EARLY WARNING (SEW)	6,366	6,366
223	0401115F	C–130 AIRLIFT SQUADRON	15,599	15,599
224	0401119F	C–5 AIRLIFT SQUADRONS (IF)	66,146	66,146
225	0401130F	C–17 AIRCRAFT (IF)	12,430	12,430
226	0401132F	C–130J PROGRAM	16,776	16,776
227	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	5,166	5,166
229	0401314F	OPERATIONAL SUPPORT AIRLIFT	13,817	13,817
230	0401318F	CV–22	16,702	16,702
231	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,164	7,164
232	0702207F	DEPOT MAINTENANCE (NON-IF)	1,518	1,518
233	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	61,676	61,676
234	0708611F	SUPPORT SYSTEMS DEVELOPMENT	9,128	9,128
235	0804743F	OTHER FLIGHT TRAINING	1,653	1,653
236	0808716F	OTHER PERSONNEL ACTIVITIES	57	57
237	0901202F	JOINT PERSONNEL RECOVERY AGENCY	3,663	3,663
238	0901218F	CIVILIAN COMPENSATION PROGRAM	3,735	3,735
239	0901220F	PERSONNEL ADMINISTRATION	5,157	5,157
240	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,523	1,523
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	10,581	3,781
		Cost estimating unjustified requset		[–4,900]
		PBES unjustified request		[–1,900]
250	9999999999	CLASSIFIED PROGRAMS	13,091,557	13,091,557
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**17,457,056**	**17,485,356**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**28,112,251**	**27,643,651**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
1	0601000BR	DTRA BASIC RESEARCH INITIATIVE	35,436	35,436
2	0601101E	DEFENSE RESEARCH SCIENCES	362,297	362,297
3	0601110D8Z	BASIC RESEARCH INITIATIVES	36,654	36,654
4	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	57,791	57,791
5	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	69,345	69,345
6	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS	23,572	23,572
7	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	44,800	44,800
		SUBTOTAL BASIC RESEARCH	**629,895**	**629,895**
		APPLIED RESEARCH		
8	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	17,745	17,745
9	0602115E	BIOMEDICAL TECHNOLOGY	115,213	115,213
10	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	30,000	30,000
11	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	48,269	48,269
12	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES	42,206	42,206
13	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	353,635	353,635
14	0602383E	BIOLOGICAL WARFARE DEFENSE	21,250	21,250
15	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	188,715	188,715
16	0602668D8Z	CYBER SECURITY RESEARCH	12,183	12,183
17	0602702E	TACTICAL TECHNOLOGY	313,843	313,843
18	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	220,456	220,456
19	0602716E	ELECTRONICS TECHNOLOGY	221,911	221,911
20	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	154,857	154,857
21	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH	8,420	8,420
22	1160401BB	SOF TECHNOLOGY DEVELOPMENT	37,820	37,820
		SUBTOTAL APPLIED RESEARCH	**1,786,523**	**1,786,523**
		ADVANCED TECHNOLOGY DEVELOPMENT		
23	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	23,902	23,902
25	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	73,002	73,002
26	0603133D8Z	FOREIGN COMPARATIVE TESTING	19,343	19,343
27	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	266,444	266,444
28	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT	17,880	17,880
30	0603178C	WEAPONS TECHNOLOGY	71,843	71,843
31	0603179C	ADVANCED C4ISR	3,626	3,626
32	0603180C	ADVANCED RESEARCH	23,433	23,433
33	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	17,256	17,256
35	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	83,745	83,745
36	0603286E	ADVANCED AEROSPACE SYSTEMS	182,327	182,327
37	0603287E	SPACE PROGRAMS AND TECHNOLOGY	175,240	175,240

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
38	0603288D8Z	ANALYTIC ASSESSMENTS	12,048	12,048
39	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS	57,020	57,020
41	0603375D8Z	TECHNOLOGY INNOVATION	39,923	39,923
42	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	127,941	127,941
43	0603527D8Z	RETRACT LARCH	181,977	181,977
44	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	22,030	22,030
45	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	148,184	148,184
46	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	9,331	9,331
47	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	158,398	158,398
48	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	31,259	31,259
49	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	49,895	49,895
50	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	11,011	11,011
52	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	65,078	65,078
53	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	97,826	97,826
54	0603727D8Z	JOINT WARFIGHTING PROGRAM	7,848	7,848
55	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	49,807	49,807
56	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	155,081	155,081
57	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	428,894	428,894
58	0603767E	SENSOR TECHNOLOGY	241,288	241,288
60	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	14,264	14,264
61	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	74,943	74,943
63	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY	17,659	17,659
64	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	87,135	87,135
65	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	37,329	41,329
		Competitive technology investment		[4,000]
66	0303310D8Z	CWMD SYSTEMS	44,836	44,836
67	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	61,620	61,620
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**3,190,666**	**3,194,666**
		ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES		
68	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	28,498	28,498
69	0603600D8Z	WALKOFF	89,643	89,643
71	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES	2,136	2,136
72	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	52,491	52,491
73	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	206,834	206,834
74	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	862,080	862,080
75	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL	138,187	138,187
76	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	230,077	230,077
77	0603890C	BMD ENABLING PROGRAMS	401,594	401,594
78	0603891C	SPECIAL PROGRAMS—MDA	321,607	321,607
79	0603892C	AEGIS BMD	959,066	959,066
80	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	32,129	32,129
81	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	20,690	20,690
82	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	439,617	449,617
		Post Intercept Assessment Acceleration		[10,000]
83	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	47,776	47,776
84	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	54,750	54,750
85	0603906C	REGARDING TRENCH	8,785	8,785
86	0603907C	SEA BASED X-BAND RADAR (SBX)	68,787	68,787
87	0603913C	ISRAELI COOPERATIVE PROGRAMS	103,835	238,835
		Arrow (base program)		[50,000]
		Arrow–3		[25,000]
		David's Sling		[60,000]
88	0603914C	BALLISTIC MISSILE DEFENSE TEST	293,441	293,441
89	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	563,576	563,576
90	0603920D8Z	HUMANITARIAN DEMINING	10,007	10,007
91	0603923D8Z	COALITION WARFARE	10,126	11,126
		Long Endurance UAS		[1,000]
92	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,893	8,893
		Corrosion prevention		[5,000]
93	0604115C	TECHNOLOGY MATURATION INITIATIVES	90,266	90,266
94	0604132D8Z	MISSILE DEFEAT PROJECT	45,000	45,000
95	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	844,870	844,870
96	0604342D8Z	DEFENSE TECHNOLOGY OFFSET	0	25,000
		Directed energy systems prototyping		[25,000]
97	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	3,320	3,320
99	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA)	4,000	4,000
102	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	23,642	23,642
104	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	162,012	162,012
105	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	274,148	329,148
		GBI Booster Acceleration		[30,000]
		RKV Risk Reduction		[25,000]
106	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST	63,444	63,444
107	0604878C	AEGIS BMD TEST	95,012	95,012
108	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	83,250	83,250

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
109	0604880C	LAND-BASED SM–3 (LBSM3)	43,293	43,293
110	0604881C	AEGIS SM–3 BLOCK IIA CO-DEVELOPMENT	106,038	106,038
111	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST	56,481	56,481
112	0604894C	MULTI-OBJECT KILL VEHICLE	71,513	121,513
		Technology maturation		[50,000]
114	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	2,636	2,636
115	0305103C	CYBER SECURITY INITIATIVE	969	969
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES	**6,919,519**	**7,200,519**
		SYSTEM DEVELOPMENT AND DEMONSTRATION		
116	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	10,324	10,324
117	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	181,303	181,303
118	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	266,231	266,231
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	16,288	16,288
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	4,568	4,568
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	11,505	11,505
123	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	1,658	1,658
124	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	2,920	2,920
126	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	12,631	12,631
128	0605080S	DEFENSE AGENCY INTIATIVES (DAI)—FINANCIAL SYSTEM	26,657	26,657
129	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS)	4,949	4,949
130	0605140D8Z	TRUSTED FOUNDRY	69,000	69,000
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	9,881	9,881
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	7,600	7,600
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM)	2,703	2,703
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION	**628,218**	**628,218**
		MANAGEMENT SUPPORT		
134	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	4,678	4,678
135	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	4,499	4,499
136	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	219,199	219,199
137	0604942D8Z	ASSESSMENTS AND EVALUATIONS	28,706	128,706
		Classified assessment		[100,000]
138	0605001E	MISSION SUPPORT	69,244	69,244
139	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	87,080	87,080
140	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	23,069	23,069
142	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO)	32,759	32,759
144	0605142D8Z	SYSTEMS ENGINEERING	32,429	32,429
145	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	3,797	3,797
146	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	5,302	5,302
147	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	7,246	7,246
148	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	1,874	1,874
149	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	85,754	85,754
158	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	2,187	2,187
159	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	22,650	22,650
160	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	43,834	43,834
161	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	22,240	22,240
162	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	19,541	24,541
		Program increase		[5,000]
163	0605898E	MANAGEMENT HQ—R&D	4,759	4,759
164	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	4,400	4,400
165	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,014	4,014
166	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	2,072	2,072
167	0204571J	JOINT STAFF ANALYTICAL SUPPORT	7,464	7,464
170	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	857	857
171	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO)	916	916
172	0305172K	COMBINED ADVANCED APPLICATIONS	15,336	15,336
173	0305193D8Z	CYBER INTELLIGENCE	18,523	18,523
175	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—MHA.	34,384	34,384
176	0901598C	MANAGEMENT HQ—MDA	31,160	31,160
179	0903235D8W	JOINT SERVICE PROVIDER (JSP)	827	827
180	9999999999	CLASSIFIED PROGRAMS	56,799	56,799
		SUBTOTAL MANAGEMENT SUPPORT	**897,599**	**1,002,599**
		OPERATIONAL SYSTEM DEVELOPMENT		
181	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	4,241	4,241
182	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,424	1,424
183	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	287	287
184	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT	16,195	16,195
185	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT	4,194	4,194
186	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	7,861	7,861
187	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	33,361	33,361
189	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,038	3,038

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
190	0208045K	C4I INTEROPERABILITY	57,501	57,501
192	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	5,935	5,935
196	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	575	575
197	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	18,041	18,041
198	0303126K	LONG-HAUL COMMUNICATIONS—DCS	13,994	13,994
199	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	12,206	12,206
200	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	34,314	34,314
201	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	36,602	36,602
202	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	8,876	8,876
203	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	159,068	172,068
		Cross Domain Solutions		[5,000]
		Reduction to NSA Information Systems and Security Programs		[–8,000]
		Sharkseer		[16,000]
204	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	24,438	24,438
205	0303153K	DEFENSE SPECTRUM ORGANIZATION	13,197	13,197
207	0303228K	JOINT INFORMATION ENVIRONMENT (JIE)	2,789	2,789
209	0303430K	FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY	75,000	75,000
210	0303610K	TELEPORT PROGRAM	657	657
215	0305103K	CYBER SECURITY INITIATIVE	1,553	1,553
220	0305186D8Z	POLICY R&D PROGRAMS	6,204	6,204
221	0305199D8Z	NET CENTRICITY	17,971	17,971
223	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	5,415	5,415
226	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,030	3,030
229	0305327V	INSIDER THREAT	5,034	5,034
230	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,037	2,037
236	0307577D8Z	INTELLIGENCE MISSION DATA (IMD)	13,800	13,800
238	0708012S	PACIFIC DISASTER CENTERS	1,754	1,754
239	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	2,154	2,154
240	0902298J	MANAGEMENT HQ—OJCS	826	826
241	1105219BB	MQ–9 UAV	17,804	29,804
		MQ–9 capability enhancements		[12,000]
244	1160403BB	AVIATION SYSTEMS	159,143	159,143
245	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	7,958	7,958
246	1160408BB	OPERATIONAL ENHANCEMENTS	64,895	64,895
247	1160431BB	WARRIOR SYSTEMS	44,885	44,885
248	1160432BB	SPECIAL PROGRAMS	1,949	1,949
249	1160434BB	UNMANNED ISR	22,117	22,117
250	1160480BB	SOF TACTICAL VEHICLES	3,316	3,316
251	1160483BB	MARITIME SYSTEMS	54,577	54,577
252	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,841	3,841
253	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,834	11,834
254	9999999999	CLASSIFIED PROGRAMS	3,270,515	3,270,515
255	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	0	16,300
		Sharkseer email protection		[16,300]
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	**4,256,406**	**4,297,706**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**18,308,826**	**18,740,126**
		OPERATIONAL TEST & EVAL, DEFENSE		
		MANAGEMENT SUPPORT		
1	0605118OTE	OPERATIONAL TEST AND EVALUATION	78,047	78,047
2	0605131OTE	LIVE FIRE TEST AND EVALUATION	48,316	48,316
3	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	52,631	52,631
		SUBTOTAL MANAGEMENT SUPPORT	**178,994**	**178,994**
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	**178,994**	**178,994**
		UNDISTRIBUTED		
		UNDISTRIBUTED		
99	999999	UNDISTRIBUTED	0	4,000
		Cyber pilot program for installations		[4,000]
		SUBTOTAL UNDISTRIBUTED	**0**	**4,000**
		TOTAL UNDISTRIBUTED	**0**	**4,000**
		TOTAL RDT&E	**71,391,771**	**71,227,192**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
55	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,375	9,375
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**9,375**	**9,375**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
90	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	33	33
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	10,900	10,900
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	73,110	73,110
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**84,043**	**84,043**
		OPERATIONAL SYSTEMS DEVELOPMENT		
208	0307665A	BIOMETRICS ENABLED INTELLIGENCE	7,104	7,104
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**7,104**	**7,104**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**100,522**	**100,522**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
38	0603527N	RETRACT LARCH	3,907	3,907
78	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	37,990	37,990
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**41,897**	**41,897**
		OPERATIONAL SYSTEMS DEVELOPMENT		
80	9999999999	CLASSIFIED PROGRAMS	36,426	36,426
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**36,426**	**36,426**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**78,323**	**78,323**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		SYSTEM DEVELOPMENT & DEMONSTRATION		
58	0604421F	COUNTERSPACE SYSTEMS	425	425
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**425**	**425**
		OPERATIONAL SYSTEMS DEVELOPMENT		
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT	4,715	4,715
220	9999999999	CLASSIFIED PROGRAMS	27,765	27,765
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**32,480**	**32,480**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**32,905**	**32,905**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		OPERATIONAL SYSTEM DEVELOPMENT		
250	9999999999	CLASSIFIED PROGRAMS	162,419	162,419
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	**162,419**	**162,419**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**162,419**	**162,419**
		TOTAL RDT&E	**374,169**	**374,169**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

(a) OPERATION AND MAINTENANCE.—

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	791,450	841,450
	Home station training unfunded requirement		[50,000]
020	MODULAR SUPPORT BRIGADES	68,373	68,373
030	ECHELONS ABOVE BRIGADE	438,823	438,823
040	THEATER LEVEL ASSETS	660,258	660,258
050	LAND FORCES OPERATIONS SUPPORT	863,928	863,928
060	AVIATION ASSETS	1,360,597	1,428,597
	Flying hour program unfunded requirement		[68,000]
070	FORCE READINESS OPERATIONS SUPPORT	3,086,443	3,086,443
080	LAND FORCES SYSTEMS READINESS	439,488	439,488
090	LAND FORCES DEPOT MAINTENANCE	1,013,452	1,032,852
	Depot maintenance unfunded requirement		[19,400]
100	BASE OPERATIONS SUPPORT	7,816,343	7,816,343

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	2,234,546	2,588,946
	FSRM unfunded requirement		[354,400]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	452,105	452,105
130	COMBATANT COMMANDERS CORE OPERATIONS	155,658	155,658
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT	441,143	447,843
	SOUTHCOM LIDAR unfunded requirement		[6,700]
	SUBTOTAL OPERATING FORCES	**19,822,607**	**20,321,107**
	MOBILIZATION		
180	STRATEGIC MOBILITY	336,329	361,329
	Army prepositioned stock unfunded requirement		[25,000]
190	ARMY PREPOSITIONED STOCKS	390,848	390,848
200	INDUSTRIAL PREPAREDNESS	7,401	7,401
	SUBTOTAL MOBILIZATION	**734,578**	**759,578**
	TRAINING AND RECRUITING		
210	OFFICER ACQUISITION	131,942	131,942
220	RECRUIT TRAINING	47,846	47,846
230	ONE STATION UNIT TRAINING	45,419	45,419
240	SENIOR RESERVE OFFICERS TRAINING CORPS	482,747	482,747
250	SPECIALIZED SKILL TRAINING	921,025	921,025
260	FLIGHT TRAINING	902,845	939,445
	Graduate pilot training unfunded requirement		[5,400]
	School Air OPTEMPO unfunded requirement		[31,200]
270	PROFESSIONAL DEVELOPMENT EDUCATION	216,583	216,583
280	TRAINING SUPPORT	607,534	607,534
290	RECRUITING AND ADVERTISING	550,599	515,599
	Advertising reduction		[–35,000]
300	EXAMINING	187,263	187,263
310	OFF-DUTY AND VOLUNTARY EDUCATION	189,556	189,556
320	CIVILIAN EDUCATION AND TRAINING	182,835	182,835
330	JUNIOR RESERVE OFFICER TRAINING CORPS	171,167	171,167
	SUBTOTAL TRAINING AND RECRUITING	**4,637,361**	**4,638,961**
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	230,739	230,739
360	CENTRAL SUPPLY ACTIVITIES	850,060	850,060
370	LOGISTIC SUPPORT ACTIVITIES	778,757	782,757
	Corrosion oil assistance unfunded requirement		[4,000]
380	AMMUNITION MANAGEMENT	370,010	370,010
390	ADMINISTRATION	451,556	451,556
400	SERVICEWIDE COMMUNICATIONS	1,888,123	1,888,123
410	MANPOWER MANAGEMENT	276,403	276,403
420	OTHER PERSONNEL SUPPORT	369,443	369,443
430	OTHER SERVICE SUPPORT	1,096,074	1,066,574
	Army museum early to need		[–29,500]
440	ARMY CLAIMS ACTIVITIES	207,800	207,800
450	REAL ESTATE MANAGEMENT	240,641	240,641
460	FINANCIAL MANAGEMENT AND AUDIT READINESS	250,612	250,612
470	INTERNATIONAL MILITARY HEADQUARTERS	416,587	416,587
480	MISC. SUPPORT OF OTHER NATIONS	36,666	36,666
500	CLASSIFIED PROGRAMS	1,151,023	1,157,023
	SOUTHCOM unfunded requirement		[6,000]
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**8,614,494**	**8,594,994**
	UNDISTRIBUTED		
901	UNDISTRIBUTED ARMY PRINTING	0	–34,300
	15% printing reduction		[–34,300]
906	UNDISTRIBUTED DCGS-A	0	–63,000
	DCGS-A undistributed reduction		[–63,000]
907	UNDISTRIBUTED FOREIGN CURRENCY	0	–59,180
	Foreign currency gains		[–59,180]
912	UNDISTRIBUTED FUEL	0	–123,300
	Fuel cost savings		[–123,300]
	SUBTOTAL UNDISTRIBUTED	**0**	**–279,780**
	TOTAL OPERATION & MAINTENANCE, ARMY	**33,809,040**	**34,034,860**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	11,435	11,435
020	ECHELONS ABOVE BRIGADE	491,772	537,772
	Home station training unfunded requirement		[20,000]
	Lodging in kind unfunded requirement		[26,000]
030	THEATER LEVEL ASSETS	116,163	116,163
040	LAND FORCES OPERATIONS SUPPORT	563,524	563,524
050	AVIATION ASSETS	91,162	91,162
060	FORCE READINESS OPERATIONS SUPPORT	347,459	347,759
	Range increase unfunded requirement		[300]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
070	LAND FORCES SYSTEMS READINESS	101,926	101,926
080	LAND FORCES DEPOT MAINTENANCE	56,219	56,219
090	BASE OPERATIONS SUPPORT	573,843	573,843
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	214,955	236,455
	FSRM unfunded requirement		[21,500]
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS	37,620	37,620
	SUBTOTAL OPERATING FORCES	**2,606,078**	**2,673,878**
	ADMIN & SRVWD ACTIVITIES		
120	SERVICEWIDE TRANSPORTATION	11,027	11,027
130	ADMINISTRATION	16,749	16,749
140	SERVICEWIDE COMMUNICATIONS	17,825	17,825
150	MANPOWER MANAGEMENT	6,177	6,177
160	RECRUITING AND ADVERTISING	54,475	54,475
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**106,253**	**106,253**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**2,712,331**	**2,780,131**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	708,251	778,251
	Home station training unfunded requirement		[70,000]
020	MODULAR SUPPORT BRIGADES	197,251	197,251
030	ECHELONS ABOVE BRIGADE	792,271	792,271
040	THEATER LEVEL ASSETS	80,341	80,341
050	LAND FORCES OPERATIONS SUPPORT	37,138	39,538
	Range increase unfunded requirement		[2,400]
060	AVIATION ASSETS	887,625	887,625
070	FORCE READINESS OPERATIONS SUPPORT	696,267	696,267
080	LAND FORCES SYSTEMS READINESS	61,240	61,240
090	LAND FORCES DEPOT MAINTENANCE	219,948	274,548
	Depot maintenance unfunded requirement		[42,300]
	TWV depot maintenance unfunded requirement		[12,300]
100	BASE OPERATIONS SUPPORT	1,040,012	1,040,012
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	676,715	708,815
	FSRM unfunded requirement		[32,100]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	1,021,144	1,021,144
	SUBTOTAL OPERATING FORCES	**6,418,203**	**6,577,303**
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	6,396	6,396
140	ADMINISTRATION	68,528	68,528
150	SERVICEWIDE COMMUNICATIONS	76,524	76,524
160	MANPOWER MANAGEMENT	7,712	7,712
170	OTHER PERSONNEL SUPPORT	245,046	249,546
	Director of Psychological Health (DPH) Positions		[9,500]
	Program decrease		[–5,000]
180	REAL ESTATE MANAGEMENT	2,961	2,961
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**407,167**	**411,667**
	TOTAL OPERATION & MAINTENANCE, ARNG	**6,825,370**	**6,988,970**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	4,094,765	4,094,765
020	FLEET AIR TRAINING	1,722,473	1,722,473
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	52,670	52,670
040	AIR OPERATIONS AND SAFETY SUPPORT	97,584	97,584
050	AIR SYSTEMS SUPPORT	446,733	446,733
060	AIRCRAFT DEPOT MAINTENANCE	1,007,681	1,041,681
	AC Depot maintenance unfunded requirement		[34,000]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	38,248	38,248
080	AVIATION LOGISTICS	564,720	586,120
	E–6B and F–35 sustainment unfunded requirement		[16,000]
	MV–22 JPBL unfunded requirement		[5,400]
090	MISSION AND OTHER SHIP OPERATIONS	3,513,083	3,513,083
100	SHIP OPERATIONS SUPPORT & TRAINING	743,765	743,765
110	SHIP DEPOT MAINTENANCE	5,168,273	5,168,273
120	SHIP DEPOT OPERATIONS SUPPORT	1,575,578	1,575,578
130	COMBAT COMMUNICATIONS	558,727	558,727
140	ELECTRONIC WARFARE	105,680	105,680
150	SPACE SYSTEMS AND SURVEILLANCE	180,406	180,406
160	WARFARE TACTICS	470,032	470,032
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	346,703	346,703
180	COMBAT SUPPORT FORCES	1,158,688	1,158,688
190	EQUIPMENT MAINTENANCE	113,692	113,692
200	DEPOT OPERATIONS SUPPORT	2,509	2,509
210	COMBATANT COMMANDERS CORE OPERATIONS	91,019	91,019
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	74,780	74,780

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
230	CRUISE MISSILE	106,030	106,030
240	FLEET BALLISTIC MISSILE	1,233,805	1,233,805
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	163,025	163,025
260	WEAPONS MAINTENANCE	553,269	553,269
270	OTHER WEAPON SYSTEMS SUPPORT	350,010	350,010
280	ENTERPRISE INFORMATION	790,685	736,385
	Underexecution		[–54,300]
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,642,742	1,803,642
	FSRM unfunded requirement		[160,900]
300	BASE OPERATING SUPPORT	4,206,136	4,206,136
	SUBTOTAL OPERATING FORCES	**31,173,511**	**31,335,511**
	MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	893,517	893,517
320	READY RESERVE FORCE	274,524	274,524
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,727	6,727
340	SHIP ACTIVATIONS/INACTIVATIONS	288,154	288,154
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	95,720	95,720
360	INDUSTRIAL READINESS	2,109	2,109
370	COAST GUARD SUPPORT	21,114	21,114
	SUBTOTAL MOBILIZATION	**1,581,865**	**1,581,865**
	TRAINING AND RECRUITING		
380	OFFICER ACQUISITION	143,815	143,815
390	RECRUIT TRAINING	8,519	8,519
400	RESERVE OFFICERS TRAINING CORPS	143,445	143,445
410	SPECIALIZED SKILL TRAINING	699,214	699,214
420	FLIGHT TRAINING	5,310	5,310
430	PROFESSIONAL DEVELOPMENT EDUCATION	172,852	172,852
440	TRAINING SUPPORT	222,728	222,728
450	RECRUITING AND ADVERTISING	225,647	225,647
460	OFF-DUTY AND VOLUNTARY EDUCATION	130,569	130,569
470	CIVILIAN EDUCATION AND TRAINING	73,730	73,730
480	JUNIOR ROTC	50,400	50,400
	SUBTOTAL TRAINING AND RECRUITING	**1,876,229**	**1,876,229**
	ADMIN & SRVWD ACTIVITIES		
490	ADMINISTRATION	917,453	917,453
500	EXTERNAL RELATIONS	14,570	14,570
510	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	124,070	124,070
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	369,767	369,767
530	OTHER PERSONNEL SUPPORT	285,927	281,927
	NHHC unjustified growth		[–4,000]
540	SERVICEWIDE COMMUNICATIONS	319,908	319,908
570	SERVICEWIDE TRANSPORTATION	171,659	171,659
580	ENVIRONMENTAL PROGRAMS	0	18,000
	Environmental program shortfall unfunded requirement		[18,000]
590	PLANNING, ENGINEERING AND DESIGN	270,863	270,863
600	ACQUISITION AND PROGRAM MANAGEMENT	1,112,766	1,112,766
610	HULL, MECHANICAL AND ELECTRICAL SUPPORT	49,078	49,078
620	COMBAT/WEAPONS SYSTEMS	24,989	24,989
630	SPACE AND ELECTRONIC WARFARE SYSTEMS	72,966	72,966
640	NAVAL INVESTIGATIVE SERVICE	595,711	595,711
700	INTERNATIONAL HEADQUARTERS AND AGENCIES	4,809	4,809
800	CLASSIFIED PROGRAMS	517,440	517,440
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,851,976**	**4,865,976**
	UNDISTRIBUTED		
902	UNDISTRIBUTED NAVY PRINTING	0	–7,300
	15% printing reduction		[–7,300]
908	UNDISTRIBUTED FOREIGN CURRENCY	0	–14,610
	Foreign currency gains		[–14,610]
913	UNDISTRIBUTED FUEL	0	–238,380
	Fuel cost savings		[–238,380]
	SUBTOTAL UNDISTRIBUTED	**0**	**–260,290**
	TOTAL OPERATION & MAINTENANCE, NAVY	**39,483,581**	**39,399,291**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	674,613	738,313
	Enterprise network defense unfunded requirement		[5,700]
	Exercise program unfunded requirement		[58,000]
020	FIELD LOGISTICS	947,424	975,524
	Combat optics mods unfunded requirement		[13,300]
	Critical/ no fail EOD unfunded requirement		[600]
	Nano/VTOL unfunded requirement		[14,200]
030	DEPOT MAINTENANCE	206,783	214,583
	Depot maintenance unfunded requirement		[7,800]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
040	MARITIME PREPOSITIONING	85,276	85,276
050	SUSTAINMENT, RESTORATION & MODERNIZATION	632,673	711,173
	Facility demolition unfunded requirement		[39,200]
	FSRM unfunded requirement		[39,300]
060	BASE OPERATING SUPPORT	2,136,626	2,136,626
	SUBTOTAL OPERATING FORCES	**4,683,395**	**4,861,495**
	TRAINING AND RECRUITING		
070	RECRUIT TRAINING	15,946	15,946
080	OFFICER ACQUISITION	935	935
090	SPECIALIZED SKILL TRAINING	99,305	99,305
100	PROFESSIONAL DEVELOPMENT EDUCATION	45,495	45,495
110	TRAINING SUPPORT	369,979	369,979
120	RECRUITING AND ADVERTISING	165,566	165,566
130	OFF-DUTY AND VOLUNTARY EDUCATION	35,133	35,133
140	JUNIOR ROTC	23,622	23,622
	SUBTOTAL TRAINING AND RECRUITING	**755,981**	**755,981**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	34,534	34,534
160	ADMINISTRATION	355,932	355,932
180	ACQUISITION AND PROGRAM MANAGEMENT	76,896	76,896
200	CLASSIFIED PROGRAMS	47,520	47,520
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**514,882**	**514,882**
	UNDISTRIBUTED		
903	UNDISTRIBUTED MARINE CORPS PRINTING	0	–14,300
	15% printing reduction		[–14,300]
909	UNDISTRIBUTED FOREIGN CURRENCY	0	–2,870
	Foreign currency gains		[–2,870]
914	UNDISTRIBUTED FUEL	0	–24,660
	Fuel cost savings		[–24,660]
	SUBTOTAL UNDISTRIBUTED	**0**	**–41,830**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**5,954,258**	**6,090,528**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	526,190	526,190
020	INTERMEDIATE MAINTENANCE	6,714	6,714
030	AIRCRAFT DEPOT MAINTENANCE	86,209	86,209
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	389	389
050	AVIATION LOGISTICS	10,189	10,189
070	SHIP OPERATIONS SUPPORT & TRAINING	560	560
090	COMBAT COMMUNICATIONS	13,173	13,173
100	COMBAT SUPPORT FORCES	109,053	109,053
120	ENTERPRISE INFORMATION	27,226	27,226
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	27,571	33,371
	FSRM unfunded requirement		[5,800]
140	BASE OPERATING SUPPORT	99,166	99,166
	SUBTOTAL OPERATING FORCES	**906,440**	**912,240**
	ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	1,351	1,351
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	13,251	13,251
170	SERVICEWIDE COMMUNICATIONS	3,445	3,445
180	ACQUISITION AND PROGRAM MANAGEMENT	3,169	3,169
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**21,216**	**21,216**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**927,656**	**933,456**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	94,154	94,154
020	DEPOT MAINTENANCE	18,594	18,594
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	25,470	30,970
	FSRM unfunded requirement		[5,500]
040	BASE OPERATING SUPPORT	111,550	111,550
	SUBTOTAL OPERATING FORCES	**249,768**	**255,268**
	ADMIN & SRVWD ACTIVITIES		
050	SERVICEWIDE TRANSPORTATION	902	902
060	ADMINISTRATION	11,130	11,130
070	RECRUITING AND ADVERTISING	8,833	8,833
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**20,865**	**20,865**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**270,633**	**276,133**
	OPERATION & MAINTENANCE, AIR FORCE		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	3,294,124	3,294,124
020	COMBAT ENHANCEMENT FORCES	1,682,045	1,684,845
	HH–60 unfunded requirement		[2,800]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,730,757	1,730,757
040	DEPOT MAINTENANCE	7,042,988	7,193,388
	Weapon system sustainment unfunded requirement		[150,400]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,657,019	1,657,019
060	BASE SUPPORT	2,787,216	2,787,216
070	GLOBAL C3I AND EARLY WARNING	887,831	887,831
080	OTHER COMBAT OPS SPT PROGRAMS	1,070,178	1,070,178
100	LAUNCH FACILITIES	208,582	208,582
110	SPACE CONTROL SYSTEMS	362,250	362,250
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	907,245	907,245
130	COMBATANT COMMANDERS CORE OPERATIONS	199,171	199,171
131	CLASSIFIED PROGRAMS	930,757	930,757
	SUBTOTAL OPERATING FORCES	**22,760,163**	**22,913,363**
	MOBILIZATION		
140	AIRLIFT OPERATIONS	1,703,059	1,703,059
150	MOBILIZATION PREPAREDNESS	138,899	138,899
160	DEPOT MAINTENANCE	1,553,439	1,619,839
	Weapon system sustainment unfunded requirement		[66,400]
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	258,328	258,328
180	BASE SUPPORT	722,756	722,756
	SUBTOTAL MOBILIZATION	**4,376,481**	**4,442,881**
	TRAINING AND RECRUITING		
190	OFFICER ACQUISITION	120,886	120,886
200	RECRUIT TRAINING	23,782	23,782
210	RESERVE OFFICERS TRAINING CORPS (ROTC)	77,692	77,692
220	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	236,254	393,954
	FSRM unfunded requirement		[157,700]
230	BASE SUPPORT	819,915	819,915
240	SPECIALIZED SKILL TRAINING	387,446	387,446
250	FLIGHT TRAINING	725,134	725,134
260	PROFESSIONAL DEVELOPMENT EDUCATION	264,213	264,213
270	TRAINING SUPPORT	86,681	86,681
280	DEPOT MAINTENANCE	305,004	305,004
290	RECRUITING AND ADVERTISING	104,754	77,754
	Advertising unjustified growth		[–27,000]
300	EXAMINING	3,944	3,944
310	OFF-DUTY AND VOLUNTARY EDUCATION	184,841	184,841
320	CIVILIAN EDUCATION AND TRAINING	173,583	173,583
330	JUNIOR ROTC	58,877	58,877
	SUBTOTAL TRAINING AND RECRUITING	**3,573,006**	**3,703,706**
	ADMIN & SRVWD ACTIVITIES		
340	LOGISTICS OPERATIONS	1,107,846	1,107,846
350	TECHNICAL SUPPORT ACTIVITIES	924,185	924,185
360	DEPOT MAINTENANCE	48,778	48,778
370	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	321,013	321,013
380	BASE SUPPORT	1,115,910	1,115,910
390	ADMINISTRATION	811,650	811,650
400	SERVICEWIDE COMMUNICATIONS	269,809	269,809
410	OTHER SERVICEWIDE ACTIVITIES	961,304	961,304
420	CIVIL AIR PATROL	25,735	25,735
450	INTERNATIONAL SUPPORT	90,573	90,573
460	CLASSIFIED PROGRAMS	1,131,603	1,131,603
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**6,808,406**	**6,808,406**
	UNDISTRIBUTED		
904	UNDISTRIBUTED AIR FORCE PRINTING	0	–8,900
	15% printing reduction		[–8,900]
910	UNDISTRIBUTED FOREIGN CURRENCY	0	–33,450
	Foreign currency gains		[–33,450]
915	UNDISTRIBUTED FUEL	0	–394,560
	Fuel cost savings		[–394,560]
	SUBTOTAL UNDISTRIBUTED	**0**	**–436,910**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**37,518,056**	**37,431,446**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,707,882	1,707,882
020	MISSION SUPPORT OPERATIONS	230,016	259,016
	Lodging in kind unfunded requirement		[29,000]
030	DEPOT MAINTENANCE	541,743	541,743
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	113,470	125,170

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	FSRM unfunded requirement		[11,700]
050	BASE SUPPORT	384,832	384,832
	SUBTOTAL OPERATING FORCES	**2,977,943**	**3,018,643**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
060	ADMINISTRATION	54,939	54,939
070	RECRUITING AND ADVERTISING	14,754	14,754
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	12,707	12,707
090	OTHER PERS SUPPORT (DISABILITY COMP)	7,210	7,210
100	AUDIOVISUAL	376	376
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**89,986**	**89,986**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**3,067,929**	**3,108,629**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
010	AIRCRAFT OPERATIONS	3,282,238	3,282,238
020	MISSION SUPPORT OPERATIONS	723,062	723,062
030	DEPOT MAINTENANCE	1,824,329	1,867,529
	Weapon system sustainment engines unfunded requirement		[3,200]
	Weapon system sustainment unfunded requirement		[40,000]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	245,840	259,840
	FSRM unfunded requirement		[14,000]
050	BASE SUPPORT	575,548	575,548
	SUBTOTAL OPERATING FORCES	**6,651,017**	**6,708,217**
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
060	ADMINISTRATION	23,715	23,715
070	RECRUITING AND ADVERTISING	28,846	28,846
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	**52,561**	**52,561**
	TOTAL OPERATION & MAINTENANCE, ANG	**6,703,578**	**6,760,778**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	506,113	506,113
020	OFFICE OF THE SECRETARY OF DEFENSE	524,439	524,439
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	4,898,159	4,852,859
	Unjustified growth in total civilian compensation		[–45,300]
	SUBTOTAL OPERATING FORCES	**5,928,711**	**5,883,411**
	TRAINING AND RECRUITING		
040	DEFENSE ACQUISITION UNIVERSITY	138,658	138,658
050	JOINT CHIEFS OF STAFF	85,701	95,701
	Model alternative design of reconnaissance strike group		[10,000]
070	SPECIAL OPERATIONS COMMAND/TRAINING AND RECRUITING	365,349	365,349
	SUBTOTAL TRAINING AND RECRUITING	**589,708**	**599,708**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
080	CIVIL MILITARY PROGRAMS	160,480	185,480
	Starbase		[25,000]
100	DEFENSE CONTRACT AUDIT AGENCY	630,925	630,925
110	DEFENSE CONTRACT MANAGEMENT AGENCY	1,356,380	1,356,380
120	DEFENSE HUMAN RESOURCES ACTIVITY	683,620	683,620
130	DEFENSE INFORMATION SYSTEMS AGENCY	1,439,891	1,439,891
150	DEFENSE LEGAL SERVICES AGENCY	24,984	24,984
160	DEFENSE LOGISTICS AGENCY	357,964	352,164
	Price Comparability Office unjustified growth		[–5,800]
170	DEFENSE MEDIA ACTIVITY	223,422	223,422
180	DEFENSE PERSONNEL ACCOUNTING AGENCY	112,681	112,681
190	DEFENSE SECURITY COOPERATION AGENCY	496,754	81,954
	Transfer Combatting Terrorism Fellowship to to Security Cooperation Enhancement Fund		[–26,800]
	Transfer Defense Institute of International Legal Studies to Security Cooperation Enhancement Fund.		[–2,600]
	Transfer Defense Institution Reform Initiative to to Security Cooperation Enhancement Fund		[–25,600]
	Transfer Global Train and Equip to Security Cooperation Enhancement Fund		[–270,200]
	Transfer Ministry of Defense Advisors to to Security Cooperation Enhancement Fund		[–9,200]
	Transfer Regional Centers to Security Cooperation Enhancement Fund		[–58,600]
	Transfer Wales initaitive Fund/Partnership for Peace to Security Cooperation Enhancement Fund		[–21,800]
200	DEFENSE SECURITY SERVICE	538,711	538,711
230	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	35,417	35,417
240	DEFENSE THREAT REDUCTION AGENCY	448,146	448,146
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,671,143	2,701,143
	Impact Aid		[25,000]
	Impact Aid severe disabilities		[5,000]
270	MISSILE DEFENSE AGENCY	446,975	446,975
290	OFFICE OF ECONOMIC ADJUSTMENT	155,399	123,199
	Guam public health lab		[–32,200]
300	OFFICE OF THE SECRETARY OF DEFENSE	1,481,643	1,502,643

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	Cuts for BRAC planning		[–4,000]
	DOD rewards early to need		[–5,000]
	Secretary of Defense Delivery Unit		[30,000]
310	SPECIAL OPERATIONS COMMAND/ADMIN & SVC-WIDE ACTIVITIES	89,429	89,429
320	WASHINGTON HEADQUARTERS SERVICES	629,874	629,874
330	CLASSIFIED PROGRAMS	14,069,333	14,054,033
	Reduction to NSA Information Systems and Security Program (4GT4)		[–27,000]
	Sharkseer email protection		[11,700]
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**26,053,171**	**25,661,071**
	UNDISTRIBUTED		
905	UNDISTRIBUTED TO DEFENSE-WIDE	0	–1,400
	15% printing reduction		[–1,400]
911	UNDISTRIBUTED FOREIGN CURRENCY	0	–10,580
	Foreign currency gains		[–10,580]
916	UNDISTRIBUTED FUEL	0	–41,100
	Fuel cost savings		[–41,100]
	SUBTOTAL UNDISTRIBUTED	**0**	**–53,080**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**32,571,590**	**32,091,110**
	MISCELLANEOUS APPROPRIATIONS		
	US COURT OF APPEALS FOR ARMED FORCES, DEF		
4GTT	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	14,194	14,194
	SUBTOTAL US COURT OF APPEALS FOR ARMED FORCES, DEF	**14,194**	**14,194**
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID		
4GTD	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	105,125	105,125
	SUBTOTAL OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	**105,125**	**105,125**
	COOPERATIVE THREAT REDUCTION ACCOUNT		
1PL3	FORMER SOVIET UNION (FSU) THREAT REDUCTION	325,604	325,604
	SUBTOTAL COOPERATIVE THREAT REDUCTION ACCOUNT	**325,604**	**325,604**
	ENVIRONMENTAL RESTORATION, ARMY		
493	ENVIRONMENTAL RESTORATION, ARMY	170,167	170,167
	SUBTOTAL ENVIRONMENTAL RESTORATION, ARMY	**170,167**	**170,167**
	ENVIRONMENTAL RESTORATION, NAVY		
044G	ENVIRONMENTAL RESTORATION, NAVY	281,762	281,762
	SUBTOTAL ENVIRONMENTAL RESTORATION, NAVY	**281,762**	**281,762**
	ENVIRONMENTAL RESTORATION, AIR FORCE		
042G	ENVIRONMENTAL RESTORATION, AIR FORCE	371,521	371,521
	SUBTOTAL ENVIRONMENTAL RESTORATION, AIR FORCE	**371,521**	**371,521**
	ENVIRONMENTAL RESTORATION, DEFENSE		
045G	ENVIRONMENTAL RESTORATION, DEFENSE	9,009	9,009
	SUBTOTAL ENVIRONMENTAL RESTORATION, DEFENSE	**9,009**	**9,009**
	ENVIRONMENTAL RESTORATION FORMERLY USED SITES		
047G	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	197,084	197,084
	SUBTOTAL ENVIRONMENTAL RESTORATION FORMERLY USED SITES	**197,084**	**197,084**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**1,474,466**	**1,474,466**
	UNDISTRIBUTED		
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	20,000
	Commission on Military, National, and Public Service		[15,000]
	Temporary Duty Assignment Per Diem Rate Waiver		[5,000]
	SUBTOTAL UNDISTRIBUTED	**0**	**20,000**
	TOTAL UNDISTRIBUTED	**0**	**20,000**
	TOTAL OPERATION & MAINTENANCE	**171,318,488**	**171,389,798**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) OPERATION AND MAINTENANCE.—

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	723,945	723,945
020	MODULAR SUPPORT BRIGADES	5,904	5,904
030	ECHELONS ABOVE BRIGADE	38,614	38,614
040	THEATER LEVEL ASSETS	1,651,817	1,651,817
050	LAND FORCES OPERATIONS SUPPORT	835,138	835,138
060	AVIATION ASSETS	165,044	165,044
070	FORCE READINESS OPERATIONS SUPPORT	1,756,378	1,756,378
080	LAND FORCES SYSTEMS READINESS	348,174	348,174
090	LAND FORCES DEPOT MAINTENANCE	350,000	350,000
100	BASE OPERATIONS SUPPORT	40,000	40,000
140	ADDITIONAL ACTIVITIES	5,990,878	5,990,878
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	5,000	5,000
160	RESET	1,092,542	1,092,542
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT	79,568	79,568
	SUBTOTAL OPERATING FORCES	**13,083,002**	**13,083,002**
	MOBILIZATION		
190	ARMY PREPOSITIONED STOCKS	350,200	350,200
	SUBTOTAL MOBILIZATION	**350,200**	**350,200**
	TRAINING AND RECRUITING		
250	SPECIALIZED SKILL TRAINING	3,565	3,565
270	PROFESSIONAL DEVELOPMENT EDUCATION	9,021	9,021
280	TRAINING SUPPORT	2,434	2,434
320	CIVILIAN EDUCATION AND TRAINING	1,254	1,254
	SUBTOTAL TRAINING AND RECRUITING	**16,274**	**16,274**
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	740,400	740,400
380	AMMUNITION MANAGEMENT	13,974	13,974
420	OTHER PERSONNEL SUPPORT	105,508	105,508
450	REAL ESTATE MANAGEMENT	165,678	165,678
460	CLASSIFIED PROGRAMS	835,551	835,551
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**1,861,111**	**1,861,111**
	TOTAL OPERATION & MAINTENANCE, ARMY	**15,310,587**	**15,310,587**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	708	708
020	ECHELONS ABOVE BRIGADE	14,822	14,822
030	THEATER LEVEL ASSETS	375	375
040	LAND FORCES OPERATIONS SUPPORT	2,088	2,088
050	AVIATION ASSETS	608	608
060	FORCE READINESS OPERATIONS SUPPORT	5,425	5,425
090	BASE OPERATIONS SUPPORT	14,653	14,653
	SUBTOTAL OPERATING FORCES	**38,679**	**38,679**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**38,679**	**38,679**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	16,149	16,149
020	MODULAR SUPPORT BRIGADES	748	748
030	ECHELONS ABOVE BRIGADE	34,707	34,707
040	THEATER LEVEL ASSETS	10,472	10,472
060	AVIATION ASSETS	32,804	32,804
070	FORCE READINESS OPERATIONS SUPPORT	12,435	12,435
100	BASE OPERATIONS SUPPORT	18,800	18,800
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	920	920
	SUBTOTAL OPERATING FORCES	**127,035**	**127,035**
	TOTAL OPERATION & MAINTENANCE, ARNG	**127,035**	**127,035**
	AFGHANISTAN SECURITY FORCES FUND		
	MINISTRY OF DEFENSE		
010	SUSTAINMENT	2,173,341	2,173,341
020	INFRASTRUCTURE	48,262	48,262
030	EQUIPMENT AND TRANSPORTATION	76,216	76,216
040	TRAINING AND OPERATIONS	220,139	220,139
	SUBTOTAL MINISTRY OF DEFENSE	**2,517,958**	**2,517,958**
	MINISTRY OF INTERIOR		
050	SUSTAINMENT	860,441	860,441
060	INFRASTRUCTURE	20,837	20,837
070	EQUIPMENT AND TRANSPORTATION	8,153	8,153
080	TRAINING AND OPERATIONS	41,326	41,326

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	SUBTOTAL MINISTRY OF INTERIOR	**930,757**	**930,757**
	TOTAL AFGHANISTAN SECURITY FORCES FUND	**3,448,715**	**3,448,715**
	COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND		
	COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND		
010	COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND	630,000	1,260,000
	Transfer from Coalition Support Fund		[180,000]
	Transfer from Counterterrorism Partnership Fund		[200,000]
	Transfer from Syria Train and Equip		[250,000]
	SUBTOTAL COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND	**630,000**	**1,260,000**
	TOTAL COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND	**630,000**	**1,260,000**
	SYRIA TRAIN AND EQUIP FUND		
	SYRIA TRAIN AND EQUIP FUND		
010	SYRIA TRAIN AND EQUIP FUND	250,000	0
	Transfer to Counter Islamic State in Iraq and the Levant Fund (former Iraq Train and Equip)		[–250,000]
	SUBTOTAL SYRIA TRAIN AND EQUIP FUND	**250,000**	**0**
	TOTAL SYRIA TRAIN AND EQUIP FUND	**250,000**	**0**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	860,621	860,621
040	AIR OPERATIONS AND SAFETY SUPPORT	4,603	4,603
050	AIR SYSTEMS SUPPORT	159,049	159,049
060	AIRCRAFT DEPOT MAINTENANCE	113,994	113,994
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	1,840	1,840
080	AVIATION LOGISTICS	35,529	35,529
090	MISSION AND OTHER SHIP OPERATIONS	1,073,080	1,073,080
100	SHIP OPERATIONS SUPPORT & TRAINING	17,306	17,306
110	SHIP DEPOT MAINTENANCE	2,903,431	2,903,431
130	COMBAT COMMUNICATIONS	21,257	21,257
160	WARFARE TACTICS	22,603	22,603
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	22,934	22,934
180	COMBAT SUPPORT FORCES	568,511	568,511
190	EQUIPMENT MAINTENANCE	11,358	11,358
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	61,000	61,000
260	WEAPONS MAINTENANCE	289,045	289,045
270	OTHER WEAPON SYSTEMS SUPPORT	8,000	8,000
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	27,089	27,089
300	BASE OPERATING SUPPORT	219,525	219,525
	SUBTOTAL OPERATING FORCES	**6,420,775**	**6,420,775**
	MOBILIZATION		
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS	1,530	1,530
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	8,904	8,904
370	COAST GUARD SUPPORT	162,692	162,692
	SUBTOTAL MOBILIZATION	**173,126**	**173,126**
	TRAINING AND RECRUITING		
410	SPECIALIZED SKILL TRAINING	43,365	43,365
	SUBTOTAL TRAINING AND RECRUITING	**43,365**	**43,365**
	ADMIN & SRVWD ACTIVITIES		
490	ADMINISTRATION	3,764	3,764
500	EXTERNAL RELATIONS	515	515
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	5,409	5,409
530	OTHER PERSONNEL SUPPORT	1,578	1,578
540	SERVICEWIDE COMMUNICATIONS	25,617	25,617
570	SERVICEWIDE TRANSPORTATION	126,700	126,700
600	ACQUISITION AND PROGRAM MANAGEMENT	9,261	9,261
640	NAVAL INVESTIGATIVE SERVICE	1,501	1,501
650	CLASSIFIED PROGRAMS	15,780	15,780
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**190,125**	**190,125**
	TOTAL OPERATION & MAINTENANCE, NAVY	**6,827,391**	**6,827,391**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	703,489	703,489
020	FIELD LOGISTICS	266,094	266,094
030	DEPOT MAINTENANCE	147,000	147,000
060	BASE OPERATING SUPPORT	18,576	18,576
	SUBTOTAL OPERATING FORCES	**1,135,159**	**1,135,159**
	TRAINING AND RECRUITING		
110	TRAINING SUPPORT	31,750	31,750

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	SUBTOTAL TRAINING AND RECRUITING	**31,750**	**31,750**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	73,800	73,800
160	CLASSIFIED PROGRAMS	3,650	3,650
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**77,450**	**77,450**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**1,244,359**	**1,244,359**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
030	AIRCRAFT DEPOT MAINTENANCE	16,500	16,500
050	AVIATION LOGISTICS	2,522	2,522
100	COMBAT SUPPORT FORCES	7,243	7,243
	SUBTOTAL OPERATING FORCES	**26,265**	**26,265**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**26,265**	**26,265**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	2,500	2,500
040	BASE OPERATING SUPPORT	804	804
	SUBTOTAL OPERATING FORCES	**3,304**	**3,304**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**3,304**	**3,304**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,339,461	1,367,461
	ERI nuclear readiness		[28,000]
020	COMBAT ENHANCEMENT FORCES	1,096,021	1,096,021
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	152,278	152,278
040	DEPOT MAINTENANCE	1,185,506	1,185,506
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	56,700	56,700
060	BASE SUPPORT	941,714	941,714
070	GLOBAL C3I AND EARLY WARNING	30,219	30,219
080	OTHER COMBAT OPS SPT PROGRAMS	207,696	207,696
100	LAUNCH FACILITIES	869	869
110	SPACE CONTROL SYSTEMS	5,008	5,008
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	100,081	100,081
130	CLASSIFIED PROGRAMS	79,893	79,893
	SUBTOTAL OPERATING FORCES	**5,195,446**	**5,223,446**
	MOBILIZATION		
140	AIRLIFT OPERATIONS	2,774,729	2,774,729
150	MOBILIZATION PREPAREDNESS	108,163	108,163
160	DEPOT MAINTENANCE	891,102	891,102
180	BASE SUPPORT	3,686	3,686
	SUBTOTAL MOBILIZATION	**3,777,680**	**3,777,680**
	TRAINING AND RECRUITING		
230	BASE SUPPORT	52,740	52,740
240	SPECIALIZED SKILL TRAINING	4,500	4,500
	SUBTOTAL TRAINING AND RECRUITING	**57,240**	**57,240**
	ADMIN & SRVWD ACTIVITIES		
340	LOGISTICS OPERATIONS	86,716	86,716
380	BASE SUPPORT	59,133	59,133
400	SERVICEWIDE COMMUNICATIONS	165,348	165,348
410	OTHER SERVICEWIDE ACTIVITIES	141,883	116,783
	Program reduction		[–25,100]
450	INTERNATIONAL SUPPORT	61	61
460	CLASSIFIED PROGRAMS	15,323	15,323
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**468,464**	**443,364**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**9,498,830**	**9,501,730**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
030	DEPOT MAINTENANCE	51,086	51,086
050	BASE SUPPORT	6,500	6,500
	SUBTOTAL OPERATING FORCES	**57,586**	**57,586**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**57,586**	**57,586**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	3,400	3,400
050	BASE SUPPORT	16,600	16,600

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	SUBTOTAL OPERATING FORCES	**20,000**	**20,000**
	TOTAL OPERATION & MAINTENANCE, ANG	**20,000**	**20,000**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	2,650,651	2,650,651
	SUBTOTAL OPERATING FORCES	**2,650,651**	**2,650,651**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
100	DEFENSE CONTRACT AUDIT AGENCY	13,436	13,436
110	DEFENSE CONTRACT MANAGEMENT AGENCY	13,564	13,564
130	DEFENSE INFORMATION SYSTEMS AGENCY	47,579	47,579
150	DEFENSE LEGAL SERVICES AGENCY	111,986	111,986
170	DEFENSE MEDIA ACTIVITY	13,317	13,317
190	DEFENSE SECURITY COOPERATION AGENCY	1,412,000	312,000
	Reduction to Coalition Support Funds		[–100,000]
	Transfer to Counter Islamic State in Iraq and the Levant Fund (former Iraq Train and Equip)		[–180,000]
	Transfer to Security Cooperation Enhancement Fund		[–820,000]
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	67,000	67,000
300	OFFICE OF THE SECRETARY OF DEFENSE	31,106	31,106
320	WASHINGTON HEADQUARTERS SERVICES	3,137	3,137
330	CLASSIFIED PROGRAMS	1,618,397	1,618,397
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**3,331,522**	**2,231,522**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**5,982,173**	**4,882,173**
	UKRAINE SECURITY ASSISTANCE INITIATIVE		
	UKRAINE SECURITY ASSISTANCE INITIATIVE		
888	UKRAINE SECURITY ASSISTANCE INITIATIVE	0	350,000
	Ukraine Security Assistance Initiative		[350,000]
	SUBTOTAL UKRAINE SECURITY ASSISTANCE INITIATIVE	**0**	**350,000**
	TOTAL UKRAINE SECURITY ASSISTANCE INITIATIVE	**0**	**350,000**
	TOTAL OPERATION & MAINTENANCE	**43,464,924**	**43,097,824**

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

(a) MILITARY PERSONNEL.—

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2017 Request	Senate Authorized
MILITARY PERSONNEL		
MILITARY PERSONNEL APPROPRIATIONS		
MILITARY PERSONNEL APPROPRIATIONS	128,902,332	127,651,442
Defense Officer Personnel Management Act reforms		[100,000]
Foreign currency gains		[–72,940]
Military Personnel underexecution		[–880,450]
Non-adoption of Air Force Pilot Bonus Increase		[–2,500]
Non-adoption of DOD retirement reforms		[–400,000]
Rural Guard Act		[5,000]
SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS	**128,902,332**	**127,651,442**
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS		
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	6,366,908	6,366,908
SUBTOTAL MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	**6,366,908**	**6,366,908**
TOTAL MILITARY PERSONNEL	**135,269,240**	**134,018,350**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) MILITARY PERSONNEL.—

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2017 Request	Senate Authorized
MILITARY PERSONNEL		
MILITARY PERSONNEL APPROPRIATIONS		

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2017 Request	Senate Authorized
MILITARY PERSONNEL APPROPRIATIONS	3,562,258	3,562,258
SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS	**3,562,258**	**3,562,258**
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS		
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	0	0
SUBTOTAL MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	**0**	**0**
TOTAL MILITARY PERSONNEL	**3,562,258**	**3,562,258**

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

(a) OTHER AUTHORIZATIONS.—

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	WORKING CAPITAL FUND		
	WORKING CAPITAL FUND, ARMY		
020	ARMY SUPPLY MANAGEMENT	56,469	56,469
	SUBTOTAL WORKING CAPITAL FUND, ARMY	**56,469**	**56,469**
	WORKING CAPITAL FUND, AIR FORCE		
020	WORKING CAPITAL FUND	63,967	63,967
	SUBTOTAL WORKING CAPITAL FUND, AIR FORCE	**63,967**	**63,967**
	WORKING CAPITAL FUND, DEFENSE-WIDE		
020	WORKING CAPITAL FUND SUPPORT	37,132	37,132
	SUBTOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**37,132**	**37,132**
	WORKING CAPITAL FUND, DECA		
010	WORKING CAPITAL FUND SUPPORT	1,214,045	1,214,045
	SUBTOTAL WORKING CAPITAL FUND, DECA	**1,214,045**	**1,214,045**
	TOTAL WORKING CAPITAL FUND	**1,371,613**	**1,371,613**
	CHEM AGENTS & MUNITIONS DESTRUCTION		
	OPERATION AND MAINTENANCE		
1	O&M	147,282	147,282
	SUBTOTAL OPERATION AND MAINTENANCE	**147,282**	**147,282**
	RESEARCH, DEVELOPMENT, TEST, AND EVALUATION		
2	RDT&E	388,609	388,609
	SUBTOTAL RESEARCH, DEVELOPMENT, TEST, AND EVALUATION	**388,609**	**388,609**
	PROCUREMENT		
3	PROC	15,132	15,132
	SUBTOTAL PROCUREMENT	**15,132**	**15,132**
	TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	**551,023**	**551,023**
	DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
	DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES		
010	DEFENSEWIDE ACTIVITIES	730,087	471,787
	Transfer to Security Cooperation Enhancement Fund		[–258,300]
	SUBTOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES	**730,087**	**471,787**
	DRUG DEMAND REDUCTION PROGRAM		
020	DRUG INTRDCT & CNTR-DRG ACT, DEF	114,713	114,713
	SUBTOTAL DRUG DEMAND REDUCTION PROGRAM	**114,713**	**114,713**
	TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**844,800**	**586,500**
	OFFICE OF THE INSPECTOR GENERAL		
	OPERATION AND MAINTENANCE		
010	DEFENSEWIDE ACTIVITIES	318,882	311,582
	Audit FTE unjustified growth		[–7,300]
	SUBTOTAL OPERATION AND MAINTENANCE	**318,882**	**311,582**
	RDT&E		
020	DEFENSEWIDE ACTIVITIES	3,153	3,153
	SUBTOTAL RDT&E	**3,153**	**3,153**
	TOTAL OFFICE OF THE INSPECTOR GENERAL	**322,035**	**314,735**
	DEFENSE HEALTH PROGRAM		

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	OPERATION & MAINTENANCE		
010	IN-HOUSE CARE	9,240,160	9,240,160
020	PRIVATE SECTOR CARE	15,738,759	15,738,759
030	CONSOLIDATED HEALTH SUPPORT	2,367,759	2,367,759
040	INFORMATION MANAGEMENT	1,743,749	1,743,749
050	MANAGEMENT ACTIVITIES	311,380	311,380
060	EDUCATION AND TRAINING	743,231	743,231
070	BASE OPERATIONS/COMMUNICATIONS	2,086,352	2,086,352
210	UNDISTRIBUTED FOREIGN CURRENCY	0	–6,470
	Foreign currency gains		[–6,470]
	SUBTOTAL OPERATION & MAINTENANCE	**32,231,390**	**32,224,920**
	RDT&E		
080	R&D RESEARCH	9,097	9,097
090	R&D EXPLORATRY DEVELOPMENT	58,517	58,517
100	R&D ADVANCED DEVELOPMENT	221,226	221,226
110	R&D DEMONSTRATION/VALIDATION	96,602	96,602
120	R&D ENGINEERING DEVELOPMENT	364,057	364,057
130	R&D MANAGEMENT AND SUPPORT	58,410	58,410
140	R&D CAPABILITIES ENHANCEMENT	14,998	14,998
	SUBTOTAL RDT&E	**822,907**	**822,907**
	PROCUREMENT		
150	PROC INITIAL OUTFITTING	20,611	20,611
160	PROC REPLACEMENT & MODERNIZATION	360,727	360,727
180	PROC JOINT OPERATIONAL MEDICINE INFORMATION SYSTEM	2,413	2,413
200	PROC DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	29,468	29,468
	SUBTOTAL PROCUREMENT	**413,219**	**413,219**
	UNDISTRIBUTED		
220	UNDISTRIBUTED DEFENSE HEALTH PROGRAM	0	440,000
	Incorporation of value-based health care into TRICARE program		[24,500]
	Pilot program on health insurance for reserve component members		[20,000]
	Reduction for unauthorized fertility treatment benefits		[–38,000]
	Reduction for unjustified travel expenses		[–6,500]
	Reimbursement rates for Comprehensive Autism Care Demonstration program		[40,000]
	TRICARE reform implementation		[400,000]
	SUBTOTAL UNDISTRIBUTED	**0**	**440,000**
	TOTAL DEFENSE HEALTH PROGRAM	**33,467,516**	**33,901,046**
	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)		
	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)		
99	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	0	673,100
	Transfer from Drug Interdiction and Counter-Drug Activities		[258,300]
	Transfer of Combatting Terrorism Fellowship Program		[26,800]
	Transfer of Defense Institute of International Legal Studies		[2,600]
	Transfer of Defense Institution Reform Initiative		[25,600]
	Transfer of Global Train and Equip Program		[270,200]
	Transfer of Ministry of Defense Advisors		[9,200]
	Transfer of Regional Centers		[58,600]
	Transfer of Wales Initaitive Fund/Partnership for Peace		[21,800]
	SUBTOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	**0**	**673,100**
	TOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	**0**	**673,100**
	TOTAL OTHER AUTHORIZATIONS	**36,556,987**	**37,398,017**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) OTHER AUTHORIZATIONS.—

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	WORKING CAPITAL FUND		
	WORKING CAPITAL FUND, ARMY		
020	ARMY SUPPLY MANAGEMENT	46,833	46,833
	SUBTOTAL WORKING CAPITAL FUND, ARMY	**46,833**	**46,833**
	DLA WORKING CAPITAL FUNDS		
030	DLA WORKING CAPITAL FUNDS	93,800	93,800
	SUBTOTAL DLA WORKING CAPITAL FUNDS	**93,800**	**93,800**
	TOTAL WORKING CAPITAL FUND	**140,633**	**140,633**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
	DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES		
010	DEFENSEWIDE ACTIVITIES	215,333	215,333
	SUBTOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES	**215,333**	**215,333**
	TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**215,333**	**215,333**
	OFFICE OF THE INSPECTOR GENERAL		
	OPERATION AND MAINTENANCE		
010	OPERATION AND MAINTENANCE	22,062	22,062
	SUBTOTAL OPERATION AND MAINTENANCE	**22,062**	**22,062**
	TOTAL OFFICE OF THE INSPECTOR GENERAL	**22,062**	**22,062**
	DEFENSE HEALTH PROGRAM		
	OPERATION & MAINTENANCE		
010	IN-HOUSE CARE	95,366	95,366
020	PRIVATE SECTOR CARE	233,073	233,073
030	CONSOLIDATED HEALTH SUPPORT	3,325	3,325
	SUBTOTAL OPERATION & MAINTENANCE	**331,764**	**331,764**
	TOTAL DEFENSE HEALTH PROGRAM	**331,764**	**331,764**
	COUNTERTERRORISM PARTNERSHIPS FUND		
	COUNTERTERRORISM PARTNERSHIPS FUND		
090	COUNTERTERRORISM PARTNERSHIPS FUND	1,000,000	0
	Ahead of need		[–150,000]
	Transfer to Counter Islamic State in Iraq and the Levant Fund (former Iraq Train and Equip)		[–200,000]
	Transfer to Security Cooperation Enhancement Fund		[–650,000]
	SUBTOTAL COUNTERTERRORISM PARTNERSHIPS FUND	**1,000,000**	**0**
	TOTAL COUNTERTERRORISM PARTNERSHIPS FUND	**1,000,000**	**0**
	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)		
	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)		
99	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	0	1,470,000
	Transfer from Coalition Support Fund		[820,000]
	Transfer from Counterterrorism Partnership Fund		[650,000]
	SUBTOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	**0**	**1,470,000**
	TOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	**0**	**1,470,000**
	TOTAL OTHER AUTHORIZATIONS	**1,709,792**	**2,179,792**

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

(a) MILITARY CONSTRUCTION.—

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MILITARY CONSTRUCTION				
MILCON, ARMY				
	Alaska			
MILCON, ARMY	Fort Wainwright	Unmanned Aerial Vehicle Hangar	47,000	47,000
	California			
MILCON, ARMY	Concord	Access Control Point	12,600	12,600
	Colorado			
MILCON, ARMY	Fort Carson	Guard Readiness Center	0	16,500
MILCON, ARMY	Fort Carson	Automated Infantry Platoon Battle Course	8,100	8,100
MILCON, ARMY	Fort Carson	Unmanned Aerial Vehicle Hangar	5,000	5,000
	Georgia			
MILCON, ARMY	Fort Gordon	Company Operations Facility	0	10,600
MILCON, ARMY	Fort Gordon	CYBER Protection Team Ops Facility	90,000	90,000
MILCON, ARMY	Fort Stewart	Automated Qualification/Training Range	14,800	14,800

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
	Germany			
MILCON, ARMY	East Camp Grafenwoehr	Training Support Center	22,000	22,000
MILCON, ARMY	Garmisch	Dining Facility	9,600	9,600
MILCON, ARMY	Wiesbaden Army Airfield	Controlled Humidity Warehouse	16,500	16,500
MILCON, ARMY	Wiesbaden Army Airfield	Hazardous Material Storage Building	2,700	2,700
	Guantanamo Bay, Cuba			
MILCON, ARMY	Guantanamo Bay	Mass Migration Complex	33,000	0
	Hawaii			
MILCON, ARMY	Fort Shafter	Command and Control Facility, Incr 2	40,000	40,000
	Texas			
MILCON, ARMY	Fort Hood	Automated Infantry Platoon Battle Course	7,600	7,600
	Utah			
MILCON, ARMY	Camp Williams	Live Fire Exercise Shoothouse	7,400	7,400
	Virginia			
MILCON, ARMY	Fort Belvoir	Secure Admin/Operations Facility, Incr 2	64,000	64,000
	Worldwide Unspecified			
MILCON, ARMY	Unspecified Worldwide Locations	Prior Year Savings	0	–30,000
MILCON, ARMY	Unspecified Worldwide Locations	Minor Construction FY17	25,000	25,000
MILCON, ARMY	Unspecified Worldwide Locations	Planning and Design FY17	80,159	80,159
MILCON, ARMY	Unspecified Worldwide Locations	Host Nation Support FY17	18,000	18,000
SUBTOTAL MILCON, ARMY			**503,459**	**467,559**
MIL CON, NAVY				
	Arizona			
MIL CON, NAVY	Yuma	Vmx–22 Maintenance Hangar	48,355	48,355
	California			
MIL CON, NAVY	Coronado	Coastal Campus Entry Control Point	13,044	13,044
MIL CON, NAVY	Coronado	Grace Hopper Data Center Power Upgrades	10,353	10,353
MIL CON, NAVY	Coronado	Coastal Campus Utilities Infrastructure	81,104	81,104
MIL CON, NAVY	Lemoore	F–35C Engine Repair Facility	26,723	26,723
MIL CON, NAVY	Miramar	Communications Complex and Infrastructure	0	34,700
MIL CON, NAVY	Miramar	F–35 Parking Apron	0	40,000
MIL CON, NAVY	San Diego	Energy Security Hospital Microgrid	6,183	0
MIL CON, NAVY	Seal Beach	Missile Magazines	21,007	21,007
	Florida			
MIL CON, NAVY	Eglin AFB	WMD Field Training Facilities	20,489	20,489
	Guam			
MIL CON, NAVY	Joint Region Marianas	Power Upgrade—Harmon	62,210	62,210
MIL CON, NAVY	Joint Region Marianas	Hardening of Guam Pol Infrastructure	26,975	26,975
	Hawaii			
MIL CON, NAVY	Barking Sands	Upgrade Power Plant & Electrical Distrib Sys	43,384	43,384
MIL CON, NAVY	Kaneohe Bay	Regimental Consolidated Comm/Elec Facility	72,565	72,565
	Japan			
MIL CON, NAVY	Kadena AB	Aircraft Maintenance Complex	26,489	26,489
MIL CON, NAVY	Sasebo	Shore Power (Juliet Pier)	16,420	16,420
	Maine			
MIL CON, NAVY	Kittery	Unaccompanied Housing	17,773	17,773

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MIL CON, NAVY	Kittery	Utility Improvements for Nuclear Platforms	30,119	30,119
	Maryland			
MIL CON, NAVY	Patuxent River	Uclass RDT&E Hangar	40,576	40,576
	Nevada			
MIL CON, NAVY	Fallon	Air Wing Simulator Facility	13,523	13,523
	North Carolina			
MIL CON, NAVY	Camp Lejeune, North Carolina	Range Facilities Safety Improvements	18,482	18,482
MIL CON, NAVY	Cherry Point Marine Corps Air Station	Central Heating Plant Conversion	12,515	12,515
	South Carolina			
MIL CON, NAVY	Beaufort	Aircraft Maintenance Hangar	83,490	83,490
MIL CON, NAVY	Parris Island	Recruit Reconditioning Center & Barracks	29,882	29,882
	Spain			
MIL CON, NAVY	Rota	Communication Station	23,607	23,607
	Virginia			
MIL CON, NAVY	Norfolk	Chambers Field Magazine Recap	0	27,000
	Washington			
MIL CON, NAVY	Bangor	Service Pier Electrical Upgrades	18,939	18,939
MIL CON, NAVY	Bremerton	Submarine Refit Maint Support Facility	21,476	21,476
MIL CON, NAVY	Bremerton	Nuclear Repair Facility	6,704	6,704
MIL CON, NAVY	Whidbey Island	Triton Mission Control Facility	30,475	30,475
MIL CON, NAVY	Whidbey Island	EA–18G Maintenance Hangar	45,501	45,501
	Worldwide Unspecified			
MIL CON, NAVY	Unspecified Worldwide Locations	Unspecified Minor Construction	29,790	29,790
MIL CON, NAVY	Unspecified Worldwide Locations	Planning and Design	88,230	88,230
MIL CON, NAVY	Various Worldwide Locations	Triton Forward Operating Base Hangar	41,380	41,380
SUBTOTAL MIL CON, NAVY			**1,027,763**	**1,123,280**
MILCON, AIR FORCE				
	Alaska			
MILCON, AIR FORCE	Clear AFS	Fire Station	20,000	20,000
MILCON, AIR FORCE	Eielson AFB	F–35A ADAL Field Training Detachment Fac	22,100	22,100
MILCON, AIR FORCE	Eielson AFB	F–35A Hangar/Propulsion Mx/Dispatch	44,900	44,900
MILCON, AIR FORCE	Eielson AFB	F–35A Missile Maintenance Facility	12,800	12,800
MILCON, AIR FORCE	Eielson AFB	F–35A Aircraft Weather Shelters (Sqd 1)	79,500	79,500
MILCON, AIR FORCE	Eielson AFB	F–35A Earth Covered Magazines	11,300	11,300
MILCON, AIR FORCE	Eielson AFB	F–35A Hangar/Squad Ops/AMU Sq #2	42,700	42,700
MILCON, AIR FORCE	Eielson AFB	F–35A Aircraft Weather Shelter (Sqd 2)	82,300	82,300
MILCON, AIR FORCE	Joint Base Elmendorf-Richardson	Add/Alter Awacs Alert Hangar	29,000	29,000
	Arizona			
MILCON, AIR FORCE	Luke AFB	F–35A Squad Ops/Aircraft Maint Unit #5	20,000	20,000
	Australia			
MILCON, AIR FORCE	Darwin	APR—Expand Parking Apron	28,600	28,600
MILCON, AIR FORCE	Darwin	APR—Aircraft Mx Support Facility	1,800	1,800
	California			
MILCON, AIR FORCE	Edwards Air Force Base	Flightline Fire Station	24,000	24,000
	Colorado			
MILCON, AIR FORCE	Buckley Air Force Base	Small Arms Range Complex	13,500	13,500

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
	Delaware			
MILCON, AIR FORCE	Dover AFB	Aircraft Maintenance Hangar	39,000	39,000
	Florida			
MILCON, AIR FORCE	Eglin AFB	Flightline Fire Station	13,600	13,600
MILCON, AIR FORCE	Eglin AFB	Advanced Munitions Technology Complex	75,000	75,000
MILCON, AIR FORCE	Patrick AFB	Fire/Crash Rescue Station	13,500	13,500
	Georgia			
MILCON, AIR FORCE	Moody AFB	Personnel Recovery 4–Bay Hangar/Helo Mx Unit	30,900	30,900
	Germany			
MILCON, AIR FORCE	Ramstein AB	37 AS Squadron Operations/Aircraft Maint Unit	13,437	13,437
MILCON, AIR FORCE	Spangdahlem AB	Eic—Site Development and Infrastructure	43,465	43,465
	Guam			
MILCON, AIR FORCE	Joint Region Marianas	APR—Munitions Storage Igloos, PH 2	35,300	35,300
MILCON, AIR FORCE	Joint Region Marianas	Block 40 Maintenance Hangar	31,158	31,158
MILCON, AIR FORCE	Joint Region Marianas	APR—SATCOM C4i Facility	14,200	14,200
	Japan			
MILCON, AIR FORCE	Kadena AB	APR—Replace Munitions Structures	19,815	19,815
MILCON, AIR FORCE	Yokota AB	Construct Combat Arms Training & Maint Fac	8,243	8,243
MILCON, AIR FORCE	Yokota AB	C–130J Corrosion Control Hangar	23,777	23,777
	Kansas			
MILCON, AIR FORCE	McConnell AFB	Air Traffic Control Tower	11,200	11,200
MILCON, AIR FORCE	McConnell AFB	KC–46A Alter Flight Simulator Bldgs	3,000	3,000
MILCON, AIR FORCE	McConnell AFB	KC–46A ADAL Taxiway Delta	5,600	5,600
	Louisiana			
MILCON, AIR FORCE	Barksdale AFB	Consolidated Communication Facility	21,000	21,000
	Mariana Islands			
MILCON, AIR FORCE	Unspecified Location	APR—Land Acquisition	9,000	9,000
	Maryland			
MILCON, AIR FORCE	Joint Base Andrews	Consolidated Communications Center	0	50,000
MILCON, AIR FORCE	Joint Base Andrews	21 Points Enclosed Firing Range	13,000	13,000
MILCON, AIR FORCE	Joint Base Andrews	Par Relocate Jadoc Satellite Site	3,500	3,500
	Massachusetts			
MILCON, AIR FORCE	Hanscom AFB	System Management Engineering Facility	20,000	20,000
	Montana			
MILCON, AIR FORCE	Malmstrom AFB	Missile Maintenance Facility	14,600	14,600
	Nevada			
MILCON, AIR FORCE	Nellis AFB	F–35A Pol Fill Stand Addition	10,600	10,600
	New Mexico			
MILCON, AIR FORCE	Cannon AFB	North Fitness Center	21,000	21,000
MILCON, AIR FORCE	Holloman AFB	Hazardous Cargo Pad and Taxiway	10,600	10,600
MILCON, AIR FORCE	Kirtland AFB	Combat Rescue Helicopter (Crh) Simulator	7,300	7,300
	Ohio			
MILCON, AIR FORCE	Wright-Patterson AFB	Relocated Entry Control Facility 26a	12,600	12,600
	Oklahoma			
MILCON, AIR FORCE	Altus AFB	KC–46A FTU/Ftc Simulator Facility PH 2	11,600	11,600
MILCON, AIR FORCE	Tinker AFB	E3 Mission and Flight Simulator	0	26,000
MILCON, AIR FORCE	Tinker AFB	KC–46A Depot System Integration Laboratory	17,000	17,000
	Texas			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MILCON, AIR FORCE	Joint Base San Antonio	BMT Recruit Dormitory 6	67,300	67,300
	Turkey			
MILCON, AIR FORCE	Incirlik AB	Airfield Fire/Crash Rescue Station	13,449	13,449
	United Arab Emirates			
MILCON, AIR FORCE	AL Dhafra	Large Aircraft Maintenance Hangar	35,400	35,400
	United Kingdom			
MILCON, AIR FORCE	RAF Croughton	Main Gate Complex	16,500	16,500
MILCON, AIR FORCE	RAF Croughton	JIAC Consolidation—PH 3	53,082	53,082
	Utah			
MILCON, AIR FORCE	Hill AFB	649 Muns Stamp/Maint & Inspection Facility	12,000	12,000
MILCON, AIR FORCE	Hill AFB	F–35A Munitions Maintenance Complex	10,100	10,100
MILCON, AIR FORCE	Hill AFB	Composite Aircraft Antenna Calibration Fac	7,100	7,100
MILCON, AIR FORCE	Hill AFB	649 Muns Precision Guided Missile Mx Facility	8,700	8,700
MILCON, AIR FORCE	Hill AFB	649 Muns Munitions Storage Magazines	6,600	6,600
	Virginia			
MILCON, AIR FORCE	Joint Base Langley-Eustis	Fuel System Maintenance Dock	14,200	14,200
MILCON, AIR FORCE	Joint Base Langley-Eustis	Air Force Targeting Center	45,000	45,000
	Washington			
MILCON, AIR FORCE	Fairchild AFB	Pipeline Dorm, Usaf Sere School (150 RM)	27,000	27,000
	Worldwide Unspecified			
MILCON, AIR FORCE	Unspecified Worldwide Locations	Prior Year Savings	0	–22,300
MILCON, AIR FORCE	Various Worldwide Locations	Planning & Design	143,582	143,582
MILCON, AIR FORCE	Various Worldwide Locations	Unspecified Minor Military Construction	30,000	30,000
	Wyoming			
MILCON, AIR FORCE	F. E. Warren AFB	Missile Transfer Facility Bldg 4331	5,550	5,550
SUBTOTAL MILCON, AIR FORCE			**1,481,058**	**1,534,758**
MIL CON, DEF-WIDE				
	Alaska			
MIL CON, DEF-WIDE	Clear AFS	Long Range Discrim Radar Sys Complex Ph1	155,000	155,000
MIL CON, DEF-WIDE	Fort Greely	Missile Defense Complex Switchgear Facility	9,560	9,560
MIL CON, DEF-WIDE	Joint Base Elmendorf-Richardson	Construct Truck Offload Facility	4,900	4,900
	Arizona			
MIL CON, DEF-WIDE	Fort Huachuca	JITC Building 52110 Renovation	4,493	4,493
	California			
MIL CON, DEF-WIDE	Coronado	SOF Seal Team Ops Facility	47,290	47,290
MIL CON, DEF-WIDE	Coronado	SOF Seal Team Ops Facility	47,290	47,290
MIL CON, DEF-WIDE	Coronado	SOF Special Recon Team One Operations Fac	20,949	20,949
MIL CON, DEF-WIDE	Coronado	SOF Human Performance Training Center	15,578	15,578
MIL CON, DEF-WIDE	Coronado	SOF Training Detachment One Ops Facility	44,305	44,305
MIL CON, DEF-WIDE	Travis AFB	Replace Hydrant Fuel System	26,500	26,500
	Delaware			
MIL CON, DEF-WIDE	Dover AFB	Welch ES/Dover MS Replacement	44,115	44,115
	Diego Garcia			
MIL CON, DEF-WIDE	Diego Garcia	Improve Wharf Refueling Capability	30,000	30,000
	Florida			
MIL CON, DEF-WIDE	Patrick AFB	Replace Fuel Tanks	10,100	10,100
	Georgia			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MIL CON, DEF-WIDE	Fort Benning	SOF Tactical Unmanned Aerial Vehicle Hangar	4,820	4,820
MIL CON, DEF-WIDE	Fort Gordon	Medical Clinic Replacement	25,000	25,000
	Germany			
MIL CON, DEF-WIDE	Kaiserlautern AB	Sembach Elementary/Middle School Replacement	45,221	45,221
MIL CON, DEF-WIDE	Rhine Ordnance Barracks	Medical Center Replacement Incr 6	58,063	58,063
	Japan			
MIL CON, DEF-WIDE	Iwakuni	Construct Truck Offload & Loading Facilities	6,664	6,664
MIL CON, DEF-WIDE	Kadena AB	Kadena Elementary School Replacement	84,918	84,918
MIL CON, DEF-WIDE	Kadena AB	SOF Simulator Facility (MC–130)	12,602	12,602
MIL CON, DEF-WIDE	Kadena AB	SOF Maintenance Hangar	42,823	42,823
MIL CON, DEF-WIDE	Kadena AB	Medical Materiel Warehouse	20,881	20,881
MIL CON, DEF-WIDE	Yokota AB	Hangar/AMU	39,466	39,466
MIL CON, DEF-WIDE	Yokota AB	Operations and Warehouse Facilities	26,710	26,710
MIL CON, DEF-WIDE	Yokota AB	Simulator Facility	6,261	6,261
MIL CON, DEF-WIDE	Yokota AB	Airfield Apron	41,294	41,294
	Kwajalein			
MIL CON, DEF-WIDE	Kwajalein Atoll	Replace Fuel Storage Tanks	85,500	85,500
	Maine			
MIL CON, DEF-WIDE	Kittery	Medical/Dental Clinic Replacement	27,100	27,100
	Maryland			
MIL CON, DEF-WIDE	Bethesda Naval Hospital	Medcen Addition/Alteration Incr 1	50,000	50,000
MIL CON, DEF-WIDE	Fort Meade	NSAW Recapitalize Building #2 Incr 2	195,000	195,000
MIL CON, DEF-WIDE	Fort Meade	NSAW Campus Feeders Phase 3	17,000	17,000
MIL CON, DEF-WIDE	Fort Meade	Access Control Facility	21,000	21,000
	Missouri			
MIL CON, DEF-WIDE	ST Louis	Land Acquisition-Next NGA West (N2w) Campus	801	801
	North Carolina			
MIL CON, DEF-WIDE	Camp Lejeune, North Carolina	Dental Clinic Replacement	31,000	31,000
MIL CON, DEF-WIDE	Fort Bragg	SOF Tactical Equipment Maintenance Facility	23,598	23,598
MIL CON, DEF-WIDE	Fort Bragg	SOF Parachute Rigging Facility	21,420	21,420
MIL CON, DEF-WIDE	Fort Bragg	SOF Special Tactics Facility (Ph3)	30,670	30,670
MIL CON, DEF-WIDE	Fort Bragg	SOF Combat Medic Training Facility	10,905	10,905
	South Carolina			
MIL CON, DEF-WIDE	Joint Base Charleston	Construct Hydrant Fuel System	17,000	17,000
	Texas			
MIL CON, DEF-WIDE	Red River Army Depot	Construct Warehouse & Open Storage	44,700	44,700
MIL CON, DEF-WIDE	Sheppard AFB	Medical/Dental Clinic Replacement	91,910	91,910
	United Kingdom			
MIL CON, DEF-WIDE	RAF Croughton	Croughton Elem/Middle/High School Replacement	71,424	71,424
MIL CON, DEF-WIDE	Royal Air Force Lakenheath	Construct Hydrant Fuel System	13,500	13,500
	Virginia			
MIL CON, DEF-WIDE	Pentagon	Pentagon Metro Entrance Facility	12,111	0
MIL CON, DEF-WIDE	Pentagon	Upgrade It Facilities Infrastructure-Rrmc	8,105	8,105
	Wake Island			
MIL CON, DEF-WIDE	Wake Island	Test Support Facility	11,670	11,670
	Worldwide Unspecified			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Battalion Complex	0	64,400
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Prior Year Savings	0	–132,200
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Planning and Design	23,585	23,585
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Planning and Design	71,647	71,647
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Worldwide Unspecified Minor Construction	2,414	2,414
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Unspecified Minor Construction	5,994	5,994
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Energy Conservation Investment Program	150,000	150,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Contingency Construction	10,000	10,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Planning and Design	13,450	13,450
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	ECIP Design	10,000	10,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Unspecified Minor Milcon	3,913	3,913
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Planning and Design	24,000	24,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Unspecified Minor Construction	8,500	8,500
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Exercise Related Minor Construction	8,631	8,631
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Planning and Design	3,427	3,427
MIL CON, DEF-WIDE	Various Worldwide Locations	Planning and Design	27,653	27,653
MIL CON, DEF-WIDE	Various Worldwide Locations	Planning & Design	27,660	27,660
SUBTOTAL MIL CON, DEF-WIDE			**2,056,091**	**1,976,180**
MILCON, ARNG				
	Hawaii			
MILCON, ARNG	Hilo	Combined Support Maintenance Shop	31,000	31,000
	Iowa			
MILCON, ARNG	Davenport	National Guard Readiness Center	23,000	23,000
	Kansas			
MILCON, ARNG	Fort Leavenworth	National Guard Readiness Center	29,000	29,000
	New Hampshire			
MILCON, ARNG	Hooksett	National Guard Vehicle Maintenance Shop	11,000	11,000
MILCON, ARNG	Rochester	National Guard Vehicle Maintenance Shop	8,900	8,900
	Oklahoma			
MILCON, ARNG	Ardmore	National Guard Readiness Center	22,000	22,000
	Pennsylvania			
MILCON, ARNG	York	National Guard Readiness Center	9,300	9,300
	Rhode Island			
MILCON, ARNG	East Greenwich	National Guard/Reserve Center Building (JFHQ)	20,000	20,000
	Utah			
MILCON, ARNG	Camp Williams	National Guard Readiness Center	37,000	37,000
	Worldwide Unspecified			
MILCON, ARNG	Unspecified Worldwide Locations	Unspecified Minor Construction	12,001	12,001
MILCON, ARNG	Unspecified Worldwide Locations	Planning and Design	8,729	8,729
	Wyoming			
MILCON, ARNG	Laramie	National Guard Readiness Center	21,000	21,000
SUBTOTAL MILCON, ARNG			**232,930**	**232,930**

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MILCON, ANG				
	Connecticut			
MILCON, ANG	Bradley IAP	Construct Small Air Terminal	6,300	6,300
	Florida			
MILCON, ANG	Jacksonville IAP	Replace Fire Crash/Rescue Station	9,000	9,000
	Hawaii			
MILCON, ANG	Joint Base Pearl Harbor-Hickam	F–22 Composite Repair Facility	11,000	11,000
	Iowa			
MILCON, ANG	Sioux Gateway Airport	Construct Consolidated Support Functions	12,600	12,600
	Minnesota			
MILCON, ANG	Duluth IAP	Load Crew Training/Weapon Shops	7,600	7,600
	New Hampshire			
MILCON, ANG	Pease International Trade Port	KC–46A Install Fuselage Trainer Bldg 251	1,500	1,500
	North Carolina			
MILCON, ANG	Charlotte/Douglas IAP	C–17 Corrosion Control/Fuel Cell Hangar	29,600	29,600
MILCON, ANG	Charlotte/Douglas IAP	C–17 Type Iii Hydrant Refueling System	21,000	21,000
	South Carolina			
MILCON, ANG	McEntire ANGS	Replace Operations and Training Facility	8,400	8,400
	Texas			
MILCON, ANG	Ellington Field	Consolidate Crew Readiness Facility	4,500	4,500
	Vermont			
MILCON, ANG	Burlington IAP	F–35 Beddown 4-Bay Flight Simulator	4,500	4,500
	Worldwide Unspecified			
MILCON, ANG	Unspecified Worldwide Locations	Unspecified Minor Construction	17,495	17,495
MILCON, ANG	Various Worldwide Locations	Planning and Design	10,462	10,462
SUBTOTAL MILCON, ANG			**143,957**	**143,957**
MILCON, ARMY R				
	Arizona			
MILCON, ARMY R	Phoenix	Army Reserve Center	0	30,000
	California			
MILCON, ARMY R	Fort Hunter Liggett	Emergency Services Center	21,500	21,500
MILCON, ARMY R	Fort Hunter Liggett	Transient Training Barracks	19,000	19,000
	Virginia			
MILCON, ARMY R	Dublin	Organizational Maintenance Shop/AMSA	6,000	6,000
	Wisconsin			
MILCON, ARMY R	Fort McCoy	AT/Mob Dining Facility	11,400	11,400
	Worldwide Unspecified			
MILCON, ARMY R	Unspecified Worldwide Locations	Planning and Design	7,500	7,500
MILCON, ARMY R	Unspecified Worldwide Locations	Unspecified Minor Construction	2,830	2,830
SUBTOTAL MILCON, ARMY R			**68,230**	**98,230**
MIL CON, NAVY RES				
	Louisiana			
MIL CON, NAVY RES	New Orleans	Joint Reserve Intelligence Center	11,207	11,207
	New York			
MIL CON, NAVY RES	Brooklyn	Electric Feeder Ductbank	1,964	1,964
MIL CON, NAVY RES	Syracuse	Marine Corps Reserve Center	13,229	13,229
	Texas			
MIL CON, NAVY RES	Galveston	Reserve Center Annex	8,414	8,414
	Worldwide Unspecified			
MIL CON, NAVY RES	Unspecified Worldwide Locations	MCNR Planning & Design	3,783	3,783
SUBTOTAL MIL CON, NAVY RES			**38,597**	**38,597**
MILCON, AF RES				
	North Carolina			
MILCON, AF RES	Seymour Johnson AFB	KC–46A Two Bay Corrosion/Fuel Cell Hangar	90,000	90,000
MILCON, AF RES	Seymour Johnson AFB	KC–46A ADAL Bldg for Age/Fuselage Training	5,700	5,700
MILCON, AF RES	Seymour Johnson AFB	KC–46A ADAL Squadron Operations Facilities	2,250	2,250
	Pennsylvania			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MILCON, AF RES	Pittsburgh IAP	C–17 Construct Two Bay Corrosion/Fuel Hangar	54,000	54,000
MILCON, AF RES	Pittsburgh IAP	C–17 ADAL Fuel Hydrant System	22,800	22,800
MILCON, AF RES	Pittsburgh IAP	C–17 Const/Overlaytaxiway and Apron	8,200	8,200
	Worldwide Unspecified			
MILCON, AF RES	Unspecified Worldwide Locations	Planning & Design	4,500	4,500
MILCON, AF RES	Unspecified Worldwide Locations	Unspecified Minor Construction	1,500	1,500
SUBTOTAL MILCON, AF RES			**188,950**	**188,950**
NATO SEC INV PRGM				
	Worldwide Unspecified			
NATO SEC INV PRGM	NATO Security Investment Program	NATO Security Investment Program	177,932	177,932
NATO SEC INV PRGM	Unspecified Worldwide Locations	Prior Year Savings	0	–30,000
SUBTOTAL NATO SEC INV PRGM			**177,932**	**147,932**
TOTAL MILITARY CONSTRUCTION			**5,918,967**	**5,952,373**
FAMILY HOUSING				
FAM HSG CON, ARMY				
	Korea			
FAM HSG CON, ARMY	Camp Humphreys	Family Housing New Construction	143,563	143,563
FAM HSG CON, ARMY	Camp Walker	Family Housing New Construction	54,554	54,554
	Worldwide Unspecified			
FAM HSG CON, ARMY	Unspecified Worldwide Locations	Planning & Design	2,618	2,618
SUBTOTAL FAM HSG CON, ARMY			**200,735**	**200,735**
FAM HSG O&M, ARMY				
	Worldwide Unspecified			
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Management	40,344	40,344
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Services	7,993	7,993
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Furnishings	10,178	10,178
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Miscellaneous	400	400
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Maintenance	60,745	60,745
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Utilities	55,428	55,428
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Leasing	131,761	131,761
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Housing Privitization Support	19,146	19,146
SUBTOTAL FAM HSG O&M, ARMY			**325,995**	**325,995**
FAM HSG CON, N/MC				
	Mariana Islands			
FAM HSG CON, N/MC	Guam	Replace Andersen Housing PH I	78,815	78,815
	Worldwide Unspecified			
FAM HSG CON, N/MC	Unspecified Worldwide Locations	Construction Improvements	11,047	11,047
FAM HSG CON, N/MC	Unspecified Worldwide Locations	Planning & Design	4,149	4,149
SUBTOTAL FAM HSG CON, N/MC			**94,011**	**94,011**
FAM HSG O&M, N/MC				
	Worldwide Unspecified			
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Utilities	56,685	56,685
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Furnishings	17,457	17,457
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Management	51,291	51,291

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Miscellaneous	364	364
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Services	12,855	12,855
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Leasing	54,689	54,689
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Maintenance	81,254	81,254
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Housing Privatization Support	26,320	26,320
SUBTOTAL FAM HSG O&M, N/MC			**300,915**	**300,915**
FAM HSG CON, AF				
	Worldwide Unspecified			
FAM HSG CON, AF	Unspecified Worldwide Locations	Construction Improvements	56,984	56,984
FAM HSG CON, AF	Unspecified Worldwide Locations	Planning & Design	4,368	4,368
SUBTOTAL FAM HSG CON, AF			**61,352**	**61,352**
FAM HSG O&M, AF				
	Worldwide Unspecified			
FAM HSG O&M, AF	Unspecified Worldwide Locations	Housing Privatization Support	41,809	41,809
FAM HSG O&M, AF	Unspecified Worldwide Locations	Utilities	37,241	37,241
FAM HSG O&M, AF	Unspecified Worldwide Locations	Management	42,919	42,919
FAM HSG O&M, AF	Unspecified Worldwide Locations	Services	13,026	13,026
FAM HSG O&M, AF	Unspecified Worldwide Locations	Furnishings	31,690	31,690
FAM HSG O&M, AF	Unspecified Worldwide Locations	Miscellaneous	1,745	1,745
FAM HSG O&M, AF	Unspecified Worldwide Locations	Leasing	20,530	20,530
FAM HSG O&M, AF	Unspecified Worldwide Locations	Maintenance	85,469	85,469
SUBTOTAL FAM HSG O&M, AF			**274,429**	**274,429**
FAM HSG O&M, DW				
	Worldwide Unspecified			
FAM HSG O&M, DW	Unspecified Worldwide Locations	Utilities	4,100	4,100
FAM HSG O&M, DW	Unspecified Worldwide Locations	Furnishings	399	399
FAM HSG O&M, DW	Unspecified Worldwide Locations	Utilities	367	367
FAM HSG O&M, DW	Unspecified Worldwide Locations	Leasing	11,044	11,044
FAM HSG O&M, DW	Unspecified Worldwide Locations	Maintenance	800	800
FAM HSG O&M, DW	Unspecified Worldwide Locations	Furnishings	500	500
FAM HSG O&M, DW	Unspecified Worldwide Locations	Leasing	40,984	40,984
FAM HSG O&M, DW	Unspecified Worldwide Locations	Furnishings	20	20
FAM HSG O&M, DW	Unspecified Worldwide Locations	Services	32	32
FAM HSG O&M, DW	Unspecified Worldwide Locations	Utilities	174	174
FAM HSG O&M, DW	Unspecified Worldwide Locations	Maintenance	349	349
FAM HSG O&M, DW	Unspecified Worldwide Locations	Management	388	388
SUBTOTAL FAM HSG O&M, DW			**59,157**	**59,157**
FAM HSG IMPROVE FUND				
	Worldwide Unspecified			
FAM HSG IMPROVE FUND	Unspecified Worldwide Locations	Program Expenses	3,258	3,258
SUBTOTAL FAM HSG IMPROVE FUND			**3,258**	**3,258**

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
TOTAL FAMILY HOUSING			**1,319,852**	**1,319,852**
DEFENSE BASE REALIGNMENT AND CLOSURE				
DOD BRAC—ARMY				
	Worldwide Unspecified			
DOD BRAC—ARMY	Base Realignment & Closure, Army	Base Realignment and Closure	14,499	14,499
SUBTOTAL DOD BRAC—ARMY			**14,499**	**14,499**
DOD BRAC—NAVY				
	Worldwide Unspecified			
DOD BRAC—NAVY	Base Realignment & Closure, Navy	Base Realignment & Closure	110,606	110,606
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–172: NWS Seal Beach, Concord, CA	4,648	4,648
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–138: NAS Brunswick, ME	557	557
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–157: MCSA Kansas City, MO	100	100
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–84: JRB Willow Grove & Cambria Reg AP	3,397	3,397
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–100: Planing, Design and Management	4,604	4,604
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–101: Various Locations	10,461	10,461
SUBTOTAL DOD BRAC—NAVY			**134,373**	**134,373**
DOD BRAC—AIR FORCE				
	Worldwide Unspecified			
DOD BRAC—AIR FORCE	Unspecified Worldwide Locations	DoD BRAC Activities—Air Force	56,365	56,365
SUBTOTAL DOD BRAC—AIR FORCE			**56,365**	**56,365**
TOTAL DEFENSE BASE REALIGNMENT AND CLOSURE			**205,237**	**205,237**
TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC			**7,444,056**	**7,477,462**

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) MILITARY CONSTRUCTION.—

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Authorized
MILITARY CONSTRUCTION				
MILCON, ARMY				
	Worldwide Unspecified			
MILCON, ARMY	Unspecified Worldwide Locations	ERI: Planning and Design	18,900	18,900
SUBTOTAL MILCON, ARMY			**18,900**	**18,900**
MIL CON, NAVY				
	Djibouti			
MIL CON, NAVY	Camp Lemonier	OCO: Medical/Dental Facility	37,409	37,409
	Iceland			
MIL CON, NAVY	Keflavik	ERI: P–8A Hangar Upgrade	14,600	14,600
MIL CON, NAVY	Keflavik	ERI: P–8A Aircraft Rinse Rack	5,000	5,000
	Worldwide Unspecified			
MIL CON, NAVY	Unspecified Worldwide Locations	Planning and Design	1,000	1,000
MIL CON, NAVY	Unspecified Worldwide Locations	ERI: Planning and Design	1,800	1,800
SUBTOTAL MIL CON, NAVY			**59,809**	**59,809**
MILCON, AIR FORCE				
	Bulgaria			

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Authorized
MILCON, AIR FORCE	Graf Ignatievo	ERI: Fighter Ramp Extension	7,000	7,000
MILCON, AIR FORCE	Graf Ignatievo	ERI: Construct Sq Ops/Operational Alert Fac	3,800	3,800
MILCON, AIR FORCE	Graf Ignatievo	ERI: Upgrade Munitions Storage Area	2,600	2,600
	Djibouti			
MILCON, AIR FORCE	Chabelley Airfield	OCO: Construct Chabelley Access Road	3,600	3,600
MILCON, AIR FORCE	Chabelley Airfield	OCO: Construct Parking Apron and Taxiway	6,900	6,900
	Estonia			
MILCON, AIR FORCE	Amari Air Base	ERI: Construct Bulk Fuel Storage	6,500	6,500
	Germany			
MILCON, AIR FORCE	Spangdahlem AB	ERI: Upgrade Hardened Aircraft Shelters	2,700	2,700
MILCON, AIR FORCE	Spangdahlem AB	ERI: F/A–22 Upgrade Infrastructure/Comm/Util	1,600	1,600
MILCON, AIR FORCE	Spangdahlem AB	ERI: F/A–22 Low Observable/Comp Repair Fac	12,000	12,000
MILCON, AIR FORCE	Spangdahlem AB	ERI: Construct High Cap Trim Pad & Hush House	1,000	1,000
MILCON, AIR FORCE	Spangdahlem AB	ERI: Upgrade Munitions Storage Doors	1,400	1,400
	Lithuania			
MILCON, AIR FORCE	Siauliai	ERI: Munitions Storage	3,000	3,000
	Poland			
MILCON, AIR FORCE	Lask AB	ERI: Construct Squadron Operations Facility	4,100	4,100
MILCON, AIR FORCE	Powidz AB	ERI: Construct Squadron Operations Facility	4,100	4,100
	Romania			
MILCON, AIR FORCE	Campia Turzii	ERI: Extend Parking Aprons	6,000	6,000
MILCON, AIR FORCE	Campia Turzii	ERI: Construct Munitions Storage Area	3,000	3,000
MILCON, AIR FORCE	Campia Turzii	ERI: Construct Two-Bay Hangar	6,100	6,100
MILCON, AIR FORCE	Campia Turzii	ERI: Construct Squadron Operations Facility	3,400	3,400
	Worldwide Unspecified			
MILCON, AIR FORCE	Unspecified Worldwide Locations	OCO: Planning and Design	940	940
MILCON, AIR FORCE	Unspecified Worldwide Locations	CTP: Planning and Design	9,000	9,000
SUBTOTAL MILCON, AIR FORCE			**88,740**	**88,740**
MIL CON, DEF-WIDE				
	Worldwide Unspecified			
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	ERI: Unspecified Minor Construction	5,000	5,000
SUBTOTAL MIL CON, DEF-WIDE			**5,000**	**5,000**
TOTAL MILITARY CONSTRUCTION			**172,449**	**172,449**
TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC			**172,449**	**172,449**

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

(a) DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.—

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Senate Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Senate Authorized
Energy Programs		
Nuclear Energy	151,876	151,876
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	9,243,147	9,235,397
Defense nuclear nonproliferation	1,807,916	1,877,916
Naval reactors	1,420,120	1,420,120
Federal salaries and expenses	412,817	412,817
Total, National nuclear security administration	**12,884,000**	**12,946,250**
Environmental and other defense activities:		
Defense environmental cleanup	5,382,050	5,246,950
Other defense activities	791,552	791,552
Total, Environmental & other defense activities	**6,173,602**	**6,038,502**
Total, Atomic Energy Defense Activities	**19,057,602**	**18,984,752**
Total, Discretionary Funding	**19,209,478**	**19,136,628**
Nuclear Energy		
Idaho sitewide safeguards and security	129,303	129,303
Idaho operations and maintenance	7,313	7,313
Consent Based Siting	15,260	15,260
Total, Nuclear Energy	**151,876**	**151,876**
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	616,079	616,079
W76 Life extension program	222,880	222,880
W88 Alt 370	281,129	281,129
W80–4 Life extension program	220,253	220,253
Total, Life extension programs	**1,340,341**	**1,340,341**
Stockpile systems		
B61 Stockpile systems	57,313	57,313
W76 Stockpile systems	38,604	38,604
W78 Stockpile systems	56,413	56,413
W80 Stockpile systems	64,631	64,631
B83 Stockpile systems	41,659	41,659
W87 Stockpile systems	81,982	81,982
W88 Stockpile systems	103,074	103,074
Total, Stockpile systems	**443,676**	**443,676**
Weapons dismantlement and disposition		
Operations and maintenance	68,984	56,234
Program reduction		[–12,750]
Stockpile services		
Production support	457,043	457,043
Research and development support	34,187	34,187
R&D certification and safety	156,481	156,481
Management, technology, and production	251,978	251,978
Total, Stockpile services	**899,689**	**899,689**
Nuclear material commodities		
Uranium sustainment	20,988	20,988
Plutonium sustainment	184,970	184,970
Tritium sustainment	109,787	109,787
Domestic uranium enrichment	50,000	50,000
Strategic matrials sustainment	212,092	212,092
Total, Nuclear material commodities	**577,837**	**577,837**
Total, Directed stockpile work	**3,330,527**	**3,317,777**
Research, development, test and evaluation (RDT&E)		
Science		
Advanced certification	58,000	58,000
Primary assessment technologies	99,000	99,000
Dynamic materials properties	106,000	106,000
Advanced radiography	50,500	50,500
Secondary assessment technologies	76,000	76,000
Academic alliances and partnerships	52,484	52,484
Total, Science	**441,984**	**441,984**
Engineering		
Enhanced surety	37,196	37,196
Weapon systems engineering assessment technology	16,958	16,958
Nuclear survivability	43,105	43,105
Enhanced surveillance	42,228	42,228
Total, Engineering	**139,487**	**139,487**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Senate Authorized
Inertial confinement fusion ignition and high yield		
Ignition	75,432	75,432
Support of other stockpile programs	23,363	23,363
Diagnostics, cryogenics and experimental support	68,696	68,696
Pulsed power inertial confinement fusion	5,616	5,616
Joint program in high energy density laboratory plasmas	9,492	9,492
Facility operations and target production	340,360	340,360
Total, Inertial confinement fusion and high yield	**522,959**	**522,959**
Advanced simulation and computing	663,184	663,184
Stockpile Responsiveness Program	0	5,000
Program Increase		[5,000]
Advanced manufacturing		
Additive manufacturing	12,000	12,000
Component manufacturing development	46,583	46,583
Processing technology development	28,522	28,522
Total, Advanced manufacturing	**87,105**	**87,105**
Total, RDT&E	**1,854,719**	**1,859,719**
Infrastructure and operations (formerly RTBF)		
Operating		
Operations of facilities		
Kansas City Plant	101,000	101,000
Lawrence Livermore National Laboratory	70,500	70,500
Los Alamos National Laboratory	196,500	196,500
Nevada Test Site	92,500	92,500
Pantex	55,000	55,000
Sandia National Laboratory	118,000	118,000
Savannah River Site	83,500	83,500
Y–12 National security complex	107,000	107,000
Total, Operations of facilities	**824,000**	**824,000**
Safety and environmental operations	110,000	110,000
Maintenance and repair of facilities	294,000	294,000
Recapitalization:		
Infrastructure and safety	554,643	554,643
Capability based investment	112,639	112,639
Total, Recapitalization	**667,282**	**667,282**
Construction:		
17–D–640, U1a Complex Enhancements Project, NNSS	11,500	11,500
17–D–630 Electrical Infrastructure Upgrades, LLNL	25,000	25,000
16–D–515 Albuquerque complex upgrades project	15,047	15,047
15–D–613 Emergency Operations Center, Y–12	2,000	2,000
15–D–302, TA–55 Reinvestment project, Phase 3, LANL	21,455	21,455
07–D–220–04 Transuranic liquid waste facility, LANL	17,053	17,053
06–D–141 PED/Construction, UPF Y–12, Oak Ridge, TN	575,000	575,000
04–D–125—04 RLUOB equipment installation	159,615	159,615
Total, Construction	**826,670**	**826,670**
Total, Infrastructure and operations	**2,721,952**	**2,721,952**
Secure transportation asset		
Operations and equipment	179,132	179,132
Program direction	103,600	103,600
Total, Secure transportation asset	**282,732**	**282,732**
Defense nuclear security		
Operations and maintenance	657,133	657,133
Construction:		
14–D–710 Device assembly facility argus installation project, NV	13,000	13,000
Total, Defense nuclear security	**670,133**	**670,133**
Information technology and cybersecurity	176,592	176,592
Legacy contractor pensions	248,492	248,492
Rescission of prior year balances	–42,000	–42,000
Total, Weapons Activities	**9,243,147**	**9,235,397**
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Defense Nuclear Nonproliferation R&D		
Global material security	337,108	337,108
Material management and minimization	341,094	341,094
Nonproliferation and arms control	124,703	124,703

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Senate Authorized
Defense Nuclear Nonproliferation R&D	393,922	393,922
Nonproliferation Construction:		
99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, SRS	270,000	340,000
MOX Fuel Fabrication Facility Construction		[70,000]
Total, Nonproliferation construction	**270,000**	**340,000**
Total, Defense Nuclear Nonproliferation Programs	**1,466,827**	**1,536,827**
Legacy contractor pensions	83,208	83,208
Nuclear counterterrorism and incident response program	271,881	271,881
Rescission of prior year balances	–14,000	–14,000
Total, Defense Nuclear Nonproliferation	**1,807,916**	**1,877,916**
Naval Reactors		
Naval reactors operations and infrastructure	449,682	449,682
Naval reactors development	437,338	437,338
Ohio replacement reactor systems development	213,700	213,700
S8G Prototype refueling	124,000	124,000
Program direction	47,100	47,100
Construction:		
17–D–911, BL Fire System Upgrade	1,400	1,400
15–D–904 NRF Overpack Storage Expansion 3	700	700
15–D–902 KS Engineroom team trainer facility	33,300	33,300
14–D–901 Spent fuel handling recapitalization project, NRF	100,000	100,000
10-D–903, Security upgrades, KAPL	12,900	12,900
Total, Construction	**148,300**	**148,300**
Total, Naval Reactors	**1,420,120**	**1,420,120**
Federal Salaries And Expenses		
Program direction	412,817	412,817
Total, Office Of The Administrator	**412,817**	**412,817**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	9,389	9,389
Hanford site:		
River corridor and other cleanup operations	69,755	69,755
Central plateau remediation	620,869	620,869
Richland community and regulatory support	14,701	14,701
Construction:		
15–D–401 Containerized sludge removal annex, RL	11,486	11,486
Total, Hanford site	**716,811**	**716,811**
Idaho National Laboratory:		
Idaho cleanup and waste disposition	359,088	359,088
Idaho community and regulatory support	3,000	3,000
Total, Idaho National Laboratory	**362,088**	**362,088**
Los Alamos National Laboratory		
EMLA cleanup activities	185,606	195,606
Program Increase		[10,000]
EMLA community and regulatory support	3,394	3,394
Total, Los Alamos National Laboratory	**189,000**	**199,000**
NNSA sites		
Lawrence Livermore National Laboratory	1,396	1,396
Separations Process Research Unit	3,685	3,685
Nevada	62,176	62,176
Sandia National Laboratories	4,130	4,130
Total, NNSA sites and Nevada off-sites	**71,387**	**71,387**
Oak Ridge Reservation:		
OR Nuclear facility D & D		
OR Nuclear facility D & D	93,851	93,851
Construction:		
14–D–403 Outfall 200 Mercury Treatment Facility	5,100	5,100
Total, OR Nuclear facility D & D	**98,951**	**98,951**
U233 Disposition Program	37,311	37,311
OR cleanup and disposition	54,557	54,557
OR reservation community and regulatory support	4,400	4,400
Oak Ridge technology development	3,000	3,000
Total, Oak Ridge Reservation	**198,219**	**198,219**
Office of River Protection:		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Senate Authorized
Waste treatment and immobilization plant		
WTP operations	3,000	3,000
15–D–409 Low activity waste pretreatment system, ORP	73,000	73,000
01–D–416 A-D/ORP-0060 / Major construction	690,000	690,000
Total, Waste treatment and immobilization plant	**766,000**	**766,000**
Tank farm activities		
Rad liquid tank waste stabilization and disposition	721,456	721,456
Total, Tank farm activities	**721,456**	**721,456**
Total, Office of River protection	**1,487,456**	**1,487,456**
Savannah River sites:		
Nuclear Material Management	311,062	311,062
Environmental Cleanup	152,504	152,504
SR community and regulatory support	11,249	11,249
Radioactive liquid tank waste:		
Radioactive liquid tank waste stabilization and disposition	645,332	645,332
Construction:		
15–D–402—Saltstone Disposal Unit #6, SRS	7,577	7,577
17–D–401—Saltstone Disposal Unit #7	9,729	9,729
05–D–405 Salt waste processing facility, Savannah River Site	160,000	160,000
Total, Construction	**177,306**	**177,306**
Total, Radioactive liquid tank waste	**822,638**	**822,638**
Total, Savannah River site	**1,297,453**	**1,297,453**
Waste Isolation Pilot Plant		
Operations and maintenance	257,188	267,188
Program increase		[10,000]
Construction:		
15–D–411 Safety significant confinement ventilation system, WIPP	2,532	2,532
15–D–412 Exhaust shaft, WIPP	2,533	2,533
Total, Construction	**5,065**	**5,065**
Total, Waste Isolation Pilot Plant	**262,253**	**272,253**
Program direction	290,050	290,050
Program support	14,979	14,979
Safeguards and Security	255,973	255,973
Technology development	30,000	30,000
Infrastructure recapitalization	41,892	41,892
Defense Uranium enrichment D&D	155,100	0
Program decrease		[–155,100]
Total, Defense Environmental Cleanup	**5,382,050**	**5,246,950**
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security	130,693	130,693
Program direction	66,519	66,519
Total, Environment, Health, safety and security	**197,212**	**197,212**
Independent enterprise assessments		
Independent enterprise assessments	24,580	24,580
Program direction	51,893	51,893
Total, Independent enterprise assessments	**76,473**	**76,473**
Specialized security activities	237,912	237,912
Office of Legacy Management		
Legacy management	140,306	140,306
Program direction	14,014	14,014
Total, Office of Legacy Management	**154,320**	**154,320**
Defense-related activities		
Defense related administrative support		
Chief financial officer	23,642	23,642
Chief information officer	93,074	93,074
Project management oversight and Assessments	3,000	3,000
Total, Defense related administrative support	**116,716**	**116,716**
Office of hearings and appeals	5,919	5,919
Subtotal, Other defense activities	**791,552**	**791,552**
Total, Other Defense Activities	**791,552**	**791,552**

DIVISION E—UNIFORM CODE OF MILITARY JUSTICE REFORM

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Military Justice Act of 2016''.

TITLE LI—GENERAL PROVISIONS

SEC. 5101. DEFINITIONS.

(a) MILITARY JUDGE.—Paragraph (10) of section 801 of title 10, United States Code (article 1 of the Uniform Code of Military Justice), is amended to read as follows:

''(10) The term 'military judge' means a judge advocate designated under section 826(c) of this title (article 26(c)) who is detailed under section 826(a) or section 830a of this title (article 26(a) or 30a).''.

(b) JUDGE ADVOCATE.—Paragraph (13) of such section (article) is amended—

(1) in subparagraph (A), by striking ''the Army or the Navy'' and inserting ''the Army, the Navy, or the Air Force''; and

(2) in subparagraph (B), by striking ''the Air Force or''.

SEC. 5102. CLARIFICATION OF PERSONS SUBJECT TO UCMJ WHILE ON INACTIVE-DUTY TRAINING.

Paragraph (3) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended to read as follows:

''(3)(A) While on inactive-duty training and during any of the periods specified in subparagraph (B)—

''(i) members of a reserve component; and

''(ii) members of the Army National Guard of the United States or the Air National Guard of the United States, but only when in Federal service.

''(B) The periods referred to in subparagraph (A) are the following:

''(i) Travel to and from the inactive-duty training site of the member, pursuant to orders or regulations.

''(ii) Intervals between consecutive periods of inactive-duty training on the same day, pursuant to orders or regulations.

''(iii) Intervals between inactive-duty training on consecutive days, pursuant to orders or regulations.''.

SEC. 5103. STAFF JUDGE ADVOCATE DISQUALIFICATION DUE TO PRIOR INVOLVEMENT IN CASE.

Subsection (c) of section 806 of title 10, United States Code (article 6 of the Uniform Code of Military Justice), is amended to read as follows:

''(c)(1) No person who, with respect to a case, serves in a capacity specified in paragraph (2) may later serve as a staff judge advocate or legal officer to any reviewing or convening authority upon the same case.

''(2) The capacities referred to in paragraph (1) are, with respect to the case involved, any of the following:

''(A) Preliminary hearing officer, court member, military judge, military magistrate, or appellate judge.

''(B) Counsel who have acted in the same case or appeared in any proceeding before a military judge, military magistrate, preliminary hearing officer, or appellate court.''.

SEC. 5104. CONFORMING AMENDMENT RELATING TO MILITARY MAGISTRATES.

The first sentence of section 806a(a) of title 10, United States Code (article 6a(a) of the Uniform Code of Military Justice), is amended by striking ''military judge'' and all that follows through the end of the sentence and inserting ''military appellate judge, military judge, or military magistrate to perform the duties of the position involved.''.

SEC. 5105. RIGHTS OF VICTIM.

(a) DESIGNATION OF REPRESENTATIVE.—Subsection (c) of section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended in the first sentence by striking ''the military judge'' and all that follows through the end of the sentence and inserting the following: ''the legal guardians of the victim or the representatives of the victim's estate, family members, or any other person designated as suitable by the military judge, may assume the rights of the victim under this section.''.

(b) RULE OF CONSTRUCTION.—Subsection (d) of such section (article) is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) to impair the exercise of discretion under sections 830 and 834 of this title (articles 30 and 34).''.

(c) INTERVIEW OF VICTIM.—Such section (article) is amended by adding at the end the following new subsection:

''(f) COUNSEL FOR ACCUSED INTERVIEW OF VICTIM OF ALLEGED OFFENSE.—(1) Upon notice by counsel for the Government to counsel for the accused of the name of an alleged victim of an offense under this chapter who counsel for the Government intends to call as a witness at a proceeding under this chapter, counsel for the accused shall make any request to interview the victim through the Special Victims' Counsel or other counsel for the victim, if applicable.

''(2) If requested by an alleged victim who is subject to a request for interview under paragraph (1), any interview of the victim by counsel for the accused shall take place only in the presence of the counsel for the Government, a counsel for the victim, or, if applicable, a victim advocate.''.

TITLE LII—APPREHENSION AND RESTRAINT

SEC. 5121. RESTRAINT OF PERSONS CHARGED.

Section 810 of title 10, United States Code (article 10 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 810. Art. 10. Restraint of persons charged

''(a) IN GENERAL.—(1) Subject to paragraph (2), any person subject to this chapter who is charged with an offense under this chapter may be ordered into arrest or confinement as the circumstances require.

''(2) When a person subject to this chapter is charged only with an offense that is normally tried by summary court-martial, the person ordinarily shall not be ordered into confinement.

''(b) NOTIFICATION TO ACCUSED AND RELATED PROCEDURES.—(1) When a person subject to this chapter is ordered into arrest or confinement before trial, immediate steps shall be taken—

''(A) to inform the person of the specific offense of which the person is accused; and

''(B) to try the person or to dismiss the charges and release the person.

''(2) To facilitate compliance with paragraph (1), the President shall prescribe regulations setting forth procedures relating to referral for trial, including procedures for prompt forwarding of the charges and specifications and, if applicable, the preliminary hearing report submitted under section 832 of this title (article 32).''.

SEC. 5122. MODIFICATION OF PROHIBITION OF CONFINEMENT OF MEMBERS OF THE ARMED FORCES WITH ENEMY PRISONERS AND CERTAIN OTHERS.

Section 812 of title 10, United States Code (article 12 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 812. Art. 12. Prohibition of confinement of members of the armed forces with enemy prisoners and certain others

''No member of the armed forces may be placed in confinement in immediate association with—

''(1) enemy prisoners; or

''(2) other individuals—

''(A) who are detained under the law of war and are foreign nationals; and

''(B) who are not members of the armed forces.''.

TITLE LIII—NON-JUDICIAL PUNISHMENT

SEC. 5141. MODIFICATION OF CONFINEMENT AS NON-JUDICIAL PUNISHMENT.

Section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A), by striking ''on bread and water or diminished rations''; and

(B) in the undesignated matter after paragraph (2), by striking ''on bread and water or diminished rations'' in the sentence beginning ''No two or more''; and

(2) in subsection (d), by striking ''on bread and water or diminished rations'' in paragraphs (2) and (3).

TITLE LIV—COURT-MARTIAL JURISDICTION

SEC. 5161. COURTS-MARTIAL CLASSIFIED.

Section 816 of title 10, United States Code (article 16 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 816. Art 16. Courts-martial classified

''(a) IN GENERAL.—The three kinds of courts-martial in each of the armed forces are the following:

''(1) General courts-martial, as described in subsection (b).

''(2) Special courts-martial, as described in subsection (c).

''(3) Summary courts-martial, as described in subsection (d).

''(b) GENERAL COURTS-MARTIAL.—General courts-martial are of the following three types:

''(1) A general court-martial consisting of a military judge and eight members, subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

''(2) In a capital case, a general court-martial consisting of a military judge and the number of members determined under section 825a of this title (article 25a), subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

''(3) A general court-martial consisting of a military judge alone, if, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests, orally on the record or in writing, a court composed of a military judge alone and the military judge approves the request.

''(c) SPECIAL COURTS-MARTIAL.—Special courts-martial are of the following two types:

''(1) A special court-martial, consisting of a military judge and four members, subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

''(2) A special court-martial consisting of a military judge alone—

''(A) if the case is so referred by the convening authority, subject to section 819 of this title (article 19) and such limitations as the President may prescribe by regulation; or

''(B) if the case is referred under paragraph (1) and, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense

counsel, requests, orally on the record or in writing, a court composed of a military judge alone and the military judge approves the request.

''(d) SUMMARY COURT-MARTIAL.—A summary court-martial consists of one commissioned officer.''.

SEC. 5162. JURISDICTION OF GENERAL COURTS-MARTIAL.

Section 818 of title 10, United States Code (article 18 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b), by striking ''section 816(1)(B) of this title (article 16(1)(B))'' and inserting ''section 816(b)(3) of this title (article 16(b)(3))''; and

(2) by striking subsection (c) and inserting the following new subsection (c):

''(c) Consistent with sections 819 and 820 of this title (articles 19 and 20), only general courts-martial have jurisdiction over the following offenses:

''(1) A violation of subsection (a) or (b) of section 920 of this title (article 120).

''(2) A violation of subsection (a) or (b) of section 920b of this title (article 120b).

''(3) An attempt to commit an offense specified in paragraph (1) or (2) that is punishable under section 880 of this title (article 80).''.

SEC. 5163. JURISDICTION OF SPECIAL COURTS-MARTIAL.

Section 819 of title 10, United States Code (article 19 of the Uniform Code of Military Justice), is amended—

(1) by striking ''Subject to'' in the first sentence and inserting the following:

''(a) IN GENERAL.—Subject to'';

(2) by striking ''A bad-conduct discharge'' and all that follows through the end; and

(3) by adding after subsection (a), as designated by paragraph (1), the following new subsections:

''(b) ADDITIONAL LIMITATION.—Neither a bad-conduct discharge, nor confinement for more than six months, nor forfeiture of pay for more than six months may be adjudged if charges and specifications are referred to a special court-martial consisting of a military judge alone under section 816(c)(2)(A) of this title (article 16(c)(2)(A)).

''(c) MILITARY MAGISTRATE.—If charges and specifications are referred to a special court-martial consisting of a military judge alone under section 816(c)(2)(A) of this title (article 16(c)(2)(A)), the military judge, with the consent of the parties, may designate a military magistrate to preside over the special court-martial.''.

SEC. 5164. SUMMARY COURT-MARTIAL AS NON-CRIMINAL FORUM.

Section 820 of title 10, United States Code (article 20 of the Uniform Code of Military Justice), is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Subject to''; and

(2) by adding at the end the following new subsection:

''(b) NON-CRIMINAL FORUM.—A summary court-martial is a non-criminal forum. A finding of guilty at a summary court-martial does not constitute a criminal conviction.''.

TITLE LV—COMPOSITION OF COURTS-MARTIAL

SEC. 5181. TECHNICAL AMENDMENT RELATING TO PERSONS AUTHORIZED TO CONVENE GENERAL COURTS-MARTIAL.

Section 822(a)(6) of title 10, United States Code (article 22(a)(6) of the Uniform Code of Military Justice), is amended by striking ''in chief''.

SEC. 5182. WHO MAY SERVE ON COURTS-MARTIAL AND RELATED MATTERS.

(a) WHO MAY SERVE ON COURTS-MARTIAL.—Subsection (c) of section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), is amended to read as follows:

''(c)(1) Any enlisted member on active duty is eligible to serve on a general or special court-martial for the trial of any other enlisted member.

''(2) Before a court-martial with a military judge and members is assembled for trial, an enlisted member who is an accused may personally request, orally on the record or in writing, that—

''(A) the membership of the court-martial be comprised entirely of officers; or

''(B) enlisted members comprise at least one-third of the membership of the court-martial, regardless of whether enlisted members have been detailed to the court-martial.

''(3) Except as provided in paragraph (4), after such a request, the accused may not be tried by a general or special court-martial if the membership of the court-martial is inconsistent with the request.

''(4) If, because of physical conditions or military exigencies, a sufficient number of eligible officers or enlisted members, as the case may be, are not available to carry out paragraph (2), the trial may nevertheless be held. In that event, the convening authority shall make a detailed written statement of the reasons for nonavailability. The statement shall be appended to the record.''.

(b) DETAIL OF MEMBERS.—Subsection (d) of such section (article) is amended by adding at the end the following new paragraph:

''(3) The convening authority shall detail not less than the number of members necessary to impanel the court-martial under section 829 of this title (article 29).''.

SEC. 5183. NUMBER OF COURT-MARTIAL MEMBERS IN CAPITAL CASES.

Section 825a of title 10, United States Code (article 25a of the Uniform Code of Military Justice), is amended to read as follows:

''§ 825a. Art. 25a. Number of court-martial members in capital cases

''(a) IN GENERAL.—In a case in which the accused may be sentenced to death, the number of members shall be 12.

''(b) CASE NO LONGER CAPITAL.—Subject to section 829 of this title (article 29)—

''(1) if a case is referred for trial as a capital case and, before the members are impaneled, the accused may no longer be sentenced to death, the number of members shall be eight; and

''(2) if a case is referred for trial as a capital case and, after the members are impaneled, the accused may no longer be sentenced to death, the number of members shall remain 12.''.

SEC. 5184. DETAILING, QUALIFICATIONS, AND OTHER MATTERS RELATING TO MILITARY JUDGES.

(a) DETAIL TO SPECIAL COURTS-MARTIAL.—Subsection (a) of section 826 of title 10, United States Code (article 26 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by inserting after ''each general'' the following: ''and special''; and

(2) by striking the second sentence.

(b) QUALIFICATIONS.—Subsection (b) of such section (article) is amended by striking ''qualified for duty'' and inserting ''qualified, by reason of education, training, experience, and judicial temperament, for duty''.

(c) DETAIL AND ASSIGNMENT.—Subsection (c) of such section (article) is amended to read as follows:

''(c)(1) In accordance with regulations prescribed under subsection (a), a military judge of a general or special court-martial shall be designated for detail by the Judge Advocate General of the armed force of which the military judge is a member.

''(2) Neither the convening authority nor any member of the staff of the convening authority shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to the military judge's performance of duty as a military judge.

''(3) A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial—

''(A) may perform such duties only when the officer is assigned and directly responsible to the Judge Advocate General of the armed force of which the military judge is a member; and

''(B) may perform duties of a judicial or nonjudicial nature other than those relating to the officer's primary duty as a military judge of a general court-martial when such duties are assigned to the officer by or with the approval of that Judge Advocate General.

''(4) In accordance with regulations prescribed by the President, assignments of military judges under this section (article) shall be for appropriate minimum periods, subject to such exceptions as may be authorized in the regulations.''.

(d) DETAIL TO A DIFFERENT ARMED FORCE.—Such section (article) is further amended by adding at the end the following new subsection:

''(f) A military judge may be detailed under subsection (a) to a court-martial or a proceeding under section 830a of this title (article 30a) that is convened in a different armed force, when so permitted by the Judge Advocate General of the armed force of which the military judge is a member.''.

(e) CHIEF TRIAL JUDGES.—Such section (article), as amended by subsection (d), is further amended by adding at the end the following new subsection:

''(g) In accordance with regulations prescribed by the President, each Judge Advocate General shall designate a chief trial judge from among the members of the applicable trial judiciary.''.

SEC. 5185. QUALIFICATIONS OF TRIAL COUNSEL AND DEFENSE COUNSEL.

Section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence of paragraph (2) of subsection (a), by striking ''No person'' and all that follows through ''trial counsel,'' the first place it appears and inserting ''No person who, with respect to a case, has served as a preliminary hearing officer, court member, military judge, military magistrate, or appellate judge, may later serve as trial counsel,'';

(2) in the first sentence of subsection (b), by striking ''Trial counsel or defense counsel'' and inserting ''Trial counsel, defense counsel, or assistant defense counsel''; and

(3) by striking subsection (c) and inserting the following new subsections:

''(c)(1) Defense counsel and assistant defense counsel detailed for a special court-martial shall have the qualifications set forth in subsection (b).

''(2) Trial counsel and assistant trial counsel detailed for a special court-martial and assistant trial counsel detailed for a general court-martial must be determined to be competent to perform such duties by the Judge Advocate General, under such rules as the President may prescribe.

''(d) To the greatest extent practicable, in any capital case, at least one defense counsel shall, as determined by the Judge Advocate

General, be learned in the law applicable to such cases. If necessary, this counsel may be a civilian and, if so, may be compensated in accordance with regulations prescribed by the Secretary of Defense.''.

SEC. 5186. ASSEMBLY AND IMPANELING OF MEMBERS AND RELATED MATTERS.

Section 829 of title 10, United States Code (article 29 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 829. Art 29. Assembly and impaneling of members; detail of new members and military judges

''(a) ASSEMBLY.—The military judge shall announce the assembly of a general or special court-martial with members. After such a court-martial is assembled, no member may be absent, unless the member is excused—

''(1) as a result of a challenge;

''(2) under subsection (b)(1)(B); or

''(3) by order of the military judge or the convening authority for disability or other good cause.

''(b) IMPANELING.—(1) Under rules prescribed by the President, the military judge of a general or special court-martial with members shall—

''(A) after determination of challenges, impanel the court-martial; and

''(B) excuse the members who, having been assembled, are not impaneled.

''(2) In a general court-martial, the military judge shall impanel—

''(A) 12 members in a capital case; and

''(B) eight members in a noncapital case.

''(3) In a special court-martial, the military judge shall impanel four members.

''(c) ALTERNATE MEMBERS.—In addition to members under subsection (b), the military judge shall impanel alternate members, if the convening authority authorizes alternate members.

''(d) DETAIL OF NEW MEMBERS.—(1) If, after members are impaneled, the membership of the court-martial is reduced to—

''(A) fewer than 12 members with respect to a general court-martial in a capital case;

''(B) fewer than six members with respect to a general court-martial in a noncapital case; or

''(C) fewer than four members with respect to a special court-martial;

the trial may not proceed unless the convening authority details new members and, from among the members so detailed, the military judge impanels new members sufficient in number to provide the membership specified in paragraph (2).

''(2) The membership referred to in paragraph (1) is as follows:

''(A) 12 members with respect to a general court-martial in a capital case.

''(B) At least six but not more than eight members with respect to a general court-martial in a noncapital case.

''(C) Four members with respect to a special court-martial.

''(e) DETAIL OF NEW MILITARY JUDGE.—If the military judge is unable to proceed with the trial because of disability or otherwise, a new military judge shall be detailed to the court-martial.

''(f) EVIDENCE.—(1) In the case of new members under subsection (d), the trial may proceed with the new members present after the evidence previously introduced is read or, in the case of audiotape, videotape, or similar recording, is played, in the presence of the new members, the military judge, the accused, and counsel for both sides.

''(2) In the case of a new military judge under subsection (e), the trial shall proceed as if no evidence had been introduced, unless the evidence previously introduced is read or, in the case of audiotape, videotape, or similar recording, is played, in the presence of the new military judge, the accused, and counsel for both sides.''.

SEC. 5187. MILITARY MAGISTRATES.

Subchapter V of chapter 47 of title 10, United States Code, is amended by inserting after section 826 (article 26 of the Uniform Code of Military Justice) the following new section (article):

''§ 826a. Art. 26a. Military magistrates

''(a) QUALIFICATIONS.—A military magistrate shall be a commissioned officer of the armed forces who—

''(1) is a member of the bar of a Federal court or a member of the bar of the highest court of a State; and

''(2) is certified to be qualified, by reason of education, training, experience, and judicial temperament, for duty as a military magistrate by the Judge Advocate General of the armed force of which the officer is a member.

''(b) DUTIES.—In accordance with regulations prescribed by the Secretary concerned, in addition to duties when designated under section 819 or 830a of this title (article 19 or 30a), a military magistrate may be assigned to perform other duties of a nonjudicial nature.''.

TITLE LVI—PRE-TRIAL PROCEDURE

SEC. 5201. CHARGES AND SPECIFICATIONS.

Section 830 of title 10, United States Code (article 30 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 830. Art 30. Charges and specifications

''(a) IN GENERAL.—Charges and specifications—

''(1) may be preferred only by a person subject to this chapter; and

''(2) shall be preferred by presentment in writing, signed under oath before a commissioned officer of the armed forces who is authorized to administer oaths.

''(b) REQUIRED CONTENT.—The writing under subsection (a) shall state that—

''(1) the signer has personal knowledge of, or has investigated, the matters set forth in the charges and specifications; and

''(2) the matters set forth in the charges and specifications are true, to the best of the knowledge and belief of the signer.

''(c) DUTY OF PROPER AUTHORITY.—When charges and specifications are preferred under subsection (a), the proper authority shall, as soon as practicable—

''(1) inform the person accused of the charges and specifications; and

''(2) determine what disposition should be made of the charges and specifications in the interest of justice and discipline.''.

SEC. 5202. PROCEEDINGS CONDUCTED BEFORE REFERRAL.

Subchapter VI of chapter 47 of title 10, United States Code, is amended by inserting after section 830 (article 30 of the Uniform Code of Military Justice) the following new section (article):

''§ 830a. Art. 30a. Proceedings conducted before referral

''(a) IN GENERAL.—(1) The President shall prescribe regulations for proceedings conducted before referral of charges and specifications to court-martial for trial.

''(2) The regulations prescribed under paragraph (1) shall—

''(A) set forth the matters that a military judge may rule upon in such proceedings;

''(B) include procedures for the review of such rulings;

''(C) include appropriate limitations to ensure that proceedings under this section extend only to matters that would be subject to consideration by a military judge in a general or special court-martial; and

''(D) provide such limitations on the relief that may be ordered under this section as the President considers appropriate.

''(3) If any matter in a proceeding under paragraph (1) becomes a subject at issue with respect to charges that have been referred to a general or special court-martial, the matter shall be transferred to the military judge detailed to the court-martial.

''(b) DETAIL OF MILITARY JUDGE.—The Secretary concerned shall prescribe regulations providing for the manner in which military judges are detailed to proceedings under subsection (a)(1).

''(c) DISCRETION TO DESIGNATE MAGISTRATE TO PRESIDE.—In accordance with regulations prescribed by the Secretary concerned, a military judge detailed to a proceeding under subsection (a)(1) may designate a military magistrate to preside over the proceeding.''.

SEC. 5203. PRELIMINARY HEARING REQUIRED BEFORE REFERRAL TO GENERAL COURT-MARTIAL.

(a) IN GENERAL.—Section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), is amended by striking the section heading and subsections (a), (b), and (c) and inserting the following:

''§ 832. Art. 32. Preliminary hearing required before referral to general court-martial

''(a) IN GENERAL.—(1)(A) Except as provided in subparagraph (B), a preliminary hearing shall be held before referral of charges and specifications for trial by general court-martial. The preliminary hearing shall be conducted by an impartial hearing officer, detailed by the convening authority in accordance with subsection (b).

''(B) Under regulations prescribed by the President, a preliminary hearing need not be held if the accused submits a written waiver to the convening authority and the convening authority determines that a hearing is not required.

''(2) The issues for determination at a preliminary hearing are limited to the following:

''(A) Whether or not the specification alleges an offense under this chapter.

''(B) Whether or not there is probable cause to believe that the accused committed the offense charged.

''(C) Whether or not the convening authority has court-martial jurisdiction over the accused and over the offense.

''(b) HEARING OFFICER.—(1) A preliminary hearing under this section shall be conducted by an impartial hearing officer, who—

''(A) whenever practicable, shall be a judge advocate who is certified under section 827(b)(2) of this title (article 27(b)(2)); or

''(B) when it is not practicable to appoint a judge advocate because of exceptional circumstances, is not a judge advocate so certified.

''(2) In the case of a hearing officer under paragraph (1)(B), a judge advocate who is certified under section 827(b)(2) of this title (article 27(b)(2)) shall be available to provide legal advice to the hearing officer.

''(3) Whenever practicable, the hearing officer shall be equal in grade or senior in grade to military counsel who are detailed to represent the accused or the Government at the preliminary hearing.

''(c) REPORT TO CONVENING AUTHORITY.—After a preliminary hearing under this section, the hearing officer shall submit to the convening authority a written report (accompanied by a recording of the preliminary

hearing under subsection (e)) that includes the following:

''(1) For each specification, a statement of the reasoning and conclusions of the hearing officer with respect to determinations under subsection (a)(2), including a summary of relevant witness testimony and documentary evidence presented at the hearing and any observations of the hearing officer concerning the testimony of witnesses and the availability and admissibility of evidence at trial.

''(2) Recommendations for any necessary modifications to the form of the charges or specifications.

''(3) An analysis of any additional information submitted after the hearing by the parties or by a victim of an offense, that, under such rules as the President may prescribe, is relevant to disposition under sections 830 and 834 of this title (articles 30 and 34).

''(4) A statement of action taken on evidence adduced with respect to uncharged offenses, as described in subsection (f).''.

(b) SUNDRY AMENDMENTS.—Subsection (d) of such section (article) is amended—

(1) in paragraph (1), by striking ''subsection (a)'' in the first sentence and inserting ''this section'';

(2) in paragraph (2), by striking ''in defense'' and all that follows through the end and inserting ''that is relevant to the issues for determination under subsection (a)(2).'';

(3) in paragraph (3), by adding at the end the following new sentence: ''A declination under this paragraph shall not serve as the sole basis for ordering a deposition under section 849 of this title (article 49).''; and

(4) in paragraph (4), by striking ''the limited purposes of the hearing, as provided in subsection (a)(2)'' and inserting ''determinations under subsection (a)(2)''.

(c) REFERENCE TO MCM.—Subsection (e) of such section (article) is amended by striking ''as prescribed by the Manual for Courts-Martial'' in the second sentence and inserting ''under such rules as the President may prescribe''.

(d) EFFECT OF VIOLATION.—Subsection (g) of such section (article) is amended by adding at the end the following new sentence: ''A defect in a report under subsection (c) is not a basis for relief if the report is in substantial compliance with that subsection.''.

(e) CONFORMING AMENDMENTS.—The following provisions are each amended by striking ''investigating officer'' and inserting ''preliminary heating officer'':

(1) Section 806b(a)(3) of title 10, United States Code (article 6b(a)(3) of the Uniform Code of Military Justice).

(2) Section 825(d)(2) of such title (article 25(d)(2) of the Uniform Code of Military Justice).

(3) Section 826(d) of such title (article 26(d) of the Uniform Code of Military Justice).

SEC. 5204. DISPOSITION GUIDANCE.

Section 833 of title 10, United States Code (article 33 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 833. Art 33. Disposition guidance

''The President shall direct the Secretary of Defense to issue, in consultation with the Secretary of Homeland Security, non-binding guidance regarding factors that commanders, convening authorities, staff judge advocates, and judge advocates should take into account when exercising their duties with respect to disposition of charges and specifications in the interest of justice and discipline under sections 830 and 834 of this title (articles 30 and 34). Such guidance shall take into account, with appropriate consideration of military requirements, the principles contained in official guidance of the Attorney General to attorneys for the Government with respect to disposition of Federal criminal cases in accordance with the principle of fair and evenhanded administration of Federal criminal law.''.

SEC. 5205. ADVICE TO CONVENING AUTHORITY BEFORE REFERRAL FOR TRIAL.

Section 834 of title 10, United States Code (article 34 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 834. Art. 34. Advice to convening authority before referral for trial

''(a) GENERAL COURT-MARTIAL.—

''(1) STAFF JUDGE ADVOCATE ADVICE REQUIRED BEFORE REFERRAL.—Before referral of charges and specifications to a general court-martial for trial, the convening authority shall submit the matter to the staff judge advocate for advice, which the staff judge advocate shall provide to the convening authority in writing. The convening authority may not refer a specification under a charge to a general court-martial unless the staff judge advocate advises the convening authority in writing that—

''(A) the specification alleges an offense under this chapter;

''(B) there is probable cause to believe that the accused committed the offense charged; and

''(C) a court-martial would have jurisdiction over the accused and the offense.

''(2) STAFF JUDGE ADVOCATE RECOMMENDATION AS TO DISPOSITION.—Together with the written advice provided under paragraph (1), the staff judge advocate shall provide a written recommendation to the convening authority as to the disposition that should be made of the specification in the interest of justice and discipline.

''(3) STAFF JUDGE ADVOCATE ADVICE AND RECOMMENDATION TO ACCOMPANY REFERRAL.—When a convening authority makes a referral for trial by general court-martial, the written advice of the staff judge advocate under paragraph (1) and the written recommendation of the staff judge advocate under paragraph (2) with respect to each specification shall accompany the referral.

''(b) SPECIAL COURT-MARTIAL; CONVENING AUTHORITY CONSULTATION WITH JUDGE ADVOCATE.—Before referral of charges and specifications to a special court-martial for trial, the convening authority shall consult a judge advocate on relevant legal issues.

''(c) GENERAL AND SPECIAL COURTS-MARTIAL; CORRECTION OF CHARGES AND SPECIFICATIONS BEFORE REFERRAL.—Before referral for trial by general court-martial or special court-martial, changes may be made to charges and specifications—

''(1) to correct errors in form; and

''(2) when applicable, to conform to the substance of the evidence contained in a report under section 832(c) of this title (article 32(c)).

''(d) REFERRAL DEFINED.—In this section, the term 'referral' means the order of a convening authority that charges and specifications against an accused be tried by a specified court-martial.''.

SEC. 5206. SERVICE OF CHARGES AND COMMENCEMENT OF TRIAL.

Section 835 of title 10, United States Code (article 35 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 835. Art. 35. Service of charges; commencement of trial

''(a) IN GENERAL.—Trial counsel detailed for a court-martial under section 827 of this title (article 27) shall cause to be served upon the accused a copy of the charges and specifications referred for trial.

''(b) COMMENCEMENT OF TRIAL.—(1) Subject to paragraphs (2) and (3), no trial or other proceeding of a general court-martial or a special court-martial (including any session under section 839(a) of this title (article 39(a)) may be held over the objection of the accused—

''(A) with respect to a general court-martial, from the time of service through the fifth day after the date of service; or

''(B) with respect to a special court-martial, from the time of service through the third day after the date of service.

''(2) An objection under paragraph (1) may be raised only at the first session of the trial or other proceeding and only if the first session occurs before the end of the applicable period under paragraph (1)(A) or (1)(B). If the first session occurs before the end of the applicable period, the military judge shall, at that session, inquire as to whether the defense objects under this subsection.

''(3) This subsection shall not apply in time of war.''.

TITLE LVII—TRIAL PROCEDURE

SEC. 5221. DUTIES OF ASSISTANT DEFENSE COUNSEL.

Section 838(e) of title 10, United States Code (article 38(e) of the Uniform Code of Military Justice), is amended by striking '', under the direction'' and all that follows through ''(article 27),''.

SEC. 5222. SESSIONS.

Section 839 of title 10, United States Code (article 39 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by striking paragraph (3) and inserting the following new paragraphs:

''(3) holding the arraignment and receiving the pleas of the accused;

''(4) conducting a sentencing proceeding and sentencing the accused; and''; and

(2) in the second sentence of subsection (c), by striking '', in cases in which a military judge has been detailed to the court,''.

SEC. 5223. TECHNICAL AMENDMENT RELATING TO CONTINUANCES.

Section 840 of title 10, United States Code (article 40 of the Uniform Code of Military Justice), is amended by striking ''court-martial without a military judge'' and inserting ''summary court-martial''.

SEC. 5224. CONFORMING AMENDMENTS RELATING TO CHALLENGES.

Section 841 of title 10, United States Code (article 41 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)(1), in the second sentence, by striking '', or, if none, the court,'';

(2) in subsection (a)(2), in the first sentence, by striking ''minimum''; and

(3) in subsection (b)(2), by striking ''minimum''.

SEC. 5225. STATUTE OF LIMITATIONS.

(a) INCREASE IN PERIOD FOR CHILD ABUSE OFFENSES.—Subsection (b)(2)(A) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended by striking ''five years'' and inserting ''ten years''.

(b) INCREASE IN PERIOD FOR FRAUDULENT ENLISTMENT OR APPOINTMENT OFFENSES.—Such section (article) is further amended by adding at the end the following new subsection:

''(h) FRAUDULENT ENLISTMENT OR APPOINTMENT.—A person charged with fraudulent enlistment or fraudulent appointment under section 904a(1) of this title (article 104a(1)) may be tried by court-martial if the sworn

charges and specifications are received by an officer exercising summary court-martial jurisdiction with respect to that person, as follows:

''(1) In the case of an enlisted member, during the period of the enlistment or five years, whichever provides a longer period.

''(2) In the case of an officer, during the period of the appointment or five years, whichever provides a longer period.''.

(c) DNA EVIDENCE.—Such section (article), as amended by subsection (b) of this section, is further amended by adding at the end the following new subsection:

''(i) DNA EVIDENCE.—If DNA testing implicates an identified person in the commission of an offense punishable by confinement for more than one year, no statute of limitations that would otherwise preclude prosecution of the offense shall preclude such prosecution until a period of time following the implication of the person by DNA testing has elapsed that is equal to the otherwise applicable limitation period.''.

(d) CONFORMING AMENDMENTS.—Subsection (b)(2)(B) of such section (article) is amended by striking clauses (i) through (v) and inserting the following new clauses:

''(i) Any offense in violation of section 920, 920a, 920b, 920c, or 930 of this title (article 120, 120a, 120b, 120c, or 130), unless the offense is covered by subsection (a).

''(ii) Maiming in violation of section 928a of this title (article 128a).

''(iii) Aggravated assault, assault consummated by a battery, or assault with intent to commit specified offenses in violation of section 928 of this title (article 128).

''(iv) Kidnapping in violation of section 925 of this title (article 125).''.

(e) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting ''NO LIMITATION FOR CERTAIN OFFENSES.—'' after ''(a)'';

(2) in subsection (b), by inserting ''FIVE-YEAR LIMITATION FOR TRIAL BY COURT-MARTIAL.—'' after ''(b)'';

(3) in subsection (c), by inserting ''TOLLING FOR ABSENCE WITHOUT LEAVE OR FLIGHT FROM JUSTICE.—'' after ''(c)'';

(4) in subsection (d), by inserting ''TOLLING FOR ABSENCE FROM US OR MILITARY JURISDICTION.—'' after ''(d)'';

(5) in subsection (e), by inserting ''EXTENSION FOR OFFENSES IN TIME OF WAR DETRIMENTAL TO PROSECUTION OF WAR.—'' after ''(e)'';

(6) in subsection (f), by inserting ''EXTENSION FOR OTHER OFFENSES IN TIME OF WAR.—'' after ''(f)''; and

(7) in subsection (g), by inserting ''DEFECTIVE OR INSUFFICIENT CHARGES.—'' after ''(g)''.

(e) APPLICATION.—The amendments made by subsections (a), (b), (c), and (d) shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this subsection if the applicable limitation period has not yet expired.

SEC. 5226. FORMER JEOPARDY.

Subsection (c) of section 844 of title 10, United States Code (article 44 of the Uniform Code of Military Justice), is amended to read as follows:

''(c)(1) A court-martial with a military judge alone is a trial in the sense of this section (article) if, without fault of the accused—

''(A) after introduction of evidence; and

''(B) before announcement of findings under section 853 of this title (article 53);

the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.

''(2) A court-martial with a military judge and members is a trial in the sense of this section (article) if, without fault of the accused—

''(A) after the members, having taken an oath as members under section 842 of this title (article 42) and after completion of challenges under section 841 of this title (article 41), are impaneled; and

''(B) before announcement of findings under section 853 of this title (article 53);

the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.''.

SEC. 5227. PLEAS OF THE ACCUSED.

(a) PLEAS OF GUILTY.—Subsection (b) of section 845 of title 10, United States Code (article 45 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by striking ''may be adjudged'' and inserting ''is mandatory''; and

(2) in the second sentence—

(A) by striking ''or by a court-martial without a military judge''; and

(B) by striking '', if permitted by regulations of the Secretary concerned,''.

(b) HARMLESS ERROR.—Such section (article) is further amended by adding at the end the following new subsection:

''(c) HARMLESS ERROR.—A variance from the requirements of this article is harmless error if the variance does not materially prejudice the substantial rights of the accused.''.

(c) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting ''IRREGULAR AND SIMILAR PLEAS.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''PLEAS OF GUILTY.—'' after ''(b)''.

SEC. 5228. SUBPOENA AND OTHER PROCESS.

(a) AMENDMENTS TO UCMJ ARTICLE.—

(1) IN GENERAL.—Subsection (a) of section 846 of title 10, United States Code (article 46 of the Uniform Code of Military Justice), is amended by striking ''The counsel for the Government, the counsel for the accused,'' and inserting ''In a case referred for trial by court-martial, the trial counsel, the defense counsel,''.

(2) SUBPOENA AND OTHER PROCESS GENERALLY.—Subsection (b) of such section (article) is amended to read as follows:

''(b) SUBPOENA AND OTHER PROCESS GENERALLY.—Any subpoena or other process issued under this section (article)—

''(1) shall be similar to that which courts of the United States having criminal jurisdiction may issue;

''(2) shall be executed in accordance with regulations prescribed by the President; and

''(3) shall run to any part of the United States and to the Commonwealths and possessions of the United States.''.

(3) SUBPOENA AND OTHER PROCESS FOR WITNESSES.—Subsection (c) of such section (article) is amended to read as follows:

''(c) SUBPOENA AND OTHER PROCESS FOR WITNESSES.—A subpoena or other process may be issued to compel a witness to appear and testify—

''(1) before a court-martial, military commission, or court of inquiry;

''(2) at a deposition under section 849 of this title (article 49); or

''(3) as otherwise authorized under this chapter.''.

(4) OTHER MATTERS.—Such section (article) is further amended by adding at the end the following new subsections:

''(d) SUBPOENA AND OTHER PROCESS FOR EVIDENCE.—

''(1) IN GENERAL.—A subpoena or other process may be issued to compel the production of evidence—

''(A) for a court-martial, military commission, or court of inquiry;

''(B) for a deposition under section 849 of this title (article 49);

''(C) for an investigation of an offense under this chapter; or

''(D) as otherwise authorized under this chapter.

''(2) INVESTIGATIVE SUBPOENA.—An investigative subpoena under paragraph (1)(C) may be issued before referral of charges to a court-martial only if a general court-martial convening authority has authorized counsel for the Government to issue such a subpoena.

''(3) WARRANT OR ORDER FOR WIRE OR ELECTRONIC COMMUNICATIONS.—With respect to an investigation of an offense under this chapter, a military judge detailed in accordance with section 826 or 830a of this title (article 26 or 30a) may issue warrants or court orders for the contents of, and records concerning, wire or electronic communications in the same manner as such warrants and orders may be issued by a district court of the United States under chapter 121 of title 18, subject to such limitations as the President may prescribe by regulation.

''(e) REQUEST FOR RELIEF FROM SUBPOENA OR OTHER PROCESS.—If a person requests relief from a subpoena or other process under this section (article) on grounds that compliance is unreasonable or oppressive or is prohibited by law, a military judge detailed in accordance with section 826 or 830a of this title (article 26 or 30a) shall review the request and shall—

''(1) order that the subpoena or other process be modified or withdrawn, as appropriate; or

''(2) order the person to comply with the subpoena or other process.''.

(5) SECTION HEADING.—The heading of such section (article) is amended to read as follows:

''§ 846. Art. 46. Opportunity to obtain witnesses and other evidence in trials by court-martial''.

(b) CONFORMING AMENDMENTS TO TITLE 18, UNITED STATES CODE.—

(1) Section 2703 of title 18, United States Code, is amended—

(A) in the first sentence of subsection (a);

(B) in subsection (b)(1)(A); and

(C) in subsection (c)(1)(A);

by inserting after ''warrant procedures'' the following: ''and, in the case of a court-martial or other proceeding under chapter 47 of title 10 (the Uniform Code of Military Justice), issued under section 846 of that title, in accordance with regulations prescribed by the President''.

(D) Section 2711(3) of title 18, United States Code, is amended—

(i) in subparagraph (A), by striking ''or'' at the end;

(ii) in subparagraph (B), by striking ''and'' at the end and inserting ''or''; and

(iii) by adding at the end the following new subparagraph:

''(C) a court-martial or other proceeding under chapter 47 of title 10 (the Uniform Code of Military Justice) to which a military judge has been detailed; and''.

SEC. 5229. REFUSAL OF PERSON NOT SUBJECT TO UCMJ TO APPEAR, TESTIFY, OR PRODUCE EVIDENCE.

(a) IN GENERAL.—Subsection (a) of section 847 of title 10, United States Code (article 47

of the Uniform Code of Military Justice), is amended to read as follows:

''(a) IN GENERAL.—(1) Any person described in paragraph (2) who—

''(A) willfully neglects or refuses to appear; or

''(B) willfully refuses to qualify as a witness or to testify or to produce any evidence which that person is required to produce;

is guilty of an offense against the United States.

''(2) The persons referred to in paragraph (1) are the following:

''(A) Any person not subject to this chapter who—

''(i) is issued a subpoena or other process described in subsection (c) of section 846 of this title (article 46); and

''(ii) is provided a means for reimbursement from the Government for fees and mileage at the rates allowed to witnesses attending the courts of the United States or, in the case of extraordinary hardship, is advanced such fees and mileage.

''(B) Any person not subject to this chapter who is issued a subpoena or other process described in subsection (d) of section 846 of this title (article 46).''.

(b) SECTION HEADING.—The heading of such section (article) is amended to read as follows:

''§ 847. Art. 47. Refusal of person not subject to chapter to appear, testify, or produce evidence''.

SEC. 5230. CONTEMPT.

(a) AUTHORITY TO PUNISH.—Subsection (a) of section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), is amended to read as follows:

''(a) AUTHORITY TO PUNISH.—(1) With respect to any proceeding under this chapter, a judicial officer specified in paragraph (2) may punish for contempt any person who—

''(A) uses any menacing word, sign, or gesture in the presence of the judicial officer during the proceeding;

''(B) disturbs the proceeding by any riot or disorder; or

''(C) willfully disobeys a lawful writ, process, order, rule, decree, or command issued with respect to the proceeding.

''(2) A judicial officer referred to in paragraph (1) is any of the following:

''(A) Any judge of the Court of Appeals for the Armed Forces and any judge of a Court of Criminal Appeals under section 866 of this title (article 66).

''(B) Any military judge detailed to a court-martial, a provost court, a military commission, or any other proceeding under this chapter.

''(C) Any military magistrate designated to preside under section 819 or 830a of this title (article 19 or 30a).

''(D) Any commissioned officer detailed as a summary court-martial.

''(E) The president of a court of inquiry.''.

(b) REVIEW.—Such section (article) is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) REVIEW.—A punishment under this section—

''(1) if imposed by a military judge or military magistrate, may be reviewed by the Court of Criminal Appeals in accordance with the uniform rules of procedure for the Courts of Criminal Appeals under section 866(i) of this title (article 66(i));

''(2) if imposed by a judge of the Court of Appeals for the Armed Forces or a judge of a Court of Criminal Appeals, shall constitute a judgment of the court, subject to review under the applicable provisions of section 867 or 867a of this title (article 67 or 67a); and

''(3) if imposed by a summary court-martial or court of inquiry, shall be subject to review by the convening authority in accordance with rules prescribed by the President.''.

(c) SECTION HEADING.—The heading of such section (article) is amended to read as follows:

''§ 848. Art. 48. Contempt''.

SEC. 5231. DEPOSITIONS.

Section 849 of title 10, United States Code (article 49 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 849. Art. 49. Depositions

''(a) IN GENERAL.—(1) Subject to paragraph (2), a convening authority or a military judge may order depositions at the request of any party.

''(2) A deposition may be ordered under paragraph (1) only if the requesting party demonstrates that, due to exceptional circumstances, it is in the interest of justice that the testimony of a prospective witness be preserved for use at a court-martial, military commission, court of inquiry, or other military court or board.

''(3) A party who requests a deposition under this section shall give to every other party reasonable written notice of the time and place for the deposition.

''(4) A deposition under this section shall be taken before, and authenticated by, an impartial officer, as follows:

''(A) Whenever practicable, by an impartial judge advocate certified under section 827(b) of this title (article 27(b)).

''(B) In exceptional circumstances, by an impartial military or civil officer authorized to administer oaths by (i) the laws of the United States or (ii) the laws of the place where the deposition is taken.

''(b) REPRESENTATION BY COUNSEL.—Representation of the parties with respect to a deposition shall be by counsel detailed in the same manner as trial counsel and defense counsel are detailed under section 827 of this title (article 27). In addition, the accused shall have the right to be represented by civilian or military counsel in the same manner as such counsel are provided for in section 838(b) of this title (article 38(b)).

''(c) ADMISSIBILITY AND USE AS EVIDENCE.—A deposition order under subsection (a) does not control the admissibility of the deposition in a court-martial or other proceeding under this chapter. Except as provided by subsection (d), a party may use all or part of a deposition as provided by the rules of evidence.

''(d) CAPITAL CASES.—Testimony by deposition may be presented in capital cases only by the defense.''.

SEC. 5232. ADMISSIBILITY OF SWORN TESTIMONY BY AUDIOTAPE OR VIDEOTAPE FROM RECORDS OF COURTS OF INQUIRY.

(a) IN GENERAL.—Section 850 of title 10, United States Code (article 50 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(d) AUDIOTAPE OR VIDEOTAPE.—Sworn testimony that—

''(1) is recorded by audiotape, videotape, or similar method; and

''(2) is contained in the duly authenticated record of proceedings of a court of inquiry;

is admissible before a court-martial, military commission, court of inquiry, or military board, to the same extent as sworn testimony may be read in evidence before any such body under subsection (a), (b), or (c).''.

(b) SECTION HEADING.—The heading of such section (article) is amended to read as follows:

''§ 850. Art. 50. Admissibility of sworn testimony from records of courts of inquiry''.

(c) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting ''USE AS EVIDENCE BY ANY PARTY.—'' after ''(a)'';

(2) in subsection (b), by inserting ''USE AS EVIDENCE BY DEFENSE.—'' after ''(b)''; and

(3) in subsection (c), by inserting ''USE IN COURTS OF INQUIRY AND MILITARY BOARDS.—'' after ''(c)''.

SEC. 5233. CONFORMING AMENDMENT RELATING TO DEFENSE OF LACK OF MENTAL RESPONSIBILITY.

Section 850a(c) of title 10, United States Code (article 50a(c) of the Uniform Code of Military Justice), is amended by striking '', or the president of a court-martial without a military judge,''.

SEC. 5234. VOTING AND RULINGS.

Section 851 of title 10, United States Code (article 51 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking '', and by members of a court-martial without a military judge upon questions of challenge,'' in the first sentence;

(2) in subsection (b)—

(A) in the first sentence, by striking ''and, except for questions of challenge, the president of a court-martial without a military judge''; and

(B) in the second sentence, by striking '', or by the president'' and all that follows through the end of the subsection and inserting ''is final and constitutes the ruling of the court, except that the military judge may change a ruling at any time during trial.''; and

(3) in subsection (c), by striking ''or the president of a court-martial without a military judge'' in the matter before paragraph (1).

SEC. 5235. VOTES REQUIRED FOR CONVICTION, SENTENCING, AND OTHER MATTERS.

Section 852 of title 10, United States Code (article 52 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 852. Art. 52. Votes required for conviction, sentencing, and other matters

''(a) IN GENERAL.—No person may be convicted of an offense in a general or special court-martial, other than—

''(1) after a plea of guilty under section 845(b) of this title (article 45(b));

''(2) by a military judge in a court-martial with a military judge alone, under section 816 of this title (article 16); or

''(3) in a court-martial with members under section 816 of this title (article 16), by the concurrence of at least three-fourths of the members present when the vote is taken.

''(b) LEVEL OF CONCURRENCE REQUIRED.—

''(1) IN GENERAL.—Except as provided in subsection (a) and in paragraph (2), all matters to be decided by members of a general or special court-martial shall be determined by a majority vote, but a reconsideration of a finding of guilty or reconsideration of a sentence, with a view toward decreasing the sentence, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence.

''(2) SENTENCING.—A sentence of death requires (A) a unanimous finding of guilty of an offense in this chapter expressly made punishable by death and (B) a unanimous determination by the members that the sentence for that offense shall include death. All

other sentences imposed by members shall be determined by the concurrence of at least three-fourths of the members present when the vote is taken.''.

SEC. 5236. FINDINGS AND SENTENCING.

Section 853 of title 10, United States Code (article 53 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 853. Art. 53. Findings and sentencing

''(a) ANNOUNCEMENT.—A court-martial shall announce its findings and sentence to the parties as soon as determined.

''(b) SENTENCING GENERALLY.—(1) Except as provided in subsection (c) for capital offenses, if the accused is convicted of an offense in a trial by general or special court-martial, the military judge shall sentence the accused. The sentence determined by the military judge constitutes the sentence of the court-martial.

''(2) If the accused is convicted of an offense in a trial by summary court-martial, the court-martial shall sentence the accused.

''(c) SENTENCING FOR CAPITAL OFFENSES.—(1) In a capital case, if the accused is convicted of an offense for which the court-martial may sentence the accused to death—

''(A) the members shall determine whether the sentence for that offense shall be death, life in prison without eligibility for parole, or a lesser punishment determined by the military judge; and

''(B) the military judge shall sentence the accused for that offense in accordance with the determination of the members under subparagraph (A).

''(2) In accordance with regulations prescribed by the President, the military judge may include in any sentence to death or life in prison without eligibility for parole other lesser punishments authorized under this chapter.''.

SEC. 5237. PLEA AGREEMENTS.

Subchapter VII of chapter 47 of title 10, United States Code, is amended by inserting after section 853 (article 53 of the Uniform Code of Military Justice) the following new section:

''§ 853a. Art. 53a. Plea agreements

''(a) IN GENERAL.—(1) At any time before the announcement of findings under section 853 of this title (article 53), the convening authority and the accused may enter into a plea agreement with respect to such matters as—

''(A) the manner in which the convening authority will dispose of one or more charges and specifications; and

''(B) limitations on the sentence that may be adjudged for one or more charges and specifications.

''(2) The military judge of a general or special court-martial may not participate in discussions between the parties concerning prospective terms and conditions of a plea agreement.

''(b) ACCEPTANCE OF PLEA AGREEMENT.—Subject to subsection (c), the military judge of a general or special court-martial shall accept a plea agreement submitted by the parties, except that—

''(1) in the case of an offense with a sentencing parameter under section 856 of this title (article 56), the military judge may reject a plea agreement that proposes a sentence that is outside the sentencing parameter if the military judge determines that the proposed sentence is plainly unreasonable; and

''(2) in the case of an offense with no sentencing parameter under section 856 of this title (article 56), the military judge may reject a plea agreement that proposes a sentence if the military judge determines that the proposed sentence is plainly unreasonable.

''(c) LIMITATION ON ACCEPTANCE OF PLEA AGREEMENTS.—The military judge of a general or special court-martial shall reject a plea agreement that—

''(1) contains a provision that has not been accepted by both parties;

''(2) contains a provision that is not understood by the accused;

''(3) except as provided in subsection (d), contains a provision for a sentence that is less than the mandatory minimum sentence applicable to an offense referred to in section 856(b)(2) of this title (article 56(b)(2)); or

''(4) is prohibited by law or by regulation prescribed by the President.

''(d) LIMITED CONDITIONS FOR ACCEPTANCE OF PLEA AGREEMENT FOR SENTENCE BELOW MANDATORY MINIMUM FOR CERTAIN OFFENSES.—With respect to an offense referred to in section 856(b)(2) of this title (article 56(b)(2))—

''(1) the military judge may accept a plea agreement that provides for a sentence of bad conduct discharge; and

''(2) upon recommendation of the trial counsel, in exchange for substantial assistance by the accused in the investigation or prosecution of another person who has committed an offense, the military judge may accept a plea agreement that provides for a sentence that is less than the mandatory minimum sentence for the offense charged.

''(e) BINDING EFFECT OF PLEA AGREEMENT.—Upon acceptance by the military judge of a general or special court-martial, a plea agreement shall bind the parties and the military judge.''.

SEC. 5238. RECORD OF TRIAL.

Section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a) GENERAL AND SPECIAL COURTS-MARTIAL.—Each general or special court-martial shall keep a separate record of the proceedings in each case brought before it. The record shall be certified by a court-reporter, except that in the case of death, disability, or absence of a court reporter, the record shall be certified by an official selected as the President may prescribe by regulation.'';

(2) in subsection (b)—

(A) by striking ''(b) Each special and summary court-martial'' and inserting ''(b) SUMMARY COURT-MARTIAL.—Each summary court-martial''; and

(B) by striking ''authenticated'' and inserting ''certified'';

(3) by striking subsection (c) and inserting the following new subsection (c):

''(c) CONTENTS OF RECORD.—(1) Except as provided in paragraph (2), the record shall contain such matters as the President may prescribe by regulation.

''(2) In accordance with regulations prescribed by the President, a complete record of proceedings and testimony shall be prepared in any case of a sentence of death, dismissal, discharge, confinement for more than six months, or forfeiture of pay for more than six months.'';

(4) in subsection (d)—

(A) by striking ''(d) A copy'' and inserting ''(d) COPY TO ACCUSED.—A copy''; and

(B) by striking ''authenticated'' and inserting ''certified''; and

(5) in subsection (e)—

(A) by striking ''(e) In the case'' and inserting ''(e) COPY TO VICTIM.—In the case'';

(B) by striking ''involving a sexual assault or other offense covered by section 920 of this title (article 120)'' in the first sentence and inserting ''upon request,''; and

(C) by striking ''authenticated'' in the second sentence and inserting ''certified''.

TITLE LVIII—SENTENCES

SEC. 5261. SENTENCING.

(a) IN GENERAL.—Section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 856. Art. 56. Sentencing

''(a) SENTENCE MAXIMUMS.—The punishment which a court-martial may direct for an offense may not exceed such limits as the President may prescribe for that offense.

''(b) SENTENCE MINIMUMS FOR CERTAIN OFFENSES.—

''(1) IN GENERAL.—Except as provided in section 853a(d) of this title (article 53a(d)), punishment for any offense specified in paragraph (2) shall include dismissal or dishonorable discharge, as applicable.

''(2) OFFENSES.—The offenses referred to in paragraph (1) are as follows:

''(A) Rape under subsection (a) of section 920 of this title (article 120).

''(B) Sexual assault under subsection (b) of such section (article).

''(C) Rape of a child under subsection (a) of section 920b of this title (article 120b).

''(D) Sexual assault of a child under subsection (b) of such section (article).

''(E) An attempt to commit an offense specified in subparagraph (A), (B), (C), or (D) that is punishable under section 880 of this title (article 80).

''(c) IMPOSITION OF SENTENCE.—

''(1) IN GENERAL.—In sentencing an accused under section 853 of this title (article 53), a court-martial shall impose punishment that is sufficient, but not greater than necessary, to promote justice and to maintain good order and discipline in the armed forces, taking into consideration—

''(A) the nature and circumstances of the offense and the history and characteristics of the accused;

''(B) the impact of the offense on—

''(i) the financial, social, psychological, or medical well-being of any victim of the offense; and

''(ii) the mission, discipline, or efficiency of the command of the accused and any victim of the offense;

''(C) the need for the sentence—

''(i) to reflect the seriousness of the offense;

''(ii) to promote respect for the law;

''(iii) to provide just punishment for the offense;

''(iv) to promote adequate deterrence of misconduct;

''(v) to protect others from further crimes by the accused;

''(vi) to rehabilitate the accused; and

''(vii) to provide, in appropriate cases, the opportunity for retraining and return to duty to meet the needs of the service;

''(D) the sentences available under this chapter; and

''(E) the applicable sentencing parameters or sentencing criteria prescribed under this section.

''(2) APPLICATION OF SENTENCING PARAMETERS IN GENERAL AND SPECIAL COURTS-MARTIAL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in a general or special court-martial in which the accused is convicted of an offense with a sentencing parameter under subsection (d), the military judge shall sentence the accused for that offense within the applicable parameter.

''(B) EXCEPTION.—The military judge may impose a sentence outside a sentencing parameter upon finding specific facts that warrant such a sentence. The military judge shall include in the record a written statement of the factual basis for any sentence under this subparagraph.

''(3) USE OF SENTENCING CRITERIA IN GENERAL AND SPECIAL COURTS-MARTIAL.—In a general or special court-martial in which the accused is convicted of an offense with sentencing criteria under subsection (d), the military judge shall consider the applicable sentencing criteria in determining the sentence for that offense.

''(4) OFFENSE BASED SENTENCING IN GENERAL AND SPECIAL COURTS-MARTIAL.—In announcing the sentence under section 853 of this title (article 53) in a general or special court-martial, the military judge shall, with respect to each offense of which the accused is found guilty, specify the term of confinement, if any, and the amount of the fine, if any. If the accused is sentenced to confinement for more than one offense, the military judge shall specify whether the terms of confinement are to run consecutively or concurrently.

''(5) NONAPPLICABILITY TO DEATH PENALTY.—Sentencing parameters and sentencing criteria are not applicable to the issue of whether an offense should be punished by death.

''(6) SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.—

''(A) IN GENERAL.—If an offense is subject to a sentence of confinement for life, a court-martial may impose a sentence of confinement for life without eligibility for parole.

''(B) CONFINEMENT.—An accused who is sentenced to confinement for life without eligibility for parole shall be confined for the remainder of the accused's life unless—

''(i) the sentence is set aside or otherwise modified as a result of—

''(I) action taken by the convening authority or the Secretary concerned; or

''(II) any other action taken during post-trial procedure and review under any other provision of subchapter IX of this chapter;

''(ii) the sentence is set aside or otherwise modified as a result of action taken by a Court of Criminal Appeals, the Court of Appeals for the Armed Forces, or the Supreme Court; or

''(iii) the accused is pardoned.

''(d) ESTABLISHMENT OF SENTENCING PARAMETERS AND SENTENCING CRITERIA.—

''(1) IN GENERAL.—The President shall prescribe regulations establishing sentencing parameters and sentencing criteria in accordance with this subsection.

''(2) SENTENCING PARAMETERS.—

''(A) IN GENERAL.—A sentencing parameter provides a delineated sentencing range for an offense that is appropriate for a typical violation of the offense, taking into consideration—

''(i) the severity of the offense;

''(ii) the guideline or offense category that would apply to the offense if the offense were tried in a United States district court;

''(iii) any military-specific sentencing factors; and

''(iv) the need for the sentencing parameter to be sufficiently broad to allow for individualized consideration of the offense and the accused.

''(B) ELEMENTS AND SCOPE.—Sentencing parameters established under paragraph (1)—

''(i) shall include no fewer than seven and no more than twelve offense categories;

''(ii) other than for offenses identified under paragraph (5)(B), shall assign each offense under this chapter to an offense category;

''(iii) shall delineate the confinement range for each offense category by setting an upper confinement limit and a lower confinement limit; and

''(iv) shall be neutral as to the race, sex, national origin, creed, sexual orientation, and socioeconomic status of offenders.

''(3) SENTENCING CRITERIA.—Sentencing criteria are factors concerning available punishments that may aid the military judge in determining an appropriate sentence when there is no applicable sentencing parameter for a specific offense.

''(4) MILITARY SENTENCING PARAMETERS AND CRITERIA BOARD.—

''(A) IN GENERAL.—There is established within the Department of Defense a board, to be known as the 'Military Sentencing Parameters and Criteria Board' (in this subsection referred to as 'Board').

''(B) VOTING MEMBERS.—The Board shall have five voting members, as follows:

''(i) The four chief trial judges designated under section 826(g) of this title (article 26(g)), except that, if the chief trial judge of the Coast Guard is not available, the Judge Advocate General of the Coast Guard may designate as a voting member a judge advocate of the Coast Guard with substantial military justice experience.

''(ii) A trial judge of the Navy, designated under regulations prescribed by the President, if the chief trial judges designated under section 826(g) of this title (article 26(g)) do not include a trial judge of the Navy.

''(iii) A trial judge of the Marine Corps, designated under regulations prescribed by the President, if the chief trial judges designated under section 826(g) of this title (article 26(g)) do not include a trial judge of the Marine Corps.

''(C) NONVOTING MEMBERS.—The Attorney General, the Chief Judge of the Court of Appeals for the Armed Forces, the Chairman of the Joint Chiefs of Staff, and the General Counsel of the Department of Defense shall each designate one nonvoting member of the Board.

''(D) CHAIR AND VICE-CHAIR.—The Secretary of Defense shall designate one voting member as chair of the Board and one voting member as vice-chair of the Board.

''(5) DUTIES OF BOARD.—

''(A) IN GENERAL.—As directed by the President, the Board shall submit to the President for approval—

''(i) sentencing parameters for all offenses under this chapter, other than offenses that are identified by the Board as unsuitable for sentencing parameters; and

''(ii) sentencing criteria to be used by military judges in determining appropriate sentences for offenses that are identified as unsuitable for sentencing parameters.

''(B) OFFENSES UNSUITABLE FOR SENTENCING PARAMETERS.—For purposes of this paragraph, an offense is unsuitable for sentencing parameters if—

''(i) the nature of the offense is indeterminate and unsuitable for categorization; and

''(ii) there is no similar criminal offense under the laws of the United States or the laws of the District of Columbia.

''(C) SCOPE OF DUTIES.—The Board shall consider the appropriateness of sentencing parameters for punitive discharges, fines, reductions, forfeitures, and other punishments authorized under this chapter.

''(D) REGULAR REVIEW OF PARAMETERS AND CRITERIA.—The Board shall regularly review, and propose revision to, in consideration of comments and data coming to its attention, the sentencing parameters and sentencing criteria prescribed under subsection (d)(1).

''(E) ASSESSMENT OF EFFECTIVENESS.—The Board shall develop means of measuring the degree to which applicable sentencing, penal, and correctional practices are effective with respect to the sentencing factors and policies set forth in this section.

''(F) CONSULTATION.—In fulfilling its duties and in exercising its powers, the Board shall consult authorities on, and individual and institutional representatives of, various aspects of the military criminal justice system. The Board shall establish separate advisory groups consisting of individuals with current or recent experience in command and in senior enlisted positions, individuals with experience in the trial of courts-martial, and such other groups as the Board deems appropriate.

''(G) PROPOSALS FOR AMENDMENTS TO RULES FOR COURTS-MARTIAL.—The Board shall submit to the President proposed amendments to the rules for courts-martial with respect to sentencing proceedings and maximum punishments, together with statements explaining the basis for the proposed amendments.

''(H) PROPOSALS FOR AMENDMENTS TO PARAMETERS AND CRITERIA.—The Board shall submit to the President proposed amendments to the sentencing parameters and sentencing criteria, together with statements explaining the basis for the proposed amendments.

''(I) NONBINDING GUIDANCE.—The Board may issue nonbinding policy statements to achieve the Board's purposes and to guide military judges in fashioning appropriate sentences, including guidance on factors that may be relevant in determining where in a sentencing parameter a specification may fall, or whether a deviation outside of the sentencing range may be warranted.

''(J) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act shall not apply with respect to the Board or any advisory group established by the Board.

''(6) VOTING REQUIREMENT.—An affirmative vote of at least three members is required for any action of the Board under this subsection.

''(e) REVIEW OF CERTAIN SENTENCES.—

''(1) IN GENERAL.—The Judge Advocate General concerned may send a case to the Court of Criminal Appeals for review of the sentence on the grounds that—

''(A) the sentence violates the law;

''(B) in the case of a sentence for an offense with a sentencing parameter under this section, the sentence is a result of an incorrect application of the parameter; or

''(C) the sentence is plainly unreasonable.

''(2) TIMELINESS.—A case submitted for review under this subsection must be filed within 60 days after the date on which the judgment of a court-martial is entered into the record under section 860c of this title (article 60c).''.

(b) CONFORMING REPEAL.—Section 856a of title 10, United States Code (article 56a of the Uniform Code of Military Justice), is repealed.

(c) IMPLEMENTATION OF SENTENCING PARAMETERS AND CRITERIA.—

(1) REGULATIONS.—Not later than four years after the date of the enactment of this Act, the President shall prescribe the regulations for sentencing parameters and criteria required by subsection (d) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as amended by subsection (a) of this section.

(2) INTERIM GUIDANCE.—Not later than two years after the date of the enactment of this Act, the President shall prescribe interim guidance for use in sentencing at courts-martial before the implementation of sentencing parameters and criteria pursuant to the regulations referred to in paragraph (1). Insofar as the President considers practicable, the interim guidance shall be consistent with the purposes and procedures set forth in subsections (c) and (d) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as so amended, taking into account the interim nature of the guidance. For purposes of sentencing under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), the interim guidance shall be treated as sentencing parameters and criteria.

(3) EFFECTIVE DATES.—The President shall prescribe the effective dates of the regulations referred to in paragraph (1) and of the interim guidance referred to in paragraph (2).

(d) PROSPECTIVE REPEAL OF SENTENCE MINIMUMS FOR CERTAIN OFFENSES.—Upon the taking effect of the interim guidance prescribed under subsection (c)(2) for offenses specified in paragraph (2) of subsection (b) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as in effect on the day after the date of the enactment of this Act—

(1) section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as amended by subsection (a) of this section, is further amended—

(A) in subsection (a), by striking ''(a) SENTENCE MAXIMUMS.—''; and

(B) by striking subsection (b); and

(2) section 853a of title 10, United States Code (article 53a of the Uniform Code of Military Justice), as added by section 5237 of this Act, is amended by striking subsections (c) and (d) and inserting the following new subsection:

''(c) LIMITATION ON ACCEPTANCE OF PLEA AGREEMENTS.—The military judge shall reject a plea agreement that—

''(1) contains a provision that has not been accepted by both parties;

''(2) contains a provision that is not understood by the accused; or

''(3) is prohibited by law or by regulation prescribed by the President.''.

(e) APPLICABILITY OF AUTHORITY FOR REVIEW OF CERTAIN SENTENCES.—A case may be sent to the Court of Criminal Appeals for review of the sentence in accordance with subsection (e) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as amended by subsection (a), only if the sentence is adjudged on or after the effective date of the interim guidance prescribed under subsection (c)(2).

SEC. 5262. EFFECTIVE DATE OF SENTENCES.

(a) IN GENERAL.—Section 857 of title 10, United States Code (article 57 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 857. Art. 57. Effective date of sentences

''(a) EXECUTION OF SENTENCES.—A court-martial sentence shall be executed and take effect as follows:

''(1) FORFEITURE AND REDUCTION.—A forfeiture of pay or allowances shall be applicable to pay and allowances accruing on and after the date on which the sentence takes effect. Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a court-martial takes effect on the earlier of—

''(A) the date that is 14 days after the date on which the sentence is adjudged; or

''(B) in the case of a summary court-martial, the date on which the sentence is approved by the convening authority.

''(2) CONFINEMENT.—Any period of confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement.

''(3) APPROVAL OF SENTENCE OF DEATH.—If the sentence of the court-martial extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as the President sees fit. That part of the sentence providing for death may not be suspended.

''(4) APPROVAL OF DISMISSAL.—If in the case of a commissioned officer, cadet, or midshipman, the sentence of a court-martial extends to dismissal, that part of the sentence providing for dismissal may not be executed until approved by the Secretary concerned or such Under Secretary or Assistant Secretary as may be designated by the Secretary concerned. In such a case, the Secretary, Under Secretary, or Assistant Secretary, as the case may be, may commute, remit, or suspend the sentence, or any part of the sentence, as the Secretary sees fit. In time of war or national emergency he or she may commute a sentence of dismissal to reduction to any enlisted grade. A person so reduced may be required to serve for the duration of the war or emergency and six months thereafter.

''(5) COMPLETION OF APPELLATE REVIEW.—If a sentence extends to death, dismissal, or a dishonorable or bad-conduct discharge, that part of the sentence extending to death, dismissal, or a dishonorable or bad-conduct discharge may be executed, in accordance with service regulations, after completion of appellate review (and, with respect to death or dismissal, approval under paragraph (3) or (4), as appropriate).

''(6) OTHER SENTENCES.—Except as otherwise provided in this subsection, a general or special court-martial sentence is effective upon entry of judgment and a summary court-martial sentence is effective when the convening authority acts on the sentence.

''(b) DEFERRAL OF SENTENCES.—

''(1) IN GENERAL.—On application by an accused, the convening authority or, if the accused is no longer under his or her jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned, may, in his or her sole discretion, defer the effective date of a sentence of confinement, reduction, or forfeiture. The deferment shall terminate upon entry of judgment or, in the case of a summary court-martial, when the convening authority acts on the sentence. The deferment may be rescinded at any time by the officer who granted it or, if the accused is no longer under his or her jurisdiction, by the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned.

''(2) DEFERRAL OF CERTAIN PERSONS SENTENCED TO CONFINEMENT.—In any case in which a court-martial sentences a person referred to in paragraph (3) to confinement, the convening authority may defer the service of the sentence to confinement, without the consent of that person, until after the person has been permanently released to the armed forces by a State or foreign country referred to in that paragraph.

''(3) COVERED PERSONS.—Paragraph (2) applies to a person subject to this chapter who—

''(A) while in the custody of a State or foreign country is temporarily returned by that State or foreign country to the armed forces for trial by court-martial; and

''(B) after the court-martial, is returned to that State or foreign country under the authority of a mutual agreement or treaty, as the case may be.

''(4) STATE DEFINED.—In this subsection, the term 'State' includes the District of Columbia and any Commonwealth, territory, or possession of the United States.

''(5) DEFERRAL WHILE REVIEW PENDING.—In any case in which a court-martial sentences a person to confinement, but in which review of the case under section 867(a)(2) of this title (article 67(a)(2)) is pending, the Secretary concerned may defer further service of the sentence to confinement while that review is pending.

''(c) APPELLATE REVIEW.—

''(1) COMPLETION OF APPELLATE REVIEW.—Appellate review is complete under this section when—

''(A) a review under section 865 of this title (article 65) is completed; or

''(B) an appeal is filed with a Court of Criminal Appeals or the sentence includes death, and review is completed by a Court of Criminal Appeals and—

''(i) the time for the accused to file a petition for review by the Court of Appeals for the Armed Forces has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by that Court;

''(ii) such a petition is rejected by the Court of Appeals for the Armed Forces; or

''(iii) review is completed in accordance with the judgment of the Court of Appeals for the Armed Forces and—

''(I) a petition for a writ of certiorari is not filed within the time limits prescribed by the Supreme Court;

''(II) such a petition is rejected by the Supreme Court; or

''(III) review is otherwise completed in accordance with the judgment of the Supreme Court.

''(2) COMPLETION AS FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—The completion of appellate review shall constitute a final judgment as to the legality of the proceedings.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 857a of title 10, United States Code (article 57a of the Uniform Code of Military Justice), is repealed.

(2) Section 871 of title 10, United States Code, (article 71 of the Uniform Code of Military Justice), is repealed.

(3) The second sentence of subsection (a)(1) of section 858b of title 10, United States Code (article 58b of the Uniform Code of Military Justice), is amended by striking ''section 857(a) of this title (article 57(a))'' and inserting ''section 857 of this title (article 57)''.

SEC. 5263. SENTENCE OF REDUCTION IN ENLISTED GRADE.

Section 858a of title 10, United States Code (article 58a of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) by striking ''as approved by the convening authority'' and inserting ''as set forth in the judgment of the court-martial entered into the record under section 860c of this title (article 60c)''; and

(B) in the matter after paragraph (3), by striking ''of that approval'' and inserting ''on which the judgment is so entered''; and

(2) in subsection (b), by striking ''disapproved, or, as finally approved'' and inserting ''reduced, or, as finally affirmed''.

SEC. 5264. REPEAL OF SENTENCE REDUCTION PROVISION WHEN INTERIM GUIDANCE TAKES EFFECT.

Effective on the effective date of the interim guidance prescribed by the President pursuant to section 5261(c)(2):

(1) Section 858a of title 10, United States Code (article 58a of the Uniform Code of Military Justice), is repealed.

(2) The table of sections at the beginning of subchapter VIII of chapter 47 of such title is amended by striking the item relating to section 858a.

TITLE LIX—POST-TRIAL PROCEDURE AND REVIEW OF COURTS-MARTIAL

SEC. 5281. POST-TRIAL PROCESSING IN GENERAL AND SPECIAL COURTS-MARTIAL.

Section 860 of title 10, United States Code (article 60 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 860. Art 60. Post-trial processing in general and special courts-martial

''(a) STATEMENT OF TRIAL RESULTS.—(1) The military judge of a general or special court-martial shall enter into the record of trial a document entitled 'Statement of Trial Results', which shall set forth—

''(A) each plea and finding;

''(B) the sentence, if any; and

''(C) such other information as the President may prescribe by regulation.

''(2) Copies of the Statement of Trial Results shall be provided promptly to the convening authority, the accused, and any victim of the offense.

''(b) POST-TRIAL MOTIONS.—In accordance with regulations prescribed by the President, the military judge in a general or special court-martial shall address all post-trial motions and other post-trial matters that—

''(1) may affect a plea, a finding, the sentence, the Statement of Trial Results, the record of trial, or any post-trial action by the convening authority; and

''(2) are subject to resolution by the military judge before entry of judgment.''.

SEC. 5282. LIMITED AUTHORITY TO ACT ON SENTENCE IN SPECIFIED POST-TRIAL CIRCUMSTANCES.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860 (article 60 of the Uniform Code of Military Justice), as amended by section 5281 of this Act, the following new section (article):

''§ 860a. Art. 60a. Limited authority to act on sentence in specified post-trial circumstances

''(a) IN GENERAL.—(1) The convening authority of a general or special court-martial described in paragraph (2)—

''(A) may act on the sentence of the court-martial only as provided in subsection (b), (c), or (d); and

''(B) may not act on the findings of the court-martial.

''(2) The courts-martial referred to in paragraph (1) are the following:

''(A) A general or special court-martial in which the maximum sentence of confinement established under section 856(a) of this title (article 56(a)) for any offense of which the accused is found guilty is more than two years.

''(B) A general or special court-martial in which the total of the sentences of confinement imposed, running consecutively, is more than six months.

''(C) A general or special court-martial in which the sentence imposed includes a dismissal, dishonorable discharge, or bad-conduct discharge.

''(D) A general or special court-martial in which the accused is found guilty of a violation of subsection (a) or (b) of section 920 of this title (article 120), section 920b of this title (article 120b), or such other offense as the Secretary of Defense may specify by regulation.

''(3) Except as provided in subsection (d), the convening authority may act under this section only before entry of judgment.

''(4) Under regulations prescribed by the Secretary concerned, a commissioned officer commanding for the time being, a successor in command, or any person exercising general court-martial jurisdiction may act under this section in place of the convening authority.

''(b) REDUCTION, COMMUTATION, AND SUSPENSION OF SENTENCES GENERALLY.—(1) Except as provided in subsection (c) or (d), the convening authority may not reduce, commute, or suspend any of the following sentences:

''(A) A sentence of confinement, if the total period of confinement imposed for all offenses involved, running consecutively, is greater than six months.

''(B) A sentence of dismissal, dishonorable discharge, or bad-conduct discharge.

''(C) A sentence of death.

''(2) The convening authority may reduce, commute, or suspend any sentence not specified in paragraph (1).

''(c) SUSPENSION OF CERTAIN SENTENCES UPON RECOMMENDATION OF MILITARY JUDGE.—(1) Upon recommendation of the military judge, as included in the Statement of Trial Results, together with an explanation of the facts supporting the recommendation, the convening authority may suspend—

''(A) a sentence of confinement, in whole or in part; or

''(B) a sentence of dismissal, dishonorable discharge, or bad-conduct discharge.

''(2) The convening authority may not, under paragraph (1)—

''(A) suspend a mandatory minimum sentence; or

''(B) suspend a sentence to an extent in excess of the suspension recommended by the military judge.

''(d) REDUCTION OF SENTENCE FOR SUBSTANTIAL ASSISTANCE BY ACCUSED.—(1) Upon a recommendation by the trial counsel, if the accused, after sentencing and before entry of judgment, provides substantial assistance in the investigation or prosecution of another person, the convening authority may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

''(2) Upon a recommendation by a trial counsel, designated in accordance with rules prescribed by the President, if the accused, after entry of judgment, provides substantial assistance in the investigation or prosecution of another person, a convening authority, designated under such regulations, may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

''(3) In evaluating whether the accused has provided substantial assistance under this subsection, the convening authority may consider the presentence assistance of the accused.

''(e) SUBMISSIONS BY ACCUSED AND VICTIM.—(1) In accordance with rules prescribed by the President, in determining whether to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of an offense. Such rules shall include—

''(A) procedures for notice of the opportunity to make such submissions;

''(B) the deadlines for such submissions; and

''(C) procedures for providing the accused and any victim of an offense with a copy of the recording of any open sessions of the court-martial and copies of, or access to, any admitted, unsealed exhibits.

''(2) The convening authority shall not consider under this section any submitted matters that relate to the character of a victim unless such matters were presented as evidence at trial and not excluded at trial.

''(f) DECISION OF CONVENING AUTHORITY.—(1) The decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

''(2) If, under this section, the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall include a written explanation of the reasons for such action.

''(3) If, under subsection (d)(2), the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall be forwarded to the chief trial judge for appropriate modification of the entry of judgment, which shall be transmitted to the Judge Advocate General for appropriate action.''.

SEC. 5283. POST-TRIAL ACTIONS IN SUMMARY COURTS-MARTIAL AND CERTAIN GENERAL AND SPECIAL COURTS-MARTIAL.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860a (article 60a of the Uniform Code of Military Justice), as added by section 5282 of this Act, the following new section (article):

''§ 860b. Art. 60b. Post-trial actions in summary courts-martial and certain general and special courts-martial

''(a) IN GENERAL.—(1) In a court-martial not specified in section 860a(a)(2) of this title (article 60a(a)(2)), the convening authority may—

''(A) dismiss any charge or specification by setting aside the finding of guilty;

''(B) change a finding of guilty to a charge or specification to a finding of guilty to a lesser included offense;

''(C) disapprove the findings and the sentence and dismiss the charges and specifications;

''(D) disapprove the findings and the sentence and order a rehearing as to the findings and the sentence;

''(E) disapprove, commute, or suspend the sentence, in whole or in part; or

''(F) disapprove the sentence and order a rehearing as to the sentence.

''(2) In a summary court-martial, the convening authority shall approve the sentence or take other action on the sentence under paragraph (1).

''(3) Except as provided in paragraph (4), the convening authority may act under this section only before entry of judgment.

''(4) The convening authority may act under this section after entry of judgment in a general or special court-martial in the same manner as the convening authority may act under section 860a(d)(2) of this title (article 60a(d)(2)). Such action shall be forwarded to the chief trial judge, who shall ensure appropriate modification to the entry of judgment and shall transmit the entry of judgment to the Judge Advocate General for appropriate action.

''(5) Under regulations prescribed by the Secretary concerned, a commissioned officer commanding for the time being, a successor in command, or any person exercising general court-martial jurisdiction may act under this section in place of the convening authority.

''(b) LIMITATIONS ON REHEARINGS.—The convening authority may not order a rehearing under this section—

''(1) as to the findings, if there is insufficient evidence in the record to support the findings;

''(2) to reconsider a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty; or

''(3) to reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of this chapter.

''(c) SUBMISSIONS BY ACCUSED AND VICTIM.—In accordance with rules prescribed by the President, in determining whether to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of the offense. Such rules shall include the matter required by section 860a(e) of this title (article 60a(e)).

''(d) DECISION OF CONVENING AUTHORITY.—(1) In a general or special court-martial, the decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

''(2) If the convening authority acts on the findings or the sentence under subsection (a)(1), the decision of the convening authority shall include a written explanation of the reasons for such action.''.

SEC. 5284. ENTRY OF JUDGMENT.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860b (article 60b of the Uniform Code of Military Justice), as added by section 5283 of this Act, the following new section (article):

''§ 860c. Art. 60c. Entry of judgment

''(a) ENTRY OF JUDGMENT OF GENERAL OR SPECIAL COURT-MARTIAL.—(1) In accordance with rules prescribed by the President, in a general or special court-martial, the military judge shall enter into the record of trial the judgment of the court. The judgment of the court shall consist of the following:

''(A) The Statement of Trial Results under section 860 of this title (article 60).

''(B) Any modifications of, or supplements to, the Statement of Trial Results by reason of—

''(i) any post-trial action by the convening authority; or

''(ii) any ruling, order, or other determination of the military judge that affects a plea, a finding, or the sentence.

''(2) Under rules prescribed by the President, the judgment under paragraph (1) shall be—

''(A) provided to the accused and to any victim of the offense; and

''(B) made available to the public.

''(b) SUMMARY COURT-MARTIAL JUDGMENT.—The findings and sentence of a summary court-martial, as modified by any post-trial action by the convening authority under section 860b of this title (article 60b), constitutes the judgment of the court-martial and shall be recorded and distributed under rules prescribed by the President.''.

SEC. 5285. WAIVER OF RIGHT TO APPEAL AND WITHDRAWAL OF APPEAL.

Section 861 of title 10, United States Code (article 61 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 861. Art. 61. Waiver of right to appeal; withdrawal of appeal

''(a) WAIVER OF RIGHT TO APPEAL.—After entry of judgment in a general or special court-martial, under procedures prescribed by the Secretary concerned, the accused may waive the right to appeal. Such a waiver shall be—

''(1) signed by the accused and by defense counsel; and

''(2) attached to the record of trial.

''(b) WITHDRAWAL OF APPEAL.—In a general or special court-martial, the accused may withdraw an appeal at any time.

''(c) DEATH PENALTY CASE EXCEPTION.—Notwithstanding subsections (a) and (b), an accused may not waive the right to appeal or withdraw an appeal with respect to a judgment that includes a sentence of death.

''(d) WAIVER OR WITHDRAWAL AS BAR.—A waiver or withdrawal under this section bars review under section 866 of this title (article 66).''.

SEC. 5286. APPEAL BY THE UNITED STATES.

Section 862 of title 10, United States Code (article 62 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter before subparagraph (A), by striking ''court-martial'' and all that follows through the colon at the end and inserting ''general or special court-martial or in a pretrial proceeding under section 830a of this title (article 30a), the United States may appeal the following:''; and

(ii) by adding at the end the following new subparagraph:

''(G) An order or ruling of the military judge entering a finding of not guilty with respect to a charge or specification following the return of a finding of guilty by the members.''; and

(B) in paragraph (2)—

(i) by striking ''(2)'' and inserting ''(2)(A)''; and

(ii) by adding at the end the following new subparagraph:

''(B) An appeal of an order or ruling may not be taken when prohibited by section 844 of this title (article 44).'';

(2) in subsection (b), by striking ''section 866(c) of this title (article 66(c))'' and inserting ''section 866 of this title (article 66))''; and

(3) by adding at the end the following new subsections:

''(d) The United States may appeal a ruling or order of a military magistrate in the same manner as had the ruling or order been made by a military judge, except that the issue shall first be presented to the military judge who designated the military magistrate or to a military judge detailed to hear the issue.

''(e) The provisions of this section (article) shall be liberally construed to effect its purposes.''.

SEC. 5287. REHEARINGS.

Section 863 of title 10, United States Code (article 63 of the Uniform Code of Military Justice), is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Each rehearing'';

(2) in the second sentence, by striking ''may be approved'' and inserting ''may be adjudged'';

(3) by striking the third sentence; and

(4) by adding at the end the following new subsections:

''(b) PLEA AGREEMENTS.—If the sentence adjudged by the first court-martial was in accordance with a plea agreement under section 853a of this title (article 53a) and the accused at the rehearing does not comply with the agreement, or if a plea of guilty was entered for an offense at the first court-martial and a plea of not guilty was entered at the rehearing, the sentence as to those charges or specifications may include any punishment not in excess of that which could have been adjudged at the first court-martial.

''(c) SENTENCES SET ASIDE ON APPEAL BY GOVERNMENT.—If, after review of a sentence under section 866(b)(2) of this title (article 66(b)(2)), the sentence adjudged is set aside and a rehearing on sentence is ordered by the Court of Criminal Appeals or Court of Appeals for the Armed Forces, the court-martial may impose any sentence that is in accordance with the order or ruling setting aside the adjudged sentence.''.

SEC. 5288. JUDGE ADVOCATE REVIEW OF FINDING OF GUILTY IN SUMMARY COURT-MARTIAL.

(a) IN GENERAL.—Subsection (a) of section 864 of title 10, United States Code (article 64 of the Uniform Code of Military Justice), is amended by striking the first two sentences and inserting the following:

''(a) IN GENERAL.—Under regulations prescribed by the Secretary concerned, each summary court-martial in which there is a finding of guilty shall be reviewed by a judge advocate. A judge advocate may not review a case under this subsection if the judge advocate has acted in the same case as an accuser, preliminary hearing officer, member of the court, military judge, or counsel or has otherwise acted on behalf of the prosecution or defense.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The heading of such section (article) is amended to read as follows:

''§ 864. Art. 64. Judge advocate review of finding of guilty in summary court-martial''.

(2) Subsection (b) of such section is amended—

(A) by striking ''(b) The record'' and inserting ''(b) RECORD.—The record'';

(B) in paragraph (1), by adding ''or'' at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

(3) Subsection (c)(3) of such section (article) is amended by striking ''section 869(b) of this title (article 69(b)).'' and inserting ''section 869 of this title (article 69).''.

SEC. 5289. TRANSMITTAL AND REVIEW OF RECORDS.

Section 865 of title 10, United States Code (article 65 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 865. Art. 65. Transmittal and review of records

''(a) TRANSMITTAL OF RECORDS.—

''(1) FINDING OF GUILTY IN GENERAL OR SPECIAL COURT-MARTIAL.—If the judgment of a general or special court-martial entered under section 860c of this title (article 60c) includes a finding of guilty, the record shall be transmitted to the Judge Advocate General.

''(2) OTHER CASES.—In all other cases, records of trial by court-martial and related documents shall be transmitted and disposed of as the Secretary concerned may prescribe by regulation.

''(b) CASES ELIGIBLE FOR DIRECT APPEAL.—

''(1) MANDATORY REVIEW.—If the judgment includes a sentence of death, the Judge Advocate General shall forward the record of trial to the Court of Criminal Appeals for review under section 866(b)(3) of this title (article 66(b)(3)).

''(2) CASES ELIGIBLE FOR DIRECT APPEAL REVIEW.—

''(A) IN GENERAL.—If the case is eligible for direct review under section 866(b)(1) of this title (article 66(b)(1)), the Judge Advocate General shall—

''(i) forward a copy of the record of trial to an appellate defense counsel who shall be detailed to review the case and, upon request of the accused, to represent the accused before the Court of Criminal Appeals; and

''(ii) upon written request of the accused, forward a copy of the record of trial to civilian counsel provided by the accused.

''(B) INAPPLICABILITY.—Subparagraph (A) shall not apply if the accused—

''(i) waives the right to appeal under section 861 of this title (article 61); or

''(ii) declines in writing the detailing of appellate defense counsel under subparagraph (A)(i).

''(c) NOTICE OF RIGHT TO APPEAL.—

''(1) IN GENERAL.—The Judge Advocate General shall provide notice to the accused of the right to file an appeal under section 866(b)(1) of this title (article 66(b)(1)) by means of depositing in the United States mails for delivery by first class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in the official service record of the accused.

''(2) INAPPLICABILITY UPON WAIVER OF APPEAL.—Paragraph (1) shall not apply if the accused waives the right to appeal under section 861 of this title (article 61).

''(d) REVIEW BY JUDGE ADVOCATE GENERAL.—

''(1) BY WHOM.—A review conducted under this subsection may be conducted by an attorney within the Office of the Judge Advocate General or another attorney designated under regulations prescribed by the Secretary concerned.

''(2) REVIEW OF CASES NOT ELIGIBLE FOR DIRECT APPEAL.—

''(A) IN GENERAL.—A review under subparagraph (B) shall be completed in each general and special court-martial that is not eligible for direct appeal under paragraph (1) or (3) of section 866(b) of this title (article 66(b)).

''(B) SCOPE OF REVIEW.—A review referred to in subparagraph (A) shall include a written decision providing each of the following:

''(i) A conclusion as to whether the court had jurisdiction over the accused and the offense.

''(ii) A conclusion as to whether the charge and specification stated an offense.

''(iii) A conclusion as to whether the sentence was within the limits prescribed as a matter of law.

''(iv) A response to each allegation of error made in writing by the accused.

''(3) REVIEW WHEN DIRECT APPEAL IS WAIVED, WITHDRAWN, OR NOT FILED.—

''(A) IN GENERAL.—A review under subparagraph (B) shall be completed in each general and special court-martial if—

''(i) the accused waives the right to appeal or withdraws appeal under section 861 of this title (article 61); or

''(ii) the accused does not file a timely appeal in a case eligible for direct appeal under subparagraph (A), (B), or (C) of section 866(b)(1) of this title (article 66(b)(1)).

''(B) SCOPE OF REVIEW.—A review referred to in subparagraph (A) shall include a written decision limited to providing conclusions on the matters specified in clauses (i), (ii), and (iii) of paragraph (2)(B).

''(e) REMEDY.—

''(1) IN GENERAL.—If after a review of a record under subsection (d), the attorney conducting the review believes corrective action may be required, the record shall be forwarded to the Judge Advocate General, who may set aside the findings or sentence, in whole or in part.

''(2) REHEARING.—In setting aside findings or sentence, the Judge Advocate General may order a rehearing, except that a rehearing may not be ordered in violation of section 844 of this title (article 44).

''(3) REMEDY WITHOUT REHEARING.—

''(A) DISMISSAL WHEN NO REHEARING ORDERED.—If the Judge Advocate General sets aside findings and sentence and does not order a rehearing, the Judge Advocate General shall dismiss the charges.

''(B) DISMISSAL WHEN REHEARING IMPRACTICAL.—If the Judge Advocate General sets aside findings and orders a rehearing and the convening authority determines that a rehearing would be impractical, the convening authority shall dismiss the charges.''.

SEC. 5290. COURTS OF CRIMINAL APPEALS.

(a) APPELLATE MILITARY JUDGES.—Subsection (a) of section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended—

(1) in the second sentence, by striking ''subsection (f)'' and inserting ''subsection (i)'';

(2) in the fourth sentence, by inserting after ''highest court of a State'' the following: ''and must be certified by the Judge Advocate General as qualified, by reason of education, training, experience, and judicial temperament, for duty as an appellate military judge''; and

(3) by adding at the end the following new sentence: ''In accordance with regulations prescribed by the President, assignments of appellate military judges under this section (article) shall be for appropriate minimum periods, subject to such exceptions as may be authorized in the regulations.''.

(b) REVISION OF APPELLATE PROCEDURES.—Such section (article) is further amended—

(1) by redesignating subsections (e), (f), (g), and (h) as subsections (h), (i), (j), and (k), respectively; and

(2) by striking subsections (b), (c), and (d) and inserting the following new subsections:

''(b) REVIEW.—

''(1) APPEALS BY ACCUSED.—A Court of Criminal Appeals shall have jurisdiction of a timely appeal from the judgment of a court-martial, entered into the record under section 860c of this title (article 60c), as follows:

''(A) On appeal by the accused in a case in which the sentence extends to dismissal of a commissioned officer, cadet, or midshipman, dishonorable or bad-conduct discharge, or confinement for more than six months.

''(B) On appeal by the accused in a case in which the Government previously filed an appeal under section 862 of this title (article 62).

''(C) On appeal by the accused in a case that the Judge Advocate General has sent to the Court of Criminal Appeals for review of the sentence under section 856(e) of this title (article 56(e)).

''(D) In a case in which the accused filed an application for review with the Court under section 869(d)(1)(B) of this title (article 69(d)(1)(B)) and the application has been granted by the Court.

''(2) REVIEW OF CERTAIN SENTENCES.—A Court of Criminal Appeals shall have jurisdiction of all cases that the Judge Advocate General orders sent to the Court for review under section 856(e) of this title (article 56(e)).

''(3) REVIEW OF CAPITAL CASES.—A Court of Criminal Appeals shall have jurisdiction of a court-martial in which the judgment entered into the record under section 860c of this title (article 60c) includes a sentence of death.

''(c) TIMELINESS.—An appeal under subsection (b) is timely if it is filed as follows:

''(1) In the case of an appeal by the accused under subsection (b)(1)(A) or (b)(1)(B), if filed before the later of—

''(A) the end of the 90-day period beginning on the date the accused is provided notice of appellate rights under section 865(c) of this title (article 65(c)); or

''(B) the date set by the Court of Criminal Appeals by rule or order.

''(2) In the case of an appeal by the accused under subsection (b)(1)(C), if filed before the later of—

''(A) the end of the 90-day period beginning on the date the accused is notified that the application for review has been granted by letter placed in the United States mails for delivery by first class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in his official service record; or

''(B) the date set by the Court of Criminal Appeals by rule or order.

''(d) DUTIES.—

''(1) CASES APPEALED BY ACCUSED.—In any case before the Court of Criminal Appeals under paragraph (1) of subsection (b), the Court shall affirm, set aside, or modify the findings, sentence, or order appealed.

''(2) CAPITAL CASES.—In any case before the Court of Criminal Appeals under paragraph (3) of subsection (b), the Court shall review the record of trial and affirm, set aside, or modify the findings or sentence.

''(3) ERROR OR EXCESSIVE DELAY.—In any case before the Court of Criminal Appeals under paragraph (1), (2), or (3) of subsection (b), the Court may provide appropriate relief if the accused demonstrates error or excessive delay in the processing of the court-martial after the judgment was entered into the record under section 860c of this title (article 60c).

''(e) CONSIDERATION OF THE EVIDENCE.—

''(1) IN GENERAL.—In an appeal of a finding of guilty under paragraph (1)(A), (1)(B), (1)(C), (2), or (3) of subsection (b), the Court of Criminal Appeals, upon request of the accused, may consider the weight of the evidence upon a specific showing by the accused of deficiencies in proof. The Court may set aside and dismiss a finding if clearly convinced that the finding was against the weight of the evidence. The Court may affirm a lesser finding. A rehearing may not be ordered.

''(2) DEFERENCE IN CONSIDERATION.—When considering a case under paragraph (1)(A), (1)(B), (1)(C), (2), or (3) of subsection (b), the Court may weigh the evidence and determine controverted questions of fact, subject to—

''(A) appropriate deference to the fact that the court-martial saw and heard the witnesses and other evidence; and

''(B) appropriate deference to findings of fact entered into the record by the military judge.

''(f) CONSIDERATION OF SENTENCE.—

''(1) IN GENERAL.—In considering a sentence on appeal or review under subsection (b)(1) or (b)(3), the Court of Criminal Appeals may consider—

''(A) whether the sentence violates the law;

''(B) whether the sentence is inappropriately severe—

''(i) if the sentence is for an offense for which there is no sentencing parameter under section 856(d) of this title (article 56(d)); or

''(ii) in the case of an offense with a sentencing parameter under section 856(d) of this title (article 56(d)), if the sentence is above the upper range under paragraph (2)(B)(iii) of such section (article).

''(C) in the case of a sentence for an offense with a sentencing parameter under this section, whether the sentence is a result of an incorrect application of the parameter;

''(D) whether the sentence is plainly unreasonable; and

''(E) in review of a sentence to death or to life in prison without eligibility for parole determined by the members in a capital case under section 853(c) of this title (article 53(c)), whether the sentence is otherwise appropriate, under rules prescribed by the President.

''(2) RECORD ON APPEAL OR REVIEW.—In an appeal or review under subsection (b)(1) or (b)(3), the record on appeal or review shall consist of—

''(A) any portion of the record in the case that is designated as pertinent by either of the parties;

''(B) the information submitted during the sentencing proceeding; and

''(C) any information required by rule or order of the Court of Criminal Appeals.

''(g) LIMITS OF AUTHORITY.—

''(1) SET ASIDE OF FINDINGS.—

''(A) IN GENERAL.—If the Court of Criminal Appeals sets aside the findings, the Court—

''(i) may affirm any lesser included offense; and

''(ii) may, except when prohibited by section 844 of this title (article 44), order a rehearing.

''(B) DISMISSAL WHEN NO REHEARING ORDERED.—If the Court of Criminal Appeals sets aside the findings and does not order a rehearing, the Court shall order that the charges be dismissed.

''(C) DISMISSAL WHEN REHEARING IMPRACTICABLE.—If the Court of Criminal Appeals orders a rehearing on a charge and the convening authority finds a rehearing impracticable, the convening authority may dismiss the charge.

''(2) SET ASIDE OF SENTENCE.—If the Court of Criminal Appeals sets aside the sentence, the Court may—

''(A) modify the sentence to a lesser sentence; or

''(B) order a rehearing.

''(3) ADDITIONAL PROCEEDINGS.—If the Court determines that additional proceedings are warranted, the Court may order a hearing as may be necessary to address a substantial issue, subject to such limitations as the Court may direct and under such regulations as the President may prescribe.''.

(c) ACTION WHEN REHEARING IMPRACTICABLE AFTER REHEARING ORDER.—Subsection (h) of such section (article), as redesignated by subsection (b)(1) of this section, is amended—

(1) in the first sentence, by striking ''convening authority'' and inserting ''appropriate authority''; and

(2) by striking the last sentence.

(d) SECTION HEADING.—The heading of such section (article) is amended to read as follows:

''§ 866. Art. 66. Courts of Criminal Appeals''.

(e) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting ''COURTS OF CRIMINAL APPEALS.—'' after ''(a)'';

(2) in subsection (h), as redesignated by subsection (b)(1) of this section, by inserting ''ACTION IN ACCORDANCE WITH DECISIONS OF COURTS.—'' after ''(h)'';

(3) in subsection (i), as so redesignated, by inserting ''RULES OF PROCEDURE.—'' after ''(i)'';

(4) in subsection (j), as so redesignated, by inserting ''PROHIBITION ON EVALUATION OF OTHER MEMBERS OF COURTS.—'' after ''(j)''; and

(5) in subsection (k), as so redesignated, by inserting ''INELIGIBILITY OF MEMBERS OF COURTS TO REVIEW RECORDS OF CASES INVOLVING CERTAIN PRIOR MEMBER SERVICE.—'' after ''(k)''.

SEC. 5291. REVIEW BY COURT OF APPEALS FOR THE ARMED FORCES.

(a) JAG NOTIFICATION.—Subsection (a)(2) of section 867 of title 10, United States Code (article 67 of the Uniform Code of Military Justice), is amended by inserting after ''the Judge Advocate General'' the following: '', after appropriate notification to the other Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps,''.

(b) BASIS FOR REVIEW.—Subsection (c) of such section (article) is amended—

(1) by inserting ''(1)'' after ''(c)'';

(2) by designating the second sentence as paragraph (2);

(3) by designating the third sentence as paragraph (3);

(4) by designating the fourth sentence as paragraph (4); and

(5) in paragraph (1), as designated by paragraph (1) of this subsection, by striking ''only with respect to'' and all that follows through the end of the sentence and inserting ''only with respect to—

''(A) the findings and sentence set forth in the entry of judgment, as affirmed or set aside as incorrect in law by the Court of Criminal Appeals; or

''(B) a decision, judgment, or order by a military judge, as affirmed or set aside as incorrect in law by the Court of Criminal Appeals.''.

SEC. 5292. SUPREME COURT REVIEW.

The second sentence of section 867a(a) of title 10, United States Code (article 67a(a) of the Uniform Code of Military Justice), is amended by inserting before ''Court of Appeals'' the following: ''United States''.

SEC. 5293. REVIEW BY JUDGE ADVOCATE GENERAL.

Section 869 of title 10, United States Code (article 69 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 869. Art. 69. Review by Judge Advocate General

''(a) IN GENERAL.—Upon application by the accused and subject to subsections (b), (c), and (d), the Judge Advocate General may modify or set aside, in whole or in part, the findings and sentence in a court-martial that is not reviewed under section 866 of this title (article 66).

''(b) TIMING.—To qualify for consideration, an application under subsection (a) must be submitted to the Judge Advocate General not later than one year after the date of completion of review under section 864 or 865 of this title (article 64 or 65), as the case may be. The Judge Advocate General may, for good cause shown, extend the period for submission of an application, but may not consider an application submitted more than three years after such completion date.

''(c) SCOPE.—(1)(A) In a case reviewed under section 864 or 865(d) of this title (article 64 or 65(d)), the Judge Advocate General may set aside the findings or sentence, in whole or in part, on the grounds of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, error prejudicial to the substantial rights of the accused, or the appropriateness of the sentence.

''(B) In setting aside findings or sentence, the Judge Advocate General may order a rehearing, except that a rehearing may not be ordered in violation of section 844 of this title (article 44).

''(C) If the Judge Advocate General sets aside findings and sentence and does not order a rehearing, the Judge Advocate General shall dismiss the charges.

''(D) If the Judge Advocate General sets aside findings and orders a rehearing and the convening authority determines that a rehearing would be impractical, the convening authority shall dismiss the charges.

''(2) In a case reviewed under section 865(d) of this title (article 65(d)), review under this section is limited to the issue of whether the waiver, withdrawal, or failure to file an appeal was invalid under the law. If the Judge Advocate General determines that the waiver, withdrawal, or failure to file an appeal was invalid, the Judge Advocate General shall order appropriate corrective action under rules prescribed by the President.

''(d) COURT OF CRIMINAL APPEALS.—(1) A Court of Criminal Appeals may review the action taken by the Judge Advocate General under subsection (c)—

''(A) in a case sent to the Court of Criminal Appeals by order of the Judge Advocate General; or

''(B) in a case submitted to the Court of Criminal Appeals by the accused in an application for review.

''(2) The Court of Criminal Appeals may grant an application under paragraph (1)(B) only if—

''(A) the application demonstrates a substantial basis for concluding that the action on review under subsection (c) constituted prejudicial error; and

''(B) the application is filed not later than the earlier of—

''(i) 60 days after the date on which the accused is notified of the decision of the Judge Advocate General; or

''(ii) 60 days after the date on which a copy of the decision of the Judge Advocate General is deposited in the United States mails for delivery by first-class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in his official service record.

''(3) The submission of an application for review under this subsection does not constitute a proceeding before the Court of Criminal Appeals for purposes of section 870(c)(1) of this title (article 70(c)(1)).

''(e) ACTION ONLY ON MATTERS OF LAW.—Notwithstanding section 866 of this title (article 66), in any case reviewed by a Court of Criminal Appeals under subsection (d), the Court may take action only with respect to matters of law.''.

SEC. 5294. APPELLATE DEFENSE COUNSEL IN DEATH PENALTY CASES.

Section 870 of title 10, United States Code (article 70 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(f) To the greatest extent practicable, in any capital case, at least one defense counsel under subsection (c) shall, as determined by the Judge Advocate General, be learned in the law applicable to such cases. If necessary, this counsel may be a civilian and, if so, may be compensated in accordance with regulations prescribed by the Secretary of Defense.''.

SEC. 5295. AUTHORITY FOR HEARING ON VACATION OF SUSPENSION OF SENTENCE TO BE CONDUCTED BY QUALIFIED JUDGE ADVOCATE.

(a) IN GENERAL.—Subsection (a) of section 872 of title 10, United States Code (article 72) of the Uniform Code of Military Justice), is amended by inserting after the first sentence the following new sentence: ''The special court-martial convening authority may detail a judge advocate, who is certified under section 827(b) of this title (article 27(b)), to conduct the hearing.''.

(b) TECHNICAL AMENDMENTS.—Such section (article) is further amended—

(1) in the last sentence of subsection (a), by striking ''if he so desires'' and inserting ''if the probationer so desires''; and

(2) in the second sentence of subsection (b)—

(A) by striking ''If he'' and inserting ''If the officer exercising general court-martial jurisdiction''; and

(B) by striking ''section 871(c) of this title (article 71(c))'' and inserting ''section 857 of this title (article 57))''.

SEC. 5296. EXTENSION OF TIME FOR PETITION FOR NEW TRIAL.

The first sentence of section 873 of title 10, United States Code (article 73 of the Uniform Code of Military Justice), is amended by striking ''two years after approval by the convening authority of a court-martial sentence'' and inserting ''three years after the date of the entry of judgment under section 860c of this title (article 60c)''.

SEC. 5297. RESTORATION.

Section 875 of title 10, United States Code (article 75 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(d) The President shall prescribe regulations, with such limitations as the President considers appropriate, governing eligibility for pay and allowances for the period after the date on which an executed part of a court-martial sentence is set aside.''.

SEC. 5298. LEAVE REQUIREMENTS PENDING REVIEW OF CERTAIN COURT-MARTIAL CONVICTIONS.

Section 876a of title 10, United States Code (article 76a of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by striking '', as approved under section 860 of this title (article 60),''; and

(2) in the second sentence, by striking ''on which the sentence is approved under section 860 of this title (article 60)'' and inserting ''of the entry of judgment under section 860c of this title (article 60c)''.

TITLE LX—PUNITIVE ARTICLES

SEC. 5301. REORGANIZATION OF PUNITIVE ARTICLES.

Sections of subchapter X of chapter 47 of title 10, United States Code (articles of the Uniform Code of Military Justice), are transferred within subchapter X and redesignated as follows:

(1) ENLISTMENT AND SEPARATION.—Sections 883 and 884 (articles 83 and 84) are transferred so as to appear (in that order) after section 904 (article 104) and are redesignated as sections 904a and 904b (articles 104a and 104b), respectively.

(2) RESISTANCE, FLIGHT, BREACH OF ARREST, AND ESCAPE.—Section 895 (article 95) is transferred so as to appear after section 887 (article 87) and is redesignated as section 887a (article 87a).

(3) NONCOMPLIANCE WITH PROCEDURAL RULES.—Section 898 (article 98) is transferred so as to appear after section 931 (article 131) and is redesignated as section 931f (article 131f).

(4) CAPTURED OR ABANDONED PROPERTY.—Section 903 (article 103) is transferred so as to appear after section 908 (article 108) and is redesignated as section 908a (article 108a).

(5) AIDING THE ENEMY.—Section 904 (article 104) is redesignated as section 903b (article 103b).

(6) MISCONDUCT AS PRISONER.—Section 905 (article 105) is transferred so as to appear after section 897 (article 97) and is redesignated as section 898 (article 98).

(7) SPIES; ESPIONAGE.—Sections 906 and 906a (articles 106 and 106a) are transferred so as to appear (in that order) after section 902 (article 102) and are redesignated as sections 903 and 903a (articles 103 and 103a), respectively.

(8) MISBEHAVIOR OF SENTINEL.—Section 913 (article 113) is transferred so as to appear after section 894 (article 94) and is redesignated as section 895 (article 95).

(9) DRUNKEN OR RECKLESS OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL.—Section 911 (article 111) is transferred so as to appear after section 912a (article 912a) and is redesignated as section 913 (article 113).

(10) HOUSEBREAKING.—Section 930 (article 130) is redesignated as section 929a (article 129a).

(11) STALKING.—Section 920a (article 120a) is transferred so as to appear after section 929a (article 129a), as redesignated by paragraph (10), and is redesignated as section 930 (article 130).

(12) FORGERY.—Section 923 (article 123) is transferred so as to appear after section 904b (article 104b), as transferred and redesignated by paragraph (1), and is redesignated as section 905 (article 105).

(13) MAIMING.—Section 924 (article 124) is transferred so as to appear after section 928 (article 128) and is redesignated as section 928a (article 128a).

(14) FRAUDS AGAINST THE UNITED STATES.—Section 932 of (article 132) is transferred so as to appear after section 923a (article 123a) and is redesignated as section 924 (article 124).

SEC. 5302. CONVICTION OF OFFENSE CHARGED, LESSER INCLUDED OFFENSES, AND ATTEMPTS.

Section 879 of title 10, United States Code (article 79 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 879. Art. 79. Conviction of offense charged, lesser included offenses, and attempts

''(a) IN GENERAL.—An accused may be found guilty of any of the following:

''(1) The offense charged.

''(2) A lesser included offense.

''(3) An attempt to commit the offense charged.

''(4) An attempt to commit a lesser included offense, if the attempt is an offense in its own right.

''(b) LESSER INCLUDED OFFENSE DEFINED.—In this section (article), the term 'lesser included offense' means—

''(1) an offense that is necessarily included in the offense charged; and

''(2) any lesser included offense so designated by regulation prescribed by the President.

''(c) REGULATORY AUTHORITY.—Any designation of a lesser included offense in a regulation referred to in subsection (b) shall be reasonably included in the greater offense.''.

SEC. 5303. SOLICITING COMMISSION OF OFFENSES.

Section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 882. Art. 82. Soliciting commission of offenses

''(a) SOLICITING COMMISSION OF OFFENSES GENERALLY.—Any person subject to this chapter who solicits or advises another to commit an offense under this chapter (other than an offense specified in subsection (b)) shall be punished as a court-martial may direct.

''(b) SOLICITING DESERTION, MUTINY, SEDITION, OR MISBEHAVIOR BEFORE THE ENEMY.—Any person subject to this chapter who solicits or advises another to violate section 885 of this title (article 85), section 894 of this title (article 94), or section 99 of this title (article 99)—

''(1) if the offense solicited or advised is attempted or is committed, shall be punished with the punishment provided for the commission of the offense; and

''(2) if the offense solicited or advised is not attempted or committed, shall be punished as a court-martial may direct.''.

SEC. 5304. MALINGERING.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 882 (article 82 of the Uniform Code of Military Justice), as amended by section 5303 of this Act, the following new section (article):

''§ 883. Art. 83. Malingering

''Any person subject to this chapter who, with the intent to avoid work, duty, or service—

''(1) feigns illness, physical disablement, mental lapse, or mental derangement; or

''(2) intentionally inflicts self-injury;

shall be punished as a court-martial may direct.''.

SEC. 5305. BREACH OF MEDICAL QUARANTINE.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 883 (article 83 of the Uniform Code of Military Justice), as added by section 5304 of this Act, the following new section (article):

''§ 884. Art. 84. Breach of medical quarantine

''Any person subject to this chapter—

''(1) who is ordered into medical quarantine by a person authorized to issue such order; and

''(2) who, with knowledge of the quarantine and the limits of the quarantine, goes beyond those limits before being released from the quarantine by proper authority;

shall be punished as a court-martial may direct.''.

SEC. 5306. MISSING MOVEMENT; JUMPING FROM VESSEL.

Section 887 of title 10, United States Code (article 87 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 887. Art. 87. Missing movement; jumping from vessel

''(a) MISSING MOVEMENT.—Any person subject to this chapter who, through neglect or design, misses the movement of a ship, aircraft, or unit with which the person is required in the course of duty to move shall be punished as a court-martial may direct.

''(b) JUMPING FROM VESSEL INTO THE WATER.—Any person subject to this chapter who wrongfully and intentionally jumps into the water from a vessel in use by the armed forces shall be punished as a court-martial may direct.''.

SEC. 5307. OFFENSES AGAINST CORRECTIONAL CUSTODY AND RESTRICTION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 887a (article 87a of the Uniform Code of Military Justice), as transferred and

redesignated by section 5301(2) of this Act, the following new section (article):

''§ 887b. Art. 87b. Offenses against correctional custody and restriction

''(a) ESCAPE FROM CORRECTIONAL CUSTODY.—Any person subject to this chapter—

''(1) who is placed in correctional custody by a person authorized to do so;

''(2) who, while in correctional custody, is under physical restraint; and

''(3) who escapes from the physical restraint before being released from the physical restraint by proper authority;

shall be punished as a court-martial may direct.

''(b) BREACH OF CORRECTIONAL CUSTODY.—Any person subject to this chapter—

''(1) who is placed in correctional custody by a person authorized to do so;

''(2) who, while in correctional custody, is under restraint other than physical restraint; and

''(3) who goes beyond the limits of the restraint before being released from the correctional custody or relieved of the restraint by proper authority;

shall be punished as a court-martial may direct.

''(c) BREACH OF RESTRICTION.—Any person subject to this chapter—

''(1) who is ordered to be restricted to certain limits by a person authorized to do so; and

''(2) who, with knowledge of the limits of the restriction, goes beyond those limits before being released by proper authority;

shall be punished as a court-martial may direct.''.

SEC. 5308. DISRESPECT TOWARD SUPERIOR COMMISSIONED OFFICER; ASSAULT OF SUPERIOR COMMISSIONED OFFICER.

Section 889 of title 10, United States Code (article 89 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 889. Art. 89. Disrespect toward superior commissioned officer; assault of superior commissioned officer

''(a) DISRESPECT.—Any person subject to this chapter who behaves with disrespect toward that person's superior commissioned officer shall be punished as a court-martial may direct.

''(b) ASSAULT.—Any person subject to this chapter who strikes that person's superior commissioned officer or draws or lifts up any weapon or offers any violence against that officer while the officer is in the execution of the officer's office shall be punished—

''(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

''(2) if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.''.

SEC. 5309. WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER.

Section 890 of title 10, United States Code (article 90 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 890. Art. 90. Willfully disobeying superior commissioned officer

''Any person subject to this chapter who willfully disobeys a lawful command of that person's superior commissioned officer shall be punished—

''(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

''(2) if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.''.

SEC. 5310. PROHIBITED ACTIVITIES WITH MILITARY RECRUIT OR TRAINEE BY PERSON IN POSITION OF SPECIAL TRUST.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 893 (article 93 of the Uniform Code of Military Justice) the following new section (article):

''§ 893a. Art. 93a. Prohibited activities with military recruit or trainee by person in position of special trust

''(a) ABUSE OF TRAINING LEADERSHIP POSITION.—Any person subject to this chapter—

''(1) who is an officer, a noncommissioned officer, or a petty officer;

''(2) who is in a training leadership position with respect to a specially protected junior member of the armed forces; and

''(3) who engages in prohibited sexual activity with such specially protected junior member of the armed forces;

shall be punished as a court-martial may direct.

''(b) ABUSE OF POSITION AS MILITARY RECRUITER.—Any person subject to this chapter—

''(1) who is a military recruiter and engages in prohibited sexual activity with an applicant for military service; or

''(2) who is a military recruiter and engages in prohibited sexual activity with a specially protected junior member of the armed forces who is enlisted under a delayed entry program;

shall be punished as a court-martial may direct.

''(c) CONSENT.—Consent is not a defense for any conduct at issue in a prosecution under this section (article).

''(d) DEFINITIONS.—In this section (article):

''(1) SPECIALLY PROTECTED JUNIOR MEMBER OF THE ARMED FORCES.—The term 'specially protected junior member of the armed forces' means—

''(A) a member of the armed forces who is assigned to, or is awaiting assignment to, basic training or other initial active duty for training, including a member who is enlisted under a delayed entry program;

''(B) a member of the armed forces who is a cadet, a midshipman, an officer candidate, or a student in any other officer qualification program; and

''(C) a member of the armed forces in any program that, by regulation prescribed by the Secretary concerned, is identified as a training program for initial career qualification.

''(2) TRAINING LEADERSHIP POSITION.—The term 'training leadership position' means, with respect to a specially protected junior member of the armed forces, any of the following:

''(A) Any drill instructor position or other leadership position in a basic training program, an officer candidate school, a reserve officers' training corps unit, a training program for entry into the armed forces, or any program that, by regulation prescribed by the Secretary concerned, is identified as a training program for initial career qualification.

''(B) Faculty and staff of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy.

''(3) APPLICANT FOR MILITARY SERVICE.—The term 'applicant for military service' means a person who, under regulations prescribed by the Secretary concerned, is an applicant for original enlistment or appointment in the armed forces.

''(4) PROHIBITED SEXUAL ACTIVITY.—The term 'prohibited sexual activity' means, as specified in regulations prescribed by the Secretary concerned, inappropriate physical intimacy under circumstances described in such regulations.''.

SEC. 5311. OFFENSES BY SENTINEL OR LOOKOUT.

Section 895 of title 10, United States Code (article 95 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(8) of this Act, is amended to read as follows:

''§ 895. Art. 95. Offenses by sentinel or lookout

''(a) DRUNK OR SLEEPING ON POST, OR LEAVING POST BEFORE BEING RELIEVED.—Any sentinel or lookout who is drunk on post, who sleeps on post, or who leaves post before being regularly relieved, shall be punished—

''(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

''(2) if the offense is committed other than in time of war, by such punishment, other than death, as a court-martial may direct.

''(b) LOITERING OR WRONGFULLY SITTING ON POST.—Any sentinel or lookout who loiters or wrongfully sits down on post shall be punished as a court-martial may direct.''.

SEC. 5312. DISRESPECT TOWARD SENTINEL OR LOOKOUT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 895 (article 95 of the Uniform Code of Military Justice), as amended by section 5311 of this Act, the following new section (article):

''§ 895a. Art. 95a. Disrespect toward sentinel or lookout

''(a) DISRESPECTFUL LANGUAGE TOWARD SENTINEL OR LOOKOUT.—Any person subject to this chapter who, knowing that another person is a sentinel or lookout, uses wrongful and disrespectful language that is directed toward and within the hearing of the sentinel or lookout, who is in the execution of duties as a sentinel or lookout, shall be punished as a court-martial may direct.

''(b) DISRESPECTFUL BEHAVIOR TOWARD SENTINEL OR LOOKOUT.—Any person subject to this chapter who, knowing that another person is a sentinel or lookout, behaves in a wrongful and disrespectful manner that is directed toward and within the sight of the sentinel or lookout, who is in the execution of duties as a sentinel or lookout, shall be punished as a court-martial may direct.''.

SEC. 5313. RELEASE OF PRISONER WITHOUT AUTHORITY; DRINKING WITH PRISONER.

Section 896 of title 10, United States Code (article 96 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 896. Art. 96. Release of prisoner without authority; drinking with prisoner

''(a) RELEASE OF PRISONER WITHOUT AUTHORITY.—Any person subject to this chapter—

''(1) who, without authority to do so, releases a prisoner; or

''(2) who, through neglect or design, allows a prisoner to escape;

shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with the law.

''(b) DRINKING WITH PRISONER.—Any person subject to this chapter who unlawfully drinks any alcoholic beverage with a prisoner shall be punished as a court-martial may direct.''.

SEC. 5314. PENALTY FOR ACTING AS A SPY.

Section 903 of title 10, United States Code (article 103 of the Uniform Code of Military

Justice), as transferred and redesignated by section 5301(7) of this Act, is amended by inserting before the period at the end of the first sentence the following: ''or such other punishment as a court-martial or a military commission may direct''.

SEC. 5315. PUBLIC RECORDS OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 903b (article 103b of the Uniform Code of Military Justice), as redesignated by section 5301(5) of this Act, the following new section (article):

''§ 904. Art. 104. Public records offenses

''Any person subject to this chapter who, willfully and unlawfully—

''(1) alters, conceals, removes, mutilates, obliterates, or destroys a public record; or

''(2) takes a public record with the intent to alter, conceal, remove, mutilate, obliterate, or destroy the public record;

shall be punished as a court-martial may direct.''.

SEC. 5316. FALSE OR UNAUTHORIZED PASS OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 905 (article 105 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(12) of this Act, the following new section (article):

''§ 905a. Art. 105a. False or unauthorized pass offenses

''(a) WRONGFUL MAKING, ALTERING, ETC.—Any person subject to this chapter who, wrongfully and falsely, makes, alters, counterfeits, or tampers with a military or official pass, permit, discharge certificate, or identification card shall be punished as a court-martial may direct.

''(b) WRONGFUL SALE, ETC.—Any person subject to this chapter who wrongfully sells, gives, lends, or disposes of a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as a court-martial may direct.

''(c) WRONGFUL USE OR POSSESSION.—Any person subject to this chapter who wrongfully uses or possesses a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as a court-martial may direct.''.

SEC. 5317. IMPERSONATION OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 905a (article 105a of the Uniform Code of Military Justice), as added by section 5316 of this Act, the following new section (article):

''§ 906. Art. 106. Impersonation of officer, noncommissioned or petty officer, or agent or official

''(a) IN GENERAL.—Any person subject to this chapter who, wrongfully and willfully, impersonates—

''(1) an officer, a noncommissioned officer, or a petty officer;

''(2) an agent of superior authority of one of the armed forces; or

''(3) an official of a government;

shall be punished as a court-martial may direct.

''(b) IMPERSONATION WITH INTENT TO DEFRAUD.—Any person subject to this chapter who, wrongfully, willfully, and with intent to defraud, impersonates any person referred to in paragraph (1), (2), or (3) of subsection (a) shall be punished as a court-martial may direct.

''(c) IMPERSONATION OF GOVERNMENT OFFICIAL WITHOUT INTENT TO DEFRAUD.—Any person subject to this chapter who, wrongfully, willfully, and without intent to defraud, impersonates an official of a government by committing an act that exercises or asserts the authority of the office that the person claims to have shall be punished as a court-martial may direct.''.

SEC. 5318. INSIGNIA OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 906 (article 106 of the Uniform Code of Military Justice), as added by section 5317 of this Act, the following new section (article):

''§ 906a. Art. 106a. Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button

''Any person subject to this chapter—

''(1) who is not authorized to wear an insignia, decoration, badge, ribbon, device, or lapel button; and

''(2) who wrongfully wears such insignia, decoration, badge, ribbon, device, or lapel button upon the person's uniform or civilian clothing;

shall be punished as a court-martial may direct.''.

SEC. 5319. FALSE OFFICIAL STATEMENTS; FALSE SWEARING.

Section 907 of title 10, United States Code (article 107 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 907. Art. 107. False official statements; false swearing

''(a) FALSE OFFICIAL STATEMENTS.—Any person subject to this chapter who, with intent to deceive—

''(1) signs any false record, return, regulation, order, or other official document, knowing it to be false; or

''(2) makes any other false official statement knowing it to be false;

shall be punished as a court-martial may direct.

''(b) FALSE SWEARING.—Any person subject to this chapter—

''(1) who takes an oath that—

''(A) is administered in a matter in which such oath is required or authorized by law; and

''(B) is administered by a person with authority to do so; and

''(2) who, upon such oath, makes or subscribes to a statement;

if the statement is false and at the time of taking the oath, the person does not believe the statement to be true, shall be punished as a court-martial may direct.''.

SEC. 5320. PAROLE VIOLATION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 907 (article 107 of the Uniform Code of Military Justice), as amended by section 5319 of this Act, the following new section (article):

''§ 907a. Art. 107a. Parole violation

''Any person subject to this chapter—

''(1) who, having been a prisoner as the result of a court-martial conviction or other criminal proceeding, is on parole with conditions; and

''(2) who violates the conditions of parole;

shall be punished as a court-martial may direct.''.

SEC. 5321. WRONGFUL TAKING, OPENING, ETC. OF MAIL MATTER.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 909 (article 109 of the Uniform Code of Military Justice), the following new section (article):

''§ 909a. Art. 109a. Mail matter: wrongful taking, opening, etc.

''(a) TAKING.—Any person subject to this chapter who, with the intent to obstruct the correspondence of, or to pry into the business or secrets of, any person or organization, wrongfully takes mail matter before the mail matter is delivered to or received by the addressee shall be punished as a court-martial may direct.

''(b) OPENING, SECRETING, DESTROYING, STEALING.—Any person subject to this chapter who wrongfully opens, secretes, destroys, or steals mail matter before the mail matter is delivered to or received by the addressee shall be punished as a court-martial may direct.''.

SEC. 5322. IMPROPER HAZARDING OF VESSEL OR AIRCRAFT.

Section 910 of title 10, United States Code (article 110 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 910. Art. 110. Improper hazarding of vessel or aircraft

''(a) WILLFUL AND WRONGFUL HAZARDING.—Any person subject to this chapter who, willfully and wrongfully, hazards or suffers to be hazarded any vessel or aircraft of the armed forces shall be punished by death or such other punishment as a court-martial may direct.

''(b) NEGLIGENT HAZARDING.—Any person subject to this chapter who negligently hazards or suffers to be hazarded any vessel or aircraft of the armed forces shall be punished as a court-martial may direct.''.

SEC. 5323. LEAVING SCENE OF VEHICLE ACCIDENT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 910 (article 110 of the Uniform Code of Military Justice), as amended by section 5322 of this Act, the following new section (article):

''§ 911. Art. 111. Leaving scene of vehicle accident

''(a) DRIVER.—Any person subject to this chapter—

''(1) who is the driver of a vehicle that is involved in an accident that results in personal injury or property damage; and

''(2) who wrongfully leaves the scene of the accident—

''(A) without providing assistance to an injured person; or

''(B) without providing personal identification to others involved in the accident or to appropriate authorities;

shall be punished as a court-martial may direct.

''(b) SENIOR PASSENGER.—Any person subject to this chapter—

''(1) who is a passenger in a vehicle that is involved in an accident that results in personal injury or property damage;

''(2) who is the superior commissioned or noncommissioned officer of the driver of the vehicle or is the commander of the vehicle; and

''(3) who wrongfully and unlawfully orders, causes, or permits the driver to leave the scene of the accident—

''(A) without providing assistance to an injured person; or

''(B) without providing personal identification to others involved in the accident or to appropriate authorities;

shall be punished as a court-martial may direct.''.

SEC. 5324. DRUNKENNESS AND OTHER INCAPACITATION OFFENSES.

Section 912 of title 10, United States Code (article 112 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 912. Art. 112. Drunkenness and other incapacitation offenses

''(a) DRUNK ON DUTY.—Any person subject to this chapter who is drunk on duty shall be punished as a court-martial may direct.

''(b) INCAPACITATION FOR DUTY FROM DRUNKENNESS OR DRUG USE.—Any person subject to this chapter who, as a result of indulgence in any alcoholic beverage or any drug, is incapacitated for the proper performance of duty shall be punished as a court-martial may direct.

''(c) DRUNK PRISONER.—Any person subject to this chapter who is a prisoner and, while in such status, is drunk shall be punished as a court-martial may direct.''.

SEC. 5325. LOWER BLOOD ALCOHOL CONTENT LIMITS FOR CONVICTION OF DRUNKEN OR RECKLESS OPERATION OF VEHICLE, AIRCRAFT, OR VESSEL.

Subsection (b)(3) of section 913 of title 10, United States Code (article 113 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(9) of this Act, is amended—

(1) by striking ''0.10 grams'' both places it appears and inserting ''0.08 grams''; and

(2) by adding at the end the following new sentence: ''The Secretary may by regulation prescribe limits that are lower than the limits specified in the preceding sentence, if such lower limits are based on scientific developments, as reflected in Federal law of general applicability.''.

SEC. 5326. ENDANGERMENT OFFENSES.

Section 914 of title 10, United States Code (article 114 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 914. Art. 114. Endangerment offenses

''(a) RECKLESS ENDANGERMENT.—Any person subject to this chapter who engages in conduct that—

''(1) is wrongful and reckless or is wanton; and

''(2) is likely to produce death or grievous bodily harm to another person;

shall be punished as a court-martial may direct.

''(b) DUELING.—Any person subject to this chapter—

''(1) who fights or promotes, or is concerned in or connives at fighting, a duel; or

''(2) who, having knowledge of a challenge sent or about to be sent, fails to report the facts promptly to the proper authority;

shall be punished as a court-martial may direct.

''(c) FIREARM DISCHARGE, ENDANGERING HUMAN LIFE.—Any person subject to this chapter who, willfully and wrongly, discharges a firearm, under circumstances such as to endanger human life shall be punished as a court-martial may direct.

''(d) CARRYING CONCEALED WEAPON.—Any person subject to this chapter who unlawfully carries a dangerous weapon concealed on or about his person shall be punished as a court-martial may direct.''.

SEC. 5327. COMMUNICATING THREATS.

Section 915 of title 10, United States Code (article 115 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 915. Art. 115. Communicating threats

''(a) COMMUNICATING THREATS GENERALLY.—Any person subject to this chapter who wrongfully communicates a threat to injure the person, property, or reputation of another shall be punished as a court-martial may direct.

''(b) COMMUNICATING THREAT TO USE EXPLOSIVE, ETC.—Any person subject to this chapter who wrongfully communicates a threat to injure the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct.

''(c) COMMUNICATING FALSE THREAT CONCERNING USE OF EXPLOSIVE, ETC.—Any person subject to this chapter who maliciously communicates a false threat concerning injury to the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct. As used in the preceding sentence, the term 'false threat' means a threat that, at the time the threat is communicated, is known to be false by the person communicating the threat.''.

SEC. 5328. TECHNICAL AMENDMENT RELATING TO MURDER.

Section 918(4) of title 10, United States Code (article 118(4) of the Uniform Code of Military Justice), is amended by striking ''forcible sodomy,''.

SEC. 5329. CHILD ENDANGERMENT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 919a (article 119a of the Uniform Code of Military Justice), the following new section (article):

''§ 919b. Art. 119b. Child endangerment

''Any person subject to this chapter—

''(1) who has a duty for the care of a child under the age of 16 years; and

''(2) who, through design or culpable negligence, endangers the child's mental or physical health, safety, or welfare;

shall be punished as a court-martial may direct.''.

SEC. 5330. RAPE AND SEXUAL ASSAULT OFFENSES.

(a) OFFENSE OF SEXUAL ASSAULT.—Subsection (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(2) in paragraph (2)—

(A) by striking ''another person when'' and inserting ''another person—

''(B) when'';

(B) by inserting before subparagraph (B), as added by subparagraph (A) of this paragraph, the following new subparagraph:

''(A) without the consent of the other person; or''; and

(C) in subparagraph (B), as so added, by striking ''or'' at the end; and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) commits a sexual act upon another person by wrongfully using position, rank, or authority to coerce the acquiescence of the other person in the sexual act;''.

(b) DEFINITIONS.—

(1) SEXUAL ACT.—Paragraph (1) of subsection (g) of such section (article) is amended to read as follows:

''(1) SEXUAL ACT.—The term 'sexual act' means—

''(A) the penetration, however slight, of the penis into the vulva or anus or mouth;

''(B) contact between the mouth and the penis, vulva, scrotum, or anus; or

''(C) the penetration, however slight, of the vulva or penis or anus of another by any part of the body or any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.''.

(2) SEXUAL CONTACT.—Paragraph (2) of such subsection is amended to read as follows:

''(2) SEXUAL CONTACT.—The term 'sexual contact' means touching, or causing another person to touch, either directly or through the clothing, the vulva, penis, scrotum, anus, groin, brest, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body or an object.''.

(3) REPEAL OF DEFINITION OF BODILY HARM.—Such subsection is further amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(4) CONSENT.—Paragraph (7) of such subsection, as redesignated by paragraph (3)(B) of this subsection, is further amended—

(A) in subparagraph (A)—

(i) in the second sentence, by striking ''or submission resulting from the use of force, threat of force, or placing another in fear'';

(ii) by inserting after the second sentence, as amended by clause (i) of this subparagraph the following new sentence: ''Submission resulting from the use of force, threat of force, or placing another person in fear also does not constitute consent.''; and

(iii) in the last sentence, by striking ''shall not'' and inserting ''does not''.

(B) in subparagraph (B), by striking ''subparagraph (B) or (D)'' and inserting ''subparagraph (B) or (C)''; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) in the last sentence, by striking '', or whether'' and all that follows and inserting a period.

(5) INCAPABLE OF CONSENTING.—Such subsection is further amended by adding at the end the following new paragraph (8):

''(8) INCAPABLE OF CONSENTING.—The term 'incapable of consenting' means the person is—

''(A) incapable of appraising the nature of the conduct at issue; or

''(B) physically incapable of declining participation in, or communicating unwillingess to engage in, the sexual act at issue.''.

(c) RAPE AND SEXUAL ASSAULT OF A CHILD.—Subsection (h)(1) of section 920b of title 10, United States Code (article 120b of the Uniform Code of Military Justice), is amended by inserting before the period at the end the following: '', except that the term 'sexual act' also includes the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person''.

SEC. 5331. DEPOSIT OF OBSCENE MATTER IN THE MAIL.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 920 (article 120 of the Uniform Code of Military Justice), the following new section (article):

''§ 920a. Art. 120a. Mails: deposit of obscene matter

''Any person subject to this chapter who, wrongfully and knowingly, deposits obscene matter for mailing and delivery shall be punished as a court-martial may direct.''.

SEC. 5332. FRAUDULENT USE OF CREDIT CARDS, DEBIT CARDS, AND OTHER ACCESS DEVICES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 921 (article 121 of the Uniform Code of Military Justice), the following new section (article):

''§ 921a. Art. 121a. Fraudulent use of credit cards, debit cards, and other access devices

''(a) IN GENERAL.—Any person subject to this chapter who, knowingly and with intent to defraud, uses—

''(1) a stolen credit card, debit card, or other access device;

''(2) a revoked, cancelled, or otherwise invalid credit card, debit card, or other access device; or

''(3) a credit card, debit card, or other access device without the authorization of a person whose authorization is required for such use;

to obtain money, property, services, or anything else of value shall be punished as a court-martial may direct.

''(b) ACCESS DEVICE DEFINED.—In this section (article), the term 'access device' has the meaning given that term in section 1029 of title 18.''.

SEC. 5333. FALSE PRETENSES TO OBTAIN SERVICES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 921a (article 121a of the Uniform Code of Military Justice), as added by section 5332 of this Act, the following new section (article):

''§ 921b. Art. 121b. False pretenses to obtain services

''Any person subject to this chapter who, with intent to defraud, knowingly uses false pretenses to obtain services shall be punished as a court-martial may direct.''.

SEC. 5334. ROBBERY.

Section 922 of title 10, United States Code (article 122 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 922. Art. 122. Robbery

''Any person subject to this chapter who takes anything of value from the person or in the presence of another, against his will, by means of force or violence or fear of immediate or future injury to his person or property or to the person or property of a relative or member of his family or of anyone in his company at the time of the robbery, is guilty of robbery and shall be punished as a court-martial may direct.''.

SEC. 5335. RECEIVING STOLEN PROPERTY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 922 (article 122 of the Uniform Code of Military Justice), as amended by section 5334 of this Act, the following new section (article):

''§ 922a. Art. 122a. Receiving stolen property

''Any person subject to this chapter who wrongfully receives, buys, or conceals stolen property, knowing the property to be stolen property, shall be punished as a court-martial may direct.''.

SEC. 5336. OFFENSES CONCERNING GOVERNMENT COMPUTERS.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 922a (article 122a of the Uniform Code of Military Justice), as added by section 5335 of this Act, the following new section (article):

''§ 923. Art. 123. Offenses concerning Government computers

''(a) IN GENERAL.—Any person subject to this chapter who—

''(1) knowingly accesses a Government computer, with an unauthorized purpose, and by doing so obtains classified information, with reason to believe such information could be used to the injury of the United States, or to the advantage of any foreign nation, and intentionally communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted such information to any person not entitled to receive it;

''(2) intentionally accesses a Government computer, with an unauthorized purpose, and thereby obtains classified or other protected information from any such Government computer; or

''(3) knowingly causes the transmission of a program, information, code, or command, and as a result of such conduct, intentionally causes damage without authorization, to a Government computer;

shall be punished as a court-martial may direct.

''(b) DEFINITIONS.—In this section:

''(1) The term 'computer' has the meaning given that term in section 1030 of title 18.

''(2) The term 'Government computer' means a computer owned or operated by or on behalf of the United States Government.

''(3) The term 'damage' has the meaning given that term in section 1030 of title 18.''.

SEC. 5337. BRIBERY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 924 (article 124 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(14) of this Act, the following new section (article):

''§ 924a. Art. 124a. Bribery

''(a) ASKING, ACCEPTING, OR RECEIVING THING OF VALUE.—Any person subject to this chapter—

''(1) who occupies an official position or who has official duties; and

''(2) who wrongfully asks, accepts, or receives a thing of value with the intent to have the person's decision or action influenced with respect to an official matter in which the United States is interested;

shall be punished as a court-martial may direct.

''(b) PROMISING, OFFERING, OR GIVING THING OF VALUE.—Any person subject to this chapter who wrongfully promises, offers, or gives a thing of value to another person, who occupies an official position or who has official duties, with the intent to influence the decision or action of the other person with respect to an official matter in which the United States is interested, shall be punished as a court-martial may direct.''.

SEC. 5338. GRAFT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 924a (article 124a of the Uniform Code of Military Justice), as added by section 5337 of this Act, the following new section (article):

''§ 924b. Art. 124b. Graft

''(a) ASKING, ACCEPTING, OR RECEIVING THING OF VALUE.—Any person subject to this chapter—

''(1) who occupies an official position or who has official duties; and

''(2) who wrongfully asks, accepts, or receives a thing of value as compensation for or in recognition of services rendered or to be rendered by the person with respect to an official matter in which the United States is interested;

shall be punished as a court-martial may direct.

''(b) PROMISING, OFFERING, OR GIVING THING OF VALUE.—Any person subject to this chapter who wrongfully promises, offers, or gives a thing of value to another person, who occupies an official position or who has official duties, as compensation for or in recognition of services rendered or to be rendered by the other person with respect to an official matter in which the United States is interested, shall be punished as a court-martial may direct.''.

SEC. 5339. KIDNAPPING.

Section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 925. Art. 125. Kidnapping

''Any person subject to this chapter who wrongfully—

''(1) seizes, confines, inveigles, decoys, or carries away another person; and

''(2) holds the other person against that person's will;

shall be punished as a court-martial may direct.''.

SEC. 5340. ARSON; BURNING PROPERTY WITH INTENT TO DEFRAUD.

Section 926 of title 10, United States Code (article 126 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 926. Art. 126. Arson; burning property with intent to defraud

''(a) AGGRAVATED ARSON.—Any person subject to this chapter who, willfully and maliciously, burns or sets on fire an inhabited dwelling, or any other structure, movable or immovable, wherein, to the knowledge of that person, there is at the time a human being, is guilty of aggravated arson and shall be punished as a court-martial may direct.

''(b) SIMPLE ARSON.—Any person subject to this chapter who, willfully and maliciously, burns or sets fire to the property of another is guilty of simple arson and shall be punished as a court-martial may direct.

''(c) BURNING PROPERTY WITH INTENT TO DEFRAUD.—Any person subject to this chapter who, willfully, maliciously, and with intent to defraud, burns or sets fire to any property shall be punished as a court-martial may direct.''.

SEC. 5341. ASSAULT.

Section 928 of title 10, United States Code (article 128 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 928. Art. 128. Assault

''(a) ASSAULT.—Any person subject to this chapter who, unlawfully and with force or violence—

''(1) attempts to do bodily harm to another person;

''(2) offers to do bodily harm to another person; or

''(3) does bodily harm to another person;

is guilty of assault and shall be punished as a court-martial may direct.

''(b) AGGRAVATED ASSAULT.—Any person subject to this chapter—

''(1) who, with the intent to do bodily harm, offers to do bodily harm with a dangerous weapon; or

''(2) who, in committing an assault, inflicts substantial bodily harm, or grievous bodily harm on another person;

is guilty of aggravated assault and shall be punished as a court-martial may direct.

''(c) ASSAULT WITH INTENT TO COMMIT SPECIFIED OFFENSES.—

''(1) IN GENERAL.—Any person subject to this chapter who commits assault with intent to commit an offense specified in paragraph (2) shall be punished as a court-martial may direct.

''(2) OFFENSES SPECIFIED.—The offenses referred to in paragraph (1) are murder, voluntary manslaughter, rape, sexual assault,

rape of a child, sexual assault of a child, robbery, arson, burglary, and kidnapping.''.

SEC. 5342. BURGLARY AND UNLAWFUL ENTRY.

Section 929 of title 10, United States Code (article 129 of the Uniform Code of Military Justice), and section 929a of such title (article 129a), as redesignated by section 5301(10) of this Act, are amended to read as follows:

''§ 929. Art. 129. Burglary; unlawful entry

''(a) BURGLARY.—Any person subject to this chapter who, with intent to commit an offense under this chapter, breaks and enters the building or structure of another shall be punished as a court-martial may direct.

''(b) UNLAWFUL ENTRY.—Any person subject to this chapter who unlawfully enters—

''(1) the real property of another; or

''(2) the personal property of another which amounts to a structure usually used for habitation or storage;

shall be punished as a court-martial may direct.''.

SEC. 5343. STALKING.

Section 930 of title 10, United States Code (article 130 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(11) of this Act, is amended to read as follows:

''§ 930. Art. 130. Stalking

''(a) IN GENERAL.—Any person subject to this chapter—

''(1) who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner;

''(2) who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner; and

''(3) whose conduct induces reasonable fear in the specific person of death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner;

is guilty of stalking and shall be punished as a court-martial may direct.

''(b) DEFINITIONS.—In this section:

''(1) The term 'conduct' means conduct of any kind, including use of surveillance, the mails, an interactive computer service, an electronic communication service, or an electronic communication system.

''(2) The term 'course of conduct' means—

''(A) a repeated maintenance of visual or physical proximity to a specific person;

''(B) a repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of such threats, directed at or toward a specific person; or

''(C) a pattern of conduct composed of repeated acts evidencing a continuity of purpose.

''(3) The term 'repeated', with respect to conduct, means two or more occasions of such conduct.

''(4) The term 'immediate family', in the case of a specific person, means—

''(A) that person's spouse, parent, brother or sister, child, or other person to whom he or she stands in loco parentis; or

''(B) any other person living in his or her household and related to him or her by blood or marriage.

''(5) The term 'intimate partner' in the case of a specific person, means—

''(A) a former spouse of the specific person, a person who shares a child in common with the specific person, or a person who cohabits with or has cohabited as a spouse with the specific person; or

''(B) a person who has been in a social relationship of a romantic or intimate nature with the specific person, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.''.

SEC. 5344. SUBORNATION OF PERJURY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931 (article 131 of the Uniform Code of Military Justice), the following new section (article):

''§ 931a. Art. 131a. Subornation of perjury

''(a) IN GENERAL.—Any person subject to this chapter who induces and procures another person—

''(1) to take an oath; and

''(2) to falsely testify, depose, or state upon such oath;

shall, if the conditions specified in subsection (b) are satisfied, be punished as a court-martial may direct.

''(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

''(1) The oath is administered with respect to a matter for which such oath is required or authorized by law.

''(2) The oath is administered by a person having authority to do so.

''(3) Upon the oath, the other person willfully makes or subscribes a statement.

''(4) The statement is material.

''(5) The statement is false.

''(6) When the statement is made or subscribed, the person subject to this chapter and the other person do not believe that the statement is true.''.

SEC. 5345. OBSTRUCTING JUSTICE.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931a (article 131a of the Uniform Code of Military Justice), as added by section 5344 of this Act, the following new section (article):

''§ 931b. Art. 131b. Obstructing justice

''Any person subject to this chapter who engages in conduct in the case of a certain person against whom the accused had reason to believe there were or would be criminal or disciplinary proceedings pending, with intent to influence, impede, or otherwise obstruct the due administration of justice shall be punished as a court-martial may direct.''.

SEC. 5346. MISPRISION OF SERIOUS OFFENSE.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931b (article 131b of the Uniform Code of Military Justice), as added by section 5345 of this Act, the following new section (article):

''§ 931c. Art. 131c. Misprision of serious offense

''Any person subject to this chapter—

''(1) who knows that another person has committed a serious offense; and

''(2) wrongfully conceals the commission of the offense and fails to make the commission of the offense known to civilian or military authorities as soon as possible;

shall be punished as a court-martial may direct.''.

SEC. 5347. WRONGFUL REFUSAL TO TESTIFY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931c (article 131c of the Uniform Code of Military Justice), as added by section 5346 of this Act, the following new section (article):

''§ 931d. Art. 131d. Wrongful refusal to testify

''Any person subject to this chapter who, in the presence of a court-martial, a board of officers, a military commission, a court of inquiry, preliminary hearing, or an officer taking a deposition, of or for the United States, wrongfully refuses to qualify as a witness or to answer a question after having been directed to do so by the person presiding shall be punished as a court-martial may direct.''.

SEC. 5348. PREVENTION OF AUTHORIZED SEIZURE OF PROPERTY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931d (article 131d of the Uniform Code of Military Justice), as added by section 5347 of this Act, the following new section (article):

''§ 931e. Art. 131e. Prevention of authorized seizure of property

''Any person subject to this chapter who, knowing that one or more persons authorized to make searches and seizures are seizing, are about to seize, or are endeavoring to seize property, destroys, removes, or otherwise disposes of the property with intent to prevent the seizure thereof shall be punished as a court-martial may direct.''.

SEC. 5349. WRONGFUL INTERFERENCE WITH ADVERSE ADMINISTRATIVE PROCEEDING.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931f (article 131f of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(3) of this Act, the following new section (article):

''§ 931g. Art. 131g. Wrongful interference with adverse administrative proceeding

''Any person subject to this chapter who, having reason to believe that an adverse administrative proceeding is pending against any person subject to this chapter, wrongfully acts with the intent—

''(1) to influence, impede, or obstruct the conduct of the proceeding; or

''(2) otherwise to obstruct the due administration of justice;

shall be punished as a court-martial may direct.''.

SEC. 5350. RETALIATION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931g (article 131g of the Uniform Code of Military Justice), as added by section 5349 of this Act, the following new section (article):

''§ 932. Art. 132. Retaliation

''(a) IN GENERAL.—Any person subject to this chapter who, with the intent to retaliate against any person for reporting or planning to report a criminal offense, or making or planning to make a protected communication, or with the intent to discourage any person from reporting a criminal offense or making or planning to make a protected communication—

''(1) wrongfully takes or threatens to take an adverse personnel action against any person; or

''(2) wrongfully withholds or threatens to withhold a favorable personnel action with respect to any person;

shall be punished as a court-martial may direct.

''(b) DEFINITIONS.—In this section:

''(1) The term 'protected communication' means the following:

''(A) A lawful communication to a Member of Congress or an Inspector General.

''(B) A communication to a covered individual or organization in which a member of

the armed forces complains of, or discloses information that the member reasonably believes constitutes evidence of, any of the following:

''(i) A violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination.

''(ii) Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

''(2) The term 'Inspector General' has the meaning given that term in section 1034(h) of this title.

''(3) The term 'covered individual or organization' means any recipient of a communication specified in clauses (i) through (v) of section 1034(b)(1)(B) of this title.

''(4) The term 'unlawful discrimination' means discrimination on the basis of race, color, religion, sex, or national origin.''.

SEC. 5351. EXTRATERRITORIAL APPLICATION OF CERTAIN OFFENSES.

Section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: ''As used in the preceding sentence, the term 'crimes and offenses not capital' includes any conduct engaged in outside the United States, as defined in section 5 of title 18, that would constitute a crime or offense not capital if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of title 18.''.

SEC. 5352. TABLE OF SECTIONS.

The table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended to read as follows:

''SUBCHAPTER X—PUNITIVE ARTICLES

''Sec. Art.
''877. Art. 77. Principals.
''878. Art. 78. Accessory after the fact.
''879. Art. 79. Conviction of offense charged, lesser included offenses, and attempts.
''880. Art. 80. Attempts.
''881. Art. 81. Conspiracy.
''882. Art. 82. Soliciting commission of offenses.
''883. Art. 83. Malingering.
''884. Art. 84. Breach of medical quarantine.
''885. Art. 85. Desertion.
''886. Art. 86. Absence without leave.
''887. Art. 87. Missing movement; jumping from vessel.
''887a. Art. 87a. Resistence, flight, breach of arrest, and escape.
''887b. Art. 87b. Offenses against correctional custody and restriction.
''888. Art. 88. Contempt toward officials.
''889. Art. 89. Disrespect toward superior commissioned officer; assault of superior commissioned officer.
''890. Art. 90. Willfully disobeying superior commissioned officer.
''891. Art. 91. Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer.
''892. Art. 92. Failure to obey order or regulation.
''893. Art. 93. Cruelty and maltreatment.
''893a. Art. 93a. Prohibited activities with military recruit or trainee by person in position of special trust.
''894. Art. 94. Mutiny or sedition.
''895. Art. 95. Offenses by sentinel or lookout.
''895a. Art. 95a. Disrespect toward sentinel or lookout.
''896. Art. 96. Release of prisoner without authority; drinking with prisoner.
''897. Art. 97. Unlawful detention.
''898. Art. 98. Misconduct as prisoner.
''899. Art. 99. Misbehavior before the enemy.
''900. Art. 100. Subordinate compelling surrender.
''901. Art. 101. Improper use of countersign.
''902. Art. 102. Forcing a safeguard.
''903. Art. 103. Spies.
''903a. Art. 103a. Espionage.
''903b. Art. 103b. Aiding the enemy.
''904. Art. 104. Public records offenses.
''904a. Art. 104a. Fraudulent enlistment, appointment, or separation.
''904b. Art. 104b. Unlawful enlistment, appointment, or separation.
''905. Art. 105. Forgery.
''905a. Art. 105a. False or unauthorized pass offenses.
''906. Art. 106. Impersonation of officer, noncommissioned or petty officer, or agent or official.
''906a. Art. 106a. Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button.
''907. Art. 107. False official statements; false swearing.
''907a. Art. 107a. Parole violation.
''908. Art. 108. Military property of the United States—Loss damage, destruction, or wrongful disposition.
''908a. Art. 108a. Captured or abandoned property.
''909. Art. 109. Property other than military property of the United States—Waste, spoilage, or destruction.
''909a. Art. 109a. Mail matter: wrongful taking, opening, etc..
''910. Art. 110. Improper hazarding of vessel or aircraft.
''911. Art. 111. Leaving scene of vehicle accident.
''912. Art. 112. Drunkenness and other incapacitation offenses.
''912a. Art. 112a. Wrongful use, possession, etc., of controlled substances.
''913. Art. 113. Drunken or reckless operation of a vehicle, aircraft, or vessel.
''914. Art. 114. Endangerment offenses.
''915. Art. 115. Communicating threats.
''916. Art. 116. Riot or breach of peace.
''917. Art. 117. Provoking speeches or gestures.
''918. Art. 118. Murder.
''919. Art. 119. Manslaughter.
''919a. Art. 119a. Death or injury of an unborn child.
''919b. Art. 119b. Child endangerment.
''920. Art. 120. Rape and sexual assault generally.
''920a. Art. 120a. Mails: deposit of obscene matter.
''920b. Art. 120b. Rape and sexual assault of a child.
''920c. Art. 120c. Other sexual misconduct.
''921. Art. 121. Larceny and wrongful appropriation.
''921a. Art. 121a. Fraudulent use of credit cards, debit cards, and other access devices.
''921b. Art. 121b. False pretenses to obtain services.
''922. Art. 122. Robbery.
''922a. Art. 122a. Receiving stolen property.
''923. Art. 123. Offenses concerning Government computers.
''923a. Art. 123a. Making, drawing, or uttering check, draft, or order without sufficient funds.
''924. Art. 124. Frauds against the United States.
''924a. Art. 124a. Bribery.
''924b. Art. 124b. Graft.
''925. Art. 125. Kidnapping.
''926. Art. 126. Arson; burning property with intent to defraud.
''927. Art. 127. Extortion.
''928. Art. 128. Assault.
''928a. Art 128a. Maiming.
''929. Art. 129. Burglary; unlawful entry.
''930. Art. 130. Stalking.
''931. Art. 131. Perjury.
''931a. Art. 131a. Subornation of perjury.
''931b. Art. 131b. Obstructing justice.
''931c. Art. 131c. Misprision of serious offense.
''931d. Art. 131d. Wrongful refusal to testify.
''931e. Art. 131e. Prevention of authorized seizure of property.
''931f. Art. 131f. Noncompliance with procedural rules.
''931g. Art. 131g. Wrongful interference with adverse administrative proceeding.
''932. Art. 132. Retaliation.
''933. Art. 133. Conduct unbecoming an officer and a gentleman.
''934. Art. 134. General article.''.

TITLE LXI—MISCELLANEOUS PROVISIONS

SEC. 5401. TECHNICAL AMENDMENTS RELATING TO COURTS OF INQUIRY.

Section 935(c) of title 10, United States Code (article 135(c) of the Uniform Code of Military Justice), is amended—

(1) by striking ''(c) Any person'' and inserting ''(c)(1) Any person'';

(2) by designating the second and third sentences as paragraphs (2) and (3), respectively; and

(3) in paragraph (2), as so designated, by striking ''subject to this chapter or employed by the Department of Defense'' and inserting ''who is (A) subject to this chapter, (B) employed by the Department of Defense, or (C) employed by the Department of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, and''.

SEC. 5402. TECHNICAL AMENDMENT TO ARTICLE 136.

The heading of section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended by striking the last five words.

SEC. 5403. ARTICLES OF UNIFORM CODE OF MILITARY JUSTICE TO BE EXPLAINED TO OFFICERS UPON COMMISSIONING.

Section 937 of title 10, United States Code (article 137 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking ''(a)(1) The sections of this title (articles of the Uniform Code of Military Justice)'' and inserting ''(a) ENLISTED MEMBERS.—(1) The sections (articles) of this chapter (the Uniform Code of Military Justice)'';

(2) by striking subsection (b); and

(3) by adding after subsection (a) the following new subsections:

''(b) OFFICERS.—(1) The sections (articles) of this chapter (the Uniform Code of Military Justice) specified in paragraph (2) shall be carefully explained to each officer at the time of (or within six months after)—

''(A) the initial entrance of the officer on active duty as an officer; or

''(B) the initial commissioning of the officer in a reserve component.

''(2) This subsection applies with respect to the sections (articles) specified in subsection (a)(3) and such other sections (articles) as the Secretary concerned may prescribe by regulation.

''(c) TRAINING FOR CERTAIN OFFICERS.—Under regulations prescribed by the Secretary concerned, officers with the authority to convene courts-martial or to impose nonjudicial punishment shall receive periodic training regarding the purposes and administration of this chapter. Under regulations

prescribed by the Secretary of Defense, officers assigned to duty in a joint command or a combatant command, who have such authority, shall receive additional specialized training regarding the purposes and administration of this chapter with respect to joint commands and the combatant commands.

''(d) AVAILABILITY AND MAINTENANCE OF TEXT.—The text of this chapter (the Uniform Code of Military Justice) and the text of the regulations prescribed by the President under this chapter shall be—

''(1) made available to a member on active duty or to a member of a reserve component, upon request by the member, for the member's personal examination; and

''(2) maintained by the Secretary of Defense in electronic formats that are updated periodically and made available on the Internet.''.

SEC. 5404. MILITARY JUSTICE CASE MANAGEMENT; DATA COLLECTION AND ACCESSIBILITY.

(a) IN GENERAL.—Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

''§ 940a. Art. 140a. Case management; data collection and accessibility

''The Secretary of Defense shall prescribe uniform standards and criteria for conduct of each of the following functions at all stages of the military justice system, including pretrial, trial, post-trial, and appellate processes, using, insofar as practicable, the best practices of Federal and State courts:

''(1) Collection and analysis of data concerning substantive offenses and procedural matters in a manner that facilitates case management and decision making within the military justice system, and that enhances the quality of periodic reviews under section 946 of this title (article 146).

''(2) Case processing and management.

''(3) Timely, efficient, and accurate production and distribution of records of trial within the military justice system.

''(4) Facilitation of access to docket information, filings, and records, taking into consideration restrictions appropriate to judicial proceedings and military records.''.

(b) IMPLEMENTATION.—

(1) IMPLEMENTATION.—The Secretary of Defense shall commence carrying out section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a), by not later than two years after the date of the enactment of this Act.

(2) EFFECTIVE DATE OF STANDARDS AND CRITERIA.—The standards and criteria under section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as so added, shall take effect on such date, not later than four years after the date of the enactment of this Act, as the Secretary shall provide in implementing such section (article).

TITLE LXII—MILITARY JUSTICE REVIEW PANEL AND ANNUAL REPORTS

SEC. 5421. MILITARY JUSTICE REVIEW PANEL.

Section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 946. Art. 146. Military Justice Review Panel

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish a panel to conduct independent periodic reviews and assessments of the operation of this chapter. The panel shall be known as the 'Military Justice Review Panel' (in this section referred to as the 'Panel').

''(b) MEMBERS.—

''(1) NUMBER OF MEMBERS.—The Panel shall be composed of thirteen members.

''(2) APPOINTMENT OF CERTAIN MEMBERS.—Each of the following shall appoint one member of the Panel:

''(A) The Secretary of Defense (in consultation with the Secretary of Homeland Security).

''(B) The Attorney General.

''(C) The Judge Advocates General of the Army, Navy, Air Force, and Coast Guard, and the Staff Judge Advocate to the Commandant of the Marine Corps.

''(3) APPOINTMENT OF REMAINING MEMBERS BY SECRETARY OF DEFENSE.—The Secretary of Defense shall appoint the remaining members of the Panel, taking into consideration recommendations made by each of the following:

''(A) The chairman and ranking minority member of the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

''(B) The Chief Justice of the United States.

''(C) The Chief Judge of the United States Court of Appeals for the Armed Forces.

''(c) QUALIFICATIONS OF MEMBERS.—The members of the Panel shall be appointed from among private United States citizens with expertise in criminal law, as well as appropriate and diverse experience in investigation, prosecution, defense, victim representation, or adjudication with respect to courts-martial, Federal civilian courts, or State courts.

''(d) CHAIR.—The Secretary of Defense shall select the chair of the Panel from among the members.

''(e) TERM; VACANCIES.—Each member shall be appointed for a term of eight years, and no member may serve more than one term. Any vacancy shall be filled in the same manner as the original appointment.

''(f) REVIEWS AND REPORTS.—

''(1) INITIAL REVIEW OF RECENT AMENDMENTS TO UCMJ.—During fiscal year 2020, the Panel shall conduct an initial review and assessment of the implementation of the amendments made to this chapter during the preceding five years. In conducting the initial review and assessment, the Panel may review such other aspects of the operation of this chapter as the Panel considers appropriate.

''(2) PERIODIC COMPREHENSIVE REVIEWS.—During fiscal year 2024 and every eight years thereafter, the Panel shall conduct a comprehensive review and assessment of the operation of this chapter.

''(3) PERIODIC INTERIM REVIEWS.—During fiscal year 2028 and every eight years thereafter, the Panel shall conduct an interim review and assessment of such other aspects of the operation of this chapter as the Panel considers appropriate. In addition, at the request of the Secretary of Defense, the Panel may, at any time, review and assess other specific matters relating to the operation of this chapter.

''(4) REPORTS.—Not later than December 31 of each year during which the Panel conducts a review and assessment under this subsection, the Panel shall submit a report on the results, including the Panel's findings and recommendations, through the Secretary of Defense to the Committees on Armed Services of the Senate and the House of Representatives.

''(g) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers appropriate to carry out its duties under this section.

''(h) INFORMATION FROM FEDERAL AGENCIES.—Upon request of the chair of the Panel, a department or agency of the Federal Government shall provide information that the Panel considers necessary to carry out its duties under this section.

''(i) ADMINISTRATIVE MATTERS.—

''(1) MEMBERS TO SERVE WITHOUT PAY.—Members of the Panel shall serve without pay, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Panel.

''(2) STAFFING AND RESOURCES.—The Secretary of Defense shall provide staffing and resources to support the Panel.

''(j) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel.''.

SEC. 5422. ANNUAL REPORTS.

Subchapter XII of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

''§ 946. Art. 146a. Annual reports

''(a) COURT OF APPEALS FOR THE ARMED FORCES.—Not later than December 31 of each year, the Court of Appeals for the Armed Forces shall submit a report that, with respect to the previous fiscal year, provides information on the number and status of completed and pending cases before the Court, and such other matters as the Court considers appropriate regarding the operation of this chapter.

''(b) SERVICE REPORTS.—Not later than December 31 of each year, the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps shall each submit a report, with respect to the preceding fiscal year, containing the following:

''(1) Data on the number and status of pending cases.

''(2) Information on the appellate review process, including—

''(A) information on compliance with processing time goals;

''(B) descriptions of the circumstances surrounding cases in which general or special court-martial convictions were (i) reversed because of command influence or denial of the right to speedy review or (ii) otherwise remitted because of loss of records of trial or other administrative deficiencies; and

''(C) an analysis of each case in which a provision of this chapter was held unconstitutional.

''(3)(A) An explanation of measures implemented by the armed force concerned to ensure the ability of judge advocates—

''(i) to participate competently as trial counsel and defense counsel in cases under this chapter;

''(ii) to preside as military judges in cases under this chapter; and

''(iii) to perform the duties of Special Victims' Counsel, when so designated under section 1044e of this title.

''(B) The explanation under subparagraph (A) shall specifically identify the measures that focus on capital cases, national security cases, sexual assault cases, and proceedings of military commissions.

''(4) The independent views of each Judge Advocate General and of the Staff Judge Advocate to the Commandant of the Marine Corps as to the sufficiency of resources available within the respective armed forces, including total workforce, funding, training,

and officer and enlisted grade structure, to capably perform military justice functions.

''(5) Such other matters regarding the operation of this chapter as may be appropriate.

''(c) SUBMISSION.—Each report under this section shall be submitted—

''(1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

''(2) to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of Homeland Security.''.

TITLE LXIII—CONFORMING AMENDMENTS AND EFFECTIVE DATES

SEC. 5441. AMENDMENTS TO UCMJ SUBCHAPTER TABLES OF SECTIONS.

The tables of sections for the specified subchapters of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), are amended as follows:

(1) SUBCHAPTER II; APPREHENSION AND RESTRAINT.—The table of sections at the beginning of subchapter II is amended—

(A) by striking the item relating to section 810 (article 10) and inserting the following new item:

''810. Art. 10. Restraint of persons charged.''; and

(B) by striking the item relating to section 812 (article 12) and inserting the following new item:

''812. Art. 12. Prohibition of confinement of members of the armed forces with enemy prisoners and certain others.''.

(2) SUBCHAPTER V; COMPOSITION OF COURTS-MARTIAL.—The table of sections at the beginning of subchapter V is amended—

(A) by striking the item relating to section 825a (article 25a) and inserting the following new item:

''825. Art. 25a. Number of court-martial members in capital cases.'';

(B) by inserting after the item relating to section 826 (article 26) the following new item:

''826a. Art. 26a. Military magistrates.''; and

(C) by striking the item relating to section 829 (article 29) and inserting the following new item:

''829. Art. 29. Assembly and impaneling of members; detail of new members and military judges.''.

(3) SUBCHAPTER VI; PRE-TRIAL PROCEDURE.—The table of sections at the beginning of subchapter VI is amended—

(A) by inserting after the item relating to section 830 (article 30) the following new item:

''830. Art. 30a. Proceedings conducted before referral.''; and

(B) by striking the items relating to sections 832 through 835 (articles 32 through 35) and inserting the following new items:

''832. Art. 32. Preliminary hearing required before referral to general court-martial.

''833. Art. 33. Disposition guidance.

''834. Art. 34. Advice to convening authority before referral for trial.

''835. Art. 35. Service of charges; commencement of trial.''.

(4) SUBCHAPTER VII; TRIAL PROCEDURE.—The table of sections at the beginning of subchapter VII is amended—

(A) by striking the items relating to sections 846 through 848 (articles 46 through 48) and inserting the following new items:

''846. Art. 46. Opportunity to obtain witnesses and other evidence in trials by court-martial.

''847. Art. 47. Refusal of person not subject to chapter to appear, testify, or produce evidence.

''848. Art. 48. Contempt.'';

(B) by striking the item relating to section 850 (article 50) and inserting the following new item:

''850. Art. 50. Admissibility of sworn testimony from records of courts of inquiry.''; and

(C) by striking the items relating to sections 852 and 853 (articles 52 and 53) and inserting the following new items:

''852. Art. 52. Votes required for conviction, sentencing, and other matters.

''853. Art. 53. Findings and sentencing.

''853a. Art. 53a. Plea agreements.''.

(5) SUBCHAPTER VIII; SENTENCES.—The table of sections at the beginning of subchapter VIII is amended—

(A) by striking the item relating to section 856 (article 56) and inserting the following new item:

''856. Art. 56. Sentencing.''; and

(B) by striking the items relating to sections 856a and 857a (articles 56a and 57a).

(6) SUBCHAPTER IX; POST-TRIAL PROCEDURE.—The table of sections at the beginning of subchapter IX is amended—

(A) by striking the items relating to sections 860 and 61 (articles 60 and 61) and inserting the following new items:

''860. Art. 60. Post-trial processing in general and special courts-martial.

''860a. Art. 60a. Limited authority to act on sentence in specified post-trial circumstances.

''860b. Art. 60b. Post-trial actions in summary courts-martial and certain general and special courts-martial.

''860c. Art. 60c. Entry of judgment.

''861. Art. 61. Waiver of right to appeal; withdrawal of appeal.'';

(B) by striking the items relating to sections 864 through 866 (articles 64 through 66) and inserting the following new items:

''864. Art. 64. Judge advocate review of finding of guilty in summary court-martial.

''865. Art. 65. Transmittal and review of records.

''866. Art. 66. Courts of Criminal Appeals.'';

(C) by striking the item relating to section 869 (article 69) and inserting the following new item:

''869. Art. 69. Review by Judge Advocate General.''; and

(D) by striking the item relating to section 871 (article 71).

(7) SUBCHAPTER XI; MISCELLANEOUS PROVISIONS.—The table of sections at the beginning of subchapter XI is amended—

(A) by striking the item relating to section 936 (article 136) and inserting the following new item:

''936. Art. 136. Authority to administer oaths.''; and

(B) by inserting after the item relating to section 940 (article 140) the following new item:

''940a. Art. 140a. Case management; data collection and accessibility.''.

(8) SUBCHAPTER XII; UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—The table of sections at the beginning of subchapter XII is amended by striking the item relating to section 946 (article 146) and inserting the following new items:

''946. Art. 146. Military Justice Review Panel.

''946a. Art. 146a. Annual reports.''.

SEC. 5442. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this division, the amendments made by this division shall take effect on the date designated by the President, which date shall be not later than the first day of the first calendar month that begins two years after the date of the enactment of this Act.

(b) IMPLEMENTING REGULATIONS.—The President shall prescribe regulations implementing this division and the amendments made by this division by not later than one year after the date of the enactment of this Act, except as otherwise provided in this division.

(c) APPLICABILITY.—

(1) IN GENERAL.—Subject to the provisions of this division and the amendments made by this division, the President shall prescribe in regulations whether, and to what extent, the amendments made by this division shall apply to a case in which one or more actions under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), have been taken before the effective date of such amendments.

(2) INAPPLICABILITY TO CASES IN WHICH CHARGES ALREADY REFERRED TO TRIAL ON EFFECTIVE DATE.—Except as otherwise provided by this division or the amendments made by this division, the amendments made by this division shall not apply to any case in which charges are referred to trial by court-martial before the effective date of such amendments. Proceedings in any such case shall be held in the same manner and with the same effect as if such amendments had not been enacted.

(3) PUNITIVE ARTICLE AMENDMENTS.—

(A) IN GENERAL.—The amendments made by title LX shall not apply to any offense committed before the effective date of such amendments.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to invalidate the prosecution of any offense committed before the effective date of such amendments.

(4) SENTENCING AMENDMENTS.—The regulations prescribing the authorized punishments for any offense committed before the effective date of the amendments made by title LVIII shall apply the authorized punishments for the offense, as in effect at the time the offense is committed.

ORDERS FOR THURSDAY, JUNE 16, 2016

Mr. ROUNDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, June 16; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate resume consideration of H.R. 2578.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TODAY

Mr. ROUNDS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 2:13 a.m., adjourned until Thursday, June 16, 2016, at 10 a.m.

EXTENSIONS OF REMARKS

RECOGNIZING THE CALIFORNIA STATE UNIVERSITY, BAKERSFIELD MEN'S BASKETBALL TEAM'S 2015–2016 SEASON

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. MCCARTHY. Mr. Speaker, I rise today to recognize the California State University, Bakersfield (CSUB) men's basketball team and its unprecedented success in the 2015–2016 season. I commend the hard work of the Roadrunners and strong leadership of Head Coach Rod Barnes, Assistant Coaches Jeff Conarroe, James Alford, and Mark Hsu, and Director of Basketball Operations JD Pollock. The Roadrunner men's basketball team has represented our community well, and brought national attention to Bakersfield through dedication that was always reflected in their games. I am honored—as an alumnus myself—to be able to add my voice to the chorus of praise, and to congratulate their season of accomplishment.

On March 18, 2016, the Roadrunners clashed against the number two seed in Oklahoma, on day one of the 2016 National Collegiate Athletic Association (NCAA) Basketball Tournament. I witnessed firsthand the perseverance and grit they became famous for throughout the season. The Roadrunners fiercely fought to match basket-for-basket against their heavily-favored opponents, even snatching the lead midway through the second half, but were ultimately outscored in the final few minutes.

As the Roadrunners celebrate their historic 24 victories in the Western Athletic Conference, and their first appearance in the NCAA Division I Tournament, I want to acknowledge the remarkable determination and incredible teamwork of Aly Ahmed, Jaylin Airington, Bray Barnes, Dedrick Basile, Damiyne Durham, Kyle Ferreira, Darryl Geyen, Justin Hollins, Kevin Mays, PJ Posey, Justin Pride, Matt Smith, and Brent Wrapp. A remarkable winning percentage of .727 reflects upon the immense amount of hard work they demonstrated throughout the entirety of the season.

The CSUB men's basketball team exemplifies our community's commitment to hard work, perseverance, and teamwork. The Roadrunners should be proud of their achievements this season, and I know that the community of Bakersfield joins me in congratulating them on their athletic accomplishments. My fellow Roadrunner alumni and our community look forward to watching their continued success in the seasons to follow.

IN HONOR OF CAPTAIN JEFF KUSS

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. TIPTON. Mr. Speaker, I rise today to honor the late Marine Corps Captain Jeff Kuss. Captain Kuss was a native of Durango, CO where he attended Durango High School and graduated from Ft. Lewis College with a degree in economics. His life was tragically cut short during a training accident on June 2, 2016 while he and the other Blue Angel pilots were practicing for an air show near Smyrna, Tennessee. Captain Kuss was a loving family man and is survived by his wife Christina Ferrarese Kuss, their two young children Calvin and Sloan, and his parents Michael and Janet of Durango.

Captain Kuss possessed a passion for aviation which took root at a young age. After a great deal of hard work and perseverance, he became one of the Navy's most talented pilots, being selected in 2014 to join the elite Navy Flight Demonstration Squadron. The Blue Angels are one of the world's most renowned squadrons, representing the men and women who serve in the nation's Armed Forces and showcasing the incredible training, skill and capability of our nation's elite military pilots. Since 1946, the Blue Angels have inspired patriotism and wonder in millions of fascinated spectators. Each pilot is hand-picked by current members of the squadron to join—a selection process that is a testament to the respect that his colleagues had for the talent and ability Captain Kuss possessed.

The entire Durango community is incredibly proud of Captain Kuss for his service to our nation and what he was able to achieve. When he was brought home to rest in Durango citizens lined the streets to pay their respects to this fallen hero, a testament to Captain Kuss' service, deep ties to the community and a life well-lived. The host of active duty members that have and continue to pay tribute to Captain Kuss are a tribute to the many lives he impacted over the course of his career.

Mr. Speaker, Captain Jeff Kuss exemplified the very best of Colorado's Third Congressional District and of the brave men and women who risk all in service to our nation each day. We honor his service and memory, and offer our condolences and prayers for his family and friends. May they find peace during this most difficult time.

CONGRATULATIONS TO BISHOP SAMUEL BLAKES

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. RICHMOND. Mr. Speaker, I rise today to congratulate Pastor Samuel Blakes on his Episcopal Consecration to the office of Bishop. He is the loving husband of Stacy Blakes and an outstanding father to his two daughters. Bishop Samuel Blakes is the youngest son of Bishop Blakes, Sr. and has been pastoring for more than 21 years.

He and his brother Bishop Robert Blakes, Jr. serve as Co-Pastors at the New Home Family Worship Center, a ministry encompassing six locations across Louisiana and Texas. Bishop Samuel Blakes has the pleasure of serving as Pastor to both the New Orleans and Baton Rouge Ministries.

Bishop Samuel Blakes was called to ministry at a young age when he attended St. Augustine High School in New Orleans. His work in ministry began when he received his Bachelors of Theology from Christian Bible College of Louisiana and then went on to receive his Master's Degree in theology from the same institution. His dedication and love of God has allowed him to travel across the U.S. and abroad to spread the word of God. Not only does he travel to spread his message, but he and his brother, Bishop Robert Blakes, Jr., host their own weekly television show.

I join with the Blakes family in congratulating Bishop Samuel Blakes for his remarkable accomplishment.

HONORING MR. GARRY SAUNER UPON HIS RETIREMENT

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. DENT. Mr. Speaker, I rise today to pay tribute to a very special and remarkable civil servant on the occasion of his retirement. After forty-one years of service to the Nation, Mr. Garry Sauner will complete a most distinguished career as a financial manager and congressional liaison for the United States Air Force. For the past sixteen years, Mr. Sauner served as the Deputy Director and Chief of the Budget and Research Branch of the Air Force Office of Appropriations Liaison. In this role, Mr. Sauner has acted as the Air Force's principal liaison to this subcommittee.

From personal experience, I can state that his tireless efforts, wise counsel, and attention to detail led to the successful completion of hundreds of hearings, thousands of questions

for the record, and countless requests for information which all helped our subcommittee make the best informed resourcing decisions.

Mr. Sauner led engagement efforts for senior Air Force leadership in defense of the Air Force budget request for military construction, housing, environment, and BRAC. Hundreds of Air Force officers, enlisted, civilians, and contractors have benefitted from his experience and counsel as a strong and capable mentor, resulting in a bond of trust between this subcommittee and the Air Force that will have lasting positive effects well into the future.

Prior to his dedicated service in his current role, Mr. Sauner served twenty-five years in the United States Air Force, rising to the rank of Lieutenant Colonel. With his four years as a Congressional Liaison Officer on active duty, Mr. Sauner can claim twenty years of experience working with the Congress—a rare feat indeed. Mr. Sauner leaves a lasting legacy both in the Executive and Legislative Branches of our government as a result of his quiet professionalism and embodiment of the Air Force core values of Integrity First, Service Before Self, and Excellence.

Mr. Speaker, I ask that the House please join me in extending our most sincere thanks for his service and best wishes for the days and years ahead as he begins a new journey.

IN OPPOSITION TO THE REPUBLICAN ANTI-POVERTY AGENDA

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Ms. SEWELL of Alabama. Mr. Speaker, last week, a group of 8 Republicans traveled to the House of Help City of Hope, a private residential drug and alcohol treatment program here in Southeast DC. There they unveiled their proposal to reduce poverty in America.

Make no mistake: the Republican Party has simply repackaged the same proposals that have locked our most underserved populations in poverty for generations.

I appreciate the group's advocacy for drug and alcohol treatment, but it is misguided and offensive to associate poverty with addiction. We should not be surprised that they are clinging to the tired narrative that victims of poverty are too lazy or irresponsible to pull themselves up by their own bootstraps. The ''bootstraps'' narrative leaves out the reality that too many children in America are born without bootstraps to parents who never had bootstraps themselves. In the cycle of poverty, opportunity rarely presents itself.

From the schoolhouse to the workplace, children from wealthier and well-educated families arrive at every door with a very different set of skills and expectations than those from underserved backgrounds. For example, research suggests that children from low-income families hear 30 million fewer words than their wealthy peers by the age of 3. Other studies show that less than 50 percent of children living in poverty arrive at school prepared with the math and reading skills, emotional and behavioral control, and the physical well-being necessary to learn. These gaps persist into adulthood.

These are not excuses. They are facts.

The children of the wealthy are provided tutors, lawyers, contraceptives, therapy, and more when they stumble socially, physically, and academically. Their less affluent counterparts are instead met with financially struggling parents, probation officers, and ill-access to basic health services. Social scientists call the protections afforded to wealthier children in times of trouble ''air bags.''

It's time to dispel the blanket notion that the poor are to blame for their poverty. The government has a role to play, and for many, it is the star of the show.

When opportunity presents itself in low-income communities, it comes via a Head Start teacher, an after-school program, a Job Corps coach, a Pell grant, a Social Security check, a child tax credit, and through other resource programs implemented during and after the War on Poverty.

Our friends across the aisle want the American people to believe that the effective anti-poverty programs of the War on Poverty have been a waste of taxpayer dollars. In truth, the safety net's effectiveness at reducing poverty has grown nearly ten-fold since 1967.

Pell grants, senior centers, the breast and cervical cancer early detection program, grants to improve water and waste disposal systems, Job Corps, and the Foster Grandparent program are just some of the programs that have been effective in helping millions of Americans into the middle class. Despite the progress made under these programs, the Republicans deem them all as welfare.

The Social Security program has lifted 27 million Americans out of poverty, including 1.6 million children yet Republicans have proposed to privatize and cut the program.

The Earned Income Tax Credit has lifted 9 million working Americans out of poverty and has reduced poverty for 22 million more. Despite these tremendous benefits, the Republicans did not include this program in their proposal.

The SNAP program, which the proposal cuts, has lifted 10 million Americans out of poverty and 5 million more out of deep poverty.

Seventy percent of Americans will turn to the safety net at some point in their lifetimes. Attempts to cut these programs are rooted in dangerous and misguided ideology.

I was sent to Congress to build upon programs that work and craft new proposals to create ladders of opportunity into the middle class for my constituents.

On the contrary, the Republican blaming strategy is not ''A Better Way''—it's the wrong way. On behalf of the hardworking Alabamians I represent, I urge all of my colleagues to reject this dangerous agenda.

HONORING RICHARD TWISS ON THE OCCASION OF HIS RETIREMENT AS CHIEF OF POLICE FOR THE CITY OF INDIO POLICE DEPARTMENT

HON. RAUL RUIZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. RUIZ. Mr. Speaker, today I am honored to congratulate City of Indio Police Chief Richard Twiss who is retiring after 32 years of service to the people of California and the citizens of the United States. Throughout his career, Chief Twiss has been an exemplary public servant. He has taken on his vocation to service with a sense of duty and a strength of character that is needed to accomplish such a noble calling.

Richard Twiss' time in uniform began in 1984 as a United States Marine and continued as a police officer with the City of Indio Police Department. Through his leadership, Chief Twiss led a police force that helps build a safer community and is an incredible influence on the lives of hundreds of residents in the Coachella Valley located in California's 36th Congressional District.

Chief Twiss' distinguished career in law enforcement spans from his time as an officer at the Indio Police Department, to an investigator for the County of Riverside District Attorney's Office, to a special agent for the California Department of Justice, and for the last four years as the Chief of Police for the City of Indio.

At a national level, Chief Twiss has lent his expertise to help advance the cause of public safety. Chief Twiss participated in the President's National Committee on 21st Century Policing and served as a member of the California Attorney General's Community Oriented Policing Subcommittee. Most recently, he was appointed to the California Police Chief Association Homelessness and Mental Health working group. Chief Twiss implemented the Community Outreach Resource Program as a way to reduce homelessness and provide resources to the most vulnerable members of our society. This program received local, national, and international recognition.

Mr. Speaker, I am proud to recognize and honor Chief Richard Twiss for his service. And on behalf of the thousands of families of California's 36th Congressional District, I offer my sincerest thanks and congratulate Chief Twiss for his exceptional commitment to public safety. I wish him and his wife, Anna, all the best on his well-deserved retirement.

THIS IS THE WEEK WE MOURN TOGETHER IN REMEMBRANCE OF THE 49 LIVES LOST JUNE 12, 2016

HON. DAVID W. JOLLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. JOLLY. Mr. Speaker, this is the week we mourn together. As one nation. This week we know no party, we know no prejudice. This is the week we all as Americans suffer loss together, come together, and resolve together that we will not fall to the architects of terror.

Mr. Speaker, this is our Paris.

The mass shooting in Orlando is now one more defining moment of our time. One more defining moment of terror. And one more defining moment in the fabric of modern America. Innocent brothers and sisters were targeted by evil, in the name of a radical Islamic jihad against America that despicably perverts religion to justify taking the life of innocent people. But this is the week we resolve to destroy terror forever, to destroy those who wish to destroy us.

In an election year, its natural for anger to divide us, to draw us into a partisan divide. But let's rise above the politics of division and remain one united people. Let's not fall prey this week to politicians casting blame, seeking credit, or drawing division. The debate over national security, over guns and the constitution, over surveillance, over crimes of hate, these debates will rightfully occur over the coming weeks and months. And they should.

We must defeat our enemies before they defeat us. We must protect our communities from violence of any kind, at the cause of any weapon. We must always vet those who come here legally and we must secure our borders. And we must ensure we apprehend homegrown agents of terror in all 50 states.

But we do this together as a nation. United, not divided. Committed to the cause of freedom envisioned by our founders and granted by our Creator. We are one people. We stand with the victims of Orlando. They will forever be in our hearts. And in their loss, we resolve to honor their memories with vigilance, with fidelity, to make our nation safer, stronger, and forever united against hate, against evil, and against our enemies.

May God bless the souls of our departed fellow Americans. May God hold close their families and loved ones. And may God forever protect our nation and forever preserve our freedom.

Stanley Almodovar III, 23 years old
Amanda Alvear, 25 years old
Oscar A. Aracena-Montero, 26 years old
Rodolfo Ayala-Ayala, 33 years old
Antonio Davon Brown, 29 years old
Darryl Roman Burt II, 29 years old
Angel L. Candelario-Padro, 28 years old
Juan Chevez-Martinez, 25 years old
Luis Daniel Conde, 39 years old
Cory James Connell, 21 years old
Tevin Eugene Crosby, 25 years old
Deonka Deidra Drayton, 32 years old
Simon Adrian Carrillo Fernandez, 31 years old
Leroy Valentin Fernandez, 25 years old
Mercedez Marisol Flores, 26 years old
Peter O. Gonzalez-Cruz, 22 years old
Juan Ramon Guerrero, 22 years old
Paul Terrell Henry, 41 years old
Frank Hernandez, 27 years old
Miguel Angel Honorato, 30 years old
Javier Jorge-Reyes, 40 years old
Jason Benjamin Josaphat, 19 years old
Eddie Jamoldroy Justice, 30 years old
Anthony Luis Laureanodisla, 25 years old
Christopher Andrew Leinonen, 32 years old
Alejandro Barrios Martinez, 21 years old
Brenda Lee Marquez McCool, 49 years old
Gilberto Ramon Silva Menendez, 25 years old
Kimberly Morris, 37 years old
Akyra Monet Murray, 18 years old
Luis Omar Ocasio-Capo, 20 years old
Geraldo A. Ortiz-Jimenez, 25 years old
Eric Ivan Ortiz-Rivera, 36 years old
Joel Rayon Paniagua, 32 years old
Jean Carlos Mendez Perez, 35 years old
Enrique L. Rios, Jr., 25 years old
Jean C. Nives Rodriguez, 27 years old
Xavier Emmanuel Serrano Rosado, 35 years old
Christopher Joseph Sanfeliz, 24 years old
Yilmary Rodriguez Solivan, 24 years old
Edward Sotomayor Jr., 34 years old
Shane Evan Tomlinson, 33 years old
Martin Benitez Tones, 33 years old
Jonathan Antonio Camuy Vega, 24 years old
Juan P. Rivera Velazquez, 37 years old
Luis S. Vielma, 22 years old
Franky Jimmy Dejesus Velazquez, 50 years old
Luis Daniel Wilson-Leon, 37 years old
Jerald Arthur Wright, 31 years old

TRIBUTE TO JORDAN ANDERZHON

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Jordan Anderzhon of Farragut, Iowa for recognition as a Delegate at the Congress of Future Medical Leaders, sponsored by The National Academy of Future Physicians and Medical Scientists. Jordan is one of six State of Iowa honor students selected to attend.

Jordan is an exceptional student, high-achieving in academics and all-around service. This Congress of Future Medical Leaders is an honors-only program for high school students who will seek to become physicians or enter the medical research field. The Congress of Future Medical Leaders honors, inspires and motivates high school students like Jordan Anderzhon as a luminary in the advanced study of medicine.

Jordan Anderzhon is a student at Farragut Community High School in Farragut, Iowa. He was nominated by school officials and The National Academy of Future Physicians and Medical Scientists because of academic excellence and civic-minded responsibilities.

Jordan Anderzhon makes a difference by serving others. It is with great honor that I recognize him today. I know that my colleagues in the U.S. House of Representatives join me in honoring Jordan Anderzhon's accomplishments. Jordan Anderzhon will obtain the goals and dreams of many medical professionals.

HONORING ILEEN KODISH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. ENGEL. Mr. Speaker, communities thrive when hard work, dedication, and sacrifice are set by voluntary example. Ileen Kodish's actions embody these ideals for her community and it is why she is being awarded the Gates of Hope Award as Shaarei Tikvah's Volunteer of the Year.

Ileen grew up in Akron, Ohio, where she and her family became active in the Jewish community, involving themselves in B'nai B'rith Youth and USY. Following fashion school in Chicago, Ileen worked overseas; studying design in Paris and teaching at the Pratt Institute.

Ileen became Head Nursery School teacher at Genesis Agudas Achim, teaching two-year-olds who are now young adults actively engaged in our community. In recent years, she has worked as an au pair community counselor and as an office manager. Within Shaarei Tikvah, Ileen served as School Board Co-Chair from 2008 to 2014, devoting countless hours and extensive organizational skills to bring about the most efficient operation possible. She brought the PJ Library program to Shaarei Tikvah while organizing and leading family workshops around the stories.

Currently, Ileen lives in Yonkers and has three daughters—Danielle, Nola, and Hali—who are graduates of Yonkers public schools, of our Religious School, and carry on the family tradition by volunteering in the school. Ileen also completed her Associates degree at Westchester Community College in 2011.

It is clear that Shaarei Tikvah has found a most deserving and accomplished honoree for recognition this year. Congratulations to Ileen on receiving the Gates of Hope Award and thank you for your years of contributions to the community.

HONORING MS. RAMI MUTH

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Ms. Rami Muth, Superintendent of the Martinez Unified School District, upon her retirement.

Ms. Muth earned her bachelor's degree in History from California State University Long Beach, before going on to complete a Masters in Educational Leadership and her administrative credentials at California State University East Bay.

Ms. Muth has held a variety of positions throughout her career in education. She taught at both the elementary and middle school levels in Benicia, California before becoming an elementary school principal in the Fairfield-Suisun school district. Drawing on both her teaching and administrative experience, she became Director of Curriculum and Instruction for the Martinez Unified School District before rising to her current post of Superintendent.

During her tenure as District Superintendent, Ms. Muth led new initiatives to improve the district's services and improve the academic experience for students. She launched an innovative energy conservation program that has saved the Martinez Unified School District over $300,000 and has won an Environmental Excellence Award. Under Ms.

Muth's leadership, five schools in the district were named California Gold Ribbon Schools: Martinez Junior High and Alhambra High School in 2015 and Las Juntas, John Swett, and John Muir Elementary Schools in 2016.

Mr. Speaker, Ms. Muth has dedicated her career to ensuring that every student in our community receives a top-notch education. Therefore, it is fitting and proper that we honor her here today and extend our best wishes for an enjoyable retirement.

RECOGNIZING THE CALIFORNIA STATE UNIVERSITY, BAKERSFIELD SOFTBALL TEAM'S 2015–2016 SEASON

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. MCCARTHY. Mr. Speaker, I rise today to recognize the California State University, Bakersfield (CSUB) softball team. The Roadrunners advanced to the National Collegiate Athletic Association (NCAA) Regionals after valiantly defeating top-seeded New Mexico State, clinching the Western Athletic Conference championship. This is the first time in the history of the Roadrunner softball program that a team has reached the regional tournament level, which is a testament to the commitment, spirit, and competitiveness of this year's team. I applaud the strong leadership of Head Coach Crissy Buck-Ziegler and Assistant Coach Shelly Prochaska, who have helped pave the way for the team's ongoing success.

Accolades like these make me, and thousands of alumni, even more proud to be a Roadrunner. Ever since the Roadrunners ascended to NCAA Division I status in 2010, they continue to represent our community well, while competing against the top collegiate sports teams in the nation. This year is another shining example of the progress the Roadrunner athletic program has made. The dedication and hard work reflected by the Roadrunner softball team is contagious and spreads throughout the community.

I would like to recognize the efforts of Nadia Amezcua, Kaylynn Burt, Michelle Cannata, Adrianna Cardoza, Julea Cavazos, Maddi Clark, Nicole Curry, Josie Flores, Selena Gonzalez, Chris Hipa, Lyndsay Klimenko, Jo Larios, Amber Mills, Briana Pontecorvo, Sydney Raeber, Alex Simmons, Alyssa Stockton, and Makenzie Zinger. In the WAC tournament, the Roadrunners gave up just four runs in their three game championship streak. All three wins against the University of Missouri–Kansas City, and New Mexico State University (twice) avenged earlier losses to these two teams during the regular season.

I know the Bakersfield community joins me in applauding the CSUB softball team's unprecedented and historic accomplishments this season. I hope the program's demeanor of confidence, success, and ambition continues in the seasons to come and I look forward to more Roadrunner victories.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. HINOJOSA. Mr. Speaker, I was unable to be present in the House chamber for certain roll call votes on Monday, June 13th and Tuesday, June 14th. Had I been present on these days, I would have voted 'aye' for roll calls 297, 298, 301, and 302 and 'nay' on roll calls 299, 300 and 303.

TRIBUTE TO EAGLE SCOUT ALAN POWERS-WETTESTAD

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Alan Powers-Wettestad of Boy Scout Troop 520 in Council Bluffs, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Approximately five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained for more than a century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. For his project, Alan dedicated himself to helping families of newborns by providing them with handmade blankets. He, with the support of his troop, made over one hundred blankets last fall and delivered them to the hospital just before Thanksgiving of last year. He also had the integrity to donate the remaining monetary donations as a Spirit of Giving Award to the obstetrics department, enabling them to purchase a new rocking chair. The work ethic, thoughtfulness, and kindness which Alan Powers-Wettestad has shown in his Eagle Project and every other project leading up to his Eagle Scout rank, speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Alan Powers-Wettestad and his family in the United States Congress. I ask that all of my colleagues in the United States House of Representatives join me in congratulating him on reaching the rank of Eagle Scout and in wishing him nothing but continued success in his future education and career.

IN HONOR OF 2017 NASCAR HALL OF FAME INDUCTEE RAYMOND PARKS

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. HUDSON. Mr. Speaker, I rise today to honor and remember the late racing legend Raymond Parks upon his induction into the eighth class of the NASCAR Hall of Fame.

If it weren't for men like Raymond Parks, there is no doubt the racing industry as we know it would not exist today. Mr. Parks was a pivotal player in both the development and expansion of NASCAR since its inception.

After serving his country during WWII, Mr. Parks returned to the United States where he had begun a career as a stock-car owner before the war. In 1947, he attended a meeting in Daytona Beach, Florida that would change racing forever. Sitting around the table with other drivers and promoters, they agreed that racing could not grow without a formal organization to create rules and give their sport structure. As a result, NASCAR was born.

From then on Raymond Parks remained an influential member in motorsports. Known for being the first successful team owner in racing, he won the first NACSCAR title ever in 1948. He would continue to work alongside his original team to dominate the sport until his retirement. Even though Mr. Parks passed away in 2010, his legacy lives on and will now be preserved forever in the NASCAR Hall of Fame.

This year's class was selected by a comprehensive voting panel that included track owners, retired competitors, industry leaders, members of the media, and a nationwide fan vote. In total, a group of five was chosen to join the ranks of other NASCAR legends in the Hall of Fame. Mr. Parks is extremely deserving of this honor and will now be enshrined forever for his contributions to the sport.

Mr. Speaker, please join me today in honoring Raymond Parks, a 2017 inductee of the NASCAR Hall of Fame

CONGRATULATIONS TO BISHOP ROBERT C. BLAKES, JR.

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. RICHMOND. Mr. Speaker, I rise today to congratulate Pastor Robert C. Blakes, Jr. on his Episcopal Consecration to the office of Bishop. He is the loving husband of Lisa Blakes and a great father to four children. Bishop Blakes, Jr. is the eldest son of Bishop Blakes, Sr. and has been pastoring for more than 21 years.

He and his brother Bishop Samuel Blakes serve as Co-Pastors at the New Home Family Worship Center, a ministry encompassing six locations across Louisiana and Texas. Bishop Blakes, Jr. has the pleasure of serving as Senior Pastor to both the New Orleans and Houston Ministries.

Bishop Blakes, Jr. started his work in ministry when he received his Master's of Theology from Christian Bible College of Louisiana. His dedication and love of God has landed him regular appearances on World Harvest International and CNN as well as his own weekly television show alongside his brother. Bishop Blakes, Jr. has also attracted global attention with his recently published literary work, ''The Father-Daughter Talk''.

I join with the Blakes family in congratulating Bishop Blakes, Jr. for his outstanding accomplishment.

IN HONOR OF THE LATE SERGEANT CHARLES H. COCHRANE

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. NADLER. Mr. Speaker, I rise today to honor the late NYPD Sergeant Charles H. Cochrane, whose contributions to New York City's civic life are being recognized by the renaming of the intersection of West 11th Street and Washington Street as Sgt. Charles H. Cochrane Way.

On November 20, 1981, Sgt. Charles H. Cochrane became the first openly gay officer in the history of the New York City Police Department when he testified before a City Council committee considering a proposal to ban discrimination against homosexuals. Sgt. Cochrane spoke out in favor of the bill, saying ''I am very proud of being a New York City policeman. And I'm equally proud of being gay.'' At the time, Sgt. Cochrane was a fourteen year veteran of the NYPD. His declaration before the City Council committee was a brave statement and a strong condemnation of ignorance and bigotry faced by the LGBT community. Sgt. Cochrane's bravery, passion and drive for the just treatment of LGBT individuals, and specifically of his fellow LGBT law enforcement officials, motivated him to found The Gay Officers Action League (GOAL), an organization dedicated to advocating for lesbian, gay, bisexual and transgender law enforcement officers. Today, there are GOAL chapters in every major police department in the United States. Sergeant Cochrane passed away in 2008, but his legacy lives on in the community that he fought for and is epitomized by this street renaming in his honor.

Mr. Speaker, I am proud to represent the district where Sgt. Cochrane lived and worked and where he paved the way for countless other individuals and organizations to promote justice and equality within the law enforcement community. On this occasion, I reflect on the recent tragedy in Orlando and remind my colleagues that we have much work ahead of us to achieve an end to hate, bigotry and violence against the LGBT community, despite the strides that we have made as a society due to heroes like Sgt. Cochrane. As Sgt. Cochrane did, we must all stand up for tolerance and equality.

I congratulate GOAL on this significant milestone and would like to thank the NYPD officers who spearheaded this initiative.

HONORING THE 100TH BIRTHDAY OF SHIRLEY WEISS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. HASTINGS. Mr. Speaker, I rise today to honor the 100th birthday of Shirley Weiss, born Sarah Hengber, in Brooklyn, New York, on September 1, 1916. Shirley is one of 6 children born to Yetta and Samuel Hengber, both Russian immigrants, who after meeting in Poland, came to the United States in the early 1900s, to raise their large family.

Shirley married Harold Weiss on September 11, 1938, and raised two daughters in Bronx County, serving seventeen years at the Internal Revenue Service. Shirley retired in 1977 and with Harold, moved to bask in the Sunshine State. Over the last 40 years, she has enjoyed hosting visits with her family that includes 4 grandchildren and 4 great-grand daughters to whom she is a loving role model. Still a voracious reader, we honor Shirley's wonderful milestone of 100 years, and hereby acknowledge and commend her on this amazing achievement.

HONORING SHERY AND HOWARD ROSENSTEIN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. ENGEL. Mr. Speaker, the strength of any religious institution comes from the dedication and commitment of the congregation. For Beth El Synagogue in New Rochelle, that strength is derived from members like Shery and Howard Rosenstein, who have been intimately involved in the Synagogue's operations for over 17 years.

When Shery and Howard were living in Manhattan and decided to move to the suburbs, their journey to Westchester began with ''shul-shopping.'' Once they experienced the warmth of Beth El, their decision to settle in New Rochelle was easily made. After joining the shul, they enrolled their three-year-old son Adam in Nursery School, and, along with newborn son David, quickly immersed themselves in synagogue activities. Daughter Shayna was born three years later, and by then Beth El had become an extension of their family's home, where they have all continued to make deep-rooted friendships, share meaningful lifecycle events, and experience everlasting memories by their ongoing involvement.

Shery has worn a variety of hats within the Beth El community, including co-chairing the Nursery School's Board, Parents' Association and Family Fun Day, working as a Nursery School teacher, storyteller, and head counselor of the Day Camp two-year-old group (the ''Scoops'') since its inception seven years ago. Howard's involvement began as the Day Camp Chair and he has been a familiar face working on various programs over the years, including the Family Kallah, delivering father/son Divrei Torah at the Family service, singing in Beth El's choir Shirat El, and serving on the Dinner Dance Committee which he co-chaired with Shery in 2010.

This year, Beth El is honoring Shery and Howard with their 2016 Service Award, and they are both extremely worthy of the honor. Congratulations to them both.

TRIBUTE TO CONNIE AND ROGER DAVIS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and honor Connie and Roger Davis of Shenandoah, Iowa, on the very special occasion of their 50th wedding anniversary. They celebrated their anniversary on May 21, 2016.

Connie and Roger's lifelong commitment to each other and their children and grandchildren, truly embodies Iowa values. As they reflect on their 50th anniversary may their commitment grow even stronger, as they continue to love, cherish, and honor one another for many years to come.

I commend this great couple on their 50th year together and I wish them many more. I know my colleagues in the United States House of Representatives join me in congratulating Connie and Roger Davis on this momentous occasion.

RECOGNIZING NATIONAL MEN'S HEALTH WEEK

HON. DONALD M. PAYNE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. PAYNE. Mr. Speaker, over the last 100 years, the life expectancy of men has declined in comparison with that of women, and women now live on average five years longer than men.

There is a silent crisis of men's health in America, and it's important that we bring it to light to reverse the trend.

This week, National Men's Health Week, we aim to save lives by raising awareness of male health challenges and empowering men and boys to make smart health decisions to tackle them.

Despite advances in medical technology and research, men continue to die at higher rates of nine of the ten leading causes of death. And men are half as likely as women to seek preventive care, one of the simplest ways to stave off chronic illness.

Many health problems that affect men, from heart disease to colon cancer, can be prevented with earlier detection. That is why we need to use National Men's Health Week as an opportunity to encourage men and boys to adopt preventive behaviors, seek timely medical care, and make their health a priority.

As Co-Chair of the Congressional Men's Health Caucus, I am proud to celebrate this week and encourage men and boys to be

proactive about their health, so they can live longer, healthier, and more productive lives. So they can be there for their families.

And I am proud to join the millions of Americans who are marking this month by calling on men to be active, to be engaged, and to take control of their health through smart decisions and proactive behaviors.

Mr. Speaker, our country has made important strides in improving the health and well-being of men and boys—including significant declines in cardiovascular disease mortality—and we can continue to make progress as long as we stay focused.

So, let's keep moving forward, drawing attention to ways that we and our loved ones can live longer, healthier lives.

TRIBUTE TO MADISON GODFREAD

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Madison Godfread of Shenandoah, Iowa for recognition as a Delegate at the Congress of Future Medical Leaders, sponsored by The National Academy of Future Physicians and Medical Scientists. Madison is one of six State of Iowa honor students selected to attend.

Madison is an exceptional student, high-achieving in academics and all-around service. This Congress of Future Medical Leaders is an honors-only program for high school students who will seek to become physicians or enter the medical research field. The Congress of Future Medical Leaders honors, inspires and motivates high school students like Madison Godfread as a luminary in the advanced study of medicine.

Madison Godfread is a student at Shenandoah High School in Shenandoah, Iowa. She was nominated by school officials and The National Academy of Future Physicians and Medical Scientists because of academic excellence and civic-minded responsibilities.

Madison makes a difference by serving others. It is with great honor that I recognize her today. I know that my colleagues in the U.S. House of Representatives join me in honoring Madison Godfread's accomplishments. Madison Godfread will obtain the goals and dreams of many medical professionals.

IN HONOR OF 2017 NASCAR HALL OF FAME INDUCTEE RICK HENDRICK

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. HUDSON. Mr. Speaker, I rise today to honor and congratulate racing legend, and my friend, Rick Hendrick upon his induction into the eighth class of the NASCAR Hall of Fame.

A native of Warrenton, North Carolina, Rick Hendrick was born with racing in his blood. At an early age his father, ''Papa Joe'' Hendrick, instilled in Rick the value of a hard day's work and a love of automobiles. At the age of 14, he made a name for himself by shattering speed records at the local drag strip.

After purchasing a Chevrolet dealership, he quickly found success which led to the creation of Hendrick Automotive Group—the largest privately held dealership in the country. In 1984, he founded All-Star Racing which would eventually become Hendrick Motorsports. Headquartered in my district in Concord, North Carolina, Hendrick Motorsports is now consistently recognized as one of the sport's premier operations.

As an owner, Rick Hendrick has won a total of 14 NASCAR national series championships, the most all-time. Drivers for Hendrick Motorsports have become household names including the likes of Jeff Gordon, Jimmie Johnson, Terry Labonte, Kasey Kahne, and Dale Earnhardt Jr. In total, Hendrick Motorsports has delivered an incredible 242 total wins. You would be hard pressed to find anyone more deserving of this honor.

This year's class was selected by a comprehensive voting panel that included track owners, retired competitors, industry leaders, members of the media, and a nationwide fan vote. In total, a group of five was chosen to join the ranks of other NASCAR legends in the Hall of Fame. Mr. Hendrick is extremely deserving of this honor and will now be enshrined forever for his contributions to the sport.

Mr. Speaker, please join me today in congratulating Rick Hendrick, his wife Linda, and their entire family on Rick's induction to the NASCAR Hall of Fame.

TRIBUTE TO KONNER ROSS AND DEBORAH PETTINGILL

HON. DAVID W. JOLLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. JOLLY. Mr. Speaker, I would like to acknowledge two members of our community, high school student Konner Ross and her teacher Deborah Pettingill, for bringing light to the story of a fallen World War II soldier from our community.

As a part of the Silent Hero Project, Ms. Ross recently wrote a eulogy for a St. Petersburg-native and WWII soldier, Private Leo K. Chalcraft. The Silent Hero Project is organized by the National History Day program. Fifteen teams of high school students and teachers research someone from their home state who is buried in Normandy, and Ms. Ross chose Private Chalcraft for her project.

He was only 19 years old and was drafted to serve. However, in 1944 off the coast of France, he drowned after the boat he was on sank. While researching Private Chalcraft's life, Ms. Ross felt a personal connection to him because he was so young when he was drafted and when he was killed in combat. She felt it was her responsibility to honor this young man from our community.

Her teacher, Deborah Pettingill, helped Ms. Ross with the project. Together, they have learned a lot about Private Chalcraft from military and burial records. They were also able to find his younger brother Albert, who had a lot of Private Chalcraft's mementos like a Purple Heart, flag, and telegrams. Eventually, the two will create a website honoring Private Chalcraft and the sacrifice he made for this country.

Mr. Speaker, I would like to acknowledge the work and effort of Ms. Konner Ross and Ms. Deborah Pettingill for bringing this memory back to our community and honoring Private Chalcraft's service to Pinellas County and to our country. I ask that this body join me in recognizing these two for the work they have done in honoring Private Chalcraft.

IN RECOGNITION OF THE 120TH ANNIVERSARY OF THE TWIN SHAFT MINING DISASTER IN PITTSTON, PENNSYLVANIA

HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. CARTWRIGHT. Mr. Speaker, I rise today to recognize the 120th Anniversary of the Twin Shaft Mining Disaster in Pittston, Pennsylvania. Fifty-eight miners lost their lives during a massive cave-in, most of whom were boys and men of Lithuanian and Irish descent. Their memories will be honored June 25, 2016 at Our Lady of the Eucharist Parish in Pittston.

In the early hours of June 28, 1896, miners from the Newton Coal Company were at work in the Red Ash Vein of the Twin Shaft Mine. During the shift, two hundred acres inside of the mine collapsed, trapping the crew of workers four hundred feet underground. Volunteers were quickly assembled to respond to the crisis. Attempts were made to excavate two tunnels in an effort to bring the miners to safety. However, rescue efforts proved to be futile and the victims' bodies were never recovered. The tragic event remains one of the largest coal mining disasters in Pennsylvania history.

A formal investigation of the cause of the disaster was opened by Pennsylvania Governor Daniel H. Hastings on July 10, 1896. Testimony indicated that the mine pillars displayed signs of instability in the weeks leading up to the accident. The investigation commission first issued its safety recommendations on September 25, 1896. The commission's findings helped make a strong case for better safety standards and workers' rights for mine workers.

It is a solemn responsibility of northeastern Pennsylvania civic leaders and citizens to honor and remember those who perished in the Twin Shaft Mine Disaster. As the Greater Pittston area marks the 120th Anniversary of this tragedy, may we never forget the sacrifices made by our coal mine workers and all they have contributed to our nation's economic success.

TRIBUTE TO CHRISTIAN HARRIS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Christian Harris, son of Carrie and Anthony Harris of Indianola, Iowa as recipient of Indianola's first Citizenship Award ever to be presented by the city of Indianola. Christian Harris was recognized by Indianola's city leaders for his heroic efforts to assist a neighbor who had fallen. Christian Harris is a sixth-grader, a Boy Scout and loves his community.

The inaugural award by city officials recognizes individuals who provide exemplary aid, valor and service to fellow citizens in needs. Indianola Mayor Kelly Shaw presented the award in a ceremony during a May 2016 City Council meeting, recounting the bravery and leadership young Christian provided. Mayor Shaw recounted how Christian was looking out his window when he saw the neighbor fall head first onto the pavement. He told his mother to call 9-1-1. Trained in first aid, Christian Harris jumped into action, ran to render assistance, giving his neighbor a pillow to cradle his head and keep the neighbor calm until professional emergency medical technicians could arrive.

Said Indianola Mayor Shaw, ''The police department always has a way to find out what you have been up to. But certainly when you've been up to good things, we like to recognize that. Suffice to say if you didn't save a life you saved a lot of potential heartache and with that, potential injuries.''

Christian Harris acted in heroism and kindness which is in all of us. He is an Iowan who has made central Iowa citizens and Indianola citizens very proud. He has dedicated his young life to doing what is right and not seek such attention. But it is with great honor that I recognize him today. I know that my colleagues in the U.S. House of Representatives join me in honoring Christian Harris for his courage and help. I thank him for his service and wish he and his family continued success in all his future endeavors.

CONGRATULATING SETON HALL UNIVERSITY ON ITS THIRTEENTH ANNUAL ''THE HALL ON THE HILL''

HON. DONALD M. PAYNE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. PAYNE. Mr. Speaker, I rise today to congratulate Seton Hall University on its thirteenth annual ''The Hall on the Hill,'' held today, June 15. I would like to invite everyone to celebrate the rising future of this great university, and its newly formed College of Communications and the Arts.

Founded in 1856 in the village of South Orange, New Jersey, which is in my district, Seton Hall University has been a staple of the New Jersey community, consistently ranking among the first tier of national universities. The university has continually made us proud in NCAA Division I intercollegiate basketball in the Big East conference, and has even churned out basketball legends who were inducted into the Hall of Fame such as Bob Davies. Seton Hall has also continued to impress through their distinguished alumni, including actor and athlete Chuck Connors, sportscaster Dick Vitale, and actor Dulé Hill.

Not only has Seton Hall University made an important impact on the lives of countless New Jerseyans, but I personally hold Seton Hall very close to my heart due to the positive impact it has had on my family. My late father, Donald M. Payne, attended Seton Hall University for his undergraduate career as a scholarship student and graduated in 1957. In honor of his passing and his compassion for humanity, the university launched a lecture series in his name to pay tribute to people who, like him, strive for a peaceful and a better future.

My father attributed the beginning of the formation of his life philosophy to his time at Seton Hall. The university also hosts the historical manuscript collection of his congressional papers, which were acquisitioned by the University in 2015 after his passing in 2012. The University now has these papers readily available for anyone wishing to gain insight into congressional affairs, as my father served Congress from 1989 to 2012. I am forever grateful for the opportunities that Seton Hall offered my father, and the opportunities it continues to offer to its students every year.

More of Seton Hall's talented alumni will be showcased through performances and artwork during this year's ''The Hall on the Hill.'' I invite all of you to show your appreciation for Seton Hall today and bring out your ''True Blue.'' Go pirates.

IN HONOR OF 2017 NASCAR HALL OF FAME INDUCTEE MARK MARTIN

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. HUDSON. Mr. Speaker, I rise today to honor and congratulate the racing legend Mark Martin upon his induction into the eighth class of the NASCAR Hall of Fame.

Ever since his early days it was clear that Mark Martin was born to race. At the age of 15 he won his first race at a local dirt track in Arkansas. In his very first season, he walked away with the state championship. Success followed him during every step of his journey which culminated in one of the most impressive careers in NASCAR history.

Upon his retirement from driving, Mark Martin had amassed 96 total wins across NASCAR's three national series. His accomplishments also include five second place finishes in the championship standings and 56 career poles. To say Mark Martin is a racing legend would be a gross understatement. A fierce competitor and true gentleman, Mr. Martin is the embodiment of racing and will now take his place among the greats in the NASCAR Hall of Fame.

This year's class was selected by a comprehensive voting panel that included track owners, retired competitors, industry leaders, members of the media, and a nationwide fan vote. In total, a group of five was chosen to join the ranks of other NASCAR legends in the Hall of Fame. Mr. Martin is extremely deserving of this honor and will now be enshrined forever for his contributions to the sport.

Mr. Speaker, please join me today in congratulating Mark Martin on his induction to the NASCAR Hall of Fame.

PERSONAL EXPLANATION

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. GOODLATTE. Mr. Speaker, I was in my District, the Sixth Congressional District of Virginia on Monday, June 13, and Tuesday, June 14, and therefore, missed recorded votes 297 through 303. Had I been present, I would have voted as follows:

YES on Recorded Vote 297, to Suspend the Rules and Pass H.R. 4939, the United States-Caribbean Strategic Engagement Act of 2016

YES on Recorded Vote 298, to Suspend the Rules and Pass H.R. 5312, the Network and Information Technology Research and Development Modernization Act

YES on Recorded Vote 299, on Ordering the Previous Question

YES on Recorded Vote 300, on Agreeing to H. Res. 778, Providing for a combined rule for consideration of H.R. 5053 and H.R. 5293

YES on Recorded Vote 301, to Suspend the Rules and Pass H.R. 5049, the NSF Major Research Facility Reform Act

NO on Recorded Vote 302, on a Motion to Recommit with Instructions H.R. 5053, the Preventing the IRS Abuse and Protecting Free Speech Act

YES on Recorded Vote 303, on Passage of H.R. 5053, the Preventing IRS Abuse and Protecting Free Speech Act

TRIBUTE TO SEMINOLE TEACHERS

HON. DAVID W. JOLLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. JOLLY. Mr. Speaker, I would like to recognize our Seminole-area educators, who make a difference throughout our community every day.

On May 17, 2016, educators from across Pinellas County gathered next to my office to be recognized for their efforts and the work they do for our Seminole community. While only a handful of teachers made it to the honoring ceremony, they represent the hundreds of teachers who change the lives of our youth daily.

We all have had favorite teachers growing up, an adult other than our parent who saw something in us and wanted to make sure we would succeed. I come from a family of educators and I have personally seen the impact a good teacher can have on their students.

Mr. Speaker, I want to thank and acknowledge the Seminole teachers for their hard work. They continue to better Pinellas County by caring for and working with our kids. I ask that this body join me in recognizing the service they do. We are very thankful for their hard work.

HONORING ELLEN AND PAUL LEWIS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. ENGEL. Mr. Speaker, when committed and proactive citizens are dedicated to the community, it is important to recognize and honor their actions. Ellen and Paul Lewis embody that type of commitment to the Shaarei Tikvah community.

Ellen grew up in Mt. Vernon, where her parents were active in the Emanuel Jewish Center. Ellen found a real passion in Hebrew School, becoming the first woman to chant Haftarah on a Shabbat morning in the early 1990s. Ellen later attended Tufts University, earning her Master's in Math Education at Yeshiva University and returned to Mt. Vernon upon graduation to teach math at Mt. Vernon High School.

Paul was born in Alton, Illinois, and later moved to Lake Charles, Louisiana. He attended St. Michaels College in Santa Fe, New Mexico, and earned his Master's Degree at Notre Dame.

Ellen and Paul were introduced while the two taught together in Mount Vernon. Their love story grew from there, and they married in August 1973. Together they have a daughter, Rachel, a pediatric critical care physician in the metropolitan area.

To both Ellen and Paul, Shaarei Tikvah means one word: community. At Shaarei Tikvah, Ellen has chaired the Adult Education Committee for ten years, the Ritual Committee for two years, and serving the Board of Trustees and the School Board. Ellen still reads Haftarah four to six times a year and often chants from the Megillah on Purim. Paul has also been actively involved in the Shaarei Tikvah community, knowing how important it is to both Ellen and the Scarsdale community as a whole.

This year, Shaarei Tikvah is honoring both Ellen and Paul at their annual JeoPARTY dinner. I want to congratulate both of them on this wonderful honor, and on the occasion and thank them for all they do for both the Shaarei Tikvah and Westchester Communities.

TRIBUTE TO NICK HARRIS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise to honor and congratulate Nick Harris of Atlantic, Iowa, for his selection by the Young Professionals of Atlantic for the Young Professional Newcomer Award. Nick is a representative of the Brocker, Karns, and Karns Insurance Agency.

Mr. Harris was selected for this honor because he has lived and worked in the Atlantic area for over two years, leaving an indelible impression by his contributions to the community. He is a leader in the community with undoubtedly, a lasting impact on Atlantic. He is an advocate of supporting local businesses and building relationships in the community. He leads the ''Around Atlantic'' campaign, introducing newcomers to the community and sharing all the positive things happening in Atlantic.

I applaud and congratulate Nick Harris for earning this award. He is a shining example of how hard work and dedication will affect the future of a community. I urge my colleagues in the U.S. House of Representatives to join me in congratulating Nick Harris for his many accomplishments and service to the Atlantic community. I wish him continued success in all his future endeavors.

TO EXTEND THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT

HON. DAN NEWHOUSE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. NEWHOUSE. Mr. Speaker, I rise today to introduce my legislation that extends the deadline for commencement of construction of a hydroelectric project in my district. Specifically, this legislation will provide for a commencement of construction deadline extension for the Enloe Dam Hydroelectric Project that is being developed in Washington State by the Okanogan Public Utility District, in partnership with Energy Northwest.

On July 9, 2013, the Federal Energy Regulatory Commission (FERC) granted the Okanogan Public Utility District an original license for the Enloe Dam Hydroelectric Project, which will be located at the existing Enloe Dam that is situated about 3.5 miles northwest of the City of Oroville in the State of Washington. The current Enloe Dam was constructed in 1920 on Bureau of Land Management (BLM) land for power generation. However, operations ceased in 1958 when the extension of Bonneville Power Administration's high voltage transmission line into the Okanogan Valley provided a less expensive source of power. The proposed Enloe Dam Hydroelectric Project makes economic and environmental sense as it will convert currently untapped energy in existing flow releases into clean, renewable electricity.

The Enloe Dam Hydroelectric Project will have a footprint that is roughly half the size of the existing facility but will provide approximately three times the generating capacity of the decommissioned plant. Completion of the Project will provide Washingtonians and the Pacific Northwest region with a clean, renewable energy resource that generates an estimated 45,000 megawatt hours per year of carbon-free, renewable power. Additionally, the proposed project will create jobs and needed employment opportunities in a region with an unemployment rate that far exceeds the national average, underscoring the many positive benefits this project will have for the local community, state, and region.

The legislation will allow for development of this critical hydropower facility to move forward under a realistic regulatory timeline and in a manner consistent with prior Congressional actions on similar projects. By passing this measure and extending the commencement of construction deadline for the Enloe Dam Hydroelectric Project, Congress can help spur hydropower development in Central Washington and ensure the Project's many benefits are realized. For these reasons I urge my colleagues to support this commonsense legislation, which will have a positive and lasting impact on the region's energy supply and economic viability.

IN HONOR OF GEORGETTE WHITE MOON'S PUBLIC SERVICE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Georgette White Moon's years of public service.

City Councilwoman Moon was elected in 2004 and will retire this year. She represents District 3 on the Tuskegee City Council in Tuskegee, Alabama.

She was born to the late George and late Carrie White and earned her Bachelor's degree at Alabama State University. Next Ms. Moon earned her Master's degree at Michigan State University and pursued postgraduate studies at Tuskegee University.

She is an active member of Alpha Kappa Alpha Sorority, Inc., Friends of the Tuskegee Airmen National Historic Site and Bethel Baptist Church.

She received numerous honors as a teacher and taught in schools in Florida, South Carolina, Washington, D.C., Colorado, Virginia, Japan, and Alabama. She was the first African-American to teach at Punaho School that President Obama attended in Hawaii.

She returned to Tuskegee after retiring from her teaching career. As a city councilwoman, some of her accomplishments include: downtown improvements, development of Washington Plaza, increased number of retail stores and sales tax revenues and street paving in several neighborhoods.

She also served eight years on the Utilities Board of Tuskegee and on Head Start Policy Council.

She has a daughter, Antoinette Moon Harlan; a son-in-law, Robert Harlan; and a grandchild, Aspen Moon Harlan.

Mr. Speaker, please join me in recognizing Honorable City Councilwoman Georgette White Moon and her service to the city of Tuskegee.

RECOGNIZING MICHAEL RUBINGER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Ms. KAPTUR. Mr. Speaker, I rise today to recognize Michael Rubinger, President and CEO of the Local Initiatives Support Corporation (LISC).

Mr. Rubinger will be retiring from LISC later this month after 17 years as its creative and results driven CEO. During his tenure, LISC has grown into one of the largest and most well respected non-profits focusing on community and economic development in distressed neighborhoods throughout the country.

LISC equips struggling communities with the capital, strategy and technical expertise to make change imaginable. Working with local leaders, LISC invests in housing, health, education, public safety and employment—all basic needs that need to be addressed at the same time for communities to succeed.

Michael Rubinger was hired as a LISC program officer shortly after the establishment of the organization. He now completes his more than four decades of service to the organization and leaves in place a reliable, constructive, and innovative partner in community redevelopment made stronger by his stewardship and leadership and the lasting impact that his career has made on the community development field.

Among other notable achievements, Michael oversaw the development and implementation of LISC's Building Sustainable Communities initiative, a transformative approach to investing in communities which focuses on proving a comprehensive framework to meeting the needs of the community, including investments in housing, economic development, income and wealth building, education, health, and community safety.

LISC and hundreds of neighborhoods across the country are stronger because of Michael Rubinger's vision for healthy and robust communities. He knows the importance of hearing the voices of those in the community and of making sure that key local stakeholders come together to find common ground.

Michael is leaving LISC on a high note. 2015 was among the best years in LISC's history, including a record number of program and investment milestones, such as financing 21,000 affordable homes and apartments, opening its 80th Financial Opportunity Center in order to help residents build a more stable future, and establishing new partnerships nationwide. All of that contributed to LISC's $1.3 billion in program and investment activity for 2015, an amazing accomplishment.

I have seen firsthand his influence in Toledo, Ohio. His comprehensive approach to revitalization was evident when LISC opened its Toledo office in 1989. It was my honor to introduce LISC to Toledo back then, and I am proud to be associated with the organization that has helped distressed neighborhoods across Ohio.

With 16,000 Toledo homeowners unable to afford the cost of major exterior maintenance, Toledo LISC, the Toledo Fair Housing Center and the Lucas County Land Bank created the Martin Luther King, Jr. Inclusive Communities initiative to help those in need.

In 2015, nearly 150 families were provided with a complete roof and gutter replacement. The roof and gutter replacements have helped individual homeowners, who live at or below 120 percent AMI, to preserve their property while shoring up Toledo's housing stock overall.

These homeowners also participated in financial literacy and homeownership counseling workshops offered by two LISC-backed Financial Opportunity Centers (FOCs). The FOCs provided counseling and education to 234 homeowners who applied under the program.

I am especially proud of Toledo LISC's work but also know that these efforts are not unique to Toledo—that similar stories have occurred in the 30-plus cities where LISC offices are located, as well as in the over 14,000 rural counties that LISC serves through its national rural program, Rural LISC.

It is with great admiration that I pay tribute to Michael Rubinger and to his legacy of service on behalf of low-income families and communities. His unwavering dedication to making communities better and more viable through economic development initiatives in hundreds of urban and rural areas should be commended.

I know my colleagues in the House of Representatives will join me in congratulating Michael Rubinger on his retirement and in thanking him for his noble choice to spend his most productive years in making America and her neighborhoods better for his efforts.

TRIBUTE TO MAURICE HERR

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize Maurice Herr of Dallas Center, Iowa, on the celebration of his 100th birthday. He spent a lifetime farming and raising his family in the Dallas Center area. As a farmer by profession, it is only fitting that Mr. Herr is an avid John Deere collector, showing off many of his collectibles and memorabilia at his residence. He is an avid Iowa Hawkeyes fan, as evidenced by his ever-present Hawkeye cap.

Our world has changed immensely during the course of Maurice's life. Since his birth, we have revolutionized air travel and walked on the moon. We have invented the television, cellular phones, and the internet. We have fought in wars overseas, seen the rise and fall of Soviet communism, and witnessed the birth of new democracies. Mr. Herr has lived through seventeen United States Presidents and twenty-one Governors of Iowa. In his lifetime, the population of the United States has more than tripled.

Mr. Speaker, it is an honor to represent Mr. Herr in the United States Congress. It is my pleasure to wish him a very happy 100th birthday. I ask that my colleagues in the United States House of Representatives join me in congratulating Maurice Herr for reaching this incredible milestone and in wishing him nothing but the best.

TRIBUTE TO KEVIN HENDRICK

HON. DAVID W. JOLLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. JOLLY. Mr. Speaker, I want to recognize Mr. Kevin Hendrick for receiving the Governor's Shine Award.

Mr. Hendrick is the principal of Northeast High School in St. Petersburg and received the award for his contributions to education at his school. Mr. Hendrick has been involved with schools for eighteen years, and is a past recipient of the Principal of the Year award.

Mr. Hendrick utilizes Advancement Via Individual Determination (AVID), a program to help diminish the achievement gap for students who are the first member of their family to go to college.

Mr. Speaker, I want to thank Mr. Kevin Hendrick for his commitment to our community and for ensuring students can reach their goals. I ask that this body join me in recognizing Mr. Hendrick for his hard work and congratulating him on receiving the Shine Award. It is most deserving.

HONORING ELISE AND BARRY RICHMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. ENGEL. Mr. Speaker, I rise today to honor two members of the New Rochelle community who this year have the distinct privilege of being named honorees at the Beth El Synagogue Annual Gala, Elise and Barry Richman.

For nearly 30 years, Elise and Barry have been dedicated and active members of the Beth El community in New Rochelle. Elise grew up in Yonkers, where her parents remain members. She attended Hebrew School, celebrated her bat mitzvah, and led Junior Congregation services there. When LPJC started sending its Hebrew School graduates to Beth El's Community Hebrew High School, Elise was in the first group of students to carpool to New Rochelle. After high school, Elise headed to Boston to attend the Boston University where she met Barry. Three years later, they were married. In 1987, expecting their first child, the Richmans decided to move to New Rochelle to be closer to family.

Elise and Barry happily relocated and immediately joined Beth El Synagogue Center, since Elise's older brother Teddy and wife, Beth, were already members, and her former teacher, Rabbi Sirner, was now Beth El's senior rabbi. As Elise and Barry's family grew, it was enriched by Beth El in countless ways. Not only did they regularly attend Shabbat and holiday services with their family, their children benefitted from Beth El's terrific Nursery School, summer camp, Religious School, youth services, and programming.

But Elise and Barry take the greatest pride in their three grown children, Nate, Allison, and Jason, all living in Manhattan. They are the light of the happy couple's lives, and each one is incredibly accomplished and successful in their own right.

The Beth El Synagogue community is lucky to have Elise and Barry, and they are very worthy of this honor. Congratulations to them.

IN HONOR OF 2017 NASCAR HALL OF FAME INDUCTEE BENNY PARSONS

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. HUDSON. Mr. Speaker, I rise today to honor and remember my friend, the late racing legend, Benny Parsons upon his induction into the eighth class of the NASCAR Hall of Fame.

While he was born in Ellerbe, North Carolina, Benny Parsons grew up in the beautiful Blue Ridge Mountains of Wilkes County. After high school he moved to Detroit, Michigan to work for his father's taxi company. After being invited to a local race track by a customer, fate intervened when he was asked to be the driver for the race that night. In that moment a racing legend was born.

In 1970, Mr. Parsons joined the NASCAR circuit full time as a driver and it wasn't long until he won his first championship. A humble victor, he was described by many as an ''everyman champion.'' In his career as a driver he amassed 21 victories and managed to finish in the top ten 283 times, roughly 54 percent of his races. Following his driving career, he seamlessly transitioned to television as a very popular announcer until his death in 2007. I got to know Benny while serving on a YMCA board that he chaired in Concord, NC. I will always remember his integrity, humble nature and infectious humor. While he is sorely missed by the racing community, his legacy will now live on as a member of the Hall of Fame.

This year's class was selected by a comprehensive voting panel that included track owners, retired competitors, industry leaders, members of the media, and a nationwide fan vote. In total, a group of five was chosen to join the ranks of other NASCAR legends in the Hall of Fame. Mr. Parsons is extremely deserving of this honor and will now be enshrined forever for his contributions to the sport.

Mr. Speaker, please join me today in honoring Benny Parsons, a 2017 inductee of the NASCAR Hall of Fame.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $19,222,275,711,902.53. We've added $8,595,398,662,989.45 to our debt in 6 years. This is over $7.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

TRIBUTE TO CHRISTINA BATEMAN

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise to honor and congratulate Christina Batemen of Atlantic, Iowa, for her selection by the Young Professionals of Atlantic for the Young Professional Public Service Award. Ms. Bateman is a representative of the Meyer and Gross Real Estate Agency.

Christina Bateman was selected for this recognition for her outstanding leadership and integrity in social and civic activities as well as her dedication to the Atlantic community. Christina is a constant advocate for the greater good in the Atlantic area. Many have said she is a ''perfect fit'' for this award because of her involvement in various community and civic organizations in the community.

I applaud and congratulate Christina Bateman for earning this award. She is a shining example of how hard work and dedication can affect the future of a community. I urge my colleagues in the U.S. House of Representatives to join me in congratulating Christina Bateman for her many accomplishments and for her service to Iowa as well as to the Atlantic community. I wish her continued success in all her future endeavors.

RECOGNIZING THE WORK OF DOMENIKA LYNCH

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to thank Domenika Lynch for her ten years of service as the executive director of the University of Southern California's (USC) Latino Alumni Association (LAA), and also to congratulate her on becoming the next president and CEO of the Congressional Hispanic Caucus Institute (CHCI) in Washington, DC.

Ms. Lynch has dedicated years of her personal and professional life to serving Latinos and the greater Los Angeles community. In addition to her work for the LAA, Domenika has been a part of the USC Neighborhood Outreach Grants Committee, has been named a Los Angeles Community Hero by Telemundo, has received an Educational Leadership Award from Saber es Poder, and has served on a variety of scholarship and advocacy boards.

A Trojan alumna herself, Domenika has been a thoughtful and successful leader of one of the strongest Latino alumni associations in the country. During her time guiding the LAA, it has continued to invest in student scholarship and mentorship support, while effectively engaging alumni, building campus and community partnerships, and securing philanthropic support.

Under her tenure, the LAA, its Board of Directors, its Corporate Advisory Council, and its alumni volunteers have raised over $15 million towards scholarships and other key university initiatives. Today, the LAA is stronger than ever. Its endowment has more than tripled, and its donor base is growing. This type of engagement creates an environment for students to thrive, and encourages these students to remain committed to their USC community long after they have left campus.

I am confident that Ms. Lynch will be equally successful in leading CHCI, which has been a trailblazer in developing the next generation of Latino leaders in our nation's capital. As our country writes another chapter in its history, Domenika's guidance will ensure that CHCI continues to increase opportunities for young Latinos, and keeps encouraging greater diversity and equity in the ranks of America's future leaders.

I ask my colleagues to join me in saluting Domenika Lynch for her outstanding record of leadership and service, and in wishing her the very best as she begins the newest chapter of her career.

PERSONAL EXPLANATION

HON. MARK SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. SANFORD. Mr. Speaker, with it being Primary Day back in South Carolina, I returned home to vote but unfortunately did not make it back in time for the first vote series in the House yesterday. Had I been present, I would have voted ''yea'' on roll call 299, ''aye'' on roll call 300, and ''yea'' on roll call 301.

CONGRATULATING THE BULL RUN CIVIL WAR ROUND TABLE ON ITS 25TH ANNIVERSARY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. CONNOLLY. Mr. Speaker, I rise today to recognize the Bull Run Civil War Round Table on the occasion of its 25th anniversary.

Established on May 9, 1991, the Bull Run Civil War Round Table (BRCWRT) was founded to promote a better understanding of the Civil War and preserve the historic sites associated with the War's most important moments. Through lectures, research, field trips and active participation in the stewardship of Civil War sites, the group has made a lasting contribution to the preservation of Civil War history.

In order to promote a passion for history in the next generation, the BRCWRT awards annual scholarships to students who have researched and written about the War's remaining untold stories and mysteries. The

BRCWRT also offers a variety of programs featuring knowledgeable, respected Civil War historians, academics, writers, and lecturers to educate enthusiasts and the general public. I have been proud to be a partner in the promotion and preservation of our region's rich Civil War history during my time in Congress and as a member of the Fairfax County Board of Supervisors.

The Civil War was a fateful moment in our nation's history. The War pitted brother against brother and threatened to tear apart the fabric of our young republic. Preservation of historic battlefields, homes, and other monuments ensures that we will never forget the sacrifices and pain the Civil War inflicted upon our nation, and, hopefully, through remembrance and understanding we heed the lessons of our past.

Mr. Speaker, I ask my colleagues to join me in congratulating the Bull Run Civil War Round Table on the occasion of its 25th anniversary and in commending the organization for its efforts to preserve Civil War history.

RECOGNIZING DAVID CHRISTOPHER MEYER

HON. KEN BUCK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. BUCK. Mr. Speaker, I rise today to recognize David Christopher Meyer of Boy Scouts of America Troop 261. On July 2nd of this year, David will be awarded the rank of Eagle Scout for his outstanding accomplishments.

Throughout his time in scouting, David has grown to be a leader of other young men and is dedicated to the service of others. He graduated Big Horn National Youth Leadership training, served as a crew leader on an 85 mile backpacking trek at Philmont Scout Ranch, has been elected to the Order of the Arrow, and is currently serving as his troop's Senior Patrol Leader.

For his Eagle project David worked with Drifter's Hearts of Hope, a nonprofit institute that rescues horses selected for slaughter and uses them for therapy with disabled children. After rescuing a mare named Cabo, David and his team designed and built a shelter for her. Cabo was then designed to David's childhood friend, who has been battling a life threatening illness. David received the Eagle Project of the Year Award for the Pioneer Trails District for his project, being one of 8 young men recognized by the Optimist Club out of nearly 500 Eagle Scouts.

Mr. Speaker, it is an honor to recognize David Christopher Meyer for his many accomplishments.

TRIBUTE TO GEETIKA KANAPARTI

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Geetika Kanaparti of West Des Moines, Iowa for recognition as a Delegate at the Congress of Future Medical Leaders, sponsored by The National Academy of Future Physicians and Medical Scientists. Geetika is one of six State of Iowa honor students selected to attend.

Geetika is an exceptional student, high-achieving in academics and all-around service. This Congress of Future Medical Leaders is an honors-only program for high school students who will seek to become physicians or enter the medical research field. The Congress of Future Medical Leaders honors, inspires and motivates high school students like Geetika as a luminary in the advanced study of medicine.

Geetika Kanaparti is a student from West Des Moines, Iowa and was nominated by The National Academy of Future Physicians and Medical Scientists because of academic excellence and civic-minded responsibilities.

Geetika makes a difference by serving others. It is with great honor that I recognize Geetika today. I know that my colleagues in the U.S. House of Representatives join me in honoring Geetika Kanaparti's accomplishments. Geetika will obtain the goals and dreams of many medical professionals.

IN HONOR OF 2017 NASCAR HALL OF FAME INDUCTEE RICHARD CHILDRESS

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. HUDSON. Mr. Speaker, I rise today to honor and congratulate racing legend and my friend Richard Childress upon his induction into the eighth class of the NASCAR Hall of Fame.

Mr. Childress began his racing career at the age of seventeen when he bought his first race car for $20. He may not have known it then, but this was the very beginning of what would become one of the most legendary careers in the history of motorsports. As a driver, Richard Childress enjoyed success including six top-five finishes and 76 top 10's. In 1981, he retired from driving to focus on leading Richard Childress Racing which he had founded nine years earlier.

Through the years Richard Childress established his team as the preeminent force in NASCAR. In 1984, ''The Intimidator'' Dale Earnhardt returned to Richard Childress Racing to create one of the most successful partnerships ever. Winning six championships together, the pair solidified their place in the record books. In total, Childress has won 11 championships making him second on the all-time list for owners. Mr. Childress' contributions to racing are truly immeasurable and now he will be remembered forever as a member of the Hall of Fame.

Mr. Childress has also made a great impact on the community by serving others outside of racing. In 2008, the Childress family launched the Childress Institute for Pediatric Trauma in coordination with Wake Forest Baptist Medical Center in Winston-Salem, NC. Through their work, the Childress Institute has led the way in the pioneering prevention and treatment techniques for severe injuries in children. Mr. Childress and the Childress Institute have been instrumental in raising national awareness of this issue including the launch of the Congressional Pediatric Trauma Caucus.

This year's class was selected by a comprehensive voting panel that included track owners, retired competitors, industry leaders, members of the media, and a nationwide fan vote. In total, a group of five was chosen to join the ranks of other NASCAR legends in the Hall of Fame. Mr. Childress is extremely deserving of this honor for his many contributions to the sport.

Mr. Speaker, please join me today in congratulating Richard Childress, his wife Judy, and their entire family on Richard's induction to the NASCAR Hall of Fame.

TRIBUTE TO JEREMY TINTER AND NICHOLAS EBERHARDT

HON. DAVID W. JOLLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. JOLLY. Mr. Speaker, I would like to recognize Jeremy Tinter and Nicholas Eberhardt who received the American Ambulance Association's Stars of Life Award. The National Award recognizes those professionals with outstanding service and dedication.

Mr. Tinter is a paramedic and a clinical services coordinator. He oversees employee orientation and acts as the field training officer at Sunstar Paramedics. He has overhauled the orientation process to increase the capstone testing rates and onboard new paramedics more efficiently.

Mr. Eberhardt is an emergency medical technician who has shown great leadership skills by mentoring new employees and providing excellent patient care. He was also a part of the team that started the Paramedics Plus' operation in South Dakota. He has previously received the Sunstar Paramedics' Care Plus award.

Mr. Speaker, I want to recognize these two exceptional individuals for the hard work and care they provide to Pinellas County. They give their time to help members of our community in life threatening incidents. I ask that this body join me in recognizing their efforts.

HONORING COMMUNITY PROJECTS, INC.

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Community Projects, Inc., which is celebrating its 75th year supporting community organizations in Napa, California.

Community Projects, Inc. has operated as a nonprofit, nonsectarian woman's volunteer organization since its founding in 1941. Formerly called the Napa Chapter of the British War Relief, its original members sewed and prepared ''Bundles for Britain,'' which provided

clothing to families in the United Kingdom during World War II.

The organization changed its name to Community Projects, Inc. after the war ended, shifting its focus from aiding families affected by conflict abroad to supporting local schools, clubs, and social services with proceeds raised from thrift shop sales. Community Projects, Inc. eventually moved to a larger facility on Franklin Street, which was expanded in 1980 to accommodate the organization's progress.

Since its incorporation, Community Projects, Inc. has raised over $11 million for philanthropic causes in our Napa community. Local organizations that received major grants in 2015 include Girls on the Run, the Napa Food Bank, and the Pathway Home. Community Projects, Inc. also provided more than $100,000 in donations to local schools and student scholarships. Volunteer members of Community Projects, Inc. make the organization's work possible, and they collectively contributed 44,020 hours during 2015, including countless hours to make two major annual events possible, ''Puttin on the Glitz'' and ''Treasures of Christmas Past.''

Mr. Speaker, Community Projects, Inc. is an exemplary organization that makes a meaningful impact in our community. And thanks to its unrivaled dedication to charitable giving, Community Projects, Inc. will continue to benefit Napa County for generations. Therefore, it is fitting and proper that we honor Community Projects, Inc. here today.

TRIBUTE TO KAYLA MAYHEW

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Kayla Mayhew of Glenwood, Iowa, for recognition as a Delegate at the Congress of Future Medical Leaders, sponsored by The National Academy of Future Physicians and Medical Scientists. Kayla is one of six State of Iowa honor students selected to attend.

Kayla is an exceptional student, high-achieving in academics and all-around service. This Congress of Future Medical Leaders is an honors-only program for high school students who will seek to become physicians or enter the medical research field. The Congress of Future Medical Leaders honors, inspires and motivates high school students like Kayla Mayhew as a luminary in the advanced study of medicine.

Kayla Mayhew is a student at Glenwood Senior High School in Glenwood, Iowa. She was nominated by school officials and The National Academy of Future Physicians and Medical Scientists because of academic excellence and civic-minded responsibilities.

Kayla makes a difference by serving others. It is with great honor that I recognize Kayla Mayhew today. I know that my colleagues in the U.S. House of Representatives join me in honoring her accomplishments. Kayla Mayhew will obtain the goals and dreams of many medical professionals.

TRIBUTE TO ROBIN READ BRUNELLI

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2016

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on June 2, 2016, Robin Read Brunelli passed away after a prolonged struggle with heart failure. Robin was President and CEO of the National Foundation for Women Legislators (NFWL) from 1992 to 2012 and made an extraordinary impact on women in politics.

Robin was born in Shenandoah, Iowa, on March 7, 1943. She attended the University of New Mexico where she was a big reader of the works of William Shakespeare. For the twenty-two years she lived in Albuquerque, she was a realtor, a much loved high school teacher, and the host of a cooking and recipe show called ''Kitchen Klatter.''

For the two decades she was at the NFWL, Robin helped transform the organization. The NFWL has served as a forum for elected women nationwide to be empowered. The organization includes all women elected at the city, county, and state levels.

From 1985 to 1992, Robin served as a Presidential appointee serving the Governors of the Federal Reserve Board. Robin helped improve the effectiveness of training at the Fed's banking school. Robin continued to serve the community by serving on the boards of numerous nonprofits and corporations. Her most proud work was for the National Women's History Museum.

Robin was a lifelong member of the Church of Christ, Scientist, and lived a devout life.

Robin is survived by her loving husband and two daughters. She leaves behind an amazing legacy of service to her community and will remain a model for young women to exemplify. Her memory and achievements will never be forgotten.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 16, 2016 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 21

9:30 a.m.

Committee on Commerce, Science, and Transportation

Subcommittee on Communications, Technology, Innovation, and the Internet

To hold an oversight hearing to examine FirstNet, focusing on an update on the status of the Public Safety Broadband Network.

SR–253

Committee on the Judiciary

To hold hearings to examine the nominations of Jennifer Klemetsrud Puhl, of North Dakota, to be United States Circuit Judge for the Eighth Circuit, Donald C. Coggins, Jr., to be United States District Judge for the District of South Carolina, David C. Nye, to be United States District Judge for the District of Idaho, and Kathleen Marie Sweet, to be United States District Judge for the Western District of New York.

SD–226

10 a.m.

Committee on Banking, Housing, and Urban Affairs

To hold hearings to examine the semi-annual monetary policy report to the Congress.

SH–216

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine the ideology of ISIS.

SD–342

2:30 p.m.

Committee on Energy and Natural Resources

Subcommittee on Public Lands, Forests, and Mining

To hold an oversight hearing to examine the Bureau of Land Management's Planning 2.0 initiative.

SD–366

Committee on Foreign Relations

To hold hearings to examine the nominations of Anne Hall, of Maine, to be Ambassador to the Republic of Lithuania, and Lawrence Robert Silverman, of Massachusetts, to be Ambassador to the State of Kuwait, both of the Department of State.

SD–419

Committee on Health, Education, Labor, and Pensions

Subcommittee on Primary Health and Retirement Security

To hold hearings to examine small business retirement pooling, focusing on examining open multiple employer plans.

SH–216

Committee on Veterans' Affairs

To hold hearings to examine the nomination of Christopher E. O'Connor, of Virginia, to be an Assistant Secretary of Veterans Affairs, Congressional and Legislative Affairs.

SR–418

JUNE 22

10 a.m.

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine renewing communities and providing opportunities through innovative solutions to poverty.

SD–342

Committee on the Judiciary
To hold an oversight hearing to examine the Drug Enforcement Administration.
SD–226

10:30 a.m.
Committee on Foreign Relations
To hold closed hearings to examine security assistance, focusing on cutting through a tangled web of authorities.
SVC–217

2:15 p.m.
Committee on Indian Affairs
To hold an oversight hearing to examine accessing Department of Agriculture rural development programs in native communities.
SD–628

2:30 p.m.
Committee on Environment and Public Works
Subcommittee on Clean Air and Nuclear Safety
To hold hearings to examine pathways towards compliance of the National Ambient Air Quality Standard for ground-level ozone, including S. 2882, to facilitate efficient State implementation of ground-level ozone standards, and S. 2072, to require the Administrator of the Environmental Protection Agency to establish a program under which the Administrator shall defer the designation of an area as a nonattainment area for purposes of the 8-hour ozone national ambient air quality standard if the area achieves and maintains certain standards under a voluntary early action compact plan.
SD–406

Committee on Veterans' Affairs
To hold hearings to examine the progress and challenges in modernizing information technology at the Department of Veterans Affairs.
SR–418

JUNE 23

10 a.m.
Committee on Energy and Natural Resources
To hold hearings to examine an original bill entitled, ''Wildfire Budgeting, Response and Forest Management Act of 2016''.
SD–366

Committee on Homeland Security and Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine customer service and billing practices in the cable and satellite television industry.
SD–342

JUNE 28

2:30 p.m.
Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining
To hold an oversight hearing to examine the status of the Bureau of Land Management and Forest Service's efforts to implement amendments to land use plans and specific management plans regarding sage grouse conservation, and those agencies' coordination activities with affected states.
SD–366

JUNE 30

10 a.m.
Committee on Small Business and Entrepreneurship
To hold hearings to examine small business survival amidst flood insurance rate increases.
SR–428A

JULY 13

10:30 a.m.
Committee on Appropriations
Subcommittee on Military Construction and Veterans Affairs, and Related Agencies
To hold hearings to examine a review of the Department of Veterans Affairs' electronic health record (VistA), progress toward interoperability with the Department of Defense's electronic health record, and plans for the future.
SD–124

JULY 14

10 a.m.
Committee on Banking, Housing, and Urban Affairs
To hold hearings to examine evaluating the financial risks of China.
SD–538

HOUSE OF REPRESENTATIVES—*Thursday, June 16, 2016*

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Merciful God, thank You for giving us another day.

As we come to the end of a legislative week, begun after a most terrible tragedy in Orlando, we ask Your blessing of strength and perseverance that each Member might best serve their constituents and our entire Nation.

May it be their purpose to see to the hopes of so many Americans that they authenticate the grandeur and glory of the ideals and principles of our Republic with the work they do.

Grant that the men and women of the people's House find the courage and wisdom to work together to forge solutions to the many needs of our Nation and ease the anxieties of so many.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Connecticut (Mr. COURTNEY) come forward and lead the House in the Pledge of Allegiance.

Mr. COURTNEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

SUPPORTING USE OF AMERICAN ENERGY SOURCES AT MILITARY INSTALLATIONS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise to oppose entering into contracts for energy or fuel with the Russian Federation for the purpose of heating our military installations.

I have longstanding concerns regarding the prospect of American military installations in Europe being exposed to unnecessary vulnerabilities as a result of becoming dependent upon foreign energy resources. Russian natural gas already makes up a majority of the fuel mix used at some military posts, and we cannot allow Russian coal or natural gas to take control of the difference.

This is a national security issue. By purchasing energy from areas that are impacted by volatile international or regional politics, we are putting our troops and their dependents at risk.

The United States has become the North American energy giant. With congressional action to lift a 40-year moratorium on crude oil exports, we are seeing new markets develop. We must ensure our families in Europe are provided a choice. Similarly, we must utilize American-sourced energy to strategically support our military installations overseas.

This is about countering Russian aggressions—saying ''no'' to Russian energy and saying ''yes'' to American jobs and security.

VOTE ON NO FLY, NO BUY

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, President Calvin Coolidge once said that nothing in the world can take the place of persistence. Talent will not. Genius will not. Education will not. Persistence and determination alone are omnipotent.

Yesterday, U.S. Senator CHRIS MURPHY of Connecticut reminded us of the truth of that statement when, for 15 hours, he stood on the floor of the United States Senate and refused to yield until he got a commitment from the Republican leadership of the Senate to hold a vote on a no fly, no buy piece of legislation to restrict people on the terrorist watch list from buying firearms and also for having a commonsense background check reform which allows Internet sales and gun show sales to be included in the background check system, which is supported by 53 percent of NRA households.

Mr. Speaker, finally, at 2:11 a.m., he got a commitment for those votes. I congratulate him. I am proud of him, as a fellow Connecticut citizen, for the persistence and courage that he demonstrated to the world yesterday on the floor of the United States Senate.

It is time for us now in the House to do the same. We have tried 12 times in the House to force a vote on these measures, which the public is craving by huge majorities. After the events of this last week, it is time for us to listen to CHRIS MURPHY, to follow his example, to thank him for his leadership and persistence and courage. Let's do what the American people are looking for: ways to protect us from these mass shootings of which there are far too many and that are far too damaging to the people of this country.

GULFSTREAM G650ER ADDS ANOTHER SPEED RECORD

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise to recognize another milestone that has been achieved by the Gulfstream Aerospace Corporation with the G650ER airplane's most recent city-to-city record.

This time, the aircraft and crew, which included pilots Todd Baker, Eric Kauber, Jon Wolfe, and flight attendant Elisa Dichiara, departed from the Sydney Airport in Sydney, Australia, at 7:11 a.m. local time and landed at Los Angeles International Airport at 1:51 a.m. local time.

The flight only took 12 hours and 40 minutes, with an average cruise speed of Mach 0.86. The record was approved by the U.S. National Aeronautic Association, and it will most likely be approved as a world record by the International Federation in Switzerland. Together, the Gulfstream's airplanes G650ER and its sister plane, the G650, hold more than 55 total world records.

I am very proud to represent Gulfstream's facility, located in Savannah, Georgia, which is a world leader in private planes, one of Georgia's First Congressional District's largest employers and a constant producer of truly amazing airplanes. I congratulate them on their success.

RESPECT AND DIGNITY FOR OUR LGBT NEIGHBORS

(Ms. PINGREE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PINGREE. Mr. Speaker, on a summer day in 1984, a young gay man named Charlie Howard was walking down the street in Bangor, Maine. A car full of teenagers pulled up, and they started yelling slurs at him. They chased him down, beat him up, and threw him in a river, where he drowned.

Since then, we have made a lot of progress on LGBT rights in Maine. We passed civil rights protections, and we passed marriage equality. In Maine, as in the rest of the country, we have come far; but as the shooting in Orlando has reminded us, we still have a long way to go. We are reminded that LGBT men or women can suddenly find themselves facing the same fear that Charlie Howard probably felt on that bridge in Bangor, Maine, over 30 years ago.

Civil rights and marriage equality are very important, but they are not enough. We must not rest until our LGBT neighbors enjoy the respect and dignity that they deserve and until they do not feel that their safety is at risk because of who they are.

CELEBRATING THE LIFE OF RON BULLOCK

(Mr. HULTGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HULTGREN. Mr. Speaker, I rise to celebrate the life of Ron Bullock, who passed away on June 8 at the age of 73. Ron was an entrepreneur and a champion of Illinois and of American manufacturing.

Born in 1942 in Dayton, Ohio, Ron graduated from Wright State University with a degree in aeronautical engineering. In 1987, he founded Bison Gear & Engineering in St. Charles, Illinois. Their gear and gear boxes are found in everything from ice machines to massage beds. He also served as chairman of the Manufacturing Institute, the Illinois Manufacturers' Association, and the IMA's Education Foundation.

Ron worked personally with me and my staff on legislation to help manufacturers expand and hire more people. He gave back to his community, enlisting his employees through BisonCares to help people in need. He was a founding member of the Illinois P–20 Council, which is dedicated to providing educational opportunities for students across Illinois.

A husband, a father, a grandfather, Ron led an exemplary career and life, and he will be missed.

STOP GUN VIOLENCE

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, the Orlando shooting reminds us there is too much that has been left undone to stop gun violence.

The Republicans have voted 13 times to retain the outrageous loophole that allows suspected terrorists to legally purchase weapons—and not just on the House floor. The Republican majority rejected my no fly, no buy amendment five times in the Appropriations Committee.

In a 2011 video, al Qaeda noted the accessibility of guns in the U.S., asking: So what are we waiting for?

The real question is: What are we waiting for? Americans agree with prohibiting terror suspects from purchasing guns, and Congress is overdue to act.

DELAWARE VALLEY REGIONAL HIGH SCHOOL VARSITY BASEBALL TEAM

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Mr. Speaker, I rise to congratulate the Delaware Valley Regional High School varsity baseball team for winning the 2016 New Jersey Group 2 State Championship.

After a season of hard work and determination, these talented young men defeated Delran High School 3–2 to bring home their first title since 1959. The team accomplished an unprecedented season performance with 18 wins.

I congratulate superintendent Daria Wasserbach, principal Adrienne Olcott, head coach Marty White, athletic director Bill Deniz, and captains C.J. Schaible, Christian Hlinka, Scott Becker, Jake Brogan, and Kevin Delatte, as well as all of their teammates, for their hard work and dedication to the team. This marks another proud accomplishment for the Delaware Valley Regional High School Athletics Department.

These talented young men should be proud of their hard work, and I congratulate them on the outstanding achievement of bringing the title back to their school.

Well done, Terriers.

CLOSE THE GUN LAW LOOPHOLES

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, this morning, as I watched some news reports of my good friend CHRIS MURPHY's closing comments on the Senate floor, I thought about another period of time in this country that focused on some real troubling circumstances that existed. A man named Thomas Paine sat down to write what he felt.

He wrote: ''These are times that try men's souls. The summer soldier and the Sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands by it now deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us that, the harder the conflict, the more glorious the triumph.''

We are living in some trying times. This House, for some reason, is refusing to stand up and face the consequences of what we are about to live if we don't close these loopholes that exist in our gun laws.

Mr. Speaker, in a few minutes, we are going to be debating a piece of legislation that we have already voted on, but it didn't stop Orlando or Charleston. Tomorrow, as we commemorate the first anniversary of the Emanuel nine, I would hope we would give serious consideration to closing these loopholes.

HONORING THE MEMORY OF ROD BLUECHEL

(Mr. NEWHOUSE asked and was given permission to address the House for 1 minute.)

Mr. NEWHOUSE. Mr. Speaker, I rise to honor the memory of a veteran who always looked for ways to serve his brothers in arms.

This Saturday, June 18, Rod Bluechel will be inducted into the Vietnam Memorial's In Memory program, which honors many veterans whose eventual passings were related to their service.

Rod served honorably in the United States Army from 1960 to 1963, during which time he deployed to Vietnam. On April 2, 2014, Mr. Bluechel died of causes related to his exposure to Agent Orange during his service. He was known in the Kennewick, Washington, area for his work with the Columbia Basin Veterans Coalition, especially for his efforts on behalf of homeless veterans.

Mr. Bluechel took to heart the moral mandate our Nation holds: ''to care for him who shall have borne the battle.'' It is my hope that we can best remember his service by following his example.

□ 0915

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 16, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 16, 2016 at 8:45 a.m.:

S. 2943 Passed.

S. Res. 493 Relative to the death of Senator Voinovich.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

COUNTERING TERRORIST RADICALIZATION ACT

Mr. MCCAUL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5471) to combat terrorist recruitment in the United States, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Countering Terrorist Radicalization Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMPLIFYING LOCAL EFFORTS TO ROOT OUT TERROR

Sec. 101. Countering violent extremism training.

Sec. 102. Countering violent extremism assessment.

Sec. 103. Department-sponsored clearances.

Sec. 104. Definitions.

TITLE II—COUNTERMESSAGING TERRORIST ORGANIZATIONS

Sec. 201. Directive.

TITLE III—COUNTERTERRORISM ADVISORY BOARD

Sec. 301. Department of Homeland Security Counterterrorism Advisory Board.

TITLE IV—PROHIBITION ON NEW FUNDING

Sec. 401. Prohibition on new funding.

TITLE I—AMPLIFYING LOCAL EFFORTS TO ROOT OUT TERROR

SEC. 101. COUNTERING VIOLENT EXTREMISM TRAINING.

(a) AUTHORIZATION OF TRAINING.—The Secretary of Homeland Security is authorized to provide training for personnel, including Department of Homeland Security personnel, State, local, tribal, and territorial representatives at State and major urban area fusion centers for the purpose of administering community awareness briefings and related activities in furtherance of the Department's efforts to counter violent extremism, identify and report suspicious activities, and increase awareness of and more quickly identify terrorism threats, including the travel or attempted travel of individuals from the United States to support a foreign terrorist organization (as such term is described in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)) abroad.

(b) COORDINATION.—To the extent practicable, in providing the training under subsection (a), the Secretary shall coordinate with the heads of other Federal agencies engaged in community outreach related to countering violent extremism and shall also coordinate with such agencies in the administration of related activities, including community awareness briefings.

SEC. 102. COUNTERING VIOLENT EXTREMISM ASSESSMENT.

(a) ASSESSMENT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with appropriate State, local, tribal, and territorial representatives, shall assess the efforts of the Department of Homeland Security to support countering violent extremism at the State, local, tribal, and territorial levels. Such assessment shall include each of the following:

(1) A cataloging of departmental efforts to assist State, local, tribal, and territorial governments in countering violent extremism.

(2) A review of cooperative agreements between the Department and such governments relating to countering violent extremism.

(3) An evaluation of departmental plans and any potential opportunities to better support such governments that are in furtherance of the Department's countering violent extremism objectives and are consistent with all relevant constitutional, legal, and privacy protections.

(b) SUBMISSION TO CONGRESS.—Not later than 150 days after the date of the enactment of this Act and consistent with the protection of classified information, the Secretary of Homeland Security shall submit to the appropriate congressional committees the findings of the assessment required under subsection (a) together with any related information regarding best practices for countering violent extremism at the State, local, tribal, and territorial levels.

SEC. 103. DEPARTMENT-SPONSORED CLEARANCES.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall notify the appropriate congressional committees of the number of employees of State, local, tribal, and territorial governments with security clearances sponsored by the Department of Homeland Security. Such notification shall include a detailed list of the agencies that employ such employees, the level of clearance held by such employees, and whether such employees are assigned as representatives to State and major urban area fusion centers.

SEC. 104. DEFINITIONS.

In this title:

(1) The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate.

(2) The term ''violent extremism'' means ideologically motivated international terrorism or domestic terrorism, as such terms are defined in section 2331 of title 18, United States Code.

TITLE II—COUNTERMESSAGING TERRORIST ORGANIZATIONS

SEC. 201. DIRECTIVE.

(a) IN GENERAL.—The Secretary of Homeland Security shall incorporate, to the extent practicable, into Department of Homeland Security efforts to combat terrorist recruitment and communications the public testimonials of former violent extremists or their associates, including friends and family. Such efforts may include the following:

(1) Countermessaging of foreign terrorist organization communications and narratives.

(2) Related community engagement and public education efforts.

(b) COORDINATION.—The Secretary of Homeland Security shall, where appropriate, coordinate the efforts described in subsection (a) with the heads of other Federal departments and agencies, as appropriate, and, to the extent practicable, engage nongovernmental and international partners in the identification and use of testimonials described in such subsection.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require the Secretary of Homeland Security to collect testimonials directly from former violent extremists or their associates, including friends and family.

TITLE III—COUNTERTERRORISM ADVISORY BOARD

SEC. 301. DEPARTMENT OF HOMELAND SECURITY COUNTERTERRORISM ADVISORY BOARD.

(a) IN GENERAL.—At the end of subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) insert the following new section:

''SEC. 210G. DEPARTMENTAL COORDINATION ON COUNTERTERRORISM.

''(a) ESTABLISHMENT.—There is in the Department a board to be composed of senior representatives of departmental operational components and headquarters elements. The purpose of the board shall be to coordinate and integrate departmental intelligence, activities, and policy related to the counterterrorism mission and functions of the Department.

''(b) CHARTER.—There shall be a charter to govern the structure and mission of the board. Such charter shall direct the board to focus on the current threat environment and the importance of aligning departmental counterterrorism activities under the Secretary's guidance. The charter shall be reviewed and updated every four years, as appropriate.

''(c) MEMBERS.—

''(1) CHAIR.—The Secretary shall appoint a Coordinator for Counterterrorism within the Department who will serve as the chair of the board.

''(2) ADDITIONAL MEMBERS.—The Secretary shall appoint additional members of the board from among the following:

''(A) The Transportation Security Administration.

''(B) United States Customs and Border Protection.

''(C) United States Immigration and Customs Enforcement.

''(D) The Federal Emergency Management Agency.

''(E) The Coast Guard.

''(F) United States Citizenship and Immigration Services.

''(G) The United States Secret Service.

''(H) The National Protection and Programs Directorate.

''(I) The Office of Operations Coordination.

''(J) The Office of the General Counsel.

''(K) The Office of Intelligence and Analysis.

''(L) The Office of Policy.

''(M) The Science and Technology Directorate.

''(N) Other Departmental offices and programs as determined appropriate by the Secretary.

''(d) MEETINGS.—The board shall meet on a regular basis to discuss intelligence and coordinate ongoing threat mitigation efforts and departmental activities, including coordination with other Federal, State, local, tribal, territorial, and private sector partners, and shall make recommendations to the Secretary.

''(e) TERRORISM ALERTS.—The board shall advise the Secretary on the issuance of terrorism alerts pursuant to section 203 of this Act.

''(f) PROHIBITION ON ADDITIONAL FUNDS.—No additional funds are authorized to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 210F the following new item:

''Sec. 210G. Departmental coordination on counterterrorism.''.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary, acting through the Coordinator for Counterterrorism, shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the status and activities of the board established under section 210G of the Homeland Security Act of 2002, as added by subsection (a).

TITLE IV—PROHIBITION ON NEW FUNDING

SEC. 401. PROHIBITION ON NEW FUNDING.

No additional funds are authorized to be appropriated to carry out this Act or the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MCCAUL) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. MCCAUL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MCCAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are a nation at war, and our own city streets have once again become the front lines. The tragedy in Orlando is the deadliest terrorist attack on American soil in the homeland since 9/11. It reminds us that nearly 15 years after that fateful day, our enemies are still dead set on attacking us from outside and from within.

To defend our Nation, we need to take decisive action, and that is why we are here today. We will not stand on the sidelines while fanatics try to brainwash Americans. We will not allow Islamist radicals to bring terror to our cities. We will not wait patiently and hope the threat goes away.

To honor the memory of the victims in Orlando, we must dedicate ourselves to preventing terrorists from gaining a foothold in our communities. That is why, today, I urge my colleagues to pass H.R. 5471, the Countering Terrorist Radicalization Act. The bill is an important step toward stopping acts of terror in our homeland, and I only wish it had been sent to the President's desk sooner.

We have combined three counterterrorism bills into one. All of the bills were voted out of the House earlier this year with strong, bipartisan majorities. Together, these measures ramp up our efforts to keep violent extremists from luring Americans down the path to violence.

This bill will put into place measures to help communities spot signs of violent radicalization and to actively combat the propaganda of terrorist groups like ISIS. For instance, it requires the Department of Homeland Security to use the testimonials of former extremists to dissuade others from making the wrong choice. Such individuals know the brutality of terrorist groups firsthand, and they can be powerful messengers for shutting down radical recruitment.

Overall, this bill implements several important recommendations from a bipartisan task force we created last year to look at the threat and vulnerabilities to the homeland. Task force members found glaring gaps in our security and declared that we were not doing enough here at home to fight terror and terrorist radicalization—and they were right.

Islamist terrorists were working to infiltrate our country online and across borders, and we have failed to keep up with the pace. In just the past 2 years, ISIS alone has been linked to nearly 100 plots against the West, and the United States was the top target.

Sadly, the violence has become so frequent that we have begun referring to attacks by their location: Boston, Chattanooga, Paris, San Bernardino, Brussels, and now Orlando. We must resolve to do everything in our power to keep our cities from being added to this deadly list, and today we can make a difference.

I would like to thank Representatives JOHN KATKO, BARRY LOUDERMILK, and CHUCK FLEISCHMANN for their leadership on these bills that were incorporated into this piece of legislation. I would also like to thank the committee's ranking member, BENNIE THOMPSON, for his leadership and the other Democrats on our committee for their bipartisan work on this task force and on these measures.

While radicalism may be resurgent worldwide, I want to remind my colleagues that we still have the upper hand. Our resilient response to the Orlando tragedy has sent a message to America's enemies that we will not be intimidated, we will not allow fanatics to attack our freedoms, and that resolve will allow us to prevail over anyone who seeks to do this country harm.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5471, the Countering Terrorism Radicalization Act.

Mr. Speaker, America is still absorbing the devastation that was inflicted on the Pulse nightclub in Orlando, Florida, over the weekend. This attack is the deadliest mass shooting in American history. Forty-nine innocent, mostly young, people were killed, and 53 others were maimed.

We do not know with any certainty what exactly drove the perpetrators to carry out this hateful act, but there is one thing we do know beyond the shadow of a doubt: divisive rhetoric that pits Americans against each other and empty gestures will do nothing to heal Orlando's deep wounds or prevent the next attack.

Unfortunately, railing against the American Muslim community is all that some, including the presumptive Republican nominee, are offering. Meanwhile, empty gestures like yet another moment of silence and an expedited House consideration of repackaged measures that are already pending in the Senate is as far as the House Republican leadership is willing to go.

Although there is little to object to in H.R. 5471, particularly since it codifies what the Department of Homeland Security is already doing, it is important to state on the record that it offers little response to the Orlando attack.

Sadly, when it comes to preventing mass shootings in houses of worship, schools, workplaces, or other public spaces, the American public has come to expect very little from this Congress. The legislation before us today will not change that. It authorizes a counterterrorism coordinating body that already exists within DHS; training on how to do community awareness briefings, which DHS already does; the utilization of public testimonies to counter violent extremism, which the Department has repeatedly told Congress it already has the authority to do; and an assessment of how DHS partners with local communities to counter violent extremism.

The House has spoken on provisions of H.R. 5471, and DHS is already carrying out the activities it authorizes. As such, there is nothing objectionable

on the four corners of the pages of this bill, Mr. Speaker.

What I do object to, Mr. Speaker, is the House not acting on measures that could help prevent the next mass shooting. For instance, there is H.R. 1076, the so-called No Fly, No Buy Act, a bipartisan measure introduced by my Republican colleague from the Committee on Homeland Security, PETER KING, to allow the FBI to prohibit a person on the terrorist watch list from purchasing a firearm. Mr. Speaker, you can't fly, but you can buy a gun in the United States of America. This could be and should be fixed.

Closing this Homeland Security gap in our laws has the support of 83 percent of Americans, including gun owners like myself. Moreover, 180 Members of this Chamber have signaled their support by signing a discharge petition to demand the bill's immediate consideration.

Analysis issued this week by the Government Accountability Office underscores the need for action. It found that 90 percent of the people on the terrorist watch list who attempted to legally purchase firearms were successful. Mr. Speaker, 90 percent of the people who are on the terrorist watch list bought guns in this country.

Mr. Speaker, tomorrow marks the 1-year anniversary of the terrorist attack on Mother Emanuel in Charleston, South Carolina. That deadly attack carried out in furtherance of a violent ideology claimed the lives of nine people gathered in prayer and fellowship. It was carried out by a domestic terrorist who, like the perpetrators of attacks in San Bernardino and Orlando, were radicalized by Internet propaganda. Nothing in the legislation we are considering today would have stopped that ideologically motivated mass shooting.

Before I reserve my time, I would take this opportunity to again highlight that those with a single-minded focus on one foreign terrorist organization, namely ISIL, as is the case with H.R. 5471, are turning a blind eye to a gathering storm.

In just the past year, the number of antigovernment groups espousing violence has increased threefold. Since 2008, when the Southern Poverty Law Center numbered antigovernment groups at 149, there has been a 670 percent increase. Yes, today, there are 998 antigovernment groups in America.

Mr. Speaker, the victims of past mass shootings, their families, and all Americans deserve meaningful action, not empty gestures.

I reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, I rise today in support of H.R. 5471, the Countering Terrorist Radicalization Act, so we can improve efforts in fighting radical Islamic terrorism.

Horrific lone-wolf terrorist attacks like the one that occurred in Orlando only a few days ago continue to threaten our Nation.

H.R. 5471 is a package of three bills that will accomplish three goals in our fight against terrorism: it will increase our efforts to counter radicalization of terrorist recruitment; it will increase countermeasures to prevent ISIS from using social media to recruit and radicalize potential recruits in our communities; and it will ensure agencies like the Department of Homeland Security are effectively using intelligence, operations, and policy to fight terrorism. With the passage of this bill, we will give our law enforcement officers and our communities greater resources to fight against terrorism.

I commend Chairman MCCAUL and the sponsors of each of the underlying bills for their leadership and hard work on this legislation.

I would also like to offer my thoughts and prayers to the families and victims of the Orlando terrorist attack.

I urge my colleagues to support this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. CLYBURN), the assistant leader for the Democratic Caucus.

Mr. CLYBURN. Mr. Speaker, on tomorrow, we are going to commemorate the first anniversary of the events that occurred at Emanuel AME Church.

□ 0930

On Sunday, AME churches all over the country will be commemorating this great loss. I will be in Lakeland, Florida, at the Bethel AME Church, and we are going to be praying and singing and hoping, hoping that at some point in the not too distant future this House, this Congress will recognize that we have a big, big problem that must be solved.

Why is it that this young man, who was not eligible to purchase a firearm, was able to get one?

He got one because there is a loophole in that law that says the 3-day background check is not operative if you don't complete the background check in 3 days. So the reasons that exist for him not to have a firearm still existed on the fourth and fifth day.

Now, I have no idea of why the information got keyed in wrong. It was Columbia versus West Columbia. And when they detected it, this gentleman had the firearm and was off to Charleston, South Carolina, my congressional district, where he murdered nine people. He allowed one of them to live so she could tell the story, and two others played dead. The Charleston 12. Well, I am hopeful that the people of goodwill in this body will do something to close this loophole.

Mr. MCCAUL. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE), the majority whip.

Mr. SCALISE. Mr. Speaker, I thank my friend, Chairman MCCAUL, for bringing this package of bills to the House floor, and I especially want to thank Representatives FLEISCHMANN, KATKO, and LOUDERMILK for their leadership in saying that we need to focus our efforts on the problem that we have in this country, and that is terrorists are radicalizing Americans.

Time after time now we have seen more than a dozen terrorist attacks on American soil in the last 7 years. Unfortunately, some people around this town want to try to take advantage of that as an opportunity to talk about gun control, taking away rights of law-abiding citizens, Mr. Speaker, instead of focusing on the problem. They don't just use guns. They use pressure cookers, they use pipe bombs, they use axes, they use the Internet to recruit Americans. It is time we put a sharper focus on solving this problem and addressing the fact that Americans are being radicalized and carrying out terrorist attacks here in the United States. It is going to continue until there is a sharper focus.

This package of bills puts the focus where it needs to be. It is time for the President to join with us to actually speak out in getting more tools to our intelligence agencies to go and do a better job of rooting out the attacks that are here on our homefront. This is no hypothetical problem. Terrorism has come to the United States.

Our hearts and prayers are with the victims of the attack in Orlando as well as the attacks that we have seen all throughout this country and that, no doubt, are being planned right now against Americans here on our home soil.

It is time that we take action. I am so glad that the House has already moved a package of bills. This package right here that we are passing today puts a sharper focus on the real problem, and that is rooting out radicalization of Americans on our home soil. Let's stop the terrorism here. Pass this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I support the majority whip's position. We have already voted on the bills. We have already sent them over to the Senate. It is just repackaging them again and sending them over again. They are in charge.

I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, is this some kind of cruel joke? We have already passed these bills, and we are bringing them up again today?

Just a few days ago we lost 49 innocent lives in the worst mass shooting our country has ever seen. Sadly, this isn't an isolated case. In the 3 years since the tragedy at Sandy Hook, there

have been over 1,100 mass shootings and more than 34,000 lives have been cut short by someone using a gun.

What have we done?

We have held 30 moments of silence since Sandy Hook, but we haven't taken a single vote on legislation that would help keep guns out of dangerous hands. That is shameful. The American people deserve more than silence. The American people deserve a Congress that is willing to stand up and do what it takes to help keep our communities safe.

Republican leaders claim that these bills brought before the House for consideration today are a significant response to the worst mass shooting in U.S. history. They claim that because this was an act of terrorism, we don't need to take a vote on legislation to prevent gun violence.

The fact of the matter is, this act of terrorism was an act of gun violence. Over 100 people were shot, 49 shot dead, and today in America, suspected terrorists can still legally buy guns. Individuals on our FBI's terrorist watch list can walk into a gun store, pass a background check, and walk out with the gun or guns of their choosing, legally.

Since 2004, more than 2,000 suspected terrorists were able to purchase guns. I think that is wrong and so does the overwhelming majority of the American people. There is bipartisan legislation that would prohibit those on the terrorist watch list from being able to purchase firearms in our country. That is the bill we should be voting on today, not three bills that we have already voted and passed out of the House.

If Republicans agree that suspected terrorists shouldn't be able to buy guns, bring up that bill for a vote today.

What is it that the majority is afraid of? Is your fear greater than that of the fear of the people hiding for their lives in that nightclub in Orlando?

Give us a vote.

Mr. MCCAUL. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LOUDERMILK).

Mr. LOUDERMILK. Mr. Speaker, terrorism is no longer just a national issue as we deemed it after 9/11. The attacks of terrorism are affecting our local communities, and we must address those that are perpetrating these attacks, not just simply go after the tools that they choose to use. The Boston bombers chose to use a pressure cooker, a bomb. There have been attacks using knives, there have been attacks using hatchets, there have been attacks using cars. It is the perpetrator of these acts of violence that we must address.

Earlier this year, the House passed a bill called the ALERT Act, a bill that I authored that is amplifying local efforts to root out terrorism, which, by the way, removes bureaucratic barriers and paves the way for the Federal Government to enhance State and local law enforcement's involvement in fighting the war on terrorism. By providing the tools and training needed to combat terrorism on multiple levels, the act provides for more efficient cooperation and coordination with State and local officials.

Today, everyone has to play a part in protecting against terrorism, from the neighbor next door to the local law enforcement officer. While no legislation in itself will end the threat of terrorism against our Nation, we can better utilize the valuable resources found right within our communities.

In hopes of getting the ALERT Act and two other key pieces of Homeland Security legislation to the President's desk, we have packaged them into one comprehensive bill entitled the ''Countering Terrorist Radicalization Act.'' I appreciate Chairman MCCAUL's leadership and sponsorship in this important piece of legislation to help stop future acts.

As we are experiencing an increase in acts of terrorism by radical Islamic terrorists that directly threaten our own communities, we must reevaluate how we combat these terrorist threats. This joint piece of legislation will better secure America by helping local law enforcement combat terrorism, keeping terrorists from entering our borders, stopping radicalization, and evaluating better security methods as we move forward.

I also want to thank my colleagues, Mr. KATKO and Mr. FLEISCHMANN, for their hard work on advancing their bills. I appreciate their collateral effort as we strive to protect Americans from violent terrorist attacks.

Because threats against America are rapidly increasing, we cannot afford to be stagnant. We must act, and we must act now.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. RICHMOND).

Mr. RICHMOND. Mr. Speaker, I thank the ranking member for yielding me the time today.

Let me just say that we face a very serious problem in this country, and when you face a very serious problem, it deserves a serious, thoughtful response that actually goes toward solving the problem.

So what do we have here today after 49 innocent lives were taken in Orlando? When we had mass shootings in Aurora, Newtown, Roseburg, San Bernardino, and mass shootings that occur in urban communities far too often, what do we do?

We just heard it. We repackaged bills that we passed on January 29, April 26, and May 16 so that somebody could come up here today and say that we solved or attempted to solve a problem on June 16 by doing what we did the last couple of months. That is not leadership, and it is not a serious, thoughtful solution to the problems we have.

We could be talking about, debating, and passing no fly, no buy. We could talk about and pass the Charleston loophole. We could talk about high-capacity magazines that allow one person to walk into a nightclub and mow down 49 people and injure another 53. There is no deer hunting, there is no legitimate purpose for a high-capacity magazine other than to expeditiously take human life. If you are not at war, it has no place on the streets of America. We can also talk about assault weapons.

Mr. Chairman and Mr. Ranking Member, let me just say this: It is sad to say that this response today is a response that lacks leadership. It is a response that does nothing new. We passed this legislation with bipartisan support. So I would just say that this is a very impotent response to a very serious problem so that we can repackage, rebrand, and mislead the American people by saying we did something when, in fact, we did nothing.

Mr. MCCAUL. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. KATKO).

Mr. KATKO. Mr. Speaker, our Nation has experienced a tragedy for sure. This past weekend's terrorist attack in Orlando is just the latest in an increasingly long list of homegrown violent extremist attacks. Our Nation is not only grieving the loss of 49 innocent people, but is also facing the reality of having witnessed the most deadly terrorist attack in the U.S. since 9/11.

I am concerned about ISIS' persistence in inflicting harm to all those who disagree with their ideology. Authorities are investigating over 800 ISIS-linked cases and have discovered 89 plots against the West, including 25 in the United States, and the list is growing year after year.

This body has been investigating radical extremism since I came to this Chamber 18 months ago. I was fortunate and honored to lead the bipartisan Task Force on Combating Terrorist and Foreign Fighter Travel, which highlighted many of the vulnerabilities which came to light in Orlando, Chattanooga, Garland, and San Bernardino. The nature of the task force shows that domestic radicalization has been on the rise. The issue is not a partisan issue. It is an American issue.

Omar Mateen's cowardly actions are a stark reminder of the resilience of the enemy we face today. However, this Chamber, with the leadership of Speaker RYAN and Chairman MCCAUL, has put forth solutions. The bill before us today encapsulates several ideas that my peers and I have worked on for months that outline ways to improve our counterterrorism efforts here at home.

Included in this bill is a provision which authorizes the Counterterrorism

Advisory Board, which is modeled after a bill introduced earlier this year in Congress, H.R. 4407. This section specifically codifies the administrative body that would integrate intelligence, operations, and policy components so our law enforcement and intelligence partners can coordinate actions more effectively and expeditiously; in short, getting them talking together better, getting them working together better, getting them sharing information together better, and getting better chances of stopping these acts from happening.

□ 0945

This bill provides flexibility in the board's charter to ensure the continued ability to encounter tomorrow's threats.

Finally, I would like to end by thanking Speaker RYAN and Chairman MCCAUL for their continued leadership on this issue.

My heart goes out to the victims and families of Sunday's tragic attacks in Orlando.

Mr. THOMPSON of Mississippi. Mr. Speaker, we have had a number of people talk about San Bernardino. I yield 2 minutes to the gentleman from California (Mr. AGUILAR), whose district includes San Bernardino, where the shooting occurred.

Mr. AGUILAR. Mr. Speaker, today, I rise to speak on something that, frankly, I am sick and tired of having to discuss: House Republicans' refusal to address our Nation's gun violence epidemic.

On December 2, I will never forget how I felt as I walked off this House floor. I had just voted to allow debate on keeping guns out of the hands of suspected terrorists—the no fly, no buy—which was blocked by House Republicans, when I received a barrage of text messages about what was unfolding in my hometown of San Bernardino.

When I heard the news this weekend on Sunday morning, my heart sank. Again. This time, Orlando. This time.

We cannot afford to stand in silence when people are being massacred in bars, when coworkers are being slaughtered at their holiday parties, when churchgoers are being murdered in their place of worship, and when first graders are assassinated in classrooms.

Where do we draw the line? When will we say: Enough is enough?

Preventing domestic abusers, convicted felons, and terrorists from obtaining guns will make our communities safer without infringing on responsible gun owners' right to bear arms. There is no reason to believe that the Second Amendment and commonsense gun reform are mutually exclusive.

Thoughts and prayers are nice, but they don't stop suspected terrorists from getting a firearm. Thoughts and prayers are nice, but they don't perform comprehensive background checks on domestic abusers and those convicted felons who want to kill. Thoughts and prayers are nice, but they don't stop rounds of bullets from ripping out of an assault weapon and inflicting mass casualties on innocent Americans. And thoughts and prayers should not be used as a replacement for taking meaningful action to make our communities safer.

Just hours ago, we heard from Senator MURPHY that the other Chamber has reached a bipartisan agreement to allow votes on two important gun safety measures.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. AGUILAR. We just heard that, on those measures, they have reached a bipartisan agreement to at least allow votes.

When will this Chamber do the same? When will we work to address meaningful solutions rather than acting on recycled bills from months ago that do little to address the issue?

I have said before that House Republicans' most significant action to curb gun violence has been to hold a moment of silence, and I was wrong. They have consistently and deliberately worked to prevent commonsense reform from even being discussed in this Chamber. For that, they should be ashamed.

Mr. MCCAUL. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. FLEISCHMANN).

Mr. FLEISCHMANN. Mr. Speaker, I rise today in support of the Countering Terrorist Radicalization Act.

I want to thank the chairman of the Homeland Security Committee, Chairman MCCAUL; Mr. KATKO; and Mr. LOUDERMILK for joining the legislation that I promoted and we passed in this House by a large bipartisan majority.

Mr. Speaker, several weeks ago, a strong bipartisan group of Members passed my legislation, H.R. 4820, the Combating Terrorist Recruitment Act.

It is hard to believe that almost a year has passed since the horrific shootings at two military installations in Chattanooga, Tennessee, my hometown and the town in which I proudly represent those great people in the United States House of Representatives. As many may remember, four marines and one sailor were killed in the attack while several others were wounded.

Just this past December, following the FBI investigation, Director James Comey concluded that the shootings ''were motivated by foreign terrorist organization propaganda.''

We have seen this pattern repeat in the evil attack in Orlando as well as the attacks in San Bernardino, Paris, and Brussels. We need to use every tool in our toolbox to combat Islamic extremism.

The Combating Terrorist Recruitment Act section of the bill implements one key recommendation made by the Homeland Security Committee's bipartisan task force specifically designed to counter terrorist and foreign fighter travel. While it doesn't forbid DHS from countering all forms of extremism, the bill does provide examples of how DHS can fulfill the requirement, such as counter-messaging foreign terrorist organizations that are actively recruiting in our country at an alarming rate.

This bipartisan legislation requires the Secretary of Homeland Security to amplify testimonials of former extremists and defectors to fight the propaganda and recruitment of terrorist groups like ISIS.

Foreign terrorists are using technology to radicalize Americans at a troubling pace that continues to increase. We must combat this.

More than 250 Americans have traveled or attempted to travel to fight with jihadists in Syria and Iraq, and the FBI states that there are open counterterrorism investigations in all 50 States, mostly ISIS-related. Many of these individuals were pulled in by terrorist propaganda.

ISIS is luring Americans with false promises that do not reflect true reality on the ground in places like Syria and Iraq. The true reality centers on fear, suffering, and the murder of innocent people throughout the region and around the world.

Several recent defectors from ISIS have admitted that joining the group was a terrible mistake. One young fighter said that he found it very hard to live in the region and no longer believes the group represents the religion.

I must state that we must do all we can to amplify the messages from these disillusioned terrorists. We are doing this with the State Department. We need to pass this bundle of bills. We need to come together, Mr. Speaker, as Americans to fight radical Islamic terrorism now. The American people deserve no less.

Mr. THOMPSON of Mississippi. Mr. Speaker, may I inquire as to how much time each side has remaining?

The SPEAKER pro tempore. The gentleman from Mississippi has 5¼ minutes remaining. The gentleman from Texas has 5 minutes remaining.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI) the minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Mississippi for yielding, and I thank him for his tremendous leadership to keep our homeland secure.

I come to the floor with the deepest sympathy for those lost in Orlando. Of

course, all of our prayers and thoughts are with their families.

Earlier this week, we had a moment of silence, another moment of silence; silence, which was followed by silence, silence, silence. No action.

Today, on this floor, we are taking up legislation which is the legislative equivalent of silence. We are putting some warmed-over stew bills that have passed the House, combined in one bill, once again, to go forward. But we are not taking the action necessary, action that has bipartisan support overwhelmingly in the country and has sufficient support in this House to be passed.

I beseech our Republican colleagues to join us in the no fly, no buy legislation, which 87 percent of the public overwhelmingly—Republicans, Independents, and even NRA members—support. It has support in our country. It has understanding in our country. The only place that it runs into trouble is in the House of Representatives.

The Senate has said now that they will promise a vote after a substantial and most remarkable filibuster on the part of Senator CHRIS MURPHY all day yesterday and into the night.

The American people saw what the challenge was in getting something done in Congress. He was promised a vote. I hope that we can have a vote in the House on two bills that are overwhelmingly supported by the public and have bipartisan support in the House.

Of course, we have the one bill: no fly, no buy. That means if you are on the no-fly list, you cannot buy a gun.

In addition to that, we have the bill that has, by consensus, been put together for sensible, reasonable background checks. That means, no matter what the weapon is, unless you can pass a background check, you can't buy it, whether it is a pistol or an AK–47.

Shamefully, the assault weapon ban has expired. There are those in our midst who would like to remove the sunset from that bill, and that is another conversation.

Right now, today, we are asking for two things. One, no fly, no buy. Two, the PETER KING of New York and MIKE THOMPSON of California—a Republican and a Democrat—cosponsored bills which would pass this House, if given a vote.

I have seen some criticism on the part of the Republican leadership in the House of those who have tired of doing moments of silence. I, myself, think that it is appropriate for us to do that, but it is no substitute for action. We have to question the sincerity of it, if we mourn and don't act.

We carry the names of these young people who were killed in Orlando in our hearts. It is clearly a hate crime. It is the one place where we see very clearly where gun safety and homeland security come together. Whatever the percentage of motivation was—terrorism, and the other, a hate crime—on the part of the perpetrator, it doesn't matter. What matters is that it was an assault on our homeland security. And what matters is that it was a hate crime motivated in this pub where many LGBT community members were gathered.

Let's lower the temperature on our interactions with each other. We have said over and over again: Here we go with another moment of silence. If we were real about it, if we were sincere about it, we would act upon it. Clearly, we are all complicit, as long as we have moments of silence and no legislation.

We are not a commemorative body. Yes, we have our resolutions and moments of silence, but we are a legislative body, and we are supposed to provide solutions. We are supposed to work together as much as possible in a bipartisan way for those solutions. We are supposed to be a reflection, a representative of the American people.

The American people are so far ahead of us in terms of common sense—commonsense legislation: if you are on the no fly list, you can't buy a gun; no fly, no buy—and common sense in saying that we want to have reasonable, commonsense background checks, which has bipartisan support in the House. I say it over and over again.

We have said we are Paris; we are Orlando. But what are we? We are doing nothing. It would be the equivalent of somebody who is very sick and the doctor says: I am going to give you a get well card, but I am not going to give you any antidote for the pain or the problem that you have.

□ 1000

And this is what we have become, words, not deeds; words, not action.

The Gospel of James—I don't know if Mr. CLYBURN, when he spoke earlier, spoke about James, the Book of James, act deeds, not words. And we are not even words. We are silent. We are silent.

So I beseech my colleagues to listen to the American people, to understand the pain. And this happens so frequently. Since Orlando, 100 people have been shot in gun violence across our country—that was as of yesterday, may be more by this morning.

So it is not just about the mass murders, as appalling as they are and how strongly they hit home; it is about what is happening in the streets of our country on a regular basis.

As I said, and I say this, I cannot see how, with all the good intentions of silence and the rest of it, that this Congress can be a handmaiden of the National Rifle Association and the Gun Owners of America. We are here to represent the people, and we should be doing that.

Again, this is heartbreaking. Newtown was heartbreaking. Aurora was heartbreaking. Columbine was heartbreaking. The reference our colleague made earlier to assault on our military facilities is heartbreaking. The assault on a Planned Parenthood clinic is heartbreaking. It is not right. This isn't how we debate, discuss, disagree, come to solutions, not with guns.

We all respect the Second Amendment. We all respect the Second Amendment and the right to bear arms, but that doesn't mean in an unfettered way, by people who have no business having them because of their orientation. Let's have background checks to check that.

We can work together on the no fly, no buy in terms of how people are informed, how law enforcement is informed across the board. But we cannot go down a path that has been suggested by some who say, okay, let's do that; now take it to court. Well, by the time you take it to court, more people will die, just as Mr. CLYBURN stated, as we are observing the June 17, 1-year anniversary of the South Carolina massacre. If you are not denied in 3 days, then you are cleared, when they had a technical error that cleared somebody who should not have been cleared.

So let's make it right, but let's do something. Let's act on the values that we share to protect and defend the American people. That's our first responsibility in terms of national security, in terms of homeland security, in terms of community and personal security.

Let's not use these bills that we are taking up, once again, as an excuse, as if we did something. No, we didn't do anything more. We are just trying to make it look as if we did, and that is really incriminating the Congress of the United States, when we know what to do, we have bipartisan support to do it.

So I beseech our colleagues to join together, in a nonpartisan way, to do the right thing, exercise common sense on behalf of the American people. Again, we are Orlando.

Mr. MCCAUL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. MIMI WALTERS).

Mrs. MIMI WALTERS of California. Mr. Speaker, I rise today in strong support of the Countering Terrorist Radicalization Act.

As we mourn the death of the 49 Americans and pray for a full recovery of the 53 who were injured in the terrorist attack in Orlando, we know we must do more to combat radical Islamic extremism. The Federal Government's primary responsibility is to ensure the safety of the American people. This means strengthening our response to the threat ISIS and other terrorist organizations pose to our homeland.

The House has passed several bills to combat radical Islamic terrorism, prevent attacks, stop radicalization on our soil, and keep terrorists from entering America. Each of the three bills

included in this legislation has already passed the House with wide bipartisan support, but we must do everything we can to get them signed into law as soon as possible.

I urge my colleagues to support the Countering Terrorist Radicalization Act. We must send this bill to the Senate and on to the President for his signature, and this must be done immediately. This is essential to defeating ISIS and preventing radicalization here at home.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no further speakers, and I reserve the balance of my time to close.

Mr. MCCAUL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HURD).

Mr. HURD of Texas. Mr. Speaker, I have spent most of my adult life chasing down terrorists. I have gathered intelligence on their tactics and their plans. I know how they think. I understand their motivations, and I know what it takes to stop them.

Our Nation just experienced the worst terrorist attack on our homeland since 9/11. While we mourn for our losses, we must also determine to do what is necessary to keep ISIS and other terrorists from ever doing this again.

Let me first say that some of the suggestions coming from both sides of the aisle on how to stop terrorists are the wrong solutions. Banning guns is not going to stop terrorists. Banning Muslims from entering our country is not going to stop terrorists.

So what will work to keep these murderers away from our shores? How do we keep terrorists out of our country? How do we stop ISIS from radicalizing Americans they have never met and are thousands of miles away?

The House has already taken several steps to do what is needed when we passed the ALERT Act, by my colleague, Representative LOUDERMILK of Georgia; the Combating Terrorist Recruitment Act, by my colleague, Representative FLEISCHMANN of Tennessee; and the Counterterrorism Advisory Board Act, by my colleague, JOHN KATKO of New York.

The House has led in counterterrorism efforts, spearheaded by one of the most effective committees in the House, the Committee on Homeland Security, led by my colleague from Texas, Chairman MICHAEL MCCAUL, and I am proud to serve on that committee.

These three bills are before the House today in Chairman MCCAUL's Countering Terrorist Radicalization Act. These bills will ensure greater coordination between Federal and local government agencies when it comes to seeing radicalization and stopping it before an attack happens.

Our first responders are the tip of the spear when it comes to attacks like Orlando and San Bernardino. We need to do more to ensure they have the intelligence necessary to detect and stop these kinds of attacks. These bills will require DHS to use effective countermessaging tactics to help keep Americans from falling prey to the propaganda spread by ISIS on social media.

I have said it many times, but I am going to say it one more time. If we get the right information to the right people at the right time, we will keep terrorists off our shores and on the run. I speak from the experience of running successful counterterrorism operations during my time in the CIA.

These bills are part of the solution to keeping terrorists from attacking the homeland. Let's take the fight to them, and I encourage my colleagues to vote for the passage of the Countering Terrorist Radicalization Act.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Yesterday, I cohosted, with the gentleman from Arizona (Mr. GRIJALVA), a forum that took expert testimony on the homeland security threat posed by armed militia and antigovernment groups. We were forced to hold a forum because the chairmen of our respective committees, Homeland Security and Natural Resources, have rebuffed our repeated requests for a hearing to examine domestic terrorism. The House Republican leadership refuses to acknowledge the threat of domestic terrorism, ergo, its unwillingness to take action to prevent further mass shootings.

Now, Mr. Speaker, as I have said before, while I generally do not object to H.R. 5471, and I will support its passage, it cannot be the sum total of what this Congress is willing to do in response to the mass shootings in Orlando, San Bernardino, Charleston, and the concerns of Americans across the Nation. We are tasked with identifying vulnerabilities.

Mr. Speaker, a vulnerability in the minds of the public is that, if a person cannot buy a ticket to fly on a plane but can go buy a gun, that is a vulnerability. The high-capacity magazines that this individual in Orlando and in other places have used, that is a vulnerability that this Congress should address.

Background checks, the 3-day requirement that if it is not completed, you get approval to buy a gun, you know, there are some things that take longer, so the Charleston loophole is applicable to what we are talking about, too.

So, for whatever reasons, guns have been used from time to time to perpetrate terrorist activities. We hardened cockpits on airplanes because people wanted to hijack airplanes. We banned box cutters from being on airplanes because they were used to hijack airplanes.

If terrorists are using guns to do harm to American citizens, these are terrorists who are born in the United States, they are American citizens, so we have to do something about it.

There is no problem with the three bills that were packaged here today, but I implore this body to look at the broader issue of domestic terrorism, and let's get on with the business of addressing it. The moments of silence, you know, all of us in our own respective ways, we care about the people; but after the moment of silence, after we get off our knees from praying, when are we going to work and resolve the challenge?

So this do-over package is going back to the Senate again. It is already over there. So we will go back, and we will say to the Republican leadership in the Senate your colleagues say do something.

I say, if Democrats were in charge, Mr. Chairman, we would do something.

I yield back the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield myself the balance of my time.

What happened in Orlando was a terrorist attack, an attack by ISIS in the homeland. The Orlando shooter said as much in his 9-1-1 call. The Islamic State took credit for it, saying he was a soldier of the caliphate.

What keeps me up at night, Boston, Chattanooga, San Bernardino, and now Orlando all perpetrated—all perpetrated—by Islamist terrorists. We have to define the enemy to defeat it. That is a basic military strategy.

The 9/11 Commission, bipartisan, in its wisdom, so many years ago, said: ''The enemy is not just 'terrorism,' some generic evil. This vagueness blurs the strategy. The catastrophic threat at this moment in history is more specific. It is a threat posed by Islamist terrorism—especially the al Qaeda network, its affiliates, and its ideology.''

The 9/11 Commission, Mr. Speaker, not the Republican Party, the 9/11 Commission.

Winston Churchill didn't dance around the Nazis on fascism. We defeated fascism by calling it what it was and going to war with it.

President Kennedy and President Reagan didn't dance around communism. They defeated communism by defining the enemy.

Today, the enemy, in a generational, ideological struggle is radical Islamist extremism, and if this President, this administration, will not recognize that, this body needs to. This Congress understands what the threat is, and when we define it, we will defeat it, Mr. Speaker.

I yield back the balance of my time.

□ 1015

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 5471.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCCAUL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 5293, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. KATKO). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 783 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5293.

Will the gentleman from Tennessee (Mr. DUNCAN) kindly resume the chair.

□ 1017

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, with Mr. DUNCAN of Tennessee in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose on Wednesday, June 15, 2016, a request for a recorded vote on amendment No. 40 printed in House Report 114–623, offered by the gentleman from Michigan (Mr. CONYERS) had been postponed.

AMENDMENT NO. 41 OFFERED BY MR. YOHO

The CHAIR. It is now in order to consider amendment No. 41 printed in House Report 114–623.

Mr. YOHO. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available by this Act may be used with respect to Libya in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States Armed Forces into hostilities in Libya, into situations in Libya where imminent involvement in hostilities is clearly indicated by the circumstances, or into Libyan territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of the War Powers Resolution (50 U.S.C. 19 1542 and 1543).

The CHAIR. Pursuant to House Resolution 783, the gentleman from Florida (Mr. YOHO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. YOHO. Mr. Chairman, this bipartisan amendment will block funds from being used to engage in hostilities in Libya in contravention of the War Powers Resolution. This amendment simply reaffirms the constitutional role of Congress in determining when U.S. forces will be introduced into hostilities when the U.S. has not been attacked and is not in imminent danger of attack.

What this amendment would do is reaffirm that the administration does not have authority to target anyone in Libya who is not ISIS or al Qaeda or an associated force to either without getting explicit authority from Congress.

More than 4 years after a U.S.-led NATO military intervention helped Libyan rebels topple the authoritarian government of Muammar Qadhafi, Libya remains a failed state that is a terrorist safe haven. Given that, U.S. military involvement in Libya may deepen in 2016 to combat ISIS and potentially provide support to the national security forces of an emergent Government of National Accord. It is imperative that, before U.S. military involvement is increased, any administration come before Congress for an authorization.

I want to reiterate that this amendment will not limit the ability to go after ISIS or al Qaeda.

Mr. Chairman, I urge all my colleagues to support this amendment, and I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time.

Mr. YOHO. Mr. Chairman, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding. I thank our leader on this side, the gentleman from Indiana (Mr. VISCLOSKY).

Members of the House, I urge support for this amendment which will help the Libya War Powers amendment, which will help to ensure that Congress can carry out its constitutional duty to authorize war. This amendment is the same language that is already included in the bill regarding military action in Syria, and it has the same rationale: Congress must be consulted when our troops are being sent into harm's way.

This amendment may not block the Obama administration from taking action against al Qaeda or ISIS in Libya, but it will require that the administration come to Congress if it seeks to send our troops into Libya for any other purpose.

When our country engaged in military intervention in Libya in 2011 without congressional approval, the result was that Libya became mired in a bloody civil war. This mistake could have been avoided with congressional debate. This underscores the wisdom of our constitutional Founders, who wanted robust congressional debate before we commit troops to combat in situations where we have not been attacked.

Now there is growing talk that the United States may have to support the internationally recognized government in Libya, whose legitimacy is challenged by other elements in Libya. So I urge passage of this amendment to ensure that Congress has an opportunity to weigh in on the rule of our Armed Forces in the Libyan turmoil going forward.

If Congress wants to have a say, we must speak out before military action has commenced. I urge you to do so today by passing my amendment.

Mr. YOHO. Mr. Chair, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chair, I rise in opposition to the amendment.

Mr. Chair, I do respect the strong feelings of those gentlemen who proposed this amendment.

In order to prosecute the global war on terrorism, one of our primary current missions, the President, our Commander in Chief, relies on existing authorization of military force. Any attempt to deny funding for efforts in Libya would allow ISIL outposts in northern Africa to continue to flourish, and, indeed, they are there.

This AUMF, better known as the 9/11 AUMF, is currently used by the President, the Department of Defense, and the United States military forces to address conducting campaigns against terrorism worldwide. It has been used by this President and by his predecessor, Bush, since 2001.

An amendment of this nature would tie our Nation's hands and the ability of our Commander in Chief to address worldwide terrorism. This amendment would essentially cripple our ability to conduct counterterrorism operations with partner nations, with our allies, against Islamic extremists affiliated with terrorism.

Once again, we know what the gentlemen are trying to do, and we honor that effort; but this is a major policy decision, and so, as a consequence, I oppose their amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), my ranking member.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman's yielding, and I do rise to join with the chairman in opposition to the amendment.

I appreciate the intent of the gentleman from Florida as well as the gentleman from Michigan. I will be rising in support of two amendments subsequently this morning relative to having a fulsome debate about the use of force internationally.

It is past time for Congress to have that debate. There is no question about it. I agree with my colleagues. However, in this instance, because we do have, for all practical purposes, a failed state, international institutions in other countries who are involved with us are trying to address the issue.

I have been told innumerable times from representatives of other nations, if we do not lead, they will have no place to follow. So I do not think the amendment should be supported at this point in time, and I do join with my chairman.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time.

Mr. YOHO. Mr. Chairman, I respect the opinions of my chairman and ranking member, but I would surmise that if we go back to when we did the no-fly zone in Libya, we used the AUMF from 2001 and 2003, the 9/11 AUMF, and that has led to a failed state because the President did not come to this body to ask for authorization. This body did not challenge the President, and it has led to a failed state in Libya that now is a recruiting center for ISIS.

So when does this stop? When does Congress take this power back so we don't put people in harm's way? Had they come to this body, Libya may still be run by Muammar Qadhafi. And I am not saying he is a good guy, But ISIS probably would not be a recruiting center in Libya as a failed state.

So I urge my colleagues, let's bring this debate to the House floor, and let's have that debate so that we don't keep muddying the waters and spreading and stretching an AUMF from 15 years ago.

I think it is irrational, and I think it is inappropriate for this body to continue with failed policies. It is time to get this right. The American people are counting on us, and our military is in harm's way.

Mr. Chairman, I encourage people to support this amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I urge opposition to this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. YOHO).

The amendment was rejected.

AMENDMENT NO. 42 OFFERED BY MS. GABBARD

The CHAIR. It is now in order to consider amendment No. 42 printed in House Report 114–623.

Ms. GABBARD. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used to fund assistance authorized by section 1209 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541).

The CHAIR. Pursuant to House Resolution 783, the gentlewoman from Hawaii (Ms. GABBARD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. GABBARD. Mr. Chairman, I would like to thank the chairman and ranking member for allowing us to bring up this important issue, basically this amendment and the failed Syria train and equip program. The failures of this program have been well documented and have resulted, ultimately, in strengthening groups like ISIS and al Qaeda with American taxpayer-funded weapons.

Many of us voted against this program when it first came before Congress in 2014. We predicted the program would fail, and it did. We ended up arming so-called moderate opposition fighters who did not share our objective of fighting ISIS. Instead, they were and remain primarily focused on overthrowing Assad, which, if successful, would strengthen groups like ISIS and al Qaeda, allowing them to take over all of Syria, creating an even worse humanity crisis and an even greater threat to the world.

The current program this bill funds is even worse. It only vets the commanders of so-called moderate Syrian opposition forces. Once the commander finishes some very limited training, then the U.S. provides arms and equipment to the entire brigade with no vetting or screening of the thousands of men who make up these units. Most concerning of all is nowhere in this bill or in the NDAA does it state that this program is limited to training and equipping only those who are fighting against ISIS and al Qaeda.

Our strategy against fighting ISIS and al Qaeda in Syria right now is not working.

□ 1030

We are waging two wars in Syria, providing arms and support to groups that have opposing objectives. The first war is a counterproductive one to overthrow the Syrian Government of Assad, which must end. And the second is our war to defeat ISIS, al Qaeda, and other jihadist groups, which we must win. By helping groups fighting to overthrow Assad, we are essentially helping ISIS and al Qaeda achieve their objective of taking over all of Syria.

Some may argue that this program is the only tool we have to fight against ISIS and al Qaeda in Syria. This is false. If this amendment is passed, we can end this failed program and continue to support trusted partners on the ground, like the Kurds and Syrian Arabs, who have proven their effectiveness and commitment to our shared objective of defeating ISIS and al Qaeda through other counterterrorism authorities and funds.

I ask my colleagues to support this amendment and vote ''yes'' on Gabbard-Welch amendment No. 42.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong opposition to the gentlewoman's amendment.

The United States needs to train those who are willing to fight ISIL in Syria so that the United States doesn't have to, so that we don't have to send more of our troops over there to do the job.

The Islamic State in Iraq and the Levant was formed in April of 2013, growing out of al Qaeda in Iraq, and since has become one of the main jihadist groups in Syria and Iraq.

Although this bill contains no direct language to fund the Syria Train and Equip Program, funding is available in the bill to fund vetted opposition. Syrian citizens have experienced bombing by its own government, the overrun of cities by ISIL and ISIL's actions to eradicate many of the country's many ethnic and religious authorities, as well as we know, their well-known destruction of sacred and historic sites. They will stop at nothing to promote hate and, yes, perhaps do things here in the United States.

This amendment would cripple our ability to conduct counterterrorism operations with partner nations. For the record, U.S. air strikes have killed over 25,000 ISIL fighters. Without this funding, these air strikes would cease. ISIL footing in Iraq and Syria is a springboard for terrorism worldwide.

This amendment would effectively eliminate the President's ability—our commander in chief's ability—to address this threat. And it would allow its further growth, ISIL's further growth, in North Africa, the Horn of Africa, and elsewhere, and leave our country and our allies even more vulnerable to attacks.

I strongly oppose the amendment.

I reserve the balance of my time.

Ms. GABBARD. Mr. Chairman, I yield to the gentleman from Vermont (Mr. WELCH), my colleague.

Mr. WELCH. Mr. Chairman, may I inquire how much time is remaining?

The CHAIR. The gentlewoman from Hawaii has 2½ minutes remaining.

Mr. WELCH. Mr. Chairman, first of all, I want to thank Congresswoman GABBARD. She has a practical battle-tested basis of experience to propose this amendment. She served a tour in Iraq, and she served in Kuwait.

This is not a question about whether the proponents of this amendment reserve any desire to go after ISIS in any way that we can, nor does it mean that we want to restrict our help to responsible partners, like the Kurdish Peshmerga. What this is about is identifying a program that was designed for failure. It was predicted by Congresswoman GABBARD that this train and assist program for unidentified Syrian allies, so-called, would fail. It would fail because we didn't have a nation-state that we were dealing with. Train and equip is a good program when it is with a responsible government, or one trying to be a responsible government—maybe in Afghanistan, maybe in Iraq.

What we have here is a civil war. We have al Qaeda, we have al-Nusrah, we have people fighting Assad, we have people fighting each other. The CIA identified 1,500 different groups. And we are asking our military, our CIA, who don't really speak the language—some do—to identify who will be ''the good rebels'' in what is a caldron of conflict.

The problem here is that we spent $500 million and basically ended up training 100 people. They drifted off into the battlefield and were quickly killed or captured or defected. So what we have is not something where we are predicting failure, we are having something that did fail. And now we are doubling down on it, taking $250 million, and adding to a program that doesn't work.

Why don't we spend that money doing something that can work?

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to reserve the balance of my time.

Ms. GABBARD. Mr. Chairman, I appreciate the comments from my colleague from Vermont.

I would just like to make a point of clarification that this amendment would not stop our air strikes against ISIS. Those air strikes are funded through funds for Operation Inherent Resolve, which this amendment has nothing to do with. This amendment simply prohibits funds that are solely directed towards the Syria Train and Equip Program, section 1209.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member.

Mr. VISCLOSKY. Mr. Chairman, I thank the chairman for yielding, and join the chairman in opposition to the amendment that has been offered.

There is no question that there were significant fundamental problems with the first iteration of this program. This is a reconstituted program, and I would like to make that clear to my colleagues.

Secondly, I want to make it clear that there is no authority under this program to overthrow the Assad regime.

And the final point I would make, as the sponsor of the amendment, is to mention support for the Kurds who are already fighting. That is exactly what the reprogram does, and the amendment would cut off funding for the Kurds.

For those reasons, I oppose the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I concur with the ranking member's comments most strongly.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. GABBARD).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. GABBARD. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Hawaii will be postponed.

The Chair understands that amendment No. 43 will not be offered.

AMENDMENT NO. 44 OFFERED BY MR. MCGOVERN

The CHAIR. It is now in order to consider amendment No. 44 printed in House Report 114–623.

Mr. MCGOVERN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for the engagement of the United States Armed Forces in any combat operation in either Iraq or Syria until an authorization for the use of military force has been enacted that authorizes such operation.

The CHAIR. Pursuant to House Resolution 783, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, we have been reengaged in Iraq since June of 2014. We have been in Syria since September of 2014. And, quite frankly, the time to have debated an AUMF was before we became militarily engaged in these two countries.

We have repeatedly heard from the leaders in this House that Congress does, indeed, have a constitutional duty to do an AUMF and it would be considered, but we have not done so. I believe that, barring the passage of this amendment, which would force Congress to do the right thing, we will never do an AUMF. Perhaps we lack the courage, or perhaps we are satisfied to allow these wars to run on automatic pilot.

Our inaction is wrong. It is an insult to our troops. Whether you want to expand these wars or end these wars, we should all agree that we should vote on an AUMF.

This amendment simply says that if there is no AUMF, then there is no money for combat operations. That gives us ample time during the rest of this year to vote on an AUMF. There are no more excuses. Please, please stop making excuses.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong opposition to the McGovern-Lee amendment.

The fight against the Islamic State in Iraq and Levant is being waged using the 2001 Authorization for Use of Military Force, better known as the 9/11 AUMF to prosecute the global war on terrorism. There are soldiers on the ground as we speak. They are truly doing the work of the Lord and the work for freedom, and we need to recognize that.

Our Nation needs to retain this validated congressionally approved Authorization for Use of Military Force to contain the fight against terrorism around the world. The Commander in Chief needs it.

This amendment makes a major policy change that does not belong in our bill.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Chairman, to justify wars in 2016 on an AUMF in 2001 is ludicrous.

I yield 1½ minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Chairman, I want to remind those on the floor today that it was James Madison who clearly stated that the power to declare war, including the power of judging the causes of war, is fully vested in the legislature. That is us, the House of Representatives.

The McGovern amendment is an amendment of frustration because, as it has already been said, we have not been permitted to meet our constitutional responsibility to debate war policy for the country.

We have sent five letters to former Speaker Boehner asking for this ability to have an AUMF on the floor for debate. No answer. This is a bipartisan group who wrote the letter. We have now sent three letters to Speaker RYAN asking that we meet our constitutional responsibility. No answer. We are frustrated. We need to meet our constitutional responsibility.

The last point I want to make very quickly. In December of this year, we had Secretary Carter before the Armed Services Committee, on which I serve, and we had General Dunford before the committee, on which I serve. I asked them the question: Do you think that Congress should debate and pass a new AUMF?

Let me give you Carter's answer: I think it is desirable to have a new AUMF.

General Dunford: I absolutely believe that a clear and unequivocal statement of support for the men and women in uniform that are prosecuting the war is absolutely necessary. It would be so helpful if we could pass a new AUMF.

So in closing, I say this: if we want to meet our constitutional responsibility and we upheld our hands to swear to God that we would, then let's not send our young men and women to die around the world based on 2001 and 2002.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, for any comments he may wish to make.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the Chairman acknowledging and yielding me time.

I rise in support of the amendment. There is no question of the sacrifice being made by our troops. We, as Members of the Congress of the United States, ought to clearly define the purpose of their sacrifice.

The authority being used today was written in 2001. The world has fundamentally changed. That act talked about using all necessary and appropriate force against the persons or entity associated with the September 11 attack.

I do think it is our responsibility to balance the powers of the executive under the Constitution and have that fulsome debate.

If it was adopted tomorrow morning, it would have an effect on funding. On the best day possible, this bill does not become law until October 1. That gives us plenty of time.

I appreciate the chair yielding.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Chairman, I thank the ranking member.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LEE), one of the sponsors of this amendment.

Ms. LEE. Mr. Chairman, first, let me just say I rise in very strong support of the McGovern-Jones-Lee amendment.

I want to thank the gentleman from Massachusetts for his strong, steady, and bold leadership on this issue and issues of war and peace.

Mr. Chairman, this amendment is really simple. It would use the power of the purse to prevent funding for combat operations in Iraq and Syria unless an Authorization for Use of Military Force is enacted.

We all agree that ISIL must be degraded and dismantled. Then why is Congress missing in action?

The 2001 authorization was specific to 9/11. I voted against it because I knew it would be broadly interpreted, which it is. It is a blank check.

□ 1045

ISIL, though, did not even exist in 2001. Every day, more bombs fall, and the battlefield expands. We have already spent more than $10 billion. That is $615,000 per hour.

Congress needs to show up for work, muster its courage, exercise its constitutional responsibility for debate, and vote on the ongoing war in Iraq and Syria. We owe nothing less to our brave men and women who are in harm's way. It is past time to force a debate and vote on this issue.

Again, I thank the gentleman for his tremendous leadership and for continuing to beat the drum until we get this done.

Mr. FRELINGHUYSEN. Mr. Chair, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Chair, I inquire as to how much time remains.

The CHAIR. The gentleman from Massachusetts has 45 seconds remaining.

Mr. MCGOVERN. Mr. Chair, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I move to strike the last word.

The CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chair, I yield to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chair, I thank the ranking member for yielding because this is debate, quite frankly, that we need to have, and we need to have it in more than 10 minutes. If one supports this amendment, we will have that debate.

Mr. Chair, this amendment is not about cutting out funds to our troops. The underlying bill, interestingly, already does that come next April. This amendment is about the dereliction of duty by Congress. If Congress keeps voting for the money to send our men and women in uniform to fight and die in Iraq and Syria, then it should have the courage to debate and vote on an AUMF for those missions as the Constitution of the United States demands of us. It is that simple.

We have heard from leaders of this Chamber over and over and over again that they agree that we ought to debate an AUMF, but every time we try to force the issue, there is another excuse. We are told that we have to wait for the White House to propose an AUMF. They did. I don't particularly like it—some may like it, and some may not—but we ought to bring it to the floor. We ought to debate it and amend it and vote on it. That is what we are supposed to do.

There is something very, very wrong about the fact that we have so many men and women in harm's way right now—some of them who are losing their lives because of their deployments—and we are content to do nothing. We don't even talk about what is happening in Iraq and Syria. We don't have these debates that we should be having.

All we are saying—and I don't care what your views are on these wars—is that you ought to agree that we ought to have a debate. That is what the McGovern-Jones-Lee-Amash-Garamendi amendment is all about. America's men and women in uniform are doing their duty, and I respectfully ask my colleagues to do theirs.

Mr. VISCLOSKY. Mr. Chair, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chair, I urge opposition to the amendment.

I yield back the balance of my time.

The CHAIR. The gentleman from Massachusetts has 45 seconds remaining.

Mr. MCGOVERN. Mr. Chair, again, I would just say to my colleagues that this is about our respecting the Constitution of the United States. This is about respecting the service of our men and women whom we have put in harm's way. We all know we should be doing this. We have to have the guts and the courage to do it.

I urge the passage of my amendment.

Mr. Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 45 OFFERED BY MS. LEE

The CHAIR. It is now in order to consider amendment No. 45 printed in House Report 114–623.

Ms. LEE. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) None of the funds made available by this Act may be used pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note).

(b) Subsection (a) shall apply beginning on April 30, 2017.

The CHAIR. Pursuant to House Resolution 783, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Mr. Chair, we are going to try again with a variation of what we just discussed.

This is another amendment to reclaim our constitutional authority over matters of war and peace, and I ask Members to support the Lee-Jones-Welch amendment.

Our amendment is simple. It would require Congress to finally put forth a new ISIL-specific Authorization for Use of Military Force by April 30, 2017. That is the date when funding for the overly broad 2001 authorization would be restricted. Upon enactment into law—this would be in October—Congress would have ample time—until April 30, 2017—to come up with a new authorization.

Mr. Chair, 5,389 days have passed since Congress wrote a blank check for endless war to any President, and Congress still hasn't acted. 678 days since we started, once again, to bomb Iraq in a war that Congress has never debated or specifically authorized, and still Congress has not acted. 632 days since we started bombing Syria, a nation not covered by the 2002 or the 2001 AUMF—it is, clearly, not intended by either of these two—and Congress still has not acted. 491 days since President Obama sent Speaker Boehner a draft authorization, and still—and now we have a new Speaker—Congress has not acted. And 33 days since a United States Army captain filed a lawsuit that demands an authorization for the war that he and other servicemembers are fighting, and still Congress has not acted.

Mr. Chair, how many more days until we take the power to wage war and return it to the American people through Congress?

Our brave servicemen and -women can't wait any longer. The American people can't wait any longer.

Clearly, Congress must be required to act. This amendment would require Congress to finally debate and vote on the nearly 2-year-long war that is raging in the Middle East, a war that has already claimed the lives of three brave servicemen. The House simply cannot continue to abdicate its sacred constitutional responsibility to give the American people a voice in matters of war and peace.

Mr. Chair, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chair, this is a major policy change that does not belong in an appropriations bill.

I reserve the balance of my time.

Ms. LEE. Mr. Chair, how much time do I have remaining?

The CHAIR. The gentlewoman from California has 2½ minutes remaining.

Ms. LEE. Mr. Chair, I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Chair, as has been said by many of my colleagues, the constitutional responsibility to declare war is that of Congress.

So how is it that this Congress and the Congresses that have preceded us since the hostilities in the Middle East began have failed to even debate an Authorization for Use of Military Force.

That is our duty. We are divided by many things, and we see the world in different ways, but we all have a fundamental responsibility to abide by the Constitution, which governs our conduct, the House of Representatives—the Congress of the United States, the Representatives of the people. The people are the ones, ultimately, who bear the burden of any conflict, and they are entitled to our vote, yes or no, in engaging in war.

The second thing: a lot of concern—sometimes legitimate, sometimes debatable—as to overreach by an executive.

How is it that we can make that complaint if we cede our constitutional responsibility by irresponsibly failing to exercise it to an executive?

Congress must act.

Mr. FRELINGHUYSEN. Mr. Chair, I reserve the balance of my time.

Ms. LEE. Mr. Chair, I yield 1½ minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Chair, when I took my oath of office, the Speaker handed me this Constitution.

Here, in Article I, it reads that it is the Congress of the United States that declares war or not. Yet, as my friend from California said so eloquently, days and days and years have gone by that the Congress of the United States has abdicated its fundamental responsibility. Perhaps the most awesome and important of our responsibilities is to send our men and women onto the battlefield. Yet we have not done it.

The esteemed chairman of the Appropriations Committee said that this is too important an issue to be in an appropriations bill. I could not disagree more. The appropriations bill is about war, and there are billions and billions of dollars in this appropriations bill to conduct a war that is not authorized by Congress.

It seems to me to be absolutely essential that we take up our responsibility—that we define what it is we want to accomplish in Syria and Iraq and that we put aside the old authorizations that are now 15 years old and that are, clearly, not only out of date, but are inappropriate for what we are doing in the Middle East. It is our responsibility. The Constitution of the United States says it is. There are 535 of us who have sworn to uphold the Constitution of the United States, and we have failed.

Mr. FRELINGHUYSEN. Mr. Chair, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chair, how much time remains for the gentlewoman from California (Ms. LEE)?

The Acting CHAIR (Mr. HOLDING). The time of the gentlewoman from California has expired.

Mr. VISCLOSKY. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chair, I spoke just previously on the past amendment, and I will not repeat myself but will, simply, make two observations.

Some of the changes that have occurred over the last 15 years include the U.S. withdrawing its large number of troops and presence in Iraq; although, additional troops are now moving to Iraq. Central Command is working with partner nations to conduct targeted air strikes against ISIL. Then, obviously, we are engaged in other activities around the globe.

Circumstances have changed, and we ought to meet our constitutional responsibility. I think the amendment that the gentlewoman has drafted is elegant in the sense that she has picked the same date—that is, April 30—that we have structured the OCO funding in this bill ourselves. If we have enough time between now and April 30, 2017, for a new administration and a new Congress to find moneys to fight the war, we have enough time to have the authority to do the same.

I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentleman for yielding and for his clarity on this issue.

Mr. Chair, in the nearly 15 years, according to a Congressional Research Service report, the AUMFs that we are discussing today—the 2001 and the 2002—have been used more than 37 times in 14 countries to justify military actions. They have been used 18 times by President Bush and 19 times by President Obama. This report only examines the unclassified incidents.

How many other operations have been conducted without the knowledge of Congress or the American people?

These authorizations have not only been used to justify wars that are thousands of miles away, but they have also been used closer to home to justify warrantless surveillance and wiretaps and the targeted killings by drones, including of American citizens.

How can we ask our brave men and women in uniform to fight a war while this Congress can't even muster the courage to debate it?

Again, every hour, we spend $615,000 on this war. Every day, more bombs fall, the battlefield expands, and more American servicemembers are put in harm's way.

How many more days until we do something about this complete and utter abdication of our responsibility?

This is not a new issue for me or a new effort. I have been working on this for years to end the reliance on the overly broad 2001 authorization blank check. That is why I couldn't vote for it. I am pleased to say that this effort is growing in strength in bipartisan numbers.

□ 1100

Congress must finally take action to vote on a specific Authorization for Use of Military Force in this new war to address the threat of ISIL, and this amendment would require us to do just that. We wouldn't have to do it until April 2017. We have plenty of time, plenty of time to do it.

So let's stand up for the Constitution, our servicemen and -women, and our national security by supporting the Lee-Jones-Welch amendment.

Mr. VISCLOSKY. Mr. Chair, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chair, recent disaster events in Yemen and, most recently, frightening developments both in Iraq and Syria have shown that terrorist affiliates and new terrorist groups are on the rise. This amendment would effectively eliminate the President's ability to address those threats and others that are coming our way, and so I strongly oppose the gentlewoman's amendment.

I ask for opposition to the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. LEE. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 46 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 46 printed in House Report 114–623.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) The total amount of appropriations made available by this Act is hereby reduced by one percent.

(b) The reduction in subsection (a) shall not apply to amounts made available—

(1) under title I for ''Military Personnel'';

(2) under title VI for ''Defense Health Program''; or

(3) under title IX.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I yield myself such time as I may consume.

At a time when all government entities are being asked to do more with less, it is time we ask the United States military to make smart cuts to our defense budget so we can live within our means. We can eliminate inefficient and unnecessary programs while spending taxpayer dollars responsibly and improving our national security.

My amendment just goes a very small way toward protecting the fiscal security of our Nation, which is vital to our national security. My amendment would give broad authority to reduce the overall amount of money appropriated by this bill to 1 percent in the aggregate. I remind everybody that a 1 percent reduction in the spending in this bill is still above the original agreed-upon defense budget from the Budget Control Act, so, again, Congress is appropriating more money than there is in the Budget Control Act.

When we spend beyond our means, we make our Nation less secure, not more secure, by making ourselves economically beholden to countries like Saudi Arabia and China. Even with my amendment, this bill still spends over $500 billion for defense, about as much as the rest of the world combined spends on their militaries. This 1 percent reduction is simply a compromise between the Budget Control Act levels and the suggested levels in this bill. This bill, in its current form, funds multiple accounts and weapons systems over the amount the military itself requested. One percent is about $5 billion.

Now, there might be those who claim there is no possible way to find that money in this bill. Look, I know a lot of Members here have offered a number of ideas about how we can trim our overall defense budget and improve our national security. There are high-profile numbers, like the F–35 and LCS. There are also lower profile items.

When we spend on the military, we need to ask ourselves a couple of questions. First and foremost, of course: Is it necessary and needed for national security? And then, secondly: What is the trade-off, and does it improve or worsen our national security to spend beyond our means and borrow from Saudi Arabia and China?

There are many, many, many accounts in this bill where more money is spent than is requested by the military itself. We can't allow ourselves to be convinced that we can somehow magically sustain this level of military spending and then turn around and say we are somehow also concerned about the fiscal condition of our country.

This amendment is a small step, a compromise between the budget control cap levels and the committee's mark. We don't have to choose between protecting the homeland and fiscal responsibility. We can do both. We will do both, and this amendment will make this happen.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong opposition to the gentleman's amendment. This amendment would force the Department to absorb a reduction of more than $4 billion.

Mr. Chairman, we already have serious readiness gaps, and this amendment would force a reduction of more than $2 billion to operation and maintenance accounts, funding that supports key readiness programs to prepare our troops for combat or also for peacetime missions, including flight time, battle training, equipment and facility maintenance, as well as base operations.

Furthermore, the amendment will result in a significant reduction to research and development, equipment procurement, modernization, all of which are crucial to our national security. These are investments that protect our Nation from threats to freedom and democracy.

We are keenly aware that the United States and her allies continue to face attacks and threats from terrorist organizations like ISIL and al Qaeda and others that seek to do us harm, and our troops must be ready to fight at all times against the enemy everywhere.

I oppose the amendment.

I reserve the balance of my time.

Mr. POLIS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LEE), the cosponsor of this amendment and a leader on this issue.

Ms. LEE. Mr. Chairman, I thank the gentleman from Colorado for his important and consistent work to bring financial sense to the Pentagon.

I rise to urge my colleagues to support the Polis-Lee amendment. This amendment will help rein in unnecessary and bloated Pentagon spending while protecting the pay or health benefit account of our brave servicemembers and their families.

Over the last 15 years, Pentagon spending has ballooned by 50 percent in real terms, and we still haven't even been able to audit the Pentagon. You talk about waste, fraud, and abuse? My goodness. One percent, this is a pittance in terms of what we need to do, but we have got to start somewhere.

Pentagon spending now consumes more than half of the Federal discretionary budget that we oversee. It is just outrageous. We need a faster, smarter, more modern military, not bloated spending that drives up our national debt.

Many of you may remember the reports of cash in suitcases being passed around by Karzai in Afghanistan. American tax dollars, cash, where did that money go? Come on, we could put that into health care for our troops. Recently, The New York Times made this case in their editorial, ''A Better, Not Fatter, Defense Budget.''

I include the New York Times editorial, ''A Better, Not Fatter, Defense Budget,'' in the RECORD.

[From the New York Times, May 9, 2016]

A BETTER, NOT FATTER, DEFENSE BUDGET

(By the Editorial Board)

To hear some military commanders and members of Congress talk, the American military is worn out and in desperate need of more money. After more than a decade in Iraq and Afghanistan, they say, troops are lagging in training and new weaponry, which is jeopardizing their ability to defeat the Islamic State and deal with potential conflicts with Russia and China.

While increased funding for some programs may be needed, total military spending, at nearly $600 billion annually, is not too low. The trouble is, the investment has often yielded poor results, with the Pentagon, Congress and the White House all making bad judgments, playing budget games and falling under the sway of defense industry lobbyists. Current military spending is 50 percent higher in real terms than it was before 9/11, yet the number of active duty and reserve troops is 6 percent smaller.

For nearly a decade after 9/11, the Pentagon had a virtual blank check; the base defense budget rose, in adjusted dollars, from $378 billion in 1998 to $600 billion in 2010. As the military fought Al Qaeda and the Taliban, billions of dollars were squandered on unnecessary items, including new weapons that ran late and over budget like the troubled F–35 jet fighter.

The waste and the budget games continue with the House Armed Services Committee approving a $583 billion total defense authorization bill for 2017 last month that skirts the across-the-board caps imposed by Congress in 2011 on discretionary federal spending.

The caps are supposed to restrain domestic and military spending equally, but defense hawks have insisted on throwing more money at the Pentagon. That doesn't encourage efficiency or wise choices. The panel took $18 billion from a $59 billion off-budget account, which has become a slush fund renewed annually to finance the wars in Iraq, Afghanistan and other trouble spots, and is not subject to the budget caps, and repurposed that money for use in the $524 billion base military budget.

The move will underwrite the purchase of more ships, jet fighters, helicopters and other big-ticket weapons that the Pentagon didn't request and will keep the Army from falling below 480,000 active-duty troops. It also means the war account will run out of money next April. Representative Mac Thornberry, the Republican chairman of the committee, apparently assumes the next president will be forced to ask for, and Congress will be forced to approve, more money for the war account. This sleight of hand runs the risk that troops overseas, at some point, could be deprived of some resources, at least temporarily. The full House should reject this maneuver.

Many defense experts, liberals and centrists as well as hawks, agree that more investment is needed in maintenance, training and modernizing aging weapons and equipment. These needs were identified years ago, yet the Pentagon and Congress have chosen to invest in excessively costly high-tech weaponry while deferring maintenance and other operational expenses.

The Pentagon can do with far fewer than the 1,700 F–35s it plans on buying. It should pare back on President Obama's $1 trillion plan to replace nearly every missile, submarine, aircraft and warhead in the nuclear arsenal. Defense officials recently reported that 22 percent of all military bases will not be needed by 2019. Civilian positions will have to be reduced, while reforms in health care and the military procurement system need to be carried out. All of these changes make good sense, given the savings they would bring. But they are politically unpalatable; base closings, for instance, have been stubbornly resisted in recent years by lawmakers fearful of angering voters by eliminating jobs in communities that are economically dependent on those bases.

Todd Harrison, a defense budget expert with the Center for Strategic and International Studies, says that sustaining the current military force of roughly two million and paying for all the new weapons systems will cost billions more than Congress has allowed under the budget caps. To maintain sensible troop levels, Congress and the administration need to begin honestly addressing the hard fiscal choices that they have largely been loath to make.

Ms. LEE. Mr. Chairman, this article lists program after program, many of which our generals did not even ask for, that has cost billions of taxpayer dollars without making us any safer.

So it is time to stop pouring billions into unnecessary and nonstrategic pet projects. Let's pass this amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the committee.

Mr. VISCLOSKY. Mr. Chair, I simply join the chairman in opposition.

I respect the gentleman from Colorado very much, as well as the gentlewoman from California, but the committee has spent the last half year trying to make very discrete decisions on spending. I think across-the-board cuts negate that, and, therefore, I am opposed to the amendment.

Mr. POLIS. Mr. Chairman, we have to ask ourselves: At what point does additional marginal dollars spent on defense make our country less secure by making us economically beholden to Saudi Arabia, China, and other nations?

As the gentlewoman from California mentioned, defense spending has ballooned, more than 50 percent increases. Every additional dollar we spend is not a dollar we have. It is a dollar we borrow, a dollar we borrow from people overseas, and a dollar we borrow from future Americans and our children.

How can we look our children in the face today by spending the money that they are going to be earning over their lives now, when we already spend as much as the rest of the world combined on defense, including our allies? If you add in our European allies and Asian allies, that is more than three quarters of global defense spending. At what point is enough enough?

I personally support a 3 percent cut, a 5 percent cut. I am on the record saying so. This is a modest compromise. It is still above the budget cap levels.

I hope everybody in this body supports this modest step toward our national security.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I urge opposition to the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POLIS. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 48 OFFERED BY MS. MCSALLY

The Acting CHAIR. It is now in order to consider amendment No. 48 printed in House Report 114–623.

Ms. MCSALLY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used for performances by a military musical unit (as defined in section 974 of title 10, United States Code) described in paragraph (2)(B) or (3) of subsection (a) of such section.

The Acting CHAIR. Pursuant to House Resolution 783, the gentlewoman from Arizona (Ms. MCSALLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Ms. MCSALLY. Mr. Chairman, I thank Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY for all their hard work on this important bill.

I rise today to offer an amendment to help us guide reprioritization of some defense spending. While I believe military bands play a very important role in ceremonies, funerals, honoring the fallen, and playing taps, this amendment simply limits their ability to play in social functions, dances, and things that are really outside their core competencies and the competencies of the military.

Sequestration and 15 years of war have taken a very heavy toll on our military, and this bill is helping to turn that around. I appreciate the hard work on that. For example, in the air

domain, with which I have some experience, we recently grounded one-third of our combat fighters for 3 months in the Air Force.

The Air Force is facing a shortage of 4,000 maintainers for aircraft and 500 fighter pilots, and that shortage is expected to widen to 800 by 2022. Only half of the Air Force fighter pilots, including those that fly the F–22, are receiving the full spectrum of the training they require.

Twenty-five years ago, we had 134 combat coded fighter squadrons; today, we have 55. And we had 946,000 total force military and civilian airmen. Well, today we have fewer than 660,000. The Navy and the Marine Corps are facing similar pilot and aircraft shortages. Our Army is drawing down to its smallest size since before World War II.

Yet, today, we have 99 different Army bands. In fact, today these bands will play at 22 different shows worldwide. Most of these shows, the USO and civilian bands would love to fill the role of.

At the same time, we have heard reports that we have a shortage of buglers—those who are playing taps—to honor our military when they are fallen. We have got to make sure that we have them represented so that those who have fallen and served receive the honors that they deserve.

We should be recruiting warriors, but the Army Web site is targeting people to play music for a living. Don't get me wrong; I believe the bands play an important role. Let me tell you, in my 26 years in the military, I used to be at Christmas parties with the wing commanders and generals, and we would have Active-Duty military entertaining us, and it bothered me then.

We have difficult choices to make. We are spending, in FY15, $437 million on musicians' instruments, uniforms, travel expenses, and we have seen reports of things like $11,000 flutes, $12,000 tubas, and $88,000 pianos.

These are difficult choices that we have to make right now in this bill. Because of some of these concerns that we have had—I am on the Armed Services Committee—in this year's NDAA, we asked for detailed information on the size and cost of all bands across the military. While we wait for this information, this amendment will inform the military that Congress desires them to use defense dollars on defense.

Let's be clear, this is not an attack on the arts. I am a vocalist myself. I care deeply about the arts. But we have to, again, make difficult choices in these bills. In no way do I want to devalue those who have served in the past in these roles or are serving now in these roles in our military bands, but for every dollar that is spent on our bands to entertain at social functions, that is a dollar we are not spending on national security, on our troops, and our families.

Because of the shortage of maintainers, the Air Force is asking us to choose between things like air superiority and close air support. We need to do both.

Some of our choices here are related to do we want to have aircraft parts funded or musical instruments. Again, these are difficult choices, but my amendment today simply limits the function of military bands so that they can be performing those ceremonial duties, playing at military funerals, playing taps, those things that are very important roles for our military.

While our communities certainly do enjoy being entertained by our military bands, they would, I think, prefer to be protected by our military. I urge everybody to support this amendment and make sure our money is spent well on defense and the bands are focused on their most crucial roles.

I reserve the balance of my time.

□ 1115

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to support the gentlewoman's amendment. As she has well said, military bands play a very important role in recruiting, retention, and community relations. They also provide patriotic and inspirational music to improve the morale of our soldiers, sailors, and airmen. All of us support these roles. Literally, such music makes our heart sing.

However, I agree that we should consider prohibiting the use of funding for certain events. The bands play an important role during ceremonies recognizing the sacrifices of the fallen, but they are not appropriate at every event.

I look forward to working with the gentlewoman as we approach conference to ensure that the language we include addresses the gentlewoman's concerns. If the gentlewoman would agree to work with me and Mr. VISCLOSKY on this issue, I am sure we will be pleased to accept her amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. MCSALLY. Mr. Chairman, I want to thank the chairman for his support of the spirit of the amendment. I look forward to working with him and the ranking member to make sure that it is appropriately tightened up so that it meets the intent of the amendment, which I think we both agree upon. I appreciate his working with me on that.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Arizona (Ms. MCSALLY).

The amendment was agreed to.

AMENDMENT NO. 74 OFFERED BY MR. BARLETTA

The Acting CHAIR. It is now in order to consider amendment No. 74 printed in House Report 114–623.

Mr. BARLETTA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used for a contract under section 2922a of title 10, United States Code, for energy or fuel for a military installation that is procured from the Russian Federation.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Pennsylvania (Mr. BARLETTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. BARLETTA. Mr. Chairman, I rise today to offer an amendment that simply prevents any funding from being used to enter into contracts to purchase fuel or energy for our military installations if that fuel or energy originates from the Russian Federation.

Time and again, we have seen Vladimir Putin use Russian energy to assert his political will over the rest of the world. In fact, just a few months ago, the European Union announced that they were seeking alternatives to Russian natural gas imports in order to avoid a repeat of 2006 and 2009, when Russian suppliers cut off the gas shipped through Ukraine, leaving much of Western Europe to succumb to winter's freezing temperatures. I think we can all agree that we don't want our American servicemen and -women to be left out in the cold.

To me, this is a commonsense issue. We should not leave our military men and women at the mercy of hostile foreign countries. By ensuring our military does not rely on the Russian Federation to supply the heating and energy needs of our military bases, we can provide certainty and security for the brave individuals protecting our freedom. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I don't necessarily oppose the gentleman's amendment, but I would want to make some remarks regarding it.

The European Command believes this amendment would make it more difficult and costly to acquire energy for European military installations, and I would note in next year's authorization

there is language included to study the logistics and support capability gaps for our military forces in Eastern Europe. I believe results of that analysis will inform this amendment and many others related to the European Command and the efforts of the European Reassurance Initiative.

I believe Congress should wait until the Comptroller General and the Defense Department have had time to analyze European military installation energy source issues and offer them the opportunity to propose a range of recommendations to the Congress. I also do believe that if the amendment's language is broadly written, it includes all contracts, and the restriction would impact the Defense Logistics Agency Energy. That energy agency would have to include a clause in their contracts to prohibit manufacturers from procuring fuel from the Russian Federation as Russia is not a prohibited source. This requirement may have Trade Agreements Act implications.

Additionally, this language would be problematic as the Defense Logistics Agency Energy does not have the visibility over the source of crude oil for their suppliers. The agency does not have sourcing information under their contracts for refined products based on trade agreements, contract requirements. Currently, we do not have contracts where suppliers have certified that a refined product is sourced from Russia.

A final concern is that if the amendment covers Russian-affiliated companies that provide non-Russian refined fuel, again, the Agency does not obtain detailed information regarding subcontractors. So there are a number of questions.

The gentleman does raise a very important issue relative to energy use, particularly on the European Continent. I just wanted to make my colleagues known of those concerns.

Mr. Chairman, I yield back the balance of my time.

Mr. BARLETTA. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the chairman of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I want to thank our colleague for raising this issue. May I say that I associate my comments with the ranking member as well. Mr. Putin uses Russia's vast energy reserves as a political tool—we know that—to support his aspirations in Eastern Europe. This raises, as Mr. VISCLOSKY says, serious concerns and reminds us how important it is to ensure that our military is not solely dependent on Russian energy.

I do have some general concerns regarding the unintended consequences, which Mr. VISCLOSKY relates, borne out of an amendment which prohibits the use of any or all foreign energy sources on overseas military bases, specifically as it relates to the European Reassurance Initiative, which is included in our bill, or an amendment which is drafted specifically to prohibit funds from being used to procure Russian energy anywhere in the world.

I look forward to working with Mr. BARLETTA and Mr. VISCLOSKY and our entire committee to ensure that our military bases in Europe can continue to rely on their present-day sources of energy.

Mr. BARLETTA. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I rise in support of this commonsense measure that would prohibit funds within this bill from entering into contracts for energy or fuel with the Russian Federation for the purpose of heating our military installations.

I have longstanding concerns regarding the prospect of American military installations in Europe being exposed to unnecessary vulnerabilities as a result of becoming dependent upon foreign energy resources. Russian natural gas already makes up a majority of the fuel mix used at some military posts, and we cannot allow Russian coal or natural gas to take control of the difference.

Mr. Chairman, this is a national security issue. By purchasing energy from areas impacted by volatile international or regional politics, we are putting our troops and their dependents at risk. Furthermore, we are filling the coffers of hostile regimes who seek to use energy as a weapon.

Furthermore, the United States has become the North American energy giant. With congressional action to lift a 40-year moratorium on crude oil exports, we are seeing new markets develop. We must ensure our allies in Europe are provided a choice. Similarly, we must utilize American-sourced energy to strategically support our military installations overseas.

This is about countering Russian aggressions. I encourage support of the Barletta amendment.

Mr. BARLETTA. Mr. Chair, again, I thank the chairman and the committee for continuing to work with me on this issue. I urge my colleagues to support this commonsense amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. BARLETTA).

The amendment was agreed to.

AMENDMENT NO. 75 OFFERED BY MR. SMITH OF NEBRASKA

The Acting CHAIR. It is now in order to consider amendment No. 75 printed in House Report 114–623.

Mr. SMITH of Nebraska. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used to revise the DoD Food Service Program Manual (Number 1338.10 and dated December 2, 2014) to exclude meat.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Nebraska (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. SMITH of Nebraska. Mr. Chairman, I yield myself such time as I may consume.

I rise to ensure that our men and women in uniform have options on the menu when they seek nutrition in the cafeteria as they serve. Ideologically motivated activists are working to take meat off the menu in institutions across the country. There is plenty of evidence of this, and I hope that we can limit these efforts to ensure that our men and women in uniform have the choices of nutrition at their ready.

Meat contains vitamins and nutrients not readily available in a plant-based diet. In fact, creatine, which supplies energy to muscle cells and aids in their recovery, is only found in animal products.

My amendment does not inhibit the ability of individual servicemembers to pursue a vegetarian diet if they choose to nor does it prohibit the armed services from meeting the dietary needs of those who choose a vegetarian or vegan diet. All this amendment does is to ensure there is also a meat option available.

I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I appreciate the gentleman bringing this issue to our attention, and I am pleased to accept his amendment.

Mr. SMITH of Nebraska. I thank the chairman.

Mr. VISCLOSKY. Mr. Chair, I rise to claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, in the interest of full disclosure, I would indicate to all of my colleagues here that I did have meat at lunch yesterday. I ate meat last night.

I appreciate the gentleman's concern about ideological activists attacking the menus at the Department of Defense, but I do trust they will have the intestinal fortitude to resist those particular attacks. I would note that the gentleman's amendment says that none of the funds made available by this act may be used to revise the DOD Food Service Program Manual Number 1338.10 dated December 2, 2014.

I would simply note that today in military dining facilities, there are a wide variety of foods to choose from, taking into account religious and personal preferences, even for carnivores. There is no policy under consideration to eliminate meat from the nutritional programs for our military services. It is my understanding that there are vegetarian MREs, there are meat MREs.

Interestingly enough, when I had a recent conversation with General Carr, who is the adjutant general of the Indiana National Guard, I asked: What is your biggest problem today?

He said: Fitness, diet, and physical fitness.

So I think to impose ourselves into a food service program manual—particularly since the gentleman is a member of a political party that talks about overregulation in this country—is an overreach.

The question I would have for my colleagues is: Should we start considering whether we should be using diced tomatoes in our various food service areas or should we do whole tomatoes? Should we, when we serve tuna fish, have chunk white or solid white?

I think at this point in time, given the gravity of the issues that we have discussed over the last 3 days relative to our Nation's defense that we are now micromanaging, and for that reason, I am opposed to the amendment.

Mr. SMITH of Nebraska. Will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Nebraska.

Mr. SMITH of Nebraska. Mr. Chairman, I would add that my amendment actually reduces the regulation and ensures that our men and women in uniform have adequate choices at the table, at the cafeteria, wherever they might choose to eat. This does not prohibit anything. This just ensures that options are available.

Mr. VISCLOSKY. I, again, think that the gentleman overreaches. It is micromanaging, and I am opposed to his amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Nebraska. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from Nebraska for bringing this amendment. I would like to just focus us on what this is about. This is a Humane Society of the United States vegan/vegetarian kind of initiative. It is about taking meat off the plates of the American people. They are in here in this Congress constantly year after year with another attempt and another attempt.

The USDA had meatless Mondays, and the Secretary of Agriculture said: I don't know where that came from. It just happened. I don't even know what staff person put that up on our Web site, but they took it down right away.

□ 1130

Our military? We would starve them for meat? We need them to be aggressive and healthy.

There is a picture here from The Atlantic that shows the Norwegian army. They have meatless Mondays. And they are fighting climate change with meatless Mondays.

Then, why is this a political agenda? Let people eat what they want to eat. Let's not take it off of their plate. They need it.

By the way, there is a reindeer on the shoulder of this Norwegian soldier. It is the number one favorite meat in all Norway, but they can't eat it on Monday because the political agenda seems to want to drive this thing.

Let people have freedom. Let's have a strong military. Let them have a lot of protein and a lot of energy to defend our God-given liberty.

Mr. SMITH of Nebraska. Mr. Chairman, I would just add that the U.S. Coast Guard, although not contained in this bill, has already engaged in an agenda to remove meat from some of the menus on certain days of the week within that branch.

I want to ensure that our men and women in uniform who serve in harm's way will have the options that they choose. And I would imagine that, given the health impact of a healthy source of protein being meat, we should afford our men and women in uniform that option.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nebraska (Mr. SMITH).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 114–623 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. SHUSTER of Pennsylvania.

Amendment No. 9 by Mr. ELLISON of Minnesota.

Amendment No. 12 by Mr. ROGERS of Alabama.

Amendment No. 13 by Mr. QUIGLEY of Illinois.

Amendment No. 16 by Mr. O'ROURKE of Texas.

Amendment No. 17 by Mr. HUFFMAN of California.

Amendment No. 19 by Mr. POE of Texas.

Amendment No. 21 by Mr. SANFORD of South Carolina.

Amendment No. 22 by Mr. BUCK of Colorado.

Amendment No. 24 by Mr. BYRNE of Alabama.

Amendment No. 25 by Mr. KING of Iowa.

Amendment No. 26 by Mr. GOSAR of Arizona.

Amendment No. 27 by Mr. KING of Iowa.

Amendment No. 29 by Mr. LAMBORN of Colorado.

Amendment No. 30 by Mr. MASSIE of Kentucky.

Amendment No. 31 by Mr. MASSIE of Kentucky.

Amendment No. 32 by Mr. MCCLINTOCK of California.

Amendment No. 33 by Mr. MULVANEY of South Carolina.

Amendment No. 34 by Mr. DESANTIS of Florida.

Amendment No. 36 by Mr. ROHRABACHER of California.

Amendment No. 37 by Mr. WALBERG of Michigan.

Amendment No. 40 by Mr. CONYERS of Michigan.

Amendment No. 42 by Ms. GABBARD of Hawaii.

Amendment No. 44 by Mr. MCGOVERN of Massachusetts.

Amendment No. 45 by Ms. LEE of California.

Amendment No. 46 by Mr. POLIS of Colorado.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. SHUSTER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 216, not voting 13, as follows:

[Roll No. 306]

AYES—205

Abraham
Aguilar
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Beatty
Bera
Bilirakis
Black
Blackburn
Blum
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Buck
Burgess
Bustos
Byrne
Capuano
Cárdenas
Carson (IN)
Carter (GA)
Cartwright
Chabot
Clark (MA)
Clawson (FL)
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Cook
Costello (PA)
Cuellar
Curbelo (FL)
Davis, Rodney
DeFazio
Delaney
Denham
DeSantis
DesJarlais
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers (NC)
Emmer (MN)
Farenthold
Fleischmann
Frankel (FL)
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Gosar
Gowdy
Graham
Graves (LA)
Graves (MO)
Green, Gene
Griffith
Grothman
Guthrie
Hardy

Hartzler
Hensarling
Hinojosa
Hudson
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Johnson (GA)
Johnson (OH)
Jones
Jordan
Katko
Keating
Kelly (PA)
Kennedy
Kilmer
Kind
King (IA)
King (NY)
Knight
LaHood
LaMalfa
Larson (CT)
Latta
Lawrence
Lipinski
LoBiondo
Loudermilk
Lucas
Luetkemeyer
Lummis
Lynch
MacArthur
Marchant
Marino
Massie
McCaul
McClintock
McGovern
McHenry
McKinley
McMorris Rodgers
Meadows
Meng
Mica
Miller (FL)
Miller (MI)
Mooney (WV)
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Neal
Neugebauer
Newhouse
Nolan
Nugent
Olson
Palmer
Pascrell
Perlmutter
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Posey
Ratcliffe
Rice (NY)
Richmond
Roe (TN)
Rogers (AL)
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Ruiz
Ruppersberger
Sanford
Sarbanes
Scalise
Schiff
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Sires
Smith (MO)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Thompson (PA)
Tiberi
Tipton
Tonko
Torres
Upton
Veasey
Vela
Wagner
Walberg
Walden
Walker
Walz
Webster (FL)
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Woodall
Yoho
Young (AK)

NOES—216

Adams
Aderholt
Allen
Becerra
Benishek
Beyer
Bishop (GA)
Bishop (MI)
Bishop (UT)
Blumenauer
Bonamici
Brownley (CA)
Buchanan
Bucshon
Butterfield
Calvert
Capps
Carney
Carter (TX)
Castor (FL)
Castro (TX)
Chaffetz
Chu, Judy
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Conaway
Connolly
Conyers
Cooper
Costa
Courtney
Cramer
Crawford
Crenshaw
Crowley
Culberson
Cummings
Davidson
Davis (CA)
Davis, Danny
DeGette
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Ellison
Engel
Eshoo
Esty
Farr
Fitzpatrick
Fleming
Flores
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Goodlatte
Granger
Graves (GA)
Grayson
Green, Al
Grijalva
Guinta
Gutiérrez
Hahn
Harper
Harris
Hastings
Heck (WA)
Hice, Jody B.
Higgins
Hill
Himes
Holding
Honda
Hoyer
Huelskamp
Huffman
Israel
Jackson Lee
Jeffries
Jenkins (WV)
Johnson, E. B.
Johnson, Sam
Jolly
Joyce
Kaptur
Kelly (IL)
Kelly (MS)
Kildee
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Labrador
Lamborn
Lance
Langevin
Larsen (WA)
Lee
Levin
Lewis
Lieu, Ted
Lofgren
Long
Love
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Maloney, Carolyn
Maloney, Sean
Matsui
McCarthy
McCollum
McDermott
McNerney
McSally
Meehan
Meeks
Messer
Moolenaar
Moore
Moulton
Nadler
Napolitano
Noem
Norcross
Nunes
O'Rourke
Palazzo
Pallone
Paulsen
Payne
Pearce
Pelosi
Peters
Pingree
Pocan
Polis
Pompeo
Price (NC)
Price, Tom
Quigley
Rangel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Rogers (KY)
Rohrabacher
Rooney (FL)
Roybal-Allard
Rush
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Simpson
Sinema
Slaughter
Smith (NE)
Smith (WA)
Speier
Takano
Thompson (CA)
Thompson (MS)
Thornberry
Titus
Trott
Tsongas
Turner
Valadao
Van Hollen
Vargas
Velázquez
Visclosky
Walorski
Walters, Mimi
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Welch
Wenstrup
Westerman
Womack
Yarmuth
Yoder
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—13

Bass
Brat
Brown (FL)
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Loebsack
Schakowsky
Takai
Wilson (FL)

□ 1158

Mrs. NOEM, Messrs. QUIGLEY, TAKANO, Mrs. LOWEY, Messrs. ZINKE, RIBBLE, PALAZZO, ELLISON, LONG, RUSSELL, Mrs. DINGELL, Mr. BUCHANAN, Ms. MAXINE WATERS of California, Messrs. WEBER of Texas, ROONEY of Florida, MCCARTHY, Ms. GRANGER, Messrs. BISHOP of Utah, BENISHEK, ROHRABACHER, VAN HOLLEN, ADERHOLT, Ms. SPEIER, Messrs. DENT, POCAN, BECERRA, Ms. KAPTUR, and Mrs. ROBY changed their vote from ''aye'' to ''no.''

Mrs. MCMORRIS RODGERS, Messrs. ROE of Tennessee, ISSA, AMODEI, BOST, WALKER, Mrs. LUMMIS, Messrs. NEAL, CAPUANO, KENNEDY, MCHENRY, COLE, SHIMKUS, RICHMOND, GARAMENDI, Mrs. BEATTY, Messrs. KEATING and MACARTHUR changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. ELLISON

The Acting CHAIR (Mr. COLLINS of Georgia). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. ELLISON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 248, not voting 14, as follows:

[Roll No. 307]

AYES—172

Adams
Aguilar
Ashford
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOES—248

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
DeGette
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper

Harris
Hartzler
Hensarling
Hice, Jody B.
Hill
Himes
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stefanik
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—14

Bass
Brat
Brown (FL)
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Sanchez, Loretta
Schakowsky
Stewart
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting Chair (during the vote). There is 1 minute remaining.

□ 1202

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. ROGERS OF ALABAMA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama (Mr. ROGERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 243, not voting 14, as follows:

[Roll No. 308]

AYES—177

Abraham
Aguilar
Allen
Ashford
Babin
Barletta
Barr
Barton
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Buck
Burgess
Byrne
Capuano
Carson (IN)
Carter (GA)
Chabot
Chaffetz
Coffman
Collins (GA)
Conaway
Conyers
Cook
Costa
Crawford
Davidson
Davis (CA)
DeFazio
Denham
Dent
DeSantis
DesJarlais
Dingell
Dold
Donovan
Duckworth
Duffy
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Farenthold
Fleming
Flores
Franks (AZ)
Gabbard
Garamendi
Garrett
Gibson
Goodlatte
Gosar
Gowdy
Graham
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grothman
Guthrie
Harper
Hartzler
Hensarling
Hice, Jody B.
Hinojosa
Hudson
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Jackson Lee
Jenkins (KS)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Katko
Kelly (MS)
King (IA)
King (NY)
Kline
Knight
LaHood
LaMalfa
Lamborn
Langevin
Latta
Lawrence
Lieu, Ted
Lipinski
Lofgren
Loudermilk
Love
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Maloney, Carolyn
Maloney, Sean
Marchant
Massie
McCarthy
McClintock
McGovern
McHenry
McKinley
McSally
Meadows
Miller (FL)
Miller (MI)
Mooney (WV)
Mulvaney
Nadler
Neugebauer
Nolan
Nugent
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peters
Pittenger
Pitts
Poe (TX)
Poliquin
Posey
Price, Tom
Rangel
Ratcliffe
Richmond
Roby
Roe (TN)
Rogers (AL)
Rokita
Royce
Ruiz
Ruppersberger
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, David
Sensenbrenner
Sessions
Shuster
Sinema
Smith (MO)
Smith (TX)
Speier
Stefanik
Swalwell (CA)
Thompson (PA)
Thornberry
Tipton
Torres
Turner
Upton
Veasey
Vela
Walberg
Walorski
Walz
Weber (TX)
Wenstrup
Wilson (SC)
Wittman
Yoho
Young (AK)
Zinke

NOES—243

Adams
Aderholt
Amash
Amodei
Beatty
Becerra
Benishek
Bera
Beyer
Bishop (GA)
Bishop (MI)
Blum
Blumenauer
Bonamici
Bost
Boyle, Brendan F.
Brady (PA)
Brooks (IN)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Calvert
Capps
Cárdenas
Carney
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Cohen
Cole
Collins (NY)
Comstock
Connolly
Cooper
Costello (PA)
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davis, Danny
Davis, Rodney
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Diaz-Balart
Doggett
Doyle, Michael F.
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fitzpatrick
Fleischmann
Fortenberry
Foster
Foxx
Frankel (FL)
Frelinghuysen
Fudge
Gallego
Gibbs
Gohmert
Granger
Graves (GA)
Grayson
Grijalva
Guinta
Hahn
Hardy
Harris
Hastings
Heck (WA)
Higgins
Hill
Himes
Holding
Honda
Hoyer
Huelskamp
Huffman
Huizenga (MI)
Israel
Issa
Jeffries
Jenkins (WV)
Johnson (GA)
Jolly
Jones
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
Kinzinger (IL)
Kirkpatrick
Kuster
Labrador
Lance
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis
LoBiondo
Loebsack
Long
Lowenthal
Lowey
Lucas
Lynch
MacArthur
Marino
Matsui
McCaul
McCollum
McDermott
McMorris Rodgers
McNerney
Meehan
Meeks
Meng
Messer
Mica
Moolenaar
Moore
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Napolitano
Neal
Newhouse
Noem
Norcross
Nunes
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peterson
Pingree
Pocan
Polis
Pompeo
Price (NC)
Quigley
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Rigell
Rogers (KY)
Rohrabacher
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schiff
Schrader
Scott (VA)
Scott, Austin
Serrano
Sewell (AL)
Sherman
Shimkus
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Stewart
Stivers
Stutzman
Takano
Thompson (CA)
Thompson (MS)
Tiberi
Titus
Tonko
Trott
Tsongas
Valadao
Van Hollen
Vargas
Velázquez
Visclosky
Wagner
Walden
Walker
Walters, Mimi
Wasserman Schultz
Waters, Maxine
Watson Coleman
Webster (FL)
Welch
Westerman
Westmoreland
Whitfield
Williams
Womack
Woodall
Yarmuth
Yoder
Young (IA)
Young (IN)
Zeldin

NOT VOTING—14

Bass
Brat
Brown (FL)
Fattah
Fincher
Forbes
Gutiérrez
Hanna
Heck (NV)
Herrera Beutler
Sanchez, Loretta
Schakowsky
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting Chair (during the vote). There is 1 minute remaining.

□ 1206

Ms. SINEMA changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. QUIGLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 261, not voting 14, as follows:

[Roll No. 309]

AYES—159

Adams
Amash
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clyburn
Cohen
Connolly
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duncan (TN)
Edwards
Ellison
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gallego
Garamendi
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Higgins
Himes
Hinojosa
Honda
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lynch
Maloney, Carolyn
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Rohrabacher
Rokita
Roybal-Allard
Rush
Sánchez, Linda T.
Sanford
Sarbanes
Schiff
Schrader
Serrano
Sherman
Sires
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOES—261

Abraham
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Clay
Cleaver
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Delaney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duckworth
Duffy
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gabbard
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (WA)
Hensarling
Hice, Jody B.
Hill
Holding
Hoyer
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
MacArthur
Maloney, Sean
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peters
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Salmon
Scalise
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell (AL)
Shimkus
Shuster
Simpson
Sinema
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—14

Bass
Brat
Brown (FL)
Engel
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Sanchez, Loretta
Schakowsky
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting Chair (during the vote). There is 1 minute remaining.

□ 1209

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 16 OFFERED BY MR. O'ROURKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. O'ROURKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 263, not voting 14, as follows:

[Roll No. 310]

AYES—157

Amash
Beatty
Becerra
Bera
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Burgess
Capps
Cárdenas
Carney
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clarke (NY)
Clay
Cleaver
Coffman
Cohen
Connolly
Conyers
Cooper
Costa
Crowley
Culberson
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DelBene
DeSaulnier
Deutch
Doggett
Doyle, Michael F.
Duncan (TN)
Edwards
Ellison
Engel
Farr
Fortenberry
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gosar
Grayson
Green, Al
Grijalva
Grothman
Gutiérrez
Hahn
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Hurt (VA)
Israel
Jackson Lee
Jeffries
Jenkins (KS)
Johnson (GA)
Jolly
Kaptur
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Labrador
Langevin
Larsen (WA)
Lee
Lewis
Lipinski
Lofgren
Lowenthal
Lowey
Lynch
Massie
Matsui
McClintock
McCollum
McDermott
McGovern
McKinley
McNerney
Meadows
Meeks
Moulton
Mulvaney
Nadler
Napolitano
Nolan
O'Rourke
Payne
Pelosi
Perlmutter
Peters
Peterson
Pocan
Polis
Price (NC)
Quigley
Rangel
Ribble
Rice (NY)
Rice (SC)
Richmond
Roe (TN)
Rohrabacher
Rokita
Roybal-Allard
Royce
Ruppersberger
Rush
Sánchez, Linda T.
Sanford
Sarbanes
Schiff
Schrader
Schweikert
Sensenbrenner
Serrano
Sewell (AL)
Sherman
Slaughter
Smith (WA)
Speier
Stewart
Swalwell (CA)
Thompson (CA)
Thompson (MS)
Titus
Tsongas
Vargas
Veasey
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth
Yoho
Zeldin
Zinke

NOES—263

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Brownley (CA)
Buchanan
Buck
Bucshon
Bustos
Butterfield
Byrne
Calvert
Capuano
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Chabot
Chaffetz
Clark (MA)
Clawson (FL)
Clyburn
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Cuellar
Curbelo (FL)
Davidson
Davis, Rodney
DeLauro
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dingell
Dold
Donovan
Duckworth
Duffy
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Eshoo
Esty

Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Gene
Griffith
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Hastings
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Issa
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce
Katko
Keating
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
LaHood
LaMalfa
Lamborn
Lance
Larson (CT)
Latta
Lawrence
Levin
Lieu, Ted
LoBiondo
Loebsack
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
McCarthy
McCaul
McHenry
McMorris Rodgers
McSally
Meehan
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Mullin
Murphy (FL)
Murphy (PA)
Neal
Neugebauer
Newhouse
Noem
Norcross
Nugent
Nunes
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Pearce
Perry
Pingree
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Ruiz
Russell
Ryan (OH)
Salmon
Scalise
Scott (VA)
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stivers
Stutzman
Takano
Thompson (PA)
Thornberry
Tiberi
Tipton
Tonko
Torres
Trott
Turner
Upton
Valadao
Van Hollen
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (IA)
Young (IN)

NOT VOTING—14

Bass
Brat
Brown (FL)
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Sanchez, Loretta
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting Chair (during the vote). There is 1 minute remaining.

□ 1213

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. HUFFMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. HUFFMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 153, not voting 13, as follows:

[Roll No. 311]

AYES—268

Adams
Aguilar
Amash
Ashford
Babin
Beatty
Becerra
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Bonamici
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Brownley (CA)
Buchanan
Buck
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Castor (FL)
Castro (TX)
Chabot
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cohen
Connolly
Conyers
Cooper
Courtney
Cramer
Crowley
Culberson
Cummings
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
DeSantis
DeSaulnier
DesJarlais
Deutch
Dingell
Doggett
Duckworth
Duncan (SC)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fleming
Fortenberry
Foster
Foxx
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibson
Gohmert
Gosar
Gowdy
Graham
Graves (LA)
Grijalva
Grothman
Guinta
Gutiérrez
Hahn
Hastings
Heck (WA)
Hensarling
Higgins
Himes
Hinojosa
Holding
Honda
Hoyer
Huelskamp
Huffman
Huizenga (MI)
Hurd (TX)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Johnson (GA)
Johnson, Sam
Jolly
Jordan
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Knight
Kuster
Labrador
LaMalfa
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Love
Lowenthal
Lowey
Lucas
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Massie
Matsui
McCarthy
McClintock
McCollum
McDermott
McGovern
McNerney
McSally
Meadows
Meeks
Meng
Messer
Mica
Miller (FL)
Moore
Moulton
Mulvaney
Murphy (FL)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nolan
Norcross
O'Rourke
Olson
Pallone
Pascrell
Paulsen
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Rangel
Ratcliffe
Ribble
Rice (NY)
Rice (SC)
Richmond
Roe (TN)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Rouzer
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Schiff
Schrader
Schweikert
Scott (VA)
Sensenbrenner
Serrano
Sherman
Sinema
Sires
Slaughter
Smith (MO)
Smith (TX)
Smith (WA)
Speier
Stewart
Stutzman
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tiberi
Tipton
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Wagner
Walden
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Welch
Wilson (SC)
Wittman
Yarmuth
Yoder
Yoho
Young (IN)

NOES—153

Abraham
Aderholt
Allen
Amodei
Barletta
Barr
Barton
Benishek
Bishop (MI)
Black
Blackburn
Blum
Bost
Boyle, Brendan F.
Brady (PA)
Bucshon
Carter (GA)
Carter (TX)
Cartwright
Chaffetz
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costa
Costello (PA)
Crawford
Crenshaw
Cuellar
Davis, Rodney
Dent
Diaz-Balart
Dold
Donovan
Doyle, Michael F.
Duffy
Duncan (TN)
Fitzpatrick
Fleischmann
Flores
Franks (AZ)
Frelinghuysen
Gibbs
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hardy
Harper
Harris
Hartzler
Hice, Jody B.
Hill
Hudson
Hultgren
Hunter
Hurt (VA)
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Jones
Joyce
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
LaHood
Lamborn
Latta
Lawrence
Long
Loudermilk
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
McCaul
McHenry
McKinley
McMorris Rodgers
Meehan
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Nugent
Nunes
Palazzo
Palmer
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Quigley
Reed
Reichert
Renacci
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rooney (FL)
Ross
Rothfus
Royce
Ruppersberger
Russell
Scalise
Scott, Austin
Sessions
Sewell (AL)
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Stefanik
Stivers
Thompson (PA)
Thornberry
Trott
Turner
Upton
Valadao
Visclosky
Walberg
Walker
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Womack
Woodall
Young (AK)
Young (IA)
Zeldin
Zinke

NOT VOTING—13

Bass
Brat
Brown (FL)
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1217

Mr. GARRETT changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. POE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. POE) on

which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 230, not voting 13, as follows:

[Roll No. 312]

AYES—191

Abraham
Amash
Ashford
Babin
Barton
Benishek
Bilirakis
Bishop (MI)
Black
Blackburn
Blum
Blumenauer
Bost
Boyle, Brendan F.
Brooks (AL)
Buchanan
Buck
Bucshon
Burgess
Castro (TX)
Chabot
Chaffetz
Clark (MA)
Clawson (FL)
Coffman
Cohen
Collins (GA)
Collins (NY)
Crawford
Crowley
Curbelo (FL)
Davidson
Davis, Rodney
DeFazio
Denham
DeSantis
DeSaulnier
DesJarlais
Deutch
Doggett
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fleming
Franks (AZ)
Gabbard
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graves (LA)
Graves (MO)
Grayson
Green, Gene
Griffith
Guinta
Guthrie
Hardy
Hice, Jody B.
Higgins
Hill
Hinojosa
Holding
Honda
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hurt (VA)
Issa
Jenkins (KS)
Johnson (GA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Katko
Keating
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Loudermilk
Love
Lowenthal
Lucas
Luetkemeyer
Lummis
Lynch
Marchant
Massie
McClintock
McDermott
McGovern
McKinley
McMorris Rodgers
McNerney
Meadows
Meng
Mica
Miller (MI)
Mooney (WV)
Moulton
Mullin
Mulvaney
Murphy (PA)
Nadler
Neugebauer
Newhouse
Nolan
Nugent
O'Rourke
Olson
Palazzo
Palmer
Perry
Peterson
Pingree
Poe (TX)
Poliquin
Polis
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Rice (SC)
Rigell
Roe (TN)
Rohrabacher
Rokita
Ros-Lehtinen
Ross
Rothfus
Rouzer
Royce
Rush
Salmon
Sanford
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sherman
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stutzman
Thompson (PA)
Tiberi
Tipton
Tonko
Trott
Upton
Veasey
Walberg
Walden
Walker
Walters, Mimi
Weber (TX)
Webster (FL)
Welch
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Zeldin
Zinke

NOES—230

Adams
Aderholt
Aguilar
Allen
Amodei
Barletta
Barr
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Bishop (UT)
Bonamici
Boustany
Brady (PA)
Brady (TX)
Bridenstine
Brooks (IN)
Brownley (CA)
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Cole
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (CA)
Davis, Danny
DeGette
Delaney
DeLauro
DelBene
Dent
Diaz-Balart
Dingell
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
Frelinghuysen
Fudge
Gallego
Garamendi
Graham
Granger
Graves (GA)
Green, Al
Grijalva
Grothman
Gutiérrez
Hahn
Harper
Harris
Hartzler
Hastings
Heck (WA)
Hensarling
Himes
Hoyer
Huffman
Hunter
Hurd (TX)
Israel
Jackson Lee
Jeffries
Jenkins (WV)
Johnson, E. B.
Jolly
Joyce
Kaptur
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kuster
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lieu, Ted
Long
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
MacArthur
Maloney, Carolyn
Maloney, Sean
Marino
Matsui
McCarthy
McCaul
McCollum
McHenry
McSally
Meehan
Meeks
Messer
Miller (FL)
Moolenaar
Moore
Murphy (FL)
Napolitano
Neal
Noem
Norcross
Nunes
Pallone
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Pittenger
Pitts
Pocan
Pompeo
Price (NC)
Quigley
Rangel
Reichert
Ribble
Rice (NY)
Richmond
Roby
Rogers (AL)
Rogers (KY)
Rooney (FL)
Roskam
Roybal-Allard
Ruiz
Ruppersberger
Russell
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Scott (VA)
Serrano
Sessions
Sewell (AL)
Shimkus
Shuster
Simpson
Sinema
Slaughter
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thornberry
Titus
Torres
Tsongas
Turner
Valadao
Van Hollen
Vargas
Vela
Velázquez
Visclosky
Wagner
Walorski
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Wenstrup
Whitfield
Womack
Young (IA)
Young (IN)

NOT VOTING—13

Bass
Brat
Brown (FL)
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1220

Mr. RIGELL changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 21 OFFERED BY MR. SANFORD

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 155, noes 265, not voting 14, as follows:

[Roll No. 313]

AYES—155

Aguilar
Allen
Amash
Babin
Barr
Beyer
Bilirakis
Black
Blackburn
Blum
Blumenauer
Bonamici
Boustany
Brady (TX)
Bridenstine
Brooks (IN)
Buck
Burgess
Calvert
Cárdenas
Carter (TX)
Chabot
Chaffetz
Clay
Collins (GA)
Costa
Cuellar
Culberson
Davidson
Davis, Rodney
Delaney
DeSantis
DesJarlais
Duncan (TN)
Emmer (MN)
Farenthold
Farr
Fleming
Flores
Foster
Frelinghuysen
Garrett
Gibbs
Goodlatte
Gosar
Graham
Granger
Graves (GA)
Graves (LA)
Green, Gene
Griffith
Grothman
Guthrie
Harper
Harris
Hastings
Hensarling
Hice, Jody B.
Holding
Hudson
Huelskamp
Hultgren
Jenkins (KS)
Johnson (GA)
Johnson, Sam
Jolly
Jordan
Joyce
Kelly (MS)
Kelly (PA)
Kind
Kinzinger (IL)
Labrador
LaHood
Lamborn
Lance
Latta
Lieu, Ted
Long
Loudermilk
Love
Lucas
Luetkemeyer
Maloney, Carolyn
Marchant
Massie
McClintock
Meadows
Meeks
Messer
Mooney (WV)
Mullin
Mulvaney
Murphy (FL)
Neugebauer
Palmer
Paulsen
Pearce
Perry
Peters
Poe (TX)
Polis
Pompeo
Posey
Price, Tom
Ratcliffe
Reichert
Ribble
Rice (NY)
Rice (SC)
Richmond
Roe (TN)
Rogers (KY)
Rohrabacher
Rooney (FL)
Rothfus
Royce
Ruiz
Ruppersberger
Rush
Salmon
Sanford
Sarbanes
Schiff
Schrader
Schweikert
Scott, Austin
Sessions
Simpson
Smith (MO)
Smith (NE)
Stewart
Stutzman
Swalwell (CA)
Tiberi
Tipton
Van Hollen
Veasey
Vela
Wagner
Walden
Walker
Walters, Mimi
Walz
Watson Coleman
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Whitfield
Wittman
Womack
Yoder
Young (IN)
Zeldin

NOES—265

Abraham
Adams
Aderholt
Amodei
Ashford
Barletta
Barton
Beatty
Becerra
Benishek
Bera
Bishop (GA)
Bishop (MI)
Bishop (UT)
Bost
Boyle, Brendan F.
Brady (PA)
Brooks (AL)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Byrne
Capps
Capuano
Carney
Carson (IN)
Carter (GA)
Cartwright
Castor (FL)
Castro (TX)

Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Edwards
Ellison
Ellmers (NC)
Engel
Eshoo
Esty
Fitzpatrick
Fleischmann
Fortenberry
Foxx
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Gohmert
Gowdy
Graves (MO)
Grayson
Green, Al
Grijalva
Guinta
Gutiérrez
Hahn
Hardy
Hartzler
Heck (WA)
Higgins
Hill
Himes
Hinojosa
Honda
Hoyer
Huffman
Huizenga (MI)
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
King (IA)
King (NY)
Kirkpatrick
Kline
Knight
Kuster
LaMalfa
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Sean
Marino
Matsui
McCarthy
McCaul
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meehan
Meng
Mica
Miller (FL)
Miller (MI)
Moolenaar
Moore
Moulton
Murphy (PA)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Palazzo
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peterson
Pingree
Pittenger
Pitts
Pocan
Poliquin
Price (NC)
Quigley
Rangel
Reed
Renacci
Rigell
Roby
Rogers (AL)
Rokita
Ros-Lehtinen
Roskam
Ross
Rouzer
Roybal-Allard
Russell
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Scott (VA)
Sensenbrenner
Serrano
Sewell (AL)
Sherman
Shimkus
Shuster
Sinema
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stivers
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Velázquez
Visclosky
Walberg
Walorski
Wasserman Schultz
Waters, Maxine
Welch
Westmoreland
Williams
Wilson (SC)
Woodall
Yarmuth
Yoho
Young (AK)
Young (IA)
Zinke

NOT VOTING—14

Bass
Brat
Brown (FL)
Fattah
Fincher
Forbes
Franks (AZ)
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1224

Mr. COFFMAN changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 22 OFFERED BY MR. BUCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. BUCK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 205, not voting 13, as follows:

[Roll No. 314]

AYES—216

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
Davidson
Davis, Rodney
Denham
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fleischmann
Fleming
Flores
Foxx
Franks (AZ)
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jordan
Joyce
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—205

Adams
Aguilar
Ashford
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blum
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Buchanan
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fitzpatrick
Fortenberry
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Graves (LA)
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jolly
Jones
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meehan
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Reichert
Rice (NY)
Richmond
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Sherman
Simpson
Sinema
Sires
Slaughter
Smith (WA)
Speier
Stefanik
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Westmoreland
Yarmuth

NOT VOTING—13

Bass
Brat
Brown (FL)
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1227

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 24 OFFERED BY MR. BYRNE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama (Mr. BYRNE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 198, not voting 13, as follows:

[Roll No. 315]

AYES—223

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Boyle, Brendan F.
Brady (TX)
Bridenstine
Brooks (AL)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Clawson (FL)
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
Davidson
DeSantis
DesJarlais
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fleischmann
Fleming
Flores
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Harper
Harris
Hartzler
Hastings
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—198

Adams
Aguilar
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Brady (PA)
Brooks (IN)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fitzpatrick
Fortenberry
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hardy
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jolly
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kinzinger (IL)
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meehan
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Reichert
Rice (NY)
Richmond
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOT VOTING—13

Bass
Brat
Brown (FL)
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1231

Mr. COFFMAN changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 25 OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 200, not voting 13, as follows:

[Roll No. 316]

AYES—221

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Clawson (FL)
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
Davidson
DeSantis
DesJarlais
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Harper
Harris
Hartzler
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson

Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—200

Adams
Aguilar
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brooks (IN)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hardy
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jolly
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kinzinger (IL)
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meehan
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Reichert
Rice (NY)
Richmond
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOT VOTING—13

Bass
Brat
Brown (FL)
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1234

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 26 OFFERED BY MR. GOSAR

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GOSAR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 211, not voting 13, as follows:

[Roll No. 317]

AYES—210

Abraham
Aderholt
Allen
Amash
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Clawson (FL)
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
Davidson
DeSantis
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Harper
Harris
Hartzler
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Perry
Pittenger
Pitts
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (MO)
Smith (NE)
Smith (TX)
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin

NOES—211

Adams
Aguilar
Amodei
Ashford
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hardy
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kinzinger (IL)
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
McSally
Meehan
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Poe (TX)
Polis
Price (NC)
Quigley
Rangel
Reichert
Rice (NY)
Richmond
Ros-Lehtinen
Roybal-Allard
Royce
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Sherman
Simpson
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stefanik
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)

Titus
Tonko
Torres
Tsongas
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth
Zinke

NOT VOTING—13

Bass
Brat
Brown (FL)
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1237

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 27 OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 207, noes 214, not voting 13, as follows:

[Roll No. 318]

AYES—207

Abraham
Aderholt
Allen
Amash
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Clawson (FL)
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
Davidson
DeSantis
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Harper
Harris
Hartzler
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kelly (MS)
Kelly (PA)
King (IA)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Perry
Pittenger
Pitts
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (MO)
Smith (NE)
Smith (TX)
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin

NOES—214

Adams
Aguilar
Amodei
Ashford
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hardy
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kinzinger (IL)
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
McSally
Meehan
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Poe (TX)
Polis
Price (NC)
Quigley
Rangel
Reichert
Rice (NY)
Richmond
Rokita
Ros-Lehtinen
Roybal-Allard
Royce
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Sherman
Simpson
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stefanik
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth
Zinke

NOT VOTING—13

Bass
Brat
Brown (FL)
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1240

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 29 OFFERED BY MR. LAMBORN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. LAMBORN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 175, not voting 14, as follows:

[Roll No. 319]

AYES—245

Abraham
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam

Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Maloney, Sean
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Ruiz
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—175

Adams
Amash
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graves (LA)
Grayson
Green, Al
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Sherman
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOT VOTING—14

Bass
Brat
Brown (FL)
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Rogers (AL)
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1243

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 30 OFFERED BY MR. MASSIE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kentucky (Mr. MASSIE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 48, noes 372, not voting 14, as follows:

[Roll No. 320]

AYES—48

Amash
Becerra
Blackburn
Blumenauer
Buck
Cohen
DeFazio
DesJarlais
Doggett
Duncan (SC)
Duncan (TN)
Eshoo
Farr
Gabbard
Garrett
Gohmert
Grayson
Hahn
Huelskamp
Jones
Labrador
Lee
Lofgren
Lummis
Massie
McClintock
McGovern
Mooney (WV)
Mulvaney
Nolan
O'Rourke
Perry
Pingree
Poe (TX)
Polis
Rohrabacher
Rush
Sanford
Schrader
Schweikert
Speier
Stutzman
Thompson (PA)
Tonko
Trott
Welch
Williams
Yoho

NOES—372

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Beatty
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blum
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
Deutch
Diaz-Balart
Dingell
Dold
Donovan
Duckworth
Duffy
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Esty
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gallego
Garamendi
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guinta
Guthrie
Gutiérrez
Hardy
Harper
Harris
Hartzler
Hastings
Heck (WA)
Hensarling
Hice, Jody B.
Higgins
Hill
Himes
Hinojosa
Holding
Honda
Hoyer
Hudson
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jordan
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matsui
McCarthy
McCaul
McCollum
McDermott
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Moore
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Norcross
Nugent
Nunes
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pittenger
Pitts
Pocan
Poliquin
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Scott (VA)
Scott, Austin
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stefanik

Stewart
Stivers
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tipton
Titus
Torres
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—14

Bass
Brat
Brown (FL)
Doyle, Michael F.
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1246

Mr. ROHRABACHER changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 31 OFFERED BY MR. MASSIE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kentucky (Mr. MASSIE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 198, noes 222, not voting 14, as follows:

[Roll No. 321]

AYES—198

Adams
Amash
Barton
Beatty
Becerra
Beyer
Bishop (GA)
Black
Blackburn
Blum
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Bridenstine
Buck
Burgess
Butterfield
Capps
Capuano
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Conyers
Courtney
Crowley
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
DeSaulnier
DesJarlais
Deutch
Dingell
Doggett
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Emmer (MN)
Engel
Eshoo
Farenthold
Fleming
Foster
Foxx
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Gosar
Graves (LA)
Grayson
Griffith
Grijalva
Grothman
Guinta
Guthrie
Gutiérrez
Hahn
Harris
Hastings
Heck (WA)
Hice, Jody B.
Higgins
Hinojosa
Honda
Hoyer
Huelskamp
Huffman
Hurt (VA)
Issa
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson, E. B.
Jones
Jordan
Kaptur
Kelly (IL)
Kelly (MS)
Kildee
Kilmer
Kind
Kuster
Labrador
Lamborn
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lee
Lewis
Lieu, Ted
Loebsack
Lofgren
Loudermilk
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Maloney, Carolyn
Massie
Matsui
McClintock
McCollum
McDermott
McGovern
McNerney
Meadows
Meeks
Meng
Mica
Mooney (WV)
Moore
Mulvaney
Nadler
Napolitano
Nolan
Nugent
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perry
Peterson
Pingree
Pittenger
Pocan
Poe (TX)
Polis
Posey
Price (NC)
Rangel
Ratcliffe
Renacci
Richmond
Roe (TN)
Rohrabacher
Rokita
Rothfus
Ruiz
Rush
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Schrader
Schweikert
Scott (VA)
Sensenbrenner
Serrano
Sires
Smith (MO)
Smith (WA)
Stutzman
Takano
Thompson (MS)
Thompson (PA)
Titus
Tonko
Tsongas
Van Hollen
Vargas
Velázquez
Wagner
Walker
Walz
Waters, Maxine
Watson Coleman
Welch
Yarmuth
Yoder
Yoho

NOES—222

Abraham
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Benishek
Bera
Bilirakis
Bishop (MI)
Bishop (UT)
Bost
Boustany
Brady (TX)
Brooks (AL)
Brooks (IN)
Brownley (CA)
Buchanan
Bucshon
Bustos
Byrne
Calvert
Carney
Carter (GA)
Carter (TX)
Chaffetz
Clawson (FL)
Clay
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Cummings
Davis, Rodney
Delaney
Denham
Dent
DeSantis
Diaz-Balart
Dold
Donovan
Duckworth
Ellmers (NC)
Esty
Farr
Fitzpatrick
Fleischmann
Flores
Fortenberry
Frankel (FL)
Franks (AZ)
Frelinghuysen
Goodlatte
Gowdy
Graham
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Hardy
Harper
Hartzler
Hensarling
Hill
Himes
Holding
Hudson
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Israel
Jackson Lee
Johnson (GA)
Johnson (OH)
Johnson, Sam
Jolly
Joyce
Katko
Keating
Kelly (PA)
Kennedy
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
LaHood
LaMalfa
Lance
Langevin
Levin
Lipinski
LoBiondo
Long
Love
Lucas
Luetkemeyer
Lynch
MacArthur
Maloney, Sean
Marchant
Marino
McCarthy
McCaul
McHenry
McKinley
McMorris Rodgers
McSally
Meehan
Messer
Miller (FL)
Miller (MI)
Moolenaar
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Neal
Neugebauer
Newhouse
Noem
Norcross
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perlmutter
Peters
Pitts
Poliquin
Pompeo
Price, Tom
Quigley
Reed
Reichert
Ribble
Rice (NY)
Rice (SC)
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rouzer
Roybal-Allard
Royce
Ruppersberger
Russell
Scalise
Schiff
Scott, Austin
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Speier
Stefanik
Stewart
Stivers
Swalwell (CA)
Thompson (CA)
Thornberry
Tiberi
Tipton
Torres
Trott
Turner
Upton
Valadao
Veasey
Vela
Visclosky
Walberg
Walden
Walorski
Walters, Mimi
Wasserman Schultz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—14

Bass
Brat
Brown (FL)
Doyle, Michael F.
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1249

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. PITTENGER. Mr. Chair, on rollcall No. 321, I mistakenly voted "yea," when I intended to vote "nay."

AMENDMENT NO. 32 OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCCLINTOCK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 197, not voting 16, as follows:

[Roll No. 322]

AYES—221

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cramer
Crawford
Crenshaw
Culberson
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)

Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harris
Hartzler
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (TX)
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)
Zeldin
Zinke

NOES—197

Adams
Aguilar
Ashford
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Comstock
Connolly
Conyers
Cooper
Costa
Costello (PA)
Courtney
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Dold
Donovan
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Hahn
Harper
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jolly
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
King (IA)
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meehan
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Noem
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Reichert
Rice (NY)
Richmond
Ros-Lehtinen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stefanik
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth
Young (IA)

NOT VOTING—16

Bass
Brat
Brown (FL)
Doyle, Michael F.
Fattah
Fincher
Forbes
Gutiérrez
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Velázquez
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1252

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 33 OFFERED BY MR. MULVANEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. MULVANEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 306, not voting 16, as follows:

[Roll No. 323]

AYES—112

Amash
Becerra
Blumenauer
Bonamici
Brooks (AL)
Buck
Burgess
Capps
Capuano
Cárdenas
Carson (IN)
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cohen
Collins (GA)
Connolly
Conyers
Cooper
Costa
Cummings
DeFazio
DeSaulnier
DesJarlais
Doggett
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Foster
Gabbard
Garamendi
Garrett
Gosar
Green, Al
Green, Gene
Griffith
Grijalva
Gutiérrez
Hahn
Heck (WA)
Hinojosa
Honda
Hoyer
Huelskamp
Huffman
Israel
Jackson Lee
Jeffries
Johnson, E. B.
Jones
Jordan
Keating
Kennedy
Kildee
Kind
Labrador
Larsen (WA)
Lee
Lewis
Lieu, Ted
Lofgren
Lummis
Maloney, Carolyn
Massie
Matsui
McClintock
McDermott
McGovern
McNerney
Meadows
Meng
Mica
Moore
Mulvaney
Nadler
Neal
Nolan
O'Rourke
Pallone
Palmer
Pascrell
Perry
Pocan
Polis
Rangel
Ribble
Rice (NY)
Rohrabacher
Roybal-Allard
Sánchez, Linda T.
Sanford
Sarbanes
Schrader
Schweikert
Sensenbrenner
Sherman
Slaughter
Speier
Stutzman
Takano
Thompson (CA)
Tonko
Van Hollen
Velázquez
Welch
Yarmuth
Yoho

NOES—306

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Beatty
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Bridenstine
Brooks (IN)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Byrne
Calvert
Carney
Carter (GA)
Carter (TX)
Cartwright
Castro (TX)
Chabot
Chaffetz
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cole
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
Deutch
Diaz-Balart
Dingell
Dold
Donovan
Duckworth
Duffy
Ellmers (NC)
Emmer (MN)
Esty
Farenthold
Farr
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gallego
Gibbs
Gibson
Gohmert
Goodlatte
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Hastings
Hensarling
Hice, Jody B.
Higgins
Hill
Himes
Holding
Hudson
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, Sam
Jolly
Joyce
Kaptur
Katko
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kilmer
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larson (CT)
Latta
Lawrence
Levin
Lipinski
LoBiondo
Loebsack
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Sean
Marchant
Marino
McCarthy
McCaul
McCollum
McHenry
McKinley
McMorris Rodgers
McSally
Meehan
Meeks
Messer
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Napolitano
Neugebauer
Newhouse
Noem
Norcross
Nugent
Nunes
Olson
Palazzo
Paulsen
Payne

Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Ruiz
Ruppersberger
Rush
Russell
Ryan (OH)
Salmon
Sanchez, Loretta
Scalise
Schiff
Scott (VA)
Scott, Austin
Serrano
Sessions
Sewell (AL)
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stefanik
Stewart
Swalwell (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Yoder
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—16

Bass
Brat
Brown (FL)
Doyle, Michael F.
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Stivers
Takai
Wilson (FL)
Woodall

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1255

Mr. PALLONE changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 34 OFFERED BY MR. DESANTIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DESANTIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 194, not voting 14, as follows:

[Roll No. 324]

AYES—226

Abraham
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Cole
Collins (GA)
Collins (NY)
Comstock
Cook
Costello (PA)
Cramer
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Hultgren
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lipinski
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
Maloney, Sean
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Sewell (AL)
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Tiberi
Tipton
Trott
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—194

Adams
Amash
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Bishop (UT)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brooks (AL)
Brownley (CA)
Bustos
Butterfield
Byrne
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Conaway
Connolly
Conyers
Cooper
Costa
Courtney
Crawford
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Duckworth
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Franks (AZ)
Fudge
Gabbard
Gallego
Garamendi
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Huizenga (MI)
Hunter
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kline
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Matsui
McCollum
McDermott
McGovern
McHenry
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Rice (SC)
Richmond
Rogers (AL)
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Schiff
Schrader
Scott (VA)
Serrano
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thornberry
Titus
Tonko
Torres
Tsongas
Turner
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wenstrup
Yarmuth

NOT VOTING—14

Bass
Brat
Brown (FL)
Doyle, Michael F.
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1259

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 36 OFFERED BY MR. ROHRABACHER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 84, noes 336, not voting 14, as follows:

[Roll No. 325]

AYES—84

Abraham
Amash
Babin
Benishek
Bishop (MI)
Blum
Bost
Brooks (AL)
Buchanan
Burgess
Clawson (FL)
Cohen

Collins (NY)
Davidson
Davis, Rodney
DeFazio
Denham
DesJarlais
Doggett
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Gabbard
Garrett
Gibbs
Gibson
Gohmert
Gosar
Graves (LA)
Green, Gene
Guinta
Huelskamp
Huizenga (MI)
Hultgren
Johnson, Sam
Jones
Jordan
King (IA)
Knight
Labrador
LaHood
LaMalfa
Latta
Lofgren
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Massie
McClintock
McGovern
McMorris Rodgers
Miller (MI)
Mulvaney
Nolan
Palmer
Perry
Poe (TX)
Posey
Renacci
Ribble
Rice (SC)
Rigell
Rohrabacher
Rouzer
Salmon
Sanford
Schweikert
Sensenbrenner
Stutzman
Tiberi
Trott
Upton
Walberg
Weber (TX)
Welch
Westerman
Williams
Yoder
Yoho
Young (AK)

NOES—336

Adams
Aderholt
Aguilar
Allen
Amodei
Ashford
Barletta
Barr
Barton
Beatty
Becerra
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Bridenstine
Brooks (IN)
Brownley (CA)
Buck
Bucshon
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cole
Collins (GA)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeGette
Delaney
DeLauro
DelBene
Dent
DeSantis
DeSaulnier
Deutch
Diaz-Balart
Dingell
Dold
Donovan
Duckworth
Edwards
Ellison
Ellmers (NC)
Engel
Eshoo
Esty
Farr
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gallego
Garamendi
Goodlatte
Gowdy
Graham
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Griffith
Grijalva
Grothman
Guthrie
Gutiérrez
Hahn
Hardy
Harper
Harris
Hartzler
Hastings
Heck (WA)
Hensarling
Hice, Jody B.
Higgins
Hill
Himes
Hinojosa
Holding
Honda
Hoyer
Hudson
Huffman
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Long
Loudermilk
Love
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Marino
Matsui
McCarthy
McCaul
McCollum
McDermott
McHenry
McKinley
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Norcross
Nugent
Nunes
O'Rourke
Olson
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pittenger
Pitts
Pocan
Poliquin
Polis
Pompeo
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Rice (NY)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Ruppersberger
Rush
Russell
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schrader
Scott (VA)
Scott, Austin
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Titus
Tonko
Torres
Tsongas
Turner
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—14

Bass
Brat
Brown (FL)
Doyle, Michael F.
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1302

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MACARTHUR. Mr. Chair, on rollcall No. 325, I inadvertently voted "yes" on the Rohrabacher amendment. I intended to vote "no."

AMENDMENT NO. 37 OFFERED BY MR. WALBERG

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. WALBERG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 201, not voting 15, as follows:

[Roll No. 326]

AYES—218

Abraham
Amash
Amodei
Babin
Barletta
Barton
Becerra
Benishek
Bera
Bilirakis
Bishop (MI)
Black
Blackburn
Blum
Bonamici
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Bridenstine
Brooks (AL)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Capps
Cárdenas
Carney
Carter (GA)
Cartwright
Chaffetz
Cicilline
Clawson (FL)
Coffman
Cohen
Collins (GA)
Collins (NY)
Conaway
Cook
Cooper
Cramer
Culberson
Davis, Rodney
DeFazio
DeLauro
DeSantis
DesJarlais
Diaz-Balart
Doggett
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Engel
Farenthold
Farr
Fleming
Foxx
Frankel (FL)
Franks (AZ)
Gabbard
Garrett
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graves (LA)
Grayson
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Gutiérrez
Harris
Hartzler
Hastings
Hensarling
Hice, Jody B.
Higgins
Himes
Holding
Honda
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jeffries
Johnson (OH)
Johnson, Sam
Jones
Jordan
Keating
Kind
King (IA)
Kline
Knight
Labrador
LaHood
LaMalfa
Lance
Langevin
Latta
Lee
Lipinski
LoBiondo
Lofgren
Long
Loudermilk
Love
Luetkemeyer
Lummis
Lynch
Marchant
Marino
Massie
McCarthy
McClintock
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Mulvaney
Murphy (FL)
Murphy (PA)
Neugebauer
Newhouse
Nolan
Nunes
O'Rourke
Olson
Palmer
Paulsen
Payne
Perry
Pingree
Pittenger
Pitts
Poe (TX)
Poliquin
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roe (TN)
Rogers (AL)
Ros-Lehtinen
Ross
Rothfus
Rouzer
Royce
Salmon
Sánchez, Linda T.
Sanford
Scalise
Schrader
Schweikert
Sensenbrenner
Sherman
Shuster
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Speier
Stivers
Stutzman
Thompson (PA)
Tiberi
Tipton
Tonko
Trott
Upton
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Westerman
Westmoreland
Whitfield
Williams
Wittman
Woodall
Yarmuth
Yoder
Yoho
Young (AK)

NOES—201

Adams
Aderholt
Aguilar
Allen
Ashford
Barr
Beatty
Beyer
Bishop (GA)
Bishop (UT)
Blumenauer
Bost
Brooks (IN)
Brownley (CA)
Bustos
Butterfield
Capuano
Carson (IN)
Carter (TX)
Castor (FL)
Castro (TX)
Chabot
Chu, Judy
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cole
Comstock
Connolly
Conyers
Costa
Costello (PA)
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
DeGette
Delaney
DelBene
Denham
Dent

DeSaulnier
Deutch
Dingell
Dold
Donovan
Duckworth
Edwards
Ellison
Eshoo
Esty
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Frelinghuysen
Fudge
Gallego
Garamendi
Gibbs
Graham
Granger
Graves (GA)
Graves (MO)
Green, Al
Grijalva
Hahn
Hardy
Harper
Heck (WA)
Hill
Hinojosa
Hoyer
Israel
Jackson Lee
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson, E. B.
Jolly
Joyce
Kaptur
Katko
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
King (NY)
Kinzinger (IL)
Kirkpatrick
Kuster
Lamborn
Larsen (WA)
Larson (CT)
Lawrence
Levin
Lewis
Lieu, Ted
Loebsack
Lowenthal
Lowey
Lucas
Lujan Grisham (NM)
Luján, Ben Ray (NM)
MacArthur
Maloney, Carolyn
Maloney, Sean
Matsui
McCaul
McCollum
Meehan
Meeks
Meng
Moulton
Mullin
Nadler
Napolitano
Neal
Noem
Norcross
Nugent
Palazzo
Pallone
Pascrell
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pocan
Polis
Pompeo
Price (NC)
Quigley
Rangel
Reichert
Rice (NY)
Richmond
Roby
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Roskam
Roybal-Allard
Ruiz
Ruppersberger
Rush
Russell
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schiff
Scott (VA)
Scott, Austin
Serrano
Sessions
Sewell (AL)
Shimkus
Simpson
Sinema
Slaughter
Smith (WA)
Stefanik
Stewart
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thornberry
Titus
Torres
Tsongas
Turner
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Wenstrup
Wilson (SC)
Womack
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—15

Bass
Brat
Brown (FL)
Crawford
Doyle, Michael F.
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1305

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 40 OFFERED BY MR. CONYERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 216, not voting 14, as follows:

[Roll No. 327]

AYES—204

Adams
Amash
Ashford
Beatty
Becerra
Bera
Beyer
Blum
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brooks (AL)
Brownley (CA)
Burgess
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Costa
Courtney
Cramer
Crowley
Cummings
Davidson
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
Dent
DeSaulnier
Deutch
Dingell
Doggett
Duckworth
Duncan (TN)
Edwards
Ellison
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Garamendi
Garrett
Gibson
Gohmert
Gosar
Graham
Grayson
Green, Al
Grijalva
Grothman
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huelskamp
Huffman
Israel
Issa
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Jordan
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Knight
Kuster
Labrador
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
Maloney, Carolyn
Massie
Matsui
McClintock
McCollum
McDermott
McGovern
McKinley
McNerney
Meadows
Meeks
Meng
Moore
Moulton
Mulvaney
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Palmer
Pascrell
Payne
Pelosi
Perlmutter
Peterson
Pingree
Pitts
Pocan
Poe (TX)
Polis
Posey
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roe (TN)
Rohrabacher
Rooney (FL)
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schrader
Schweikert
Scott (VA)
Sensenbrenner
Serrano
Sewell (AL)
Sinema
Slaughter
Smith (NJ)
Speier
Stutzman
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Walker
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth
Yoho

NOES—216

Abraham
Aderholt
Aguilar
Allen
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bost
Boustany
Brady (TX)
Bridenstine
Brooks (IN)
Buchanan
Buck
Bucshon
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costello (PA)
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davis (CA)
Davis, Rodney
Delaney
Denham
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Engel
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallego
Gibbs
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Gene
Griffith
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
LaHood
LaMalfa
Lamborn
Lance
Latta
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Maloney, Sean
Marchant
Marino
McCarthy
McCaul
McHenry
McMorris Rodgers
McSally
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Paulsen
Pearce
Perry
Peters
Pittenger
Poliquin
Pompeo
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Rogers (AL)
Rogers (KY)
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Ruppersberger
Russell
Salmon
Sanford
Scalise
Scott, Austin
Sessions
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (MO)
Smith (NE)
Smith (TX)
Smith (WA)
Stefanik
Stewart
Stivers
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—14

Bass
Brat
Brown (FL)
Doyle, Michael F.
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1308

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 42 OFFERED BY MS. GABBARD

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Hawaii (Ms. GABBARD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 135, noes 283, not voting 16, as follows:

[Roll No. 328]

AYES—135

Amash
Babin
Becerra
Benishek
Blum
Blumenauer
Brady (PA)
Bridenstine
Brooks (AL)
Burgess
Capps
Capuano
Carson (IN)
Cartwright
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cohen
Conyers
Cummings
Davidson
Davis, Danny
DeFazio
Dent
DeSantis
DeSaulnier
DesJarlais
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Farr
Fleming
Foster
Frankel (FL)
Gabbard
Garrett
Gibson
Gohmert
Gosar
Gowdy
Grayson
Griffith
Grijalva
Gutiérrez
Hahn
Hastings
Higgins
Himes
Hinojosa
Honda
Huelskamp
Huffman
Hurt (VA)
Jeffries
Johnson, Sam
Jones
Jordan
Keating
Kelly (IL)
Kennedy
Kirkpatrick
Labrador
Lee
Lewis
Lieu, Ted
Love
Lowenthal
Lummis
Marchant
Massie
Matsui
McClintock
McCollum
McDermott
McGovern
McNerney
Meadows
Meng
Miller (FL)
Moore
Mulvaney
Napolitano
Neal
Nolan
O'Rourke
Pallone
Payne
Perlmutter
Perry
Pingree
Pitts
Pocan
Poe (TX)
Polis
Posey
Price, Tom
Rangel
Ribble
Rohrabacher
Rooney (FL)
Rothfus
Rush
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schrader
Schweikert
Serrano
Slaughter
Smith (NJ)
Smith (TX)
Speier
Stutzman
Swalwell (CA)
Takano
Thompson (CA)
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Watson Coleman
Weber (TX)
Welch
Westmoreland
Woodall
Yarmuth
Yoho
Young (IN)
Zeldin
Zinke

NOES—283

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Ashford
Barletta
Barr
Barton
Beatty
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (TX)
Brooks (IN)
Brownley (CA)
Buchanan
Buck
Bucshon
Bustos
Butterfield
Byrne
Calvert
Cárdenas
Carney
Carter (GA)
Carter (TX)
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cleaver
Clyburn
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Curbelo (FL)
Davis (CA)
Davis, Rodney
DeGette
Delaney
DeLauro
DelBene
Denham
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Duckworth
Duffy
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallego
Garamendi
Gibbs
Goodlatte
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (WA)
Hensarling
Hice, Jody B.
Hill
Holding
Hoyer
Hudson
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Israel
Issa
Jackson Lee
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jolly
Joyce
Kaptur
Katko
Kelly (MS)
Kelly (PA)
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Levin
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marino
McCarthy
McCaul
McHenry
McKinley
McMorris Rodgers
McSally
Meehan
Meeks
Messer
Mica
Miller (MI)
Moolenaar
Mooney (WV)
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Neugebauer
Newhouse
Noem
Norcross
Nugent
Nunes
Olson
Palazzo
Palmer
Pascrell
Paulsen
Pearce
Pelosi
Peters
Peterson
Pittenger
Poliquin
Pompeo
Price (NC)
Quigley
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Ros-Lehtinen
Roskam
Ross
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Sanford
Scalise
Schiff
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (MO)
Smith (NE)
Smith (WA)
Stefanik
Stewart
Stivers
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Torres
Trott
Turner
Upton
Valadao
Vargas
Veasey
Vela
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Webster (FL)
Wenstrup
Westerman
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Yoder
Young (AK)
Young (IA)

NOT VOTING—16

Bass
Brat
Brown (FL)
Doyle, Michael F.
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Ratcliffe
Schakowsky
Scott, David
Sinema
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1311

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 44 OFFERED BY MR. MCGOVERN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 135, noes 285, not voting 14, as follows:

[Roll No. 329]

AYES—135

Adams
Amash
Becerra
Benishek
Beyer
Blum
Blumenauer
Bonamici
Brady (PA)
Brooks (AL)
Burgess
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Conyers
Crowley
Culberson
Cummings
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
DeSaulnier
Dingell
Doggett
Duckworth
Duncan (TN)
Edwards
Ellison
Eshoo
Farr
Foster
Fudge
Garamendi
Gosar
Grayson
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Huelskamp
Huffman
Hurt (VA)
Jeffries
Johnson (GA)
Jones
Kaptur
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Labrador
Larsen (WA)
Larson (CT)
Lawrence
Lee
Lewis
Lieu, Ted
Loebsack
Lofgren
Lowenthal
Maloney, Carolyn
Massie
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Mulvaney
Nadler
Napolitano
Neal
Nolan
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Pingree
Pocan
Polis
Price (NC)
Rangel
Richmond
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanford
Sarbanes
Schiff
Schrader
Scott (VA)
Serrano
Sires
Slaughter
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson Coleman
Welch
Yarmuth
Yoho

NOES—285

Abraham
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Beatty
Bera
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bost
Boustany
Boyle, Brendan F.
Brady (TX)
Bridenstine
Brooks (IN)
Brownley (CA)
Buchanan
Buck
Bucshon
Bustos
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Cuellar
Curbelo (FL)
Davidson
Davis (CA)
Davis, Rodney
Delaney
Denham
Dent
DeSantis
DesJarlais
Deutch
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Engel
Esty
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Gabbard
Gallego
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Hensarling
Hice, Jody B.
Hill
Hinojosa

Holding
Hoyer
Hudson
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Israel
Issa
Jackson Lee
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Keating
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
LaHood
LaMalfa
Lamborn
Lance
Langevin
Latta
Levin
Lipinski
LoBiondo
Long
Loudermilk
Love
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Sean
Marchant
Marino
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Neugebauer
Newhouse
Noem
Norcross
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perlmutter
Perry
Peters
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Quigley
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Ruiz
Ruppersberger
Russell
Salmon
Sanchez, Loretta
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Torres
Trott
Turner
Upton
Valadao
Vargas
Veasey
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Waters, Maxine
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—14

Bass
Brat
Brown (FL)
Doyle, Michael F.
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1314

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 45 OFFERED BY MS. LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 146, noes 274, not voting 14, as follows:

[Roll No. 330]

AYES—146

Adams
Amash
Becerra
Benishek
Beyer
Blum
Blumenauer
Bonamici
Brady (PA)
Burgess
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Courtney
Crowley
Cummings
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Fudge
Garamendi
Grayson
Griffith
Grijalva
Gutiérrez
Hahn
Hastings
Himes
Hinojosa
Honda
Huelskamp
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Labrador
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Loebsack
Lofgren
Lowenthal
Lummis
Maloney, Carolyn
Maloney, Sean
Massie
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Mulvaney
Nadler
Napolitano
Neal
Nolan
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Pingree
Pocan
Polis
Price (NC)
Rangel
Richmond
Rigell
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanford
Sarbanes
Schiff
Scott (VA)
Serrano
Sires
Slaughter
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Titus
Tonko
Torres
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Woodall
Yarmuth
Yoho

NOES—274

Abraham
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Beatty
Bera
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bost
Boustany
Boyle, Brendan F.
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Brownley (CA)
Buchanan
Buck
Bucshon
Bustos
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis (CA)
Davis, Rodney
Delaney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duckworth
Duffy
Duncan (SC)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Gabbard
Gallego
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Grothman
Guinta
Guthrie
Hardy
Harper
Harris
Hartzler
Heck (WA)
Hensarling
Hice, Jody B.
Higgins
Hill
Holding
Hoyer
Hudson
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Keating
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
LaHood
LaMalfa
Lamborn
Lance
Langevin
Latta
Lipinski
LoBiondo
Long
Loudermilk
Love
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Marchant
Marino
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Neugebauer
Newhouse
Noem
Norcross
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perlmutter
Perry
Peters
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Quigley
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Ruiz
Ruppersberger
Russell
Salmon
Sanchez, Loretta
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stefanik
Stewart
Stivers
Stutzman
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Vargas
Veasey
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Yoder
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOT VOTING—14

Bass
Brat
Brown (FL)
Doyle, Michael F.
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1317

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 46 OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 69, noes 351, not voting 14, as follows:

[Roll No. 331]

AYES—69

Amash	Grothman	Nolan
Barton	Gutiérrez	Pallone
Becerra	Hahn	Payne
Blumenauer	Hinojosa	Pingree
Bonamici	Honda	Pocan
Burgess	Huffman	Polis
Chu, Judy	Jeffries	Rangel
Clark (MA)	Jones	Rohrabacher
Clarke (NY)	Kaptur	Rush
Clay	Kelly (IL)	Sanford
Cohen	Kildee	Schrader
Conyers	Labrador	Sensenbrenner
Davis, Danny	Lee	Serrano
DeFazio	Lewis	Slaughter
DeSaulnier	Lowenthal	Speier
Duncan (TN)	Lummis	Takano
Ellison	Lynch	Tonko
Eshoo	Massie	Velázquez
Garrett	McDermott	Waters, Maxine
Gosar	McGovern	Watson Coleman
Grayson	Moore	Welch
Green, Gene	Nadler	Yarmuth
Grijalva	Napolitano	Zinke

NOES—351

Abraham	Clyburn	Foster
Adams	Coffman	Foxx
Aderholt	Cole	Frankel (FL)
Aguilar	Collins (GA)	Franks (AZ)
Allen	Collins (NY)	Frelinghuysen
Amodei	Comstock	Fudge
Ashford	Conaway	Gabbard
Babin	Connolly	Gallego
Barletta	Cook	Garamendi
Barr	Cooper	Gibbs
Beatty	Costa	Gibson
Benishek	Costello (PA)	Gohmert
Bera	Courtney	Goodlatte
Beyer	Cramer	Gowdy
Bilirakis	Crawford	Graham
Bishop (GA)	Crenshaw	Granger
Bishop (MI)	Crowley	Graves (GA)
Bishop (UT)	Cuellar	Graves (LA)
Black	Culberson	Graves (MO)
Blackburn	Cummings	Green, Al
Blum	Curbelo (FL)	Griffith
Bost	Davidson	Guinta
Boustany	Davis (CA)	Guthrie
Boyle, Brendan F.	Davis, Rodney	Hardy
	DeGette	Harper
Brady (PA)	Delaney	Harris
Brady (TX)	DeLauro	Hartzler
Bridenstine	DelBene	Hastings
Brooks (AL)	Denham	Heck (WA)
Brooks (IN)	Dent	Hensarling
Brownley (CA)	DeSantis	Hice, Jody B.
Buchanan	DesJarlais	Higgins
Buck	Deutch	Hill
Bucshon	Diaz-Balart	Himes
Bustos	Dingell	Holding
Butterfield	Doggett	Hoyer
Byrne	Dold	Hudson
Calvert	Donovan	Huelskamp
Capps	Duckworth	Huizenga (MI)
Capuano	Duffy	Hultgren
Cárdenas	Duncan (SC)	Hunter
Carney	Edwards	Hurd (TX)
Carson (IN)	Ellmers (NC)	Hurt (VA)
Carter (GA)	Emmer (MN)	Israel
Carter (TX)	Engel	Issa
Cartwright	Esty	Jackson Lee
Castor (FL)	Farenthold	Jenkins (KS)
Castro (TX)	Farr	Jenkins (WV)
Chabot	Fitzpatrick	Johnson (GA)
Chaffetz	Fleischmann	Johnson (OH)
Cicilline	Fleming	Johnson, E.B.
Clawson (FL)	Flores	Johnson, Sam
Cleaver	Fortenberry	Jolly
Jordan	Mooney (WV)	Schweikert
Joyce	Moulton	Scott (VA)
Katko	Mullin	Scott, Austin
Keating	Mulvaney	Sessions
Kelly (MS)	Murphy (FL)	Sewell (AL)
Kelly (PA)	Murphy (PA)	Sherman
Kennedy	Neal	Shimkus
Kilmer	Neugebauer	Shuster
Kind	Newhouse	Simpson
King (IA)	Noem	Sinema
King (NY)	Norcross	Sires
Kinzinger (IL)	Nugent	Smith (MO)
Kirkpatrick	Nunes	Smith (NE)
Kline	O'Rourke	Smith (NJ)
Knight	Olson	Smith (TX)
Kuster	Palazzo	Smith (WA)
LaHood	Palmer	Stefanik
LaMalfa	Pascrell	Stewart
Lamborn	Paulsen	Stivers
Lance	Pearce	Stutzman
Langevin	Pelosi	Swalwell (CA)
Larsen (WA)	Perlmutter	Thompson (CA)
Larson (CT)	Perry	Thompson (MS)
Latta	Peters	Thompson (PA)
Lawrence	Peterson	Thornberry
Levin	Pittenger	Tiberi
Lieu, Ted	Pitts	Tipton
Lipinski	Poe (TX)	Titus
LoBiondo	Poliquin	Torres
Loebsack	Pompeo	Trott
Lofgren	Posey	Tsongas
Long	Price (NC)	Turner
Loudermilk	Price, Tom	Upton
Love	Quigley	Valadao
Lowey	Ratcliffe	Van Hollen
Lucas	Reed	Vargas
Luetkemeyer	Reichert	Veasey
Lujan Grisham (NM)	Renacci	Vela
	Ribble	Visclosky
Luján, Ben Ray (NM)	Rice (NY)	Wagner
	Rice (SC)	Walberg
MacArthur	Richmond	Walden
Maloney, Carolyn	Rigell	Walker
	Roby	Walorski
Maloney, Sean	Roe (TN)	Walters, Mimi
Marchant	Rogers (AL)	Walz
Marino	Rogers (KY)	Wasserman Schultz
Matsui	Rokita	
McCarthy	Rooney (FL)	Weber (TX)
McCaul	Ros-Lehtinen	Webster (FL)
McClintock	Roskam	Wenstrup
McCollum	Ross	Westerman
McHenry	Rothfus	Westmoreland
McKinley	Rouzer	Whitfield
McMorris Rodgers	Roybal-Allard	Williams
	Royce	Wilson (SC)
McNerney	Ruiz	Wittman
McSally	Ruppersberger	Womack
Meadows	Russell	Woodall
Meehan	Ryan (OH)	Yoder
Meeks	Salmon	Yoho
Meng	Sánchez, Linda T.	Young (AK)
Messer		Young (IA)
Mica	Sanchez, Loretta	Young (IN)
Miller (FL)	Sarbanes	Zeldin
Miller (MI)	Scalise	
Moolenaar	Schiff	

NOT VOTING—14

Bass	Fattah	Herrera Beutler
Brat	Fincher	Schakowsky
Brown (FL)	Forbes	Scott, David
Doyle, Michael F.	Hanna	Takai
	Heck (NV)	Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1320

Messrs. WELCH and MASSIE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The Clerk will read the last two lines.

The Clerk read as follows:

This Act may be cited as the ''Department of Defense Appropriations Act, 2017''.

The Acting CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HULTGREN) having assumed the chair, Mr. COLLINS of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, and, pursuant to House Resolution 783, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 5-minute vote on passage of the bill will be followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 5471.

The vote was taken by electronic device, and there were—yeas 282, nays 138, not voting 14, as follows:

[Roll No. 332]

YEAS—282

Abraham	Chaffetz	Esty
Aderholt	Clawson (FL)	Farenthold
Aguilar	Clay	Fitzpatrick
Allen	Coffman	Fleischmann
Amodei	Cole	Fleming
Ashford	Collins (GA)	Flores
Babin	Collins (NY)	Fortenberry
Barletta	Comstock	Foster
Barr	Conaway	Foxx
Barton	Connolly	Franks (AZ)
Benishek	Cook	Frelinghuysen
Bera	Cooper	Gabbard
Bilirakis	Costa	Garamendi
Bishop (GA)	Costello (PA)	Garrett
Bishop (MI)	Courtney	Gibbs
Bishop (UT)	Cramer	Gibson
Black	Crawford	Gohmert
Blackburn	Crenshaw	Goodlatte
Blum	Cuellar	Gosar
Bost	Culberson	Gowdy
Boustany	Curbelo (FL)	Graham
Brady (TX)	Davidson	Granger
Bridenstine	Davis, Rodney	Graves (GA)
Brooks (AL)	Delaney	Graves (LA)
Brooks (IN)	Denham	Graves (MO)
Brownley (CA)	Dent	Green, Gene
Buchanan	DeSantis	Griffith
Buck	DesJarlais	Grothman
Bucshon	Diaz-Balart	Guinta
Burgess	Dold	Guthrie
Bustos	Donovan	Hardy
Byrne	Duckworth	Harper
Calvert	Duffy	Harris
Carter (GA)	Duncan (SC)	Hartzler
Carter (TX)	Ellmers (NC)	Heck (WA)
Chabot	Emmer (MN)	Hensarling

Hice, Jody B.
Hill
Himes
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
Kilmer
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larson (CT)
Latta
Lipinski
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lujan Grisham (NM)
Lummis
Lynch
MacArthur
Maloney, Sean
Marchant
Marino
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Meeks
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Neugebauer
Newhouse
Noem
Nolan
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Salmon
Sanchez, Loretta
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Veasey
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—138

Adams
Amash
Beatty
Becerra
Beyer
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Conyers
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Frankel (FL)
Fudge
Gallego
Grayson
Green, Al
Grijalva
Gutiérrez
Hahn
Hastings
Higgins
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kind
Labrador
Larsen (WA)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Loebsack
Lofgren
Lowenthal
Lowey
Luján, Ben Ray (NM)
Maloney, Carolyn
Massie
Matsui
McCollum
McDermott
McGovern
McNerney
Meng
Moore
Mulvaney
Nadler
Napolitano
Neal
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Pocan
Polis
Price (NC)
Quigley
Rangel
Richmond
Roybal-Allard
Rush
Sánchez, Linda T.
Sarbanes
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Velázquez
Visclosky
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOT VOTING—14

Bass
Brat
Brown (FL)
Doyle, Michael F.
Fattah
Fincher
Forbes
Hanna
Heck (NV)
Herrera Beutler
Schakowsky
Scott, David
Takai
Wilson (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1327

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COUNTERING TERRORIST RADICALIZATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5471) to combat terrorist recruitment in the United States, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 15, not voting 17, as follows:

[Roll No. 333]

YEAS—402

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Cárdenas
Carney
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Gutiérrez
Hahn
Hardy
Harper
Harris
Hartzler
Hastings
Heck (WA)
Hensarling
Hice, Jody B.
Higgins
Hill
Himes
Hinojosa
Holding
Honda
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Levin
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matsui
McCarthy
McCaul
McClintock
McCollum
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Pocan
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Rush
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas

Veasey	Wasserman Schultz	Wittman
Vela	Waters, Maxine	Womack
Velázquez	Weber (TX)	Woodall
Visclosky	Webster (FL)	Yarmuth
Wagner	Welch	Yoder
Walberg	Wenstrup	Yoho
Walden	Westerman	Young (AK)
Walker	Westmoreland	Young (IA)
Walorski	Whitfield	Young (IN)
Walters, Mimi	Williams	Zeldin
Walz	Wilson (SC)	Zinke

NAYS—15

Amash	Fudge	Massie
Capuano	Gohmert	McDermott
Carson (IN)	Kaptur	Moore
Cleaver	Lee	Richmond
Clyburn	Lewis	Watson Coleman

NOT VOTING—17

Bass	Fattah	Herrera Beutler
Brat	Fincher	Keating
Brown (FL)	Forbes	Schakowsky
Clay	Grijalva	Scott, David
Doyle, Michael F.	Hanna	Takai
	Heck (NV)	Wilson (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1338

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR H.R. 5485, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2017, AND H.R. 4768, SEPARATION OF POWERS RESTORATION ACT OF 2016

Mr. WOODALL. Mr. Speaker, this week, the Rules Committee issued two announcements outlining the amendment process for H.R. 5485, the Financial Services and General Government Appropriations Act, 2017, and H.R. 4768, the Separation of Powers Restoration Act of 2016.

The deadline for amendments to be submitted for H.R. 4768 has been set at 10 a.m. on Monday, June 20. The deadline for amendments to be submitted for H.R. 5485 has been set for noon on Monday. The text of each bill and more detailed information can be found on the Rules Committee Web site, and Members are welcome to contact the Rules Committee staff with any questions they might have.

PERSONAL EXPLANATION

Mr. PITTENGER. Mr. Speaker, on rollcall No. 321, the fiscal year 2017 Defense Appropriations Act, I mistakenly voted ''yea'' when I intended to vote ''nay.'' This amendment prohibited the use of government data for our intelligence services, and I fully intended to vote ''nay.''

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the gentleman from California (Mr. MCCARTHY) for the purpose of inquiring of the majority leader about the schedule for the week to come.

Mr. MCCARTHY. I thank the gentleman for yielding.

Mr. Speaker, on Monday, no votes are expected in the House.

On Tuesday, the House will meet at noon for morning hour and 2 p.m. for legislative business. Votes will be postponed until 6:30.

On Wednesday and Thursday, the House will meet at 10 a.m. for morning hour and noon for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business.

Mr. Speaker, the House will consider a number of suspensions next week, a complete list of which will be announced by close of business tomorrow.

The House will also consider the fiscal year 2017 Financial Services and General Government Appropriations bill sponsored by Representative ANDER CRENSHAW.

The House will also consider the veto message of H.J. Res. 88, disapproving the rule submitted by the Department of Labor relating to the definition of the term ''Fiduciary.''

Additionally, the House will consider a package of bills, authored by Representatives LYNN JENKINS and ERIK PAULSEN, that would make it easier for individuals to contribute to their health savings accounts and allow people to use their accounts to purchase over-the-counter drugs.

Mr. Speaker, the House will also consider H.R. 4768, the Separation of Powers Restoration Act, sponsored by Representative JOHN RATCLIFFE, which will ensure that the laws Congress passes are adhered to rather than the interpretations of unelected agency bureaucrats.

Finally, Mr. Speaker, the House may consider the conference report that includes additional resources to combat the Zika virus, if that measure is ready.

Mr. HOYER. Mr. Speaker, I thank the gentleman for the schedule and would ask him, on his last point, on the Zika conference, does the gentleman have any information as to what might be the conference agreement? I don't have any information on that. Does the gentleman have any idea exactly where the conference is going and what we might expect?

I yield to the gentleman from California.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

I know they are working very hard. They had met yesterday as well. I am hopeful that, in my conversations with the conferees, they are close to finishing, and I have been explaining to them, as soon as they are finished, we would like to bring it to the floor as soon as possible for passage.

I do want to thank the gentleman for his work on this effort as well.

Mr. HOYER. Mr. Speaker, let's hope we cannot go home, as we went home one recess, without doing Zika. Let's hope we certainly don't go home this recess without meeting this health crisis confronting our people. I am hopeful that the conference will come to agreement and we can pass it here on the floor. Hopefully, it will be at a level necessary to fund the work that needs to be done to respond to that.

The administration obviously has asked for $1.9 billion. The Senate was less; the House was less. Hopefully, we can come to a number that will be sufficient.

On the appropriations, the Financial Services bill will be on the floor. Obviously, there has been an announcement from the Rules Committee about when amendments will be received and the deadline for amendments, clearly indicating it would be a structured rule.

□ 1345

I would simply, again, express concerns. We had structured rules. The gentleman made that point, and I agree with that point. Very frankly, we went from open rules, which we started out with, to structured rules because, frankly, it was our perception that what we were having is filibuster by amendments—amendment after amendment after amendment—from your side of the aisle.

As the gentleman well knows, the amendment process largely has been more amendments from your side on your bills than from our side. So we clearly have not been doing that. The gentleman mentioned something about abusing the process. Frankly, the Speaker said that as well. I totally disagree with that, and I don't think there is any indication of that.

As I pointed out in the Energy and Water bill, a majority of your Members voted against your own bill, largely because it precluded discrimination against LGBT, which some people expressed that was the reason they voted against the bill, which I think is deeply unfortunate.

I quote from the Congressional Quarterly: ''The use of a so-called structured amendment rule abandons the open-ended process that GOP leaders had hoped to adopt as part of a return to 'regular order' for appropriations bills.''

Again, we did that, but we didn't make a big thing about not doing it. We didn't say that it is the wrong thing to do and the House was acting out of regular order. We did structured rules so we could get the bills done on time. I, frankly, see no evidence—none, zero—that we have delayed consideration of these bills in any way. That

was not true, I guarantee you, when I was majority leader of the House. The strategy on your side of the aisle—not you, but on your side of the aisle—was to delay these bills and undermine them.

Now, we had a lot of amendments offered by your side that we didn't like. It was very uncomfortable politically for a number of our people. But those amendments were provided for. And you are absolutely correct, when it got to a point where we obviously couldn't get the bills done in a timely fashion, we did go to a structured rule. So I don't criticize so much the fact that you are having structured amendments as I am the fact that you so complained about that not being regular order, and as soon as you had a difficult amendment, the LGBT discrimination amendment, thereafter, within days, you announced that, oh, no, you were going to go to a structured rule because the amendment process was being abused.

Now, I don't want to belabor the point any more than I have, but, again, on the Defense bill, we have seen an egregious, tragic, and horrific event. And, Mr. Speaker, this is on policy and what I firmly believe is a mistake that we are making. Mr. SEAN PATRICK MALONEY of New York wanted to offer an amendment to say you shouldn't discriminate against citizens who are members of the LGBT community.

We saw a horrific event Sunday morning where a hate crime was committed, a hate crime directed at LGBT members and, perhaps as well, members of the Latino community by an American citizen—not by foreigners, not an international, however he may have been motivated. But it was clear the animus was a hate crime.

To the extent that we allow discrimination or do not prevent discrimination, I suggest respectfully that we, in a way, convey that it is okay to discriminate, it is okay to not like these people, whoever these people are, whether they be African Americans, whether they be LGBT, whether they be people born in another land. It is not okay, and I deeply regret that we don't allow the House to work its will.

It did work its will. It adopted the Maloney amendment. Then that bill was rejected. You are right. We voted against it. We didn't like the bill from the very beginning. But presumably, it was going to pass but for the adoption of the Maloney amendment—with your votes because it was your bill, a majority bill. We always passed our bill, if you look at the RECORD, with our votes when we offered appropriations bills to the floor.

So I am hopeful that, notwithstanding the fact the rule is going to be structured, the Maloney amendment, which will speak to the very tragedy that occurred this past week—in part, not totally—will be allowed to be made in order so the House can loudly, clearly, and unequivocally say we do not believe in discrimination against fellow citizens because they are LGBT citizens.

Mr. Speaker, I yield to my friend if he wants to make a comment.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman, and I understand the gentleman's concern. I want to make it a point to make sure that we do have voices heard and Members have amendments.

I went back and looked at the numbers. Now, I know there are hundreds of amendments because these bills go through subcommittee, then they go through full committee, and at all times, Members from both sides of the aisle can offer amendments.

When I looked at last year's bill, under an open process, open rule, we considered 65 amendments on DOD. Well, we just considered 75. So it is a very open, structured rule. I went back and thought, let me look at overall. Is there history within Congress that we could measure ourselves to?

Well, if I take as of May, the 114th Congress has considered 1,269 amendments overall on bills on the floor that have already gone through committee with the amendment process. In the 113th Congress, we were at 1,545.

Now, how do we measure up with other Congresses?

As you spoke, during the majority of the 111th Congress, they were at 778. I understand the concerns that you have, but I feel very comfortable in the fact that voices are being heard, and it is a very open, structured rule for amendments that could be offered.

Another point to make is we just passed an appropriations bill dealing with defense in a large, bipartisan manner. So I believe it is working. It is a process that we continue to work through, and I applaud the gentlemen on both sides of the aisle who worked to help us get a bill that just got finished in a bipartisan manner.

I do want to thank the gentleman for his work on our last bill. There have been nine bills on this floor that have dealt with terrorism, the radical Islam that is attacking this country and other countries, from the task force that we put together after the attacks in Paris, three of them dealing directly with the radicalization of Americans—persons born in America and radicalized—and the damage they cause. I mourn the loss of those Americans and pray for those families, for what they are going through today.

Now, those bills have sat in the Senate, but the House had taken the action. Today, we put those bills back together to make it easier on the Senate to be able to move those to the President's desk and signed into law.

Mr. Speaker, I thank the gentleman for his help and work with that.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comments, and although, as you saw, we had an overwhelming vote for those three bills. We had already passed those. They are in the Senate. Now we have packaged them and repassed them. Mr. Speaker, I would say, with all due respect to the majority leader that, frankly, the events of Sunday would not be affected by those bills.

We would hope very sincerely—again, let me reiterate, in the ''Young Guns'' under your authorship and Mr. Cantor's authorship and Mr. RYAN's authorship, that you believed in the book, the three leaders of this House—Mr. Cantor is no longer with us—in openness, consideration of issues, notwithstanding the fact that they may be uncomfortable issues.

And, in fact, Speaker RYAN said—and I am sure you are tired of hearing me use this quote: ''But RYAN said he wasn't interested in playing things safe if it came at the expense of an open legislative process . . . we are not going to auto-up the process.'' Structured rules auto-up the process. ''We are not going to auto-up the process and predetermine the outcome of everything around here. I want the House to work its will.''

With all due respect to my friend, I asked a specific question—and I will reiterate that question. It is not about whether we have had 1,000 amendments or 5 amendments or 700 amendments. It is whether or not the Maloney amendment will be made in order on the Financial Services bill. The reason I say that is because we have had, I think, before the horrific incident that occurred on Sunday, a dramatic demonstration that this was, among other things, a hate crime. It was a hate crime based upon prejudice. What the Maloney amendment seeks to do is to put the Congress of the United States on record as being against that discrimination.

That is a very important issue. It is a critical issue about what this country is and the values that we have. It is the very kind of issue that it would seem to me to be self-evident to fall into the category of ''I want to House to work its will.''

This is not some number of amendments or this, that, and the other. This is a serious and immediate, clear and present danger to a lot of our citizens. We think it is important for Congress to go on record as saying that we are against discrimination in that regard.

We would hope that this amendment would be made in order. We can't offer it because it is not an open rule. We weren't allowed to offer it on the Defense bill. I would hope that Mr. SEAN PATRICK MALONEY of New York is allowed to offer that on the Financial Services bill, and the House can consider it. If the House disagrees with MALONEY, then the amendment will lose. But it will be consistent with the rhetoric that has been included for

years by, frankly, the majority party, Mr. Speaker, that we will consider issues on their merits.

Mr. Speaker, I will be glad to yield to my friend, but I hope I convey to you that we don't believe this is a political issue in that sense. We believe this is a serious issue, and we believe that literally millions of Americans are feeling very, very lonely in some respects, threatened in other respects, and hopeful that the Congress of the United States would go on record as saying we will not tolerate discrimination against fellow Americans just because of a category that they may reside in.

Mr. Speaker, I yield to my friend.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for the effort in which he puts forth his argument.

Every amendment before the Rules Committee will be considered, and that will be brought forth next week. I will keep the Members posted on what the Rules Committee comes forth with.

The one thing I do want to remind the gentleman of, the numbers show this may be a structured rule, but there were more amendments offered on the floor under a structured rule than an open rule. This is probably one of the most open, structured rules we have ever had.

The numbers show that the amendments here are almost twice as many were offered in the 111th this time by May, and even more importantly, these bills have gone through committee—subcommittee and full committee—where all amendments are offered without going through the Rules Committee.

So, yes, it is my desire to have the voice of individuals heard, to be able to have amendments on this floor. That is why we created a structure that has this process to be able to work.

Mr. HOYER. Mr. Speaker, I thank the gentleman. The gentleman has just said we want to have individuals have the right to offer amendments. Mr. SEAN PATRICK MALONEY of New York wants to offer this amendment.

□ 1400

This House voted for his amendment, as the gentleman recalls. A majority of this House supports the Maloney amendment, unless they have their votes changed. They had their votes changed. We came back the following week, and the majority of this House voted for the Maloney amendment. Unfortunately, the bill went down. I say ''unfortunately'' because the Maloney amendment didn't go forward. There were a lot of good things in that bill. A majority of your Members voted against it. Had a majority of your Members voted for it, it would have passed, notwithstanding what we did, because you are in the majority and you have the numbers.

So I would simply urge not to talk about we have had 15 amendments or 500 amendments. We would feel it very important that this Congress go on record telling our fellow Americans that we don't believe in discrimination against LGBT citizens, period. If the majority of the House would vote that way, I think the majority of the Senate would vote that way. If the Maloney amendment is made in order, it will have, in my view, the support of the majority of this House. In that regard, therefore, it is certainly not specious, and I would hope that it would be made in order.

Lastly, Mr. Speaker, we have seen a 16-hour filibuster on the floor of the United States Senate. That filibuster was about bringing to the floor of the House of Representatives legislation which is supported by over 75 percent of Americans.

First of all, if you can't fly, you ought not to be able to buy a gun. If you are so dangerous that you can't get on a plane, you ought not to be allowed to buy a gun that could kill a lot of people very quickly, as we saw just the other day.

And secondly, the overwhelming majority of Americans support enhanced background checks overwhelmingly. Those two issues.

I am led to believe, though I haven't done the poll directly, that a majority of those who are members of the NRA—not the association itself, the National Rifle Association, but the majority of the members—when asked, support those two propositions.

I would hope that they would be brought to the floor so that the House could work its will, again, on the premise, as you have stated and others have stated in your party, that under the leadership of the Republican Party the House is going to be able to work its will on important issues. That, we believe, is a critically important issue. I would hope the gentleman could assure me that that will be brought to the floor not necessarily next week, but in the very, very near future.

I yield to my friend if he wants to respond.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

As the gentleman knows—and I thank you for buying the book; I thought only my mother did—an open process also means going through committee. I can't will something just to come to the floor. We like things to go through committees.

I know at times like this we want to make sure that fear does not get the better of our judgment. It is absolutely appropriate for us to discuss options that could hopefully prevent the next attack.

I am proud of the fact that the last bill we just passed dealt with the radicalization of Americans. But we cannot lose sight of our basic rights protected in the Constitution, including the right to due process.

In the weeks and months to come, I would expect that the House will take additional action in response to the threat posed by ISIL and others. I look forward to working with the gentleman in a constructive way to ensure the safety and security of all Americans.

Mr. HOYER. Mr. Speaker, I thank the gentleman.

Let me remind him that—although there seems to be some tangential relationship because of the self-proclamation by the killer, the person who created the massacre in Orlando—the person who created the massacre in Charleston, Roof, had no relationship to ISIL or anybody in the international community. He didn't like African Americans. He killed them because of the color of their skin, and we speak out against that, properly so.

Had the background check been appropriate in that case, that may have been stopped. We don't know. But it is certainly worth making the effort to ensure that guns do not get in the hands of those who ought not to have them. Again, as I say, a majority of the American people support that.

And, yes, the Export-Import Bank was bottled up in committee—we understand you can bottle things up in committee—over 2½ years. When it finally got to the floor, a majority of Republicans and all but one Democrat voted for it, over 300 votes for it, but it was bottled up in committee. That may be regular order, but it is not openness, and it is not having the House work its will.

I would urge that those two items in particular—the no fly, no buy legislation and the enhanced ability to know whether people ought to have guns or not—whether suffering from some sort of mental problem or having criminal records, that they not buy guns. I would hope we can bring that to the floor and have this House work its will, as has been suggested your side would do when and if it was in power, and it has been in power now for some period of time.

If the gentleman wants to make additional comments, I will yield. If not, I will yield back the balance of my time.

Mr. MCCARTHY. Will the gentleman yield for one point?

Mr. HOYER. I yield to the gentleman from California.

Mr. MCCARTHY. It was your birthday this week, and I just want to wish you a happy birthday.

Mr. HOYER. Another vicious attack on me.

I thank the majority leader, who is always very kind. I appreciate that very much.

Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT FROM THURSDAY, JUNE 16, 2016, TO MONDAY, JUNE 20, 2016

Mr. MCCARTHY. Mr. Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at 2 p.m. on Monday next and that the order of the House of January 5, 2016, regarding morning-hour debate not apply on that day.

The SPEAKER pro tempore (Mr. POLIQUIN). Is there objection to the request of the gentleman from California?

There was no objection.

CHEROKEE TRAIL BOY'S BASEBALL TEAM

(Mr. COFFMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN. Mr. Speaker, I rise today to recognize the boys baseball team of Cherokee Trail High School on winning the 2016 Colorado 5A State championship game on May 29, 2016.

The students and staff who were part of the title-winning Cougar team deserve to be honored for winning the State championship for the first time since they won the 4A State championship in 2007. The Cougars beat Rocky Mountain High School 5–1 in the series, and ended the season with a winning 25–5 record.

Throughout the season, the boys of Cherokee Trail baseball team were dedicated, worked hard, and persevered. These traits were a key factor in their endeavor to win the championship. But winning would not have been possible without the tireless leadership of their head coach, Allan Dyer, and his commendable staff.

It is with great pride that I join all of the residents of Aurora, Colorado, in congratulating the Cherokee Trail Cougars on their State championship.

GUN VIOLENCE

(Mrs. BEATTY asked and was given permission to address the House for 1 minute.)

Mrs. BEATTY. Mr. Speaker, when will we have legislation to help stop the gun violence? Orlando, Charleston, San Bernardino, Newtown, Aurora, Fort Hood, Virginia Tech—and, yes, the list goes on. It seems like every few days we see yet another shooting and more scores of innocent lives cut short.

I believe, like the majority of Americans, I am ready to wake up from this nightmare. I know many in this Chamber, Mr. Speaker, feel the same way, too.

Well, it is time for Congress to act. We don't have to look for motivation. The outpouring of love and coming together following the Charleston 9 shooting, just 365 days ago tomorrow, brought down a symbol of racism and hate that hung for more than a century.

Mr. Speaker, let our actions and collective resolve in the wake of Charleston serve as an example for long-overdue action on guns in the wake of Orlando. The American people need us to be united, to come together strong.

I want to thank Columbus, Ohio, in my district, for being Columbus strong against hatred, discrimination, and the violence against our LGBT community and other communities.

I am Congresswoman JOYCE BEATTY, and I am asking this House and Speaker RYAN to do the same.

HONORING MARIE WHITACRE

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, today, I rise to honor a great friend in northern California, Marie Whitacre. She certainly was not a giant in stature, if you knew her, but she was a giant in the real estate industry in northern California. She passed away on June 9.

Marie moved to northern California in 1978, leaving southern California to become the executive officer of the Shasta Association of REALTORS. She continued to serve our area in that role for the majority of her 52-year career.

Not only was Marie one of the first women executives in the area, but she also brought tremendous success to her association, making it one of California's top real estate advocacy groups before she decided to step down from the position in 2007.

I knew Marie personally as a friend, as a lady with a kind, nice touch but also the ability to get things done during my time serving in office as well as working with her and her association. Indeed, it was a pleasure, and we will miss her.

Marie is survived by her brother, Mike; sister, Sally; husband, Harlan; and son, Tom.

Indeed, she made a big impression on her clientele in the north State. We will miss her. God bless her and her family.

100TH ANNIVERSARY OF FARM CREDIT

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARAMENDI. Mr. Speaker, this week marks the 100th anniversary of Farm Credit organizations here in the United States. Over the last century, these organizations have provided critical funding for new farmers, farmers who have been in business, and families for many, many years.

I know that in my own family situation, my father was on the board of directors of the Land Bank in Stockton, California. When my wife and I wanted to start our own ranch, for the first 2 years, we relied upon the Farm Credit associations.

And so it is all across America, as farmers try to continue their business to provide the food for our Nation and around the world, the Farm Credit organizations are there to make sure that the money is available for the operations of those farms and ranches.

SECURITY, JUSTICE, AND EQUALITY

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, today, the President and Vice President of the United States, rightly so, have gone to Orlando, Florida, to be with the Senate delegation and Congresswoman CORRINE BROWN, our colleague whose district was impacted by this heinous terrorist act.

I thank him for that, and I thank him for bringing this country together, recognizing that we are not here to blame Muslims, we are not here to blame people of different faith; we are here to draw together. I want the Muslim community to know that we stand with them in their outrage over this incident and their recognition of the values of their faith.

Let me also say that we honor and mourn those from the Latino community who died in this tragic and heinous act, and we want to do something about it. Congresswoman BROWN and I have introduced H.R. 5470, which requires that before anyone gets an assault weapon, they must answer questions about evidence and recent contacts by Federal law enforcement authorities that they have been engaged in. It must be verified.

Let me finally say, Mr. Speaker, that we want the Nation to be secure, but we also want justice in our criminal justice system. I am looking forward to moving that legislation forward because we must be balanced: security and justice and equality for people in the criminal justice system.

□ 1415

SCIENTIFIC RESEARCH AND ITS IMPACT ON COMMERCIAL APPLICATIONS

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNERNEY. Mr. Speaker, I rise to discuss the importance of scientific research and its impact on commercial applications.

Here is a great example. Scientists have been working to understand dark matter. Dark matter is heavy enough to hold the galaxies together through its gravitational pull, yet it has not been detected by current technology, such as by telescopic observation. Research has led to experiments that

would detect dark matter as it scatters from ordinary particles.

Princeton University physicists and collaborators who are working on this problem needed to use a rare isotope of the inert gas argon. A National Science Foundation award to Princeton enabled the university group to test samples of underground gases to locate the required argon. In doing so, they discovered a source from a private company where the argon is captured during a CO_2 extraction process. In addition to the extraction process, we also found that it captures helium. This new helium supply is expected to replace more than 15 percent of the commercial helium that is provided by the Bureau of Land Management. We have all used helium in balloons and to make our voices high and squeaky, but there are industrial, medical, and scientific processes that use helium as well.

We need to provide funding to the National Science Foundation and to other scientific research organizations to continue making such discoveries and help keep America strong.

END THE EPIDEMIC OF GUN SILENCE

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, this picture of these murdered children was from 3 years ago, but the mass murders continue, and the American people are saying, ''Enough,'' and they are demanding that this Congress put an end to our epidemic on gun silence; but, for nearly two decades, there has been a gag order in place that has prevented scientific research into the causes and cures of gun violence.

The 1997 omnibus budget bill contained language that was made for the gun lobby. It targeted the Centers for Disease Control and Prevention with the intended effect of prohibiting any federally funded research on the serious public health issue of gun violence. Sadly, the pro-gun lobby was successful in its efforts to censor science—this despite the fact that guns have taken more lives in this country since 1968 than were lost in all of the wars this Nation has ever fought.

So I urge my colleagues to support my bill, H.R. 2612, to restore funding—to lift the gag rule—for research on gun violence and prevention, because, on this issue, the science is literally killing us.

100TH ANNIVERSARY OF THE FARM CREDIT SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from California (Mr. COSTA) is recognized for 60 minutes as the designee of the minority leader.

Mr. COSTA. Mr. Speaker, I rise, first, to recognize the 100th anniversary of the Farm Credit System in America.

The Farm Credit System in America was set 100 years ago to provide lending opportunities for American farmers, ranchers, dairymen—those who tilled the soil, those who put food on America's dinner table every night. Through the success of the Farm Credit organizations throughout this country, we celebrate now 100 years of that successful ability to make loans to those who are young, who are older farmers, who are starting out, who have been farming for generations—to those who in every region of America do best, which is to produce the healthiest, the most nutritious, the most bountiful crops anywhere grown in the world so that American consumers and their families can enjoy those food products at the lowest cost value possible.

Clearly, we know that the success of American agriculture is, in large part, due to the success of the Farm Credit organizations across this country. We commend them for their efforts and celebrate 100 years of making America the most productive agricultural country in the world.

TERROR ATTACK IN ORLANDO, FLORIDA

Mr. COSTA. Mr. Speaker, I rise, sadly, to address the terror attack that occurred last Sunday in Orlando, Florida.

Today, the President and the Vice President are journeying to Orlando to mourn with those families and friends who felt this terrible tragedy that has reverberated across America.

As we mourn the loss of those lives, we stand with the LGBT community and decry all crimes of hate against all people in America and throughout the world.

Sadly, in my district, there have been multiple instances of hate crimes committed, in part, against the Sikh community and against other communities. In the wake of the deadliest shooting in U.S. history, issues like hate crimes, access to weapons, and the threat of terrorism are at the forefront of Americans' thoughts.

As Members of Congress, we have to ask ourselves: At what point are we going to have an honest discussion about the continuation of hate crimes that happen throughout our country? When is enough enough? If now is not the time, then when is the time?

The deadly shootings that took place in Orlando, we know, could have happened anywhere in the United States. The reality is that we do not have a consensus here in this House on the appropriate policies that are needed to prevent it from happening again. It is time that we stop playing politics if we are ever going to have an honest discussion, a conversation, about preventing hate crimes in America. Sound bites and blaming others do not translate into improving policies that make Americans safer. It simply doesn't.

I urge my colleagues, on a bipartisan basis, to thoughtfully discuss and to hold hearings on these very important issues so that we can pass meaningful legislation. Yes, if we pass meaningful legislation, it will have to be, by its very nature, bipartisan. Pass it, and send it to the President's desk so that it can be signed into law. Hopefully, we will point back to a time when we won't have to stand for a moment of silence for a tragedy that occurred in some part of America. Americans, I believe, want us to do better, and we owe them that.

CALIFORNIA'S WATER SYSTEM

Mr. COSTA. Mr. Speaker, finally, I rise, as I have on a regular basis, to update Members of the House on the situation that faces California's water system—the devastating drought that now has gone beyond 4 years.

Today, the Shasta Lake and Folsom Lake, which are part of the Central Valley's project—two major reservoirs in the Sacramento River watershed—have enough water to supply 100 percent water allocations to farmers in the Sacramento Valley and to the San Joaquin River Exchange Contractors, along with wildlife refuges in the San Joaquin Valley. We had hoped for an El Nino year. We didn't get it, but we did get between 80 and 95 percent of our normal supply, which is much better than the 5 percent of snow and rain that we received the year before.

Notwithstanding that fact, the United States National Marine Fisheries Service and the Fish and Wildlife Service are now proposing new efforts in recent weeks to recover species, which will impact Reclamation's ability to deliver the water that they had previously allocated. In the spring, the way the Federal and State water projects work, is that, in April, the snow depths are measured—that is about the end of our snow in California—as is the precipitation during our rain time period of the year, and they measure how much water is available to be allocated for all of the water contractors, both in the Federal service areas and in the State service areas.

Yet, if the action that is being proposed 2 months later by the U.S. Fish and Wildlife Service and by NMFS—as a part of the NOAA Federal agency—is taken, it would be unprecedented that 2 months after allocations have been made, based upon what we believe the snow to be in the mountains and the rain we receive this winter, the allocations somehow would be taken back or dramatically cut back.

Despite an abundance of water in the Shasta Reservoir—it is almost full—the National Marine Fisheries Service is considering a temperature control plan that would limit releases of only

8,000 cubic feet per second of water. Now the U.S. Fish and Wildlife Service is asking that we allow more water out, and, of course, the National Marine Fisheries Service is asking that we restrict water to reserve a cold water pool. The constraints, which are required by existing regulations, have the following implications if, in fact, these actions are taken:

One, it would prevent farmers in the Sacramento Valley from diverting water already promised by Reclamation. Unheard of;

It would limit Reclamation's ability to export water to meet its commitment to the Exchange Contractors and to senior water rights holders in the San Joaquin Valley. It has not happened before;

It could lead to Reclamation's having to make releases from Friant Dam, which is in my service area, to meet other contractors' needs and reduce water previously promised to farmers in the Friant system, who, over the last 2 years, have received a zero water allocation. In April, Reclamation said they could get 35 percent of their normal water. Then, in May, it was increased by another 30 percent to 65 percent. Now they are talking about cutting it in half, maybe. Unacceptable;

It would also be unlikely that Reclamation could supply the meager 5 percent of allocation that was made for south-of-delta agricultural water service contractors. Let me tell you that these contractors, for over 2 years, have had a zero water allocation. Hundreds of thousands of acres, as a result of that, have gone unplanted—fallow.

These are devastating impacts for farmers, farmworkers, and the farm communities that I represent that work so hard every day to put food on America's dinner table. That is the consequence. Reclamation would be required to, once again, drain the reserves in the Folsom Reservoir, the Folsom Dam. These consequences, in my view, are unacceptable and should not occur.

While the National Marine Fisheries Service is proposing water to be held in Shasta through the summer and fall, the Fish and Wildlife Service is requesting additional outflow, during the summer, for increasing the habitat for delta smelt.

□ 1430

These conflicting requests make no sense. They make no sense to the person on the street. They make no sense if you try to explain it to people enjoying their dinner at their dinner table. And they certainly don't make any sense to the farmers, the farmworkers, and the farm communities.

The request, I might add, is outside of the requirements of the 2008 biological opinion—I called them the flawed biological opinions—under the Endangered Species Act, and it is in direct contradiction to the requests made by the National Marine Fisheries Service.

Further, the Fish and Wildlife Service has failed to conduct the statutory analysis on the outflow request; and when they made the request, it was made without adequate scientific support under the environmental review process.

If I sound frustrated, I have good reason to be frustrated.

Additionally, the Fish and Wildlife Service is also failing to implement a comprehensive plan for species recovery. In testimony, the head of the U.S. Fish and Wildlife Service, when I asked over a month ago if they had a recovery plan, said: Well, yes.

I said: Well, what is it?

He said: Well, it is 20 years old, so it is really out of date.

I said: Well, then, you really don't have a plan.

And they acknowledged that.

Part of the comprehensive recovery plan does include provisions like those in legislation that we voted on yesterday in the Natural Resources Committee, the Save Our Salmon Act, of which I am a cosponsor. This act would begin to limit the impacts of predator species that are one of the principal causes of the decline of salmon and smelt in the delta. So the Save Our Salmon Act needs to be heard here on the floor, and I hope it will be passed and ultimately signed into law.

So the requirements made by the National Marine Fisheries Service, the Fish and Wildlife Service are unprecedented, I say again; and the impacts, intended or not, are real. They will be severe throughout California, especially in the San Joaquin Valley that I represent a part of, affecting as much as 6 million acres of productive, prime agricultural land that produces half the Nation's fruits and vegetables. That is the number one citrus State in the Nation, the number one dairy State in the Nation, number one production in wine and grapes. The product lines, 300 commodities, go on and on and on. That is how devastating these decisions could be if, in fact, they were granted.

So I urge the administration to reject these harmful actions. Common sense, at some time, must be applied. Let's prevent this train wreck from happening. Let's get to work on fixing a broken water system in California that was designed for 20 million people. Today we have 41 million people living in California. It was designed for the agriculture we had in the sixties.

Today, we are far more productive in our agricultural efforts, and it was never designed in a way to provide for environmental water as it is being requested today. So it is a broken water system because, when we have continuous dry years, it cannot serve all the demands that are placed upon it for our people, for our farms, and to ensure that we have the ability to maintain the environment for future generations to come.

I yield back the balance of my time.

CHALLENGES FACING THE COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, I yield to the gentlewoman from Missouri (Mrs. WAGNER), my good friend and a great Member of Congress.

REESTABLISH INTEGRITY OF ARTICLE I OF THE CONSTITUTION

Mrs. WAGNER. Mr. Speaker, for the past 7½ years, this President has ignored Article I of the Constitution and the will of the American people.

The balance of power detailed in the Constitution is very clear: Congress writes laws; the President executes those laws. But through controversial executive orders and questionable regulations and selective enforcement of laws, the President has time and again bypassed our government's critical system of checks and balances to drive his own personal agenda of Big Government and big regulation.

Congress must reset this balance, reclaim its legislative power, and reestablish the integrity of Article I of the Constitution.

The most blatant attack on our Constitution is his executive order to suspend immigration laws for nearly 4 million people who are in our country illegally. In acting alone, the President has made clear his desire for amnesty for illegal immigrants, in direct violation of the laws of this Nation.

We are a nation of immigrants. But more importantly, Mr. Speaker, we are a nation of laws. This issue will only be resolved when the executive branch enforces existing law and works with the elected Members of Congress instead of sidestepping the Constitution and disrespecting the will of the people.

Mr. Speaker, Americans are desperate for greater security and economic opportunity. This comes with elevating, not undermining, the spirit of self-government, on which our Nation was founded.

This is not a Republican or a Democrat issue. This is an American issue, and it touches the core of our system of government. It is time that we restore and protect Article I of the Constitution and put the people first.

Mr. GOHMERT. Mr. Speaker, such an articulate person in Congress is appreciated by all of us, especially so clear thinking. That is exactly the kind of thinking we need in the executive branch.

Mr. Speaker, we have an article just in from Carolyn May today: ''441 Syrian Refugees Admitted to the U.S.

Since the Orlando Attack, Dozens to Florida.'' It says:

''The administration has accelerated the pace of resettlement despite warnings from top security officials about potential vulnerabilities in vetting migrants from terror-hotspots like Syria and reports that ISIS operatives have infiltrated the refugee flows.

''In written testimony prepared for a Thursday hearing of the Senate Intelligence Committee, CIA Director John Brennan again warned about the potential for ISIS operatives to manipulate the refugee system, as well as other immigration paths.''

While our CIA Director from this administration was warning the Senate here on Capitol Hill about ISIS being amongst the Syrian refugees—and ISIS leaders themselves have said, oh, yeah, we are going to have some of our killers amongst the so-called Syrian refugees. Because we don't really know where they are from, and that was pretty clear from testimony sometime back from FBI Director Comey, who said, sure, basically we will vet them, but we have no information to vet them with. Whoever they say they are, wherever they say they are from, especially if they say they are from Syria, we really don't have a good way to disprove or to prove.

So, yeah, we will vet them. But since we have nothing to check with—as he said, you know, we had tremendous information from Iraq. We had the government's own records, but we got nothing to vet the Syrians.

So perhaps this is an area we should believe the Islamic State leaders when they say ''we are getting our terrorists in amongst the Syrian refugees.'' And apparently the CIA Director takes this seriously. And we hope, at some point, the President will as well.

Before people get too harsh in their judgments of the FBI or the FBI agents who had questioned the Orlando shooter, the killer, the murderer, the Islamic radical in Orlando, it is important that we keep in mind that—you know, the 9/11 Commission was composed of Republicans, Democrats, and this bipartisan group used this term, ''violent extremism.'' They only used that three times, because they knew from their good report. They talked about the ''enemy'' 39 times. This administration doesn't like to talk about an enemy, so it is not appropriate for the FBI nor the National Intelligence Strategy.

And this FBI counterterrorism lexicon was developed in 2009 after this President took office because they wanted to make sure that we don't offend the people who want to kill us and destroy our way of life. So there are terms that are off limits in this administration, in the FBI, in the national intelligence community.

I haven't gotten any updates officially, but from what I understand from friends that work in these areas, there is no real update. You want a quick end to your career in the FBI or in our intelligence agencies, then all you have to use are the terms ''jihad,'' ''Muslim,'' ''Islam.'' If you talk about the Muslim Brotherhood, your career is pretty well over. You don't want to talk about Hamas or Hezbollah. ''Al Qaeda,'' that was used one time in the National Intelligence Strategy that this administration put forth.

But for heaven's sake, even though the radical Islamists are making clear that they want an international caliphate in which everyone bows their knee to Allah and to the twelfth imam, the imam that is going to come back and lead everybody, you sure don't want to say it in this administration.

And it is not appropriate to talk about sharia. Unfortunately, polls these days are showing that there is a massive number and a massive percentage of people who have already immigrated into the United States who are Muslim that say that they owe their allegiance more to sharia than to our Constitution.

I know that people constantly say we should not discriminate, and certainly we should not, you know, as a judge, as a prosecutor, as a chief justice, discriminate based on things that were inappropriate. But if somebody is committing a crime, has committed a crime, wants to destroy our way of life, bring down our government, destroy Western civilization, it is okay to discriminate against those people because what they have done or want to do is called a crime.

If they want to bring down our Constitution and have it submissive to sharia law, the appropriate term for that is treason. And it is okay to discriminate against people who want to destroy your country, destroy your government, bring down the Constitution, and it is okay to discriminate.

If someone wants to immigrate into this country—and we are getting word that some are instructed not to talk about or mention their religious beliefs and just say it is none of your business—it is important to find out, before we give American citizenship to people, whether or not they can take the oath as a citizen honestly, truthfully, with no hesitation. Because if they cannot, then we need to discriminate against them and prevent those people who want to commit treason from becoming American citizens.

□ 1445

It is called self-defense. It is called self-preservation. So, no, we don't want to ever discriminate against anybody based on race, creed, color, national origin, gender, age; but if somebody is not willing, because of their religious beliefs, to state that the Constitution is something to which they can pledge their complete allegiance, then they are not supposed to get citizenship. It is supposed to be denied.

If you want to call that discrimination, then that is the kind that is okay. But the administration is going so far out of its way to try not to offend people that want to kill us and bring down our way of life that you can't talk about who our enemy is. So for the three of us who have been through many of the materials that have been purged from our training materials because they offended radical Islamists and Muslim Brotherhood sympathizers, it is important to understand, our FBI agents are not allowed to be properly trained to recognize what a radical Islamist believes, what he or she reads, the appearances that they have to ascribe to, all these things. They are teachable because they are being taught to radical Islamists that want the international caliphate.

I know the immediate reaction to killings. I have dear friends on the other side of the aisle, and I know that they are honorable and truly believe the best thing to do is to start having restrictions on guns; but if we were simply dealing with people who should not be in this country—and if they are in this country, they should not be walking free; and if they are in this country, they should never have been allowed to get guns under the laws, if they exist, if this administration were properly training our agents and enforcing the laws—then we wouldn't have to go after the guns, and these people would be alive today.

I understand their concerns. The anger is normally with the instrument used. I was reading, again, earlier about the 100 days in Rwanda, when between 500,000 to a million—many estimates say around 800,000 Rwandans—were killed mainly with machetes and clubs. Most of these people didn't have guns, but they were intent on terrorizing the nation—at least the Tutsi people—and terrorize them they did. They killed them. They terrorized them. There was widespread rape. It was just a disaster of biblical proportions. Just horrendous.

But when someone is intent on terrorizing to that extent, they use whatever weapons are available, whether it is a machete, a club, a gun, a pressure cooker, or whatever they have available, or fertilizer, as is so often used for making bombs.

So our FBI, they are not able to use these words. The term ''religious'' has been used three times in the counterterrorism lexicon, ''religious.'' And, of course, it is important to the current administration to use the term ''religious'' from time to time because, as our Department of Homeland Security has already told us and as the Secretary of Homeland Security reaffirmed this week, we know that rightwing extremists are every bit as much a threat to the United States as

Islamic radicals. Something I am not hearing a lot about, but I sure hear it when I get fussed at by rightwing extremists.

I know some people think that I am a rightwing extremist, but if you look back at the things the most liberal people in the country were saying in the early 1960s, boy, I am right there mainstream. We will see again in November, but apparently I am pretty mainstream with the people of east Texas.

But they have the same beliefs that our Founders did. They want freedom, and they want liberty, and they want their constitutional rights, which includes the right to keep and bear arms so that, if somebody with a machete or somebody with a club or somebody with a gun who is intent on terrorizing, it won't only be the terrorists and the criminals who have the guns. They want to keep their guns.

So what I am hearing from rightwing extremists that stay mad at me because I don't speak up enough to their way of thinking is that they are angry because we have an administration that won't identify the enemy. Clearly, most Americans understand radical Islamists are at war with America. Pointed out numerous times, but around the world, Muslim leaders have just been aghast and are asking me: What is wrong with your country? You are helping the wrong Muslims. You are helping the Muslim brothers who are at war with you. How about being a friend of those of us who are not at war with you?

And they are right. This administration has brought too many people alongside who do not like this country.

Let's look at the Orlando terrorist, the radical Islamist. He was 29 years old, and he was born in America. I have been warning about this for years, but people come here on visas, have a child, and then people here mistakenly think that that means they have to be an American citizen, where it seems pretty clear to some of us if we change the legislation to say that we stand with all the rest—I don't know of any other place that does what we do, but we stand with at least most, if not all the rest, of the world, and changing our law to say: just because you are born in America does not mean you are an American citizen.

I have even heard somebody on FOX News say: Well, there is no way around it. If you are born in America, it doesn't matter who you are or where you are from, you are an American citizen.

That is simply not true. If you go back and look at the debate over the 14th Amendment, the proponent of the 14th Amendment made it very clear that there are some groups that will not be American citizens under the 14th Amendment. We still recognize today the fact that if you are a diplomat here from a foreign country, then you are not subject to all of the laws of the country, and your children born here in America are not citizens. So, hopefully, those who think it is automatic no matter where you are from, they will be educated and know that is simply not the case.

So we also have the right to tell people: No, if you come here illegally, just because you sneak in to the United States illegally or pay a gang or a drug cartel to get you in illegally does not mean that you are going to start increasing legally the population of the United States.

But under existing laws, Omar Mateen was a 29-year-old American-born citizen. According to The Denver Post, Mateen's family was from Afghanistan, but he was born in New York City. According to CBS News, Seddique Mir Mateen, the father of Omar Mateen, has well-known anti-American views and is an ideological supporter of the Afghan Taliban. That is what I have been warning about. People who hate America, who have sympathized with those who want to destroy America, have kids here, and we say that their kids are American citizens. We are creating time bombs within our own Nation.

The older Mateen hosts a program on California-based satellite Afghan TV station called the Durand Jirga Show, and the primary audience being ethnic Pashtun Afghans living in the United States. According to CBS: ''In his Facebook videos, the alleged gunman's father has often appeared wearing a military uniform and declaring himself the leader of a 'transitional revolutionary government' of Afghanistan. He claims to have his own intelligence agency and close ties to the U.S. Congress—assets he says he will use to subvert Pakistani influence and take control of Afghanistan.''

The younger Mateen was previously married in 2009 to a woman who, according to FOX News, was born in Uzbekistan, but the couple divorced in 2011. According to Omar Mateen's ex-wife, he ''was not a stable person. He beat me''—which is okay under many Muslims' interpretation of sharia law. My wife doesn't agree with that, and, therefore, I do not either—''he would just come home and start beating me up because the laundry wasn't finished or something like that.''

Mateen is currently married to Noor Salman and has a 3-year-old son.

I was speaking tongue-in-cheek about my wife. Actually, my mother is deceased since 1991, but growing up with an older sister, it was made clear you don't touch a girl. No matter if she hits you, you don't hit her back. You come tell us. That is the way I have lived.

But, you know, many around the world who believe sharia law is much superior to the U.S. Constitution think it is just fine to beat a woman. That is not legal in America, for those in doubt. Thank God.

In addition to his views on women and African Americans, Mateen has also had a history of anger toward members of the LGBTQ community. According to Mateen's father, his son was very angry about a recent incident involving two men kissing in public. Per Mateen's father, as reported by The Washington Post: ''We were in downtown Miami, Bayside, people were playing music. And he saw two men kissing each other in front of his wife and kid and he got very angry,'' the father told NBC News. ''They were kissing each other and touching each other and he said, 'Look at that. In front of my son they are doing that.' ''

I do recognize, apparently, according to reports, Mateen had visited the gay bar before. Apparently he had also visited a Disney park, people believe in casing the place for potential attack. Whatever his reasons for going to the gay bar before, whether he had those tendencies and because of his Muslim radical Islamic teaching, he hated himself for it, whatever the reason, we know that what he is taught is that no matter how bad the sins are that he has committed, if he can go out of this life killed while he is killing Christians, Jews, non-Muslims, Muslims who have converted to something else, if he can go out, be killed while he is killing people like that, it doesn't matter what sins he has committed in his life, under his radical Islamic beliefs, he goes to paradise. I believe with all my heart nobody in the universe was more shocked than Mateen after he went to the other side.

It appears that Mateen first started walking down the path toward radicalization sometime after the end of his first marriage. Friends of the shooter describe how he became steadily more religious after his divorce and even went on a religious pilgrimage to Saudi Arabia.

□ 1500

As reported by multiple news outlets, Mateen has twice been investigated by the FBI. The first investigation involved comments he made which suggested he had an affinity for Islamic extremist groups. The second investigation involved connections to a Florida man who traveled to Syria and became a suicide bomber for.

Per the Washington Post, ''Neither probe turned up evidence of wrongdoing. Mateen,'' according to them, ''had a blemish-free record.''

That is ridiculous.

As a result of these two FBI investigations, Mateen was at one time placed on a terrorist watch list maintained by the FBI. According to the LA Times, Mateen was removed from the list after the FBI's two investigations were concluded.

But, again, we have to remember, the FBI is not allowed to talk to people

about jihad: What are your beliefs about Islamic jihad? Do you think it is a simple, peaceable conversion within your own heart and mind? Or do you believe jihad means it is okay to go out and kill people who disagree with radical Islam or your view of Islam?

If you can't talk about someone's beliefs in Islam, you can't get to whether or not they have been radicalized.

So we have some incredibly talented and intelligent FBI and intelligence agents that are completely ignorant of what they need to know because this administration has made clear to them you don't go there.

If you have ever learned about jihad, Muslim, Islam, takfir, Muslim Brotherhood, Hamas, Hezbollah, al Qaeda, caliphate, if you have ever been taught about those things and what to recognize in a radical Islamist, then you better keep your mouth shout about them or you will lose your career, as one of the original Homeland Security employees, dedicated patriot Philip Haney, learned when he was pointing out terrorists.

So it makes it tough when you are in the FBI, in our intelligence, and you know the President will not call somebody a radical Islamist. And I know our President was belittling those of us who said it is important to recognize our enemy. The chairman of the Homeland Security Committee had said earlier today those very words.

Those are very important words. He said we have to define our enemy to defeat it. He said if this President won't define it, this body will. Our bill that we passed today didn't define it at all. It didn't mention the words ''radical Islam,'' ''jihad,'' ''Muslim Brotherhood,'' ''Hamas,'' ''Hezbollah,'' ''al Qaeda,'' ''international caliphate,'' or those who were more devoted to sharia law than to our Constitution. So this is a little bit of a problem.

This article from the Daily Mail has this as a summary: ''Seddique Mateen is the father of mass shooter Omar Mateen, 29. Mateen Senior is an Afghan who hosts the Durand Jirga Show. This show is aired on YouTube channel''—I am not even going to say.

''He visited Congress, the State Department and met with political leaders during a trip to Washington, DC, in April. He also attended a hearing on Afghanistan security while in the capital. Pictures from 2015 show him meeting'' with some folks up here. ''Police seen searching him home, located close to where his son lived.''

Obviously, his father's strong support or expressed support of the Taliban should have caused concerns. And I know the word ''discrimination'' has been overused, to the point that people who saw in Mateen the potential radical Islamist mass shooter were cowed by political correctness, as was the company he worked for when they refused to deal with the complaints about his radical Islamic problems. Political correctness killed 49 people.

Should we ban political correctness because it closed the eyes of the FBI agents to seeing they had a radical Islamist they were talking to during their two investigations? Should we indict political correctness or ban it from America because the FBI, when they investigated and talked to the older Tsarnaev brother before he killed and maimed in the Boston bombing—should we ban political correctness because the FBI didn't know what to ask?

The FBI Director himself—at that time, Mueller. I had understood they had not gone to the mosque where Tsarnaev was attending after they got word he had been radicalized.

I said: You didn't even go to the mosque where they attended?

He said: We did go to the mosque—and I didn't hear it until it was replayed later—in our outreach program. That is right.

In a previous hearing to that, he had explained: Look, the Muslim community is like every other religious community in America. There is no difference whatsoever. We have a wonderful outreach program with the Muslim community. It is going great. But it is just like every other community.

He said it over and over.

When it was my time to question, I said: Since it is just like every other community in America, Director Mueller, how is the outreach program of the FBI going with the Buddhists and the Jewish community and the Baptist community and the Hindu community? How are your outreach programs to those religious communities?

He had to back up and try to figure out something to say. And basically, it was: We have a combined outreach to all those other groups. We don't have a specific outreach to all of those others—the Baptists, Christians, or Jews.

They don't have an outreach program like that because, to the FBI way of thinking, we have outreach to all religious groups in America as a whole, and because of our concern about American safety, apparently—why else would they have it?—we have a specific outreach to the Muslim community.

Well, isn't that strange? If you only have an FBI and a government outreach program to one religious group in America, then it is a little bit hard to honestly say that there is no difference whatsoever in these religious communities, because if that had been truthful statements made to our committee here on the Hill, there would not be a Muslim outreach program.

I was, I have to say, very gratified that, after having evidence in the FBI's possession for about at least 18 years, some of which was used in the Holy Land Foundation trial in which a verdict was obtained in November 2008, they had evidence to show that the Council on American-Islamic Relations was a coconspirator in supporting terrorism.

So finally, in 2009, after years of their outreach program with CAIR as a community partner, they finally had to send a letter to the Council on American-Islamic Relations, or CAIR, and say: Well, because of some of the stuff that came out at the Holy Land Foundation trial, we are going to need to suspend our partnership.

How many partnerships does the FBI have with the Jewish community or with the Hindu community or with the very peace-loving Sikh community? How many? We can't find any. And I look forward to hearing from the administration if they have such wonderful outreach programs that they have started since the Director of the FBI testified before us.

We continue to blind ourselves, as our intelligence officer told me, to our ability to see our enemy, and people in America are going to continue to die.

Though I care deeply about some of our Democratic friends—they are wonderful people—they think the solution is stopping Americans from getting certain guns.

Can't you just agree, I had a reporter say yesterday, to ban assault weapons? I have been engaged in the legal profession long enough in different capacities to know that, once you ban an assault weapon, you can ban every gun that exists.

It reminded me of when I was thinking about going to law school, although my late mother and a doctor in Mount Pleasant kept telling me: LOUIE, you are smart. You can really help people. You would be a great doctor. Don't throw your life away and go to law school. You could really help people. You would be a great doctor.

And my mother hoped I would. And if not that, at least I would be a college professor.

My dad used to send me clippings—Dad is still alive and 90 years old this year—when I was expressing interest in going to law school. There was never a shortage of newspaper clippings about how rotten lawyers were. Headlines would be things like: There Are Too Many Lawyers in America; Lawyers Are Destroying America; quoting Shakespeare, First, We Kill All the Lawyers—all these types of articles. Normally, he would put a little note on it: Son, are you really sure about this?

Well, I love and respect my father. And I finally wrote a letter back: I have done a lot of soul-searching, Dad, and I have come to the realization that the law is a tool, like a hammer. The law can be used constructively to build up or it can be used very destructively to destroy. It is all about the hand holding the hammer.

A so-called assault weapon in the hands of an American military member, in the hands of law enforcement,

or in the hands of someone whose home is being invaded by multiple burglars with guns is a good thing to have.

If the principal at Sandy Hook had been running, as she so heroically did, at the gunman with any kind of gun in her hand—any kind of assault weapon, as some want to call some guns—there would have been people saved.

So, once you say we are banning assault weapons, then you are on the road to banning all weapons. Every gun, every machete that has killed hundreds of thousands of Rwandans in 1994, I believe it was, in the wrong hands, is an assault weapon.

Why can't we focus on the hands that are holding the weapons? Why can't we train our FBI and our intelligence community to recognize hands that are going to use a machete, a gun?

I know people report it was an AR–15 that the Orlando shooter used. It was not. It is an awfully small caliber, but whatever.

Let's train them to figure out which Americans are intent on committing treason, not by speculation, but by the things they have already said and done. And if we had not blinded them, San Bernardino could have been stopped, the Orlando shooting could have been stopped, the Boston Marathon bombing could have been stopped.

I know Janet Napolitano took credit for the system working when the underwear bomber was stopped, but that was some heroic Americans. One intelligence person told me that, actually, the reason the bomb didn't go off is because his rear end had sweated too much and defused the fuse and it didn't go off.

□ 1515

Well, we can't always count on a terrorist's rear end sweating too much to save hundreds of American lives. We have to have an intelligence community and a law enforcement community that can recognize when enemies are within our gate, as this President continues to bring them.

It should disturb a lot of Americans, as this article from Alan Neuhauser points out, that the ''Security Firm That Employed the Orlando Gunman Guards U.S. Nuclear Sites.''

The article points out: ''The security firm that employed the Orlando gunman behind the worst mass-shooting in U.S. history says it's guarded '90 percent of the U.S. nuclear facilities'—raising concern that would-be terrorists could easily gain inside access to the most sensitive sites on American soil and release untold devastation.''

And it goes on to make some good points, but I don't think we would worry about someone going into one of these nuclear facilities, getting nuclear material to make a nuclear weapon. That would probably not happen, but it is quite conceivable they could get nuclear material and create a dirty bomb, a bomb with nuclear material in it and around it so that it is dispersed, causing more death.

This article from Stephen Dinan, from The Washington Times says: ''American-born children of immigrants proving fruitful recruiting ground for jihad in U.S.''

Thank God, most of the children of immigrants that have come into the United States have helped and have made this country what was at one time the freest nation in the history of the world. We are not listed as the freest nation anymore, not near the top.

This article from The Daily Caller says: ''Co-worker: Orlando Terrorist's Employer Ignored Unhinged Comments for Fear of Being Politically Incorrect.

''Daniel Gilroy used to work at G4S Security and complained to the company numerous times about Mateen's derogatory comments regarding homosexuals and people of other races. He also talked about massacring people.

''Gilroy said, G4S Security did absolutely nothing in response to the complaints for fear of being politically incorrect, as 29-year-old Mateen was an open Muslim, Florida Today reports.''

Political correctness has now gotten so far afield, it is killing people. Let's talk about banning political correctness that keeps our FBI and intelligence from being able to talk about radical Islam.

According to Peter Hasson from The Daily Caller: ''DHS Secretary: Right-Wingers Pose Same Threat As Islamic Extremists.''

I mentioned earlier, people that—right-wing extremists that are mad at me are mad because we are not doing enough to stop radical Islamists from destroying our country, terrorizing our country, terrorizing our freedoms, telling us we can't say what we believe because we have lost our freedom of speech. We can't practice our Christian beliefs as the Bible teaches, because it may offend someone.

For heaven's sake, let's compare. These radical Islamists believe that the way to paradise and to complete forgiveness of Islamic sins, no matter how bad, is to be killing a bunch of non-Muslims. When your life is taken, you go straight to paradise.

On the other hand, I know the President loves to castigate Christians and say, hey, you know, Christians had the Crusades. Anybody that was out there saying, I kill you in the name of Christ, is not killing people legitimately in the name of Christ, because Jesus said, ''Greater love hath no one than this, that a man lay down his life for his friends.'' And, of course, he was talking about men and women.

There is a pretty clear, distinct difference between what radical Islamists believe as well as what Christians who truly believe the teachings of Christ, what they believe.

Yet, Jeh Johnson, the Homeland Security has released before: You have to watch those Evangelical Christians because they believe what Jesus said, you know, that you want to share the Gospel with people so that they learn love and not hate.

So these real Evangelical Christians, like my friend, TRENT FRANKS from Arizona, wow, he is a hulking threat because he believes that the two greatest commandments in the world are love God and love each other, and on those two laws hang all the law and the prophets.

The Daily Caller also has an article about—and this is a member who is above the countering violent extremism advisory group. He is now elevated to the advisory council where Muslim Brother sympathizer, Elibiary, from Plano, Texas—he was until they finally had to let him go after he tweeted about the caliphate, the international caliphate being inevitable. But this is who has replaced him. I am not sure how to pronounce it. It looks like Marayati, something like that. He ''is the president of the Muslim Public Affairs Council. He currently serves on the Homeland Security Advisory Committee's Foreign Fighter Task Force as well as HSAC Subcommittee on Faith Based Security and Communications . . . In 2001, Al-Marayati suggested that Israel—not Islamic extremists—was ultimately behind the September 11 terrorist attacks . . . In 2013, Judicial Watch noted that Al-Marayati told attendees at a 2005 conference for the Islamic Society of North America''—another named co-conspirator in the Holy Land Foundation supporting terrorism trial—''that 'Counter-terrorism and counter-violence should be defined by us' ''—talking about the Muslims that think Israel was behind 9/11.

He said: '' 'We should define how an effective counter-terrorism policy should be pursued in this country,'' America. ''So, number one, we reject any effort, notion, suggestion that Muslims should start spying on one another.' ''

Well, that is exactly what FBI Director Mueller said they were going to do. They had this wonderful outreach program so that Muslims will come and report other Muslims in advance, just like Mateen's wife did; since she knew that he was about to go kill a whole bunch of Americans, she came forward and reported—oh, wait. No, she didn't, did she? I guess the outreach program didn't work so well there.

Well, maybe before the Boston bombing, maybe the outreach program worked there. Oh, that is right, they went to the mosque not about Tsarnaev being radicalized, as they had already been advised by the Russians, but just to have a meal and visit and talk. And, gee, the people at the mosque forgot to say: By the way, Tsarnaev is starting to demonstrate

what we have seen every time somebody has been radicalized. And, oh, by the way, Director Mueller, you obviously are not aware—as he was not when I asked him—but our mosque was started by Al Amoudi, who your FBI helped put in prison after they finally were tipped off by—from what I understand—British intelligence, that Al Amoudi, who helped pick Muslims to serve in the Clinton administration, in the military, and also to be chaplains in the prison where, by the way, we are now getting reports and have for some time, that inmates are being radicalized.

Gee, imagine that. Al Amoudi doing 23 years for supporting terrorism, helped pick imams to serve in our prisons and in our government agencies, and in the military, and, gee, they are being radicalized. What a shock.

Well, the article goes on: ''Investor's Business Daily took an editorial stand against the invite.''

When the Obama administration invited Al-Marayati to a 3-day summit on fighting extremism in 2015, initially, the White House tried to conceal that from reporters, but it finally was made clear.

So Investor's Business Daily said: ''Al-Marayati has a long record of defending terrorists and justifying violence against non-Muslims—an easy one for the White House to vet for extremism.

''According to White House visitor records, Al-Marayati has visited the White House 11 times since 2009 . . . Kyle Shideler, the director of the Center for Security Policy's Threat Information Office, told The Daily Caller that 'Al-Maryati's association with the HSAC underlines what an unfortunate farce the entire, Combating Violent Extremism, program is. Al-Maryati's only notable counter-terrorism contribution is having suggested Israel be included as a suspect on 9/11.

'' 'His very organization,'' the Muslim Public Affairs Council, or MPAC, ''has historically cosponsored events in support of the very kinds of extremists he's been appointed to help oppose, which is no surprise, given that the organization's roots lay with men who literally studied at the foot of Muslim Brotherhood leader, Hassan Al-Banna' . . . 'As long as the Obama administration is more concerned with keeping groups like Al-Marayati's happy with them instead of investigating actual terrorism, we will never have a sane counter-terror policy.'

''The Daily Caller previously reported on Monday that a current sitting member on the HSAC Subcommittee on Countering Violent Extremism, Laila Alawa, is a 25-year-old immigrant of Syrian heritage who said the 9/11 attacks 'changed the world for good' and has consistently disparaged America, free speech, and white people on social media.''

And if you look at the things that that other adviser to Jeh Johnson tweeted, here is a tweet that Ms. Alawa sent out: ''I can't deal with people saying America is the best nation in the world. Be critical. Be conscious. Don't be idiots.''

Yeah, people like my friend, and like the Speaker, you know, we think America is the best place in the world. But according to Jeh Johnson's adviser, we are idiots.

She tweeted: ''The US has never been a utopia unless you were a straight White male that owned land. Straight up period go home shut up.''

Wow. She also said: ''You can't say something intolerant and not expect consequences. Not on my watch.''

She said all kinds of hateful things about America, about Whites, about those who love this country.

Great article in The Daily Caller.

Did the FBI training purge cause agency to drop the ball on Orlando shooter?

Clearly, it did.

Well, Mr. Speaker, in conclusion, every Republican I have heard speak on this issue, including those from Homeland Security, have acknowledged that the President and our intelligence need to start talking about jihad, Muslim, Islam, radical Muslim, radical Islam, Muslim Brotherhood. And they are not allowed to talk about it without risking their career, and that is why I voted ''no'' on the bill today.

□ 1530

These things have basically passed before. But all they talk about is countering violent extremism, countering violent extremism; five ''countering violent extremism'' on page 3. But it basically tells the Secretary of Homeland Security to keep countering violent extremism. It never mentions the term ''radical Islam.''

After the Orlando shooting, we have an obligation, when the administration won't call it what it is, to start calling what it is. I think the bill really didn't do what we needed done.

Mr. Speaker, I yield back the balance of my time.

SURVIVAL OF PREMATURE BABIES AS YOUNG AS 20 WEEKS POSTFERTILIZATION

The SPEAKER pro tempore (Mr. RATCLIFFE). Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from Arizona (Mr. FRANKS) for 30 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I am fortunate this evening to have some precious friends in the gallery, and I am grateful that they are here. Their commitment to protecting the innocent unborn and their commitment just to America in general gives me great encouragement. My friends are Josh Decker and Rudolph Margraff. I am grateful that they are here.

Mr. Speaker, sometimes in the area in which we live, we can become very dispirited; but once in a while, a medical marvel comes along and revives us all. Recently, the Pediatrics Journal of the American Medical Association reported on the progress being made in saving the earliest babies born prematurely.

In a study conducted over 5 years in Cologne, Germany, the authors reviewed 106 cases of babies born from just under 22 weeks down to 20 weeks after fertilization. The authors found that with active prenatal and postnatal care, two-thirds of these extremely premature babies survived until they were discharged from the hospital.

Now, Mr. Speaker, these are much higher percentages than other recent studies have shown, and they demonstrate what active care, at what the authors call ''the border of viability,'' can accomplish.

Mr. Speaker, I would just ask the Members of this body to consider and to absorb this encouraging and very enlightening news.

This issue is real, Mr. Speaker, and it was torn from the abstract in my home State of Arizona, recently, when a 21-week-old baby—that is, 21 weeks after fertilization—was born alive after surviving an abortion. This happened in a Phoenix abortion clinic. Unfortunately, the baby was not transferred to the hospital in time, and the baby died.

Mr. Speaker, if the American people knew how often tragedies like this occur, they would be so desperately outraged. I would call upon the Democrats in the United States Senate to allow a vote on the Born-Alive Abortion Survivors Protection Act. That bill passed this body overwhelmingly months ago, and it protected these, the tiniest of our little brothers and sisters.

Mr. Speaker, protecting born-alive children is supported by 80 to 90 percent of the American people, and if the United States Senate has become so dysfunctional that they can't even pass a bill to give effective Federal protection to innocent, born-alive children, then maybe it is time to board up the doors and windows of this place, go home, and hope the barbarians of this world will show more courage and mercy than we do. It is no wonder the American people are so fed up with the dysfunctional gridlock in the United States Senate.

Mr. Speaker, we are talking about protecting our born-alive little fellow human beings. The survival of these little babies is not a measure of their intrinsic and priceless value. It is a measure of our skill and will to help them live. I just hope that we can remind ourselves of our profound responsibility before God and to our oath of office to protect these, the tiniest of our little brothers and sisters.

Mr. Speaker, I truly hope the United States Senate will pass the Born-Alive

Abortion Survivors Protection Act. It deserves a vote. Democrats should allow it to come to the floor, and the Senate leadership should have the courage to put it on the floor for a fair up-or-down vote. If it gets a vote, it will pass.

We have not lost our humanity completely, but have we lost the courage to make sure that something like that gets a vote? There are a lot of little voices that we can't hear that I think would ask that question if they could.

Mr. Speaker, I am grateful for the time, and I yield back the balance of my time.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 812. An act to provide for Indian trust asset management reform, and for other purposes.

H.R. 2137. An act to ensure Federal law enforcement officers remain able to ensure their own safety, and the safety of their families, during a covered furlough.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 2276. An act to amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

ADJOURNMENT

Mr. FRANKS of Arizona. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Monday, June 20, 2016, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5718. A letter from the Chair, Board of Governors of the Federal Reserve System, transmitting the Board's report entitled ''Report to the Congress on the Profitability of Credit Card Operations of Depository Institutions'', pursuant to 15 U.S.C. 1637 note; Public Law 100-583, Sec. 8; (102 Stat. 2969); to the Committee on Financial Services.

5719. A letter from the Honors Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting the Bureau's interim final rule — Civil Penalty Inflation Adjustments [Docket No.: CFPB-2016-0028] (RIN: 3170-AA62) received June 15, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

5720. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the Department's report entitled ''FY 2014 Outcome Evaluations of Administration for Native Americans Projects Report to Congress'', pursuant to Sec. 811(e) of the Native American Programs Act of 1974; to the Committee on Education and the Workforce.

5721. A letter from the Deputy General Counsel, Pension Benefit Guaranty Corporation, transmitting the Corporation's interim final rule — Adjustment of Civil Penalties (RIN: 1212-AB33) received June 15, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

5722. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting a report entitled ''Medicaid Incentives for Prevention of Chronic Diseases (MIPCD) Evaluation: Second Report to Congress'', pursuant to 42 U.S.C. 1396a note; Public Law 111-148, Sec. 4108(d)(4); (124 Stat. 563); to the Committee on Energy and Commerce.

5723. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting a report entitled ''Report to Congress on the Food Processing Sector Study'', pursuant to 21 U.S.C. 350g(l)(5)(C); Public Law 111-353, Sec. 103(a); (124 Stat. 3894); to the Committee on Energy and Commerce.

5724. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 15-146, pursuant to 22 U.S.C. 2776(c)(2)(C); Public Law 90-629, Sec. 36(c) (as added by Public Law 94-329, Sec. 211(a)); (82 Stat. 1326); to the Committee on Foreign Affairs.

5725. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 15-144, pursuant to 22 U.S.C. 2776(d)(1); Public Law 90-629, Sec. 36(d) (as added by Public Law 94-32 9, Sec. 211(a)); (90 Stat. 740); to the Committee on Foreign Affairs.

5726. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 16-002, pursuant to 22 U.S.C. 2776(d)(1); Public Law 90-629, Sec. 36(d) (as added by Public Law 94-32 9, Sec. 211(a)); (90 Stat. 740); to the Committee on Foreign Affairs.

5727. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 21-412, ''Homeless Shelter Replacement Act of 2016'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

5728. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 21-414, ''Fiscal year 2017 Local Budget Act of 2016'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

5729. A letter from the Regulatory Liaison, Office of Natural Resources Revenue, Department of the Interior, transmitting the Department's interim final rule — Civil Monetary Penalties Inflation Adjustment [Docket No.: ONRR-2016-0002; DS63644000 DR2PS0000.CH7000 167D0102R2] (RIN: 1012-AA17) received June 13, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

5730. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final specifications — Pacific Island Fisheries; 2015-16 Annual Catch Limits and Accountability Measures; Main Hawaiian Islands Deep 7 Bottomfish [Docket No.: 150715616-6300-02] (RIN: 0648-XE062) received June 15, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

5731. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Trawl Rationalization Program; Flow Scale Requirements [Docket No.: 151005920-6371-02] (RIN: 0648-BF39) received June 15, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

5732. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; West Coast Salmon Fisheries; 2016 Management Measures and a Temporary Rule [Docket No.: 151117999-6370-01] (RIN: 0648-BF56) received June 15, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

5733. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 35 [Docket No.: 150303208-6394-02] (RIN: 0648-BE70) received June 15, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

5734. A letter from the Acting Chief, Office of Regulatory Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice, transmitting the Department's final rule — Recordkeeping Regulations [Docket No.: ATF-2015R-26; AG Order No.: 3681-2016] (RIN: 1140-AA50) received June 15, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

5735. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Redelegation of Functions; Delegation of Authority to Drug Enforcement Administration Official [Docket No.: DEA-441] received June 14, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

5736. A letter from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting a report entitled ''Assistance Provided to Foreign Aviation Authorities for FY 2015'', pursuant to 49 U.S.C. 40113(e)(4); Public Law 103-272, Sec. 1(e) (as amended by Public Law 112-95, Sec. 207); (126 Stat. 39); to the Committee on Transportation and Infrastructure.

5737. A letter from the Assistant Administrator, Office of Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Cooperative Agreements with Commercial Firms [NFS Case 2015-N014] (RIN: 2700-AE25)

received June 15, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Science, Space, and Technology.

5738. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the Department's report entitled ''2012 and 2014 Regional Partnership Grants to Increase the Well-Being of and to Improve the Permanency Outcomes for Children Affected by Substance Abuse: Third Annual Report to Congress'', as required by the Child and Family Services Improvement Act (Public Law 112-34); to the Committee on Ways and Means.

5739. A letter from the Deputy Under Secretary for Management and Chief Financial Officer, Department of Homeland Security, transmitting the Department's report entitled ''Purchase and Usage of Weapons for 2014'', pursuant to 6 U.S.C. 472(a)—(b); Public Law 114-4, Sec. 562(a)—(b); (129 Stat. 72); to the Committee on Homeland Security.

5740. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the Department's report entitled ''The 2015 Evaluation Report to the U.S. Congress on the Effectiveness of Coastal Wetlands Planning, Protection and Restoration Act Projects'', pursuant to 16 U.S.C. 3952(a)(3); Public Law 101-646, Sec. 303); (104 Stat. 4779); jointly to the Committees on Natural Resources and Transportation and Infrastructure.

5741. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a letter and relevant documentation concerning the implementation of commitments in the Joint Plan of Action, pursuant to the Iran Freedom and Counter-Proliferation Act of 2012, the Iran Sanctions Act of 1996, the Iran Threat Reduction and Syria Human Rights Act of 2012, and the National Defense Authorization Act for Fiscal Year 2012; jointly to the Committees on Foreign Affairs, Financial Services, the Judiciary, Oversight and Government Reform, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 131. Resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run (Rept. 114–625). Referred to the House Calendar.

Mrs. MILLER of Michigan: Committee on House Administration. H.R. 5160. A bill to amend title 40, United States Code, to include as part of the buildings and grounds of the National Gallery of Art any buildings and other areas within the boundaries of any real estate or other property interests acquired by the National Gallery of Art (Rept. 114–626). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PRICE of North Carolina:

H.R. 5494. A bill to reform our government, reduce the grip of special interests, and return our democracy to the American people through increased transparency and oversight of our elections and government; to the Committee on House Administration, and in addition to the Committees on the Judiciary, Oversight and Government Reform, Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KEATING (for himself and Mr. THOMPSON of Mississippi):

H.R. 5495. A bill to require that certain information relating to terrorism investigations be included in the NICS database, and for other purposes; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mrs. CAROLYN B. MALONEY of New York, Ms. WILSON of Florida, Ms. LEE, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mr. SCOTT of Virginia, and Mr. JOHNSON of Georgia):

H.R. 5496. A bill to extend protections under the Family and Medical Leave Act of 1993 to part-time workers; to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIPINSKI:

H.R. 5497. A bill to amend the Public Health Service Act to provide for the public disclosure of charges for certain hospital and ambulatory surgical center treatment episodes; to the Committee on Energy and Commerce.

By Mr. MCNERNEY:

H.R. 5498. A bill to amend the Internal Revenue Code of 1986 to authorize new empowerment zone designations for urban areas with high unemployment and high foreclosure rates, and for other purposes; to the Committee on Ways and Means.

By Mr. PALMER (for himself, Mr. BABIN, Mr. BARR, Mr. BENISHEK, Mr. BISHOP of Michigan, Mr. BISHOP of Utah, Mr. BROOKS of Alabama, Mr. BUCK, Mr. BYRNE, Mr. CHABOT, Ms. FOXX, Mr. GOHMERT, Mr. GROTHMAN, Mr. JODY B. HICE of Georgia, Mr. HUDSON, Mr. JORDAN, Mr. LAMALFA, Mr. LOUDERMILK, Mr. MOOLENAAR, Mr. SANFORD, Mr. SCALISE, Mr. AUSTIN SCOTT of Georgia, Mr. SESSIONS, Mr. SMITH of Missouri, Mr. THOMPSON of Pennsylvania, Mr. WEBER of Texas, Mr. WESTERMAN, Mr. WALKER, Mr. MEADOWS, Mrs. ELLMERS of North Carolina, Mr. WILLIAMS, Mr. BRADY of Texas, Mr. SMITH of Texas, Mr. HENSARLING, Mr. SENSENBRENNER, Mrs. MCMORRIS RODGERS, Mr. DESJARLAIS, Mr. POE of Texas, Mr. COLE, Mrs. LOVE, Mr. FLORES, Mr. CHAFFETZ, Mr. ROSKAM, Mr. BRIDENSTINE, Mr. DUNCAN of South Carolina, Mr. STUTZMAN, Mr. PERRY, Mr. HUELSKAMP, Mr. GRIFFITH, Mr. DESANTIS, Mr. GOSAR, Mr. KELLY of Mississippi, Mr. YOHO, Mr. RATCLIFFE, Mr. ALLEN, Mr. MULVANEY, Mr. GARRETT, Mr. LABRADOR, Mr. SCHWEIKERT, Mr. BLUM, Mr. MOONEY of West Virginia, Mr. MCCLINTOCK, Mr. NUNES, Mr. WEBSTER of Florida, Mr. MULLIN, and Mr. MESSER):

H.R. 5499. A bill to require the appropriation of funds to use a fee, fine, penalty, or proceeds from a settlement received by a Federal agency, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTWRIGHT (for himself, Mr. GRIJALVA, Mrs. DINGELL, Mr. BEYER, Ms. MCCOLLUM, Ms. NORTON, Mrs. WATSON COLEMAN, Mr. ELLISON, Mr. HUFFMAN, Mr. POCAN, Ms. SLAUGHTER, Mr. TONKO, Ms. LEE, Ms. TSONGAS, Mrs. CAPPS, Mr. CONNOLLY, Mr. BLUMENAUER, Mr. LANGEVIN, Mr. LOWENTHAL, Mr. POLIS, Mr. FARR, Mrs. NAPOLITANO, Mr. VAN HOLLEN, Mr. HONDA, Mr. TED LIEU of California, Ms. EDWARDS, Ms. CLARK of Massachusetts, Mr. MCGOVERN, Mrs. LAWRENCE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. FATTAH, Ms. BROWNLEY of California, Mr. MOULTON, and Mr. CÁRDENAS):

H.R. 5500. A bill to protect taxpayers from liability associated with the reclamation of surface coal mining operations, and for other purposes; to the Committee on Natural Resources.

By Mr. O'ROURKE (for himself and Ms. STEFANIK):

H.R. 5501. A bill to amend title 38, United States Code, to improve the recruitment of physicians in the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. VEASEY:

H.R. 5502. A bill to amend the Higher Education Act of 1965 to provide alternative identity verification procedures for individuals applying for Federal student assistance, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VEASEY:

H.R. 5503. A bill to amend the Higher Education Act of 1965 to prohibit institutions of higher education from denying students admission on the basis of immigration or naturalization status; to the Committee on Education and the Workforce.

By Mr. THOMPSON of California (for himself, Mr. MURPHY of Florida, Ms. GRAHAM, Mr. GRAYSON, Ms. ESTY, and Mr. DEFAZIO):

H.R. 5504. A bill to require that certain information relating to terrorism investigations be included in the NICS database, and for other purposes; to the Committee on the Judiciary.

By Mr. HILL:

H.R. 5505. A bill to amend the Consumer Financial Protection Act of 2010 to require annual studies on ending the conservatorship of Fannie Mae, Freddie Mac, and for other purposes; to the Committee on Financial Services.

By Mr. YOUNG of Indiana (for himself, Mr. BLUMENAUER, Mrs. MCMORRIS RODGERS, and Mr. CÁRDENAS):

H.R. 5506. A bill to amend title XVIII of the Social Security Act to establish a demonstration program to provide integrated care for Medicare beneficiaries with end-stage renal disease, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently

determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOORE:

H.R. 5507. A bill to amend the Internal Revenue Code of 1986 to prohibit certain taxpayers from itemizing deductions for a taxable year if the taxpayers fail to submit proof of clean drug tests with their tax returns; to the Committee on Ways and Means.

By Mr. AGUILAR:

H.R. 5508. A bill to amend the Workforce Innovation and Opportunity Act to remove certain restrictions on advertising and public relations, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. BROOKS of Indiana (for herself, Mr. VISCLOSKY, Mrs. WALORSKI, Mr. STUTZMAN, Mr. ROKITA, Mr. MESSER, Mr. CARSON of Indiana, Mr. BUCSHON, and Mr. YOUNG of Indiana):

H.R. 5509. A bill to name the Department of Veterans Affairs temporary lodging facility in Indianapolis, Indiana, as the ''Dr. Otis Bowen Veteran House''; to the Committee on Veterans' Affairs.

By Mr. BURGESS:

H.R. 5510. A bill to amend the Federal Trade Commission Act to establish new requirements relating to investigations, consent orders, and reporting requirements, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELANEY (for himself and Mr. CARNEY):

H.R. 5511. A bill to require the Federal Deposit Insurance Corporation to implement regulations easing certain restrictions on non-profit community development financial institution banks, and for other purposes; to the Committee on Financial Services.

By Ms. DELAURO (for herself, Mr. POCAN, and Mr. RANGEL):

H.R. 5512. A bill to amend the Incentive Grants for Local Delinquency Prevention Programs under the Juvenile Justice and Delinquency Prevention Act of 1974 to add gender-responsive services to the list of authorized grant purposes; to the Committee on Education and the Workforce.

By Mr. GRAVES of Louisiana (for himself, Mr. CUELLAR, Mr. BOUSTANY, Mr. ABRAHAM, Mr. CRAMER, Mr. BABIN, Mr. AUSTIN SCOTT of Georgia, Mr. BISHOP of Michigan, Mr. LOUDERMILK, Mr. KING of Iowa, Mr. ROKITA, Mr. GOHMERT, Mr. HULTGREN, Mr. YOHO, Mr. DOLD, and Mr. SMITH of Missouri):

H.R. 5513. A bill to provide for Federal agency accountability and improve the effectiveness of major rules in accomplishing their regulatory objectives by requiring retrospective review and report, and for other purposes; to the Committee on the Judiciary.

By Mr. HONDA:

H.R. 5514. A bill to direct the Secretary of Health and Human Services to provide for increased flexibility in blood donor screening, while maintaining a safe blood donor pool, during times of national or local need; to the Committee on Energy and Commerce.

By Mr. KILMER (for himself and Mr. HANNA):

H.R. 5515. A bill to amend the Internal Revenue Code of 1986 to require certain tax exempt organizations to certify that foreign funds will not be used to make any contribution or expenditure in connection with any election in the United States, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOEBSACK (for himself, Mr. COOPER, and Mr. ISRAEL):

H.R. 5516. A bill to establish a National Flood Research and Education Center to provide research, data, and recommendations on physical science, social science, economic analysis, policy analysis, risk analysis, monitoring, predicting, and planning as they relate to flooding and flood-related issues; to the Committee on Science, Space, and Technology, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LUMMIS (for herself, Mr. MULVANEY, and Mr. SALMON):

H.R. 5517. A bill to require States to distribute funds for elementary and secondary education in the form of vouchers for eligible students, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. SCOTT of Virginia, Ms. WILSON of Florida, Ms. SCHAKOWSKY, Ms. LEE, Mr. NADLER, and Mr. JEFFRIES):

H.R. 5518. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's and grandchildren's educational and extracurricular activities, and to clarify that leave may be taken for routine family medical needs and to assist elderly relatives, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. SCOTT of Virginia, Ms. WILSON of Florida, Ms. SCHAKOWSKY, Ms. LEE, Mr. NADLER, and Mr. JEFFRIES):

H.R. 5519. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to permit leave to care for a domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent who has a serious health condition, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCSALLY (for herself, Mr. SCHWEIKERT, Mr. FRANKS of Arizona, Mr. SALMON, Mr. GOSAR, Mr. GALLEGO, Mrs. KIRKPATRICK, and Ms. SINEMA):

H.R. 5520. A bill to provide for the unencumbering of title to non-Federal land owned by the city of Tucson, Arizona, for purposes of economic development by conveyance of the Federal reversionary interest to the City; to the Committee on Natural Resources.

By Mr. MESSER:

H.R. 5521. A bill to amend the Consumer Financial Protection Act of 2010 to authorize private parties to compel the Bureau to seek sanctions by filing civil actions, and for other purposes; to the Committee on Financial Services.

By Mr. PEARCE:

H.R. 5522. A bill to amend the Consumer Financial Protection Act of 2010 to require that civil investigative demands be appealed to courts, and for other purposes; to the Committee on Financial Services.

By Mr. ROSKAM (for himself and Mr. CROWLEY):

H.R. 5523. A bill to amend title 31, United States Code, to prohibit the Internal Revenue Service from carrying out seizures relating to a structuring transaction unless the property to be seized derived from an illegal source or the funds were structured for the purpose of concealing the violation of another criminal law or regulation, to require notice and a post-seizure hearing for such seizures, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALMON:

H.R. 5524. A bill to repeal the Legal Services Corporation Act; to the Committee on the Judiciary.

By Mr. AUSTIN SCOTT of Georgia (for himself and Mr. SESSIONS):

H.R. 5525. A bill to prohibit universal service support of commercial mobile service and commercial mobile data service through the Lifeline program; to the Committee on Energy and Commerce.

By Mr. WENSTRUP (for himself and Mrs. WALORSKI):

H.R. 5526. A bill to improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILLIAMS:

H.R. 5527. A bill to amend the Consumer Financial Protection Act of 2010 to require congressional review of rulemaking of the Bureau of Consumer Financial Protection, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX (for herself, Mr. KLINE, Mr. WALBERG, Mr. WILSON of South Carolina, Mr. HUNTER, Mr. ROE of Tennessee, Mr. THOMPSON of Pennsylvania, Mr. SALMON, Mr. GUTHRIE, Mr. ROKITA, Mr. BARLETTA, Mr. HECK of Nevada, Mr. MESSER, Mr. BYRNE, Mr. BRAT, Mr. CARTER of Georgia, Mr. BISHOP of Michigan, Mr. GROTHMAN, Mr. RUSSELL, Mr. CURBELO of Florida, Ms. STEFANIK, and Mr. ALLEN):

H.J. Res. 95. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule

submitted by the Department of Labor relating to defining and delimiting the exemptions for executive, administrative, professional, outside sales, and computer employees; to the Committee on Education and the Workforce.

By Ms. BROWN of Florida (for herself, Ms. ROS-LEHTINEN, Mr. GRAYSON, Mr. CURBELO of Florida, Mrs. BEATTY, Mr. ROONEY of Florida, Mr. KILDEE, Mr. DIAZ-BALART, Mr. DANNY K. DAVIS of Illinois, Mr. JOLLY, Ms. TITUS, Mr. ROSS, Mr. MURPHY of Florida, Mr. CLAWSON of Florida, Mr. THOMPSON of California, Mr. YOHO, Mr. NADLER, Mr. MCCAUL, Mr. LEWIS, Mr. HANNA, Mr. MARINO, Mr. RIBBLE, Mrs. DINGELL, Mr. DONOVAN, Mr. HASTINGS, Mr. SALMON, Ms. CLARKE of New York, Mr. WEBER of Texas, Mr. JEFFRIES, Mr. DENT, Mr. POCAN, Mr. COFFMAN, Mr. COHEN, Mr. ISSA, Mr. GENE GREEN of Texas, Mr. CHABOT, Ms. JACKSON LEE, Mr. BEN RAY LUJÁN of New Mexico, Mrs. LAWRENCE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Ms. LEE, Mr. JOHNSON of Georgia, Mr. AL GREEN of Texas, Mr. VEASEY, Ms. FUDGE, Mr. RICHMOND, Mr. CLYBURN, Mr. BISHOP of Georgia, Ms. ESTY, Ms. DUCKWORTH, Ms. DELBENE, Mr. PRICE of North Carolina, Mr. VELA, Ms. BORDALLO, Mr. GUTIÉRREZ, Mr. YARMUTH, Ms. WILSON of Florida, Ms. MATSUI, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. VARGAS, Ms. ADAMS, Ms. DELAURO, Ms. EDWARDS, Mr. LARSON of Connecticut, Mr. KILMER, Ms. MCCOLLUM, Mr. ENGEL, Mr. RYAN of Ohio, Mr. MEEKS, Ms. MENG, Mr. CONNOLLY, Mr. LOEBSACK, Mr. DAVID SCOTT of Georgia, Mr. HONDA, Mr. BUTTERFIELD, Mr. DESAULNIER, Mr. SERRANO, Ms. PINGREE, Mr. BLUMENAUER, Mr. MOULTON, Mr. COSTA, Ms. FRANKEL of Florida, Mr. ASHFORD, Ms. WASSERMAN SCHULTZ, Mr. COOPER, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. FARR, Mr. ISRAEL, Mr. CARSON of Indiana, Mr. TONKO, Mr. LARSEN of Washington, Mr. SIRES, Ms. CLARK of Massachusetts, Ms. SEWELL of Alabama, Ms. JUDY CHU of California, Mr. KEATING, Mr. LEVIN, Mr. CROWLEY, Ms. CASTOR of Florida, Ms. BONAMICI, Mr. POLIS, Ms. PLASKETT, Mr. KIND, Mr. SCHRADER, Mr. BEYER, Mr. LANGEVIN, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. TAKANO, Mrs. CAPPS, Mr. DELANEY, Mr. COURTNEY, Mr. SCOTT of Virginia, Ms. KAPTUR, Mrs. NAPOLITANO, Mr. CUMMINGS, Ms. ESHOO, Mr. TED LIEU of California, and Mr. CÁRDENAS):

H. Res. 789. A resolution condemning the horrific acts of terrorism and hatred in Orlando, Florida, on June 12, 2016, and expressing support and prayers for all those impacted by that tragedy; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN (for himself, Mrs. HARTZLER, and Mr. FRANKS of Arizona):

H. Res. 790. A resolution expressing support for designation of July 2, 2016, as the ''National Day of Personal Reflection and Repentance''; to the Committee on Oversight and Government Reform.

By Mr. MOOLENAAR:

H. Res. 791. A resolution supporting the recognition of 2016 as the ''Year of Pulse Crops'' and acknowledging the nutritional benefit and important contribution to soil health of pulse crops; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. PRICE of North Carolina:

H.R. 5494.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution and Article I, Section 4 of the Constitution, which gives Congress the power to make laws governing the time, place, and manner of Federal Elections.

By Mr. KEATING:

H.R. 5495.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Ms. SCHAKOWSKY:

H.R. 5496.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. LIPINSKI:

H.R. 5497.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution of the United States grants the Congress the power to enact this law.

By Mr. MCNERNEY:

H.R. 5498.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

By Mr. PALMER:

H.R. 5499.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7 of the Constitution gives Congress control of government spending.

By Mr. CARTWRIGHT:

H.R. 5500.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (relating to the power of Congress to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.)

By Mr. O'ROURKE:

H.R. 5501.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8 of the Constitution, Congress has the power ''to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof''

By Mr. VEASEY:

H.R. 5502.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States

By Mr. VEASEY:

H.R. 5503.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States

By Mr. THOMPSON of California:

H.R. 5504.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1

By Mr. HILL:

H.R. 5505.

Congress has the power to enact this legislation pursuant to the following:

Article I, Clause 8, Section 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. YOUNG of Indiana:

H.R. 5506.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to ''provide for the common Defence and general Welfare of the United States.''

By Ms. MOORE:

H.R. 5507.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sect. 8.

By Mr. AGUILAR:

H.R. 5508.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 18 of the United States Constitution.

By Mrs. BROOKS of Indiana:

H.R. 5509.

Congress has the power to enact this legislation pursuant to the following:

The United States Constitution Article I, Section 8.

By Mr. BURGESS:

H.R. 5510.

Congress has the power to enact this legislation pursuant to the following:

The attached language falls within Congress' enumerated authority to legislate interstate commerce, found in Article I, Section 8, clause 3 of the U.S. Constitution. Further, Article I, Section 1, of the Constitution establishes that ''[a]ll legislative Powers herein granted shall be vested in . . . Congress. . . .'' This provision stands for the proposition that Congress sets the scope of agencies' authority to regulate and authorized Congress to set the initial scope of the Federal Trade Commission's authority.

By Mr. DELANEY:

H.R. 5511.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8

By Ms. DELAURO:

H.R. 5512.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. GRAVES of Louisiana:

H.R. 5513.

Congress has the power to enact this legislation pursuant to the following:

Article I of the US Constitution, including the power granted to Congress under Article I, Section 8, Clause 18.

By Mr. HONDA:

H.R. 5514.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mr. KILMER:

H.R. 5515.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. LOEBSACK:

H.R. 5516.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause I of the Constitution which grants Congress the power to provide for the general Welfare of the United States.

By Mrs. LUMMIS:

H.R. 5517.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mrs. CAROLYN B. MALONEY of New York:

H.R. 5518.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3:

The Congress shall have the power . . . to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes

By Mrs. CAROLYN B. MALONEY of New York:

H.R. 5519.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3:

The Congress shall have the power . . . to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes

By Ms. MCSALLY:

H.R. 5520.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shal have Power To lay and collect Taxes, Duties, Impots and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof . . .

Article IV, Section 3, Clause 2: The Congress shall have Power to dispose of and make all neeful Rules and Regulations respecting the Territory or other Property belonging to the United States

By Mr. MESSER:

H.R. 5521.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (The Congress shall have Power ''To regulate Commerce with foreign Nations, and among the several States and within the Indian Tribes'') and Article I, Section 8, Clause 18 (The Congress shall have Power ''to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof'').

Additional authority derives from Article III, Section 1 (''The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.) Additional authority also derives from Article III, Section 2, Clause 3 of the Constitution.

By Mr. PEARCE:

H.R. 5522.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. ROSKAM:

H.R. 5523.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the U.S. Constitution, providing, in relevant part, that ''[t]he Congress shall have the power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.''

By Mr. SALMON:

H.R. 5524.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7—''No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.''

By Mr. AUSTIN SCOTT of Georgia:

H.R. 5525.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. WENSTRUP:

H.R. 5526.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. WILLIAMS:

H.R. 5527.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes)

By Ms. FOXX:

H.J. Res. 95.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 249: Mr. BEYER.

H.R. 335: Mr. SCHIFF.

H.R. 343: Mr. SEAN PATRICK MALONEY of New York.

H.R. 424: Mr. BLUMENAUER and Mr. POCAN.

H.R. 448: Ms. MENG.

H.R. 608: Ms. LEE and Mr. GRIJALVA.

H.R. 711: Mr. YOUNG of Indiana, Ms. TITUS, and Mr. GRAVES of Louisiana.

H.R. 764: Ms. SCHAKOWSKY.

H.R. 815: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 842: Mr. HILL.

H.R. 918: Mr. WILSON of South Carolina.

H.R. 923: Mr. BURGESS.

H.R. 969: Mrs. RADEWAGEN.

H.R. 997: Mr. ABRAHAM and Mr. GROTHMAN.

H.R. 1006: Mrs. NAPOLITANO and Ms. SINEMA.

H.R. 1062: Mr. KING of Iowa and Mr. REED.

H.R. 1076: Mr. LEVIN, Mr. TAKAI, and Mr. O'ROURKE.

H.R. 1310: Mr. CARTWRIGHT and Mr. BLUMENAUER.

H.R. 1342: Mr. BRADY of Pennsylvania, Mr. BRAT, Mr. BROOKS of Alabama, Ms. DUCKWORTH, Mr. HURT of Virginia, Ms. CASTOR of Florida, and Mr. SIMPSON.

H.R. 1347: Ms. DUCKWORTH.

H.R. 1391: Mr. YARMUTH.

H.R. 1594: Mr. NEAL.

H.R. 1603: Mrs. HARTZLER.

H.R. 1706: Mr. SERRANO.

H.R. 1904: Mr. HONDA.

H.R. 1905: Mr. HONDA.

H.R. 1966: Mr. MCNERNEY.

H.R. 2016: Ms. ADAMS.

H.R. 2143: Ms. DUCKWORTH, Mr. QUIGLEY, Mr. DESAULNIER, Ms. NORTON, Mr. DEFAZIO, Ms. KAPTUR, Ms. SCHAKOWSKY, Mr. HONDA, and Mr. BLUMENAUER.

H.R. 2411: Mr. VARGAS.

H.R. 2612: Mr. MEEKS.

H.R. 2646: Mr. KLINE and Ms. HAHN.

H.R. 2680: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 2699: Mrs. WATSON COLEMAN.

H.R. 2732: Mr. RUPPERSBERGER.

H.R. 2737: Mrs. MCMORRIS RODGERS and Mr. FOSTER.

H.R. 2739: Mr. REED and Mr. TED LIEU of California.

H.R. 2817: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 2867: Mr. LOWENTHAL, Mr. LYNCH, and Mr. COSTA.

H.R. 2903: Mr. BARLETTA and Mr. GUTHRIE.

H.R. 2939: Ms. LEE and Ms. LOFGREN.

H.R. 2963: Mr. MCGOVERN and Mr. NADLER.

H.R. 3014: Mr. GOSAR.

H.R. 3084: Ms. GABBARD, Mr. JONES, and Mr. GRIJALVA.

H.R. 3235: Mr. ELLISON.

H.R. 3471: Mr. SENSENBRENNER.

H.R. 3497: Ms. MCCOLLUM.

H.R. 3687: Ms. LEE.

H.R. 3815: Mr. LOBIONDO.

H.R. 3863: Mr. ZELDIN.

H.R. 3870: Mr. HANNA.

H.R. 3892: Mr. MARINO.

H.R. 3926: Mr. LOEBSACK.

H.R. 3929: Mr. VEASEY, Mr. POLIQUIN, Mr. TOM PRICE of Georgia, Mr. YOUNG of Alaska, Mr. BARR, Mr. HUELSKAMP, Mr. COHEN, Mr. RIBBLE, Ms. BORDALLO, Mr. VISCLOSKY, Mr. YODER, Mrs. BLACKBURN, Mr. SESSIONS, Mr. MCHENRY, Mrs. BLACK, Ms. MCCOLLUM, Ms. SLAUGHTER, Mrs. WATSON COLEMAN, Mr. QUIGLEY, Mr. BISHOP of Georgia, Mr. CUMMINGS, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. CARTWRIGHT, Mr. RYAN of Ohio, Mr. HASTINGS, Ms. FUDGE, Mr. PRICE of North Carolina, Ms. LORETTA SANCHEZ of California, Mr. GUTIÉRREZ, and Ms. DUCKWORTH.

H.R. 4214: Ms. LEE, Mr. BLUMENAUER, Mr. LANGEVIN, and Ms. BONAMICI.

H.R. 4223: Mr. YARMUTH.

H.R. 4237: Mr. LANCE.

H.R. 4247: Mr. COLLINS of New York, Mr. CÁRDENAS, Mr. MOOLENAAR, Mr. NORCROSS, Mr. PALLONE, and Mr. SALMON.

H.R. 4262: Mr. GOODLATTE.

H.R. 4269: Mr. LOEBSACK, Mr. LARSEN of Washington, Mr. CLEAVER, Mr. CLYBURN, and Ms. KAPTUR.

H.R. 4275: Mr. BILIRAKIS.

H.R. 4276: Mr. ENGEL.

H.R. 4381: Mr. HILL.
H.R. 4389: Mr. CARTWRIGHT.
H.R. 4479: Mr. FOSTER.
H.R. 4488: Mr. SCOTT of Virginia.
H.R. 4514: Mr. GROTHMAN and Mrs. COMSTOCK.
H.R. 4525: Ms. LOFGREN.
H.R. 4603: Mr. COURTNEY.
H.R. 4695: Mr. RUSH.
H.R. 4764: Mr. SESSIONS.
H.R. 4770: Mr. DOLD.
H.R. 4792: Mr. TAKANO.
H.R. 5008: Ms. ESTY.
H.R. 5044: Mr. GRAYSON.
H.R. 5067: Mr. MCNERNEY and Mr. KILMER.
H.R. 5082: Mr. MCHENRY.
H.R. 5090: Mr. KATKO, Mr. DESJARLAIS, Ms. DEGETTE, Mr. NEAL, and Mr. SMITH of Washington.
H.R. 5133: Mr. POLIQUIN and Mr. AMODEI.
H.R. 5143: Mr. LANCE.
H.R. 5166: Mr. WESTERMAN, Ms. NORTON, and Mr. ROGERS of Kentucky.
H.R. 5177: Mr. KING of New York.
H.R. 5180: Mr. LAMALFA, Mrs. MCMORRIS RODGERS, and Mr. CUELLAR.
H.R. 5182: Mr. GALLEGO, Mr. NORCROSS, Mr. GUTHRIE, and Mr. AGUILAR.
H.R. 5210: Mr. PALMER and Mr. BARLETTA.
H.R. 5230: Mr. CUELLAR.
H.R. 5245: Mr. JEFFRIES.
H.R. 5258: Mr. MCKINLEY, Mr. ROE of Tennessee, Mr. GUTIÉRREZ, and Ms. DELBENE.
H.R. 5275: Mr. FARENTHOLD.
H.R. 5292: Mr. MEEKS, Mr. MURPHY of Florida, Ms. ADAMS, Mr. HUFFMAN, Ms. KAPTUR, and Mrs. BUSTOS.
H.R. 5320: Mr. MARCHANT, Mr. PITTENGER, Mr. CHABOT, Mr. LAMALFA, and Mr. GROTHMAN.
H.R. 5369: Mr. MCNERNEY.
H.R. 5386: Mr. KIND and Mr. ISRAEL.
H.R. 5396: Mr. HASTINGS.
H.R. 5424: Ms. SINEMA and Mr. HULTGREN.
H.R. 5445: Mr. STIVERS.
H.R. 5447: Mr. BLUM, Mrs. MCMORRIS RODGERS, Ms. MCSALLY, Mr. FLORES, Mr. COOPER, Mr. LOWENTHAL, and Mr. SWALWELL of California.
H.R. 5457: Mr. CURBELO of Florida and Mr. YOUNG of Alaska.
H.R. 5462: Mr. SERRANO.
H.R. 5470: Mr. BUTTERFIELD, Mr. JEFFRIES, Ms. ADAMS, Mr. JOHNSON of Georgia, Mr. GUTIÉRREZ, Mrs. LAWRENCE, Ms. KELLY of Illinois, Mr. COHEN, Mr. MEEKS, Mr. CUMMINGS, Mr. PAYNE, Ms. KAPTUR, Mr. VEASEY, and Mr. LEWIS.
H.R. 5471: Mr. KEATING and Ms. MCSALLY.
H. Con. Res. 136: Mr. PALMER.
H. Res. 289: Mr. MCNERNEY.
H. Res. 318: Mr. ROSS.
H. Res. 393: Mrs. BUSTOS.
H. Res. 549: Mr. NOLAN, Mr. FARR, Mr. ISRAEL, and Mrs. TORRES.
H. Res. 694: Mr. CONYERS, Mr. PASCRELL, Mr. CARSON of Indiana, Mr. KILMER, Mr. NOLAN, Mr. ENGEL, Mr. ASHFORD, Mr. CICILLINE, Mr. CARNEY, Ms. DELAURO, Mr. CUELLAR, Mr. VELA, Mr. KILDEE, and Ms. LORETTA SANCHEZ of California.
H. Res. 703: Ms. MENG.
H. Res. 728: Mr. SMITH of Washington.
H. Res. 739: Mrs. WAGNER.
H. Res. 750: Mr. POMPEO and Mr. HECK of Nevada.
H. Res. 769: Mr. MCNERNEY, Mr. TONKO, Mr. SARBANES, Mr. TAKAI, Ms. KAPTUR, Mr. O'ROURKE, Mr. SEAN PATRICK MALONEY of New York, and Ms. MENG.
H. Res. 777: Mr. AL GREEN of Texas.
H. Res. 782: Mrs. LAWRENCE, Ms. JACKSON LEE, Mr. GALLEGO, Mr. BRADY of Texas, Mr. JONES, Mr. NUGENT, and Mr. LAMBORN.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 4, June 15, 2016, by Mr. AGUILAR on H.R. 2867, was signed by the following Members: Mr. Aguilar, Ms. Sewell of Alabama, Mr. Clyburn, Ms. Clarke of New York, Mr. Hastings, Mr. Gene Green of Texas, Ms. Fudge, Ms. Eddie Bernice Johnson of Texas, Ms. Adams, Mr. Michael F. Doyle of Pennsylvania, Ms. Lofgren, Ms. Hahn, Mrs. Dingell, Mrs. Watson Coleman, Mr. Ted Lieu of California, Mr. Cicilline, Mr. Butterfield, Mr. Carney, Mr. Lewis, Mrs. Capps, Mr. Ruppersberger, Ms. Velázquez, Ms. Castor of Florida, Ms. Schakowsky, Ms. Brownley of California, Mr. Price of North Carolina, Mr. DeFazio, Mr. Kennedy, Mr. Lowenthal, Mr. Yarmuth, Ms. Michelle Lujan Grisham of New Mexico, Ms. Edwards, Ms. McCollum, Ms. Bonamici, Mr. David Scott of Georgia, Mr. Bishop of Georgia, Mr. Carson of Indiana, Ms. DelBene, Mr. Tonko, Ms. Duckworth, Ms. Matsui, Ms. Esty, Ms. Clark of Massachusetts, Mr. Schiff, Mr. Langevin, Mr. Beyer, Ms. Kaptur, Mr. Engel, Ms. Pingree, Mr. Brady of Pennsylvania, Mr. Jeffries, Mr. Keating, Mrs. Lawrence, Ms. Kelly of Illinois, Mr. Nadler, Mr. Perlmutter, Mr. Cummings, Mr. Meeks, Mr. DeSaulnier, Ms. Slaughter, Mr. Connolly, Mr. Cohen, Ms. Pelosi, Mr. Ellison, Mr. McGovern, Mr. Conyers, Mr. Blumenauer, Mr. Lynch, Ms. Lee, Mrs. Kirkpatrick, Mr. McNerney, Mr. Brendan F. Boyle of Pennsylvania, Mr. Grayson, Mr. Walz, Mr. Smith of Washington, Mr. Gallego, Ms. Wasserman Schultz, Ms. DeLauro, Ms. Titus, Mr. Danny K. Davis of Illinois, Mrs. Carolyn B. Maloney of New York, Mr. Rangel, Mrs. Beatty, Mr. Van Hollen, Mr. Al Green of Texas, Mr. Quigley, Mr. Hoyer, Mr. Levin, Mr. Johnson of Georgia, Mr. Vargas, Mr. Norcross, Mr. Lipinski, Ms. Judy Chu of California, Ms. Maxine Waters of California, Ms. Frankel of Florida, Mr. Ben Ray Luján of New Mexico, Mr. Swalwell of California, Mrs. Davis of California, Ms. Linda T. Sánchez of California, Mr. Israel, Mr. Ryan of Ohio, Mr. Larson of Connecticut, Mrs. Bustos, Ms. Kuster, Mr. Huffman, Mr. Heck of Washington, Miss Rice of New York, Mr. Sean Patrick Maloney of New York, Mr. Pascrell, Mr. Cartwright, Mr. Higgins, Mr. Ruiz, Mr. Gutiérrez, Mr. Doggett, Mr. Kilmer, Mr. Garamendi, Ms. Meng, Mr. Polis, Mr. Cleaver, Mr. Courtney, Mr. Sires, Mr. Clay, Mr. Honda, Mr. Loebsack, Mrs. Napolitano, Mr. Kildee, Mr. Sherman, Mr. Richmond, Mr. Thompson of Mississippi, Mr. Costa, Mr. Pallone, Ms. Eshoo, Mr. Cárdenas, Ms. Moore, Mr. Payne, Mr. Larsen of Washington, Mr. Pocan, Mr. Sarbanes, Mr. Hinojosa, Mr. Becerra, Ms. Jackson Lee, Mr. Deutch, Mr. Takano, Mr. Veasey, Mr. Neal, Mr. Capuano, Mr. Foster, Mr. Cooper, Mr. Ashford, Ms. Loretta Sanchez of California, Mr. Thompson of California, Mr. Welch, Mrs. Torres, Mr. Crowley, Mr. Grijalva, Mr. Nolan, Mr. Scott of Virginia, Ms. Speier, Mr. Delaney, Ms. Roybal-Allard, Ms. Sinema, Ms. DeGette, Mr. Castro of Texas, Mr. Schrader, Mr. Bera, Ms. Tsongas, Mr. Serrano, Mr. Cuellar, Mr. Himes, Mr. Peters, Mr. Vela, Mr. Murphy of Florida, Mr. Rush, Mr. Farr, Mr. Kind, and Mr. O'Rourke.

DISCHARGE PETITIONS—ADDITIONS AND WITHDRAWALS

The following Members added their names to the following discharge petition:

Petition 3 by Mr. THOMPSON of California on H.R. 1076: Mr. Thompson of Mississippi, Mr. Richmond, Mr. Cooper, Ms. Fudge, Mr. Gene Green of Texas, Ms. Graham, Mr. Costa, and Mr. Vela.

SENATE—*Thursday, June 16, 2016*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You are from eternity past and future, the same yesterday, today, and forever. We are Your children seeking to understand the destinies You have choreographed for our lives. Lord, we stand weak and mortal, surrounded by the immensities of Your power and the unfolding of Your loving providence.

Today use our lawmakers as servants for Your purposes. May they remember that life is a dress rehearsal for eternity and a time of training and testing. May their world be centered not in themselves but in You as they better comprehend the vanity of the temporal and the glory of the eternal. As many recover from burning the midnight oil, lift their minds beyond all time and space to You, the Author and Finisher of our faith.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. ROUNDS). The Democratic leader is recognized.

GUN SAFETY LEGISLATION

Mr. REID. Mr. President, for 14 hours and 50 minutes, beginning late Wednesday morning and ending early Thursday morning, the entire Nation watched as the junior Senator from Connecticut gave our Republican colleagues a lesson in a number of things, not the least of which was courage.

Senator MURPHY stood here for 14 hours. We talk a lot about filibusters in the Senate. They don't happen very often. I have been in Congress for 34 years. I have probably been involved in two more filibusters than anyone else. We have talked about them and there are fake filibusters, but this one was real.

I admire and appreciate the junior Senator from Connecticut very much. Four days after 49 innocent Americans were gunned down in cold blood, Senator MURPHY stood here on the Senate floor, as I have already indicated, for 14 hours, pleading with Republicans to join us in doing something to help stop our Nation's scourge of gun violence—and it is a scourge. Thirty-eight other Democrats joined him on the floor, all of whom, without exception, echoed Senator MURPHY's call to keep guns out of the hands of terrorists and criminals.

All 46 of us were united together, led by Senator MURPHY in support of what he was doing. We all believe that he echoed the words that we wish to speak—to keep guns out of the hands of terrorists and criminals. It was an inspiring reminder to Americans that the Senate Democrats will not cave in to the National Rifle Association or Gun Owners of America. We will not cave in to them, and the people of this Nation responded to Senator MURPHY's stand against gun violence in an overwhelming way.

Throughout the course of Senator MURPHY's filibuster, hundreds of our constituents came and watched from the Senate gallery. There were nearly 100 people still sitting in the gallery at 2:12 a.m. this morning as Senator MURPHY brought his filibuster to a close. Thousands and thousands and thousands of constituents called Senate offices demanding that Congress do something to address this gun violence.

Senator MURPHY's filibuster took over social media. ''Hold the floor'' was the top-trending topic nationally and globally. Senator MURPHY got the world's attention and certainly America's attention, and I hope the attention of the Senate Republicans.

In the early morning hours, the Republican leader and I spoke. He indicated that he would commit to a vote on the Murphy-Booker-Feinstein legislation to expand background checks and the Feinstein measure to close the terror loophole, preventing terrorists from walking into a gun store and buying all the firearms and explosives they want.

Why the passion by Senator MURPHY? Why? Could it have been the deaths of these little babies by some madman walking into Sandy Hook Elementary School? Of course it was. He has indicated that he can't get that out of his mind. He thinks about that every day—not 24 hours a day, but every day.

Why was CORY BOOKER here every minute of the time with Senator MURPHY? He was here because he lives in an area where people are killed—several a week. He gave one of the most passionate speeches on Tuesday in our caucus about holding a little boy who was shot in the head and died in his arms.

Senator SCHUMER, the third sponsor of this legislation, has been involved in gun issues since his early days in the House of Representatives. DIANNE FEINSTEIN—doing something about guns has been on her portfolio since she was a member of the board of supervisors of San Francisco. She became mayor as a result of the mayor being murdered. DIANNE FEINSTEIN led the charge a number of years ago to pass legislation on this floor when filibusters were not the way we did things around here, stopping every piece of legislation from going through. She persevered and passed legislation to stop the easily obtainable assault weapons.

Does anybody think these assault weapons are good for hunting or protecting your family? This evil man that went into this nightclub in Orlando, FL—I don't personally know how many clips he had, but he had at least three 30-bullet clips. It took less than 3 seconds to shoot those victims. They were all gone in less than 3 seconds. If you are really not very good at it, it takes a couple of seconds to reload. So to fire off 90 shells would take 10 or 15 seconds if that was what he wanted to do.

DIANNE FEINSTEIN was right many years ago, and she is still right today. These assault weapons are not for the American people's entertainment, and they shouldn't be, but the NRA and Gun Owners of America love to sell these guns. We are going to vote on the Murphy-Booker-Schumer legislation to expand background checks, and we are going to vote on the Feinstein measure to close up terrorist loopholes to prevent a terrorist from walking into a gun store and buying all of the firearms and explosives they want. These are commonsense safety measures that the American people overwhelmingly support.

According to a December poll—December, September, October, August, it doesn't matter; it has been this way for years—almost 90 percent of Americans are in favor of expanding background checks. Ask anyone: Do we want a criminal or someone who has problems with their mental capacity to purchase a gun? Of course we don't. That is what background checks are all about. More than 80 percent of Americans want to close the so-called terror loophole preventing suspected terrorists from purchasing firearms, and legislation by Senator FEINSTEIN will cover just that.

I am glad that there will be votes, and I appreciate that very much. I shouldn't have to be appreciative about something that should just happen, but I am because around here we don't get votes on a lot of stuff.

I want to be very clear: It is not enough for Republicans to simply let us vote. Democrats can't pass the gun safety legislation by ourselves. We are the minority party as a result of the elections 2 years ago. It will change, and there will be a new majority in the first part of next year, but for now we are in the minority in this Chamber and Republicans must join us in order for those measures to pass. That will not happen if the Republicans continue to take their orders—and I mean orders—from the National Rifle Association and Gun Owners of America. We need Americans to understand that we need Republicans to follow Senator MURPHY's and Senator FEINSTEIN's lead and show courage in standing up to the gun lobby.

In the aftermath of the worst shooting in modern American history, our constituents elected us for help. They want to feel safe, and they want to be safe. We can help provide that safety by closing the terror loophole and expanding background checks today and do it immediately. I hope Republicans will do the right thing and work with us to protect Americans from this gun violence. We need gun safety, not more guns. We must take a stand in the Senate and say enough is enough.

CELEBRATING JUNETEENTH

Mr. REID. Mr. President, this Sunday, June 19, is Juneteenth, a day we celebrate each year as a reminder that liberty and justice must reach all corners of our great Nation.

On June 19, 1865, nearly 2½ years after President Lincoln's Emancipation Proclamation and more than 2 months after General Lee's surrender at Appomattox, a number of slaves in Galveston, TX, learned that the institution of slavery was no longer. There was no media, no press, no Internet, and no television at that time.

As we celebrate Juneteenth, I hope we take a moment to reflect on what it represents, the celebration of liberty and freedom for all Americans. Sadly, 151 years later, we have much work to do to ensure that all citizens are treated equally, no matter their race, religion, national origin, or whom they love.

We must ensure all of our citizens can assert their right to vote. Our Nation continues to struggle to make the ballot box more accessible for those who continue to be disfranchised in a number of areas, including ex-felons. They have done their time. Let them be a part of society. We want them to come back and be citizens and a part of the network of our great communities. Let them vote.

Here in our Nation's capital, Washington, DC, more than 600,000 residents in the District of Columbia—that is how many live here—continue to face taxation without representation. I have been here a long time, and I have always supported Statehood for DC. Why not?

As we celebrate Juneteenth this year, I hope that all Americans will look at the example Lincoln set when he sent troops to Galveston, TX, which is, no matter who you are or where you may be, this Nation is a land of liberty and justice for all.

Let the record reflect, I understand protocol here, and I was told that Senator MCCONNELL may be a little bit late. So I was told to go forward.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of debate only until noon today.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIGHTING TERRORISM

Mr. MCCONNELL. Mr. President, over the past few months, terrorists inspired or directed by ISIL have committed mass murder in Brussels, in California, and in France. When ISIL issued a call for lone-wolf attacks against the West during Ramadan, its followers heard the call.

This week, just outside Paris, more innocent lives were ended brutally by a terrorist who broadcasted news of the attack over the Internet.

This week in Orlando, Americans were targeted deliberately and taken forever from their families by a terrorist ISIL has claimed is ''one of the soldiers of the caliphate.''

It is clear from his behavior that this was not a random act of violence. This was a calculated act of terror.

As CIA Director John Brennan testified this morning before the Senate Select Committee on Intelligence: Islamic State militants are ''training and attempting to deploy operatives for further attacks on the West.'' He also called this terrorist attack an assault on the values of openness and tolerance that define the United States as a nation.

Well, of course, he is absolutely right. It throws into stark relief the troubling reality we now face.

ISIL is not the JV team. ISIL is certainly not ''contained.'' ISIL is the personification of evil in the world, and it will continue to bring tragedy after tragedy to our own doorsteps until it is defeated.

President Obama needs to finally lead a campaign to accomplish this objective or, at the very least, prepare the military and intelligence community to help the next President do it if he won't. This is his primary responsibility in the wake of this terrorist tragedy.

Here is ours. Here is what we need to do. Our responsibility in the Senate is to make a choice: work on serious solutions to prevent terrorist attacks or use the Senate as a campaign studio—as a campaign studio. Yesterday, the FBI Director came to deliver a critical briefing on Orlando and explain what is needed to prevent similar terrorist attacks in the future. Senate Republicans attended and asked serious questions. A rather significant group of Senate Democrats skipped it—skipped the briefing all together—for a campaign talkathon out here on the Senate floor, which also prevented us from going forward on the bill, offering amendments and votes.

It is hard to think of a clearer contrast between serious work for solutions on the one hand and endless partisan campaigning on the other.

Doing what we can to fight terror beyond our borders and to prevent attacks within our border were priorities of ours well before the terrorist attack in Orlando, and they continue to be at the forefront of our efforts now.

We just passed the annual National Defense Authorization Act. It will go a long way toward helping Americans confront global security challenges today and toward preparing the next Commander in Chief to take on the threats tomorrow.

We are now working to pass an appropriations bill that will give the FBI and other law enforcement officials more of the resources needed to track down and defuse threats right here on American soil. As we consider that measure, we are continuing to explore additional tools that can help prevent devastating terrorist attacks, such as tools to help us permanently address the threat of lone-wolf terrorists and to help us connect the dots when it comes to terrorist communications.

Now is the time for Democrats to finally join with us in pursuing serious solutions that can actually make a real difference.

As we said on Tuesday, there will be amendment votes on this bill. There will be amendment votes on this bill. Yesterday, we were prepared to begin that process but were unable to get amendments pending because of the extended floor debate that went on until 2 o'clock this morning. We will try again today to move forward with amendments from both sides, and once there is an agreement to do so, we will update everybody.

So, look, of course, no one wants terrorists to be able to buy guns. No one

wants terrorists to be able to buy guns. So if Democrats are actually serious about getting a solution on that issue and not just making a political talking point, they will join with us to support Senator CORNYN's SHIELD Act. It will give the Justice Department the ability to prevent known or suspected terrorists from purchasing firearms. It will protect the constitutional rights of all Americans. It will go a step further as well and actually allow terrorists to be taken into custody if a judge finds probable cause.

Now, that is a serious solution on this issue. Let's remember, however, that this issue represents only a piece of a much bigger challenge. Director Brennan also told the Intelligence Committee today that ''despite all of our progress against ISIL on the battlefield and in the financial realm, our efforts have not reduced the group's terrorist capability and global reach.'' That is Brennan.

If we want to prevent ISIL-inspired and directed attacks, we have to defeat ISIL in Iraq and in Syria. If we want to prevent ISIL-inspired and directed attacks, we have to defeat ISIL in Iraq and in Syria.

Here is what that means. From the White House, it means we don't need another lecture or another threat to veto the Defense bill. It means we need real leadership and a plan of action to defeat ISIL.

From our colleagues here in the Senate, it means we don't need more campaign talkathons like we witnessed yesterday, preventing us from actually voting. It means we need serious solutions and hard work. After all, that is what our constituents sent us here to do.

We may have gotten held back by a day, but now we are able to keep moving forward to set up votes on both sides, just as we always expected.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2578, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2578) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Pending:

McConnell (for Shelby/Mikulski) amendment No. 4685, in the nature of a substitute.

Shelby amendment No. 4686 (to amendment No. 4685), to make a technical correction.

The PRESIDING OFFICER. The Senator from Wyoming.

OBAMACARE

Mr. BARRASSO. Mr. President, most mornings when the Senate is in session, the minority leader comes to the floor—Senator REID—and talks for a while, and he sometimes talks about things in the news. So I come today to the floor to talk about a headline in the news today—in the New York Times, of all places—with this headline: ''Obamacare Premiums Are Rising, and Not by a Little.'' ''Obamacare Premiums Are Rising, and Not By a Little'' is today's New York Times headline.

It is interesting that when I hear Senator REID come to the floor, so often he is coming to the floor to defend the Obama health care law. A couple of weeks ago he came to the floor and he said that ObamaCare is ''continuing to work.'' Those are his words. So today I find interesting the New York Times story with this headline: ''Obamacare Premiums Are Rising, and Not By a Little.'' It says:

Even in urban areas where competition was expected to be brisk and the risk pool young and healthy—

''Expected'' is the key word there—

insurers appear to be struggling. In 14 major cities, insurers are asking for 2017 increases twice as big as 2016.

Twice as big as last year—yet Senator REID says ObamaCare is continuing to work.

The next day after he said that, he said that the Affordable Care Act is working. Well, I don't know anyone who could be a Member of the Senate and could actually be going home to their home States on the weekends and listening to people who live in their home States who could believe that ObamaCare is working.

Across the country, people are seeing how much more money they are expected to pay for their health insurance premiums next year. I just read that story from today's New York Times.

Yesterday's Washington Post said:

Premiums for health plans sold through the federal insurance exchange—

the one that Democrats came to the floor and said they loved and was going to work—

could jump substantially next year—

That was from the Washington Post yesterday—

perhaps more than at any point since the Affordable Care Act marketplaces began in 2013.

Does Senator REID read the newspapers? Does he talk to his constituents? Otherwise, how can he be so terribly confused about the impact of this health care law and the damage it has done to the American people?

So far, 31 States and the District of Columbia have released information on what insurance companies plan to charge next year. The average American is facing premiums that are 22 percent higher than this year. That is what is bringing about these headlines in the Washington Post and the New York Times.

In Iowa, an insurance company says that it wants its customers in the ObamaCare exchange to pay as much as 43 percent more next year. One customer wrote in to the State insurance division and said: ''You're killing me.''

Does Senator REID understand the impact of this law?

Another wrote in and said: ''Who can afford this? It's disastrous.''

Does Senator REID note any of that?

In North Carolina, the largest insurance company in the State said it plans to charge people an average of 19 percent more next year.

In Pennsylvania, one company says it is going to charge people up to 48 percent more starting in January.

In Arizona, people are facing premium increases of 53 percent. That is the average increase in Arizona.

So it is not surprising to see a headline in the New York Times today—and I hope Senator REID read the paper: ''Obamacare Premiums Are Rising, and Not By a Little.''

Well, whose fault is this? Who should people across the country blame when they see these outrageous price increases that affect them at home? Well, I believe they should blame Senator REID and every Democrat in Congress who voted for ObamaCare and all of the expensive requirements, regulations, and restrictions.

So the question is, Is ObamaCare working? Let's use President Obama's standard, the one that he set for himself. Well, he promised that if you liked your doctor, you could keep your doctor. Well, insurance plans have been trying to cut costs by doing what? By narrowing the network of doctors that patients can see. People are finding that they can't keep their doctors. They have been losing their doctor because the doctor is no longer covered by their insurance.

Well, you say, this is from a guy who has practiced medicine for a long time. No, it is a whole weekend section in the Sunday Review of the New York Times: ''Sorry, We Don't Take Obamacare.'' People who have ObamaCare, people who actually supported the idea of ObamaCare cannot see a doctor, cannot go to a hospital because of this health care law.

President Obama said if you liked your insurance, you could keep your insurance. Well, can you? Ninety-two thousand people in Colorado are losing their insurance plan because companies are pulling out of the State. Twenty-two thousand people in Ohio are now scrambling to find new health insurance because the co-op they were in went broke last month.

The health care law actually created 23 different co-ops; 13 of them have gone out of business.

Over the past couple of years, 745,000 Americans who were promised by Barack Obama that if they like their insurance they can keep it lost their insurance because their co-ops have closed down, just under the health care law. President Obama promised—it is his standard—that under his health care law, the average family would see their health care rates go down by $2,500 per year. Anyone who wants to know if ObamaCare is working should ask one simple question: Did your health insurance rates go down by $2,500? That is the standard the Democrats should be held to.

Now we know that ObamaCare did take millions of people and put them into Medicaid, which is a failed system, a broken system. Many refer to it as a second-class citizen. It is hard to see a doctor, hard to get care. It took other people and gave them big taxpayer subsidies, paid for by the American taxpayers, to help them afford the high premiums—the subsidies helped them afford the high premiums for this overpriced ObamaCare insurance, but those people will tell you that it left them with deductibles and copays so high that they can't actually use the insurance. For millions of other Americans, there are no subsidies—just enormous bills.

The President says: Don't worry, you are going to get a subsidy. But let's take a look at how many people will get subsidies and how many will get none who happen to be buying insurance through the exchanges. According to the Congressional Budget Office—the people who look into this—there are 12 million Americans who get some sort of subsidy to buy ObamaCare insurance. The premiums go up, the subsidies go up, but that is a bill that hits the taxpayers, the hard-working men and women in the country who pay their taxes year in and year out.

So that is 12 million, but there are another 12 million—an equal number of people—who have to buy this insurance without any of the subsidies at all. So when the President takes a look and talks about these 12 million, that is a significant hit to the American taxpayers and it turns a blind eye to the 12 million Americans who buy insurance without any of the subsidies. They are left to pay the full freight for these enormous premium increases we are looking at next year.

There was an Associated Press story on Monday. I read the story in today's paper, the story in yesterday's paper, the Associated Press headline on Monday—''Rising premiums rattle consumers paying their own way.'' Are Senator REID and the Democrats rattled by it? They should be because the American public is rattled by it. This tells the story of a woman from Queens, NY. We have two Democratic Senators in this body who voted for this health care law. This is one of their constituents from Queens, NY. She got a notice from her insurance company that they plan to raise her rates by as much as 25 percent next year. On top of this, her plan dropped the hospital network she wants. Well, President Obama promised that she could keep her insurance, she could keep her doctor, and she could keep her hospital. It doesn't apply to this woman in Queens. She says: ''For people like me who are in the middle, there is very limited choice, and now that limited choice is going to get more expensive.'' How do the Senators from New York respond to that? Why aren't they on the floor talking about it?

For most Americans, the Democrats' health care law has meant higher prices, worse health care, and less freedom to choose what is right for them and their families. That is why the polls show that, on average, only 4 out of 10 Americans have a favorable view of the health care law at all, and it is because the premiums keep going up and up without end and are hitting them in the pocket. It is because people are also paying higher deductibles and higher copayments just to see a doctor.

The Kaiser Family Foundation did a survey, and they asked about these deductibles and copays. What they said was that for people who have deductibles over $1,500—even those people who are getting the subsidies for ObamaCare, which the President says is so great—70 percent of them with deductibles over $1,500 ranked ObamaCare as a poor value.

This is a $1,500 deductible. The average silver plan in the ObamaCare exchanges has a deductible of more than $3,000. Insurance plans for next year are starting to come with deductibles of $7,000. How can the President say this is valuable? The people who are getting it—even with his expensive subsidies paid for by taxpayers—are saying this is giving them very little value and is a poor value. That is why this law is so unpopular. That is why ObamaCare continues to be underwater in terms of those who support it and those who oppose it. The average deductible for a silver plan this year is $600 higher than it was just 2 years ago.

That is why, when we see these headlines in the New York Times today and the Washington Post yesterday, we realize that people all across the country are being hurt by this Obama health care law. One out of four Americans say they have been personally hurt by the health care law—not that they know somebody who has been hurt but that they have personally been hurt by the health care law.

Even for people who are getting the subsidies for their premiums, the deductibles and the copays have been rising very fast. People never get to the point of being able to use their insurance. I mean, that is the real problem with the way this was set up. They have coverage; they still can't afford care.

It is interesting to listen to the President's speech. If you listen to him carefully, he doesn't actually use the word ''care,'' he uses the word ''coverage.'' If you can't get care, coverage is useless, but that is what the President's numbers are. He talks about coverage, refusing to talk about care. This is about health care. People want care, not empty coverage.

But in the face of all this evidence, the Democratic leader, HARRY REID, has stood here on the floor of the Senate and pretended in front of the American people that ObamaCare is working. He has repeatedly ignored every broken promise that every Democratic Member in Congress made about the health care law. He has come to the floor and repeatedly ignored every American who has lost their insurance. He repeatedly comes to the floor and ignores every American who has had to pay outrageous amounts of money for insurance that for many of them is unusable but is mandated by President Obama and the Democrats that they have to buy under penalty of law. None of that seems to matter to the Democratic leader, who personally supervised the writing of the health care law in his office behind closed doors. It is a terribly flawed law, but behind the closed doors of his office, it was written and passed on a party-line vote.

Well, the American people have spoken, and they have given Senator REID's efforts and the ObamaCare health care law a failing grade. Even those with the subsidies say it is a poor value today. Americans all across the country are hurting because of ObamaCare, and Senator REID and President Obama bear the responsibility. How much more do the American people have to suffer before the Washington Democrats will accept the facts? People want the care they need from a doctor they choose at a lower cost.

Republicans have offered ways to give people what they have been asking for all along. It is time for Democrats to work with us. It is time for Democrats to stop trying to deliberately deceive the American people by pretending this broken health care law is working—pretending. That is what this is all about because it is not working. ObamaCare remains very unpopular because people realize that for them personally, it is a very bad deal. Republicans have better ideas, better solutions. Republicans are offering the American people the freedom, the flexibility, and the choice they want when it comes to their health care.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORKING TOGETHER TO PROTECT OUR COMMUNITIES

Mr. COATS. Mr. President, as my colleagues know, I come to the floor each week to deliver a ''waste of the week'' speech. My concern over excessive government spending and spending on nonessential programs in wasteful ways needs to be shared with the American people, and my colleagues need to know that a lot of hard-earned tax dollars are wasted through waste, fraud, and abuse.

Some of these have been very serious, resulting in literally billions of dollars of waste. Some have been smaller expenditures but ludicrous expenditures, the kinds of expenditures where people say why in the world does the Federal Government have to do that? Or why—where's the common sense here? The American people work very hard to earn the dollars they send to Washington.

A lot of them are scraping by to pay the mortgage that's due at the end of the month, to pay the rent that is due at the end of the week, to get the groceries in the house or the savings to put in the savings account for an education; any number of ways the American people today, as the statistics are showing us today, have less spending money. The average American worker today has up to $3,000-plus less per year in earnings than they did at the beginning of this administration.

I don't know how the President keeps going on the airwaves saying things are just great and look how much better we are doing when people are earning on an average $3,000 less than they earned 8 years after the President first took office.

However, walking over to the floor to deliver this—and this one is one of those speeches—you can't make this up. It's so ridiculous. Can you believe that really an agency that is held in high regard, the National Science Foundation, actually is issuing grants of taxpayer money for these kinds of projects? Normally it would bring a lot of laughs and a lot of outrage over this waste of money.

I couldn't help but think of what is plaguing most Americans this week, after the tragic shooting in Orlando, Sandy Hook, San Bernardino, and all of the other breaking news and tragedies we have been hit with as Americans. I am having trouble with it, as all Americans are having trouble with it. We are trying to fight toward a solution. I am not sure what that solution is. It is not a simplistic solution. Clearly, in a democracy as free and as open as America, whether it is ISIL-inspired or terrorist-inspired or whether it is just someone mentally ill, someone whose hatred drives their life, or someone sitting in their basement at 2 a.m. Being inspired by ISIS web sites or just simply some of the stuff that comes across the internet, we are facing a tough situation here. But this week seems to be importantly difficult, and we are searching for ways—and the last thing we need to do is to politicize this issue.

We have to address issues to make sure we have done everything we possibly can to prevent the wrong people, to prevent terrorists, from purchasing and owning weapons of mass destruction or that can cause the kind of issues we are dealing with in Orlando and other places. There is not a Member of this body, Republican or Democratic, who has not been impacted by what is happening not just in Orlando but by a series of events similar to this. There is not a Senator here—Republican or Democratic, liberal or conservative—who doesn't want to find a way to address the situation in a way that would reduce the incidence or hopefully eliminate the incidence of these issues.

We are working through that now, and working through that is difficult because we do want Americans to have the ability and the rights that are promised to them under the Constitution and the Second Amendment, which is to protect themselves. We want to make sure their constitutional rights aren't breached for their own self-defense.

What do we say to a woman living alone in a neighborhood where there is a lot of drug dealing going on and a lot of random shootings and a lot of home invasions that she can't protect herself? We don't want to do that. We don't want to say to someone who owns a business and wants to ensure that the business is not broken into and they lose everything they have invested and who hires a security guard or someone to provide protection, that we are going to take away that right. By the same token, we don't want these kinds of weapons used in these mass killings to be in the hands of the wrong people. So we are trying to find that balance.

The best way to do that is for all of us to work together to find that balance, instead of blaming one side or the other side for not doing enough or for doing too little. This is not an easy issue to resolve.

It just doesn't seem appropriate for me to come to the floor and talk about the waste of the week because that involves something people normally would laugh at. This is not a week to laugh. This is a week to mourn. This is a week to work together to find a sensible way of trying to prevent these kinds of things from happening, and we are working through that. So next week I will come down and do two waste-of-the-week issues because this waste keeps going on, and it is an issue we all need to be aware of because the people we represent are forced, through the tax system, to send money to Washington, and they want it reasonably spent and reasonably used for necessary purposes.

With that, let's keep our focus and our eyes on the task at hand in respect and in mourning for what has happened in Orlando and what has been happening across our country far, far, far too often. Let's work together to find a reasonable solution that can take us in the right direction toward preventing these things from happening. Not one of us—not one of us—wants to have a process which puts these weapons in the hands of terrorists or those who mean to do us harm.

With that, Mr. President, I yield the floor.

Mr. President, it appears there is an absence of Members here, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TILLIS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SHIELD ACT

Mr. CORNYN. Mr. President, the past few days, we have been contemplating the horrific shooting in Orlando and asking ourselves how this could happen and, of course, grieving and praying and thinking about the people who lost their lives and their families and those who were injured.

As the Presiding Officer knows, yesterday we had the opportunity to get briefed by the FBI Director and the Secretary of Homeland Security. What we learned is that there is still a lot left to learn and that the investigation is ongoing. But clearly this was not a random act of violence. This is not about somebody going to purchase a gun at a store and then going out and deciding indiscriminately to kill the first person they meet, but then again, neither was the shooting in San Bernardino a random act of violence or the attempted shooting in Garland, TX, which was thwarted by a security guard. These were calculated acts of terror and a reminder—a reminder of the threats to our homeland from ISIS, not just in the Middle East but right here at home by people who have never traveled to the Middle East but who communicate through social media and online and become radicalized by this ideology of hate, one that results in terrible tragedies such as the one we saw in Orlando.

Sadly, our friends on the other side of the aisle have seen this as an opportunity to make this a political debate about gun control, and they simply are refusing to acknowledge the threat we face from radical Islam. Rather than trying to solve the problem, they are trying to drive a wedge between the American people and come up with something that basically does nothing.

I think one thing that makes people crazy about Washington, DC, is when people stand up and claim to understand the problem and yet offer solutions that don't solve the problem but, rather, fit some sort of talking points or ideological agenda. It is clear that what we heard yesterday from our friends across the aisle has nothing to do with defeating ISIS or the threat of international terrorism or the radicalization of Americans in their homes.

So today I am filing an amendment that I believe will offer a solution. I believe that if it had been enacted beforehand, it may have provided the law enforcement agencies, such as the FBI, the tools they need in order to identify somebody like the Orlando shooter beforehand and to take them off the streets. This amendment is called the SHIELD Act. It would not only stop terrorists from getting guns, but it would take them off the streets, and it would do so in a way that is consistent with our Constitution.

I want to make this clear so there is no doubt at all. Every single Senator wants to deny terrorists access to the guns they use to harm innocent civilians. But there is a right way to do things and a wrong way.

My friends on the other side of the aisle have put forward a measure that was voted on last December, sponsored by Mrs. FEINSTEIN, the Senator from California. The bottom line is that proposal doesn't protect our constitutional rights, and it doesn't go far enough to make our country safer. Under Senator FEINSTEIN's proposal, after being denied a gun for being on some classified list created by the government—lists that are often riddled with errors and include law-abiding citizens—the individual can go home, search the Internet for how to build a homemade bomb or go to the hardware store to buy everything they need to carry out some other sort of terrorist attack, and they are free to walk the streets and to plot that attack.

As I mentioned, my legislation actually does what we need to do to give law enforcement, first, the notice that this individual is trying to buy a weapon but then an opportunity to take them off the streets and deny them access to a firearm. Their legislation does nothing to protect the due process rights of American citizens under the Bill of Rights and under our Constitution.

Many of us remember that a few years ago, the late Teddy Kennedy cited his own frustration with showing up on a list that was created by the government in secret, only to find out that he, a United States Senator, was on a no-fly list. Back in 2004, he was put on the list and he was denied an airplane ticket. If Teddy Kennedy from the Kennedy family—one of the most powerful political families in America in our whole history—was denied an opportunity to get on an airplane because he was erroneously put on a no-fly list, you can imagine the problems the rest of us would have.

Senator Kennedy said at the time:

> Now, if they had that kind of difficulty for a member of Congress . . . how in the world are average Americans who are going to get caught up in this kind of thing, how are they going to be able to get treated fairly and not have their rights abused?

That is a pretty good question. It highlights my greater point that we have to be very careful. We need a robust response to protect American citizens but one that doesn't infringe on constitutional rights.

If Senator Kennedy was placed on a watch list and had trouble getting his name removed, do we have any confidence that average Americans like the rest of us will not have their constitutional rights stripped, with no legal process to remedy it?

In the United States of America, where I was born and grew up, we simply cannot deny somebody a constitutional right without due process of law and making the government come forward and presenting evidence to a judge so that a determination can be made not by the government but by an impartial third party.

The proposal I am filing today will help fight terrorism at home and ensure that due process is protected. It is called the SHIELD Act. It would create a process for our law enforcement officials to actually investigate and look at the evidence. But it wouldn't just stop terrorists from buying guns; it would go further—certainly further than the Democrats' amendment—by helping law enforcement take them off the streets. Under my proposal, if someone who is known or suspected of being a terrorist tries to buy a gun, they will be blocked from doing so while the authorities carry out an investigation, followed by an expedited hearing where a judge can block the sale permanently if adequate evidence is produced. And importantly, if the judge determines there is probable cause to block the sale, they can do more than just block the sale; they can take the terrorist into custody. If we believe someone is dangerous enough to not be able to buy a gun, shouldn't we do our best to take them off the streets so they don't pose a danger to our communities?

We also learned from Director Comey yesterday that there are additional tools the FBI does not currently have that we ought to make sure it has, things to make sure that they can use, for example, national security letters to collect not only financial information in counterterrorism cases, which they currently can, but also to make sure that Internet providers can provide IP addresses and email addresses—not content. Not the content. That would require a court order and a showing of probable cause. But the fact is, if we are going to have the FBI and our law enforcement officials connect the dots, we are going to have to make sure they have the tools to collect the dots. That is what we need to be focusing on, not pursuing some opportunistic political agenda that will not solve any problems at all.

I believe my amendment could have had an impact on the Orlando shooting because, as we all have learned, while the shooter in Orlando was not on a watch list at the time he bought the weapons he used in the shooting, he had been on a watch list and he had been investigated by the FBI. Unfortunately, they didn't come up with sufficient evidence with which to detain him at the time.

Under my amendment, when somebody who was previously under investigation for suspicion of terrorism within the last 5 years—like the Orlando attacker—goes to buy the gun, the FBI and the State and local law enforcement authorities will be immediately notified, and they can then escalate their investigation. They can go to a judge and say: Judge, we need a wiretap so we can listen to—based on a showing of probable cause under the Fourth Amendment—we can listen to the conversations to see if they are calling people and engaging in another plot with coconspirators.

In this way, I believe the SHIELD Act could have prevented the tragedy that occurred over the weekend in Orlando because this shooter was on a watch list within the previous 5 years, and if the FBI had been notified, which they would have been if he were on a watch list, then they could have escalated the investigation further and perhaps have discovered enough evidence to take him off the streets.

This is a similar proposal to the one I offered back in December that garnered bipartisan support and received more votes than my colleagues on the other side of the aisle. As a matter of fact, we had 55 votes with a bipartisan majority on my amendment last December. This new amendment is a small tweak in modification, but it is a straightforward plan that reflects input from all sides, and it will stop terrorists from buying guns and will provide a means to get them off the streets but doing so in a way that ensures American citizens' constitutional rights will be respected.

I think this just makes sense. I think it is pretty reasonable, and it is a good

starting point if we are trying to address the real threat of Islamic extremism rearing its ugly head here at home, but as I mentioned, we must do more than equip our law enforcement officials with the tools they need in order to collect evidence and hopefully prevent these attacks from occurring in the future.

So going forward, I hope we will come up with an agreement that any response to domestic terrorism must include providing the FBI and other law enforcement the resources and authorities to track down terrorists and take them off the streets.

FORT HOOD TRAGEDY

Mr. President, 2 weeks ago, about a dozen soldiers were in an Army tactical vehicle in Fort Hood, TX, as part of a larger training exercise when they were swept off the road. Nine of them lost their lives by drowning. This was in the aftermath of heavy rain and flooding throughout Texas, and their vehicle overturned as they tried to cross a flooded creek.

As I said, out of the 12 people swept out of the tactical vehicle, 9 of them drowned, but thankfully 3 survived. The nine who died came from all over America—California, New York, New Jersey, Florida, Indiana, and Texas. They were also at various stages of their honorable careers of serving our country and the U.S. Army.

Today, at the Spirit of Fort Hood Chapel, the Fort Hood community is gathering to remember each of them, their families, to offer prayers for their friends and family left behind, and to consider how we can honor their legacy going forward.

I, of course, send my prayers and deepest condolences to those who have lost loved ones. I can't imagine their pain, but I share in their grief. Fort Hood is a resilient place. Over the years, it has experienced a number of tragedies, including the shooting by MAJ Nidal Hasan, just to name another one. They have experienced tragedy before, and I hate that they have to do so again, but I know, without a doubt, that the community there that is nicknamed ''the great place'' is strong, and I hope and pray the service today is a time of hopeful remembrance for those who committed their lives to protect and defend our freedoms.

I thank them for their service, and I stand ready to support the Fort Hood community in any way I can while they continue to grieve the loss of these nine heroes.

RESOLUTIONS SUBMITTED TODAY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate Resolutions, which were submitted earlier today: S. Res. 495, S. Res. 496, S. Res. 497, and S. Res. 498.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. CORNYN. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

UNITED STATES SEMIQUINCENTENNIAL COMMISSION ACT OF 2016

Mr. CORNYN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2815 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2815) to establish the United States Semiquincentennial Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CORNYN. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2815) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Semiquincentennial Commission Act of 2016''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that July 4, 2026, the 250th anniversary of the founding of the United States, as marked by the Declaration of Independence in 1776, and the historic events preceding that anniversary—

(1) are of major significance in the development of the national heritage of the United States of individual liberty, representative government, and the attainment of equal and inalienable rights; and

(2) have had a profound influence throughout the world.

(b) PURPOSE.—The purpose of this Act is to establish a Commission to provide for the observance and commemoration of the 250th anniversary of the founding of the United States and related events through local, State, national, and international activities planned, encouraged, developed, and coordinated by a national commission representative of appropriate public and private authorities and organizations.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the United States Semiquincentennial Commission established by section 4(a).

(2) PRIVATE CITIZEN.—The term ''private citizen'' means an individual who is not an officer or employee of—

(A) the Federal Government; or

(B) a State or local government.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—There is established a commission, to be known as the ''United States Semiquincentennial Commission'', to plan, encourage, develop, and coordinate the commemoration of the history of the United States leading up to the 250th anniversary of the founding of the United States.

(b) COMPOSITION.—The Commission shall be composed of the following members:

(1) 4 members of the Senate, of whom—

(A) 2 shall be appointed by the majority leader of the Senate; and

(B) 2 shall be appointed by the minority leader of the Senate.

(2) 4 members of the House of Representatives, of whom—

(A) 2 shall be appointed by the Speaker of the House of Representatives; and

(B) 2 shall be appointed by the minority leader of the House of Representatives.

(3) 16 members who are private citizens, of whom—

(A) 4 shall be appointed by the majority leader of the Senate;

(B) 4 shall be appointed by the minority leader of the Senate;

(C) 4 shall be appointed by the Speaker of the House of Representatives;

(D) 4 shall be appointed by the minority leader of the House of Representatives; and

(E) 1 of whom shall be designated by the President as the Chairperson.

(4) The following nonvoting ex officio members:

(A) The Secretary.

(B) The Secretary of State.

(C) The Attorney General.

(D) The Secretary of Defense.

(E) The Secretary of Education.

(F) The Librarian of Congress.

(G) The Secretary of the Smithsonian Institution.

(H) The Archivist of the United States.

(I) The presiding officer of the Federal Council on the Arts and the Humanities.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—All meetings of the Commission shall be convened at Independence Hall in Philadelphia, Pennsylvania, to honor the historical significance of the building as the site of deliberations and adoption of both the United States Declaration of Independence and the Constitution.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) prepare an overall program for commemorating the 250th anniversary of the founding of the United States and the historic events preceding that anniversary; and

(2) plan, encourage, develop, and coordinate observances and activities commemorating the historic events that preceded, and are associated with, the United States Semiquincentennial.

(b) REQUIREMENTS.—

(1) IN GENERAL.—In preparing plans and an overall program, the Commission—

(A) shall give due consideration to any related plans and programs developed by State, local, and private groups; and

(B) may designate special committees with representatives from groups described in subparagraph (A) to plan, develop, and coordinate specific activities.

(2) EMPHASIS.—The Commission shall—

(A) emphasize the planning of events in locations of historical significance to the United States, especially in those locations that witnessed the assertion of American liberty, such as—

(i) the 13 colonies; and

(ii) leading cities, including Boston, Charleston, New York City, and Philadelphia; and

(B) give special emphasis to—

(i) the role of persons and locations with significant impact on the history of the United States during the 250-year period beginning on the date of execution of the Declaration of Independence; and

(ii) the ideas associated with that history, which have been so important in the development of the United States, in world affairs, and in the quest for freedom of all mankind.

(3) INFRASTRUCTURE.—The Commission shall—

(A) evaluate existing infrastructure;

(B) include in the report required under subsection (c) recommendations for what infrastructure should be in place for the successful undertaking of an appropriate celebration in accordance with this Act; and

(C) coordinate with State and local bodies to make necessary infrastructure improvements.

(c) REPORT SUBMITTED TO THE PRESIDENT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President a comprehensive report that includes the specific recommendations of the Commission for the commemoration of the 250th anniversary and related events.

(2) RECOMMENDED ACTIVITIES.—The report may include recommended activities such as—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials focusing on the history, culture, and political thought of the period of the American Revolution;

(B) bibliographical and documentary projects and publications;

(C) conferences, convocations, lectures, seminars, and other programs, especially those located in the 13 colonies, including the major cities and buildings of national historical significance of the 13 colonies;

(D) the development of libraries, museums, historic sites, and exhibits, including mobile exhibits;

(E) ceremonies and celebrations commemorating specific events, such as—

(i) the signing of the Declaration of Independence;

(ii) programs and activities focusing on the national and international significance of the United States Semiquincentennial; and

(iii) the implications of the Semiquincentennial for present and future generations;

(F) encouraging Federal agencies to integrate the celebration of the Semiquincentennial into the regular activities and execution of the purpose of the agencies through such activities as the issuance of coins, medals, certificates of recognition, stamps, and the naming of vessels.

(3) REQUIREMENTS.—The report shall include—

(A) the recommendations of the Commission for the allocation of financial and administrative responsibility among the public and private authorities and organizations recommended for participation by the Commission; and

(B) proposals for such legislative enactments and administrative actions as the Commission considers necessary to carry out the recommendations.

(d) REPORT SUBMITTED TO CONGRESS.—The President shall submit to Congress a report that contains—

(1) the complete report of the Commission; and

(2) such comments and recommendations for legislation and such a description of administrative actions taken by the President as the President considers appropriate.

(e) POINT OF CONTACT.—The Commission, acting through the secretariat of the Commission described in section 9(b), shall serve as the point of contact of the Federal Government for all State, local, international, and private sector initiatives regarding the Semiquincentennial of the founding of the United States, with the purpose of coordinating and facilitating all fitting and proper activities honoring the 250th anniversary of the founding of the United States.

SEC. 6. COORDINATION.

(a) IN GENERAL.—In carrying out this Act, the Commission shall consult and cooperate with, and seek advice and assistance from, appropriate Federal agencies, State and local public bodies, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations.

(b) RESPONSIBILITY OF OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Federal agencies shall cooperate with the Commission in planning, encouraging, developing, and coordinating appropriate commemorative activities.

(2) DEPARTMENT OF THE INTERIOR.—

(A) IN GENERAL.—The Secretary shall undertake a study of appropriate actions that might be taken to further preserve and develop historic sites and battlefields, at such time and in such manner as will ensure that fitting observances and exhibits may be held at appropriate sites and battlefields during the 250th anniversary celebration.

(B) REPORT.—The Secretary shall submit to the Commission a report that contains the results of the study and the recommendations of the Secretary, in time to afford the Commission an opportunity—

(i) to review the study; and

(ii) to incorporate in the report described in section 5(c) such findings and recommendations as the Commission considers appropriate.

(3) ARTS AND HUMANITIES.—

(A) IN GENERAL.—The presiding officer of the Federal Council on the Arts and the Humanities, the Chairperson of the National Endowment for the Arts, and the Chairperson of the National Endowment for the Humanities shall cooperate with the Commission, especially in the encouragement and coordination of scholarly works and artistic expressions focusing on the history, culture, and political thought of the period predating the United States Semiquincentennial.

(B) LIBRARY OF CONGRESS, SMITHSONIAN INSTITUTION, AND ARCHIVES.—

(i) IN GENERAL.—The Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States shall cooperate with the Commission, especially in the development and display of exhibits and collections and in the development of bibliographies, catalogs, and other materials relevant to the period predating the United States Semiquincentennial.

(ii) LOCATION.—To the maximum extent practicable, displays described in subparagraph (A) shall be located in, or in facilities near to, buildings of historical significance to the American Revolution, so as to promote greater public awareness of the heritage of the United States.

(C) SUBMISSION OF RECOMMENDATIONS.—Each of the officers described in this paragraph shall submit to the Commission a report containing recommendations in time to afford the Commission an opportunity—

(i) to review the reports; and

(ii) to incorporate in the report described in section 5(c) such findings and recommendations as the Commission considers appropriate.

(4) DEPARTMENT OF STATE.—The Secretary of State shall coordinate the participation of foreign nations in the celebration of the United States Semiquincentennial, including by soliciting the erection of monuments and other cultural cooperations in founding cities of the United States so as—

(A) to celebrate the shared heritage of the United States with the many peoples and nations of the world; and

(B) to provide liaison and encouragement for the erection of international pavilions to showcase the spread of democratic institutions abroad in the period following the American Revolution.

SEC. 7. POWERS.

(a) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of money, property, or personal services.

(e) ADDITIONAL POWERS.—As determined necessary by the Commission, the Commission may—

(1) procure supplies, services, and property;

(2) make contracts;

(3) expend in furtherance of this Act funds appropriated, donated, or received in pursuance of contracts entered into under this Act; and

(4) take such actions as are necessary to enable the Commission to carry out efficiently and in the public interest the purposes of this Act.

(f) USE OF MATERIALS.—

(1) TIME CAPSULE.—A representative portion of all books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials relating to the United States Semiquincentennial shall be deposited in a time capsule—

(A) to be buried in Independence Mall, Philadelphia, on July 4, 2026; and

(B) to be unearthed on the occasion of the 500th anniversary of the United States of America on July 4, 2276.

(2) OTHER MATERIALS.—All other books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials relating to the United States Semiquincentennial, whether donated to the Commission or collected by the Commission, may be deposited for preservation in national, State, or local libraries or museums or be otherwise disposed of by the Commission, in consultation with the Librarian of Congress, the Secretary of the Smithsonian Institution, the Archivist of the United States, and the Administrator of General Services.

(g) PROPERTY.—Any property acquired by the Commission remaining on termination of the Commission may be—

(1) used by the Secretary for purposes of the National Park Service; or

(2) disposed of as excess or surplus property.

SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—The members of the Commission shall receive no compensation for service on the Commission.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines necessary.

SEC. 9. EXPENDITURES OF COMMISSION.

(a) IN GENERAL.—All expenditures of the Commission shall be made solely from—

(1) donated funds; and

(2) funds specifically appropriated for the Commission.

(b) ADMINISTRATIVE SECRETARIAT.—The Commission shall seek to enter into an arrangement with USA 250, Incorporated, under which USA 250, Incorporated, shall—

(1) serve as the secretariat of the Commission, including by serving as the point of contact under section 5(e);

(2) house the administrative offices of the Commission;

(3) assume responsibility for funds of the Commission; and

(4) provide to the Commission financial and administrative services, including services related to budgeting, accounting, financial reporting, personnel, and procurement.

(c) PAYMENT FOR FINANCIAL AND ADMINISTRATIVE SERVICES.—

(1) IN GENERAL.—Subject to paragraph (2), payment for services provided under subsection (b)(4) shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed on by the Chairperson of the Commission and the secretariat of the Commission.

(2) RELATIONSHIP TO REGULATIONS.—

(A) ERRONEOUS PAYMENTS.—The regulations under section 5514 of title 5, United States Code, relating to the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to, or on behalf of, a Commission employee.

(B) APPROPRIATIONS.—The regulations under sections 1513(d) and 1514 of title 31, United States Code, relating to the administrative control of funds, shall apply to appropriations of the Commission.

(C) NO PROMULGATION BY COMMISSION.—The Commission shall not be required to prescribe any regulations relating to the matters described in subparagraphs (A) and (B).

(d) ANNUAL REPORT.—Once each year during the period beginning on the date of enactment of this Act and ending on December 31, 2027, the Commission shall submit to Congress a report of the activities of the Commission, including an accounting of funds received and expended during the year covered by the report.

SEC. 10. TERMINATION OF COMMISSION.

The Commission shall terminate on December 31, 2027.

RAPID DNA ACT OF 2015

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 462, S. 2348.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2348) to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rapid DNA Act of **[**2015**]** *2016*''.

SEC. 2. RAPID DNA INSTRUMENTS.

(a) STANDARDS.—Section 210303(a) of the DNA Identification Act of 1994 (42 U.S.C. 14131(a)) is amended by adding at the end the following:

''(5)(A) In addition to issuing standards as provided in paragraphs (1) through (4), the Director of the Federal Bureau of Investigation shall issue standards and procedures for the use of Rapid DNA instruments and resulting DNA analyses.

''(B) In this **[**paragraph**]** *Act*, the term 'Rapid DNA instruments' means instrumentation that carries out a fully automated process to derive a DNA **[**profile**]** *analysis* from a DNA sample.''.

(b) INDEX.—Paragraph (2) of section 210304(b) of the DNA Identification Act of 1994 (42 U.S.C. 14132(b)(2)) is amended to read as follows:

''(2) prepared by—

''(A) laboratories that—

''(i) have been accredited by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic science community; and

''(ii) undergo external audits, not less than once every 2 years, that demonstrate compliance with standards established by the Director of the Federal Bureau of Investigation; or

''(B) criminal justice agencies using Rapid DNA instruments approved by the Director of the Federal Bureau of Investigation in compliance with the standards and procedures issued by the Director under section 210303(a)(5); and''.

SEC. 3. CONFORMING AMENDMENTS RELATING TO COLLECTION OF DNA IDENTIFICATION INFORMATION.

(a) FROM CERTAIN FEDERAL OFFENDERS.—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended—

(1) in subsection (b), by adding at the end the following: ''The Director of the Federal Bureau of Investigation may waive the requirements under this subsection if DNA samples are analyzed by means of Rapid DNA instruments and the results are included in CODIS.''; and

(2) in subsection (c), by adding at the end the following:

''(3) The term 'Rapid DNA instruments' means instrumentation that carries out a fully automated process to derive a DNA **[**profile**]** *analysis* from a DNA sample.''.

(b) FROM CERTAIN DISTRICT OF COLUMBIA OFFENDERS.—Section 4 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135b) is amended—

(1) in subsection (b), by adding at the end the following: ''The Director of the Federal Bureau of Investigation may waive the requirements under this subsection if DNA samples are analyzed by means of Rapid DNA instruments and the results are included in CODIS.''; and

(2) in subsection (c), by adding at the end the following:

''(3) The term 'Rapid DNA instruments' means instrumentation that carries out a fully automated process to derive a DNA **[**profile**]** *analysis* from a DNA sample.''.

Mr. CORNYN. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The bill (S. 2348), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rapid DNA Act of 2016''.

SEC. 2. RAPID DNA INSTRUMENTS.

(a) STANDARDS.—Section 210303(a) of the DNA Identification Act of 1994 (42 U.S.C. 14131(a)) is amended by adding at the end the following:

''(5)(A) In addition to issuing standards as provided in paragraphs (1) through (4), the Director of the Federal Bureau of Investigation shall issue standards and procedures for the use of Rapid DNA instruments and resulting DNA analyses.

''(B) In this Act, the term 'Rapid DNA instruments' means instrumentation that carries out a fully automated process to derive a DNA analysis from a DNA sample.''.

(b) INDEX.—Paragraph (2) of section 210304(b) of the DNA Identification Act of 1994 (42 U.S.C. 14132(b)(2)) is amended to read as follows:

''(2) prepared by—

''(A) laboratories that—

''(I) have been accredited by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic science community; and

''(ii) undergo external audits, not less than once every 2 years, that demonstrate compliance with standards established by the Director of the Federal Bureau of Investigation; or

''(B) criminal justice agencies using Rapid DNA instruments approved by the Director of the Federal Bureau of Investigation in compliance with the standards and procedures issued by the Director under section 210303(a)(5); and''.

SEC. 3. CONFORMING AMENDMENTS RELATING TO COLLECTION OF DNA IDENTIFICATION INFORMATION.

(a) FROM CERTAIN FEDERAL OFFENDERS.—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended—

(1) in subsection (b), by adding at the end the following: ''The Director of the Federal Bureau of Investigation may waive the requirements under this subsection if DNA samples are analyzed by means of Rapid DNA instruments and the results are included in CODIS.''; and

(2) in subsection (c), by adding at the end the following:

''(3) The term 'Rapid DNA instruments' means instrumentation that carries out a fully automated process to derive a DNA analysis from a DNA sample.''.

(b) FROM CERTAIN DISTRICT OF COLUMBIA OFFENDERS.—Section 4 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135b) is amended—

(1) in subsection (b), by adding at the end the following: ''The Director of the Federal Bureau of Investigation may waive the requirements under this subsection if DNA samples are analyzed by means of Rapid DNA instruments and the results are included in CODIS.''; and

(2) in subsection (c), by adding at the end the following:

''(3) The term 'Rapid DNA instruments' means instrumentation that carries out a fully automated process to derive a DNA analysis from a DNA sample.''.

JUSTICE FOR ALL REAUTHORIZATION ACT OF 2016

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 463, S. 2577.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2577) to protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Justice for All Reauthorization Act of 2016''.

SEC. 2. CRIME VICTIMS' RIGHTS.

(a) RESTITUTION DURING SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended in the first sentence by inserting '', that the defendant make restitution in accordance with sections 3663 and 3663A, or any other statute authorizing a sentence of restitution,'' after ''supervision''.

(b) COLLECTION OF RESTITUTION FROM DEFENDANT'S ESTATE.—Section 3613(b) of title 18, United States Code, is amended by adding at the end the following: ''The liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the release from imprisonment of the person ordered to pay restitution. In the event of the death of the person ordered to pay restitution, the individual's estate will be held responsible for any unpaid balance of the restitution amount, and the lien provided in subsection (c) of this section shall continue until the estate receives a written release of that liability.''.

(c) VICTIM INTERPRETERS.—Rule 28 of the Federal Rules of Criminal Procedure is amended in the first sentence by inserting before the period at the end the following: '', including an interpreter for the victim''.

(d) GAO STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) conduct a study to determine whether enhancing the restitution provisions under sections 3663 and 3663A of title 18, United States Code, to provide courts broader authority to award restitution for Federal offenses would be beneficial to crime victims and what other factors Congress should consider in weighing such changes; and

(B) submit to Congress a report on the study conducted under subparagraph (A).

(2) CONTENTS.—In conducting the study under paragraph (1), the Comptroller General shall focus on the benefits to crime victims that would result if the restitution provisions under sections 3663 and 3663A of title 18, United States Code, were expanded—

(A) to apply to victims who have suffered harm, injury, or loss that would not have occurred but for the defendant's related conduct;

(B) in the case of an offense resulting in bodily injury resulting in the victim's death, to allow the court to use its discretion to award an appropriate sum to reflect the income lost by the victim's surviving family members or estate as a result of the victim's death;

(C) to require that the defendant pay to the victim an amount determined by the court to restore the victim to the position he or she would have been in had the defendant not committed the offense; and

(D) to require that the defendant compensate the victim for any injury, harm, or loss, including emotional distress, that occurred as a result of the offense.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CRIME VICTIMS.

(a) CRIME VICTIMS LEGAL ASSISTANCE GRANTS.—Section 103(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2264) is amended—

(1) in paragraph (1), by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021'';

(2) in paragraph (2), by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021'';

(3) in paragraph (3), by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021'';

(4) in paragraph (4), by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021''; and

(5) in paragraph (5), by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021''.

(b) CRIME VICTIMS NOTIFICATION GRANTS.—Section 1404E(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603e(c)) is amended by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021''.

SEC. 4. REDUCING THE RAPE KIT BACKLOG.

Of the amounts made available to the Attorney General for a DNA Analysis and capacity enhancement program and for other local, State, and Federal forensic activities under the heading ''STATE AND LOCAL LAW ENFORCEMENT'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''DEPARTMENT OF JUSTICE'' in a fiscal year—

(1) not less than 75 percent of such amounts shall be provided for grants for direct testing activities described under paragraphs (1), (2), and (3) of section 2(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)); and

(2) not less than 5 percent of such amounts shall be provided for grants for law enforcement agencies to conduct audits of their backlogged rape kits, including through the creation of a tracking system, under section 2(a)(7) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(7)), and to prioritize testing in those cases in which the statute of limitation will soon expire.

SEC. 5. SEXUAL ASSAULT NURSE EXAMINERS.

Section 304 of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136a) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) PREFERENCE.—

''(1) IN GENERAL.—In reviewing applications submitted in accordance with a program authorized, in whole or in part, by this section, the Attorney General shall give preference to any eligible entity that certifies that the entity will use the grant funds to—

''(A) operate or expand forensic nurse examiner programs in a rural area or for an underserved population, as those terms are defined in section 4002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925);

''(B) hire full-time forensic nurse examiners to conduct activities under subsection (a); or

''(C) sustain or establish a training program for forensic nurse examiners.

''(2) DIRECTIVE TO THE ATTORNEY GENERAL.—Not later than 120 days after the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General shall coordinate with the Secretary of Health and Human Services to inform Federally Qualified Health Centers, Community Health Centers, hospitals, colleges and universities, and other appropriate health-related entities about the role of forensic nurses and existing resources available within the Department of Justice and the Department of Health and Human Services to train or employ forensic nurses to address the needs of communities dealing with sexual assault, domestic violence, and elder abuse. The Attorney General shall collaborate on this effort with nongovernmental organizations representing forensic nurses.''.

SEC. 6. PROTECTING THE VIOLENCE AGAINST WOMEN ACT.

Section 8(e)(1)(A) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15607(e)(1)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period and inserting ''; and''; and

(3) by inserting at the end the following:

''(iii) the program is not administered by the Office on Violence Against Women of the Department of Justice.''.

SEC. 7. CLARIFICATION OF VIOLENCE AGAINST WOMEN ACT HOUSING PROTECTIONS.

Section 41411(b)(3)(B)(ii) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–11(b)(3)(B)(ii)) is amended—

(1) in the first sentence, by inserting ''or resident'' after ''any remaining tenant''; and

(2) in the second sentence, by inserting ''or resident'' after ''tenant'' each place it appears.

SEC. 8. STRENGTHENING THE PRISON RAPE ELIMINATION ACT.

The Prison Rape Elimination Act of 2003 (42 U.S.C. 15601 et seq.) is amended—

(1) in section 6(d)(2) (42 U.S.C. 15605(d)(2)), by striking subparagraph (A) and inserting the following:

''(A)(i) include the certification of the chief executive that the State receiving such grant has adopted all national prison rape standards that, as of the date on which the application was submitted, have been promulgated under this Act; or

''(ii) demonstrate to the Attorney General, in such manner as the Attorney General shall require, that the State receiving such grant is actively working to adopt and achieve full compliance with the national prison rape standards described in clause (i);''; and

(2) in section 8(e) (42 U.S.C. 15607(e))—

(A) by striking paragraph (2) and inserting the following:

''(2) ADOPTION OF NATIONAL STANDARDS.—

''(A) IN GENERAL.—For each fiscal year, any amount that a State would otherwise receive for prison purposes for that fiscal year under a grant program covered by this subsection shall be reduced by 5 percent, unless the chief executive officer of the State submits to the Attorney General proof of compliance with this Act through—

''(i) a certification that the State has adopted, and is in full compliance with, the national standards described in subsection (a); or

''(ii) an assurance that the State intends to adopt and achieve full compliance with those national standards so as to ensure that a certification under clause (i) may be submitted in future years, which includes—

''(I) a commitment that not less than 5 percent of such amount shall be used for this purpose; or

''(II) a request that the Attorney General hold 5 percent of such amount in abeyance pursuant to the requirements of subparagraph (E).

''(B) RULES FOR CERTIFICATION.—

''(i) IN GENERAL.—A chief executive officer of a State who submits a certification under this paragraph shall also provide the Attorney General with—

''(I) a list of the prisons under the operational control of the executive branch of the State;

''(II) a list of the prisons listed under subclause (I) that were audited during the most recently concluded audit year;

''(III) all final audit reports for prisons listed under subclause (I) that were completed during the most recently concluded audit year; and

''(IV) a proposed schedule for completing an audit of all the prisons listed under subclause (I) during the following 3 audit years.

''(ii) AUDIT APPEAL EXCEPTION.—Beginning on the date that is 3 years after the date of enactment of the Justice for All Reauthorization Act of 2016, a chief executive officer of a State may submit a certification that the State is in full compliance pursuant to subparagraph (A)(i) even if a prison under the operational control of the executive branch of the State has an audit appeal pending.

''(C) RULES FOR ASSURANCES.—

''(i) IN GENERAL.—A chief executive officer of a State who submits an assurance under subparagraph (A)(ii) shall also provide the Attorney General with—

''(I) a list of the prisons under the operational control of the executive branch of the State;

''(II) a list of the prisons listed under subclause (I) that were audited during the most recently concluded audit year;

''(III) an explanation of any barriers the State faces to completing required audits;

''(IV) all final audit reports for prisons listed under subclause (I) that were completed during the most recently concluded audit year;

''(V) a proposed schedule for completing an audit of all prisons under the operational control of the executive branch of the State during the following 3 audit years; and

''(VI) an explanation of the State's current degree of implementation of the national standards.

''(ii) ADDITIONAL REQUIREMENT.—A chief executive officer of a State who submits an assurance under subparagraph (A)(ii)(I) shall, before receiving the applicable funds described in subparagraph (A)(ii)(I), also provide the Attorney General with a proposed plan for the expenditure of the funds during the applicable grant period.

''(iii) ACCOUNTING OF FUNDS.—A chief executive officer of a State who submits an assurance under subparagraph (A)(ii)(I) shall, in a manner consistent with the applicable grant reporting requirements, submit to the Attorney General a detailed accounting of how the funds described in subparagraph (A) were used.

''(D) SUNSET OF ASSURANCE OPTION.—

''(i) IN GENERAL.—On the date that is 3 years after the date of enactment of the Justice for All Reauthorization Act of 2016, subclause (II) of subparagraph (A)(ii) shall cease to have effect.

''(ii) ADDITIONAL SUNSET.—On the date that is 6 years after the date of enactment of the Justice for All Reauthorization Act of 2016, clause (ii) of subparagraph (A) shall cease to have effect.

''(iii) EMERGENCY ASSURANCES.—

''(I) REQUEST.—Notwithstanding clause (ii), during the 2-year period beginning 6 years after the date of enactment of the Justice for All Reauthorization Act of 2016, a chief executive officer of a State who certifies that the State has audited not less than 90 percent of prisons under the operational control of the executive branch of the State may request that the Attorney General allow the chief executive officer to submit an emergency assurance in accordance with subparagraph (A)(ii) as in effect on the day before the date on which that subparagraph ceased to have effect under clause (ii) of this subparagraph.

''(II) GRANT OF REQUEST.—The Attorney General shall grant a request submitted under subclause (I) within 60 days upon a showing of good cause.

''(E) DISPOSITION OF FUNDS HELD IN ABEYANCE.—

''(i) IN GENERAL.—If the chief executive officer of a State who has submitted an assurance under subparagraph (A)(ii)(II) subsequently submits a certification under subparagraph (A)(i) during the 3-year period beginning on the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General will release all funds held in abeyance under subparagraph (A)(ii)(II) to be used by the State in accordance with the conditions of the grant program for which the funds were provided.

''(ii) RELEASE OF FUNDS.—If the chief executive officer of a State who has submitted an assurance under subparagraph (A)(ii)(II) is unable to submit a certification during the 3-year period beginning on the date of enactment of the Justice for All Reauthorization Act of 2016, but does assure the Attorney General that ⅔ of prisons under the operational control of the executive branch of the State have been audited at least once, the Attorney General shall release all of the funds of the State held in abeyance to be used in adopting and achieving full compliance with the national standards, if the State agrees to comply with the applicable

requirements in clauses (ii) and (iii) of subparagraph (C).

''(iii) REDISTRIBUTION OF FUNDS.—If the chief executive officer of a State who has submitted an assurance under subparagraph (A)(ii)(II) is unable to submit a certification during the 3-year period beginning on the date of enactment of the Justice for All Reauthorization Act of 2016 and does not assure the Attorney General that ⅔ of prisons under the operational control of the executive branch of the State have been audited at least once, the Attorney General shall redistribute the funds of the State held in abeyance to other States to be used in accordance with the conditions of the grant program for which the funds were provided.

''(F) PUBLICATION OF AUDIT RESULTS.—Not later than 1 year after the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General shall request from each State, and make available on an appropriate Internet website, all final audit reports completed to date for prisons under the operational control of the executive branch of each State. The Attorney General shall update such website annually with reports received from States under subparagraphs (B)(i) and (C)(i).

''(G) REPORT ON IMPLEMENTATION OF NATIONAL STANDARDS.—Not later than 2 years after the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General shall issue a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the status of implementation of the national standards and the steps the Department, in conjunction with the States and other key stakeholders, is taking to address any unresolved implementation issues.''; and

(B) by adding at the end the following:

''(8) BACKGROUND CHECKS FOR AUDITORS.—An individual seeking certification by the Department of Justice to serve as an auditor of prison compliance with the national standards described in subsection (a) shall, upon request, submit fingerprints in the manner determined by the Attorney General for criminal history record checks of the applicable State and Federal Bureau of Investigation repositories.''.

SEC. 9. ADDITIONAL REAUTHORIZATIONS.

(a) DNA RESEARCH AND DEVELOPMENT.—Section 305(c) of the Justice for All Act of 2004 (42 U.S.C. 14136b(c)) is amended by striking ''$15,000,000 for each of fiscal years 2005 through 2009'' and inserting ''$5,000,000 for each of fiscal years 2017 through 2021''.

(b) FBI DNA PROGRAMS.—Section 307(a) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2275) is amended by striking ''$42,100,000 for each of fiscal years 2005 through 2009'' and inserting ''$10,000,000 for each of fiscal years 2017 through 2021''.

(c) DNA IDENTIFICATION OF MISSING PERSONS.—Section 308(c) of the Justice for All Act of 2004 (42 U.S.C. 14136d(c)) is amended by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2017 through 2021''.

SEC. 10. PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.

(a) GRANTS.—Part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797j) is amended—

(1) in section 2802(2) (42 U.S.C. 3797k(2)), by inserting after ''bodies'' the following: ''and is accredited by an accrediting body that is a signatory to an internationally recognized arrangement and that offers accreditation to forensic science conformity assessment bodies using an accreditation standard that is recognized by that internationally recognized arrangement, or attests, in a manner that is legally binding and enforceable, to use a portion of the grant amount to prepare and apply for such accreditation not more than 2 years after the date on which a grant is awarded under section 2801'';

(2) in section 2803(a) (42 U.S.C. 3797l(a))—

(A) in paragraph (1)—

(i) by striking ''Seventy-five percent'' and inserting ''Eighty-five percent''; and

(ii) by striking ''75 percent'' and inserting ''85 percent'';

(B) in paragraph (2), by striking ''Twenty-five percent'' and inserting ''Fifteen percent''; and

(C) in paragraph (3), by striking ''0.6 percent'' and inserting ''1 percent'';

(3) in section 2804(a) (42 U.S.C. 3797m(a))—

(A) in paragraph (2)—

(i) by inserting ''impression evidence,'' after ''latent prints,''; and

(ii) by inserting ''digital evidence, fire evidence,'' after ''toxicology,'';

(B) in paragraph (3), by inserting ''and medicolegal death investigators'' after ''laboratory personnel''; and

(C) by inserting at the end the following:

''(4) To address emerging forensic science issues (such as statistics, contextual bias, and uncertainty of measurement) and emerging forensic science technology (such as high throughput automation, statistical software, and new types of instrumentation).

''(5) To educate and train forensic pathologists in the United States.

''(6) To work with the States and units of local government to direct funding to medicolegal death investigation systems to facilitate accreditation of medical examiner and coroner offices and certification of medicolegal death investigators.''; and

(4) in section 2806(a) (42 U.S.C. 3797o(a))—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) the progress of any unaccredited forensic science service provider receiving grant funds toward obtaining accreditation; and''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(24) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is amended—

(1) in subparagraph (H), by striking ''and'' at the end;

(2) in subparagraph (I), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(J) $25,000,000 for each of fiscal years 2017 through 2021.''.

SEC. 11. IMPROVING THE QUALITY OF REPRESENTATION IN STATE CAPITAL CASES.

Section 426 of the Justice for All Act of 2004 (42 U.S.C. 14163e) is amended—

(1) in subsection (a), by striking ''$75,000,000 for each of fiscal years 2005 through 2009'' and inserting ''$30,000,000 for each of fiscal years 2017 through 2021''; and

(2) in subsection (b), by inserting before the period at the end the following: '', or upon a showing of good cause, and at the discretion of the Attorney General, the State may determine a fair allocation of funds across the uses described in sections 421 and 422''.

SEC. 12. POST-CONVICTION DNA TESTING.

(a) IN GENERAL.—Section 3600 of title 18, United States Code, is amended—

(1) by striking ''under a sentence of'' in each place it appears and inserting ''sentenced to'';

(2) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking ''death''; and

(B) in paragraph (3)(A), by striking ''and the applicant did not—'' and all that follows through ''knowingly fail to request'' and inserting ''and the applicant did not knowingly fail to request'';

(3) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) order the Government to—

''(i) prepare an inventory of the evidence related to the case; and

''(ii) issue a copy of the inventory to the court, the applicant, and the Government.'';

(4) in subsection (e)—

(A) by amending paragraph (1) to read as follows:

''(1) RESULTS.—

''(A) IN GENERAL.—The results of any DNA testing ordered under this section shall be simultaneously disclosed to the court, the applicant, and the Government.

''(B) RESULTS EXCLUDE APPLICANT.—

''(i) IN GENERAL.—If a DNA profile is obtained through testing that excludes the applicant as the source and the DNA complies with the Federal Bureau of Investigation's requirements for the uploading of crime scene profiles to the National DNA Index System (referred to in this subsection as 'NDIS'), the court shall order that the law enforcement entity with direct or conveyed statutory jurisdiction that has access to the NDIS submit the DNA profile obtained from probative biological material from crime scene evidence to determine whether the DNA profile matches a profile of a known individual or a profile from an unsolved crime.

''(ii) NDIS SEARCH.—The results of a search under clause (i) shall be simultaneously disclosed to the court, the applicant, and the Government.''; and

(B) in paragraph (2), by striking ''the National DNA Index System (referred to in this subsection as 'NDIS')'' and inserting ''NDIS''; and

(5) in subsection (g)(2)(B), by striking ''death''.

(b) PRESERVATION OF BIOLOGICAL EVIDENCE.—Section 3600A of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''under a sentence of'' and inserting ''sentenced to''; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively.

SEC. 13. KIRK BLOODSWORTH POST-CONVICTION DNA TESTING PROGRAM.

(a) IN GENERAL.—Section 413 of the Justice for All Act of 2004 (42 U.S.C. 14136 note) is amended—

(1) in the matter preceding paragraph (1), by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2017 through 2021''; and

(2) by striking paragraph (2) and inserting the following:

''(2) for eligible entities that are a State or unit of local government, provide a certification by the chief legal officer of the State in which the eligible entity operates or the chief legal officer of the jurisdiction in which the funds will be used for the purposes of the grants, that the State or jurisdiction—

''(A) provides DNA testing of specified evidence under a State statute or a State or

local rule or regulation to persons sentenced to imprisonment or death for a State felony offense, in a manner intended to ensure a reasonable process for resolving claims of actual innocence that ensures post-conviction DNA testing in at least those cases that would be covered by section 3600(a) of title 18, United States Code, had they been Federal cases and, if the results of the testing exclude the applicant as the source of the DNA, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar the application as untimely; and

''(B) preserves biological evidence, as defined in section 3600A of title 18, United States Code, under a State statute or a State or local rule, regulation, or practice in a manner intended to ensure that reasonable measures are taken by the State or jurisdiction to preserve biological evidence secured in relation to the investigation or prosecution of, at a minimum, murder, nonnegligent manslaughter and sexual offenses.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 412(b) of the Justice for All Act of 2004 (42 U.S.C. 14136e(b)) is amended by striking ''$5,000,000 for each of fiscal years 2005 through 2009'' and inserting ''$10,000,000 for each of fiscal years 2017 through 2021''.

SEC. 14. ESTABLISHMENT OF BEST PRACTICES FOR EVIDENCE RETENTION.

(a) IN GENERAL.—Subtitle A of title IV of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2278) is amended by adding at the end the following:

''SEC. 414. ESTABLISHMENT OF BEST PRACTICES FOR EVIDENCE RETENTION.

''(a) IN GENERAL.—The Director of the National Institute of Justice, in consultation with Federal, State, and local law enforcement agencies and government laboratories, shall—

''(1) establish best practices for evidence retention to focus on the preservation of forensic evidence; and

''(2) assist State, local, and tribal governments in adopting and implementing the best practices established under paragraph (1).

''(b) DEADLINE.—Not later than 1 year after the date of enactment of this section, the Director of the National Institute of Justice shall publish the best practices established under subsection (a)(1).

''(c) LIMITATION.—Nothing in this section shall be construed to require or obligate compliance with the best practices established under subsection (a)(1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2260) is amended by inserting after the item relating to section 413 the following:

''Sec. 414. Establishment of best practices for evidence retention.''.

SEC. 15. EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE.

(a) SHORT TITLE.—This section may be cited as the ''Effective Administration of Criminal Justice Act of 2015''.

(b) STRATEGIC PLANNING.—Section 502 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3752) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''To request a grant''; and

(2) by adding at the end the following:

''(6) A comprehensive Statewide plan detailing how grants received under this section will be used to improve the administration of the criminal justice system, which shall—

''(A) be designed in consultation with local governments, and representatives of all segments of the criminal justice system, including judges, prosecutors, law enforcement personnel, corrections personnel, and providers of indigent defense services, victim services, juvenile justice delinquency prevention programs, community corrections, and reentry services;

''(B) include a description of how the State will allocate funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

''(C) describe the process used by the State for gathering evidence-based data and developing and using evidence-based and evidence-gathering approaches in support of funding decisions;

''(D) describe the barriers at the State and local level for accessing data and implementing evidence-based approaches to preventing and reducing crime and recidivism; and

''(E) be updated every 5 years, with annual progress reports that—

''(i) address changing circumstances in the State, if any;

''(ii) describe how the State plans to adjust funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

''(iii) provide an ongoing assessment of need;

''(iv) discuss the accomplishment of goals identified in any plan previously prepared under this paragraph; and

''(v) reflect how the plan influenced funding decisions in the previous year.

''(b) TECHNICAL ASSISTANCE.—

''(1) STRATEGIC PLANNING.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments requesting support to develop and implement the strategic plan required under subsection (a)(6). *The Attorney General may enter into agreements with 1 or more non-governmental organizations to provide technical assistance and training under this paragraph.*

''(2) PROTECTION OF CONSTITUTIONAL RIGHTS.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments, including any agent thereof with responsibility for administration of justice, requesting support to meet the obligations established by the Sixth Amendment to the Constitution of the United States, which shall include—

''(A) public dissemination of practices, structures, or models for the administration of justice consistent with the requirements of the Sixth Amendment; and

''(B) assistance with adopting and implementing a system for the administration of justice consistent with the requirements of the Sixth Amendment.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2017 through 2021 to carry out this subsection.''.

(c) APPLICABILITY.—The requirement to submit a strategic plan under section 501(a)(6) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by subsection (b), shall apply to any application submitted under such section 501 for a grant for any fiscal year beginning after the date that is 1 year after the date of enactment of this Act.

SEC. 16. OVERSIGHT AND ACCOUNTABILITY.

All grants awarded by the Department of Justice that are authorized under this Act shall be subject to the following:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2016, and each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(2) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the 2 fiscal years beginning after the 12-month period described in paragraph (5).

(3) PRIORITY.—In awarding grants under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant under this Act, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) REIMBURSEMENT.—If an entity is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) DEFINED TERM.—In this section, the term ''unresolved audit finding'' means an audit report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 12-month period beginning on the date when the final audit report is issued.

(6) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this section and the grant programs described in this Act, the term ''nonprofit organization'' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General shall not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under a grant program described in this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(7) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 7.5 percent of the amounts authorized to be appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(8) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved by operation of this paragraph.

(9) PROHIBITION ON LOBBYING ACTIVITY.—

(A) IN GENERAL.—Amounts authorized to be appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of a Federal, State, local, or tribal government regarding the award of grant funding.

(B) PENALTY.—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

SEC. 17. NEEDS ASSESSMENT OF FORENSIC LABORATORIES.

(a) STUDY AND REPORT.—Not later than October 1, 2018, the Attorney General shall conduct a study and submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the status and needs of the forensic science community.

(b) REQUIREMENTS.—The report required under subsection (a) shall—

(1) examine the status of current workload, backlog, personnel, equipment, and equipment needs of public crime laboratories and medical examiner and coroner offices;

(2) include an overview of academic forensic science resources and needs, from a broad forensic science perspective, including nontraditional crime laboratory disciplines such as forensic anthropology, forensic entomology, and others as determined appropriate by the Attorney General;

(3) consider—

(A) the National Institute of Justice study, Forensic Sciences: Review of Status and Needs, published in 1999;

(B) the Bureau of Justice Statistics census reports on Publicly Funded Forensic Crime Laboratories, published in 2002, 2005, 2009, and 2014;

(C) the National Academy of Sciences report, Strengthening Forensic Science: A Path Forward, published in 2009; and

(D) the Bureau of Justice Statistics survey of forensic providers recommended by the National Commission of Forensic Science and approved by the Attorney General on September 8, 2014;

(4) provide Congress with a comprehensive view of the infrastructure, equipment, and personnel needs of the broad forensic science community; and

(5) be made available to the public.

[SEC. 18. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the authority of the Director of the Office of Victims of Crime under section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) includes funding ongoing projects that provide services to victims of crime on a nationwide basis or Americans abroad who are victims of crimes committed outside of the United States; and

(2) the proposed rule entitled ''VOCA Victim Assistance Program'' published by the Office of Victims of Crime of the Department of Justice in the Federal Register on August 27, 2013 (78 Fed. Reg. 52877), is consistent with section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603).]

SEC. 18. CRIME VICTIM ASSISTANCE.

(a) AMENDMENT.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting ''victim services,'' before ''demonstration projects''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the proposed rule entitled ''VOCA Victim Assistance Program'' published by the Office of Victims of Crime of the Department of Justice in the Federal Register on August 27, 2013 (78 Fed. Reg. 52877), is consistent with section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603).

SEC. 19. IMPROVING THE RESTITUTION PROCESS.

Section 3612 of title 18, United States Code, is amended by adding at the end the following:

''(j) EVALUATION OF OFFICES OF THE UNITED STATES ATTORNEY AND DEPARTMENT COMPONENTS.—

''(1) IN GENERAL.—The Attorney General shall, as part of the regular evaluation process, evaluate each office of the United States attorney and each component of the Department of Justice on the performance of the office or the component, as the case may be, in seeking and recovering restitution for victims under sections 3663 and 3663A.

''(2) REQUIREMENT.—Following an evaluation under paragraph (1), each office of the United States attorney and each component of the Department of Justice shall work to improve the practices of the office or component, as the case may be, with respect to seeking and recovering restitution for victims under sections 3663 and 3663A.

''(k) GAO REPORTS.—

''(1) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Comptroller General of the United States shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on restitution sought by the Attorney General under sections 3663 and 3663A during the 3-year period preceding the report.

''(2) CONTENTS.—The report required under paragraph (1) shall include statistically valid estimates of—

''(A) the number of cases in which a defendant was convicted and the Attorney General could seek restitution under this title;

''(B) the number of cases in which the Attorney General sought restitution;

''(C) of the cases in which the Attorney General sought restitution, the number of times restitution was ordered by the district courts of the United States;

''(D) the amount of restitution ordered by the district courts of the United States;

''(E) the amount of restitution collected pursuant to the restitution orders described in subparagraph (D);

''(F) the percentage of restitution orders for which the full amount of restitution has not been collected; and

''(G) any other measurement the Comptroller General determines would assist in evaluating how to improve the restitution process in Federal criminal cases.

''(3) RECOMMENDATIONS.—The report required under paragraph (1) shall include recommendations on the best practices for—

''(A) requesting restitution in cases in which restitution may be sought under sections 3663 and 3663A;

''(B) obtaining restitution orders from the district courts of the United States; and

''(C) collecting restitution ordered by the district courts of the United States.

''(4) REPORT.—Not later than 3 years after date on which the report required under paragraph (1) is submitted, the Comptroller General of the United States shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the implementation by the Attorney General of the best practices recommended under paragraph (3).''.

Mr. CORNYN. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the Grassley amendment be agreed to, and the bill, as amended, be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The amendment (No. 4727) was agreed to, as follows:

(Purpose: To require the Attorney General to evaluate the performance of the Department of Justice in seeking and recovering restitution for victims under all Federal restitution provisions, to require recipients of DNA backlog capacity and enhancement grants to report on how they actually used their grant funds, and to prevent duplicative grants)

On page 6, line 2, strike ''Of the amounts'' and insert ''(a) IN GENERAL.—Of the amounts''.

On page 6, between lines 21 and 22, insert the following:

(b) REPORTING.—

(1) REPORT BY GRANT RECIPIENTS.—With respect to amounts made available to the Attorney General for a DNA Analysis and capacity enhancement program and for other local, State, and Federal forensic activities under the heading ''STATE AND LOCAL LAW ENFORCEMENT'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''DEPARTMENT OF JUSTICE'', the Attorney General shall require recipients of the amounts to report on the effectiveness of the activities carried out using the amounts, including any information the Attorney General needs in order to submit the report required under paragraph (2).

(2) REPORT TO CONGRESS.—Not later than 1 month after the last day of each even-numbered fiscal year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, for each recipient of amounts described in paragraph (1)—

(A) the amounts distributed to the recipient;

(B) a summary of the purposes for which the amounts were used and an evaluation of the progress of the recipient in achieving those purposes;

(C) a statistical summary of the crime scene samples and arrestee or offender samples submitted to laboratories, the average time between the submission of a sample to a laboratory and the testing of the sample, and the percentage of the amounts that were paid to private laboratories; and

(D) an evaluation of the effectiveness of the grant amounts in increasing capacity and reducing backlogs.

On page 37, between lines 21 and 22, insert the following:

(10) PREVENTING DUPLICATIVE GRANTS.—

(A) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this Act, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine whether duplicate grants are awarded for the same purpose.

(B) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

(i) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

(ii) the reason the Attorney General awarded the duplicate grants.

On page 40, line 25, strike ''sections 3663 and 3663A'' and insert ''each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution''.

On page 41, line 7, strike ''sections 3663 and 3663A'' and insert ''each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution''.

On page 41, line 15, strike ''sections 3663 and 3663A'' and insert ''each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution''.

On page 41, line 22, insert ''or the Controlled Substances Act (21 U.S.C. 801 et seq.)'' after ''this title''.

On page 42, lines 21 and 22, strike ''sections 3663 and 3663A'' and insert ''each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution''.

On page 43, line 3, insert ''the'' before ''date''.

The bill was engrossed for a third reading and was read the third time.

Mr. CORNYN. Mr. President, I know of no further debate on this measure.

The PRESIDING OFFICER. Hearing no further debate, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 2577), as amended, was passed, as follows:

S. 2577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Justice for All Reauthorization Act of 2016''.

SEC. 2. CRIME VICTIMS' RIGHTS.

(a) RESTITUTION DURING SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended in the first sentence by inserting '', that the defendant make restitution in accordance with sections 3663 and 3663A, or any other statute authorizing a sentence of restitution,'' after ''supervision''.

(b) COLLECTION OF RESTITUTION FROM DEFENDANT'S ESTATE.—Section 3613(b) of title 18, United States Code, is amended by adding at the end the following: ''The liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the release from imprisonment of the person ordered to pay restitution. In the event of the death of the person ordered to pay restitution, the individual's estate will be held responsible for any unpaid balance of the restitution amount, and the lien provided in subsection (c) of this section shall continue until the estate receives a written release of that liability.''.

(c) VICTIM INTERPRETERS.—Rule 28 of the Federal Rules of Criminal Procedure is amended in the first sentence by inserting before the period at the end the following: '', including an interpreter for the victim''.

(d) GAO STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) conduct a study to determine whether enhancing the restitution provisions under sections 3663 and 3663A of title 18, United States Code, to provide courts broader authority to award restitution for Federal offenses would be beneficial to crime victims and what other factors Congress should consider in weighing such changes; and

(B) submit to Congress a report on the study conducted under subparagraph (A).

(2) CONTENTS.—In conducting the study under paragraph (1), the Comptroller General shall focus on the benefits to crime victims that would result if the restitution provisions under sections 3663 and 3663A of title 18, United States Code, were expanded—

(A) to apply to victims who have suffered harm, injury, or loss that would not have occurred but for the defendant's related conduct;

(B) in the case of an offense resulting in bodily injury resulting in the victim's death, to allow the court to use its discretion to award an appropriate sum to reflect the income lost by the victim's surviving family members or estate as a result of the victim's death;

(C) to require that the defendant pay to the victim an amount determined by the court to restore the victim to the position he or she would have been in had the defendant not committed the offense; and

(D) to require that the defendant compensate the victim for any injury, harm, or loss, including emotional distress, that occurred as a result of the offense.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CRIME VICTIMS.

(a) CRIME VICTIMS LEGAL ASSISTANCE GRANTS.—Section 103(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2264) is amended—

(1) in paragraph (1), by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021'';

(2) in paragraph (2), by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021'';

(3) in paragraph (3), by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021'';

(4) in paragraph (4), by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021''; and

(5) in paragraph (5), by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021''.

(b) CRIME VICTIMS NOTIFICATION GRANTS.—Section 1404E(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603e(c)) is amended by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021''.

SEC. 4. REDUCING THE RAPE KIT BACKLOG.

(a) IN GENERAL.—Of the amounts made available to the Attorney General for a DNA Analysis and capacity enhancement program and for other local, State, and Federal forensic activities under the heading ''STATE AND LOCAL LAW ENFORCEMENT'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''DEPARTMENT OF JUSTICE'' in a fiscal year—

(1) not less than 75 percent of such amounts shall be provided for grants for direct testing activities described under paragraphs (1), (2), and (3) of section 2(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)); and

(2) not less than 5 percent of such amounts shall be provided for grants for law enforcement agencies to conduct audits of their backlogged rape kits, including through the creation of a tracking system, under section 2(a)(7) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(7)), and to prioritize testing in those cases in which the statute of limitation will soon expire.

(b) REPORTING.—

(1) REPORT BY GRANT RECIPIENTS.—With respect to amounts made available to the Attorney General for a DNA Analysis and capacity enhancement program and for other local, State, and Federal forensic activities under the heading ''STATE AND LOCAL LAW ENFORCEMENT'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''DEPARTMENT OF JUSTICE'', the Attorney General shall require recipients of the amounts to report on the effectiveness of the activities carried out using the amounts, including any information the Attorney General needs in order to submit the report required under paragraph (2).

(2) REPORT TO CONGRESS.—Not later than 1 month after the last day of each even-numbered fiscal year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, for each recipient of amounts described in paragraph (1)—

(A) the amounts distributed to the recipient;

(B) a summary of the purposes for which the amounts were used and an evaluation of the progress of the recipient in achieving those purposes;

(C) a statistical summary of the crime scene samples and arrestee or offender samples submitted to laboratories, the average time between the submission of a sample to a laboratory and the testing of the sample, and the percentage of the amounts that were paid to private laboratories; and

(D) an evaluation of the effectiveness of the grant amounts in increasing capacity and reducing backlogs.

SEC. 5. SEXUAL ASSAULT NURSE EXAMINERS.

Section 304 of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136a) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) PREFERENCE.—

''(1) IN GENERAL.—In reviewing applications submitted in accordance with a program authorized, in whole or in part, by this

section, the Attorney General shall give preference to any eligible entity that certifies that the entity will use the grant funds to—

''(A) operate or expand forensic nurse examiner programs in a rural area or for an underserved population, as those terms are defined in section 4002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925);

''(B) hire full-time forensic nurse examiners to conduct activities under subsection (a); or

''(C) sustain or establish a training program for forensic nurse examiners.

''(2) DIRECTIVE TO THE ATTORNEY GENERAL.—Not later than 120 days after the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General shall coordinate with the Secretary of Health and Human Services to inform Federally Qualified Health Centers, Community Health Centers, hospitals, colleges and universities, and other appropriate health-related entities about the role of forensic nurses and existing resources available within the Department of Justice and the Department of Health and Human Services to train or employ forensic nurses to address the needs of communities dealing with sexual assault, domestic violence, and elder abuse. The Attorney General shall collaborate on this effort with nongovernmental organizations representing forensic nurses.''.

SEC. 6. PROTECTING THE VIOLENCE AGAINST WOMEN ACT.

Section 8(e)(1)(A) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15607(e)(1)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period and inserting ''; and''; and

(3) by inserting at the end the following:

''(iii) the program is not administered by the Office on Violence Against Women of the Department of Justice.''.

SEC. 7. CLARIFICATION OF VIOLENCE AGAINST WOMEN ACT HOUSING PROTECTIONS.

Section 41411(b)(3)(B)(ii) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–11(b)(3)(B)(ii)) is amended—

(1) in the first sentence, by inserting ''or resident'' after ''any remaining tenant''; and

(2) in the second sentence, by inserting ''or resident'' after ''tenant'' each place it appears.

SEC. 8. STRENGTHENING THE PRISON RAPE ELIMINATION ACT.

The Prison Rape Elimination Act of 2003 (42 U.S.C. 15601 et seq.) is amended—

(1) in section 6(d)(2) (42 U.S.C. 15605(d)(2)), by striking subparagraph (A) and inserting the following:

''(A)(i) include the certification of the chief executive that the State receiving such grant has adopted all national prison rape standards that, as of the date on which the application was submitted, have been promulgated under this Act; or

''(ii) demonstrate to the Attorney General, in such manner as the Attorney General shall require, that the State receiving such grant is actively working to adopt and achieve full compliance with the national prison rape standards described in clause (i);''; and

(2) in section 8(e) (42 U.S.C. 15607(e))—

(A) by striking paragraph (2) and inserting the following:

''(2) ADOPTION OF NATIONAL STANDARDS.—

''(A) IN GENERAL.—For each fiscal year, any amount that a State would otherwise receive for prison purposes for that fiscal year under a grant program covered by this subsection shall be reduced by 5 percent, unless the chief executive officer of the State submits to the Attorney General proof of compliance with this Act through—

''(i) a certification that the State has adopted, and is in full compliance with, the national standards described in subsection (a); or

''(ii) an assurance that the State intends to adopt and achieve full compliance with those national standards so as to ensure that a certification under clause (i) may be submitted in future years, which includes—

''(I) a commitment that not less than 5 percent of such amount shall be used for this purpose; or

''(II) a request that the Attorney General hold 5 percent of such amount in abeyance pursuant to the requirements of subparagraph (E).

''(B) RULES FOR CERTIFICATION.—

''(i) IN GENERAL.—A chief executive officer of a State who submits a certification under this paragraph shall also provide the Attorney General with—

''(I) a list of the prisons under the operational control of the executive branch of the State;

''(II) a list of the prisons listed under subclause (I) that were audited during the most recently concluded audit year;

''(III) all final audit reports for prisons listed under subclause (I) that were completed during the most recently concluded audit year; and

''(IV) a proposed schedule for completing an audit of all the prisons listed under subclause (I) during the following 3 audit years.

''(ii) AUDIT APPEAL EXCEPTION.—Beginning on the date that is 3 years after the date of enactment of the Justice for All Reauthorization Act of 2016, a chief executive officer of a State may submit a certification that the State is in full compliance pursuant to subparagraph (A)(i) even if a prison under the operational control of the executive branch of the State has an audit appeal pending.

''(C) RULES FOR ASSURANCES.—

''(i) IN GENERAL.—A chief executive officer of a State who submits an assurance under subparagraph (A)(ii) shall also provide the Attorney General with—

''(I) a list of the prisons under the operational control of the executive branch of the State;

''(II) a list of the prisons listed under subclause (I) that were audited during the most recently concluded audit year;

''(III) an explanation of any barriers the State faces to completing required audits;

''(IV) all final audit reports for prisons listed under subclause (I) that were completed during the most recently concluded audit year;

''(V) a proposed schedule for completing an audit of all prisons under the operational control of the executive branch of the State during the following 3 audit years; and

''(VI) an explanation of the State's current degree of implementation of the national standards.

''(ii) ADDITIONAL REQUIREMENT.—A chief executive officer of a State who submits an assurance under subparagraph (A)(ii)(I) shall, before receiving the applicable funds described in subparagraph (A)(ii)(I), also provide the Attorney General with a proposed plan for the expenditure of the funds during the applicable grant period.

''(iii) ACCOUNTING OF FUNDS.—A chief executive officer of a State who submits an assurance under subparagraph (A)(ii)(I) shall, in a manner consistent with the applicable grant reporting requirements, submit to the Attorney General a detailed accounting of how the funds described in subparagraph (A) were used.

''(D) SUNSET OF ASSURANCE OPTION.—

''(i) IN GENERAL.—On the date that is 3 years after the date of enactment of the Justice for All Reauthorization Act of 2016, subclause (II) of subparagraph (A)(ii) shall cease to have effect.

''(ii) ADDITIONAL SUNSET.—On the date that is 6 years after the date of enactment of the Justice for All Reauthorization Act of 2016, clause (ii) of subparagraph (A) shall cease to have effect.

''(iii) EMERGENCY ASSURANCES.—

''(I) REQUEST.—Notwithstanding clause (ii), during the 2-year period beginning 6 years after the date of enactment of the Justice for All Reauthorization Act of 2016, a chief executive officer of a State who certifies that the State has audited not less than 90 percent of prisons under the operational control of the executive branch of the State may request that the Attorney General allow the chief executive officer to submit an emergency assurance in accordance with subparagraph (A)(ii) as in effect on the day before the date on which that subparagraph ceased to have effect under clause (ii) of this subparagraph.

''(II) GRANT OF REQUEST.—The Attorney General shall grant a request submitted under subclause (I) within 60 days upon a showing of good cause.

''(E) DISPOSITION OF FUNDS HELD IN ABEYANCE.—

''(i) IN GENERAL.—If the chief executive officer of a State who has submitted an assurance under subparagraph (A)(ii)(II) subsequently submits a certification under subparagraph (A)(i) during the 3-year period beginning on the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General will release all funds held in abeyance under subparagraph (A)(ii)(II) to be used by the State in accordance with the conditions of the grant program for which the funds were provided.

''(ii) RELEASE OF FUNDS.—If the chief executive officer of a State who has submitted an assurance under subparagraph (A)(ii)(II) is unable to submit a certification during the 3-year period beginning on the date of enactment of the Justice for All Reauthorization Act of 2016, but does assure the Attorney General that ⅔ of prisons under the operational control of the executive branch of the State have been audited at least once, the Attorney General shall release all of the funds of the State held in abeyance to be used in adopting and achieving full compliance with the national standards, if the State agrees to comply with the applicable requirements in clauses (ii) and (iii) of subparagraph (C).

''(iii) REDISTRIBUTION OF FUNDS.—If the chief executive officer of a State who has submitted an assurance under subparagraph (A)(ii)(II) is unable to submit a certification during the 3-year period beginning on the date of enactment of the Justice for All Reauthorization Act of 2016 and does not assure the Attorney General that ⅔ of prisons under the operational control of the executive branch of the State have been audited at least once, the Attorney General shall redistribute the funds of the State held in abeyance to other States to be used in accordance with the conditions of the grant program for which the funds were provided.

''(F) PUBLICATION OF AUDIT RESULTS.—Not later than 1 year after the date of enactment of the Justice for All Reauthorization Act of

2016, the Attorney General shall request from each State, and make available on an appropriate Internet website, all final audit reports completed to date for prisons under the operational control of the executive branch of each State. The Attorney General shall update such website annually with reports received from States under subparagraphs (B)(i) and (C)(i).

''(G) REPORT ON IMPLEMENTATION OF NATIONAL STANDARDS.—Not later than 2 years after the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General shall issue a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the status of implementation of the national standards and the steps the Department, in conjunction with the States and other key stakeholders, is taking to address any unresolved implementation issues.''; and

(B) by adding at the end the following:

''(8) BACKGROUND CHECKS FOR AUDITORS.—An individual seeking certification by the Department of Justice to serve as an auditor of prison compliance with the national standards described in subsection (a) shall, upon request, submit fingerprints in the manner determined by the Attorney General for criminal history record checks of the applicable State and Federal Bureau of Investigation repositories.''.

SEC. 9. ADDITIONAL REAUTHORIZATIONS.

(a) DNA RESEARCH AND DEVELOPMENT.—Section 305(c) of the Justice for All Act of 2004 (42 U.S.C. 14136b(c)) is amended by striking ''$15,000,000 for each of fiscal years 2005 through 2009'' and inserting ''$5,000,000 for each of fiscal years 2017 through 2021''.

(b) FBI DNA PROGRAMS.—Section 307(a) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2275) is amended by striking ''$42,100,000 for each of fiscal years 2005 through 2009'' and inserting ''$10,000,000 for each of fiscal years 2017 through 2021''.

(c) DNA IDENTIFICATION OF MISSING PERSONS.—Section 308(c) of the Justice for All Act of 2004 (42 U.S.C. 14136d(c)) is amended by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2017 through 2021''.

SEC. 10. PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.

(a) GRANTS.—Part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797j) is amended—

(1) in section 2802(2) (42 U.S.C. 3797k(2)), by inserting after ''bodies'' the following: ''and is accredited by an accrediting body that is a signatory to an internationally recognized arrangement and that offers accreditation to forensic science conformity assessment bodies using an accreditation standard that is recognized by that internationally recognized arrangement, or attests, in a manner that is legally binding and enforceable, to use a portion of the grant amount to prepare and apply for such accreditation not more than 2 years after the date on which a grant is awarded under section 2801'';

(2) in section 2803(a) (42 U.S.C. 3797l(a))—

(A) in paragraph (1)—

(i) by striking ''Seventy-five percent'' and inserting ''Eighty-five percent''; and

(ii) by striking ''75 percent'' and inserting ''85 percent'';

(B) in paragraph (2), by striking ''Twenty-five percent'' and inserting ''Fifteen percent''; and

(C) in paragraph (3), by striking ''0.6 percent'' and inserting ''1 percent'';

(3) in section 2804(a) (42 U.S.C. 3797m(a))—

(A) in paragraph (2)—

(i) by inserting ''impression evidence,'' after ''latent prints,''; and

(ii) by inserting ''digital evidence, fire evidence,'' after ''toxicology,'';

(B) in paragraph (3), by inserting ''and medicolegal death investigators'' after ''laboratory personnel''; and

(C) by inserting at the end the following:

''(4) To address emerging forensic science issues (such as statistics, contextual bias, and uncertainty of measurement) and emerging forensic science technology (such as high throughput automation, statistical software, and new types of instrumentation).

''(5) To educate and train forensic pathologists in the United States.

''(6) To work with the States and units of local government to direct funding to medicolegal death investigation systems to facilitate accreditation of medical examiner and coroner offices and certification of medicolegal death investigators.''; and

(4) in section 2806(a) (42 U.S.C. 3797o(a))—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) the progress of any unaccredited forensic science service provider receiving grant funds toward obtaining accreditation; and''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(24) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is amended—

(1) in subparagraph (H), by striking ''and'' at the end;

(2) in subparagraph (I), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(J) $25,000,000 for each of fiscal years 2017 through 2021.''.

SEC. 11. IMPROVING THE QUALITY OF REPRESENTATION IN STATE CAPITAL CASES.

Section 426 of the Justice for All Act of 2004 (42 U.S.C. 14163e) is amended—

(1) in subsection (a), by striking ''$75,000,000 for each of fiscal years 2005 through 2009'' and inserting ''$30,000,000 for each of fiscal years 2017 through 2021''; and

(2) in subsection (b), by inserting before the period at the end the following: '', or upon a showing of good cause, and at the discretion of the Attorney General, the State may determine a fair allocation of funds across the uses described in sections 421 and 422''.

SEC. 12. POST-CONVICTION DNA TESTING.

(a) IN GENERAL.—Section 3600 of title 18, United States Code, is amended—

(1) by striking ''under a sentence of'' in each place it appears and inserting ''sentenced to'';

(2) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking ''death''; and

(B) in paragraph (3)(A), by striking ''and the applicant did not—'' and all that follows through ''knowingly fail to request'' and inserting ''and the applicant did not knowingly fail to request'';

(3) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) order the Government to—

''(i) prepare an inventory of the evidence related to the case; and

''(ii) issue a copy of the inventory to the court, the applicant, and the Government.'';

(4) in subsection (e)—

(A) by amending paragraph (1) to read as follows:

''(1) RESULTS.—

''(A) IN GENERAL.—The results of any DNA testing ordered under this section shall be simultaneously disclosed to the court, the applicant, and the Government.

''(B) RESULTS EXCLUDE APPLICANT.—

''(i) IN GENERAL.—If a DNA profile is obtained through testing that excludes the applicant as the source and the DNA complies with the Federal Bureau of Investigation's requirements for the uploading of crime scene profiles to the National DNA Index System (referred to in this subsection as 'NDIS'), the court shall order that the law enforcement entity with direct or conveyed statutory jurisdiction that has access to the NDIS submit the DNA profile obtained from probative biological material from crime scene evidence to determine whether the DNA profile matches a profile of a known individual or a profile from an unsolved crime.

''(ii) NDIS SEARCH.—The results of a search under clause (i) shall be simultaneously disclosed to the court, the applicant, and the Government.''; and

(B) in paragraph (2), by striking ''the National DNA Index System (referred to in this subsection as 'NDIS')'' and inserting ''NDIS''; and

(5) in subsection (g)(2)(B), by striking ''death''.

(b) PRESERVATION OF BIOLOGICAL EVIDENCE.—Section 3600A of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''under a sentence of'' and inserting ''sentenced to''; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively.

SEC. 13. KIRK BLOODSWORTH POST-CONVICTION DNA TESTING PROGRAM.

(a) IN GENERAL.—Section 413 of the Justice for All Act of 2004 (42 U.S.C. 14136 note) is amended—

(1) in the matter preceding paragraph (1), by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2017 through 2021''; and

(2) by striking paragraph (2) and inserting the following:

''(2) for eligible entities that are a State or unit of local government, provide a certification by the chief legal officer of the State in which the eligible entity operates or the chief legal officer of the jurisdiction in which the funds will be used for the purposes of the grants, that the State or jurisdiction—

''(A) provides DNA testing of specified evidence under a State statute or a State or local rule or regulation to persons sentenced to imprisonment or death for a State felony offense, in a manner intended to ensure a reasonable process for resolving claims of actual innocence that ensures post-conviction DNA testing in at least those cases that would be covered by section 3600(a) of title 18, United States Code, had they been Federal cases and, if the results of the testing exclude the applicant as the source of the DNA, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar the application as untimely; and

''(B) preserves biological evidence, as defined in section 3600A of title 18, United States Code, under a State statute or a State or local rule, regulation, or practice in a manner intended to ensure that reasonable measures are taken by the State or jurisdiction to preserve biological evidence secured

in relation to the investigation or prosecution of, at a minimum, murder, nonnegligent manslaughter and sexual offenses.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 412(b) of the Justice for All Act of 2004 (42 U.S.C. 14136e(b)) is amended by striking ''$5,000,000 for each of fiscal years 2005 through 2009'' and inserting ''$10,000,000 for each of fiscal years 2017 through 2021''.

SEC. 14. ESTABLISHMENT OF BEST PRACTICES FOR EVIDENCE RETENTION.

(a) IN GENERAL.—Subtitle A of title IV of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2278) is amended by adding at the end the following:

''SEC. 414. ESTABLISHMENT OF BEST PRACTICES FOR EVIDENCE RETENTION.

''(a) IN GENERAL.—The Director of the National Institute of Justice, in consultation with Federal, State, and local law enforcement agencies and government laboratories, shall—

''(1) establish best practices for evidence retention to focus on the preservation of forensic evidence; and

''(2) assist State, local, and tribal governments in adopting and implementing the best practices established under paragraph (1).

''(b) DEADLINE.—Not later than 1 year after the date of enactment of this section, the Director of the National Institute of Justice shall publish the best practices established under subsection (a)(1).

''(c) LIMITATION.—Nothing in this section shall be construed to require or obligate compliance with the best practices established under subsection (a)(1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2260) is amended by inserting after the item relating to section 413 the following:

''Sec. 414. Establishment of best practices for evidence retention.''.

SEC. 15. EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE.

(a) SHORT TITLE.—This section may be cited as the ''Effective Administration of Criminal Justice Act of 2015''.

(b) STRATEGIC PLANNING.—Section 502 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3752) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''To request a grant''; and

(2) by adding at the end the following:

''(6) A comprehensive Statewide plan detailing how grants received under this section will be used to improve the administration of the criminal justice system, which shall—

''(A) be designed in consultation with local governments, and representatives of all segments of the criminal justice system, including judges, prosecutors, law enforcement personnel, corrections personnel, and providers of indigent defense services, victim services, juvenile justice delinquency prevention programs, community corrections, and reentry services;

''(B) include a description of how the State will allocate funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

''(C) describe the process used by the State for gathering evidence-based data and developing and using evidence-based and evidence-gathering approaches in support of funding decisions;

''(D) describe the barriers at the State and local level for accessing data and implementing evidence-based approaches to preventing and reducing crime and recidivism; and

''(E) be updated every 5 years, with annual progress reports that—

''(i) address changing circumstances in the State, if any;

''(ii) describe how the State plans to adjust funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

''(iii) provide an ongoing assessment of need;

''(iv) discuss the accomplishment of goals identified in any plan previously prepared under this paragraph; and

''(v) reflect how the plan influenced funding decisions in the previous year.

''(b) TECHNICAL ASSISTANCE.—

''(1) STRATEGIC PLANNING.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments requesting support to develop and implement the strategic plan required under subsection (a)(6). The Attorney General may enter into agreements with 1 or more non-governmental organizations to provide technical assistance and training under this paragraph.

''(2) PROTECTION OF CONSTITUTIONAL RIGHTS.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments, including any agent thereof with responsibility for administration of justice, requesting support to meet the obligations established by the Sixth Amendment to the Constitution of the United States, which shall include—

''(A) public dissemination of practices, structures, or models for the administration of justice consistent with the requirements of the Sixth Amendment; and

''(B) assistance with adopting and implementing a system for the administration of justice consistent with the requirements of the Sixth Amendment.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2017 through 2021 to carry out this subsection.''.

(c) APPLICABILITY.—The requirement to submit a strategic plan under section 501(a)(6) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by subsection (b), shall apply to any application submitted under such section 501 for a grant for any fiscal year beginning after the date that is 1 year after the date of enactment of this Act.

SEC. 16. OVERSIGHT AND ACCOUNTABILITY.

All grants awarded by the Department of Justice that are authorized under this Act shall be subject to the following:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2016, and each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(2) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the 2 fiscal years beginning after the 12-month period described in paragraph (5).

(3) PRIORITY.—In awarding grants under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant under this Act, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) REIMBURSEMENT.—If an entity is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) DEFINED TERM.—In this section, the term ''unresolved audit finding'' means an audit report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 12-month period beginning on the date when the final audit report is issued.

(6) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this section and the grant programs described in this Act, the term ''nonprofit organization'' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General shall not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under a grant program described in this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(7) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 7.5 percent of the amounts authorized to be appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(8) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the

conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved by operation of this paragraph.

(9) PROHIBITION ON LOBBYING ACTIVITY.—

(A) IN GENERAL.—Amounts authorized to be appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of a Federal, State, local, or tribal government regarding the award of grant funding.

(B) PENALTY.—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

(10) PREVENTING DUPLICATIVE GRANTS.—

(A) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this Act, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine whether duplicate grants are awarded for the same purpose.

(B) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

(i) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

(ii) the reason the Attorney General awarded the duplicate grants.

SEC. 17. NEEDS ASSESSMENT OF FORENSIC LABORATORIES.

(a) STUDY AND REPORT.—Not later than October 1, 2018, the Attorney General shall conduct a study and submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the status and needs of the forensic science community.

(b) REQUIREMENTS.—The report required under subsection (a) shall—

(1) examine the status of current workload, backlog, personnel, equipment, and equipment needs of public crime laboratories and medical examiner and coroner offices;

(2) include an overview of academic forensic science resources and needs, from a broad forensic science perspective, including nontraditional crime laboratory disciplines such as forensic anthropology, forensic entomology, and others as determined appropriate by the Attorney General;

(3) consider—

(A) the National Institute of Justice study, Forensic Sciences: Review of Status and Needs, published in 1999;

(B) the Bureau of Justice Statistics census reports on Publicly Funded Forensic Crime Laboratories, published in 2002, 2005, 2009, and 2014;

(C) the National Academy of Sciences report, Strengthening Forensic Science: A Path Forward, published in 2009; and

(D) the Bureau of Justice Statistics survey of forensic providers recommended by the National Commission of Forensic Science and approved by the Attorney General on September 8, 2014;

(4) provide Congress with a comprehensive view of the infrastructure, equipment, and personnel needs of the broad forensic science community; and

(5) be made available to the public.

SEC. 18. CRIME VICTIM ASSISTANCE.

(a) AMENDMENT.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting ''victim services,'' before ''demonstration projects''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the proposed rule entitled ''VOCA Victim Assistance Program'' published by the Office of Victims of Crime of the Department of Justice in the Federal Register on August 27, 2013 (78 Fed. Reg. 52877), is consistent with section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603).

SEC. 19. IMPROVING THE RESTITUTION PROCESS.

Section 3612 of title 18, United States Code, is amended by adding at the end the following:

''(j) EVALUATION OF OFFICES OF THE UNITED STATES ATTORNEY AND DEPARTMENT COMPONENTS.—

''(1) IN GENERAL.—The Attorney General shall, as part of the regular evaluation process, evaluate each office of the United States attorney and each component of the Department of Justice on the performance of the office or the component, as the case may be, in seeking and recovering restitution for victims under each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution.

''(2) REQUIREMENT.—Following an evaluation under paragraph (1), each office of the United States attorney and each component of the Department of Justice shall work to improve the practices of the office or component, as the case may be, with respect to seeking and recovering restitution for victims under each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution.

''(k) GAO REPORTS.—

''(1) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Comptroller General of the United States shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on restitution sought by the Attorney General under each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution during the 3-year period preceding the report.

''(2) CONTENTS.—The report required under paragraph (1) shall include statistically valid estimates of—

''(A) the number of cases in which a defendant was convicted and the Attorney General could seek restitution under this title or the Controlled Substances Act (21 U.S.C. 801 et seq.);

''(B) the number of cases in which the Attorney General sought restitution;

''(C) of the cases in which the Attorney General sought restitution, the number of times restitution was ordered by the district courts of the United States;

''(D) the amount of restitution ordered by the district courts of the United States;

''(E) the amount of restitution collected pursuant to the restitution orders described in subparagraph (D);

''(F) the percentage of restitution orders for which the full amount of restitution has not been collected; and

''(G) any other measurement the Comptroller General determines would assist in evaluating how to improve the restitution process in Federal criminal cases.

''(3) RECOMMENDATIONS.—The report required under paragraph (1) shall include recommendations on the best practices for—

''(A) requesting restitution in cases in which restitution may be sought under each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution;

''(B) obtaining restitution orders from the district courts of the United States; and

''(C) collecting restitution ordered by the district courts of the United States.

''(4) REPORT.—Not later than 3 years after the date on which the report required under paragraph (1) is submitted, the Comptroller General of the United States shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the implementation by the Attorney General of the best practices recommended under paragraph (3).''.

Mr. CORNYN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, by way of explanation, that final piece of legislation represents the passage of the Justice for All Reauthorization Act. This is legislation the Judiciary Committee has considered, as the Presiding Officer knows, which Senator PAT LEAHY, the ranking member, and I have been working on for some time.

It would improve victims' rights by increasing access to restitution and reauthorize programs that support crime victims in court, and it would increase resources for forensic labs to reduce the rape kit backlog. That last measure is something that has been a concern of mine for a number of years. Congress has appropriated a significant amount of money, under the Debbie Smith Act, to test forensic evidence in rape kits to identify the offenders in sexual assault cases. Unfortunately, over time, more and more of that money had been used for administrative and not testing purposes. If reports are to be believed, as many as 400,000 untested rape kits either sat in evidence lockers or in labs untested, thus denying those victims, whom those kits represent, resolution of their issues of closing the circle on their grief. We need to also make sure we have done everything we can in keeping our commitment to pursue the offender who has committed those sexual assaults.

Since my days as attorney general of Texas, protecting the rights of crime victims has been close to my heart, but I know we always worry about whether there is enough money to be able to adequately fund law enforcement. We have also previously—particularly on the issue of trafficking—made sure we created a crime victims fund that takes the money from the fines and

penalties paid by the procurers, or the people who are charged with purchasing sexual services from trafficking victims, puts that money into the fund that will then be used to help the victims heal. In particular, we need to get rid of this rape kit backlog.

I have been working with one of my personal heroes, Debbie Smith. She has worked very hard to make sure we don't forget these victims, just as she courageously talks about her own terrible experience. It is very important that we get more of these rape kits inventoried so we know exactly what the scope of the problem is and we get more of them tested.

Some cities like Houston, TX, have waited around for the Federal Government. Thanks to former Mayor Parker, Houston has cleared its rape kit backlog by testing all of them. It is incredible what sort of evidence they have been able to produce by creating hits on the DNA testing matchup and being able to solve previously unsolved crimes. Of course, DNA being as powerful as it is can also make sure that people who are falsely accused of a crime are exonerated.

I appreciate the work of the senior Senator from Vermont, Mr. LEAHY, who joined me in introducing the bill, and I appreciate his commitment to seeing it through. As always, I thank Senator GRASSLEY, chairman of the Senate Judiciary Committee, for his leadership in helping shepherd this bipartisan bill through the committee. This is now ready to go to President Obama and be signed into law.

With that, I yield the floor.

Mr. LEAHY. Mr. President, one of America's greatest strengths is our judicial system: a system based on the ideal of equal justice for all. The Senate has a critical role to play in protecting this judicial system. Perhaps most importantly, it is our responsibility to confirm qualified judges to vacancies throughout the country so that our courts function at full strength and Americans receive swift and reliable justice. Another core responsibility is ensuring fairness. In criminal cases, fairness requires that the rights of victims and the accused are respected. It requires that evidence is processed quickly and accurately. And if there is a mistake and an innocent person is wrongly convicted, fairness requires that we have the tools available to correct them.

The bill the Senate passes today, the Justice for All Reauthorization Act, will make our courts more fair. It provides tools to strengthen indigent defense and expand the rights of crime victims. It will improve the use of forensic evidence, including rape kits, to provide justice as swiftly as possible. It will help protect the innocent by increasing access to postconviction DNA testing. Passage of this bipartisan bill is long overdue, but it is an important step that we celebrate today.

The Justice for All Reauthorization Act builds on the work I began in 2000, when I introduced the Innocence Protection Act. That bill sought to ensure that defendants in the most serious cases receive competent representation and, when appropriate, access to postconviction DNA testing.

I started my career as a prosecutor in Vermont. I know that we must hold those who commit crimes accountable, but we must also ensure that our system treats the accused fairly and does not wrongly convict those who are not guilty. In some cases, DNA testing can prove the innocence of individuals where the system got it grievously wrong. ''Innocent until proven guilty'' is a hallmark of our criminal justice system, but when a person who has been found guilty is actually innocent, we must provide access to tools like DNA testing that can set the record straight.

The Innocence Protection Act and the funding it provides for postconviction DNA testing has played a critical role in helping the innocent clear their names and receive the exonerations they deserve. These cases happen more often than people might think. In the first 6 months of 2016, at least four people have been exonerated by DNA testing after spending a combined 100 years in prison for crimes they had not committed.

Can you imagine how terrifying it must be to be convicted of a crime you did not commit? You are separated from all that you know and all those you love—perhaps for decades or life. You are housed in a cold, bare prison cell, isolated and scared. And perhaps worst of all, no one believes you when you say you did not do it. The four men exonerated by DNA in just the last few months no doubt experienced that and worse, so did my friend Kirk Bloodsworth.

Kirk was a young man just out of the Marines when, in 1984, he was sentenced to death for the rape and murder of a 9 year-old girl, a heinous crime he did not commit. He maintained his innocence and finally received a second trial, only to be convicted again, though this time he received two consecutive life sentences. Again, he fought to clear his name, pushing to have the evidence against him tested for DNA, then a novel new scientific method. The DNA found at the crime scene was not his, and he was released from prison in 1993. He became the first death row inmate in the United States to be exonerated through the use of DNA evidence.

Kirk inspired me to create the Kirk Bloodsworth Post Conviction DNA Testing Grant Program as part of the Innocence Protection Act in 2000. He continues to be a remarkable champion for justice, and I am proud the grant program we both care so deeply about is reauthorized as part of the bipartisan legislation before us today.

We must continue funding this critical postconviction DNA testing since we know our system is imperfect. It is an outrage when an innocent person is wrongly punished, and this injustice is compounded when the true perpetrator remains on the streets, able to commit more crimes. We are all less safe when the system gets it wrong.

Of course we must do more to ensure that our justice system gets it right from the beginning, and that means improving the quality of indigent defense. This legislation requires the Department of Justice to provide technical assistance to States to improve their indigent defense systems, and it ensures that public defenders will have a seat at the table when States determine how to use their Byrne JAG criminal justice funding. Although these are small changes, I hope they lay the ground work for greater improvements ahead, including adoption of my Gideon's Promise Act. That legislation would allow the Department of Justice to ensure that States are satisfying their obligations to provide competent counsel under the 6th and 14th Amendments. It has been a part of this bill in previous years, but unfortunately does not yet have the support it needs for passage. We must do more to protect this fundamental right, and I will continue to work to see the Gideon's Promise Act passed into law.

In addition to the Innocence Protection Act, the Justice for All Reauthorization Act also increases resources for public forensic laboratories by reauthorizing the Coverdell program. It addresses the needs of sexual assault survivors by ensuring that rape kit backlogs are reduced and forensic exam programs are expanded. It strengthens some key provisions of the Prison Rape Elimination Act. And it expands rights for victims of all crime.

While we still have a long way to go, we have made progress over the years to respond to the needs of sexual assault survivors, and I am glad this legislation continues to build on that strong record. Last Congress, we reauthorized the Debbie Smith DNA Backlog Reduction Program, named for my brave friend Debbie Smith who waited for years after being attacked before her rape kit was tested and the perpetrator was caught. I included language in the Leahy-Crapo Violence Against Women Reauthorization Act of 2013 to increase services and funding for survivors of sexual assault and further reduce the rape kit backlog.

I thank Senator CORNYN for working with me to pass this important legislation today. The programs authorized through the Justice for All Act are a smart use of taxpayer dollars that ensure the integrity of our justice system. Senators who talk about the need to go after criminals and promote public safety should support our legislation, which I hope we can enact into law this year.

Mr. GRASSLEY. Mr. President, I commend Senator CORNYN and the ranking member of the Judiciary Committee, Senator LEAHY, for their work on the Justice for All Reauthorization Act of 2016, which today passed the Senate. I also want to thank the sponsors for agreeing to accept, as part of this reauthorization measure, some transparency language that I developed. This language also passed the Senate today by unanimous consent in the form of a floor amendment to the Justice for All Reauthorization Act.

The purpose of the original Justice for All Act, on which many of us worked during congressional consideration of the measure in 2004, is to protect crime victims' rights, authorize resources to reduce backlogs of unanalyzed DNA evidence from crime scenes and convicted offenders, and expand the DNA testing capacity of the Nation's crime laboratories. The statute also authorizes resources for testing DNA evidence to protect the innocent from wrongful convictions. By working together in a bipartisan fashion, our colleagues have produced legislation that will extend these programs for several more years.

The purpose of my amendment to this reauthorization measure is to increase the transparency and promote accountability of many DNA-related programs and activities that are administered by the Justice Department's Office of Justice Programs. We have all seen the recent articles in USA Today, ProPublica, and elsewhere that suggest we may need to take additional steps to effectively accomplish the goals of these programs. In particular, these articles have raised questions about the DNA capacity enhancement and backlog reduction program, which is administered by OJP's National Institute of Justice.

We don't fully understand, for example, why significant backlogs of DNA evidence from crimes of murder and sexual violence persist, despite the appropriation of more than $1 billion by Congress for the DNA programs that are authorized under the Justice for All Act. The U.S. Government Accountability Office, in a 2013 report entitled ''DOJ Could Improve Decision-Making Documentation and Better Assess Results of DNA Backlog Reduction Program Funds,'' suggested that NIJ could better document the rationale for its yearly funding priorities and take additional steps to verify the reliability of grantee performance data. The Justice Department's inspector general also suggested, in a March 2016 audit report of the DNA program, that NIJ's process for identifying grantees with the potential for generating program income needs improvement.

My transparency language, which is modeled on accountability language that already applies to grant recipients under the STOP grant program, is designed to elicit more information about how the funds appropriated for Justice for All Act programs are being used in practice. First, it would require the Attorney General to annually report to Congress, for each recipient of DNA grants, the amounts distributed to each grant recipient, the purposes for which these funds were used, and each recipient's progress in achieving those purposes. Second, under this amendment, the Attorney General must summarize the types of DNA samples submitted to crime labs, the average time it took to test these DNA samples, and the proportion of each grant that went to private crime labs. Finally, and perhaps most importantly, it would require the Attorney General to evaluate the effectiveness of grant amounts in increasing crime labs' capacity and reducing backlogs of DNA evidence.

The amendment I sponsored also includes some language that is designed to ensure we avoid duplication in grant programs, as well as a provision that is intended to enhance crime victims' access to restitution. I thank Senator LANKFORD, who cosponsored the amendment, for suggesting the inclusion of the antiduplication language, which is modeled on language that I led the Judiciary Committee in approving as part of several other measures before our committee. Senator FEINSTEIN, who also cosponsored this amendment, also deserves credit for suggesting the addition of restitution language.

In closing, I want to again extend my appreciation to Senators CORNYN and LEAHY for their hard work on this measure, which our Judiciary Committee reported last month and congratulate them on Senate passage of the Justice for All Reauthorization Act of 2016.

Mr. CORNYN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE ADDICTION AND RECOVERY ACT OF 2016

Mr. MCCONNELL. Madam President, I ask that the Chair lay before the Senate the House message accompanying S. 524.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 524) entitled ''An Act to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use,'' and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

COMPOUND MOTION

Mr. MCCONNELL. Madam President, I move that the Senate disagree to the amendments of the House, agree to the request by the House for a conference, and the Presiding Officer appoint the following conferees: Senators GRASSLEY, ALEXANDER, HATCH, SESSIONS, LEAHY, MURRAY, and WYDEN.

The PRESIDING OFFICER. The motion is now pending.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to disagree to the House amendments, agree to the request from the House for a conference, and the Presiding Officer appoint the following conferees: Senators Grassley, Alexander, Hatch, Sessions, Leahy, Murray, and Wyden with respect to S. 524, a bill to authorize the Attorney General and Secretary of Health and Human Services to award grants to address the national epidemics of prescription opioid abuse and heroin use, and to provide for the establishment of an inter-agency task force to review, modify, and update best practices for pain management and prescribing pain medication, and for other purposes.

John McCain, John Cornyn, Marco Rubio, Deb Fischer, Rob Portman, Roger F. Wicker, Richard Burr, Joni Ernst, David Vitter, James M. Inhofe, Dean Heller, Pat Roberts, Lamar Alexander, Ron Johnson, Tom Cotton, Thom Tillis, Mitch McConnell.

The PRESIDING OFFICER. Pursuant to rule XXVIII, there will now be up to 2 hours of debate equally divided in the usual form.

The Senator from Ohio.

Mr. PORTMAN. Madam President, I wish to start by commending the majority leader who just came to the floor and offered a motion to go to conference on CARA, the Comprehensive Addiction and Recovery Act of 2016. This is an incredibly important piece of legislation because it will allow the U.S. Congress to be a better partner in fighting against this heroin and prescription drug epidemic that is seizing our communities.

This is a big step today because it says we are going to send a few Senators over to work with the House to come up with a consensus bill between CARA, which passed in this body on March 10, by the way, by a 94-to-1 vote. That never happens around here, and it happened because after 2½ weeks of debate on the floor, everybody realized this is an issue that had to be addressed and that the legislation we

came up with was the sensible and responsible way to do it.

It was legislation we developed over a 3-year period. Senator WHITEHOUSE and I were the leads on it. We had five conferences here in Washington, bringing experts in from around the country. We took the best ideas, regardless of where they came from, and came up with a way to deal with the prevention and education aspect of this, to prevent people from getting into the funnel of addiction in the first place, but then, for those who are addicted, to treat addiction like the disease that it is, to get them into the treatment and recovery services that they need, as well as to help our law enforcement; specifically, to help our law enforcement with regard to Narcan, which is naloxone, which helps to stop the overdose deaths. We also help to get prescription drugs off of people's shelves and to avoid this issue of people getting into the issue of opioid addiction, sometimes inadvertently, through prescription drug overprescribing.

This is a bill that actually addresses the problem in a responsible way. It is comprehensive.

The House then passed its own legislation. They passed 18 separate bills, smaller bills, not as comprehensive but which included some good ideas that were not in the Senate bill; one, for instance, raising the cap on doctors who are treating people with Suboxone. Some of those ideas should be incorporated as well, but the point is, we have to move and move quickly.

If we think about this, since the Senate passed its legislation, which was on March 10, we have unfortunately seen roughly 129 people a day lose their lives to overdoses. So many thousands of Americans have lost their lives even since March 10. This legislation takes the right step to address that problem and not to address just those who have overdosed and died but those who are casualties of this epidemic, who have therefore lost their job, lost their family, lost their ability to be able to function.

As I talk to recovering addicts around my State of Ohio, I hear the same thing again and again: The drugs become everything, and this does cause families to be torn apart. It does cause crime. When I talk to prosecutors in my State, they tell me that most of the crime—in one county, recently a county prosecutor told me that 80 percent of the crime is due to this heroin and prescription drug epidemic. So this is one we must address for so many reasons, and we must address it right away.

I am pleased we are finally appointing conferees. I hope the other side will not consider blocking this because we need to move on with this to get this legislation to the President's desk. We have been talking with the House about their legislation that was passed subsequent to our legislation and talking about how to make some of these compromises to be able to come up with a consensus bill. I think we are very close. Again, I think there are some ideas in the House bill we should incorporate, and I think there are some ideas in the Senate bill that must be included in the House bill that are not included now. I think one is with regard to recovery services.

We know that the best evidence-based treatment and recovery can make a difference in turning people's lives around, and therefore we do support recovery services. For those in the field, they will tell us it is not just about the medication-assisted treatment, it is that longer term recovery that creates the success we are all looking for.

Then, on the prevention side, we have focused more specifically on a national awareness campaign to get people again focused on this issue of the link between prescription drugs and the dangers there that are narcotic prescription drugs and the opioid addiction issue. I can't tell you how sad it is to talk to parents back home who have lost a child because that child started on prescription drugs. In two cases, I can tell you about parents who have come to talk to me—one testified at a hearing that we had back in Cleveland, OH—two cases where the teenager went in to get a wisdom tooth extracted and was given painkillers—prescription drugs—and from that became addicted and from that went to heroin and from that, sadly, had an overdose and died.

So I think this awareness is incredibly important because most people don't realize that four out of five heroin addicts in Ohio started on prescription drugs. That awareness alone will save so many lives and create the opportunity for us to keep people out of that funnel of addiction in the first place. The grip of addiction is so strong that once you are in it, it is a huge challenge, but it is one that can be overcome, again with the right kind of treatment and the right kind of recovery.

Again, I am pleased that the majority leader came to the floor today to actually begin this process of the formal conference, to get this bill to the President's desk and, more importantly, to get this bill out to our communities so it can begin to help and it can begin to turn the tide.

It is not getting better. I wish I could say it was. When I talk to people who are staffing the hotlines back home, they tell me, unfortunately, there are more calls coming in. When I talk to people in our hospitals, they tell me, unfortunately, there are more babies born with addiction who are showing up in neonatal units. There has been a 750-percent increase in my State of Ohio in babies born with addiction just in the last dozen years.

Unfortunately, when I talk to people about the emergency room—I talked to an emergency room nurse last weekend when I was in Cleveland. I was at a festival talking to people, and an emergency room nurse came up to me. I heard the same thing I have heard many times, which is you have to do something about this issue. More and more people are coming to our emergency rooms seeking help.

Of course, it is creating an issue in terms of jobs and employment because people who are addicted often are not able to work, cannot hold down a job, and cannot pass a drug test. So it is affecting our economy in so many ways, and of course affecting our families. Ultimately, it is about individuals not being able to pursue their God-given purpose in life because these drugs are getting them off track.

CARA passed in the Senate by a 94-to-1 vote, as I said. So there is common ground here among Republicans and Democrats alike. This is not a partisan issue. It never has been. From the start, over the last few years we have worked together. In fact, we worked with the House, not just bipartisan but bicameral, and put together legislation both Chambers could support. There were about 129 House Members who were cosponsors of the legislation that passed the Senate. Initially, we took ideas from the House and the Senate, and this is why I am a little frustrated, frankly, that we haven't made more progress already. Now is the time to move. Let's get this done before July 4. Let's get it done next week. Let's get it to the President and to our communities. There is no reason for us to wait. With this step today, of the formal naming of the conferees, there is no reason for us not to move forward with this and move forward with it in a way that shows we can work together as a House and Senate to solve these problems.

Some have said: Well, there might be some other ideas that will come up. That is fine. I hope there will be lots of new ideas that will come up because there is no silver bullet, but we know this legislation will help. We know it is comprehensive. We know it is well-thought-out. We know it is based on best practices. Let's move forward with this now because it is urgent.

One American every 12 minutes loses his or her life to overdoses. Since CARA passed, this means more than 11,000 Americans have died of overdoses. So since March 10, when this legislation passed on the Senate floor, 11,000 Americans lost their lives. Again, it doesn't include the hundreds of thousands more who are affected in some fundamental ways.

People back home get this. When I was on a tele-townhall meeting recently, one of my constituents called in, and he started talking about the CARA legislation and the importance

of more funding for evidence-based treatment that works. There was something about the way he was describing it, and I could tell this was personal. So I said: Sir, can you tell us why you know so much about this and why you are so interested?

There was a pause. I knew what was coming because I heard it too many times before. He explained that he had lost his daughter. She had been in and out of treatment programs, and relapsed. She had been in prison and out. She had finally decided that she was ready, that she wanted to accept a treatment program to be able to turn her life around. She was in a position to do so. They took her to a treatment center to get treatment, and there was a waiting list. During the time she was on that waiting list—I believe it was 14 days—was when they found her. She had overdosed. His point was very simple. You can imagine the emotion on the call.

His point was very simple. When someone is ready to seek treatment, we need to have treatment available for them. We are told that eight out of ten heroin addicts—nine out of ten overall—are not seeking treatment who need it. Some of that is because of the stigma associated with addiction. We need to wipe that stigma away to get people into treatment. Some of it is because there is not the availability of treatment in some parts of Ohio. In some parts of Ohio, in some of our rural areas, there literally is no effective treatment available. In other areas, in some of our urban areas, where there is good treatment available and some amazing places that are doing incredible work, they do have a waiting list at some of them. We also have a waiting list with regard to some of the longer term recovery centers and residential centers in Ohio. That again is helped by this legislation. We also have difficulty with some of our detox centers in some areas of Ohio. There is not enough room in the detox center so the police don't know where to take people to get them started in this process.

We hear stories constantly back home in Ohio about this issue because, sadly, we are one of the States that is hardest hit. We are in the top five in the country in overdoses, and in fentanyl overdoses we may be No. 1. Fentanyl, by the way, is a synthetic form of heroin.

People ask: Is it about prescription drugs or heroin? It is about the drugs. If it is not heroin, it may be fentanyl. If it is not fentanyl, next year it may be something else. It may go back to methamphetamines. It may be about cocaine. It is about the drugs, and we can't take our eye off of this issue because when we think we solve one problem another problem will crop up.

Fentanyl is produced synthetically. It is usually in the mail, and it is mailed mostly from Ohio. From our experience, it is coming from China to the United States. It is made by chemists who don't care about our kids or our citizens, because they are making this deadly poison. Sometimes it is mixed with heroin. Sometimes it is put into a pill form to try to indicate that it might be a prescription drug pill that people might think is more safe, which it is obviously not. This fentanyl is causing more deaths in my hometown of Cincinnati and Cleveland, OH, than heroin these days.

We hear stories such as the story of Nicholas Dicillo of Cleveland, OH. Nicholas was a bright young man, a gifted musician. He had a full scholarship to Northwestern University. His father died of a heroin overdose when he was a child. Two decades later, sadly, Nick became a heroin addict himself after experimenting with it with some friends. It was an experiment, and he got addicted. I hope people who are listening today understand this is something that cannot be played with. You are playing with fire.

He soon realized that he had made a tragic mistake. He said: ''Heroin took me to the depths of hell.'' That was his quote.

Then his mother Celeste died of a heroin overdose in January. Nicholas was the one who found her body. That heartbreaking experience motivated Nick to get clean. He made a promise to himself that he would not suffer that same fate, the fate of both of his parents. After his mother died, he was homeless. He tried quitting cold turkey. That didn't work. He wasn't able to do it. Most heroin prescription drug addicts are not. He sought help, he sought treatment, and he was clean for 2 months.

I am just starting to like myself again. I have a whole lot more life to live. I have a whole lot more I want to do. I don't want to become another statistic.

But then, sadly, he relapsed. He overdosed. He was found dead with a needle in his arm on May 4 in west Cleveland, OH. Memorial services are being held for him in Cleveland this week.

That is what is happening in northeast Ohio. In southwest Ohio, a woman arrested by the Cincinnati Police pled guilty last week to repeatedly trafficking her own 11-year-old daughter to her 42-year-old drug dealer in exchange for heroin. Sadly, she even gave this girl—her 11-year-old daughter—heroin.

You get the picture. This is not in one ZIP Code. This is not in one community. It knows no ZIP Code. It is in our rural areas, in our suburban areas, and in our inner cities. It is affecting every person regardless of their station in life, regardless of their background. No one is immune from it, and no one is unaffected by it. Ohioans know this is happening and they are taking action. That is positive. Terri Thompson, of Bluffton, OH, has founded a group called Ohio Moms Against Heroin, and I commend her for it. She has seven kids, by the way, and five of them have been addicted to heroin at one point or another over the past 20 years. They are from a middle-class Ohio home. One son went to prison. Over the next year, 12 of his peers died of heroin overdoses. Terri's youngest daughter—a cheerleader, a soccer player, and a talented piano player—made the mistake of trying heroin with her boyfriend. She became addicted. One of her brothers who got treatment and is now leading a productive life, is a small business owner. He encouraged her to get treatment, too, as he had gotten. She did, and now she is living a sober, clean, and a productive life.

Seven hundred Ohio moms have now joined Terri's group. We already know they have been saving people. They tell me a story about one woman who contacted the group when she needed treatment. Terri personally picked her up and drove her to detox and the woman has been clean for 3 months and is now back on track. On June 18, Terri and dozens of other moms will be rallying and marching in Findlay, OH, to educate people that addiction is a disease and it needs to be treated. Again, I commend her. I want to thank Terri and all those involved in this body. She is a brave woman who is channeling her grief toward something constructive, and that is helping others to avoid this disease.

In my hometown of Cincinnati, the Center for Addiction Treatment, also known as the CAT House, has announced a $5.7 million capital campaign to construct a new 17,000-square foot building to address the opioid epidemic. This will triple their capacity to be able to treat more patients. They will be able to treat about 6,000 patients. They do great work, and they have had great success. Construction has already begun. It is expected to be completed within a year.

I want to thank everyone who has made that possible, including the folks at the CAT House, but also the State of Ohio, the city of Cincinnati, the Deaconess Health Associations Foundation, and Bethesda, Inc.

The University of Cincinnati former law school dean emeritus, Joe Tomain, who is a friend of mine, has been speaking out about this epidemic, writing in the Cincinnati Enquirer: ''There is no more urgent need in our community than to address this drug scourge.'' I think he is right. I want to thank him for doing his part in helping to lend his voice to those who don't have a voice.

I know the scope of this epidemic can sometimes feel overwhelming. I know the way we talked about it today, it has to be frustrating to everybody hearing it. What are the solutions? How can we get at this? But we know there is hope. We know that prevention

can work. It is the right kind of prevention, if it is focused and targeted. We know that treatment and recovery can work. I have given you examples of that. Again, it has to be evidence-based. It has to be stuff that we are funding here because it works, not because we want to throw more money at a problem.

Reggie Gant, of Columbus, OH, was a married father of three who had a good job working at a paint company. He tore his rotator cuff. He was in pain. His doctor prescribed Percocet for his pain. He became addicted. When his doctor stopped filling the prescription, he started buying off of other people in the doctor's waiting room. When the pills weren't available or were too expensive, which is often the problem for these prescription drug addicts who turn to heroin, he switched to heroin. It was less expensive. It was more available. He was trapped in the funnel of addiction, and the drug became everything. He lost his relationship with his wife and his kids. He started stealing from his workplace. ''I did things I never thought I would do in a million years,'' he said.

As I said earlier, the drugs are everything. But he got treatment, spending 40 days at an inpatient facility. He has been clean for 6 months. He is getting help from the Lima Urban Minority Alcoholism and Drug Abuse Outreach Program. He is beating this because he was able to step forward and get into treatment. It was there for him. People can beat this, and they do every day.

Experts tell us 9 out of 10 of those who need treatment aren't getting it. As I said earlier, some of that is because of the stigma, and some of that is because of lack of access to facilities in their communities. This House effort that was undertaken with 18 separate bills combined with the Senate bill, the Comprehensive Addiction and Recovery Act, or CARA, will make a difference. It will provide more help to the type of treatment programs and recovery efforts that actually work.

If we can get this comprehensive bill to the President, we can help more people who are struggling to get treatment. We can help give them more hope. It is time to act and act quickly to find common ground before we lose more of our fellow Americans. Let's get this comprehensive bill into law and begin to help those millions of our fellow citizens who are struggling with this epidemic.

Thank you, Madam President.

I yield back my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CRUZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RADICAL ISLAMIC TERRORISM

Mr. CRUZ. Madam President, our Nation is at war. Five days ago, we saw a horrific terror attack in Orlando, FL. From September 11 to the Boston Marathon, from Fort Hood to Chattanooga, from San Bernardino to this attack in Orlando, radical Islamic terrorism has declared jihad on America. As the facts have unfolded, they now indicate that the Orlando terrorist had pledged his allegiance to ISIS in the process of murdering 49 and wounding more than 50 at a nightclub.

All of our hearts go out to those who were murdered. To the families of those who were victims and who are grieving, we stand in solidarity, we lift them up in prayer at this horrific act of terrorism. But it is also a time for action. We need a Commander in Chief who will speak the truth, who will address the enemy we face, who will unleash the full force and fury of the American military on defeating ISIS and defeating radical Islamic terrorists.

In the wake of the attack, many of us predicted what would unfold, and it was, sadly, the same political tale we have seen over and over again. Many of us predicted that Democrats would, as a matter of rigid partisan ideology, refuse even to say the words ''radical Islamic terrorist''; that they would suggest this attack was yet another isolated incident, one lone criminal, not connected to any global ideology, not connected to any global jihad; and that, even worse, they would try to use it as an excuse to go after the Second Amendment rights of law-abiding citizens. I wish, when we predicted that, that we had been proven incorrect. But this week played out all too predictably.

Yesterday we saw a political show on the Senate floor, with Democrat after Democrat standing for hours, incensed not at ISIS, incensed not at radical Islamic terrorism, but incensed that Americans have a right to keep and bear arms. This is political distraction. This is political gamesmanship. I think the American people find it ridiculous that in response to an ISIS terror attack, the Democrats go on high dudgeon that we have to restrict the Second Amendment rights of law-abiding citizens. This is not a gun control issue. This is a terrorism issue. And it is nothing less than political gamesmanship for them to try to shift to their favorite hobbyhorse of taking away the Bill of Rights from law-abiding citizens.

I have spent years defending the Second Amendment—the right to keep and bear arms—the Constitution, and the Bill of Rights, and I, along with the Presiding Officer, along with a great many Members of this Chamber, am committed to defending the constitutional rights of every American. You don't defeat terrorism by taking away our guns; you defeat terrorism by using our guns. This body should not be engaged in a political circus trying to restrict the Second Amendment. Instead, we should be focusing on the problem at hand.

Why did we see yesterday's series of speeches? Because Senate Democrats have an election coming up in November, and they don't want to talk about the real issue. Let's talk about ISIS. Let's talk about radical Islamic terrorism. Let's talk about the failures of the last 7 years of this administration to keep this country safe.

In response to my criticism and that of many others, President Obama gave a press conference where he said, echoing the words of Hillary Clinton: What difference does it make if we call it radical Islamic terrorism? Well, Mr. President, it makes a world of difference because the failure to address the enemy impacts every action taken to fight that enemy.

I want to talk in particular about three areas where this administration and the Senate Democrats' refusal to confront radical Islamic terrorism has made America less safe and what we need to do about it. Let's start with prevention. Over and over again we have seen the Obama administration having ample information to stop a terrorist attack. Yet, because of the political correctness, because of the ideology of this administration that will not even say the word ''jihad,'' will not even say the words ''radical Islamic terrorism,'' they look the other way, and the attacks go forward.

In my home State of Texas, Fort Hood, Nidal Hasan—the Obama administration knew that Nidal Hasan had been in communication with the radical Islamic cleric Anwar al-Awlaki. The Obama administration knew that Nidal Hasan had asked al-Awlaki about the permissibility of waging jihad against his fellow soldiers. All of that was known beforehand, yet they did nothing. They did nothing. And on that fateful day, Nidal Hasan murdered 14 innocent souls, yelling ''Allahu Akbar'' as he pulled the trigger. Yet, just to underscore the blindness of this administration even after the terror attack, the administration insisted on characterizing that terror attack as ''workplace violence.'' That is nothing short of delusion, and it is a delusion that cost 14 lives.

If we know of a U.S. servicemember who is communicating with a radical Islamic cleric and asking about waging jihad against his fellow soldiers, MPs should show up at that individual's door within minutes. And if we didn't have an administration that plunged its head in the sand like an ostrich and refused to acknowledge radical Islamic terrorism, Nidal Hasan would have been stopped before he carried out that horrific act of terrorism.

Likewise, with the Boston bombing and the Tsarnaev brothers, Russia had

informed the Obama administration they were connected with radical Islamic terrorism. We knew that. The FBI had gone and interviewed them. Yet, once again, they dropped the ball. They stopped monitoring them. They didn't even note when the elder Tsarnaev brother posted on YouTube a public call to jihad. Mind you, this did not require complicated surveillance. This was YouTube. Anyone with a computer who could type in ''Google'' could see this. Yet, because the administration will not acknowledge that we are fighting radical Islamic terrorism, they were not watching and monitoring the Tsarnaev brothers. So they called for public jihad and then carried out that public jihad with pressure cookers at the Boston Marathon—yet another example where we knew about the individual beforehand, and if we had focused prevention on the problem, we could have stopped it.

A third example was San Bernardino, that horrific terror attack. Once again, we had ample information about the individuals in question. The female terrorist who came to San Bernardino had given the administration a fake address in Pakistan. Yet the so-called vetting that this administration tells us they do had failed to discover that it was a fake address. She had made calls for jihad; yet the administration failed to discover that. In San Bernardino, we saw yet another horrific terror attack.

And how about Orlando? Let's talk about what the facts are in Orlando. Now, we are only 5 days in. The facts will develop further as they are more fully developed, but here is what has been publicly reported.

What has been publicly reported is that Omar Mateen was interviewed not once, not twice, but three times by the FBI in 2013 and 2014. One of the reasons he was interviewed by the FBI was that he was talking in his place of employment, which, ironically and shockingly enough, was a contractor to the Department of Homeland Security, and he was talking about being connected to terrorist organizations, including the Boston bombers. To any rational person, that is a big red flag. Yet it has also been reported that his coworkers were so afraid to say anything because they didn't want to be labeled as somehow anti-Muslim by speaking out about someone claiming to be connected to radical Islamic terrorists.

We also know that when he was questioned by the FBI in 2004, according to public reports, it was because he was believed to have been connected to and knew Moner Mohammad Abusalha, who traveled to Syria to join the terrorist organization al-Nusra Front and who became the first known American suicide bomber in the Syrian conflict. That is yet another big red flag. If you are palling around with al-Nusra suicide bombers, that ought to be a real flag. If the administration is focused on radical Islamic terrorism, this is an individual we ought to be watching.

We know that Mateen, as it has been reported, traveled to Mecca in Saudi Arabia for 10 days on March 2011 and for 8 days in March 2012. And we also have indications that the FBI may have been aware that he was a follower of the Islamist educational Web site run by radical Imams. Not only that, but his father has posted online videos expressing not only sympathy but arguably support for the Taliban. All of that is what the Obama administration knew. Yet by Sunday morning they were no longer watching Omar Mateen. They were no longer watching Omar Mateen. They were not monitoring him, and he was able to go in and commit a horrific act of murder.

The question that every Member of this body should be asking is, Why is the ball being dropped over and over and over again? It is not once. It is not twice. It is a pattern. It is a pattern of failing to connect the dots. I would suggest it is directly connected to President Obama and this administration's refusal to acknowledge what it is we are fighting. If you direct the prevention efforts to stopping radical Islamic terrorism—we had all the information we had on Mateen to keep a very close eye on him. Yet if that is not what you are fighting, then you close the investigation and yet another attack goes forward.

I would suggest that this willful blindness is one of the reasons we saw the circus yesterday on the Senate floor. Senate Democrats should be asking these questions, yet we don't hear them asking those questions. Instead, they want to shift this to gun control. They want to shift this to putting the Federal Government in charge of approving every firearms transaction between law-abiding citizens in America. Mind you, that would not have prevented this attack. Mind you, it was not directed at the evil of this attack. Mind you, it ignores the global jihad we are facing, but it is a convenient political dodge. We need serious leadership focused on keeping this country safe.

A second component of keeping this country safe is defeating ISIS—utterly and completely defeating ISIS.

In yesterday's circus, when calling for taking away your and my constitutional rights, how often did Senate Democrats say: Let's utterly destroy ISIS. Not with the pinprick attacks we are seeing, not with the photo-op foreign policy of this administration—a failed effort that leaves the terrorists laughing at us—but instead, using overwhelming airpower; instead, using the concerted power of the U.S. military, with rules of engagement that allow us to fight and win. Right now, sending our service men and women into combat with rules of engagement tying their hands behind their backs is wrong, it is immoral, and it is not accomplishing the task.

Do you want a response to the Orlando attacks? President Obama and Vice President BIDEN are going down. They will no doubt give a self-righteous speech about gun control, trying to strip away the rights of law-abiding Americans. How about they stand up and have the President pledge that ISIS will be driven from the face of the Earth? Do you want to see a response to murdering innocent Americans? If you declare war on America, you are signing your death warrant. That is the response of a Commander in Chief. That is the seriousness we need.

A third component of focusing on the enemy is that we should focus on keeping us safe—in particular, passing two pieces of legislation, both of which I introduced, the first of which is the Expatriate Terrorist Act. This is legislation which provides that if any American citizen goes and takes up arms and joins ISIS, joins a radical Islamic terrorist group, that he or she forfeits their U.S. citizenship. So you do not have American citizens coming back to America with U.S. passports to wage jihad on America. We have seen Americans such as Jose Padilla, Anwar al-Awlaki, and Faisal Shahzad, just to name a few, who have abandoned their country and joined with the terrorists in waging war against us. Just this week, the CIA Director testified to the Senate that more are coming; ISIS intends to send individuals back here to wage jihad.

Rather than engaging in political showmanship, trying to gain partisan advantage in the November election, how about we come together and say: If you join ISIS, you are not using a U.S. passport to come back here and murder American citizens. That ought to be a unanimous agreement if we were focused on keeping this country safe.

Likewise, let's talk about the problem of refugees. What are the consequences of the willful blindness of this administration that President Obama, in the face of this terror attack, says that he will admit some 10,000 Syrian Muslim refugees, despite the fact that the FBI Director has told Congress he cannot possibly vet them to determine if they are terrorists?

Here is what FBI Director Comey said:

> We can only query against that which we have collected. And so if someone has never made a ripple in the pond in Syria in a way that would get their identity or their interest reflected in our database, we can query our database until the cows come home, but there will be nothing to show up because we have no record of them.

This is an FBI Director who was appointed by President Obama who is telling the administration they cannot vet these refugees. Yet what does the administration say? What does Hillary Clinton say? What do the Senate Democrats say? Let the refugees in,

even though ISIS is telling us they are going to use those refugees to send terrorists here to come and murder us. This transcends mere partisan disagreement; this is lunacy.

We know the Paris attack was carried out in part by people who came in using the refugee program, taking advantage of the refugee program. Indeed, earlier this year, on January 6, 2016, Omar Faraj Saeed Al Hardan, a Palestinian born in Iraq who entered the United States as a refugee in 2009, was charged with attempting to provide support to ISIS. He wanted to set off bombs using cell phone detonators at two malls in my hometown of Houston, TX. This is a refugee who came from Iraq. Yet, do you hear the administration saying: This is a dangerous world. Jihadists are attempting to kill us. We have to keep us safe. They don't say that.

The legislation I have introduced, which I would urge this body to take up, would impose a 3-year moratorium on refugees coming from any nation where ISIS or Al Qaeda or radical Islamic terrorists control a substantial portion of the territory. We can help with humanitarian efforts. We can help resettling refugees in majority Muslim countries in the Middle East. America is a compassionate country that has given more than 10 times as much money as any country on Earth to caring for refugees. But being compassionate doesn't mean we are suicidal. It doesn't mean we invite to America, we invite to our homes people who the FBI cannot tell us if they are terrorists or not.

What should this Senate be doing? We shouldn't be engaging in a sideshow of gun control. By the way, I will say on behalf of a lot of American citizens, in the wake of this terror attack, it is offensive. I sat in that chair and presided yesterday over some of the show. It was offensive to see Democrat after Democrat prattling on about the NRA. It wasn't the NRA that murdered 49 people in Orlando. It wasn't the NRA that set up pressure cookers in the Boston bombing. It wasn't the NRA that murdered 14 innocent souls at Fort Hood. It is offensive to play political games with the constitutional rights of American citizens instead of getting serious about keeping this country safe.

I would urge this body to take up both pieces of legislation—the Expatriate Terrorist Act to prevent terrorists from using U.S. passports to come back to America and TRIPA to prevent refugees from countries with majority control, major control from ISIS or Al Qaeda from coming in, ISIS terrorists as refugees. Those would be commonsense steps. The overwhelming majority of Americans would agree. Yet, in this politicized environment, that is not what our friends on the other side of the aisle want to talk about. Until we get serious about defeating radical Islamic terrorists, we will continue to lose innocents.

I would note one aspect of the attack on Sunday morning. It was widely reported that it was at a gay bar. There are a great many Democrats who are fond of calling themselves champions of the LGBT community. I would suggest there is no more important issue to champion in that regard than protecting Americans from murder by a vicious ideology that systematically murders homosexuals, that throws them off buildings, that buries them under rocks. The regime in Iran, now supported by billions of dollars of American taxpayer dollars at the behest of President Obama, murders homosexuals regularly.

I will confess, some in the press pool were a little bit puzzled: Well, how can a Republican be speaking out against this? Let me be very clear. I am against murder. I am against murder of any American. Nobody has a right to murder anybody because they differ in faith, because they differ in sexual orientation, because they differ in any respect. We are a nation founded on protecting the rights of everyone to live according to their conscience, according to their faith. This murder in Orlando was not random; it was part of a global jihad, an ideology, an Islamist ideology that commands its adherents to murder or forcibly convert the infidel, by whom they mean every one of us.

This body should not be engaged in political games. We should be focused on the threat and keeping America safe and defeating radical Islamic terrorists.

As we remember the victims of this latest terror attack, the greatest memorial we can give to them is to redouble ourselves to a seriousness of purpose to prevent the next terror attack from taking innocent American lives. I hope that is what this body does. I hope we do so in a bipartisan manner.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Vermont.

Mr. LEAHY. Madam President, I am a proud cosponsor of the Comprehensive Addiction and Recovery Act, and I am glad that this important bill is now going to be moving to conference. I am glad that as the senior Democrat on the Judiciary Committee, I will be a conferee.

Beyond the idea of being a conferee, it is urgent that we find comprehensive and real solutions to the epidemic of heroin and prescription opioid abuse. I am in Vermont many times a month. I hear from people I know and from some I do not know. They are in the grocery stores, on the street, even coming out of church on Sunday. They are telling me of their concerns either within their own family or in their own neighborhood with the problems of opioid abuse. Communities throughout the Nation are grappling with this issue, whether they are in urban areas or rural areas or a State such as the Presiding Officer and I represent that has a mixture of both urban and rural.

I think the Federal Government has to do its part to provide the support necessary to sustain those efforts. It means real money. For rural communities, which are predominantly the communities in my home State of Vermont, it means better access to the opioid antidote Naloxone, which saves lives. I have held hearings throughout Vermont, and I have heard from not only the police but physicians, the faith community, parents, teachers, and others that Naloxone can save lives.

It is really not a question of whether there is a heroin-opioid epidemic; the question is how quickly we can respond. We have to act now. The American people expect us to, and that is an expectation they are justified to have. So let us fulfill the expectation.

I support the efforts by my neighbor from New Hampshire, Senator SHAHEEN, and I support her motion to instruct conferees to provide funding for State and local efforts to combat the opioid epidemic.

I also support my fellow New Englander, Senator WHITEHOUSE, in his motion to instruct conferees to address the needs of rural communities. I come from a State of 625,000 people—625,000 very special people. It is very rural. We need the help. I support Senator WHITEHOUSE in this.

I see other Senators on the floor, so I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

PUERTO RICO

Mr. MENENDEZ. Madam President, I rise today to be a voice for the 3½ million citizens living on the island of Puerto Rico. I rise so their concerns for themselves, their families, and their livelihoods will be heard—to ask that we improve House-passed legislation known as PROMESA. The word ''promesa'' in English would mean ''promise,'' but the only thing the House bill promises the people of Puerto Rico is years of subjugation at the hands of an anti-democratic control board.

All of us in this Senate will soon be faced with an immediate and serious choice, one which will have profound consequences on the people of Puerto Rico for a generation. I have said from the beginning, in terms of the challenge Puerto Rico has—a $70 billion debt; pays one-third of every dollar it receives toward paying interest, which is unsustainable for them and unsustainable for any governmental entity that would face that challenge; made tough, horrible decisions—closed schools, closed hospitals, reduced public safety—and still cannot meet the

challenge. They need a clear path to restructuring. That is not a bailout. A bailout is when somebody has a debt, you bring them the money and say, OK, we are going take care of your debt, but that is not the case. Restructuring is about taking the debt you have and giving the wherewithal for that debt to be restructured in a way that is both sustainable and can take care of the obligations therein.

It needs an oversight board that represents the people, the U.S. citizens of Puerto Rico, their needs and their concerns, and acknowledges and respects their Democratic rights as Americans, but, sadly, the legislation passed by the House last week falls far short of what we need on several fronts. Instead of offering a clear path to restructuring, it creates more obstacles. It creates a supermajority 5-to-2 vote by an unelected control board to get to the possibility of restructuring that could derail the island's attempts to achieve sustainable debt payments. Without any authority to restructure its debt, all this legislation will do is take away the Democratic rights of 3½ million Americans and leave the future to wishful thinking and a prayer that the crisis will somehow be resolved. Even if the board did allow restructuring after a series of hurdles, it will come at a steep price, and that price is the right of self-governance.

In return for being able to rework its debts, the people of Puerto Rico will be forced to relinquish their fundamental right to govern themselves and make their own decisions, the very same rights we fought to secure in a revolution 240 years ago.

What I am saying shouldn't come as a surprise to anyone who read the House Natural Resources Committee report, which was unequivocal when describing the vast powers this control board will exercise, which we will be voting on.

In an analysis by the nonpartisan Congressional Budget Office, it states: ''The board would have broad sovereign powers to effectively overrule decisions by Puerto Rico's legislature, governor and other public authorities.''

Let me repeat that. They will have broad sovereign powers. Words have consequences and meaning in legislation and in law. They will have broad sovereign powers to effectively overrule decisions made by the elected government of the 3½ million U.S. citizens who call Puerto Rico their home.

The Congressional Budget Office went on to say that the Board can ''effectively nullify''—cancel, goodbye, hasta la vista—''any new laws or policies adopted by Puerto Rico that did not conform to requirements specified in the bill.'' So not only can the control board set budgets and fiscal policy, it also has the power to veto other laws. Essentially, this means that the Board combines—think of this—the legislative powers of Congress with the veto powers of the Executive to form an omnipotent entity, the powers which are virtually unprecedented. We talk about checks and balances in our government as one of the creations by the Founders which was essential to a modern democracy. Well, we obliterate the checks and balances and the rights of the people of Puerto Rico by having an omnipotent entity, the powers of which are virtually unprecedented.

As the bill's own author noted in the markup memo, and I quote, ''[T]he Oversight Board may impose mandatory cuts on Puerto Rico's government and instrumentalities—a power far beyond that exercised by the Control Board established for the District of Columbia, when there was a control board, when the District of Columbia found itself in Fiscal Challenge.''

The fact that the Puerto Rican people will have absolutely no say over who is appointed or what action this Board decides is blatant neocolonialism. Instead, their fate will be determined by seven unelected, unaccountable members of a so-called oversight board that will act as a virtual oligarchy and impose their unchecked will on the island. If the Board uses the superpowers in this bill to close schools, shutter more hospitals, cut senior citizens' pensions to the bone, if it decides to hold a fire sale and put Puerto Rico's natural wonders on the auction block to the highest bidder, if it puts balanced budgets ahead of the health, safety, and well-being of children and families similar to the control board travesty that unfolded in Flint, there will be nothing the people of Puerto Rico or their elected representatives can do to stop them.

Of course the bill doesn't stop there. It also provides an exception to the Federal minimum wage for younger workers, and it exempts the island from recently finalized overtime protections. At a time when we are working to increase workers' wages, the people in the country have said through this election process: My wages are stagnant, and I feel I can't meet the challenges of myself and my family, PROMESA goes in the opposite direction, and it actually cuts workers' wages. It amazes me that the solution to get Puerto Rico's economy growing again is to ensure that workers make even less money. The island consists of 3½ million U.S. citizens, 40 percent of which are below the Federal poverty level, and now we are going to cut their wages. Lowering people's wages is not a pro-growth strategy. What it is, is a pro-migration strategy. All it will do is intensify outmigration to the mainland, where people who are U.S. citizens and happen to live in Puerto Rico are eligible for a higher minimum wage here, where they would have commonsense overtime protections, are eligible for full Medicare, Medicaid reimbursement, are eligible for the child tax credit as they try to raise their child and realize their hopes and dreams and aspirations, are eligible for the earned-income tax credit—all they have to do is take one flight to the United States. Yet we somehow think that a policy that subjugates these 3½ million citizens and takes away essential rights they have as American citizens is going to be a good fiscal policy for us as well.

Every time I talk about my brothers and sisters in Puerto Rico, I like to remind my colleagues in this Chamber and in the other that they have fought on behalf of America since World War I. They have fought in World War II, the Korean war, Vietnam, Desert Storm, Desert Shield, Iraq, Afghanistan, and the War on Terror. As a matter of fact, if you go and visit the Vietnam Memorial as it commemorates its 50th anniversary, you will find a disproportionately high number of Puerto Rican names etched in that solemn black stone as compared to the rest of the American population.

I remember being in the Visitor Center when the Speaker of the House had a celebration of the 65th Infantry Division, an all-Puerto Rican division, one of the most highly decorated in U.S. history, known as the Borinqueneers. They received the Congressional Gold Medal, the highest honor Congress gives any citizen.

We talked about their enormous contributions, their sacrifices on behalf of the Nation. These men and women—many of whom gave their lives—still serve so we can remain the land of the free. They will go back home to where their freedom and their right to self-governance will be stripped. These heroes deserve the same rights and respect as U.S. citizens in New Jersey, Wisconsin, Pennsylvania, Florida, Utah, or any other State in the Nation, but what this bill tells the people of Puerto Rico is this: Though you may be good enough to wear the uniform of your country, you may be good enough to fight and die to defend the United States, you are not good enough to make your own decisions, govern yourself, and have a voice in your own future.

I am not advocating to completely remove all oversight powers—to the contrary. I support helping Puerto Rico make informed, prudent decisions that put it on the path to economic growth and solvency. Despite its name, the oversight board envisioned by this bill doesn't simply oversee, it directs and commands. It doesn't assist. It absolutely controls potentially every significant public policy decision that affects those 3½ million U.S. citizens.

The Senate has an opportunity to change that situation. We have a chance to improve this bill and strike the right balance. I want the opportunity to offer a number of targeted, commonsense amendments to restore a

proper balance and ensure the people of Puerto Rico have a say in their future and to temper the powers of the control board and give the people of Puerto Rico more of a say as to who is on the Board that is going to determine their future for quite some time.

I know, as all of us do, that success is never guaranteed, but at the very least, the people of Puerto Rico deserve a thorough and thoughtful debate on the Senate floor.

I do not take lightly, nor should my colleagues, a decision to infringe upon the Democratic rights of the 3½ million U.S. citizens in Puerto Rico. Those 3½ million American citizens living in Puerto Rico and their 5 million family members living in our States and our districts deserve more than the Senate holding its nose to improve an inferior solution.

I am pleased to say that this sentiment has some bipartisan support. I sent a letter, with Senator WICKER, to Senate leadership asking for a full and thorough debate. I hope we do not get jammed at the final moment as an attempt to push an undemocratic bill through the Senate by waiting until the very end of this session as a tactical maneuver to avoid a thoughtful debate and an opportunity for amendments.

I took Majority Leader MCCONNELL at his word when he said: ''We need to open up the legislative process in a way that allows more amendments from both sides.'' I am hopeful he will honor that commitment.

Like some of my colleagues, I was once a Member of the House of Representatives, and I have enormous respect for that Chamber, but I didn't get elected to the Senate to abdicate my responsibility and simply rubberstamp whatever bills come over from the House of Representatives. I would hope we would immediately call up this bill for debate and do what we were elected to do—fix problems and make the lives of the American people better.

Just because these 3½ million citizens are Puerto Rican, they are no less a citizen than you or the Presiding Officer or my colleagues who are on the floor or those who get to serve in this institution. They deserve better. They deserve better than to be jammed with an undemocratic process that will affect their lives in ways far beyond anybody in this Chamber would be willing to accept.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Madam President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Madam President, I ask unanimous consent that following and notwithstanding the adoption of the compound motion to go to conference on S. 524, that Senator SHAHEEN and Senator WHITEHOUSE or their designees be recognized to each offer a motion to instruct conferees and that there be 2 minutes of debate equally divided on the motions, and that following the use or yielding back of that time, the Senate vote on the motions to instruct conferees with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Madam President, I understand that prior to the cloture vote, the Democratic side still had some time. I yield back that time.

The PRESIDING OFFICER. All time is yielded back.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to disagree to the House amendments, agree to the request from the House for a conference, and the Presiding Officer appoint the following conferees: Senators Grassley, Alexander, Hatch, Sessions, Leahy, Murray, and Wyden with respect to S. 524, a bill to authorize the Attorney General and Secretary of Health and Human Services to award grants to address the national epidemics of prescription opioid abuse and heroin use, and to provide for the establishment of an inter-agency task force to review, modify, and update best practices for pain management and prescribing pain medication, and for other purposes.

John McCain, John Cornyn, Marco Rubio, Deb Fischer, Rob Portman, Roger F. Wicker, Richard Burr, Joni Ernst, David Vitter, James M. Inhofe, Dean Heller, Pat Roberts, Lamar Alexander, Ron Johnson, Tom Cotton, Thom Tillis, Mitch McConnell.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to disagree to the House amendments, agree to the request by the House for a conference, and to appoint conferees with respect to S. 524, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Florida (Mr. NELSON), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER (Mr. HOEVEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 95, nays 1, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—95

Alexander	Fischer	Murphy
Ayotte	Flake	Murray
Baldwin	Franken	Paul
Barrasso	Gardner	Perdue
Bennet	Gillibrand	Peters
Blumenthal	Graham	Portman
Blunt	Grassley	Reed
Booker	Hatch	Reid
Boozman	Heinrich	Risch
Brown	Heitkamp	Roberts
Burr	Heller	Rounds
Cantwell	Hirono	Sasse
Capito	Hoeven	Schatz
Cardin	Inhofe	Schumer
Carper	Isakson	Scott
Casey	Johnson	Sessions
Cassidy	Kaine	Shaheen
Coats	King	Shelby
Cochran	Kirk	Stabenow
Collins	Klobuchar	Sullivan
Coons	Lankford	Tester
Corker	Leahy	Thune
Cornyn	Manchin	Tillis
Cotton	Markey	Toomey
Crapo	McCain	Udall
Cruz	McCaskill	Vitter
Daines	McConnell	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	

NAYS—1

Lee

NOT VOTING—4

Boxer	Rubio
Nelson	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 95, the nays are 1.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The question occurs on agreeing to the compound motion to go to conference on S. 524.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

MOTION TO INSTRUCT

Mrs. SHAHEEN. Mr. President, I have a motion to instruct the conferees at the desk, which I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from New Hampshire [Mrs. SHAHEEN] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on S. 524 (the Comprehensive Addiction and Recovery Act of 2016) be instructed to insist that the final conference report include funding for prevention, treatment, and recovery associated with state and local efforts needed to

combat the national heroin and opioid epidemic.

The PRESIDING OFFICER. There will be 2 minutes equally divided for debate.

The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, the opioid crisis is a national public health emergency, and it is long past time that Congress treat it like one. It is shattering families and communities, especially in New Hampshire but also all across this country. In New Hampshire, we are losing a person a day to drug overdoses.

The CARA bill is a good bill. I cosponsored it. I think it is important. But without real dollars, it is the equivalent of offering a life preserver with no air in it.

I urge all of my colleagues to support this motion to instruct and support real funding in this bill.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCONNELL. Mr. President, it is my understanding that the next vote, the Whitehouse vote, can go by a voice vote—sorry about that.

The PRESIDING OFFICER. Is there debate in opposition to the Senator's motion?

Mr. MCCONNELL. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Vermont (Mr. LEAHY), the Senator from Florida (Mr. NELSON), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 29, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—66

Alexander	Cassidy	Heinrich
Ayotte	Coats	Heitkamp
Baldwin	Cochran	Hirono
Bennet	Collins	Hoeven
Blumenthal	Coons	Isakson
Booker	Cruz	Kaine
Brown	Donnelly	King
Burr	Durbin	Kirk
Cantwell	Feinstein	Klobuchar
Capito	Franken	Manchin
Cardin	Gillibrand	Markey
Carper	Graham	McCain
Casey	Grassley	McCaskill
Menendez	Portman	Tester
Merkley	Reed	Thune
Mikulski	Reid	Toomey
Moran	Roberts	Udall
Murkowski	Rounds	Warner
Murphy	Schatz	Warren
Murray	Schumer	Whitehouse
Paul	Shaheen	Wicker
Peters	Stabenow	Wyden

NAYS—29

Barrasso	Fischer	Perdue
Blunt	Flake	Risch
Boozman	Gardner	Sasse
Corker	Hatch	Scott
Cornyn	Heller	Sessions
Cotton	Inhofe	Shelby
Crapo	Johnson	Sullivan
Daines	Lankford	Tillis
Enzi	Lee	Vitter
Ernst	McConnell	

NOT VOTING—5

Boxer	Nelson	Sanders
Leahy	Rubio	

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

MOTION TO INSTRUCT

Mr. WHITEHOUSE. Mr. President, I have a motion to instruct conferees at the desk, which I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendments to the bill S. 524 (the Comprehensive Addiction and Recovery Act of 2016) be instructed—

(1) to reject proposals that would replace the individual prevention, treatment, law enforcement, and recovery programs authorized in S. 524, including the incentive grant program authorized in section 601, with a single grant program with multiple allowable uses;

(2) to insist that the final conference report include authorizations explicitly designated for grants to States, and in the case of States that do not have prescription drug monitoring programs, units of local government that do have such programs, to strengthen the use of and make improvements to prescription drug monitoring programs;

(3) to insist that the final conference report address the unique needs of rural communities, which are among the hardest hit by opioid abuse in the United States and are often in the most dire need of improved emergency services and more accessible treatment infrastructure;

(4) to insist that the final conference report authorize those provisions of S. 1641 that were approved by the Committee on Veterans' Affairs of the Senate; and

(5) to insist that the final conference report include the provisions of S. 1455 as reported by the Committee on Health, Education, Labor, and Pensions of the Senate.

Mr. WHITEHOUSE. Colleagues, this motion to instruct has bipartisan support from the authors of CARA. It reflects the bipartisan work that was done on CARA, and we hope that this motion to instruct will get a strong bipartisan vote.

This motion supports the bipartisan Senate work on the CARA bill that passed this body 94 to 1. It supports the bipartisan language worked out between Senator BLUNT and Senator MCCASKILL on the Missouri county prescription drug management program issue. It supports a focus on the rural communities for which opioid has been a plague, which is a bipartisan concern. It supports the passed bipartisan version of the veterans opioids measure from the Senate Committee on Veterans' Affairs. And it supports the Senate HELP Committee's passed bipartisan version of the bipartisan TREAT Act.

If we can pull together as a Senate, we can have a really great bill. Please send the conferees a strong bipartisan vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I concur in the comments of my colleague. This is the CARA legislation which passed here on a 94-to-1 vote. This is simply a motion saying we support what we have already passed. I urge my colleagues to support it.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion.

Mr. WHITEHOUSE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Vermont (Mr. LEAHY), the Senator from Florida (Mr. NELSON), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The result was announced—yeas 70, nays 24, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—70

Alexander	Fischer	Merkley
Ayotte	Franken	Mikulski
Baldwin	Gillibrand	Moran
Bennet	Graham	Murkowski
Blumenthal	Grassley	Murphy
Blunt	Hatch	Murray
Booker	Heinrich	Paul
Boozman	Heitkamp	Peters
Brown	Hirono	Portman
Burr	Hoeven	Reed
Cantwell	Isakson	Reid
Capito	Johnson	Rounds
Cardin	Kaine	Schatz
Carper	King	Schumer
Casey	Kirk	Shaheen
Cassidy	Klobuchar	Stabenow
Collins	Manchin	Sullivan
Coons	Markey	Tester
Cruz	McCain	Thune
Donnelly	McCaskill	Tillis
Durbin	McConnell	
Feinstein	Menendez	

Udall	Warner	Whitehouse
Vitter	Warren	Wyden

NAYS—24

Barrasso	Enzi	Risch
Coats	Ernst	Roberts
Cochran	Flake	Sasse
Corker	Gardner	Scott
Cornyn	Heller	Sessions
Cotton	Lankford	Shelby
Crapo	Lee	Toomey
Daines	Perdue	Wicker

NOT VOTING—6

Boxer	Leahy	Rubio
Inhofe	Nelson	Sanders

The motion was agreed to.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—Continued

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from South Carolina.

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate be in a period of debate only for the next 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

REMEMBERING THE VICTIMS OF THE MOTHER EMANUEL AME CHURCH MASS SHOOTING

Mr. SCOTT. Mr. President, a few weeks ago, when I started preparing to give this speech, I must admit I was overwhelmed with emotion. One year ago tomorrow, a brutal attack, fueled by hate, led to the deaths of nine parishioners at Mother Emanuel AME Church in my hometown of Charleston, SC.

A year later, the idea that someone's heart could be filled with so much anger and venom is still jarring.

Then, over the weekend, we saw it again. In Orlando, FL, a brutal attack, fueled by hate, led to the deaths of 49 people at the Pulse nightclub. This was an assault against the people of Orlando, the State of Florida, and the United States as a whole.

We can, and we will, have a much longer discussion on ISIS, Islamic terror, and the steps that must be taken in those areas. But today, as Orlando mourns and Charleston remembers, I want to return to 365 days ago and show how, with the world watching, love overcame hate.

On the night of June 17, 2015, I was here in Washington. Much like this week, we were debating the NDAA and our military priorities. But in Charleston, there was a Bible study. Cynthia Hurd, Susie Jackson, Ethel Lee Lance, Depayne Middleton-Doctor, Tywanza Sanders, Daniel Simmons, Sharonda Coleman-Singleton, Myra Thompson, Felicia Sanders and her 5-year-old granddaughter, Polly Sheppard, and my friend, the Reverend Clementa Pinckney, had gathered together for a Bible study at Mother Emanuel.

Among them was a young man who was new to Emanuel—a young man they welcomed into their presence with God's love. While they did not and could not possibly see the darkness in his heart, they showed him the loving nature of their own hearts—so much so that he later told police that he almost, almost did not go through with this vicious, vile attack because everyone was so nice to him. But, tragically, almost was not enough.

In an instant, the horrors unleashed by this young man changed South Carolina forever. I remember getting a phone call about 9 o'clock p.m. on that Wednesday night from one of my friends at the Sheriff's office about the shooting at Mother Emanuel. Reports continued to come in, and so I texted my friend, Clementa Pinckney, hoping that he would respond and tell me what was going on at the church.

I am looking at my texts from June 17, 2015, at 10:31 p.m. I asked him: Are you and your parishioners OK? It was met with silence—silence that is still deafening, silence that I will never forget.

He should have been able to text back. He should have been able to go home and see his family, raise his daughters. He should have been able to have gone on and finished his work as a State senator in the statehouse and to continue spreading God's love. As we people of faith know, sometimes things simply don't go as they are planned. But as the families of the Emanuel nine showed you, God had a plan.

Within 48 hours, these men and women set the tone for my grieving city, my grieving State, and my grieving Nation. On Friday morning, about 36 hours later, looking into the killer's eyes, they said to the killer of their family members: ''I forgive you.''

Family member after family member, nine consecutive times, to the shock and the amazement of the world that was watching, said: ''I forgive you.'' Your life can be better in God's hands.

Those of us here today cannot even imagine how hard that must have been—how in their immense grief, these families chose to take this unique path. But they did. We as a nation, as a State, and certainly as a city are forever thankful.

I am fortunate enough to have had the opportunity to talk to many and all of the families at some point. I continue to be amazed at their grace, their dignity, and their righteousness. They have truly been the rock on which we all stand. In the days and weeks after the shooting, Charleston and South Carolina came together like never before. As the clergy and parishioners at Mother Emanuel said after the attack: ''Wrong church, wrong people, wrong day.''

It was the wrong place to try and sow the seeds of discord. It was the wrong people to try and break their faith and the wrong day to try and bring down the people of South Carolina.

Last summer, we saw chapters of history close and new ones open. While the debate over the Confederate flag may be the most widespread symbol of Emanuel's aftermath, the actions and words of folks across Charleston and South Carolina are the most enduring.

Looking ahead, we have come so far, but we certainly still face many challenges. It is going to take a lot of effort and strength to stand together in times of division. It is going to be hard sometimes in a world that is too often so full of hate to know that we are still taking steps forward, and it is going to require a continuing conversation on issues that are uncomfortable for some but necessary for all.

So where are we headed from here? Three words show where I believe that we, as a nation, are headed. These three words show where I believe we, as a nation, must head. They are simple words—words found in 1 Corinthians 13: faith, hope, and love. We saw these in abundance throughout South Carolina over the past year, and they remain our final goal.

As I head back to Charleston tonight, I will be thinking about the events honoring the Emanuel nine tomorrow. I am certain there will be tears—lots of tears. There will be moments, as there have been in the last few minutes, when it will be hard to speak, to truly show what all of this means to all of us, but the world will also see this from Charleston, SC: They will see that you can cannot destroy love with hate and that you cannot kill the spirit. We have not been torn down by this fury of hate, but instead we will continue to build a bridge, brick by brick, to a future without hate, a future filled with faith, hope, and love.

I will close by asking one more time, as I did a little more than a year ago in this very same place for a moment of silence to remember Cynthia Hurd, Susie Jackson, Ethel Lee Lance, Depayne Middleton-Doctor, Tywanza Sanders, Daniel Simmons, Sharonda Coleman-Singleton, Myra Thompson, and my good friend and former State Senator, the Reverend Clementa Pinckney.

You are forever in our hearts.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I wish to thank Senator SCOTT for his eloquent words on behalf of our State and the leadership he has provided since this horrible tragedy a year ago.

What can I add? I will just remind people who might not remember why he did it that his goal was to start a race war. Well, he failed miserably. Quite the opposite happened in my State. I have never seen anything quite like it.

We have had our fair share of problems in South Carolina, and still do, but churches all over the State were filled. Black, White, rich, poor—all

came together to help each other. So this young man's dream of starting a race war was a miserable failure.

I am sure this guy who attacked the nightclub in Orlando wanted to break our will and try to get us to kowtow to a radical form of religion. Well, you are not going to break a will. We will all stand behind the folks in Orlando and come together as a nation as best we can.

Senator SCOTT said it is hard to understand the hate that someone has to do what these two people did. What blows my mind is how someone can go and sit in a Bible study for an hour, after being welcomed in off the street to discuss the Word of God, and then get up and shoot the people you have been praying with. I don't know how you get there. Only God knows that. And what this man did in Orlando was beyond vicious.

Here is a question that I have asked myself a thousand times, and I am beginning to understand the answer: Why was it different in South Carolina? We have had shootings throughout the country where people took to the streets. There were riots, sores were exposed, and scabs were pulled off old wounds. What was it about South Carolina that was different? I promise you that we are not a perfect people. I promise you that under the right circumstances, what you saw in other places in the country would have happened in South Carolina.

Here is the difference: We were all in such a state of shock that somebody could come into a church and just randomly kill the people they prayed with. It was hard to get our heads around the thought of somebody being able to do that. But what woke us up was the way the families behaved.

Senator SCOTT indicated that within 48 hours of the killing, there was an arraignment of the accused, and all the family members appeared in court. Instead of taking to the streets and showing their frustration with a system that I am sure can always be made better and is far from perfect, they decided to channel their grief into something constructive, not destructive, and I promise you I could not have done this. If this had been one of my family members, I know LINDSEY GRAHAM well enough to know I could not have done this. I consider myself a person of faith but lacking when it comes to folks at Mother Emanuel AME Church. Nadine Collier, the daughter of Ethel Lance, who was 70 years old, said the following, as her voice was breaking:

> You took something very precious from me. I will never talk to her again. I will never, ever hold her again. But I forgive you. And have mercy on your soul.

That is what is different. That is why the people of South Carolina followed her lead. She and the victims touched our hearts. They appealed to our better nature and reminded us of what humanity is all about. It is about love and forgiveness. Politicians—we can take all the credit we want, but if these people had not done this, it would have been a different result. I could have talked until I was blue in the face. If people had chosen to be angry, there was no way in hell I could have talked them into not being angry because they have every right to be angry. But because these people did what they did in open court, the rest of us followed behind and followed their lead.

A year later I am here to tell you that the reason South Carolina handled this so well, in my view, is that the people in that church chartered a path for the rest of us, and we were smart enough to follow their lead. It would be nice if, in the future, when we get mad at each other here in this body and other places throughout the country over something maybe not as important as losing a loved one, we could slow down for just a moment and try to imagine how things would be different if we could draw upon the example of the families of the fallen.

Look what we argue about. Look how we interact in America today over things not quite as significant as having your loved one gunned down. If you really want to honor what happened in South Carolina, as an individual and a society, whenever you can, remember what the people in that church did after losing their loved ones, and try to follow their lead. That would be the greatest respect you could pay to those families and the greatest honor you could give to those who died for no good reason.

I need to follow my own advice. There is no better feeling in the world than being petty and thinking of a reason you were wronged. It feels good. But every now and then I catch myself. I go back to last year and wake up and realize that there is a better way.

To those who showed us that better way, I know your pain is as real as it was on the day this happened. I know you will never get over it, but I hope you realize that your loved ones did not die in vain because, through their tragic deaths, you gave us—not just in South Carolina but throughout the world—the way forward. Whether we choose it or not is up to us. You have done all you could do and then some.

To the people of South Carolina: I am proud of the way we handled this tragedy, but we have a long way to go. This weekend will be tough throughout our State, and as we look back, let's make sure that we learn from the past and apply it to the future. If we can take that love and forgiveness and apply it in a constructive way to future problems in South Carolina, then we will have honored these victims and their families. If we go back to our petty ways, they will have died for nothing.

Here is my bet: South Carolina is never going to go back because the people of Mother Emanuel AME Church showed us the way. It is up to us to follow them, and I will do my best to follow their lead.

To the people throughout the country who have been generous to this church, thank you for the dollars that have been raised. It is appreciated. Thank you for your prayers and the support you have given. It was essential. You helped us in our time of greatest need.

On behalf of the people of South Carolina to the people of this great land, thank you for having us in your prayers and for your support and for being there for us a year ago when we needed you the most.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

PIPES ACT

Mr. PETERS. Mr. President, this week I was pleased that the Senate acted unanimously to pass a pipeline safety bill that will help ensure the safety of our Nation's vast energy pipeline network.

The bipartisan bill, known as the PIPES Act of 2016, now heads to the President's desk to be signed into law. Safely transporting energy to our communities and businesses is a goal that we all share. It was encouraging to see my colleagues come together on both sides of the aisle and on both sides of the Capitol, as well, to come up with a final product that will improve pipeline safety and oversight.

With more than 2.6 million miles of oil and gas pipelines across this Nation, the energy industry must work together at all levels of government in order to protect lives, communities, and our environment. Pipelines can be one of the safest ways to move oil and gas products; however, we have seen truly devastating explosions and spills with pipelines, including in my home State of Michigan. The cost to clean up an oil spill from a pipeline break near Marshall, MI, into the Kalamazoo River has totaled over $1.2 billion. A similar spill in the Great Lakes would be devastating to our economy, environment, and drinking water supply.

The transition to a clean energy economy is one of my top priorities, but in the meantime, as we push this transition forward, we cannot accept that pipeline spills are simply the cost of doing business. Our safety regulators must be equipped with the tools and equipment to better prevent pipeline accidents, protect public safety, and demand accountability when things invariably go wrong.

Our pipeline transportation system must be more transparent, and technology will continue to provide better insight into the pipeline network without compromising national security and proprietary information. Our land,

air, water, and wildlife must be safeguarded against leaks and spills. By enhancing safety standards, we can reduce waste and cleanup costs while making sure we can proudly pass down a strong outdoor heritage to the next generation. We can also create jobs for our construction workers, pipefitters, steelworkers, and utility workers as we upgrade pipelines and fit them with state-of-the-art technology.

The PIPES Act will make strides in these and many other areas. I was especially focused on creating measures to safeguard against the catastrophic consequences of an oil spill in our precious waterways, especially the Great Lakes. Thanks to a provision I originally worked on with my colleague Senator STABENOW, the entire Great Lakes Basin will be designated as an unusually sensitive area. This will make any pipeline that could spill in and around the Great Lakes area subject to higher standards for operating safety. The bill also adds coastal beaches and maritime coastal waters as areas that should be considered when making an ''unusually sensitive'' determination.

We also must recognize the unique regional challenges our Nation's far-reaching pipeline network present. In Michigan, we get serious winters. Lakes and rivers freeze, and even the Great Lakes end up under very thick ice cover. To address these challenges, I worked to include a provision requiring pipeline operators to prepare response plans that address cleanup of an oilspill in ice-covered waters. The Coast Guard has stated that it does not have the technology or the capacity for worst-case discharge cleanup under solid ice and that its response activities are not adequate in ice-choked waters. We need to address this problem now before a spill under ice-covered water happens.

Any oil pipeline that is deeper than 150 feet underwater will be required to undergo an inspection every year as a result of this bill. This requirement would be especially relevant for pipelines running through the Great Lakes, especially the twin oil pipelines resting on the lakebed in the Straits of Mackinac. The bill also establishes emergency order authority so that PHMSA can take quick action to ensure safety when pipelines pose an imminent threat.

This bill goes beyond just addressing pipelines; it also directs the Department of Transportation to issue minimum safety standards for underground natural gas storage facilities. The dangers of a leak from an underground storage facility was illustrated in a massive methane leak at a facility in California just a few short months ago which resulted in evacuations and an emergency declaration. These new standards are especially important for my home State of Michigan because we have more underground natural gas storage facilities than almost any other State in the Union.

Other sections of the PIPES Act encourage collaboration on research, development, mapping, and technology between Federal agencies, public stakeholders, and industry leaders. All of these constituencies were key to providing input into this bill.

I would like to thank Senators FISCHER, BOOKER, and DAINES, and of course Chairman THUNE and Ranking Member NELSON for their hard work on the PIPES Act. The Energy and Commerce Committee and the Committee on Transportation and Infrastructure in the House were also instrumental in making changes and important improvements.

As we continue to move forward and find better ways to meet our energy needs, it is my hope that we can learn from past catastrophes and prevent future ones before they ever occur.

The bipartisan PIPES Act can be a model for how we work together to improve performance and raise our standards in the energy sector.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOVERING MISSING CHILDREN ACT

Mr. CASEY. Mr. President, I rise to speak on the Recovering Missing Children Act. This bill provides law enforcement with an important tool to help find missing or exploited children.

Each year more than 200,000 children are abducted by their parents or other close relatives, according to the National Center for Missing & Exploited Children. In many of these cases, the IRS has information that could aid law enforcement in locating a child who has been abducted by a family member.

A study by the Treasury Inspector General for Tax Administration found that in more than a third of the cases reviewed, the IRS has tax returns on file which used the Social Security number of a missing child. Of those, 46 percent had a new address on file, for a 13.4-percent total. However, the IRS cannot share this protected, confidential information with law enforcement officials since the Tax Code prevents the IRS from sharing the information unless specifically authorized as an exception to nondisclosure.

Senator ENZI and Senator KLOBUCHAR and I have introduced bipartisan legislation, the Recovering Missing Children Act, to aid in the recovery of missing children by providing a new tool to help law enforcement officials locate missing children and their alleged abductors. The bill amends the Internal Revenue Code to permit the disclosure of relevant tax information explicitly for the purpose of aiding criminal investigations into missing or exploited children. Specifically, the act ensures that select taxpayer information will only be released to law enforcement officials as part of a legitimate investigation or a judicial proceeding under the orders of a Federal judge.

The act amends the law to allow for Federal law enforcement to share information on a limited basis with State and local law enforcement that are part of the team directly involved in investigating and prosecuting such cases. Many investigations into missing and exploited children are conducted at the State and local level.

The act provides a commonsense fix that maintains an existing balance between taxpayer privacy and judicious release of information that will make a meaningful difference to a child's safety. For the families who are affected, the reality that their child is missing is devastating. If there is a step we can take to increase the likelihood that the missing child will be returned home, then we have an obligation to act. This is such a step.

I proudly have worked with both Senators KLOBUCHAR and ENZI on this important issue since 2011, and I am glad to have the endorsement of both the National Center for Missing & Exploited Children and the National Association of Police Organizations.

If the provisions in this bill can bring one child back to their rightful families safe and sound, it is worth it. This will assist those who have been searching and spending sleepless nights worried about their missing children and do it in a way that doesn't undermine Americans' privacy.

With that, Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 3209 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3209) to amend the Internal Revenue Code of 1986 to permit the disclosure of certain tax return information for the purpose of missing or exploited children investigations.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. I further ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (H.R. 3209) was ordered to a third reading, was read the third time, and passed.

Mr. CASEY. Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I wish to congratulate all who have worked on this bill but particularly Senator CASEY's leadership and Senator KLOBUCHAR's leadership on this issue that just passed.

Here is a terrible thought: Every year, thousands of children are abducted and taken away from their homes. This bill provides new tools to connect missing and exploited children with their families, while also respecting important and appropriate safeguards of taxpayer privacy.

Senators CASEY, KLOBUCHAR, and I have worked together on this matter for several years. We worked with outside groups such as the National Center for Missing & Exploited Children and the National Association of Police Organizations, and we are proud that both organizations have endorsed this legislation.

With new tools and better collaboration between Federal and State authorities, law enforcement agencies can send a strong signal to those who are perpetrating this type of crime. I hope this act will help law enforcement officials solve these cases more quickly for the benefit of the youth who have been exploited.

I yield the floor to my colleague from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am proud to join my colleagues Senator CASEY from Pennsylvania and Senator ENZI from Wyoming to speak in support of our bipartisan legislation, the Recovering Missing Children Act, something we have been working on for so long.

I remember hearing about this in a Judiciary Committee hearing and learning about the surprising number of cases that can be solved when this information from the IRS is shared with law enforcement. It sounds almost absurd that information is sitting in government files of where a child who has been abducted is living, but in fact it is. Oftentimes the abductor claims the child on taxes or has their address on their taxes and it is as easy as looking at a file. A family can be reunited, and a child who wasn't supposed to be taken from their home can be brought back to their home.

As my colleagues have noted, our bill would give law enforcement officers important tools to solve some of the most heartbreaking cases. To accomplish this, the bill will offer information sharing by Federal law enforcement officers on a limited basis. It was something we discussed at length in the Judiciary Committee, and I know we also discussed it in the Finance Committee with the State and local law enforcement officials who are involved in the investigation and prosecution of a case. Under current law, the IRS is barred from sharing its taxpayer information with local law enforcement, even though in many cases the IRS actually has the location of the child. Imagine a hardworking local police officer out trying to find a kid, looking everywhere, following up on every lead, and our own government has the information in their files. This is a narrow exception that allows this information to be shared.

As a former prosecutor, I know firsthand that returning missing children to their families is one of the most important tasks law enforcement officers have, and they need every resource available to do their job. The faster law enforcement can locate the child, the greater the likelihood the child can be returned to their family unharmed, and they can go on to live a normal life.

I do want to mention one person who has been someone I talk to about missing and exploited children issues, and that is Patty Wetterling from the State of Minnesota. There was a horrible case in which her son Jacob was abducted years and years ago and never found. She served as the chair on the board of the missing and exploited children group. She has done so much work nationally and locally. While we don't believe this would have helped in Jacob's case, she did it for all those other children who are still out there. So this one is for you, Patty. Thank you.

I yield the floor.

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FISCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—Continued

MASS SHOOTING IN ORLANDO AND STANDING AGAINST HATRED AND INTOLERANCE

Mrs. FISCHER. Mr. President, I rise to offer my heartfelt condolences to the victims and the families of the terrorist attack in Orlando. As a mother, my heart breaks for the parents of the victims. As an American, I share in a profound sense of sorrow for the loss of innocent life.

Many questions remain unanswered. Did the terrorist communicate with foreign terrorist groups? If so, how did they interact and what level of support or direction did they provide? What was his path to radical Islamism and what lessons can we learn to stop others on this path to violence? Was his association with jihadist groups simply a superficial one to mask deep personal hatred?

In the coming days, investigators will compile evidence to answer these and many other questions. While there is much we do not know about the attacks in Orlando, there are a few very important things we do know. We know 49 people were killed, and 53 others were injured. We know their families are suffering and we grieve with them. We know the gay community was specifically targeted. There is something else we know. This attack was brought against innocent people.

While knowledge of the specific circumstances of this tragedy will hopefully help us improve our efforts to fight terrorism and radicalization, for the victims of this horrific attack—indeed, for many Americans—such information can seem irrelevant. This is because the attack is an assault on the age-old Western value of social pluralism. These are American values—ones we hold dear. These are the principles which forbid violence on others, no matter how strongly you may disagree with them. This is a basic conviction that unites Americans.

We have many disagreements in our country. We have them in this Chamber, we have them at work, and we have them around the dinner table. Sometimes our words are harsh, sometimes our words are heated, but we don't kill people who disagree with us. We protect their rights to think differently. This is a key part of our identity as Americans.

The attack in Orlando reminds us that we are in the middle of a global battle between two ways of life: one of open democracy and one of violent jihadism. Our way—the American way—values pluralism. It permits dissent from dominant social and political views. It protects the freedom of expression and the freedom of religion. It defends our shared human dignity. In our society, the value of your life is not determined by your views. Here, your life has value because you exist. That is good enough for us.

That is not good enough for radical Islam. Its followers do not believe these things. They impose uniformity and destroy dissent. For radical Islamists, there is no ''live and let live.''

Their ideology demands obedience. It allows only one way to live your life and demands that people who think differently, live differently, or pray differently stop thinking, living, and praying as they do. Radical Islamism does not use words to get what it wants. We observe its methods in Syria through ISIL. There, they stone women and throw men from buildings for violating their code.

This contempt for other cultures drives them to destroy historical artifacts and ancient holy sites. They are exterminating entire communities of people for practicing a different set of religious beliefs, and they celebrate it. They are posting gruesome videos of their heinous acts online. They are using this combination of violence and twisted ideology as propaganda. They are seducing disaffected individuals to join their perverse quest.

While the extent to which the Orlando shooter was influenced by this incitement is unclear, he clearly identified with ISIL's barbaric glorification of violence.

This is why we must unite to ensure ISIL's lasting defeat. Defeat on the battlefield will greatly diminish the rhetorical power of their calls to butcher, to pillage, and to defile.

However, responding to this terror is the shared responsibility of all Americans and not reserved only for the military or law enforcement. This was an assault on our belief in pluralism, an attack against each of us. We all have a role in the response. Our law enforcement and intelligence communities will no doubt lead the way, but individual Americans can and should answer this attack.

I conclude with a call to action for every American, no matter where they may be. Find someone with whom you deeply disagree and let them know you value them. Seek that person out. Tell them you respect them for who they are, regardless of your deeply held differences. We can do this at work or at home, in the grocery store or at the doctor's office. In our day-to-day lives, we can deliver a direct challenge to radical Islamists. By treating each other with dignity and respect, we can play our part in responding to this tragedy.

Basic human rights, freedom of expression, freedom of religion, and freedom of assembly are endowed to all of us. By asserting our value of pluralism confidently, we can stand against the forces of hatred and intolerance.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE-REPORTED AMENDMENT WITHDRAWN

Mr. SHELBY. Mr. President, on behalf of the Appropriations Committee, I withdraw the committee-reported amendment to H.R. 2578.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 4685

(Purpose: In the nature of a substitute)

Mr. SHELBY. Mr. President, I offer amendment No. 4685 as a committee-reported substitute amendment.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 4685.

Mr. SHELBY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of June 15, 2016, under ''Text of Amendments.'')

AMENDMENT NO. 4720 TO AMENDMENT NO. 4685

Mr. MCCONNELL. Mr. President, I call up the Feinstein amendment No. 4720 to the substitute amendment.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mrs. FEINSTEIN, proposes an amendment numbered 4720 to amendment No. 4685.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the Attorney General to deny requests to transfer a firearm to known or suspected terrorists)

At the appropriate place, insert the following:

SEC. _____. Hereafter, the Attorney General may deny the transfer of a firearm if the Attorney General determines, based on the totality of the circumstances, that the transferee represents a threat to public safety based on a reasonable suspicion that the transferee is engaged, or has been engaged, in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources therefor. For purposes of sections 922(t)(1), (2), (5), and (6) and 925A of title 18, United States Code, and section 103(g) of Public Law 103–159 (18 U.S.C. 922 note), a denial by the Attorney General pursuant to this provision shall be treated as equivalent to a determination that receipt of a firearm would violate section (g) or (n) of section 922 of title 18, United States Code, or State law. A denial described in this section shall be subject to the remedial procedures set forth in section 103(g) of Public Law 103–159 (18 U.S.C. 922 note) and the intended transferee may pursue a remedy for an erroneous denial of a firearm under section 925A of title 18, United States Code. Notwithstanding any other provision of law, such remedial procedures and judicial review shall be subject to procedures that may be developed by the Attorney General to prevent the unauthorized disclosure of information that reasonably could be expected to result in damage to national security or ongoing law enforcement operations, including but not limited to procedures for submission of information to the court ex parte as appropriate, consistent with due process. The Attorney General shall establish, within the amounts appropriated, procedures to ensure that, if an individual who is, or within the previous 5 years has been, under investigation for conduct related to a Federal crime of terrorism, as defined in section 2332b(g)(5) of title 18, United States Code, attempts to purchase a firearm, the Attorney General or a designee of the Attorney General shall be promptly notified of the attempted purchase.

Mr. MCCONNELL. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4749 TO AMENDMENT NO. 4720

Mr. MCCONNELL. Mr. President, I call up the Cornyn amendment No. 4749 to the Feinstein amendment.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. CORNYN, proposes an amendment numbered 4749 to amendment No. 4720.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To Secure our Homeland from radical Islamists by Enhancing Law enforcement Detection (''SHIELD''))

At the end add the following:

SEC. 5____. Hereafter, the Attorney General shall establish a process by which—

(1) the Attorney General and Federal, State, and local law enforcement are immediately notified, as appropriate, of any request to transfer a firearm or explosive to a person who is, or within the previous 5 years was, investigated as a known or suspected terrorist;

(2) the Attorney General may delay the transfer of the firearm or explosive for a period not to exceed 3 business days and file an emergency petition in a court of competent jurisdiction to prevent the transfer of the firearm or explosive, and such emergency petition and subsequent hearing shall receive the highest possible priority on the docket of the court of competent jurisdiction and be subject to the Classified Information Procedures Act (18 U.S.C. App.);

(3) the transferee receives actual notice of the hearing and is provided with an opportunity to participate with counsel and the emergency petition shall be granted if the court finds that there is probable cause to believe that the transferee has committed, conspired to commit, attempted to commit, or will commit an act of terrorism, and if the petition is denied, the Government shall be responsible for all reasonable costs and attorneys' fees;

(4) the Attorney General may arrest and detain the transferee for whom an emergency petition has been filed where probable cause exists to believe that the individual has committed, conspired to commit, or attempted to commit an act of terrorism; and

(5) the Director of the Federal Bureau of Investigation annually reviews and certifies the identities of known or suspected terrorists under this section and the appropriateness of such designation.

MOTION TO COMMIT WITH AMENDMENT NO. 4750

Mr. MCCONNELL. Mr. President, I move to commit the bill to the Judiciary Committee with instructions.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to commit the bill to the Judiciary Committee with instructions to report back forthwith with an amendment numbered 4750.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4751

(Purpose: To address gun violence and improve the availability of records to the National Instant Criminal Background Check System)

Mr. MCCONNELL. Mr. President, I send a Grassley amendment to the instructions to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. GRASSLEY, proposes an amendment numbered 4751 to the instructions of the motion to commit.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4752 TO AMENDMENT NO. 4751

Mr. MCCONNELL. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4752 to amendment No. 4751.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end add the following:

This Act shall take effect 1 day after the date of enactment.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Grassley amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 4751, to the instructions of the motion to commit H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Roger F. Wicker, Thad Cochran, Tom Cotton, Thom Tillis, John Boozman, Richard C. Shelby, John Hoeven, Pat Roberts, Joni Ernst, Mike Rounds, John Cornyn, John Barrasso, Deb Fischer, Johnny Isakson, David Vitter, James M. Inhofe.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the motion to commit with instructions.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the McConnell motion to commit H.R. 2578 to the Judiciary Committee with instructions (Murphy amendment No. 4750).

Harry Reid, Jeff Merkley, Jeanne Shaheen, Kirsten E. Gillibrand, Amy Klobuchar, Claire McCaskill, Debbie Stabenow, Charles E. Schumer, Sherrod Brown, Mark R. Warner, Richard Blumenthal, Tom Udall, Tammy Baldwin, Jack Reed, Robert P. Casey, Jr., Angus King, Jr., Brian E. Schatz.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Cornyn amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 4749 to amendment No. 4720 to Calendar No. 120, H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Tom Cotton, Thom Tillis, John Boozman, Richard C. Shelby, John Hoeven, Pat Roberts, James M. Inhofe, David Vitter, Joni Ernst, Mike Rounds, John Cornyn, John Barrasso, Deb Fischer, Cory Gardner, Shelley Moore Capito, Johnny Isakson.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Feinstein amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Feinstein amendment No. 4720 to Shelby amendment No. 4685 to H.R. 2578.

Harry Reid, Jeff Merkley, Jeanne Shaheen, Kirsten E. Gillibrand, Amy Klobuchar, Claire McCaskill, Debbie Stabenow, Charles E. Schumer, Sherrod Brown, Mark R. Warner, Richard Blumenthal, Tom Udall, Tammy Baldwin, Jack Reed, Robert P. Casey, Jr., Angus King, Jr., Brian E. Schatz.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorums for the cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

TRIBUTE TO MARION FLETCHER

Mr. COTTON. Mr. President, I would like to recognize Marion Fletcher of Hot Springs, AR, as this week's Arkansan of the Week, for 53 years of service to agriculture education in Arkansas. Marion recently retired, and I would like to take a few moments to recognize his legacy and his impact.

Arkansas is a rural State, and for Arkansans agriculture isn't just an industry. It is a way of life. Over the last five decades, Marion has been a fixture in the Arkansas agriculture community, serving in dozens of roles in countless organizations, impacting every person he met.

To say he is passionate about agriculture education is an understatement. Since 1997, Marion worked as the

State supervisor and program manager of agricultural education at the Arkansas Department of Workforce Education, and before that he spent 30 years in numerous roles with the Arkansas Department of Education, Vocational and Technical Education Division. He also had a 3-year stint as an ag instructor at Desha Central Schools. Locally, he has been a dedicated board member of the Garland County Farm Bureau for over 30 years.

But Marion's service isn't just limited to Arkansas. He has also played an important role in the National FFA, where he has been a member of the board of directors, served as national treasurer, and has been a part of various task and action force committees. To quote longtime friend Keith Stokes, ''there is not a young person who went through the FFA program that was not influenced in a positive way by Mr. Fletcher.''

His hard work hasn't gone unnoticed, and he was honored with the first-ever National FFA Advisor's Golden Owl Award. He has also received the FFA VIP Award, recognition in the Arkansas Agriculture Hall of Fame, Arkansas's ''service to citizens'' award, and a litany of others on a long list of well-deserved commendations.

The honors, distinctions, and accolades earned by Marion are endless. Like those before me, I am proud to honor Marion's work and legacy. He is an outstanding Arkansan, and our State agriculture industry is better because he committed his life to agriculture education.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

USA FREEDOM ACT

Mr. WYDEN. Mr. President, in the aftermath of the horrific tragedy in Orlando, Americans are understandably concerned about whether law enforcement and intelligence officials have the tools they need to keep our people safe. I share these concerns and have for quite some time.

In 2013, I proposed that the government be authorized to obtain phone, email, and other records immediately in emergency situations and then after the fact come back for court review. That proposal I made in 2013 became law as part of the USA FREEDOM Act—it is section 102 of the USA FREEDOM Act—and as of today, that legislation I authored gives the FBI more authority to move immediately when they believe it is essential to protect the safety and well-being of Americans and our families.

I don't take a backseat to anybody when it comes to supporting efforts that are going to do everything possible to make Americans safer in their communities. So right now—and this is so often the case after a tragedy—when Americans want to be safer and they want their liberties, all too often proposals are advanced that in so many instances don't do much of either.

It is for that reason that I have come to the floor to express my concern about the sweeping surveillance amendment that was proposed this morning by the senior Senator from Texas. In my view, it is important for colleagues to see that this proposal would dramatically and unnecessarily expand the government's ability to conduct surveillance of Americans without court oversight.

In my judgment, it would not make our country any safer. The real implications are that it could significantly undermine the constitutional rights of law-abiding Americans, largely to save some paperwork for law enforcement officials.

As was described on the Senate floor this morning, this amendment would authorize individual FBI field offices to demand Americans' email and Internet records simply by issuing what is called a national security letter, which means there really is no court oversight whatsoever.

This authority currently exists for phone records, and law enforcement officials have repeatedly suggested that it would be convenient for email and Internet records to be collected in the same way. The FBI has not suggested that they are currently unable to obtain these records in counterterror investigations. Law enforcement officials have simply been arguing that it would be more convenient to operate without judicial oversight. I find this position very troubling because I don't see anything in the writings of the Founding Fathers that says convenience alone should justify a dramatic erosion of the constitutional rights of law-abiding Americans.

It is important to understand that this sweeping expansion of surveillance authorities is not necessary. If FBI officials have reason to suspect an individual is connected to terrorism or espionage, they already have the ability to access that person's email and Internet records by simply obtaining an order in the Foreign Intelligence Surveillance Court. These orders can be issued in secret and require relatively little evidence. The FBI just needs to assert that the records are ''relevant to an investigation,'' and that is not difficult to do. But requiring the approval of an independent judge provides an important chapter against the abuse or misuse of this authority. By contrast, national security letters are not reviewed by a judge unless a company that receives one attempts to challenge it.

As I indicated earlier this afternoon, I appreciate the FBI's interest in obtaining records about potential suspects quickly, but my view is that Foreign Intelligence Surveillance Court judges in the typical situation are very capable of reviewing and approving requests for court orders in a timely fashion, and that is why I made mention of it.

If the government thinks that there is an emergency situation and that time is so critical, the government can use that section of the USA FREEDOM Act that I authored, Section 102, to obtain records immediately in an emergency situation and then go seek court review after the fact.

As I indicated, I have been supportive of this for quite some time, but I think giving the government the authority to move in emergency situations is very different from giving the government substantial new surveillance authority just because some officials don't like doing paperwork. If the FBI's own process for reviewing orders is too slow, then the appropriate solution is administrative reforms, not a major expansion of government surveillance authorities.

While this amendment would not apply to the text of emails, it would allow the FBI a wide variety of information, including records of whom individuals exchange emails with and when, as well as individuals' log-in history, IP addresses, and Internet browsing history. This sort of surveillance can clearly reveal an extensive amount of information about individual Americans. Our Founding Fathers rightly argued that these kinds of intrusive searchs ought to be approved by independent judges.

At this point, I believe it is worth noting that President George W. Bush's administration reached the same conclusion that I have described this afternoon. In November of 2008, the Justice Department's Office of Legal Counsel advised the FBI that national security letters could only be used to obtain certain types of records, and this list did not include electronic communication records. The FBI has, unfortunately, not adhered to this guidance and has at times continued to issue national security letters for electronic communications records. A number of companies that have received these overly broad national security letters have rightfully challenged them, as I have indicated, as improper. Broadening the national security letter statute to include electronic communication transaction records would be a significant expansion of warrantless surveillance authority.

Unfortunately, the government's track record with its existing national security letter authorities includes a

substantial amount of abuse and misuse. These problems were extensively documented by the Justice Department's inspector general in 2007, 2008, 2010, and 2014. In my judgment, it would be reckless to expand this particular surveillance authority when the government has so frequently failed to use its existing authorities responsibly.

In 2013, President Obama's surveillance review group looked at the national security letter statute. This group included a number of distinguished national security leaders, including former White House counterterrorism adviser Richard Clarke and former Acting CIA Director Mike Morell. They determined—and I think what is so noteworthy is that at a time when the President assembled practically an NBA All-Star team of counterterror leaders, this group determined that national security letter authority ought to be narrowed, not expanded. They were making a judgment to counter to the senior Senator from Texas, and they felt they ought to go the other way and be more cautious about how it is used.

These leading national security officials, the names of whom I have just given, stated in their report that national security letters have been, in their view, highly controversial and noted that there have been ''serious compliance issues on the part of the government.'' They concluded the following: ''For all the well-established reasons for requiring neutral and detached judges to decide when government investigators may invade an individual's privacy''—their words and not mine—''there is a strong argument that [national security letters] should not be issued by the FBI.''

National security letters was what the description of the issue was all about. In the judgment of these experts, the government should seek the approval of a judge the way our Founding Fathers intended.

I want it understood that I would strongly oppose the surveillance amendment filed this morning. My view is that it would erode our core constitutional rights without making our country safer.

All over the country right now, Americans are asking what can be done to make our country safer. This morning, for example, we had the CIA Director, Mr. Brennan, in the Intelligence Committee, and I pointed out that one of the things that help Americans be as safe as possible is strong encryption for their smartphones. Those smartphones have people's different transactions, such as medical and financial information. Their whole life is in those smartphones. If you weaken strong encryption and require companies—as several of our colleagues want to do—to build back doors into these digital products, Americans are going to be less safe.

For example, a number of the smartphones have a location tracker so parents can keep tabs on their youngster. Well, if you weaken encryption and weaken the location tracker, you are pretty much giving a gift to pedophiles because it will be easy to track youngsters as a result of weakening encryption.

We had a discussion about it this morning. The comment I was concerned about in particular this morning was when I said ''Hey, if we weaken encryption in the United States, the reality is that terrorists, hackers, and others will go overseas, where there are hundreds of products with strong encryption,'' it was the view of the CIA Director that that was ''theoretical.'' So I was forced to correct that later in the course of the day to say that some of the leading experts in cyber security said that this is not theoretical.

The reality is that there are hundreds of products overseas with strong encryption. So think about that one. What we would be doing if we weakened encryption is we would be adopting a policy that would leave our people less secure and their liberties more at risk right at the time when they are saying, after the horrific tragedy in Orlando, that they want better policies to promote their safety and make sure their liberties are kept.

This is a debate we are going to have in several forms. We will have them in committee rooms and on the floor of the Senate. I just want it understood that the reason I am opposing what the senior Senator from Texas talked about today is that I think it flies right in the face of what I have described. It does nothing to make us safer, and it puts our liberties at risk, much as the distinguished panel that was put together by the President—all these outstanding counterterror officials—said when they expressed concern about the whole future of national security letters.

There is a way to do this right, and I would submit that is what we did in Section 102 of the USA FREEDOM Act. It was something I had talked about with the President on several occasions. I am willing to say what I said but not what the President said.

I have repeatedly said to the government that if the government doesn't have enough authority in emergency situations to protect the American people, I will use my ability as a senior member of the Intelligence Committee to make sure they have that authority. We did that in the USA FREEDOM Act. The government can move immediately to collect phone and email records and then come back later to go through the court review process. That is the kind of model we ought to use, not what we heard about this morning from the senior Senator from Texas that would expand government surveillance authority, put our liberties at risk, and not make our country safer.

I am sure this will be a topic of extensive discussion on the Senate floor next week. I just wanted to take this opportunity to outline my views on the topic.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN VIOLENCE

Mr. COONS. Mr. President, I am coming to the floor today to join so many of my colleagues who have spoken over the last day to encourage bipartisan cooperation on commonsense legislation to address the gun violence epidemic that plagues our Nation and my home State of Delaware. I want to thank my colleagues, Senators MURPHY and BLUMENTHAL, for their consistent and unwavering commitment in addressing this very real national crisis.

In the aftermath of the tragic mass shooting of Orlando, I have been filled with many emotions, as have so many of my colleagues—grief for the victims and their families, concern for the city of Orlando, grief for the greater LGBTQ community across our Nation and world, anger toward the perpetrator and the extremists who spread hatred, violence, and fear around the world, and a powerful, deep-seated frustration that our government, our Congress, this Senate, has not taken needed steps to keep dangerous and unstable individuals from getting access to guns. The atrocity that took place at the Pulse nightclub in Orlando, FL, was more than just a cowardly act of terrorism and a despicable, violent rampage of hate against our LGBTQ brothers and sisters; it was also an attack on the very freedoms in our way of life. From the brave first responders and law enforcement officers who rushed to the scene, to the hundreds, even thousands, of Floridians who lined up in the days since to donate blood, tragedies like these so often showcase the very best and worst of humanity in the same heartbreaking moment.

This mass shooting—the worst mass shooting in American history—should force us to confront a number of powerful but unanswered questions: Are we going to be a nation that celebrates our diversity or one that stokes fear, division, and hatred? Are we going to engage the American Muslim community in pursuing our shared goal of defeating the scourge of terrorism, or are we going to malign and alienate 1.6 billion people from one of the world's great religions? Are we together going to pass commonsense safety measures

addressing gun violence, or is this Senate, yet again, going to accept the status quo?

Our Nation, my State, my constituents, my neighbors, are crying out for the Members of this body to have the courage of our convictions and to address this moment. Regardless of the Orlando attacker's intentions or his background, Congress must act to prevent known or suspected terrorists from having the unfettered ability to purchase high-powered military grade weaponry. That means ensuring that we have a universal system of background checks when a firearm is purchased. It also means ensuring that the U.S. Department of Justice gets notified when a known or suspected terrorist goes to buy a gun so that the Department can investigate or stop a transaction that might immediately endanger citizens' lives.

Today an estimated 40 percent of all gun sales are sold by unlicensed dealers who are not required to conduct any criminal background checks under Federal law. In the aftermath of the atrocity in Orlando, Deputy Attorney General Yates noted that the Justice Department ''would have liked to have known'' that Omar Mateen had gone to purchase an assault rifle.

Our Constitution protects the fundamental individual right to bear arms, but no freedom is absolute, and no one amendment can subvert all the others. Orlando deserved to have the security of a functioning universal background check system that keeps guns out of the hands of people known to be dangerous. So, too, do the people of my hometown of Wilmington.

Earlier this week, late Tuesday night, in my hometown of Wilmington, less than a block away from a business owned by one of my treasured staff members, four young teenagers, ages 12, 13, 15, and 16, were shot. The 15-year-old boy remains in critical condition in Christiana Hospital. He was shot in the stomach, hand, and leg.

Earlier this week in Wilmington, a 15-year-old girl was shot during an argument at a party. There have been so many instances of gun violence on the streets of my hometown in the weeks and months of this year, last year, and the year before that we have become numb to it. We have almost lost count of them. Yet this daily carnage continues in my hometown and in towns all across this country.

Orlando deserves the amount of attention it has received as one of the worst mass American atrocities occurring in history. Yet we cannot forget the week-in and week-out tragedies where one, two, and three individuals are shot in what now seems to be, sadly, routine gun violence all across this country.

We have heard in speeches given by my colleagues about incidents all over our country. From Orlando to San Bernardino to Newtown, from Wilmington to Chicago to Los Angeles, Americans fall victim to gun violence each and every day. It doesn't have to be this way.

Americans are 25 times more likely to be murdered with a gun than people in any other developed country. We can and we must do more to prevent senseless acts of gun violence.

So today, this week, we mourn the lives taken from us too soon in Orlando, and I mourn and many of my neighbors and constituents mourn the lives lost in Wilmington. But we all pray that the families and friends grieving the loss of their loved ones will find strength and purpose in the days to come and will bring encouragement from actions by this Senate.

Tragedies like these don't just draw our attention, don't just hold our gaze, and don't just break our hearts; they also challenge our values as a nation. In response to the atrocities in Orlando, America's message to the world must not be one of fear and anger and isolation as some propose. Instead, I think we can and should take action to protect all of our citizens of any ethnicity, any faith, and any sexual orientation with commonsense gun legislation. I am encouraged to know there have been filed bills that this body will take up and act upon next week and that my colleagues, Senators MURPHY and FEINSTEIN, have been able to submit for consideration by this body—bills relating to background checks and to closing the terror gap that I look forward to supporting next week when we return.

I would like to thank all of my colleagues of both parties who have advanced proposals or have come to the floor to participate in an important effort to show the people across the country that we can work across the aisle, that we can listen to each other, and that we can, I hope, legislate.

I specifically thank my colleague Senator MURPHY for his discipline, his engagement, and his work in an important filibuster to show the people of our country that we are listening, we are paying attention, we are working, and we will soon take action.

With that, I thank the Presiding Officer.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING MARY D. FERGUSON

Mr. MCCONNELL. Mr. President, I wish to share with my colleagues the very sad news that Mary D. Ferguson, a legendary Kentucky journalist and a good friend of mine, has passed away. She departed this life last Thursday, June 9, in the town of Hopkinsville, KY, at the age of 82. She will be remembered and greatly missed by her family, many friends, and journalists throughout the Commonwealth.

Mary was a pioneer as a female journalist in an era when women were not expected to enter that profession, but she did not let that deter her from doing what she had dreamed of since childhood. She got her first job in journalism when she was a freshman in college, working as the society editor at the Clarksville Leaf-Chronicle.

She also served as the news director for a Hopkinsville radio station, WHOP, before being hired as a reporter by the Kentucky New Era in 1962. There she remained for more than 50 years—as a reporter, columnist, and eventually as an unofficial historian for the region and fount of institutional knowledge for the newspaper. By the time she passed away, of course, she had been working there since before most of her coworkers were born.

Mary touched the lives of thousands in Kentucky and beyond with her work for the New Era. Her stories gave voice to the people of her community, and she brought events of the world home for her readers. In covering events at Fort Campbell, KY, she wrote about Presidents spanning from Lyndon Johnson to George W. Bush. She covered gubernatorial inaugurations, crime, the courts, elections, and the arts.

I got to know Mary back when I was first elected to statewide office. She interviewed me and was a part of editorial board meetings, which I frequently held with the New Era. Mary was a rarity in the fact that she was one of the few journalists who leaned Republican, although she always kept her reporting balanced. I certainly appreciated her support and encouragement throughout the years and grew to have great admiration and respect for this woman who was not afraid to chart her own path.

Mary was the heart of the New Era newspaper and will be deeply missed by her colleagues and the hundreds of journalists who passed through that publication's offices over the five decades of her tenure. The paper established in 2005 the Mary D. Ferguson Award, given annually to the employee most committed to the quality of the newspaper. That tradition will continue after her death.

Kentucky has lost one of its leading lights in journalism, and I have lost a friend. Elaine and I want to express our deepest condolences to Mary's family. She is survived by her husband, retired Kentucky State Police Trooper Russell Ferguson, her daughter Lee Ellen Ferguson Fish, and two grandchildren.

Along with the Hopkinsville community, we stand by the Ferguson family and support them in their time of grief.

The newspaper Mary Ferguson wrote for for 54 years, the New Era, published a remarkable article detailing her life and career. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Kentucky New Era, June 10, 2016]

TRAILBLAZING JOURNALIST, MARY D. FERGUSON, DIES AT 82

(By Jennifer P. Brown)

HOPKINSVILLE, KY.—Mary D. Ferguson, a Kentucky New Era staff writer and columnist who covered stories about farmers, housewives, Army generals, American presidents and much more in a career lasting more than 50 years, died Thursday morning at a Hopkinsville nursing home. She was 82.

A native of Trenton and longtime resident of Pembroke Road, she lived just a few miles from the newspaper. She is survived by her husband, retired Kentucky State Police Trooper Russell Ferguson, and their daughter, Lee Ellen Ferguson Fish.

Ferguson was a trailblazer for women in news reporting.

A 1952 graduate of Trenton High School in Todd County, she moved to Clarksville when she started college at Austin Peay State University. In the spring of her freshman year, she applied for the society editor's job at the Clarksville Leaf-Chronicle newspaper and was hired on the spot. Years later, she said she was shocked to get the job, but she stayed with the newspaper until a year after she graduated.

She then became the news director for WHOP. Walking from store to store in downtown Hopkinsville, she delivered the radio station's daily Shell-O-Gram, a promotional flyer for Shell Oil that featured news headlines of the day. The radio station, which was on South Virginia Street, had a mobile unit set up in a station wagon, and Ferguson also broadcast live stories from the field.

The New Era hired her on February 5, 1962, to cover crime, courts and Fort Campbell. She was the first female reporter in the newsroom.

Although the paper's owners had recruited her, it took a while for the men in the newsroom to accept Ferguson. Reminiscing last fall about her start at the New Era, she remembered how her news judgment and writing style were frequently criticized early on. Things began to shift in her favor one day when a local judge publicly praised one of her stories.

Ferguson was on a first-name basis with several commanding generals, and their family members, at Fort Campbell. She also covered Presidents Lyndon B. Johnson, Jimmy Carter, Ronald Reagan, George H.W. Bush, Bill Clinton and George W. Bush at Fort Campbell or nearby communities. She filed stories from the inaugurations of two Kentucky governors, Edward T. ''Ned'' Breathitt and Louie B. Nunn.

She loved the arts and was granted a backstage interview with the opera singer Marian Anderson at Fish University in Nashville. Ferguson was so overcome with appreciation that she broke down and cried as she approached the celebrity.

As a general assignment reporter, Ferguson wrote a wide range of stories, including murder investigations, businesses opening and closing, fatal crashes, hospital expansions, lawsuits, tobacco auctions, elections, floods, fires, high school graduations, concerts and the deaths of many friends.

Ferguson was among the New Era reporting team that covered the aftermath of the Gander, Newfoundland, crash in December 1985 that killed 248 soldiers headed back to Fort Campbell after a six-month deployment to the Sinai Peninsula in Egypt. She was at Fort Campbell the day President Ronald Reagan and first lady Nancy Reagan came to the post to console the families.

She rejected the idea of ever retiring, although she did eventually scale back her hours and devoted her time mainly to writing daily obituaries and a popular human-interest column that ran on Saturdays. Even when cancer treatments made it difficult for her to type, she continued to dictate a weekly column to another staff member.

She was rare among journalists with a career spanning more than 60 years at two newspapers and the radio station.

No one working in the New Era's newsroom today had been born when Ferguson started working for the paper at its old offices in downtown Hopkinsville. She experienced numerous changes in the newspaper industry. She gave up her typewriter for computers but never really accepted the internet as a useful tool.

New Era Publisher Taylor Hayes said he thought of Ferguson as the newspaper's ''matriarch.'' Employees counted on her frank opinion and advice.

''This classy lady provided such a footing to our company, particularly in the newsroom, and her absence cannot be easily grasped,'' Hayes said. ''She was a rock.''

Ferguson drove a red Cadillac, voted Republican, loved big friendly dogs, fed bread to fat squirrels in her yard, laughed often, cooked like a pro and remembered names and old tales that others forgot. She missed restaurants like Charlie's Steakhouse and Bartholomew's when they closed. She was partial to the Whistle Stop's chocolate glazed doughnuts. Sushi and egg rolls were not her thing.

She wore tailored dresses, cardigan sweaters, high heels and pearls to work. When the newsroom eventually went smoke-free, she took her cigarette breaks wearing a mink coat on the newspaper's loading dock, where she was likely to collect a few story ideas from the pressmen or a truck driver.

While the newsroom became younger and increasingly reliant on the internet, she packed her desk drawers with old city directories, history books and paper files. She could put her hands on a photograph of an old general before a young editor could even begin the search on Google.

No one covering news in Hopkinsville today—not at the newspaper and not at any of the radio stations—could match her institutional knowledge of people and events that shaped southern Pennyrile communities over the past 80 years.

''There are a rare class of people who, when they come into your life, however it may be, you just feel lucky to have known them,'' Editor Eli Pace said. ''Mary D. was tough as nails, classy beyond description and just wonderful—and I was lucky.''

She was opinionated too. Once, when a new editor announced that the New Era would begin re-running obituaries every time the newspaper or a funeral home made a mistake because readers liked to clip them out for family records, Ferguson snapped, ''What are we, a newspaper or a scrapbook company?''

Ferguson, who sometimes prayed for friends and co-workers from her front porch swing in the evening, believed that her best writing at the New Era came in a Christmas Eve column she wrote about her father's dairy barn.

The column included this: ''My memories were born in a stable located on a hill just north of Trenton near the Todd-Christian county line. The wide front door opened to the southwestern sky, and at night there was a star spectacle that outshone the blinking of multi-colored Christmas lights wrapped around a tree and bushes . . . The warmth, the smells, the sound of a soft wind and stars in the sky—no greater peace could be enjoyed.''

Ferguson's last column was about the arrival of the first hummingbird to her house at 2:30 p.m. April 16. Ever the reporter, she had recorded the exact time and day.

TRIBUTE TO DAVID MEDINE

Mr. LEAHY. Mr. President, for the past 3 years, David Medine has served as chairman of the Privacy and Civil Liberties Oversight Board, PCLOB—the first chairman finally to be confirmed after Congress reestablished the PCLOB as an independent agency and strengthened its authority. Under his leadership, the PCLOB has worked diligently to review surveillance programs and make recommendations to protect individual privacy and civil liberties. Mr. Medine recently announced that he will be leaving government service to join a nonprofit organization that serves low-income and disadvantaged individuals. He will be missed.

Mr. Medine was confirmed at a critical time, just a month before the first Snowden revelations in June 2013. In response to reports that the NSA had been collecting Americans' phone records in bulk for years under section 215 of the USA PATRIOT Act, he guided the PCLOB's work in reviewing that program and releasing a comprehensive report in January 2014. The recommendations in that landmark report included ending the bulk collection of Americans' phone records, installing an amicus at the FISA Court, and instituting a number of other privacy protections. Many of these recommendations were subsequently enacted into law in the bipartisan USA FREEDOM Act of 2015.

Under Mr. Medine's leadership, the PCLOB also released a detailed unclassified report in July 2014 on surveillance conducted pursuant to section 702 of the Foreign Intelligence Surveillance Act, which is slated to expire at the end of next year. This report includes a valuable unclassified explanation of the implementation of section 702. These reports and Mr. Medine's related testimony before the Senate Judiciary Committee have been tremendously beneficial to Congress and the American people in examining government surveillance programs.

Mr. Medine's public service spans more than 20 years. Over the course of his career, he has earned a reputation as a thoughtful and well-respected authority on privacy and data security

issues. I commend Mr. Medine for his dedicated public service and efforts to protect the privacy and civil liberties of the American people, and I wish him well in this new chapter.

(At the request of Mr. BURR, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Mr. RUBIO. Mr. President, I am a proud cosponsor of the Compressive Addiction and Recovery Act, or CARA, a bill that would help Americans in the fight against the opioid and heroin epidemic sweeping across our Nation. Due to the Orlando tragedy that took place on Sunday, I was unable to be present today to vote in favor of going to conference on CARA to finalize the legislation and further assist Americans in their battle against addiction. If I were present during the vote, I would have voted in favor of going to conference on CARA.●

(At the request of Mr. DURBIN, the following statement was ordered to be printed in the RECORD.)

GUN VIOLENCE

● Mrs. BOXER. Mr. President, I ask consent to have printed in the RECORD an article from June 15, 2016, in the Huffington Post, regarding the Orlando shooting and the urgent need for the Senate to take action on gun control.

The material follows:

[The Huffington Post, June 15, 2016]

ON GUN VIOLENCE—LET'S COME TOGETHER AND STOP THE HEARTBREAK

(By Senator Barbara Boxer, Ranking Member, Senate Environment and Public Works Committee)

Columbine. Virginia Tech. Fort Hood. Tucson. Aurora. Newtown. Navy Yard. Isla Vista. Charleston. Umpqua. Colorado Springs. San Bernardino.

And now Orlando is etched into the list of places in America that have been forever scarred by gun violence.

In the aftermath of each of these deadly mass shootings, we express our horror, our prayers for the victims and survivors, our condolences, our thanks to the courageous first responders—and of course, we must and we should. But words are not enough.

After the horrific tragedy at Sandy Hook Elementary School four years ago, I was convinced that Congress would finally take action to address that epidemic of gun violence that kills more than 30,000 Americans every year. But only four Republicans were willing to join with 51 Democrats and independents, and so commonsense gun safety legislation was once more derailed.

That's why I am so proud that Senator Chris Murphy—joined by his Connecticut colleague, Senator Richard Blumenthal—took to the Senate floor with a simple message: Enough is enough. The Senate must address this issue with a vote.

We may not be able to prevent every tragedy, but there is so much we can do to save lives and protect our communities. And we can do it while still protecting the Second Amendment. We should start by taking these six commonsense steps right now:

We can pass legislation to prevent a suspected terrorist from buying firearms or explosives.

We can pass legislation to keep military-style weapons off our streets. These are weapons of war, and they do not belong in our communities.

We can expand background checks—an idea supported by almost 90 percent of the American people and a majority of NRA members—which will help keep guns out of the hands of criminals and the mentally ill.

We can pass the Gun Violence Intervention Act, which would allow families to go to court to seek a ''gun violence prevention order'' to temporarily stop someone who poses a threat to themselves or others from purchasing or possessing a gun.

We can increase funding for the Urban Area Security Initiative (UASI), an important grant program that helps communities plan how best to prevent and respond to acts of terrorism.

We can protect our children by investing in the Comprehensive School Safety Initiative, which helps schools develop school safety plans and provide critical safety training to school personnel.

We need a layered defense to protect our communities from criminals and terrorists who want to inflict mass casualties, and that is what these proposals would provide.

We know that tough gun safety laws work. We have seen it in other countries, like Australia. And we have seen it in my state of California which—after passing sensible laws—saw a 56 percent drop in gun violence between 1993 and 2010, according to the Law Center to Prevent Gun Violence.

People deserve to feel safe in their communities. They deserve to feel safe at work, at school, at a shopping mall, at a movie theater, at a health clinic, at a night club.

As elected officials, we take an oath to protect and defend the American people. Right now, we are failing at our most basic task—keeping our children and our families safe from harm.

It isn't enough for us to keep lamenting these tragedies. The people of Orlando, San Bernardino, Isla Vista, Newtown and so many other communities want more than words. They want action. And they want it now.●

ADDITIONAL STATEMENTS

TRIBUTE TO DR. BENNY GOODEN

● Mr. BOOZMAN. Mr. President, today I wish to honor Fort Smith School District superintendent Dr. Benny Gooden, who will retire at the end of June after a lifetime of dedication to education.

Dr. Gooden has led the Fort Smith School District since 1986, and in those 30 years, he has proven himself to be a driving force in education at the local, State, and national level.

He made a career out of helping students and creating a solid education, to pave the way for a successful future for them. During his 50 years in education, he always put students first and fought to ensure the community created opportunities in their best interest.

Dr. Gooden has remarked to the School Superintendents Association that his best professional day was when Fort Smith voters approved a 20 percent tax increase to guarantee the district's financial stability.

He has been recognized for his career as a school administrator earning the American Association of School Administrators' Arkansas Superintendent of the Year award and was ranked in the top 100 Outstanding School Administrators in North America by Executive Educator magazine. He was named Administrator of the Year by the Arkansas PTA in 1995, received the Phoebe Apperson Hearst Outstanding Educator award from the National PTA in 1999, and a year later was the recipient of the Dr. Dan Pilkington Award by the Arkansas School Boards Association. These accolades are all well deserved.

Dr. Gooden is actively engaged in the legislative process at the State and national levels on behalf of education. He has served as a member of the Executive Committee of the American Association of School Administrators and served as the organization's president from 2012–2103. Dr. Gooden has served his community, State, and Nation in a remarkable way in pursuit of better education opportunities for Arkansas students.

He has been a resource for me over the years to keep up with the needs and challenges of our education system. Whether pursuing opportunities for students of diverse backgrounds, cheering the accomplishments of adult education graduates, or paving the way for advanced technology in the classroom, Dr. Gooden's dedication to the young people of Fort Smith has made a positive impact on the community. Because of this, Fort Smith will continue to benefit from Dr. Gooden's work long after his retirement.

I congratulate Dr. Gooden for his outstanding achievements in his career and thank him for his dedication to education, students and the community. I appreciate his friendship and enjoyed supporting his efforts to improve education. I wish him all the best in retirement and know that his wife Martha and the rest of his family will enjoy the opportunity to spend more time with him.●

TRIBUTE TO JIM ROWLAND

● Mr. BOOZMAN. Mr. President, today I wish to honor Fort Smith School District athletics director Jim Rowland who will retire in June after serving the school district for over half a century. Rowland's dedication to education and athletics in Fort Smith is nearly unprecedented.

Jim Rowland has been involved in Fort Smith's school district since 1963. He began work at Darby Junior High School as the head coach for track and football. In 1966, Rowland became an assistant coach to the football team at Northside High School and, in 1970, was named head coach at crosstown rival, Southside High School.

After a successful coaching career, Coach Rowland moved to the administrative sector becoming assistant principal in 1982 at Southside High School. Nine years later, Coach Rowland assumed the role of athletics director for Fort Smith Public School District.

Under his watch, both Northside and Southside High School won a combined six State championships in football—more than any other school district in the 7A classification.

During Rowland's time as athletics director, he oversaw an extensive growth in athletics. Under his leadership, both Northside and Southside High school won State championships in track, volleyball, bowling, and golf.

His passion helped improve athletics in Fort Smith to a level not seen before. In 2009, Fort Smith School Board, in a unanimous vote, renamed Southside High School's stadium, Jim Rowland Stadium as thank you for his services.

I congratulate Coach Rowland for his outstanding achievements in athletics and education. I thank him for his service to the Fort Smith School District and the countless students he impacted, including me. I was on the Darby Rangers football team in eighth grade when he started his coaching career in Fort Smith, and I was a member of the Northside Grizzlies when he became an assistant coach at the high school. Coach Rowland was a role model and one of the most positive influences in my life, as well as so many others.

His efforts to foster growth in the district and enhance athletics in Fort Smith have become reality. I greatly appreciate his commitment to the schools and athletic programs, his guidance and friendship, and I wish him continued success in all of his endeavors. Fort Smith is fortunate to have had someone with his passion and dedication to the schools.●

TRIBUTE TO FRANCES DOLEZAL ORDWAY

● Mr. DAINES. Mr. President, on January 9, 1915, the Dolezal family scurried around a humble homestead in Hingham, MT. The house had no heat, no plumbing, and no modern conveniences to combat the bitter Montana cold. Jerry and Grace Dolezal had just welcomed a brand-new baby girl—Frances. Her brother Bob Dolezal says, ''My father used to say, she was so small, she could have worn a ring as a bracelet.'' Frances was a premature breach birth, and the family took turns huddling around her crib, a small dresser drawer, refilling a hot water bottle each hour to keep the newborn warm. Frances would survive that night and many more. She celebrated her 101st birthday this last January.

I would like to take this time to recognize and honor her service to our country and her contribution to the children of Montana. We are the land of the free because of the brave, and as we continue to face foreign and domestic threats I am humbled by the service men and women who have protected and served. In 1942 the United States faced a shortage of military personnel due to World War II. In an effort to fill the void, the Women Accepted for Emergency Volunteer Service program, or WAVES, was created and allowed women to enlist in the U.S. Navy.

After her brother George Dolezal survived the attack on Pearl Harbor, Frances was anxious to do her part and graciously enlisted in July of 1943. She was stationed on Terminal Island in San Pedro, CA, for the next 2 years, serving as a second class aviation machinist mate, preparing airplanes before they were shipped overseas.

When the war ended, Frances returned to Montana and earned her bachelor's degree in education from the Western Montana College of Education, now University of Montana Western, in Dillon. Frances would go on to be a first grade teacher and serve the communities of Cutbank, Malta, Havre, Zortman, Ledger and Browning for over 25 years.

Frances was a tough teacher but fair. In Browning, where class attendance was low, Frances created an innovative cotton ball calendar tactic to motivate class participation. Her classes held the highest attendance rates and many of her schoolchildren would exit first grade with third grade reading levels. Her brother Bob says: ''Her ability to motivate little ones was what I was always impressed with. She instilled in them to never quit; keep trying until you can succeed.''

On Frances' 100th birthday she was showered with letters, cards, and gifts from her former students. One student, now a successful businessman in Billings, MT, made it a priority to be in attendance for the celebration. The young man thanked Frances and said that, among all of his teachers and college professors, Mrs. Ordway was his favorite.

In an effort to ensure all female World War II veterans receive their World War II service medals, Frances was recently honored by the Montana American Legion in Chinook, MT. Frances was pinned with her World War II Victory Medal in honor of her service from 1943 to 1945.

It is stories like Frances's, the Dolezal family, and numerous others that remind us of the importance of preserving these stories through efforts like the Veterans History Project. Though many people may never know her name, Montanans and Americans owe her our appreciation. Thank you, Frances, for your patriotism and commitment to the education of young Montana minds.●

TRIBUTE TO CHRISTINA ARAGON

● Mr. DAINES. Mr. President, I would like to call your attention to Christina Aragon, a recent graduate of Billings Senior High School. While in high school, Christina competed in track and field, gymnastics, was an active member of the National Honors Society and concert band, and was named the Gatorade Montana Track and Field athlete of the year in 2015. Christina is the youngest daughter of Chuck and Kathy Argon and is running her way into the record books.

Christina, known as Teeny by friends and family, is a remarkable track and field athlete whose events include the 400m, 800m, 1500m, 1600m, and the 3,200m. Over the course of her high school career, Christina earned nine State champion titles; three of those titles were earned while running with a broken elbow.

On June 5, Christina attended the Payton Jordan Invitational at Stanford and completed the 1500m in 4:11.24. Competing in a packed race with multiple professionally sponsored runners, this 18-year-old surprised everyone in attendance. On June 12, at the Portland Track Festival, Christina defied expectations yet again and set a national record of 4:09.27, becoming the third fastest 1500m high schooler in history, while simultaneously qualifying for the Olympic time trials. This weekend, she will compete in the Brooks PR Invitational in Renton, WA, where she holds the record for the 800m at 2:04.00. Christina will also attend the Olympic time trials in Oregon on July 1, 2016.

Christina represents the youngest of the Aragon track and field legacy. Her father was the first Notre Dame runner to break the 4-minute mile in 1981. Her mother competed in her third Olympic time trial in 2004, and her older sisters, Danielle and Alexa, hold multiple State champion titles and run together as All-Americans at Notre Dame. Christina will attend Stanford University this fall and continue her track and field career.

When asked about the Olympic time trials, Christina commented, ''I'm obviously going to be pretty nervous, but I'm just going to try to channel that nervousness into more excitement because that's just an awesome opportunity and I'm really lucky to be able to have that so I'm just going to go out there and have fun and run fast, hopefully.''

William Shakespeare wrote, ''Though she be but little, she is fierce,'' a quote that I feel resonates all too well with this determined and fearsome young lady. I ask that you join me in wishing Christina the best of luck in the coming weeks. I have no doubt that she will continue to make her family and Montana proud.●

TRIBUTE TO BRENDA KADRMAS

• Mr. DAINES. Mr. President, today I wish to recognize a Havre Police Department dispatcher, Brenda Kadrmas. Originally from Conrad, Brenda is a 10-year veteran to the department. She acted in a swift and steadfast manner during a terrifying situation and put her extensive training to work in order to prevent a suicide.

Brenda has taken full advantage of training opportunities—thankfully, she did; she was able to save a life. Thank you, Brenda, for your commitment to the department and the city of Havre. You have shown tremendous leadership and dedication, and for that, I am proud of you. Keep up the great work, and thank you for your service.•

TRIBUTE TO DAVE WICHMAN

• Mr. DAINES. Mr. President, today I wish to recognize Dave Wichman, superintendent and assistant professor of agronomy at Montana State University. He has dedicated 35 years of his life working in the agricultural research centers for the State of Montana.

Dave has worked with Montana Agricultural Experiment Stations since 1976, serving at both the Southern Ag Research Center in Huntley and Central Ag Research Center in Moccasin, MT. Dave has impacted forage crops, pulse crops, oil seed crops, cereal agronomy, and foundation seed.

Dave, thank you for your passion, your knowledge, and your dedication. Montana thanks you for a job well done and wishes you the best.•

TRIBUTE TO DR. STEPHEN WELLS

• Mr. HELLER. Mr. President, today I wish to recognize Dr. Stephen Wells for his service with the Desert Research Institute, or DRI, after being a significant team member for 16 years. It gives me great pleasure to recognize his years of hard work and commitment to making this institute the best it can be.

Dr. Wells earned his master's degree and doctorate in geology from the University of Cincinnati in Ohio. He later served as a professor of geomorphology and chair of the graduate program in the Department of Earth Sciences at the University of California, Riverside, jumpstarting his academic career. In 1976, he joined the University of New Mexico, serving as chair of the Department of Geology from 1989 to 1991. In both roles, Dr. Wells built internationally recognized research and graduate programs and enrolled 34 students into the programs.

Beginning in 1995, Dr. Wells began his lengthy tenure with the DRI as executive director of the Quaternary Sciences Center. Throughout the next 16 years, he worked diligently to climb the ladder and became president of DRI, one of the world's largest multidisciplinary environmental research organizations, located in our great State. The institute has 500 scientists, technologists, students, and other staff working to further develop nationally recognized research. Dr. Wells led the institute with three core divisions and four interdisciplinary science centers, which serve Nevada and regions across the globe with innovative research. Dr. Wells also helped to build the institute to a $50 million per year operation, compared to the $23.8 million in 1998. Residents across the State are fortunate to have had someone of such dedication working on behalf of the institute.

During his time in Nevada, he emerged as a true leader within our community. Dr. Wells served as a graduate faculty member in the hydrological sciences program and the Department of Geological Sciences at the University of Nevada, Reno. He also served as a board member of the Economic Development Authority of Western Nevada and the Nevada Development Authority. In addition, he spearheaded various initiatives in unmanned aircraft systems technology, as well as helping position Nevada as a frontrunner in advanced technologies. I have worked with him personally on various Nevada priorities and am thankful to have had him as an ally in these initiatives.

Dr. Wells has received three national awards in recognition of his work: the Geological Society of America Kirk Bryan Award, the Gladys Cole Award, and the Geological Society of America Farouk El-Baz Award. These accolades are a tremendous honor, and without a doubt, Dr. Wells' work warrants this recognition.

I ask my colleagues and all Nevadans to join me in thanking Dr. Wells for his dedication to DRI throughout the past 16 years. He exemplifies the highest standards of leadership and service and should be proud of his meaningful career. I wish him well in all of his future endeavors and in his new role with the New Mexico Institute of Mining and Technology.•

TRIBUTE TO AMBER PARSONS

• Mr. MANCHIN. Mr. President, I rise today to honor Amber Parsons, an outstanding and accomplished young woman from Wheeling, WV.

Amber, a recent graduate of Wheeling Park High School, graduated in May with honors and with an outstanding 4.0 GPA. She has received numerous Presidential Award Scholarships because of her outstanding effort and hard work and also attended the Global Youth Leadership Conference last summer with individuals from more than 30 countries.

The Global Youth Leadership Summit is both an academic and professional opportunity for young men and women to not only enhance their academic abilities, but grow personally and professionally as well. The summit immerses students in various cultures and gives them the opportunity to interact with policy officials, lobbyists, journalists, and other industry leaders. It is a wonderful opportunity for young men and women to learn and grow on a professional and personal level.

Amber is the only individual ever from West Virginia to be selected to attend this prestigious conference. While being selected from 3,700 applicants is an accomplishment in itself, she was also selected to return again this year. Less than 10 percent of previous attendees are asked to return, and Amber was included in that small percentage.

Aside from her outstanding academic work, Amber also helped to establish St. Baldrick's Day in Wheeling, a premiere childhood cancer research fundraiser that is prominent throughout the State and has been for 13 years.

Alongside all of her accomplishments, Amber also enjoys performing in stage productions and has performed in several, including ''Scrooge,'' ''Footloose'' among others.

Amber Parsons is not only an outstanding student, but an accomplished individual as well. Being a member of National Honor Society, graduating from Wheeling Park with honors, and being selected to attend the Global Youth Leadership Summit, I am extremely proud of this young woman for representing my State of West Virginia.•

100TH ANNIVERSARY OF THE LANSING ROTARY CLUB

• Mr. PETERS. Mr. President, today I wish to recognize the Lansing Rotary Club's centennial. For 100 years, the Lansing Rotary has been a cornerstone of fellowship and service for those in the greater Lansing community. Throughout that time, it has remained committed to the core value of all Rotarians, ''Service Above Self,'' by enhancing the quality of life of the City's residents and helping shape business leaders into community leaders.

Founded on May 29, 1916, the Lansing Rotary was the 232nd club in the world and the seventh in Michigan. Its commitment to service was demonstrated almost immediately; within the first 6 months, the club contributed funds to help erect a barrier at a dangerous curve on Okemos Road, generated enthusiastic support for a citywide vote to establish municipal garbage collection for Lansing residents, donated footballs to the poorly equipped Lansing Boys Industrial School, and began the tradition of hosting annual Christmas parties for children in need.

What truly thrust Lansing Rotary into the spotlight was its organizing of

the Cabaret Charity Ball in 1917. Created to pay for the paving of the road connecting Lansing and East Lansing, the State Journal called the Ball, ''easily the most talked of social event in the history of the city . . . it will be the marking of the growth of Lansing from a little city to the ways and habits of larger and more progressive cities.'' In a remarkable display for a club still less than a year old, the ball attracted hundreds of attendees and funded the paving of the road known today as Michigan Avenue, the road that leads directly to Michigan's Capitol building.

Like many rotary clubs around the world, Lansing Rotary gained a reputation for its emphasis on providing unique services. Continuing the main trend of its work during that immensely successful first year, Lansing Rotarians became best known for their efforts in assisting disadvantaged children. In the decades that followed, the club purchased a 12-acre campsite and donated it to Boy Scouts; established an educational loan fund to send young people to college; created a dental program for children and youth; donated $10,000 for the establishment of Camp Ingham, a facility for troubled boys between the ages of 14 and 17; and, in 2002, it contributed $100,000 to Lansing's Helping Other People Excel, HOPE, scholarship program for Lansing at-risk youth.

Today Lansing Rotary boasts a membership of nearly 300 and continues to fulfill its mission of ''Service Above Self.'' Since its establishment 100 years ago, it has donated millions of dollars to Lansing-based organizations and continues to give through annual grants to organizations like the Greater Lansing Food Bank, the Mother Teresa House, and Lifetech Academy, Michigan's cyber school. Moreover, it provides similar services internationally, including grants for small projects in the Philippines, India, and Mexico, and larger projects like the construction of a school in Sri Lanka after the tsunami. Through its generous service to Lansing and helping shape business leaders and community leaders alike, Lansing Rotary is truly a pillar of mid-Michigan

I am honored to ask my colleagues to join me today in recognizing the Lansing Rotary Club's 100th anniversary and its service to the greater Lansing community. As the organization moves into the future, I am confident it will continue to demonstrate the same high standard it set so profoundly 100 years ago.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:20 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2276. An act to amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

H.R. 812. An act to provide for Indian trust asset management reform, and for other purposes.

H.R. 2137. An act to ensure Federal law enforcement officers remain able to ensure their own safety, and the safety of their families, during a covered furlough.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1475. An act to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund that Wall of Remembrance; to the Committee on Energy and Natural Resources.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 16, 2016, she had presented to the President of the United States the following enrolled bill:

S. 2276. An act to amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5778. A communication from the Chair of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report entitled ''Report to the Congress on the Profitability of Credit Card Operations of Depository Institutions''; to the Committee on Banking, Housing, and Urban Affairs.

EC–5779. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report entitled ''The 2015 Evaluation Report to the U.S. Congress on the Effectiveness of Coastal Wetlands Planning, Protection and Restoration Act Projects''; to the Committee on Environment and Public Works.

EC–5780. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Advisory Committee; Transmissible Spongiform Encephalopathies Advisory Committee; Termination'' (Docket No. FDA–2016–N–0001) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–5781. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''2012 and 2014 Regional Partnership Grants to Increase the Well-Being of and to Improve the Permanency Outcomes for Children Affected by Substance Abuse: Third Annual Report to Congress''; to the Committee on Health, Education, Labor, and Pensions.

EC–5782. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Food Processing Sector Study''; to the Committee on Health, Education, Labor, and Pensions.

EC–5783. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Medicaid Incentives for Prevention of Chronic Diseases (MIPCD) Evaluation: Second Report to Congress''; to the Committee on Health, Education, Labor, and Pensions.

EC–5784. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Revised Medical Criteria for Evaluating Respiratory System Disorders'' (RIN0960–AF58) received in the Office of the President of the Senate on June 10, 2016; to the Committee on Finance.

EC–5785. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5786. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–411, ''School Attendance Clarification Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5787. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''FY 2014 Outcome Evaluations of Administrator for Native Americans (ANA) Projects Report to Congress''; to the Committee on Indian Affairs.

EC–5788. A communication from the President of the United States to the President Pro Tempore of the United States Senate, transmitting, consistent with the War Powers Act, a report relative to deployments of United States Armed Forces equipped for combat (OSS–2016–0856); to the Committee on Foreign Relations.

EC–5789. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the current and future military strategy of Iran (OSS–

2016–0807); to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment and with a preamble:

S. Res. 104. A resolution to express the sense of the Senate regarding the success of Operation Streamline and the importance of prosecuting first time illegal border crossers (Rept. No. 114–279).

By Mr. BOOZMAN, from the Committee on Appropriations, without amendment:

S. 3067. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes (Rept. No. 114–280).

By Ms. MURKOWSKI, from the Committee on Appropriations, without amendment:

S. 3068. An original bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2017, and for other purposes (Rept. No. 114–281).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. GRASSLEY for the Committee on the Judiciary.

Donald Karl Schott, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

Stephanie A. Finley, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Claude J. Kelly III, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Winfield D. Ong, of Indiana, to be United States District Judge for the Southern District of Indiana.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. UDALL (for himself, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. SCHUMER, Ms. BALDWIN, Mr. BENNET, Mr. LEAHY, Mr. KING, Mr. FRANKEN, Ms. HEITKAMP, Ms. KLOBUCHAR, Ms. WARREN, Mr. MARKEY, Mr. SCHATZ, Mr. SANDERS, Mrs. GILLIBRAND, Mr. WYDEN, Mr. HEINRICH, Mr. PETERS, Mr. BROWN, Mr. BLUMENTHAL, Ms. HIRONO, Mr. MURPHY, Mr. CASEY, Mr. CARDIN, and Mr. COONS):

S. 6. A bill to reform our government, reduce the grip of special interest, and return our democracy to the American people through increased transparency and oversight of our elections and government; to the Committee on Rules and Administration.

By Ms. BALDWIN (for herself and Mr. MORAN):

S. 3063. A bill to require the Secretary of Veterans Affairs to discontinue using Social Security account numbers to identify individuals, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ:

S. 3064. A bill to provide for the award of medals or other commendations to handlers of military working dogs and military working dogs, and for other purposes; to the Committee on Armed Services.

By Mr. HATCH (for himself, Mr. WYDEN, Mr. GRASSLEY, and Mr. BENNET):

S. 3065. A bill to amend parts B and E of title IV of the Social Security Act to invest in funding prevention and family services to help keep children safe and supported at home, to ensure that children in foster care are placed in the least restrictive, most family-like, and appropriate settings, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mr. DURBIN, Mr. HEINRICH, and Mr. WHITEHOUSE):

S. 3066. A bill to protect taxpayers from liability associated with the reclamation of surface coal mining operations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOOZMAN:

S. 3067. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. MURKOWSKI:

S. 3068. An original bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2017, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. TOOMEY:

S. 3069. A bill to prevent terrorists from obtaining firearms or explosives; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself and Mr. CASEY):

S. 3070. A bill to amend the Public Health Service Act to address the increased burden that maintaining the health and hygiene of infants and toddlers places on families in need, the resultant adverse health effects on children and families, and the limited child care options available for infants and toddlers who lack sufficient diapers; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself and Mr. SCHUMER):

S. 3071. A bill to designate the facility of the United States Postal Service located at 7802 37th Avenue in Jackson Heights, New York, as the ''Jeanne and Jules Manford Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JOHNSON:

S. 3072. A bill to combat terrorist recruitment in the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. BALDWIN (for herself, Ms. MIKULSKI, Ms. COLLINS, Mrs. GILLIBRAND, Ms. STABENOW, Ms. HIRONO, Mrs. MURRAY, Mrs. FEINSTEIN, Mrs. BOXER, Ms. HEITKAMP, Ms. CANTWELL, Ms. WARREN, and Ms. KLOBUCHAR):

S. 3073. A bill to establish a commission to ensure a suitable observance of the centennial of the passage and ratification of the Nineteenth Amendment to the United States Constitution providing for women's suffrage, and for other purposes; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. FRANKEN, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mr. MERKLEY, Ms. WARREN, Mrs. BOXER, and Mr. MENENDEZ):

S. 3074. A bill to authorize the National Oceanic and Atmospheric Administration to establish a Climate Change Education Program; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 3075. A bill to establish programs related to prevention of prescription opioid misuse, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Mr. CARPER, Mr. INHOFE, Mr. BROWN, Mr. BURR, Mr. ALEXANDER, Mr. TOOMEY, Mr. CRAPO, Mr. COCHRAN, Ms. MURKOWSKI, Mr. BOOZMAN, and Mr. HOEVEN):

S. Res. 495. A resolution recognizing the Boy Scouts of America on the 100th anniversary of the organization being granted a Federal charter and for the long history of heritage and service of the Boy Scouts of America; considered and agreed to.

By Mr. NELSON (for himself, Mr. RUBIO, Mr. MCCONNELL, Mr. REID, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 496. A resolution condemning the terrorist attack on the Pulse Orlando nightclub, honoring the memory of the victims of the attack, offering condolences to and expressing support for their families and friends and all those affected, and applauding the dedication and bravery of law enforcement, emergency response, and counterterrorism officials in responding to the attack; considered and agreed to.

By Ms. STABENOW (for herself and Mr. PETERS):

S. Res. 497. A resolution honoring the life and legacy of Gordon ''Gordie'' Howe; considered and agreed to.

By Mr. BLUMENTHAL (for himself, Ms. COLLINS, Ms. AYOTTE, Mrs. MCCASKILL, Mr. GRASSLEY, Mr. CASEY, Mr. COTTON, Mr. TILLIS, Mr. MURPHY, and Mr. HELLER):

S. Res. 498. A resolution designating June 15, 2016, as ''World Elder Abuse Awareness Day'' ; considered and agreed to.

By Mr. TOOMEY (for himself and Mr. CASEY):

S. Res. 499. A resolution congratulating the Pittsburgh Penguins for winning the 2016 Stanley Cup hockey championship; considered and agreed to.

By Mr. CORNYN (for himself, Mrs. BOXER, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mr. BROWN, Mr. BURR, Mr. CASEY, Mr. COCHRAN, Mr. CRAPO, Mr. CRUZ, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. HIRONO, Mr. INHOFE, Mr. KAINE, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MARKEY, Mr. MERKLEY, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PETERS, Mr. REID, Mr. RUBIO, Mr. SCHUMER, Mr. SCOTT, Ms. STABENOW, Mr. TILLIS, Mr. WARNER, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, and Ms. WARREN):

S. Res. 500. A resolution designating June 19, 2016, as ''Juneteenth Independence Day'' in recognition of June 19, 1865, the date on which slavery legally came to an end in the United States; considered and agreed to.

By Mrs. ERNST (for herself and Mrs. BOXER):

S. Con. Res. 41. A concurrent resolution expressing the sense of Congress on the Peshmerga of the Kurdistan Region of Iraq; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 804

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 804, a bill to amend title XVIII of the Social Security Act to specify coverage of continuous glucose monitoring devices, and for other purposes.

S. 1555

At the request of Ms. HIRONO, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Maine (Mr. KING) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1555, a bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 2213

At the request of Mr. BLUMENTHAL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2213, a bill to prohibit firearms dealers from selling a firearm prior to the completion of a background check.

S. 2218

At the request of Mr. THUNE, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2218, a bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care.

S. 2311

At the request of Mr. HELLER, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2311, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, to make grants to States for screening and treatment for maternal depression.

S. 2373

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 2373, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 2604

At the request of Mr. WARNER, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 2604, a bill to establish in the legislative branch the National Commission on Security and Technology Challenges.

S. 2736

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2736, a bill to improve access to durable medical equipment for Medicare beneficiaries under the Medicare program, and for other purposes.

S. 2873

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2873, a bill to require studies and reports examining the use of, and opportunities to use, technology-enabled collaborative learning and capacity building models to improve programs of the Department of Health and Human Services, and for other purposes.

S. 2912

At the request of Mr. JOHNSON, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 2912, a bill to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes.

S. 2924

At the request of Mr. REID, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2924, a bill to award a Congressional Gold Medal to former United States Senator Max Cleland.

S. 3053

At the request of Mr. CASEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3053, a bill to prevent a person who has been convicted of a misdemeanor hate crime, or received an enhanced sentence for a misdemeanor because of hate or bias in its commission, from obtaining a firearm.

S. 3059

At the request of Ms. CANTWELL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3059, a bill to reauthorize and amend the John H. Prescott Marine Mammal Rescue and Response Grant Program and for other purposes.

S. 3060

At the request of Ms. HEITKAMP, the names of the Senator from Montana (Mr. TESTER) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 3060, a bill to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements.

S. RES. 482

At the request of Mrs. SHAHEEN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. Res. 482, a resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization and to increase pressure on the organization and its members to the fullest extent possible.

AMENDMENT NO. 4691

At the request of Mr. MURPHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 4691 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4719

At the request of Ms. BALDWIN, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 4719 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4720

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Virginia (Mr. WARNER), the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Vermont (Mr. SANDERS), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Colorado (Mr. BENNET), the Senator from Pennsylvania (Mr. CASEY),

the Senator from Rhode Island (Mr. REED) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 4720 proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

STATEMENTS ON BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 3075. A bill to establish programs related to prevention of prescription opioid misuse, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Addiction Prevention and Responsible Opioid Practices Act''.

SEC. 2. OPIOID ACTION PLAN.

(a) ADVISORY COMMITTEE.—

(1) NEW DRUG APPLICATION.—Except as provided in paragraph (4), prior to the approval of a new drug that is an opioid under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), the Commissioner of Food and Drugs shall refer such drug to an advisory committee of the Food and Drug Administration to seek recommendations from such Committee.

(2) PEDIATRIC OPIOID LABELING.—The Commissioner of Food and Drugs shall convene the Pediatric Advisory Committee of the Food and Drug Administration to seek recommendations from such Committee regarding a framework for the inclusion of information in the labeling of drugs that are opioids relating to the use of such drugs in pediatric populations before such Commissioner approves any labeling changes for drugs that are opioids intended for use in pediatric populations.

(3) PUBLIC HEALTH EXEMPTION.—If the Commissioner of Food and Drugs finds that referring a new opioid drug or drugs to an advisory committee of the Food and Drug Administration as required under paragraph (1) is not in the interest of protecting and promoting public health, and has submitted a notice containing the rationale for such a finding to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, or if the matter that would be considered by such advisory committee with respect to any such drug or drugs concerns bioequivalence, sameness of active ingredient, or other criteria applicable to applications submitted under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), the Commissioner shall not be required to refer such drug or drugs to an advisory committee as required under paragraph (1).

(4) SUNSET.—Unless Congress reauthorizes paragraphs (1) and (2), the requirements of such paragraphs shall cease to be effective on October 1, 2022.

(b) EDUCATION FOR PRESCRIBERS OF OPIOIDS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, as part of the Food and Drug Administration's evaluation of the Extended-Release/Long-Acting Opioid Analgesics Risk Evaluation and Mitigation Strategy, and in consultation with the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, the Administrator of the Agency for Healthcare Research and Quality, the Administrator of the Drug Enforcement Administration, and relevant stakeholders, shall develop recommendations regarding education programs for prescribers of opioids required to be disseminated under section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1), including recommendations for which prescribers should participate in such programs and how often participation in such programs is necessary.

(c) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs shall issue guidance on if and how the approved labeling of a drug that is an opioid and is the subject of an application under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) may include statements that such drug deters abuse.

SEC. 3. OPIOID INFORMATIONAL DOCUMENTS.

(a) IN GENERAL.—Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505–1 the following:

''SEC. 505–2. OPIOID INFORMATIONAL DOCUMENTS.

''(a) DEVELOPMENT OF MATERIALS.—The Commissioner shall develop informational documents describing to consumers of opioid drugs the risk factors for opioid-related harm, and shall submit such documents to the Director of the Centers for Disease Control and Prevention for approval.

''(b) LABELING REQUIREMENT.—The manufacturer of any opioid drug approved under section 505 shall ensure that the appropriate informational documents developed under subsection (a), and approved by the Director of the Centers for Disease Control and Prevention, are included in the labeling of such drug.''.

(b) ENFORCEMENT.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

''(dd) If it is an opioid drug and the labeling does not include the informational documents required under section 505–2.''.

SEC. 4. STRENGTHENING CONSIDERATIONS FOR DEA NARCOTIC QUOTAS.

Section 306 of the Controlled Substances Act (21 U.S.C. 826) is amended by adding at the end the following:

''(i)(1) In fixing manufacturing quotas under this section the Attorney General shall take into consideration the impact of the manufacturing quotas on diversion and efforts to reduce the costs, injuries, and deaths associated with the abuse of prescription opioids and heroin in the United States.

''(2)(A) Not later than 1 year after the date of enactment of this subsection and every year thereafter, the Attorney General shall publish the approved manufacturing quota for each manufacturer of fentanyl, oxycodone, hyrdocodone, oxymorphone, and hyrdomorphone for that year.

''(B) For any year in which the approved manufacturing quota for a manufacturer for any substance described in subparagraph (A) is higher than the approved manufacturing quota for a manufacturer for the substance in the previous year, the Attorney General shall publish a report explaining why the public health benefits of increasing such quota outweigh the consequences of having an increased volume of such substance available for sale, and potential diversion, in the United States.

''(C) For any substance described in subparagraph (A) that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act after the date of enactment of this subsection, the Attorney General shall publish a report explaining what factors were taken into consideration in setting the manufacturing quota for the substance.

''(3) Not later than 90 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report on—

''(A) how the Attorney General will ensure that the process of fixing manufacturing quotas under this section takes into consideration efforts to reduce the costs, injuries, and deaths associated with the abuse of prescription opioids and heroin;

''(B) formal steps that will be taken to improve data collection from approved drug collection receptacles, mail-back programs, and take-back events on the volume and class of controlled substances that are collected; and

''(C) how the information described in subparagraphs (A) and (B) will influence the quota-setting process of the Attorney General in the following year.''.

SEC. 5. CONTINUING MEDICAL EDUCATION AND PRESCRIPTION DRUG MONITORING PROGRAM REGISTRATION FOR PRESCRIBERS.

Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

''(k)(1) The Attorney General shall not register, or renew the registration of, a practitioner under subsection (f) who is licensed under State law to prescribe controlled substances in schedule II, III, or IV, unless the practitioner submits to the Attorney General, for each such registration or renewal request, a written certification that—

''(A)(i) the practitioner has, during the 1-year period preceding the registration or renewal request, completed a training program described in paragraph (2); or

''(ii) the practitioner, during the applicable registration period, will not prescribe such controlled substances in amounts in excess of a 72-hour supply (for which no refill is available); and

''(B) the practitioner has registered with the prescription drug monitoring program of the State in which the practitioner practices, if the State has such program.

''(2) A training program described in this paragraph is a training program that—

''(A) follows the best practices for pain management, as described in the 'Guideline for Prescribing Opioids for Chronic Pain' as published by the Centers for Disease Control and Prevention in 2016, or any successor thereto;

''(B) includes information on—

''(i) recommending non-opioid and non-pharmacological therapy;

''(ii) establishing treatment goals and evaluating patient risks;

''(iii) prescribing the lowest dose and fewest number of pills considered effective;

''(iv) addictive and overdose risks of opioids;

''(v) diagnosing and managing substance use disorders, including linking patients to evidence-based treatment;

''(vi) identifying narcotics-seeking behaviors; and

''(vii) using prescription drug monitoring programs; and

''(C) is approved by the Secretary of Health and Human Services.''.

SEC. 6. REPORT ON PRESCRIBER EDUCATION COURSES FOR MEDICAL AND DENTAL STUDENTS.

Each school of medicine, school of osteopathic medicine, and school of dentistry participating in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.), as a condition for such participation, shall submit an annual report to Congress on any prescriber education courses focused specifically on pain management and responsible opioid prescribing practices that such school requires students to take, and whether such courses are consistent with the most recently published version of the ''Guideline for Prescribing Opioids for Chronic Pain'' of the Centers for Disease Control and Prevention.

SEC. 7. REQUIREMENTS UNDER PRESCRIPTION DRUG MONITORING PROGRAMS.

(a) IN GENERAL.—Beginning 1 year after the date of enactment of this Act, each State that receives funding under the Harold Rogers Prescription Drug Monitoring Program established under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77; 115 Stat. 748), the controlled substance monitoring program under section 399O of the Public Health Service Act (42 U.S.C. 280g–3), or the Prescription Drug Overdose: Prevention for States program of the Centers for Disease Control and Prevention shall—

(1) require practitioners, or their designees, in the State to consult the database of the prescription drug monitoring program before writing prescriptions for controlled substances (as such term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) in schedule II, III, or IV under section 202 of such Act (21 U.S.C. 812);

(2) require dispensers of controlled substances in schedule II, III, or IV, or their designees, to input data into the database of the prescription drug monitoring program within 24 hours of filling a qualifying prescription, as required by the Attorney General and the Secretary of Health and Human Services, including patient identifier information, the national drug code of the dispensed drug, date of dispensing the drug, quantity and dosage of the drug dispensed, form of payment, Drug Enforcement Administration registration number of the practitioner, Drug Enforcement Administration registration number of the dispenser;

(3) allow practitioners and dispensers to designate other appropriate individuals to act as agents of such practitioners and dispensers for purposes of obtaining and inputing data from the database for purposes of complying with paragraphs (1) and (2), as applicable;

(4) provide informational materials for practitioners and dispensers to identify and refer patients with possible substance use disorders to professional treatment specialists;

(5) establish formal data sharing agreements to foster electronic connectivity with the prescription drug monitoring programs of each State (if such State has such a program) with which the State shares a border, to facilitate the exchange of information through an established technology architecture that ensures common data standards, privacy protection, and secure and streamlined information sharing;

(6) notwithstanding section 399O(f)(1)(B) of the Public Health Service Act (42 U.S.C. 280g–3(f)(1)(B)), authorize direct access to the State's database of the prescription drug monitoring program to all State law enforcement agencies, State boards responsible for the licensure, regulation, or discipline of practitioners, pharmacists, or other persons authorized to prescribe, administer, or dispense controlled substances; and

(7) in order to enhance accountability in prescribing and dispensing patterns, not fewer than 4 times per year, proactively provide informational reports on aggregate trends and individual outliers, based on information available through the State prescription drug monitoring program to—

(A) the State entities and persons described in paragraph (6); and

(B) the Medicaid agency, workers compensation programs, and the department of public health of the State.

(b) TRANSPARENCY IN PRESCRIBING PRACTICES AND INTERVENTION FOR HIGH PRESCRIBERS.—

(1) STATE REPORTING REQUIREMENT.—Each State that receives funding under the Harold Rogers Prescription Drug Monitoring Program established under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77; 115 Stat. 748), the controlled substance monitoring program under section 399O of the Public Health Service Act (42 U.S.C. 280g–3), or the Prescription Drug Overdose: Prevention for States program of the Centers for Disease Control and Prevention shall, twice per year, submit to the Secretary of Health and Human Services and the Administrator of the Drug Enforcement Administration—

(A) a list of all practitioners and dispensers who, in the applicable reporting period, have prescribed or dispensed schedule II, III, or IV opioids in the State;

(B) the amount of schedule II, III, or IV opioids that were prescribed and dispensed by each individual practitioner and dispenser described in subparagraph (A); and

(C) any additional information that the Secretary and Administrator may require to support surveillance and evaluation of trends in prescribing or dispensing of schedule II, III, or IV opioids, or to identify possible nonmedical use and diversion of such substances.

(2) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services, in consultation with the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of Veterans Affairs, and the Director of the Indian Health Service, shall submit to Congress, and make public, a report identifying the geographic areas with the highest rates of opioid prescribing in the Nation, by zip code.

(3) DEVELOPMENT OF ACTION PLAN.—

(A) INITIAL PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of Veterans Affairs, and the Director of the Indian Health Service, shall submit to Congress a plan of action, including warning letters and enforcement mechanisms, for addressing outliers in opioid prescribing practices and ensuring an adequate Federal response to protect the public health.

(B) UPDATED PLAN.—The Secretary of Health and Human Services shall submit to Congress updates to the plan of action described in subparagraph (A), as such Secretary, in consultation with the heads of agencies described in such subparagraph, determines appropriate.

(c) DEFINITIONS.—In this section, the terms ''dispenser'' and ''practitioner'' have the meanings given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts appropriated to carry out the Prescription Drug Overdose: Prevention for States program of the Centers for Disease Control and Prevention, for purposes of enhancing the utilization, interoperability, and integration of State prescription drug monitoring programs, there are authorized to be appropriated $70,000,000 for each of fiscal years 2017 through 2021.

SEC. 8. DEVELOPMENT OF NEW PAIN-RELATED MEASURES UNDER THE MEDICARE HOSPITAL VALUE-BASED PURCHASING PROGRAM TO ELIMINATE FINANCIAL INCENTIVES TO OVERPRESCRIBE OPIOIDS.

Section 1886(o)(2)(B) of the Social Security Act (42 U.S.C. 1395ww(o)(2)(B)) is amended—

(1) in clause (i)(II), by inserting '', subject to clause (iii),'' after ''shall''; and

(2) by adding at the end the following new clause:

''(iii) DEVELOPMENT OF NEW PAIN-RELATED MEASURES.—

''(I) MORATORIUM UNTIL NEW MEASURES APPLICABLE.—For value-based incentive payments made with respect to discharges occurring during fiscal year 2018 and each subsequent fiscal year (before the first fiscal year in which new measures are applicable under subclause (II)(cc)), the Secretary shall ensure that measures selected under subparagraph (A) (such as measures related to the Hospital Consumer Assessment of Healthcare Providers and Systems survey) do not include measures based on any assessments by patients, with respect to hospital stays of such patients, of—

''(aa) the need of such patients, during such stay, for medicine for pain;

''(bb) how often, during such stay, the pain of such patients was well controlled; or

''(cc) how often, during such stay, the staff of the hospital in which such stay occurred did everything they could to help the patient with the pain experienced by the patient.

''(II) DEVELOPMENT OF NEW MEASURES.—

''(aa) DEVELOPMENT.—Not later than 3 years after the date of enactment of this clause, the Secretary shall develop measures of patient experience of care with respect to pain management that balance the breadth of effective pain management tools with awareness for the role of over-prescribing (including, if appropriate, opioid-seeking behaviors) in the prescription opioid epidemic.

''(bb) CONSULTATION.—The Secretary shall consult with relevant stakeholders in developing measures under item (aa).

''(cc) APPLICATION FOR VALUE-BASED INCENTIVE PAYMENTS.—For value-based incentive payments made with respect to discharges occurring during a fiscal year beginning on or after the date on which the Secretary develops new measures under item (aa), the Secretary shall ensure that measures selected under subparagraph (A) (such as measures related to the Hospital Consumer Assessment of Healthcare Providers and Systems survey) include such new measures.''.

SEC. 9. NATIONAL ACADEMY OF MEDICINE STUDY.

(a) STUDY.—The Secretary of Health and Human Services shall enter into a contract with the National Academy of Medicine to

carry out a study on the addition of coverage under the Medicare program under title XVIII of the Social Security Act of alternative treatment modalities (such as integrative medicine, including acupuncture and exercise therapy, neural stimulation, biofeedback, radiofrequency ablation, and trigger point injections) furnished to Medicare beneficiaries who suffer from acute or chronic lower back pain. Such study shall, pursuant to the contract under this paragraph, include an analysis of—

(1) scientific research on the short-term and long-term impact of the addition of such coverage on clinical efficacy for pain management of such beneficiaries;

(2) whether the lack of Medicare coverage for alternative treatment modalities impacts the volume of opioids prescribed for beneficiaries; and

(3) the cost to the Medicare program of the addition of such coverage to treat pain and mitigate the progression of chronic pain, as weighed against the cost of opioid use disorder, overdose, readmission, subsequent surgeries, and utilization and expenditures under parts B and D of such title.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, pursuant to the contract under subsection (a), the National Academy of Medicine shall submit to Congress a report on the study under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary.

SEC. 10. EXCISE TAX ON OPIOID PAIN RELIEVERS.

(a) IN GENERAL.—Subchapter E of chapter 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 4192. OPIOID PAIN RELIEVERS.

''(a) IN GENERAL.—There is hereby imposed on the manufacturer or producer of any taxable active opioid a tax equal to the amount determined under subsection (b).

''(b) AMOUNT DETERMINED.—The amount determined under this subsection with respect to a manufacturer or producer for a calendar year is 1 cent per milligram of taxable active opioid in the production or manufacturing quota determined for such manufacturer or producer for the calendar year under section 306 of the Controlled Substances Act (21 U.S.C. 826).

''(c) TAXABLE ACTIVE OPIOID.—For purposes of this section—

''(1) IN GENERAL.—The term 'taxable active opioid' means any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), as in effect on the date of the enactment of this section) manufactured in the United States which is opium, an opiate, or any derivative thereof.

''(2) EXCLUSIONS.—

''(A) OTHER INGREDIENTS.—In the case of a product that includes a taxable active opioid and another ingredient, subsection (a) shall apply only to the portion of such product that is a taxable active opioid.

''(B) DRUGS USED IN ADDICTION TREATMENT.—The term 'taxable active opioid' shall not include any controlled substance (as so defined) which is used exclusively for the treatment of opioid addiction as part of a medication-assisted treatment.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading of subchapter E of chapter 32 of the Internal Revenue Code of 1986 is amended by striking ''**Medical Devices**'' and inserting ''**Other Medical Products**''.

(2) The table of subchapters for chapter 32 of such Code is amended by striking the item relating to subchapter E and inserting the following new item:

''SUBCHAPTER E. OTHER MEDICAL PRODUCTS''.

(3) The table of sections for subchapter E of chapter 32 of such Code is amended by adding at the end the following new item:

''Sec. 4192. Opioid pain relievers.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 11. OPIOID CONSUMER ABUSE REDUCTION PROGRAM.

(a) OPIOID TAKE-BACK PROGRAM.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following:

''(h)(1) The Attorney General shall establish a national take-back program for the safe and environmentally responsible disposal of controlled substances.

''(2) In establishing the take-back program required under paragraph (1), the Attorney General—

''(A) shall consult with the Secretary and the Administrator of the Environmental Protection Agency; and

''(B) may coordinate with States, law enforcement agencies, water resource management agencies, manufacturers, practitioners, pharmacists, public health entities, transportation and incineration service contractors, and other entities and individuals, as appropriate.

''(3) The take-back program established under paragraph (1)—

''(A) shall—

''(i) ensure appropriate geographic distribution so as to provide—

''(I) reasonably convenient and equitable access to permanent take-back locations, including not less than 1 disposal site for every 25,000 residents and not less than 1 physical disposal site per town, city, county, or other unit of local government, where possible; and

''(II) periodic collection events and mail-back programs, including public notice of such events and programs, as a supplement to the permanent take-back locations described in subclause (I), particularly in areas in which the provision of access to such locations at the level described in that subclause is not possible;

''(ii) establish a process for the accurate cataloguing and reporting of the quantities of controlled substances collected; and

''(iii) include a public awareness campaign and education of practitioners and pharmacists; and

''(B) may work in coordination with State and locally implemented public and private take-back programs.

''(4) From time to time, beginning in the second calendar year that begins after the date of enactment of this subsection, the Secretary of the Treasury shall transfer from the general fund of the Treasury an amount equal to one-half of the total amount of taxes collected under section 4192 of the Internal Revenue Code of 1986 to the Attorney General to carry out this subsection. Amounts transferred under this subparagraph shall remain available until expended.''.

(b) FUNDING OF SUBSTANCE ABUSE PROGRAMS.—From time to time, beginning in the second calendar year that begins after the date of enactment of this Act, the Secretary of the Treasury shall transfer from the general fund of the Treasury an amount equal to one-half of the total amount of taxes collected under section 4192 of the Internal Revenue Code of 1986, as added by this Act, to the Director of the Center for Substance Abuse Treatment of the Substance Abuse and Mental Health Services Administration for programs of the Center, including the Block Grants for Prevention and Treatment of Substance Abuse program under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.) and Programs of Regional and National Significance. Amounts transferred under this subsection shall remain available until expended.

SEC. 12. GAO STUDY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study evaluating the various State laws, commercial insurance methods, and existing research on requirements that place limitations on opioid prescribing practices and provide analysis on best practices to address over-prescribing of opioids, while ensuring that individuals who need such opioids can access them safely. Such study shall provide recommendations, including with respect to—

(1) limiting first-time opioid prescriptions to a patient for acute pain to a 72-hour supply;

(2) allowing patients or practitioners to request that a prescription for a schedule II opioid be partially filled by a pharmacist; and

(3) pain management treatment contracts between practitioners and patients that establish informed consent regarding the expectations, risks, long-term effects, and benefits of the course of opioid treatment, treatment goals, the potential for opioid misuse, abuse, or diversion, and requirements and responsibilities of patients, such as submitting to a urine drug screening.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 495—RECOGNIZING THE BOY SCOUTS OF AMERICA ON THE 100TH ANNIVERSARY OF THE ORGANIZATION BEING GRANTED A FEDERAL CHARTER AND FOR THE LONG HISTORY OF HERITAGE AND SERVICE OF THE BOY SCOUTS OF AMERICA

Mr. ENZI (for himself, Mr. CARPER, Mr. INHOFE, Mr. BROWN, Mr. BURR, Mr. ALEXANDER, Mr. TOOMEY, Mr. CRAPO, Mr. COCHRAN, Ms. MURKOWSKI, Mr. BOOZMAN, and Mr. HOEVEN) submitted the following resolution; which was considered and agreed to:

S. RES. 495

Whereas the Boy Scouts of America was founded on February 8, 1910, in Washington, D.C. by Chicago publisher William D. Boyce after the ''unknown scout'' aided a lost Mr. Boyce through a dense London fog and refused a tip for the assistance;

Whereas the birth of the Boy Scouts of America was based on the principles of the Scout Movement founded by famed British retired General Lord Robert Stephenson Smyth Baden-Powell;

Whereas the Federal charter of the Boy Scouts of America was passed by the House of Representatives and the Senate, and was signed into law by President Woodrow Wilson, the Honorary President of the Boy Scouts of America, on June 15, 1916;

Whereas, with the enactment of the Federal charter, the Boy Scouts of America became the preeminent Scout organization for boys and was granted exclusive use of the name, ''Boy Scouts of America'';

Whereas the Boy Scouts of America, with a Federal charter, joins other distinguished organizations with a similar charter for service to the community, including the American Red Cross, the Girl Scouts of the United States of America, and the American Legion;

Whereas the Boy Scouts of America continues to prepare young people to make ethical and moral choices by teaching them the values of the Scout Oath and Scout Law;

Whereas the Boy Scouts of America continues to pursue the mission of ''patriotism, courage, self-reliance, and kindred values'' and the goal of providing ''citizenship, service and leadership'';

Whereas both youth and adult members strive to fulfill the Scout Motto of ''Be Prepared'' and the Scout Slogan of ''Do a Good Turn Daily'';

Whereas more than 2,400,000 youth and 1,000,000 adult volunteers are active members of the Boy Scouts of America, and more than 110,000,000 people in the United States have participated as members since 1910;

Whereas the Cub Scouts is a family-oriented program of the Boy Scouts of America that has been designed specifically to address the needs of younger boys since its origin in 1930;

Whereas youth and adult members of the Cub Scouts strive to fulfill the Cub Scout Motto of ''Do Your Best'';

Whereas the Venturing Program, the co-ed portion of the Boy Scouts of America, and the Exploring Program, the career initiative-based portion of the organization, continue to serve older youth;

Whereas special programs, including Scoutreach, the 'History Of Scouting Trail', and the national High Adventure Bases, continue to bring Scouting to inner-city youth, educate people about the important history and heritage of the Scout Program, and provide outdoor challenges and experiences for members of the Boy Scouts of America; and

Whereas Boy Scouts and Eagle Scouts of the Boy Scouts of America organization provide more than 28,000,000 hours of community service every year throughout cities and neighborhoods in the United States, including its territories: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes more than 100 years of service and leadership development by the Boy Scouts of America;

(2) encourages the continued emphasis of the Boy Scouts of America on character building, responsible citizenship, and outdoor stewardship;

(3) applauds the Boy Scouts of America for instilling the values of the Scout Oath and the Scout Law in young people of the United States; and

(4) congratulates the Boy Scouts of America on the 100th anniversary of the granting of a Federal charter on June 15, 1916.

SENATE RESOLUTION 496—CONDEMNING THE TERRORIST ATTACK ON THE PULSE ORLANDO NIGHTCLUB, HONORING THE MEMORY OF THE VICTIMS OF THE ATTACK, OFFERING CONDOLENCES TO AND EXPRESSING SUPPORT FOR THEIR FAMILIES AND FRIENDS AND ALL THOSE AFFECTED, AND APPLAUDING THE DEDICATION AND BRAVERY OF LAW ENFORCEMENT, EMERGENCY RESPONSE, AND COUNTERTERRORISM OFFICIALS IN RESPONDING TO THE ATTACK

Mr. NELSON (for himself, Mr. RUBIO, Mr. MCCONNELL, Mr. REID, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 496

Whereas, in the early hours of Sunday, June 12, 2016, a 29-year-old man from Ft. Pierce, Florida, killed 49 and wounded 53 innocent people in a horrific terrorist attack on Pulse Orlando, a lesbian, gay, bisexual, and transgender nightclub, during Latin night;

Whereas the gunman, who was investigated in 2013–2014 by the Federal Bureau of Investigation (in this preamble referred to as the ''FBI'') for possible connections to terrorism, pledged his allegiance to the leader of the Islamic State of Iraq and the Levant (in this preamble referred to as ''ISIL'');

Whereas President Barack Obama called the attack an act of both terror and hate as well as an attack on all of the people of the United States and the fundamental values of equality and dignity;

Whereas the attack is the deadliest mass shooting in the modern history of the United States and the worst terrorist attack on United States soil since September 11, 2001;

Whereas the law enforcement professionals of the city of Orlando and Orange County, Florida, the Florida Department of Law Enforcement, the FBI, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and other emergency and health care professionals responded to the attack bravely and admirably and in a coordinated manner, saving many lives;

Whereas following the attack hundreds of people stood in long lines to donate blood for those injured in the attack, and the people of Orlando, the State of Florida, and the United States expressed overwhelming support for the victims and their families regardless of race, ethnicity, religion, sex, or sexual orientation; and

Whereas the threat of terrorist attacks against the United States and the people of the United States persists, including the threat posed by homegrown terrorists inspired by foreign terrorist organizations like ISIL: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the horrific terrorist attack on the Pulse Orlando nightclub on June 12, 2016, in which 49 innocent people were killed and 53 injured;

(2) honors the memory of the victims killed in the attack and offers heartfelt condolences and deepest sympathies for their families, loved ones, and friends;

(3) expresses hope for a full and speedy recovery by and pledges continued support for those injured in the attack;

(4) applauds the dedication and bravery of local, State, and Federal law enforcement and counterterrorism officials for their efforts to respond to the attack and secure communities;

(5) stands together with all people of the United States, regardless of race, ethnicity, religion, sex, or sexual orientation, in the face of terror and hate; and

(6) reaffirms the commitment of the United States and its allies to defeat the Islamic State of Iraq and the Levant and other terrorist groups at home and abroad and to address the threat posed by homegrown terrorism.

SENATE RESOLUTION 497—HONORING THE LIFE AND LEGACY OF GORDON ''GORDIE'' HOWE

Ms. STABENOW (for herself and Mr. PETERS) submitted the following resolution; which was considered and agreed to:

S. RES. 497

Whereas Gordon Howe (in this preamble referred to as ''Gordie Howe'') was born in Floral, Saskatchewan, Canada, on March 31, 1928, and was invited to his first tryout with a professional hockey team at 15 years of age;

Whereas Gordie Howe entered the National Hockey League (in this preamble referred to as the ''NHL'') in 1946 at 18 years of age when he joined the Detroit Red Wings and scored a goal in his very first game;

Whereas Gordie Howe played right wing on the ''Production Line'', the most productive offensive scoring unit in the NHL from the late 1940s through the mid-1950s;

Whereas Gordie Howe played 25 seasons with the Detroit Red Wings and led the team to 4 Stanley Cup championships;

Whereas, in 1972, Gordie Howe was inducted into the Hockey Hall of Fame;

Whereas, in 1973, Gordie Howe joined the Houston Aeros of the World Hockey Association (in this preamble referred to as the

''WHA'') to fulfill a dream of playing hockey on the same professional team as his sons;

Whereas Gordie Howe proceeded to win the Most Valuable Player award of the WHA and lead the Houston Aeros to the WHA championship;

Whereas Gordie Howe retired from professional hockey in 1980, having scored 1,850 career points in the NHL, which are the third most of all time;

Whereas Gordie Howe appeared in 23 NHL All-Star games, led the NHL in scoring 6 times, and won the Hart Memorial Trophy as the most valuable player in the league 6 times;

Whereas, in 1997, at the age of 69, Gordie Howe came out of retirement to join the Detroit Vipers of the International Hockey League and became the first player ever to play professional hockey in 6 different decades;

Whereas the ''Gordie Howe hat trick'', a goal, an assist, and a fight in the same game, is named after Gordie Howe, though he had only 2 such games in his career;

Whereas Gordie Howe is considered one of the greatest hockey players of all time and to millions of fans worldwide will always be known as ''Mr. Hockey'';

Whereas Gordie Howe was predeceased by his wife of 56 years, Colleen Howe, who died in 2009 and was affectionately known as ''Mrs. Hockey'';

Whereas Gordie Howe is so beloved throughout the United States and Canada that a new international bridge connecting Detroit and Windsor has been named in his honor;

Whereas, on June 10, 2016, Gordie Howe died at 88 years of age, after a long career enjoyed by millions; and

Whereas Gordie Howe is survived by his 4 children, many grandchildren and great-grandchildren, a sister, and by hockey fans across the United States: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and legacy of Gordon ''Gordie'' Howe for his significant contributions to the sport of hockey and the city of Detroit;

(2) expresses its deepest sympathies and condolences to the family of Gordie Howe on his passing; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the family of Gordie Howe.

SENATE RESOLUTION 498—DESIGNATING JUNE 15, 2016, AS ''WORLD ELDER ABUSE AWARENESS DAY''

Mr. BLUMENTHAL (for himself, Ms. COLLINS, Ms. AYOTTE, Mrs. MCCASKILL, Mr. GRASSLEY, Mr. CASEY, Mr. COTTON, Mr. TILLIS, Mr. MURPHY, and Mr. HELLER) submitted the following resolution; which was considered and agreed to:

S. RES. 498

Whereas Federal Government estimates show that more than 1 in 10 persons over age 60, or 6,000,000 individuals, are victims of elder abuse each year;

Whereas the vast majority of the abuse, neglect, and exploitation of older adults in the United States goes unidentified and unreported;

Whereas only 1 in 44 cases of financial abuse of older adults is reported;

Whereas at least $2,900,000,000 is taken from older adults each year due to financial abuse and exploitation;

Whereas elder abuse, neglect, and exploitation have no boundaries and cross all racial, social, class, gender, and geographic lines;

Whereas older adults who are abused are 3 times more likely to die earlier than older adults of the same age who are not abused;

Whereas ½ of all older adults with dementia will experience abuse;

Whereas providing unwanted medical treatment can be a form of elder abuse and exploitation;

Whereas public awareness has the potential to increase the identification and reporting of elder abuse by the public, professionals, and victims, and can act as a catalyst to promote issue-based education and long-term prevention;

Whereas private individuals and public agencies must work together on the Federal, State, and local levels to combat increasing occurrences of abuse, neglect, and exploitation crime and violence against vulnerable older adults and vulnerable adults, particularly in light of limited resources for vital protective services; and

Whereas 2016 is the 11th anniversary of World Elder Abuse Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 15, 2016, as ''World Elder Abuse Awareness Day'';

(2) recognizes judges, lawyers, adult protective services professionals, law enforcement officers, long-term care ombudsmen, social workers, health care providers, professional guardians, advocates for victims, and other professionals and agencies for the efforts to advance awareness of elder abuse; and

(3) encourages members of the public and professionals who work with older adults to act as catalysts to promote awareness and long-term prevention of elder abuse by reaching out to local adult protective services agencies, long-term care ombudsman programs, and the National Center on Elder Abuse, and by learning to recognize, detect, report, and respond to elder abuse.

SENATE RESOLUTION 499—CONGRATULATING THE PITTSBURGH PENGUINS FOR WINNING THE 2016 STANLEY CUP HOCKEY CHAMPIONSHIP

Mr. TOOMEY (for himself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 499

Whereas on June 12, 2016, the Pittsburgh Penguins won the 2016 Stanley Cup hockey championship;

Whereas the Penguins, in their 49th year playing in the National Hockey League (NHL), won their fourth Stanley Cup;

Whereas the Penguins defeated the Western Conference Champion San Jose Sharks in the Stanley Cup Finals, clinching the series with 4 wins and 2 losses;

Whereas the Penguins endured 3 tough opponents en route to the championship, defeating the New York Rangers, the Washington Capitals, and the Tampa Bay Lightning to clinch the Eastern Conference title and win their fifth Prince of Wales Trophy;

Whereas the city of Pittsburgh is fittingly nicknamed ''The City of Champions'', highlighting the success of Pittsburgh professional sports teams, which have tallied 15 championships;

Whereas the Penguins have an active sell-out streak of 431 games, illustrating the love of the fans for the Penguins team and players;

Whereas Mike Sullivan took over as Penguins head coach on December 12, 2015, turning around the Penguins season and leading the team to a second-place finish in the Metropolitan Division and a spot in the playoffs;

Whereas NHL Hall of Famer Mario Lemieux and Ron Burkle have jointly owned the team for 17 years, saving the Penguins from relocation and maintaining the team for the city of Pittsburgh;

Whereas Penguins General Manager Jim Rutherford made several critical trades to acquire talented players that fit perfectly into the Penguins upbeat style of play, including forwards Phil Kessel, Carl Hagelin, and Nick Bonino, who form the trio affectionately known as the ''HBK'' line;

Whereas longtime Penguins radio announcer Mike Lange is beloved by loyal fans of the team for such expressions as ''Lord Stanley, Lord Stanley, get me the brandy'';

Whereas Penguins Captain Sidney Crosby, who has shown immense leadership, commitment to the team, and unparalleled skill throughout his outstanding career, was awarded the Conn Smythe Trophy as the 2016 NHL Playoffs Most Valuable Player;

Whereas goaltender Matt Murray dazzled throughout the playoffs, maintaining his unbelievably cool composure as a rookie on the biggest stage of hockey while compiling a 15–6 record, a 2.08 goals-against average, and a 0.923 save percentage; and

Whereas the entire Penguins roster contributed to the Stanley Cup victory, including Matt Cullen, Pascal Dupuis, Eric Fehr, Patric Hornqvist, Tom Kuhnhackl, Chris Kunitz, Evgeni Malkin, Bryan Rust, Conor Sheary, Oskar Sundqvist, Ian Cole, Trevor Daley, Brian Dumoulin, Justin Schultz, Kris Letang, Ben Lovejoy, Olli Maatta, Derrick Pouliot, Marc-Andre Fleury, and Jeff Zatkoff: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Pittsburgh Penguins and the loyal fans of the Penguins for becoming the 2016 NHL Stanley Cup champions; and

(2) respectfully directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the co-owners of the Pittsburgh Penguins, Mario Lemieux and Ron Burkle;

(B) the President of the Pittsburgh Penguins, David Morehouse; and

(C) the Head Coach of the Pittsburgh Penguins, Mike Sullivan.

SENATE RESOLUTION 500—DESIGNATING JUNE 19, 2016, AS ''JUNETEENTH INDEPENDENCE DAY'' IN RECOGNITION OF JUNE 19, 1865, THE DATE ON WHICH SLAVERY LEGALLY CAME TO AN END IN THE UNITED STATES

Mr. CORNYN (for himself, Mrs. BOXER, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mr. BROWN, Mr. BURR, Mr. CASEY, Mr. COCHRAN, Mr. CRAPO, Mr. CRUZ, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. HIRONO, Mr. INHOFE, Mr. KAINE, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MARKEY, Mr. MERKLEY, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PETERS, Mr. REID, Mr. RUBIO, Mr.

SCHUMER, Mr. SCOTT, Ms. STABENOW, Mr. TILLIS, Mr. WARNER, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, and Ms. WARREN) submitted the following resolution; which was considered and agreed to:

S. RES. 500

Whereas news of the end of slavery did not reach the frontier areas of the United States, in particular the State of Texas and the other Southwestern States, until months after the conclusion of the Civil War, more than 2 ½ years after President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863;

Whereas, on June 19, 1865, Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African-Americans who had been slaves in the Southwest celebrated June 19, commonly known as ''Juneteenth Independence Day'', as inspiration and encouragement for future generations;

Whereas African-Americans from the Southwest have continued the tradition of observing Juneteenth Independence Day for over 150 years;

Whereas 45 States and the District of Columbia have designated Juneteenth Independence Day as a special day of observance in recognition of the emancipation of all slaves in the United States;

Whereas Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

Whereas the faith and strength of character demonstrated by former slaves and the descendants of former slaves remain an example for all people of the United States, regardless of background, religion, or race;

Whereas slavery was not officially abolished until the ratification of the 13th Amendment to the Constitution of the United States in December 1865; and

Whereas, over the course of its history, the United States has grown into a symbol of democracy and freedom around the world: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 19, 2016, as ''Juneteenth Independence Day'';

(2) recognizes the historical significance of Juneteenth Independence Day to the United States;

(3) supports the continued nationwide celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the United States; and

(4) recognizes that the observance of the end of slavery is part of the history and heritage of the United States.

SENATE CONCURRENT RESOLUTION 41—EXPRESSING THE SENSE OF CONGRESS ON THE PESHMERGA OF THE KURDISTAN REGION OF IRAQ

Mrs. ERNST (for herself and Mrs. BOXER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 41

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Peshmerga of the Kurdistan Region of Iraq have been one of the most effective fighting forces in the military campaign against the Islamic State of Iraq and al-Sham (ISIS);

(2) the Islamic State of Iraq and al-Sham poses an acute threat to the Iraqi people and territorial integrity of Iraq, including the Kurdistan Region of Iraq, and the security and stability of the Middle East;

(3) the severe budget shortfalls faced by both the Government of Iraq and the Kurdistan Regional Government are hindering the stability of Iraq and have the potential to undermine long-term efforts to bring about the sustainable defeat of the Islamic State of Iraq and al-Sham;

(4) the $415,000,000 pledged by the United States Government to the Kurdish Peshmerga in April of 2016, in coordination with the Government of Iraq, in addition to the $65,000,000 already provided from the Iraq Train and Equip Fund, should remain a priority for the United States as part of the continued support for Iraqi Security Forces, including the Peshmerga, in the fight against the Islamic State of Iraq and al-Sham;

(5) the Peshmerga should receive all weapons and equipment that the United States, in coordination with the Government of Iraq, agrees to provide in an expeditious and in a timely manner;

(6) the Peshmerga require equipment that will allow them to defend themselves and their coalition advisers against the increased use of vehicle-borne improvised explosive devices by the Islamic State of Iraq and al-Sham;

(7) the Peshmerga are vital partners in the fight against the Islamic State of Iraq and al-Sham; and

(8) in coordination with the Government of Iraq, the United States will endeavor to increase assistance to Iraqi Kurdish Forces to enhance their combat medicine and logistical capabilities, to defend internally displaced persons and refugees, and to defend the Peshmerga and their coalition advisers.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4721. Mr. ROUNDS (for himself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 4722. Mr. LEE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4723. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4724. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4725. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4726. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4727. Mr. CORNYN (for Mr. GRASSLEY (for himself, Mr. CORNYN, Mr. LEAHY, Mrs. FEINSTEIN, and Mr. LANKFORD)) proposed an amendment to the bill S. 2577, to protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes.

SA 4728. Mr. KIRK submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 4729. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4730. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4731. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4732. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4733. Mr. CRUZ (for himself, Mr. LEE, Mr. LANKFORD, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4734. Mr. CRUZ (for himself, Mr. LEE, and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4735. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4736. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4737. Mr. GRASSLEY (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4738. Mr. LANKFORD (for himself, Mr. CORNYN, Mr. LEE, Mr. HATCH, Mr. CRUZ, Mr. INHOFE, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY

(for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4739. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4740. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4741. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4742. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4743. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4744. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4745. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4746. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4747. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4748. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4749. Mr. MCCONNELL (for Mr. CORNYN) proposed an amendment to amendment SA 4720 proposed by Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. NELSON, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Ms. MIKULSKI, Mrs. BOXER, Mr. UDALL, Mr. CARPER, Mr. MARKEY, Mr. MENENDEZ , Mr. COONS, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. BROWN, Mr. SCHATZ, Ms. KLOBUCHAR, Mr. MURPHY, Mrs. MCCASKILL, Mr. HEINRICH, Mr. FRANKEN, Mr. BOOKER, and Mr. KAINE) to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra.

SA 4750. Mr. MCCONNELL (for Mr. MURPHY (for himself, Mr. BOOKER, Mr. BLUMENTHAL, Mr. SCHUMER, and Mr. CARDIN)) proposed an amendment to the bill H.R. 2578, supra.

SA 4751. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to amendment SA 4750 proposed by Mr. MCCONNELL (for Mr. MURPHY (for himself, Mr. BOOKER, Mr. BLUMENTHAL, Mr. SCHUMER, and Mr. CARDIN)) to the bill H.R. 2578, supra.

SA 4752. Mr. MCCONNELL proposed an amendment to amendment SA 4751 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the amendment SA 4750 proposed by Mr. MCCONNELL (for Mr. MURPHY (for himself, Mr. BOOKER, Mr. BLUMENTHAL, Mr. SCHUMER , and Mr. CARDIN)) to the bill H.R. 2578, supra.

SA 4753. Mr. SHELBY (for himself, Mr. SESSIONS, Mr. RUBIO, and Mr. NELSON) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4754. Ms. CANTWELL (for herself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4755. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4756. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4757. Mr. REID (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. MENENDEZ, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4758. Mr. GARDNER (for himself, Mr. HATCH, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4759. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4760. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4761. Mr. BOOZMAN (for himself, Mr. SESSIONS, Mr. TILLIS, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4762. Mr. MERKLEY (for himself, Mr. KIRK, Ms. BALDWIN, Mr. BOOKER, Ms. MIKULSKI, Mrs. SHAHEEN , Mrs. MURRAY, Mr. COONS, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4763. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4764. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4765. Mrs. GILLIBRAND (for herself and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4766. Mr. WICKER (for himself, Ms. CANTWELL, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4767. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4721. Mr. ROUNDS (for himself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 217, insert the following:

SEC. 2____. (a) Of amounts made available by this title for the Office of Justice Programs to be used for tribal criminal justice assistance, the Assistant Attorney General for the Office of Justice Programs shall use not more than $25,000,000 to replace outdated detention facilities located on Indian land that the United States has determined to be unfit for detention purposes and beyond rehabilitation.

(b) In conducting activities described in subsection (a), the Assistant Attorney General for the Office of Justice Programs shall give priority to detention facilities located on the land of Indian tribes with not fewer than 10,000 members and that demonstrate readiness and preparedness to commence construction.

SA 4722. Mr. LEE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 20 and 21, insert the following:

SEC. 218. (a) Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be used—

(1) to require or coerce an educational institution to enforce, or suggest an educational institution enforce, a more strict actionable harassment standard than that provided under subsection (b); and

(2) by the Department of Justice to take action against an educational institution or State for not implementing guidance, instruction, or a rule promulgated by the Department of Education regarding a more strict actionable harassment standard than that provided under subsection (b).

(b) Speech shall constitute actionable harassment only if the speech—

(1) is directed at an individual; and

(2)(A) is part of a pattern of targeted, unwelcome conduct that is discriminatory on the basis of race, color, national origin, disability, religion, age, sex, or gender;

(B) is severe, pervasive, and objectively offensive; and

(C) so undermines and detracts from the victim's educational experience that the victim is effectively denied equal access to the institution's resources and opportunities.

SA 4723. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 17 and 18, insert the following:

GENERAL PROVISION—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 301. None of the funds appropriated or otherwise made available by this Act may be used by the National Aeronautics and Space Administration to prepare a budget request for fiscal year 2018 that does not maintain development milestones and launch schedules for human exploration missions and programs to which the Administration is formally committed or as otherwise identified by this Act.

SA 4724. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, line 1, strike ''$13,500,000'' and insert ''$25,000,000, of which $12,500,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)),''.

SA 4725. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V (before the short title), insert the following:

SEC. ___. COLLECTION OF PAY DATA THROUGH EMPLOYER INFORMATION REPORT EEO–1.

(a) FINDINGS.—Congress finds the following:

(1) The Equal Employment Opportunity Commission (referred to in this section as the ''Commission'') is responsible for enforcing title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including section 701(k) of that title (commonly known as the ''Pregnancy Discrimination Act'') (42 U.S.C. 2000e(k)), section 6(d) of the Fair Labor Standards Act of 1963 (commonly known as the ''Equal Pay Act of 1963'') (29 U.S.C. 206(d)), title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.), the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff et seq.), section 504 of the Rehabilitation Act (29 U.S.C. 794), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), and other Federal civil rights laws that prohibit discrimination in employment.

(2) Employment discrimination can manifest in many ways including firing an employee, paying an employee less, failing to promote an employee, or demoting an employee, because of the employee's race, sex, color, religion, national origin, age, disability, sexual orientation, or gender identity.

(3) Today, on average, women make just 79 cents for every dollar that men make. African-American and Hispanic women are paid just 60 cents and 55 cents, respectively, for every dollar that non-Hispanic White men are paid.

(4) For 50 years, the Commission has collected employment data through the Employer Information Report EEO–1, which provides workforce profiles from private sector employers, categorized by race, ethnicity, sex, and job category.

(5) Pursuant to section 709(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–8(c)), the Commission has the authority to collect pay data (including W–2 earnings and hours worked by employees) from employers.

(6) The Commission recently proposed, and has the authority to finalize, a new rule supplementing the information collected through the Employer Information Report EEO–1 to collect pay data from employers in order to obtain insight into pay disparities across industries and occupations and strengthen Federal efforts to combat discrimination.

(7) The data will help employers better understand their pay practices and voluntarily address gender-based pay imbalances, as well as identify pay disparities that may warrant further examination by the Commission.

(b) TRANSFER OF FUNDS FOR INFORMATION COLLECTION.—The Secretary of Commerce shall transfer $1,000,000 of the funds made available by this Act from the appropriations account under the heading ''SALARIES AND EXPENSES'' under the heading ''DEPARTMENTAL MANAGEMENT'' of the Department of Commerce, to the appropriations account under the heading ''SALARIES AND EXPENSES'' of the Commission. Such transferred funds may only be used to finalize and implement the regulation referred to in the notice entitled ''Agency Information Collection Activities: Revision of the Employer Information Report (EEO–1) and Comment Request'', published by the Commission (81 Fed. Reg. 5113 (February 1, 2016)).

SA 4726. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V (before the short title), insert the following:

SEC. ___. COLLECTION OF PAY DATA THROUGH EMPLOYER INFORMATION REPORT EEO–1.

(a) FINDINGS.—Congress finds the following:

(1) The Equal Employment Opportunity Commission (referred to in this section as the ''Commission'') is responsible for enforcing title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including section 701(k) of that title (commonly known as the ''Pregnancy Discrimination Act'') (42 U.S.C. 2000e(k)), section 6(d) of the Fair Labor Standards Act of 1963 (commonly known as the ''Equal Pay Act of 1963'') (29 U.S.C. 206(d)), title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.), the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff et seq.), section 504 of the Rehabilitation Act (29 U.S.C. 794), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), and other Federal civil rights laws that prohibit discrimination in employment.

(2) Employment discrimination can manifest in many ways including firing an employee, paying an employee less, failing to promote an employee, or demoting an employee, because of the employee's race, sex, color, religion, national origin, age, disability, sexual orientation, or gender identity.

(3) Today, on average, women make just 79 cents for every dollar that men make. African-American and Hispanic women are paid just 60 cents and 55 cents, respectively, for every dollar that non-Hispanic White men are paid.

(4) For 50 years, the Commission has collected employment data through the Employer Information Report EEO–1, which provides workforce profiles from private sector employers, categorized by race, ethnicity, sex, and job category.

(5) Pursuant to section 709(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–8(c)), the Commission has the authority to collect pay data (including W–2 earnings and hours worked by employees) from employers.

(6) The Commission recently proposed, and has the authority to finalize, a new rule supplementing the information collected through the Employer Information Report EEO–1 to collect pay data from employers in order to obtain insight into pay disparities across industries and occupations and strengthen Federal efforts to combat discrimination.

(7) The data will help employers better understand their pay practices and voluntarily address gender-based pay imbalances, as well as identify pay disparities that may warrant further examination by the Commission.

(b) TRANSFER OF FUNDS FOR INFORMATION COLLECTION.—The Secretary of Commerce shall transfer $1,000,000 of the funds made available by this Act from the appropriations account under the heading ''SALARIES AND EXPENSES'' under the heading ''DEPARTMENTAL MANAGEMENT'' of the Department of Commerce, to the appropriations account under the heading ''SALARIES AND EXPENSES'' of the Commission. Such transferred funds may only be used to finalize and implement the regulation referred to in the notice entitled ''Agency Information Collection Activities: Revision of the Employer Information Report (EEO–1) and Comment Request'', published by the Commission (81 Fed. Reg. 5113 (February 1, 2016)).

SA 4727. Mr. CORNYN (for Mr. GRASSLEY (for himself, Mr. CORNYN, Mr. LEAHY, Mrs. FEINSTEIN, and Mr. LANKFORD)) proposed an amendment to the bill S. 2577, to protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to

support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes; as follows:

On page 6, line 2, strike ''Of the amounts'' and insert ''(a) IN GENERAL.—Of the amounts''.

On page 6, between lines 21 and 22, insert the following:

(b) REPORTING.—

(1) REPORT BY GRANT RECIPIENTS.—With respect to amounts made available to the Attorney General for a DNA Analysis and capacity enhancement program and for other local, State, and Federal forensic activities under the heading ''STATE AND LOCAL LAW ENFORCEMENT'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''DEPARTMENT OF JUSTICE'', the Attorney General shall require recipients of the amounts to report on the effectiveness of the activities carried out using the amounts, including any information the Attorney General needs in order to submit the report required under paragraph (2).

(2) REPORT TO CONGRESS.—Not later than 1 month after the last day of each even-numbered fiscal year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, for each recipient of amounts described in paragraph (1)—

(A) the amounts distributed to the recipient;

(B) a summary of the purposes for which the amounts were used and an evaluation of the progress of the recipient in achieving those purposes;

(C) a statistical summary of the crime scene samples and arrestee or offender samples submitted to laboratories, the average time between the submission of a sample to a laboratory and the testing of the sample, and the percentage of the amounts that were paid to private laboratories; and

(D) an evaluation of the effectiveness of the grant amounts in increasing capacity and reducing backlogs.

On page 37, between lines 21 and 22, insert the following:

(10) PREVENTING DUPLICATIVE GRANTS.—

(A) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this Act, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine whether duplicate grants are awarded for the same purpose.

(B) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

(i) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

(ii) the reason the Attorney General awarded the duplicate grants.

On page 40, line 25, strike ''sections 3663 and 3663A'' and insert ''each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution''.

On page 41, line 7, strike ''sections 3663 and 3663A'' and insert ''each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution''.

On page 41, line 15, strike ''sections 3663 and 3663A'' and insert ''each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution''.

On page 41, line 22, insert ''or the Controlled Substances Act (21 U.S.C. 801 et seq.)'' after ''this title''.

On page 42, lines 21 and 22, strike ''sections 3663 and 3663A'' and insert ''each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution''.

On page 43, line 3, insert ''the'' before ''date''.

SA 4728. Mr. KIRK submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading ''BUILDINGS AND FACILITIES'' under the heading ''FEDERAL PRISON SYSTEM'' under the heading ''DEPARTMENT OF JUSTICE'' in title II, strike ''and of which'' and insert ''of which $6,000,000 shall be available to test methods and procedures to prevent illegal inmate telecommunications covering all commercial networks through managed access while not interfering with the legitimate use of the spectrum, and of which''.

SA 4729. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT REGARDING THE IMPLEMENTATION OF THE REGIONAL BIOSECURITY PLAN FOR MICRONESIA AND HAWAII.

(a) REQUIREMENT FOR REPORT.—The Secretary of Commerce shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, at the time the President's budget for fiscal year 2018 is submitted under section 1105(a) of title 31, United States Code, an annual report on the activities carried out by the National Oceanic and Atmospheric Administration to implement the Regional Biosecurity Plan for Micronesia and Hawaii.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an update of the activities carried out by the National Oceanic and Atmospheric Administration to implement the Regional Biosecurity Plan for Micronesia and Hawaii in the previous fiscal year;

(2) a description of activities that the Administrator of the National Oceanic and Atmospheric Administration intends to implement to carry out such Plan; and

(3) an estimate of the funds needed to carry out the activities referred to in paragraph (2).

SA 4730. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Bureau of Justice Statistics of the Department of Justice, shall be available to make grants to, or enter into cooperative agreements or contracts with, public agencies, institutions of higher education, private organizations, or private individuals to disaggregate local, State and Federal criminal justice statistics to the extent possible by Hispanic origin and the racial group categories in the decennial census. The total amount of grants made under this section in any fiscal year may not be greater than $1,000,000.

SA 4731. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 113, insert the following:

SEC. 114. The Secretary of Commerce shall use funds made available by this Act to carry out a prize competition as authorized by section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) to address coral reef health.

SA 4732. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—KEEP OUR COMMUNITIES SAFE ACT OF 2016

SEC. __01. SHORT TITLE.

This title may be cited as the ''Keep Our Communities Safe Act of 2016''.

SEC. __02. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Constitutional rights should be upheld and protected;

(2) Congress intends to uphold the Constitutional principle of due process; and

(3) due process of the law is a right afforded to everyone in the United States.

SEC. __03. DETENTION OF DANGEROUS ALIENS DURING REMOVAL PROCEEDINGS.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) by striking ''Attorney General'' each place such term appears (except in the second place it appears in subsection (a)) and inserting ''Secretary of Homeland Security'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General—''; and

(B) in paragraph (2)(B), by striking ''conditional parole'' and inserting ''recognizance'';

(3) in subsection (b)—

(A) in the subsection heading, by striking ''PAROLE'' and inserting ''RECOGNIZANCE''; and

(B) by striking ''parole'' and inserting ''recognizance'';

(4) in subsection (c)(1), by striking the undesignated matter following subparagraph (D) and inserting the following:

''any time after the alien is released, without regard to whether an alien is released related to any activity, offense, or conviction described in this paragraph; to whether the alien is released on parole, supervised release, or probation; or to whether the alien may be arrested or imprisoned again for the same offense. If the activity described in this paragraph does not result in the alien being taken into custody by any person other than the Secretary, then when the alien is brought to the attention of the Secretary or when the Secretary determines it is practical to take such alien into custody, the Secretary shall take such alien into custody.'';

(5) in subsection (e), by striking ''Attorney General's'' and inserting ''Secretary of Homeland Security's''; and

(6) by adding at the end the following:

''(f) LENGTH OF DETENTION.—

''(1) Notwithstanding any other provision of this section, an alien may be detained under this section for any period, without limitation, except as provided in subsection (i), until the alien is subject to a final order of removal.

''(2) The length of detention under this section shall not affect a detention under section 241.

''(g) ADMINISTRATIVE REVIEW.—

''(1) LIMITATION.—The Attorney General's review of the Secretary's custody determinations under subsection (a) shall be limited to whether the alien may be detained, released on bond (of at least $1,500 with security approved by the Secretary), or released with no bond. Any review involving an alien described in paragraph (2)(D) shall be limited to a determination of whether the alien is properly included in such category.

''(2) CLASSES OF ALIENS.—The Attorney General shall review the Secretary's custody determinations for the following classes of aliens:

''(A) Aliens in exclusion proceedings.

''(B) Aliens described in sections 212(a)(3) and 237(a)(4).

''(C) Aliens described in subsection (c).

''(D) Aliens in deportation proceedings subject to section 242(a)(2) (as in effect between April 24, 1996, and April 1, 1997).

''(h) RELEASE ON BOND.—

''(1) IN GENERAL.—An alien detained under subsection (a) may seek release on bond. No bond may be granted except to an alien who establishes by clear and convincing evidence that the alien is not a flight risk or a risk to another person or the community.

''(2) CERTAIN ALIENS INELIGIBLE.—No alien detained under subsection (c) may seek release on bond.''.

SEC. __04. ALIENS ORDERED REMOVED.

Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking ''Attorney General'' each place it appears, except for the first place it appears in paragraph (4)(B)(i), and inserting ''Secretary of Homeland Security'';

(2) in paragraph (1)—

(A) by amending subparagraphs (B) and (C) to read as follows:

''(B) BEGINNING OF PERIOD.—The removal period begins on the latest of—

''(i) the date on which the order of removal becomes administratively final;

''(ii) the date on which the alien is taken into such custody if the alien is not in the custody of the Secretary on the date on which the order of removal becomes administratively final; and

''(iii) the date on which the alien is taken into the custody of the Secretary after the alien is released from detention or confinement if the alien is detained or confined (except for an immigration process) on the date on which the order of removal becomes administratively final.

''(C) SUSPENSION OF PERIOD.—

''(i) EXTENSION.—The removal period shall be extended beyond a period of 90 days and the Secretary may, in the Secretary's sole discretion, keep the alien in detention during such extended period, if—

''(I) the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal that is subject to an order of removal;

''(II) a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal;

''(III) the Secretary transfers custody of the alien pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency; or

''(IV) a court or the Board of Immigration Appeals orders a remand to an immigration judge or the Board of Immigration Appeals, during the time period when the case is pending a decision on remand (with the removal period beginning anew on the date that the alien is ordered removed on remand).

''(ii) RENEWAL.—If the removal period has been extended under clause (i), a new removal period shall be deemed to have begun on the date on which—

''(I) the alien makes all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order;

''(II) the stay of removal is no longer in effect; or

''(III) the alien is returned to the custody of the Secretary.

''(iii) MANDATORY DETENTION FOR CERTAIN ALIENS.—The Secretary shall keep an alien described in subparagraphs (A) through (D) of section 236(c)(1) in detention during the extended period described in clause (i).

''(iv) SOLE FORM OF RELIEF.—An alien may only seek relief from detention under this subparagraph by filing an application for a writ of habeas corpus in accordance with chapter 153 of title 28, United States Code. No alien whose period of detention is extended under this subparagraph shall have the right to seek release on bond.'';

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by inserting ''or is not detained pursuant to paragraph (6)'' after ''the removal period''; and

(B) by amending subparagraph (D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities that the Secretary prescribes for the alien—

''(i) to prevent the alien from absconding;

''(ii) for the protection of the community; or

''(iii) for other purposes related to the enforcement of Federal immigration laws.'';

(4) in paragraph (4)(A), by striking ''paragraph (2)'' and inserting ''subparagraph (B)''; and

(5) by amending paragraph (6) to read as follows:

''(6) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS.—

''(A) DETENTION REVIEW PROCESS FOR COOPERATIVE ALIENS ESTABLISHED.—

''(i) IN GENERAL.—The Secretary shall establish an administrative review process to determine whether an alien who is not otherwise subject to mandatory detention, who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and who has not conspired or acted to prevent removal should be detained or released on conditions.

''(ii) DETERMINATION.—The Secretary shall make a determination whether to release an alien after the removal period in accordance with subparagraph (B), which—

''(I) shall include consideration of any evidence submitted by the alien; and

''(II) may include consideration of any other evidence, including—

''(aa) any information or assistance provided by the Secretary of State or other Federal official; and

''(bb) any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

''(B) AUTHORITY TO DETAIN BEYOND REMOVAL PERIOD.—

''(i) IN GENERAL.—The Secretary of Homeland Security may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)). An alien whose detention is extended under this subparagraph shall not have the right to seek release on bond.

''(ii) SPECIFIC CIRCUMSTANCES.—The Secretary of Homeland Security may continue to detain an alien beyond the 90 days authorized under clause (i)—

''(I) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

''(aa) will be removed in the reasonably foreseeable future;

''(bb) would be removed in the reasonably foreseeable future; or

''(cc) would have been removed if the alien had not—

''(AA) failed or refused to make all reasonable efforts to comply with the removal order;

''(BB) failed or refused to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure; or

''(CC) conspired or acted to prevent removal;

''(II) until the alien is removed, if the Secretary of Homeland Security certifies in writing—

''(aa) in consultation with the Secretary of Health and Human Services, that the alien

has a highly contagious disease that poses a threat to public safety;

''(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

''(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

''(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or of any person; and

''(AA) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)) or of 1 or more crimes identified by the Secretary of Homeland Security by regulation, or of 1 or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or

''(BB) the alien has committed 1 or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

''(III) pending a certification under subclause (II), if the Secretary of Homeland Security has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

''(iii) NO RIGHT TO BOND HEARING.—An alien whose detention is extended under this subparagraph shall not have a right to seek release on bond, including by reason of a certification under clause (ii)(II).

''(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

''(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (dd) of subparagraph (B)(ii)(II) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

''(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General or the Attorney General's designee provide for a hearing to make the determination described in subparagraph (B)(ii)(II)(dd)(BB).

''(D) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention by a Federal court, the Board of Immigration Appeals, or if an immigration judge orders a stay of removal, the Secretary of Homeland Security may impose conditions on release as provided under paragraph (3).

''(E) REDETENTION.—

''(i) IN GENERAL.—The Secretary of Homeland Security, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who is released from custody if—

''(I) removal becomes likely in the reasonably foreseeable future;

''(II) the alien fails to comply with the conditions of release or to continue to satisfy the conditions described in subparagraph (A); or

''(III) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (B).

''(ii) APPLICABILITY.—This section shall apply to any alien returned to custody pursuant to this subparagraph as if the removal period terminated on the day of the redetention.

''(F) REVIEW OF DETERMINATIONS BY SECRETARY.—A determination by the Secretary under this paragraph shall not be subject to review by any other agency.''.

SEC. __05. SEVERABILITY.

If any of the provisions of this title, any amendment made by this title, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this title, the amendments made by this title, and the application of the provisions and amendments made by this title to any other person or circumstance shall not be affected by such holding.

SEC. __06. EFFECTIVE DATES.

(a) APPREHENSION AND DETENTION OF ALIENS.—The amendments made by section __03 shall take effect on the date of the enactment of this title. Section 236 of the Immigration and Nationality Act, as amended by section __03, shall apply to any alien in detention under the provisions of such section on or after such date of enactment.

(b) ALIENS ORDERED REMOVED.—The amendments made by section __04 shall take effect on the date of the enactment of this title. Section 241 of the Immigration and Nationality Act, as amended by section __04, shall apply to—

(1) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this title; and

(2) acts and conditions occurring or existing before, on, or after such date of enactment.

SA 4733. Mr. CRUZ (for himself, Mr. LEE, Mr. LANKFORD, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available by this Act may be used to relinquish the responsibility of the National Telecommunications and Information Administration with respect to Internet domain name system functions, including responsibility with respect to the authoritative root zone file and the Internet Assigned Numbers Authority functions.

SA 4734. Mr. CRUZ (for himself, Mr. LEE, and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available by this Act may be used to relinquish the responsibility of the National Telecommunications and Information Administration with respect to Internet domain name system functions, including responsibility with respect to the authoritative root zone file and the Internet Assigned Numbers Authority functions unless Congress affirmatively votes to authorize such relinquishment.

SA 4735. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available by this Act for the establishment and management of national marine sanctuaries may be used to prohibit commercial cargo vessel operations within the boundaries of any national marine sanctuary that preserves shipwrecks or maritime heritage in the Great Lakes, except that vessel anchoring outside of United States Coast Guard approved anchorages may be restricted to preserve historical underwater artifacts within such sanctuary.

SA 4736. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TAX RETURN IDENTITY THEFT PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Tax Return Identity Theft Protection Act of 2016''.

(b) IDENTITY THEFT FOR PURPOSES OF TAX RETURN FRAUD AND OTHER FRAUD AGAINST THE GOVERNMENT.—Section 1028(b)(3) of title 18, United States Code, is amended—

(1) in subparagraph (B), by striking ''or'' at the end; and

(2) by adding at the end the following:

''(D) during and in relation to a felony under section 7206 or 7207 of the Internal Revenue Code of 1986; or

''(E) during and in relation to a violation of section 286, 287, or 641;''.

(c) SENTENCING GUIDELINES ENHANCEMENTS FOR VULNERABLE VICTIMS.—Pursuant to its authority under section 994 of title 28,

United States Code, and in accordance with this subsection, the United States Sentencing Commission shall amend and review the Federal sentencing guidelines and policy statements to ensure that the guidelines provide for a penalty enhancement of not less than 2 offense levels for a violation of subsection (a) of section 1028 of title 18, United States Code, if—

(1) the offense is punishable under subparagraph (D) or (E) of subsection (b)(3) of that section, as added by subsection (b) of this section; and

(2) the defendant victimized or targeted not less than 5 individuals who were—

(A) deceased;

(B) over the age of 55;

(C) citizens of territories or possessions of the United States;

(D) under the age of 14;

(E) not required to file a Federal income tax return due to not meeting income criteria levels necessitating filing; or

(F) active duty members of the Armed Forces.

(d) STATE OF MIND PROOF REQUIREMENT FOR IDENTITY THEFT.—Section 1028 of title 18, United States Code, is amended by adding at the end the following:

''(j) STATE OF MIND PROOF REQUIREMENT.—In a prosecution under subsection (a)(7) or section 1028A, the Government shall not be required to prove that the defendant knew the means of identification was of another person.''.

SA 4737. Mr. GRASSLEY (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 217, insert the following:

SEC. 218. (a) PENALTIES FOR MARITIME OFFENSES.—

(1) PENALTIES FOR VIOLENCE AGAINST MARITIME NAVIGATION.—Section 2280a(a)(1) of title 18, United States Code, is amended, in the undesignated matter following subparagraph (E), by inserting ''punished by death or'' before ''imprisoned for any term''.

(2) PENALTIES FOR OFFENSES AGAINST MARITIME FIXED PLATFORMS.—Section 2281a(a)(1) of such title is amended, in the undesignated matter following subparagraph (C), by inserting ''punished by death or'' before ''imprisoned for any term''.

(b) PENALTIES FOR ACTS OF NUCLEAR TERRORISM.—Section 2332i(c) of title 18, United States Code, is amended to read as follows:

''(c) PENALTIES.—Any person who violates this section shall be punished as provided under section 2332a(a).''.

(c) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATES.—

(1) MARITIME OFFENSES.—Section 2339A(a) of title 18, United States Code, is amended—

(A) by inserting ''2280a,'' after ''2280,''; and

(B) by inserting ''2281a,'' after ''2281,''.

(2) ACTS OF NUCLEAR TERRORISM.—Section 2339A(a) of such title, as amended by subsection (a), is further amended by inserting ''2332i,'' after ''2332f,''.

(d) WIRETAP AUTHORIZATION PREDICATES.—

(1) MARITIME OFFENSES.—Section 2516(1) of title 18, United States Code, is amended—

(A) in paragraph (p), by striking ''or'' at the end; and

(B) in paragraph (q), by inserting '', section 2280, 2280a, 2281, or 2281a (relating to maritime safety),'' after ''weapons)''.

(2) ACTS OF NUCLEAR TERRORISM.—Section 2516(1)(q) of such title, as amended by subsection (a)(2), is further amended by inserting '', 2332i,'' after ''2332h''.

SA 4738. Mr. LANKFORD (for himself, Mr. CORNYN, Mr. LEE, Mr. HATCH, Mr. CRUZ, Mr. INHOFE, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 539. None of the funds made available by this Act may be used to enter into a civil settlement agreement on behalf of the United States that includes a term requiring that any donation be made to any nonparty by any party-defendant to such agreement.

SA 4739. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, line 18, strike ''fiscal year'' and all that follows through ''*Provided*, That'' on line 20 and insert ''fiscal year shall remain in the Fund and be available for obligation and expenditure for grants under such Act without fiscal year limitation: *Provided*, That, for fiscal year 2017, and each fiscal year thereafter, the greater of $2,957,000,000 or the 3-year average of deposits into the Fund, shall be available for obligation during such fiscal year: *Provided further*, That''.

SA 4740. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FIGHTING TERRORISM AND UPHOLDING DUE PROCESS.

(a) SHORT TITLE.—This section may be cited as the ''Fighting Terrorism and Upholding Due Process Act''.

(b) PREVENTING THE TRANSFER OF A FIREARM AND THE ISSUANCE OR MAINTENANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended by inserting after section 922 the following:

''922A. Attorney general's discretion to prohibit transfer of a firearm and deny or revoke a license or permit

''(a) DEFINITIONS.—In this section—

''(1) the term 'Foreign Intelligence Surveillance Court' has the meaning given the term in section 701 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881);

''(2) the term 'material support or resources' shall include all actions prohibited by section 2339A;

''(3) the term 'terrorism' shall include 'international terrorism' and 'domestic terrorism', as defined in section 2331; and

''(4) the term 'Terrorism Firearm Screening List' means the list developed by the Attorney General under subsection (b)(4).

''(b) DEVELOPMENT OF TERRORISM FIREARM SCREENING LIST.—

''(1) IN GENERAL.—The Attorney General may develop a list of persons for whom the Attorney General determines, for each person, that—

''(A) there is probable cause to believe the person is or has been engaged in conduct constituting, in preparation for, in aid of, or in support of terrorism, or providing material support or resources for terrorism; and

''(B) there is reason to believe the person may use a firearm in connection with terrorism.

''(2) REQUIREMENT.—The Attorney General shall submit to the Foreign Intelligence Surveillance Court—

''(A) the list of persons developed under paragraph (1); and

''(B) the information and documents, in unredacted form, supporting the Attorney General's determinations as to which persons are included on the list.

''(3) DETERMINATION.—Using the list, information, and documents submitted under paragraph (2), the Foreign Intelligence Surveillance Court shall determine, for each person on the list, whether—

''(A) there is probable cause to believe the person is or has been engaged in conduct constituting, in preparation for, in aid of, or in support of terrorism, or providing material support or resources for terrorism; and

''(B) there is reason to believe the person may use a firearm in connection with terrorism.

''(4) CONSOLIDATED LIST.—The Attorney General shall establish a list of persons whom the Foreign Intelligence Surveillance Court determines meet the criteria described in paragraph (3), to be known as the 'Terrorism Firearm Screening List'.

''(c) PERIODIC UPDATING AND REVIEW OF TERRORISM FIREARM SCREENING LIST.—

''(1) UPDATES TO THE LIST.—The Attorney General may, after the development of the Terrorism Firearm Screening List, add additional persons to the Terrorism Firearm Screening List by following the procedures set forth in subsection (b) for each person to be added.

''(2) PERIODIC JUDICIAL REVIEW.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and once every year thereafter, the Attorney General shall submit to the Foreign Intelligence Surveillance Court the Terrorism Firearm Screening List.

''(B) REVIEW.—The Foreign Intelligence Surveillance Court shall review the Terrorism Firearm Screening List submitted under subparagraph (A) to determine whether any person on the list should be removed by reason of no longer satisfying the requirements described in subsection (b)(3).

''(C) PRODUCTION OF INFORMATION.—Upon request of the Foreign Intelligence Surveillance Court, the Attorney General shall provide to the Court any information the Court determines necessary to conduct the review required under subparagraph (B).

''(D) REMOVAL OF NAMES.—In conducting a review under subparagraph (B), if the Foreign Intelligence Surveillance Court determines that a person should be removed from

the Terrorism Firearm Screening List because the person no longer satisfies the requirements described in subsection (b)(3), the Attorney General shall remove such person from the Terrorism Firearm Screening List.

''(d) AUTHORITY TO PROHIBIT FIREARM TRANSFERS AND TO DENY OR REVOKE LICENSES AND PERMITS.—In accordance with subsection (e), the Attorney General may prohibit a person who is listed on the Terrorism Firearm Screening List in accordance with subsections (b) and (c), or for whom there is probable cause to believe the person is or has been engaged in conduct constituting, in preparation for, in aid of, or in support of terrorism, or providing material support or resources for terrorism, and there is reason to believe the person may use a firearm in connection with terrorism, from—

''(1) participating in the transfer of a firearm under section 922;

''(2) receiving or maintaining a firearms license under section 923; and

''(3) receiving or maintaining a license or permit for explosive materials under section 843.

''(e) PROCEDURE FOR PROHIBITING FIREARM TRANSFER OR DENYING OR REVOKING A LICENSE OR PERMIT.—

''(1) PROCEDURE WITH REGARD TO PERSONS INCLUDED ON THE TERRORISM FIREARM SCREENING LIST.—If the Attorney General prohibits the transfer of a firearm or denies or revokes a license or permit for firearms or explosive materials under subsection (d) for a person who is listed on the Terrorism Firearm Screening List—

''(A) the Attorney General shall—

''(i) not later than 7 days after the prohibition, denial, or revocation, file a petition to sustain the prohibition, denial, or revocation in the district court of the United States for the district in which—

''(I) the firearm transfer was attempted;

''(II) the licensee or permit holder is located; or

''(III) the applicant for a license or permit is located;

''(ii) submit to the district court of the United States in which the petition described in clause (i) is filed, the evidence the Attorney General relied upon in determining that the person should be added to Terrorism Firearm Screening List and any exculpatory evidence that the Attorney General possesses or has access to;

''(B) the person to whom the prohibition, denial, or revocation applies, shall be entitled to—

''(i) a hearing at which the person may be represented by counsel and a final judgment by the district court of the United States not later than 60 days after the date on which the attempted transfer of a firearm occurred or the Attorney General denied or revoked a license or permit for firearms or explosive materials; and

''(ii) in the case of an appeal of the decision of the district court of the United States, a decision by the reviewing court not later than 90 days after the date on which the district court of the United States issues the decision; and

''(C) the district court of the United States in which the petition described in clause (i) is filed—

''(i) shall allow the Attorney General, for information the United States has determined would likely compromise national security, to submit summaries and redacted versions of documents;

''(ii) shall review any summaries and redacted versions of documents to ensure that the person to whom the prohibition, denial, or revocation applies is receiving fair and accurate representations of the underlying information and documents;

''(iii) shall ensure that any summaries and redacted versions of documents accepted into evidence are fair and accurate representations of the underlying information and documents;

''(iv) shall provide copies of any summaries and redacted versions of documents to the person to whom the prohibition, denial, or revocation applies; and

''(v) shall not consider the full, undisclosed information or documents in deciding whether to sustain the Attorney General's decision to include the person on the Terrorism Firearm Screening List; and

''(vi) shall issue an order that the Attorney General's action prohibiting the transfer of a firearm or denying or revoking a license or permit for a firearm or explosive material was not authorized unless the Attorney General demonstrates—

''(I) there is probable cause to believe the person is or has been engaged in conduct constituting, in preparation for, in aid of, or in support of terrorism, or providing material support or resources for terrorism; and

''(II) there is reason to believe the person may use a firearm in connection with terrorism.

''(D) RELIEF.—If a person who was subject to a prohibition, denial, or revocation described in this paragraph prevails in a proceeding under this paragraph, including on appeal, the person shall be entitled to all costs, including reasonable attorney's fees, and the Attorney General shall immediately remove the individual from the Terrorism Firearm Screening List.

''(2) PROCEDURE WITH REGARD TO PERSONS NOT ON THE TERRORISM FIREARM SCREENING LIST.—If the Attorney General prohibits the transfer of a firearm or revocation of a license or permit for firearms or explosive materials under subsection (d) for a person who is not listed on the Terrorism Firearm Screening List, the following procedures shall apply:

''(A) TEMPORARY EX PARTE ORDER PROHIBITING TRANSFER OR SUSTAINING REVOCATION.—

''(i) IN GENERAL.—The Attorney General—

''(I) may deny the firearm transfer or revoke the license or permit for the period described in section 922(t)(1)(B)(ii);

''(II) shall file an emergency petition to temporarily prohibit the attempted transfer or sustain the revocation of a license or permit for 7 additional days, with such petition being filed with the Foreign Intelligence Surveillance Court or a Federal district court (provided that if the Attorney General files with a Federal district court, the Attorney General can and will comply with all the requirements of this paragraph, including the requirement to submit to the court the information and documents, in unredacted form, that support the Attorney General's petition);

''(III) as part of the petition described in subclause (II), shall submit to the court the information and documents, in unredacted form, that support the Attorney General's petition.

''(ii) COURT REQUIREMENTS.—The court shall deny an emergency petition filed by the Attorney General under clause (i) unless the Attorney General demonstrates—

''(I) there is probable cause to believe the person is or has been engaged in conduct constituting, in preparation for, in aid of, or in support of terrorism, or providing material support or resources for terrorism; and

''(II) there is reason to believe such person may use a firearm in connection with terrorism.

''(iii) TRANSFER ALLOWED.—If an order is not issued under this paragraph within the period described in section 922(t)(1)(B)(ii), the firearm transfer may proceed or the revocation of the license or permit shall be cancelled.

''(B) ADVERSARIAL COURT PROCEEDING TO OBTAIN A FINAL ORDER PROHIBITING TRANSFER OF A FIREARM OR REVOKING A LICENSE OR PERMIT.—

''(i) IN GENERAL.—If the Attorney General wishes to extend an order that is issued under subparagraph (A)(ii)(II)—

''(I) the Attorney General shall—

''(aa) within 7 days after the order was granted under subparagraph (A)(ii)(II), file a petition for a final order prohibiting the transfer of a firearm or sustaining the revocation of a license or permit, with such petition being filed in the district court of the United States in which the firearm transfer was attempted or the licensee or permit holder is located

''(bb) submit to the district court of the United States in which the petition described in item (aa) is filed, the evidence supporting the Attorney General's petition and any exculpatory evidence that the Attorney General possesses or has access to;

''(II) the person whose attempted firearm transfer was blocked shall be entitled to—

''(aa) a hearing at which the person may be represented by counsel and a final judgment by the district court of the United States not later than 60 days after the date on which the attempted transfer of a firearm occurred or Attorney General revoked a license or permit for firearms or explosive materials; and

''(bb) in the case of an appeal of the decision of the district court of the United States, a decision by the reviewing court not later than 90 days after the date on which the district court of the United States issues the decision; and

''(III) the district court of the United States in which the petition described in subclause (I) was filed—

''(aa) shall allow the Attorney General, for information the United States has determined would likely compromise national security, to submit summaries and redacted versions of documents

''(bb) shall review any summaries and redacted versions of documents to ensure that the person to whom the prohibition or revocation applies is receiving fair and accurate representations of the underlying information and documents;

''(cc) shall ensure that any summaries and redacted versions of documents accepted into evidence are fair and accurate representations of the underlying information and documents;

''(dd) shall provide copies of any summaries and redacted versions of documents to the person to whom the prohibition or revocation applies; and

''(ee) shall not consider the full, undisclosed information or documents in deciding whether to sustain the Attorney General's prohibition or revocation; and

''(ff) shall issue an order rejecting the Attorney General's petition unless the Attorney General demonstrates there is probable cause to believe the person is or has been engaged in conduct constituting, in preparation for, in aid of, or in support of terrorism, or providing material support or resources for terrorism, and there is reason to believe such person may use a firearm in connection with terrorism.

''(ii) EFFECT.—The temporary, ex parte order issued under paragraph (A) shall remain in effect until the proceeding under this paragraph is resolved.

''(iii) RELIEF.—If a person who was prohibited from participating in the transfer of a firearm or had a license or permit for firearms or explosive materials revoked prevails in a proceeding under clause (i), including on appeal, the person shall be entitled to all costs, including reasonable attorney's fees, and the Attorney General shall immediately remove the individual from the Terrorism Firearm Screening List.

''(iv) ADDITION TO TERRORISM FIREARM SCREENING LIST.—If the Attorney General prevails in a proceeding under clause (i), including on appeal, the Attorney General may add the person to the Terrorism Firearm Screening List.''.

(c) TRANSPARENCY.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter, the Attorney General shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report providing the following information:

(1) The number of persons added to the Terrorism Firearm Screening List established under section 922A of title 18, United States Code, as added by this Act, during the reporting period.

(2) The number of persons whose names the Attorney General submitted to the Foreign Intelligence Surveillance Court pursuant to section 922A(b)(2) of title 18, United States Code, as added by this Act, during the reporting period.

(3) The number of persons described in paragraph (2) whom the Foreign Intelligence Surveillance Court determined, pursuant to section 922A(b)(2) of title 18, United States Code, as added by this Act, that there was not—

(A) probable cause to believe the person is or has been engaged in conduct constituting, in preparation for, in aid of, or in support of terrorism, or providing material support or resources for terrorism; or

(B) reason to believe the person may use a firearm in connection with terrorism.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 922 the following:

''922A. Attorney general's discretion to prohibit transfer of a firearm and deny or revoke a license or permit.''.

(2) TECHNICAL AMENDMENTS.—Section 922(t) of title 18, United States Code, is amended—

(A) in paragraph (1)(B), by striking clause (ii) and inserting the following:

''(ii) 3 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system; and

''(iii) the system has not notified the licensee that—

''(I) the receipt of a firearm by such other person would violate subsection (g) or (n) of this section or State law; or

''(II) that the transfer has been prohibited pursuant to section 922A of this title;'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting '', and the transfer has not been prohibited pursuant to section 922A of this title'' after ''or State law'';

(C) in paragraph (3)—

(i) in subparagraph (A)(i)—

(I) in subclause (I), by striking ''and'' at the end; and

(II) by adding at the end the following:

''(III) was issued after a check of the system established pursuant to paragraph (1);''; and

(ii) in subparagraph (C)—

(I) in clause (ii), by striking ''and'' at the end;

(II) in clause (iii), by striking the period and inserting ''; and''; and

(III) by adding at the end the following:

''(iv) the State issuing the permit agrees to deny the permit application if the applicant is included on the Terrorism Firearm Screening List established by section 922A of this title or to revoke the permit if a court order is entered pursuant to section 922A(e) of this title.'';

(D) in paragraph (4), by inserting '', or that the person is prohibited from participating in a firearm transfer pursuant to section 922A of this title'' after ''or State law''; and

(E) in paragraph (5), by inserting '', or that the person is prohibited from participating in a firearm transfer pursuant to section 922A of this title'' after ''or State law''.

(3) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(10) is prohibited from participating in a firearm transfer pursuant to section 922A of this title.''.

(4) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) who has received actual notice of an order entered by a court pursuant to section 922A(e) of this title,''.

(5) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended in paragraph (1)—

(A) in subparagraph (F), by striking ''and'' at the end of clause (iii);

(B) in subparagraph (G), by striking ''device).'' and inserting ''device); and''; and

(C) by adding at the end the following:

''(H) the applicant is not on the Terrorism Firearm Screening List established by section 922A of this title or subject to an order entered by a court pursuant to section 922A(e) of this title.''.

(6) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(A) by inserting ''(1)'' after ''(e)'';

(B) by striking ''revoke any license'' and inserting: ''revoke—

''(A) any license;'';

(C) by striking ''. The Attorney General may, after notice and opportunity for hearing, revoke the license'' and inserting the following:

''(B) the license; and'';

(D) by striking ''. The Secretary's action'' and inserting: ''; or

''(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is on the Terrorism Firearm Screening List established by section 922A of this title.

''(2) The Attorney General's action''.

(7) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(A) in subsection (f), by striking ''date of the request'' and inserting ''date of the request, provided that if the individual is ineligible by virtue of being included on the Terrorism Firearm Screening List established under section 922A of title 18, United States Code or being subject to a court order under section 922A(e) of title 18, United States Code, the system shall state only that the individual is barred by section 922A of title 18, United States Code.''; and

(B) in subsection (g), in the first sentence, by inserting ''or that the individual is prohibited from engaging in a firearm transfer pursuant to section 922A of title 18, United States Code,'' after ''or State law,''.

(8) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

(A) in paragraph (9), by striking the period and inserting ''; or''; and

(B) by adding at the end the following:

''(10) who has received actual notice of an order entered by a court pursuant to section 922A(e) of this title.''.

(9) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(A) in paragraph (7), by inserting ''; or'' at the end; and

(B) by inserting after paragraph (7) the following:

''(8) who has received actual notice of an order entered by a court pursuant to section 922A(e) of this title,''.

(10) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(b) of title 18, United States Code, is amended—

(A) in paragraph (6) by striking ''and'';

(B) in paragraph (7) by striking ''valid.'' And inserting ''valid; and''

(C) by adding at the end the following:

''(8) the applicant is not disqualified pursuant to section 922A of this title.''.

(11) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended by inserting after ''is included on the Terrorism Firearm Screening List established by section 922A of this title or subject to an order entered by a district court of the United States pursuant to section 922A(e) of this title,'' after ''this chapter,''.

(12) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended in paragraph (1), by inserting after the first sentence the following: ''However, if the denial or revocation is based upon the person being disqualified pursuant to section 922A of this title any information which the Attorney General relied on for adding the person to the Terrorism Firearm Screening List established by section 922A of this title or obtaining a court order under section 922A(e) of this title, this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.''.

(13) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title 18, United States Code, is amended—

(A) in subparagraph (A), by inserting ''or in subsection (j) of this section (on grounds of terrorism)'' after ''section 842(i)''; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting ''or in subsection (j) of this section,'' after ''section 842(i),''; and

(ii) in clause (ii), by inserting '', except that any information that the Attorney General relied on for adding the person to the Terrorism Firearm Screening List established by section 922A of this title or obtaining a court order under section 922A(e) of this title may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security'' after ''determination''.

SA 4741. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used by an agency of the Government of the United States to establish or implement a policy that discourages or prohibits the selection of a location for travel, an event, a meeting, or a conference because the location is perceived to be a resort or vacation destination.

SA 4742. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5____. Hereafter, the Attorney General shall establish a process by which—

(1) the Attorney General and Federal, State, and local law enforcement are immediately notified, as appropriate, of any request to transfer a firearm or explosive to a person who is, or within the previous 5 years was, investigated as a known or suspected terrorist;

(2) the Attorney General may delay the transfer of the firearm or explosive for a period not to exceed 3 business days and file an emergency petition in a court of competent jurisdiction to prevent the transfer of the firearm or explosive, and such emergency petition and subsequent hearing shall receive the highest possible priority on the docket of the court of competent jurisdiction and be subject to the Classified Information Procedures Act (18 U.S.C. App.);

(3) the transferee receives actual notice of the hearing and is provided with an opportunity to participate with counsel and the emergency petition shall be granted if the court finds that there is probable cause to believe that the transferee has committed, conspired to commit, attempted to commit, or will commit an act of terrorism, and if the petition is denied, the Government shall be responsible for all reasonable costs and attorneys' fees;

(4) the Attorney General may arrest and detain the transferee for whom an emergency petition has been filed where probable cause exists to believe that the individual has committed, conspired to commit, or attempted to commit an act of terrorism; and

(5) the Director of the Federal Bureau of Investigation annually reviews and certifies the identities of known or suspected terrorists under this section and the appropriateness of such designation.

SA 4743. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Pretrial services programs receiving funds through the Edward Byrne Memorial Justice Assistance Grant program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) or any other Department of Justice grant program shall report annually—

(1) the names of all persons participating in pretrial release programs administered by the pretrial services program;

(2) whether those persons appeared for trial and other post-release court dates;

(3) any previous arrests of program participants; and

(4) any previous failures by program participants to appear for trial or other post-release court dates.

SA 4744. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5____. (a) None of the funds appropriated or otherwise made available under this Act may be used by the Commissioner of the Social Security Administration to make, or to report to the National Instant Criminal Background Check System, a determination that an individual has been adjudicated as a mental defective for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code.

(b) None of the funds appropriated or otherwise made available under this Act may be used by the National Instant Criminal Background Check System to receive information from the Commissioner of the Social Security Administration regarding a determination described in subsection (a).

SA 4745. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. No funds made available by this Act may be used to prosecute crimes that do not require any proof of criminal intent unless it is clear from the text of the statute or regulation defining the crime that proof of criminal intent is not required.

SA 4746. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) It is the sense of Congress that when a statute or regulation defining a criminal offense fails to specify the state of mind required for conviction, a court should read a default standard of willfulness into the statute or regulation unless it is clear from the text of the statute or regulation that Congress or the agency affirmatively intended not to require the Government to prove any state of mind.

(b) In this section, the term ''willfulness'' means acting with knowledge that one's conduct is unlawful.

SA 4747. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SENSE OF CONGRESS WITH RESPECT TO INTERNATIONAL DATA PRIVACY.

(a) FINDINGS.—Congress finds the following:

(1) When the Electronic Communications Privacy Act (Public Law 99–508; 100 Stat. 1848) (in this section referred to as ''ECPA'') was enacted in 1986, no one could have envisioned the globalization of the Internet and electronic communications.

(2) Today, multinational companies serve their customers around the world by storing and transferring data through a complex network of global data centers.

(3) Because ECPA never contemplated the global networks that technology companies operate today, ECPA presents unique challenges for a number of industries that increasingly face a conflict between Federal law in the United States and the laws of other countries. For example, when a technology company receives a demand from a Federal law enforcement agency to turn over data on behalf of foreign customers, that company is forced to make a difficult decision: either comply with the demand and satisfy Federal law or risk violating the privacy laws of the host country. The same is true in reverse because when foreign governments

compel global providers to disclose information, even information about the citizens of those governments, Federal law in the United States sometimes prohibits the providers from complying.

(4) Modernizing ECPA to better reflect the truly global nature of global technology will—

(A) better serve the interests of law enforcement, both in the United States and abroad;

(B) protect individual privacy; and

(C) promote innovation and the free flow of information.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal Government—

(1) must safeguard data throughout the world from unauthorized access by law enforcement agencies; and

(2) should—

(A) require law enforcement agencies in the United States to obtain a warrant for all electronic content;

(B) create a clear international legal framework that provides law enforcement agencies with an efficient process to obtain information while—

(i) protecting the privacy of all individuals; and

(ii) respecting the laws of other countries; and

(C) strengthen the Mutual Legal Assistance Treaty process by providing greater efficiency, accessibility, transparency, and accountability.

SA 4748. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS WITH RESPECT TO WILLFUL INFRINGEMENT IN PATENT CASES.

(a) FINDINGS.—Congress finds the following:

(1) On June 13, 2016, the Supreme Court of the United States held in Halo Electronics, Inc. v. Pulse Electronics, Inc. (in this section referred to as ''Halo''), that the 2-part test for awarding enhanced damages under section 284 of title 35, United States Code, as articulated in In re Seagate Technology, LLC, 497 F.3d 1360 (Fed. Cir. 2007) (en banc) (in this section referred to as ''Seagate''), was inconsistent with the intent of that section.

(2) In 2011, when Congress enacted Public Law 112–29, the standard articulated by the Federal Circuit for willful infringement under Seagate was the established judicial interpretation of section 284 of title 35, United States Code, with respect to awarding enhanced damages in a patent case. The legislative history of section 284 after Seagate was decided shows that Congress was well aware of the Seagate standard and explored the impact of Seagate on the issue of enhanced damages.

(3) Ultimately, Congress did not substantively amend section 284 of title 35, United States Code, knowing that no action from Congress would be required to ensure that the standard established in Seagate would remain in place and continue to govern the enhancement analysis under that section.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Seagate standard has governed and continues to govern the enhanced damages analysis under section 284 of title 35, United States Code; and

(2) this intent of Congress should be considered in any decisions interpreting that section.

SA 4749. Mr. MCCONNELL (for Mr. CORNYN) proposed an amendment to amendment SA 4720 proposed by Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. NELSON, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Ms. MIKULSKI, Mrs. BOXER, Mr. UDALL, Mr. CARPER, Mr. MARKEY, Mr. MENENDEZ, Mr. COONS, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. BROWN, Mr. SCHATZ, Ms. KLOBUCHAR, Mr. MURPHY, Mrs. MCCASKILL, Mr. HEINRICH, Mr. FRANKEN, Mr. BOOKER, and Mr. KAINE) to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the end add the following:

SEC. 5____. Hereafter, the Attorney General shall establish a process by which—

(1) the Attorney General and Federal, State, and local law enforcement are immediately notified, as appropriate, of any request to transfer a firearm or explosive to a person who is, or within the previous 5 years was, investigated as a known or suspected terrorist;

(2) the Attorney General may delay the transfer of the firearm or explosive for a period not to exceed 3 business days and file an emergency petition in a court of competent jurisdiction to prevent the transfer of the firearm or explosive, and such emergency petition and subsequent hearing shall receive the highest possible priority on the docket of the court of competent jurisdiction and be subject to the Classified Information Procedures Act (18 U.S.C. App.);

(3) the transferee receives actual notice of the hearing and is provided with an opportunity to participate with counsel and the emergency petition shall be granted if the court finds that there is probable cause to believe that the transferee has committed, conspired to commit, attempted to commit, or will commit an act of terrorism, and if the petition is denied, the Government shall be responsible for all reasonable costs and attorneys' fees;

(4) the Attorney General may arrest and detain the transferee for whom an emergency petition has been filed where probable cause exists to believe that the individual has committed, conspired to commit, or attempted to commit an act of terrorism; and

(5) the Director of the Federal Bureau of Investigation annually reviews and certifies the identities of known or suspected terrorists under this section and the appropriateness of such designation.

SA 4750. Mr. MCCONNELL (for Mr. MURPHY (for himself, Mr. BOOKER, Mr. BLUMENTHAL, Mr. SCHUMER, and Mr. CARDIN)) proposed an amendment to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE VI—FIXING GUN CHECKS

SEC. 601. SHORT TITLE.

This title may be cited as the ''Fix Gun Checks Act of 2016''.

Subtitle A—Ensuring That All Individuals Who Should Be Prohibited From Buying a Gun Are Listed in the National Instant Criminal Background Check System

SEC. 611. PENALTIES FOR STATES THAT DO NOT MAKE DATA ELECTRONICALLY AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 102(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended to read as follows:

''(b) IMPLEMENTATION PLAN.—

''(1) IN GENERAL.—Within 1 year after the date of the enactment of this subsection, the Attorney General, in coordination with the States, shall establish, for each State or Indian tribal government, a plan to ensure maximum coordination and automation of the reporting of records or making of records available to the National Instant Criminal Background Check System established under section 103 of the Brady Handgun Violence Prevention Act, during a 4-year period specified in the plan.

''(2) BENCHMARK REQUIREMENTS.—Each such plan shall include annual benchmarks, including qualitative goals and quantitative measures, to enable the Attorney General to assess implementation of the plan.

''(3) PENALTIES FOR NONCOMPLIANCE.—

''(A) IN GENERAL.—During the 4-year period covered by such a plan, the Attorney General shall withhold the following percentage of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the following year in the period:

''(i) 10 percent, in the case of the 1st year in the period.

''(ii) 11 percent, in the case of the 2nd year in the period.

''(iii) 13 percent, in the case of the 3rd year in the period.

''(iv) 15 percent, in the case of the 4th year in the period.

''(B) FAILURE TO ESTABLISH A PLAN.—A State with respect to which a plan is not established under paragraph (1) shall be treated as having not met any benchmark established under paragraph (2).''.

SEC. 612. REQUIREMENT THAT FEDERAL AGENCIES CERTIFY THAT THEY HAVE SUBMITTED TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM ALL RECORDS IDENTIFYING PERSONS PROHIBITED FROM PURCHASING FIREARMS UNDER FEDERAL LAW.

Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended by adding at the end the following:

''(F) SEMIANNUAL CERTIFICATION AND REPORTING.—

''(i) IN GENERAL.—The head of each Federal department or agency shall submit to the Attorney General a written certification indicating whether the department or agency has provided to the Attorney General the pertinent information contained in any record of any person that the department or agency was in possession of during the time

period addressed by the certification demonstrating that the person falls within a category described in subsection (g) or (n) of section 922 of title 18, United States Code.

''(ii) SUBMISSION DATES.—The head of a Federal department or agency shall submit a certification under clause (i)—

''(I) not later than July 31 of each year, which shall address any record the department or agency was in possession of during the period beginning on January 1 of the year and ending on June 30 of the year; and

''(II) not later than January 31 of each year, which shall address any record the department or agency was in possession of during the period beginning on July 1 of the previous year and ending on December 31 of the previous year.

''(iii) CONTENTS.—A certification required under clause (i) shall state, for the applicable period—

''(I) the number of records of the Federal department or agency demonstrating that a person fell within each of the categories described in section 922(g) of title 18, United States Code;

''(II) the number of records of the Federal department or agency demonstrating that a person fell within the category described in section 922(n) of title 18, United States Code; and

''(III) for each category of records described in subclauses (I) and (II), the total number of records of the Federal department or agency that have been provided to the Attorney General.''.

SEC. 613. ADJUDICATED AS A MENTAL DEFECTIVE.

(a) IN GENERAL.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'adjudicated as a mental defective' shall—

''(A) have the meaning given the term in section 478.11 of title 27, Code of Federal Regulations, or any successor thereto; and

''(B) include an order by a court, board, commission, or other lawful authority that a person, in response to mental illness, incompetency, or marked subnormal intelligence, be compelled to receive services—

''(i) including counseling, medication, or testing to determine compliance with prescribed medications; and

''(ii) not including testing for use of alcohol or for abuse of any controlled substance or other drug.

''(37) The term 'committed to a mental institution' shall have the meaning given the term in section 478.11 of title 27, Code of Federal Regulations, or any successor thereto.''.

(b) LIMITATION.—An individual who has been adjudicated as a mental defective before the date that is 180 days after the date of enactment of this Act may not apply for relief from disability under section 101(c)(2) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) on the basis that the individual does not meet the requirements in section 921(a)(36) of title 18, United States Code, as added by subsection (a).

(c) NICS IMPROVEMENT AMENDMENTS ACT OF 2007.—Section 3 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by striking paragraph (2) and inserting the following:

''(2) MENTAL HEALTH TERMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the terms 'adjudicated as a mental defective' and 'committed to a mental institution' shall have the meanings given the terms in section 921(a) of title 18, United States Code.

''(B) EXCEPTION.—For purposes of sections 102 and 103, the terms 'adjudicated as a mental defective' and 'committed to a mental institution' shall have the same meanings as on the day before the date of enactment of the Fix Gun Checks Act of 2016 until the end of the 2-year period beginning on such date of enactment.''.

SEC. 614. CLARIFICATION THAT FEDERAL COURT INFORMATION IS TO BE MADE AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 103(e)(1) of the Brady Handgun Violence Protection Act (18 U.S.C. 922 note), as amended by section 612 of this Act, is amended by adding at the end the following:

''(G) APPLICATION TO FEDERAL COURTS.—In this paragraph—

''(i) the terms 'department or agency of the United States' and 'Federal department or agency' include a Federal court; and

''(ii) for purposes of any request, submission, or notification, the Director of the Administrative Office of the United States Courts shall perform the functions of the head of the department or agency.''.

Subtitle B—Requiring a Background Check for Every Firearm Sale

SEC. 621. PURPOSE.

The purpose of this subtitle is to extend the Brady Law background check procedures to all sales and transfers of firearms.

SEC. 622. FIREARMS TRANSFERS.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended—

(1) by striking subsection (s) and redesignating subsection (t) as subsection (s);

(2) in subsection (s), as so redesignated—

(A) in paragraph (3)(C)(ii), by striking ''(as defined in subsection (s)(8))''; and

(B) by adding at the end the following:

''(7) In this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.''; and

(3) by inserting after subsection (s), as so redesignated, the following:

''(t)(1) It shall be unlawful for any person who is not a licensed importer, licensed manufacturer, or licensed dealer to transfer a firearm to any other person who is not so licensed, unless a licensed importer, licensed manufacturer, or licensed dealer has first taken possession of the firearm for the purpose of complying with subsection (s). Upon taking possession of the firearm, the licensee shall comply with all requirements of this chapter as if the licensee were transferring the firearm from the inventory of the licensee to the unlicensed transferee.

''(2) Paragraph (1) shall not apply to—

''(A) a transfer of a firearm by or to any law enforcement agency or any law enforcement officer, armed private security professional, or member of the armed forces, to the extent the officer, professional, or member is acting within the course and scope of employment and official duties;

''(B) a transfer that is a loan or bona fide gift between spouses, between domestic partners, between parents and their children, between siblings, or between grandparents and their grandchildren;

''(C) a transfer to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of another person;

''(D) a temporary transfer that is necessary to prevent imminent death or great bodily harm, if the possession by the transferee lasts only as long as immediately necessary to prevent the imminent death or great bodily harm;

''(E) a transfer that is approved by the Attorney General under section 5812 of the Internal Revenue Code of 1986; or

''(F) a temporary transfer if the transferor has no reason to believe that the transferee will use or intends to use the firearm in a crime or is prohibited from possessing firearms under State or Federal law, and the transfer takes place and the transferee's possession of the firearm is exclusively—

''(i) at a shooting range or in a shooting gallery or other area designated and built for the purpose of target shooting;

''(ii) while hunting, trapping, or fishing, if the hunting, trapping, or fishing is legal in all places where the transferee possesses the firearm and the transferee holds all licenses or permits required for such hunting, trapping, or fishing; or

''(iii) while in the presence of the transferor.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 922.—Section 922(y)(2) of such title is amended in the matter preceding subparagraph (A), by striking '', (g)(5)(B), and (s)(3)(B)(v)(II)'' and inserting ''and (g)(5)(B)''.

(2) SECTION 925A.—Section 925A of such title is amended in the matter preceding paragraph (1), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall take effect 180 days after the date of the enactment of this Act.

SEC. 623. LOST AND STOLEN REPORTING.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

''(aa) It shall be unlawful for any person who lawfully possesses or owns a firearm that has been shipped or transported in, or has been possessed in or affecting, interstate or foreign commerce, to fail to report the theft or loss of the firearm, within 48 hours after the person discovers the theft or loss, to the Attorney General and to the appropriate local authorities.''.

(b) PENALTY.—Section 924(a)(1)(B) of such title is amended to read as follows:

''(B) knowingly violates subsection (a)(4), (f), (k), (q), or (aa) of section 922;''.

SA 4751. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to amendment SA 4750 proposed by Mr. MCCONNELL (for Mr. MURPHY (for himself, Mr. BOOKER, Mr. BLUMENTHAL, Mr. SCHUMER, and Mr. CARDIN)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ____—PROTECTING COMMUNITIES AND PRESERVING THE SECOND AMENDMENT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Protecting Communities and Preserving the Second Amendment Act of 2016''.

SEC. __02. DEFINITIONS.

In this title—

(1) the term ''agency'' has the meaning given the term in section 551 of title 5, United States Code;

(2) the term ''NICS'' means the National Instant Criminal Background Check System; and

(3) the term ''relevant Federal records'' means any record demonstrating that a person is prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

SEC. __03. REAUTHORIZATION AND IMPROVEMENTS TO NICS.

(a) IN GENERAL.—Section 103 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by redesignating subsection (e) as subsection (f) and amending such subsection to read as follows:

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $125,000,000 for each of fiscal years 2016 through 2020.''; and

(2) by inserting after subsection (d) the following:

''(e) ACCOUNTABILITY.—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

''(1) DEFINITION.—In this subsection, the term 'unresolved audit finding' means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

''(2) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

''(3) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.''.

(b) MODIFICATION OF ELIGIBILITY REQUIREMENTS.—The NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) in section 102(b)(1)—

(A) in subparagraph (A), by striking ''subparagraph (C)'' and inserting ''subparagraph (B)'';

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(2) in section 103(a)(1), by striking ''and subject to section 102(b)(1)(B)''; and

(3) in section 104(d), by striking ''section 102(b)(1)(C)'' and inserting ''section 102(b)(1)(B)''.

SEC. __04. AVAILABILITY OF RECORDS TO NICS.

(a) GUIDANCE.—Not later than 45 days after the date of enactment of this Act, the Attorney General shall issue guidance regarding—

(1) the identification and sharing of relevant Federal records; and

(2) submission of the relevant Federal records to NICS.

(b) PRIORITIZATION OF RECORDS.—Each agency that possesses relevant Federal records shall prioritize providing the relevant information contained in the relevant Federal records to NICS on a regular and ongoing basis in accordance with the guidance issued by the Attorney General under subsection (a).

(c) REPORTS.—Not later than 60 days after the Attorney General issues guidance under subsection (a), the head of each agency shall submit a report to the Attorney General that—

(1) advises whether the agency possesses relevant Federal records; and

(2) describes the implementation plan of the agency for making the relevant information contained in relevant Federal records available to NICS in a manner consistent with applicable law.

(d) DETERMINATION OF RELEVANCE.—The Attorney General shall resolve any dispute regarding whether—

(1) agency records are relevant Federal records; and

(2) the relevant Federal records of an agency should be made available to NICS.

SEC. __05. DEFINITIONS RELATING TO MENTAL HEALTH.

(a) TITLE 18 DEFINITIONS.—Chapter 44 of title 18, United States Code, is amended—

(1) in section 921(a), by adding at the end the following:

''(36)(A) Subject to subparagraph (B), the term 'has been adjudicated mentally incompetent or has been committed to a psychiatric hospital', with respect to a person—

''(i) means the person is the subject of an order or finding by a judicial officer, court, board, commission, or other adjudicative body—

''(I) that was issued after—

''(aa) a hearing—

''(AA) of which the person received actual notice; and

''(BB) at which the person had an opportunity to participate with counsel; or

''(bb) the person knowingly and intelligently waived the opportunity for a hearing—

''(AA) of which the person received actual notice; and

''(BB) at which the person would have had an opportunity to participate with counsel; and

''(II) that found that the person, as a result of marked subnormal intelligence, mental impairment, mental illness, incompetency, condition, or disease—

''(aa) was a danger to himself or herself or to others;

''(bb) was guilty but mentally ill in a criminal case, in a jurisdiction that provides for such a verdict;

''(cc) was not guilty in a criminal case by reason of insanity or mental disease or defect;

''(dd) was incompetent to stand trial in a criminal case;

''(ee) was not guilty by reason of lack of mental responsibility under section 850a of title 10 (article 50a of the Uniform Code of Military Justice);

''(ff) required involuntary inpatient treatment by a psychiatric hospital for any reason, including substance abuse; or

''(gg) required involuntary outpatient treatment by a psychiatric hospital based on a finding that the person is a danger to himself or herself or to others; and

''(ii) does not include—

''(I) an admission to a psychiatric hospital for observation; or

''(II) a voluntary admission to a psychiatric hospital.

''(B) In this paragraph, the term 'order or finding' does not include—

''(i) an order or finding that has expired, has been set aside, has been expunged, or is otherwise no longer applicable because a judicial officer, court, board, commission, adjudicative body, or appropriate official has found that the person who is the subject of the order or finding—

''(I) does not present a danger to himself or herself or to others;

''(II) has been restored to sanity or cured of mental disease or defect;

''(III) has been restored to competency; or

''(IV) no longer requires involuntary inpatient or outpatient treatment by a psychiatric hospital, and the person is not a danger to himself, herself, or others; or

''(ii) an order or finding with respect to which the person who is subject to the order or finding has been granted relief from disabilities under section 925(c), under a program described in section 101(c)(2)(A) or 105 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note), or under any other State-authorized relief from disabilities program of the State in which the original commitment or adjudication occurred.

''(37) The term 'psychiatric hospital' includes a mental health facility, a mental hospital, a sanitarium, a psychiatric facility, and any other facility that provides diagnoses or treatment by licensed professionals of mental retardation or mental illness, including a psychiatric ward in a general hospital.''; and

(2) in section 922—

(A) in subsection (d)(4)—

(i) by striking ''as a mental defective'' and inserting ''mentally incompetent''; and

(ii) by striking ''any mental institution'' and inserting ''a psychiatric hospital''; and

(B) in subsection (g)(4)—

(i) by striking ''as a mental defective or who has'' and inserting ''mentally incompetent or has''; and

(ii) by striking ''mental institution'' and inserting ''psychiatric hospital''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking ''as a mental defective'' each place that term appears and inserting ''mentally incompetent'';

(2) by striking ''mental institution'' each place that term appears and inserting ''psychiatric hospital'';

(3) in section 101(c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''to the mental health of a person'' and inserting ''to whether a person is mentally incompetent''; and

(B) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''to the mental health of a person'' and inserting ''to whether a person is mentally incompetent''; and

(ii) in subparagraph (B), by striking ''to the mental health of a person'' and inserting ''to whether a person is mentally incompetent''; and

(4) in section 102(c)(3)—

(A) in the paragraph heading, by striking ''AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION'' and inserting ''MENTALLY INCOMPETENT OR COMMITTED TO A PSYCHIATRIC HOSPITAL''; and

(B) by striking ''mental institutions'' and inserting ''psychiatric hospitals''.

SEC. __06. CLARIFICATION THAT FEDERAL COURT INFORMATION IS TO BE MADE AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended by adding at the end the following:

''(F) APPLICATION TO FEDERAL COURTS.—In this paragraph—

''(i) the terms 'department or agency of the United States' and 'Federal department or agency' include a Federal court; and

''(ii) for purposes of any request, submission, or notification, the Director of the Administrative Office of the United States

Courts shall perform the functions of the head of the department or agency.''.

SEC. __07. REPORTS AND CERTIFICATIONS TO CONGRESS.

(a) NICS REPORTS.—Not later than October 1, 2016, and every year thereafter, the head of each agency that possesses relevant Federal records shall submit a report to Congress that includes—

(1) a description of the relevant Federal records possessed by the agency that can be shared with NICS in a manner consistent with applicable law;

(2) the number of relevant Federal records the agency submitted to NICS during the reporting period;

(3) efforts made to increase the percentage of relevant Federal records possessed by the agency that are submitted to NICS;

(4) any obstacles to increasing the percentage of relevant Federal records possessed by the agency that are submitted to NICS;

(5) measures put in place to provide notice and programs for relief from disabilities as required under the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) if the agency makes qualifying adjudications relating to the mental health of an individual;

(6) measures put in place to correct, modify, or remove records available to NICS when the basis on which the records were made available no longer applies; and

(7) additional steps that will be taken during the 1-year period after the submission of the report to improve the processes by which relevant Federal records are—

(A) identified;

(B) made available to NICS; and

(C) corrected, modified, or removed from NICS.

(b) CERTIFICATIONS.—

(1) IN GENERAL.—The annual report requirement in subsection (a) shall not apply to an agency that, as part of a report required to be submitted under subsection (a), provides certification that the agency has—

(A) made available to NICS relevant Federal records that can be shared in a manner consistent with applicable law;

(B) a plan to make any relevant Federal records available to NICS and a description of that plan; and

(C) a plan to update, modify, or remove records electronically from NICS not less than quarterly as required by the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) and a description of that plan.

(2) FREQUENCY.—Each agency that is not required to submit annual reports under paragraph (1) shall submit an annual certification to Congress attesting that the agency continues to submit relevant Federal records to NICS and has corrected, modified, or removed records available to NICS when the basis on which the records were made available no longer applies.

(c) REPORTS TO CONGRESS ON FIREARMS PROSECUTIONS.—

(1) REPORT TO CONGRESS.—Beginning on February 1, 2017, and on February 1 of each year thereafter through 2026, the Attorney General shall submit to the Committees on the Judiciary and Committees on Appropriations of the Senate and the House of Representatives a report of information gathered under this subsection during the fiscal year that ended on September 30 of the preceding year.

(2) SUBJECT OF ANNUAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall require each component of the Department of Justice, including each United States Attorney's Office, to furnish for the purposes of the report described in paragraph (1), information relating to any case presented to the Department of Justice for review or prosecution, in which the objective facts of the case provide probable cause to believe that there has been a violation of section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986.

(3) ELEMENTS OF ANNUAL REPORT.—With respect to each case described in paragraph (2), the report submitted under paragraph (1) shall include information indicating—

(A) whether in any such case, a decision has been made not to charge an individual with a violation of section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986, or any other violation of Federal criminal law;

(B) in any case described in subparagraph (A), a description of why no charge was filed under section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986;

(C) whether in any case described in paragraph (2), an indictment, information, or other charge has been brought against any person, or the matter is pending;

(D) whether, in the case of an indictment, information, or other charge described in subparagraph (C), the charging document contains a count or counts alleging a violation of section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986;

(E) in any case described in subparagraph (D) in which the charging document contains a count or counts alleging a violation of section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986, whether a plea agreement of any kind has been entered into with such charged individual;

(F) whether any plea agreement described in subparagraph (E) required that the individual plead guilty, to enter a plea of nolo contendere, or otherwise caused a court to enter a conviction against that individual for a violation of section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986;

(G) in any case described in subparagraph (F) in which the plea agreement did not require that the individual plead guilty, enter a plea of nolo contendere, or otherwise cause a court to enter a conviction against that individual for a violation of section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986, identification of the charges to which that individual did plead guilty;

(H) in the case of an indictment, information, or other charge described in subparagraph (C), in which the charging document contains a count or counts alleging a violation of section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986, the result of any trial of such charges (guilty, not guilty, mistrial);

(I) in the case of an indictment, information, or other charge described in subparagraph (C), in which the charging document did not contain a count or counts alleging a violation of section 922 or 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial);

(J) the number of persons who attempted to purchase a firearm but were denied because of a background check conducted in accordance with section 922(t) of title 18, United States Code; and

(K) the number of prosecutions conducted in relation to persons described in subparagraph (J).

SEC. __08. LIMITATION ON OPERATIONS BY THE DEPARTMENT OF JUSTICE.

The Department of Justice, and any of its law enforcement coordinate agencies, shall not conduct any operation where a Federal firearms licensee is directed, instructed, enticed, or otherwise encouraged by the Department of Justice to sell a firearm to an individual if the Department of Justice, or a coordinate agency, knows or has reasonable cause to believe that such an individual is purchasing on behalf of another for an illegal purpose unless the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for the Criminal Division personally reviews and approves the operation, in writing, and determines that the agency has prepared an operational plan that includes sufficient safeguards to prevent firearms from being transferred to third parties without law enforcement taking reasonable steps to lawfully interdict those firearms.

SEC. __09. STUDY BY THE NATIONAL INSTITUTES OF JUSTICE AND NATIONAL ACADEMY OF SCIENCES ON THE CAUSES OF MASS SHOOTINGS.

(a) IN GENERAL.—

(1) STUDY.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall instruct the Director of the National Institutes of Justice to conduct a peer-reviewed study to examine various sources and causes of mass shootings, including psychological factors, the impact of violent video games, and other factors. The Director shall enter into a contract with the National Academy of Sciences to conduct this study jointly with an independent panel of 5 experts appointed by the Academy.

(2) REPORT.—Not later than 1 year after the date on which the study required under paragraph (1) begins, the Director shall submit to Congress a report detailing the findings of the study.

(b) ISSUES EXAMINED.—The study conducted under subsection (a)(1) shall examine—

(1) mental illness;

(2) the availability of mental health and other resources and strategies to help families detect and counter tendencies toward violence;

(3) the availability of mental health and other resources at schools to help detect and counter tendencies of students towards violence;

(4) the extent to which perpetrators of mass shootings, either alleged, convicted, deceased, or otherwise, played violent or adult-themed video games and whether the perpetrators of mass shootings discussed, planned, or used violent or adult-themed video games in preparation of or to assist in carrying out their violent actions;

(5) familial relationships, including the level of involvement and awareness of parents;

(6) exposure to bullying; and

(7) the extent to which perpetrators of mass shootings were acting in a ''copycat'' manner based upon previous violent events.

SEC. __10. REPORTS TO CONGRESS REGARDING AMMUNITION PURCHASES BY FEDERAL AGENCIES.

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Chairs and Ranking Members of

the Committee on Appropriations of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Oversight and Government Reform of the House of Representatives a report that includes—

(1) details of all purchases of ammunition by each Federal agency;

(2) a summary of all purchases, solicitations, and expenditures on ammunition by each Federal agency;

(3) a summary of all the rounds of ammunition expended by each Federal agency and a current listing of stockpiled ammunition for each Federal agency; and

(4) an estimate of future ammunition needs and purchases for each Federal agency for the next fiscal year.

SEC. __11. INCENTIVES FOR STATE COMPLIANCE WITH NICS MENTAL HEALTH RECORD REQUIREMENTS.

Section 104(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking paragraphs (1) and (2);

(2) by redesignating paragraph (3) as paragraph (2);

(3) in paragraph (2), as redesignated, by striking ''of paragraph (2)'' and inserting ''of paragraph (1)''; and

(4) by inserting before paragraph (2), as redesignated, the following:

''(1) INCENTIVES FOR PROVIDING MENTAL HEALTH RECORDS AND FIXING THE BACKGROUND CHECK SYSTEM.—

''(A) DEFINITION OF COMPLIANT STATE.—In this paragraph, the term 'compliant State' means a State that has—

''(i) provided not less than 90 percent of the records required to be provided under sections 102 and 103; or

''(ii) in effect a statute that—

''(I) requires the State to provide the records required to be provided under sections 102 and 103; and

''(II) implements a relief from disabilities program in accordance with section 105.

''(B) INCENTIVES FOR COMPLIANCE.—During the period beginning on the date that is 18 months after the date of enactment of the Protecting Communities and Preserving the Second Amendment Act of 2016 and ending on the date that is 5 years after the date of enactment of such Act, the Attorney General—

''(i) shall use funds appropriated to carry out section 103 of this Act, the excess unobligated balances of the Department of Justice and funds withheld under clause (ii), or any combination thereof, to increase the amounts available under section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) for each compliant State in an amount that is not less than 2 percent nor more than 5 percent of the amount that was allocated to such State under such section 505 in the previous fiscal year; and

''(ii) may withhold an amount not to exceed the amount described in clause (i) that would otherwise be allocated to a State under any section of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) if the State—

''(I) is not a compliant State; and

''(II) does not submit an assurance to the Attorney General that—

''(aa) an amount that is not less than the amount described in clause (i) will be used solely for the purpose of enabling the State to become a compliant State; or

''(bb) the State will hold in abeyance an amount that is not less than the amount described in clause (i) until such State has become a compliant State.

''(C) REGULATIONS.—Not later than 180 days after the date of enactment of the Protecting Communities and Preserving the Second Amendment Act of 2016, the Attorney General shall issue regulations implementing this paragraph.''.

SEC. __12. NOTIFICATION OF PROSPECTIVE FIREARM TRANSFERS TO KNOWN OR SUSPECTED TERRORISTS.

The Attorney General shall establish a process by which the Attorney General and Federal, State, and local law enforcement are immediately notified, as appropriate, of any request to transfer a firearm or explosive to a person who is, or within the previous 5 years was, investigated as a known or suspected terrorist.

SA 4752. Mr. MCCONNELL proposed an amendment to amendment SA 4751 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the amendment SA 4750 proposed by Mr. MCCONNELL (for Mr. MURPHY (for himself, Mr. BOOKER, Mr. BLUMENTHAL, Mr. SCHUMER, and Mr. CARDIN)) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the end add the following:

This Act shall take effect 1 day after the date of enactment.

SA 4753. Mr. SHELBY (for himself, Mr. SESSIONS, Mr. RUBIO, and Mr. NELSON) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act, or any contributed or non-Federal funds, may be used—

(1) to study reallocation of water within the Alabama-Coosa-Tallapoosa or Apalachicola-Chattahoochee-Flint river basins until the Secretary of the Army has executed a Partnering Agreement—

(A) with—

(i) in the case of the Alabama-Coosa-Tallapoosa basin, each of the States of Alabama and Georgia; and

(ii) in the case of the Apalachicola-Chattahoochee-Flint basin, each of the States of Alabama, Florida, and Georgia; and

(B) that outlines the participation of each State in separate water reallocation studies for each basin; or

(2) to reallocate water within the Alabama-Coosa-Tallapoosa or Apalachicola-Chattahoochee-Flint river basins until the Secretary of the Army executes a final agreement with each State through which the relevant river basin flows that provides the explicit consent of each relevant State to any reallocation.

SA 4754. Ms. CANTWELL (for herself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, strike lines 8 through 11 and insert the following:

United States Code, $50,000,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses.

TRADE ENFORCEMENT TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For activities of the United States Trade Representative authorized by section 611 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4405), including transfers, $15,000,000, to be derived from the Trade Enforcement Trust Fund: *Provided*, That any transfer pursuant to subsection (d)(1) of such section shall be treated as a reprogramming under section 505 of this Act: *Provided further*, That the amount appropriated in title I of this Act under the heading ''RENOVATION AND MODERNIZATION'' under the heading ''DEPARTMENTAL MANAGEMENT'' under the heading ''DEPARTMENT OF COMMERCE'' shall be reduced by $6,224,000.

SA 4755. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. In order to carry out the purposes of the POWER Program, the Economic Development Administration shall enter into a memorandum of understanding with the Appalachian Regional Commission that establishes a process by which an applicant may receive a 100-percent federally funded grant.

SA 4756. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Section 501(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(a)(1)) is amended by adding at the end the following:

''(H) State and local programs that are equivalent to the Fugitive Safe Surrender program of the United States Marshals Service authorized under section 632 of the Adam

Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16989).''.

SA 4757. Mr. REID (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. MENENDEZ, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, line 10, strike the period at the end and insert the following: '': *Provided further*, That none of the funds made available under this heading may be used for any hearing or review conducted by the Executive Office for Immigration Review, including appellate reviews and administrative hearings, for an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) unless the child is represented by legal counsel, which may be appointed by the Executive Office for Immigration Review if the child is otherwise unrepresented.''.

SA 4758. Mr. GARDNER (for himself, Mr. HATCH, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available by this Act may be used to take any action to prevent a State from implementing any law that makes it lawful to possess, distribute, or use cannabidiol or cannabidiol oil.

SA 4759. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Congress finds that not addressing appeals of determinations made by the National Instant Criminal Background Check System (commonly referred to as ''NICS'') deprives law-abiding citizens of their—

(1) right to keep and bear arms under the Second Amendment to the Constitution of the United States; and

(2) due process rights under the Fifth Amendment to the Constitution of the United States.

(b) The Federal Bureau of Investigation (referred to in this section as the ''FBI''), in accordance with the commitment of the President to hire more than 230 new NICS examiners and staff, announced on January 4, 2016, shall use amounts made available for salaries and expenses of the Bureau, and may not use any other amounts made available to the Bureau—

(1) to pay NICS examiners to process new appeals of NICS determinations and make a final disposition of each appeal not later than 90 days after the date of receipt of the appeal; and

(2) to pay NICS examiners to—

(A) eliminate the current backlog of appeals not later than 1 year after the date of enactment of this Act; and

(B) continue to add individuals to the voluntary appeal file (commonly referred to as the ''VAF'') to prevent subsequent delays and erroneous denials.

(c) The FBI may not cease the review or final disposition of appeals of NICS determinations on or after the date of enactment of this Act.

(d) The FBI shall submit to Congress an annual report on the disposition of appeals of NICS determinations during the previous year that includes—

(1) the number of NICS checks on individuals that were—

(A) conducted by the FBI; or

(B) conducted by a Point of Contact (commonly referred to as ''POC'') State or local agency;

(2) with respect to the NICS checks described in paragraph (1), the number of denials of firearm transfers that resulted from checks—

(A) conducted by the FBI; or

(B) conducted by a POC State or local agency;

(3) with respect to the denials of firearm transfers described in paragraph (2), the number of denials resulting from NICS checks conducted by—

(A) the FBI that were appealed; or

(B) a POC State or local agency that were appealed—

(i) to the POC State or local agency; or

(ii) to the FBI;

(4) with respect to the appeals described in—

(A) subparagraph (A) or (B)(ii) of paragraph (3), that number that were reversed by the FBI for—

(i) FBI denials; or

(ii) POC State or local agency denials; or

(B) subparagraph (B)(i) of paragraph (3), the number that were reversed by the POC State or local agency; and

(5) the number of FBI denials that involved a VAF application without a preceding appeal of a NICS denial.

SA 4760. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available under this Act or any other Act may be used to—

(1) mandate the use of authorized user recognition (commonly known as ''smart gun'') technology by any Federal, State, local, or tribal law enforcement agency; or

(2) require any State, local, or tribal law enforcement agency to obtain or utilize authorized user recognition technology as a condition of receiving Federal grant funding, except in the case of a grant for research of authorized user recognition technology.

SA 4761. Mr. BOOZMAN (for himself, Mr. SESSIONS, Mr. TILLIS, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) None of the amounts in the Department of Justice Assets Forfeiture Fund (referred to in this section as the ''Fund''), whether deposited in the Fund before, on, or after the date of enactment of this Act, may be—

(1) reprogrammed, diverted, or used as an offset for non-law enforcement purposes; or

(2) otherwise used by a non-criminal justice agency that does not participate in the Department of Justice Equitable Sharing Program.

(b)(1) The Attorney General may not temporarily or permanently suspend or defer any payments from the Fund to State and local law enforcement agencies through the Department of Justice Equitable Sharing Program.

(2) Nothing in paragraph (1) shall be construed to authorize the Attorney General to prioritize payments described in that paragraph over other authorized uses of amounts in the Fund under the Department of Justice Asset Forfeiture Program.

(c) The Attorney General shall—

(1) ensure enforcement of the Department of Justice Equitable Sharing Program policies with respect to participants in the Program; and

(2) submit an annual report to Congress that describes—

(A) each participant that was audited, had funds temporarily or permanently frozen or deferred, or was subject to any other form of suspension or penalty due to a violation of the Program's policies during the previous year; and

(B) the current status within the Program of each participant described in subparagraph (A).

SA 4762. Mr. MERKLEY (for himself, Mr. KIRK, Ms. BALDWIN, Mr. BOOKER, Ms. MIKULSKI, Mrs. SHAHEEN, Mrs. MURRAY, Mr. COONS, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Congress finds the following:

(1) Equal treatment and protection under the law is one of the most cherished constitutional principles of the United States.

(2) Laws in many parts of the country still fail to explicitly prohibit discrimination against lesbian, gay, bisexual, and transgender (hereafter in this section referred to as ''LGBT'') individuals.

(3) The failure to actively oppose and prohibit discrimination leaves LGBT individuals vulnerable, based on who the LGBT individuals are or whom LGBT individuals love, to being—

(A) evicted from their homes;

(B) denied credit or other financial services;

(C) refused basic services in public places such as restaurants or shops; or

(D) terminated from employment, or otherwise discriminated against in employment.

(4) To allow discrimination to persist is incompatible with the founding principles of this country.

(5) Failure to ensure that all people of the United States are treated equally allows a culture of hate against some people in the United States to fester.

(6) This hate culture includes continuing physical assaults and murders committed against LGBT individuals, and particularly against transgender individuals, in the United States.

(7) The events that transpired on June 12, 2016, in Orlando, Florida, were a horrifying and tragic act of hate and terror that took the lives of 49 innocent individuals and injured 53 more. The victims were targeted because of who they were, whom they loved, or whom they associated with.

(b) It is the sense of Congress that—

(1) it is time to end discrimination against LGBT individuals and stand against the culture of hatred and prejudice that such discrimination allows;

(2) it is incumbent on policymakers to ensure that LGBT individuals benefit from the full protection of the civil rights laws of the Nation; and

(3) Congress commits to take every action necessary to make certain that all people of the United States are treated and protected equally under the law.

SA 4763. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 11, strike the period and insert ''*: Provided further*, That $9,376,000 shall be transferred to the Trade Enforcement Trust Fund established under section 611 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4405), to be used for enforcement, monitoring, investigation, and capacity-building activities related to free trade agreements: *Provided further*, That any such transfer shall be treated as a reprogramming under section 505 of this Act and amounts so transferred shall not be available for obligation or expenditure except in accordance with such section 505.''.

SA 4764. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TERRORIST REFUGEE INFILTRATION PREVENTION.

(a) SHORT TITLE.—This section may be cited as the ''Terrorist Refugee Infiltration Prevention Act of 2016''.

(b) DEFINITIONS.—In this section:

(1) COUNTRY CONTAINING TERRORIST-CONTROLLED TERRITORY.—The term ''country containing terrorist-controlled territory'' means—

(A) Iraq, Libya, Somalia, Syria, and Yemen; and

(B) any other country designated by the Secretary of State pursuant to section 4(a).

(2) REFUGEE.—The term ''refugee'' has the meaning given the term in section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)).

(3) SUBSTANTIAL ASSISTANCE.—The term ''substantial assistance'' means a level of assistance without which the United States could not achieve the purposes for which the assistance was provided or sought.

(4) VICTIM OF GENOCIDE.—The term ''victim of genocide'' has the meaning given the term in Article II of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, opened for signature in Paris on December 9, 1948.

(c) PROHIBITION ON REFUGEES FROM TERRORIST-CONTROLLED TERRITORIES.—

(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, an alien may not be admitted to the United States under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) if the alien is a national of, has habitually resided in, or is claiming refugee status due to events in any country containing terrorist-controlled territory.

(2) EXCEPTION.—

(A) IN GENERAL.—An alien otherwise prohibited from admission to the United States under paragraph (1) may be admitted to the United States under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) if the alien clearly proves, beyond doubt, that he or she—

(i) satisfies the requirements for admission as a refugee; and

(ii) is a member of a group that has been designated by the Secretary of State or by an Act of Congress as a victim of genocide.

(B) NATIONAL SECURITY THREAT.—An alien may not be admitted under subparagraph (A) unless—

(i) the alien has undergone the highest level of security screening of any category of traveler to the United States, including assessments by the Department of State, the Department of Defense, the Department of Homeland Security, the Federal Bureau of Investigation Terrorist Screening Center, and the National Counterterrorism Center;

(ii) full multi-modal biometrics of the alien have been taken, including face, iris, and all fingerprints; and

(iii) the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence certify that such alien is not a threat to the national security of the United States.

(3) APPLICABILITY.—Paragraphs (1) and (2) shall not apply to any alien seeking admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) if the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence certify that the alien—

(A) provided substantial assistance to the United States; and

(B) would face a substantial risk of death or serious bodily injury because of that assistance if not admitted to the United States.

(d) RESPONSIBILITIES OF THE SECRETARY OF STATE.—

(1) IDENTIFICATION OF OTHER COUNTRIES.—In addition to the countries listed in subsection (b)(1)(A), the Secretary of State may designate, as a ''country containing terrorist-controlled territory'', any country containing territory that is controlled, in substantial part, by a Foreign Terrorist Organization, as designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), to the exclusion of that country's recognized government.

(2) LIST OF COUNTRIES CONTAINING TERRORIST-CONTROLLED TERRITORY.—The Secretary of State shall—

(A) maintain and continually update a list of the countries containing terrorist-controlled territory; and

(B) continuously make available the list described in subparagraph (A)—

(i) on the Secretary's website;

(ii) to the Secretary of Homeland Security;

(iii) to Congress; and

(iv) to the public.

(3) VICTIMS OF GENOCIDE.—The Secretary of State shall—

(A) identify all groups that are victims of genocide;

(B) maintain and continually update a list of the groups that the Secretary or Congress has identified as victims of genocide; and

(C) continuously make available the list described in subparagraph (B)—

(i) on the Secretary's website;

(ii) to the Secretary of Homeland Security;

(iii) to Congress; and

(iv) to the public.

(4) NATIONAL SECURITY THREAT.—The Secretary of State may refuse to designate a group for the exception under subsection (c)(2)(A)(ii) if the Secretary determines that the group poses a substantial security risk to the United States.

(e) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—

(1) RULEMAKING.—The Secretary of Homeland Security shall issue regulations to implement subsection (c) as soon as practicable.

(2) LIMIT OF ALIEN ASSERTIONS.—The Secretary of Homeland Security may not admit any alien into the United States under this section solely based on the assertions of such alien.

(3) COORDINATION.—The Secretary of Homeland Security shall coordinate with the Secretary of State, the Secretary of Defense, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence to substantiate, as much as reasonably practicable, the assertions made by aliens seeking admission to the United States.

(f) EFFECTIVE PERIOD.—This section shall be effective during the 3-year period beginning on the date of the enactment of this Act.

SA 4765. Mrs. GILLIBRAND (for herself and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related

Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FIREARMS TRAFFICKING.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 932. Trafficking in firearms

''(a) OFFENSES.—It shall be unlawful for any person, regardless of whether anything of value is exchanged—

''(1) to ship, transport, transfer, or otherwise dispose to a person, 2 or more firearms in or affecting interstate or foreign commerce, if the transferor knows or has reasonable cause to believe that such use, carry, possession, or disposition of the firearm would be in violation of, or would result in a violation of any Federal, State, or local law punishable by a term of imprisonment exceeding 1 year;

''(2) to receive from a person, 2 or more firearms in or affecting interstate or foreign commerce, if the recipient knows or has reasonable cause to believe that such receipt would be in violation of, or would result in a violation of any Federal, State, or local law punishable by a term of imprisonment exceeding 1 year;

''(3) to make a statement to a licensed importer, licensed manufacturer, or licensed dealer relating to the purchase, receipt, or acquisition from a licensed importer, licensed manufacturer, or licensed dealer of 2 or more firearms that have moved in or affected interstate or foreign commerce that—

''(A) is material to—

''(i) the identity of the actual buyer of the firearms; or

''(ii) the intended trafficking of the firearms; and

''(B) the person knows or has reasonable cause to believe is false; or

''(4) to direct, promote, or facilitate conduct specified in paragraph (1), (2), or (3).

''(b) PENALTIES.—

''(1) IN GENERAL.—Any person who violates, or conspires to violate, subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.

''(2) ORGANIZER ENHANCEMENT.—If a violation of subsection (a) is committed by a person in concert with 5 or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, such person may be sentenced to an additional term of imprisonment of not more than 5 consecutive years.

''(c) DEFINITIONS.—In this section—

''(1) the term 'actual buyer' means the individual for whom a firearm is being purchased, received, or acquired; and

''(2) the term 'term of imprisonment exceeding 1 year' does not include any offense classified by the applicable jurisdiction as a misdemeanor and punishable by a term of imprisonment of 2 years or less.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''932. Trafficking in firearms.''.

(c) DIRECTIVE TO THE SENTENCING COMMISSION.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses under section 932 of title 18, United States Code (as added by subsection (a)).

(2) REQUIREMENTS.—In carrying out this section, the Commission shall—

(A) review the penalty structure that the guidelines currently provide based on the number of firearms involved in the offense and determine whether any changes to that penalty structure are appropriate in order to reflect the intent of Congress that such penalties reflect the gravity of the offense; and

(B) review and amend, if appropriate, the guidelines and policy statements to reflect the intent of Congress that guideline penalties for violations of section 932 of title 18, United States Code, and similar offenses be increased substantially when committed by a person who is a member of a gang, cartel, organized crime ring, or other such enterprise or in concert with another person who is a member of a gang, cartel, organized crime ring or other such enterprise.

SA 4766. Mr. WICKER (for himself, Ms. CANTWELL, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, line 8, strike ''*Provided*,'' and insert ''*Provided*, That not more than $8,000,000 may be used to fill gaps in the national surface current mapping network using high frequency radar technology and to allow fleet acquisition for autonomous underwater and surface vehicles for near real-time data collection: *Provided further*,''.

SA 4767. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, line 24, insert ''$5,000,000 is for emergency law enforcement assistance, as authorized by section 609M of the Justice Assistance Act of 1984 (42 U.S.C. 10513),'' after ''subpart 1,''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. VITTER. Mr. President, I have five requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on June 16, 2016, at 9:30 a.m.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on June 16, 2016, at 10:30 a.m., to conduct a hearing entitled ''Our Evolving Understanding and Response to Transnational Criminal Threats.''

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on June 16, 2016, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on June 16, 2016, at 11 a.m., in room 428A of the Russell Senate Office Building to conduct a hearing entitled ''Keeping the American Dream Alive: The Challenge to Create Jobs Under the NLRB's New Joint employer Standard.''

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on June 16, 2016, at 9 a.m., in room SH–216 of the Hart Senate Office Building.

PRIVILEGES OF THE FLOOR

Mr. COONS. Mr. President, I ask unanimous consent that two members of my staff, J Francis and Chelsea Moser, both from Wilmington, DE, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection.

Mr. SASSE. Mr. President, I ask unanimous consent that Jason Bast, a Defense Legislative Fellow in the office of Senator COCHRAN be granted privileges of the floor for the remainder of the calendar year.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE PITTSBURGH PENGUINS FOR WINNING THE 2016 STANLEY CUP HOCKEY CHAMPIONSHIP

Mr. SASSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 499, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 499) congratulating the Pittsburgh Penguins for winning the 2016 Stanley Cup hockey championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SASSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 499) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

JUNETEENTH INDEPENDENCE DAY

Mr. SASSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 500, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 500) designating June 19, 2016, as ''Juneteenth Independence Day'' in recognition of June 19, 1865, the date on which slavery legally came to an end in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SASSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 500) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

JOHN F. KENNEDY CENTER REAUTHORIZATION ACT OF 2016

Mr. SASSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 465, S. 2808.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2808) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts.

There being no objection, the Senate proceeded to consider the bill.

Mr. SASSE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2808) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''John F. Kennedy Center Reauthorization Act of 2016''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

''(a) MAINTENANCE, REPAIR, AND SECURITY.—There is authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

''(1) $24,000,000 for fiscal year 2017;

''(2) $25,000,000 for fiscal year 2018;

''(3) $25,000,000 for fiscal year 2019; and

''(4) $26,000,000 for fiscal year 2020.

''(b) CAPITAL PROJECTS.—There is authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—

''(1) $13,000,000 for fiscal year 2017;

''(2) $13,000,000 for fiscal year 2018;

''(3) $14,000,000 for fiscal year 2019; and

''(4) $14,000,000 for fiscal year 2020.''.

ORDERS FOR FRIDAY, JUNE 17, 2016, AND MONDAY, JUNE 20, 2016

Mr. SASSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Friday, June 17, for a pro forma session only with no business being conducted; further, that when the Senate adjourns on Friday, June 17, it next convene at 3 p.m., Monday, June 20; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of H.R. 2578; finally, that notwithstanding the provisions of rule XXII, the pending cloture motions ripen at 5:30 p.m., Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. SASSE. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator STABENOW and Senator CARPER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SASSE). Without objection, it is so ordered.

REMEMBERING GEORGE VOINOVICH

Mr. CARPER. Mr. President, I come here with a solemn message today, and I come here remembering a Republican colleague who served in this body for 12 years—George Voinovich.

George was a former Governor of Ohio and a former mayor of Cleveland. I think, in his time, he was county auditor. He was Lieutenant Governor, I believe, and mayor of Cleveland. He was the chairman of the National League of Cities. As a two-term Governor of Ohio, he was also chairman of the National Governors Association. I had the privilege of serving as his vice chairman and, later on, as his successor, as the chairman of the NGA.

Then George came here. He was elected in 1998, and he took office here in the Senate in 1999. He served for two terms and is, I am sure, remembered by everybody who served with him as smart, kind, principled, hard-working, and straight-talking. He was everything an elected official should be and could be.

He and I went to Ohio State together but not at the same time. He was in law school and a year or two older than me. I was an undergraduate, and so I never got to know him at that point in time. But we shared a lot of bonds. I got to know his family well, his wife Janet. She and my wife Martha, as we were Governors together, were spouses together and were very good and close friends.

I liked George. You know sometimes when you meet someone and you just like them right away? I don't believe anybody in Ohio history ever won all 84 counties, and with something like almost two-thirds of the vote. He did that. That was in 2004. I think in 2006, I won every county in Delaware. We have three. He has 80 or so counties. I would joke with him: Well, we both won every county in our State. It was a little harder for him.

He impacted this place, as I think relatively few people do. We served together on the Environment and Public Works Committee. We served together on the committee that was initially called Governmental Affairs and later Homeland Security and Governmental Affairs. He was one of the leaders in each of those committees.

George was one of those people who had the courage to keep out of step when everyone else was marching to the wrong tune. As a Republican, at a time when we had a Republican President—and by 2007 the war in Iraq was not going well—he very bravely, within his own caucus, called on President George W. Bush to begin a phased withdrawal of our troops. He basically said the Iraqis ought to be able to do a little more for themselves, fend for themselves. We will help them, but they should do more for themselves.

He was one who believed we needed to match revenues with expenditures, and he was a guy who really knew how to squeeze a dime. He was very fiscally very responsible. He was a big believer

that States should be fiscally responsible—and cities. He became mayor of Cleveland when they were basically bankrupt. He helped guide them back to prosperity and helped to rekindle the economy there and helped to foster an extremely strong economy. That is how he won every single county in Ohio.

George was a guy who would actually vote against a tax break when he thought it wasn't fiscally responsible to do, if it would further erode our revenue base and enlarge our budget deficit. He was a very courageous—very courageous—elected official and someone you just liked.

You know sometimes you meet people and it is all about them? Well, it was never all about George. He was a guy who had every reason to be pompous and proud and everything, but he was not that way at all. How do I describe him? He had the heart of a servant. He understood that his job was to serve, not be served. He was humble, not haughty. He came from a humble background and never had a lot of money—he and his wife Janet—until the day he died.

George died in his sleep earlier this week, almost at the age of 80, just 2 days before my wife and I were supposed to have dinner with him and his wife here in Washington, and with other friends, to celebrate his impending 80th birthday.

I said earlier that George had the courage to keep out of step when everyone else was marching to the wrong tune. How do I say this? When faced with the dilemma of maybe voting with his caucus or voting with the President on something he just thought was wrong, he was amazingly brave. He would say: What is the right thing to do? I heard him say this more than a few times, as Governor, chairman of the National Governors Association, and here. He would say: What is the right thing to do? He wouldn't say: What is the easy thing to do? What is the expedient thing to do? But what is the right thing to do?

He was a person of deep faith. We have a Bible study group that meets here every Thursday, just upstairs, not far from this floor. There are about seven or eight of us, who, I like to say, need the most help. It is Democrats and Republicans. It is not just all one religion or the other. It is a meeting he came to just about every Thursday. He was a person of deep faith.

George felt that the most important rule of law for us to follow, regardless of what religion we were—whether Protestant or Catholic or Jewish or Muslim or Hindu or Buddhist—they all have some version of the golden rule. Even Confucius in China had something like the golden rule 2,500 years ago, which goes something like this: Don't do to others what you don't want to have done to you. But George was really the embodiment of the golden rule: Treat other people like you want to be treated.

He had a temper, but, frankly, he lost it when he should have. He lost it when he should have.

Today we had a roundtable, and the roundtable included someone from the Government Accountability Office. Every 2 years, as the Presiding Officer knows, GAO puts out a high-risk list. I describe it as high-risk ways of wasting taxpayer money. They lay out all these different things that should be done in agencies and that, if done, would not only provide better service for citizens of this country but also do so in a more cost-effective way.

George was always really interested in how we get better results with less money. He was always interested in that.

At this roundtable today, when we convened it, I said: Let's hold this roundtable today with the Government Accountability Office and with representatives from across the Federal Government who are working to get off GAO's high-risk list. In order to do that, you have to figure out how to address the concerns raised by GAO and their reviews of agency operations. We talked about some of the areas where Senator George Voinovich worked—in one case with Senator Danny Akaka from Hawaii—to address a number of areas of expenditures and practices that needed to be addressed.

Subsequent to the roundtable, I left there and came here to the Capitol Building and went to the office of the President pro tempore, Senator ORRIN HATCH, where he was signing a document relating to the adoption of legislation the Presiding Officer and I and others had worked on, which is focused on how we do a better job in this country when we transition from one administration—this President, the current administration, President Obama—to the next administration. How do we do that in a way that we just don't drop the ball and get further behind, stop making progress in particular areas, and undermine our national security? How do we transition in smarter ways?

That legislation has been named after two people—in honor of two people. One is Senator Ted Kaufman, who was JOE BIDEN's successor here. Ted was our Senator here for 2 years following Joe's departure to become Vice President and before CHRIS COONS was elected and joined us here in the Senate. During the 2 years Ted Kaufman was our Senator from Delaware, one of the pieces of legislation he offered was to make possible better transitions, more effective transitions, and smoother transitions from one administration to the other.

Another person who had thought about that a whole lot was a fellow named Mike Leavitt, former Governor of Utah and later a Cabinet Secretary in George W. Bush's administration, and a friend of mine. I succeeded George Voinovich as chairman of the National Governors Association, and Mike Leavitt was the vice chairman, and he then became the chairman. We were all very close friends and colleagues then and right up until George's death.

But we went over, literally, to the President pro tempore's office and signed the documentation. We had Senator Kaufman there, Governor Leavitt there, and we remembered George Voinovich, because when the first version of that legislation was passed, Ted Kaufman was the Democratic lead and George Voinovich was the Republican lead.

That is just one of dozens of examples where he provided leadership for this country, as he did for Ohio in the roles he held there.

I really loved George Voinovich. I just loved the guy. I think when we think of leaders, sometimes people in leadership positions say to others: Do as I say. George actually said: Do as I do. He was a big believer in leading by example.

The other thing I loved and respected about him was that he was very tenacious. We have all met people who could have done something, gotten something done, and been somebody, and they gave up. They gave up. George never gave up. He was one of those people who, when he knew he was right and he was sure he was right, he never gave up.

Tomorrow, people from all over Ohio—actually from around the country—will gather in Cleveland not far from the home where George and Janet and their family were raised and where they lived for many years—where Janet still lives. It will be sad, but there will also be a sense of joy. There are probably not many good ways to die—but to die at the age of almost 80 and to die in your sleep without pain and suffering, and to have a legacy of wonderful children—children any of us would be proud to call our own—and a bunch of grandchildren—the same thing, whom any of us would be proud to call our own. That is a great legacy if you just stopped right there. But the legacy goes well beyond that in terms of the way Ohio is governed today by Governor John Kasich, who is another close friend.

John Kasich and I came to the House together in 1983, and I am delighted he has had the opportunity to serve as Governor there—a worthy successor to George Voinovich. Frankly, I might add—and I will probably get in trouble with my caucus for saying this—he would have been a great nominee for our friends in the Republican Party. But apparently that is not in the cards.

So I won't go on much further, but when people say bad things about

elected officials or unkind things about elected officials, I think it is too bad they didn't know the Presiding Officer and they didn't know George Voinovich, because they wouldn't feel that way if they knew him or had any idea of his commitment and his dedication and his sacrifice and his leadership.

I will close with this. A fellow who used to serve here was a fellow named Alan Simpson. He was a Senator from Wyoming. We remembered him today because he was the coauthor of the Bowles-Simpson plan, the fiscally responsible deficit reduction plan of probably about 6 or 7 years ago. It was established by President Obama. It was a good roadmap then, and I still think it is a good roadmap today. Alan Simpson was the Republican part of that, in tandem with Erskine Bowles.

Alan Simpson used to say a lot of very funny things. He was probably as humorous as anybody who ever served here, but he also said some serious things here too, and one of them reminds me of George Voinovich. Senator Alan Simpson used to talk about integrity, and he would say: Integrity—if you have it, nothing else matters. Integrity—if you don't have it, nothing else matters. Think about that. Integrity, if you have it, nothing else matters. Integrity, if you don't have it, nothing else matters. George Voinovich did not have a partisan bone in his body, but he had a world of integrity—just a world of integrity inside that body of his.

The other thing I would say, I like to think that as important as integrity is—and it is—the other thing that is as critically important for the success of any organization, whether it is a State or county or business or school, this body, the most important ingredient for the success of that entity, any of them, is leadership, principled leadership, committed leadership, enlightened leadership, and George Voinovich embodied those.

So to the people of Delaware who supported—not Delaware. Delaware is a little town just north of Columbus, OH. When I was a student at Ohio State, I used to think Delaware was a town just north of Columbus. I later found out it was a whole State. When I got out of the Navy, I moved there. They were good enough to let me serve in a couple different capacities, including here.

The people of Ohio were smart to elect him and smart to share him with us. We were just blessed that they did that, really blessed that they did that.

I felt the presence of George Voinovich today at our roundtable working on the issues he loved. I felt his presence at the signing ceremony in the President pro tempore's office, when we signed into law the transition legislation he originally cosponsored a number of years ago with Senator Ted Kaufman, and I feel his presence here today, and it is a good presence. While we mourn his loss and his death, we just appreciate so much his life.

9/11 MEMORIAL MUSEUM

Mr. CARPER. Mr. President, on a totally different subject, my wife and I had the opportunity to go to New York last Saturday. We were invited up by our oldest son to visit with him and his roommate. We visited the 9/11 Memorial Museum. For anybody who has a chance to go to New York City and visit that memorial, I urge that they do that. It was a walk back in time to 9/11 and the horrors of that day and the days and the weeks that followed, but out of that terrible disaster, our country came together.

Our country came together in rather remarkable ways. Instead of pointing fingers at each other, we decided to join hands and work together under the leadership of George W. Bush, and we created a 9/11 Commission, chaired by Republican Tom King of New Jersey and cochaired by Lee Hamilton, Congressman from Indiana, former chair of the House Foreign Relations Committee. It was a bipartisan Commission. There were 9 or 11 people. They went to work. They had a great staff, and they worked for months to drill down on what went wrong, what led to 9/11—that catastrophe and how could it happen—and came up with a whole host of recommendations. I think there were about 40 recommendations. They were unanimous. They adopted them unanimously and gave them to us. They came before us and came before our committee, the Committee on Governmental Affairs, and we adopted about 80 percent of them pretty much unanimously. It was a time that rather than us being divided as a country, it was a time we came together on the heels of a terrible disaster.

When I look at the political back and forth that seems to flow out of the tragedy in Orlando and I compare that with what existed when we lost maybe 60 times as many lives 15 years ago, I would hope we would remember, as a people—I hope those of us who serve in this body and those who would like to lead our country will remember the words right over the Presiding Officer's head. I don't know a lot of Latin, but the Latin words inscribed over the chair where the Presiding Officer sits, ''E pluribus unum,'' from many, one. From many, one. We are strong when we are united, and we need to be united just as we were 15 years ago. We need to be united as a nation today. George Voinovich, if he were here, would remind us of that. Since he is not, I wanted to.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. CARPER. Mr. President, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 6:15 p.m., adjourned until Friday, June 17, 2016, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

KAMALA SHIRIN LAKHDHIR, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA.

ANDREW ROBERT YOUNG, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

POSTAL REGULATORY COMMISSION

MARK D. ACTON, OF KENTUCKY, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2022. (REAPPOINTMENT)

CENTRAL INTELLIGENCE

SHIRLEY WOODWARD, OF VIRGINIA, TO BE INSPECTOR GENERAL, CENTRAL INTELLIGENCE AGENCY, VICE DAVID B. BUCKLEY, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF OF THE AIR FORCE AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8034 AND 601:

To be general

LT. GEN. STEPHEN W. WILSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. VERALINN JAMIESON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

NATHAN J. ABEL
ADAM D. ACKERMAN
JASON M. ADAMS
ROBIN E. ADAMS
JASON M. AFTANAS
ALLEN Y. AGNES
BRADFORD K. AIKENS
MICHAEL JOHN ALBRECHT
SALVADOR ALEMAN
SHANE W. ALFAR
DAVID K. ALLAMANDOLA
SEAN R. AMES
MATTHEW P. ANASTAS
ALISON M. ANDERS
ANDREW D. ANDERSON
DAVID M. ANDERSON
JOHN P. ANDERSON
KEITH M. ANDERSON
MATTHEW K. ANDERSON
ROBERT JAMES ANDREE
SCOTT ANDRESEN
NATHAN P. ANDREWS
IONIO Q. ANDRUS
JUSTIN A. ANHALT
JASON P. ANNIS
TONY S. APONTE
MATTHEW APRICENO
JONATHAN L. ARD
JOSHUA O. ARKI
PAUL M. ARKWELL
GABRIEL S. ARRINGTON
JOHNATHAN M. ARTIS
WILLIAM C. ATKINS
KEVIN P. AUGER
ANDREW J. BABIARZ
CHRISTIAN BACKHAUS
RUSSELL S. BADOWSKI
JONATHAN B. BAIZE
BRADLEY CHARLES BAKER
BRIAN J. BAKER
JACOBY L. BAKER
EDWARD R. BALZER
THOMAS J. BANASZAK
DANE M. BANNACH
GREGORY R. BARBER
RICHARD BARBER
KAREN D. BARBOUR
KIMBERLY N. BARR
ARTHUR C. BARTON
STEVEN F. BARYZA
RUSSELL D. BASTIAN

LUKE A. BATES
BYRON F. BATEY
DANIEL P. BEALL
MEREDITH A. BEAVERS
ANDREW I. BECKETT
CARL F. BECKEY
KENNETH B. BEEBE III
RYAN M. BEHRINGER
GARY SCOTT BEISNER II
KRISTIN A. BEITZ
JOSEPH P. BELLUCCI
DEAR BELOVED
CHRISTOPHER P. BENDIG
JOHN T. BENGTSON
ANDRES BENITEZ
BRANDON S. BENNETT
DANIEL RAY BENTLEY
BRIAN D. BENTON
JAVIER L. BENTON
GORDON E. BERAN II
JOHN W. BERGER
TYRONE P. BESS
BRYANT L. BEVAN
FRANK A. BIANCARDI II
JASON P. BIANCHI
ROBERT E. BITTNER, JR.
DAVID J. BLAIR
ERIC M. BLAKELY
GREGORY R. BODENSTEIN
STEPHEN L. BONIN
JODI A. BONNES
KEITH R. BONSER
JONATHAN BORTLE
BRADLEY N. BOUDREAUX
JOEL C. BOURNE
ANDREW PAUL BOWERS
TRACI L. BOWMAN
BRAD P. BOWYER
KEVIN R. BRADLEY
DAVID WILLIAM BRANDT, JR.
OLGA H. BRANDT
ROBERT G. BRANHAM
JASON C. BRAUN
TIMOTHY K. BRAWNER
VAUGHN S. BRAZIL
ANTHONY WADE BRECK
SARAH J. BREHM
TAMMY LYNN BREINER
DERRICK W. BREWER
WILLIAM L. BRITTON
STEPHEN J. BROGAN
MICHAEL D. BROOKS
JAMES P. BROWN
JERRAD H. BROWN
RICHARD ARAM BROWN
ROBERT J. BROWN
JASON FORBES BROWNE
KELLIE M. BROWNLEE
ANDREW R. BRUCE
MATTHEW R. BRUCKNER
JARED JOSEPH BRUPBACHER
BENJAMIN T. BRYANT
LEE W. BRYANT
LUCAS EDWARD BUCKLEY
CHRISTOPHER D. BULSON
JOYCE A. BULSON
NATHAN D. BUMP
DANIEL A. BUNCH
ROGERNETTA BURBRIDGE
ERIC W. BURGER
JOHN ERIC BURRELL
BRIAN M. BUSCHUR
DONALD R. BUTCHER, JR.
BLAIR W. BYREM
JAYSON WILLIAM CABELL
JONATHAN A. CABILLAN
ROBIN E. CADOW
ERNEST L. CAGE
PATRICIA A. CALABRESE
JAMES T. CALDWELL
JESSE P. CALDWELL
SHANNON D. CALEB
NELSON D. CALIMLIM, JR.
CHARLES G. CAMERON
GLENN S. CAMERON
ANTHONY P. CAMPBELL
JOHN M. CAMPBELL
JOSHUA S. CAMPBELL
PAUL A. CANCINO
JAMES ANTHONY CANTRELL
JAMES M. CARBONE II
DOMINIC A. CARDELLA
MARCO A. CARDENAS
ROWLAND CARDONI
ANTHONY MAURICE CARISTI
CHRISTOPHER J. CARNDUFF
BRENT S. CARPENTER
BRIAN N. CARPENTER
PATRICK F. CARPIZO
JOSEPH W. CARR, JR.
NATHAN J. CARRELL
JOHN J. CARROLL III
MARCUS JAMES CARROLL
CHRISTOPHER M. CARSON
JOSHUA L. CARTER
WILLIAM R. CASAREZ
JOHN P. CASEY
TIMOTHY B. CASEY II
TODD J. CASKEY
CHRISTOPHER M. CASS
BRETT J. CASSIDY
JEREMIAH CASTILLO
CATHLEEN E. CASWELL
DAVID C. CASWELL
RYAN F. CAULK
TODD A. CAYER
THOMAS ANDREW CECH
DAVID L. CELESTE, JR.
SIOBHAN C. CELUSTA
ADRIAN B. CERCENIA
GREGORY A. CHAMBERS
JOSHUA CORY CHAMBERS
REYNALDO CHAMPION
PATRICK S. CHAPIN
JOHN L. CHAPMAN
GARY W. CHARLAND, JR.
CHARISSA V. CHERRINGTON
MOLLY T. CHESTER
KENNETH HANK CHILCOAT
JASON R. CHILDS
MARK J. CHIOFOLO
MICAH R. CHOLLAR
BENJAMIN DOUGLAS CHOWN
DEVON T. CHRISTENSEN
DANIEL P. CHRISTMAN
STUART E. CHURCHILL
KATHLEEN MARIE CICHON
MARK E. CIPOLLA
ANDREW D. CLARK
BRIAN C. CLARK
ADAM E. CLARY
ANDREW G. CLEMMENSEN
JOSEPH G. CLEMMER
JEFFREY JOHN CLESSE
KYLE M. CLINTON
THOMAS C. CO
CHRISTOPHER J. COBB
DAVID A. COCHRAN
SHAWN E. COIL
FELIX L. COLE
JEREMY W. COLE
LINCOLN T. COLEMAN
DANIEL M. COLLETTE
CHRISTOPHER M. COLLINS
KENYA E. COLON
JAMES B. COMBS
JAMES V. COMPOLI
WILLIAM M. COMPTON
NICHOLAS J. CONKLIN
PATRICK M. CONNELLAN
VAIMANA CONNER
GEOFFREY BLAKE CONNICK
CHRISTOPHER J. CONOVER
JOHN J. CONTRERAS
DANIEL W. CONVERSE
ANDREW L. COOK
DAVID M. COOK
LANE A. COOK
EDITH D. COON
AARON MCGILL COOPER
PAUL M. COOPER
LISA M. CORLEY
ROBERT T. CORSI
PAULA C. COTTRELL
BENJAMIN W. COUCHMAN
KELLIE S. COURTLAND
ROBERT M. COWAN
ADAM V. COYNE
CASEY R. CRABILL
MARK A. CRAMER
DENNIS P. CRAWFORD
GREGORY S. CRESSWELL
GREGORY K. CREW
JEFFREY S. CRIDER
JOSEPH PAUL CRISPEN
DAMEN MARK CRISWELL
BRIAN L. CROSBY
SCOTT T. CROWELL
BRIAN T. CRUM
MICHAEL J. CULHANE
STEPHAN E. CUMMINGS
SEAN P. CUNNIFF
CHARLES R. CUNNINGHAM
IAN M. CUNNINGHAM
JEFFREY G. CUNNINGHAM
MATTHEW A. CUNNINGHAM
TERSHA LEE CURRIER
TONY L. CURTIS, JR.
JONATHAN R. CZARNEY
BRANDON JOSEPH DAIGLE
BENJAMIN G. DAINTY
GABRIEL A. DAMICO
HOWARD K. DARLING
EDWARD DAVIES IV
AARON L. DAVIS
BRIAN SANDERS DAVIS
DONAVON R. DAVIS
JASON A. DAVIS
MATTHEW JON DAVIS
JAMES M. DAVITCH
JOHN G. DAYTON
CHRISTOPHER M. DE WINNE
NICHOLAS J. DEFAZIO
JULIO A. DELANOY
JOHN G. DELION
JAMES J. DEMIS
NATHAN T. DENNEN
JOSHUA A. DEPAUL
DAVID DEPTULA
JACLYN N. DEROUSH
JARED T. DETLOFF
DARIN D. DIAL
JESUS DIAZ
GEORGE S. DIBBLE
MATTHEW B. DIBBLE
JOHN M. DICKENS
MARCKENSON DIEUJUSTE
STEVEN P. DILLENBURGER
CHRISTOPHER B. DILLER
DAVID T. DINAN
TAMILYN S. DISMUKES
KENNETH E. DIXON III
PHILLIP M. DOBBERFUHL
MATTHEW C. DOBERMAN
ERIC CHARLES DOCTOR
TIMOTHY E. DODSON
DYLAN D. DOMBRET
BENJAMIN A. DONBERG
BRIAN R. DONEHUE
JOEL D. DOSS
HARLEY K. DOUBET
GREGORY S. DOUGLAS
SCOTT K. DOYER
JESSE S. DOYLE
JOSEPH A. DRUMMOND
JOHN C. DUEMLER III
ERIN M. DUNAGAN
DAVID JOHN DUNCAN
CHRISTOPHER DUNSTON
ERICA M. DURBAN
TODD C. DYE
WILLIAM P. DYER
SHAUN M. EASLEY
DANIAL E. EASTMAN
JOHNATHAN A. ECCLES
BRANDON B. EDGE
JOSEPH O. EDINGTON
EDDIE EDWARDS, JR.
EUGENIA LOCKLAR EDWARDS
RODERICK R. EDWARDS
STEPHEN R. EDWARDS
JOSHUA W. EHMEN
CHARLES L. EICHNER
JOSEPH W. ELAM, JR.
KEVIN H. ELEY
JEFFREY E. ELLIOTT
JAMES C. ELLIS
JASON M. ELLIS
KRISTINA L. ELLIS
JAKE ALAN ELSASS
JAMES K. EMORY, JR.
ANDREW N. EMSLIE
JESSE A. ENFIELD
ROSE A. ENGLEBERT
SAMUEL J. ENSMINGER
BRIAN C. EPPERSON
BRIAN J. ERICKSON
CHARLES ALAN ERICKSON
JUSTIN WAYNE ERWIN
ALBERT M. ESPOSITO
AMY C. ESTES
ERIC W. ETTESTAD
ANTHONY J. EWERS
MATTHEW A. FAHRNER
JEREMY JAKE FARLAINO
BRANDON S. FARLEY
ERIC C. FARQUHAR
SHANNON M. FARRELL
GERALD DAVID FENSTERER
NICHOLAS G. FERANEC
GERALD J. FERDINAND
MICHAEL B. FESSLER
DAMON G. FIELD
MANOLITO FIGUEROA
CHRISTOPHER J. FINCH
JEFFREY G. FISHER
THOMINA M. FITZGERALD
BRIAN M. FITZPATRICK
ROBERT J. FITZPATRICK
MATTHEW P. FLAHIVE
ERIC A. FLEMING
KARI M. FLEMING
KEVIN JAMES FLETCHER
THOMAS PIERSON FLOOD
DAVID M. FLOWERS
JARED L. FLOYD
MATTHEW T. FLYNN
MATTHEW P. FOISY
JACOB R. FOLEY
JOHN E. FOLEY
PATRICK J. FOLEY
RAYMOND JEFFERY FORTNER
JASON M. FOWBLE
JONATHAN ALLEN FOX
RUSSELL E. FOXWORTH
ERIC D. FRAHM
JAMES CHIN KAB FRANCIS
TANYA A. C. FRAZIER
STEPHEN E. FREEDMAN
JONAS W. FREEL
RAHSUL J. FREEMAN
WILLIAM E. FREIENMUTH
TIMOTHY J. FRYAR
JOHN C. FUCCILLO
THOMAS P. GABRIELE
GLENN A. GARCIA
LUIS A. GARCIA
HUGH E. GARDENIER
JONATHAN M. GARNER
SHANE W. GARNER
MICHAEL D. GARROTT
RICARDO RAUL GARZA
JOHN D. GATTONE III
PHILLIP M. GEORGE
JASON A. GERBER
MICHAEL P. GIACOMAZZI

CHRISTON MICHAEL GIBB
MAXIM GIMELSHTEYN
RYAN N. GIVENS
JASON E. GLANOVSKY
ANDREW L. GMYTRASIEWICZ
DANIEL R. GODWIN
DAVID WAYNE GOLDEN
ALISON R. GONZALEZ
ADOLFO U. GORBEA
JEREMY A. GORE
JOEL E. GORHAM
WALTER B. GOSS
JEREMY L. GOULD
ERICH F. GRADE
RYAN M. GRAF
MONIQUE CHERIE GRAHAM
DAVID J. GRASSO
JAMIE P. GRAY
ZACHARY C. GRAY
FLOYD F. GREEN
KELLI R. GREEN
TIMOTHY GRIFFITH
LAURA L. GRIGGS
LORINE A. GROSSO
JOHN R. GROTH
JARED N. GUDE
DAVID B. GUETTLER
TRAVIS C. J. GUIDT
JEROMY B. GUINTHER
ZACHARIAH C. GUMMERT
DAVID R. GUNTER
JENNIFER L. GURGANUS
MENOLA M. GUTHRIE
ERIC J. GUTIERREZ
MARY M. GUTIERREZ
MICHAEL A. GUY
SCOTT A. HAACK
THOMAS W. HAAS
JOHN M. HABBESTAD
JAMES E. HABECK
SEAN P. HALL
TREVOR N. HALL
JOSHUA M. HALLADA
STEVE HAMAMGIAN
JERRY T. HAMBRIGHT
MARK L. HAMILTON
OMAR J. HAMILTON
JAMES A. HAMMAN
GREGORY D. HAMMOND
JASON C. HANEY
JASON T. HANSBERGER
AARON J. HANSEN
CHARLES G. HANSEN
DUSTIN H. HANSEN
BROOKE L. HANSON
MICHAEL D. HANSON
STEVEN C. HANSON
ADAM D. HARDER
JOSEPH J. HARDING
DUSTIN D. HARMON
EDMUND K. HARRINGTON
JAMES M. HARRINGTON
EDWARD R. HARRIS
NEIL J. HARRIS
RYAN J. HARRIS
NATHAN N. HARROLD
RICHARD K. HARROP
DUSTIN M. HART
JON M. HART
REBECCA ANNE HART
JUSTIN K. HARVEY
RANDALL L. HARVEY II
WILLIAM J. HASSEY
DANA HATTABAUGH
ERIN P. HAYDE
JAMES H. HAYES III
SCOTT M. HAZY
DANIEL T. HEALEY
RICHARD M. HEBB
DANIEL B. HEELY
NICHOLAS J. HELMS
COLIN D. HENDERSON
JOSHUA JAMES HENDERSON
MARK T. HENDERSON
PAUL D. HENDRICKSON
NAOMI Y. HENIGIN
SHELBY B. HENRY
TRAVIS J. HERBRANSON
BRAD W. HICKEY
DANIEL J. HILFERTY
NATASHA A. HINKSON
MATTHEW J. HLIVKO
JUSTIN A. HODGE
LORI R. HODGE
BRIAN P. HOELZEL
NATHAN N. HOEVELKAMP
HANS G. HOFFMAN
BRYAN J. HOGAN
LEE A. HOLFERT
RICHARD J. HOLLINGER
ETHAN D. HOLT
PAUL B. HOMAN
ZOLTAN LUKE HOMONNAY
AUDREY L. HOPPE
RAMSEY MARTIN HORN
MATTHEW I. HORNER
MATTHEW T. HORTON
MICHAEL J. HOVASTAK
SEAN F. HOWLETT
KRISTIN M. HUBBARD
DONALD E. HUDSON, JR.
BRYAN C. T. HUFFMAN
ANDREW W. HULL
GABRIEL M. HULL
SHAUN JOSEPH HUMPHREY
SARAH L. HUMPHREYS
JAMIE L. HUMPHRIES
PAUL H. HUNKE
CASEY JONATHAN HUSTON
DOUGLAS J. HUTTENLOCKER
NICHOLAS R. IHDE
JOSH T. IRVINE
JONATHAN IZWORSKI
AMBER LEIGH LYNN JACKSON
RANDY ALLEN JACOBSON
DARREN E. JAMES
RODERICK V. JAMES
CARLOS B. JAYME
JULIA E. JEFFERSON
BILLY L. JEFFORDS, JR.
CHRISTOPHER G. JEFFREYS
DAVID LEE JELTEMA
SHAWN P. JENKINS
KIMBERLY A. JENNINGS
JOHN M. JEWELL
MATTHEW W. JOHANNING
MONIKA MAILEYOSH JOHNCOUR
ABBILLYN MARIE JOHNSON
DOUGLAS JOHNSON
ERIC B. JOHNSON
JAMIE J. JOHNSON
MAX C. JOHNSON
PETER L. JOHNSON
WILLIAM F. JOHNSON III
TAYLOR J. JOHNSTON
MICHAEL P. JOKHY
EDWARD E. JONES
JEFFREY E. JONES
REBB S. JONES
JEREMY D. JORDAN
KENNETH KOBEY JUHL
JEFFREY R. KAEPP
MATTHEW L. KAERCHER
KURT LEE KAISER
SARAH S. KAISER
SERGEY M. KAPLAN
LISA D. KEENA
BRIAN S. KELLAM
CHRISTOPHER J. KELLER
JONATHAN ABNER KELLER
LATONYA R. KELLY
WILLIAM J. KELLY
JOHN W. KENDALL
JENNIFER E. KENNEDY
SABRINE T. KENNEDY
JASON D. KERBS
BARRY M. KETCHIE
AMIT K. KHOSLA
NATHAN W. KIBBY
DAVID T. KIM
AMBER L. KIMBRELL
ALTON C. KINSEY
DANIELLE R. KIRK
RUSSELL HENRY KLAWITTER
ROBERT J. KLINE
CLAIR L. KLING
JARROD E. KNAPP
RONALD A. KNIGHT, JR.
JOSEPH A. KNOTHE
AMANDA ELIZABETH KNOTTS
ADAM GREGORY KNOX
ROBERT M. KOCHAN
PAUL I. KOECHER
CHRISTOPHER A. KOELTZOW
STEVE D. KOLY
ROBERT KOO
KAZIMIR M. KOSTRUBALA
DAVID A. KREBS III
MICHAEL P. KREUZER
MIRIAM A. KRIEGER
PATRICK F. KRIZ
JEREMY T. KRUGER
MICHAEL GREGG KRUK
MICHAEL A. KUMP
JONATHAN W. KUNTZ
ERIC A. KUT
JOSEPH P. LACLEDE
JOSEPH M. LADYMON
RUSTIN A. LAFURNEY
BRYAN D. LAMB
RODNEY A. LAMBERT
WILLIAM C. LAMBERT
ANTHONY L. LANG
GLEN G. LANGDON
JOHN D. LANGSHAW
KEVIN D. LARSON
MIRANDA S. LASHINSKI
FREDERIC LATHROP
ANTHONY T. LAU
PHILIP A. LAUGHLIN
OLIVER R. LAUSE
CHRISTOPHER C. LAZIDIS
DAVID K. LEAHY
MICHAEL D. LEAVER
YOGI L. LEBBY
JOSE A. LEBRON
MICHAEL P. LECCO
JACOB D. LECK
BRANDON T. LEDBETTER
JEFFREY A. LEDERHOUSE
DARRICK B. LEE
JON C. LEE
SHAWN P. LEE
SIYEON LEE
CHRISTOPHER LENYK
MARC LEWIS
MICHAEL J. LEWIS
SUMMER SONG LEWIS
VICTOR S. LEWIS
BRIAN P. LIGHTSEY
MATTHEW D. LILLY
DANIEL J. LINDLEY
DANIEL R. LINDSEY III
EWELL D. LINGAR
STEVEN C. LIPINSKI
ROYCE MICHAEL LIPPERT
RYAN M. LIPPERT
PATRICK W. LITTLE
CHRISTINE R. LITTLEJOHN
REUBEN J. LITTON
ROBERT J. LITWIN
ROBERT LIU
LARRY C. LLEWELLYN II
NICHOLAS S. LOFTHOUSE
KEVIN B. LOMBARDO
MARK D. LONGENECKER
JOSEPH J. LOPEZ
NATHAN A. LOUCKS
KENNETH Y. LOUIE
DAVID L. LOUQUE, JR.
DENNIS K. LOVIN
LUIS P. LOZADA
LUKE A. LUCERO
MATHEW LUKACS
MICHAEL J. LYNCH
MICHAEL R. LYNCH
PATRICK B. LYSAGHT
DOUGLAS W. MABRY
JONATHAN H. MAGILL
SCOTT ANTHONY MAJOR
BOHDAN MALETZ
GENE M. MANNER
DAVID MICHAEL MANRRIQUE
KEEGAN K. MAPLE
RYAN C. MARCOTTE
MICHAEL P. MARIOTTI
EMILY N. MARR
STEPHEN THOMAS MARTENZ
DAVID CHRISTIAN MARTINEZ
JOHN A. MARX
JASON A. MASCETTA
ROBINSON R. MATA
DAVID E. MATHER
PETER J. MAURO
JASON E. MAYNE
MARC ANTHONY MAZZA, JR.
JONATHAN F. MCCALL
JASON M. MCCANDLESS
THOMAS J. MCCARTY
PETER A. MCCLELLAN
EVE M. MCCLOUD
PHILIP R. MCCLURE
JON D. MCCOMB
DO HUN MCCUTCHEON
RYAN DAVID MCDANIEL
WANDA M. MCDONALD
WILLIAM E. MCDOUGALL
WILLIAM L. MCDOWELL
PATRICK M. MCGARRY
MARCUS A. MCGINN
KATHARINE RUTCHKA MCGREGOR
JONTAE S. MCGREW
KENNETH O. MCGREW
ROY KAIPO MCGUIRE
RYAN M. MCGUIRE
JOSEPH M. MCHUGH
SAMUEL G. MCINTYRE
MICHAEL B. MCKENZIE
KINDAL T. MCKINNEY
SCOTT M. MCMAHON
JEFF D. MCMASTER
PATRICK MICHAEL MCSHERRY
CHRISTINE MARAL MCVANN
THOMAS F. MEAGHER
STEVIE MEDEIROS
DOUGLAS P. MEDLEY
PHILIPPE K. MELBY
MARK A. MELIN
DANIEL W. MELOTT
MICHAEL E. MELTON
DANIEL E. MENDOZA
STUART R. MENN
NEIL A. MENZIE
WILLIAM G. MERCER
JAMES R. MERENDA
JASON K. MERRILL
JONATHAN L. MERRILL
DAVID T. MERRITT
SCOTT A. METZLER
KYLE JAMES MEYER
DERRICK CHARLES MICHAUD
CHRISTOPHER A. MICHELE
MICHAEL G. MIDDENTS
ANDREW C. MILLER
DAVID WESTLEY MILLER
GREGORY R. MILLER
JASON M. MILLER
AMBER LEE MILLERCHIP
ANDREW A. MILLIGAN
DAVID G. MILLS
CRISTINA M. MIRANDA
ELI G. MITCHELL
JOEL A. MITRE
BRIAN S. MIX
KRISTY L. MIX
JAMES E. MIXON

MICHELLE M. MOBLEY
MICHAEL R. MODESTO
ROSS A. MOL
ANTHONY R. MOLLISON
DEREK C. MOLLOY
JASON TODD MONACO
RUSSELL T. MONTANTE, JR.
MICHAEL S. MONTIER
HOWARD THOMAS MOORE
KRISTY L. MOORE
SAMUEL L. MORELAND
JAMES W. MORFORD
ALLEN C. MORRIS, JR.
CHRISTOPHER A. MORRIS
DAVID C. MORRIS
DONALD A. MORRIS
JESSE K. MORSE
ARNOLD R. MOSLEY
SCOTT D. MOTLEY
GREGORY M. MOULTON
FREDERICK G. MUELLER, JR.
MICHAEL SCOTT MULLIN
DAVID T. MUNOZ
MARK A. MURPHY
MICHAEL SCOTT MURPHY
EAMON R. MURRAY
RYAN E. MURRAY
SHANE PATRICK MUSCATO
BRIAN D. MUTO
KIMBERLY A. MYERS
JEFFREY E. NAFF
RICARDO NAJERA
ERIC JOHN NAVARRE
BRIAN B. NEAL
ALEXANDER W. NELSON
QUOCNAM T. NGUYEN
ROBERT W. NICHOLS, JR.
THOMAS I. NIX
GENE H. NOH
STEVEN NORRIS
RAY H. NORTON
MICHAEL J. NORVELL
VRETTOS W. NOTARAS
ANDREA M. OCONNOR
CHARLES V. OCONNOR III
PATRICK L. OKEEFE
JAIME OLIVARES
STEPHEN A. OLIVARES
TREY J. OLMAN
MARK T. OLMSTEAD
MICAH V. ONEAL
URIAH L. ORLAND
JASON N. ORTOLANO
RACHAEL MUNRO OTT
CHAD D. OVERTON
NATHAN H. OWEN
RICHARD L. OWENS
DAVID O. PABST
MICHAEL P. PALIK
KEVIN L. PARSONS
RIMPA PATEL
DAVID L. PAYTON
NATHANIEL A. PEACE
ERIC VERNET PEDERSON
JUSTIN T. PENDRY
JORGE N. PEREZBENITEZ
NATHAN C. PERRY
JOSHUA J. PERSING
CHRISTOPHER R. PETEK
ANDREW J. PETERSON
ERIC M. PETERSON
JOSEF N. PETERSON
KATHERINE L. PETREN
BRIAN D. PHILLIPS
DEANNA M. PHILLIPS
JENNIFER M. PHILLIPS
THOMAS E. PHILLIPS, JR.
SEAN P. PICCIRILLI
ANTHONY L. PICKETT
BRETT E. PLUMMER
ZOFIA A. PLUMMER
ARTIS M. POE III
MICHAL P. POLIDOR
MATTHEW A. POLUS
NICHOLAS JOHN POPP
JASON A. POWELL
NATHAN J. POWELL
DONALD W. POWERS
ROBERT G. PRAUSA
MATTHEW M. PRICE
WALTER H. PRIEBE III
JARRED L. PRIER
MICHAEL L. PRIMIANO
MATTHEW J. PROVENCHER
ANTHONY J. PULEO
JOSEPH C. PULLIAM
SKYLAR E. QUINN
MATTHEW J. QUINTON
MICHAEL L. RAABE
JAMES A. RAINS
JOSE A. RAMIREZ
MATHEW W. RAMSTACK
KENNETH M. RASZINSKI
STACY M. RATHJE
DAVID J. RATLIFF
GRANT ANDERSON RAUP
CECIL E. REDMON II
CHARLES W. REDMOND
RONALD KEVIN REED
CHRISTOPHER L. REESE
RUSSELL T. REESE
JEFFREY S. REGAN
AARON D. REID
BRANT CONOR REILLY
DANIEL J. REISNER
MICHAEL JOSEPH RENDOS
CHRISTOPHER J. RETENELLER
JOSEPH F. REVETERIANO
ERIN S. REYNOLDS
ANTHONY G. RHOADES
BRIAN S. RHOADES
MERLE G. RICHARD
CHAD M. RICHARDS
JASON S. RICHARDSON
MARGARET MARIE RIOS
ALEXANDER M. RISEBOROUGH
CHRISTOPHER S. RITTER
BRENT G. RITZKE
TIFFANY N. RIVERA
BRIAN C. ROBBINS
ADAM K. ROBERTS
JAMES E. ROBERTS
KENNETH A. ROBERTS, JR.
MATTHEW C. ROBERTS
BRIAN R. ROBERTSON
SCOTT J. ROBERTSON
TYLER STORER ROBERTSON
TIMOTHY M. ROBINSON
JASON S. RODGERS
JAMES A. RODRIGUEZ
ERIC D. ROEHRKASSE
LOUIS P. ROGNONI III
ANDREW C. ROLLINS
ADAM H. ROSADO
ROBERT C. ROSEBROUGH
JEFFREY RYAN ROSENBERRY
MATTHEW C. ROSS
TIMOTHY J. ROTT
METODI V. ROULEV
RAYMOND K. ROUNDS
NICHOLAS G. ROWE
KEVIN P. ROWLETTE
EDWIN RUCKWARDT
JULIE ANNE RUDY
JUSTIN R. RUFA
ANDREW D. RULE
RICHARD G. W. RULIFFSON
DAVID G. RUNELS
RAYMOND M. RUSCOE
BRIAN M. RUSSELL
ERIC J. RUSSELL
JERIMIAH D. RUSSIAN
REBECCA F. RUSSO
ETHAN A. RUTELL
JAMES L. RUTLEDGE
KATHERINE ANNE RYAN
SCOTT D. RYDER
ETHAN E. SABIN
JERMAINE S. SAILSMAN
TODD J. SALZWEDEL
GERARDO SANCHEZ
NICHOLAS B. SANDERS
WILLIAM D. SANDERS
CHARLES S. SANDUSKY
JAMES MICHAEL SATTLER
NICHOLAS R. SAUCIER
ZACHARY T. SCHAFFER
KYLE S. SCHLEWINSKY
JOHN W. SCHMIDTKE
KEITH M. SCHNEIDER
CHRISTOPHER A. SCHNIPKE
STEVEN A. SCHNOEBELEN
MICHAEL W. SCHREINER
TYLER B. L. SCHROEDER
DAVID W. SCHUR
LAWRENCE F. SCHUTZ
JOHN R. SCHWARTZ
ERIK W. SCHWARZ
SETH PETER SCHWESINGER
JESSE M. SCOTT
LISA R. SCOTT
MICHAEL D. SEAL
KEVIN A. SEAY
RYAN N. SEEKINS
CHARLES D. SENDRAL
CHAD A. SESSLER
ANAND D. SHAH
THEODORE JOHN SHANKS
CHRISTOPHER MICHAEL SHARP
BENJAMIN A. SHAUB
KELLY W. SHELTON
SAMUAL P. SHIMP
BRANDY ANN SHIRLEY
DENNY R. SHOFNER
BRANDON R. SHROYER
MATTHEW G. SIKKINK
YONG C. SIM
JAMES S. SIMMONS
JASMINE MARIE SIMMS
JONATHAN ALEXANDER SIRARD
THANE A. SISSON
RYAN DANIEL SKAGGS
STEVEN B. SKIPPER
FRANK T. SKRYPAK
ANDREW SLAUGHTER
JON P. SLAUGHTER
RYAN A. SLAUGHTER
JAMES N. SLEAR
JONATHAN M. SLINKARD
DENNIS R. SLOWINSKI
ADAM J. SMITH
ALLEN SMITH
BENJAMIN M. SMITH
CALEB T. SMITH
CHRISTOPHER C. SMITH
GENE T. SMITH
JAMES DANIEL SMITH
JEREMY R. SMITH
LAWRENCE A. SMITH II
PATRICK S. SMITH
RIKKI D. SMITH
RYAN G. SMITH
EDWARD W. SMITHER
JENNIFER JEAN SNOW
SCOTT A. SNYDER
ERIC M. SOBECKI
SARA N. SOMERS
DANIEL K. SORENSON
JUSTIN EDWARD SORICE
ELIZABETH D. SORRELLS
JOHN WILLARD SOUTHARD
JEREMY S. SPARKS
LUCAS D. SPATHES
MICHAEL B. SPECK
ALEC THOMAS SPENCER
DAVID M. P. SPITLER
KATHRYN A. SPRINGER
TODD J. SPRINGER
WESLEY N. SPURLOCK III
ROBERT S. ST CYR
GREGORY R. STACK
CARRIE R. STAFFORD
BENJAMIN G. STALLARD
RYAN L. STALLSWORTH
LEE W. STANFORD
TODD EDWARD STANIEWICZ
JOSHUA P. STANTON
SHAWN M. STAPPEN
NIKOLAOS P. STATHOPOULOS
ADAM R. STAUBACH
RYAN L. STEBBINS
GREGORY M. STEENBERGE
EDWARD R. STEINFORT
ADRAIN E. STEMPLE II
MICHELLE L. STERLING
SHAWN P. STERMER
DAVID B. STEVENSON
MARCUS U. STEVENSON
ANDREW B. STEWART
GRAHAM R. STEWART
JAYSON STEWART
TONY J. STIBRAL
BRIAN A. STILES
MICHAEL T. STONE
SAMMY E. STOVER
MICHAEL K. STREET
AARON JOSEPH STRODE
NATHAN C. STUCKEY
MATTHEW P. STUECK
ROBERT W. STURGILL, JR.
MICHAEL WILLIAM SUDEN
MATTHEW SUHRE
FWAMAY L. SULLIVAN
THOMAS RICHARD SULLIVAN
KONSTANTIN SVERKOUNOV
JOHN R. SWANSON
PETER M. SWEENEY
KYLE A. SWOPE
ADAM N. SYLVAN
DEREK J. SYSWERDA
GIORGIO AUGUSTIN SZABO
JOHN T. SZCZEPANSKI
KYLE A. TAKAMURA
BRIAN C. TALIAFERRO
JUSTIN M. TARLTON
EDWARD R. TAYLOR
MATTHEW SCOTT TAYLOR
MICHELLE L. TAYLOR
TIFFANY S. TAYLOR
TIMOTHY A. TENDALL
CHRISTOPHER J. TERRY
CHRISTOPHER M. THACKABERRY
MILES PEYTON THAEMERT
RYAN JAMES THEISEN
FRANK A. THEISING
GREGORY C. THERIOT
MARY A. THIGPEN
DUSTIN T. THOMAS
JEROME SAMUAL TERRELL THOMAS
KELIE A. THOMAS
STEVEN C. THOMAS
LINWOOD A. THOMPSON
MICHAEL J. THOMPSON
ROBERT E. THOMPSON
MATTHEW B. THRIFT
RYAN C. THULIN
CHRISTOPHER A. THUOTTE
RENEE Z. THUOTTE
ANDREW CHARLES TIDGEWELL
AARON P. TILLMAN
NELSON E. TIRADO
WENDELL R. TONEY
LEONARDO A. TONGKO
ELIUD E. TORRES
STEPHEN A. TOTH
JONATHAN M. TOWNSEND
JOHN M. TRAVIESO
CATHERINE J. TREDWAY
CHARLES M. TRICKEY
STEVEN E. TRNKA
DAVID D. TROXELL
CHRISTOPHER M. TROYER
STEVEN A. TRUEBLOOD
MAUREEN A. TRUJILLO
BRENT GERALD TSCHIKOF
REBECCA A. TUBMAN

JASON L. TUCKER
BRYAN BERFENTI TUINMAN
GRANT M. TULLIUS
MICHAEL R. TURNER
RICHARD J. TURNER
JAMES M. TUTHILL
JOSEPH BRIAN TUZZOLINO
MARK ALLEN TYLER
RYAN T. TYPOLT
FRANCIS C. TYSON IV
CHRISTOPHER D. UHLAND
ANDREW GALO ULAT
DAVID B. UNDEUTSCH
CASEY L. UTTERBACK
ANDREW J. VAIL
MARKYVES J. VALENTIN
JOSEPH S. VALENTINO
JAMES M. VALPIANI
GREGORY K. VAN DYK
PETER A. VANAGAS
MATTHEW J. VANGILDER
DONALD E. VANSLYKE
DANIEL MOISES VEGA
GREGORY A. VICE
MATTHEW BENJAMIN VICKERS
JESSE O. VIG
MICHAEL A. VOLKERDING
STACIE L. VOORHEES
DREW T. J. VOSS
NATHAN P. VOSTERS
CHRISTOPHER MICHAEL WADDELL
KRISTOPHER L. WAECHTER
RUSSELL E. WAIGHT
RYAN G. WALINSKI
EDWARD Y. WALKER
HUGH E. WALKER III
JASON DOUGLAS WALKER
KRYSTAL M. WALKER
VIRGINIA S. WALKER
WILLIAM M. WALKER II
JAMES A. WALL
JOHN D. WALLACE
JONATHON C. WALLER
KEVIN WALSH
THOMAS ALAN WALSH
DANIEL P. WALTERS
ANDRE M. WALTON
LAWRENCE C. WARE
RYAN B. WARTMAN
DANIEL C. WASSMUTH
ZACHARY R. WATERMAN
JOSHUA CHRISTMAN WATKINS
WILLIAM J. WATKINS
JONATHAN N. WATSON
JOSEPH A. WATSON
TODD MICHAEL WATSON
KEVIN L. WATTS
BEACHER R. WEBB III
BRIAN RICHARD WEBB
JASON D. WEBB
MICHAEL L. WEBBER
BRIAN E. WEBSTER
CHRISTOPHER J. WEDEWER
SCOTT ALLEN WEED
AARON W. WEEDMAN
PAUL R. WEME
HEATHER A. WEMPE
DANIELLE D. WEMYSS
MATTHEW J. WEMYSS
MICHAEL F. WENDELKEN
BRANDON D. WENGERT
JAMES T. WESTFALL
JACOB M. WESTWOOD
TYSON KRISTOPHER WETZEL
PHILLIP A. WHEELER
MARK D. WHISLER
GEOFFREY N. WHITAKER
JONATHAN L. WHITAKER
JOSHUA T. WHITE
KEITH S. WHITE
KEVIN E. WHITE
MARCUS J. WHITE
THOMAS D. WHITE
TIM RAY WHITELOCK
BISHANE ANTHONY WHITMORE
JONATHAN L. WHITTAKER
DANIEL PHILLIP WIESNER
JOSHUA D. WIITALA
MATTHEW S. WILCOXEN
JOSHUA D. WILD
BROOKS A. WILKERSON
DAVID S. WILLIAMS
JUSTIN J. WILLIAMS
KEVIN CHARLES WILLIAMS, JR.
DANIEL CLYDE WILLIS
WARD G. WILLIS
CARL B. WILSON
CHIRIGA O. WILSON
DAVID C. WILSON
NEAL M. WILSON
RICHARD N. WINFREY, JR.
CHRISTOPHER L. WINKLEPLECK
ALEXANDER D. WINN
NICHOLAS G. WISNEWSKI
WARREN ERIC WITHROW
PATRICK WOLVERTON
RYAN T. WONG
CHRISTOPHER C. WOOD
JASON LEWIS WOODRUFF
ABRAM M. WOODY
GREGORY A. WOOLEY
SCOTT P. WUENSTEL
WILLIAM L. WUNSCHEL
LAWRENCE WYATT, JR.
MING XU
AARON M. YAGER
VUE YANG
ALAN YEE
CHRISTOPHER W. YENGO
MICHAEL D. YOUNG
BENJAMIN D. YOUNGQUIST
PETER D. YULE
DENNIS A. ZABKA
MATTHEW D. ZAKRI
JOSE L. ZAMBRANO
ARIC L. ZEESE
BAI LAN ZHU

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DANIEL J. BESSMER
IMELDA M. CATALASAN
ANDREW A. CRUZ
DAVID H. DICKEY
MARK R. DUFFY
MELANIE J. ELLIS
LARRY S. KROLL
MARTIN W. LAFRANCE
DAVID J. LINKH
CHERIE ANNE C. MAUNTEL
MICHAEL B. PEAKE
SCOTT M. SONNEK
CHRISTINE L. STABILE
BERNARD L. VANPELT
CHRISTIE BARTON WALTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID B. BARKER
DANISHIA A. BARTON
MELISSA J. BEASLEY
RANDOLPH T. BOSCH
JAMES M. CAMILLERI
BRIAN M. CARUTHERS
MARIABETHY PULIDO CASH
JOSHUA S. CURTIS
KELLY LYNN DETERING
JOI BLYTHE DOZIER
IAN C. ERSKINE
DAVID A. FERGUSON
STEVEN M. FOX
RYAN A. GABEL
EMIRZA G. GRADIZ
LISA FLORES GUZMAN
FRED L. HARRIS
ADAM G. HENSON
KIRK D. HUNTSMAN
PERRY J. JOHNS
VANESSA A. JOHNSON
ALEXEI KAMBALOV
SYLVIA CHIHYUN KIM
JOSHUA J. LESLIE
WENDY J. MORENO
LINDSEY KAY OLESON
JOSHUA D. PETER
KEVIN S. RAMSEY
DANIEL J. RIVAS
TODD M. ROMAN
JOSEPH H. ROUNTREE
TANYA M. SIMULICK
STATWELL G. SINCLAIR, JR.
JAMES A. STEWART
LEWIS RANDOLPH TAYLOR
THOMAS JASON TELFER
ALISON M. THOMAS
JASON T. TOMPKINS
NEVA J. VANDERSCHAEGEN
GLORIA JEN WALSKI
TOBIE A. WETHINGTON
JOCELYN M. WHALEN
TANYA R. YELVERTON
ANGELA M. YUHAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

EBON S. ALLEY
JEFFREY D. ANDREOLI
JOHN C. BATKA
PAUL W. BOTT
MEGAN S. BRANDT
ROBERT S. BROWN
KAREN J. BUIKEMA
BELINDA F. COLE
WARREN G. CONROW
SCOTT A. COREY
JAMIE D. CORNETT
AMANDA L. DENTON
MATTHEW R. FERRERI
JENNIFER M. GIOVANNETTI
ELISA AMANTIAD HAMMER
JARRETT R. JACK
PAUL Y. KIM
ADAM B. KLEMENS
KEYE S. LATIMER
JUNG B. LEE
MONIKA LUNN
TRAVIS J. MEIDINGER
MIKEL M. MERRITT
CAROLANN MILLER
JEFFREY A. NEWSOM
CHRISTOPHER S. PECHACEK
JOSEPH N. PUGLIESE
CHRISTOPHER M. PUTNAM
CARY C. REGISTER
ALLISON R. ROGERS
TOMAO L. ROSE
ELLEN A. ROSKA
EMBER RYALS
SEAN D. SARSFIELD
JASON B. SHIRAH
JENNIFER L. SHIRLEY
JOHN E. STUBBS
TISHA D. SUTTON
BRIAN K. SYDNOR
MATTHEW T. TARANTO
CHRISTINE L. TOLBERT
CHARLES B. TOTH
DAVID E. WAGNER
ERICH W. WANAGAT
DANIEL J. WATSON
AARON D. WEAVER
DAVID C. WRIGHT
RICHARD Y. K. YOO
KENDRA S. ZBIR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

OLUJIMISOLA M. ADELANI
JOSHUA P. ADILI
DANIELLE N. ANDERSON
SCOTT R. ANDERSON
ERIN D. ARCHER
RICHARD S. BAKER, JR.
SCOTT A. BAKER
JEFFREY N. BARNES
TIMOTHY W. BATTEN
NIKKI L. BEADLE
SEAN W. BERENSEN
MARCUS B. BOONE
JOANNA BORAWSKI
ANDREW J. BOSTIC
JOHN A. BOUCHARD
TIFFANY A. BRAKEFIELD
CRYSTAL A. BROWN SCOTT
CODY R. BUTLER
DANIELLE BUTLER
RYAN D. BUTTON
NICOLE M. CAMPBELL
GABRIEL A. CANTU
DANIEL E. CATRAMBONE
LEAH D. CHAPMAN
TODD J. CHRISTENSEN
LEVI E. COLE
DEBORAH E. COLON
PATRICK D. CORDING
AMILEAH R. DAVIS
MINDY A. DAVIS
NANCY B. DELANEY
NICOLE C. DJANBATIAN
JOHN S. DOLESKI
ALICIA M. DUDLEY
KYLE HUNTER EAST
RYAN G. EISWERTH
IRENA F. FARLIK
RUDOLPH T. FRANCIN
SHARA N. FRANCIN
SHEONTEE C. FRANK
SHELTON J. FRASER
LESLEY ANN FRIEDHOFF
IVETH A. GALVEZ GUZMAN
JASON M. GARCIA
RYAN G. GARRISON
BRIANNE J. GEORGE
TIMOTHY R. GEORGE
JULIANNE J. GILLESPIE
JOSEPH GITERSONKE
NATHAN W. GOEKE
JOSHUA M. HALL
CHASE M. HAMILTON
ROCHELLE K. HASE
GLORIA J. HEATER
JEFFREY R. HERCHLER
CHRISTOPHER G. HERMAN
EMILY N. HEWETT
BRANDON M. HEY
RODNEY A. HO, JR.
ADAM M. HOLLINGSWORTH
CHARLES R. HOLT III
NATHAN H. HOWARTH
MICHAEL J. HSU
DANA M. HUBBARD
STEVEN M. HYER
ADAM P. IRVIN
KAMY C. JENKINS
DAVID M. JOHNSON
LAURA E. JOHNSON
PHILLIP J. KARSEN
ROBERT S. KENNEDY
ERIC J. KIRWAN
MICHAEL R. KLINGSHIRN
MARQUITA F. KNIGHT
SHAWN P. KNIGHT
SARA E. KOEPKE
BENJAMIN F. KOLLE
NATHAN A. KRZYANIAK
KATHIUSKA M. LAMBRODRIGUEZ

JAMES HAROLD LANDSBERGER
KIMBERLY A. LANE
GREGORY J. LATHBURY
RYAN M. LEPPERT
MAIRA G. MALHABOUR
BRYDON K. MANNING
DANIEL MARCIEL
MARGARET E. MARTIN
JOHN W. MARUHN
JONATHAN B. MCQUAIG
PATRICK M. MEADE
JULIE L. MENEGAY
JACOB A. MOCK
JAMES NATHANAEL MOORE
PATRICK M. MUDIMBI
MAYRIN C. MUNGUIA
GERALD J. NOVACK
KATHRYN H. OJA
ERIC A. OWENS
BECKY L. PEDERSON
DANIELLE N. PENDER
VICTOR I. PERRI, JR.
JULIANNA M. PETRONE
JOHN P. PISTELLO
JESSICA H. RACKLEY
JAMES W. RAFINER
TIMOTHY E. RALSTON
KARLA J. RAMIREZVIGIL
KIMBERLY M. RANIERI
KRISTEN E. REDD
ELLIOT N. REED
PRESTON CARNELL REED
ERICA N. ROBINSON
AMBER N. RODGERS
MICHELLE M. RODRIGUEZ
MELANIE R. ROSERIE
JESSICA J. SAN FELIPPO
TRAVIS W. SCHMITT
ANDREA B. SCHULTZ
DANNY A. SECOR
RYAN B. SHAVER
MICHAEL A. SHAW
HEIDI L. SHELSTAD
JORDAN L. SIMONSON
TREVOR W. SLEIGHT
TIFFANY V. SOMMERS
NATHAN VINCENT STAFFORD
NICHOLAS ALLYN STASSEN
CHARU STOKES WILLIAMS
JAMES GAYLE STOUFFLET, JR.
STELA S. STRILIGAS
MICHAEL P. SWEENEY
JUSTIN C. SZAJNECKI
JOYANNE E. TESEI
HEATHER M. TEVEBAUGH
KATHRYN MARIE TIDWELL
JOSHUA J. VAN WYNGAARDEN
SEE S. VANG
MICHAEL A. VERNALE
JERRY V. WALKER III
AMANDA R. WALSH
JENNIFER P. WANG
MADELYN F. WAYCHOFF
BRIAN J. WELCH
BRIAN HUNTER WELLS
JUSTIN G. WHITAKER
RACHEL E. WILEY
RYAN W. WILKES
ANN E. WILKINS
JOSHUA D. WILSON
LORA WOLSKI
HUETTE C. WONG
JAMIE MEREDITH WOODSON
KELLIE J. ZENTZ

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BRIAN C. GARVER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

EDWARD J. FISHER

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

THOMAS W. LUTON

EXTENSIONS OF REMARKS

REMEMBERING COL. WILLIAM BREEZE

HON. DAVID E. PRICE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. PRICE of North Carolina. Mr. Speaker, I rise to honor the life and memory of Col. William Breeze of Cedar Grove, North Carolina, a dear friend, dedicated patriot, and one of the most civic-minded individuals I have ever known. Col. Breeze died on June 7 at the age of 97 at the Croasdaile Retirement Community in Durham. My wife Lisa and I remember Bill fondly and want to extend our best wishes to his family.

Bill grew up in northern Orange County and studied agriculture at the North Carolina State University—the start of a lifetime of loyalty and support (Bill had a full supply of red NCSU blazers.). In 1943, he married Elizabeth McKnight, beginning a sixty-year partnership that ended with her death in 2003.

Bill joined the Army Air Corps during World War II, serving as a skilled bomber pilot, and completed his career in the Air Force thirty years later. He was awarded the Legion of Merit and Distinguished Flying Cross.

I first got to know Bill when he returned to North Carolina after his military retirement, becoming a highly successful farmer and taking on one civic, church, or political leadership role after another. For years, he was Governor Jim Hunt's main liaison in northern Orange County, and when I first ran for Congress in 1986, Bill helped me immensely in getting around that territory. He made politics personal and enjoyable. It was quite an experience going to a rural church supper with Bill Breeze: he knew everyone, and could engage people from all walks of life with wit and warmth. Beneath it all, he was a committed citizen who looked at personal engagement and community betterment as the heart of politics. My admiration for his generosity and dedication knows no bounds.

As Bill eased out of active farming, he donated a portion of his land to North Carolina State University to be used as an incubator for young farmers, encouraging them to pursue sustainable farming—the Breeze Farm project. He also established a scholarship program for agriculture students at NCSU.

As Bill Breeze's full, rich, and caring life comes to an end, many North Carolinians have reason to give thanks for his many contributions and the lives he has touched. I am pleased to join in this tribute, for Bill Breeze exemplified love of country, service to community, and politics at its best in ways that will inspire me and many others for the rest of our lives.

RECOGNIZING HAYNIE JOAQUIN JACKSON

HON. WILL HURD
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. HURD of Texas. Mr. Speaker, I rise today to honor the life of Mr. H. Joaquin Jackson of Alpine, Texas.

It saddens me to share that Mr. Jackson passed away in the early morning of June 16th, 2016, leaving behind family, friends, and all those who had the fortune to cross paths with him. I extend my condolences to the loved ones who will mourn his passing, but also would like to take the time to recognize the life of this extraordinary Texan. Mr. Jackson was born in 1935 in the Panhandle on his grandfather's farm, was married for nearly 50 years, and was a proud father to two sons. He led an extraordinary life, most notably serving as a Texas Ranger for 27 years, with postings across the West Texas desert, including 21 years at his first post in Uvalde, Texas.

Mr. Jackson personified the Texas spirit of rugged resilience. As a Texas Ranger, Mr. Jackson was tasked with protecting citizens from serial killers, drug smugglers, international gangs, prison revolts, and thieves. Mr. Jackson became a legend among law enforcement officials due to his exceptional investigative abilities, innovative approaches to law enforcement, and tremendous commitment to enforcing the law. Mr. Jackson served for 27 years as a Texas Ranger, served on the Board of Directors for the National Rifle Association, served his community as a private investigator, and even acted in several movies. Mr. Jackson leaves behind two sons, Don Joaquin and Lance, and grandchildren. While Mr. Jackson is no longer with us, his spirit will live on in West Texas.

IN HONOR OF COLONEL PAUL W. FELLINGER

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. FARR. Mr. Speaker, I rise today to recognize the distinguished career of an outstanding soldier and public servant, Colonel Paul W. Fellinger. On June 23, 2016, he will relinquish his command of the United States Army Garrison, Presidio of Monterey, and retire from the Army later this year.

I have had the great pleasure of working with Colonel Fellinger during his tenure as the Garrison Commander of the Presidio of Monterey beginning in 2013. The Presidio garrison plays host to several thousand students and faculty of the Defense Language Institute as well as several other Army missions. Paul effectively served as the city manager of these dynamic communities. And it is in that capacity that I and my staff came to understand and rely on Paul's deep professionalism and problem solving skills in many different instances. He was the driving force behind gaining approval of an Intergovernmental Service Agreement, which was the first of its kind and set the standard for the Department of Defense. He was always highly involved in developing and maintaining partnerships with local organizations and immersed himself in the community. He helped steer several significant new construction projects to completion and has deftly managed his facilities relationship with the surrounding communities. He never failed to combine an understanding of the issue at hand with a deft personal diplomacy. It is a testament to his superlative leadership skills that Colonel Fellinger could perform so well both on the battlefield and in the base operations world.

Colonel Fellinger was born in Cincinnati, Ohio. As part of a military family, he moved often during his childhood. Commissioned into the infantry from Xavier University in 1990, his first duty assignment was as platoon leader and company executive officer in the 3rd Battalion (Mechanized), 15th Infantry at Fort Stewart, Georgia. During his next operational assignment he served as a company commander and assistant operations officer in 2nd Battalion, 325th Airborne Infantry Regiment, 82nd Airborne Division, Fort Bragg, North Carolina. During command, he deployed the company to Haiti in support of the United States Support Group—Haiti.

He later returned to the 82nd Airborne Division, where he served as a battalion operations officer and executive officer during Operation Iraqi Freedom I. He then served in the newly formed Asymmetric Warfare Group as a Troop Commander deploying in support of Operation Enduring Freedom. He later assumed command of 1st Squadron (Airborne), 91st Cavalry, Schweinfurt, Germany, and deployed the unit to Afghanistan in support of Operation Enduring Freedom.

Mr. Speaker, I know I speak for the whole House in extending our most sincere gratitude for Colonel Fellinger's service to our Nation. The United States is a more secure and fruitful place as a consequence of his efforts. I want to wish Colonel Fellinger all the best as he transitions from active duty to a new career, in what will surely be an active and fruitful retirement.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SUPPORTING THE GOAL OF ENSURING ALL HOLOCAUST VICTIMS LIVE WITH DIGNITY, COMFORT, AND SECURITY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. ISRAEL. Mr. Speaker, I rise in support of H. Con. Res. 129, which passed the House of Representatives earlier this month. This resolution urges the Federal Republic of Germany to reaffirm itself to its goal of guaranteeing that all Holocaust victims live with dignity, comfort, and security throughout the rest of their lives. The tragedies and hardships that Holocaust survivors have endured in their lifetime are undeniable and we should do everything in our power to ensure they should face no such hardships again. But, despite this, many survivors throughout the country and world are living in poverty and require assistance and specific services that they cannot afford on their own.

There are approximately 500,000 remaining Holocaust survivors today, and more than 60,000 of them are in need of home care services. The Conference on Jewish Material Claims Against Germany (Claims Conference) has devoted itself to negotiating with the German Government to provide payments to assist these survivors. Since its first agreement in 1952, $70 billion has been distributed to more than 800,000 Holocaust survivors and the 60,000 survivors still in need of care today means these efforts must continue. That is why I support the work of the Claims Conference, why I co-sponsored and voted in favor of H. Con. Res. 129, and why I will continue to support such efforts to ensure survivors have the support and financial assistance to live out their lives with dignity, comfort, and security.

SYLVIE LAMONTAGNE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Sylvie Lamontagne for her fourth place finish at the 2016 Scripps National Spelling Bee.

Sylvie Lamontagne is an 8th grader at Creighton Middle School in Lakewood, Colorado. She is the first back-to-back winner of the Colorado State Spelling Bee in decades—a tremendous feat. Last year, she finished ninth place at the 2015 Scripps National Spelling Bee and returned this year by spending countless hours preparing for the competition.

The dedication demonstrated by Sylvie Lamontagne is exemplary of the type of achievement that can be attained with hard work and perseverance. Sylvie is a role model for other students to strive to make the most of their education and develop a strong work ethic.

I extend my deepest congratulations to Sylvie Lamontagne for her fourth place finish at the Scripps National Spelling Bee and for proudly representing the great State of Colorado on a national level. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

TRIBUTE TO CAROL FULTON YEATES

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. FARR. Mr. Speaker, I rise to pay tribute to Carol Fulton Yeates, a remarkable woman in California to whom we all owe a deep gratitude for her leadership in protecting California's wildlife.

Because of her tireless work, California sea otters and mountain lions are protected.

With wildlife advocates, like the late Margaret Owings and my late father, California Senator Fred Farr, Carol helped launch ''Friends of the Sea Otter.''

Carol became the executive director of Friends of the Sea Otter in 1981, a role she would lead with distinction and accomplishment until 1989.

During that period, sea otter population went from near extinction to numbers in the thousands.

Because of Carol's passionate management it has become a great success with global attention.

Soon after the sea otter effort, Carol turned her attention to protecting the California mountain lion.

Like her work on protecting sea otters, Carol achieved success in safeguarding mountain lions.

Carol is one of the brightest, most creative and charming activists to grace California. She won over elected officials on both sides of the aisle and from across all levels of government, and often was the only woman in the room.

Her voice remains heard above others because of her extraordinary ability to build consensus and her ability to drive a compelling narrative based on facts.

During her work, she met my friend, Bill Yeates of Sacramento State Capitol fame.

It was said by all their many friends on both sides of the wedding aisle, that their marriage was made in heaven by all God's creatures who they both worked so hard to save.

Carol and Bill raised their son Zachary to follow in their footsteps into political advocacy for animals. He is now heavily engaged in local politics in Sacramento.

Carol's legacy is grounded in empowering women to speak out for the humane treatment of wildlife and pioneering advocacy strategies.

She supported women like Margaret Owings in carrying out her dreams.

And Carol incorporated women into organizations like Defenders of Wildlife, the Humane Society of the United States and the ASPCA.

While her work has helped wildlife and communities throughout California, a major part of her legacy is in Big Sur, protecting wildlife on the wild coast.

The Sea Otter, the California Condors, the mountain lions—the wonders of the wilderness.

I know the whole House joins me in saluting the great work of a great woman in a great state to protect and preserve the wonders of land and sea.

Our thoughts and prayers are with Carol Fulton Yeates and her family during this challenging time.

HONORING COMMUNITY CHAMPION J. GARY DECOMO

HON. MIKE KELLY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. KELLY of Pennsylvania. Mr. Speaker, I would like to recognize one of my constituents from Western Pennsylvania, Mr. J. Gary DeComo. Since 1994, Gary has honorably served as Magisterial District Judge for the 33rd District in Armstrong County. However, his dedication to the community goes far beyond the judicial system.

Also in 1994, after seeing and sentencing countless drug offenders, Judge DeComo began his crusade against drug use and established the Drugs Kill Dreams program, in order to educate and distribute his drug prevention messages. The mission of the Drugs Kill Dreams program is to make our youth and community aware of the dangers and destruction of drug usage.

Driven by the belief that if we increase prevention we will decrease addiction and crime, Judge DeComo strives to reach as many individuals as possible. Remarkably, the Drugs Kill Dreams program has become a collective effort throughout the entire community. This success can be attributed to Judge DeComo's dedication to creating partnerships that promote the Drugs Kill Dreams mission and contribute to its overall success. Drugs Kill Dreams has flourished due to collaborations with various schools, churches, treatment centers, law enforcement agencies and hospitals—including the Armstrong County Memorial Hospital (ACMH), which has been the program's most significant and influential relationship.

Throughout the years, Judge DeComo has adapted and updated the Drugs Kill Dreams program, to ensure the content is relevant and that the needs of the community are addressed. Although the program continues to be modified and altered appropriately, Judge DeComo's sincere passion for this initiative remains the same.

In serving the judicial system, the community, and all of those in need, Judge DeComo is an absolute inspiration. His compassion and generosity has positively influenced the lives of so many, and will continue to do so for years to come. Therefore, on behalf of the Third Congressional District of Pennsylvania, I would like to express sincere gratitude and appreciation to the Honorable J. Gary DeComo, an admirable professional, a selfless individual, and a true Community Champion.

HONORING MUHAMMAD ALI

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Louisville, Kentucky's Muhammad Ali.

Muhammad was born Cassius Marcellus Clay, Jr., to the late Mr. Cassius Marcellus Clay, Sr., and Mrs. Odessa Grady Clay. In 1954, at the age of twelve, Muhammad Ali began his boxing career, and at the age of 18 he won a gold medal at the 1960 Rome Olympics.

At age 22, Muhammad Ali defeated Charles ''Sonny'' Liston and became the youngest World's Heavyweight Champion. He announced to the world two days following that fight that he had adopted the beliefs and traditions of the Islam and had become a member of the Nation of Islam.

Cassius Clay soon took the name ''Muhammad Ali'' on March 6, 1964. The name was given to him by Elijah Muhammad. His conversion to Islam soon caused criticism from many white Americans and in response he stated, ''I am America. I am the part you won't recognize. But get used to me. Black, confident, cocky; my name, not yours; my religion, not yours; my goals, my own; get used to me.''

Due to his religious beliefs, Ali refused induction into the United States Armed Forces; consequently being sentenced to five years in prison. In 1971, his conviction was overturned; however, he was stripped of his title and banned from fighting causing him to think he would never be allowed the opportunity to box again. However, three years later he was permitted to return to the boxing ring.

Muhammad Ali's acceptance of the Islamic philosophies impacted the mindsets of many Americans especially those in opposition of the Vietnam War and those in opposition to white supremacy.

He altered the teachings of Elijah Muhammad by embracing all people and preparation for his own afterlife. He proclaimed that the separatist doctrine was no longer a belief of the Nation of Islam for it represented the time of their struggle in the dark and a time of confusion in them.

As an athlete, Muhammad Ali rarely received the respect owed due to his conviction and strong commitment to what was perceived as an unorthodox religion. He stood proud and did not allow the criticism of the American people to deter his will to serve within his religion and to reign as a champion in the ring.

Muhammad Ali's actions influenced the image of black Americans by giving them courage to overcome their fear by addressing racism and demanding respect as a people.

Muhammad Ali is a recipient of many awards including: National Golden Gloves Light Heavyweight Champion, National Amateur Athletic Union champion, National Golden Gloves Light Heavyweight Champion, National Amateur Athletic Union champion, Gold medal in the Rome Olympics, World Heavyweight Champion, Dr. Martin Luther King Memorial Award, Sportsman of the Year for Sports Illustrated, Fighter of the Year from the Boxing Writers Association, Honorary Doctorate of Humane Letters from Texas Southern University, and countless other awards and distinctions.

Muhammad Ali leaves behind a host of family and friends and nine children: Maryum, Jamillah, Rasheda, Laila, Hana, Miya, Khaliah, Muhammad Ali, Jr. and Asaad Amin. In his death we find few people who do not admire him.

Mr. Speaker, I ask my colleagues to join me in recognizing the boxing icon, Muhammad Ali, for his courageous convictions.

FORT BEND SHERIFF CAPTAIN PAUL MOSLEY RETIRES AFTER 30 YEARS OF SERVICE

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. OLSON. Mr. Speaker, I rise today to congratulate Captain Paul Mosley on retiring with more than 30 years of service with the Fort Bend County Sheriffs Department.

In April of 1986, Captain Mosley became a full-time deputy at the Fort Bend County Sheriff's Office. He began working with the local jail, moved over to the warrants unit and later to patrol. Mosley has now been a Captain over the Internal Affairs Division for three and a half years. Prior to Mosley's 30 years of service, he played baseball for six years with the then Los Angeles Angels minor league team. Between baseball seasons, Mosley also acted in shows such as ''Combat'' and ''My Favorite Martian''. Fort Bend County has been safer thanks to Mosley's decades of service and protection.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again Captain Paul Mosley on his retirement after 30 years of dedicated service to Fort Bend County. Thank you for stepping up to protect and serve.

HONORING ASHLEY HOBSON ON BEING ACCEPTED BY THE NATIONAL ACADEMY OF FUTURE PHYSICIANS AND MEDICAL SCIENTISTS AS A DELEGATE TO THE CONGRESS OF FUTURE MEDICAL LEADERS

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. LONG. Mr. Speaker, I rise today to honor Neosho High School student Ashley Hobson for her being accepted as a delegate to the Congress of Future Medical Leaders by the National Academy of Future Physicians and Medical Scientists.

The Congress of Future Medical Leaders is an honors-only program that is designed to motivate and engage the top students in the United States. Specifically, it's designed for students aspiring to become physicians or medical researchers, and provides a path and mentorship for students to accomplish their goals.

To be considered for acceptance as a delegate, applicants are either recommended by a teacher or member of the Academy based on a proven track record of academic excellence. Delegates represent all 50 states plus Puerto Rico, and must have a minimum 3.5 GPA. Students like Ashley who qualify for this incredibly selective honor exemplify top-tier diligence and academic talent.

Mr. Speaker, Ashley Hobson has not only demonstrated that she is qualified to represent Missouri through her strong academic performance, but has also displayed a true passion for medical science and medicine that will serve her well in future endeavors. I wish Ashley the best of luck in all her future endeavors. On behalf of Missouri's Seventh Congressional District, I urge my colleagues to join me in congratulating her for this achievement.

HONORING THE TOWN OF MIDDLEFIELD, CONNECTICUT AS THEY CELEBRATE THEIR SESQUICENTENNIAL ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Ms. DELAURO. Mr. Speaker, I am very proud to rise today to extend my heartfelt congratulations to the communities of Middlefield and Rockfall, Connecticut as they celebrate the Town's 150th Anniversary. This is a very special milestone for this small community of just over four thousand residents. Over the course of the year, celebratory activities have been organized by a dedicated group of volunteers. Though small in number, the community is mighty in spirit—working together every day to meet the changing needs of its residents while preserving the unique, quintessentially New England, rural character of the Town.

Originally a part of Middletown, in 1744 the Connecticut General Assembly recognized Middlefield as a separate religious society but it was not until 1866 that is was officially incorporated as a separate town. In fact it was one of the last of Connecticut's 169 cities, towns, and boroughs. From the Millers and Lymans to the Hubbards, Coes, and Augurs, the community is still home to many descendants of its founding members—one of the many things that makes this community a special place to live.

Middlefield has a rich agricultural and industrial history that continues to today. In its earliest years, it was settled by farmers and in fact it remains home to one of the oldest family-run businesses in the United States, Lyman Orchards. In time, light industry came to town with a paper mill and later a powder mill coming into operation, followed by factories for nail cutting and pistol making as well as a grist and saw mill. Today, Middlefield is home to the Cooper Atkins Corporation as well as Zygo Corporation and the Cahill & Sons companies.

The Town is also full of beautiful natural resources and protected open spaces. Wadsworth State Park offers a beach and small lake for swimming as well as trails for hiking.

It is also home to Wadsworth Falls, one of the largest and finest waterfalls in Connecticut, where the West River falls thirty-five feet and when the river is running high the roar of the falls can be heard for miles around. Pekham Park offers residents and visitors a wide variety of year round activities including ice-skating, baseball, basketball, soccer, and a wonderful jungle gym. On Lake Beseck you can often find the locals fishing or simply enjoying the water. And, of course, at Lyman Orchards you can pick your own fruit in the summer and fall and enjoy apple-picking, the corn and sunflower mazes, and pumpkin fields in the fall.

It has been an honor for me to serve as Middlefield's U.S. Representative these last twenty-five years and I am proud to have this opportunity to extend my heartfelt congratulations to every member of this special community as they celebrate their 150th Anniversary.

CORPORAL, UNITED STATES ARMY, SUSAN J. YOUNGWORTH

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and honor Susan J. Youngworth, Corporal, United States Army, for her service to our country.

Corporal Youngworth served in the United States Army from May 1990 to May 1994. As an Army Medical Specialist, Corporal Youngworth had the opportunity to serve as a combat medic while on active duty, supporting Operation Desert Shield/Desert Storm, with service in Iraq and Kuwait.

Corporal Youngworth participated in the 2015–2016 Veterans History Project documentary film produced by the students and Westminster High School in conjunction with our office. The film is part of the Library of Congress' Veterans History Project (VHP), a congressionally chartered project that works to collect, preserve and make accessible personal accounts of American war veterans. As a result, my office had the honor and privilege of getting to know Corporal Youngworth and hearing about her experiences as a combat medic. Corporal Youngworth's stories will be submitted to the Library of Congress to forever be preserved in our nation's history.

Corporal Youngworth's courageous service has charted the path for future generations of men and women to serve in the military. I extend my deepest appreciation to Corporal Susan J. Youngworth for her dedication, integrity and outstanding service to the United States of America.

TRIBUTE TO THE CITY OF PERRY

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize the City of Perry, Iowa for its recognition as a 2015 Tree City USA sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the U.S. Department of Agriculture Forest Service's Urban and Community Forestry program (the Forest Service).

The City of Perry has met the core standards for tree care during the past year. Over 135 million Americans live in Tree USA communities. In its 40th year of celebration, the Tree City USA program is critical to the U.S. Forest Service. This federal partner delivers technical and financial resources to states, cities and communities across the nation with each community adhering to a State Action Plan, guiding investments in each state while accomplishing local projects and programs.

The U.S. Forest Service and Arbor Day Foundation cooperate with communities to establish healthy forests, improve air and water quality and contribute to important national energy conservation goals. These local investments create long term major environmental improvements nationwide. When communities like Perry are recognized it makes me proud to represent our great state in the United States Congress.

I commend the City of Perry and urge my colleagues in the U.S. House of Representatives to join me in congratulating them for receiving this award and in wishing the city nothing but continued success.

HONORING UNITED SENIOR CITIZENS CENTER

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Ms. VELÁZQUEZ. Mr. Speaker, I rise to congratulate the United Senior Citizens Center as they celebrate 42 years of dedicated service to the Sunset Park neighborhood.

Since 1974, this organization has enriched the minds, bodies and souls of seniors in our community.

I'd also like to extend heartfelt congratulations to my good friend Grisel Amador, who has devoted her time and energy to running this center for over 28 years through many challenges. Grisel has truly helped shepherd this institution into a valuable anchor of the community and she should be applauded for all that she does. Grisel and all the Center's workers understand the importance of caring for our senior citizens and treating them with the utmost care and respect.

During these challenging fiscal times when many federal, state and city services are being scaled back, community organizations like the United Senior Citizens Center are all the more important.

Mr. Speaker, I thank the staff and all those involved with the United Senior Citizens Center for their dedication to the seniors of Brooklyn. I ask my colleagues to join me in congratulating them on 42 years of service.

IN RECOGNITION OF THE CENTER FOR FATHERS AND FAMILIES' 14TH ANNUAL SALUTE TO FATHERHOOD BANQUET

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Ms. MATSUI. Mr. Speaker, I rise today to recognize the Center for Fathers and Families as friends and supporters gather to celebrate those being honored at the 14th Annual Salute to Fatherhood Banquet. I ask all my colleagues to join me in honoring the Center for Fathers and Families and these fine fathers.

Founded over two decades ago, the Center for Fathers and Families focuses on promoting the roles that fathers and father-figures play in their families and in our community as a whole. The Center offers many programs and services that aim to enrich and empower fathers and their families. Classes for parents include parenting classes for men, co-parenting classes, anger management classes, and GED preparation and completion, as well as individual personal assistance sessions. Each of these services and transformational programs make the Center for Fathers and Families a cornerstone of our community.

At this year's gala, four men will be honored for their contributions to our community as fathers, father-figures, and mentors. I would like to recognize each of these men, Frankie McDermott, Kevin Ridgle, Peterson Latortue, and Micah Simmons, for their commitment to parenting and mentoring our youth. These men truly model the Center's motto, ''Fatherhood is Forever.''

Mr. Speaker, as friends and families of the Center for Fathers and Families gather to recognize this year's honorees, I ask all my colleagues to join me in honoring them for their unwavering commitment to family and to strengthening our community.

CONGRATULATING WAYZATA BOYS TRACK AND FIELD

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. PAULSEN. Mr. Speaker, I rise today to congratulate the Wayzata High School Boys Track and Field team on winning their second consecutive Minnesota State championship.

The Trojans defended their title led by first place finishes by Jaret Carpenter in both the sixteen-hundred meter and thirty-two-hundred meter races, and strong performances from the relay teams. Wayzata used a complete team effort to win the title and I commend them for their accomplishments.

These athletes spend countless hours practicing to reach their personal bests. They understand the value of teamwork and sportsmanship to not only become better athletes and teammates, but better students, members of the community, and future leaders.

In addition, they manage their time to excel at school, as well as fulfill and exceed family and social obligations.

Mr. Speaker, the families, teachers, friends, and our entire community are very proud of these high school champs. Congratulations to the Wayzata High School Boys Track and Field team on a job well done.

PEARLAND DETECTIVE JOHN DESPAIN RECEIVES DISTINGUISHED HONOR

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. OLSON. Mr. Speaker, I rise today to congratulate Pearland Detective John DeSpain for receiving Officer of the Year Honors for his exceptional service to the community.

John DeSpain was named the Texas/Louisiana Gulf Coast District Exchange Club's Officer of the Year at their annual banquet. DeSpain has been with the Pearland Police Department since 2003, and was promoted to Detective in 2012. In addition to his detective work, DeSpain is the current President of the Pearland Police Officer's Association. Pearland residents are better protected thanks to his dedication to protect and serve.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Detective John DeSpain for receiving this distinguished honor and for helping to keep Pearland safe.

HONORING THE LIFE OF LOUIS JOSEPH FISHER

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise today to honor the life of Louis ''Lou'' Joseph Fisher who passed away at the age of 78 on May 2nd, 2016 in McLean, Virginia.

Lou was born in New York City, New York on September 4, 1937 and moved to the Washington, D.C. area at a young age. He attended St. Mary's Academy in Alexandria, Virginia and graduated from St. John's College High School in Washington, D.C. Following his graduation from St. John's, Lou attended Virginia Military Institute and George Washington University, where he graduated with a business degree.

Mr. Fisher spent most of his life working at International Business Machines Corporation (IBM), where he loyally served for 28 years. Prior to joining IBM, Lou worked for California Satellite Company, and even developed and sold two companies, Federal Computer Corporation and Condor Tech. His dedication to both his work and his family was known to all, and his commitment to those around him is a loss for us all. His passion and service to our community was unparalleled.

Lou will be sincerely missed by all those who had the pleasure of knowing him both on a personal and a professional level. I know that he has impacted many in his life, and we are all grateful for having known him. He is survived by his wife, Mary; his sister, Lois Hamilton, many nieces and nephews, and countless friends.

Mr. Speaker, I ask that my colleagues join me in celebrating the life of, and bidding farewell to, Louis Fisher. May he rest in peace, and his family be comforted.

COMMITTEE VOTES ON DENYING TRANSFERS OF FIREARMS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mrs. LOWEY. Mr. Speaker, I submit the following:

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLL CALL NO. 2

Date: July 17, 2013

Measure: Commerce, Justice, Science and Related Agencies Appropriations Bill, FY 2014

Motion by: Mrs. Lowey

Description of Motion: To allow the Attorney General to deny transfers of firearms to persons known or suspected to be engaged in conduct related to terrorism.

Results: Defeated 19 yeas to 29 nays.

Members Voting Yea	Members Voting Nay
Mr. Cuellar	Mr. Aderholt
Ms. DeLauro	Mr. Alexander
Mr. Farr	Mr. Bishop
Mr. Fattah	Mr. Bonner
Mr. Honda	Mr. Calvert
Ms. Kaptur	Mr. Carter
Ms. Lee	Mr. Cole
Mrs. Lowey	Mr. Crenshaw
Ms. McCollum	Mr. Culberson
Mr. Moran	Mr. Dent
Mr. Pastor	Mr. Diaz-Balart
Ms. Pingree	Mr. Fleischmann
Mr. Price	Mr. Fortenberry
Mr. Quigley	Mr. Frelinghuysen
Ms. Roybal-Allard	Ms. Granger
Mr. Ryan	Mr. Graves
Mr. Schiff	Dr. Harris
Mr. Serrano	Mr. Joyce
Mr. Visclosky	Mr. Kingston
	Mr. Latham
	Mr. Nunnelee
	Mr. Owens
	Mr. Rogers
	Mr. Rooney
	Mr. Simpson
	Mr. Valadao
	Mr. Wolf
	Mr. Womack
	Mr. Yoder

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLL CALL NO. 1

Date: May 20, 2015

Measure: Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY 2016

Motion by: Mrs. Lowey

Description of Motion: To allow the Attorney General to deny transfers of firearms to persons known or suspected to be engaged in conduct related to terrorism.

Results: Defeated 19 yeas to 32 nays

Members Voting Yea	Members Voting Nay
Ms. DeLauro	Mr. Aderholt
Mr. Farr	Mr. Amodei
Mr. Fattah	Mr. Bishop
Mr. Honda	Mr. Calvert
Mr. Israel	Mr. Carter
Ms. Kaptur	Mr. Cole
Mr. Kilmer	Mr. Crenshaw
Ms. Lee	Mr. Cuellar
Mrs. Lowey	Mr. Culberson
Ms. McCollum	Mr. Dent
Ms. Pingree	Mr. Diaz-Balart
Mr. Price	Mr. Fleischmann
Mr. Quigley	Mr. Fortenberry
Ms. Roybal-Allard	Mr. Frelinghuysen
Mr. Ruppersberger	Ms. Granger
Mr. Ryan	Mr. Graves
Mr. Serrano	Dr. Harris
Mr. Visclosky	Ms. Herrera Beutler
Ms. Wasserman Schultz	Mr. Jenkins
	Mr. Jolly
	Mr. Joyce
	Mr. Palazzo
	Mr. Rigell
	Mrs. Roby
	Mr. Rogers
	Mr. Rooney
	Mr. Simpson
	Mr. Stewart
	Mr. Valadao
	Mr. Womack
	Mr. Yoder
	Mr. Young

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each roll call vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLL CALL NO. 2

Date: May 24, 2016

Measure: Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY 2017

Motion by: Mrs. Lowey

Description of Motion: To allow the Attorney General to deny transfers of firearms to persons known or suspected to be engaged in conduct related to terrorism.

Results: Defeated 17 yeas to 29 nays

Members Voting Yea	Members Voting Nay
Ms. DeLauro	Mr. Aderholt
Mr. Farr	Mr. Amodei
Mr. Honda	Mr. Bishop
Mr. Israel	Mr. Calvert
Ms. Kaptur	Mr. Carter
Mr. Kilmer	Mr. Cole
Mrs. Lowey	Mr. Crenshaw
Ms. McCollum	Mr. Cuellar
Ms. Pingree	Mr. Culberson
Mr. Price	Mr. Dent
Mr. Quigley	Mr. Diaz-Balart
Ms. Roybal-Allard	Mr. Fleischmann
Mr. Ruppersberger	Mr. Frelinghuysen
Mr. Ryan	Mr. Graves
Mr. Serrano	Dr. Harris
Mr. Visclosky	Mr. Jenkins
Ms. Wasserman Schultz	Mr. Jolly
	Mr. Joyce
	Mr. Palazzo
	Mr. Rigell
	Mrs. Roby
	Mr. Rogers
	Mr. Rooney
	Mr. Simpson
	Mr. Stewart
	Mr. Valadao
	Mr. Womack
	Mr. Yoder
	Mr. Young

PERSONAL EXPLANATION

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Ms. JACKSON LEE. Mr. Speaker, on Friday, June 10, I missed Roll Call Votes 289 through 296 due to the necessity of my attending to representational duties on behalf of my congressional district. Had I been present, I would have voted as follows:

On Roll Call 289 I would have voted Yes. (H.R. 5325—Legislative Branch Appropriations Act, 2017—Ellison of Minnesota Amendment No. 2)

On Roll Call 290 I would have voted No. (H.R. 5325—Legislative Branch Appropriations Act, 2017—Blackburn of Tennessee Amendment No. 6)

On Roll Call 291 I would have voted Yes. (H.R. 5325—Legislative Branch Appropriations Act, 2017—Takano of California Amendment No. 11)

On Roll Call 292 I would have voted No. (H.R. 5325—Legislative Branch Appropriations Act, 2017—Pearce of New Mexico Amendment No. 13)

On Roll Call 293 I would have voted Yes. (H.R. 5325—Legislative Branch Appropriations Act, 2017—On Motion to Recommit with Instructions)

On Roll Call 294 I would have voted No. (H.R. 5325—Legislative Branch Appropriations Act, 2017—On Passage)

On Roll Call 295 I would have voted No. (H. Con. Res. 89—Expressing the sense of Congress that a carbon tax would be detrimental to the United States economy (Scalise—Ways and Means)

TRIBUTE TO THE CITY OF PLEASANT HILL

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize the City of Pleasant Hill, Iowa for its recognition as a 2015 Tree City USA sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the U.S. Department of Agriculture Forest Service's Urban and Community Forestry program (the Forest Service).

The City of Pleasant Hill has met the core standards for tree care during the past year. Over 135 million Americans live in Tree USA communities. In its 40th year of celebration, the Tree City USA program is critical to the U.S. Forest Service. This federal partner delivers technical and financial resources to states, cities and communities across the nation with each community adhering to a State Action Plan, guiding investments in each state while accomplishing local projects and programs.

The U.S. Forest Service and Arbor Day Foundation cooperate with communities to establish healthy forests, improve air and water quality and contribute to important national energy conservation goals. These local investments create long term major environmental improvements nationwide. When communities like Pleasant Hill are recognized it makes me proud to represent our great state in the United States Congress.

I commend the City of Pleasant Hill and urge my colleagues in the U.S. House of Representatives to join me in congratulating them on receiving this award and in wishing the city nothing but continued success.

HONORING MR. KENNETH H. HOFMANN

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Mr. Kenneth Hofmann, owner of the Rancho Esquon Wildlife Area and wetlands steward par excellence, for his commitment to community development and wildlife preservation.

Mr. Hofmann, a lifelong Californian, has spent most of the past three decades working to promote philanthropy, educational and artistic initiatives, and wildlife conservation. In 1990, Mr. Hofmann purchased Rancho Esquon, a sprawling agricultural property in Butte County, and began working to restore its natural habitat. Today, the ranch boasts over 900 acres of wetlands, is home to more than 20,000 trees and 173 species of birds, and serves as a valuable educational resource. Over 4,000 students have taken class field trips to Rancho Esquon, many of whom have returned to visit the site's egg salvage facility.

Today, to further expose and educate regarding the importance of our wetlands, Mr. Hofmann is in the process of building the Pacific Flyway Center, a world-class museum and zoo facility in Suisun Marsh. The Center is dedicated to inspiring conservation of the Pacific Flyway, a critical migratory route stretching from Alaska to Patagonia. Every year, at least one billion birds migrate along the Flyway, and its importance to waterfowl populations cannot be overstated. Upon completion, the Center will offer educational opportunities for local students and citizens.

Mr. Hofmann's charitable organization, The Hofmann Family Foundation (HFF), has worked for over 20 years to help young people in need. In 1995, a $1 million donation from the HFF created the Concord Community Youth Center, which today provides educational and athletic opportunities for 1,900 underprivileged young people. And in 2014, Mr. Hofmann donated funds to create the De La Salle Academy, a division of De La Salle High School dedicated to providing high-quality education for boys whose financial circumstances would otherwise prevent private schooling. By the end of 2016, the Academy will have 80 students enrolled in the fifth and sixth grades.

Mr. Speaker, Kenneth Hofmann has dedicated his time and resources for nearly 40 years to enriching the lives of California's young people and protecting its environment. Mr. Hofmann's efforts have benefitted our community enormously, and it is fitting and proper that we honor him here today.

CONGRATULATING COLE WILLIAM MCCLINTIC ON ACHIEVING THE BOY SCOUTS OF AMERICA'S (BSA) TOP RANK OF EAGLE SCOUT

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. LONG. Mr. Speaker, I rise today to congratulate Cole William McClintic, of Hollister, Missouri, on his recent achievement of the Boy Scouts of America's (BSA) top rank of Eagle Scout.

The rank of Eagle Scout is the highest rank attainable in the Boy Scouts of America. It is the culmination of many years of hard work and dedication, requiring countless hours of service, training and learning. An extremely exclusive honor, especially when considering that less than two percent of the 112 million scouts since the BSA's founding in 1910 have achieved the Eagle Scout distinction.

Cole has been a member of the BSA since first grade, and has been involved ever since. He has held 5 elected positions across his years in the scouts, with roles ranging from troop historian, to quartermaster, to troop leader. Due to his impressive career as a scout, Cole is also a member of the Order of the Arrow, which is the BSA's National Honor Society, a group made up of those scouts deemed to truly embody the ideals that Boy Scouts strive to display.

Mr. Speaker, by attaining the rank of Eagle Scout, Cole has set himself on the path to achieve future success, and I'm proud to count him among my constituents. His dedication in completing the required benchmarks and community service requirements to reach the Eagle Scout rank are indicative of his ability to accomplish whatever goals he sets his mind to. I wish Cole luck with all his future endeavors, and urge my colleagues to join me in congratulating him on this momentous achievement.

SUPPORTING THE GOAL OF ENSURING ALL HOLOCAUST VICTIMS LIVE WITH DIGNITY, COMFORT AND SECURITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. RANGEL. Mr. Speaker, I rise in strong support for House Concurrent Resolution 129, which allows all Holocaust victims to live with dignity, comfort, and security in their remaining years. I want to congratulate as well as urge the Federal Republic of Germany to continue to reaffirm its commitment to this goal through a financial commitment to comprehensively address the health and welfare needs of vulnerable victims, including homecare and other medically prescribed needs.

For over 45 years I have proudly served in the House of Representatives for one of the most diverse constituencies in our great country. Among these wonderful people are a large

number of Jewish people that have suffered and survived one of the worst crimes in the history of humanity. Despite severe health problems and burdened sometimes with poverty and limited income, these proud people continue to survive their nightmare and continue to make major contributions to our community and our country.

The House of Representatives has on June 7, 2016 overwhelmingly passed this bill and now awaits the consideration in the other body.

The German people are to be praised for supporting this Claims Conference and recognizing that the atrocities committed should never be forgotten. Much more has to be done and I want to thank the Metropolitan Council on Jewish Poverty, The United Jewish Council, the UJA Federation of New York, and other social service organizations providing care across our own country.

I applaud the Claims Conference for its tireless advocacy on behalf of Holocaust survivors worldwide in order to provide them with a small measure of justice and the funding necessary for them to live with dignity, comfort, and security.

IN RECOGNITION OF RANDY TAYLOR

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. BURGESS. Mr. Speaker, I rise today to recognize Randy Taylor who is retiring after more than thirty years of dedicated public service with the Lewisville Fire Department. Beginning his career in 1985, Mr. Taylor has served within the Lewisville Fire Department in multiple capacities. He is recognized as a dedicated firefighter and as a knowledgeable mentor to those who have been privileged to work with him. Captain Taylor has been an integral part of the Lewisville Fire Department, and leaves a lasting legacy of excellence and leadership.

Mr. Taylor began his career as a volunteer firefighter and was eventually hired full time by the department. After serving 8 years, he was promoted to driver and engineer. His commitment to the department never wavered and after twenty years he earned the rank of captain. He has served at 5 of the 7 LFD stations and he retires as head of station four. He has been a positive influence on the firefighters he has worked with over the years and his service to the city of Lewisville will not soon be forgotten.

I am honored to represent Captain Taylor and the city of Lewisville in the U.S. House of Representatives. I salute Captain Taylor for his exemplary career and extend him my best wishes upon his retirement and future endeavors.

IN RECOGNITION OF THE YMCA OF CAPE COD

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. KEATING. Mr. Speaker, I rise today to recognize YMCA Cape Cod on the joyous occasion of its 50th Anniversary.

For generations, over ten thousand neighborhoods and local communities around the country have been enriched by the presence and services provided by the YMCA. The Y, as the YMCA is affectionately known, is a center from which community life has radiated for over 160 years. It serves not only as a health and fitness club but also as a place where neighbors gather and young people find valuable mentors. This exceptional organization is recognized both nationally and internationally for its commitment to its mission of youth development, healthy living and social responsibility, while strengthening communities, and promoting lifelong wellness.

The celebration of YMCA Cape Cod's landmark 50th anniversary gives us reason to reflect on the far-reaching influence this center has had on the Cape Cod community. Since its incorporation in 1966 following a meeting of community members in Hyannis, YMCA Cape Cod has continued to grow and thrive, and the organization now proudly operates numerous successful facilities across Cape Cod. A highlight of YMCA Cape Cod is Camp Lyndon—a day camp that provides boating lessons, arts and crafts, family nights and countless other exciting summer activities for young people around Cape Cod to enjoy in an environment that encourages a spirit of adventure and cultivates core values of caring, honesty, respect and responsibility. Another standout program is the Teen Achievers Program, a mentorship program that encourages teens to pursue higher education opportunities. Additionally, it provides a range of essential services—from excellent childcare centers to organized youth sports year-round.

Mr. Speaker, I urge my colleagues to join me in congratulating YMCA Cape Cod, its enthusiastic staff and dedicated volunteers on the celebration of 50 years of service to the Cape Cod Community. I look forward to seeing all that this outstanding organization is going to accomplish in the next 50 years.

STAFFORD HIGH SCHOOL MOURNS THE LOSS OF COACH MICHAEL MESA

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. OLSON. Mr. Speaker, I rise to honor the life of Stafford High School head baseball coach Michael Mesa.

At only 25 years old, Michael Mesa died unexpectedly on May 13, 2016. His death was unexpected and the cause is still unknown. Mesa was a Stafford High School 2008 graduate who in his senior year was an all-district catcher. Michael Mesa was a respected teacher and coach, and will be sorely missed. He is survived by his fiancée and a two year old son.

On behalf of the Twenty-Second Congressional District of Texas, we offer our condolences to the friends and family of Michael Mesa and the Stafford High School community. His leadership and dedication will be missed.

IN RECOGNITION OF COLONEL ROGER L. McCREERY

HON. CHRIS STEWART

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. STEWART. Mr. Speaker, I rise today to recognize Colonel Roger L. McCreery, a close friend of mine, who has faithfully served the United States Army and the Tooele Army Depot for three years, and will now be relinquishing command. It is my honor to recognize the many sacrifices and years of service Colonel McCreery has given to our great nation. I have had the opportunity to work with Colonel McCreery on a variety of issues and I have appreciated his openness and willingness to partner together to help the people of Utah.

I offer my sincerest thanks for all those who serve at the Tooele Army Depot, and especially those who have had the privilege to serve with Colonel McCreery. I understand the sacrifices our service men and women make on behalf of our nation. I am humbled by the work Colonel McCreery and these individuals do every day to protect not only my freedom but our nation's freedom as well.

Defending honor, duty, and country is the greatest accomplishment one can achieve in the U.S. Army. Colonel McCreery's courage and dedication has helped make our armed forces the most respected in the world.

COMMEMORATING ECUMENICAL PATRIARCH BARTHOLOMEW FOR CONVENING THE GREAT AND HOLY COUNCIL OF ORTHODOX CHURCHES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to commemorate the Orthodox Christian Churches, which make up the second largest Christian Church in the world, who will be gathering in a Holy and Great Council June 19–26. This is an extraordinary, historic moment in time for Orthodox Christianity. For nearly 300 million Christians, many of whom live in the United States, this Council is of extraordinary historic significance. The adoption of the Nicene Creed in the year 325, a prayer that is recited in virtually every Christian Church in the world, remains the most well-known result of such a Council.

Ecumenical Patriarch Bartholomew is convening this Great and Holy Council of Orthodox Churches around the world. The Ecumenical Patriarch is the 269th direct successor of the ''first-called'' Apostle Andrew who established his Holy See in that region. Ecumenical Patriarch Bartholomew is a renowned person and is no stranger to America where he has been recognized many times for his noteworthy accomplishments. Many will recall that he brought about the world's first statement by Muslim and Christian leaders denouncing the 9/11 attacks as an ''anti-religious'' act.

Among other recognitions of great consequence, the U.S. Congress awarded the Ecumenical Patriarch the Congressional Gold Medal in 1997. We welcome this gathering and congratulate our three million Orthodox Christians in America and the 300 million around the world.

TRIBUTE TO KYLEE MUYSKENS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Kylee Muyskens, of Panorama High School in Panora, Iowa. Kylee was recently honored for outstanding academic achievement at the Fourteenth Annual Governor's Scholar Recognition on May 1, 2016.

This statewide program is sponsored by the Iowa Governor's Office, the Iowa High School Athletic Association and the Iowa Farm Bureau. Each Iowa high school was invited to select a senior with the highest academic ranking. Not only are they academically gifted, but the selected students are often the youth who succeed in extra-curricular activities and community endeavors.

Mr. Speaker, it is a profound honor to represent leaders like Kylee Muyskens in the United States Congress. It is with great pride that I recognize and applaud her for utilizing her talents to reach her goals. I invite my colleagues in the United States House of Representatives to join me in congratulating Kylee on receiving this esteemed designation, and wishing her the best of luck in all her future endeavors.

HONORING THE DURHAM FAIR ON THE CELEBRATION OF ITS CENTENNIAL ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the community of Durham, Connecticut as well as a host of surrounding communities in extending my heartfelt congratulations to the Durham Fair Association as they mark the 100th Anniversary of the Durham Fair, Connecticut's largest agricultural fair and a cherished local legacy.

Each year, on the last full weekend of September, thousands converge on the historic Durham Fairgrounds for this wonderful celebration of Connecticut's rich agricultural history. Before the gates open each day, the national anthem is sung; down in the Cow Palace and Animal Buildings, farms from across the state showcase a variety of animals including beef and dairy cattle, horses, llamas, pigs, rabbits, chickens, goats, and sheep; in the Commercial Building the vendors offer everything from farm equipment to vacuum cleaners; and in the Crafts Tent you can enjoy the works of local artists selling wares from handmade pottery, clothing, and jewelry to some of the world's best fudge.

Art, baking, canning, crafts & collections, needlework and photography—there is no shortage of categories for the skills of adults and youth showcased throughout the ''Best in Show'' exhibits. Entries from quilts and woodworking to jams, pies and cakes, as well as pumpkin carving are on display competing for the coveted blue ribbon awards. Each extraordinary exhibit harkens back to the heritage and hallmarks of a true country fair.

And you cannot miss the Farm Museum where their vast collection of antique farm equipment and collectibles will transport you back to the days of hand-cranked tractors, blacksmiths, and pot-bellied stoves. The Midway offers a variety of classic amusement rides and games and on the four different stages throughout the fairgrounds, musical entertainment from favorite local bands to major headliners comes with your admission ticket. And, of course, there are also the annual favorites—the tractor pull and demolition derby. It is nothing short of an extraordinary experience.

Of course, one cannot talk about the Durham Fair without mentioning the incredible variety of food one can enjoy throughout the fairgrounds. And while there are private vendors that contract with the Fair, much of the fare offered is from local nonprofit organizations that the Association has opened the Fair to over the years. Ears of corn-on-the-cob, corn muffins, and popcorn are available from the PTA of Lyman Elementary School; the Coginchaug Benchwarmers have burgers and hotdogs; the Middlefield Lions have sausage and pepper grinders and fantastic donuts on their menu; the Portland Fire Department offers up the Fair's best french fries; Lime Rickeys are on tap at the Durham United Churches booth; and the Middletown Elks always have an extensive menu—and those are just a sampling of the more than two dozen local non-profits that participate in this event every year.

The Durham Fair Association takes great pride in distributing profits from the fair back to the community through scholarships and support of numerous projects and events. In fact, proceeds from the Durham Fair have allowed the Association to award over $500,000 in academic scholarships, make more than $50,000 in charitable donations, and assist in community projects such as fencing and maintaining the Old Cemetery, help with the repairs to the Durham Library and contribute to other library building projects, and purchase the Durham Fire Company's first Jaws of Life.

Over its 100-year history, what began as a single-day event has grown into a four-day celebration of agriculture past and present. What makes the Durham Fair particularly unique is that it remains a completely volunteer-run event—a testament to the special place it holds in the hearts of community members in Durham and neighboring communities. The Durham Fair is a local legacy that contributes to the enrichment of the Durham community in countless ways. Today, as they mark their centennial anniversary, I am proud to stand and extend my heartfelt congratulations and very best wishes for another century of continued success.

HONORING MRS. MARILYN D. ADAMS-COX

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable history maker, Mrs. Marilyn D. Adams-Cox, a resident of Cleveland, Mississippi.

Mrs. Adams-Cox is the daughter of Ms. Minnie Adams-Moore, and her paternal grandparents are the late Jack and Savannah Carlize, Sr. Mrs. Adams-Cox was born into a history making lineage. Her paternal grandparents had no problem being the first African Americans in the City of Cleveland, Mississippi to become prosperous entrepreneurs with numerous businesses, and her paternal grandmother being one of the first Bolivar County Head Start teachers.

Mrs. Adams-Cox saw the work ethic in her mother and parental grandparents and knowing that they did not allow anything to stop them from pursuing their life objectives as they demonstrated to family members that all things are possible if you believe in God.

She was fortunate to attend school in the Cleveland School District where Mrs. Minnie Evans and Mr. Nathan Tharp, who were teachers at B.L. Bell Elementary, had a profound impression on her when they taught on the importance and power of voting. When she attended Eastwood Junior High, the principal, Mr. Walter Robinson, instilled in her the importance of getting an education by constantly enforcing his motto: ''You can always learn something.'' Upon entering East Side High School she was met with a powerful government class educator, Mr. Ned Tolliver who stresses the importance of knowing how government works and how one's vote has influence. During her senior year of high school she registered to vote and has casted her vote in every election. After high school she attended Alcorn State University and met others who had a positive influence in her life.

Due to the strong motivators in her life, her goal early in her youth was to be an asset in society. In 1993 she was blessed with a position with the City of Cleveland, and after three years of employment became the first African American Manager/Director of the Water Department which serves over 6,000 water customers. The City of Cleveland was chartered in 1886 and after 110 years in existence she made history and carried on her family lineage.

Furthermore, she is always willing to do the unthinkable to ensure that each and every life

she touched would be touched in a positive way. Mrs. Cox is active in civic and social organizations and has received numerous awards.

Mrs. Adams-Cox is married to Michael Cox and they have one daughter, Elisha, in whom she has instilled the importance of getting an education and making sure she understands the power and influence within her vote.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Marilyn Adams-Cox, an amazing history maker in serving others.

SEVEN LAKES HIGH SCHOOL'S ALEX PRATT WINS SECOND PLACE IN STATE ESSAY CONTEST

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. OLSON. Mr. Speaker, I rise today to congratulate Seven Lakes High School senior Alex Pratt for winning second place in our state essay contest.

In addition to playing football and running track for his school, Alex received the second-place award in the editorial contest of the annual Law Day competition. This contest is sponsored by the State Bar of Texas. The theme of the state essay contest derived from the 50th anniversary of the U.S. Supreme Court case, Miranda v. Arizona. His essay titled, ''Miranda: More Than Words: How the Sins of the Past Have Shaped a Better Present'', explores the procedural protections granted to everyone by the U.S. Constitution. The competition was open to all state bar associations, that selected local winners in each of three competition categories. The Katy Bar Association chose Alex's composition for its editorial submission.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Alex Pratt for winning second place in the annual Law Day competition. Thank you for bringing this prestigious honor to Seven Lakes High School. We expect more great things from Alex in the future.

HISTORIC MEETING OF ORTHODOX CHRISTIANS

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. ROYCE. Mr. Speaker, I rise to recognize the events taking place on the Greek island of Crete, where Ecumenical Patriarch Bartholomew of Constantinople has called a historic meeting of Orthodox Christian Churches.

This meeting, known as the Holy and Great Council, is the first of its kind in over a millennium. The fourteen Orthodox Christian Churches together have over 300 million followers around the world, including over a million Americans. These churches are self-governing but united by common dogma, faith, liturgy, and moral conviction, with the Ecumenical Patriarch serving as the ''first among equals.''

Three hundred and fifty leaders will attend this meeting, which is set to begin on Sunday and continue through June 26. They will discuss key issues facing Orthodox Christians, including the church's mission in today's world, the Orthodox diaspora, and relations with other Christian churches.

Ecumenical Patriarch Bartholomew was elected in October 1991 as the 270th Archbishop of his 2000-year-old Church. He holds numerous doctorates, including from Georgetown and Yale, and was awarded a Gold Medal by Congress in 1997.

The Patriarch has a record of reaching out and working for peace and reconciliation among all faiths and has fostered dialogue among Christians, Jews, and Muslims. After the September 11, 2001 attacks, the Patriarch organized a gathering of religious leaders including Muslim Imams to condemn the attacks as an anti-religious act.

Mr. Speaker, the over one million Orthodox Christians in the United States represent diverse backgrounds and cultures. I join them in celebrating this historic meeting.

TRIBUTE TO THE CITY OF JOHNSTON

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize the City of Johnston, Iowa for its recognition as a 2015 Tree City USA sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the U.S. Department of Agriculture Forest Service's Urban and Community Forestry program (the Forest Service).

The City of Johnston has met the core standards for tree care during the past year. Over 135 million Americans live in Tree USA communities. In its 40th year of celebration, the Tree City USA program is critical to the U.S. Forest Service. This federal partner delivers technical and financial resources to states, cities and communities across the nation with each community adhering to a State Action Plan, guiding investments in each state while accomplishing local projects and programs.

The U.S. Forest Service and Arbor Day Foundation cooperate with communities to establish healthy forests, improve air and water quality and contribute to important national energy conservation goals. These local investments create long term major environmental improvements nationwide. When communities like Johnston are recognized it makes me proud to represent our great state in the United States Congress.

I commend the City of Johnston and urge my colleagues in the U.S. House of Representatives to join me in congratulating them on this award and in wishing the city nothing but continued success.

CONGRATULATING FAITH WEN ON BEING NAMED A MEMBER OF THE 52ND CLASS OF THE U.S. PRESIDENTIAL SCHOLARS

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. LONG. Mr. Speaker, I rise today to congratulate Faith Wen, of Strafford, Missouri, for recently being named a member of the 52nd Class of the U.S. Presidential Scholars.

The U.S. Presidential Scholars program was established in 1964 with the intent of honoring the top high school graduates in the nation. It is an extremely prestigious award that is only granted to 161 graduating seniors, who are considered for admittance based on their proven track record of academic excellence. Applications to the Presidential Scholars program are by invite only, as applicants are either nominated by earning exceptional standardized test scores or by being specifically nominated by a Chief State School Officer.

Faith had to pass a rigorous selection process on her way to receiving this honor. As one of 4,000 initial candidates from over 3.3 million graduating seniors, Faith had already distinguished herself as a high achieving student. By being selected as one of 800 semifinalists, and then finally as one of the 161 award recipients, Faith has proven to be worthy of one of the highest academic honors attainable by a high school student.

Mr. Speaker, Faith Wen has earned the honor of being a U.S. Presidential Scholar through a combination of tireless effort, dedication to her studies and impressive intelligence. I'm proud to count such a remarkable young woman among my constituents. On behalf of Missouri's Seventh Congressional District, I urge my colleagues to join me in extending congratulations to Faith, and wishing her luck in all her future endeavors.

RECOGNIZING COLONEL PAUL BALASH III

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor DLA Distribution San Joaquin Deputy Director Colonel Paul Balash III on his retirement. I would also like to personally thank him for his many years of profound service to our Country and to San Joaquin County.

Colonel Balash was born on May 19, 1948 in Fremont, California. After obtaining his degree from San Diego State University, he attended the Marine Corps War College and the National Defense University. Col. Balash dedicated 34 years of service to the Marine Corps, beginning as a Private and retiring at the rank of Colonel. His outstanding leadership allowed him to serve as a logistician, strategic military planner, and a national security specialist.

Throughout his time in service he was involved in over 50 studies, analyses, and gaming events aiding the Chairman of Joint Chiefs

of Staff and Secretary of Defense. Events under his supervision included the Comprehensive Material Response Plan, DLA and USTC efforts for material positional, distribution for a national defense strategy, and PRIME CHALLENGE III.

Mr. Speaker, please join me in honoring and commending Colonel Paul Balash for his service and dedication to our great country.

PAYING TRIBUTE TO TOM SNYDER FOR HIS 9 YEARS OF OUTSTANDING SERVICE AS PRESIDENT OF IVY TECH COMMUNITY COLLEGE

HON. SUSAN W. BROOKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to honor Tom Snyder on the occasion of his retirement from Ivy Tech Community College. For the past nine years, Tom has devoted his life to providing an exceptional educational experience to the students of Ivy Tech. Ivy Tech flourished immensely under Tom's strong leadership, and the Hoosier community is forever grateful for his dedication to our state and country's future leaders.

Tom has demonstrated a lifetime passion for serving his community and country. As a lifelong resident of Anderson, Indiana, Tom graduated St. Mary's High School. He attended Kettering University in Flint, Michigan, formerly known as General Motors Institute, and graduated in 1967 with a degree in mechanical engineering. He later earned a master's degree in business administration from Indiana University after having served as a Second Lieutenant in the United States Air Force for 6 years. He applied his passion for learning and education to his service in the Air Force, working in research and development at various locations such as Vandenberg and Andrews Air Force Bases as well as the Pentagon.

Before serving as President of Ivy Tech, Tom worked as a business executive in the engineering sector. He was CEO of Anderson-based auto-parts maker Remy International Inc., which in 1994 spun off from General Motors Corp., where he'd spent the previous 20 years. Tom became President of Ivy Tech in 2007, right as our country was headed into the Great Recession of 2008. Though he did not have a long history in the higher education world, Tom was uniquely qualified for the job as his years of leading manufacturing companies gave him a pronounced understanding of the critical importance of preparing a trained workforce for the Hoosier economy.

Under Tom's leadership, Ivy Tech Community College grew exponentially, both in student enrollment and programming. Ivy Tech, which serves more than 175,000 students annually at 32 campuses across Indiana, is now the largest institution of higher education in Indiana and the nation's largest singly-accredited statewide community college system. Throughout his tenure as President, Tom redefined the educational experience provided at Ivy Tech. He reengineered and enhanced the college experience by implementing numerous program expansions and initiatives allowing for more educational pathways for students. Ivy Tech's duel credit program, which allows students to get a jump start on college by earning college credits while still in high school, has vastly grown under his guidance, increasing from 8,000 dual credit enrollments to over 50,000 enrolled today. Tom was able to fully develop new pathways for higher education for students including transfer credits between Ivy Tech and many four-year institutions. The number of students transferring from Ivy Tech Community College to public institutions in Indiana increased by 165 percent, equating to about 13,000 students per year.

Tom's wife, Bobbette, who is also a proud Anderson native, shares Tom's passion for education. She served as Executive Director of the Leadership Academy of Madison County for more than 22 years until she retired in 2014. She's also served as Co-Chair of the Circle of Ivy, a women's philanthropy circle at Ivy Tech aimed at cultivating and celebrating women as philanthropists and has been hugely influential in ensuring the program's success. Tom and Bobbette display a clear dedication and love for the entire Hoosier community, especially their hometown of Anderson. They have been instrumental in providing excellence in education for decades and in doing so have positively impacted the lives of countless Hoosiers.

Tom's success as a leader and astonishing dedication to higher education in Indiana has not gone unnoticed. He's received numerous awards, most notably the prestigious Sagamore of the Wabash from Governor Mike Pence (2016), Orr-O'Bannon Lifetime Achievement Award from the Indiana Economic Development Association (2014), Outstanding Achievement Award from The Greater Indianapolis Branch NAACP 3053 (2014), and was selected as a 2015 Champion of Diversity by Indiana Minority Business Magazine. He's engaged with non-profits and is a member of the Tocqueville Society of United Way, was selected to serve on numerous educational boards including the Community College Advisory Panel, Midwestern Higher Education Compact, the Indiana Career Council, and Academic Advisory Council, as well as boards focused on the growth of the community and manufacturing workforce such as Conexus, Energy Systems Network, Manufacturing Skill Standards Council, Auto Communities Network, Enerl, Rebuilding America's Middle Class, Central Indiana Corporate Partnership, Lightweight Innovations for Tomorrow, and the National Workforce Solutions Advisory Board. Additionally, he's a member of the Executive Committee for the Indiana State Chamber, the Executive Council of the Saint Theodore Guerin High School in Noblesville, the World Economic Forum in Davos, Switzerland, and serves on the board of the Paramount Theater in Anderson. In 2008, the Manufacturing Institute selected Tom to serve on their Education Council, the first-ever national education council focused on expanding and enhancing the manufacturing workforce, and most recently in 2015, he was appointed by President Barack Obama to serve on the College Promise Advisory Board, which is a coalition focused on promoting ideas for free community college.

I had the pleasure of working with Tom when I served as Senior Vice President and General Counsel for Ivy Tech from 2007 to 2012. His leadership and passion for helping others succeed was truly inspirational and I feel fortunate to call him a dear friend. Tom has left a lasting impact on the lives of students, faculty, and the Ivy Tech community. He and Bobbette have made a remarkable impression throughout the state of Indiana and left a legacy of success that will be built upon for years to come. On behalf of Indiana's Fifth Congressional District, I'd like to congratulate Tom on his notable career and extend a huge thank you for all the wonderful contributions he has made to the Hoosier community. I wish the very best to Tom, Bobbette, their four children, and ten grandchildren as they begin their next adventure in our community they have worked so hard to make a wonderful place.

JEAN SHELLEDY NOMINATED AS THE WOMAN OF THE YEAR

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. OLSON. Mr. Speaker, I rise today to congratulate Jean Shelledy of Missouri City, Texas for being nominated as the 2016 Woman of the Year by The Woman's Club of Missouri City.

The Woman's Club of Missouri City is the oldest social and civil club in the city, serving the community for the past 60 years. Among the WCMC charitable donation recipients are the Butterfield Education Foundation, Historical Dew House, Habitat for Humanity, Friends of the Missouri City Animal Shelter and annual legacy scholarship awards to Missouri City high school graduates. For almost a decade, Jean has been dedicated to the compassionate and community-driven mission of the WCMC. Proving herself time and time again, Jean has now served as the organization's president for the past two years and has contributed to the success of The Woman's Club of Missouri City.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Jean Shelledy for being recognized as The Woman's Club of Missouri City's 2016 Woman of the Year. We thank her for her continued dedication and support of the community and are confident her contributions to Missouri City will continue.

IN RECOGNITION OF THE HANNAH B.G. SHAW HOME

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. KEATING. Mr. Speaker, I rise today in recognition of the 75th anniversary of the Hannah B.G. Shaw Home and in appreciation of its work in establishing a permanent home to benefit seniors who are in need of assistance.

It is because of the generous donations of Hannah B.G. Shaw that this beautiful home was established. Hannah Shaw dedicated her life to philanthropic work, most notably leaving 55 acres of land and a sum of money to open the Shaw Home in 1941. This beautiful facility has been recognized as one of the top twenty-five facilities in the nation by the US News and World Report and as second in the state by the Massachusetts Department of Public Health customer satisfaction surveys.

In its 75 year history, the implementation of Hannah Shaw's vision has grown. Since opening in 1941, the Shaw Home has had five major renovations which have expanded residential spaces, modernized wellness facilities, and added a state-of-the-art rehabilitation gym and café.

Today, the Shaw Home houses a forty bed residential care facility along with a sixty-seven bed skilled nursing facility, fulfilling Hannah's goal of giving senior citizens of Massachusetts the ability to continue to maintain the highest quality of life. Through events such as Sports Day and luaus in celebration of National Nursing Homes Week, creation of care packages for troops overseas, and a ''Rhythms of Life'' concert by Hannah's Chorus, residents of the Shaw Home are able to enjoy their golden years in a loving community that goes beyond the standards of clinical care.

Mr. Speaker, I ask my colleagues to join me in honoring the Hannah B.G. Shaw Home as it celebrates this milestone. The 75th Anniversary of the Shaw Home provides us with an opportunity to reflect on the significance of maintaining the quality of life for the elderly in the United States. May the Shaw Home continue to provide exemplary care and remain a pillar of the community in the next 75 years.

TRIBUTE TO ROLAND AND VIRLANE ROTHFUS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Virlane and Roland Rothfus of Carlisle, Iowa, on the very special occasion of their 50th wedding anniversary. They were married on June 4, 1966.

It is always inspiring to hear of a marriage spanning five decades, especially when you contemplate everything those years have seen, all of the changes in every facet of public and private life, yet that commitment remains. Virlane and Roland's lifelong commitment to each other and their family truly embodies Iowa values. As they reflect on their 50th anniversary may their commitment grow even stronger, as they continue to love, cherish, and honor one another for many years to come.

Mr. Speaker, I commend this great couple on their 50th year together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion.

IN RECOGNITION OF DANNY THOMAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. BURGESS. Mr. Speaker, I rise today to honor Fire Chief Danny Thomas who is retiring after 34 years of public service within the town of Trophy Club. The town has benefited immeasurably from his unfaltering dedication, unfailing commitment, and unwavering devotion to the residents he served. Chief Thomas has served in several different capacities and played an integral role in the growth of the Trophy Club Fire Department.

Chief Thomas began his career in 1982 as a volunteer firefighter. In 1999 he was hired as a lieutenant and within one month rose to the rank of captain. In 2006 he was promoted to chief and has proudly served the Trophy Club community ever since. Along with his promotion to fire chief he became the emergency management coordinator and fire marshal for the town. Chief Thomas had a vision of growth and safety for this small community and has stayed true to that vision from the beginning.

When Chief Thomas began his career Trophy Club only had a volunteer fire department. Today, it is a full time department providing emergency medical and fire rescue services; boasting 16 full-time employees and four volunteers. Much of the significant expansion and the many improvements the fire station has seen can be attributed to Chief Thomas. He oversaw the construction of MUD 1 Fire Station in 2011 and implemented the Citizens Fire Academy and Citizens Emergency Response Team. Chief Thomas brought professional insight and wisdom to his team. His legacy will not be forgotten and his service will have a lasting impact within the department, as well as the Trophy Club community.

As Chief Thomas retires, he is highly esteemed by his colleagues and the community he has served for over 30 years. It is my privilege to honor such an outstanding citizen and to serve the town of Trophy Club in the U.S. House of Representatives.

RECOGNIZING THE HOLY AND GREAT COUNCIL

HON. LEE M. ZELDIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. ZELDIN. Mr. Speaker, I rise today to recognize the Holy and Great Council of the Orthodox Church.

Christianity and Orthodox Christianity, in particular, have suffered greatly in recent years. This negative development is the result of the Islamic fanaticism perpetuated by the Islamic State and other terror groups using the war in Syria as an excuse to ''ethnically cleanse'' Orthodox Christians from their villages. One such horror was the international broadcast of Islamic State members simultaneously beheading twenty-one Egyptians because they would not convert to Islam when ordered to denounce their Coptic Orthodox Christian faith.

Several Orthodox Christian Churches from around the world will gather in what is called a Great and Holy Council for the first time in over 1,000 years. The focus of the Council will be internal activities of the various Orthodox Churches; the current crisis for Christians in the Middle East is also a danger for so many Orthodox Christians and should not go unobserved at this history meeting.

All Christians and all men and women of faith and peace should focus on this Great and Holy Council and the individual who convened the various hierarchs, Ecumenical Patriarch Bartholomew. He possibly more than any other Christian leader understands the Muslim world; during his life he has seen Muslim cruelty toward Christians, which has greatly diminished the number of Christians in the Republic of Turkey.

The Ecumenical Patriarch experienced the 1955 pogrom carried out against the large Greek Orthodox community in Turkey. The pogrom resulted in many unnecessary Greek deaths and the destruction of thousands of Greek Orthodox businesses, homes, and cemeteries. Thousands upon thousands of Greeks fled the country in the aftermath.

The Greek Orthodox community in Turkey has been reduced to a fraction of what it once was, yet in light of such violence, the confiscation of thousands of Ecumenical Patriarchal properties, and restrictions of religious freedom of the Ecumenical Patriarch, His All-Holiness has found ways to cooperate and work constructively with the Muslim majority in his homeland of Turkey. The Ecumenical Patriarch has much to bring to the table regarding today's crisis for Christians in Muslim majority countries.

RECOGNIZING COLONEL VICTOR GABRIEL GARCIA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. WILSON of South Carolina. Mr. Speaker, I would like to commend Colonel Victor Gabriel Garcia, Information Operations Chief for CENTCOM, for his work combatting the Islamic State of Iraq and the Levant (ISIL). In the last two years, ISIL has developed and implemented never before seen tactics by using social media to recruit foreign fighters and the internet to propagate and instill fear. With the emergence of this continually evolving threat, Colonel Garcia has overhauled and expanded the CENTCOM J39 directorate to counter ISIL's internet propaganda machine.

Currently, he is spearheading an effort for the Department of Defense to train and equip a joint force capable of addressing emerging terrorist threats on the internet and social media. They plan to develop a permanent and suitable solution to incorporate the policy, personnel, training, and facilities for all military commanders across the Department of Defense to better understand the tactics of ISIL as well as engage and influence their target audience.

Additionally, Colonel Garcia and his team are in the process of developing a Web Operations Center for the Department of Defense. For the first time, the Department of Defense plans to have a centralized location where hostile internet activity can be monitored and addressed accordingly. This will provide an early warning system to assist military commanders with a variety of operations and allow them to react quickly, possibly saving the lives of our troops.

I am grateful for Colonel Garcia's admirable service and dedication in developing countermeasures against ISIL.

TRIBUTE TO SHAREF AL NAJJAR FOR HIS EXTRAORDINARY CONTRIBUTIONS ON BEHALF OF THE PEOPLE OF THE 18TH CONGRESSIONAL DISTRICT OF TEXAS AND THE UNITED STATES

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Ms. JACKSON LEE. Mr. Speaker, it is no exaggeration to say that the past several years have been among the most challenging in our nation's history. The collapse of the housing market, the turmoil on Wall Street and the ensuing financial crisis, the severe economic downturn of 2008 which saw the loss of millions of middle-class jobs, and the ever present threat of terrorist attacks on our homeland are enough to make many question whether the American Dream is still attainable and to conclude that our best days are behind us.

I do not share this view. The future of our country is bright and I firmly believe that our best days lay ahead. One of the reasons I am so optimistic that the 21st century will be known as the second ''American Century'' is the extraordinary quality, talent, commitment, and energy of the young people who will in time assume the responsibility of leadership.

Mr. Speaker, as Members of Congress we know well, perhaps better than most, how blessed our nation is to have in reserve such exceptional young men and women who will go on to become leaders in their local communities, states, and the nation in the areas of business, education, government, philanthropy, the arts and culture, and the military.

We know this because we see them and benefit from their contributions every day. Many of them work for us in our offices as junior staff members, congressional fellows, or interns and they do amazing work for and on behalf of the constituents we are privileged to represent.

I rise today to pay tribute and bid fond farewell to Sharef Al Najjar, an exceptional young man who has done incredible work in my office in service to my constituents in the Eighteenth Congressional District of Texas. Sharef, who joined my team in 2011, will be relocating to Atlanta, Georgia with his fiancée, Gillian Robinson, where they will both pursue graduate studies at Emory University's Goizueta Business School.

From the moment he joined my staff, Sharef's talents and aptitude for logistics, information technology, project management, and administration were apparent for all to observe. These gifts, combined with Sharef's winning personality and cooperative spirit made him an invaluable teammate, mentor, and valued friend to his colleagues, who all will miss his good cheer and Zen but wish him and Gillian well in their future endeavors, which I am confident will include continued service in furtherance of the public interest.

Mr. Speaker, I believe there is no higher calling than the call to serve a cause larger than ourselves. That is why I sought public office. I was inspired to serve by President Kennedy who said, ''Ask not what your country can do for you, ask what you can do for your country,'' and by the Rev. Dr. Martin Luther King, Jr. who said:

''Everybody can be great because anybody can serve. . . . You only need a heart full of grace. A soul generated by love.''

By this measure, there are many other great young men and women who served as volunteers this year in my offices. They may toil in obscurity but their contributions to the constituents we serve are deeply appreciated.

Mr. Speaker, the energy, intelligence, and idealism of young people like Sharef Al Najjar, and those working in the offices of my colleagues, help keep our democracy vibrant. The insights, skills, and knowledge of the governmental process they gain from their experiences will last a lifetime and prove invaluable to them as they go about making their mark in this world.

Because of persons like Sharef Al Najjar and Gillian Robinson the future of our country is bright and its best days lie ahead. I wish them well.

Mr. Speaker, I am grateful that such thoughtful committed young men and women like Sharef Al Najjar and Gillian Robinson can be found working in my office, those of my colleagues, and in every community in America. Their good works will keep America great, good, and forever young.

CONGRATULATING EDEN PRAIRIE SYNCHRONIZED SWIMMING CHAMPIONSHIP

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. PAULSEN. Mr. Speaker, I rise today to congratulate the members of the Eden Prairie Girls' Synchronized Swimming Team, who recently won the Minnesota High School State Championship.

The Eagles triumphed at Friday's state meet, where two Eden Prairie routines—short trio team and long team—were rewarded first-place finishes. It was a close competition, but Eden Prairie's excellent figure scores put them over the edge to secure both wins.

This Eden Prairie team was determined to defy odds from the start of the season. They competed in a number of close battles this spring, including one against Hopkins High School where they won by 0.02 points. They ended the season with a strong stroke to bring home a championship for the school and for the community.

Mr. Speaker, this synchronized swimming team is fortunate to have so many talented members who have worked hard to get to this point. But even more than that, we commend these student athletes for living up to their obligations in both the classroom and in our community.

Congratulations again to the athletes, coaches, families, and fans of the Eden Prairie High School Synchronized Swimming Team.

TRIBUTE TO THE CITY OF GLENWOOD

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize the City of Glenwood, Iowa for its recognition as a 2015 Tree City USA sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the U.S. Department of Agriculture Forest Service's Urban and Community Forestry program (the Forest Service).

The City of Glenwood has met the core standards for tree care during the past year. Over 135 million Americans live in Tree USA communities. In its 40th year of celebration, the Tree City USA program is critical to the U.S. Forest Service. This federal partner delivers technical and financial resources to states, cities and communities across the nation with each community adhering to a State Action Plan, guiding investments in each state while accomplishing local projects and programs.

The U.S. Forest Service and Arbor Day Foundation cooperate with communities to establish healthy forests, improve air and water quality and contribute to important national energy conservation goals. These local investments create long term major environmental improvements nationwide. When communities like Glenwood are recognized it makes me proud to represent our great state in the United States Congress.

Mr. Speaker, I commend the City of Glenwood and urge my colleagues in the U.S. House of Representatives to join me in congratulating them for receiving this award and wishing them nothing but continued success.

HONORING RYAN GATTERMEIR ON BEING NAMED PRESIDENT OF THE MISSOURI ASSOCIATION OF REALTORS

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. LONG. Mr. Speaker, I rise today to honor Ryan Gattermeir, who has recently been named President of the Missouri Association of REALTORS.

The president serves as a part of the 5-member leadership council for the Missouri Association of REALTORS, which is an advocacy group representing the interests of realtors in our state. The president serves on a

volunteer basis for a one year term, and is a role that is instrumental in the day-to-day operations and policy goals of the organization.

Ryan has long been an influential force in the Missouri real estate community. Growing up as the son of a realtor, he has been immersed in the industry since he was young. After graduating from Westminster College in 1996, he went to work with his father's real estate business. Eight years later, he struck out on his own and was met with great success. In addition to his thriving real estate business, Ryan is on the Board of Directors for the National Association of REALTORS, as well as chairing five committees in the local Missouri chapter.

Mr. Speaker, Ryan Gattermeir has built a long and successful career in the real estate industry, and has proven to be a capable leader among his peers. I'm confident that he will represent the realtors of Missouri to the very best of his ability and will spare no effort in advocating on their behalf. I urge my colleagues to join me in congratulating Ryan on his appointment, and wish him luck over his term as president.

HONORING MR. PAUL SCHAPIRO

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor the life of Paul Schapiro, who passed away on June 3, 2016, after 58 remarkable years.

Paul left an indelible mark on our Napa Valley community with his friendly demeanor and profound generosity. He volunteered his time for civic causes with the American Canyon Lions Club, and was a leader in the local Democratic community, serving as Treasurer for the Napa County Democratic Central Committee. He was an outspoken activist and regularly attended peace vigils to bring awareness to causes close to his heart.

Paul's dedication to bringing about meaningful change in our society set an impressive example that we should all strive to emulate. A passionate proponent of sustainability, Paul rode his bike to work every day, eventually winning the Napa County Bicycle Coalition's Bicycle Commuter of the Year Award in 2014. Impressively, his bike had more mileage on it than his car.

Those close to Paul agree he was a joy to be around and had a welcoming and gentle nature. Paul loved baseball and as a native New Yorker, he cheered for the New York Mets, and for his adopted home team, the San Francisco Giants.

Mr. Speaker, Mr. Schapiro led by example when it came to making a difference in our community, and in doing so, he inspired others to do the same. Therefore, it is fitting and proper that we honor Paul Schapiro here today.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF SAINT CONSTANCE CATHOLIC CHURCH

HON. DEBBIE DINGELL

OF MIGHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mrs. DINGELL. Mr. Speaker, I rise today to recognize Saint Constance Catholic Church on their 50th anniversary. The accomplishments of this long-standing institution exemplify the importance and strength of community, fellowship, and service.

Founded in 1966 by father Emil Dussia, Saint Constance Catholic Church came from humble beginnings. Weekday mass was held at the homes of its parishioners and weekend mass at a middle school on William Street. Ground was broken on the new Kinyon Street church that same year, and in 1967 the Archbishop of Detroit, Cardinal Dearden, dedicated the building.

Soon after the official opening, church leaders and parish volunteers began work on the building and grounds. With a permanent place of worship ready for service, St. Constance Catholic Church continued to build its parish and welcome new members to their organization. In the 50 years since its founding, there are now 1150 families that are registered as members of the parish, demonstrating the significance of the church within the Taylor community.

The parish community of St. Constance Catholic Church provides much-needed services to the Taylor community, including financial assistance for parishioners facing economic hardship, alcoholics and narcotics anonymous support groups, and various community service projects. In the spirit of faith and fellowship, Saint Constance Catholic Church has held itself to the highest standard to ensure that local residents would always have somewhere to turn during both good times and bad. As a sanctuary of spiritual and social support, it has served as a pillar of the local community for half a century and will continue to do so for many years to come.

Mr. Speaker, I ask my colleagues to join me today to honor Saint Constance Catholic Church on their 50th anniversary and wish them many more years of faith, fellowship, and success.

TRIBUTE TO SUMMER HALL

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Summer Hall of Milo, Iowa for recognition as a Delegate at the Congress of Future Medical Leaders, sponsored by The National Academy of Future Physicians and Medical Scientists. Summer is one of six State of Iowa honor students selected to attend.

Summer is an exceptional student, high-achieving in academics and all-around service. This Congress of Future Medical Leaders is an honors-only program for high school students who will seek to become physicians or enter the medical research field. The Congress of Future Medical Leaders honors, inspires and motivates high school students like Summer Hall as a luminary in the advanced study of medicine.

Summer Hall is a student at Southeast Warren High School in Liberty Center, Iowa. She was nominated by school officials and The National Academy of Future Physicians and Medical Scientists because of academic excellence and civic-minded responsibilities.

Summer makes a difference by serving others. It is with great honor that I recognize her today. I know that my colleagues in the U.S. House of Representatives join me in honoring her accomplishments. Summer Hall will obtain the goals and dreams of many medical professionals.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Ms. LEE. Mr. Speaker, if I were present I would have voted yes on roll call number 297 to H.R. 4939.

JAMES WATSON, JR.—KATY'S SENIOR CITIZEN OF THE YEAR

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. OLSON. Mr. Speaker, I rise today to congratulate James Watson, Jr. for being named Katy's 'Senior Citizen of the Year' by a unanimous vote from the advisory board for the W.D and Argie Lee Fussell Senior Citizens Center.

This award is given by the city of Katy to an older American in recognition of their contributions and positive impact on the community. James works as a pharmacist in the city of Katy with his wife, Joan, and has no plans to retire anytime soon because he still enjoys the job. James was born in Katy, attended schools there, and even met his wife in Katy, Texas. He left for a brief period to earn his Bachelor of Science degree in pharmacy from the University of Texas at Austin. James follows in the footsteps of his mother who won the very same award 21 years ago.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to James Watson, Jr. for being named Katy's 'Senior Citizen of the Year.' Keep up the great work.

HONORING KELLY M. DARDEN, JR.

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to recognize Assistant Special

Agent in Charge (ASAC) Kelly M. Darden, Jr. as he retires after 32 years of service to the Federal Bureau of Investigation.

ASAC Darden has devoted his career to protecting the citizens of the United States, working in various capacities within the Bureau, and tirelessly contributing to our nation's most critical intelligence and security programs. ASAC Darden has demonstrated an unwavering commitment to serving the American public and most recently, our South Florida community as the Assistant Special Agent in Charge within the Miami Division of the FBI.

It is with great pleasure that I thank ASAC Darden for his dedication to South Florida and our nation.

TRIBUTE TO O'LEARY FUNERAL & CREMATION SERVICES

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize O'Leary Funeral & Cremation of Norwalk, Iowa for being honored with the Award of Excellence in Funeral Service at the 136th annual Iowa Funeral Directors Association Convention.

Though they have only been in operation since 2014, owner Eric O'Leary and the O'Leary Funeral & Cremation staff brings years of experience to serve the Norwalk community, assisting families in saying goodbye to their loved ones with the utmost respect and dignity.

The Award of Excellence was established to recognize the importance of funeral directors playing an active role in their communities and promoting their profession through those relationships. The award requires a funeral home to excel in four of the following five areas: presentation of public information, active membership in the state association, sponsorship of community events or services, professional development, and personal development.

Founded in 1880, the Iowa Funeral Directors Association represents over 700 licensed funeral directors and 413 funeral homes in Iowa, providing members with leadership, direction and resources for providing the best care and services to families with pre-planning arrangements.

I commend Eric O'Leary and the O'Leary Funeral & Cremation staff for their award, and the service and care they provide for the residents of the Norwalk area. I urge my colleagues in the U.S. House of Representatives to join me in congratulating O'Leary Funeral & Cremation for winning the Award of Excellence in Funeral Service. I wish them nothing but continued success.

HONORING PRUTHVI PATEL ON BEING ACCEPTED BY THE NATIONAL ACADEMY OF FUTURE SCIENTISTS AND TECHNOLOGISTS AS A DELEGATE TO THE CONGRESS OF FUTURE SCIENTISTS AND TECHNOLOGY LEADERS

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. LONG. Mr. Speaker, I rise today to honor Pruthvi Patel, of Springfield, Missouri, who has been accepted by the National Academy of Future Scientists and Technologists as a delegate to the Congress of Future Scientists and Technology Leaders.

The Congress of Future Science and Technology Leaders is an honors-only program that is designed to motivate and direct the top students in the United States. It is specifically for students who aspire to be scientists, engineers and technologists, and helps to provide a path and mentorship for students to accomplish those dreams. It takes place in the University of Massachusetts over 3 days, and helps to spark meaningful dialogues and exchanges of ideas between future leaders in the fields of science and technology.

To be considered for acceptance as a delegate, applicants must be recommended by either a teacher or member of the Academy based on a proven track record of academic excellence. Students must have a minimum of a 3.5 GPA and represent all 50 states and Puerto Rico. It is an incredibly selective opportunity, and those students who qualify for selection have done so because of their hard work and diligence to their studies, not to mention their impressive intellect.

Mr. Speaker, Pruthvi Patel, who attends Greenwood Laboratory School, has shown that he excels in his studies, and has demonstrated a passion for a career in science. He will soon be representing the future of the state of Missouri at this conference, and I have the utmost confidence that he will do an excellent job. On behalf of Missouri's Seventh Congressional District, I urge my colleagues to join me in congratulating him for this achievement and wish him luck in all his future endeavors.

IN HONOR OF THE LIFE OF CHARLES P. CLARK

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise today to honor the life of one of my constituents, Charles P. Clark, a World War II veteran and a beloved member of the Purcellville community. Mr. Clark passed away on May 31st, 2016, at the age of 108 years old. He was born in Hamilton, Virginia in 1907 to a tightknit family, and remained in his hometown until he went on to complete his military training at Ft. Lee, Virginia, in 1944.

Mr. Clark was deployed to the U.S. Army's 3238 Quartermaster Service Company, of the all-African American 9th Armored Division, to France, Belgium, and Germany. During his two year service, Mr. Clark provided much needed supplies to the front line and was one of the 125,000 African-American men to serve overseas during World War II.

Mr. Clark married his wife Clarissa when he returned from serving his country and moved to Purcellville, Virginia, where they had a son, Charlie. He continued to serve his community through his job as a school bus driver; a position in which he was admired as a friendly face to students for twenty-five years. Not content to do just his day job, he became an active and dedicated member of the community, serving on the Loudoun County Emancipation Association, as the Honorary Chairman in Purcellville parades, and even throwing the first pitch at a Babe Ruth World Series event.

Mr. Clark lived his final year at the Veterans Medical Center in Martinsburg, West Virginia, where he was recognized with a Certificate of Appreciation for his service in the U.S. Army. The medical center director, Timothy Cooke, described him as ''extraordinary'' and said that it was ''a privilege to have him at our medical center''. While his wife and son both passed before him, he is survived by his granddaughter, Rhea S. Clark and daughter-in-law, Della N. Clark.

People like Mr. Clark uphold the freedom and the values for which this country stands, and I am honored to recognize him today for his life of service, kindness, and dedication to our great nation. We are fortunate to have citizens like Mr. Clark who positively impact so many people.

Mr, Speaker, I ask that my colleagues join me in celebrating the life of, and bidding farewell to, Charles P. Clark. May he rest in peace, and his family be comforted.

IN RECOGNITION OF ANNE AND JAMES CARNEY

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. KEATING. Mr. Speaker, I rise today in recognition of James and Anne Carney, of Sharon, Massachusetts, upon the joyous occasion of their 50th wedding anniversary.

Jim and Anne's marriage has been one full of family, service, and adventure. Though they were acquaintances in childhood—attending high schools less than a mile apart from each other in the Boston area—fate brought them together when both attended Boston College.

Following their time at Boston College, the couple was married in 1966 and left their Massachusetts roots for Illinois so Jim could serve as a blind rehabilitation counselor at the Hines Veteran Medical Center. It was in Illinois where they began their family, with Andrea born in 1967, Erin in 1969, and Michael in 1970.

But the Carneys couldn't stay away from the Commonwealth for long. They settled down in Sharon in 1974 where both furthered the careers they established in Illinois—Jim with the

Department of Veterans Affairs and Anne in education. In the early 1980s, Anne transitioned from teaching to assessing, eventually becoming the Chief Assessor in Easton, Massachusetts—a position she held until her retirement.

The Carneys have continued to dedicate themselves to the betterment of the Sharon community, organizing various neighborhood events and giving their time to work for causes they care deeply about. Since they have retired, they enjoy spending time with their family and friends. Though Sharon will always be home for Anne and Jim, since their retirement they enjoy traveling to the warmer destinations—Anne in search of a new adventure and Jim for the perfect place to fish.

Mr. Speaker, I am proud to honor Anne and Jim Carney on the joyous occasion of their 50th anniversary. I ask that my colleagues join me in wishing them many more years of happiness.

HONORING IAN COCHRAN ON BEING ACCEPTED BY THE NATIONAL ACADEMY OF FUTURE SCIENTISTS AND TECHNOLOGISTS AS A DELEGATE TO THE CONGRESS OF FUTURE SCIENTISTS AND TECHNOLOGY LEADERS

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. LONG. Mr. Speaker, I rise today to honor Ian Cochran, of Rogersville, Missouri, who has been accepted by the National Academy of Future Scientists and Technologists as a delegate to the Congress of Future Scientists and Technology Leaders.

The Congress of Future Science and Technology Leaders is an honors-only program that is designed to motivate and direct the top students in the United States. It is specifically for students who aspire to be scientists, engineers and technologists, and helps to provide a path and mentorship for students to accomplish those dreams. It takes place in the University of Massachusetts over 3 days, and helps to spark meaningful dialogues and exchanges of ideas between future leaders in the fields of science and technology.

To be considered for acceptance as a delegate, applicants must be recommended by either a teacher or member of the Academy based on a proven track record of academic excellence. Students must have a minimum of a 3.5 GPA and represent all 50 states and Puerto Rico. It is an incredibly selective opportunity, and those students who qualify for selection have done so because of their hard work and diligence to their studies, not to mention their impressive intellect.

Mr. Speaker, Ian Cochran, who attends Springfield Catholic High School, has shown that he excels in his studies, and has demonstrated a passion for a career in science. He will soon be representing the future of the state of Missouri at this conference, and I have the utmost confidence that he will do an excellent job. On behalf of Missouri's Seventh Congressional District, I urge my colleagues to join me in congratulating him for this achievement and wish him luck in all his future endeavors.

RETIREMENT OF LT. GENERAL JEFFREY TALLEY

HON. BRAD R. WENSTRUP

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. WENSTRUP. Mr. Speaker, on behalf of the United States Army Reserve, I congratulate our chief, Lt. General Jeffrey Talley, on his retirement and thank him for 34 years of service to our country.

Lt. General Talley truly exemplifies the Reserve motto, Twice the Citizen. After 30 years of military service, he returned to active duty in 2012 to lead the U.S. Army Reserve, a nod to his unparalleled leadership.

Since his return in 2012, Lt. General Talley has led the Army Reserve through one of the most battle-tested and operational times in its history. His vast knowledge and experience has positively shaped the Reserve into a strong, fighting force ready to answer their country's call.

Lt. General Talley will be greatly missed and long remembered. I wish him all the best in his future endeavors.

IN RECOGNITION OF SUMNER LODGE NUMBER 5

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. NEAL. Mr. Speaker, I want to take this opportunity to recognize one of Springfield, Massachusetts' most well-known institutions, the Grand Sumner Lodge Number 5 of the Prince Hall Masonic Temple, which is celebrating its 150th anniversary.

The Grand Sumner Lodge was founded on June 24, 1866 by eleven Master Masons living in Springfield, who felt it was time for the city's African-American community to host a fraternal organization. The Master Masons chose to name their lodge after Senator Charles Sumner of Massachusetts. Senator Sumner dedicated his life to serving his country as a member of the United States Senate from 1851 until his death in 1874. He was a long time champion of the abolitionist and civil rights movements. In fact, he was beaten on the floor of the United States Senate for the cause of equality in 1856. The members of Grand Sumner Lodge Number 5 have dedicated themselves to following the example set by their illustrious namesake. The Lodge has been at the forefront of the battle for civil rights in this country. They have broken down many barriers, including in 1955 when the members of the Lodge became the first African-American fraternal organization to erect their own meeting hall in Massachusetts.

Sumner Lodge has been a force for good in the Springfield community for 150 years and has shown no signs of slowing down. The group currently donates time and money to causes that include the Martin Luther King Day Center, American Cancer Society, CDC Rehabilitation Springfield, and Jane Doe, Inc. Sumner Lodge provides positive role models for the young men of Springfield to ensure that they do not fall victim to substance abuse. The Lodge also seeks to educate young men on the horrific consequences of sexual assault and domestic violence, so that they learn healthy respect for the women in their lives. Additionally, they serve all of the youth of Springfield by toiling to construct safe areas for after school recreation activities. Organizations such as the Sumner Lodge are vital pillars of the American community and must be commended for their tireless dedication to service. I have full confidence that they will continue to do phenomenal work for the next 150 years.

Mr. Speaker, as Springfield celebrates the 150th anniversary of the Grand Sumner Lodge, let us all acknowledge the outstanding work that this group has done on behalf of the people of Springfield, and let us all wish them the best of luck in their future endeavors.

TRIBUTE TO LAUREN PHILIPS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Lauren Philips of Council Bluffs, Iowa for recognition as a Delegate at the Congress of Future Medical Leaders, sponsored by The National Academy of Future Physicians and Medical Scientists. Lauren is one of six State of Iowa honor students selected to attend.

Lauren Philips is an exceptional student, high-achieving in academics and all-around service. This Congress of Future Medical Leaders is an honors-only program for high school students who will seek to become physicians or enter the medical research field. The Congress of Future Medical Leaders honors, inspires and motivates high school students like Lauren Philips as a luminary in the advanced study of medicine.

Lauren is a student at Marian High School in Omaha, Nebraska. She was nominated by school officials and the National Academy of Future Physicians and Medical Scientists because of academic excellence and civic-minded responsibilities.

Lauren Philips makes a difference by serving others. It is with great honor that I recognize her today. I know that my colleagues in the U.S. House of Representatives join me in honoring her accomplishments. Lauren Philips will obtain the goals and dreams of many medical professionals.

IN HONOR OF THE 150TH ANNIVERSARY OF GENERAL MILLS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Ms. McCOLLUM. Mr. Speaker, I rise today to recognize the 150th anniversary of General Mills, a company that helped build the state of Minnesota and feed our nation. With humble roots beginning in 1866 on the banks of the Mississippi River near St. Anthony Falls in Minneapolis, General Mills has grown into one of the largest food companies in the world, employing thousands of Minnesotans, and other workers throughout the world. The General Mills story goes hand-in-hand with our state history and the growth of our nation.

After serving as a general in President Lincoln's Army, Cadwallader Washburn moved to Minnesota where he saw the potential of the largest waterfall on the Mississippi River to power a major flour mill. It was here that the company now known internationally as General Mills was born when Washburn built the ''B Mill''—the largest mill west of Buffalo, New York, towering 6 stories above the frontier and bountiful wheat fields. Tragedy rocked the city when an explosion destroyed Washburn's ''A Mill'', killing the entire 14 man night crew. During the rebuilding process, Washburn pioneered new safety measures that he shared with competitors, so that they may avoid such a tragedy themselves.

On the opposite side of the river, and using the last of his money that remained from a previous failed business venture, Charles Pillsbury established his own mill. Pillsbury and General Mills would become strong competitors, that years later merged into a single great company.

During the depths of the Great Depression, another visionary leader at General Mills ushered in a new era of prosperity for the company. Under the leadership of James Ford Bell, General Mills created blockbuster products like Cheerios, Kix cereal, and Bisquick, which achieved his goal of delivering innovations that were embraced by American consumers. It was also during this time that Americans met a remarkable woman and began sending thousands of letters seeking her advice on wholesome cooking. Because of her meteoric rise and enduring popularity, it's still a surprise to many she isn't a real person, but another invention from the creative minds at General Mills: Betty Crocker.

WWII brought a new era to General Mills and focused the pioneering spirit of the company toward the cause of freedom. Engineers who once worked on packaging and manufacturing were now producing the most cutting edge war time technologies, including the ''jitterbug'' torpedo. This sophisticated advance in naval warfare contributed greatly to the Allied victory at sea. These innovations also had the unintended effect of creating a cottage-industry of well-respected Minnesota precision engineering and technology firms.

Today, General Mills continues to make major contributions to the greater good. Through the General Mills Foundation, important work on sustainability, food security, and protecting our natural resources is demonstrating the best of corporate leadership and responsibility to the communities it serves. In 2014 alone, all charitable giving from General Mills totaled $150 million; nearly $30 million in grants came directly from the General Mills Foundation.

From its modest beginnings to its global reach today, General Mills has shaped the way that Americans and people the world over interact with food. These innovations have become some of the most iconic brands in the world. From innovating new products, to developing wartime technologies, and the historic merger with Pillsbury, General Mills has always been a source of pride for the State of Minnesota and the nation. Here is to another groundbreaking 150 years.

IN REMEMBRANCE OF JASON BENJAMIN JOSAPHAT BÉBÉ

HON. KYRSTEN SINEMA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Ms. SINEMA. Mr. Speaker, I rise today to remember Jason Benjamin Josaphat Bébé, a 2014 graduate of Skyline High School in Mesa, Arizona. Jason was the oldest son of Myrlande Bébé and Jackson Josaphat and a beloved nephew, brother, and friend.

On Sunday, June 12, 2016, Jason's life was cut tragically short in a hateful act of terror at Pulse nightclub in Orlando, Florida that claimed his life and 48 others. He was just 19 years old. We join all Americans in grieving this senseless loss.

At Skyline High School, Jason was a popular and active student, involved in both the hip-hop dance club and the spirit squad. Friends and classmates described him as a goofball, full of energy and optimism, and with a contagious and persistent smile that could light up a room. He was computer savvy, had a passion for physical fitness, and took a great interest in photography.

Jason was a bright and talented student that strived to help others succeed academically. After graduating from Skyline, he enrolled at Southern Technical College in Florida. He graduated from their business office specialist program just two weeks before his death. Jason had enrolled at Valencia College to continue his education by studying computer science.

Friends, family, former classmates, and hundreds of community members gathered on Wednesday in Mesa to celebrate Jason's life. In the years he spent in Arizona, it is clear he made a positive impact on so many. We were fortunate to have him for the short time that we did.

Mr. Speaker, Jason deserved a long, fulfilling life with the richness of experience that the rest of us hope for ourselves and for our children. We stand together with Jason's family and friends in solemn remembrance.

RECOGNIZING MS. KYLA MARTIN AS A 2016 RECIPIENT OF THE CONGRESSIONAL GOLD MEDAL AWARD

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. BARLETTA. Mr. Speaker, it is my honor to recognize Ms. Kyla Martin of Paxinos, Pennsylvania as a recipient of the 2016 Congressional Gold Medal Award. She is a 2013 graduate of Shamokin Area High School in my district, and now attends Wilson College where she majors in equine journalism with a minor in communications. Kyla has made a real difference in my district through her volunteer work, and I am confident that she will continue to be a role model for the next generation of leaders in northeastern Pennsylvania.

The Congressional Gold Medal Award is presented, regardless of ability or circumstance, to any young person between the ages of 14 and 24. This award is the highest honor that Congress presents to outstanding young individuals and requires participants to set goals in voluntary public service, personal development, physical fitness, and expedition. Kyla showed great perseverance in meeting these criteria and continues to affect the lives of constituents in my district through her extensive charitable work.

Kyla completed several hundred volunteer hours to meet the voluntary public service requirement. Through the charity that she cofounded, Angels at Work, Kyla has organized several food and clothing drives to help provide basic necessities to those most in need in northeastern Pennsylvania. She is a coach for her local equestrian vaulting team and used this experience to complete her volunteer work, personal development, and physical fitness requirements. Kyla spent countless hours outside of practice working on her own vaulting skills, and competed nationally at the highest level of any vaulter from Pennsylvania at the time. For the expedition portion of the award, she camped for several nights at a local campground where she was able to familiarize herself with native plant and animal life. These experiences speak directly to Kyla's character and I am confident that she will carry these skills with her as she continues to grow both personally and professionally.

Mr. Speaker, I am proud to recognize Ms. Kyla Martin for receiving the 2016 Congressional Gold Medal Award. Kyla has consistently demonstrated the devotion necessary to achieve her goals, and countless lives in my district have been impacted by her actions throughout this journey. On behalf of my congressional district, I wish to congratulate Kyla and wish her the best in her future endeavors.

HONORING MARK AND JOANNA BURNS FOR THEIR 50TH WEDDING ANNIVERSARY

HON. JACKIE WALORSKI

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mrs. WALORSKI. Mr. Speaker, I rise today to recognize Mark and Joanna Burns of Mishawaka, Indiana for their 50th wedding anniversary.

Having married in 1966, Mark and Joanna now celebrate the very special occasion of their golden anniversary. Fifty years of marriage is a marvelous accomplishment and speaks volumes about the love and compassion that they share with one another, and their tremendous foundation of faith.

It is obvious to all who spend time with them that they cultivated a truly beautiful life together. Their lasting commitment not only to one another, but also to their family is a shining example of devotion and faithfulness in our very own Hoosier community. As public school teachers, they touched the lives of thousands of students. As youth leaders in their church, they impacted mine as well. They embody the very values of what it means to be husband and wife.

On behalf of Hoosiers in the Second Congressional District, it is my honor to congratulate them on their anniversary and celebrate in this milestone. In addition, I would like to extend my sincerest congratulations to Mark, Joanna, and their entire family. It is my hope that their love continues to grow stronger with each passing year.

HONORING MARK ARNCE ON BEING ACCEPTED BY THE NATIONAL ACADEMY OF FUTURE SCIENTISTS AND TECHNOLOGISTS AS A DELEGATE TO THE CONGRESS OF FUTURE SCIENTISTS AND TECHNOLOGY LEADERS

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. LONG. Mr. Speaker, I rise today to honor Mark Arnce, of Joplin, Missouri, who has been accepted by the National Academy of Future Scientists and Technologists as a delegate to the Congress of Future Scientists and Technology Leaders.

The Congress of Future Science and Technology Leaders is an honors-only program that is designed to motivate and direct the top students in the United States. It is specifically for students who aspire to be scientists, engineers and technologists, and helps to provide a path and mentorship for students to accomplish those dreams. It takes place in the University of Massachusetts over 3 days, and helps to spark meaningful dialogues and exchanges of ideas between future leaders in the fields of science and technology.

To be considered for acceptance as a delegate, applicants must be recommended by either a teacher or member of the Academy based on a proven track record of academic excellence. Students must have a minimum of a 3.5 GPA and represent all 50 states and Puerto Rico. It is an incredibly selective opportunity, and those students who qualify for selection have done so because of their hard work and diligence to their studies, not to mention their impressive intellect.

Mr. Speaker, Mark Arnce, who attends Carl Junction High School, has shown that he excels in his studies, and has demonstrated a passion for a career in science. He will soon be representing Missouri at this conference, and I have the utmost confidence that he will do an excellent job. On behalf of Missouri's Seventh Congressional District, I urge my colleagues to join me in congratulating him for this achievement and wish him luck in all his future endeavors.

LADY EAGLES SOFTBALL TEAM ARE STATE CHAMPIONS

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. OLSON. Mr. Speaker, I rise today to congratulate the Lady Eagles softball team of Fort Bend Christian Academy in Sugar Land, Texas for winning the Texas Association of Private and Parochial Schools (TAPPS) 4A state championship.

The Lady Eagles won their fifth state championship in program history, all occurring in the past 10 years. The team from Fort Bend Christian Academy won their previous state titles in 2007, 2009, 2010, and 2013, while being the state runner-up in 2008, 2011, and 2014. This year, at the state tournament, the ladies defeated Corpus Christi Incarnate Word 7–4 in a rallying come from behind victory to earn a berth into the championship game. The Lady Eagles defeated Dallas Christian in a resounding manner by a score of 6–1 to win the state title. They did not lose a single game to a private school this season, and even triumphed over six University Interscholastic League (UIL) playoff teams. The team finished their championship season with an impressive 23–6–1 record.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to the Lady Eagles softball team of Fort Bend Christian Academy for winning the TAPPS 4A state title. Keep up the great work.

GRAYSON AMENDMENT TO THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. GRAYSON. Mr. Speaker, I want to make a statement regarding the passage of H.R. 5293, the Department of Defense Appropriation Act, 2017. Specifically I would like to make a statement about my amendment, Grayson Number 58. My amendment moved $5 million from the Operation and Maintenance, Defense-Wide account to the Research, Development, Test and Evaluation, Army Account's Advanced Concepts and Simulation program.

These funds allow universities to focus on advancing component technologies required for real time modeling and simulation training. A promising use of this program is the development of a more effective protocol for treating combat-related post-traumatic stress disorder for active duty, retired, and discharged personnel and their families. The use of modeling and simulation technology has enabled new innovative and immersive therapies to be developed, which can extend trauma management therapy protocol.

I support the use of modeling and simulation and thank my colleagues for their support of my amendment.

HONORING JOHN R. ''JACK'' HEALY, PRESIDENT & CEO OF THE UNITED WAY OF GREATER NEW HAVEN, ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Ms. DELAURO. Mr. Speaker, today marks the end of an era at the United Way of Greater New Haven as family, friends, and colleagues gather to thank Jack Healy, the organization's President and CEO, as he celebrates his retirement after two decades of dedicated service.

A native of New Haven, Jack's early professional career took him to many other parts of the country yet his focus always followed his passion—human resources and philanthropy. In fact, much of his time away from Connecticut was spent at United Way branches in other communities. Returning to New Haven in 1996, Jack took on the position of Executive Vice President at the United Way of Greater New Haven and was promoted to President & CEO in 2006. His time at the United Way of Greater New Haven has been focused on guiding the organization through a shift in the fundamental way it supports the community. Jack's leadership and vision has enabled the United Way of Greater New Haven to grow in its positive community impact by transforming from an organization that fundraised for nonprofits to becoming a driving force in collectively tackling such issues as income inequality, homelessness, and early childhood education.

It has been under this new model of operation that the United Way of Greater New Haven has been able to make some real differences in our community. Most recently, the ALICE, ''Asset-Limited, Income-Constrained, Employed'' report released by the United Way of Greater New Haven has demonstrated the unique challenges faced by our working families. By identifying the areas in which families are struggling, the results of the ALICE report are enabling our social service agencies and non-profit organizations to better direct their resources, programs, and services to meet

these needs. Perhaps Jack's proudest accomplishment is the United Way of Greater New Haven's active involvement in the development and implementation of ''BOOST!''—a partnership with New Haven Public Schools and the City of New Haven to provide wraparound services to our community's most vulnerable children. This initiative is currently serving more than seven thousand students in sixteen schools and is making sure that those children are not only achieving academically while in school, but are also receiving the supportive services they and their families need to thrive in the community.

I would be remiss if I did not also take a moment to extend a personal note of thanks to Jack for his many years of friendship and support. I am honored to rise today to join the many family, friends, colleagues and community leaders who have gathered today to extend sincere thanks and appreciation to Jack Healy for two decades of dedicated service to the United Way of Greater New Haven. I wish him, his wife, Barbara; his two sons, Dan and wife Ashley as well as Ryan and wife Rebecca; and granddaughter Lettie, many more years of health and happiness as he enjoys his retirement.

TRIBUTE TO CAROL AND LYNDELL STREEBIN

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and honor Carol and Lyndell Streebin on the very special occasion of their 60th wedding anniversary.

Lyndell and Carol Streebin were married on June 3, 1956 and reside in Blockton, Iowa. Their lifelong commitment to each other and their children, Mike, David and Joni, truly embodies Iowa's values. As the years pass, may their love continue to grow even stronger and may they continue to love, cherish, and honor one another for many more years to come.

I salute this lovely couple on their 60 years of life together and I wish them many more. I know my colleagues in the United States House of Representatives will join me in congratulating them on this momentous occasion.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $19,230,063,635,793.43. We've added $8,603,186,586,880.35 to our debt in 7 years. This is over $8.6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

PERSONAL EXPLANATION

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2016

Mr. CARSON of Indiana. Mr. Speaker, today, a vote in the House was held on an amendment to H.R. 5293, the Defense Appropriations Act for FY17, which was authored by Rep. MASSIE. The Amendment was defeated. I did not support this Amendment, and my intention was to vote ''no.'' However, I inadvertently voted ''yes''.

The effect of the Amendment would have been to curtail the authority of intelligence officials to quickly query a database of information lawfully collected under Section 702 of the Foreign Intelligence Surveillance Act, using ''U.S. Person identifiers.'' Additionally, the Amendment would have blocked NSA and CIA from mandating or requesting certain assistance from individuals and companies, in the course of conducting electronic surveillance.

While I was opposed to this amendment, I welcome a robust discussion to discuss the security and privacy implications of Section 702. As a member of the House Intelligence Committee, I look forward to participating in this debate ahead of its expiration in 2017.

SENATE—*Friday, June 17, 2016*

The Senate met at 11 and 23 seconds a.m. and was called to order by the President pro tempore (Mr. HATCH).

ADJOURNMENT UNTIL MONDAY, JUNE 20, 2016, AT 3 P.M.

The PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 3 p.m. on Monday, June 20, 2016.

Thereupon, the Senate, at 11 and 32 seconds a.m., adjourned until Monday, June 20, 2016, at 3 p.m.

HOUSE OF REPRESENTATIVES—*Monday, June 20, 2016*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. MESSER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 20, 2016.

I hereby appoint the Honorable LUKE MESSER to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

PRAYER

Reverend Alisa Lasater Wailoo, Capitol Hill United Methodist Church, Washington, D.C., offered the following prayer:

Almighty and most compassionate God, during this ordinary pro forma session, remind us of Your extraordinary love:

Your love for each person working in these halls. We give You thanks for their gifts, graces, and sacrifices of time. Be with their families as they are here working for us.

Your love for the common citizen who may never walk these halls but carries the weight of decisions made here. Keep them in the forefront of our minds.

Your love for those in dire need. Use us to speak for those who have no voice.

Your love for each child in our global family, no matter if they call You Abba, Yahweh, Allah, or do not call on You at all. Show us ways to work with one another that we too can represent Your kingdom come on Earth as it is in heaven.

May Your extraordinary love impact each ordinary task this day. In the name of the one who loves us more than we can imagine, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 16, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 16, 2016 at 3:52 p.m.:

That the Senate passed S. 2815.
That the Senate passed S. 2577.
That the Senate passed S. 2348.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 16, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 16, 2016 at 5:15 p.m.:

That the Senate disagree to House amendments; Senate agree to conference asked by the House; Senate appoints conferees S. 524.

That the Senate passed without amendment H.R. 3209.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 17, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 17, 2016 at 10:37 a.m.:

That the Senate passed S. 2808.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2348. An act to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes; to the Committee on the Judiciary.

S. 2815. An act to establish the United States Semiquincentennial Commission, and for other purposes; to the Committee on Oversight and Government Reform.

S. 2577. An act to protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary; in addition, to the Committee on Financial Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on June 17, 2016, she presented to the President of the United States, for his approval, the following bills:

H.R. 812. To provide for Indian trust asset management reform, and for other purposes.

H.R. 2137. To ensure Federal law enforcement officers remain able to ensure their own safety, and the safety of their families, during a covered furlough.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon tomorrow for morning-hour debate.

There was no objection.

Thereupon (at 2 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 21, 2016, at noon for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the first and second quarters of 2016, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ISRAEL, EXPENDED BETWEEN APR. 30 AND MAY 7, 2016

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David M. Adams	4/30	5/7	Israel		724.00						724.00
Erik J. Lesnewsky	4/30	5/7	Israel		724.00						724.00
Valerie J. Roberts	4/30	5/7	Israel		724.00						724.00
Committee totals					2,172.00						2,172.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID M. ADAMS, June 6, 2016.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, PERU, AND CHILE, EXPENDED BETWEEN MAY 1 AND MAY 6, 2016

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nancy Pelosi	5/1	5/3	Mexico		816.72		(3)				816.72
Hon. Lucille Roybal-Allard	5/1	5/3	Mexico		816.72		(3)				816.72
Hon. Richard Hanna	5/1	5/3	Mexico		816.72		(3)				816.72
Hon. Linda Sánchez	5/1	5/3	Mexico		816.72		(3)				816.72
Hon. Henry Cuellar	5/1	5/3	Mexico		816.72		(3)				816.72
Hon. Michael Fitzpatrick	5/1	5/3	Mexico		816.72		(3)				816.72
Hon. Michelle Lujan-Grisham	5/1	5/3	Mexico		816.72		(3)				816.72
Hon. Beto O'Rourke	5/1	5/3	Mexico		816.72		(3)				816.72
Hon. Pete Aguilar	5/1	5/3	Mexico		816.72		(3)				816.72
Hon. Ruben Gallego	5/1	5/3	Mexico		816.72		(3)				816.72
Hon. Norma Torres	5/1	5/3	Mexico		816.72		(3)				816.72
Wyndee Parker	5/1	5/3	Mexico		816.72		(3)				816.72
Jaime Lizaragga	5/1	5/3	Mexico		816.72		(3)				816.72
Katherine Monge	5/1	5/3	Mexico		816.72		(3)				816.72
Bina Surgeon	5/1	5/3	Mexico		816.72		(3)				816.72
Jorge Aguilar	5/1	5/3	Mexico		816.72		(3)				816.72
Emily Berret	5/1	5/3	Mexico		816.72		(3)				816.72
RADM Brian Monahan	5/1	5/3	Mexico		816.72		(3)				816.72
Hon. Nancy Pelosi	5/3	5/4	Peru		352.70		(3)				352.70
Hon. Lucille Roybal-Allard	5/3	5/4	Peru		352.70		(3)				352.70
Hon. Richard Hanna	5/3	5/4	Peru		249.70		(3)				249.70
Hon. Linda Sánchez	5/3	5/4	Peru		352.70		(3)				352.70
Hon. Henry Cuellar	5/3	5/4	Peru		352.70		(3)				352.70
Hon. Michael Fitzpatrick	5/3	5/4	Peru		249.70		932.37				1,182.37
Hon. Michelle Lujan Grisham	5/3	5/4	Peru		352.70		(3)				352.70
Hon. Beto O'Rourke	5/3	5/4	Peru		352.70		(3)				352.70
Hon. Pete Aguilar	5/3	5/4	Peru		352.70		(3)				352.70
Hon. Ruben Gallego	5/3	5/4	Peru		352.70		(3)				352.70
Hon. Norma Torres	5/3	5/4	Peru		352.70		(3)				352.70
Wyndee Parker	5/3	5/4	Peru		352.70		(3)				352.70
Jaime Lizaragga	5/3	5/4	Peru		352.70		(3)				352.70
Katherine Monge	5/3	5/4	Peru		352.70		(3)				352.70
Bina Surgeon	5/3	5/4	Peru		352.70		(3)				352.70
Jorge Aguilar	5/3	5/4	Peru		352.70		(3)				352.70
Emily Berret	5/3	5/4	Peru		352.70		(3)				352.70
RADM Brian Monahan	5/3	5/4	Peru		352.70		(3)				352.70
Hon. Nancy Pelosi	5/4	5/6	Chile		917.63		(3)				917.63
Hon.Lucille Roybal-Allard	5/4	5/6	Chile		917.63		(3)				917.63
Hon. Richard Hanna	5/4	5/6	Chile		917.63		(3)				917.63
Hon. Linda Sánchez	5/4	5/6	Chile		917.63		(3)				917.63
Hon. Henry Cuellar	5/4	5/6	Chile		917.63		(3)				917.63
Hon. Michelle Lujan-Grisham	5/4	5/6	Chile		917.63		(3)				917.63
Hon. Beto O'Rourke	5/4	5/6	Chile		917.63		(3)				917.63
Hon. Pete Aguilar	5/4	5/6	Chile		917.63		(3)				917.63
Hon. Ruben Gallego	5/4	5/6	Chile		917.63		(3)				917.63
Hon. Norma Torres	5/4	5/6	Chile		917.63		(3)				917.63
Wyndee Parker	5/4	5/6	Chile		917.63		(3)				917.63
Jaime Lizaragga	5/4	5/6	Chile		917.63		(3)				917.63
Katherine Monge	5/4	5/6	Chile		917.63		(3)				917.63
Bina Surgeon	5/4	5/6	Chile		917.63		(3)				917.63
Jorge Aguilar	5/4	5/6	Chile		917.63		(3)				917.63
Emily Berret	5/4	5/6	Chile		917.63		(3)				917.63
RADM Brian Monahan	5/4	5/6	Chile		917.63		(3)				917.63
Committee total					35,975.27		932.37				36,907.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. NANCY PELOSI, June 1, 2016.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2016

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Travel to Burma, Thailand, December 27, 2015–January 4, 2016 with CODEL Cotton:											
Hon. Steve Russell	12/28	1/4	Japan		373.00						373.00
	12/29	12/31	Thailand		492.00						492.00
	12/31	1/2	Burma		968.00						968.00
Travel to United Arab Emirates, Bahrain, Djibouti, Qatar, January 14–23, 2016:											
Michael Miller	1/17	1/18	Bahrain		729.45						729.45
	1/18	1/21	United Arab Emirates								
	1/21	1/23	Djibouti		346.68						346.68
	1/23	1/25	Qatar		1,248.59						1,248.59
Commercial airfare							13,515.00				13,515.00
Brian Garrett	1/17	1/18	Bahrain		729.45						729.45
	1/18	1/21	United Arab Emirates								
	1/21	1/23	Djibouti		346.68						346.68
	1/23	1/25	Qatar		1,248.59						1,248.59
Commercial airfare							13,515.00				13,515.00
Paul Arcangeli	1/17	1/18	Bahrain		729.45						729.45
	1/18	1/21	United Arab Emirates								
Commercial airfare							14,935.08				14,935.08
Delegation Expenses			Bahrain						179.79		179.79
Delegation Expenses			Qatar						303.34		303.34
Travel to Afghanistan, Kuwait, United Arab Emirates, January 19–24, 2016:											
Hon. John Kline	1/20	1/22	Afghanistan		56.00						56.00
	1/20	1/22	United Arab Emirates								
	1/22	1/24	Kuwait		864.00						864.00
Alex Gallo	1/20	1/22	Afghanistan		56.00						56.00
	1/20	1/22	United Arab Emirates								
	1/22	1/24	Kuwait		864.00						864.00
Delegation Expenses			United Arab Emirates						1,136.41		1,136.41
Travel to Turkey, Italy, Germany, January 16–22, 2016:											
Timothy Morrison	1/17	1/19	Turkey		338.00						338.00
	1/20	1/21	Germany		291.00						291.00
			Italy		69.00						69.00
Commercial airfare							9,345.52				9,345.52
Andrew Walter	1/17	1/19	Turkey		338.00						338.00
	1/20	1/21	Germany		291.00						291.00
			Italy		69.00						69.00
Commercial airfare							9,345.52				9,345.52
Leonor Tomero	1/17	1/19	Turkey		338.00						338.00
	1/20	1/21	Germany		291.00						291.00
			Italy		69.00						69.00
Commercial airfare							9,345.52				9,345.52
Delegation Expenses			Turkey						110.44		110.44
Travel to Israel, Oman, Bahrain, United Arab Emirates, Qatar, Belgium, January 17–25, 2016:											
Hon. Doug Lamborn	1/18	1/20	Israel		1,000.00						1,000.00
	1/20	1/22	Oman		226.98						226.98
	1/21	1/22	United Arab Emirates		439.71						439.71
	1/22	1/23	Bahrain		523.28						523.28
	1/23	1/24	Qatar		340.36						340.36
	1/24	1/25	Belgium		1,424.99						1,424.99
Hon. Paul Cook	1/18	1/20	Israel		1,000.00						1,000.00
	1/20	1/22	Oman		226.98						226.98
	1/21	1/22	United Arab Emirates		439.71						439.71
	1/22	1/23	Bahrain		523.28						523.28
	1/23	1/24	Qatar		340.36						340.36
	1/24	1/25	Belgium		1,424.99						1,424.99
Hon. John Garamendi	1/18	1/20	Israel		1,000.00						1,000.00
	1/20	1/22	Oman		226.98						226.98
	1/21	1/22	United Arab Emirates		439.71						439.71
	1/22	1/23	Bahrain		523.28						523.28
	1/23	1/24	Qatar		340.36						340.36
	1/24	1/25	Belgium		1,424.99						1,424.99
Mark Morehouse	1/18	1/20	Israel		1,000.00						1,000.00
	1/20	1/22	Oman		226.98						226.98
	1/21	1/22	United Arab Emirates		439.71						439.71
	1/22	1/23	Bahrain		523.28						523.28
	1/23	1/24	Qatar		340.36						340.26
	1/24	1/25	Belgium		1,424.99						1,424.99
Craig Greene	1/18	1/20	Israel		1,000.00						1,000.00
	1/20	1/22	Oman		226.98						226.98
	1/21	1/22	United Arab Emirates		439.71						439.71
	1/22	1/23	Bahrain		523.28						523.28
	1/23	1/24	Qatar		340.36						340.26
	1/24	1/25	Belgium		1,424.99						1,424.99
Travel to Ukraine, February 1–4, 2016:											
John Wason	2/1	2/4	Ukraine		1,017.24						1,017.24
Commercial airfare							9,022.96				9,022.96
Paul Arcangeli	2/1	2/4	Ukraine		1,017.24						1,017.24
Commercial airfare							9,022.96				9,022.96
Travel to Kuwait, Iraq, February 4–9, 2016:											
Kari Bingen	2/6	2/9	Kuwait		469.12						469.12
	2/7	2/8	Iraq								
Commercial airfare							12,887.96				12,887.96
Alexander Gallo	2/6	2/9	Kuwait		469.12						469.12
	2/7	2/8	Iraq		0.00						0.00
Commercial airfare							11,766.96				11,766.96
William Spencer Johnson	2/6	2/9	Kuwait		469.12						469.12
	2/7	2/8	Iraq								
Commerical airfare							11,766.96				11,766.96
Travel to Korea, Japan, February 13–23, 2016:											
Hon. Rob Wittman	2/14	2/16	Japan		899.96						899.96
	2/16	2/19	South Korea		997.67						997.67
Commerical airfare							13,776.19				13,776.19
Hon. Madeleine Bordallo	2/14	2/16	Japan		899.96						899.96
	2/16	2/19	South Korea		997.67						997.67
Commerical airfare							13,776.19				13,776.19
Craig Collier	2/14	2/16	Japan		899.96						899.96

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2016—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	2/16	2/19	South Korea		997.67						997.67
Commerical airfare							13,776.19				13,776.19
Brian Garrett	2/14	2/16	Japan		899.96						899.96
	2/16	2/19	South Korea		997.67						997.67
Commerical airfare							13,776.19				13,776.19
Travel to Ukraine, Israel, February 14–20, 2016:											
Catherine Sendak	2/15	2/17	Ukraine		261.00						261.00
	2/17	2/22	Israel		502.00						502.00
Commerical airfare							10,718.59				10,718.59
Travel to Germany, Tunisia, Morocco, February 15–20, 2016 with STAFFDEL Barker: Mark Morehouse.											
	2/16	2/17	Germany		264.50						264.50
	2/17	2/18	Tunisia		196.00						196.00
	2/18	2/20	Morocco		478.48						478.48
Commerical airfare							14,055.26				14,055.26
Travel to Austria, Kosovo, Germany, February 15 20, 2016:											
Hon. Michael Turner	2/15	2/16	Austria		330.73						330.73
	2/16	2/17	Kosovo		63.00						63.00
	2/17	2/18	Germany		313.41						313.41
Commerical airfare							1,836.96				1,836.96
Committee total					44,363.97		206,185.01		1,729.98		252,278.96

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. MAC THORNBERRY, Chairman, May 1, 2016.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5742. A letter from the Acting Under Secretary, Personnel and Readiness, Department of Defense, transmitting a letter approved the retirement of General Frank J. Grass, Army National Guard of the United States, and his advancement to the grade of general on the retired list, pursuant to 10 U.S.C. 1370(c)(1); Public Law 96-513, Sec. 112 (as amended by Public Law 104-106, Sec. 502(b)); (110 Stat. 293); to the Committee on Armed Services.

5743. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 05-16, pursuant to the reporting requirements of Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5744. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification that the United States intends to vote in favor of a resolution in the United Nations Security Council to renew the mandate of the UN Multidimensional Integrated Stabilization Mission in Mali for twelve months, scheduled for June 29, 2016, pursuant to Sec. 4(d) of the United nations Participation Act, 22 U.S.C. Sec. 287b(d), and Title I of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (Div. K, Public Law 114-113); to the Committee on Foreign Affairs.

5745. A letter from the Assistant Secretary for Civil Rights, Department of Agriculture, transmitting the Department's FY 2015 No FEAR Act report, pursuant to Public Law 107-174, 203(a); (116 Stat. 569); to the Committee on Oversight and Government Reform.

5746. A letter from the Secretary, Department of Education, transmitting the Department's 54th Semiannual Report to Congress on Audit Follow-up, covering the six-month period ending March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5747. A letter from the Director, Office of Federal Contract Compliance Programs, Department of Labor, transmitting the Department's final rule — Discrimination on the Basis of Sex (RIN: 1250-AA05) received June 15, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Government Reform.

5748. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's Inspector General Semiannual Report to Congress and the Semiannual Management Report for the period ending March 31, 2016 pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5749. A letter from the Chairwoman, Federal Trade Commission, transmitting the Federal Trade Commission's Inspector General Semiannual Report to Congress for the period October 1, 2015 through March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5750. A letter from the Administrator, Small Business Administration, transmitting the Administration's Inspector General Semiannual Report to the Congress for the reporting period October 1, 2015 through March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 Stat. 1103); to the Committee on Oversight and Government Reform.

5751. A letter from the Deputy Special Master, 9/11 Victim Compensation Fund, Civil Division, Department of Justice, transmitting the Department's interim final rule — James Zadroga 9/11 Victim Compensation Fund Reauthorization Act [Docket No.: CIV 151] (RIN: 1105-AB49) received June 15, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following report was filed on June 17, 2016]

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 5445. A bill to amend the Internal Revenue Code of 1986 to improve the rules with respect to health savings accounts; with an amendment (Rept. 114–627). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HECK of Nevada (for himself, Mr. ROE of Tennessee, Mr. POLIS, and Mr. POCAN):

H.R. 5528. A bill to amend the Higher Education Act of 1965 to simplify the FAFSA, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HECK of Nevada (for himself, Mr. HINOJOSA, and Mr. RUIZ):

H.R. 5529. A bill to amend the Higher Education Act of 1965 to authorize additional grant activities for Hispanic-serving institutions; to the Committee on Education and the Workforce.

By Ms. ADAMS (for herself and Mr. BYRNE):

H.R. 5530. A bill to amend the Higher Education Act of 1965 to modify certain provisions relating to the capital financing of historically Black colleges and universities; to the Committee on Education and the Workforce.

By Mr. HUNTER (for himself and Mr. GARAMENDI):

H.R. 5531. A bill to amend title 46, United States Code, to improve maritime transportation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CICILLINE:

H.R. 5532. A bill to amend the NICS Improvement Amendments Act of 2007 to provide notification to relevant law enforcement agencies in the event that a background check conducted by the National Instant Criminal Background Check System determines that a person may not receive a firearm, and for other purposes; to the Committee on the Judiciary.

By Mr. CURBELO of Florida (for himself and Mr. COFFMAN):

H.R. 5533. A bill to authorize the cancellation of removal and adjustment of status of certain aliens who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Armed Services, Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUCKWORTH (for herself, Mr. GALLEGO, Mr. MURPHY of Florida, Mr. LEWIS, Mr. THOMPSON of Mississippi, Mrs. BUSTOS, Mr. QUIGLEY, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. RUSH, Mr. SMITH of Washington, Ms. WILSON of Florida, Mr. RICHMOND, Mr. JEFFRIES, Mrs. KIRKPATRICK, Ms. NORTON, Mrs. NAPOLITANO, Mr. LYNCH, Ms. KELLY of Illinois, and Mr. CONYERS):

H.R. 5534. A bill to amend the Homeland Security Appropriations Act, 2016 by repealing a limitation on the number of full-time equivalent screeners of the Transportation Security Administration; to the Committee on Homeland Security.

By Ms. WILSON of Florida:

H.R. 5535. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's and grandchildren's educational and extracurricular activities and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. BEYER, Mr. BRAT, Mrs. COMSTOCK, Mr. CONNOLLY, Mr. FORBES, Mr. GRIFFITH, Mr. HURT of Virginia, Mr. RIGELL, Mr. SCOTT of Virginia, and Mr. WITTMAN):

H. Con. Res. 138. A concurrent resolution designating the George C. Marshall Museum and George C. Marshall Research Library in Lexington, Virginia, as the National George C. Marshall Museum and Library; to the Committee on Education and the Workforce.

By Mr. TED LIEU of California (for himself, Mr. ENGEL, Mr. CICILLINE, Mr. BLUMENAUER, Mr. HASTINGS, Mr. VARGAS, Mr. CROWLEY, Mr. GALLEGO, Mr. SCHIFF, Ms. LOFGREN, and Ms. MCCOLLUM):

H. Res. 792. A resolution reaffirming the United States commitment to the protection of refugees and displaced persons; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

By Mr. GIBSON introduced a bill (H.R. 5536); to direct the Secretary of the department in which the Coast Guard is operating to issue a certificate of documentation with a coastwise endorsement for the vessel Apollonia, and for other purposes; which was referred to the Committee on Transportation and Infrastructure.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HECK of Nevada:

H.R. 5528.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. HECK of Nevada:

H.R. 5529.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Ms. ADAMS:

H.R. 5530.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States

By Mr. HUNTER:

H.R. 5531.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. CICILLINE:

H.R. 5532.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. CURBELO of Florida:

H.R. 5533.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4

The Congress shall have Power * * * To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States.

By Ms. DUCKWORTH:

H.R. 5534.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution of the United States

By Ms. WILSON of Florida:

H.R. 5535.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 (Necessary and Proper Clause)

By Mr. GIBSON:

H.R. 5536.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 24: Mr. RUPPERSBERGER.

H.R. 605: Mr. BISHOP of Georgia.

H.R. 1197: Mr. AMODEI.

H.R. 1427: Mr. COOPER, Mr. GRAVES of Missouri, Mr. SMITH of New Jersey, Mr. BEN RAY LUJÁN of New Mexico, Mrs. WAGNER, Mr. MICHAEL F. DOYLE of Pennsylvania, and Ms. BONAMICI.

H.R. 1559: Mr. POMPEO and Mr. WILSON of South Carolina.

H.R. 1594: Mr. MOOLENAAR.

H.R. 2087: Mrs. KIRKPATRICK.

H.R. 2274: Mr. COHEN.

H.R. 2290: Mr. SAM JOHNSON of Texas.

H.R. 2646: Mr. GRAVES of Louisiana.

H.R. 2846: Mr. NADLER.

H.R. 3051: Mr. VISCLOSKY.

H.R. 3119: Mr. GRIJALVA and Mr. POMPEO.

H.R. 3765: Mr. WENSTRUP.

H.R. 4247: Mr. CHABOT, Mr. SAM JOHNSON of Texas, Mr. PASCRELL, Mr. WEBER of Texas, and Mr. CARTER of Georgia.

H.R. 4269: Mr. TAKAI, Mr. LEWIS, Mrs. BEATTY, Mr. CLAY, Mr. HINOJOSA, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4603: Mr. KEATING and Mr. NOLAN.

H.R. 4615: Mr. GALLEGO.

H.R. 4919: Mr. SCHIFF.

H.R. 4959: Mr. RUSH.

H.R. 5061: Mr. HECK of Nevada.

H.R. 5073: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 5224: Mr. SAM JOHNSON of Texas.

H.R. 5272: Mr. SERRANO and Mr. LOWENTHAL.

H.R. 5275: Mr. HENSARLING.

H.R. 5292: Mr. BISHOP of Utah, Mr. COOK, Mr. RUSH, Mr. BRADY of Pennsylvania, Mr. PIERLUISI, Ms. BONAMICI, Mr. SIRES, and Mr. KATKO.

H.R. 5474: Mr. MCGOVERN, Ms. LEE, and Ms. MCCOLLUM.

H. Con. Res. 33: Mr. BOUSTANY.

H. Con. Res. 99: Mr. ZELDIN.

H. Res. 750: Mr. SEAN PATRICK MALONEY of New York.

H. Res. 758: Mr. HASTINGS.

PETITIONS, ETC.

Under clause 3 of rule XII,

71. The SPEAKER presented a petition of Mr. Gregory D. Watson, a citizen of Austin, TX, relative to urging Congress to launch an investigation into civil rights violations suffered by persons who were exercising their First Amendment privileges to attend a political event in San Jose, California, on June 2, 2016; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5485

OFFERED BY: MR. ENGEL

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

SENATE—*Monday, June 20, 2016*

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, as the final game of the National Basketball Association reminded us of redemption, we place our confidence in You, the Redeemer of humanity. Be exalted, O God, above the highest Heaven. May Your splendor shine over all the Earth.

Today, use our Senators to do mighty things for Your glory. May they settle for nothing less than their best efforts to fulfill Your purposes. As they depend on Your strength, do for them more than they can imagine. Empower them to strengthen the foundation of justice, righteousness, and truth, doing their part to accomplish Your will.

Lord, make our lawmakers so sensitive to Your grand vision for our Nation that they will be a conscience for our citizens in calling them back to You.

We pray in Your sacred Name.

Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. SULLIVAN). The majority leader is recognized.

FIGHTING TERRORISM

Mr. MCCONNELL. Mr. President, the terrorist attack that claimed 49 innocent victims in Orlando left families broken and our country shaken. It was a deliberately targeted attack inspired by the hateful ideology of ISIL, and it tragically reminded us of the continuing threat of ISIL-directed and ISIL-inspired attacks right here in our country.

We know that the way to prevent more of these terrorist attacks is to actually defeat ISIL where it trains, operates, and prepares for attacks, like in Iraq and Syria.

The President at least appeared to recognize that this weekend when he said that ''we are and we will keep doing everything in our power to stop these kinds of attacks and to ultimately destroy ISIL.''

But as the Nation just learned from CIA Director John Brennan, ISIL remains ''a formidable, resilient, and largely cohesive enemy.'' Our efforts thus far ''have not reduced the group's terrorism capability and global reach''—this is Brennan—and ISIL is ''training and attempting to deploy operatives for further attacks'' in the West.

It is evident that the President's campaign to contain ISIL has not been sufficient to defeat this group abroad or prevent more ISIL-inspired attacks right here at home. He needs to finally lead a campaign to accomplish this objective or at least prepare the military and intelligence community to help the next President do so if he won't.

Here in the Senate, we should continue our efforts to fight terror beyond our borders and prevent attacks within them. These have been priorities for Republican Senators for a long time, and they continue to be at the forefront of our efforts now.

We have offered proposals to help connect the dots with respect to terrorist communications. We have offered proposals to help address the threat of lone-wolf attacks like the one we saw in Orlando. And we have offered proposals to help ensure terrorists are not able to purchase weapons.

We will consider two of them today, along with two Democratic alternatives. The first proposal, from Senator CORNYN, would immediately block the sale of a firearm or explosive or explosives to a suspected terrorist and, once probable cause is shown, not only permanently block that sale but also allow the suspected terrorist to be arrested and detained. This would apply to anyone currently investigated as a terrorist suspect as well as to anyone who was investigated within the last 5 years.

Unlike Senator CORNYN's proposal, the Democratic alternative would not—would not—prevent a terrorist from buying explosives as the alternative pertains only to firearms. Unlike Senator CORNYN's proposal, the Democratic alternative would not notify State and local law enforcement when a terrorist tries to buy a weapon nor would the alternative even give authority for that terrorist to be arrested or detained.

Unlike Senator CORNYN's proposal, the Democratic alternative would not ensure due process, protect our constitutional rights, or require the government to periodically review its procedures to ensure it is investigating the right people.

The second proposal, from Senator GRASSLEY, would improve the background check database by helping ensure all levels of government are actually submitting the necessary records, including mental health records. It would also allow for additional resources to update and improve the system further.

Unlike Senator GRASSLEY's proposal, the Democratic alternative would not study the causes of mass shootings.

Unlike Senator GRASSLEY's proposal, the Democratic alternative would not help prevent failed gun walking operations like Fast and Furious.

Unlike Senator GRASSLEY's proposal, the Democratic alternative would not require the Department of Justice to explain why it has not been using the gun laws already on the books to prosecute gun cases. We know that weapons-related convictions under the Obama administration are down more than 30 percent compared to a decade ago.

So, look, no one wants terrorists to be able to buy guns or explosives—no one. Instead of using this as an opportunity to push a partisan agenda or craft the next 30-second campaign ad, colleagues like Senator CORNYN and Senator GRASSLEY are pursuing real solutions that can help keep Americans safer from the threat of terrorism. They are approaching this serious topic in a serious and constitutional way. They also understand that ultimately the most important way to prevent more terrorist tragedies at home is by defeating terrorism overseas.

Serious solutions—that is what the American people now demand more than ever. That is where we should keep our focus.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

GUN VIOLENCE

Mr. REID. Mr. President, we have an epidemic of gun violence. It is here. I wish it weren't, but it is here, and it is getting worse every day.

Last week's attack at a popular night club in Orlando, FL, was the deadliest shooting in modern American history. It was an act of hate and an act of terror. Forty-nine people were killed, and dozens were wounded. Many of those wounded are going to suffer for

the rest of their lives from paralysis, blindness, and other maladies caused by the evil of Mr. Mateen.

Sadly, mass shootings are occurring with sickening regularity in our country. Let's just talk about some of them in recent years.

Tucson, AZ, 2011: Six were killed, and a number were injured, one of whom was Gabby Giffords—a wonderful, wonderful human being. She was critically injured. Her good husband, a famous astronaut, is doing everything he can to make her life as normal as possible.

Carson City, NV, 2011: Four were killed in a popular restaurant in Carson City called Heidi's. Three of the dead were National Guardsmen getting ready to do their duty, having a break. In fact, they were having breakfast when they were gunned down by a madman.

Aurora, CO: People there watching a popular movie in 2012 were gunned down in a night of terror.

Newton, CT, 2012: Twenty little kids—20 babies—and six educators were killed.

The Navy Yard, Washington, DC, 2013: Twelve were killed.

Las Vegas, NV, 2014: A couple of people had just left the Bundy domestic terror situation. I guess they didn't get enough opportunities to do terrible things up there. So they came to Las Vegas and went to a restaurant where two police officers were sitting there having breakfast—two men with families. This man and woman walked up, having left the Bundy enclave, and shot both of them in the head right in front of everybody. They walked out, went next door to Walmart, and killed another unsuspecting shopper.

Charleston, SC, 1 year ago: Nine were killed in a church—praying and singing. That is what you should do in a church, but a murderer was there, and he killed nine of them.

Roseburg, OR, 2015: Nine were killed at a community college.

Colorado Springs, CO: Some crazy person hell-bent on doing something in his own mind—stopping abortion—killed three innocent people. They had nothing to do with abortion. They were just innocent people.

San Bernardino, CA: In a government facility, people there for a holiday celebration were maimed and 14 killed by two domestic terrorists.

Kalamazoo, MI, 2016: An Uber driver picked up a fare, drove around town to kill another one and got six.

So if we add these up, it comes to 100, not counting the 49 who were killed a week or so ago. We add to that the 90 who are killed every day—90 every day—with guns in America. That is a pretty staggering number.

But after the murders I have outlined here—Tucson; Carson City; Aurora; Newton, CT; DC; Las Vegas; Charleston, SC; Roseburg, OR; San Bernardino, CA; Colorado Springs, CO; Kalamazoo, MI—the American people have looked to Congress to stop them. No more, they say. The American people don't feel safe. They want to feel safe. They want the violence to stop. They want it to end. But instead of getting help from their elected officials, our constituents see a disturbing pattern of inaction. It is always the same. After each tragedy, we Democrats try to pass sensible gun safety measures. Sadly, our efforts are blocked by the Republican Congress, which takes its marching orders from the National Rifle Association.

In April 2013, just months after the shootings in Aurora and Newtown, Democrats proposed legislation that would expand background checks and reinstate the assault weapons ban, limit the size of ammunition clips. The man who went into the nightclub a week ago had an assault rifle that would hold a magazine of 30 shells. He could fire that every time he pulled the trigger. It would take him about 3 or 4 seconds to empty the 30 shells. He could reload in 1 or 2 seconds. We don't know for sure, but he had at least two extra clips, so 90 bullets. Does anyone think there is anything you hunt in America that requires 90 bullets? Is there anyone who thinks that in America you need 30 bullets to go hunting—for what? Well, the man in Orlando, FL, went hunting for people.

We tried to limit the size of ammunition clips, to prevent firearms trafficking, but the NRA didn't accept any of our proposals, and so the Senate Republicans didn't accept them and they filibustered and blocked every one of them.

It happened again last December. Following the shooting in San Bernardino, Senator FEINSTEIN proposed legislation to close the so-called terror loophole. Senator FEINSTEIN's bill would have prevented suspected terrorists from legally purchasing firearms and explosives. Keeping terrorists from buying guns should be something upon which every Member of the Senate agrees. Again, the NRA said no, the Republicans said no, and they blocked Senator FEINSTEIN's legislation. That is a pattern we see. We see it repeatedly. It doesn't matter how sensible the legislation or how terrible the tragedy, the Republicans are beholden to the National Rifle Association, the NRA, and not the people who elect them to come here and represent them.

Today I am afraid it will be more of the same. About 2 hours from now, the U.S. Senate will have an opportunity to stop the rampant gun violence that has plagued our Nation. Stop it all? No, but it certainly will do something. So, at 5:30, Senators will vote on four gun-related amendments, two from Democrats, two from Republicans. Two of these amendments—the Murphy and Feinstein amendments—are serious proposals to protect Americans from gun violence. The Murphy-Booker-Schumer amendment would close loopholes in our background check system and ensure that firearms and explosives are kept out of the hands of terrorists and criminals and those who suffer from mental illness.

Senator FEINSTEIN's amendment would close the terror loophole, which allows suspected terrorists to legally purchase weapons and explosives. Both of these proposals are in keeping with what America wants and what America needs. About 90 percent of Americans favor expanded background checks, and more than 80 percent of Americans want to close the terror loophole. These are Democrats, Republicans, and Independents. I might say, as to the National Rifle Association, all NRA Members don't feel the way the leaders of the NRA do. Even though 90 percent of Americans favor expanded background checks and more than 80 percent want to close the terror loophole, Republicans will again, I am confident, reject the voice of the American people. Instead, Republicans are proposing legislation that will actually make it easier for someone who has a mental illness to get a gun. Instead, Republicans are proposing legislation that will actually make it more difficult for law enforcement to keep guns out of the hands of the dangerous.

The first Republican amendment proposed by the senior Senator from Iowa would make it easier for a person with severe mental illness to buy a gun. That is what it says. The Republicans would make it easier for one who just gets out of a psychiatric facility to walk out of a psychiatric facility and go buy whatever he wants in the way of firearms.

The second Republican amendment, the Senator from Texas proposed legislation that would allow the sale of firearms to terrorists after a brief 72-hour waiting period, which would compromise ongoing counterterrorism investigations. The Grassley and Cornyn amendments are political stunts that are meaningless in doing something to stop gun violence. These are amendments to divert attention from real legislation. Why? So Republicans can say: Hey, look, we tried. And all the time they are cheerleaders to the bosses at the NRA who are cheering them.

My Republican colleagues are again stuck in the same rut, the same warp, giving in to the demands of the NRA. The Republican leaders always find an excuse to say no. Democrats look at any reasonable proposal when it comes to gun safety. Right now there are Democrats like Senator HEINRICH who are working with Republicans to find a solution. We are open to any of their ideas, provided the legislation really does keep guns and explosives away from suspected terrorists, criminals, and people with mental illness—but we

know the NRA will never support any of these proposals. That is why we need the Senate Republicans to take a stand against gun violence and against the NRA.

As I stand here, the NRA is sending a lot of direct mail. They are even getting better now and putting stuff on the internet, saying: We need more money. They are trying to take your guns away from you. It is a fundraising operation. What we need is the Senate Republicans to take a stand against gun violence and against the NRA for a change. If they don't—if the Senate Republicans continue down this path and reject the Feinstein and Murphy amendments, it will be the third time recently they walked away from sensible gun legislation. It will be the third time recently Republicans have walked away from sensible gun legislation and will be the third time Republicans will have voted to give suspected terrorists, criminals, and the mentally ill access to firearms. It will be the third time recently that the Senate Republicans have protected the gun lobby, even as their own constituents have been gunned down in cold blood.

The Senate Republicans should be embarrassed, but they are not because the NRA is happy. The Republicans need to put the lives of innocent Americans ahead of the NRA.

I yield the floor and ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2578, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2578) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Pending:

Shelby/Mikulski amendment No. 4685, in the nature of a substitute.

McConnell (for Feinstein) amendment No. 4720 (to amendment No. 4685), to authorize the Attorney General to deny requests to transfer a firearm to known or suspected terrorists.

McConnell (for Cornyn) amendment No. 4749 (to amendment No. 4720), to Secure our Homeland from radical Islamists by Enhancing Law enforcement Detection (''SHIELD'').

McConnell motion to commit the bill to the Committee on the Judiciary, with instructions, (McConnell (for Murphy) amendment No. 4750), to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

McConnell (for Grassley) amendment No. 4751 (to (the instructions) amendment No. 4750), to address gun violence and improve the availability of records to the National Instant Criminal Background Check System.

McConnell amendment No. 4752 (to amendment No. 4751), to change the enactment date.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, a few days after the mass shooting in Orlando, I received a very powerful letter from Ella Staats, a young Vermonter who, like Americans across our land, was sickened and horrified by this senseless act of hatred that we saw in Orlando.

What was pointed out to me in this letter, this eloquent, passionate heartfelt letter, is that Ella is 15 years old. In her letter addressed to me, under the auspices of the Young Writers Project, she explained that even at her age, she has ''already seen so many mass shootings that it is becoming harder and harder to faze [her].'' Ella calls on Congress to act, writing: ''It is time that the gun laws in our country were completely reformed'' so these violent and hateful acts will be prevented.

After I read and reread her eloquent letter, I was moved. I sat down in my home in Vermont, and I started to draft a response, going through all the votes I had taken over the years. I started looking up all the hearings I had convened on gun violence, all the bills I authored and cosponsored, those I moved through the Judiciary Committee and even on the Senate floor, but then I stopped—this was just a catalogue.

I decided the nature and the quality and the moving aspect of Ella's letter deserved a response on the Senate floor because Ella has given voice to something urgent that many people in Vermont and across the country are feeling right now.

Here is my reply to Ella:

Dear Ella, thank you for your thoughtful letter. I have read it several times and I want you to know how powerful it is to speak up about issues as important as this one. Some worry that many of your generation have disengaged from involvement in the big issues of our day, but your letter gave me hope. You are right. It is long past time for Congress to reform the laws that allow mass gun violence to flourish in our country.

You deserve to feel safe. You should not have to fear that guns designed for the battlefield will end up in the hands of terrorists or violent criminals. A large majority of our fellow Americans feel just as we do and support sensible answers. But your government has let you down. Time and time and time again, commonsense remedies are thwarted by obstruction and inertia and powerful lobbies, and only if more people like you stand up will we be able to change this.

Ella, I want you to know that I have been working for years to find practical solutions that will stop the gun violence that continues to touch every corner of our country. But I bet that the last thing you want is a list of all the bills I have written or voted for but have not passed. You want to know how we are going to overcome the well-funded opposition to passage of laws that will reduce gun violence.

First, we must remember the amazing men, women and children who die from gun violence every day. Sadly these tragedies are not limited to mass shootings. It is essential that we pay attention to the loss that thousands of mothers and fathers, sons and daughters feel each day because of a shooting that could have been prevented.

Second, we need new voices like yours. We need you to hold us accountable. We need more people to demand reform so that we can finally overcome the well-funded opposition to commonsense laws that would keep guns out of the hands of criminals and terrorists.

Ella, I share your frustrations and I beg you not to become numb to this hatred and violence. I urge you to speak out in your community, on social media and to demand accountability. It often takes time—too long a time—but speaking out, sharing your ideas and views, and contacting your elected representatives makes a difference. I hope the votes that I cast on your behalf tonight demonstrate that I hear you and I agree that we must act to prevent the next Orlando. Ella, thank you for doing that—for speaking out and for holding us accountable.

Mr. President, I ask unanimous consent that Ella Staat's full letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(By Ella Staats)

DEAR SENATOR LEAHY:

I am a Vermont teen who has been deeply saddened by the Orlando shooting. I am enraged at this terrible act of targeted violence against the LGBT+ community, saddened by the immense loss of life, and mourning for the victims and their families.

It is time that the gun laws in our country were completely reformed. It is time that people with such senseless hatred cannot commit such a terrible crime so easily.

I would expect and, frankly, hope that you and every Congressperson around the United States are receiving thousands more letters like this one.

Because something needs to change.

I am a teenager growing up in a world where, at 15, I have already seen so many mass shootings that it is becoming harder and harder to faze me.

But the homophobia, and the scale of this attack deeply disturb me. I may not know everything about politics, but I am urging you to please, please do something. Something big.

This may not be a long letter, but I hope I have gotten my point across.

I am tired of excuses. I am tired of waiting. I am tired because I know this is not the last awful shooting I will see in my lifetime. Unless this government finally steps up and makes a change, this will continue to be the norm.

And a country where something like the Orlando shootings is commonplace is not a country I want to spend the rest of my life in.

Mr. LEAHY. Like Ella, Marcelle and I continue to mourn the deaths of 49 innocent people in Orlando just over a week ago. Just a year ago we were mourning the loss of 9 parishioners who were murdered in their church by a hateful domestic terrorist. It is unacceptable that hundreds more have died as a result of mass shootings since that tragic day in Charleston. This includes the victims killed at military facilities in Tennessee, a college in Oregon, a Planned Parenthood clinic in Colorado, an office gathering in San Bernardino, and dozens of other communities around the country.

Enough is enough. Ella is rightfully tired of excuses—and so am I. We cannot accept that daily shootings are the new normal. I was proud to join Senator MURPHY, Senator BOOKER, Senator BLUMENTHAL, and others here on the Senate floor last Wednesday in a call to action, and I commend those Senators for their determined leadership last week. We have to do something. Congress must act.

When Democrats were last in the majority in the Senate, I was Chairman of the Judiciary Committee last Congress and we took action. We convened hearings, debated and reported out sensible legislation to punish criminals who traffic in firearms, to close loopholes that allow criminals to acquire guns, and other measures to prevent mass shootings. We had broad support from the public and a bipartisan group of Senators. But Senate Republicans blocked every single one of these responsible proposals. And since re-taking control of the Senate, Republicans have stood in the way of even the most modest reforms. There have been no hearings and there was no willingness to allow votes on any gun violence legislation until Democrats took a stand.

Last week, Democrats demanded action on this issue, and tonight we will have four votes, and Americans across the country will know where each Senator stands. I am a responsible and proud gun owner, and most Vermonters know we should do everything we can to keep guns out of the hands of suspected terrorists. In order to do that, we must close the loophole that allows suspected terrorists to pass the background checks conducted at gun stores. Senator FEINSTEIN's amendment would give law enforcement the discretion to actually stop the sale of a gun to a known or suspected terrorist who presents a public safety threat. Had Senator FEINSTEIN's amendment been law when the Orlando shooter attempted to buy his assault weapon, the FBI would have had notice to see what he was doing and could have prevented the tragedy in Orlando. The Department of Justice, which includes the FBI, supports Senator FEINSTEIN's amendment and I support this commonsense amendment.

Closing the ''terror gap'' is not enough. If a potential terrorist is prevented from buying a gun in a local store, we have to ensure that he cannot simply buy the same gun online without any sort of background check. If background checks are not universal—online, at gun shows, and everywhere else—then what is the point? Senator MURPHY's amendment closes a major loophole by requiring background checks for every firearm sale, including gun shows and internet sales—with reasonable exceptions including transfers to close family members.

The amendments offered by Senators FEINSTEIN and MURPHY are sensible approaches that will help stop the gun violence that is plaguing our Nation. In contrast, the alternatives offered by Senators CORNYN and GRASSLEY do not adequately address the problems we face—and in some respects they make things worse. The Cornyn amendment would impose impractical and unnecessary burdens on law enforcement, and could allow a known or suspected terrorist to buy a gun even when the government has filed an emergency petition to block the sale. And the Grassley amendment does nothing to fix the gaping holes in the background check system. I am concerned that the Grassley amendment could actually make it easier for individuals with known mental illnesses to obtain firearms. Anyone who is watching this debate to determine which proposals would help prevent the next Orlando tragedy need to understand that neither the Cornyn nor Grassley amendments would have stopped the Orlando shooter from getting his guns. Congress must pass bills that fix loopholes in a responsible way, not create more dangerous gaps in our gun laws.

The vast majority of Americans support stronger background checks. They want to prevent terrorists of all types from obtaining guns. When I pick up a firearm from a gun store in Vermont, even though the person may have known me all his life, I have to go through a background check. That does not bother me a bit. But I do not want somebody who has warrants outstanding against them or restraining orders from their spouse against them to be able to walk into a gun show and buy the same weapon with no background check. If Senators listen to their constituents, they will do the right thing and vote for the Feinstein and the Murphy amendments to keep guns out of the hands of criminals and suspected terrorists. And they will vote against the Cornyn and Grassley amendments.

In the wake of mass gun violence, whether the victims are members of the LGBT community, African-American church parishioners, first graders in an elementary school, college students, or military servicemembers or others in our community, we are called to come together in solidarity as Americans. We must come together in support of the victims, their families, law enforcement personnel and first responders, and the entire community tonight. Let's enact real solutions. They might prevent further acts of senseless violence.

To the millions of Americans who agree with Ella, I hope you are watching the Senate today. I thank Ella for reminding us all that we cannot stand idly by, wait for the next tragedy, and simply offer our thoughts and prayers.

Now is the time Congress has to act to pass commonsense measures that have languished for too long and could save American lives. I support the amendments offered by Senator FEINSTEIN and Senator MURPHY.

I hope my fellow Senators will do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we are now debating the Commerce-Justice-Science appropriations bill. I am the vice chair of that subcommittee and just wanted to make people aware that the pending bill funds the Department of Commerce—which hopefully works to create jobs in our country—the Justice Department, the National Science Foundation, the space agency, all related to how we build a strong economy and how we protect our people.

It is a bill that I have worked on not only all year long, but I have worked on this bill for close to 30 years. When this subcommittee bill moves, it will be the final subcommittee in which I will have been in a major chairmanship, vice-chairmanship role.

So people would think: Gee, Senator BARB wants to move this major bill along. I sure do. I have worked hands-on with my colleague, the Senator from Alabama, Mr. SHELBY. We have a good bill. We have a bill for which I will continue to advocate.

But people say: Well then, BARB, why would you support a filibuster? I will tell you why I supported a filibuster: guns, guns, guns, guns. And on the anniversary of the assassination of those people at the Charleston church, we had yet another mass murder scene occur in Orlando, FL.

We organized the filibuster so that we could get a vote to stop the terrorist suspects from getting guns and also to extend background checks for all gun sales and to extend those background checks to the internet and gun shows so that we could curb violence.

I actually wanted to go further. I wanted to bring back the ban on assault weapons that expired because an

assault weapon is no more than a weapon of war to be used by the military or those in defense of our country who have to kill a lot of people in a short amount of time with as few trigger pulls as possible. But, no, we couldn't get that, so we went to these two bills—one to close the terrorist loophole and the other to extend background checks.

I supported the men of Newtown. I see one Senator on the floor now, the distinguished Senator from Connecticut, a former attorney general who was in the Senate when Newtown happened, along with his junior colleague, Senator CHRIS MURPHY also of Connecticut, and Senator BOOKER of New Jersey. They led this fight.

I am proud of what they did because—what did they filibuster for? Only to get a vote. We had to have a filibuster to get a vote on offering ideas on how we could curb gun violence in our country and protect our own people. One is against terrorists getting guns, and the other is extending background checks to the internet sales and to gun show sales.

I come from a State with a proud heritage of hunting. In many parts of our State, it is part of our way of life. We respect that, and this will in no way impede anybody from being able to do that. Yet we had to filibuster to get a vote—not even a filibuster on the bill. In just a matter of 2 hours from now, we will be voting on those two amendments. I hope those amendments pass.

The other side of the aisle also has alternatives to those. That is the American way. We presented an idea, and they think they have an idea. But let's vote on who has the best idea to curb violence and protect us against terrorism.

This isn't the first time someone filled with hate and armed with a high-powered weapon has killed his fellow citizens. Time and again, innocent Americans have died—in a church in Charleston, in schools such as Newtown, in a movie theater, or at work. The list goes on.

Also, the availability of guns occurs in our cities—in places such as Baltimore where we have a high homicide rate due to the drug trade. We would like to be able to address that today, but instead we have focused on these two specific things. As I said, I would like to have done more, but this is a fantastic start. I salute those colleagues who led the filibuster. America wants us to take action.

Let's go to closing the terrorist loophole. When I get on an airplane, I go through a metal detector, I take my shoes off, and I take my jacket off. There was a time when they even looked at what I had in my tube of lipstick so that it would not be a lethal weapon.

I support that. I don't want to be blown up in the sky, and I don't want anybody else on that plane to be either. But why is it we would go through such incredible scrutiny to board an airplane to protect us against terrorists, yet we have no scrutiny of the people on a terrorist watch list to be able to buy a gun.

You can be on a terrorist watch list, but one of the ways you are going to commit terror is to kill people—one through mass murder like the horrific 9/11 event that still sears our memory and breaks our heart every time we think about it. But, my gosh, if I am going to get on an airplane and they are going to want to know what is in my tube of lipstick when I go through—that it is not a lethal weapon—certainly, why don't we try to curb lethal weapons?

That is why I support the Feinstein amendment. You could walk into a gun store now, and in 3 days or less you can walk out with a high-powered rifle, a high-capacity magazine, unless you have committed a crime.

You cannot get on an airplane, but you can buy an AR–15. This is unbelievable, and this is what Senator FEINSTEIN's amendment would fix. I am proud to be a cosponsor of her amendment. I am pleased the Senate will vote on it, and I hope we can pass it.

The distinguished Senator from Texas, Mr. CORNYN, has an alternative. Let him explain it and defend it. I think the Feinstein amendment is superior.

I also hope we pass the Murphy amendment to close the gun show loophole. Today 40 percent of gun sales are unlicensed. They are sold online or at gun shows. It means that 40 percent of the gun sales have no background check, giving felons, domestic-violence abusers, or terrorists easy access to guns.

This amendment will help with two things: It will get all of the names of all people prohibited from buying guns into the National Instant Criminal Background Check System, which is the Federal background check system run by the FBI, and it will require background checks for the sale or transfer of all firearms by private sellers.

Background checks do work. In 18 States where background checks are required for all handgun sales, 46 percent fewer women are killed by domestic partners and 48 percent fewer law enforcement officers are killed with handguns.

So if you want to protect law enforcement, if you want to protect us from domestic violence abusers, you want to close this gun show loophole. It will not only deal with terrorists, but it will deal with people who are deeply, deeply troubled.

I urge my colleagues to pass the Murphy-Blumenthal amendment.

Before I leave the floor, I wish to say something to the Senator from Connecticut. After Newtown, I really thought we would do something. After the massacre of 20 children and 6 educators who literally put themselves in harm's way to save the children—6 educators, 20 children, killed by an assault weapon—I thought we would do something.

If we didn't do it after Newtown, I didn't know when we would do it. Then there was Aurora, there was Charleston, and now there is Orlando. But we didn't do it after Newtown.

I really hope this is a new day. I thank the Senator for standing up for those families and for all in this country. I am honored and pleased to stand with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I rise today to say to my colleagues who are here that I hope that we can stop the politics and really focus on a result that will make a difference for the American people.

All of our hearts were broken across this country as we woke up the Sunday before last to the news of the horrific terrorist attack on the nightclub in Orlando that took the lives of 49 innocent people, and 53 more were injured. I can't imagine how their families feel and the pain their loved ones must be experiencing. Our prayers are with them and those who were wounded and with our brave first responders who had to go there to address this horrible terrorist attack.

This was an attack that shook our Nation. It was an attack on our LGBT community in a place where people come together to enjoy themselves to celebrate who they are. It was an act of terrorism; it was an act of hatred. This was the worst terrorist attack on our soil since September 11.

It is a somber reminder—unfortunately, the terrorist who committed this attack, someone who pledged allegiance to the leader of ISIS, someone who, unfortunately, committed an act of terrorism and an act of hatred—that ISIS continues to plan and inspire attacks against us here at home and that we do have to take this fight to ISIS much more aggressively and make sure that they don't continue to have the capacity to inspire terrorist attacks against us on our homeland or against our allies around the world, as we have seen in other places such as Paris and Brussels.

We have to defeat radical Islamic terrorists, and we have to destroy ISIS so they can no longer spread hatred, violence, and death.

Unfortunately, the terrorist who committed this horrible attack in Orlando was investigated by our FBI. During that investigation, he was placed on what is called the selectee list. That list is part of a larger list sometimes referred to as the terrorist

watch list. When an individual goes to purchase a firearm and they are on the terrorist watch list, the FBI is notified that purchase is taking place. They have up to 72 hours to take some action or to further their investigation. This individual, this horrible terrorist was taken off the list because the FBI had closed its investigation.

So I hope we do not lose sight on this floor of the fact that we better do everything we can to understand any gaps that exist in our intelligence system regarding that investigation, understand why it was closed, and make sure investigations like this don't get closed in the future. We must have a situation where the FBI has the resources and tools it needs to follow up properly when they have someone in their sights the way they had with this terrorist. The reality is, had he been on the list, as he had been previously before the investigation was closed, the FBI would have been notified of his firearm purchase.

On the floor today, we have proposals to address whether terrorists should be allowed to purchase guns. Make no mistake, Mr. President, gun control won't stop terrorism. However, I think we can all agree that we do not want terrorists to purchase firearms.

With both these competing proposals on the floor, we do have some common ground: that terrorists should not be permitted to purchase firearms. Unfortunately, where we find ourselves is playing our typical political football. I believe we should stop playing political football with something so important.

As a member of the Committee on Armed Services, I am going to recommit myself—and I hope everyone in this body will—to doing everything I can to defeat ISIS. I also believe we should recommit ourselves to finding out if there are gaps in our intelligence system that need to be addressed and understanding why this investigation was closed. We must also make sure the FBI has the tools it needs to prevent these attacks.

I also believe we should work together to ensure that terrorists are not allowed to buy firearms. But we know what is going to happen. We will not find a solution by sticking to two measures that failed before, mostly on party lines. So I have been working with Senator COLLINS, Senator FLAKE, and Senator GRAHAM, and talking to people on both sides of the aisle about coming together with a compromise that can pass this body and make sure terrorists are not allowed to buy guns.

If you are too dangerous to board a commercial plane, it stands to reason you should not be able to buy a gun. It is as simple as that. And I think people on both sides of the aisle agree on that in principle. So why can't we act in good faith and figure out the best way to achieve that goal? This is a gravely serious issue that requires a serious response. There is a solution here, and I am committed to finding it, but to find that solution, we have to come together.

Instead of having competing proposals that have already mostly failed in this Chamber when we took those votes back in December, let's put aside the gamesmanship and come together to get a proposal that will be effective and get a result for the American people.

The Senate will be considering two proposals, as I referenced. Both have failed, mostly on party lines. By all accounts, these proposals are likely to fail again and we will then be right back where we started—no safer, no smarter, no more successful in protecting our citizens. There will be more political blame, but we will be no closer to a solution, to a result on something that matters, that means we will move forward in ensuring that terrorists do not have access to firearms.

I am here to talk about a better way. During the past week, in working with Senators COLLINS, FLAKE, GRAHAM, and others and reaching out to my colleagues on the other side of the aisle, we want to propose legislation that may actually pass the Senate. To get to that solution, we have to move this debate forward. That is why I will be voting today to advance both options before us in order to provide an opportunity for us to come together with a bipartisan compromise that will get a result for the American people.

There is an opportunity in this debate to go forward and to get a result. Unfortunately, both bills on the floor aren't the answer. We know that. They both failed before. So I will be continuing to push to get a result.

What we are doing this afternoon in this political exercise is pushing for legislation that both sides know is going to fail. Both options before us—that of Senator FEINSTEIN and Senator CORNYN—are well-intentioned, but each has flaws that I am concerned about. Senator FEINSTEIN's approach is very broad, and it would include the entire terrorism database. It could include instances where there has only been a derogatory allegation made about an American which has not been validated. There are real due process questions about that, using the broader list. It is much broader than the phrase ''no fly, no buy.'' I think we all understand that—no fly, no buy. But this is much broader, and it is misleading to call the Feinstein proposal that proposal. If you cannot get on a plane, you shouldn't be able to buy a firearm, but this measure doesn't require the government show anything other than a reasonable belief that you have been engaged in conduct relating to terrorism, and it doesn't necessarily mean it has been validated.

In December, I supported Senator CORNYN's legislation because it was similar to Senator FEINSTEIN's legislation but it had additional, stronger due process protections. However, Senator CORNYN's legislation requires the FBI to act in 72 hours, to go to a court in 72 hours to present probable cause. Having been a former murder prosecutor, I am concerned that is not enough time under these circumstances to take proper action and to be able to mount all of that before a court to meet a probable cause standard. So I think there are some concerns that I have in terms of the timing with Senator CORNYN's legislation and also the fact that if you had probable cause, you probably would have already charged someone with a crime.

There is a better way. These two pieces of legislation that I will be moving forward in this debate are a start, but they are not the end. They are not an end until we get a commonsense result that ensures that terrorists can't buy guns and that we protect the due process rights of American citizens. So our proposal is one that would ensure that if you are on the no-fly list—which, by the way, roughly 800 Americans are on the no-fly list—that would ensure you could not go and purchase a firearm. But if you believe you are being wrongfully denied your right, you can challenge that in court. If the government is wrong, then they are going to have to pay your costs and attorney fees.

Our legislation would also ensure that individuals like the horrible terrorist who committed these attacks in Orlando and who are on a smaller sublist called the selectee list, which is a list that is smaller than the overall terrorist watch list—there must be reasonable suspicion that an individual meets additional heightened criteria, where they have additional derogatory information above and beyond the criteria required for the broader database that someone is engaged in terrorism. The Orlando terrorist who committed these horrific attacks was on this list. That group of individuals would not be permitted to purchase a firearm, but they, too, would have the opportunity to go to court and to challenge that decision and, if the government is wrong, to make sure their costs are paid for.

Our proposal would also ensure that if you have been on this list for the last 5 years, the FBI would be notified if you went to purchase a firearm. Why is that important? Because unfortunately the terrorist who committed these horrible attacks was taken off the list. We better find out why that happened. But we will make sure, in this legislation, that if you were on the list and you go to purchase a firearm, that at least the FBI is notified so they can follow up. If they want to conduct additional investigation and surveillance—like I hope they would have done in this instance had they learned about this individual—they have the opportunity to do that.

We believe this is a fair, workable solution. It is a solution that makes sense. It is a solution when we think about the overall terror database, which has about 1 million people on it. The no-fly list has about 800 Americans on it. If you combine the selectee list and the no-fly list, we are talking about fewer than 2,500 Americans. If you are on that list and you are being focused on in an open investigation by the FBI, with the belief you are engaged in terrorism or engaged with terrorists, then you should not be able to buy a firearm.

We have a responsibility to protect peoples' constitutional rights. We need to make sure there is due process for anything we do here. That is our basic responsibility. That is why our legislation makes sure terrorists can't buy guns, and it also makes sure the due process rights of Americans are protected. If the government is wrong, their costs and attorney's fees will be paid for because the government should have that burden.

I suspect these two proposals may fail tonight—not because of anything I will do, because I am going to be asking to get to this debate. I want a result. I think we should stop playing political football with this. If these two proposals fail tonight—which, unfortunately, I think is likely to happen since it is almost Groundhog Day again, since they are similar to two proposals we voted on in December, and we know what the result of that was: They both failed—I hope we can come together.

I have talked about a good-faith, workable solution tonight that makes sense. I hope that on both sides of the aisle we can work together to get a result for the American people. We need to make sure we get something done and ensure terrorists cannot purchase firearms. But let's also make sure we continue to go after ISIS and defeat ISIS so they cannot inspire further attacks like this on our country. Let's also make sure that if there are gaps in our intelligence system—because the FBI didn't follow up or should have followed up or they need more resources to follow these cases to their end—that we work together to address that as well because this was a horrific act of terrorism, and we need to treat it accordingly.

It is my hope that we can work together on bipartisan solutions that will help keep the American people safe.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I am pleased to follow my colleague and friend from New Hampshire, who served as attorney general of her State during part of the time that I served as attorney general in the State of Connecticut. We have in this body common ground in seeking more effective law enforcement solutions to all of the harm and unspeakable violence that has so plagued our Nation in recent years. But I cannot help but remark that we would not be having this debate but for an effort last week—in fact, a filibuster—that took the floor under the leadership of my great colleague and friend Senator MURPHY, supported by Senator BOOKER and myself and then by tens of other Senators, to make sure that we debate and that we vote. Our feeling was that there should be no business as usual on this appropriations bill—as important as it might be—in the wake of the terrorist extremist harm in Orlando.

We demanded action because America is demanding action. We have been deluged before today, and I am sure that we will be deluged after, by Americans saying that the time has come for commonsense measures to stop gun violence inspired by ISIS or other terrorist extremists abroad and supported by them, as well as the homegrown terrorists and the lone wolf.

During the 15 hours that we were on the floor, our offices were deluged by encouragement and support from Connecticut and from all around the country, joining us in saying: Enough is enough; the time for action is now. These were letters, tweets, Facebook posts, demonstrations, rallies, and other insistent cries for Congress to do its job and respond to this public health crisis, much as we would to any other epidemic. It is an epidemic that we face—an epidemic of gun violence.

In Connecticut, we have a special understanding with the people of Orlando about what it is like to have a community go through such a horrible tragedy. We sought action in the wake of Newtown some years ago, and I am often asked: What now has changed since Newtown? What will make the difference? The reason I think we have reached a tipping point and why I think there has been a sea change and a critically important change in the dynamic here in the Senate is that we now know that these endless progressions of massacres, gang violence, domestic violence, and other gun crimes at every level will continue and, indeed, will rise in number and severity unless we act and, equally, if not more importantly, that the link to terrorist extremists abroad has become irretrievable. We know violent terrorists at home, inspired and supported by ISIS abroad, will continue to wreak havoc and take lives. They will continue to use AR–15s and semi-automatic assault weapons, which have been designed to kill and maim as many people as possible, as quickly as possible.

We have become much better at stopping terrorists from carrying bombs onto planes because we adopted a no-fly list, and we have a terrorist watch list. Those AR–15s and other military-style assault weapons have now become the weapon of choice, rather than explosives. The form no longer preferred by terrorists is a plane. Now it is a nightclub, an office, a school, a church, or wherever people gather. There is no question that we need to take the fight to ISIS, as my colleague from New Hampshire has said, and it needs to be taken to ISIS more aggressively and effectively. But the Nation also needs to harden its defenses at home and to use information and intelligence that comes to us about people who are preparing, undertaking, or engaging actively in terrorist activity—as evidenced by fact, not mere speculation—and make sure that we are protected from them by stopping them from buying guns. With weapons that can be easily and legally purchased, one or two gunmen can wreak unimaginable havoc, killing and injuring hundreds of people in a matter of minutes. They need to be barred from buying guns. That is why I am supporting, strongly and enthusiastically, the proposal made by my colleague, Senator FEINSTEIN, that embodies the basic principle: no fly, no gun. If you are too dangerous to be permitted on a plane, you should be deemed too dangerous to buy a gun. That is in no way to interfere with anybody's Second Amendment rights. I believe in the Second Amendment. It is the law of the land. There should be due process, as well, for anybody who is erroneously on any list.

The Feinstein proposal, which I am pleased to cosponsor, would give the Attorney General of the United States the flexible authority to stop people who are on a compilation of lists—no fly, terrorist watch lists—or under investigation by the FBI 5 years previously from buying a gun. That is the basic principle that is at stake. It offers a strong hope. Indeed, it might well have prevented the shooter in Orlando from buying a gun, because he had been under investigation by the FBI in the previous 5 years.

These measures are necessary to protect America. The alternative, the proposal made by Senator CORNYN, I believe is unworkable and ineffective. The government has to meet a probable cause standard and prove in a public proceeding, a trial, that standard is met. If an individual can be proved by probable cause to be sufficiently dangerous to be barred from a gun purchase, that person can be arrested. The Cornyn proposal, in effect, makes it more difficult to stop someone from buying a gun than to arrest them. So it seems to be that in most circumstances it would be ineffective—indeed, meaningless. To put it simply, the Cornyn amendment essentially adds nothing to the tools law enforcement already have. I have heard it described as a wolf in sheep's clothing. In my view, it is actually a sheep in wolf's clothing, with the pretense of being strong and

effective in the fight of terrorism but in fact much less than meets the eye. Folks in law enforcement will know that investigations and analyses concerning highly complex and sensitive information that has to do with terrorism sometimes take time, and the 72-hour requirement placed an unrealistic and unworkable limit on the United States. I want to emphasize again that none of this is to say that due process is to be deemed unimportant. In fact, anyone erroneously on this list ought to be provided with effective and speedy due process, which is what the Feinstein amendment does.

We are also going to be voting on another pair of amendments addressed at the broader background check issue. I urge my colleagues to support the measure that I have led with my colleagues, Senator MURPHY, Senator SCHUMER, and Senator BOOKER, which ensures that our background system works in the only rational way it should—by requiring everyone purchasing a firearm to undergo a background check. That background check process is necessary for any terrorist list to be effectively implemented, because otherwise there would be no way of knowing whether someone is on such a list. ''No fly, no gun'' is effective only if there is a list that can be enforced by review of background. These measures are supported by 90 percent of the American people or more. Everywhere I went over the weekend in Connecticut—Boys State convention sponsored by the American Legion in Winstead, the Branford Road Race for Father's Day, yesterday, the blessing of the fleet in Southport—Americans and the people of Connecticut have shown us that we must act. This Chamber is the place where there are speeches. It is often filled with words. Now is the time for action.

An alternative to the Murphy-Schumer-Blumenthal-Booker amendment has been offered by Senator GRASSLEY. Unfortunately, it would not only fail to fix the problem, but, in fact, it would worsen the status quo. It makes broad sweeping changes to portions of our gun laws that now prevent people with dangerous mental illnesses from obtaining weapons. This proposal would make an abrupt sweeping change to the definition that could result in many individuals currently prohibited from purchasing firearms suddenly being able to do so, even if they do in fact have conditions that make them dangerous to themselves or others.

There is no single solution to the problem of extremist terrorism inspired or supported by ISIS or enemies abroad. We need to be mindful and aggressive and effective in countering. The link to terrorism abroad is undeniably seen at home. I want to commit that today is in a sense the beginning of a new chapter, when perhaps we can seek common ground in light of the sea change and the tipping point we have reached in this Nation. We can seek common ground on measures that are realistic. My quarrel with the Collins amendment is that it would, in fact, fail to cover 90 percent of the suspected terrorists who pose danger, and it would not have stopped the shooter in Orlando, as the Feinstein proposal might well have done.

There is a basis for common ground. I am committed to seek it. We have not only the opportunity but the obligation to do more and to do it better. This effort will not be a sprint, as I said literally within days of the Newtown tragedy. It is an effort that requires continued work to stop assault weapons and AR–15s, which are weapons of war and mass destruction, to prevent illegal trafficking and straw purchases, to enact a mental health initiative and school safety measures, to prevent domestic violence from careening into gun violence, and to prevent the continued broad immunity unique to the gun industry under PLCAA. These steps will come in time because the American people are saying, as we said last week on the floor of the Senate: Enough is enough.

The time is now for action. I thank my colleagues for supporting this effort and for their continuing support and, most importantly, the people of Connecticut who have been so generous and caring and most important for the survivors and victims who have shared their stories again and again. The face and voice of Newtown has been here through groups such as Sandy Hook Promise and Newtown Action Alliance. In the end, citizen activism will enable us to do more and do better to counter extremist violence and gun violence throughout America.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Texas.

Mr. CORNYN. Madam President, before I yield to the Senator from California, I ask unanimous consent that she be recognized for up to 20 minutes, and following that, that I be recognized for my remarks.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Madam President, reserving the right to object, may I ask for 10 minutes after my colleagues have spoken?

The PRESIDING OFFICER. Will the Senator modify his request?

Mr. CORNYN. Madam President, I am not sure I understood it. If it is 10 minutes after I conclude my remarks, then I have no objection to that.

Mrs. BOXER. Yes.

Mrs. FEINSTEIN. If I may, Madam President, I thought what the Senator was proposing was that he would have 20 minutes and I would have 20 minutes.

Mr. CORNYN. Right.

Mrs. BOXER. That is fine.

Mrs. FEINSTEIN. I will go first, and then he is going to do his 20 minutes, and then Mrs. BOXER will speak.

Mrs. BOXER. That is exactly what I asked.

Mr. CORNYN. I have no objection to that.

The PRESIDING OFFICER. Is there objection to the modified request?

Mr. CORNYN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I appreciate the Senator from Texas.

AMENDMENT NO. 4720

Madam President, I rise to speak in support of the amendment to keep guns out of the hands of known or suspected terrorists. The Orlando attack again exposed a dangerous loophole in our law that allows known or suspected terrorists to legally purchase guns through the National Instant Criminal Background Check System, known as NICS. We call this loophole the terror gap. Let me explain what that means.

There are currently 10 categories of people who are blocked from buying guns through the National Instant Criminal Background Check System, known as NICS, and here they are. They include felons, those under felony indictment, fugitives from justice, drug users or addicts, those committed to mental institutions or adjudicated as mentally defective, foreign nationals here unlawfully or those with nonimmigrant visas, such as temporary workers, those dishonorably discharged from the military, and those with a domestic violence restraining order.

But one group that cannot be blocked from buying guns are those who are known or suspected terrorists on the FBI's consolidated terrorist watch list. They can buy guns, but certain aliens can't, dishonorably discharged can't, people of renounced citizenship can't, drug users can't, fugitives from justice, felons, et cetera, are the ones who cannot.

We know that individuals on the watch list have exploited this loophole. According to FBI data, over the past 11 years, the success rate for known or suspected terrorists who undergo background checks to buy guns is 91 percent. So 91 percent of over 2,000 gun buyers were found by a GAO study to be able to purchase guns. Closing this dangerous loophole was first proposed by the Bush Justice Department in 2007. In fact, we derived the language in our amendment from that original bill.

Our amendment would give the Attorney General the authority to block a gun sale to known or suspected terrorists. It also provides an appeals process, both administrative and judicial. Let me read that language because it is derived out of the 2007 Bush Justice Department.

''The Attorney General may deny the transfer of [a] firearm if the Attorney

General determines, based on the totality of circumstances, that the transferee represents a threat to public safety based on a reasonable suspicion that the transferee is engaged, or has been engaged, in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources therefor.''

That is from that bill.

In order to ensure that FBI would be alerted in the case of an individual such as Omar Mateen, our amendment also includes language proposed by Senators LEAHY and NELSON. This language would ensure that any suspected terrorist who tries to buy a gun within 5 years of being investigated for terrorism crimes would automatically trigger a notification to the Justice Department about the attempted purchase.

As you know, in 2013 and 2014, the FBI conducted two inquiries on the Orlando gunman related to suspected terrorism. Even though the FBI was investigating him for possible terrorism, and at one point placed him on the FBI's terrorist watch list, it had no power to prevent him from purchasing weapons at a gun store.

That is the key issue. It had no power to prevent him from purchasing a gun at a gun store. Had this amendment been in place, it would have allowed the Attorney General to know about the Orlando shooter's attempt to buy a Sig Sauer MCX assault rifle, and then investigate to determine whether to deny the gun based off this man's entire history.

Let me now explain how the terrorist screening database, also known as the consolidated terrorist watch list, works. Under this amendment, the Attorney General would look to this database to identify a known or suspected terrorist. To be included in this database, the FBI must have a reasonable suspicion—based on a totality of circumstances and objective facts—that a person is a known or suspected terrorist. Information is derived from intelligence and law enforcement sources at home and abroad. To ensure that only individuals who pose a threat to national security are placed on this list, FBI Director Comey told the Intelligence Committee in February that information is thoroughly vetted.

The FBI's process is also rigorously audited to reduce the number of false positives. There are approximately 1 million records in this database, but less than one-half of 1 percent are U.S. persons.

This is the net. This is the terrorist screening database. This is the product of intelligence and law enforcement. It is scrutinized, and if it is worthy, it is placed on this database—1 million records maintained by the FBI's Terrorist Screening Center, fewer than 5,000 U.S. persons. That is one-half of 1 percent.

This is a targeted list that is carefully put together. It is focused on known or suspected terrorists believed to represent a risk to public safety.

One thing I want to say, and I will repeat this when I discuss Senator COLLINS' bill, but many people confuse this list with the no-fly list. The no-fly list is this dark blue center. It is 81,000 records. It is maintained by the FBI's Terrorist Screening Center, and it has fewer than 1,000 persons.

Then there is the selectee list. It is even smaller. It is 28,000 records maintained by the FBI's Terrorist Screening Center—fewer than 1,700 U.S. persons. But you can see, if you are going to have a net, the net has to be big enough. I am going to explain to you why in a moment.

Our amendment also includes due process protections. It allows an individual who believes they were mistakenly denied a gun to learn the reason for the denial and appeal that decision, both administratively with the Justice Department and judicially. This is the same appeals process currently in place for anyone who believes they are wrongly denied a gun through the NICS database, which I just went through a few minutes ago.

Let me speak about two Republican proposals, why I think they wouldn't work. I am delighted the Senator from Texas is on the floor. We both sit on the Judiciary Committee. I have had the pleasure of working with him for a number of years. But his amendment requires the probable cause standard to be met. That is a very high standard because if that standard is met, there is already enough evidence to arrest the person, search their home and car, seize their property, and indict the person.

It is not a practical standard to block a gun purchase. It would just be an infinitesimal part of what is actually out there. The proposal also says that somebody should be entitled to a full-blown contested hearing with counsel, but if this hearing is not completed within 72 hours, the gun sale goes through. The hearing would require the filing of an emergency petition, the service of process, the opportunity for the individual to get a lawyer, and then the actual full-blown hearing. This is nearly impossible to achieve within 72 hours, and if it isn't achieved, the terrorist gets the gun.

Senator COLLINS has also circulated alternative language. I consider myself a friend of hers. I have great respect for her. We serve on the Intelligence Committee together. But my view is that her alternative is not enough to close the loophole that creates this terror gap and allows terrorists to buy guns.

This alternative would focus on narrow parts of the database. This no-fly list—you can see how small it is—and the selectee list, which is here—the selectee list includes those persons who can fly but who receive additional screening before boarding a plane.

Focusing so narrowly on these two smaller lists is not enough, and I would like to tell you why. It would leave out a huge number of known or suspected terrorists—one, as you can see. I have gone through that. I have gone through the no-fly list. If we were to focus only on the no-fly list and the selectee list, we would be leaving out 891,000 foreign nationals—names given to us by law enforcement, intelligence sources, both here and among our allies—who are on the terrorist watch list and approximately 2,300 U.S. persons determined by the FBI to be known or suspected terrorists. Focusing on the smaller lists leaves out close to 90 percent of known or suspected terrorists, covering both U.S. persons and foreigners.

I remind my colleagues, you don't need to be a U.S. person to legally buy guns in this country. That makes it important to understand how this list is larger. Let me give you an example. Travelers using the Visa Waiver Program can legally buy guns. There are 20 million travelers in that program annually, and more than 100,000 of them don't go home when they should.

Now I would like to share one example where a known or suspected terrorist was on the FBI's radar but likely had not been placed on the no-fly list. Over the weekend, my staff went through 86 cases and pulled out some of them. I have them here, and at this time I would like to mention one.

Nader Saadeh, a U.S. citizen, was radicalized and became a devoted follower of ISIL. The FBI received a critical tip about Saadeh in April of 2015. The tip included a detailed account of his radicalization and support of ISIL. This is all available in a 13-page criminal complaint. In May, Saadeh flew from New York City to Jordan. He was detained and later arrested by the FBI. Here is someone who clearly met the definition of a known or suspected terrorist but was permitted to fly out of a major U.S. airport in the city where the 9/11 attacks occurred. This shows the danger of focusing only on narrow subsets of the terrorist watch list. To me, that just doesn't make sense.

There is broad support for our amendment, including more than 260 organizations and community leaders around the country.

Madam President, I ask unanimous consent that the list be added to the CONGRESSIONAL RECORD directly following my remarks.

The Justice Department and the White House support this amendment. They believe it is a workable approach to help prevent terrorists from obtaining weapons. We worked with the Justice Department, and the Justice Department made some additions to our amendment. They released a statement of support. I will read it in part: ''This amendment gives the Justice Department an important additional tool to

prevent the sale of guns to suspected terrorists by licensed firearms dealers while ensuring protection of the department's operational and investigative sensitivities.''

Thirty-eight Senators have cosponsored the amendment, including Republican Senator MARK KIRK, making it bipartisan.

Closing the terror loophole gap is an important step, but it isn't enough. Let me explain why. Today, you can buy a gun at a gun show without a background check. As a matter of fact, my chief of staff, a woman, was pursued at a gun show to buy a .50-caliber rifle, which is a sniper rifle from which a bullet can travel for a mile and still go through a brick wall. You can buy a gun on the internet without a background check. You can buy a gun on the private market without a background check. That is why we must pass the amendment offered by Senators MURPHY, SCHUMER, BOOKER, and BLUMENTHAL. This would ensure that guns sold at gun shows, over the internet, and from person to person are subject to background checks. If we don't also make that change, known or suspected terrorists will still be able to buy guns at gun shows with no questions asked.

Now, with ISIL intent on perpetrating and inspiring attacks in this country, there is an increased urgency to make it harder for terrorists to get their hands on guns. To me, this isn't a gun control issue. It is really a national security issue. If there is any doubt about that, let me briefly share a portion of CIA Director John Brennan's remarks from last week's open hearing of the Senate Intelligence Committee. He said:

> We judge that ISIL is training and attempting to deploy operatives for further attacks. ISIL has a large cadre of Western fighters who could potentially serve as operatives for attacks in the West. The group is probably exploring a variety of means for infiltrating operatives into the West, including refugee flows, smuggling routes, and legitimate methods of travel.
>
> Further, as we have seen in Orlando, San Bernardino, and elsewhere, ISIL is attempting to inspire attacks by sympathizers who have no direct links to the group. Last month for example, a senior ISIL figure publicly urged the group's followers to conduct attacks in their home countries if they were unable to travel to Syria and Iraq.

Those are the words of the head of the world's most prominent intelligence agency. We should heed those words. We know ISIL adherents and sympathizers are already inside the United States. In fact, since March of 2014, Federal prosecutors have charged 86 men and women around the country in connection with the Islamic State, and 36 have been convicted. We also know that terrorists are well aware just how weak our gun laws are and that they urge their followers to exploit them.

In 2011, a man by the name of Adam Gadahn, an Al Qaeda spokesman—he is actually an American who went to Syria and was a suicide bomber—urged terrorists to take advantage of our weak gun laws. Gadahn stated on the internet: ''America is absolutely awash with easily obtainable firearms.''

This bears repeating. Terrorist groups—like Al Qaeda, ISIL, al-Nusra, and others—know that our gun laws are weak and can be exploited.

We can't continue to do nothing in the face of such potential death and potential devastation. I have been fighting to reduce gun violence throughout my career, since my days as a county supervisor and as mayor of San Francisco. I know how difficult it is to make changes because the opposition is so extreme and opposes any measure to curtail gun violence—no matter what it is. It was against all odds that the assault weapons legislation passed in 1994, and the gun lobby fought hard not only to defeat the amendment, which succeeded, but to defeat those in the House who supported it, and that started its own reign of terror.

When the Brady background check passed in 1993, multiple cloture motions on the bill failed before it ultimately passed with 63 votes, but that bill did not cover sales at gun shows, private sales, or internet sales, which have increased significantly.

After the Newtown shooting, I thought we would do something to stem the tide of these weapons. We tried.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. Madam President, I am just about finished. I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, we tried to renew the ban on assault weapons, but that failed. We tried to expand the background check, even through a compromise offered by Senator MANCHIN, but that effort failed. I remember that when the vote on the background check failed, the New York Daily News put the photos of the Newtown victims on the front cover. There were 20 young children, ages 6 and 7, and their educators, and the headline read: ''For Shame.''

It is time for us to stand up. It is time to force elected representatives to take action. We must expand background checks. We must make sure that the government can stop a gun from being sold to a known or suspected terrorist, and that is not too much to ask.

I thank the Presiding Officer, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF SUPPORTERS

LAW ENFORCEMENT ORGANIZATIONS

Department of Justice (DOJ), Prosecutors Against Gun Violence, International Association of Chiefs of Police, Los Angeles County Police Chiefs' Association, Police Executive Research Forum (PERF), The National Law Enforcement Partnership to Prevent Gun Violence, Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), Hispanic American Police Command Officers Association (HAPCOA), International Association of Campus Law Enforcement Administrators (IACLEA), Major Cities Chiefs Association (MCC), National Association of Women Law Enforcement Executives (NAWLEE), National Organization of Black Law Enforcement Executives (NOBLE), Police Foundation, Women in Federal Law Enforcement, Inc. (WIFLE).

GUN SAFETY

Brady Campaign To Prevent Gun Violence united with the Million Mom March, Coalition to Stop Gun Violence, Campaign to Unload, Law Center to Prevent Gun Violence, Sandy Hook Promise, Newtown Action Alliance, Americans for Responsible Solutions, Illinois Council Against Handgun Violence, Faiths United to Prevent Gun Violence, Wisconsin Anti-Violence Effort (WAVE), CeaseFirePA, North Carolinians Against Gun Violence (NCGV), Iowans for Gun Safety, Arizonans for Gun Safety (AzGS), Women Against Gun Violence (WAGV), Colorado Ceasefire Legislative Action, Delaware Coalition Against Gun Violence (DeCAGV), Georgians for Gun Safety (GGS), Hawaii Coalition to Prevent Gun Violence, Hoosiers Concerned About Gun Violence (HCGV), Maine Gun Safety Coalition, Marylanders to Prevent Gun Violence, Stop Handgun Violence, Connecticut Against Gun Violence (CAGV), Michigan Coalition to Prevent Gun Violence, Everytown for Gun Safety, Greenwich Council Against Gun Violence.

Missouri and Kansas Grandparents Against Gun Violence, Nebraskans Against Gun Violence (NAGV), New Mexicans to Prevent Gun Violence (NMPGV), New Yorkers Against Gun Violence (NYAGV), Ohio Coalition Against Gun Violence (OCAGV), National Cathedral Gun Violence Prevention Group, OK GunSense, Ceasefire Oregon, Rhode Island Coalition Against Gun Violence (RICAGV), Safe Tennessee Project, Texas Gun Sense, Gun Violence Prevention Center of Utah, Virginia Center for Public Safety, Washington CeaseFire, States United to Prevent Gun Violence, Stop Our Shootings, Violence Policy Center (VPC), Protect Minnesota, Gun Free Businesses, Virginia GVP Coalition, ART = AMMO Artists Against Gun Violence.

RELIGIOUS

San Francisco Interfaith Council (SFIC), Orthodox Union Advocacy Center, The Rabbinical Assembly (RA), Baptist Peace Fellowship of North America (BPFNA), Catholics in Alliance for the Common Good, National Council of Jewish Women (NCJW), Rabbis Against Gun Violence, Jewish Women International (JWI), Union for Reform Judaism (URJ), Hadassah, The Women's Zionist Organization of America, Washington National Cathedral.

OTHER ORGANIZATIONS

The United States Conference of Mayors, American Bar Association (ABA), Washington Office on Latin America (WOLA), Center for American Progress (CAP), CODEPINK: Women for Peace, Vote Vets.org, Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), Generation Progress Action Network, Safe Campus Colorado, Black American Political Association of California (BAPAC), Sierra Club, California Latino Water Coalition (CLWC),

Grandmothers for Peace International, Equality California, GLBT Historical Society, Joint Action Committee for Political Affairs (JAC), Battle Born Progress, Majority Ohio Action Fund, UltraViolet, Larkin Street Youth Services, Cure Violence, Futures Without Violence.

EDUCATION AND CHILD WELFARE

American Federation of Teachers (AFT), Every Child Matters, Children's Defense Fund (CDF), National Association of Social Workers (NASW), Child Welfare League of America (CWLA), National Education Association (NEA).

LAW ENFORCEMENT LEADERS

Jackie Lacey, District Attorney, Los Angeles County, Mike Feuer, City Attorney, City of Los Angeles, Charlie Beck, Chief of Police, City of Los Angeles, Jim McDonnell, Sheriff, Los Angeles County, Toney Chaplin, Chief of Police, City of San Francisco, Jarrod Burguan, Chief of Police, City of San Bernardino, Ed Davis, Former Police Commissioner, City of Boston, Eric Jones, Chief of Police, City of Stockton, Jerry Dyer, Chief of Police, City of Fresno, Robert Castro, Chief of Police, City of Glendale, Jim Smith, Chief of Police, City of Monterey Park, Cliff Mar, Interim Chief of Police, City of Alhambra, Robert T. Guthrie, Chief of Police, City of Arcadia, Sam Gonzalez, Chief of Police, City of Azusa, Ed Dadisho, Chief of Police, City of Bell, Robert Barnes, Chief of Police, City of Bell Gardens, Sandra Spagnoli, Chief of Police, City of Beverly Hills, Scott LaChasse, Chief of Police, City of Burbank, Paul Cooper, Chief of Police, City of Claremont, Kim Raney, Chief of Police, City of Covina, Scott Bixby, Chief of Police, City of Culver City, Carl Charles, Chief of Police, City of Downey, Mitch Tavera, Chief of Police, City of El Segundo, Edward Medrano, Chief of Police, City of Gardena, Sharon Papa, Chief of Police, City of Hermosa Beach.

Cosme Lozano, Chief of Police, City of Huntington Park, Mark Fronterotta, Chief of Police, City of Inglewood, Anthony Miranda, Chief of Police, City of Irwindale, Scott Pickwith, Chief of Police, City of La Verne, Jim Hunt, Chief of Police, City of Monrovia, Kevin McClure, Chief of Police, City of Montebello, Jeff Kepley, Chief of Police, City of Palos Verdes, Phillip Sanchez, Chief of Police, City of Pasadena, Paul Capraro, Chief of Police, City of Pomona, Keith Kauffman, Chief of Police, City of Redondo Beach, David Lawton, Chief of Police, City of San Gabriel, John Incontro, Chief of Police, City of San Marino, Larry Giannone, Chief of Police, City of Sierra Madre, Michael Langston, Chief of Police, City of Signal Hill, Randy Davis, Chief of Police, City of South Gate, Mark Matsuda, Chief of Police, City of Torrance, Daniel Calleros, Chief of Police, City of Vernon, Jeff Piper, Chief of Police, City of Whittier, David Bejarano, Chief of Police, City of Chula Vista, Ian Parkinson, Sheriff, San Luis Obispo County, Adam Christianson, Sheriff, Stanislaus County, Lisa Smittcamp, District Attorney, Fresno County.

CALIFORNIA COMMUNITY LEADERS

CA Lieutenant Governor Gavin Newsom, CA Assembly Speaker Emeritus Toni Atkins, CA State Senator Dr. Ed Hernandez, CA Assemblymember Dr. Joaquin Arambula, Mayor Edwin M. Lee, City of San Francisco, Mayor R. Carey Davis, City of San Bernardino, Mayor Casey Tanaka, City of Coronado, CA Assembly Majority Floor Leader Ian Calderon, Supervisor John Benoit, Riverside County, Mayor Sam Liccardo, City of San Jose, Mayor Libby Schaaf, City of Oakland, Councilmember Lindsey Horvath, West Hollywood City Council, Chancellor Dr. Francisco Rodriguez, Los Angeles Community College District, CA Assemblymember Cristina Garcia, Mayor Serge Dedina, City of Imperial Beach, Mayor Mary Casillas Salas, City of Chula Vista, Mayor Mary Teresa Sessom, City of Lemon Grove, Mayor Alma Beltran, City of Parlier, Mayor Sylvia Chavez, City of Huron, Mayor David Cardenas, City of Fowler, Supervisor Bruce Gibson, San Luis Obispo County, Mayor Victor Lopez, City of Orange Cove.

Mayor Robert Silva, City of Mendota, CA Assemblymember Mike Gipson, Caucus Chair, CA Assemblymember Miguel Santiago, Majority Whip, CA Assemblymember Kevin McCarty, CA Assemblymember Phil Ting, CA Assemblymember Rob Bonta, CA Assemblymember Marc Levine, CA State Senator Lois Wolk, Mayor-Elect Darrell Steinberg, City of Sacramento, Councilmember Esmeralda Soria, Fresno City Council, CA State Senator Kevin de Leon, CA State Senator Bill Monning, CA State Senator Bob Wieckowski, CA State Senator Fran Pavley, CA State Senator Marty Block, CA State Senator Tony Mendoza, CA State Senator Bob Hertzberg, CA State Senator Jerry Hill, CA State Senator Carol Liu, CA State Senator Benjamin Allen, CA State Senator Jim Beall, CA State Senator Ben Hueso, CA State Senator Isabel Hall III, CA State Senator Steven Glazer, CA State Senator Mike McGuire, CA State Senator Connie Leyva, CA State Senator Richard Pan, CA State Senator Mark Leno, CA State Senator Hannah-Beth Jackson, CA State Senator Ricardo Lara, CA State Senator Loni Hancock.

HEALTH

Catholic Health Association of the United States, Physicians for Social Responsibility, American Public Health Association, Association for Ambulatory Behavioral Healthcare, American Pediatric Association, American Academy of Pediatrics, American Association of Child and Adolescent Psychiatry, American Association of Colleges of Pharmacy, Academic Consortium for Integrative Medicine and Health, American College of Physicians, American College of Preventive Medicine, The American Geriatrics Society, American Medical Student Association, American Medical Women's Association, American Pediatric Society and the Society for Pediatric Research, American Psychological Association (APA), American Public Health Association (APHA), American Society of Hematology, American Thoracic Society (ATS), Association of American Medical Colleges, Association of Maternal & Child Health Programs (AAMCHP), Association of Medical School Pediatric Department Chairs, Association of State and Territorial Health Officials, Big Cities Health Coalition, California Chapter of the American College of Emergency Physicians, Care for the Homeless, Delaware Academy of Medicine/Delaware Public Health Association, Doctors Council SEIU, Doctors for America, Foundation for Healthy Generations, Global Healthy Living Foundation, HealthHIV, National Association of County and City Health Officials, National AHEC Organization, National Association of State Head Injury Administrators.

National Coalition for LGBT Health, National Health Care for the Homeless Council, National Hispanic Health Foundation, National Hispanic Medical Association, National Medical Association, National Network of Public Health Institutes, National Physicians Alliance, Pediatric Policy Council, Physicians for Prevention of Gun Violence, Physicians for Reproductive Health, Prevention Institute, Public Health Institute, Research!America, Suicide Awareness Voices of Education (SAVE), School-Based Health Alliance, Society for Public Health Education (SOPHE), Society of General Internal Medicine (SGIM), Student National Medical Association (SNMA), The Koop Institute, Trust for America's Health.

LOCALITIES

City of Solana Beach, California, San Diego Unified School District.

INDIVIDUALS

Jim Gray, Candidate for U.S. Senate, Kentucky, Dannel P. Malloy, Governor, Connecticut.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 4749

Mr. CORNYN. Madam President, as to the two main amendments that we will hear about tonight regarding the no-fly list, the watch list, or the known suspected terrorist list, we agree that terrorists should not have guns. Terrorists should not have guns. The only difference between the amendment of the Senator from California and my amendment is that once the gun purchase was stopped, under her amendment the bad guy walks away, and like the bombers who used the makeshift bomb in Massachusetts or some other device, they would be able to go buy guns illegally or create some other weapon of mass destruction and commit terrorist acts. My amendment would make sure that the law enforcement officials were notified on a timely basis, and then they would have up to 3 additional days to go to court and show probable cause to get a wiretap to listen to phone conversations, to execute search warrants to get additional information, and then to go before a judge and not just to deny access to the firearm but to take the terrorists off the street. Actually, in many ways, the amendment of my friend from California would not be as tough on the terrorists as mine would be.

We really should not be focusing on restricting the rights of law-abiding citizens under the Second Amendment without due process of law. That is what the Feinstein amendment does. We ought to be asking ourselves if there are those in this Chamber who believe you can deny American citizens their constitutional rights without due process of law based on a secret list that the government maintains. I don't care who it is. Whether it is the Obama administration or the former Bush administration, I don't think any American should sacrifice their constitutional rights without forcing the government to go to an impartial magistrate or judge and be able to show sufficient evidence to convince the judge that they have the evidence to deny those constitutional rights. This is really surreal to me.

Our colleagues want to make this about gun control when what we should

be making this about is the fight to eliminate the Islamic extremism that is the root cause for what happened in Orlando. My colleagues, in many ways, want to treat the symptoms without fighting the disease. There is absolutely nothing in the Feinstein amendment that would have prevented the Orlando shooting from occurring—nothing.

Conversely, under my amendment, the FBI would be immediately notified of anybody who was or had been on a watch list during the preceding 5 years, and this would obviously escalate the investigation. The FBI could go to court, get a search warrant, get a wiretap, after getting the appropriate waivers, and get the sort of evidence necessary to detain or arrest, in other words, the terrorists rather than just deny them access to a firearm. If they are too dangerous to buy a firearm, they are too dangerous to be loose on our streets.

The Boston Marathon bombers, which I mentioned a moment ago, the San Bernardino jihadists, and the ISIS-inspired radicals in Garland, TX, are all examples of the fact that Islamic extremists want the American people to trade our liberties and values for fear and panic.

CIA Director John Brennan made it clear last week that this threat from ISIS, or the Islamic State, is not going away. He said that the President and just about every other member of the administration have refused to acknowledge that the administration's efforts ''have not reduced the group's terrorism capability and global reach.''

Each time an attack has happened, my colleagues on the other side of the aisle want to make this about their gun control agenda. We can have that debate, but to act like this is a substitute for dealing with the threat of ISIS, either abroad or here at home through radicalization of American citizens using social media and the internet, is just a diversion.

I think all we need to do is to look at what the administration decided on the 9-1-1 transcripts from Orlando. Originally, they said they were going to redact those transcripts. Well, I am glad they had a chance to reconsider it because this reveals what was going on in that nightclub in Orlando. This reveals what the motivation was of the shooter. This wasn't just some street crime incident. This was a premeditated terrorist attack on American soil. Failing to release the complete 9-1-1 tapes would have been an affront not only to any promise of open government—and the administration said they were going to be the most open, transparent government in American history—but it would be an insult to the American people. You can't redact away the hurt and pain that so many are feeling from the loss of loved ones or the loss of a sense of security. You can't redact away the reality that a hate-filled killer pledged his allegiance to a terrorist organization before killing 49 Americans.

I still believe one of the administration's goals is to avoid any discussion about their failed strategy to combat radical Islamic terrorism either abroad or here at home. Instead, they decided to pivot and limit Americans' constitutional rights without due process of law.

If they can do that to the Second Amendment, can they do it to the First Amendment? How about the Fourth or Fifth Amendment? How many more provisions of the Bill of Rights do our Democratic friends believe can be denied, absent due process of law or forcing the government to go in front of an impartial judge and actually producing some evidence? We are indeed facing a serious threat from radical terrorism, both overseas and at home, and if we can't be honest and clear-eyed about who is attacking us, how in the world do we have any chance to defeat them? Because that needs to be our ultimate goal—to degrade and ultimately destroy ISIS.

We all agree that terrorists should not be able to purchase a weapon. That is not up for debate, and anybody who suggests that it is, is simply misleading you. The question before us is whether we are going to do so in a way that is constitutional. The question before us is, Are we going to do it in a way that would actually improve terrorist investigations or not?

My amendment is called the SHIELD Act, and it would stop terrorists from buying guns while ensuring that law-abiding citizens placed on a watch list by mistake don't have their rights taken away because of some secret list created by the Obama administration or by this government. And it will also—this is important—it will also set up a process to monitor, investigate, and detain terrorists where warranted by evidence. In that way, my proposal is far and away stronger than the proposal of the senior Senator from California for several reasons.

First, her amendment is unconstitutional. Last week I mentioned the problems that the late Senator Teddy Kennedy had when his name came up on a watch list by mistake. He was denied a ticket at an airport on one of his trips between Washington and Boston. After realizing the problem, he had a lot of trouble getting it resolved. And you can bet, if Teddy Kennedy had trouble getting it resolved, what kind of a chance does an average American have? He said as much. He said: Now, if they have that kind of difficulty for a Member of Congress, how in the world are average Americans, getting caught up in this kind of thing, going to be able to get treated fairly and not have their rights abused?

Senator Kennedy asked the question we all need to be asking right now. If a well-known, well-connected, and powerful public figure like Ted Kennedy had trouble getting his name removed from a watch list, do we have any confidence that average Americans won't have their constitutional rights denied with no legal process to remedy it? Our friends across the aisle wouldn't provide due process for law-abiding citizens placed on a watch list by mistake, like the late Senator Kennedy, and mine would.

Secondly, the Feinstein amendment has another fatal flaw. There are no additional tools for law enforcement to monitor, investigate, and detain suspected terrorists. My proposal not only stops them from buying a gun, it would take them off the streets.

FBI Director Comey has testified before the Senate that legislation that merely blocks a firearm transfer to a person on a watch list, without more, could actually disrupt a terrorism investigation. That is because if we automatically block the transfer, then it would tip the suspected terrorists that law enforcement is watching them and building a case, and they would simply turn to some other weapon, either illegal or manufactured. This could have tragic consequences, as a terrorist could take immediate steps to speed up their attack, obtain illegal weapons, as I said, or bomb-making materials, all the while thwarting law enforcement surveillance.

We need to be careful about enacting legislation that could, in the words of the FBI Director, effectively blow a terrorism investigation. No matter how well-intentioned, I believe that would be the effect of Senator FEINSTEIN's amendment.

The truth is, under that amendment a motivated terrorist could buy a gun, be denied, then walk out of the gun shop and find another avenue to carry out a terrorist attack. By letting a dangerous terrorist roam free on the streets, the proposal of our Democratic friends would make us less safe, not more.

My legislation, in contrast, would not only block that person from buying a firearm because the FBI would be immediately notified and they wouldn't be able to take it with them—they would have to wait at least 3 days while the FBI conducted an additional investigation—it would also allow the authorities the opportunity to carry out that investigation, followed by an expedited court hearing where a judge could block the sale and authorize the arrest of the terrorist if, in fact, there was some evidence to prove that was the case. If the judge deems there is probable cause to block the sale, the terrorist can be immediately detained by law enforcement.

I repeat myself: If someone is dangerous enough not to own a firearm, aren't they also dangerous enough to

be taken off the streets? The amendment of the Senator from California would let the bad guy go.

In this way, my proposal goes much further than our Democratic friends who have to do more to prevent terrorists from buying guns, and we have to lock them up and stop them before they kill innocent Americans too.

Importantly, my amendment would apply to anyone who was previously under an investigation for suspicion of terrorism within the last 5 years, like the Orlando attacker. The Orlando attacker wasn't even on the watch list, so I don't know what my friend from California is trying to propose here by saying that if you are on a watch list, you ought to be denied a gun. But I guess she is saying that even if you are not on a watch list, you ought to be denied a gun. We have said that if you have been on a watch list for the last 5 years, then the FBI would be provided notice.

Mrs. FEINSTEIN. Madam President, will the Senator yield for just one forward comment? Our bill does the same thing.

Mr. CORNYN. I will yield to the Senator after my remarks. I am almost through.

When similar proposals were offered in December, the amendment from the senior Senator from California didn't even get a majority of votes in this body. My related proposal back in December was bipartisan and garnered 55 votes.

I am glad the junior Senator from Indiana and the junior Senator from West Virginia—both Democrats—supported that bill then, and I hope they will do so again. Both made the decision to do what was right instead of what was politically convenient. The due process clause of the U.S. Constitution is more than just a convenience; it is, after all, our Constitution. Senators pledge to uphold and defend the Constitution of the United States, but then to vote for an amendment that would deny constitutional rights without due process of law—it sure seems intentioned with that oath.

We must advance commonsense legislation to defend ourselves against Islamic extremism, and I believe my amendment is a good place to start.

It is not the only idea. The Senator from Maine, Ms. COLLINS, and the Senator from Pennsylvania, Mr. TOOMEY, have some interesting ideas that I know they would like to develop and have a chance perhaps to vote on, but in the meantime, we need to do more to equip the FBI with the law enforcement tools they need to gather information on terrorists so that we can lock them up, and we have to be able to collect the dots before we can connect the dots.

I hope today my colleagues vote for my amendment. It blocks terrorists from buying guns, it detains terrorists if there is evidence to prove sufficient to satisfy a judge that they should be taken off the streets, and it upholds the Second Amendment to the Constitution of the United States.

Again, the question before us couldn't be clearer. We are going to vote on two proposals, both of which stop terrorists from buying guns. One is constitutional; one is not. I would strongly urge my colleagues on the other side of the aisle to support the one that is constitutional, and that would be the SHIELD Act, or the Cornyn amendment.

I yield to the Senator for a question.

Mrs. FEINSTEIN. Madam President, it is my belief that our amendment does cover the—Senator LEAHY and Senator NELSON submitted to us an amendment, which is incorporated, which does cover the Orlando killer. I wanted the Senator to know that.

Thank you very much.

Mr. CORNYN. Madam President, I would say to my friend from California, the problem in this instance is this shooter was a licensed security guard. He was guarding a courthouse. He also had a firearms license from the State of Florida. So there is nothing about her amendment that would have prevented him from purchasing a firearm. Indeed, the only thing that might have happened would be that the FBI would be notified under the 5-year lookback provision, but the FBI had already conducted two investigations of this particular shooter and had cleared him, notwithstanding all of the troubling signals we see now in retrospect. So I still believe there is nothing in the Feinstein amendment that would have prevented this shooter from purchasing firearms because he had a firearms license already and had previously been cleared by two FBI investigations and taken off the watch list.

Madam President, I yield the floor.

Mrs. BOXER. Madam President, what is the order?

The PRESIDING OFFICER. The Senator from California has up to 10 minutes.

Mrs. BOXER. OK. I understand that Senator NELSON wants some time and Senator MURPHY wants some time. May I ask through the Chair how much time remains on our side?

The PRESIDING OFFICER. The time is not equally divided.

Mrs. BOXER. Let me suggest, then, that after I finish on our side, that Senator NELSON be followed by Senator MURPHY at times they can work out on our side and Senator GRASSLEY in between—for how many minutes?

Mr. GRASSLEY. You guys want to take up all the time; is that what you want to do?

Mrs. BOXER. I didn't say that, no, sir.

Madam President, I think we will let everyone work it out, but I know I have 10 minutes, so I will take that time at this time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you, Madam President.

First, I thank my colleague Senator FEINSTEIN for her decades of work to address gun violence. I also thank Senators MURPHY, BLUMENTHAL, and BOOKER for standing on their feet for almost 15 hours to force the Republican leadership to at least allow some votes on gun safety.

Six months after we joined the Senate, Senator FEINSTEIN and I—this was in 1993—learned the horrific impacts of assault weapons when a deranged gunman entered the law offices of 101 California Street in San Francisco and killed eight people and wounded six others. When you lose someone you know to gun violence, it is very hard to get that out of your soul. And one of those killed in that attack in a law office with an assault weapon was one of my son's best friends. Yes, the soul of our family and his family and all the other families who were gunned down—I will tell you this: The pain does not go away. And I know we all feel that. I know we all feel that. The question is, ''What are we going to do about it?'' If not now, when is the time to do something about it?

After Orlando—the worst mass shooting in American history—and I see my friend Senator NELSON, who has been there and who has looked into the eyes of families, and he will never be the same, having done that.

This is a moment for us to do the right thing, to finally take action. Is it going to stop everything in the future? No. But it is a crisis, so we have to do what we can do. We should have done it after San Bernardino, we should have done it after Sandy Hook, and we should have done it after Santa Barbara and Aurora, but we didn't, so let's do it now.

By the end of this year, 30,000 Americans will have died from gun violence. In 10 years, roughly 300,000 Americans are killed by guns—300,000.

We lost more than 4,000 after 10 years in Iraq and nearly 60,000 after 10 years in Vietnam. Losing those incredibly large numbers of soldiers—64,000, roughly, in 10 years of those two wars—tore our Nation apart. It tore our Nation apart. But we lose 300,000 Americans from gun violence over 10 years and my Republican friends do nothing. That is the hard, cold truth. They claim they want to do something, but, as Senator FEINSTEIN pointed out, when we look at the bottom line of their proposals, they essentially do nothing. And the gun epidemic continues.

How many times do we come to the Senate floor to send our thoughts and prayers to families, but we don't do anything of substance to back those prayers up—not since my colleague got through her assault weapons ban. Since

then we have done nothing, and that was in the 1990s.

Unfortunately, I was just on the floor in December after a mass shooting at a holiday party that killed 14 people and wounded 17 others in San Bernardino. I stood right here, and I begged for us to come together and pass sensible laws to prevent another community from the gut-wrenching heartbreak my state was going through. That was just six months ago. We did nothing.

I was on the floor after a mass shooting in Santa Barbara in 2014, and I called for us to pass a pause that gives family and friends who fear their loved ones are going to use a gun in a dangerous way—to give them a way to temporarily stop that loved one from obtaining a gun and do it legally through a court hearing. California passed that law. We did nothing—no action.

When is it finally going to happen? When are we going to do something?

I would urge every single person watching this debate to watch the votes. The only two proposals that do anything are the Feinstein proposal and the Murphy proposal. One deals with keeping guns out of the hands of terrorists; the other makes sure that people who buy a gun at a gun show or a private transaction get a background check.

Should terrorists have guns? Every one of us says: Oh, no.

Do we need to defeat ISIS? Yes, they are one of the most brutal, vicious terrorist groups, and that is why I support the President's actions to take them out. I was glad to see the Iraqis recapture Fallujah from ISIS, but that doesn't stop the lone wolves over here. We need to make sure those lone wolves don't get a gun.

Should mentally unstable people have guns? No. We need to address that.

Should weapons of war be allowed on our streets? Even the inventor of the assault-style weapon—his family said he never meant it to be used on the streets. It is a weapon of war. Those weapons have no business being in civilian hands.

Today we have some good news out of the Supreme Court. They refused to take up a case that challenged the assault weapons ban in Connecticut. That is good news. It follows the legal opinions we have seen from the Court that say: Yes, there is a right to bear arms, but, yes, you can have commonsense gun laws so that people who can be trusted get a weapon and those who cannot, do not. Responsible people should be able to get a gun and pass a background check.

What happened in the world? Look at this chart. Do you see this big huge line? That is America. These are the rest of all the industrialized nations in terms of gun deaths. We know that tough gun safety laws around the world save lives.

Germany tightened their laws and shooting deaths dropped in half from 106 in 2002 to 61 in 2012 after they acted. In Australia, after they acted, gun deaths dropped from 98 in 1996 to 35 in 2014—after they took action.

In my home State of California, there was a 56 percent drop in gun violence between 1993 and 2010, according to the Law Center to Prevent Gun Violence, because our State took action. According to Johns Hopkins, Connecticut also saw an estimated 40-percent drop in gun-related murders in 10 years because they passed a 1995 law requiring a license before a gun purchase.

No, we can't prevent every single tragedy, but we can respect the Second Amendment and still pass commonsense gun safety laws.

We should pass Senator FEINSTEIN's amendment to prevent a suspected terrorist from buying firearms or explosives, and we should pass Senator MURPHY's amendment requiring background checks for all firearms sold or transferred privately.

There are 30,000 reasons to pass these amendments—one for every American who will die by year's end because of gun violence.

There is another number I want to conclude with—100.

We are 100 Senators. We have the honor and the privilege of being here.

We can do something about those 30,000 deaths a year. No, we are not going to cure it all with two measures. It is going to take more time than that. But people deserve to be safe at work, safe at school, safe at a shopping mall, at a movie theater, at a restaurant, at a health care clinic, and, yes, at a nightclub. So it is up to us to act. One hundred of us can look at the fact that we lose 300,000 Americans over 10 years, and we have done nothing since the 1990s. Today we can change all that.

I do thank so very much my colleagues, Senator FEINSTEIN and Senator BLUMENTHAL, for their work on this legislation.

Mr. President, I retain the time for the debate on our side.

The PRESIDING OFFICER (Mr. COATS). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before I speak, I ask unanimous consent that I be permitted to speak for up to 20 minutes, to be followed by Senators NELSON and MURPHY for 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, would you please tell me when I have used 17 minutes, and then I want to reserve 3 minutes for the Senator from Pennsylvania to follow me with his 3 minutes.

The PRESIDING OFFICER. The Chair will do so.

AMENDMENT NO. 4751

Mr. GRASSLEY. Mr. President, today I wish to address three topics.

First, I want to express my unwavering support for those who were killed and wounded in Orlando and for their families, friends, loved ones, and community members.

This terrorist attack represents a great tragedy and an affront to our way of life and very existence as Americans.

I look forward to doing what I can as chairman of the Judiciary Committee to support and give the FBI the tools it needs to investigate the circumstances of this attack by a radical Islamic terrorist.

All Americans have every reason to be upset and even furious over the deadliest attack since the awful events of September 11.

I, too, am angry. I am angry that this individual was interviewed twice, yet evaded detection. I am angry that this radical made his plans known to others and generally raised suspicions of others, yet was still able to carry out his horrific plot.

And I am upset that the attack in a sense reflects the failure of our foreign policy. There are more lone wolf attacks because there are more lone wolves.

I was asked recently: Why does it make any difference whether President Obama references ''radical Islamic terrorism'' or not?

The answer is that growing numbers of jihadists are spewing radical Islamic terrorist ideology over the internet, radicalizing Americans into lone wolves.

President Obama said, after the Orlando attack, that the shooter was not involved in a ''larger plot,'' as if that would provide comfort.

By not calling out that the attack developed from radical Islamic terrorism, he failed to recognize the dangerous ideology that derives from radical Islam and its deadly influence on individuals who are not part of any ''larger plot.''

Moving on to my second course of business, I am here to talk about guns and the Second Amendment.

Over the course of multiple hours on Wednesday, we heard my colleagues across the aisle take all of their anger and focus it on firearms—not the war on terror, not radical Islam, not our porous borders, but guns.

Through the hours of finger wagging, many things were stated as the gospel truth, and if we are truly to have a discussion regarding guns, those misleading or incomplete statements must be corrected.

We can have a debate on the merits.

My colleagues across the aisle are entitled to their opinions, but they are not entitled to manufacture their own facts.

From the first moment the minority leader hit the floor on Wednesday, we heard erroneous statements on the law on gun purchasing by those who would commit terror.

He cited comments from a jihadist that would-be terrorists can go to gun shows and buy fully automatic weapons without a background check.

Well, they can't.

Even the Washington Post Fact Checker gave the minority leader two pinocchios on this claim.

No one can buy a fully automatic weapon without a background check.

The gun used in Orlando was not a fully automatic weapon.

It was a semi-automatic weapon, where each pull of the trigger makes one shot.

Those guns are used legitimately for recreational purposes by large numbers of law-abiding Americans for target practice.

Surely the minority leader knows the law on this point.

The fact that a radical Islamic terrorist would lie about the law is not a reason that the law needs to be changed.

The minority leader also invoked what he referred to as the ''terror loophole.''

So did the Senator from Connecticut, whose amendment is before us.

What is this terror loophole?

To hear the minority talk about it, it means that terrorists are able to lawfully purchase firearms.

This is nonsense.

Anyone convicted of terrorism can't legally buy a gun.

For people we know are going to commit terrorism, I hope that we are not only preventing that individual from buying a gun, but we are either killing, arresting, or detaining that individual, depending on where he or she is found and in what capacity.

What the other side means when they say terror loophole is someone who might be on any number of flawed terrorist watch lists.

If we actually had a list that contained only actual terrorists, I would gladly support an effort to not only prevent them from acquiring firearms, but also to detain and bring them to justice as quickly as possible.

What we really have are these flawed watch lists that contain errors and are at the same time both under- and over-inclusive.

Time and again, the other side says they support Second Amendment rights.

Don't believe them.

The terrorist watch list amendment they now propose achieves the remarkable feat of violating two different provisions of the Bill of Rights at the same time.

It violates the Second Amendment right to keep and bear arms and it violates the Fifth Amendment's Due Process Clause.

The Senator from Connecticut has discussed on the floor that the Second Amendment is not absolute.

That is a truism. No one says it is absolute.

The question for the other side is: What rights do they think the Second Amendment protects?

Secretary Clinton has refused to say that she believes that the Second Amendment protects a fundamental individual right.

If it doesn't, then what individual rights of gun ownership does it protect?

And the terrorist watch list amendment also doesn't treat the Second Amendment as protecting a fundamental individual right to own any guns.

The amendment violates the Second Amendment because a fundamental constitutional right cannot be infringed without due process of law.

The executive branch compiles a secret no-fly list without notice to the individual, any opportunity to be heard, or any judicial finding that there is probable cause to believe that the individual should be on the list.

As a result, the list fails to include some who should be on it, and it includes people who shouldn't.

We know that our former colleague, Senator Kennedy, was on the list.

This Senator helped a former high-ranking army officer be removed from the list.

The statement that the other side made that there is no due process problem because all these individuals are dangerous is false for many reasons, including that there is no proof that they are all actually dangerous.

Depriving people of constitutional rights based on an inaccurate list and no process at all prior to that denial of rights violates due process.

One list is compiled for purposes of allowing flight, which, unlike gun ownership, is not a constitutional right.

It was never designed for any other purpose.

To apply it to gun purchases is, in the words of an Obama administration official, ''apples and oranges.''

But the amendment treats apples as oranges.

The other side just doesn't care that the Feinstein amendment is unconstitutional.

We know that because experts have made this indisputable point for 6 months since the amendment was first proposed.

But when the amendment is offered again, the same flaws appear.

Like the Bourbon kings, the sponsors have learned nothing and forgotten nothing.

To be sure, the Bush administration proposed a similar wrong-headed idea.

But that was before the Supreme Court recognized that the Second Amendment protects an individual right to gun ownership.

And Congress did not pass that proposal.

It is important to note that some of the most prominent voices against the terrorist watch list amendment are people who support gun control.

For instance, in an editorial featuring a photo of Senators FEINSTEIN and MURPHY, the Los Angeles Times asked and answered the question this way: ''Should people on the no-fly list be able to buy guns? Yes.''

The editorial pointed out correctly that people on the various no-fly list and terrorist watch lists are not convicted of any crime.

We don't know that a person is actually dangerous because he or she is on the list.

The vast majority of the people on the list are foreigners who are already prohibited from buying guns.

And the Los Angeles Times accurately stated that, since the Second Amendment is a fundamental right, the ''reasonable suspicion'' standard in the Feinstein Amendment is too weak a standard for a government agency to abridge that right without judicial supervision.

And it also faulted the amendment for only allowing a challenge to a gun sale after it was denied, with no judicial involvement prior to that point.

The editorial also noted that the San Bernardino shootings would not have been stopped had an amendment prohibiting people on the terrorist watch list from buying guns been in place.

And I will add neither would the killings in Orlando, since this person was not on the list at the time of the gun purchase.

Claims made to the contrary on the floor are without merit.

My amendment, which I will discuss in a little while, and the Cornyn amendment, would have given law enforcement notice that this individual sought to purchase a gun, for them to take appropriate action.

The Los Angeles Times was not the only major newspaper that editorialized against the Feinstein amendment—so did the largest newspaper in my state of Iowa, the Des Moines Register, for many of the same reasons.

I know that the minority leader pays close attention to the Register's editorials.

But if he blew up their editorial against the Feinstein amendment on a chart behind him on the Senate floor, as he has with various other of their editorials, I must have missed it.

Just this past week, the New York Times ran an opinion piece by Adam Winkler, another Californian, and a law professor at UCLA.

Professor Winkler noted that the National Rifle Association has raised objections to the Feinstein amendment, in particular, that the Attorney General has too much leeway under that amendment in placing people on the list based only on suspicion.

And they object as well to the bill's flawed process of denying the sale based solely on the Justice Department's say so, and allowing a prospective purchaser to sue the Department

in court, but only after their right is denied.

But unlike many other gun control supporters, Professor Winkler wrote, ''We should take the NRA's criticisms seriously.

''Due process of law is a vital constitutional principle and Americans have a right to own firearms for self-protection.''

Professor Winkler also wrote, ''If the attorney general believes a suspected terrorist should be added to the list, she should have to go to court first and offer up evidence.

''Only after concluding that the attorney general has probable cause should the court approve the denial of the suspect's right to own a gun.''

This proposal's violation of the Second Amendment is demonstrated by considering whether the other side would condition the exercise of any other constitutional right in the same way.

Lone wolves are susceptible to radical Islamist terrorist propaganda on the internet.

But the sponsors of that amendment would never propose curtailing a person's First Amendment right to search the internet because the Attorney General suspected they might be a terrorist.

What if inclusion on one of these lists deprived an individual of their right to worship at a church, mosque, or temple?

Or their ability to qualify for public assistance, the ability to obtain an abortion, or their right to vote?

It is not credible to believe that the Senators who support the amendment from the Senator from California would be so passionate about stripping these other rights and benefits based upon inclusion on a flawed list.

Let's talk straight.

Taking away a fundamental constitutional right based on a flawed list and the Attorney General's suspicion can't be called closing a terrorist loophole.

I am not sure how you tell constituents that you believe that the Second Amendment guarantees an individual right to keep and bear arms if you vote for that amendment.

The terrorist watch list amendment is not only unconstitutional, but is based on faulty premises.

Its supporters would have the public believe that a person on that list can go buy a gun without anyone stopping them. This is simply not true.

At a Judiciary Committee hearing last December, FBI Director James Comey stated that currently the FBI is notified when an individual in the terrorist database attempts to buy a firearm.

More to the point, Mr. Comey stated there are ''a variety of things that we do when we are notified that someone on our known or suspected terrorist database is attempting to buy a firearm.

''The FBI is alerted when that is triggered, and then we do an investigation to understand are there disqualifiers that we are aware of that could stop the transaction. And if the transaction goes through, the agents who are assigned to that case, to that subject, are alerted so they can investigate.''

So let's be clear, the FBI is notified when someone in the database attempts to purchase a firearm, and then they investigate the individual.

All of the rhetoric you heard about the FBI not knowing about a particular purchase is not true; they are notified.

The reason they were not notified in Orlando is because the terrorist had been removed from the watch list.

There have been so many poorly reasoned arguments and misstatements of law and fact on the Senate floor that cry out for a response.

One thing this attack should show is the need for increased ability of our intelligence agencies to identify and monitor individuals who are either tied to radical Islamic terrorism or are potential lone wolves.

Recently, a Senator spoke of his unwillingness to give the FBI additional surveillance tools in the form of national security letters for fear that the FBI might use that power as it had unfairly investigated the likes of Martin Luther King, Jr.

This same Member came to the floor Wednesday, demanding we used a flawed list to deny Second Amendment rights without due process.

I don't see how it is possible to simultaneously deny the FBI the tools its needs to fight terrorism, but favor depriving the civil liberties of lawful gun owners based upon a flawed list that could be subject to the same overreach.

The Senator from Connecticut has offered an amendment requiring universal background checks.

Such an amendment would not reduce crime, according to the Deputy Director of the Obama administration's National Institute of Justice.

He wrote that the problems of criminal obtaining guns through straw purchases and theft, the main ways they do get them, ''would likely become larger if background checks at gun shows and private sellers were addressed.''

And the amendment of the Senator from Connecticut would eliminate private sales.

Talk about unintended consequences.

In the same memo, the Deputy Director concluded concerning universal background checks that their ''[e]ffectiveness depends on . . . requiring gun registration.''

Criminals already don't comply with background checks.

When ''universal'' checks are circumvented, we will be back here debating gun registration.

We should not do anything that will further the cause of gun registration.

In addition, the Senator from Connecticut and others invoke the so-called ''gun show loop hole.''

That is the leading basis offered for his amendment.

Anyone watching the floor Wednesday and today would be left with the impression that people who buy a firearm at a gun show aren't subject to a background check.

In fact, all gun show purchases made from commercial gun dealers require a background check.

These commercial gun dealers, or Federal firearms licensees as the law refers to them, typically make up the majority of the gun vendors at gun shows.

So let's be clear: If someone goes to a gun show and purchases a firearm from a commercial gun dealer, they are subject to a background check, period.

So, then, who are these people who aren't subject to a background check?

If you are an individual and you want to sell your gun to another individual, you may do so, assuming you don't know or have reasonable cause to believe that such person is prohibited from owning a gun.

The government does not dictate where this sale takes place.

You can sell your hunting rifle to your neighbor's daughter, and you can make that sale in your home, driveway, or a parking lot.

You can also make this sale to another individual at a gun show.

This is what is referred to as a peer-to-peer transaction: Two adults engaged in a personal transaction.

Just as there is no background check required in your driveway, there generally is no background check required when that private, peer-to-peer sale happens to occur at a gun show.

This is not a loophole in the pejorative sense of the word; this is an American lawfully selling their property to another without Federal Government involvement.

In this same vein, to hear my colleagues discuss it, you would assume that these gun shows were lawless free-for-alls for felons and terrorists to obtain their newest illegal weapon.

In fact, local, State, and Federal law enforcement are often present at gun shows, both in uniform and covertly in plain clothes.

They monitor and intervene in suspected unlawful firearms sales, such as straw purchasing, attempted purchases by prohibited individuals, and the attempted sale of illegal firearms.

As the Washington Times reported late last year, law enforcement arrests at gun shows hit new highs last year.

I recently attended a gun show in Iowa, and there was a robust law enforcement presence.

But we have heard that communities that would otherwise be violence-free

due to their strict gun control laws are dangerous because of people who buy guns at gun shows in other States and bring them to those otherwise safe cities, causing large numbers of homicides.

This claim has no basis in reality.

Federal law enforcement is present at gun shows.

They monitor vehicles with out-of-state license plates.

They stop cars from such shows that head to cross State lines.

Their important efforts to enforce the law and to protect us all should be praised and recognized, not minimized or omitted.

In fact, enforcement of any kind has yet to be a topic in this debate.

The push is for new gun control measures without any appreciation for what can be done to address the problem of violence with the laws already on the books.

President Obama has stated unequivocally that firearms enforcement has been a priority for his administration.

This simply is not true.

The Obama administration chose to focus its criminal justice resources elsewhere.

Federal firearms prosecutions are down at least 25 percent under this President.

In addition, he suspended successful programs specifically designed to thwart firearms offenses.

Unfortunately, as has so often been the case with the Obama administration, the rhetoric just does not match the action.

As I have repeatedly called for, we need greater enforcement of the existing law, which simply has not happened under this administration.

In fact, in a remarkably senseless move, the Obama Administration eliminated an earlier restriction on the ability of foreign citizens to purchase guns unless they had lived in a particular State for 90 days.

Remember that when considering that asylees or refugees or visitors who have not been screened before entering this country under the visa waiver program can legally buy a gun.

Last week, the Senator from Connecticut contended that there is less gun crime and fewer homicides in States that have passed strict gun control laws, like his State.

Perhaps gun crime has declined there.

But homicide rates are higher in Connecticut than in many States that provide greater protection of gun rights, such as my State of Iowa.

And leaving aside the question of causation versus correlation, all one has to do is look at Maryland to refute the claim that imposing tougher gun control reduces crime.

Maryland, under its prior Governor, imposed some of the toughest regulations on purchasing guns.

What has happened?

Murders in Maryland, and particularly in Baltimore, have increased dramatically.

Murder is increasing right here in Washington, DC, despite very stringent gun control laws.

The other side wants it both ways, heads-I-win, tails-you-lose.

Where crime falls and State laws are stringent, they say the State laws work, regardless of laws anywhere else.

Where crime rises in States with gun control, they argue it is because other States have lenient laws.

You can't apply a situational analysis to the effectiveness of State gun laws.

The Washington Post recently reported a study that found no correlation at all, much less causation, between homicides and State gun laws.

And that same newspaper's ''Fact Checker'' gave my colleague's claim three pinocchios.

Similarly, we hear that if we only reenacted the assault weapons ban, we could stop mass shootings.

This is an argument not for a policy that has never been tried, but a policy that has been tried and failed.

Nonetheless, for some inexplicable reason, we continue to hear calls for an assault weapons ban.

Columbine occurred when the assault weapons ban was in effect.

Murder rates continued to fall after the assault weapons ban expired.

And even Justice Department-funded research found the effects of the ban on crime to be none to minimal.

But even when gun control fails, the calls to enact more never stop.

Additional gun control, as William F. Buckley, Jr., stated in a different context, was once ''a fixed rational conviction, then blind faith, and now . . . rank superstition.''

Once again, the Washington Post fact-checked the Democrats' erroneous claim and gave it three pinocchios.

The Senator from Connecticut has also statements made about online purchases of guns, as if a would-be terrorist could order one from Amazon and it would show up at their door without a background check.

That is not the law, either.

Guns can be ordered online.

But anyone who orders a gun from out of State or from a licensed dealer online is not allowed to actually take possession of a gun without undergoing a background check.

In-state private sales are not subject to that requirement, but that is true of all in-state private sales whether or not advertised on the internet.

The Senator from Connecticut's amendment would create a new Federal felony for not reporting a lost or stolen gun to local police and to the U.S. Attorney General.

This new crime would apply only to lawful gun owners and not to criminals.

The amendment provides, ''It shall be unlawful for any person who lawfully possesses or owns a firearm . . .'' to fail to report the theft or loss.

There is no requirement that a person who unlawfully owns a gun report its threat or loss.

This provision poses a major threat to freedom—because in America, we prohibit criminal actions.

Although that limits freedom, it does so much less than a law that criminalizes inaction.

It is very rare to criminalize inaction.

Only a few classes of people have an obligation to act, like police officers and doctors.

But for ordinary citizens, this is rare.

One very limited exception is to file a tax return, and it took a constitutional amendment to give the government the power to mandate that.

We should not impose a prison sentence of up to 5 years on a law-abiding person who fails to act.

I have been calling the Second Amendment a fundamental right.

What does this mean to you and me as Americans?

It means that the right to bear arms falls into the same category as our other most closely held individual rights: the right to free speech, the right to freedom of religion, and the right to due process under the law.

It should be emphasized that the Second Amendment right to bear arms is an individual, fundamental constitutional right.

Let me remind my minority colleagues of this as they are ready to run roughshod over the Bill of Rights.

Finally, I now want to talk about my amendment, which will be offered as a side-by-side with the Murphy amendment.

The Protecting Communities and Preserving the Second Amendment Act of 2016 has five key components that are designed to fix our current background check system, among other things.

First, as we all know from our own life experience, a database is only as good as the data it contains, with accuracy and completeness being paramount.

Our National Instant Criminal Background Check System, or NICS, is the background check database for firearms purchases.

This database needs improvement.

In that vein, my amendment requires that agencies containing relevant records make their submission to NICS a priority and provides specific guidance that federal courts are to upload their records to NICS forthwith. Yes, we currently have a database that contains inconclusive Federal court records; there is simply no excuse for this.

In addition, this amendment incentivizes States to submit relevant mental health records to NICS.

And my amendment has real teeth, authorizing $125 million for operating and improving the NICS system.

Next, my amendment modernizes the prohibition on those with certain mental illness or involuntary commitments from acquiring or possessing firearms.

We not only update the definitions, but provide critical due process protections for individuals like veterans and others prior to an adjudication of mental incompetence.

Contrary to what some have said, my amendment does not permit someone who has been involuntarily committed to a mental institution to legally purchase a gun simply by virtue of their release.

A second, additional requirement must be satisfied as well.

Either a court or similar body must make an adjudication, or an appropriate official of the institution must find, that the individual poses no danger to himself, herself, or others. Mere release from the institution, for instance because of a need to find space for another individual, will not allow the person to be able to buy a gun under the plain terms of my amendment.

Third, my amendment contains multiple provisions that requires agencies to report to Congress on NICS records submissions, firearms prosecutions, declinations, and convictions, as well as Federal ammunition purchasing.

There is also a requirement that any Department of Justice component that wishes to use the potentially dangerous tactic of ''gun walking'' obtain direct approval from the Attorney General, Deputy Attorney General, or the Assistant Attorney General for the criminal division and include an operational plan with built in safeguards to prevent firearms from being transferred to a third party as occurred in the fatally flawed ''Fast and Furious'' investigation.

Finally, my amendment includes a provision that would alert the authorities if a firearms or explosives transfer request involves a person who is, or within the previous 5 years was, investigated as a known or suspected terrorist.

This notification provision would ensure that law enforcement is alerted when all those who are, or were within the last 5 years, suspected of terrorism, seek to obtain a firearm or explosive.

This provision ensures protection of Americans' fundamental Second Amendment rights, but also alerts key law enforcement officials to the possibility of a terrorist plot.

The other sides says that no progress is being made on gun crimes.

But my amendment would improve the situation, even for people who would favor going further.

We can make important improvements, such as through my amendment.

Senators who are unwilling to support important progress are putting a higher premium on politics.

The Second Amendment right to bear arms is a fundamental right, and any legislative action must start and finish with recognition of this fact.

Mr. President, I yield my time to the Senator from Pennsylvania, regardless of how much time it is.

Mr. TOOMEY. I thank the Senator from Iowa for yielding to me.

Mr. President, what I really wish to do is express my deep frustration that we are here with what is about to happen on the Senate floor because we are talking past each other. We have a system, a series of votes, all designed to fail. We are going to accomplish nothing. That is what we are making sure of tonight.

It doesn't have to be this way. That is what is so maddening about this. I will briefly give you one aspect of this. The background check legislation we are going to vote on is the version that goes further than the bipartisan compromise that Senator MANCHIN and I worked out a couple of years ago. What are the chances that is going to pass? I would say pretty close to zero. We know that. If we are going to have a vote on background checks, it ought to be the only bill that I am aware of in recent time that has had bipartisan support. It may not pass, I understand that, but at least it would have a chance. We are not even going to have that vote.

Let's talk about the other big, controversial issue that we are going to vote on—we already know the outcome of this vote—and that is about terrorists and whether terrorists can buy guns and what do we do about this.

Let me start with what ought to be a pretty simple goal that we ought to be able to agree on. No. 1, terrorists shouldn't be able to buy guns legally. That shouldn't be terribly controversial, but it also shouldn't be controversial that if an innocent American is denied his or her right to buy a gun because they are alleged to be a terrorist, they ought to have an opportunity to clear their name. Guess what. Governments make mistakes. The Federal Government makes mistakes all the time. The mere fact that they have a list almost guarantees that somebody is wrongly on that list.

That is not a reason to do nothing, but it is a reason that you have to have a meaningful process whereby people could challenge their status on the list.

I think the bills we are going to vote on tonight have serious flaws.

First, the Feinstein amendment. There is no due process at all, nothing to speak of. Think about the way this is designed—the way this bill is designed. By the way, we have already had this vote, and it failed overwhelmingly.

Under the Feinstein approach, the Attorney General can put anyone he or she wants on the list. There is no judicial review; there is no kind of review. She can create the criteria, she creates her list, and now all of a sudden anyone on that list is denied the opportunity to buy a gun.

Proponents will argue that there is an opportunity for the gun buyer. The problem is that person has to go to court. The burden is on the buyer to prove his innocence, and he doesn't even get to see the evidence. How can you possibly prove the evidence against you is flawed if you are not allowed to see the evidence? Clearly, that is not a serious attempt to give someone who is wrongfully placed on the list the chance to clear his name.

The Cornyn approach. The Cornyn approach is better than what we have now because it creates a new tool. It provides a new tool that the AG does not have—the Attorney General doesn't have—and that is a 3-day period during which the Attorney General would have an opportunity to make and win a case. I think that is a difficult thing for an Attorney General to do, and I have suggested this legislation is flawed because of that. It is better than what we have now, but it is probably not enough in many circumstances—which is why we shouldn't just be talking past each other and revoting on things we know are going to fail.

I have legislation, and Senator COLLINS is working on legislation. What we both have tried to do with different mechanisms is to make sure that a terrorist cannot buy a gun legally but also to make sure that the people on the list are put there properly and, if there is a mistake, a law-abiding American citizen has a reasonable opportunity to litigate that to get his or her name off the list.

In my approach, the Attorney General can come up with a list, but it has to be vetted by a court. If someone is not on the list, there is an emergency mechanism available to the Attorney General that would block the sale—it would block the sale if the Attorney General said so—and then provide a reasonable and manageable amount of time during which this could be litigated.

In other words, if the buyer says ''Wait a minute; I am not the John Smith you think I am, and I shouldn't be denied my Second Amendment right,'' under my approach—and I believe under Senator COLLINS' approach—that innocent American would have a chance to have his or her day in court, which is denied under the Feinstein approach.

The bottom line is we know the Feinstein bill is going to fail. We know the Cornyn bill is going to fail. They are both going to fail tonight. There is nobody who disputes that.

Why aren't we working on something that could actually get done, something that would actually stop terrorists from being able to legally buy guns and at the same time give a law-abiding American the opportunity to clear his name if he is wrongfully put on the list?

That is what we ought to be doing. I am not saying I have the only way to get this accomplished. I think Senator COLLINS' legislation is going to be unveiled soon. I know she has been working on this very constructively with a group of folks. But one or the other of these approaches—either the Collins approach or mine—needs to get a vote in this body because it is the only kind of approach that really is a serious way to balance these two important priorities and has a chance to earn bipartisan support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 4720

Mr. NELSON. Mr. President, yes, this Senator is from Florida. This Senator is from Orlando.

This is an AR–15. It is the civilian semi-automatic version of the military version M–16. This is what the killer used in Orlando a week ago. It is the same .223 caliber. It is collapsible stock. It is the SIG SAUER MCX. Do we think that a person who is on the no-fly list ought to be able to buy one of these lethal killing machines?

I have been a hunter all my life. I grew up on a ranch. I own numbers of guns, but my guns are for hunting. These guns are for killing, and that is exactly what that weapon did to 49 people just a little over a week ago.

If we have a list, and it is approximately 1,000 American citizens or American people who are here legally, both—not Americans—that category is called American persons. There are roughly a thousand on the no-fly list. If they cannot get on a plane to fly, should they be able to go out and buy one of these?

There are another 1,700 folks that are on a selectee list, and those are the ones for which there is close to credible evidence that they are a terrorist—1,700. There is close to credible evidence that they are a terrorist, and do we want them to go and buy this kind of a weapon?

Then there is another category, and that is those on what we call the terrorist watch list. In this country that is about 5,000 people—American persons—for which there is declaratory evidence that they are a terrorist. Do we want them to be able to purchase these weapons?

The Feinstein bill—that group of 5,000; that is it in America, there are 5,000. There are many more who are internationals, but there are 5,000 American persons on that list. I don't think we want them to be able to buy this gun. Even if that had been the law, it would not have caught Mateen. Thus, Senator FEINSTEIN included the bill that I had filed which would catch Mateen because it says if you have been on the terrorist watch list—as he was back in 2013 and 2014, and they didn't have any prosecutable evidence, so they closed that case—when you purchase a gun, the FBI would be notified so that the FBI could make an up-to-date decision that they want to go back and interview that person.

If they had seen Omar Mateen purchasing these, knowing that he had been on their watch list, they would have gone and talked to him. That is what is in front of us. It seems to me it is common sense. We hear words out here: Oh, this is the NRA locking down its votes, putting the fear of God in our Republican friends and colleagues about the next Republican primary they are going to be in.

I am so proud of the Senator from Connecticut and what he did for 15 hours to bring this thing to a head.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. NELSON. Thank you for listening to my plea.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 4750

Mr. MURPHY. Mr. President, I thank the Senator.

I thank all the staff and, again, all colleagues—40 of them—for joining us on the floor on Wednesday night into the early hours.

Let's be clear about what happened. Let's be clear about the fact that this body was going to ignore what happened last weekend in Orlando—the largest mass shooting in the history of this country. We were going to pretend that it didn't happen. If not for the actions of Senator BOOKER, Senator BLUMENTHAL, 30-some odd others, and me, we would be moving on to business that had nothing to do with keeping this Nation safer.

I don't know how these votes are going to turn out tonight. I know people are skeptical, but we are at least going to get to see where people stand on some pretty simple concepts—the concept that if you are suspected of terrorism, you should not be able to walk out of a gun store in this country with a dangerous assault weapon.

A new poll today tells us that 87 percent of Americans support that. Guess what. A greater percentage of Republicans than Democrats support that. Do you know why that number is so high? Because this country is under attack. This country is under attack, and the new weapon of choice of terrorists is not a plane or an explosive device, it is an assault weapon.

After September 11, we made a decision. We made a decision to stop terrorists from getting onto planes because they were using them to kill Americans. Well, today terrorist recruiters are specifically instructing would-be terrorists to go into gun shops and to gun shows and walk out with assault weapons that, as we saw last weekend, can kill 50 people in an instant. So why wouldn't we apply the same careful protection and make sure people who are suspected of terrorism can't get on a plane and also can't get an assault weapon? Second, why don't we make sure that protection exists whether they are walking into a gun store or a gun show?

That same poll that came out today suggested that an even greater percentage of Americans—90 percent—support expanding background checks so that you have to prove that you are not a criminal, that you are not a potential terrorist before you buy a weapon.

These two measures are not controversial anywhere else in the American public except for here. And the amendments offered by Senator GRASSLEY and Senator CORNYN aren't even half measures. Senator GRASSLEY's amendment would take people off the background check list, would allow people who were leaving a psychiatric institution to buy a weapon the next day. Senator CORNYN's bill would force the Department of Justice to go to court to stop a suspected terrorist from getting a weapon. They are just shields. They are just shields for Members who don't want to stand up and do the right thing.

The reason I came to the floor on Wednesday and didn't leave for 15 hours is that I know at a deep personal level what Orlando is going through. I don't know what the families are going through. That is something which is unique to losing a loved one. But I know what that community is going through. And I believe that for all of the scarring psychological harm that comes from losing a loved one or a neighbor, more harm is piled on when you find out the people you elected to run your country just don't care. It hurts something awful when you lose someone, but it gets worse when your leaders are silent—are totally silent—in the face of your personal horror.

Long after all of the moms and dads had left the firehouse in Sandy Hook after learning their boys and girls were lying dead on the floor of that school, there was one father who was left and who wouldn't leave—who couldn't leave. His name was Neil Heslin. He came to this Congress to tell us his story, and as we head into this vote, I will leave you with his words. In speaking about his son Jesse—he was a divorced dad with one son, his best friend. His best friend, his son, was dead. He said:

Before he died, Jesse and I used to talk about maybe coming to Washington someday. He wanted to go up to the Washington

Monument. When we talked about it last year, Jesse asked if we could come and meet the President . . . because Jesse believed in you. He learned about you in school and he believed in you. I want to believe in you, too. I know you can't give me Jesse back. Believe me, if I thought you could, I'd be asking for that. But I want to believe that you will think about what I told you here today. I want to believe that you will think about it and you'll do something about it, whatever you can do, to make sure no other father has to see what I've seen.

My friends, we need to have an answer for Neil and the 80 other fathers every single day who join the ranks of those who know his pain. I urge the adoption of the Murphy and the Feinstein amendments.

I yield back.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 4751 to the instructions of the motion to commit H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Roger F. Wicker, Thad Cochran, Tom Cotton, Thom Tillis, John Boozman, Richard C. Shelby, John Hoeven, Pat Roberts, Joni Ernst, Mike Rounds, John Cornyn, John Barrasso, Deb Fischer, Johnny Isakson, David Vitter, James M. Inhofe.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4751, offered by the Senator from Kentucky, Mr. MCCONNELL, for the Senator from Iowa, Mr. GRASSLEY, to the instructions of the motion to commit H.R. 2578, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—53

Alexander	Enzi	Paul
Ayotte	Ernst	Perdue
Barrasso	Fischer	Portman
Blunt	Flake	Risch
Boozman	Graham	Roberts
Burr	Grassley	Rounds
Capito	Hatch	Rubio
Cassidy	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	McCain	Toomey
Cruz	McConnell	Vitter
Daines	Moran	Wicker
Donnelly	Murkowski	

NAYS—47

Baldwin	Heinrich	Nelson
Bennet	Heitkamp	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	King	Sanders
Brown	Kirk	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Coons	McCaskill	Udall
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gardner	Murphy	Wyden
Gillibrand	Murray	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that the votes following the first vote in this series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the McConnell motion to commit H.R. 2578 to the Judiciary Committee with instructions (Murphy amendment No. 4750).

Harry Reid, Jeff Merkley, Jeanne Shaheen, Kirsten E. Gillibrand, Amy Klobuchar, Claire McCaskill, Debbie Stabenow, Charles E. Schumer, Sherrod Brown, Mark R. Warner, Richard Blumenthal, Tom Udall, Tammy Baldwin, Jack Reed, Robert P. Casey, Jr., Angus King, Jr., Brian E. Schatz.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to commit H.R. 2578 to the Committee on the Judiciary with instructions to report back forthwith with amendment No. 4750, offered by the Senator from Kentucky, Mr. MCCONNELL, for the Senator from Connecticut, Mr. MURPHY, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 44, nays 56, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—44

Baldwin	Cantwell	Durbin
Bennet	Cardin	Feinstein
Blumenthal	Carper	Franken
Booker	Casey	Gillibrand
Boxer	Coons	Heinrich
Brown	Donnelly	Hirono
Kaine	Mikulski	Schumer
King	Murphy	Shaheen
Kirk	Murray	Stabenow
Klobuchar	Nelson	Udall
Leahy	Peters	Warner
Markey	Reed	Warren
McCaskill	Reid	Whitehouse
Menendez	Sanders	Wyden
Merkley	Schatz	

NAYS—56

Alexander	Fischer	Paul
Ayotte	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heitkamp	Rubio
Cassidy	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Lankford	Tester
Cotton	Lee	Thune
Crapo	Manchin	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Enzi	Moran	Wicker
Ernst	Murkowski	

The PRESIDING OFFICER (Mr. LANKFORD). On this vote, the yeas are 44, the nays are 56.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 4749 to amendment No. 4720 to Calendar No. 120, H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Tom Cotton, Thom Tillis, John Boozman, Richard C. Shelby, John Hoeven, Pat Roberts, James M. Inhofe, David Vitter, Joni Ernst, Mike Rounds, John Cornyn, John Barrasso, Deb Fischer, Cory Gardner, Shelley Moore Capito, Johnny Isakson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4749, offered by the Senator from Kentucky, Mr. MCCONNELL, for the Senator from Texas, Mr. CORNYN, to amendment No. 4720 to amendment No. 4685 to H.R. 2578, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—53

Alexander	Ernst	Paul
Ayotte	Fischer	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Coats	Inhofe	Scott
Cochran	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Crapo	Manchin	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Donnelly	Moran	Wicker
Enzi	Murkowski	

NAYS—47

Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Stabenow
Casey	Markey	Tester
Collins	McCaskill	Udall
Coons	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Flake	Murphy	Wyden
Franken	Murray	

The PRESIDING OFFICER. On this vote, the yeas 53, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Feinstein amendment No. 4720 to Shelby amendment No. 4685 to H.R. 2578.

Harry Reid, Jeff Merkley, Jeanne Shaheen, Kirsten E. Gillibrand, Amy Klobuchar, Claire McCaskill, Debbie Stabenow, Charles E. Schumer, Sherrod Brown, Mark R. Warner, Richard Blumenthal, Tom Udall, Tammy Baldwin, Jack Reed, Robert P. Casey, Jr., Angus King, Jr., Brian E. Schatz.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4720, offered by the Senator from Kentucky, Mr. MCCONNELL, for the Senator from California, Mrs. FEINSTEIN, to amendment No. 4685 to H.R. 2578, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 47, nays 53, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—47

Ayotte	Gillibrand	Nelson
Baldwin	Heinrich	Peters
Bennet	Hirono	Reed
Blumenthal	Kaine	Reid
Booker	King	Sanders
Boxer	Kirk	Schatz
Brown	Klobuchar	Schumer
Cantwell	Leahy	Shaheen
Cardin	Manchin	Stabenow
Carper	Markey	Tester
Casey	McCaskill	Udall
Coons	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

NAYS—53

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heitkamp	Rubio
Coats	Heller	Sasse
Cochran	Hoeven	Scott
Collins	Inhofe	Sessions
Corker	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Enzi	Moran	Wicker
Ernst	Murkowski	

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 53.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

MOTION TO COMMIT WITH AMENDMENT NO. 4750

Mr. MCCONNELL. Mr. President, I move to table the motion to commit with instructions.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Utah (Mr. LEE).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—56

Alexander	Crapo	Inhofe
Ayotte	Cruz	Isakson
Barrasso	Daines	Johnson
Blunt	Enzi	Kirk
Boozman	Ernst	Lankford
Burr	Fischer	Manchin
Capito	Flake	McCain
Cassidy	Gardner	McConnell
Coats	Graham	Moran
Cochran	Grassley	Murkowski
Collins	Hatch	Paul
Corker	Heitkamp	Perdue
Cornyn	Heller	Portman
Cotton	Hoeven	Risch
Roberts	Sessions	Tillis
Rounds	Shelby	Toomey
Rubio	Sullivan	Vitter
Sasse	Tester	Wicker
Scott	Thune	

NAYS—42

Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	King	Sanders
Brown	Klobuchar	Schatz
Cantwell	Leahy	Schumer
Cardin	Markey	Shaheen
Casey	McCaskill	Stabenow
Coons	Menendez	Udall
Donnelly	Merkley	Warner
Durbin	Mikulski	Warren
Feinstein	Murphy	Whitehouse
Franken	Murray	Wyden

NOT VOTING—2

Carper	Lee

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 4720

Mr. MCCONNELL. Mr. President, I move to table the amendment No. 4720.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

AMENDMENT NO. 4787 TO AMENDMENT NO. 4685

Mr. MCCONNELL. Mr. President, I call up amendment No. 4787.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky, [Mr. MCCONNELL], for Mr. MCCAIN, proposes an amendment numbered 4787 to amendment No. 4685.

The amendment is as follows:

(Purpose: To amend section 2709 of title 18, United States Code, to clarify that the Government may obtain a specified set of electronic communication transactional records under that section, and to make permanent the authority for individual terrorists to be treated as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978)

At the appropriate place, insert the following:

SEC. _____. Section 2709 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) REQUIRED CERTIFICATION.—

''(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or his or her designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may, using a term that specifically identifies a person, entity, telephone number, or account as the basis for a request, request information and records described in paragraph (2) of a person or entity, but not the contents of an electronic communication, if the Director (or his or her designee) certifies in writing to the wire or electronic communication service provider to which the request is made that the information and records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States.

''(2) OBTAINABLE TYPES OF INFORMATION AND RECORDS.—The information and records described in this paragraph are the following:

''(A) Name, physical address, e-mail address, telephone number, instrument number, and other similar account identifying information.

''(B) Account number, login history, length of service (including start date), types of service, and means and sources of payment for service (including any card or bank account information).

''(C) Local and long distance toll billing records.

''(D) Internet Protocol (commonly known as 'IP') address or other network address, including any temporarily assigned IP or network address, communication addressing, routing, or transmission information, including any network address translation information (but excluding cell tower information), and session times and durations for an electronic communication.''.

SEC. _____. Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking subsection (b).

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 4787 to amendment No. 4685 to Calendar No. 120, H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Chuck Grassley, Orrin G. Hatch, John Thune, Thad Cochran, Marco Rubio, Tom Cotton, Richard Burr, Pat Roberts, Thom Tillis, Mike Rounds, John Cornyn, John Barrasso, Deb Fischer, Cory Gardner, Shelley Moore Capito, Johnny Isakson.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to waive the mandatory quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO RECOMMIT

Mr. MCCONNELL. Mr. President, I move to recommit the bill to the Appropriations Committee for a period of 14 days.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to recommit H.R. 2578 to the Appropriations Committee for a period of 14 days.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

CONGRATULATING THE CLEVELAND CAVALIERS ON WINNING THE NBA CHAMPIONSHIP

Mr. PORTMAN. Mr. President, last night was a big night for Ohio and for the Cleveland Cavaliers in the NBA finals.

I have tried not to rub it in today. My colleague Senator BROWN and I have been careful not to offend our California colleagues. However, I did wear my Cavaliers tie today.

It was a very exciting night for Cleveland. I rise to simply commend the Cavs for an outstanding performance and a really gutsy performance throughout the entire series.

This team worked together and they showed that together they could overcome all kinds of obstacles and challenges: Kyrie Irving, Tristan Thompson, Kevin Love, J.R. Smith, Mo Williams, Matthew Dellavedova, Richard Jefferson, Iman Shumpert, Coach Tyronn Lue, and then, of course, the king, LeBron James. It was an amazing performance.

There have been a lot of good teams and a lot of great professional sports in Cleveland over the past 50 years, but this is the first championship won by a Cleveland team since 1964 and first ever for the Cavaliers so this is a big deal in Cleveland. We are very excited about it.

During that long drought, it would have been tempting to go give up, but Cleveland fans never did. They never do. Cleveland is ''Believeland,'' as it has been called recently, and now it is the comeback city.

It was not an easy series. It followed a tough year last year. We had a lot of injuries last year, which hammered our ability to be competitive in the finals, and we changed coaches in the middle of the season. We were trailing three games to one. I went to the game a week ago Friday when we lost in Cleveland and went out West. It was a tough situation. Being down 3 to 1 in NBA finals means you usually lose. In fact, no one had ever won being down 3 to 1. But the Cavs aren't just any team; they overcame the odds and showed real grit and persistence, determination, and perseverance. And that is more than just basketball; that embraces and embodies the spirit of Cleveland, and it is a lesson for all of us.

LeBron James put it well when he said:

In northeast Ohio, nothing is given. Everything is earned. You work for what you have.

And the Cavs certainly earned it. They worked hard for it, and they deserve it.

It was fitting that the win was sealed by LeBron James, a proud son of Akron, OH, a graduate of St. Vincent-St. Mary High School, and the unanimously chosen NBA Finals MVP who, by the way, led all players on both teams in the series in every single major statistical category. So in points scored, in rebounds and assists, steals and blocks, he led everyone. We are told this is the first time anyone has ever done that, by the way, in any series. Extraordinary. LeBron scored or assisted on half of the Cavs' points in the finals. He became the third player in NBA history to achieve a triple-double in game 7 of the finals. He almost averaged a triple-double. Over the course of the series, he scored, on average, 29 points, 11 rebounds, and 8.9 assists per game.

His mission to bring this championship to Cleveland is now complete. He came home to Ohio for the same reason so many Ohioans come back or stay in Ohio: That is where he wanted to raise his family, and I commend him for that and also the fact that he really wanted to bring this championship back home.

When he announced his return to Cleveland, he said, ''Before anyone ever cared where I would play basketball, I was just a kid from Northeast Ohio.''

Of course, I want to congratulate Golden State on a historic season, and I want to offer my condolences to my friends and colleagues, Senators FEINSTEIN and BOXER. Senator FEINSTEIN and I made a friendly wager on this. Tomorrow, since the Cavs have won, she will be giving me a case of California wine, and I am pleased I get to keep the case of Great Lakes beer that I had bought for her.

Congratulations to general manager David Griffin, who made a lot of difficult decisions and took the risks necessary in putting together a championship team.

Congratulations to the owner, Dan Gilbert. This is a guy whose strong and consistent support of Cleveland, both on the court and off the court, is paying off for Cleveland, and we appreciate him—and, of course, for his helping to be sure LeBron James came back.

Congratulations, above all, to Believeland—to Cleveland—and to an incredible championship run here.

Mr. President, I am all in for the Cavs.

I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORLD REFUGEE DAY

Mr. LEAHY. Mr. President, today, we commemorate World Refugee Day. It is a day we make clear that we stand with those who have survived the horrors of war, torture, and persecution. It

is a day when we remember our common humanity and the moral imperative to love and care for one another. I can think of no better time than now to pause and remember those fundamental principles. The rhetoric of hate and intolerance has reached a frightening pitch in this country, much of it directed against innocent victims of persecution. We must forcefully reject this un-American rhetoric. With more than 65 million people forcibly displaced around the globe, we must not lower our torch—we must raise it higher. Our national values demand it, and our national interest requires it. As we reflect upon the fate of refugees across the world, we must reclaim our history as a refuge for the persecuted. Today—and every day—I stand with refugees.

Over the past 5 years, the world has witnessed millions of Syrians desperately fleeing the terror inflicted by ISIS and Bashar Al-Assad's regime. Hundreds of thousands have died, and more than half of Syria's 23 million people have been forced from their homes. The vast majority of these are women and children. As a humanitarian leader among nations, the United States must play a significant role in efforts to resettle those displaced by this devastating conflict.

While we must do more for Syria and the surrounding countries, we must not turn a blind eye to the humanitarian crisis growing even closer to home. In the Northern Triangle of Central America, ruthless armed criminal organizations in El Salvador, Honduras, and Guatemala brutalize women and children with impunity. El Salvador and Guatemala have the highest child murder rates in the world—higher even than the child murder rates in the once-active war zones of Iraq and Afghanistan. These three Central American countries also account for some of the highest rates of female homicides worldwide. This pandemic of gang violence in the Northern Triangle has forced thousands of mothers and children to flee and seek refuge wherever they can find it. I remain deeply troubled by the administration's continuing immigration raids directed at these vulnerable women and children. We must do everything we can to ensure that these individuals receive meaningful due process before they are sent back to the chaos and violence from which they fled.

In the face of such staggering suffering, we must live up to our long tradition of being a safe and welcoming haven for those fleeing persecution. Since the passage of the landmark Refugee Act of 1980, the people and communities of the United States have opened their arms to more than 2.5 million refugees. America is the great country that it is because of the contributions of refugees, including the likes of Albert Einstein and Madeleine Albright.

I am especially proud that Vermont has welcomed nearly 8,000 refugees from more than a dozen war-torn countries. These refugees have enriched our communities and are making important contributions to our State. They have become college-educated citizens, small business owners, nurses, and soccer coaches. Recently, Mayor Christopher Louras and members of the Rutland community announced plans to resettle 100 Syrian refugees. I applaud their decision, which should serve as an example to other communities in Vermont and across the country. I am confident that Vermont will prove to be a welcoming home for all of these families.

And we must do more. Last year, the United States announced a very modest plan to resettle 10,000 refugees. To date, however, we have admitted only a fraction of that number. Despite recent attempts to foment our fears, we must not forget that refugees continue to be the most stringently vetted travelers to the United States. And we must remember that ISIS is our enemy; the suffering Syrian people fleeing ISIS are not.

Months ago, the heartbreaking image of 3-year-old Aylan Kurdi's lifeless body washed up on a beach stirred the conscience of the international community. The image was forever seared in my mind, laying bare the human cost of the Syrian crisis. In the United States, there were passionate calls for our country to live up to its humanitarian legacy. Amid today's hateful rhetoric against refugees, we must once again conjure up that image of Aylan. We must reaffirm our commitment to those risking their lives to flee persecution. Now, more than ever, the world needs the United States to lead.

Soon, I will reintroduce the Refugee Protection Act of 2016. Our bicameral bill would make important strides in bolstering and updating our Nation's laws to address the unprecedented refugee crisis we face today, honoring our rich history as a refuge for the persecuted. In this dark chapter of human history, there are dangerous voices urging us to lower our torch. Let the world see that the United States chose instead to hold its torch even higher.

VOTE EXPLANATION

Mr. NELSON. Mr. President, I was necessarily absent for three rollcall votes for S. 524, the Comprehensive Addiction and Recovery Act of 2016, on June 16, 2016. Had I been present, I would have voted in favor of the motions to instruct led by Senator SHAHEEN and Senator WHITEHOUSE, rollcall vote No. 101 and rollcall vote No. 102, respectively.

I would have also voted in favor of rollcall vote No. 100, cloture on the motion to disagree to the House amendments to the Senate bill, agree to the request for conference, and the Presiding Officer appoint the following conferees: Senators GRASSLEY, ALEXANDER, HATCH, SESSIONS, LEAHY, MURRAY, and WYDEN.

WORLD ELDER ABUSE AWARENESS DAY

Mr. GRASSLEY. Mr. President, I have fought for years to protect our Nation's seniors from abuse and exploitation—initially, in my capacity as former chairman of the Senate Aging Committee and more recently as chairman of the Senate Judiciary Committee. Last Wednesday was World Elder Abuse Awareness Day, but because the Democrats were unfortunately blocking the business of the American people on the Senate floor, I was unable to give this statement, so I want to take this opportunity today to express my renewed commitment to ending the abuse and exploitation of older Americans.

We don't know the full extent and scope of the problem of elder abuse, mainly due to underreporting.

Many older Americans don't report instances of elder abuse due to embarrassment, a refusal to acknowledge that they were victimized, or reliance on the perpetrator as their caretaker.

But we do know that serious cases of abuse or exploitation of older Americans seem to be increasing and that it can take several forms: financial, physical, and emotional.

Financial exploitation is the most widespread form of elder abuse, costing seniors in the U.S. between an estimated $2.9 and $36 billion annually. In fact, it is been called ''the crime of the 21st century.''

In my home State of Iowa, for example, so-called grandparent scams are becoming more prevalent. Fraudsters initiating a grandparent scam will present themselves to a senior citizen as a grandchild in distress, in the hope of convincing the grandparent to immediately send cash or give out a credit card number.

Another common scam in Iowa is the sweetheart scam, in which criminals cultivate a romantic relationship with a lonely elder, typically online, and then convince the senior to part with their hard-earned money.

Across the United States, con artists reportedly are also using sweepstakes scams to steal money. A senior is called and told they have won some great prize or sum of money, but before they can claim the supposed prize, the victim is required to pay taxes or processing fees. Once the money is paid to cover the taxes and fees, however, no prize ever materializes.

Other instances of elder financial exploitation are more personal in nature and have especially devastating effects.

Some victims are pressured into signing over a deed, modifying a will, or giving a power of attorney. Americans have lost their farms, homes, and life savings to this form of fraud. In Iowa, we have recently revised our laws to protect against these types of abuse, and I will be doing what I can to raise awareness to help stop this nationwide.

Physical abuse is another form of abuse that can have a devastating impact on older Americans. In fact, older Americans who experience physical abuse reportedly have a 300 percent greater chance of dying sooner.

Many older Americans may also face emotional abuse. According to the National Center on Elder Abuse, common examples of emotional abuse include treating an elder like an infant, isolating an elderly person from his or her loved ones or regular activities, and giving an older person the ''silent treatment.''

I have also recently become aware of instances of seniors in nursing homes who were unknowingly photographed in embarrassing and compromising situations. These photos or videos wind up on social media outlets, such as Snapchat, Facebook, and Instagram, simply so a depraved individual can get a few cheap laughs or attention.

I sent a letter to the Attorney General and the Health and Human Services inspector general on this very issue earlier this year because it remains unclear to me what specifically is being done on a Federal level to stop this form of abuse.

I have sent letters to Snapchat, Facebook, and Instagram to better understand what efforts they have taken to help prevent this form of abuse of nursing home residents. And I wrote to the American Health Care Association to inquire about the efforts, if any, that nursing homes have taken to prevent this activity.

I also recently called upon the Justice Department to detail the steps it is taking to protect seniors from financial exploitation. I have asked the Department what it is doing to combat government imposter scams that are bilking millions of dollars out of the pockets of older Americans.

Combating elder abuse and exploitation requires all of us to work together in a bipartisan way. To this end, I will convene a Judiciary Committee hearing later this month on the subject of elder financial exploitation.

This hearing will give us a chance to examine whether the Federal Government is doing all it can to prevent older Americans from being victimized and to ensure that perpetrators are held accountable. We also will hear from State officials on how to best educate older Americans about the ever-changing forms of elder abuse and financial exploitation.

Local, State, and Federal law enforcement agencies are on the front lines in responding to crimes of elder abuse. For this reason, I would like to take a moment to highlight the efforts of the many adult protective service units, local prosecutors, and other practitioners across the country who have helped bring the perpetrators to justice.

I would also like to recognize family, friends, and caretakers who report instances of elder abuse and help their communities better understand the nature of this problem.

In closing, I invite my colleagues to use World Elder Abuse Awareness Day as an opportunity to highlight the problem of elder abuse and to rededicate efforts to protect our Nation's seniors. These men and women are our fathers and mothers, sisters and brothers, mentors and friends. They are the fabric of our country and communities, our greatest generation, and we owe it to them to protect their dignity in their golden years.

Thank you.

REMEMBERING GEORGE VOINOVICH

Ms. MURKOWSKI. Mr. President, George Voinovich served in this body as the Senator from Ohio from 1999 until 2010. Senator Voinovich was a friend of mine, and I think our colleagues would agree with me that he was among the most respected members of this body. He was respected for his thoughtfulness, for his humility, for his self-effacing nature.

It is sometimes said that the Senate is composed of 100 prospective Presidents of the United States, each of whom is just waiting for the American people to recognize their unappreciated talents. That concept did not apply to George Voinovich. It is not that he was not well prepared to assume the highest office in the land; George Voinovich simply chose to make his contribution in a different way.

George Voinovich was one of the most prepared people ever to serve in the Senate. He was responsible for the turnaround of the city of Cleveland; elected as a Republican mayor in a Democratic town. He served as Lieutenant Governor and Governor the State of Ohio. He was elected by his peers first to the role of president of the National League of Cities and subsequently to chair the National Governors Association.

In the Senate, he contributed significantly to the work of the Foreign Relations Committee, the Homeland Security and Governmental Affairs Committee, the Environment and Public Works Committee, and the Appropriations Committee.

This was a ''workhorse'' not a ''show horse.'' For a politician, he was deliberately the ''unpolitician.'' An individual who built a reputation on his efforts and accomplishments and not on his press releases. Approachable and grassroots as they come, which is especially an admirable quality in one who represents a large State. It bears repeating: ''a self-effacing and humble man.''

George Voinovich was one of the most principled people ever to serve in this body. He was profoundly independent in his thinking. He was frugal in both his policy and in his personal lives. He was a family man—in fact, an individual prone to public displays of affection. Completely devoted to his wife, Janet, his children, and his grandchildren. He was a pillar of the Cleveland community, proud of his ethnic heritage and a role model for immigrants. George Voinovich was the children of immigrants, and his career demonstrates how far one can go in this great Nation through hard work and character. He was a profoundly ethical individual, chosen by his Senate colleagues to lead the Senate Ethics Committee. He epitomized the way the Senate should be.

Senator Voinovich's loss is not only a loss for Ohio, but a loss to the Nation. For even in retirement, Senator Voinovich had much to contribute to the public discourse. Days before his death, he was out making speeches. He never slowed down. He was expected to serve as a delegate to the 2016 Republican National Convention in his beloved Cleveland.

So let me take this opportunity on behalf of the people of Alaska to thank Janet for sharing George with the Nation. I express condolences to the entire Voinovich family.

The Voinovich family also includes Senator Voinovich's former staff members, some of whom are still part of our Senate family. I would like to personally express condolences to Tara Shaw, who served Senator Voinovich on the Homeland Security and Governmental Affairs Committee. After Senator Voinovich's retirement, Tara came to my office in the role of legislative director and currently serves as legislative director to the Senator from Wyoming, Mr. ENZI. Great Senators groom great staff members. And George Voinovich was one great Senator.

TRIBUTE TO DAVID WEINER

Mr. ENZI. Mr. President, today, along with my colleague, the ranking member of the Budget Committee, Senator SANDERS, I wish to honor and recognize the outstanding service of David Weiner on his retirement after 32 years of public service, including 25 years at the Congressional Budget Office. David's expertise as a forecaster, modeler, and policy analyst have made him an invaluable contributor to the development of much of the key tax legislation of the past quarter century, starting with the Tax Reform Act of 1986.

Since 2013, David has led CBO's tax analysis division, superbly overseeing its forecasts of tax revenues, cost estimates of legislative proposals, reports on important current issues in tax policy, and development of the modeling infrastructure needed to conduct those tasks.

David's first job in Washington was as an evaluator at the U.S. General Accounting Office. He then moved to the Office of Tax Analysis in the Department of Treasury, where he constructed models to estimate revenue effects and produce economic analyses of numerous tax proposals, including those related to capital gains, corporate tax integration, and taxpayer compliance. At Treasury and later at CBO, David was also responsible for the forecasts of individual income tax receipts. CBO was very fortunate in 1991 when David brought his skills to the agency, where he built and maintained microsimulation models used for forecasting receipts and analyzing changes in the distribution of tax burdens. He also wrote influential studies on critical topics in tax policy, including marriage penalties and bonuses in the tax system and effective Federal tax rates. In the tax analysis division, David served as the unit chief for modeling from 2002 to 2009, Deputy Assistant Director from 2009 to 2013, and Assistant Director for the rest of his tenure at CBO.

As head of the tax analysis division, David has led his staff in providing high-quality and timely analysis of tax policy and budget issues. His expansive knowledge of tax policy and how it interacts with other facets of public policy has been a tremendous resource to the Congress. Colleagues who have worked with David appreciate his uncanny ability to find solutions to challenges and his commitment to producing top-caliber analyses but they will especially miss his wit, his generosity with his time and knowledge, and his compassion.

I know my colleagues join me in extending our thanks and appreciation to David for his service to our Nation. We wish him well in his retirement from CBO and hope he will continue in future years to lend his expertise to the analysis of important tax policy issues.

I would like to now yield to my colleague Senator SANDERS for his remarks.

Mr. SANDERS. I thank Mr. ENZI and join him in commending Mr. Weiner for his many years of dedicated and outstanding service to CBO, the Congress, and the American people. Through his diligence and hard work, he has more than earned additional time for biking, training for the annual Washington Post hunt, and most importantly, for his family—his wife, Joan, and his sons, Kevin, Daniel, and Eric.

We hope our colleagues will join us in thanking Mr. Weiner for his service.

ADDITIONAL STATEMENTS

TRIBUTE TO DARIN GORDON

● Mr. ALEXANDER. Mr. President, I request that a copy of my letter to Darin Gordon, TennCare director and deputy commissioner of the Tennessee Health Care Finance Administration, be printed in the RECORD.

The material follows:

TRIBUTE TO DARIN GORDON

I am writing to express my sincere appreciation for your service as director of TennCare over the past 10 years.

As the state's longest-serving TennCare director and the longest-serving Medicaid director in the country, you have helped transition our state's Medicaid program from being one of Tennessee's biggest budget headaches to being consistently ranked as one of the nation's most fiscally responsible.

As Governor of Tennessee, I saw firsthand the impact that runaway health care costs can have on other important state programs—like higher education and roads and bridges. For the past ten years, you have worked tirelessly to restrain unnecessary state spending on TennCare and have developed innovative solutions to increase patient access and satisfaction. Your leadership has proven that you understand how critical it is for the state to get health care costs under control, and I'm also impressed with what you've been able to accomplish under both a Democratic and Republican governor.

Medicaid spending is on track to double over the next ten years. Congress needs advice on growing entitlement programs from experienced leaders like you because you understand the challenges states are facing and how the federal role has contributed to the increases in state spending related to Medicaid.

You have led TennCare through challenging times and have been instrumental in helping the state modernize its Medicaid delivery system. I thank you for your service to Tennesseans and your willingness to work with me and my staff to help advance good Medicaid policies and avoid Washington mandates.

I wish you the best as you continue your professional career.

Very best wishes.●

GREENFIELD'S 225TH ANNIVERSARY CELEBRATION

● Ms. AYOTTE. Mr. President, today I wish to honor Greenfield, NH—a flourishing community in Hillsborough County that is celebrating the 225th anniversary of its founding. I am proud to join citizens across the Granite State in recognition of this special event.

Greenfield originally encompassed parts of the towns of Peterborough and Lyndeborough, as well as the Lyndeborough Slip and Society Land until the residents petitioned the General Court of New Hampshire to become a separate town, so that they might have access to a church and school. Permission was granted, and the town of Greenfield was incorporated on June 15, 1791.

Founded primarily by Revolutionary War veterans, the town of Greenfield was named by Major Amos Whittemore for its peaceful and fertile location between the Monadnock Hills. The early settlers were known for growing hops, building carriages, and their many sawmills. The first townhall meeting was held at the house of Mr. Daniel Gould on July 5, 1791, and since that time, the population has grown to include 1,477 residents as of the year 2014.

Known for its mountainous terrain, Greenfield is home to North Pack Monadnock and Crotched Mountains. Due to the prevalence of the mountains, the town contains an abundance of scenic trails that travel throughout the region. This has made Greenfield the perfect venue for all kinds of recreational outdoor activities.

Greenfield's past is well represented by its historic meeting house. The town's other notable landmarks include the Crotched Mountain Foundation, a rehabilitation center for handicapped children, the County Covered Bridge, Yankee Siege, a onetime world record holding trebuchet, and Greenfield State Park.

On behalf of all Granite Staters, I am pleased to offer my congratulations to the citizens of Greenfield as they celebrate 225 years of exemplifying what is best about our home, and I thank them for their many integral contributions to the life and spirit of New Hampshire.●

TRIBUTE TO KENNETH KUEHNL

● Mr. JOHNSON. Mr. President, today I wish to recognize Kenneth Kuehnl who earlier this month left the position of Wisconsin State adjutant and chief operating officer of the Disabled American Veterans, DAV, after 11 years. As Ken steps down from his leadership role with the Wisconsin DAV, I want to acknowledge Ken's service to Wisconsin and our Nation.

Ken is a Vietnam war veteran who began his U.S. military service in April 1971. He is a longtime member of the DAV Kenosha Chapter 20 in Wisconsin, with 34 years as a DAV member. Before becoming the Wisconsin DAV State adjutant and chief operating officer in 2005, Ken served as the Wisconsin department commander from 1996 to 1997.

I hope all of my colleagues will join me in offering our congratulations to Ken Kuehnl and his wife, Lynn. Ken has dedicated his time, talents, and energy to serving the finest among us, our Nation's veterans. I thank Ken for his service and wish him continued success in the future.●

TRIBUTE TO JOHN NIEBERGALL

● Mr. WYDEN. Mr. President, I come to the floor today to honor a great educator in my home State. John Niebergall of Sherwood, OR, has been recognized as a White House ''Champion of Change.'' John's tremendous

recognition and White House visit is well deserved. As an educator for more than 30 years, he has provided so many students at Sherwood High School with hands-on learning opportunities that prepare them for a 21st century career after graduation.

On May 4, I had the opportunity to visit Sherwood High School to witness firsthand the remarkable projects students were turning out in John's Mobile Makerspace. Students enrolled in his career and technical education programs—otherwise known as CTE courses—showed me their expertise handling a laser-cutter and a 3–D printer. John's students also have access to a welding shop and woodworking shop, where one student showed me a guitar he was building. It was clear to see that students participating in John's classes were excited about their work and motivated to be creative in the workspace.

Research has shown that students enrolled in CTE courses graduate from high school at a higher rate, and students enrolled in these courses are more likely to show up to class. After getting a tour of John's engineering classes and woodshop classes, it is no surprise to me that Sherwood High School is a high-performing school. The connection between good CTE programs and student success could not be clearer.

I am committed to supporting programs like the ones John teaches in Sherwood and will continue to do all that I can to provide Federal and State-funded career and technical education courses at more schools in my home State. His model can—and should—be replicated around the country. That is why I was thrilled to take a ride in his ''Fab-Lab'' mobile trailer that was full of computers and manufacturing equipment. He takes this mobile trailer on the road to connect with other CTE teachers in Oregon. When teachers like John collaborate with other educators, more students benefit.

As part of the ''Champions of Change'' program, the White House recognizes Americans who are making positive changes in their communities. There is no doubt John is doing just that. I commend John for teaching a diverse course load that exposes students to the many different types of CTE fields they could pursue after high school.

To finish, I want to send a big thank you to everyone at Sherwood High School for allowing me to visit. And I want to send a big congratulations to John for this tremendous recognition. I look forward to working with him to promote Career and Technical Education programs in Oregon and across the country.●

MESSAGE FROM THE HOUSE

At 3:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5293. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

H.R. 5471. An act to combat terrorist recruitment in the United States, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5471. An act to combat terrorist recruitment in the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5293. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

PRIVILEGED NOMINATIONS REFERRED TO COMMITTEE

On request by Senator SCHUMER, Senator WHITEHOUSE, and Senator WARREN, under the authority of S. Res. 116, 112th Congress, the following nominations were referred to the Committee on Finance:

Charles P. Blahous, III, of Maryland, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years. (Reappointment)

Charles P. Blahous, III, of Maryland, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years. (Reappointment)

Charles P. Blahous, III, of Maryland, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years. (Reappointment)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5790. A joint communication from the Assistant Secretary, Legislative Affairs, Department of State and the Assistant Secretary of Defense (Legislative Affairs), transmitting, pursuant to law, a report on the ongoing bilateral security relationship between the United States and the Republic of Cyprus; to the Committees on Armed Services; and Foreign Relations.

EC–5791. A joint communication from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, transmitting a request relative to issuing a travel restriction on senior officials' travel to Iraq for the period of June 15, 2016 through August 31, 2016; to the Committee on Armed Services.

EC–5792. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Frank J. Grass, Army National Guard of the United States, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–5793. A communication from the Honors Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalty Inflation Adjustments'' (RIN3170–AA62) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5794. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Wyoming: Final Authorization of State Hazardous Waste Management Program Revisions and Incorporation by Reference'' (FRL No. 9947–06–Region 8) received in the Office of the President of the Senate on June 16, 2016; to the Committee on Environment and Public Works.

EC–5795. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''South Dakota: Final Authorization of State Hazardous Waste Management Program Revisions and Incorporation by Reference'' (FRL No. 9947–04–Region 8) received in the Office of the President of the Senate on June 16, 2016; to the Committee on Environment and Public Works.

EC–5796. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval, Disapproval and Promulgation of Air Quality Implementation Plans; Partial Approval and Partial Disapproval of Air Quality Implementation Plans and Federal Implementation Plan; Utah; Revisions to Regional Haze State Implementation Plan; Federal Implementation Plan for Regional Haze'' (FRL No. 9947–42–Region 8) received in the Office of the President of the Senate on June 16, 2016; to the Committee on Environment and Public Works.

EC–5797. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Iowa's State Implementation Plan (SIP); Definition of Greenhouse Gas and Prevention of Significant Deterioration (PSD) Plantwide Applicability Limits (PALs) Revisions'' (FRL No. 9947–81–Region 7) received in the Office of the President of the Senate on June 16, 2016; to the Committee on Environment and Public Works.

EC–5798. A communication from the Director of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Fuel Retrievability in Spent Fuel Storage Applications'' (NRC–2015–0241) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Environment and Public Works.

EC–5799. A communication from the Chair of the Medicaid and CHIP Payment and Access Commission, transmitting, pursuant to law, a report entitled ''Report to Congress on Medicaid and CHIP''; to the Committee on Finance.

EC–5800. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS–2016–0851); to the Committee on Foreign Relations.

EC–5801. A communication from the Principal Deputy Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS–2016–0850); to the Committee on Foreign Relations.

EC–5802. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS–2016–0849); to the Committee on Foreign Relations.

EC–5803. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS–2016–0848); to the Committee on Foreign Relations.

EC–5804. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel (OSS–2016–0845); to the Committee on Foreign Relations.

EC–5805. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) mandate; to the Committee on Foreign Relations.

EC–5806. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–146); to the Committee on Foreign Relations.

EC–5807. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (DDTC 16–144); to the Committee on Foreign Relations.

EC–5808. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–002); to the Committee on Foreign Relations.

EC–5809. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–097); to the Committee on Foreign Relations.

EC–5810. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–135); to the Committee on Foreign Relations.

EC–5811. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2016–0077—2016–0083); to the Committee on Foreign Relations.

EC–5812. A communication from the Deputy Special Master, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''James Zadroga 9/11 Victim Compensation Fund Reauthorization Act'' (RIN1105–AB49) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–5813. A communication from the Director, Office of Federal Contract Compliance Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Office of Federal Contract Compliance Programs'' (RIN1250–AA05) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–5814. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–414, ''Fiscal Year 2017 Local Budget Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5815. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–412, ''Homeless Shelter Replacement Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–5816. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Semiannual Report from the Office of the Inspector General for the period from October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5817. A communication from the Chair of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General and the Semiannual Management Report for the period from October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5818. A communication from the Chairwoman of the Federal Trade Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5819. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Semiannual Report to Congress on Audit Follow-up for the period of October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5820. A communication from the Assistant Secretary for Civil Rights, Department of Agriculture, transmitting, pursuant to law, the Department's fiscal year 2015 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs .

EC–5821. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Redelegation of Functions; Delegation of Authority to Drug Enforcement Administration Official'' (Docket No. DEA–441) received in the Office of the President of the Senate on June 14, 2016; to the Committee on the Judiciary.

EC–5822. A communication from the Acting Chief of the Office of Regulatory Affairs, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Recordkeeping Regulations'' (RIN1140–AA50) received in the Office of the President of the Senate on June 15, 2016; to the Committee on the Judiciary.

EC–5823. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Railroad Workplace Safety; Roadway Worker Protection Miscellaneous Revisions (RRR)'' (RIN2130–AB89) received in the Office of the President of the Senate on June 16, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5824. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Highway-Rail Crossing Inventory Reporting Requirements'' (RIN2130–AC55) received in the Office of the President of the Senate on June 16, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5825. A communication from the Senior Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Heavy Vehicle Use Tax; Technical Correction'' (RIN2125–AF71) received in the Office of the President of the Senate on June 16, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5826. A communication from the Deputy Assistant Chief Counsel for Safety, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Control of Alcohol and Drug Use: Coverage of Maintenance of Way (MOW) Employees and Retrospective Regulatory Review-Based Amendments'' (RIN2130–AC10) received in the Office of the President of the Senate on June 16, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5827. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Cooperative Agreements with Commercial Firms'' (RIN2700–AE25) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5828. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service,, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic: Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 35'' (RIN0648–BE70) received in

the Office of the President of the Senate on June 15, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5829. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; West Coast Salmon Fisheries; 2016 Management Measures and a Temporary Rule'' (RIN0648–BF56) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5830. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Island Fisheries; 2015–16 Annual Catch Limits and Accountability Measures; Main Hawaiian Islands Deep 7 Bottomfish'' (RIN0648–XE062) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5831. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Trawl Rationalization Program; Flow Scale Requirements'' (RIN0648–BF39) received in the Office of the President of the Senate on June 15, 2016; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1817. A bill to improve the effectiveness of major rules in accomplishing their regulatory objectives by promoting retrospective review, and for other purposes (Rept. No. 114–282).

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 2848. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 114–283).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COTTON:

S. 3076. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish caskets and urns for burial in cemeteries of States and tribal organizations of veterans without next of kin or sufficient resources to provide for caskets or urns, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHATZ (for himself, Mr. HATCH, Mr. TILLIS, and Mr. COONS):

S. 3077. A bill to improve medical research on marijuana; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PERDUE (for himself, Mr. JOHNSON, Mrs. SHAHEEN, Mr. MENENDEZ, Mr. RISCH, and Mr. GARDNER):

S. Res. 501. A resolution expressing the sense of the Senate on Russian military aggression; to the Committee on Foreign Relations.

By Mr. ALEXANDER (for himself and Mr. DURBIN):

S. Res. 502. A resolution designating June 20, 2016, as ''American Eagle Day'' and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; considered and agreed to.

By Mr. CARDIN (for himself, Mr. MURPHY, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. DURBIN, Mr. COONS, Mrs. MURRAY, Ms. STABENOW, Mr. WYDEN, Ms. BALDWIN, Mr. MARKEY, Mr. BOOKER, Mr. BROWN, Mr. REED, Mr. PETERS, Mr. BLUMENTHAL, and Mr. KAINE):

S. Res. 503. A resolution recognizing June 20, 2016, as ''World Refugee Day''; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. REID, his name was added as a cosponsor of S. 6, a bill to reform our government, reduce the grip of special interest, and return our democracy to the American people through increased transparency and oversight of our elections and government.

S. 314

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 366

At the request of Mr. TESTER, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 366, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 386

At the request of Mr. THUNE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 386, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 488

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 488, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 553

At the request of Mr. CORKER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 553, a bill to marshal resources to undertake a concerted, transformative effort that seeks to bring an end to modern slavery, and for other purposes.

S. 1127

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1127, a bill to amend the Internal Revenue Code of 1986 to expand the denial of deduction for certain excessive employee remuneration, and for other purposes.

S. 1421

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1421, a bill to amend the Federal Food, Drug, and Cosmetic Act to authorize a 6-month extension of certain exclusivity periods in the case of approved drugs that are subsequently approved for a new indication to prevent, diagnose, or treat a rare disease or condition, and for other purposes.

S. 1555

At the request of Ms. HIRONO, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1555, a bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 1760

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1760, a bill to prevent gun trafficking.

S. 2067

At the request of Mr. WICKER, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2067, a bill to establish EUREKA Prize Competitions to accelerate discovery and development of disease-modifying, preventive, or curative treatments for Alzheimer's disease and related dementia, to encourage efforts to enhance detection and diagnosis of such diseases, or to enhance the quality and efficiency of care of individuals with such diseases.

S. 2217

At the request of Mr. KING, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 2217, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A.

S. 2219

At the request of Mrs. SHAHEEN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2219, a bill to require

the Secretary of Commerce to conduct an assessment and analysis of the outdoor recreation economy of the United States, and for other purposes.

S. 2311

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2311, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, to make grants to States for screening and treatment for maternal depression.

S. 2469

At the request of Mr. BLUMENTHAL, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2469, a bill to repeal the Protection of Lawful Commerce in Arms Act.

S. 2551

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2551, a bill to help prevent acts of genocide and mass atrocities, which threaten national and international security, by enhancing United States civilian capacities to prevent and mitigate such crises.

S. 2598

At the request of Ms. WARREN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 2598, a bill to require the Secretary of the Treasury to mint coins in recognition of the 60th anniversary of the Naismith Memorial Basketball Hall of Fame.

S. 2671

At the request of Mr. NELSON, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2671, a bill to amend title XVIII of the Social Security Act to establish rules for payment for graduate medical education (GME) costs for hospitals that establish a new medical residency training program after hosting resident rotators for short durations.

S. 2730

At the request of Mr. MARKEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2730, a bill to award a Congressional Gold Medal to the 23rd Headquarters Special Troops, known as the ''Ghost Army'', collectively, in recognition of its unique and incredible service during World War II.

S. 2736

At the request of Mr. THUNE, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 2736, a bill to improve access to durable medical equipment for Medicare beneficiaries under the Medicare program, and for other purposes.

S. 2750

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2750, a bill to amend the Internal Revenue Code to extend and modify certain charitable tax provisions.

At the request of Mr. WYDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2750, supra.

S. 2790

At the request of Mr. CRUZ, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 2790, a bill to provide requirements for the appropriate Federal banking agencies when requesting or ordering a depository institution to terminate a specific customer account, to provide for additional requirements related to subpoenas issued under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and for other purposes.

S. 2800

At the request of Mr. COONS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2800, a bill to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to provide an exclusion from income for student loan forgiveness for students who have died or become disabled.

S. 2904

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2904, a bill to amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 2934

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2934, a bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

S. 2949

At the request of Ms. KLOBUCHAR, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 2949, a bill to amend and reauthorize the Great Lakes Fish and Wildlife Restoration Act of 1990.

S. 3053

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3053, a bill to prevent a person who has been convicted of a misdemeanor hate crime, or received an enhanced sentence for a misdemeanor because of hate or bias in its commission, from obtaining a firearm.

S. 3058

At the request of Mr. NELSON, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 3058, a bill to require that certain information relating to terrorism investigations be included in the NICS database, and for other purposes.

S. 3074

At the request of Mr. MARKEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3074, a bill to authorize the National Oceanic and Atmospheric Administration to establish a Climate Change Education Program.

S. CON. RES. 36

At the request of Mr. NELSON, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. Con. Res. 36, a concurrent resolution expressing support of the goal of ensuring that all Holocaust victims live with dignity, comfort, and security in their remaining years, and urging the Federal Republic of Germany to reaffirm its commitment to that goal through a financial commitment to comprehensively address the unique health and welfare needs of vulnerable Holocaust victims, including home care and other medically prescribed needs.

S. RES. 349

At the request of Mr. ROBERTS, the names of the Senator from Florida (Mr. NELSON), the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. Res. 349, a resolution congratulating the Farm Credit System on the celebration of its 100th anniversary.

S. RES. 482

At the request of Mrs. SHAHEEN, the names of the Senator from Colorado (Mr. BENNET) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 482, a resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization and to increase pressure on the organization and its members to the fullest extent possible.

AMENDMENT NO. 4715

At the request of Mr. HELLER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 4715 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4719

At the request of Ms. BALDWIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 4719 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4720

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Ms. HIRONO), the Senator from Illinois (Mr. KIRK), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Maine (Mr. KING) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 4720 proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4733

At the request of Mr. CRUZ, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of amendment No. 4733 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4743

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 4743 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4750

At the request of Mr. MURPHY, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 4750 proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4762

At the request of Mr. MERKLEY, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mr. SCHUMER), the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. MARKEY), the Senator from Vermont (Mr. SANDERS), the Senator from Connecticut (Mr. MURPHY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 4762 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 501—EXPRESSING THE SENSE OF THE SENATE ON RUSSIAN MILITARY AGGRESSION

Mr. PERDUE (for himself, Mr. JOHNSON, Mrs. SHAHEEN, Mr. MENENDEZ, Mr. RISCH, and Mr. GARDNER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 501

Whereas, on May 25, 1972, the United States and the Soviet Union signed the Agreement Between the Government of The United States of America and the Government of The Union of Soviet Socialist Republics on the Prevention of Incidents On and Over the High Seas (the ''Agreement''). Russia and the United States remain parties to the Agreement;

Whereas Article IV of the Agreement provides that ''Commanders of aircraft of the Parties shall use the greatest caution and prudence in approaching aircraft and ships of the other Party operating on and over the high seas, and . . . shall not permit simulated attacks by the simulated use of weapons against aircraft and ships, or performance of various aerobatics over ships'';

Whereas, on January 25, 2016, a Russian Su–27 air-superiority fighter flew within 15 feet of a United States Air Force RC–135U aircraft flying a routine patrol in international airspace over the Black Seal;

Whereas, on April 11, 2016, the USS DONALD COOK, an Arleigh-Burke-class guided-missile destroyer, was repeatedly buzzed by Russian Su–24 attack aircraft while operating in the Baltic Sea. United States officials described the low-passes as having a ''simulated attack profile'';

Whereas, on April 12, 2014, a Russian Su–24 again conducted close-range low altitude passes for about 90 minutes near the DONALD COOK;

Whereas the United States European Command expressed ''deep concerns'' about the April 11 and 12, 2016, Russian close-range passes over the DONALD COOK and stated that the maneuvers were ''unprofessional and unsafe'';

Whereas, on April 14, 2016, a Russian Su–27 barrel-rolled over a United States reconnaissance aircraft operating in international airspace over the Baltic Sea, at one point coming within 50 feet of the United States plane. The Pentagon condemned the maneuver as ''erratic and aggressive'';

Whereas, on April 20, 2016, Russian Permanent Representative to the North Atlantic Treaty Organization (NATO) Alexander Grushko accused United States military aircraft and vessels operating in international waters as attempting ''to exercise military pressure on Russia'' and promised to ''take all necessary measures [and] precautions, to compensate for these attempts to use military force'';

Whereas, on April 29, 2016, another Russian Su–27 performed another barrel-roll over a United States Air Force RC–135 reconnaissance plane, this time coming within approximately 100 feet of the aircraft;

Whereas the commander of the United States Cyber Command, Admiral Mike Rogers, warned Congress during a Senate hearing that Russia and China can now launch crippling cyberattacks on the electric grid and other critical infrastructures of the United States;

Whereas Russia's military build-up and increasing Anti-Access/Area Denial capabilities in Kaliningrad and its expanded operations in the Arctic, the Black Sea, the eastern Mediterranean Sea, and in Syria aim to deny United States access to key areas of Eurasia and often pose direct challenges to stated United States interests;

Whereas the United States has determined that in 2015, Russia continued to be in violation of obligations under the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles (the ''INF Treaty''), signed in Washington, D.C. on December 8, 1987, and entered into force June 1, 1988, not to possess, produce, or flight-test a ground-launched cruise missile with a range capability of 500 km to 5,500 km, or to possess or produce launchers of such missiles; and

Whereas General Philip Breedlove, Commander of United States European Command, stated that ''we face a resurgent and aggressive Russia, and as we have continued to witness these last two years, Russia continues to seek to extend its influence on its periphery and beyond'': Now, therefore, be it

Resolved, That the Senate—

(1) condemns the recent dangerous and unprofessional Russian intercepts of United States-flagged aircraft and vessels;

(2) calls on the Government of the Russian Federation to cease provocative military maneuvers that endanger United States forces and those of its allies;

(3) calls on the United States, its European allies, and the international community to continue to apply pressure on the Government of the Russian Federation to cease its provocative international behavior; and

(4) reaffirms the right of the United States to operate military aircraft and vessels in international airspace and waters.

SENATE RESOLUTION 502—DESIGNATING JUNE 20, 2016, AS ''AMERICAN EAGLE DAY'' AND CELEBRATING THE RECOVERY AND RESTORATION OF THE BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES

Mr. ALEXANDER (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 502

Whereas the bald eagle was chosen as the central image of the Great Seal of the United States on June 20, 1782, by the Founding Fathers at the Congress of the Confederation;

Whereas the bald eagle is widely known as the living national symbol of the United States and for many generations has represented values such as—

(1) freedom;
(2) democracy;
(3) courage;
(4) strength;
(5) spirit;
(6) independence;
(7) justice; and
(8) excellence;

Whereas the bald eagle is unique only to North America and cannot be found naturally in any other part of the world, which was one of the primary reasons the Founding Fathers selected the bald eagle to symbolize the Government of the United States;

Whereas the bald eagle is the central image used in the official logos of many

branches and departments of the Federal Government, including—

(1) the Executive Office of the President;
(2) Congress;
(3) the Supreme Court;
(4) the Department of Defense;
(5) the Department of the Treasury;
(6) the Department of Justice;
(7) the Department of State;
(8) the Department of Commerce;
(9) the Department of Homeland Security;
(10) the Department of Veterans Affairs;
(11) the Department of Labor;
(12) the Department of Health and Human Services;
(13) the Department of Energy;
(14) the Department of Housing and Urban Development;
(15) the Central Intelligence Agency; and
(16) the United States Postal Service;

Whereas the bald eagle is an inspiring symbol of the spirit of freedom and the sovereignty of the United States;

Whereas the image and symbolism of the bald eagle has played a significant role in art, music, literature, architecture, commerce, education, and culture in the United States, and on United States stamps, currency, and coinage;

Whereas the bald eagle was once endangered and facing possible extinction in the lower 48 States, but has made a gradual and encouraging comeback to the lands, waterways, and skies of the United States;

Whereas the dramatic recovery of the national bird of the United States is an endangered species success story and an inspirational example to other environmental, natural resource, and wildlife conservation efforts worldwide;

Whereas, in 1940, noting that the species was ''threatened with extinction'', Congress passed the Bald Eagle Protection Act (16 U.S.C. 668 et seq.), which prohibited killing, selling, or possessing the species, and a 1962 amendment expanded protection to the golden eagle, thereby establishing the Bald and Golden Eagle Protection Act;

Whereas, by 1963, there were only an estimated 417 nesting pairs of bald eagles remaining in the lower 48 States, with loss of habitat, poaching, and the use of pesticides and other environmental contaminants contributing to the near demise of the national bird of the United States;

Whereas the bald eagle was officially declared an endangered species in 1967 under the Endangered Species Preservation Act of 1966 (Public Law 89-669; 80 Stat. 926) in all areas of the United States south of the 40th parallel due to the dramatic decline in the population of the bald eagle in the lower 48 States;

Whereas the Endangered Species Act (16 U.S.C. 1531 et seq.) was signed into law in 1973 and, in 1978, the bald eagle was listed as ''endangered'' throughout the lower 48 states, except in Michigan, Minnesota, Oregon, Washington, and Wisconsin, where it was designated as ''threatened'';

Whereas, in July 1995, the United States Fish and Wildlife Service announced that bald eagles in the lower 48 States had recovered to the point where populations of bald eagles previously considered ''endangered'' were now considered ''threatened'';

Whereas, by 2007, bald eagles residing in the lower 48 States had rebounded to approximately 11,000 pairs;

Whereas the Department of the Interior and the United States Fish and Wildlife Service removed the bald eagle from Endangered Species Act protection on June 28, 2007, but the species continues to be protected under the Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. 668 et seq.), the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703 et seq.), and the Lacey Act and the amendments thereto (16 U.S.C. 3371 et seq.);

Whereas the trained, educational bald eagle ''Challenger'' of the American Eagle Foundation in Pigeon Forge, Tennessee, was invited by the Department of the Interior to perform a free-flight demonstration during the official bald eagle delisting ceremony held at the Jefferson Memorial in Washington, DC;

Whereas experts and population growth charts estimate that the bald eagle population could reach 15,000 pairs, even though a physical count has not been conducted by State and Federal wildlife agencies since 2007;

Whereas caring and concerned agencies, corporations, organizations, and people of the United States representing the Federal, State, and private sectors passionately and resourcefully banded together, determined to save and protect the national bird of the United States;

Whereas the recovery of the bald eagle population in the United States was largely accomplished due to the dedicated and vigilant efforts of Federal and State wildlife agencies and non-profit organizations, such as the American Eagle Foundation, through public education, captive breeding and release programs, hacking and release programs, and the translocation of bald eagles from places in the United States with dense bald eagle populations to suitable locations in the lower 48 States which had suffered a decrease in bald eagle populations;

Whereas various non-profit organizations, such as the Southeastern Raptor Center at Auburn University in the State of Alabama, contribute to the continuing recovery of the bald eagle through rehabilitation and educational efforts;

Whereas the bald eagle might have been lost permanently if not for dedicated conservation efforts and strict protection laws like the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. 668 et seq.), the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703 et seq.), and the Lacey Act and the amendments thereto (16 U.S.C. 3371 et seq.); and

Whereas the sustained recovery of the bald eagle population will require the continuation of recovery, management, education, and public awareness programs to ensure that the population numbers and habitat of the bald eagle will remain healthy and secure for generations to come: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2016, as ''American Eagle Day'';

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a way to generate critical funds for the protection of the bald eagle; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

SENATE RESOLUTION 503—RECOGNIZING JUNE 20, 2016, AS ''WORLD REFUGEE DAY''

Mr. CARDIN (for himself, Mr. MURPHY, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. DURBIN, Mr. COONS, Mrs. MURRAY, Ms. STABENOW, Mr. WYDEN, Ms. BALDWIN, Mr. MARKEY, Mr. BOOKER, Mr. BROWN, Mr. REED, Mr. PETERS, Mr. BLUMENTHAL, and Mr. KAINE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 503

Whereas World Refugee Day is a global day to acknowledge the courage, strength, and determination of women, men, and children who are forced to flee their homes due to conflict, violence, and persecution;

Whereas according to the United Nations High Commissioner for Refugees (referred to in this preamble as ''UNHCR'')—

(1) there are more than 65,300,000 displaced people worldwide, the highest levels ever recorded, including almost 21,300,000 refugees, 40,800,000 internally displaced people, and 3,200,000 people seeking asylum;

(2) children account for 51 percent of the refugee population in the world, millions of whom are unable to access basic services including education;

(3) nearly 4,800,000 refugees have fled Syria since the start of the Syrian conflict and more than 6,600,000 people are internally displaced within Syria;

(4) since January 2014, more than 3,300,000 Iraqis fleeing violence have been internally displaced, and 277,000 refugees have fled to neighboring countries;

(5) ongoing conflict, violence, and persecution have resulted in the displacement of millions across South Sudan, Ukraine, Colombia, and the Central African Republic;

(6) since April 2015, sporadic outbursts of violence in Burundi have prompted more than 265,000 Burundians to flee to the neighboring countries of Rwanda, Tanzania, Uganda, and the Democratic Republic of the Congo;

(7) violent insurgent attacks in Nigeria have forced 220,000 people to flee to the neighboring countries of Cameroon, Chad, and Niger, and have internally displaced nearly 2,200,000 people;

(8) between January and June of 2016, more than 206,000 refugees and migrants have crossed the Mediterranean Sea attempting to reach Europe and at least 2,800 women, men, and children have died during such crossings or are missing after such attempts; and

(9) approximately 95,000 women, men, and children, including many persecuted Rohingya refugees from Burma, have departed on the boats of smugglers in the Bay of Bengal since 2014, more than 1,100 of whom have died at sea;

Whereas refugees who are women and girls are often at a greater risk of sexual violence and exploitation, forced or early marriage, human trafficking, and other forms of gender-based violence;

Whereas the United States is the largest donor to UNHCR and provides critical resources and support to international and nongovernmental organizations working with refugees around the world; and

Whereas since 1975, the United States has welcomed more than 3,000,000 refugees who are resettled in communities across the country: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the commitment of the United States to promote the safety, health,

and well-being of the millions of refugees, including the education of refugee children and displaced persons who flee war, persecution, or torture in search of peace, hope, and freedom;

(2) calls upon the United States Government—

(A) to continue its international leadership role in response to those who have been displaced, including the most vulnerable populations who may endure sexual violence, human trafficking, forced conscription, persecution, or exploitation;

(B) to find solutions to existing conflicts and prevent new conflicts from beginning;

(C) to provide humanitarian and development support to countries around the world that are hosting millions of refugees to alleviate social and economic strains placed on host communities; and

(D) to encourage the international community to increase resources to address current and projected refugee crises;

(3) commends those who have risked their lives working individually and for nongovernmental organizations and international agencies such as UNHCR who have provided life-saving assistance and helped protect those displaced by conflict around the world; and

(4) reiterates the strong commitment of the United States to protect and assist millions of refugees and other forcibly uprooted persons worldwide, consistent with the values of the United States and with the interests of national security.

Mr. CARDIN. Mr. President, today I submit a resolution to mark World Refugee Day, June 20, and to address the unprecedented humanitarian crisis of millions of men, women, and children who are forced to flee from their homes due to conflict, violence, persecution, or human rights violations.

According to the United Nations High Commission for Refugees, UNHCR, the numbers of refugees and internally displaced people in 2015 uprooted from their home outstripped even the catastrophic levels of displacement following World War II. By the end of last year, 65.3 million people were forcibly displaced worldwide. Fifty percent of the displaced are children. These individuals and families have been uprooted by violence and persecution in Syria, Iraq, Yemen, Somalia, Burundi, South Sudan, Ukraine, and Afghanistan. These brutal conflicts churning through entire regions are shattering nations, and scattering an unprecedented number of people. Yet, we cannot allow these suffering people to become an abstraction or mere grim statistics. We cannot allow the wearying repetition of the horrors to numb our ability to think of each individual and each family as people just like ourselves, struggling to cope with unbearable circumstances.

Closer to home, rising numbers of people fleeing gang and other violence in Central America have contributed wider displacement across the wider region. Nearly 110,000 refugees and asylum seekers have come from El Salvador, Guatemala, and Honduras to Mexico and the United States, representing a more than five-fold increase over three years.

The relentless, horrifying violence of the Syrian conflict is perhaps the most shocking. By the end of 2015, there were close to 5 million Syrian refugees worldwide, an increase of 1 million men, women, and children within one year. After 5 years of war, the situation is increasingly desperate for both the refugees and host countries such as Jordan, Lebanon, Turkey and Iraq. It is hard to comprehend the demographic, economic, and social impact of millions of refugees on these host countries. The number of refugees in Lebanon, for instance, would be equivalent to 88 million new refugees arriving in the United States.

The futures of millions of Syrian children are being stolen because they have no access to education. In the tiny country of Lebanon alone, there are over 300,000 Syrian refugee children who have no access to school. Over 2 million Syrian women are in the neighboring countries trying to survive. Dangerous coping mechanisms are on the rise. More and more families are forced to send their children to work or marry off their young daughters.

While contributing generously to humanitarian funding, the United States has only accepted about 2,850 Syrian refugees to date. Because Syrians are finding it increasingly difficult to find safety, they are being forced to move further afield. Hundreds of thousands of people, most from Syria, have crossed the Mediterranean in boats in search of protection in Europe. Since January 2015, almost 5,000 mothers, fathers, and children lost their lives in their desperate bid to escape violence.

We know that the Syrian humanitarian disaster, which has destabilized an entire region, is not the accidental byproduct of conflict. It is, rather, one result of the strategy pursued by the Assad regime. The UN's Commission of Inquiry on Syria has documented that the Assad regime intentionally engages in the indiscriminate bombardments of homes, hospitals, schools, and water and electrical facilities to terrorize the civilian population. The terrorist groups Islamic State of Iraq & the Levant, ISIL, and Al-Nusra have also deliberately shelled areas with high concentrations of civilians.

There is also a grave and escalating humanitarian crisis in Yemen. That country was particularly vulnerable even before the current conflict, and now civilians throughout the country are facing alarming levels of suffering and violence. By the end of 2015, almost 200,000 people had fled to other countries, and about 2.5 million people were forced from their homes and live in empty schools, and other public buildings, or along highways.

We are also witnessing violent conflict that has pushed millions of people out of regions in Sub-Saharan Africa. The outbreak of violence in Burundi forced over 200,000 people to flee their country last year. In Libya, smuggling and trafficking networks thrive as the country has become a major transit route for sub-Saharan Africans seeking safety and security in Europe. Most of these refugees are fleeing Boko Haram in Nigeria, and decades of armed conflict and al-Shabaab in Somalia and Eritrea, where the government carries out extrajudicial killings, torture, and other serious human rights violations. In the Lake Chad Basin region, more than 2.4 million people—1.5 million of them children—have fled their homes due to violence and attacks by the terrorist group Boko Haram. The conflict has forced more than 200,000 Nigerians to flee to Cameroon, Chad, and Niger following attacks on their villages. While violence persists in Somalia, I am deeply concerned about the recent announcement by the government of Kenya that it would seek to close Dadaab, the largest refugee camp in the world and home to almost 400,000 Somali refugees. Shutting down the camp will mean increased protection risks for the thousands of refugees, the majority of who are women, children and unaccompanied minors. Moreover, Somalia is faced with a severe drought and other security risks which will increase the vulnerability of its displaced people.

The international community must get serious about protecting the most vulnerable refugees—women and children. Women are facing ferocious threats in conflicts across the globe where rape and sexual assault are being used as weapons of war, and as vulnerable refugees they continue to be targets of gender-based violence. Children now make up one-half of all refugees worldwide. We must do more to protect them from sexual exploitation and abuse, from recruitment as child soldiers, and from being forced into early marriage. Organizations such as the United Nations Population Fund, UNFPA, Mercy Corps, Catholic Relief Services, and others know how to provide targeted support and protection to women and children refugees. But we in the international community must fund them adequately to help them do the job. The United States has lead in terms of humanitarian assistance, but we must encourage other nations to do more.

Against this tragic backdrop, we have all listened recently to divisive political rhetoric and hate speech on refugee and migration issues which is feeding rising levels of xenophobia. Instead of burden-sharing, we see borders closing; instead of political will, there is political paralysis. Humanitarian organizations and their field staff, overstretched and exhausted, are left to deal with consequences while, at the same time, they are trying to save lives on shrinking budgets. As the UN High Commissioner for Refugees has noted, ''Yet, there is cause for hope. In

contrast to the toxic narrative repeatedly played out in the media we have often witnessed an outpouring of generosity; by host communities, by individuals, and by families opening their homes. These ordinary people see refugees not as beggars, competitors for jobs, or terrorists—but as people like you or me whose lives have been disrupted by war.''

In closing, we must recognize that as these conflicts proliferate, no corner of the world will be left unaffected. Today, on World Refugee Day, we recognize that every person fleeing his or her home deserves compassion and help; displaced people should be able to live their lives in safety and dignity. We must recommit ourselves to work smarter and harder to assist the world's most vulnerable people. Next year, on this day, I want to stand before the Senate to speak of the progress we have made and the lives we have saved by our collective efforts.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4768. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 4769. Mr. NELSON (for himself, Mr. KIRK, Mr. UDALL, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4770. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4771. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4772. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4773. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4774. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4775. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4776. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4777. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4778. Mr. SHELBY (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4779. Mr. SHELBY (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4780. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4781. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4782. Mrs. BOXER (for herself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4783. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4784. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4785. Mr. TOOMEY (for himself, Mr. SESSIONS, Mr. COTTON, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4786. Mr. BARRASSO (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4787. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. BURR, Mr. MCCONNELL, Mr. CORNYN, Mr. SESSIONS, and Mr. COTTON)) proposed an amendment to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra.

SA 4788. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4789. Mr. CASEY (for himself, Mr. MURPHY, Mr. BLUMENTHAL, Mrs. BOXER, Mrs. GILLIBRAND, Ms. BALDWIN, Mrs. SHAHEEN, Mr. MARKEY, Mr. WYDEN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4790. Mr. NELSON (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4768. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, between lines 9 and 10, insert the following:

SEC. 539. (a) Congress finds that neither the 2001 Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) or the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C. 1541 note) authorize the use of military force against the Islamic State in Iraq and al-Sham (ISIS).

(b) It is the sense of Congress that the President, unless acting out of self-defense or to address an imminent threat to the United States, is not authorized to conduct military operations against ISIS without explicit authorization for the use of such force, and Congress should debate and pass such an authorization.

SA 4769. Mr. NELSON (for himself, Mr. KIRK, Mr. UDALL, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5___. REPORTING OF TERRORISM INVESTIGATIONS TO NICS.

(a) DEFINITIONS.—In this section—

(1) the term ''firearm'' has the meaning given the term in section 921 of title 18, United States Code;

(2) the term ''licensee'' means a licensed importer, licensed manufacturer, or licensed dealer, as those terms are defined in section 921 of title 18, United States Code;

(3) the term ''NICS'' means the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note); and

(4) the term ''terrorism'' includes international terrorism and domestic terrorism, as defined in section 2331 of title 18, United States Code.

(b) INCLUSION OF INFORMATION IN NICS.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish a process to ensure that if any person has been or is under a terrorism investigation conducted by the Department of Justice or any other department or agency of the Federal Government, information about such terrorism investigation of the person shall be included in the NICS database.

(c) SUBMISSION OF INFORMATION.—The head of each department or agency of the Federal Government that has information about a person who has been or is under a terrorism investigation conducted by the department or agency shall provide such information to the Attorney General for inclusion in the NICS database under subsection (b).

(d) NOTIFICATION OF FEDERAL BUREAU OF INVESTIGATION.—If a licensee contacts NICS to request a unique identification number for the transfer of a firearm to a prospective purchaser under section 922(t) of title 18, United States Code, and the prospective purchaser is a person who has been or is under a terrorism investigation conducted by the Department of Justice or any other department or agency of the Federal Government, NICS shall notify the appropriate division of the Federal Bureau of Investigation of the request and pending firearm transfer.

SA 4770. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Not later than 30 days after the date of enactment of this Act, the Attorney General shall publish a final rule relating to the crime victim assistance programs authorized by section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) that permits the grant funds awarded under that section to be used for forensic interviews and medical examinations.

SA 4771. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. The matter under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' in title II of division B of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6; 127 Stat. 247) is amended by striking the fifth proviso.

SA 4772. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 9, insert '': *Provided further*, That the Federal Bureau of Investigation shall include a course providing trauma-informed training for law enforcement officers dealing with victims of sexual assault'' before the period.

SA 4773. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 531.

SA 4774. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 9 and 10, insert the following:

FISHERIES DISASTER ASSISTANCE

For providing fisheries disaster assistance, $4,100,000, to remain available until September 30, 2018, to provide assistance for any commercial fishery failure that was determined by the Secretary of Commerce, in 2014, to be a fishery resource disaster.

SA 4775. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II (before the short title), insert the following:

SEC. __. None of the funds made available under this Act shall be used to take any action to apply or enforce title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) with respect to any private school on the basis that the school is a public entity under that title II because the school receives funds or other support through assistance provided by a State or local agency to, or on behalf of, any student whose parent chooses to place the student in the private school.

SA 4776. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 539. (a) Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available under this Act may be used by the Department of Justice to prevent a State from implementing a State law that authorizes—

(1) the production, manufacture, distribution, prescribing, or dispensing of an experimental drug, biological product, or device that—

(A) is intended to treat a patient who has been diagnosed with a terminal illness; and

(B) is authorized by, and in accordance with, State law; and

(2) the possession or use of an experimental drug, biological product, or device—

(A) that is described in subparagraphs (A) and (B) of paragraph (1); and

(B) for which the patient has received a certification from a physician, who is in good standing with the physician's certifying organization or board, that the patient has exhausted, or otherwise does not meet qualifying criteria to receive, any other available treatment options.

(b)(1) Notwithstanding any other provision of law, no liability shall lie against a producer, manufacturer, distributor, prescriber, dispenser, possessor, or user of an experimental drug, biological product, or device for the production, manufacture, distribution, prescribing, dispensing, possession, or use of an experimental drug, biological product, or device that is in compliance with a State law described in subsection (a).

(2) Notwithstanding any other provision of law, the outcome of any production, manufacture, distribution, prescribing, dispensing, possession, or use of an experimental drug, biological product, or device that was done in compliance with a State law described in subsection (a) shall not be used by a Federal agency reviewing the experimental drug, biological product, or device to delay or otherwise adversely impact review or approval of such experimental drug, biological product, or device.

(c) In this section—

(1) the term ''biological product'' has the meaning given to such term in section 351 of the Public Health Service Act (42 U.S.C. 262);

(2) the terms ''device'' and ''drug'' have the meanings given to such terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321);

(3) the term ''experimental drug, biological product, or device'' means a drug, biological product, or device that—

(A) has successfully completed a phase 1 clinical investigation;

(B) remains under investigation in a clinical trial approved by the Food and Drug Administration; and

(C) is not approved, licensed, or cleared for commercial distribution under section 505, 510(k), or 515 of the Federal Food, Drug, or Cosmetic Act (21 U.S.C. 355, 360(k), 360(e)) or section 351 of the Public Health Service Act (42 U.S.C. 262);

(4) the term ''phase 1 clinical investigation'' means a phase 1 clinical investigation, as described in section 312.21 of title 21, Code of Federal Regulations (or any successor regulations); and

(5) the term ''terminal illness'' has the meaning given to such term in the State law specified in subsection (a)(1)(B).

SA 4777. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce

and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SA 4778. Mr. SHELBY (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, beginning on line 15, strike ''U.S. Census Bureau,'' and insert ''Bureau of the Census,''.

SA 4779. Mr. SHELBY (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2____. In addition to any other transfer authority available to the Department of Justice, for fiscal year 2017, of the unobligated balances available in the Department of Justice Working Capital Fund, (1) up to $175,000,000 may be transferred to the ''Federal Bureau of Investigation, Salaries and Expenses'' account, for personnel, training, and equipment needed to counter both foreign and domestic terrorism, including lone wolf actors; and (2) up to $15,000,000 may be transferred to the ''Office of Justice Programs'' account for State and local law enforcement assistance, for an Officer Robert Wilson III Memorial Initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR).

SA 4780. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to negotiate a trade agreement that contains a provision providing for the protection or recognition of geographical indications that would limit the use of generic names used by United States businesses, such as generic names of certain cheeses, meats, and other products.

SA 4781. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) None of the funds made available by this Act may be used to—

(1) pay the salaries or expenses of personnel to fail to—

(A) make final dispositions on appeals of denials from the National Instant Criminal Background Check System (commonly referred to as ''NICS'') within 90 days of receipt of the appeal;

(B) eliminate the current backlog of appeals not later than 1 year after the date of enactment of this Act; or

(C) continue to add individuals to the voluntary appeal file (commonly referred to as the ''VAF'') to prevent subsequent delays and erroneous denials; or

(2) pay expenses of the Federal Bureau of Investigation (referred to in this section as the ''FBI'') if the FBI fails to submit to Congress an annual report on the disposition of appeals of NICS determinations during the previous year that includes—

(A) the number of NICS checks on individuals that were—

(i) conducted by the FBI; or

(ii) conducted by a Point of Contact (commonly referred to as ''POC'') State or local agency;

(B) with respect to the NICS checks described in subparagraph (A), the number of denials of firearm transfers that resulted from checks—

(i) conducted by the FBI; or

(ii) conducted by a POC State or local agency;

(C) with respect to the denials of firearm transfers described in subparagraph (B), the number of denials resulting from NICS checks conducted by—

(i) the FBI that were appealed; or

(ii) a POC State or local agency that were appealed—

(I) to the POC State or local agency; or

(II) to the FBI;

(D) with respect to the appeals described in—

(i) clause (i) or (ii)(II) of subparagraph (C), that number that were reversed by the FBI for—

(I) FBI denials; or

(II) POC State or local agency denials; or

(ii) clause (ii)(I) of subparagraph (C), the number that were reversed by the POC State or local agency; and

(E) the number of FBI denials that involved a VAF application without a preceding appeal of a NICS denial.

SA 4782. Mrs. BOXER (for herself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5____. COMMUNITY AND LAW ENFORCEMENT PARTNERSHIP GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—The Attorney General shall make grants to eligible States and Indian tribes to be used for the activities described in subsection (c).

(b) ELIGIBILITY.—

(1) IN GENERAL.—In order to be eligible to receive a grant under this section a State or Indian tribe shall—

(A) report incidents in accordance with paragraph (2); and

(B) demonstrate that the use-of-force policy for law enforcement officers in the State or Indian tribe is publicly available.

(2) REPORTING OF INCIDENTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, and subject to subparagraph (C), a State or Indian tribe shall report to the Attorney General information on—

(i) any incident involving the shooting of a civilian by a law enforcement officer;

(ii) any incident involving the shooting of a law enforcement officer by a civilian;

(iii) any incident in which use of force by a law enforcement officer against a civilian results in serious bodily injury (as defined in section 2246 of title 18, United States Code) or death; and

(iv) any incident in which use of force by a civilian against a law enforcement officer results in serious bodily injury (as defined in section 2246 of title 18, United States Code) or death.

(B) REQUIRED INFORMATION.—For each incident reported under subparagraph (A), the information reported to the Attorney General shall include, at a minimum—

(i) the gender, race, ethnicity, and age of each individual who was shot, injured, or killed;

(ii) the date, time, and location of the incident;

(iii) whether the civilian was armed, and, if so, the type of weapon the civilian had;

(iv) the type of force used against the officer, the civilian, or both, including the types of weapons used;

(v) the number of officers involved in the incident;

(vi) the number of civilians involved in the incident; and

(vii) a brief description regarding the circumstances surrounding the incident.

(C) INCIDENTS REPORTED UNDER DEATH IN CUSTODY REPORTING ACT.—A State is not required to include in a report under subparagraph (A) an incident reported by the State in accordance with section 20104(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704(a)(2)) before the date of the report under subparagraph (A).

(c) ACTIVITIES DESCRIBED.—A grant made under this section may be used by a State or Indian tribe for—

(1) the cost of complying with the reporting requirements described in subsection (b)(2);

(2) the cost of establishing necessary systems required to investigate and report incidents as required under subsection (b)(2);

(3) public awareness campaigns designed to gain information from the public on use of force against police officers, including shootings, which may include tip lines, hotlines, and public service announcements; and

(4) use of force training for law enforcement agencies and personnel, including de-escalation and bias training.

(d) INDEPENDENT AUDIT AND REVIEW.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall conduct an audit and review of the information provided under subsection (b)(2) to determine whether each State or Indian tribe receiving a grant under this section is in compliance with the requirements of this section.

(e) PUBLIC AVAILABILITY OF DATA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall publish, and make available to the public, a report containing the data reported to the Attorney General under subsection (b)(2).

(2) PRIVACY PROTECTIONS.—Nothing in this subsection shall be construed to supersede the requirements or limitations under section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'').

(f) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in coordination with the Director of the Federal Bureau of Investigation, shall issue guidance on best practices relating to establishing standard data collection systems that capture the information required to be reported under subsection (b)(2), which shall include standard and consistent definitions for terms, including the term ''use of force''.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as are necessary to carry out this section.

SA 4783. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—GUN VIOLENCE INTERVENTION ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Gun Violence Intervention Act of 2016''.

SEC. 602. DEFINITIONS.

In this title—

(1) the term ''close associate'' means, with respect to an individual—

(A) a dating partner, friend, co-worker, or neighbor of the individual; or

(B) any other person who has a relationship with the individual so as to be concerned about the safety and well-being of the individual, as determined by a State;

(2) the term ''family member'' means, with respect to an individual, a spouse, child, parent, sibling, grandchild, or grandparent of the individual;

(3) the term ''firearm'' has the meaning given the term in section 921 of title 18, United States Code;

(4) the term ''gun violence prevention order'' means a written order, issued by a State court or signed by a magistrate (or other comparable judicial officer), prohibiting a named individual from having under the custody or control of the individual, owning, purchasing, possessing, or receiving any firearms;

(5) the term ''gun violence prevention warrant'' means a written order, issued by a State court or signed by a magistrate (or other comparable judicial officer), regarding an individual who is subject to a gun violence prevention order and who is known to own or possess 1 or more firearms, that directs a law enforcement officer to temporarily seize and retain any firearm in the possession of the individual;

(6) the term ''law enforcement officer'' means a public servant authorized by State law or by a State government agency to engage in or supervise the prevention, detection, investigation, or prosecution of an offense; and

(7) the term ''wellness check'' means a visit conducted by a law enforcement officer to the residence of an individual for the purpose of assessing whether the individual poses a danger to the individual or others due to a mental, behavioral, or physical condition.

SEC. 603. NATIONAL GUN VIOLENCE PREVENTION ORDER AND WARRANT LAW.

(a) ENACTMENT OF GUN VIOLENCE PREVENTION ORDER LAW.—In order to receive a grant under section 604, on the date that is 3 years after the date of enactment of this Act, each State shall have in effect legislation that—

(1) authorizes a gun violence prevention order and gun violence prevention warrant in accordance with subsection (b); and

(2) requires each law enforcement agency of the State to comply with subsection (c).

(b) REQUIREMENTS FOR GUN VIOLENCE PREVENTION ORDERS AND WARRANTS.—Legislation required under subsection (a) shall be subject to the following requirements:

(1) APPLICATION FOR GUN VIOLENCE PREVENTION ORDER.—A family member or close associate of an individual may submit an application to a State court, on a form designed by the court, that—

(A) describes the facts and circumstances necessitating that a gun violence prevention order be issued against the named individual;

(B) is signed by the applicant, under oath; and

(C) includes any additional information required by the State court or magistrate (or other comparable judicial officer) to demonstrate that possession of a firearm by the named individual poses a significant risk of personal injury to the named individual or others.

(2) EXAMINATION OF APPLICANT AND WITNESSES.—A State court or magistrate (or other comparable judicial officer) may, before issuing a gun violence prevention order—

(A) examine under oath, the individual who applied for the order under paragraph (1) and any witnesses the individual produces; and

(B)(i) require that the individual or any witness submit a signed affidavit, which describes the facts the applicant or witness believes establish the grounds of the application; or

(ii) take an oral statement from the individual or witness under oath.

(3) STANDARD FOR ISSUANCE OF ORDER.—

(A) IN GENERAL.—A State court or magistrate (or other comparable judicial officer) may issue a gun violence prevention order only upon a finding of probable cause that possession of a firearm by the named individual poses a significant risk of personal injury to the named individual or others.

(B) NOTIFICATION.—

(i) IN GENERAL.—The court shall notify the Department of Justice and comparable State agency of the gun violence prevention order not later than 2 court days after issuing the order. The court shall also notify the Department of Justice and comparable State agency of any order restoring the ability of the individual to own or possess firearms not later than 2 court days after issuing the order to restore the individual's right to own or possess any type of firearm that may be lawfully owned and possessed. Such notice shall be submitted in an electronic format, in a manner prescribed by the Department of Justice and the comparable State agency.

(ii) UPDATE OF DATABASES.—As soon as practicable after receiving a notification under clause (i), the Department of Justice and comparable State agency shall update the background check databases of the Department and agency, respectively, to reflect the prohibitions articulated in the gun violence prevention order.

(4) ISSUANCE OF GUN VIOLENCE PREVENTION WARRANT.—

(A) IN GENERAL.—After issuing a gun violence prevention order, a State court or magistrate (or other comparable judicial officer) shall, upon a finding of probable cause to believe that the named individual subject to the order has a firearm in his custody or control, issue a gun violence prevention warrant ordering the temporary seizure of all firearms specified in the warrant.

(B) REQUIREMENT.—Subject to paragraph (6), a gun violence prevention warrant issued under subparagraph (A) shall require that any firearm described in the warrant be taken from any place, or from any individual in whose possession, the firearm may be.

(5) SERVICE OF GUN VIOLENCE PREVENTION ORDER.—When serving a gun violence prevention order, a law enforcement officer shall provide the individual with a form to request a hearing in accordance with paragraph (6)(F).

(6) TEMPORARY SEIZURE OF FIREARMS.—

(A) IN GENERAL.—When a law enforcement officer takes property under a gun violence prevention warrant, the law enforcement officer shall give a receipt for the property taken, specifying the property in detail, to the individual from whom it was taken. In the absence of a person, the law enforcement officer shall leave the receipt in the place where the law enforcement officer found the property.

(B) TEMPORARY CUSTODY OF SEIZED FIREARMS.—All firearms seized pursuant to a gun violence prevention warrant shall be retained by the law enforcement officer or the law enforcement agency in custody, subject

to the order of the court that issued the warrant or to any other court in which an offense with respect to the firearm is triable.

(C) LIMITATION ON SEIZURE OF FIREARMS.—If the location to be searched during the execution of a gun violence prevention warrant is jointly occupied by multiple parties and a firearm is located during the execution of the seizure warrant, and it is determined that the firearm is owned by an individual other than the individual named in the gun violence prevention warrant, the firearm may not be seized if—

(i) the firearm is stored in a manner that the individual named in the gun violence prevention warrant does not have access to or control of the firearm; and

(ii) there is no evidence of unlawful possession of the firearm by the owner.

(D) GUN SAFE.—If the location to be searched during the execution of a gun violence prevention warrant is jointly occupied by multiple parties and a gun safe is located, and it is determined that the gun safe is owned by an individual other than the individual named in the gun violence prevention warrant, the contents of the gun safe shall not be searched except in the owner's presence, or with the owner's consent, or unless a valid search warrant has been obtained.

(E) RETURN OF FIREARM TO RIGHTFUL OWNER.—If any individual who is not a named individual in a gun violence prevention warrant claims title to a firearm seized pursuant to a gun violence prevention warrant, the firearm shall be returned to the lawful owner not later than 30 days after the date on which the title is claimed.

(F) RIGHT TO REQUEST A HEARING.—A named individual may submit 1 written request at any time during the effective period of a gun violence prevention order issued against the individual for a hearing for an order allowing the individual to own, possess, purchase, or receive a firearm.

(7) HEARING ON GUN VIOLENCE PREVENTION ORDER AND GUN VIOLENCE PREVENTION WARRANT.—

(A) IN GENERAL.—Except as provided in subparagraph (E), not later than 14 days after the date on which a gun violence prevention order and, when applicable, a gun violence prevention warrant, is issued, the court that issued the order and, when applicable, the warrant, or another court in that same jurisdiction, shall hold a hearing to determine whether the individual who is the subject of the order may have under the custody or control of the individual, own, purchase, possess, or receive firearms and, when applicable, whether any seized firearms should be returned to the individual named in the warrant.

(B) NOTICE.—The individual named in a gun violence prevention order requested to be renewed under subparagraph (A) shall be given written notice and an opportunity to be heard on the matter.

(C) BURDEN OF PROOF.—

(i) IN GENERAL.—Except as provided in clause (ii), at any hearing conducted under subparagraph (A), the State or petitioner shall have the burden of establishing probable cause that the individual poses a significant risk of personal injury to the individual or others by owning or possessing the firearm.

(ii) HIGHER BURDEN OF PROOF.—A State may establish a burden of proof for hearings conducted under subparagraph (A) that is higher than the burden of proof required under clause (i).

(D) REQUIREMENTS UPON FINDING OF SIGNIFICANT RISK.—If the named individual is found at the hearing to pose a significant risk of personal injury to the named individual or others by owning or possessing a firearm, the following shall apply:

(i) The firearm or firearms seized pursuant to the warrant shall be retained by the law enforcement agency for a period not to exceed 1 year.

(ii) The named individual shall be prohibited from owning or possessing, purchasing or receiving, or attempting to purchase or receive a firearm for a period not to exceed 1 year, a violation of which shall be considered a misdemeanor offense.

(iii) The court shall notify the Department of Justice and comparable State agency of the gun violence prevention order not later than 2 court days after issuing the order. The court shall also notify the Department of Justice and comparable State agency of any order restoring the ability of the individual to own or possess firearms not later than 2 court days after issuing the order to restore the individual's right to own or possess any type of firearm that may be lawfully owned and possessed. Such notice shall be submitted in an electronic format, in a manner prescribed by the Department of Justice and the comparable State agency.

(iv) As soon as practicable after receiving a notification under clause (iii), the Department of Justice and comparable State agency shall update the background check databases of the Department and agency, respectively, to reflect—

(I) the prohibitions articulated in the gun violence prevention order; or

(II) an order issued to restore an individual's right to own or possess a firearm.

(E) RETURN OF FIREARMS.—If the court finds that the State has not met the required standard of proof, any firearm seized pursuant to the warrant shall be returned to the named individual not later than 30 days after the hearing.

(F) LIMITATION ON HEARING REQUIREMENT.—If an individual named in a gun violence prevention warrant is prohibited from owning or possessing a firearm for a period of 1 year or more by another provision of State or Federal law, a hearing pursuant to subparagraph (A) is not required and the court shall issue an order to hold the firearm until either the individual is no longer prohibited from owning a firearm or the individual sells or transfers ownership of the firearm to a licensed firearm dealer.

(8) RENEWING GUN VIOLENCE PREVENTION ORDER AND GUN VIOLENCE PREVENTION WARRANT.—

(A) IN GENERAL.—Except as provided in subparagraph (E), if a law enforcement agency has probable cause to believe that an individual who is subject to a gun violence prevention order continues to pose a significant risk of personal injury to the named individual or others by possessing a firearm, the agency may initiate a request for a renewal of the order, on a form designed by the court, describing the facts and circumstances necessitating the request.

(B) NOTICE.—The individual named in the gun violence prevention order requested to be renewed under subparagraph (A) shall be given written notice and an opportunity to be heard on the matter.

(C) HEARING.—After notice is given under subparagraph (B), a hearing shall be held to determine if a request for renewal of the order shall be issued.

(D) ISSUANCE OF RENEWAL.—Except as provided in subparagraph (E), a State court may issue a renewal of a gun violence prevention order if there is probable cause to believe that the individual who is subject to the order continues to pose a significant risk of personal injury to the named individual or others by possessing a firearm.

(E) HIGHER BURDEN OF PROOF.—A State may establish a burden of proof for initiating a request for or issuing a renewal of a gun violence prevention order that is higher than the burden of proof required under subparagraph (A) or (D).

(F) NOTIFICATION.—

(i) IN GENERAL.—The court shall notify the Department of Justice and comparable State agency of a renewal of the gun violence prevention order not later than 2 court days after renewing the order. The court shall also notify the Department of Justice and comparable State agency of any order restoring the ability of the individual to own or possess firearms not later than 2 court days after issuing the order to restore the individual's right to own or possess any type of firearm that may be lawfully owned and possessed. Such notice shall be submitted in an electronic format, in a manner prescribed by the Department of Justice and the comparable State agency.

(ii) UPDATE OF DATABASES.—As soon as practicable after receiving a notification under clause (i), the Department of Justice and comparable State agency shall update the background check databases of the Department and agency, respectively, to reflect—

(I) the prohibitions articulated in the renewal of the gun violence prevention order; or

(II) an order issued to restore an individual's right to own or possess a firearm.

(c) LAW ENFORCEMENT CHECK OF STATE FIREARM DATABASE.—Each law enforcement agency of the State shall establish a procedure that requires a law enforcement officer to, in conjunction with performing a wellness check on an individual, check whether the individual is listed on any of the firearm and ammunition databases of the State or jurisdiction in which the individual resides.

(d) CONFIDENTIALITY PROTECTIONS.—All information provided to the Department of Justice and comparable State agency pursuant to legislation required under subsection (a) shall be kept confidential, separate, and apart from all other records maintained by the Department of Justice and comparable State agency.

SEC. 604. GUN VIOLENCE INTERVENTION GRANT PROGRAM.

(a) IN GENERAL.—The Director of the Office of Community Oriented Policing Services of the Department of Justice may make grants to an eligible State to assist the State in carrying out the provisions of the State legislation described in section 603.

(b) ELIGIBLE STATE.—A State shall be eligible to receive grants under this section on and after the date on which—

(1) the State enacts legislation described in section 603; and

(2) the Attorney General determines that the legislation of the State described in paragraph (1) complies with the requirements of section 603.

(c) USE OF FUNDS.—Funds awarded under this section may be used by a State to assist law enforcement agencies or the courts of the State in carrying out the provisions of the State legislation described in section 603.

(d) APPLICATION.—An eligible State desiring a grant under this section shall submit to the Director of the Office of Community Oriented Policing Services an application at such time, in such manner, and containing

or accompanied by such information, as the Director may reasonably require.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 605. FEDERAL FIREARMS PROHIBITION.

Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8)(B)(ii), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) is subject to a court order that prohibits such person from having under the custody or control of the person, owning, purchasing, possessing, or receiving any firearms.''; and

(2) in subsection (g)—

(A) in paragraph (8)(C)(ii), by striking ''or'' at the end;

(B) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) who is subject to a court order that prohibits such person from having under the custody or control of the person, owning, purchasing, possessing, or receiving any firearms,''.

SEC. 606. FULL FAITH AND CREDIT.

Any gun violence prevention order issued under a State law enacted in accordance with this title shall have the same full faith and credit in every court within the United States as they have by law or usage in the courts of such State from which they are issued.

SEC. 607. SEVERABILITY.

If any provision of this title, or an amendment made by this title, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this title, or an amendment made by this title, or the application of such provision to other persons or circumstances, shall not be affected.

SA 4784. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) In this section, the term ''covered agency''—

(1) means an agency, as defined in section 551 of title 5, United States Code; and

(2) does not include—

(A) the Department of Defense;

(B) the Department of Justice;

(C) the Department of Homeland Security;

(D) the Nuclear Regulatory Commission;

(E) the United States Capitol Police;

(F) the Bureau of Diplomatic Security;

(G) the Central Intelligence Agency;

(H) a military department (as defined in section 102 of title 5, United States Code); or

(I) any division of subparagraphs (A) through (H).

(b) Not later than 180 days after the date of enactment of this Act, the Inspector General of each covered agency, or in the case of a covered agency that does not have an Inspector General, the head of the covered agency, shall submit to Congress a detailed accounting that shall include the following:

(1) Amounts spent by the covered agency for each of the last 5 fiscal years on guns, ammunition, body armor, military-style equipment, and military-style training for employees of the covered agency.

(2) Anticipated outlays by the covered agency for the first fiscal year beginning after the date of enactment of this Act on guns, ammunition, body armor, military-style equipment, and military-style training for employees of the covered agency.

(3) A detailed explanation of the covered agency's need for, and justification for purchasing, the quantity or amount purchased during each of the last 5 fiscal years of each of the following: guns, ammunition, body armor, military-style equipment.

(4) A detailed explanation of the covered agency's need for, and justification for providing, military-style training for employees of the covered agency, if the covered agency has provided such training to any employee during the last 5 fiscal years.

(5) A list of the positions and the number of employees of the covered agency who have received guns, ammunition, body armor, or military-style equipment as part of their employment.

(6) A list of the positions and the number of employees of the covered agency who have received training to handle, operate, discharge, or otherwise use guns, ammunition, body armor, or military-style equipment as part of their employment.

(7) A list of the positions and the number of employees of the covered agency who have received military-style training as part of their employment.

(8)(A) Whether the covered agency has any specialized units that receive special tactical or military-style training or that use hard-plated armor, shields, or helmets and that respond to high-risk situations that fall outside the capabilities of regular law enforcement officers, including any special weapons and tactics (commonly known as ''SWAT'') teams, tactical response teams, special events teams, special response teams, or active shooter teams.

(B) The number of units of the covered agency described in subparagraph (A).

(C) With respect to each unit of the covered agency described in subparagraph (A)—

(i) the number of employees of the covered agency who participate in, are authorized to participate in, or have received training for the unit;

(ii) a description of the unit;

(iii) a description of the training and weapons of the unit;

(iv) the criteria for activating the unit and how often each unit was activated during each of the last 5 fiscal years;

(v) a summary of each activation described in clause (iv), including a description of the need for the activation, the number of employees of the covered agency involved in the activation, the location of the activation, and the outcome of the activation;

(vi) the annual cost of equipping and operating the unit during each of the last 5 fiscal years; and

(vii) any other information that is relevant to understanding the usefulness and justification for the unit.

(9) A detailed explanation of the procedures and methods the covered agency follows to safeguard and store guns, ammunition, body armor, and military-style equipment in the possession of the covered agency or in the possession of employees of the covered agency.

(c) Each accounting submitted under this section shall be—

(1) in unclassified form, but may include a classified annex; and

(2) made available upon request by any member of Congress.

SA 4785. Mr. TOOMEY (for himself, Mr. SESSIONS, Mr. COTTON, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 13, strike the period at the end and insert the following:

: *Provided*, That none of the funds made available under this heading may be obligated or expended for any State, or any political subdivision of a State—

(1) that has in effect a statute, ordinance, policy, or practice that prohibits or restricts any government entity or official—

(A) from sending, receiving, maintaining, or exchanging with any Federal, State, or local government entity information regarding the citizenship or immigration status (lawful or unlawful) of any individual other than an individual who comes forward as a victim or a witness to a criminal offense; or

(B) from complying with a request lawfully made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer for, or notify about the release of, an individual other than an individual who comes forward as a victim or a witness to a criminal offense; or

(2) whose law enforcement officers and other employees, contractors, and agents are not certified by the Department of Homeland Security (whether under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) or other authority and whether through a memorandum of understanding, regulations, or otherwise) to be acting as agents of the Department of Homeland Security with all the authority available to employees of the Department of Homeland Security when they take actions to comply with a detainer issued by the Department of Homeland Security under section 236 or 287 of such Act.

SA 4786. Mr. BARRASSO (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 217, insert the following:

SEC. 2___. TRIBAL VICTIMS OF CRIME.

(a) OFFICE OF TRIBAL JUSTICE SUPPORT AND VICTIMS SERVICES.—Section 101(e)(1) of the Indian Tribal Justice Act (25 U.S.C. 3611(e)(1)) is amended, in the first sentence of the matter preceding subparagraph (A), by

inserting ''and timely notice regarding technical assistance and training resources and activities of the Office'' before the period at the end.

(b) GRANT PROGRAM.—The Indian Tribal Justice Act is amended by inserting after section 104 (25 U.S.C. 3614) the following:

''SEC. 105. GRANT PROGRAM FOR TRIBAL CRIME VICTIM SERVICES AND COMPENSATION.

''(a) DEFINITION OF INDIAN TRIBE.—In this section, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(b) DUTIES.—The Office shall—

''(1) administer the grant program described in subsection (c); and

''(2) provide planning, research, training, and technical assistance to grant recipients for grants provided under subsection (c).

''(c) GRANT PROGRAM.—On an annual basis, the Office shall make competitive grants to Indian tribes for the purposes of funding services to victims of crime, which may be provided in traditional form or through electronic, digital, or other technological formats, including—

''(1) services provided through subgrants to victim services agencies or departments of tribal governments or nonprofit organizations;

''(2) domestic violence shelters, rape crisis centers, and child advocacy centers providing services to victims of crime in Indian country or in Alaska Native villages;

''(3) medical care, treatment, and related evaluations arising from the victimization, including—

''(A) emergency medical care and evaluation, nonemergency medical care and evaluation, psychological and psychiatric care and evaluation, and other forms of medical assistance, treatment, or therapy, regardless of the setting in which the services are delivered;

''(B) mental health and crisis counseling, evaluation, and assistance, including outpatient therapy, counseling services, substance abuse treatment, and other forms of specialized treatment, including intervention and prevention services; and

''(C) prophylactic treatment to prevent a victim of crime from contracting HIV/AIDS or any other sexually transmitted disease or infection;

''(4) medical equipment, such as wheel chairs, prosthetics, crutches, canes, hearing aids, and eyeglasses, the need for which arises directly from the victimization;

''(5) legal services, legal assistance services, and legal clinics (including services provided by pro bono legal clinics and practitioners), the need for which arises directly from the victimization;

''(6) forensic interviews, medical evaluations, and forensic medical evidence collection examinations for victims of crime, the need for which arises directly from the victimization; and

''(7) through the implementation of tribal action plans under section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412).''.

(c) FUNDING FOR GRANTS FOR TRIBAL VICTIMS OF CRIME AND TRIBAL ACTION PLANS.—Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is amended—

(1) by inserting before paragraph (2) the following:

''(1) Beginning on October 1, 2016, and each fiscal year thereafter for a period of 10 fiscal years, 5 percent of the total amount in the Fund available for obligation during a fiscal year shall be made available to the Secretary of the Interior to make grants under section 105 of the Indian Tribal Justice Act.''; and

(2) in paragraph (3)(A), in the matter preceding clause (i), by striking ''paragraph (2)'' and inserting ''paragraphs (1) and (2)''.

(d) REGULATIONS REGARDING INDIAN TRIBES.—

(1) EXISTING REGULATIONS.—Any regulation, rule, or guidance promulgated by the Attorney General or the Secretary of the Interior before the date of enactment of this Act shall have no force or effect with respect to section 105 of the Indian Tribal Justice Act, as added by subsection (b).

(2) NEGOTIATED RULEMAKING.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior, in consultation with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and through notice and comment rulemaking, shall promulgate final regulations carrying out section 105 of the Indian Tribal Justice Act, as added by subsection (b).

(B) REQUIREMENTS.—The Secretary of the Interior shall ensure that—

(i) not fewer than 2 Indian tribes from each Bureau of Indian Affairs region participate in the consultation; and

(ii) small, medium, and large land-based Indian tribes are represented.

SA 4787. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. BURR, Mr. MCCONNELL, Mr. CORNYN, Mr. SESSIONS, and Mr. COTTON)) proposed an amendment to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the appropriate place , insert the following:

SEC. _____. Section 2709 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) REQUIRED CERTIFICATION.—

''(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or his or her designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may, using a term that specifically identifies a person, entity, telephone number, or account as the basis for a request, request information and records described in paragraph (2) of a person or entity, but not the contents of an electronic communication, if the Director (or his or her designee) certifies in writing to the wire or electronic communication service provider to which the request is made that the information and records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States.

''(2) OBTAINABLE TYPES OF INFORMATION AND RECORDS.—The information and records described in this paragraph are the following:

''(A) Name, physical address, e-mail address, telephone number, instrument number, and other similar account identifying information.

''(B) Account number, login history, length of service (including start date), types of service, and means and sources of payment for service (including any card or bank account information).

''(C) Local and long distance toll billing records.

''(D) Internet Protocol (commonly known as 'IP') address or other network address, including any temporarily assigned IP or network address, communication addressing, routing, or transmission information, including any network address translation information (but excluding cell tower information), and session times and durations for an electronic communication.''.

SEC. _____. Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking subsection (b).

SA 4788. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PERMANENT AUTHORITY FOR INDIVIDUAL TERRORISTS TO BE TREATED AS AGENTS OF FOREIGN POWERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking subsection (b).

SA 4789. Mr. CASEY (for himself, Mr. MURPHY, Mr. BLUMENTHAL, Mrs. BOXER, Mrs. GILLIBRAND, Ms. BALDWIN, Mrs. SHAHEEN, Mr. MARKEY, Mr. WYDEN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PREVENTION OF PERSON WHO HAS BEEN CONVICTED OF A MISDEMEANOR HATE CRIME, OR RECEIVED AN ENHANCED SENTENCE FOR A MISDEMEANOR BECAUSE OF HATE OR BIAS IN ITS COMMISSION, FROM OBTAINING A FIREARM.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'convicted in any court of a misdemeanor hate crime'—

''(A) means being convicted by a court of an offense that—

''(i) is a misdemeanor under Federal, State, or tribal law;

''(ii) has, as an element, that the conduct of the offender was motivated by hate or bias because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity (as defined in section 249), or disability of any person; and

''(iii) involves the use or attempted use of physical force, the threatened use of a deadly

weapon, or other credible threat to the physical safety of any person; and

''(B) does not include—

''(i) a conviction of an offense described in subparagraph (A), unless—

''(I) the person—

''(aa) was represented by counsel in the case; or

''(bb) knowingly and intelligently waived the right to counsel in the case; and

''(II) in the case of a prosecution for an offense described in subparagraph (A) for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

''(aa) the case was tried by a jury; or

''(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise; or

''(ii) a conviction of an offense described in subparagraph (A) if—

''(I) the conviction—

''(aa) has been expunged or set aside; or

''(bb) is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense); and

''(II) the pardon, expungement, or restoration of civil rights does not expressly provide that the person may not ship, transport, possess, or receive firearms.

''(37) The term 'received from any court an enhanced hate crime misdemeanor sentence'—

''(A) means a court has imposed a sentence for a misdemeanor under Federal, State, or tribal law—

''(i) that involves the use or attempted use of physical force, the threatened use of a deadly weapon, or other credible threat to the physical safety of any person; and

''(ii) based, in whole or in part, on a judicial finding that the conduct of the offender was motivated, in whole or in part, by hate or bias for any reason referred to in paragraph (36)(A)(ii); and

''(B) does not include—

''(i) the imposition of a sentence described in subparagraph (A), unless—

''(I) the person—

''(aa) was represented by counsel in the case; or

''(bb) knowingly and intelligently waived the right to counsel in the case; and

''(II) if the sentence described in subparagraph (A) was imposed in a prosecution for an offense for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

''(aa) the case was tried by a jury; or

''(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise; or

''(ii) the imposition of a sentence described in subparagraph (A) if—

''(I)(aa) the conviction of the offense for which the sentence was imposed has been expunged or set aside; or

''(bb) the offense for which the sentence was imposed is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense); and

''(II) the pardon, expungement, or restoration of civil rights does not expressly provide that the person may not ship, transport, possess, or receive firearms.''.

(b) PROHIBITION ON SALE OR OTHER DISPOSITION OF FIREARM.—Section 922(d) of such title is amended in the first sentence—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) has been convicted in any court of a misdemeanor hate crime, or has received from any court an enhanced hate crime misdemeanor sentence.''.

(c) PROHIBITION ON POSSESSION, SHIPMENT, OR TRANSPORT OF FIREARM.—Section 922(g) of such title is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the comma and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) who has been convicted in any court of a misdemeanor hate crime, or has received from any court an enhanced hate crime misdemeanor sentence,''.

SA 4790. Mr. NELSON (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NASA LEASE OF NON-EXCESS PROPERTY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) partnerships with public and private sector entities can provide mission-enhancing, programmatic benefits to the National Aeronautics and Space Administration;

(2) enabling the Administration to continue to enter into leases of underutilized but non-excess property can help reduce operating costs, incrementally improve facility conditions, and improve mission effectiveness; and

(3) expansion of the authority to accept in-kind consideration for leases of non-excess property will enable the Administration to accept, as consideration for the lease, improvements to the property by the lessee or other services the lessee may offer that would benefit the Administration.

(b) LEASE OF NON-EXCESS PROPERTY.—

(1) REPEAL OF SUNSET.—Section 20145 of title 51, United States Code, is amended by striking subsection (g).

(2) IN-KIND CONSIDERATION.—Section 20145(b) of title 51, United States Code, is amended—

(A) in the heading, by striking ''CASH CONSIDERATION'' and inserting ''CONSIDERATION'';

(B) by amending paragraph (1) to read as follows:

''(1) FAIR MARKET VALUE.—

''(A) IN GENERAL.—A person or entity entering into a lease under this section shall provide consideration for the lease at fair market value of the lease interest as determined by the Administrator.

''(B) IN-KIND CONSIDERATION.—Subject to subsection (e)(3), the Administrator may accept in-kind consideration instead of, or in addition to, any monetary consideration, for any lease entered into under this section.''; and

(C) in paragraph (2)(B)(ii), by striking ''of nonexcess'' and inserting ''of non-excess''.

(3) LEASE RESTRICTIONS.—Section 20145 of title 51, United States Code, is amended—

(A) in subsection (a), by striking ''The Administrator'' and inserting ''Notwithstanding section 1302 of title 40, the Administrator''; and

(B) in subsection (e)—

(i) in the heading, by striking ''LEASE RESTRICTIONS'' and inserting ''RESTRICTIONS''; and

(ii) by adding at the end the following:

''(3) IN-KIND CONSIDERATION.—The Administrator may accept as in-kind consideration under this section any maintenance, capital revitalization, or improvement of any real property and related personal property under the jurisdiction of the Administrator if, prior to entering into the lease, the Administrator determines—

''(A) the current estimated amount of capital expenditures needed for the Administration to maintain and operate the property annually; and

''(B) that the proposed maintenance, capital revitalization, or improvement will not increase the estimated amount under subparagraph (A) by more than $500,000 annually.''.

(4) DEFINITION OF NON-EXCESS REAL PROPERTY.—Section 20145 of title 51, United States Code, as amended, is further amended by adding at the end the following:

''(g) DEFINITION OF NON-EXCESS REAL PROPERTY.—In this section, the term 'non-excess real property' means real property that is not excess property (as defined in section 102 of title 40).''.

(c) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, may be construed as affecting any duties of the National Aeronautics and Space Administration to identify excess property under section 524(a) of title 40, United States Code.

AMERICAN EAGLE DAY

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 502, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 502) designating June 20, 2016, as ''American Eagle Day'' and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 502) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR TUESDAY, JUNE 21, 2016

Mr. PORTMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, June 21; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; further, that following morning business, the Senate resume consideration of H.R. 2578; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings; finally, that the filing deadline under rule XXII be at 2:30 p.m., Tuesday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. PORTMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:32 p.m., adjourned until Tuesday, June 21, 2016, at 10 a.m.

EXTENSIONS OF REMARKS

RECOGNIZING THE 50TH ANNIVERSARY OF THE POLK MUSEUM OF ART

HON. DENNIS A. ROSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mr. ROSS. Mr. Speaker, it is with great pleasure that I rise to recognize the 50th Anniversary of the Polk Museum of Art. Located in Lakeland, Florida, the Polk Museum is a Smithsonian Institution Affiliate and, for fifty years, has brought works of art to Central Florida by artists most would see only if they could afford to travel to Paris, New York, or Washington, D.C.

The artwork exhibited throughout the Polk Museum of Art includes masterpieces by Pablo Picasso, his lesser-known contemporary and friend, Georges Braque, the renowned nature photographer Ansel Adams, the painter Henri Matisse, and many others.

Additionally, the Polk Museum is free, providing a way for everyone in the community to experience these great works of art. It offers summer camps to encourage the development of artistic skill in our community's youth, as well as classes throughout the year for children and adults alike.

I am proud to recognize the Polk Museum of Art's efforts of 50 years to make our community a place of art and culture. I look forward to supporting this institution in the years to come.

IN HONOR OF DOMINION HIGH SCHOOL BOYS' LACROSSE

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the boys' lacrosse team from Dominion High School in my District who recently won the 2016 4A Virginia State Championship. They practiced long hours as a team, and this extraordinary achievement shows how far dedication, hard work, and commitment to teamwork can take a group as they played against some of the best competition in the nation.

Dominion's boys' lacrosse team has made Virginia's 10th Congressional District proud and they have represented us well. Winning a state championship attests to their impressive athletic ability, unselfish mentality, and determination to succeed. I commend them for their tireless dedication to both their school and their teammates, without neither of which this could have been possible. It takes a delicate combination of superior skill and many hours of practice to win a state title. The Dominion boys' lacrosse team has certainly earned this honor and the lessons learned over the years will valuably serve them as they continue on in their lives.

Dominion High School continued Loudoun's streak of dominance during their 17–4 rout of Western Albemarle during the boys' lacrosse state final. Their undefeated, 21–0 season was a fitting way for this Sterling team to win their first state title. Dominion's depth was exemplified during an impressive 11–1 second half run.

Mr. Speaker, I ask that my colleagues join me in honoring Dominion's boys' lacrosse team for their achievement and representing Virginia's 10th Congressional District with such distinction. I wish them all the best in their future endeavors.

PERSONAL EXPLANATION

HON. LUIS V. GUTIÉRREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House Chamber for roll call votes 308 and 322 on Thursday, June 16, 2016. Had I been present, I would have voted "nay" on roll call votes 308 and 322.

HONORING HIS IMPERIAL MAJESTY OONI ADEYEYE ENITAN BABATUNDE OGUNWUSI, OJAJA II, THE OONI OF ILE IFE

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Ms. JACKSON LEE. Mr. Speaker, I rise to pay tribute to the commitment to peace, respect and dignity by His Imperial Majesty Ooni Adeyeye Enitan Babatunde Ogunwusi Ojaja II, The Ooni of Ile Ife.

About four decades ago in the ancient city of Ile-Ife, Ooni Adeyeye was born into the Giesi Ruling House, Ojaja Royal Compound of Agbedegbede in Ile-Ife.

He was named Adeyeye Babatunde Enitan.

Ooni Adeyeye Ogunwusi was quietly delivered into the humble family of Prince Ropo and Late Mrs. Margret Wuraola Ogunwusi (Soji Opa family compound, Ile Ife).

His father was a radio and television anchor and presentation star that spanned the entire mid-1980s to early 21st century in the Southwestern part of Nigeria.

Though born quietly, Ooni Ogunwusi's excellence and outstanding acumen recently announced itself for the world to behold, as he was crowned the 51st Ooni of Ife on the 7th of December 2015.

Before his emergence as the Ooni, being an astute entrepreneur, driven by turning "impossibilities to possibilities", Ooni Ogunwusi's Power of Imagination has set him aside, revolutionizing the approach to creativity and innovation, making a mark in his immediate society and beyond.

He holds HND Accountancy from The Polytechnic in Ibadan, Nigeria.

Professionally, he is a Member of the Institute of Chartered Accountants of Nigeria (ICAN); the Institute of Directors (IOD) Nigeria and the Global Real Estate Institute (GRI).

Indeed, his achievements in less than six (6) months of ascending the throne as Ooni of Ife are impressive.

This bridge builder and advocate of peace had travelled to many parts of Nigeria, preaching unity and peace among traditional rulers and promoting youth empowerment to reduce crime rate and unemployment in the society.

He engaged about 200,000 youth for empowerment through Agriculture to complement government efforts to further reduce crime rate and unemployment in Nigeria.

He has acquired 30 square miles of land in Ile-Ife for agricultural investments in cocoa, oil palm and rubber plantation which has a great potential for the diversification of Nigeria's economy.

His Majesty commenced construction work at the multi-billion naira Ife Grand Resort, spanning over 1000 acres of land in Ile-Ife, South-West Nigeria.

Over 3,000 youth are employed at the project site of the Resort.

His Majesty donated of 100 Transformers (250KVA) to various communities to improve power/electricity supply in Ife Land.

He empowered over 20,000 widows who are war victims and engaged them for palace and community sanitation with weekly benefits for their upkeeps.

He has reached out to over 50 countries through their Ambassadors and country representatives in Nigeria, advocating global peace and promoting unity with a core focus on Africans and the entire black race.

He was appointed Chancellor of the University of Nigeria, Nsukka, by the President, Federal Republic of Nigeria.

Prior to his ascension to the throne, he was involved in Engineering, Procurement and Construction (EPC) locally and abroad for over 13 years.

He facilitated strong trade relationship through the Association for International Business (AIB) with presence in over 200 member countries across the globe which he set up in Nigeria.

One of the key achievements of this body is the trade facilitation between the United Arab Emirates (Jebel Ali free Trade Zone development) and the Federal Government of Nigeria through Nigerian Investment Promotion Commission (NIPC).

He developed over 2,500 housing units with various consortia of developers over the last 8 years in Nigeria.

He was also a co-organizer for Ondo State Economic Planning and Implementation Committee.

He led the Government delegation team to Canada in 2002 for strategic alliances and partnership with Ondo State Government on solid mineral potentials of the State (Bitumen, Dimension Stones, Granite, etc.) which led to the formation of Amalgamated Mining and Exploration Company Limited—wholly owned by Ondo State Government.

He was involved in the facilitation and development of Sparkwest Steel Galvanizing Plant (the only Steel Galvanizing Plant in Nigeria), National Iron Ore Mining Company Limited and Jakura Mines resuscitation projects, which has eventually become the major limestone feed stock to Obajana Cement Plant in Kogi State, Nigeria.

He facilitated the biggest Lead and Aluminum recycling plant in Nigeria by National Steel Company of India, Ota Nigeria.

He facilitated the Rice Farmers Association of Nigeria to discourage Nigerians reliance on importation of rice in 2004.

He was the initiator of Essential Homes, a real estate product launched in January 2014, formed to deliver affordable upscale homes to the middle and low income earners.

The 1st phase of the product (The Southpointe Estate, Lafiaji Road, Lekki, Lagos State) started in February 2014, and has been successfully delivered within 1 year.

He developed the beautiful North Pointe Estate Phase I, II, III and Midland Court, on Chevron Drive, Lekki, and Jacob Mews Estate, Yaba, Lakeview Park I and II Estates, Lekki, the ongoing Golden Leaf Estate Lafiaji, Lekki and Grand Lake Estate Ajah, Lagos.

As part of his commitment to provide good infrastructure in terms of access to roads and electricity for the Lafiaji community, he led the opening up and reconstruction of a 6.5 km road, with a 1.1 km green extension along the Lafiaji/Orchid Hotel road without Government intervention.

He established the multi-billion Naira Inagbe Grand Resorts and Leisure, Lagos, Nigeria.

The Resort is first of its kind in the whole of West Africa, bounded by the Lagoon and Atlantic Ocean.

He was also the Director of Imperial Homes Mortgage Bank Limited, (formerly GTHomes), a leading National Mortgage Bank and former subsidiary of one of the biggest banks in Africa, GTBank.

He was Director of FinaTrust Microfinance Bank Limited, one of Nigeria's foremost Microfinance Banks focusing on SMEs and micro credit facilities.

He is the Founder and Managing Director of Gran Imperio Group, the holding company of Real Estate and Construction, Manufacturing, Facilities Management, Leisure and Tourism companies in Nigeria.

Mr. Speaker, I have the honor of presenting to you an outstanding contributor to Nigeria's prosperity, peace and youth employment.

A man considered the custodian of beautiful and rich Yoruba culture and tradition.

He is an international business icon, a man of substance, humility, peace, public service, means and substance.

He is a great achiever and administrator par excellence, he is the reincarnation of Oduduwa and father of the Yoruba Nation.

Please join me in honoring his Imperial Majesty Ooni Adeyeye Enitan Babatunde Ogunwusi, Ojaja II, The Ooni of Ile Ife.''

IN HONOR OF BRIAR WOODS BOYS' LACROSSE

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the boys' lacrosse team from Briar Woods in my District who recently won the 2016 5A Virginia State Championship. They practiced long hours as a team, and this extraordinary achievement shows how far dedication, hard work, and commitment to teamwork can take a group as they played against some of the best competition in the nation.

Briar Woods boys' lacrosse team has made Virginia's 10th Congressional District proud and they have represented us well. Winning a state championship attests to their impressive athletic ability, unselfish mentality, and determination to succeed. I commend them for their tireless dedication to both their school and their teammates, without neither of which this could have been possible. It takes a delicate combination of superior skill and many hours of practice to win a state title. The Briar Woods boys' lacrosse team has certainly earned this honor and the lessons learned over the years will valuably serve them as they continue on in their lives.

Briar Woods was just minutes away from its first boys' lacrosse state championship, but Atlee scored two goals in quick succession in the waning minutes to push the game to overtime. Undaunted, Briar Woods took advantage early on in overtime to score the winning goal and claim the school's first boys' lacrosse state title.

Mr. Speaker, I ask that my colleagues join me in honoring Briar Woods boys' lacrosse for their achievement and representing Virginia's 10th Congressional District with such distinction. I wish them all the best in their future endeavors.

RECOGNIZING COL DANIEL ''LARRY'' RUBINI'S 70TH BIRTHDAY

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the 70th Birthday of COL Daniel ''Larry'' Rubini.

The 70th birthday of COL Daniel (Larry) Rubini, (U.S. Army Ret.) is also a tribute to many years of public and military service, and allegiance to the community of veterans.

COL Rubini was active in military and veterans affairs in Bucks County, chairing the Veterans' Advisory Committee, which was launched in 2011 to oversee the needs of veterans in the Eighth Congressional District.

It is acknowledged that his leadership and dedication played a role in one important congressional objective in this district, that is, a focus on increasing veterans' access to medical care, education, job training, and employment.

COL Rubini's legal and military background has been an asset to the effectiveness of the Veterans Advisory Committee.

He has served as a United States Administrative Law Judge in the Social Security Administration Office of Hearings and Appeals and as a member of the Judge Advocate General's Corps, U.S. Army, retiring with the rank of Colonel.

Twice retired from the U.S. Army Reserve, COL Rubini was recalled to serve on the staff of the Hon. Paul Bremer, United States High Commissioner for Iraq. He was Senior Advisor to the Iraq Ministry of Justice and an integral part of the Coalition Provisional Authority in Iraq. Prior to his Middle-East service, he received specialized training in civil affair terrorism and the law of war.

Today, he serves as Administrative Law Judge at the Office of Disability Adjudication and Review in Elkins Park, Pennsylvania.

With sincere gratitude for years of service and heartfelt wishes for a very happy birthday—and many more.

RECOGNIZING THE CAREER OF DR. BRUCE HARTER

HON. MARK DeSAULNIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mr. DESAULNIER. Mr. Speaker, I rise today to recognize the many accomplishments of Dr. Bruce Harter as West Contra Costa Unified School District's (WCCUSD) Superintendent.

As the second longest serving superintendent in the history of WCCUSD, Dr. Harter has played a large role in the district both in and out of the classroom. During his tenure, WCCUSD experienced significant increases in the success of English Language Learners, increases in graduation rates, decreases in drop-out rates, and a significant increase in the proportion of graduates attending postsecondary education.

As a testament to his emphasis on addressing the whole child, WCCUSD has made great strides during his service to incorporate additional student services to help students learn and grow. To that point, WCCUSD is now the only school district in the Bay Area to have health centers in every high school, providing greater physical and emotional safety, and implementing social emotion programs that substantially reduced disciplinary actions.

Dr. Harter's commitment to promoting the success and well-being of West Contra Costa's students is deeply appreciated by the community that he serves, and he should be proud of the clear and steady improvement in overall student achievement during his service.

I thank Dr. Harter for his service and wish him the best of luck in his retirement

IN HONOR OF WOODGROVE GIRLS' LACROSSE TEAM

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the girls' lacrosse team from Woodgrove High School in my District who recently won the 2016 4A Virginia State Championship. They practiced long hours as a team, and this extraordinary achievement shows how far dedication, hard work, and commitment to teamwork can take a group as they played against some of the best competition in the nation

Woodgrove girls' lacrosse team has made Virginia's 10th Congressional District proud and they have represented us well. Winning a state championship attests to their impressive athletic ability, unselfish mentality, and determination to succeed. I commend them for their tireless dedication to both their school and their teammates, without neither of which this could have been possible. It takes a delicate combination of superior skill and many hours of practice to win a state title. The Woodgrove girls' lacrosse team has certainly earned this honor and the lessons learned over the years will valuably serve them as they continue on in their lives.

They finished this year's season with an exceptional 18–3 record. The tenacity they brought to each game is truly impressive. This especially showed in the championship game as they exhibited their immense skill to beat George Mason by 12 points as they cruised to their 3rd straight state championship title.

Mr. Speaker, I ask that my colleagues join me in honoring the Woodgrove High School girls' lacrosse team for their achievement and representing Virginia's 10th Congressional District with such distinction. I wish them all the best in their future endeavors.

CONDEMNING THE MURDER OF JO COX, MEMBER OF BRITISH HOUSE OF COMMONS, WHO DEDICATED HER LIFE TO DEMOCRACY, EQUALITY AND PEACE

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Ms. JACKSON LEE. Mr. Speaker, I rise today to condemn the senseless murder of Jo Cox, Member of the British House of Commons who was tragically taken from us on June 16, 2016.

Jo Cox was murdered in the street, while fulfilling her duties as a representative of the people.

I join in adding my voice to that of the civilized world in condemning this act of political violence.

I mourn Jo Cox's death and offer my deepest condolences to her family—particularly her husband and two children—as well as her friends and constituents.

Today, and far into the future, I will remember Ms. Cox, and honor her dedication to women's empowerment in the United Kingdom and across the globe.

Jo Cox was a tireless advocate for gender equity and human rights, even in one of the world's most challenging environments.

She carried this passion through at Oxfam, and later in Parliament.

Jo Cox chaired the Labour Women's Network, which works to engage and encourage women to run for political office.

She also founded UK Women, a research institute dedicated to better understanding the views and needs of women in the United Kingdom.

In what is a perfect testament to her spirit, one of Jo Cox's last acts in Parliament was to sign a motion recognizing and celebrating the early campaigners for women's suffrage.

Mr. Speaker, tragically, the loss of Jo Cox mirrors the experiences of women and girls all over the world, who are more likely than their male counterparts to be targets of violence in politics and elections.

This violence and intimidation has a real impact on women's participation as voters, candidates, election officials, activists and political party leaders, and therefore threatens the integrity of global political processes, as well as the commitment of governments to a credible democratic process.

This senseless act of violence perpetrated upon Jo Cox must strengthen our collective resolve to champion an authoritative effort to reduce and prevent violence against women in elections.

When public and private violence and intimidation does occur, resources must be available to help women access formal justice mechanisms as well as support informal efforts to resolve conflict, especially in local communities.

The fear of participation for all people must be taken out of politics.

Today, in honor and in memory of Jo Cox, I reaffirm my commitment to empowering women and girls all over the world to participate safely in political and public life.

I hope my colleagues will stand with me today to fight violence against women and girls, this month and for all the months to come.

I request that the House observe a moment of silence in honor of Jo Cox.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Ms. DELAURO. Mr. Speaker, I was unavoidably detained and so I missed Roll Call vote number 297 regarding ''United States-Caribbean Strategic Engagement Act of 2016''. Had I been present, I would have voted ''Yea''.

I missed Roll Call vote number 298 regarding ''Networking and Information Technology Research and Development Modernization Act''. Had I been present, I would have voted ''Yea''.

IN HONOR OF LOUDOUN COUNTY HIGH SCHOOL GIRLS' SOCCER

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the girls' soccer team from Loudoun County High School in my District who recently won the 2016 4A Virginia State Championship. They practiced long hours as a team, and this extraordinary achievement shows how far dedication, hard work, and commitment to teamwork can take a group as they played against some of the best competition in the nation.

This team has made Virginia's 10th Congressional District proud and they have represented us well. Winning a state championship attests to their impressive athletic ability, unselfish mentality, and determination to succeed. I commend them for their tireless dedication to both their school and their teammates, without neither of which this could have been possible. It takes a delicate combination of superior skill and many hours of practice to win a state title. The Loudoun County High School girls' soccer team has certainly earned this honor and the lessons learned over the years will valuably serve them as they continue on in their lives.

They outlasted Salem 1–0 to achieve the team's 2nd state title in as many years. The game's only goal was an impressive header directed into the goal following a long free kick. The teamwork these girls used to get to this moment was on display the entire game as they sprinted and dribbled to victory.

Mr. Speaker, I ask that my colleagues join me in honoring the Loudoun County High School girls' soccer team for their achievement and representing Virginia's 10th Congressional District with such distinction. I wish them all the best in their future endeavors.

HONORING SUSAN H. WARNER

HON. DONALD S. BEYER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mr. BEYER. Mr. Speaker, I rise today to honor my constituent, Susan H. Warner, the former District Director for Virginia's 8th District.

Susie Warner worked with great cheer and with a wry sense of humor for 25 and a half years as the district director for the congressional district just across the Potomac River. She sat at the helm for twenty-four years for Congressman Jim Moran—his entire tenure—and the last year and a half before her retirement for me, graciously schooling the staff in the thorniest case work issues, how to handle every last constituent with grace, and how to keep a warm office environment to boot.

During those 25 years, Susie was a pillar of her community in the Lee district of Fairfax County, and a fixture of political life in Northern Virginia. And I'm sure she will continue to be. So often, when a member of my staff

meets a constituent the first thing they hear is ''Do you know Susie Warner? I love Susie Warner.'' Susie loves all of us right back, and often lets us know. ''How ya doin', kid?'' is a routine greeting for almost anyone. ''I love you babes,'' she told the staff, often as her parting farewell at the end of the workday.

Susie's approach to problem-solving was old-fashioned, in the best sense of that phrase: She is friends with almost everyone she ever met. This included many, many liaisons in the federal government, who were indispensable to solving case work problems. She built those friendships over years of chats and commiseration, and at least one of her federal liaisons cried when told that Susie was retiring. She would draw upon that vast reservoir of friends and acquaintances in the community to find the answer for a constituent, or to identify and connect someone with exactly the right person in an organization who could fix the problem. She used her sweet talk and her smarts to solve many, many intractable problems for many people in need. Reciting the list of those she helped would keep me on the floor for hours if not days.

I learned very quickly to value and rely on her sage advice and judgment, just as Congressman Moran had for all of the years in which they worked together. Her leadership will be sorely missed.

IN REMEMBRANCE OF OFFICER ENDY EKPANYA OF THE PEARLAND, TEXAS POLICE DEPARTMENT

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Ms. JACKSON LEE. Mr. Speaker, I rise to pay tribute to Officer Endy Ekpanya of the Pearland, Texas Police Department, who was killed in the line of duty on June 12, 2016, when his patrol car was struck by a drunk driver as he was responding to a call for assistance.

Officer Endy Ekpanya was just 30 years old at the end of his watch.

On behalf of the constituents of the Eighteenth Congressional District of Texas that I am privileged to represent, I extend my deepest sympathies and condolences to the family and loved ones of Officer Endy Ekpanya.

President John F. Kennedy stated: ''A man does what he must in spite of personal consequences, in spite of obstacles and dangers and pressures, and that is the basis of all human mortality.''

Officer Endy Ekpanya upheld this lofty standard.

Endy Ekpanya was born in Nigeria and immigrated to the United States with his family in 1996.

One of the happiest days of his life was August 22, 2012, when he was naturalized as a citizen of the greatest nation in the history of the world.

Endy Ekpanya excelled academically, graduating from high school in 2004, and earning two baccalaureate degrees, in Psychology and Sociology, from Hofstra University in 2008.

After completing his first year of law school at Ave Maria School of Law in Naples, Florida, Endy Ekpanya felt a strong calling to serve as a law enforcement first responder and changed his program of study to Criminal Justice.

Endy Ekpanya earned his Master of Science degree in Management and Criminal Justice Management from the University of Maryland University College in 2014 but he did not stop there; he went on to earn his MBA from the University of Maryland University College the following year.

Endy Ekpanya chose to begin his law enforcement career with the Pearland Police Department because he wanted to put his knowledge, skills, and servant's heart in the service of a medium-sized department that had a reputation for excellence and offered the opportunity for professional development and career growth.

Endy Ekpanya joined the Pearland Police Department as a Police Cadet in June 2015 and graduated from the Alvin Community College Police Academy in December, 2015.

Endy Ekpanya was sworn in as a police officer with the Pearland Police Department on December 10, 2015, successfully completed the Field Training Officer Program in May, 2016, and was assigned to Night Shift patrol on D Squad.

Endy Ekpanya had a bright future ahead of him but, sadly, it was cut short by his tragic death on June 12, 2016.

Officer Endy Ekpanya, exemplified the incredible sacrifice that police officers make every day when they head out into the community to protect and serve their family, friends, and neighbors.

Officer Endy Ekpanya, who is survived by wife, Lucy Lugo Ekpanya, and young son, Julian Ekpanya, leaves to cherish his memory his brothers and sisters on the Pearland Police Department and a host of relatives, neighbors, and friends whom he loved very much.

Mr. Speaker, I am at once proud and sad to pay tribute to the memory of Officer Endy Ekpanya.

I ask that the House observe a moment of silence in honor of Officer Endy Ekpanya of the Pearland, Texas Police Department.

IN HONOR OF THE WOODGROVE GIRLS' SOFTBALL TEAM

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the girls' softball team from Woodgrove High School in my District who recently won the 2016 4A Virginia State Championship. They practiced long hours as a team, and this extraordinary achievement shows how far dedication, hard work, and commitment to teamwork can take a group as they played against some of the best competition in the nation.

Woodgrove High School girls' softball team has made Virginia's 10th Congressional District proud and they have represented us well. Winning a state championship attests to their impressive athletic ability, unselfish mentality, and determination to succeed. I commend them for their tireless dedication to both their school and their teammates, without neither of which this could have been possible. It takes a delicate combination of superior skill and many hours of practice to win a state title. The Woodgrove High School girls' softball team has certainly earned this honor and the lessons learned over the years will valuably serve them as they continue on in their lives.

This team has captured three state titles in the past five years and their dominance was on display during 2016's title game where they crushed Fauquier an impressive 19–0. I am proud that their efforts this year paid off as they won a much-deserved state title.

Mr. Speaker, I ask that my colleagues join me in honoring Woodgrove High School's softball team for their achievement and for representing Virginia's 10th Congressional District with such distinction. I wish them all the best in their future endeavors.

CHARLESTON MASSACRE ANNIVERSARY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute to the victims and survivors of the Emanuel AME Church massacre in Charleston, South Carolina, last year. This was a heinous crime and the response of the families and community has been even more deeply impactful.

As a longtime AME congregant, a former resident of Charleston and longtime Representative of the Holy City in the U.S. House, I have a deep and abiding connection to that community. The victims of that horrific crime were my friends, neighbors and constituents. Their deaths pained me in profound and personal ways and the wounds to our community will take time to heal.

Mr. Speaker, on the night of June 17, 2015, my friend Reverend Clementa Pinckney left his service in the state senate to travel to Charleston to conduct his other kind of service, that of tending his flock at Mother Emanuel AME Church's regular Wednesday night Bible study. Rev. Pinckney was a tremendous leader in our community. Several weeks prior to that night, I had been with Rev. Pinckney at a service in North Charleston after the police shooting of an unarmed black man, Walter Scott. Rev. Pinckney's ministry at that event made a tremendous difference in defusing a very tense time and helped restore calm and allow the local authorities to exert justice on a most unjust situation.

Into that Bible study entered an uninvited outsider. Though he was a stranger, he was embraced by the worshippers who welcomed him into their weekly exploration of their faith. Yet that hate-filled young man shunned their neighborly embrace and conducted an act of violence so heinous the horror has been immeasurable.

Our nation has long had a common sense policy of background checks for prospective

gun buyers. Unfortunately, that law has a glitch in it that allows a gun purchase after three business days, even if the background check is not complete, and tragically this shooter was able to purchase the gun due to an error in the paperwork. I have introduced legislation to close this Charleston Loophole in federal law once and for all. This common sense fix will ensure that background checks are completed before gun purchases are allowed.

I have also been pleased to support the request of the Medical University of South Carolina for federal funds to support the community, and last week the Department of Justice released a grant of more than $3.5 million to support that work. I am pleased that the Department has awarded this grant to help MUSC and their partners, the City of Charleston and other local governments deal with the continuing needs in the community as we approach the first anniversary of this horrible chapter in our lives. I want to thank Attorney General Loretta Lynch, for expediting this award, and all of my colleagues in the South Carolina congressional delegation for joining me in supporting MUSC's request.

I have been extremely proud of the resilience and compassion shown by the people of Charleston and South Carolina following the horrific attack at Mother Emanuel on June 17 last year. The survivors of the attack and the families of the victims have been an inspiration to their communities, our state and the whole nation. While the Charleston community has rallied together, as we approach the first anniversary of the Emanuel AME church massacre, we must stay vigilant and continue providing the proper support for the survivors and victims.

COMMEMORATING LGBTQ PRIDE MONTH AND MOURNING THE LIVES LOST IN THE ORLANDO SLAUGHTER OF THE INNOCENTS

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Ms. JACKSON LEE. Mr. Speaker, I rise to commemorate Pride Month 2016, which celebrates the remarkable achievements and progress made by LGBTQ Movement in extending the promise of America to LGBTQ persons over the last 47 years since the Stonewall Uprising on June 28, 1969 in the Greenwich Village section of New York City.

As hard as it is to believe, in 1969 homosexuality was still classified as a mental disorder by the American Psychiatric Association, gay men and lesbian women received almost universal moral condemnation from mainstream religions, and the most intimate expression of love and human connection between gay or lesbian persons was regarded as a criminal act punishable by imprisonment.

Today, marriage equality is the law of the land, the policy of ''Don't Ask, Don't Tell'' has been rescinded, and LGBTQ persons today are serving the communities and our nation in every field of human endeavor, as full members of the American community.

Yet for all we have to celebrate and cheer, our happiness over the progress made to date is tempered by the heavy sadness we feel as we mourn the loss of 49 innocent persons who were killed and the 53 persons injured in the horrific mass shooting at Pulse, a popular and welcoming nightclub in Orlando, Florida.

This act of unspeakable horror, which was at once both a terrorist attack and a hate crime, represents the deadliest mass shooting in the American history and the nation's worst terror attack since 9/11.

The Pulse Nightclub in Orlando was a community gathering place offering fellowship, sanctuary, and refuge; a place where men and women met in fraternity and with the freedom to be their authentic selves.

Pulse was a safe space until June 12, 2016, when it was defiled by a gunman who used an AR–15 assault rifle to murder 49 people and wound 53 others.

Mr. Speaker, the struggle for equality and dignity for the lesbian, gay, bisexual, and transgender (LGBTQ) community is a struggle each of those individual communities have faced.

Pride Month was established to recognize the collective progress of love's triumph over hate.

Tempered by remorse, today we remember those who were in the struggle; we honor their memory and the resilience of the LGBTQ community.

The hearts and spirits of the fallen breathe new life into the valiant stars and stripes that continue to wave.

Let us remember the majestic words of the Reverend Dr. Martin Luther King, Jr., who said that ''injustice anywhere is a threat to justice everywhere.''

Notwithstanding the extraordinary progress we have made in the area of civil rights over the past several decades, LGBTQ Americans still face discrimination simply for being who they are.

There is still more work to do so long as it remains true that LGBTQ persons can get married on Saturday and fired on Monday.

Our commitment to combatting discrimination against the LGBTQ community must not stop at our borders; the fair treatment of all people must always be a cornerstone of American diplomacy.

We must make defending and promoting the human rights of LGBTQ individuals a priority in our engagements across the globe.

This commitment must be based upon the ideal that all people are created equal and deserve to be treated fairly with respect.

As Secretary of State Hillary Clinton stated in her International Human Rights Day Address in Geneva on December 6, 2011:

''Like being a woman, like being a racial, religious, tribal, or ethnic minority, being LGBT does not make you less human. And that is why gay rights are human rights, and human rights are gay rights.''

Mr. Speaker, my congressional district is home to many remarkable members of the LGBTQ community who, day in and day out, work alongside their American brothers and sisters to make our country better in every sector of the economy including the arts, sciences, professions, and as teachers and service members defending our country.

Leaders such as Jason Black, Director of Public Health Services for Legacy Community Health Services, who has for decades been tireless in his efforts to remove the stigma associated with people living with HIV and AIDS and to increase the availability of care for marginalized communities.

Persons like Fran Watson, Esq. the first African American female President of Houston's GLBT Political Caucus, who works tirelessly to ensure that the LGBTQ community fully participates in our democracy and its interests are seriously considered.

Organizations such as Gamma Mu Phi and Delta Phi Upsilon Fraternities; Houston GLBT Political Caucus; Stonewall Democrats and Stonewall Young Democrats; Legacy Community Health; The Montrose Center; Houston Area Community Services; AIDS Foundation Houston; Houston Splash; and LGBTQ friendly organizations that work to empower Americans to live their truths.

Freedom is not free and the fight to realize the promise of America for every American continues.

I commend the courage of the millions quietly toiling in the vineyards to make this happen.

Mr. Speaker, today I am reminded of the classic ballad, ''Stand By Me,'' by the legendary Ben E. King:

''When the night has come,
and the land is dark,
and the moon
is the only light we'll see;
No, I won't be afraid.
Oh, I won't be afraid.
Just as long as you stand,
stand by me!''

America is stronger when its people stand together; all of the people that make up the rich and wondrous tapestry of our country, including the members of our LGBTQ communities.

Mr. Speaker, in honoring the lives lost in the Orlando tragedy, it is important that we say and remember the names of the loved and lost like Shane Evan Tomlinson, who was 33 years old and beloved by all who knew him; an amazing young man who captivated the hearts of so many with his angelic voice and charisma.

And there were so many more:
Stanley Almodovar III, 23 years old,
Amanda Alvear, 25 years old,
Oscar A. Aracena-Montero, 26 years old,
Rodolfo Ayala-Ayala, 33 years old,
Antonio Davon Brown, 29 years old,
Darryl Roman Burt II, 29 years old,
Angel L. Candelario-Padro, 28 years old,
Juan Chevez-Martinez, 25 years old,
Luis Daniel Conde, 39 years old,
Cory James Connell, 21 years old,
Tevin Eugene Crosby, 25 years old,
Deonka Deidra Drayton, 32 years old,
Simon Adrian Carrillo Fernandez, 31 years old,
Leroy Valentin Fernandez, 25 years old,
Mercedez Marisol Flores, 26 years old,
Peter O. Gonzalez-Cruz, 22 years old,
Juan Ramon Guerrero, 22 years old,
Paul Terrell Henry, 41 years old,
Frank Hernandez, 27 years old,
Miguel Angel Honorato, 30 years old,
Javier Jorge-Reyes, 40 years old,
Jason Benjamin Josaphat, 19 years old,

Eddie Jamoldroy Justice, 30 years old,
Anthony Luis Laureanodisla, 25 years old,
Christopher Andrew Leinonen, 32 years old,
Alejandro Barrios Martinez, 21 years old,
Brenda Lee Marquez McCool, 49 years old,
Gilberto Ramon Silva Menendez, 25 years old,
Kimberly Morris, 37 years old,
Akyra Monet Murray, 18 years old,
Luis Omar Ocasio-Capo, 20 years old,
Geraldo A. Ortiz-Jimenez, 25 years old,
Eric Ivan Ortiz-Rivera, 36 years old,
Joel Rayon Paniagua, 32 years old,
Jean Carlos Mendez Perez, 35 years old,
Enrique L. Rios, Jr., 25 years old,
Jean C. Nives Rodriguez, 27 years old,
Xavier Emmanuel Serrano Rosado, 35 years old,
Christopher Joseph Sanfeliz, 24 years old,
Yilmary Rodriguez Solivan, 24 years old,
Edward Sotomayor Jr., 34 years old,
Shane Evan Tomlinson, 33 years old,
Martin Benitez Torres, 33 years old,
Jonathan Antonio Camuy Vega, 24 years old,
Juan P. Rivera Velazquez, 37 years old,
Luis S. Vielma, 22 years old,
Franky Jimmy Dejesus Velazquez, 50 years old,
Luis Daniel Wilson-Leon, 37 years old,
Jerald Arthur Wright, 31 years old.

Maya Angelou said: ''Love recognizes no barriers. It jumps hurdles, leaps fences, penetrates walls to arrive at its destination full of hope.''

And let me add that right now justice requires us to do two things.

First, Congress needs to pass H.R. 3185, the ''Equality Act of 2015,'' to write into the books of law the same protections for our LGBTQ brothers and sisters that other Americans have long enjoyed.

Second, Congress must pass H.R. 4269, the ''Assault Weapons Ban Act of 2015,'' to restore the ban on assault weapons so that school children, church going and community members can live their lives free of the fear of falling victim to gun violence.

IN HONOR OF THE WOOD FAMILY

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise today to honor the loving generosity of a family in my district, Jaoni and Gabriel Wood. Jaoni and Gabriel were recently named Foster Parents of the Year for Loudoun County for their steadfast guardianship of a pair of siblings who needed a home.

Gabriel and Jaoni had two biological children of their own, ages 11 and 9, and raised them in a warm and loving home in Loudoun County, Virginia. They saw at-risk families and children who have been affected by traumatic incidents and took it upon themselves to change their lives for the better. Gabriel and Jaoni created an adoption ministry at the Purcellville Baptist Church in Loudoun County with the goal of teaching the community ways they can serve and help children in need.

The Wood family undertook the challenge of fostering a 7 year old boy and his 4 year old sister. After caring for them for nearly three years, the Jaoni and Gabriel plan on welcoming the two children permanently into their family. While the years have surely been filled with joyous moments, it has not always been easy. Gabriel and Jaoni have spent countless hours helping the newest members of their family feel welcome, while also learning themselves how to handle the emotional and physical needs of the siblings. By opening their home and their hearts, Gabriel and Jaoni have demonstrated the most sincere form of love possible.

According to the Virginia Department of Social Services, as of 2016 there are more than 5,000 children who are in foster care in the Commonwealth of Virginia and over sixty percent of those children live in a non-relative home. The Wood family wants all of these children to succeed in the face of these hardships and it cannot be overstated the incredible impact they make on their lives, both through the personal foster care they provide and through the services they have at the Purcellville Baptist Church.

Mr. Speaker, I ask that my colleagues join me in honoring Jaoni and Gabriel Wood for their service to the children of our community and wishing them all the best as they raise their new family and continue to help those in need.

JERRY SLOAN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mr. SHIMKUS. Mr. Speaker, I rise today to acknowledge Jerry Sloan for receiving the 2016 Chuck Daly Lifetime Achievement Award. Jerry was born and raised outside of McLeansboro, Illinois, where he attended high school and played basketball. He graduated as an all-state player from McLeansboro High School in 1960.

The Baltimore Bullets selected Jerry in the 1965 NBA draft, and later traded him to the Chicago Bulls. He retired as a player in 1976. Jerry then was hired on as an assistant coach by the Bulls, and in 1979 he was promoted to head coach. He would serve that position for three years before moving to Utah as an assistant coach for the Utah Jazz. He stayed in that position for four years and then became the head coach in the 1988–1989 season. Jerry coached the Jazz for twenty-three seasons, with two appearances in the NBA finals.

Sloan's win-loss record of 1,221–803, placed him third all-time in NBA wins at the time he retired in 2011. He coached the Jazz to sixteen consecutive winning seasons and nineteen playoff appearances. His years coaching the Jazz are also the most years a coach has stayed with one team. He is among only nine coaches who have surpassed 1,000 victories and one of two who have won 1,000 with one team.

The Chuck Daly Lifetime Achievement Award honors the memory of Hall of Famer Chuck Daly, given by the NBA to a coach who has spent a lifetime in basketball and has a ''standard of integrity, competitive excellence and tireless promotion'' of the game. I offer my congratulations to Jerry Sloan on his outstanding achievement, and I wish him the best in retirement.

HONORING LYMAN ORCHARDS AS THEY CELEBRATE THEIR 275TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the community of Middlefield, Connecticut in extending my congratulations to the Lyman family as they mark the 275th Anniversary of Lyman Orchards—a very special milestone for this wonderful community treasure.

The story of Lyman Orchards begins in 1741 when John and Hope Lyman purchased thirty-seven acres of land and started the family farm. Eight generations later, Lyman Orchards remains family-run and is, in fact, the 12th oldest family run business still in operation in the United States.

Over its 275-year history, Lyman Orchards has grown and today encompasses over 1,100 acres of land where it produces over one hundred varieties of fruit and is home to the Apple Barrel where shoppers can purchase produce from the farm as well as products created by that produce like their famous high-top apple pie, cider donuts, and fresh apple cider. Families can enjoy the ''pick-your-own'' opportunities, a business model that Lyman Orchards was the first to introduce in 1966. From apples and pumpkins in the fall to strawberries, blueberries, and raspberries in the early summer and peaches, nectarines, and pears in the late summer, you can pick your own favorites nearly all year long.

More recently, Lyman Orchards has added attractions like the Corn Maze and Sunflower Maze the proceeds from which are donated to the American Cancer Society and the Connecticut Children's Medical Center, respectively. There is the Paint the Pumpkin Pink event that raises money for the Middlesex Comprehensive Breast Center and the Sunshine Kids Road Race that benefits children with cancer. Lyman Orchards is also home to two 18-hole golf courses and a golf training center. Designed by legendary Hall of Fame architect Robert Trent Jones and Hall of Fame golfer Gary Player, these championship golf courses are both ranked among the best in the northeast.

During my tenure in Congress, I have had many opportunities to visit Lyman Orchards and have always been in awe of their forward-thinking vision, always coupled with their commitment to preserving and celebrating their rich history. Rooted, both literally and figuratively, in the Middlefield community, Lyman Orchards and the Lyman family are not only a part of the fabric of Middlefield, they are a warp thread—a vertical thread that forms the base of the fabric's weave. Theirs is a story

that is a reflection of the history not only of Connecticut, but of New England. I am proud to stand today to offer my heartfelt congratulations to John Lyman, III, and the entire Lyman family as they mark the 275th Anniversary of Lyman Orchards and extend my very best wishes for continued success.

IN HONOR OF POTOMAC FALLS GIRLS' LACROSSE TEAM

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the girls' lacrosse team from Potomac Falls in my District who recently won the 2016 5A Virginia State Championship. They practiced long hours as a team, and this extraordinary achievement shows how far dedication, hard work, and commitment to teamwork can take a group as they played against some of the best competition in the nation.

The Potomac Falls girls' lacrosse team has made Virginia's 10th Congressional District proud and they have represented us well. Winning a state championship attests to their impressive athletic ability, unselfish mentality, and determination to succeed. I commend them for their tireless dedication to both their school and their teammates, without neither of which this could have been possible. It takes a delicate combination of superior skill and many hours of practice to win a state title. The Potomac Falls girls' lacrosse team has certainly earned this honor and the lessons learned over the years will valuably serve them as they continue on in their lives.

In the 5A state title game, the Potomac Falls girls' lacrosse team beat George Marshall by double digits to claim the title that eluded them last year. Their victory was never in question as they quickly scored five goals in the opening minutes to pull ahead to a lead that grew to 12 by the game's end.

Mr. Speaker, I ask that my colleagues join me in honoring the Potomac Falls girls' lacrosse team for their achievement and representing Virginia's 10th Congressional District with such distinction. I wish them all the best in their future endeavors.

COMMEMORATING JUNETEENTH 2016

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Ms. JACKSON LEE. Mr. Speaker, on June 19, 1865, General Gordon Granger rode into Galveston, Texas and announced the freedom of the last American slaves; belatedly freeing 250,000 slaves in Texas nearly two and a half years after Abraham Lincoln signed the Emancipation Proclamation.

Juneteenth was first celebrated in the Texas state capital in 1867 under the direction of the Freedmen's Bureau.

Today, Juneteenth remains the oldest known celebration of slavery's demise. It commemorates freedom while acknowledging the sacrifices and contributions made by courageous African Americans towards making our great nation the more conscious and accepting country that it has become.

This year, I introduced H. Res. 787, a resolution commemorating Juneteenth Independence Day, which is co-sponsored by 57 of my colleagues.

In introducing this Resolution, I acknowledge Texas State Representative Al Edwards and all Houstonians who honor Juneteenth as well or all who celebrate this freedom day.

Because it was only after that day in 1865 when General Granger rode into Galveston, Texas, on the heels of the most devastating conflict in our country's history, in the aftermath of a civil war that pitted brother against brother, neighbor against neighbor and threatened to tear the fabric of our union apart forever that America truly became the land of the free and the home of the brave.

Not until 1980, a year after my friend, State Representative Al Edwards, introduced a bill in the Texas Legislature did Juneteenth become a Texas state holiday.

Civil rights pioneer Martin Luther King Jr. once said, ''Freedom is never free,'' and African American labor leader A. Phillip Randolph often said ''Freedom is never given. It is won.''

We should all recognize the power and the ironic truth of those statements and we should pause to remember the enormous price paid by all Americans in our country's quest to realize its promise.

Juneteenth honors the end of the 400 years of suffering African Americans endured under slavery and celebrates the legacy of perseverance that has become the hallmark of the African American experience in the struggle for equality.

Throughout the 1980's and 90's Juneteenth has continued to enjoy a growing and healthy interest from communities and organizations throughout the country.

Institutions such as the Smithsonian, the Henry Ford Museum and others have begun sponsoring Juneteenth-centered activities.

In recent years, a number of National Juneteenth Organizations have arisen to take their place alongside older organizations—all with the mission to promote and cultivate knowledge and appreciation of African American history and culture.

Juneteenth today, celebrates African American freedom while encouraging self-development and respect for all cultures.

As it takes on a more national and even global perspective, the events of 1865 in Texas are not forgotten, for all of the roots tie back to this fertile soil from which a national day of pride is growing.

The future of Juneteenth looks bright as the number of cities and states come on board and form local committees and organizations to coordinate the activities.

RECOGNIZING THE 75TH ANNIVERSARY OF BOY SCOUT TROOP 24

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the 75th Anniversary of Boy Scout Troop 24.

This 75th Anniversary of Troop 24 is a true milestone for one of the largest Boy Scout troops in the Lenape District of the Washington Crossing Council. Congratulations to the Scouts, past and present, and the leaders who have encouraged and guided young men from the troop's inception in 1941. The nickname ''Pioneers'' was chosen in the earliest days, an appropriate choice knowing the troop pursues many outdoor camping and high adventure experiences. Scouting produces leaders and trailblazers, much like the early pioneers and modern pioneers who are blazing new trails in space, science and more. The troop first organized in Morrisville, Bucks County, in 1929 and became the official Troop 24 in 1941, sponsored by Doylestown Presbyterian Church. Troop 24 can be proud of its history and the dedication of all its young men, including 154 who achieved the rank of Eagle Scout. Best wishes for many more years of great adventure and outstanding leadership.

IN HONOR OF THE PARK VIEW BOYS' SOCCER TEAM

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the boys' soccer team from Park View High School in my District who recently won the 2016 4A Virginia State Championship. They practiced long hours as a team, and this extraordinary achievement shows how far dedication, hard work, and commitment to teamwork can take a group as they played against some of the best competition in the nation.

The Park View boys' soccer team has made Virginia's 10th Congressional District proud and they have represented us well. Winning a state championship attests to their impressive athletic ability, unselfish mentality, and determination to succeed. I commend them for their tireless dedication to both their school and their teammates, without neither of which this could have been possible. It takes a delicate combination of superior skill and many hours of practice to win a state title. The Park View boys' soccer team has certainly earned this honor and the lessons learned over the years will serve them as they continue on in their lives.

It has been 24 years since Park View boys' soccer has won a state championship. It took almost the entire game until an opportunity arose for Park View to pull ahead when they made the score 1–0 in the 69th minute. This hard-fought game is certainly one these boys will remember for years to come.

Mr. Speaker, I ask that my colleagues join me in honoring the Park View boys' soccer team for their achievement and representing Virginia's 10th Congressional District with such distinction. I wish them all the best in their future endeavors.

COMMEMORATING THE 72ND ANNIVERSARY OF D-DAY AND REMEMBERING THE MEMBERS OF THE GREATEST GENERATION WHO SAVED FREEDOM IN THE WORLD

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Ms. JACKSON LEE. Mr. Speaker, two weeks ago, June 6, marked the 72nd anniversary of D-Day, the Allied Forces' audacious amphibious landing at Normandy, France, on June 6, 1944.

''Operation Overlord,'' as D-Day was formally known, was the largest single amphibious assault in the history of warfare.

The success of D-Day, which was far from certain at the outset, led to the liberation of Western Europe, signaled the death knell of the German Wehrmacht, and paved the way to unconditional victory by the Allied Forces over the evils of Nazism, fascism, and Japanese imperialism.

It is no exaggeration to say that D-Day changed the course of human history.

The aim of the meticulously planned D-Day operation was to open a second front in the European war theater from which the Allied Forces could attack the German army and push east to capture Berlin.

With the Russian Army advancing from the east, coupled with the southern front opened by the Allied invasion of Italy from North Africa in 1942, the opening of a western front would set in motion the pincer movement that would catch the German Army in a trap from which there would be no escape.

The formidable German Army expected that the Allied Forces would try to launch an invasion from the western beaches of France, they just did not know when or where.

So in anticipation of an Allied invasion, the Nazis constructed the infamous Atlantic Wall, an extensive system of coastal fortifications built along the western coast of Europe and Scandinavia.

Under the direction of Field Marshal Rommel, the Atlantic Wall was reinforced by the addition of concrete pillboxes built along the beaches to house machine guns, antitank guns and light artillery.

Mines and antitank obstacles were planted on the beaches themselves and underwater obstacles and mines were placed in waters just off shore.

By the time of the D-Day landing, the Nazis had laid almost six million mines in northern France.

And awaiting Allied soldiers who made their way onto and away from the beaches were gun emplacements and minefields extended inland.

''War is hell,'' said General William Tecumseh Sherman during the Civil War.

And that is an apt description of what awaited the brave Allied warriors who set sail from England to the beaches of Normandy in the early morning of June 6, 1944, at the beginning of what has rightly been called ''The Longest Day.''

But they were buoyed in their resolve by the millions of prayers from Americans and others back home, of all races, religions, and creeds, invoking the Lord's blessing, mercy, and grace.

With the outcome in doubt, President Franklin Roosevelt asked the nation to join him in this solemn prayer:

''Almighty God: Our sons, pride of our nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.

''Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

''They will need Thy blessings.

''For these men are lately drawn from the ways of peace. ''They fight not for the lust of conquest.

''They fight to end conquest.

''They fight to liberate.

''They fight to let justice arise, and tolerance and goodwill among all Thy people.

''They yearn but for the end of battle, for their return to the haven of home.''

The prayers were needed because the cost of D-Day was high; U.S. casualties on D-Day totaled more than 2,499 dead, 3,184 wounded, 1,928 missing, and 26 captured.

Our British and Canadian allies suffered terrible losses on D-Day as well: approximately 2,700 for the British and 946 for the Canadians. German casualties are estimated at 4,000 to 9,000.

In total, the number of combatants killed, wounded or missing in the Battle of Normandy for both sides exceeded 425,000, not including the estimated 15,000 to 20,000 French civilians killed.

But the operation was a success.

More than 156,000 troops or paratroopers came ashore on D-Day, 73,000 from the U.S., 83,000 from Great Britain and Canada.

By the end of June 11, D-Day+5, 326,547 troops, 54,186 vehicles and 104,428 tons of supplies had come ashore.

And with them the seeds for the victory in Europe that would come less than a year later, on May 8, 1945, with the fall of Berlin and the unconditional surrender of the Nazis.

On the eve of the Normandy invasion, General Dwight D. Eisenhower, the Supreme Commander of the Allied Forces, addressed the soldiers, sailors, and airmen of the Allied Expeditionary Forces and said to them that they were about to embark upon a ''Great Crusade,'' and that the ''eyes of the world'' were upon them.

He told them that their task would not be easy because the ''enemy is well trained, well equipped and battle-hardened. He will fight savagely.''

But, General Eisenhower said, ''this is the year 1944. The tide has turned. The free men of the world are marching together to victory.''

And march to victory they did, fully justifying General Eisenhower's ''confidence in their courage, devotion to duty, and skill in battle.''

Because of the heroism of these men who willingly risked their lives to be the tip of the spear of liberty, the war was won and a world was saved for freedom.

Mr. Speaker, D-Day was, and remains, a day like no other in the history of man's sojourn on earth.

We remember Gettysburg.

There, President Lincoln paid tribute to those ''who gave their lives so that the nation might live.''

And it is equally fitting and proper that we remember D-Day.

And that we continue to honor those who risked all and gave all so that the world could remain free.

IN HONOR OF THE BATTLEFIELD GIRLS' SOCCER TEAM

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the girls' soccer team from Battlefield High School in my District who recently won the 2016 6A Virginia State Championship. They practiced long hours as a team, and this achievement shows how far dedication, hard work, and commitment to teamwork can take a group as they played against some of the best competition in the nation.

The Battlefield girls' soccer team has made Virginia's 10th Congressional District proud and they have represented us well. Winning a state championship attests to their impressive athletic ability, unselfish mentality, and determination to succeed. I commend them for their tireless dedication to both their school and their teammates, without neither of which this could have been possible. It takes a delicate combination of superior skill and many hours of practice to win a state title. The Battlefield girls' soccer team has certainly earned this honor and the lessons learned over the years will valuably serve them as they continue on in their lives.

This team capped a three state titles in three years run in dominating fashion as they beat Frank W. Cox 4–0 in this year's state title matchup. This year's game was in stark contrast to the two previous games which were decided late each time. Three state titles in three years is quite impressive and these girls have truly earned this honor.

Mr. Speaker, I ask that my colleagues join me in honoring the Battlefield girls' soccer team for their achievement and representing Virginia's 10th Congressional District with such distinction. I wish them all the best in their future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees

to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 21, 2016 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 22

10 a.m.
Committee on Homeland Security and Governmental Affairs
To hold hearings to examine renewing communities and providing opportunities through innovative solutions to poverty.
SD–342

Committee on the Judiciary
To hold an oversight hearing to examine the Drug Enforcement Administration.
SD–226

10:30 a.m.
Committee on Foreign Relations
To hold closed hearings to examine security assistance, focusing on cutting through a tangled web of authorities.
SVC–217

2:15 p.m.
Committee on Indian Affairs
Business meeting to consider S. 2785, to protect Native children and promote public safety in Indian country, S. 2920, to amend the Tribal Law and Order Act of 2010 and the Indian Law Enforcement Reform Act to provide for advancements in public safety services to Indian communities, and S. 3014, to improve the management of Indian forest land; to be immediately followed by an oversight hearing to examine accessing Department of Agriculture rural development programs in native communities.
SD–628

2:30 p.m.
Committee on Environment and Public Works
Subcommittee on Clean Air and Nuclear Safety
To hold hearings to examine pathways towards compliance of the National Ambient Air Quality Standard for ground-level ozone, including S. 2882, to facilitate efficient State implementation of ground-level ozone standards, and S. 2072, to require the Administrator of the Environmental Protection Agency to establish a program under which the Administrator shall defer the designation of an area as a nonattainment area for purposes of the 8-hour ozone national ambient air quality standard if the area achieves and maintains certain standards under a voluntary early action compact plan.
SD–406

Committee on Veterans' Affairs
To hold hearings to examine the progress and challenges in modernizing information technology at the Department of Veterans Affairs.
SR–418

JUNE 23

10 a.m.
Committee on Banking, Housing, and Urban Affairs
To hold hearings to examine bank capital and liquidity regulation, focusing on industry perspectives.
SD–538

Committee on Energy and Natural Resources
To hold hearings to examine an original bill entitled, ''Wildfire Budgeting, Response and Forest Management Act of 2016''.
SD–366

Committee on Foreign Relations
Business meeting to consider S. Res. 432, supporting respect for human rights and encouraging inclusive governance in Ethiopia, S. Res. 482, urging the European Union to designate Hizballah in its entirety as a terrorist organization and to increase pressure on the organization and its members to the fullest extent possible, an original resolution expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in Warsaw, Poland from July 8–9, 2016, and in support of committing NATO to a security posture capable of deterring threats to the Alliance, an original resolution expressing the sense of the Senate regarding compliance enforcement of Russian violations of the Open Skies Treaty, International Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States on November 1, 2002 (the ''Treaty'') (Treaty Doc. 110–19), the Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary (the ''Convention''), done at The Hague on July 5, 2006, and signed by the United States on that same day (Treaty Doc. 112–06), the nominations of Geeta Pasi, of New York, to be Ambassador to the Republic of Chad, Mary Beth Leonard, of Massachusetts, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador, and Anne S. Casper, of Nevada, to be Ambassador to the Republic of Burundi, all of the Department of State, and routine lists in the Foreign Service; to be immediately followed by a hearing to examine NATO, focusing on reviewing the agenda and assessing the potential outcomes of the Warsaw summit.
SD–419

Committee on Homeland Security and Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine customer service and billing practices in the cable and satellite television industry.
SD–342

Committee on Small Business and Entrepreneurship
To hold hearings to examine ramifications of the Supreme Court Kingdomware decision.
SR–428A

11 a.m.
Special Committee on Aging
To hold hearings to examine ensuring person-centered care for individuals with serious illness.
SD–562

2 p.m.
Select Committee on Intelligence
To receive a closed briefing on certain intelligence matters.
SH–219

JUNE 28

2:30 p.m.
Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining
To hold an oversight hearing to examine the status of the the Bureau of Land Management and Forest Service's efforts to implement amendments to land use plans and specific management plans regarding sage grouse conservation, and those agencies' coordination activities with affected states.
SD–366

JUNE 30

10 a.m.
Committee on Small Business and Entrepreneurship
To hold hearings to examine small business survival amidst flood insurance rate increases.
SR–428A

JULY 13

10:30 a.m.
Committee on Appropriations
Subcommittee on Military Construction and Veterans Affairs, and Related Agencies
To hold hearings to examine a review of the Department of Veterans Affairs' electronic health record (VistA), progress toward interoperability with the Department of Defense's electronic health record, and plans for the future.
SD–124

JULY 14

10 a.m.
Committee on Banking, Housing, and Urban Affairs
To hold hearings to examine evaluating the financial risks of China.
SD–538

SENATE—*Tuesday, June 21, 2016*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God and Father of all, without whom our labor is but lost and with whom the weak are made mighty, make us worthy of Your mercies.

Lord, help our lawmakers to find strength in Your abiding love. Lift their minds to the pure serenity of Your presence, enabling them to meet life's challenges with faith and optimism. May they find delight in doing Your will because Your precepts are within their hearts. Remind them that all that is necessary for evil to triumph is for good people to do nothing. Deliver them from sins of commission and omission, as You liberate them from all lesser loves and loyalties, until they find in You their reason for being.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

FIGHTING TERRORISM

Mr. MCCONNELL. Mr. President, yesterday the Justice Department released a transcript of the Orlando terrorist's 9-1-1 call in which he claimed responsibility for the attack and declared his loyalty to ISIL.

''What's your name?'' the operator asked.

''My name,'' he said, ''is I pledge allegiance to Abu Bakr al-Baghdadi of the Islamic State.''

It was 2:35 a.m., a half-hour into his terrorist attack. The terrorist would soon meet his end at the hands of law enforcement, and first responders would make their way through the aftermath of his ISIL-inspired hatred—the deafening hum of unanswered cell phones crescendoing around them.

CIA Director Brennan called this terrorist attack ''an assault on the values of openness and tolerance that define us as a nation.'' He is right. The report he delivered to Congress last week was sobering.

Here is what seems clear to me.

It seems clear that this vile, hateful terrorist organization is going to keep bringing tragedies to our doorsteps until we defeat ISIL where it actually trains, operates, and prepares for attacks—places like Iraq and Syria.

It also seems clear that the President's current ''containment'' strategy has not been sufficient to defeat ISIL abroad or to prevent more ISIL-inspired attacks right here at home.

The President needs to finally lead a campaign to accomplish this objective.

Senators in both parties should work to fight terror beyond our borders and prevent attacks within them. This is an area where Republicans have long been focused. Now is the time for Democrats to join us too. Work with us to connect the dots on terrorist communications. Work with us to address the threat of lone-wolf attacks. Work with us to prevent more Americans from being inspired by ISIL, like the terrorist in Orlando.

Yesterday Democrats had a chance to support serious constitutional proposals from Senators CORNYN and GRASSLEY that would have helped to keep guns and explosives out of the hands of terrorists and improve the national background check system. While a majority of the Senate voted to support these proposals, most Democrats voted against both.

So let me say this again. Senator CORNYN put forward a serious proposal designed to prevent known or suspected terrorists from being able to buy a gun, and Democrats voted against it.

Now, does that mean Democrats have decided to sell weapons to ISIL? Of course not. Democrats surely don't believe their leadership's claim that any Senator voted to sell guns to terrorists last night, just as Democrats really don't believe that every Democrat who voted against the Cornyn amendment to block such sales and take terrorists off the streets is guilty of voting to sell guns to terrorists.

We all agree that the Obama administration must prevent the sale of guns to terrorists. Disagreeing on how best to do that doesn't require amateur claims that we all know to be false.

So why don't we get serious. ISIL is not the JV team. It is not contained. We need to defeat it overseas if we want to prevent more terrorist tragedies here at home.

By working together in the Senate, we could give this President and the next one more tools to achieve that objective, and we could advance commonsense, counterterror solutions to keep Americans safer here at home.

This week we will have the opportunity to strengthen our ability to combat lone-wolf terrorists and connect the dots so we are better able to prevent terrorist attacks here in the United States. It is an example of serious, thoughtful policy where we can work together to make progress for the American people.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

ORDER OF BUSINESS

Mr. REID. Mr. President, last night the Republican leader filed cloture on the McCain amendment. The Republican leader has committed to a Democratic alternative pending to the McCain amendment, and we have one. We have it ready now, and we will have it typed up and ready to go in a couple of hours.

GUN VIOLENCE

Mr. REID. Mr. President, in the aftermath of last week's mass murder in Orlando that took the lives of 49 people, we saw where the American people stand on gun control. We know that gun safety is essential to making us a safer, more secure America. As an example of what went on in Orlando after that terrible morning, people stood for hours in long lines waiting to donate blood. People attended large gatherings to express their united grief. People left flowers and figurines at the scene of the murders. In cities across the country, people stood at candlelight vigils to honor members of the LGBT community and the Latino community who were slaughtered.

Here in the Capitol, Senator MURPHY stood on the floor of the Senate for 15 hours demanding that Congress act to stop gun violence. In Florida, families and friends of victims stood grieving at graveside services for their murdered loved ones.

Where were Senate Republicans? Where did they stand? Yet again, Senate Republicans stood with the National Rifle Association.

Yesterday, the leader of Gun Owners of America—the shadow organization of the NRA—said he believed that people should be armed in bars and taverns. That is what he said.

Last night, for the third time in as many years, Senate Republicans stood with the NRA in blocking commonsense gun legislation that would keep firearms and explosives away from suspected terrorists and other dangerous individuals.

Senate Republicans proved again that regardless of how brutal the massacre or how reasonable the solution, ultimately—it doesn't matter; there is never a good time—their actions will be dictated by the National Rifle Association.

A CNN poll released yesterday said 90 percent of Americans support expanded background checks and 85 percent of Americans support legislation keeping guns away from suspected terrorists. There is one reason that these proposals are not already law—the National Rifle Association—because they oppose anything dealing with guns.

How can Senate Republicans side with the NRA against the American people? Ninety percent of Americans support expanded background checks. If you are a criminal or a crazy person, you shouldn't be able to get a gun. Eighty-five percent of Americans support legislation keeping guns away from suspected terrorists. But the NRA doesn't support that, and so Senate Republicans don't support it.

Here is a little secret for my Republican colleagues: The NRA doesn't care about you. It doesn't care about your constituents. It doesn't care about the constitutional rights of its followers. The NRA and its leadership care about two things: Making money for gun manufacturers and making money for the NRA—and selling more guns.

The NRA wants gun manufacturers to be able to make more guns. There are never enough. The NRA wants to have more firearms sold. More guns sold means more money and more donations for their bottom line.

During times of crisis when Americans should be coming together to find these commonsense solutions, what does the NRA do? They raise every dollar they can by spreading lies and fomenting these conspiracy theories. The mail is out, folks. Look in your mailbox. Direct mail is their specialty. They circulate false mailers to their followers.

For example, ''Congress is trying to take away your guns!'' or ''President Obama wants to confiscate your firearms!''

The NRA uses that money to fund ads against candidates who refuse to bow down to the gun lobby.

Taking a page from the Koch brothers' playbook, the NRA uses so-called dark money to influence elections through mysterious front groups awash in undisclosed campaign cash.

The NRA says they are spending money to protect gun owners. Well, it is clear what it is really about. It is about protecting the power of the National Rifle Association.

Since the Supreme Court's misguided Citizens United decision, the NRA has tripled its political spending to support their radical agenda, but Republicans in Congress have no knowledge of any of this. Senate Republicans pretend the NRA is simply a grassroots organization working for America's best interests. Nothing could be further from the truth. This is false.

The NRA used to advocate for mandatory background checks. It used to encourage reasonable legislation to keep guns away from dangerous individuals.

One month after the Columbine shooting in Colorado, where those two young men killed a lot of innocent people, Wayne LaPierre, the executive vice president of the National Rifle Association—the man who goes on TV all the time justifying what they do—testified before the House Judiciary Subcommittee on Crime. Here is what he said:

> We think it is reasonable to provide mandatory instant criminal background checks for every sale at every gun show. No loopholes anywhere for anyone.

Wayne LaPierre said that.

Now, in 2016, it is a different story. Just yesterday this same organization pressured Senate Republicans to vote against closing loopholes he said should be closed.

Senate Republicans voted against the Murphy amendment that would have closed loopholes in our Nation's background check system.

Senate Republicans voted against Senator FEINSTEIN's amendment that would have closed the terror loophole, which simply allows suspected terrorists to legally purchase weapons and explosives. We believe it should be closed, but it is not. The loophole is still there because Republicans have always followed the NRA mandate.

That is how strong the NRA's hold is on Senate Republicans. Republicans won't even agree to keep guns away from terrorists.

The Republican Congress has become so thoroughly indoctrinated that it is now the legislative wing of the NRA. While the Republicans do the bidding of the NRA, innocent Americans are being gunned down in schools, churches, and nightclubs.

How many more mass shootings will we have to endure before Republicans realize that they are being used by the NRA? How many more people have to die before Republicans come to grips with the fact that the NRA is only concerned about its bottom line?

The American people are looking to Congress for leadership. They are hoping we will do something substantive to protect our communities from gun violence, but the simple truth is, we cannot protect the American people and protect the NRA at the same time. Public safety demands a solution that prevents dangerous people from possessing weapons, while the NRA exists solely as a fundraising vehicle for more guns, more bullets, and fewer safeguards.

It is time for Republicans in Congress to defend the people who sent them to Washington in the first place, and put the personal safety of their constituents over the needs of the NRA. It is time for the Republicans to tell the NRA: Enough murder, enough carnage, enough guns.

Mr. President, there is no one on the floor seeking recognition. I ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN VIOLENCE

Mr. DURBIN. Mr. President, the whole world knows that on June 12, a gunman shot and killed 49 people and wounded 53 more in the worst mass shooting in modern American history, but what they may not know is, there has been at least 10 other mass shooting incidents in America since Orlando. By mass shootings, I mean incidents where at least four people were injured or killed by gunfire.

Two of those mass shootings were in Chicago, in my home State of Illinois. On June 13, five men were shot in the East Garfield Park neighborhood, and on June 18, four people were shot in the middle of the afternoon in the South Shore neighborhood. Fortunately, none of the victims in these two Chicago mass shootings were fatally wounded, but since the Orlando shooting, there have been many other gunshot victims in Chicago who have lost their lives.

Last Friday, Yvonne Nelson, a city worker, was shot and killed walking out of a coffee shop on the South Side in the middle of the afternoon. The shooter was aiming for someone else in an apparent gang dispute, but Ms. Nelson was shot in the chest and killed.

She was 49 years old, a member of the New Life Covenant Church, and beloved by friends and family. She was described as a beautiful person, hardworking, loving, kind. She was taken from us last Friday.

Last Thursday, Denzel Thornton, who worked for the Chicago Public School System, was shot and killed outside the entrance of McNair Elementary School in the South Austin neighborhood shortly after noon. He was 25 years old, a graduate of DePaul University, and aspired to be a chef. He was a promising young man with a bright future ahead of him. He was taken from us in the middle of the day as the elementary school children looked on.

This past weekend, 13 people were shot and killed in Chicago, and at least 41 others were injured by gunfire. The youngest shooting victim was only 3 years old.

So far this year, over 1,700 men, women, and children have been wounded or killed by gunfire in the city of Chicago. I will keep the victims and their families and loved ones in my thoughts and prayers, but thoughts and prayers are not enough. As lawmakers, it is our responsibility to do everything in our power to protect the people we represent and to stop the killing in the neighborhoods of America.

Last Friday, I visited the city of Chicago and went to several different spots to get a perspective on this gun violence and killing. I met for an hour with the superintendent of police, Eddie Johnson. He has 28 years on the Chicago police force. This is a man who started as a patrolman. He understands the violence on the streets. We talked about so many different things.

They have identified 1,300 who they suspect are most likely to be shooters or victims. By and large, these are men with a history of gun violence. Over the Memorial Day weekend, approximately 66 people were shot in the city of Chicago, and 80 percent of them came from the list. So we have a finite list of suspects whose names pop up more often than not when it comes to this gun violence. We talked about ways to address it, and there are many people thinking about how to deal with it in the right way, in a constitutional way but with a specific strategy to end this gun violence.

The superintendent told me a story. He said: You know, after you have been a cop in Chicago for a while, you get pretty tough. There aren't many things that make you emotional, but I do remember when there was a shooting in a home and a grandmother was killed and a toddler next to her was killed. We arrested the 15-year-old.

The superintendent said: I looked in his eyes, and I said: What were you thinking to spray that gun into that home and killing that grandmother and that toddler, and he said that young man looked him in the eye and said: They shouldn't have been there. They should have known better.

The superintendent said: I was crushed with that comment.

I talked to him about a visit I made to the juvenile facility about 6 weeks ago in Chicago to meet some of the young people who were waiting to stand trial. They had been charged with adult crimes. They are in the juvenile facility being held until the date of the trial. Some of them wait 1 year to 2 years. They take on a life in this juvenile center. There is a high school, a gym, activities, and there is also counseling. For many of these young people, this is the first time ever that someone with professional credentials sat down with them and tried to figure out what was going on in their minds and why they would commit these crimes of violence.

Afterward, I asked one of the counselors: What kind of mental condition do you find in these young people who are engaged in this random violence? He said they find everything—a spectrum of mental illness, from bipolar to schizophrenia, to acute depression, and on and on and on—but he said there is one recurring finding: 92 percent of these juveniles have a recurring issue. I asked: What is it? He said that 92 percent of them have either been the victims of or witnessed violent trauma.

When we think about PTSD—men and women who take on the uniform of the United States and go off to war and who either hurt themselves or witness violence that occurs on the battlefield—and they come home troubled and needing counseling and help. By and large, these folks are over the age of 18, but now we are talking about teenagers and adolescents having gone through the same or similar experience with violence. What impact does that have on the human mind of an adolescent? Are we dealing with some form of post-traumatic stress disorder that makes them so hardened and callused that they don't even appreciate the violence of their own lives and their own acts? I think that is a very real concern.

Let me quickly interject that struggling with mental illness does not mean you are going to be a violent criminal at all. It is more likely that you are going to be the victim of a crime with your mental illness or mental condition, but we have to take an honest look at this aspect of what we are dealing with when it comes to violence.

Friday night, I went to visit a friend—a controversial friend, to some a radical Catholic priest in Chicago but from where I am standing, the man who has given his life to a neighborhood who desperately needs it. His name is Mike Pfleger, and he is a Catholic priest at St. Sabina in Chicago. He had a peace march on Friday night. Father Mike brought out 400 people—300 African American and 100 White and Hispanic. We had a rally and at that rally mothers stood up and read the names of those under the age of 20 who have been killed this year in the city of Chicago. They read 150 names ranging from 20 years of age to zero, babies who were shot and killed.

There were a lot of tears that night over the losses, and a reminder that the statistics we read every single day in a newspaper are real human lives causing real human pain and suffering to the families who survive. Then, Father Mike rallied everybody and took them out on a march through the neighborhood there, trying to reclaim one of the toughest, most challenging areas in the city of Chicago.

So what are we going to do about it—the U.S. Senate right here in Washington, DC? Last night, it was a disappointment.

Many of us took to the floor to join Senator MURPHY last week in his filibuster. He was the leader, and I give him the credit for his steely determination to stand here—literally, stand here for, I believe, 15 hours in a filibuster—to force the votes we had last night. Senator MCCONNELL, the Republican leader, agreed to have those votes, and after they were finished, all four amendments were defeated. I am sure many people across the country said: What a waste of time that the Senate would acknowledge the problem, yet not find a solution to move forward. Well, I would add quickly that we haven't given up and we shouldn't. Senator SUSAN COLLINS of Maine is working on an amendment right now relative to the question of whether a suspected terrorist should be able to buy firearms in America. I think that is a pretty clear question and answer. Most Americans, 90 percent, say for goodness' sake, stop suspected terrorists from getting their hands on weapons. Yet the Senate defeated Senator FEINSTEIN's effort last night to do just that. I voted for it, but it didn't get the 60 votes needed.

Senator COLLINS has picked up the banner, and she is trying to put together a bipartisan measure. We haven't seen it in its entirety, but I encourage her, and I have tried by working with her to plug in some of the gaps and answer some of the questions about her approach. I hope she is successful, and I hope a bipartisan measure emerges from the Senate and puts pressure on the House of Representatives. There is absolutely no excuse for us not doing everything in our power to keep semi-automatic weapons out of the hands of suspected terrorists, convicted felons, and those who suffer from serious mental instability.

How deadly are these weapons? There is something called Snapchat, which I am not an expert on by any means, but it is a video that lasts about 10 seconds. One of the victims at Pulse

nightclub in Orlando turned on her Snapchat video as the firing started, and in the span of 9 seconds, you can count 17 rounds that were fired into the crowd, one of which killed the woman who was taking the video. That is the kind of weapon this crazed man was able to buy and take into a nightclub and kill 49 innocent people and injure more than 50.

Why would we make that easy for someone who is a suspected terrorist? Does that really reflect what we feel in America? I don't think so. Ninety percent of Americans think we should do just the opposite and stop these suspected terrorists from having easy access.

There was an amendment offered yesterday by Senator CORNYN of Texas, supported by the National Rifle Association. It did not pass. I voted against it. It was not a valid approach to dealing with this issue because Senator CORNYN required, if a suspected terrorist was going to buy a firearm, that the burden was on the U.S. Government to go to court if they challenged their being on the terrorist list. The burden was on the government, within 72 hours, to come up with a lawsuit, a criminal action, to stop the person from buying a firearm. If the same person wanted to get on an airplane in the State of Texas and was on a no-fly list, they wouldn't get on the airplane. It wouldn't be a question of the government going to court to prove it. For the safety of the other passengers, we would keep the suspected terrorist off the airplane. Why not when it comes to semi-automatic weapons? Shouldn't the burden at least be in favor of security and safety for the people of the United States?

That is still an issue for us to resolve. Is Congress doing all it can to stop the daily toll of gun violence and the involvement of guns with suspected terrorists? Not even close. So many shootings are preventable. They never would have happened if our laws did a better job keeping guns out of the hands of dangerous people. But too many Members of Congress are too afraid to stand up to the gun lobby. They are afraid to vote for commonsense reforms, supported by 90 percent of the American people, for fear that the NRA will come after them in the next election.

Remember, the gun lobby fights laws that make it harder for them to sell guns. First and foremost, they are not constitutional scholars. They are sellers of firearms, and they want to sell increasingly large volumes of their product so they make more profits. The National Rifle Association and gun lobby groups are constantly working to weaken laws on the books and prevent any new laws that might prevent gun sales. As a result, we have a ludicrous set of loopholes in our laws that allows criminals, the mentally ill, and even suspected terrorists to buy guns. We can't let this continue. As lawmakers, we have a responsibility to protect Americans from gun violence. After last night's votes, it is clear we haven't done our job.

Last week, the American Medical Association declared in an official statement that gun violence in America is ''a public health crisis requiring a comprehensive public health response and solution.'' This was the first such declaration that has been made by our Nation's largest medical association, and I commend the AMA for their leadership.

The numbers behind their decision are staggering. Every year, almost 32,000 Americans are killed with guns. On an average day in America, 297 Americans are shot, and 91 of those shootings are fatal. Communities across the Nation are affected by this violence. In cities like Chicago, the daily toll of these shootings is devastating.

Last week, when I joined Senator MURPHY and almost 40 other Democratic colleagues, we spoke out or tried to speak out to get the Senate to debate this issue—not just a quick driveby vote of four amendments, take it or leave it, but a meaningful debate with real alternatives brought to the floor. The filibuster lasted 15 hours and caught the attention of the Nation. Having been in this business for a while, I can tell whether our activities here are even noticed. They were. That filibuster was noticed. People came up to me and said: Thank goodness you are finally going to say something, do something, and vote on this issue of ending gun violence.

Well, words are not enough, and the votes last night are not enough. We need to start with commonsense reform supported by the overwhelming majority of Americans. Keeping firearms out of the hands of suspected terrorists shouldn't even be debated; it is so obvious. We should prevent suspected terrorists from buying guns and make sure an FBI criminal background check is conducted every time a gun is sold.

There is no excuse for what is going on now in Northern Indiana. Gun shows take place there regularly. Guns are sold in volume out of those gun shows with no background checks on the buyers. So the gangbangers of Chicago and the others head over to Northern Indiana—it is just across the border—fill up their trunks with guns and bring them into the city of Chicago.

The police department in the city of Chicago has confiscated one crime gun per hour for every day this year, and we still have a huge backlog of guns that are floating through the community in the hands of those who have no business owning or using a gun. The Chicago Police Department is trying to keep up with this wave of firearms flooding our city. They have confiscated more guns than the cities of New York and Los Angeles combined, and they still can't keep up with it.

There is no excuse for the gun show loophole. We should have serious, meaningful background checks of everyone purchasing firearms. The conscientious, self-respecting gun owners of America agree with this. They went through a background check to buy their guns. They think people should do that as well to avoid selling guns to the wrong people.

We must never forget our obligation to do everything we can to keep America safe. Our first obligation is to provide for the common defense, promote the general welfare, and insure domestic tranquility in the United States. If that is our obligation, there is much more that needs to be done—keeping America safe from gun violence.

Thousands of Americans are shot and killed each year in shootings that could have been prevented. There are steps we can take that are consistent with our Constitution. With our tradition of supporting hunting, sports shooting, guns for self-defense, we can still take meaningful steps to avoid tragic death, and we shouldn't be afraid to do that.

I am not going to quit on this issue, and many of my colleagues will not either. I ask the American people, don't quit and don't get discouraged. Keep speaking out for commonsense reforms as the American Medical Association did last week. When people ask me what they can do, I say: In our democratic form of government, it is very basic. It is called an election. If this issue of gun safety means something to you, ask that Member of Congress or the congressional candidate, that Senator or the Senatorial candidate, where they stand. If it is important enough, make your vote follow the answer. Join us and stand together. We can beat back the gun lobby and start saving lives and protecting the innocent across America. We can do this, and we must.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. FLAKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPROMISE GUN LEGISLATION

Mr. FLAKE. Mr. President, I come to the floor today to announce my support and my hope that all of us will support the bipartisan compromise that will be proffered this afternoon by Senator COLLINS, myself, Senator HEITKAMP, and others on the Democratic side to actually put something

on the floor that is not designed to fail but is designed to pass.

Many of us have been concerned that we use lists that actually mean something. We believe that somebody who is not allowed to fly, somebody who is on the no-fly list, should not be allowed to purchase a weapon but that those people who find themselves in that position should be afforded due process protections as well, as is necessary under the Constitution.

The problem with the broader watch list that there was an amendment on last night is it is a broad watch list with more than a million people. There are bits and pieces of information from many of our intelligence agencies. It isn't really designed for this purpose. So what we have done with this compromise piece of legislation is taken the no-fly list, as well as what is called the selectee list, which is a slightly broader list of those who are allowed to fly but are retained for additional screening. These are defined lists, much smaller, and affect a much smaller group of Americans.

If you find yourself on these lists, then the Attorney General would have the ability to block that gun purchase, but you would be given robust due process protections as well, where you could challenge it. The presumption of innocence would be there, and it would be the government's job to actually prove that you belong on that list and should be denied the purchase of a weapon. If the government could not prove their case, the government would actually pay the attorney's fees as well. So there are strong, robust due process protections here as well.

But this is simply based on the principle that if you are denied the right to fly, it stands to reason that, without additional checks, you should not be able to purchase a weapon.

That is what this compromise piece of legislation is all about. A lot will be said outside of this body—that it is intended for other purposes—but I would encourage everyone to look at the legislation we are offering this afternoon. It has bipartisan support—unlike most of what has been put forward so far—and it has growing support as well.

We actually believe we ought to put something on the floor that will pass, not just protect one party or the other in terms of an election coming up. We want to actually have an impact on the situation.

With that, I urge support for the bipartisan compromise we are going to offer this afternoon.

Mr. President, I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FLAKE). Without objection, it is so ordered.

UNITED KINGDOM AND THE EUROPEAN UNION

Mr. COTTON. Mr. President, on September 2, 1939, the House of Commons convened to debate whether to declare war on Germany for having invaded Poland. Prime Minister Neville Chamberlain seemed ambivalent and didn't immediately call for a declaration. Clement Atlee, the Labor Party leader was absent that day. When his deputy rose and declared that he would ''speak for Labor,'' Conservative MP Leo Amery famously yelled from across the floor: ''Speak for England!''

I am here today to speak for England, for Great Britain, indeed for all of the United Kingdom. This Thursday, June 23, the British people will answer a momentous question: Should the United Kingdom remain a member of the European Union or leave the European Union?

I have not stated nor will I state today a position on this question. The British people alone should decide their policy toward the Continent. What I will defend is their sovereign right as a people to decide this question free of external influences, foreign threats, and hysterical fear-mongering.

The ''great and the good,'' the Davoisie elite, are united in horror at the prospect of a British exit from the EU. According to these Eurocrats, if the British people choose to leave the EU, then the people must be punished. Some have called for immediate tax increases and budget cuts should the ''Leave'' campaign win. Business leaders threaten to move jobs out of Britain and to the Continent. Many economists speculate that recession is the best possible outcome, with depression the more likely outcome.

Most disappointing of all, foreign governments have made egregious threats of retaliation in trade, financial matters, and other economic matters, both to punish the British people for exercising their sovereign right of self-government and to intimidate the other peoples of Europe from doing the same. I would say the only thing they aren't predicting is war and pestilence—but they are. Indeed, one leading Eurocrat said a British exit could mean ''the end of Western civilization.''

If the Davoisie elite were doing even a passable job of governing their own countries, perhaps their unsolicited advice might be heeded. But let's face it. Europe is beset by its own problems, not the least caused by the democracy deficit in the European Union. With no coordination or democratic accountability, the Eurocrats last summer allowed migrants to overrun their continent. Most of these migrants lack the job skills and education to contribute meaningfully to European economies. Some migrants went on rampaging crime sprees, and terrorists infiltrated the migrant flows to enter France and commit the Paris attacks. Meanwhile, the migrant flow continues across the Mediterranean, with hundreds dying en route. What is the Eurocrats' policy? ''If you survive the trip, you can stay.'' How is that moral? How is that wise?

The economies of Europe aren't much better. Many countries are trapped beneath unpayable mountains of debt, saddled with austerity plans merely to make the next repayment and avoid default. Unemployment is high, and for young people it is rampant and chronic. Growth is negligible. In fact, the only continent with lower growth than Europe is Antarctica.

I am amazed, maybe even a little amused, that despite these and other manifest failures, the Eurocrats presume to lecture the British people. Perhaps they hope ''Project Fear'' will sufficiently intimidate the Brits into voting for ''Remain.'' After all, if the EU loses Great Britain, Europe will lose 350 million pounds a week, and it will lose a dumping ground for a quarter million migrants a year. The stakes are pretty high for Brussels.

But that doesn't justify their flagrant interference with Britain's domestic politics. Since the Davoisie elite are threatening to punish the Brits if they leave the EU, let me say in response that the American people will stand with our British cousins no matter what they decide. If the Continent dares to retaliate against Britain, I will do everything in my power to defend and strengthen the Anglo-American alliance that built so much of the modern world and on which it still depends.

The Eurocrats may want to pressure Britain, but perhaps they might recall that Britain is not the only land where pressure can be brought to bear. On my last trip to Europe, I heard from many political and business leaders who were eager—desperate, even—to consummate the Transatlantic Trade and Investment Partnership. The Paris and Brussels attacks vividly reminded us that the small continental countries depend heavily on American intelligence to support their counterterrorism efforts. Of course, need anyone be reminded which NATO country underwrites the independence and security of Europe, particularly in the face of a revisionist Russia?

It would be regrettable if a continental temper tantrum imperiled these important relationships with the United States. One would hope that cooler heads will prevail in the capitals of continental Europe should the British people elect to leave the EU. One would hope that Brussels, Berlin, Paris, and other capitals will realize that Britain, in or out of the EU, is a

NATO ally, a trading partner, and a friend in freedom. One would hope that a British exit, if that is Britain's choice, would be followed by the spirit of magnanimity, generosity, and continued friendship. But hopes aside, one should know this: The American people will stand with Britain, in or out of the EU, and will stand against punitive retaliation against the British people.

Of course, I must admit that, unfortunately—though not surprisingly—our own government is also sticking its nose where it doesn't belong. President Obama traveled to London last month to say that a newly free Britain would go to ''the back of the queue'' in trade negotiations with the United States. U.S. Trade Representative Michael Froman has cautioned: ''We're not particularly in the market for [free trade agreements] with individual countries.'' This strange combination of arrogance and ignorance is all too typical of the Obama administration. The United States has a bilateral trade agreement with Oman, after all. But negotiate a new bilateral trade agreement to support the special relationship with Great Britain, our ancestral ally? No, sir, we will have none of that nonsense.

So, for the record, let it be noted that the American people will stand up to the ''great and the good'' not only on the Continent, but also here in Washington if this or any future administration tries to punish Britain should it leave the EU. Just as I will do everything in my power to preserve our special relationship against continental meddling, so will I do the same with any administration that doesn't fully appreciate that relationship. I suspect many other Senators feel the same.

Put simply, there will be a new bilateral trade agreement, NATO will survive, our Five Eyes intelligence partnership will continue, and the special relationship will remain a bedrock for the prosperity and security of both our nations. The British people can cast their votes certain of those things.

The British people deserve nothing less. Were it not for them, Europe—indeed, the world over—might still be a mere plaything of kings and tyrants. Of all the peoples of the world, surely the Brits have earned the sovereign right to govern their own affairs, free of external influence or threats of retaliation. Like most Americans, I stand in admiration of Great Britain, and I stand with the British people, in or out of the EU.

I also call on the Davoisie elite, on the ''great and the good,'' to spend a little less time fulminating about British democracy in action and a little more time looking in the mirror at their own failures. Populist insurgencies are raging on both sides of the Atlantic, on both the left and the right. Rather than obsess about Great Britain, rather than keep the populists at bay one desperate election at a time, these leaders should consider why these insurgencies are gaining in every election—stagnant wages for the working class, uncontrolled migration without regard to economic need or cultural assimilation, Islamic terrorists massacring our citizens, and a loss of national honor around the world.

This record is not pretty. In politics, as in medicine, it is usually better to address the cause than the symptom. If our leaders addressed these challenges more creatively, more forthrightly, more effectively, perhaps neither the British people nor so many other people would be disappointed in their leaders to begin with. Let the British people manage their own affairs, whether right or wrong in your eyes. In the words of Scripture, whatever you may think of their mote, take care of your own beam first.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOEL SPENCER

Mr. COTTON. Mr. President, I wish to recognize Joel Spencer of Little Rock, AR, as this week's Arkansan of the Week for his dedication to educating the next generation of computer coders, teaching students computer coding skills, and training other teachers as well.

Studies show that students who learn coding and computer science at a young age are more successful later on, and Joel Spencer wants to make sure each child who comes through his classroom has the opportunity for that success. Joel is an elementary science specialist and teacher in the Little Rock School District and each week teaches over 500 students. But his dedication to learning doesn't end there. Joel also conducts an afterschool computer Science First club, a Lego MINDSTORMS robotics club, and various other day camps around the State to introduce Arkansas students to programming. To say he is passionate about computer science education is an understatement.

Children aren't the only ones Joel teaches. He is also dedicated to helping his fellow teachers become better educators. Joel serves as an affiliate trainer for Code.org, a nonprofit dedicated to expanding access to computer science and increasing participation by women and underrepresented groups. Through his work with this organization, Joel has trained over 1,000 teachers in code curriculum. He was also part of the committee that developed and adopted the K–8 computer science standards in Arkansas.

Joel's dedication in computer coding education hasn't gone unnoticed. He received the Arkansas Association of Instructional Media Technology Teacher of the Year Award for the State of Arkansas and is also a nominee for the Presidential Award for Excellence in Mathematics and Science Teaching. And during National Teacher Appreciation Week earlier this year, he was one of the computer science teachers recognized by President Obama at the White House.

While he was in town for that ceremony, Joel made some time to visit my office and share his passion for computer coding education. I am proud that Arkansas has teachers like Joel, who are making students' futures brighter each day.

It is my honor to recognize Joel Spencer as this week's Arkansan of the Week, and I am confident that the future of our State and Nation is brighter because of his work to inspire students to rise to the challenges of the 21st century.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISIS

Mr. THUNE. Mr. President, 2 weeks ago I came to the Senate floor to discuss the numerous foreign policy failures of the Obama administration. While there has been no shortage of examples over the past 7 years, I wish to revisit one particular subject from the litany of this administration's errors—the very serious national security threat that President Obama once called a JV team.

Last November, President Obama participated in an interview with the host of ''Good Morning America,'' George Stephanopoulos, who asked him the following question: ''But ISIS is gaining strength, aren't they?''

The President's reply:

> Well, no. I don't think they're gaining strength. What is true is that from the start, our goal has been first to contain, and we have contained them.

Just 1 day later—1 day later—ISIS gunmen and suicide bombers attacked Paris and killed 130 people. Less than a month after that, 2 ISIS-inspired terrorists killed 14 people in the first homegrown ISIS attack on American soil. Now there is Orlando, the worst terrorist attack on America's homeland security since 9/11—so much for ''we have contained them.''

Unfortunately, despite these attacks, President Obama continues to paint an unrealistically rosy picture of our success against ISIS. Emerging from a meeting last week, the President declared that ''we are making significant progress'' in the fight against ISIS. He went on to say, ''ISIL's ranks are shrinking. . . . Their morale is sinking.''

Two days later, however, the President's CIA Director painted a very different picture. Testifying before Congress, CIA Director John Brennan stated: ''Unfortunately, despite all our progress against ISIL on the battlefield and in the financial realm, our efforts have not reduced the group's terrorism capability and global reach.''

Let me repeat that: ''Our efforts have not reduced the group's terrorism capability and global reach.'' That is something the President neglected to mention 2 days earlier.

That is not the only thing he forgot to bring up. The President discussed the anti-ISIS coalition's efforts to target ISIS's funding. But he neglected to mention that those efforts still left ISIS with a robust revenue stream.

The CIA Director noted that ''ISIL . . . continues to generate at least tens of millions of dollars in revenue per month, primarily from taxation and from crude oil sales.''

The President hailed accomplishments on the ground in Iraq and Syria, but he didn't mention that those successes are doing essentially nothing to reduce ISIS's ability to attack abroad.

This is again a quote from Director Brennan:

> The group's foreign branches and global networks can help preserve its capacity for terrorism regardless of events in Iraq and Syria. In fact, as the pressure mounts on ISIL, we judge that it will intensify its global terror campaign to maintain its dominance of the global terrorism agenda.

That, again, is from Director Brennan.

The President noted that ISIS is losing ground in Libya, but he forgot to mention ISIS's Libyan branch is perhaps its most dangerous and poses a real threat to Africa and to Europe. Director Brennan testified again:

> ISIL is gradually cultivating its global network of branches into a more interconnected organization. The branch in Libya is probably the most developed and the most dangerous. We assess that it is trying to increase its influence in Africa and to plot attacks in the region and in Europe.

If there is one thing that Director Brennan's testimony made clear, it is that we are not doing enough to confront the threat posed by ISIS. Unfortunately, that is not something President Obama seems to understand. As his remarks last week made clear, the President is more interested in explaining why he doesn't like the term ''radical Islam'' than he is in offering a concrete plan to actually defeat ISIS.

It is difficult to understand why the President so resolutely avoids this term. The fact is, ISIS and its adherents are driven by their radical interpretation of Islam. How can we hope to confront this terrorist ideology if we can't actually call it by its name?

On the same note, what was the administration hoping to accomplish when it redacted references to ISIS in its initial release of the 9-1-1 transcripts from the Orlando attack? Was it hoping to somehow distract from the fact that this was a terrorist attack? Do they want to play down the fact that ISIS is now inspiring attacks in the United States?

Unfortunately, our Commander in Chief's disturbing reluctance to identify our enemy by its name is emblematic of the fundamental lack of seriousness that has characterized the President's foreign policy. The attack in Orlando was a terrorist attack, yet the President's response was a formulaic call for gun control. All the gun control laws in the world are not going to stop a terrorist bent on wreaking havoc in our country. France's strict gun control laws didn't prevent terrorists from slaughtering 130 people last November.

To stop ISIS-inspired attacks, we need to stop ISIS. And to do that, we need a serious, comprehensive plan from the President. What I wish we had heard last week from the President are concrete proposals to counter the threat of homegrown terrorism. He could have talked about ways to make sure our intelligence agencies have the resources they need to track and counter ISIS efforts to communicate with its recruits in the West. He could have discussed ways to address the threat of lone wolf terrorists. He could have talked about ways we can improve our ability to monitor terrorists' communications to disrupt their plans. He could have called on Senate Democrats to support Senator CORNYN's amendment to give the Attorney General the authority to act on probable cause against would-be terrorists while protecting due process to protect Second Amendment rights, but he didn't. Instead, he issued a brief call for gun control and spent a large chunk of his speech defending his refusal to use the term ''radical Islam.''

When President Obama was elected, we were told he would restore America's standing in the world. In fact, he received a Nobel Peace prize in the first year of his first term based solely on people's belief that he would promote peace and bring stability to world affairs. I thought of that when I saw this statement from CIA Director Brennan toward the end of his testimony last week. The Director said: ''I have never seen a time when our country faced such a wide variety of threats to our national security.'' Again, that statement was stated by CIA Director Brennan during his testimony just last week.

President Obama is certainly not responsible for all the unrest in the world today, but the unfortunate truth is, his foreign policy failures have contributed to a lot of it. His politically motivated decision to withdraw our troops from Iraq and announce the timetable to our enemies created the vacuum that ISIS quickly moved in to fill. His decision not to act when Syrian President Bashar al-Assad crossed the redline the President himself had drawn sent a message to tyrants and dictators the world over that America could be ignored at will. The President's nuclear deal with Iran has left that country better equipped to acquire advanced nuclear weapons down the road.

President Obama is nearing the end of his term, but there is still time for him to commit to working with Republicans to take the steps that are necessary to not just contain but to actually defeat ISIS. There is still time for him to focus on controlling our borders so terrorists don't slip across without our knowledge. There is still time for him to take measures to strengthen our counterterrorism capabilities, and there is still time for him to focus on supporting Federal and local law enforcement in their efforts to stop terrorism.

I hope in the coming days, the President will see his way to offering some serious solutions to the danger ISIS poses to our Nation. It is high time that happen.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. FISCHER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN SOVEREIGN IMMUNITIES ACT

Mr. GRASSLEY. Madam President, I rise to speak about the changing nature of globalization. Everyone is aware globalization has changed how economies work. Some people have embraced globalization while others are fighting to slow its effects. In America, most people are familiar with the modern, multinational corporation. These corporations are privately owned by shareholders and operate in countries around the world. However, there is a new trend that is becoming increasingly evident in commerce today. We are now seeing entities that are owned by governments competing with private companies in the automotive, food, and airline industries that represent more traditional commerce.

Over the last several decades, governments, through entities called state-owned enterprises, have become highly

involved in international commerce. We have seen state-owned companies and enterprises buy the assets of private companies, such as Smithfield Foods, and start up completely new companies, such as the new airlines in the Middle East. There is nothing inherently wrong with state-owned enterprises paying a premium on market value to purchase a company. However, the actions of the company and its legal obligations after the transaction is complete are what I intend to focus on today.

In a 2014 report, the United Nations estimated there are over 550 state-owned transnational companies with cumulative assets of over $2 trillion. Many would argue the estimate of $2 trillion in assets under management is a conservative number. There are many differences between state-owned companies and companies that are publicly traded.

First, state-owned companies are not subject to the same transparency requirements as publicly traded companies. Publicly traded companies must adhere to GAAP accounting standards and file quarterly and annual reports, such as 10–Qs and 10–Ks, with the Securities and Exchange Commission.

Second, state-owned enterprises have the implicit backing of the various governments, giving them access to credit oftentimes at cheaper rates than individual private companies could hope to find. The most valuable companies in America, based on market capitalization, are worth between $500 and $600 billion on any given day. While Fortune 100 companies are large, their resources then pale in comparison to government wealth.

Finally, state-owned enterprises report their strategies, profits, and losses to governments. They are not accountable to shareholders in the way publicly traded companies are. Therefore, it is prudent we take time to consider how foreign, state-owned enterprises are participating in this American economy.

In agriculture, state-owned enterprises have started to buy publicly traded American companies. Smithfield Foods was sold to China's Shuanghui in 2013 for $4.7 billion in cash. ChemChina is currently trying to buy the Swiss-based seed and chemical company Syngenta for $43 billion. About one-third of Syngenta's $12 billion in revenue comes from North America, which is what makes this transaction very concerning for me. While some could argue these investments are similar to foreign direct investment, what these foreign, state-owned enterprises are really buying are our resources and expertise in food production, including the intellectual property that fuels development and growth of the agricultural sector. Even if these transactions function seamlessly for the first 10 or 15 years, there are strategic questions we need to consider before approving the sale of any more of our agricultural assets to another government. For that reason, Senator STABENOW and I asked the Committee on Foreign Investment in the United States, commonly referred to as CFIUS, to thoroughly review the proposed Sengenta acquisition with the help of the Department of Agriculture. CFIUS is responsible for reviewing the national security implications of transactions that result in foreign control of U.S. businesses and critical infrastructure. There is a shared sentiment among lawmakers, military officials, and everyday Americans that protecting the safety and resiliency of our food system is core to American national security. The food security of our country is not something we can take for granted, and as I have said before, at any given time we are only nine meals away from revolution.

As I mentioned, I also have concerns about the legal obligations and accountability of foreign, state-owned companies, particularly as they relate to those companies' interactions with American companies and consumers.

Now, I have heard several recent reports noting cases where companies owned by foreign governments have claimed that they are immune to lawsuits by American companies or American consumers in our very own courts.

They have made this claim even when a foreign, state-owned company or one of its corporate affiliates has been engaged in normal commerce with American consumers or other American companies.

In making this argument, these foreign, state-owned companies would try both to take advantage of our market and to avoid the rules and potential liability that every other market actor must face. Of course, that doesn't seem right to me, and it is not the way our laws are set up to work.

It is an age-old rule of international law that one sovereign nation should not subject another country acting in its sovereign capacity to the authority of domestic courts.

Our courts recognized this principle long before Congress wrote it into statute.

The theory developed at a time when personal sovereigns ruled foreign powers rather than democracies. The sovereign was the same as the State. Chief Justice John Marshall acknowledged it in an 1812 Supreme Court opinion when he explained that our courts had no jurisdiction to hear America's claim against France to recover a ship seized by order of Napoleon.

But there have long been important exceptions to the doctrine of foreign sovereign immunity. One of those is the so-called ''commercial activity'' exception. Just 12 years after his opinion about Napoleon's ship, Chief Justice Marshall explained that ''[w]hen a government becomes a partner in any trading company, it divests itself . . . of its sovereign character, and takes that of a private citizen.''

For that reason, over the last several decades, both the State Department and the Supreme Court have recognized that the original purposes of foreign sovereign immunity—respect for the person and governmental acts of a foreign sovereign—are not served when the doctrine is invoked to protect a sovereign's private acts.

This development resulted from the need to ensure stability and predictability in international commerce after state monopolization in industries like transportation and communication.

It is based on the notion that when a sovereign nation enters the competitive marketplace, it no longer acts as a sovereign at all, and it must follow the very same rules as every other market participant.

So in 1976 we codified those principles in statutory law by enacting the Foreign Sovereign Immunities Act, referred to as FSIA. Under the FSIA, foreign sovereign immunity extends not only to foreign sovereigns but also to political subdivisions and even corporate entities owned by foreign sovereigns.

But, importantly, the FSIA also codifies exceptions to the foreign sovereign immunity principle, including—very importantly—the commercial activity exception.

As I said, I have seen reports noting cases where companies owned by foreign governments have claimed that they are immune to suits by American companies or American consumers in our very own courts when they are suspected of doing something wrong. Sometimes, their arguments have succeeded, which raises concerns that the exception may not be working as designed.

Let me give one example. America bought much of the drywall used to rebuild New Orleans after Hurricane Katrina from Chinese manufacturers. Thousands of homes built with that drywall turned out to be uninhabitable because residents said the drywall made them sick.

So these Americans tried to sue the Chinese manufacturers, including a manufacturer's parent company, China National Building Materials Group, or CNBM.

The problem for the consumers is that the Chinese Government is heavily invested in these manufacturers, among many other commercial enterprises.

Under the general principle of foreign sovereign immunity, a foreign government selling Americans a product is not acting as a sovereign but as a market competitor. One would assume that the ''commercial activity'' exception to foreign sovereign immunity applies,

but the state-owned manufacturer argued otherwise.

Here is how it works under statute. Foreign companies are sued in our courts all the time. Commonly, these lawsuits, like the drywall case, involve claims of American consumers or companies that the foreign company engaged in some behavior that harmed them.

When a foreign company is sued in one of our courts, it has a chance to show at the beginning of the case that a foreign government owns a majority of its shares. If the foreign company makes that showing, it then enjoys a presumption of immunity under the FSIA, meaning that the plaintiffs' lawsuit will be dismissed.

But before that happens, the plaintiffs have one more chance to save their case from early dismissal. This is where the ''commercial activity'' exception comes into play. The plaintiffs can defeat the presumption of immunity by showing that the foreign state-owned company was acting as a market participant—that is, engaging in commercial activity that takes place in or affects the United States—when it caused the harm the plaintiffs complained about.

This principle—the ''commercial activity'' exception—saves a case from early dismissal and gives plaintiffs a chance to move forward and try to prove their claims against a foreign, state-owned corporation behaving like a market actor.

But as it turns out, that can be a complicated showing for plaintiffs to make at such an early stage in the case. Here is why. Companies owned by foreign states are often governed through very complicated corporate structure.

Take, for example, the large Chinese insurance company backed by the Chinese state bank in its recent attempt to purchase an American hotel chain. In describing the attempted takeover, the Wall Street Journal described the Chinese company's ownership structure as ''opaque.''

Yet in implementing the FSIA, courts require plaintiffs to meet the commercial activity exception at every level of corporate organization or they must show that various levels of organization acted only as corporate pass-throughs and, therefore, can be ignored.

Here is why I think that may be a problem. Corporate parents can exercise an extraordinary level of control over subsidiaries without concluding that the subsidiary is a mere pass-through.

Requiring plaintiffs to show commercial activity at every level of corporate organization—at such an early stage in the lawsuit—runs the risk of ignoring high-level involvement in the conduct that allegedly hurt the plaintiffs. If plaintiffs don't satisfy this showing against a parent company at an early stage in their case, they may lose the chance to establish their claims.

Now, what this means, as a practical matter, is that this mechanism puts foreign companies that happen to be owned by sovereign states at a distinct advantage over private foreign companies. A private foreign company has no mechanism for early dismissal of a lawsuit on these grounds. A private foreign company would be required to respond to the plaintiffs' allegations, and it would have to produce evidence during the course of the lawsuit relating both to its control over other parts of the conglomerate and also to its involvement in the activities alleged.

As a result of this early dismissal mechanism, the plaintiffs' case in New Orleans could only proceed against one subsidiary, and that happens to be CNBM. The case against CNBM itself was dismissed.

Now, it may be that these plaintiffs still wouldn't have been able to establish liability on the part of CNBM in the end, but they didn't even have that opportunity.

This is something that I want to consider carefully. If a foreign, state-owned company is able to shield parts of its organization behind the FSIA to avoid having to answer a lawsuit entirely in a way that the FSIA doesn't contemplate, when a privately owned foreign company wouldn't enjoy the same luxury, then a fix may be in order.

The point of the commercial activity exception to foreign sovereign immunity is to treat foreign governments like any other market actor when they enter into commerce. Nothing about the principles of foreign sovereign immunity or the FSIA is designed to afford extra early defenses to foreign companies' commercial actions just because the companies happened to be owned by foreign states.

But, currently, foreign, state-owned companies will argue that many of their affiliates don't have to answer the claims of American companies and American consumers, even when it is clear that at some level the company engaged in market activity that may have harmed Americans. Sometimes, like in the New Orleans case, the companies are succeeding.

So I think that may be a problem. That is why I took the time to speak now on the floor of the Senate, and I intend to look at it very carefully and possibly seek legislative remedy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

GUN VIOLENCE

Ms. BALDWIN. Madam President, last week—let's start with last weekend—Americans woke to the news of a horrific mass murder in Orlando, FL. The gunman, a U.S. citizen inspired by terrorists, legally purchased a weapon of war and turned it upon members of the LGBT community on Latin night at a nightclub in Orlando, FL—49 dead, 53 wounded.

Senators returned from their home States last week to express thoughts and prayers and to observe moments of silence. Many of us resolved that while important, those sentiments were not enough and that we needed to follow up those thoughts, those prayers, and those moments of silence with action.

I joined with my colleagues on the floor when Senator MURPHY of Connecticut held the floor for 15 hours to draw attention to two commonsense amendments that would have limited that easy access to a weapon of war by closing a loophole that allows so many of our firearms purchases to occur without a proper background check and to close something we are calling the terror gap, which would allow the FBI the authority to deny gun purchases to people who are on a watch list, suspected of connections with terrorism. Those measures gained a vote in the Senate last night, but both failed to advance.

I don't think we can simply say that we tried and continue to accept shootings like the one in Orlando as the new normal and then move on to other business—especially, I might add, with our procedural posture right now, as the Senate has before it at this period in time the Commerce-Justice-Science appropriations bill, a measure in which we can prioritize our response to this tragedy and the preceding tragedies through amendments perfecting the measure before us. Americans are demanding more. We can't just carry on as usual in the wake of these enormous domestic tragedies. Wisconsinites are demanding more. Just in this last week, I received heartbreaking communications from my constituents asking us to act. I will briefly share two of them.

A young mother wrote to me:

I am a young mother of two young children and every day that they go to school I say a silent prayer that they come home safely to me, that no one decides to walk into their school or onto their bus with a gun and an intent to kill.

Another young person wrote to me:

As a young LGBTQ person, I am devastated by this attack on my community. I am scared that this attack happened in what was supposed to be a safe place, a free space in a world that is often hostile for LGBTQ people. I am scared for my safety and for the safety of my community. I am also angry. I am angry that the United States is the only country where shootings like this regularly occur, and I am angry that our government is not doing enough to prevent this kind of violence.

The attack in Orlando was, as I mentioned, an act that allegedly was inspired by maybe ISIL or other terrorist groups, but it was also an act of hate,

a hate crime. I have filed an amendment with my colleagues, Senator MIKULSKI of Maryland and Senator HIRONO of Hawaii, to increase funding to strengthen the prevention of hate crimes and the enforcement of our hate crimes laws and our civil rights laws. The amendment is now cosponsored by 18 other Members of the Senate.

I think it is important to understand what a hate crime is. A hate crime is an underlying criminal act—so it is not about hate thought or hate speech—wherein the victim of the crime or victims of the crime are targeted based on a particular characteristic. Sometimes we hear about hate crimes committed against the LGBT community because of their sexual orientation or gender identity, but hate crimes are often perpetrated against people on the basis of religion, race, ethnicity, or gender. Hate crimes targeted against people based on their characteristics are done so because not only are the victims victimized, but it sends a message of terror and hate throughout a community to all people who share characteristics with the victim or who love people who share the characteristics of the victim. They are terrifying, and they deserve, as we have chosen to do in the United States, to be treated very specifically as hate crimes.

It is only recently that the United States recognized hate crimes against members of the LGBT community or against women or people with disabilities with the passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

There are too many of these hate crimes in the news these days. We are still grieving the massive numbers of dead and injured in Orlando. It was not all that long ago that Charleston had a mass murder in a church. The African-American community was targeted. In Wisconsin, in another place of worship, in a Sikh temple in Oak Creek, WI, a gunman came and targeted the congregation during Sunday worship.

In America, hate crimes overall are declining. That is good news, and that says something about what we can do together when we pass strong laws and try to prevent these crimes, educate, and enforce our laws. But I am sad to share that while overall our hate crimes are declining, those against some groups—most notably Muslims and members of the LGBT community—are on the rise. LGBT people are more likely than any other group to be targeted for hate violence, and LGBT people of color, particularly transgender women of color, are at the very greatest risk.

The amendment I have offered, along with my colleagues, Senators MIKULSKI and HIRONO, would provide, in the Commerce-Justice-Science appropriations bill, additional funding for the Civil Rights Division to focus on hate crimes prevention on the one hand but also enforcement and prosecution of those crimes when they occur. This amendment will provide important tools to the Justice Department that they need to combat discrimination and crimes of hate in communities across the country. I am pleased to have a large number of human rights organizations in this country endorse this as an important step forward.

We need to take action. We need to do more to address terrorism, to address gun violence, and to address hate crimes. I urge my colleagues in the Senate to join me in calling for a vote on this amendment and supporting it when we get that opportunity.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FLAKE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRUZ). Without objection, it is so ordered.

ZIKA VIRUS

Mrs. MURRAY. Mr. President, I am on the floor to focus on some very frightening news we got late last week about the Zika virus, news that shows just how important it is that we get emergency funding to the President's desk right away.

Last week, three babies were born in the United States with birth defects linked to Zika. Three other pregnancies didn't make it to term as a result of this virus. As a mother and grandmother, my heart goes out to these families, and as a U.S. Senator, I am extremely frustrated that 4 months since President Obama first asked for a strong emergency funding package to respond to this frightening virus, Congress still has not sent anything to the President's desk because, unfortunately, the longer we wait to act, the more those numbers are going to grow.

In fact, Tom Frieden, Director of the CDC, has said in Puerto Rico alone, hundreds of babies could be born with birth defects related to Zika. There are already nearly 2,200 reported cases of Zika in the United States and the territories, and more than 400 expecting mothers are being monitored for possible infection.

Without question, this is a public health emergency. What makes it all the more frustrating is we have an agreement that could go to the President to be signed into law right away. While it shouldn't have taken so long, Senate Republicans did finally agree to work with us on a downpayment on the President's emergency funding proposal.

The agreement we have reached would give communities more resources for vector control. It would help accelerate development of a vaccine and, critically, provide much needed preventive health care, including family planning services, such as contraception, to families who ask for it.

This package has support from both sides of the aisle. All Senate Democrats and nearly half of Senate Republicans voted for it. It has now been a full month since that agreement passed in the Senate. Unfortunately, instead of acting on it, House Republicans chose to move to conference with their own underfunded, irresponsible proposal that offers just one-third of what is needed to combat this virus and drains much needed resources from the ongoing Ebola response effort.

With the health and well-being of women and babies on the line, now is not the time for nickel-and-diming. It is not the time for debates about taking from one health care priority to support another. This is the time to act because every infection prevented is a potential tragedy prevented, and there is no good reason why we cannot get a strong emergency funding proposal to the President's desk this week.

Families are looking to Congress for action on Zika. It is well past time that we delivered, and I hope we can get this done without any further delay.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent to speak for a few moments before the gavel comes down at 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN VIOLENCE

Mrs. GILLIBRAND. Mr. President, I rise to speak about three amendments to this bill that I think would help keep America safe from gun violence. After so many tragedies, including the mass murder earlier this month in Orlando, this Chamber has had one opportunity after another to do something about the gun violence crisis, and last night was our most recent chance.

The American people are watching us, waiting to see what we will do, wondering if this time, after yet another mass shooting, after yet another hateful, angry person was able to have such easy access to a weapon of war to use it to quickly kill a crowd of innocent people—maybe this time the Senate would act.

But, no, this Chamber did nothing. The Senate didn't pass a single bill, not even a bill to prevent someone on the terror watch list from buying an illegal gun—not one. How many innocent people have to be killed by guns in this country before Congress is actually convinced to act?

The Senate failed the American people last night, and there is no other way to put it. We aren't listening to our constituents who are desperate for Congress to act.

This Chamber hasn't done anything to help keep the American people safe in the aftermath of so much violence. Every time a mass shooting happens somewhere in America—just like the one that occurred in Orlando—we hear the same calls for stronger, better, tougher laws. The American people overwhelmingly support them and nearly every time the gun industry and its powerful lobby do whatever they can do to block these bills to protect their own profits.

It is the same cycle over and over again. Someone with no business handling a powerful deadly weapon of war has easy access to that weapon and then uses it to kill many people—quickly. We have to make it harder for hateful, violent, radicalized people to get their hands on weapons of war. The only way to change this—the only way—is if Congress fulfills its responsibility to protect the American people and pass new laws that help keep us safe.

I have three amendments, new amendments, that have not been voted on this session. They are three amendments that actually could keep more Americans free of gun violence.

First is a law enforcement bill. It is a bipartisan gun trafficking amendment which would finally make gun trafficking a Federal crime. One would assume that bringing weapons up I–95 and selling them out of the back of a truck to a gang member in New York City would be illegal, that it would be a Federal crime. It is not. It is not a Federal crime to do that.

This bill is called the Hadiya Pendleton and Nyasia Pryear-Yard Gun Trafficking and Crime Prevention Act. It is named after two teenage girls who lost their lives because of gun violence in their neighborhoods. They were playing with friends, minding their own business, and a stray bullet shot them both down. Nyasia was killed in Brooklyn. Hadiya was killed in Chicago. These were two young girls. I met Nyasia's parents. They do not understand why their daughter had to die.

Right now, there is no Federal law preventing someone from loading up a truck in Georgia, driving it up I–95, and reselling those weapons in a parking lot in Brooklyn to a gang member or other dangerous people who aren't eligible to buy guns anywhere else. This amendment would change that. It would give our law enforcement the tools they need to get illegal guns off the street and to prosecute those who are trafficking guns.

The second amendment I would offer would require weapons dealers to keep physical inventories. This is something law enforcement has asked for. Without accurate inventory, it is impossible for law enforcement to know whether illegal gun sales are taking place or even if weapons have been stolen from that store.

There are just a small number—a very small number—of bad gun dealers, but our law enforcement officials have a right to be able to find out who they are, why they are selling these weapons out of the back of their gun sales places and then selling them directly to criminals who drive them up I–95 and sell them to gang members in Brooklyn or the Bronx or in Harlem or in Buffalo.

The third amendment is also a law enforcement amendment, something asked for by law enforcement. It would allow the ATF to ban foreign imports of military-style weapons, which tend to be used in crimes.

Right now, many weapons with military-style features not intended for hunting, including those with high-capacity magazines and laser sights, are being dumped into the U.S. marketplace by foreign arms manufacturers. This amendment would help prevent those dangerous, military-style weapons from flooding our streets and ending up in the hands of criminals.

No one in America should have to go through his or her daily life in fear of an angry, radicalized citizen who can easily buy a weapon of war and use it on innocent Americans. All of these amendments would help law enforcement do their jobs—be able to find criminals who are trafficking weapons, be able to find that small percentage of bad gun dealers and shut them down, and make sure foreign companies aren't flooding our market with illegal military weapons. These three changes would make a difference. They would help our law enforcement community keep our communities safe.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2578, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2578) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Pending:

Shelby/Mikulski amendment No. 4685, in the nature of a substitute.

McConnell (for McCain) amendment No. 4787 (to amendment No. 4685), to amend section 2709 of title 18, United States Code, to clarify that the Government may obtain a specified set of electronic communication transactional records under that section, and to make permanent the authority for individual terrorists to be treated as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978.

McConnell motion to recommit the bill to the Committee on Appropriations for a period of 14 days.

The PRESIDING OFFICER. The Senator from Utah, the President Pro Tempore.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY TRUSTEES' REPORTS

Mr. HATCH. Mr. President, a few weeks ago I came to the floor to discuss the situation surrounding President Obama's nominees to serve as public trustees on the board of trustees for the various Social Security and Medicare trust funds. At that time, I noted that these nominations had become the center of a political firestorm. Sadly, that firestorm has continued in the weeks since I last spoke about this issue. While I have little desire to delve into what is a manufactured controversy, I do want to take some time to note how some events taking place this week should impact this particular debate.

Tomorrow, the Social Security and Medicare Boards of Trustees will release their annual reports, providing their assessment of the past, present, and projected future financial conditions of the trust funds. For decades, these reports have largely been devoid of politics, which is important because it allows policymakers and the general public to trust the numbers that are reported.

Currently, there are four senior Obama administration officials who serve as trustees on these various Boards. There are also two positions for public trustee—one from each party according to the law—that are currently vacant. While it is not unheard of for the Boards to issue their reports without confirmed public trustees in

place, this administration has issued more trustees' reports with vacancies in the public trustee positions than any other administration.

In a recent article in the Huffington Post, Senators WARREN, SCHUMER, and WHITEHOUSE put forth some serious allegations of political tampering with recent Social Security trustees' reports, stemming, according to their arguments, from the supposed undue influence of one particular public trustee. That trustee, Dr. Charles Blahous, has been renominated by President Obama.

Specifically, these Senators alleged in their article that, due solely to the presence of this single public trustee on the Board, nefarious assumptions were somehow inserted into the trustees' report analysis, leading the report to overstate the financial challenges facing Social Security. My good friend, Senator SCHUMER of New York, echoed the very same allegations in a recent Finance Committee markup where we favorably reported President Obama's nominees for public trustee. And, I emphasize, these are President Obama's nominees.

In the words of these prominent and outspoken Senators, the 2014 Social Security trustees' report, ''curiously incorporated a number of assumptions playing up the potential of future insolvency of the program—a key talking point in the right-wing war on Social Security.'' Moreover, according to those Senators, the assumptions ''were so troublesome that the independent Chief Actuary for Social Security took the unprecedented step of writing a public statement of actuarial opinion disagreeing with the report.'' They go on to say that ''after similarly questionable elements appeared in the 2015 report, the Chief Actuary reported this extraordinary public rebuke.''

These assumptions—and Dr. Blahous's very presence on the Board—are, according to my colleagues, part of an effort funded and directed by the infamous Koch brothers to dismantle Social Security and further an anti-government agenda. In fact, their article was ridiculously titled ''The Koch Brothers Are Trying To Handpick Government Officials. We Have To Stop Them.''

These are serious allegations that call into question the integrity of the annual trustees' reports. Yet my colleagues have stated these allegations repeatedly in various forms, from committee hearings, to Twitter feeds, to campaign fundraising materials, all without any apparent regard for these implications. Worst of all, the charges are also patently false, and they cannot be supported by fact, reason, or even common sense.

Setting aside the almost paranoid and conspiratorial tone my colleagues have used when making these claims and even assuming, for the sake of argument, that supposedly questionable assumptions were baked into those trustees' reports, there is simply no remotely possible way that they were used solely because of Dr. Blahous's influence. Given the structure of these Boards, if a single public trustee were able to have such a pernicious influence on assumptions incorporated into reports that warranted some sort of alert from the Chief Actuary, then all of the other trustees—Treasury Secretary Lew, Labor Secretary Perez, Health and Human Services Secretary Burwell, Acting Commissioner of Social Security Colvin, the Democratic Public Trustee Robert Reischauer—and their staffs were either complicit in the perverse distortions or were too incompetent and powerless to detect them. Give me a break.

In other words, although they conveniently overlook these facts, when my colleagues publicly indict the integrity of the Social Security trustees' reports, they are implicitly and necessarily calling into question the competence and efficiency of senior members of President Obama's Cabinet and, really, that of President Obama himself, who renominated Dr. Blahous to serve a second term.

Of course, being honest about the makeup of the Board and the process by which these reports are compiled would make fundraising emails and campaign commercials, not to mention inflammatory entries on a Senator's Twitter feed, far less compelling. Recognizing this, my colleagues have opted to simply imply that Dr. Blahous—only one of the whole number of those on the Board—was solely responsible for allegedly questionable contents of the reports, apparently hoping no one will fact-check their assertions. I have to, as chairman of the Senate Finance Committee, fact-check these not so very honest assertions.

Sadly, no one from the Obama administration has stepped forward to defend the President's nominee and refute these wild claims. More curious, however, is the fact that no one from the administration has publicly come forth to defend themselves from these Senators' charges of apparent incompetence and powerlessness in the face of Dr. Blahous's dastardly influence. I think we need a clearer picture of what went on in the compiling of those reports.

In order to clear the air on this, I sent letters earlier today to the administration officials who sit on the Board to see if they agree with the claim that the reports they all willingly signed included some unwarranted assumptions designed to undermine Social Security and requesting that they provide me with a full briefing on the issue.

Of course, the absurdity of my various colleagues' claims goes beyond their implicit condemnation of members of President Obama's Cabinet because these senior officials were not the only line of defense standing between the report and the alleged conspiracy to take down Social Security.

If these reports included some pernicious assumptions, they not only slipped by the Secretaries of Treasury, Labor, and HHS, and the Acting Social Security Commissioner, they must also have had to slip the notice of 10 members of the 2015 Technical Panel on Assumptions and Methods, which was commissioned by the Social Security Advisory Board and contained many recognized and highly respected experts, including a Nobel Prize-winning economist.

In other words, the pernicious and allegedly billionaire-inspired assumptions that a single public trustee was somehow able to covertly insert into multiple trustees' reports in order to overstate Social Security's financial challenges were so cleverly advanced that they eluded prominent Obama administration officials, their staffs, 10 highly skilled, expert researchers, and the Social Security Advisory Board staff. That is ridiculous. And only the Chief Actuary was able to detect the skullduggery.

That is still not the end of it, however. The nonpartisan Congressional Budget Office, CBO, has also produced forecasts of Social Security's finances, using some assumptions that differ from those used by the trustees for their reports but which identify even greater financial challenges to the Social Security trust funds than those concluded in the recent trustees' reports.

According to Senators WARREN, SCHUMER, and WHITEHOUSE, Dr. Blahous, serving as an agent for the Kochs, was able to skew with nefarious assumptions as part of ''the right-wing war on Social Security'' to play up the potential future insolvency of the program. Even so, he apparently wasn't diabolical enough because he ended up duping the other trustees into assigning lesser financial challenges to Social Security than those seen by the CBO.

Of course, perhaps my colleagues believe that this anti-government conspiracy has somehow infiltrated CBO, as well. If that is the case, perhaps they should come forward and reveal to the public just how deep the rabbit hole goes.

Needless to say, none of this is sensible. It doesn't even pass the laugh test. And Dr. Blahous's influence on the trustees' reports isn't the only thing my colleagues have overstated in their writings, tweets, and campaign materials. They also dramatically overstate the ''rebukes'' issued by the Chief Actuary for the 2014 and 2015 reports. It is actually shameful for my colleagues to do this.

In truth, there actually were no rebukes or disagreements included in the

actuary reports. In fact, for both years in question, the Chief Actuary wrote that ''the assumptions used and the resulting actuarial estimates are, individually and in the aggregate, reasonable for the purpose of evaluating the financial and actuarial status of the trust funds, taking into consideration the past experience and future expectations for the population, the economy, and the program.''

There were caveats which largely reflected the Chief Actuary's own opinions but nothing that would call into question the integrity of the reports as my colleagues claim. As I have said in the past, these tactics are, in my view, shameful, and they have little to do with protecting the promise of Social Security. Instead, they are 100 percent political, designed to serve as a proxy for what political operatives hope will be an epic campaign battle over Social Security, something the other side constantly wages falsely. And, as is too often the case, the truth has taken a backseat to campaign talking points and fundraising efforts.

Rather than engage on the substance of their preferred Social Security policies—and those of their presumptive Presidential nominee—my friends have opted to put forward false assertions and allegations that cannot be supported by the facts in order to attack a nominee's integrity and further a twisted story about supposed Republican efforts to ''privatize'' Social Security and ''turn it over to Wall Street.''

It is not hard to see why some of my friends on the other side and their political allies in the activist community want to construct this type of conspiracy with regard to Social Security. After all, in recent years, the only meaningful advancement to prolong the life of any Social Security trust fund took place last year under a Republican-controlled Congress. Last year, Republicans put together a bipartisan package to avert benefit cuts for disability beneficiaries. At best Democrats only reluctantly came on board. That package, which President Obama signed into law, contained no ''privatization.'' The only thing close to a ''benefit cut'' was a provision on retirement benefits claiming strategies based on provisions put forward in President Obama's budget.

Yet, rather than help avert benefit cuts for disabled American workers and improve the disability insurance program, many of my friends on the other side spent most of their energy last year raising campaign money by scaring Social Security beneficiaries and giving speeches claiming that Republicans wanted to do nothing more than privatize Social Security and turn it over to Wall Street. We have been seeing those kind of tactics in every election for decades. It is shameful. Even with these constant attacks and distortions coming from my friends on the other side throughout 2015, Republicans constructed a package that enacted the most meaningful reforms to Social Security in three decades and averted massive benefit cuts. We did so by dragging most Democrats along kicking and screaming. It is not surprising that my colleagues are feeling the pressure to reassert their claims of ownership of all things Social Security in this election cycle, which they seem to do every election cycle—falsely, by the way. It is shameful.

By the way, in the midst of that 2015 debate, a prominent Democratic Senator gave a speech at the headquarters of a leftwing advocacy group—one that happens to receive funding from a noted leftist billionaire—warning of ''attacks from the far right'' on Social Security and ''backdoor attempts to dismantle and privatize Social Security by discrediting disability insurance.'' Curiously, that same event was attended by the Chief Actuary of Social Security, who was also a speaker at the event, and it was live tweeted by the Social Security Administration. Yet no one from the Republican Party published any inflammatory articles accusing the Chief Actuary of using his title or position in association with a politically partisan event. No one accused him of ''burnishing his credentials'' by speaking at a highly partisan event. Certainly, no one made claims of a vast leftist conspiracy to plant progressive sympathizers in influential positions in order to advance a leftist view on Social Security or to capture the agency.

By contrast, let's consider what that Huffington Post article and three of my Democratic colleagues said about Dr. Charles Blahous. The article claims that he ''burnishes his credentials'' as a public trustee by daring to write articles outside of his role as public trustee that identify and analyze financial challenges facing Social Security and Medicare. Gee, I would think that would be part of his responsibility. The article decries his affiliation with his own workplace, calling it ''a Koch front-group,'' which zealously approves an ''anti-government agenda.''

Essentially, these Senators are saying that if you dare have ideas and thoughts with which they disagree, even if you offer them in reasoned writings and speeches, then you should be censored and deemed unfit to serve in any public capacity.

My friends on the other side of the aisle have unfortunately injected needless politics into Social Security trustee reports and have threatened the integrity of those very reports with their allegations, as well as attacking an individual based on false claims. Unfortunately, it seems that in an election year, Democrats are intent on constructing a ''privatization'' straw man and using it to scare seniors into sending checks and votes to Democrats—something we have become pretty used to, really. That is despicable, to say the least. On the altar of election-year politics, they are apparently more than willing to sacrifice the historic transparency and integrity provided by the trustees' reports. Indeed, they have gone out of their way to claim that the reports are already politically compromised despite having no credible evidence that such is the case—none, zero.

Thanks to a bipartisan desire to have the facts on Social Security's trust funds reported objectively and honestly, we have gone for decades with trustee reports that were largely free of political controversy. Unfortunately, some of my friends in the Senate, spurred on by their activist political operatives, seem no longer to have that political desire. It would truly be sad and not in the interest of current or future Social Security beneficiaries if trustees' reports now become mere political documents. While that is the road my colleagues apparently want to send us down—at least during this election year—I plan to do all I can to ensure that will not become the case.

I am really concerned when I see people of this dimension in the greatest legislative body in the world using the Social Security ploy again in such a despicable way. It is hard for me to understand. I think it is hard for anybody who looks at it carefully to understand.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I have a question for the distinguished Senator from Utah.

What are the Senator's proposals to stabilize the Social Security trust fund?

Mr. HATCH. I am sorry; I did not hear the question.

Ms. MIKULSKI. Mr. President, the Senator from Utah said that we Democrats have politicized the debate.

Mr. HATCH. I didn't say all of you have.

Ms. MIKULSKI. No, but my friend did say that we have injected politics into the Social Security debate and then went on to talk about how others have written articles. I don't dispute what my friend said. But because he chairs the Finance Committee, I wondered what his five ideas are for the stabilization of the trust fund. Maybe we can find common ground because it is a troubling matter.

Mr. HATCH. Mr. President, I am willing to look at the trustees' reports on this. There are six trustees, including Mr. Blahous, who is the only Republican. I am not even sure if he is a Republican, but I think he is. They all signed off on these reports, and they all indicated we have to be careful about Social Security or we are going to have a rough time keeping it stable.

I don't think anybody in their right mind thinks that we can continue to keep doing what we are doing without finding some way of shoring this up.

Ms. MIKULSKI. Right. As the chair of the committee, my question is this: What are my friend's ideas so we can find common ground?

Mr. HATCH. Mr. President, my ideas are to not put out false information or false language.

Ms. MIKULSKI. OK, that is one we agree on.

Mr. HATCH. I have to say that our ideas are to find every way possible to stabilize the Social Security system.

Ms. MIKULSKI. What is an example of one?

Mr. HATCH. Who knows. All I can say is that we have held hearings on it, and we have had everything from more taxes to pay for it, which isn't very exciting to most people around here, to more government programs to pay for, to any number of other social programs to pay for, and, frankly, none of those have been picked up by either side, to be honest with you.

It is apparent that we are going to have to do something to shore up Social Security in the future, and the question is this: Are we going to just make it a sinkhole where all we do is put more and more money into it or are we going to live with the reality that we are spending ourselves blind in this country? I don't see any desire on the part of my colleagues on the other side to live with that reality right now.

Ms. MIKULSKI. Mr. President, I appreciate the response of the Senator from Utah, for whom I have a great deal of respect, but I want the record to show that the Democrats are not playing some kind of privatization card. The proposal to do that has come from the other party time and again.

Mr. HATCH. Mr. President, will the Senator yield on that?

Ms. MIKULSKI. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Ms. MIKULSKI. Mr. President, we are not playing a Social Security card. We don't believe you should play with Social Security, and that is why many of us opposed the chained CPI. Everybody knows what chained CPI is. That is Washington talk that would dramatically and irrevocably lower the cost of living that Social Security beneficiaries already get.

If speaking up to protect and make sure senior citizens are getting their cost of living is playing the Social Security card, deal me in. Talking about Social Security solvency and trying to find common ground and identifying what are the basic proposals that we could at least discuss is not playing a card. I don't believe in playing the card, and I don't believe in playing the game.

Let's not go around implying that Democrats are somehow or another making Social Security a political football. It is a political football, but what I worry about is, in the game of political football on Social Security, who gets kicked around but the seniors. That is who gets kicked around in the game of political football on Social Security.

Yes, the stability of the trust fund is a very real issue, and I note that the ranking member on the Finance Committee is here, and I ask if the Senator wishes to speak.

Mr. HATCH. Mr. President, I would like to respond.

Ms. MIKULSKI. Mr. President, does Senator WYDEN wish to speak at this time?

Mr. WYDEN. Mr. President, I say to my colleague that I just walked in and I am prepared to speak on another subject, whenever it is convenient for my colleague.

The PRESIDING OFFICER. The Senator from Utah.

Ms. MIKULSKI. Mr. President, I haven't yielded the floor yet. I asked because the distinguished Senator from Utah is the chair of the Finance Committee. The ranking member has arrived, and I didn't know if they planned a colloquy. That is why I turned and asked my colleague if he wished to make a comment, but I was not giving up the floor.

The PRESIDING OFFICER. The Senator from Maryland is not permitted to yield, apparently, but is certainly permitted to speak.

Ms. MIKULSKI. Mr. President, I thank the Senator from Ohio, who is the Presiding Officer.

We have been in session for over a half-hour, and I have spoken for only 5 minutes. I just want to reiterate that the solvency of Social Security and its trust fund is indeed of significant national interest. We have had a variety of commissions. We have had a lot of proposals. We have had a lot of meetings. We now need to have the will to act, but the will to act goes in pinpointing solutions and not pointing a finger at someone because of the political party they belong to.

Mr. President, I am now going to yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I was just explaining that we just fixed the disability insurance fund last year. I wish to also point out that the last time I recall anybody talking about the privatization of Social Security was President Clinton. The last time I heard, he was a Democrat.

All I am saying is this: I don't know anybody on our side who is advocating right now that we should privatize Social Security. I think everybody is advocating that we should shore it up and somehow or another strengthen it. I am one of those people. Yet we have a number of Senators here alleging that one of the six trustees—it is so out of line to say that—has all the evidence to sign off on a report that Social Security needs some help, and they are saying that this man, who happens to be the only Republican on the board of trustees, is trying to push a privatization schedule. That is all I am bringing up. I can say that I have heard Democrats talk about privatization as well. It is one of the subjects that I suppose has to come up in conjunction with this: Are we going to save Social Security? Will we do what is necessary here? Are we just going to keep talking about it like we do year after year? Are we going to allow one side to continue to distort what Social Security is all about? And are we going to do it to the detriment of every Republican in this body who feels completely otherwise? That is what I am talking about.

I think most Democrats want to help secure Social Security, as I do, but to use that as a political ploy every time we turn around every 2 years is just plain not right. That is what I am decrying here today. We ought to all look and see what we can do to strengthen Social Security, and we ought to look at every possible way of doing so and choose the best approaches we possibly can. But to have false allegations thrown out there just for political reasons to scare the people out there who are on Social Security, unjustly scare them, I think is despicable, and I think we ought to put a stop to it and quit making Social Security the paddle ball for Democrats in our political process.

I am chairman of the Finance Committee. I have every desire to work with Democrats to resolve all of these issues, and I am open to whatever will help to resolve them. Our senior citizens deserve that type of treatment. I want to make sure we don't just make this a big political issue, as has been done here.

Blahous is a very important person, a strong personality, a strong, highly educated person who has given great service in this area. I just don't think it is proper to make him a symbol in what really is a false set of accusations. I am not going to put up with it, and I don't think anybody else should either. And I don't think my colleagues on the other side, if they really understand the situation, will put up with it either.

We have a body that works together in many good ways. I have total respect for the distinguished Senator from Maryland. She is somebody I do work with, whom I want to work with. She is thoughtful. She has done a great job on her committee—her committees, I should say—and she has a friend in me, and so do the three who have been doing this. They are friends, but they shouldn't be doing that. That is all I am saying.

I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Oregon.

AMENDMENT NO. 4787

Mr. WYDEN. Mr. President, I believe the next vote will take place on the amendment offered by the senior Senator from Arizona that would allow for the issuance of what are called national security letters, or NSLs, which are administrative subpoenas, and there will be an additional provision on what is called lone wolf. I am going to direct most of my comments for colleagues on the national security letters because the lone wolf provision was reauthorized for another 4 years as part of the USA FREEDOM Act.

I want colleagues to understand that this tool, which certainly has been debated, while never used—it wouldn't have applied to the Orlando or San Bernardino cases—I want colleagues to understand that it is the law of the land today, and in the USA FREEDOM Act, it was extended for another 4 years.

What I would like to do, though, is focus my remarks on the amendment from the senior Senator from Arizona as it relates to national security letters. In effect, what the senior Senator from Arizona is seeking to do is add back a provision that the administration of George W. Bush—not exactly an administration people would accuse of being soft on terror—the senior Senator from Arizona is seeking to add back this provision that was rejected by the administration of George W. Bush.

Here is how the amendment offered by the senior Senator from Arizona would work. Under his amendment, which we will vote on tomorrow, national security letters, which are called NSLs, could be issued by any FBI field office to demand records from a company without going to a judge or without any other oversight whatsoever. So let's repeat that because what colleagues have wanted to know is exactly what this would cover. The McCain amendment would allow for the government to demand email records, text message logs, Web browsing history, and certain types of other location information without any court oversight whatsoever.

As I have indicated, this had been on the books for a number of years, and the administration of George W. Bush said it was unnecessary—in effect, that it was unnecessarily intrusive.

In addition, since the Bush administration acted, I want to make mention of the fact that in the USA FREEDOM Act, the Congress adopted something I have been working on for a number of years—since really 2013—to, in effect, give the government additional authority in the case of emergencies.

In other words, I have always felt the Fourth Amendment and the warrant process was something that was very special in our country, but we live, of course, in a very dangerous time. We are all concerned about the security and the safety and the well-being of the people we represent. So I said, in section 102 of the FREEDOM Act, let's make sure the FBI has all the authorities necessary to protect the American people in the instance of an emergency. So the USA FREEDOM Act gave the FBI the authority to demand all the records they deemed necessary and then, in effect, after the fact—after the fact—come back and settle up with the court. So unless you are opposed to court oversight after the fact, unless you are opposed to court oversight altogether, there is no reason to support the amendment offered by the senior Senator from Arizona.

A number of colleagues have also asked about the history of these national security letters. There is a long history of abuse and misuse, a long and very undistinguished record of abusive practices.

The Justice Department inspector general has issued four separate reports over the past few years—four separate reports—documenting a number of serious problems. The inspector general found that data collected pursuant to the national security letters was stored indefinitely and used to gain access to private information in cases that weren't relevant to an FBI investigation, and the national security letters were used to collect tens of thousands of records at a time.

Some have also made mention of the fact that a company that gets one of these national security letters could challenge it in court. That is technically right. Big companies that have the resources can challenge them. The small companies invariably say they can't afford to do that. So, again, no oversight. No oversight—particularly striking given the fact that, as I have noted, in the FREEDOM Act—something I felt very strongly about—we gave the government additional authority in the instance of emergencies.

So we have now, by virtue of the amendment we will vote on tomorrow from my friend and colleague—we certainly have agreed on plenty of issues over the years. This is one where we see it differently. You have something the Bush administration rejected. The administration of George W. Bush—hardly one that we would say is sympathetic to the idea of weakening the government's stance against terror—they thought this was a mistake. They thought the amendment that there will be an effort to add back in was a mistake, and it was taken out. This would not have beefed up the fight against what happened in San Bernardino and Orlando.

The FBI says it would help them with paperwork. I am not going to quibble with that. I have great respect for the FBI. But we are going to abandon court oversight in an area where the inspector general has documented abuses because it is convenient?

Colleagues, I will close with this: It is a dangerous time. If you sit on the Intelligence Committee, as I have for a number of years, you know that is not in question. The American people want policies that promote their security and their liberty. That is what we are aiming for. What is being advanced in this amendment is an idea that really doesn't do either. It doesn't advance the security and well-being of the American people, and it certainly erodes their liberties.

So I hope tomorrow, when we have the vote on this amendment, that colleagues will look at the history. It was rejected by the Bush administration. Now we have emergency authority, I say to my colleagues, for the government to get information when it needs it. After the fact, the government can come back and settle up.

I think this amendment is a very substantial mistake. There has been a long history documented by the inspector general of abuses with these national security letters. I urge my colleagues tomorrow to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the White House approved the FBI's request for this fix and sent forward a proposal, and then FBI Director James Comey, who I think is well respected—in fact, probably one of the most respected men in America—summed up the importance of this amendment, the Director of the FBI. No one who I know of has accused the Director of the FBI of trying to adopt some unconstitutional practices or gather power upon himself and his agency. Here is what he said: This amendment ''would be enormously helpful.'' That is despite what the Senator from Oregon says. He said this is essentially ''a typo in the law that was passed a number of years ago that requires us to get records, ordinary transaction records that we can get in most contexts with a non-court order, because it doesn't involve content of any kind, to go to the FISA court to get a court order to get these records. Nobody intended that.'' That is what the Director of the FBI says. That is what the record shows, as is important. As the Director of the FBI says:

> Nobody intended that. Nobody I've heard thinks that's necessary. It would save us a tremendous amount of work hours if we could fix that, without any compromise to anyone's civil liberties or civil rights.

I agree with the Director of the FBI.

This amendment—I am astounded, very frankly, that there is not a unanimous vote on this. It is simple. If the FBI is able to go into your financial written records, if they are able to go into your telephone records, then, pray tell, what is the difference between those and electronic records? It just so

happens electronic records are much larger.

So don't take my word for it, I say to my colleagues, but I would listen to the Federal Law Enforcement Officers Association—that renowned ''corrupt'' organization. The Federal Law Enforcement Officers Association—the Nation's largest nonpartisan professional association which represents Federal law enforcement officers from every Federal law enforcement agency, including the FBI—strongly supports this amendment.

They go on to say—again, contrary to what the Senator from Oregon says, the Federal Law Enforcement Officers Association says that this amendment ''would correct an oversight in the law that has impeded the FBI's ability to obtain these records in national security cases on a timely basis.'' They go on to say that ''for over fifteen years—including the eight years after 9/11—the FBI continued to use''—what they are talking about now is they want ''to gather electronic communications transactional records. Significantly, this authority was never used to acquire these records indiscriminantly.'' They go on to say that the amendment ''is necessary to protect America from terrorist threats and transnational criminal organizations.''

This is what those men and women—thousands of them are members of this organization. The list is incredibly long. The Federal law enforcement agencies believe this amendment is necessary to protect them and America from terrorist threats and transnational criminal organizations. It is clear.

Mr. President, I ask unanimous consent that the following letters of support be printed in the RECORD: the Federal Law Enforcement Officers Association letter, the National Fraternal Order of Police letter, and the Federal Bureau of Investigation Agents Association letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION,
Washington, DC, June 10, 2016.

Hon. CHARLES E. GRASSLEY,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.
Hon. PATRICK J. LEAHY,
Ranking Member, Judiciary Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER LEAHY: The Federal Law Enforcement Officers Association (FLEOA)—the nation's largest non-partisan professional association which represents federal law enforcement officers from every federal law enforcement agency, including the FBI—strongly supports Senator Cornyn's effort to address issues related to Electronic Communication Transactional Records (ECTRs) during the Senate Judiciary Committee's consideration of S. 356, the Electronic Communications Privacy Act Amendments Act of 2015. The amendment, referred to as the ''ECTR Fix,'' would update electronic privacy laws and would help the FBI effectively investigate and thwart terrorist plots.

The ECTR amendment would correct an oversight in the law that has impeded the FBI's ability to obtain these records in national security cases on a timely basis. In Counterterrorism and counterintelligence investigations, telephone toll records and electronic communications transactional records are key components. It's important to distinguish that these electronic communications are metadata, not content. Section 2709 of Title 18 permits the FBI to collect this data with a national security letter so long as the information is ''relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities.'' The metadata from these records are critical when the content of terrorist communications are increasingly beyond the reach of lawful process because of the widespread deployment of strong encryption software.

As originally enacted, Section 2709(a) established a duty for wire and electronic service providers to comply with an FBI request for ''subscriber information and toll billing records information, or electronic communications transactional records,'' and subsection (b) provided the means by which the FBI could make such requests. Section 2709(b), however, did not specify the information that the FBI could request. Instead, it referenced ''any such information and records'' as described in subsection (a).

Congress amended Section 2709(b) in 1993 to specify that the ''subscriber information'' that a certification could request consisted of ''name, address, length of service, and toll billing records.'' No changes were made to the authority to obtain electronic communications transactional records. However, while Section 2709(a) still required production of electronic communications transactional records, removal of the phrase ''any such information and records'' left subsection (b) without any specific reference to the electronic communications transactional records referenced in subsection (a). Nonetheless, Congress clearly intended Section 2709 to continue to serve as a means of obtaining electronic communications transactional records, as subsection (a) continued to refer to a duty to produce such records on request, and the title of the provision continued to reference ''transactional records.''

For over fifteen years—including the eight years after 9/11—the FBI continued to use Section 2709 to gather electronic communications transactional records. Significantly, this authority was never used to acquire these records indiscriminately or in bulk. However, the recently-passed USA FREEDOM Act specifically prohibits doing so. In 2009, however, some electronic communications service providers began refusing to comply with these requests, citing the scrivener's error referenced above. The number of providers refusing to do so has increased over the years. In certain cases, the FBI has sought the records using other authorities, but those authorities take significantly more time and resources than using Section 2709.

This section of the bill would amend Section 2709 to reflect the original intent of Congress by clarifying the types of ''telephone toll and transactional records'' that the FBI used it to obtain for many years, while explicitly prohibiting the collection of communications content.

In December 2015, FBI Director James Comey summed up the critical importance of the ETCR amendment when he testified before the Senate Judiciary Committee. He said, clarifying this authority ''would be enormously helpful. There is essentially a typo in the law that was passed a number of years ago that requires us to get records, ordinary transaction records that we can get in most contexts with a non-court order, because it doesn't involve content of any kind, to go to the FISA court to get a court order to get these records. Nobody intended that. Nobody I've heard thinks that that's necessary. It would save us a tremendous amount of work hours if we could fix that, without any compromise to anyone's civil liberties or civil rights.''

The ECTR amendment is necessary to protect America from terrorist threats and transnational criminal organizations. I strongly urge you to consider adopting the ETCR Fix as part of S. 356 the Electronic Communications Privacy Act Amendments Act.

Respectively,

NATHAN R. CATURA,
FLEOA National President.

NATIONAL FRATERNAL ORDER OF POLICE,
Washington, DC, June 21, 2016.

Hon. MITCH MCCONNELL,
Majority Leader,
U.S. Senate, Washington, DC.
Hon. HARRY M. REID,
Minority Leader,
U.S. Senate, Washington, DC.

DEAR SENATORS MCCONNELL AND REID, I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for S. Amdt. 4787 which will be offered to amend H.R. 2578, the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016.''

The amendment will provide Federal law enforcement with the tools they need to investigate and prevent terrorist attacks by clarifying Section 2709 of Title 18 with respect to Electronic Communication Transactional Records (ECTRs). Under this statute, Federal law enforcement authorities have been able to request and then collect metadata, not content, from service providers as long as they have a national security letter and the data request is ''relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities.'' However, despite 15 years of regular cooperation, recent requests made to some service providers have been rejected and these companies have cited ambiguity in the existing statute.

The amendment would make clear Congressional intent that such requests do not allow access to any content but that name, email, Internet Protocol (IP) and physical addresses, telephone me/instrument number, account number, login history, length and type of service as well as the means by which the service is paid for be made available to law enforcement. This meta data can be crucial in counterterrorism and counterintelligence investigations. The FOP believes the amendment merely clarifies the existing statute and does not give law enforcement any new authorities or access to data previously unavailable to them. In fact, the recent resistance to such requests was described to the Committee on the Judiciary as ''essentially a typo'' and the amendment better defines Congressional intent with respect to ''telephone toll and transactional records.''

I urge you and the Members of the United States Senate to support S. Amdt. 4787 to ensure the timeliness and effectiveness of our

nation's counterterror and counterintelligence operations. Our nation's security and defense should not be held hostage or investigations jeopardized because of a ''typo.''

Thank you as always for your consideration of the views of the more than 330,000 members of the Fraternal Order of Police. If I can provide any additional information on this or any other issue, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington, D.C. office.

Sincerely,

CHUCK CANTERBURY,
National President.

FEDERAL BUREAU OF INVESTIGATION,
AGENTS ASSOCIATION,
Alexandria, VA, June 8, 2016.

Re: Electronic Communication Transactional Records.

Hon. CHARLES E. GRASSLEY,
Chairman, Senate Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. PATRICK J. LEAHY,
Ranking Member, Senate Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER LEAHY: On behalf of the FBI Agents Association (''FBIAA''), a voluntary professional association currently representing over 13,000 active duty and retired FBI Special Agents, I write to express our support for addressing issues related to Electronic Communication Transactional Records (''ECTRs'') during the Senate Judiciary Committee's consideration of S. 356, the Electronic Communications Privacy Act Amendments Act of 2015. The relevant amendment, referred to as the ''ECTR Fix,'' would be wholly consistent with the effort to update electronic privacy laws, and would help the FBI more effectively investigate and thwart terrorist plots.

Notwithstanding the well-funded efforts by technology companies and activists to misrepresent the ECTR Fix, the truth is that clarifying the language of §2709 would strike a familiar and effective balance between privacy and security. ECTRs provide information abut the IP addresses, routing, and sessions times for electronic communications, and electronic service providers have complied with FBI requests for ECTRs pursuant to §2709 for years. This cooperation furthered the protection of the public, as ECTRs are used to identify patterns of communications in the course of national security and terrorism investigations. At the same time, access to ECTRs does not represent a threat to the privacy identify patterns of communications in the course of national security and terrorism investigations. At the same time, access to ECTRs does not represent a threat to the privacy of Americans because the FBI can only request ECTRs for a limited scope of investigations, and because ECTRs do not include detailed information about the specific web pages visited by internet users or the content of web pages or electronic communications.

Despite these facts, and as a part of their privacy-focused marketing strategies, technology companies recently began refusing to cooperate with the FBI on ECTR requests, and have pointed to statutory ambiguity as a justification for their actions. This choice has undermined national security and counterterrorism investigations, and necessitates Congressional action.

Given the importance of protecting the public from terrorist threats, we support an amendment to include the ECTR Fix in S. 356, as well as the efforts to address the issue through other legislative vehicles. We hope that Congress will make these reasonable and common-sense changes in a timely manner.

If you have any questions, please contact me at *rtariche@fbiaa.org* or 703–247–2173, or FBIAA General Counsel Dee Martin, *dee.martin@bracewelllaw.com,* and Joshua Zive, *joshua.zive@bracewelllaw.com.*

Sincerely,

REYNALDO TARICHE,
President.

Mr. MCCAIN. I will go on.

The Federal Bureau of Investigation Agents Association says that it is a voluntary professional association currently representing over 13,000 active-duty and retired FBI special agents. Here are 13,000 FBI agents, active and retired, who believe this amendment is essential for them to be able to do their job and protect America.

By the way—hello—we just had an attack in Orlando where 49 Americans were slaughtered, and we are arguing whether we should allow the FBI to find out not the information in electronic communications, but just find out about electronic communications. That is what this is about.

I will quote from the 13,000 active-duty and retired FBI special agents:

> I write to express our support for addressing issues related to Electronic Communication Transactional Records (''ECTRs''). . . . The relevant amendment, referred to as the ''ECTR Fix,'' would be wholly consistent with the effort to update electronic privacy laws, and would help the FBI more effectively investigate and thwart terrorist plots.

After Orlando, do we want to help the FBI more effectively investigate and thwart terrorist plots or do we want to restrict their ability to do so? Is that what the Senator from Oregon wants? I don't think so.

> Notwithstanding the well-funded efforts by technology companies and activists to misrepresent the ECTR Fix, the truth is that clarifying the language [of subsection 2709] would strike a familiar and effective balance between privacy and security. ECTRs provide information about the IP addresses, routing, and sessions times for electronic communications, and electronic service providers have complied with FBI requests . . . for years. . . . Given the importance of protecting the public from terrorist threats, we support an amendment to include the ECTR Fix . . . as well as the efforts to address the issue through other legislative vehicles. We hope that Congress will make these reasonable and common-sense changes in a timely manner.

It is signed by Reynaldo Tariche, the president of the Federal Bureau of Investigation Agents Association.

So we have a choice here. We have a choice here. We have those who are so worried about privacy and those whose job and whose solemn duty is to protect this Nation—Federal law enforcement officers, the FBI, 13,000 of the FBI agents, and then, of course, we have those who are under assault on a daily basis—our police.

This is a letter from the Fraternal Order of Police ''writing on behalf of the members of the Fraternal Order of Police to advise you of our support'' for this amendment which will be offered. ''The amendment will provide Federal law enforcement with the tools they need to investigate and prevent terrorist attacks.'' It isn't any more complicated than that.

My remarks probably will be a little longer.

The Fraternal Order of Police has it right. This will provide an ability to prevent and counter further terrorist attacks.

How many attacks do we need? I would ask my colleagues who are opposed to this simple amendment, how many attacks? Another San Bernardino? Another Orlando? Two or three more attacks before we give the Director of the FBI the tools he says he needs and wants to protect this Nation? That is what this is all about.

The Fraternal Order of Police goes on to say that ''the amendment would make clear Congressional intent that such requests do not allow access to any content but that name, email, Internet Protocol (IP) and physical addresses, telephone/instrument number, account number, login history, length and type of service as well as the means by which the service is paid for be made available to law enforcement.''

The Senator from Oregon, if I got his remarks right, says: Well, there has been corruption of it. There has been abuse. There has been misapplication.

One of our jobs is oversight, if that is happening. But I also would say that is a damning indictment of these men and women who are putting their lives on the line every single day and are begging for this tool to defend this Nation.

The Fraternal Order of Police says:

> I urge you and the Members of the United States Senate to support [the amendment] to ensure the timeliness and effectiveness of our nation's counterterror and counterintelligence operations. Our nation's security and defense should not be held hostage or investigations jeopardized because of a ''typo.''
>
> Thank you as always for your consideration of the views of the more than 330,000 members of the Fraternal Order of Police.

These are the views of more than 330,000 members of the Fraternal Order of Police. I think maybe we ought to listen to the will of 330,000 men and women who are out there every day defending this Nation. Maybe we ought to listen to them. Maybe they are the ones whose lives are in danger. They are the ones who are the first targets of the terrorists. Maybe we ought to listen to their views rather than some misguided view that somehow this invades our privacy, to find out simply whether an address has been used and for how long—not content. If content is involved, that requires going to the FISA Court.

Last week the Director of the CIA appeared before a rare open session of the Senate Intelligence Committee to deliver a stern warning to the American

people: ISIL has built a global apparatus with the intent to plot and incite attacks against the West. He explained that despite our 2-year air campaign in Iraq and Syria and despite our efforts to build and fight with local forces and despite the best work of our special operators, ISIL and other terrorist groups continue to evolve and plan to kill innocent Americans who reject their hateful ideology.

That is the warning of the Director of the CIA. The CIA's warning obviously comes after the attack. It is remarkable. The CIA's notice about ISIL's continued strength followed years of warnings by the Director of the FBI and others in law enforcement who have explained to policymakers time and time again that the use of advanced technologies by our enemies is making it increasingly difficult for law enforcement to uncover and stop attacks. That is their view.

We give these people the responsibility to defend this Nation, particularly against these attacks, and they are telling us they can't adequately defend against these attacks because of a provision we have that they can't even look at the fact that a site was used.

By the way, if the Senator from Oregon and others believe this is an invasion of privacy, then why don't they propose an amendment that telephone and financial records should also be in that same category? Of course, that has the problem of being consistent.

The law allows the FBI to request telephone billing information, financial transaction records, but terrorists don't radicalize by phone and they don't listen to ISIL propaganda through financial transactions. They radicalize through the Internet. I repeat: They radicalize through the Internet. So if they are radicalizing through the Internet, shouldn't we gain as much possible information as we can by monitoring their use of the Internet?

Reports indicate that in 2013 the Orlando terrorist was removed from a terrorist watch list because there was insufficient information showing he was radicalized and therefore a threat. Perhaps—and I emphasize ''perhaps''—if the FBI had more effective authorities that would allow them to more easily determine Internet activity of those suspected of radicalization, he would have remained, perhaps, on the watch list. Currently, the FBI can only receive electronic transactional records information by going through the FISA Court process, which is a time-intensive court process that often takes over a month. With the thousands of potentially radicalized individuals already in the United States, we need to make it easier, not harder, for the FBI to receive the critical evidence they need so they can focus their investigations.

Let me state again clearly for the benefit of my colleagues what this provision does not do. It does not allow the FBI to see the content of emails or conversations in Internet chat rooms. As I said before, this provision is narrowly drawn and carefully limited.

The administration, Congress, and national security experts from both sides of the aisle have spoken repeatedly about taking on ISIL's Internet radicalism. This provision, according to the Director of the FBI, is a most important tool to give the FBI valuable data points to do just that.

We face a threat from individuals who have been radicalized by the words, actions, and ideology of terrorist groups. These individuals may act alone, without clear direction from terrorist groups, but they fulfill the intent and desire of these groups.

We must ensure that our law enforcement authorities keep pace with the tactics and methods of our adversaries. If our adversaries seek to attack us by inciting lone-wolf violence, we have to make sure law enforcement has the authorities they need to investigate and, we hope, stop those attacks.

Our intelligence and law enforcement officers are the best in the world, but as terrorist networks grow and metastasize around the world, we ask them to bear an increasingly difficult—some even say impossible—burden. We ask them to uncover threats by individuals who are hidden among millions of law-abiding citizens. We ask them to determine which of us has been inspired by evil to do harm to our fellow citizens, and we ask that they do this difficult task with little or no impact on anyone's privacy. We have to recognize this threat for what it is.

As our enemy evolves, so, too, we must evolve and strengthen our counterterrorism tools and authorities. Let's stop tying the hands of those who wish only to keep us safe and on many occasions are ready to make themselves unsafe in order to protect our fellow citizens.

I guess my colleagues are presented with a choice. As the Senator from Oregon, with great skill and oratorical tools, will talk about rights of privacy, will talk about constitutional protections, all of those things—this is simple. This is a simple amendment. It has nothing to do with going into these sites and finding out information. That requires going to court.

All it does is tell the FBI, whose Director has pled for this capability—does anyone assume the Director of the FBI wants to act in an unconstitutional fashion? Of course not. But you must accept the fact that it is his responsibility to protect the Nation and, therefore, when he asks for the tools to protect this Nation, then maybe we ought to pay attention and give them to him. I know of no one who is an objective observer who believes it would be unconstitutional to adopt this amendment.

I don't know about abuses in the past that the Senator from Oregon says have taken place. I know abuses have taken place in the past on almost any aspect of American life. But I also know that when you have all of our police—330,000 of them, representing them—13,000 in the Federal Bureau of Investigation, Federal law enforcement agencies from all over America—the list is incredibly long—all asking for the ability to defend this Nation, by God, I think we should give it to them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the senior Senator from Arizona—whom, as I mentioned, I have worked with often—has said, in effect, if you oppose his amendment, you are interested in privacy.

The reality is, my interest is in privacy and security. I believe it is possible to have both, and I want to explain how that is the case.

Something I worked on for a long time, the USA FREEDOM Act, we included section 102. Section 102 very explicitly said that if the government—if the FBI, in a situation like Orlando or San Bernardino, for example—if the government believed it needed information immediately—immediately—the government could get the information and then go back to the court after the fact. In effect, after the government had been able to get the information of its own volition, settle up immediately so as to protect the American people.

This debate is about are we going to have policies that advance both our security and our liberty. I have felt very strongly—I see my seatmate, the distinguished ranking member of the Appropriations Committee. We sit next to each other on the Intelligence Committee. We talk about these issues very often. As part of the USA FREEDOM Act, I pushed very hard to make sure the government had those emergency authorities.

This is a dangerous time. Nobody disputes that. If you have been on the Intelligence Committee, as Senator MIKULSKI and I have been for so many years, that is not in question. This is a dangerous time.

No. 1, the question is, Are we going to have both security and liberty? In my view, that is where the amendment from the senior Senator from Arizona comes up short.

No. 2, the Senator from Arizona has said the problem he seeks to correct was just a typo, kind of a clerical error—not even close.

The debate back in 1993—we have the record, the House, the Senate, the FBI. It was very carefully crafted in a way to ensure that there would not be abuse in the digital area. When you look at that specifically, that is very clear. This was not a typo. This was carefully crafted—House, Senate, FBI—in 1993.

When my friend from Arizona says it was a typo—not even close. I hope colleagues will avail themselves of our offer to look at the record.

Right now, nobody from the government, the FBI, has said, if it had the power the Senator from Arizona seeks to give the government—nobody in the intelligence field or in the government said it would have prevented Orlando.

The fact is, the government has the authority, the emergency authority, and it was something I pushed very hard for. It was right at the core of my belief that we ought to be pushing for both security and liberty at a dangerous time and that the two are not mutually exclusive. So we added to the USA FREEDOM Act that emergency authority for the government.

It is also true, the administration of George W. Bush specifically rejected the idea the Senator from Arizona is calling for. They specifically said this has created problems. There have been four separate inspector general analyses that support that.

As we continue this discussion, I hope colleagues will see that we ought to keep the focus on both security and liberty. That is why the emergency authorities we got in the USA FREEDOM Act are so important. They are intact. They can be used for any situation—Orlando, San Bernardino, any other—that the government, the FBI, feels the security and safety of the American people are at stake.

With respect to the lone-wolf provision, which I heard my colleague mention, we reauthorized that for 4 years in the USA FREEDOM Act. I supported that as well.

I just hope colleagues will think through the implications of the amendment from the Senator from Arizona because under what he is talking about, a national security letter, what is called an NSL, can be issued by any FBI field office to demand records from a company without going to a judge. To support this, in effect, you basically are saying you don't support oversight, you don't support court oversight, because we have given the court and the government the ability to move quickly.

I hope tomorrow we don't conclude that the FBI ought to be able to demand email records, text message logs, Web-browsing history, and certain types of information without court oversight.

The Senator from Arizona said: Well, you are not going to get all the content of those emails.

That is true, but the fact is, in a lot of instances, when you know who emailed whom, you know a whole lot about that person. If somebody emailed the psychiatrist four times in 48 hours, you know a whole lot about the person. You don't have to see all of the content of the emails.

Colleagues, we will discuss this some more, but I hope Senators will see this is about ensuring there is both security and liberty. The government has not said or intimated that if they had the power the Senator from Arizona seeks to put back—that the Bush administration rejected—the government has not said or intimated this would have prevented the horrific tragedy in Orlando.

I hope my colleagues will oppose the McCain amendment tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we have heard a spirited debate between two distinguished Senators, two distinguished Americans, who are very passionate about defending America, and I know there will be more debate on this.

The Senator from Arizona and those who cosponsor his amendment want to add more authority to the FBI.

I rise to say that in the next day, when there is an opportunity to offer another amendment, I will be offering another amendment to give the FBI more money to do the job with the authority it does have. Working on a bipartisan basis, the distinguished Senator from Alabama and I tried to produce a very good bill to fund the Justice Department, one of which is the FBI.

We did do a good job, there is no doubt about it, but we operated within the budget caps. Within that, we did the best we could, but there is no doubt that the FBI could use more resources to be able to enhance its counterterrorism efforts and also increase its surveillance by tracking the terrorist threats.

So when the opportunity arises, I will be offering an amendment that gives more money to the FBI, that also gives more money—working with the Senator from Wisconsin, Ms. BALDWIN—to deal with hate crimes, one of the other significant issues here. Also, while we are talking about, again, the more authority issue, this amendment would include a section by Senator LEAHY, the vice chair of the Judiciary Committee, that would have tough penalties for those who knowingly transfer or receive a firearm or know or have reasonable cause to believe it will be used to commit a crime of terrorism, violence, or drug trafficking. It will reduce the threat.

We can debate all we want about more authority for the FBI. I think it is a good debate, the tension between security and civil liberties. The distinguished Presiding Officer is also a member—an active, diligent member—of the Intelligence Committee.

These are not easy issues, but my amendment should be an easy issue. My amendment would add $175 million dedicated to the FBI's counterterrorism efforts that would raise funding for the FBI above what the House suggested. It would strengthen the FBI's counterterrorism workforce. The FBI would be able to restore—remember, not add—restore more than 350 positions, including 225 special agents for critical FBI investigations related to counterterrorism and counterintelligence. It would also give the FBI new tools to be able to go where these bad guys have access to new technology and new ways of avoiding detection.

The number of terrorism threats disrupted by the FBI grew from 214 in fiscal year 2014 to 440 in fiscal year 2015. In one fiscal year, it actually doubled. As the threat goes, the FBI needs increased resources to hire and sustain the agents and intelligence analysts who interrupt these plots.

Again, while we are talking more authority—and that debate will go on—I am saying, if you are going to give them more authority, and whether you are giving them more authority, the FBI is stretched thin.

We did the best we could under the budget caps, but my amendment would be emergency funding. We don't look for offsets in order to take from one important Department of Justice function to give to the FBI or take from other Federal law enforcement to give to the FBI, or take from local law enforcement to give to the FBI. And it would be a tremendous boost.

It would also boost the FBI's surveillance capabilities and add critical personnel, including special agents. Additional funds would be provided for 36 new positions, 18 fully dedicated to tracking terrorist threats, and it would certainly help to gather evidence on high, high priority targets.

Again, while we are working at more authority, please, regardless of where you are on the lone-wolf debate, the Mikulski amendment offers the opportunity to add more funding.

Mr. WYDEN. Will my colleague yield for a question?

Ms. MIKULSKI. Certainly, to the Senator from Oregon.

Mr. WYDEN. I appreciate my colleague yielding, and I am a very, very strong supporter of her amendment because I think the idea of adding more resources is absolutely essential.

As I look at these cases—and she and I have talked about this on the Select Committee on Intelligence—we know that the workforce is aging in the intelligence community. We are going to need more dollars for the personnel we are going to need and certainly a lot of resources in a variety of areas. Is that my colleague's intention, to make sure we get the resources to, in effect, get out in front of these upcoming threats?

Ms. MIKULSKI. The Senator has identified my rationale and its actual underpinnings in a most accurate and precise way.

You see, I am from the school of thought—along with, I know, the ranking member of the Committee on Armed Services, also a member of the Committee on Appropriations—that

the defense of the Nation and the protection of its people doesn't rely only on the Department of Defense. There are also other muscular ways of protecting it, some of which are, first of all, response and surveillance and so on in existing, constitutionally allowed authorities and giving more money to the FBI to operate under the law as we have currently defined it.

But you know what, we need to do prevention. Prevention really comes from the kind of intervention that would occur with the State Department—again, a tool of diplomacy. And what they have is a whole effort underway to deal with the recruitment and radicalization of Islamic jihadist terrorists on the Internet. Well, we have to support that. When they were going for more money for defense, we made that argument. But I am not going to relitigate old arguments.

We have before us Orlando. We have before us those who want to curtail the terrorist threat. I want to curtail that terrorist threat. And some of the ways I want to do it are, No. 1, add more money for the FBI; No. 2, join with our colleague from Wisconsin, Senator TAMMY BALDWIN, in adding more money to deal with hate crimes—hate crimes—because often those are the aegis and the incubator and so on of future violence; and the other is to close the loophole to keep guns out of the hands of terrorists, violent criminals, and traffickers that our distinguished ranking member of the Judiciary Committee mentioned.

Mr. WYDEN. If my colleague will continue to yield, just briefly, what my colleague has stated—and I strongly agree with—is that she is trying to assure that the resources are there for the future.

I am not going to drag my colleague into the earlier discussion, but what I am concerned about, and have been, is that the Senator from Arizona is relitigating the past. In effect, when the Bush administration took away the power because it was too intrusive, he wanted to go back to it.

But apropos of my colleague, isn't that the heart of her case—that she is looking to the future—FBI resources, resources to deal with hate crimes, resources to deal with prevention? It seems to me she is trying to lay out a plan for the future.

Ms. MIKULSKI. The Senator from Oregon is absolutely correct. This would be funding that would begin October 1. Given no cute tricks around shutdown and slam-down politics as we go into the fall—that we could actually move our appropriations—this would provide money starting October 1 with these additional resources to help the FBI be more effective than what it is, and also to help our Justice Department be even more effective than what it is in fighting hate crimes.

I will be discussing my amendment in even more detail, but I know there are other colleagues on the floor, and I now yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS CONSENT REQUEST—S. 2328

Mr. MENENDEZ. Mr. President, I have come to the floor once again, as I have time and again, with a simple message. For Puerto Rico, time is of the essence. For the 3½ million United States citizens who live there, time is of the essence, but getting it right is also of the essence.

There are only 8 business days left until Puerto Rico defaults on approximately $2 billion in debt. Congress needs to act immediately to prevent this fiscal crisis from becoming a full-blown humanitarian catastrophe. And while the House has attempted to address this issue by passing a legislative proposal called PROMESA—''promesa'' in Spanish means ''promise''—it lacks the promise that really would help 3½ million U.S. citizens in Puerto Rico.

There are Members on both sides of the aisle who believe the bill is fundamentally flawed. So instead of simply rubberstamping an inferior solution, the Senate needs to follow the Founding Fathers' intent and thoroughly debate this critical issue, which will have such a profound impact on so many Americans. I would note that calls for a thorough debate on the Senate floor are bipartisan in nature, and I thank my colleague Senator WICKER for joining me in a letter to the leadership asking for a full and open process to consider this bill.

I would remind my colleagues that each one of us was elected to this very Chamber to debate and enact legislation to improve the lives of Americans. But I fear that, instead of a robust debate and thoughtful consideration of amendments to improve this bill, those who wish to see the House bill signed into law as drafted are going to delay and delay and delay until the last possible minute. Just as they did today, they are going to prevent us from debating this until next week, and then they will tell us it is too late to make any improvements to this bill. As a matter of fact, every article I have read suggests that is exactly the tactic which is being pursued.

I come to the floor because it is not a new or novel tactic to quell dissent with the threat of a deadline, but just because it has been done before doesn't make it right. How can we as Senators shirk our responsibility when the people of Puerto Rico are at the edge of an abyss? They need our help, and they need it today. The bill will affect a generation of Puerto Ricans, and we owe it to them and their brothers and sisters who live in our States—half a million in my State of New Jersey, 5 million throughout the country—to get this right.

Let me once again remind every one of my colleagues how deeply flawed this legislation is. First, the fate of 3½ million American citizens will be determined by 7 unelected, unaccountable members of a so-called oversight board that will act as a virtual oligarchy and impose their unchecked will on the 3½ million U.S. citizens on the island of Puerto Rico.

As the nonpartisan Congressional Budget Office states:

The board would have broad sovereign powers—

Sovereign words have meaning—

to effectively overrule decisions by Puerto Rico's legislature, governor and other public authorities. . . . [It] can effectively nullify any new laws or policies—

Any new law or policy—

adopted by Puerto Rico that did not conform to requirements specified in this bill.

So the elected representatives of the 3½ million U.S. citizens on the island of Puerto Rico just don't get listened to. They can have their decisions overruled by a nonelected board, for which there is no guarantee there will be any representation by those who are elected to recommend to this board anyone to be placed on it.

Even the bill's own author noted in the Interior Committee's report:

The Oversight Board may impose mandatory cuts on Puerto Rico's government and instrumentalities—

Mandatory cuts—

a power far beyond that exercised by the Control Board established for the District of Columbia.

If the board, in its sole discretion—and those words have enormous meaning. If my colleagues take the time to read the bill, as I have twice, fully, from the beginning to the end, 29 times the bill says that the board, in its sole discretion—not the Congress's discretion, not the bankruptcy court, not the Legislature of Puerto Rico, not the Governor of Puerto Rico—no, the board, in its own sole discretion—29 times. If the board uses the superpower this bill allows it to have to close more schools, shutter more hospitals, cut senior citizens' pensions to the bone; if it decides to hold a fire sale and put Puerto Rico's natural wonders on the auction block to the highest bidder; if it puts balanced budgets ahead of the health, safety, and well-being of children and families—similar to how the control board travesty unfolded in Flint, MI—without their voices represented on the control board, there is nothing—nothing—the people of Puerto Rico will be able to do.

Think about this. How many in this legislative body would allow such a board to take control over their State, no matter what their economic woes? The people on the island deserve a transparent oversight board where their voices and concerns are heard, not muted, and where the deals made with creditors are in the best interests of the people, not just hedge funds. The

fact that the Puerto Rican people will have absolutely no say over who is appointed or what action they decide to take is blatant—blatant—neocolonialism.

Second, I have said this before and I will say it again: Any solution needs a clear path to restructuring. That is the only reason to do this legislation anyhow—to give Puerto Rico a clear path to restructuring in the bankruptcy court under the edicts of the bankruptcy law. The unelected control board created in this bill will have the authority to decide whether Puerto Rico's debts are worthy of restructuring.

Let's not fool ourselves into believing it is a sure thing that this bill guarantees the island the ability to restructure its debts in the first place. Instead, it would take a supermajority of this 7-member board—a 5-to-2 vote—in order for any of the island's debts to be restructured. What does that mean? It means that three people—a minority of the board—could derail the island's attempts to achieve sustainable debt payments. Without any authority to restructure its debt, all this legislation will do is take away the democratic rights of 3½ million Americans and leave the future to wishful thinking and a prayer the crisis will somehow be resolved.

I am afraid we are opening the floodgates for Puerto Rico to become a laboratory for rightwing economic policies. Puerto Rico deserves much more than to be the unwilling host of untested experiments in austerity.

I am not advocating to completely remove all oversight power. To the contrary, I support helping Puerto Rico make informed, prudent decisions and put it on the path to economic growth and solvency. But despite its name, the oversight Board envisioned by this bill doesn't simply oversee. It directs, and it commands. It doesn't assist; it controls. The Senate has an opportunity to change that situation. We have a chance to improve this bill and strike the right balance.

Now, I would like to have the opportunity—and I welcome others as well—to offer a number of targeted, commonsense amendments to restore a proper balance and ensure the people of Puerto Rico have a say in their future. By the way, since they are going to have to live with the tough consequences that are coming, no matter what, it is always better when stakeholders are engaged in the process and have a say about their future. This tempers the powers of the control board and gives the people of Puerto Rico more of a say in who is on the board. I encourage my colleagues to do the same—to offer amendments they feel will improve the bill. I know, as all of us know, that success is never guaranteed, but at the very least, the people of Puerto Rico deserve a thorough and thoughtful debate on the Senate floor.

I do not take lightly, nor should my colleagues, a decision to infringe upon the democratic rights of the people of Puerto Rico. The 3.5 million American citizens living in Puerto Rico, and 5 million family members living in our States and in our districts—in New Jersey, New York, Florida, Pennsylvania, Ohio, and Connecticut, just to name a few—deserve more than the Senate's holding its nose to approve an inferior solution.

So I hope the majority leader stands true to his word when he said we ''need to open up the legislative process in a way that allows more amendments from both sides''—well, both sides are calling for amendments to this bill—and allows us to call this bill up for debate so we can do what we were elected to do—fix problems and make the lives of the American people better—and do what the Senate, as an institution, should do, particularly as viewed by the Founding Fathers; that is, to take the passions of the moment, to think about it, morally and logically, and at the end of the day hopefully to refine and make proposals much better.

There is no reason that this has to wait until next week, on the verge of the Fourth of July recess. But I will say this. I want to give my colleagues notice now that I am not ready to rush to celebrate independence and create a situation of colonialism for 3.5 million of my fellow citizens. I hope we will get an early opportunity to debate this bill, offer amendments, and we will see how it falls then.

Mr. President, in view of that desire, I ask unanimous consent to lay before the Senate the House message on S. 2328; that the motion to concur with an amendment be considered made and agreed to with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The majority whip.

Mr. CORNYN. Mr. President, reserving the right to object, I would say to our friend from New Jersey that it is the plan, publicly announced by the majority leader, to bring this legislation that was passed by the House to the floor of the Senate next week. Obviously, we are working on the CJS appropriations bill, and our deliberation on that has been delayed by a number of the other amendments and other matters that have been voted on this week. But it has always been the intention of the majority leader to allow Senators to offer amendments, unlike, frankly, when Democrats controlled this Chamber. But I do think it is going to require some cooperation and maybe even some consent agreements to agree to amendments that can be resolved in time to meet the July 1 deadline. To me, one of the best arguments in favor of this legislation is that we want to avoid a taxpayer bailout. We want to avoid a taxpayer bailout. This legislation from the House does that. I understand the Senator may have some objections to it and some better ideas in his mind, but we are going to have that opportunity next week.

If we want to see what the effect of leftwing fiscal policy is, what we see is the bankruptcy occurring in Puerto Rico now. I think they need to try something else, some fiscal responsibility and restraint. Frankly, I worry for the rest of the country that if we don't do something to get our own fiscal house in order here in the United States Senate, the rest of the country is going to find itself in dire straits at some point in the not too distant future.

So I would say that we are going to have a chance to have that debate and those votes next week. This is not the time to do it because we have other important work that is pending before the Senate. Nor are the rest of us 99 Senators going to agree to a unanimous consent request to legislation we haven't even read or had time to consider.

So under those circumstances, I would be compelled to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I am disappointed but not surprised. I do hope that the remarks of the Senator from Texas that there will be time and opportunity for amendments are real, because every published report I have seen suggests this will be brought up next Thursday on the verge of everybody trying to go on recess. My advocacy or my unanimous consent request wasn't to bring a bill to the floor that isn't already known. That bill has been out there for some time. It is to create the process to debate and begin to amend the bill—the bill passed by the House of Representatives that has been out there for some time now. So I wasn't offering a bill of my own vision. It was to create the process.

Of course, I respect the importance of the present appropriations bill that we are discussing, but the urgency of the time limit as it relates to the default that can take place in July is not as pressing on that appropriations bill as it is for the people of Puerto Rico. So I think there can be a reasonable opportunity to move to PROMESA—a false promise, from my view—and a real opportunity to have a debate on it, and more than debate, amendments—amendments to make it better.

So I hope that is going to happen. But I want to signal now that if we are jammed on Thursday and it is an up-or-down vote—take it or leave it—that I have every intention of doing whatever I can procedurally to make sure we have amendments on this.

As it relates to the question of bankruptcy and bailout, we are not bailing anybody out here. That is why we want

Puerto Rico to have access to restructuring. Restructuring is a provision under the bankruptcy code that you take your debts—whether you are an individual, a company, or, in this case, a government—and you go before the bankruptcy court and you say: Here are all of our debts, and here is our income. We want to be able to restructure this in such a way that we can be solvent and at the same time be responsible to those debtors. And they will live with the dictates of the bankruptcy court. But this bill doesn't even guarantee that the bailout my colleague is concerned about doesn't happen, because it guarantees no absolute road to restructuring.

As it relates to leftwing policies, I would just note—as someone who has been an advocate and a voice for the people of Puerto Rico for the 24 years I have been in the Congress, since they have no elected representatives here who have a vote, at the end of the day—that there have been leaders of that government in Puerto Rico, many who have been Republican in nature and others who have been Democrat in nature. The policies that have taken place and that have accrued to this moment are a combination of some bad fiscal policies by leaders on both sides of the aisle but also by policies that treat the 3.5 million U.S. citizens in Puerto Rico inferior to any one of them if they took a flight to any State in the Nation, for which they would have full rights, obligations, and benefits.

So we have been part of creating the process here, and we have been part when we took away section 936, which was an inducement to the private sector to help build jobs and economic opportunities. We just took it away. They had provisions to elements of the bankruptcy code. Somehow, in the middle of the night, that was taken away from them. So we have treated them like a colony, and now we are worried.

As it relates to leftwing policies, let me just say that, if raising incomes of people, if saying to people there should be a minimum wage that can sustain your family and help you realize your hopes and dreams and aspirations, if you are working overtime and you ultimately should have some protections that you should be paid overtime—if those are leftwing fiscal policies, then I think most Americans believe that they should get a living minimum wage to be able to sustain their families, help their children be educated, take care of their health care, and think about their retirement.

So I don't think this is about that at all. If we are going to lose a fight for the people of Puerto Rico, it is going to be because we are going to have a fight at least to have amendments and to consider what that future should be. But we are not going to take it that it is an up-or-down vote on a House-passed bill that has no voice of the Senate, no imprint of the Senate. That is not what I got elected to the Senate for.

With that, I yield the floor.

The PRESIDING OFFICER. The majority whip.

AMENDMENT NO. 4787

Mr. CORNYN. Mr. President, tomorrow we will have a chance to begin to talk about the real cause of what happened that horrible night in Orlando at the Pulse nightclub—that is a homegrown terrorist attack inspired by the poisonous ideology of ISIS, the Islamic State. We will have a chance to revisit the total lack of any coherent plan coming out of the White House to deal with the threat of the Islamic State over in the Middle East and the consequences of failing to deal with that here at home.

The poisonous fruit of that failure and previous ones is already self-evident: the massacre of American soldiers at Fort Hood, TX, in 2009 that took the lives of 13 people and an unborn child; a deadly attack on 2 military facilities in Chattanooga, TN, in 2015 that took the lives of 5 U.S. servicemembers; an attempted attack in Garland, TX, about a year ago that—but for a vigilant police officer was thwarted—could have been disastrous; and then, of course, the shooting in San Bernardino where 14 people were killed. Add to that poisonous fruit of the failure to have a coherent policy to deal with the Islamic State and its poison, the 2013 Boston Marathon bombing, where 3 persons were killed and many more wounded—not by a gun but by pressure cooker bombs made by the terrorists. Most recently, the worst terrorist attack in our country since 9/11 was in Orlando, where a jihadist pledged his allegiance to ISIS and then viciously gunned down 49 people in that Orlando nightclub.

It is telling that the Attorney General sought to withhold from the American people the 9-1-1 calls of the Orlando shooter to excise out—to rewrite history—and to diminish the terrorist influences that motivated him in the first place. It is further evidence that the Obama administration fails to see what is plainly right in front of its face when it comes to the threat, and it continues to refuse to deal with it in a way that would crush ISIS and discourage people from becoming radicalized because they feel like ISIS is winning. If ISIS were crushed and destroyed, which should be our goal, I don't believe we would have radicalized Americans here pledging allegiance to the leader of a crushed or destroyed Islamic State.

So jihadi terrorism on American soil is not just some one-off, freak occurrence. It is now an undeniable pattern. How many ISIS-inspired attacks do we need in this country before we start talking about and taking the threat seriously and begin targeting the evil ideology ISIS is selling?

Typically, in an investigation, law enforcement has to work hours on end to answer the question of who did it. But that is not the case with these examples of Islamic extremism. We know who the enemy is. But the Obama administration has failed to call it for what it is, and the President has failed to offer any strategy to root out and exterminate it. Promises to ''defeat and degrade'' appear just about as hollow as the President's threat of retaliatory action if redlines were crossed with the use of chemical weapons in Syria. When that happened, there were no consequences.

So the result is that ISIS isn't contained, and it is surely not retreating. Don't take my word for it. The Director of the Central Intelligence Agency just last week suggested that ISIS would continue to ''intensify its global terror campaign.'' They are not giving up, and they are not going away. They are doubling down. Like the terrorist in Orlando, ISIS is actively using every tool at its disposal to recruit, train, and radicalize individuals here in America and in other parts of the world.

This terrorist army figured out a long time ago that it could accomplish its objectives of inflicting death and destruction on innocent Americans without even having to send its operatives from the Middle East into the United States. All it had to do was to export, not its soldiers, but its ideology and poisonous ideas to the United States via the Internet with the propaganda that it uses to, again, poison susceptible minds, those who are sympathetic to the cause and willing to swear allegiance to it and carry out the horrific acts like we saw in Orlando.

Over the weekend, the House Homeland Security Committee chairman noted that ISIS and its supporters are posting an estimated 200,000 tweets a day—200,000 separate messages a day on Twitter. How long will it take before the administration recognizes that this propaganda poses a growing national security problem? Once they acknowledge it, how much longer will it take them before they do something about it?

In fact, we heard from FBI Director Comey that there are open investigations on individuals suspected of being radicalized in all 50 States. I don't see the administration doing anything at all to effectively counter this terrorist propaganda popping up all over the Internet, turning some susceptible Americans into cold-blooded jihadist killers. We can fight back by equipping our law enforcement personnel with the tools they need to keep us safe. The fact is, you can't connect the dots unless you can collect the dots, and that means robust intelligence consistent

with our Constitution, including the Fourth Amendment.

Too often law enforcement officials have to operate with one hand over their eye or one hand behind their back, however you want to characterize it, because they can't access key information in a timely manner, and because of that they are not able to discern the pendency of an attack or the motivations of somebody who is planning an attack. If they could collect the information, maybe—just maybe—they could then go to the FISA Court and get a search warrant. Maybe—just maybe—they could get a wiretap upon the showing of probable cause in court. Those, of course, are consistent with the Fourth Amendment protections against unreasonable searches and seizures, and the burden should be on law enforcement to produce probable cause evidence in order to justify collection of the content of those communications.

We saw the consequences of our flying blind in Garland, TX, just last year. On the morning of the attempted terrorist attack, the two men who came from Phoenix dressed in body armor with semiautomatic weapons sent more than 100 messages overseas to suspected terrorists, and vice versa, but, unfortunately, FBI Director Comey—at least the last time he testified before the Senate Judiciary Committee—said the FBI still doesn't have access to that information because of encryption. This means our law enforcement authorities could be missing critical information that could uncover future terrorist attacks or identify the network of terrorists here so we can stop them before they kill again.

The Garland case isn't unique. The FBI is regularly slowed down by outdated policies that make their job of protecting the homeland much more difficult—more difficult than it needs to be. We saw that in San Bernardino too. We have to address this gaping hole in our legal authorities and do all we can to give the FBI and our other law enforcement officials the tools they need, and a good place to start would be tomorrow morning by allowing the FBI to use national security letters to obtain key information about what suspected terrorists are doing on the Internet and whom they are communicating with online in counterterrorism investigations. This is not for content, as the Presiding Officer knows. This is information about Internet and email addresses, much as national security letters are currently authorized to collect telephone numbers and financial information. In fact, the FBI Director said the omission of this authority years ago, he believes, was an oversight, but it now provides a gaping vulnerability and has blinded the FBI to information that could well allow them to have detected the intentions earlier of jihadists like the one in Orlando.

I don't know for a fact, but I just wonder if the FBI, back when they were vetting the Orlando shooter on two separate occasions because things he said and did put him on the watch list, if they would have been notified immediately when he purchased his firearms. Well, as we now know, the FBI investigations were inconclusive and he was taken off the watch list. I wonder if the FBI had access to a national security letter that would allow them to gain information about the IP addresses he had been visiting from his Internet service provider, along with email addresses—again, not content because you can't do that without a warrant issued by the FISA Court and a showing of probable cause—and what he might have been viewing, such as YouTube videos of Anwar al-Awlaki, who was responsible for radicalizing MAJ Nidal Hasan at Fort Hood and others, and the information was sufficient enough that the President of the United States authorized the use of a drone in order to kill him on the battlefield so he could not kill other innocent Americans—well, you get my point. We need to make sure the FBI has access to all the information they can legally get their hands on, and a good place to start is voting on the McCain-Burr amendment tomorrow so the FBI can obtain information about what they are doing on the Internet and who they are communicating with, and if it is justified, to be able to then go to court and demonstrate probable cause sufficient to actually then look at content in order to prevent terrorist attacks.

I want to be clear about one thing. The FBI already has the power to review financial records like Western Union transfers and the FBI already has the power to review telephone records. They can access telephone numbers, not the content of the conversation, again, unless there is further authority issued by a court of law, but because of an inadvertent omission in the law, the FBI can't readily access the exact kind of information ISIS is using to recruit and radicalize violent extremists lurking in our midst.

We have seen how difficult it is to identify these people before they kill. Why in the world wouldn't we want to make sure we provide all the information under our constitutional laws that could be available to law enforcement to identify these people before they kill?

I introduced a similar proposal to the McCain-Burr amendment a few weeks ago in the Judiciary Committee that would address this and provide access to this counterterrorism information. I am glad our colleagues, the senior Senators from Arizona and North Carolina, have now offered this amendment to the underlying legislation.

As the Presiding Officer knows, this provision, or one very similar to it, was contained in the Intelligence reauthorization bill that had the bipartisan support of everybody on the Intelligence Committee, save one.

This is long overdue. It is bipartisan, and I think our failure to act to grant this authority, particularly in the wake of this terrible tragedy in Orlando, would be inexcusable. This is something the FBI Director, appointed by President Obama, has said he needs. He said this is their No. 1 legislative priority. President Obama's administration—beyond just the FBI Director—supports it. What is stopping us from providing this authority?

The truth is, these threats are at our doorstep. ISIS is using every tool it has to spread fear and chaos, and we owe it to those on the frontlines of our counterterrorism efforts to get them what they need in order to more effectively counter these terrorists' efforts. It is our duty to do something about it. Unlike some of the provisions we voted on last night that would do nothing to stop people like the Orlando shooter, this could actually stop them.

I am all ears if there are other ideas when it comes to advancing commonsense proposals to fight terrorism at home and make our communities safer, but this is a good place to start. I hope going forward we can do a better job of providing the FBI and law enforcement officials the resources they need to keep us safe. This is within our grasp, and all we need to do is to take advantage of this opportunity and have a strong bipartisan vote to adopt the McCain-Burr amendment tomorrow morning.

I yield the floor.

Mr. LEAHY. Mr. President, after voting down sensible gun measures earlier this week, Republicans want to change the subject. They want to resort to scare tactics to divert the attention of the American people. Now, they are offering an overbroad proposal that they argue is needed to keep this country safe.

Let's be clear about what we need to stay safe. We need universal background checks for firearms purchases. We need to give the FBI the authority to deny guns to individuals suspected of terrorism. Senate Republicans rejected those sensible measures last night, but we still have the chance to give law enforcement real tools to fight terrorism and violent crime. We should strengthen our laws to make it easier to prosecute firearms traffickers and straw purchasers who put guns in the hands of terrorists and criminals. And we need to fund the FBI and the Justice Department so they have the resources they need to combat acts of terrorism and hate. Those are the elements of the amendment that Senators MIKULSKI, BALDWIN, NELSON, and I have filed—and those are among the actions that Congress could take to protect this country.

Instead Republicans are proposing to reduce independent oversight of FBI surveillance of Americans' Internet activities and make permanent a law that, as of last year, had never been used. And I should note that this is the same law that the Republican leadership in the Senate allowed to expire just last year.

In case there is any confusion, I will state it clearly: The McCain amendment would not have prevented the Orlando attack.

The amendment would eliminate the requirement for a court order when the FBI wants to obtain detailed information about Americans' Internet activities in national security investigations. This could cover Web sites Americans have visited; extensive information on who Americans communicate with through email, chat, and text messages; and where and when Americans log onto the Internet and into social media accounts. Over time, this information would provide highly revealing details about Americans' personal lives. The government should not be able to obtain this information whenever it wants by simply issuing a subpoena.

Senator CORNYN and others have argued forcefully that we cannot prevent people on the terrorist watch list from obtaining firearms without due process and judicial review. They say we need an independent decisionmaker; yet at the same time, they are proposing to remove judicial approval when the FBI wants to find out what Web sites Americans are visiting. The FBI already has authority to obtain this information—if it obtains a court order under section 215 of the USA PATRIOT Act. In an emergency where there is not time to go to court, the USA FREEDOM Act allows the FBI to obtain this information before getting judicial approval, so this amendment is unnecessary.

This amendment is opposed by major technology companies and privacy groups across the political spectrum, from FreedomWorks to Google to the ACLU. I ask unanimous consent that a letter from nearly 40 organizations and companies opposing this proposal be printed in the RECORD at the conclusion of my remarks.

The Judiciary Committee also should study this proposal before it proceeds. The Judiciary Committee has not held a hearing to examine whether this expansion of the NSL statute is necessary or how it would affect Americans' privacy and civil liberties.

Rather than trying to distract us from their opposition to commonsense gun measures, Republicans should support actions that will actually help protect us, like those in the amendment filed by Senator MIKULSKI, Senator BALDWIN, Senator NELSON, and myself. They should support emergency FBI funding. They should support funding for the civil rights division to help protect the LGBT community, the Muslim American community, and the African-American community from hate crimes and discrimination. And they should support my proposal to make it harder for terrorists and criminals to evade background checks by turning to firearms traffickers and straw purchasers. This is a provision that I have developed with Senator COLLINS and that has been strongly supported by law enforcement.

As we saw in San Bernardino, terrorists can acquire assault rifles by simply using a friend to purchase the guns for them; yet prosecuting such individuals for firearms trafficking has proven to be an extremely difficult task. My proposal will fix these laws. It will provide law enforcement the tools it needs to deter and prosecute those who traffic in firearms, and it will help to close another glaring loophole in our gun laws that allows terrorists and criminals to easily acquire powerful firearms.

I urge Senators to oppose the McCain amendment and to support these measures that will actually help keep our country safe.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 6, 2016.

DEAR SENATOR: The undersigned civil society organizations, companies, and trade associations strongly oppose an expansion of the National Security Letter (NSL) statute, such as the one that was reportedly included in the Senate's Intelligence Authorization Act for Fiscal Year 2017 and the one filed by Senator CORNYN as an amendment to the ECPA reform bill. We would oppose any version of these bills that included such a proposal expanding the government's ability to access private data without a court order.

This expansion of the NSL statute has been characterized by some government officials as merely fixing a ''typo'' in the law. In reality, however, it would dramatically expand the ability of the FBI to get sensitive information about users' online activities without court oversight. The provision would expand the categories of records, known as Electronic Communication Transactional Records (ECTRs), that the FBI can obtain using administrative subpoenas called NSLs, which do not require probable cause. Under these proposals, ECTRs would include a host of online information, such as IP addresses, routing and transmission information, session data, and more.

The new categories of information that could be collected using an NSL—and thus without any oversight from a judge—would paint an incredibly intimate picture of an individual's life. For example, ECTRs could include a person's browsing history, email metadata, location information, and the exact date and time a person signs in or out of a particular online account. This information could reveal details about a person's political affiliation, medical conditions, religion, substance abuse history, sexual orientation, and, in spite of the exclusion of cell tower information in the Cornyn amendment, even his or her movements throughout the day.

The civil liberties and human rights concerns associated with such an expansion are compounded by the government's history of abusing NSL authorities. In the past ten years, the FBI has issued over 300,000 NSLs, a vast majority of which included gag orders that prevented companies from disclosing that they received a request for information. An audit by the Office of the Inspector General (IG) at the Department of Justice in 2007 found that the FBI illegally used NSLs to collect information that was not permitted by the NSL statutes. In addition, the IG found that data collected pursuant to NSLs was stored indefinitely, used to gain access to private information in cases that were not relevant to an FBI investigation, and that NSLs were used to conduct bulk collection of tens of thousands of records at a time.

Given the sensitive nature of the information that could be swept up under the proposed expansion, and the documented past abuses of the underlying NSL statute, we urge the Senate to remove this provision from the Intelligence Authorization bill and oppose efforts to include such language in the ECPA reform bill, which has never included the proposed NSL expansion.

Sincerely,

Access Now, Advocacy for Principled Action in Government, American Association of Law Libraries, American Civil Liberties Union, American Library Association, American-Arab Anti-Discrimination Committee, Amnesty International USA, Association of Research Libraries, Brennan Center for Justice, Center for Democracy & Technology, Center for Financial Privacy and Human Rights, CompTIA, Computer & Communications Industry Association, Constitutional Alliance, Demand Progress, Electronic Frontier Foundation, Engine.

Facebook, Fight for the Future, Foursquare, Free Press Action Fund, FreedomWorks, Google, Government Accountability Project, Human Rights Watch, Institute for Policy Innovation, Internet Infrastructure Coalition/I2Coalition, National Association of Criminal Defense Lawyers, New America's Open Technology Institute, OpenTheGovernment.org, R Street, Reform Government Surveillance, Restore the Fourth, Tech Freedom, The Constitution Project, World Privacy Forum, Yahoo.

The PRESIDING OFFICER. The Senator from Maryland.

MASS SHOOTING IN ORLANDO

Mr. CARDIN. Mr. President, I take this time to continue the discussion as to the tragedy that occurred on June 12 in Orlando, FL. The shooting occurred at a popular LGBT club, Pulse. The club owner, Barbara Poma, lost her brother to the AIDS epidemic. The club was named to remember a pulse that faded from this world far too early. Pulse was not just a place to socialize, it was a refuge and a place of acceptance and solidarity where members of the Orlando LGBT community could be themselves without judgment.

The fact that an attacker would target this venue, especially during Gay Pride Month, is a horrific tragedy and a senseless loss of human life. My deepest sympathies are with those killed and injured in this terrorist attack, along with their families and loved ones. My thanks go out to the first responders who saved lives in the midst of such danger.

This attack, and others like it in recent years, tears at our hearts and

leaves us angry, frustrated, and confused. We, as a nation, must resolve to stop those who wish to do harm to Americans from committing and encouraging acts of terror.

The Orlando shooter apparently subscribed to an extreme system of beliefs that led him to carry out this heinous attack. No religion condones or encourages such violence and killing. We must reject any ideology that leaves room for discrimination and dehumanization to a point where someone can commit these types of acts. No one should ever fear for their life simply for being themselves or expressing who they are as an individual. America's values of tolerance, compassion, freedom, and love for thy neighbor must win out over hate, intolerance, homophobia, and xenophobia.

The time for talk is over. We, as a nation, as a community, and as an American family, must take actions to change minds, hearts, and, finally, change policies. The attack in Orlando was a terror attack and a hate crime. We can stop others and save lives by taking immediate action.

I was disappointed we missed opportunities to do that yesterday with sensible gun safety amendments. I cosponsored the Murphy amendment, which would have created a system of universal background checks for individuals trying to buy a gun. The amendment would have ensured that all individuals who should be prohibited from buying a firearm are listed in the National Instant Criminal Background Check System and would require a background check for every firearm sale. We know there are loopholes today. Why do we allow those loopholes to continue? It should not matter whether you buy a gun at a local gun store or at a gun show or on the Internet, you should have to pass a background check so we can make sure guns are kept out of the hands of people who should never have one. This amendment would have helped keep guns out of the hands of convicted felons, domestic abusers, and the seriously mentally ill, who have no business buying a gun.

Studies have shown that nearly half of all current gun sales are made by private sellers who are exempt from conducting background checks.

It makes no sense that felons, fugitives, and others who are legally prohibited from having a gun can easily use a loophole to buy a gun.

Once again, the use of a universal background check will have no impact on the legitimate needs of people who are entitled to have a weapon, but universal background checks could and would help us keep our communities safe by helping us keep weapons out of the hands of criminals and those who have serious mental illness and domestic abusers. We need to stop their ability to easily be able to obtain a weapon.

Universal background checks are strongly supported by the American people. Most background checks can be completed very quickly and do not inconvenience a purchaser at all.

To my colleagues who have reservations about this legislation, let me cite the Heller decision. In June 2008 the Supreme Court decided the case of District of Columbia v. Heller. The Court held that the Second Amendment protects an individual's right to bear arms rather than a collective right to possess a firearm. The Court also held that the Second Amendment right is not unlimited, and it is not a right to keep and carry any weapon whatsoever in any manner and for any purpose.

Justice Scalia wrote for the Court in that case:

> Nothing in our opinion should be taken to cast doubt on the longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of firearms.

That was Justice Scalia for the Court.

Justice Scalia recognized Congress's right to make sure those who are not qualified to own a firearm do not get that firearm. We have an obligation to make sure that background checks are effective so as to keep out of the hands of criminals and those who have serious mental illness the opportunity to easily be able to obtain a firearm.

The legislation pending before us in the Senate is fully consistent with the Heller decision. That amendment would have been fully consistent with the Heller decision and Justice Scalia's opinion.

I know we can protect innocent Americans while still protecting the constitutional rights of legitimate hunters and existing gun owners. We should take that action on behalf of the American people.

There was a second amendment I cosponsored that unfortunately was rejected yesterday—the Feinstein amendment—that would close the terror gap. If you are not safe enough to fly on an airplane, you shouldn't be able to buy a gun. The Feinstein amendment would give the Attorney General the authority to block the sale of guns to known or suspected terrorists if the Attorney General has reason to believe the weapons would be used in connection with terrorism. The amendment would have ensured that anyone who had been subject to a Federal terrorism investigation in the past 5 years would have been automatically flagged with the existing background check system for further review by the Department of Justice.

Note that under this amendment, being included on a terrorist watch list is not by itself a sufficient justification to deny a person the right to buy a firearm. The Attorney General may deny that weapon transfer only if she determines that the purchaser represents a threat to public safety based on a reasonable suspicion that the purchaser is engaged or has engaged in conduct related to terrorism. So there is a standard there.

A recent GAO report concluded that approximately 90 percent of individuals who were known or suspected terrorists were able to pass background gun checks. This amendment would have closed this loophole and would have reduced the risk of a terrorist being able to legally acquire a firearm.

Under current law, individuals who are known or suspected terrorists and do not fall into one of the nine prohibited purchaser categories can legally purchase a weapon. While the FBI is notified when individuals on the terrorist watch list apply for a background check through the National Instant Criminal Background Check System, it does not have the authority to block the sale.

The Feinstein amendment contains remedial procedures so that individuals get the reason for denial, the right to correct the record, and the right to bring action to challenge the denial. In other words, there is due process in the Feinstein amendment.

So I was disappointed that the two amendment chances we had yesterday were not approved by the Senate. I think both would have helped in making our communities safer.

Congress has an obligation to act. As I have indicated before, we need to act. Inaction is not an option. The President of the United States has already acted to the extent he is permitted using his Executive authority. Many of our States have acted as well, including my own State of Maryland, but we need a national law that applies to all 50 States to stop criminals, terrorists, domestic abusers, and others who should not get their hands on a gun from simply driving to a nearby State with less restrictive gun laws and being able to legally acquire a weapon.

I encourage my colleagues to continue to work on compromise legislation on the issue of universal background checks and terror watch lists. Congress should also act to ban assault-type weapons, which have no legitimate civilian use, and we should ban the sale of high-capacity magazines which only increase the level of carnage in a mass shooting.

The time for action is now. We cannot wait.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

MINERS PROTECTION ACT

Mrs. CAPITO. Mr. President, I rise today to express the urgent need to take up and pass a piece of legislation which has great meaning for me and my fellow West Virginians and which is

important to our Nation's coal-mining community, and that is the Miners Protection Act.

Seventy years ago, in 1946, President Harry Truman secured an agreement committing the Federal Government to protect lifetime health and pension benefits for our Nation's miners. These men and women earned this care through their tireless and often very dangerous work to produce the coal that has powered our Nation and spurred economic growth for years.

Over the course of seven decades, Congress has kept their promise. In 1992, a bipartisan effort in Congress led by my predecessor, Senator Rockefeller, resulted in the passage of the Coal Act to address the health care needs of orphaned coal miners. Those are miners whose companies are no longer in existence.

In 2006, I voted for legislation that built upon the Coal Act and continued the bipartisan congressional tradition, fulfilling our promise to coal miners and their families and retirees and protecting their promised health care benefits.

In 2012, the bankruptcy of Patriot Coal placed the health care of more than 12,000 retirees and dependents at risk. A temporary solution, which has been going on for a couple of years, has preserved health care for these individuals, but that short-term solution is nearing an end.

Additional coal industry bankruptcies—and I feel like we hear about one a week, and they are major—have threatened health care benefits for more families.

If we don't act now, health care for more than 21,000 miners and families will be lost by the end of this year—just 6 months from now.

West Virginians really know what mining has meant to our State and to our Nation, and our miners have depended on these benefits. Every day I am reminded of this.

Char from Bob White, WV—and Bob White is the name of the little town he lives in—recently wrote to me:

> We are desperate. Our benefits are about to lapse unless we get this legislation passed. It cannot be ignored again. Many retired miners cannot afford to pay for their medications if we lose our health care.

Kenneth, who lives in Mullens, WV, said:

> It seems more and more that the attack on coal is no longer an industry attack but one that is personal on individuals.

He went on to ask this question: ''What about folks like me that worked hard their entire life?''

Recognizing the significance of this problem, I joined with Congressman DAVID MCKINLEY to introduce legislation in 2013 that addressed both the retiree health care and the looming insolvency of the mine workers' multiemployer pension bill.

Last year, Senator MANCHIN and I introduced the Miners Protection Act, a very similar bill. This bill demands immediate action. We need to follow through with our commitment to all the hard-working West Virginians and other coal miners across this country. In addition to addressing the health care needs of retirees through the same mechanisms supported by Congress in 1993 and 2006, the Miners Protection Act will ensure the solvency of the multiemployer pension plan that provides benefits to almost 90,000 retirees and surviving spouses. More than 27,000 of those—nearly one-third—live in my home State of West Virginia. The Miners Protection Act uses unobligated funds authorized by the 2006 AML reauthorization bill to support existing mine-working health and pension programs.

Let's be clear. Mining retirees do not receive lavish benefits. The average pension payment is only $560 per month. But these funds are vital to our retirees who live on very small fixed incomes. They are a key part of a local economy in West Virginia and other States where these retirees live.

If we fail to act, the pension plan will become insolvent, imposing projected liabilities of over $4 billion on the PBGC, known as the Pension Benefit Guaranty Corporation. If we pass the Miners Protection Act, the pension plan will remain in good standing, benefiting taxpayers, beneficiaries, and coal communities.

In May, the trustees of the UMWA Health and Retirement Funds announced that contributions to the pension fund have dropped by nearly two-thirds from last year's level. This just shows you how devastated our coal communities are.

The continued regulatory assault on the coal industry has hastened this decline and threatened the retirement security of our miners. In 2001, the EPA finalized the mercury and air toxins rule for coal plants. Since that time, our Nation has lost more than 40,000 coal jobs, and 1,000 of those workers are West Virginians. Our State's unemployment is among the highest in the country for this very reason. The impact of other EPA proposals, like the Clean Power Plan, which has been stayed by the Supreme Court, and the stream protection rule that is currently being finalized, would make the situation even worse in our coal communities.

As I have said many times before, the negative regulatory impact on coal extends far beyond the tens of thousands of families who are most directly affected. A loss of coal severance tax revenue has triggered drastic budget problems for our State, which we just got a 1-year solution for, and a lot of our local governments are having to lay off county workers and school workers and schoolteachers.

The severe impact on the health care pensions of our miners is another consequence of the administration's War on Coal.

Given that Federal policies have played a major role in causing this problem, it is appropriate for the Federal Government to fulfill its commitment to retiring miners who will lose their promised benefits unless we act.

The Miners Protection Act is critically important to so many people in my State and across this country. We need to keep the promise of lifetime health care for those retired coal miners whose companies have gone through bankruptcy, and we need to make sure our retirees receive the pension benefits they have worked so hard for.

The Miners Protection Act is a truly bipartisan effort. It is supported by Democrats and Republicans and Independents in the Senate. There are 72 cosponsors on the House bill, including 39 Republicans and 33 Democrats.

West Virginians understand that this need not be a political football. As Thomas from Shady Spring, WV, put it, ''This issue is not partisan; this is an easy fix to funding promised pensions.''

It is important this bill be enacted this year before the temporary solution expires and ends the health care benefits for so many retirees and before the continued downturn takes an even greater toll on the pension fund.

I will continue to work with my colleagues in the West Virginia delegation, including Senator MANCHIN, Congressman MCKINLEY, Congressman MOONEY, and Congressman JENKINS, and all of the other cosponsors of this legislation, to see it become law before it is too late.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANCHIN. Mr. President, first of all, I thank my colleague, Senator CAPITO. We come from the same State, and we have known each other for a long time, and we basically represent the same people, who have given so much to this country. I want to thank her. This is truly bipartisan, and that is how it should be in this body. When you have something causing the people in your State and in the country to be hurting, you don't worry about the politics. Democrat or Republican, you reach across the aisle and do the right thing.

I thank her so much. Everything she said is absolutely correct. This thing goes clear back to 1946 under President Harry Truman. At that point in time,

John L. Lewis basically was going on strike for the MWA. Every miner back in the 1940s belonged to the United Mine Workers. This Miners Protection Act basically fulfills the promise that a President of the United States made by Executive order. And what we have asked for now is to fix this.

We have a pathway forward. Democrats and Republicans on both sides of the aisle, as Senator CAPITO has said, have stepped forward, and I am so appreciative of that. If we don't do something quickly—by the end of this year—they will lose their health care, and in another year or two they are going to lose their pensions.

We are mostly talking about widows. Most of their husbands have passed away from black lung disease or other causes. These are widows who don't have much to begin with. These are stipends that assist with their medical and health care.

This is something that should have been done a long time ago, but we are taking it right down to the end of the wire. That is what we are concerned about.

We have asked everybody to look at the bill. We have found pay-fors.

Here is a really good pay-for. The 1974 fund was solid until the collapse of 2008. The collapse didn't happen because the MWA did something wrong with the miners' pensions. It happened because of Wall Street. Guess what. We have a $5 billion fine on Goldman Sachs. We said: Let's take $3.5 billion of it. That is what caused the problem; that is a pay-for. We are also using abandoned mine land money excess—not any of the mitigation we are responsible for.

Senator CAPITO has laid this out to the point, and we have worked together. Both of our staffs have worked closely together on this. This is the way things should have been done.

We hope that all of our colleagues on both sides of the aisle will encourage the leadership to take a position on this and put it up for a vote. We think it will pass. We know that it will pass if it gets its day in court. This is the body that will make it happen. I think on the House side they will do the same thing.

With that, I thank Senator CAPITO again for the hard work she has done. It is a pleasure working with her, and we will show that bipartisanship is alive and well in West Virginia and should be alive and well in the United States of America.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. AYOTTE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COATS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENDING U.S. AID USED FOR PALESTINIAN ACTS OF TERRORISM

Mr. COATS. Madam President, terrorist violence against civilians in Israel has been accelerating in recent years amounting to what is now called the silent intifada, the term meaning ''violent uprising.'' Perhaps it is called silent because we are not paying enough attention to the atrocities that are currently taking place in Israel.

The first intifada lasted from December 1987 to 1993, the second, from 2000 to 2005. This third uprising, the so-called silent intifada, began in Jerusalem in 2014. Last year, the latest intifada was characterized with a new name, ''knife intifada.'' Earlier, we witnessed media accounts of Palestinian terrorists slaughtering Israelis and others, including American citizens, by blowing up restaurants or schoolbuses or using automatic weapons. Breaking news on CNN or FOX, or whatever we were watching, showed us the scenes of body parts, pools of blood in the streets, ambulances, with sirens screaming, rushing to the nearest hospital or aid station with mutilated and badly injured victims of these attacks. Lately, though, the weapons of choice seem to be increasingly the knife. Apparently, in some ways, the Palestinians think the direct face-to-face bloody slaughter of a teenager or a grandmother by a knife-wielding thug makes it even more personal and horrifying. Americans may know, through recent media reports, about this wave of violence injecting new poison into the region, but I think what most don't know is that American taxpayers are supporting this with their tax dollars. Let me repeat that.

While we may be aware of some of what is going on in Israel through this knife intifada, through the continued horrors and the murders that are taking place, what Americans don't seem to know—in fact, what many of us have now learned—is that their tax dollars are supporting this effort. Since 1998, the Palestinian Authority has been encouraging such attacks by honoring and supporting Palestinian terrorists serving criminal sentences in Israeli prisons and rewarding the families of those who were martyred by their own violent acts.

Since then, the system of payments has been formalized and expanded by President Abbas in Presidential directives. Palestinian terrorist prisoners are regarded by the Palestinian Authority as patriotic martyrs, fighters, heroes, and actually as employees of the Government of the Palestinian Authority. While in prison for their crimes, they and their families are paid premium salaries and given extra benefits as rewards for their service—their service being a criminal act, an assault, and even a murder. It is interesting that they use that word. Under release from custody, the terrorists then become civil service employees. Shockingly, monthly salaries for both incarcerated and released prisoners are on a sliding scale, depending on the severity of the crime and the length of the prison sentence. Thus, the more heinous the crime, carrying a longer sentence, enables the criminal or his family to receive a much higher premium salary. For example, a prisoner with a 5-year sentence or his family receives about $500 a month; whereas, a more serious criminal serving a 25-year sentence will receive $2,500 a month—six times the average income of the average Palestinian worker. Where else in the world does a prisoner receive such benefits that actually increase with the severity and violence of the crime?

In May 2014, Palestinian President Mahmoud Abbas issued a Presidential decree that moved this payment system from the PA, Palestinian Authority, to the PLO, the Palestine Liberation Organization. The openly acknowledged reason for this shift was to sidestep the increasingly critical scrutiny of this payment system by foreign governments—including the United States—which are contributing much of the money that is keeping the Palestinian Authority afloat.

In 2014, I, along with Senators GRAHAM and KIRK, cosponsored an amendment to the fiscal year 2015 appropriations bill providing for the reduction of budgetary support for the PA by an amount the Secretary of State determines is equivalent to the amount expended by the PA as payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism during the previous calendar year. That is something Senator KIRK, Senator GRAHAM, and I worked on to try to address this issue. Subsequent annual appropriations legislation continues now to include this provision. Once that prohibition was enacted and became law, PA President Abbas formally ended the program and transferred that support function to the PLO, by transferring to the PLO the exact amount that had been budgeted by the Palestinian Authority accounts for this prisoner support purpose; in other words, nothing but a shell game. Oh, we are getting a lot of criticism about providing support to these so-called martyrs, these criminals who have been convicted in Israeli courts. We are getting criticized for doing that—actually, people are telling us it is an incentive to do this. The sickness of this is that families benefit by having one member of their family actually go out and commit a crime, including a murder, getting sentenced to prison for a number of years, and then the family or the criminal is being rewarded for that very act.

So when criticism came and the language we passed in the Congress which

enforced this came, Abbas simply pulled out a shell game and said: I will just shift the money and the authority over here, designating that the cutoff of aid by the United States and other countries now was going to a different authority. Now, the relationship between the two organizations, while complex, is also very intertwined. While the PLO claims it is an independent body, the PA receives its legitimacy and mandate from the PLO in agreements with Israel. In effect, the PA is subordinate to the PLO.

I am speaking on the Senate floor because I have become increasingly concerned that this payment issue is not receiving the public attention and criticism it deserves. People think, well, we have solved the problem through the language which we passed a couple of years ago but are now discovering that a shell game was simply in play and that money is simply fungible and then shifted over to another function under the PA called the PLO that is then now distributing the money to the families.

It appears some pro-Israel organizations may be hesitant to bring more pressure on the financially weak, dependent PA, believing it would deprive Abbas of what little remains of his authority and status as a negotiating partner, thus making a negotiated settlement with Israel less likely. It also appears that some Israeli officials have been reluctant to support the cutoff of aid to the PA, presumably to preserve the PA's stability as a West Bank security provider.

Our administration—the U.S. administration—is similarly not eager to enforce this issue. The Department of State's Bureau of Counterterrorism said in a report last month that this payment system was ''an effort to reintegrate released prisoners into society and prevent recruitment by hostile political factions.'' There is nothing in the PA Presidential directives establishing this system that justifies such an absurdly positive view of its purposes. The U.S. Government should not see this payment program in such a positive light at all, nor does the Palestinian Authority deserve immunity because of its fragility. These payments provide rewards and motivations for brutal terrorists, plain and simple. To provide U.S. taxpayer money to Abbas and his government so they can treat terrorists as heroes or glorious martyrs is morally unacceptable. To tolerate such an outrage because of concern for Abbas's political future or preserving the PA's security role for Israel amounts to self-imposed extortion. If the PA's fragile financial condition requires U.S. assistance, then it is their policy—not ours—that must change.

Let me be more specific as to why we need to take immediate action to stop the use of U.S. taxpayer dollars to reward the PLO for its barbaric acts. Since 2014, there have been at least 45 terrorist attacks in Israel killing 585 people, including Americans. Just this past March, Taylor Force, a U.S. Army veteran of Iraq and Afghanistan, was stabbed to death by a Palestinian terrorist in Jaffa. Taylor was a graduate of the U.S. military academy, and as a former U.S. military officer, he was buried with full honors. His attacker was killed by the Israeli police. This terrorist then received the honors of his own community and a burial ceremony that glorified him as a martyr, the highest religious achievement in Islam. The official Palestinian Authority spokesman said the celebration funeral was ''a national wedding befitting of martyrs''—a reference to the Islamic belief that a martyr marries 72 dark-eyed virgins in paradise.

The family who presumably paid for this celebration received substantial rewards from the Palestinian Government and will now receive a permanent monthly stipend. Some of that money is paid into the U.S. Treasury by American taxpayers and is given as assistance to the Palestinian Authority, which is then shell moved over to the PLO and then provided as a reward for killing an American soldier.

I, for one—and I am sure I am speaking for the American taxpayer—am not interested in paying for a martyr's funeral or his so-called wedding. I am also not interested in paying for what amounts to civil servant salaries for the two terrorists who shot four Israelis to death this past June in Tel Aviv or the two Palestinian boys who attacked customers in a supermarket in February or the 16-year-old terrorist who stabbed an Israeli mother of six to death in her own kitchen last January.

I could go on and on about these atrocities and murders, and to think that American taxpayer dollars are paying the families and criminals of those who committed the crimes, with our tax dollars.

As I said earlier, we need an immediate response to this outrage, and I am ready to lead the effort. First, I intend to work with my colleagues, particularly Senator GRAHAM and Senator KIRK, who are on the relevant committees and had joined me years ago to try to put a stop to this. I want to work with them to end American financial support for incarcerated terrorists or the families of these so-called martyrs who have earned that status by the brutal slaying of Jewish citizens, including some Americans. We will identify the amount of money that flows from the PA to the PLO for this purpose and cut U.S. assistance by at least that amount. If that partial cutoff of U.S. aid is not sufficient to motivate the PA to end this immoral system of payments to terrorists, I propose a complete suspension of any financial assistance to the Palestinian Authority until their policy has changed.

I am aware that suspending assistance to the Palestinians will have other consequences that we and Israel will have to address, but I believe the pressure that we and other like-minded governments could and should apply in this manner will bring President Abbas and other Palestinian officials to their senses. Whether or not this will occur, the moral imperative is clear: Payments that reward and encourage terrorism must stop. We have a moral obligation to do all that we can, as soon as we can, to stop financing the murder of innocent Israelis and Israel's friends and supporters.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOR-PROFIT COLLEGES

Mr. DURBIN. Mr. President, I have taken the floor many times to call to the attention of the Senate abuses by for-profit colleges, an industry that enrolls 10 percent of all college students, receives 20 percent of all Federal aid to education, and accounts for 40 percent of all student loan defaults. That is 10 percent of the students and 40 percent of the student loan defaults. I have spoken about specific companies involved in this industry—for-profit colleges and universities—including Corinthian, the University of Phoenix, DeVry, ITT Tech, Westwood, and Ashford. It is a long list. I have spoken about Congress's responsibility and the responsibility of the Department of Education to reform higher education laws and be aggressive in overseeing these companies. Fortunately, things are starting to change at the Department of Education.

Today, I wish to speak about the accreditors and one in particular—the Accrediting Council for Independent Colleges and Schools, or ACICS.

Accreditors are, according to the Department of Education, responsible for ensuring that education provided by institutions meet acceptable levels of quality. In that role, they are, frankly, the gatekeepers of Federal dollars that flow to these colleges and universities. Without accreditation, the schools can't receive the money through the students for Pell grants and Federal loans. But, by law, the Department of Education decides which accrediting agencies are ''reliable authorities as to the quality of education or training provided by the institutions of higher education and the higher education programs they accredit.''

In order to be a gatekeeper of Federal educational student aid funds like loans and grants, these accrediting

agencies must be approved by the Department of Education. The Department performs periodic reviews of federally recognized accrediting agencies to ensure that they are still ''reliable authorities.''

Here is where ACICS comes in. This outfit is currently undergoing one of those regular reviews by the Department and the Department's advisory board. It is a group called NACIQI, the National Advisory Committee on Institutional Quality and Integrity and they will hold a hearing on ACICS this Thursday. Last week, in the first part of this review process, the Department of Education staff made its initial recommendation to NACIQI to revoke the recognition of ACICS, an accrediting agency responsible for about 25 percent of all for-profit colleges and universities.

This is the right decision. I commend the Department. I hope that NACIQI and ultimately the Secretary of Education, Mr. King, will follow the recommendation.

Last week, I joined Senators BLUMENTHAL, MURRAY, BROWN, and WARREN in writing to NACIQI to express support for their recommendation. For too long, this accrediting agency has acted as a rubberstamp for some of the worst for-profit colleges in America. Let's take one example to start with: Corinthian. Some will remember this company. It lied to the Federal Government and to the students who went to school there about its job placement rates. Listen to this. They used a scheme where they paid employers to hire recent graduates of Corinthian in temporary jobs so that Corinthian could report to the Federal Government that their graduates got employment. They were caught. The fraud was systemic at Corinthian and ultimately resulted in its bankruptcy. They were defrauding the government and, even worse, they were defrauding these students and their parents.

I wrote to the Department of Education asking them to look into these allegations of fraud about Corinthian in December of 2013. That same day I wrote to Dr. Albert Gray. He was the CEO of ACICS, which was the agency which accredited Corinthian. That was the agency that said to the Federal Government: This is a real college; you should let Federal funds flow to this college.

So I wrote to Dr. Gray and I said: What are you doing as an accrediting agency to hold Corinthian accountable and to ensure that they do not continue their fraudulent practices?

I received a response from Dr. Gray. His letter said the allegations were ''a source of great concern'' and that the council that he administered would review information submitted by Corinthian and ''make a determination of what actions to take regarding additional inquiries, compliance hearings or more serious sanctions.''

This so-called review of Corinthian by ACICS continued for more than a year, even as States like California, Massachusetts, and Wisconsin and Federal agencies such as the Consumer Financial Protection Bureau filed suit against Corinthian for their corrupt practices. Meanwhile, their accrediting agency was ''really looking into this''—really looking hard.

As the evidence of Corinthian's fraud and abuse mounted, ACICS—this accrediting agency—continued its wishy-washy ''monitoring'' that never led to anything. In fact, up until the date that Corinthian Colleges declared bankruptcy in May of 2015, they were still fully accredited by this ACICS accrediting agency. That is disgraceful.

But it wasn't disgraceful to ACICS. In response to an effort by Senator CHRIS MURPHY of Connecticut in a 2015 Senate HELP Committee hearing to get Dr. Gray to admit that ACICS made a mistake by continuing to accredit Corinthian, Dr. Gray said:

I will be the first to admit that accreditors like any other organization make mistakes. Corinthian was not one of those mistakes.

Incredible—here is a group that has defrauded students, defrauded the Federal Government, is being sued by at least three States and other Federal agencies, had declared bankruptcy, and the accrediting agency was still standing firmly behind it. Is this an organization that we can truly trust as taxpayers to be a reliable authority as to the quality of education? This is the gatekeeper—this agency, this accrediting agency—the gatekeeper for millions and sometimes billions of dollars to flow out of the Treasury from taxpayers through students and their families to lots of CEOs at for-profit colleges that are doing quite well, thank you. History tells us we can't trust ACICS.

Corinthian isn't the only embarrassment on the ACICS resume. According to the Center for American Progress, more than half of the $5.7 billion in Federal student aid awarded to ACICS-accredited schools in the past 3 years went to institutions facing State and Federal investigations or lawsuits. Twenty percent of the students at these for-profit schools accredited by this discredited agency defaulted on their Federal student loans. Does this sound like an organization that is a reliable authority when it comes to quality education schools provide?

In my home State of Illinois, Attorney General Lisa Madigan, who has been a real leader on this subject, settled a lawsuit last year against the notorious Westwood College. Westwood's practices were not all that different from Corinthian—lying to students about job prospects.

I remember meeting a young girl in Chicago. She had been smitten by all of these criminal investigation shows on television. So she signed up at Westwood, and she signed up to take courses in criminal justice. It took her 5 years to finish, to get her so-called degree from Westwood College in Chicago. Do you know what she found afterwards? Not a single law enforcement agency would even recognize her diploma. She spent 5 years and, even worse, she went deeply in debt—almost $90,000 in debt—for a worthless diploma from Westwood College. She moved back into her parents' home, living in the basement, and her dad came out of retirement to try to earn some money to help pay off the student loans at this worthless Westwood school.

Guess who accredited Westwood College. ACICS, the same agency. In fact, in the course of their investigation, the attorney general's office found that ACICS was not annually verifying even a sample of job placements reported by Westwood and other institutions they accredited.

There are so many other examples of negligence by this accrediting agency. That is why 13 State attorneys general, including Lisa Madigan of Illinois, have written to the Department of Education asking them to revoke ACICS' recognition.

Mr. President, I ask unanimous consent that the letter from the attorneys general be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, OFFICE OF THE ATTORNEY GENERAL,

April 8, 2016.

Re Opposing the Application for Renewal of Recognition of the Accrediting Council for Independent Colleges and Schools (ACICS).

Hon. JOHN KING,
Department of Education, Washington, DC.
JENNIFER HONG,
Executive Director/Designated Federal Official, National Advisory Committee on Institutional Quality and Integrity, U.S. Department of Education, Washington, DC.

DEAR SECRETARY KING AND MS. HONG: We write in response to the notice of intent to accept written comments on the application for renewal of accrediting agencies, specifically, the Accrediting Council for Independent Colleges and Schools (ACICS), as published in the Federal Register on March 18, 2016. We have carefully reviewed the Criteria for the Recognition of Accrediting Agencies, including §§602.16(a)(1)(i), 602.19(a) & (b), and 602.20(a), that are of particular importance to our consumers. We believe that stronger oversight by accrediting agencies is necessary to protect vulnerable students from predatory schools, ensure accountability to taxpayers, and level the playing field for career schools that are delivering quality, affordable programs. Given ACICS' failure to ensure program quality at the institutions it accredits, we oppose renewal of recognition and urge the Department to revoke its status as a recognized accreditor.

Because the Department of Education does not directly assess the quality of institutions of higher education, students depend on accreditors to ensure that schools provide an education that fleets at least minimum

standards of quality. Accreditors, more than any other party charged with the supervision of higher education, are responsible for protecting students from profit-seeking institutions offering training of no educational value. Today, when millions of students are defaulting on the student loans they incurred to attend subpar for-profit schools, it is clear that certain accreditors are failing to do the job.

Even in the crowded field of accrediting failures, ACICS deserves special opprobrium. According to a recent analysis by ProPublica, only 35% of students enrolled at ACICS accredited schools graduate from their programs, ''the lowest rate for any accreditor.'' Of students who actually did graduate, more than one in five defaulted on their student loans within the first three years after graduation. A full 60% had not yet paid down a single dollar of the principal balance on their loans.

As consumer advocates in our respective states, our offices have investigated many ACICS accredited schools based on complaints from students, and found a fundamental lack of substantive oversight for student outcomes by the accreditor. Lapses that we have encountered include a failure to take action when improper job placement statistics are reported, inadequate job placement verification processes, and a lack of transparency and cooperation with investigations into student outcomes.

ACICS' most spectacular failure was its decision to extend accreditation to several dozen schools operated by Corinthian Colleges. Corinthian's practice of offering extremely expensive degrees of little value to low-income students has been the target of more than twenty state and federal law enforcement agencies. Yet ACICS continued to provide accreditation to Corinthian's schools until the day Corinthian declared bankruptcy. The U.S. taxpayer provided approximately $3.5 billion to Corinthian, made possible by ACICS's accreditation.

ACICS has failed repeatedly to take action in response to public enforcement actions by state and federal law enforcement. In the Illinois Attorney General's investigation and subsequent litigation with Westwood College, the office found that ACICS was not annually verifying even a sample of job placements reported by the institutions it accredits. When asked by the attorney general's office, ACICS would not commit to formally outline their verification process in an affidavit. This type of obfuscation hinders regulatory cooperation between the ''triad'' that oversees higher education in the United States, the federal government, the states, and accreditors.

There are other examples of ACICS' failure to identify compliance problems and enforce its accreditation standards. In 2015, Education Management Company (EDMC), with campuses accredited by ACICS including The Art Institute and Brown Mackie College, settled with thirty-nine State Attorneys General and agreed to forgive $102.8 million in outstanding loan debt. ITT Tech has been sued by the Consumer Financial Protection Bureau, and Attorneys General of Massachusetts and New Mexico and is under investigation by 19 other states. Daymar College employed dozens of unqualified faculty as determined by the Kentucky Council on Postsecondary Education and the Kentucky Attorney General, yet ACICS took no action to rebuke the school or require remedies for students. Daymar subsequently settled with the Attorney General and agreed to provide $11 million in debt relief and pay $1.2 million in student redress. National College of Kentucky, Inc. was fined $147,000 by a Kentucky Court for failing to fully respond to a subpoena from the Kentucky Attorney General. National College of Kentucky later admitted in litigation with the Kentucky Attorney General that it advertised false job placement rates yet ACICS has taken no action against the school.

Career Education Corporation, whose Sanford Brown schools are ACICS-accredited, settled with the New York Attorney General's Office in 2013 for $10.25 million based on findings that CEC fabricated job placement rates. ACICS failed to identify the placement rate inaccuracies and, when CEC's misconduct came to light, failed to terminate or suspend accreditation to any Sanford Brown Schools. In fact, ACICS did not even request that CEC recalculate inaccurate placement rates for several of the affected cohorts.

It should be noted that ACICS has representatives of these problem schools on its board and committees, raising serious questions about potential conflicts of interests and therefore ACICS's ability to impartially evaluate those and other schools. For example, ITT, Corinthian Colleges, and National College all had representatives on the ACICS Board of Directors/Commissioners during the pendency of these enforcement actions or the events leading thereto.

ACICS's accreditation failures are both systemic and extreme. Its decisions to accredit low-quality for-profit schools have ruined the lives of hundreds of thousands of vulnerable students whom it was charged to protect. It has enabled a great fraud upon our students and taxpayers. ACICS has proven that it is not willing or capable of playing the essential gate-keeping role required of accreditors. It accordingly should no longer be allowed to do so.

The state attorneys general appreciate this opportunity to comment and we urge the Department to exercise its appropriate discretion in refusing to renew recognition.

Sincerely,

Maura Healey, Massachusetts Attorney General; Brian E. Frosh, Maryland Attorney General; Thomas J. Miller, Attorney General of Iowa; Lisa Madigan, Illinois Attorney General; Andy Beshear, Kentucky Attorney General; Karl A. Racine, District of Columbia Attorney General; Janet Mills, Maine Attorney General; Stephen H. Levins, Executive Director, Hawaii Office of Consumer Protection; Lori Swanson, Minnesota Attorney General; Ellen F. Rosenblum, Oregon Attorney General; Eric T. Schneiderman, New York Attorney General; Hector Balderas, New Mexico Attorney General; Bob Ferguson, Washington Attorney General.

Mr. DURBIN. Mr. President, ACICS has shown time and again that it is not a reliable authority when it comes to the quality of an education. It is not a responsible steward of taxpayers' dollars.

Follow the money in this case. Think of schools like Corinthian that took billions of dollars out of the Federal Treasury through loans that are assigned to students and paid into Corinthian so they can maintain their operations and pay handsome salaries to their CEO. Now they go bankrupt, and at that point the students of Corinthian have a choice. They can keep their worthless semester hours from Corinthian and keep their debt or they can walk away from both. Well, many of them choose to walk away. When they walk away, they have wasted years of their lives, but even more important, taxpayers have just taken a beating.

These are corrupt capitalist ventures that rely, for 85 to 95 percent of their revenue, directly on the Federal Government. These are not free market entities. These are not private corporations. It is crony capitalism at its worst.

So, today, I want to commend the Department of Education for making its recommendations to NACIQI to withdraw ACICS' federal approval. I hope this is the beginning of the end for this awful organization that has been complicit in defrauding students and the fleecing of taxpayers by major for-profit education companies for way too long.

I encourage the Department to continue to remain steadfast in its current position and to ensure that the students and institutions that ACICS currently accredits are well informed that this process is under way.

Finally, I will say that ridding our higher education system of ACICS is a good first step, but more needs to be done to reform it. In the coming weeks, I will be introducing an accreditation reform bill with several of my colleagues, and I hope this issue will be front and center during the Senate's consideration of a Higher Education Act reauthorization in the next Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here for the 141st time to urge my colleagues to wake up, in this case more specifically to the political influence, particularly the dark money, that perpetuates the climate blockade in Congress.

In 1831, Alexis de Tocqueville traveled to the United States to write his famous ''Democracy in America.'' De Tocqueville described our American style of government as ''quite exceptional.'' He wrote about it with affection and with fascination. He may have been the first American exceptionalist.

As the son and grandson of Foreign Service officers, I can personally attest to the importance of America as a paragon of government across the globe, as an aspirational model of self-governance, and as a country that others count on that comes to help, not to loot or conquer.

The roots of our American exceptionalism are found in the three simple words that introduce our Constitution: ''We the People.'' The notion that the government belongs to the people seems unremarkable now, but in its day, it was literally revolutionary.

Today, this proposition is under threat from few very well-heeled special interests and their shadowy front groups, all powered up by the Supreme Court's disastrous 5-to-4 Citizens United decision. In that decision, the Court's conservative bloc overturned long-standing laws of Congress, rejected the common sense of the American people, and gave wildly outsized influence over our elections to a little stable of Big Money interests, creating what one newspaper in Kentucky has aptly called a ''tsunami of slime.''

The evidence is in. The evidence is found in our elections, where the tsunami of outside cash has wiped out previous campaign spending records and created whole new campaign spending categories that never existed before, like dark money. And the evidence is found in this Chamber, where before Citizens United we had a thriving bipartisan debate on climate change. Now we have exactly the silence the polluters want from the Republican side. It wasn't very long after de Tocqueville published his famous book on American democracy that the physicist John Tyndall wrote about excess heat trapped by the buildup of certain gases in the atmosphere. He wrote:

[T]o account for different amounts of heat being preserved to the earth at different times, a slight change in [the atmosphere's] variable constituents would suffice for this. Such changes in fact may have produced all the mutations of climate which the researches of geologists reveal.

Those ''variable constituents'' to which Tyndall referred included carbon dioxide, methane, and water vapor; he was writing about what we now call the greenhouse effect. We have understood this greenhouse effect for a century and a half. Abraham Lincoln was President when this was published. It is nothing new or controversial in real science, as I think every single one of our major State universities would attest, and it is starting to have a pretty pronounced effect.

NOAA just reported that the Earth passed what they call ''another unfortunate milestone.'' Carbon dioxide concentrations passed 400 ppm at the South Pole last month. That was a first in 4 million years. NOAA also announced that the globally averaged temperature over land and ocean surfaces for May 2016 was the highest for any May in the NOAA global temperature record. This marks the 13th consecutive such month, breaking its monthly global temperature record—the longest streak in NOAA's 137 years of keeping records.

We understand what is going on. So why is Congress stuck, asleep at the wheel? Why? Because since the Supreme Court's decision in Citizens United, the big fossil fuel polluters and their network of front groups—a well-documented crowd now in academic literature and in journalism—have poured money and threats into our politics. Just one group, the Koch brothers-backed front group Americans for Prosperity, openly proclaimed that if Republicans support a carbon tax or climate regulations, they would ''be at a severe disadvantage in the Republican nomination process.'' It would mean their ''political peril.''

The threat is plain. It is funded by the very deep pockets and the highly motivated schemes of the fossil fuel industry, enabled by Citizens United, and much of it is largely hidden from public disclosure. Candidates get it; it is the public that doesn't see what is going on behind the scenes.

Every election since Citizens United has broken spending records, and this year is on track to do it again. Super PACs, anonymous so-called social welfare 501(c)(4) groups, and other outside groups have so far spent nearly $400 million in this election, and we are still nearly 5 months from election day. Politico has reported that donations to super PACs are expected to exceed $1 billion this election cycle. Gee, for $1 billion, what could they possibly want?

We know where this money will go. It will fund an onslaught of the ugly, noxious, negative campaign ads that Americans hate. They hate the negative messages smearing the ad's targets. But they also hate another message. They hate the message that this smear was paid for by some shadowy group that they know perfectly well has no role in their State or in their life and that they usually have never heard of but has suddenly commandeered their TV screen to deliver the smear attack. That secondary payload, which has delivered negative ad after negative ad, is piling up, and its message to the American viewer is clear: This has gotten weird. This has gotten out of hand, and you don't count.

Not surprisingly, Americans are becoming more and more disillusioned with our politics. According to a Bloomberg poll, 72 percent of Americans report being fed up with politics and politicians, and 59 percent feel the ''political system is broken.'' According to a recent Rasmussen poll, three-quarters of voters believe the wealthiest individuals and companies have too much influence over elections, and 8 in 10 agree that wealthy special interest groups have too much power and influence. They are not wrong. That Citizens United decision has even helped make Americans feel by a ratio of 9 to 1 that an ordinary American will not get a fair shot against a corporation in the U.S. Supreme Court.

It is a dirty circle. The strength of America lies in its people. Stoking distrust and contempt for our political system breeds cynicism, and that cynicism gives special interests more influence in their age-old battle to loot the public. That failure also jeopardizes the exceptionalism that has made America an example for good throughout the world—fat chance that we are an example for good on climate change when the fossil fuel industry has done what it has with its campaign spending.

It is a mess, and to clean it up a group of us have assembled a ''we the people'' suite of legislation. The ''we the people'' legislation is a collection of straightforward reforms designed to loosen the grip of big money on our elections, reduce the influence that wealthy special interests have over our government—often behind the scenes—and return America's democracy to its true owners, the American people.

How do we do this? Well, first, we bring transparency back to our elections with an updated DISCLOSE Act, a bill I have introduced in the last three Congresses. DISCLOSE would require every organization spending money in elections, including super PACs and tax-exempt 501(c)(4) groups, to promptly disclose donors who give $10,000 or more during an election cycle and to get the spending information online within 24 hours. It would prevent super PACs from acting as de facto extensions of a candidate's campaign, and it would reform the Federal Election Commission to break the partisan deadlock that cripples enforcement of existing campaign finance laws.

Second, we undo the Court's dreadful Citizens United decision. Citizens United was wrong in treating corporations as if they were people. It was wrong that corporate money will not corrupt. It was wrong not seeing that whatever special interests are allowed to do politically, they can threaten and promise to do, and those threats and promises are corrupting. Finally, it overlooked that a small class of special interests can actually make a bundle buying influence.

The fossil fuel industry, for instance, even when it spends $750 million in one election, is still making a bundle protecting the massive subsidies that support fossil fuel in this country. According to the IMF, that number is about $700 billion every year in effective subsidies.

So ''we the people'' includes Senator UDALL's constitutional amendment to give Congress the power to once again pass commonsense measures regulating presently unlimited corporate cash in our elections. Finally, ''we the people'' includes proposals championed by Senators BENNET and BALDWIN to stop the spinning, revolving door that so often makes officials beholden to corporate special interests.

It was not long after Alexis de Tocqueville described our unique American democracy and it was about the same time John Tyndall described the basic science of the greenhouse effect that President Lincoln reminded a

war-weary nation of the point of all that bloodshed—that ''government of the people, by the people, and for the people shall not perish from the earth.''

Allowing special interests to secretly buy elections and influence government officials gives away an American patrimony that was dearly bought. Make no mistake, without Citizens United, and without the maligned and dishonorable use of its weaponry by the fossil fuel industry, we would have had by now a bipartisan solution to climate change. A faction on the Court that unleashed that new political weaponry, an industry that took shameful and remorseless advantage of it, and a party that has willingly subordinated itself to that influence to keep the money flowing all share the blame for where we are today.

We need to clean this up. The polluters don't just pollute our planet; they are polluting our very democracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

ECONOMIC GROWTH

Mr. SULLIVAN. Mr. President, for months now I have been coming to the floor to talk about an issue that I know the American people want us to talk about, and that is the economy and the importance of growing our economy. I am highlighting what unfortunately has been a very anemic record of economic growth over the last 10 years, highlighting what is called the gross domestic product for the United States. I have been doing that because certainly the Obama administration doesn't want to do that. When we look at these numbers, we know that these are some of the weakest economic numbers, certainly in the last 7 years—some of the weakest economic numbers in U.S. history. The media doesn't want to talk about it, so I believe it is important that we come and have a debate on the economy because the American people want us to talk about this.

I want to remind my colleagues that the gross domestic product—what we have here on this chart—is really a marker of the health of our economy. It is a marker of progress, a marker of the American dream. Right now we have a sick economy by any measure.

Last quarter the U.S. economy grew at 0.8 percent GDP growth—barely grew.

To put that in perspective, what has made our country great year after year, decade after decade, has been an economic growth rate of about 3.7 percent, almost 4 percent.

If you look at this chart, it has many different administrations. This red line is the 3-percent GDP marker, which is considered OK, not great. Usually, most administrations are above that.

Year after year, decade after decade—Democratic administration, Republican administration—what has made the country great is economic growth. If you look at the Obama years right here, it never even hit 3 percent GDP growth. That is why they don't want to talk about it. When the President does talk about it, he doesn't remind Americans that this is the slowest, weakest recovery in over 70 years, but when he does talk about it, he still points fingers at those who came before him.

After nearly 7½ years, two terms, this economy is his. He owns it, and he should take responsibility for it.

As Michael Boskin, the well-respected Stanford economics professor, put it: ''Mr. Obama will likely go down as having the worst economic-growth record of any president since the trough of the Great Depression in 1933.''

Whether the President owns up to it, there is no doubt—just look at the charts. These are their numbers, by the way. These are the Obama administration numbers. There is no doubt we have experienced a lost decade of growth that is harming not only the economic security of our country and the national security of our country but—most importantly—American families who are experiencing this. The great engine of our economic growth, driven by the American worker, the most productive worker in world history, is now idle because we cannot grow our economy.

We had more evidence of this last month with the abysmal May jobs report. Again, nobody talked about it. The media didn't talk about it. Certainly, the White House didn't talk about it, but we should be talking about it, what happened in May. The report showed, in May, employers throughout the entire United States added 38,000 jobs. That is in an $18 trillion economy that employs 126 million Americans—38,000 jobs is nothing and everybody knows it.

As a matter of fact, today, Fed Chairman Janet Yellen talked about what a dismal report that was in May. In fact, that is the lowest monthly gain since 2010 in terms of jobs, and 2016 has seen the worst employment start since 2009, since the beginning of the Obama administration.

All of this is very bad news for the country, the economy, American families, and American workers. Every economist, including the Fed Chairman today, every pundit, even politicians who understand this issue, know this is a big problem. Yet the President and Members of his administration refuse to level with the American people about what is going on. You didn't hear anyone talking about the jobs report. In fact, right now they are calling our economy the strongest in the world. They are touting the fact that despite this economic jobs report, the unemployment rate actually ticked down. It went down from 5.1 percent to 4.7 percent. They are kind of bragging about that. That is normally good news. The unemployment rate going from 5.1 to 4.7 percent, they are talking that up.

What is going on? What is the real story behind these numbers? Because the people who know these numbers know what is going on. I thought I would try to explain a little bit about why this administration is not leveling with the American people at all. First, having the strongest economy in the world right now is nothing to brag about. The President used to brag about how we were growing more than Europe. That was last quarter. We are not growing more than Europe now. The EU grew at about a 2-percent GDP growth last quarter. As I said, we grew at about 0.8 percent, so even that comparison is not working.

An economist recently stated that bragging about having a strong economy right now globally is ''like having the best-looking horse in the glue factory.'' There is not a lot to brag about there.

Really, the only comparison that matters when the administration tries a spin, ''Hey, we are doing better than Japan or better than Brazil''—the only comparison that matters is this one: How are we doing relative to American history? That is all that really matters, not the spin of how we are doing relative to another country. This is what matters. Again, by any measure, we have been performing very poorly for the last 10 years.

Second, let's unpack the unemployment numbers. The 4.7-percent unemployment rate sounds pretty good, but what the President knows and what his administration knows but will not tell the American people, is that rate from the jobs report last year had numbers behind it that were very worrisome. If we only created 38,000 jobs, then how does the unemployment rate go down from 5.1 percent to 4.7 percent?

This is how. The standard measure of unemployment in this country, the unemployment rate, includes only people who are actively looking for work. That is a term called the labor force participation rate. So if the labor force participation rate goes down, then the unemployment rate will also go down, even if we have a weak economy.

So what happened in May? Why did the unemployment rate tick down to 4.7 percent? That is normally good news. Well, we know it is not because of robust job growth because there were only 38,000 jobs created. Nobody thinks that is robust.

What happened in May—and the White House isn't talking about it—the unemployment rate went down because almost 700,000 American workers quit working, quit looking for a job. Think about that. In 1 month, 664,000 Americans—in 1 month, almost 700,000 Americans who had been looking for work

got discouraged. They said there is nothing out there. This economy is so weak so I am quitting even looking for a job. That is why the unemployment rate went down—not a strong economy, not strong growth—discouraged American workers saying: I am done. I am not even going to look anymore. Of course, that is nothing to celebrate, 700,000 Americans completely discouraged who said: I have had enough, I am not even going to try. Think about the families. Think about the workers who made that decision.

Unfortunately, this is one of the dismal, economic legacies of the Obama years. Year after year, as exhibited by this chart, millions of Americans have simply left the workforce. They just quit. This is a chart of the labor force participation rate at the beginning of the Obama administration and now.

Year after year, you can see more Americans say: I have had it. I give up. The economy is too weak. I am quitting, quitting even looking. Again, they are not counted in the unemployment rate.

The labor force participation rate is a rather ungainly term, but what it really measures is the hope of the American worker and his or her family. So we should call it the American worker hope index. Here is the hope index for the American worker.

As you can see by the chart, it has been crashing under this President with his economic policies year after year. Hope has been declining for American workers ever since the President got into office. In fact, it has not been this low since the economic malaise years of President Jimmy Carter.

If you see the right hand here, 62 percent—the Carter malaise years—Reagan, Clinton, Bush, and then the Obama administration years, back almost on par with the Carter years. That is not a strong legacy.

The last time we had an American worker hope index this low was in 1978, the height of the Carter stagflation, when so many Americans were discouraged from even trying to work. That is the legacy we have right now.

The most recent job numbers that came out in May was the day the President gave a speech to a bunch of high school students. To the children, the high school kids, the President painted a rosy picture of the economy. He told them the economy was strong and that he had cut the unemployment rate in half. We know that is not a fully accurate statement. If we had the same labor force participation rate today that we had at the beginning of the Obama administration, our unemployment rate would actually be 9.7 percent, almost unchanged from the beginning of 2009 when it was 10.1 percent.

So the bottom line, the main reason—indeed, almost the sole reason the official unemployment rate has been, ''cut in half,'' as the President said, is because millions and millions of Americans have left the workforce because the hope of the American worker has crashed, and it has now reached the same low levels it did during the Carter years.

The President did also tell these high school students that to create a better, stronger economy, we have to be honest about what our real economic challenges are.

Here, I agree with him. Let's start with an honest assessment made recently by former President Clinton. This is what he said about the Obama economy: ''Millions and millions and millions and millions of people look at the pretty picture of America [Obama] painted and they cannot find themselves in it to save their lives.''

That was former Democratic President Bill Clinton talking about the loss of hope over the last 8 years. President Clinton recently said:

> But the problem is, 80 percent of the American people are still living on what they were living on the day before the [2008 financial] crash. And about half the American people, after you adjust for inflation, are living on what they were living on the last day I—

Meaning President Clinton—

> was president 15 years ago. So that's what's the matter.

That is President Clinton. He is talking honestly about this economy. That is what honesty looks like. Family incomes have declined during the Obama years, wages have been stagnant, and the economic hope of the American worker has crashed to levels not seen since Jimmy Carter.

I close with a few words for the American people as we get to the final months of the Obama administration.

The President is going to make the claim—and some of his supporters and maybe even Secretary Clinton are going to make the claim—that the unemployment rate during the Obama years went from 10.1 percent to 4.7 percent. They are going to talk about this. They are going to make people believe that somehow this is a great accomplishment.

While technically true, what the President is not going to do, what Secretary Clinton is not going to do, is unpack the numbers to actually tell the whole truth because that unemployment rate decline is due primarily to the fact that so many American workers have simply quit looking for work. That is the full truth.

So when you hear this great number—10.1 percent unemployment all the way down to 4.7 percent—the real number is 9.7 percent. The real number is in this index. The real number is that the American workers' hope over the last 8 years has crashed.

So when the President and the White House continue to tell us that everything is fine, that jobs are plentiful, that the unemployment rate has been slashed in half, that our economy is strong relative to other countries, it is very important to look at what they are really saying. We shouldn't believe that. And the vast majority of Americans don't believe it because they are hurting. They are hurting because this economy is hurting. Millions of Americans want to work but can't find a job. Millions of Americans have quit looking for a job. And, as the President says, we need to recognize that fact and to be honest about it. Only then can we do what is one of the most important jobs this Senate can do, which is grow our economy again and create real job opportunities for the millions of American workers who want to work but have been so discouraged they have left the workforce.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAINES). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to executive session to consider individually either of the following nominations: Calendar Nos. 357 and 358; that there be 30 minutes for debate only on each nomination, equally divided in the usual form; that upon the use or yielding back of time on the respective nominations, the Senate proceed to vote without intervening action or debate on the nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

70TH ANNIVERSARY OF THE FULBRIGHT PROGRAM

Mr. LEAHY. Mr. President, I am pleased to join my friend from Arkansas, Mr. BOOZMAN, in cosponsoring a resolution recognizing the 70th Anniversary of the Fulbright Program on August 1, 2016.

Seventy years ago, Senator William Fulbright established this program for the ''promotion of international goodwill through the exchange of students

in the fields of education, culture and science.'' The Fulbright Program receives funding each year with strong bipartisan support from Congress and is also supported by 50 binational commissions worldwide.

Since its establishment, the Fulbright Program has become the United States' flagship educational exchange program. There have been more than 370,000 participants from around the world and all 50 States since the program was established. Fulbright alumni include 33 heads of state, 54 Nobel laureates, and 82 Pulitzer Prize winners.

The Institute for International Education has administered the Fulbright Program since 1946 and has worked closely with the Department of State to ensure that the Fulbright Program is one of the most prestigious and effective international exchange programs in the world.

The Fulbright Program makes a significant contribution to the exchange of ideas, knowledge, and understanding between Americans and people worldwide. It awards 8,000 grants annually, including to 1,600 U.S. students, 4,000 foreign students, 1,200 U.S. scholars, and 900 visiting scholars, in addition to several hundred teachers and professionals.

Increasingly, it seems as if the world is being torn apart by intolerance, hatred, violence, and isolationism. I am convinced that academic and cultural exchange programs, like Fulbright, are more relevant today than ever because they provide a strong antidote to these trends. Exchanges between individuals from around the world who share ideas and work together on issues and problems confronting the world can build relationships that endure for a lifetime.

I congratulate the Fulbright Program, the alumni, and all who have supported the program for 70 years of promoting international goodwill, and I thank Senator BOOZMAN for this resolution.

TRIBUTE TO DR. WILLIAM GLEN HOWLAND

Mr. LEAHY. Mr. President, after 17 years spent protecting Lake Champlain, Dr. William Glen Howland—Bill, to most of us—will retire this month as the director of the Lake Champlain Basin Program. We should all thank him and recognize his contributions to the conservation and restoration of Vermont's jewel, Lake Champlain, credit him for his many contributions to scientific research, and thank him for his commitment to the local community in which he lives and works.

Under Bill's steady and thoughtful guidance, the Lake Champlain Basin Program, LCBP, has flourished in its mission to coordinate and fund work by Vermont, New York, and Quebec to protect Lake Champlain's water quality, fisheries, wetlands, wildlife, recreation, and cultural resources. At the Gordon Center House on Vermont's Grand Isle, Bill has assembled and guided a team of exceptional scientists and dedicated public servants. Bill has led the Lake Champlain Basin Program to become nationally and internationally recognized in the fields of ecosystem monitoring, prevention of the spread of invasive species, water pollution control, cultural heritage resource interpretation and protection, and public education. It is a model to which other watershed and basin programs aspire.

I have often looked to Bill for his expert advice in developing and implementing Federal legislation and programs. Bill worked with me on the Daniel Patrick Moynihan Lake Champlain Basin Program Act of 2002, the Champlain Valley National Heritage Partnership Act adopted in 2006, and the Lake Champlain Ecosystem Restoration Authority, which was adopted as part of the Water Resources Development Act. Bill has testified more than once before Senate committees about the importance of environmental conservation programs and projects in the Lake Champlain and Great Lakes regions.

I have been impressed by Bill's ability to bring all types of partners to the table, including local citizens, recreation organizations, heritage organizations, county planning offices, the Governors of Vermont and New York, Federal agencies, and even the Premier of Quebec. Bill's greatest skill may be diplomacy, considering he has confirmed trilateral Memoranda of Understanding with New York, Vermont, and Quebec in 2000, 2003, and 2010, has helped to guide two International Joint Commission inquiries, and has contributed to international trans-boundary conservation work through LAKENET, UNESCO HELP, and NANBO international lake summits. Remarkably, year after year, he has been able to achieve consensus on the allocation of millions of dollars in Lake Champlain funds among multiple Federal agencies, Vermont, New York, many private organizations, and countless partners on the ground.

Bill's dedication to protecting Lake Champlain and the environment extends well beyond his tenure as director of the LCBP. During his many years as a faculty member and as a member of the research staff at Middlebury College, the University of Vermont, and McGill University, Bill has advanced the field of geography, particularly biophysical remote sensing and terrain modeling of northern ecosystems, which are critical tools as we track global climate change. He has been a role model and adviser to many young scientists, helping to shape their studies and their careers. He also served as the executive director of the Green Mountain Audubon Society for 5 years, before taking the reins at the LCBP.

Like so many great Vermonters, Bill's service to his local and regional community has been remarkable. Many of Bill's neighbors owe their health and well-being to his decades of service as an advanced emergency medical technician on the Richmond and Grand Isle rescue squads. Bill has been an active board member of the Lake Champlain Committee and served on the Burlington Barge Canal Superfund panel, receiving a U.S. EPA Environmental Merit Award in 1997.

Director Howland has my sincere gratitude for his years of dedicated service to his local community, to the Lake Champlain Basin, and all of Vermont, as well as to U.S. national and international conservation efforts and scientific research. I expect and hope that he will stay active on all of these fronts. Bill has much more to contribute. I wish him well in his retirement, and I hope that he and his wife, Betsy, will now get a chance to relax on the shores of Lake Champlain at their home in Isle La Motte.

TRIBUTE TO POLLY NICHOL

Mr. LEAHY. Mr. President, I want to take a moment to recognize the achievements and contributions of a remarkable advocate and a celebrated leader in my home State of Vermont.

Later this month, Polly Nichol will retire from her position as director of housing of the Vermont Housing and Conservation Board. For more than 35 years, Polly's career in affordable housing and community development has stood as the gold standard of excellence to those in her field. Her effective leadership across Vermont has inspired countless new collaborations, new housing opportunities for our most vulnerable, and the preservation of historic structures that make up Vermont's unique character. It is not an exaggeration to say that the quality of life for many in the Green Mountains is greater as a result of Polly Nichol's legacy.

Polly joined the Vermont Housing and Conservation Board in 1988 as its first director of housing. There, she became known for establishing creative partnerships to bring together developers, preservationists, and advocates alike. This work was grounded in her prior experience at the local community action agency, where she led the establishment of two neighborhood reinvestment groups in nearby Barre and Randolph. These groups are now part of NeighborWorks America, a program I have long supported for its investments in rural communities across the country.

Polly's career in advocacy and leadership has been vast and multifaceted.

In Vermont, the challenge of securing safe, affordable housing is far too familiar for many. Overcoming this challenge requires a strong network of advocates and experts ready and willing to collaborate. During her tenure at the Vermont Housing and Conservation Board, Polly has channeled the organization's mission to improve the capacity of surrounding nonprofits dedicated to housing and conservation. Today Vermont's landscape of nonprofit developers and preservationists is uniquely integrated, much thanks to Polly's early efforts to instill value in the belief that building homes includes building community.

Polly's vision has also had a direct impact on thousands of Vermonters in nearly every corner of the state. Her leadership has contributed to the success of the Vermont Housing and Conservation Board as it has invested in and developed more than 12,000 homes and apartments. More than 1,300 homes with much-needed services and supports have also been developed for our most vulnerable friends and neighbors. Throughout, the organization has also enabled more than 1,000 individuals to become homeowners, further enabling them to become integrated within their local communities.

Polly's leadership and advocacy may also be witnessed in the other voluntary roles she has held throughout the last four decades. She is an active member of the city of Montpelier's Housing Task Force, the Vermont Affordable Housing Coalition, and is well known for her role as a founding board member of the Vermont Community Loan Fund. Her reach also extends to other important causes, including a most recent appointment to serve as the vice president of the board of Vermont Works for Women, an organization that supports disadvantaged women and those who pursue nontraditional careers.

We have also been fortunate to have Polly as a delegate to our region and national affordable housing communities, including the New England Housing Network and the Housing Assistance Council. In 1994, Polly received the Skip Jason Community Service Award from the Housing Assistance Council after being nominated by a host of Vermonters. As a leading national advocate for rural housing policy in the country, this award recognizes those whose efforts have improved the housing conditions of the rural poor in their communities and whose work ''in the trenches'' often goes unrecognized in their communities. Since then Polly's leadership, has continued, as she has served as both president and chair of the board of the Housing Assistance Council.

Polly has been well known to friends and colleagues as much for her gentle humor as her uncompromising dedication to preserve the unique beauty and quality of life found at home in Vermont. Her work will leave a lasting impression on those of us who have been fortunate enough to learn from and work alongside her. As she transitions to retirement, I do hope she finds opportunity to revel in her accomplishments both near and far.

HOLY AND GREAT COUNCIL OF THE ORTHODOX CHRISTIAN CHURCHES

Ms. MIKULSKI. Mr. President, today I wish to recognize the historic events taking place in Crete, Greece. Ecumenical Patriarch Bartholomew of Constantinople has called the first Holy and Great Council of the various Christian Orthodox churches around the world since 787 CE.

The Holy and Great Council is the first meeting of its kind in over a millennium. The 14 Orthodox Christian Churches together have over 300 million followers around the world, including over a million Americans. These churches are self-governing but united by common dogma, faith, liturgy, and moral conviction, with the Ecumenical Patriarch serving as the ''first among equals.''

This meeting began on Sunday, June 19 and will continue through June 26. Three hundred and fifty leaders are attending this meeting where they will promote unity among the world's Orthodox believers. They will discuss key issues facing Orthodox Christians, including the church's mission in today's world, the Orthodox diaspora, and the relationship of Christian Orthodoxy with the rest of the Christian world.

The Patriarch has a record of reaching out and working for peace and reconciliation among all faiths and has fostered dialogue among Christians, Jews, and Muslims. His All-Holiness has received awards from the United Nations, the United States, and other nations for providing moral leadership throughout modern history's greatest tests. His efforts to convene this Holy and Great Council is a testament to his continued leadership at a time when it is greatly needed. After the September 11, 2001, attacks, the Patriarch organized a gathering of religious leaders, including Muslim imams, to condemn the attacks as an anti-religious act. He was also the first Ecumenical Patriarch to attend the inauguration of a pope.

With so much suffering taking place around the world, we need people to come together, like they are in this historic meeting, to work together to advance our shared values. I commend and thank Ecumenical Patriarch Bartholomew for convening this Holy and Great Council of the Orthodox Christian Churches in Crete, Greece.

Mr. MENENDEZ. Mr. President, once again, Greece, the home of democracy, the home of the fundamental principle of religious freedom that democracy has come to represent here in America, is making history, this time on the Island of Crete where Ecumenical Patriarch Bartholomew of Constantinople is leading a meeting of Orthodox Christian Churches, the Holy and Great Council, that occurs only once in a millennium. In fact, it has not happened since 787 CE, but it is happening now.

The 3 million Orthodox Christians across America, from all 14 national jurisdictions around the world with the largest number affiliated with the Greek Orthodox Church—the Church of the convener of the Council—Ecumenical Patriarch Bartholomew, are following this historic gathering with great anticipation.

It is the charge of the Holy and Great Council to deal with internal church matters, but Orthodox Christians are also deeply concerned with the opportunity this historic event presents for a wider ranging conversation about not only process within the confines of religion, but the prospects for peace and prosperity it represents for all members of the church and for all people around the world.

Orthodox Christians in America come from all walks of life and represent all opinions and points of view. They include personalities well-known to all of us in this Chamber and beyond: ABC journalist and host of ''Good Morning America,'' George Stephanopoulos; Huffington Post creator Arianna Huffington; and sportscaster Bob Costas. In the political world, they include former Governor of Massachusetts and Democratic nominee for President Mike Dukakis; Hillary Clinton's campaign chairman and former chief of staff to President Bill Clinton, John Podesta; and current Members of Congress—Representative DINA TITUS of Nevada and NIKI TSONGAS of Massachusetts, as well as Congressmen JOHN SARBANES of Maryland and GUS BILIRAKIS of Florida.

These are all respected, talented, accomplished Orthodox Christians whose faith and opinions are represented at the historic convocation of the Holy and Great Council. They are among the more than 1 million Greek Orthodox Americans who are led by their spiritual head, Archbishop Demetrios, who presides over seven metropolitans with regional jurisdictions that serve on the local Holy Synod. The archbishop and his predecessors have played a prominent role in American life, culture, and history that has been part of the fabric of this Nation. We all remember the famous civil rights march in Selma, AL, led by Dr. Martin Luther King, Jr., but we may not remember that at the march was also the late Archbishop Lakovos, marching shoulder-to-shoulder with Dr. King.

Greek Americans, hailing from 500 churches across this Nation, including many in my home State of New Jersey,

believe deeply that this Holy and Great Council is a fateful gathering that can have a dramatic impact on their religion and civilization for 1,000 more years, that the council's deliberations will hold great meaning and great promise for a better life for all of us, for peace on this planet, and for the greater good of generations to come. They know and we in this Chamber know that the importance of Orthodox Christians will be measured not by the history made in Crete at this meeting, but the history Orthodox Christians around the world have already made.

I join all of my colleagues in hoping for a successful and productive once in a millennium session of the Holy and Great Council. I join with all of my Orthodox Christian friends in New Jersey and around the world in celebrating this historic meeting.

TRIBUTE TO DR. BEVERLY ''JO'' HARRIS

Mrs. CAPITO. Mr. President, today I wish to recognize and commend the outstanding career of Dr. Beverly ''Jo'' Harris, one of the State of West Virginia's most respected educators, on the occasion of her retirement. During her tenure as the first president of BridgeValley Community and Technical College, Dr. Harris has shown tremendous passion and dedication to her students, colleagues, and her community. Her commitment to education has been an inspiration to many citizens of our State.

Dr. Harris obtained her undergraduate degree from Concord College and a master's degree from Marshall University. She then received a doctoral degree in educational administration from West Virginia University. Dr. Harris began her career in education at a proprietary school in Morgantown before being hired by West Virginia Institute of Technology in 1975 as an instructor in the school's newly created associate degree business program. She has continued to work in the same building in Montgomery throughout many changes to both the school and her role.

Under Dr. Harris's leadership, the school, formerly known as Bridgemont Community and Technical College, was nationally recognized as the fourth fastest growing small public 2-year college of 2010, was a finalist for the 2011 Aspen Prize for Community College Excellence, and selected as one of 2013's Top 50 Community Colleges in America according to ''Washington Monthly.'' Her efforts were later recognized when she received the WVCCA Leadership Award, the WVBEA Business Teacher of the Year award, and she was jointly named Upper Kanawha Valley Citizen of the Year, along with her husband, Carl.

In addition to her official role as president, Dr. Harris has also served on the boards of the SMART 529 College Savings Program, WV Workforce Development Council, New River Gorge Regional Development Authority, the Upper Kanawha Valley Economic Development Corporation, Region 4 Planning and Development Council, South Charleston Rotary, and the Fayette County and South Charleston chambers of commerce.

I have had the pleasure of working with Jo throughout my time representing the state of West Virginia in Congress. I am proud to call her my friend and trusted colleague whose counsel will be missed. I am thankful for Dr. Harris's dedication to West Virginia's higher education system and the many students she taught and mentored. Today, I ask my colleagues to join me in honoring Dr. Beverly ''Jo'' Harris for her service.

ADDITIONAL STATEMENTS

75TH ANNIVERSARY OF MOUNTAIN VIEW ELECTRIC ASSOCIATION

● Mr. GARDNER. Mr. President, today I wish to honor Mountain View Electric Association's 75th anniversary. On December 6, 1940, Mountain View Electric's 249 original members filed for incorporation of the cooperative. Since then, the company has provided power to Arapahoe, Crowley, Douglas, Elbert, El Paso, Lincoln, Pueblo, and Washington counties in Colorado. Its territory covers 5,000 square miles, powering homes, schools, churches, small businesses, and hospitals.

For more than seven decades, Mountain View Electric has been an important source of electricity for many of Colorado's rural counties. In particular, the company has worked diligently to help the residents who lost their homes in the Black Forest Fire in 2013. In the wake of this devastation, Mountain View Electric worked to quickly restore service to the area, at no additional cost to the property owners.

Rural electric cooperatives play an important role in communities around the United States, serving an estimated 42 million Americans. This business structure connects consumers directly to the operations of the company, keeping electricity prices affordable. Electric cooperatives also contribute to development and growth across the country's rural areas.

I commend Mountain View Electric for its decades of service to rural Colorado. Congratulations again on this significant anniversary.●

TRICENTENNIAL OF GEORGETOWN, MAINE

● Mr. KING. Mr. President, today I wish to recognize the town of Georgetown, ME, which is celebrating its 300th anniversary this month. This small, coastal town, with just over 1,000 inhabitants, has a long and proud history dating back to the 18th century, and I am pleased to join them in celebrating their tricentennial and honoring the town's cherished place in the State of Maine.

Nestled among one of the many inlets of Maine's rugged coastline near the mouth of the Kennebec River, Georgetown has a long and storied past dating back to the end of the 17th century. During the King Philip's and King William's wars in the late 1600s, the Kennebec River Valley was a war-torn and volatile area, but a small settlement emerged after the conflicts. In 1716, the town of Georgetown-on-Arrowsic was incorporated and has remained an iconic landmark on the Maine coast ever since.

Today Georgetown is known for its picturesque landscape and quaint, smalltown feel. It is home to boat builders, fishermen, retirees, summer residents, and artists alike. Summer visitors can enjoy the town's famous Reid State Park, historic lighthouses, and the many land preserves protected through the community's dedication to preservation and environmental sustainability. Even when the winter comes and the summer residents leave, a cohesive and engaged year-round population remains. The town and its citizens represent the best of Maine's historic coastal villages: a close-knit and hard-working community surrounded by striking natural beauty.

Led by its dedicated tricentennial committee, Georgetown will commemorate its 300th anniversary with an all-day celebration on June 23. Scheduled events include the burying of a time capsule, a town parade, and presentation of special tricentennial products from local businesses and organizations. These events mark the culmination of over a year of collaboration between local government, nonprofits, and local businesses who have worked together to create a truly amazing celebration fitting of this tremendous milestone.

I commend all that the people of Georgetown have done to make their town such a special place to live and visit. Their shared love for their hometown and commitment to its success has made Georgetown one of Maine's greatest communities. I am proud to recognize this historic milestone and wish the town many more years of success.●

TRIBUTE TO DR. CHARLES L. RICE

● Ms. MIKULSKI. Mr. President, I wish to recognize a great American who has honorably served our country as president of the Uniformed Services University of the Health Sciences, USU, in Bethesda, MD, on the campus of the Walter Reed National Military Medical Center.

Dr. Rice began his service at USU in 2005. During the past 11 years as president of the University, he also served for 6 months as Acting Assistant Secretary of Defense for Health Affairs, March to August 2010.

During his tenure, Dr. Rice has worked to improve the USU's curriculum, research portfolio, external relationships, board, and physical plant. The results of these efforts are exhibited by the recent full accreditation of the School of Medicine and the Graduate School of Nursing. Dr. Rice recognizes the institution's unique military and public health care missions and has worked to ensure that lessons learned in a decade of conflict were incorporated into the curriculum and the fabric of the institution, along with the Department's fundamental humanitarian mission. These important lessons include advances in trauma care, developing strong leadership skills among Military Health System officers, and increasing diversity in the medical corps of the three military services.

Dr. Rice has collaborated closely with the leadership of the Walter Reed National Military Medical Center and the leadership throughout the Military Health System. He has reached out to provide more support to the national network of Military Treatment Facilities to forge a ''unity of effort.'' Dr. Rice has also worked with the National Institutes of Health and other Federal agencies to advance education, research, and health care for our Nation's military beneficiaries and civilian communities.

As president, Dr. Rice founded the Post Graduate Dental College and created several new graduate degree programs, including public health educational activities. Through these efforts, Dr. Rice has helped USU to become a multidimensional health sciences university dedicated to advancing the mission of the Military Health System.

Prior to USU, Dr. Rice had a distinguished career in academic medicine and public service. He served as vice chancellor for Health Affairs and vice dean of the College of Medicine, University of Illinois at Chicago. Previously, he was professor and chairman of surgery at University of Texas Southwestern. Dr. Rice also was a Robert Woods Johnson Fellow for former majority leader Senator Tom Daschle from 1991 to 1992.

Dr. Rice was professor and vice chairman, University of Washington Department of Surgery. Before that, he was director of the intensive care unit at Michael Reese Hospital and Medical Center in Chicago. Prior to Michael Reese Hospital, Dr. Rice was assistant professor of surgery at the Pritzker School of Medicine, University of Chicago. Dr. Rice has had extensive training with the U.S. Navy Medical Corps in Bethesda and in San Diego.

Dr. Rice has deep experience with the Nation's civilian academic health community and the Military Health System. He has brought this knowledge to benefit the USU, and he leaves it a better place. I wish to commend Dr. Rice for his service to the Uniformed Services University and to the Nation.●

TRIBUTE TO RYAN DONNELLY

● Mr. THUNE. Mr. President, today I recognize Ryan Donnelly, an intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the State of South Dakota.

Ryan is a graduate of South Dakota State University in Brookings, SD, having earned a degree in agricultural business. This fall, Ryan will attend the University of South Dakota to pursue a master's degree in business administration. Ryan is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Ryan Donnelly for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO LANE HASKELL

● Mr. THUNE. Mr. President, today I recognize Lane Haskell, an intern in my Rapid City, SD, office for all of the hard work he has done for me, my staff, and the State of South Dakota.

Lane is a graduate of St. Thomas More High School in Rapid City, SD. Currently, Lane is attending the University of Notre Dame where he is majoring in Spanish and political science. Lane is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Lane Haskell for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO GRAYSON KIELHOLD

● Mr. THUNE. Mr. President, today I recognize Grayson Kielhold, an intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the State of South Dakota.

Grayson is a graduate of O'Gorman High School in Sioux Falls, SD. Currently, Grayson is attending the University of Nebraska-Lincoln where he is majoring in marketing. Grayson is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Grayson Kielhold for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO STERLING NIELSEN

● Mr. THUNE. Mr. President, today I recognize Sterling Nielsen, an intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the State of South Dakota.

Sterling is a graduate of St. Olaf College in Northfield, MN, having earned a degree in economics. Currently, Sterling is attending the University of South Dakota School of Law. Sterling is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Sterling Nielsen for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO BEN ROGERS

● Mr. THUNE. Mr. President, today I recognize Ben Rogers, an intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the State of South Dakota.

Ben is a graduate of O'Gorman High School in Sioux Falls, SD. Currently, Ben is attending Creighton University where he is majoring in economics and political science. Ben is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Ben Rogers for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING BOBBY JOHNSON EQUIPMENT COMPANY, INC.

● Mr. VITTER. Mr. President, small businesses and entrepreneurs are known for their toughness and can-do attitude, understanding full well the importance of quality equipment and services to get jobs done right the first time. For their commitment to providing north Louisiana and the surrounding Ark-La-Tex region with the heavy machinery to keep the region moving, this week I am glad to announce Bobby Johnson Equipment Company, Inc., of Oil City, LA, as Small Business of the Week.

In 1973, Bobby Johnson opened his namesake equipment company in Oil City, LA, with the goal of serving the tristate Ark-La-Tex region with quality heavy equipment products and services. With a staff boasting over 100 combined years of engine and mechanical experience, Bobby Johnson Equipment quickly grew in sales and customer satisfaction. As a family-owned and operated truck dealer, Mr. Johnson and his employees work directly with Ark-La-Tex companies to provide heavy duty trucks, truck parts, trailers, and equipment.

Today Bobby Johnson Equipment Company has become one of north Louisiana's largest suppliers of new and used parts and services, servicing the transportation, construction, and oil and natural gas industries. Conveniently located in Louisiana's northwest

region, Bobby Johnson Equipment Company provides services to folks in and around Little Rock, AR, Tulsa, OK, Jackson, MS, and Dallas, Fort Worth, and Houston, TX, in addition to their far-reaching online sales operation.

Congratulations again to Bobby Johnson Equipment Company, Inc., for being selected as Small Business of the Week, and I look forward to your continued growth and success.●

RECOGNIZING H2O, INC.

● Mr. VITTER. Mr. President, Louisiana is blessed to have an abundance of natural resources, and as a result, many folks work in the energy industry. In terms of creating jobs and supplying oil and gas, offshore drilling in the Gulf of Mexico provides a lot for families and businesses across the State, as well as the Nation. For those working on the offshore rigs, safety is always a priority. As we approach the sixth anniversary of the Deepwater Horizon oil spill that took the lives of 11 men and devastated our coasts, we must absolutely make sure the workers out there are taken care of. One important aspect is ensuring they have reliable clean drinking water and sewage systems. This week, I would like to recognize H2O, Inc., from Lafayette, LA, as Small Business of the Week, for supporting Louisiana's offshore and marine industries by providing them with crucial water treatment solutions.

One of the key issues facing the crews on offshore oil rigs is access to clean and safe potable water, and in 1980, H2O used their southwest Louisiana ties to provide desalination units to the offshore and gas market. H2O grew considerably when it started producing marine and offshore potable water, sewage, and electrochlorination systems for companies all around the world. With this new range of products, H2O was able to provide more job opportunities and currently has many employees on staff. In 2013, H2O acquired Owens Manufacturing and Specialty Company, which allowed them to venture into the offshore wastewater treatment market. Just last fall, H2O brought in PEPCON systems in order to strengthen their electrochlorination services. Today H2O is known as the region's leading water system equipment provider and even holds patents.

Congratulations again to H2O for being selected as Small Business of the Week, and thank you for your commitment to providing clean water treatment solutions to folks in the Gulf of Mexico and around the world.●

RECOGNIZING JESCO

● Mr. VITTER. Mr. President, it is no secret that, among the many pressing issues facing our Nation, updating our Nation's crumbling infrastructure is one of the most important. Roads and bridges are quite literally the foundation of our daily lives, and those of us in Louisiana certainly recognize the importance of upgrading and maintaining our highways and levees. One small business based out of Jennings, LA, has been working to improve our State's infrastructure, and I would like to recognize JESCO as Small Business of the Week for their important progress supporting some of Louisiana's biggest infrastructure and environmental projects.

In 1994, a group of Louisiana-based professional engineers and scientists established JESCO to provide engineering, construction, disaster preparation and response, and environmental services to local and State governments along the Gulf Coast, as well as Federal agencies. Lead by Ms. Alvinette Teal, an experienced geologist and graduate of Louisiana State University, JESCO is a federally certified, woman-owned small business.

Over the last 22 years, JESCO has worked on some of Louisiana's vitally important water infrastructure projects, including necessary coastal restoration efforts. Louisiana's coastline plays an important role in protecting our coastal communities from natural disasters, and coastal restoration is among our State's highest priorities. The engineers and scientists at JESCO have also worked on projects testing the salinity for levee construction materials, which in Louisiana is vital to building levees that will protect families, businesses, and homes during a storm. Additionally, JESCO has been contracted for soil and ground water remediation efforts in Breaux Bridge, LA, and hurricane and disaster management for Hurricane Ike.

Small businesses like JECSO are leading the way to improve our infrastructure and better protect our families, homes, and businesses. Congratulations to JESCO of Jennings, LA, for being selected as this week's Small Business of the Week, and I look forward to your continued growth and success.●

MESSAGES FROM THE PRESIDENT

Messages from the president of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

PRESIDENTIAL MESSAGES

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13466 OF JUNE 26, 2008, WITH RESPECT TO NORTH KOREA—PM 52

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008, expanded in scope in Executive Order 13551 of August 30, 2010, addressed further in Executive Order 13570 of April 18, 2011, further expanded in scope in Executive Order 13687 of January 2, 2015, and under which additional steps were taken in Executive Order 13722 of March 15, 2016, is to continue in effect beyond June 26, 2016.

The existence and risk of proliferation of weapons-usable fissile material on the Korean Peninsula; the actions and policies of the Government of North Korea that destabilize the Korean Peninsula and imperil U.S. Armed Forces, allies, and trading partners in the region, including its pursuit of nuclear and missile programs; and other provocative, destabilizing, and repressive actions and policies of the Government of North Korea, continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to North Korea.

BARACK OBAMA.
THE WHITE HOUSE, *June 21, 2016.*

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13219 OF JUNE 26, 2001, WITH RESPECT TO THE WESTERN BALKANS—PM 53

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of

its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001, is to continue in effect beyond June 26, 2016.

The threat constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia and Herzegovina or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, has not been resolved. In addition, Executive Order 13219 was amended by Executive Order 13304 of May 28, 2003, to take additional steps with respect to acts obstructing implementation of the Ohrid Framework Agreement of 2001 relating to Macedonia.

Because the acts of extremist violence and obstructionist activity outlined in these Executive Orders are hostile to U.S. interests and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans.

BARACK OBAMA.

THE WHITE HOUSE, *June 21, 2016*.

PRIVILEGED NOMINATIONS REFERRED TO COMMITTEE

On request by Senator HATCH, under the authority of S. Res. 116, 112th Congress, the following nominations were referred to the Committee on Finance:

Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years. (Reappointment)

Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years. (Reappointment)

Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years. (Reappointment)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 2816. A bill to reauthorize the diesel emissions reduction program (Rept. No. 114–284).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. WARREN (for herself and Mr. DAINES):

S. 3078. A bill to increase portability of and access to retirement savings, and for other purposes; to the Committee on Finance.

By Mr. TESTER:

S. 3079. A bill to improve the management of the Federal coal leasing program; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 3080. A bill to direct the Secretary of the Interior to convey certain public lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain exchanged non-public lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASSIDY (for himself, Mr. KIRK, Ms. KLOBUCHAR, and Mr. JOHNSON):

S. 3081. A bill to amend title 38, United States Code, to provide certain employees of Members of Congress with access to case-tracking information of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOOZMAN (for himself and Mr. LEAHY):

S. Res. 504. A resolution recognizing the 70th anniversary of the Fulbright Program; to the Committee on Foreign Relations.

By Mr. CORKER (for himself, Mr. CARDIN, and Mr. COTTON):

S. Res. 505. A resolution expressing the sense of the Senate regarding compliance enforcement of Russian violations of the Open Skies Treaty; to the Committee on Foreign Relations.

By Mr. CORKER (for himself and Mr. CARDIN):

S. Res. 506. A resolution expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in Warsaw, Poland from July 8–9, 2016, and in support of committing NATO to a security posture capable of deterring threats to the Alliance; to the Committee on Foreign Relations.

By Mr. BURR (for himself and Mr. TESTER):

S. Res. 507. A resolution designating July 8, 2016, as Collector Car Appreciation Day and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 122

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 122, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the personal importation of safe and affordable drugs from approved pharmacies in Canada.

S. 391

At the request of Mr. PAUL, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 391, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 488

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 488, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 590

At the request of Mrs. MCCASKILL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 590, a bill to amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat campus sexual violence, and for other purposes.

S. 1555

At the request of Ms. HIRONO, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from Rhode Island (Mr. REED), the Senator from Montana (Mr. DAINES) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1555, a bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 1735

At the request of Mr. NELSON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1735, a bill to modernize the Undetectable Firearms Act of 1988.

S. 1766

At the request of Mr. SCHATZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1766, a bill to direct the Secretary of Defense to review the discharge characterization of former members of the Armed Forces who were discharged by reason of the sexual orientation of the member, and for other purposes.

S. 2067

At the request of Mr. WICKER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2067, a bill to establish EUREKA Prize Competitions to accelerate discovery and development of disease-modifying, preventive, or curative treatments for Alzheimer's disease and related dementia, to encourage efforts to enhance detection and diagnosis of

such diseases, or to enhance the quality and efficiency of care of individuals with such diseases.

S. 2230

At the request of Mr. CRUZ, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 2230, a bill to require the Secretary of State to submit a report to Congress on the designation of the Muslim Brotherhood as a foreign terrorist organization, and for other purposes.

S. 2424

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2424, a bill to amend the Public Health Service Act to reauthorize a program for early detection, diagnosis, and treatment regarding deaf and hard-of-hearing newborns, infants, and young children.

S. 2595

At the request of Mr. CRAPO, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2595, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit.

S. 2622

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2622, a bill to authorize the Secretary of the Interior to conduct a special resource study of Fort Ontario in the State of New York.

S. 2680

At the request of Mr. ALEXANDER, the names of the Senator from Colorado (Mr. GARDNER) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 2680, a bill to amend the Public Health Service Act to provide comprehensive mental health reform, and for other purposes.

S. 2854

At the request of Mr. BURR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2854, a bill to reauthorize the Emmett Till Unsolved Civil Rights Crime Act of 2007.

S. 2873

At the request of Mr. HATCH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2873, a bill to require studies and reports examining the use of, and opportunities to use, technology-enabled collaborative learning and capacity building models to improve programs of the Department of Health and Human Services, and for other purposes.

S. 2890

At the request of Ms. AYOTTE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2890, a bill to require the Secretary of the Treasury to mint coins in recognition of Christa McAuliffe.

S. 2895

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2895, a bill to extend the civil statute of limitations for victims of Federal sex offenses.

S. 2921

At the request of Mr. ISAKSON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2921, a bill to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, to improve health care and benefits for veterans, and for other purposes.

S. 3023

At the request of Mrs. MCCASKILL, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3023, a bill to provide for the reconsideration of claims for disability compensation for veterans who were the subjects of experiments by the Department of Defense during World War II that were conducted to assess the effects of mustard gas or lewisite on people, and for other purposes.

S. 3032

At the request of Mr. ISAKSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3032, a bill to provide for an increase, effective December 1, 2016, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 3032, supra.

S. 3056

At the request of Mr. LEAHY, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 3056, a bill to provide for certain causes of action relating to delays of generic drugs and biosimilar biological products.

S. 3060

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3060, a bill to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements.

S. CON. RES. 35

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. Con. Res. 35, a concurrent resolution expressing the sense of Congress that the United States should continue to exercise its veto in the United Nations Security Council on resolutions regarding the Israeli-Palestinian peace process.

S. CON. RES. 38

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. Con. Res. 38, a concurrent resolution reaffirming the Taiwan Relations Act and the Six Assurances as cornerstones of United States-Taiwan relations.

S. RES. 432

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 432, a resolution supporting respect for human rights and encouraging inclusive governance in Ethiopia.

S. RES. 482

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. Res. 482, a resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization and to increase pressure on the organization and its members to the fullest extent possible.

At the request of Mrs. SHAHEEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 482, supra.

S. RES. 503

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Delaware (Mr. CARPER), the Senator from Florida (Mr. RUBIO) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 503, a resolution recognizing June 20, 2016, as ''World Refugee Day''.

AMENDMENT NO. 4689

At the request of Ms. MIKULSKI, the names of the Senator from Maryland (Mr. CARDIN), the Senator from North Dakota (Ms. HEITKAMP), the Senator from Montana (Mr. TESTER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 4689 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4732

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 4732 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4762

At the request of Mr. MERKLEY, the names of the Senator from Hawaii (Ms. HIRONO), the Senator from New York (Mrs. GILLIBRAND), the Senator from Washington (Ms. CANTWELL), the Senator from North Dakota (Ms. HEITKAMP), the Senator from Maryland (Mr. CARDIN), the Senator from Massachusetts (Ms. WARREN) and the Senator from California (Mrs. FEINSTEIN) were

added as cosponsors of amendment No. 4762 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4783

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 4783 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4787

At the request of Mr. MCCAIN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Idaho (Mr. RISCH), the Senator from Iowa (Mrs. ERNST), the Senator from Oklahoma (Mr. INHOFE) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of amendment No. 4787 proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

At the request of Mr. CORNYN, the names of the Senator from North Carolina (Mr. TILLIS), the Senator from Louisiana (Mr. VITTER), the Senator from Florida (Mr. RUBIO), the Senator from Kansas (Mr. ROBERTS), the Senator from Illinois (Mr. KIRK) and the Senator from Indiana (Mr. COATS) were added as cosponsors of amendment No. 4787 proposed to H.R. 2578, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. WARREN (for herself and Mr. DAINES):

S. 3078. A bill to increase portability of and access to retirement savings, and for other purposes; to the Committee on Finance.

Mr. DAINES. Mr. President, today Senator WARREN and I have joined together to introduce the Retirement Savings Lost and Found Act. This important piece of legislation is critical to addressing key issues that exist in the regulatory framework for retirement plans.

Montanans are conservative folks who know the value of a hard-earned dollar. With the poor economic recovery and slow wage growth, working Montanans cannot afford to have money withheld from their paychecks and placed into retirement accounts, only to lose track of those accounts or have their retirement plans decline over time due to limitations placed on investment options. Now more than ever, our country needs the best laws to usher everyday Americans into a sound retirement.

Working Americans are losing hard-earned dollars up until the time when they need it most—their retirement. When an employee leaves a job, it is often hard for them to keep track of their retirement accounts during these transitional times. Our bill is a commonsense approach that will empower individuals to take control of their retirement futures. The Retirement Savings Lost and Found Act will allow Montanans to be that much more prepared to spend their golden years well with friends and family by providing a means to locate lost retirement accounts and allow better investment options to ensure those investments grow rather than erode over time.

I appreciate the work of Senator WARREN on completion of this important bill. Together, we can help individuals make the most of their retirement options by providing sound policy that has the potential to save billions over the years for those among us who need it most.

By Mrs. FEINSTEIN:

S. 3080. A bill to direct the Secretary of the Interior to convey certain public lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain exchanged nonpublic lands, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce the Santa Ana River Wash Plan Land Exchange Act. This legislation directs the transfer of land between the San Bernardino Valley Water Conservation District, the District, and the Bureau of Land Management in San Bernardino, California, BLM.

The bill is the culmination of years of collaboration between numerous federal and state agencies, private industry and municipalities representing mining, flood control, water supply and wildlife conservation, among other interests.

Included among the supporters of this land exchange are: County of San Bernardino; City of Redlands; City of Highland; San Bernardino Water Conservation District; San Bernardino Valley Municipal Water District; East Valley Water District; Endangered Habitats League; CEMEX Construction Materials Pacific; Robertson's Ready Mix; and Inland Action.

In 1993, representatives from this diverse group formed the ''Wash Committee'' to address mining issues in the upper Santa Ana River wash area.

The role of the Committee subsequently expanded in 1997 to consider the broad range of land uses in the area, including natural resource conservation.

The Wash Committee developed a strategy that focused on ''best uses'' for more comprehensive planning and not focusing on private property boundaries that would segment the area. The result is a project expected to produce a Land Management and Habitat Conservation Plan covering 4,500 acres.

The land exchange takes place in a designated region within the Santa Ana Wash, at the junction of the Santa Ana River and Mill Creek.

Currently, land within the Santa Ana Wash is owned by both the District and BLM.

The land parcels owned by the District are currently used for recharging the local groundwater aquifer through the use of more than 77 basins, and also provide rare Riversidian sage scrub habitat for a number of State and federally listed species. In addition, under this plan, new land would be set aside for conservation purposes near land already managed by BLM.

The exchange of land between the District and BLM will connect a current patchwork of separately owned land parcels into a consolidated open space for conservation purposes and will optimize mining efficiency and water conservation efforts.

The land transfer resulting from this legislation will lead to more protection efforts for habitat, improved connectivity in the wildlife corridor, expanded groundwater recharge for water supply, and the future establishment of public access and trails.

Additionally, the legislation will allow the continued use of land and mineral resources while maintaining the biological and hydrological resources of the area in an environmentally sensitive manner.

I want to applaud diverse members of the Wash Committee that worked together, including the Cities of Highland and Redlands, East Valley Water District, the County of San Bernardino, Robertson's Ready Mix, CEMEX, the San Bernardino Valley Municipal Water District, and the San Bernardino Valley Water Conservation District, along with the Federal, State and local stakeholders for their continued work on the Wash Plan.

This group has demonstrated that while it takes significant time, funding and cooperation, it is possible to simultaneously protect the environment and support local jobs, business and community interests.

I would also like to thank my colleagues, Representatives PETE AGUILAR and PAUL COOK, for introducing similar legislation in the House.

I look forward to working with my colleagues to pass the Santa Ana River Wash Plan Land Exchange Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 504—RECOGNIZING THE 70TH ANNIVERSARY OF THE FULBRIGHT PROGRAM

Mr. BOOZMAN (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 504

Whereas August 1, 2016, marks the 70th anniversary of President Harry S. Truman signing into law the Act of August 1, 1946 (60 Stat. 754, chapter 723) (commonly known as the ''Fulbright Act of 1946'');

Whereas the Fulbright Program was established by Senator James William Fulbright of Arkansas for the ''promotion of international good will through the exchange of students in the fields of education, culture, and science'';

Whereas the Fulbright Program is sponsored by the Bureau of Educational and Cultural Affairs of the Department of State;

Whereas the Fulbright Program provides approximately 8,000 grants annually and, as of 2016, operates in more than 160 countries, including 50 that have established cost-sharing binational commissions;

Whereas approximately 1,300 institutions of higher education in the United States, both public and private, host students at home and send scholars abroad;

Whereas current Fulbright students and scholars hail from all 50 States and 2 United States territories, and approximately a quarter are from minority or underrepresented populations;

Whereas more than 370,000 individuals from across the globe have benefitted from this unique opportunity;

Whereas alumni of the Fulbright Program include 54 Nobel Prize laureates, 82 recipients of the Pulitzer Prize, 33 heads of state, 16 Presidential Medal of Freedom recipients, 8 members of the United States Congress, and a former Secretary-General of the United Nations;

Whereas, on April 21, 2016, an American Elm was planted on the grounds of the United States Capitol in recognition of the 70th anniversary of the Fulbright Program; and

Whereas the Fulbright Program promotes United States higher education abroad and remains a valuable diplomatic tool: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 70th anniversary of the Fulbright Program;

(2) encourages the President and the Secretary of State to work with the Bureau of Educational and Cultural Affairs of the Department of State to support the work of the Fulbright Program;

(3) congratulates all past and present recipients of Fulbright awards; and

(4) calls on students, scholars, and professionals around the world to seek out opportunities to engage with each other and promote international good will.

Mr. BOOZMAN. Mr. President, today, along with Senator LEAHY, I submit a resolution recognizing the 70th Anniversary of the Fulbright Program.

On August 1, 1946, President Harry S. Truman signed into law legislation authored by Senator James William Fulbright of Arkansas, creating a program that used the proceeds from selling surplus war property to fund international exchanges between the United States and other countries. Senator Fulbright's program has gone on to become the largest education exchange program in history, and still works to ''promote peace and mutual understanding'' around the world. Counted among its more than 370,000 alumni are 82 Pulitzer Prize recipients, 54 Nobel Prize laureates, and 33 heads of states.

In the aftermath of World War II, Senator Fulbright understood that individual exchanges and person to person interactions are the best way to build a deep abiding understanding of other cultures and to promote peace. Today, as violence and intolerance grow across the globe, I believe the Fulbright program remains a beacon of hope for a better future. The academic and cultural opportunities provided to participants in the program ensure that ''international good will through the exchange of students in the fields of education, culture, and science'' continues to grow when it is so sorely needed.

I believe that you change the world through personal relationships, and am very proud as an Arkansan and an American of the success of the Fulbright exchange. I would like to thank the Fulbright Program, the staff at the Institute of International Education who administer the program, the Fulbright Association, and the Bureau of Educational and Cultural Affairs at the State Department for their incredible work over the last 70 years.

SENATE RESOLUTION 505—EXPRESSING THE SENSE OF THE SENATE REGARDING COMPLIANCE ENFORCEMENT OF RUSSIAN VIOLATIONS OF THE OPEN SKIES TREATY

Mr. CORKER (for himself, Mr. CARDIN, and Mr. COTTON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 505

Whereas the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002 (in this resolution referred to as the ''Open Skies Treaty''), which established a regime for unarmed aerial observation flights over the entire territory of its participants, is one of the most wide-ranging international efforts to date to promote openness and transparency of military forces and activities;

Whereas the United States Government has declared that strengthening and maintaining European security is a top priority for the United States, that the Open Skies Treaty is a key element of the Euro-Atlantic security architecture, and that arms control is a key part of that effort because robust multilateral conventional arms control arrangements contribute to a more stable and secure European continent;

Whereas, according to Secretary of State James Baker, addressing the Open Skies Conference in 1990, the end of the Cold War gave the Open Skies Treaty new importance as a stabilizing factor in East-West relations, openness and transparency in military matters offered ''the most direct path to greater predictability and reduced risk of inadvertent war,'' and Open Skies Treaty was thus ''potentially the most ambitious measure to build confidence ever undertaken'';

Whereas, according to the President's letter of submittal for the Open Skies Treaty provided to Congress by the Secretary of State on August 12, 1992, it is the purpose of the Open Skies Treaty to promote openness and transparency of military forces and activities and to enhance mutual understanding and confidence by giving States Party a direct role in gathering information about military forces and activities of concern to them;

Whereas, according to the Report on Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments published by the Department of State on April 11, 2016 (in this resolution referred to as the ''2016 Compliance Report''), the Russian Federation ''continues not to meet its obligations [under the Open Skies Treaty] to allow effective observation of its entire territory, raising serious compliance concerns'';

Whereas, according to the 2016 Compliance Report, Russian conduct giving rise to compliance concerns has continued since the Open Skies Treaty entered into force in 2002 and worsened in 2010, 2014, and 2015; and

Whereas, according to the 2016 Compliance Report, ongoing efforts by the United States and other States Party to the Open Skies Treaty to address these concerns through dialogue with the Russian Federation ''have not resolved any of the compliance concerns.'': Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) restrictions upon the ability of Open Skies Treaty aircraft to overfly all portions of the territory of a State Party impede openness and transparency of military forces and activities and undermine mutual understanding and confidence, especially when coupled with an ongoing refusal to address compliance concerns raised by other States Party subject to such restrictions;

(2) it is essential to the accomplishment of the purpose of the Open Skies Treaty that Open Skies Treaty aircraft be able to observe the entire territory of a State Party in a timely and reciprocal manner as provided for under the Open Skies Treaty;

(3) the Russian Federation's restrictions upon the ability of Open Skies Treaty aircraft to overfly all portions of the territory of the Russian Federation constitute violations of the Open Skies Treaty; and

(4) for so long as the Russian Federation remains in noncompliance with the Open Skies Treaty, the United States should take such measures as are necessary to bring about the Russian Federation's return to full compliance with its treaty obligations, including, as appropriate, through the imposition of restrictions upon Russian overflights of the United States.

SENATE RESOLUTION 506—EXPRESSING THE SENSE OF THE SENATE IN SUPPORT OF THE NORTH ATLANTIC TREATY ORGANIZATION AND THE NATO SUMMIT TO BE HELD IN WARSAW, POLAND FROM JULY 8–9, 2016, AND IN SUPPORT OF COMMITTING NATO TO A SECURITY POSTURE CAPABLE OF DETERRING THREATS TO THE ALLIANCE

Mr. CORKER (for himself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 506

Whereas the North Atlantic Treaty, signed April 4, 1949, in Washington, District of Columbia, which created the North Atlantic Treaty Organization (''NATO''), proclaims: ''[Members] are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area. They are resolved to unite their efforts for collective defence and for the preservation of peace and security.'';

Whereas NATO has been the backbone of the European security architecture for 67 years, evolving to meet the changing transatlantic geopolitical and security environment;

Whereas NATO continues its mission in Afghanistan following the September 11, 2001, attacks on the United States;

Whereas, at the NATO Wales Summit in September 2014, NATO reaffirmed the Alliance's role in transatlantic security and its ability to respond to emerging security threats and challenges;

Whereas Alliance members at the NATO Wales Summit defined the new security paradigm when they stated, ''Russia's aggressive actions against Ukraine have fundamentally challenged our vision of a Europe whole, free, and at peace. Growing instability in our southern neighborhood, from the Middle East to North Africa, as well as transnational and multi-dimensional threats, are also challenging our security. These can all have long-term consequences for peace and security in the Euro-Atlantic region and stability across the globe.'';

Whereas, at the 2014 NATO Wales Summit, Alliance members addressed this changed security environment by committing to enhancing readiness and collective defense; increasing defense spending and boosting military capabilities; and improving NATO support for partner countries through the Defense Capacity Building Initiative;

Whereas, although Article 14 of the Wales Declaration calls on all members of the alliance to spend a minimum of 2 percent of their Gross Domestic Product (GDP) on defense within a decade, currently only five members are achieving that target;

Whereas, after the 2014 Wales Summit, the Russian military invaded Ukraine, adding Crimea to the list of areas illegally controlled by Moscow, including Georgia's Abkhazia and South Ossetia regions;

Whereas Russian-backed separatists in Eastern Ukraine continue to destabilize the region with support from the Government of the Russian Federation;

Whereas the Government of the Russian Federation continues to undertake provocative, unprofessional, and dangerous actions towards NATO air and naval forces and continues to exercise hybrid warfare capabilities against member and nonmember states along its western borders;

Whereas Poland and the Baltic States of Estonia, Latvia, and Lithuania are on the frontlines of renewed Russian aggression and hybrid warfare, including disinformation campaigns, cyber threats, and snap military exercises along the Alliance's eastern flank;

Whereas President Barack Obama proposed a quadrupling of the European Reassurance Initiative in fiscal year 2017 to $3,400,000,000 in order to enhance the United States commitment to NATO, to support Europe's defense, and to deter further Russian aggression;

Whereas the cornerstone of NATO's collective defense initiative is the Readiness Action Plan, intended to enable a continuous NATO military presence on the Alliance's periphery, especially its easternmost states, which includes enhanced troop rotations, military exercises, and the establishment of a Very High Readiness Task Force;

Whereas, in follow-up to commitments made at the NATO Wales Summit, NATO and the Government of Georgia agreed on a ''Substantial Package'' of cooperation and defense reform initiatives to strengthen Georgia's resilience and self-defense capabilities and develop closer security cooperation and interoperability with NATO members, including through the establishment of the Joint Training and Evaluation Center, which was inaugurated in 2015;

Whereas the threat of transnational terrorism has resulted in attacks in Turkey, France, Belgium, and the United States, and the Islamic State of Iraq and the Levant (ISIL) continues to pose a real and evolving threat to member states, other countries in Europe, and the broader international community;

Whereas the migration crisis from the Syrian civil war, the conflict in Afghanistan, and economic and humanitarian crises in Africa have placed a great strain on member states;

Whereas the NATO summit in Warsaw, Poland, is an opportunity to enhance and more deeply entrench those principles and build on our collective security, which continue to bind the Alliance together and guide our efforts today; and

Whereas, on May 19, 2016, Foreign Ministers of NATO member states signed an Accession Protocol to officially endorse and legally move forward Montenegro's membership in the Alliance, which, consistent with NATO's ''Open Door policy'', would indeed further the principles of the North Atlantic Treaty and contribute to the security of the North Atlantic area: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the service of the brave men and women who have served to safeguard the freedom and security of the United States and the whole of the transatlantic alliance;

(2) encourages Alliance members at the NATO Warsaw Summit to promote unity and solidarity, and to ensure a robust security posture capable of deterring any potential adversary, in the face of the complex and changing security environment confronting the Alliance on its eastern, northern, and southern fronts;

(3) urges all NATO members to invest at least two percent of GDP in defense spending and carry an equitable burden in supporting the resource requirements and defense capabilities of the Alliance;

(4) reaffirms its commitment to NATO's collective security as guaranteed by Article 5 of the North Atlantic Treaty;

(5) recognizes Georgia's troop contributions to missions abroad, its robust defense spending, and its ongoing efforts to strengthen its democratic and military institutions for NATO accession; and

(6) recognizes the ongoing work of NATO's Resolute Support Mission in Afghanistan, with 12,000 troops advising and assisting Afghanistan's security ministries, and army and police commands across the country.

SENATE RESOLUTION 507—DESIGNATING JULY 8, 2016, AS COLLECTOR CAR APPRECIATION DAY AND RECOGNIZING THAT THE COLLECTION AND RESTORATION OF HISTORIC AND CLASSIC CARS IS AN IMPORTANT PART OF PRESERVING THE TECHNOLOGICAL ACHIEVEMENTS AND CULTURAL HERITAGE OF THE UNITED STATES

Mr. BURR (for himself and Mr. TESTER) submitted the following resolution; which was considered and agreed to:

S. RES. 507

Whereas many people in the United States maintain classic automobiles as a pastime and do so with great passion and as a means of individual expression;

Whereas the Senate recognizes the effect that the more than 100-year history of the automobile has had on the economic progress of the United States and supports wholeheartedly all activities involved in the restoration and exhibition of classic automobiles;

Whereas the collection, restoration, and preservation of automobiles is an activity shared across generations and across all segments of society;

Whereas thousands of local car clubs and related businesses have been instrumental in preserving a historic part of the heritage of the United States by encouraging the restoration and exhibition of such vintage works of art;

Whereas automotive restoration provides well-paying, high-skilled jobs for people in all 50 States; and

Whereas automobiles have provided the inspiration for music, photography, cinema, fashion, and other artistic pursuits that have become part of the popular culture of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 8, 2016, as ''Collector Car Appreciation Day'';

(2) recognizes that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States; and

(3) encourages the people of the United States to engage in events and commemorations of Collector Car Appreciation Day that create opportunities for collector car owners to educate young people about the importance of preserving the cultural heritage of the United States, including through the collection and restoration of collector cars.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4791. Mr. COATS submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of

Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 4792. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4793. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4794. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4795. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4796. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4797. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4798. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4799. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4800. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4801. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4802. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4803. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4804. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4805. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4806. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4807. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4808. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4809. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4810. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4811. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4812. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4813. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4814. Ms. COLLINS (for herself, Ms. HEITKAMP, Ms. AYOTTE, Mr. HEINRICH, Mr. FLAKE, Mr. KAINE, Mr. GRAHAM, Mr. KING, Mr. NELSON, Mr. MANCHIN, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4815. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4816. Mr. REID submitted an amendment intended to be proposed to amendment SA 4815 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4817. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4818. Mr. REID submitted an amendment intended to be proposed to amendment SA 4817 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4819. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4820. Mr. REID submitted an amendment intended to be proposed to amendment SA 4819 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4821. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4822. Mr. REID submitted an amendment intended to be proposed to amendment SA 4821 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4823. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4824. Mr. REID submitted an amendment intended to be proposed to amendment SA 4823 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4825. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4826. Mr. REID submitted an amendment intended to be proposed to amendment SA 4825 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4827. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4828. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4829. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4830. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4831. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4832. Mr. MENENDEZ (for himself, Mr. BLUMENTHAL, Mr. MURPHY, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4833. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4834. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4688 submitted by Mr. WYDEN and intended to be proposed to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4835. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4836. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4837. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4838. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4839. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4840. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4841. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4842. Mr. CORNYN (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4843. Mr. SASSE (for himself and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4844. Mrs. BOXER (for herself, Ms. CANTWELL, Mrs. MURRAY, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4845. Mr. SASSE submitted an amendment intended to be proposed by him to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4846. Mrs. BOXER (for herself, Mrs. MURRAY, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4847. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4848. Ms. MIKULSKI (for herself, Mr. LEAHY, Ms. BALDWIN, Mr. NELSON, Ms. HIRONO, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4849. Mr. BURR (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4850. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4851. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4852. Mr. MCCONNELL (for Mrs. ERNST) proposed an amendment to the bill H.R. 1777, to amend the Act of August 25, 1958, commonly known as the ''Former Presidents Act of 1958'', with respect to the monetary allowance payable to a former President, and for other purposes.

SA 4853. Mr. MCCONNELL (for Mr. THUNE) proposed an amendment to the bill S. 2736, to improve access to durable medical equipment for Medicare beneficiaries under the Medicare program, and for other purposes.

TEXT OF AMENDMENTS

SA 4791. Mr. COATS submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 17 and 18, insert the following:

SEC. 301. Funds appropriated or made available under the heading ''NATIONAL SCIENCE FOUNDATION'' under the heading ''SCIENCE'' under this title to award research grants may be made available to increase the transparency, to the maximum extent practicable, of any grant application submitted by a recipient of such grant, provided that doing so does not compromise intellectual property, competitive advantage, or the privacy of such recipients or other individuals associated with the grant.

SA 4792. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) Not later than 90 days after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a fully documented report that includes the following:

(1) A list of the specific actions the Administrator will implement through 2021 to promote the recovery of the Sacramento River winter-run Chinook salmon and the basis for such actions.

(2) An evaluation of the causes of salmon mortality rates in 2014 and 2015 in the Sacramento River and a description of activities to be carried out to address such mortality.

(3) An evaluation of the reliability of data from rotary-screw traps and other facilities at Red Bluff Diversion Dam used to evaluate the year-class strength of Sacramento River winter-run Chinook salmon and an assessment of the potential benefits of increasing data collection further upstream on the Sacramento River and during high flow events.

(b) Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Commissioner of the Bureau of Reclamation a fully documented plan to carry out the actions and activities described in subsection (a).

SA 4793. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADDITION OF RHODE ISLAND TO THE MID-ATLANTIC FISHERY MANAGEMENT COUNCIL.

Section 302(a)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(B)) is amended—

(1) by inserting ''Rhode Island,'' after ''States of'';

(2) by inserting ''Rhode Island,'' after ''except North Carolina,'';

(3) by striking ''21'' and inserting ''23''; and

(4) by striking ''13'' and inserting ''14''.

SA 4794. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. None of the funds in this Act shall be provided to the Mid-Atlantic Fishery Management Council to prepare a fishery management plan or amendment or to take other action that does not include the full participation, including in votes of the Council, of the principal official with marine fishery management responsibility (or a designee) for the State of Rhode Island and one additional representative designated by the Secretary of Commerce from among at least three qualified individuals recommended by Governor of the State of Rhode Island.

SA 4795. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 13, insert '': *Provided*, That of the grants awarded through such section 27, funds shall be awarded to university incubators eligible to participate in the Experimental Program to Stimulate Competitive

Research of the National Science Foundation'' after ''27''.

SA 4796. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 17 and 18, insert the following:

GENERAL PROVISIONS

SEC. 301. (a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) conducting deep space exploration requires radioisotope power systems, such as thermoelectric and Stirling generators and converters;

(2) establishing continuity in the production of the material needed to power such radioisotope power systems is paramount to the success of future deep space missions; and

(3) Federal agencies supporting the National Aeronautics and Space Administration through the production of the material described in paragraph (2) should do so in a cost effective manner so as not to impose excessive reimbursement requirements on the Administration.

(b) ANALYSIS OF REQUIREMENTS AND RISKS.—The Director of the Office of Science and Technology Policy and the Administrator of the National Aeronautics and Space Administration, in consultation with the heads of other Federal agencies, shall conduct an analysis of—

(1) the requirements of the National Aeronautics and Space Administration for radioisotope power system material that is needed to carry out planned, high priority robotic missions in the solar system and other surface exploration activities beyond low-Earth orbit; and

(2) the risks to missions of the Administration in meeting those requirements, or any additional requirements, due to a lack of adequate radioisotope power system material.

(c) CONTENTS OF ANALYSIS.—The analysis conducted under subsection (b) shall—

(1) detail the current projected mission requirements and associated timeframes for radioisotope power systems and radioisotope power system material;

(2) explain the assumptions used to determine the requirements of the National Aeronautics and Space Administration for the material, including—

(A) the planned use of advanced thermal conversion technology, such as advanced thermocouples and Stirling generators and converters; and

(B) the risks and implications of, and contingencies for, any delays or unanticipated technical challenges affecting or related to the mission plans of the Administration for the anticipated use of advanced thermal conversion technology;

(3) assess the risk to the programs of the Administration of any potential delays in achieving the schedule and milestones for planned domestic production of radioisotope power system material;

(4) outline a process for meeting any additional Administration requirements for the material;

(5) estimate the incremental costs required to increase the amount of material produced each year, if such an increase is needed to support additional Administration requirements for the material;

(6) detail how the Administration and other Federal agencies will manage, operate, and fund production facilities and the design and development of all radioisotope power systems used by the Administration and other Federal agencies as necessary;

(7) specify the steps the Administrator will take, in consultation with the Secretary of Energy, to preserve the infrastructure and workforce necessary for production of radioisotope power systems and ensure that Administration reimbursements to the Department of Energy associated with such preservation are equitable and justified;

(8) identify the steps the Administrator will take to preserve taxpayer investment to date in Advanced Stirling Convertor technology; and

(9) detail how the Administrator has implemented or rejected the recommendations of the National Research Council in the 2009 report titled ''Radioisotope Power Systems: An Imperative for Maintaining U.S. Leadership in Space Exploration''.

(d) TRANSMITTAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Aeronautics and Space Administration shall transmit the results of the analysis conducted under subsection (b) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

SA 4797. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) The Administrator of the National Oceanic and Atmospheric Administration shall ensure that the Administration responds in a timely manner to a request from Congress or the Congressional Budget Office, including a response to questions for the record, a letter from a Member of Congress, a request for technical assistance, or views on legislation.

(b) The Administrator of the National Oceanic and Atmospheric Administration shall submit to Congress an annual report on the requests for information submitted to the Administration during the previous year and the timeliness of responses to such requests. Each such report shall include—

(1) the number of such requests made by members of Congress or the Congressional Budget Office and the response time for each such request; and

(2) the number of such requests made under section 552 of title 5 (commonly referred to as the ''Freedom of Information Act'') and the response time for each such request.

SA 4798. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 20 and 21, insert the following:

SEC. 218. (a) IN GENERAL.—

None of the funds made available in this Act may be used by the Tax Division of the Department of Justice to investigate, litigate, or pursue any other tax enforcement action against any person found to be delinquent in paying a tax on any amount income which would be includible in gross income by reasons of the discharge (in whole or in part) of any loan described in the subsection (b) if such discharge was —

(1) pursuant to subsection (a) or (d) of section 437 of the Higher Education Act of 1965 or the parallel benefit under part D of title IV of such Act (relating to the repayment of loan liability),

(2) pursuant to section 464(c)(1)(F) of such Act, or

(3) otherwise discharged on account of the death or total and permanent disability of the student.

(b) LOANS DESCRIBED.—A loan is described in this subsection if such loan is—

(1) a student loan (as defined in section 108(f)(2) of the Internal Revenue Code of 1986), or

(2) a private education loan (as defined in section 140(7) of the Consumer Credit Protection Act (15 U.S.C. 1650(7))).

SA 4799. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. No funds made available by this Act may be expended from the amounts appropriated under section 1304 of title 31, United States Code, to pay final judgments, awards, compromise settlements, or interest or costs specified in the judgments or otherwise authorized by law if such payment is otherwise provided for, including expenditures that Congress has otherwise limited or restricted.

SA 4800. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF SUNSET OF TITLE VII OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REPEAL.—Section 403 of the FISA Amendments Act of 2008 (Public Law 110–261;

122 Stat. 2474) is amended by striking subsection (b).

(b) CONFORMING AMENDMENT.—Section 404 of the FISA Amendments Act of 2008 (Public Law 110–261; 50 U.S.C. 1801 note) is amended by striking subsection (b).

SA 4801. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AUTHORITY FOR ROVING SURVEILLANCE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''and section 105(c)(2) read as they'' and inserting ''reads as it''.

SA 4802. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ACCESS TO CERTAIN BUSINESS RECORDS COLLECTED UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 PRIOR TO NOVEMBER 29, 2015.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Director of the National Security Agency shall have access to all business records collected under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) prior to November 29, 2015, in the same manner and for the same purposes that the Director had access to such records prior to such date.

(b) REQUIREMENT TO MAINTAIN BUSINESS RECORDS.—Notwithstanding any other provision of law, the Director of the National Security Agency shall maintain each business record referred to in subsection (a) for the 5-year period beginning on the date that such record was acquired under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861).

(c) EFFECTIVE PERIOD.—The authority for access to business records under subsection (a) shall be in effect during the 5-year period beginning on the date of the enactment of this Act.

SA 4803. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 11, strike line 9 and all that follows through ''$119,000,000'' on page 12, line 8, and insert the following

For necessary expenses of the National Institute of Standards and Technology (NIST), $680,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the ''Working Capital Fund'': *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses: *Provided further*, That NIST may provide local transportation for summer undergraduate research fellowship program participants.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, $135,000,000, to remain available until expended, of which $130,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which $5,000,000 shall be for the National Network for Manufacturing Innovation.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), $50,000,000

SA 4804. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PERMANENT AUTHORITY FOR INDIVIDUAL TERRORIST TO BE TREATED AS AGENTS OF FOREIGN POWERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking subsection (b).

SA 4805. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available to the Department of Justice under this Act may be used in the seizure of funds through civil or criminal forfeiture based on a violation of paragraph (1) or (3) of section 5324(a) of title 31, United States Code, unless the seizure satisfies the requirements described in conditions set forth in the Department of Justice Policy Directive 15–3 (March 31, 2015).

SA 4806. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available to the Department of Justice under this Act may be used for litigation defending the legality of any final rule based on the proposed rule of the Federal Communications Commission entitled ''Protecting the Privacy of Customers of Broadband and Other Telecommunications Services'' (81 Fed. Reg. 23359 (April 20, 2016)) or for assisting in such litigation in any other way.

SA 4807. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available under this Act may be used by the Department of Justice to seek enforcement of any forfeiture obtained by consent decree pursuant to any final rule based on the proposed rule of the Federal Communications Commission entitled ''Protecting the Privacy of Customers of Broadband and Other Telecommunications Services'' (81 Fed. Reg. 23359 (April 20, 2016)).

SA 4808. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5_____. STUDY ON DRUG TRAFFICKING.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to Congress on the impact that the trafficking of narcotics, specifically opioids and methamphetamine, through States that border Mexico has on substance abuse of narcotics by the residents of such States.

SA 4809. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 12, strike ''$68,000,000'' and insert ''$62,500,000''.

On page 159, line 3, strike ''$5,000,000'' and insert ''$10,500,000''.

SA 4810. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OPERATION STREAMLINE.

(a) FINDINGS.—Congress finds the following:

(1) The Border Patrol's Yuma Sector has long grappled with the crossing of undocumented aliens and has seen illegal traffic decline precipitously from the early 2000s to the present.

(2) A combination of increased manpower, technology implementation, and the delivery of appropriate consequences have resulted in gains in border security in the Yuma Sector.

(3) A key to the success in the Yuma Sector has been the implementation of Operation Streamline, a program established in 2005 that was described by former Department of Homeland Security Secretary Janet Napolitano as ''a DHS partnership with the Department of Justice, . . . a geographically focused operation that aims to increase the consequences for illegally crossing the border by criminally prosecuting illegal border-crossers.''.

(4) The Yuma County Sheriff's Office, which is known for its ''zero-tolerance'' approach, cites 100 percent prosecution of illegal border crossers as a shared goal of a partnership including Federal, State, and local law enforcement agencies.

(5) Among the various consequences delivered to illegal crossers by the Department of Homeland Security, Operation Streamline is associated with a recidivism rate that is well below average and has seen a steady decrease in recidivism in recent years.

(6) The United States Attorney's Office for the District of Arizona will reportedly no longer be prosecuting those apprehended crossing the border illegally for the first time.

(7) According to the Sheriff of Yuma County, Operation Streamline ''had a deterrent effect in Yuma County, which gained a reputation as an area to avoid crossing into because if caught, you were assured to go to court and possibly face penalties'', but now the program ''has been severely diluted.''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) gains made in border security in the Yuma Sector and positive trends in recidivism rates are of critical importance to those living and working in the border region and to the Nation as a whole;

(2) refusing to prosecute first time illegal border crossers under Operation Streamline will jeopardize border security gains;

(3) the border security steps that have led to some measure of improvement on the border, such as the historical implementation of Operation Streamline, should be preserved; and

(4) the Executive Branch should immediately remove any issued or related prohibition, policy, guidance, or direction to cease prosecuting first time illegal border crossers under Operation Streamline.

SA 4811. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. None of the funds appropriated or otherwise made available under this Act may be used to purchase information from the National Technical Information Service.

SA 4812. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 1, strike ''$5,395,000,000'' and all that follows through ''That the formulation'' and insert ''$5,375,000,000, to remain available until September 30, 2018; *Provided*, That the amount available under this paragraph for the Near-Earth Object program may not exceed $40,000,000; *Provided further*, That the formulation''.

SA 4813. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 17 and 18, insert the following:

GENERAL PROVISION

SEC. 301. The unclassified version of any study conducted using funds appropriated or otherwise made available by this title shall include the following:

(1) The name of each Agency that provided funds for the conduct of the study.

(2) The project or award number of the study.

(3) An estimate of the total cost of the study.

SA 4814. Ms. COLLINS (for herself, Ms. HEITKAMP, Ms. AYOTTE, Mr. HEINRICH, Mr. FLAKE, Mr. KAINE, Mr. GRAHAM, Mr. KING, Mr. NELSON, Mr. MANCHIN, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DISCRETIONARY AUTHORITY TO DENY TRANSFERS OF FIREARMS OR EXPLOSIVES TO TERRORISTS.

(a) AUTHORITY.—

(1) IN GENERAL.—On and after the date of enactment of this Act, in accordance with the procedures under this section, and without regard to section 842, 843, section 922(g) or (n), or section 923 of title 18, United States Code, the Attorney General may deny the transfer of a firearm, not later than 3 business days after a licensee under chapter 44 of title 18, United States Code, contacts the national instant criminal background check system established under section 103 of Public Law 103–159 (18 U.S.C. 922 note), deny the transfer of an explosive, or deny the issuance of a Federal firearms or explosives license or permit, if either of the following are met:

(A) NO FLY LIST.—The Attorney General determines that transferee or applicant—

(i) based on the totality of the circumstances, represents a threat to public safety based on a reasonable suspicion that the transferee or applicant is engaged, or has been engaged, in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources therefor; and

(ii) based on credible information, poses—

(I) a threat of committing an act of international terrorism or domestic terrorism with respect to an aircraft (including a threat of piracy, or a threat to airline, passenger, or civil aviation security);

(II) a threat of committing an act of domestic terrorism with respect to the homeland;

(III) a threat of committing an act of international terrorism against any United States Government facility abroad and associated or supporting personnel, including United States embassies, consulates and missions, military installations, United States ships, United States aircraft, or other auxiliary craft owned or leased by the United States Government; or

(IV) a threat of engaging in or conducting a violent act of terrorism and who is operationally capable of doing so.

(B) SELECTEE LIST.—The Attorney General determines that transferee or applicant meets the standard for inclusion on the Selectee List, which is the subset list of the Terrorist Screening Database, maintained by the Terrorist Screening Center of the Federal Bureau of Investigation, of individuals who are selected for enhanced security screening when attempting to board a United States commercial aircraft or fly into, out of, or over United States airspace, based on the standard to be on such Selectee List on June 16, 2016.

(2) NICS.—Solely for purposes of sections 922(t) (1), (2), (5), and (6) of title 18, United States Code, and section 103(g) of Public Law 103–159 (18 U.S.C. 922 note), a denial by the Attorney General under paragraph (1) shall be treated as equivalent to a determination that receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code. During the 3-business-day period beginning when a licensee under chapter 44 of title 18, United States Code, contacts the national instant criminal background check system established under section 103 of Public Law 103–159 (18 U.S.C. 922 note), and notwithstanding section 922(t)(2) of title 18, United States Code, the Attorney General may delay assigning a unique identification number to a transfer of a firearm in order to determine whether the transferee or applicant meets the requirements under paragraph (1).

(b) NOTIFICATION OF PROSPECTIVE FIREARM TRANSFERS TO KNOWN OR SUSPECTED TERRORIST.—The Attorney General and Federal, State, and local law enforcement shall be

immediately notified, as appropriate, of any request to transfer a firearm or explosive to a person who is, or with in the previous 5 years was, identified in the Terrorist Screening Database maintained by the Terrorist Screening Center of the Federal Bureau of Investigation.

(c) PETITION FOR REVIEW.—

(1) IN GENERAL.—An individual who is a citizen or lawful permanent resident of the United States who seeks to challenge a denial by the Attorney General under subsection (a)(1) may file a petition for review and any claims related to that petition in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the judicial circuit in which the individual resides.

(2) DEADLINES FOR FILING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a petition for review under paragraph (1), and any claims related to that petition, shall be filed not later than 60 days after the petitioner receives actual notice of the denial by the Attorney General.

(B) EXCEPTION.—The court of appeals in which a petition for review is to be filed under paragraph (1) may allow the petition to be filed after the deadline specified in subparagraph (A) only if there are reasonable grounds for not filing by that deadline.

(3) AUTHORITY OF COURTS OF APPEALS.—The court of appeals in which a petition for review is filed under paragraph (1)—

(A) shall have—

(i) jurisdiction to decide all relevant questions of law and fact; and

(ii) exclusive jurisdiction to affirm, amend, modify, or set aside any part of the denial of the Attorney General that is the subject of the petition for review; and

(B) may order the Attorney General to conduct further proceedings.

(4) EXCLUSIVE JURISDICTION.—

(A) IN GENERAL.—No district court of the United States shall have jurisdiction to consider any claim related to or arising out of facts and circumstances that could have been included in a petition filed under paragraph (1), including any constitutional claim.

(B) LAWFULNESS AND CONSTITUTIONALITY.—No district court of the United States or court of appeals of the United States shall have jurisdiction to consider the lawfulness or constitutionality of this section except pursuant to a petition for review under section.

(C) NONCITIZENS.—No district court of the United States or court of appeals of the United States shall have jurisdiction to hear any claim by an individual who is not a citizen or lawful permanent resident of the United States related to or arising out a denial by the Attorney General under subsection (a)(1).

(d) REQUIREMENT FOR AN ADMINISTRATIVE RECORD AND PROCEDURES FOR JUDICIAL REVIEW.—Notwithstanding any other provision of law, the following procedures shall apply with respect to a petition for review filed in a court of appeals under subsection (c):

(1) The United States shall file with the court an administrative record, which shall consist of—

(A) the information the Attorney General relied upon in denying the transfer or application;

(B) any information the petitioner has submitted pursuant to any administrative process;

(C) any information determined relevant by the United States; and

(D) any information that is exculpatory.

(2)(A) The petitioner may file with the court any information determined relevant by the petitioner.

(B) With leave of the court, the United States may supplement the administrative record with additional information.

(3) All information in the administrative record that is not classified and is not otherwise privileged or subject to statutory protections shall be provided to the petitioner.

(4) No discovery shall be permitted, unless the court shall determine extraordinary circumstances requires discovery in the interests of justice.

(5) Sensitive security information contained in the administrative record may only be provided pursuant to a protective order.

(6)(A) The administrative record may include classified information, which the United States shall submit to the court in camera and ex parte.

(B) The United States shall notify the petitioner if the administrative record filed under paragraph (1) contains classified information.

(C) The court may enter an order, after notice and a hearing, allowing disclosure to the petitioner, counsel for the petitioner, or both, of—

(i) an unclassified summary of some or all classified information in the administrative record;

(ii) a statement admitting relevant facts that some or all classified information in the administrative record would tend to prove;

(iii) some or all classified information, if counsel for the petitioner possess the appropriate security clearance; or

(iv) any combination thereof.

(D)(i) If the court enters an order under subparagraph (C) providing for the disclosure of classified information and the United States files with the court an affidavit of the Attorney General objecting to the disclosure, the court shall order that the classified information not be disclosed.

(ii) If classified information is not disclosed under clause (i), the court shall enter such an order as the interests of justice require, which may include an order quashing the denial by the Attorney General under subsection (a)(1).

(iii) An order under subparagraph (C) or clause (ii) of this subparagraph shall be subject to review pursuant to section 1254 of title 28, United States Code.

(iv) An order under clause (ii) shall be administratively stayed for 7 days.

(v) The functions and duties of the Attorney General under this subparagraph—

(I) may be exercised by the Deputy Attorney General, the Associate Attorney General, or by an Assistant Attorney General designated by the Attorney General for such purpose; and

(II) may not be delegated to any other official.

(E) Any information disclosed under subparagraph (C) shall be subject to an appropriate protective order.

(7) Any classified information, sensitive security information, law enforcement sensitive information, or information that is otherwise privileged or subject to statutory protections, that is part of the administrative record, or cited by the court or the parties, shall be treated by the court and the parties consistent with the provisions of this subsection, and shall be sealed and preserved in the records of the court to be made available in the event of further proceedings. In no event shall such information be released as part of the public record.

(8) The court shall award reasonable attorney fees to a petitioner who is a prevailing party in an action under this section.

(9) After the expiration of the time to seek further review, or the conclusion of further proceedings, the court shall return the administrative record, including any and all copies, to the United States. All privileged information or other information in the possession of counsel for the petitioner that was provided by the United States under a protective order shall be returned to the United States, or the counsel for the petitioner shall certify its destruction, including any and all copies.

(e) SCOPE OF REVIEW.—The court of appeals shall quash any denial by the Attorney General under subsection (a)(1), unless the United States demonstrates, on a de novo review of fact and law—

(1) that—

(A) based on the totality of the circumstances, the transferee or applicant represents a threat to public safety based on a reasonable suspicion that the transferee or applicant is engaged, or has been engaged, in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources therefor; and

(B) based on credible information, the transferee or applicant poses—

(i) a threat of committing an act of international terrorism or domestic terrorism with respect to an aircraft (including a threat of piracy, or a threat to airline, passenger, or civil aviation security);

(ii) a threat of committing an act of domestic terrorism with respect to the homeland;

(iii) a threat of committing an act of international terrorism against any United States Government facility abroad and associated or supporting personnel, including United States embassies, consulates and missions, military installations, United States ships, United States aircraft, or other auxiliary craft owned or leased by the United States Government; or

(iv) a threat of engaging in or conducting a violent act of terrorism and who is operationally capable of doing so; or

(2) that the standard has been met for including the transferee or applicant on the Selectee List, which is the subset list of the Terrorist Screening Database, maintained by the Terrorist Screening Center of the Federal Bureau of Investigation, of individuals who are selected for enhanced security screening when attempting to board a United States commercial aircraft or fly into, out of, or over United States airspace, based on the standard to be on such Selectee List on June 16, 2016.

(f) EFFECT OF QUASHING.—If the court of appeals quashes a denial by the Attorney General under subsection (e), notwithstanding any other provision of law, the Attorney General shall—

(1) for a denial of the transfer of a firearm, cause a unique identifier to issue pursuant to section 922(t)(2) of title 18, United States Code, not later than 3 days after the issuance of the order under subsection (e); and

(2) for a denial of a license or permit, expeditiously issue a license or permit under chapter 40 or 44 of title 18, United States Code, as applicable.

(g) SUPREME COURT REVIEW.—A decision by a court of appeals under this section may be reviewed by the Supreme Court under section 1254 of title 28, United States Code.

(h) EXCLUSIVE REMEDY.—The judicial review under a petition for review filed under subsection (c) shall be the sole and exclusive

remedy for a claim by an individual who challenges a denial under subsection (a)(1).

(i) EXPEDITED CONSIDERATION.—

(1) COURTS.—Not later than 14 days after the date on which a petition is filed challenging a denial under subsection (a)(1), a court of appeals shall determine whether to quash the denial, unless the petitioner consents to a longer period.

(2) OF QUASHING.—If the court of appeals quashes a denial by the Attorney General under subsection (e), a petitioner may submit the order quashing the denial to the Department of Homeland Security for expedited review, as appropriate.

(j) TRANSPARENCY.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter—

(1) the Attorney General shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report providing—

(A) the number of persons denied a firearm transfer or a license or permit under subsection (a)(1) during the reporting period;

(B) the number of petitions for review filed under subsection (d); and

(C) the number of instances in which a court of appeals quashed a denial by the Attorney General under subsection (e); and

(2) the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate and the Homeland Security Committee the Permanent Select Committee on Intelligence of the House of Representatives a report providing—

(A) the number individuals—

(i) with respect to whom a court of appeals quashed a denial by the Attorney General under subsection (e); and

(ii) who submitted the order quashing the denial to the Department of Homeland Security under subsection (i)(2); and

(B) a description of the actions taken and final determinations made by the Department of Homeland Security with regard to submissions described in subparagraph (A)(ii) respecting the status of individuals on the No Fly List or Selectee List, including the length of time taken to reach a final determination.

(k) DEFINITIONS.—In this section:

(1) CLASSIFIED INFORMATION.—The term ''classified information'' has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(2) DOMESTIC TERRORISM.—The term ''domestic terrorism'' has the meaning given that term in section 2331(5) of title 18, United States Code.

(3) INTERNATIONAL TERRORISM.—The term ''international terrorism'' has the meaning given that term in section 2331(1) of title 18, United States Code.

(4) MILITARY INSTALLATION.—The term ''military installation'' has the meaning given that term in section 2801(c)(4) of title 10, United States Code.

(5) NATIONAL SECURITY.—The term ''national security'' has the meaning given that term in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(6) SENSITIVE SECURITY INFORMATION.—The term ''sensitive security information'' has the meaning given that term by sections 114(r) and 40119 of title 49, United States Code, and the regulations and orders issued pursuant to those sections.

(l) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Attorney General to modify the length of period before a firearm may be transferred under section 922(t) of title 18, United States Code.

SA 4815. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 1 day after enactment.

SA 4816. Mr. REID submitted an amendment intended to be proposed to amendment SA 4815 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''1 day'' and insert ''2 days''.

SA 4817. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 3 days after enactment.

SA 4818. Mr. REID submitted an amendment intended to be proposed to amendment SA 4817 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''3'' and insert ''4''.

SA 4819. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 5 days after enactment.

SA 4820. Mr. REID submitted an amendment intended to be proposed to amendment SA 4819 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''5'' and insert ''6''.

SA 4821. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 7 days after enactment.

SA 4822. Mr. REID submitted an amendment intended to be proposed to amendment SA 4821 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''7'' and insert ''8''.

SA 4823. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 9 days after enactment.

SA 4824. Mr. REID submitted an amendment intended to be proposed to amendment SA 4823 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year

ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''9'' and insert ''10''.

SA 4825. Mr. REID submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 11 days after enactment.

SA 4826. Mr. REID submitted an amendment intended to be proposed to amendment SA 4825 submitted by Mr. REID and intended to be proposed to the amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''11'' and insert ''12''.

SA 4827. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, line 3, insert before the period the following: ''; *Provided,* That $10,000,000 shall be for research by the National Aeronautics and Space Administration, in collaboration with the Unmanned Aircraft Systems Center of Excellence of the Federal Aviation Administration, at the six test sites of the Federal Aviation Administration on the use of unmanned aircraft systems (UAS) for a broad range of public safety purposes over land and maritime environments''.

SA 4828. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, line 3, insert before the period the following: ''; *Provided,* That $25,000,000 shall be for the Advanced Composites Partnership within the Advanced Air Vehicles program''.

SA 4829. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2___. (a) In this section—

(1) the term ''eligible nonprofit organization'' means a nonprofit organization that has experience providing rapid telephone and cellular alert calls on behalf of Federal, State, and local law enforcement agencies to find missing children and elderly adults; and

(2) the term ''rapid telephone and cellular alert call system'' means an automated system with the ability to place at least 1,000 telephone and cellular calls in 60 seconds to a specific geographic area determined by law enforcement—

(A) based on the last known whereabouts of a missing individual; or

(B) based on other evidence and determined by such law enforcement agency to be necessary to the search for the missing individual.

(b) The Attorney General may use unobligated balances made available to the Department of Justice under this title to make grants to eligible nonprofit organizations to assist Federal, State, tribal, and local law enforcement agencies in the rapid recovery of missing children, elderly individuals, and disabled individuals through the use of a rapid telephone and cellular alert call system. Such grants shall be used to—

(1) provide services to Federal, State, tribal, and local law enforcement agencies, in response to a request from such agencies, to promote the rapid recovery of a missing child, an elderly individual, or a disabled individual by utilizing rapid telephone and cellular alert calls;

(2) maintain and expand technologies and techniques to ensure the highest level of performance of such services;

(3) provide both centralized and on-site training and distribute information to Federal, State, tribal, and local law enforcement agency officials about missing children, elderly individuals, and disabled individuals and use of a rapid telephone and cellular alert call system;

(4) provide services to Federal, State, tribal, and local Child Abduction Response Teams;

(5) assist Federal, State, tribal, and local law enforcement agencies to combat human trafficking through the use of rapid telephone and cellular alert calls;

(6) share appropriate information on cases with the National Center for Missing and Exploited Children, the AMBER Alert, Silver Alert, and Blue Alert programs, and appropriate Federal, State, tribal, and local law enforcement agencies; and

(7) assist appropriate organizations, including Federal, State, tribal, and local law enforcement agencies, with education and prevention programs related to missing children, elderly individuals, and disabled individuals.

SA 4830. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) The matter under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' under title II of division B of the Consolidated and Further Continuing Appropriations Act, 2012 (18 U.S.C. 923 note; Public Law 112–55; 125 Stat. 609) is amended by striking the sixth proviso.

(b) The sixth proviso under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' under title II of division B of the Consolidated Appropriations Act, 2010 (18 U.S.C. 923 note; Public Law 111–117; 123 Stat. 3128) is amended by striking ''beginning in fiscal year 2010 and thereafter'', and inserting ''in fiscal year 2010''.

(c) The sixth proviso under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' under title II of division B of the Omnibus Appropriations Act, 2009 (18 U.S.C. 923 note; Public Law 111–8; 123 Stat. 575) is amended by striking ''beginning in fiscal year 2009 and thereafter'', and inserting ''in fiscal year 2009''.

(d) The sixth proviso under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' under title II of division B of the Consolidated Appropriations Act, 2008 (18 U.S.C. 923 note; Public Law 110–161; 121 Stat. 1903) is amended by striking ''beginning in fiscal year 2009 and thereafter'', and inserting ''in fiscal year 2009''.

(e) The sixth proviso under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' under title I of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (18 U.S.C. 923 note; Public Law 109–108; 119 Stat. 2295) is amended—

(1) by striking ''or any other'';

(2) by striking ''with respect to any fiscal year''; and

(3) by striking '', and all such data shall be immune from legal process'' and all that follows through ''a review of such an action or proceeding''.

(f) The sixth proviso under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' under title I of division B of the Consolidated Appropriations Act, 2005 (18 U.S.C. 923 note; Public Law 108–447; 118 Stat 2859) is amended—

(1) by striking ''or any other''; and

(2) by striking ''with respect to any fiscal year''.

(g) The sixth proviso under the heading ''SALARIES AND EXPENSES'' under the heading ''BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES'' under title I of division B of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 53) is amended by inserting after ''1998'' the following: '', and before October 1, 2004''.

(h) No Federal department or agency or State, local, or tribal government shall knowingly and publically disclose covered firearms information that will—

(1) compromise the identity of any undercover law enforcement officer or confidential informant;

(2) interfere with any case under investigation; or

(3) include the name, address, or any other uniquely identifying information of the lawful purchaser of any firearm.

(i) Nothing in this section may be construed to limit the disclosure for use in, or the use, reliance on, disclosure, admissibility, or permissibility of using, covered firearms information in any action or proceeding that is—

(1) commenced by the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the provisions of chapter 44 of title 18, United States Code;

(2) instituted by a government agency and relating to a license or similar authorization; or

(3) a review of an action or proceeding described in paragraph (1) or (2).

(j) For purposes of this section—

(1) the term ''covered firearms information'' means any information—

(A) contained in the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(B) required to be kept by a licensee under section 923(g) of title 18, United States Code; or

(C) required to be reported under paragraph (3) or (7) of section 923(g) of title 18, United States Code;

(2) the term ''firearm'' has the meaning given that term in section 921 of title 18, United States Code; and

(3) the term ''licensee'' means a person licensed under chapter 44 of title 18, United States Code.

SA 4831. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2____. (a) In this section—

(1) the term ''eligible entity'' means—

(A) a partnership between a State educational agency and 1 or more local educational agencies (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) of the State;

(B) a local educational agency;

(C) a nonprofit organization; or

(D) a consortium of elementary schools or secondary schools (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) collaborating with an entity described in subparagraph (A), (B), or (C);

(2) the term ''Internet safety education program'' means an age-appropriate, research-based program that—

(A) encourages safe, ethical, and responsible use of the Internet;

(B) promotes an informed, critical understanding of the Internet; and

(C) educates children and communities about how to prevent or respond to problems or dangers related to the Internet or new media;

(3) the term ''new media''—

(A) means emerging digital, computerized, or networked information and communication technologies that often have interactive capabilities; and

(B) includes e-mail, instant messaging, text messaging, websites, blogs, interactive gaming, social media, cell phones, and mobile devices; and

(4) the term ''nonprofit organization'' means an organization that is—

(A) described in section 501(c) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of that Code.

(b) The Attorney General may use unobligated balances made available to the Department of Justice under this title to make grants to eligible entities to carry out an Internet safety education program and other activities relating to Internet safety, including to—

(1) identify, develop, and implement Internet safety education programs, including educational technology, multimedia and interactive applications, online resources, and lesson plans;

(2) provide professional training to elementary and secondary school teachers, administrators, and other staff on Internet safety and new media literacy;

(3) develop online-risk prevention programs for children;

(4) train and support peer-driven Internet safety education initiatives;

(5) coordinate and fund research initiatives that investigate online risks to children and Internet safety education;

(6) develop and implement public education campaigns to promote awareness of online risks to children and Internet safety education;

(7) educate parents about teaching their children how to use the Internet and new media safely, responsibly, and ethically and help parents identify and protect their children from risks relating to use of the Internet and new media; or

(8) carry out any other activity approved by the Attorney General.

SA 4832. Mr. MENENDEZ (for himself, Mr. BLUMENTHAL, Mr. MURPHY, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, between lines 9 and 10, insert the following:

TITLE VI—LARGE CAPACITY AMMUNITION FEEDING DEVICE ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Large Capacity Ammunition Feeding Device Act of 2016''.

SEC. 602. DEFINITIONS.

Section 921(a) of title 18, United States Code, is amended by inserting after paragraph (29) the following:

''(30) The term 'large capacity ammunition feeding device'—

''(A) means a magazine, belt, drum, feed strip, helical feeding device, or similar device, including any such device joined or coupled with another in any manner, that has an overall capacity of, or that can be readily restored, changed, or converted to accept, more than 10 rounds of ammunition; and

''(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

''(31) The term 'qualified law enforcement officer' has the meaning given the term in section 926B.''.

SEC. 603. RESTRICTIONS ON LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by inserting after subsection (u) the following:

''(v)(1) It shall be unlawful for a person to import, sell, manufacture, transfer, or possess, in or affecting interstate or foreign commerce, a large capacity ammunition feeding device.

''(2) Paragraph (1) shall not apply to the possession of any large capacity ammunition feeding device otherwise lawfully possessed on or before the date of enactment of the Large Capacity Ammunition Feeding Device Act of 2016.

''(3) Paragraph (1) shall not apply to—

''(A) the importation for, manufacture for, sale to, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a sale or transfer to or possession by a qualified law enforcement officer employed by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State for purposes of law enforcement (whether on or off-duty), or a sale or transfer to or possession by a campus law enforcement officer for purposes of law enforcement (whether on or off-duty);

''(B) the importation for, or sale or transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

''(C) the possession, by an individual who is retired in good standing from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device—

''(i) sold or transferred to the individual by the agency upon such retirement; or

''(ii) that the individual purchased, or otherwise obtained, for official use before such retirement; or

''(D) the importation, sale, manufacture, transfer, or possession of any large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Attorney General.

''(4) For purposes of paragraph (3)(A), the term 'campus law enforcement officer' means an individual who is—

''(A) employed by a private institution of higher education that is eligible for funding under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

''(B) responsible for the prevention or investigation of crime involving injury to persons or property, including apprehension or detention of persons for such crimes;

''(C) authorized by Federal, State, or local law to carry a firearm, execute search warrants, and make arrests; and

''(D) recognized, commissioned, or certified by a government entity as a law enforcement officer.''.

(b) IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.—

Section 923(i) of title 18, United States Code, is amended by adding at the end the following: ''A large capacity ammunition feeding device manufactured after the date of enactment of the Large Capacity Ammunition Feeding Device Act of 2016 shall be identified by a serial number and the date on which the device was manufactured or made, legibly and conspicuously engraved or cast on the device, and such other identification as the Attorney General shall by regulations prescribe.''.

(c) SEIZURE AND FORFEITURE OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 924(d) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''or large capacity ammunition feeding device'' after ''firearm or ammunition'' each place the term appears;

(B) by inserting ''or large capacity ammunition feeding device'' after ''firearms or ammunition'' each place the term appears; and

(C) by striking ''or (k)'' and inserting ''(k), or (v)'';

(2) in paragraph (2)(C), by inserting ''or large capacity ammunition feeding devices'' after ''firearms or quantities of ammunition''; and

(3) in paragraph (3)(E), by inserting ''922(v),'' after ''922(n),''.

SEC. 604. PENALTIES.

Section 924(a)(1)(B) of title 18, United States Code, is amended by striking ''or (q)'' and inserting ''(q), or (v)''.

SEC. 605. USE OF BYRNE GRANTS FOR BUY-BACK PROGRAMS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 501(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(a)(1)) is amended by adding at the end the following:

''(H) Compensation for surrendered large capacity ammunition feeding devices, as that term is defined in section 921 of title 18, United States Code, under buy-back programs for large capacity ammunition feeding devices.''.

SEC. 606. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

SA 4833. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5___. CRIMINAL STREET GANG RICO PROSECUTION ACT.

Section 1961 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting ''(a)'' before ''As used'';

(2) in paragraph (4), by inserting ''any criminal street gang,'' after ''other legal entity,'';

(3) in paragraph (9), by striking ''and'' at the end;

(4) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(5) by inserting after paragraph (10) the following:

''(11) 'criminal street gang'—

''(A) means any organization, association, or group of 3 or more individuals associated in fact, whether formal or informal, that engages in criminal gang activity; and

''(B) does not include 3 or more individuals, associated in fact, whether formal or informal, who are not engaged in criminal gang activity; and

''(12) 'criminal gang activity' means the commission, attempted commission, conspiracy to commit, or solicitation, coercion, or intimidation of another person to commit a racketeering activity.''; and

(6) by adding at the end the following:

''(b) For purposes of this chapter, the existence of a criminal street gang may be established by 1 or more identifying characteristics, including—

''(1) evidence of a common name or common identifying signs, symbols, tattoos, graffiti, attire, aliases, nicknames, or social media posts; and

''(2) other distinguishing characteristics, including, common activities, rules, codes, customs, or behaviors.''.

SA 4834. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4688 submitted by Mr. WYDEN and intended to be proposed to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following: ''This section shall not apply to a corporation, association, educational institution or institution of learning, or society that is exempt from the discrimination provisions of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) pursuant to section 702(a) or 703(e)(2) of such Act (42 U.S.C. 2000e–1(a), 2000e–2(e)(2)).''.

SA 4835. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. _____. CIVIL RIGHTS PROTECTIONS AND EXEMPTIONS.

Any agency or office of any branch of the Federal Government receiving funds under this Act shall, with respect to any religious corporation, religious association, religious educational institution, or religious society that is a recipient of or offeror for a Federal Government contract, subcontract, grant, purchase order, or cooperative agreement, provide protections and exemptions consistent with sections 702(a) and 703(e)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1(a) and 42 U.S.C. 2000e–2(e)(2)) and section 103(d) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12113(d)).

SA 4836. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be used by the Department of Justice to settle, with payments out of amounts appropriated under section 1304 of title 31, United States Code, any lawsuit brought by a health plan or health insurance issuer related to section 1342 of the Patient Protection and Affordable Care Act (42 U.S.C. 18062) or any other provision of such Act (Public Law 111–148).

SA 4837. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. _____. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be used by the Department of Justice to make payments out of amounts appropriated under section 1304 of title 31, United States Code, with respect to any lawsuit related to section 1341, 1342, or 1343 of the Patient Protection and Affordable Care Act (42 U.S.C. 18061, 18062, 18063). The Department of Justice shall pay any amounts owed as a result of any such lawsuit with funds appropriated under the heading of this title ''SALARIES AND EXPENSES'' under the heading of this title ''GENERAL ADMINISTRATION'' for human resources purposes.

SA 4838. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used by a Department of Justice lawyer to lie to, willfully deceive, or intentionally misrepresent facts before any Federal judge.

SA 4839. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce

and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Congress finds the following:

(1) On May 19, 2016, United States district court judge Andrew Hanen issued an order finding that Department of Justice lawyers made a number of intentionally false statements to defend the Accountability Immigration Executive Action of the President.

(2) Judge Hanen stated the lawyers lied to the court 3 distinct times:

(A) LIE #1.—On December 19, 2014, Department of Justice lawyers asked to push a hearing back to January, assuring the court that no applications to the Deferred Action for Childhood Arrivals program (in this section referred to as ''DACA'') program would be approved. (''This was not a curve ball thrown by the Government; this was a spitball which neither the Plaintiff States nor the Court would learn of until March 3, 2015.''. Texas v. United States, Civil No. B–14–254, 2016 WL 3211803, at *5 (S.D. Tex. May 19, 2016).)

(B) LIE #2.—In January 2015, Department of Justice lawyers told the court no applications for DACA would be accepted until February 18, 2015, and no action would be taken on them until March 4—meanwhile 100,000 applications had already been approved.

(C) LIE #3.—On February 23, 2015, a week after an injunction was issued, Department of Justice lawyers filed a brief stating that DACA applications were set to begin on March 3, despite the fact that the Department of Homeland Security started processing them in late November 2014. (''Yet counsel, who knew of the DHS activity, were not only silent, but their motion was certainly calculated to give the impression that nothing was happening or had happened pursuant to the 2014 DHS Directive—when, in fact, by that time over 100,000 applications had already been granted.'' Id. at *7.)

(3) Judge Hanen drew the following conclusions:

(A) ''[T]he Justice Department lawyers knew the true facts and misrepresented those facts to the citizens of the 26 Plaintiff States, their lawyers and this Court on multiple occasions. . . . Such conduct is certainly not worthy of any department whose name includes the word 'Justice.' ''. Id. at *3.

(B) ''The United States Department of Justice . . . has now admitted making statements that clearly did not match the facts. It has admitted that the lawyers who made these statements had knowledge of the truth when they made these misstatements.''. Id. at *1.

(C) ''These misrepresentations will be discussed in more detail below; but suffice it to say the Government's attorneys effectively misled the Plaintiff States into foregoing a request for a temporary restraining order or an earlier injunction hearing. Further, these misrepresentations may have caused more damage in the intervening time period and may cause additional damage in the future. Counsel's misrepresentations also misdirected the Court as to the timeline involved in the implementation of the 2014 DHS Directive, which included the amendments to the Deferred Action for Childhood Arrivals ('DACA')program.''. Id. at *2.

(D) ''The Government's attorneys knew since late-November of 2014 that the DHS was issuing three-year deferrals under the 2014 DHS Directive. Whether it was one person or one hundred thousand persons, the magnitude does not change a lawyer's ethical obligations. The duties of a Government lawyer, and in fact of any lawyer, are threefold: (1) tell the truth; (2) do not mislead the Court; and (3) do not allow the Court to be misled. The Government's lawyers failed on all three fronts. The actions of the DHS should have been brought to the attention of the opposing counsel and the Court as early as December 19, 2014. The failure of counsel to do that constituted more than mere inadvertent omissions—it was intentionally deceptive. There is no de minimis rule that applies to a lawyer's ethical obligation to tell the truth.''. Id. at *7 (citation omitted).

(E) ''The failure of counsel to inform the counsel for the Plaintiff States and the Court of the DHS activity—activity the Justice Department admittedly knew about—was clearly unethical and clearly misled both counsel for the Plaintiff States and the Court.''. Id. at *9.

(F) ''This Court finds that the misrepresentations detailed above: (1) were false; (2) were made in bad faith; and (3) misled both the Court and the Plaintiff States.''. Id. at *10.

(G) ''In fact, it is hard to imagine a more serious, more calculated plan of unethical conduct.''. Id. at *11.

(b) It is the sense of Congress that the conduct of the Department of Justice lawyers is unbecoming of representatives of the highest-ranking law enforcement officer in the United States.

SA 4840. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5____. None of the funds appropriated or otherwise made available under this Act may be used by an officer or employee of a department or agency funded under this Act to enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law or required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

SA 4841. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 17 and 18, insert the following:

GENERAL PROVISIONS

SEC. 301. (a) SENSE OF CONGRESS.—It is the sense of Congress that conducting deep space exploration requires radioisotope power systems, such as thermoelectric and Stirling generators and converters.

(b) ANALYSIS OF REQUIREMENTS AND RISKS.—The Director of the Office of Science and Technology Policy and the Administrator of the National Aeronautics and Space Administration, in consultation with the heads of other Federal agencies, shall conduct an analysis of—

(1) the requirements of the National Aeronautics and Space Administration for radioisotope power system material that is needed to carry out planned, high priority robotic missions in the solar system and other surface exploration activities beyond low-Earth orbit; and

(2) the risks to missions of the Administration in meeting those requirements, or any additional requirements, due to a lack of adequate radioisotope power system material.

SA 4842. Mr. CORNYN (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 20 and 21, insert the following:

SEC. 218. (a) With respect to funds appropriated under this title under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' the Attorney General shall award grants, not exceed an aggregate amount of $4,000,000, to county, municipal, or tribal governments in States along the Southwest border of the United States, for costs, or reimbursement of costs, associated with the transportation and processing of unidentified alien remains that have been transferred to an official medical examiner's office or an area university with the capacity to analyze human remains using forensic best practices where such expenses may contribute to the collection and analysis of information pertaining to missing and unidentified persons.

(b) The restriction under section 1001(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(c)) shall not apply to amounts made available under subsection (a): *Provided*, that the Attorney General shall otherwise award amounts made available under subsection (a) in a manner and form consistent with amounts made available under paragraph (1) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE''.

SA 4843. Mr. SASSE (for himself and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to implement any

change relating to the status of the People's Republic of China under section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18)).

SA 4844. Mrs. BOXER (for herself, Ms. CANTWELL, Mrs. MURRAY, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 3, strike ''$65,000,000,'' and insert ''$80,000,000,''.

SA 4845. Mr. SASSE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated in this Act may be used by the Department of Justice to enforce any contraceptive mandate under title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) or the Patient Protection and Affordable Care Act (Public Law 111–148).

SA 4846. Mrs. BOXER (for herself, Mrs. MURRAY, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 3, strike ''$65,000,000,'' and insert ''$80,000,000, of which $15,000,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)),''.

SA 4847. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, between lines 17 and 18, insert the following:

GENERAL PROVISION

SEC. 301. It is the sense of Congress that the National Aeronautics and Space Administration should not continue to implement the consolidation of procurement and human resource services, as recommended by the Technical Capabilities Assessment Team, until the Comptroller General of the United States completes—

(1) an analysis of the business case resulting in the relocation of procurement services under the consolidation; and

(2) an assessment whether the relocation of procurement services would enable the Field Centers of the Administration to leverage for research full-time employees who would revert to the Centers under the consolidation.

SA 4848. Ms. MIKULSKI (for herself, Mr. LEAHY, Ms. BALDWIN, Mr. NELSON, Ms. HIRONO, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2____. ADDITIONAL RESOURCES AND FIREARMS TRAFFICKING.

(a) ADEQUATE RESOURCES FOR FEDERAL BUREAU OF INVESTIGATION.—In addition to the amounts provided under the heading ''SALARIES AND EXPENSES'' under the heading ''FEDERAL BUREAU OF INVESTIGATION'' under this title, $175,000,000 for personnel, training, and equipment needed to counter both foreign and domestic terrorism, including lone wolf actors: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(b) ADEQUATE RESOURCES FOR VALOR.—In addition to the amounts provided under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title, $15,000,000 for an Officer Robert Wilson III memorial initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR): *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(c) ADEQUATE RESOURCES FOR CIVIL RIGHTS DIVISION.—In addition to the amounts provided under the heading ''SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES'' under the heading ''LEGAL ACTIVITIES'' under this title, $30,000,000 for the Civil Rights Division of the Department of Justice: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(d) ADEQUATE RESOURCES FOR COMMUNITY RELATIONS SERVICE.—In addition to the amounts provided under the heading ''SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE'' under the heading ''LEGAL ACTIVITIES'' under this title, $11,000,000 for the Community Relations Service of the Department of Justice for personnel and training to respond to hate crimes: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(e) STRENGTHENING FIREARMS TRAFFICKING INVESTIGATIONS AND PROSECUTIONS.—Section 924 of title 18, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) Whoever knowingly transfers or receives a firearm, knowing or having reasonable cause to believe that such firearm will be used to commit a Federal crime of terrorism (as defined in section 2332b(g)(5)), a crime of violence (as defined in subsection (c)(3)), or a drug trafficking crime (as defined in subsection (c)(2)) shall be imprisoned not more than 15 years, fined in accordance with this title, or both.''.

SA 4849. Mr. BURR (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. STUDY ON GAPS IN NEXRAD COVERAGE AND REQUIREMENT FOR PLAN TO ADDRESS SUCH GAPS.

(a) STUDY ON GAPS IN NEXRAD COVERAGE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall complete a study on gaps in the coverage of the Next Generation Weather Radar of the National Weather Service (referred to in this section as ''NEXRAD'').

(2) ELEMENTS.—In conducting the study required under paragraph (1), the Secretary shall—

(A) identify areas in the United States with limited or no NEXRAD coverage below 6,000 feet above ground level of the surrounding terrain;

(B) for the areas identified under subparagraph (A)—

(i) identify the key weather effects for which prediction would improve with improved radar detection;

(ii) identify additional sources of observations for high impact weather that were available and operational for such areas on the day before the date of the enactment of this Act, including Terminal Doppler Weather Radar (commonly known as ''TDWR''), air surveillance radars of the Federal Aviation Administration, and cooperative network observers; and

(iii) assess the feasibility and advisability of efforts to integrate and upgrade Federal radar capabilities that are not owned or controlled by the National Oceanic and Atmospheric Administration, including radar capabilities of the Federal Aviation Administration and the Department of Defense;

(C) assess the feasibility and advisability of incorporating State-operated and other non-Federal radars into the operations of the National Weather Service;

(D) identify options to improve radar coverage in the areas identified under subparagraph (A); and

(E) estimate the cost of, and develop a timeline for, carrying out each of the options identified under subparagraph (D).

(3) REPORT.—Upon the completion of the study required under paragraph (1), the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Appropriations of the House of Representatives that includes the findings of the Secretary with respect to the study.

(b) PLAN TO IMPROVE RADAR COVERAGE.—Not later than 30 days after the completion of the study under subsection (a)(1), the Secretary of Commerce shall submit a plan to the congressional committees referred to in subsection (a)(3) for improving radar coverage in the areas identified under subsection (a)(2)(A) by integrating and upgrading, to the extent practicable, additional observation solutions to improve hazardous weather detection and forecasting.

(c) REQUIREMENT FOR THIRD-PARTY REVIEWS REGARDING PLAN TO IMPROVE RADAR COVERAGE.—The Secretary of Commerce shall seek third-party reviews on scientific methodology relating to, and the feasibility and advisability of, implementing the plan submitted under subsection (b), including the extent to which warning and forecast services of the National Weather Service would be improved by additional NEXRAD coverage.

SA 4850. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available to the Department of Justice under this Act may be used by the Department of Justice to defend the constitutionality of the Bureau of Consumer Financial Protection.

SA 4851. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated in this Act may be used by the Department of Justice to enforce the contraceptive, abortifacient, and sterilization coverage mandates under title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.).

SA 4852. Mr. MCCONNELL (for Mrs. ERNST) proposed an amendment to the bill H.R. 1777, to amend the Act of August 25, 1958, commonly known as the ''Former Presidents Act of 1958'', with respect to the monetary allowance payable to a former President, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Presidential Allowance Modernization Act of 2016''.

SEC. 2. AMENDMENTS.

(a) FORMER PRESIDENTS.—The first section of the Act entitled ''An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes'', approved August 25, 1958 (commonly known as the ''Former Presidents Act of 1958'') (3 U.S.C. 102 note), is amended by striking the matter preceding subsection (e) and inserting the following:

''(a) IN GENERAL.—Each former President shall be entitled for the remainder of his or her life to receive from the United States—

''(1) an annuity at the rate of $200,000 per year, subject to subsection (c); and

''(2) a monetary allowance at the rate of $200,000 per year, subject to subsections (c) and (d).

''(b) DURATION; FREQUENCY.—

''(1) IN GENERAL.—The annuity and allowance under subsection (a) shall each—

''(A) commence on the day after the date on which an individual becomes a former President;

''(B) terminate on the date on which the former President dies; and

''(C) be payable by the Secretary of the Treasury on a monthly basis.

''(2) APPOINTIVE OR ELECTIVE POSITIONS.—The annuity and allowance under subsection (a) shall not be payable for any period during which a former President holds an appointive or elective position in or under the Federal Government to which is attached a rate of pay other than a nominal rate.

''(c) COST-OF-LIVING INCREASES.—Effective December 1 of each year, each annuity and allowance under subsection (a) that commenced before that date shall be increased by the same percentage by which benefit amounts under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased, effective as of that date, as a result of a determination under section 215(i) of that Act (42 U.S.C. 415(i)).

''(d) LIMITATION ON MONETARY ALLOWANCE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the monetary allowance payable under subsection (a)(2) to a former President for any 12-month period—

''(A) except as provided in subparagraph (B), may not exceed the amount by which—

''(i) the monetary allowance that (but for this subsection) would otherwise be so payable for such 12-month period, exceeds (if at all)

''(ii) the applicable reduction amount for such 12-month period; and

''(B) shall not be less than the amount determined under paragraph (4).

''(2) DEFINITION.—

''(A) IN GENERAL.—For purposes of paragraph (1), the term 'applicable reduction amount' means, with respect to any former President and in connection with any 12-month period, the amount by which—

''(i) the sum of—

''(I) the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the former President for the most recent taxable year for which a tax return is available; and

''(II) any interest excluded from the gross income of the former President under section 103 of such Code for such taxable year, exceeds (if at all)

''(ii) $400,000, subject to subparagraph (C).

''(B) JOINT RETURNS.—In the case of a joint return, subclauses (I) and (II) of subparagraph (A)(i) shall be applied by taking into account both the amounts properly allocable to the former President and the amounts properly allocable to the spouse of the former President.

''(C) COST-OF-LIVING INCREASES.—The dollar amount specified in subparagraph (A)(ii) shall be adjusted at the same time that, and by the same percentage by which, the monetary allowance of the former President is increased under subsection (c) (disregarding this subsection).

''(3) DISCLOSURE REQUIREMENT.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the terms 'return' and 'return information' have the meanings given those terms in section 6103(b) of the Internal Revenue Code of 1986; and

''(ii) the term 'Secretary' means the Secretary of the Treasury or the Secretary of the Treasury's delegate.

''(B) REQUIREMENT.—A former President may not receive a monetary allowance under subsection (a)(2) unless the former President discloses to the Secretary, upon the request of the Secretary, any return or return information of the former President or spouse of the former President that the Secretary determines is necessary for purposes of calculating the applicable reduction amount under paragraph (2) of this subsection.

''(C) CONFIDENTIALITY.—Except as provided in section 6103 of the Internal Revenue Code of 1986 and notwithstanding any other provision of law, the Secretary may not, with respect to a return or return information disclosed to the Secretary under subparagraph (B)—

''(i) disclose the return or return information to any entity or person; or

''(ii) use the return or return information for any purpose other than to calculate the applicable reduction amount under paragraph (2).

''(4) INCREASED COSTS DUE TO SECURITY NEEDS.—With respect to the monetary allowance that would be payable to a former President under subsection (a)(2) for any 12-month period but for the limitation under paragraph (1), the Administrator of General Services, in coordination with the Director of the United States Secret Service, shall determine the amount of the allowance that is needed to pay the increased cost of doing business that is attributable to the security needs of the former President.''.

(b) SURVIVING SPOUSES OF FORMER PRESIDENTS.—

(1) INCREASE IN AMOUNT OF MONETARY ALLOWANCE.—Subsection (e) of the first section of the Former Presidents Act of 1958 is amended—

(A) in the first sentence, by striking ''$20,000 per annum,'' and inserting ''$100,000 per year (subject to paragraph (4)),''; and

(B) in the second sentence—

(i) in paragraph (2), by striking ''and'' at the end;

(ii) in paragraph (3)—

(I) by striking ''or the government of the District of Columbia''; and

(II) by striking the period and inserting ''; and''; and

(iii) by inserting after paragraph (3) the following:

''(4) shall, after its commencement date, be increased at the same time that, and by the same percentage by which, annuities of former Presidents are increased under subsection (c).''.

(2) COVERAGE OF WIDOWER OF A FORMER PRESIDENT.—Subsection (e) of the first section of the Former Presidents Act of 1958, as amended by paragraph (1), is amended—

(A) by striking ''widow'' each place it appears and inserting ''widow or widower''; and

(B) by striking ''she'' and inserting ''she or he''.

(c) SUBSECTION HEADINGS.—The first section of the Former Presidents Act of 1958 is amended—

(1) in subsection (e), by inserting after the subsection enumerator the following: ''WIDOWS AND WIDOWERS.—'';

(2) in subsection (f), by inserting after the subsection enumerator the following: ''DEFINITION.—''; and

(3) in subsection (g), by inserting after the subsection enumerator the following: ''AUTHORIZATION OF APPROPRIATIONS.—''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act or an amendment made by this Act shall be construed to affect—

(1) any provision of law relating to the security or protection of a former President or a member of the family of a former President; or

(2) funding, under the Former Presidents Act of 1958 or any other law, to carry out any provision of law described in paragraph (1).

SEC. 4. TRANSITION RULES.

(a) FORMER PRESIDENTS.—In the case of any individual who is a former President on the date of enactment of this Act, the amendment made by section 2(a) shall be applied as if the commencement date referred in subsection (b)(1)(A) of the first section of the Former Presidents Act of 1958, as amended by section 2(a), coincided with such date of enactment.

(b) WIDOWS.—In the case of any individual who is the widow of a former President on the date of enactment of this Act, the amendments made by section 2(b)(1) shall be applied as if the commencement date referred to in subsection (e)(1) of the first section of the Former Presidents Act of 1958, as amended by section 2(b)(1), coincided with such date of enactment.

SEC. 5. APPLICABILITY.

For a former President receiving a monetary allowance under the Former Presidents Act of 1958 on the day before the date of enactment of this Act, the limitation under subsection (d)(1) of the first section of that Act, as amended by section 2(a), shall apply to the monetary allowance of the former President, except to the extent that the application of the limitation would prevent the former President from being able to pay the cost of a lease or other contract that is in effect on the day before the date of enactment of this Act and under which the former President makes payments using the monetary allowance, as determined by the Administrator of General Services.

SA 4853. Mr. MCCONNELL (for Mr. THUNE) proposed an amendment to the bill S. 2736, to improve access to durable medical equipment for Medicare beneficiaries under the Medicare program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient Access to Durable Medical Equipment Act of 2016''.

SEC. 2. EXTENSION OF THE TRANSITION TO NEW PAYMENT RATES FOR DURABLE MEDICAL EQUIPMENT UNDER THE MEDICARE PROGRAM.

The Secretary of Health and Human Services shall extend the transition period described in clause (i) of section 414.210(g)(9) of title 42, Code of Federal Regulations, from June 30, 2016, to June 30, 2017 (with the full implementation described in clause (ii) of such section applying to items and services furnished with dates of service on or after July 1, 2017).

SEC. 3. FLOOR ON BID CEILING FOR COMPETITIVE ACQUISITION FOR DURABLE MEDICAL EQUIPMENT UNDER THE MEDICARE PROGRAM.

Section 1847(b)(5) of the Social Security Act (42 U.S.C. 1395w–3(b)(5)) is amended—

(1) in subparagraph (A)—

(A) by inserting '', subject to subparagraph (E),'' after ''subsection (a)(2)''; and

(B) by inserting '', subject to subparagraph (E),'' after ''Based on such bids''; and

(2) by adding at the end the following new subparagraph:

''(E) FLOOR ON BID CEILING FOR DURABLE MEDICAL EQUIPMENT.—

''(i) IN GENERAL.—The ceiling for a bid submitted for applicable covered items may not be less than the fee schedule amount that would otherwise be determined under section 1834(a), section 1834(h), or section 1842(s) for such items furnished on July 1, 2016 (determined as if section 2 of the Patient Access to Durable Medical Equipment Act of 2016 had not been enacted).

''(ii) APPLICABLE COVERED ITEMS DEFINED.—For purposes of this subparagraph, the term 'applicable covered items' means competitively priced items and services described in subsection (a)(2) that are furnished with respect to rounds of competition that begin on or after January 1, 2017.''.

SEC. 4. REQUIREMENTS IN DETERMINING ADJUSTMENTS USING INFORMATION FROM COMPETITIVE BIDDING PROGRAMS.

(a) IN GENERAL.—Section 1834(a)(1)(G) of the Social Security Act (42 U.S.C. 1395m(a)(1)(G)) is amended by adding at the end the following new sentence: ''In the case of items and services furnished on or after January 1, 2019, in making any adjustments under clause (ii) or (iii) of subparagraph (F), under subsection (h)(1)(H)(ii), or under section 1842(s)(3)(B), the Secretary shall—

''(i) solicit and take into account stakeholder input; and

''(ii) take into account the highest amount bid by a winning supplier in a competitive acquisition area and a comparison of each of the following with respect to non-competitive acquisition areas and competitive acquisition areas:

''(I) The average travel distance and cost associated with furnishing items and services in the area.

''(II) Any barriers to access for items and services in the area.

''(III) The average delivery time in furnishing items and services in the area.

''(IV) The average volume of items and services furnished by suppliers in the area.

''(V) The number of suppliers in the area.''.

(b) CONFORMING AMENDMENTS.—(1) Section 1834(h)(1)(H)(ii) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)(ii)) is amended by striking ''the Secretary'' and inserting ''subject to subsection (a)(1)(G), the Secretary''.

(2) Section 1842(s)(3)(B) of the Social Security Act (42 U.S.C. 1395m(s)(3)(B)) is amended by striking ''the Secretary'' and inserting ''subject to section 1834(a)(1)(G), the Secretary''.

SEC. 5. REPORTS ON THE RESULTS OF THE MONITORING OF ACCESS OF MEDICARE BENEFICIARIES TO DURABLE MEDICAL EQUIPMENT AND OF HEALTH OUTCOMES.

Not later than October 1, 2016, January 1, 2017, April 1, 2017, and July 1, 2017, the Secretary of Health and Human Services shall publish on the Internet website of the Centers for Medicare & Medicaid Services the results of the monitoring of access of Medicare beneficiaries to durable medical equipment and of health outcomes, as described on page 66228 in the final rule published by the Center for Medicare & Medicaid Services on November 6, 2014, and entitled ''Medicare Program; End-Stage Renal Disease Prospective Payment System, Quality Incentive Program, and Durable Medical Equipment, Prosthetics, Orthotics, and Supplies'' (79 Fed. Reg. 66120-66265).

SEC. 6. REVISION OF EFFECTIVE DATE OF PROVISION LIMITING FEDERAL MEDICAID REIMBURSEMENT TO STATES FOR DURABLE MEDICAL EQUIPMENT (DME) TO MEDICARE PAYMENT RATES.

(a) IN GENERAL.—Section 1903(i)(27) of the Social Security Act (42 U.S.C. 1396b(i)(27)) is amended by striking ''January 1, 2019'' and inserting ''October 1, 2018''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 503 of division O of Public Law 114–113.

AUTHORITY FOR COMMITTEES TO MEET

Mrs. FISCHER. Mr. President, I have eleven requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on June 21, 2016, at 9:30 a.m.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on June 21, 2016, at 10 a.m., to conduct a hearing entitled ''The Semiannual Monetary Policy Report to the Congress.''

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on June 21, 2016, at 9:30 a.m., in room SR–253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled ''FirstNet Oversight: An Update on the Status of the Public Safety Broadband Network.''

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on June 21, 2016, at 2:30 p.m.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on June 21, 2016, at 2:30 p.m., in room SH–216 of the Hart Senate Office Building to conduct a hearing entitled ''Small Business Retirement Pooling: Examining Open Multiple Employer Plans.''

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on June 21, 2016, at 10 a.m., to conduct a hearing entitled ''The Ideology of ISIS.''

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on June 21, 2016, at 9:30 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on June 21, 2016, at 2:30 p.m., in room SR–418 of the Russell Senate Office Building.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on June 21, 2016, at 2:30 p.m., in room SH–219 of the Hart Senate Office Building.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

The Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights is authorized to meet during the session of the Senate on June 21, 2016, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The CREATES Act: Ending Regulatory Abuse, Protecting Consumers, and Ensuring Drug Price Competition.''

SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

The Committee on Energy and Natural Resources' Subcommittee on Public Lands, Forests, and Mining is authorized to meet during the session of the Senate on June 21, 2016, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

COLLECTOR CAR APPRECIATION DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 507, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 507) designating July 8, 2016, as Collector Car Appreciation Day and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 507) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

PRESIDENTIAL ALLOWANCE MODERNIZATION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 1777 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1777) to amend the Act of August 25, 1958, commonly known as the ''Former Presidents Act of 1958,'' with respect to the monetary allowance payable to a former President, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the Ernst substitute amendment be agreed to; the bill, as amended, be read a third time and passed; and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4852) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Presidential Allowance Modernization Act of 2016''.

SEC. 2. AMENDMENTS.

(a) FORMER PRESIDENTS.—The first section of the Act entitled ''An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes'', approved August 25, 1958 (commonly known as the ''Former Presidents Act of 1958'') (3 U.S.C. 102 note), is amended by striking the matter preceding subsection (e) and inserting the following:

''(a) IN GENERAL.—Each former President shall be entitled for the remainder of his or her life to receive from the United States—

''(1) an annuity at the rate of $200,000 per year, subject to subsection (c); and

''(2) a monetary allowance at the rate of $200,000 per year, subject to subsections (c) and (d).

''(b) DURATION; FREQUENCY.—

''(1) IN GENERAL.—The annuity and allowance under subsection (a) shall each—

''(A) commence on the day after the date on which an individual becomes a former President;

''(B) terminate on the date on which the former President dies; and

''(C) be payable by the Secretary of the Treasury on a monthly basis.

''(2) APPOINTIVE OR ELECTIVE POSITIONS.—The annuity and allowance under subsection (a) shall not be payable for any period during which a former President holds an appointive or elective position in or under the Federal Government to which is attached a rate of pay other than a nominal rate.

''(c) COST-OF-LIVING INCREASES.—Effective December 1 of each year, each annuity and allowance under subsection (a) that commenced before that date shall be increased by the same percentage by which benefit amounts under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased, effective as of that date, as a result of a determination under section 215(i) of that Act (42 U.S.C. 415(i)).

''(d) LIMITATION ON MONETARY ALLOWANCE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the monetary allowance payable under subsection (a)(2) to a former President for any 12-month period—

''(A) except as provided in subparagraph (B), may not exceed the amount by which—

''(i) the monetary allowance that (but for this subsection) would otherwise be so payable for such 12-month period, exceeds (if at all)

''(ii) the applicable reduction amount for such 12-month period; and

''(B) shall not be less than the amount determined under paragraph (4).

''(2) DEFINITION.—

''(A) IN GENERAL.—For purposes of paragraph (1), the term 'applicable reduction amount' means, with respect to any former President and in connection with any 12-month period, the amount by which—

''(i) the sum of—

''(I) the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the former President for the most recent taxable year for which a tax return is available; and

''(II) any interest excluded from the gross income of the former President under section 103 of such Code for such taxable year, exceeds (if at all)

''(ii) $400,000, subject to subparagraph (C).

''(B) JOINT RETURNS.—In the case of a joint return, subclauses (I) and (II) of subparagraph (A)(i) shall be applied by taking into account both the amounts properly allocable to the former President and the amounts properly allocable to the spouse of the former President.

''(C) COST-OF-LIVING INCREASES.—The dollar amount specified in subparagraph (A)(ii) shall be adjusted at the same time that, and by the same percentage by which, the monetary allowance of the former President is increased under subsection (c) (disregarding this subsection).

''(3) DISCLOSURE REQUIREMENT.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the terms 'return' and 'return information' have the meanings given those terms in section 6103(b) of the Internal Revenue Code of 1986; and

''(ii) the term 'Secretary' means the Secretary of the Treasury or the Secretary of the Treasury's delegate.

''(B) REQUIREMENT.—A former President may not receive a monetary allowance under subsection (a)(2) unless the former President discloses to the Secretary, upon the request of the Secretary, any return or return information of the former President or spouse of the former President that the Secretary determines is necessary for purposes of calculating the applicable reduction amount under paragraph (2) of this subsection.

''(C) CONFIDENTIALITY.—Except as provided in section 6103 of the Internal Revenue Code of 1986 and notwithstanding any other provision of law, the Secretary may not, with respect to a return or return information disclosed to the Secretary under subparagraph (B)—

''(i) disclose the return or return information to any entity or person; or

''(ii) use the return or return information for any purpose other than to calculate the applicable reduction amount under paragraph (2).

''(4) INCREASED COSTS DUE TO SECURITY NEEDS.—With respect to the monetary allowance that would be payable to a former President under subsection (a)(2) for any 12-month period but for the limitation under paragraph (1), the Administrator of General Services, in coordination with the Director of the United States Secret Service, shall determine the amount of the allowance that is needed to pay the increased cost of doing business that is attributable to the security needs of the former President.''.

(b) SURVIVING SPOUSES OF FORMER PRESIDENTS.—

(1) INCREASE IN AMOUNT OF MONETARY ALLOWANCE.—Subsection (e) of the first section of the Former Presidents Act of 1958 is amended—

(A) in the first sentence, by striking ''$20,000 per annum,'' and inserting ''$100,000 per year (subject to paragraph (4)),''; and

(B) in the second sentence—

(i) in paragraph (2), by striking ''and'' at the end;

(ii) in paragraph (3)—

(I) by striking ''or the government of the District of Columbia''; and

(II) by striking the period and inserting ''; and''; and

(iii) by inserting after paragraph (3) the following:

''(4) shall, after its commencement date, be increased at the same time that, and by the same percentage by which, annuities of former Presidents are increased under subsection (c).''.

(2) COVERAGE OF WIDOWER OF A FORMER PRESIDENT.—Subsection (e) of the first section of the Former Presidents Act of 1958, as amended by paragraph (1), is amended—

(A) by striking ''widow'' each place it appears and inserting ''widow or widower''; and

(B) by striking ''she'' and inserting ''she or he''.

(c) SUBSECTION HEADINGS.—The first section of the Former Presidents Act of 1958 is amended—

(1) in subsection (e), by inserting after the subsection enumerator the following: ''WIDOWS AND WIDOWERS.—'';

(2) in subsection (f), by inserting after the subsection enumerator the following: ''DEFINITION.—''; and

(3) in subsection (g), by inserting after the subsection enumerator the following: ''AUTHORIZATION OF APPROPRIATIONS.—''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act or an amendment made by this Act shall be construed to affect—

(1) any provision of law relating to the security or protection of a former President or a member of the family of a former President; or

(2) funding, under the Former Presidents Act of 1958 or any other law, to carry out any provision of law described in paragraph (1).

SEC. 4. TRANSITION RULES.

(a) FORMER PRESIDENTS.—In the case of any individual who is a former President on the date of enactment of this Act, the amendment made by section 2(a) shall be applied as if the commencement date referred in subsection (b)(1)(A) of the first section of the Former Presidents Act of 1958, as amended by section 2(a), coincided with such date of enactment.

(b) WIDOWS.—In the case of any individual who is the widow of a former President on the date of enactment of this Act, the amendments made by section 2(b)(1) shall be applied as if the commencement date referred to in subsection (e)(1) of the first section of the Former Presidents Act of 1958, as amended by section 2(b)(1), coincided with such date of enactment.

SEC. 5. APPLICABILITY.

For a former President receiving a monetary allowance under the Former Presidents Act of 1958 on the day before the date of enactment of this Act, the limitation under subsection (d)(1) of the first section of that Act, as amended by section 2(a), shall apply to the monetary allowance of the former President, except to the extent that the application of the limitation would prevent the former President from being able to pay the cost of a lease or other contract that is in effect on the day before the date of enactment of this Act and under which the former President makes payments using the monetary allowance, as determined by the Administrator of General Services.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1777), as amended, was passed.

PATIENT ACCESS TO DURABLE MEDICAL EQUIPMENT ACT OF 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of and the Senate proceed to the immediate consideration of S. 2736.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2736) to improve access to durable medical equipment for Medicare beneficiaries under the Medicare program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Thune amendment be agreed to, and that the bill, as amended, be considered to be read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4853) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient Access to Durable Medical Equipment Act of 2016''.

SEC. 2. EXTENSION OF THE TRANSITION TO NEW PAYMENT RATES FOR DURABLE MEDICAL EQUIPMENT UNDER THE MEDICARE PROGRAM.

The Secretary of Health and Human Services shall extend the transition period described in clause (i) of section 414.210(g)(9) of title 42, Code of Federal Regulations, from June 30, 2016, to June 30, 2017 (with the full implementation described in clause (ii) of such section applying to items and services furnished with dates of service on or after July 1, 2017).

SEC. 3. FLOOR ON BID CEILING FOR COMPETITIVE ACQUISITION FOR DURABLE MEDICAL EQUIPMENT UNDER THE MEDICARE PROGRAM.

Section 1847(b)(5) of the Social Security Act (42 U.S.C. 1395w–3(b)(5)) is amended—

(1) in subparagraph (A)—

(A) by inserting '', subject to subparagraph (E),'' after ''subsection (a)(2)''; and

(B) by inserting '', subject to subparagraph (E),'' after ''Based on such bids''; and

(2) by adding at the end the following new subparagraph:

''(E) FLOOR ON BID CEILING FOR DURABLE MEDICAL EQUIPMENT.—

''(i) IN GENERAL.—The ceiling for a bid submitted for applicable covered items may not be less than the fee schedule amount that would otherwise be determined under section 1834(a), section 1834(h), or section 1842(s) for such items furnished on July 1, 2016 (determined as if section 2 of the Patient Access to Durable Medical Equipment Act of 2016 had not been enacted).

''(ii) APPLICABLE COVERED ITEMS DEFINED.—For purposes of this subparagraph, the term 'applicable covered items' means competitively priced items and services described in subsection (a)(2) that are furnished with respect to rounds of competition that begin on or after January 1, 2017.''.

SEC. 4. REQUIREMENTS IN DETERMINING ADJUSTMENTS USING INFORMATION FROM COMPETITIVE BIDDING PROGRAMS.

(a) IN GENERAL.—Section 1834(a)(1)(G) of the Social Security Act (42 U.S.C. 1395m(a)(1)(G)) is amended by adding at the end the following new sentence: ''In the case of items and services furnished on or after January 1, 2019, in making any adjustments under clause (ii) or (iii) of subparagraph (F), under subsection (h)(1)(H)(ii), or under section 1842(s)(3)(B), the Secretary shall—

''(i) solicit and take into account stakeholder input; and

''(ii) take into account the highest amount bid by a winning supplier in a competitive acquisition area and a comparison of each of the following with respect to non-competitive acquisition areas and competitive acquisition areas:

''(I) The average travel distance and cost associated with furnishing items and services in the area.

''(II) Any barriers to access for items and services in the area.

''(III) The average delivery time in furnishing items and services in the area.

''(IV) The average volume of items and services furnished by suppliers in the area.

''(V) The number of suppliers in the area.''.

(b) CONFORMING AMENDMENTS.—(1) Section 1834(h)(1)(H)(ii) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)(ii)) is amended by striking ''the Secretary'' and inserting ''subject to subsection (a)(1)(G), the Secretary''.

(2) Section 1842(s)(3)(B) of the Social Security Act (42 U.S.C. 1395m(s)(3)(B)) is amended by striking ''the Secretary'' and inserting ''subject to section 1834(a)(1)(G), the Secretary''.

SEC. 5. REPORTS ON THE RESULTS OF THE MONITORING OF ACCESS OF MEDICARE BENEFICIARIES TO DURABLE MEDICAL EQUIPMENT AND OF HEALTH OUTCOMES.

Not later than October 1, 2016, January 1, 2017, April 1, 2017, and July 1, 2017, the Secretary of Health and Human Services shall publish on the Internet website of the Centers for Medicare & Medicaid Services the results of the monitoring of access of Medicare beneficiaries to durable medical equipment and of health outcomes, as described on page 66228 in the final rule published by the Center for Medicare & Medicaid Services on November 6, 2014, and entitled ''Medicare Program; End-Stage Renal Disease Prospective Payment System, Quality Incentive Program, and Durable Medical Equipment, Prosthetics, Orthotics, and Supplies'' (79 Fed. Reg. 66120-66265).

SEC. 6. REVISION OF EFFECTIVE DATE OF PROVISION LIMITING FEDERAL MEDICAID REIMBURSEMENT TO STATES FOR DURABLE MEDICAL EQUIPMENT (DME) TO MEDICARE PAYMENT RATES.

(a) IN GENERAL.—Section 1903(i)(27) of the Social Security Act (42 U.S.C. 1396b(i)(27)) is amended by striking ''January 1, 2019'' and inserting ''October 1, 2018''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 503 of division O of Public Law 114–113.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on this measure.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 2736), as amended, was passed.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING—S. 2943

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the engrossed version of S. 2943 be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The bill, S. 2943, as passed by the Senate, is printed in the RECORD of Wednesday, June 15, 2016.)

ORDERS FOR WEDNESDAY, JUNE 22, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, June 22; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of H.R. 2578, with the time until the cloture vote equally divided between the managers or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:46 p.m., adjourned until Wednesday, June 22, 2016, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 21, 2016*

The House met at noon and was called to order by the Speaker pro tempore (Mr. GRAVES of Louisiana).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 21, 2016.

I hereby appoint the Honorable GARRET GRAVES to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the Chair would now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 1 minute p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Merciful God, we give You thanks for giving us another day.

Without a future, as a people, we are depressed and limited in creative imaging. Without a past, we are inexperienced and lost between success and failure.

Be as present to this Nation today as You were to our Founders. As the Creator and providential Lord, guide the Members of this people's House and all their efforts to uphold the Constitution and have it interface with present realities until true priorities arise as the Nation's agenda.

Stir within all Americans a solidarity that will always unite and never divide us. Renew in us a spirit that will enable this country to be a righteous leader into a bold future, shaping a new culture of collaboration and understanding for the 21st century.

May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Mrs. TORRES) come forward and lead the House in the Pledge of Allegiance.

Mrs. TORRES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

AMERICAN BIBLE SOCIETY CELEBRATES 200 YEARS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, today I rise to recognize the 200th anniversary of the American Bible Society, an organization that works to make the Bible available to every person in a language and format each can understand and afford so all people may experience its life-changing message.

Our forefathers knew well the value of casting our burdens on God and prayer and that, above all, this Nation needed a moral and spiritual foundation in order to survive and thrive. It is why some of them were also the first leaders of the American Bible Society, including Elias Boudinot, the first president of the Continental Congress; and John Jay, the first Chief Justice of the Supreme Court.

From its beginnings distributing Bibles to members of the military to publishing the first Bible in braille to recently launching a library of digital Bible translations, the American Bible Society has changed lives by sharing God's word.

Congratulations on this important milestone.

NBA CHAMPIONS CLEVELAND CAVALIERS

(Ms. FUDGE asked and was given permission to address the House for 1 minute.)

Ms. FUDGE. Mr. Speaker, as I stand in my wine and gold and black today, I quote the words of LeBron James, in Cleveland, ''nothing is given. Everything is earned.''

I rise today to congratulate our 2016 NBA champions, the Cleveland Cavaliers. They earned it.

Facing a 3–1 series deficit, the Cavaliers beat all the odds. Led by LeBron James, the team quieted all doubters and brought home the Larry O'Brien Trophy.

It was historic, something that had never been done in the history of the NBA. Cleveland's victory ended the city's 52-year championship drought, the longest in professional sports history.

No city has witnessed as many heartbreaking moments in sports. But not this time, Mr. Speaker. This time, it was our time. Over those 52 years, our fans never wavered, never lost hope. We always believed.

Mr. Speaker, the wait is over. Victory is ours. Congratulations to the NBA world champion Cleveland Cavaliers.

ISLAMIC TERRORIST GLOBAL THREAT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the Associated Press reported Friday the global reach of the Islamic State. This clearly clarifies we are in a global war on terrorism, confirming we must defeat Islamic terrorists overseas or they will murder here again, as they did in Orlando and San Bernardino.

The article reveals:

''The U.S. battle against the Islamic State has not yet curbed the group's global reach and as pressure mounts on the extremists in Iraq and Syria, they are expected to plot more attacks on the West and incite violence by lone wolves, CIA Director John Brennan told Congress.

''In a rare open hearing, Brennan gave the Senate Intelligence Committee an update on the threat from Islamic extremists . . . 'ISIL has a cadre of Western fighters who could potentially serve as operatives for attacks in the West' . . . 'Furthermore, as we

have seen in Orlando, San Bernardino and elsewhere, ISIL is attempting to inspire attacks by sympathizers who have no direct links to the group.' . . . 'our efforts have not reduced the group's terrorism capability and global reach.' ''

In conclusion, God bless our troops and may the President, by his actions, never forget September the 11th in the global war on terrorism.

CLOSE A DANGEROUS LOOPHOLE

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, Congress has no greater responsibility than acting to keep the American people safe. That is why House Democrats, focused on a strong and smart national security plan, have repeatedly made attempts to close a dangerous loophole that allows suspected terrorists to buy deadly weapons, weapons like those that we just saw used in the horrific mass shooting in Orlando.

Eighty percent of Americans, an overwhelming majority, support a law that would prevent people on the FBI's terrorist watch list from being able to buy guns. For the American people, it is common sense. It is a no-brainer.

Yet Republicans in Congress continue to do everything they can to stop us not just from acting, but to stop us from even having a vote on the floor of the House of Representatives as to whether this legislation ought to go forward. In the Senate, they have blocked efforts—they just did yesterday—to bring up this commonsense legislation.

Speaker RYAN and House Republicans continue to keep us from bringing up a bill authored by one of the Republican Members of this House that would prevent an individual on the terrorist watch list from buying a gun.

It is long past time. Congress needs to act.

HELPING MINNESOTA'S YOUTH

(Mr. EMMER of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. EMMER of Minnesota. Mr. Speaker, I rise today to address childhood obesity in the recent efforts in Minnesota, my home State, to address this concern for families throughout our State and across this country.

Over the past decade, as a nation, we have seen a great deal of time and energy dedicated to combatting childhood obesity, and thus far, we have seen great successes.

The Robert Wood Johnson Foundation recently highlighted St. Cloud, the largest city in Minnesota's Sixth Congressional District, because of an impressive 24 percent decline in obesity for 12-year-olds over the past 7 years. This incredible shift in the health and well-being for Minnesota's youth could not have occurred without joint community effort.

As an example, in St. Cloud, we have been lucky enough to have the help of healthcare providers like CentraCare, who look past the boundaries of their hospitals and their clinics and bring their work into the communities where they live.

I applaud the efforts of great Minnesota companies and organizations like CentraCare, Coborn's, Bernick's, and many others who are dedicated to working together to improve the overall health in our Minnesota communities.

HUWALDT 80TH ANNIVERSARY

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, I rise to honor Harrison and Varedo Huwaldt of Randolph, Nebraska, celebrating their 80th wedding anniversary today, June 21, 2016. Yes, that is 80 years together. After meeting on a blind date in 1935, the Huwaldts married within a year and began their life together.

During their 80 years of marriage, they have visited all 50 States, operated their own filling station and a trucking business, and enjoyed water skiing, golfing, and taking cruises together. They have three children, six grandchildren, and four great-grandchildren.

They have also been active members in their community. Harrison served on the city council for more than 50 years, while Varedo served as church organist for 25 years.

Now, at the ages of 100 and 99, respectively, the Huwaldt's eight-decade commitment to each other inspires all who hear their love story. I ask my colleagues to join me in congratulating Harrison and Varedo Huwaldt on their remarkable 80 years of marriage.

REPORT ON H.R. 5538, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

Mr. CALVERT from the Committee on Appropriations, submitted a privileged report (Rept. No. 114–632) on the bill (H.R. 5538) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2017, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

END TAXPAYER FUNDED CELL PHONES ACT OF 2016

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5525) to prohibit universal service support of commercial mobile service and commercial mobile data service through the Lifeline program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''End Taxpayer Funded Cell Phones Act of 2016''.

SEC. 2. PROHIBITION ON LIFELINE SUPPORT FOR MOBILE SERVICE.

(a) IN GENERAL.—Beginning on January 1, 2017, a provider of commercial mobile service or commercial mobile data service may not receive universal service support under sections 214(e) and 254 of the Communications Act of 1934 (47 U.S.C. 214(e); 254) for the provision of such service through the Lifeline program of the Federal Communications Commission.

(b) CONTRIBUTIONS.—For calendar year 2017, the amount that telecommunications carriers that provide interstate telecommunications services and other providers of interstate telecommunications are required to contribute under section 254(d) of the Communications Act of 1934 to Federal universal service support mechanisms shall be determined—

(1) without regard to subsection (a); and

(2) as if the same amount of support for the provision of commercial mobile service and commercial mobile data service through the Lifeline program that is provided in calendar year 2016 is provided in calendar year 2017.

(c) EXCESS COLLECTIONS.—The amount collected pursuant to subsection (b)(2) shall be deposited in the general fund of the Treasury of the United States, for the sole purpose of deficit reduction. No portion of such amount may be treated as a credit toward future contributions required under section 254(d) of the Communications Act of 1934.

(d) DEFINITIONS.—In this section:

(1) COMMERCIAL MOBILE DATA SERVICE.—The term ''commercial mobile data service'' has the meaning given such term in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401).

(2) COMMERCIAL MOBILE SERVICE.—The term ''commercial mobile service'' has the meaning given such term in section 332 of the Communications Act of 1934 (47 U.S.C. 332).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. AUSTIN SCOTT) and the

gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5525, the End Taxpayer Funded Cell Phones Act of 2016, which would prohibit universal service fund support through the Lifeline program to commercial mobile and data service carriers.

This legislation would restore the Lifeline program to its original intent of providing access to telecommunication services for eligible individuals via landline phones.

Many of us in this body and many of our constituents have witnessed tents and stands outside of our grocery stores or on the street corner giving away so-called free phones. At a time when everyday Americans are working harder and harder to make ends meet and when government spending is out of control, our constituents don't understand why this is still going on. And, Mr. Speaker, neither do I.

Before I go further, I want to be clear. These Americans who accept these free phones are not the ones who are taking advantage of this system. It is the carriers who stand to benefit from the system that are taking advantage of our citizens, and the program is systemically unable to stop the cycle of waste, fraud, and abuse.

When offered something for free with little or no verification and with little or no knowledge about who is paying for that item, I believe you would be hard pressed to find someone who wouldn't, at least, consider taking the item. The problem is that there is a financial incentive for the carriers to expand the number of Lifeline users, and there is far less incentive to diligently verify the eligibility of the individuals who apply.

The Lifeline program, created under President Reagan to serve a legitimate need, has largely gone unchecked and has ballooned since 2005, when it was expanded to include mobile phone services.

While the FCC has implemented reforms aimed at rooting out the waste, fraud, and abuse in the program, serious issues remain to this day. For example, the National Lifeline Accountability Database was created to help carriers prevent duplication of service. However, certain carriers use the independent economic household override to easily circumvent the one-phone-number-per-household rule by merely checking the box on a form without any supporting documentation.

Data recently obtained by the FCC reveals that between October of 2014 and April of 2016, carriers enrolled 4,291,647 duplicate subscribers to the Lifeline program by widespread use of this targeted exception to the program's one-person household rule. When skirting the rules is so easy, fraud becomes rampant.

Additionally, Mr. Speaker, in April of this year, the FCC fined a carrier, Total Call Mobile, for overbilling the Lifeline program for millions of dollars by fraudulently enrolling duplicate and ineligible consumers. Again, the carrier, Total Call Mobile, was able to do this by circumventing the National Lifeline Accountability Database and manipulating customer information.

These reports come on the heels of the FCC's recent announcement to increase the so-called budget for Lifeline by $725 million, a tax increase on Americans which is neither subject to congressional oversight nor approval.

□ 1415

While the widespread fraud is not hindering eligible recipients from receiving phones, it is costing taxpaying Americans money. In order to increase the Lifeline budget, if you will, the FCC must increase the universal service fee. I bet most Americans don't know what fee I am talking about.

The universal service fee is a tax on the bottom of your phone bill right here. That so-called fee is what pays for the FCC's Universal Service Fund, which includes the Lifeline program.

When the costs of the Lifeline program go up because of waste, fraud, and abuse, you know who pays for it?

Everyday Americans, who are already struggling to make ends meet, get a tax increase on their phone bill.

The FCC is asking for Americans to shoulder the cost of this increase without fully addressing the fraud, waste, and abuse within the program. It is clear that this lack of accountability and rampant fraud is systemic to the Lifeline program, and the price of this continues to be paid by Americans across the country.

American taxpayers are already overburdened, Mr. Speaker, and should not be forced to pay for a program that is unquestionably riddled with waste, fraud, and abuse. It is simple good governance to rein in programs like Lifeline that have vastly expanded in scope and have done so with an ever-increasing share of Americans' hard-earned dollars. Congress must act to impose fiscal discipline to ensure increased costs are not shouldered by Americans.

I do not stand here today and say that there is not a need for Lifeline, nor do I deny the fact that there are a good number of people in this country who are eligible for this program. We should continue to ensure that the Lifeline program exists to provide those people with access to critical telecommunications services, but we should also remember the many people making just barely enough not to be eligible for assistance through Lifeline who would be hurt by any increase in the taxes on their phone bill: an increase caused by a government that won't deal with the crisis of waste, fraud, and abuse.

The original intent of the Lifeline program was pure: provide access to telecommunications services to consumers, including low-income consumers at reasonable and affordable rates. My legislation aims to restore that original intent. We can provide for people in need without taking from those who have nothing left to give.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong opposition to H.R. 5525. A few weeks ago when Speaker RYAN presented his anti-poverty plan, many of us were skeptical and argued that his proposals would not actually help the poor. The Ryan plan was simply a rebranding of failed policies that congressional Republicans have been pushing for years.

Unfortunately, we are quickly finding out that our fears were justified, Mr. Speaker. Today, Speaker RYAN and the Republican majority are bringing a bill to the floor that would eliminate the successful Lifeline program that provides millions of low-income Americans access to basic communication services. It would leave people with no way to search for job postings, no way to schedule interviews, and no way to get a call back from a potential employer.

This goes far beyond jobs, Mr. Speaker. Cell phones are a necessity in modern, everyday life. Low-income Americans rely more heavily on mobile phones and mobile Internet service than the overall population. Children from low-income homes use Lifeline to help do their homework. Seniors use it to manage their health care and call their family and loved ones. Victims of domestic violence use it to find the help and support they need, and victims of assaults use their Lifeline phones to call 9-1-1 in an emergency, which makes me question how exactly this bill fits into Speaker RYAN's anti-poverty agenda.

The legislation is so extreme when you consider that congressional Republicans are looking to gut a Lifeline program created in the Reagan administration and expanded to include wireless service in the Bush administration. At least 9.8 million Americans depend on the Lifeline program to stay

connected using mobile phones, and this bill would leave these people stranded.

Some claim that the program is fraught with government waste. I heard that from the gentleman from Georgia. But these claims ignore the fact that the Obama administration has eliminated nearly three-quarters of a billion dollars in waste, fraud, and abuse.

This bill will do absolutely nothing to help taxpayers. In fact, the Congressional Budget Office estimates that this bill would essentially create a $1.2 billion tax. Specifically, the bill directs the FCC to continue collecting funds from the American people that had been used for the Lifeline program, but not pay any benefits out. Rather than cut taxes, this bill essentially creates a new one.

When it comes down to it, congressional Republicans already know there are significant problems with this bill. They don't want it to pass. That is the only way to explain why they came up with this cynical procedural move to ignore regular order and set up the bill to fail. They are bringing it up under a suspension of the rules, which requires a two-thirds majority. They think that the American people will not hold them accountable for their bad policies if they let Democrats kill the bill.

Worse, this maneuver comes from a committee that normally obsesses with process for the agencies in our jurisdiction. It seems those concerns apply only to others. Well, I think more highly of our constituents. I think they see through these kinds of ploys.

The American people know that if Republicans are really serious about battling poverty and shrinking the size of Lifeline, they would work with us to create more jobs for those who are unemployed or underemployed. The best way to lower the costs of the Lifeline program is to lift people up and not to take away their connection to a better life.

We should not be spending our time on bills like this. We could be looking at ways to take guns from terrorists instead of taking phones from Americans who are looking for jobs. We could be working together to increase the minimum wage and repair our crumbling infrastructure.

Mr. Speaker, this bill abandons our most vulnerable, and I urge all of my colleagues to oppose it.

I reserve the balance of my time.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, today we are on the floor for a very important question, and the question is: Will Congress ignore knowledge of some $476 million that is considered documented fraud that is taking place on behalf of taxpayers of the United States of America?

Mr. Speaker, a letter from Commissioner Pai at the Federal Communications Commission dated June 8, 2016—not even a month ago—goes to Mr. Chris Henderson, chief executive officer, Universal Service Administrative Company of the United States. It documents abuse in here, and I would read if I may:

''Thank you again for your May 25 letter, which contained detailed data on how wireless resellers have used the National Lifeline Accountability Database. My staff has concluded further analysis of that data, and I am now concerned that the abuse of the Universal Service Fund's Lifeline program is more widespread than I first thought.''

Mr. Speaker, Mr. SCOTT is here on the floor today to protect the taxpayers of this country and the integrity of the laws that we have passed and that we have oversight of by virtue of being Members of Congress. The $476 million is a problem because it is documented that it is duplicate use by organizations that have been fined over $50 million by the FCC.

In no way is Mr. SCOTT or this legislation attempting to take away Lifeline service that is very important to not only members particularly in rural areas, but other areas of the United States to provide them access to broadband that has been created by our American ingenuity. I would note, however, that what we are doing is that we do not believe the government has any business in funding the fraud that has been made available.

Mr. Speaker, I was on the original Labs team out of New Jersey that developed broadband in the mid-1980s. I was on the original team that brought forth this product to the American people, and it was done with great anticipation to help better people's lives, to allow all areas of the United States—and probably the world—to better connect itself for the new transitional world that we would live in.

I don't think it was ever envisioned that we would want it to be misused in such a way that it would cost taxpayers of this country $500 million a year in fraud. It is there as an advocate for people to gain jobs, to understand education better, and to use the avenues of technology to better their lives.

Where you have documented fraud, the United States Congress has a responsibility to stand up. I believe that is what we are saying today. By this suspension vote, we are expecting two-thirds of this body to recognize that where there is widespread fraud that the United States Congress, on behalf of the taxpayer who paid the bill for the fraud, that something responsible would be done about it.

Mr. Speaker, I include in the RECORD this letter from Commissioner Pai. I would ask, more importantly, that this Congress be responsible about saying it is documented fraud that we are after, not Lifeline service.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, DC, June 8, 2016.

Mr. CHRIS HENDERSON,
Chief Executive Officer, Universal Service Administrative Company, Washington, DC.

DEAR MR. HENDERSON: Thank you again for your May 25 letter, which contained detailed data on how wireless resellers have used the National Lifeline Accountability Database (NLAD). My staff has concluded further analysis of that data, and I am now concerned that abuse of the Universal Service Fund's Lifeline program is more widespread than I first thought.

Before 2012, it was well known that duplicate subscribers (that is, individuals getting multiple subsidies) plagued the Lifeline program. In the 2012 Lifeline Reform Order, the Commission codified the one-per-household rule, which prohibits more than one Lifeline subscription from going to a single household. To curb the problem of duplicate subscriptions and enforce the one-per-household rule, the FCC established the NLAD. The NLAD is designed to help carriers identify and resolve duplicate claims for Lifeline service and prevent future duplicates from enrolling.

Although the NLAD rejects multiple subscribers at the same address, the FCC also instructed USAC to ''implement procedures to enable applicants to demonstrate at the outset that any other Lifeline recipients residing at their residential address are part of a separate household.'' USAC did so by allowing carriers to override NLAD's rejection of an applicant with the same address as another subscriber. As USAC's website explains, to carry out an independent economic household (IEH) override (as USAC calls it), an applicant must merely check a box on a form and need not provide any supporting documentation.

Unfortunately, this well-intentioned exception to the override process appears to be undermining the one-per-household rule. The NLAD is not preventing a large number of duplicate subscribers from claiming Lifeline subsidies.

We saw in the Total Call Mobile case how unscrupulous carriers could regularly register duplicate subscribers by fraudulently using the address of a local homeless shelter, altering a person's name, and using fake Social Security numbers to evade detection. As a result, USAC had to de-enroll 32,498 duplicates from Total Call Mobile's rolls.

But your May 25 letter reveals an even greater problem. Specifically, USAC's data reveal that Carriers enrolled 4,291,647 subscribers between October 2014 and April 2016 using the IEH override process. That's more than 35.3% of all subscribers enrolled in NLAD-participating states during that period. Indeed, that's more people than live in the State of Oregon. And the price to the taxpayer is steep—just one year of service for these apparent duplicates costs taxpayers $476 million.

It is alarming that over one-third of subscribers—costing taxpayers almost half a billion dollars a year—were registered through an IEH override. Therefore, I respectfully request that you provide the following information to my office:

1. Of the 4,291,647 subscribers enrolled using an IEH override between October 2014 and April 2016, how many are still enrolled in the Lifeline program? To the extent these subscribers are no longer enrolled, please quantify (1) how many subscribers left the program of their own volition, (2) how many de-

enrolled as a result of a specific investigation, audit, or review, and (3) how many de-enrolled as a result of annual verification checks.

2. Please explain the process USAC used to establish the current IEH override process. Specifically, please explain why carriers are not required to collect any documentation demonstrating that a subscriber is ''part of a separate household'' for purposes of an IEH override and why staff do not review either the certification form or any documentation before authorizing an IEH override.

3. Please describe the steps USAC has taken to verify the integrity of the IEH override process. Specifically, I am interested in understanding the steps taken to verify that subscribers enrolled with an IEH override are in fact economically independent from other Lifeline subscribers at the same address.

a. For example, one Total Call Mobile sales agent testified that he filled out applications, checking off the boxes he knew applicants needed to check to enroll. What process does USAC use to minimize and detect such behavior?

b. Does USAC contact existing subscribers at a particular address before enrolling a new subscriber at that address to verify economic independence?

c. Has USAC sampled a set of subscribers to determine whether subscribers can demonstrate economic independence through documentation (such as tax forms)?

d. Has USAC coordinated with federal or state agencies to determine whether subscribers have consistently represented themselves as economically independent?

4. According to the 2014 Lifeline Biennial Audit Plan, independent auditors were required to create a list of apparent duplicates for each carrier subject to the audit and verify for a sample of 30 apparent duplicates that ''at least one subscriber at each address [has] complete[d] a one-per-household worksheet.'' Were auditors required to verify whether such subscribers were actually economically independent from other Lifeline subscribers at the same address for a sample of apparent duplicates? If not, why not?

5. Please describe any investigations, audits, or reviews that USAC has conducted from October 2014 to the present to verify that subscribers enrolled with an IEH override are in fact economically independent from other Lifeline subscribers at their address. Please include any such reports drafted or issued by USAC or, in the case of no such report, a summary of USAC's findings.

6. Please describe any recommendations USAC has to improve the IEH override process to ensure that taxpayer funds are not wasted. Please identify any FCC rule changes that would be necessary to effectuate such improvements.

7. You reported in your May 2 letter that USAC also conducts Payment Quality Assurance (PQA) reviews and regularly analyzes the NLAD for ''anomalies, duplicates, or other errors that may signal improper payments of potentially fraudulent behavior.'' As a result of those reviews, USAC discovered and de-enrolled 373,911 duplicates from the NLAD between February and May 2015. Please describe any other investigations, audits, or reviews that USAC has conducted from October 2014 to the present to eliminate duplicate subscribers from the NLAD. Please include any such reports drafted or issued by USAC or, in the case of no such report, a summary of USAC's findings.

8. In the Total Call Mobile case, one sales agent alleged that he could enroll the same person multiple times in the NLAD so long as the applicant used different devices within a 15-minute timespan. Is this claim true? If so, what steps will USAC take to close this apparent loophole?

I appreciate USAC's continued work to protect the American taxpayer and safeguard the Universal Service Fund. I also appreciate that USAC often takes instruction from the FCC in fulfilling its role. Given the hundreds of millions in taxpayer funds apparently lost to unscrupulous behavior in the Lifeline program, I hope you will agree that USAC's paramount task must be to eliminate waste, fraud, and abuse from the Lifeline program. I therefore ask that you respond with the requested information by July 28, 2016. If you have any questions, please feel free to contact my office.

Sincerely,

AJIT PAI,
Commissioner, Federal Communications Commission.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. I thank the ranking member from New Jersey for the time.

Mr. Speaker, I rise in strong opposition to H.R. 5525, a bill that undermines the Lifeline program and demonstrates the majority's continued indifference to the struggle of low-income Americans.

The Lifeline program helps 9.8 million people across this country access cell phone service which, as we all know, is a necessity for modern everyday life. For decades, helping struggling Americans access basic technology was a bipartisan initiative. It was started under President Reagan, and then expanded under President George W. Bush. I am surprised and disappointed that my Republican colleagues have chosen today to end that tradition of bipartisanship on behalf of struggling families.

Let's be clear, a vote for this bill is a vote to take critical devices away from people who need them the most. We are taking service away from older Americans who use it to manage their health care and call their loved ones. We are taking service away from students who use cell data to do their homework. We are taking service away from victims of domestic violence who use it to get help and support. We are taking service away from unemployed workers who use it to find a good-paying job. Most importantly, we are taking devices out of the hands of Americans who use Lifeline to call 9-1-1 during an emergency.

Why?

The majority says it will save consumers money, but the way that the bill is written, it will not save a dime for consumers or American taxpayers. We continue to collect the fees, but we do not provide Lifeline services. This legislation will do one thing and only one thing: Make it harder for low-income Americans to get back on their feet.

I strongly urge my colleagues to vote ''no'' on H.R. 5525.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank Mr. SCOTT for allowing me time to speak on this.

Obviously, I rise today in support of H.R. 5525, the End Taxpayer Funded Cell Phones Act of 2016.

This administration has continued to expand existing programs for their own political benefit, with one of the most glaring examples being the ''Obama phone,'' also known as the Lifeline program. This was created back in the 1980s. Lifeline brought telecommunication services to consumers, including those with low income.

While this program started with good intentions, like most programs do, the Lifeline program has spiraled out of control, and the budget for this program is growing astronomically.

In an effort to curb wasteful spending, I am proud to support my colleague from Georgia's legislation. It is a commonsense approach to reining in wasteful spending in Washington. Americans are tired of the Federal Government spending taxpayer money that is not accounted for, and this bill is a step in the right direction.

Americans watch their money, and Washington should too. This legislation restores the Lifeline program back to its original purpose and narrows its scope to cut fraud and abuse, which has been mentioned multiple times here this morning. We have to put an end to bloated bureaucracy one Federal program at a time.

□ 1430

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TORRES).

Mrs. TORRES. Mr. Speaker, I was a 9-1-1 dispatcher for 17½ years in Los Angeles. It used to be that, when we had land lines, you didn't have to be a subscriber to telephone service to be able to dial 9-1-1 for police emergencies, fire emergencies, or paramedic services. People could simply keep their phone plugged in and be able to dial 9-1-1.

That is no longer the case, as more and more phone companies are doing away with land lines. More and more people now have to subscribe to telephone service in order to be able to access 9-1-1 for paramedics, for a police emergency, or for a fire service emergency.

So we have created a system that is working against the poorest of the poor in our communities, and now the Republicans want to take that away from them.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PALLONE. I yield the gentlewoman an additional 30 seconds.

Mrs. TORRES. Mr. Speaker, I urge a ''no'' vote on this. Allow the people in

the United States to be able to access an ambulance, a police officer, or a firefighter for free. The poorest of the poor are depending on you to vote ''no'' on this bill.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore. The gentleman from Georgia has 9½ minutes remaining. The gentleman from New Jersey has 12½ minutes remaining.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to correct a couple of things that were said from the start.

First of all, this piece of legislation does not eliminate the Lifeline program. It does move it back to land lines and away from the cellular services.

I would also, respectfully, submit that multiple pieces of legislation have been introduced in an effort to address the waste, fraud, and abuse in this program. The number that I mentioned earlier—4,291,647—is cases where we believe there has been an abuse of the system. The phone companies get approximately $10 a month per phone that they hand out. That is a tremendous amount of waste, fraud, and abuse. It is almost $500 million.

So when we see that much waste, fraud, and abuse in the system, we as a Congress have a responsibility to put the integrity back into that system.

There have been a tremendous number of pieces of legislation that have been introduced. They have all not been able to come to the floor. I want to thank our leadership for putting a bill on the floor that does the one thing in attempting to eliminate that waste, fraud, and abuse of this system.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to address some of the points that the gentleman from Georgia made.

First of all, 85 percent of the program goes toward wireless service; mobile phones. So when the gentleman says that we are eliminating wireless and that it doesn't matter because we will go back to land lines, that is just simply not the case. That is what the gentlewoman from California just explained.

I am concerned that what I am really hearing from the gentleman from Georgia is the notion that somehow, if there are more than two lines at a given address, it is fraud. I just want to eliminate that notion because I think that criticism misses the point.

There is an exception in the Lifeline program that can permit more than one line per household. This exception is a critical feature that allows people without a long-term home address to take advantage of the program. These are the very people Lifeline was designed to help.

The system allows those living in a homeless shelter, without a stable address, to have access to a phone. It even allows veterans in a group home to access the Internet. So it is not fraud to allow these people access to phones because they happen to have the same address.

While this particular feature of the program may not be the cause of harm that has been alleged, Democrats are serious about eliminating the waste, fraud, and abuse from the Lifeline program. We stand ready to work with Republicans to make the program better.

When we had a hearing in the Energy and Commerce Committee, one of the points we were making was, just cutting the program doesn't eliminate waste, fraud, and abuse. You understand, this bill simply says we are going to cut the funds. It doesn't say how that is going to eliminate the waste, fraud, and abuse.

I will tell you there never was a markup. It just came to the floor. We did have a hearing. There was no markup. So this is not regular order. But the bottom line is, we said over and over again, as Democrats: work with us to eliminate the fraud and abuse. The Obama administration has always done that.

This doesn't do that. This just cuts the program and goes back to what my two colleagues from California were saying: you now have all these people who are poor and working people, who don't have enough money to pay for these phones. They just don't have the phone anymore, and so they don't have access to a mobile phone in order to make those critical calls for some of the purposes that were mentioned.

As I said, during the Obama administration, the FCC has already reduced expenditures by nearly a billion dollars. In fact, the FCC recently took additional substantial steps to prevent potential abuses of the program. The FCC very recently created an independent, third-party National Lifeline Eligibility Verifier. So there is a singular, disinterested referee making Lifeline eligibility decisions.

So an effort is being made—a serious effort—that has already saved a lot of money to try to improve this program. But, again, the bill before us does nothing to target waste, fraud, or abuse. It just cuts off truly deserving low-income Americans from a program that can help them improve their lives.

So for that reason, I urge my colleagues to oppose the bill.

In closing, I don't want to keep repeating the same thing, but I think it is pretty clear where I and my colleagues on this side of the aisle stand. This bill would cut off millions of low-income persons from having wireless service and access to the Internet. If enacted, it would prohibit commercial wireless providers from receiving money from the Universal Service Fund Lifeline program, and that program subsidizes phones for low-income Americans. Without this program, millions of Americans will be left stranded, without any phones.

The bill is being brought to the floor under suspension of the rules, even though no committee has actually held a markup on the bill.

I urge Members to vote ''no,'' to protect low-income Americans' Lifeline wireless phone service.

Mr. Speaker, I yield back the balance of my time.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I, again, want to reiterate that this bill does not eliminate the Lifeline program. It takes it back to the original intent.

I appreciate the newfound commitment to deal with the waste, fraud, and abuse, and I look forward to working with you on that legislation, if this one should not pass. We have a responsibility to make sure that, when we are creating access to any program, we have integrity in this program. This is not in any way, shape, or form intended to do anything but to bring that integrity back.

Again, Mr. Speaker, this is about eliminating approximately $500 million a year worth of waste, fraud, and abuse.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong opposition of H.R. 5525, the End Taxpayer Funded Cell Phones Act of 2016, because it will end an essential program that helps millions of elderly, low-income and poor people have access to cellphone service.

As the founder and chair of the Children's Caucus I am particularly focused on the needs of children and their families.

H.R. 5525 would deny the Universal Service Fund, the charge levied on land lines to help fund telecommunications services for low income people, the ability to use funds to help people purchase cell phones.

The Lifeline Program was first implemented in 1985 by President Reagan and expanded in 2005 by President George W. Bush to include commercial mobile service and commercial data service, the Lifeline program ensures that all Americans have the opportunities, assistance, and security that phone service brings.

Lifeline is a successful program, currently supporting over 12 million people who make up our nation's most vulnerable populations to call 9-1-1 and other emergency services, contact prospective and current employers, and connect with essential health, social, employment, and educational services.

According to one Lifeline provider, more than 80 percent of Lifeline subscribers in 2011 had an average household income below $15,000; more than 45 percent of Lifeline subscribers were Caucasian compared to 40 percent who were African American and 7 percent who were Hispanic.

In the 2016 Lifeline Modernization Order, the Commission included broadband as a support service in the Lifeline program.

The Commission also set out minimum service standards for Lifeline-supported services to ensure maximum value for the universal service dollar, and established a National Eligibility Verifier to make independent subscriber eligibility determinations.

Lifeline enables the most vulnerable among us to be participating members of our society; cutting wireless services could prevent individuals from being able to, among other things:

receive a communication about a child's illness at school while they are at work;

summon medical help in a car accident;

speak with their employers about additional work shifts while commuting by public transit; or

alert first-responders of public emergencies (such as a fast-moving fire, a flooded road, or a violent attack) that pose a threat to the larger community.

Today, 9.8 million Americans depend on the Lifeline program to stay connected using mobile phones.

The legislation comes on the heels of real enforcement by the FCC to crack down on carriers that have abused the program, including a $51 million fine against Total Call Mobile announced in April.

Even more, this shameful bill was not considered under regular order and has not been considered by any committee.

If the critics of the Lifeline program sincerely think the costs of the program are a problem, they should work with Democrats to address inequality, to close the gender pay gap, to raise the minimum wage, and to put more people to work through universal broadband infrastructure projects.

The Lifeline Program is working in my state of Texas.

Texans are eligible for lifeline cell phone service if they receive benefits from any of the following programs:

National School Lunch (free program only);

Federal Public Housing Assistance / Section 8;

Health Benefit Coverage under Children's Health Insurance Plan (CHIP);

Low Income Home Energy Assistance (LIHEAP)

Medicaid;

Supplemental Nutrition Assistance Program (Food Stamps);

Supplemental Security Income (SSI);

Bureau of Indian Affairs General Assistance;

Temporary Assistance for Needy Families;

Tribally-Administered Temporary Assistance for Needy Families;

Food Distribution Program on Indian Reservations;

You may also qualify for lifeline service in Texas if your Total Household Income is at or under 150 percent of the Federal Poverty Guidelines.

For these reasons I join the NAACP in strongly opposing H.R. 5525, because it will do real damage to our national effort to expand indispensable access to telephone and cellphone service.

I ask my colleagues to join me in opposing H.R. 5525.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. AUSTIN SCOTT) that the House suspend the rules and pass the bill, H.R. 5525.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Brian Pate, one of his secretaries.

AUTHORIZING USE OF PASSENGER FACILITY CHARGES FROM ONE AIRPORT AT A PREVIOUSLY ASSOCIATED AIRPORT

Mrs. COMSTOCK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4369) to authorize the use of passenger facility charges at an airport previously associated with the airport at which the charges are collected.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF PASSENGER FACILITY CHARGES FROM ONE AIRPORT AT A PREVIOUSLY ASSOCIATED AIRPORT.

(a) FINDINGS.—Congress makes the following findings:

(1) On December 22, 2015, the Los Angeles City Council, the Los Angeles Board of Airport Commissioners, the Los Angeles World Airports, the Ontario City Council, and the Ontario International Airport Authority agreed to transfer ownership and control of Ontario International Airport from the city of Los Angeles and Los Angeles World Airports to the Ontario International Airport Authority, a local joint powers authority established by and between the county of San Bernardino and the city of Ontario.

(2) Pursuant to the agreement, the Ontario International Airport Authority intends to use between $70,000,000 and $120,000,000 in passenger facility charges collected at Ontario International Airport to finance eligible projects at Los Angeles International Airport, as compensation for passenger facility charges collected, consistent with section 40117(b)(1) of title 49, United States Code, at Los Angeles International Airport for use at Ontario International Airport in the 1990s, when both airports were controlled by Los Angeles World Airports.

(3) The amendment made by subsection (b) applies exclusively to Ontario International Airport, allowing passenger facility charges to be used for eligible projects at Los Angeles International Airport while making no other changes to passenger facility charges eligibility requirements.

(4) No additional appropriations are required to implement the agreement described in paragraph (1) or the amendment made by subsection (b).

(b) PASSENGER FACILITY CHARGES.—Section 40117(b) of title 49, United States Code, is amended by adding at the end the following:

''(8) USE OF PFC REVENUES AT PREVIOUSLY ASSOCIATED AIRPORT.—

''(A) IN GENERAL.—Notwithstanding the requirements of paragraph (1) and subject to subparagraph (B), the Secretary may authorize use of a passenger facility charge to finance an eligible airport-related project if—

''(i) the eligible agency seeking to impose the new charge controls an airport where a $2 passenger facility charge became effective on January 1, 2013; and

''(ii) the airport described in clause (i) and the airport at which the project will be carried out were under the control of the same eligible agency on October 1, 2015.

''(B) LIMITATION.—Not more than $120,000,000 in passenger facility charges collected under subparagraph (A) may be used to carry out an eligible airport-related project described in that subparagraph.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. COMSTOCK) and the gentlewoman from Nevada (Ms. TITUS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. COMSTOCK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4369.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. COMSTOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4369, a bill that will provide regulatory relief to Los Angeles International Airport and Ontario International Airport and facilitate a transfer of Ontario International Airport to a new airport authority.

I want to thank Mr. CALVERT, the sponsor of the bill, for introducing this legislation and for his leadership on this issue.

With that, I urge my colleagues to support H.R. 4369.

Mr. Speaker, I reserve the balance of my time.

Ms. TITUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4369, as you heard, is a bipartisan, narrowly tailored bill to address a time-sensitive issue in southern California that impacts the Ontario and Los Angeles International Airports, both of which serve my district in southern Nevada.

This bill has the support of my colleagues from southern California, and I appreciate them coming to the floor today to speak about its importance to their districts.

Mr. Speaker, when one airport authority takes ownership of an airport from another authority, there needs to be a process by which that new authority can repay the passenger facility

charges that were collected up to that point. This bill would provide such a mechanism.

There is urgency in addressing this issue, as the current transfer authority between these two airports is set to expire at the end of this year. I support that, but I would be remiss if I didn't acknowledge the fact that, while we stand on the floor today discussing this urgent matter affecting our aviation system, we are mere weeks away from the expiration of the third extension of the current FAA authorization bill.

Months ago, the Transportation and Infrastructure Committee passed legislation which includes numerous time-sensitive and important provisions. Yet, because of a proposal to privatize our air traffic control system, I, along with my fellow Democrats on the committee, were forced to oppose the bill. Meanwhile, our Senate colleagues have passed a bipartisan FAA bill with overwhelming support.

Mr. Speaker, again, I am in favor of this legislation that we are considering today, but it is my sincere hope that we will see a similar urgency in addressing other aviation needs, like the needs of large airports like McCarran International Airport, in my district; the need to extend the authorization for the unmanned aerial test ranges; the need to develop a low-altitude air traffic management system for UAS operations; and the need to address a number of the important issues that are facing our Nation's airspace that are in the FAA reauthorization bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. COMSTOCK. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CALVERT) the sponsor of this bill.

Mr. CALVERT. Mr. Speaker, today is a good day for the Inland Empire region in southern California. For many years now, our region has advocated for restoring local control of Ontario International Airport and putting the future growth of air travel in our own hands.

My legislation that the House is considering today, H.R. 4369, is one of the final necessary steps that will facilitate the transfer of Ontario International Airport from the city of Los Angeles to the Ontario International Airport Authority.

Both the cities of Ontario and Los Angeles, as well as FAA staff, have put in hundreds of hours of effort to approve and prepare for the management transfer of this hub airport.

When both Ontario International Airport and Los Angeles International Airport were operated by the same agencies, passenger facility charges, or PFCs, collected at one airport could be used for the projects at the other one.

□ 1445

Going forward, H.R. 4369 will enable a certain amount of passenger facility charges collected at the now independent Ontario International Airport to be used for projects at Los Angeles International Airport as a way to pay back LAX for sharing its passenger facility charges in the past years. Since it is not possible under existing law today, we are fixing this glitch.

This legislation has broad bipartisan support and will not cost the taxpayers a penny. Furthermore, the bill does nothing to increase passenger facility charges or any other fees for airport passengers.

H.R. 4369 is supported by all stakeholders, including the FAA, the City of Los Angeles, Los Angeles World Airports, the City of Ontario, and the Ontario International Airport Authority. The bill is supported by the entire bipartisan Inland Empire delegation, including Representative TORRES, Representative AGUILAR, Representative COOK, Representative ROYCE, Representative RUIZ, and Representative TAKANO.

Over in the Senate, Senator FEINSTEIN has introduced identical legislation, and I am hopeful the Senate can quickly approve this bill after we pass it here today.

There have been many people involved in this effort over the past few years. I want to specifically thank FAA Administrator Michael Huerta, Los Angeles Mayor Eric Garcetti, Ontario Councilmen Alan Wapner and Jim Bowman, as well as the rest of the Ontario City Council and other elected officials from throughout the Inland Empire who have supported restoring local control of Ontario Airport.

I also want to thank Majority Leader KEVIN MCCARTHY and Transportation and Infrastructure Committee Chairman BILL SHUSTER for helping us move this important legislation to the House floor today.

The Inland Empire has and continues to be one of the fastest growing regions in California and in the Nation, and it is far past time that we control our own aviation future. I am confident, with local control restored, Ontario International Airport will be a significant contributor to future economic growth in our region.

I urge all my colleagues to support this important legislation.

Ms. TITUS. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. TORRES), who is a cosponsor of this bill.

Mrs. TORRES. Mr. Speaker, the bill we are considering today is a key step to finalizing the transfer of local control of the Ontario International Airport, a transfer which, after lengthy negotiations, was finally agreed to by all parties last year.

This transfer, Mr. Speaker, is long overdue. Ontario Airport, located in my congressional district, is a major economic driver for the Inland Empire region.

When Los Angeles World Airports began operating Ontario back in 1967, it was with the intention of attracting more airlines and service options to the Inland Empire. Well, circumstances have changed quite a bit since that time.

The Inland Empire isn't just the outskirts of Los Angeles anymore. It is a rapidly growing region, attracting more and more new residents and businesses with a strategic location along a major freight corridor that makes it a hub for manufactured and agricultural goods.

It also provides more convenient air travel options to residents of San Bernardino and Riverside Counties who, otherwise, would have to travel up to 2 or 3 hours to fly out of LAX.

Transferring control of the airport back to Ontario means that the people who are most affected and who most closely understand the needs of the region are the ones who are going to be shaping the airport's future. This transfer is not possible without the legislation we are considering today.

As part of the settlement agreement, $120 million of passenger facility revenue collected at Ontario will be used for FAA-qualified capital projects at LAX. $50 million of that will come from existing passenger facilities fees that are controlled by LAWA, but were collected at Ontario. The remaining $70 million will come from future passenger facility charges collected at Ontario within the next 10 years. These are funds that have always been intended to go to LAWA for projects at LAX.

Congress must now pass this one-time fix that will allow the transfer of funds from one airport authority to another. Otherwise, once control of Ontario Airport shifts to the Ontario International Airport Authority, there will be no mechanism to transfer the funds to LAWA as they have agreed. Without this bill, the agreement cannot move forward, and the FAA cannot approve the agreement and grant the Ontario International Airport Authority a certificate to operate.

Many of us have been calling for local control of Ontario Airport for quite a long time, and this agreement has been years in the making. All parties have agreed to the terms and are ready to move forward. As a frequent flier out of Ontario, I hope Congress does not stand in its way.

I would like to thank my colleague, Congressman CALVERT, for helping to bring this important bill to the floor, and the rest of the Inland Empire delegation for their support.

I urge my colleagues to support this legislation.

Mrs. COMSTOCK. Mr. Speaker, I reserve the balance of my time.

Ms. TITUS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. TAKANO), another cosponsor of the bill.

Mr. TAKANO. I thank the gentlewoman from Nevada for the time.

Mr. Speaker, the Inland Empire should have control of its regional airport, and local residents should have access to affordable domestic and international flights.

With that in mind, I rise in support of H.R. 4369, which would facilitate the transfer of Ontario International Airport from the City of Los Angeles.

While the number of flights offered at Ontario Airport has decreased, the demand for those flights has not. Industry experts estimate that 2 million passengers a year are forced to drive to Los Angeles or other regional airports due to the lack of flights and connections offered at Ontario. The region is losing up to 8,000 jobs and $400 million in yearly business activity.

As the Inland Empire continues to grow in population, it needs the Ontario International Airport to be under local control. It is a vital economic resource to our region, with the potential to serve 30 million passengers annually, and it is a conflict of interest for Los Angeles World Airports to control Ontario, a direct competitor.

On a personal note, I am ready to give up the long commute from Riverside to LAX. And in that spirit, 3 years ago I wrote a letter to Mayor Garcetti of Los Angeles outlining the need to transfer control of Ontario Airport to our region. I am happy that we are finally moving forward with this legislation to ensure an arrangement that is best for the Inland Empire.

I would like to thank my colleagues, Congressman KEN CALVERT and Congresswoman NORMA TORRES, and all the rest of our delegation from the Inland Empire of southern California, for their hard work on this issue. I am proud to be an original cosponsor of this legislation. I also extend my thanks to the gentlewoman from Nevada for her support.

I strongly urge a ''yes'' vote on this bill.

Mrs. COMSTOCK. Mr. Speaker, I have no further speakers. I am prepared to close.

I reserve the balance of my time.

Ms. TITUS. Mr. Speaker, I, too, have no further speakers. I just want to say that I support this legislation. I urge my colleagues to do the same, and I also admonish them to show the same degree of urgency when it comes to reauthorizing the FAA.

I yield back the balance of my time.

Mrs. COMSTOCK. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge all Members to support this bill of my colleague, Mr. CALVERT.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R 4369, ''A bill that authorizes the use of passenger facility charges at an airport previously associated with the airport at which the charges are collected.''

As a senior member of the House Committee on Homeland Security and the Ranking Member of the Judiciary Committee's Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, I strongly support this commonsense measure to improve and sustain airport security.

Since its inception, Passenger Facility Charges (PFCs) have been used to improve safety, enhance security, and increase the capacity of airports to serve the traveling public.

A Passenger Facility Charge is a service fee and is also an additional fee charged to departing and connecting passengers at an airport.

H.R. 4369 clarifies and streamlines opportunities that will help ease travel through our nation's airports while improving our national security.

For example this bill will enable:

The preservation and protection of the nation's air transportation system;

Enhanced competition between and among air carriers;

Funding projects that benefit local communities; and

Meeting airline and passenger demands to accommodate future growth for our nation's economy.

In 2015, more than 700 million passengers and 400 million checked bags were screened by the Transportation Security Administration (TSA).

Each day, TSA processes an average of 1.7 million passengers at more than 450 airports across the nation.

In 2012, TSA screened 637,582,122 passengers.

The Bush International and the William P. Hobby Airports are essential hubs for domestic and international air travel for Houston and the region.

Nearly 40 million passengers traveled through Bush International Airport (IAH) and an additional 10 million traveled through William P. Hobby (HOU).

More than 650 daily departures occur at IAH.

IAH is the 11th busiest airport in the U.S. for total passenger traffic.

IAH has 12 all-cargo airlines and handled more than 419,205 metric tons of cargo in 2012.

Airlines and airports are expected to experience a significant increase in passenger traffic coming into the 2016 summer peak travel months across the nation's largest airports.

As a result of the Passenger Facility Charges airports will continue to receive the needed funds to modernize and keep up with the growing traffic demands and safety and security challenges of our nation's airports.

For this reason, I urge my colleagues to support this important legislation.

Mrs. NAPOLITANO. Mr. Speaker, I rise in strong support of H.R. 4369, which would allow for a local settlement agreement in Southern California between the City of Los Angeles and the new Ontario Airport Authority.

I thank Chairman SHUSTER and Ranking Member DEFAZIO for bringing this bill to the House floor today, and I thank Congresswoman TITUS for managing the floor debate.

I would also like to thank my bipartisan colleagues from California, Rep. CALVERT and Rep. TORRES, for their leadership on this bill.

Mr. Speaker, after 5 years of negotiations the City of Los Angeles has agreed to transfer its ownership of the Ontario Airport to a new airport authority created by the City of Ontario and San Bernardino County.

This deal has been supported by all stakeholders in order to give the people of the Inland Empire in Southern California control over their own airport.

The residents, businesses, and cities in my district in the San Gabriel Valley are also very supportive of this agreement. The Ontario Airport is only 15 miles from the center of my district, whereas Los Angeles International Airport (LAX) is 40 miles from the center of my district, and there is constant traffic. San Gabriel Valley residents and businesses would much rather use Ontario Airport than LAX if it had better flight options to more locations, which this bill will help accomplish. Allowing for local control of the airport puts the best interest of our region first in improving and managing the airport. I am also appreciative that this agreement makes sure that airport workers will not lose their jobs during and after the transition.

The major point in this local agreement was providing for the repayment of passenger facility charge fees (PFCs) that Los Angeles had collected at LAX in the 1990s and used to construct a new terminal at Ontario Airport.

The settlement agreement requires Ontario Airport to pay back LAX with future PFCs collected at Ontario. The problem is that federal law only allows the transfer of PFCs from one airport to another airport if they are owned by the same airport authority. This is the current law that allowed LAX to transfer PFCs to Ontario.

Since the new agreement transfers control of Ontario Airport to a new airport authority, without our legislation the new Ontario Airport authority is prohibited from paying back the PFCs to LAX.

Mr. Speaker, our bill today is a narrow change in the use of PFCs to allow those collected at Ontario International Airport to be used for projects at LAX. This amendment was carefully written as to only apply to Ontario Airport and LAX. There are no federal funds used in this amendment, and it does not change any of the policy requirements of the use of PFCs.

Mr. Speaker, I ask for the support of my colleagues for H.R. 4369.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. COMSTOCK) that the House suspend the rules and pass the bill, H.R. 4369.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORT FOR RAPID INNOVATION ACT OF 2016

Mr. RATCLIFFE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5388) to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Support for Rapid Innovation Act of 2016''.

SEC. 2. CYBERSECURITY RESEARCH AND DEVELOPMENT PROJECTS.

(a) CYBERSECURITY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

''SEC. 319. CYBERSECURITY RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Under Secretary for Science and Technology shall support the research, development, testing, evaluation, and transition of cybersecurity technologies, including fundamental research to improve the sharing of information, analytics, and methodologies related to cybersecurity risks and incidents, consistent with current law.

''(b) ACTIVITIES.—The research and development supported under subsection (a) shall serve the components of the Department and shall—

''(1) advance the development and accelerate the deployment of more secure information systems;

''(2) improve and create technologies for detecting attacks or intrusions, including real-time continuous diagnostics and real-time analytic technologies;

''(3) improve and create mitigation and recovery methodologies, including techniques and policies for real-time containment of attacks, and development of resilient networks and information systems;

''(4) support, in coordination with non-Federal entities, the review of source code that underpins critical infrastructure information systems;

''(5) develop and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies;

''(6) assist the development and support of technologies to reduce vulnerabilities in industrial control systems; and

''(7) develop and support cyber forensics and attack attribution capabilities.

''(c) COORDINATION.—In carrying out this section, the Under Secretary for Science and Technology shall coordinate activities with—

''(1) the Under Secretary appointed pursuant to section 103(a)(1)(H);

''(2) the heads of other relevant Federal departments and agencies, as appropriate; and

''(3) industry and academia.

''(d) TRANSITION TO PRACTICE.—The Under Secretary for Science and Technology shall support projects carried out under this title through the full life cycle of such projects, including research, development, testing, evaluation, pilots, and transitions. The Under Secretary shall identify mature technologies that address existing or imminent cybersecurity gaps in public or private information systems and networks of information systems, identify and support necessary improvements identified during pilot programs and testing and evaluation activities, and introduce new cybersecurity technologies throughout the homeland security enterprise through partnerships and commercialization. The Under Secretary shall target federally funded cybersecurity research that demonstrates a high probability of successful transition to the commercial market within two years and that is expected to have a notable impact on the public or private information systems and networks of information systems.

''(e) DEFINITIONS.—In this section:

''(1) CYBERSECURITY RISK.—The term 'cybersecurity risk' has the meaning given such term in section 227.

''(2) HOMELAND SECURITY ENTERPRISE.—The term 'homeland security enterprise' means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and tribal government officials, private sector representatives, academics, and other policy experts.

''(3) INCIDENT.—The term 'incident' has the meaning given such term in section 227.

''(4) INFORMATION SYSTEM.—The term 'information system' has the meaning given such term in section 3502(8) of title 44, United States Code.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 318 the following new item:

''Sec. 319. Cybersecurity research and development.''.

(b) RESEARCH AND DEVELOPMENT PROJECTS.—Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''2016'' and inserting ''2020'';

(B) in paragraph (1), by striking the last sentence; and

(C) by adding at the end the following new paragraph:

''(3) PRIOR APPROVAL.—In any case in which the head of a component or office of the Department seeks to utilize the authority under this section, such head shall first receive prior approval from the Secretary by providing to the Secretary a proposal that includes the rationale for the utilization of such authority, the funds to be spent on the use of such authority, and the expected outcome for each project that is the subject of the use of such authority. In such a case, the authority for evaluating the proposal may not be delegated by the Secretary to anyone other than the Under Secretary for Management.'';

(2) in subsection (c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''2016'' and inserting ''2020''; and

(B) by amending paragraph (2) to read as follows:

''(2) REPORT.—The Secretary shall annually submit to the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report detailing the projects for which the authority granted by subsection (a) was utilized, the rationale for such utilizations, the funds spent utilizing such authority, the extent of cost-sharing for such projects among Federal and non-Federal sources, the extent to which utilization of such authority has addressed a homeland security capability gap or threat to the homeland identified by the Department, the total amount of payments, if any, that were received by the Federal Government as a result of the utilization of such authority during the period covered by each such report, the outcome of each project for which such authority was utilized, and the results of any audits of such projects.''; and

(3) by adding at the end the following new subsection:

''(e) TRAINING.—The Secretary shall develop a training program for acquisitions staff on the utilization of the authority provided under subsection (a).''.

(c) PROHIBITION ON ADDITIONAL FUNDING.—No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. RATCLIFFE) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. RATCLIFFE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RATCLIFFE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as part of Majority Leader KEVIN MCCARTHY's Innovation Initiative, I am very pleased to bring two important bills to the floor today that further the leader's efforts for ensuring that government can more effectively leverage cutting-edge cyber technologies.

As chairman of the Cybersecurity, Infrastructure Protection, and Security Technologies Subcommittee, my colleagues and I have been working diligently with technology innovators, including tech startups, to find solutions that will help spur innovation and break down bureaucratic barriers that are currently preventing government from leveraging the private sector's emerging technologies.

Mr. Speaker, I am grateful that the House is first considering H.R. 5388, the Support for Rapid Innovation Act of 2016, on the floor today. H.R. 5388 requires the Department of Homeland Security's Science and Technology Directorate, or S&T, to more effectively coordinate with industry and academia to support the research and development of cybersecurity technologies.

H.R. 5388 requires S&T to support the full lifecycle of cyber research and development projects and to identify mature technologies to address cybersecurity gaps. In doing so, S&T must target federally funded cybersecurity research that demonstrates a high probability of successful transition to the commercial market within 2 years.

This bill also extends the use of other transaction authority, or OTA, until the year 2020, which will improve DHS' ability to engage tech startups that are developing these cutting-edge technologies.

Finally, Mr. Speaker, H.R. 5388 also includes important accountability requirements to ensure that there will be proper oversight of the authority.

In December of last year, the House passed H.R. 3578, the Science and Technology Reform and Improvement Act. That bill included provisions similar to those in the bill that we are considering today.

Mr. Speaker, over the last several years, we have seen evolving cybersecurity threats from nation-states, including China, Russia, North Korea, and Iran, as well as cyber threats from criminal organizations and terrorist groups like ISIS. Cyber criminals continue to develop even more cutting-edge cyber capabilities.

In 2016, these hackers pose an even greater threat to the U.S. homeland and our critical infrastructure. The Federal Government desperately needs to keep pace with these evolving threats and more actively work with the private sector to find solutions.

Mr. Speaker, the Department of Homeland Security's Directorate of Science and Technology is the primary research and development arm of the Department and, because the Directorate manages basic and applied research and development, including cybersecurity R&D for the Department's operational components and first responders, ensuring that there are mechanisms in place like S&T's cybersecurity research and development programs and OTA to support the dynamic nature of the cybersecurity research and development is both vital and essential for addressing Homeland Security capability gaps.

Thank you again, Mr. Speaker, for calling up this important bill today because I am convinced that it will have an incredibly positive impact on encouraging technology innovation across the Nation to address our evolving homeland security needs.

Mr. Speaker, I urge all Members to join me in supporting this bill, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, June 20, 2016.

Hon. MICHAEL T. MCCAUL,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 5388, the ''Support for Rapid Innovation Act of 2016,'' which your Committee reported on June 8, 2016.

H.R. 5388 contains provisions within the Committee on Science, Space, and Technology's rule X jurisdiction. As a result of your having consulted with the Committee and in order to expedite this bill for floor consideration, the Committee on Science, Space, and Technology will forego action on the bill. This is being done on the basis of our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Science, Space, and Technology with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Committee Report and in the Congressional Record during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

LAMAR SMITH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, June 20, 2016.

Hon. LAMAR SMITH,
Chairman, Committee on Science, Space, and Technology, Washington, DC.

DEAR CHAIRMAN SMITH: Thank you for your letter regarding H.R. 5388, the ''Support for Rapid Innovation Act of 2016.'' I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Science, Space, and Technology will not seek a sequential referral on the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing a sequential referral of this bill at this time, the Committee on Science, Space, and Technology does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support a request by the Committee on Science, Space, and Technology for conferees on those provisions within your jurisdiction.

I will insert copies of this exchange in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

□ 1500

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5388, the Support for Rapid Innovation Act of 2016.

Mr. Speaker, H.R. 5388, the Support for Rapid Innovation Act of 2016, directs the Department of Homeland Security to support advancements in cybersecurity research. Hackers, cyberterrorists, and other cybercriminals are constantly innovating. As such, it is a security imperative that the Federal Government—or, more specifically, DHS—innovate, too. To that end, H.R. 5388 directs DHS to support promising projects to, among other things, improve the detection of cyber attacks or intrusions and mitigation and recovery from such attacks.

This bill is based on two provisions contained in H.R. 3578, the DHS Science and Technology Reform and Improvement Act, which passed the House last December. Specifically, H.R. 5388 directs DHS' Under Secretary for Science and Technology to bolster research and development of cybersecurity technology to improve the sharing of information, analysis, and methodologies to address cybersecurity risk and incidents. Additionally, H.R. 5388 extends for 4 years the Department's authority to utilize other transaction authority instead of the Federal Acquisition Regulation to fund basic, applied, and advanced R&D projects.

Mr. Speaker, I urge my colleagues to support this bipartisan legislation.

I reserve the balance of my time.

Mr. RATCLIFFE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. MCCARTHY), the majority leader.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Texas (Mr. RATCLIFFE) has put two bills before this House, two bills that are part of our broader Innovation Initiative that take the power of human discovery and apply it to national security.

We know that what protected us in the past isn't sufficient for today or the future. Oceans were our greatest defense for much of our history, but distance became less important in the age of jets and rockets. Radar was a revolutionary discovery that helped us see threats before they arrived, but radar can't help us find a potential terrorist being radicalized in our very own neighborhoods.

We can't rely today on what worked in the past. We need new weapons, new tools, and new defenses. We need more, and the government can't do it alone. The dangers are too pressing for Washington to find the best ways to protect the American people all by itself.

Across this country, there are innovators who are finding the answers, and we need to listen to them. The House knows this, and one of our bills directs the Secretary of Homeland Security to engage with private citizens who can join in the task of making our great country safe.

The second bill of the Innovation Initiative today focuses explicitly on cybersecurity: to update and improve detection of intrusions, improve recovery, and reduce vulnerabilities in the industrial systems we rely on.

We have seen, repeatedly, from the Office of Personnel Management to the IRS to businesses in the private sector that our cyber defenses are simply not up to the task. But we can do better. We always can and we always will.

Mr. Speaker, I am proud of the ideas being put forward for the Innovation Initiative so far. America has unprecedented potential, and through the focus of this initiative, we will discover new and better ways to keep America safe.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our Nation faces growing, diverse, and increasingly sophisticated cybersecurity threats. These threats necessitate a Federal response that includes supporting innovative cybersecurity research and development, testing, and evaluation. This response is dependent on strong public and private collaboration. Such collaboration

is essential to ensuring that promising technologies are introduced into the marketplace in a timely manner.

With that, Mr. Speaker, I urge my colleagues to support H.R. 5388.

I yield back the balance of my time.

Mr. RATCLIFFE. Mr. Speaker, I once again urge all of my colleagues to support H.R. 5388, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 5388, the ''Support for Rapid Innovation Act of 2016,'' which amends the Homeland Security Act of 2002 to provide for improved innovative research and development.

I support this bill because it would extend the Department of Homeland Security secretary's pilot program for research and development projects and prototype projects through 2020.

This bill would require the secretary to report annually to the House Homeland Security and Science committees and the Senate Homeland Security Committee on the dynamics of the projects undertaken.

Specifically, H.R. 5388 would amend the Homeland Security Act of 2002 to include fundamental improvements to facilitate information, analytics, and methodologies related to cybersecurity risks and incidents, consistent with the current law.

In particular, it adds a new section to the Homeland Security Act, directing the Department of Homeland Security to support—whether within itself, other agencies, or in academia and private industry—the research and development of cybersecurity-related technologies.

As a senior member of the Homeland Security Committee and Ranking Member of the Judiciary Committee and Subcommittee on Crime Terrorism, Homeland Security, and Investigations, I support this bill as it directs the Under Secretary for Science and Technology to bolster research and development, along with the testing and evaluation of cybersecurity technology to improve the sharing of information, analysis, and methodologies related to cybersecurity risks and incidents.

The Rapid Innovation Act is a smart bill that will enable the Department of Homeland Security to establish and improve technologies for detecting attacks or intrusions.

The ''Support for Rapid Innovation Act of 2016'' will equip the Department of Homeland Security with vital tools and resources to prevent and remove attacks and threats implemented by those who target our nation.

Mr. Speaker, we face growing cybersecurity threats, which demands that we increase research and development, along with the testing and evaluation of cybersecurity technology to expand the sharing of information, analysis, and methodologies related to cybersecurity risks and incidents.

This is a comprehensive bill that will help protect all Americans in every corner of this nation.

I urge all Members to join me in voting to pass H.R. 5388.

The SPEAKER pro tempore (Mr. PALMER). The question is on the motion offered by the gentleman from Texas (Mr. RATCLIFFE) that the House suspend the rules and pass the bill, H.R. 5388.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RATCLIFFE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

LEVERAGING EMERGING TECHNOLOGIES ACT OF 2016

Mr. RATCLIFFE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5389) to encourage engagement between the Department of Homeland Security and technology innovators, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Leveraging Emerging Technologies Act of 2016''.

SEC. 2. INNOVATION ENGAGEMENT.

(a) INNOVATION ENGAGEMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security—

(A) shall engage with innovative and emerging technology developers and firms, including technology-based small businesses and startup ventures, to address homeland security needs; and

(B) may identify geographic areas in the United States with high concentrations of such innovative and emerging technology developers and firms, and may establish personnel and office space in such areas, as appropriate.

(2) ENGAGEMENT.—Engagement under paragraph (1) may include innovative and emerging technology developers or firms with proven technologies, supported with outside investment, with potential applications for the Department of Homeland Security.

(3) CO-LOCATION.—If the Secretary of Homeland Security determines that it is appropriate to establish personnel and office space in a specific geographic area in the United States pursuant to paragraph (1)(B), the Secretary shall co-locate such personnel and office space with other existing assets of—

(A) the Department of Homeland Security, where possible; or

(B) Federal facilities, where appropriate.

(4) OVERSIGHT.—Not later than 30 days after establishing personnel and office space in a specific geographic area in the United States pursuant to paragraph (1)(B), the Secretary of Homeland Security shall inform Congress about the rationale for such establishment, the anticipated costs associated with such establishment, and the specific goals for such establishment.

(b) STRATEGIC PLAN.—Not later than six months after the date of the enactment of this section, the Secretary of Homeland Security shall develop, implement, and submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a Department of Homeland Security-wide strategy to proactively engage with innovative and emerging technology developers and firms, including technology-based small businesses and startup ventures, in accordance with subsection (a). Such strategy shall—

(1) focus on sustainable methods and guidance to build relationships, including with such innovative and emerging technology developers and firms in geographic areas in the United States with high concentrations of such innovative and emerging technology developers and firms, and in geographic areas outside such areas, to establish, develop, and enhance departmental capabilities to address homeland security needs;

(2) include efforts to—

(A) ensure proven innovative and emerging technologies can be included in existing and future acquisition contracts;

(B) coordinate with organizations that provide venture capital to businesses, particularly small businesses and startup ventures, as appropriate, to assist the commercialization of innovative and emerging technologies that are expected to be ready for commercialization in the near term and within 36 months; and

(C) address barriers to the utilization of innovative and emerging technologies and the engagement of small businesses and startup ventures in the acquisition process;

(3) include a description of how the Department plans to leverage proven innovative and emerging technologies to address homeland security needs; and

(4) include the criteria the Secretary plans to use to determine an innovative or technology is proven.

(c) PROHIBITION ON ADDITIONAL FUNDING.—No additional funds are authorized to be appropriated to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. RATCLIFFE) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. RATCLIFFE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RATCLIFFE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support and I am very pleased that the House is considering H.R. 5389, the Leveraging Emerging Technologies Act of 2016. H.R. 5389 encourages engagement between the Department of Homeland Security and technology innovators, including tech startups.

This important bill requires the Secretary of Homeland Security to proactively engage with innovative and emerging technology developers and firms to address homeland security needs. More specifically, H.R. 5389 provides the Secretary authority to identify geographic areas in the United

States where high concentrations of innovative and emerging technology developers and firms exist and to establish personnel and office space in these areas to more effectively collaborate with these technology hubs.

The Federal Government needs to do a better job working with the private sector, and this bill will support that goal by requiring the Secretary to develop and implement a targeted strategy to proactively engage innovative and emerging technology developers and firms. The Secretary must use this strategic plan to address and to reduce barriers to leveraging innovative and emerging technologies and the small business and startup ventures that create those technologies by incorporating them into the Department's acquisition process.

In order to keep pace, the Department of Homeland Security recently established an office in Silicon Valley to encourage engagement and communication with the innovative technology developers in that area. Although a vital technology hub, Silicon Valley is not the only technology hub in the United States. For that reason, the Department should not be limited to a single geographic area from which to identify emerging and innovative technologies.

Mr. Speaker, we are all learning that cybersecurity is national security. The Nation is under constant cyber attack from nation-states, from criminal groups, and from terrorist organizations, and, with each passing day, the attacks and tools that they are using are becoming more sophisticated. Requiring the Department to consider strategically how it will engage these technology developers will strengthen the Department's ability to access innovative and emerging technologies in order to combat these evolving threats.

I am happy to support this measure today and believe it will move us toward further addressing homeland security needs by supporting technology innovation.

Before I close, I include in the RECORD an exchange between the chairman of the Committee on Science, Space, and Technology and the chairman of the Committee on Homeland Security.

Mr. Speaker, I urge all Members to join me in supporting this bill, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, June 20, 2016.

Hon. MICHAEL T. MCCAUL,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 5389, the ''Leveraging Emerging Technologies Act of 2016,'' which your Committee reported on June 8, 2016.

H.R. 5389 contains provisions within the Committee on Science, Space, and Technology's Rule X jurisdiction. As a result of your having consulted with the Committee and in order to expedite this bill for floor consideration, the Committee on Science, Space, and Technology will forego action on the bill. This is being done on the basis of our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Science, Space, and Technology with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Committee Report and in the Congressional Record during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

LAMAR SMITH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, June 20, 2016.

Hon. LAMAR SMITH,
Chairman, Committee on Science, Space, and Technology, Washington, DC.

DEAR CHAIRMAN SMITH: Thank you for your interest in H.R. 5389, the ''Leveraging Emerging Technologies Act of 2016.'' I appreciate your cooperation in allowing this legislation to move expeditiously before the House of Representatives on June 21, 2016. I understand that the Committee on Science, Space, and Technology, to the extent it may have a jurisdictional claim, will not seek a sequential referral on the bill; and therefore, there has been no formal determination as to its jurisdiction by the Parliamentarian. While we are not prepared to recognize the jurisdiction of the Committee on Science, Space, and Technology over this bill, we do appreciate your cooperation in this matter.

The Committee on Homeland Security concurs with the mutual understanding that the absence of a decision on this bill at this time does not prejudice any claim the Committee on Science, Space, and Technology may have held or may have on similar legislation in the future.

I will insert copies of this exchange in the Congressional Record during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5389, the Leveraging Emerging Technologies Act of 2016.

Mr. Speaker, I am pleased to cosponsor H.R. 5389, a bipartisan bill that directs the Department of Homeland Security to engage, in an unprecedented fashion, with developers of innovative and emerging technologies.

When it comes to tackling vexing homeland security challenges, Washington does not have the monopoly on groundbreaking, forward-thinking ideas. H.R. 5389 specifically directs the Secretary of Homeland Security to engage with innovative and emerging technology developers to help tackle the rapidly expanding list of homeland security technology needs.

To encourage such engagement, the bill authorizes DHS to establish personnel and office space in diverse geographical areas around the United States that have high concentrations of technology developers and firms to nurture relationships.

In April 2015, the Department announced that it was establishing a Silicon Valley office to cultivate relationships with technology innovators, particularly nontraditional performers, such as small startups, investors, incubators, and accelerators. The establishment of this office is in furtherance of DHS' homeland security innovation program, whose goal is to generate innovation in hubs around the Nation and the world to solve DHS' most difficult technology challenges.

Over the past year, through these programs, DHS has reached out to technology innovators and other stakeholders at regional events held in Boston, Pittsburgh, San Francisco, New Orleans, Chicago, Louisville, and Austin.

To ensure that DHS pursues outreach to innovators and related stakeholders in a thoughtful manner, H.R. 5389 also directs DHS, within 6 months, to develop and submit to Congress a Department-wide strategy for such engagement. Importantly, the bill specifically calls for DHS to include ways to effectively engage with technology-based small businesses and startup ventures in the strategy.

Mr. Speaker, I urge my colleagues to support this legislation. H.R. 5389 was unanimously approved by the Committee on Homeland Security on June 8. It recognizes that DHS depends on technology to carry out its missions and for the Department to effectively identify, support, and procure innovative technology. DHS must nurture and maintain robust and direct relationships with technology developers.

Two features of the strategy required under this act that I would like to highlight are that it directs DHS to give attention to fostering engagement with developers that may be located outside a recognized regional technology hub, and coordinate with venture capital organizations to help emerging technology developers, including small businesses and startup ventures, commercialize technologies that address a rapidly growing list of homeland security needs.

I also join my colleague from Texas in supporting this legislation. Mr. Speaker, I urge support of H.R. 5389.

I yield back the balance of my time.

□ 1515

Mr. RATCLIFFE. Mr. Speaker, I thank the gentleman from Mississippi for cosponsoring this bill and for his leadership in this area.

I, once again, urge my colleagues to support H.R. 5389.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee, I rise in support of H.R. 5389, the ''Leveraging Emerging Technologies Act of 2016,'' which requires the Secretary of Homeland Security to engage with innovative and emerging technology developers, including technology-based small businesses and startup ventures that can help tackle the rapidly expanding list of homeland security technology needs.

H.R. 5389 helps to protect America's computer and communications networks, which security experts believe represent the nation's most critical national security challenge, including internet functions and connected critical infrastructure such as air traffic control, the U.S. electrical grid, and nuclear power plants.

H.R. 5389 authorizes DHS to establish personnel and office space in diverse geographic areas around the United States that have high concentrations of technology developers and firms.

The bill also directs DHS, within 6 months, to develop and submit to Congress a Department-wide strategy to engage with innovative and emerging technology companies.

Importantly, the bill specifically requires the Secretary to include in that strategy ways to effectively integrate technology-based small businesses and startup ventures.

Importantly, the bill also requires the DHS Secretary to coordinate with those in the venture capital industry to assist in the development of technologies that are ready for commercialization and use in the Homeland Security Enterprise.

Since its founding, the Department of Homeland Security has overcome many challenges as an organization but much more progress must be made regarding effective inter-operable communication between the federal, state, and local agencies.

Although not a panacea, H.R. 5389 is a step in the right direction because it will help improve DHS' overall functions so that it can more effectively protect our people.

I urge my colleagues to join me in supporting this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RATCLIFFE) that the House suspend the rules and pass the bill, H.R. 5389.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RATCLIFFE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

THOROUGHLY INVESTIGATING RETALIATION AGAINST WHISTLEBLOWERS ACT

Mr. BLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4639) to reauthorize the Office of Special Counsel, to amend title 5, United States Code, to provide modifications to authorities relating to the Office of Special Counsel, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Thoroughly Investigating Retaliation Against Whistleblowers Act''.

SEC. 2. REAUTHORIZATION OF THE OFFICE OF SPECIAL COUNSEL.

(a) IN GENERAL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended to read as follows:

''(2) $24,119,000 for fiscal year 2016 and $25,735,000 for each of fiscal years 2017, 2018, 2019, and 2020 to carry out subchapter II of chapter 12 of title 5, United States Code (as amended by this Act).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to apply beginning on October 1, 2015.

SEC. 3. ACCESS TO AGENCY INFORMATION.

Section 1212(b) of title 5, United States Code, is amended by adding at the end the following:

''(5)(A) In carrying out this subchapter, the Special Counsel is authorized to—

''(i) have access to any record or other information (including a report, audit, review, document, recommendation, or other material) of any agency under the jurisdiction of the Office of Special Counsel, consistent with the requirements of subparagraph (C); and

''(ii) require any employee of such an agency to provide to the Office any record or other information during an investigation, review, or inquiry of any agency under the jurisdiction of the Office.

''(B) With respect to any record or other information made available by an agency under this subchapter, the Office shall apply a level of confidentiality to such record or information at the level of confidentiality applied to the record by the agency.

''(C) With respect to any record or other information described under subparagraph (A), the Attorney General or an Inspector General may withhold access to any such record or other information if the disclosure could reasonably be expected to interfere with an ongoing criminal investigation or prosecution, but only if the Attorney General or applicable agency head submits a written report to the Office of Special Counsel describing the record or other information withheld and the reason for the withholding.''.

SEC. 4. WHISTLEBLOWER PROVISIONS.

Section 1213 of title 5, United States Code, is amended—

(1) in subsection (b), by striking ''15 days'' and inserting ''45 days'';

(2) in subsection (d)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5)—

(i) in the matter before subparagraph (A), by striking ''such as'' and inserting ''including''; and

(ii) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) if any disclosure referred to an agency head under subsection (c) is substantiated in whole or in part by the agency head, a detailed explanation of the failure to take any action described under paragraph (5).''; and

(3) in subsection (e), by adding at the end the following:

''(5) If an agency head submits a report to the Special Counsel under subsection (d) that includes a description of any agency action proposed to be taken as a result of the investigation, the agency head shall, not later than 180 days after the date of such submission, submit a supplemental report to the Special Counsel stating whether any proposed action has been taken, and if the action has not been taken, the reason why it has not been taken.''.

SEC. 5. TERMINATION OF CERTAIN OSC INVESTIGATIONS.

(a) IN GENERAL.—Section 1214(a) of title 5, United States Code, is amended by adding at the end the following:

''(6)(A) Within 30 days of receiving an allegation from a person under paragraph (1), the Special Counsel may terminate an investigation under such paragraph with respect to the allegation, without further inquiry or an opportunity for the person to respond, if the Special Counsel determines that—

''(i) the same allegation, based on the same set of facts and circumstances—

''(I) had previously been made by the person and previously investigated by the Special Counsel; or

''(II) had previously been filed by the person with the Merit Systems Protection Board;

''(ii) the Office of Special Counsel does not have jurisdiction to investigate the allegation; or

''(iii) the person knew or should have known of the alleged prohibited personnel practice earlier than the date that is 3 years before the date Special Counsel received the allegation.

''(B) If the Special Counsel terminates an investigation under subparagraph (A), not later than 30 days after the date of such termination the Special Counsel shall provide a written notification stating the basis for the termination to the person who made the allegation. Paragraph (1)(D) shall not apply to any termination under such subparagraph.''.

(b) CONFORMING AMENDMENTS.—Section 1214 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking ''The Special Counsel'' and inserting ''Except as provided in paragraph (6), the Special Counsel''; and

(2) in subsection (a)(1)(C), in the matter before clause (i), by inserting ''or paragraph (6)'' after ''paragraph (2)''.

SEC. 6. REPORTING REQUIREMENTS.

(a) OSC ANNUAL REPORT TO CONGRESS.—Section 1218 of title 5, United States Code, is amended to read as follows:

''§ 1218. Annual report

''(a) The Special Counsel shall submit an annual report to Congress on the activities of the Special Counsel. Any such report shall include—

''(1) the number, types, and disposition of allegations of prohibited personnel practices filed with the Special Counsel, and the cost of allegations so disposed of;

''(2) the number of investigations conducted by the Special Counsel;

''(3) the number of stays or disciplinary actions negotiated by the Special Counsel with agencies;

''(4) the number of cases in which the Special Counsel did not make a determination whether there are reasonable grounds to believe that a prohibited personnel practice

has occurred, exists, or is to be taken within the 240-day period specified in section 1214(b)(2)(A)(i);

''(5) a description of the recommendations and reports made by the Special Counsel to other agencies pursuant to this subchapter, and the actions taken by the agencies as a result of the reports or recommendations;

''(6) the number of—

''(A) actions initiated before the Merit Systems Protection Board, including the number of corrective action petitions and disciplinary action complaints so initiated; and

''(B) stays and stay extensions obtained from the Board; and

''(7) the number of prohibited personnel practice complaints that result in—

''(A) a favorable action for the complainant, categorized by actions with respect to whistleblower reprisal cases and all other cases; and

''(B) a favorable outcome for the complainant, categorized by outcomes with respect to whistleblower reprisal cases and all other cases.

''(b) The report required by subsection (a) shall include whatever recommendations for legislation or other action by Congress the Special Counsel may consider appropriate.''.

(b) OSC PUBLIC INFORMATION.—Section 1219(a)(1) of title 5, United States Code, is amended to read as follows:

''(1) a list of any noncriminal matter referred to an agency head under section 1213(c), together with—

''(A) the applicable transmittal of the matter to the agency head under section 1213(c)(1);

''(B) any report from agency head under section 1213(c)(1)(B) relating to such matter;

''(C) if appropriate, not otherwise prohibited by law, and with the consent of the complainant, any comments from the complainant under section 1213(e)(1) relating to the matter; and

''(D) the Special Counsel's comments or recommendations under section 1213(e)(3) or (4) relating to the matter;''.

SEC. 7. ESTABLISHMENT OF SURVEY PILOT PROGRAM.

(a) IN GENERAL.—The Office of Special Counsel shall design and establish a survey pilot program under which the Office shall conduct, with respect to fiscal years 2017 and 2018, a survey of individuals who have filed a complaint or disclosure with the Office. The survey shall be designed to gather responses from the individuals for the purpose of collecting information and improving customer service at various stages of the review or investigative process. The results of the survey shall be published in the annual report of the Office.

(b) SUSPENSION OF OTHER SURVEYS.—During fiscal years 2017 and 2018, section 13 of Public Law 103–424 shall have no force or effect.

SEC. 8. PENALTIES UNDER THE HATCH ACT.

(a) IN GENERAL.—Section 7326 of title 5, United States Code, is amended to read as follows:

''§ 7326. Penalties

''An employee or individual who violates section 7323 or 7324 shall be subject to—

''(1) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(2) an assessment of a civil penalty not to exceed $1,000; or

''(3) any combination of the penalties described in paragraph (1) or (2).''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any violation of section 7323 or 7324 of title 5, United States Code, occurring after the date of enactment of this Act.

SEC. 9. REGULATIONS.

Not later than two years after the date of enactment of this Act, the Special Counsel shall prescribe such regulations as may be necessary to perform the functions of the Special Counsel under subchapter II of chapter 12 of title 5, United States Code, including regulations necessary to carry out sections 1213, 1214, and 1215 of such title, and any functions required due to the amendments made by this Act. Such regulations shall be published in the Federal Register.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. BLUM) and the gentlewoman from Michigan (Mrs. LAWRENCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. BLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BLUM. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of my bill, H.R. 4639, the Thoroughly Investigating Retaliation Against Whistleblowers Act.

This is a bill to reauthorize the Office of Special Counsel, or OSC, over the next 5 years. The bipartisan legislation was passed unanimously out of the Oversight and Government Reform Committee. It also has the support of the whistleblower community.

Mr. Speaker, OSC is tasked with a variety of responsibilities, including policing whistleblower retaliation across the entire executive branch, an immense responsibility.

OSC's last reauthorization expired in 2007, so this bill is long overdue.

In addition to reauthorizing the agency, this bill aims to give OSC the tools it needs to continue the good work it is already doing. For example, this legislation would ensure that OSC has the access to agency records that it needs. Agencies should not be able to stonewall OSC to stop the Special Counsel from investigating retaliation within their agency.

Like inspectors general, OSC must have access to agency information in order to properly conduct the duties they are charged with by Congress. OSC is part of the executive branch, just the same as the agencies that Special Counsel oversees, so those agencies should not be able to invoke legal privileges to withhold information. Take the attorney-client privilege as an example. These agencies all represent the same client—the Federal Government—which works for the taxpayer.

Mr. Speaker, the bill also allows OSC to use a simplified process to close out duplicate complaints so it can focus its resources on new whistleblower allegations. It puts a statute of limitations on whistleblower retaliation cases of 3 years, after which documents and witness recollections can be hard to obtain. These steps will help to improve the efficiency and effectiveness of OSC operations.

Mr. Speaker, OSC has an immensely important role to play in protecting whistleblowers, helping to root out waste, fraud, and abuse. I believe this bill will be good for the agency and good for the whistleblowers that they are charged to protect.

I urge that we pass it here in the House of Representatives.

I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4639, a bill to reauthorize the Office of Special Counsel.

I thank Ranking Member CUMMINGS and Representatives CONNOLLY, BLUM, and MEADOWS for their leadership in crafting this bipartisan bill.

While the Office of Special Counsel plays a vital role in the Federal Government, the Office of Special Counsel, or OSC, protects Federal employees, especially whistleblowers, from prohibited personnel practices, such as discrimination, retaliation, and improper hiring practices.

OSC also serves as a safe place for Federal whistleblowers to disclose wrongdoings. The agency also safeguards the preference and employment rights of veterans, guardsmen, and reservists to ensure that they are not disadvantaged or discriminated against because of their service.

Reauthorization of OSC is long overdue. The last statutory authorization for the agency expired in fiscal year 2007. This bill will authorize nearly $26 million in annual funding for OSC for the fiscal years 2017 through 2020.

I commend current Special Counsel, Carolyn Lerner, for her leadership and work in making the OSC a more effective investigative body.

This bill would make changes that would help OSC conduct investigations and hold agencies accountable when wrongdoing is identified. For example, the bill would provide OSC with clear authority to obtain information from agencies during an investigation. Providing this authority to OSC would make clear that agencies must cooperate in the same way Congress expects agencies to cooperate with the inspectors general and GAO.

If disclosing certain information could interfere with an ongoing criminal investigation or prosecution, this measure would allow the attorney general or an inspector general to withhold access to such information.

This bill would also increase agency accountability when allegations of misconduct are substantiated. Agencies that fail to implement a recommendation made by OSC will be required to explain why they have failed to take such actions.

This legislation is critically important for ensuring that Federal employees have a venue for seeking redress against prohibited personnel practices.

I urge my colleagues to join me in supporting passage of this legislation.

I yield back the balance of my time.

Mr. BLUM. Mr. Speaker, I urge adoption of the bill.

I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I am proud to be a cosponsor of this legislation to reauthorize the Office of Special Counsel. I thank Representatives BLUM, CONNOLLY, and MEADOWS, as well as Chairman CHAFFETZ, for working with me in such a bipartisan way on this legislation.

As my colleagues know, one of my top priorities as Ranking Member of the Oversight Committee is the protection of federal employees from discrimination and retaliation.

The Office of Special Counsel plays an especially important role in ensuring that the work environment of federal employees is free of such prohibited personnel practices. OSC's last reauthorization ended in 2007. It is unacceptable that OSC still hasn't been authorized nearly ten years later.

This legislation would reauthorize OSC through 2020, and it would make changes to help OSC be more effective. For example, it would make clear that OSC is entitled to access agency information in its investigations.

This bill would also allow OSC to hold agencies more accountable for whistleblower retaliation. Under the bill, if an agency substantiates a whistleblower disclosure from OSC but fails to take a recommended corrective action, the agency must explain why it failed to take the action. This legislation would strengthen the tools available to OSC for addressing and correcting retaliation and discrimination in the federal workplace.

I ask that my colleagues join me in supporting passage of H.R. 4639.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BLUM) that the House suspend the rules and pass the bill, H.R. 4639, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MARY ELEANORA McCOY POST OFFICE BUILDING

Mr. BLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5028) to designate the facility of the United States Postal Service located at 10721 E. Jefferson Ave in Detroit, Michigan, as the ''Mary Eleanora McCoy Post Office Building'', as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARY E. MCCOY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10721 E Jefferson Ave in Detroit, Michigan, shall be known and designated as the ''Mary E. McCoy Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Mary E. McCoy Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. BLUM) and the gentlewoman from Michigan (Mrs. LAWRENCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. BLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BLUM. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5028, introduced by my colleague on the Oversight and Government Reform Committee, Representative BRENDA LAWRENCE of Michigan.

The bill designates a post office in Detroit, Michigan, as the Mary Eleanora McCoy Post Office Building.

Born in an underground railroad station, Mrs. McCoy was a dedicated advocate for women's and civil rights in the 19th century.

I look forward to learning more about Mrs. McCoy from the sponsor of this bill and a fellow member of the Oversight and Government Reform Committee, Representative LAWRENCE.

I urge Members to support this bill.

I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to sponsor H.R. 5028, a bill to designate the facility of the United States Postal Service located at 10721 East Jefferson Avenue in Detroit, Michigan, as the Mary Eleanora McCoy Post Office Building.

It brings me great pride that my first bill considered before the House surrounds the United States Postal Service and Mary McCoy, an activist who was able to provide housing, education, health care, and economic support to women and children during the Jim Crow era. I spent almost 30 years in the Postal Service and saw firsthand the importance of these government agencies to communities throughout the country. They are central to every American city and provide a vital service to senior citizens on a daily basis.

Today I stand in recognition of Mary McCoy, a woman who organized and provided essential services to African Americans and other minorities who lacked access to adequate medical care, housing options, and education, all at a time when women lacked basic voting rights.

The daughter of two escaped slaves, Mary McCoy was born in an underground railroad station in 1846. Mary rose to become a philanthropist and leader of the African American and female populations in Michigan, bringing these diverse communities together in a time of great divide.

Through the establishment of organizations and group homes, Mary was able to provide support, safety, and community for women and children throughout Michigan.

The wife of the renowned innovator, Elijah McCoy, Mary forever changed the cultural landscape in the United States for African Americans and women, developing innovative methods to support both communities. Mary established scholarships for children of former slaves and gave shelter to orphans and senior citizens throughout Michigan.

Mary was able to provide these essential services by founding and supporting some of Michigan's most prominent women's clubs and organizations. These groups include, but are not limited to, the Michigan State Association of Colored Women, the McCoy Home for Colored Children, and the Phyllis Wheatley Home for Aged Colored Women.

Mary McCoy worked her entire life to alleviate the racism, sexism, and ageism that plagued our Nation. She lived to see a cultural shift in America that went far beyond the 15th and 19th amendments.

Dying at the age of 77 from injuries sustained in a car crash, Mary McCoy will always be remembered as a hero for her work in sheltering the homeless, healing the sick, and supporting many of Michigan's most charitable endeavors.

I urge the passage of H.R. 5028.

I yield back the balance of my time.

□ 1530

Mr. BLUM. Mr. Speaker, I urge the adoption of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BLUM) that the House suspend the rules and pass the bill, H.R. 5028, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to designate the facility of the United States Postal Service located at 10721 E Jefferson Ave in Detroit, Michigan, as the 'Mary E. McCoy Post Office Building'.''.

A motion to reconsider was laid on the table.

ED PASTOR POST OFFICE

Mr. BLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4010) to designate the facility of the United States Postal Service located at 522 North Central Avenue in Phoenix, Arizona, as the ''Ed Pastor Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ED PASTOR POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 522 North Central Avenue in Phoenix, Arizona, shall be known and designated as the ''Ed Pastor Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Ed Pastor Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. BLUM) and the gentlewoman from Michigan (Mrs. LAWRENCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. BLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BLUM. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4010, introduced by Representative RUBEN GALLEGO of Arizona. The bill designates a post office in Phoenix, Arizona, as the Ed Pastor Post Office. Former Representative Ed Pastor served in the House of Representatives for 24 years, from 1991 until last year.

I look forward to hearing more about Representative Pastor from the bill's sponsor and my distinguished colleague, Representative GALLEGO. For now, I urge Members to support this bill.

I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my colleagues in the consideration of H.R. 4010, a bill to designate the facility of the United States Postal Service in Phoenix, Arizona, as the Ed Pastor Post Office.

Ed Pastor dedicated his life to public service. After working for Arizona Governor Raul Castro and after having served three terms on the County Board of Supervisors, Ed Pastor was elected to this very Chamber in 1991. Congressman Pastor was a founding member of the Progressive Caucus, was chair of the Congressional Hispanic Caucus in the 104th Congress, and served as the deputy whip of the Democratic Caucus. Congressman Pastor retired following his 12th term in the U.S. House of Representatives.

Mr. Speaker, we should pass this bill to recognize the many years Ed Pastor spent in advocating on behalf of his constituents and in working to improve the lives of all Americans. I urge the passage of H.R. 4010.

I reserve the balance of my time.

Mr. BLUM. Mr. Speaker, I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. GALLEGO).

Mr. GALLEGO. Mr. Speaker, I rise in support of a bill that, in a small but significant way, honors the legacy of a Latino trailblazer and a great Arizonan, Congressman Ed Pastor.

Congressman Pastor dedicated his life to fighting for working families. Renaming a post office in the district he represented with distinction for 12 terms is the very least we can do to recognize his more than three decades of outstanding public service.

I thank my colleagues in the Arizona delegation for their enthusiastic support of this bill. I am also grateful to Chairman CHAFFETZ and to Ranking Member CUMMINGS for enabling this bill to come to the floor today.

Mr. Speaker, Congressman Ed Pastor's life embodies the American Dream. Throughout his time in Congress, Mr. Pastor fought to make the dream accessible to everyone, including to the most vulnerable in our society. As Leader PELOSI once wrote: Ed Pastor never forgot his roots and always worked to build a brighter future for the children of our Nation.

The son of a miner, Mr. Pastor was the first member of his family to go to college and receive his bachelor's degree from Arizona State University in 1966. After graduation, he taught at North High School in Phoenix before returning to ASU in 1971 to earn his law degree. Mr. Pastor subsequently worked on the staff of Arizona's first Latino Governor, Raul Castro—a job that cemented his lifelong commitment to public service. Mr. Pastor later served three terms on the Maricopa County Board of Supervisors before being elected to the 102nd Congress in a special election in 1991. Congressman Pastor spent 24 years in this body and earned a reputation as a tireless advocate for the people of Arizona.

I am proud to say that Mr. Pastor was the first Latino to be elected to Congress from our great State. He was also one of the founding members of the Progressive Caucus and chaired the Congressional Hispanic Caucus in the 104th Congress. In addition, he served on the House Appropriations Committee and as chief deputy whip of the Democratic Caucus.

Throughout his career, Congressman Pastor was a passionate advocate for fixing our broken immigration system, for investing in our Nation's transportation infrastructure, and for protecting the civil rights of every American. Perhaps, even more importantly, as President Obama noted, Congressman Pastor served as a mentor and as a role model to young Latinos and Latinas throughout Arizona and our country. He was supported in this groundbreaking work by his loving wife, Verma. Congressman Pastor retired in 2014, and he remains a beloved and respected figure in the city of Phoenix.

I am incredibly proud to follow in his footsteps as the Seventh Congressional District's Representative here in Washington. The Ed Pastor Post Office will join the Ed Pastor Elementary School and the Ed Pastor Center for Politics and Public Service at ASU as monuments to his outstanding service to our Nation. Congressman Pastor's legacy lives on, not just in these buildings, but in the transportation projects he championed, in the legislation he authored, in the working families he helped, and in the young people he inspired.

Mr. Speaker, I respectfully request the support of every Member in recognizing a legendary Arizonan, Congressman Ed Pastor.

Mrs. LAWRENCE. Mr. Speaker, I yield back the balance of my time.

Mr. BLUM. Mr. Speaker, I urge the adoption of the bill.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 4010, a bill ''To designate the facility of the United States Postal Service located at 522 North Central Avenue in Phoenix, Arizona, as the 'Ed Pastor Post Office' ''.

I support this bill because it honors the service of Ed Pastor, the first Latino congressman from Arizona.

During Congressman Pastor's 12 terms in Congress, he committed himself to serving thousands of constituents from the 2nd, 4th, and 7th districts in Arizona and all across the country.

As a dedicated and active member of the U.S. House of Representatives, Congressman Pastor served as a member of the Committee on Appropriations, the Congressional Progressive Caucus, the Congressional Hispanic Caucus, the International Conservation Caucus, and the Sportsmen's Caucus.

Congressman Pastor is also known for his influence in promoting American arts, for protecting nature, and for protecting the civil rights of Americans.

As members of Congress, it is vital that we continue to fight for the rights of our constituents and for all Americans as we actively conserve our precious land and indigenous cultures.

As I am a strong advocate of protecting human and civil rights, I fully support the designation of the United States Postal Service facility as the ''Ed Pastor Post Office'' in honor of his services to both his country and to his constituents.

I urge all members to join me in passing H.R. 4010 as it rightfully commemorates Ed Pastor's outstanding service.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BLUM) that the House suspend the rules and pass the bill, H.R. 4010.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BARRY G. MILLER POST OFFICE

Mr. BLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4372) to designate the facility of the United States Postal Service located at 15 Rochester Street, Bergen, New York, as the Barry G. Miller Post Office.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BARRY G. MILLER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 15 Rochester Street, Bergen, New York, shall be known and designated as the ''Barry G. Miller Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Barry G. Miller Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. BLUM) and the gentlewoman from Michigan (Mrs. LAWRENCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. BLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BLUM. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4372, introduced by Representative CHRIS COLLINS of New York. This bill designates a post office located in Bergen, New York, as the Barry G. Miller Post Office.

Mr. Miller was assistant chief of Emergency Medical Services, a member of the Bergen Volunteer Fire Department, and a Genesee County coroner. He was tragically killed in the line of duty during an emergency response.

I look forward to hearing more about Barry Miller from the sponsor of the bill, my colleague, Representative COLLINS.

I urge Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my colleagues in the consideration of H.R. 4372, a bill to designate the facility of the United States Postal Service in Bergen, New York, as the Barry G. Miller Post Office.

Along with his love of outdoor activities, including snowmobiling, boating, water-skiing, and camping, Barry exhibited a love for community service. While working as a Genesee County coroner, Barry also served as the chief of Emergency Medical Services at the Bergen Fire Department. As a 31-year veteran of the fire department, Barry is remembered for his generosity and for his dedication to protecting and improving the lives of those in his community.

Mr. Speaker, we should pass this bill to recognize Barry Miller's life of public service and to honor the many contributions he made to his community. I urge the passage of H.R. 4372.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUM. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. COLLINS).

Mr. COLLINS of New York. I thank the gentleman from Iowa for yielding me time.

Mr. Speaker, I come before you in support of H.R. 4372, a bill to designate the Bergen Post Office as the Barry G. Miller Post Office.

It is a great honor to introduce legislation that designates a post office in my district after someone who dedicated his entire life to public service in western New York.

Barry Miller was a lifelong Bergen resident and served as a member of the Bergen Volunteer Fire Department for 31 years, including 10 as the assistant EMS chief. Barry was also the Genesee County coroner, a business owner, and a member of the Bergen Town Board.

Barry was dedicated to helping fellow New Yorkers, and he made numerous lasting contributions to the Bergen and Genesee County communities. Unfortunately, Barry was tragically killed in the line of duty, during an emergency response, on November 23, 2015.

In order to honor his service and memory, the post office will be named the Barry G. Miller Post Office.

Mrs. LAWRENCE. Mr. Speaker, I yield back the balance of my time.

Mr. BLUM. Mr. Speaker, I urge the adoption of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BLUM) that the House suspend the rules and pass the bill, H.R. 4372.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMELIA BOYNTON ROBINSON POST OFFICE BUILDING

Mr. BLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4777) to designate the facility of the United States Postal Service located at 1301 Alabama Avenue in Selma, Alabama as the ''Amelia Boynton Robinson Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMELIA BOYNTON ROBINSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1301 Alabama Avenue in Selma, Alabama, shall be known and designated as the ''Amelia Boynton Robinson Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Amelia Boynton Robinson Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. BLUM) and the gentlewoman from Michigan (Mrs. LAWRENCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. BLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BLUM. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4777, introduced by Representative TERRI SEWELL of Alabama. The bill designates a post office in Selma, Alabama, as the Amelia Boynton Robinson Post Office Building.

□ 1545

Mrs. Boynton Robinson was a civil rights leader who marched on the Edmund Pettus Bridge in Selma and fought to ensure equality for all.

I look forward to learning more about Amelia Boynton Robinson's life from my colleague and the sponsor of this bill, Representative SEWELL.

I urge Members to support this bill.

I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleagues in the consideration of H.R. 4777, a bill to designate the facility of the United States Postal Service located in Selma, Alabama, as the Amelia Boynton Robinson Post Office Building.

Known as the matriarch of the civil rights movement, Amelia Boynton Robinson began her activism as a child, along with her mother, on horse-and-buggy trips to pass out women's suffrage pamphlets prior to the 1910s. By 1930, Amelia was helping register southern African American voters.

In 1964, she became the first African American woman to run for Congress in Alabama. Although she lost the Democratic primary, her campaign drew increased interest to the issue of voting rights.

Having participated in the Southern Christian Leadership Conference since meeting Dr. Martin Luther King in 1954, Amelia helped organize the march from Selma to Montgomery.

Mr. Speaker, we should pass this bill to make sure that a place in history that was changed by this woman's leadership commemorates her and her tireless efforts on behalf of civil and voting rights in our country.

I urge the passage of H.R. 4777.

I reserve the balance of my time.

Mr. BLUM. Mr. Speaker, I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Alabama (Ms. SEWELL).

Ms. SEWELL of Alabama. Mr. Speaker, today I am honored to rise in strong support of H.R. 4777, to designate the United States Post Office at 1301 Alabama Avenue in Selma, Alabama, as the Amelia Boynton Robinson Post Office Building.

Mrs. Amelia Boynton Robinson was known as the matriarch of the voting rights movement. Her life and legacy epitomized strength, resiliency, perseverance, and courage, the same characteristics that embody the city of Selma, Alabama, my hometown, where she made such a significant impact.

Amelia Boynton Robinson was named the only female lieutenant to Dr. Martin Luther King, Jr., during the civil rights movement. In this role, she would travel alongside Dr. King and often appear in his stead for numerous events and gatherings.

Amelia Boynton Robinson was also well known for braving the frontline of the Selma march on the Edmund Pettus Bridge, where she was brutally attacked and left for dead on Bloody Sunday, on March 7, 1965. It was the picture of a bloody and beaten Amelia Boynton that appeared on the front page of The New York Times and showed the world the brutality of racism in the fight for voter equality.

During the violent attacks, this heroine never gave up hope, hope in an ideal that is all America. It is democracy. She believed so fervently that all Americans should have the right to vote, and she was willing to die for it.

It was the direct involvement of Amelia Boynton Robinson and the foot soldiers who dared to march from Selma to Montgomery that led to the passage of the Voting Rights Act of 1965. She was such a valued part of this process that some of the contents of the voting rights bill were drafted at her kitchen table in Selma.

A courageous trailblazer even before Bloody Sunday, Amelia Boynton Robinson, on May 5, 1964, broke all barriers as the first Black woman in the State of Alabama to run for Congress. She ran to represent the Seventh Congressional District of Alabama, the seat I am so honored to hold today. She garnered 10.7 percent of the vote during a time when very few Blacks were registered to vote. I know, Mr. Speaker, that the journey that I now take as Alabama's first Black Congresswoman was only made possible because of the courage, tenacity, and faith of Amelia Boynton Robinson.

Last year, before Mrs. Boynton passed, I was honored to have her as my special guest at the State of the Union. It was incredibly moving to see Members of Congress from both sides of the aisle and members of the President's Cabinet line up to greet her and to take pictures with her. Everyone thanked her for her service to this country. Even President Obama came to talk and thank Mrs. Boynton before he gave his address at the State of the Union.

This picture documents that very time when she got to meet the President of the United States for the first time. The memory of that moment will stand as one of the highlights of my time here in Congress. The symbolism of this picture is not lost on any of us. It was truly because of her bravery and the bravery of other foot soldiers who dared to march, like our very own colleague, JOHN LEWIS, that paved the way for the election of this country's first Black President.

Just a few months later, on March 6, 2015, she joined hands with our own President Barack Obama again, to retrace the path that she took across the Edmund Pettus Bridge on the 50th anniversary of Bloody Sunday, when she and our colleague, JOHN LEWIS, were beaten over 50 years ago. Amelia Boynton Robinson passed away just a few months later on August 26, 2015, at the age of 104.

She was featured prominently in the movie ''Selma'' for her tenacity and her bravery. She truly embodied what they were fighting for as foot soldiers. I was so glad that before her death she was able to cross that bridge one more time, and this time with two Presidents: President Barack Obama and President George Bush. So many of my colleagues joined us that day, and we continue to honor her legacy by supporting this legislation and naming the Selma Post Office in her honor.

As a daughter of Selma, I am honored to sponsor this legislation, and I can think of no one more deserving to have their name on a post office in Selma, Alabama, than Amelia Boynton Robinson. She truly represents the heart, spirit, and essence of Selma, Alabama, and the voting rights movement.

In closing, I am reminded of the words that Amelia Boynton Robinson said during her visit to this Capitol at the State of the Union in 2015. As Members of Congress and Cabinet members took pictures with her in the Halls of this Capitol, they said to Mrs. Robinson: ''I stand on your shoulders. I wouldn't be here if it weren't for you.''

Ms. Boynton finally, after the fifth person said that to her, ''I stand on your shoulders,'' she looked up, as only a person of 104 would, and said, ''Get off my shoulders.'' She said: ''Do your own work. There is plenty of work to be done.''

Mr. Speaker, this august body still has work to do to fully restore the Voting Rights Act of 1965, which was gutted by the Supreme Court in the Shelby v. Holder decision of 2013. I ask my Republican colleagues to join the 180 members of the Democratic Caucus who have sponsored the Voting Rights Advancement Act. It is this bill that will give back the enforcement arm of the Voting Rights Act of 1965, and it is up to Congress to restore the Voting Rights Act.

In memory of Amelia Boynton Robinson, I urge my colleagues to not only support the naming of this post office in H.R. 4777, but they can honor the memory of her and so many of the foot soldiers' bravery by passing the Voting Rights Advancement Act of 2015. The right to vote is a sacred right, Mr. Speaker, and no American should be denied access to the ballot box.

Ms. LAWRENCE. Mr. Speaker, can you tell me how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman from Alabama has 11½ minutes remaining.

Mr. BLUM. Mr. Speaker, I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS. Mr. Speaker, I rise to express my support for this bill. I want to congratulate the gentlewoman from Alabama for her good and great work on this bill.

Amelia Boynton Robinson was a daughter of Georgia who moved to Alabama to study at Tuskegee Institute. After graduating, she began working for the United States Department of Agriculture in Dallas County, Alabama, where Selma is the county seat. This is where Mrs. Boynton met her husband, Samuel Boynton. They raised their sons—Bill, Jr., and Bruce Carver—on the front lines of the fight for equality and civil rights.

I remember going to Selma, Alabama, for the first time in 1963, at the age of 23, to help African Americans gain the right to vote. Mrs. Boynton was one of the first individuals I met. She worked tirelessly. She organized. She mobilized. She spoke. She led. She was fearless.

Mrs. Boynton was one of the very first African Americans to register to vote in Dallas County. The county had an African American majority, but only about 2.1 percent of African Americans of voting age were registered to vote. People had to stand in lines. On occasion, they were asked to count the number of bubbles on a bar of soap, the number of jelly beans in a jar. Occasionally, people had to pass a so-called literacy test.

Time after time, she stood up to brutality and injustice. I remember her very well on Bloody Sunday. Mrs. Boynton was knocked down by Alabama State Troopers and trampled by horses and tear-gassed, but she never gave up. She kept her faith. She kept her eyes on the prize. Mrs. Boynton's vision, determination, and commitment helped to pave the way for the passage of the Voting Rights Act of 1965.

Last year, when she passed away, at the age of 104, I mourned with the rest of the Nation. I was happy that during her long life she had an opportunity to see the impact of her work.

So I think, Mr. Speaker, it is so fitting for a post office to be named in her honor. Her work has changed not just Selma, but the entire State of Alabama, the South, our Nation, and inspired people all around our world. I hope that all of my colleagues will support this important bill.

Mrs. LAWRENCE. Mr. Speaker, I have no further speakers to bring forth today.

I yield back the balance of my time.

Mr. BLUM. Mr. Speaker, I urge adoption of the bill.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I am pleased to support H.R. 4777, which designates the facility of the United States Postal Service located at 1301 Alabama Avenue in Selma, Alabama as the ''Amelia Boynton Robinson Post Office Building.''

I support this legislation, because it commemorates Amelia Boynton Robinson's historic role during the Civil Rights Movement.

Not only was Amelia a courageous activist in Selma, Alabama during the height of the Civil Rights Movement, she also taught in Georgia before starting with the U.S. Department of Agriculture in Selma as the home demonstration agent for Dallas County.

She educated the county's largely rural population about food production and processing, nutrition, healthcare, and other subjects related to agriculture and homemaking.

We celebrate Amelia for her invaluable contributions to her community and her country.

Amelia worked for the promotion of civil rights for all and protested the continued segregation and disenfranchisement of African Americans.

Amelia registered to vote, which was extremely difficult for African Americans to accomplish in Alabama due to discriminatory practices under the state's reactionary constitution passed at the turn of the century.

Amelia Boynton Robinson made her home and office in Selma a center for strategy sessions for Selma's civil rights battles, including its voting rights campaign.

In 1964, Amelia ran for the Congress from Alabama, with the intent to encourage African Americans to register and vote.

This made Amelia the first female African American to run for office in Alabama and the first woman of any race to run for office as a candidate of the Democratic party in the state of Alabama.

Amelia is also known for her role in Selma to Montgomery marches, where she worked alongside Rev. Dr. Martin Luther King, Coretta Scott King, our beloved colleague Congressman JOHN LEWIS, and other monumental figures in the epochal struggle to secure the right to vote for all Americans.

Amelia helped organize a march to the state capital of Montgomery, which became known as ''Bloody Sunday'' when county and state police stopped the march and beat demonstrators.

Amelia was beaten unconscious and a newspaper of her lying bloody and beaten drew national attention to the cause.

Men and women like Amelia marched because they believed that all persons have dignity and the right to equal treatment under the law, and in the making of the laws, which is the fundamental essence of the right to vote.

Bloody Sunday led to the passage of the landmark Voting Rights Act of 1965, which was signed by President Lyndon Johnson on August 6, 1965, in the presence of Amelia Boynton Robinson, with Boynton attending as the landmark event's guest of honor.

Amelia was awarded the Martin Luther King Jr. Medal of Freedom and toured the United States on behalf of the Schiller Institute until 2009.

Mr. Speaker, naming the post office in honor of Amelia Boynton Robinson is a special and deserved commemoration of her life of service.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BLUM) that the House suspend the rules and pass the bill, H.R. 4777.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MICHAEL GARVER OXLEY MEMORIAL POST OFFICE BUILDING

Mr. BLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4925) to designate the facility of the United States Postal Service located at 229 West Main Cross Street, in Findlay, Ohio, as the ''Michael Garver Oxley Memorial Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MICHAEL GARVER OXLEY MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 229 West Main Cross Street, in Findlay, Ohio, shall be known and designated as the ''Michael Garver Oxley Memorial Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Michael Garver Oxley Memorial Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. BLUM) and the gentlewoman from Michigan (Mrs. LAWRENCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. BLUM. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BLUM. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 4925, introduced by Representative ROBERT LATTA of Ohio. The bill designates a post office in Findlay, Ohio, as the Michael Garver Oxley Memorial Post Office Building.

Former Representative Oxley served in the House of Representatives from 1981 until 2007, including as chairman of the House Financial Services Committee.

□ 1600

I look forward to hearing more about former Representative Oxley from my colleague and the bill's sponsor, Representative LATTA. For now, I urge Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleagues in the consideration of H.R. 4925, a bill to designate the facility of the United States Postal Service located in Findlay, Ohio, as the Michael Garver Oxley Memorial Post Office Building.

Mr. Oxley was elected to the Ohio State House of Representatives at the age of 28 and won a special election to the U.S. House of Representatives in 1981. Serving as the chair of the Committee on Financial Services, Congressman Oxley devoted himself to corporate oversight and insurance protection issues. He also led efforts to investigate Enron and other corporate scandals, and is perhaps most well known for the new accounting requirements and financial regulations enacted by the Sarbanes-Oxley Act.

Congressman Oxley retired after 25 years in the House and passed away in December of 2015, following a battle with lung cancer.

Mr. Speaker, we should pass this bill to honor Congressman Oxley's public service and commemorate his many congressional accomplishments.

I urge the passage of H.R. 4925.

I reserve the balance of my time.

Mr. BLUM. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I appreciate the gentleman for yielding.

I rise today in support of H.R. 4925, my legislation which designates the facility of the United States Postal Service at 229 West Main Cross Street in Findlay, Ohio, as the Michael Garver Oxley Memorial Post Office Building.

This bipartisan legislation will honor a great legislator, friend, and former Congressman Mike Oxley for his many years of dedicated public service.

Mike received his undergraduate degree from Miami University, which he was always very proud of, and he was always very proud of the fact that is where my youngest daughter just received her undergraduate degree this past May. He received his JD from the Ohio State University Moritz College of Law, and after that, he began his career in public service as a special agent for the FBI in 1969.

After serving with the FBI for 3 years, Mike was elected to the Ohio House of Representatives in 1972. That is when I first met Mike, out on the campaign trail. Mike served admirably in the House until 1981, when he won a special election after the death of Congressman Tennyson Guyer, also of Findlay. As was noted, Mike served then from 1981 until his retirement in 2007 here in the United States House of Representatives, which he loved.

In the 107th, 108th, and 109th Congresses, Mike was elected to serve as the chairman of the Committee on Financial Services, and he had many, many friends, but Mike personified what a true public servant was and is. He served his constituents from Ohio well and served the United States well.

When you talk about what a public servant is, my dad always told me that a public servant is a person who sees how much they can always give of themselves to the people they represent, and Mike did that.

Aside from his government service, Mike also served and was dedicated to helping others through his charitable works. As a team captain for the annual congressional baseball game—in one of them he got his leg broken—Mike and his colleagues helped raise thousands of dollars for the Washington Literacy Center, the Washington Nationals Dream Foundation, and the Boys & Girls Clubs of Greater Washington.

Mike was also very active back home not only with Miami University, but also with the University of Findlay; and he was also active in helping raise funds for the greater Findlay area.

I would like to thank Chairman CHAFFETZ and Ranking Member CUMMINGS for their work in advancing this bill through the committee and to the House floor. I would also like to thank the entire Ohio delegation and other Members for supporting this legislation as cosponsors.

Mr. Speaker, I urge the House to join me in honoring the memory of Mike Oxley by passing H.R. 4925.

Mrs. LAWRENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I will be brief. I just wanted to take an opportunity, especially from this side of the aisle, to hear from someone who worked with Mike, who had great admiration for him, and that is myself.

When I was a young man, elected at 36 years of age back in 1998, one of the first people I met on the other side of the aisle—not from my home State—was Mike Oxley. He had great admiration for my predecessor as well, and they were good friends, Tom Manton.

Mike was also my chairman. I served on the House Committee on Financial Services after the attacks of 9/11, and one of the great tributes I think I can give to Mike Oxley is he was, in large part, responsible for the passing of the Terrorism Risk Insurance Act, also known as TRIA, something that was desperately needed after the events of 9/11 to shore up the financial services industry and industry all around the country and real estate. In so many, many ways, he understood the ramifications that not having that backstop could potentially have for our country. He saw to it that a bipartisan bill was agreed to.

So I have nothing but fond memories of Mike. I was very saddened when I heard of Michael's illness. I know he is missed by his family. On a lighter note, this week we will play the annual congressional baseball game. I am sure that if my colleagues were here on the floor, Coach Doyle in particular would be pointing out that he and Mike had a good friendship.

Mike was also a good basketball player. He had a wicked 3-point shot. Maybe if the 3-point play had been in place when he was in high school, he might have been somebody, you never know.

But Mike Oxley certainly was someone and a treasure to this institution, this body. He was a real Member's Member. I think if you can leave this House and have a tribute by someone from this side in a personal way speak about you, as I am today, I think that speaks highly of Michael Oxley. He is missed. What a great thing to do to honor him by naming this post office in his honor.

Mr. BLUM. Mr. Speaker, I would like to make Congresswoman LAWRENCE aware that I have no further speakers and I am prepared to close.

I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I would like to inform the gentleman from Iowa (Mr. BLUM), my colleague, that I have no further speakers.

I yield back the balance of my time.

Mr. BLUM. Mr. Speaker, I urge adoption of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BLUM) that the House suspend the rules and pass the bill, H.R. 4925.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

KENNETH M. CHRISTY POST OFFICE BUILDING

Mr. BLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4960) to designate the facility of the United States Postal Service located at 525 N Broadway in Aurora, Illinois, as the ''Kenneth M. Christy Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. KENNETH M. CHRISTY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 525 N Broadway in Aurora, Illinois, shall be known and designated as the ''Kenneth M. Christy Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to

be a reference to the ''Kenneth M. Christy Post Office Building''.

The SPEAKER pro tempore (Mr. SMITH of Nebraska). Pursuant to the rule, the gentleman from Iowa (Mr. BLUM) and the gentlewoman from Michigan (Mrs. LAWRENCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. BLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BLUM. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 4960, introduced by the gentleman from Illinois (Mr. FOSTER). The bill designates a post office in Aurora, Illinois, as the Kenneth M. Christy Post Office Building.

Mr. Christy was a dedicated employee of the United States Postal Service and a devoted advocate for postal employees. I look forward to hearing more about Mr. Christy from my colleague and the sponsor of this bill, Representative FOSTER. For now, I urge Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleagues in the consideration of H.R. 4960, a bill to designate the facility of the United States Postal Service located in Aurora, Illinois, as the Kenneth M. Christy Post Office Building.

It is only fitting that we name a post office after Ken Christy, a man who dedicated his career to the Postal Service and its workforce. Joining the Aurora Post Office in 1977, Ken worked as a letter carrier for over 30 years. Ken also served 25 years as the president of the National Association of Letter Carriers Branch 219, receiving multiple awards for his dedication, leadership, and community service.

In 2004, he joined the Illinois State Association of Letter Carriers. Ken was awarded honorary membership in numerous postal facilities outside of Aurora and was inducted into the Illinois Letter Carriers Hall of Fame in 2012.

Mr. Speaker, I have spoken about my illustrious career in the United States Postal Service, one of 30 years. I started that career as a letter carrier, so it is with great honor that I stand here today strongly suggesting and saying that we should pass this bill to honor Ken Christy's life of public service and his tireless dedication to the Postal Service. I urge the passage of H.R. 4960.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUM. Mr. Speaker, I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. Mr. Speaker, I thank the gentlewoman from Michigan, and I also thank the entire Illinois delegation on both sides of the aisle for cosponsoring this legislation.

On March 26, 2016, the State of Illinois and the city of Aurora lost a consummate public servant. On the day he died, Ken Christy was the sitting Aurora township clerk, the president of the Illinois State Association of Letter Carriers, and a dear friend of mine.

Ken was a family man, and he left behind three daughters and his wife, Bonnie, his high school sweetheart to whom he was married for 52 years. I rise today to honor Ken's legacy and his lifetime of public service.

Ken and his wife, Bonnie, settled in Aurora in 1977, when Ken took a job as a letter carrier with the United States Postal Service, a career that would last more than 30 years. Ken took on a leadership role within the Postal Service. He quickly became the Aurora NALC Branch 219 president and served in that role for 25 years.

During that time, Branch 219 was recognized for its charitable contributions and received several awards from the Muscular Dystrophy Association. Under Ken's leadership, Branch 219 was recognized nationally with an NALC Branch Service Award and its Humanitarian Award. Ken spent countless hours as a volunteer at the letter carriers' annual Stamp Out Hunger Food Drive and made deliveries for the Northern Illinois Food Bank.

In 2000, Ken was personally awarded the Dave Bybee award for leadership and dedication by the Illinois Association of Letter Carriers.

In 2004, he was recognized for his leadership skills and civic engagement by becoming its legislative liaison.

Just 3 years later, he was elected president of the Illinois State Association of Letter Carriers, a position he held until the end of his life.

□ 1615

As president of the Illinois Association of Letter Carriers, Ken made sure that the voices of his members were heard by public officials on both sides of the aisle at both the State and Federal level.

In 2012, Ken was nominated to the Illinois Letter Carriers Hall of Fame. In 2013, Ken Christy was elected Clerk of Aurora Township.

Ken was a public servant in the truest sense of the word. Ken was always working for others, whether it was in his 30-year career delivering mail in his community, his dedication to charity work, or his devotion to his family as a husband, father, and grandfather.

So I think it is only appropriate that we honor his life and his legacy and pass this bill today to name the post office where Ken spent his entire career the Kenneth M. Christy Post Office Building.

I urge my colleagues to join me in recognizing this man, who was a pillar of his community, by voting ''yes.''

Mrs. LAWRENCE. Mr. Speaker, I yield back the balance of my time.

Mr. BLUM. Mr. Speaker, I urge adoption of the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BLUM) that the House suspend the rules and pass the bill, H.R. 4960.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPANSION OF LAW ENFORCEMENT AVAILABILITY PAY TO EMPLOYEES OF CUSTOMS AND BORDER PROTECTION'S AIR AND MARINE OPERATIONS

Mr. HURD of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4902) to amend title 5, United States Code, to expand law enforcement availability pay to employees of U.S. Customs and Border Protection's Air and Marine Operations.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAW ENFORCEMENT AVAILABILITY PAY FOR EMPLOYEES OF CUSTOMS AND BORDER PROTECTION'S AIR AND MARINE OPERATIONS.

(a) IN GENERAL.—Section 5545a(i) of title 5, United States Code, is amended—

(1) by striking ''apply to a pilot employed by the United States Customs Service'' and inserting ''apply to any employee of the U.S. Customs and Border Protection's Air and Marine Operations, or any successor organization,''; and

(2) by striking ''such pilot'' and inserting ''such employee''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall take effect on the first day of the first applicable pay period beginning on or after the date that is 14 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HURD) and the gentlewoman from Michigan (Mrs. LAWRENCE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HURD of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in

which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HURD of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of my bill, H.R. 4902.

Those who serve along our Nation's borders make countless sacrifices protecting the homeland in the most literal of ways by stopping bad guys from entering our country and harming Americans.

The Customs and Border Protection officers and agents who serve in my district, which covers over 800 miles of the Texas-Mexico border, have an increasingly challenging job. Not only do they keep us safe from terrorists and drug cartels, but they also apprehend illegal contraband and rescue victims of human trafficking.

CBP's Air and Marine Operations, or AMO, patrols our Nation's borders by aircraft and vessels, specifically. AMO is made up of over 1,200 Federal agents, 250 aircraft, and over 280 marine vessels, operating from 91 locations throughout the United States and Puerto Rico.

These brave agents are often required to work long, unpredictable hours and are compensated through various confusing and inconsistent pay systems, causing an administrative nightmare for the folks who work overtime protecting our Nation.

Because of the number of overtime systems applicable to AMO agents, in many cases, even those working side by side on a mission were often compensated differently. The confusion and inconsistency not only makes it harder for the agency to plan shifts for agents and to prepare a budget, but the uncertainty impacts those who serve.

H.R. 4902 addresses these problems by standardizing premium pay for AMO. Under the provisions of this bill, all law enforcement agents at AMO will be covered under the Law Enforcement Availability Pay, otherwise known as LEAP, the LEAP premium pay system.

To ensure pay is standardized quickly, the legislation would require this change to come into force on the first day of the pay period that begins at least 14 days after the date of enactment.

The Congressional Budget Office estimates that implementing a uniform pay system for all CBP officers would result in a cost savings of approximately $2 million annually. More importantly, it would save many hard-working AMO officers from unfair and aggravating overtime pay discrepancies. This will save Customs and Border Protection valuable time and operational bandwidth, while ensuring taxpayer dollars are spent responsibly.

I include in the RECORD a letter from the Federal Law Enforcement Officers Association in support of this bill.

FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION,
Washington, DC, June 20, 2016.

Hon. JASON CHAFFETZ,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

Hon. ELIJAH CUMMINGS,
Ranking Member, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN CHAFFETZ AND RANKING MEMBER CUMMINGS: On behalf of membership of the Federal Law Enforcement Officers Association (FLEOA)—the nation's largest professional, non-profit association representing 26,000 federal law enforcement officers from 65 agencies—I am writing to advise you of our continued strong support for H.R. 4902, legislation to expand Law Enforcement Availability Pay (LEAP) to the law enforcement officers of the U.S. Customs and Border Protection's Air and Marine Operations division. FLEOA greatly appreciates the Committee's efforts to expeditiously approve this important legislation, and we urge its passage by the House of Representatives this week.

Currently, within the U.S. Department of Homeland Security (DHS), law enforcement officers of the U.S. Customs and Border Protection's (CBP) Air and Maritime Operation (AMO) division are compensated through multiple premium pay mechanisms for their overtime: Administratively Uncontrollable Overtime (AUO), Fair Labor Standards Act (FLSA), Law Enforcement Availability Pay (LEAP) and Title 5 overtime (FEPA). This proposal would harmonize premium pay across the organization by making all AMO law enforcement officers eligible for LEAP. CBP estimates that shifting overtime compensation to LEAP will help the agency save approximately $1.6 million in premium pay in the first year alone.

Prior to the creation of the DHS, all U.S. Customs Service air personnel were included in the LEAP statute. Legacy U.S. Customs Service responsibilities have been retained, but today's AMO functions encompass a broader scope of authorities. Implementing LEAP for all AMO law enforcement officers would enhance CBP operational efficiencies and monetary savings by providing an efficient, effective, and uniform system of compensation for the unique work conditions and substantial hours commonly required of AMO agents.

FLEOA appreciates your efforts to advance this legislation. Please do not hesitate to contact us if we can provide any additional information or assistance.

Respectfully,

DOMINICK L. STOKES,
FLEOA Vice President for Legislative Affairs.

Mr. HURD of Texas. Mr. Speaker, I urge my colleagues to support this underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4902, a bipartisan bill sponsored by some of my colleagues on the Oversight and Government Reform Committee, Representatives HURD, CONNOLLY, and LUJAN GRISHAM. I thank them for their good work on this important legislation.

This legislation would establish a uniform pay system for law enforcement officers of the Customs and Border Protection's Air and Marine Operations, who are currently paid overtime pay under three different systems; and it will make it more efficient for the agency to administer staff overtime.

The bill will convert the pay system for AMO officers to Law Enforcement Availability Pay, a system used by many other Federal agencies, including the FBI, DEA, and the U.S. Marshals Service.

As stated by my colleague, Mr. HURD, the Congressional Budget Office estimates that this legislation will reduce AMO's costs by $2 million a year.

I would also like to note that the Federal Law Enforcement Officers Association supports this legislation.

I urge my colleagues to join me in supporting H.R. 4902.

Mr. Speaker, I yield back the balance of my time.

Mr. HURD of Texas. Mr. Speaker, I urge the immediate adoption of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HURD) that the House suspend the rules and pass the bill, H.R. 4902.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FRAUD REDUCTION AND DATA ANALYTICS ACT OF 2015

Mr. HURD of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2133) to improve Federal agency financial and administrative controls and procedures to assess and mitigate fraud risks, and to improve Federal agencies' development and use of data analytics for the purpose of identifying, preventing, and responding to fraud, including improper payments.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fraud Reduction and Data Analytics Act of 2015''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''agency'' has the meaning given the term in section 551 of title 5, United States Code; and

(2) the term ''improper payment'' has the meaning given the term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

SEC. 3. ESTABLISHMENT OF FINANCIAL AND ADMINISTRATIVE CONTROLS RELATING TO FRAUD AND IMPROPER PAYMENTS.

(a) GUIDELINES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall establish guidelines for agencies to establish financial and administrative controls to identify and assess fraud risks and design and implement control activities in order to prevent, detect, and respond to fraud, including improper payments.

(2) CONTENTS.—The guidelines described in paragraph (1) shall incorporate the leading practices identified in the report published by the Government Accountability Office on July 28, 2015, entitled ''Framework for Managing Fraud Risks in Federal Programs''.

(3) MODIFICATION.—The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, may periodically modify the guidelines described in paragraph (1) as the Director and Comptroller General may determine necessary.

(b) REQUIREMENTS FOR CONTROLS.—The financial and administrative controls required to be established by agencies under subsection (a) shall include—

(1) conducting an evaluation of fraud risks and using a risk-based approach to design and implement financial and administrative control activities to mitigate identified fraud risks;

(2) collecting and analyzing data from reporting mechanisms on detected fraud to monitor fraud trends and using that data and information to continuously improve fraud prevention controls; and

(3) using the results of monitoring, evaluation, audits, and investigations to improve fraud prevention, detection, and response.

(c) REPORTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), for each of the first 3 fiscal years beginning after the date of enactment of this Act, each agency shall submit to Congress, as part of the annual financial report of the agency, a report on the progress of the agency in—

(A) implementing—

(i) the financial and administrative controls required to be established under subsection (a);

(ii) the fraud risk principle in the Standards for Internal Control in the Federal Government; and

(iii) Office of Management and Budget Circular A–123 with respect to the leading practices for managing fraud risk;

(B) identifying risks and vulnerabilities to fraud, including with respect to payroll, beneficiary payments, grants, large contracts, and purchase and travel cards; and

(C) establishing strategies, procedures, and other steps to curb fraud.

(2) FIRST REPORT.—If the date of enactment of this Act is less than 180 days before the date on which an agency is required to submit the annual financial report of the agency, the agency may submit the report required under paragraph (1) as part of the following annual financial report of the agency.

SEC. 4. WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Office of Management and Budget shall establish a working group to improve—

(1) the sharing of financial and administrative controls established under section 3(a) and other best practices and techniques for detecting, preventing, and responding to fraud, including improper payments; and

(2) the sharing and development of data analytics techniques.

(b) COMPOSITION.—The working group established under subsection (a) shall be composed of—

(1) the Controller of the Office of Management and Budget, who shall serve as Chairperson;

(2) the Chief Financial Officer of each agency; and

(3) any other party determined to be appropriate by the Director of the Office of Management and Budget, which may include the Chief Information Officer, the Chief Procurement Officer, or the Chief Operating Officer of each agency.

(c) CONSULTATION.—The working group established under subsection (a) shall consult with Offices of Inspectors General and Federal and non-Federal experts on fraud risk assessments, financial controls, and other relevant matters.

(d) MEETINGS.—The working group established under subsection (a) shall hold not fewer than 4 meetings per year.

(e) PLAN.—Not later than 270 days after the date of enactment of this Act, the working group established under subsection (a) shall submit to Congress a plan for the establishment and use of a Federal interagency library of data analytics and data sets, which can incorporate or improve upon existing Federal resources and capacities, for use by agencies and Offices of Inspectors General to facilitate the detection, prevention, and recovery of fraud, including improper payments.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HURD) and the gentlewoman from Michigan (Mrs. LAWRENCE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HURD of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HURD of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2133, the Fraud Reduction and Data Analytics Act of 2015, introduced by Senator THOMAS CARPER of Delaware.

S. 2133 is a bipartisan bill that will strengthen and enhance the antifraud prevention and detection measures used by Federal agencies. Current antifraud prevention and detection measures are reliant on after-the-fact reviews of transactions. This system is not perfect.

A significant portion of the Federal Government's $124 billion in overpayments in fiscal year 2014—$19 billion more than fiscal year 2013—were fraud-related.

The current reactive antifraud measures require agencies to spend time and resources on efforts to track and recover these fraud-related overpayments. S. 2133 will help to prevent these fraudulent payments from being made in the first place.

The Fraud Reduction and Data Analytics Act of 2015 will help protect taxpayer dollars by requiring the Office of Management and Budget, OMB, and Federal agencies to adopt proactive fraud detection controls and preventative measures.

The bill will require the OMB to create a set of guidelines for antifraud measures, which agencies must utilize when establishing their proactive antifraud control and detection procedures. The bill will also require agencies to better collaborate on developing best practices for combating fraud.

S. 2133 also requires that agencies create an interagency working group in order to share best practices and crucial fraud prevention data, such as the Social Security Administration's data to prevent payments to deceased individuals.

Mr. Speaker, passing S. 2133 and requiring agencies to adopt a proactive antifraud approach will not only serve to protect taxpayer dollars, but increase public confidence in the administration of government programs, especially benefit programs.

I would like to thank Senator CARPER and Senator THOM TILLIS for introducing this good government legislation, and I would like to thank the Subcommittee on Government Operations chairman MARK MEADOWS for championing this bill in the House.

I urge Members to support this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Fraud Reduction and Data Analytics Act is designed to strengthen Federal agency efforts to combat financial fraud. Congress has passed a number of bills in the past few years aimed at curbing improper payments. Fraud in this area is especially harmful. It stems not from innocent mistakes, but from the willful intent to steal or misuse taxpayer dollars.

Fraud reduction strategies help reduce these crimes, and the Government Accountability Office and the inspector general have recommended that agencies implement such strategies.

The bill before us will require the Director of the Office of Management and Budget to consult with GAO to develop antifraud guidance for Federal agencies and then monitor the implementation of this guidance.

The bill will also require the establishment of a working group of agency chief financial officers to share best practices and help disseminate new antifraud techniques. The working group would also be required to develop a plan for establishing an interagency library of analytical tools and datasets for agencies and IGs to use in fighting fraud.

In developing this plan, I believe the working group should look to the

model of the Recovery Operations Center, which was developed to monitor spending under the Recovery Act of 2009, and which has, unfortunately, ceased operations.

These are commonsense steps toward solving a serious problem that everyone should support. I urge members to support S. 2133.

Mr. Speaker, I reserve the balance of my time.

Mr. HURD of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. MEADOWS), the chairman of the Subcommittee on Government Operations.

Mr. MEADOWS. I thank Chairman HURD for his leadership not only on this, but on so many important topics here in this body. He certainly is looking after transparency and oversight on behalf of the American people. I just would like to applaud his leadership there.

□ 1630

I am proud today, Mr. Speaker, to rise in support of S. 2133, the Fraud Reduction and Data Analytics Act of 2015. S. 2133 is a bipartisan bill that will provide agencies a critically important measure for defeating fraud and protecting taxpayer dollars.

In fiscal year 2014, the GAO reported that a significant portion of the $124 billion in improper payments were related to fraud. To make matters worse, all the improper payments increased by a total of $19 billion—that is billion with a B—from the previous fiscal year.

Given the cost of these improper payments to agencies and, as a result, to the taxpayers, something must be done to block the flow of these fraudulent and improper payments. S. 2133 will provide the necessary framework around which agencies can build a strong antifraud defense system.

Currently, agencies have been overreliant on an after-the-fact antifraud detection measure which requires the agency to review payments after they have been made and then make an attempt to recoup them. S. 2113 actually would require these agencies to develop proactive measures to identify risk, to analyze known cases of fraud, and then to develop strategies to prevent future fraud. It will also protect the American taxpayer dollars from fraud by requiring agencies to better share data that can be used to fight fraud.

This bill will create a working group of agencies where best practices and fraud detection and prevention strategies can be shared throughout the government. By combating fraud, agencies will not only protect taxpayer dollars, but also increase the trust and confidence in the administration of government programs.

I would like to thank Senator CARPER and Senator TILLIS for introducing this important, good-government legislation, and I urge my colleagues to support this bill and help better protect the American taxpayer dollars by voting in favor of S. 2133.

Mrs. LAWRENCE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. HURD of Texas. Mr. Speaker, I urge adoption of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HURD) that the House suspend the rules and pass the bill, S. 2133.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JEANNE AND JULES MANFORD POST OFFICE BUILDING

Mr. HURD of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2607) to designate the facility of the United States Postal Service located at 7802 37th Avenue in Jackson Heights, New York, as the ''Jeanne and Jules Manford Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JEANNE AND JULES MANFORD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7802 37th Avenue in Jackson Heights, New York, shall be known and designated as the ''Jeanne and Jules Manford Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Jeanne and Jules Manford Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HURD) and the gentlewoman from Michigan (Mrs. LAWRENCE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HURD of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HURD of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2607, introduced by Representative JOSEPH CROWLEY of New York. The bill designates a post office in Jackson Heights, New York, as the Jeanne and Jules Manford Post Office Building.

Jeanne and Jules Manford were activists in the community and loving parents. I look forward to hearing more about Mr. and Mrs. Manford from my colleague and the sponsor of this bill, Representative CROWLEY. For now, I urge Members to support this bill, and I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I am pleased to join my colleagues in the consideration of H.R. 2607, a bill to designate the facility of the United States Postal Service located in Jackson Heights, New York, as the Jeanne and Jules Manford Post Office Building.

Parents of gay activist Morty Manford, Jeanne and Jules Manford quickly became activists themselves, following their son's beating at a Gay Activists Alliance demonstration in 1972. Morty had been kicked and beaten, yet police did not intercede on his behalf. Jeanne wrote a letter, published in the New York Post, highlighting her outrage and drawing public attention to violence being perpetrated against the LGBT community.

A year later, in 1973, Jeanne and Jules Manford decided to organize a support group for parents of gay children. By the 1980s, their group was formally established as Parents, Families and Friends of Lesbians and Gays. PFLAG is now an international group made up of over 200,000 members advocating for support, understanding, and equal rights for gay, lesbian, transgender, and bisexual individuals.

In 1993, almost a year after losing Morty to complications of AIDS, Jeanne Manford served as the grand marshal of the New York Gay Pride Parade. Following her death in 2013, Jeanne was awarded the Nation's second highest civilian award, the Presidential Citizens Medal, by President Barack Obama.

Mr. Speaker, we should pass this bill to recognize Jeanne and Jules Manford's tireless devotion to the LGBT equal rights movement and their advocacy on its behalf.

Mr. Speaker, it is also a very sad time in our history where we are witnessing, unfortunately, violence and hate being perpetrated on members of our country, the citizens and people who have identified themselves as gay or lesbian.

Mr. Speaker, I urge the passage of H.R. 2607, and I reserve the balance of my time.

Mr. HURD of Texas. Mr. Speaker, I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield as much time as he may consume to my colleague from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentlewoman from Michigan for yielding me this time.

Before I begin, I want to thank my colleague, Ranking Member LAWRENCE, for her support on the Interior Subcommittee as well as the full committee, Ranking Member CUMMINGS and Chairman CHAFFETZ of the Oversight and Government Reform Committee for working with us to bring this bill to the floor.

I am so pleased to have this chance to honor Jeanne and Jules Manford and their history of community engagement by naming the Jackson Heights Post Office, which is situated in Queens, New York, which is squarely in the middle of my congressional district.

I also want to thank Suzanne Swan, Jeanne and Jules' daughter, and PFLAG for collaborating with me on this legislation as well.

Mr. Speaker, the timing of this bill, as my colleague from Michigan just said, could not be a more opportune moment. It comes in the wake of last Sunday's terrible attack on the LGBT community in Orlando, an attack that was motivated by hate.

We stand here today to honor two individuals who, when faced with a hateful act of violence themselves against their son, were inspired to start a movement couched in acceptance and support.

Jeanne and Jules Manford were your typical middle class Queens, New Yorkers, who worked hard to make a better life for themselves, their families, and for their community. Jeanne was a public schoolteacher in Flushing, Queens. Jules was a dentist. The couple worked with a number of local community groups helping to make Queens a better place to live.

And they raised two children, Suzanne and Morty, in whom they instilled the values of hard work, compassion, and public service. Morty was lucky to have two loving parents who accepted him for who he was at a time when the acceptance of LGBT people was, unfortunately, the exception rather than the rule.

While a student at Columbia and Cardozo Law School and throughout his career, Morty stood up for the rights of the LGBT community and, like his parents, sought to make life better for those around him. He was one of those many present at the Stonewall riots in Greenwich Village in 1969, and he continued to organize protests in order to draw attention to issues affecting the LGBT community.

Following one of those protests in April of 1972, Morty was severely beaten. In a trial following the beating, witnesses testified that they saw Morty thrown down an escalator and then kicked and stomped on. Thankfully, those injuries were not fatal. Morty did recover. But his parents, Jeanne and Jules, were galvanized to take their own actions to counter hate and to counter discrimination.

The following June, in the Christopher Street Liberation Day Parade, the predecessor to New York's Pride Parade, Jeanne Manford carried a now-famous sign that read: ''Parents of Gays Unite in Support for Our Children.'' The image of Jeanne and her defiance and call to action in the face of bigotry and violence became a celebrated artifact in the history of the gay rights movement.

This is an iconic photo in the gay rights movement. It shows the face of a proud mother who refuses to accept that her child should be mistreated because of who he is. More importantly, this picture, and this particular sign, document the inception of a new approach to achieving equality, an effort by parents and families to stand up for their LGBT children. In that moment, now 44 years, almost to this day, Jeanne embodied the spirit that has now come to guide a national organization known as PFLAG.

In the wake of Morty Manford's harrowing beating, Jeanne and Jules realized that, even as LGBT people continue to fight for justice and acceptance, their work can be amplified through the support of their allies. And who better to be an ally than one's own supportive family?

It was with this in mind that Jeanne and Jules founded an organization known as Parents of Gays. With their spirit of community involvement, Jeanne and Jules wanted to help others like them, friends and neighbors and colleagues, to help understand and support their LGBT children. They held their first support group meeting in 1973 in the Church of the Village, a uniquely accepting and progressive Methodist Church in Greenwich Village, and it is still active today.

At a time when attitudes toward sexual orientation were only just beginning to change, the founding of an organization designed to bring in, educate, and support those closest to the LGBT individuals, their parents, was critical in advancing acceptance and equal rights.

Over the next few years, similar organizations were started all around the country, and their representatives were finally brought together following the 1979 National March on Washington for Lesbian and Gay Rights. A couple of years later, following important work establishing themselves as the source of information and support, various chapters decided to launch a national organization called Parents, Families and Friends of Lesbians and Gays, now known as PFLAG. And from there, the organization's efforts took off.

PFLAG began work on national policy issues, such as stopping the military from discharging lesbian servicemembers. And it worked to help establish hundreds of chapters in rural communities where LGBT individuals and their families had a more difficult time finding and coordinating with others like them. Today, PFLAG counts over 350 chapters and more than 200,000 members in all 50 States, and similar organizations have been established around the world.

Jeanne and Jules continued to work in their community, helping to found a PFLAG chapter in Queens, alongside the LGBT equal rights activist and my good friend, Danny Dromm, now a member of the New York City Council. Jeanne went on to become an advocate for people with HIV and AIDS, following Morty's death from the disease in 1992 at the young age of just 41.

For her many years of work in support of the LGBT community, Jeanne was honored as the first Grand Marshal of the Queens Pride Parade, which began in 1993, the year after Morty's death. The parade runs through the heart of my district in Queens and passes a reviewing stand situated directly in front of the post office we are renaming today in Jackson Heights. In fact, the street corner next to this post office was itself renamed for someone we lost to a senseless act of hate. Julio Rivera, a young man, was killed in 1990 at the age of 29, targeted because he, himself, was gay.

Jackson Heights is a thriving neighborhood with a growing LGBT community, and our community will be honored to have our local post office bear the names of Jeanne and Jules Manford. These symbols remind us of how far we have come.

After Jules Manford passed away, Jeanne, having lost her husband and son, eventually went to live with her daughter, Suzanne, in California.

□ 1645

In January of 2013, just a few months before the Supreme Court's landmark decision overturning the Defense of Marriage Act, Jeanne passed away at the age of 92. That same year, Jeanne was honored posthumously with the Presidential Citizens Medal for her efforts.

It is difficult to imagine how we could have achieved so much progress toward attaining more equal rights for LGBT Americans without the work of Jeanne and Jules Manford more than 40 years ago.

Though the LGBT community itself had already begun to organize and demand action, it was the Manfords' work to bring families and allies into the fold that helped push these issues to the fore.

Many attribute the shift in public opinion on the issue of marriage equality to the simple fact that gay and lesbian people are able to be more open about who they are. As a result, more and more straight Americans know someone who is gay or lesbian or bisexual or transgender and want their friends and family to be treated equally.

This is thanks, in no small part, to the supportive work of the PFLAG and its chapters throughout the years, and to the movement by parents and families who proudly choose to love their children for who they are. So as we celebrate Pride Month, I am glad we have this opportunity to reflect upon and honor those who helped get us to where we are today.

As we mourn in the wake of the tragic shooting at the Pulse LGBT nightclub in Orlando last week, I hope we all can emulate the way Jeanne and Jules Manford responded to their son's beating. The Manfords recognized that violent acts of hate don't show strength. Far from it. They show weakness in the soul of the offender.

Instead of recoiling in fear, the Manfords reacted with a sign of love, support, and solidarity. I have been heartened to see millions of Americans do the same over this past week. It has shown our strength as a society and as a nation in spite of an attack meant to shake us.

So I am particularly glad that we are able to consider this legislation today to honor Jeanne and Jules Manford for all they have done for Queens, for New York, and for America, and I look forward to seeing this become law.

Mr. Speaker, I want to thank all of you who are responsible for bringing this bill to the floor today for its consideration. I ask my colleagues to support this bill.

Mrs. LAWRENCE. Mr. Speaker, as we close out the naming of our post offices, I want to take this time to just awaken this body and America on how the naming of post offices take the legacy of American citizens and allow us to celebrate them, remember them, and to create a sense of history in the communities where they live and serve.

Just to sum up the post offices that we have named today: Mary E. McCoy, an activist for women and African Americans; Ed Pastor, who was a Congressman; Barry Miller, an emergency responder; Amelia Robinson, a civil rights activist; Michael Oxley, a Member of Congress; Kenneth Christy, a letter carrier; and Jeanne and Jules Manford, LGBT activists.

Again, today, we have shown America that we recognize the service of those who on their own desire, will, and passion have served our country.

Mr. Speaker, I yield back the balance of my time.

Mr. HURD of Texas. Mr. Speaker, I urge the adoption of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HURD) that the House suspend the rules and pass the bill, H.R. 2607.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

INSPECTOR GENERAL EMPOWERMENT ACT OF 2016

Mr. MEADOWS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2395) to amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Inspector General Empowerment Act of 2016''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Full and prompt access to all documents.
Sec. 3. Additional authority provisions for Inspectors General.
Sec. 4. Additional responsibilities of the Council of the Inspectors General on Integrity and Efficiency.
Sec. 5. Amendments to the Inspector General Act of 1978 and the Inspector General Reform Act of 2008.
Sec. 6. Reports required.
Sec. 7. Public release of misconduct report.
Sec. 8. No additional funds authorized.

SEC. 2. FULL AND PROMPT ACCESS TO ALL DOCUMENTS.

(a) AUTHORITY.—Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by amending subsection (a)(1) to read as follows:

''(1)(A) notwithstanding any other provision of law, except any provision of law enacted by Congress that expressly refers to an Inspector General and expressly limits the right of access by that Inspector General, to have timely access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials available to the applicable establishment which relate to programs and operations with respect to which that Inspector General has responsibilities under this Act; and

''(B) except as provided in subsection (i), with regard to Federal grand jury materials protected from disclosure pursuant to Federal Rule of Criminal Procedure 6(e), to have timely access to such information if the Attorney General grants the request in accordance with subsection (g);''; and

(2) by adding at the end the following new subsections:

''(g) REQUIREMENTS RELATED TO REQUEST FOR FEDERAL GRAND JURY MATERIALS.—

''(1) TRANSMISSION OF REQUEST TO ATTORNEY GENERAL.—If the Inspector General of an establishment submits a request to the head of the establishment for Federal grand jury materials pursuant to subsection (a)(1), the head of the establishment shall immediately notify the Attorney General of such request.

''(2) ATTORNEY GENERAL DETERMINATION.—Not later than 15 days after the date on which a request is submitted to the Attorney General under paragraph (1), the Attorney General shall determine whether to grant or deny the request for Federal grand jury materials and shall immediately notify the head of the establishment of such determination. The Attorney General shall grant the request unless the Attorney General determines that granting access to the Federal grand jury materials would be likely to—

''(A) interfere with an ongoing criminal investigation or prosecution;

''(B) interfere with an undercover operation;

''(C) result in disclosure of the identity of a confidential source, including a protected witness;

''(D) pose a serious threat to national security; or

''(E) result in significant impairment of the trade or economic interests of the United States.

''(3) TRANSMITTAL OF DETERMINATION TO THE INSPECTOR GENERAL.—

''(A) NOTIFICATION OF ATTORNEY GENERAL DETERMINATION.—The head of the establishment shall inform the Inspector General of the establishment of the determination made by the Attorney General with respect to the request for Federal grand jury materials.

''(B) COMMENTS BY INSPECTOR GENERAL.—The Inspector General of the establishment described under subparagraph (A) may submit comments on the determination submitted pursuant to such subparagraph to the committees listed under paragraph (4) that the Inspector General considers appropriate.

''(4) SUBMISSION OF DENIALS TO CONGRESS BY THE ATTORNEY GENERAL.—Not later than 30 days after notifying the head of an establishment of a denial pursuant to paragraph (2), the Attorney General shall submit a statement that the request for Federal grand jury materials by the Inspector General was denied and the reason for the denial to each of the following:

''(A) The Committees on Homeland Security and Governmental Affairs and the Judiciary of the Senate.

''(B) The Committees on Oversight and Government Reform and the Judiciary of the House of Representatives.

''(C) Other appropriate committees and subcommittees of Congress.

''(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed as authorizing an Inspector General to publicly disclose information otherwise prohibited from disclosure by law.

''(i) EXCEPTION.—Subsections (a)(1)(B) and (g) shall not apply to requests from the Inspector General of the Department of Justice.''.

(b) SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF JUSTICE.—Section 8E(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and insert ''; and''; and

(3) by inserting after paragraph (5) the following new paragraph:

''(6) shall have access under section 6(a)(1)(A) to information available to the Department of Justice under Federal Rule of Criminal Procedure 6(e).''.

SEC. 3. ADDITIONAL AUTHORITY PROVISIONS FOR INSPECTORS GENERAL.

(a) SUBPOENA AUTHORITY FOR INSPECTORS GENERAL TO REQUIRE TESTIMONY OF CERTAIN PERSONS.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting after section 6 the following new section:

"SEC. 6A. ADDITIONAL AUTHORITY.

''(a) TESTIMONIAL SUBPOENA AUTHORITY.—In addition to the authority otherwise provided by this Act and in accordance with the requirements of this section, each Inspector General, in carrying out the provisions of this Act (or in the case of an Inspector General or Special Inspector General not established under this Act, the provisions of the authorizing statute), is authorized to require by subpoena the attendance and testimony of witnesses as necessary in the performance of the functions assigned to the Inspector General by this Act (or in the case of an Inspector General or Special Inspector General not established under this Act, the functions assigned by the authorizing statute), in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court. An Inspector General may not require by subpoena the attendance and testimony of any current Federal employees, but may use other authorized procedures.

''(b) NONDELEGATION.—The authority to issue a subpoena under subsection (a) may not be delegated.

''(c) PANEL REVIEW BEFORE ISSUANCE.—

''(1) APPROVAL REQUIRED.—

''(A) REQUEST FOR APPROVAL BY SUBPOENA PANEL.—Before the issuance of a subpoena described in subsection (a), an Inspector General shall submit a request for approval to issue a subpoena to a panel (in this section, referred to as the 'Subpoena Panel'), which shall be comprised of three Inspectors General of the Council of the Inspectors General on Integrity and Efficiency, who shall be designated by the Inspector General serving as Chairperson of the Council.

''(B) PROTECTION FROM DISCLOSURE.—The information contained in the request submitted by an Inspector General under subparagraph (A) and the identification of a witness shall be protected from disclosure to the extent permitted by law. Any request for disclosure of such information shall be submitted to the Inspector General requesting the subpoena.

''(2) TIME TO RESPOND.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Subpoena Panel shall approve or deny a request for approval to issue a subpoena not later than 10 days after the submission of such request.

''(B) ADDITIONAL INFORMATION FOR PANEL.—If the Subpoena Panel determines that additional information is necessary to approve or deny such request, the Subpoena Panel shall request such information and shall approve or deny such request not later than 20 days after the submission of such request.

''(3) DENIAL BY PANEL.—If a majority of the Subpoena Panel denies the approval of a subpoena, that subpoena may not be issued.

''(d) NOTICE TO ATTORNEY GENERAL.—

''(1) IN GENERAL.—If the Subpoena Panel approves a subpoena under subsection (c), the Inspector General shall notify the Attorney General that the Inspector General intends to issue the subpoena.

''(2) DENIAL FOR INTERFERENCE WITH AN ONGOING INVESTIGATION.—Not later than 10 days after the date on which the Attorney General is notified pursuant to paragraph (1), the Attorney General may object to the issuance of the subpoena because the subpoena will interfere with an ongoing investigation and the subpoena may not be issued.

''(3) ISSUANCE OF SUBPOENA APPROVED.—If the Attorney General does not object to the issuance of the subpoena during the ten-day period described in paragraph (2), the Inspector General may issue the subpoena.

''(e) REGULATIONS.—The Chairperson of the Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General, shall prescribe regulations to carry out the purposes of this section.

''(f) INSPECTOR GENERAL DEFINED.—For purposes of this section, the term 'Inspector General' includes each Inspector General established under this Act and each Inspector General or Special Inspector General not established under this Act.

''(g) APPLICABILITY.—The provisions of this section shall not affect the exercise of authority by an Inspector General of testimonial subpoena authority established under another provision of law.'';

(2) in section 5(a)—

(A) in paragraph (15), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (16), by striking the period at the end and inserting ''; and''; and

(C) by inserting at the end the following new paragraph:

''(17) a description of the use of subpoenas for the attendance and testimony of certain witnesses authorized under section 6A.''; and

(3) in section 8G(g)(1), by inserting ''6A,'' before ''and 7''.

(b) MATCHING PROGRAM AND PAPERWORK REDUCTION ACT EXCEPTION FOR INSPECTORS GENERAL.—Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 2(a), is further amended by adding at the end the following:

''(j)(1) In this subsection, the terms 'agency', 'matching program', 'record', and 'system of records' have the meanings given those terms in section 552a(a) of title 5, United States Code.

''(2) For purposes of section 552a of title 5, United States Code, or any other provision of law, a computerized comparison of 2 or more automated Federal systems of records, or a computerized comparison of a Federal system of records with other records or non-Federal records, performed by an Inspector General or by an agency in coordination with an Inspector General in conducting an audit, investigation, inspection, evaluation, or other review authorized under this Act shall not be considered a matching program.

''(3) Nothing in this subsection shall be construed to impede the exercise by an Inspector General of any matching program authority established under any other provision of law.

''(h) Subchapter I of chapter 35 of title 44, United States Code, shall not apply to the collection of information during the conduct of an audit, investigation, inspection, evaluation, or other review conducted by the Council of the Inspectors General on Integrity and Efficiency or any Office of Inspector General, including any Office of Special Inspector General.''.

SEC. 4. ADDITIONAL RESPONSIBILITIES OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

(a) FUNCTIONS AND DUTIES OF COUNCIL.—Section 11(c)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (G), by striking ''; and'' and inserting a semicolon;

(2) by redesignating subparagraph (H) as subparagraph (I); and

(3) by inserting after subparagraph (G) the following new subparagraph:

''(H) except for any investigation, inspection, audit, or review conducted under section 103H of the National Security Act of 1947 (50 U.S.C. 3033), receive, review, and mediate any disputes submitted in writing to the Council by an Office of Inspector General regarding an audit, investigation, inspection, evaluation, or project that involves the jurisdiction of more than one Federal agency or entity; and''.

(b) INTEGRITY COMMITTEE.—Section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (5)—

(A) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by inserting at the end the following new subparagraph:

''(D) not later than 60 days after the date on which an allegation of wrongdoing is received by the Integrity Committee, make a determination whether the Integrity Committee will initiate an investigation of such allegation under this subsection.'';

(2) in paragraph (6)(B)(i), by striking ''may provide resources'' and inserting ''shall provide assistance''; and

(3) in paragraph (7)—

(A) in subparagraph (B)(i)—

(i) in subclause (III), by striking ''; and'' and inserting a semicolon;

(ii) in subclause (IV), by striking the period at the end and inserting a semicolon; and

(iii) by inserting at the end the following new subclauses:

''(V) creating a regular rotation of Inspectors General assigned to investigate complaints through the Integrity Committee; and

''(VI) creating procedures to avoid conflicts of interest for Integrity Committee investigations.'';

(B) by redesignating subparagraph (C) as subparagraph (E); and

(C) by inserting after subparagraph (B) the following new subparagraphs:

''(C) COMPLETION OF INVESTIGATION.—If a determination is made under paragraph (5) to initiate an investigation, the Integrity Committee—

''(i) shall complete the investigation not later than six months after the date on which the Integrity Committee made such determination;

''(ii) if the investigation cannot be completed within such six-month period, shall—

''(I) promptly notify the congressional committees listed in paragraph (8)(A)(iii); and

''(II) to the maximum extent practicable, complete the investigation not later than 3 months after the expiration of the six-month period; and

''(iii) if the investigation cannot be completed within such nine-month period, shall brief the congressional committees listed in paragraph (8)(A)(iii) every thirty days until the investigation is complete.

''(D) CONCURRENT INVESTIGATION.—If an investigation of an allegation of wrongdoing against an Inspector General or a staff member of an Office of Inspector General described under paragraph (4)(C) is initiated by a governmental entity other than the Integrity Committee, the Integrity Committee may conduct any related investigation for which a determination to initiate an investigation was made under paragraph (5) concurrently with the other government entity.''.

(c) TECHNICAL CORRECTION; DESIGNEE AUTHORITY.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)(1)(B) by striking ''Office of the Director of National Intelligence'' and inserting ''Intelligence Community''; and

(2) in subsection (d)(2)—

(A) in subparagraph (C), by inserting ''or the designee of the Special Counsel'' before the period at the end; and

(B) in subparagraph (D), by inserting ''or the designee of the Director'' before the period at the end.

SEC. 5. AMENDMENTS TO THE INSPECTOR GENERAL ACT OF 1978 AND THE INSPECTOR GENERAL REFORM ACT OF 2008.

(a) INCORPORATION OF PROVISIONS FROM THE INSPECTOR GENERAL REFORM ACT OF 2008 INTO THE INSPECTOR GENERAL ACT OF 1978.—

(1) AMENDMENT.—Section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new paragraph:

''(12) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

''(A) SPECIAL COUNSEL DEFINED.—In this paragraph, the term 'Special Counsel' means the Special Counsel appointed under section 1211(b) of title 5, United States Code.

''(B) AUTHORITY OF INTEGRITY COMMITTEE.—

''(i) IN GENERAL.—An allegation of wrongdoing against the Special Counsel or the Deputy Special Counsel may be received, reviewed, and referred for investigation by the Integrity Committee to the same extent and in the same manner as in the case of an allegation against an Inspector General (or a member of the staff of an Office of Inspector General), subject to the requirement that the Special Counsel recuse himself or herself from the consideration of any allegation brought under this paragraph.

''(ii) COORDINATION WITH EXISTING PROVISIONS OF LAW.—This paragraph does not eliminate access to the Merit Systems Protection Board for review under section 7701 of title 5, United States Code. To the extent that an allegation brought under this subsection involves section 2302(b)(8) of that title, a failure to obtain corrective action within 120 days after the date on which that allegation is received by the Integrity Committee shall, for purposes of section 1221 of such title, be considered to satisfy section 1214(a)(3)(B) of that title.

''(C) REGULATIONS.—The Integrity Committee may prescribe any rules or regulations necessary to carry out this paragraph, subject to such consultation or other requirements as might otherwise apply.''.

(2) CONFORMING AMENDMENT.—Section 7(b) of the Inspector General Reform Act of 2008 (Public Law 110–409; 122 Stat. 4312; 5 U.S.C. 1211 note) is repealed.

(b) AGENCY APPLICABILITY.—

(1) AMENDMENTS.—The Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 3(a), is further amended—

(A) in section 8M—

(i) in subsection (a)(1)—

(I) by striking ''agency'' the first place it appears and inserting ''Federal agency and designated Federal entity''; and

(II) by striking ''agency'' the second and third place it appears and inserting ''Federal agency or designated Federal entity''; and

(ii) in subsection (b)—

(I) in paragraph (1), by striking ''agency'' and inserting ''Federal agency and designated Federal entity''; and

(II) in paragraph (2)—

(aa) in subparagraph (A), by striking ''agency'' and inserting ''Federal agency and designated Federal entity''; and

(bb) in subparagraph (B), by striking ''agency'' and inserting ''Federal agency and designated Federal entity''; and

(B) in section 11(c)(3)(A)(ii), by striking ''department, agency, or entity of the executive branch'' and inserting ''Federal agency or designated Federal entity''.

(2) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the head and the Inspector General of each Federal agency and each designated Federal entity (as such terms are defined in sections 12 and 8G of the Inspector General Act of 1978 (5 U.S.C. App.), respectively) shall implement the amendments made by this subsection.

(c) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—Section 8M(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by striking ''report or audit (or portion of any report or audit)'' and inserting ''audit report, inspection report, or evaluation report (or portion of any such report)''; and

(2) by striking ''report or audit (or portion of that report or audit)'' and inserting ''report (or portion of that report)'', each place it appears.

(d) CORRECTIONS.—

(1) EXECUTIVE ORDER NUMBER.—Section 7(c)(2) of the Inspector General Reform Act of 2008 (Public Law 110–409; 122 Stat. 4313; 31 U.S.C. 501 note) is amended by striking ''12933'' and inserting ''12993''.

(2) PUNCTUATION AND CROSS-REFERENCES.—The Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 3(a) and subsection (b), is further amended—

(A) in section 4(b)(2)—

(i) by striking ''8F(a)(2)'' and inserting ''8G(a)(2)'', each place it appears; and

(ii) by striking ''8F(a)(1)'' and inserting ''8G(a)(1)'';

(B) in section 6(a)(4), by striking ''information, as well as any tangible thing)'' and inserting ''information), as well as any tangible thing'';

(C) in section 8G(g)(3), by striking ''8C'' and inserting ''8D''; and

(D) in section 5(a)(13), by striking ''05(b)'' and inserting ''804(b)''.

(3) SPELLING.—The Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 3(a), subsection (b), and paragraph (2), is further amended—

(A) in section 3(a), by striking ''subpena'' and inserting ''subpoena'';

(B) in section 6(a)(4), by striking ''subpena'' and ''subpenas'' and inserting ''subpoena'' and ''subpoenas'', respectively;

(C) in section 8D(a)—

(i) in paragraph (1), by striking ''subpenas'' and inserting ''subpoenas''; and

(ii) in paragraph (2), by striking ''subpena'' and inserting ''subpoena'', each place it appears;

(D) in section 8E(a)—

(i) in paragraph (1), by striking ''subpenas'' and inserting ''subpoenas''; and

(ii) in paragraph (2), by striking ''subpena'' and inserting ''subpoena'', each place it appears; and

(E) in section 8G(d), by striking ''subpena'' and inserting ''subpoena''.

(e) REPEAL.—Section 744 of the Financial Services and General Government Appropriations Act, 2009 (division D of Public Law 111–8; 123 Stat. 693) is repealed.

SEC. 6. REPORTS REQUIRED.

(a) REPORT ON VACANCIES IN THE OFFICES OF INSPECTOR GENERAL.—

(1) GAO STUDY REQUIRED.—The Comptroller General shall conduct a study of prolonged vacancies in the Offices of Inspector General, during which a temporary appointee has served as the head of the office that includes—

(A) the number and duration of Inspector General vacancies;

(B) an examination of the extent to which the number and duration of such vacancies has changed over time;

(C) an evaluation of the impact such vacancies have had on the ability of the relevant Office of the Inspector General to effectively carry out statutory requirements; and

(D) recommendations to minimize the duration of such vacancies.

(2) COMMITTEE BRIEFING REQUIRED.—Not later than nine months after the date of the enactment of this Act, the Comptroller General shall present a briefing on the findings of the study described in subsection (a) to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) REPORT TO CONGRESS.—Not later than fifteen months after the date of the enactment of this Act, the Comptroller General shall submit a report on the findings of the study described in subsection (a) to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(b) REPORT ON ISSUES INVOLVING MULTIPLE OFFICES OF INSPECTOR GENERAL.—

(1) EXAMINATION REQUIRED.—The Council of the Inspectors General on Integrity and Efficiency shall conduct an analysis of critical issues that involve the jurisdiction of more than one individual Federal agency or entity to identify—

(A) each such issue that could be better addressed through greater coordination among, and cooperation between, individual Offices of Inspector General;

(B) the best practices that can be employed by the Offices of Inspector General to increase coordination and cooperation on each issue identified; and

(C) any recommended statutory changes that would facilitate coordination and cooperation among Offices of Inspector General on critical issues.

(2) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Council of the Inspectors General on Integrity and Efficiency shall submit a report on the findings of the analysis described in subsection (a) to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 7. PUBLIC RELEASE OF MISCONDUCT REPORT.

(a) PUBLIC RELEASE BY INSPECTORS GENERAL OF REPORT OF MISCONDUCT.—Section 4(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by inserting at the end the following new paragraph:

''(6) to make publicly available a final report on any administrative investigation that confirms misconduct, including any violation of Federal law and any significant violation of Federal agency policy, by any senior Government employee (as such term is defined under section 5(f)), not later than 60 days after issuance of the final report, ensuring that information protected under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'), section 552a of title 5, United States Code (commonly known as the 'Privacy Act of 1974'), and section 6103 of the Internal Revenue Code of 1986 is not disclosed.''.

(b) REPORTS OF MISCONDUCT IN SEMIANNUAL REPORTS.—Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by section 2(a)(2), is further amended—

(1) in subsection (a)—

(A) in paragraph (16), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (17), by striking the period at the end and inserting a semicolon;

(C) by inserting at the end the following new paragraphs:

''(18) statistical tables showing—

''(A) the total number of investigative reports issued during that reporting period;

''(B) the total number of persons referred to the Department of Justice for criminal prosecution during that reporting period;

''(C) the total number of persons referred to State and local prosecutive authorities for criminal prosecution during that reporting period; and

''(D) the total number of indictments and criminal informations during that reporting period that have resulted from any prior referral to prosecutive authorities;

''(19) a description of the metrics used for developing the data for the statistical tables under paragraph (18);

''(20) detailed descriptions of each investigation conducted by the Office involving a senior Government employee where allegations of misconduct were substantiated, including a detailed description of—

''(A) the facts and circumstances of the investigation; and

''(B) the status and disposition of the matter, including—

''(i) if the matter was referred to the Department of Justice, the date of the referral; and

''(ii) if the Department of Justice declined the referral, the date of the declination; and

''(21) a list and summary of the particular circumstances of each—

''(A) inspection, evaluation, and audit conducted by the Office that is closed and was not disclosed to the public; and

''(B) investigation conducted by the Office that is closed and was not disclosed to the public involving a senior Government employee.''; and

(2) in subsection (f)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the term 'senior Government employee' means—

''(A) an officer or employee in the executive branch (including a special Government employee as defined in section 202 of title 18, United States Code) who occupies a position classified at or above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; and

''(B) any commissioned officer in the Armed Forces in pay grades O–6 and above.''.

SEC. 8. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. MEADOWS) and the gentlewoman from Michigan (Mrs. LAWRENCE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. MEADOWS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MEADOWS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2395, the Inspector General Empowerment Act.

Indeed, the inspectors general play a key role in improving our government's efficiency. They conduct investigations and audits to prevent and detect waste, fraud, and mismanagement in their agencies' programs. The IGs help Congress to shape legislation and to target our oversight and investigative activities.

The IGs have proven to be one of Congress' best investments. In the last fiscal year, the IG community used their $2.6 billion budget to identify potential cost savings to the taxpayers, totaling $46.5 billion. That means that for every dollar in the total IG's budget, they identified approximately $18 in savings.

In light of this return on investment, we want the IGs to have every access to the records that they need to do their jobs. But that hasn't always been the case, Mr. Speaker. For example, at the Justice Department, the inspector general could not access grand jury documents or national security-related documents without the approval of the Deputy Attorney General or the Federal courts.

At the EPA, several offices, including the EPA's Office of Homeland Security, intentionally interfered with the IG's investigations. At the Chemical Safety Board—which the EPA OIG also oversees—the IG was denied access to certain documents based on a phony attorney-client privilege claim. And the Peace Corps refused to provide its inspector general access to information related to sexual assaults on the Peace Corps volunteers absent a memorandum of understanding.

In all of these instances, the agencies had clear guidance from section 6(a) of the IG Act to provide the IG with access to all records, but that guidance, indeed, was ignored.

The IG Empowerment Act makes clear that section 6(a) means exactly what it says: Every inspector general shall have access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials.

When agencies refuse or limit IGs' access to agency records, it undermines the intent of Congress and frustrates our mutual interest in government transparency and efficiency. Furthermore, the negotiations between agencies and their IGs are wasteful. Both sides commit time and resources—which sometimes include hiring outside lawyers—so that those resources could be better used elsewhere.

These are some of the problems that we are trying to address with the Inspector General Empowerment Act. The bill we are considering today will make the IGs even more effective by allowing them to follow the facts where they lead. For years, the IGs have asked us to extend to them the authority to issue subpoenas to get answers from government contractors and former Federal employees.

Independent sources, including the DOJ's National Procurement Task Force and the Project on Government Oversight, have also urged Congress to expand the testimonial subpoena authority.

This bill provides the expanded authority that the IGs have asked for, but with safeguards in place to make sure that they protect against the possibility that an IG's investigation would interfere with an ongoing criminal investigation, or do other harm.

This bill represents several years of bipartisan work, and it reflects input from stakeholders. I would urge all of my colleagues to join me in supporting this important bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2395, the Inspector General Empowerment Act. This bill, introduced by Oversight and Government Reform Committee Chairman JASON CHAFFETZ and Ranking Member ELIJAH CUMMINGS, was approved by the committee with strong bipartisan support.

There is a reason why this bill has so much support: it strengthens the inspectors general, who are the first line of defense against waste, fraud, and abuse in Federal programs. In fiscal year 2014 alone, IGs made recommendations to improve the economy and efficiency of Federal programs that could save $46.5 billion. As my colleague, Mr. MEADOWS, stated, this is a return of about $18 for every $1 invested in IG budgets.

The bill would make a number of improvements to the Inspector General Act. It will guarantee IG access to agency information. Unfettered access to agency information is a cornerstone of the IG's ability to conduct their missions effectively. The bill would also grant IGs the authority to issue subpoenas to compel testimony after careful review and with the concurrence of the Department of Justice. IGs would also be granted expedited authority to match Federal records across agencies

under this bill, which would facilitate audits and help identify fraud and waste in Federal programs.

Mr. Speaker, I urge Members to support the Inspector General Empowerment Act, and I reserve the balance of my time.

Mr. MEADOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to thank Chairman CHAFFETZ for his vision and Ranking Member CUMMINGS for working in a bipartisan way to not only empower our IGs, but give them the tools necessary to do what they do best; that is, to work on behalf of the American taxpayer.

Mr. Speaker, I also want to let Congresswoman LAWRENCE know that I have no further speakers at this point and am prepared to close.

I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Speaker, I, again, give my support to this bill. I want to note that this is bipartisan. So often we have many disagreements on either side of the aisle about policy. It is a good day in Congress when we work together in a bipartisan way to empower our Federal agencies while saving money and creating efficiencies.

Mr. Speaker, I yield back the balance of my time.

Mr. MEADOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentlewoman from Michigan (Mrs. LAWRENCE), my good friend. She well notes that not only is this a bipartisan bill, but it is one that is widely supported. I would also like to thank our respective staffs for the hard work that they have put in on crafting this particular piece of legislation. I think it becomes a powerful tool.

Mr. Speaker, I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I strongly support the Inspector General Empowerment Act.

Inspectors General play a crucial role in making the federal government more effective and efficient. The bill we are considering today will help the IGs do their jobs even better. I appreciate the time and effort that Oversight Committee Chairman JASON CHAFFETZ and his staff put into making this bill a truly bipartisan product. I also want to thank Representative MARK MEADOWS for his work on this bill.

This bill would make crystal clear that Inspectors General have the right to access any information available to the agency the IG oversees. An agency could not deny an IG access to information unless Congress expressly limits the rights of an IG to access the information in a statute.

The bill includes special provisions for grand jury information held by the Department of Justice. Under the bill, the IG for DOJ would have unfettered access to grand jury information, but the Attorney General could limit access to grand jury information for other agency IGs under certain exceptions. This language was painstakingly worked out with feedback from DOJ and the Inspectors General.

The Inspector General Empowerment Act would also give Inspectors General the ability to subpoena witnesses. This would be a significant new authority.

I believe most IGs would act responsibly and use this authority only when absolutely necessary. There is a potential for abuse, however, so the bill includes several safeguards. The bill would require an IG, before issuing a subpoena, to go through two reviews.

The first review would be conducted by the Council of Inspectors General for Integrity and Efficiency. A panel of three Inspectors General would approve or deny any request by an IG to issue a subpoena for witness testimony. The second review would be conducted by the Attorney General, who would have the opportunity to object if the subpoena would interfere with an ongoing investigation. I believe the bill strikes a careful balance in granting IGs the authority to interview witnesses outside of the government while also providing these important checks against potential abuse.

The Inspector General Empowerment Act would also make needed reforms to the process used for investigating allegations of wrongdoing by Inspectors General. The current process can be agonizingly slow. The bill also contains several other reforms aimed at helping IGs perform independent audits and investigations.

This is a good bill, and I urge my colleagues to support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MEADOWS) that the House suspend the rules and pass the bill, H.R. 2395, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEMALE VETERAN SUICIDE PREVENTION ACT

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2487) to direct the Secretary of Veterans Affairs to identify mental health care and suicide prevention programs and metrics that are effective in treating women veterans as part of the evaluation of such programs by the Secretary, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the bill is as follows:

S. 2487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Female Veteran Suicide Prevention Act''.

SEC. 2. SPECIFIC CONSIDERATION OF WOMEN VETERANS IN EVALUATION OF DEPARTMENT OF VETERANS AFFAIRS MENTAL HEALTH CARE AND SUICIDE PREVENTION PROGRAMS.

Section 1709B(a)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A), by inserting before the semicolon the following: '', including metrics applicable specifically to women'';

(2) in subparagraph (D), by striking ''and'' at the end;

(3) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new subparagraph:

''(F) identify the mental health care and suicide prevention programs conducted by the Secretary that are most effective for women veterans and such programs with the highest satisfaction rates among women veterans.''.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1700

FISCAL YEAR 2016 DEPARTMENT OF VETERANS AFFAIRS SEISMIC SAFETY AND CONSTRUCTION AUTHORIZATION ACT

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4590) to authorize the Secretary of Veterans Affairs to carry out certain major medical facility projects for which appropriations are being made for fiscal year 2016, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fiscal Year 2016 Department of Veterans Affairs Seismic Safety and Construction Authorization Act''.

SEC. 2. AUTHORIZATION OF CERTAIN MAJOR MEDICAL FACILITY PROJECTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) AUTHORIZATION.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Seismic corrections to buildings, including retrofitting and replacement of high-risk buildings, in San Francisco, California, in an amount not to exceed $175,880,000.

(2) Seismic corrections to facilities, including facilities to support homeless veterans, at the medical center in West Los Angeles, California, in an amount not to exceed $100,250,000.

(3) Seismic corrections to the mental health and community living center in Long Beach, California, in an amount not to exceed $282,100,000.

(4) Construction of an outpatient clinic, administrative space, cemetery, and columbarium in Alameda, California, in an amount not to exceed $83,782,000.

(5) Realignment of medical facilities in Livermore, California, in an amount not to exceed $188,650,000.

(6) Construction of a replacement community living center in Perry Point, Maryland, in an amount not to exceed $92,700,000.

(7) Seismic corrections and other renovations to several buildings and construction of a specialty care building in American Lake, Washington, in an amount not to exceed $13,830,000.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2016 or the year in which funds are appropriated for the Construction, Major Projects, account, $937,192,000 for the projects authorized in subsection (a).

(c) LIMITATION.—The projects authorized in subsection (a) may only be carried out using—

(1) funds appropriated for fiscal year 2016 pursuant to the authorization of appropriations in subsection (b);

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2016 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2016 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2016 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2016 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after fiscal year 2016 for a category of activity not specific to a project.

SEC. 3. SUBMISSION OF INFORMATION.

Not later than 90 days after the date of the enactment of this Act, for each project authorized in section 2(a), the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate the following information:

(1) A line item accounting of expenditures relating to construction management carried out by the Department of Veterans Affairs for such project.

(2) The future amounts that are budgeted to be obligated for construction management carried out by the Department for such project.

(3) A justification for the expenditures described in paragraph (1) and the future amounts described in paragraph (2).

(4) Any agreement entered into by the Secretary regarding the Army Corps of Engineers providing services relating to such project, including reimbursement agreements and the costs to the Department of Veterans Affairs for such services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add any extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4590, as amended, the Fiscal Year 2016 Department of Veterans Affairs Seismic Safety and Construction Authorization Act.

This bill, which I have sponsored, would authorize seven major medical facility projects in San Francisco, California; West Los Angeles, California; Long Beach, California; Alameda, California; Livermore, California; Perry Point, Maryland; and American Lake, Washington.

These projects will correct seismic safety issues in high-risk VA medical facilities, provide housing and support services for homeless veterans, increase the availability of outpatient care, and replace outdated buildings with modern ones that are better suited to providing the high-quality care that our veterans deserve. Each of these projects was requested in the President's budget submission for fiscal year 2016, and funds have already been appropriated for them.

Many in this Chamber are well aware of the debacle that characterized VA's management of the Denver replacement hospital facility construction project. Cost overruns and extensive delays had become the status quo for mostly all VA major construction projects. In the case of Denver, the price tag more than doubled from the initial estimate. As a result of that, for all projects costing over $100 million going forward, we now call them ''super construction'' projects. A non-VA entity will assume project management responsibilities.

Of the seven projects to be authorized in this bill, six of them meet the super construction criteria. The Army Corps of Engineers will be managing those six projects. In light of that, I have reduced the total authorization for these projects slightly, since VA should no longer require funds that have been built into the projects for VA construction management.

With little transparency into what is actually required for VA to manage these projects supposedly in support of the Army Corps of Engineers, I hesitate to authorize any additional management funding without a full accounting of what is essential to completely execute these projects. This bill would require that VA would provide a full accounting of management expenditures for these projects, going forward.

Mr. Speaker, before we conclude debate on the VA construction bill, I feel obliged to discuss the absence of one particular project—the new replacement medical facility in Louisville, Kentucky.

First, the proposed construction project in Louisville has been criticized by local stakeholders who have expressed concerns regarding the parcel of land that VA has proposed constructing this new facility on. Those concerns were validated by the committee following an on-site investigation last year, and, as a result, VA has initiated an environmental impact study that is ongoing today. The EIS will take a year or more to complete and could very well result in a determination that VA pursue a different approach to ensuring that Louisville area veterans are provided the high-quality care they earned and deserve.

Given that, I believe it would be untimely and inappropriate for Congress to authorize this project before the EIS is complete. That conclusion is shared by VA construction officials, who stated themselves, in a briefing with committee staff earlier this year, that it would be premature to authorize the Louisville project at this time since the EIS is in progress and the way ahead for the project is uncertain.

Finally, VA has a disastrous history of building VA hospitals on time and on budget. The Denver construction project is $1 billion—$1 billion—over budget.

After opening the new Orlando hospital years late and hundreds of millions over budget, VA quietly settled with the Orlando hospital contractor for an additional $213 million over the budget. And the New Orleans hospital is $100 million over budget right now. In light of this track record, the strictest of scrutiny needs to be applied to major hospital projects going forward, and that must begin with Louisville.

Mr. Speaker, I urge all of my colleagues to join me in supporting this legislation.

I reserve the balance of my time, and I ask unanimous consent that the gentleman from Tennessee (Mr. ROE) control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 4590, the Fiscal Year 2016 Department of Veterans Affairs Seismic Safety and Construction Authorization Act.

The major duty of this committee is to make sure that our veterans have access to the best care they can receive, and authorizing construction or ensuring that existing facilities are structurally sound is very important.

All the facilities included in this bill—San Francisco, Los Angeles, Long Beach, Alameda, Livermore in California; Perry Point, Maryland; and American Lake, Washington—are all in need of major renovations to make them safe.

I am glad we are passing this bill today, and I look forward to breaking ground on these projects sooner rather than later. I urge all Members to support this important legislation.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I rise to speak in support of H.R. 4590, a bill to authorize funding for numerous Department of Veterans Affairs construction projects throughout the Nation.

Funding for many of these projects was already appropriated in fiscal year 2016 but needs authorization, and this is what the bill does.

I want to thank Chairman MILLER and Ranking Member BROWN for their work and commitment to our Nation's veterans and for bringing this bill to the floor.

The VA is currently challenged by a growing backlog in construction projects and old infrastructure. The VA manages over 6,000 buildings and nearly 34,000 acres of land. Additionally, more than 4,000 critical infrastructure gaps remain, which are estimated to cost between $56 billion and $68 billion to close. A growing backlog in construction projects and infrastructure is leading veterans to have to wait too long to receive the care they need and deserve.

This list of construction projects is also one of the reasons I have introduced H.R. 4129, the Jumpstart VA Construction Act. This bill provides for public-private partnerships at the VA to expedite construction opportunities at the VA. H.R. 4129 will help maximize partnerships between Federal and non-Federal entities and ensure that we avoid the systemic problems that have plagued the VA in the past, projects like Denver and Orlando.

Meanwhile, H.R. 4590 also includes funding for the Livermore realignment project, as was mentioned by the chairman and ranking member. This is a project that is very important to the veterans of the Central Valley of California, including my district.

This funding would provide for the construction of a 158,000-square-foot community-based outpatient clinic in French Camp, California. While vets have been waiting for years, I fought for this project for at least 8 years. The French Camp community-based outpatient clinic will serve 87,000 veterans across a wide geographic area that includes San Joaquin, Stanislaus, Calaveras, Tuolumne, and Alameda Counties, among others. California's Central Valley veterans confront many obstacles accessing the care they need from the VA.

I want to tell you a little story. In Stockton, California, it is about a 3-hour commute to the nearest VA center, which is in Palo Alto. The commute takes long because it is a distance and because there is tremendous traffic. I took the ride along with one of our veterans a couple of years ago, and it took all day to go in for a half-hour appointment.

Now, not every elderly gentleman can sit in a car for 3 hours one way and then 3 hours back. This is a real hardship. Not only can they not sit in a car for that long, but they may not even have that kind of transportation. So this is very important. I am sure that all of these projects have that kind of a story.

We need more facilities. We need this authorization. Congress approved the Central Valley community-based outpatient clinic and community center in 2004 as part of the VA's Capital Asset Realignment for Enhanced Services initiatives. In 2010, Congress appropriated $55 million for land acquisition and to fund construction and planning. The project is ready to begin construction, and our Central Valley veterans are eager to see progress on a project that was promised to them in 2004.

The French Camp outpatient clinic would offer an array of services: primary care, mental health care, radiology, audiology, physical and occupational therapy, dental, and other specialty services throughout the telehealth system.

Veterans have sacrificed so much to protect our freedom and democracy. They deserve access to state-of-the-art healthcare facilities closer to home. I urge my colleagues to join me in supporting H.R. 4590.

Mr. ROE of Tennessee. Mr. Speaker, I continue to reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I urge my colleagues to support H.R. 4590.

I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I thank Chairman MILLER, Ms. BROWN, and Mr. MCNERNEY for their work on this bill.

I encourage all Members to support this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 4590, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ABIE ABRAHAM VA CLINIC

Mr. ROE of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5317) to designate the Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, as the ''Abie Abraham VA Clinic'', as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Abie Abraham of Lyndora, Pennsylvania, was stationed during World War II with the 18th Infantry in New York; three years with the 14th Infantry in Panama; 15th Infantry, unassigned in China, while the U.S.S. Panay was sunk; 30th Infantry, Presidio, San Francisco; and the 31st Infantry, Manila, Philippines, for nine years.

(2) During World War II, Abraham fought, was captured, endured the Bataan Death March and as a prisoner of war for three and a half years, was beaten, stabbed, shot, survived malaria and starvation to be rescued by the 6th Rangers.

(3) Abraham stayed behind at the request of General Douglas MacArthur for two and a half more years disinterring the bodies of his fallen comrades from the Bataan Death March and the prison camps, helping to identify their bodies and see that they were properly laid to rest.

(4) After his promotion in 1945, Abraham came back to the United States where he served as a recruiter and then also served two years in Germany until his retirement with 30 years of service as a Master Sergeant.

(5) Abraham received numerous medals for his service, including the Purple Heart, and had several documentaries on the Discovery Channel and History Channel.

(6) Abraham wrote the books ''Ghost of Bataan Speaks'' in 1971 and ''Oh, God, Where Are You'' in 1977 to help the public better understand what our brave men endured at the hands of the Imperial Japanese Army as prisoners of war.

(7) Abraham was a life member of the Veterans of Foreign Wars, the American Legion, the Purple Heart Combat/Infantry Organization, the American Ex-POWs, the Disabled American Veterans, and the American Defenders of Bataan.

(8) Abraham was a volunteer at Veterans Affairs Butler Healthcare for 23 years from 1988 to 2011 and had 36,851 service hours caring for our veterans.

SEC. 2. ABIE ABRAHAM VA CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, shall after the date of the enactment of this Act be known and designated as the ''Abie Abraham VA Clinic''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the health care center referred to in subsection (a) shall be deemed to be a reference to the ''Abie Abraham VA Clinic''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. ROE) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5317, a bill to name the Department of Veterans Affairs VA healthcare center in Center Township, Butler County, Pennsylvania, as the Abie Abraham VA Clinic.

This bill is sponsored by Congressman MIKE KELLY from Pennsylvania. I am grateful to him for his work to introduce this legislation to honor a true American hero.

Master Sergeant Abraham lived a truly remarkable life. Born in Lyndora, Pennsylvania, as 1 of 11 children, he set a world record as a young teenager for sitting in a tree for 3½ months—that is rather amazing, I might add—according to his obituary in the Pittsburgh Post-Gazette.

In 1932, at the age of just 19, he enlisted in the United States Navy. Two years later, he enlisted in the United States Army. Over the course of a 30-year military career, he served in the Philippines, China, Germany, Panama, and earned a number of well-deserved accolades, including the Purple Heart.

During World War II, he survived the Bataan Death March. Over the course of 3½ years in captivity, Master Sergeant Abraham was beaten, stabbed, shot, and starved. At one point, he contracted malaria. Instead of returning immediately to the United States following his rescue, Master Sergeant Abraham agreed to stay behind at the request of General Douglas MacArthur. For 2½ years, he worked to recover the remains of his fallen comrades and to ensure they received the respect they were certainly due.

Following his service, Abie Abraham devoted his time to caring for his fellow brothers and sisters in arms. He was a lifelong member of several veterans service organizations. He also volunteered at the VA Butler Healthcare Center, where, over the course of 23 years, he would spend almost 40,000 hours tending to veteran patients there.

□ 1715

According to his obituary, Master Sergeant Abraham would arrive at the Butler VA facility at 6:45 in the morning, 5 days a week, and spend hours in greeting veteran patients, in helping them where they needed to go, in answering their questions, in bringing them coffee, and in generally making their experiences at the VA easier and better. In his spare time, he authored two books about his experiences in the military; he made public appearances at schools and community centers; and he participated in documentary films that have aired on the Discovery and History channels.

I must mention as well that, in addition to his being a hero on the battlefield and at the VA afterwards, an accomplished author, and an inspirational mentor, he was also a lightweight boxing champion and trainer.

In 2012, Master Sergeant Abraham died at the age of 98. Given his long and full life—a life that was characterized by service to others both in uniform and out—it is only fitting and appropriate that we honor Master Sergeant Abraham by naming the VA healthcare center in Butler County, Pennsylvania, after him.

This legislation satisfies all of the committee's naming criteria and is supported by the Pennsylvania congressional delegation as well as by many VSOs.

Once again, I thank my colleague, Congressman MIKE KELLY, for introducing this bill, and I urge my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5317, a bill to designate the Department of Veterans Affairs healthcare center in Center Township, Butler County, Pennsylvania, as the Abie Abraham VA Clinic.

Born in 1913, Abie Abraham was a decorated World War II veteran who served in both the United States Navy and the United States Army and served in the Philippines, China, Germany, and Panama. As the text of the bill states, he was captured by the Japanese in the Philippines and survived the Bataan Death March and 3½ years as a prisoner of war. Not only did he survive that ordeal, but when General MacArthur asked him to stay and help identify the remains of his fallen comrades, he did so for almost 3 more years, making sure those who died in the Philippines received proper military funerals.

He wrote his first book, ''Ghost of Bataan Speaks,'' in 1971 and wrote his second book, ''Oh, God. Where Are You?'' in 1997. His intent was to help the public better understand what took place with regard to our brave men being POWs at the hands of the Japanese.

Abie Abraham had received numerous medals for his service, including the Purple Heart. He was a life member of the VFW, the American Legion, the Purple Heart Combat/Infantry organization, the Ex-Prisoners of War organization, the Disabled American Veterans, and the American Defenders of Bataan. He had been a volunteer at the VA Butler Healthcare Center since 1988 and had volunteered over 38,000 hours. One of his favorite pastimes was helping other veterans.

For all that Mr. Abraham did during and after the war, I rise in support of this legislation to name this VA facility after him—a true American.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield 5 minutes to the gentleman from Butler, Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. I thank the gentleman.

Mr. Speaker, I rise in strong support of my bill, H.R. 5317. This is the designation of the Department of Veterans Affairs healthcare center in Center Township, Butler County, Pennsylvania, as the Abie Abraham VA Clinic, as amended, and I urge its adoption.

I never called him ''Abie.'' I always called him ''Sergeant'' or ''Mr. Abraham.'' I knew him, and he was not a very big man. If you were to see him, his stature, he was, probably, 5 feet, 5 inches or 5 feet, 6 inches. When I met him, it was a little bit later in life, and he never, ever bragged about his service. He never talked about it. I just knew him as a guy who lived in my hometown, as a guy who was a veteran, as a guy who was a prisoner of war; but then things started to unfold about what Mr. Abraham had endured. Now, I want you to think about this.

Once the Japanese attacked the Philippines and were able to take the peninsula at Bataan, Mr. Abraham survived the Bataan Death March. That was 6 days and 7 nights of endless marching without food, without water, without any type of medical care. He had been 3½ years interned in a Japanese prison camp. You heard what the doctor said and what Ms. BROWN said. This guy went through incredible pain and suffering to get there, but for as long as I knew him, he never bragged about it. He never said, ''This is what I did.'' I never knew until he wrote the book about the ghost of Bataan.

I sat down with him one night, and I said: Mr. Abraham, you never told me about this.

He said: Well, you didn't need to know about this. It is just something we all did.

Every American came forward and did what he could do during World War II and continued to do it. There are 1.4 million Americans in uniform who have given their lives so that this county could survive, so that our country could survive.

If you knew Abie Abraham the way I knew Abie Abraham and the way the people in my town knew Abie Abraham, he was totally selfless. His whole mission in life was to serve veterans. In 1988, he visited somebody in the VA hospital, and he decided, after that, to stay. He stayed and he stayed and he stayed—almost 37,000 hours of volunteer service.

When you look at his gravestone—and I was there when he was interred in Arlington—it reads: ''Born July 31, 1913. Died March 22, 2011.'' Yet they don't talk about the days in between. They don't talk about the minutes in between or about the hours in between or about the years in between—those 98 years he spent in service and, especially, the last years of his life.

If you were to have gone to the VA center in Butler, you would have seen he was there every morning at a quarter to 7. He was there to help people—to greet veterans, to let them know that they were appreciated. He used to tell people all the time, especially young people: When you meet a veteran, grab his or her hand and thank him for his service to America.

This is the type of America that I grew up in. I don't think it was unlike any other towns in America, and I don't think Mr. Abraham was different than any other citizen of America. They were just those types of people.

So now, for that veteran center to be named after Sergeant Abraham, I can't tell you the sense of pride it brings not only to the Abraham family and to my community in Butler, Pennsylvania, but to all of us, and to know that there are people out there who were willing to do these things, who were willing to sacrifice themselves. After being rescued—12,000 Americans were captured; he was 1 of 513 who survived. There were 12,000 who were captured, and 513 survived. The loss of life, the loss of future, the loss of enjoying a family—everything that life has to offer was taken from those people.

General MacArthur asked him: Abie, would you please stay and find those remains and dig them up so that you can bring some peace and comfort to those who died? Mrs. Abraham said Mr. Abraham would pray every night that the Lord would give him the strength to go out the next day because it was so horrible. He was digging up the remains, not of some people he didn't know, but of people who had actually been captured, of people he had marched with, of people he had tried to help get through this horrible time who had passed. His whole purpose in life was to bring peace to families, to bring peace to veterans, and to let them know how much he cared for them.

As a grateful country, we now have the opportunity to name a healthcare center after Sergeant Abie Abraham. He is truly somebody who befits the often said statement that there is only one office higher in our country than President, and that is that of patriot—not Republican, not Democrat, not Libertarian—patriot, American patriot. He was a man who loved peace and deplored the horrors of war but who never, ever tired in his service to his fellow servicemen, and he never, ever gave up. I can tell you, to his last day, Mr. Abraham thought about one thing every day, and that was about our men and women in uniform who gave their lives that this country—our country—could survive.

Do you know what? I know Mr. Abraham is looking down right now, and he is so happy that this facility is being named after him so that, for all time, he will be remembered.

Ms. BROWN of Florida. Mr. Speaker, I urge my colleagues to support H.R. 5317.

I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

As a fellow veteran, I can't think of anything that I would rather be doing this afternoon than naming this VA center for this incredible American hero. Once again, I encourage all of the Members to support this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. ROE) that the House suspend the rules and pass the bill, H.R. 5317, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VETERAN ENGAGEMENT TEAMS ACT

Mr. ROE of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3936) to direct the Secretary of Veterans Affairs to carry out a pilot program under which the Secretary carries out Veteran Engagement Team events where veterans can complete claims for disability compensation and pension under the laws administered by the Secretary, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veteran Engagement Teams Act'' or ''VET Act''.

SEC. 2. PILOT PROGRAM ON DEPARTMENT OF VETERANS AFFAIRS VETERAN ENGAGEMENT TEAM EVENTS.

(a) IN GENERAL.—

(1) PILOT PROGRAM.—Beginning not later than October 1, 2016, the Secretary of Veterans Affairs shall carry out a three-year pilot program under which the Secretary shall carry out events, to be known as ''Veteran Engagement Team events''. The Secretary shall ensure that such events are carried out—

(A) during the first year during which the Secretary carries out the pilot program, at least once a month in a location within the jurisdiction of each of 10 regional offices of the Department of Veterans Affairs, including at least two regional offices in each of the five districts of the Veterans Benefits Administration under the organization of such Administration in effect as of the date of the enactment of this Act; and

(B) during each of the second and third years during which the Secretary carries out the pilot program, at least once a month in a location within the jurisdiction of each of 15 regional offices of the Department, including at least three regional offices in each such district.

(2) VETERAN ENGAGEMENT TEAM EVENTS.—During each Veteran Engagement Team event, the Secretary shall provide assistance to veterans in completing and adjudicating claims for disability compensation under chapter 11 of title 38, United States Code, and for pension under chapter 15 of such title. The Secretary shall ensure that—

(A) all Veteran Engagement Team events occur during the normal business hours of the sponsoring regional office;

(B) the events are carried out at different locations within the jurisdiction of each regional office and at least 50 miles from any regional office;

(C) a sufficient number of physicians (to be available for opinions only), veteran service representatives and rating veteran service representatives, and other personnel are available at the events to initiate, update, and finalize the completion and adjudication of claims;

(D) veterans service organizations have access to the events for purposes of providing assistance to veterans; and

(E) a veteran who is unable to complete and adjudicate a claim at an event is informed of what additional information or actions are needed to finalize the claim.

(b) LOCATION.—In selecting locations for Veteran Engagement Team events under this section, the Secretary shall—

(1) coordinate with veteran service organizations and State and local veterans agencies; and

(2) seek to select locations that are community-based and easily accessible.

(c) TRANSFER OF PERSONNEL.—

(1) PHYSICIANS.—The Secretary may not permanently transfer any physician employed by the Veterans Health Administration for the purpose of staffing a Veteran Engagement Team event.

(2) PAYMENT OF SALARIES.—Any amount payable to an employee of the Department for work performed at a Veteran Engagement Team event is payable only from amounts otherwise available for the payment of the salary of the employee. No additional amounts are authorized to be appropriated under this section for the payment of salaries for Department employee.

(d) OTHER AUTHORITIES.—In carrying out the pilot program under this section, the Secretary may—

(1) coordinate with States, local governments, nonprofit organizations, and private sector entities to use facilities to host Veteran Engagement Team events for no or minimal costs; and

(2) accept, on a without compensation basis, services provided by non-Department physicians in rendering medical opinions relating to claims for compensation and pension.

(e) CUSTOMER SATISFACTION SURVEYS.—In carrying out the pilot program under this section, the Secretary shall collect and analyze information about the customer satisfaction of veterans who have received assistance at an Veteran Engagement Team event.

(f) REPORTS.—Not later than April 30, 2017, and annually thereafter beginning on October 1, 2017, for the duration of the program, the Secretary shall submit to Congress a report on the implementation and effectiveness of the events. Such report shall include—

(1) the number and types of claims completed and adjudicated at the events;

(2) the number and types of claims for which assistance was sought at the events that were not completed or adjudicated at the events and the reasons such claims were not completed or adjudicated; and

(3) an analysis of the customer satisfaction of veterans who have received assistance at an event based on the information collected under subsection (e).

SEC. 3. MODIFICATION TO LIMITATION ON AWARDS AND BONUSES.

Section 705 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 703 note) is amended to read as follows:

''SEC. 705. LIMITATION ON AWARDS AND BONUSES PAID TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

''The Secretary of Veterans Affairs shall ensure that the aggregate amount of awards and bonuses paid by the Secretary in a fiscal year under chapter 45 or 53 of title 5, United States Code, or any other awards or bonuses authorized under such title or title 38, United States Code, does not exceed the following amounts:

''(1) With respect to fiscal year 2017, $250,000,000.

''(2) With respect to each of fiscal years 2018 through 2024, $360,000,000.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. ROE) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to add extraneous material on H.R. 3936, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I rise and urge all Members to support H.R. 3936, as amended. H.R. 3936 would authorize a 3-year pilot program for Veteran Engagement Teams.

Veteran Engagement Teams allow the Department of Veterans Affairs' employees to meet one on one with veterans to help facilitate the claims process. Veteran Engagement Teams bring veterans and VA claims processors and physicians to help facilitate the claims process. The VA is currently testing a similar program that has proven to be both popular and successful. Allowing veterans to talk with VA employees face-to-face helps to reduce confusion and frustration with the VA's complicated claims process.

H.R. 3936, as amended, would require the VA to continue to provide this personal service to many veterans, which would reduce their frustration and confusion with the VA's complicated claims process.

I thank Mr. COSTELLO, a member of the Subcommittee on Disability Assistance and Memorial Affairs, for introducing this bill and for being an advocate for our veterans and their families.

I urge my colleagues to support H.R. 3936, as amended.

Mr. Speaker, I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of Mr. COSTELLO's bill, H.R. 3936, that would establish a 3-year pilot program to assist veterans in receiving timely decisions on their claims.

Under this administration, the VA has nearly eliminated the claims backlog. At the height of the backlog in 2013, there were more than 600,000 claims. Today, that number has been reduced to fewer than 75,000. The VA has made incredible strides on claims, and I applaud its hardworking staff who has made this happen. However, we also owe it to our veterans to look at and test new methods to improve services and continue refining the VA claims process. This legislation is a step in that direction.

However, I must note that the VA's success in the timely processing of claims has come at the cost of a new backlog—appeals. There is an appeals inventory of 450,000. The average wait for a veteran to have his appeal resolved is almost 5 years.

□ 1730

We need to address this in our closing legislative days. If we do not act now, the VA predicts veterans will have to wait 10 years for a decision on their appeal. Now, I know we all agree that that simply is unacceptable. I look forward to working in a bipartisan fashion to fix this issue immediately.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. COSTELLO), my friend and fellow member of the Veterans Affairs Committee.

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today to support my legislation, H.R. 3936, the VET Act, also known as the Veteran Engagement Teams Act.

I would first like to thank Congressman MIKE FITZPATRICK from Bucks County, Pennsylvania, and our staffers—Congressman FITZPATRICK's staffer Justin Rusk, and my senior legislative aide, Katharine Bruce—for all their hard work on the VET Act. I am proud to have introduced this legislation with them, and we would not be here today were it not for their important collaboration in this effort.

Mr. Speaker, the VET Act is a solution for the veteran who needs assistance navigating the Department of Veterans Affairs claims process. Many veterans struggle to navigate the VA's bureaucracy to submit their disability compensation or pension claims and to receive the benefits that they have earned.

The VET Act aims to solve this problem and, in the process, reduce wait times, possible miscommunications, and lost paperwork by taking VA employees out of the office and placing them in the community where they can provide area veterans with one-on-one assistance at Veteran Engagement Team events. The events would be carried out at least 50 miles from any regional office, and the Secretary would ensure that a sufficient number of physicians, veterans service representatives, and other personnel are present to initiate, update and finalize the completion and adjudication of claims. Pro bono services can also be provided at these events to help offer assistance to veterans from veteran service organizations. And the VA is instructed to coordinate with States, local governments, nonprofit organizations, and private-sector entities to secure community facilities at little or no cost, creating a so-called one-stop shop for veterans.

And this is the gist of the bill, Mr. Speaker: if a veteran is unable to complete their claim at a VET event, the legislation directs VA employees to provide clear next steps for the veteran. Many veterans express frustration about the lack of clarity from the VA, and subsequently we find ourselves, as the ranking member mentioned, with a claims backlog often due to remands. And veterans get bounced back and forth, perhaps not even knowing that they did not submit information that they have in their records but have not yet been told by the VA. This aims to eliminate that.

That is why under this legislation VA staff would be required to file reports that explain why claims were not completed, the number and types of claims that were completed, and customer satisfaction. Each of these steps is part of the solution to perfecting a claim, expediting its review, and avoiding unnecessary remands which clog up the claims docket. The goal is a more efficient system, Mr. Speaker. Transparency, timeliness, and accountability are the guiding principles of this bill.

The VET Act's method is already assisting veterans. American Legion Veterans Benefits Centers and regional VA claims clinics have tested VET events and found success, proving this legislation can restore trust between veterans and the VA.

It is also important to note the American Legion, Disabled American Veterans, Veterans of Foreign Wars, and Paralyzed Veterans of America have all voiced their support for this bill.

With over 45,000 veterans in my district, nearly 1 million in Pennsylvania and almost 22 million veterans in the United States, this legislation is a forward-looking solution that has the potential to assist many veterans across our country. Our veterans have earned their benefits, and this bill aims to make it easier for vets to file their claim and receive their benefits.

Finally, I would like to thank Chairman MILLER, the ranking member, and the House Veterans' Affairs Committee staff for their support and assistance and for ensuring this bill moved through the House this session.

Our veterans have waited long enough and House passage today puts us one step closer to this bill becoming law. I urge all of my colleagues to support H.R. 3936, the VET Act.

Ms. BROWN of Florida. Mr. Speaker, I urge my colleagues to support H.R. 3936.

I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I, too, want to thank Chairman MILLER, Ranking Member BROWN, and the members of the committee for all these bills we have passed this afternoon.

I encourage all Members to support H.R. 3936, as amended.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. ROE) that the House suspend the rules and pass the bill, H.R. 3936, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS ACT

Mr. YOUNG of Indiana. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5170) to encourage and support partnerships between the public and private sectors to improve our Nation's social programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Social Impact Partnerships to Pay for Results Act''.

SEC. 2. SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS ACT.

Section 403 of the Social Security Act (42 U.S.C. 603) is amended by adding at the end the following:

''(c) SOCIAL IMPACT DEMONSTRATION PROJECTS.—

''(1) PURPOSES.—The purposes of this subsection are the following:

''(A) To improve the lives of families and individuals in need in the United States by funding social programs that achieve real results.

''(B) To redirect funds away from programs that, based on objective data, are ineffective, and into programs that achieve demonstrable, measurable results.

''(C) To ensure Federal funds are used effectively on social services to produce positive outcomes for both service recipients and taxpayers.

''(D) To establish the use of social impact partnerships to address some of our Nation's most pressing problems.

''(E) To facilitate the creation of public-private partnerships that bundle philanthropic or other private resources with existing public spending to scale up effective social interventions already being implemented by private organizations, nonprofits, charitable organizations, and State and local governments across the country.

''(F) To bring pay-for-performance to the social sector, allowing the United States to improve the impact and effectiveness of vital social services programs while redirecting inefficient or duplicative spending.

''(G) To incorporate outcomes measurement and randomized controlled trials or other rigorous methodologies for assessing program impact.

''(2) SOCIAL IMPACT PARTNERSHIP APPLICATION.—

''(A) NOTICE.—Not later than 1 year after the date of the enactment of this subsection, the Secretary of the Treasury, in consultation with the Federal Interagency Council on Social Impact Partnerships, shall publish in the Federal Register a request for proposals from States or local government for social impact partnership projects in accordance with this paragraph.

''(B) REQUIRED OUTCOMES FOR SOCIAL IMPACT PARTNERSHIP PROJECT.—To qualify as a social impact partnership project under this subsection, a project must produce 1 or more measurable, clearly defined outcomes that result in social benefit and Federal savings through any of the following:

''(i) Increasing work and earnings by individuals who have been unemployed in the United States for more than 6 consecutive months.

''(ii) Increasing employment and earnings of individuals who have attained 16 years of age but not 25 years of age.

''(iii) Increasing employment among individuals receiving Federal disability benefits.

''(iv) Reducing the dependence of low-income families on Federal means-tested benefits.

''(v) Improving rates of high school graduation.

''(vi) Reducing teen and unplanned pregnancies.

''(vii) Improving birth outcomes and early childhood health and development among low-income families and individuals.

''(viii) Reducing rates of asthma, diabetes, or other preventable diseases among low-income families and individuals to reduce the utilization of emergency and other high-cost care.

''(ix) Increasing the proportion of children living in 2-parent families.

''(x) Reducing incidences and adverse consequences of child abuse and neglect.

''(xi) Reducing the number of youth in foster care by increasing adoptions, permanent guardianship arrangements, reunification, or placement with a fit and willing relative, or by avoiding placing children in foster care by ensuring they can be cared for safely in their own homes.

''(xii) Reducing the number of children and youth in foster care residing in group homes, child care institutions, agency-operated foster homes, or other non-family foster homes, unless it is determined that it is in the interest of the child's long-term health, safety, or psychological well-being to not be placed in a family foster home.

''(xiii) Reducing the number of children returning to foster care.

''(xiv) Reducing recidivism among juveniles, individuals released from prison, or other high-risk populations.

''(xv) Reducing the rate of homelessness among our most vulnerable populations.

''(xvi) Improving the health and well-being of those with mental, emotional, and behavioral health needs.

''(xvii) Improving the educational outcomes of special-needs or low-income children.

''(xviii) Improving the employment and well-being of returning United States military members.

''(xix) Increasing the financial stability of low-income families.

''(xx) Increasing the independence and employability of individuals who are physically or mentally disabled.

''(xxi) Other measurable outcomes defined by the State or local government that result in positive social outcomes and Federal savings.

''(C) APPLICATION REQUIRED.—The notice described in subparagraph (A) shall require a State or local government to submit an application for the social impact partnership project that addresses the following:

''(i) The outcome goals of the project.

''(ii) A description of each intervention in the project and anticipated outcomes of the intervention.

''(iii) Rigorous evidence demonstrating that the intervention can be expected to produce the desired outcomes.

''(iv) The target population that will be served by the project.

''(v) The expected social benefits to participants who receive the intervention and others who may be impacted.

''(vi) Projected Federal, State, and local government costs and other costs to conduct the project.

''(vii) Projected Federal, State, and local government savings and other savings, including an estimate of the savings to the Federal Government, on a program-by-program basis and in the aggregate, if the project is implemented and the outcomes are achieved.

''(viii) If savings resulting from the successful completion of the project are estimated to accrue to the State or local government, the likelihood of the State or local government to realize those savings.

''(ix) A plan for delivering the intervention through a social impact partnership model.

''(x) A description of the expertise of each service provider that will administer the intervention, including a summary of the experience of the service provider in delivering the proposed intervention or a similar intervention, or demonstrating that the service provider has the expertise necessary to deliver the proposed intervention.

''(xi) An explanation of the experience of the State or local government, the intermediary, or the service provider in raising private and philanthropic capital to fund social service investments.

''(xii) The detailed roles and responsibilities of each entity involved in the project, including any State or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

''(xiii) A summary of the experience of the service provider delivering the proposed intervention or a similar intervention, or a summary demonstrating the service provider has the expertise necessary to deliver the proposed intervention.

''(xiv) A summary of the unmet need in the area where the intervention will be delivered or among the target population who will receive the intervention.

''(xv) The proposed payment terms, the methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

''(xvi) The project budget.

''(xvii) The project timeline.

''(xviii) The criteria used to determine the eligibility of an individual for the project, including how selected populations will be identified, how they will be referred to the project, and how they will be enrolled in the project.

''(xix) The evaluation design.

''(xx) The metrics that will be used to determine whether the outcomes have been achieved and how the metrics will be measured.

''(xxi) An explanation of how the metrics used to determine whether the outcomes have been achieved are independent, objective indicators of impact and are not subject to manipulation by the service provider, intermediary, or investor.

''(xxii) A summary explaining the independence of the evaluator from the other entities involved in the project and the evaluator's experience in conducting rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials on the intervention or similar interventions.

''(xxiii) The capacity of the service provider to deliver the intervention to the number of participants the State or local government proposes to serve in the project.

''(D) PROJECT INTERMEDIARY INFORMATION REQUIRED.—The application described in subparagraph (C) shall also contain the following information about any intermediary for the social impact partnership project (whether an intermediary is a service provider or other entity):

''(i) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

''(ii) The mission and goals.

''(iii) Information on whether the intermediary is already working with service providers that provide this intervention or an explanation of the capacity of the intermediary to begin working with service providers to provide the intervention.

''(iv) Experience working in a collaborative environment across government and nongovernmental entities.

''(v) Previous experience collaborating with public or private entities to implement evidence-based programs.

''(vi) Ability to raise or provide funding to cover operating costs (if applicable to the project).

''(vii) Capacity and infrastructure to track outcomes and measure results, including—

''(I) capacity to track and analyze program performance and assess program impact; and

''(II) experience with performance-based awards or performance-based contracting and achieving project milestones and targets.

''(viii) Role in delivering the intervention.

''(ix) How the intermediary would monitor program success, including a description of the interim benchmarks and outcome measures.

''(E) FEASIBILITY STUDIES FUNDED THROUGH OTHER SOURCES.—The notice described in subparagraph (A) shall permit a State or local government to submit an application for social impact partnership funding that contains information from a feasibility study developed for purposes other than applying for funding under this subsection.

''(3) AWARDING SOCIAL IMPACT PARTNERSHIP AGREEMENTS.—

''(A) TIMELINE IN AWARDING AGREEMENT.—Not later than 6 months after receiving an application in accordance with paragraph (2), the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, shall determine whether to enter into an agreement for a social impact partnership project with a State or local government.

''(B) CONSIDERATIONS IN AWARDING AGREEMENT.—In determining whether to enter into an agreement for a social impact partnership project (the application for which was submitted under paragraph (2)) the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships (established by paragraph (6)) and the head of any Federal agency administering a similar intervention or serving a population similar to that served by the project, shall consider each of the following:

''(i) The recommendations made by the Commission on Social Impact Partnerships.

''(ii) The value to the Federal Government of the outcomes expected to be achieved if the outcomes specified in the agreement are achieved.

''(iii) The likelihood, based on evidence provided in the application and other evidence, that the State or local government in collaboration with the intermediary and the service providers will achieve the outcomes.

''(iv) The savings to the Federal Government if the outcomes specified in the agreement are achieved.

''(v) The savings to the State and local governments if the outcomes specified in the agreement are achieved.

''(vi) The expected quality of the evaluation that would be conducted with respect to the agreement.

''(C) AGREEMENT AUTHORITY.—

''(i) AGREEMENT REQUIREMENTS.—In accordance with this paragraph, the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a similar intervention or serving a population similar to that served by the project, may enter into an agreement for a social impact partnership project with a State or local government if the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, determines that each of the following requirements are met:

''(I) The State or local government agrees to achieve 1 or more outcomes specified in the agreement in order to receive payment.

''(II) The Federal payment to the State or local government for each outcome specified is less than or equal to the value of the outcome to the Federal Government over a period not to exceed 10 years, as determined by the Secretary, in consultation with the State or local government.

''(III) The duration of the project does not exceed 10 years.

''(IV) The State or local government has demonstrated, through the application submitted under paragraph (2), that, based on prior rigorous experimental evaluations or rigorous quasi-experimental studies, the intervention can be expected to achieve each outcome specified in the agreement.

''(V) The State, local government, intermediary, or service provider has experience raising private or philanthropic capital to fund social service investments (if applicable to the project).

''(VI) The State or local government has shown that each service provider has experience delivering the intervention, a similar intervention, or has otherwise demonstrated the expertise necessary to deliver the intervention.

''(ii) PAYMENT.—The Secretary shall pay the State or local government only if the independent evaluator described in paragraph (5) determines that the social impact partnership project has met the requirements specified in the agreement and achieved an outcome specified in the agreement.

''(D) NOTICE OF AGREEMENT AWARD.—Not later than 30 days after entering into an agreement under this paragraph, the Secretary shall publish a notice in the Federal Register that includes, with regard to the agreement, the following:

''(i) The outcome goals of the social impact partnership project.

''(ii) A description of each intervention in the project.

''(iii) The target population that will be served by the project.

''(iv) The expected social benefits to participants who receive the intervention and others who may be impacted.

''(v) The detailed roles, responsibilities, and purposes of each Federal, State, or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

''(vi) The payment terms, the methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

''(vii) The project budget.

''(viii) The project timeline.

''(ix) The project eligibility criteria.

''(x) The evaluation design.

''(xi) The metrics that will be used to determine whether the outcomes have been achieved and how these metrics will be measured.

''(xii) The estimate of the savings to the Federal, State, and local government, on a program-by-program basis and in the aggregate, if the agreement is entered into and implemented and the outcomes are achieved.

''(E) AUTHORITY TO TRANSFER ADMINISTRATION OF AGREEMENT.—The Secretary may transfer to the head of another Federal agency the authority to administer (including making payments under) an agreement entered into under subparagraph (C), and any funds necessary to do so.

''(F) REQUIREMENT ON FUNDING USED TO BENEFIT CHILDREN.—Not less than 50 percent of all Federal payments made to carry out agreements under this paragraph shall be used for initiatives that directly benefit children.

''(4) FEASIBILITY STUDY FUNDING.—

''(A) REQUESTS FOR FUNDING FOR FEASIBILITY STUDIES.—The Secretary shall reserve a portion of the amount reserved to carry out this subsection to assist States or local governments in developing feasibility studies to apply for social impact partnership funding under paragraph (2). To be eligible to receive funding to assist with completing a feasibility study, a State or local government shall submit an application for feasibility study funding addressing the following:

''(i) A description of the outcome goals of the social impact partnership project.

''(ii) A description of the intervention, including anticipated program design, target population, an estimate regarding the number of individuals to be served, and setting for the intervention.

''(iii) Evidence to support the likelihood that the intervention will produce the desired outcomes.

''(iv) A description of the potential metrics to be used.

''(v) The expected social benefits to participants who receive the intervention and others who may be impacted.

''(vi) Estimated costs to conduct the project.

''(vii) Estimates of Federal, State, and local government savings and other savings if the project is implemented and the outcomes are achieved.

''(viii) An estimated timeline for implementation and completion of the project, which shall not exceed 10 years.

''(ix) With respect to a project for which the State or local government selects an intermediary to operate the project, any partnerships needed to successfully execute the project and the ability of the intermediary to foster the partnerships.

''(x) The expected resources needed to complete the feasibility study for the State or local government to apply for social impact partnership funding under paragraph (2).

''(B) FEDERAL SELECTION OF APPLICATIONS FOR FEASIBILITY STUDY.—Not later than 6 months after receiving an application for feasibility study funding under subparagraph (A), the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a similar intervention or serving a population similar to that served by the project, shall select State or local government feasibility study proposals for funding based on the following:

''(i) The recommendations made by the Commission on Social Impact Partnerships.

''(ii) The likelihood that the proposal will achieve the desired outcomes.

''(iii) The value of the outcomes expected to be achieved.

''(iv) The potential savings to the Federal Government if the social impact partnership project is successful.

''(v) The potential savings to the State and local governments if the project is successful.

''(C) PUBLIC DISCLOSURE.—Not later than 30 days after selecting a State or local government for feasibility study funding under this paragraph, the Secretary shall cause to be published on the website of the Federal Interagency Council on Social Impact Partnerships information explaining why a State or local government was granted feasibility study funding.

''(D) FUNDING RESTRICTION.—

''(i) FEASIBILITY STUDY RESTRICTION.—The Secretary may not provide feasibility study funding under this paragraph for more than 50 percent of the estimated total cost of the feasibility study reported in the State or local government application submitted under subparagraph (A).

''(ii) AGGREGATE RESTRICTION.—Of the total amount reserved to carry out this subsection, the Secretary may not use more than $10,000,000 to provide feasibility study funding to States or local governments under this paragraph.

''(iii) NO GUARANTEE OF FUNDING.—The Secretary shall have the option to award no funding under this paragraph.

''(E) SUBMISSION OF FEASIBILITY STUDY REQUIRED.—Not later than 9 months after the receipt of feasibility study funding under this paragraph, a State or local government receiving the funding shall complete the feasibility study and submit the study to the Federal Interagency Council on Social Impact Partnerships.

''(F) DELEGATION OF AUTHORITY.—The Secretary may transfer to the head of another Federal agency the authorities provided in this paragraph and any funds necessary to exercise the authorities.

''(5) EVALUATIONS.—

''(A) AUTHORITY TO ENTER INTO AGREEMENTS.—For each State or local government awarded a social impact partnership project approved by the Secretary under this subsection, the head of the relevant agency, as determined by the Federal Interagency Council on Social Impact Partnerships, shall enter into an agreement with the State or local government to pay for all or part of the independent evaluation to determine whether the State or local government project has met an outcome specified in the agreement in order for the State or local government to receive outcome payments under this subsection.

''(B) EVALUATOR QUALIFICATIONS.—The head of the relevant agency may not enter into an agreement with a State or local government unless the head determines that the evaluator is independent of the other parties to the agreement and has demonstrated substantial experience in conducting rigorous evaluations of program effectiveness including, where available and appropriate, well-implemented randomized controlled trials on the intervention or similar interventions.

''(C) METHODOLOGIES TO BE USED.—The evaluation used to determine whether a State or local government will receive outcome payments under this subsection shall use experimental designs using random assignment or other reliable, evidence-based research methodologies, as certified by the Federal Interagency Council on Social Impact Partnerships, that allow for the strongest possible causal inferences when random assignment is not feasible.

''(D) PROGRESS REPORT.—

''(i) SUBMISSION OF REPORT.—The independent evaluator shall—

''(I) not later than 2 years after a project has been approved by the Secretary and biannually thereafter until the project is concluded, submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report summarizing the progress that has been made in achieving each outcome specified in the agreement; and

''(II) before the scheduled time of the first outcome payment and before the scheduled time of each subsequent payment, submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report that includes the results of the evaluation conducted to determine whether an outcome payment should be made along with information on the unique factors that contributed to achieving or failing to achieve the outcome, the challenges faced in attempting to achieve the outcome, and information on the improved future delivery of this or similar interventions.

''(ii) SUBMISSION TO CONGRESS.—Not later than 30 days after receipt of the written report pursuant to clause (i)(II), the Federal Interagency Council on Social Impact Partnerships shall submit the report to each committee of jurisdiction in the House of Representatives and the Senate.

''(E) FINAL REPORT.—

''(i) SUBMISSION OF REPORT.—Within 6 months after the social impact partnership project is completed, the independent evaluator shall—

''(I) evaluate the effects of the activities undertaken pursuant to the agreement with regard to each outcome specified in the agreement; and

''(II) submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report that includes the results of the evaluation and the conclusion of the evaluator as to whether the State or local government has fulfilled each obligation of the agreement, along with information on the unique factors that contributed to the success or failure of the project, the challenges faced in attempting to achieve the outcome, and information on the improved future delivery of this or similar interventions.

''(ii) SUBMISSION TO CONGRESS.—Not later than 30 days after receipt of the written report pursuant to clause (i)(II), the Federal Interagency Council on Social Impact Partnerships shall submit the report to each committee of jurisdiction in the House of Representatives and the Senate.

''(F) LIMITATION ON COST OF EVALUATIONS.—Of the amount reserved under this subsection for social impact partnership projects, the Secretary may not obligate more than 15 percent to evaluate the implementation and outcomes of the projects.

''(G) DELEGATION OF AUTHORITY.—The Secretary may transfer to the head of another Federal agency the authorities provided in this paragraph and any funds necessary to exercise the authorities.

''(6) FEDERAL INTERAGENCY COUNCIL ON SOCIAL IMPACT PARTNERSHIPS.—

''(A) ESTABLISHMENT.—There is established the Federal Interagency Council on Social Impact Partnerships (in this paragraph referred to as the 'Council') to—

''(i) coordinate the efforts of social impact partnership projects funded under this subsection;

''(ii) advise and assist the Secretary in the development and implementation of the projects;

''(iii) advise the Secretary on specific programmatic and policy matter related to the projects;

''(iv) provide subject-matter expertise to the Secretary with regard to the projects;

''(v) ensure that each State or local government that has entered into an agreement with the Secretary for a social impact partnership project under this subsection and each evaluator selected by the head of the relevant agency under paragraph (5) has access to Federal administrative data to assist the State or local government and the evaluator in evaluating the performance and outcomes of the project;

''(vi) address issues that will influence the future of social impact partnership projects in the United States;

''(vii) provide guidance to the executive branch on the future of social impact partnership projects in the United States;

''(viii) review State and local government applications for social impact partnerships to ensure that agreements will only be awarded under this subsection when rigorous, independent data and reliable, evidence-based research methodologies support the conclusion that an agreement will yield savings to the Federal Government if the project outcomes are achieved before the applications are approved by the Secretary;

''(ix) certify, in the case of each approved social impact partnership, that the project will yield a projected savings to the Federal Government if the project outcomes are achieved, and coordinate with the relevant Federal agency to produce an after-action accounting once the project is complete to determine the actual Federal savings realized, and the extent to which actual savings aligned with projected savings; and

''(x) provide oversight of the actions of the Secretary and other Federal officials under this subsection and report periodically to Congress and the public on the implementation of this subsection.

''(B) COMPOSITION OF COUNCIL.—The Council shall have 11 members, as follows:

''(i) CHAIR.—The Chair of the Council shall be the Director of the Office of Management and Budget.

''(ii) OTHER MEMBERS.—The head of each of the following entities shall designate 1 officer or employee of the entity to be a Council member:

''(I) The Department of Labor.

''(II) The Department of Health and Human Services.

''(III) The Social Security Administration.

''(IV) The Department of Agriculture.

''(V) The Department of Justice.

''(VI) The Department of Housing and Urban Development.

''(VII) The Department of Education.

''(VIII) The Department of Veterans Affairs.

''(IX) The Department of the Treasury.

''(X) The Corporation for National and Community Service.

''(7) COMMISSION ON SOCIAL IMPACT PARTNERSHIPS.—

''(A) ESTABLISHMENT.—There is established the Commission on Social Impact Partnerships (in this paragraph referred to as the 'Commission').

''(B) DUTIES.—The duties of the Commission shall be to—

''(i) assist the Secretary and the Federal Interagency Council on Social Impact Partnerships in reviewing applications for funding under this subsection;

''(ii) make recommendations to the Secretary and the Federal Interagency Council on Social Impact Partnerships regarding the funding of social impact partnership agreements and feasibility studies; and

''(iii) provide other assistance and information as requested by the Secretary or the Federal Interagency Council on Social Impact Partnerships.

''(C) COMPOSITION.—The Commission shall be composed of 9 members, of whom—

''(i) 1 shall be appointed by the President, who will serve as the Chair of the Commission;

''(ii) 1 shall be appointed by the Majority Leader of the Senate;

''(iii) 1 shall be appointed by the Minority Leader of the Senate;

''(iv) 1 shall be appointed by the Speaker of the House of Representatives;

''(v) 1 shall be appointed by the Minority Leader of the House of Representatives;

''(vi) 1 shall be appointed by the Chairman of the Committee on Finance of the Senate;

''(vii) 1 shall be appointed by the ranking member of the Committee on Finance of the Senate;

''(viii) 1 member shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives; and

''(ix) 1 shall be appointed by the ranking member of the Committee on Ways and Means of the House of Representatives.

''(D) QUALIFICATIONS OF COMMISSION MEMBERS.—The members of the Commission shall—

''(i) be experienced in finance, economics, pay for performance, or program evaluation;

''(ii) have relevant professional or personal experience in a field related to 1 or more of the outcomes listed in this subsection; or

''(iii) be qualified to review applications for social impact partnership projects to determine whether the proposed metrics and evaluation methodologies are appropriately rigorous and reliant upon independent data and evidence-based research.

''(E) TIMING OF APPOINTMENTS.—The appointments of the members of the Commission shall be made not later than 120 days after the date of the enactment of this subsection, or, in the event of a vacancy, not later than 90 days after the date the vacancy arises. If a member of Congress fails to appoint a member by that date, the President may select a member of the President's choice on behalf of the member of Congress. Notwithstanding the preceding sentence, if not all appointments have been made to the Commission as of that date, the Commission may operate with no fewer than 5 members until all appointments have been made.

''(F) TERM OF APPOINTMENTS.—

''(i) IN GENERAL.—The members appointed under subparagraph (C) shall serve as follows:

''(I) 3 members shall serve for 2 years.

''(II) 3 members shall serve for 3 years.

''(III) 3 members (1 of which shall be Chair of the Commission appointed by the President) shall serve for 4 years.

''(ii) ASSIGNMENT OF TERMS.—The Commission shall designate the term length that each member appointed under subparagraph (C) shall serve by unanimous agreement. In the event that unanimous agreement cannot be reached, term lengths shall be assigned to the members by a random process.

''(G) VACANCIES.—Subject to subparagraph (E), in the event of a vacancy in the Commission, whether due to the resignation of a member, the expiration of a member's term, or any other reason, the vacancy shall be filled in the manner in which the original appointment was made and shall not affect the powers of the Commission.

''(H) APPOINTMENT POWER.—Members of the Commission appointed under subparagraph (C) shall not be subject to confirmation by the Senate.

''(8) LIMITATION ON USE OF FUNDS.—Of the amounts reserved to carry out this subsection, the Secretary may not use more than $2,000,000 in any fiscal year to support the review, approval, and oversight of social impact partnership projects, including activities conducted by—

''(A) the Federal Interagency Council on Social Impact Partnerships; and

''(B) any other agency consulted by the Secretary before approving a social impact partnership project or a feasibility study under paragraph (4).

''(9) NO FEDERAL FUNDING FOR CREDIT ENHANCEMENTS.—No amount reserved to carry out this subsection may be used to provide any insurance, guarantee, or other credit enhancement to a State or local government under which a Federal payment would be made to a State or local government as the result of a State or local government failing to achieve an outcome specified in a contract.

''(10) AVAILABILITY OF FUNDS.—Amounts reserved to carry out this subsection shall remain available until 10 years after the date of the enactment of this subsection.

''(11) WEBSITE.—The Federal Interagency Council on Social Impact Partnerships shall establish and maintain a public website that shall display the following:

''(A) A copy of, or method of accessing, each notice published regarding a social impact partnership project pursuant to this subsection.

''(B) A copy of each feasibility study funded under this subsection.

''(C) For each State or local government that has entered into an agreement with the Secretary for a social impact partnership project, the website shall contain the following information:

''(i) The outcome goals of the project.

''(ii) A description of each intervention in the project.

''(iii) The target population that will be served by the project.

''(iv) The expected social benefits to participants who receive the intervention and others who may be impacted.

''(v) The detailed roles, responsibilities, and purposes of each Federal, State, or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

''(vi) The payment terms, methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

''(vii) The project budget.

''(viii) The project timeline.

''(ix) The project eligibility criteria.

''(x) The evaluation design.

''(xi) The metrics used to determine whether the proposed outcomes have been achieved and how these metrics are measured.

''(D) A copy of the progress reports and the final reports relating to each social impact partnership project.

''(E) An estimate of the savings to the Federal, State, and local government, on a program-by-program basis and in the aggregate, resulting from the successful completion of the social impact partnership project.

''(12) REGULATIONS.—The Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, may issue regulations as necessary to carry out this subsection.

''(13) DEFINITIONS.—In this subsection:

''(A) AGENCY.—The term 'agency' has the meaning given that term in section 551 of title 5, United States Code.

''(B) INTERVENTION.—The term 'intervention' means a specific service delivered to achieve an impact through a social impact partnership project.

''(C) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(D) SOCIAL IMPACT PARTNERSHIP PROJECT.—The term 'social impact partnership project' means a project that finances social services using a social impact partnership model.

''(E) SOCIAL IMPACT PARTNERSHIP MODEL.—The term 'social impact partnership model' means a method of financing social services in which—

''(i) Federal funds are awarded to a State or local government only if a State or local government achieves certain outcomes agreed on by the State or local government and the Secretary; and

''(ii) the State or local government coordinates with service providers, investors (if applicable to the project), and (if necessary) an intermediary to identify—

''(I) an intervention expected to produce the outcome;

''(II) a service provider to deliver the intervention to the target population; and

''(III) investors to fund the delivery of the intervention.

''(F) STATE.—The term 'State' means each State of the United States, the District of Columbia, each commonwealth, territory or possession of the United States, and each federally recognized Indian tribe.

''(14) FUNDING.—Of the amounts made available to carry out subsection (b) for fiscal year 2017, the Secretary shall reserve $100,000,000 to carry out this subsection.''.

SEC. 3. EXTENSION OF TANF PROGRAM.

(a) FAMILY ASSISTANCE GRANTS.—Section 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1)) is amended in each of subparagraphs (A) and (C), by striking ''2012'' and inserting ''2017''.

(b) HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.—Section

403(a)(2)(D) of such Act (42 U.S.C. 603(a)(2)(D)) is amended by striking ''2012'' each place it appears and inserting ''2017''.

(c) TRIBAL GRANTS.—Section 412(a) of such Act (42 U.S.C. 612(a)) is amended in each of paragraphs (1)(A) and (2)(A) by striking ''2012'' and inserting ''2017''.

(d) CHILD CARE ENTITLEMENT.—Section 418(a)(3) of such Act (42 U.S.C. 618(a)(3)) is amended by striking ''2012'' and inserting ''2017''.

(e) GRANTS TO THE TERRITORIES.—Section 1108(b)(2) of such Act (42 U.S.C. 1308(b)(2)) is amended by striking ''2012'' and inserting ''2017''.

SEC. 4. STRENGTHENING WELFARE RESEARCH AND EVALUATION AND DEVELOPMENT OF A WHAT WORKS CLEARINGHOUSE.

(a) IN GENERAL.—Section 413 of the Social Security Act (42 U.S.C. 613) is amended to read as follows:

''SEC. 413. EVALUATION OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AND RELATED PROGRAMS.

''(a) EVALUATION OF THE IMPACTS OF TANF.—The Secretary shall conduct research on the effect of State programs funded under this part and any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) on employment, self-sufficiency, child well-being, unmarried births, marriage, poverty, economic mobility, and other factors as determined by the Secretary.

''(b) EVALUATION OF GRANTS TO IMPROVE CHILD WELL-BEING BY PROMOTING HEALTHY MARRIAGE AND RESPONSIBLE FATHERHOOD.—The Secretary shall conduct research to determine the effects of the grants made under section 403(a)(2) on child well-being, marriage, family stability, economic mobility, poverty, and other factors as determined by the Secretary.

''(c) DISSEMINATION OF INFORMATION.—The Secretary shall, in consultation with States receiving funds provided under this part, develop methods of disseminating information on any research, evaluation, or study conducted under this section, including facilitating the sharing of information and best practices among States and localities.

''(d) STATE-INITIATED EVALUATIONS.—A State shall be eligible to receive funding to evaluate the State program funded under this part or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) if—

''(1) the State submits to the Secretary a description of the proposed evaluation;

''(2) the Secretary determines that the design and approach of the proposed evaluation is rigorous and is likely to yield information that is credible and will be useful to other States; and

''(3) unless waived by the Secretary, the State contributes to the cost of the evaluation, from non-Federal sources, an amount equal to at least 25 percent of the cost of the proposed evaluation.

''(e) CENSUS BUREAU RESEARCH.—

''(1) The Bureau of the Census shall implement or enhance household surveys of program participation, in consultation with the Secretary and the Burueau of Labor Statistics and made available to interested parties, to allow for the assessment of the outcomes of continued welfare reform on the economic and child well-being of low-income families with children, including those who received assistance or services from a State program funded under this part or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)). The content of the surveys should include such information as may be necessary to examine the issues of unmarried childbearing, marriage, welfare dependency and compliance with work requirements, the beginning and ending of spells of assistance, work, earnings and employment stability, and the well-being of children.

''(2) To carry out the activities specified in paragraph (1), the Bureau of the Census, the Secretary, and the Bureau of Labor Statistics shall consider ways to improve the surveys and data derived from the surveys to—

''(A) address underreporting of the receipt of means-tested benefits and tax benefits for low-income individuals and families;

''(B) increase understanding of poverty spells and long-term poverty, including by facilitating the matching of information to better understand intergenerational poverty;

''(C) generate a better geographical understanding of poverty such as through State-based estimates and measures of neighborhood poverty;

''(D) increase understanding of the effects of means-tested benefits and tax benefits on the earnings of low-income families; and

''(E) improve how poverty and economic well-being are measured, including through the use of consumption measures.

''(f) RESEARCH AND EVALUATION CONDUCTED UNDER THIS SECTION.—Research and evaluation conducted under this section designed to determine the effects of a program or policy (other than research conducted under subsection (e)) shall use experimental designs using random assignment or other reliable, evidence-based research methodologies that allow for the strongest possible causal inferences when random assignment is not feasible.

''(g) DEVELOPMENT OF WHAT WORKS CLEARINGHOUSE OF PROVEN AND PROMISING APPROACHES TO MOVE WELFARE RECIPIENTS INTO WORK.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Labor, shall develop a database (which shall be referred to as the 'What Works Clearinghouse of Proven and Promising Projects to Move Welfare Recipients into Work') of the projects that used a proven approach or a promising approach in moving welfare recipients into work, based on independent, rigorous evaluations of the projects. The database shall include a separate listing of projects that used a developmental approach in delivering services and a further separate listing of the projects with no or negative effects. The Secretary shall add to the What Works Clearinghouse of Proven and Promising Projects to Move Welfare Recipients into Work data about the projects that, based on an independent, well-conducted experimental evaluation of a program or project, using random assignment or other research methodologies that allow for the strongest possible causal inferences, have shown they are proven, promising, developmental, or ineffective approaches.

''(2) CRITERIA FOR EVIDENCE OF EFFECTIVENESS OF APPROACH.—The Secretary, in consultation with the Secretary of Labor and organizations with experience in evaluating research on the effectiveness of various approaches in delivering services to move welfare recipients into work, shall—

''(A) establish criteria for evidence of effectiveness; and

''(B) ensure that the process for establishing the criteria—

''(i) is transparent;

''(ii) is consistent across agencies;

''(iii) provides opportunity for public comment; and

''(iv) takes into account efforts of Federal agencies to identify and publicize effective interventions, including efforts at the Department of Health and Human Services, the Department of Education, and the Department of Justice.

''(3) DEFINITIONS.—In this subsection:

''(A) APPROACH.—The term 'approach' means a process, product, strategy, or practice that is—

''(i) research-based, based on the results of 1 or more empirical studies, and linked to program-determined outcomes; and

''(ii) evaluated using rigorous research designs.

''(B) PROVEN APPROACH.—The term 'proven approach' means an approach that—

''(i) meets the requirements of a promising approach; and

''(ii) has demonstrated significant positive outcomes at more than 1 site in terms of increasing work and earnings of participants, reducing poverty and dependence, or strengthening families.

''(C) PROMISING APPROACH.—The term 'promising approach' means an approach—

''(i) that meets the requirements of subparagraph (D)(i);

''(ii) that has been evaluated using well-designed and rigorous randomized controlled or quasi-experimental research designs;

''(iii) that has demonstrated significant positive outcomes at only 1 site in terms of increasing work and earnings of participants, reducing poverty and dependence, or strengthening families; and

''(iv) under which the benefits of the positive outcomes have exceeded the costs of achieving the outcomes.

''(D) DEVELOPMENTAL APPROACH.—The term 'developmental approach' means an approach that—

''(i) is research-based, grounded in relevant empirically-based knowledge, and linked to program-determined outcomes;

''(ii) is evaluated using rigorous research designs; and

''(iii) has yet to demonstrate a significant positive outcome in terms of increasing work and earnings of participants in a cost-effective way.

''(h) APPROPRIATION.—

''(1) IN GENERAL.—Of the amount appropriated by section 403(a)(1) for each fiscal year, 0.33 percent shall be available for research and evaluation under this section.

''(2) ALLOCATION.—Of the amount made available under paragraph (1) for each fiscal year, the Secretary shall make available $10,000,000 plus such additional amount as the Secretary deems necessary and appropriate, to carry out subsection (e).''.

(b) CONFORMING AMENDMENT.—Section 403(a)(1)(B) of such Act (42 U.S.C. 603(a)(1)(B)) is amended by inserting '', reduced by the percentage specified in section 413(h) with respect to the fiscal year,'' before ''as the amount''.

SEC. 5. TECHNICAL CORRECTIONS TO DATA EXCHANGE STANDARDS TO IMPROVE PROGRAM COORDINATION.

(a) IN GENERAL.—Section 411(d) of the Social Security Act (42 U.S.C. 611(d)) is amended to read as follows:

''(d) DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.—

''(1) DESIGNATION.—The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, by rule, designate data exchange standards to govern, under this part—

''(A) necessary categories of information that State agencies operating programs

under State plans approved under this part are required under applicable Federal law to electronically exchange with another State agency; and

''(B) Federal reporting and data exchange required under applicable Federal law.

''(2) REQUIREMENTS.—The data exchange standards required by paragraph (1) shall, to the extent practicable—

''(A) incorporate a widely accepted, nonproprietary, searchable, computer-readable format, such as the eXtensible Markup Language;

''(B) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;

''(C) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;

''(D) be consistent with and implement applicable accounting principles;

''(E) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

''(F) be capable of being continually upgraded as necessary.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a change to existing data exchange standards found to be effective and efficient.''.

(b) EFFECTIVE DATE.—Not later than the date that is 24 months after the date of the enactment of this section, the Secretary of Health and Human Services shall issue a proposed rule that—

(1) identifies federally required data exchanges, include specification and timing of exchanges to be standardized, and address the factors used in determining whether and when to standardize data exchanges; and

(2) specifies State implementation options and describes future milestones.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 2016.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. YOUNG) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. YOUNG of Indiana. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material on H.R. 5170, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. YOUNG of Indiana. Mr. Speaker, I yield myself such time as I may consume.

For all our best intentions, we too often see government programs fail both the constituencies they are intended to help and the taxpayers who fund them.

Thousands of families across this country continue to be trapped, generation after generation, in programs that were well intended but are now ineffective or outdated. Our social safety net has instead become a poverty trap and not the springboard to prosperity we once envisioned.

Our constituents, all Americans, deserve better. They need their Federal Government working together with their communities to focus on how we can help members of our society successfully climb that ladder out of poverty, not just check them off as another individual served.

By changing the Federal Government's definition of success in Federal social programs, from inputs to actual outcomes, we can help our fellow Americans overcome the root causes of poverty and seize economic opportunities to work and provide for our families. It is this shift in focus, this focus from inputs to outcomes, that could substantially transform our safety net to better serve our most vulnerable.

The Social Impact Partnerships to Pay for Results Act does just that. It empowers States, local governments, nonprofits, and the private sector to scale up evidence-based interventions that address our Nation's most pressing social challenges.

This legislation would foster the creation of public-private partnerships that harness philanthropic and other private-sector investments so we can expand and replicate scientifically proven social and public health programs. Because social impact partnerships are focused on achieving real results, government dollars are paid out only when desired outcomes are met.

Furthermore, this legislation would reauthorize the Temporary Assistance for Needy Families program at current spending levels for 1 year as well as build evidence on our efforts to help our most needy families find jobs and achieve self-sufficiency by cataloging the best evidence-based approaches.

The What Works Clearinghouse would make it easier for States to know which approaches have been tested using independent, rigorous evaluations and, based on those results, an understanding of their effectiveness in achieving positive results for individuals and families.

By cataloging the different approaches States are taking in helping welfare recipients move into work, we can help empower well-intentioned policymakers across all levels of government to improve lives through evidence-based policymaking.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Temporary Assistance for Needy Families, TANF, program expires at the end of September. We need to extend this program, and this legislation accomplishes that goal; but we have so much more to do.

Once TANF is temporarily extended, our committee and this Congress should work toward a more comprehensive review and reauthorization of the program. We need to make sure that spending under TANF is focused on the core missions of helping needy families and promoting work. We need to further open opportunities to education and training so that TANF recipients can prepare for and find good jobs. And we need to ensure that adequate child care and other supports are available for low-income parents in the workforce.

Of course, if we are serious about reducing poverty, improving TANF must be part of a broader agenda that seeks to help Americans endeavoring to help themselves. We should substantially increase the minimum wage for hard-working Americans, expanding the earned income tax credit to childless workers, and expanding access to affordable housing. By the way, those are inputs that relate to outputs and outcomes. And we should be building on successful programs like the Supplemental Nutrition Assistance Program, the Social Services Block Grant, and the Affordable Care Act.

Instead, the agenda we have seen from the Republican leadership of this House is to block meaningful improvements or, even worse, to gut programs that now provide opportunities for Americans. Eliminating the Social Services Block Grant, as Republicans propose, will make child care less available, making it harder for low-income parents to go to work. Cutting funding for education and training, as the Republican budget suggests, would have the same effect of blocking a path to work. And repealing the Affordable Care Act, as Republicans have voted repeatedly to do, would make it harder for people to move into work and to move between jobs. Republicans say they support work, but time and time again, they oppose work supports.

The programs that arose out of the war on poverty reduced poverty by over 40 percent, despite erroneous claims to the contrary by some of our Republican colleagues. However, at the same time, we still have 47 million Americans who live in poverty. These struggling families deserve real action, not more of the same old failed policies and empty rhetoric that we have heard in the report from the Republican House Poverty Task Force several weeks ago. And they certainly deserve better than huge cuts to programs they depend on.

Mr. Speaker, I support this bill because it extends the TANF program, a necessary program for low-income families. The bill also includes a 1-year allocation to test social impact partnerships in which the private, nonprofit, and government sectors attempt to come together to address certain social problems.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent that the balance of my time be managed by the gentleman from Texas (Mr. DOGGETT), ranking member of the Ways and Means Subcommittee on Human Resources.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. YOUNG of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. REED).

Mr. REED. Mr. Speaker, I rise in strong support of this legislation. As someone who was raised by a single mother when my father passed when I was 2 years old, and having 11 older brothers and sisters, poverty is something that I know firsthand and that we have seen firsthand in our household.

As we go forward and we deal with extending TANF cash welfare for 1 year, I think what Mr. YOUNG of Indiana has done is try to put forward innovative ideas that change the dialogue, that change the debate when it comes to our antipoverty measures out of Washington, D.C.

Mr. Speaker, no longer should we measure the success of a program just by the amount of money we spend on that program, but measure it by the lives that are positively changed.

□ 1745

That is what this social impact bonding legislation is all about. It is rewarding and standing with people who are moving out of poverty, standing on their own two feet.

Mr. Speaker, I ask my colleagues to join me in support of this critical legislation as we care for those young men and women, as well as those adults who live in poverty, and break that cycle once and for all.

Mr. DOGGETT. Mr. Speaker, I yield myself such time as I may consume.

The bill which Mr. YOUNG brings to the floor this afternoon concerns five-tenths of 1 percent of the Temporary Assistance for Needy Families program. I want to talk about the other 99.5 percent, and I will address the 0.5 percent—the five-tenths—a little later.

Overall, this legislation perpetuates the myth of compassionate conservatism that was originally spun by George W. Bush. It involves a Republican strategy that we have seen over the last few weeks to block every single Democratic proposal that would reform welfare to work, or Temporary Assistance for Needy Families as it is formally known.

I favor full reform of TANF, to pursue the original objectives of the 1996 welfare reform that I supported to end generational poverty and help poor Americans who are not physically able to work. TANF would permit them to climb up the economic ladder into the middle class while supporting those who are unable to work.

Instead, what we are presented is one modest, unproven social experiment paid for at the expense of poor children. Over the last 20 years, the total resources that are available to get people from welfare to work have steadily declined. Today's legislation is just one more small cut to those resources.

Republicans previously terminated one major part of TANF that helped States with poor populations, like Texas, whacking out $319 million from the program. What we have left with TANF today is about one-third of the purchasing power that it had 20 years ago when we adopted the reform. In Texas, about 1 in 20 children receive assistance from TANF. Folks who need a life vest are instead given an anchor.

While it may have had some initial positive impact, the 1996 welfare law has become an example of a failed Federal block grant program. Through the years, the States have diverted more and more moneys that were intended to support poor mothers finding the education and training that they needed and the childcare and placement services they needed to go out and have the dignity of a livable wage, long-term job, and now the States are spending, on average, 8 cents of every dollar on work and another 16 cents on child care.

To the extent that President Johnson's War on Poverty has not been fully won, much of the responsibility goes to those who refuse to fight, who surrendered at the first obstacle, who engaged in passive resistance, and, in places like Texas, who just abandoned the field of battle when it came to protecting their poorest citizens. Clearly, the social safety net that TANF was supposed to be has become mostly hole and little net.

If this is a poverty trap, as we have heard, it is because our Republican colleagues have shut the door on any efforts to unlock it with the exception of this one bill. Now with their recently announced poverty plan, they want to take the same kind of thinking—these failed block grants—and apply it to the national school lunch program, apply it to Medicaid, and according to one of their exhibits, to everything from Pell grants to cervical cancer, blocking it all together, and then putting the victims on the chopping block.

Beginning last summer, I encouraged now-Speaker RYAN and other Republicans to support a reform, basically saying to them: I know you are not going to give another dime to help the poor, but at least ask the States to use the moneys that they already have from the Federal Government to accomplish the law's original objectives and stop diverting this money to plug budget loopholes. Unfortunately, TANF is still a welfare program, but it is Republican Governors, largely, who are on the dole, who take this Federal money and don't use it for the purposes for which it was originally intended.

Last year, even Speaker RYAN recognized that existing TANF limitations impair the ability of the poor to get the educational opportunities that they need to get good jobs. Five Republicans, including a couple from our committee, offered the Preparing More Welfare Recipients for Work Act, which doubled the time that was permitted for educational training to count as a work activity, and as one of them—our colleague, Mr. TIBERI—said, these commonsense reforms streamline and simplify complicated work requirements, leading to higher enrollment in work or job training programs. It was common sense then, but as soon as it was attacked by rightwing ideologues, they ran away from it.

Republicans could join us in reforming TANF to make it a true pathway to work and into the middle class, but they have declined to do that. Instead of offering a reauthorization, they split TANF up into six pieces that did not continue it. Part of the same package that hasn't been brought to the floor this afternoon are two other bills.

Mr. Speaker, I include in the RECORD our dissenting views to those bills.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 17, 2016.

DISSENTING VIEWS FOR H.R. 2959

What began as a legislative step forward has become a step backward. What did some modest good, now does harm. As introduced, the TANF Accountability and Integrity Improvement Act (H.R. 2959) would have closed a loophole that a few states have created and exploited to avoid providing their state match for the federal TANF block grant. This loophole unfairly misapplies third-party spending as if it were state spending.

The non-partisan General Accountability Office (GAO) has criticized this wrongful approach, which shortchanges poor children and their parents. I fully support the bill's complete closure of this loophole that only a few states exploit to avoid providing their fair share of support for moving their impoverished residents from welfare to work.

Unfortunately, only hours prior to the Committee markup, this bill was amended to do the opposite of what it originally would have accomplished. As amended, it legalizes this unfair loophole by grandfathering in current offenders. Now it does little more than prevent other states from following the leadership of a few pioneers in abuse. Why reward those states who balance their books on the backs of those least able to bear the burden?

According to the GAO, Georgia is the chief offender, with nearly 60 percent of its TANF contributions coming from private entities. Not only is it not making its proper match to access federal funds, but Georgia also consistently ignores the needs of its poorest citizens. For every TANF dollar, Georgia uses 80 cents for in ways that ignore the core purposes of TANF—work, direct assistance and child care.

The Department of Health and Human Services (HHS) should have already initiated action to close this unjustified loophole. As amended, the bill would now prevent HHS from collecting this abuse. It should be rejected.

LLOYD DOGGETT.
JIM MCDERMOTT.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 27, 2016.

DISSENTING VIEWS FOR H.R. 2952

The Committee has considered multiple bills regarding Temporary Assistance for

Needy Families (TANF) without actually extending TANF, which expires in four months. The reason for so many different TANF bills and a refusal to consider an extension in Committee is to block Members from offering genuine reforms of TANF designed to make it function more effectively, to avoid state diversion of TANF funds away from core TANF purposes, and to do more to help TANF recipients move into good, sustainable jobs. This is accomplished through a maneuver claiming that any significant reform that any member proposes is not germane to any of the narrow bills in question. Indeed, the Committee refused to consider an amendment that would simply have extended the expiring TANF program for another fiscal year on grounds that it was not germane.

This particular part of the Republican TANF package concerns data on wages and employment status, but unfortunately a belated amendment to it would make that data a less accurate measure of the effectiveness of State efforts to move people into work. The revised bill manipulates numbers, creating the misimpression that those who cannot work because of age or disability refuse to work. Furthermore, this bill does not provide a measure of the percentage of those leaving TANF who have found work. It would be insightful to learn whether a state has simply forced an individual off TANF or actually helped them to secure a job through which they can support their family.

We strongly support an accurate employment outcomes measure that can offer insight regarding whether state programs are really malcing a difference in moving people from welfare to real, wage-paying, longterm employment and providing opportunity for individuals to work their way out of poverty. This bill's flaws undercut that goal, and unfortunately the Majority rejected an amendment that would have corrected these shortcomings.

Representatives Sander Levin, Charles B. Rangel, John Lewis, Xavier Becerra, Bill Pascrell, Jr., Lloyd Doggett, Jim McDermott, Richard E. Neal, Earl Blumenauer, John B. Larson, Ron Kind, Danny Davis, Mike Thompson, Joseph Crowley, Linda Sánchez.

Mr. DOGGETT. Mr. Speaker, I would say that what we have here is an attempt to also add by amendment the very reauthorization that I sought to offer in committee that was blocked then. I guess today will be the first time even our Republican colleagues learn what has been done with this authorization.

Overall, what we have had is a Republican roadblock to real welfare reform and poverty reduction that this Congress should be focused on, and it obviously will take a new President and a new Congress to do it. Like the compassionate conservatism of George W. Bush, Republicans are offering us a slogan, not a solution.

The same day that they rejected our efforts to deal with this issue, they were all about more tax breaks. Their poverty agenda is a collection of retreads that offer little hope for change. It only demonstrates that their approach to poverty is indeed impoverished.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Indiana. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Mr. Speaker, I certainly want to thank my good friend from Indiana for yielding and for his work on this important legislation. I also want to thank my good friend from Maryland, who has also put a lot of work into what I think is really a unique piece of legislation. I want to make sure that I rise in support of the Social Impact Partnerships to Pay for Results Act.

This reform-minded legislation, Mr. Speaker, is so important because it offers a fresh approach for the way that the Federal Government assists those who are truly in need. It focuses our efforts on evidence-based reforms.

How refreshing is that?

We spend a tremendous amount of money, Mr. Speaker, trying to make sure that we are giving people an opportunity to get out from being impoverished. We have too many people today, Mr. Speaker, around the country who are fighting poverty. This actually brings entrepreneurs, nonprofits, and the government together to actually solve these problems.

The Social Impact Partnerships to Pay for Results Act is a bipartisan solution that rewards and promotes programs that actually help individuals achieve positive outcomes. It actually helps and relieves the taxpayers a tremendous burden. No longer are the taxpayers on the hook for failed programs. This actually is providing the opportunity for entrepreneurs and those who are in the nonprofit sector to also play a role in trying to actually come up with unique solutions in very different ways in State-by-State outcomes. This innovative piece of legislation will give the States more flexibility to be creative with TANF dollars and establish approaches that will uniquely address the problems facing local communities.

Mr. Speaker, this legislation will also serve as an extension of the TANF program to make sure that we continue to provide necessary assistance to individuals looking to achieve self-sufficiency through job training and education.

The challenges we face in fighting poverty are clearly steep. We know that in the War on Poverty, we have spent over $22 trillion to move the needle from 15 percent in poverty to 14.6 percent in poverty. We need to start thinking creatively about how can we focus on outcomes, how can we get more people off of the unemployment rolls, how can we get more people off the TANF rolls, off the welfare rolls. This is a program, this is an idea, a bipartisan reform that is going to focus on outcomes and will help start solving the problem. It does require meaningful action.

I believe that the American Dream revolves around the idea that each and every one of us has something positive to contribute to our great Nation. This legislation is a step in the right direction in helping individuals reach their full potential, and gives States flexibility.

Again, I want to go back and I want to thank my good friend from Maryland for his work on this and my friend from Indiana for, again, working in a bipartisan way to start thinking outside of the box. The government doesn't always have the solution, and we need to leverage nonprofits. We need to leverage those who are working out there and bringing unique ideas to the fold.

Mr. DOGGETT. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. DELANEY), a leading advocate for social impact financing and, I know, a partner of Mr. YOUNG.

Mr. DELANEY. Mr. Speaker, I want to thank my good friend and colleague from Texas for yielding me this time, and I want to express my support for his comments and associate myself with his comments. He has been a singular champion of the TANF program and the goals that it represents. I appreciate his work and the opportunity to work with him on this bill.

I also want to thank my good friend and colleague from Indiana. We have spent a considerable amount of time working on this piece of legislation together, talking to groups, and he has been a wonderful champion and it has been a real pleasure to work with him on this concept.

Mr. Speaker, prior to coming to Congress, I spent my whole career as an entrepreneur in the private sector building businesses. The one thing I would observe from that experience whenever I would travel around the United States, or around the world for that matter, whenever you saw good economic outcomes and broad-based prosperity for the citizens, you always found a situation where the government, the nonprofit sector, and the private sector worked well together to solve the problems in society, and it is that spirit that animates the social impact partnership that we are here to discuss this evening.

If you think about what is going on in the world today, Mr. Speaker, and the changes that are playing out in our economy based on technological innovation and global interconnection, you realize that it has helped many of our citizens and it has helped billions of people around the world, but it has also hurt many of our citizens. It happened too fast; we weren't quite prepared for it; and chronic and vexing issues like poverty, educational disparities, income and opportunity disparities have only grown based on these trends.

To make a difference against these problems, Mr. Speaker, we need to do several things. First, we need to invest. You cannot definitionally make transformative changes, whether it be in the

private sector or the public sector, unless you make investments.

The second thing we need, Mr. Speaker, is we need innovation. We need the best ideas to be applied against some of these very difficult challenges that we have.

Mr. Speaker, we also need a new sense and spirit of collaboration and cooperation among all the stakeholders because the government right now has three significant problems when it tries to tackle these issues.

The first problem it has is a funding problem. Whether it is the condition of the Federal budget or the State budget, it is very difficult for the government to make investments.

The second issue the government has is an innovation problem. Mr. Speaker, I think we all know that the government has never been the incubator necessarily of great innovation. It has been good at investing, but we find more innovation often outside of government. Right now that gap is growing. So the government has an innovation problem.

The third problem the government has is a transparency problem. I used to say in business that if you can't measure it, you can't manage it. And we are not getting enough data in terms of a positive feedback loop to look at some of these issues and see what works and what doesn't work. That is why Pay for Success frameworks and social impact partnerships can make such a big difference because it solves those problems, it creates pathways for more capital, more investments to flow from the nonprofit sector or the private sector against issues that have traditionally been funded by the government.

□ 1800

It creates pathways for innovation and best ideas and new ideas to flow into the government sector, and it creates a pathway and a framework for more transparency and more metrics as it relates to what the results are.

Whether it is supplied against early childhood education, recidivism issues, chronic healthcare issues like asthma, whatever the framework can be, this approach can create an opportunity for more investment, which we need; more innovation, which we need; greater metrics and transparency, which we need; and a renewed spirit of cooperation between the government, the private sector, and the nonprofit sector to make a difference against these problems, which is why I am very supportive of the social impact partnership framework, the Pay for Success framework.

I urge my colleagues to support the legislation, but I also encourage my colleagues to think seriously about what my colleague from Texas said about the larger TANF program, because there is so much more to be done.

I do believe launching the social impact partnership framework can lead to transformative changes against these very, very difficult issues and create a situation where prosperity is shared more broadly and there is more opportunity for Americans, particularly our American colleagues who have been so affected negatively by some of the larger changes that are going on in the world.

I encourage adoption of the bill.

Mr. YOUNG of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MACARTHUR), my colleague.

Mr. MACARTHUR. Mr. Speaker, I rise today to urge my colleagues to support the Social Impact Partnerships to Pay for Results Act.

As founding co-chair of the bipartisan Congressional Social Investment Taskforce, I believe that we can harness the power of market forces and private capital to solve local problems, benefit American taxpayers, and uplift communities. This bill will encourage the private sector to invest in some of the most pressing challenges we face as a nation.

I believe in the power of government to be a force for good, but after 30 years in business, I tremendously believe in the untapped potential of the private market to solve problems. The goal of this bill is to unleash that power of the private sector to work with local governments and communities.

This bill is based on the pay for results model, in which Federal funds are only spent when measurable results have been achieved. Instead of simply creating more government programs, this saves taxpayer dollars by ensuring funds are only spent on successful programs.

Mr. Speaker, I want to thank Representative TODD YOUNG and my fellow co-chair of the taskforce, Representative JOHN DELANEY, for introducing this important legislation.

I urge all of my colleagues to support this.

Mr. DOGGETT. Mr. Speaker, I yield myself such time as I may consume.

I salute and appreciate the commitment of Mr. YOUNG and Mr. DELANEY to seek new ways to try to combat some old problems. We need creativity to address these challenges. There is no one single approach that will solve all these problems. Where I disagree with them is over how they choose to fund this initiative—a choice that I think they probably personally did not make—and the lack of safeguards to assure their very laudable objectives.

This bill takes money that has always been dedicated to benefit vulnerable children away from the Department of Health and Human Services and authorized its expenditure for other purposes that may be very well intentioned, but that have absolutely nothing to do with vulnerable children.

Now is not the time to further reduce this funding for needy children just because it happens to be an easy place to take money from. It is only $100 million, only five-tenths of a percent of the total TANF budget, but I can tell you that it is hard to come by $100 million to do anything to try to help vulnerable children, and it is a loss to have that money taken away.

It is true that President Obama finally, after almost 8 years of his administration, proposed that the contingency fund be repurposed and that money be added to family assistance grants and require the States to use more of the resources they get from TANF for the purposes of TANF to prevent two-generational poverty. The President's approach was to use the TANF contingency fund for a pathway to jobs initiative and a generational poverty initiative, not to take it out for other purposes. Today, this contingency fund is simply viewed as the easiest place to get money for what is not an evidence-based approach, but may still have merit.

In committee, I sought to protect at least some of these moneys for children. I appreciate the fact that Mr. YOUNG and Mr. DELANEY have been receptive and have incorporated in the amended version today a measure that will assure that at least half of the money taken away from TANF is allocated for children, with the focus being on helping those poor children who would otherwise have benefited from the money had it stayed with TANF.

Social impact financing offers the potential of greater private investment and resources to tackle some of the serious social ills that our country confronts. Without approving any new legislation, there is no restriction right now on any of our States from going out and using TANF money for social impact financing, so long as they focus on the statutory purposes of TANF. If these laboratories of democracy can do it already, then I think that is probably sufficient.

I do know that there are a number of young entrepreneurs with a social conscience—a number of them I have talked with in Austin, Texas—who want to apply their talents to resolve ills that they see around them. There are a number of feasibility studies already underway in Austin concerning some of the problems that we have in Texas.

But not everyone who applies for these funds will have the outlook of Mr. YOUNG, Mr. DELANEY, some of our colleagues who have come to the floor, and some of these young entrepreneurs because, unfortunately, with the starving of our social service and educational sector, one community after another is so desperate for funds to fight child abuse or neglect that they are willing to do almost anything that they might be sold upon.

Therefore, Mr. Speaker, I will include in the RECORD a list of safeguards that I hope the gentlemen will consider as this bill proceeds to the Senate.

In designing a new program with $100 million in taxpayer funds, which is designed to ultimately attract many additional taxpayer funds, to an initiative that is not evidence-based, we need to ensure that those dollars are not squandered. And after the Wall Street bailouts, many Americans question whether Wall Street is the place to turn to address social challenges. We have to consider the possibility of the unscrupulous offering false hope to a desperate local community.

In Committee, I raised a list of questions about the lack of adequate safeguards. A state or locality may encounter substantial costs in administering the programs, between fees owed to intermediaries, service providers, evaluators and the like. This bill caps the amount that may be expended on feasibility studies to evaluate a social impact financing proposal, but it places no cap on underwriting costs, which Wall Street firms can charge. The bill puts no limit on the returns an investor can gain in one of these projects. It has no limit on who can determine what ''success'' is in one of these proposals. This bill fails to require a clear cost/benefit analysis that includes as a cost the cost of any related feasibility study.

Even without proper safeguards, it is far from certain how many proposals will actually qualify for funding under this bill. Indeed, the Congressional Budget Office notes that ''because there is uncertainty as to the extent states conducting the projects will achieve the measurable outcomes required for federal reimbursement, CBO estimates that not all of the funds reserved for the program will be spent.

House Republicans have been so eager to gain approval of any new idea they can claim responds to poverty and related social needs that this proposal has emerged without careful evaluation. Hopefully, the Senate in its legislative process can correct some of these shortcomings, and the Treasury and the Office of Management and Budget can include additional safeguards in implementing this measure.

I yield back the balance of my time.

Mr. YOUNG of Indiana. Mr. Speaker, I yield myself such time as I may consume.

This bipartisan, bicameral bill was developed over the course of 2 years, incorporating feedback from a variety of stakeholders, ranging from State and local governments to child welfare organizations.

I want to thank these stakeholders, as well as give very special recognition to my colleague, Congressman DELANEY, my Democratic colleague from Maryland, for his leadership and partnership with me on this initiative.

I would also be remiss if I didn't acknowledge the substantial and impressive efforts of members of our staff, from the Ways and Means committee staff, Ryan Martin, to my own personal office staff, Jaymi Light, who literally authored this legislation—we went through about 50 different versions until we got it right—to Xan Fishman of Congressman DELANEY's staff, for his hard work. This was a team effort. This is the sort of big idea, bipartisan teamwork we need more of in Washington, D.C. All of you have helped make it happen here today.

I want to thank my fellow Ways and Means colleagues who are cosponsors of this legislation for their leadership and continued support.

Social impact partnerships address our moral responsibilities to ensure that social programs actually improve recipients' lives, and do so in a fiscally prudent manner. But they also respond to the imperative of improving our economic health by harnessing the capabilities of every able-bodied citizen. Our safety net must reflect our country's belief that, without exception, Americans aren't liabilities to be written off but, instead, assets to be realized.

I urge all of my colleagues to support the Social Impact Partnerships to Pay for Results Act.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 5170, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SMALL BUSINESS HEALTH CARE RELIEF ACT OF 2016

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5447) to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Health Care Relief Act of 2016''.

SEC. 2. EXCEPTION FROM GROUP HEALTH PLAN REQUIREMENTS FOR QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986 AND THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.—

(1) IN GENERAL.—Section 9831 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) EXCEPTION FOR QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—

''(1) IN GENERAL.—For purposes of this title (except as provided in section 4980I(f)(4) and notwithstanding any other provision of this title), the term 'group health plan' shall not include any qualified small employer health reimbursement arrangement.

''(2) QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENT.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified small employer health reimbursement arrangement' means an arrangement which—

''(i) is described in subparagraph (B), and

''(ii) is provided on the same terms to all eligible employees of the eligible employer.

''(B) ARRANGEMENT DESCRIBED.—An arrangement is described in this subparagraph if—

''(i) such arrangement is funded solely by an eligible employer and no salary reduction contributions may be made under such arrangement,

''(ii) such arrangement provides, after the employee provides proof of coverage, for the payment of, or reimbursement of, an eligible employee for expenses for medical care (as defined in section 213(d)) incurred by the eligible employee or the eligible employee's family members (as determined under the terms of the arrangement), and

''(iii) the amount of payments and reimbursements described in clause (ii) for any year do not exceed $5,130 ($10,260 in the case of an arrangement that also provides for payments or reimbursements for family members of the employee).

''(C) CERTAIN VARIATION PERMITTED.—For purposes of subparagraph (A)(ii), an arrangement shall not fail to be treated as provided on the same terms to each eligible employee merely because the employee's permitted benefits under such arrangement vary in accordance with the variation in the price of an insurance policy in the relevant individual health insurance market based on—

''(i) the age of the eligible employee (and, in the case of an arrangement which covers medical expenses of the eligible employee's family members, the age of such family members), or

''(ii) the number of family members of the eligible employee the medical expenses of which are covered under such arrangement.

The variation permitted under the preceding sentence shall be determined by reference to the same insurance policy with respect to all eligible employees.

''(D) RULES RELATING TO MAXIMUM DOLLAR LIMITATION.—

''(i) AMOUNT PRORATED IN CERTAIN CASES.—In the case of an individual who is not covered by an arrangement for the entire year, the limitation under subparagraph (A)(iii) for such year shall be an amount which bears the same ratio to the amount which would (but for this clause) be in effect for such individual for such year under subparagraph (A)(iii) as the number of months for which such individual is covered by the arrangement for such year bears to 12.

''(ii) INFLATION ADJUSTMENT.—In the case of any year beginning after 2016, each of the dollar amounts in subparagraph (A)(iii) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

If any dollar amount increased under the preceding sentence is not a multiple of $100, such dollar amount shall be rounded to the next lowest multiple of $100.

''(3) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means any employee of an eligible employer, except that the terms of the arrangement

may exclude from consideration employees described in any clause of section 105(h)(3)(B) (applied by substituting '90 days' for '3 years' in clause (i) thereof).

''(B) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an employer that—

''(i) is not an applicable large employer as defined in section 4980H(c)(2), and

''(ii) does not offer a group health plan to any of its employees.

''(C) PERMITTED BENEFIT.—The term 'permitted benefit' means, with respect to any eligible employee, the maximum dollar amount of payments and reimbursements which may be made under the terms of the qualified small employer health reimbursement arrangement for the year with respect to such employee.

''(4) NOTICE.—

''(A) IN GENERAL.—An employer funding a qualified small employer health reimbursement arrangement for any year shall, not later than 90 days before the beginning of such year (or, in the case of an employee who is not eligible to participate in the arrangement as of the beginning of such year, the date on which such employee is first so eligible), provide a written notice to each eligible employee which includes the information described in subparagraph (B).

''(B) CONTENTS OF NOTICE.—The notice required under subparagraph (A) shall include each of the following:

''(i) A statement of the amount which would be such eligible employee's permitted benefits under the arrangement for the year.

''(ii) A statement that the eligible employee should provide the information described in clause (i) to any health insurance exchange to which the employee applies for advance payment of the premium assistance tax credit.

''(iii) A statement that if the employee is not covered under minimum essential coverage for any month the employee may be subject to tax under section 5000A for such month and reimbursements under the arrangement may be includible in gross income.''.

(2) LIMITATION ON EXCLUSION FROM GROSS INCOME.—Section 106 of such Code is amended by adding at the end the following:

''(g) QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENT.—For purposes of this section and section 105, payments or reimbursements from a qualified small employer health reimbursement arrangement (as defined in section 9831(d)) of an individual for medical care (as defined in section 213(d)) shall not be treated as paid or reimbursed under employer-provided coverage for medical expenses under an accident or health plan if for the month in which such medical care is provided the individual does not have minimum essential coverage (within the meaning of section 5000A(f)).''.

(3) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—Section 36B(c) of such Code is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULES FOR QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—

''(A) IN GENERAL.—The term 'coverage month' shall not include any month with respect to an employee (or any spouse or dependent of such employee) if for such month the employee is provided a qualified small employer health reimbursement arrangement which constitutes affordable coverage.

''(B) DENIAL OF DOUBLE BENEFIT.—In the case of any employee who is provided a qualified small employer health reimbursement arrangement for any coverage month (determined without regard to subparagraph (A)), the credit otherwise allowable under subsection (a) to the taxpayer for such month shall be reduced (but not below zero) by the amount described in subparagraph (C)(i)(II) for such month.

''(C) AFFORDABLE COVERAGE.—For purposes of subparagraph (A), a qualified small employer health reimbursement arrangement shall be treated as constituting affordable coverage for a month if—

''(i) the excess of—

''(I) the amount that would be paid by the employee as the premium for such month for self-only coverage under the second lowest cost silver plan offered in the relevant individual health insurance market, over

''(II) 1/12 of the employee's permitted benefit (as defined in section 9831(d)(3)(C)) under such arrangement, does not exceed—

''(ii) 1/12 of 9.5 percent of the employee's household income.

''(D) QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENT.—For purposes of this paragraph, the term 'qualified small employer health reimbursement arrangement' has the meaning given such term by section 9831(d)(2).

''(E) COVERAGE FOR LESS THAN ENTIRE YEAR.—In the case of an employee who is provided a qualified small employer health reimbursement arrangement for less than an entire year, subparagraph (C)(i)(II) shall be applied by substituting 'the number of months during the year for which such arrangement was provided' for '12'.

''(F) INDEXING.—In the case of plan years beginning in any calendar year after 2014, the Secretary shall adjust the 9.5 percent amount under subparagraph (C)(ii) in the same manner as the percentages are adjusted under subsection (b)(3)(A)(ii).''.

(4) APPLICATION OF EXCISE TAX ON HIGH COST EMPLOYER-SPONSORED HEALTH COVERAGE.—

(A) IN GENERAL.—Section 4980I(f)(4) of such Code is amended by adding at the end the following: ''Section 9831(d)(1) shall not apply for purposes of this section.''.

(B) DETERMINATION OF COST OF COVERAGE.—Section 4980I(d)(2) of such Code is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—In the case of applicable employer-sponsored coverage consisting of coverage under any qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2)), the cost of coverage shall be equal to the amount described in section 6051(a)(15).''.

(5) ENFORCEMENT OF NOTICE REQUIREMENT.—Section 6652 of such Code is amended by adding at the end the following new subsection:

''(o) FAILURE TO PROVIDE NOTICES WITH RESPECT TO QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—In the case of each failure to provide a written notice as required by section 9831(d)(4), unless it is shown that such failure is due to reasonable cause and not willful neglect, there shall be paid, on notice and demand of the Secretary and in the same manner as tax, by the person failing to provide such written notice, an amount equal to $50 per employee per incident of failure to provide such notice, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $2,500.''.

(6) REPORTING.—

(A) W–2 REPORTING.—Section 6051(a) of such Code is amended by striking ''and'' at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting '', and'', and by inserting after paragraph (14) the following new paragraph:

''(15) the total amount of permitted benefit (as defined in section 9831(d)(3)(C)) for the year under a qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2)) with respect to the employee.''.

(B) INFORMATION REQUIRED TO BE PROVIDED BY EXCHANGE SUBSIDY APPLICANTS.—Section 1411(b)(3) of the Patient Protection and Affordable Care Act is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) CERTAIN INDIVIDUAL HEALTH INSURANCE POLICIES OBTAINED THROUGH SMALL EMPLOYERS.—The amount of the enrollee's permitted benefit (as defined in section 9831(d)(3)(C) of the Internal Revenue Code of 1986) under a qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of such Code).''.

(7) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by this subsection shall apply to years beginning after the earlier of—

(i) the date that is 90 days after the date of the enactment of this Act, or

(ii) December 31, 2016.

(B) TRANSITION RELIEF.—The relief under Treasury Notice 2015–17 shall be treated as applying to any plan year beginning on or before the date described in subparagraph (A).

(C) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—The amendments made by paragraph (3) shall apply to taxable years beginning after the date described in subparagraph (A).

(D) EMPLOYEE NOTICE.—The amendments made by paragraph (5) shall apply to notices with respect to years beginning after the date described in subparagraph (A).

(E) W–2 REPORTING.—The amendments made by paragraph (6)(A) shall apply to calendar years beginning after December 31, 2016.

(F) INFORMATION PROVIDED BY EXCHANGE SUBSIDY APPLICANTS.—

(i) IN GENERAL.—The amendments made by paragraph (6)(B) shall apply to applications for enrollment made after the date described in subparagraph (A).

(ii) VERIFICATION.—Verification under section 1411 of the Patient Protection and Affordable Care Act of information provided under section 1411(b)(3)(B) of such Act shall apply with respect to months beginning after October 2016.

(8) SUBSTANTIATION REQUIREMENTS.—The Secretary of the Treasury (or his designee) may issue substantiation requirements as necessary to carry out this subsection.

(b) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Section 733(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(a)(1)) is amended by adding at the end the following: ''Such term shall not include any qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of the Internal Revenue Code of 1986).''.

(2) EXCEPTION FROM CONTINUATION COVERAGE REQUIREMENTS, ETC.—Section 607(1) of such Act (29 U.S.C. 1167(1)) is amended by adding at the end the following: ''Such term shall not include any qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of the Internal Revenue Code of 1986).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after the date described in subsection (a)(7)(A).

(c) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—

(1) IN GENERAL.—Section 2791(a)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(a)(1)) is amended by adding at the end the following: ''Except for purposes of part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.), such term shall not include any qualified

small employer health reimbursement arrangement (as defined in section 9831(d)(2) of the Internal Revenue Code of 1986).''.

(2) EXCEPTION FROM CONTINUATION COVERAGE REQUIREMENTS.—Section 2208(1) of the Public Health Service Act (42 U.S.C. 300bb–8(1)) is amended by adding at the end the following: ''Such term shall not include any qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of the Internal Revenue Code of 1986).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after the date described in subsection (a)(7)(A).

The SPEAKER pro tempore (Mr. HOLDING). Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5447, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am privileged to stand here before you to offer this bill.

This is a very important bill, H.R. 5447, the Small Business Health Care Relief Act. It is bipartisan legislation that has been more than 2 years in the making.

Mr. Speaker, as a small-business owner and a heart surgeon, I understand how important coverage is to get good, high-quality health care. But I also understand, from the standpoint of being a small-business owner, how difficult it often is and how expensive it has become to provide this kind of coverage for employees.

In 2013, Treasury issued regulatory guidance indicating that any employer offering health reimbursement accounts, also known as HRAs, was in violation of the Affordable Care Act group health plan requirements, irrespective of the size of the employer. The very smallest of small businesses were affected by this, businesses that were trying to help their employees, doing the very best they can to help their employees have coverage.

Furthermore, Treasury's guidance included an astronomically high penalty fine assessed on employers offering these HRAs: $100 per day per employee, with the potential of accruing a $36,500 fine per year per employee. This is just draconian treatment for small business.

In my home State of Louisiana, small businesses—those with 50 or fewer employees—account for 72 percent of all businesses in Louisiana. Yet only about 30 percent of those small businesses offer a specific group health plan, often citing the full cost of group health plans as the reason for offering nothing. I am sure this is the case all around the country.

We have to help small businesses and their employees afford good coverage.

Mr. Speaker, I am very grateful to my colleague from California, MIKE THOMPSON, for working with me on this bill to give small-business owners an opportunity to financially assist their employees with their health costs.

This legislation will be critical to ensuring that small businesses in Louisiana and around the country have an option that allows them to help their employees afford health coverage and costs. When 65 percent of those in Louisiana who are currently uninsured, indeed, have a full-time worker in their household and nearly three-quarters of all employers in Louisiana are small businesses, it is clear we can do better. This is something that will actually help these small-business owners and their employees get affordable coverage.

Mr. Speaker, the government must not penalize small-business owners for doing the right thing and trying to help employees with the high cost of healthcare coverage, so I urge swift passage of this legislation to empower our small-business owners.

Mr. Speaker, I reserve the balance of my time.

□ 1815

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

One of the reforms in the Affordable Care Act banned employer-sponsored health plans from placing annual dollar limits on benefits paid by the plan to a beneficiary. This is good policy, as, for example, we don't want patients with cancer finding out their insurance company only pays a set amount for their treatment and no more. But it has had the unintended effect of prohibiting stand-alone Health Reimbursement Arrangements because they are employer-sponsored health plans under which benefits are limited to a specified dollar amount.

HRAs are typically used by beneficiaries for out-of-pocket medical expenses such as meeting an insurance plan's annual deductible or co-pays for doctor and other medical provider visits. HRAs can also be used to pay for premiums for health insurance coverage.

The bill before us would permit small employers to offer stand-alone HRAs to their employees, referred to as ''qualified small employer HRA.'' This bill would also permit the use of the qualified small employer HRAs to purchase coverage in the ACA's public marketplaces.

I am pleased to see my Republican colleagues recognizing the benefit of the ACA marketplaces and coverage they offer to millions of Americans. This bill is yet another important way to support the ACA, ensuring more Americans have the health coverage and flexibility they need through the marketplaces. Therefore, I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent that the balance of my time be controlled by the gentleman from California (Mr. THOMPSON), one of the sponsors of this bill, and a distinguished member of our committee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BOUSTANY. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Tennessee (Mr. ROE), who is the chairman of the Physicians Caucus.

Mr. ROE of Tennessee. Mr. Speaker, I rise today in support of the Small Business Health Care Relief Act.

I want to thank my colleagues, Dr. BOUSTANY and Representative THOMPSON, for their leadership on this important issue. It is not very often that we have bipartisan legislation that will make a real difference in lowering healthcare costs for working families, and I am pleased to see this bill come to the House floor today.

This legislation is a no-brainer. As a physician with more than 30 years of experience, I have personally seen the need for commonsense reforms that will remove barriers to lower healthcare costs and give Americans more control over their own healthcare decisions.

Because of the Affordable Care Act, I constantly hear from families who are paying higher premiums and out-of-pocket costs for less coverage and lower quality of care. I hear from small-business owners who desperately want to help their employees acquire health insurance, but face costly regulations that make it harder, if not impossible, for them to do so.

Employers of all sizes are implementing innovative solutions to address the rising healthcare costs, and we should do everything we can to support those efforts. Unfortunately, misguided Federal rules too often stand in the way.

Regulatory guidance issued by the IRS that penalizes small businesses who offer stand-alone Health Reimbursement Arrangements is a perfect example. HRAs are popular among both workers and employers. Employers offer HRAs to help their employees pay for health care. In return, families are provided greater flexibility and an opportunity to set aside pre-tax income for medical expenses.

It simply doesn't make sense for the Federal Government to restrict a positive tool aimed at expanding access to

affordable healthcare coverage. It is unconscionable that ObamaCare is penalizing small businesses for trying to do the right thing and alleviate the financial burden on working families.

That is why this bill is so important. We need to encourage policies that empower every American with affordable coverage, provide more choice, and promote a healthy workforce. And I hope we can all agree that we should eliminate misguided rules that only make it harder for families and small businesses to obtain healthcare coverage they desperately need.

I urge my colleagues to support this bipartisan legislation which will restore the ability of small businesses to offer HRAs.

Mr. THOMPSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Small Business Health Care Relief Act, and I want to thank Dr. BOUSTANY for working with me on this bill. As he pointed out, it is an important bill. It will help a lot of people, business owners, workers, and families.

The bill that we are considering today is the result of more than a year's worth of close collaboration between stakeholders and policymakers. It is bicameral, it is bipartisan, and it is supported by dozens of small businesses and small-business organizations across the country.

Our Small Business Health Care Relief Act would allow small businesses with fewer than 50 employees, those companies that are not required to provide health care, to offer tax preferred Health Reimbursement Arrangements or HRAs. The HRAs can be used to buy health insurance in the individual market, or pay for qualified health expenses if an individual already has coverage.

Historically, small businesses offered these funds to employees in lieu of group health plans. Most of these companies don't have the capacity to offer employer-sponsored coverage, so the HRAs served as health benefits for their workers.

But right now, businesses are subject to this $100 per person per day fine that was mentioned earlier just for offering this help to their employees. This legislation clarifies that an HRA isn't a group health plan, but a means for helping individuals purchase a health plan for health services.

There is no requirement, as I mentioned, for small companies of 50 or fewer people to provide health insurance. These employers don't offer health benefits because they have to, they do it to support their workforce. We shouldn't be penalizing responsible businessowners who are going above and beyond for their employees.

Instead, we should arm small businesses with the tools that help them recruit great workers and put them on a level playing field with their larger competitors. And we should help to make sure that quality, comprehensive coverage is affordable for folks who don't have access to subsidies or employer-sponsored health care. This bill does all of that.

Small businesses drive job creation. They grow our economy. We should be going out of our way to help them support their employees and focus on what they do best, running their business.

And as was mentioned by our ranking member earlier, this is a prime example of how we should be conducting business in this House. We should be working across the aisle in a bipartisan measure. We should be building on the positive aspects of the Affordable Care Act, and this is an example of doing just that.

Again, Dr. BOUSTANY, thank you for your cooperation and your help and your good work on this.

Mr. Speaker, I yield back the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

Again, I want to thank my colleague, MIKE THOMPSON from California, for his collaboration. I want to thank the Ways and Means staff for working with us to get this legislation done, working with the stakeholders.

I also want to single out some of our staffers who really worked very hard on this: Melissa Gierach, Casey Badmington, and Lakecia Foster. Without their help, we could not have gotten all this put together and seen this legislation through, so I am deeply grateful for their efforts as well.

Mr. Speaker, this is a commonsense change that will expand options, it will increase portability, it will protect small businesses, and it will end these harsh penalties that small businesses were encountering as they were trying to do the right thing. So I urge my colleagues to join me and support H.R. 5447.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I submit the following letters for the RECORD relating to H.R. 5447.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 13, 2016.

Hon. KEVIN BRADY,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN BRADY: I write in regard to H.R. 5447, to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements, which was referred in addition to the Committee on Energy and Commerce. I wanted to notify you that the Committee will forgo action on H.R. 5447 so that it may proceed expeditiously to the House floor for consideration.

This is done with the understanding that the Committee on Energy and Commerce's jurisdictional interests over this and similar legislation are in no way diminished or altered. In addition, the Committee reserves the right to seek conferees on H.R. 5447 and requests your support when such a request is made.

I would appreciate your response confirming this understanding with respect to H.R. 5447 and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 13, 2016.

DEAR CHAIRMAN UPTON: Thank you for your letter regarding H.R. 5447, to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements. As you noted, the Committee on Energy and Commerce was granted an additional referral of the bill.

I am most appreciative of your decision to waive formal consideration of H.R. 5447 so that it may proceed expeditiously to the House floor. I acknowledge that although you waived formal consideration of the bill, the Committee on Energy and Commerce is in no way waiving its jurisdiction over the subject matter contained in those provisions of the bill that fall within your Rule X jurisdiction. I would support your effort to seek appointment of an appropriate number of conferees on any House-Senate conference involving this legislation.

I will include a copy of our letters in the Congressional Record during consideration of this legislation on the House floor.

Sincerely,

KEVIN BRADY,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC, June 21, 2016.

Hon. KEVIN BRADY,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to H.R. 5447, the Small Business Heath Care Relief Act. Thank you for consulting with the Committee on Education and the Workforce with regard to H.R. 5447 on those matters within the Committee's jurisdiction.

In the interest of expediting the House's consideration of H.R. 5447, the Committee on Education and the Workforce will forgo further consideration of this bill. However, I do so only with the understanding this procedural route will not be construed to prejudice my Committee's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. Additionally, I appreciate your committee's assistance with any additional improvements to the bill within the jurisdiction of the Education and the Workforce Committee.

I respectfully request your support for the appointment of outside conferees from the Committee on Education and the Workforce should this bill or a similar bill be considered in a conference with the Senate. I also request you include our exchange of letters on this matter in the Committee Report on H.R. 5447 and in the Congressional Record during consideration of this bill on the

House Floor. Thank you for your attention to these matters.

Sincerely,

JOHN KLINE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 21, 2016.

Hon. JOHN KLINE,
Chairman, Committee on Education and the Workforce, Washington, DC.

DEAR CHAIRMAN KLINE: Thank you for your letter regarding H.R. 5447, the ''Small Business Health Care Relief Act.'' As you noted, the Committee on Education and the Workforce was granted an additional referral of the bill.

I am most appreciative of your decision to waive formal consideration of H.R. 5447 so that it may proceed expeditiously to the House floor. I acknowledge that although you waived formal consideration of the bill, the Committee on Education and the Workforce is in no way waiving its jurisdiction over the subject matter contained in those provisions of the bill that fall within your Rule X jurisdiction. I would support your effort to seek appointment of an appropriate number of conferees on any House-Senate conference involving this legislation.

I will include a copy of our letters in the Congressional Record during consideration of this legislation on the House floor.

Sincerely,

KEVIN BRADY,
Chairman.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 5447, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 114–143)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001, is to continue in effect beyond June 26, 2016.

The threat constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia and Herzegovina or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, has not been resolved. In addition, Executive Order 13219 was amended by Executive Order 13304 of May 28, 2003, to take additional steps with respect to acts obstructing implementation of the Ohrid Framework Agreement of 2001 relating to Macedonia.

Because the acts of extremist violence and obstructionist activity outlined in these Executive Orders are hostile to U.S. interests and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans.

BARACK OBAMA.
THE WHITE HOUSE, *June 21, 2016.*

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO NORTH KOREA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 114–144)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008, expanded in scope in Executive Order 13551 of August 30, 2010, addressed further in Executive Order 13570 of April 18, 2011, further expanded in scope in Executive Order 13687 of January 2, 2015, and under which additional steps were taken in Executive Order 13722 of March 15, 2016, is to continue in effect beyond June 26, 2016.

The existence and risk of proliferation of weapons-usable fissile material on the Korean Peninsula; the actions and policies of the Government of North Korea that destabilize the Korean Peninsula and imperil U.S. Armed Forces, allies, and trading partners in the region, including its pursuit of nuclear and missile programs; and other provocative, destabilizing, and repressive actions and policies of the Government of North Korea, continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to North Korea.

BARACK OBAMA.
THE WHITE HOUSE, *June 21, 2016.*

□ 1830

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5525, by the yeas and nays;
H.R. 5388, by the yeas and nays;
H.R. 5389, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

END TAXPAYER FUNDED CELL PHONES ACT OF 2016

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5525) to prohibit universal service support of commercial mobile service and commercial mobile data service through the Lifeline program, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. AUSTIN SCOTT) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 207, nays 143, not voting 84, as follows:

[Roll No. 334]

YEAS—207

Abraham	Bost	Coffman
Aderholt	Boustany	Cole
Allen	Brady (TX)	Collins (GA)
Amash	Brat	Collins (NY)
Amodei	Bridenstine	Comstock
Barletta	Brooks (AL)	Conaway
Barr	Brooks (IN)	Cook
Barton	Buchanan	Costello (PA)
Benishek	Buck	Crenshaw
Bilirakis	Burgess	Davidson
Bishop (MI)	Byrne	Davis, Rodney
Bishop (UT)	Calvert	Denham
Black	Carter (GA)	Dent
Blackburn	Chabot	DesJarlais
Blum	Chaffetz	Donovan

Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (LA)
Griffith
Grothman
Guinta
Guthrie
Hardy
Harris
Heck (NV)
Hensarling
Hice, Jody B.
Holding
Hudson
Huizenga (MI)
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
Meadows
Messer
Miller (FL)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Nugent
Nunes
Olson
Palazzo
Palmer
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—143

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Bishop (GA)
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Bustos
Capps
Capuano
Carney
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cooper
Costa
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Dold
Doyle, Michael F.
Edwards
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Graves (MO)
Green, Gene
Grijalva
Hastings
Heck (WA)
Himes
Hinojosa
Honda
Huffman
Israel
Johnson (GA)
Johnson, E. B.
Jolly
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kirkpatrick
Kuster
Larsen (WA)
Larson (CT)
Lawrence
Levin
Lewis
Lieu, Ted
Loebsack
Lofgren
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
McSally
Meehan
Meeks
Moulton
Nadler
Neal
O'Rourke
Pallone
Pascrell
Payne
Peters
Pocan
Price (NC)
Quigley
Rangel
Reichert
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sarbanes
Schakowsky
Schiff
Schrader
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Smith (WA)
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Visclosky
Wasserman Schultz
Watson Coleman
Welch
Yarmuth

NOT VOTING—84

Babin
Beyer
Blumenauer
Bonamici
Brownley (CA)
Bucshon
Butterfield
Cárdenas
Carson (IN)
Carter (TX)
Castro (TX)
Clawson (FL)
Cohen
Connolly
Conyers
Courtney
Cramer
Crawford
Culberson
Curbelo (FL)
DeSantis
Diaz-Balart
Duckworth
Duffy
Ellison
Ellmers (NC)
Engel
Fattah
Fincher
Forbes
Franks (AZ)
Graves (GA)
Grayson
Green, Al
Gutiérrez
Hahn
Hanna
Harper
Hartzler
Herrera Beutler
Higgins
Hill
Hoyer
Huelskamp
Hultgren
Jackson Lee
Jeffries
Kind
Langevin
Lee
Lipinski
Lowenthal
Marchant
Meng
Mica
Miller (MI)
Moore
Murphy (FL)
Napolitano
Noem
Nolan
Norcross
Paulsen
Pelosi
Perlmutter
Pingree
Polis
Rohrabacher
Rush
Sánchez, Linda T.
Sanchez, Loretta
Scott (VA)
Sires
Slaughter
Speier
Takai
Trott
Velázquez
Wagner
Walz
Waters, Maxine
Whitfield
Wilson (FL)
Yoho

□ 1851

Ms. EDWARDS, Mr. DEFAZIO, and Ms. BASS changed their vote from ''yea'' to ''nay.''

Messrs. BURGESS, AMASH, and LONG changed their vote from ''nay'' to ''yea.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. CLYBURN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. WOMACK). The gentleman will state his parliamentary inquiry.

Mr. CLYBURN. Mr. Speaker, isn't it true that the majority can schedule a vote on the no-fly, no buy bill right now?

The SPEAKER pro tempore. The Chair will not entertain any inquiry that does not relate in a practical sense to the pending proceedings.

Mr. CLYBURN. Mr. Speaker, I believe that that bill has been filed and it is languishing in the committee. My inquiry is, isn't it true that we can have a vote on that bill right now?

The SPEAKER pro tempore. The gentleman has not stated an inquiry that is relevant to the proceedings before the House at this time.

Mr. CLYBURN. Mr. Speaker, I respectfully request that the Chair answer the question posed.

The SPEAKER pro tempore. The gentleman is no longer recognized. The Chair has advised that the gentleman has not stated an inquiry that is relevant to the proceedings before the House at this time.

SUPPORT FOR RAPID INNOVATION ACT OF 2016

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5388) to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RATCLIFFE) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 351, nays 4, not voting 79, as follows:

[Roll No. 335]

YEAS—351

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Ashford
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Buchanan
Buck
Burgess
Bustos
Byrne
Calvert
Capps
Capuano
Carney
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Crenshaw
Crowley
Cuellar
Cummings
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSaulnier
DesJarlais
Deutch
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duncan (SC)
Duncan (TN)
Edwards
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garrett
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (LA)
Graves (MO)
Green, Gene
Griffith
Grijalva
Grothman
Guinta
Guthrie
Hardy
Harris
Hastings
Heck (NV)
Heck (WA)
Hensarling
Hice, Jody B.
Himes
Hinojosa
Holding
Honda
Hudson
Huffman
Huizenga (MI)
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jordan
Joyce
Kaptur
Katko
Keating
Kelly (IL)

Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Larsen (WA)
Larson (CT)
Latta
Lawrence
Levin
Lewis
Lieu, Ted
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marino
Matsui
McCarthy
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Messer
Miller (FL)
Moolenaar
Mooney (WV)
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Neal
Neugebauer
Newhouse
Nugent
Nunes
O'Rourke
Olson
Palazzo
Pallone
Palmer
Pascrell
Payne
Pearce
Pelosi
Perry
Peters
Peterson
Pittenger
Pitts
Pocan
Poe (TX)
Poliquin
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Salmon
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Visclosky
Walberg
Walden
Walker
Walorski
Walters, Mimi
Wasserman Schultz
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—4

Amash
Gohmert
Jones
Massie

NOT VOTING—79

Babin
Beyer
Blumenauer
Bonamici
Brownley (CA)
Bucshon
Butterfield
Cárdenas
Carson (IN)
Castro (TX)
Clawson (FL)
Cohen
Connolly
Conyers
Courtney
Cramer
Crawford
Culberson
Curbelo (FL)
DeSantis
Diaz-Balart
Duckworth
Duffy
Ellison
Ellmers (NC)
Fattah
Fincher
Forbes
Garamendi
Graves (GA)
Grayson
Green, Al
Gutiérrez
Hahn
Hanna
Harper
Hartzler
Herrera Beutler
Higgins
Hill
Hoyer
Huelskamp
Hultgren
Jackson Lee
Jeffries
Kind
Langevin
Lee
Lipinski
Lowenthal
Marchant
Meng
Mica
Miller (MI)
Moore
Napolitano
Noem
Nolan
Norcross
Paulsen
Perlmutter
Pingree
Polis
Rohrabacher
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sires
Slaughter
Speier
Takai
Trott
Velázquez
Wagner
Walz
Waters, Maxine
Whitfield
Wilson (FL)
Yoho

□ 1900

Mr. VEASEY changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEVERAGING EMERGING TECHNOLOGIES ACT OF 2016

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5389) to encourage engagement between the Department of Homeland Security and technology innovators, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RATCLIFFE) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 347, nays 8, not voting 79, as follows:

[Roll No. 336]

YEAS—347

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Ashford
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Buchanan
Buck
Burgess
Bustos
Byrne
Calvert
Capps
Capuano
Carney
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Crenshaw
Crowley
Cuellar
Cummings
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duncan (SC)
Edwards
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garrett
Gibbs
Gibson
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (LA)
Graves (MO)
Green, Gene
Griffith
Grijalva
Guinta
Guthrie
Hardy
Harris
Hastings
Heck (NV)
Heck (WA)
Hensarling
Hice, Jody B.
Himes
Hinojosa
Holding
Honda
Hudson
Huffman
Huizenga (MI)
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jordan
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Larsen (WA)
Larson (CT)
Latta
Lawrence
Levin
Lewis
Lieu, Ted
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matsui
McCarthy
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Messer
Miller (FL)
Moolenaar
Mooney (WV)
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Neal
Neugebauer
Newhouse
Nugent
Nunes
O'Rourke
Olson
Palazzo
Pallone
Palmer
Pascrell
Payne
Pearce
Pelosi
Perry
Peters
Peterson
Pittenger
Pitts
Pocan
Poe (TX)
Poliquin
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Salmon
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Visclosky
Walberg
Walden
Walorski
Walters, Mimi
Wasserman Schultz
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Westmoreland
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (IA)
Young (IN)
Zeldin

NAYS—8

Amash
Duncan (TN)
Gohmert
Grothman
Jones
Massie
Mulvaney
Sanford

NOT VOTING—79

Babin
Beyer
Blumenauer
Bonamici
Brownley (CA)
Bucshon
Butterfield
Cárdenas
Carson (IN)
Castro (TX)
Clawson (FL)
Cohen
Connolly
Conyers
Courtney
Cramer
Crawford
Culberson
Curbelo (FL)
DeSantis
Duckworth
Duffy
Ellison
Ellmers (NC)
Fattah
Fincher
Forbes
Garamendi
Graves (GA)
Grayson
Green, Al
Gutiérrez
Hahn
Hanna
Harper
Hartzler
Herrera Beutler
Higgins
Hill
Hoyer
Huelskamp
Hultgren
Jackson Lee
Jeffries
Kind

Langevin	Paulsen	Takai
Lee	Perlmutter	Trott
Lipinski	Pingree	Velázquez
Lowenthal	Polis	Wagner
Meng	Rohrabacher	Walker
Mica	Rush	Walz
Miller (MI)	Sánchez, Linda T.	Waters, Maxine
Moore	Sanchez, Loretta	Whitfield
Napolitano	Sires	Wilson (FL)
Noem	Slaughter	Yoho
Nolan	Speier	Zinke
Norcross		

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CARSON of Indiana. Mr. Speaker, I missed rollcall votes 334 to 336. Had I been present, I would have cast the following votes: Roll call 334, on H.R. 5525, vote ''nay.'' Rollcall 335, on H.R. 5388, vote ''yea.'' Rollcall 336, on H.R. 5389, vote ''yea.''

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, due to a weather-related flight delay, I was unavoidably detained and unable to be present to cast my vote. Had I been present, I would have voted ''yea'' on rollcall votes 334, 335 and 336.

PERSONAL EXPLANATION

Mr. AL GREEN of Texas. Mr. Speaker, today I missed the following votes: H.R. 5525, End Taxpayer Funded Cell Phones Act of 2016. Had I been present, I would have voted ''no'' on this bill. H.R. 5388, Support for Rapid Innovation Act of 2016. Had I been present, I would have voted ''yes'' on this bill. H.R. 5389, Leveraging Emerging Technologies Act of 2016. Had I been present, I would have voted ''yes'' on this bill.

NATIVE AMERICAN HEALTH SAVINGS IMPROVEMENT ACT

Mr. SMITH of Nebraska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5452) to amend the Internal Revenue Code of 1986 to permit individuals eligible for Indian Health Service assistance to qualify for health savings accounts, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American Health Savings Improvement Act''.

SEC. 2. INDIVIDUALS ELIGIBLE FOR INDIAN HEALTH SERVICE ASSISTANCE NOT DISQUALIFIED FROM HEALTH SAVINGS ACCOUNTS.

(a) IN GENERAL.—Section 223(c)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR INDIVIDUALS ELIGIBLE FOR ASSISTANCE UNDER INDIAN HEALTH SERVICE PROGRAMS.—For purposes of subparagraph (A)(ii), an individual shall not be treated as covered under a health plan described in such subparagraph merely because the individual receives hospital care or medical services under a medical care program of the Indian Health Service or of a tribal organization.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

The SPEAKER pro tempore (Mr. ROUZER). Pursuant to the rule, the gentleman from Nebraska (Mr. SMITH) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska.

GENERAL LEAVE

Mr. SMITH of Nebraska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5452, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

I am happy to stand before you today as we consider H.R. 5452, the Native American Health Savings Improvement Act, a bipartisan bill that makes a commonsense improvement to current rules surrounding health savings accounts and those who get care at Indian Health Services.

Generally, anyone covered solely by a high-deductible plan is allowed to make deductible contributions to a health savings account; but under IRS guidance, an individual who has received medical services at an Indian Health Service facility at any time during the previous 3 months is made ineligible from making contributions to an HSA. This practice could discourage those who rely on care that is delivered at an Indian Health Service facility from participating in an HSA. That is something that must be remedied.

High-deductible health plans and HSAs are critical components of consumer-driven health care. Together, they empower individuals and families to shop around, unleashing the powers of choice and competition to lower costs and improve quality. We want to lower barriers to these types of accounts and encourage individuals who are otherwise eligible to not forgo treatment at an Indian Health Service facility simply because of confusion over when they might be able to resume contributing to their HSAs.

I urge my colleagues to join me in supporting this bipartisan, commonsense measure.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Currently, contributions to a health savings account may only be made when an account owner is enrolled in a high-deductible health plan. Additionally, the account owner may not be eligible for other health coverage that is not a high-deductible health plan.

This bill would make sure that receiving benefits under an Indian Health Service or a tribal medical care program does not disqualify a taxpayer from HSA eligibility. Furthermore, under this bill, the taxpayer would still have to be covered by a high-deductible health plan to be able to receive or to make HSA contributions.

It is unclear how big of a problem this currently is across the country, particularly in Indian country. I have made it clear that HSAs and high-deductible plans move our country in the wrong direction—away from affordable and comprehensive health coverage—but I don't think individuals who are covered through IHS or tribal medical care programs should be forced to forgo one insurance or the other.

Mr. Speaker, I reserve the balance of my time.

□ 1915

Mr. SMITH of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. MOOLENAAR), a member of the Science, Space, and Technology Committee, the Budget Committee, and the Agriculture Committee.

Mr. MOOLENAAR. Mr. Speaker, I thank Chairman BRADY of the House Committee on Ways and Means, Congressman PAULSEN, Congresswoman NOEM, and Congressman BLUMENAUER for cosponsoring this bipartisan legislation. I also thank the gentleman from Michigan (Mr. LEVIN) for his comments.

This legislation today before the House, H.R. 5452, will improve access to health savings accounts for Native Americans who choose to receive care at Indian Health Service facilities by ending an unnecessary penalty against them.

Currently, Native Americans are not allowed to contribute to their own health savings accounts for 3 months after receiving care at an Indian Health Service facility. These accounts can be a useful tool for families to cover the cost of deductibles, copayments, and coinsurance. However, current policy prevents this ability for Native Americans, and the 3-month waiting period limits their access to services that can help with treating high-risk health conditions.

This commonsense legislation eliminates the waiting period so Native Americans don't have to wait to save their hard-earned money to make their own healthcare choices and to receive treatment from Indian Health Service doctors. Today's legislation advances a bipartisan, patient-centered solution to an unfortunate, government-created problem. It will benefit all Native Americans who use HSAs, and I am glad that we can eliminate this unfair Federal penalty against them.

I thank my colleagues for their support of this legislation.

Mr. LEVIN. Mr. Speaker, let me just mention that Mr. BLUMENAUER wanted to be here but, because of the weather, he has just been unable to arrive. I think the majority may have the same problem.

I yield back the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

I would add that Representative NOEM faced a similar situation with air travel and the weather.

Mr. Speaker, about 20 million Americans are covered by a high deductible health plan with an HSA. These options are an increasingly popular option, and it is a popular option that many Native Americans would like to take advantage of. So let's come together and make sure that any current law practices that could dissuade tribal members from participation in an HSA-eligible plan would be reversed.

I urge my colleague to join me and support H.R. 5452.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 5452, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FAMILY FIRST PREVENTION SERVICES ACT OF 2016

Mr. BUCHANAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5456) to amend parts B and E of title IV of the Social Security Act to invest in funding prevention and family services to help keep children safe and supported at home, to ensure that children in foster care are placed in the least restrictive, most family-like, and appropriate settings, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Family First Prevention Services Act of 2016''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—INVESTING IN PREVENTION AND FAMILY SERVICES
Sec. 101. Purpose.
Subtitle A—Prevention Activities Under Title IV–E
Sec. 111. Foster care prevention services and programs.
Sec. 112. Foster care maintenance payments for children with parents in a licensed residential family-based treatment facility for substance abuse.
Sec. 113. Title IV–E payments for evidence-based kinship navigator programs.
Subtitle B—Enhanced Support Under Title IV–B
Sec. 121. Elimination of time limit for family reunification services while in foster care and permitting time-limited family reunification services when a child returns home from foster care.
Sec. 122. Reducing bureaucracy and unnecessary delays when placing children in homes across State lines.
Sec. 123. Enhancements to grants to improve well-being of families affected by substance abuse.
Subtitle C—Miscellaneous
Sec. 131. Reviewing and improving licensing standards for placement in a relative foster family home.
Sec. 132. Development of a statewide plan to prevent child abuse and neglect fatalities.
Sec. 133. Modernizing the title and purpose of title IV–E.
Sec. 134. Effective dates.
TITLE II—ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME
Sec. 201. Limitation on Federal financial participation for placements that are not in foster family homes.
Sec. 202. Assessment and documentation of the need for placement in a qualified residential treatment program.
Sec. 203. Protocols to prevent inappropriate diagnoses.
Sec. 204. Additional data and reports regarding children placed in a setting that is not a foster family home.
Sec. 205. Effective dates; application to waivers.
TITLE III—CONTINUING SUPPORT FOR CHILD AND FAMILY SERVICES
Sec. 301. Supporting and retaining foster families for children.
Sec. 302. Extension of child and family services programs.
Sec. 303. Improvements to the John H. Chafee Foster Care Independence Program and related provisions.
TITLE IV—CONTINUING INCENTIVES TO STATES TO PROMOTE ADOPTION AND LEGAL GUARDIANSHIP
Sec. 401. Reauthorizing adoption and legal guardianship incentive programs.
TITLE V—TECHNICAL CORRECTIONS
Sec. 501. Technical corrections to data exchange standards to improve program coordination.
Sec. 502. Technical corrections to State requirement to address the developmental needs of young children.
TITLE VI—ENSURING STATES REINVEST SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE
Sec. 601. Delay of adoption assistance phase-in.
Sec. 602. GAO study and report on State reinvestment of savings resulting from increase in adoption assistance.

TITLE I—INVESTING IN PREVENTION AND FAMILY SERVICES

SEC. 101. PURPOSE.

The purpose of this title is to enable States to use Federal funds available under parts B and E of title IV of the Social Security Act to provide enhanced support to children and families and prevent foster care placements through the provision of mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator services.

Subtitle A—Prevention Activities Under Title IV–E

SEC. 111. FOSTER CARE PREVENTION SERVICES AND PROGRAMS.

(a) STATE OPTION.—Section 471 of the Social Security Act (42 U.S.C. 671) is amended—

(1) in subsection (a)(1), by striking ''and'' and all that follows through the semicolon and inserting '', adoption assistance in accordance with section 473, and, at the option of the State, services or programs specified in subsection (e)(1) of this section for children who are candidates for foster care or who are pregnant or parenting foster youth and the parents or kin caregivers of the children, in accordance with the requirements of that subsection;''; and

(2) by adding at the end the following:

''(e) PREVENTION AND FAMILY SERVICES AND PROGRAMS.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary may make a payment to a State for providing the following services or programs for a child described in paragraph (2) and the parents or kin caregivers of the child when the need of the child, such a parent, or such a caregiver for the services or programs are directly related to the safety, permanence, or well-being of the child or to preventing the child from entering foster care:

''(A) MENTAL HEALTH AND SUBSTANCE ABUSE PREVENTION AND TREATMENT SERVICES.—Mental health and substance abuse prevention and treatment services provided by a qualified clinician for not more than a 12-month period that begins on any date described in paragraph (3) with respect to the child.

''(B) IN-HOME PARENT SKILL-BASED PROGRAMS.—In-home parent skill-based programs for not more than a 12-month period that begins on any date described in paragraph (3) with respect to the child and that include parenting skills training, parent education, and individual and family counseling.

''(2) CHILD DESCRIBED.—For purposes of paragraph (1), a child described in this paragraph is the following:

''(A) A child who is a candidate for foster care (as defined in section 475(13)) but can remain safely at home or in a kinship placement with receipt of services or programs specified in paragraph (1).

''(B) A child in foster care who is a pregnant or parenting foster youth.

''(3) DATE DESCRIBED.—For purposes of paragraph (1), the dates described in this paragraph are the following:

''(A) The date on which a child is identified in a prevention plan maintained under paragraph (4) as a child who is a candidate for foster care (as defined in section 475(13)).

''(B) The date on which a child is identified in a prevention plan maintained under paragraph (4) as a pregnant or parenting foster youth in need of services or programs specified in paragraph (1).

''(4) REQUIREMENTS RELATED TO PROVIDING SERVICES AND PROGRAMS.—Services and programs specified in paragraph (1) may be provided under this subsection only if specified in advance in the child's prevention plan described in subparagraph (A) and the requirements in subparagraphs (B) through (E) are met:

''(A) PREVENTION PLAN.—The State maintains a written prevention plan for the child that meets the following requirements (as applicable):

''(i) CANDIDATES.—In the case of a child who is a candidate for foster care described in paragraph (2)(A), the prevention plan shall—

''(I) identify the foster care prevention strategy for the child so that the child may remain safely at home, live temporarily with a kin caregiver until reunification can be safely achieved, or live permanently with a kin caregiver;

''(II) list the services or programs to be provided to or on behalf of the child to ensure the success of that prevention strategy; and

''(III) comply with such other requirements as the Secretary shall establish.

''(ii) PREGNANT OR PARENTING FOSTER YOUTH.—In the case of a child who is a pregnant or parenting foster youth described in paragraph (2)(B), the prevention plan shall—

''(I) be included in the child's case plan required under section 475(1);

''(II) list the services or programs to be provided to or on behalf of the youth to ensure that the youth is prepared (in the case of a pregnant foster youth) or able (in the case of a parenting foster youth) to be a parent;

''(III) describe the foster care prevention strategy for any child born to the youth; and

''(IV) comply with such other requirements as the Secretary shall establish.

''(B) TRAUMA-INFORMED.—The services or programs to be provided to or on behalf of a child are provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address trauma's consequences and facilitate healing.

''(C) ONLY SERVICES AND PROGRAMS PROVIDED IN ACCORDANCE WITH PROMISING, SUPPORTED, OR WELL-SUPPORTED PRACTICES PERMITTED.—

''(i) IN GENERAL.—Only State expenditures for services or programs specified in subparagraph (A) or (B) of paragraph (1) that are provided in accordance with practices that meet the requirements specified in clause (ii) of this subparagraph and that meet the requirements specified in clause (iii), (iv), or (v), respectively, for being a promising, supported, or well-supported practice, shall be eligible for a Federal matching payment under section 474(a)(6)(A).

''(ii) GENERAL PRACTICE REQUIREMENTS.—The general practice requirements specified in this clause are the following:

''(I) The practice has a book, manual, or other available writings that specify the components of the practice protocol and describe how to administer the practice.

''(II) There is no empirical basis suggesting that, compared to its likely benefits, the practice constitutes a risk of harm to those receiving it.

''(III) If multiple outcome studies have been conducted, the overall weight of evidence supports the benefits of the practice.

''(IV) Outcome measures are reliable and valid, and are administrated consistently and accurately across all those receiving the practice.

''(V) There is no case data suggesting a risk of harm that was probably caused by the treatment and that was severe or frequent.

''(iii) PROMISING PRACTICE.—A practice shall be considered to be a 'promising practice' if the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least 1 study that—

''(I) was rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed; and

''(II) utilized some form of control (such as an untreated group, a placebo group, or a wait list study).

''(iv) SUPPORTED PRACTICE.—A practice shall be considered to be a 'supported practice' if—

''(I) the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least 1 study that—

''(aa) was rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed;

''(bb) was a rigorous random-controlled trial (or, if not available, a study using a rigorous quasi-experimental research design); and

''(cc) was carried out in a usual care or practice setting; and

''(II) the study described in subclause (I) established that the practice has a sustained effect (when compared to a control group) for at least 6 months beyond the end of the treatment.

''(v) WELL-SUPPORTED PRACTICE.—A practice shall be considered to be a 'well-supported practice' if—

''(I) the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least 2 studies that—

''(aa) were rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed;

''(bb) were rigorous random-controlled trials (or, if not available, studies using a rigorous quasi-experimental research design); and

''(cc) were carried out in a usual care or practice setting; and

''(II) at least 1 of the studies described in subclause (I) established that the practice has a sustained effect (when compared to a control group) for at least 1 year beyond the end of treatment.

''(D) GUIDANCE ON PRACTICES CRITERIA AND PRE-APPROVED SERVICES AND PROGRAMS.—

''(i) IN GENERAL.—Not later than October 1, 2018, the Secretary shall issue guidance to States regarding the practices criteria required for services or programs to satisfy the requirements of subparagraph (C). The guidance shall include a pre-approved list of services and programs that satisfy the requirements.

''(ii) UPDATES.—The Secretary shall issue updates to the guidance required by clause (i) as often as the Secretary determines necessary.

''(E) OUTCOME ASSESSMENT AND REPORTING.—The State shall collect and report to the Secretary the following information with respect to each child for whom, or on whose behalf mental health and substance abuse prevention and treatment services or in-home parent skill-based programs are provided during a 12-month period beginning on the date the child is determined by the State to be a child described in paragraph (2):

''(i) The specific services or programs provided and the total expenditures for each of the services or programs.

''(ii) The duration of the services or programs provided.

''(iii) In the case of a child described in paragraph (2)(A), the child's placement status at the beginning, and at the end, of the 1-year period, respectively, and whether the child entered foster care within 2 years after being determined a candidate for foster care.

''(5) STATE PLAN COMPONENT.—

''(A) IN GENERAL.—A State electing to provide services or programs specified in paragraph (1) shall submit as part of the State plan required by subsection (a) a prevention services and programs plan component that meets the requirements of subparagraph (B).

''(B) PREVENTION SERVICES AND PROGRAMS PLAN COMPONENT.—In order to meet the requirements of this subparagraph, a prevention services and programs plan component, with respect to each 5-year period for which the plan component is in operation in the State, shall include the following:

''(i) How providing services and programs specified in paragraph (1) is expected to improve specific outcomes for children and families.

''(ii) How the State will monitor and oversee the safety of children who receive services and programs specified in paragraph (1), including through periodic risk assessments throughout the period in which the services and programs are provided on behalf of a child and reexamination of the prevention plan maintained for the child under paragraph (4) for the provision of the services or programs if the State determines the risk of the child entering foster care remains high despite the provision of the services or programs.

''(iii) With respect to the services and programs specified in subparagraphs (A) and (B) of paragraph (1), information on the specific promising, supported, or well-supported practices the State plans to use to provide the services or programs, including a description of—

''(I) the services or programs and whether the practices used are promising, supported, or well-supported;

''(II) how the State plans to implement the services or programs, including how implementation of the services or programs will be continuously monitored to ensure fidelity to the practice model and to determine outcomes achieved and how information learned from the monitoring will be used to refine and improve practices;

''(III) how the State selected the services or programs;

''(IV) the target population for the services or programs; and

''(V) how each service or program provided will be evaluated through a well-designed and rigorous process, which may consist of an ongoing, cross-site evaluation approved by the Secretary.

''(iv) A description of the consultation that the State agencies responsible for administering the State plans under this part and part B engage in with other State agencies responsible for administering health programs, including mental health and substance abuse prevention and treatment services, and with other public and private agencies with experience in administering child and family services, including community-based organizations, in order to foster a continuum of care for children described in paragraph (2) and their parents or kin caregivers.

''(v) A description of how the State shall assess children and their parents or kin caregivers to determine eligibility for services or programs specified in paragraph (1).

''(vi) A description of how the services or programs specified in paragraph (1) that are provided for or on behalf of a child and the parents or kin caregivers of the child will be coordinated with other child and family services provided to the child and the parents or kin caregivers of the child under the State plan under part B.

''(vii) Descriptions of steps the State is taking to support and enhance a competent, skilled, and professional child welfare workforce to deliver trauma-informed and evidence-based services, including—

''(I) ensuring that staff is qualified to provide services or programs that are consistent with the

promising, supported, or well-supported practice models selected; and

''(II) developing appropriate prevention plans, and conducting the risk assessments required under clause (iii).

''(viii) A description of how the State will provide training and support for caseworkers in assessing what children and their families need, connecting to the families served, knowing how to access and deliver the needed trauma-informed and evidence-based services, and overseeing and evaluating the continuing appropriateness of the services.

''(ix) A description of how caseload size and type for prevention caseworkers will be determined, managed, and overseen.

''(x) An assurance that the State will report to the Secretary such information and data as the Secretary may require with respect to the provision of services and programs specified in paragraph (1), including information and data necessary to determine the performance measures for the State under paragraph (6) and compliance with paragraph (7).

''(C) REIMBURSEMENT FOR SERVICES UNDER THE PREVENTION PLAN COMPONENT.—

''(i) LIMITATION.—Except as provided in subclause (ii), a State may not receive a Federal payment under this part for a given promising, supported, or well-supported practice unless (in accordance with subparagraph (B)(iii)(V)) the plan includes a well-designed and rigorous evaluation strategy for that practice.

''(ii) WAIVER OF LIMITATION.—The Secretary may waive the requirement for a well-designed and rigorous evaluation of any well-supported practice if the Secretary deems the evidence of the effectiveness of the practice to be compelling and the State meets the continuous quality improvement requirements included in subparagraph (B)(iii)(II) with regard to the practice.

''(6) PREVENTION SERVICES MEASURES.—

''(A) ESTABLISHMENT; ANNUAL UPDATES.—Beginning with fiscal year 2021, and annually thereafter, the Secretary shall establish the following prevention services measures based on information and data reported by States that elect to provide services and programs specified in paragraph (1):

''(i) PERCENTAGE OF CANDIDATES FOR FOSTER CARE WHO DO NOT ENTER FOSTER CARE.—The percentage of candidates for foster care for whom, or on whose behalf, the services or programs are provided who do not enter foster care, including those placed with a kin caregiver outside of foster care, during the 12-month period in which the services or programs are provided and through the end of the succeeding 12-month-period.

''(ii) PER-CHILD SPENDING.—The total amount of expenditures made for mental health and substance abuse prevention and treatment services or in-home parent skill-based programs, respectively, for, or on behalf of, each child described in paragraph (2).

''(B) DATA.—The Secretary shall establish and annually update the prevention services measures—

''(i) based on the median State values of the information reported under each clause of subparagraph (A) for the 3 then most recent years; and

''(ii) taking into account State differences in the price levels of consumption goods and services using the most recent regional price parities published by the Bureau of Economic Analysis of the Department of Commerce or such other data as the Secretary determines appropriate.

''(C) PUBLICATION OF STATE PREVENTION SERVICES MEASURES.—The Secretary shall annually make available to the public the prevention services measures of each State.

''(7) MAINTENANCE OF EFFORT FOR STATE FOSTER CARE PREVENTION EXPENDITURES.—

''(A) IN GENERAL.—If a State elects to provide services and programs specified in paragraph (1) for a fiscal year, the State foster care prevention expenditures for the fiscal year shall not be less than the amount of the expenditures for fiscal year 2014.

''(B) STATE FOSTER CARE PREVENTION EXPENDITURES.—The term 'State foster care prevention expenditures' means the following:

''(i) TANF; IV–B; SSBG.—State expenditures for foster care prevention services and activities under the State program funded under part A (including from amounts made available by the Federal Government), under the State plan developed under part B (including any such amounts), or under the Social Services Block Grant Programs under subtitle A of title XX (including any such amounts).

''(ii) OTHER STATE PROGRAMS.—State expenditures for foster care prevention services and activities under any State program that is not described in clause (i) (other than any State expenditures for foster care prevention services and activities under the State program under this part (including under a waiver of the program)).

''(C) STATE EXPENDITURES.—The term 'State expenditures' means all State or local funds that are expended by the State or a local agency including State or local funds that are matched or reimbursed by the Federal Government and State or local funds that are not matched or reimbursed by the Federal Government.

''(D) DETERMINATION OF PREVENTION SERVICES AND ACTIVITIES.—The Secretary shall require each State that elects to provide services and programs specified in paragraph (1) to report the expenditures specified in subparagraph (B) for fiscal year 2014 and for such fiscal years thereafter as are necessary to determine whether the State is complying with the maintenance of effort requirement in subparagraph (A). The Secretary shall specify the specific services and activities under each program referred to in subparagraph (B) that are 'prevention services and activities' for purposes of the reports.

''(8) PROHIBITION AGAINST USE OF STATE FOSTER CARE PREVENTION EXPENDITURES AND FEDERAL IV-E PREVENTION FUNDS FOR MATCHING OR EXPENDITURE REQUIREMENT.—A State that elects to provide services and programs specified in paragraph (1) shall not use any State foster care prevention expenditures for a fiscal year for the State share of expenditures under section 474(a)(6) for a fiscal year.

''(9) ADMINISTRATIVE COSTS.—Expenditures described in section 474(a)(6)(B)—

''(A) shall not be eligible for payment under subparagraph (A), (B), or (E) of section 474(a)(3); and

''(B) shall be eligible for payment under section 474(a)(6)(B) without regard to whether the expenditures are incurred on behalf of a child who is, or is potentially, eligible for foster care maintenance payments under this part.

''(10) APPLICATION.—The provision of services or programs under this subsection to or on behalf of a child described in paragraph (2) shall not be considered to be receipt of aid or assistance under the State plan under this part for purposes of eligibility for any other program established under this Act.''.

(b) DEFINITION.—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following:

''(13) The term 'child who is a candidate for foster care' means, a child who is identified in a prevention plan under section 471(e)(4)(A) as being at imminent risk of entering foster care (without regard to whether the child would be eligible for foster care maintenance payments under section 472 or is or would be eligible for adoption assistance or kinship guardianship assistance payments under section 473) but who can remain safely in the child's home or in a kinship placement as long as services or programs specified in section 471(e)(1) that are necessary to prevent the entry of the child into foster care are provided. The term includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement.''.

(c) PAYMENTS UNDER TITLE IV–E.—Section 474(a) of such Act (42 U.S.C. 674(a)) is amended—

(1) in paragraph (5), by striking the period at the end and inserting ''; plus''; and

(2) by adding at the end the following:

''(6) subject to section 471(e)—

''(A) for each quarter—

''(i) subject to clause (ii)—

''(I) beginning after September 30, 2019, and before October 1, 2025, an amount equal to 50 percent of the total amount expended during the quarter for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C); and

''(II) beginning after September 30, 2025, an amount equal to the Federal medical assistance percentage (which shall be as defined in section 1905(b), in the case of a State other than the District of Columbia, or 70 percent, in the case of the District of Columbia) of the total amount expended during the quarter for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C) (or, with respect to the payments made during the quarter under a cooperative agreement or contract entered into by the State and an Indian tribe, tribal organization, or tribal consortium for the administration or payment of funds under this part, an amount equal to the Federal medical assistance percentage that would apply under section 479B(d) (in this paragraph referred to as the 'tribal FMAP') if the Indian tribe, tribal organization, or tribal consortium made the payments under a program operated under that section, unless the tribal FMAP is less than the Federal medical assistance percentage that applies to the State); except that

''(ii) not less than 50 percent of the total amount payable to a State under clause (i) for a fiscal year shall be for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with well-supported practices; plus

''(B) for each quarter specified in subparagraph (A), an amount equal to the sum of the following proportions of the total amount expended during the quarter:

''(i) 50 percent of so much of the expenditures as are found necessary by the Secretary for the proper and efficient administration of the State plan for the provision of services or programs specified in section 471(e)(1), including expenditures for activities approved by the Secretary that promote the development of necessary processes and procedures to establish and implement the provision of the services and programs for individuals who are eligible for the services and programs and expenditures attributable to data collection and reporting; and

''(ii) 50 percent of so much of the expenditures with respect to the provision of services and programs specified in section 471(e)(1) as are for training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision and of the members of the staff of State-licensed or State-approved child welfare agencies providing services to children described

in section 471(e)(2) and their parents or kin caregivers, including on how to determine who are individuals eligible for the services or programs, how to identify and provide appropriate services and programs, and how to oversee and evaluate the ongoing appropriateness of the services and programs.''.

(d) TECHNICAL ASSISTANCE AND BEST PRACTICES, CLEARINGHOUSE, AND DATA COLLECTION AND EVALUATIONS.—Section 476 of such Act (42 U.S.C. 676) is amended by adding at the end the following:

''(d) TECHNICAL ASSISTANCE AND BEST PRACTICES, CLEARINGHOUSE, DATA COLLECTION, AND EVALUATIONS RELATING TO PREVENTION SERVICES AND PROGRAMS.—

''(1) TECHNICAL ASSISTANCE AND BEST PRACTICES.—The Secretary shall provide to States and, as applicable, to Indian tribes, tribal organizations, and tribal consortia, technical assistance regarding the provision of services and programs described in section 471(e)(1) and shall disseminate best practices with respect to the provision of the services and programs, including how to plan and implement a well-designed and rigorous evaluation of a promising, supported, or well-supported practice.

''(2) CLEARINGHOUSE OF PROMISING, SUPPORTED, AND WELL-SUPPORTED PRACTICES.—The Secretary shall, directly or through grants, contracts, or interagency agreements, evaluate research on the practices specified in clauses (iii), (iv), and (v), respectively, of section 471(e)(4)(C), and programs that meet the requirements described in section 427(a)(1), including culturally specific, or location- or population-based adaptations of the practices, to identify and establish a public clearinghouse of the practices that satisfy each category described by such clauses. In addition, the clearinghouse shall include information on the specific outcomes associated with each practice, including whether the practice has been shown to prevent child abuse and neglect and reduce the likelihood of foster care placement by supporting birth families and kinship families and improving targeted supports for pregnant and parenting youth and their children.

''(3) DATA COLLECTION AND EVALUATIONS.—The Secretary, directly or through grants, contracts, or interagency agreements, may collect data and conduct evaluations with respect to the provision of services and programs described in section 471(e)(1) for purposes of assessing the extent to which the provision of the services and programs—

''(A) reduces the likelihood of foster care placement;

''(B) increases use of kinship care arrangements; or

''(C) improves child well-being.

''(4) REPORTS TO CONGRESS.—

''(A) IN GENERAL.—The Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives periodic reports based on the provision of services and programs described in section 471(e)(1) and the activities carried out under this subsection.

''(B) PUBLIC AVAILABILITY.—The Secretary shall make the reports to Congress submitted under this paragraph publicly available.

''(5) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated to the Secretary $1,000,000 for fiscal year 2016 and each fiscal year thereafter to carry out this subsection.''.

(e) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—

(1) IN GENERAL.—Section 479B of such Act (42 U.S.C. 679c) is amended—

(A) in subsection (c)(1)—

(i) in subparagraph (C)(i)—

(I) in subclause (II), by striking ''and'' after the semicolon;

(II) in subclause (III), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(IV) at the option of the tribe, organization, or consortium, services and programs specified in section 471(e)(1) to children described in section 471(e)(2) and their parents or kin caregivers, in accordance with section 471(e) and subparagraph (E).''; and

(ii) by adding at the end the following:

''(E) PREVENTION SERVICES AND PROGRAMS FOR CHILDREN AND THEIR PARENTS AND KIN CAREGIVERS.—

''(i) IN GENERAL.—In the case of a tribe, organization, or consortium that elects to provide services and programs specified in section 471(e)(1) to children described in section 471(e)(2) and their parents or kin caregivers under the plan, the Secretary shall specify the requirements applicable to the provision of the services and programs. The requirements shall, to the greatest extent practicable, be consistent with the requirements applicable to States under section 471(e) and shall permit the provision of the services and programs in the form of services and programs that are adapted to the culture and context of the tribal communities served.

''(ii) PERFORMANCE MEASURES.—The Secretary shall establish specific performance measures for each tribe, organization, or consortium that elects to provide services and programs specified in section 471(e)(1). The performance measures shall, to the greatest extent practicable, be consistent with the prevention services measures required for States under section 471(e)(6) but shall allow for consideration of factors unique to the provision of the services by tribes, organizations, or consortia.''; and

(B) in subsection (d)(1), by striking ''and (5)'' and inserting ''(5), and (6)(A)''.

(2) CONFORMING AMENDMENT.—The heading for subsection (d) of section 479B of such Act (42 U.S.C. 679c) is amended by striking ''FOR FOSTER CARE MAINTENANCE AND ADOPTION ASSISTANCE PAYMENTS''.

SEC. 112. FOSTER CARE MAINTENANCE PAYMENTS FOR CHILDREN WITH PARENTS IN A LICENSED RESIDENTIAL FAMILY-BASED TREATMENT FACILITY FOR SUBSTANCE ABUSE.

(a) IN GENERAL.—Section 472 of the Social Security Act (42 U.S.C. 672) is amended—

(1) in subsection (a)(2)(C), by striking ''or'' and inserting '', with a parent residing in a licensed residential family-based treatment facility, but only to the extent permitted under subsection (j), or in a''; and

(2) by adding at the end the following:

''(j) CHILDREN PLACED WITH A PARENT RESIDING IN A LICENSED RESIDENTIAL FAMILY-BASED TREATMENT FACILITY FOR SUBSTANCE ABUSE.—

''(1) IN GENERAL.—Notwithstanding the preceding provisions of this section, a child who is eligible for foster care maintenance payments under this section, or who would be eligible for the payments if the eligibility were determined without regard to paragraphs (1)(B) and (3) of subsection (a), shall be eligible for the payments for a period of not more than 12 months during which the child is placed with a parent who is in a licensed residential family-based treatment facility for substance abuse, but only if—

''(A) the recommendation for the placement is specified in the child's case plan before the placement;

''(B) the treatment facility provides, as part of the treatment for substance abuse, parenting skills training, parent education, and individual and family counseling; and

''(C) the substance abuse treatment, parenting skills training, parent education, and individual and family counseling is provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.

''(2) APPLICATION.—With respect to children for whom foster care maintenance payments are made under paragraph (1), only the children who satisfy the requirements of paragraphs (1)(B) and (3) of subsection (a) shall be considered to be children with respect to whom foster care maintenance payments are made under this section for purposes of subsection (h) or section 473(b)(3)(B).''.

(b) CONFORMING AMENDMENT.—Section 474(a)(1) of such Act (42 U.S.C. 674(a)(1)) is amended by inserting ''subject to section 472(j),'' before ''an amount equal to the Federal'' the 1st place it appears.

SEC. 113. TITLE IV–E PAYMENTS FOR EVIDENCE-BASED KINSHIP NAVIGATOR PROGRAMS.

Section 474(a) of the Social Security Act (42 U.S.C. 674(a)), as amended by section 111(c), is amended—

(1) in paragraph (6), by striking the period at the end and inserting ''; plus''; and

(2) by adding at the end the following:

''(7) an amount equal to 50 percent of the amounts expended by the State during the quarter as the Secretary determines are for kinship navigator programs that meet the requirements described in section 427(a)(1) and that the Secretary determines are operated in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C), without regard to whether the expenditures are incurred on behalf of children who are, or are potentially, eligible for foster care maintenance payments under this part.''.

Subtitle B—Enhanced Support Under Title IV–B

SEC. 121. ELIMINATION OF TIME LIMIT FOR FAMILY REUNIFICATION SERVICES WHILE IN FOSTER CARE AND PERMITTING TIME-LIMITED FAMILY REUNIFICATION SERVICES WHEN A CHILD RETURNS HOME FROM FOSTER CARE.

(a) IN GENERAL.—Section 431(a)(7) of the Social Security Act (42 U.S.C. 629a(a)(7)) is amended—

(1) in the paragraph heading, by striking ''TIME-LIMITED FAMILY'' and inserting ''FAMILY''; and

(2) in subparagraph (A)—

(A) by striking ''time-limited family'' and inserting ''family'';

(B) by inserting ''or a child who has been returned home'' after ''child care institution''; and

(C) by striking '', but only during the 15-month period that begins on the date that the child, pursuant to section 475(5)(F), is considered to have entered foster care'' and inserting ''and to ensure the strength and stability of the reunification. In the case of a child who has been returned home, the services and activities shall only be provided during the 15-month period that begins on the date that the child returns home''.

(b) CONFORMING AMENDMENTS.—

(1) Section 430 of such Act (42 U.S.C. 629) is amended in the matter preceding paragraph (1), by striking ''time-limited''.

(2) Subsections (a)(4), (a)(5)(A), and (b)(1) of section 432 of such Act (42 U.S.C. 629b) are amended by striking ''time-limited'' each place it appears.

SEC. 122. REDUCING BUREAUCRACY AND UNNECESSARY DELAYS WHEN PLACING CHILDREN IN HOMES ACROSS STATE LINES.

(a) STATE PLAN REQUIREMENT.—Section 471(a)(25) of the Social Security Act (42 U.S.C. 671(a)(25)) is amended—

(1) by striking ''provide'' and insert ''provides''; and

(2) by inserting '', which, not later than October 1, 2026, shall include the use of an electronic interstate case-processing system'' before the 1st semicolon.

(b) GRANTS FOR THE DEVELOPMENT OF AN ELECTRONIC INTERSTATE CASE-PROCESSING SYSTEM TO EXPEDITE THE INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE OR GUARDIANSHIP, OR FOR ADOPTION.—Section 437 of such Act (42 U.S.C. 629g) is amended by adding at the end the following:

''(g) GRANTS FOR THE DEVELOPMENT OF AN ELECTRONIC INTERSTATE CASE-PROCESSING SYSTEM TO EXPEDITE THE INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE OR GUARDIANSHIP, OR FOR ADOPTION.—

''(1) PURPOSE.—The purpose of this subsection is to facilitate the development of an electronic interstate case-processing system for the exchange of data and documents to expedite the placements of children in foster, guardianship, or adoptive homes across State lines.

''(2) APPLICATION REQUIREMENTS.—A State that desires a grant under this subsection shall submit to the Secretary an application containing the following:

''(A) A description of the goals and outcomes to be achieved during the period for which grant funds are sought, which goals and outcomes must result in—

''(i) reducing the time it takes for a child to be provided with a safe and appropriate permanent living arrangement across State lines;

''(ii) improving administrative processes and reducing costs in the foster care system; and

''(iii) the secure exchange of relevant case files and other necessary materials in real time, and timely communications and placement decisions regarding interstate placements of children.

''(B) A description of the activities to be funded in whole or in part with the grant funds, including the sequencing of the activities.

''(C) A description of the strategies for integrating programs and services for children who are placed across State lines.

''(D) Such other information as the Secretary may require.

''(3) GRANT AUTHORITY.—The Secretary may make a grant to a State that complies with paragraph (2).

''(4) USE OF FUNDS.—A State to which a grant is made under this subsection shall use the grant to support the State in connecting with the electronic interstate case-processing system described in paragraph (1).

''(5) EVALUATIONS.—Not later than 1 year after the final year in which grants are awarded under this subsection, the Secretary shall submit to the Congress, and make available to the general public by posting on a website, a report that contains the following information:

''(A) How using the electronic interstate case-processing system developed pursuant to paragraph (4) has changed the time it takes for children to be placed across State lines.

''(B) The number of cases subject to the Interstate Compact on the Placement of Children that were processed through the electronic interstate case-processing system, and the number of interstate child placement cases that were processed outside the electronic interstate case-processing system, by each State in each year.

''(C) The progress made by States in implementing the electronic interstate case-processing system.

''(D) How using the electronic interstate case-processing system has affected various metrics related to child safety and well-being, including the time it takes for children to be placed across State lines.

''(E) How using the electronic interstate case-processing system has affected administrative costs and caseworker time spent on placing children across State lines.

''(6) DATA INTEGRATION.—The Secretary, in consultation with the Secretariat for the Interstate Compact on the Placement of Children and the States, shall assess how the electronic interstate case-processing system developed pursuant to paragraph (4) could be used to better serve and protect children that come to the attention of the child welfare system, by—

''(A) connecting the system with other data systems (such as systems operated by State law enforcement and judicial agencies, systems operated by the Federal Bureau of Investigation for the purposes of the Innocence Lost National Initiative, and other systems);

''(B) simplifying and improving reporting related to paragraphs (34) and (35) of section 471(a) regarding children or youth who have been identified as being a sex trafficking victim or children missing from foster care; and

''(C) improving the ability of States to quickly comply with background check requirements of section 471(a)(20), including checks of child abuse and neglect registries as required by section 471(a)(20)(B).''.

(c) RESERVATION OF FUNDS TO IMPROVE THE INTERSTATE PLACEMENT OF CHILDREN.—Section 437(b) of such Act (42 U.S.C. 629g(b)) is amended by adding at the end the following:

''(4) IMPROVING THE INTERSTATE PLACEMENT OF CHILDREN.—The Secretary shall reserve $5,000,000 of the amount made available for fiscal year 2017 for grants under subsection (g), and the amount so reserved shall remain available through fiscal year 2021.''.

SEC. 123. ENHANCEMENTS TO GRANTS TO IMPROVE WELL-BEING OF FAMILIES AFFECTED BY SUBSTANCE ABUSE.

Section 437(f) of the Social Security Act (42 U.S.C. 629g(f)) is amended—

(1) in the subsection heading, by striking ''INCREASE THE WELL-BEING OF, AND TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY'' and inserting ''IMPLEMENT IV-E PREVENTION SERVICES, AND IMPROVE THE WELL-BEING OF, AND IMPROVE PERMANENCY OUTCOMES FOR, CHILDREN AND FAMILIES AFFECTED BY HEROIN, OPIOIDS, AND OTHER'';

(2) by striking paragraph (2) and inserting the following:

''(2) REGIONAL PARTNERSHIP DEFINED.—In this subsection, the term 'regional partnership' means a collaborative agreement (which may be established on an interstate, State, or intrastate basis) entered into by the following:

''(A) MANDATORY PARTNERS FOR ALL PARTNERSHIP GRANTS.—

''(i) The State child welfare agency that is responsible for the administration of the State plan under this part and part E.

''(ii) The State agency responsible for administering the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act.

''(B) MANDATORY PARTNERS FOR PARTNERSHIP GRANTS PROPOSING TO SERVE CHILDREN IN OUT-OF-HOME PLACEMENTS.—If the partnership proposes to serve children in out-of-home placements, the Juvenile Court or Administrative Office of the Court that is most appropriate to oversee the administration of court programs in the region to address the population of families who come to the attention of the court due to child abuse or neglect.

''(C) OPTIONAL PARTNERS.—At the option of the partnership, any of the following:

''(i) An Indian tribe or tribal consortium.

''(ii) Nonprofit child welfare service providers.

''(iii) For-profit child welfare service providers.

''(iv) Community health service providers, including substance abuse treatment providers.

''(v) Community mental health providers.

''(vi) Local law enforcement agencies.

''(vii) School personnel.

''(viii) Tribal child welfare agencies (or a consortia of the agencies).

''(ix) Any other providers, agencies, personnel, officials, or entities that are related to the provision of child and family services under a State plan approved under this subpart.

''(D) EXCEPTION FOR REGIONAL PARTNERSHIPS WHERE THE LEAD APPLICANT IS AN INDIAN TRIBE OR TRIBAL CONSORTIA.—If an Indian tribe or tribal consortium enters into a regional partnership for purposes of this subsection, the Indian tribe or tribal consortium—

''(i) may (but is not required to) include the State child welfare agency as a partner in the collaborative agreement;

''(ii) may not enter into a collaborative agreement only with tribal child welfare agencies (or a consortium of the agencies); and

''(iii) if the condition described in paragraph (2)(B) applies, may include tribal court organizations in lieu of other judicial partners.'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking ''2012 through 2016'' and inserting ''2017 through 2021''; and

(ii) by striking ''$500,000 and not more than $1,000,000'' and inserting ''$250,000 and not more than $1,000,000'';

(B) in subparagraph (B)—

(i) in the subparagraph heading, by inserting ''; PLANNING'' after ''APPROVAL'';

(ii) in clause (i), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''; and

(iii) by adding at the end the following:

''(iii) SUFFICIENT PLANNING.—A grant awarded under this subsection shall be disbursed in 2 phases: a planning phase (not to exceed 2 years); and an implementation phase. The total disbursement to a grantee for the planning phase may not exceed $250,000, and may not exceed the total anticipated funding for the implementation phase.''; and

(C) by adding at the end the following:

''(D) LIMITATION ON PAYMENT FOR A FISCAL YEAR.—No payment shall be made under subparagraph (A) or (C) for a fiscal year until the Secretary determines that the eligible partnership has made sufficient progress in meeting the goals of the grant and that the members of the eligible partnership are coordinating to a reasonable degree with the other members of the eligible partnership.'';

(4) in paragraph (4)—

(A) in subparagraph (B)—

(i) in clause (i), by inserting '', parents, and families'' after ''children'';

(ii) in clause (ii), by striking ''safety and permanence for such children; and'' and inserting ''safe, permanent caregiving relationships for the children;'';

(iii) in clause (iii), by striking ''or'' and inserting ''increase reunification rates for children who have been placed in out of home care, or decrease''; and

(iv) by redesignating clause (iii) as clause (v) and inserting after clause (ii) the following:

''(iii) improve the substance abuse treatment outcomes for parents including retention in treatment and successful completion of treatment;

''(iv) facilitate the implementation, delivery, and effectiveness of prevention services and programs under section 471(e); and'';

(B) in subparagraph (D), by striking ''where appropriate,''; and

(C) by striking subparagraphs (E) and (F) and inserting the following:

''(E) A description of a plan for sustaining the services provided by or activities funded under the grant after the conclusion of the grant period, including through the use of prevention services and programs under section 471(e) and other funds provided to the State for child welfare and substance abuse prevention and treatment services.

''(F) Additional information needed by the Secretary to determine that the proposed activities and implementation will be consistent with research or evaluations showing which practices and approaches are most effective.'';

(5) in paragraph (5)(A), by striking ''abuse treatment'' and inserting ''use disorder treatment including medication assisted treatment and in-home substance abuse disorder treatment and recovery'';

(6) in paragraph (7)—

(A) by striking ''and'' at the end of subparagraph (C); and

(B) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

''(D) demonstrate a track record of successful collaboration among child welfare, substance abuse disorder treatment and mental health agencies; and'';

(7) in paragraph (8)—

(A) in subparagraph (A)—

(i) by striking ''establish indicators that will be'' and inserting ''review indicators that are''; and

(ii) by striking ''in using funds made available under such grants to achieve the purpose of this subsection'' and inserting ''and establish a set of core indicators related to child safety, parental recovery, parenting capacity, and family well-being. In developing the core indicators, to the extent possible, indicators shall be made consistent with the outcome measures described in section 471(e)(6)'';

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting ''base the performance measures on lessons learned from prior rounds of regional partnership grants under this subsection, and'' before ''consult''; and

(ii) by striking clauses (iii) and (iv) and inserting the following:

''(iii) Other stakeholders or constituencies as determined by the Secretary.'';

(8) in paragraph (9)(A), by striking clause (i) and inserting the following:

''(i) SEMIANNUAL REPORTS.—Not later than September 30 of each fiscal year in which a recipient of a grant under this subsection is paid funds under the grant, and every 6 months thereafter, the grant recipient shall submit to the Secretary a report on the services provided and activities carried out during the reporting period, progress made in achieving the goals of the program, the number of children, adults, and families receiving services, and such additional information as the Secretary determines is necessary. The report due not later than September 30 of the last such fiscal year shall include, at a minimum, data on each of the performance indicators included in the evaluation of the regional partnership.''; and

(9) in paragraph (10), by striking ''2012 through 2016'' and inserting ''2017 through 2021''.

Subtitle C—Miscellaneous

SEC. 131. REVIEWING AND IMPROVING LICENSING STANDARDS FOR PLACEMENT IN A RELATIVE FOSTER FAMILY HOME.

(a) IDENTIFICATION OF REPUTABLE MODEL LICENSING STANDARDS.—Not later than October 1, 2017, the Secretary of Health and Human Services shall identify reputable model licensing standards with respect to the licensing of foster family homes (as defined in section 472(c)(1) of the Social Security Act).

(b) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (34)(B), by striking ''and'' after the semicolon;

(2) in paragraph (35)(B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(36) provides that, not later than April 1, 2018, the State shall submit to the Secretary information addressing—

''(A) whether the State licensing standards are in accord with model standards identified by the Secretary, and if not, the reason for the specific deviation and a description as to why having a standard that is reasonably in accord with the corresponding national model standards is not appropriate for the State;

''(B) whether the State has elected to waive standards established in 471(a)(10)(A) for relative foster family homes (pursuant to waiver authority provided by 471(a)(10)(D)), a description of which standards the State most commonly waives, and if the State has not elected to waive the standards, the reason for not waiving these standards;

''(C) if the State has elected to waive standards specified in subparagraph (B), how caseworkers are trained to use the waiver authority and whether the State has developed a process or provided tools to assist caseworkers in waiving nonsafety standards per the authority provided in 471(a)(10)(D) to quickly place children with relatives; and

''(D) a description of the steps the State is taking to improve caseworker training or the process, if any; and''.

SEC. 132. DEVELOPMENT OF A STATEWIDE PLAN TO PREVENT CHILD ABUSE AND NEGLECT FATALITIES.

Section 422(b)(19) of the Social Security Act (42 U.S.C. 622(b)(19)) is amended to read as follows:

''(19) document steps taken to track and prevent child maltreatment deaths by including—

''(A) a description of the steps the State is taking to compile complete and accurate information on the deaths required by Federal law to be reported by the State agency referred to in paragraph (1), including gathering relevant information on the deaths from the relevant organizations in the State including entities such as State vital statistics department, child death review teams, law enforcement agencies, offices of medical examiners or coroners; and

''(B) a description of the steps the state is taking to develop and implement of a comprehensive, statewide plan to prevent the fatalities that involves and engages relevant public and private agency partners, including those in public health, law enforcement, and the courts.''.

SEC. 133. MODERNIZING THE TITLE AND PURPOSE OF TITLE IV–E.

(a) PART HEADING.—The heading for part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended to read as follows:

''PART E—FEDERAL PAYMENTS FOR FOSTER CARE, PREVENTION, AND PERMANENCY''.

(b) PURPOSE.—The 1st sentence of section 470 of such Act (42 U.S.C. 670) is amended—

(1) by striking ''1995) and'' and inserting ''1995),'';

(2) by inserting ''kinship guardianship assistance, and prevention services or programs specified in section 471(e)(1),'' after ''needs,''; and

(3) by striking ''(commencing with the fiscal year which begins October 1, 1980)''.

SEC. 134. EFFECTIVE DATES.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), subject to subsection (b), the amendments made by this title shall take effect on October 1, 2016.

(2) EXCEPTIONS.—The amendments made by sections 131 and 133 shall take effect on the date of enactment of this Act.

(b) TRANSITION RULE.—

(1) IN GENERAL.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this title, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(2) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—In the case of an Indian tribe, tribal organization, or tribal consortium which the Secretary of Health and Human Services determines requires time to take action necessary to comply with the additional requirements imposed by the amendments made by this title (whether the tribe, organization, or tribal consortium has a plan under section 479B of the Social Security Act or a cooperative agreement or contract entered into with a State), the Secretary shall provide the tribe, organization, or tribal consortium with such additional time as the Secretary determines is necessary for the tribe, organization, or tribal consortium to take the action to comply with the additional requirements before being regarded as failing to comply with the requirements.

TITLE II—ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

SEC. 201. LIMITATION ON FEDERAL FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY HOMES.

(a) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

(1) IN GENERAL.—Section 472 of the Social Security Act (42 U.S.C. 672), as amended by section 112, is amended—

(A) in subsection (a)(2)(C), by inserting '', but only to the extent permitted under subsection (k)'' after ''institution''; and

(B) by adding at the end the following:

''(k) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

''(1) IN GENERAL.—Beginning with the third week for which foster care maintenance payments are made under this section on behalf of a child placed in a child-care institution, no Federal payment shall be made to the State under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of the child unless—

''(A) the child is placed in a child-care institution that is a setting specified in paragraph (2) (or is placed in a licensed residential family-based treatment facility consistent with subsection (j)); and

''(B) in the case of a child placed in a qualified residential treatment program (as defined in paragraph (4)), the requirements specified in paragraph (3) and section 475A(c) are met.

''(2) SPECIFIED SETTINGS FOR PLACEMENT.—The settings for placement specified in this paragraph are the following:

''(A) A qualified residential treatment program (as defined in paragraph (4)).

''(B) A setting specializing in providing prenatal, post-partum, or parenting supports for youth.

''(C) In the case of a child who has attained 18 years of age, a supervised setting in which the child is living independently.

''(3) ASSESSMENT TO DETERMINE APPROPRIATENESS OF PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—

''(A) DEADLINE FOR ASSESSMENT.—In the case of a child who is placed in a qualified residential treatment program, if the assessment required under section 475A(c)(1) is not completed within 30 days after the placement is made, no Federal payment shall be made to the State under section 474(a)(1) for any amounts expended for foster care maintenance payments on behalf of the child during the placement.

''(B) DEADLINE FOR TRANSITION OUT OF PLACEMENT.—If the assessment required under section 475A(c)(1) determines that the placement of a child in a qualified residential treatment program is not appropriate, a court disapproves such a placement under section 475A(c)(2), or a child who has been in an approved placement in a qualified residential treatment program is going to return home or be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home, Federal payments shall be made to the State under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of the child while the child remains in the qualified residential treatment program only during the period necessary for the child to transition home or to such a placement. In no event shall a State receive Federal payments under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of a child who remains placed in a qualified residential treatment program after the end of the 30-day period that begins on the date a determination is made that the placement is no longer the recommended or approved placement for the child.

''(4) QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—For purposes of this part, the term 'qualified residential treatment program' means a program that—

''(A) has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified for the child by the assessment of the child required under section 475A(c);

''(B) has registered or licensed nursing staff and other licensed clinical staff who—

''(i) provide care within the scope of their practice as defined by State law;

''(ii) are on-site during business hours; and

''(iii) are available 24 hours a day and 7 days a week;

''(C) to extent appropriate, and in accordance with the child's best interests, facilitates participation of family members in the child's treatment program;

''(D) facilitates outreach to the family members of the child, including siblings, documents how the outreach is made (including contact information), and maintains contact information for any known biological family and fictive kin of the child;

''(E) documents how family members are integrated into the treatment process for the child, including post-discharge, and how sibling connections are maintained;

''(F) provides discharge planning and family-based aftercare support for at least 6 months post-discharge; and

''(G) is licensed in accordance with section 471(a)(10) and is accredited by any of the following independent, not-for-profit organizations:

''(i) The Commission on Accreditation of Rehabilitation Facilities (CARF).

''(ii) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

''(iii) The Council on Accreditation (COA).

''(iv) Any other independent, not-for-profit accrediting organization approved by the Secretary.''.

(2) CONFORMING AMENDMENT.—Section 474(a)(1) of the Social Security Act (42 U.S.C. 674(a)(1)), as amended by section 112(b), is amended by striking ''section 472(j)'' and inserting ''subsections (j) and (k) of section 472''.

(b) DEFINITION OF FOSTER FAMILY HOME, CHILD-CARE INSTITUTION.—Section 472(c) of such Act (42 U.S.C. 672(c)(1)) is amended to read as follows:

''(c) DEFINITIONS.—For purposes of this part:

''(1) FOSTER FAMILY HOME.—

''(A) IN GENERAL.—The term 'foster family home' means the home of an individual or family—

''(i) that is licensed or approved by the State in which it is situated as a foster family home that meets the standards established for the licensing or approval; and

''(ii) in which a child in foster care has been placed in the care of an individual, who resides with the child and who has been licensed or approved by the State to be a foster parent—

''(I) that the State deems capable of adhering to the reasonable and prudent parent standard;

''(II) that provides 24-hour substitute care for children placed away from their parents or other caretakers; and

''(III) that provides the care for not more than 6 children in foster care.

''(B) STATE FLEXIBILITY.—The number of foster children that may be cared for in a home under subparagraph (A) may exceed the numerical limitation in subparagraph (A)(ii)(III), at the option of the State, for any of the following reasons:

''(i) To allow a parenting youth in foster care to remain with the child of the parenting youth.

''(ii) To allow siblings to remain together.

''(iii) To allow a child with an established meaningful relationship with the family to remain with the family.

''(iv) To allow a family with special training or skills to provide care to a child who has a severe disability.

''(C) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as prohibiting a foster parent from renting the home in which the parent cares for a foster child placed in the parent's care.

''(2) CHILD-CARE INSTITUTION.—

''(A) IN GENERAL.—The term 'child-care institution' means a private child-care institution, or a public child-care institution which accommodates no more than 25 children, which is licensed by the State in which it is situated or has been approved by the agency of the State responsible for licensing or approval of institutions of this type as meeting the standards established for the licensing.

''(B) SUPERVISED SETTINGS.—In the case of a child who has attained 18 years of age, the term shall include a supervised setting in which the individual is living independently, in accordance with such conditions as the Secretary shall establish in regulations.

''(C) EXCLUSIONS.—The term shall not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.''.

(c) TRAINING FOR STATE JUDGES, ATTORNEYS, AND OTHER LEGAL PERSONNEL IN CHILD WELFARE CASES.—Section 438(b)(1) of such Act (42 U.S.C. 629h(b)(1)) is amended in the matter preceding subparagraph (A) by inserting ''shall provide for the training of judges, attorneys, and other legal personnel in child welfare cases on Federal child welfare policies and payment limitations with respect to children in foster care who are placed in settings that are not a foster family home,'' after ''with respect to the child,''.

(d) ASSURANCE OF NONIMPACT ON JUVENILE JUSTICE SYSTEM.—

(1) STATE PLAN REQUIREMENT.—Section 471(a) of such Act (42 U.S.C. 671(a)), as amended by section 131, is further amended by adding at the end the following:

''(37) includes a certification that, in response to the limitation imposed under section 472(k) with respect to foster care maintenance payments made on behalf of any child who is placed in a setting that is not a foster family home, the State will not enact or advance policies or practices that would result in a significant increase in the population of youth in the State's juvenile justice system.''.

(2) GAO STUDY AND REPORT.—The Comptroller General of the United States shall evaluate the impact, if any, on State juvenile justice systems of the limitation imposed under section 472(k) of the Social Security Act (as added by section 201(a)(1)) on foster care maintenance payments made on behalf of any child who is placed in a setting that is not a foster family home, in accordance with the amendments made by subsections (a) and (b) of this section. In particular, the Comptroller General shall evaluate the extent to which children in foster care who also are subject to the juvenile justice system of the State are placed in a facility under the jurisdiction of the juvenile justice system and whether the lack of available congregate care placements under the jurisdiction of the child welfare systems is a contributing factor to that result. Not later than December 31, 2023, the Comptroller General shall submit to Congress a report on the results of the evaluation.

SEC. 202. ASSESSMENT AND DOCUMENTATION OF THE NEED FOR PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.

Section 475A of the Social Security Act (42 U.S.C. 675a) is amended by adding at the end the following:

''(c) ASSESSMENT, DOCUMENTATION, AND JUDICIAL DETERMINATION REQUIREMENTS FOR PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—In the case of any child who is placed in a qualified residential treatment program (as defined in section 472(k)(4)), the following requirements shall apply for purposes of approving the case plan for the child and the case system review procedure for the child:

''(1)(A) Within 30 days of the start of each placement in such a setting, a qualified individual (as defined in subparagraph (D)) shall—

''(i) assess the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool approved by the Secretary;

''(ii) determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, which setting from among the settings specified in section 472(k)(2) would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and

''(iii) develop a list of child-specific short- and long-term mental and behavioral health goals.

''(B)(i) The State shall assemble a family and permanency team for the child in accordance with the requirements of clauses (ii) and (iii). The qualified individual conducting the assessment required under subparagraph (A) shall work in conjunction with the family of, and permanency team for, the child while conducting and making the assessment.

''(ii) The family and permanency team shall consist of all appropriate biological family members, relative, and fictive kin of the child, as well as, as appropriate, professionals who are a resource to the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy. In the case of a child who has attained age 14, the family and permanency team shall include the members of the permanency planning team for the child that are selected by the child in accordance with section 475(5)(C)(iv).

''(iii) The State shall document in the child's case plan—

''(I) the reasonable and good faith effort of the State to identify and include all such individuals on the family of, and permanency team for, the child;

''(II) all contact information for members of the family and permanency team, as well as contact information for other family members and fictive kin who are not part of the family and permanency team;

''(III) evidence that meetings of the family and permanency team, including meetings relating to the assessment required under subparagraph (A), are held at a time and place convenient for family;

''(IV) if reunification is the goal, evidence demonstrating that the parent from whom the child was removed provided input on the members of the family and permanency team;

''(V) evidence that the assessment required under subparagraph (A) is determined in conjunction with the family and permanency team; and

''(VI) the placement preferences of the family and permanency team relative to the assessment and, if the placement preferences of the family and permanency team and child are not the placement setting recommended by the qualified individual conducting the assessment under subparagraph (A), the reasons why the preferences of the team and of the child were not recommended.

''(C) In the case of a child who the qualified individual conducting the assessment under subparagraph (A) determines should not be placed in a foster family home, the qualified individual shall specify in writing the reasons why the needs of the child cannot be met by the family of the child or in a foster family home. A shortage or lack of foster family homes shall not be an acceptable reason for determining that a needs of the child cannot be met in a foster family home. The qualified individual also shall specify in writing why the recommended placement in a qualified residential treatment program is the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child.

''(D)(i) Subject to clause (ii), in this subsection, the term 'qualified individual' means a trained professional or licensed clinician who is not an employee of the State agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State.

''(ii) The Secretary may approve a request of a State to waive any requirement in clause (i) upon a submission by the State, in accordance with criteria established by the Secretary, that certifies that the trained professionals or licensed clinicians with responsibility for performing the assessments described in subparagraph (A) shall maintain objectivity with respect to determining the most effective and appropriate placement for a child.

''(2) Within 60 days of the start of each placement in a qualified residential treatment program, a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or an administrative body appointed or approved by the court, independently, shall—

''(A) consider the assessment, determination, and documentation made by the qualified individual conducting the assessment under paragraph (1);

''(B) determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and

''(C) approve or disapprove the placement.

''(3) The written documentation made under paragraph (1)(C) and documentation of the determination and approval or disapproval of the placement in a qualified residential treatment program by a court or administrative body under paragraph (2) shall be included in and made part of the case plan for the child.

''(4) As long as a child remains placed in a qualified residential treatment program, the State agency shall submit evidence at each status review and each permanency hearing held with respect to the child—

''(A) demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child;

''(B) documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

''(C) documenting the efforts made by the State agency to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.

''(5) In the case of any child who is placed in a qualified residential treatment program for more than 12 consecutive months or 18 nonconsecutive months (or, in the case of a child who has not attained age 13, for more than 6 consecutive or nonconsecutive months), the State agency shall submit to the Secretary—

''(A) the most recent versions of the evidence and documentation specified in paragraph (4); and

''(B) the signed approval of the head of the State agency for the continued placement of the child in that setting.''.

SEC. 203. PROTOCOLS TO PREVENT INAPPROPRIATE DIAGNOSES.

(a) STATE PLAN REQUIREMENT.—Section 422(b)(15)(A) of the Social Security Act (42 U.S.C. 622(b)(15)(A)) is amended—

(1) in clause (vi), by striking ''and'' after the semicolon;

(2) by redesignating clause (vii) as clause (viii); and

(3) by inserting after clause (vi) the following:

''(vii) the procedures and protocols the State has established to ensure that children in foster care placements are not inappropriately diagnosed with mental illness, other emotional or behavioral disorders, medically fragile conditions, or developmental disabilities, and placed in settings that are not foster family homes as a result of the inappropriate diagnoses; and''.

(b) EVALUATION.—Section 476 of such Act (42 U.S.C. 676), as amended by section 111(d), is further amended by adding at the end the following:

''(e) EVALUATION OF STATE PROCEDURES AND PROTOCOLS TO PREVENT INAPPROPRIATE DIAGNOSES OF MENTAL ILLNESS OR OTHER CONDITIONS.—The Secretary shall conduct an evaluation of the procedures and protocols established by States in accordance with the requirements of section 422(b)(15)(A)(vii). The evaluation shall analyze the extent to which States comply with and enforce the procedures and protocols and the effectiveness of various State procedures and protocols and shall identify best practices. Not later than January 1, 2019, the Secretary shall submit a report on the results of the evaluation to Congress.''.

SEC. 204. ADDITIONAL DATA AND REPORTS REGARDING CHILDREN PLACED IN A SETTING THAT IS NOT A FOSTER FAMILY HOME.

Section 479A(a)(7)(A) of the Social Security Act (42 U.S.C. 679b(a)(7)(A)) is amended by striking clauses (i) through (vi) and inserting the following:

''(i) with respect to each such placement—

''(I) the type of the placement setting, including whether the placement is shelter care, a group home and if so, the range of the child population in the home, a residential treatment facility, a hospital or institution providing medical, rehabilitative, or psychiatric care, a setting specializing in providing prenatal, post-partum or parenting supports, or some other kind of child-care institution and if so, what kind;

''(II) the number of children in the placement setting and the age, race, ethnicity, and gender of each of the children;

''(III) for each child in the placement setting, the length of the placement of the child in the setting, whether the placement of the child in the setting is the first placement of the child and if not, the number and type of previous placements of the child, and whether the child has special needs or another diagnosed mental or physical illness or condition; and

''(IV) the extent of any specialized education, treatment, counseling, or other services provided in the setting; and

''(ii) separately, the number and ages of children in the placements who have a permanency plan of another planned permanent living arrangement; and''.

SEC. 205. EFFECTIVE DATES; APPLICATION TO WAIVERS.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Subject to paragraph (2) and subsections (b) and (c), the amendments made by this title shall take effect on October 1, 2016.

(2) TRANSITION RULE.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this title, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet the additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(b) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY HOMES AND RELATED PROVISIONS.—The amendments made by sections 201(a), 201(b), 201(d), and 202 shall take effect on October 1, 2019.

(c) APPLICATION TO STATES WITH WAIVERS.—In the case of a State that, on the date of enactment of this Act, has in effect a waiver approved under section 1130 of the Social Security

Act (42 U.S.C. 1320a-9), the amendments made by this title shall not apply with respect to the State before the expiration (determined without regard to any extensions) of the waiver to the extent the amendments are inconsistent with the terms of the waiver.

TITLE III—CONTINUING SUPPORT FOR CHILD AND FAMILY SERVICES

SEC. 301. SUPPORTING AND RETAINING FOSTER FAMILIES FOR CHILDREN.

(a) SUPPORTING AND RETAINING FOSTER PARENTS AS A FAMILY SUPPORT SERVICE.—Section 431(a)(2)(B) of the Social Security Act (42 U.S.C. 631(a)(2)(B)) is amended by redesignating clauses (iii) through (vi) as clauses (iv) through (vii), respectively, and inserting after clause (ii) the following:

''(iii) To support and retain foster families so they can provide quality family-based settings for children in foster care.''.

(b) SUPPORT FOR FOSTER FAMILY HOMES.—Section 436 of such Act (42 U.S.C. 629f) is amended by adding at the end the following:

''(c) SUPPORT FOR FOSTER FAMILY HOMES.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary for fiscal year 2018, $8,000,000 for the Secretary to make competitive grants to States, Indian tribes, or tribal consortia to support the recruitment and retention of high-quality foster families to increase their capacity to place more children in family settings, focused on States, Indian tribes, or tribal consortia with the highest percentage of children in non-family settings. The amount appropriated under this subparagraph shall remain available through fiscal year 2022.''.

SEC. 302. EXTENSION OF CHILD AND FAMILY SERVICES PROGRAMS.

(a) EXTENSION OF STEPHANIE TUBBS JONES CHILD WELFARE SERVICES PROGRAM.—Section 425 of the Social Security Act (42 U.S.C. 625) is amended by striking ''2012 through 2016'' and inserting ''2017 through 2021''.

(b) EXTENSION OF PROMOTING SAFE AND STABLE FAMILIES PROGRAM AUTHORIZATIONS.—

(1) IN GENERAL.—Section 436(a) of such Act (42 U.S.C. 629f(a)) is amended by striking all that follows ''$345,000,000'' and inserting ''for each of fiscal years 2017 through 2021.''.

(2) DISCRETIONARY GRANTS.—Section 437(a) of such Act (42 U.S.C. 629g(a)) is amended by striking ''2012 through 2016'' and inserting ''2017 through 2021''.

(c) EXTENSION OF FUNDING RESERVATIONS FOR MONTHLY CASEWORKER VISITS AND REGIONAL PARTNERSHIP GRANTS.—Section 436(b) of such Act (42 U.S.C. 629f(b)) is amended—

(1) in paragraph (4)(A), by striking ''2012 through 2016'' and inserting ''2017 through 2021''; and

(2) in paragraph (5), by striking ''2012 through 2016'' and inserting ''2017 through 2021''.

(d) REAUTHORIZATION OF FUNDING FOR STATE COURTS.—

(1) EXTENSION OF PROGRAM.—Section 438(c)(1) of such Act (42 U.S.C. 629h(c)(1)) is amended by striking ''2012 through 2016'' and inserting ''2017 through 2021''.

(2) EXTENSION OF FEDERAL SHARE.—Section 438(d) of such Act (42 U.S.C. 629h(d)) is amended by striking ''2012 through 2016'' and inserting ''2017 through 2021''.

(e) REPEAL OF EXPIRED PROVISIONS.—Section 438(e) of such Act (42 U.S.C. 629h(e)) is repealed.

SEC. 303. IMPROVEMENTS TO THE JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM AND RELATED PROVISIONS.

(a) AUTHORITY TO SERVE FORMER FOSTER YOUTH UP TO AGE 23.—Section 477 of the Social Security Act (42 U.S.C. 677) is amended—

(1) in subsection (a)(5), by inserting ''(or 23 years of age, in the case of a State with a certification under subsection (b)(3)(A)(ii) to provide assistance and services to youths who have aged out of foster care and have not attained such age, in accordance with such subsection)'' after ''21 years of age'';

(2) in subsection (b)(3)(A)—

(A) by inserting ''(i)'' before ''A certification'';

(B) by striking ''children who have left foster care'' and all that follows through the period and inserting ''youths who have aged out of foster care and have not attained 21 years of age.''; and

(C) by adding at the end the following:

''(ii) If the State has elected under section 475(8)(B) to extend eligibility for foster care to all children who have not attained 21 years of age, or if the Secretary determines that the State agency responsible for administering the State plans under this part and part B uses State funds or any other funds not provided under this part to provide services and assistance for youths who have aged out of foster care that are comparable to the services and assistance the youths would receive if the State had made such an election, the certification required under clause (i) may provide that the State will provide assistance and services to youths who have aged out of foster care and have not attained 23 years of age.''; and

(3) in subsection (b)(3)(B), by striking ''children who have left foster care'' and all that follows through the period and inserting ''youths who have aged out of foster care and have not attained 21 years of age (or 23 years of age, in the case of a State with a certification under subparagraph (A)(i) to provide assistance and services to youths who have aged out of foster care and have not attained such age, in accordance with subparagraph (A)(ii)).''.

(b) AUTHORITY TO REDISTRIBUTE UNSPENT FUNDS.—Section 477(d) of such Act (42 U.S.C. 677(d)) is amended—

(1) in paragraph (4), by inserting ''or does not expend allocated funds within the time period specified under section 477(d)(3)'' after ''provided by the Secretary''; and

(2) by adding at the end the following:

''(5) REDISTRIBUTION OF UNEXPENDED AMOUNTS.—

''(A) AVAILABILITY OF AMOUNTS.—To the extent that amounts paid to States under this section in a fiscal year remain unexpended by the States at the end of the succeeding fiscal year, the Secretary may make the amounts available for redistribution in the 2nd succeeding fiscal year among the States that apply for additional funds under this section for that 2nd succeeding fiscal year.

''(B) REDISTRIBUTION.—

''(i) IN GENERAL.—The Secretary shall redistribute the amounts made available under subparagraph (A) for a fiscal year among eligible applicant States. In this subparagraph, the term 'eligible applicant State' means a State that has applied for additional funds for the fiscal year under subparagraph (A) if the Secretary determines that the State will use the funds for the purpose for which originally allotted under this section.

''(ii) AMOUNT TO BE REDISTRIBUTED.—The amount to be redistributed to each eligible applicant State shall be the amount so made available multiplied by the State foster care ratio, (as defined in subsection (c)(4), except that, in such subsection, 'all eligible applicant States (as defined in subsection (d)(5)(B)(i))' shall be substituted for 'all States').

''(iii) TREATMENT OF REDISTRIBUTED AMOUNT.—Any amount made available to a State under this paragraph shall be regarded as part of the allotment of the State under this section for the fiscal year in which the redistribution is made.

''(C) TRIBES.—For purposes of this paragraph, the term 'State' includes an Indian tribe, tribal organization, or tribal consortium that receives an allotment under this section.''.

(c) EXPANDING AND CLARIFYING THE USE OF EDUCATION AND TRAINING VOUCHERS.—

(1) IN GENERAL.—Section 477(i)(3) of such Act (42 U.S.C. 677(i)(3)) is amended—

(A) by striking ''on the date'' and all that follows through ''23'' and inserting ''to remain eligible until they attain 26''; and

(B) by inserting '', but in no event may a youth participate in the program for more than 5 years (whether or not consecutive)'' before the period.

(2) CONFORMING AMENDMENT.—Section 477(i)(1) of such Act (42 U.S.C. 677(i)(1)) is amended by inserting ''who have attained 14 years of age'' before the period.

(d) OTHER IMPROVEMENTS.—Section 477 of such Act (42 U.S.C. 677), as amended by subsections (a), (b), and (c), is amended—

*(1) in the section heading, by striking ''**INDEPENDENCE PROGRAM**'' and inserting ''**PROGRAM FOR SUCCESSFUL TRANSITION TO ADULTHOOD**'';*

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''identify children who are likely to remain in foster care until 18 years of age and to help these children make the transition to self-sufficiency by providing services'' and inserting ''support all youth who have experienced foster care at age 14 or older in their transition to adulthood through transitional services'';

(ii) by inserting ''and post-secondary education'' after ''high school diploma''; and

(iii) by striking ''training in daily living skills, training in budgeting and financial management skills'' and inserting ''training and opportunities to practice daily living skills (such as financial literacy training and driving instruction)'';

(B) in paragraph (2), by striking ''who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment'' and inserting ''who have experienced foster care at age 14 or older achieve meaningful, permanent connections with a caring adult'';

(C) in paragraph (3), by striking ''who are likely to remain in foster care until 18 years of age prepare for and enter postsecondary training and education institutions'' and inserting ''who have experienced foster care at age 14 or older engage in age or developmentally appropriate activities, positive youth development, and experiential learning that reflects what their peers in intact families experience''; and

(D) by striking paragraph (4) and redesignating paragraphs (5) through (8) as paragraphs (4) through (7);

(3) in subsection (b)—

(A) in paragraph (2)(D), by striking ''adolescents'' and inserting ''youth''; and

(B) in paragraph (3)—

(i) in subparagraph (D)—

(I) by inserting ''including training on youth development'' after ''to provide training''; and

(II) by striking ''adolescents preparing for independent living'' and all that follows through the period and inserting ''youth preparing for a successful transition to adulthood and making a permanent connection with a caring adult.'';

(ii) in subparagraph (H), by striking ''adolescents'' each place it appears and inserting ''youth''; and

(iii) in subparagraph (K)—

(I) by striking ''an adolescent'' and inserting ''a youth''; and

(II) by striking ''the adolescent'' each place it appears and inserting ''the youth''; and

(4) in subsection (f), by striking paragraph (2) and inserting the following:

''(2) REPORT TO CONGRESS.—Not later than October 1, 2017, the Secretary shall submit to the

Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the National Youth in Transition Database and any other databases in which States report outcome measures relating to children in foster care and children who have aged out of foster care or left foster care for kinship guardianship or adoption. The report shall include the following:

''(A) A description of the reasons for entry into foster care and of the foster care experiences, such as length of stay, number of placement settings, case goal, and discharge reason of 17-year-olds who are surveyed by the National Youth in Transition Database and an analysis of the comparison of that description with the reasons for entry and foster care experiences of children of other ages who exit from foster care before attaining age 17.

''(B) A description of the characteristics of the individuals who report poor outcomes at ages 19 and 21 to the National Youth in Transition Database.

''(C) Benchmarks for determining what constitutes a poor outcome for youth who remain in or have exited from foster care and plans the Executive branch will take to incorporate these benchmarks in efforts to evaluate child welfare agency performance in providing services to children transitioning from foster care.

''(D) An analysis of the association between types of placement, number of overall placements, time spent in foster care, and other factors, and outcomes at ages 19 and 21.

''(E) An analysis of the differences in outcomes for children in and formerly in foster care at age 19 and 21 among States.''.

(e) CLARIFYING DOCUMENTATION PROVIDED TO FOSTER YOUTH LEAVING FOSTER CARE.—Section 475(5)(I) of such Act (42 U.S.C. 675(5)(I)) is amended by inserting after ''REAL ID Act of 2005'' the following: '', and any official documentation necessary to prove that the child was previously in foster care''.

TITLE IV—CONTINUING INCENTIVES TO STATES TO PROMOTE ADOPTION AND LEGAL GUARDIANSHIP

SEC. 401. REAUTHORIZING ADOPTION AND LEGAL GUARDIANSHIP INCENTIVE PROGRAMS.

Section 473A of the Social Security Act (42 U.S.C. 673b) is amended—

(1) in subsection (b)(4), by striking ''2013 through 2015'' and inserting ''2016 through 2020'';

(2) in subsection (h)(1)(D), by striking ''2016'' and inserting ''2021''; and

(3) in subsection (h)(2), by striking ''2016'' and inserting ''2021''.

TITLE V—TECHNICAL CORRECTIONS

SEC. 501. TECHNICAL CORRECTIONS TO DATA EXCHANGE STANDARDS TO IMPROVE PROGRAM COORDINATION.

(a) IN GENERAL.—Section 440 of the Social Security Act (42 U.S.C. 629m) is amended to read as follows:

''SEC. 440. DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.

''(a) DESIGNATION.—The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, by rule, designate data exchange standards to govern, under this part—

''(1) necessary categories of information that State agencies operating programs under State plans approved under this part are required under applicable Federal law to electronically exchange with another State agency; and

''(2) Federal reporting and data exchange required under applicable Federal law.

''(b) REQUIREMENTS.—The data exchange standards required by paragraph (1) shall, to the extent practicable—

''(1) incorporate a widely accepted, non-proprietary, searchable, computer-readable format, such as the eXtensible Markup Language;

''(2) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;

''(3) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;

''(4) be consistent with and implement applicable accounting principles;

''(5) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

''(6) be capable of being continually upgraded as necessary.

''(c) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a change to existing data exchange standards found to be effective and efficient.''.

(b) EFFECTIVE DATE.—Not later than the date that is 24 months after the date of the enactment of this section, the Secretary of Health and Human Services shall issue a proposed rule that—

(1) identifies federally required data exchanges, include specification and timing of exchanges to be standardized, and address the factors used in determining whether and when to standardize data exchanges; and

(2) specifies State implementation options and describes future milestones.

SEC. 502. TECHNICAL CORRECTIONS TO STATE REQUIREMENT TO ADDRESS THE DEVELOPMENTAL NEEDS OF YOUNG CHILDREN.

Section 422(b)(18) of the Social Security Act (42 U.S.C. 622(b)(18)) is amended by striking ''such children'' and inserting ''all vulnerable children under 5 years of age''.

TITLE VI—ENSURING STATES REINVEST SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE

SEC. 601. DELAY OF ADOPTION ASSISTANCE PHASE-IN.

Section 473(e)(1) of the Social Security Act (42 U.S.C. 673(e)(1)) is amended—

(1) in subparagraph (A), by striking ''fiscal year'' each place it appears and inserting ''period''; and

(2) in subparagraph (B)—

(A) in the matter preceding the table, by striking ''fiscal year'' and inserting ''period''; and

(B) in the table—

(i) by striking ''of fiscal year:'' and inserting ''of:'';

(ii) by striking ''2010'' and inserting ''Fiscal year 2010'';

(iii) by striking ''2011'' and inserting ''Fiscal year 2011'';

(iv) by striking ''2012'' and inserting ''Fiscal year 2012'';

(v) by striking ''2013'' and inserting ''Fiscal year 2013'';

(vi) by striking ''2014'' and inserting ''Fiscal year 2014'';

(vii) by striking ''2015'' and inserting ''Fiscal year 2015'';

(viii) by striking ''2016'' and inserting ''October 1, 2015, through March 31, 2019'';

(ix) by striking ''2017'' and inserting ''April 1, 2019, through March 31, 2020''; and

(x) by striking ''2018'' and inserting ''April 1, 2020,''.

SEC. 602. GAO STUDY AND REPORT ON STATE REINVESTMENT OF SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE.

(a) STUDY.—The Comptroller General of the United States shall study the extent to which States are complying with the requirements of section 473(a)(8) of the Social Security Act relating to the effects of phasing out the AFDC income eligibility requirements for adoption assistance payments under section 473 of the Social Security Act, as enacted by section 402 of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110–351; 122 Stat. 3975) and amended by section 206 of the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113–183; 128 Stat. 1919). In particular, the Comptroller General shall analyze the extent to which States are complying with the following requirements under section 473(a)(8)(D) of the Social Security Act:

(1) The requirement to spend an amount equal to the amount of the savings (if any) in State expenditures under part E of title IV of the Social Security resulting from phasing out the AFDC income eligibility requirements for adoption assistance payments under section 473 of such Act to provide to children of families any service that may be provided under part B or E of title IV of such Act.

(2) The requirement that a State shall spend not less than 30 percent of the amount of any savings described in subparagraph (A) on post-adoption services, post-guardianship services, and services to support and sustain positive permanent outcomes for children who otherwise might enter into foster care under the responsibility of the State, with at least 2/3 of the spending by the State to comply with the 30 percent requirement being spent on post-adoption and post-guardianship services.

(b) REPORT.—The Comptroller General of the United States shall submit to the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Secretary of Health and Human Services a report that contains the results of the study required by subsection (a), including recommendations to ensure compliance with laws referred to in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BUCHANAN) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material on H.R. 5456, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BUCHANAN. Mr. Speaker, I yield myself such time as I may consume.

The Nation is in the grips of an opioid and heroin epidemic, which, according to States, is responsible for recent spikes in the need for out-of-home foster care placement after more than a decade of decline.

Under current child welfare financing, when a family is struggling, the majority of Federal dollars are only available if the State removes a child from his or her biological and adoptive home and places that child in foster care.

Even though it is often less expensive and more effective to keep a child safely at home, Federal support for these

types of prevention services are extremely limited. Children who are raised by the State in foster care face increased risks of substance abuse, homelessness, teen pregnancy, and other negative outcomes.

The Family First Prevention Services Act of 2016 will reverse the current trends by supporting early, evidence-based, cost-effective interventions to keep children safely at home. This will increase the likelihood of positive short-term and long-term outcomes for both children and their parents. Moreover, it will ensure that children who do not need foster care are appropriately placed with families whenever possible.

Preliminary estimates are that the cost of the up-front prevention services to strengthen families will be more than fully offset by both reducing inappropriate placements into group homes for foster children, as well as briefly delaying additional adoption assistance to allow for a comprehensive GAO review to be completed.

In May, the Human Resources Subcommittee heard about challenges and successes of those on the ground as they attempt to fight the opioid and heroin epidemic in their communities. Today, we will move forward to ensure more struggling families get the help they so vitally need.

This bill is a result of a bipartisan, bicameral effort. So I would like to thank Ranking Member LEVIN and our Senate Finance Committee colleagues, Chairman HATCH and Ranking Member WYDEN, for working so diligently on this effort.

This bill also incorporates bipartisan efforts by Congressman YOUNG and Congressman DAVIS to improve the exchange of information across State lines to get foster children settled into homes more quickly.

I would like to thank my fellow committee members, the bipartisan group of original cosponsors, and those on the committee who have also joined to sponsor this important legislation.

Finally, I would like to recognize the overwhelming support we have received from the child welfare community who, I know, have been working on this issue for many, many years, some say as long as 30 years, in terms of the prevention care for our kids.

I include in the RECORD some of these more than 136 letters of support we have received so far on this bill.

CHILDREN'S HOME SOCIETY OF AMERICA,
Chicago, IL, June 14, 2016.

Hon. KEVIN BRADY,
Chairman, Committee on Ways and Means, House of Congress, Washington, DC.
Hon. SANDY LEVIN,
Ranking Member, Committee on Ways and Means, House of Congress, Washington, DC.

DEAR CHAIRMAN BRADY AND RANKING MEMBER LEVIN: As a nationwide membership organization comprised of many of the most long standing and respected child and family organizations in the country, Children's Home Society of America is writing in support of your efforts to promote and improve outcomes for many of the hundreds of thousands of children and youth who come to the attention of the child welfare system each year, including children in foster care. Over the decades the House Ways and Means Committee, with bipartisan support, has taken significant steps forward on behalf of our most vulnerable children and the Family First Prevention Services Act of 2016 continues those efforts.

Allowing funds under Title IV-E of the Social Security Act, currently used primarily for out-of-home care for children, to be used for the first time for prevention services to help keep children at risk of placement in foster care safely at home with their parents or with kin is a significant move in the right direction. Kinship caregivers play a critical role in protecting children temporarily while their parents are not able to and also in ensuring new permanent families for children who cannot return home.

We strongly support the bill's recognition of the importance of quality services for these children, which are evidence-based and trauma-informed and the importance of accountability in tracking the provision of services and their benefits for children. States at different stages in reforming their systems will also have help training staff for the development and delivery of these new services and putting in place the infrastructure needed to administer and oversee their delivery and child outcomes.

The Family First Prevention Services Act over time also will take important steps to ensure children who need to enter foster care will be placed in the least restrictive setting appropriate to their needs, by targeting federal dollars only on smaller family-foster homes and on other care settings for children and youth with special treatment needs or those in special circumstances, such as pregnant and parenting teens or older youth in independent living settings. A number of states already have undertaken special efforts to reduce the number of children in congregate care and to preserve group care settings for children with special treatment needs.

Children and society pay a high cost when the current systems fail to adequately address the needs of the children who come to the attention of our child welfare systems, nearly 80 percent of whom are victims of neglect. We believe that the specific changes proposed will go far in encouraging state and local child welfare systems, private providers, the courts and youth and families who have been involved in the system to work together to achieve significant change for children over the next decade.

We look forward to working with you to ensure these new child welfare finance reforms will truly benefit children who come to the attention of the child welfare system and to continue to explore additional improvements on their behalf to ensure they all have safe, permanent families. Thank you for your continuing leadership on behalf of these children.

Sincerely,

SHARON OSBORNE,
Board Chair.

CHILDREN'S HOSPITAL OF WISCONSIN,
Milwaukee, WI.

Hon. VERN BUCHANAN,
Chairman, Human Resources Subcommittee, House Committee on Ways & Means, Washington DC.

DEAR CHAIRMAN BUCHANAN: Children's Hospital of Wisconsin strongly supports the Family First Prevention Services Act of 2016 (H.R. 5456). We applaud your leadership on this important issue.

Children's Hospital of Wisconsin (Children's) is the region's only independent health care system dedicated solely to the health and well-being of children. We serve children from every county in the state and are recognized as one of the leading pediatric health care centers in the United States. In addition, Children's is the largest not-for-profit, community-based child and family serving agency in Wisconsin. Through our Community Services work, we provide a continuum of care to more than 15,000 children and families annually. This includes family preservation and support, child and family counseling, child welfare, child advocacy and protection, and foster care and adoption services.

We strongly support the Family First Prevention Services Act that would allow funds under Title IV-E of the Social Security Act to be used for the first time for evidence-based prevention services to help keep children at risk of placement in foster care safely at home with their parents or with kin. The legislation represents a significant and meaningful shift in child welfare policy by prioritizing up-front, evidence-based services to keep families together. We know from experience and empirical research that this is important for the healthy development of children.

The bill also makes significant advancements to integrate interventions and measures focused on child well-being into the child welfare system. Children's believes that prioritizing and providing accountability for child well-being, in addition to safety and permanency, is critical to achieving better outcomes for children and society and positioning children to thrive into adulthood.

Children's is committed to improving the health and well-being of children and families. We believe the Family First Prevention Services Act will enable the child welfare system to better serve our most vulnerable children and families.

Sincerely,

AMY HERBST,
Vice President, Child Well-Being.

[From the American Academy of Pediatrics, June 13, 2016]

AAP STATEMENT SUPPORTING THE FAMILY FIRST PREVENTION SERVICES ACT

(By Benard P. Dreyer, MD, FAAP)

''The American Academy of Pediatrics (AAP) commends House Ways and Means Committee Chairman Kevin Brady (R–Tex) and Ranking Member Sander Levin (D–Mich) and Senate Finance Committee Chairman Orrin Hatch (R–Utah) and Ranking Member Ron Wyden (D–Ore) for releasing the Family First Prevention Services Act of 2016, a comprehensive, bipartisan effort to improve how the child welfare system serves children and families in adversity. This bill represents a pivotal opportunity for a major federal policy shift that moves away from placing children in out-of-home care and toward keeping families together.

''Children in or at-risk for entering foster care are especially vulnerable, they are more

likely to be exposed to trauma and often have complex medical needs. This bill not only recognizes the unique needs of children and families in adversity, but also makes great strides to meet them in a way that pediatricians can stand behind through evidence-based, prevention-focused approaches. The bill offers states much-needed federal funding to support mental health, substance abuse and in-home parenting skills programs for families of children at-risk of entering foster care. This policy rewards state efforts to preserve and strengthen families by providing federal funds to administer prevention programs in a way that is steeped in science.

''Children fare best when they are raised in families equipped to meet their needs. Congregate care, when necessary, should be of high-quality for the shortest possible duration and reserved for instances in which it is absolutely essential. The AAP supports the bill's emphasis on ensuring that children are only placed in a non-family setting if they have a demonstrated need for the services available in that setting. The AAP also appreciates that congregate care facilities must be accredited and have licensed clinical and nursing staff to ensure they are capable of caring for vulnerable children and meeting their complex health needs.

''Fixing the shortcomings in our child welfare system will require continued investment across both state and federal governments. The Family First Prevention Services Act does just what its name says—it puts families first. This bill represents major, meaningful progress toward protecting children and supporting their families in creating safe and stable homes. Pediatricians look forward to continuing to work alongside bipartisan members of Congress to advance the bill toward a vote as soon as possible.''

CHILDREN AND FAMILY FUTURES,
Lake Forest, CA, June 13, 2016.

Hon. KEVIN BRADY,
Chairman, Committee on Ways and Means, House Representatives.
Hon. ORRIN HATCH,
Chairman, Committee on Finance,
U.S. Senate.
Hon. VERN BUCHANAN,
Chairman, Human Resources Subcommittee, Committee on Ways and Means, House of Representatives.
Hon. SANDY LEVIN,
Ranking Member, Committee on Ways and Means, House of Representatives.
Hon. RON WYDEN,
Ranking Member, Committee on Finance,
U.S. Senate.
Hon. LLOYD DOGGETT,
Ranking Member, Human Resources Subcommittee, Committee on Ways and Means, House of Representatives.

DEAR WAYS AND MEANS AND SENATE FINANCE COMMITTEE CHAIRMEN BRADY AND HATCH, RANKING MEMBERS LEVIN AND WYDEN AND HUMAN RESOURCES SUBCOMMITTEE CHAIRMAN BUCHANAN AND RANKING MEMBER DOGGETT: On behalf of Children and Family Futures, I am pleased to share our support for the Family First Prevention Services Act (H.R. 5456) introduced today by House Ways and Means Human Resources Subcommittee Chairman Vern Buchanan (R–FL) and joined by eleven other bi-partisan original co-sponsors.

Children and Family Futures, a national nonprofit organization based in Lake Forest, California, has more than 20 years of experience in improving outcomes for children at the intersection of child welfare and substance use disorder treatment agencies and family courts. We recently had the opportunity to testify at Senate Finance and Senate Homeland Security and Governmental Affairs Hearings on the effects of opioids on our nation's child welfare agencies. As you may know, there are 8.3 million children—almost 11% of America's children—who live with a parent who is alcoholic or needs treatment for illicit drug abuse. About two-thirds of the children who enter the child welfare system are affected by parents with substance use disorders, and when we ask children and youth in foster care what they need the most, they often ask for substance abuse treatment for their parents so that their family can stay together. Quality substance abuse prevention and treatment is one of the cornerstones of a strong and effective child welfare system.

H.R. 5456 takes several critical steps to ensure that parents and children receive the full range of supportive services they need to heal and thrive. By allowing federal IV–E dollars to be used in a time-limited way for evidence-based prevention services, including mental health, substance abuse prevention and in-home skill-based programs, the proposed legislation provides an unprecedented opportunity for child welfare agencies to expand the services parents need to continue to care for their children safely without unnecessary foster care placements.

In addition, allowing states to draw down Title IV–E foster care maintenance payments on behalf of children who are placed in residential family treatment settings with a parent who is receiving treatment is another effective way to ensure that families can stay together while getting the services and supports they need to get back on their feet. For children whose parents struggle with alcohol and illicit drug abuse, the elimination of the time limit to allow family reunification services to be provided to any child in foster care and for up to 15 months after a child is reunited with his or her biological family will allow children of parents who are still in the very first stages of recovery to get the ongoing help they need to maintain both stability and sobriety.

CFF also strongly supports H.R. 5456's reauthorization of the Regional Partnership Grant program that provides funding to state and regional grantees seeking to provide evidence-based services to prevent child abuse and neglect related to substance abuse and revised grant requirements based on lessons learned from the most effective past grants. In addition to updating the program to specifically address the opioid and heroin epidemic, the proposal legislation leverages what has been learned to ensure that new foster care prevention funding provided under the bill is used effectively.

In addition to providing much-needed attention to prevention services for children and families who come to the attention of the child welfare system, the legislation's provisions to reduce the over-reliance on group care facilities are an equally important step in supporting children and keeping families together. The legislation's current approach to reducing unnecessary care while enhancing the protections and oversight for Qualified Residential Treatment Programs (QRTP) will ensure that young people who are struggling with their own substance use disorder or mental health issues have full access to clinically appropriate residential treatment options and that a continuum of quality services are available to help them transition back home to their families. Moreover, improving and expediting an effective assessment process and increasing judicial oversight of placement decisions on an ongoing basis also represent significant progress in connecting young people with the right services on a timely basis while also maintaining positive family and community connections.

Untreated substance use disorders are among the most critical and devastating crises facing the nation's children and families. Thanks to the leadership and bipartisanship demonstrated by members of the House Ways and Means and Senate Finance Committees, H.R. 5456 offers a range of innovative solutions designed to keep children and families together and provide the services and supports they need to lead healthy and productive lives. We are deeply appreciative of your collective work on this bill and are confident that, if passed, it will continue to help thousands children and families, now and for years to come.

Sincerely,

NANCY K. YOUNG, Ph.D.,
Director.
SIDNEY L. GARDNER, M.P.A.,
President.

ALLIANCE FOR STRONG FAMILIES AND COMMUNITIES,
Washington, DC, June 14, 2016.

Hon. KEVIN BRADY, *Chair,*
Ways and Means Committee,
House of Representatives.
Hon. VERN BUCHANAN, *Chair,*
Human Resources Subcommittee,
House of Representatives.
Hon. ORRIN HATCH, *Chair,*
Senate Finance Committee,
U.S. Senate.
Hon. SANDER LEVIN, *Ranking Member,*
Ways and Means Committee,
House of Representatives.
Hon. LLOYD DOGGETT, *Ranking Member,*
Human Resources Subcommittee,
House of Representatives.
Hon. RON WYDEN, *Ranking Member,*
Senate Finance Committee,
U.S. Senate.

DEAR CHAIRMAN BRADY AND RANKING MEMBER LEVIN, CHAIRMAN BUCHANAN AND RANKING MEMBER DOGGETT, AND CHAIRMAN HATCH AND RANKING MEMBER WYDEN: The Alliance for Strong Families and Communities thanks you for your leadership and for introducing the Family First Prevention Services Act of 2016. The legislation promotes numerous policy priorities that are consistent with our network's guiding principles for improving child and family safety, permanency and well-being.

We appreciate efforts you have made to address past concerns and to include components that are informed by effective practices in states and localities, technology updates, and current research. These include:

Permitting the use of federal funds to pay for programs across the evidence-based spectrum, and to continue knowledge formation in what works;

Making Title IV-B funds available to states so that they may modernize their Interstate Compact on the Placement of Children (ICPC) services so that so that children may be more quickly and effectively placed in appropriate homes across state lines;

Supporting the National Commission to Eliminate Child Abuse and Neglect Fatalities' recommendation that a 21st Century Child Welfare system require states to develop a statewide plan to prevent child abuse and neglect fatalities;

Requiring the use of an age-appropriate, evidence-based, validated needs assessment to help determine a child's need for behavioral health support through a therapeutic residential treatment setting; and

Engaging families in a child's residentially-based trauma-informed behavioral health treatment to strengthen the likelihood of their success, including establishing a family and permanency team in the initial needs assessment and ongoing progress monitoring.

We are very pleased with the bipartisan, bicameral effort to address child welfare reforms, and specifically, the longstanding policy priority to expand Title IV-E for prevention so that children and parents/caregivers may have access to services and interventions that ensure child safety and build family stability.

While the Alliance enthusiastically supports the Family First Prevention Services Act of 2016, we do believe we have identified a significant technical misalignment within the definition of the Qualified Residential Treatment Program (QRTP) that, if addressed, would strengthen the bill, increase its effectiveness and mitigate against what we believe to be unintended consequences for children to whom we want to receive the right treatment, at the right time in the most appropriate setting. We fully support the requirement for a QRTP to use a trauma-informed treatment model, but are concerned about the rigid aspects of the language for QRTP staffing. The prescription of nursing and clinical staff being onsite during business hours is not consistent with Congress' desire to use evidence in its requirements on states and moves further away from a system that is child- and family-centered and community-based. We believe that QRTPs must abide by the fidelity elements of the approved, trauma-informed treatment model that they elect to use in accordance with the requirements in the bill and that the current language regarding staffing is inconsistent with the bill's treatment model requirement.

For example, if the fidelity elements of the selected treatment model require licensed or registered nurses to be onsite during business hours and available 24/7, then a QRTP must meet that requirement. Likewise, if fidelity to an approved model requires a different staffing composition and pattern, then the QRTP must meet that model's requirements and needs the flexibility to do so.

Therefore, rather than requiring the staff to be onsite during business hours, we recommend an amendment that aligns the treatment model requirement with the staffing requirement. The amendment would require staff to be onsite according to the trauma-informed treatment model being used by the QRTP. Our commonsense amendment acknowledges that high quality trauma-informed treatment models prescribe staffing patterns that are designed to achieve the outcomes proven by the program model. And, it strengthens the bill's effectiveness toward the greatest chance of success and normalcy for children provided in the most family-like settings possible.

The Alliance's wholehearted support of the Family First Prevention Services Act of 2016 is unqualified and not contingent upon inclusion of the recommended amendment but, if the bill is passed without this amendment we intend to work to build a coalition to change this aspect of the QRTP requirements prior to implementation of these provisions in Title II in 2019.

Thank you very much for your hard work. We look forward to working with you and encourage you to contact Marlo Nash, Senior Vice President of Public Policy and Mobilization at *mnash@alliancel.org* with questions or to request additional information.

Sincerely,

SUSAN DREYFUS,
President and CEO.

Mr. BUCHANAN. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

The bill before us today, the Family First Prevention Services Act, has a very simple goal: improve the lives of our most vulnerable children. We worked across the aisle on this legislation because we recognize the importance of ensuring that kids grow up in safe, loving, and stable homes.

I mentioned that we worked together on this. Mr. BUCHANAN, who is the chairman of our committee, others on the Republican side, and Mr. DOGGETT, Mr. DAVIS of Illinois, Ms. BASS, and others worked so hard on this, and I think it has improved this legislation.

Our foster care system provides an essential safe haven for abused and neglected children. However, when it comes to our system today, it is clear that Federal funding has been stacked against prevention efforts. That means our Federal dollars aren't being used to effectively help families and prevent child abuse and neglect in homes. In fact, less than 10 percent of dedicated child welfare funding goes toward prevention.

This bill is intended to make sure families receive the help they needed before a child goes into foster care, not after, as our current system largely functions. This bill would provide substance abuse treatment for parents, support efforts to improve parenting skills and expand access to mental health care.

The Children's Defense Fund, which tirelessly advocates for our most vulnerable children, offered its full support for this bill, and it is my privilege to quote the Children's Defense Fund under its so esteemed leader: ''It takes historic and long overdue steps to direct Federal child welfare dollars to improve outcomes for vulnerable children and families.''

Simply put, this bill would help keep kids throughout our country safe and in their homes instead of placing them in a foster care system that we should use only when clearly necessary. It would be preferable if the bill's key provisions on prevention started sooner to help States facing immediate crises.

Furthermore, this legislation certainly does not address every problem facing our child welfare system, including the need to recruit more foster family homes; but, indeed, this bill is an important step forward in strengthening our Nation's child welfare system in the long-term. In fact, as we have seen, more than 50 organizations dedicated to advocating for vulnerable children have come out in support of this legislation, including, as mentioned, the Children's Defense Fund, the American Academy of Pediatrics, Prevent Child Abuse America, the American Psychological Association, Voice for Adoption, and the North American Council on Adoptable Children. This bill has also been endorsed by the national association representing State child welfare agency directors.

This legislation represents an effort to find important common ground in the House and also in the Senate with the leadership of Senators HATCH and WYDEN. We have more work to do. We have more work to do, indeed, to ensure our children have the opportunities and support they need to thrive, but this bill would take a very important step on that path.

So, once again, I would like to thank my colleagues on the Republican side and on the Democratic side. I would like to thank the staff on our side and, I am sure, the same has been true of the Republican side for all of their diligent and impassioned work on this important issue.

I reserve the balance of my time, and I ask unanimous consent that the balance of my time be governed and managed by the gentleman from Texas (Mr. DOGGETT).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BUCHANAN. Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield myself 5 minutes.

Each day in America, as many as eight children die at the hands of those who are supposed to be caring for them. Three out of four of these children are under the age of three. Half of them will never reach their first birthday, and countless others of all ages will forever be scarred by abuse and by neglect.

The legislation that we consider tonight is all that remains of a comprehensive child safety bill offered by Senator RON WYDEN and offered by me here in the House last year. I salute his leadership then, and I accept his decision to settle for a small bit of what we sought to accomplish rather than no bit at all.

This year, Senator WYDEN put a fraction of our original bill into a proposal to which Senator ORRIN HATCH agreed, a bipartisan Family First draft proposal. Today's bill is a fraction of a fraction of our original initiative.

□ 1930

Despite the valiant efforts of many local groups and individuals across Texas, we have a child abuse crisis there. As The Dallas Morning News reported last month: ''Staggering number of Texas children in imminent danger neglected by CPS''—Child Protective Services—''investigation shows.''

And the same is true in one State after another. In short, the Republican answer in this bill is to do absolutely nothing with regard to child prevention services in additional resources now, to essentially do nothing about this crisis now, to continue neglecting the neglected this year, next year, and the year after that.

Adoption has proven one way that we can keep children out of the foster care system and in a loving family. I know this is not Mr. BUCHANAN's personal view, but the only way that House Republicans would agree for us to fund additional preventive services for these children to avoid child abuse—even though that takes 3 long, painful years of delay—is by our cutting about $700 million from adoption.

The other source of funding is congregate or group care. I believe we do need a change in group care, but while agreeing, I note that in Texas last month there were over 60 foster care youth. The only place they could find to sleep was in the State offices of Child Protective Services, and one has to ask about this bill the question of where these children will go if those group facilities are no longer available.

This measure was approved on the same day that the Committee on Ways and Means approved barring over $50 billion for additional tax breaks, and yet not another dime of additional resources to prevent child abuse this year. They demanded that there could be no resources going into child abuse unless it was paid for from other human resources, essentially robbing Peter to pay Paul.

One important aspect of the bill is the kinship provision, that assisting relatives who are willing to raise a child, keep them in a family home so they won't be bounced around from one place to another, that they get some support. I think it is a worthy approach, but it also shows how this House Republican proposal has slashed relief.

This year's bipartisan recommendation by Senators WYDEN and HATCH was estimated to cost $1.7 billion for kinship. Today we have a mere 8 percent—8 percent—of what they recommended, hardly worthy of a celebration. The major focus of this bill is to provide a Federal incentive for the States to invest in prevention and early intervention to ensure the safety of children. For too long we backloaded everything. We responded to abuse after it occurred instead of trying to prevent it at the beginning.

We offer assistance now through this bill eventually, and we should be focused on it. I agree fully with that focus. That is why I plan to vote, reluctantly, for this proposal. But this bill would give the States an incentive through what is called Title IV–E, where the Federal Government would put up 50 percent, 50 cents on the dollar that is expended, and the States would put up 50 cents.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DOGGETT. I yield myself an additional 30 seconds.

Unfortunately, this bill provides no immediate relief for children who are in danger right now. No additional funds for 3 years. In Texas, with the opioid crisis, and in other States, these children need help now. It has gotten so bad that Federal courts are beginning to declare these systems unconstitutional. We could have done better by these children. We have the capacity to do better. We have not had the will to do better in this Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. BUCHANAN. Mr. Speaker, having no other speakers, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DANNY K. DAVIS), one of the members of our committee who has been a real advocate for children suffering from abuse.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I want to thank my colleague from Texas for yielding.

Child welfare advocates have used the adjectives ''landmark,'' ''historic,'' and ''trailblazing'' to describe this bill. I wholeheartedly agree with them. I am pleased to be a cosponsor of this legislation that begins a fundamental shift in Federal child welfare policy to preserving families rather than separating them.

I am deeply grateful to Ranking Member LEVIN, Chairman BRADY, Chairman BUCHANAN, Ranking Member WYDEN, and Chairman HATCH for including many provisions for which I have advocated, provisions that will substantially strengthen families in Chicago, in Illinois, and throughout the Nation. I am equally grateful to Ranking Member DOGGETT for his tireless efforts to secure additional resources for prevention.

My congressional district has the highest percentage of children living with grandparent caregivers in the Nation, followed closely by two other congressional districts in Illinois. We know that substance abuse and addiction underlie a substantial percentage of child welfare cases and separates families.

When I ask foster youth what policymakers could do to make child welfare better, they almost always say: You could have helped my mom and dad.

That is exactly what we are doing here today. The Family First Prevention Services Act invests in addressing key reasons that families struggle by providing evidence-based mental health, substance abuse, and parenting services to strengthen families so they can avoid the child welfare system. I am especially pleased that the bill includes my work to improve the effectiveness of child abuse and neglect prevention related to substance abuse by modernizing the Regional Partnership Grants.

Coupled with the prevention services, the extension of the Kinship Navigator program, the improved licensing standards to address barriers for relative caregivers, the extension of adoption and legal guardianship incentive payments, the new services for pregnant and parenting foster youth, the investment in electronic systems to improve interstate placement of youth, and the funding to support children in staying with their parents in residential treatment all promise to improve permanency and well-being for youth and kinship caregivers.

I want to thank the chairperson of my Child Welfare Task Force, Dr. Annetta Wilson, for sharing her expertise on how to improve policies to support children and families. I also want to thank Pam Rodriguez and George Williams with TASC in Chicago as well as Nancy Young with Children and Family Futures for sharing their expertise about what policies work to support parents affected by substance abuse so that we can strengthen families.

Finally, this is not a perfect bill, but it is a historic bill and a unique opportunity to strengthen families. I look forward to continuing to work with my colleagues to enact additional supports for kinship caregivers, enhance services for expectant and parenting foster youth, and to protect the Social Security benefits of foster youth.

I attended a high school graduation last Friday, and the young lady who got the biggest applause was one whose mother and grandmothers both had died within the last 3 years. She also has given birth to two children. But she graduated with honors, and it is the assistance and help that we give to these young people who really prove that we can have an effective welfare help system for young people who need the help.

Mr. BUCHANAN. Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Texas has 5 minutes remaining.

Mr. DOGGETT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. BASS), who, though not a formal member of our committee, has been a very active participant in our subcommittee and who chairs the Congressional Caucus on Foster Youth, among others.

Ms. BASS. Mr. Speaker, I rise today in support of H.R. 5456. I believe this is a very positive step forward to reforming the child welfare system in our country.

H.R. 5456 takes into account what has been learned from years of county and

State efforts at reform in the form of waivers. We have learned a lot. We have learned that we can safely reduce the numbers of children in care by providing services up front, prevention services that, until now, could not be supported with Federal dollars unless the State or county had a waiver.

What do we know?

We know that the main reason why children are in foster care is because of child neglect, and the main reason for this is substance abuse and mental illness. For example, there are programs, such as SHIELDS for Families in Los Angeles, that have been able to reduce the number of children in care by providing substance abuse services for families for 12 months.

The problem with H.R. 5456, however, is that services would be cut off after 12 months, and one of the features of addiction is relapse.

So what happens to a family if the individual relapses on the 11th month? Will the children automatically be removed and placed into care?

I think during the implementation phase, we need to consider flexibility with cutting off services at the end of 12 months.

The same thing applies to mental health services. The Chafee Grant is another thing that is a positive feature of H.R. 5456. Chafee grants help young people transition to adulthood. I am pleased that H.R. 5456 includes my language to extend time to 23 years old for a young person to receive prevention services. What these services are are essentially services that help a young person transition to adulthood, such as housing, counseling, job training, et cetera. Chafee is also extended in H.R. 5456 to the age of 26 for educational grants.

I want to applaud my State of California, where reforms are underway. We have passed legislation in California that long recognizes the need for housing to transition young people out of care, but in California we have had the insight and foresight to understand that children 16 years old sometimes want to transition out of the foster care system. Unfortunately, H.R. 5456 eliminates funding for children who are 16 years old.

I am concerned that the bill might have some unintended consequences. I think we would all agree that it would be best to keep a child in a family setting when they are 16 years old. However, many young people wind up running away from foster homes. Unfortunately, they wind up suffering from abuse, again, in a foster home, and they need to be transitioned into adulthood.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DOGGETT. Mr. Speaker, I yield an additional 15 seconds to the gentlewoman.

Ms. BASS. I am hoping H.R. 5456 will take into consideration unintended consequences and not contribute to homelessness amongst youth.

Mr. BUCHANAN. Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 4 years ago I authored and passed into law the Protect our Kids Act. It became law with the help of former Ways and Means Republican Chair Dave Camp, and it established a commission to eliminate child abuse and neglect fatalities. It is a mark of the progress—or the lack of progress that this year, when that commission came forward with its report, Republicans on our committee would not permit a hearing to accept the modest findings of the commission.

And so we have reached tonight. I was offered in the traditional Washington way an opportunity to put my name on this legislation. It has some meritorious provisions that eventually come into effect, but I could not do that and face my constituents in Texas saying that I had done something to address this crisis when I know, in fact, we are not doing what needs to be done to address this crisis.

□ 1945

I advanced one of many alternatives to provide the dollars to deal with this crisis now. That was a proposal not for new taxes, but it was a proposal for tax compliance that would have fully funded the bipartisan agreement from the Senate.

But for the ideological commitment to oppose any new resources going to address child abuse, we would have those dollars. We wouldn't be taking the money out of good adoption programs. We wouldn't be delaying a response for 3 years. We would be doing something now to address the challenges that are out there for the children who face abuse and neglect today.

That is what should be happening. That is what today's bill fails to do, though it offers us the promise of eventual action to do what we should be doing right now.

And why wait three years to respond to this crisis? Because the Republican-controlled Ways and Means Committee that vulnerable children can receive federal relief only from money taken from other children or other portions of initiatives within the jurisdiction of the Human Resources Subcommittee. Republicans rejected the use of any additional resources to prevent child abuse, including a simple tax compliance measure that would require the filing of a 1099 for alimony payments to ensure that those payments were being reported as income, which federal law has long required. That modest requirement would have provided more than $2 billion of resources, without raising a dime of taxes.

Because taking money from adoption and congregate care fails to fully fund even today's delayed response, Republicans must also today waive a Budget point of order, since this bill does not comply with their own Budget rules.

Finally, this bill makes wholly unjustified and discriminatory cuts to adoption assistance. The sole reason for these cuts is budgetary—that was apparently the easiest way to find funds instead of adding the necessary revenue. This bill is paid for, in part, by delaying funding for children under the age of 4 to be adopted out of foster care, for those children with special needs, physical or mental, who are the hardest to adopt. According to a law Congress passed in 2008, those adopting 2- and 3-years-olds, who would otherwise have been entering foster care, would have been eligible in October for modest federal assistance; infants and 1-year-olds would have been eligible next year. Now, that funding will be delayed 2½ years, to pay for new services, none of which become available until 2020. The only excuse given for taking almost $700 million that otherwise would have supported adoptions is that some states are failing to reinvest in foster children the money that they save in foster care costs for each child who is adopted. There is no example of fraud or abuse, only the all too typical diversion by some states for other public services. Some states like Texas, which so regularly ignores the needs of its children, reinvested only a dime of every dollar of adoption savings in foster care. Others like Florida followed federal law and reinvested every dollar of their savings. This bill discriminates against Florida and similar states.

And what does this bill propose to do to crack down on this state diversion of savings from adoption? It asks for a government report. In 2014, Congress enacted provisions of the Preventing Sex Trafficking and Strengthening Families Act to prevent diversion. The Administration should enforce that Act. Requesting that the Government Accountability Office provide information already available from the U.S. Department of Health and Human Services adds nothing not already known. But if all we wanted was a report, we could get that report just by writing a letter to the GAO. Seeking another report represents cover for taking away resources that would otherwise have benefitted blameless infants and toddlers.

We have a serious problem that deserves a serious state-federal, bipartisan solution. I am not opposing today's bill, but it does far less than it could and should have. It is a true missed opportunity to help some of our most vulnerable Americans. Today's bill does something, someday. We ought to be responding fully and effectively this day.

Mr. Speaker, I yield back the balance of my time.

Mr. BUCHANAN. Mr. Speaker, I yield myself such time as I may consume.

Again, this is bipartisan, bicameral legislation. It takes important steps to keep more children safely at home and out of foster care.

Under the current law, most Federal funding for child welfare is directed toward reimbursing States after they place a child in foster care. This is the least desirable outcome.

This legislation turns this around by putting resources towards preventative services to keep children safely with their parents or relatives. Most importantly, this bill will help ensure that

more children grow up in a safe home surrounded by a stable family.

Strong families make for a strong community. I urge my colleagues to support the Family First Prevention Services Act.

Mr. Speaker, I yield back the balance of my time.

Mr. BUCHANAN. Mr. Speaker, I request that the following extraneous materials on H.R. 5456, the Family First Prevention Services Act of 2016 be submitted:

CWLA, TOGETHER, MAKING CHILDREN AND FAMILIES A NATIONAL PRIORITY
Washington, DC, June 13,2016.

Hon. KEVIN BRADY,
Ways and Means Committee, House of Representatives, Washington, DC.
Hon. ORRIN HATCH,
Finance Committee, U.S. Senate, Washington DC.
Hon. SANDER LEVIN,
Ways and Means Committee, House of Representatives, Washington, DC.
Hon. RON WYDEN,
Finance Committee, U.S. Senate, Washington DC.

DEAR CHAIRMAN BRADY AND RANKING MEMBER LEVIN:

DEAR CHAIRMAN HATCH AND RANKING MEMBER WYDEN: The Child Welfare League of America endorses the Families First Prevention Services Act. We feel that the legislation offers the important possibility of allowing funds to provide vital mental health, substance use and in-home services that could help children stay with their own families. Current funding for this important part of a continuum of needed services is lacking and we know we must address these areas if we are to strengthen the well-being and outcomes for children and families that come to the child welfare and child protection systems.

This legislation provides an important reauthorization of the two Title IV-B programs including an extension of the adoption-kinship incentives, court improvement funds, workforce development funds tied to caseworker visits, and the regional partnership grants. The bill includes some needed improvements to the Chaffee program in regard to the age of eligibility.

We hope to work with the Congress and the Administration in the implementation of some of the more challenging aspects of the bill to make sure that the oversight and implementation of the residential care parts of this law are carried out in the most effective way possible. In the years ahead we also hope to push Congress on new strategies that can go beyond simply reallocating current child welfare funds and instead invest in what is truly needed and proven effective.

Thank you again for your dedication and hard work.

Sincerely,
CHRISTINE JAMES-BROWN,
President/CEO, Child Welfare League of America.

CHILDREN'S DEFENSE FUND,
Washington, DC, June 13, 2016.

Hon. KEVIN BRADY,
Chairman, Committee on Ways and Means, House of Representatives.
Hon. ORRIN HATCH,
Chairman, Committee on Finance, U.S. Senate.
Hon. VERN BUCHANAN,
Chairman, Human Resources Subcommittee, Committee on Ways and Means, House of Representatives.
Hon. SANDY LEVIN,
Ranking Member, Committee on Ways and Means, House of Representatives.
Hon. RON WYDEN,
Ranking Member, Committee on Finance, U.S. Senate.
Hon. LLOYD DOGGETT,
Ranking Member, Human Resources Subcommittee, Committee on Ways and Means, House of Representatives.

DEAR WAYS AND MEANS AND SENATE FINANCE COMMITTEE CHAIRMEN BRADY AND HATCH, RANKING MEMBERS LEVIN AND WYDEN AND HUMAN RESOURCES SUBCOMMITTEE CHAIRMAN BUCHANAN AND RANKING MEMBER DOGGETT: One of the Children's Defense Fund (CDF)'s first reports decades ago was Children without Homes: An Examination of Public Responsibility to Children in Out-of-Home Care and we have been unrelenting since in our advocacy for children who come to the attention of the child welfare system and their families. Today I offer CDF's full support of the proposed Family First Prevention Services Act. It takes historic and long overdue steps to direct federal child welfare dollars to improve outcomes for vulnerable children and families. I urge you to move toward a timely mark up in both the House and Senate so these vulnerable children do not have to wait longer for these important reforms.

Especially significant are the redirected funds in the Act for services and programs to assist children at risk of foster care to remain safely with parents or family caregivers. The proposal ensures quality prevention and treatment services for mental health and substance abuse problems that bring many families to the attention of the child welfare system. Such services and treatment are especially critical in responding to the current heroin and opioid epidemic, and we applaud additional provisions to address this crisis. The proposal also helps strengthen families and protect children by providing them in-home skill-based services. At the same time, it requires states to have a plan to track and prevent child maltreatment fatalities.

The Family First Prevention Services Act takes important steps to ensure children who need foster care will be placed in the least-restrictive most family-like setting appropriate to their needs, and gives special attention to children whose emotional or other special needs require residential treatment. It continues to recognize and increase supports for grandparents and other relatives who step in to care for children when their parents cannot; addresses the special needs of pregnant and parenting teens and protections for their children; and offers supports to help older youth transition from foster care to adulthood. There is a continued important emphasis on ensuring permanent families for children.

This new proposal builds on your Committees' work on previous bipartisan and bicameral child welfare legislation. In fact, it was 36 years ago today, June 13th, 1980 that the Adoption Assistance and Child Welfare Act was passed by Congress and then signed into law on June 17th. You followed that with the Adoption and Safe Families Act, the Foster Care Independence Act, the Fostering Connections to Success and increasing Adoptions Act, and more recently the Preventing Sex Trafficking and Strengthening Families Act, to name several, all of which included provisions to begin to better align federal funding with improved outcomes for vulnerable children and their families. The Family First Preventive Services Act now takes important next steps.

The Children's Defense Fund looks forward to working with all of you to make the proposed improvements for children in the Family First Prevention Services Act a reality. Thank you for your continuing leadership on behalf of these most vulnerable children and their families.

Sincerely yours,
MARIAN WRIGHT EDELMAN,
President.

CHILDREN'S HOME SOCIETY OF AMERICA,
Chicago, IL, June 14, 2016.

Hon. KEVIN BRADY,
Chairman, Committee on Ways and Means, U.S. House of Congress, Washington, DC.
Hon. SANDY LEVIN,
Ranking Member, Committee on Ways and Means, U.S. House of Congress, Washington, DC.

DEAR CHAIRMAN BRADY AND RANKING MEMBER LEVIN: As a nationwide membership organization comprised of many of the most long standing and respected child and family organizations in the county, Children's Home Society of America is writing in support of your efforts to promote and improve outcomes for many of the hundreds of thousands of children and youth who come to the attention of the child welfare system each year, including children in foster care. Over the decades the House Ways and Means Committee, with bipartisan support, has taken significant steps forward on behalf of our most vulnerable children and the Family First Prevention Services Act of 2016 continues those efforts.

Allowing funds under Title IV–E of the Social Security Act, currently used primarily for out-of-home care for children, to be used for the first time for prevention services to help keep children at risk of placement in foster care safely at home with their parents or with kin is a significant move in the right direction. Kinship caregivers play a critical role in protecting children temporarily while their parents are not able to and also in ensuring new permanent families for children who cannot return home.

We strongly support the bill's recognition of the importance of quality services for these children, which are evidence-based and trauma-informed and the importance of accountability in tracking the provision of services and their benefits for children. States at different stages in reforming their systems will also have help training staff for the development and delivery of these new services and putting in place the infrastructure needed to administer and oversee their delivery and child outcomes.

The Family First Prevention Services Act over time also will take important steps to ensure children who need to enter foster care will be placed in the least restrictive setting appropriate to their needs, by targeting federal dollars only on smaller family-foster homes and on other care settings for children and youth with special treatment needs or those in special circumstances, such as pregnant and parenting teens or older youth

in independent living settings. A number of states already have undertaken special efforts to reduce the number of children in congregate care and to preserve group care settings for children with special treatment needs.

Children and society pay a high cost when the current systems fail to adequately address the needs of the children who come to the attention of our child welfare systems, nearly 80 percent of whom are victims of neglect. We believe that the specific changes proposed will go far in encouraging state and local child welfare systems, private providers, the courts and youth and families who have been involved in the system to work together to achieve significant change for children over the next decade.

We look forward to working with you to ensure these new child welfare finance reforms will truly benefit children who come to the attention of the child welfare system and to continue to explore additional improvements on their behalf to ensure they all have safe, permanent families. Thank you for your continuing leadership on behalf of these children.

Sincerely,

SHARON OSBORNE,
Board Chair, Children's Home Society of America.

CHILDREN'S HOSPITAL OF WISCONSIN,
Milwaukee, WI.

Hon. VERN BUCHANAN,
Chairman, Human Resources Subcommittee, House Committee on Ways & Means, Washington DC.

DEAR CHAIRMAN BUCHANAN: Children's Hospital of Wisconsin strongly supports the Family First Prevention Services Act of 2016 (H.R. 5456). We applaud your leadership on this important issue.

Children's Hospital of Wisconsin (Children's) is the region's only independent health care system dedicated solely to the health and well-being of children. We serve children from every county in the state and are recognized as one of the leading pediatric health care centers in the United States. In addition, Children's is the largest not-for-profit, community-based child and family serving agency in Wisconsin. Through our Community Services work, we provide a continuum of care to more than 15,000 children and families annually. This includes family preservation and support, child and family counseling, child welfare, child advocacy and protection, and foster care and adoption services.

We strongly support the Family First Prevention Services Act that that would allow funds under Title IV–E of the Social Security Act to be used for the first time for evidence-based prevention services to help keep children at risk of placement in foster care safely at home with their parents or with kin. The legislation represents a significant and meaningful shift in child welfare policy by prioritizing up-front, evidence-based services to keep families together. We know from experience and empirical research that this is important for the healthy development of children.

The bill also makes significant advancements to integrate interventions and measures focused on child well-being into the child welfare system. Children's believes that prioritizing and providing accountability for child well-being, in addition to safety and permanency, is critical to achieving better outcomes for children and society and positioning children to thrive into adulthood.

Children's is committed to improving the health and well-being of children and families. We believe the Family First Prevention Services Act will enable the child welfare system to better serve our most vulnerable children and families.

Sincerely,

AMY HERBST,
Vice President, Child Well-Being, Children's Hospital of Wisconsin.

FIRST FOCUS
CAMPAIGN FOR CHILDREN,
Washington, DC, June 14, 2016.

Hon. KEVIN BRADY,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.
Hon. ORRIN HATCH,
Chairman, Committee on Finance, U.S. Senate, Washington DC.
Hon. VERN BUCHANAN,
Chairman, Human Resources Subcommittee, Committee on Ways and Means, House of Representatives, Washington, DC.
Hon. SANDER LEVIN,
Ranking Member, Committee on Ways and Means, House of Representatives, Washington, DC.
Hon. RON WYDEN,
Ranking Member, Committee on Finance, U.S. Senate, Washington DC.
Hon. LLOYD DOGGETT,
Ranking Member, Human Resources Subcommittee, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMEN BRADY AND HATCH, RANKING MEMBERS LEVIN AND WYDEN, CHAIRMAN BUCHANAN AND RANKING MEMBER DOGGETT: On behalf of the First Focus Campaign for Children (FFCC), a bipartisan organization committed to making children and their families a priority in federal policy and budget decisions, I am writing in strong support of H.R. 5456, the Family First Prevention Services Act of 2016. This bill that makes important policy changes in federal child welfare spending that better support the needs of vulnerable children and families.

Currently, there are 415,000 children in the foster care system, a number that has increased by 3.5 percent from 2014. Nearly 31 percent of children placed in foster care were removed due to parental alcohol or drug use, and in some states, the percentage of removal due to parental substance abuse is closer to 60 percent. In addition, 57,000 children in foster care live in group homes or congregate care settings. These children and youth do not have a clinical need to be in such a setting, and should be with families who can provide love and support.

The Family First Prevention Services Act of 2016 contains many important provisions that address these poor statistics and will make a significant impact in strengthening and keeping families together. For the first time states will be able to use federal dollars from Tide IV–E of the Social Security Act to provide time-limited, evidence-based services to families. The services are aimed to help prevent children from entering the foster care system by allowing federal reimbursement to families for mental health services, substance abuse treatment, and in-home parent skill-based programs. In addition, the bill incentivizes states to ensure that children are placed in family-based settings by only allowing federal reimbursement after an assessment has occurred and it has been determined that the child should be placed in a quality residential treatment program.

The legislation also includes a number of other provisions aimed to reform and strengthen the child welfare system including the extension of the Tile IV–B program, improving supports for youth transitioning to adulthood, establishing model foster care licensing standards, and calling for a GAO review to examine compliance of states in reinvesting savings from the federal adoption assistance reimbursement for special needs kids

We look forward to working with you to ensure these new child welfare finance reforms will truly benefit children who come to the attention of the child welfare system and to continue to explore additional improvements on their behalf to ensure they all have safe, permanent families. Thank you for your continued leadership on behalf of these children.

Sincerely,

BRUCE LESLEY,
President

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BUCHANAN) that the House suspend the rules and pass the bill, H.R. 5456, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1777. An act to amend the Act of August 25, 1958, commonly known as the ''Former Presidents Act of 1958'', with respect to the monetary allowance payable to a former President, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2736. An act to improve access to durable medical equipment for Medicare beneficiaries under the Medicare program, and for other purposes.

WORLD HARVEST CHURCH'S 15th ANNUAL HONOR OUR HEROES

(Mr. TOM PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. TOM PRICE of Georgia. Mr. Speaker, on behalf of Georgia's Sixth Congressional District, I rise today to recognize the amazing works of Roswell, Georgia's World Harvest Church and their 15th annual Honor Our Heroes event scheduled for July 3 of this year.

The World Harvest Church has made a truly meaningful difference in people's lives by going into communities and ministering to all, young and old, with messages of hope and demonstrating the true love of Jesus Christ.

Mr. Speaker, part of this service is their annual Honor Our Heroes event, which is a wonderful opportunity for our local community to honor our veterans whose selfless acts of heroism have helped maintain our most fundamental freedoms: life, liberty, and the pursuit of happiness.

The World Harvest Church also serves as headquarters for missionary teams that travel internationally and administer help to those in dire need by building churches and centers of refuge.

Mr. Speaker, I offer our deepest appreciation for the World Harvest Church's pastor, Mirek Hufton, a faithful follower of God and a man of the highest compassion. Our Nation is made better by, and we are truly blessed by, World Harvest Church.

SEPARATION OF POWERS

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, I rise in support of H.R. 4768, which the House will consider later this week. This bill will prevent Federal agencies from using creative interpretations of law to expand their own authority.

In an ideal world, agencies would implement the law as Congress writes it. You wouldn't have judicial deference to agency interpretations of the law.

Unfortunately, we do not live in that ideal world. And rather than respect congressional intent, Federal agencies, especially under the Obama administration, have time and time again interpreted the laws in ways never intended in order to increase their own power.

The waters of the United States proposal and the Clean Power Plan, both rejected with bipartisan opposition, are just two recent examples of agency overreach.

Mr. Speaker, it is high time that Congress remind these agencies that the people's elected Representatives, not bureaucracies, write our Nation's laws, not unaccountable bureaucrats or courts willing to go along with it.

CELEBRATING THE PENNSYLVANIA MARINE CORPS LEAGUE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in recognition of the Pennsylvania Marine Corps League. The organization will hold its 71st annual department convention later this week in State College, located in Pennsylvania's Fifth Congressional District.

Mr. Speaker, the Marine Corps League was founded by Major General John A. Lejeune in 1923 and chartered by an act of Congress on August 4, 1937. Today, the Marine Corps League has a membership of more than 50,000 men and women and is comprised of honorably discharged, Active Duty, and Reserve Marines, including both officers and enlisted men and women.

I have the deepest respect for the accomplishments of the U.S. Marine Corps over the course of our Nation's history. The Corps was founded on November 10, 1775, and since then, those who have served as marines have shared the unyielding commitment to protecting the lives of American citizens and the interests of our Nation.

Marines have served our Nation bravely since before the start of the American Revolution, proving their courage from the shores of Tripoli to the island of Iwo Jima and, in recent actions, in places such as Iraq and Afghanistan.

Mr. Speaker, I thank all the men and women from Pennsylvania and across our Nation who have served as United States Marines.

TIME TO ACT ON GUN VIOLENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from California (Mr. THOMPSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. THOMPSON of California. Mr. Speaker, I rise tonight to talk about an issue that is very alarming to many people across the country, an issue that saddens everyone, and an issue that, sadly, isn't being addressed by this Congress.

Last week, we lost 49 innocent lives in the worst mass shooting that our country has ever seen. Sadly, it is not an insulated case. Let me give you some numbers:

In the 3 years since the terrible tragedy at Sandy Hook Elementary School, there have been over 1,100 mass shootings. More than 34,000 lives have been cut short by someone using a gun. The House of Representatives has held 30 moments of silence for the victims of mass shootings since Sandy Hook, and yet we haven't taken a single vote on legislation that would help keep guns out of dangerous hands.

Mr. Speaker, I think that is shameful. The American people deserve more than silence. The American people deserve a Congress that is willing to stand up and do whatever it takes to keep our communities safe. That starts by making sure that terrorists, criminal domestic abusers, and the dangerously mentally ill don't have easy access to purchase guns in our country.

Today, suspected terrorists can legally buy guns in our country. Individuals who are on the FBI's terrorist watch list can walk into a gun store, pass a background check, and walk out with a gun or the guns of their choosing—and they can do it legally.

Since 2004, more than 2,000 suspected terrorists were able to purchase guns. More than 90 percent of all suspected terrorists who tried to purchase guns in the last 11 years walked away with the weapon that they went in to buy.

Now, in the wake of the horrific attacks in Orlando, Congress must make it a priority to keep deadly weapons out of the hands of suspected terrorists. There is bipartisan legislation that would prohibit those on the terrorist watch list from being able to purchase firearms in our country. This bill is common sense. If you are too dangerous to fly, you are too dangerous to buy a gun.

It is long past time for the Republican leadership to bring that bill up for a vote. We also need to pass my bipartisan bill to require background checks for all commercial gun sales.

Background checks are our first line of defense when it comes to stopping dangerous people from getting firearms. We know that background checks work. Every day, they stop more than 170 felons, some 50 domestic abusers, and nearly 20 fugitives from buying a gun.

Unfortunately, in 34 States, criminals, domestic abusers, and the dangerously mentally ill can bypass a background check by purchasing guns online or at a gun show. This is a dangerous loophole that needs to be closed.

Yesterday, Senate Republicans blocked consideration of no fly, no buy legislation and a measure to strengthen and enhance background checks. Now the Republican House is going on with business as usual, without giving the American people a vote to help prevent gun violence in our country.

If the Republican leadership agrees that suspected terrorists, criminals, domestic abusers, and the dangerously mentally ill shouldn't be able to buy guns, they should give us a vote.

I yield to the gentlewoman from Connecticut (Ms. ESTY), the Member who represents Sandy Hook, where the Newtown tragedy took place.

Ms. ESTY. Mr. Speaker, I rise tonight to call on the U.S. Congress to call on this body, the United States House of Representatives, to do its job: to vote this week to keep guns out of the hands of would-be terrorists and to ensure that all commercial sales of weapons go through a background check.

Since the tragic shootings at Sandy Hook Elementary School in my district in 2012, more than 100,000 Americans have lost their lives to gun violence.

Think about that. Think about a town in your district. Think about where your mother lives. I think about my hometown of Cheshire, with 30,000 people. Three Cheshires lost. Every single person—children, parents, teachers, grandparents—lost to gun violence. And this House does nothing.

In the 3½ years that I have been here, we have not been allowed one single, solitary vote to take commonsense, bipartisan steps to help prevent gun deaths in this country.

Congress' silence, our failure to act in this House, and the refusal of the leadership in this House time again to allow a vote is wrong, it is shameful, and it must stop.

Since my colleagues', Senator MURPHY and Senator BLUMENTHAL, historic, nearly 15-hour filibuster last week, Americans from all walks of life have risen up to say, ''Enough.''

□ 2000

Enough sons and daughters lost, enough families torn apart, enough of absurd loopholes that make it easier for people on the FBI's terrorist watch list to buy guns than it is for your 16-year old to get a driver's license.

Reforms to stop terrorists from purchasing guns and extended background checks to all commercial sales are commonsense, bipartisan solutions to help prevent gun violence and to save lives. Outside of Washington, these ideas aren't the least bit controversial. In fact, they are simply common sense.

The American people get it. The overwhelming majority of Americans support the no fly, no buy rule that would allow us to close this absurd loophole that someone on the terrorist watch list can go in and legally purchase a gun anywhere in America, and to have background checks on each and every commercial sale.

Yesterday, on Monday, a majority of Senators decided to protect the interests of the gun lobby, rather than protecting the American people.

Now is the time for this House to lead. The House has remained silent for too long, for far too many acts of gun violence that have claimed the lives of tens of thousands of Americans.

It is unthinkable, unconscionable that this House would look to recess to celebrate the 4th of July, the freedom day, our Independence Day in this country, when we have yet to hold a single, solitary vote since Sandy Hook, when 100,000 Americans have died from gunshot wounds in 3½ years.

We must take up action. We must act this week. It is time for Congress to vote. It is time for Congress to act.

Mr. THOMPSON of California. I thank the gentlewoman for the compassion that she brings to this debate, and it is understandable. Having met with and spoken with many of the parents who lost their children at Sandy Hook Elementary School, to talk to them, and to have to tell them that yet another year has passed and the leadership in this Congress has refused, has refused to hold one single vote on any measure relating to gun violence, is just despicable and very, very sad.

I know that the gentlewoman from Connecticut goes home every weekend and talks with those parents and those community members who were shaken to their core to get that call that there was a shooting at an elementary school, and that their child was involved, and had to come down to that school and learn that their child was taken from them. It is unacceptable that we allow this to continue.

When Sandy Hook took place, I was asked by the minority leadership to chair a task force on gun violence prevention, and I took that on. I took it on for a couple of reasons: One, I know it had to be done; and two, I bring a unique perspective to this debate.

I am a strong supporter of the Second Amendment. I am a gun owner. I am a hunter. I have vast experiences with firearms, including carrying a military-type assault weapon for the tour that I served in Vietnam. I consider myself a strong supporter of the Second Amendment, and would do nothing to take an individual's Second Amendment right away from them. As I say, I support it strongly.

I also believe that, as a responsible gun owner, I, and all of my fellow responsible gun owners, have a responsibility to answer this call, to figure out how we can put on the books laws that—while protecting the Second Amendment, while protecting an individual's rights to own firearms and use firearms for target practicing, collecting, hunting, or self-defense, we have a responsibility to make sure we keep firearms out of the hands of people who shouldn't have firearms.

Criminals and the dangerously mentally ill should not be able to have firearms. They shouldn't be able to buy them, they shouldn't be able to own them, they shouldn't be able to use them. And surely this Congress can come together and figure out a way to make certain that this doesn't happen, to the best that we possibly can.

Now I will be the first to admit there is no bill in the world that we can pass that will solve every issue related to gun violence. But doggone it, we should try. We owe it to our constituents. We owe it to those who lost loved ones through gun violence, and we owe it to the responsible, law-abiding gun owners of this country to try.

Now I thought we had the makings of a good proposal when I sat down with my colleague and my friend from New York, Republican PETER KING, and we put together the legislation, commonly referred to as ''the King-Thompson Bill,'' to require that anyone who purchases a firearm through a commercial sale would be required to go through a background check.

You wouldn't think it would be necessary. You wouldn't think that anybody would want to sell a firearm to someone who may possibly be a danger to their community or to our society. But the fact of the matter is that there are people who sell firearms willy-nilly to anybody with the cash to buy them. And we need to step in and make sure that we stop willy-nilly from selling these firearms to criminals and the dangerously mentally ill, and that is what the King-Thompson bill does. It says that if you buy a firearm through a commercial sale, you have to have a background check.

Now anybody who buys a firearm in any of our 50 States through a licensed commercial dealer has to go through a background check. That is the floor. That is the minimum Federal law. Some States, however, don't go any further than that, which leaves this big loophole. It exempts individual sales, and some of those individual sales are commercial.

When you set up a table at a gun show and sell firearm after firearm after firearm, or when you go online and you list your firearms for sale as an individual, people can call and say: I want to buy that gun.

No background check needed because you are buying it from an individual. You can meet down in the parking lot of your local whatever store and you can make that transaction.

That needs to be stopped. Thirty-four States don't do anything about that. The King-Thompson legislation would do something about that. It would say that you have to first get a background check.

Now it is a bipartisan bill. As a matter of fact, there are 186 Members of this Congress who are coauthors of that bill. Five of them are Republicans.

Ninety percent of the American people believe that you should have background checks for commercial sale of firearms. Eighty-five percent of NRA members believe you should have background checks for firearms. They know that this is the first line of defense.

Again, it won't stop everything, but it does work. 170 felons a day, through the existing background check system, are stopped from buying firearms. We know it works.

Sadly, about 40 percent of all firearm purchases are done outside of federally licensed commercial sites, so 40 percent of the people who are buying guns today are able to avoid a background check. That is wrong. We ought to close that.

When we started the Gun Violence Prevention Task Force, we met with everybody. I conducted the meetings. I conducted the hearings. We met with gun owner groups, we met with gun dealers, people who sell firearms, we met with gun experts, we met with people who are opposed to guns and people who are for guns. We heard from police, sheriffs, the Federal agency that deals with gun laws. We heard ad nauseam. We heard from the NRA. We brought everybody in, all the outside gun groups, to tell us what we needed to do. And without question, we came away from that with the understanding that

background checks is the number one thing that we can do if we want to make a dent in this gun violence problem that we have. And we should have a vote on that bill.

Now, we know that it works. I told you that, but don't take my word for it. Look at the facts.

When Connecticut passed what they call their Permit to Purchase, which is a background check legislation, their State saw a 40 percent drop in homicides by firearms; 40 percent drop.

Now, conversely, at the same time, Missouri repealed Permit to Purchase, which led to a 25 percent increase in homicide by firearms.

Those numbers alone tell us that we need to do something. We need to do everything we can to keep guns out of the hands of people who shouldn't have them. And, again, if you are dangerously mentally ill, if you are a criminal, if you are a domestic abuser, or if you are a terrorist, you should not be able to have a firearm.

It is this Congress' responsibility to do what we can. Background checks are our first line of defense to making sure these aforementioned groups don't get their hands on firearms.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. ESTY).

Ms. ESTY. Mr. Speaker, I would like to drill down a little bit on the remarks of my good friend and colleague, Mr. THOMPSON, about why these two bills, why the no fly, no buy bill, and the expanded background checks, are so important and why they are so critical for this House to take votes on them this week; because keeping guns out of the hands of dangerous people—and let's remember who these people are: convicted felons, domestic violence abusers, and the dangerously mentally ill, and the no fly, no buy would add would-be terrorists to that list—I think is something the overwhelming number of Americans and, frankly, people living anywhere in the world would agree would make sense.

Keeping guns out of the hands of dangerous people not only makes sense, but it works. Since background checks were instituted, over 2 million purchases of guns were stopped by would-be buyers who submitted to a background check and it came back with a rejection saying, You are not authorized; and the gun was not sold. So it does work. It doesn't work perfectly, but it works.

And why does it matter that we expand background checks?

Well, let me tell you a little bit of something that I learned when I was elected to this job and the horrible murders happened in Newtown. I learned about the details of our present system.

When the background check system was put in 20 years ago, nobody bought guns on the Internet. In fact, most of us didn't buy much of anything on the Internet, but now we do. Now nearly 40 percent of the sales go through the Internet, and almost none of those go through background checks. That was surely not the intent of our colleagues 20 years ago. It just wasn't the way anyone bought anything.

Simply to keep up with the times, to reflect the way Americans purchase guns, ammunition, and everything else, we need to close the Internet loophole because it is not just gun shows, more importantly, it is the Internet.

But let's also understand what it means now to have this loophole. I am going to tell you the analogy that a former ATF official—Alcohol, Tobacco and Firearms official—told me when I first started working on this issue, now 3½ years ago. He said this:

> Elizabeth, imagine you arrive at the airport. People flew in today. Imagine you arrive at the airport, and there's somebody loaded up with a suicide vest and a gun standing next to you in line.
>
> But there are two lines you can go to get on the plane. One of the lines is the one we're customarily used to. We put our things through, metal detectors, x-ray scanners, backscatter scanners.
>
> But there's another line. The other line you can choose, and you could just walk right onto the plane, take your gear with you. And if that gear happens to be bombs, if it happens to be a suicide vest, it if happens to be guns, you could just walk right onto the plane.

Now, I think we could all agree that that would be incredibly dangerous, incredibly irresponsible, senseless. And yet, that is the system we have right now for guns.

□ 2015

If you are a terrorist, if you are a domestic violence abuser, if you are dangerously mentally ill, and, most importantly, if you are a convicted felon, all you have to do is go online, or all you have to do is go to the gun show and go to the booth that doesn't list that it is a federally licensed firearms dealer.

Folks, that is just too easy. It is too easy for the bad guys to get their hands on guns. It is up to us to take action, the simple action of passing these two important pieces of legislation to close these loopholes.

Now, some will say it is too hard, this Congress is too gridlocked, and we can't get anything done, but I want to tell you what hard is. Hard is what Mark Barden does every day. Mark Barden's son, Daniel, was murdered in his classroom 3½ years ago, and Mark Barden gets up every morning. He tells me he can't even go and have breakfast with the rest of the family because that was his special time with his son. He can't do that now. It is too painful. So he gets up, he goes out of the house, he makes phone calls, and he does email because he can't be alone in his house with the rest of the family sleeping because his son is no longer there.

Mark Barden now is one of the growing number of American citizen activists, because this Congress has failed to act, these American heroes who fly around the country, pound the pavement, go to churches, synagogues, mosques, meet in schools, and go to chambers of commerce and plead with their fellow Americans to pressure this body, the House of Representatives, the people's House, to take action to defend the people.

What we do is not that hard, not compared to what Mark Barden does every day, not compared to the heartache of those in Chicago where you have dozens dying on a given weekend. Folks, it is not that hard. We can take the votes. We should take the heat, and we should act to save lives.

Mr. THOMPSON of California. I thank the gentlewoman for her comments.

She is absolutely correct. Our job is not that hard. Could you imagine that? On this floor, we are all parents; we have kids. Could you imagine losing your child? You send them to school, where they are supposed to be safe, and get the call that your son or your daughter has been murdered at school? That is hard. That is difficult.

What we are doing is not hard. It certainly shouldn't be hard for the Republican leadership to allow us to have a vote on gun violence prevention legislation that would help prevent these things from happening. They just happen too often. Every day, 31 people are murdered by someone using a gun. Every day, 151 people are shot in an assault in our country. That is hard.

What is the Republican leadership afraid of? You are afraid to take a vote? Are you more afraid than the people that were in that nightclub in Orlando hiding in the restrooms hoping they wouldn't be the next one who was murdered? Are you more afraid than those children in the classroom in Newtown, Connecticut?

Give us a vote. Let's address this issue. It is shameful. There is nothing to be afraid of. We were elected to come here and do a job. Give us a vote.

Our Gun Violence Prevention Task Force I mentioned heard from every imaginable interest on this issue. We took what we heard, and we put it in this legislation.

The King-Thompson background check legislation addressed a whole list of issues other than just the background check provision. They were issues that were brought to us primarily by the NRA.

The NRA asked for specific things. They asked us to make sure that there was due process for veterans adjudicated as mentally defective before losing their firearms rights. We put that in the bill. There was a request to clarify that the submissions to the NICS system don't violate HIPAA, the medical protections for patients. We put that in the bill.

The NRA was concerned that the length of time that you have to wait in

order to get your firearm after you passed a background check was too long, so we put in place a provision that reduces the purchase proceed timeline. Right now it is 3 days. Eventually, it would phase into being 24 hours, with the idea that the NICS system would have more complete records because the bill also allows the States to get grant funding to allow them to better get their information into the NICS, and our bill requires the Federal courts to put records into the NICS system.

The NRA said that hunting buddies shouldn't have to go through the background check. If you are at the duck club, your buddy wants to sell a shotgun, you want to buy it, you have been hunting buddies for a long time and you know one another, they said they shouldn't have to go through a background check, so we put a hunting buddies known person exemption into our bill.

There was great concern that this bill would lead to some sort of Big Brother list of any gun owners. Not only is that nonsense, but we took their concern and we raised them one. We added a 15-year felony for the improper storage of records by anyone in the government.

We also heard concerns that members of the armed services were conflicted. They have a permanent home address and a permanent duty station request, and that complicated their effort to own and purchase firearms. We put a provision in the bill that said members of our armed services can count their home and their permanent duty station as their residences. We took care of all of these concerns. These are things that the NRA said they have been trying to fix for years. Well, we fixed it in the King-Thompson bill.

At the same time, we take a step to fix this terrible problem we have where people can buy guns without having a background check—the dangerously mentally ill, criminals, domestic abusers, or terrorists.

This is a good bill, as I said, with 186 bipartisan coauthors. This is a bill that should be passed. No one knows that more than the gentleman from New York, Congressman ISRAEL.

Mr. Speaker, I yield to the gentleman from the State of New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the distinguished gentleman and my friend. More than anything, I want to thank him for his leadership in being able to bring people on both sides of this aisle together on the commonsense notion that, if you can't buy a plane ticket, you shouldn't be able to buy a gun. If you are on the terrorist watch list, you shouldn't be able to avail yourself of a weapon.

Mr. Speaker, when 20 children were murdered in Sandy Hook, the district of the gentlewoman from Connecticut, I really believed that Congress was going to do something. What did we do? Nothing. When Americans were murdered in San Bernardino, I said, well, this time we are going to do something. What did we do then? Nothing. We do moments of silence, and we do not act. Enough silence.

We are here to protect and defend the Constitution of the United States and protect and defend the lives of the American people, and to allow lives to be mowed down, to allow our fellow citizens to be slaughtered and say that the solution to this is another moment of silence is unconscionable.

We came into session tonight, Mr. Speaker, and on Friday, the Speaker of the House will bang the gavel down and send Congress home for a week. In that week, so many more Americans will be killed by gun violence—so many more. To allow this Congress to take a week's vacation and do nothing on gun violence is unconscionable.

No bill, no break, Mr. Speaker. No bill, no break.

If the Speaker won't allow us to even vote on a bill, then we shouldn't be allowed to take a break and go home to our districts. For those who decide that they are going to leave here without even raising their voices in support of a vote, I don't know how you will defend that decision when you go home. I don't know how you will look your constituents in the eye and say: I have a week off, and I have done nothing to protect and defend my constituents.

I understand there are some real, fundamental, and profound differences on various potential solutions to gun violence. What this gentleman has done is brought us to common ground. No fly, no buy: 80 percent of the American people support no fly, no buy; 70 percent of NRA members support no fly, no buy; the vast majority of Republicans support no fly, no buy, along with Democrats and Independents.

The reason there is support for this bill is not only is it common sense, but as the gentleman just demonstrated, he and his bipartisan cosponsor, a Republican from New York, have worked out so many areas of disagreement to areas of agreement.

When the vast majority of the American people agree that terrorists should not be able to easily purchase guns, then the people's House should listen to the people. We should pass no fly, no buy, and we need to do it by the time we recess. No bill, no break, Mr. Speaker. I hope that our colleagues understand the importance of that.

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman from New York for his spot-on comments, passionate comments.

Mr. Speaker, I yield to the gentleman from the State of California (Mr. RUIZ). He is a colleague of mine from California. As an emergency room doctor, Dr. RAUL RUIZ not only understands that we need to pass this legislation, but he has seen the carnage that has come in for his care.

Mr. RUIZ. Mr. Speaker, I thank the gentleman, Congressman THOMPSON, very much for his leadership and championing gun violence prevention in the House of Representatives.

Mr. Speaker, I rise today to join my colleagues in demanding that Speaker RYAN allow us to vote on measures to prevent gun violence before we adjourn at the end of this week.

Last week, we watched in horror as 49 of our LGBT brothers and sisters had their lives cut short at the hands of a firearm. This is not the first terrible slaughter we have witnessed as a nation. These mass shootings continue as Congress does nothing to act and nothing to keep our constituents safe.

As an emergency physician, I have taken care of too many patients injured by guns. I have had the gut-wrenching experience of telling parents, families, and friends that their loved one was killed by a gun. I have taken care of people who have been victims—innocent victims—of drive-by shootings. I have taken care of victims who have been shot by their spouse in a domestic dispute. I have taken care of victims who have been caught as bystanders in a violent crime at a store, and I have had the terrible experience of having to tell a mother that her child—her young, adolescent child—was killed in the streets. It is not something that we can ever be fully prepared for but we do way too often in our country.

These are needless deaths—needless deaths—because there is an opportunity right here and right now to curb the trend of violence in our country. This gun violence must end.

This week, we are calling on the Speaker to allow a vote so our constituents know where exactly we stand. There are several bills out there that would make a difference, including the bipartisan King-Thompson no fly, no buy that keeps guns out of the hands of terrorists and expands and strengthens background check systems.

If we can't agree on the fact that terrorists should not get their hands on guns in our country, then it is a political shame on the parts that are beholden to political interests.

Let's vote on the Zero Tolerance for Domestic Abusers Act, which would prohibit individuals convicted of stalking or domestic abuse from purchasing or owning a firearm; and let's vote on the bipartisan Public Safety and Second Amendment Rights Protection Act, another bill of Congressman THOMPSON, which would improve the criminal history records systems, which would help our law enforcement and which would mandate that all commercial gun sales utilize this background check system.

□ 2030

It is not like we don't have ideas. It is not like we don't have a path forward to curb gun violence in America. There is no one cure-all.

If we take a public health approach, if we reduce the risk of the multifaceted aspects of gun violence, then we will reduce the risk of gun violence. By reducing the risk of gun violence, we reduce the incidence of gun violence in America.

Let us vote so that terrorists and violent criminals cannot access firearms, so we can prevent another Orlando. Let us vote to end gun violence to keep the American people safe.

Mr. Speaker, I join my colleagues in calling for no bill and no break.

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman from California for his comments and for his service not only as a distinguished Member of this body, but his time as a medical professional. Sadly, he had to witness the carnage that comes about because of gun violence. I applaud his effort to help us reduce gun violence, to pass some commonsense laws that protect the Second Amendment.

As I said earlier, as a gun owner and as a strong supporter of the Second Amendment, I think that is absolutely necessary. I think it is absolutely irresponsible for any gun owner to not stand up and be counted when it comes to passing commonsense public safety measures, such as no fly, no buy and background checks for the commercial sale of firearms.

I thank my colleagues who joined with me this evening in this Special Order. You heard from everyone who spoke that moments of silence are not enough. We have had 30 moments of silence since the tragedy at Sandy Hook. It is not enough.

We need to stop being silent, we need to speak up, and we need to do our job. We need to show the courage that our constituents have placed in us. We need to do our job to make sure that when parents send their kids to school, they can be reasonably assured that their kids are going to be safe. We need to do our job so that when people go into a church to pray, they don't have to worry about some maniac coming in and shooting them during their prayer hour. We need to do our job to make sure that when people are relaxing and recreating in a club, or wherever it might be, they can feel reasonably assured that their Congress has taken steps to keep guns out of the hands of people who are criminals and people who are dangerously mentally ill, domestic abusers, or terrorists.

It is time to do our job. It is time to stop with the moments of silence. It is time to stand up, show some courage, and pass some commonsense, bipartisan gun violence prevention legislation.

I yield back the balance of my time.

TELLING SURVIVORS STORIES THROUGH THEIR OWN WORDS

The SPEAKER pro tempore (Mr. RUSSELL). Under the Speaker's announced policy of January 6, 2015, the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the majority leader.

Mr. POE of Texas. Mr. Speaker, I rise tonight to talk about what occurred at Stanford University a couple of weeks ago and a follow-up to some of the events that occurred after that.

The victim in that case gave a powerful victim impact statement. It was 7,200 words long. Last week, 18 Members of Congress from both sides of the aisle, led by JACKIE SPEIER from California, read the statement into the CONGRESSIONAL RECORD: JACKIE SPEIER from California, KATHERINE CLARK from Massachusetts, DAVID CICILLINE from Rhode Island, NIKI TSONGAS from Massachusetts, MAXINE WATERS from California, BONNIE WATSON COLEMAN from New Jersey, JUDY CHU from California, ANNA ESHOO from California, MARK TAKANO from California, DEBBIE DINGELL from Michigan, MARCY KAPTUR from Ohio, TULSI GABBARD from Hawaii, TED POE from Texas, ERIC SWALWELL from California, LORETTA SANCHEZ from California, SUSAN DAVIS from California, PAUL GOSAR from Arizona, and ANN MCLANE KUSTER from New Hampshire. It took almost an hour to read her compelling statement about what happened to her when the rapist, Brock Turner, committed this crime against her.

After the crime was committed, there was a trial. The case was not, as we say in the system, plea bargained. There was no plea agreement. It was an actual trial. After the trial, the judge assessed punishment for three felony crimes that he committed—that being Brock Turner. The judge assessed punishment as a misdemeanor of 6 months in jail, which means that Brock Turner will spend probably 90 days in jail, a half of a semester, for the crime that he committed against the victim.

As a former prosecutor for 8 years trying these type of cases and a judge in Houston for 22 years hearing only criminal felony cases, I have seen historically how devastating the crime of sexual assault is. We, as a community, need to understand how victims are impacted by this crime.

Obviously, the judge in the Stanford case didn't get it. You can read what he said. It is obvious that he was more concerned about the feelings of the criminal and his future than he was about the victim. He was almost dismissive of her statement that she read into the record.

There is a movement that is being started by a Stanford law professor, Michele Landis Dauber, whom I got to meet last week—very impressive, Mr. Speaker. She gets it. She understands about sexual assault, this crime especially at Stanford, and the impact on the victim.

She is using a recall system that is in California that a public official can be recalled if there are enough signatures on a petition to get the recall on the ballot. She is feisty, and she is going to get it done.

I admire the State of California for having recall of public officials. This is a perfect example of why other States ought to have recall of public officials, especially judges who don't get it right. In my opinion, the judge should be removed from office.

After I spoke on the House floor, and then 19 Members spoke a couple of days later on the House floor about this crime, I have received hundreds—hundreds—of contacts from sexual assault victims throughout the country, primarily by email. Some of these sexual assault survivors have never told anybody, according to them, what happened to them years ago or of recent years. Many of them just didn't get the justice that they deserved.

They didn't tell for a lot of reasons, mainly because they were ashamed. Rape survivors—God bless them—think sometimes the crime is their fault. And it is not, Mr. Speaker. It is never the fault of the victim. When a sexual assault occurs, it is the fault of the criminal every time—not most of the time, every time. Judges need to understand that.

The justice system needs to work for victims of crime just like it works for the accused citizen. The same Constitution that protects defendants protects victims of crime as well.

We have come a long way since the days I was prosecuting. Once again, California has led the national movement for victims' rights. My friend JIM COSTA from California and I head up the Victims' Rights Caucus. He was the sponsor of the Three Strikes sentencing law that passed in California.

California has a history of looking out for victims. I commend California for that. I know that may shock you, Mr. Speaker, but I commend them for getting it right when it comes to victims.

In this particular case, it all went wrong. The victim articulated it quite well in her statement. I hope every Member of Congress reads the CONGRESSIONAL RECORD because the statement of that woman is in the CONGRESSIONAL RECORD. Just read it. And, more importantly, if you are a dad, read it to your sons as well. I will come back to that in a minute.

I have four kids—three girls and a boy. I have 11 grandkids; 7 of them are girls. I sure don't want my kids and my grandkids to continue to grow up in a society that doesn't really take care of crime victims and is dismissive to them.

Of the many survivors that wrote me, several bravely offered to share their

stories with me. I am here to read some of those stories. Not all of them, just a few. Some have asked me not to give their names. Some are anonymous. Some said it is okay for me to say what their name is. I am not going to tell their whole name. I am just not going to do that. I think they deserve that privacy. I hope, by sharing these words, the world will see what outstanding resilience these few sexual assault victims have had over the years.

Jennifer writes:

It was January 2004. I was 24 years of age. I am a divorced mother of three elementary school children studying to become a preschool teacher. The man I loved came home drunk after wrecking my car. My children were upstairs asleep. He beat me, beat my head against the cement floor, and then he raped me as I tried to stay quiet, so quiet, so still, so he would leave and no one upstairs would wake up. He did finally leave.

My mother said that since I loved him, it wasn't rape. Because I got involved with a man who would do that, it was my fault, and I couldn't very well make him lose his job because of my poor judgment. I was young. I didn't know. To this day, I blame myself for letting it happen, even though now I know that none of it was my fault.

Because of that night, I have post-traumatic stress disorder. My body remembers, even if my mind doesn't know all of the details.

After reading the speech you made, I told my new husband about what happened to me. This was the first time I have ever told him. We have been together for 10 years.

Mr. Speaker, in all due respect to Jennifer's mother, Jennifer's mother was wrong. It was not Jennifer's fault that she fell in love with a worthless guy. And the sexual assault was certainly not her fault. It was his fault. He should have been held accountable for what he did. Jennifer still suffers to this day for what that individual did.

The rape—and we use the word ''rape,'' and we use ''sexual assault.'' ''Sexual assault'' is a relatively new term. It used to be called ''rape'' because that is a specific type of sexual assault. Sexual assault is broader. But rape is never the fault of the victim, and neither is sexual assault.

The defendant always has an excuse to blame the victim: ''Well, she came on to me,'' or, ''It was what she was wearing,'' or, ''She was drunk,'' or, ''She was under the influence of narcotics''; ''She didn't resist''; ''She didn't scream''; ''She didn't tell me no''; ''She didn't run for help.'' The defendants in these cases always blame the victim. But rape is not the fault of a victim. ''No'' means no.

If people out there in America want to join in on this conversation, they can use the #survivorsspeak, and just keep discussing this issue because I think we should discuss this issue.

Here we have a victim, ''I said no.'' Saying ''no'' means no. It doesn't mean maybe. It doesn't mean yes. ''No'' always means no.

So if folks want to join in on that, I would encourage them—#survivorsspeak.

That is Jennifer's story.

This story was written by a family member because of the age of the victim. She is anonymous, of course:

Twenty-six years ago, a 6-year-old was raped in Mercedes, Texas. The rapist got his fix as he pleased. The pervert? Well, he is still on the loose. He is a pedophile, a rapist, and a scumbag, yet he still walks the streets. His victim is now 30 years of age. She still has post-traumatic stress disorder. She still cries, is depressed, and relives her tragedy each day. Thank Congress for what they are trying to do for this crime.

This is a case where we know who the perpetrator was, and for some reason we don't know, he got away with it—maybe because of the age of the victim; maybe she didn't want to testify. We don't know.

□ 2045

He got away with it, and the victim still suffers now, 24 years later; but what happened to her when she was 6 years of age?

Christina writes this:

As a victim of rape 25 years ago, I am disappointed to see that we really haven't made progress as a Nation or a people in changing the attitude toward rape victims. It is time to recognize the lifetime impact that rape has on a victim. It affects every part of your being. It is time to stop the line of questioning that the victim is subjected to—the line of questions that insinuate: Well, what did you do to cause this?

I have been at the courthouse. I see how criminal defense lawyers ask a question in cases like this. Usually, the defense is: the individual. It is the fault of the victim. It is not the fault of the rapist. That is one of the defenses—to go after the victims. Attack them.

She continues:

My assailant was a friend of a friend. It still causes me to be overly guarded with relationships. I still question my judgment. On every new date, the first thought is: Where is my escape route? Then it progresses to: What are the signs that I am ignoring that I should be aware of that would harm me? I am aware that this is an abnormal thought process, but more than 25 years later, it is what I need to do to feel safe again—a lifetime of grief.

Aja writes this:

My name is Aja. I was raped. I have not received any sort of justice for the act committed against me. I have stayed silent about this for nearly 5 years, and, today, that ends. Today, I am no longer a victim of crime, but I am a survivor. I am not alone. I am not my past. I am not meant to stay silent. I actually matter.

Good for Aja.

Hillary writes this:

I am writing you so my voice and so many others may be heard. I was 19 when I was drugged and raped. To this day, I will never know how many individuals raped me. I may have no memory of the act, but it doesn't change the outcome. I was unconscious and never was given a chance to say no. I will always remember the pain, seeing the bruises that covered the inside of my thighs. My underwear was ripped from my body and tied together and put back on. I never want to see those clothes again.

I reported my rape, but never received justice, like so many other rape victims. I went through humiliating questions from the police. I felt so much pain and humiliation again at the hospital, through the pregnancy tests, the STD test, and the HIV test. Pictures were taken of my bruises on my body, and I felt so much shame. When the rape kit was done, I cried. It was painful. I felt ruined. I was given a lifelong sentence while he and others walk free.

I live with the feeling of shame. I could not smile. I live, even to this day, with nightmares. I blame myself because—maybe, if I had not taken that drink. He took my voice for years—a piece of me he did not deserve. I went through lots of therapy for depression, but I will live in fear no more. My body was taken without asking, but I have a voice now, and it will not be silenced.

I tell my story so others won't feel alone. We didn't ask for this. We need to make sure that no more victims are made to feel like they did something wrong. I did nothing wrong. I didn't violate him, but I carry the scars of what he did. I stand with every victim out there. I cried while writing this letter. It is the first time I have given my voice to be heard. Thank you again for giving us a voice to fight with.

She is thanking all Members of Congress who have spoken out against this type of crime.

This is another anonymous individual. I have three more, including this one.

Mr. POE, I can only hope that your words will be heeded and that the wrong will be made right, just a tiny bit, by this victim. From personal experience, the nightmares never stop. Not even after my rapist was killed in prison did the nightmares stop. I still see his face in the dark. I can hear his voice appraising my body like I was a cow at an auction. I have carried this burden since I was 7 years old, and it can't ever be fixed, but we can stop it from being the fate of others by making the punishment so severe, the crime is not an option.

She probably wouldn't have agreed with the 6-month sentence that the Stanford judge gave the defendant who will only do 90 days.

Another anonymous letter:

In college, a man broke into my apartment and brutally raped, beat, and pistol-whipped me.

It is hard to read this, Mr. Speaker.

He sodomized me with his gun. I have horrible flashbacks and can barely live a day when I don't have anxiety or panic attacks and the wish just to die and end it all from the emotional, physical, and psychological damage that he did to me.

You give some of us hope, and I want to sincerely thank you and other Members of Congress for standing up for us rape victims. I am honored for you to share my story to help others, but I want to remain anonymous because I still fear my attacker even though I don't know his name. My rapist knows my name. He stalked me prior to the rape. Thank you for taking the time to write me back.

The last case, Lauren's, was a case I actually tried. I tried the person who assaulted her and her sister. It was in 1997. Lauren was the age of 11, and her stepsister was 9 years of age. They were repeatedly molested, not by a

stranger or by a friend, but by someone closer—their grandfather. He molested them several times. This happened 20 years ago next year, and Lauren still can't talk much about it. She reached out to my office to tell us that sexual assault stays with you for life. In her case, the individual was convicted. He received a 10-year sentence in one case and a 5-year sentence in the other, and they were stacked on top of each other, which means he had to do 15 years in the penitentiary of the State of Texas.

We have done some good things over the years. We have done some good things in Congress. The Justice for All Act strengthens the rights of victims of crime in the criminal justice process, increasing their access to restitution and the reauthorization of victims' notification grants. It takes steps to reduce the rape kit backlog. It expands the use of sexual assault nurse examiners in underserved communities.

I have been around so long that, when I started prosecuting cases, we didn't have a rape kit. We didn't know what that was. We certainly didn't have DNA. But we have rape kits now because some wonderful doctors have figured this out, some of them at the Texas Children's Hospital in Houston. It is a forensic kit that is taken of the sexual assault victim. These items are analyzed and tracked through DNA to find out who the rapist was; but right now, in our country, we have rape kits that are sitting on the shelves in police departments throughout the country that are gathering dust. People just can't get around to solving these crimes. They make all kinds of excuses: We don't have the money; we just need more help.

The bottom line is that we are denying justice to sexual assault victims for the failure to analyze these rape kits. We need to analyze the rape kits, but it cuts both ways, Mr. Speaker. Some of these rape kits, after they are analyzed, exonerate people in the penitentiary. Get it done. Solve this problem of the backlog of rape kits. There is no excuse for the Justice Department, for the FBI, for any local law enforcement agency not to analyze those sexual assault kits right away.

You see, when the crime is committed, Mr. Speaker, the system works in such a way that we don't let the victims forget about what happened to them because they may have to testify, and they can't get on with their lives, so to speak, until the rape kit is analyzed, and the idea that one has to wait a year or 2 years before we know who committed this crime is abuse of the system. The system is abusing the victim again. Like I said, it may exonerate an offender who is in the penitentiary.

So no more excuses. It needs to be a priority of police departments. Analyze the sexual assault kits, analyze that DNA, because it really is good evidence in the courtroom to convict the guilty and exonerate the innocent; but you can't get to that point and the victims can't get to trial until the sexual assault kit is analyzed. They have to continue to remember this. They can't forget it, not that they would forget it, but they can't get on with their lives.

The same thing is true about postponing these cases. So many judges take a sexual assault case and: Ah, we will postpone this case. We are going to try some slip-and-fall case instead.

Courts in the United States, by the legislative authority of the legislatures, should make a priority of sexual assault cases, especially of minor children, and put them in the line first to get their day in court. Some States do it—some don't—but that is one easy fix that we could do.

Of course, this law, the Justice for All Act, protects VAWA funding streams that are critical to crime prevention, and I mentioned about DNA testing.

I mentioned JIM COSTA—a great American. This issue is a bipartisan issue. We have 80 in our Victims' Rights Caucus—40 Republicans and 40 Democrats. Every year, we have this fight with the appropriators. We are in the appropriations season. There was a great law that was passed by Congress—sponsored, I believe, by Ronald Reagan or whoever—that said this:

When a criminal is convicted in Federal court, the judge may impose a fee, and that fee goes into what is called the Victims of Crime Act fund. VOCA is what it is called. God bless those Federal judges. They are nailing these criminals, because more and more money every year is going into the Victims of Crime Act fund. That fund is to be used for victims of crime, including for services, restoration, counseling—all of those good things that we now do for victims that we didn't used to do; but here is the problem:

More money than ever before is coming into the Victims of Crime Act fund. Right now, my understanding is there is $9 billion in the fund. Now, this isn't taxpayer money. This is money that criminals have paid toward the rent on the courthouse. They have paid for the crimes they have committed, plus their sentences, and it is a fund that is supposed to go to crime victims. It is a great idea. The problem is Congress—us. This has been going on for years. It doesn't appropriate all of the money every year that came in the previous year. Only about 30 percent of it is appropriated to crime victims' organizations, and many of these organizations are barely keeping their lights on.

I am no appropriator. I am not a CPA. I am a lawyer. The appropriators say: Well, we can't spend that money because we need it as an offset for other spending in other programs.

It is not for other programs. It is not taxpayer money. What JIM COSTA and I have been trying to do since we came in here in 2005 is to say: What goes in this year comes out next year. Spend it all. We don't need to have a rainy day fund because the money keeps going up every year because Federal judges are making defendants pay into this fund.

Once again, it belongs to victims of crime, but it is administered by the Justice Department. It is no reflection on this administration. It has been going on for years. The Justice Department just hangs onto it because the appropriators don't spend it all and appropriate all of the money, as I said, because they want to use it as an offset.

□ 2100

The country and some judges, like the one at Stanford, have to get their mindset right today in 2016. Sexual assault is a crime we don't talk much about. It is just kind of distasteful, so we don't talk about it. We talk about other things.

Yet, these sexual assault victims live quiet lives of despair. And I have known a lot over the years. Some of them keep in contact with me. They just call to check in. And they don't ever get over it, Mr. Speaker. We would hope that they would. We would hope they get their lives together. You know they become survivors, but, emotionally, many of them just don't get over it for a lot of reasons; because they are ashamed, their mom told them it was their fault, whatever.

We need to make it real clear that Congress is on the side of sexual assault victims. Make no mistake about it, we are on their side because really we are their only voice. We are it. If we don't speak for them and help legislation forward to protect them, it doesn't get done. So we have a lot to do.

One thing that I would like to mention, the father and the mother of the rapist gave a statement to the judge, and I read those statements. I would like to talk about the father. He basically blamed the victim for the conduct of his son. He is wrong. And the problem is he actually believes it is her fault. He didn't just say that to try to protect his son. He believes it is her fault. That is what is really bad.

Most of us who are males in this House, we have sons. I do have one. I have grandsons. We have an obligation to raise our sons in accordance with basic human rights and explain to them when they are very young that there are some things you just can't do. You are going to be punished for it, but also it is wrong.

Sexual assault is one of those. It is wrong. You cannot do that. We need to explain that, because we have a generation of young males—every generation of young males has to be reeducated.

We have that obligation in our families to educate our sons that because you think you are somebody, you are

not going to get off if you do that crime, whether you are an athlete, whether you come from pedigree, whether you are rich, famous, whatever. We need to explain to our sons that it is morally wrong to sexually assault a person under any circumstances because ''no'' always means no. It is not the fault of the victim.

So I would encourage dads to do this. This doesn't cost any money. It doesn't cost any legislation, but it is a moral obligation we have as fathers. I think if fathers did a better job—I have said this a long time—if fathers did a better job, we would have fewer young males at the courthouse; because most of the people who showed up at the courthouse when I was a judge, they were young males. Most of them were under 25 years of age and they were males. And it is not because the women get away with it. It is because young males commit most of the crime. We have that obligation, and I encourage fathers to do that.

I want to talk about two more cases that I was involved in. I tried this case as a prosecutor, and this was a senior citizen. Sadie was her first name. And in the trial, the victim had to state what happened to her. She would never say ''rape.'' She certainly never said ''sexual assault'' because we didn't use that term, but she kept testifying from the witness stand.

What happened to you?

And she said: It is a fate worse than death.

Well, can you be a little more detailed?

No. It is a fate worse than death.

And we went through this for a little bit, and she kept saying that: It is a fate worse than death.

She eventually said enough of the right words to meet the legal qualification for rape. And I asked her at the trial: Why do you keep saying it is a fate worse than death?

I don't know if you have ever heard that before or not.

And she said: It is real simple. When you die, you die once. When this crime is committed against you, you die every day. It is a fate worse than death.

That is the way sexual assault victims view this crime, and that is the way the law ought to view this crime. To many, it is a fate worse than death. And she had it perfectly because it is a fate worse than death.

The last case I will talk about is one that I prosecuted as well. This individual, the victim in this case—I won't use her name because her family still lives in Houston—she was leaving one of our major universities and driving home to a town north of Houston, and all the lights turned on on the dashboard.

She is having car trouble, and she pulled into a service station. She thought it was open. It was not. She came in contact with who she thought was the service station attendant. He was not the service station attendant. I am not going to mention his name; he doesn't deserve it.

He kidnapped her. He had a gun. He took her from this area, put her into some woods, sexually assaulted her, beat her up, and she survived because she was a remarkable lady. In fact, my understanding now after the trial, the defendant was mad that she did survive.

Anyway, he is tried. He is convicted by a jury of 12 right-thinking Houstonians who convicted the defendant. In Texas we have, in some cases, jury sentencing. And the jury sentenced this individual, this rapist, to 99 years in the Texas penitentiary. That was the maximum. He deserved every minute of it.

Now, we would hope everything would be okay and that life would go on. Bad guy, outlaw, goes to prison; sexual assault victim gets justice in court. But it doesn't work that way because that is not life.

The first thing that happened was she started abusing alcohol and then other narcotics. Her husband left her. And a year—maybe 2 years—after the crime, I get a call from her mother, and she tells me that her daughter has taken her own life and she left a note that says: I'm tired of running from the criminal in my nightmares.

See, she got the death penalty for what somebody did to her.

In the cases that I mentioned tonight and the many, many others that we have all received since last week, there are a lot of victim survivors. And we really are judged by the way we treat innocent folks in our community; not the rich, not the famous, not the athletes, but by the way we treat the innocent, the kids, the people who have no voice in our justice system, except Congress. So we speak for them, and we need to speak for them as well.

So I would remind the people that are out listening to this to use the #survivorsspeak and weigh in on this conversation if they want.

Mr. Speaker, this subject, as I mentioned at the outset, is one that we sometimes don't want to talk about, but we can't ignore it ever, not anymore, not today, not in this town, or any town in America. That is why the Stanford judge needs to go, and that is why I commend the folks in California for having a recall petition.

Judges need to get their head on straight to know they have to get it right every time when it comes to justice. The scales of justice are a balancing act. Justice for defendants, but also justice for victims and survivors of crime, because rape is never the fault of the victim. And when a rapist commits a crime against usually a woman or a child, that rapist is stealing the very soul of that victim because that is what happens sometimes. Let us not forget that.

And that is just the way it is.

WE ARE ALL EMILY DOE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentlewoman from New Hampshire (Ms. KUSTER) for 30 minutes.

Ms. KUSTER. Mr. Speaker, I want to commend Judge POE for his eloquent words tonight. I appreciate the bipartisan sentiment.

I rise tonight in solidarity with my courageous colleagues from across the country who spoke last week and, as Judge POE joined us, we read the eloquent words of the survivor in the Stanford University case.

We rise tonight to show our continuing support for the woman known to the world as Emily Doe and to join with all of our sisters at Stanford and on college campuses and in communities around the Nation with one simple message to America: We are all Emily Doe.

I am going to start my remarks tonight 40 years ago on a cold winter night at a prestigious college campus—this time on the East Coast—I was an 18-year-old student. I was going to a dance. The dance was at a fraternity, and I intended to enjoy the evening with my friends. We danced. We listened to music. We enjoyed the evening and we enjoyed the party until one young man assaulted me in a crude and insulting way, and I ran alone into the cold, dark night. I have never forgotten that night. I was filled with shame, regret, humiliation while he was egged on by everyone at that party standing by.

Several years later, I was working as a legislative assistant right here on Capitol Hill, and I was assaulted again, this time by a distinguished guest of the United States Congress. I was 23 years old. And as Judge POE referenced tonight, I did not say a word to anyone. And, in fact, until I wrote these words to share with you tonight, I had never told anyone this story. My family didn't know, my husband, my children, my friends. I was 23.

A few months after that evening, I was walking home from dinner at a diner right here on Capitol Hill. If I named it, you all would know it well. I was mugged. I was grabbed in the dark, and I fought free. And when I broke free, I ran, again, alone into the cold, dark night.

I tell these stories tonight on the floor of the United States Congress not because they are remarkable or unique. Sadly, I tell these stories because they are all too common.

You see, all of us—Members of Congress, college students, soldiers and sailors, mothers and sisters—we are all Emily Doe. And the message we hear

and the message that the court sent in Stanford is that we are not safe, we are not secure, and we do not deserve to be free, free from sexual assault, free from rape, free from rude, crude, obnoxious offensive assaults on our bodies, on our beings, on ourselves.

What we hear on college campuses, on military bases, in the workplace, and in the courthouse is that he has a future; he has potential; he was drunk; he didn't mean any harm; he just wanted to have fun, to get some action, and then get on with his life.

□ 2115

What about her? What about her future? The student, the soldier, the sailor, the mother, the sister? We have been silent for too long. We also have potential. We also have a future. We are all Emily Doe, and tonight we will not be silent anymore.

Tonight we stand together—Republicans and Democrats, mothers and sisters—from across the country to take a stand for liberty and justice for all. We will fight for consequences for the 3 percent of men on college campuses and in our communities who are sexual predators and a menace to women everywhere. We will fight for bystander education and sexual assault prevention.

For the 97 percent of men on college campuses and in our communities who can be part of the solution, join us in taking a stand against sexual assault. We will reward college campuses that are open, transparent, and not only change their policies and programs but actually hold the perpetrators accountable and provide real and effective counseling and support for those students who have been assaulted.

And we will impose sanctions on college administrators who fail to act, fail to change, fail to prevent, fail to protect. Every student deserves to be safe; every student deserves to be secure, to live her life and to live her future. So remember, tonight we are all Emily Doe. She has given us our voice, and we will not be silent any longer.

Mr. Speaker, I yield to the gentlewoman from Massachusetts (Ms. CLARK), my good friend and colleague.

Ms. CLARK of Massachusetts. Mr. Speaker, I thank the gentlewoman from New Hampshire for her personal story. It is moving, it is courageous, and it makes a difference. We so appreciate your words because your story is our story, and it is the story of our daughters, our nieces, our granddaughters, and ourselves.

Approximately 20 percent of women who go to college will be sexually assaulted, and according to the Department of Justice and the Center for Public Policy, 95 percent of those women will not report their crimes because they don't think they will be believed. They think they will be humiliated and shamed.

As Emily Doe said so eloquently and brutally frankly in her statement to her rapist Brock Turner, the judicial system and institutions will blame the victim. She had her consent questioned even though she was unconscious.

Another college student recently in the news in Massachusetts went to WPI, and when she was lured to a rooftop and raped by a university security guard, she was questioned in the courtroom on her so-called risky behavior of drinking alcohol, not getting off the elevator when the guard followed her on, and that she had ignored training on personal safety.

Recently at Harvard, an alumni group president of an elite men's club offered that the suggestion of making the club coed was not a good one because it would potentially increase sexual assault at the club, not decrease it.

Alcohol, trusting security guards, the mere presence of women, none of it justifies rape. Alcohol highlights the deeply rooted ideas of entitlement that we have, and in rapists—and in, too frequently, mass shooters—it is what Michael Kimmel terms ''aggrieved entitlement,'' a powerful toxic world view that justifies violent action against children, women, elderly, or the LGBTQ community because the perpetrator believes they can act with impunity.

So how do we begin to change this horrifying landscape? First, we need to collect data. We need to understand who is perpetrating these crimes to understand how we can get to better solutions. A lack of accurate capture and analysis for understanding perpetration has caused us to not be able to frame the questions for better solutions.

Second, we have to look at funding. Cuts to social services for domestic violence and sexual assault are ones that we simply can't afford in our very first line of defense and the funding that is so necessary to build communities. We also need to talk to our children about sexual assault. A No More study revealed 73 percent of parents with children under the age of 18 have never talked to them about sexual assault, domestic violence, or even alcohol. And we certainly aren't talking about double standards, power imbalances, bias, and bigotry.

Finally, we need to look at our institutions: higher education—our colleges and universities—community policing, and our criminal justice system. We must enable transparency and accountability and counteract our deep cultural questions and questioning and disbelief of victims and stereotypes that enable entitlements to flourish violently.

The work that Representative KUSTER has called for tonight begins with us, and I thank her again for her leadership and her bravery and her friendship not just to me, but to all women.

Ms. KUSTER. Mr. Speaker, I thank Representative CLARK.

I now yield to the gentlewoman from Illinois (Mrs. BUSTOS), my good friend and colleague.

Mrs. BUSTOS. Mr. Speaker, I want to thank Congresswoman KUSTER for organizing this Special Order this evening and for bringing attention to such a critical issue. I also want to thank Congresswoman CLARK for her story as well. I appreciate so much her taking the time tonight. Most importantly, I want to thank both gentlewomen for sharing their stories. I thank Congresswoman KUSTER for having the courage to share her personal story, which I think will give hope and strength to women and survivors across the country. Sexual assault is an epidemic that knows no boundaries. It is a crisis on our campuses that mandates the attention of every Member of Congress.

I was in college in the late 1970s and the early 1980s, and I know what happened back then is sadly still happening today. I know of a college gang rape that happened when I was in school. I know of men who would brag about taking turns on drunk or unconscious women who could not give consent. They were not in a position to give consent. We would hear about these experiences later when a survivor was brave enough to confide in her friends about what happened on that night.

But every time, without exception, she felt powerless, with little hope that justice would be on her side if she reported the crime. That is because the rape culture is suffocating for women all across America. She knew then that they would ask her what she was wearing, was she showing cleavage, were her jeans too tight. She knew they would ask her how much she had to drink, if she were asking for it because she had a few cocktails, and she knew that they would ask about her sexual history, if she were promiscuous, if she egged him on. This is the rape culture that sexual assault survivors live through each and every day.

All of these memories came rushing back to me when I learned about the brave survivor at Stanford University. She courageously shared her vivid, graphic, and horrifying story of what happened before and after she was raped. Now, I didn't say during, because she was unconscious when she was raped behind Stanford University's dumpster.

Mr. Speaker, I am sick. I am sick and tired about this epidemic while we have meaningful legislation that sits and dies in committee. Those of us here tonight strongly support this legislation that will reform the way sexual assaults are handled on our college campuses. But where is the movement? Where is the vote on this floor of this Congress? The silence and the inaction

from Congress is deafening and appalling.

For example, the Campus Accountability and Safety Act only has 34 cosponsors. That is right, 34 cosponsors out of 435 Members of the U.S. House of Representatives. Just as troubling is the HALT Act, the HALT Campus Sexual Violence Act, which has only one Republican cosponsor—I repeat, one Republican cosponsor.

And why I bring that up is because rape is not a partisan issue. It does not have a label of Republican or Democrat on it. Rape victims are not Republicans; they are not Democrats. They are human beings, and they deserve better. At bare minimum, they deserve a hearing and a vote on this floor of Congress.

Let me just say this. If women made up more than our measly 20 percent of Congress, if Congress truly reflected the makeup of America, where 50-plus percent of Americans are women, I guarantee that sexual assault wouldn't be a back-burner issue because this has impacted all of us: our friends, our sisters, our daughters. They have lived this experience.

As a woman in Congress, I will not stay silent because why be Congresswomen if we can't help other women and do so vigorously and boldly? I will not stay silent while one in five college women experiences sexual assault during her undergraduate years. As a woman in Congress, I will not stay silent because every female staffer I work with knows of a woman who was raped in college.

How many more college women will be raped before Congress will act? We are here tonight for Emily Doe, who was sexually assaulted behind that fraternity dumpster while she was unconscious. We are all here for all survivors because we see you, we hear you, we respect you. As women Members of Congress, we will amplify your voice until there is action. Let me be clear. We will not be silent until meaningful action is taken. We will continue to challenge the status quo so all survivors are given the adequate justice they deserve.

Ms. KUSTER. Mr. Speaker, I thank Representative BUSTOS and Representative CLARK. There were others who planned to join us, but because of the weather, their flights were not able to land. With these stories, we hope to show that Emily Doe is not alone and, in fact, we are all Emily Doe.

These types of experiences happen to every type of woman across the country—not just students, not just young women—mothers, daughters, teachers, and, yes, even Members of Congress. And that is why we must all come out of the shadows and the silence and demand action be taken to put an end to the victimization of women and other individuals by their abusers.

So tonight, Mr. Speaker, we want to speak to America to say: we will be silent no longer. We hear you. We hear the stories of the survivors. And we plan to make this Congress take the action that needs to be done.

Mr. Speaker, I yield back the balance of my time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1270, RESTORING ACCESS TO MEDICATION ACT OF 2015

Mr. BURGESS (during the Special Order of Ms. KUSTER), from the Committee on Rules, submitted a privileged report (Rept. No. 114–638) on the resolution (H. Res. 793) providing for consideration of the bill (H.R. 1270) to amend the Internal Revenue Code of 1986 to repeal the amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for over-the-counter drugs under health savings accounts and health flexible spending arrangements, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5485, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2017

Mr. BURGESS (during the Special Order of Ms. KUSTER), from the Committee on Rules, submitted a privileged report (Rept. No. 114–639) on the resolution (H. Res. 794) providing for consideration of the bill (H.R. 5485) making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CURBELO of Florida (at the request of Mr. MCCARTHY) for today on account of attending a family event.

Mr. DUFFY (at the request of Mr. MCCARTHY) for today on account of travel delays.

Ms. HAHN (at the request of Ms. PELOSI) for today on account of weather-delayed flight.

Mr. JEFFRIES (at the request of Ms. PELOSI) for today.

Ms. MAXINE WATERS of California (at the request of Ms. PELOSI) for today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2736. An act to improve access to durable medical equipment for Medicare beneficiaries under the Medicare program, and for other purposes; to the Committee on Energy and Commerce; in addition, to the Committee on Ways and Means for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 337. An act to improve the Freedom of Information Act.

ADJOURNMENT

Ms. KUSTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 22, 2016, at 10 a.m. for morning-hour debate.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 5456. A bill to amend parts B and E of title IV of the Social Security Act to invest in funding prevention and family services to help keep children safe and supported at home, to ensure that children in foster care are placed in the least restrictive, most family-like, and appropriate settings, and for other purposes; with an amendment (Rept. 114–628). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 5388. A bill to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes (Rept. 114–629). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 5389. A bill to encourage engagement between the Department of Homeland Security and technology innovators, and for other purposes (Rept. 114–630). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 5452. A bill to amend the Internal Revenue Code of 1986 to permit individuals eligible for Indian Health Service assistance to qualify for health savings accounts; with an amendment (Rept. 114–631). Referred to the Committee of the Whole House on the state of the Union.

Mr. CALVERT. Committee on Appropriations. H.R. 5538. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2017, and for other purposes (Rept. 114–632). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 2538. A bill to take lands in Sonoma County, California, into trust as part of the reservation of the Lytton Rancheria of California, and for other purposes; with an amendment (Rept. 114–633).

Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 5447. A bill to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements; with an amendment (Rept. 114–634, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHAFFETZ: House Committee on Oversight and Government Reform. House Resolution 737. Resolution condemning and censuring John A. Koskinen, the Commissioner of Internal Revenue; with an amendment (Rept. 114–635, Pt. 1). Ordered to be printed.

Mr. CHAFFETZ: Committee on Oversight and Government Reform. H.R. 4921. A bill to amend chapter 31 of title 44, United States Code, to require the maintenance of certain records for 3 years, and for other purposes (Rept. 114–636). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHAFFETZ: Committee on Oversight and Government Reform. S. 1550. An act to amend title 31, United States Code, to establish entities tasked with improving program and project management in certain Federal agencies, and for other purposes; with amendments (Rept. 114–637). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURGESS: Committee on Rules. House Resolution 793. Resolution providing for consideration of the bill (H.R. 1270) to amend the Internal Revenue Code of 1986 to repeal the amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for over-the-counter drugs under health savings accounts and health flexible spending arrangements (Rept. 114–638). Referred to the House Calendar.

Mr. STIVERS: Committee on Rules. House Resolution 794. Resolution providing for consideration of the bill (H.R. 5485) making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes (Rept. 114–639). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committees on Education and the Workforce and Energy and Commerce discharged from further consideration. H.R. 5447 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ROYCE (for himself, Mrs. MCMORRIS RODGERS, Mr. ENGEL, and Ms. MENG):

H.R. 5537. A bill to promote internet access in developing countries and update foreign policy toward the internet, and for other purposes; to the Committee on Foreign Affairs.

By Mr. TIBERI (for himself, Mr. DANNY K. DAVIS of Illinois, and Mr. ROSKAM):

H.R. 5539. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income contributions to the capital of a partnership, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself, Mr. FARR, Mrs. DAVIS of California, Mr. COOPER, Ms. BORDALLO, Ms. SPEIER, and Mr. O'ROURKE):

H.R. 5540. A bill to establish a fair and transparent process that will result in the timely consolidation, closure, and realignment of military installations inside the United States and will realize improved efficiencies in the cost and management of military installations, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself and Mr. NORCROSS):

H.R. 5541. A bill to amend the Federal Credit Union Act to establish procedures for Federal credit unions to provide credit union services to underserved areas, and for other purposes; to the Committee on Financial Services.

By Ms. DEGETTE (for herself and Mr. KENNEDY):

H.R. 5542. A bill to amend titles XI and XIX of the Social Security Act to establish a comprehensive and nationwide system to evaluate the quality of care provided to beneficiaries of Medicaid and the Children's Health Insurance Program and to provide incentives for voluntary quality improvement; to the Committee on Energy and Commerce.

By Mrs. LAWRENCE (for herself, Mr. CONYERS, and Mr. KILDEE):

H.R. 5543. A bill to prioritize educating and training for existing and new environmental health professionals; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOLLY:

H.R. 5544. A bill to amend title 18, United States Code, to prohibit the transfer of a firearm to a person whose name is in the Terrorist Screening Database, and for other purposes; to the Committee on the Judiciary.

By Mr. BOUSTANY (for himself, Mr. ROSKAM, Mr. TIBERI, Mr. BUCHANAN, Mr. SAM JOHNSON of Texas, Mr. REICHERT, Mr. YOUNG of Indiana, Mr. NUNES, and Mrs. BLACK):

H.R. 5545. A bill to amend the Internal Revenue Code of 1986 to modify the application of certain rules with respect to certain foreign countries; to the Committee on Ways and Means.

By Mr. BRADY of Pennsylvania:

H.R. 5546. A bill to preempt State laws preventing a major city from regulating firearm-related conduct in the city that occurs in or affects interstate or foreign commerce; to the Committee on the Judiciary.

By Mr. BURGESS (for himself and Mr. GENE GREEN of Texas):

H.R. 5547. A bill to amend title XIX of the Social Security Act to provide for increased price transparency of hospital information and to provide for additional research on consumer information on charges and out-of-pocket costs; to the Committee on Energy and Commerce.

By Mr. COFFMAN (for himself, Mr. PERLMUTTER, and Ms. KUSTER):

H.R. 5548. A bill to authorize the Secretary of Veterans Affairs to sell Pershing Hall; to the Committee on Veterans' Affairs.

By Mr. HARRIS (for himself, Mr. BLUMENAUER, Mr. GRIFFITH, and Mr. FARR):

H.R. 5549. A bill to amend the Controlled Substances Act to make marijuana accessible for use by qualified medical marijuana researchers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSKAM (for himself, Mr. BOUSTANY, Mr. TIBERI, Mr. BUCHANAN, Mr. SAM JOHNSON of Texas, Mr. REICHERT, Mr. YOUNG of Indiana, Mr. NUNES, and Mrs. BLACK):

H.R. 5550. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on United States dollar clearing done for the benefit of Iran or Iranian persons; to the Committee on Ways and Means.

By Mr. SMITH of Missouri:

H.R. 5551. A bill to require advance appropriations for the expenditure of any funds collected by the Environmental Protection Agency; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Transportation and Infrastructure, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIPTON:

H.R. 5552. A bill to amend the Consumer Financial Protection Act of 2010 to establish an exemption from a rule or regulation to regulate payday loans, vehicle title loans, or other similar loans for certain States and Indian tribes, and for other purposes; to the Committee on Financial Services.

By Mrs. WAGNER:

H.R. 5553. A bill to amend the Securities Exchange Act of 1934 to require fines collected for violations of the rules of the Municipal Rulemaking Board to be deposited into the Treasury and to amend the Sarbanes-Oxley Act of 2002 to remove a requirement on the use of certain funds; to the Committee on Financial Services.

By Mrs. WAGNER:

H.R. 5554. A bill to require the Comptroller of the Currency to transfer administrative jurisdiction over the old Office of Thrift Supervision building to the General Services Administration; to the Committee on Transportation and Infrastructure.

By Mr. HILL (for himself, Mr. CRAWFORD, Mr. WESTERMAN, Mr. WOMACK, Mr. COLE, Mr. TAKAI, Mr. RANGEL, Mr. KILMER, Mr. LOWENTHAL, Mr. MCGOVERN, Mr. MEEKS, and Mr. PEARCE):

H. Res. 795. A resolution recognizing the 70th Anniversary of the Fulbright Program; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ROYCE:

H.R. 5537.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. CALVERT:

H.R. 5538.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . .'' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . .'' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. TIBERI:

H.R. 5539.

Congress has the power to enact this legislation pursuant to the following:

Clause l of Section 8 of Article I

By Mr. SMITH of Washington:

H.R. 5540.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress ''to provide for the common Defense'', ''to raise and support Armies'', ''to provide and maintain a Navy'' and ''to make Rules for the Government and Regulation of the land and naval Forces'' as enumerated in Article I, section 8 of the United States Constitution.

By Mr. RYAN of Ohio:

H.R. 5541.

Congress has the power to enact this legislation pursuant to the following:

''The Congress enacts this bill pursuant to Clause 18 of Section 8 of Article I of the United States Constitution.''

By Ms. DEGETTE:

H.R. 5542.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mrs. LAWRENCE:

H.R. 5543.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. JOLLY:

H.R. 5544.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. BOUSTANY:

H.R. 5545.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3. Within the Enumerated Powers of the U.S. Constitution, Congress is granted the power to lay and collect taxes. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

Article I, section 8, clause 18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. BRADY of Pennsylvania:

H.R. 5546.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause—Article 1, Section 8, Clause 3 of the Constitution.

By Mr. BURGESS:

H.R. 5547.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, which grants Congress the power to regulate Commerce with foreign nations, and among the several states, and with the Indian tribes.

Article I, Section 8, Clause 18, of the United States Constitution, which grants Congress the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or any Department or Officer thereof.

By Mr. COFFMAN:

H.R. 5548.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States

By Mr. HARRIS:

H.R. 5549.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article 1 of the Constitution of the United States.

By Mr. ROSKAM:

H.R. 5550.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: ''The Congress shall have the power to regulate commerce with foreign Nations, and among the several states, and with the Indian Tribes''

Article 1, Section 8, Clause 18: ''The Congress shall have the Power to make all Laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer therof.''

By Mr. SMITH of Missouri:

H.R. 5551.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7

No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Mr. TIPTON:

H.R. 5552.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: ''The Congress shall have power . . . To regulate commerce with foreign nations, and among the several states, and with the Indian Tribes.''

By Mrs. WAGNER:

H.R. 5553.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mrs. WAGNER:

H.R. 5554.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 169: Mr. HENSARLING.
H.R. 225: Ms. DUCKWORTH.
H.R. 258: Mr. RICHMOND.
H.R. 391: Mr. RUSH.
H.R. 465: Mr. NUNES.
H.R. 532: Mr. JEFFRIES, Mrs. LAWRENCE, and Mr. PALLONE.
H.R. 539: Mr. AMODEI.
H.R. 563: Mr. BUTTERFIELD.
H.R. 670: Mr. LONG.
H.R. 711: Mr. SHIMKUS.
H.R. 729: Mr. CLAWSON of Florida.
H.R. 735: Ms. VELÁZQUEZ.
H.R. 829: Mr. YARMUTH.
H.R. 969: Mr. CRENSHAW.
H.R. 1076: Mrs. BUSTOS, Mr. PALLONE, Mr. SABLAN and Mr. HIGGINS.
H.R. 1192: Ms. HAHN, Mr. CUMMINGS, Mr. THOMPSON of Pennsylvania, and Mr. HOLDING.
H.R. 1211: Mr. BRADY of Pennsylvania.
H.R. 1221: Ms. HERRERA BEUTLER and Mr. TIPTON.
H.R. 1311: Ms. VELÁZQUEZ.
H.R. 1343: Mr. ROKITA.
H.R. 1559: Mr. BARTON.
H.R. 1586: Mr. RICHMOND.
H.R. 1706: Mrs. KIRKPATRICK.
H.R. 1736: Mr. SMITH of Missouri.
H.R. 1763: Mr. ZINKE.
H.R. 1858: Mrs. WATSON COLEMAN.
H.R. 1865: Mr. MCNERNEY and Mr. LOWENTHAL.
H.R. 1941: Mr. YOUNG of Iowa.
H.R. 2035: Mr. COHEN.
H.R. 2142: Ms. SPEIER.
H.R. 2237: Ms. MCCOLLUM.
H.R. 2254: Mr. HIGGINS.
H.R. 2315: Mr. BILIRAKIS.
H.R. 2380: Mr. CUMMINGS.
H.R. 2493: Mr. GALLEGO.
H.R. 2515: Mr. ASHFORD and Mr. CICILLINE.
H.R. 2519: Mr. GALLEGO.
H.R. 2612: Mrs. BUSTOS.
H.R. 2622: Mr. KILMER.
H.R. 2646: Mr. CHAFFETZ.
H.R. 2713: Mr. MEEHAN.
H.R. 2726: Mr. SALMON, Mr. REICHERT, Mr. WITTMAN, Mr. MICA, Mr. BUCHANAN, Mr. RODNEY DAVIS of Illinois, and Mr. ROHRABACHER.
H.R. 2737: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. AMODEI.
H.R. 2903: Miss RICE of New York, Ms. HERRERA BEUTLER, and Ms. BROWNLEY of California.
H.R. 2963: Ms. MICHELLE LUJAN GRISHAM of New Mexico.
H.R. 2994: Ms. SLAUGHTER.
H.R. 3012: Mr. COHEN, Mr. MULVANEY, and Mr. ROUZER.
H.R. 3051: Ms. WASSERMAN SCHULTZ.
H.R. 3095: Mr. FARR.
H.R. 3151: Mr. BYRNE.
H.R. 3178: Mr. CURBELO of Florida.
H.R. 3179: Mr. CURBELO of Florida and Mr. BEYER.
H.R. 3222: Mr. CALVERT and Mr. MCHENRY.
H.R. 3268: Mr. HOYER.
H.R. 3356: Mr. BISHOP of Georgia.
H.R. 3381: Mr. HECK of Washington, Ms. SEWELL of Alabama, Mr. LOWENTHAL, Mrs. BUSTOS, Mr. HUDSON, and Mr. PRICE of North Carolina.

H.R. 3514: Mr. DELANEY.
H.R. 3520: Mrs. WATSON COLEMAN.
H.R. 3546: Mr. NADLER.
H.R. 3720: Mr. CÁRDENAS.
H.R. 3815: Mr. SHUSTER.
H.R. 3870: Mr. DESAULNIER, Mr. RYAN of Ohio, and Mrs. HARTZLER.
H.R. 3936: Mr. KILMER.
H.R. 3957: Mr. SALMON.
H.R. 4019: Mr. MCDERMOTT.
H.R. 4062: Mrs. KIRKPATRICK and Mr. AMODEI.
H.R. 4140: Mr. LANCE.
H.R. 4172: Mr. BERA.
H.R. 4177: Mr. RODNEY DAVIS of Illinois.
H.R. 4214: Mr. CÁRDENAS, Ms. NORTON, and Mrs. LAWRENCE.
H.R. 4219: Mr. ZINKE and Mr. KIND.
H.R. 4247: Mr. TOM PRICE of Georgia.
H.R. 4276: Mrs. CAPPS and Mr. BRADY of Pennsylvania.
H.R. 4362: Mr. WESTERMAN.
H.R. 4365: Mr. MCHENRY.
H.R. 4380: Mr. HASTINGS.
H.R. 4381: Mr. COOK and Mr. DESAULNIER.
H.R. 4399: Mr. CUMMINGS.
H.R. 4479: Mr. RUIZ and Mr. COHEN.
H.R. 4514: Mr. BROOKS of Alabama.
H.R. 4525: Ms. SLAUGHTER.
H.R. 4592: Mr. VARGAS, Mr. BLUM, Mr. FARENTHOLD, and Mr. KATKO.
H.R. 4613: Mr. TED LIEU of California.
H.R. 4626: Mr. LOWENTHAL, Mr. CRAMER, Mr. ROGERS of Kentucky, Mr. PITTENGER, Mr. JOYCE, and Mr. BUTTERFIELD.
H.R. 4640: Mr. COHEN.
H.R. 4646: Ms. MCCOLLUM.
H.R. 4667: Ms. WASSERMAN SCHULTZ.
H.R. 4695: Ms. HERRERA BEUTLER, Mr. DESAULNIER, Mr. POCAN, and Mr. COSTELLO of Pennsylvania.
H.R. 4763: Ms. MOORE.
H.R. 4764: Mr. CARTER of Georgia, Mrs. BEATTY, Mr. LOWENTHAL, and Ms. JENKINS of Kansas.
H.R. 4766: Mr. JODY B. HICE of Georgia.
H.R. 4769: Mr. POMPEO.
H.R. 4770: Mr. YOUNG of Indiana, Mr. CROWLEY, and Mrs. BLACK.
H.R. 4828: Mr. MURPHY of Pennsylvania, Mr. GRIFFITH, and Mr. BABIN.
H.R. 4848: Mr. AMODEI.
H.R. 4907: Ms. MOORE and Mr. HENSARLING.
H.R. 4918: Mr. HASTINGS and Mr. GRIJALVA.
H.R. 4927: Mr. ROHRABACHER and Mr. COHEN.
H.R. 4931: Mr. GRIJALVA.
H.R. 4956: Mrs. MIMI WALTERS of California and Mr. ZELDIN.
H.R. 4959: Mr. HENSARLING, Mr. BLUMENAUER, Mr. COSTELLO of Pennsylvania, and Mr. DEFAZIO.
H.R. 4980: Mr. COLLINS of New York and Mr. HECK of Nevada.
H.R. 5001: Mr. FORTENBERRY.
H.R. 5061: Mr. COHEN.
H.R. 5082: Mrs. NAPOLITANO.
H.R. 5119: Mr. HENSARLING and Mr. PALMER.
H.R. 5133: Mrs. BUSTOS.
H.R. 5165: Mr. COHEN.
H.R. 5166: Mr. KILMER.
H.R. 5168: Mr. HONDA, Mr. BUCSHON, Mr. BISHOP of Michigan, Ms. TITUS, Ms. KUSTER, Ms. ROS-LEHTINEN, Mrs. BLACKBURN, Mr. OLSON, Mr. WHITFIELD, Mr. GRIFFITH, Mr. WALDEN, Mr. SHIMKUS, Mr. COLLINS of New York, Mr. MCKINLEY, and Mr. MEADOWS.
H.R. 5177: Mr. BOUSTANY.
H.R. 5180: Mr. SESSIONS, Mrs. BLACK, Mr. ROYCE, Mr. BOUSTANY, Mr. HENSARLING, Mr. HARPER, and Mr. ROE of Tennessee.
H.R. 5204: Mr. SEAN PATRICK MALONEY of New York.
H.R. 5207: Ms. SPEIER.
H.R. 5210: Mr. PERRY, Mr. LYNCH, Mr. KEATING, Mr. HENSARLING, Mr. SMITH of New Jersey, Mr. ABRAHAM, and Mrs. LOVE.
H.R. 5219: Mr. COSTELLO of Pennsylvania.
H.R. 5230: Mr. HINOJOSA, Mr. FLORES, and Mr. CHAFFETZ.
H.R. 5235: Mr. HONDA, Mr. COSTA, Mr. CÁRDENAS, and Ms. HAHN.
H.R. 5249: Mr. POCAN.
H.R. 5292: Mr. TIBERI, Mr. CARTWRIGHT, Mr. CARSON of Indiana, Ms. MOORE, Mr. WELCH, Ms. LINDA T. SÁNCHEZ of California, Mr. CONYERS, Mr. POLIQUIN, Mr. BUTTERFIELD, Mr. KLINE, Mr. HUDSON, Mr. BARLETTA, Mr. KINZINGER of Illinois, Mr. ROSKAM, and Mr. JODY B. HICE of Georgia.
H.R. 5295: Mr. RUIZ.
H.R. 5307: Mr. BYRNE.
H.R. 5332: Mrs. MCMORRIS RODGERS, Mr. HONDA, Mr. ZINKE, Ms. TSONGAS, Mr. COSTELLO of Pennsylvania, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5356: Mr. AL GREEN of Texas and Mr. POE of Texas.
H.R. 5447: Miss RICE of New York, Mr. KILMER, Mr. MULLIN, Mr. HUDSON, Mr. CRAMER, Mr. JOHNSON of Ohio, Mr. COSTELLO of Pennsylvania, Mr. BARLETTA, Mr. TURNER, Mr. RIBBLE, Mr. CULBERSON, Mr. FORTENBERRY, Mr. ALLEN, Mrs. WALORSKI, Mr. TIPTON, Mr. POMPEO, Mr. BISHOP of Michigan, Mr. ROKITA, Mrs. BLACK, Mr. STIVERS, Mr. REICHERT, Mr. LIPINSKI, Mr. SMITH of Missouri, Ms. DUCKWORTH, and Mr. COURTNEY.
H.R. 5456: Mr. FRANKS of Arizona.
H.R. 5457: Mr. HENSARLING and Mr. MCKINLEY.
H.R. 5475: Ms. CLARKE of New York, Ms. SEWELL of Alabama, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. BEATTY, Ms. JACKSON LEE, Mr. SCOTT of Virginia, Mr. HASTINGS, and Mr. LEWIS.
H.R. 5483: Mrs. MCMORRIS RODGERS.
H.R. 5484: Mr. COOK and Mr. SHERMAN.
H.R. 5486: Ms. MOORE.
H.R. 5488: Mr. COHEN, Mr. HASTINGS, Mr. ELLISON, Mr. FARR, Mrs. BEATTY, and Mr. POLIS.
H.R. 5499: Mr. NEWHOUSE and Mr. TROTT.
H.R. 5500: Mr. KILMER.
H.R. 5504: Mr. HASTINGS, Ms. EDWARDS, Mr. BLUMENAUER, Mrs. NAPOLITANO, Mr. MEEKS, Ms. LEE, Mr. HUFFMAN, Mr. SCHIFF, Mr. COHEN, Ms. VELÁZQUEZ, Mr. HIMES, Mrs. CAPPS, Mr. LYNCH, Ms. WASSERMAN SCHULTZ, Mr. BERA, Ms. ESHOO, Mr. KILDEE, Mrs. LOWEY, and Mr. MCGOVERN.
H.R. 5506: Ms. SINEMA and Mrs. LAWRENCE.
H.R. 5513: Mr. HUNTER.
H.R. 5523: Mr. MEEHAN, Mr. HOLDING, Mr. SMITH of Missouri, Mr. REED, Mr. RICE of South Carolina, Mr. MARCHANT, and Mr. VAN HOLLEN.
H.R. 5525: Mr. ALLEN, Mr. BRAT, Mr. GOHMERT, Mr. MULVANEY, and Mr. WENSTRUP.
H.R. 5528: Mr. CURBELO of Florida.
H.R. 5529: Mr. CURBELO of Florida.
H.R. 5531: Mr. FARENTHOLD.
H. Con. Res. 19: Mr. MICHAEL F. DOYLE of Pennsylvania.
H. Con. Res. 136: Mr. CARTER of Georgia.
H. Res. 12: Mr. BOUSTANY.
H. Res. 28: Ms. MOORE and Mr. YARMUTH.
H. Res. 54: Mr. BOUSTANY.
H. Res. 62: Ms. CASTOR of Florida and Ms. VELÁZQUEZ.
H. Res. 94: Mr. GRIJALVA.
H. Res. 230: Mrs. MIMI WALTERS of California.
H. Res. 289: Mr. FARR.
H. Res. 605: Mr. SCHIFF.
H. Res. 686: Mr. MCDERMOTT, Ms. VELÁZQUEZ, Ms. CLARK of Massachusetts, Mr. GUTIÉRREZ, Mr. SERRANO, and Mr. FARR.
H. Res. 728: Mr. CICILLINE and Ms. LOFGREN.
H. Res. 729: Mr. SCHIFF, Mr. WILSON of South Carolina, Ms. WILSON of Florida, Mr. VEASEY, Mr. LANCE, Mr. KIND, Mr. GRAYSON, Mr. DENT, Mr. BLUM, Mrs. BLACK, Mr. LOUDERMILK, Mr. RICHMOND, Mr. VAN HOLLEN, Mr. PITTENGER, Mr. COLLINS of Georgia, Mr. WESTMORELAND, Mr. YOHO, Ms. CLARK of Massachusetts, Mr. ABRAHAM, Mrs. WALORSKI, Mr. HENSARLING, Mr. WOODALL, Mr. GALLEGO, Mr. DESJARLAIS, Mr. COOK, Mr. CHABOT, Mr. REED, Mr. YOUNG of Indiana, Mr. HIGGINS, Mr. CARTER of Georgia, Mr. SMITH of Washington, Mr. COSTELLO of Pennsylvania, Mr. LAHOOD, and Mr. NEAL.
H. Res. 739: Mrs. KIRKPATRICK.
H. Res. 750: Mr. COOK, Mr. MURPHY of Florida, and Mr. KENNEDY.
H. Res. 752: Mr. PAYNE, Mr. BLUMENAUER, Mr. NADLER, Mr. STIVERS, Mr. YARMUTH, Mr. LYNCH, Mr. GRAYSON, Mr. THOMPSON of Pennsylvania, Mr. PAULSEN, Mr. SCHIFF, Ms. EDWARDS, and Mr. SMITH of New Jersey.
H. Res. 755: Mr. MASSIE and Ms. LEE.
H. Res. 769: Mr. GUTIÉRREZ, Mr. HOYER, Mr. VEASEY, Mr. ELLISON, Mr. KILMER, Ms. ROYBAL-ALLARD, Mr. CONNOLLY, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. VELA, Mr. RICHMOND, Mr. KILDEE, Ms. VELÁZQUEZ, Ms. SINEMA, Mr. LARSON of Connecticut, Mr. CLEAVER, Mr. RUSH, Mr. NORCROSS, Mr. HINOJOSA, Ms. PLASKETT, Mr. HUFFMAN, Mr. LANGEVIN, Mr. SIRES, Mr. BRADY of Pennsylvania, and Mr. HONDA.
H. Res. 782: Mr. YOUNG of Alaska and Mr. KNIGHT.
H. Res. 789: Mrs. LOWEY, Mr. PETERS, Mr. HINOJOSA, Mr. DOGGETT, Ms. MOORE, Ms. GRAHAM, Mr. DEUTCH, Ms. BROWNLEY of California, Ms. SINEMA, Ms. NORTON, Mr. VAN HOLLEN, and Mr. NORCROSS.

EXTENSIONS OF REMARKS

IN HONOR OF CARL E. FITCHETT, JR.

HON. RENEE L. ELLMERS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mrs. ELLMERS of North Carolina. Mr. Speaker, today I rise to seek to honor the life of Carl E. Fitchett, Jr., who passed away May 29, 2016 in Smithfield, North Carolina at the age of 93.

Mr. Fitchett had a fierce passion for serving his community, as made apparent through his past roles as director of the N.C. Oil Jobbers Association, president of the Dunn Chamber of Commerce, and Commander of the American Legion. He also served as president of the Dunn Rotary Club which awarded him the Man of the Year award in 1958, and was a deacon, elder, and trustee at First Presbyterian Church of Dunn. In addition to his volunteer leadership roles in the Dunn community, Carl served in World War II and owned and operated Fitchett Oil Co., retiring in 1991.

Mr. Fitchett is survived by his wife, Vivian; two children, Carl and Jeanette; and four grandchildren, Duncan, Margaret, Austin and Katherine.

Carl Fitchett, like so many of our community leaders, sacrificed time to better the lives of those around him. He spent his entire life helping those in Harnett County, and we are forever indebted to him for his dedication in serving the local community, especially his hometown of Dunn. He truly embodied the role of the local hero.

TRIBUTE TO RUNELL FOSTER

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, one hundred ten years ago a virtuous woman of God, Runell "Nell" Brooks Foster was born in Gwinnett, Georgia on March 27, 1906 to George B. and Emma Palmer Brooks; and

Whereas, she grew up on the family farm in Gwinnett County, Georgia and married Mr. Clyde Foster on February 12, 1928; their union has blessed our district and nation ever since; and

Whereas, this phenomenal Proverbs 31 woman, who is the oldest living graduate of Grayson High School, has shared her time and talents as a wife, mother, educator and motivator, becoming a Georgia citizen of great worth, a fearless leader and a servant to all by always advancing the lives of others; and

Whereas, Mrs. Foster has been blessed with a long, happy life, devoted to God, Community and Family; and

Whereas, Mrs. Foster along with her family and friends are celebrating a remarkable milestone, her 110th Birthday, we pause to acknowledge a woman who is a cornerstone in Gwinnett County, Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Foster on her birthday and to wish her well and recognize her for an exemplary life which is an inspiration to all; now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim March 27, 2016 as Mrs. Runell "Nell" Brooks Foster Day in the 4th Congressional District of Georgia.

Proclaimed, this 27th day of March, 2016.

HONORING JUDGE DAN WINN

HON. TOM GRAVES

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. GRAVES of Georgia. Mr. Speaker, I rise today to honor Judge Dan Winn, a good friend and dedicated public servant who passed away on May 10th. Judge Winn served the people of Georgia as Polk County Solicitor, and Solicitor General and Superior Court Judge in the Tallapoosa Judicial Circuit, as well as Senior Judge for the State of Georgia.

Judge Winn was a resident of Cedartown, Georgia. He selflessly risked his life for our country as a Marine fighter pilot during World War II and was awarded the Distinguished Flying Cross. After the war, he went on to study law, and had a long and distinguished legal career.

His lifetime achievements include serving as Georgia's Assistant Attorney General, a member of the Georgia Constitution Revision Commission and President of the World Jurist Foundation.

Judge Winn was the embodiment of a servant leader and was well respected by everyone who knew him.

Like his family and many friends, I will miss Judge Winn dearly but I know he lived life to the fullest and made a real difference in our community, state and country.

He will not be forgotten.

HONORING CAPTAIN JAMES ARCH FOULKS, JR.

HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. FINCHER. Mr. Speaker, I rise in recognition of the life of U.S. Air Force Captain James Arch Foulks, Jr., and his service as a B–29 pilot in the 372nd Bomber Squadron. On Friday, June 17, 2016, surrounded by his family, Captain Foulks was presented with nothing less than full military honors and a customary fly-over in Arlington Cemetery.

A native of Union City, Tennessee, Captain Foulks made the ultimate sacrifice for our freedom on October 23, 1951 during the Korean War, when his plane was shot down near the Yellow Sea. Though some of his crew survived, including a handful of Prisoners of War, he and others on his crew were listed as Missing in Action.

I sincerely express my gratitude to Captain James Foulks for his service and his membership in the ranks of those who have sacrificed their lives in the name of freedom.

TRIBUTE TO WALTER AND MIRIAM HENDERSON

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, Walter and Miriam Henderson are celebrating fifty (50) years in marriage today in Rockdale County, Georgia; and

Whereas, their union on March 26, 1966 blessed our community with a family that has enhanced our district; and

Whereas, this remarkable and tenacious man of God and this phenomenal and virtuous Proverbs 31 woman are beacons of light to those in need, their church and the many friends from across the state of Georgia; and

Whereas, Mr. and Mrs. Henderson are distinguished citizens of our state; they are spiritual warriors, persons of compassion, fearless leaders and servants to all; they are visionaries who have shared with their family and our community their passion to improve the lives of others; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mr. Walter and Mrs. Miriam Henderson as they celebrate their 50th Anniversary, fifty (50) years in marital bliss; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim March 26, 2016 as Mr. Walter and Mrs. Miriam Henderson Day in the 4th Congressional District.

Proclaimed, this 26th day of March, 2016.

HONORING MARY DUBOIS IN CELEBRATION OF HER 90TH BIRTHDAY

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. GUINTA. Mr. Speaker, I would like to express my congratulations to Mary Dubois in

celebration of her reaching the milestone 90th birthday.

As she reflects on the great memories and milestones that have highlighted the past ninety years, I know she will think fondly on all that she's accomplished and the positive impact she's had on New Hampshire.

It is with great admiration that I congratulate Ms. Dubois on achieving this wonderful milestone, and wish her the best on all future endeavors.

TRIBUTE TO PASTOR MICHAEL SHINN

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, Pastor Michael A. Shinn is celebrating twenty-five (25) years in Pastoral leadership this year at New World Harvest Church and has provided stellar leadership to the church on an international level; and

Whereas, Pastor Michael A. Shinn under the guidance of God has pioneered and sustained New World Harvest Church as an instrument in our community that uplifts the spiritual, physical and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God has given hope to the hopeless, fed the hungry and is a beacon of light to those in need; and

Whereas, Pastor Shinn is a spiritual warrior, a man of compassion, a fearless leader and a servant to all, but most of all a visionary who has shared with his Church, our District and the world his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Pastor Michael A. Shinn as he celebrates twenty-five years on his Pastoral Anniversary; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim March 18, 2016, as Pastor Michael A. Shinn Day in the 4th Congressional District.

Proclaimed, this 18th day of March, 2016.

SUPPORT FOR S. 2133, H.R. 4902, AND H.R. 4639

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. CONNOLLY. Mr. Speaker, I am pleased to support the bipartisan legislation reported from the Oversight and Government Reform Committee for consideration today by the full House.

I urge my colleagues to support the Fraud Reduction and Data Analytics Act (S. 2133). I joined Chairman MEADOWS of the Government Operations Subcommittee to introduce the House companion, H.R. 4180. Our bipartisan, bicameral legislation will prompt agencies to become more pro-active in deploying best practices to continuously monitor their financial data to better detect and deter fraudulent activities.

The fight against fraud and improper payments is a long-standing challenge transcending Presidential administrations and affecting all federal agencies. Our Committee has investigated this issue in depth, and when it comes to rooting out fraud, we would be wise to heed Benjamin Franklin's famous axiom that, "An ounce of prevention is worth a pound of cure."

As my colleagues will recall, GAO earlier this year reported that improper payments made by the federal government totaled nearly $137 billion in fiscal year 2015. Over a 10-year period, that's more than $1.2 trillion dollars, or the equivalent of the spending cuts required under sequestration. Federal agencies ought to be doing more to stop these improper payments on the front end, and this should be considered low-hanging fruit in our ongoing effort to curb government waste.

In addition, I was pleased to collaborate with Chairman HURD of the Oversight and Government Reform IT Subcommittee to introduce the Air and Marine Officers Pay Reform Act (H.R. 4902) to improve the efficiency of the pay system for law enforcement officers of the Customs and Border Protection's Air and Marine Operations.

These officers are currently compensated for their overtime through a variety of systems including Administratively Uncontrollable Overtime, which according to the U.S. Office of Special Counsel has a troubling history of misuse. Our legislation harmonizes the pay systems to avoid situations in which employees of CBP are working side-by-side yet subject to different overtime calculations. This bipartisan legislation addresses that issue and clarifies agent payroll procedures. It is imperative that Congress create a new pay system for Border Patrol agents because there are still hundreds of officers and Internal Affairs employees operating under an older, abused system.

In addition to addressing inequities and saving the agency $1.6 million in the first year, this legislation continues our effort to improve efficiency and interoperability across the federal government. Our bill reflects a collaborative effort with the majority and minority, and I urge all of my colleagues to join me in support of H.R. 4902.

Finally, Mr. Speaker, I am pleased to support the legislation introduced by Reps. BLUM and MEADOWS (H.R. 4639) to reauthorize the Office of Special Counsel. Mr. MEADOWS and I held a Government Operations Subcommittee hearing on this subject in December. At that time, we looked at the peculiar situation of the Office of Special Counsel, along with the Merit Systems Protection Board and the Office of Government Ethics. These three agencies are some of the smallest agencies in the federal government, but their work has a tremendous impact on the integrity of the federal civil service. Unfortunately, the authorizations for these agencies expired in 2007, yet they've been sustained by annual appropriations, so Congressional action is long overdue.

The Office of Special Counsel's primary mission is to protect federal employees from prohibited personnel practices, enforce the Hatch Act, and enforce employment rights under the Uniform Services Employment and Reemployment Rights Act for federal employees who have served in the uniformed services. It also serves as the front line of defense for whistleblowers who disclose government wrongdoing.

The bill would reauthorize the OSC through fiscal year 2020. It would make several changes to OSC's statutory authority that would, among other things, enhance its access to federal agency information, increase agency accountability in whistleblower disclosure cases, and modify procedural requirements for certain prohibited personnel practice cases. For example, it would provide OSC with statutory authority to access agency information for the purposes of its investigations in a manner similar to Inspectors General. Another provision would require agencies to provide a description of the actions they have taken when OSC substantiates misconduct on the part of an employee.

Mr. Speaker, I appreciate the bipartisan spirit in which our Committee has worked to advance these bills, and I hope we can sustain this momentum to continue improving the efficiency and effectiveness of the federal government.

TRIBUTE TO YULINDA COOK

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, twenty-eight years ago a virtuous woman of God accepted her calling to serve in the Social Security Administration; and

Whereas, Mrs. Yulinda Cook begun her career as a Teleservice Representative in Birmingham, Alabama with the Social Security Administration, where she educated and mentored throughout her many years of service as a Technical Expert, providing stellar leadership and outstanding service to our community and ending her tenure as an Operations Supervisor in the Gwinnett Field Office in November, 2015; and

Whereas, this phenomenal woman has shared her time and talents, giving the citizens of our District a friend to help those in need as a fearless leader and servant to all, who ensured that the system worked for everyone; and

Whereas, Mrs. Yulinda Cook is a wife, mother and grandmother; she is also a cornerstone in our community who has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Yulinda Cook on her retirement and to wish her well in her new endeavors; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim February 27, 2016, as Mrs. Yulinda Cook Day in the 4th Congressional District.

Proclaimed, this 27th day of February, 2016.

CELEBRATING THE 50TH ANNIVERSARY OF THE PRINCE WILLIAM COUNTY DEPARTMENT OF FIRE AND RESCUE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to congratulate the Prince William County Department of Fire and Rescue on its 50th anniversary and to commend the men and women who have selflessly served in the Department during its history.

What is now the third largest career fire department in the Commonwealth of Virginia began in 1966 with the hiring of Phil Ponder from Dumfries as the first paid firefighter and Shelby Jones of Williamsburg as the first fire marshal in the county. Later that year, Mr. Jones was appointed Director of Fire and Rescue Services, the equivalent of today's Department Chief. Prior to 1966, the local community relied solely upon the Occoquan-Woodbridge-Lorton Volunteer Fire Department that was formed in approximately 1938 out of necessity because there were no fire and rescue services offered between the cities of Alexandria and Fredericksburg.

Since its inception, the Prince William Department of Fire and Rescue has led the way. In 1967, Prince William County became the first jurisdiction on the East Coast to implement the 911 System. That same year, Prince William became the first county in the Commonwealth and the National Capital Region to implement a physical ability exam for career firefighters. In 1994, Mary Beth Michos was hired as Chief; and became the first female fire and rescue chief of a metro-sized department. The Prince William County Department of Fire and Rescue continues to maintain one of the most progressive combination fire departments in the country and its legacy of ''firsts'' continues. It is one of only three jurisdictions in the Commonwealth of Virginia with delegated training authority granted by the Virginia Department of Fire Programs.

Always on the front lines, the Prince William County Department of Fire and Rescue came to the aid of those directly impacted by the tragic events of September 11th in New York City and at the Pentagon. When tragedy struck again in 2005, Prince William fire protection personnel swung into action to provide assistance to the victims of Hurricane Katrina.

The Department of Fire and Rescue is comprised of three sections: community safety, operations, and support systems. At the time of the Department's founding, approximately 50,000 people lived in Prince William County. Today, the Department of Fire and Rescue effectively serves a population of 432,000 with a staff of 555 uniformed and 60 civilian personnel providing around the clock services from 21 fire stations in a county spanning 348 square miles. In 2015, the Department responded to approximately 48,000 calls, and it recently broke ground for Station 26, which is expected to open in mid-2017.

Mr. Speaker, it is my privilege to recognize the Prince William County Department of Fire and Rescue as it celebrates 50 years of service to the residents of the county. I thank the brave men and women of the Department as well as its leadership for their tireless commitment to public safety and the protection of lives and property in Prince William County.

RECOGNIZING THE NATIVE DAUGHTERS OF THE GOLDEN WEST

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the Native Daughters of the Golden West non-profit organization by proclaiming June 21, 2016 as Native Daughters of the Golden West Day.

The Native Daughters of the Golden West was founded on September 11, 1886 in Jackson, California by Lilly O'Reichling. The non-profit Mutual Benefit Corporation of Women was established on the principles of love of the home, devotion to the flag of our country, veneration of the pioneers of California, and an abiding faith in the existence of God.

The Native Daughters of the Golden West will be celebrating its 130th year of admirable work for our great State of California. They have grown to over 4,500 dedicated members and 80 Parlors throughout the Golden State. The society remains true visionaries and continues to be one of many stable and thriving women's non-profit organizations.

The Native Daughters of the Golden West offers its members a variety of valuable charitable organizations including, but not limited to, children's foundations, veterans' welfare, education and scholarships, and mission restoration.

Mr. Speaker, please join me in honoring and commending the Native Daughters of the Golden West upon this important milestone and for their exuberance and dedication to our State of California.

TRIBUTE TO POLICE CHIEF WILLIS D. BOOTH

HON. DAVID W. JOLLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. JOLLY. Mr. Speaker, I would like to recognize a man who served his community of Clearwater, Florida, for many years, former Clearwater Police Chief Willis D. Booth. Former Chief Booth is being inducted into the Florida Law Enforcement Officers Hall of Fame.

Chief Booth was born November 12, 1924 in Safety Harbor, Florida, and is the great-grandson of the man credited to be the first settler of Pinellas County peninsula, Mr. Count Odet Phillipe. Chief Booth graduated from Clearwater High School in 1942 and started his career in law enforcement September 6th, 1947.

It did not take long for Chief Booth to rise through the ranks. He was promoted to Sergeant on August 16th, 1949 and subsequently enrolled and graduated from the Southern Police Institute in 1953. Four years later, on July 28th, 1953, he advanced to the status of Captain. During this time, Booth was the man everyone could rely on filling in for any position when necessary, including as Senior Captain and Acting Chief when the acting officers were unavailable. Finally, when his predecessor, Chief Irving Dribben retired, Chief Booth was chosen to succeed him and became Chief on November 4th, 1957.

While Chief Booth was the Chief of Police for 11 years, he was a member of numerous groups and committees. He was a member of the International Association of Chiefs of Police and was a part of the Public Relations Committee in 1963. Additionally, he served on the Membership Committee and on the Regional Committee on Education and Training for Florida, Georgia, and Alabama. He was also on the Board of Directors of the Florida Police Chiefs Association, Tampa Bay Area Chiefs of Police Association, and served as president for both.

In 1968, Chief Booth retired from his role in the Clearwater Police Department to accept the position of Assistant Director of the Florida Department of Law Enforcement and to continue making a difference in communities around the state. I want to thank Former Chief Willis Booth for his years of service to our community as a member of Florida Law Enforcement. I ask that this body join me in recognizing his service and congratulating him on a distinguished career. He is an important part of the history of Pinellas County and is most deserving of his induction into the Florida Law Enforcement Officers Hall of Fame.

TRIBUTE TO MRS. JULIA AARON HUMBLES

HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. JOHNSON of Georgia. Mr. Speaker, I present the following U.S. Citizen of Distinction:

Whereas, our lives have been touched by the life of Mrs. Julia Aaron Humbles, who gave of herself in order for others to stand; and

Whereas, her dedicated service is present in New Orleans, Louisiana and Metropolitan Atlanta, for all to see her as an unwavering advocate of justice for the youth, the elderly, the poor and the downtrodden; and

Whereas, this remarkable, positive woman with a beautiful smile gave of herself, her time and her talent; never asking for fame or fortune but only to uplift those in need; and

Whereas, she led by example from behind the scenes, and was on the frontline for our nation; she was an original Freedom Rider in the 1960s, an active member of the National Association for the Advancement of Colored People (NAACP), a member of the Congress of Racial Equality (CORE), a Goodwill Ambassador for her community, a charter member of her beloved church, New Beginning Full Gospel Baptist Church of Decatur, Georgia; and

Whereas, this virtuous Proverbs 31 woman was a mother, a grandmother, a great-grandmother, a wife, a daughter, a friend, a warrior, a matriarch, and a woman of great integrity; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to bestow a Congressional recognition on Mrs. Julia Aaron Humbles for her leadership, friendship and service to all of the citizens in Georgia and throughout the Nation; now therefore, I, HENRY C. ''HANK'' JOHNSON, JR., do hereby attest to the 114th Congress that Mrs. Julia Aaron Humbles of DeKalb County, Georgia is deemed worthy and deserving of this ''Congressional Honor'' Mrs. Julia Aaron Humbles, U.S. Citizen of Distinction in the 4th District of Georgia.

Proclaimed, this 6th day of February, 2016.

COMMENDING PRINCE WILLIAM CHAMBER OF COMMERCE CHAIRMAN DALENA KANOUSE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to congratulate Dalena Kanouse on the completion of her term as Chairman of the Prince William Chamber of Commerce. Each July, a new Chairman assumes the responsibility of working with Chamber staff and board members to promote the interests of the local business community.

After the passing of her late husband, SGM (Ret) Sam Kanouse in 2009, Mrs. Kanouse assumed the reins of his business, Management and Training Consultants, Incorporated (MTCI) as President and Chief Executive Officer. As a U.S. Department of Defense contractor, Mrs. Kanouse sets the strategic vision and strives for excellence as the leader of more than 100 employees.

Mrs. Kanouse brought the same resolve to her role as Chairman. Recognizing the evolution of the Northern Virginia economy, she stressed the importance of remaining current on workforce development trends and broadening a business' footprint within the field of government contracting. She also led the Prince William Chamber's workgroup on the establishment of a 3-year strategic plan.

The Prince William Chamber of Commerce represents the interests of nearly 70,000 employees in the metropolitan community of 432,000 residents. Dedicated to maintaining an environment where businesses and people thrive, the Prince William Chamber focuses its efforts in the area of business growth, economic development, advocacy, education, and community outreach. Signature events include the Prince William Valor Awards, Business Awards, Education and Innovation Scholarship Program, and Salute to the Armed Services Luncheon.

As a military spouse, mother of two, and grandmother to three, Mrs. Kanouse has proven to be a strong advocate for military families and early childhood education both personally and professionally. She actively serves on multiple committees and councils within the Chamber, including the Chambers Veterans Council and Education and Innovation Committee. Under Mrs. Kanouse's leadership, the Chamber awarded $7,500 in scholarships to local high school students this year. Mrs. Kanouse is a strong believer in practicing what she preaches. As a display of her commitment to hiring veterans, MTCI maintains a Bronze Level Certification in the Virginia Values Veterans (V3) program. During her tenure, Mrs. Kanouse increased Chamber membership, retention, and utilized her personal network to expand the reach of the Prince William Chamber of Commerce in the community.

Mr. Speaker, I ask my colleagues to join me in commending Dalena Kanouse on her effective leadership and successes as Chairman. Mrs. Kanouse has proven herself to be a visionary leader whose efforts will leave a lasting impression on the Prince William Chamber of Commerce and the community it serves.

COMMENDING AND CONGRATULATING FAY G. CARBULLIDO AFTER 40 YEARS OF SERVICE ON GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Ms. BORDALLO. Mr. Speaker, I rise today to commend and congratulate Fay Diana Garrido Carbullido on her retirement after 40 years of service as a Registered Nurse on Guam. Fay has diligently served our community in almost every arena of nursing, including numerous leadership positions with the Guam Department of Education, Guam Department of Public Health and Social Services, Guam Memorial Hospital, and Naval Hospital Guam.

Fay was born on January 9, 1953 to Facundo Diego Borja Garrido and Florencia Crisostomo Lizama Garrido of Agana Heights. She was drawn to the nursing profession by her father, who served in the U.S. Navy, and mother, who was a Navy trained nurse. As a teenager, Fay volunteered as a Candy Striper at the Guam Memorial Hospital. Upon her graduation from the Academy of Our Lady of Guam in 1971, Fay was awarded the Government of Guam's Professional Technical Scholarship to study nursing. She received her Bachelor of Science degree in Nursing from Seattle University in 1975.

She began her career providing direct nursing care in community and teaching hospitals. She was employed at the University of California—Davis Medical Center, where she worked to support her soon to be husband, Franklin Philip Carbullido, while he attended law school. Fay and Phil were married on August 2, 1976. She is the daughter-in-law of Francisco Chaco Carbullido and Maria Salas Castro Carbullido of Chalan Pago. They have four children: Brandon, Kristina, Adam, and Steven, and their family has been extended by Kristina's marriage to Charles Rapadas and their only grandson, Kellan Philip.

When Philip graduated from law school in 1978, they returned home to Guam. She continued as a hospital nurse caring for patients in the Emergency Room and Critical Care Unit, Labor & Delivery, and Medical-Surgical wards at Guam Memorial Hospital. After the birth of her first child, Fay decided she needed to work regular hours.

A majority of her career was as a school health counselor and school nurse for the Guam Department of Education, a position she held for nearly 18 years from 1979–1984, 1989–1995, and 1997–2003. She cared for thousands of students during her assignments at Finegayan Elementary, Carbullido Elementary, C.L. Taitano Elementary and Tamuning Elementary Schools. As a school nurse, Fay demonstrated a kind and gentle care for each student, at times having up to 30 students in her health room. Many who have grown still fondly refer to her as Nurse Fay.

Between her assignments as a school nurse, Fay served in several leadership and administrative positions with GDOE and the Guam Department of Public Health and Social Services. She was the School Health Program Coordinator of the entire education department from 1984–1989, where she oversaw the comprehensive School Health Program for all of Guam's public schools. Under her leadership, she championed having a school nurse in every public school and worked collaboratively with government agencies and private medical providers on issues affecting school-aged children.

In 1995, she was recruited by a Northern California home care agency to establish Guam's first home care nursing service, which provided much needed services and care to elderly and homebound patients throughout Guam. From 1995–1997, Fay was appointed to several positions within DPHSS, including the Community Health Nurse Supervisor then Administrator of the Bureau of Family Health and Nursing Services. She was Maternal and Child Health Program Director, and Alternate Response Activity Coordinator during times of typhoons and the Korean Airlines Flight 801 crash. She provided expert advice to department directors and senior leadership within the Government of Guam, including the Governor of Guam, and worked with local leaders to expand public health programs and nursing services in Guam and the Pacific region.

Fay retired from the Government of Guam in 2003 after 27 years of local government service when she was recruited by Naval Hospital Guam to be the Patient Safety Manager. She established and coordinated Naval Hospital's first Patient Safety Program that resulted in two successful accreditation surveys by The Joint Commission. In 2009 she transitioned to be the Breast Health Coordinator where she worked with medical staff, patients and their families to provide support and education to more than 300 women with breast health concerns. She is currently the Population Health Nurse who worked closely with medical providers and patients to bring Naval Hospital Guam to be among the Top 3 in Navy Medicine for several months.

Throughout her life, Fay has been an active member of our community. She is a member of numerous professional associations, and spearheaded initiatives to raise awareness of health issues and disease prevention on Guam and the Pacific region. She worked with the Government of Guam and community partners to establish the Hemophilia Foundation of

Guam, where she served as a founding member, vice chairwoman and board member. She has served as the chair of the Guam Board of Nurse Examiners, Guam Interagency Consortium for Individuals with Special Needs, and Pediatric Evaluation and Development Services, and she was Guam's Delegate to the National Association of School Nurses. She is also a former vice chair of the American Red Cross Guam Chapter, charter member of Soroptimist International of the Marianas, and member of the Guam Memorial Hospital Volunteers Association, among other organizations. Fay is also deeply involved in Guam's Catholic Church, as a member of the Christian Mothers, Legion of Mary Auxiliary, and Catholic Daughters of America.

Fay has had an exceptional career and has made our island a better place. I join our community in commending her for her tireless work to advance health issues on the island. On behalf of the people of Guam and a grateful nation, I extend my deepest appreciation to Fay Carbullido for her 40 years of dedicated service to our island and our country. I congratulate her on her retirement and I wish her the best as she begins the next chapter of her life. Thank you (Si Yu'os Ma'ase), Fay.

TRUBUTE TO MR. HAROLD BUCKLEY

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. JOHNSON of Georgia. Mr. Speaker, I present the following U.S. Citizen of Distinction:

Whereas, our lives have been touched by the leadership and service of Mr. Harold S. Buckley, Sr.; and

Whereas, Mr. Buckley served our nation with honor and valor in the United States Army. He demonstrated unquestionable leadership and courage as a soldier devoted in protecting our nation; and

Whereas, Mr. Buckley served and led our district in DeKalb County as a steadfast pillar of our community by being ever so watchful of issues that would hinder constituents. His 30-year tenure on the MARTA Board of Directors stands as the longest in the Authority's History. He served residential and commercial clients through his thriving real estate office; and

Whereas, Mr. Buckley advised many elected and appointed officials on issues concerning the public, he also promoted supporting local small businesses; and served as a history-making member of the DeKalb Board of Realtors; and

Whereas, he never asked for fame or fortune, nor found a job too small or too big; he gave of himself, his time, his talent and his life to uplift those in need by demonstrating unwavering commitment to protecting and serving the citizens of DeKalb County; and

Whereas, he was a husband, a father, a grandfather and friend; he was a man of great integrity who remained true to the uplifting and service of my district; and

Whereas, the U.S. Representative of the Fourth District of Georgia recognizes Mr. Harold S. Buckley, Sr., as a citizen of great worth and so noted distinction; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby attest to the 114th Congress that Mr. Harold S. Buckley, Sr., is deemed worthy and deserving of this "Congressional Honor" by declaring Mr. Harold S. Buckley, Sr. U.S. Citizen of Distinction in the 4th Congressional District of Georgia.

Proclaimed, this 27th day of February, 2016.

HONORING THE 26TH ANNUAL MARTIN LUTHER KING, JR. YOUTH ORATORICAL CONTEST

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the 31st Annual King Day Celebration and the cornerstone of the event, the 26th Annual Martin Luther King, Jr. Youth Oratorical Contest, hosted by the Prince William Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated.

The Reverend Dr. Martin Luther King, Jr., will forever be engrained in our history as the formative figure in the quest for justice through civil dialogue. His legacy is one of tolerance despite the violence perpetrated against him and other leaders of the Civil Rights Movement. Responding through peaceful and principled communication to condemn the injustice of social and racial inequality, Dr. King worked tirelessly to establish a more united society. In his Letter from a Birmingham Jail, Dr. King highlighted the need for civility in order to establish equality. For his courage, vision, and perseverance, we celebrate Dr. King, not just for the man he was, but for his vision of the American Dream and what America can be.

Each year, residents of Prince William County gather to reflect upon the past year and receive a message of hope from the youth of today and leaders of tomorrow. Contestants in the MLK Youth Oratorical Contest pay homage to the legacy of Dr. King through their effective communication. The ability to communicate with passion and clarity will serve them well as they assume future leadership opportunities and establish the personal relationships necessary for community engagement.

I congratulate the following contestants in the 26th Annual Martin Luther King, Jr. Youth Oratorical Contest:

Middle School Contestants

Jennifer Faruque—Stonewall Middle School

Zoree Jones—Ronald Reagan Middle School

Sunjum Mehta—Porter Traditional School

High School Contestants

Ja'Neese Jefferson—Manassas Park High School

Norman Jones—Stonewall Jackson High School

Nicholas Smith—Forest Park High School

Mr. Speaker, I ask that my colleagues join me in commending the Prince William Alumnae Chapter of Delta Sigma Theta Sorority, Inc. for showcasing the power of purposeful and meaningful communication reminiscent of Dr. Martin Luther King, Jr., and in congratulating the talented contestants in the 2016 MLK Youth Oratorical Contest.

SPRINKLER FITTERS, LOCAL 550, 100TH ANNIVERSARY

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. LYNCH. Mr. Speaker, I rise today in recognition of Sprinkler Fitters, Local 550, on the occasion of their 100th Anniversary and to congratulate Business Manager Peter Gibbons as he leads the Sprinkler Fitters, Local 550, into their second century of excellence.

Mr. Speaker, on June 17, 1916, United Association General President, John R. Alpine, had the foresight to move the Sprinkler Fitters, Local 550, toward independence from one of the several auxiliary locals, to their now sister local Road Sprinkler Fitters, Local 669. During the United Association General Convention of 1946, the Sprinkler Fitters, Local 550, were awarded their autonomous status. After significant debate, the delegates voted to give the auxiliaries their independent status and made that status retroactive to the signing of each charter. In the case of Local 550, their status was retroactively dated on June 17, 1916.

Until 1993, Local 550 had offices at various locations in Boston and monthly union meetings were hosted in several different locations. On November 1, 1993, Sprinkler Fitters, Local 550, moved into their newly reconstructed home at 46 Rockland Street in West Roxbury, Massachusetts; a building which was large enough to house a union meeting hall. Ironically, the building was destroyed twice by fire damage during previous inceptions as the Leiderkranz German Club, and the Roberts Post, before Local 550 purchased the land and commenced renovations that included the installation of a working fire protection system. The purchase and renovations were overseen by the late Brother George McCarthy, who served as Business Manager for 30 years from 1974 until 2004 when current Business Manager, Financial Secretary, Peter Gibbons took office.

The Rockland Street location also served as the original home to the Local 550, Apprenticeship Training Facility until 2014 when, under the direction of Business Manager and Joint Apprenticeship Coordinator Peter Gibbons and the entire Joint Apprenticeship Committee, the apprentices were relocated to a new, state-of-the-art training center in Weymouth, Massachusetts. At present, apprentices are now trained in all aspects of the installation and inspection of fire protection systems, while capably providing the future workforce of Local 550. Among the many skills they learn, apprentices of Local 550 are provided with hands-on training using actual working fire pumps that flow water to facilitate training in the installation and inspection of all aspects of fire pumps. Included in the new training facility is a mock two-story house constructed within the training center where apprentices learn to plan and implement sprinkler installations. This hands-on approach fully

prepares apprentices for real life situations that often arise on the job.

Mr. Speaker, there have been many changes in the industry since the Local's inception 100 years ago, but the one thing that has remained constant is the bond of the Union Brotherhood and Local 550's commitment to the communities they serve. Not only are there nearly 650 Local 550 hardworking brothers and sisters quick to lend a hand to fellow members, they are also known for their tremendous acts of selfless charitable giving to the many communities throughout the state. Local 550 members have donated their time and resources to many important community efforts. These projects include the Gavin Foundation, Chez-Vous Roller Rink, and Habitat for Humanity. In addition, Local 550 members sponsor a golf fundraiser; most recently benefitting the Phoenix Society, which supports burn survivors.

Mr. Speaker, on the occasion of the Sprinkler Fitters, Local 550, 100th Anniversary Gala weekend held June 24 through June 26, 2016 in Boston, I rise to extend my congratulations and appreciation for Local 550's 100 years of service to the City of Boston and the Commonwealth of Massachusetts. I look forward to continuing my work with the outstanding men and women of Sprinkler Fitters, Local 550, and wish them nothing but success for the next 100 years.

Congratulations on this momentous occasion.

TRIBUTE TO 2ND LT. GERALD ''BUD'' BERRY

HON. DAVID W. JOLLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. JOLLY. Mr. Speaker, I want to thank Veteran 2nd Lieutenant Gerald ''Bud'' Berry for his actions during World War II and during D-Day, June 6, 1944.

2nd Lt. Berry was drafted in 1942 and signed up for the Aviation Cadet Program. It took him a year to complete the training and upon graduation, he earned his 2nd Lieutenant ranking. A couple months later, he was sent overseas to begin training for the Army Air Corps. There 2nd Lt. Berry was assigned a specialized flight plan to assist in the United States effort on D-Day.

He was assigned to towing gliders to the front and flying the 91st squadron of the 439th troop carrier group. He was responsible for flying the paratroopers over their designated landing zones, and for capturing any gliders that were in good enough shape to reuse. On D-Day, 2nd Lt. Berry was prepared and successfully completed his portion of the mission helping the Allied forces begin their surge to victory in the War.

I want to thank and acknowledge 2nd Lt. Gerald Berry for his honor, duty, and sacrifice for our country. He was a part of a mission that changed the course of history, and his efforts will be revered and remembered. I extend my deepest gratitude to 2nd Lt. Berry for his service. I ask that this body join me in recognizing him for his service.

HONORING THE 2016 FAIRFAX COUNTY STUDENT PEACE AWARD RECIPIENTS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the recipients of the 2016 Fairfax County Student Peace Awards.

The program was begun in 2006 with the hope of moving people to think more about peace as both a means and an end, and to recognize young people who work as peacemakers. The program began with one high school and expanded gradually from there. In 2013, for the first time, it was offered to every public high school in Fairfax County, as well as to three private schools.

Participating high schools choose one Junior or Senior or one student group active in promoting peace and/or removing the causes of conflict. Examples of outreach include:

Committing to peace by engaging in activities that strive to end conflict, either locally or globally;

Seeking to discuss or otherwise resolve potentially controversial issues within the school or community;

Promoting the understanding of divisive issues and situations to bridge language, ethnic, racial, religious, gender, sexual orientation, or class differences; and

Working to resolve conflicts among students or members of the community who feel isolated or alienated.

I am pleased to submit the names of this year's Student Peace Award winners:

Anti-Bullying Committee, Cedar Lane School

Jieru Shi, Senior, Chantilly High School

Smriti Subedi, Senior, Herndon High School

Laith Abuhaija, Senior, Islamic Saudi Academy

Renata Urbina De la Flor, Senior, Lake Braddock Secondary School

Catherine White, Senior, Langley High School

Cindy Le/Quan Lu, Seniors, Robert E. Lee High School

Kenzie Hines, Senior, James Madison High School

Doreen Ndizeye, Senior, George C. Marshall High School

Michelle Ma, Senior, McLean High School

Trevor Christensen, Senior, Mount Vernon High School

Student Contributors to The Mountain View Mirror Mountain View High School

Stepping Stones Club, Oakton High School

Sara Hobbs, Senior, Quander Road School

Burke Centre Library Teen Advisory Board Robinson Secondary School

Kyle Engelhardt, Senior, South County High School

Aditi Takle, Senior, South Lakes High School

Sam Laveson, Senior, JEB Stuart High School

Kristin Myers, Junior, Thomas Jefferson High School for Science and Technology

Bennett Shoop, Senior, West Springfield High School

Logan Mannikko, Senior, Westfield High School

Daniel Kim, Junior, W.T. Woodson High School

Mr. Speaker, the efforts of these young people to build a more peaceful world in their own communities and the building blocks of a more peaceful world. I commend them on their awards and ask my colleagues to join me in congratulating them and wishing them great success in all their future endeavors.

TRIBUTE TO JOYCE JORDAN

HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. JOHNSON of Georgia. Mr. Speaker, I present the following U.S. Citizen of Distinction:

Whereas, our lives have been touched by the life of this extraordinary woman, who has given of herself in order for others to stand; and

Whereas, Mrs. Joyce Ann Johnson Jordan's work is present in the lives of the many people she has touched during her time here on earth; a joyful woman who believed in living a life with no regrets. She loved to travel, dance and was a connoisseur of music; and

Whereas, this remarkable woman gave of her time, talent and life; she never asked for fame or fortune while uplifting those in need. She just wanted to do what was right; and

Whereas, Mrs. Jordan led by working behind the scenes for the causes that mattered to her the most; she loved God, her family and her friends; Mrs. Jordan was a warrior, a matriarch, a woman of great integrity who remained true to the uplifting of her family as a wife, sister and aunt; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to bestow a Congressional recognition on Mrs. Joyce Ann Johnson Jordan for her leadership, friendship and service to all of the citizens in Georgia and throughout the Nation; a citizen of great worth and so noted distinction; now therefore, I, HENRY C. ''HANK'' JOHNSON, JR., do hereby attest to the 114th Congress that Mrs. Joyce Ann Johnson Jordan of Georgia is deemed worthy and deserving of this ''Congressional Honor'' Mrs. Joyce Ann Johnson Jordan U.S. Citizen of Distinction in the 4th Congressional District.

Proclaimed, this 2nd day of April, 2016.

HONORING THE MEMBERS OF RESCUE RESTON

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to recognize and congratulate the members of Rescue Reston on being named the 2015 Citizen of the Year by the Reston Citizens Association. The Citizen of the Year Award traditionally honors an individual or group of individuals who have contributed to the quality of life in Reston, helped others in need, or acted

with the goals of Reston in mind without thought of personal benefit or recognition.

Rescue Reston is a grassroots organization comprised of thousands of Restonians who united to support preserving the Reston National Golf Course as open green space. Reston and the surrounding area have witnessed an explosion of growth and development in recent years. The preservation of public parks and open space is crucial in ensuring the high quality of life that is enjoyed by Fairfax County residents and honoring Reston's founding principles.

It is fitting that this award is given by one grassroots organization to another. It speaks yet again to the legacy that the founder of Reston, Robert E. Simon, leaves behind. I believe that such a high level of engagement is one of the best indicators of a healthy and vibrant community.

As a former civic association president, I am uniquely aware of the impact that these organizations can have, not only in their local community but also in the surrounding area. Their efforts give the members of that organization a sense of ownership and serve as a constant reminder that a thoughtful, organized group of citizens can indeed bring about change.

Mr. Speaker, the efforts of Rescue Reston on behalf of the greater Reston community are selfless undertakings which are truly worthy of our highest praise. I commend them on their award and ask my colleagues to join me in congratulating them and wishing them great success in all their future endeavors.

RECOGNIZING AND CONGRATULATING DR. TOM SHIEH ON HIS 20TH ANNIVERSARY OF SERVICE TO THE PEOPLE OF GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Ms. BORDALLO. Mr. Speaker, I rise today to commend and congratulate Dr. Thomas Shieh as he celebrates 20 years of service to the people of Guam. Dr. Shieh is the president and owner of Dr. Shieh's Clinic in Tamuning, Guam. Dr. Shieh's Clinic has served as one of Guam's leading clinics in women's services since 1999.

Dr. Shieh came to Guam by way of the U.S. Navy as a Medical Officer. He served in the Naval Hospital Guam for four years, and as the Chief of Gynecology for the last two years. After completion of his active duty service and falling in love with the island community, Dr. Shieh decided to make Guam his permanent home and opened a practice of his own. Since serving as an OB/GYN on Guam, Dr. Shieh has delivered over 8,000 babies. He is often recognized for being one of Guam's most accessible doctors. He keeps a close relationship with his patients and families and is always a phone call away. Not only does he care for his patients, he seeks to educate each woman about their health and medical needs. As a physician-owned practice, Dr. Shieh's Clinic is patient driven and practices the philosophy, ''Patients First.'' He is a reliable consultant for thousands of patients and medical professionals on Guam and the Asia-Pacific Region. He has been able to maintain and grow his personal business for the past 16 years to build on his service from the Naval Hospital Guam and provide important services to the island.

As a board certified physician and fellow of the American College of Obstetrics and Gynecology, Dr. Shieh is one of the most experienced and desired ob-gyns on the island. He serves as the president of the Guam Medical Association, comprised of more than 300 physicians, nurses and medical professionals. As a part of the Guam Medical Association, Dr. Shieh lobbies for legislation and policy to better the health care for the people of Guam. He works to bring the latest technology in health care and ensures that medications are available to provide best services to patients. Dr. Shieh was responsible for establishing the first ever bone marrow donor registration drive for Guam and increasing Pacific Islanders in the national database by 80 percent. He has also organized medical missions to help with relief efforts after natural disasters in the region.

Throughout his service on Guam, Dr. Shieh has always demonstrated a strong commitment to community involvement, volunteerism and philanthropy. Most notably, Dr. Shieh has established a scholar athlete scholarship fund to assist students pursue higher education. He also sponsors an annual volleyball tournament and organizes health fairs and outreach events in the community.

Again, I congratulate Dr. Shieh, his wife Raven, daughters Tiffany and Beverly, and Dr. Shieh's Clinic on 20 years of service to the people of Guam. I join the people of Guam in commending them for their service and dedication, and thanking them for their many contributions to our island community.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $19,252,984,535,317.64. We've added $8,626,107,486,404.56 to our debt in 6 years. This is over $8.6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

HONORING THE RECIPIENTS OF THE 2016 ASIAN-AMERICAN CHAMBER OF COMMERCE EXCELLENCE AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the Asian-American Chamber of Commerce and the recipients of the 2016 Excellence Awards.

The Asian-American Chamber of Commerce (AACC) is dedicated to improving economic development opportunities for Asian Pacific American-owned businesses in the Washington, D.C., region. The 11th District of Virginia is blessed by its diversity. About 1 in 4 residents are foreign born and approximately 40 percent are minorities. Half of our foreign-born population emigrated from Asia, and more than 80,000 of our neighbors speak an Asian language at home.

Northern Virginia has a robust international business community and is home to the largest concentration of minority-owned technology firms in the nation. The AACC and its members contribute greatly to our economic strength and stability; Asian-American businesses generate more than 52 percent of total revenues generated by all minority-owned businesses in this region.

In Fairfax County alone, 25,000 businesses are Asian-owned. These businesses generate approximately $9 billion in revenue and create 54,000 jobs.

Each year, the AACC recognizes businesses and non-profits in the Asian American community for their outstanding contributions to the Metropolitan Washington community and economy. I am pleased to submit the names of the following individuals and organizations:

Citizen of the Year
Ruth Crout, Fred Plum
Young Professional of the Year
Frank Chin
New Member of the Year
Dave and Joanne Adams
Laura Drain
Member of the Year
Shakha Agrawal
Business of the Year
Kyllo and Pattana Cox
Non-Profit of the Year
Youth for Tomorrow
Epoch Times
Asian Business Leader of the Year
Grace Kim
Jimmy Rhee
Chairman's Award
Audrey Lustre
Oanh Henry

Mr. Speaker, I ask that my colleagues join me in congratulating the recipients of the 2016 Asian-American Chamber of Commerce Excellence Awards and in commending the Chamber for its work to support Asian and Pacific Islander owned businesses throughout our region.

TRIBUTE TO BETTY BAISDEN

HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, reaching the age of 80 years is a remarkable milestone; and

Whereas, Mrs. Betty Jane Baisden was born on March 19, 1936 and today she is celebrating that milestone; and

Whereas, Mrs. Baisden has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; she has been a devoted Christian since her childhood days to present as President of the Mothers Board at Mt. Vernon Baptist Church in Atlanta, Georgia; and

Whereas, Mrs. Baisden is celebrating her 80th Birthday with her family members, church members and friends here in Georgia, she celebrates a life of blessings; as a Mother, Grandmother, friend, community servant and leader; and

Whereas, the Lord has been her Shepherd throughout her life and she prays daily and is leading by example a blessed life; an advocate, faithful matriarch and a community leader; and

Whereas, we are honored that she is celebrating the milestone of her 80th birthday in the 4th District of Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Betty Jane Baisden for an exemplary life which is an inspiration to all; now therefore, I, HENRY C. ''HANK'' JOHNSON, JR., do hereby proclaim March 19, 2016, as Mrs. Betty Jane Baisden Day in the 4th Congressional District of Georgia.

Proclaimed, this 19th day of March, 2016.

TRIBUTE TO DALE K. JOHNSON, RANDALL KAHLE, AND RONNIE BENNETT

HON. DAVID W. JOLLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. JOLLY. Mr. Speaker, I would like to recognize three members of our community, Mr. Dale K. Johnson, Mr. Randall Kahle, and Mr. Ronnie Bennett for being selected by the St. Petersburg Civitan Club as citizens of Pinellas whose work for the community exemplifies the club's pillars of service, fellowship, and knowledge.

Civitan International is an association of volunteer service clubs that started in 1917 and now has more than 40,000 members across the country and internationally. The mission of this collection of groups is to build good citizenship by creating a volunteer network of service clubs that address individual and community needs. They specialize in serving people with developmental disabilities.

The St. Petersburg chapter was established on April 12, 1921, and for the past 95 years it has been a part of many efforts to support children and adults who require extra assistance due to a disability.

Since 1986, the St. Petersburg chapter has honored and recognized outstanding members of the Police and Fire departments of the area. This year, the three honorees are: Police Field Training Officer Dale K. Johnson, Fire Officer Randall Kahle, and Firefighter Ronnie Bennett. These three have exemplified the high standards of the Civitan Club, serving people across Pinellas who are especially in need of assistance. I am very happy to have them as my neighbors here in Pinellas County.

Mr. Speaker, I would like to acknowledge these three exceptional individuals for their hard work. They are most deserving of this recognition from the Civitan Club and I hope they continue to support those in need within Pinellas County. I ask that this body join me in thanking these three exceptional individuals for their exceptional service.

HONORING THE SHEPHERD'S CENTER OF OAKTON-VIENNA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the volunteers of the Shepherd's Center of Oakton-Vienna and to thank them for their many contributions to the Northern Virginia community. Organized in 1997, the Shepherd's Center of Oakton-Vienna (SCOV) is a non-profit that provides services to help older adults continue living independently, and it offers programs that supply opportunities for enrichment, learning, and socialization.

Every year, approximately 200 volunteers support older residents who want to age in place in their homes and stay engaged in social activities. Services are available free of charge to anyone age 50 or older who resides in the local community.

Last year was a particularly successful year for SCOV, whose volunteer drivers provided more than 1,400 round-trip rides for medical reasons and other errands. Volunteers also made regular contact with individuals who may have limited interaction and may feel isolated in their homes. ''Handy Helpers'' made minor home repairs to help older adults keep their homes safe and livable. The Health Team provided individual health counseling, referral to community resources, and blood pressure readings.

All told, SCOV served more than 3,000 individuals in 2015. Volunteers also run programs such as Lunch n' Life, Adventures in Learning, trips and outings, special events, and caregivers' support groups. In 2014, SCOV was recognized for these efforts as an Outstanding Volunteer Caregiving Program by the National Volunteer Caregiving Network.

The services and programs offered by this extraordinary organization help to ensure that our seniors stay connected to the community through the promotion of active lifestyles, ongoing social integration, and availability of resources for older residents to use and share their experience, training, and skills.

Mr. Speaker, I ask that my colleagues join me in recognizing the Shepherd Center of Oakton-Vienna for its work to enable older adults in our community to age in place and enjoy their golden years with dignity and independence. I thank the many volunteers who generously dedicate their time and efforts to the welfare of our neighbors. The value of their contributions cannot be overstated and are deserving of our highest praise.

IN RECOGNITION OF DR. ANDREA P. THAU, AMERICAN OPTOMETRIC ASSOCIATION PRESIDENT-ELECT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I rise today to recognize Dr. Andrea P. Thau, a physician whose practice is located in the district I represent. Dr. Thau has been elected the 94th President of the American Optometric Association, AOA, and will begin her term during the AOA 119th annual meeting on July 2, 2016, in Boston.

Dr. Thau is a graduate of the SUNY College of Optometry and is the owner of a private practice in Manhattan. She was first elected to the American Optometric Association Board of Trustees in 2007, and elected President-Elect at the 118th Annual AOA Congress & 45th Annual AOSA Conference: Optometry's Meeting in June 2015. In addition to her leadership in this national organization, Dr. Thau has made great contributions in service to her state and local community. Dr. Thau was the first woman president of the New York State Optometric Association, the New York Academy of Optometry, and the Optometric Society of the City of New York.

Along with her many leadership roles, Dr. Thau is also an advocate and educator in the field. A champion for children's vision, Dr. Thau has advocated on their behalf both statewide and nationally. She is also a founding member and former vice president of the New York Children's Vision Coalition. As a spokesperson for the American Optometric Association, she has been featured on television, radio and in print to educate the public about eye and vision care.

Mr. Speaker, I ask my colleagues to join me in recognizing Dr. Andrea Thau as she begins her term as President of the American Optometric Association. I am proud to join her friends and colleagues in congratulating her on this outstanding professional achievement.

TRIBUTE TO EVA NEWSOME

HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, one hundred years ago a virtuous woman of God, Eva Bell Hicks Newsome was born in Reynolds, Taylor County, Georgia on April 16, 1916 to Mr. Ezekiel and Mrs. Mahalia Hicks; and

Whereas, she grew up in Reynolds, Georgia and was married to Mr. LB Newsome, Sr. for 76 years; their union has blessed our district and nation with four children and a host of grand, great, great-great and great-great-great grandchildren; and

Whereas, this phenomenal Proverbs 31 woman has shared her time and talents as a wife, mother and friend, becoming a Georgia

citizen of great worth, a fearless leader and a servant to all by always advancing the lives of others; and

Whereas, Mrs. Newsome has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; and

Whereas, Mrs. Newsome is celebrating a remarkable milestone; her 100th Birthday. Her family and friends are pausing to acknowledge a woman who has been revered by many as a pillar of her community; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and extend well wishes to Mrs. Newsome on her birthday and recognize her for an exemplary life that has been an inspiration to all; now therefore, I, HENRY C. ''HANK'' JOHNSON, JR., do hereby proclaim April 16, 2016, as Mrs. Eva Bell Hicks Newsome Day in the 4th Congressional District of Georgia.

Proclaimed, this 16th day of April, 2016.

RECOGNIZING PRINCE WILLIAM COUNTY DEPARTMENT OF FIRE AND RESCUE RECRUIT CLASS 2015–02

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to congratulate the 2015–02 Prince William County Public Safety Training Center graduates. As they prepare to join the ranks of the Prince William County Department of Fire and Rescue, which is celebrating its 50th year, I encourage the 21 graduates to reflect on the history of the department and the contributions and dedication of the brave men and women who have served to protect our community for the last half century.

Each member of recruit class 2015–02 has successfully completed a rigorous application process followed by 1,248 hours of exhaustive academic and physical training over the course of 26 weeks. Upon successful completion of this program, each recruit is eligible to graduate and become a Fire and Rescue Technician I with the Prince William County Department of Fire and Rescue.

A Technician I is trained in emergency medical services, fire prevention, and countless other public safety measures. The certifications required for reaching the status of a Technician I cannot be accomplished without dedication and hard work. The graduates have completed the requisite coursework for certification in CPR, Infection Control, CISM, EMTB, Firefighter I, Firefighter II, EVOC 2, EVOC 3, Flashover Simulation, RIT, Mayday, Hazmat Awareness/Operations, Swift Water Rescue Awareness, LPG with Simulation, Rural Water Supply, BLS Protocols, Rope Rescue Awareness, Vehicle Rescue Awareness and Child Passenger Safety Seat Installation.

It is my honor to submit the following names of the 2015–02 recruit class graduates of the Prince William County Department of Fire and Rescue:

Matthew Baker, Zachary Burnette, John Campbell, Matthew Cone, Nathan Eppley, Tyler Frable, Jason Guimond, Patrick McKinnon, Nicholas Ntiros, Brian Pelletier, Zachary Ramey, Dontrell Royal, Andrew Ruddle, Daniel Sawyer, Joshua Servais, Brian Smith, James Spengler, Andrew Turner, Chase Walton, Daniel Worrell, Austin Wing

As the newest members of the Department of Fire and Rescue, the 2015–02 recruit class graduates join the department as integral parts of the emergency response and community safety team. Just as the current and past Prince William County public safety officers have done, I am confident that this graduating class will serve the residents of Prince William County with honor and distinction.

Mr. Speaker, I ask that my colleagues join me in congratulating the newest members of the Prince William County Department of Fire and Rescue. I thank them in advance for their dedication to protecting the lives and property of the county's residents. In the tradition of their new firefighting family I say: ''Stay safe.''

HONORING BAKER COUNTY COMMISSIONER TIM KERNS FOR HIS YEARS OF DEDICATED SERVICE TO OREGON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. WALDEN. Mr. Speaker, I rise today to recognize my good friend Commissioner Tim Kerns for his many years of dedicated public service in Baker County. Tim is set to retire at the end of his term after serving 15 years as Baker County Commissioner, and I would like to pay tribute to his leadership for the people of Baker County.

Born in Baker City, Tim was raised with an appreciation for agriculture on his family farm which led him to attend Oregon State University to pursue a degree in Agricultural Engineering at a notable pace, completing 206 credit hours in just four years. But probably the best part of his time at Oregon State was meeting Jan—his wife of 52 years. Upon completing their degrees, Tim and Jan returned to ranching in Baker County.

As his operation grew, so did Tim's desire to serve his community. His ability to provide innovative solutions to the problems that Baker County faced proved invaluable in a number of leadership roles, including serving on the school district budget board, as president of both the Baker County Livestock Growers and Farm Bureau, and as Regional Vice President of the Oregon Cattleman's Association.

Tim's familiarity with the agricultural industry and community leadership experience next led him to become a major figure in the national farm lending system. Between 1975 and 1994 he was a board member of a number of farm lenders, including the Baker Production Credit Association, Spokane Farm Credit Services, and Inter State Production Credit Association. Following success in those roles, he was appointed to a three year term as Director of the national Federal Farm Credit Funding Corporation. After completing his dual term with the Ag America Farm Credit Bank and the Farm Credit Funding Corporation, Tim was appointed to fill a vacant seat with the county commission, a seat which he has held for the past 15 years.

With federal lands making up more than 51% of Baker County, plenty of hurdles exist in the path to economic growth. Despite these hurdles, I know I can count on Tim's work ethic and knowledge of Baker County to help work through these issues and make sure that the needs of the local communities will not be ignored by the federal government. Whether it was stopping the EPA from regulating a local cement plant out of existence and killing hundreds of jobs, or some of the ongoing problems such as the red tape cutting off Baker County miners from being a part of a rich local mining history, or attempts to limit local access to national forests, I knew I could count on Tim to provide valuable input as we craft solutions.

As Tim begins his transition into retirement, I know he and Jan will look forward to more time with their two sons and three grandchildren, as well as plenty of time on the ranch and volunteering in various Baker County activities.

Mr. Speaker and my colleagues, please join me in recognizing and thanking my good friend, Commissioner Tim Kerns for his many years of leadership and service to Baker County.

RECOGNIZING THE LOUISIANA VETERANS OF FOREIGN WARS' (VFW) 2016 STATE CONVENTION IN ALEXANDRIA, LA

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. BOUSTANY. Mr. Speaker, I rise today to honor the Louisiana Veterans of Foreign Wars (VFW) for a successful 2016 State Convention in Alexandria, LA.

Our veterans are a national treasure. These men and women have sacrificed tremendously, many continuing to live with service-connected disabilities, in service to our country. Without their courageous decision to answer the call of duty, our nation would not be the shining beacon of hope and freedom we are today. As we continue working to improve healthcare delivery and expand healthcare services for our veterans, the VFW will continue to be an important partner in organizing and advocating for our veterans across the country.

I also want to express my pride and congratulations that Louisiana was selected to host the 2017 VFW National Convention in New Orleans, LA. I am confident those attending next year's convention will experience the rich culture and hospitality during their stay that makes us proud to call Louisiana home.

I remain committed to working with the Louisiana VFW to ensure they are represented on the local and national levels. Their tireless efforts and advocacy in support of veterans in Louisiana and across the country are tremendously appreciated.

HONORING THE FIRST ANNIVERSARY OF THE NORTHERN VIRGINIA VETERANS ASSOCIATION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. CONNOLLY. Mr. Speaker, I rise in recognition of the one-year anniversary of the Northern Virginia Veterans Association.

The Northern Virginia Veterans Association (NOVA Vets) officially launched on May 16, 2015, Armed Forces Day. With a diverse membership comprised of veterans, active military, service connected family members, community residents, and businesses, NOVA Vets' mission is to provide veterans with a comprehensive network of local resources by providing a continuum of services. Specifically, NOVA Vets provides care and support in the areas of reintegration, healthcare, employment, education, family/caregiver support, legal services, housing assistance, and community engagement.

Signature programs include offering reintegration programs at Fort Belvoir and Marine Corps Base Quantico, military care and resource training for civilian medical/healthcare providers, suicide awareness, and Veterans Helping Veterans.

Reintegration Program: Each reintegration program provides 24 months of comprehensive support to service members and their families relocating to or staying in Northern Virginia to ease the transition from activity duty. Over the course of the two-year cycle, data collection is used to determine what areas of support are needed to ensure comprehensive support and quality of life.

Military Care and Healthcare Resource Training Program: The in-person training provides insight and details needed to effectively treat and communicate with the veteran and military population. In addition, civilian health care providers are educated on health resources available at the local, state, and federal levels for veterans and service-connected members of the community.

Suicide Awareness Program: Throughout the year, NOVA Vets offer suicide prevention initiatives to include the screening of military documentaries and Mental Health First-Aid classes to ensure people are educated on the signs and symptoms of potential suicide and know how to assist a veteran, friend, family member, neighbor, or co-worker in a time of crisis.

Veterans Helping Veterans Program: The program is a formalized network providing skill-based veteran volunteers with non-profits who assist veterans both directly and indirectly.

It is my honor to submit the names of the charter members of the Northern Virginia Veterans Association:

Angela McConnell, Doug Earhart, Tom Benjamin, Scott Cox, Carol McKnight, Matt Paschal, Greg Schumacher, Kathy Schumacher, Rick Bockes, Polly Sherard, Rich Nagel, Rick Haney, Toby Terrill, Cameron Dougherty, Robin Kelleher, Gwendolyn Bush, Larry Zilliox, Henry Patterson, Mike May, Emma Artis, Lee D'Orlando, Diana Paguaga, Cindy Fox, Anthony Garris, Gerald Mazur, Rob Cork, Mike Allen, Mina Little, Dave Mather, Daniela Horsman, Jerome Atger, Brooke Ray, Aminata Jah, Marianne Catina, Al Alborn, Stephen Prasser, Erika Laos, Don Howell, John Murray, Ariel Goldchain, Christine Garris, Hope For The Warriors, HealthSouth Hospital, Semper K9, Access National Bank, VITAS Hospital, Core Chiropractic, Fauquier Chamber of Commerce, Neighbor's Keeper, Brain Injury Services, Fauquier Economic Development Center, Catoctin Estate Planning, Freedom Museum, Juncture Consulting, Habitat for Humanity-Prince William County, Atlantic Low Vision, Quarterly Advisory Committee Motorcycle Collaborative, Project Mend A House, The Better Brain Center, Volunteers of America, Men of War Motorcycle Club, Action in Community Through Service of Prince William, Inc., American Red Cross, Comfort Keepers, and Hylton Performing Arts Center.

Veterans can often feel abandoned and confused after being discharged. Navigating the maze of services and programs that are available can be daunting, and reintegrating into civilian life can be overwhelming. These factors, especially when combined with the effects of traumatic brain injury or post-traumatic stress disorder, can lead to depression, substance abuse, anger management issues, and even suicide. This is why programs like NOVA Vets are so important and deserving of our support.

Mr. Speaker, I ask that my colleagues join me in commending the individuals, organizations, and businesses that comprise the Northern Virginia Veterans Association and in thanking them for their dedication and commitment to our veteran community.

TRIBUTE TO DEKALB COUNTY NAACP

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, since 1955, the DeKalb County branch of the National Association for the Advancement of Colored People has been a worthy instrument for good; and

Whereas, the DeKalb County branch of the NAACP is celebrating sixty one years at Green Forest Community Baptist Church in Decatur, Georgia; and

Whereas, this organization is a champion for civil rights throughout our county and state, ensuring the rights and liberties of our citizens in Georgia are guaranteed through the U.S. Constitution; and

Whereas, its members give of themselves tirelessly and unconditionally to serve our community through endeavors such as voter registration, health walks, mentorships and scholarships; and

Whereas, the lives of many in our district are touched by the leadership and service given by the officers and members of the DeKalb County NAACP, our nation and the world is a better place due to their commitment to excellence in all of their endeavors; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize their outstanding service to our District; now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim April 9, 2016, as DeKalb County NAACP Day in the 4th Congressional District.

Proclaimed, this 9th day of April, 2016.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES ARMY SPECIALIST BRANDON A. BANNER OF MILTON, FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. MILLER of Florida. Mr. Speaker, on June 2, 2016, nine soldiers were taken from us during the tragic training accident at Fort Hood, Texas. A grateful and grieving Nation mourn the tremendous loss of these fine men and women, and it is with profound sadness that I rise to honor them and pay a special tribute to United States Army Specialist Brandon A. Banner of Milton, Florida.

SPC Banner graduated from Milton High School in 2013 where he played defensive end on the school's football team. He also attended Pensacola State College before joining the Army in March 2014 as a motor transport operator. In July 2014, SPC Banner was assigned to the 3rd Battalion, 16th Field Artillery Regiment, 2nd Brigade Combat Team, 1st Cavalry Division, Fort Hood.

Fort Hood had been experiencing unprecedented levels of rainfall and flash flooding when on Thursday morning, June 2, while SPC Banner and members of his unit were conducting convoy operations, their Light Medium Tactical Vehicle overturned at Owl Creek and all nine were killed. SPC Banner was 22 years old.

Amongst his Army Family, SPC Banner was known to be a loyal and faithful friend who was determined and was destined for great success. His military career may have been short-lived, but as evidenced by his several awards including the National Defense Service Medal, Global War on Terrorism Service Medal, Korea Defense Service Medal, Army Service Ribbon, Overseas Service Ribbon and the Marksmanship Qualification Badge—Sharpshooter with Carbine, it was a career during which SPC Banner displayed an unwavering commitment to duty and excellence.

Mr. Speaker, our servicemembers know full well the risk involved when they join the greatest military in the world. Yet they do it anyway and for a cause greater than their own. We owe these soldiers and their families our everlasting gratitude and our greatest respect. Vicki and I join citizens all across Northwest Florida and our great Nation in praying for the family and friends of Specialist Brandon A. Banner and his eight comrades. May the service and selfless sacrifice of these warriors never be forgotten and may God continue to bless all members of the Armed Forces and the United States of America.

TRIBUTE TO HAMILTON ASSOCIATES, P.C.

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Mr. Paul Hamilton and Mr. Eric Hamilton of Council Bluffs, Iowa, father and son owners of Hamilton Associates, P.C. which is celebrating 60 years in business in 2016. Hamilton Associates, P.C. is a certified public accounting and consulting firm.

Hamilton Associates, P.C. is a family-owned business providing services to businesses, non-profits and individuals specializing in tax management, financial, and accounting services. Paul Hamilton said he is very proud of the quality service his firm provides to its clients. Eric Hamilton added that the best part of his job is being able to give back to the community. Paul, Eric, and staff take an active role in civic, community, and volunteer activities in the Council Bluffs area. Hamilton Associates is growing and recently acquired a firm in Omaha, Nebraska, which will double the business in the next five years. Paul said his goal is to keep the business presence strong in the area, continue to practice honest business values, and continue investing in the community.

I commend and congratulate Paul Hamilton and Eric Hamilton for their many years of dedicated and devoted service to Council Bluffs and the surrounding area. Paul and Eric make a difference by helping and serving others. It is with great honor that I recognize them today. I know that my colleagues in the United States House of Representatives join me in honoring their accomplishments and I wish them and their family and staff continued success in the future.

''TURN THE PAGE'' LITERACY INITIATIVE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. POE of Texas. Mr. Speaker, every summer youth without access to books lose academic skills, while those who are reading continue to make progress in developing their proficiency. Studies show that summer learning loss is a significant cause of the achievement gap between lower and higher-income youth. Students from low-income households learn at the same rate as their peers while school is in session, but while middle and upper-income students show slight gains in their reading performance after the summer months, lower income students experience a two-month loss in reading achievement.

It is what teachers refer to as the ''summer slide'' or ''summer setback.'' This loss is cumulative: while teachers spend 4–6 weeks reteaching material to the students who have fallen behind over the summer, other students are progressing with their skills. The result? By the end of the sixth grade, children who lose reading skills during the summer are on average 2 years behind their peers. Even more startling is the conclusion of University of Nevada research, which has shown that students without access to books are less likely to complete their basic education.

The simple fact is that there are fewer opportunities for daily summer reading when both parents are away at work. Without access to books, our kids fall behind.

My daughter teaches English at Baylor University. She has dedicated her life to edifying the young people of this country by instilling in them a love for reading, and for the intellectual tradition it gives them access to. This love needs to start early, and the inheritance of that tradition should be accessible to all Americans. That is why I am proud of the efforts of KHOU and Star Furniture, who are rolling out a new community effort to increase the literacy rate in Houston. They are soliciting donations for the non-profit group ''Books Between Kids,'' which provides at-risk children with books that they can keep in their home. We need more programs like this in our country.

And that's just the way it is.

TRIBUTE TO KELLY KOCH

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Kelly Koch, of Waukee, Iowa, on being crowned Miss Iowa 2016.

Miss Koch recently started competing in pageants as late as 2014, and was the runner-up Miss Iowa 2015. There are five categories for which contestants are judged. She was a preliminary talent winner with her ballet en point, telling the local newspaper, Dallas County News, that she spent at least two hours daily each week with her choreographer to perfect every detail. She was attuned to national and international news in preparation for the interview portion of the pageant. During her year of service as Miss Iowa, Miss Koch chose the Pinky Swear Foundation, which provides financial and emotional support to families whose children are afflicted with cancer. Earlier, Kelly Koch had served as an intern for the organization and has a great affection for its mission.

In her service as Miss Iowa and to fulfill her obligations to the Miss Iowa organization, Kelly Koch will temporarily suspend her studies at Iowa State University where she is a member of the I.S.U. Dance Team. In September, she will represent Iowa in Miss USA set for Atlantic City, New Jersey.

Mr. Speaker, I applaud and congratulate Kelly Koch for this recognition. I am proud to represent her in the United States Congress. I ask that my colleagues in the United States House of Representatives join me in congratulating Miss Koch and wishing her nothing but success over the coming year and beyond.

TRIBUTE TO THE CITY OF CLIVE

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize the City of Clive, Iowa for its recognition as a 2015 Tree City USA sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the U.S. Department of Agriculture Forest Service's Urban and Community Forestry program (the Forest Service).

The City of Clive has met the core standards for tree care during the past year. Over 135 million Americans live in Tree USA communities. In its 40th year of celebration, the Tree City USA program is critical to the U.S. Forest Service. This federal partner delivers technical and financial resources to states, cities and communities across the nation with each community adhering to a State Action Plan, guiding investments in each state while accomplishing local projects and programs.

The U.S. Forest Service and Arbor Day Foundation cooperate with communities to establish healthy forests, improve air and water quality and contribute to important national energy conservation goals. These local investments create long term major environmental improvements nationwide.

Mr. Speaker, I commend the City of Clive and urge my colleagues in the U.S. House of Representatives to join me in congratulating the community on this award and in wishing them nothing but continued success.

TRIBUTE TO THE CITY OF CLARINDA

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize the City of Clarinda, Iowa, for its recognition as a 2015 Tree City USA sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the U.S. Department of Agriculture Forest Service's Urban and Community Forestry program (the Forest Service).

The City of Clarinda has met the core standards for tree care during the past year. Over 135 million Americans live in Tree USA communities. In its 40th year of celebration, the Tree City USA program is critical to the U.S. Forest Service. This federal partner delivers technical and financial resources to states, cities and communities across the nation with each community adhering to a State Action Plan, guiding investments in each state while accomplishing local projects and programs.

The U.S. Forest Service and Arbor Day Foundation cooperate with communities to establish healthy forests, improve air and water quality and contribute to important national energy conservation goals. These local investments create long term major environmental improvements nationwide.

I commend the City of Clarinda and urge my colleagues in the U.S. House of Representatives to join me in congratulating the community on this award and in wishing them nothing but continued success.

IN HONOR OF THE RETIREMENT OF K.L. ''KOVEN'' BROWN

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize the retirement of K.L. ''Koven'' Brown.

Mr. Brown will be selling his two businesses, K.L. Brown Funeral Home and Cremation Center, which he has owned since 1978, and K.L. Brown Memory Chapel, at the end of this month.

Mr. Brown wanted to be a mortician since he was a young boy. He graduated from Jefferson Davis High School in Montgomery in 1969, and was the first graduating class from Kentucky School of Mortuary Science in Louisville, Kentucky, in 1971.

Mr. Brown is in his second term in the Alabama House of Representatives and is looking forward to traveling more with his wife, Mandee, now that he is retiring.

Mr. Brown has two children: Allison (deceased) and Emily who is married to James Avery. He is blessed with four grandchildren: Charlie, Austin, Savannah and Tyler. His mother, Dr. Faye Brown, lives in Clanton.

Mr. Speaker, please join me in recognizing K.L. Brown and congratulating him on his much-deserved retirement.

TRIBUTE TO THE CITY OF COUNCIL BLUFFS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize the City of Council Bluffs, Iowa, for its recognition as a 2015 Tree City USA sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the U.S. Department of Agriculture Forest Service's Urban and Community Forestry program (the Forest Service).

The City of Council Bluffs has met the core standards for tree care during the past year. Over 135 million Americans live in Tree USA communities. In its 40th year of celebration, the Tree City USA program is critical to the U.S. Forest Service. This federal partner delivers technical and financial resources to states, cities and communities across the nation with each community adhering to a State Action Plan, guiding investments in each state while accomplishing local projects and programs.

The U.S. Forest Service and Arbor Day Foundation cooperate with communities to establish healthy forests, improve air and water quality and contribute to important national energy conservation goals. These local investments create long term major environmental improvements nationwide.

I commend the City of Council Bluffs and urge my colleagues in the U.S. House of Representatives to join me in congratulating the community on this award and in wishing them nothing but continued success.

TRIBUTE TO THE CITY OF ADEL

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize the City of Adel, Iowa, for its recognition as a 2015 Tree City USA sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the U.S. Department of Agriculture Forest Service's Urban and Community Forestry program (the Forest Service).

The City of Adel has met the core standards for tree care during the past year. Over 135 million Americans live in Tree USA communities. In its 40th year of celebration, the Tree City USA program is critical to the U.S. Forest Service. This federal partner delivers technical and financial resources to states, cities and communities across the nation with each community adhering to a State Action Plan, guiding investments in each state while accomplishing local projects and programs.

The U.S. Forest Service and Arbor Day Foundation cooperate with communities to establish healthy forests, improve air and water quality and contribute to important national energy conservation goals. These local investments create long term major environmental improvements nationwide.

Mr. Speaker, I commend the City of Adel and urge my colleagues in the U.S. House of Representatives to join me in congratulating the community on this award and wishing them nothing but continued success.

2ND LIEUTENANT AUDIE MURPHY—TUESDAYS IN TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. POE of Texas. Mr. Speaker, the Medal of Honor is the highest military honor that can be bestowed on an American. Harry Truman once commented that he would prefer to have the blue band of the Medal of Honor around his neck than be President. To receive the medal is not to win a contest, for the forum in which this medal is given is the contest to preserve liberty. It is a contest that no individual competitor could win; rather it is struggled for by the diligence, bravery, and sacrifice of millions of Americans. Nor is it a contest that is ever finished. It is an eternal struggle. Every generation of Americans has given of her sons and daughters to contribute to it. That is why Medal of Honor recipients are never said to have ''won'' the honor, but they have received it from a grateful nation, out of recognition of their distinguished contribution to our shared and continued fight for freedom.

Next week, Farmersville, TX, a small town in Hunt County, will celebrate the life of one of its sons, who came home the most decorated soldier of WWII. Audie Murphy's story of service starts early. When he was only 17 years old he had his sister assist him in falsifying his birth certificate so that he could meet the minimum age requirement for enlisting in the military. Like millions of Americans in the mid 40's, Murphy was eager to answer the call of his country.

Before long Murphy earned the rank of 2nd Lieutenant in the U.S. Army and was given command of Company B. In France during the early winter of 1945, Murphy's company was attacked by 6 German tanks and waves of infantry. Murphy ordered his men back into the cover of the woods, while he remained forward to give firing directions to artillery by telephone. Murphy then climbed into a burning tank and, despite the risk that the tank could explode at any moment, he began to use its .50 caliber machine gun to ward off the enemy. Murphy was alone and exposed to enemy fire on three sides. Against all odds, he succeeded in single-handedly holding the enemy back for an hour.

The citation that comes with Murphy's Medal of Honor, awarded for his actions that day, tells us that despite a gunshot wound to the leg he fought until his ammunition was exhausted. He then made his way back to his company, refusing medical attention, and organized a counter attack that would prove successful and force the Germans to withdraw.

The contest for freedom is not a sprint. It is a relay that spans generations, and the champions of each generation should be honored for their service and sacrifice. We owe a debt of gratitude to all of those who fight for our freedom, and we honor individuals like 2nd Lt. Audie Murphy for their distinguished contribution.

And that is just the way it is.

TRIBUTE TO THE CITY OF ATLANTIC

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize the City of Atlantic, Iowa, for its recognition as a 2015 Tree City USA sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the U.S. Department of Agriculture Forest Service's Urban and Community Forestry program (the Forest Service).

The City of Atlantic has met the core standards for tree care during the past year. Over 135 million Americans live in Tree USA communities. In its 40th year of celebration, the Tree City USA program is critical to the U.S. Forest Service. This federal partner delivers technical and financial resources to states, cities and communities across the nation with each community adhering to a State Action Plan, guiding investments in each state while accomplishing local projects and programs.

The U.S. Forest Service and Arbor Day Foundation cooperate with communities to establish healthy forests, improve air and water quality and contribute to important national energy conservation goals. These local investments create long term major environmental improvements nationwide.

I commend the City of Atlantic and urge my colleagues in the U.S. House of Representatives to join me in congratulating the community on this award and wishing them nothing but continued success.

PERSONAL EXPLANATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Ms. SCHAKOWSKY. Mr. Speaker, I missed Roll Call vote numbers 306 through 333 because I was speaking at my grandson's graduation. Had I been present, I would have voted as follows:

Rollcall No.	H.R./H. Res.	Vote
306	H.R. 5293 Shuster Amendment No. 2	No
307	H.R. 5293 Ellison Amendment No. 9	Yes
308	H.R. 5293 Rogers Amendment No. 12	No
309	H.R. 5293 Quigley Amendment No. 13	Yes
310	H.R. 5293 O'Rourke Amendment No. 16	Yes
311	H.R. 5293 Huffman Amendment No. 17	Yes
312	H.R. 5293 Poe Amendment No. 19	No
313	H.R. 5293 Sanford Amendment No. 21	No
314	H.R. 5293 Buck Amendment No. 22	No
315	H.R. 5293 Byrne Amendment No. 24	No
316	H.R. 5293 King Amendment No. 25	No
317	H.R. 5293 Gosar Amendment No. 26	No
318	H.R. 5293 King Amendment No. 27	No
319	H.R. 5293 Lamborn Amendment No. 29	No
320	H.R. 5293 Massie Amendment No. 30	No
321	H.R. 5293 Massie Amendment No. 31	Yes
322	H.R. 5293 McClintock Amendment No. 32	No
323	H.R. 5293 Mulvaney Amendment No. 33	Yes
324	H.R. 5293 DeSantis Amendment No. 34	No
325	H.R. 5293 Rohrabacher Amendment No. 36	No
326	H.R. 5293 Walberg Amendment No. 37	No
327	H.R. 5293 Conyers Amendment No. 40	Yes
328	H.R. 5293 Gabbard Amendment No. 42	No
329	H.R. 5293 McGovern Amendment No. 44	Yes
330	H.R. 5293 Lee Amendment No. 45	Yes
331	H.R. 5293 Polis Amendment No. 46	Yes
332	H.R. 5293	No
333	H.R. 5471	Yes

TRIBUTE TO THE CITY OF BONDURANT

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize the City of Bondurant, Iowa, for its recognition as a 2015 Tree City USA sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the U.S. Department of Agriculture Forest Service's Urban and Community Forestry program (the Forest Service).

The City of Bondurant has met the core standards for tree care during the past year. Over 135 million Americans live in Tree USA communities. In its 40th year of celebration, the Tree City USA program is critical to the U.S. Forest Service. This federal partner delivers technical and financial resources to states, cities and communities across the nation with each community adhering to a State Action Plan, guiding investments in each state while accomplishing local projects and programs.

The U.S. Forest Service and Arbor Day Foundation cooperate with communities to establish healthy forests, improve air and water quality and contribute to important national energy conservation goals. These local investments create long term major environmental improvements nationwide.

I commend the City of Bondurant and urge my colleagues in the U.S. House of Representatives to join me in congratulating the community on this award and in wishing them nothing but continued success.

TRIBUTE TO MADISON HANCE

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Madison Hance of Creston High School. Madison was recently honored for outstanding academic achievement at the Fourteenth Annual Governor's Scholar Recognition on May 1, 2016.

This statewide program is sponsored by the Iowa Governor's Office, the Iowa High School Athletic Association and the Iowa Farm Bureau. Each Iowa High School was invited to select a senior with the highest academic ranking. Not only are they academically gifted, but the selected students are often the youth who are successful in extra-curricular activities and community endeavors.

Mr. Speaker, it is a profound honor to represent leaders like Madison Hance in the United States Congress and it is with great pride that I recognize and applaud her for utilizing her talents to reach her goals. I invite my colleagues in the United States House of Representatives to join me in congratulating Madison on receiving this esteemed designation, and wishing her the best of luck in all her future endeavors.

TRIBUTE TO BRITTANY SMITH

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Brittany Smith, an Abraham Lincoln High School of Des Moines, Iowa, graduate and current student at Grand View University. Brittany Smith recently received the Most Valuable Player title from the National Collegiate Bowling Coaches Association for 2015–2016.

Brittany was raised in a family of bowlers. Her mother is the general manager of Air Lanes Bowling Center in Des Moines. The time she spent growing up in those bowling centers influenced her love of the sport and developed her work ethic to always improve her game. As she told the Des Moines Register, ''I won't leave the bowling center until I get a problem fixed. I have a mindset that I can be better every single day.'' She practices hours each day but is also a full time student, majoring in criminal justice, dreaming of one day serving as a police officer. With that tenacity, Brittany Smith is a shining example of what a true champion is.

Mr. Speaker, I applaud and congratulate Brittany Smith for this recognition. I am proud to represent her in the United States Congress. I ask that my colleagues in the United States House of Representatives join me in congratulating Brittany Smith and wishing her nothing but continued success.

SHELBY DECISION . . . THREE YEARS LATER

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2016

Ms. SEWELL of Alabama. Mr. Speaker, today on Restoration Tuesday, I rise to draw attention to the coming three-year anniversary of the Supreme Court Shelby v. Holder decision and the damage that it inflicted on our democratic process.

In 2013, the Supreme Court of the United States handed down a decision that simply called for an update of the formula used to determine which states required federal preclearance prior to enacting legislation affecting the voting process. Shortly after, a number of states, including Alabama, quickly passed restrictive laws designed to suppress the vote after the Supreme Court struck down Section 4—the coverage formula provision making it harder of federal protection for vulnerable communities. Since the decision, new restrictive laws have been put in place in 22 states—18 of them Republican led—since 2010. The Shelby decision made it easier to limit access to the ballot box. And so here we are . . . three years later.

We must accept the charge that the Supreme Court handed to provide a new modern day formula to determine when states are covered under the Voting Rights Act. In June of 2015 I rose to the challenge and introduced the Voting Rights Advancement Act of 2015. Most of the Democratic members have signed on as co-sponsors. Just last week, I signed a discharge petition on this legislation to force an immediate vote on the House floor. Still, there has been much talk on both sides with little collective action. We were given this challenge in 2013, but somehow, here we are . . . three years later.

The Voting Rights Act of 1965 was reauthorized nearly a decade ago and it is shameful that still today, people across the nation do not enjoy full and free access to exercise their right to vote. It is reprehensible that still in 2016, Americans across the nation continue to face modern day barriers to the ballot box. The time is always ripe to do what is right. As we continue to progress throughout this election year, it is especially critical that all Americans have fair and equal access to the ballot box. Our very democracy is built on the ability of every citizen being able to have their voices heard and vote counted. No Vote, No Voice. America cannot and must not be silenced.

After decades of progress that culminated with the Voting Rights Act of 1965, we are now going backward. Old battles have become new again. The guise of a free photo ID

masks the various fees necessary to pay for documents needed to obtain the ID. This ''poll tax'' makes it harder to vote for those who are barely able to make ends meet. Many elderly are unable to acquire documents proving birth due to the high number of midwife births. These are real barriers affecting real people. Is it our job as Members of Congress to deny them the right to vote? Is this obstruction of the vote what we took from the Supreme Court instructing us to revisit and recreate a formula? Why are we still here . . . three years later?

My colleagues, we are approaching the first Presidential election since the passage of the Voting Rights Act of 1965 without full protection of the law against discrimination at the ballot box. We must stand on the virtue of a true democracy, constantly striving to remove blemishes from our process. A year has passed since the introduction of the Voting Rights Advancement Act of 2015, and it is being held up in committee processes, instead of being pushed through to restore the voting process for all Americans. It is time to band together and fulfil that which we have been tasked to accomplish. Delay too long is justice denied. The time is now. We must Restore The Vote.

SENATE—*Wednesday, June 22, 2016*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

We lift our hearts toward Your throne, O God, and bless Your Holy Name. You are great and worthy of our praise and thanksgiving. You have given us this great Nation as a heritage, and we are depending on Your providence to sustain us.

Prosper the labors of our lawmakers as they put their trust in You. In Your loving kindness, bring them a productive harvest from the seeds they have planted and watered on good soil. Keep them from accepting the belief that it is not possible to get things done, as You remind them that all things are possible to those who believe. Though they walk in the midst of trouble, revive and refresh them.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

FIGHTING TERRORISM

Mr. MCCONNELL. Mr. President, we learned yesterday that our allies in Jordan were victims of a terrorist attack. The vehicle-borne IED killed Jordanian soldiers and police officers. Although ISIL is not taking credit for the attack, the tactics were certainly similar to those frequently employed by ISIL. Last week, the terrorist that ISIL called a soldier of the caliphate took 49 lives as he proudly proclaimed his allegiance to that group. Days later, the CIA Director delivered a sobering analysis of ISIL's strength and capabilities.

''[Our] efforts have not reduced the group's terrorism capability and global reach,'' he said. ''[As] we have seen in Orlando, San Bernardino and elsewhere, ISIL is attempting to inspire attacks by sympathizers . . . [and it is] training and attempting to deploy operatives for further attacks.''

These are the facts—facts that the Director of Central Intelligence did not deliver lightly.

They are certainly worrying.

They remind us that this vile, hate-filled terrorist group is going to keep bringing tragedies to our doorstep until it is defeated where it trains, operates, and prepares—places like Iraq and Syria.

So we have a choice.

We can focus on defeating ISIL or we can focus on partisan politics.

Some of our colleagues may think this is all some game. We have seen the ridiculous tweets and the bizarre one-liners about guns and terrorists. I believe this is a serious moment that calls for serious solutions.

So I would ask every Senator to consider this statement from one of our Democratic colleagues just last week: ''Why have this job, one of the most powerful jobs in the world,'' he asked, ''if we are not going to exercise it to try to protect Americans from harm?''

This is the point I am making. He may have meant these words in a different context, but the reality is this: We all know that the principal way to prevent more ISIL-inspired and ISIL-directed heartbreak is to actually defeat ISIL. It is not an easy task. It doesn't always make for snappy one-liners. Not only is it going to take time, but it is going to take all of our efforts. But that is why our constituents sent us here.

Here is what we need from President Obama: Lead a serious campaign to defeat ISIL.

Here is what we need from each other: Work towards serious solutions to fight terror beyond our borders and serious counterterror tools to prevent attacks within our borders.

We will have opportunities to take positive steps forward as we resume consideration of the legislation before us.

This bill will give the FBI and law enforcement more resources to track down and defuse terrorist threats. Funding is only one piece of the larger puzzle, however. The FBI and law enforcement also need smart, targeted tools to help stop terrorist attacks before they happen in the first place.

We will have the opportunity to consider more good ideas this morning as part of the McCain amendment. One of these good ideas—ECTR reform—will allow law enforcement to connect the dots of terrorist communications in order to disrupt their plans. The inability to connect the dots has been one of the problems the FBI has had in identifying homegrown terrorists like the one in Orlando. The FBI Director calls this smart, targeted reform, ''enormously helpful'' and recently identified it as a top legislative priority. It will not allow for the collection of any content, nor will it infringe on civil liberties or civil rights. What it will do is give law enforcement a critical helping hand in the midst of ISIL's sophisticated Internet campaign to direct and inspire attacks right here in our communities. Given all we know about ISIL and its ability to radicalize people on the Internet, doesn't that just make good sense?

Here is another idea that makes sense: the McCain amendment's lone-wolf provision.

ISIL's spokesman recently issued a call for lone-wolf attacks against the West during Ramadan. Its followers heard the call last Sunday in Orlando, last Monday in France, and days later in Belgium—a near miss in what appears to be an ISIL-directed attack planning. We need to better address this threat of lone-wolf terrorists. That means providing law enforcement with the tools and the certainty necessary to do so. That is what the lone-wolf provision will provide. It is an idea that has passed Congress before. Now we can enact it into law on an enduring basis as a part of the McCain amendment. Unfortunately, threats from lone-wolf attacks are not going away. The legal authority to help prevent them should not go away, either.

Smart, targeted counterterrorism ideas like these were Republican priorities well before the terrorist attack in Orlando. They continue to be at the forefront of our efforts now. We also remain focused on doing what we can to help this President and the next one take down ISIL.

These kinds of ideas should be all of our priorities moving forward—for Republicans, for Democrats, and for the President of the United States.

We can spend our time redacting and reacting, or we can acknowledge the threats before us and work to prevent more ISIL-fueled atrocities.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. PAUL). The Democratic leader is recognized.

ISIS

Mr. REID. Mr. President, I ask unanimous consent to have printed in the RECORD a 1-page document prepared by our ranking member on the Committee

on Homeland Security and Governmental Affairs at the conclusion of my statement.

Mr. President, my friend the Republican leader talks about President Obama not doing enough to fight ISIL. What we see in the RECORD is the document prepared by Senator CARPER that outlines the progress that has been made. Is it enough? Of course not, but it is pretty significant in our fight against ISIS or ISIL, whatever you want to call them.

I don't know what the Republican leader wants. Does he want another invasion of Iraq, ground troops? Does he want us to invade Syria? Those are the two countries he named. Our last invasion of Iraq didn't work out too well. We have had about 500,000 Iraqis killed. They are dead now as a result of that invasion.

The number in Syria is reaching about 300,000. Millions of them have been displaced because of that last invasion of Iraq. The whole Middle East is destabilized. Is that what the Republican leader wants? Does he want another invasion? Which country? Both of them? How many troops—100,000, 150,000? What does he want? Be more specific. What does he want done that isn't being done?

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UPDATE ON PROGRESS MADE AGAINST ISIS

Since the height of ISIS's power, U.S. and coalition forces have recaptured 47 percent of the land ISIS once held in Iraq.

ISIS has also lost 20 percent of the land it once held in Syria.

Ramadi and Tikrit were key victories for the U.S. backed Iraqi forces.

Last Friday, Iraqi forces captured the city center of Fallujah and are now working to clear out the last few pockets of resistance in that key Anbar town.

As we speak, Kurdish, Iraqi and Syrian Democratic forces—backed by U.S. special forces—are making preparations to retake ISIS's key strongholds in Mosul and Raqqa.

We've killed 25,000 ISIS fighters and more than 120 key ISIS leaders.

We've cut ISIS funds by up to one-third.

We've drastically slowed the flow of foreign recruits from a high of about 2,000 a month in 2014 to 200 a month today.

The same goes for those young Americans who have sought to travel to join ISIS abroad. One year ago, about 10 Americans per month were leaving to join ISIS. Now that number is about one a month.

At home, the FBI is cracking down on recruits as well. Over the past two years, the FBI has arrested 88 individuals on ISIS related charges.

GUN VIOLENCE

Mr. REID. Mr. President, I am encouraged by the dialogue on gun safety that is taking place in the Senate now. Democrats and Republicans are working together to find solutions to protect Americans from gun violence. The obvious first step is to keep guns and explosives out of the hands of suspected terrorists and criminals. That is why it is imperative that the Senate call up legislation to get a vote.

The amendment from the senior Senator from Maine has bipartisan support and, at the very least, is a step in the right direction. The State of Maine has a reputation for bipartisanship. I can remember when President Obama was first elected, when we did the American Recovery Act—the stimulus. We had 57 or 58 Democratic Senators. I needed help in order to get that passed. Where did I look first? The State of Maine, Senator COLLINS and Senator Snowe. They always came through. The reason we were able to pass the Recovery Act is because of the State of Maine's senatorial representation.

So it should be no surprise to anyone that the senior Senator from Maine is working on a bipartisan basis, and while her legislation at this stage, in my mind, is not perfect, it is a step in the right direction.

I am concerned with the Collins amendment for a number of reasons, and the Justice Department also has concerns. They are worried about provisions within the legislation. But as we speak, bipartisan discussions continue to resolve these matters.

But there is no question that the Senate should vote on legislation that keeps guns away from suspected terrorists. So I appreciate the good work of Senator COLLINS.

Of course, it wouldn't be fair to talk about the State of Maine without talking about ANGUS KING—what a terrific Senator. The State of Maine should be so proud of this guy, as I know they are, based on his record as having been elected as Governor and other things in the State of Maine.

I know the National Rifle Association is whipping its followers into a frenzy about this legislation—the Collins bipartisan legislation. They are going crazy about it. That is disappointing but not surprising.

Almost every American agrees that suspected terrorists should not be able to purchase firearms and explosives. The Republican leader should ignore the desperate pleas from the NRA and bring Senator COLLINS' amendment to the floor for a vote.

ZIKA VIRUS

Mr. REID. Mr. President, on another subject, when we have voted on the Collins amendment, we must turn our attention to another critically important matter—addressing the Zika public health crisis.

The American people have been waiting since February for Republicans to respond in regard to this serious, serious threat from Zika caused by mosquito bites. For centuries, mosquitoes have been wreaking havoc on people, but never, ever in the past have there been any reports of mosquitoes carrying a virus or anything else that causes birth defects.

The American people have been waiting since February for Republicans to respond to the threat from Zika. It has been four months to the day since President Obama sent an emergency appropriations request to Congress for $1.9 billion to fight Zika, and $1.9 billion was the specific figure requested by researchers, public health experts, and doctors. There is even more needed now that 120 days have passed and have exposed even more dangers from Zika.

While this Republican Congress has done nothing to provide the necessary funding, the threat from Zika continues to grow larger every day.

According to the latest statistics from the Centers for Disease Control and Prevention on how Zika is affecting the United States—listen to these numbers because they are stunning, and in a few days they will be changed even more. Nearly 2,200 Americans have been affected by the Zika virus, and 423 pregnant women have tested positive for the virus. Tragically, six pregnancies in Zika-infected women have already resulted in severe birth defects. Of these 423 pregnant women, how many more women are going to have babies born with these extreme challenges? It is awful what this virus does to a lot of babies.

In the past we have responded to public health emergencies with the urgency they deserve. When the Nation faced the Ebola crisis, we responded. When the avian flu crisis hit, we responded quickly with emergency funding. We have done the same with tornadoes, hurricanes, floods, earthquakes, and fires, but the Republicans aren't doing that. I don't know; I don't understand this. It is an emergency. Zika is an emergency. It is devastating. Republicans should treat it as such and work with Democrats to fully respond to this. They should do it now; they should have done it months ago.

It is stunning and sad that instead of responding responsibly to this Nation's emergency in a bipartisan way, the Republicans have retreated behind closed doors and are negotiating Zika funding among themselves. There is a conference going on, but nothing is happening. The Republicans over in the House are playing around with something they are going to send us. We know; we have been there. It is going to come here. The Republicans in the House will then decide to go home, and the Democrats will have to go with them, and they will be gone. So we will be jammed sometime next week, and the Republican leader will say: Listen, we have to do this. The House is gone. We can't change anything. Well, that is wrong. They should not turn this general public health emergency into a partisan game, syphoning money from Ebola or cutting the Affordable Care Act as we heard they are doing over in

the House. That is a dangerous break from our commitment to address emergencies we are funding.

We should respond to this crisis and respond now. We know what we need to send the President—at least $1.9 billion—and it is an emergency. It is no different, as I have said, than a flood or a fire or those other emergencies I mentioned. For every moment the Republicans delay in responding to the Zika virus, we endanger more Americans.

Mr. President, there are a number of people on the floor. I would ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2578, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2578) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Pending:

Shelby/Mikulski amendment No. 4685, in the nature of a substitute.

McConnell (for McCain) amendment No. 4787 (to amendment No. 4685), to amend section 2709 of title 18, United States Code, to clarify that the Government may obtain a specified set of electronic communication transactional records under that section, and to make permanent the authority for individual terrorists to be treated as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978.

McConnell motion to recommit the bill to the Committee on Appropriations for a period of 14 days.

The PRESIDING OFFICER. Under the previous order, the time until the cloture vote will be equally divided between the managers or their designees.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise to speak as in morning business.

ZIKA VIRUS

Mr. President, the statement just made by the Senate Democratic leader on the Zika challenge to the United States is well documented. What is well documented is that the President of the United States came to Congress 4 months ago and said: We are facing a public health threat. Do something.

For 4 months the Republican-led Congress has done nothing. Meanwhile, the mosquitoes carrying this deadly virus are on the march.

This is a report from the New York Times from last week which I ask unanimous consent to have printed in the RECORD in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 17, 2016]

U.S. OFFICIALS ARE SURPRISED BY ZIKA RATE IN PUERTO RICO

(By Catherine Saint Louis)

Roughly 1 percent of recent blood donors in Puerto Rico showed signs of active infection with the Zika virus, suggesting that a substantial portion of the island's population will become infected, federal health officials reported on Friday.

From April 3 to June 11, testing of 12,700 donations at blood centers in Puerto Rico identified 68 infected donors, according to the Centers for Disease Control and Prevention.

Over all, about 0.5 percent of donors had active Zika infections, but the prevalence rose to 1.1 percent in the week ending June 11. The virus, carried by the yellow fever mosquito, has been linked to birth defects in infants and neurological problems in adults.

''There are a lot more Zika-positive people than we would anticipate this early'' in the outbreak, said Phillip Williamson, an author of the C.D.C. report and the vice president of operations at Creative Testing Solutions, a blood-donor testing laboratory.

Based on prior experience, Dr. Williamson said he would not have expected so many Zika-infected donors until late June or at early July.

The C.D.C. has estimated that as many as a quarter of the island's 3.5 million people may become infected with the Zika virus this year.

''It's possible that thousands of pregnant women in Puerto Rico could be infected,'' Dr. Thomas R. Frieden, the agency's director, told Reuters on Friday, leading to ''dozens or hundreds of infants being born with microcephaly in the coming year.''

Zika-contaminated donations are removed from the blood supply. In the continental United States, where local transmission of the virus has yet to be reported, most blood banks are not yet using the experimental screening test used in Puerto Rico, which was made by Roche Diagnostics.

Mr. DURBIN. Mr. President, this article is entitled, ''U.S. Officials Are Surprised by Zika Rate in Puerto Rico.''

It goes on: ''Roughly 1 percent of recent blood donors in Puerto Rico showed signs of active infection with the Zika virus, suggesting that a substantial portion of the island's population will become infected, federal health officials reported on Friday.''

They go on to cite the statistics that have been analyzed by the Centers for Disease Control and Prevention, and here is what they concluded:

Based on prior experience, Dr. Williamson [of the CDC] said he would not have expected so many Zika-infected donors until late June or early July.

The CDC has estimated that as many as a quarter of the island's 3.5 million people may become infected with the Zika virus this year.

''It's possible that thousands of pregnant women in Puerto Rico could be infected,'' Dr. Thomas R. Frieden, [the CDC's] director, told Reuters . . . leading to ''dozens or hundreds of infants being born with microcephaly in the coming year.''

What is the Republican majority waiting for in the U.S. Senate? What is the Republican majority waiting for in the U.S. House of Representatives?

Don't they believe this is a serious public health threat? If they don't, they are ignoring the obvious—evidence given to us by the leading public health defense agency in the United States of America, if not the world. Over and over again, they tell us this is a deadly threat. While the infection rates increase and the infections among pregnant women increase and the number of these infants who are afflicted by serious birth defects increase, the Republicans in the House and Senate are too busy focusing on Donald Trump to pay attention to this public health crisis. It is about time they accepted the reality, and the reality is they were elected to lead, they were elected to protect, they were elected to serve, and when it comes to the Zika virus, they are doing none of this. They are standing back, twisted in knots, trying to figure out how to take money away from other public health challenges to deal with this, and 4 months have passed. These mosquitoes are spreading this infection across Puerto Rico, and soon we will know more in the United States.

Senator REID suggested there were 2,000 Americans with the Zika virus infection; 400—if I recall his numbers correctly—pregnant women, and there is already evidence of babies here being born afflicted because of this infection. What is the Republican majority waiting for?

FIGHTING TERRORISM

Mr. President, the Senate Republican leader came to the floor earlier this morning to speak to us about ISIL and terrorism. I hope he understands there is a political consensus on the following statement: We should do everything in our power to prevent any terrorist attack in the United States and everything in our power to stop the spread of terrorism overseas, including and especially when it comes to ISIS.

What Senator REID asked of Senator MCCONNELL is the right question. You come with criticism of our current policy, but you offer nothing. There is no suggestion by the Senate Republican leader that we should be sending invading armies again. We did try that in Iraq, and the consequences are well known. We lost 4,844 lives—American soldiers who gave their lives in Iraq. Over a half million returned with injuries, some of them with injuries that will be with them for a lifetime. The cost to the United States in terms of death, injury, and the problems that these veterans face will go on for generations. Is the Senator from Kentucky suggesting we should do that again? I hope not.

What we are doing is joining up with Iraqi forces to defeat ISIS. We are

using the best of American intelligence and guidance to make sure they are effective and there is evidence of success.

The statement put in the RECORD from Senator CARPER goes into detail. Senator REID alluded to it in his speech. It talks about the things we have done and the success we have had. The notion that we can do this overnight, that we just invade with a large U.S. Army—if that is what Senator MCCONNELL is suggesting, I would suggest he go back in history and reflect on his own vote for the invasion of Iraq, which I disagreed with at the time and still do. It was a mistake for us to invade.

Then there is the question about the gun issue, particularly when it comes to assault weapons. Do you know what the terrorists have told us? They basically said to us: Go ahead and fight the last war. Focus on what happened on 9/11. Put all your resources at airports. Be ready to stop anyone who wants to take over an airplane. It is a worthy goal, but while you are diverted with that goal, fighting the last terrorist war, we are opening up new fronts, and one of those fronts very specifically is that the terrorists warned us: We know where to buy assault weapons in the United States. We know about your gun shows. We know about your Internet sales, and that is where we are going to turn.

They are calling on their aspiring terrorists around the world to find access to assault weapons and turn them on innocent Americans. We saw the devastating impact of that in Orlando two weeks ago.

Because of the filibuster last week that was initiated by Senator MURPHY of Connecticut and sustained by Senator BOOKER of New Jersey and Senator BLUMENTHAL of Connecticut and 37 others who came to the floor to support them, we forced a vote on Monday night on 4 gun safety issues. None of them passed. It was established that they needed an extraordinary majority. That was the decision made by the Republican leadership. While we came close to a majority on many of these votes, we didn't have the 60 votes necessary to make them law.

Luckily, we have one Republican Senator on the Republican side who showed extraordinary courage. Senator COLLINS of Maine has stepped up to try to craft a measure to keep deadly weapons out of the hands of terrorists in the United States. Do the American people agree with Senator COLLINS? Only by a margin of 90 percent, they believe she is right. They believe we are right—that we should do something to defy the National Rifle Association and make it more difficult for those who are suspected terrorists to buy firearms, especially assault weapons. Well, she is working on it, and I am working with her. Many of us are supporting her effort—a bipartisan effort, and one that is long overdue.

When the Senator who is the Republican majority leader comes to the floor and says we need to do more to fight terrorism, what is he doing to fight terrorism? When it comes to assault weapons and those who are purchasing them in the United States—like the deadly killer in Orlando—he can help us. The Kentucky Senator who is the Republican leader can help us by making America safer and keeping automatic weapons, assault weapons, and semiautomatic weapons out of the hands of would-be terrorists. That would mean defying the National Rifle Association, and many on the Republican side are scared to death of that—just scared to death of what that organization might do to them if they join Senator COLLINS, if they join Senator FEINSTEIN, in trying to stem the rise of terrorism from these assault weapons in the United States.

I have said it before and I will say it again: There is no self-respecting hunter, sportsman, or even a person looking for self-defense who can defend these weapons that are being sold in the United States.

There was a Snapchat video of one of the victims in Orlando, the last 9 seconds of her life before she was killed. She turned on her cell phone, and in 9 seconds, 17 rounds were fired by this aspiring ISIS terrorist who had access to an assault weapon. Assault weapons belong in the hands of law enforcement and the military. They shouldn't be so easily accessible by those who would turn them on innocent Americans, whether it is in a classroom in Newtown, CT, or in a nightclub in Orlando.

I would say to the Senator from Kentucky that if he wants to stop terrorism, start at home. Start at home by preventing terrorist access to these deadly weapons that have no effective use when it comes to sport and hunting and that are just being purchased, sadly, for collections reasons or for those who want to misuse the weapons to kill innocent people.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The assistant bill clerk (Lindsay Gibmeyer) proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that the time be equally divided between the Democrats and Republicans during the quorum call.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4787

Mr. LEAHY. Mr. President, as a member of the Appropriations Committee, I am concerned about a pending amendment, McCain amendment No. 4787.

We had a series of votes earlier this week on sensible gun safety measures. We know by all the polling that the overwhelming majority of Americans supported these measures, but they were blocked by Senate Republicans.

Now it appears the Republican leadership wants to change the subject. They are resorting to scare tactics to divert the attention of the American people from their failure to act in response to mass shootings. Let's be clear about what we need to stay safe. We need universal background checks for firearms purchases and we need to give the FBI the authority to deny guns to terrorist suspects.

Senate Republicans rejected those commonsense measures earlier this week, but we still have the chance to give law enforcement real and effective tools. We should strengthen our laws to make it easier to prosecute firearms traffickers and straw purchasers.

I am a gun owner. I know if I go in to buy a gun in Vermont—even though the gun store owner has known me most of their life—I have to go through a background check. But you can have somebody who has restraining orders against them, warrants outstanding against them, or who could have been convicted of heinous crimes, and they can walk into a gun show, with no background check, and buy anything they want.

We also know they can go and buy all kinds of weapons to sell at a great profit to criminal gangs that couldn't buy them otherwise, and of course to those who are going to commit acts of terrorism and hate crimes.

We also need to fund the FBI and the Justice Department so they have the resources to combat acts of terrorism and hate. Those are the elements of the amendment that Senators MIKULSKI, BALDWIN, NELSON and I filed yesterday.

In contrast, Republicans are proposing to reduce independent oversight of FBI investigations, and make permanent a law that as of last year had never been used. The McCain amendment would eliminate the requirement for a court order when the FBI wants to obtain detailed information about Americans' Internet activities in national security investigations.

You can almost hear J. Edgar Hoover, who loved to be able to spy on any American he didn't like, asking: Why didn't I have that when I was the head of the FBI?

The McCain amendment could cover Web sites Americans have visited; extensive information on who Americans communicate with through email, chat, and text messages; and where and when Americans log onto the Internet and into social media accounts. Over time, this information would provide highly revealing details about Americans' personal lives, Americans who are totally innocent of any kind of criminal activity, and they get all of this without prior court approval.

That is why this amendment is opposed by major technology companies and privacy groups across the political spectrum, from FreedomWorks to Google, to the ACLU.

Senator CORNYN and others have argued that we cannot prevent people on the terrorist watch list from obtaining firearms without due process and judicial review. Yet at the same time they are proposing to remove judicial approval when the FBI wants to find out what Web sites Americans are visiting. The FBI already has the authority to obtain this information if it obtains a court order under section 215 of the USA PATRIOT Act.

None of us would feel comfortable if the FBI or any law enforcement agency could just walk into our home, rifle through our desks, and go through the notes of whom we have called or whom we have talked to. But they are saying because we have done it electronically and through the Internet, we ought to be able to just ignore any right of privacy and go into it.

So rather than trying to distract us from their opposition to commonsense gun measures, such as their opposition to requiring somebody who has criminal indictments pending against them from being able to go to a gun show and buy guns, Republicans should support actions that will help protect us, such as those in the amendment filed by Senators MIKULSKI, BALDWIN, NELSON, and myself.

Instead of kowtowing to a very well-organized special interest lobbying group, why not listen to the lobby of the American people and do what Americans want. I hope Senators will oppose the McCain amendment. I hope they will support measures that will actually help keep our country safe.

Mr. President, I yield the floor to the distinguished Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank my colleague. He and I have worked on this. He is really outlining the hypocrisy behind what has been going on over the past few days.

Mr. President, due process ought to apply as it relates to guns, but due process wouldn't apply as it relates to the Internet activity of millions of Americans. My view is that the country wants policies that promote safety and liberty. Increasingly, we are getting policies that do not do much of either. Supporters of this amendment, the McCain amendment, have suggested that Americans need to choose between protecting their security and protecting their constitutional right to privacy.

The fact is, this amendment doesn't improve either. What it does is, it gives an FBI field office new authority to administratively scoop up Americans' digital records, their email and chat records, their text message logs, Web-browsing history, and certain types of location information without ever going to a judge.

The reason this is unnecessary—and it is something I believe in very strongly and worked hard for it in the FREEDOM Act—there is a very specific section in the FREEDOM Act, which I worked for and authored in a separate effort in 2013, that allows the FBI to demand all of these records—all of the records I described—in an emergency and then go get court approval after the fact. So unless you are opposed to court oversight, even after the fact, there is no reason to support this amendment.

The FBI has not, in any way, suggested that having this authority would have stopped the San Bernardino attack or the massacre at an LGBT nightclub in Orlando. That is because there is no reason to think that is the case.

The Founding Fathers wrote the Fourth Amendment to the Constitution for a good reason. We can protect security and liberty. We can have both. Somehow, the sponsors of the McCain amendment have said: You can really only have one or the other.

Mr. President and colleagues, the other argument that was made yesterday—some have said, we have to have this amendment because it will just fix a typo in the law. That is not true. I urge colleagues to take a look at the record on this. The record makes it clear that this provision was carefully circumscribed, was narrowly drawn. The notion that this is some sort of typo simply doesn't hold water.

The fact is, the Bush administration—hardly an administration that was soft on terror—said this was not needed, this was not something they would support; that the national security letter statute ought to be interpreted narrowly just the way the authors in 1993 envisioned.

I see my friend, the distinguished chair of the Intelligence Committee. I know we are going to hear how this is absolutely pivotal in order to protect the security of the American people. I will recap.

No. 1, never once has the FBI suggested this would have prevented Orlando; No. 2, in the face of an emergency under the legislation I authored, the government, in an Orlando or San Bernardino issue, can go get the records immediately and then after the fact settle up; No. 3, this was not a typo. This was what the authors had suggested; No. 4, the Bush administration, hardly soft on terror, didn't believe what this amendment was all about was necessary. This is an amendment that would undermine fundamental American rights without making our country safer.

In my view, undermining the role of judicial oversight, particularly when it doesn't make the country safer and we have a specific statutory provision for emergencies to protect the American people, this amendment defies common sense.

I hope my colleagues will oppose it. I urge my colleagues to do so. I think it is going to be very hard to explain to the American people how an approach like the one behind this amendment, that would allow any FBI field office to issue an administrative subpoena for email and chat records, text message logs, web-browsing history, location information—that you ought to be able to do it without judicial oversight, when you have a specific law that says government has the right to move quickly in an emergency. I think it is going to be pretty hard to explain to the American people how you are going to have an arrangement like this that does not make us safer and certainly jeopardizes our liberties.

I am for both, and this amendment doesn't do much of either.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, as I grew up, I remember listening daily to Paul Harvey on the radio. Paul Harvey's motto was, ''and now the rest of the story.''

That is where we are. I give Senator WYDEN a tremendous amount of credit for consistency. He is consistently against providing the tools that law enforcement needs to defend the American people. That is fine, if that is your position, but let's talk about fact.

This statute was changed in 1993, and in one subpart of that legislation, it was not carried over about the ISP—Internet service provider—responsibility to provide this information when requested by law enforcement.

From 1993 until 2010, every technology company, when requested by the FBI, continued to provide this information. This is not a new expansion. It is clearly something that continued from 1993 until 2010, 6 years ago, when all of a sudden a tech company looked at it and said: Boy, it is in this subpart, but it doesn't state it in that subpart so we are not going to provide it for you anymore.

Myth: We have never asked for this. We have never had this.

No, we have had it for a long time, and until 2010, every company supplied it to the Federal Bureau of Investigation. All of a sudden, one company's

general counsel said: We don't see it in this subpart; therefore, we are not bound to provide that for you.

We are either going to fight terrorism and prosecute criminals or we are not going to do it. We can take away every tool because we use this excuse that technology now forbids us from accessing information.

Let me say about this, we get no content. To get content, you have to go to a judge on a bench, and that judge has to give you permission to actually read the content. We are talking about addresses, locations, times that, in the case of reconstruction or in the case of trying to prevent an attack, could be crucial.

The one fact I heard from my colleague from Oregon is that this wouldn't have stopped San Bernardino or Orlando. He is 100 percent correct. But I hope there is no legislation we are considering in the Senate that is about a single incident. This is about a framework of tools law enforcement can use today, tomorrow, and into the future; it is not about looking back and saying: But it didn't exist here.

Let me just explain what happens if, in fact, this inadvertent change isn't made. It means the FBI goes from a 1-day process of getting this vital information to over a month. To go to the FISA Court and get approval to seek the information—over a month. If it had to do with a terrorist attack, boy, I hope the American people are comfortable with saying: As long as the FBI figures this out a month in advance, then we are OK. But when you look at the MO of attacks around the world, in most cases, we had no notice. In most cases, maybe another thread of information might have given us the preventive time we needed.

In many cases, connecting the dots is also a matter of time. Director Comey came and had a session with all Members of the Senate last week. His comment about expediting this information into the public domain was because he wanted to assure the American people that they had reviewed as much as they could to certify that there was not another cell, that the American people could sleep safe that night. Well, this is part of that process—being able to access the information you need in a timely fashion.

You know something he forgot to say is that this is the Obama administration's language. We can talk all we want to about Bush or Clinton or whatever; this is the Obama administration—the one that has the responsibility today to keep the American people safe. It is the administration that has come to the Senate, provided the language, and asked for this clarification to be made because it was inadvertently left out in 1993.

So we are here today to fix something that is broken, not to expand in any way, shape, or form the powers or to intrude into privacy, because there is no content collected. This is simply to provide law enforcement with tools that enable them to fulfill their mission, which is to keep America safe.

In addition to the ECTA fix, let me say there is a lone-wolf provision that extends the lone wolf permanently. The lone wolf provision provides the government's ability to target non-U.S. persons—foreigners only—who engage or attempt to engage in international terrorism but do not show specific links to a foreign power or terrorist organization to be under the lone-wolf provision. It is too important to let it expire.

This provision is not about addressing or responding to a single specific threat—particularly one that has already manifested itself—any more than the underlying bill is. I urge my colleagues to support this legislation. The American people need it, law enforcement needs it, and the Obama administration wants it. It is what we operated under from an understanding from 1993 until 2010, when a general counsel in one company decided to buck the system and say: Spell it out for me or we are not going to do it. Let's spell it out for them and give law enforcement this tool.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. Ten minutes remains.

Mr. MCCAIN. I won't take the entire 10 minutes. I notice the Senator from Oregon, and I would be glad to yield to him 3 minutes of the 10 minutes remaining so he can speak in his usual articulate fashion.

Mr. WYDEN. I thank my colleague for the time.

Mr. MCCAIN. I yield 3 minutes of my 10 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I want to come back again to the argument I made earlier. The Senator from North Carolina said the FBI would have to wait around if there was something that really had the well-being of the American people at stake. That is simply inaccurate. In the USA FREEDOM Act, I was able to add a provision I feel very strongly about, which says if the FBI thinks the security and well-being of the American people are on the line, the FBI can move immediately to collect all the information we have been talking about. So there is no waiting. There is no dawdling under the amendment we put in the FREEDOM Act. The government can go get that information immediately and come back and then settle up later with the judge. Frankly, that was something I felt extremely strongly about because I wanted it understood that there is not a debate about privacy versus security. This is about ensuring that we have both, and that is why that emergency provision is so important.

My colleague made mention of the fact that the FBI would be waiting around if the country's safety and well-being were on the line. No way—not because of the specific language in the USA FREEDOM Act I offered and my colleague supported. This is about ensuring that the American people can have both security and liberty.

We have heard the lone-wolf provision referred to. That was extended for 4 years in the USA FREEDOM Act. I supported that as well.

So what we are talking about today is not making the country safer but threatening our liberty. And I did draw a contrast between this and the issue with respect to guns. Our colleagues said we ought to have due process as it relates to guns. I certainly support the idea of due process, but it shouldn't be a double standard—we are going to have due process there, and we are not going to have due process as it relates to these national security letters.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. WYDEN. If I could have 10 additional seconds, and I appreciate my colleague's courtesy.

Mr. MCCAIN. Certainly.

Mr. WYDEN. The amendment gives the FBI field office authority to scoop up all this digital material without judicial oversight. That is a mistake.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, obviously I urge my colleagues to support this amendment. I thank the distinguished chairman of the Select Committee on Intelligence, who knows as much about this issue as any Member of Congress or anyone else, and I appreciate the great job he is doing and his important remarks.

Look, this is pretty simple. The amendment has the support of the National Fraternal Order of Police; the Federal Law Enforcement Agencies Association, which is the largest national professional law enforcement association; and the Federal Bureau of Investigation Agents Association. Literally every law enforcement agency in America supports this amendment so they can do their job and defend America.

Ronald Reagan used to say that facts are stubborn things. The fact is, according to the Director of the CIA, according to the Director of National Intelligence, right now Baghdadi, in Raqqa, is calling people in and saying: Get on this. Get on this and get back to the United States or Europe and contact us then and we will attack.

There will be more attacks, according to both the Director of the CIA and the Director of National Intelligence.

Right now there are, unfortunately, young people in this country who are self-radicalizing. And what vehicle is doing the self-radicalization? It is the Internet.

We are not asking for content here; we are just asking for usage, the same way we can do with financial records, the same way we can do with telephone records. This is an important tool.

How could anyone—and I say this with great respect for the Senator from Oregon. He is a passionate and articulate advocate for what he believes in, and he has my respect and friendship. But I ask, in all due respect, after the events of the last few days, when we know that attacker was self-radicalized—and what did he use for it? He used the Internet.

I don't know if that attack could have been prevented, but I know that attacks can be prevented because that is the view of the chairman of the Select Committee on Intelligence, the Director of the Federal Bureau of Investigation, the Director of the CIA, and the Director of National Intelligence, who are not interested in taking away our liberties but are interested in carrying out their fundamental responsibilities, which happen to be to protect this Nation.

So all I can say to my colleagues is that we need to protect the rights of all of our citizens. We can't intrude in their lives. This constant tension will go on between the right of privacy and national security, and I think there are gray areas we need to debate and come to agreement on finally over time, but this issue is, honestly, a no-brainer.

When the Director of the Federal Bureau of Investigation, who is probably one of the most respected individuals in America, admired and respected by all of us, is saying this is one of his highest priorities in order to protect America, then I think we should listen to him. When the Director of the CIA says they are planning further attacks on the United States of America and Europe, we should give them the tools they need to prevent that. When the Director of National Intelligence testifies before the Committee on Armed Services that there will be further attacks, shouldn't we give them this rudimentary tool, which, according to the chairman of the Select Committee on Intelligence, was basically an oversight? Shouldn't we correct that, and can't we protect the rights of every individual and every American and still enact this really modest change, which, although in some ways modest, according to the Director of the FBI, is of his highest priorities?

So let's listen. Let's listen to those whom we entrust our Nation's security to after going through the confirmation process and the approval or disapproval of the Members of this body, who are then entrusted with the solemn obligation of defending this Nation. They are saying unanimously that they need this authority in order to carry out their responsibilities.

Mr. President, we are going to vote here in a couple of minutes, and I would urge my colleagues to respect the views—maybe not mine, maybe not the chairman of the Select Committee on Intelligence, but let's respect the views of those who are entrusted with defending this Nation. I believe we should give them this authority.

This debate will go on, I say to my friend from Oregon. There will be other areas where there is tension between the right of every citizen to privacy and the requirement to defend this Nation because we are facing a challenge the likes of which we have never seen before, and that is this whole thing of self-radicalization and people who are sneaking into this country to commit acts of terror, which has the entire American public concerned—San Bernardino, Orlando.

I hope the Senator from Oregon and those who will vote no on this amendment understand that in the view of the experts on terrorism in this world—absolutely are convinced there will be further attacks. Shouldn't we give them this fundamental tool, this basic tool they have asked for? I believe they respect all Americans' right to privacy as well.

I urge my colleagues to vote aye on this amendment, and then we can move on to other ways to help our enforcement agencies and our intelligence agencies defend this Nation against this threat, which is not going away.

Mr. President, I believe my time has expired.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, has all the time expired?

The PRESIDING OFFICER. All time has expired.

Mr. HEINRICH. I ask unanimous consent to speak for 2 minutes.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 4787 to amendment No. 4685 to Calendar No. 120, H.R. 2578, an act making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Chuck Grassley, Orrin G. Hatch, John Thune, Thad Cochran, Marco Rubio, Tom Cotton, Richard Burr, Pat Roberts, Thom Tillis, Mike Rounds, John Cornyn, John Barrasso, Deb Fischer, Cory Gardner, Shelley Moore Capito, Johnny Isakson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4787, offered by the Senator from Kentucky for the Senator from Arizona, to amendment No. 4685 to H.R. 2578, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Idaho (Mr. CRAPO).

Mr. DURBIN. I announce that the Senator from Indiana (Mr. DONNELLY), the Senator from California (Mrs. FEINSTEIN), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

The PRESIDING OFFICER (Mr. SULLIVAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 38, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—58

Alexander	Graham	Reed
Ayotte	Grassley	Reid
Barrasso	Hatch	Risch
Blunt	Heitkamp	Roberts
Boozman	Hoeven	Rounds
Burr	Inhofe	Rubio
Capito	Isakson	Sasse
Casey	Johnson	Scott
Cassidy	King	Sessions
Coats	Kirk	Shelby
Cochran	Klobuchar	Sullivan
Collins	Lankford	Thune
Corker	Manchin	Tillis
Cornyn	McCain	Toomey
Cotton	McCaskill	Vitter
Cruz	Mikulski	Warner
Enzi	Moran	Whitehouse
Ernst	Nelson	Wicker
Fischer	Perdue	
Flake	Portman	

NAYS—38

Baldwin	Gardner	Murray
Bennet	Gillibrand	Paul
Blumenthal	Heinrich	Peters
Booker	Heller	Sanders
Boxer	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	Leahy	Shaheen
Cardin	Lee	Stabenow
Carper	Markey	Tester
Coons	McConnell	Udall
Daines	Merkley	Warren
Durbin	Murkowski	Wyden
Franken	Murphy	

NOT VOTING—4

Crapo	Feinstein
Donnelly	Menendez

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 38.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Republican leader.

Mr. MCCONNELL. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

Mr. CORNYN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE ADDICTION AND RECOVERY BILL

Mr. PORTMAN. Mr. President, I rise today to talk about the heroin and prescription drug epidemic that is tearing families apart and devastating communities in every one of the States represented in this Chamber.

I rise today for the 10th time since this body, the Senate, passed CARA—the Comprehensive Addiction and Recovery Act—by a vote of 94 to 1. It took us 2½ weeks on the floor to get that done. It took 3 years of work to build up the right consensus, but we got it done. The House then proceeded over time to pass 18 separate bills dealing with this issue, and now we are in conference with the House.

As I have said in every speech I have given over the last 10 weeks we have been in session since that time, we need to move and move quickly, and there is no excuse for inaction. I am going to continue to come to the floor and talk to my colleagues on both sides of the aisle, leadership on both sides of the Capitol, on this issue until we get it done. Why? Because this is an emergency. This is not just another issue that Congress should take up; this is one that is affecting every single community in America. Sadly, it is getting worse, not better.

Every week when I come to the floor, unfortunately, I come with new news. I come with information that has come to my attention since my previous talk on the floor about what is happening in our communities, and I will do that again today.

There is some good news, and that is that since I spoke on the floor last week, the Senate Appropriations Committee has voted to increase funding to deal with this opioid issue—this is heroin, prescription drugs, and this new fentanyl, which is a synthetic form of heroin that is gripping our communities—and the funding increase was made as a commitment by the Senate Appropriations Committee on a bipartisan basis to have a 93-percent increase in funding as compared to this year.

This year we also saw an increase in funding. Thanks to the leadership of some of the Members in this body, we increased the funding for this year, and we have increased it again for next year. That is the good news, but we have to be sure the money is properly spent.

That is what CARA is about. It is an authorization bill, and it says that going forward, let's be sure we are spending it on evidence-based treatment and recovery that actually works to make a difference to get people back on track; let's be sure we are spending it on the kinds of things that keep people from getting into the funnel of addiction in the first place—again, evidence-based prevention and education; let's be sure we are helping our law enforcement and helping our health officials.

The reason the Fraternal Order of Police strongly supports this legislation is it helps them in training how to use naloxone and Narcan more effectively and provides them the ability to have that to be able to take these overdose increases we have seen in all of our States—be able to save lives.

So this legislation is comprehensive. It is needed. We now have the funding in place. Should there be more funding? Yes, I think so. But this is an awfully good start, to have a 93-percent increase and an increase already for this year.

There is no excuse for us not getting this conference committee completed and taking the comprehensive Senate bill and merging it with the individual House bills and getting it to the President's desk for his signature. The comprehensive approach is the only way to do this.

The acting U.S. attorney for Northern Ohio said it well. Her name is Carole Rendon. She is involved with it, folks. She is in the trenches. She said: ''The only way we can stem this tide is with a comprehensive approach.'' I couldn't agree more.

A lot of us, including my friends and allies on the outside, are interested in this issue. There are 130 national groups who have supported this legislation. Virtually every group in the country involved in prevention, education, treatment, recovery, and law enforcement has supported this. But they are concerned about the House versions—the 18 separate bills versus the comprehensive bill—because the House versions do not deal effectively with this issue of recovery. Treatment and recovery need to go hand in hand.

By the way, without recovery, the legislation is not comprehensive. It is called the Comprehensive Addiction and Recovery Act for a reason. We know that funding the right kinds of recovery programs will work to help people get back on track and bring their families back together and keep them away from some of the aspects we all know about. The No. 1 cause of accidental death in the State of Ohio is overdoses. It is probably the No. 1 cause of accidental death in the country, from the data we recently received. We have to be sure that recovery works.

CARA offers critical resources to develop recovery support services for individuals and families working to overcome addiction. It promotes recovery programs in high schools and colleges that, sadly, are needed.

At Ohio State University, we happen to have a model recovery program. Sarah Nerad, who is a brave young woman, started it. It is something other schools are now emulating. It started with a couple of people, and it has grown and grown in Ohio State. Recovering addicts can come together and talk among themselves in a support group. These are college students. This is something that has been very helpful at the college and high school level because it is needed.

There are some good ideas in the 18 bills passed by the House that were not in CARA, and we should incorporate those. One I like particularly is lifting the cap on Suboxone so we can expand the number of patients who can be treated by a doctor for an opioid dependency. Suboxone, like methadone, is one of the treatment methods that are used. That cap should be raised. There seems to be a bipartisan consensus about that.

I am hopeful that we can quickly resolve the differences we have between the House and Senate bills, pick up the good parts of the House bill, keep it comprehensive, and get it to the President's desk for his signature. I am encouraged that the conference is getting going. Last week I thanked Senator MCCONNELL, the majority leader, for naming the conferees on the Senate side. There has already been a lot of good work done, and now we have the conferees officially named on both sides. Again, there is no excuse for not moving forward.

I was very concerned yesterday when I heard a news report from National Public Radio about a White House meeting with some Democratic Members of Congress about potentially stalling CARA, the Comprehensive Addiction and Recovery Act. One White House legislative aide is quoted in the story as saying, ''We need to slow down the conference enough so that the White House . . . can bring it back to the American people. . . . We need . . . help in slowing it down.'' The piece went on to say that some of the Democratic Members who went down to the White House ''were eager to help'' to slow it down. I hope that is not accurate. I can't believe it would be. Delaying might be a good way to score some political points, but it is terrible policy. It is the wrong thing to do, and it is a disservice to the millions of Americans who are suffering across this country from the consequences of addiction and who are waiting for relief. They have been patient so far, but these 130 groups I talked about are getting increasingly impatient, and I don't blame them. I am too. This bill is about saving lives. Delay means the status quo continues.

On average, 129 Americans lose their lives every day. We had 129 families come to the Capitol a few weeks ago to make that point—the CARA family group—to be able to let Members know this is something we need to act on now. Every day five Ohioans, on average, lose their lives. That is one every

12 minutes at the national level. In the 103 days since we passed CARA in this Chamber with a 94-to-1 vote, during those 103 days, that means 12,000 Americans have lost their lives to overdoses from heroin and prescription drugs.

Again, the overdoses don't tell the story. As horrific as that is, it is a much bigger story. It is about all the casualties—people who may not have overdosed and died, but they are casualties. They have been torn apart from their families. They have been torn apart from their work. They have been driven to crime, such as theft, to support their habit. They do feel as though there is no hope for them. Nine out of ten people who are addicted are not getting treatment. This is happening right now. The price of delay is those people are not getting the help they need. The longer we delay, the longer this epidemic continues to get worse.

Maybe some of those who want to delay CARA don't realize how urgent this crisis is. I know there is a lot going on right now, and maybe they are distracted by other issues. Maybe they don't know the statistics. Maybe they don't know the stories of the families broken up, the lives cut short, or those who are casualties to this. Maybe they don't know the faces behind these statistics.

Again, just since last week when I spoke last time, we have new information that is troubling. We know now that the Centers for Disease Control and Prevention is warning that the heroin epidemic is actually driving the threat of HIV and hepatitis C, including in my own area of Southwest Ohio. We now know that. So this is about heroin and prescription drugs, but it is also about hepatitis C, and it is also about HIV.

Maybe they don't know about the drug traffickers sentenced last week in Lima, OH, for trafficking $300,000 worth of heroin and 20,000 injections' worth of heroin.

Maybe they don't know about Stosh Simcak of Euclid, OH, outside Cleveland. He was a star athlete in soccer and football. He was a charismatic, talented, and joyful young man. In high school, he started to experiment with drugs. He started with marijuana and ecstasy and prescription pain killers. He got addicted to opioids and then turned to heroin because it is less expensive and more available. His relationship with his family suffered, of course, as it almost always does. The drug becomes everything. At times, his relationship was broken altogether. He had a hard time getting a job and keeping a full-time job. Finally, he agreed he needed help. His parents unsuccessfully tried to get him into five different rehabilitation centers. Often there was no room. He was arrested with a felony drug charge. He posted bond and was released. He told his dad Steve in a text message:

> I don't want to lose my family. I lost enough already. . . . I want to be the son you can be proud of if it's not too late.

That was the last time Steve ever heard from his son. Within 48 hours, he died of an overdose.

Maybe those who support delaying CARA don't know about Dan Durbin from Delphos, OH. It is a small town. He reports setting up on the front lawn for his daughter's high school graduation party recently and seeing in the alley right next door a heroin deal taking place in front of these high school students.

I know it is an even-numbered year, meaning it is an election year. There is always another election. But delaying CARA is unacceptable. Partisanship is not going to help people who are suffering to find treatment. It is not going to heal our families. It is not going to educate our kids so they don't become addicted. If we want to show the American people we can accomplish something that really makes our communities better, we will get CARA to the President as soon as possible.

We have kept this legislation completely nonpartisan, not just partisan. We brought in major experts from around the country. We had five conferences over a 3-year period. We gathered ideas from Democrats and Republicans. If anyone had a good idea, we didn't ask where it came from. We asked if it was a good idea, if it would help to address this problem. That is the way things are supposed to work.

We had strong help from the White House Director of National Drug Control Policy, Michael Botticelli, who has stated repeatedly we need a comprehensive solution and was quoted as saying:

> There is clear evidence that a comprehensive response looking at multidimensional aspects of this that are embedded in CARA are tremendously important. . . . We know that we need to do more, and I think all of those components put forward in CARA are critically important to make headway in terms of this epidemic.

That is the White House drug czar. I hope the White House staffer who was quoted as saying ''Let's delay'' actually talks to the drug czar.

Nearly every Democrat in this Chamber voted in support of CARA, and I commend them for that. Democrats were indispensable in crafting it. They were involved at the very start.

SHELDON WHITEHOUSE is the coauthor of this legislation with me. He has a real passion for this. He has a heart for it. He understands the pain these families who lost a loved one feel. He understands the casualties of this epidemic. He gets it.

AMY KLOBUCHAR has also been very involved, KELLY AYOTTE on our side, and others. This has been something from the start—again, not just partisan but nonpartisan. It has been a group effort. That is one reason I think we have received so much good support because we came up with the right ideas. These groups around the country who worked for us on that realize it is going to make a difference.

I have been involved with this issue of drug abuse and addiction for more than two decades. Twenty-two years ago, a mom came to my office and said her son had just died of an overdose. What was I doing? That got me engaged. I am the author of the Drug-Free Communities Act, the Drug-Free Media Campaign Act, and the Drug-Free Workplace Act.

In this Chamber I have been the author of other legislation, including with DIANNE FEINSTEIN, to stop these synthetic drugs and to make sure they are scheduled as illegal drugs. In terms of prescription drug monitoring, we have tried to help pass legislation on interstate prescription drug monitoring.

But this legislation, this CARA legislation, is what is needed now. There is no good reason to keep these families who are affected waiting.

We can have a conversation about funding. Again, I am for more funding. I have voted that way. This 93-percent increase in funding this year and in the next appropriations bill for next year is a great step forward.

Respectfully, let me just say again that this issue is not like everything else we face around here. This is urgent. We have to move, and we have to move now.

Will it solve the problem? No. The problem is not going to be solved from Washington, but Washington can be a better partner in addressing the issue right now, and it is a growing issue.

Whether I am in a suburb, a rural area, or the inner city in Ohio—no matter where I am, I hear from people about this issue. I have a tele-townhall tonight. I will hear about it.

A few weeks ago in our tele-townhall, a gentleman called in and wanted to talk about the treatment options in CARA. He seemed to know a lot about it. I asked him why he knew so much about this, if he wouldn't mind talking about it, reminding him there were probably 25,000 people on the call at the time and that he was being heard by a lot of people. He told his story, which unfortunately was a story you hear way too commonly in my State of Ohio. His daughter—in and out of treatment and, in her case, in and out of the criminal justice system—had decided to seek treatment. She went, she couldn't get in, and 14 days later she died of an overdose.

According to one poll, 3 in 10 Ohioans know someone who is struggling with an opioid addiction. Family members, friends, coworkers, fellow parishioners, their neighbors—those family members are hurting too. It is almost unbearable to watch a loved one suffer through this disease, and it is a disease in that it requires treatment.

Ohioans are taking action—and appropriate action too. I commend them for that.

In Warren, OH, the Braking Point Recovery Center recently held its annual Walk Against Heroin. Nicholas Story and Emily Smith, who are in recovery from addiction, bravely spoke at that rally about their experiences and how this epidemic is affecting them. Nicholas spoke about how much happier he is now that he is in recovery, saying: ''My life has improved so much it is amazing.'' Emily talked about how her mother, some of her cousins, and friends have suffered from addiction. Some have died of overdoses. I commend them for having the courage to speak up and to spread awareness about this epidemic.

Raymond Sansota of Euclid, OH, also spoke about losing his son, Josh, to a heroin addiction. He was a star athlete, played point guard, and was a 4-year letterman in high school. He was an acolyte in his Catholic parish. He was known for his sense of humor, for his musical and artistic talents. He had a good job at a rubber company in Middlefield, OH, but he became addicted to prescription drug painkillers. Eventually, like so many others, he switched to the less expensive, more accessible option, which was heroin. He overdosed at the age of 31.

Raymond, thank you for speaking up.

At Barnesville High School in Barnesville, OH, OhioHealth Services, Barnesville Hospital, and Crossroads Counseling Services held a townhall about the heroin epidemic, bringing together doctors, lawyers, law enforcement, and public health officials.

Judge Frank Fregiato spoke there, and he said: ''Rich, poor, black, white, educated, non-educated, political, nonpolitical, whatever you are, your family is at risk.''

He is right. That is why we can't afford to delay.

Today I was talking to two high school principals who came to me at our weekly coffee in Ohio. They informed me they had lost six of their recent graduates to this issue and that they are holding a townhall on this subject soon at that high school.

On Saturday, in Stark County, dozens of motorcyclists participated in the second annual Families Against The Heroin Epidemic Rally in Stark. Families Against The Heroin Epidemic Rally is also F.A.T.H.E.R.S.; F.A.T.H.E.R.S. is the acronym. These fathers and those who support them raised money for addiction treatment, for treatment for education, and for law enforcement. I thank everyone who participated in this motorcycle ride and everyone who is doing their part to stop this epidemic.

That event was founded by Larry and Kara Vogt of Perry Township. Their sons had recovered from a heroin addiction, and he is in transitional housing. As Larry puts it: ''If you aren't affected by this now, you will be.''

I know the scope of this epidemic can sometimes feel overwhelming, but there is hope. There are many stories of people who have found themselves in the funnel of this addiction, the grip of this addiction, and have found hope through treatment and recovery. There are many who are now helping others to get treatment.

Michael Evans of Columbus, OH, is an example of that. He had chronic back pain. He had Percocet and OxyContin and became addicted. Now he is helping others. He has been clean and sober for more than a year. He is beating it because he got treatment.

Again, it is time for us to act. Again, I have told stories just from the last week of what is happening around the country and in my home State of Ohio. There is no excuse. We need to act quickly to find common ground, to get a comprehensive bill to the President so it can start to help those millions who are struggling. Delay is not an option.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized for such time as I may consume as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, let me just say that my friend from Ohio is truly passionate.

In the years I have been here, I have not heard of anyone who is stronger and has a better understanding of this issue than the Senator from Ohio. I find myself listening as he speaks and reflecting.

I hear the same things. It is not just in Ohio; it is in my meetings that I have in Oklahoma. I am glad he has that passion, pleased he does, and I wish him success.

Mr. PORTMAN. I thank the Senator.

MASS SHOOTING IN ORLANDO AND FIGHTING TERRORISM

Mr. INHOFE. Mr. President, I have to get on the record after the events of the last week and the claims that some of my colleagues made on the Senate floor and that the mainstream media have published about the horrific event in Orlando.

Before we had all the facts about what happened in Orlando last Sunday, people on the left were blaming Congress, and people on the left were blaming Republicans. They were blaming all gun owners who were out there, and they were blaming anyone they could think of for this terrorist attack. The actual person responsible for killing 49 people that day is Omar Mateen, an Islamic terrorist.

There is something wrong with this aversion they have to talking about the real cause of these tragedies that are going on right now around the Nation. By immediately politicizing this act of terrorism, the left has denied the victims, their families, and their friends our full attention and our care. They have denied the Nation a period of mourning for those we lost at the hands of a terrorist who pledged allegiance to the Islamic state.

Last week my colleagues on the other side of the aisle participated in a filibuster against gun rights, and they have continued to demonize those who still believe in the Constitution and the rights that it protects. I am not just talking about gun rights, I am talking about the right to due process, the right to be innocent until proven guilty.

In fact, in their effort to twist this act of terrorism into a need to curtail our constitutional rights, the Washington Post—we are talking about the Washington Post. That is not one of the more conservative publications around. They gave the arguments that they were using against guns three out of four Pinocchios for the way that they falsely twisted information to fit their narrative. Pinocchio means they have studied it, they have looked at it, and they have decided what they said wasn't true.

The left was given a chance for the Senate to vote on their gun control proposals, which would not have prevented this terrorist act from happening, and their proposals ultimately failed to progress in the Senate. Meanwhile, Democrats voted against the amendments that would strengthen our gun laws and keep guns out of the hands of terrorists while protecting the rights of due process.

Over the past week, you have heard my friends on the left say that if you can't fly, you shouldn't be able to buy a gun. Well, this sounds good, and a lot of the media has kind of bought into this idea, but you can't take away the fact that flying is a privilege in this country and gun ownership is a right that is guaranteed by the Constitution. That is a huge difference. You cannot take away a constitutionally protected right without notice and a fair and impartial hearing.

Denying someone their civil rights based on secret lists is unconstitutional. I think everyone knows that, and it will be struck down by the courts. Everybody knows that, but it sounds so good right now to say everyone is going to want to be for gun control. One of the things people forget is they are trying to pass laws that are going to offend the rights of gun owners when, by definition, a criminal breaks laws, a terrorist breaks laws. Consequently, you would have only those individuals who are law-abiding citizens complying with the law.

It is a very simple concept. Again, everyone knows that, but given the irrefutable evidence of Mateen's motivations, many wonder why the administration, supported by the Democrats, is so focused on policies that don't address the core cause of this horrific act—terrorism and the influence of radical Islam here in the United States of America.

The answer is simple. Focusing on the root cause and Mateen's motivations will only further expose the fact that the policies of this administration, supported by most of his own party in Congress, have been a complete failure. Time and again, the President's rhetoric on ISIL, terrorism, and the threat to America is proven wrong in reality.

In January of 2014, the President referred to ISIL as a JV squad and downplayed their threat and influence. Yet just 4 days before he dismissed ISIL as a minor player in the Middle East, they had captured and raised the flag over Fallujah, where our marines fought and died.

My State director is Brian Hackler. I first met Brian Hackler when I was in Fallujah. That was right after—we all remember; I am sure the Presiding Officer remembers—they were taking the fingerprints of the heroic people who were risking their lives to vote over there, and we won in Fallujah. It was like World War II, door-to-door combat. We actually won.

Brian Hackler came back. I hired him after he came back. He is doing a great job for me now. When I called him and I had to tell him that we had lost Fallujah after we had Fallujah in our hands, he literally cried. He had friends who died over there.

Furthermore, the President failed to recognize the threat posed by the Muslim Brotherhood. President Obama created the vacuum in the Middle East that gave rise to ISIL.

He downplayed Benghazi. I remember he tried to blame it on a video. I can remember that because I talked to James Clapper, and I talked to all of the intelligence people right after that happened. I did so because of my position at that time as ranking member on the Armed Services Committee. They all said at the time of Benghazi they knew that it was a terrorist attack. It had nothing to do with the video.

The President also said that ISIL was contained hours before the attack on Paris.

The threat to our country and our security is increasing—Fort Hood, Boston, San Bernardino, and now Orlando. The attacks are not the fault of the West, they are the fault of radical Islam. Somehow the administration can't say it. They can't say radical Islam.

Most recently we heard from the White House that ISIL is retreating. This is from President Obama—that ISIL is retreating, it is declining and losing territory and losing funds, but just last week CIA Director John Brennan testified before the Senate Select Committee on Intelligence, and he said: ''Our efforts have not reduced ISIL's terrorism capability and global reach.'' Furthermore, Brennan went on to say: ''ISIL is probably exploring a variety of means for infiltrating operatives into the West, including the refugee flows, smuggling routes and the legitimate methods of travel.''

That is a quote from him. So we have the President on one hand saying it is contained, we are successful, ISIL is disappearing, at the same time the CIA Director he appointed is telling us the truth—that we are losing, and this is serious.

I have looked back wistfully at the good old days of the Cold War. I never thought I would say ''the good old days of the Cold War,'' but in reality we are in a much greater threatened position today than we ever were in the Cold War. In the Cold War, we had two superpowers. We knew what they had. They knew what we had. We were predictable. It was mutually assured destruction. That doesn't mean anything anymore. These people want to break the law.

It was incredible testimony John Brennan gave before the Senate committee, in light of the administration's talking points, and it should have all of us seeking ways to ensure they are not successful. However, policy proposals to combat these threats—extra vetting of the refugees, pausing the refugee program, the stepping up of border protection and enforcing our immigrations laws through visa enforcement—are all ignored by this administration. They would rather paint us, the Republicans, as arms dealers to terrorists and yet remain silent on the President's deal with Iran, the No. 1 state sponsor of terrorism.

I can remember when the President, with the Secretary of State, put together the deal with Iran. This was going to see Iran all of a sudden change. Today, Iran is still the chief supplier of terrorist activity around the world. Yet we released billions of dollars to them through this deal that was made.

It is interesting. I happened to be on the USS—I can't remember which one it was, one of the aircraft carriers in the Persian Gulf at the same time this deal was being put together by the President and by the Secretary of State. That is when we found that there was an Iranian ship that was carrying weapons from North Korea to Yemen at the very time they were pledging their love for us and they were working with us in this program.

Their deal with Iran is giving them the resources necessary to support terrorism. ISIL and similar radical groups seek to extinguish our freedoms and to terrorize, kill, and oppress anyone who lives counter to their extreme ideology. No matter how they carry out their evil, their mission will always be superseded by our Nation's laws. We have to protect the Constitution, support law-abiding citizens' rights to due process and to bear arms and to focus on the real threat: Islamic terrorism, radical Islam.

I just wish the administration would talk about this—this greatest threat to our Nation. We are doing something—though this is totally unrelated, but it is something that happened in my State of Oklahoma earlier this week. Earlier this week, the county commissioners in my city of Tulsa and in my State of Oklahoma voted to renew a memorandum of understanding with ICE—that is Immigration and Customs Enforcement—to detain their inmates and train local deputies to refer threats of violent criminals to the Federal authorities.

Entering into a memorandum of understanding—an MOU—had been a routine procedure until last week, when it was derailed by illegal immigrant activists—the same type of activists we see across the country pushing sanctuary policies, policies to give sanctuary to terrorists and policies to protect criminal aliens, allowing them to continue committing crimes against our citizens such as the one we saw with the murder of Kate Steinle in San Francisco almost a year ago.

Law enforcement across the country takes part in this program so they can do their job of keeping criminals off the streets. However, their efforts are continually frustrated by liberal activists seeking to shield those same criminals from the consequences of their actions. We should stand with our friends in law enforcement, in their communities, who are working every day to ensure our safety and the safety of others.

Whether criminal immigrants are here illegally or legally, it should not be controversial to deny them the privilege of staying in our country, and we should remove them from our communities until they are removed from our country. When we refuse to do it, we reward their behavior and give them an opportunity to continue to commit violent crimes.

Why is this such a big deal? In 2014—and people heard this way back in 2014 but they have forgotten it. During the year of 2014, the Obama administration released over 30,000 criminal aliens from custody, and by July of last year—so now we are talking about in the first 6 months after they released 30,000 criminal aliens—1,800 of them went on to commit over 2,500 new crimes.

That may not be believable, and because it is not believable, a lot of people don't believe it, but it actually happened. It is a fact the Obama administration released over 30,000 criminal aliens, and 6 months later, 1,800 of them—that we know of, probably more than that—went on to commit crimes. Instead of deporting people who shouldn't be here, the administration released them back onto our streets, where they committed new, preventable crimes, including assault, sex offenses, kidnappings, and even homicide.

Between 2010 and 2015, we had 135 preventable homicides occur in our communities across the country by criminal aliens who had been released by this administration. Now, this is very difficult to believe, and certainly it is not acceptable. The excuse the administration uses is two little known Supreme Court cases that determined criminal aliens cannot be detained in the United States for more than 6 months while awaiting deportation. However, there are many factors which can prevent a deportation from taking place within the 6-month period.

It is interesting that excuse is being used, and in order to take away this excuse, I introduced the Keep Our Communities Safe Act during the past two Congresses, and I am introducing it today as an amendment—amendment No. 4732—to the CJS appropriations bill. This legislation would allow the Department of Homeland Security to petition the courts to hold a criminally convicted alien for a renewable 6-month period until deportation occurs, if the Secretary deems the alien would be a threat to national security or the safety of the community, among other reasons.

We are talking about communities. This is back home. This is my community. This is where this is happening and throughout America. Some organizations, such as the ACLU and other liberal organizations, believe this bill amounts to indefinite detention, in violation of a criminal's due process rights. However, in addition to the specified circumstances of continued detention I just mentioned, this bill requires the Secretary of the Department of Homeland Security—that is what they are supposed to be doing—to recertify the person is a threat every 6 months. In other words, if this person is a threat, rather than automatically turning them loose in 6 months, he can recertify the fact they are a threat and every 6 months continue to keep them. Furthermore, an alien can submit evidence for review of his or her detention and will still have access to our courts, giving judges a say in the process.

We were unable to get this added in the last 2 years. I can't imagine, after all the things that have happened just this year—and of course right on the heels of the disaster that just happened—I can't imagine people wouldn't want to do this, do everything they can to keep from turning these people loose.

I go back and repeat that this administration turned loose 30,000 criminal aliens onto the streets—this was in the year of 2014—and in the first 6 months in the following year, they had actually committed more crimes.

So there is this thing about turning people loose. It is very similar to what the administration is doing in Gitmo. We passed a law, actually in the committee.

Let me make an inquiry of the Chair. Are we on a time requirement here?

The PRESIDING OFFICER (Mrs. ERNST). No, Senator, we are not.

Mr. INHOFE. The Presiding Officer is a member of the Committee on Armed Services who may very well remember when we passed a law, and that law said the President was not going to be able to release anyone from Gitmo until 30 days' notice is given to the Senate Committee on Armed Services. The President signed that bill and a matter of hours later released the Taliban Five.

Everybody remembers the Taliban Five. They were the most egregious of all the terrorists who were in Gitmo. We don't know what they are doing now. Supposedly they are in Qatar or someplace under some supervision, but it happens that the recidivism rate of those who have been released from Gitmo is 30 percent. In other words, 30 percent of those released are back trying to kill Americans again.

It is unacceptable, and it is very similar to this. Whether it is releasing people—terrorists from Gitmo—to go out and kill Americans or releasing people who are criminal aliens from our cities and towns, it is a problem, a serious problem, and we are going to have to address this problem, and we are going to address it.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOOMEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPROMISE GUN LEGISLATION

Mr. TOOMEY. Madam President, I rise this afternoon to discuss the pending legislation that would prevent terrorists from being able to legally purchase guns. This general topic of background checks for legal firearms sales is not new to me. It is an issue I have been wrestling with for some years now. Shortly after the horrific murders at Sandy Hook Elementary School, my Democratic colleague, Senator JOE MANCHIN from West Virginia, and I teamed up and worked together and produced a bipartisan bill designed to ensure that we would do background checks for commercial gun sales. So if someone wants to buy a firearm through a commercial mechanism—not a private transaction, like from a sibling or a neighbor or friend, but a commercial sale—they would be subject to a background check so that for the very criminals who have forfeited their Second Amendment rights and those who are dangerously mentally ill who also should not have guns, we would find a mechanism to prevent the sales. That was legislation that I worked on with Senator MANCHIN. As I said, it was bipartisan. It still marks the closest the Senate has come to passing legislation dealing with background checks in a meaningful way in quite some time. But we were not successful. It did not pass.

Then on June 12, we saw the worst terror attack on American soil since 9/11, an unbelievable massacre in Orlando that left 49 people dead and another 53 grievously wounded. It has raised the question of whether now there is an opportunity to do something to make it illegal—make it more difficult, if not impossible—for a terrorist whom we already deem to be too dangerous to board a plane to buy a firearm.

There are other things we need to be doing—a lot of other things we need to be doing—to keep us safe from the terrorists who want to kill Americans. We need to take stronger measures to keep them from entering the United States in the first place. We need to make sure they can't escape detention and capture. We need to make sure that local law enforcement is cooperating with Federal law enforcement and DHS folks. There are a lot of things we can do.

But one of the things we can do is the very simple measure that the Collins legislation addresses. This is too important an issue to be partisan. I took to the Senate floor last week to urge my colleagues. We had a number of our Democratic colleagues engaging in a filibuster, in an impassioned series of speeches about how important it was that we do something. My message was simply this: Let's stop talking, and let's actually do it. Let's actually find the mechanism, find the solution here.

There are two aspects we need to consider, in my view, in this legislation. One is that we want to block a terrorist from buying a firearm. I don't think that should be terribly controversial. But the second thing that is also very important to me—and I think to many of our colleagues—is to make sure that an innocent American who is wrongly put on the list has the opportunity to clear his or her name so that their Second Amendment rights are not infringed upon. That is the challenge, it seems to me, and it is not rocket science. This is something we can do.

So I actually drafted a bill that does that. I think the bill works very, very well. Senator COLLINS took a different approach and used a different mechanism for getting the same result. In the end, Senator COLLINS has legislation now that has significant bipartisan support. It is a compromise bill that I think strikes the right balance. As I announced yesterday, I intend to support her legislation. There is no question—it is an objective fact—that if Senator COLLINS' legislation becomes law, the Attorney General will have a tool that the Attorney General does not have today. It is a tool that will stop terrorists from being able to legally buy a gun. It is as simple as that. That is what it does. Importantly, to me and to many of my colleagues, it also provides the mechanisms whereby an innocent law-abiding American who is wrongly put on a no-fly list will be able to clear his or her name. I think that is very, very important.

The starting point for the Collins legislation is that if you are on the no-fly list, then you don't get to buy a gun. Now, let's think about this. If we deem a person to be so dangerous that we deny them the opportunity to board a commercial plane, should we really allow that person to walk down the street, walk into a firearms dealer, and buy an AR–15? I don't think that makes sense. I think most of us probably agree. That is a short list, actually, of people we deem to be so dangerous that we don't let them board a plane. It is pretty sensible, from my point of view, to also preclude a firearms purchase.

Then we have the selectee list. That is a separate list that subjects people to enhanced scrutiny because there is serious suspicion. It doesn't quite rise to the level of the no-fly list, but there is serious suspicion. So those people also would be denied a firearm. Now, as with the approach that I took, Senator COLLINS' legislation has a whole series of procedures, policies, and mechanisms to ensure that if someone is wrongly put on this list, they will have a way to get off the list. We know for a fact that eventually some people will be put wrongly on the list because people make mistakes. Governments make mistakes. In fact, someone could even try to abuse the list. So we need to have a mechanism to make sure that an innocent person can have their name taken off. Senator COLLINS, I think, achieves that. She creates an adversarial challenge mechanism in court where the burden of proof is on the Federal Government to prove that the individual who has been denied the opportunity to buy a gun should be denied that—in other words, that the person is properly on the list. As in my legislation, if the individual succeeds in his challenge—if he says: I was denied the opportunity to buy this firearm; I am not the John Smith that you think I am and here is my proof—and the person wins, the U.S. Government would pay all of his reasonable attorney's fees and costs, as should be the case. The person shouldn't be financially penalized for simply clearing his or her own name.

Also, there needs to be a meaningful deadline for a court to make a decision. In the case of the Collins legislation it is 14 days. Otherwise, a court case could go on indefinitely. That wouldn't be right, either.

So the bottom line is simple. This legislation is a sensible, reasonable way to achieve the balance that I have been calling for—to make it illegal for a suspected terrorist, someone we won't allow to board a plane, to buy a gun, and, at the same time, to create a mechanism for someone wrongly put on the list to clear their name.

Last week we had quite a number of our colleagues down here on the Senate floor. As I said, they were giving impassioned speeches about how essential it was that we do something. What we are going to find out is whether that was sincere or whether that was political. That is what we are going to find out because this legislation achieves exactly what our colleagues said they wanted. It may not do it in exactly the same fashion in every little detail. It is not exactly the same as the legislation I have proposed. But it is bipartisan.

There are, at last count, at least five Members of the Democratic caucus who are on this bill. There are at least a comparable number of Republicans. There are probably more who are going to support this. It is really going to be a test of whether this body is serious about what it says it is serious about—whether the folks who came down here and gave impassioned speeches about how important it is we do something really want to get something done, or do they want a political message to run ads about? I hope it is the former.

I hope we are going to be able to get something done. As to Senator COLLINS and the other Senators she worked with, I appreciate the input she took from me and my office to craft a sensible, workable compromise bill that has bipartisan support that will achieve those two important goals of making sure that the bad guys can't buy guns and the good guys get a chance to clear their name and don't have their Second Amendment rights infringed. That is what this is about.

We need to have a vote on this, and we need to have a vote soon. I hope we will have a vote this week. But this is an opportunity for this body to take a big step forward and get something done with a bipartisan compromise bill that makes a lot of sense. We are going to have a test, and I hope this Chamber will pass the test.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I want to start by thanking my colleague, Senator MIKULSKI, for her leadership in the fight for equal pay for equal work. It has been 50 years since the signing of the Equal Pay Act. But despite how far women have come, despite all the progress women have made and the ways women contribute across our economy, women still only make 79 cents on the dollar. The gap is even wider for women of color: for African-American women, 60 cents on the dollar; for Native American women, 59 cents on the dollar; and for Hispanic women, 55 cents on the dollar.

This status quo is not only deeply unfair to women, but it is also bad for families and it is bad for our economy because today 60 percent of working families rely on wages from two earners. We have to do better. That is why I was so pleased when earlier this year the Equal Employment Opportunity Commission took a very important step in the right direction with a modest proposal to collect pay data on a form that employers already submit in order to accomplish one goal—making sure that we have solid information about how employers pay their male and female workers.

This proposal is pretty straightforward. It brings new and much needed transparency to workplaces and might even help businesses address pay gaps that they weren't even aware existed. It would also make enforcement of pay discrimination laws more effective and efficient. Especially when it comes to an issue like wage discrimination, I would like to think it would be hard to argue against more transparency and more effective enforcement because when women are not getting equal pay for equal work, we should be able to find out about it and we should be able to fix it.

It is disappointing that Republicans in both the House and the Senate are opposing that proposal. That is absolutely the wrong approach. What makes this even more surprising is that just weeks ago I was very proud to stand right here to introduce a resolution in the Senate calling for equal pay for equal work for the U.S. women's national soccer team. It was a resolution that recognized the impact of the wage gap on women and the need to fix it, and it passed by voice vote.

Given that the Senate was able to agree on the seriousness of this problem, I would like to give all my colleagues an opportunity today to take another step forward—not backward—on equal pay for equal work. I have filed an amendment that would provide much needed new resources to ensure this important proposal can be implemented and finalized as quickly as possible. I urge our colleagues to support the amendment and oppose efforts by some in the Republican Party to stand in the way of better information and enforcement on pay equity.

It should go without saying, but if a woman still isn't getting equal pay in the 21st century, she deserves to know and she deserves action. This rule would take critical steps in the right direction for women, families, and our country as a whole, and I hope that our Republican colleagues will not stand in its way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I rise as an enthusiastic supporter of the Murray amendment requiring the EEOC to implement the change recommended by President Obama that would add compensation data to its employment data form, and also to provide it with $1 million to be able to pay for its implementation.

First, I would like to salute the Senator from Washington State, who has been a longstanding and assertive advocate of equal pay for equal work for women. I thank her for her ongoing, persistent advocacy.

I so admire this amendment, which insists we develop even better tools to pinpoint those companies with over 100 employees in terms of their pay.

The Senator from Washington State was right there when we passed the Lilly Ledbetter bill. She has been right there as we tried to move to the next step on the Paycheck Fairness Act, and now today she is here to implement the EEOC rule that would also help to do the kind of work we need to do to ensure that the Equal Pay Act of 1963, a major civil rights law which guaranteed equal pay for equal work, is enforced. We spent days talking about enforcement of civil rights laws. Let's enforce the law passed over 50 years ago to guarantee equal pay for equal work.

Here is a quick history. The Lilly Ledbetter bill kept the courthouse door open for when people wanted to file wage discrimination based on gender claims. That courthouse door was slammed in the face of Lilly and other women who found out too late about what they were paid. We kept the courthouse door open. Then, we introduced the Paycheck Fairness Act. The Paycheck Fairness Act would get rid of the other barriers to women getting equal pay for equal work.

One of the biggest barriers is that pay is kept a secret. One of the biggest secrets in the United States, other than national security, is what women get paid in the workplace. Let's keep it our little secret, they say. In fact, in many instances, you have to sign an agreement in order to be hired that you will not disclose your pay to another worker. If you do, you can be fired.

We are not talking about small businesses. We are not talking about those mom-and-pop stores like my dad's grocery store. But I can assure you that my father paid equal pay for equal work to my mother. But in January, our President—President Obama—announced that the EEOC would add compensation data to its employment data form that companies must submit annually that will help shed light on the wage gap across geographic regions and industries.

Our colleague from Tennessee, the distinguished Senator, Mr. ALEXANDER, has introduced an amendment preventing this change from going into effect. We had dueling amendments. I am for the Murray amendment. It requires the EEOC to implement the Obama change and provides $1 million to do it.

What is the EEO–1 form? It is the employer information report that requires companies to submit information annually about their employees based on race, ethnicity, gender, and job category. So it is equal pay, equal work. The form helps identify and prevent discrimination and protects employees' civil rights.

In January, President Obama announced that companies with over 100 employees—remember, this is over 100 employees—must include compensation data on their EEO–1 form that would identify the wage gap based on gender and ethnicity across regions. This change has been strongly supported by many of us, and I support it.

Much is said about the President overreaching. I don't get it. Sometimes—often, the President is being criticized on the other side of the aisle for not doing too much—that he is not a leader, that he is not a fighter, that he is not a champion. I take exception to that. I think he is a leader. I think he is a fighter, and I think he is a champion, and he certainly has been that on behalf of the empowerment of women and girls. What did he do? He exercised his Executive authority to declare that the EEOC action on pay data collection would do this. The EEOC, in partnership with Department of Labor, has a proposal to annually collect summary pay data—as I said, in addition to gender, race, and ethnicity, which it already collects—from companies with over 100 employees. This proposal would cover 63 million employees. It stems from a recommendation of the President's Equal Pay Task Force in a Presidential memorandum issued in 2014. It will help focus public enforcement of equal pay laws and provide better insight into discriminatory pay practices across industries.

Today the EEOC is proposing revisions to its longstanding form to require these companies, not just contractors, to provide this information. It would go across 10 job categories and 12 pay bands, but it would not require the reporting of specific salaries of individual employees. Remember, the report is on the basis of job category and pay band. We won't know if Suzy Smith gets paid more or less than Sam Jones. What we will know is what they are paying computer operators. We will know what they are paying lab technicians. These are jobs that tend to be gender neutral. We will know if you are working in a call center or a firm that employs 100 people that you would be able to do it. Remember, it covers 63 million people.

The proposal is broader than one that was originally published by the Department of Labor, and it lays important groundwork for progress towards achieving equal pay. It will encourage and facilitate greater voluntary compliance by employers dealing with existing Federal pay law. It will also assist the EEOC, and in case of contractors, in better focusing investigations on employers that are unlawfully short-changing workers based on gender, race, or ethnicity. It wouldn't go into effect until September 2017.

Why is this important? It covers only companies of 100 or more employees. It will affect 63 million people. Nobody's personal privacy will be impinged upon because it is information with job category and pay band. But it will show, first of all, which are the good-guy companies. These become the best places to work. My gosh, this can be a small recruitment tool. You go to work for X company, and they do pay equal pay for equal work. But if it has been a persistent pattern of egregious violation of unequal pay for doing the same job, it enables sparse resources at the EEOC to be targeted.

One, I say cheers to President Obama for taking leadership to get to the real facts of the matter, and to pinpoint who the egregious violators are that employ more than 100 people. So, again, there is no negative impact on small business, and it gives no personal information, but does give corporate information. I think the Obama action was outstanding, and I think the Murray amendment defending the Obama action is exactly what is needed on this bill to take the very important steps of ensuring the enforcement of civil rights laws passed by Presidents Kennedy and Johnson that said equal pay for equal work.

I am sure there will be additional debate on this issue.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE AND FOSSIL FUELS

Mr. MERKLEY. Madam President, global warming is the most grave concern facing human civilization on this planet. We are the first generation to see the impact, and that impact is occurring in so many ways right before us.

In my home State of Oregon, we are seeing the impact on our forests, which has resulted in a longer and drier fire season that burns more acreage and has more lightning strikes. We are seeing smaller snowpacks, and that is having an impact on our agriculture and trout streams. Everyone realizes that a smaller, warmer stream is not a pleasant place for trout to thrive. We are even seeing it in our Pacific Ocean oysters. The oysters are having trouble reproducing. They are having troubling reproducing because the ocean is more acidic. Because of the wave action, the oceans have absorbed a lot of the carbon dioxide, which has become carbonic acid, and the carbonic acid affects the formation of shells. These impacts are having a steady, detrimental impact, and it is occurring right before our eyes. It is affecting our fishing, farming, and forestry, and it is an assault on our resources. It is incumbent on all of us, this generation, to address these issues.

What we know is that the impacts we have seen in Oregon are being echoed in States across the country and nations across the globe. If you go to the Northeast, you might hear folks talking about how the moose are dying because the ticks aren't being killed by winters that are cold enough. You might hear about the migration of lobsters going north to find colder water, and so on and so forth. We are seeing it everywhere.

We know that in order to prevent the temperature of the planet from going up more than 2 degrees Centigrade, which is about 3.6 degrees Fahrenheit, we have to leave the vast bulk of our proven fossil fuel preserves in the ground. In other words, we have seen a 1-degree increase in temperature Centigrade, which is about 1.8 degrees Fahrenheit—almost 2 degrees—and that has come from burning fossil fuels. If we keep burning them, it will have a devastating impact and will burn up the planet. We have to stop and quickly pivot off of fossil fuels.

We have identified vast reserves of gas, oil, and coal across the planet, which is worth a lot of money, so of course the owners want to pull it out of the ground and sell it to be burned. Somehow we have to find the political will to take this on and leave 80 percent of those proven fossil fuel reserves in the ground. That is the magnitude of the challenge, and we can do all kinds of things that will help. We can produce more renewable energy, we can produce more conservation, and we can proceed to find ways to pull carbon out of smokestacks and store it in the ground, or at least we can try. We need to approach it from every possible angle.

I will keep coming to the floor, as I have before, to talk about keeping it in the ground. I especially wanted to emphasize that because when we simply talk about saving energy—like putting more insulation in a building, installing double-pane windows, or better mileage for cars—we aren't embracing the size of the challenge we are facing. It is an extraordinarily difficult challenge, and it is up to our generation to address it.

When I come to the floor, sometimes I will be speaking about the math behind the temperature increase, such as how the amount of carbon dioxide and methane in the air is changing the atmosphere of our planet. Other times I will be talking about the calamities we are seeing on the ground, things I have already mentioned, such as the pine beetles that are thriving because the winter is not cold enough to kill the pine beetles and ticks or the coral reefs that are bleaching across our planet. I will also highlight emerging technologies because we have to realize that as much as we talk about the problem, we also have to talk about efforts to address the problem. I will pick out various ideas and efforts that are appearing in our newspapers and scientific literature, and that is what I will do today.

The first innovation I will highlight today is about a strategy in Iceland to store carbon dioxide in the ground. This is one of the carbon capture strategies. This is not easy to do, and there are many different scientists working on different ways to attempt to capture carbon, but this is a new one, so I thought it merited discussion.

Scientists at Lamont-Doherty Earth Observatory at Columbia University invented a way to store carbon dioxide. It was invented here in America at Columbia University. They have found a way to store carbon dioxide by first dissolving the gas in water and then storing that water in rocks, where it reacts to form the mineral calcite. The calcite will then store the carbon dioxide as a solid deep underground.

This project at Columbia University being experimented with in Iceland is called CarbFix. They pumped about 250 tons of carbon dioxide, which was mixed with water, into rocks in 2012. When they came back in 2014, they found that 95 percent of the carbon dioxide had become calcite. While there are some very specific requirements to make this particular technology work, such as the right kind of rock, the right amount of water, and the carbon dioxide being generated close to the right kind of rocks, it is an example of innovative technology that could prove useful as another tool in the fight against climate change.

A second idea that is starting to expand is to recognize that we can put solar panels in a variety of places—not just on the ground and on our rooftops but also on bodies of water. This was reported in May 2016. This is referred to as floating solar.

Here we have a lake, and we can see these floating solar panels. Floating solar panels have several potential advantages over land-based panels. One advantage is more efficient cooling, and a second is that they might create less of an eyesore for the public. They might prevent surface water from evaporating, which can be a side effect that would be useful.

Japanese, Australian, and U.S. companies are currently pursuing this technology.

There is a planned array—50,904 panels floating on the Yamakura Dam reservoir in Japan. It would generate 16,000 megawatt hours annually, or to translate that to something more understandable, they could power 5,000 homes for a year, so it is significant. In the United States, there is a winery in California, and it goes by the name of Far Niente. They have combined both land and water arrays, and that combination produces 477 kilowatts of electricity at its peak. It is expected to pay for itself by 2020, or maybe sooner, so it has a high rate of return. These floating panels provide an opportunity for cheaper, out-of-the-way energy generation that has the potential to protect reservoirs from evaporation and water loss.

We must continue to invest and encourage innovative technologies—floating solar panels are one example—to make renewable energy adaptable to all environments, usable all over the world.

I thought I would highlight a third technology. One of the biggest uses of fossil fuel is vehicles. Vehicles burn gasoline and diesel. Oftentimes when the vehicle finally gets up to speed, it suddenly has to brake for a red light. Let's say you are traveling at 35 miles per hour on an urban road and you suddenly stop. You are wasting enormous amounts of energy. All of the momentum with that mass—that car or truck—traveling down the road is then converted primarily into heat through your brakes. That heat is lost, and it is not recaptured.

Along the way, as different companies started exploring electric cars, they said: We already have electric motors. We already have a battery sizable enough to accommodate quite a bit of electricity. Why don't we try to capture that energy from the braking process and put it back in the battery?

What they do is they utilize magnets, and as the magnets go through a field, that field creates resistance, it produces a current, and that current—those electrons are stored in the battery. This is called regenerative braking, and we have seen this on a variety of electric cars. It just makes sense, since they already have an electric drive and they have the batteries to accommodate it.

We have seen a lot of interest in electric cars. Recently, Tesla put out an invitation for people to put down $1,000 and get in line to buy their Model 3.

They had the Roadster, they had the Model S, and now the Model 3. The Model 3 will be cost competitive with the Chevy Volt. It is going to be much cheaper than their previous cars. Their waiting list has already grown beyond 400,000 people—an enormous, unprecedented response.

Tesla cars, like the Volt and other electric cars, use regenerative braking, but what I wanted to highlight today is an effort to apply this in new ways.

UPS, the United Parcel Service, has a fleet of delivery trucks and they have invested in hybrid electric vehicles and they have used regenerative braking. Last October, they announced the deployment of 18 new delivery vehicles that use regenerative braking to reach pretty much close to a zero-emissions status. They have to take into account the source of the initial electrons that are used to charge the trucks.

In their announcement, they estimated those 18 delivery trucks, by using clean technologies, would save 1.1 million gallons of diesel fuel over 20 years. When we start talking about anything that includes the word ''million,'' such as 1 million gallons, that is a lot of savings from just 18 delivery trucks.

Even more recently, we have an article in which Mack Trucks is developing the ability to use regenerative braking on garbage trucks. They have developed a new electric hybrid garbage truck. It incorporates a powertrain technology developed by Wrightspeed.

Wrightspeed powertrains use electric motors to drive the wheels of the trucks, and the motors are powered by batteries on board the trucks, which are then recharged from the regenerative braking when the garbage truck comes to a stop.

The point is, when you have a very heavy truck that accelerates and stops often, it wastes a vast amount of energy, and now they are working to design an effective drive train to recapture that energy. The founder of Wrightspeed, Ian Wright, says this new technology can power these vehicles for a substantial distance, and very heavy vehicles—66,000 pounds—it can power them up pretty steep hills. A 40-percent grade is a very steep hill.

The main point is, it is capturing that energy that would otherwise be lost every time they stop. If you have watched a garbage truck go down the street, it stops, the men and women on board jump off, pick up the garbage cans, dump them into the truck, and then they accelerate and four houses later they are stopping again. So this is a very appropriate application.

I wonder how much energy would be saved if every car in America had regenerative braking. Almost every car is used in an urban setting where there is lots and lots of braking. How much would be saved if our light pickups had regenerative braking? How much energy would be saved if every delivery van that is heavy and starts up and stops many times—how much would be saved? At some other point, I want to try to put together a calculation of that because it could be a substantial contributor.

Each of these technologies I have mentioned today—a new strategy on storing carbon dioxide underground, a new way of deploying solar panels through floating solar panels, an expansion of the use of regenerative braking—represent modest efforts in this effort to take on this large challenge of global warming. Added together, they can make a great difference and other technologies to come will make a great difference.

It is our challenge. It is our generation's responsibility to pivot quickly off of fossil fuels, and these strategies can help.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Wyoming.

FIGHTING TERRORISM

Mr. BARRASSO. Mr. President, last week, flags across the country were lowered to half-staff to honor the 49 lives which were lost in the terrorist attack in Orlando. The American flag also flew at half-staff following terrorist attacks in Brussels in March, in San Bernardino last December, and in Paris last November.

The flag is a symbol. It has great meaning and so do words. When we talk about the enemy, the words we use have meaning too, but now is not the time to talk. Now is the time to act. We must take action to stop the terrorists here and abroad.

That is why last week Republicans were eager to get to work on appropriations bills that give the FBI more of the resources they need to stop the threats on American soil. The bill that would give law enforcement officials more tools to help prevent terrorist attacks was brought up and discussed on the floor, but what did the Democrats do? They came to the floor and staged a campaign-style publicity stunt.

When Democrats were talking on the floor, Republicans attended a briefing by the FBI Director to listen—not to lecture, as Democrats were doing—but to listen and to get the facts about the specifics of what happened in Orlando. When Democrats held press conferences and sent out tweets, Republicans were pushing for the Defense Authorization Act that finally passed. This legislation actually does something by helping our military take on terrorist threats. It is directed at organizing the Pentagon to confront new threats. Democrats actually tried to block the legislation, and President Obama has threatened to veto it.

President Obama went out and gave a speech last week in which he said ISIL is on the defense. We remember when he compared ISIL to the JV team. Well, now the President says they are on defense. He bragged about all the success he has had fighting terrorists.

Then, his CIA Director, John Brennan, came to Capitol Hill. He came to speak to the Senate Intelligence Committee about what is happening with ISIS. He said, ''Our efforts have not reduced the group's terrorism capability and global reach.''

Does the President not believe his own CIA Director?

The CIA Director said that ISIS is adapting to our efforts, ''and it continues to generate at least tens of millions of dollars in revenue per month.'' He said that ISIL ''will intensify its global terror campaign.''

Why does the President of the United States—the Commander in Chief—refuse to accept the words of the CIA Director—his own CIA Director? The CIA Director came to the Senate and said that ''ISIS is training and attempting to deploy operatives for further attacks.''

Why does the President intentionally try to deceive the American people in terms of thinking about what the attacks are and what is happening? Why does the President want to say all is well?

The CIA Director said that ISIL ''has a large cadre of Western fighters who could potentially serve as operatives for further attacks.''

The President seems to suggest the problem is not coming from the terrorists but coming from the Second Amendment of the Constitution.

Whom should we believe, the President of the United States or his CIA Director? Somebody asked the CIA Director at the hearing last week if ISIL would be weaker if they didn't have a safe haven in Syria and in Iraq. The CIA Director replied:

> That is a big, big part of it. We need to take away their safe haven.

Terrorists use these safe havens to train, to raise money, and to plot more attacks. That should be the focus of President Obama and the Obama administration in response to Orlando.

The administration and the President want to pretend it is succeeding in getting rid of the safe havens abroad. That is simply not true. The terrorist army of ISIL controls a significant amount of territory across the globe, and it is not just ISIL. There are also additional terrorist groups.

The Director of National Intelligence testified to Congress earlier this year that Sunni violent extremists have more safe havens ''than at any other point in history.'' He added that Al Qaeda affiliates ''are positioned to make gains'' this year. According to the United Nations, the Taliban now controls more ground in Afghanistan than at any point since 2001.

Extremists groups like ISIL need the territory they control because it gives

them safe havens and because the territory makes them more powerful. It helps them inspire more of their followers to launch attacks around the world. It makes it seem like the ideology of radical Islam is winning the battle of ideas. So it is imperative that we have a real strategy to defeat ISIL and other terrorist groups abroad.

We need to make sure someone in the United States or France or anywhere else in the world with an Internet connection does not see this radical Islamic ideology as victorious. That is why we need to pass the appropriations act that is on the floor today. Nobody believes that using the term ''radical Islam'' will magically defeat the enemy, but words do matter.

It is interesting. I note that in the New York Times op-ed page last Friday, an editorial written by David Brooks—he is a columnist. The President listens to him. He has him into the White House, and he is someone the President says he turns to.

David Brooks' column last Friday starts like this:

Barack Obama is clearly wrong when he refuses to use the word ''Islam'' in reference to Islamic terrorism. The people who commit these acts are inflamed by a version of an Islamic ideology. They claim an Islamic identity.

But the President will not say it.

Brooks goes on—and I think it is very informative seeing that it is David Brooks who is writing this: ''Obama is using language to engineer a reaction rather than to tell the truth, which is the definition of propaganda.''

The definition of propaganda. That is what we have.

Well, if the President refuses to correctly name our enemy, he can't effectively fight the enemy because Democrats don't understand the enemy, and it seems they just want everyone to get along. The world does not work that way. So the Democrats tried to change the topic from terrorists to going after our Second Amendment rights. When they do this, they are not confronting the real threat, which is the ability of ISIL to inspire terrorists to act.

If you want to stop the terrorist threat, you need to address the real problem. We must give law enforcement the support they need to stop the terrorists here at home. We must give our military the strength to deprive the terrorists of their safe havens abroad. The Defense Authorization Act and this Justice appropriations legislation are important steps toward doing that.

Symbolic acts like lowering our flag matter, and so do words. Words matter.

President Obama seems to want to take a victory lap for his efforts so far. Well, there will be no time for victory until ISIL is no more.

Maybe President Obama really doesn't understand the truth about this threat from radical Islamic terrorists. Maybe he is just not being honest with the American people about it. Either way, Congress has been told the truth by the CIA Director. And it is up to us to do something about it. The CIA Director said it himself to the Senate last week. He said that ISIL ''would have to suffer even heavier losses of territory and money for its terrorist capacity to decline significantly.''

Our response to the Orlando attack should be to step up the fight against ISIS where they live. We need a real strategy to defeat the radical Islamic terrorists and the resolve and the strength to carry it out.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

FOREIGN POLICY

Mr. MCCAIN. Mr. President, in the last several days the conversation and the dispute and the rhetoric has been devoted to the issue of guns, which is certainly a worthy cause, but, unfortunately for the American people, the issue of how we got here has been ignored. Guns don't fire themselves. Guns and weapons are fired by people. They are fired by people, and in the cases of Orlando, San Bernardino, Paris, and others, they are fired by people who have been radicalized or trained or in some coordinated fashion have inflicted murder, death, and mayhem on innocent people.

While we in all our righteous indignation talk so strongly and so passionately about what we have to do about the weapons, we are ignoring exactly how all of this happened and why it happened, and it is because of the policies of this President and this administration from the beginning. From the beginning this President wanted to get out of Iraq, wanted to get out of Afghanistan, believing in some delusional fashion that if we got out of these conflicts, the conflict would end. Obviously, that has not been true.

I want to go forward and with the Senator from South Carolina, I want to go through a chronology of events very quickly.

President Obama in October 2011 said:

The tide of war is receding. . . . The long war in Iraq will come to an end by the end of this year. . . . We're also moving into a new phase in the relationship between the United States and Iraq.

We'll partner with an Iraq that contributes to regional security and peace. . . . Just as Iraqis have persevered through war, I'm confident that they can build a future worthy of their history as a cradle of civilization.

President Obama, December 2011: ''We're leaving behind a sovereign, stable and self-reliant Iraq.''

President Bush, July 2007:

To begin withdrawing before our commanders tell us we are ready would be dangerous for Iraq, for the region and for the United States. It would mean surrendering the future of Iraq to Al Qaeda. It would mean that we'd be risking mass killings on a horrific scale. It would mean we allow the terrorists to establish a safe haven in Iraq to replace the one they lost in Afghanistan. It would mean we'd be increasing the probability that American troops would have to return at some later date to confront an enemy that is even more dangerous.

I know my colleagues have not missed it. American troops have had to return to confront an enemy that is even more dangerous, and those are the words of President George W. Bush in July of 2007.

In October of 2011, at the same time that the President said that ''the tide of war is receding,'' I, myself, said:

[T]his decision will be viewed as a strategic victory for our enemies in the Middle East, especially the Iranian regime, which has worked relentlessly to ensure a full withdrawal of U.S. troops from Iraq.

[A]ll of our military commanders with whom I have spoken on my repeated visits to Iraq have told me that U.S. national security interests and the enduring needs of Iraq's military required a continued presence of U.S. troops in Iraq beyond 2011 to safeguard the gains that we and our Iraqi partners have made.

Nearly 4,500 Americans have given their lives for our mission in Iraq. Countless more have been wounded. . . . I fear that all of the gains made possible by these brave Americans in Iraq, at such grave cost, are now at risk.

That is what I said in October of 2011. As the situation worsened in December of 2011, I said:

[Domestic] political considerations in [the United States and Iraq] have been allowed to trump our common security interests. All of the progress that both Iraqis and Americans have made, at such painful and substantial cost, has now been put at greater risk.

Senators MCCAIN and GRAHAM in December 2011:

If Iraq slides back into sectarian violence, the consequences will be catastrophic for the Iraqi people and U.S. interests in the Middle East, and a clear victory for al Qaeda and Iran. A deterioration of the kind we are now witnessing in Iraq was not unforeseen, and now the U.S. government must do whatever it can to help Iraqis stabilize the situation. We call upon the Obama Administration and the Iraqi government to reopen negotiations with the goal of maintaining—

Reopen negotiations with the United States of America—

with the goal of maintaining an effective residual U.S. military presence in Iraq before the situation deteriorates further.

What we were saying is, we didn't have to pull everybody out of Iraq. We could have stayed. What they kept saying is: What we need is a status of forces agreement. The fact is that now there is no mention of a status of forces agreement, and there are 4,500 Americans there and possibly more.

President Obama, January of 2014: ''The analogy we use around here sometimes, and I think is accurate, is if a jayvee team puts on Lakers uniforms that doesn't make them Kobe Bryant.''

He went on to say they are the JV team; ISIS is the JV.

Senators MCCAIN and GRAHAM in October of 2013 wrote:

By nearly every indicator, the situation in Iraq has worsened dramatically since the beginning of the conflict in Syria and the withdrawal of U.S. forces from Iraq in 2011. . . . What's worse, the deteriorating conflict in Syria has enabled al Qaeda in Iraq to transform into the larger and more lethal Islamic State of Iraq and al-Sham (ISIS), which now has a major base for operations spanning both Iraq and Syria. It may just be a matter of time until al Qaeda seeks to use its new safe haven in these countries to launch attacks against U.S. interests.

That was what Senator GRAHAM and Senator MCCAIN said in October 2013.

Senators MCCAIN and GRAHAM, January 2014:

Reports that Al-Qaeda fighters have taken over Fallujah and are gaining ground in other parts of Iraq are as tragic as they are predictable.

The Administration's failure in Iraq has been compounded by its failed policy in Syria. It has sat by and refused to take any meaningful action, while the conflict has claimed more than 130,000 lives—

It has now taken more than 400,000 lives, by the way.

driven a quarter of the Syrian population from their homes, fueled the resurgence of Al-Qaeda, and devolved into a regional conflict that now threatens our national security interests and the stability of Syria's neighbors, especially Iraq.

As the situation worsened in April of 2014, I said:

It is reality check time in Iraq, where the Syria-Iraq border has turned into a major highway and safe haven for transnational terrorist groups. The black flags of al-Qaeda fly over the city of Fallujah, where hundreds of U.S. troops were killed and injured. Violence across the country has reached the same levels as at the height of the Iraqi insurgency in 2008, and the country is creeping dangerously close to a reignition of civil conflict.

President Obama, September 2014: ''We will degrade and ultimately destroy ISIL.''

JOHN MCCAIN, September 2014:

The President's plan will likely be insufficient to destroy ISIS, which is the world's largest, richest terrorist army. To destroy ISIS, create conditions for enduring security in the Middle East, and protect the American people, additional steps are necessary.

Half measures against ISIS only make it stronger and will not lead to its destruction.

That was almost 2 years ago.

Senators GRAHAM and MCCAIN, October of 2014:

We continue to urge the Administration to quickly adopt a comprehensive strategy [against ISIL] and avoid the perils of gradual escalation.

Degrading and ultimately destroying ISIS will require additional actions that we have long advocated, such as the deployment of U.S. Special Forces and military advisers on the ground to direct air strikes and advise our local partners; the expansion of assistance for moderate Syrian forces, and the establishment of safe zones protected by no fly zones in Syria. . . . That is ultimately what it will take to destroy ISIS and keep America safe, and we cannot avoid to delay any longer.

That was nearly 2 years ago.

The list goes on and on. I will make it a part of the RECORD.

My friend is here.

All during this time, while Senator GRAHAM and I were warning time after time, using every means possible to warn the American people and our colleagues that this thing was going to escalate because the President of the United States did not have a strategy, his policies failed. Now we have attacks on the United States of America. I have been pilloried because I used the word ''personal.'' I said I misspoke. But have no doubt about why we are where we are today, and that is because this administration, this President, called ISIL the JV, saying that if a JV team puts on Lakers uniforms, that doesn't make them Kobe Bryant. Does anybody today believe that ISIS is JV?

The list goes on and on.

I want my colleague Senator GRAHAM to speak for a moment, and I will go on with these because we can see the competing statements between the administration and the President and Senators GRAHAM and MCCAIN. They are starkly different.

What else has happened there? The echo chamber, as was described by Mr. Rhodes, one of the President's chief advisers—the echo chamber of Krugman, of Zakaria, of Friedman, of Ignatius, all the echo chambers out there saying: He's doing fine. Everything is fine. This guy is leading great and not to worry. Things are really great. The echo chamber that Mr. Rhodes described in an article in The Atlantic about how they were able to orchestrate the Iranian agreement is out there.

So as we warned—as we warned and predicted—I wish we had been wrong. I would love to stand on the floor of the Senate and say: Senator GRAHAM and I were wrong. We didn't have to worry about ISIS. They were the JV.

We were right, and we continue to be right, and we still don't have a strategy. But there is the echo chamber out there. The echo chamber that goes on and on.

My friends, I believe the American people deserve better than what they are getting from this echo chamber, who are the Obamaphiles that can incredibly—incredibly—praise all of these mistakes.

Finally, I urge my colleagues—and I will go through some more of these—but my colleagues, I warn that unless we get a real strategy and stop this incrementalism, we are going to see—perhaps we will retake Fallujah, as we had. We may even retake Mosul. But this ISIS is still metastasizing and spreading throughout the world, and there is no better expert than the Director of the Central Intelligence Agency, who basically said that in a hearing to not only the Members of Congress but the American people.

I would like to yield for some comments to my friend, the Senator from South Carolina.

Mr. GRAHAM. Thank you very much.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I wish we were wrong too. The worst is yet to come. I hate to be saying this all the time, but as they are losing territory in Iraq, which they are, and they are being hurt some in Syria, which they are, they are becoming a lethal terrorist organization. They are a terrorist army now holding territory. All I can say is that you could see this coming a mile away if you spent any time looking.

The biggest flaw of the President of the United States, I believe, is that he doesn't think we are at war. He thinks this is a counterterrorism problem, that these are wayward souls or religious fanatics, and he doesn't embrace the fact that radical Islam is loosely associated throughout the globe. They have an agenda to destroy our way of life, to purify their religion, to destroy the State of Israel. It is on the Sunni and the Shia side. It represents a small minority of the Islamic faith.

When you talk about radical Islam, you are not slandering those who are fighting radical Islam. They don't feel slandered. I have been to Iraq and Afghanistan with Senator MCCAIN over 37 times. I have yet to have one leader in that part of the world tell me: Would you quit using the term ''radical Islam.'' They appreciate the fact that we understand the threat and that what we have been proposing would actually work.

The JV team here is in the White House. I really don't mean to slander JV teams. The bottom line is that the people in the White House have proven they are not up to the task of defending this Nation, destroying radical Islam, and coming up with a plan to make us safe and protect our allies. How much more has to happen before you realize the people running this war, No. 1, don't realize we are at war. It is hard to win a war when you don't realize you are in one.

What happened in Orlando breaks your heart, but the Attorney General went down yesterday—and I like her very much—to offer sympathy to the victims, and she made a statement: We will never know what motivated this man.

Excuse me. We do. All you have to do is listen to what he said. He pledged allegiance to al-Baghdadi in the middle of the slaughter. He went to the other side.

In every war America has been in, we have had Americans side with the enemy. It is an unfortunate event, but it happens in all wars. Radical Islamic groups like ISIL are trying to turn American citizens against us. This man joined their cause. He called 9-1-1 and said: I am now a soldier in the army of ISIS. I pledge allegiance to al-Baghdadi—not to the citizens of the United States and the country in which he was a citizen. And he slaughtered a bunch of people.

Madam Attorney General, I know why he did it. The fact that you cannot understand why he did it bothers me as far as your view of the fight we are in.

But let's go back to the time ISIL was created. Al Qaeda in Iraq was decimated by the surge. It is fair to criticize the Bush administration. President Bush did make mistakes. Senator MCCAIN called for the removal of the Secretary of Defense under President Bush's watch, Secretary Rumsfeld, because he believed Secretary Rumsfeld did not appreciate the deteriorating security environment in Iraq.

As the Middle East deteriorates, I don't remember anybody on this side of the aisle standing up and saying: President Obama, you need to reconsider what you are doing.

Senator MCCAIN, when the Republicans were in charge, President Bush was Commander in Chief, challenged the construct that all things were going well in Iraq when they were not. So I want to give some credit to Senator MCCAIN. It is not just Obama; when he sees a problem, he speaks up.

The bottom line is that President Bush made an adjustment. He doubled down on the surge. He sent more troops into Iraq under General Petraeus. Guess what. The new strategy worked.

By 2011, President Obama was claiming this to be a successful operation, that we could leave Iraq whole, free, secure, and stable. Vice President BIDEN said it may be the biggest accomplishment of the Obama administration, to withdraw our forces from Iraq because we are in such a good spot. The New York Times held the security environment in Iraq as a major achievement.

What we were trying to say, along with our military commanders, was that if they pull out now, the gains we fought for are going to be lost.

This is what I said on April 3, 2011, as this negotiation was going on:

> If we're not smart enough to work with the Iraqis to have 10–15,000 American troops in Iraq in 2012, Iraq could go to hell.
>
> I'm urging the Obama Administration to work with the Maliki Administration in Iraq to make sure we have enough troops, 10 to 15 thousand, beginning in 2012 to secure the gains that we have achieved. . . . This is a defining moment in the future of Iraq . . . and in my view they are going down the wrong road in Iraq.

When the administration tells you that the Iraqis would not accept a residual force, they are lying. I don't use that word lightly because it is a harsh word. They are intentionally misleading you. They are lying. Let me tell you why I know.

I was there. I got a phone call from Secretary of State Hillary Clinton asking me—along with Senator MCCAIN and Senator Lieberman—to go to Iraq to see if we could talk to the Iraqis about a residual force. We met with Barzani, the President of the Kurdish element of Iraq. Not only would he have accepted 15,000, he would have accepted 250,000. Anybody who knows anything about the Kurds, they are not resistant to American troops in Iraq. They would put them all in Kurdistan if we would let them.

Then we went to Maliki, who was a Prime Minister, head of a Sunni block. He said the Sunni members of this political block realize that without an American follow-on force, Iran will come in, fill the vacuum, and the Sunnis will feel threatened because the political achievements will all be at risk because the balance of the military power will change.

Then we went to Maliki. I can remember it like it was yesterday. It was Senator MCCAIN, Senator Lieberman, and I. It was always us three, and I am at the end of the line, as I should be. There was Ambassador Jeffries and General Austin, who was the commander of our forces in Iraq.

When it was my time, I looked Maliki in the eye and said: Would you support a residual force to maintain the gains we have achieved jointly?

He looked me in the eye and he said: How many troops are you talking about?

I turned to General Austin and Ambassador Jeffries, and General Austin said: We are still working on that number.

We went back to talk to the Vice President. The military had recommended 18,000—General Austin had—and the Chairman of the Joint Chiefs said we could get by with 10,000, but they wouldn't go below 10,000. According to General Dempsey, then Chairman of the Joint Chiefs, the administration kept reducing the number below 10,000, and it got to almost 1,500.

This cascading of numbers of troops did not come from the Iraqis saying that was too many; it came from the White House, which really wanted to get to zero. So when you try to blame the Iraqis for your mistake, you are lying.

Mr. MCCAIN. Mr. President, I ask unanimous consent for a colloquy with Senator GRAHAM.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. May I also add that at the same time, this President and his administration were saying that we can't get a status of forces agreement with the Iraqi Government; that has to go through the Parliament. Is there any mention today of this same President who says it is absolutely necessary for us to have a status of forces agreement as we incrementally increase our troop strength in Iraq?

Mr. GRAHAM. Isn't it kind of odd that we have not 4,500, we have over 5,000 troops. They are playing with the numbers again. I know this. There are over 5,000 troops. About 1,000 are off the books. They are there; they are just not being counted.

This incessant desire by the President to say we are not in combat offends the heck out of me. Tell that to the family of the Navy SEAL who was killed. They don't want to admit we are in combat because that means we are at war. They don't want to admit we are at war, and I don't know why because this guy in Orlando certainly was at war with us.

We have a presence in Iraq, and isn't it unusual that no one is saying that we need approval from the Iraqi Government now? This was never the problem. The problem was that President Obama sincerely wanted to end both wars. He saw an opportunity in 2011 to fulfill a campaign promise because America is war weary, and I understand that. But at the end of the day, he ignored sound military advice, and everything that Senator MCCAIN and I and others have said has come true in spades.

Let me tell you about a comment by the President yesterday that our military strategy regarding ISIL is hitting on all cylinders. Mr. President, you need to get out of the White House and take a new look at what is going on in the world.

Yesterday there was testimony by a Yazidi woman in the Homeland Security Committee.

Last week the U.N. issued a report that ISIL is engaged in genocide against the Yazidi people. This is a people who mix Christianity and Islam, and they have a unique religion. ISIL is in the process of destroying the Yazidi community that has been in existence for thousands of years.

Yesterday this woman testified that eight members of her family, including her mother, were killed by ISIL. She was gang-raped. She said: Don't feel sorry for me; they are doing this to girls as young as 8 years old.

So, Mr. President, go tell that young woman that your military strategy when it comes to ISIL is working on all cylinders. The U.N. Special Envoy to Syria estimates that 400,000 people have been killed in Syria, where ISIL's headquarters exist.

Mr. President, go tell the people, the families of the victims of ISIL in Syria, that your military strategy is working on all cylinders. How do you explain the fact that there are now up to 8,000 ISIL fighters in Libya?

I had a conversation yesterday with AFRICOM Commander Waldhauser,

who is an incredibly gifted man. I asked him: Is ISIL in Libya?

He said: Yes.

Are they a threat to our homeland?

He said: Yes.

Are we doing anything militarily to engage them?

He said: Virtually nothing.

I asked him: How many airstrikes have there been against ISIL soldiers in Libya?

He said: Zero.

The bottom line, Mr. President, is we are not hitting on all cylinders. We are making some gains, but you don't have an overall strategy to secure these gains. Leaving Assad in power is the worst possible outcome for the United States because the Sunni Arabs see him as a puppet of Iran, and he is the one who has killed most of the 400,000, not ISIL. The Syrian people are never going to accept him as their leader.

Russia and Iran have come to the aid of the Butcher of Damascus, Assad. They have bombed the people we have trained to fight not only ISIL but Assad. The Russian people have killed the people the American President tried to recruit to our cause, and we are not doing a darn thing about it.

Mr. President, your military strategy is not working. Tell that to the King of Jordan, where there are more Syrian refugees today than there has ever been in the history of Jordan. Two weeks ago there was a report that there were more refugees in the world now than there were post-World War II. Tell it to the people of Lebanon, where one out of five children in the primary schools is a Syrian refugee child. Tell that to the people of Turkey.

Mr. President, the bottom line: You always underestimate the threat. You try to undersell what is going on, and you oversell our successes.

I hope the people in this body will realize that some of the votes we are going to take in the coming weeks will correct this course, and I hope you realize that the war is not going as well as the President says it is. I want it to go better. I want to destroy ISIL. I promise you this: The strategy we have in Syria will never lead to ISIL's destruction. The people we are training to fight ISIL are mostly Kurds, and the Kurds do not have the ability to go into Raqqah, Syria, which is an Arab town, and take it away from ISIL and hold it. And the people we are training are Communist, Marxist Kurds. Their acronym is YPG. They are associated with the PKK, which is a terrorist organization in Turkey. I appreciate their help, but the future of Syria should not lie in the hands of a bunch of Communist, Marxist Kurds who could never ever bring about stability in Syria.

We don't have a game plan to end this war. We don't have a diplomatic strategy. If you don't believe me, ask the 50-plus Foreign Service officers who wrote a letter publicly urging the President to change his strategy in Syria because it is not working. You can discount Senator MCCAIN and me if you would like, but these are 50 people who dedicated their lives to understanding the Middle East. They said in an open letter that we should be taking the Assad regime on because if he stays in power, this war will never end. He is literally getting away with murder. And our strategy of appeasing Assad because of Russia and Iran's involvement is going to lead not only to the destruction of Syria but also to a change in the power balance in the Middle East that is harmful to us.

It is not just us saying it is not working. Mr. President, your military strategy is not working on all cylinders. The Yazidi community is being decimated on your watch. Some 400,000 people have been murdered on your watch, and we haven't even gotten to the mistake you made in Syria yet. As we withdrew our forces from Iraq against sound military advice, the people of Syria rose up against Assad, demanding the freedom all of us take for granted. There was a moment in time when Assad was on the ropes. The people of Syria rose up as part of the Arab spring. Every person in the administration advised President Obama to help the Free Syrian Army while they were intact, and he said no. When he said no, Hezbollah, which is an agent of Iran, the Shia militia, sent 5,000 troops to support Assad. Russia eventually got in on Assad's side, and the entire mess in Syria has exploded. His unwillingness to help the Free Syrian Army take Assad out created the vacuum inside of Syria that ISIL filled.

So to those who look at Orlando as a gun control problem, I think you are missing the story of Orlando. Orlando is about ISIL being seen as a winner by people over here who are sympathetic to their cause. ISIL is being seen throughout the world as a winning team, not a JV team. What we see in Orlando is someone who was recruited to their cause and our intelligence systems failed.

I am not blaming the FBI, but the fact of the matter is we interviewed this guy a couple of times, he was on our watch list, and he fell through the cracks.

Mr. MCCAIN. May I also point out to my friend that the President and members of the administration continuously say: We only have two choices. One is do nothing or very little, or we have to send 200,000 troops. You know, I grow so weary of that straw man being set up by the President of the United States, because it is intellectually dishonest.

What we have called for—I am not sure this President can lead and do it because he has no credibility in the Middle East anywhere. When he decided that they had crossed the redline and we were going to take military action and then did nothing, that had a profound effect throughout the Middle East. There is no trust or confidence in the United States. But if there were, it would be approximately 100,000 troops—about 10,000 Americans, the Sunni Arabs, Turkey, Saudi Arabia, and the other Gulf countries—a force that would go to Iraq today and take out ISIS.

I want to assure my fellow Americans that as long as ISIS has a geographic base in Raqqa, they will be exporting terror into the United States and Europe. Baghdadi, we know, is sending people with these devices—secure encrypted devices. We know there is self-radicalization taking place as we speak. We know they are being inserted into the refugee stream. We know these things. As long as they have a capital and we have no strategy for retaking that capital, there will be further attacks, as the Director of the CIA has said, as the Director of National Intelligence has said. There will be further attacks on the United States of America.

Mr. President, I ask unanimous consent to have printed in the RECORD these statements by the President and by Senator GRAHAM and myself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBAMA ON WITHDRAWAL FROM IRAQ

PRESIDENT OBAMA, OCTOBER 2011

''The tide of war is receding . . . The long war in Iraq will come to an end by the end of this year . . . We're also moving into a new phase in the relationship between the United States and Iraq . . . We'll partner with an Iraq that contributes to regional security and peace . . . Just as Iraqis have persevered through war, I'm confident that they can build a future worthy of their history as a cradle of civilization.''

PRESIDENT OBAMA, DECEMBER 2011

''We're leaving behind a sovereign, stable and self-reliant Iraq.''

PRESIDENT BUSH, JULY 2007

''To begin withdrawing before our commanders tell us we are ready would be dangerous for Iraq, for the region and for the United States. It would mean surrendering the future of Iraq to Al Qaeda. It would mean that we'd be risking mass killings on a horrific scale. It would mean we allow the terrorists to establish a safe haven in Iraq to replace the one they lost in Afghanistan. It would mean we'd be increasing the probability that American troops would have to return at some later date to confront an enemy that is even more dangerous.''

SENATOR MCCAIN, OCTOBER 2011

''This decision will be viewed as a strategic victory for our enemies in the Middle East, especially the Iranian regime, which has worked relentlessly to ensure a full withdrawal of U.S. troops from Iraq . . . all of our military commanders with whom I have spoken on my repeated visits to Iraq have told me that U.S. national security interests and the enduring needs of Iraq's military required a continued presence of U.S. troops in Iraq beyond 2011 to safeguard the gains that we and our Iraqi partners have made . . .

Nearly 4,500 Americans have given their lives for our mission in Iraq. Countless more have been wounded . . . I fear that all of the gains made possible by these brave Americans in Iraq, at such grave cost, are now at risk.''

As the situation worsened . . .

SENATOR MC CAIN, DECEMBER 2011

''[Domestic] political considerations in [the United States and Iraq] have been allowed to trump our common security interests. All of the progress that both Iraqis and Americans have made, at such painful and substantial cost, has now been put at greater risk.''

SENATORS MC CAIN AND GRAHAM, DECEMBER 2011

''If Iraq slides back into sectarian violence, the consequences will be catastrophic for the Iraqi people and U.S. interests in the Middle East, and a clear victory for al Qaeda and Iran. A deterioration of the kind we are now witnessing in Iraq was not unforeseen, and now the U.S. government must do whatever it can to help Iraqis stabilize the situation. We call upon the Obama Administration and the Iraqi government to reopen negotiations with the goal of maintaining an effective residual U.S. military presence in Iraq before the situation deteriorates further.''

OBAMA: ASSAD MUST GO

PRESIDENT OBAMA, AUGUST 2011

''For the sake of the Syrian people, the time has come for President Assad to step aside.''

OBAMA ADMINISTRATION OFFICIAL IN THE NEW YORKER, DECEMBER 2015

''The meaning of 'Assad has to go' has evolved.''

SENATOR MC CAIN, DECEMBER 2015

''So why has the meaning of 'Assad has to go' evolved? Because this Administration was overpowered, outplayed, and outmatched. This Administration consoled themselves with the mantra of 'there is no military solution,' rather than facing the reality that there is a clear military dimension to a political solution in Syria. That is what Russia and Iran have demonstrated. They have changed the military facts on the ground and created the terms for a political settlement more favorable to their interests. And I believe as a result, the conflict will grind on, ISIL will grow stronger, and the refugees will keep coming.''

WHITE HOUSE: ASSAD'S FALL IS INEVITABLE

WHITE HOUSE PRESS SECRETARY JAY CARNEY, JANUARY 2012

''Assad's fall is inevitable . . . It's important to calculate into your consideration the fact that he will go. The regime has lost control of the country and he will eventually fall.''

SENATOR MC CAIN, MARCH 2012

''The Administration's approach to Syria is starting to look more like a hope than a strategy. So, too, does their continued insistence that Assad's fall is 'inevitable.' Tell that to the people of Homs. Tell that to the people of Idlib, or Hama, or the other cities that Assad's forces are now moving against. Nothing in this world is pre-determined. And claims about the inevitability of events can often be a convenient way to abdicate responsibility.''

Warning about sectarian conflict in Syria . . .

SENATOR MC CAIN, MARCH 2012

''The surest way for Al-Qaeda to gain a foothold in Syria is for us to turn our backs on those brave Syrians who are fighting to defend themselves. After all, Sunni Iraqis were willing to ally with Al-Qaeda when they felt desperate enough. But when America gave them a better alternative, they turned their guns on Al-Qaeda. Why should it be different in Syria? . . . As we saw in Iraq, or Lebanon before it, time favors the hard-liners in a conflict like this. The suffering of Sunnis at the hands of Assad only stokes the temptation for revenge, which in turn only deepens fears among the Alawites, and strengthens their incentive to keep fighting. For this reason alone, it is all the more compelling to find a way to end the bloodshed as soon as possible.''

SENATOR MC CAIN, JUNE 2012

''If we fail to act, the consequences are clear. Syria will become a failed state in the heart of the Middle East, threatening both our ally Israel and our NATO ally Turkey. With or without Assad, the country will devolve into a full-scale civil war with areas of ungoverned space that Al-Qaeda and its allies will occupy. Violence and radicalism will spill even more into Lebanon and Iraq, fueling sectarian conflicts that are still burning in both countries. Syria will turn into a battlefield between Sunni and Shia extremists, each backed by foreign powers, which will ignite sectarian tensions from North Africa to the Gulf and risk a wider regional conflict. This is the course we are on in Syria, and we must act now to avoid it.''

OBAMA: RUSSIAN SYRIA INTERVENTION WILL BE QUAGMIRE

PRESIDENT OBAMA, OCTOBER 2015

''An attempt by Russia and Iran to prop up Assad and try to pacify the population is just going to get them stuck in a quagmire and it won't work.''

SECRETARY KERRY, MARCH 2016

''Russia is now helping with the cessation of hostilities. And if Russia can help us to actually effect this political transition, that is all to the strategic interest of the United States of America.''

Warning of foreign intervention . . .

SENATOR MC CAIN, MARCH 2012

''Increasingly, the question for U.S. policy is not whether foreign forces will intervene militarily in Syria. We can be confident that Syria's neighbors will do so eventually, if they have not already. Some kind of intervention will happen, with us or without us . . . We also hear it said, including by the Administration, that we should not contribute to the militarization of the conflict. If only Russia and Iran shared that sentiment. Instead, they are shamelessly fueling Assad's killing machine. We need to deal with reality as it is, not as we wish it to be—and the reality in Syria today is largely a one-sided fight where the aggressors are not lacking for military means and zeal. Indeed, Assad appears to be fully committed to crushing the opposition at all costs. Iran and Russia appear to be fully committed to helping him do it.''

On the nature of Russian intervention . . .

SENATOR MC CAIN, OCTOBER 2015

The Administration has accepted ''Russia's expanded role in Syria, and as a consequence, for Assad's continued brutalization of the Syrian people. It is simply incomprehensible that the Administration is taking such great pains to offer Russia a 'constructive' role in Syria, pretending that Russia has the slightest interest in anything other than propping up the murderous Assad regime. That is what Russia has been doing for four years as Assad has slaughtered more than 200,000 Syrians, and that is what Russia is doing now.''

What has happened since . . .

SENATOR MC CAIN, APRIL 2016

''Last year, Vladimir Putin moved to fill the strategic vacuum that the United States has left in the Middle East. In its first out-of-area military since the time of the czars, Russian forces moved into Syria, doubled down on the Assad regime, and decimated the moderate Syrian opposition groups that America and our allies said we were supporting. Russia has used Syria as a live-fire exercise for its modernizing military. Despite predictions of a Russian quagmire, Putin has instead used limited military means to achieve distinct political goals. Despite Putin's pledged withdrawal from Syria, Assad's forces, backed by Russia, now appear poised to retake Aleppo. Meanwhile, advanced Russian military capabilities remain in Syria, enhancing Putin's ability to project power beyond the region.''

OBAMA UNDERESTIMATING ISIL

PRESIDENT OBAMA, JANUARY 2014

''The analogy we use around here sometimes, and I think is accurate, is if a jayvee team puts on Lakers uniforms that doesn't make them Kobe Bryant.''

SENATORS MC CAIN AND GRAHAM, OCTOBER 2013

''By nearly every indicator, the situation in Iraq has worsened dramatically since the beginning of the conflict in Syria and the withdrawal of U.S. forces from Iraq in 2011 . . . What's worse, the deteriorating conflict in Syria has enabled al Qaeda in Iraq to transform into the larger and more lethal Islamic State of Iraq and al-Sham (ISIS), which now has a major base for operations spanning both Iraq and Syria. It may just be a matter of time until al Qaeda seeks to use its new safe haven in these countries to launch attacks against U.S. interests.''

ISIL captured Fallujah three months later . . .

SENATORS MC CAIN AND GRAHAM, JANUARY 2014

''Reports that Al-Qaeda fighters have taken over Fallujah and are gaining ground in other parts of Iraq are as tragic as they were predictable . . . The Administration's failure in Iraq has been compounded by its failed policy in Syria. It has sat by and refused to take any meaningful action, while the conflict has claimed more than 130,000 lives, driven a quarter of the Syrian population from their homes, fueled the resurgence of Al-Qaeda, and devolved into a regional conflict that now threatens our national security interests and the stability of Syria's neighbors, especially Iraq.''

As the situation worsened . . .

SENATOR MC CAIN, APRIL 2014

''It is reality check time in Iraq, where the Syria-Iraq border has turned into a major highway and safe haven for transnational terrorist groups. The black flags of al-Qaeda fly over the city of Fallujah, where hundreds of U.S. troops were killed and injured. Violence across the country has reached the same levels as at the height of the Iraqi insurgency in 2008, and the country is creeping dangerously close to a reignition of civil conflict.''

OBAMA ON LEAVING ISIL UNCHECKED

PRESIDENT OBAMA, SEPTEMBER 2014

''So ISIL poses a threat to the people of Iraq and Syria, and the broader Middle East—including American citizens, personnel and facilities. If left unchecked, these

terrorists could pose a growing threat beyond that region, including to the United States.''

SENATORS MCCAIN AND GRAHAM, AUGUST 2014

''Americans need to know that ISIS is not just a problem for Iraq and Syria. It is a threat to the United States. Doing too little to combat ISIS has been a problem. Doing less is certainly not the answer now . . . ISIS presents Mr. Obama with a similar challenge, and it has already forced him to begin changing course, albeit grudgingly. He should accept the necessity of further change and adopt a strategy to defeat this threat . . . If he does not, ISIS will continue to grow into an even graver danger to our allies and to us.''

Nearly two years into the campaign to ''check'' ISIL . . .

ISIL has metastasized to Yemen, Egypt, Lebanon, Afghanistan, and Libya.

As of the end of April 2016, CNN reported that ISIL had conducted or inspired at least 90 terrorist attacks in 21 countries other than Iraq and Syria.

That, of course, doesn't account for the 49 Americans murdered in Orlando by a terrorist who pledged allegiance to ISIL.

If it wasn't clear then, ISIL's threat to our homeland is real, direct, and growing.

OBAMA ON DESTROYING ISIL

PRESIDENT OBAMA, SEPTEMBER 2014

''We will degrade and ultimately destroy ISIL.''

SENATOR MCCAIN, SEPTEMBER 2014

''The President's plan will likely be insufficient to destroy ISIS, which is the world's largest, richest terrorist army. To destroy ISIS, create conditions for enduring security in the Middle East, and protect the American people, additional steps are necessary . . . Half measures against ISIS only make it stronger and will not lead to its destruction.''

Urging a comprehensive plan . . .

SENATORS MCCAIN AND GRAHAM, OCTOBER 2014

''We continue to urge the Administration to quickly adopt a comprehensive strategy [against ISIL and avoid the perils of gradual escalation . . . Degrading and ultimately destroying ISIS will require additional actions that we have long advocated, such as the deployment of U.S. Special Forces and military advisers on the ground to direct airstrikes and advise our local partners; the expansion of assistance for moderate Syrian forces, and the establishment of safe zones protected by no fly zones in Syria . . . That is ultimately what it will take to destroy ISIS and keep America safe, and we cannot afford to delay any longer.''

SENATOR MCCAIN, NOVEMBER 2014

''Applying a half-hearted bombing campaign without seriously undertaking complementary efforts to train and assist local forces and protect civilians in Syria is simply doomed to fail. It is time for this Administration to stand by our Syrian allies, as it has done for other communities in Iraq and Syria, and move quickly to support moderate opposition forces fighting against ISIS and Jabhat al-Nusra and protect the Syrian people from Assad's deadly air campaign. Until such actions are taken, I fear that the threat posed by ISIS will continue to metastasize.''

OBAMA ON CONTAINING ISIL

PRESIDENT OBAMA, NOVEMBER 2015

''We have contained them.''

The day after this statement, ISIL attacked in Paris . . .

SENATOR MCCAIN, NOVEMBER 2015

''What should now be clear is that ISIL is determined to attack the heart of the civilized world, Europe and the United States—that it has the intent to attack us, the capability to attack us, and the sanctuary from which to plan those attacks. What should now be clear is that our people and our allies will not be safe until ISIL is destroyed—not just degraded, but destroyed; not eventually, but as soon as possible.''

GENERAL JOSEPH DUNFORD, DECEMBER 2015

''We have not contained ISIL.''

Further warning that ISIL is not contained . . .

SENATOR MCCAIN, DECEMBER 2015

''As long as this caliphate exists in Raqqa, they are going to be able to orchestrate attacks and metastasize and maybe even move to Libya.''

ISIL's scored its biggest victory in Libya in June 2016 when it captured Sirte. Today, ISIL still has over 5,000 fighters in Libya.

In January 2016, ISIL was so contained that the Obama Administration approved targeting ISIL in Afghanistan nearly a year after they had arrived on the battlefield . . .

SENATOR MCCAIN, JANUARY 2016

''Now the administration seems to be waking up to the fact that more than a year into the U.S. military campaign, ISIL's reach is global and growing. We can only hope it won't take so long for the administration to realize that conditions on the ground in Afghanistan simply don't warrant a dangerous, calendar-driven withdrawal of U.S. forces.''

As of today, the Obama administration is moving forward with plans to cut U.S. forces in half by the end of the year.

Mr. MCCAIN. I would point out that, as long ago as August 2014, Senator GRAHAM and I said:

Americans need to know that ISIS is not just a problem for Iraq and Syria. It is a threat to the United States. Doing too little to combat ISIS has been a problem. Doing less is certainly not the answer now . . . ISIS presents Mr. Obama with a similar challenge, and it has already forced him to begin changing course, albeit grudgingly. . . . If he does not, ISIS will continue to grow into an even graver danger to our allies and to us.

It was obvious.

Here is a quote from President Obama from November 2015: ''We have contained them.''

Really? We have contained them?

Again, General Dunford said, in a further warning, that ISIL is not contained.

I said in December of 2015: ''As long as this caliphate exists in Raqqa, they are going to be able to orchestrate attacks and metastasize and maybe even move to Libya.''

Guess what. They moved to Libya.

The list goes on and on.

From August 2011, here is one of my favorites from President Obama: ''For the sake of the Syrian people, the time has come for President Assad to step aside.''

An Obama administration official said in the New Yorker in December 2014, 4 years later: ''The meaning of 'Assad has to go' has evolved.''

''The meaning of Assad has to go has evolved.''

Anyway, the list goes on and on.

President Obama said in October 2015: ''An attempt by Russia and Iran to prop up Assad and try to pacify the population is just going to get them stuck in a quagmire and it won't work.''

''In a quagmire, and it won't work.''

Secretary Kerry said in March of 2016:

Russia is now helping with the cessation of hostilities. And if Russia can help us to actually effect this political transition, that is all to the strategic interest of the United States of America.

And now, what did they do? They bombed the people we trained and equipped. They murdered. Bashar Assad has murdered so many more than ISIS with his barrel bombs and the indiscriminate killing of men, women, and children. He has never paid a penalty for the use of sarin gas, with which he gassed thousands of innocent men, women, and children in Syria.

Does anybody believe that Assad is leaving power anytime soon? Of course not.

So again, we have been talking about this, and we have been warning about it. By the way, Senator GRAHAM and I are always described in the liberal media this way: ''Senator GRAHAM and Senator MCCAIN, among Obama's harshest critics.'' They do not mention that we called for the removal of President Bush's Secretary of Defense.

No, we are not his harshest critics. We are the ones who have been telling the truth to the American people ever since this debacle began, because we have an obligation—we have an obligation—to those men and women in uniform serving in the longest wars in our history. We have an obligation to the families of those who have been killed and wounded. We have an obligation to try to force this President to understand that we have failed. We are failing, and we have failed.

Yes, we are making some gains with the retaking of Fallujah, after two battles—by the way, where American troops were wounded and killed. There is some small success. But the fact is that none of this had to happen, and that is the great tragedy of the last few years. None of it had to happen, and this President didn't lead because he believed all we needed to do was get out and those conflicts would end.

So I say directly to my colleagues: The President's policies are responsible for the deaths, untold deaths, the quagmire we are in, the metastasizing of ISIL and the rise of Russia as a new power in the Middle East and the retention of Bashar Assad ensconced as a ruler of Syria—the same person about whom the President of the United States said: It is not whether Bashar Assad leaves power; it is when.

Mr. GRAHAM. If I may, just to wrap this up, 50 diplomats who served in the

Mideast wrote an open letter to the world to say that we have let Assad get away with murder. Assad will be in power when Obama is gone. Russia and Iran have gone to Assad's aid. The biggest winners of Obama's strategy in Syria have been Russia and Assad. The biggest losers have been our allies—Arab allies, in particular and the people in Syria.

About our willingness to help, I was in a multiperson primary back in 2014. The President basically reached out to Senator MCCAIN and myself after Assad had crossed the redline the President drew regarding chemical weapons. It was Labor Day. I will never forget it as long as I live. I flew up with Senator MCCAIN, and we met with President Obama in the Oval Office and Susan Rice. They informed us of what Assad did, and were seeking our support to basically hit him militarily as punishment for crossing the redline.

The goal was to degrade Assad's capability on the battlefield, upgrade the ability of the opposition to fight him and change momentum on the battlefield. Senator MCCAIN and I went out in front of the Oval Office in the driveway and said: We stand with the President in his efforts to deal with Assad for crossing the redline, to upgrade the opposition, degrade Assad, and change the momentum on the battlefield.

This was right around Labor Day. It was supposed to happen in a couple of days—airstrikes from the sea and land. Nothing happened. By the end of the week, the President decided to go to Congress, and, unfortunately, Congress didn't respond well. So there is some blame in the body. But President Obama has yet to call us and tell us that.

Now, I am in the middle of a primary and people are war weary, and I just really thought the President was doing the right thing to hold Assad accountable. So I want to help him where I can.

I have tried to put money in the budget to help secure the gains we have achieved in Iraq. I hope Fallujah falls, and I think it will, but I said 8,000 to 10,000 U.S. soldiers would be necessary to destroy ISIL inside Iraq. We are over 5,000, and we have to go to Mosul, which is a city of a million people. If we don't have more American ground components, then we are not going to retake Mosul, and the Shia militia, which are controlled by Iran, are going to have way too much to say in terms of the future of Iraq.

So inside Syria there is no strategy to destroy ISIL. I think President Obama is passing this on to the next President, not wanting to break his promises, not recommitting troops, and he is just ignoring good sound military advice. The bottom line is—and I hate to say this—if there is a JV team on the field in the War on Terror, it is in the White House. The bottom line is they are at war with us, but we are really not at war with them. We can't even say ''combat.''

So I want to help this President where we can. We have had a very contentious debate about guns. Things have been said on both sides of the aisle that I think are, quite frankly, out of bounds. I don't want to sell guns to ISIL; I want to destroy them.

I think we have several choices here. We are going to fight them in their backyard or ours. I choose to fight them in their backyard—with partners. The Arabs want to help us because they are in the crosshairs of ISIL. But they are not going in to fight ISIL in Syria and wind up giving the whole country to the Iranians by keeping Assad in power. They have told us.

The King of Saudi Arabia told us: You can have our army. But they want to make sure that when we finish the job in Syria, the Iranians are not in control of Syria. They are dominating four Arab capitals and the Arabs are tired of this.

The bottom line is Iran is running wild, ISIL is a growing threat to the homeland, and we don't have a strategy to destroy ISIL and secure the gains and stabilize Iraq and Syria. When it comes to Iran, we have empowered the most tyrannical regime on the planet, I think, by giving them $150 billion to put in their war machine. They will have a pathway to a bomb and a missile to deliver it even if they do not cheat under this agreement.

So the next President of the United States is going to have a mess on their hands, but we still have a long way to go with this President.

So, Mr. President, send a couple thousand more troops into Iraq and make sure we liberate Mosul and can hold the place. Up your game in Syria. Work with our Arab partners who will go in on the ground with you. Tell Assad he has to go, and tell the Russians, if you want to fight for the Butcher of Damascus, you are welcome to do so—and they won't. Let the Syrian people rebuild Syria, pick their leader, and not have the Russians or the Iranians pick their leader.

There is a way forward. It is going to take more effort on our part but not 100,000 troops. We are talking less than 10,000 to get this job done. But we do need a different approach to Syria particularly or this will never end.

Here is what I worry about the most. The thousands of foreign fighters who have joined the jihad have Western passports, and people on my side of the aisle were saying some pretty crazy things, quite frankly. You can't seal America off from the world. People do travel, and they do trade. So the ability to penetrate the homeland exists. The bottom line is that the sooner we can destroy ISIL, the safer we will be and the quicker we can live in peace in the region—and we don't have a plan to do it.

I hope the President will make an adjustment. President Bush adjusted. It is not easy for a President to adjust. I can get that. But he made a decision to listen to his commanders and he adjusted. This President is making some adjustments, but they are incremental in nature. He downplays the adjustments he is making. He downplays the threats we face. When the Attorney General says: I really don't understand what motivated this man, that really breaks my heart because I think most of us do.

Here is what I worry the most about. It is taking too long to take these guys out over there. They are reaching into Libya, and another 9/11 is on the way if we don't put these guys on the defensive. I want to hit them before they hit us. I want partners. I don't want to fight this war alone. I want to keep the war over there. It is coming here. No matter what you do, it may come here anyway, but we are allowing them to come here quicker and faster than they should be allowed to come here. We are allowing them to stay stronger—longer than they should.

In the wake of this foreign policy debacle, we have lost an entire group of people called the Yazidis, who have been basically wiped off the face of the planet. There have been hundreds of thousands of people displaced—millions displaced—and they are going to look at America and say: You can't count on America. Every young child in a refugee camp who was driven to that camp because of our failure to deal with ISIL, allowing Assad to barrel-bomb his or her family, is going to grow up not liking us. One day we are going to have to confront them.

The effects of this strategy of failed foreign policy are going to be generational. Mr. President, there is still time to adjust, if you will adjust your strategy and not just listen to us but listen to the 50 people who wrote the letter and listen to your military commanders. If you make these adjustments, we will be there with you.

Mr. MCCAIN. Mr. President, I wish to summarize, the reason Senator GRAHAM and I came to the floor at this time is because it is pretty obvious the debate now is over guns, and there should be a legitimate debate over the use and availability of weapons. I hope we could reach a reasonable compromise so we can act.

I want to emphasize, we would not be having this debate if it were not for the failed policies that led to where we are today, where a young man—either instructed or self-radicalized—took the lives of nearly 50 brave Americans. That was not like a hurricane. It was not like an earthquake. It was because this President has failed to lead. Look at the world as it was in the times when I was talking and look at the world today. We have to have a strategy to defeat ISIS, and we cannot

stand to have this brutal dictator named Bashar al-Assad continue to slaughter his own people. We have to stand with our allies and stand with our friends, but what is most important is, we have to have a strategy to defeat this enemy, which has proven at least twice it has the ability to attack the mainland of the United States of America. That is not there today.

AMENDMENT NO. 4787

Mr. CORNYN. Mr. President, would the Senator from Arizona yield for a question?

Mr. MCCAIN. Absolutely.

Mr. CORNYN. Mr. President, I would say to my friend from Arizona, before lunch we had a vote on a very important amendment the Senator sponsored, along with the chairman of the Intelligence Committee, that received a majority vote of the Senate but not enough to get us to the 60-vote threshold. I know the majority leader has put in a motion to reconsider, which will allow him to bring that up because of some absenteeism.

I want to ask my friend, during the time the shooter in Orlando was under surveillance by the FBI and was actually put on a watch list, the authority they had to gather information about him and particularly his computer usage by issuing a subpoena to the Internet service provider in order to identify IP addresses and perhaps email addresses, not content—they were denied the opportunity to get that kind of information. Does the Senator have any idea whether perhaps the FBI might have been tipped to the fact that this shooter—let's say he was accessing YouTube videos of Anwar al-Awlaki like Nidal Hasan in Fort Hood was before he committed his terrorist attack there, or let's say one of the email addresses they were able to collect was one of a known terrorist or somebody the FBI suspected was complicit in terrorism, obviously, under the Senator's amendment, in order to get the content of that, the FBI would have to go to the FISA Court and establish probable cause.

Does the Senator have an opinion whether that kind of information, to which the FBI was blinded by the lapse in this authority—whether that would be helpful information in identifying potential threats like we saw in Orlando?

Mr. MCCAIN. I say to my friend and colleague who has done so much hard work on trying to achieve a careful balance and compromise that all of us could agree to on the issue of weapons, I appreciate the question and I appreciate his work.

I can't specifically state I know for a fact that the failure of the ability of the FBI to monitor and know about use of the Internet—not content but use of the Internet, such as the Senator mentioned IP addresses and others. I can't say that would have prevented it. What I can say, and the Senator knows, the Director of the FBI said this is the most important tool he needs to defend this country against further attacks. Is there anyone now in America who doesn't believe there is going to be another self-radicalized or instructed individual who will try to attack the United States of America? Of course not.

In their wisdom, a majority of my colleagues over there and a group of my colleagues over here have rejected the urgent request from the Director of the Federal Bureau of Investigation. I have seen a lot of strange votes around here, I would say to my friend from Texas, but to see Republicans, who advertise themselves as trying to protect the people of this Nation, not give the Director of the Federal Bureau of Investigation the tool he needs the most to counter what is clearly coming, frankly, is one of the most puzzling and disappointing actions that have been taken by my colleagues on this side of the aisle.

Mr. CORNYN. I thank the Senator.

I would merely add, this is not a partisan issue. As the Presiding Officer and as the Senator from Arizona knows, the Intelligence Committee has voted in a bipartisan way, with only one Senator dissenting in the Intelligence reauthorization bill, to reinstate this very authority the amendment of the Senator from Arizona pertained to. I believe, of all the votes we have had this week, the vote on Senator MCCAIN's amendment was the one with the greatest potential to stop future terrorist attacks like we saw in Orlando—because we all know the shooter in Orlando was under two separate FBI investigations and he was put on a watch list. With so much discussion about watch lists, he was no longer on a watch list so the FBI was not notified when he went in and purchased the two firearms he used in this attack. We also know he was a licensed security guard, and he actually had a license to own firearms.

This is a complicated and complex and confusing picture we have all been presented, and we are all trying to figure out what is the solution or what could we do to help reduce the possibility that something like this might happen in the future? I can guarantee one thing. It is not to limit the constitutional rights of law-abiding citizens. That is not going to stop future terrorist attacks. If we fail to give law enforcement and counterterrorism authorities the means by which to identify these self-radicalized terrorists before they kill—if we don't do that, then shame on us. This is not partisan, as I said, because a bipartisan majority—with one dissenting vote—on the Intelligence Committee voted for this provision, but we need to get serious about this. I know, because of some absenteeism today—necessary, I am sure—we didn't have every Senator here present and voting.

I hope in the interim, from the time of that failed cloture vote on the McCain-Burr amendment until the time we vote on this again when the majority leader moves to reconsider, we can have some serious discussions and serious efforts at trying to make our country safer and protecting innocent Americans from terrorist attacks on our own soil.

If we deny the FBI Director the No. 1 legislative priority of the agency, as he has told us time and time again—most recently in the SCIF, in the secure facility. Obviously, that part is not classified, but he said this is a very important tool. If we are going to ask the FBI and our counterterrorism authorities to connect the dots, well, they can't connect the dots unless they can collect the dots. Again, this is with proper and appropriate regard, under the Fourth Amendment, for American citizens when it comes to searches of their property or seizures. Under the Fourth Amendment, we know there has to be established probable cause that a crime has been committed, established before an impartial judge. We are not talking about the content. We are saying, if there are enough dots to connect together to raise a reasonable suspicion on the part of our counterterrorism authorities, they ought to then have the opportunity to go to a judge and get the content of that communication under appropriate constitutional Fourth Amendment procedures. If they don't even have access to the basic information, then they can't connect the dots because they can't collect them.

So of all the votes we have had this week, I believe the vote on the McCain-Burr amendment was the most important because I think it was the one most likely to produce additional tools that our counterterrorism authorities could use in an investigation to identify self-radicalized terrorists in the United States before they strike. It is too late after they strike, when we are all asking the question: What can we possibly do in order to prevent something like this from happening again? We now know what we can do. It may not be a panacea, but it is making sure our law enforcement authorities, such as the FBI, have the tools they need in order to conduct these investigations, again to collect the dots so they can connect those dots.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FLAKE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, there is a lot going on around here. Before lunch, we finished a vote that I was very disappointed did not reach the 60-vote threshold so we could proceed to debate and vote on what I think is one of the more important issues we are dealing with; that is, our ability to stop terrorist attacks.

As a member of the Senate Intelligence Committee, we have had the opportunity to meet several times with Director Comey, the head of the FBI, asking him if they have the tools necessary to prevent terrorist attacks against innocent Americans. Simply because of changes in technology, a tool they had before—and by ''tool,'' a method they had before to try to determine who is trying to do us harm—works for one type of technology, but new technology, basically because of an omission in the language that was never intended by the Congress, does not give us the ability to so-call connect the dots to give us the opportunity to then go and seek a warrant for further investigation.

This was the vote we had on the floor. We came up just one or two votes short. I know the majority leader made a motion to reconsider so we will be taking this up again. I hope my colleagues who did not vote for this will take the opportunity as a Member of the U.S. Senate to come to the Intelligence Committee to sit down, look at the classified information, and assure themselves this does nothing that invades anyone's privacy rights.

There seems to be a lack of information as to what is being asked for. In that regard, hopefully during this next few days, we will have the opportunity for our colleagues to come and understand this. Frankly, it is something many had voted for but were not aware of this glitch in the language that has put us in this particular position. I will be happy to accompany any of my colleagues to a place where we can look through, on a classified basis, why this is so important.

WASTEFUL SPENDING

Mr. President, I want to do what I have been doing now for about 46 weeks in the Senate in this cycle; that is, to discuss the waste of the week. The waste of the week is something we have been talking about. While I deeply regret we have not been able to fashion a long-term program dealing with our debt and our deficit, which is so critical for the future of this country, the least we can do is look at the way we currently spend taxpayer money, and in doing so, weed out those programs that simply don't justify the use of taxpayer money.

I was going to do this last week, and after the tragic events of Orlando, I didn't think it was the appropriate time to do so. So today I am doing two wastes of the week to make up for last week and this week.

This week, the Senate is considering legislation that funds a number of agencies, including the National Science Foundation. When Congress created the National Science Foundation, the agency's goals were to promote progress in science, help secure our national defense, and advance national health, prosperity, and welfare. That is a great goal.

I am not here today to question the validity of the National Science Foundation. There is no question that research funded by the NSF has led to remarkable discoveries in that the majority of the work they do, their research, is worthwhile. However, thanks to the work started by my former colleague Senator Tom Coburn, it has now become clear that the National Science Foundation has funded some research that truly falls in the category of a waste of taxpayer dollars—either because the research has questionable benefit or because it is research that should more appropriately be conducted by the private sector or perhaps it doesn't even need to be conducted.

By the way, these are all documented. Inspectors general—the Government Accountability Office goes in and does audits and they look at how money is spent. Then they report this back to us. We look at this and say: How in the world did this ever get approved? Who agreed to spend this kind of money on this kind of research project when we are running deficits, when we are deeply in debt here as a nation? Is this a wise way to spend hard-earned tax dollars?

We are trying to bring these to light in a transparent way so our Members will say: Let's crack down on this kind of stuff. I don't want to go home and tell my constituents their tax dollars are going toward this kind of stuff.

We had another example several months ago about—you can't make this stuff up—whether, if people are hungry, they are more disposed to be a little curt or a little angry with their spouse. Somebody came up with the idea: Let's test this out. The expenditure was considerable for this research. I can't remember exactly what it is right now, but they gave husbands and wives voodoo dolls and a bunch of pins. They said: Every time you feel a bad feeling or want to say something mean to your spouse, you take your voodoo doll—you have your voodoo doll that looks like your wife and your wife has one that looks like her husband—and you take a pin and stick it in the voodoo doll. When you did this, you were asked the question: Were you hungry at the time? If you were hungry at the time, they said to count all the pins and say: Well, OK, we have proven the fact that if you are hungry, you are more likely to be upset with your spouse than if you are not hungry.

To come here and explain this, people say this can't be true. Tell me, tell me tax dollars are not used for something like this out of an agency as respected as the National Science Foundation. Yet they defended this process as a legitimate grant, expenditure of taxpayer dollars, and used a new word, ''hangry.'' It is the combination of being hungry and angry, and it is hangry. Are you hangry? And if you are, you might be upset with your spouse a little more quickly because the pins in the voodoo dolls prove that. I promise you, I am not making this up. This is documented. This is what the research project included.

Today, I want to name two additional examples. I am not picking on the NSF, but we keep reading about this. Here are two examples that cost taxpayers nearly $2.2 million. The first example is a $171,000 grant to research how monkeys gamble. Yes, you heard that correctly. Researchers actually taught monkeys to gamble to see if they could develop a hot-hand mentality.

Now let me put my cards on the table and explain what this means. Researchers taught monkeys to keep gambling and keep playing, despite potential risk, in order to maximize their rewards. Instead of earning money, which the monkeys weren't going to take the money to a store and spend, the monkeys were rewarded with food. It turns out the monkeys tried to get as much food as possible from their gambling game. In other words, knowing there was going to be the reward of more food if they kept gambling, the monkeys kept gambling.

First of all, I didn't know monkeys could gamble so I guess we learned something there. Secondly, my bet is that taxpayers agree with me that there are much more pressing issues that deserve Federal funding.

The second example I want to talk about is the nearly $2 million grant to Cornell University for a study on popular landmark photos. This money was used to study photos that have been posted—I think we have a chart here. We actually found a picture of the monkeys gambling. Here are their chips. Somehow they taught them to gamble. They were rewarded with food. The monkeys figured out pretty quickly that if they kept gambling, they could get more food.

It is not unlike my dog. We wake up in the morning, and the first one up in our house—my wife or myself—feeds the dog. If we forget to tell each other that we fed the dog—I go off to work, catch a plane to come back to Washington—I get a call from my wife: Did you feed the dog? Yes, I did feed the dog. Well, she is sitting here begging, looking like, ''Poor thing, I didn't get anything to eat this morning''—soulful eyes on Honey Hoosier. That is our dog, soulful eyes looking at you, ''Oh, if you could just give me something to eat.'' My wife says: I fed the dog because I

thought you surely didn't feed the dog because she looked so sad.

Hey, she is gaming the whole program here. She is very successful with me because I look at her and say: Oh, you poor thing. Let me give you some food. And then my wife comes out later and says: You know, I fed the dog. I hope you didn't feed her again.

Anyway, the animals figured it out pretty quickly, and I don't know what this leads to as a conclusion. All I know is, why should the taxpayer be paying for stuff like this? These are fun things maybe to do for somebody if they want to do them, I suppose, but the conclusions they come to, it may benefit society, but does it have to be done with taxpayer dollars? So on and on we go.

The second issue here is this Cornell study on photos. The researchers claim they searched the 40 billion pages of Web sites with photos to make photo archives available to social science for research. In reality, the researchers examined photos that had been uploaded to a popular photo-sharing site called Flickr and then determined some of the top photograph sites in the world. What did they find? Unsurprisingly, the most popular sites included the Eiffel Tower, Big Ben, the Empire State Building. Unfortunately, the Indianapolis Motor Speedway was not included, which is disturbing to me. They also found that the Apple store on Fifth Avenue in New York City is more popular on Flickr than the White House. You can come to your own conclusions as to what you might think about that, but we have to ask ourselves: Was this basic Internet research really worth $2 million of taxpayer money? The researchers said it is because the work can help with online travel guides and improve social media sites' ability to guess where a photo was taken. Helping improve online travel guides and social media geolocation services is not exactly part of the NSF's original mission, which I read to you.

What can Congress do about these kind of things? One problem with Congress's inability to crack down on wasteful spending is the lack of transparency, and what we are doing here is trying to be transparent. We are exposing to my colleagues, we are exposing to the American public the kind of waste that is going on with their hard-earned tax dollars. They sent their hard-earned tax dollars to Washington thinking that it would be invested in building new roads, infrastructure, providing for our military defense, or the veterans who have come home and need support. No, instead it goes to grants that go to these kinds of crazy things. That is why I submitted an amendment to this week's bill to require the National Science Foundation to publish the full documents submitted by NSF grant recipients outlining what the research will entail. We can no longer trust the decisionmaking process of the National Science Foundation. We want them to publish and provide documentation to the Congress so we know who is and why they are making these decisions and where this money is going.

As of today, the NSF provides only short summaries of the proposals that are awarded funds, but these summaries are very limited, and, of course, they are written in a way that makes it look as though it is legitimate and something that we really need to do. We cannot appropriately fix the problem without all of the information and a clear understanding of the intent of the research grants that are awarded by the National Science Foundation. Taxpayers have a right to know how their money is being spent.

Our ever-growing accumulation of wasted taxpayer dollars can now add over $2 million for gambling monkeys in a photo popularity contest, bringing our pricetag to nearly $176 billion of taxpayer money wasted on projects that really provide little or no benefit to the American people. That is what the inspectors general at the Government Accountability Office and others have determined, and this is not small change. People work really hard to raise this kind of money and are then taxed at a level of $176 billion only to see every dollar and every penny of that essentially wasted through fraud or abuse.

I will keep coming to the floor, so stay tuned for next week's revelation. I could probably come down and do this every day when the Senate is in session because I am just scratching the surface. We will keep pointing out how the people's money is being spent, and hopefully on the basis of that, Congress will take action to make sure it no longer falls under the category of waste, fraud, and abuse.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TOOMEY). Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS FIRST ACT

Mr. BROWN. Mr. President, I want to thank my colleagues from the Veterans Affairs' Committee for their work on the Veterans First Act. I just left the committee, where Senator ISAKSON and Senator BLUMENTHAL are in their typical bipartisan way working together with the VA to improve veterans' health care. I am appreciative of that. They will be on the floor later this afternoon to urge the Senate to move quickly on this important legislation for our Nation's heroes.

This comprehensive, bipartisan bill will grant vets and their families expanded benefits that will ensure that the VA has resources to provide veterans with the highest quality of care. No veteran should face exploitation by for-profit colleges, inadequate care, or life on the street. We address all these issues with this bill.

This bill will expand educational opportunities for veterans and their families, including my constituent, Melissa Twine. Ms. Twine is an Air Force veteran from Batavia, east of Cincinnati, in Clermont County. Her husband Philip Twine died serving our country in the Air Force.

The Fry Scholarship provides GI bill benefits to surviving spouses and children of servicemembers who have died in the line of duty since 9/11. However, when Congress extended the benefit to spouses in the Veterans Access, Choice, and Accountability Act of 2014, a 15-year limitation was put on these benefits. Captain Twine passed away in 2002, meaning that now, as his wife tries to go back to school to pursue her master's degree, she and so many other surviving spouses don't have the time to use this benefit. This bill will fix that and give veterans' families the opportunity to further their education.

In addition to expanding the Fry Scholarship, the bill will expand the VA's Yellow Ribbon Program to help students with out-of-pocket tuition and fees and to include all spouses and children of servicemembers who gave their lives fighting for our country. The bill also incorporates legislation I helped to introduce to restore GI benefits of veterans who lost credit or training time because their school permanently closed. We have heard too many stories of shady, for-profit colleges that close abruptly, leaving students and many veterans in limbo. This ensures the veterans don't lose their GI benefits.

We know that, shamefully, too many veterans don't have a roof over their heads or a place to call home. The legislation incorporates elements of the Veteran Housing Stability Act, which would increase veterans' access to permanent housing options.

This is an issue that we have been working on for years. Last year, I visited organizations around Ohio that are doing terrific work to give veterans the support they need to get back on their feet and find permanent homes. With this bill we will give veterans the support they need. Even one veteran on the streets means Congress isn't doing nearly enough to tackle this problem.

The legislation also helps ensure whistleblowers at the VA can disclose concerns relating to veterans care without fearing retaliation.

It expands a critical program to support veteran caregivers.

As a country, we made a promise to care for veterans in return for their service to this country. Far too often people in this body are willing to vote billions of dollars for defense but then not do what we should with veterans. This bill helps to change that. Right now, 9/11 veterans and their families already take advantage of this critical support. This bill will make the same support available to families and veterans of all generations.

I urge my colleagues to move quickly in this important legislation to protect and honor our Nation's heroes.

CONGRATULATING THE CLEVELAND CAVALIERS FOR WINNING THE 2016 NATIONAL BASKETBALL ASSOCIATION FINALS

Mr. BROWN. Mr. President, I know I will be joined in a few moments by my colleague from Ohio, Senator PORTMAN.

I rise to make some remarks on a resolution Senator PORTMAN has submitted with me.

Mr. President, journalists and sports fans like to describe victories as ''historic,'' and often that is a bit of hyperbole. But in the case of the Cleveland Cavaliers' NBA championship win on Sunday, the word ''historic'' is warranted.

Today, several hundred thousand people gathered in downtown Cleveland. Senator PORTMAN and I talked about how we would have liked to have joined in. But we have these day jobs, and we just figured we couldn't really go back. Today, literally hundreds of thousands of people are in downtown Cleveland. Some estimates were as high as almost all the adult population of Cuyahoga County. The numbers are pretty spectacular. The word ''historic'' is warranted in this Cavaliers victory on Sunday night.

No other team in NBA history has come from a 3-to-1 series deficit in the finals, until now. No other major American city has gone so long as Cleveland has without winning a major league sports championship.

It is fitting for my city—my wife and I call Cleveland home—that this championship came down to game 7. The series played out like a metaphor for what this means in Cleveland—ever the underdog, down 3 games to 1.

To understand what this victory means for our Midwestern city on the lake, think about the last time we won a championship in a major sport. None of the pages sitting here were born. In fact, some of their parents might not have yet been born. It was 1964.

Lyndon Johnson was President. Martin Luther King, Jr., was in the middle of a very successful civil rights campaign. Robert Kennedy, who sat at this desk on the Senate floor, was still alive, campaigning for civil rights and economic justice. America was beginning to hear more and more about Vietnam on the evening news. We had no idea of the nightmare that it would become.

The Beatles had just come to America. We had three TV channels in Cleveland—channels 3, 5, and 8. The most popular shows were ''Bonanza'' and ''Bewitched.''

As a boy growing up in Mansfield—not far from Cleveland, about 70 miles—I watched with pride a little more than 2 years before that when Ohio's John Glenn orbited the Earth in *Friendship 7*. The moon was still a distant dream, and none of us had heard of astronaut Neil Armstrong.

The Cleveland Browns with Jim Brown brought home the NFL championship for us that December. It wasn't even called the Super Bowl back then. That is how long ago this was. It was called the NFL championship. Little did any of us know that we wouldn't see another trophy for another half century.

I was 12 years old at the time.

The Cleveland Cavaliers did not exist. The NBA was much smaller. Three years earlier, the Indians had traded the beloved outfielder, the hero of all young fans. Rocco Colavito was traded away to Detroit. The Indians were in the midst of losing season after losing season. Within a year or 2, they put together a top-line four-person starting pitching staff—Sonny Siebert, Luis Tiant, Sam McDowell, Steve Hargan—but still the Cleveland Indians didn't win.

As a 10-year-old, a 12-year-old, and a 15-year-old, my dad would take us up old U.S. 42, often to see a double-header, back when they played those kinds of double-headers on Sunday.

My dad would never take us to see the New York Yankees, a team he despised, because he knew that 15 or 20 cents of our ticket price would go to Mickey Mantle or Roger Maris and Yogi Berra and other Yankees.

Every year I was naive to think the Indians would win the pennant. Never in those years would they even get close. By July, or certainly by August, it was clear even to this 12-year-old boy that the Indians were not going to win the pennant.

For the next 52 years after the 1964 Browns championship, we were challenged in the city of Cleveland. The manufacturing economy that sustained Northeast Ohio eroded with decades of policy choices that closed factories and shipped jobs overseas. Too often there was bad trade policy and bad tax policy. The population of the city shrank to almost half its population from my boyhood, from my early years.

Beginning in 1995, Ohio had 14 years of consecutive foreclosure increases, each year more than the year before.

But today, downtown Cleveland is coming back, not just because hundreds of thousands of people are in downtown Cleveland celebrating this first NBA championship, but it is coming back. My wife and I moved into the city 3 years ago. We wanted to be a part of this renaissance, and we have seen the city beginning to return to its glory.

Nothing has embodied the hope and the determination and the grit of our city like this team. We know that sports teams are far more than the sum of their parts. They are a point of connection for people in every walk of life in the city. There is a reason we have begun to call it Believeland.

On Monday, a native Clevelander who had to move away from his hometown posted this on Facebook:

> We draw so much from our teams. It's wound up in our identity—a token of the pride we have for the local tribe from which we came.

My wife Connie reposted the man's words that night, and hundreds chimed in to explain the connection they felt to the Cavaliers and their fellow Clevelanders. One woman said Cleveland sports were her connection to her family—her grandfather, her parents, aunts and uncles, cousins, some of whom have scattered across the State and across the country.

Our faith had been tested for decades. For the past decade, the hopes of this city—at least in sports—rested on the shoulders of one talented young man. I watched LeBron James play in high school. His best friend's mother worked with me in Akron. LeBron played for St. Vincent-St. Mary, a Catholic school. I saw him at the University of Akron arena, where the team played its home games because LeBron was so in demand that people all over Northeast Ohio came to see him in high school. I saw him play at Barberton High School in the State tournament.

We knew he was a star. You didn't have to know much about basketball to know that. We were heartbroken when he went to Miami. But like families do, we welcomed him back with opened arms in 2014, and pretty much forgot that he had ever left—once an Ohioan, always an Ohioan.

For the next 2 years, he carried the weight of our city's championship dreams. He was all in, his city was all in, and this year, he and his team delivered. King James will go down in the history books as perhaps the NBA's greatest basketball player. I will debate that, if anybody would like. Certainly, he is one of the greatest athletes of all time.

He was unanimously named the 2016 NBA Finals MVP. He led all players in points, rebounds, assists, steals, and blocked shots. Nobody has ever come close to doing that in any championship series. His leadership was important, but the victory was surely was a team effort.

Kyrie Irving scored 26 points in the final game and scored a crucial 3-pointer with less than 1 minute left. It was decisive. Coach Tyronn Lue and his coaching staff worked to put the team in a position to win. With the hopes and dreams of a city riding on them, win is what they did, ending that 52-year championship drought and restoring faith to Cleveland.

I wish I could have been on East 9th Street this morning for the parade. My wife left home at 7 a.m. for what normally should only have been a 20-minute drive to downtown. We live in the city, only 5 miles from downtown. She knew it would take at least an hour because of the crowds gathered.

I am heading back to my office in a few moments to meet my colleague from the Golden State, Senator BOXER. She owes Ohioans some beer. We bet Cleveland-brewed beer against Bay Area-brewed beer. She will be sporting a LeBron James jersey to make the delivery. I had to do that last year. Turnaround is fair play.

On behalf of my colleague Senator PORTMAN, who attended a number of the games and is as excited as I am about this, congratulations to the Cavaliers, congratulations to the city of Cleveland, and congratulations to the fans scattered far and wide across this country who never gave up, and now, on to next season.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 509, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 509) congratulating the Cleveland Cavaliers for winning the 2016 National Basketball Association Finals.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 509) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mr. BROWN. Mr. President, I yield to my friend from Ohio, Senator PORTMAN.

Mr. PORTMAN. I thank my colleague, and I thank the Presiding Officer.

Wow, what an incredible week for Cleveland. While we are talking today, there are several hundred thousand fans walking down the streets in Cleveland in an awesome parade. As much as I appreciate being in the Senate doing my constitutional duty in my day job, I wish I were there. I know Senator BROWN feels the same way. Because we cannot be there, we wanted to provide the resolution today at the time of the parade and be sure that all of our colleagues know how proud we are of the Cavs and get them on record.

We are trying not to rub it in too much with our California colleagues, although I will now say I have a case of Great Lakes beer in my refrigerator that otherwise would have gone to one of my Senate colleagues, Senator FEINSTEIN. Instead, I get a case of California wine. That is nice because last year it was the other way around.

What an amazing season and incredible finals. I did get a chance to go to some of the games. I lived in Cleveland for a brief time when I was a kid. At that time, Cleveland was not known as a great sports town. Jimmy Brown and the Cleveland Browns were our last team to win a championship in 1964. Fifty-two years is a long time. The drought is over, and the Cavs did it in the Northeast way. Northeast Ohio is an area where, through grit and determination and perseverance, we are on the way back up. We are a comeback region. Cleveland is a comeback city, and that is exactly what happened.

In many respects, the way we won the finals is the way we worked through the season with some of the challenges we had. We changed coaches in midstream, and every single player showed grit and determination. Whether it was Iman Shumpert or Kevin Love or certainly Kyrie Irving and that incredible 3-pointer in the seventh game, Tristan Thompson, and then, of course, the king—he really willed victory that night. Game 7—you saw the blocked shot at the end. You saw his layup at the end. He did get a triple-double that night. He not only got a triple-double, but throughout the entire series, he was a star in the sense that—and this has never happened in the finals before, ever. He did have more blocked shots, he did have more assists, he did have more points, he did have more rebounds, and he did have more steals than any player on either team. When you think about that, it is extraordinary. In my view, he is the greatest basketball player living today, and he will go down in history, because of this one series, as being the guy who really pulled Cleveland over the line.

I went to the fourth game. This was the game we lost in Cleveland. We were down 3 to 1. No one has ever come back to win a series being down 3 to 1 in the finals, ever. But the fans did not give up that night. More importantly, the players I talked about and the other players who came off the bench and did an awesome job never gave up. They never gave up because they had that grit and perseverance which characterizes Northeast Ohio and because they wanted to make good on the promise.

When LeBron James came back to Cleveland, what did he say? He said: I am going to bring my hometown, my home area, a championship. Born and raised in Akron, he was a high school player who was a phenomenon. He is a guy who loves his State, loves Northeast Ohio. I think he summed it all up when he came back and said: I am going to deliver a championship. I think he was very emotional after game 7, in part because his goal, his dream—not for himself but for Cleveland—was finally accomplished.

About Cleveland and Northeast Ohio, he says it is an area where you work hard and you earn it. He said that you don't get success just for your talent, just through showing up; you get your success by working hard and earning it. That is a great message. It is a message that he has imbued in the minds of young people all over Northeast Ohio, specifically in Akron, where so many young men and young women have been able to be more successful in life thanks to his efforts, his funding his foundation to help them get through high school and get into college. He has told them: This is about grit, perseverance, hard work, and discipline. You don't just get there because of your talent.

He is probably the most talented athlete I know, but, as we saw in game 7, it wasn't just about talent, it was about perseverance, determination, and focus.

I am very proud of the Cavs. I am very proud of the way they won. I am proud of Cleveland.

As you know, the Republican convention is coming up in Cleveland. Someone asked me today: Do you think they will take down the Cavs posters?

I said: I hope not. This is all part of a big celebration.

It was great for Cleveland in terms of the hotels and restaurants being full, certainly great for the economy to have the finals, but more importantly, it is great for the spirit of Cleveland and consistent with the comeback city, consistent with this notion that, yes, we have had tough times before, we have had our share of challenges in Cleveland, and we still do, but we are Believeland, Cleveland. We believe. We believe that through hard work and perseverance, we can make progress and we can be successful, just as the Cavs were during this final series.

I also thank Dan Gilbert, the owner of the team. He is the guy who worked hard to get the team back together, to get the band back together. I am sure bringing together Kyrie Irving, Kevin Love, Tristan Thompson, and certainly the king, LeBron James—you know it is not easy to bring all those players together and make it all work and gel, but Gilbert believed. Gilbert believes in Cleveland. He is a Detroit guy, but he believes in Cleveland. He has made a big investment in Cleveland in other

ways in the community and in the economic development there, and certainly what the Cavs just did assisted in that.

Ultimately, this is a celebration, not just because they won the finals, but because of the way they did it. It was a tough season. They switched coaches in midstream. They had some injuries back and forth. They did it the hard way—through perseverance, determination, and hard work.

I am proud of Cleveland. Senator BROWN and I are proud to have this resolution before the Senate today. We are pleased it passed with unanimous consent. That doesn't happen with everything in the U.S. Congress, as some of you may have noticed, but it certainly happens here because in this case the Cavaliers earned it. You earn it in Northeast Ohio, and that is what they did. I am proud of them.

Thank you for allowing us to present this resolution. And Go Cavs. We are all in.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—Continued

Mr. MORAN. Mr. President, I ask unanimous consent that I be allowed to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAA REAUTHORIZATION BILL

Mr. MORAN. Mr. President, I am here to speak on the FAA reauthorization and several things and stories that have arisen in the last few days which are very discouraging to me and troublesome to a cause I care a lot about.

I am an advocate for general aviation, and I was pleased the Senate was able to pass the FAA Reauthorization Act of 2016 by a vote of 95 to 3—95 to 3, this Senate approved legislation reauthorizing the FAA for the next 18 months. It is an unusual occurrence around here when anything passes 95 to 3.

I also would indicate our committee voted—I am a member of the Commerce Committee—unanimously to report that bill to the Senate in a favorable recommendation, again demonstrating overwhelmingly bipartisan support in regard to this aviation legislation.

Kansas is an aviation State. Wichita and South Central Kansas are known as the significant provider of airplanes—general aviation airplanes and parts. We have lots of subcontractors in that process. We are also a rural State. In fact, Wichita is known as the air capital of the world. In addition to the manufacturing sector, which is so important to our State's economy, so important to our ability to compete globally, we are a rural State, and airplanes and airports matter to us greatly.

So while we care a lot about the manufacturing of general aviation airplanes, we also care a lot about airports and their ability to take care of flights coming in and out of small communities across our State and certainly across the country. That general aviation airport is a connection to the rest of the world, and it allows for medical expertise to be flown into a community in lifesaving efforts, but just on a more day-to-day basis, it allows for us to have access to customers, to suppliers, to clients because we have manufacturing and other businesses in rural communities across Kansas whose connection with their customer base and suppliers is through that airport. In the absence of general aviation manufacturing, our State suffers greatly, but in the absence of general aviation airports, our State would suffer greatly as well.

What I am worried about is the House has not acted in any positive way on the passage of this bill, and the deadline of July 15 is rapidly approaching. If the House does not take up the Senate-passed version, what that would mean is the expectation—in fact, the stated circumstance is the House would pass a short-term extension of the current FAA legislation and leave the Senate bill hanging.

Many of the folks in this Senate who have served longer than I have would recognize the history of this issue, where one extension after another was required because consensus was never developed, and the leadership was not provided to resolve the differences over the years on FAA reauthorization. The point I wish to make by being on the Senate floor and expressing my views to my colleagues is, do not allow us to get into this position again where we would have a series of extensions of the FAA legislation.

We need the House to act on the Senate bill that is pending in their committee, that is pending on the House side, and differences need to be resolved. At the moment, the House has not passed an FAA reauthorization bill. Time is short. On July 15, the current law expires. My plea to my colleagues in the House, where I formerly served, is to take up the Senate bill, address the issues you want as Members of the House, representing your constituency, and send the bill back to us so we can conference this issue and have a more long-term reauthorization bill.

Certainty matters. Certainty matters to the manufacturers in Kansas. Certainty matters to the airports and the pilots who utilize those airports. Do not allow us, once more, to be in this circumstance of an extension one time after another and the uncertainty that provides.

It is my view that it would be a shame if the important reforms included in the bill the Senate approved in such an overwhelming fashion were held up by the House, in large part because of a significant controversial proposal to privatize the national air traffic control system. It sharply divides Congress. Everything I have read publicly and everything I have heard from my friends and colleagues, former colleagues in the House, is that there are not the necessary votes present to pass that provision in the House. From my own experience in the Senate, those votes don't exist in the Senate Commerce Committee and they do not exist on the Senate floor.

So let's not tie up this bill over a proposal that does not have the votes to pass, and let's not lose the opportunity to take advantage of the reforms that were included in the Senate FAA reauthorization bill. We should not consider what would be called a clean extension of the FAA, when the authorization under our bill is the same length. The House is talking about sending us an 18-month extension. The Senate bill, as passed, is an 18-month extension. What would be missing are reforms we have worked so hard to include after significant amounts of testimony, after a number of hearings and conversations within the Commerce Committee to make certain we were doing good work. Don't let that opportunity pass us by.

So my point in having this, in this case, monologue—hopefully a dialogue with my colleagues on the Senate floor—is, first of all, to make sure we stand firm. I am a Senator who would be opposed to a short-term, even 18-month extension, if it does not include the broad array of things the Senate has included in our bill.

My message to my House colleagues and friends is this: Don't bog this process down in a way that makes it impossible for us to pass the reauthorization legislation to begin with. These are important issues that we ought not let be sidetracked by a proposal that remains dubious, and with great concern is considered by Members of Congress. As I said earlier, every indication that I know and see is that this proposal would not receive support in the Senate or even in the House.

So my request once again to the House of Representatives is this: Please take up the Senate bill and work your will in that bill but send us something more than just a short-term extension that doesn't include the important and necessary reforms and

improvements that the Senate-passed bill does.

Mr. President, I appreciate the opportunity to have a conversation about this topic.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

Mr. LEE. Mr. President, whenever government acts, it does so inevitably, unavoidably necessarily at the expense of individual freedom, at the expense of individual liberty and autonomy. This doesn't mean every act by government is bad—quite the contrary.

We need government. We need it to protect us from those who would undermine our liberty, those who would interfere with it, those who would harm us personally, whether physically or in some other way. But just as it doesn't mean that every act by government is bad, we should also not be too quick to leap to any conclusion that any and every act of government is good.

We have to balance liberty, privacy, autonomy with our corresponding needs for security and physical protection. These things need not be deemed irreconcilable with one another. They can exist in the same universe. In fact, when they are properly balanced, our privacy and our liberty become far from incompatible with our physical security, far from at odds with our need for protection. They can become part of the same whole. In other words, in this respect, our privacy is not at odds with our security. Our privacy is in fact part of our security.

To be truly secure means there are limits as to what the government can do to you. It means there are limits as to what information the government can obtain. There are limits as to how the government may go about getting information about you. There are limits as to what the government can do to you in depriving you of any of your fundamental rights.

We are here this week, as we had been last week, in the wake of a tragedy, a horrible tragedy in Orlando, one in which 49 people were killed. Forty-nine people lost their lives at the hands of Omar Mateen, an individual who had pledged allegiance to ISIS. This is the worst terrorist attack we have seen on U.S. soil since that tragic day on September 11, 2001.

I do want to make clear that pretending this attack was simply a crime of gun violence would be an exercise in willful denial and in political theater. Ignoring it altogether is also not something we can or should do, but it is important to make clear, even when—and I would argue especially when—a tragedy like this prompts Congress or any legislative body to act.

It is in those moments we have to be very careful of how we act. We have to remember there is this tension. We have to remember, especially in those moments when we are feeling the anxiety of an attack, feeling the anxiety of some tragedy, that we have to be very careful to make sure the rights of our fellow Americans are not undermined as we try, in our zeal, perhaps with the best intentions, to make sure we do what we can to protect ourselves.

We have been addressing a couple of provisions this week. One we voted on earlier today is a proposal brought forward from the senior Senator from Arizona, an individual for whom I have great respect. Nonetheless, his proposal is one that troubles me. His proposal is one that would have given law enforcement officers, law enforcement agencies the power to access Americans' Internet browsing history and email metadata. These are things that can be analyzed to reveal the most intimate details of a person's life, the most intimate details of how a person thinks, a person's thought processes, and to do so, moreover, without a warrant, without probable cause, without any kind of judicial review by a Federal court or any other court, for that matter, is a problem.

This interferes with some of our most fundamental rights, and I believe it is incompatible at least with the spirit, if not also the letter, of the Fourth Amendment to the U.S. Constitution, which provides that in order for the government to gain access to your papers, your person, your residence, it has to do so in a particular way. For example, if it wants to get a warrant to search through your papers, it has to go to court, and it has to establish what is called probable cause. It has to show evidence demonstrating probable cause that a crime has been committed and a reason to look at a particular thing in a particular place. It can't simply say: Trust us. We have a good reason. A government agency or a group of government agents can't simply say: Trust us. We are doing the right thing here. We have your security interests at heart. No, they have to go to a judge—somebody who is in a different branch of government. They have to show evidence they need it; that they need it based on evidence demonstrating probable cause of a crime, showing some kind of a connection between what they want to search and the crime.

This was understood by the founding generation. The founding generation may not have been familiar with the Internet. In fact, it didn't exist. It wouldn't be invented for a couple of centuries after that, but they were very familiar with these same concepts. They were very familiar with the need for privacy, the need to restrain government, and the need to make sure people don't live in constant fear that the government is going to start rifling through their personal effects without some reason, without probable cause. Nor were they unaware of the fact that tragedies would happen.

The Founding Fathers fully understood that tragedies arise. They understood that violence erupts from time to time and that people engage in lawless behavior from time to time that threatens not only the lives of individual citizens but also threatens to undermine the very foundations of our society. Yet, notwithstanding this well-developed grasp they had of the existence of tragedy and the risk that people could do harm, notwithstanding the fact that they themselves had been revolutionaries just a few years earlier, and notwithstanding that many of these people who had a hand in the drafting of our Constitution and drafting and ratification of the Bill of Rights had themselves been revolutionaries and had themselves witnessed and in some cases even been a part of the violence that propelled the American Revolution, they understood it was imperative that we constrain the power of government relative to the liberty interest protected within the Bill of Rights, relative for our purposes here to the zone of interest of the Fourth Amendment. They understood that, and they understood it well.

They also understood that if someone had papers in their home, those papers would be protected by the Fourth Amendment regardless of whether the papers had been written by the person residing in that home. They likewise understood the possibility that in some instances the papers might not even be kept at home; they might be kept somewhere else. But they understood that there were zones in which people had a legitimate and reasonable expectation of privacy, and it is in those areas where things need to be protected, regardless of who wrote the papers in question or where they might be located. If they were in an area where there was a reasonable expectation of privacy, the government has to follow certain procedures.

Here is why I worry about the measure offered by the Senator from Arizona. It is because this would get at the very privacy interest that is supposed to be protected by the Fourth Amendment. If passed, this would give law enforcement agencies the authority to access your Internet browsing history and email metadata, meaning data about whom you emailed, who emailed you, and when the transmissions occurred, without probable cause, without a warrant, without any review by a Federal court and without any review by any court.

This is a problem, and it is a problem because, as I think most Americans can appreciate—certainly most Americans outside Washington, DC, can appreciate—the papers referenced in the Fourth Amendment would absolutely have to include electronic papers, such as records regarding your browsing history. Your browsing history is just like papers you might collect in your home for your own reading, and regardless of whether you had authored the papers in question, they wouldn't lose their protection simply because someone else had authored them. The fact that you had them in your home and the fact that you had obviously been reviewing them by virtue of their location in your home says a lot, perhaps, about what your interests are. We understand that your interests are not necessarily the government's business simply because someone in the government arbitrarily decides that is going to be the case.

There is another measure that we will be reviewing and that we expect to vote on later this week, and it is an amendment that has been proposed by another one of my esteemed colleagues, the senior Senator from Maine. This amendment would prevent anyone appearing on a particular list, such as the no-fly list or selectee list—these lists are maintained for the purpose of trying to track those who should perhaps not be allowed to board an airplane or, in the case of the selectee list, individuals who have been determined to be candidates for additional screening at airports before boarding a plane—from purchasing firearms, denying Americans their Second Amendment rights based on a mere suspicion that the FBI might have information which shows that the person in question is engaged in terrorist activity.

There are a couple of things that worry me about this, notwithstanding the good intentions underlying it. This one implicates not only the Second Amendment, which protects Americans and their right to bear arms, but it also implicates the Fifth Amendment, which guarantees that we won't be deprived of life, liberty, or property without due process of law. If this provision, as it is now written and as I have read it in its current formation, were to become law, it would, as I understand it, allow the government to take away your Second Amendment rights—anyone's Second Amendment rights—based on a mere suspicion and not based on probable cause, although I don't believe that in and of itself would be enough either.

It would allow that right to be taken away, and it would do so without any opportunity for the citizen affected by this action to challenge this decision prior to the deprivation. It would, to be sure, set up a procedure whereby someone could go into court and challenge the action taken by the government, but, as I read the proposal, the government would end up winning. It would end up winning based on this same reasonable suspicion standard.

Let me explain what that means. Reasonable suspicion refers to the relatively low threshold of legal justification required before a police officer may initiate a stop—what we call a noncustodial stop or what lawyers sometimes refer to as a Terry stop—to engage in a conversation with a citizen. Before a police officer pulls you over—for example, if you are driving in your car, the police officer has to have a reasonable, articulable suspicion that a law has been violated, and that reasonable, articulable suspicion can't be just based on an unparticularized suspicion or a hunch but must be based on some type of objective observation indicative of a possible violation of the law. But it is a relatively low threshold, and for that reason—when reasonable suspicion exists and therefore justifies a brief noncustodial stop—that stop may continue only for as long as it takes for the officer to either confirm or refute the initial basis for the suspicion, and usually that means not very long unless, of course, during the stop they learn more information which may lead to probable cause.

That leads us to probable cause. What does that do? Well, probable cause is there. Probable cause is the standard used. It is a higher standard and requires more evidence, more of a showing, and more of a likelihood that some kind of a violation of the law has occurred.

I mentioned probable cause a moment ago as being the standard used to determine whether the government can get a warrant. It is also a standard used in deciding whether the police have authority to undertake an arrest, but it is not a permanent thing. Those persons who are convicted and in custody have the right to a trial. At the end of that trial, they have a right to have a jury make a determination about guilt. The jury is supposed to make that determination on the basis of a standard that says that based on the evidence, they can conclude beyond a reasonable doubt that a crime has been committed.

It seems odd that we would allow a court to take away a fundamental constitutional right without any review prior to that constitutional deprivation and thereafter purport to allow a challenge to that action by the government but say that the government will prevail if the government can show reasonable suspicion on the part of the person whose due process rights have been deprived.

Again, we have to get back to the fact that we have very good intentions that are animating the legislative proposals we have been reviewing. We have an understandable reaction to these tragic deaths that have occurred in Orlando, FL. Yet even in those circumstances—and I would add especially in those circumstances—we have to be especially vigilant and not less vigilant about protecting the rights of each individual American citizen. Those rights are fundamental. They are not to be tinkered with.

The dignity of the human soul is at the core of our constitutional Republic. It is the very reason it is so important that we have to balance the government's action and the interest that we pursue in the name of security with liberty and privacy. The two don't have to be at odds with each other; they can be in conflict. And in the end I believe that our security is not at odds with our privacy. Properly understood, our privacy is part of our security. In fact, we cannot be truly secure unless we are secure from unlawful, unwarranted, and unjust actions by the government, and this is why we can't be too quick to jump. This is why we can't be too eager to expand government authority without analyzing the basic constitutional and fundamental liberties that are at stake.

I have been inspired by the example of an Englishman named John Wilkes, who was a member of Parliament. John Wilkes found himself living through a very real deprivation of liberty and a very real intrusion into his privacy. He found himself at the receiving end of a general warrant issued by the administration of King George III. His offense was criticizing the administration of King George III in a publication called the North Briton. The North Briton 45 criticized the King and the King's ministers, and for that, John Wilkes had his house aggressively searched. It was effectively ransacked by officers who were searching for something, and they were doing so pursuant to a general warrant, a warrant that basically said: Those involved in the publication of North Briton 45 have engaged in illegal activity. Go find the people responsible for this and search any and all places and things that might contain relevant information regarding this offense. There was no particular area that was required under that warrant.

Well, this was incompatible with the rights of Englishmen at the time, and so John Wilkes fought the King's officials in court. He eventually won not only his freedom, but he also secured a civil judgment against the King and was awarded substantial money damages.

As a result of this fight, John Wilkes became a hero throughout England and in America at the time. The number 45 associated with North Briton 45, the offending publication, became synonymous with the name of John Wilkes, and both the name of John Wilkes and the number 45 became synonymous with the cause of liberty on both sides of the Atlantic because of the fact that

truth resonates with people, particularly with those people who believe in freedom. People on both sides of the Atlantic understood that John Wilkes's cause was a just cause and that he should be congratulated for this. It was the example of John Wilkes that was still well known at the time of the American Revolution. It was still fresh in the minds of the American people at the time the Constitution was drafted in 1787 and took effect a couple of years later and by the time the Fourth Amendment was ratified and amended after that.

These early Americans and these patriots on the other side of the Atlantic understood this very same principle: that our liberty and our privacy on the one hand are not inevitably incompatible or irreconcilably at odds with our security and our protection. The two can be balanced, and that balance has been struck. That balance was struck more than two centuries ago. It was struck and put in place in our Constitution.

Our Constitution does contain these protections, at least three of which are relevant to our discussions here with the Second Amendment and the Fourth Amendment and the Fifth Amendment. We cannot sidestep them just because something bad is happening. In fact, it is especially when something bad has happened that we realize we are not the first generation of Americans to experience bad things, to experience violence. We are not the first generation of Americans who have understood that when we give government too much power in those circumstances, other bad things will happen.

We can protect ourselves and at the same time protect our liberty. We can do both. The Constitution requires both.

So I say to those who think this is a fool's errand, we can, in fact, do these things. We can, we must, and together I hope and I pray that we will.

The PRESIDING OFFICER. The Senator from Georgia.

VETERANS FIRST ACT

Mr. ISAKSON. Mr. President, as the chairman of the Veterans' Affairs Committee of the Senate, I am pleased to be joined on the floor today by Senator TILLIS, Senator ROUNDS, Senator CASSIDY, and Senator BLUMENTHAL, who will follow later, to take about 45 minutes to discuss with the citizens of our country, Members of the U.S. Senate, and, most importantly, those people who have served in our military around the world for years and years, the Veterans First Act, accountability in the Veteran's Administration, and ensuring the proper services to our veterans who served our country so well.

As chairman of the committee, first I want to say how indebted I am to Senator BLUMENTHAL of Connecticut, my ranking member, who has done outstanding work in developing this legislation. Senator TILLIS, Senator ROUNDS, and Senator CASSIDY have done great work. We are proud to be a part of what is a great piece of legislation that will address many of the questions that have been raised about the treatment of our veterans over the years.

There is a chart here, and I wish to read these headlines that every American has read over the last year and a half.

''VA abandons law aimed at firing employees.'' That was June 17 of this year in the Stars and Stripes, where Loretta Lynch, the Attorney General of the United States, and Secretary McDonald of the VA announced they were not going to enforce the Veterans Choice Act and the laws that gave them the authority to bring about accountability and discipline at the VA. Why did that come about? I will tell you why it came about.

This headline is from November 11, 2015: ''Veterans Affairs pays $142 million in bonuses amidst scandals.'' That rocked the country, it rocked our committee, and it rocked the U.S. Senate.

June 3, 2016: ''Half a million veterans still waiting a month or more for VA care.''

February 1, 2016: ''Judge overturns demotion of VA official accused in job scam.''

In the past 2 years, we have had people fired by the VA in Arizona and in Pennsylvania who appealed their firing and were reestablished by the courts or the Merit Systems Protection Board at full pay back in the jobs they had. There is no accountability.

Secretary McDonald, as good a job as he tries to do, has no teeth behind whatever it is that he says. The 314,000 employees who are part of the veterans health system have an ability, if they are fired, to appeal. That appeal can be drug out over periods of time as long as 9 months, and they can serve with pay until the appeal is finally heard. There is no swift judgment in the VA. There is no accountability in the VA. There is no culture of accountability in the VA.

I have been joined by members of the committee, and 3½ weeks ago every member of the committee, Republican and Democrat alike, voted unanimously for the Veterans First bill. There was not a single dissenting vote. Why? Because it first of all hits the heart and strikes the point we all know needs to be struck. That is No. 1. No. 2, it is bipartisan and has as many Republican proposals as it does Democratic proposals, but most importantly it has American proposals. When you are on the battlefield, when you have that M–14 rifle, when you are charging the hill, you are not a Republican, you are not a Democrat, you are an American. Our veterans, who have served us, fought for us, risked their lives for us, and in some cases died for us, deserve the respect, the treatment, and benefits they were promised when they signed up for duty.

So we have introduced the veterans accountability bill; it is called the Veterans First bill. I wish to speak very quickly and briefly about why it brings accountability to the VA.

First of all, there are 434 senior managers of the Veterans' Administration, the executive leadership, the senior executive leadership—434 of them. Every one of those people now can be fired unless they go before the Merit Systems Protection Board, which can reinstate them. We take away the Merit Systems Protection Board protections for senior management and give Secretary McDonald the power to hire them and the power to fire them, and if they appeal their firing, they appeal to Secretary McDonald, not to some innocuous court or some third party. So the boss is really finally the boss, and on his shoulders becomes the responsibility for performing at the VA.

Secondly, in terms of the rank-and-file members of the VA, we say: Yes, if you are fired, you have a right to appeal. If you are fired, you get 10 days to respond, and when you make an appeal, you get 11 days for an answer. Once you get that answer, if you appeal it, you go home without pay until the appeal is over. In other words, justice is swift, accountability is swift, and the employee responds accordingly.

Thirdly, we all know that whistleblowers are an integral part of an accountability system. Having the protection and the ability for an employee within an agency to go out and say: Look, I have seen something wrong in my agency. I want to tell you about it, but I want the protection as a whistleblower to be protected by the management—we put an office of whistleblower protection in the Veterans' Administration so those employees will know we want to hear their criticism and we want to know when they see something going wrong, and we want to give them the protection to do so. If they abuse it, they will be punished, but if they use it for the right reasons, we will have a better VA and a more responsible and a more accountable VA.

Talking about accountability, what is the least accountable thing that has happened for years in the VA? The overprescription of opioids and the Tomah case in Wisconsin. This bill reforms opioid treatment in the Veterans' Administration. It moves away from handing out opioids like candy. Instead, it addresses the real problems of mental health and PTSD and TBI.

We go through all of those issues that have confronted the Veterans' Administration that serves our veterans. We do everything we can to improve it, but first and foremost, we have accountability.

The VA doesn't lack for money. They have averaged 9.2 percent more money

every year in appropriations over the last 4 years. That is bigger than any agency of government. They are not short of employees. It is the second largest agency of the Federal Government, with 414,000 employees. They have a singular mission, and that is to take care of the veterans who have taken care of us. We need to see to it that they do it and if they don't, that they are held accountable.

The VA is full of employees who do a great job. In fact, I will tell you from having run a company myself, it is always the 99 percent who do a good job; it is the 1 percent who do a bad job, and they give us a bad name. But if you have a system to hold that 1 percent accountable when they fall and don't do well, you have a system that works together and you create teamwork.

We are all about creating a change in the culture of the Veterans' Administration, so we improve the Veterans' Administration for its service to our veterans. The Veterans First Act, which is now pending and will soon come to the floor, hopefully under a UC, is an act that does exactly that.

So when you go home to your constituents who say, What is it is about these bonuses going to people who aren't doing their job? What is it about veterans waiting longer than 30 days for an appointment? What is it about a Veterans' Administration job scam getting overturned by a judge to get their job back? What is it about an agency that can't seem to enforce discipline and have accountability in the agency? You tell them that is no more because this Senate, this Congress, this country is going to see to it that our veterans get the service they deserve and that our Veterans' Administration has the accountability it needs and must have.

With that said, I would like to take a second, if I can, and yield to the Senator from South Dakota, Mr. ROUNDS.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, it is truly an honor to work with the Senator from Georgia, the chairman of the Veterans' Affairs Committee. I can tell you that on behalf of the 72,000 veterans from South Dakota, it is work that needs to be done. We appreciate the service of the chairman and the service of the ranking member in making this a bipartisan effort.

Unfortunately, many of our Nation's heroes aren't receiving the quality of health care they have been promised due to decades of mismanagement and ongoing problems with the VA. It is not acceptable, as the chairman has pointed out. In fact, of all the calls we receive in my State asking for help with Federal agencies, over half of all of those calls are coming from veterans seeking help with VA issues. These veterans in South Dakota and across the entire country continue to experience problems with health care delivery at the VA, including backlogs, long wait times, and frequent billing errors.

As we seek to address these issues within the entire VA system, accountability is as important as it has ever been. The Veterans First Act takes meaningful steps to hold the VA accountable and in turn improve the care for our veterans, which is the most important priority of all.

This legislation, the Veterans First Act, puts the needs of our veterans first by addressing the lack of accountability at the VA. Unfortunately, the administration last week announced that it would not defend a provision of the Veterans Choice Act, which was passed with strong majorities in both Chambers of Congress in 2014 and was signed by the President. In response, the VA announced last week it would no longer use its expedited removal authority to hold VA senior executives accountable, given this Justice Department decision. Regardless of the legal arguments surrounding this issue, the fact is that as a result of the VA's decision, we are now back to pre-Phoenix scandal accountability at the VA.

We owe it to our veterans to make certain they receive the best care possible and not have the agency responsible for that care refuse to remove nonperforming or even criminally acting officials from important positions, as Congress granted the VA the right to do in the Veterans Choice Act 2 years ago.

This is also important given that until recently, the VA didn't have a permanent inspector general, or IG, in the last 2 years. Inspectors general are impartial and independent units within most Federal agencies whose duty it is to provide accountability and oversight to combat waste, fraud, and abuse within the government. During that same timeframe, the VA has been plagued with some of the worst scandals and mismanagement in the agency's history, and our veterans have paid the price. Some have even died.

While I am glad that Inspector General Missal is now in office and can begin to address some of the VA's fraud and waste allegations, it is still too little too late.

That is why the bipartisan Veterans First Act is so important. Our bill will take strong, definitive, immediate steps to hold VA employees accountable for their actions.

Let me give some examples of what this bill includes. It will shorten the grievance process, making it easier to dismiss VA officials who breached the trust of the veterans they are supposed to serve. It will remove the Merit Systems Protection Board from the appeal process for senior executives, and it expedites, when necessary, the removal of any employees at the—executives and rank-and-file employees alike.

You don't have to take my word for it, and you don't have to take the word of any Senator in this body; you can simply listen to the words of Secretary McDonald himself. On Monday he stated—this is a quote from Secretary McDonald of the VA:

> The answer to the whole thing in my opinion is the Veterans First Act. The provisions that Senator ISAKSON and Senator BLUMENTHAL have put in the Veterans First Act we all support. VA supports them. The Republican party in the Senate supports them. The Democratic party in the Senate supports them. We really think that this is the ultimate answer. I'm hoping the Veterans First Act will get passed soon.

This bill also includes a number of provisions that I have offered to improve accountability and care at the VA, such as the Veterans Choice Equal Cost for Care Act, which amends the Choice Act by eliminating the secondary payer clause to make certain veterans do not pay more for private care under the Choice Act than they would have if they were seen at the U.S. Department of Veterans Affairs facility.

The key to that is right now we have veterans going in and getting care at a private facility and assuming that the VA is going to pick up the cost for them, and then they find out that under the current plan where the VA is a secondary payer only, they have to pick up their own deductibles, which they are not being reimbursed for, because the VA is secondary, not primary. That is wrong. That was not the intent of the Choice Act in the first place. The Veterans First Act takes care of that issue and will take care of a huge amount of the challenges we have right now with the Choice Act.

Also, the Veterans Health Administration Spending and Transparency Oversight Act is legislation that requires the Veterans Health Administration, or VHA, to produce an annual report to Congress detailing the cost of the health care that it provides to our veterans. Having accurate cost accounting by the VHA will help Congress identify legislation options aimed at better health care for our Nation's veterans.

I am proud to be an original cosponsor of the Veterans First Act, and I thank the members of the Veterans' Affairs Committee, especially Chairman ISAKSON, Ranking Member BLUMENTHAL, and all the Members here today for working together to produce meaningful bipartisan reforms at the VA.

Our Nation's veterans, who are now defending and have selflessly defended and protected our freedoms, deserve that same commitment from the country they so proudly fought for and defended.

With that, Mr. President, I would like to yield back to the chairman.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. I thank the distinguished Senator from South Dakota. I

appreciate his commitment to the committee and to the many men and women of the armed services from the Dakotas and from all the United States of America.

I am pleased to recognize Senator THOM TILLIS from North Carolina—the home of Camp Lejeune and the home of many military installations, such as Fort Bragg—and I am proud to have him as one of the cosponsors of the Veterans First bill.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Thank you, Mr. President.

I am proud to represent North Carolina. North Carolina has nearly 1 million veterans in the State. When you add to that the members of the armed services inactive and in the Reserve and the National Guard, we are over 1.2 million people. They, too, will become veterans someday. We need to fix this so that the problems our veterans are experiencing today are not experienced by the men and women who are fighting for our freedom wherever we ask them to go.

Mr. President, I know you know a lot about the lack of accountability in the VA within your great State of Colorado. We have problems. We have to increase the accountability in the VA. In 2014, in the wake of the Phoenix wait list scandal, Congress came together and demanded accountability. That is why they passed the Veterans Choice Act. When the President signed the bill into law, he stated:

If you engage in unethical practice, if you cover up a serious problem, you should be fired. Period. It shouldn't be that difficult.

Now we are hearing just recently that apparently in consultation with the President, Attorney General Lynch and the Justice Department have decided not to defend the Veterans Choice Act against the constitutional challenge from Sharon Helman, the former director of the Phoenix VA who sat on top of this scandal and was fired for her role denying veterans' access. This same disgraced VA executive also pled guilty to hiding more than $50,000 in gifts from lobbyists. She embodies the very worst of the worst of the small percentage of the VA who need to be held to a higher standard of accountability.

Then we add insult to injury. The VA decided not to use its expedited removal authority to hold VA executives accountable. Because of these actions, we are now back to square one, as if the President did not even sign that bill.

Now, I should have started at the beginning, though, to thank Senator ISAKSON for his yeoman's work in support of veterans. He is a fantastic chairman of the Veterans' Affairs Committee. He brings people together. That is why the Veterans First Act was unanimously supported in the committee. It is bipartisan on steroids. Everybody thinks that this bill needs to go into law and that the VA needs to be held accountable. We need to pass the Veterans First Act.

There are a number of things in this act that even go beyond accountability, and I note in the colloquy that other elements of this act will be brought up. I will bring up a few of them. One of them has to do with the opioid safety act. What we are trying to do is improve the safety and supervision of treatment plans for veterans who legitimately need some sort of pain medication, possibly an opioid prescription regimen.

As to the Whistleblower Protection Act, we need more people with their eyes and ears in the VA who are comfortable saying: Something isn't right here, and I need to be able to report up and know my job is not at risk because I am doing the right thing.

That is in the Veterans First Act.

The other thing we need to do is to get back to what we tried to accomplish in the 2014 bill—fire people who are not doing their job, fire people who are being unethical, fire people who are not putting veterans at the very top of the list. That is why the VA exists.

The VA doesn't exist for their own sake. The VA exists for providing the care that the veterans deserve. They should get it on a timely basis. When there are no reasonable excuses for some of these wait times and we find that it is the people who are causing the problem, those people should be held accountable. The senior members should be held accountable, and they should be able to be terminated without any sort of review subject to the discretion of the Secretary of the VA.

Ladies and gentlemen, it is time for us to act on the Veterans First Act. It is time for us to get back to fulfilling the promise that this President made just a couple of years ago. It is time to put veterans first.

I want to thank all of my colleagues here. I want to thank my colleagues on the other side of the aisle who I know share this view. We need to get this bill out of the Senate, to the House, and to the President's desk with the promise this time that the President will stand with us and with the veterans to do what we need to do, and that is to put veterans first.

I urge all the Members' support, and I appreciate again Senator ISAKSON's work to get it to this point, but now we need to get it done.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. I thank Senator TILLIS for his dedicated work and representation for the people of North Carolina and the veterans of America.

I am pleased now to yield to the Senator from Alaska, Mr. SULLIVAN.

Ms. MIKULSKI. Will the Senator withhold for just 1 minute?

Will the chairman of the committee yield for a question? This is not to hold you up, but I do have a question for the chairman of the committee.

Mr. ISAKSON. I yield.

Mr. SULLIVAN. I yield to the Senator from Maryland.

Ms. MIKULSKI. Mr. Chairman of the Veterans' Affairs Committee, is it the desire of the other party to be doing, like, a colloquy—an extensive colloquy—dealing with the Veterans First Act?

I am trying to get the lay of the land here on the floor, because the Commerce-Justice act—this is really a parliamentary question to you.

The pending business is the Commerce-Justice-Science appropriations bill. We are now debating the Veterans First Act. I am not objecting to that, but could you tell me what the lay of the land is here?

Mr. ISAKSON. Happily. The lay of the land is that we asked for 45 minutes for a colloquy to discuss the Veterans First bill, which we are in the process of doing now. Senator BLUMENTHAL, the ranking member, will join us in a minute, and we should be completed by 5:15, and that was the time we asked for.

Ms. MIKULSKI. First of all, thank you, to the Senator. I, in no way, want to impede this conversation. I didn't realize that you had asked for 45 minutes, and I really found these comments by the supporters of the bill really quite instructive, and I appreciate the discussion and the debate.

Why don't you proceed. I would just like to bring to the distinguished chairman's attention, though, that we are trying to get the VA–MILCON bill conference done—real money and the real checkbook—to support the great work this authorizing committee is doing.

I don't know if you know that the House is proposing a $500 million cut below the Senate level. So you and I should talk about that.

I thank the Senator from Alaska, and please proceed with your colloquy.

Mr. ISAKSON. I thank the distinguished Senator from Maryland, and I am always interested in discussing the best interests of veterans in Maryland and in Georgia any time the Senator would like.

I yield to Senator SULLIVAN.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I want to rise to also support my colleagues on the Veterans Affairs' Committee. It is an honor to serve with the chairman of the committee, the distinguished senior Senator from Georgia, and the ranking member from Connecticut, Senator BLUMENTHAL.

One of the great honors about being on that committee is not just serving our veterans but that it is a committee that gets a lot of work done. It is a

very bipartisan committee, and that is why so many of us are coming to the Senate floor to talk about this important issue—accountability for the VA.

I was home in Alaska this past weekend, and as I often do, I ran into veterans. Every State in the Union likes to talk about their veterans and brag a little bit. Well, in my State we have more veterans per capita than any State in the Union. We are very proud of that.

I was talking to a Vietnam veteran on Friday in Anchorage, a combat veteran corpsman. He saved a lot of marines during his time. He had such deep frustration about this issue of accountability with the VA. As a matter of fact, he used to work at the VA. The one issue he raised with me was this: How can we do more with regard to accountability? He reads about it in the paper.

The key here to that conversation and to so many conversations I had with veterans back home is that we must restore the bond of trust between the VA and the veterans that the VA serves because we all know that bond of trust has eroded. Trust is eroded when no one is accountable.

Trust is eroded when no one is accountable. My colleagues have already talked about it, but once again, it is very disappointing to see the VA walking away from accountability as opposed to embracing it.

Senator TILLIS did a great job of describing the bill that was signed by the President in 2014, the Choice Act, which had some strong accountability measures. Yet, just recently, the Attorney General of the United States sided with the argument of a former Phoenix VA director who was at the helm when as many as 40 veterans died waiting for health care. The Attorney General of the United States sided with her argument and is not even testing the accountability provisions in this new law that was passed by this body and signed by the President. She just quit and didn't even let the courts declare that this law is unconstitutional. She just quit and sided with that argument. I think that is an outrage. What it does is undermine the issue of trust. It is also a dangerous precedent by allowing the head of the VA and the Attorney General of the United States to substitute the judgment of the Congress of the United States in a law, saying we are not even going to defend this issue anymore. It is a precedent that I don't think anyone in this body would agree with—essentially gutting the accountability provisions in a recently enacted law signed by President Obama and not even trying to defend them. This is exactly the kind of action that further erodes the trust between the VA and our veterans.

Yesterday, in a hearing chaired by the senior Senator from Georgia, we demanded a bipartisan approach and that the Attorney General or her representative get before the VA committee very soon and explain what she is up to, because I don't think anyone in this body is agreeing with the actions they are taking.

While we are waiting for answers from the Attorney General, we are not going to give up on the critically important issue of VA accountability, which is why moving forward on the Veterans First Act, which does focus on accountability, is so important, and why we are on the floor making the case for this.

This bill which I cosponsor currently has 44 cosponsors and has support from multiple veterans service organizations. You have heard about some of the important accountability measures that are in this bill.

I want again to thank the great leadership of Chairman ISAKSON and Ranking Member BLUMENTHAL on this. What we need to do is move forward on this bill and restore this issue of trust. The best way we can restore trust is to let our veterans know that the leadership of the VA is accountable.

Remember, the leadership of the VA works for our veterans, and when they see people getting away with malfeasance and incorrect behavior, that trust is further eroded.

I yield the floor back to Chairman ISAKSON.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I see the ranking member, Senator BLUMENTHAL, has joined us on the floor. I might, with your permission, pose a question: If the Senator would not mind Senator BOOZMAN making his remarks, and then Senator BLUMENTHAL and I will close the debate; would that be OK?

Mr. BLUMENTHAL. That would be fine.

Mr. ISAKSON. I yield to Senator BOOZMAN.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. I thank the Presiding Officer.

Mr. President, I will be brief. I wanted to come down to the floor. Right now we are in the midst of discussing a very important bill, the Commerce-Justice-Science appropriations act, funding law enforcement. We all know that we are in troubled times, and we are trying to get things sorted out in that regard. So why take 45 minutes to come down and speak on the Senate floor about such an important subject as what is going on in the VA?

Last week the Secretary of the VA decided that he would no longer support the expedited removal authority that we allowed him when we passed the Choice Act. There was a case and the Attorney General decided that she felt like it might be unconstitutional. So the Secretary of the VA took it upon himself to no longer use that authority. The way that I found out, and I think the way the rest of the members of the committee found out, was to read this in the press. The Secretary didn't have the courtesy to contact us and tell us what was going on. He arbitrarily decided it was unconstitutional.

I voted for it. Most of the Members in this body voted it. Most of the Members of the House of Representatives voted for it. If I thought it was unconstitutional, I certainly would not have voted for it—again, acknowledging the duties of being a U.S. Senator.

We passed it overwhelmingly and, as my colleague from Alaska has commented, the Secretary has set dangerous precedent by simply ignoring it.

He went on to say on Monday that the accountability procedures we have had in place are working fine. If that is true, then why has the VA chronically had an issue with lackluster and negligent employees? He was very supportive of this authority until this case came up. In light of the VA's decision last week, it is even more imperative that this body move to pass the Veterans First Act, which will significantly improve accountability at the VA. This was a bipartisan, comprehensive initiative.

The American Legion said: ''This legislation will shorten the grievance process, make it easier to dismiss VA officials that breach the trust of the veterans that they are supposed to serve.''

For those of us on the committee, my only concern is that the Secretary at some point will decide this is unconstitutional and do his own thing.

Again, this is such an important issue. It is something that the committee is working so hard on, but it is wrong. We have a situation now where we have employees who we know have abused their power.

On the other hand, the vast majority of the people of the VA—the vast, vast majority—are hard-working and do a tremendous job. I am so proud of the VAs that I have in Arkansas, our facility in Little Rock, our facility in Fayetteville. There are no finer hospitals in the country.

On the other hand, when people act up and they don't do what they are supposed to, we need to hold them accountable. We certainly need a Secretary of the VA who is more concerned about veterans than he is about labor issues.

With that, I yield the floor.

Mr. ISAKSON. Mr. President, I thank the Senator from Arkansas.

I yield to the distinguished Senator of Connecticut, Mr. BLUMENTHAL, the ranking member of the Veterans' Affairs Committee. He has been an invaluable partner with me in the development of this legislation, the management of the committee, and he deserves tremendous credit.

The PRESIDING OFFICER (Mr. LEE). The Senator from Connecticut.

Mr. BLUMENTHAL. First, Mr. President, I thank the chairman of the Veterans' Affairs Committee, Senator ISAKSON of Georgia. To say that he has been a leader is certainly an understatement. He has devoted countless hours to forging a coalition in the best tradition of the U.S. Senate, a bipartisan coalition that enabled us to unanimously bring together Republicans and Democrats on the Veterans' Affairs Committee in approving the Veterans First Act for consideration by this body.

My reason for being here today is to say to our colleagues that we must move forward. We must seize this opportunity—no matter which side of the aisle we sit on—to move this bill forward, keep faith with our veterans, leave no veteran behind, and make sure we honor their service by fulfilling our obligations to our job. Our job now is to make sure we pass the Veterans First Act.

I have listened with interest to some of my colleagues' comments on a decision by the Attorney General of the United States, and then the Secretary of the Veterans Administration, to decline to defend a part of the Choice statute. Quite frankly, I share their questions and a number of their concerns. I want to know from the Attorney General of the United States why the decision was made to decline enforcement of this statute on constitutional grounds, saying that it violated the appointments clause of the Constitution.

After 40 years of practicing law, I can say I have done very little litigation involving the appointments clause of the U.S. Constitution. It is seemingly an arcane and abstruse section of law. I say that with great humility in light of the experience of the Presiding Officer. He and I may have a discussion away from the floor about the merits of this decision.

The point is that we must look forward. We need to demand those answers—and I expect the Attorney General of the United States will be forthcoming—but let's look forward to the central task right now and avoid being distracted by what happened in the past and move forward on the Veterans First bill. This measure imposes accountability lacking for too long, laggard in too many instances. We saw it dramatically and tragically in Phoenix and many other areas around the country where still there has been inadequate or completely absent discipline and accountability imposed.

This measure makes it easier for the VA to both hire and remove senior executives, giving the Secretary much needed flexibility in hiring and firing, improving the training of managers, and implementing an outside review.

Yesterday we heard from an outstanding nominee, a veteran of years of leadership in the Marine Corps. That kind of quality person ought to be in the VA more commonly.

This legislation also protects whistleblowers. In my view, that is critically important. They are the brave employees who see something wrong and say something, at risk to themselves. That risk should be eliminated. In this new proposal, the Veterans First Act, we create an office of accountability and whistleblower protection and require that the VA take the necessity of listening and protecting whistleblowers into account in its training and evaluation of supervisors.

This measure goes well beyond accountability, although accountability is central to this bill. It also helps veterans of all eras who may have been exposed to toxic substances in their service. There are so many more unknowns on the battlefield now that can do harm to our soldiers—chemicals, radiation, and other toxic substances—so we can better understand and address the long-term effects of that toxic exposure. That is why the Vietnam Veterans of America fully supports this measure.

Thanks to the work of Senator BALDWIN, the Veterans First Act also addresses the opioid overprescription crisis among veterans. All too often and for far too long, the VA doctors have relied on powerful opioid painkillers when other kinds of medical care are more appropriate. This legislation will reduce the overuse and, thereby, the addiction of our veterans to these powerful painkiller.

As I know from having spoken to Sarah Greene, a constituent of mine who lives in Branford, CT, whose husband perished in the post-9/11 wars while in combat, and her State Representative Lonnie Reed, this bill expands the GI benefits to surviving spouses and their dependents who lost a servicemember after 9/11.

It also reinstates those benefits to veterans who attended a school that permanently closed, such as Corinthian Colleges. These predatory schools should not be permitted to deprive our veterans of those benefits that they need and deserve.

This measure also provides support for caregivers, the moms, dads, brothers, sisters, and children who give of themselves and give up livelihoods and careers to care for their veteran family members. They should receive the kind of support they need and deserve. Their service is no less worthy and worthwhile than that of their family veteran members.

The measure also includes important provisions to address the scourge of homelessness among veterans. I was pleased to work with Lisa Tepper Bates of the Connecticut Coalition to End Homelessness; and Margaret Middleton, leader of the veterans programs in Connecticut, principally the Connecticut Veterans Legal Center, to create more permanent housing opportunities and provide legal services to homeless veterans.

Finally, most important, this bill enhances programs to prepare veterans for careers through licensure, certification programs, and other programs to make sure that veterans have jobs. They need and deserve jobs.

As a Member of the Senate, my priority has been jobs and economic progress for our veterans—for all the people of Connecticut. That is why I am pleased that this measure will help veterans find employment as they transition home with employers such as Frontier Communications—very proudly doing business in Connecticut—which is looking to make veterans 15 percent of its new hires.

This measure includes many other provisions that are worthy of passage. The point is that we must pass it. I challenge my colleagues to do this bill before July 4, to move forward before we recess for the summer, to address the challenge of providing veterans what they have earned.

We are not talking about handouts; we are talking about something veterans have earned—that we keep faith with them.

This measure is bipartisan. Nothing stands in its way. There is no reason that merits its being stopped or blocked. I challenge my colleagues to move forward with this measure.

I again thank my colleague from Georgia, who is not only a fellow member of the Veterans' Affairs Committee but also a friend of mine and truly a friend of all veterans, the senior Senator from Georgia, JOHNNY ISAKSON.

I yield the floor to Senator ISAKSON.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank Senator BLUMENTHAL for his kind remarks and his steadfast, hard work on developing this legislation over the last 18 months. I thank all the members of the Committee, everyone who is a cosponsor of this bill. I thank the 44 Members of the Senate who have already cosponsored it and ask the remaining 56 to consider being a part of it.

We owe our veterans no less than the absolute commitment that matches the commitment they made to us. It is time they had accountability for the benefits they have earned, the health care they deserve, and a VA that means what it says when it tells them it is going to take care of the veterans of the United States.

I thank the Chair for giving us the time to bring out these issues today.

I urge all our Members to contact either Senator BLUMENTHAL or the committee staff or me if they have questions as we move forward before July 4 to make the Veterans First Act a reality, and once and for all put our veterans first, as always they should be and always they will be.

With that, I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, we just heard a very instructive discussion on legislation proposed by the veterans authorizing committee.

I wish to compliment both the chair and the ranking member on the debate. It was content rich, it was civil, and there were moments where we learned things about what was going on at the VA that were new to many of us.

What was so impressive was the fact that they worked together on a bipartisan basis. They saw that their first duty was a patriotic duty, which was to serve veterans. You just heard the distinguished chair and ranking member speak to that. I thought it was terrific. They took about 45 minutes off because the bill pending is the Commerce-Justice-Science bill. Because I knew compromises were being worked on, this was time we were more than willing to share with them. So I want to compliment them.

That also happened in the Committee on Appropriations. Senator KIRK, who chairs the Appropriations Subcommittee on MILCON–VA, and the ranking member, Senator JON TESTER, have worked hard too. Right now we are trying to get a conference report done so there are the financial resources to help implement the policy objectives my colleagues so eloquently and instructively presented to us just now. I would hope we have a conference that is worthy of the authorization that is being presented. I can assure you—again, in the spirit my colleagues represented here—our patriotic responsibility comes before personality or party, which is the way to go. That is what our team did in the Appropriations Committee under the very able chairmanship of Senator THAD COCHRAN and I hope the tone I have set as the vice chair. So stay tuned for this conference because we want to match the appropriations with the authorizing.

I think this is the way we ought to be operating. Take our patriotic duty first, over party, over personality, over ego or party logo. I just want to say that as I sat here hoping to get compromises achieved on gun control, under the leadership of the distinguished Senator from Maine, I think this is what the American people want: civility, intellectual rigor, commitment to responsibility, and fiscal responsibility.

I would like to salute my colleagues. It was an excellent debate. I wish more could be like this. I thank my colleagues very much.

Mr. President, as we are waiting on the Commerce-Justice-Science bill, this is what I hope is going on behind the scenes. I know we have had a spirited debate—at times quite tense and at times even terse on the issue of gun control—but for us it is not about gun control. It is about violence control. It is not about gun control because then people want to immediately grab their gun and say: What are you trying to do to us? Nobody is trying to do anything to any law-abiding citizen, but we are trying to control violence.

Violence is a national epidemic. It has been a national epidemic for some time, and there are many reasons for it. This is not the day to talk about root causes, but it is time to talk about the mood and tone of the institution. Right now, the House is engaged in a sit-in. Can you believe that, a sit-in? Why would the House be sitting in? Well, it is not the House. It is the House Democrats. Why are they doing that? They are doing it simply because they cannot get a vote on the no-fly, no-buy. What does that mean? If you are on the no-fly list, you shouldn't be able to buy a gun.

There are many different solutions to this problem. I am the first to recognize that. In our own institution, we had an amendment offered by the distinguished Senator from California, Mrs. FEINSTEIN, that was rejected. There was an amendment offered on the other side of the aisle, and that was rejected. Now the Senator from Maine and Senators on both sides of the aisle are meeting to see if they can fashion a compromise.

We believe ''compromise'' is not a word to be dismissed or denigrated. Compromise does not mean capitulation on principle. I can assure you, from those of us who want to control violence, we in no way want to impinge upon Second Amendment rights, but we do want to do what we can to curb violence in our country.

In the spirit offered by the Senator from Maine, which she has done before, I hope we can achieve this. I think we ought to give her a chance, and I think that is happening now. I sure hope we give her idea a vote. I am not sure how I will vote on it until I know the substance, but I sure have an open mind on it.

What I would like to do, using the words of my colleague from Maryland, Congressman ELIJAH CUMMINGS—and we have just lived through quite a turmoil in Baltimore—is seek not only common ground but we seek higher ground. How can we kind of get above the muck and mire of partisan politics or personality, strutting or whatever, and focus on the issue of the day?

I know people on both sides of the aisle want to curb violence. We have a set of solutions. They were rejected. Could we now, in the tone we just heard here, try to find this? What I do hope is that we don't block attempts to find solutions to parliamentary procedures.

Too many people think about the Congress and the Senate, that when all is said and done, more gets said than gets done. This is what they are frustrated about. They are frustrated about many things—their future, their hope for their children, the safety and security of our country. This is what Senators should be thinking and talking about, and as we think and talk about it, though, we should do more thinking and less talking. In our thinking and doing less talking, maybe we can find this common ground and higher ground.

I look forward to continuing to move the Commerce-Justice-Science bill. I so much appreciate the chairman of the subcommittee, Senator SHELBY. We have put together a very good bipartisan bill. We would hope, as we move our bill forward—and we have done our best to fund the Justice Department, science, and technology, to talk about jobs today and the kind of research that will give us the jobs of tomorrow—that we also now seriously take a deep breath and a deep dive into policy alternatives and come up with a compromise to curb violence in our country.

Once again, I thank the Senator from Maine for taking the diplomatic role she has undertaken. I wish her well. I support all my colleagues involved in it. They will find no obstructionism in BARBARA MIKULSKI.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

ACCOUNTABILITY AT THE DEPARTMENT OF VETERANS AFFAIRS

Mr. MORAN. Mr. President, a number of my colleagues—both Republican and Democratic—from the Senate Veterans' Affairs Committee were on the floor just a few moments ago, and I wish to join them in expressing genuine concern about continued developments at the Department of Veterans Affairs.

Many of us remember the tremendous circumstances our veterans found themselves in at hospitals across the country, with long waiting lines, with lists that were inappropriate and didn't really exist—I suppose in an effort to camouflage the delay veterans were experiencing across the country. At the same time, to demonstrate that veterans were being cared for, the VA wanted to show that things were fine, and yet we saw that was not the case.

Unfortunately, those headlines continue about the Department of Veterans Affairs. For years, we have heard reports of long wait lines, privacy issues, and failure to remove employees whose actions endanger the health and safety of our veterans. Many of us

have worked to try to give the leadership of the Department of Veterans Affairs greater authority to discipline and to discharge wrongdoers who are at the Department of Veterans Affairs. Generally, my focus has been on the upper echelon leadership of the Department of Veterans Affairs, generally considered to be the top 400 executives at the VA. I am always nervous about the issue of employees and staff who are actually providing care for our veterans in the hospital. I don't want them to be a scapegoat for problems at the hospital when I think the most serious challenge the VA faces is its leadership.

Those stories are continuing, and we keep waiting for accountability to occur. It has been something the current Secretary of the Department of Veterans Affairs has said he cares greatly about, but even when it comes to the circumstances we found, particularly at the VA hospital in Phoenix, we still have yet to see disciplinary action take place. It is too long. It is 2 years. It seems to me 2 years is too long to see any real concrete effort to discharge those who wrongfully use their position and fail to provide the necessary care and treatment for veterans.

In a ''60 Minutes'' interview back in November of 2014, which I happened to watch, the Secretary of the Department referred to a report generated in 2014 that listed more than 1,000 VA employees who should be removed from the VA for violations: ''people who violated our values . . . its integrity, its advocacy, its respect, its excellence.'' He also described, with multiple news outlets, that he would be taking ''aggressive, expeditious, disciplinary action'' to address the wrongdoers who violated VA values.

It was made abundantly clear that Congress needed to give him the necessary tools to discipline VA employees because he was ''hamstrung'' by the current process with the Merit Systems Protection Board and the appeals process. Congress did that. While we may not remember the provisions of the Choice Act—because it was known for the efforts to provide veterans across the country who live long distances from a VA facility or who can't get the services they need within 30 days from the VA, it gave them hometown local options. That is what this Choice Act was known for, but the Choice Act also included important accountability provisions. The Secretary has those provisions now with the passage of the Choice Act that occurred in August of 2014. Those authorities seemingly are the ones the Secretary has been reluctant to use. We have complained about the reluctance at the VA to use those authorities and to discipline members of the leadership, employees at the Department of Veterans Affairs, but now we just learned, as my colleagues earlier indicated, that the leadership of the VA refuses to use the authorities at all. So it is not just a reluctance. It is now an admission that we are not going to use them.

As disappointed as I am, as a Member of Congress—as my colleagues are who spoke earlier in this VA decision, our frustration has to be nothing—nothing—compared to what our Nation's veterans experience in their dissatisfaction with a VA that declines to hold accountable those who work in leadership positions. We ought to be honoring their service. What Department would we expect to care for, to treat, to love and show compassion for more than our Department of Veterans Affairs? Whom would we expect to receive that kind of noble treatment? It would be those who serve us in our military. Americans—both veterans and nonveterans—are waiting for the VA to step up and do what is right by removing those who have no place within the VA system.

I also would say, as I talk to employees of the Department of Veterans Affairs—those who actually work in the hospitals, provide the benefits, man the computers—they are dissatisfied too. They want to see change at the VA. So many employees are looking for leadership at the VA that holds accountable those in leadership who have failed to bring about the necessary change, and to have that necessary change takes discipline of those who are wrongdoers.

I want to make certain people understand this is not an attack on those who work at the VA. They, too, want a VA system they can be proud to work for. I acknowledge and pay my respect and regard to the many, many, many employees of the Department who work every day to make certain that good things happen and that care is provided for those who served our Nation.

It seems to me, it is unfortunate the VA blames everybody but themselves for the problems at the VA. In fact, earlier this year, a couple months ago, April of 2016, the Secretary indicated that the fault—the inability to fix these problems—lies with Congress for not giving the VA enough money. He said budgetary failure led to the crisis. We have worked hard to make certain—in fact, I have indicated that if you can show a demonstrated need for more money at the Department of Veterans Affairs to take care of those who served our country, I am one who will vote for that. No one asked those who served our country about what it was going to cost to go to war. We ought not be unwilling to pay the price for those who did go to war on our behalf.

I would say the VA's problems are not budgetary. President Obama himself stated that the VA is the most funded agency across the Federal Government, with an increase of more than 80 percent in resources since 2009. I remember reading this quote. The President said that the most resourced agency in his administration, in his time in office, was the Department of Veterans Affairs.

The blame for the VA's inadequacies have nothing to do with the demand or insufficient funds but the management and lack of leadership. In fact, according to the VA's own data, veterans are waiting 50 percent longer to receive health care services than they were in 2014 when we realized the crisis existed. At the height of the crisis, we had a waiting list. That waiting list is now 50 percent longer than it was at that time. It has become clear that the VA seemingly is more concerned with protecting those who work there within their ranks and the leadership than protecting the veteran who has sacrificed so much for our Nation. The VA was created to serve veterans, not to serve the VA.

Today my colleagues from the Committee on Veterans' Affairs were here raising their desire to give the Secretary even more authority and expressing their frustration, which I share, with the lack of urgency to hold bad actors accountable. In that process of the conversation that took place earlier, they were advocating for legislation that is pending before the Senate called the Veterans First Act that was passed by our Committee on Veterans' Affairs weeks ago, and they believe that legislation will give the Secretary even additional authorities. That is true.

The Senator from Connecticut, Mr. BLUMENTHAL, the ranking member of the committee, and I worked to include in the Veterans First Act a number of accountability provisions to try to fix the VA at the root of its problem at the top.

So while I agree with the desire to see the Veterans First Act passed into law and while I agree that it will give the Secretary and others at the Department of Veterans Affairs more authority to hold accountable bad actors at the VA, I think what we really need to make certain happens is that the Secretary and the leadership of the Department of Veterans Affairs use the authority they already had provided them by Congress in August of 2014 to hold people accountable.

If actions this week tell us anything, we must push the VA to use the authorities they already have, and we would have cause, reason to be skeptical that even giving them greater authorities would result in a better outcome.

Our Nation's veterans deserve better, and they deserve a VA in which those who do wrong pay a consequence for that bad behavior.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TILLIS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DORA MARGARET SAMUDIO

Mr. CORNYN. Mr. President, today I would like to pay tribute to a great American public servant and Texan, Ms. Dora Margaret Samudio. Ms. Samudio is retiring after 50 years of dedicated Federal service.

Dora was born on October 1, 1945. After she graduated from Sam Houston High School in 1963, Dora began her distinguished Federal career with the Texas State Department of Public Welfare. Shortly thereafter, she became a clerk typist at the U.S. Army Medical Field Service School in Fort Sam Houston, TX.

In September 1969, in the midst of the Vietnam war, Dora left her native Texas to pursue a career in Washington, DC. For the next year, she worked for the U.S. Army Medical Research and Development Command in the Surgeon General's office until she moved to the War Plans Division at the Pentagon in 1970. At the Pentagon, Dora served as a stenographer with the Deputy Chief of Staff for Military Operations. She then transferred to the litigation division, where she worked for the U.S. Army Judge Advocate General. Dora was responsible for gathering Army witnesses from all over the world to testify in Federal court and kept records of collateral Army aircraft accidents in Vietnam. In 1972, she began working for the U.S. Army Court of Military Review in Falls Church, VA.

Dora briefly left Federal service to work at Williams, Connall & Califano in Washington, DC, and at Robinson, Robinson & Cole in Hartford, CT.

In the grand tradition of transplant Texans, Dora returned to the Lone Star State in 1978, where she has spent the remainder of her Federal service. In San Antonio, Dora worked at the U.S. Attorney's office until 1980, when she began working for the Honorable William S. Sessions, who was Chief Judge of the Western District of Texas. Dora served a vital role in his office until he was appointed as Director of the FBI in 1987. She then served as a secretary to an attorney and three Customs agents with the Narcotic and Dangerous Drug Section of the Department of Justice, DOJ, Criminal Division.

In July 1988, Ms. Samudio began her nearly 30 years of work as a judicial assistant to the Honorable John W. Primomo, U.S. magistrate judge. Judge Primomo holds Dora with highest regards and had the following to say about her:

I have known Dora for more than 30 years since she was the Judicial Assistant for Chief Judge William S. Sessions of the Western District of Texas. After his appointment as Director of the F.B.I. and my appointment as United States Magistrate Judge in 1988, it was my fortune that Dora applied to be my judicial assistant. I was surprised that she would be willing to 'humble' herself to work for a magistrate judge after serving the chief judge of the district. She is exceptional in all respects. I have always told Dora she is overqualified to be my judicial assistant, yet she has stayed. She is totally dedicated and extremely loyal. We have shared many of our personal ups and downs over the years. A part of me will be missing when Dora retires at the end of the month. It has been a privilege and an honor to work with her for the past 28 years.

Throughout her career, she has served with integrity and character. Her legacy will continue to benefit those who know her, and I join with her family, friends, and coworkers in telling that her experience and dedication will be missed.

I offer my thanks and appreciation to Dora Samudio for 50 years of steadfast service to our Nation and send my best wishes for the years ahead.

ADDITIONAL STATEMENTS

RECOGNIZING BALDOR ELECTRIC COMPANY

● Mr. BOOZMAN. Mr. President, today I wish to honor the Baldor Electric Company of Fort Smith, AR, for officially completing 15 million accident-free work hours.

Baldor moved its production of industrial electric motors to Fort Smith in 1956 and, in 1961, relocated its corporate headquarters there as well. The company has employed thousands of Arkansans for nearly 60 years.

This company produces products that are part of every industry in America. Its equipment powers everything from drills on oil rigs and conveyer belts in mining operations, to air conditioning systems in hospitals and thrusters on Navy and Coast Guard ships.

The Arkansas Department of Labor, the Arkansas Insurance Department, and the Arkansas Workers' Compensation Commission recently presented Baldor Electric Company with a ''Fifteen Million Man Hour Award'' for its extraordinary commitment to workplace safety, making it the first company in Arkansas to receive this designation. This means that between August of 2010 and May of 2016, Baldor successfully prevented a work-related illness or injury for 1,250 employees.

This brings me tremendous pleasure as I understand full well that the importance of workplace safety cannot be overstated. Families across the State of Arkansas, as well as the country, depend on and expect the safe return of their loved ones each day—and with 15 million accident-free hours, Baldor Electric Company has truly set the standard in ensuring just that. Much of Baldor's success has stemmed from its use of a safety program that utilizes a safety committee that includes both employees and managers.

I offer my gratitude to Baldor Electric Company for ensuring the safety of its employees for over 15 million hours of work. I congratulate the company for breaking Arkansas' safety record. I look forward to hearing about the company's future success.●

TRIBUTE TO GRACIE SCHRAM

● Mr. ROBERTS. Mr. President, I wish to recognize an inspirational artist, entrepreneur, and philanthropist from my State, Gracie Schram, who has been awarded the 2016 Nation Federation of Independent Business Owners Young Entrepreneur Award.

Miss Schram, of Leawood, KS, is the founder and owner of Gracie Schram Music, an entertainment company that provides live performance, speaking engagements, original music, recordings, and merchandise.

At the young age of 10, she was introduced to the reality of underprivileged children in Haiti and Africa. Inspired to do good, she was determined to improve the living conditions of so many she hadn't even met.

She went on to write and produce several albums, the proceeds of which led to the building of two fish ponds in Africa and an orphanage in Haiti. This is an extraordinary accomplishment. When asked why she has chosen to help those in need, her response was, ''I was just a kid who wasn't willing to wait for somebody else to change the world.''

I ask my colleagues to join me in recognizing Miss Schram on her outstanding achievements. We wish her nothing but the best for her future entrepreneurial and educational endeavors.●

PEASE GREETERS' 1,000TH FLIGHT

● Mrs. SHAHEEN. Mr. President, as we approach the Fourth of July, I want to salute the Pease Greeters for their very special brand of patriotism—a patriotism of deeds, not words. Since 2005, they have gathered at Pease International Airport in Portsmouth, NH, to give a warm send-off or welcome home to servicemembers in transit to or

from conflict zones in the Middle East and elsewhere. This past Sunday, the Greeters reached a remarkable milestone by gathering at Pease to meet their 1,000th flight. The welcoming ceremony concluded with words that have become the group's signature greeting: ''We the old warriors salute you the young warriors.''

For tens of thousands of uniformed servicemembers, many of them en route to or from combat zones in Iraq or Afghanistan, Pease airport is the last place they set foot on U.S. soil when they depart and the first place they set foot when they return. Prior to 2005, troops encountered a mostly empty and unwelcoming airport terminal. That year, airport officials contacted Charles Cove, a Vietnam war veteran and asked if he would gather a group of Granite Staters to greet a unit of 135 servicemembers heading to combat duty in Iraq. Mr. Cove gathered some fellow veterans and others, and they met the Iraq-bound soldiers with coffee, doughnuts, and warm words of support and appreciation.

Following that impromptu event, Mr. Cove and co-founder Edmund Johnson, a decorated Marine veteran of the Korean war, joined with fellow veterans and other Seacoast residents to form the Pease Greeters. Many in the group are old enough to remember that servicemembers returning from the Vietnam war were greeted with indifference or even hostility. Mr. Cove, who earned two Purple Hearts in Vietnam, said he made a promise to himself and his country that he would not allow this to happen to future servicemembers and veterans.

Since 2005, the Pease Greeters have not missed a single flight, ensuring that every departing and returning servicemember is given a hero's greeting and warm words of appreciation. Several thousand volunteers, ranging in age from retired veterans to young children, have joined in this mission. They have transformed the airport terminal at Pease into a ''Heroes' Walk,'' with framed group photos of all the military units that have passed through the airport since 2005.

Typically, 100 or more Pease Greeters will be on hand for a ceremony, forming a celebratory gauntlet to cheer and welcome servicemembers as they disembark from a troop transport plane. In addition to refreshments and gifts, each servicemember is given a cut-out embroidered star from a retired American flag. On one occasion, the group was informed at 10 p.m. that a Marine unit bound for Afghanistan would be flying out of Pease just six hours later, at 4 a.m. The Greeters scrambled to meet the challenge and were present with refreshments and a cheering crowd for the pre-dawn send-off.

In addition to meeting flights, the Pease Greeters organize efforts to support veterans, Active-Duty servicemembers, and their families. They also send care packages to servicemembers on duty overseas. Since 2008, the Greeters have sent more than 75,000 pounds of care package items to those serving in conflict zones.

I salute the Pease Greeters for their dedication to supporting and thanking our brave men and women in uniform, one flight at a time. Across 1,000 flights, they have delivered to our servicemembers an important message, eloquently expressed by Mr. Cove: ''The road to freedom is a toll road. We thank you for paying our way.''

We join with the Greeters in thanking the men and women of our Armed Forces. In addition, I want to express my deep appreciation to the Pease Greeters for their own generous service to our Nation.●

TRIBUTE TO DR. ROBERT E. WITT

● Mr. SHELBY. Mr. President, I rise today to recognize Dr. Robert E. Witt, chancellor of the University of Alabama system, who is retiring in August of this year. Dr. Witt will be long remembered for his remarkable career, his extraordinary leadership, and for his role in restoring the University of Alabama to its rightful place as the capstone of higher education.

A native of Bridgeport, CT, Dr. Witt received his bachelor's degree in economics from Bates College. He received his M.B.A. from the Tuck School of Business at Dartmouth College and his Ph.D. from the Pennsylvania State University.

Dr. Witt began his 35-year career in higher education in 1968 when he joined the business school faculty at the University of Texas at Austin. He eventually became department chair, associate dean, and in 1985, he was named dean of the UT business school. In 1995, Dr. Witt was named president of the University of Texas at Arlington, where he served until 2003 before moving to Tuscaloosa, AL.

Prior to his election as chancellor of Alabama's largest education enterprise, Dr. Witt served as president of the University of Alabama from 2003 to 2012. Throughout his tenure, I was impressed by his vision and commitment to growing the capstone into one of the leading institutions for higher education in the South.

During his 9 years as president of the university, he led an ambitious campaign for academic growth and achievement that positioned the University of Alabama as one of America's fastest growing public universities. Because of his efforts, the university has achieved a higher position academically, which continues to bring positive growth to the University of Alabama and our State as a whole.

In addition to serving as president of the University of Alabama system, Dr. Witt is chairman of the Council of the Presidents of Alabama's public colleges and universities. He is a member of the Governor's College & Career Ready Task Force, the American Cast Iron Pipe Company Board of Directors, the Alexis de Tocqueville Executive Committee, the Advisory Board, and the Elizabeth Project Care Board. Dr. Witt is past chairman of the chamber of commerce of West Alabama, a past member of the Tuscaloosa County IDA Board, and the Black Warrior Council Boy Scouts of America.

In 2011, Dr. Witt was inducted into the Alabama Academy of Honor, which is comprised of 100 living Alabamians elected for their noteworthy service to the State.

Dr. Witt's many accomplishments, as well as his contributions to the University of Alabama, city of Tuscaloosa, and the State of Alabama, will not be soon forgotten. Our State and community have been fortunate to have a leader like Dr. Robert Witt, and I wish Dr. Witt and his wife, Sandee, the very best in their next chapter.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 337. An act to improve the Freedom of Information Act.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 1:38 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2133. An act to improve Federal agency financial and administrative controls and procedures to assess and mitigate fraud risks, and to improve Federal agencies' development and use of data analytics for the purpose of identifying, preventing, and responding to fraud, including improper payments.

S. 2487. An act to direct the Secretary of Veterans Affairs to identify mental health care and suicide prevention programs and metrics that are effective in treating women veterans as part of the evaluation of such programs by the Secretary, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2395. An act to amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.

H.R. 2607. An act to designate the facility of the United States Postal Service located at 7802 37th Avenue in Jackson Heights, New York, as the ''Jeanne and Jules Manford Post Office Building''.

H.R. 3936. An act to direct the Secretary of Veterans Affairs to carry out a pilot program under which the Secretary carries out

Veteran Engagement Team events where veterans can complete claims for disability compensation and pension under the laws administered by the Secretary, and for other purposes.

H.R. 4010. An act to designate the facility of the United States Postal Service located at 522 North Central Avenue in Phoenix, Arizona, as the ''Ed Pastor Post Office''.

H.R. 4372. An act to designate the facility of the United States Postal Service located at 15 Rochester Street, Bergen, New York, as the Barry G. Miller Post Office.

H.R. 4590. An act to authorize the Secretary of Veterans Affairs to carry out certain major medical facility projects for which appropriations are being made for fiscal year 2016, and for other purposes.

H.R. 4639. An act to reauthorize the Office of Special Counsel, to amend title 5, United States Code, to provide modifications to authorities relating to the Office of Special Counsel, and for other purposes.

H.R. 4777. An act to designate the facility of the United States Postal Service located at 1301 Alabama Avenue in Selma, Alabama as the ''Amelia Boynton Robinson Post Office Building''.

H.R. 4902. An act to amend title 5, United States Code, to expand law enforcement availability pay to employees of U.S. Customs and Border Protection's Air and Marine Operations.

H.R. 4925. An act to designate the facility of the United States Postal Service located at 229 West Main Cross Street, in Findlay, Ohio, as the ''Michael Garver Oxley Memorial Post Office Building''.

H.R. 4960. An act to designate the facility of the United States Postal Service located at 525 N Broadway in Aurora, Illinois, as the ''Kenneth M. Christy Post Office Building''.

H.R. 5028. An act to designate the facility of the United States Postal Service located at 10721 E Jefferson Ave in Detroit, Michigan, as the ''Mary E. McCoy Post Office Building''.

H.R. 5170. An act to encourage and support partnerships between the public and private sectors to improve our Nation's social programs, and for other purposes.

H.R. 5317. An act to designate the Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, as the ''Abie Abraham VA Clinic''.

H.R. 5388. An act to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes.

H.R. 5389. An act to encourage engagement between the Department of Homeland Security and technology innovators, and for other purposes.

H.R. 5447. An act to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements.

H.R. 5452. An act to amend the Internal Revenue Code of 1986 to permit individuals eligible for Indian Health Service assistance to qualify for health savings accounts.

H.R. 5456. An act to amend parts B and E of title IV of the Social Security Act to invest in funding prevention and family services to help keep children safe and supported at home, to ensure that children in foster care are placed in the least restrictive, most family-like, and appropriate settings, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2395. An act to amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2607. An act to designate the facility of the United States Postal Service located at 7802 37th Avenue in Jackson Heights, New York, as the ''Jeanne and Jules Manford Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3936. An act to direct the Secretary of Veterans Affairs to carry out a pilot program under which the Secretary carries out Veteran Engagement Team events where veterans can complete claims for disability compensation and pension under the laws administered by the Secretary, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4010. An act to designate the facility of the United States Postal Service located at 522 North Central Avenue in Phoenix, Arizona, as the ''Ed Pastor Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4372. An act to designate the facility of the United States Postal Service located at 15 Rochester Street, Bergen, New York, as the Barry G. Miller Post Office; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4590. An act to authorize the Secretary of Veterans Affairs to carry out certain major medical facility projects for which appropriations are being made for fiscal year 2016, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4777. An act to designate the facility of the United States Postal Service located at 1301 Alabama Avenue in Selma, Alabama as the ''Amelia Boynton Robinson Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4925. An act to designate the facility of the United States Postal Service located at 229 West Main Cross Street, in Findlay, Ohio, as the ''Michael Garver Oxley Memorial Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4960. An act to designate the facility of the United States Postal Service located at 525 N Broadway in Aurora, Illinois, as the ''Kenneth M. Christy Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5028. An act to designate the facility of the United States Postal Service located at 10721 E Jefferson Ave in Detroit, Michigan, as the ''Mary E. McCoy Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5170. An act to encourage and support partnerships between the public and private sectors to improve our Nation's social programs, and for other purposes; to the Committee on Finance.

H.R. 5317. An act to designate the Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, as the ''Abie Abraham VA Clinic''; to the Committee on Veterans' Affairs.

H.R. 5388. An act to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5389. An act to encourage engagement between the Department of Homeland Security and technology innovators, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5452. An act to amend the Internal Revenue Code of 1986 to permit individuals eligible for Indian Health Service assistance to qualify for health savings accounts; to the Committee on Finance.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 5447. An act to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements.

H.R. 5456. An act to amend parts B and E of title IV of the Social Security Act to invest in funding prevention and family services to help keep children safe and supported at home, to ensure that children in foster care are placed in the least restrictive, most family-like, and appropriate settings, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 22, 2016, she had presented to the President of the United States the following enrolled bill:

S. 337. An act to improve the Freedom of Information Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5832. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled ''Report to the Congress: Medicare and the Health Care Delivery System''; to the Committee on Finance.

EC–5833. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Recovery of Investment in the Contract from Payments Received From a Qualified Defined Benefit Plan by an Employee During Phased Retirement'' (Notice 2016–39) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Finance.

EC–5834. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 108.—Income from Discharge of Indebtedness'' (Rev. Rul. 2016–15) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Finance.

EC–5835. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Phased Retirement for Non-Qualified Plans'' (Rev. Proc. 2016–36) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Finance.

EC–5836. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted

Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2016–38) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Finance.

EC–5837. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–139); to the Committee on Foreign Relations.

EC–5838. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–035); to the Committee on Foreign Relations.

EC–5839. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–126); to the Committee on Foreign Relations.

EC–5840. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–012); to the Committee on Foreign Relations.

EC–5841. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–033); to the Committee on Foreign Relations.

EC–5842. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–018); to the Committee on Foreign Relations.

EC–5843. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–125); to the Committee on Foreign Relations.

EC–5844. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period February 1, 2016 through March 31, 2016; to the Committee on Foreign Relations.

EC–5845. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Use of Symbols in Labeling'' ((RIN0910–AG74) (Docket No. FDA–2013–N–0125)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–5846. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the actuarial status of the railroad retirement system; to the Committee on Health, Education, Labor, and Pensions.

EC–5847. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report entitled ''Railroad Unemployment Insurance System''; to the Committee on Health, Education, Labor, and Pensions.

EC–5848. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on American Indian and Alaska Native Head Start Facilities, FY 2015''; to the Committee on Health, Education, Labor, and Pensions.

EC–5849. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Education's Semiannual Report of the Inspector General for the period from October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5850. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''The Department of General Services Failed to Provide Information the DC Council Needed to Make Informed Decisions on the Scope and Cost of Modernizing the Duke Ellington School of the Arts''; to the Committee on Homeland Security and Governmental Affairs.

EC–5851. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Military Ocean Terminal Concord (MOTCO); Concord, California'' ((RIN1625–AA87) (Docket No. USCG–2015–0330)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5852. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Holiday Events; Biscayne Bay, Miami, FL'' ((RIN1625–AA11) (Docket No. USCG–2015–0786)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5853. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Renaming of Sector Baltimore as Sector Maryland-National Capital Region; Conforming Amendments'' ((RIN1625–AA11) (Docket No. USCG–2016–0060)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5854. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Kennebec River, Richmond and Dresden, ME'' ((RIN1625–AA09) (Docket No. USCG–2016–0344)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5855. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Upper Mississippi River between mile 179.2 and 180.5, St. Louis, MO and between mile 839.5 and 840, St. Paul, MN'' ((RIN1625–AA00) (Docket No. USCG–2016–0354)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5856. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Broad Creek, Laurel, DE'' ((RIN1625–AA09) (Docket No. USCG–2015–1011)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5857. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Monongahela River mile 97.5 to mile 100.5, Morgantown, WV'' ((RIN1625–AA00) (Docket No. USCG–2016–0202)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5858. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Chesapeake Bay, Cape Charles, VA'' ((RIN1625–AA00) (Docket No. USCG–2016–0319)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5859. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Upper New York Bay, Liberty Island, NY'' ((RIN1625–AA00) (Docket No. USCG–2016–0318)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5860. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Raritan Bay, Perth Amboy, NJ'' ((RIN1625–AA00) (Docket No. USCG–2016–0297)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5861. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ohio River mile 25.2 to mile 25.6, Beaver, PA'' ((RIN1625–AA00) (Docket No. USCG–2016–0424)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5862. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ohio River mile 43.2 to mile 43.6, East Liverpool, OH'' ((RIN1625–AA00) (Docket No. USCG–2016–0389)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5863. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Cincinnati Reds Season Fireworks'' ((RIN1625–AA00) (Docket No. USCG–2016–0145)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5864. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Monongahela River mile 97.5 to mile 100.5, Morgantown, WV'' ((RIN1625–AA00) (Docket No. USCG–2016–0202)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5865. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation for Marine Events; James River, Midlothian, VA'' ((RIN1625–

AA08) (Docket No. USCG–2016–0355)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5866. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations and Safety Zones; Recurring Marine Events Held in the Coast Guard Northern New England Captain of the Port Zone'' ((RIN1625–AA00 and RIN1625–AA08) (Docket No. USCG–2015–1052)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5867. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Marine Events held in the Sector Long Island Sound Captain of the Port Zone'' ((RIN1625–AA08) (Docket No. USCG–2016–0324)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5868. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Midwest Masters Sprints; Maumee River; Toledo, OH'' ((RIN1625–AA08) (Docket No. USCG–2016–0463)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5869. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Marine Events in the Seventh Coast Guard District'' ((RIN1625–AA08) (Docket No. USCG–2013–0272)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5870. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; On Water Activities Associated With the 2016 Macy's 4th of July Fireworks, East River, Manhattan, NY'' ((RIN1625–AA08) (Docket No. USCG–2016–0377)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5871. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Ohio River mile 791.0 to 795.0, Evansville, IN'' ((RIN1625–AA08) (Docket No. USCG–2016–0395)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5872. A communication from the Legal Intern, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Cumberland River, Mile 190.5 to 194.0; Nashville, TN'' ((RIN1625–AA08) (Docket No. USCG–2016–0322)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5873. A communication from the Legal Intern, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Sector Ohio Valley Annual and Recurring Special Local Regulations Update'' ((RIN1625–AA08) (Docket No. USCG–2015–1039)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5874. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation for Marine Events; James River, Midlothian, VA'' ((RIN1625–AA08) (Docket No. USCG–2016–0355)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5875. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Inspection of Towing Vessels'' ((RIN1625–AB06) (Docket No. USCG–2006–24412)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5876. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Indian River, Miami Beach, FL'' ((RIN1625–AA09) (Docket No. USCG–2015–0940)) received in the Office of the President of the Senate on June 20, 2016; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PETERS (for himself, Mrs. CAPITO, and Mr. KIRK):

S. 3082. A bill to amend title XVIII of the Social Security Act to reduce the occurrence of diabetes in Medicare beneficiaries by extending coverage under Medicare for medical nutrition therapy services to such beneficiaries with pre-diabetes or with risk factors for developing type 2 diabetes; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. SCOTT, Mr. COONS, and Mr. BLUNT):

S. 3083. A bill to provide housing opportunities in the United States through modernization of various housing programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GARDNER (for himself, Mr. PETERS, Mr. THUNE, and Mr. NELSON):

S. 3084. A bill to invest in innovation through research and development, and to improve the competitiveness of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBERTS:

S. 3085. A bill to improve forest management activities on National Forest System land and public land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOOKER:

S. 3086. A bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SULLIVAN (for himself and Ms. CANTWELL):

S. 3087. A bill to establish the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RUBIO (for himself, Mr. COONS, Ms. AYOTTE, Mr. CASEY, Mr. KIRK, Mrs. GILLIBRAND, Mr. ISAKSON, Mr. BOOKER, Mr. PERDUE, Mr. KAINE, Mr. COTTON, Mr. PETERS, Mr. HATCH, Mr. BLUMENTHAL, Mr. CRUZ, Mr. WARNER, Mr. BOOZMAN, Mr. CORNYN, and Mr. ROBERTS):

S. Res. 508. A resolution expressing support for the expeditious consideration and finalization of a new, robust, and long-term Memorandum of Understanding on military assistance to Israel between the United States Government and the Government of Israel; to the Committee on Foreign Relations.

By Mr. BROWN (for himself and Mr. PORTMAN):

S. Res. 509. A resolution congratulating the Cleveland Cavaliers for winning the 2016 National Basketball Association Finals; considered and agreed to.

ADDITIONAL COSPONSORS

S. 689

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 689, a bill to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

S. 1555

At the request of Ms. HIRONO, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1555, a bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 1679

At the request of Mr. HELLER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1679, a bill to amend the Flood Disaster Protection Act of 1973 to require that certain buildings and personal property be covered by flood insurance, and for other purposes.

S. 2341

At the request of Mr. BENNET, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2341, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 2599

At the request of Mrs. MCCASKILL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2599, a bill to prohibit unfair and deceptive advertising of hotel room rates, and for other purposes.

S. 2650

At the request of Mr. THUNE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2650, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income any prizes or awards won in competition in the Olympic Games or the Paralympic Games.

S. 2800

At the request of Mr. COONS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2800, a bill to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to provide an exclusion from income for student loan forgiveness for students who have died or become disabled.

S. 2825

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2825, a bill to amend title 37, United States Code, to require compliance with domestic source requirements for footwear furnished to enlisted members of the Armed Forces upon their initial entry into the Armed Forces.

S. 2873

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2873, a bill to require studies and reports examining the use of, and opportunities to use, technology-enabled collaborative learning and capacity building models to improve programs of the Department of Health and Human Services, and for other purposes.

S. 2934

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 2934, a bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

S. 3007

At the request of Mr. COTTON, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 3007, a bill to prohibit funds from being obligated or expended to aid, support, permit, or facilitate the certification or approval of any new sensor for use by the Russian Federation on observation flights under the Open Skies Treaty unless the President submits a certification related to such sensor to Congress and for other purposes.

S. 3034

At the request of Mr. CRUZ, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 3034, a bill to prohibit the National Telecommunications and Information Administration from allowing the Internet Assigned Numbers Authority functions contract to lapse unless specifically authorized to do so by an Act of Congress.

S.J. RES. 35

At the request of Mr. FLAKE, the names of the Senator from Utah (Mr. HATCH) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S.J. Res. 35, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of Labor relating to ''Interpretation of the 'Advice' Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act''.

S. CON. RES. 36

At the request of Mr. NELSON, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Con. Res. 36, a concurrent resolution expressing support of the goal of ensuring that all Holocaust victims live with dignity, comfort, and security in their remaining years, and urging the Federal Republic of Germany to reaffirm its commitment to that goal through a financial commitment to comprehensively address the unique health and welfare needs of vulnerable Holocaust victims, including home care and other medically prescribed needs.

S. RES. 83

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. Res. 83, a resolution supporting the goals and ideals of the Secondary School Student Athletes' Bill of Rights.

S. RES. 465

At the request of Mr. HEINRICH, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 465, a resolution supporting the United States solar energy industry in its effort to bring low-cost, clean, 21st-century solar technology into homes and businesses across the United States.

S. RES. 482

At the request of Mr. INHOFE, his name was added as a cosponsor of S. Res. 482, a resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization and to increase pressure on the organization and its members to the fullest extent possible.

S. RES. 501

At the request of Mr. PERDUE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 501, a resolution expressing the sense of the Senate on Russian military aggression.

AMENDMENT NO. 4725

At the request of Mrs. MURRAY, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 4725 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4726

At the request of Mrs. MURRAY, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 4726 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4762

At the request of Mr. MERKLEY, the names of the Senator from Delaware (Mr. CARPER), the Senator from Michigan (Ms. STABENOW) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of amendment No. 4762 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4766

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of amendment No. 4766 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4785

At the request of Mr. TOOMEY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 4785 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4814

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 4814 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4846

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 4846 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 4848

At the request of Ms. MIKULSKI, the names of the Senator from California

(Mrs. FEINSTEIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 4848 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 508—EXPRESSING SUPPORT FOR THE EXPEDITIOUS CONSIDERATION AND FINALIZATION OF A NEW, ROBUST, AND LONG-TERM MEMORANDUM OF UNDERSTANDING ON MILITARY ASSISTANCE TO ISRAEL BETWEEN THE UNITED STATES GOVERNMENT AND THE GOVERNMENT OF ISRAEL

Mr. RUBIO (for himself, Mr. COONS, Ms. AYOTTE, Mr. CASEY, Mr. KIRK, Mrs. GILLIBRAND, Mr. ISAKSON, Mr. BOOKER, Mr. PERDUE, Mr. KAINE, Mr. COTTON, Mr. PETERS, Mr. HATCH, Mr. BLUMENTHAL, Mr. CRUZ, Mr. WARNER, Mr. BOOZMAN, Mr. CORNYN, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES 508

Whereas in April 1998 the United States designated Israel as a ''major non-NATO ally'';

Whereas, on August 16, 2007, the United States and Israel signed a 10-year Memorandum of Understanding (MoU) on United States military assistance to Israel, under which total assistance would equal $30,000,000,000;

Whereas, since the signing of the 2007 Memorandum of Understanding, intelligence and defense cooperation has continued to grow;

Whereas, on October 15, 2008, the Naval Vessel Transfer Act of 2008 was signed into law (Public Law 110–429), defining Israel's qualitative military edge (QME) as ''the ability to counter and defeat any credible conventional military threat from any individual state or possible coalition of states or from non-state actors, while sustaining minimal damage and casualties, through the use of superior military means, possessed in sufficient quantity, including weapons, command, control, communication, intelligence, surveillance, and reconnaissance capabilities that in their technical characteristics are superior in capability to those of such other individual or possible coalition of states or non-state actors'';

Whereas, on July 27, 2012, the United States-Israel Enhanced Security Cooperation Act of 2012 (Public Law 112–150) declared it to be the policy of the United States ''to help the Government of Israel preserve its qualitative military edge amid rapid and uncertain regional political transformation'';

Whereas Israel faces immediate threats to its security from the United States-designated Foreign Terrorist Organization, Hezbollah, and its missile and rocket stockpile estimated to number around 150,000, and from the United States-designated Foreign Terrorist Organization, Hamas, which continues to attempt to rebuild its tunnel network to infiltrate Israel and restock its own missile and rocket stockpiles;

Whereas Israel also faces immediate threats to its security from the ongoing regional instability in the Middle East, especially from the ongoing conflict in Syria and from militant groups in the Sinai;

Whereas Iran remains a threat to Israel, as demonstrated by Iran's continued bellicosity, including several hostile and provocative tests of ballistic missiles capable of carrying nuclear warheads, even reportedly marking several of these weapons with Hebrew words declaring ''Israel must be wiped out'';

Whereas the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) authorized funds to be appropriated for Israeli cooperative missile defense program codevelopment and coproduction, including funds to be provided to the Government of Israel to procure the David's Sling weapon system as well as the Arrow 3 Upper Tier Interceptor Program; and

Whereas, on December 19, 2014, President Barack Obama signed into law the United States-Israel Strategic Partnership Act of 2014 (Public Law 113–296), which stated the sense of Congress that Israel is a major strategic partner of the United States and declared it to be the policy of the United States ''to continue to provide Israel with robust security assistance, including for the procurement of the Iron Dome Missile Defense System'': Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms that Israel is a major strategic partner of the United States;

(2) reaffirms that it is the policy and law of the United States to ensure that Israel maintains its qualitative military edge and has the capacity and capability to defend itself from all credible military threats;

(3) reaffirms United States support of a robust Israeli tiered missile defense program;

(4) supports continued discussions between the United States Government and the Government of Israel for a robust and long-term Memorandum of Understanding on United States military assistance to Israel;

(5) urges the expeditious finalization of a new Memorandum of Understanding between the United States Government and the Government of Israel; and

(6) supports a robust and long-term Memorandum of Understanding negotiated between the United States and Israel regarding military assistance that increases the amount of aid from previous agreements and significantly enhances Israel's military capabilities.

SENATE RESOLUTION 509—CONGRATULATING THE CLEVELAND CAVALIERS FOR WINNING THE 2016 NATIONAL BASKETBALL ASSOCIATION FINALS

Mr. BROWN (for himself and Mr. PORTMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 509

Whereas, on June 19, 2016, the Cleveland Cavaliers defeated the Golden State Warriors by a score of 93 to 89 in Oakland, California, in a decisive game 7 to win the 2016 National Basketball Association (referred to in the preamble as the ''NBA'') Finals;

Whereas the Cleveland Cavaliers have captured the first NBA Finals victory in franchise history and have at last brought the Larry O'Brien Championship Trophy to Cleveland;

Whereas the Cleveland Cavaliers became the first team in NBA Finals history to win a series after trailing 3 games to 1;

Whereas LeBron James, who averaged 29.7 points, 8.9 assists, and 11.3 rebounds during the NBA Finals, led all players from both teams in the respective statistical categories of total points, rebounds, assists, steals, and blocks and was named Most Valuable Player of the NBA Finals for the third time in his career;

Whereas LeBron James became the third player in NBA Finals history and the first since 1988 to record a triple-double in game 7, scoring 27 points, grabbing 11 rebounds, and making 11 assists in leading his team to victory;

Whereas Kyrie Irving, who played a critical role through the 2016 NBA Finals, scored 26 points in game 7 and hit a crucial three-pointer with 53 seconds left to play in the game;

Whereas every member of the 2015–2016 Cleveland Cavaliers team, including Matthew Dellavedova, Channing Frye, Kyrie Irving, LeBron James, Richard Jefferson, Dahntay Jones, James Jones, Sasha Kaun, Kevin Love, Jordan McRae, Timofey Mozgov, Iman Shumpert, J. R. Smith, Tristan Thompson, and Mo Williams, played an integral role in bringing the NBA Championship to Cleveland;

Whereas head coach Tyronn Lue and his entire team of assistants and team staff worked together to put the Cleveland Cavaliers players in a position to win the 2016 NBA Finals;

Whereas General Manager David Griffin and the entire Cavaliers basketball front office have worked to assemble a championship team and create a culture and environment that fosters the very best performance and the highest success;

Whereas owner Dan Gilbert has helped build a first-rate, championship sports franchise in the city of Cleveland;

Whereas, prior to June 19, 2016, the 3 major sports franchises in Cleveland had not won a championship since 1964;

Whereas on June 19, 2016, LeBron James completed his goal of bringing an NBA Championship back to northeast Ohio, and the Cleveland Cavaliers ended a 52-year championship drought for the city of Cleveland; and

Whereas the 2016 Cleveland Cavaliers have brought pride and elation to Cleveland and the entire State of Ohio by winning the 2016 NBA Finals:

Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Cleveland Cavaliers for winning the 2016 National Basketball Association Finals;

(2) recognizes the contributions and achievements of all the players, coaches, and staff who contributed to the 2015–2016 season;

(3) applauds the fans of the Cleveland Cavaliers who have never given up hope in the pursuit of their first ever championship; and

(4) directs the Secretary of the Senate to transmit for appropriate display an official copy of this resolution to—

(A) the owner of the Cleveland Cavaliers, Dan Gilbert;

(B) the coach of the Cleveland Cavaliers, Tyronn Lue; and

(C) the leader of the Cleveland Cavaliers, LeBron James.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4854. Mr. WARNER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 4855. Mr. LANKFORD (for himself, Mr. CORNYN, Mr. LEE, Mr. HATCH, Mr. CRUZ, Mr. INHOFE, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4856. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4854. Mr. WARNER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, line 3, insert before the period the following: ''; *Provided,* That $10,000,000 shall be for NASA to conduct further research at the Federal Aviation Administration's six test sites in collaboration with the FAA's Unmanned Aircraft Systems Center of Excellence on UAS use in a broad range of public safety applications over land and maritime environments''.

SA 4855. Mr. LANKFORD (for himself, Mr. CORNYN, Mr. LEE, Mr. HATCH, Mr. CRUZ, Mr. INHOFE, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 539. None of the funds made available by this Act may be used to enter into a civil settlement agreement on behalf of the United States that includes a term requiring that any donation be made to any nonparty by any party-defendant to such agreement other than a payment that provides restitution for or otherwise directly remedies actual harm (including to the environment) directly and proximately caused by the party making the payment, or constitutes payment for services rendered in connection with the case.

SA 4856. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MARIJUANA RESEARCH.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Drug Enforcement Administration;

(2) the term ''eligible State'' means a State that, in accordance with State law, permits the production, possession, use, distribution, dispensation, administration, laboratory testing, or delivery of medical and recreational marijuana;

(3) the term ''marijuana'' has the meaning given the term ''marihuana'' in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

(4) the term ''State'' has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(b) MANUFACTURE OF MARIJUANA FOR RESEARCH.—Not later than 1 year after the date of enactment of this Act, in order to meet the legitimate research needs of the United States, the Attorney General, acting through the Administrator, shall register not fewer than 3 applicants in each eligible State under section 303(a) of the Controlled Substances Act (21 U.S.C. 823(a)) to manufacture marijuana for research purposes.

(c) OVERSIGHT.—The Attorney General, acting through the Administrator—

(1) shall directly oversee the registration under subsection (b) in accordance with section 303(a) of the Controlled Substances Act (21 U.S.C. 823(a)); and

(2) may not delegate oversight authority to any other official.

(d) QUOTA.—Not later than 180 days after the date of enactment of this Act and each year thereafter, the Attorney General, acting through the Administrator, shall establish an annual quota under section 306(a) of the Controlled Substances Act (21 U.S.C. 826(a)) for the production of marijuana for research that is not less than 125 percent of the aggregate production specified in all research applications approved or reasonably expected to be approved during the applicable year by the Secretary of Health and Human Services.

(e) RESEARCH REGISTRATION PROCESS.—The Attorney General, acting through the Administrator, shall expedite the registration process for research on marijuana under section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) for practitioners in eligible States who have been approved by the Secretary of Health and Human Services to conduct such research.

AUTHORITY FOR COMMITTEES TO MEET

Mr. COATS. Mr. President, I have six requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on June 22, 2016, at 10:30 a.m., to conduct a classified hearing entitled ''Security Assistance: Cutting Through a Tangled Web of Authorities.''

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on June 22, 2016, at 10 a.m. to conduct a hearing entitled ''Renewing Communities and Providing Opportunities Through Innovative Solutions to Poverty.''

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on June 22, 2016, in room SD–628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled ''Accessing USDA Rural Development Programs in Native Communities.''

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on June 22, 2016, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the Drug Enforcement Administration.''

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on June 22, 2016, at 2:30 p.m., in room SR–418 of the Russell Senate Office Building, to conduct a hearing entitled ''Examining the Progress and Challenges in Modernizing Information Technology at the Department of Veterans Affairs.''

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

The Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on June 22, 2016, at 2:30 p.m., in room SD–406 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Examining Pathways Towards Compliance of the National Ambient Air Quality Standard for Ground-Level Ozone: Legislative Hearing on S. 2882 and S. 2072.''

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Marty Bergen, be granted floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Mr. President, I ask unanimous consent that James Kelly, a member of my staff, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF ADOPTION OF REGULATIONS AND TRANSMITTAL FOR CONGRESSIONAL APPROVAL

Mr. HATCH. Mr. President, I ask unanimous consent that the attached documentation from the Office of Compliance be printed in the RECORD.

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, June 22, 2016.

Hon. ORRIN HATCH,
President Pro Tempore of the U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Section 304(b)(3) of the Congressional Accountability Act (''CAA''), 2 U.S.C. §1384(b)(3), requires that, with regard to substantive regulations under the CAA, after the Board of Directors of the Office of Compliance (''Board'') has published a general notice of proposed rulemaking as required by subsection (b)(1), and received comments as required by subsection (b)(2), ''the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.''

The Board has adopted the regulations in the Notice of Adoption of Substantive Regulations and Transmittal for Congressional Approval which accompany this transmittal letter. The Board requests that the accompanying Notice be published in the Senate version of the *Congressional Record* on the first day on which both Houses are in session following receipt of this transmittal.

The Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, and therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

All inquiries regarding this notice should be addressed to Barbara J. Sapin, Executive Director of the Office of Compliance, Room LA–200, 110 2nd Street, SE, Washington, DC 20540; (202) 724–9250.

Sincerely,

BARBARA L. CAMENS,
Chair of the Board of Directors, Office of Compliance.

FROM THE BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE

NOTICE OF ADOPTION OF REGULATIONS AND TRANSMITTAL FOR CONGRESSIONAL APPROVAL

Modifications to the rights and protections under the Family and Medical Leave Act of 1993 (FMLA), Notice of Adoption of Regulations, as required by 2 U.S.C. §1384, Congressional Accountability Act of 1995, as amended (CAA).

Background

The purpose of this Notice is to announce adoption of modifications to the existing legislative branch FMLA substantive regulations under section 202 of the CAA (2 U.S.C. §1302 et seq.), which applies to covered employees the rights and protections of sections 101 through 105 of the FMLA (29 U.S.C. §§2611 through 2615), and such remedies as would be appropriate if awarded under paragraph (1) of section 107(a) of the FMLA (29 U.S.C. §2617(a)(1)). These modifications are necessary in order to bring previously approved existing legislative branch FMLA regulations (approved by Congress April 15, 1996) in line with current Department of Labor (DOL) regulations implementing recent statutory changes to the FMLA, 29 U.S.C. §2601 et seq.

What is the authority under the CAA for these adopted substantive regulations?

Section 202(a) of the CAA provides that the rights and protections established by sections 101 through 105, and remedies under section 107(a)(1) of the FMLA (29 U.S.C. §§2611–2615) shall apply to covered employees.

Section 202(d)(1) and (2) of the CAA require that the Office of Compliance (OOC) Board of Directors (the Board), pursuant to section 1384 of the CAA, issue regulations implementing the rights and protections of the FMLA and that those regulations shall be ''the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 202 of the CAA] except insofar as the Board may determine, for good cause shown . . . that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' The modifications to the regulations issued by the Board herein are all on matters for which section 202 of the CAA requires regulations to be issued.

Are there FMLA regulations currently in effect?

Yes. On January 22, 1996, the OOC Board adopted and submitted for publication in the Congressional Record the original FMLA final regulations implementing section 202 of the CAA, which applies certain rights and protections of the FMLA. On April 15, 1996, pursuant to section 304(c) of the CAA, the House and the Senate passed resolutions approving the final regulations. Specifically, the Senate passed S. Res. 242, providing for approval of the final regulations applicable to the Senate and the employees of the Senate; the House passed H. Res. 400 providing for approval of the final regulations applicable to the House and the employees of the House; and the House and the Senate passed S. Con. Res. 51, providing for approval of the final regulations applicable to employing offices and employees other than those offices and employees of the House and the Senate. Once approved by Congress, these regulations would supersede and replace the current substantive Board FMLA regulations from 1996.

What does the FMLA provide?

The FMLA entitles eligible employees of covered employers to take job-protected, unpaid leave, or to substitute appropriate accrued paid leave, for up to a total of 12 workweeks in a 12-month period: for the birth of the employee's son or daughter and to care for the newborn child; for the placement of a son or daughter with the employee for adoption or foster care; to care for the employee's spouse, parent, son, or daughter with a serious health condition; when the employee is unable to work due to the employee's own serious health condition; or for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (''qualifying exigency leave''). An eligible employee may also take up to 26 workweeks of FMLA leave during a ''single 12-month period'' to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

FMLA leave may be taken in a block or, under certain circumstances, intermittently or on a reduced leave schedule basis. In addition to providing job-protected family and medical leave, employers must also maintain any preexisting group health plan coverage for an employee on FMLA-protected leave under the same conditions that would apply if the employee had not taken leave. 2 U.S.C. §1312(a)(1) (incorporating 29 U.S.C. §2614). Once the leave period is concluded, the employer is required to restore the employee to the same or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. *Id.* Under the FMLA statute, but not applicable to the legislative branch, if an employee believes that his or her FMLA rights have been violated, the employee may file a complaint with the DOL or file a private lawsuit in federal or state court.

Under the CAA, a covered employee of the legislative branch may initiate proceedings with the OOC and may be awarded damages if the employing office has violated the employee's FMLA rights. The employee is entitled to reimbursement for any monetary loss incurred, equitable relief as appropriate, interest, attorneys' fees, expert witness fees, and court costs. Liquidated damages also may be awarded. *See* 29 U.S.C. §2617.

What changes do the proposed amendments make?

First, these regulations add the military leave provisions of the FMLA enacted under the National Defense Authorization Acts (NDAA) for Fiscal Years 2008 and 2010 (Pub.L. 110–181, Div. A, Title V §§585(a)(2), (3)(A)–(D) and Pub.L. 111–84, Div. A, Title V §565(a)(1)(B) and (4), which: extend the availability of FMLA leave to family members of the Regular Armed Forces for qualifying exigencies arising out of a servicemember's deployment; define those deployments covered under these provisions; extend FMLA military caregiver leave for family members of current servicemembers to include an injury or illness that existed prior to service and was aggravated in the line of duty on active duty; and extend FMLA military caregiver leave to family members of certain veterans with serious injuries or illnesses. These regulations also set forth the revised definition of ''spouse'' under the FMLA in light of the DOL's February 25, 2015 Final Rule on the definition of spouse, and the United States Supreme Court's decision in *Obergefell, et al., v. Hodges,* **No. 14–556**, 135 S. Ct. 2584 **(2015)**, which requires a state to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state.

Why are these changes to the FMLA regulations necessary?

The CAA requires that the FMLA regulations applicable to the legislative branch and promulgated by the Board be the same as substantive regulations issued by the Secretary of Labor, unless good cause is shown that a modification would be more effective for the implementation of the rights and protections under the section. 2 U.S.C. §1312(d)(2).

On March 8, 2013, the DOL issued its Final Rule implementing its amended FMLA regulations (77 FR 8962), which provide for military caregiver leave for a veteran, qualifying exigency leave for parental care, and special leave calculations for flight crew employees. The Board is required pursuant to the CAA to amend its regulations to achieve parity, unless there is good cause shown to deviate from the DOL's regulations.

In addition, the FMLA amendments providing additional rights and protections for servicemembers and their families were enacted into law by the NDAA for Fiscal Years 2008 and 2010. The Congressional committee reports that accompany the NDAA for Fiscal Years 2008 and 2010 and the amended FMLA provisions do not ''describe the manner in which the provision of the bill [relating to terms and conditions of employment] . . . apply to the legislative branch'' or ''include a statement of the reasons the provision does not apply [to the legislative branch]'' (in the case of a provision not applicable to the legislative branch) as required by Section 102(b)(3) of the CAA. 2 U.S.C. §1302(3); House Committee on Armed Services, H. Rpt. 110–146 (May 11, 2007), H. Rpt. 111–166 (June 18, 2009). Consequently, when the FMLA was amended to add these additional rights and protections, it was not clear whether Congress intended that these additional rights and protections apply in the legislative branch.[1]

Several commenters expressed the opinion that when a statutory provision of the FMLA that has generally been incorporated into the CAA is amended, the provision applies as amended unless a provision of the CAA precludes its application. However, there is no clear provision in the CAA that so provides.

To the extent that there may be an ambiguity regarding the applicability to the legislative branch of the 2008 and 2010 FMLA amendments, the Board makes clear through these regulations that the rights and protections for military servicemembers apply in the legislative branch and that protections under the CAA are in line with existing public and private sector protections under the FMLA.[2] Accordingly, the Board recommends that Congress use its rulemaking authority to clarify that the rights and protections for legislative branch servicemembers and their families have been expanded in a manner consistent with the 2008 and 2010 amendments to the FMLA.

What do the military family leave provisions provide?

Section 585(a) of the NDAA for Fiscal Year 2008 amends the FMLA to provide leave to eligible employees of covered employers to care for injured servicemembers and for any qualifying exigency arising out of the fact that a covered family member is on active duty or has been notified of an impending call to active duty status in support of a contingency operation (collectively referred to herein as ''military family leave''). The provisions of this amendment providing FMLA leave to care for a covered servicemember became effective when the law was enacted on January 28, 2008. The provisions of this amendment providing for FMLA leave due to a qualifying exigency arising out of a covered family member's active duty (or call to active duty) status were effective on January 16, 2009.

Section 565(a) of the NDAA for Fiscal Year 2010, enacted on October 28, 2009, amends the military family leave provisions of the FMLA. Pub. Law 111–84. The Fiscal Year 2010 NDAA expands the availability of qualifying exigency leave and military caregiver leave. Qualifying exigency leave, which was made available to family members of the National Guard and Reserve components under the Fiscal Year 2008 NDAA, is expanded to include family members of the Regular Armed Forces. The entitlement to qualifying exigency leave is expanded by substituting the term ''covered active duty'' for ''active duty'' and defining covered active duty for a member of the Regular Armed Forces as ''duty during the deployment of the member with the Armed Forces to a foreign country'' and for a member of the Reserve components of the Armed Forces as ''duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.'' 29 U.S.C. §2611(14). Prior to the Fiscal Year 2010 NDAA amendments, there was no requirement that members of the National Guard and Reserves be deployed to a foreign country.

The Fiscal Year 2010 NDAA amendments expand the definition of a ''serious injury or illness'' for military caregiver leave for current members of the Armed Forces to include an injury or illness that existed prior to service and was aggravated in the line of duty on active duty. 29 U.S.C. §2611(18)(A). These amendments also expand the military caregiver leave provisions of the FMLA to allow family members to take military caregiver leave to care for certain veterans. The definition of a ''covered servicemember,'' which is the term the Act uses to indicate the group of military members for whom military caregiver leave may be taken, is broadened to include a veteran with a serious injury or illness who is receiving medical treatment, recuperation, or therapy, if the veteran was a member of the Armed Forces at any time during the period of five years preceding the date of the medical treatment, recuperation, or therapy. 29 U.S.C. §2611(15)(B). The amendments define a serious injury or illness for a veteran as a ''qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.'' 29 U.S.C. §2611(18)(B).

What is the effect of amending the definition of "spouse"?

In its Notice of Proposed Rulemaking, the Board modified its definition of spouse and invited comment regarding whether it should adopt the DOL's current definition of spouse or revise the definition of spouse with its newly drafted definition.

All commenters suggested the Board adopt the DOL definition of ''spouse'' as announced in the DOL's Final Rule for 29 C.F.R. §825 dated February 25, 2015 (one suggesting it be only slightly modified to include a reference to *federal law*), because the Supreme Court's decision in *Obergefell v. Hodges* does not invalidate the DOL's definition of spouse, and the Board has not shown good cause to modify the DOL's definition. *See* 2 U.S.C. §1312(d)(2).

The Board has determined that no good cause has been shown to modify the definition of spouse found in the DOL's current regulations and, therefore, adopts the DOL definition.

Minor editorial changes have been made to sections 825.120, 825.121, 825.122, 825.127, 825.201 and 825.202 to make gender neutral references to husbands and wives, and mothers and fathers where appropriate so that they apply equally to opposite-sex and same-sex spouses. The Board uses the terms ''spouses'' and ''parents,'' as appropriate, in these regulations. These editorial changes do not change the availability of FMLA leave, but simply clarify its availability for all eligible employees who are legally married.

Procedural Summary

How are substantive regulations proposed and approved under the CAA?

Pursuant to section 304 of the CAA, 2 U.S.C. §1384, the procedure for proposing and approving substantive regulations provides that:

(1) the Board of Directors proposes substantive regulations and publishes a general notice of proposed rulemaking in the Congressional Record;

(2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking;

(3) after consideration of comments by the Board of Directors, the Board adopts regulations and transmits notice of such action (together with the regulations and a recommendation regarding the method for Congressional approval of the regulations) to the Speaker of the House and President Pro Tempore of the Senate for publication in the Congressional Record;

(4) the adopted regulations are referred to committees for action by resolution in each chamber by concurrent resolution, or by joint resolution; and

(5) approved regulations are then published in the Congressional Record, with an effective date.

This Notice of Adoption of Regulations is step (3) of the outline set forth above. For more detail, please reference the text of 2 U.S.C. §1384.

What is the approach taken by these adopted substantive regulations?

The Board will follow the procedures as enumerated above and as required by statute. The Board has reviewed and responded to the comments received under step (2) of the outline above, and made changes where necessary to ensure that the adopted regulations fully implement section 202 of the CAA, and reflect the practices and policies particular to the legislative branch.

Are there substantive differences in the adopted regulations for the House of Representatives, the Senate, and other employing offices?

No. The Board of Directors has adopted one set of regulations for all employing offices. The House suggested that separate regulations be adopted by the Board because of its ''unique administrative structures.'' For the reasons stated in this Notice, the Board finds no reason to vary the text of the regulations. Therefore, if these regulations are approved as adopted, there will be one text applicable to all employing offices and covered employees. *See* 2 U.S.C. §1331(e)(2).

[1] In contrast, the committee report accompanying the bill containing the ADA Amendments Act of 2008 complied with section 102(b)(3) of the CAA and contained a provision that indicated an intent to apply the ADA Amendments to the legislative branch. Committee on Education and Labor, H. Rpt. 110–730 § VII (June 23, 2008).

[2] An approved regulation can require employing offices to provide the additional rights and protections for servicemembers and their families added to the FMLA since 1996. This is because, unlike executive branch agencies, the rulemaking power of the Board (after Congressional approval) is ''an exercise of the rulemaking power of the House of Representatives and the Senate'' under the Constitution. 2 U.S.C. §1431(1). The rulemaking power of Congress under the Constitution, U.S. Const. Art. 1, §5, cl. 2, is a ''broad grant of authority'' that allows each house of Congress to determine its own internal rules bounded only by ''constitutional restraints and fundamental rights.'' *Consumers Union of U.S., Inc. v. Periodical Correspondents' Ass'n*, 515 F.2d 1341, 1343 (D.C. Cir. 1975); *United States v. Ballin*, 144 U.S. 1,5 (1892).

Are these adopted regulations also recommended by the Office of Compliance's Executive Director, the Deputy Executive Director for the Senate, and the Deputy Executive Director for the House of Representatives?

Yes. As required by section 304(b)(1) of the CAA, 2 U.S.C. §1384(b)(1), the substance of these regulations is also recommended by the Executive Director, the Deputy Executive Director for the Senate, and the Deputy Executive Director for the House of Representatives.

What are the next steps in the process of promulgation of these regulations?

Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to recommend to Congress a method of approval for these regulations. As the Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, it therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

Are these adopted substantive regulations available to persons with disabilities in an alternate format?

Yes. This Notice of Adopted Regulations and the substantive regulations are available on the OOC's web site, www.compliance.gov, which is compliant with section 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794(d). This Notice can also be made available in large print or Braille. Requests for this Notice in an alternative format should be made to: Alexandria Sabatini, Administrative Assistant, Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, D.C. 20540; 202–724–9250; FAX: 202–426–1913.

Am I allowed to view copies of comments submitted by others?

Yes. Copies of submitted comments are available for review on the OOC's web site at www.compliance.gov, and at the Office of Compliance, 110 Second Street, S.E., Washington, D.C. 20540–1999, on Monday through Friday (non-federal holidays) between the hours of 9:30 a.m. and 4:30 p.m.

Summary

The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA, as amended, applies the rights and protections of thirteen federal labor and employment statutes to covered employees and employing offices within the legislative branch of the federal government. Section 202 of the CAA applies to employees covered by the CAA, the rights and protections established by sections 101 through 105 of the Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. §§2611—2615. The above provisions of section 202 became effective on January 1, 1997. 2 U.S.C. §1312.

The Board of Directors of the Office of Compliance is now publishing its adopted amended regulations to implement section 202 of the CAA, 2 U.S.C. §§1301–1438, as applied to covered employees of the House of Representatives, the Senate, and certain Congressional instrumentalities listed below.

The purpose of these amended regulations is to implement section 202 of the CAA. In this Notice of Adoption of Regulations, the Board adopts identical regulations for the Senate, the House of Representatives, and the seven Congressional instrumentalities. Accordingly:

(1) *Senate.* The amended regulations adopted in this Notice shall apply to entities within the Senate, as recommended by the OOC's Deputy Executive Director for the Senate.

(2) *House of Representatives.* The amended regulations adopted in this Notice shall apply to entities within the House of Representatives, as recommended by the OOC's Deputy Executive Director for the House of Representatives.

(3) *Certain Congressional instrumentalities.* The amended regulations in this Notice shall apply to the Office of Congressional Accessibility Services, the United States Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment; as recommended by the OOC's Executive Director.

Section-by-Section Discussion of Adopted Changes to the FMLA Regulations

The following is a section-by-section discussion of the adopted regulations. Where a change is made to a regulatory section, that section is discussed below. However, as the DOL has significantly reorganized its FMLA regulations, which the Board's adopted regulations mirror, many of the sections are moved into other areas of the subpart. The Board as a result will use the adopted section and numbers to provide explanation and analysis of changes. In addition, even if a section is not discussed, there may be minor editorial changes or corrections that do not warrant discussion.

In addition, several sections have been restructured and reorganized to improve the accessibility of the information (*e.g.*, guidance on leave for pregnancy and birth of a child is addressed in one consolidated section; an employing office's notice obligations are combined in one section).

Some commenters suggested that the Board modify the regulations where a commenter believed that clarification was needed to resolve potential ambiguities in the DOL regulation. However, the Board has long held that it will not opine on interpretive ambiguities in the regulations—outside of the adjudicatory context of individual cases. The Board's rulemaking authority under the CAA is restricted to circumstances where there is ''good cause'' to depart from the Secretary of Labor's substantive regulations. Further, the Board's adjudicatory function would be undermined if it prejudged ambiguous or disputed interpretive matters. Therefore, the Board does not find ''good cause'' to modify a regulation where the request is based on an ostensible need for clarification.

Section by Section Discussion and Board Consideration of Comments

SUBPART A—COVERAGE UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CAA

To clarify that the CAA and not the FMLA applies directly to employing offices, the Board has added ''as made applicable by the CAA'' to the section title at the suggestion of one commenter.

A commenter suggested that the Board clarify that these regulations supersede and replace the Board's substantive regulations currently applicable to the covered legislative branch entities. To resolve any uncertainty, if approved by Congress, these regulations would necessarily supersede and replace the current substantive Board FMLA regulations.

Section 825.100 The Family and Medical Leave Act.

825.100(a)

This section allows eligible employees to take FMLA leave for reasons including a qualifying exigency ''. . . arising out of the fact that the employee's spouse, son, daughter, or parent . . . is on call to active duty status.'' One commenter requested the Board add an ''*ed*'' to the word ''call'' for clarity—so that the phrase would read: ''. . . arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on active duty or call*ed* to covered active duty status . . .'' The Board finds that the ''call to covered active duty status'' is a status term appearing in the DOL's regulations, and finds no good cause to modify DOL's terminology.

825.100(b)

In the proposed regulations, the Board italicized a reference to the House of Representatives. A commenter suggested making consistent the House and instrumentalities' versions of these regulations with the Senate version. Because there is only one version of these regulations, the italicized and parenthetical language that references separate entities has been deleted from these adopted regulations.

Section 825.102 Definitions.

The Board finds good cause to depart from the DOL regulations with respect to some definitions. As discussed above, the Board clarifies that the CAA and not the ADA applies directly to employing offices by adding ''as made applicable by the CAA'' to the definition of ADA.

In addition, the term ''Act'' as defined in the DOL regulations and referred to in the FMLA can be confused with the Congressional Accountability Act (CAA). Accordingly, the definition of ''Act'' is excluded from the Board's regulations. To avoid any confusion, the definition for ''Administrator'' in the DOL regulations has been deleted. Similarly, as there is no airline flight crew covered under the CAA, the definition of and all references to ''airline flight crew employee'' has been deleted in the Board's regulations.

Because the DOL definitions of ''commerce and industry or activity affecting commerce'' and ''applicable monthly guarantee'' involve concepts that do not apply to employing offices covered by the CAA, the Board finds good cause to exclude these definitions from the regulations.

One commenter suggested, as a general observation, that several definitions conflict with the statutory definitions of the FMLA (29 U.S.C. §2611) and the CAA (2 U.S.C. §1312). The Board responds to the comment by addressing the definitions as they appear in the provisions.

''Covered active duty or call to covered active duty status''

One commenter suggested that the regulatory definition improperly expands the coverage of ''Covered active duty'' and suggested the Board seek a statutory correction to 2 U.S.C. §2611 or 2 U.S.C. §1312 if an expanded definition is intended. The Board finds that its regulation is consistent with DOL's regulation which was intended to expand such coverage under the FMLA in line with the military leave provisions of the FMLA enacted under the National Defense Authorization Acts (NDAA), and therefore does not find good cause to modify its regulation.

''Covered employee''

One commenter suggested that the definition of ''Covered employee'' does not need to be included in these regulations because that term is defined in 2 U.S.C. §1302(3)–(10) of the CAA. The Board finds no good cause to modify the regulation, and includes the definition of ''Covered employee'' in its regulations.

''Covered servicemember''

One commenter stated that the regulatory definition is inconsistent with the definition in 2[sic] U.S.C. §2611 (15), and suggested deleting the definition. The Board finds that the proposed definition of ''Covered servicemember'' is consistent with the DOL's regulation and that no good cause has been shown to modify the DOL's regulation.

''Covered veteran''

One commenter claimed that the regulatory definition is inconsistent with the statutory definition in 2[sic] U.S.C. §2611 (15) and (19), and suggested deletion. The Board finds that the definition of ''Covered veteran'' is consistent with the DOL's regulation and that no good cause to modify the DOL's regulation has been shown.

''Eligible employee''

A commenter noted that the definition of ''Eligible employee'' in the Board's regulations is different than the statutory definition of ''Eligible employee'' under section 202(a)(2)(B), but made no recommendation. Because the DOL's definition of ''Eligible employee'' (paragraphs ii(3)(4)(5)(6)(7) in section 825.102) is not consistent with the definition of ''Eligible employee'' in CAA section 202(a)(2)(B), the Board finds good cause to keep the definition of ''Eligible employee'' that is used in the current version of the OOC FMLA regulations and to delete the definition as it appears in the DOL regulation.

''Employee''

One commenter suggested that this definition need not be included in the FMLA regulations because it is already covered in 2 U.S.C. §1301 of the CAA. The Board finds that no good cause has been provided to modify the regulation, and includes the definition of ''Employee'' in its regulations.

''Employee employed in an instructional capacity''

One commenter suggested that reference to teachers should be deleted from the regulations because the commenter does not currently employ teachers. The Board finds that this section may be relevant to other employing offices now or in the future, and therefore finds no good cause to delete the definition.

''Employee of the House of Representatives''

One commenter suggested correcting the definition of ''Employee of the House of Representatives'' to state that it does not include any individual employed in subparagraphs 2–9 in the definition of covered employee above. The Board is following the language of the statute (*see* 2 U.S.C. §1301(7)) and finds no good cause to modify this provision.

''Employee of the Senate''

One commenter suggested that the definition of ''Employee of the Senate'' should be corrected to include ''but not any individual employed by any entity listed in subparagraphs 1, or 3–9. The Board is following the language of the statute (*see* 2 U.S.C. §1301(8)) and finds no good cause to modify this provision.

''Employing office''

One commenter suggested that the definition of ''Employing office'' does not need to be included in these regulations because this definition is already covered in 2 U.S.C. §1301 of the CAA. The Board finds good cause to keep the definition—modified to the extent that it reflects the unique definition of ''Employing office'' under the CAA.

''Employment benefits''

One commenter suggested deleting this regulatory definition because it is similar but not the same as the statutory definition found in 2[sic] U.S.C. §2611(5). The Board finds that the definition of ''Employment benefits'' is consistent with the DOL's regulation, and that no good cause has been shown to modify the DOL's regulation.

''FLSA'' means the Fair Labor Standards Act (29 U.S.C. §201 *et seq.*), as made applicable by the Congressional Accountability Act. To clarify that the CAA and not the FLSA applies directly to employing offices, the Board has added ''as made applicable by the CAA'' to the section title, at the suggestion of a commenter.

''FMLA'' means the Family and Medical Leave Act of 1993, Public Law 103–3 (February 5, 1993), 107 Stat. 6 (29 U.S.C. §2601 *et seq.*, as amended), as made applicable by the Congressional Accountability Act. To clarify that the CAA and not the FMLA applies directly to employing offices, the Board has added ''as made applicable by the CAA'' to the section title, at the suggestion of a commenter.

''Health care provider''

In the paragraphs defining ''Health care provider,'' to avoid confusion, the Board is substituting ''the Secretary'' with ''the Department of Labor.'' Thus, the Board's FMLA regulations define ''Health care provider'' as ''any other person determined by the Department of Labor to be capable of providing health care services.''

One commenter suggested that in the definition ''any other person . . . capable of providing healthcare services . . .'' is overly broad. The Board's definition of ''Health care provider'' is consistent with the DOL's regulation and good cause has not been shown to modify the DOL's regulation.

''Outpatient status''

One commenter claimed the definition of ''Outpatient status'' is different than the statutory definition in 29 U.S.C. §2611(16) and suggested that the Board use the statutory definition. The Board finds that the definition of ''Outpatient status'' in its regulations is consistent with the DOL's regulations and that no good cause has been shown to modify the DOL's regulations.

''Physical or mental disability''

Under the paragraph defining ''physical or mental disability,'' the Board has replaced the language from the DOL regulations indicating that 29 CFR part 1630, issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. §12101 *et seq.*, as amended, ''*defines*'' these terms, and states instead that regulations issued by the EEOC ''*provide guidance to*'' these terms.'' (Italics added).

Because the terms ''Person'' and ''Public agency'' are not applicable to employing offices covered by the CAA, the Board has also found good cause to exclude these DOL definitions from its proposed regulations.

''Spouse''

The Board had proposed to adopt the following definition of ''Spouse'' that is not the same as the DOL definition:

Spouse means a husband or wife. For purposes of this definition, husband or wife refers to all individuals in lawfully recognized marriages. This definition includes an individual in a same-sex marriage. This definition also includes an individual in a common law marriage that either: (1) was entered into in a State that recognizes such marriages or, (2) if entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

Commenters suggested that the Board adopt the DOL's definition of spouse noting that the Supreme Court's decision in *Obergefell* v. *Hodges*, does not invalidate the DOL's definition. In addition, one commenter suggested that the Board's proposed definition is inconsistent with the statutory definition (''spouse'' means a husband or wife, as the case may be) and the DOL's regulations. Another commenter suggested that the Board's proposed definition does not include a requirement that a valid marriage between participants of any sex is defined by reference to state law. Finding that no good cause has been shown to modify the current definition of spouse found in the DOL's regulations, the Board adopts the DOL definition.

Section 825.104 Covered employing offices.

Three commenters suggested that section 825.104(c) should be deleted because the integrated employer concept does not apply in the context of the CAA. Under the integrated employer test, separate entities of a private sector employer will be regarded as a single employer based on an evaluation of such factors as common management, interrelation between operations, centralized control of labor relations, and degree of common ownership/financial control. *See* 29 C.F.R. §825.104(c)(2). If the integrated employer test is met, all entities in question will be considered one employer, for purposes of counting employees. Under the FMLA, private sector employees engaged in commerce or an industry affecting commerce are covered if 50 or more employees are employed in at least 20 or more calendar workweeks. Under the CAA, however, there is no such numerosity requirement; the CAA covers all employing offices regardless of the number of employees. The integrated employer concept therefore is inapplicable. Based on the foregoing, the Board agrees that the integrated employer concept does not currently apply to the legislative branch covered employing offices and has deleted section 825.104(c) from its adopted regulations.

Section 825.106 Joint employer coverage.

As joint employment relationships are treated differently under the CAA than by the DOL, the Board finds good cause to keep the language in the current OOC regulations in paragraphs (b) through (e) of this section. Also, as it is not applicable under the CAA, the Board finds good cause to exclude from its definitions language relating to Professional Employer Organizations (PEOs) as joint employers. As the DOL has noted, PEOs contract with private small businesses to provide services that large businesses can afford, but that small businesses cannot afford, such as compliance with government standards, employer liability management, retirement benefits, and other employment benefits. Congress already provides these services for its employees.

Section 825.110 Eligible employees.

This section defines who may be eligible for FMLA leave. One commenter suggested that the provision is inconsistent with the statutory definition of ''Eligible employee'' under the CAA, and is thus ultra vires and should not be adopted. The Board finds that this provision is not inconsistent with the definition of ''Eligible employee'' under the CAA, and that it is in line with the expanded coverage under the FMLA, as applied by the CAA.

825.110(a)(1)

This section provides that ''An eligible employee is an employee of a covered employing office who: (1) Has been employed by any employing office for at least 12 months . . .'' One commenter stated that this section expands the definition of eligible employee found in section 825.102, and suggested that

the language in section 825.110(a) be revised to read ''An eligible employee is a *covered employee* of an employing office who . . .'' (Italics added). The Board has made the language in the definition of eligible employee in section 825.110(a) consistent with the definition in section 825.102 and the CAA because the statute uses the terms ''Covered employee'' and ''Employing office.''

825.110(a)(3) and (e)

The Board finds good cause to exclude from its regulations the following language from the DOL regulations because it is not applicable to the CAA:

''(3) Is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite. (See section 825.105(b) regarding employees who work outside the U.S.) ''

Similarly, the Board finds good cause to exclude from these regulations the following paragraph:

''(e) Whether 50 employees are employed within 75 miles to ascertain an employee's eligibility for FMLA benefits is determined when the employee gives notice of the need for leave. Whether the leave is to be taken at one time or on an intermittent or reduced leave schedule basis, once an employee is determined eligible in response to that notice of the need for leave, the employee's eligibility is not affected by any subsequent change in the number of employees employed at or within 75 miles of the employee's worksite, for that specific notice of the need for leave. Similarly, an employer may not terminate employee leave that has already started if the employee-count drops below 50. For example, if an employer employs 60 employees in August, but expects that the number of employees will drop to 40 in December, the employer must grant FMLA benefits to an otherwise eligible employee who gives notice of the need for leave in August.''

825.110(b)(1)–(2)

The Board has determined that the use of the term ''any employing office'' clarifies that work in more than one employing office may be aggregated to determine eligibility.

825.110(c)(1)

Regarding the aggregation of hours where an employee works for more than one employing office, the Board proposed:

If an employee was employed by two or more employing offices, either sequentially or concurrently, the hours of service will be aggregated to determine whether the minimum of 1,250 hours has been reached.

Several commenters suggested that because section 825.110(c)(1) allows employees to aggregate their hours of work from sequential employing offices to meet the hours or months of service requirements to be eligible for FMLA leave, the Board must clarify that FMLA leave taken by an employee at a former employing office may count against FMLA leave entitlement at another employing office in the 12 month period. Section 825.208(f) of the OOC's 1996 regulations made it clear that a subsequent employing office may count FMLA leave taken with a prior employing office against a covered employee's current FMLA entitlement. As a general rule, the legislative branch allows for the aggregation of time whereas the private sector and the executive branch do not. One commenter suggested that the Board incorporate a paragraph (e) in this section that would read:

''(e) If, before beginning employment with an employing office, an employee had been employed by another employing office, the subsequent employing office may count against the employee's FMLA leave entitlement FMLA leave taken from the prior employing office.''

The Board finds good cause to add language clarifying that FMLA leave taken by an employee may count against FMLA leave entitlement at another employing office, see section 825.110(e).

825.110(c)(3)

One commenter mentioned that the second sentence of this section references ''a *person* reemployed following USERRA-covered service . . .'' (Italics added) and suggested changing the term ''person'' to ''covered employee.'' The Board has determined that language in this section is consistent with DOL regulations, and there is no good cause shown to modify the DOL regulations.

825.110(c)(4)

A commenter suggested that a parenthetical reference to the FLSA regulations should reference the OOC substantive regulations, rather than the DOL citation (i.e., OOC Regulations §§H541.1–H541.3). In addition, the commenter suggested that because the definition of ''teacher'' does not apply to any House entity, the Board should either simplify the clarifying ''example'' contained in this paragraph (e.g., removing the reference to the definition of teacher), or find another example that would be relevant to House employing offices. The Board has amended the proposed language to clarify that the FLSA is made applicable to the legislative branch by the CAA and its substantive regulations, but finds no reason to deviate from the example provided in the DOL regulation regarding this provision.

825.110(d)

One commenter suggested that the term ''worked'' is not defined, and suggests including ''met the hours or service requirement.'' The Board agrees that the term ''worked'' is not consistent with the DOL provision and has substituted the phrase ''meets the hours of service requirement'' in the section, as provided in the DOL regulations.

Section 825.112 Qualifying reasons for leave, general rule.

825.112(a)(5)

One commenter stated that the DOL limits ''qualifying exigency'' as determined by regulation of the Secretary (see 29 U.S.C. §2612(a)(1)(e)), and that the Board's proposed regulations do not place any such limitations. The commenter suggested that the Board define what is meant by any ''qualifying exigency.'' The Board has determined that no good cause has been shown to modify the DOL regulation.

Two commenters suggested adding ''duty'' in between ''covered active'' and ''status'' as shown above in section 825.112(a)(5). The Board has made the suggested change.

Section 825.114 Inpatient Care.

One commenter noted that ''any period of incapacity'' is defined as an ''inability to work'' but doesn't require medical verification. The commenter suggested adding after ''period of incapacity as defined in section 825.113(b) ''as verified by a medical certification in accordance with section 825.305'' to clarify. The Board finds no good cause to add the suggested language to the provision.

Section 825.115 Continuing Treatment.

825.115(a)(5)

The Board proposed to adopt unchanged the DOL's definitions of ''serious health condition'' and ''incapacity plus treatment.'' One commenter suggested that these definitions as written, while intending to exempt minor ailments from FMLA coverage as legislative history would require, could be argued to cover a three day absence from work combined with a visit to a doctor and round of antibiotics, or an otherwise minor ailment in contravention of the FMLA's intended coverage. The commenter requested that the Board increase the days of incapacity from three to five and further require two visits to a healthcare provider within 30 days of the incapacity to demonstrate ''continuing treatment,'' as opposed to also allowing one visit to a doctor coupled with ''a regimen of continuing treatment.'' (*See* §825.115) The commenter believed there to be good cause to change the DOL definitions because legislative branch offices offer generous paid time off and sick leave policies that would more appropriately cover the minor and nonchronic ailments that Congress recognized as outside the statutory protections of the FMLA. The Board finds that no good cause has been shown to deviate from the DOL definitions of ''serious health condition'' or ''incapacity plus treatment.''

Section 825.120 Leave for pregnancy or birth.

References in the DOL's regulations to state law in this section and other sections throughout the DOL's regulations have not been adopted by the Board because state law does not apply to the legislative branch.

Further, in this section and other sections throughout the DOL regulations, any references to spouses who are employed at two different worksites of an employer located more than 75 miles from each other have not been adopted by the Board because such scenarios are not applicable to the legislative branch.

Two commenters suggested deleting the following sentence from section 825.120(a)(3): ''Note, too, that many state pregnancy disability laws specify a period of disability either before or after the birth of a child; such periods would also be considered FMLA leave for a serious health condition of the birth mother, and would not be subject to the combined limit'' because state law does not apply to the legislative branch. Indeed, the commenter notes that the Board, in its preamble to the proposed regulations, agreed that the section should be deleted. If the reasoning for discussing ''state pregnancy disability laws'' is to underscore the point that the birth mother may suffer pre/post-birth medical complications that would not be subject to the combined limitation of FMLA leave for spouses, the language earlier in this section, as well as in the following section, (a)(4), clarifies that the serious health condition of the birth mother, either before or after the birth, would independently qualify for FMLA leave. Finally, removal of this language is consistent with the removal of similar references to state law in section 825.121(a)(2) (removing the DOL language that instructs the reader to ''*See* section 825.701 regarding non-FMLA leave which may be available under applicable State laws''). The Board finds good cause to delete this reference to state law, and has deleted the last sentence of section 825.120(a)(3) from its adopted regulations.

Section 825.121(b) Use of Intermittent and reduced schedule leave.

One commenter suggested that the reference to section 825.601 at the conclusion of this section regarding ''special rules applicable to instructional employees of schools'' is not applicable to House employing offices, and suggested deleting this language. The Board contemplates that if not currently applicable, the term may become applicable to an employing office, and finds that good

cause to delete this language from its regulations has not been shown.

Section 825.122(b) Covered servicemember spouse.

Commenters noted that the definition of ''spouse'' contained in the proposed regulation deviates from the corresponding DOL regulation, and the Board has not shown good cause for such deviation. As noted previously, the Board hereby adopts DOL's current definition of spouse.

Section 825.122(d)(2) Physical or mental disability.

One commenter suggested replacing ''define these terms'' in section 825.122(d)(2) with ''provide guidance for these terms.'' As a basis, the commenter noted that the EEOC's ADA regulations do not define terms related to physical or mental disabilities but merely provide guidance in interpreting those terms. *See* 161 Cong. Rec. S6707. The Board finds good cause to deviate from DOL's language with regard to this provision, and replaces ''define these terms'' with ''provide guidance for these terms.''

Section 825.125(a)(2)–(3)

One commenter said that ''any other person'' is overly broad and expands the statutory definition in 2[sic] U.S.C. §2611(6), and suggested that the Board use the statutory definition with a clarification. The Board finds that its regulation mirrors the DOL's definition, and that no good cause to modify the regulation has been shown.

SUBPART B—EMPLOYEE LEAVE ENTITLEMENTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

Section 825.200 Amount of Leave.

825.200(a)(5)

One commenter suggested adding ''covered'' between ''order to'' and ''active duty'' in section 825.200(a)(5). The Board has made the suggested change.

825.200(h)

One commenter suggested that since the House no longer has a school, the example of a school closing two weeks for the Christmas/New Year Holiday or for a summer vacation is not helpful when discussing temporary cessation of business activities. The Board finds that no good cause has been shown to modify the DOL regulation.

Section 825.202 Intermittent leave or reduced leave schedule.

825.202(b)

One commenter requested additional guidance regarding the use of intermittent leave claiming the terms ''medical necessity'' and ''to provide care or psychological comfort to a covered family member with a serious health condition'' are too vague. As noted previously, the Board declines to modify DOL's regulations to resolve potential ambiguities.

825.202(d)

One commenter suggested that ''qualifying exigency'' be specifically defined (as discussed in section 825.112 above). The Board has determined that no good cause has been shown to modify the DOL regulation, and the Board will not modify DOL's regulations to resolve potential ambiguities.

Section 825.203 Scheduling of intermittent or reduced schedule leave.

825.203

One commenter suggested that section 825.203 addresses only situations where intermittent leave is ''medically necessary'' or ''because of a qualifying exigency'' and does not address the circumstances outlined in section 825.202. Further, the commenter suggests that the proposed regulation be rewritten to address each circumstance proposed in section 825.202, and to provide ''objective specific notice requirements an employee must provide to an employing office.'' The commenter also suggested that section 825.203 be rewritten to consider each of the factors enumerated in proposed regulation section 825.303, particularly section 303(c) ''Complying with Employing Office Policies,'' or minimally, that section 825.203 should have a 24 hour notice period requirement, absent exceptional circumstances, to ''avoid situations where an employee attempts to use intermittent leave to avoid working additional duty—placing supervisors in the position of questioning the need for leave and staffing the post.'' The Board has determined that no good cause has been shown to modify the current DOL regulation.

Section 825.205 Increments of FMLA leave for intermittent or reduced schedule leave.

825.205(a)(2)

One commenter suggested that the examples given that include reference to a flight attendant or a railroad conductor scheduled to work aboard an airplane or train, or a laboratory employee are not useful because there is no equivalent position available in the House of Representatives. The commenter suggested using examples that would occur in the House workplace. Also, given the statement in the definitions section of the Preamble that all references to ''airline flight crew employee'' have been deleted, the reference to ''flight attendant'' should be deleted because of the similarity between these descriptions. The examples given are for illustrative purposes only. The Board has determined that no good cause has been shown to modify the current DOL regulation.

Section 825.206 Interaction with the FLSA, as made applicable by the CAA.

Although the DOL amended its FMLA regulations to add computer employees to the list of exempt employees who do not lose their FLSA exempt status despite being provided unpaid FMLA leave, the Board finds good cause not to include ''computer employees'' to the list of employees who may qualify as exempt from the overtime and minimum wage requirements of the FLSA. The Board's September 29, 2004 Proposed Regulations implementing exemptions from the overtime pay requirements under the Fair Labor Standards Act of 1938 (FLSA) were never enacted into law, and so the existing OOC FLSA regulations do not include exemptions for computer employees. Therefore, the OOC's adopted FMLA regulations do not include these employees in this section.

One commenter suggested that the Board reference OOC's FLSA regulations concerning ''employees exempt under a salary and duties test'' rather than mention each category of employee subject to the exemption and specifically exclude computer employees. The Board has determined that there is good cause to modify the provision to exclude reference to DOL's specific categories of exemption because that reference conflicts with the Board's 1996 FLSA regulations.

825.206(c)

One commenter suggested that the Board delete ''such as leave in excess of 12 weeks in a year'' after ''for leave which is more generous than provided by the FMLA, as made applicable by the CAA.'' The Board has made the requested change making the Board's regulation the same as the current DOL regulation.

Two commenters suggested that this section refers to ''. . . leave to care for a grandparent or for a medical condition which does not qualify as a serious health condition,'' but the language of the corresponding DOL regulation reads ''. . . leave to care for a grandparent or for a medical condition which does not qualify as a serious health condition *or serious injury or illness*'' (emphasis supplied). The commenters suggested that it is unclear why there is a variation between the language of the DOL regulations and the proposed amendments to the Board's regulations. One commenter noted that the April 19, 1996 FMLA regulations issued by the Board also inexplicably contain this variation in the language from the DOL regulations. Further, the broader description as stated in the DOL regulations more fully captures the scope of the definition of a ''serious health condition.'' The commenters suggested that the Board revise the language in this section to make it consistent with the DOL regulations. The Board has made the suggested change making the Board's regulation the same as the current DOL regulation.

Further, any references in this section and other sections throughout the DOL regulations which place limitations on an employee who works for an employing office with fewer than 50 employees have not been adopted by the Board because such limitations do not apply to the legislative branch. *See* 825.111.

Section 825.207 Substitution of paid leave.

825.207(a)

A commenter suggested that the phrase ''will remain entitled to all paid leave which is earned or accrued'' in section 825.207(b) is not clear when an employee takes unpaid leave. The commenter noted that many employing offices' policies do not permit paid leave to be earned or accrued when an employee takes unpaid leave, and suggested that the following language be added to section 825.207(a): ''If neither the employee nor the employing office elects to substitute paid leave for unpaid FMLA leave under the above conditions and circumstances, the employee will accrue leave in accordance with the employing offices[sic] stated policies.'' Section 825.207(a) and (b) reference the requirements of an employer's leave plan, and the Board finds no good cause to modify the regulation.

825.207(f)

Under the FLSA, an employing office always has the right to cash out an employee's FLSA compensatory time or to require the employee to use the time. Therefore, if an employee requests and is permitted to use accrued FLSA compensatory time to receive pay for time taken off for an FMLA reason, or if the employing office requires such use pursuant to the FLSA, the time taken may be counted against the employee's FMLA leave entitlement.

The Board sought comments from interested parties as to whether such a provision is appropriate for the legislative branch.

One commenter suggested that the proposed language is appropriate given the fact that there is no reason to treat compensatory time differently than paid annual or sick leave for purposes of substituting that time for unpaid FMLA leave.

One commenter suggested substituting ''as applied by §1313 of the Congressional Accountability Act'' for ''as made applicable by the CAA'' in section 825.207(f). The Board has determined that the current language sufficiently underscores the fact that the CAA, and not the FLSA, applies to employing offices.

A commenter suggested that under the proposed regulation, the payment of compensatory time is not clear because some employing offices provide compensatory time that is not covered/authorized under the FLSA, and suggested the regulation state ''FLSA'' prior to each reference to FLSA compensatory time. The commenter is correct that in some cases employing offices may grant ''time off awards'' or other nonmonetary entitlements to time away from the workplace that do not accrue under the FLSA. However, these grants of time do not necessarily entitle employees to pay, and may not be ''cashed out'' for wages as this section instructs. The section specifically covers an employee's use of accrued compensatory time that was earned in lieu of overtime pay ''under the FLSA,'' and the Board finds no good cause to modify the provision.

Section 825.209 Maintenance of employee benefits.

The Board has changed what it believes to be a typographical error in the DOL regulations and cross references this section with section 825.102 and not section 825.800 when referring to the definition of ''group health plan.''

Section 825.215 Equivalent position.

Any references from the DOL regulations in this section and other sections to the Employee Retirement Income Security Act (ERISA) have not been adopted by the Board because ERISA does not apply to the legislative branch.

Section 825.216 Limitations on employee's right to reinstatement.

This section clarifies that an employee has no greater employment rights than if the employee had been continually employed during the FMLA leave period. The Board questioned whether the following language in section 825.216(a)(3) of the DOL regulations applied to the legislative branch: ''On the other hand, if an employee was hired to perform work on a contract, and after that contract period the contract was awarded to another contractor, the successor contractor may be required to restore the employee if it is a successor employer. *See* section 825.107.''

The Board proposed that the OOC regulations contain the following language and requested comments from interested parties, especially with respect to caucus or committee employees: ''On the other hand, if an employee was hired to perform work for one employing office for a project for a specific time period, and after that time period has ended, the same employee was assigned to work at another employing office on the same project, the successor employing office may be required to restore the employee if it is a successor employing office.''

Two commenters suggested deleting section 825.216(a)(3) because it refers to the concept of successor liability, a concept they say is inapplicable, and cross-references §825.107 which has been ''reserved'' by the Board in these proposed regulations.

The concept of ''successor in interest'' is developed in section 825.107 of the Secretary of Labor's regulations. The regulations state that a determination of whether a ''successor in interest'' exists is determined by the ''entire circumstances * * * viewed in their totality.'' The regulation also states: ''The factors to be considered include: (1) Substantial continuity of the same business operations; (2) Use of the same plant; (3) Continuity of the work force; (4) Similarity of jobs and working conditions; (5) Similarity of supervisory personnel; (6) Similarity of machinery, equipment, and production methods; (7) Similarity of products or services; and (8) The ability of the predecessor to provide relief.'' Many of the factors listed above are inapplicable to the legislative branch. Thus, section 825.107 remains reserved in these regulations. However, situations may arise where the concept of successorship will be relevant. For example, if committee jurisdictions are restructured, it may be necessary to determine which, if any, of the surviving committees is the ''successor in interest'' to the former committee. Thus, determining the successor may be important in determining whether a remaining committee must grant leave for an eligible employee who provided adequate notice to the former committee, or must continue leave begun while an employee was employed by the former committee. Therefore, a determination as to successorship may yet be decided. As such, the Board finds no good cause to modify the DOL regulation, but has deleted the cross reference to section 825.107 because it is reserved in these regulations.

825.216(e)

This regulation prohibits an employing office that does not have a policy regarding outside income from denying benefits to which an employee is entitled under FMLA, unless fraudulently obtained. One commenter suggested that the Board's proposed language ignores the fact that there are statutory and ethics rules governing the outside employment of all House employees. *See*, *e.g.*, House Ethics Manual (2008 Ed.) 185–246. To address this issue, the commenter suggested that the Board amend the second sentence of this section to include the following italicized language:

''An employing office which does not have such a policy may not deny benefits to which an employee is entitled under FMLA, as made applicable by the CAA, on this basis unless the FMLA leave was fraudulently obtained as in paragraph (d) of this section *or the employee's outside or supplemental employment violates applicable law, regulation or House Rule.''*

The Board has determined that there is no good cause to modify the rule as suggested because the Board's proposed language is the same as the DOL regulation, and the term ''policy'' should be broad enough to include ''applicable law, regulation, or rule'' as it is applied to the employing offices, including the House, should there be such a rule.

Section 825.217 Key employee, general rule.

For the reasons already stated, the Board finds good cause to modify the DOL changes to section 825.217(b) which exempt computer employees from the minimum wage and overtime requirements of the FLSA. As the language in the FLSA is inconsistent with the 1996 OOC FLSA regulations, the Board believes that this exemption should not be included.

825.217(b)

One commenter believes the regulations should reference ''OOC's FLSA regulations concerning employees who are exempt under the salary and duties test'' instead of listing the exemption categories (professional, executive, administrative), and specifically excluding computer employees. As the salary and duties test is made applicable by the CAA, the Board finds good cause to delete the parenthetical list of exemptions as well as the superfluous ''end parentheses'' typographical error as suggested.

Section 825.220 Protection for employees who request leave or otherwise assert FMLA rights.

825.220(a)(2)

This section protects employees who exercise their rights under the law. One commenter suggested that section 825.220(a) is confusing and not consistent with 29 U.S.C. §2615, as adopted by the CAA, and stated that since section 825.220(a)(1–3) merely restates the law, they should be deleted as duplicative. In addition, by adding ''complaining about'' in section 825.220(2), a cause of action not otherwise available under the CAA is created. The Board has determined that no good cause has been shown to modify the DOL regulation, with two minor deviations (''person v. covered employee'' and ''covered employee v. eligible employee'') which are terms that are substituted to make the regulation consistent with the CAA terminology. While the term ''complaining'' is not found in section 207 of the CAA, it is the language used by the DOL in its anti-retaliation regulation (*See* 29 C.F.R. §825.220). Covered employees are covered by the anti-retaliation prohibition in both the CAA and the FMLA.

825.220(b)

Two commenters proposed removing the sentence ''An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. *See* section 825.400(c).'' One commenter suggested that the quoted language misstates the law as it applies to the CAA because an employing office could not be liable for compensation and benefits lost by reason of the violation and for other actual monetary losses sustained. See 29 U.S.C. §2617(a)(1)(A)(i). The commenter suggested that only one type of recovery is lawfully available, as an employee is entitled to either ''any wages, salary, employing benefits, or other compensation denied or lost to such employee by reason of the violation'' or when ''wages, salary, employing benefits, or other compensation have not been denied or lost to the employee, any actual monetary losses sustained by the employee as a direct result of the violation.'' In other words, an employee is not entitled to both compensation and other actual monetary losses sustained. Additionally, the commenter suggested removing the cross-reference to section 825.400(c) because it does not outline what remedies are available for violations of the FMLA, as made applicable by the CAA; rather, proposed regulation section 825.400(c) merely states where aggrieved covered employees can find the OOC's complaint procedures. Another commenter proposed removing subsection (b) because it is inconsistent with 2 U.S.C. §1361(d)(1) regarding exclusive procedures under the CAA, attempts to ''make applicable additional causes of action'' by use of the term ''manipulation,'' and expands ''the scope of rights . . . under the FMLA and the CAA.''

The Board finds that no good cause has been shown to modify or delete the DOL regulation because the CAA applies section 2617(a)(1)(A)(i) of the FMLA, and the Board's regulation is the same as the DOL regulation applying that section. While we recognize that the commenters' arguments may have merit, it would not be appropriate for the Board to make that determination as a part of its rulemaking authority under the CAA. The Board finds that it is appropriate to reserve section 825.220(b)(1) regarding numerosity.

With respect to a commenter's suggestion that the Board remove the cross-reference to

section 825.400(c) in its proposed regulations because it does not outline what remedies are available for violations of the FMLA but merely states where an aggrieved covered employee can find the OOC's complaint procedures, the Board did revisit this section and add the DOL's remedies section 825.400(c) to its regulations, and moved the reference to its complaint procedures to subsection (d).

825.220(d)

Except for the paragraph related to settlements, as noted below, the Board proposed to adopt the DOL amendments with respect to this section. Section 825.220 provides protection for employees who request leave or otherwise assert FMLA rights and includes new language discussing remedies when an employing office interferes with an employee's rights under the FMLA. This section further clarifies that the prohibition against interference includes prohibitions against retaliation as well as discrimination. The Board finds that there is good cause to modify DOL's language in paragraph (d) of this section.

Sections 1414 and 1415 of the CAA govern awards and settlements made as a result of parties proceeding through an OOC process. While the Board recognizes that parties will now have the right to settle or release FMLA claims without the approval of the OOC or a court, parties seeking to release claims which were raised in an OOC process pursuant to CAA sections 1414 and 1415 must still comply with those provisions. Therefore, the Board proposed to insert the following language: ''Except for settlement agreements covered by sections 1414 and/or 1415 of the Congressional Accountability Act, this does not prevent the settlement or release of FMLA claims by employees based on past employing office conduct without the approval of the Office of Compliance or a court.''

One commenter noted that an employee's acceptance of a light duty assignment or right to restoration beyond the 12 month FMLA year may be terms of an approved settlement agreement, and ''should not be restricted in considering prospective rights in a settlement of an FMLA claim.'' The Board finds no good cause to modify the regulation.

One commenter agreed that the regulation should be amended to clarify that employing offices are permitted to settle FMLA claims without OOC or court approval unless the settlement agreement is covered by section 1414 or 1415 of the CAA. The commenter further suggested that the phrase ''based on past employing office conduct'' found in the third sentence of the section hints of presumptive inappropriate conduct by employing offices and that the phrase is unnecessary to achieve the goal of this sentence. The commenter suggested deleting it. The Board has determined that there is no good cause shown to modify the DOL regulation.

825.220(e)

Two commenters suggested that only ''covered employees'' and ''employees,'' as defined in sections 101(3) and (4) of the CAA, and not ''individuals,'' are protected by the CAA; therefore (e) should be deleted. The Board has determined that good cause has been shown to modify the DOL regulation and delete the term ''individuals'' from section 825.220(e). The 1996 Board regulations do not reference the term ''individuals.'' The term ''Individuals'' was added to the proposed regulations to be consistent with the DOL regulations. However, the Board wants to clarify that only ''covered employees,'' as defined by the CAA, are entitled to FMLA protection under the CAA.

SUBPART C—EMPLOYEE AND EMPLOYING OFFICE RIGHTS AND OBLIGATIONS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA.

Section 825.300 Employing office notice requirements.

The Board follows the DOL regulations insofar as they consolidate the employing office notice requirements from sections 825.300, 825.301, 825.110 and 825.208 into one comprehensive section addressing an employing office's notice obligations. However, the Board finds good cause not to adopt the DOL regulations in section 825.300(a) General notice, but instead to keep the requirements found in the current OOC regulations under section 825.301(a). The DOL regulations, at section 825.300(a), address the requirement that employing offices post a notice on employee rights and responsibilities under the law and the civil monetary penalty provision in the law for employing offices who willfully violate the posting requirement. In 1995, while developing the current FMLA regulations, the OOC Board determined that ''while the CAA incorporates certain specific sections of the FMLA, the CAA explicitly did not incorporate the notice posting and recordkeeping requirements of sections 106(b) and 109 of the FMLA. The CAA has not incorporated the notice posting and recordkeeping requirements of the FMLA, and the Board will not do so.'' As a result, we find no authority that would require employing offices covered under the CAA to provide notice postings of employees' FMLA rights in the workplace. *See* November 28, 1995 OOC Notice of Proposed Rulemaking S17628. As to the remainder of the paragraphs in this section, the Board finds no good cause to depart from the amendments adopted by the DOL.

The Board adopts section 825.300 regarding the eligibility notice (825.300(b)); the rights and responsibility notice (825.300(c)); the designation notice (825.300(d)); and the consequences of failing to provide notice (825.300(e)).

(b) *Eligibility notice.*

The Board adopts the DOL amendments with respect to this section. The Board also adopts the DOL regulations consolidating existing eligibility notice requirements in current sections 825.110 and 825.301 into one section, section 825.300(b) of the OOC regulations, to strengthen and clarify them. For example, section 825.300(b)(1) of the DOL regulations requires an employer to advise an employee of his or her eligibility status when the employee requests leave under the FMLA. The regulations extend the time frame for an employer to respond to an employee's request for FMLA leave from two business days to five business days. Further, the DOL regulations in section 825.300(b)(2) specify what information an employer must convey to an employee as to eligibility status. Analogous to the DOL's regulations, the Board adopts in its regulations that an employing office must provide reasons to an employee if he or she is not eligible for FMLA leave, as do the DOL regulations. The regulations limit that notification to any one of the potential reasons why an employee fails to meet the eligibility requirements.

One commenter supported the OOC's reorganization and consolidation of its notice provisions to better align with DOL's regulations. In particular, the commenter welcomed the extension of time from 2 to 5 business days to provide an employee the required eligibility notice in response to the employee's request for FMLA leave.

Further, the OOC regulations require employing offices to include in the eligibility notice an explanation of conditions applicable to the use of paid leave that runs concurrently with unpaid FMLA leave. While this requirement is in the Board's 1996 regulations, it is expanded to require that employing offices also notify employees of their continuing entitlement to take unpaid FMLA leave if they do not comply with an employing office's required conditions for use of paid leave.

(c) *Rights and responsibilities notice.*

The Board is following the DOL regulations separating the notice of rights and responsibilities from the notice of eligibility. Accordingly, if the employee is eligible for FMLA leave, section 825.300(c) of the OOC regulations require the employing office to provide the employee with specific notice of his or her rights and obligations under the law and the consequences of failing to meet those obligations.

To simplify the timing of the notice of rights and responsibilities and to avoid unnecessary administrative burden on employing offices, section 825.300(c)(1) of the Board's regulations require employing offices to provide this notice to employees at the same time they provide the eligibility notice. Additionally, if the information in the notice of rights and responsibilities changes, section 825.300(c) requires the employing office to notify the employee of any changes within five business days of the first notice of the need for FMLA leave subsequent to any change. This timing requirement will ensure that employees receive timely notice of the expectations and obligations associated with their FMLA leave each leave year and also receive prompt notice of any change in those rights or responsibilities when leave is needed during the leave year.

In this section, employing offices are required to notify employees of the method used for establishing the 12-month period for FMLA entitlement, or, in the case of military caregiver leave, the start date of the ''single 12-month period.''

Employing offices are not, however, required to provide the certification form with the notice of rights and responsibilities. Notice of any changes in the rights and responsibilities notice must be provided within five business days of the first notice of an employee's need for leave subsequent to any change. Electronic distribution of the notice of rights and responsibilities is allowed, so long as the employing office can demonstrate that the employee (who may already be on leave and who may not have access to employing office-provided computers) has access to the information electronically.

825.300(b)(2)

Two commenters suggested deleting the sentence ''The employing office is obligated to translate this notice in any situation in which it is obligated to do so in 825.300(a)(4)'' because section 825.300(a)(4) does not exist in the regulations. The Board has made the suggested change because the referenced section does not exist in its regulations.

One commenter suggested that the OOC provide a Spanish language translation of its prototype forms and notices, as Spanish is the most widely spoken second language in the United States. The commenter suggested that because many Congressional employing offices do not have in-house capability to translate notices, uniform prototype notices in Spanish will encourage consistency and assist in compliance with the FMLA. The Board welcomes the suggestion, and will provide a Spanish language translation of its forms.

825.300(c)(ii)

One commenter suggested adding ''covered'' between ''qualifying exigency arising out of'' and ''active duty.'' The Board has made the suggested change.

825.300(c)(6)

One commenter requested that the Board provide more guidance concerning what methods are sufficient to assume and/or demonstrate receipt of notices electronically sent to employees. The commenter suggested that court decisions illustrate uncertainty in this area. The Board has determined that no good cause has been shown to modify the DOL regulations.

(d) *Designation notice.*

The Board adopts the DOL amendments with respect to this requirement. Section 825.300(d) outlines the requirements of the designation notice an employing office must provide to an employee. Once the employing office has enough information to determine whether the leave qualifies as FMLA leave, the employing office must notify the employee within five business days of making the determination whether the leave has or has not been designated as FMLA leave. This is an increase from the two-day time frame in the current OOC regulations. Further, only one designation notice is required for each FMLA-qualifying reason per leave year, regardless of whether the leave is taken as a continuous block of leave or on an intermittent or reduced leave schedule basis.

Further, the employing office must inform the employee of the number of hours that would be designated as FMLA leave, only upon employee request and no more often than every 30 days if FMLA leave was taken during that period. To the extent it is not possible to provide such information (such as in the case of unforeseeable intermittent leave), the employing office is required to provide such information to the employee every 30 days if the employee took leave during the 30-day period. The employing office is permitted to notify the employee of the hours counted against the FMLA leave entitlement orally and follow up with written notification on a pay stub at the next payday (unless the next payday is in less than one week, in which case the notice must be no later than the subsequent payday). If the employing office requires that paid leave be substituted for unpaid leave, or that paid leave taken under an existing leave plan be counted as FMLA leave, the employing office must inform the employee of this designation at the time the leave is designated as FMLA leave.

Although the designation notice has to be in writing, it may be in any form, including a notation on the employee's pay stub. If the leave is not designated as FMLA leave, the notice to the employee may be in the form of a simple written statement. Employing offices can provide an employee with both the eligibility and designation notice at the same time in cases where the employing office has adequate information to designate leave as FMLA leave when an employee requests the leave.

Employing offices must provide written notice of any requirement for a fitness-for-duty certification, including whether the fitness-for-duty certification must address the employee's ability to perform the essential functions of the employee's position and, if so, to provide a list of the essential functions of the employee's position with the designation notice. If the employee handbook or other written documents clearly provides that a fitness-for-duty certificate will be required, written notice is not required, but oral notice must be provided.

Finally, the employing office is required to notify the employee if the information provided in the designation notice changes. For example, if an employee exhausts his or her FMLA leave entitlement and the leave will no longer be designated as FMLA leave, the employing office must provide the employee with written notice of this change consistent with this section.

825.300(d)(4)

One commenter would like clarification that electronic receipt of the ''designation notices'' is permitted in addition to the notice of rights and responsibilities. The Board finds good cause to clarify that the designation notice may be distributed electronically, so long as it otherwise meets the requirements of section 825.300(d)(4) and the employing office can demonstrate that the employee (who may already be on leave and who may not have access to employing office-provided computers) has access to the information electronically.

825.300(e)

The Board proposed to adopt the DOL amendments with respect to this section entitled ''Consequences of failing to provide notice.'' Section 825.300(e) clarifies that failure to comply with the notice requirements set forth in this section could constitute interference with, restraint of, or denial of the use of FMLA leave. The Board proposed that the following language be included in the OOC regulations:

Consequences of failing to provide notice. Failure to follow the notice requirements set forth in this section may constitute an interference with, restraint, or denial of the exercise of an employee's FMLA rights. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. See section 825.400(c).

One commenter asserted that the proposed regulation section 825.300(e) derives from section 109 of the FMLA, and suggested deleting the entire section because the Board had proposed to establish a remedy for a right that does not exist under the FMLA, as applied by the CAA. The CAA incorporates the ''rights and protections established by section 101 through 105'' of the FMLA and incorporates remedies ''as would be appropriate if awarded under'' section 107(a)(1) of the FMLA. *See* 2 U.S.C. §§1312(a)(1), (b). The Board agrees that Section 109 of the FMLA is not incorporated in the CAA, and that no legal authority exists for a regulation that incorporates requirements and penalties based on section 109 of the FMLA. However, the Board does not agree with the commenter's assertion that the remedies for section 825.300(e) derive from Section 109 of the FMLA, and finds that no good cause has been shown to modify the DOL regulation.

Section 825.301 Designation of FMLA leave.

The Board proposed to adopt the DOL amendments with respect to this section. Section 825.301 addresses an employing office's obligations regarding timely designation of leave as FMLA-qualifying and reiterates the requirement to notify the employee of the designation within five business days. Among other things, this section requires that the employing office's designation decision be based only on information received from the employee or the employee's representative and also provides that, if the employing office does not have sufficient information about the employee's reason for leave, the employing office should inquire further of the employee or of the employee's spokesperson.

One commenter suggested that the second sentence of subsection (e) regarding categories of potential remedies directs the reader to ''*See* 825.400(c),'' as does the DOL regulation. However, that section in the Board's proposed regulations simply references the regulations of the Office of Compliance, and suggests the reference be deleted. The Board agrees with the comment, and has modified the language of section 825.400 to include the potential remedies.

Another commenter suggested deleting the second sentence in section 825.301(e) for the same reasons as stated under section 825.220, above, that under the CAA, an employee is not entitled to both compensation and other actual monetary losses sustained. As discussed previously, the Board does not agree with the assertion that there is no legal authority for the remedies provided in section 825.301(e), and has determined that no good cause has been shown to modify the DOL regulation.

Section 825.302 Employee notice requirements for foreseeable FMLA leave.

The Board proposed to adopt the DOL amendments with respect to this section. In general, section 825.302 addresses an employee's obligation to provide notice of the need for foreseeable FMLA leave. This includes requiring an employee to give at least 30 days' notice when the need for FMLA leave is foreseeable at least 30 days in advance or ''as soon as practicable'' if leave is foreseeable but 30 days' notice is not practicable. In such cases, employees must respond to requests from employing offices to explain why it was not possible to give 30 days' notice. Further, the language in this section defines ''as soon as practicable'' to be ''as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.'' This is a change from defining ''as soon as practicable'' as ''ordinarily within one or two business days.''

Further, when an employee seeks leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA but must provide: sufficient information that indicates that a condition renders the employee unable to perform the functions of the job, or if the leave is for a family member, that the condition renders the family member unable to perform daily activities; the anticipated duration of the absence; and whether the employee or the employee's family member intends to visit a health care provider or has a condition for which the employee or the employee's family member is under the continuing care of a health care provider. The regulations set forth the types of information that an employee may have to provide in order to put an employing office on notice of the employee's need for FMLA-protected leave. Rather than establish a list of information that must be provided in all cases, the regulations provide additional guidance to employees so that they would know what information to provide to their employing offices. The nature of the information necessary to put the employing office on notice of the need for FMLA leave will vary depending on the circumstances.

Employees seeking leave for previously certified FMLA leave must inform the employing office that the leave is for a condition, covered servicemember's serious injury or illness, or qualifying exigency that was previously certified or for which the employee has previously taken FMLA leave.

While an employee must still comply with the employing office's usual notice and procedural requirements for calling in absences and requesting leave, under the new regulations, language stating that an employing office cannot delay or deny FMLA leave if an employee fails to follow such procedures has been deleted. However, employing offices may need to inquire further to determine for which reason the leave is being taken, and employees will be required to respond to such inquiries.

Additionally, the regulations make clear that the requirement that an employee and employing office attempt to work out a schedule without unduly disrupting the employing office's operations applies only to military caregiver leave. It does not apply to qualifying exigency leave.

825.302 (g)

Regarding a waiver of notice requirements, one commenter suggested replacing the reference ''*See* 825.304'' with the more specific reference ''*See* 825.304(e).'' The Board understands that such a reference would be more direct, but as such would have limited context. Therefore, the Board finds that no good cause has been shown to modify the DOL regulation.

Section 825.303 Employee notice requirements for unforeseeable FMLA leave.

The Board proposed to adopt the DOL amendments with respect to this section. Section 825.303 addresses an employee's obligation to provide notice when the need for FMLA leave is unforeseeable. Section 825.303 retains the current standard that employees must provide notice of their need for unforeseeable leave ''as soon as practicable under the facts and circumstances of the particular case,'' but instead of expecting employees to give notice ''within no more than one or two working days of learning of the need for leave,'' in ''unusual circumstances,'' notice should be provided within the time prescribed by the employing office's usual and customary notice requirements applicable to such leave. Section 825.303 also retains the current standard that employees need not assert their rights under the FMLA or even mention the FMLA to put employing offices on notice of the need for unforeseeable FMLA leave, but adds the same language used in proposed section 825.302 clarifying what information must be provided in order to give sufficient notice to the employing office of the need for FMLA leave. New regulations in section 825.303 add that the employee has an obligation to respond to an employing office's questions designed to determine whether leave is FMLA-qualifying, explaining that calling in ''sick,'' without providing additional information, would not be sufficient notice.

Section 825.304 Employee failure to provide notice.

The Board proposed to adopt the DOL amendments with respect to this section. Section 825.304 follows the DOL's reorganization of the rules that are applicable to leave foreseeable at least 30 days in advance, leave foreseeable less than 30 days in advance, and unforeseeable leave. This section retains language that FMLA leave cannot be delayed due to lack of required employee notice if the employing office has not complied with its notice requirements.

One commenter suggested deleting or amending the sentence ''This condition would be satisfied by the employing office's proper posting, at the worksite where the employee is employed, of the information regarding the FMLA provided (pursuant to section 301(h)(2) of the CAA, 2 U.S.C. §1381(h)(2)) by the Office of Compliance to the employing office in a manner suitable for posting'' because posting is merely one way in which an employing office could provide employees with actual notice of the FMLA's notice requirements. Another commenter stated that since the FMLA's posting requirements do not apply to congressional employing offices, the Board has good cause to clarify that an employing office can also meet its notice requirements by distributing a written FMLA policy to employees, or including an FMLA policy in an employee handbook. The regulation merely suggests a method to provide notice, but does not provide that it is the only method. Therefore, the Board has determined that good cause has not been shown to modify the DOL regulation.

Section 825.305 Certification, general rule.

The Board proposed to adopt the DOL amendments with respect to this section. Under the FMLA, as applied under the CAA, employing offices are permitted to require that employees provide a certification from their health care provider (or their family member's health care provider, as appropriate) to support the need for leave due to a serious health condition. Section 825.305 sets forth the general rules governing employing office requests for medical certification to substantiate an employee's need for FMLA leave due to a serious health condition. Military family leave provisions have been added to permit employing offices to require employees to provide a certification in the case of leave taken for a qualifying exigency or to care for a covered servicemember with a serious injury or illness. Section 825.305 applies generally to all types of certification. In most cases, for example, former references to ''medical certification'' have been changed to ''certification.''

In section 825.305, the employing office should request that an employee furnish certification from a health care provider at the time the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave commences. This time frame has been increased from two to five business days after notice of the need for FMLA leave is provided. Further, the employing office may request certification at some later date if the employing office later has reason to question the appropriateness of the leave or its duration. This section also adds a 15-day time period for providing a requested certification to all cases.

Definitions of incomplete and insufficient certifications have been added in this section, as well as a procedure for curing an incomplete or insufficient certification. This procedure requires that an employing office notify the employee in writing as to what additional information is necessary for the medical certification and provides seven calendar days in which the employee must provide the additional information. If an employee fails to submit a complete and sufficient certification, despite the opportunity to cure the deficiency, the employing office may deny the request for FMLA leave.

Section 825.305 also deletes an earlier provision that if a less stringent medical certification standard applies under the employing office's sick leave plan, only that lesser standard may be required when the employee substitutes any form of paid leave for FMLA leave and replaces it with a provision allowing employing offices to require a new certification on an annual basis for conditions lasting beyond a single leave year.

825.305(b)

One commenter suggested that the opportunity to ''cure'' any deficiency be deleted because it makes no sense to have the employee serve as a ''go-between''—referencing its comments to section 825.307(a), below [suggesting the employing office be able to speak directly to the healthcare provider]. The Board has determined that good cause has not been shown to modify DOL regulations.

Section 825.306 Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member.

The Board proposed to adopt the DOL amendments with respect to this section. Section 825.306 addresses the information an employing office can require in the medical certification to substantiate the existence of a serious health condition (of the employee or a family member) and the employee's need for leave due to the condition, and adds: the health care provider's specialization; guidance as to what may constitute appropriate medical facts, including that a health care provider may provide a diagnosis; and whether intermittent or reduced schedule leave is medically necessary. Section 825.306 clarifies that where a serious health condition may also be a disability, employing offices are not prevented from following the procedures under the Americans with Disabilities Act (ADA), as applied under the CAA, for requesting medical information. Section 825.306 also contains new language that employing offices may not require employees to sign a release of their medical information as a condition of taking FMLA leave.

825.306(a)(4)

One commenter suggested deleting ''and (c)'' because section 825.123(c) does not exist in the proposed regulations. The Board has made the suggested change.

This section does not apply to the military family leave provisions. The Board's proposed regulations have revised the current optional certification form into two separate optional forms, one for the employee's own serious health condition and one for the serious health condition of a covered family member.

Section 825.307 Authentication and clarification of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member; second and third opinions.

The Board proposed to adopt the DOL's amendments covered under this section. Section 825.307 addresses the employing office's ability to clarify or authenticate a complete and sufficient FMLA certification. Section 825.307 defines the terms ''authentication'' and ''clarification.'' ''Authentication'' involves providing the health care provider with a copy of the certification and requesting verification that the information on the form was completed and/or authorized by the provider. The regulations add that no additional medical information may be requested and the employee's permission is not required. In contrast, ''clarification'' involves contacting the employee's health care provider in order to understand the handwriting on the medical certification or to understand the meaning of a response. As is the case with authentication, no additional information beyond that included in the certification form may be requested. Any contact with the employee's health care provider

must comply with the requirements of the HIPAA Privacy Rule.

It is no longer necessary that the employing office utilize a health care provider to make the contact with the employee's health care provider, but the regulations do clarify who may contact the employee's health care provider and ensure that the employee's direct supervisor is not the point of contact. Employee consent to the contact is no longer required. However, before the employing office contacts the employee's health care provider for clarification or authentication of the FMLA certification, the employee must first be given an opportunity to cure any deficiencies in the certification. Section 825.307 also provides requirements for an employing office's request for a second opinion, and adds language requiring the employee or the employee's family member to authorize his or her health care provider to release relevant medical information pertaining to the serious health condition at issue if such information is requested by the second opinion health care provider. Section 825.307 also increases the number of days the employing office has to provide an employee with a requested copy of a second or third opinion from two to five business days. This section of the regulations does not apply to the military family leave provisions.

One commenter supported allowing an individual from the employing office other than a health care professional to contact the health care provider for purposes of clarification and authentication of the medical certification.

One commenter suggested that the ''clarification and authentication'' creates more confusion than guidance. The commenter suggested that requiring the employer to first speak with the employee regarding clarification before it may directly contact the healthcare provider creates an opportunity for miscommunication about the information actually needed by the employer, an issue that can be best handled by direct communication. The commenter also believes that the regulation would allow an employee who may have furnished a fraudulent certification to ''cure'' the defect, and suggests that section 825.307(c) be deleted. Further, rather than deny an FMLA request for failure to 'clarify the certification' as in subsection (a), the commenter suggests that the regulation permit the employee to provide advanced authorization to the employing office to contact the healthcare provider for clarification or authentication. The Board has determined that no good cause has been shown to modify DOL regulations.

Another commenter suggested that the fourth sentence of section 825.307(a) addresses the issue of who within an employing office may contact the eligible employee's health care provider to clarify and/or authenticate the medical certification submitted by the employee. Specifically, the sentence, which is the same as that in the DOL's regulation, states that ''Under no circumstances, however, may the employee's direct supervisor contact the employee's health care provider.'' The commenter suggested that this provision would be unworkable with respect to many employing offices of the House, particularly Member offices, due to the statutory limit on the size of those offices. Specifically, under 2 U.S.C. §5321(a), Member offices are permitted to employ no more than 22 employees (this covers the total number of employees for both the Washington, D.C. and district offices). Accordingly, the vast majority of House employing offices do not have separate human resources divisions to assure compliance with the FMLA. In actuality, it is often the employee's direct supervisor (*e.g.* the District Director or the Chief of Staff) who handles FMLA requests. If the direct supervisor is prohibited from contacting the employee's health care provider, the employing office would have to find someone else—perhaps a peer/co-worker of the employee seeking FMLA—to contact the health care provider. This would unnecessarily expand the scope of individuals with knowledge of the employee's FMLA request, and would be inconsistent with the spirit of the regulations requiring that access to such FMLA-related information be limited to as few persons as possible to preserve privacy and confidentiality. The commenter also mentioned that it is notable that the DOL regulation applies to employers who have at least 50 employees (29 C.F.R. §825.104(a)), or are public agencies that are more likely to have other managers or a human resources office to contact health care providers. The commenter believes that, with respect to the House, there is good cause to deviate from the DOL regulations and to delete the fourth sentence from subsection (a).

Based on these comments and the unique nature of employing offices under the CAA, the Board modifies its regulation by deleting the fourth sentence and adding in its place ''An employee's direct supervisor may not contact the employee's healthcare provider, unless the direct supervisor is also the only individual in the employing office designated to process FMLA requests and the direct supervisor receives specific authorization from the employee to contact the employee's health care provider.'' This change will allow smaller employing offices, who only have one person designated to process FMLA leave requests to clarify and authenticate an employee's FMLA certification without violating the OOC's FMLA regulations. This narrowly tailored language will maintain the intent of the regulation—to prevent an employee's direct supervisor from contacting the employee's healthcare provider to clarify and authenticate a certification—without preventing small employing offices from clarifying and authenticating FMLA leave certifications.

A commenter also suggested that the reference to the Health Insurance Portability and Accountability Act (HIPAA) in section (a) be deleted. HIPAA, and the regulations promulgated thereunder, allow the Secretary of Health and Human Services to take enforcement action against health plans, health care clearinghouses, and specific health care providers for violations of privacy standards. 42 U.S.C. §1320d, *et seq.*; 45 C.F.R. §§160.102, 160.312. HIPAA does not create any obligations for Congressional employing offices. Thus, although a *health care provider* may require that a patient complete an appropriate HIPAA-authorization before that health care provider will speak to a representative of that patient's employing office, there is no basis for any implication that HIPAA applies *to Congressional employers*. The commenter suggested that the regulatory language in subsection (a) referencing HIPAA be deleted. The reference to HIPAA in this section should not be read to apply HIPAA to employing offices. However, it should be clear that the level of privacy afforded individually-identifiable health information created or held by HIPAA-covered entities is satisfied when this information is shared with an employing office by a HIPAA-covered health care provider. The Board finds that good cause has not been shown to modify the DOL regulation.

One commenter would like clarification on whether an employing office may rely on the findings of a second or third opinion examination to deny FMLA leave for a future absence requested by the employee for the same condition. Current regulations are silent with respect to the use of second and third opinion examinations. The Board finds that no good cause has been shown to modify the DOL regulation.

Section 825.308 Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member.

The Board proposed to adopt the DOL amendments covered in this section. Section 825.308 of the regulations addresses the employing office's ability to seek recertification of an employee's medical condition. This section has been reorganized to clarify how often employing offices may seek recertification in situations where the minimum duration of the condition, as opposed to the duration of the period of incapacity, exceeds 30 days. Thus, an employing office may request recertification no more often than every 30 days and only in connection with an absence by the employee, unless the medical certification indicates that the minimum duration of the condition is more than 30 days, then an employing office must wait until that minimum duration expires before requesting a recertification. In all cases, an employing office may request a recertification of a medical condition every six months in connection with an absence by the employee. An employing office may request recertification in less than 30 days if, among other things, the employee requests an extension of leave or circumstances described by the previous certification change significantly. This section clarifies that an employing office may request the same information on recertification as required for the initial certification and the employee has the same obligation to cooperate in providing recertification as he or she does in providing the initial certification.

One commenter suggested that the Board clarify that an employing office may provide ''a record of the employee's absence pattern'' directly to the healthcare provider. The Board has determined that no good cause has been shown to modify the DOL regulation.

Section 825.309 Certification for leave taken because of a qualifying exigency.

The Board proposed to adopt the DOL's regulations under this section. Under the military family leave provisions of the DOL regulations, an employing office may require that leave taken because of a qualifying exigency be supported by a certification and require that the employee provide a copy of the covered military member's active duty orders or other documentation issued by the military, which indicates that the covered military member is on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation, as well as the dates of the covered military member's active duty service. While a form requesting this basic information may be used by the employing office, no information may be required beyond that specified in this section and in all instances the information on the form must relate only to the qualifying exigency for which the current need for leave exists. Section 825.309 also establishes the verification process for certifications.

This section also provides that the information required in a certification need only be provided to the employing office the first

time an employee requests leave because of a qualifying exigency arising out of a particular active duty or call to active duty of a covered military member. While additional information may be needed to provide certification for subsequent requests for exigency leave, an employee is only required to give a copy of the active duty orders to the employing office once. A copy of new active duty orders or other documentation issued by the military only needs to be provided to the employing office if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty order of the same or a different covered military member. *See* DOL (Form WH–384) and OOC regulations proposed Form E.

One commenter suggested adding ''or Form WH–384 (developed by the Department of Labor)'' between ''Form E'' and ''another form containing the same basic information'' for consistency with other provisions cross-referencing DOL forms. *See*, e.g., §825.306(b) and §825.310(d). The Board has made the suggested change.

An employing office may contact an appropriate unit of the Department of Defense (DOD) to request verification that a covered military member has been called to active duty status (or notified of an impending call to active duty status) in support of a contingency operation. Again, no additional information may be requested by the employing office and the employee's permission is not required. This verification process will protect employees from unnecessary intrusion while still providing a useful tool for employing offices to verify the certification information given to them.

Consistent with the amendments to section 825.126(b)(6), with respect to Rest and Recuperation qualifying exigency leave, the employing office is permitted to request a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military indicating that the military member has been granted Rest and Recuperation leave, as well as the dates of the leave, in order to determine the employee's specific qualifying exigency leave period available for Rest and Recuperation. Employing offices may also contact the appropriate unit of the DOD to verify that the military member is on active duty or call to active duty status. The employee's permission is not required to conduct such verifications. The employing office may not, however, request any additional information.

Section 825.310 Certification for leave taken to care for a covered servicemember (military caregiver leave).

The Board proposed to adopt the amendments covered in the DOL regulations under this section. While the military family leave provisions of the NDAA amended the FMLA's certification requirements to permit an employer to request certification for leave taken to care for a covered servicemember, the FMLA's existing certification requirements focus on providing information related to a serious health condition—a term that is not necessarily relevant to leave taken to care for a covered servicemember. At the same time, the military family leave provisions of the NDAA do not explicitly require that a sufficient certification for purposes of military caregiver leave provide relevant information regarding the covered servicemember's serious injury or illness. Section 825.310 of the DOL's regulations provide that when leave is taken to care for a covered servicemember with a serious injury or illness, an employer may require an employee to support his or her request for leave with a sufficient certification. An employer may require that certain necessary information to support the request for leave be supported by a certification from one of the following authorized health care providers: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; or (4) a DOD non-network TRICARE authorized private health care provider. Sections 825.310(b)–(c) of the DOL regulations set forth the information an employing office may request from an employee (or the authorized health care provider) in order to support the employee's request for leave. The DOL developed a new optional form, Form WH–385, which the Board adopted for proposed OOC Form F. The Board agrees that OOC Form F may be used to obtain appropriate information to support an employee's request for leave to care for a covered servicemember with a serious injury or illness. However, an employing office may use any form containing the following basic information: (1) whether the servicemember has incurred a serious injury or illness; (2) whether the injury or illness may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; (3) whether the injury or illness was incurred by the member in line of duty on active duty; and (4) whether the servicemember is undergoing medical treatment, recuperation, or therapy, is otherwise on outpatient status, or is otherwise on the temporary disability retired list. Additionally, as is the case for any required certification for leave taken to care for a family member with a serious health condition, no information may be required beyond that specified above. In all instances, the information on any required certification must relate only to the serious injury or illness for which the current need for leave exists.

Additionally, section 825.310 of the proposed OOC regulations provides that an employing office requiring an employee to submit a certification for leave to care for a covered servicemember must accept as sufficient certification ''invitational travel orders'' (ITOs) or ''invitational travel authorizations'' (ITAs) issued by the DOD for a family member to join an injured or ill servicemember at his or her bedside. If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or an ITA, the regulations provide that an employing office may request further certification from the employee. Lastly this section provides that in all instances in which certification is requested, it is the employee's responsibility to provide the employing office with complete and sufficient certification and failure to do so may result in the denial of FMLA leave.

The regulations also permit an eligible employee who is a spouse, parent, son, daughter or next of kin of a covered servicemember to submit an ITO or ITA issued to another family member as sufficient certification for the duration of time specified in the ITO or ITA, even if the employee seeking leave is not the named recipient on the ITO or ITA. The regulations further permit an employing office to authenticate and clarify medical certifications submitted to support a request for leave to care for a covered servicemember using the procedures applicable to FMLA leave taken to care for a family member with a serious health condition. However, unlike the recertification, second and third opinion processes used for other types of FMLA leave, recertification, second and third opinions are not warranted for purposes of military caregiver leave when the certification has been completed by a DOD health care provider, a VA health care provider, a DOD TRICARE network authorized private health care provider, or a DOD non-network TRICARE authorized private health care provider, but are permitted when the certification has been completed by a health care provider who is not affiliated with the DOD, VA, or TRICARE.

An employee seeking to take military caregiver leave must provide the requested certification to the employing office within the time frame requested by the employing office (which must allow at least 15 calendar days after the employing office's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

One commenter suggested that the reference to section 825.122(j) in the final sentence of subsection (d) be changed to section 825.122(k). The Board has made the suggested correction to the provision.

One commenter suggested replacing ''However, second and third opinions under 825.307 are not permitted for leave to care for a covered servicemember'' with ''Second and third opinions under 825.307 are not permitted for leave to care for a covered servicemember when the certification has been completed by one of the types of healthcare providers identified in 825.310(a)(1–4). However, second and third opinions under 825.307 are permitted when the certification has been completed by a health care provider as defined in 825.125 that is not one of the types identified in 825.310(a)(1)–(4).'' The Board has made the requested correction to the provision.

Section 825.311 Intent to Return to Work.

One commenter noted that section 825.311(b) states that, ''subject to COBRA requirements or 5 U.S.C. §8905a, whichever is applicable'' employing offices do not need to maintain health benefits once an employee gives unequivocal notice of his or her intent not to return to work. The commenter suggested that DOL regulations do not contain the reference to 5 U.S.C. §8905a. The commenter suggested that it is unclear whether the Board considered the application of the Affordable Care Act and/or enrollment in state exchanges in developing its language. The commenter requests that the Board state its position on this issue. The Board has deleted reference to ''5 U.S.C. §8905a.''

Section 825.312 Fitness-for-duty certification.

The Board proposed to adopt the amendments covered in the DOL's regulations under this section. Section 825.312 addresses the fitness-for-duty certification that an employee may be required to submit upon return to work from FMLA leave. This section clarifies that employees have the same obligation to provide a complete certification or provide sufficient authorization to the health care provider in order for that person to provide the information directly to the employing office in the fitness-for-duty certification process as they do in the initial certification process. The employing office may require that the fitness-for-duty certification address the employee's ability to perform the essential functions of the employee's job, as long as the employing office provides the employee with a list of those essential job functions no later than the employing office provides the designation notice. The designation notice must indicate that the certification address the employee's ability to perform those essential functions. An employing office may contact the employee's

health care provider directly, consistent with the procedure in proposed section 825.307(a), for purposes of authenticating or clarifying the fitness-for-duty certification. The employing office is required to advise the employee in the eligibility notice required by proposed section 825.300(b) if the employing office will require a fitness-for-duty certification to return to work. Employees are not entitled to the reinstatement protections of the Act if they do not provide the required fitness-for-duty certification or request additional FMLA leave.

Section 825.312 also requires that the employing office uniformly apply its policies permitting fitness-for-duty certifications to intermittent and reduced schedule leave users when reasonable safety concerns are present, but limits the frequency of such certifications to once in a 30-day period in which intermittent or reduced schedule leave was taken. ''Reasonable safety concerns'' means a reasonable belief of a significant risk of harm to the individual employee or others. In determining whether reasonable safety concerns exist, an employing office should consider the nature and severity of the potential harm and the likelihood that potential harm will occur. This is meant to be a high standard. Thus, the determination that there are reasonable safety concerns must rely on objective factual evidence, not subjective perceptions. Employing offices cannot, under this section, require such certifications in all intermittent or reduced leave schedule situations, but only where reasonable safety concerns are present. There is no fitness-for-duty certification form, nor is there any specific format such a certification must follow as long as it contains the required information. An employing office is allowed to require that the fitness-for-duty certification address the employee's ability to perform the essential functions of his or her position. However, the employing office can choose to accept a simple statement in place of the fitness-for-duty certification (or not require a fitness-for-duty certification at all).

There is no second and third opinion process for a fitness-for-duty certification. A fitness-for-duty certification need only address the condition for which FMLA leave was taken and the employee's ability to perform the essential functions of the job. The employee's health care provider determines whether a separate examination is required in order to determine the employee's fitness to return to duty under the FMLA. A medical examination at the employing office's expense may be required only after the employee has returned from FMLA leave and must be job-related and consistent with business necessity as required by the ADA. The employing office cannot delay the employee's return to work while arranging for and having the employee undergo a medical examination.

One commenter suggested that this provision limits an employing office's ability to seek a fitness-for-duty certification at any time it deems necessary, and that it would be negligent to preclude a fitness-for-duty test on an officer carrying a weapon because the FMLA regulations limit the ability to conduct a fitness-for-duty test. The commenter suggested that proposed section 825.312(i) be added to permit the employing office to conduct fitness for duty certifications at any time it deems a police officer may not be able to perform the essential functions of the position, and that it not be considered retaliation. The Board has determined that good cause has not been shown to modify the DOL regulation.

825.312(e)

One commenter noted that when an employee is delayed by the employer from returning to work because the employee has not provided a fitness-for-duty certification, it is not clear what the employee's status is. The commenter suggested that the regulation permit the employing office to carry the employee in an AWOL (absent without approved leave) status, or the employee may use approved annual leave until the certification is provided. The commenter also suggested the regulation provide a 15 day time limit for the employee to act on the fitness for duty certification. The Board has determined that no good cause has been shown to modify the DOL regulation.

Section 825.313 Failure to provide certification.

The Board proposed to adopt the amendments covered in the DOL regulations under this section. Section 825.313 explains the consequences for an employee who fails to provide medical certification in a timely manner. An employing office may deny FMLA leave until the required certification is provided. This section also addresses the consequences of failing to provide timely recertification. Section 825.313 also clarifies that recertification does not apply to leave taken for a qualifying exigency or to care for a covered servicemember.

Employees must be provided at least 15 calendar days to provide the requested certification, and are entitled to additional time when they are unable to meet that deadline despite their diligent, good-faith efforts. An employee's certification (or recertification) is not untimely until that period has passed. Employing offices may deny FMLA protection when an employee fails to provide a timely certification or recertification, but the FMLA does not require employing offices to do so. Employing offices always have the option of accepting an untimely certification and not denying FMLA protection to any absences that occurred during the period in which the certification was delayed.

One commenter suggested that while consistent with the language of the DOL regulation that states, ''If the employee never produces the certification, the leave is not FMLA leave,'' the proposed regulation necessarily begs the question: when can an employing office plausibly state that the employee ''never'' produced a certification? Given this ambiguity, the commenter suggested that the Board deviate from the DOL language and provide more direction in this area by amending the last sentence of this section to read, ''If the employee fails to produce the certification after a reasonable amount of time under the circumstances, the leave is not FMLA leave.'' Although there still may be a question of what constitutes a ''reasonable amount of time under the circumstances,'' this language, in the commenter's view, provides more clarity on the issue. The Board has determined that no good cause has been shown to modify the DOL regulation.

One commenter suggested that a ''grace period'' should be provided, as it proposes in section 312(e) above, to bridge the gap between the expiration of FMLA leave and termination. The Board has determined that no good cause has been shown to modify the DOL regulation.

SUBPART D—Administrative Process

Section 825.400, Administrative Process, general rules.

One commenter suggested that section 825.400 be deleted in its entirety because the CAA specifically addresses the procedures to be followed, and the proposed regulation is duplicative. Additionally, the commenter proposed that regulation section 825.400(c) is not appropriate and should be deleted because it does not govern ''enforcement of the FMLA rights,'' and the citation to a website does not assist in determining what procedures have been approved by Congress.

Another commenter agreed that there is good cause not to adopt the DOL regulation because the enforcement provisions of the FMLA differ from those applicable in CAA actions. However, in section 825.400(c), the commenter suggested that the Board identify the exact name/nature of the procedures referenced, and also clarify that these procedures only apply to CAA complaints pending before the OOC, not those brought in federal court.

Upon review of the comments regarding section 825.400, the Board has decided to retain section 825.400 in the final regulation, change the title of the Subpart D from ''Enforcement Mechanisms'' to ''Administrative Process'' and change the subtitle ''Enforcement, general rules'' to ''Administrative Process, general rules.'' In addition, the DOL language added as section 825.400(c) to the Board's final regulation describes the remedies available to covered employees for a violation of the FMLA, as made applicable by the CAA.

Sections 825.401–825.404 Filing a complaint with the Federal Government; Violations of the posting requirement; Appealing the assessment of a penalty for willful violation of the posting requirement; Consequences for an employer when not paying the penalty assessment after a final order is issued.

These sections do not apply to the CAA and will remain reserved in the OOC regulations.

SUBPART E—RECORDKEEPING REQUIREMENTS

Section 825.500 Recordkeeping requirements.

This section does not apply to the CAA and will remain reserved in the OOC regulations.

SUBPART F—SPECIAL RULES APPLICABLE TO EMPLOYEES OF SCHOOLS

Sections 825.600–825.604 Special rules for school employees, definitions; Special rules for school employees, limitations on intermittent leave; Special rules for school employees, limitations on leave near the end of an academic term; Special rules for school employees, duration of FMLA leave; Special rules for school employees, restoration to an equivalent position.

The Board proposed to adopt the amendments covered in the DOL regulations under these sections. Sections 825.600–825.604 cover the special rules applicable to instructional employees. When an eligible instructional employee needs intermittent leave or leave on a reduced schedule basis to care for a covered servicemember, the employee may choose to either: (1) take leave for a period or periods of particular duration; or (2) transfer temporarily to an available alternative position with equivalent pay and benefits that better accommodates recurring periods of leave.

These sections also extend some of the limitations on leave near the end of an academic term to leave requested during this period to care for a covered servicemember. If an instructional employee begins leave for a purpose other than the employee's own serious health condition during the five-week period before the end of the term, the employing office may require the employee to continue

taking leave until the end of the term if the leave will last more than two weeks and the employee would return to work during the two-week period before the end of the term. Further, an employing office may require an instructional employee to continue taking leave until the end of the term if the employee begins leave that will last more than five working days for a purpose other than the employee's own serious health condition during the three-week period before the end of the term. The types of leave that are subject to the limitations are: (1) leave because of the birth of a son or daughter, (2) leave because of the placement of a son or daughter for adoption or foster care, (3) leave taken to care for a spouse, parent, or child with a serious health condition, and (4) leave taken to care for a covered servicemember.

One commenter suggested that this provision demonstrated a need for FMLA regulations specific to the House. The commenter suggested that, unlike in the Senate, the House no longer has a school and thus these regulations are inapplicable to the House. The Board finds no good cause to modify the regulation as a whole.

SUBPART G—EFFECT OF OTHER LAWS, EMPLOYING OFFICE PRACTICES, AND COLLECTIVE BARGAINING AGREEMENTS ON EMPLOYEE RIGHTS UNDER FMLA, AS MADE APPLICABLE BY THE CAA

Section 825.700 Interaction with employing office's policies.

The Board proposed to adopt the amendments covered in the DOL regulations under this section. Section 825.700 provides that an employing office may not limit the rights established by the FMLA through an employment benefit program or plan, but an employing office may provide greater leave rights than the FMLA requires. This section also provides that an employing office may amend existing leave programs, so long as they comply with the FMLA, and that nothing in the FMLA is intended to discourage employing offices from adopting or retaining more generous leave policies. The Board proposed to follow the DOL regulations and delete from the current OOC section 825.700(a) the following: ''If an employee takes paid or unpaid leave and the employing office does not designate the leave as FMLA leave, the leave taken does not count against an employee's FMLA entitlement.'' As explained by the DOL, this last sentence of section 825.700(a) was deleted in order to conform to the U.S. Supreme Court's decision in *Ragsdale v. Wolverine World Wide*, 535 U.S. 81 (2002), which specifically invalidated this provision.

825.700(a)

One commenter objected to the first sentence of this section, suggesting that the proposed regulation state that where an employing office fails to observe a program providing greater benefits than those provided under the FMLA, the employee has a right to bring a claim under the CAA. The commenter suggested instead, that the avenue for redress of a claim arising in another program, for example in the collective bargaining agreement, would be through the grievance process or another section of the CAA, and not under the FMLA provision of the CAA. The Board has determined that no good cause has been shown to modify the DOL regulation.

One commenter notes that subsection (a) limits an employing office's ability to change its policies, including a policy with greater employment benefits, impermissibly requiring an employing office to continue a benefit program that it may no longer be able to afford. Thus, it improperly limits management's right to determine its own policies. The Board has determined that no good cause has been shown to modify the DOL regulation.

One commenter agrees that the Board should follow the DOL regulation to comply with the Supreme Court's decision in *Ragsdale v. Wolverine World Wide*, 535 U.S. 81 (2002) (holding that an employer may retroactively designate leave as FMLA leave under certain circumstances). However, the commenter urges the Board to further clarify the following language: ''An employing office must observe any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established by the FMLA.'' Specifically, the commenter suggested that the Board clarify what constitutes such an employment benefit program or plan. This proposed section discusses a hypothetical example of a collective bargaining agreement which provides for reinstatement rights based on seniority; however, the commenter recommends that the Board offer additional examples (e.g., to clarify whether leave policies set forth in an employee handbook qualify) and clarify that this language does not contemplate the application of state law. The Board has determined that no good cause has been shown to modify the DOL regulations.

Section 825.701 Interaction with State laws.

This DOL section does not apply to the CAA and will remain reserved in the OOC regulations.

Section 825.702 Interaction with anti-discrimination laws, as applied by section 201 of the CAA.

The Board proposed to adopt the amendments covered in the DOL regulations under this section. Section 825.702 addresses the interaction between the FMLA and other Federal and State antidiscrimination laws. Section 825.702 discusses the interaction between the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the FMLA. Under USERRA, a returning servicemember would be entitled to FMLA leave if, after including the hours that he or she would have worked for the civilian employing office during the period of military service, the employee would have met the FMLA eligibility threshold. This is not an expansion of FMLA rights through regulation; this is a requirement of USERRA.

With respect to the interaction of the FMLA and ADA, where both laws may apply, the applicability of each statute needs to be evaluated independently.

Further, the reference to employers who receive Federal financial assistance and employers who contract with the Federal government in this section has not been adopted by the Board because federal contractor employers are not covered by the CAA.

One commenter suggested adding ''as made applicable by the CAA'' between ''(ADA)'' and ''the employing office.'' The same commenter suggested adding ''as made applicable by the CAA'' after ''afford an employee his or her FMLA rights.'' The Board has made the suggested changes.

One commenter suggested adding ''as made applicable by the CAA'' after ''he or she will have rights under the ADA.'' The Board has made the suggested change.

COMMENTS ON MODEL FORMS:

I. In its final regulations, the DOL removed the following optional-use forms and notices from the Appendix of the regulations, but continued to make them available to the public on the WHD Web site: Forms WH–380–E (Certification of Health Care Provider for Employee's Serious Health Condition); WH–380–F (Certification of Health Care Provider for Family Member's Serious Health Condition); WH–381 (Notice of Eligibility and Rights & Responsibilities); WH–382 (Designation Notice); WH–384 (Certification of Qualifying Exigency for Military Family Leave); WH–385 (Certification for Serious Injury or Illness of Current Servicemember for Military Family Leave); and WH–385–V (Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave).

The Board proposed to revise its forms and to make the following OOC forms available on its website: Form A: Certification of Health Care Provider for Employee's Serious Health Condition; Form B: Certification of Health Care Provider for Family Member's Serious Health Condition; Form C: Notice of Eligibility and Rights and Responsibilities; Form D: Designation Notice to Employee of FMLA Leave; Form E: Certification of Qualifying Exigency for Military Family Leave; Form F: Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave; and Form G: Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave. The Board's proposed forms now include references to the Genetic Information Nondiscrimination Act of 2008, which is made applicable to employees covered under the CAA. In any event, the use of a specific set of forms is optional and other forms requiring the same information may be used instead. In proposing these revised forms, the Board recognizes that the use of specific forms play a key role in employing offices' compliance with the FMLA and employees' ability to take FMLA protected leave when needed.

One commenter recommended that the OOC follow its past practice of creating FMLA-related forms that are CAA-compliant rather than directing covered employees and employing offices to the DOL website for the appropriate forms.

One commenter suggested that these forms should be available on the OOC's website and not in the regulations themselves because use of the proposed model forms is not required. The Board will make the forms available on the OOC website and, consistent with the DOL, will not include them in its regulations. Some commenters suggested minor changes to the forms, and the Board has made the appropriate modifications.

One commenter suggested that the Board adopt and include (on Model Forms A, B, F, and G) the EEOC's ''safe harbor'' language for employers to use to warn employees that their healthcare providers should not provide genetic information in their response to an FMLA request. The commenter suggested use of the EEOC's model warning language as opposed to the DOL language that was included in the Board's proposal. The commenter also suggested that the language should be more prominent and obvious, which would have the intended effect of reducing additional notices to employees and thus burdens on the employing offices. Having reviewed the EEOC's model warning language, as well as model warning language from government agencies and private employers, the Board finds good cause to modify the DOL's GINA model warning language on Forms A, B, F, and G.

Substantive Regulations Adopted by the Board of Directors of the Office of Compliance Extending Rights and Protections Under the Family and Medical Act of 1993, as amended, as Made Applicable by the Congressional Accountability Act

FINAL REGULATIONS

Part 825—Family and Medical Leave

825.1 Purpose and Scope.

SUBPART A—COVERAGE UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.100 The Family and Medical Leave Act.
825.101 Purpose of the FMLA.
825.102 Definitions.
825.103 [Reserved]
825.104 Covered employing offices.
825.105 [Reserved]
825.106 Joint employer coverage.
825.107–825.109 [Reserved]
825.110 Eligible employee.
825.111 [Reserved]
825.112 Qualifying reasons for leave, general rule.
825.113 Serious health condition.
825.114 Inpatient care.
825.115 Continuing treatment.
825.116–825.118 [Reserved]
825.119 Leave for treatment of substance abuse.
825.120 Leave for pregnancy or birth.
825.121 Leave for adoption or foster care.
825.122 Definitions of covered servicemember, spouse, parent, son or daughter, next of kin of a covered servicemember, adoption, foster care, son or daughter on covered active duty or call to covered active duty status, son or daughter of a covered servicemember, and parent of a covered servicemember.
825.123 Unable to perform the functions of the position.
825.124 Needed to care for a family member or covered servicemember.
825.125 Definition of health care provider.
825.126 Leave because of a qualifying exigency.
825.127 Leave to care for a covered servicemember with a serious injury or illness (military caregiver leave).

SUBPART B—EMPLOYEE LEAVE ENTITLEMENTS UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.200 Amount of leave.
825.201 Leave to care for a parent.
825.202 Intermittent leave or reduced leave schedule.
825.203 Scheduling of intermittent or reduced schedule leave.
825.204 Transfer of an employee to an alternative position during intermittent leave or reduced schedule leave.
825.205 Increments of FMLA leave for intermittent or reduced schedule leave.
825.206 Interaction with the FLSA.
825.207 Substitution of paid leave.
825.208 [Reserved]
825.209 Maintenance of employee benefits.
825.210 Employee payment of group health benefit premiums.
825.211 Maintenance of benefits under multiemployer health plans.
825.212 Employee failure to pay health plan premium payments.
825.213 Employing office recovery of benefit costs.
825.214 Employee right to reinstatement.
825.215 Equivalent position.
825.216 Limitations on an employee's right to reinstatement.
825.217 Key employee, general rule.
825.218 Substantial and grievous economic injury.
825.219 Rights of a key employee.
825.220 Protection for employees who request leave or otherwise assert FMLA rights.

SUBPART C—EMPLOYEE AND EMPLOYING OFFICE RIGHTS AND OBLIGATIONS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA.

825.300 Employing office notice requirements.
825.301 Designation of FMLA leave.
825.302 Employee notice requirements for foreseeable FMLA leave.
825.303 Employee notice requirements for unforeseeable FMLA leave.
825.304 Employee failure to provide notice.
825.305 Certification, general rule.
825.306 Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member.
825.307 Authentication and clarification of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member; second and third opinions.
825.308 Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member.
825.309 Certification for leave taken because of a qualifying exigency.
825.310 Certification for leave taken to care for a covered servicemember (military caregiver leave).
825.311 Intent to return to work.
825.312 Fitness-for-duty certification.
825.313 Failure to provide certification.

SUBPART D—ENFORCEMENT MECHANISMS

825.400 Enforcement of FMLA rights, as made applicable by the CAA.
825.401–825.404 [Reserved]

SUBPART E—[Reserved]

SUBPART F—SPECIAL RULES APPLICABLE TO EMPLOYEES OF SCHOOLS

825.600 Special rules for school employees, definitions.
825.601 Special rules for school employees, limitations on intermittent leave.
825.602 Special rules for school employees, limitations on leave near the end of an academic term.
825.603 Special rules for school employees, duration of FMLA leave.
825.604 Special rules for school employees, restoration to an equivalent position.

SUBPART G—EFFECT OF OTHER LAWS, EMPLOYING OFFICE PRACTICES, AND COLLECTIVE BARGAINING AGREEMENTS ON EMPLOYEE RIGHTS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA

825.700 Interaction with employing office's policies.
825.701 [Reserved]
825.702 Interaction with anti-discrimination laws as applied by section 201 of the CAA.

SUBPART H—[Reserved]

FORMS

Form A: Certification of Health Care Provider for Employee's Serious Health Condition;
Form B: Certification of Health Care Provider for Family Member's Serious Health Condition;
Form C: Notice of Eligibility and Rights & Responsibilities;
Form D: Designation Notice to Employee of FMLA Leave;
Form E: Certification of Qualifying Exigency for Military Family Leave;
Form F: Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave;
Form G: Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave.

825.1 Purpose and scope.

(a) Section 202 of the Congressional Accountability Act (CAA) (2 U.S.C. 1312) applies the rights and protections of sections 101 through 105 of the Family and Medical Leave Act of 1993 (FMLA) (29 U.S.C. 2611–2615) to covered employees. (The term ''covered employee'' is defined in section 101(3) of the CAA (2 U.S.C. 1301(3)). *See* 825.102 of these regulations for that definition.) The purpose of this part is to set forth the regulations to carry out the provisions of section 202 of the CAA.

(b) These regulations are issued by the Board of Directors (Board) of the Office of Compliance, pursuant to sections 202(d) and 304 of the CAA, which direct the Board to promulgate regulations implementing section 202 that are ''the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 202 of the CAA] except insofar as the Board may determine, for good cause shown . . . that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' The regulations issued by the Board herein are on all matters for which section 202 of the CAA requires regulations to be issued. Specifically, it is the Board's considered judgment, based on the information available to it at the time of the promulgation of these regulations, that, with the exception of regulations adopted and set forth herein, there are no other ''substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 202 of the CAA].''

(c) In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the Secretary. Such changes are intended to make the provisions adopted accord more naturally to situations in the legislative branch. However, by making these changes, the Board does not intend a substantive difference between these regulations and those of the Secretary from which they are derived. Moreover, such changes, in and of themselves, are not intended to constitute an interpretation of the regulation or of the statutory provisions of the CAA upon which they are based.

(d) Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to recommend to Congress a method of approval for these regulations. As the Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, it therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

SUBPART A—COVERAGE UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.100 The Family and Medical Leave Act.

(a) The Family and Medical Leave Act of 1993 (FMLA), as made applicable by the Congressional Accountability Act (CAA), allows eligible employees of an employing office to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks in any 12 months (*see* 825.200(b)) because of the birth of a child and to care for the newborn child, because of the placement of a child with the employee for adoption or foster care, because the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition, because the employee's own serious health condition makes the employee unable to perform the functions of his or her job, or because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty). In addition, eligible employees of a covered employing office may take job-protected, unpaid leave, or substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 26 workweeks in a single 12-month period to care for a covered servicemember with a serious injury or illness. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

(b) An employee on FMLA leave is also entitled to have health benefits maintained while on leave as if the employee had continued to work instead of taking the leave. If an employee was paying all or part of the premium payments prior to leave, the employee would continue to pay his or her share during the leave period. The employing office or a disbursing or other financial office may recover its share only if the employee does not return to work for a reason other than the serious health condition of the employee or the employee's covered family member, the serious injury or illness of a covered servicemember, or another reason beyond the employee's control.

(c) An employee generally has a right to return to the same position or an equivalent position with equivalent pay, benefits, and working conditions at the conclusion of the leave. The taking of FMLA leave cannot result in the loss of any benefit that accrued prior to the start of the leave.

(d) The employing office generally has a right to advance notice from the employee. In addition, the employing office may require an employee to submit certification to substantiate that the leave is due to the serious health condition of the employee or the employee's covered family member, due to the serious injury or illness of a covered servicemember, or because of a qualifying exigency. Failure to comply with these requirements may result in a delay in the start of FMLA leave. Pursuant to a uniformly applied policy, the employing office may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition (*see* 825.312 and 825.313)). The employing office may delay restoring the employee to employment without such certificate relating to the health condition which caused the employee's absence.

825.101 Purpose of the FMLA.

(a) FMLA is intended to allow employees to balance their work and family life by taking reasonable unpaid leave for medical reasons, for the birth or adoption of a child, for the care of a child, spouse, or parent who has a serious health condition, for the care of a covered servicemember with a serious injury or illness, or because of a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status. The FMLA is intended to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity. It was intended that the FMLA accomplish these purposes in a manner that accommodates the legitimate interests of employing offices, and in a manner consistent with the Equal Protection Clause of the Fourteenth Amendment in minimizing the potential for employment discrimination on the basis of sex, while promoting equal employment opportunity for men and women.

(b) The FMLA was predicated on two fundamental concerns—the needs of the American workforce, and the development of high-performance organizations. Increasingly, America's children and elderly are dependent upon family members who must spend long hours at work. When a family emergency arises, requiring workers to attend to seriously-ill children or parents, or to newly-born or adopted infants, or even to their own serious illness, workers need reassurance that they will not be asked to choose between continuing their employment, and meeting their personal and family obligations or tending to vital needs at home.

(c) The FMLA is both intended and expected to benefit employing offices as well as their employees. A direct correlation exists between stability in the family and productivity in the workplace. FMLA will encourage the development of high-performance organizations. When workers can count on durable links to their workplace they are able to make their own full commitments to their jobs. The record of hearings on family and medical leave indicate the powerful productive advantages of stable workplace relationships, and the comparatively small costs of guaranteeing that those relationships will not be dissolved while workers attend to pressing family health obligations or their own serious illness.

825.102 Definitions.

For purposes of this part:

ADA means the Americans With Disabilities Act (42 U.S.C. 12101 *et seq.*, as amended), as made applicable by the Congressional Accountability Act.

CAA means the Congressional Accountability Act of 1995 (Pub. Law 104–1, 109 Stat. 3, 2 U.S.C. 1301 *et seq.*, as amended).

COBRA means the continuation coverage requirements of Title X of the Consolidated Omnibus Budget Reconciliation Act of 1986 (Pub. Law 99–272, title X, section 10002; 100 Stat. 227; 29 U.S.C. 1161–1168).

Contingency operation means a military operation that:

(1) Is designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(2) Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of Title 10 of the United States Code, chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress. *See also* 825.126(a)(2).

Continuing treatment by a health care provider means any one of the following:

(1) *Incapacity and treatment.* A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(i) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (*e.g.*, physical therapist) under orders of, or on referral by, a health care provider; or

(ii) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

(iii) The requirement in paragraphs (i) and (ii) of this definition for treatment by a health care provider means an in-person visit to a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity.

(iv) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

(v) The term ''extenuating circumstances'' in paragraph (i) means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. *See also* 825.115(a)(5).

(2) *Pregnancy or prenatal care.* Any period of incapacity due to pregnancy, or for prenatal care. 825.120.

(3) *Chronic conditions.* Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(i) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(iii) May cause episodic rather than a continuing period of incapacity (*e.g.*, asthma, diabetes, epilepsy, etc.).

(4) *Permanent or long-term conditions.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(5) *Conditions requiring multiple treatments.* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

(i) Restorative surgery after an accident or other injury; or

(ii) A condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, such

as cancer (chemotherapy, radiation, *etc.*), severe arthritis (physical therapy), kidney disease (dialysis).

(6) Absences attributable to incapacity under paragraphs (2) or (3) of this definition qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

Covered active duty or call to covered active duty status means:

(1) In the case of a member of the Regular Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and,

(2) In the case of a member of the Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to: Section 688 of Title 10 of the United States Code, which authorizes ordering to active duty retired members of the Regular Armed Forces and members of the retired Reserve who retired after completing at least 20 years of active service; Section 12301(a) of Title 10 of the United States Code, which authorizes ordering all reserve component members to active duty in the case of war or national emergency; Section 12302 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Ready Reserve to active duty; Section 12304 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Selected Reserve and certain members of the Individual Ready Reserve to active duty; Section 12305 of Title 10 of the United States Code, which authorizes the suspension of promotion, retirement or separation rules for certain Reserve components; Section 12406 of Title 10 of the United States Code, which authorizes calling the National Guard into Federal service in certain circumstances; chapter 15 of Title 10 of the United States Code, which authorizes calling the National Guard and state military into Federal service in the case of insurrections and national emergencies; or any other provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation. *See* 10 U.S.C. 101(a)(13)(B). *See also* 825.126(a).

Covered employee as defined in the CAA, means any employee of—(1) the House of Representatives; (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Compliance; or (9) the Office of Technology Assessment.

Covered servicemember means:

(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or

(2) A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. *See* 825.127(b)(2).

Eligible employee as defined in the CAA, means:

(1) A covered employee who has been employed for a total of at least 12 months in any employing office on the date on which any FMLA leave is to commence, except that an employing office need not consider any period of previous employment that occurred more than seven years before the date of the most recent hiring of the employee, *unless:*

(i) The break in service is occasioned by the fulfillment of the employee's Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., covered service obligation (the period of absence from work due to or necessitated by USERRA-covered service must be also counted in determining whether the employee has been employed for at least 12 months by any employing office, but this section does not provide any greater entitlement to the employee than would be available under the USERRA, as made applicable by the CAA); or

(ii) A written agreement, including a collective bargaining agreement, exists concerning the employing office's intention to rehire the employee after the break in service (*e.g.*, for purposes of the employee furthering his or her education or for childrearing purposes); and

(2) Who, on the date on which any FMLA leave is to commence, has met the hours of service requirement by having been employed for at least 1,250 hours of service with an employing office during the previous 12-month period, *except that:*

(i) An employee returning from fulfilling his or her USERRA-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service in determining whether the employee met the hours of service requirement (accordingly, a person reemployed following absence from work due to or necessitated by USERRA-covered service has the hours that would have been worked for the employing office added to any hours actually worked during the previous 12-month period to meet the hours of service requirement); and

(ii) To determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations.

Employ means to suffer or permit to work.

Employee means an employee as defined by the CAA and includes an applicant for employment and a former employee.

Employee employed in an instructional capacity. See the definition of Teacher in this section.

Employee of the Capitol Police means any member or officer of the Capitol Police.

Employee of the House of Representatives means an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (9) under the definition of covered employee above.

Employee of the Office of the Architect of the Capitol means any employee of the Office of the Architect of the Capitol or the Botanic Garden.

Employee of the Senate means any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (9) under the definition of covered employee above.

Employing Office, as defined by the CAA, means:

(1) The personal office of a Member of the House of Representatives or of a Senator;

(2) A committee of the House of Representatives or the Senate or a joint committee;

(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) The Office of Congressional Accessibility Services, the United States Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

Employment benefits means all benefits provided or made available to employees by an employing office, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employing office or through an employee benefit plan. The term does not include non-employment related obligations paid by employees through voluntary deductions such as supplemental insurance coverage. *See also* 825.209(a).

FLSA means the Fair Labor Standards Act (29 U.S.C. 201 *et seq.*), as made applicable by the CAA.

FMLA means the Family and Medical Leave Act of 1993, Public Law 103–3 (February 5, 1993), 107 Stat. 6 (29 U.S.C. 2601 *et seq.*, as amended), as made applicable by the CAA.

Group health plan means the Federal Employees Health Benefits Program and any other plan of, or contributed to by, an employing office (including a self-insured plan) to provide health care (directly or otherwise) to the employing office's employees, former employees, or the families of such employees or former employees. For purposes of FMLA, as made applicable by the CAA, the term *group health plan* shall not include an insurance program providing health coverage under which employees purchase individual policies from insurers provided that:

(1) No contributions are made by the employing office;

(2) Participation in the program is completely voluntary for employees;

(3) The sole functions of the employing office with respect to the program are, without endorsing the program, to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the insurer;

(4) The employing office receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit, for administrative services actually rendered in connection with payroll deduction; and,

(5) The premium charged with respect to such coverage does not increase in the event the employment relationship terminates.

Health care provider means:

(1) The FMLA, as made applicable by the CAA, defines health care provider as:

(i) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(ii) Any other person determined by the Department of Labor to be capable of providing health care services.

(2) Others ''capable of providing health care services'' include only:

(i) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;

(ii) Nurse practitioners, nurse-midwives and clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;

(iii) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employing office that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement;

(iv) Any health care provider from whom an employing office or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

(v) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

(3) The phrase ''authorized to practice in the State'' as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

Incapable of self-care means that the individual requires active assistance or supervision to provide daily self-care in several of the ''activities of daily living'' (ADLs) or ''instrumental activities of daily living'' (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Instructional employee: See the definition of *Teacher* in this section.

Intermittent leave means leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy.

Invitational travel authorization (ITA) or *Invitational travel order* (ITO) mean orders issued by the Armed Forces to a family member to join an injured or ill servicemember at his or her bedside. *See also* 825.310(e).

Key employee means a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employing office within 75 miles of the employee's worksite. *See also* 825.217.

Mental disability: See the definition of *Physical or mental disability* in this section.

Military caregiver leave means leave taken to care for a covered servicemember with a serious injury or illness under the Family and Medical Leave Act of 1993. *See also* 825.127.

Next of kin of a covered servicemember means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. *See also* 825.127(d)(3).

Office of Compliance means the independent office established in the legislative branch under section 301 of the CAA (2 U.S.C. 1381).

Outpatient status means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. *See also* 825.127(b)(1).

Parent means a biological, adoptive, step or foster father or mother or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents ''in law.''

Parent of a covered servicemember means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents ''in law.'' See also 825.127(d)(2).

Physical or mental disability means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 CFR part 1630, issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., as amended, provide guidance for these terms.

Reduced leave schedule means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Reserve components of the Armed Forces, for purposes of qualifying exigency leave, include the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve, and Coast Guard Reserve, and retired members of the Regular Armed Forces or Reserves who are called up in support of a contingency operation. *See also* 825.126(a)(2)(i).

Secretary means the Secretary of Labor or authorized representative.

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care as defined in 825.114 or continuing treatment by a health care provider as defined in 825.115. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of 825.113 are met.

Serious injury or illness means:

(1) In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(2) In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

(i) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

(ii) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(iii) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(iv) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. *See also* 825.127(c).

Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and ''incapable of self-care because of a mental or physical disability'' at the time that FMLA leave is to commence.

Son or daughter of a covered servicemember means a covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. *See also* 825.127(d)(1).

Son or daughter on covered active duty or call to covered active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. *See also* 825.126(a)(5).

Spouse means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

(1) Was entered into in a State that recognizes such marriages; or

(2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

Teacher (or employee employed in an instructional capacity, or instructional employee) means an employee employed principally in an instructional capacity by an educational agency or school whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

TRICARE is the health care program serving active duty servicemembers, National Guard and Reserve members, retirees, their families, survivors, and certain former spouses worldwide.

825.103 [Reserved]

825.104 Covered employing offices.

(a) The FMLA, as made applicable by the CAA, covers all employing offices. As used in the CAA, the term employing office means:

(1) The personal office of a Member of the House of Representatives or of a Senator;

(2) A committee of the House of Representatives or the Senate or a joint committee;

(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) The Office of Congressional Accessibility Services, the United States Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

825.105 [Reserved].

825.106 Joint employer coverage.

(a) Where two or more employing offices exercise some control over the work or working conditions of the employee, the employing offices may be joint employers under FMLA, as made applicable by the CAA. Where the employee performs work which simultaneously benefits two or more employing offices, or works for two or more employing offices at different times during the workweek, a joint employment relationship generally will be considered to exist in situations such as:

(1) Where there is an arrangement between employing offices to share an employee's services or to interchange employees;

(2) Where one employing office acts directly or indirectly in the interest of the other employing office in relation to the employee; or

(3) Where the employing offices are not completely disassociated with respect to the employee's employment and may be deemed to share control of the employee, directly or indirectly, because one employing office controls, is controlled by, or is under common control with the other employing office.

(b) A determination of whether or not a joint employment relationship exists is not determined by the application of any single criterion, but rather the entire relationship is to be viewed in its totality. For example, joint employment will ordinarily be found to exist when:

(1) An employee, who is employed by an employing office other than the personal office of a Member of the House of Representatives or of a Senator, is under the actual direction and control of the Member of the House of Representatives or Senator; or

(2) Two or more employing offices employ an individual to work on common issues or other matters for both or all of them.

(c) When employing offices employ a covered employee jointly, they may designate one of themselves to be the primary employing office, and the other or others to be the secondary employing office(s). Such a designation shall be made by written notice to the covered employee.

(d) If an employing office is designated a primary employing office pursuant to paragraph (c) of this section, only that employing office is responsible for giving required notices to the covered employee, providing FMLA leave, and maintenance of health benefits. Job restoration is the primary responsibility of the primary employing office, and the secondary employing office(s) may, subject to the limitations in 825.216, be responsible for accepting the employee returning from FMLA leave.

(e) If employing offices employ an employee jointly, but fail to designate a primary employing office pursuant to paragraph (c) of this section, then all of these employing offices shall be jointly and severally liable for giving required notices to the employee, for providing FMLA leave, for assuring that health benefits are maintained, and for job restoration. The employee may give notice of need for FMLA leave, as described in 825.302 and 825.303, to whichever of these employing offices the employee chooses. If the employee makes a written request for restoration to one of these employing offices, that employing office shall be primarily responsible for job restoration, and the other employing office(s) may, subject to the limitations in 825.216, be responsible for accepting the employee returning from FMLA leave.

825.107 [Reserved]

825.108 [Reserved]

825.109 [Reserved]

825.110 Eligible employees.

(a) An eligible employee is a covered employee of an employing office who:

(1) Has been employed by any employing office for at least 12 months, and

(2) Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

(b) The 12 months an employee must have been employed by any employing office need not be consecutive months, *provided:*

(1) Subject to the exceptions provided in paragraph (b)(2) of this section, employment periods prior to a break in service of seven years or more need not be counted in determining whether the employee has been employed by any employing office for at least 12 months.

(2) Employment periods preceding a break in service of more than seven years must be counted in determining whether the employee has been employed by any employing office for at least 12 months where:

(i) The employee's break in service is occasioned by the fulfillment of his or her Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, *et seq.*, covered service obligation. The period of absence from work due to or necessitated by USERRA-covered service must be also counted in determining whether the employee has been employed for at least 12 months by any employing office. However, this section does not provide any greater entitlement to the employee than would be available under the USERRA; or

(ii) A written agreement, including a collective bargaining agreement, exists concerning the employing office's intention to rehire the employee after the break in service (*e.g.*, for purposes of the employee furthering his or her education or for childrearing purposes).

(3) If an employee worked for two or more employing offices sequentially, the time worked will be aggregated to determine whether it equals 12 months.

(4) If an employee is maintained on the payroll for any part of a week, including any periods of paid or unpaid leave (sick, vacation) during which other benefits or compensation are provided by the employing office (*e.g.*, Federal Employees' Compensation, group health plan benefits, *etc.*), the week counts as a week of employment. For purposes of determining whether intermittent/occasional/casual employment qualifies as at least 12 months, 52 weeks is deemed to be equal to 12 months.

(5) Nothing in this section prevents employing offices from considering employment prior to a continuous break in service of more than seven years when determining whether an employee has met the 12-month employment requirement. However, if an employing office chooses to recognize such prior employment, the employing office must do so uniformly, with respect to all employees with similar breaks in service.

(c)(1) If an employee was employed by two or more employing offices, either sequentially or concurrently, the hours of service will be aggregated to determine whether the minimum of 1,250 hours has been reached.

(2) Except as provided in paragraph (c)(3) of this section, whether an employee has worked the minimum 1,250 hours of service is determined according to the principles established under the Fair Labor Standards Act (FLSA), as applied by section 203 of the CAA (2 U.S.C. 1313), for determining compensable hours of work. The determining factor is the number of hours an employee has worked for one or more employing offices as defined by the CAA. The determination is not limited by methods of recordkeeping, or by compensation agreements that do not accurately reflect all of the hours an employee has worked for or been in service to the employing office. Any accurate accounting of actual hours worked under the FLSA's principles, as made applicable by the CAA (2 U.S.C. 1313), may be used.

(3) An employee returning from USERRA-covered service shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service in determining the employee's eligibility for FMLA-qualifying leave. Accordingly, a person reemployed following USERRA-covered service has the hours that would have been worked for the employing office added to any hours actually worked during the previous 12-month period to meet the hours of service requirement. In order to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations.

(4) In the event an employing office does not maintain an accurate record of hours worked by an employee, including for employees who are exempt from the overtime requirements of the FLSA, as made applicable by the CAA and its regulations, the employing office has the burden of showing that the employee has not worked the requisite hours. An employing office must be able to clearly demonstrate, for example, that full time teachers (*see* 825.102 for definition) of an elementary or secondary school system, or institution of higher education, or other educational establishment or institution (who often work outside the classroom or at their homes) did not work 1,250 hours during the previous 12 months in order to claim that the teachers are not covered or eligible for FMLA leave.

(d) The determination of whether an employee meets the hours of service requirement for any employing office and has been employed by any employing office for a total of at least 12 months, must be made as of the date the FMLA leave is to start. An employee may be on non-FMLA leave at the time he or she meets the 12-month eligibility requirement, and in that event, any portion of the leave taken for an FMLA-qualifying reason after the employee meets the eligibility requirement would be FMLA leave. *See* 825.300(b) for rules governing the content of the eligibility notice given to employees.

(e) If, before beginning employment with an employing office, an employee had been employed by another employing office, the subsequent employing office may count against the employee's FMLA leave entitlement FMLA leave taken from the prior employing office, so long as the prior employing office properly designated the leave as FMLA under these regulations or other applicable requirements.

825.111 [Reserved]

825.112 Qualifying reasons for leave, general rule.

(a) *Circumstances qualifying for leave.* Employing offices covered by FMLA as made applicable by the CAA are required to grant leave to eligible employees:

(1) For birth of a son or daughter, and to care for the newborn child (*see* 825.120);

(2) For placement with the employee of a son or daughter for adoption or foster care (*see* 825.121);

(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition (*see* 825.113 and 825.122);

(4) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job (*see* 825.113 and 825.123);

(5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status) (*see* 825.122 and 825.126); and

(6) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember (*see* 825.122 and 825.127).

(b) *Equal Application.* The right to take leave under FMLA, as made applicable by the CAA, applies equally to male and female employees. A father, as well as a mother, can take family leave for the birth, placement for adoption, or foster care of a child.

(c) *Active employee.* In situations where the employing office/employee relationship has been interrupted, such as an employee who has been on layoff, the employee must be recalled or otherwise be re-employed before being eligible for FMLA leave. Under such circumstances, an eligible employee is immediately entitled to further FMLA leave for a qualifying reason.

825.113 Serious health condition.

(a) For purposes of FMLA, *serious health condition* entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves inpatient care as defined in 825.114 or continuing treatment by a health care provider as defined in 825.115.

(b) The term *incapacity* means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.

(c) The term treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (*e.g.*, an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (*e.g.*, oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

(d) Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, *etc.*, are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of this section are met.

825.114 Inpatient care.

In patient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity as defined in 825.113(b), or any subsequent treatment in connection with such inpatient care.

825.115 Continuing treatment.

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(a) *Incapacity and treatment.* A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(1) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (*e.g.*, physical therapist) under orders of, or on referral by, a health care provider; or

(2) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

(3) The requirement in paragraphs (a)(1) and (2) of this section for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.

(4) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

(5) The term *extenuating circumstances* in paragraph (a)(1) of this section means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the 30-day period, but the health care provider does not have any available appointments during that time period.

(b) *Pregnancy or prenatal care.* Any period of incapacity due to pregnancy, or for prenatal care. *See also* 825.120.

(c) *Chronic conditions.* Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(1) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity (*e.g.*, asthma, diabetes, epilepsy, etc.).

(d) *Permanent or long-term conditions.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(e) *Conditions requiring multiple treatments.* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

(1) Restorative surgery after an accident or other injury; or

(2) A condition that would likely result in a period of incapacity of more than three

consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, *etc.*), severe arthritis (physical therapy), or kidney disease (dialysis).

(f) Absences attributable to incapacity under paragraphs (b) or (c) of this section qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

825.116 [Reserved]

825.117 [Reserved]

825.118 [Reserved]

825.119 Leave for treatment of substance abuse.

(a) Substance abuse may be a serious health condition if the conditions of 825.113 through 825.115 are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

(b) Treatment for substance abuse does not prevent an employing office from taking employment action against an employee. The employing office may not take action against the employee because the employee has exercised his or her right to take FMLA leave for treatment. However, if the employing office has an established policy, applied in a non-discriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking FMLA leave. An employee may also take FMLA leave to care for a covered family member who is receiving treatment for substance abuse. The employing office may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

825.120 Leave for pregnancy or birth.

(a) *General rules.* Eligible employees are entitled to FMLA leave for pregnancy or birth of a child as follows:

(1) Both parents are entitled to FMLA leave for the birth of their child.

(2) Both parents are entitled to FMLA leave to be with the healthy newborn child (*i.e.,* bonding time) during the 12-month period beginning on the date of birth. An employee's entitlement to FMLA leave for a birth expires at the end of the 12-month period beginning on the date of the birth. If the employing office permits bonding leave to be taken beyond this period, such leave will not qualify as FMLA leave. Under this section, both parents are entitled to FMLA leave even if the newborn does not have a serious health condition.

(3) Spouses who are eligible for FMLA leave and are employed by the same employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a healthy, newborn child, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

(4) The expectant mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child. An expectant mother may take FMLA leave before the birth of the child for prenatal care or if her condition makes her unable to work. The expectant mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health care provider during the absence, and even if the absence does not last for more than three consecutive calendar days.

(5) A spouse is entitled to FMLA leave if needed to care for a pregnant spouse who is incapacitated or if needed to care for her during her prenatal care, or if needed to care for her following the birth of a child if she has a serious health condition. *See* 825.124.

(6) Both parents are entitled to FMLA leave if needed to care for a child with a serious health condition if the requirements of 825.113 through 825.115 and 825.122(d) are met. Thus, spouses may each take 12 weeks of FMLA leave if needed to care for their newborn child with a serious health condition, even if both are employed by the same employing office, provided they have not exhausted their entitlements during the applicable 12-month FMLA leave period.

(b) *Intermittent and reduced schedule leave.* An eligible employee may use intermittent or reduced schedule leave after the birth to be with a healthy newborn child only if the employing office agrees. For example, an employing office and employee may agree to a part-time work schedule after the birth. If the employing office agrees to permit intermittent or reduced schedule leave for the birth of a child, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced leave. The employing office's agreement is not required for intermittent leave required by the serious health condition of the expectant mother or newborn child. *See* 825.202–825.205 for general rules governing the use of intermittent and reduced schedule leave. *See* 825.121 for rules governing leave for adoption or foster care. *See* 825.601 for special rules applicable to instructional employees of schools.

825.121 Leave for adoption or foster care.

(a) *General rules.* Eligible employees are entitled to FMLA leave for placement with the employee of a son or daughter for adoption or foster care as follows:

(1) Employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. For example, the employee may be required to attend counseling sessions, appear in court, consult with his or her attorney or the doctor(s) representing the birth parent, submit to a physical examination, or travel to another country to complete an adoption. The source of an adopted child (*e.g.*, whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for leave for this purpose.

(2) An employee's entitlement to leave for adoption or foster care expires at the end of the 12-month period beginning on the date of the placement. If the employing office permits leave for adoption or foster care to be taken beyond this period, such leave will not qualify as FMLA leave. Under this section, the employee is entitled to FMLA leave even if the adopted or foster child does not have a serious health condition.

(3) Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for the placement of the employee's son or daughter or to care for the child after placement, for the birth of the employee's son or daughter or to care for the child after birth, or to care for the employee's parent with a serious health condition. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a healthy, newly placed child, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

(4) An eligible employee is entitled to FMLA leave in order to care for an adopted or foster child with a serious health condition if the requirements of 825.113 through 825.115 and 825.122(d) are met. Thus, spouses may each take 12 weeks of FMLA leave if needed to care for an adopted or foster child with a serious health condition, even if both are employed by the same employing office, provided they have not exhausted their entitlements during the applicable 12-month FMLA leave period.

(b) *Use of intermittent and reduced schedule leave.* An eligible employee may use intermittent or reduced schedule leave after the placement of a healthy child for adoption or foster care only if the employing office agrees. Thus, for example, the employing office and employee may agree to a part-time work schedule after the placement for bonding purposes. If the employing office agrees to permit intermittent or reduced schedule leave for the placement for adoption or foster care, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced leave. The employing office's agreement is not required for intermittent leave required by the serious health condition of the adopted or foster child. *See* 825.202–825.205 for general rules governing the use of intermittent and reduced schedule leave. *See* 825.120 for general rules governing leave for pregnancy and birth of a child. *See* 825.601 for special rules applicable to instructional employees of schools.

825.122 Definitions of covered servicemember, spouse, parent, son or daughter, next of kin of a covered servicemember, adoption, foster care, son or daughter on covered active duty or call to covered active duty status, son or daughter of a covered servicemember, and parent of a covered servicemember.

(a) *Covered servicemember* means:

(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(2) A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. *Covered veteran* means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. *See* 825.127(b)(2).

(b) *Spouse* means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

(1) Was entered into in a State that recognizes such marriages; or

(2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

(c) *Parent.* Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined in paragraph (d) of this section. This term does not include parents ''in law.''

(d) *Son or daughter.* For purposes of FMLA leave taken for birth or adoption, or to care for a family member with a serious health condition, son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and ''incapable of self-care because of a mental or physical disability'' at the time that FMLA leave is to commence.

(1) *Incapable of self-care* means that the individual requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (ADLs) or instrumental activities of daily living (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, *etc.*

(2) *Physical or mental disability* means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 CFR 1630.2(h), (i), and (j), issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 *et seq.*, provide guidance for these terms.

(3) Persons who are ''in loco parentis'' include those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

(e) *Next of kin of a covered servicemember* means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. *See* 825.127(d)(3).

(f) *Adoption* means legally and permanently assuming the responsibility of raising a child as one's own. The source of an adopted child (*e.g.*, whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for FMLA leave. *See* 825.121 for rules governing leave for adoption.

(g) *Foster care* means 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody. *See* 825.121 for rules governing leave for foster care.

(h) *Son or daughter on covered active duty or call to covered active duty status* means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. *See* 825.126(a)(5).

(i) *Son or daughter of a covered servicemember* means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. *See* 825.127(d)(1).

(j) *Parent of a covered servicemember* means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents ''in law.'' *See* 825.127(d)(2).

(k) *Documenting relationships.* For purposes of confirmation of family relationship, the employing office may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child's birth certificate, a court document, *etc.* The employing office is entitled to examine documentation such as a birth certificate, *etc.*, but the employee is entitled to the return of the official document submitted for this purpose.

825.123 Unable to perform the functions of the position.

(a) *Definition.* An employee is unable to perform the functions of the position where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act (ADA), as amended and made applicable by Section 201(a) of the CAA (2 U.S.C. 1311(a)(3)). An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

(b) *Statement of functions.* An employing office has the option, in requiring certification from a health care provider, to provide a statement of the essential functions of the employee's position for the health care provider to review. A sufficient medical certification must specify what functions of the employee's position the employee is unable to perform so that the employing office can then determine whether the employee is unable to perform one or more essential functions of the employee's position. For purposes of the FMLA, the essential functions of the employee's position are to be determined with reference to the position the employee held at the time notice is given or leave commenced, whichever is earlier. *See* 825.306.

825.124 Needed to care for a family member or covered servicemember.

(a) The medical certification provision that an employee is needed to care for a family member or covered servicemember encompasses both physical and psychological care. It includes situations where, for example, because of a serious health condition,

the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor. The term also includes providing psychological comfort and reassurance which would be beneficial to a child, spouse or parent with a serious health condition who is receiving inpatient or home care.

(b) The term also includes situations where the employee may be needed to substitute for others who normally care for the family member or covered servicemember, or to make arrangements for changes in care, such as transfer to a nursing home. The employee need not be the only individual or family member available to care for the family member or covered servicemember.

(c) An employee's intermittent leave or a reduced leave schedule necessary to care for a family member or covered servicemember includes not only a situation where the condition of the family member or covered servicemember itself is intermittent, but also where the employee is only needed intermittently—such as where other care is normally available, or care responsibilities are shared with another member of the family or a third party. *See* 825.202–825.205 for rules governing the use of intermittent or reduced schedule leave.

825.125 Definition of health care provider.

(a) The FMLA, as made applicable by the CAA, defines *health care provider* as:

(1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(2) Any other person determined by the Office of Compliance to be capable of providing health care services.

(3) In making a determination referred to in subparagraph (a)(2), and absent good cause shown to do otherwise, the Office of Compliance will follow any determination made by the Department of Labor (under section 101(6)(B) of FMLA (29 U.S.C. 2611(6)(B))) that a person is capable of providing health care services, provided the determination by the Department of Labor was not made at the request of a person who was then a covered employee.

(b) Others capable of providing health care services include only:

(1) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;

(2) Nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;

(3) Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employing office that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement;

(4) Any health care provider from whom an employing office or the employing office's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

(5) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

(c) The phrase authorized to practice in the State as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

825.126 Leave because of a qualifying exigency.

(a) Eligible employees may take FMLA leave for a qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).

(1) *Covered active duty or call to covered active duty status* in the case of a member of the Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. The active duty orders of a member of the Regular components of the Armed Forces will generally specify if the member is deployed to a foreign country.

(2) *Covered active duty or call to covered active duty status* in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to: Section 688 of Title 10 of the United States Code, which authorizes ordering to active duty retired members of the Regular Armed Forces and members of the retired Reserve who retired after completing at least 20 years of active service; Section 12301(a) of Title 10 of the United States Code, which authorizes ordering all reserve component members to active duty in the case of war or national emergency; Section 12302 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Ready Reserve to active duty; Section 12304 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Selected Reserve and certain members of the Individual Ready Reserve to active duty; Section 12305 of Title 10 of the United States Code, which authorizes the suspension of promotion, retirement or separation rules for certain Reserve components; Section 12406 of Title 10 of the United States Code, which authorizes calling the National Guard into Federal service in certain circumstances; chapter 15 of Title 10 of the United States Code, which authorizes calling the National Guard and state military into Federal service in the case of insurrections and national emergencies; or any other provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation. *See* 10 U.S.C. 101(a)(13)(B).

(i) For purposes of covered active duty or call to covered active duty status, the Reserve components of the Armed Forces include the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve, and retired members of the Regular Armed Forces or Reserves who are called up in support of a contingency operation pursuant to one of the provisions of law identified in paragraph (a)(2).

(ii) The active duty orders of a member of the Reserve components will generally specify if the military member is serving in support of a contingency operation by citation to the relevant section of Title 10 of the United States Code and/or by reference to the specific name of the contingency operation and will specify that the deployment is to a foreign country.

(3) *Deployment of the member with the Armed Forces to a foreign country* means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the United States, including international waters.

(4) A call to covered active duty for purposes of leave taken because of a qualifying exigency refers to a Federal call to active duty. State calls to active duty are not covered unless under order of the President of the United States pursuant to one of the provisions of law identified in paragraph (a)(2) of this section.

(5) *Son or daughter on covered active duty or call to covered active duty status* means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age.

(b) An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:

(1) *Short-notice deployment.* (i) To address any issue that arises from the fact that the military member is notified of an impending call or order to covered active duty seven or less calendar days prior to the date of deployment;

(ii) Leave taken for this purpose can be used for a period of seven calendar days beginning on the date the military member is notified of an impending call or order to covered active duty;

(2) *Military events and related activities.* (i) To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of the military member; and

(ii) To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of the military member;

(3) *Childcare and school activities.* For the purposes of leave for childcare and school activities listed in (i) through (iv) of this paragraph, a child of the military member must be the military member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the military member stands in loco parentis, who is either under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. As with all instances of qualifying exigency leave, the military member must be the spouse, son, daughter, or parent of the employee requesting qualifying exigency leave.

(i) To arrange for alternative childcare for a child of the military member when the covered active duty or call to covered active duty status of the military member necessitates a change in the existing childcare arrangement;

(ii) To provide childcare for a child of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide

such care arises from the covered active duty or call to covered active duty status of the military member;

(iii) To enroll in or transfer to a new school or day care facility a child of the military member when enrollment or transfer is necessitated by the covered active duty or call to covered active duty status of the military member; and

(iv) To attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a child of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member;

(4) *Financial and legal arrangements.* (i) To make or update financial or legal arrangements to address the military member's absence while on covered active duty or call to covered active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust; and

(ii) To act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of 90 days following the termination of the military member's covered active duty status;

(5) *Counseling.* To attend counseling provided by someone other than a health care provider, for oneself, for the military member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the military member, or a child for whom the military member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the covered active duty or call to covered active duty status of the military member;

(6) *Rest and Recuperation.* (i) To spend time with the military member who is on short-term, temporary, Rest and Recuperation leave during the period of deployment;

(ii) Leave taken for this purpose can be used for a period of 15 calendar days beginning on the date the military member commences each instance of Rest and Recuperation leave;

(7) *Post-deployment activities.* (i) To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the military member's covered active duty status; and

(ii) To address issues that arise from the death of the military member while on covered active duty status, such as meeting and recovering the body of the military member, making funeral arrangements, and attending funeral services;

(8) *Parental care.* For purposes of leave for parental care listed in (i) through (iv) of this paragraph, the parent of the military member must be incapable of self-care and must be the military member's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age. A parent who is incapable of self-care means that the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living. Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, *etc.* As with all instances of qualifying exigency leave, the military member must be the spouse, son, daughter, or parent of the employee requesting qualifying exigency leave.

(i) To arrange for alternative care for a parent of the military member when the parent is incapable of self-care and the covered active duty or call to covered active duty status of the military member necessitates a change in the existing care arrangement for the parent;

(ii) To provide care for a parent of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from the covered active duty or call to covered active duty status of the military member;

(iii) To admit to or transfer to a care facility a parent of the military member when admittance or transfer is necessitated by the covered active duty or call to covered active duty status of the military member; and

(iv) To attend meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member but not for routine or regular meetings;

(9) *Additional activities.* To address other events which arise out of the military member's covered active duty or call to covered active duty status provided that the employing office and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

825.127 Leave to care for a covered servicemember with a serious injury or illness (military caregiver leave).

(a) Eligible employees are entitled to FMLA leave to care for a covered servicemember with a serious illness or injury.

(b) *Covered servicemember* means:

(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness. *Outpatient status* means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

(2) A covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. *Covered veteran* means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. An eligible employee must commence leave to care for a covered veteran within five years of the veteran's active duty service, but the single 12-month period described in paragraph (e)(1) of this section may extend beyond the five-year period.

(i) For an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to the effective date of this Final Rule, the period between October 28, 2009 and the effective date of this Final Rule shall not count towards the determination of the five-year period for covered veteran status.

(c) A *serious injury or illness* means:

(1) In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,

(2) In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces), and manifested itself before or after the member became a veteran, and is:

(i) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

(ii) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(iii) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(iv) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

(d) In order to care for a covered servicemember, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered servicemember.

(1) *Son or daughter of a covered servicemember* means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

(2) *Parent of a covered servicemember* means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents ''in law.''

(3) *Next of kin of a covered servicemember* means the nearest blood relative, other than

the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin. An employing office is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to 825.122(k).

(e) An eligible employee is entitled to 26 workweeks of leave to care for a covered servicemember with a serious injury or illness during a single 12-month period.

(1) The single 12-month period described in paragraph (e) of this section begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date, regardless of the method used by the employing office to determine the employee's 12 workweeks of leave entitlement for other FMLA-qualifying reasons. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered servicemember during this single 12-month period, the remaining part of his or her 26 workweeks of leave entitlement to care for the covered servicemember is forfeited.

(2) The leave entitlement described in paragraph (e) of this section is to be applied on a per-covered-servicemember, per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period. An eligible employee may take more than one period of 26 workweeks of leave to care for a covered servicemember with more than one serious injury or illness only when the serious injury or illness is a subsequent serious injury or illness. When an eligible employee takes leave to care for more than one covered servicemember or for a subsequent serious injury or illness of the same covered servicemember, and the single 12-month periods corresponding to the different military caregiver leave entitlements overlap, the employee is limited to taking no more than 26 workweeks of leave in each single 12-month period.

(3) An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period described in paragraph (e) of this section, provided that the employee is entitled to no more than 12 workweeks of leave for one or more of the following: because of the birth of a son or daughter of the employee and in order to care for such son or daughter; because of the placement of a son or daughter with the employee for adoption or foster care; in order to care for the spouse, son, daughter, or parent with a serious health condition; because of the employee's own serious health condition; or because of a qualifying exigency. Thus, for example, an eligible employee may, during the single 12-month period, take 16 workweeks of FMLA leave to care for a covered servicemember and 10 workweeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the single 12-month period, even if the employee takes fewer than 14 workweeks of FMLA leave to care for a covered servicemember.

(4) In all circumstances, including for leave taken to care for a covered servicemember, the employing office is responsible for designating leave, paid or unpaid, as FMLA-qualifying, and for giving notice of the designation to the employee as provided in 825.300. In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the single 12-month period described in paragraph (e) of this section, the employing office must designate such leave as leave to care for a covered servicemember in the first instance. Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the single 12-month period described in paragraph (e) of this section must not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition. As is the case with leave taken for other qualifying reasons, employing offices may retroactively designate leave as leave to care for a covered servicemember pursuant to 825.301(d).

(f) Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 26 workweeks of leave during the single 12-month period described in paragraph (e) of this section if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 26 workweeks of FMLA leave.

SUBPART B—EMPLOYEE LEAVE ENTITLEMENTS UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.200 Amount of Leave.

(a) Except in the case of leave to care for a covered servicemember with a serious injury or illness, an eligible employee's FMLA leave entitlement is limited to a total of 12 workweeks of leave during any 12-month period for any one, or more, of the following reasons:

(1) The birth of the employee's son or daughter, and to care for the newborn child;

(2) The placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child;

(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition;

(4) Because of a serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job; and

(5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty).

(b) An employing office is permitted to choose any one of the following methods for determining the 12-month period in which the 12 weeks of leave entitlement described in paragraph (a) of this section occurs:

(1) The calendar year;

(2) Any fixed 12-month leave year, such as a fiscal year or a year starting on an employee's anniversary date;

(3) The 12-month period measured forward from the date any employee's first FMLA leave under paragraph (a) begins; or

(4) A ''rolling'' 12-month period measured backward from the date an employee uses any FMLA leave as described in paragraph (a).

(c) Under methods in paragraphs (b)(1) and (b)(2) of this section an employee would be entitled to up to 12 weeks of FMLA leave at any time in the fixed 12-month period selected. An employee could, therefore, take 12 weeks of leave at the end of the year and 12 weeks at the beginning of the following year. Under the method in paragraph (b)(3) of this section, an employee would be entitled to 12 weeks of leave during the year beginning on the first date FMLA leave is taken; the next 12-month period would begin the first time FMLA leave is taken after completion of any previous 12-month period. Under the method in paragraph (b)(4) of this section, the ''rolling'' 12-month period, each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example, if an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning February 1, 2008, four weeks beginning June 1, 2008, and four weeks beginning December 1, 2008, the employee would not be entitled to any additional leave until February 1, 2009. However, beginning on February 1, 2009, the employee would again be eligible to take FMLA leave, recouping the right to take the leave in the same manner and amounts in which it was used in the previous year. Thus, the employee would recoup (and be entitled to use) one additional day of FMLA leave each day for four weeks, commencing February 1, 2009. The employee would also begin to recoup additional days beginning on June 1, 2009, and additional days beginning on December 1, 2009. Accordingly, employing offices using the rolling 12-month period may need to calculate whether the employee is entitled to take FMLA leave each time that leave is requested, and employees taking FMLA leave on such a basis may fall in and out of FMLA protection based on their FMLA usage in the prior 12 months. For example, in the example above, if the employee

needs six weeks of leave for a serious health condition commencing February 1, 2009, only the first four weeks of the leave would be FMLA-protected.

(d)(1) Employing offices will be allowed to choose any one of the alternatives in paragraph (b) of this section for the leave entitlements described in paragraph (a) of this section provided the alternative chosen is applied consistently and uniformly to all employees. An employing office wishing to change to another alternative is required to give at least 60 days notice to all employees, and the transition must take place in such a way that the employees retain the full benefit of 12 weeks of leave under whichever method affords the greatest benefit to the employee. Under no circumstances may a new method be implemented in order to avoid the CAA's FMLA leave requirements.

(2) [Reserved]

(e) If an employing office fails to select one of the options in paragraph (b) of this section for measuring the 12-month period for the leave entitlements described in paragraph (a), the option that provides the most beneficial outcome for the employee will be used. The employing office may subsequently select an option only by providing the 60-day notice to all employees of the option the employing office intends to implement. During the running of the 60-day period any other employee who needs FMLA leave may use the option providing the most beneficial outcome to that employee. At the conclusion of the 60-day period the employing office may implement the selected option.

(f) An eligible employee's FMLA leave entitlement is limited to a total of 26 workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness. An employing office shall determine the single 12-month period in which the 26 weeks of leave entitlement described in this paragraph occurs using the 12-month period measured forward from the date an employee's first FMLA leave to care for the covered servicemember begins. *See* 825.127(e)(1).

(g) During the single 12-month period described in paragraph (f), an eligible employee's FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason. *See* 825.127(e)(3).

(h) For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one week, the holiday will not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, if for some reason the employing office's business activity has temporarily ceased and employees generally are not expected to report for work for one or more weeks (*e.g.,* a school closing two weeks for the Christmas/New Year holiday or the summer vacation or an employing office closing the office for repairs), the days the employing office's activities have ceased do not count against the employee's FMLA leave entitlement. Methods for determining an employee's 12-week leave entitlement are also described in 825.205.

(i)(1) If employing offices jointly employ an employee, and if they designate a primary employing office pursuant to 825.106(c), the primary employing office may choose any one of the alternatives in paragraph (b) of this section for measuring the 12-month period, provided that the alternative chosen is applied consistently and uniformly to all employees of the primary employing office including the jointly employed employee.

(2) If employing offices fail to designate a primary employing office pursuant to 825.106(c), an employee jointly employed by the employing offices may, by so notifying one of the employing offices, select that employing office to be the primary employing office of the employee for purposes of the application of paragraphs (d) and (e) of this section.

825.201 Leave to care for a parent.

(a) *General rule.* An eligible employee is entitled to FMLA leave if needed to care for the employee's parent with a serious health condition. Care for parents-in-law is not covered by the FMLA. See 825.122(c) for definition of parent.

(b) *Same employing office limitation.* Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken to care for the employee's parent with a serious health condition, for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where the spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a parent, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition. *See also* 825.127(d).

825.202 Intermittent leave or reduced leave schedule.

(a) *Definition.* FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. *Intermittent leave* is FMLA leave taken in separate blocks of time due to a single qualifying reason. A *reduced leave schedule* is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

(b) *Medical necessity.* For intermittent leave or leave on a reduced leave schedule taken because of one's own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or to care for a covered servicemember with a serious injury or illness, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the certification of a serious health condition and in the certification of a serious injury or illness, if required by the employing office, addresses the medical necessity of intermittent leave or leave on a reduced leave schedule. See 825.306, 825.310. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a serious health condition or of a covered servicemember's serious injury or illness, or for recovery from treatment or recovery from a serious health condition or a covered servicemember's serious injury or illness. It may also be taken to provide care or psychological comfort to a covered family member with a serious health condition or a covered servicemember with a serious injury or illness.

(1) Intermittent leave may be taken for a serious health condition of a spouse, parent, son, or daughter, for the employee's own serious health condition, or a serious injury or illness of a covered servicemember which requires treatment by a health care provider periodically, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy. A pregnant employee may take leave intermittently for prenatal examinations or for her own condition, such as for periods of severe morning sickness. An example of an employee taking leave on a reduced leave schedule is an employee who is recovering from a serious health condition and is not strong enough to work a full-time schedule.

(2) Intermittent or reduced schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition or a serious injury or illness of a covered servicemember, even if he or she does not receive treatment by a health care provider. *See* 825.113 and 825.127.

(c) *Birth or placement.* When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the employing office agrees. Such a schedule reduction might occur, for example, where an employee, with the employing office's agreement, works part-time after the birth of a child, or takes leave in several segments. The employing office's agreement is not required, however, for leave during which the expectant mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition. See 825.204 for rules governing transfer to an alternative position that better accommodates intermittent leave. *See also* 825.120 (pregnancy) and 825.121 (adoption and foster care).

(d) *Qualifying exigency.* Leave due to a qualifying exigency may be taken on an intermittent or reduced leave schedule basis.

825.203 Scheduling of intermittent or reduced schedule leave.

Eligible employees may take FMLA leave on an intermittent or reduced schedule basis when medically necessary due to the serious health condition of a covered family member or the employee or the serious injury or illness of a covered servicemember. See 825.202. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to

schedule the treatment so as not to disrupt unduly the employing office's operations.

825.204 Transfer of an employee to an alternative position during intermittent leave or reduced schedule leave.

(a) *Transfer or reassignment.* If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee, a family member, or a covered servicemember, including during a period of recovery from one's own serious health condition, a serious health condition of a spouse, parent, son, or daughter, or a serious injury or illness of a covered servicemember, or if the employing office agrees to permit intermittent or reduced schedule leave for the birth of a child or for placement of a child for adoption or foster care, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. *See* 825.601 for special rules applicable to instructional employees of schools.

(b) *Compliance.* Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and Federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced scheduled leave.

(c) *Equivalent pay and benefits.* The alternative position must have equivalent pay and benefits. An alternative position for these purposes does not have to have equivalent duties. The employing office may increase the pay and benefits of an existing alternative position, so as to make them equivalent to the pay and benefits of the employee's regular job. The employing office may also transfer the employee to a part-time job with the same hourly rate of pay and benefits, provided the employee is not required to take more leave than is medically necessary. For example, an employee desiring to take leave in increments of four hours per day could be transferred to a half-time job, or could remain in the employee's same job on a part-time schedule, paying the same hourly rate as the employee's previous job and enjoying the same benefits. The employing office may not eliminate benefits which otherwise would not be provided to part-time employees; however, an employing office may proportionately reduce benefits such as vacation leave where an employing office's normal practice is to base such benefits on the number of hours worked.

(d) *Employing office limitations.* An employing office may not transfer the employee to an alternative position in order to discourage the employee from taking leave or otherwise work a hardship on the employee. For example, a white collar employee may not be assigned to perform laborer's work; an employee working the day shift may not be reassigned to the graveyard shift; an employee working in the headquarters facility may not be reassigned to a branch a significant distance away from the employee's normal job location. Any such attempt on the part of the employing office to make such a transfer will be held to be contrary to the prohibited acts provisions of the FMLA, as made applicable by the CAA.

(e) *Reinstatement of employee.* When an employee who is taking leave intermittently or on a reduced leave schedule and has been transferred to an alternative position no longer needs to continue on leave and is able to return to full-time work, the employee must be placed in the same or equivalent job as the job he or she left when the leave commenced. An employee may not be required to take more leave than necessary to address the circumstance that precipitated the need for leave.

825.205 Increments of FMLA leave for intermittent or reduced schedule leave.

(a) *Minimum increment.* (1) When an employee takes FMLA leave on an intermittent or reduced leave schedule basis, the employing office must account for the leave using an increment no greater than the shortest period of time that the employing office uses to account for use of other forms of leave provided that it is not greater than one hour and provided further that an employee's FMLA leave entitlement may not be reduced by more than the amount of leave actually taken. An employing office may not require an employee to take more leave than is necessary to address the circumstances that precipitated the need for the leave, provided that the leave is counted using the shortest increment of leave used to account for any other type of leave. *See also* 825.205(a)(2) for the physical impossibility exception, and 825.600 and 825.601 for special rules applicable to employees of schools. If an employing office uses different increments to account for different types of leave, the employing office must account for FMLA leave in the smallest increment used to account for any other type of leave. For example, if an employing office accounts for the use of annual leave in increments of one hour and the use of sick leave in increments of one-half hour, then FMLA leave use must be accounted for using increments no larger than one-half hour. If an employing office accounts for use of leave in varying increments at different times of the day or shift, the employing office may also account for FMLA leave in varying increments, provided that the increment used for FMLA leave is no greater than the smallest increment used for any other type of leave during the period in which the FMLA leave is taken. If an employing office accounts for other forms of leave use in increments greater than one hour, the employing office must account for FMLA leave use in increments no greater than one hour. An employing office may account for FMLA leave in shorter increments than used for other forms of leave. For example, an employing office that accounts for other forms of leave in one hour increments may account for FMLA leave in a shorter increment when the employee arrives at work several minutes late, and the employing office wants the employee to begin work immediately. Such accounting for FMLA leave will not alter the increment considered to be the shortest period used to account for other forms of leave or the use of FMLA leave in other circumstances. In all cases, employees may not be charged FMLA leave for periods during which they are working.

(2) Where it is physically impossible for an employee using intermittent leave or working a reduced leave schedule to commence or end work mid-way through a shift, such as where a flight attendant or a railroad conductor is scheduled to work aboard an airplane or train, or a laboratory employee is unable to enter or leave a sealed ''clean room'' during a certain period of time and no equivalent position is available, the entire period that the employee is forced to be absent is designated as FMLA leave and counts against the employee's FMLA entitlement. The period of the physical impossibility is limited to the period during which the employing office is unable to permit the employee to work prior to a period of FMLA leave or return the employee to the same or equivalent position due to the physical impossibility after a period of FMLA leave. *See* 825.214.

(b) *Calculation of leave.* (1) When an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. The actual workweek is the basis of leave entitlement. Therefore, if an employee who would otherwise work 40 hours a week takes off eight hours, the employee would use one-fifth (1/5) of a week of FMLA leave. Similarly, if a full-time employee who would otherwise work eight hour days works four-hour days under a reduced leave schedule, the employee would use one half (1/2) week of FMLA leave each week. Where an employee works a part-time schedule or variable hours, the amount of FMLA leave that an employee uses is determined on a pro rata or proportional basis. If an employee who would otherwise work 30 hours per week, but works only 20 hours a week under a reduced leave schedule, the employee's 10 hours of leave would constitute one-third (1/3) of a week of FMLA leave for each week the employee works the reduced leave schedule. An employing office may convert these fractions to their hourly equivalent so long as the conversion equitably reflects the employee's total normally scheduled hours. An employee does not accrue FMLA-protected leave at any particular hourly rate. An eligible employee is entitled to up to a total of 12 workweeks of leave, or 26 workweeks in the case of military caregiver leave, and the total number of hours contained in those workweeks is necessarily dependent on the specific hours the employee would have worked but for the use of leave. *See also* 825.601 and 825.602 on special rules for schools.

(2) If an employing office has made a permanent or long-term change in the employee's schedule (for reasons other than FMLA, and prior to the notice of need for FMLA leave), the hours worked under the new schedule are to be used for making this calculation.

(3) If an employee's schedule varies from week to week to such an extent that an employing office is unable to determine with any certainty how many hours the employee would otherwise have worked (but for the taking of FMLA leave), a weekly average of the hours worked over the 12 months prior to the beginning of the leave period (including any hours for which the employee took leave of any type) would be used for calculating the employee's leave entitlement.

(c) *Overtime.* If an employee would normally be required to work overtime, but is unable to do so because of a FMLA-qualifying reason that limits the employee's ability to work overtime, the hours which the employee would have been required to work may be counted against the employee's FMLA entitlement. In such a case, the employee is using intermittent or reduced schedule leave. For example, if an employee would normally be required to work for 48 hours in a particular week, but due to a serious health condition the employee is unable to work more than 40 hours that week, the employee would utilize eight hours of FMLA-protected leave out of the 48-hour workweek, or one-sixth (1/6) of a week of FMLA leave. Voluntary overtime hours that an employee does not work due to an FMLA-

qualifying reason may not be counted against the employee's FMLA leave entitlement.

825.206 Interaction with the FLSA, as made applicable by the Congressional Accountability Act.

(a) Leave taken under FMLA, as made applicable by the CAA, may be unpaid. If an employee is otherwise exempt from minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA), as made applicable by the CAA, and as exempt under regulations issued by the Board, at part 541, providing unpaid FMLA-qualifying leave to such an employee will not cause the employee to lose the FLSA exemption. This means that under regulations currently in effect, where an employee meets the specified duties test, is paid on a salary basis, and is paid a salary of at least the amount specified in the regulations, the employing office may make deductions from the employee's salary for any hours taken as intermittent or reduced FMLA leave within a workweek, without affecting the exempt status of the employee.

(b) For an employee paid in accordance with a fluctuating workweek method of payment for overtime, where permitted by section 203 of the CAA (2 U.S.C. 1313), the employing office, during the period in which intermittent or reduced schedule FMLA leave is scheduled to be taken, may compensate an employee on an hourly basis and pay only for the hours the employee works, including time and one-half the employee's regular rate for overtime hours. The change to payment on an hourly basis would include the entire period during which the employee is taking intermittent leave, including weeks in which no leave is taken. The hourly rate shall be determined by dividing the employee's weekly salary by the employee's normal or average schedule of hours worked during weeks in which FMLA leave is not being taken. If an employing office chooses to follow this exception from the fluctuating workweek method of payment, the employing office must do so uniformly, with respect to all employees paid on a fluctuating workweek basis for whom FMLA leave is taken on an intermittent or reduced leave schedule basis. If an employing office does not elect to convert the employee's compensation to hourly pay, no deduction may be taken for FMLA leave absences. Once the need for intermittent or reduced scheduled leave is over, the employee may be restored to payment on a fluctuating workweek basis.

(c) This special exception to the salary basis requirements of the FLSA exemption or fluctuating workweek payment requirements applies only to employees of covered employing offices who are eligible for FMLA leave, and to leave which qualifies as FMLA leave. Hourly or other deductions which are not in accordance with the Board's FLSA regulations at part 541 or with a permissible fluctuating workweek method of payment for overtime may not be taken, for example, where the employee has not worked long enough to be eligible for FMLA leave without potentially affecting the employee's eligibility for exemption. Nor may deductions which are not permitted by the Board's FLSA regulations at part 541 or by a permissible fluctuating workweek method of payment for overtime be taken from such an employee's salary for any leave which does not qualify as FMLA leave, for example, deductions from an employee's pay for leave required under an employing office's policy or practice for a reason which does not qualify as FMLA leave, *e.g.*, leave to care for a grandparent or for a medical condition which does not qualify as a serious health condition or serious injury or illness; or for leave which is more generous than provided by the FMLA, as made applicable by the CAA. Employing offices may comply with the employing office's own policy/practice under these circumstances and maintain the employee's eligibility for exemption or for the fluctuating workweek method of pay by not taking hourly deductions from the employee's pay, in accordance with FLSA requirements, as made applicable by the CAA, or may take such deductions, treating the employee as an hourly employee and pay overtime premium pay for hours worked over 40 in a workweek.

825.207 Substitution of paid leave.

(a) Generally, FMLA leave is unpaid leave. However, under the circumstances described in this section, FMLA, as made applicable by the CAA, permits an eligible employee to choose to substitute accrued paid leave for FMLA leave. If an employee does not choose to substitute accrued paid leave, the employing office may require the employee to substitute accrued paid leave for unpaid FMLA leave. The term substitute means that the paid leave provided by the employing office, and accrued pursuant to established policies of the employing office, will run concurrently with the unpaid FMLA leave. Accordingly, the employee receives pay pursuant to the employing office's applicable paid leave policy during the period of otherwise unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employing office's normal leave policy. When an employee chooses, or an employing office requires, substitution of accrued paid leave, the employing office must inform the employee that the employee must satisfy any procedural requirements of the paid leave policy only in connection with the receipt of such payment. *See* 825.300(c). If an employee does not comply with the additional requirements in an employing office's paid leave policy, the employee is not entitled to substitute accrued paid leave, but the employee remains entitled to take unpaid FMLA leave. Employing offices may not discriminate against employees on FMLA leave in the administration of their paid leave policies.

(b) If neither the employee nor the employing office elects to substitute paid leave for unpaid FMLA leave under the above conditions and circumstances, the employee will remain entitled to all the paid leave which is earned or accrued under the terms of the employing office's plan.

(c) If an employee uses paid leave under circumstances which do not qualify as FMLA leave, the leave will not count against the employee's FMLA leave entitlement. For example, paid sick leave used for a medical condition which is not a serious health condition or serious injury or illness does not count against the employee's FMLA leave entitlement.

(d) Leave taken pursuant to a disability leave plan would be considered FMLA leave for a serious health condition and counted in the leave entitlement permitted under FMLA if it meets the criteria set forth above in 825.112 through 825.115. In such cases, the employing office may designate the leave as FMLA leave and count the leave against the employee's FMLA leave entitlement. Because leave pursuant to a disability benefit plan is not unpaid, the provision for substitution of the employee's accrued paid leave is inapplicable, and neither the employee nor the employing office may require the substitution of paid leave. However, employing offices and employees may agree to have paid leave supplement the disability plan benefits, such as in the case where a plan only provides replacement income for two-thirds of an employee's salary.

(e) The FMLA, as made applicable by the CAA, provides that a serious health condition may result from injury to the employee on or off the job. If the employing office designates the leave as FMLA leave in accordance with 825.300(d), the leave counts against the employee's FMLA leave entitlement. Because the workers' compensation absence is not unpaid, the provision for substitution of the employee's accrued paid leave is not applicable, and neither the employee nor the employing office may require the substitution of paid leave. However, employing offices and employees may agree, to have paid leave supplement workers' compensation benefits, such as in the case where workers' compensation only provides replacement income for two-thirds of an employee's salary. If the health care provider treating the employee for the workers' compensation injury certifies the employee is able to return to a light duty job but is unable to return to the same or equivalent job, the employee may decline the employing office's offer of a light duty job. As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the employee's FMLA leave entitlement is exhausted. As of the date workers' compensation benefits cease, the substitution provision becomes applicable and either the employee may elect or the employing office may require the use of accrued paid leave. *See also* 825.210(f), 825.216(d), 825.220(d), 825.307(a) and 825.702 (d)(1) and (2) regarding the relationship between workers' compensation absences and FMLA leave.

(f) Under the FLSA, as made applicable by the CAA, an employing office always has the right to cash out an employee's compensatory time or to require the employee to use the time. Therefore, if an employee requests and is permitted to use accrued compensatory time to receive pay for time taken off for an FMLA reason, or if the employing office requires such use pursuant to the FLSA, the time taken may be counted against the employee's FMLA leave entitlement.

825.208 [Removed and reserved]

825.209 Maintenance of employee benefits.

(a) During any FMLA leave, an employing office must maintain the employee's coverage under the Federal Employees Health Benefits Program or any group health plan (as defined in the Internal Revenue Code of 1986 at 26 U.S.C. 5000(b)(1)) on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period. All employing offices are subject to the requirements of the FMLA, as made applicable by the CAA, to maintain health coverage. The definition of group health plan is set forth in 825.102. For purposes of FMLA, the term group health plan shall not include an insurance program providing health coverage under which employees purchase individual policies from insurers provided that:

(1) No contributions are made by the employing office;

(2) Participation in the program is completely voluntary for employees;

(3) The sole functions of the employing office with respect to the program are, without endorsing the program, to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the insurer;

(4) The employing office receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit, for administrative services actually rendered in connection with payroll deduction; and

(5) The premium charged with respect to such coverage does not increase in the event the employment relationship terminates.

(b) The same group health plan benefits provided to an employee prior to taking FMLA leave must be maintained during the FMLA leave. For example, if family member coverage is provided to an employee, family member coverage must be maintained during the FMLA leave. Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., must be maintained during leave if provided in an employing office's group health plan, including a supplement to a group health plan, whether or not provided through a flexible spending account or other component of a cafeteria plan.

(c) If an employing office provides a new health plan or benefits or changes health benefits or plans while an employee is on FMLA leave, the employee is entitled to the new or changed plan/benefits to the same extent as if the employee were not on leave. For example, if an employing office changes a group health plan so that dental care becomes covered under the plan, an employee on FMLA leave must be given the same opportunity as other employees to receive (or obtain) the dental care coverage. Any other plan changes (*e.g.*, in coverage, premiums, deductibles, *etc.*) which apply to all employees of the workforce would also apply to an employee on FMLA leave.

(d) Notice of any opportunity to change plans or benefits must also be given to an employee on FMLA leave. If the group health plan permits an employee to change from single to family coverage upon the birth of a child or otherwise add new family members, such a change in benefits must be made available while an employee is on FMLA leave. If the employee requests the changed coverage it must be provided by the employing office.

(e) An employee may choose not to retain group health plan coverage during FMLA leave. However, when an employee returns from leave, the employee is entitled to be reinstated on the same terms as prior to taking the leave, including family or dependent coverages, without any qualifying period, physical examination, exclusion of pre-existing conditions, *etc. See* 825.212(c).

(f) Except as required by the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) or 5 U.S.C. 8905a, whichever is applicable, and for key employees (as discussed below), an employing office's obligation to maintain health benefits during leave (and to restore the employee to the same or equivalent employment) under FMLA ceases if and when the employment relationship would have terminated if the employee had not taken FMLA leave (*e.g.*, if the employee's position is eliminated as part of a nondiscriminatory reduction in force and the employee would not have been transferred to another position); an employee informs the employing office of his or her intent not to return from leave (including before starting the leave if the employing office is so informed before the leave starts); or the employee fails to return from leave or continues on leave after exhausting his or her FMLA leave entitlement in the 12-month period.

(g) If a key employee (*see* 825.218) does not return from leave when notified by the employing office that substantial or grievous economic injury will result from his or her reinstatement, the employee's entitlement to group health plan benefits continues unless and until the employee advises the employing office that the employee does not desire restoration to employment at the end of the leave period, or the FMLA leave entitlement is exhausted, or reinstatement is actually denied.

(h) An employee's entitlement to benefits other than group health benefits during a period of FMLA leave (*e.g.*, holiday pay) is to be determined by the employing office's established policy for providing such benefits when the employee is on other forms of leave (paid or unpaid, as appropriate).

825.210 Employee payment of group health benefit premiums.

(a) Group health plan benefits must be maintained on the same basis as coverage would have been provided if the employee had been continuously employed during the FMLA leave period. Therefore, any share of group health plan premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. If premiums are raised or lowered, the employee would be required to pay the new premium rates. Maintenance of health insurance policies which are not a part of the employing office's group health plan, as described in 825.209(a), are the sole responsibility of the employee. The employee and the insurer should make necessary arrangements for payment of premiums during periods of unpaid FMLA leave.

(b) If the FMLA leave is substituted paid leave, the employee's share of premiums must be paid by the method normally used during any paid leave, presumably as a payroll deduction.

(c) If FMLA leave is unpaid, the employing office has a number of options for obtaining payment from the employee. The employing office may require that payment be made to the employing office or to the insurance carrier, but no additional charge may be added to the employee's premium payment for administrative expenses. The employing office may require employees to pay their share of premium payments in any of the following ways:

(1) Payment would be due at the same time as it would be made if by payroll deduction;

(2) Payment would be due on the same schedule as payments are made under COBRA or 5 U.S.C. 8905a, whichever is applicable;

(3) Payment would be prepaid pursuant to a cafeteria plan at the employee's option;

(4) The employing office's existing rules for payment by employees on leave without pay would be followed, provided that such rules do not require prepayment (*i.e.*, prior to the commencement of the leave) of the premiums that will become due during a period of unpaid FMLA leave or payment of higher premiums than if the employee had continued to work instead of taking leave; or

(5) Another system voluntarily agreed to between the employing office and the employee, which may include prepayment of premiums (*e.g.*, through increased payroll deductions when the need for the FMLA leave is foreseeable).

(d) The employing office must provide the employee with advance written notice of the terms and conditions under which these payments must be made. *See* 825. 300(c).

(e) An employing office may not require more of an employee using unpaid FMLA leave than the employing office requires of other employees on leave without pay.

(f) An employee who is receiving payments as a result of a workers' compensation injury must make arrangements with the employing office for payment of group health plan benefits when simultaneously taking FMLA leave. *See* 825.207(e).

825.211 Maintenance of benefits under multiemployer health plans.

(a) A multi-employer health plan is a plan to which more than one employing office is required to contribute, and which is maintained pursuant to one or more collective bargaining agreements between employee organization(s) and the employing offices.

(b) An employing office under a multi-employer plan must continue to make contributions on behalf of an employee using FMLA leave as though the employee had been continuously employed, unless the plan contains an explicit FMLA provision for maintaining coverage such as through pooled contributions by all employing offices party to the plan.

(c) During the duration of an employee's FMLA leave, coverage by the group health plan, and benefits provided pursuant to the plan, must be maintained at the level of coverage and benefits which were applicable to the employee at the time FMLA leave commenced.

(d) An employee using FMLA leave cannot be required to use banked hours or pay a greater premium than the employee would have been required to pay if the employee had been continuously employed.

(e) As provided in 825.209(f) of this part, group health plan coverage must be maintained for an employee on FMLA leave until:

(1) The employee's FMLA leave entitlement is exhausted;

(2) The employing office can show that the employee would have been laid off and the employment relationship terminated; or

(3) The employee provides unequivocal notice of intent not to return to work.

825.212 Employee failure to pay health plan premium payments.

(a) (1) In the absence of an established employing office policy providing a longer grace period, an employing office's obligations to maintain health insurance coverage cease under FMLA if an employee's premium payment is more than 30 days late. In order to drop the coverage for an employee whose premium payment is late, the employing office must provide written notice to the employee that the payment has not been received. Such notice must be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. If the employing office has established policies regarding other forms of unpaid leave that provide for the employing office to cease coverage retroactively to the date the unpaid premium payment was due, the employing office may drop the employee from coverage retroactively in accordance with that policy, provided the 15-day notice was given. In the absence of such a policy, coverage for the employee may be terminated at the end of the 30-day grace period, where the required 15-day notice has been provided.

(2) An employing office has no obligation regarding the maintenance of a health insurance policy which is not a group health plan. *See* 825.209(a).

(3) All other obligations of an employing office under FMLA would continue; for example, the employing office continues to

have an obligation to reinstate an employee upon return from leave.

(b) The employing office may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which the employing office maintains health coverage by paying the employee's share after the premium payment is missed.

(c) If coverage lapses because an employee has not made required premium payments, upon the employee's return from FMLA leave the employing office must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed, including family or dependent coverage. *See* 825.215(d)(1)–(5). In such case, an employee may not be required to meet any qualification requirements imposed by the plan, including any new preexisting condition waiting period, to wait for an open season, or to pass a medical examination to obtain reinstatement of coverage. If an employing office terminates an employee's insurance in accordance with this section and fails to restore the employee's health insurance as required by this section upon the employee's return, the employing office may be liable for benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable relief tailored to the harm suffered.

825.213 Employing office recovery of benefit costs.

(a) In addition to the circumstances discussed in 825.212(b), an employing office may recover its share of health plan premiums during a period of unpaid FMLA leave from an employee if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, unless the reason the employee does not return is due to:

(1) The continuation, recurrence, or onset of either a serious health condition of the employee or the employee's family member, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under FMLA; or

(2) Other circumstances beyond the employee's control. Examples of other circumstances beyond the employee's control are necessarily broad. They include such situations as where a parent chooses to stay home with a newborn child who has a serious health condition; an employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's worksite; a relative or individual other than a covered family member has a serious health condition and the employee is needed to provide care; the employee is laid off while on leave; or, the employee is a key employee who decides not to return to work upon being notified of the employing office's intention to deny restoration because of substantial and grievous economic injury to the employing office's operations and is not reinstated by the employing office. Other circumstances beyond the employee's control would not include a situation where an employee desires to remain with a parent in a distant city even though the parent no longer requires the employee's care, or a parent chooses not to return to work to stay home with a well, newborn child.

(3) When an employee fails to return to work because of the continuation, recurrence, or onset of either a serious health condition of the employee or employee's family member, or a serious injury or illness of a covered servicemember, thereby precluding the employing office from recovering its (share of) health benefit premium payments made on the employee's behalf during a period of unpaid FMLA leave, the employing office may require medical certification of the employee's or the family member's serious health condition or the covered servicemember's serious injury or illness. Such certification is not required unless requested by the employing office. The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification. The employee is required to provide medical certification in a timely manner which, for purposes of this section, is within 30 days from the date of the employing office's request. For purposes of medical certification, the employee may use the optional forms developed for this purpose. *See* 825.306(b), 825.310(c)–(d) and Forms A, B, and F. If the employing office requests medical certification and the employee does not provide such certification in a timely manner (within 30 days), or the reason for not returning to work does not meet the test of other circumstances beyond the employee's control, the employing office may recover 100 percent of the health benefit premiums it paid during the period of unpaid FMLA leave.

(b) Under some circumstances an employing office may elect to maintain other benefits, *e.g.*, life insurance, disability insurance, *etc.*, by paying the employee's (share of) premiums during periods of unpaid FMLA leave. For example, to ensure the employing office can meet its responsibilities to provide equivalent benefits to the employee upon return from unpaid FMLA leave, it may be necessary that premiums be paid continuously to avoid a lapse of coverage. If the employing office elects to maintain such benefits during the leave, at the conclusion of leave, the employing office is entitled to recover only the costs incurred for paying the employee's share of any premiums whether or not the employee returns to work.

(c) An employee who returns to work for at least 30 calendar days is considered to have returned to work. An employee who transfers directly from taking FMLA leave to retirement, or who retires during the first 30 days after the employee returns to work, is deemed to have returned to work.

(d) When an employee elects or an employing office requires paid leave to be substituted for FMLA leave, the employing office may not recover its (share of) health insurance or other non-health benefit premiums for any period of FMLA leave covered by paid leave. Because paid leave provided under a plan covering temporary disabilities (including workers' compensation) is not unpaid, recovery of health insurance premiums does not apply to such paid leave.

(e) The amount that self-insured employing offices may recover is limited to only the employing office's share of allowable premiums as would be calculated under COBRA, excluding the two percent fee for administrative costs.

(f) When an employee fails to return to work, any health and non-health benefit premiums which this section of the regulations permits an employing office to recover are a debt owed by the non-returning employee to the employing office. The existence of this debt caused by the employee's failure to return to work does not alter the employing office's responsibilities for health benefit coverage and, under a self-insurance plan, payment of claims incurred during the period of FMLA leave. To the extent recovery is allowed, the employing office may recover the costs through deduction from any sums due to the employee (*e.g.*, unpaid wages, vacation pay, *etc.*), provided such deductions do not otherwise violate applicable wage payment or other laws. Alternatively, the employing office may initiate legal action against the employee to recover such costs.

825.214 Employee right to reinstatement.

General Rule. On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. *See also* 825.106(e) for the obligations of employing offices that are joint employers.

825.215 Equivalent position.

(a) *Equivalent position.* An equivalent position is one that is virtually identical to the employee's former position in terms of pay, benefits and working conditions, including privileges, prerequisites and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.

(b) *Conditions to qualify.* If an employee is no longer qualified for the position because of the employee's inability to attend a necessary course, renew a license, *etc.*, as a result of the leave, the employee shall be given a reasonable opportunity to fulfill those conditions upon return to work.

(c) *Equivalent Pay.* (1) An employee is entitled to any unconditional pay increases which may have occurred during the FMLA leave period, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed must be granted in accordance with the employing office's policy or practice with respect to other employees on an equivalent leave status for a reason that does not qualify as FMLA leave. An employee is entitled to be restored to a position with the same or equivalent pay premiums, such as a shift differential. If an employee departed from a position averaging ten hours of overtime (and corresponding overtime pay) each week, an employee is ordinarily entitled to such a position on return from FMLA leave.

(2) Equivalent pay includes any bonus or payment, whether it is discretionary or nondiscretionary, made to employees consistent with the provisions of paragraph (c)(1) of this section. However, if a bonus or other payment is based on the achievement of a specified goal such as hours worked, products sold or perfect attendance, and the employee has not met the goal due to FMLA leave, then the payment may be denied, unless otherwise paid to employees on an equivalent leave status for a reason that does not qualify as FMLA leave. For example, if an employee who used paid vacation leave for a non-FMLA purpose would receive the payment, then the employee who used paid vacation leave for an FMLA-protected purpose also must receive the payment.

(d) *Equivalent benefits.* Benefits include all benefits provided or made available to employees by an employing office, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employing office through an employee benefit plan.

(1) At the end of an employee's FMLA leave, benefits must be resumed in the same manner and at the same levels as provided when the leave began, and subject to any changes in benefit levels that may have taken place during the period of FMLA leave affecting the entire work force, unless otherwise elected by the employee. Upon return from FMLA leave, an employee cannot be required to requalify for any benefits the employee enjoyed before FMLA leave began (including family or dependent coverages). For example, if an employee was covered by a life insurance policy before taking leave but is not covered or coverage lapses during the period of unpaid FMLA leave, the employee cannot be required to meet any qualifications, such as taking a physical examination, in order to requalify for life insurance upon return from leave. Accordingly, some employing offices may find it necessary to modify life insurance and other benefits programs in order to restore employees to equivalent benefits upon return from FMLA leave, make arrangements for continued payment of costs to maintain such benefits during unpaid FMLA leave, or pay these costs subject to recovery from the employee on return from leave. *See* 825.213(b).

(2) An employee may, but is not entitled to, accrue any additional benefits or seniority during unpaid FMLA leave. Benefits accrued at the time leave began, however, (*e.g.*, paid vacation, sick or personal leave to the extent not substituted for FMLA leave) must be available to an employee upon return from leave.

(3) If, while on unpaid FMLA leave, an employee desires to continue life insurance, disability insurance, or other types of benefits for which he or she typically pays, the employing office is required to follow established policies or practices for continuing such benefits for other instances of leave without pay. If the employing office has no established policy, the employee and the employing office are encouraged to agree upon arrangements before FMLA leave begins.

(4) With respect to pension and other retirement plans, any period of unpaid FMLA leave shall not be treated as or counted toward a break in service for purposes of vesting and eligibility to participate. Also, if the plan requires an employee to be employed on a specific date in order to be credited with a year of service for vesting, contributions or participation purposes, an employee on unpaid FMLA leave on that date shall be deemed to have been employed on that date. However, unpaid FMLA leave periods need not be treated as credited service for purposes of benefit accrual, vesting and eligibility to participate.

(5) Employees on unpaid FMLA leave are to be treated as if they continued to work for purposes of changes to benefit plans. They are entitled to changes in benefits plans, except those which may be dependent upon seniority or accrual during the leave period, immediately upon return from leave or to the same extent they would have qualified if no leave had been taken. For example if the benefit plan is predicated on a pre-established number of hours worked each year and the employee does not have sufficient hours as a result of taking unpaid FMLA leave, the benefit is lost. (In this regard, 825.209 addresses health benefits.)

(e) *Equivalent terms and conditions of employment.* An equivalent position must have substantially similar duties, conditions, responsibilities, privileges and status as the employee's original position.

(1) The employee must be reinstated to the same or a geographically proximate worksite (*i.e.*, one that does not involve a significant increase in commuting time or distance) from where the employee had previously been employed. If the employee's original worksite has been closed, the employee is entitled to the same rights as if the employee had not been on leave when the worksite closed. For example, if an employing office transfers all employees from a closed worksite to a new worksite in a different city, the employee on leave is also entitled to transfer under the same conditions as if he or she had continued to be employed.

(2) The employee is ordinarily entitled to return to the same shift or the same or an equivalent work schedule.

(3) The employee must have the same or an equivalent opportunity for bonuses, and other similar discretionary and non-discretionary payments.

(4) FMLA does not prohibit an employing office from accommodating an employee's request to be restored to a different shift, schedule, or position which better suits the employee's personal needs on return from leave, or to offer a promotion to a better position. However, an employee cannot be induced by the employing office to accept a different position against the employee's wishes.

(f) *De minimis exception.* The requirement that an employee be restored to the same or equivalent job with the same or equivalent pay, benefits, and terms and conditions of employment does not extend to de minimis, intangible, or unmeasurable aspects of the job.

825.216 Limitations on an employee's right to reinstatement.

(a) An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. An employing office must be able to show that an employee would not otherwise have been employed at the time reinstatement is requested in order to deny restoration to employment. For example:

(1) If an employee is laid off during the course of taking FMLA leave and employment is terminated, the employing office's responsibility to continue FMLA leave, maintain group health plan benefits and restore the employee ceases at the time the employee is laid off, provided the employing office has no continuing obligations under a collective bargaining agreement or otherwise. An employing office would have the burden of proving that an employee would have been laid off during the FMLA leave period and, therefore, would not be entitled to restoration. Restoration to a job slated for lay-off when the employee's original position is not would not meet the requirements of an equivalent position.

(2) If a shift has been eliminated, or overtime has been decreased, an employee would not be entitled to return to work that shift or the original overtime hours upon restoration. However, if a position on, for example, a night shift has been filled by another employee, the employee is entitled to return to the same shift on which employed before taking FMLA leave.

(3) If an employee was hired for a specific term or only to perform work on a discrete project, the employing office has no obligation to restore the employee if the employment term or project is over and the employing office would not otherwise have continued to employ the employee. On the other hand, if an employee was hired to perform work for one employing office for a specific time period, and after that time period has ended, the work was assigned to another employing office, the successor employing office may be required to restore the employee if it is a successor employing office.

(b) In addition to the circumstances explained above, an employing office may deny job restoration to salaried eligible employees (key employees, as defined in 825.217(c)), if such denial is necessary to prevent substantial and grievous economic injury to the operations of the employing office; or may delay restoration to an employee who fails to provide a fitness-for-duty certificate to return to work under the conditions described in 825.312.

(c) If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition or an injury or illness also covered by workers' compensation, the employee has no right to restoration to another position under the FMLA. The employing office's obligations may, however, be governed by the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA. *See* 825.702.

(d) An employee who fraudulently obtains FMLA leave from an employing office is not protected by the job restoration or maintenance of health benefits provisions of the FMLA, as made applicable by the CAA.

(e) If the employing office has a uniformly-applied policy governing outside or supplemental employment, such a policy may continue to apply to an employee while on FMLA leave. An employing office which does not have such a policy may not deny benefits to which an employee is entitled under FMLA, as made applicable by the CAA, on this basis unless the FMLA leave was fraudulently obtained as in paragraph (d) of this section.

825.217 Key employee, general rule.

(a) A *key employee* is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employing office within 75 miles of the employee's worksite.

(b) The term *salaried* means paid on a salary basis, within the meaning of the Board's FLSA regulations at part 541, implementing section 203 of the CAA (2 U.S.C. 1313), regarding employees who may qualify as exempt from the minimum wage and overtime requirements of the FLSA, as made applicable by the CAA.

(c) A key employee must be among the highest paid 10 percent of all the employees—both salaried and non-salaried, eligible and ineligible—who are employed by the employing office within 75 miles of the worksite.

(1) In determining which employees are among the highest paid 10 percent, year- to-date earnings are divided by weeks worked by the employee (including weeks in which paid leave was taken). Earnings include wages, premium pay, incentive pay, and nondiscretionary and discretionary bonuses. Earnings do not include incentives whose value is determined at some future date, *e.g.*, benefits or prerequisites.

(2) The determination of whether a salaried employee is among the highest paid 10 percent shall be made at the time the employee gives notice of the need for leave. No more than 10 percent of the employing office's employees within 75 miles of the worksite may be key employees.

825.218 Substantial and grievous economic injury.

(a) In order to deny restoration to a key employee, an employing office must determine that the restoration of the employee to

employment will cause substantial and grievous economic injury to the operations of the employing office, not whether the absence of the employee will cause such substantial and grievous injury.

(b) An employing office may take into account its ability to replace on a temporary basis (or temporarily do without) the employee on FMLA leave. If permanent replacement is unavoidable, the cost of then reinstating the employee can be considered in evaluating whether substantial and grievous economic injury will occur from restoration; in other words, the effect on the operations of the employing office of reinstating the employee in an equivalent position.

(c) A precise test cannot be set for the level of hardship or injury to the employing office which must be sustained. If the reinstatement of a key employee threatens the economic viability of the employing office, that would constitute substantial and grievous economic injury. A lesser injury which causes substantial, long-term economic injury would also be sufficient. Minor inconveniences and costs that the employing office would experience in the normal course would certainly not constitute substantial and grievous economic injury.

(d) FMLA's substantial and grievous economic injury standard is different from and more stringent than the undue hardship test under the ADA, as made applicable by the CAA. *See also* 825.702.

825.219 Rights of a key employee.

(a) An employing office that believes that reinstatement may be denied to a key employee, must give written notice to the employee at the time the employee gives notice of the need for FMLA leave (or when FMLA leave commences, if earlier) that he or she qualifies as a key employee. At the same time, the employing office must also fully inform the employee of the potential consequences with respect to reinstatement and maintenance of health benefits if the employing office should determine that substantial and grievous economic injury to the employing office's operations will result if the employee is reinstated from FMLA leave. If such notice cannot be given immediately because of the need to determine whether the employee is a key employee, it shall be given as soon as practicable after being notified of a need for leave (or the commencement of leave, if earlier). It is expected that in most circumstances there will be no desire that an employee be denied restoration after FMLA leave and, therefore, there would be no need to provide such notice. However, an employing office who fails to provide such timely notice will lose its right to deny restoration even if substantial and grievous economic injury will result from reinstatement.

(b) As soon as an employing office makes a good faith determination, based on the facts available, that substantial and grievous economic injury to its operations will result if a key employee who has given notice of the need for FMLA leave or is using FMLA leave is reinstated, the employing office shall notify the employee in writing of its determination, that it cannot deny FMLA leave, and that it intends to deny restoration to employment on completion of the FMLA leave. It is anticipated that an employing office will ordinarily be able to give such notice prior to the employee starting leave. The employing office must serve this notice either in person or by certified mail. This notice must explain the basis for the employing office's finding that substantial and grievous economic injury will result, and, if leave has commenced, must provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return.

(c) If an employee on leave does not return to work in response to the employing office's notification of intent to deny restoration, the employee continues to be entitled to maintenance of health benefits and the employing office may not recover its cost of health benefit premiums. A key employee's rights under FMLA continue unless and until the employee either gives notice that he or she no longer wishes to return to work, or the employing office actually denies reinstatement at the conclusion of the leave period.

(d) After notice to an employee has been given that substantial and grievous economic injury will result if the employee is reinstated to employment, an employee is still entitled to request reinstatement at the end of the leave period even if the employee did not return to work in response to the employing office's notice. The employing office must then again determine whether there will be substantial and grievous economic injury from reinstatement, based on the facts at that time. If it is determined that substantial and grievous economic injury will result, the employing office shall notify the employee in writing (in person or by certified mail) of the denial of restoration.

825.220 Protection for employees who request leave or otherwise assert FMLA rights.

(a) The FMLA, as made applicable by the CAA, prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. More specifically, the law contains the following employee protections:

(1) An employing office is prohibited from interfering with, restraining, or denying the exercise of (or attempts to exercise) any rights provided by the FMLA, as made applicable by the CAA.

(2) An employing office is prohibited from discharging or in any other way discriminating against any covered employee (whether or not an eligible employee) for opposing or complaining about any unlawful practice under the FMLA, as made applicable by the CAA.

(3) All employing offices are prohibited from discharging or in any other way discriminating against any covered employee (whether or not an eligible employee) because that covered employee has—

(i) Filed any charge, or has instituted (or caused to be instituted) any proceeding under or related to the FMLA, as made applicable by the CAA;

(ii) Given, or is about to give, any information in connection with an inquiry or proceeding relating to a right under the FMLA, as made applicable by the CAA;

(iii) Testified, or is about to testify, in any inquiry or proceeding relating to a right under the FMLA, as made applicable by the CAA.

(b) Any violations of the FMLA, as made applicable by the CAA, or of these regulations constitute interfering with, restraining, or denying the exercise of rights provided by the FMLA, as made applicable by the CAA. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. *See* 825.400(c). Interfering with the exercise of an employee's rights would include, for example, not only refusing to authorize FMLA leave, but discouraging an employee from using such leave. It would also include manipulation by a covered employing office to avoid responsibilities under FMLA, for example:

(1) [Reserved]

(2) Changing the essential functions of the job in order to preclude the taking of leave; or

(3) Reducing hours available to work in order to avoid employee eligibility.

(c) The FMLA's prohibition against interference prohibits an employing office from discriminating or retaliating against an employee or prospective employee for having exercised or attempted to exercise FMLA rights. For example, if an employee on leave without pay would otherwise be entitled to full benefits (other than health benefits), the same benefits would be required to be provided to an employee on unpaid FMLA leave. By the same token, employing offices cannot use the taking of FMLA leave as a negative factor in employment actions, such as hiring, promotions or disciplinary actions; nor can FMLA leave be counted under no fault attendance policies. *See* 825.215.

(d) Employees cannot waive, nor may employing offices induce employees to waive, their rights under FMLA. For example, employees (or their collective bargaining representatives) cannot trade off the right to take FMLA leave against some other benefit offered by the employing office. Except for settlement agreements covered by 1414 and/or 1415 of the Congressional Accountability Act, this does not prevent the settlement or release of FMLA claims by employees based on past employing office conduct without the approval of the Office of Compliance or a court. Nor does it prevent an employee's voluntary and uncoerced acceptance (not as a condition of employment) of a light duty assignment while recovering from a serious health condition. *See* 825.702(d). An employee's acceptance of such light duty assignment does not constitute a waiver of the employee's prospective rights, including the right to be restored to the same position the employee held at the time the employee's FMLA leave commenced or to an equivalent position. The employee's right to restoration, however, ceases at the end of the applicable 12-month FMLA leave year.

(e) Covered employees, and not merely eligible employees, are protected from retaliation for opposing (*e.g.*, filing a complaint about) any practice which is unlawful under the FMLA, as made applicable by the CAA. They are similarly protected if they oppose any practice which they reasonably believe to be a violation of the FMLA, as made applicable by the CAA, or regulations.

SUBPART C—EMPLOYEE AND EMPLOYING OFFICE RIGHTS AND OBLIGATIONS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA

825.300 Employing office notice requirements.

(a)(1) If an employing office has any eligible employees and has any written guidance to employees concerning employee benefits or leave rights, such as in an employee handbook, information concerning both entitlements and employee obligations under the FMLA, as made applicable by the CAA, must be included in the handbook or other document. For example, if an employing office provides an employee handbook to all employees that describes the employing office's policies regarding leave, wages, attendance, and similar matters, the handbook must incorporate information on FMLA rights and

responsibilities and the employing office's policies regarding the FMLA, as made applicable by the CAA. Informational publications describing the provisions of the FMLA, as made applicable by the CAA, are available from the Office of Compliance and may be incorporated in such employing office handbooks or written policies.

(2) If such an employing office does not have written policies, manuals, or handbooks describing employee benefits and leave provisions, the employing office shall provide written guidance to an employee concerning all the employee's rights and obligations under the FMLA, as made applicable by the CAA. This notice shall be provided to employees each time notice is given pursuant to paragraph (c), and in accordance with the provisions of that paragraph. Employing offices may duplicate and provide the employee a copy of the FMLA Fact Sheet available from the Office of Compliance to provide such guidance.

(b) *Eligibility notice.* (1) When an employee requests FMLA leave, or when the employing office acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the employing office must notify the employee of the employee's eligibility to take FMLA leave within five business days, absent extenuating circumstances. *See* 825.110 for definition of an eligible employee. Employee eligibility is determined (and notice must be provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable 12-month period. *See* 825.127(c) and 825.200(b). All FMLA absences for the same qualifying reason are considered a single leave and employee eligibility as to that reason for leave does not change during the applicable 12-month period.

(2) The eligibility notice must state whether the employee is eligible for FMLA leave as defined in 825.110. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible, including as applicable the number of months the employee has been employed by the employing office and the hours of service with the employing office during the 12-month period. Notification of eligibility may be oral or in writing; employing offices may use Form C to provide such notification to employees.

(3) If, at the time an employee provides notice of a subsequent need for FMLA leave during the applicable 12-month period due to a different FMLA-qualifying reason, and the employee's eligibility status has not changed, no additional eligibility notice is required. If, however, the employee's eligibility status has changed (*e.g.*, if the employee has not met the hours of service requirement in the 12 months preceding the commencement of leave for the subsequent qualifying reason), the employing office must notify the employee of the change in eligibility status within five business days, absent extenuating circumstances.

(c) *Rights and responsibilities notice.* (1) Employing offices shall provide written notice detailing the specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations. This notice shall be provided to the employee each time the eligibility notice is provided pursuant to paragraph (b) of this section. If leave has already begun, the notice should be mailed to the employee's address of record. Such specific notice must include, as appropriate:

(i) That the leave may be designated and counted against the employee's annual FMLA leave entitlement if qualifying (*see* 825.300(c) and 825.301) and the applicable 12-month period for FMLA entitlement (*see* 825.127(c), 825.200(b), (f), and (g));

(ii) Any requirements for the employee to furnish certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of covered active duty or call to covered active duty status, and the consequences of failing to do so (*see* 825.305, 825.309, 825.310, 825.313);

(iii) The employee's right to substitute paid leave, whether the employing office will require the substitution of paid leave, the conditions related to any substitution, and the employee's entitlement to take unpaid FMLA leave if the employee does not meet the conditions for paid leave (*see* 825.207);

(iv) Any requirement for the employee to make any premium payments to maintain health benefits and the arrangements for making such payments (*see* 825.210), and the possible consequences of failure to make such payments on a timely basis (*i.e.*, the circumstances under which coverage may lapse);

(v) The employee's status as a key employee and the potential consequence that restoration may be denied following FMLA leave, explaining the conditions required for such denial (*see* 825.218);

(vi) The employee's right to maintenance of benefits during the FMLA leave and restoration to the same or an equivalent job upon return from FMLA leave (*see* 825.214 and 825.604); and

(vii) The employee's potential liability for payment of health insurance premiums paid by the employing office during the employee's unpaid FMLA leave if the employee fails to return to work after taking FMLA leave (*see* 825.213).

(2) The notice of rights and responsibilities may include other information—*e.g.*, whether the employing office will require periodic reports of the employee's status and intent to return to work—but is not required to do so.

(3) The notice of rights and responsibilities may be accompanied by any required certification form.

(4) If the specific information provided by the notice of rights and responsibilities changes, the employing office shall, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, provide written notice referencing the prior notice and setting forth any of the information in the notice of rights and responsibilities that has changed. For example, if the initial leave period was paid leave and the subsequent leave period would be unpaid leave, the employing office may need to give notice of the arrangements for making premium payments.

(5) Employing offices are also expected to responsively answer questions from employees concerning their rights and responsibilities under the FMLA, as made applicable under the CAA.

(6) A prototype notice of rights and responsibilities may be obtained in Form C, or from the Office of Compliance. Employing offices may adapt the prototype notice as appropriate to meet these notice requirements. The notice of rights and responsibilities may be distributed electronically so long as it otherwise meets the requirements of this section.

(d) *Designation notice.* (1) The employing office is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee as provided in this section. When the employing office has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (*e.g.*, after receiving a certification), the employing office must notify the employee whether the leave will be designated and will be counted as FMLA leave within five business days absent extenuating circumstances. Only one notice of designation is required for each FMLA-qualifying reason per applicable 12-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave. If the employing office determines that the leave will not be designated as FMLA-qualifying (*e.g.*, if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), the employing office must notify the employee of that determination. If the employing office requires paid leave to be substituted for unpaid FMLA leave, or that paid leave taken under an existing leave plan be counted as FMLA leave, the employing office must inform the employee of this designation at the time of designating the FMLA leave.

(2) If the employing office has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, the employing office may provide the employee with the designation notice at that time.

(3) If the employing office will require the employee to present a fitness-for-duty certification to be restored to employment, the employing office must provide notice of such requirement with the designation notice. If the employing office will require that the fitness-for-duty certification address the employee's ability to perform the essential functions of the employee's position, the employing office must so indicate in the designation notice, and must include a list of the essential functions of the employee's position. *See* 825.312. If the employing office's handbook or other written documents (if any) describing the employing office's leave policies clearly provide that a fitness-for-duty certification will be required in specific circumstances (*e.g.*, by stating that fitness-for-duty certification will be required in all cases of back injuries for employees in a certain occupation), the employing office is not required to provide written notice of the requirement with the designation notice, but must provide oral notice no later than with the designation notice.

(4) The designation notice must be in writing. A prototype designation notice is contained in Form D which may be obtained from the Office of Compliance. If the leave is not designated as FMLA leave because it does not meet the requirements of the FMLA, as made applicable by the CAA, the notice to the employee that the leave is not designated as FMLA leave may be in the form of a simple written statement. The designation notice may be distributed electronically so long as it otherwise meets the requirements of this section and the employing office can demonstrate that the employee (who may already be on leave and who may not have access to employing office-provided computers) has access to the information electronically.

(5) If the information provided by the employing office to the employee in the designation notice changes (*e.g.*, the employee exhausts the FMLA leave entitlement), the employing office shall provide, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

(6) The employing office must notify the employee of the amount of leave counted against the employee's FMLA leave entitlement. If the amount of leave needed is known at the time the employing office designates the leave as FMLA-qualifying, the employing office must notify the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA leave entitlement in the designation notice. If it is not possible to provide the hours, days, or weeks that will be counted against the employee's FMLA leave entitlement (such as in the case of unforeseeable intermittent leave), then the employing office must provide notice of the amount of leave counted against the employee's FMLA leave entitlement upon the request by the employee, but no more often than once in a 30-day period and only if leave was taken in that period. The notice of the amount of leave counted against the employee's FMLA entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing no later than the following payday (unless the payday is less than one week after the oral notice, in which case the notice must be no later than the subsequent payday). Such written notice may be in any form, including a notation on the employee's pay stub.

(e) *Consequences of failing to provide notice.* Failure to follow the notice requirements set forth in this section may constitute an interference with, restraint, or denial of the exercise of an employee's FMLA rights. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. *See* 825.400(c).

825.301 Designation of FMLA leave.

(a) *Employing office responsibilities.* The employing office's decision to designate leave as FMLA-qualifying must be based only on information received from the employee or the employee's spokesperson (*e.g.*, if the employee is incapacitated, the employee's spouse, adult child, parent, doctor, *etc.*, may provide notice to the employing office of the need to take FMLA leave). In any circumstance where the employing office does not have sufficient information about the reason for an employee's use of leave, the employing office should inquire further of the employee or the spokesperson to ascertain whether leave is potentially FMLA-qualifying. Once the employing office has acquired knowledge that the leave is being taken for a FMLA-qualifying reason, the employing office must notify the employee as provided in 825.300(d).

(b) *Employee responsibilities.* An employee giving notice of the need for FMLA leave does not need to expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA to meet his or her obligation to provide notice, though the employee would need to state a qualifying reason for the needed leave and otherwise satisfy the notice requirements set forth in 825.302 or 825.303 depending on whether the need for leave is foreseeable or unforeseeable. An employee giving notice of the need for FMLA leave must explain the reasons for the needed leave so as to allow the employing office to determine whether the leave qualifies under the FMLA, as made applicable by the CAA. If the employee fails to explain the reasons, leave may be denied. In many cases, in explaining the reasons for a request to use leave, especially when the need for the leave was unexpected or unforeseen, an employee will provide sufficient information for the employing office to designate the leave as FMLA leave. An employee using accrued paid leave may in some cases not spontaneously explain the reasons or their plans for using their accrued leave. However, if an employee requesting to use paid leave for a FMLA-qualifying reason does not explain the reason for the leave and the employing office denies the employee's request, the employee will need to provide sufficient information to establish a FMLA-qualifying reason for the needed leave so that the employing office is aware that the leave may not be denied and may designate that the paid leave be appropriately counted against (substituted for) the employee's FMLA leave entitlement. Similarly, an employee using accrued paid vacation leave who seeks an extension of unpaid leave for a FMLA-qualifying reason will need to state the reason. If this is due to an event which occurred during the period of paid leave, the employing office may count the leave used after the FMLA-qualifying reason against the employee's FMLA leave entitlement.

(c) *Disputes.* If there is a dispute between an employing office and an employee as to whether leave qualifies as FMLA leave, it should be resolved through discussions between the employee and the employing office. Such discussions and the decision must be documented.

(d) *Retroactive designation.* If an employing office does not designate leave as required by 825.300, the employing office may retroactively designate leave as FMLA leave with appropriate notice to the employee as required by 825.300 provided that the employing office's failure to timely designate leave does not cause harm or injury to the employee. In all cases where leave would qualify for FMLA protections, an employing office and an employee can mutually agree that leave be retroactively designated as FMLA leave.

(e) *Remedies.* If an employing office's failure to timely designate leave in accordance with 825.300 causes the employee to suffer harm, it may constitute an interference with, restraint of, or denial of the exercise of an employee's FMLA rights. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. *See* 825.400(c). For example, if an employing office that was put on notice that an employee needed FMLA leave failed to designate the leave properly, but the employee's own serious health condition prevented him or her from returning to work during that time period regardless of the designation, an employee may not be able to show that the employee suffered harm as a result of the employing office's actions. However, if an employee took leave to provide care for a son or daughter with a serious health condition believing it would not count toward his or her FMLA entitlement, and the employee planned to later use that FMLA leave to provide care for a spouse who would need assistance when recovering from surgery planned for a later date, the employee may be able to show that harm has occurred as a result of the employing office's failure to designate properly. The employee might establish this by showing that he or she would have arranged for an alternative caregiver for the seriously-ill son or daughter if the leave had been designated timely.

825.302 Employee notice requirements for foreseeable FMLA leave.

(a) *Timing of notice.* An employee must provide the employing office at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember. If 30 days notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. For example, an employee's health condition may require leave to commence earlier than anticipated before the birth of a child. Similarly, little opportunity for notice may be given before placement for adoption. For foreseeable leave due to a qualifying exigency, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable. Whether FMLA leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee shall advise the employing office as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. In those cases where the employee is required to provide at least 30 days notice of foreseeable leave and does not do so, the employee shall explain the reasons why such notice was not practicable upon a request from the employing office for such information.

(b) *As soon as practicable* means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. In all cases, however, the determination of when an employee could practicably provide notice must take into account the individual facts and circumstances.

(c) *Content of notice.* An employee shall provide at least verbal notice sufficient to make the employing office aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. Depending on the situation, such information may include that a condition renders the employee unable to perform the functions of the job; that the employee is pregnant or has been hospitalized overnight; whether the employee or the employee's family member is under the continuing care of a health care provider; if the leave is due to a qualifying exigency, that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty), and that the requested leave is for one of the reasons listed in 825.126(b); if the leave is for a family member, that the condition renders the family member unable to perform daily activities, or that the family member is a covered servicemember with a serious injury or illness; and the anticipated duration of the absence, if known. When an employee seeks leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA. When an employee seeks leave due to a FMLA-qualifying

reason, for which the employing office has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave. In all cases, the employing office should inquire further of the employee if it is necessary to have more information about whether FMLA leave is being sought by the employee, and obtain the necessary details of the leave to be taken. In the case of medical conditions, the employing office may find it necessary to inquire further to determine if the leave is because of a serious health condition and may request medical certification to support the need for such leave. *See* 825.305. An employing office may also request certification to support the need for leave for a qualifying exigency or for military caregiver leave. *See* 825.309, 825.310. When an employee has been previously certified for leave due to more than one FMLA-qualifying reason, the employing office may need to inquire further to determine for which qualifying reason the leave is needed. An employee has an obligation to respond to an employing office's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable employing office inquiries regarding the leave request may result in denial of FMLA protection if the employing office is unable to determine whether the leave is FMLA-qualifying.

(d) *Complying with the employing office policy*. An employing office may require an employee to comply with the employing office's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. For example, an employing office may require that written notice set forth the reasons for the requested leave, the anticipated duration of the leave, and the anticipated start of the leave. An employee also may be required by an employing office's policy to contact a specific individual. Unusual circumstances would include situations such as when an employee is unable to comply with the employing office's policy that requests for leave should be made by contacting a specific number because on the day the employee needs to provide notice of his or her need for FMLA leave there is no one to answer the call-in number and the voice mail box is full. Where an employee does not comply with the employing office's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied. However, FMLA-protected leave may not be delayed or denied where the employing office's policy requires notice to be given sooner than set forth in paragraph (a) of this section and the employee provides timely notice as set forth in paragraph (a) of this section.

(e) *Scheduling planned medical treatment*. When planning medical treatment, the employee must consult with the employing office and make a reasonable effort to schedule the treatment so as not to disrupt unduly the employing office's operations, subject to the approval of the health care provider. Employees are ordinarily expected to consult with their employing offices prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the employing office and the employee. For example, if an employee who provides notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglects to consult with the employing office to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the employing office's operations, the employing office may initiate discussions with the employee and require the employee to attempt to make such arrangements, subject to the approval of the health care provider. *See* 825.203 and 825.205.

(f) Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee shall advise the employing office, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and employing office shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the employing office's operations, subject to the approval of the health care provider.

(g) An employing office may waive employees' FMLA notice requirements. *See* 825.304.

825.303 Employee notice requirements for unforeseeable FMLA leave.

(a) *Timing of notice*. When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the employing office as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employing office's usual and customary notice requirements applicable to such leave. *See* 825.303(c). Notice may be given by the employee's spokesperson (*e.g.*, spouse, adult family member, or other responsible party) if the employee is unable to do so personally. For example, if an employee's child has a severe asthma attack and the employee takes the child to the emergency room, the employee would not be required to leave his or her child in order to report the absence while the child is receiving emergency treatment. However, if the child's asthma attack required only the use of an inhaler at home followed by a period of rest, the employee would be expected to call the employing office promptly after ensuring the child has used the inhaler.

(b) *Content of notice*. An employee shall provide sufficient information for an employing office to reasonably determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that a condition renders the employee unable to perform the functions of the job; that the employee is pregnant or has been hospitalized overnight; whether the employee or the employee's family member is under the continuing care of a health care provider; if the leave is due to a qualifying exigency, that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty), that the requested leave is for one of the reasons listed in 825.126(b), and the anticipated duration of the absence; or if the leave is for a family member that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness; and the anticipated duration of the absence, if known. When an employee seeks leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA. When an employee seeks leave due to a qualifying reason, for which the employing office has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave. Calling in ''sick'' without providing more information will not be considered sufficient notice to trigger an employing office's obligations under the FMLA, as made applicable by the CAA. The employing office will be expected to obtain any additional required information through informal means. An employee has an obligation to respond to an employing office's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable employing office inquiries office regarding the leave request may result in denial of FMLA protection if the employing office is unable to determine whether the leave is FMLA-qualifying.

(c) *Complying with employing office policy*. When the need for leave is not foreseeable, an employee must comply with the employing office's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. For example, an employing office may require employees to call a designated number or a specific individual to request leave. However, if an employee requires emergency medical treatment, he or she would not be required to follow the call-in procedure until his or her condition is stabilized and he or she has access to, and is able to use, a phone. Similarly, in the case of an emergency requiring leave because of a FMLA-qualifying reason, written advance notice pursuant to an employing office's internal rules and procedures may not be required when FMLA leave is involved. If an employee does not comply with the employing office's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied.

825.304 Employee failure to provide notice.

(a) *Proper notice required*. In all cases, in order for the onset of an employee's FMLA leave to be delayed due to lack of required notice, it must be clear that the employee had actual notice of the FMLA notice requirements. This condition would be satisfied by the employing office's proper posting, at the worksite where the employee is employed, of the information regarding the FMLA provided (pursuant to section 301(h)(2) of the CAA, 2 U.S.C. 1381(h)(2)) by the Office of Compliance to the employing office in a manner suitable for posting.

(b) *Foreseeable leave—30 days*. When the need for FMLA leave is foreseeable at least 30 days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employing office may delay FMLA coverage until 30 days after the date the employee provides notice. The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee 30 days in advance of the leave. For example, knowledge that an employee would receive a telephone call about the availability of a child for adoption at some unknown point in the future would not be sufficient to establish the leave was clearly foreseeable 30 days in advance.

(c) *Foreseeable leave—less than 30 days*. When the need for FMLA leave is foreseeable fewer than 30 days in advance and an employee fails to give notice as soon as practicable under the particular facts and circumstances, the extent to which an employing office may delay FMLA coverage for leave depends on the facts of the particular case. For example, if an employee reasonably should have given the employing office two weeks' notice but instead only provided one week's notice, then the employing office may delay FMLA-protected leave for one

week (thus, if the employing office elects to delay FMLA coverage and the employee nonetheless takes leave one week after providing the notice (*i.e.*, a week before the two week notice period has been met) the leave will not be FMLA-protected).

(d) *Unforeseeable leave.* When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with 825.303, the extent to which an employing office may delay FMLA coverage for leave depends on the facts of the particular case. For example, if it would have been practicable for an employee to have given the employing office notice of the need for leave very soon after the need arises consistent with the employing office's policy, but instead the employee provided notice two days after the leave began, then the employing office may delay FMLA coverage of the leave by two days.

(e) *Waiver of notice.* An employing office may waive employees' FMLA notice obligations or the employing office's own internal rules on leave notice requirements. If an employing office does not waive the employee's obligations under its internal leave rules, the employing office may take appropriate action under its internal rules and procedures for failure to follow its usual and customary notification rules, absent unusual circumstances, as long as the actions are taken in a manner that does not discriminate against employees taking FMLA leave and the rules are not inconsistent with 825.303(a).

825.305 Certification, general rule.

(a) *General.* An employing office may require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member. An employing office may also require that an employee's leave because of a qualifying exigency or to care for a covered servicemember with a serious injury or illness be supported by a certification, as described in 825.309 and 825.310, respectively. An employing office must give notice of a requirement for certification each time a certification is required; such notice must be written notice whenever required by 825.300(c). An employing office's oral request to an employee to furnish any subsequent certification is sufficient.

(b) *Timing.* In most cases, the employing office should request that an employee furnish certification at the time the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave commences. The employing office may request certification at some later date if the employing office later has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification to the employing office within 15 calendar days after the employing office's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts or the employing office provides more than 15 calendar days to return the requested certification.

(c) *Complete and sufficient certification.* The employee must provide a complete and sufficient certification to the employing office if required by the employing office in accordance with 825.306, 825.309, and 825.310. The employing office shall advise an employee whenever the employing office finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. A certification is considered incomplete if the employing office receives a certification, but one or more of the applicable entries have not been completed. A certification is considered insufficient if the employing office receives a complete certification, but the information provided is vague, ambiguous, or non-responsive. The employing office must provide the employee with seven calendar days (unless not practicable under the particular circumstances despite the employee's diligent good faith efforts) to cure any such deficiency. If the deficiencies specified by the employing office are not cured in the resubmitted certification, the employing office may deny the taking of FMLA leave, in accordance with 825.313. A certification that is not returned to the employing office is not considered incomplete or insufficient, but constitutes a failure to provide certification.

(d) *Consequences.* At the time the employing office requests certification, the employing office must also advise an employee of the anticipated consequences of an employee's failure to provide adequate certification. If the employee fails to provide the employing office with a complete and sufficient certification, despite the opportunity to cure the certification as provided in paragraph (c) of this section, or fails to provide any certification, the employing office may deny the taking of FMLA leave, in accordance with 825.313. It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the employing office to support the employee's FMLA request. This provision will apply in any case where an employing office requests a certification permitted by these regulations, whether it is the initial certification, a recertification, a second or third opinion, or a fitness-for-duty certificate, including any clarifications necessary to determine if such certifications are authentic and sufficient. *See* 825.306, 825.307, 825.308, and 825.312.

(e) *Annual medical certification.* Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year (as defined in 825.200), the employing office may require the employee to provide a new medical certification in each subsequent leave year. Such new medical certifications are subject to the provisions for authentication and clarification set forth in 825.307, including second and third opinions.

825.306 Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member.

(a) *Required information.* When leave is taken because of an employee's own serious health condition, or the serious health condition of a family member, an employing office may require an employee to obtain a medical certification from a health care provider that sets forth the following information:

(1) The name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization;

(2) The approximate date on which the serious health condition commenced, and its probable duration;

(3) A statement or description of appropriate medical facts regarding the patient's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave. Such medical facts may include information on symptoms, diagnosis, hospitalization, doctor visits, whether medication has been prescribed, any referrals for evaluation or treatment (physical therapy, for example), or any other regimen of continuing treatment;

(4) If the employee is the patient, information sufficient to establish that the employee cannot perform the essential functions of the employee's job as well as the nature of any other work restrictions, and the likely duration of such inability (see 825.123(b));

(5) If the patient is a covered family member with a serious health condition, information sufficient to establish that the family member is in need of care, as described in 825.124, and an estimate of the frequency and duration of the leave required to care for the family member;

(6) If an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment of the employee's or a covered family member's serious health condition, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates and duration of such treatments and any periods of recovery;

(7) If an employee requests leave on an intermittent or reduced schedule basis for the employee's serious health condition, including pregnancy, that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the frequency and duration of the episodes of incapacity; and

(8) If an employee requests leave on an intermittent or reduced schedule basis to care for a covered family member with a serious health condition, a statement that such leave is medically necessary to care for the family member, as described in 825.124 and 825.203(b), which can include assisting in the family member's recovery, and an estimate of the frequency and duration of the required leave.

(b) The Office of Compliance has developed two optional forms (Form A and Form B) for use in obtaining medical certification, including second and third opinions, from health care providers that meets FMLA's certification requirements, as made applicable by the CAA. (See Forms A and B.) Optional Form A is for use when the employee's need for leave is due to the employee's own serious health condition. Optional Form B is for use when the employee needs leave to care for a family member with a serious health condition. These optional forms reflect certification requirements so as to permit the health care provider to furnish appropriate medical information. Forms A and B are modeled closely on Form WH–380E and Form WH–380F, as revised, which were developed by the Department of Labor (see 29 C.F.R. Part 825). The employing office may use the Office of Compliance's forms, or Form WH–380E and Form WH–380F, as revised, or another form containing the same basic information; however, no information may be required beyond that specified in 825.306, 825.307, and 825.308. In all instances the information on the form must relate only to the serious health condition for which the current need for leave exists.

(c) If an employee is on FMLA leave running concurrently with a workers' compensation absence, and the provisions of the workers' compensation statute permit the employing office or the employing office's representative to request additional information from the employee's workers' compensation health care provider, the FMLA does not prevent the employing office from following the applicable workers' compensation provisions and information received under those provisions may be considered in determining the employee's entitlement to FMLA-protected leave. Similarly, an employing office may request additional information in accordance with a paid leave policy or disability plan that requires greater information to qualify for payments or benefits, provided that the employing office informs the employee that the additional information only needs to be provided in connection with receipt of such payments or benefits. Any information received pursuant to such policy or plan may be considered in determining the employee's entitlement to FMLA-protected leave. If the employee fails to provide the information required for receipt of such payments or benefits, such failure will not affect the employee's entitlement to take unpaid FMLA leave. See 825.207(a).

(d) If an employee's serious health condition may also be a disability within the meaning of the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA, the FMLA does not prevent the employing office from following the procedures for requesting medical information under the ADA. Any information received pursuant to these procedures may be considered in determining the employee's entitlement to FMLA-protected leave.

(e) While an employee may choose to comply with the certification requirement by providing the employing office with an authorization, release, or waiver allowing the employing office to communicate directly with the health care provider of the employee or his or her covered family member, the employee may not be required to provide such an authorization, release, or waiver. In all instances in which certification is requested, it is the employee's responsibility to provide the employing office with complete and sufficient certification and failure to do so may result in the denial of FMLA leave. See 825.305(d).

825.307 Authentication and clarification of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member; second and third opinions.

(a) *Clarification and authentication.* If an employee submits a complete and sufficient certification signed by the health care provider, the employing office may not request additional information from the health care provider. However, the employing office may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the employing office has given the employee an opportunity to cure any deficiencies as set forth in 825.305(c). To make such contact, the employing office must use a health care provider, a human resources professional, a leave administrator, or a management official. An employee's direct supervisor may not contact the employee's health care provider, unless the direct supervisor is also the only individual in the employing office designated to process FMLA requests and the direct supervisor receives specific authorization from the employee to contact the employee's health care provider. For purposes of these regulations, *authentication* means providing the health care provider with a copy of the certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document; no additional medical information may be requested.

Clarification means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response. Employing offices may not ask health care providers for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, (*see* 45 CFR parts 160 and 164), which governs the privacy of individually-identifiable health information created or held by HIPAA-covered entities, must be satisfied when individually-identifiable health information of an employee is shared with an employing office by a HIPAA-covered health care provider. If an employee chooses not to provide the employing office with authorization allowing the employing office to clarify the certification with the health care provider, and does not otherwise clarify the certification, the employing office may deny the taking of FMLA leave if the certification is unclear. *See* 825.305(d). It is the employee's responsibility to provide the employing office with a complete and sufficient certification and to clarify the certification if necessary.

(b) *Second Opinion.* (1) An employing office that has reason to doubt the validity of a medical certification may require the employee to obtain a second opinion at the employing office's expense. Pending receipt of the second (or third) medical opinion, the employee is provisionally entitled to the benefits of the FMLA, as made applicable by the CAA, including maintenance of group health benefits. If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under the employing office's established leave policies. In addition, the consequences set forth in 825.305(d) will apply if the employee or the employee's family member fails to authorize his or her health care provider to release all relevant medical information pertaining to the serious health condition at issue if requested by the health care provider designated to provide a second opinion in order to render a sufficient and complete second opinion.

(2) The employing office is permitted to designate the health care provider to furnish the second opinion, but the selected health care provider may not be employed on a regular basis by the employing office. The employing office may not regularly contract with or otherwise regularly utilize the services of the health care provider furnishing the second opinion unless the employing office is located in an area where access to health care is extremely limited (*e.g.*, a rural area where no more than one or two doctors practice in the relevant specialty in the vicinity).

(c) *Third opinion.* If the opinions of the employee's and the employing office's designated health care providers differ, the employing office may require the employee to obtain certification from a third health care provider, again at the employing office's expense. This third opinion shall be final and binding. The third health care provider must be designated or approved jointly by the employing office and the employee. The employing office and the employee must each act in good faith to attempt to reach agreement on whom to select for the third opinion provider. If the employing office does not attempt in good faith to reach agreement, the employing office will be bound by the first certification. If the employee does not attempt in good faith to reach agreement, the employee will be bound by the second certification. For example, an employee who refuses to agree to see a doctor in the specialty in question may be failing to act in good faith. On the other hand, an employing office that refuses to agree to any doctor on a list of specialists in the appropriate field provided by the employee and whom the employee has not previously consulted may be failing to act in good faith. In addition, the consequences set forth in 825.305(d) will apply if the employee or the employee's family member fails to authorize his or her health care provider to release all relevant medical information pertaining to the serious health condition at issue if requested by the health care provider designated to provide a third opinion in order to render a sufficient and complete third opinion.

(d) *Copies of opinions.* The employing office is required to provide the employee with a copy of the second and third medical opinions, where applicable, upon request by the employee. Requested copies are to be provided within five business days unless extenuating circumstances prevent such action.

(e) *Travel expenses.* If the employing office requires the employee to obtain either a second or third opinion the employing office must reimburse an employee or family member for any reasonable ''out of pocket'' travel expenses incurred to obtain the second and third medical opinions. The employing office may not require the employee or family member to travel outside normal commuting distance for purposes of obtaining the second or third medical opinions except in very unusual circumstances.

(f) *Medical certification abroad.* In circumstances in which the employee or a family member is visiting in another country, or a family member resides in another country, and a serious health condition develops, the employing office shall accept a medical certification as well as second and third opinions from a health care provider who practices in that country. Where a certification by a foreign health care provider is in a language other than English, the employee must provide the employing office with a written translation of the certification upon request.

825.308 Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member.

(a) *30-day rule.* An employing office may request recertification no more often than every 30 days and only in connection with an absence by the employee, unless paragraphs (b) or (c) of this section apply.

(b) *More than 30 days.* If the medical certification indicates that the minimum duration of the condition is more than 30 days, an employing office must wait until that minimum duration expires before requesting a recertification, unless paragraph (c) of this section applies. For example, if the medical certification states that an employee will be unable to work, whether continuously or on an intermittent basis, for 40 days, the employing office must wait 40 days before requesting a recertification. In all cases, an employing office may request a recertification of a

medical condition every six months in connection with an absence by the employee. Accordingly, even if the medical certification indicates that the employee will need intermittent or reduced schedule leave for a period in excess of six months (*e.g.*, for a lifetime condition), the employing office would be permitted to request recertification every six months in connection with an absence.

(c) *Less than 30 days.* An employing office may request recertification in less than 30 days if:

(1) The employee requests an extension of leave;

(2) Circumstances described by the previous certification have changed significantly (*e.g.*, the duration or frequency of the absence, the nature or severity of the illness, complications). For example, if a medical certification stated that an employee would need leave for one to two days when the employee suffered a migraine headache and the employee's absences for his or her last two migraines lasted four days each, then the increased duration of absence might constitute a significant change in circumstances allowing the employing office to request a recertification in less than 30 days. Likewise, if an employee had a pattern of using unscheduled FMLA leave for migraines in conjunction with his or her scheduled days off, then the timing of the absences also might constitute a significant change in circumstances sufficient for an employing office to request a recertification more frequently than every 30 days; or

(3) The employing office receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification. For example, if an employee is on FMLA leave for four weeks due to the employee's knee surgery, including recuperation, and the employee plays in company softball league games during the employee's third week of FMLA leave, such information might be sufficient to cast doubt upon the continuing validity of the certification allowing the employing office to request a recertification in less than 30 days.

(d) *Timing.* The employee must provide the requested recertification to the employing office within the time frame requested by the employing office (which must allow at least 15 calendar days after the employing office's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

(e) *Content.* The employing office may ask for the same information when obtaining recertification as that permitted for the original certification as set forth in 825.306. The employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or adequate authorization to the health care provider) in the recertification process as in the initial certification process. *See* 825.305(d). As part of the information allowed to be obtained on recertification for leave taken because of a serious health condition, the employing office may provide the health care provider with a record of the employee's absence pattern and ask the health care provider if the serious health condition and need for leave is consistent with such a pattern.

(f) Any recertification requested by the employing office shall be at the employee's expense unless the employing office provides otherwise. No second or third opinion on recertification may be required.

825.309 Certification for leave taken because of a qualifying exigency.

(a) *Active Duty Orders.* The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of a military member (*see* 825.126(a)), an employing office may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the military member's covered active duty service. This information need only be provided to the employing office once. A copy of new active duty orders or other documentation issued by the military may be required by the employing office if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of the same or a different military member;

(b) *Required information.* An employing office may require that leave for any qualifying exigency specified in 825.126 be supported by a certification from the employee that sets forth the following information:

(1) A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested. The facts must be sufficient to support the need for leave. Such facts should include information on the type of qualifying exigency for which leave is requested and any available written documentation which supports the request for leave; such documentation, for example, may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs;

(2) The approximate date on which the qualifying exigency commenced or will commence;

(3) If an employee requests leave because of a qualifying exigency for a single, continuous period of time, the beginning and end dates for such absence;

(4) If an employee requests leave because of a qualifying exigency on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency;

(5) If the qualifying exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting (such as the name, title, organization, address, telephone number, fax number, and email address) and a brief description of the purpose of the meeting; and

(6) If the qualifying exigency involves *Rest and Recuperation* leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates that the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

(c) The Office of Compliance has developed an optional form (Form E) for employees' use in obtaining a certification that meets FMLA's certification requirements. This optional form reflects certification requirements so as to permit the employee to furnish appropriate information to support his or her request for leave because of a qualifying exigency. Form E, or Form WH–384 (developed by the Department of Labor), or another form containing the same basic information, may be used by the employing office; however, no information may be required beyond that specified in this section.

(d) *Verification.* If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the employing office may not request additional information from the employee. However, if the qualifying exigency involves meeting with a third party, the employing office may contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the employing office. An employing office also may contact an appropriate unit of the Department of Defense to request verification that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty); no additional information may be requested and the employee's permission is not required.

825.310 Certification for leave taken to care for a covered servicemember (military caregiver leave).

(a) *Required information from health care provider.* When leave is taken to care for a covered servicemember with a serious injury or illness, an employing office may require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember. For purposes of leave taken to care for a covered servicemember, any one of the following health care providers may complete such a certification:

(1) A United States Department of Defense (''DOD'') health care provider;

(2) A United States Department of Veterans Affairs (''VA'') health care provider;

(3) A DOD TRICARE network authorized private health care provider;

(4) A DOD non-network TRICARE authorized private health care provider; or

(5) Any health care provider as defined in 825.125.

(b) If the authorized health care provider is unable to make certain military-related determinations outlined below, the authorized health care provider may rely on determinations from an authorized DOD representative (such as a DOD recovery care coordinator) or an authorized VA representative. An employing office may request that the health care provider provide the following information:

(1) The name, address, and appropriate contact information (telephone number, fax number, and/or email address) of the health care provider, the type of medical practice, the medical specialty, and whether the health care provider is one of the following:

(i) A DOD health care provider;

(ii) A VA health care provider;

(iii) A DOD TRICARE network authorized private health care provider;

(iv) A DOD non-network TRICARE authorized private health care provider; or

(v) A health care provider as defined in 825.125.

(2) Whether the covered servicemember's injury or illness was incurred in the line of duty on active duty or, if not, whether the covered servicemember's injury or illness existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty on active duty;

(3) The approximate date on which the serious injury or illness commenced, or was aggravated, and its probable duration;

(4) A statement or description of appropriate medical facts regarding the covered servicemember's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave.

(i) In the case of a current member of the Armed Forces, such medical facts must include information on whether the injury or illness may render the covered servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating and whether the member is receiving medical treatment, recuperation, or therapy;

(ii) In the case of a covered veteran, such medical facts must include:

(A) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is the continuation of an injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating; or

(B) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and that such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(C) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(D) Documentation of enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

(5) Information sufficient to establish that the covered servicemember is in need of care, as described in 825.124, and whether the covered servicemember will need care for a single continuous period of time, including any time for treatment and recovery, and an estimate as to the beginning and ending dates for this period of time;

(6) If an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment appointments for the covered servicemember, whether there is a medical necessity for the covered servicemember to have such periodic care and an estimate of the treatment schedule of such appointments;

(7) If an employee requests leave on an intermittent or reduced schedule basis to care for a covered servicemember other than for planned medical treatment (e.g., episodic flare-ups of a medical condition), whether there is a medical necessity for the covered servicemember to have such periodic care, which can include assisting in the covered servicemember's recovery, and an estimate of the frequency and duration of the periodic care.

(c) *Required information from employee and/or covered servicemember.* In addition to the information that may be requested under 825.310(b), an employing office may also request that such certification set forth the following information provided by an employee and/or covered servicemember:

(1) The name and address of the employing office of the employee requesting leave to care for a covered servicemember, the name of the employee requesting such leave, and the name of the covered servicemember for whom the employee is requesting leave to care;

(2) The relationship of the employee to the covered servicemember for whom the employee is requesting leave to care;

(3) Whether the covered servicemember is a current member of the Armed Forces, the National Guard or Reserves, and the covered servicemember's military branch, rank, and current unit assignment;

(4) Whether the covered servicemember is assigned to a military medical facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit), and the name of the medical treatment facility or unit;

(5) Whether the covered servicemember is on the temporary disability retired list;

(6) Whether the covered servicemember is a veteran, the date of separation from military service, and whether the separation was other than dishonorable. The employing office may require the employee to provide documentation issued by the military which indicates that the covered servicemember is a veteran, the date of separation, and that the separation is other than dishonorable. Where an employing office requires such documentation, an employee may provide a copy of the veteran's Certificate of Release or Discharge from Active Duty issued by the U.S. Department of Defense (DD Form 214) or other proof of veteran status. *See* 825.127(c)(2).

(7) A description of the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care.

(d) The Office of Compliance has developed an optional form (Form F) for employees' use in obtaining certification that meets FMLA's certification requirements. (*See* Form F). This optional form reflects certification requirements so as to permit the employee to furnish appropriate information to support his or her request for leave to care for a covered servicemember with a serious injury or illness. Form F, or Form WH–385 (developed by the Department of Labor), or another form containing the same basic information, may be used by the employing office; however, no information may be required beyond that specified in this section. In all instances the information on the certification must relate only to the serious injury or illness for which the current need for leave exists. An employing office may seek authentication and/or clarification of the certification under 825.307. Second and third opinions under 825.307 are not permitted for leave to care for a covered servicemember when the certification has been completed by one of the types of healthcare providers identified in section 825.310(a)(1–4). However, second and third opinions under 825.307 are permitted when the certification has been completed by a health care provider as defined in 825.125 that is not one of the types identified in 825.310(a)(1)–(4). Additionally, recertifications under 825.308 are not permitted for leave to care for a covered servicemember. An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to 825.122(k) of the FMLA.

(e) An employing office requiring an employee to submit a certification for leave to care for a covered servicemember must accept as sufficient certification, in lieu of the Office of Compliance's optional certification form (Form F) or an employing office's own certification form, invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill servicemember at his or her bedside. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA. During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave may not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary. An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

(1) If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or ITA, an employing office may request that the employee have one of the authorized health care providers listed under 825.310(a) complete the Office of Compliance optional certification form (Form F) or an employing office's own form, as requisite certification for the remainder of the employee's necessary leave period.

(2) An employing office may seek authentication and clarification of the ITO or ITA under 825.307. An employing office may not utilize the second or third opinion process outlined in 825.307 or the recertification process under 825.308 during the period of time in which leave is supported by an ITO or ITA.

(3) An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to 825.122(k) when an employee supports his or her request for FMLA leave with a copy of an ITO or ITA.

(f) An employing office requiring an employee to submit a certification for leave to care for a covered servicemember must accept as sufficient certification of the servicemember's serious injury or illness documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. Such documentation is sufficient certification of the servicemember's serious injury or illness to support the employee's request for military caregiver leave regardless of whether the employee is the named caregiver in the enrollment documentation.

(1) An employing office may seek authentication and clarification of the documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers under 825.307. An employing office may not utilize the second or third opinion process outlined in 825.307 or the recertification process under 825.308 when the servicemember's serious injury or illness is shown by documentation of enrollment in this program.

(2) An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to 825.122(k) when an employee supports his or her request for FMLA leave with a copy of such enrollment documentation. An employing office may also require an employee to provide

documentation, such as a veteran's Form DD–214, showing that the discharge was other than dishonorable and the date of the veteran's discharge.

(g) Where medical certification is requested by an employing office, an employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good-faith efforts to obtain such documents. *See* 825.305(b). In all instances in which certification is requested, it is the employee's responsibility to provide the employing office with complete and sufficient certification and failure to do so may result in the denial of FMLA leave. *See* 825.305(d).

825.311 Intent to return to work.

(a) An employing office may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The employing office's policy regarding such reports may not be discriminatory and must take into account all of the relevant facts and circumstances related to the individual employee's leave situation.

(b) If an employee gives unequivocal notice of intent not to return to work, the employing office's obligations under FMLA, as made applicable by the CAA, to maintain health benefits (subject to COBRA requirements) and to restore the employee cease. However, these obligations continue if an employee indicates he or she may be unable to return to work but expresses a continuing desire to do so.

(c) It may be necessary for an employee to take more leave than originally anticipated. Conversely, an employee may discover after beginning leave that the circumstances have changed and the amount of leave originally anticipated is no longer necessary. An employee may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave. In both of these situations, the employing office may require that the employee provide the employing office reasonable notice (*i.e.*, within two business days) of the changed circumstances where foreseeable. The employing office may also obtain information on such changed circumstances through requested status reports.

825.312 Fitness-for-duty certification.

(a) As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, an employing office may have a uniformly-applied policy or practice that requires all similarly-situated employees (*i.e.*, same occupation, same serious health condition) who take leave for such conditions to obtain and present certification from the employee's health care provider that the employee is able to resume work. The employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or providing sufficient authorization to the health care provider to provide the information directly to the employing office) in the fitness-for-duty certification process as in the initial certification process. *See* 825.305(d).

(b) An employing office may seek a fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave. The certification from the employee's health care provider must certify that the employee is able to resume work. Additionally, an employing office may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. In order to require such a certification, an employing office must provide an employee with a list of the essential functions of the employee's job no later than with the designation notice required by 825.300(d), and must indicate in the designation notice that the certification must address the employee's ability to perform those essential functions. If the employing office satisfies these requirements, the employee's health care provider must certify that the employee can perform the identified essential functions of his or her job. Following the procedures set forth in 825.307(a), the employing office may contact the employee's health care provider for purposes of clarifying and authenticating the fitness-for-duty certification. Clarification may be requested only for the serious health condition for which FMLA leave was taken. The employing office may not delay the employee's return to work while contact with the health care provider is being made. No second or third opinions on a fitness-for-duty certification may be required.

(c) The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

(d) The designation notice required in 825.300(d) shall advise the employee if the employing office will require a fitness-for-duty certification to return to work and whether that fitness-for-duty certification must address the employee's ability to perform the essential functions of the employee's job.

(e) An employing office may delay restoration to employment until an employee submits a required fitness-for-duty certification unless the employing office has failed to provide the notice required in paragraph (d) of this section. If an employing office provides the notice required, an employee who does not provide a fitness-for-duty certification or request additional FMLA leave is no longer entitled to reinstatement under the FMLA. *See* 825.313(d).

(f) An employing office is not entitled to a certification of fitness to return to duty for each absence taken on an intermittent or reduced leave schedule. However, an employing office is entitled to a certification of fitness to return to duty for such absences up to once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took such leave. If an employing office chooses to require a fitness-for-duty certification under such circumstances, the employing office shall inform the employee at the same time it issues the designation notice that for each subsequent instance of intermittent or reduced schedule leave, the employee will be required to submit a fitness-for-duty certification unless one has already been submitted within the past 30 days. Alternatively, an employing office can set a different interval for requiring a fitness-for-duty certification as long as it does not exceed once every 30 days and as long as the employing office advises the employee of the requirement in advance of the employee taking the intermittent or reduced schedule leave. The employing office may not terminate the employment of the employee while awaiting such a certification of fitness to return to duty for an intermittent or reduced schedule leave absence. Reasonable safety concerns means a reasonable belief of significant risk of harm to the individual employee or others. In determining whether reasonable safety concerns exist, an employing office should consider the nature and severity of the potential harm and the likelihood that potential harm will occur.

(g) If the terms of a collective bargaining agreement govern an employee's return to work, those provisions shall be applied.

(h) Requirements under the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA, apply. After an employee returns from FMLA leave, the ADA requires any medical examination at an employing office's expense by the employing office's health care provider be job-related and consistent with business necessity. For example, an attorney could not be required to submit to a medical examination or inquiry just because her leg had been amputated. The essential functions of an attorney's job do not require use of both legs; therefore such an inquiry would not be job related. An employing office may require a warehouse laborer, whose back impairment affects the ability to lift, to be examined by an orthopedist, but may not require this employee to submit to an HIV test where the test is not related to either the essential functions of his or her job or to his/her impairment. If an employee's serious health condition may also be a disability within the meaning of the ADA, as made applicable by the CAA, the FMLA does not prevent the employing office from following the procedures for requesting medical information under the ADA.

825.313 Failure to provide certification.

(a) *Foreseeable leave.* In the case of foreseeable leave, if an employee fails to provide certification in a timely manner as required by 825.305, then an employing office may deny FMLA coverage until the required certification is provided. For example, if an employee has 15 days to provide a certification and does not provide the certification for 45 days without sufficient reason for the delay, the employing office can deny FMLA protections for the 30-day period following the expiration of the 15-day time period, if the employee takes leave during such period.

(b) *Unforeseeable leave.* In the case of unforeseeable leave, an employing office may deny FMLA coverage for the requested leave if the employee fails to provide a certification within 15 calendar days from receipt of the request for certification unless not practicable due to extenuating circumstances. For example, in the case of a medical emergency, it may not be practicable for an employee to provide the required certification within 15 calendar days. Absent such extenuating circumstances, if the employee fails to timely return the certification, the employing office can deny FMLA protections for the leave following the expiration of the 15-day time period until a sufficient certification is provided. If the employee never produces the certification, the leave is not FMLA leave.

(c) *Recertification.* An employee must provide recertification within the time requested by the employing office (which must allow at least 15 calendar days after the request) or as soon as practicable under the particular facts and circumstances. If an employee fails to provide a recertification within a reasonable time under the particular facts and circumstances, then the employing office may deny continuation of the FMLA leave protections until the employee produces a sufficient recertification. If the employee never produces the recertification, the leave is not FMLA leave. Recertification does not apply to leave taken for a qualifying exigency or to care for a covered servicemember.

(d) *Fitness-for-duty certification.* When requested by the employing office pursuant to a uniformly applied policy for similarly-situated employees, the employee must provide medical certification, at the time the employee seeks reinstatement at the end of FMLA leave taken for the employee's serious health condition, that the employee is fit for duty and able to return to work (*see* 825.312(a)) if the employing office has provided the required notice (*see* 825.300(e)); the employing office may delay restoration until the certification is provided. Unless the employee provides either a fitness-for-duty certification or a new medical certification for a serious health condition at the time FMLA leave is concluded, the employee may be terminated. *See also* 825.213(a)(3).

SUBPART D—ADMINISTRATIVE PROCESS

825.400 Administrative Process, general rules.

(a) To commence a proceeding, a covered employee alleging a violation of the rights and protections of the FMLA, as made applicable by the CAA, must request counseling by the Office of Compliance not later than 180 days after the date of the alleged violation. If a covered employee misses this deadline, the covered employee will be unable to obtain a remedy under the CAA.

(b) The following procedures are available under title IV of the CAA (2 U.S.C. 1401) for covered employees who believe that their rights under FMLA, as made applicable by the CAA, have been violated:

(1) counseling;

(2) mediation; and

(3) election of either—

(A) a formal complaint, filed with the Office of Compliance, and a hearing before a hearing officer, subject to review by the Board of Directors of the Office of Compliance, and judicial review in the United States Court of Appeals for the Federal Circuit; or

(B) a civil action in a district court of the United States.

(c) If an employer has violated one or more provisions of FMLA, and if justified by the facts of a particular case, an employee may receive one or more of the following: wages, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or, where no such tangible loss has occurred, such as when FMLA leave was unlawfully denied, any actual monetary loss sustained by the employee as a direct result of the violation, such as the cost of providing care, up to a sum equal to 26 weeks of wages for the employee in a case involving leave to care for a covered servicemember or 12 weeks of wages for the employee in a case involving leave for any other FMLA qualifying reason. In addition, the employee may be entitled to interest on such sum, calculated at the prevailing rate. An amount equaling the preceding sums may also be awarded as liquidated damages unless such amount is reduced by the court because the violation was in good faith and the employer had reasonable grounds for believing the employer had not violated the Act. When appropriate, the employee may also obtain appropriate equitable relief, such as employment, reinstatement and promotion. When the employer is found in violation, the employee may recover a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action from the employer in addition to any judgment awarded by the court.

(d) Regulations of the Office of Compliance describing and governing these procedures are found at 150 Cong. Rec. H4166–02 (2004), 150 Cong. Rec. S6870–02 (2004), and may be found on the Office's website.

825.401 [Reserved]

825.402 [Reserved]

825.403 [Reserved]

825.404 [Reserved]

SUBPART E—[RESERVED]

SUBPART F—SPECIAL RULES APPLICABLE TO EMPLOYEES OF SCHOOLS

825.600 Special rules for school employees, definitions.

(a) Certain special rules apply to employees of local educational agencies, including public school boards and elementary schools under their jurisdiction, and private elementary and secondary schools. The special rules do not apply to other kinds of educational institutions, such as colleges and universities, trade schools, and preschools.

(b) Educational institutions are covered by FMLA, as made applicable by the CAA (and these special rules). The usual requirements for employees to be eligible do apply.

(c) The special rules affect the taking of intermittent leave or leave on a reduced leave schedule, or leave near the end of an academic term (semester), by instructional employees. *Instructional employees* are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include, and the special rules do not apply to, teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

(d) Special rules which apply to restoration to an equivalent position apply to all employees of local educational agencies.

825.601 Special rules for school employees, limitations on intermittent leave.

(a) Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. An instructional employee who is on FMLA leave at the end of the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.

(1) If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered servicemember, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, the employing office may require the employee to choose either to:

(i) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

(ii) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

(2) These rules apply only to a leave involving more than 20 percent of the working days during the period over which the leave extends. For example, if an instructional employee who normally works five days each week needs to take two days of FMLA leave per week over a period of several weeks, the special rules would apply. Employees taking leave which constitutes 20 percent or less of the working days during the leave period would not be subject to transfer to an alternative position. *Periods of a particular duration* means a block, or blocks, of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave.

(b) If an instructional employee does not give required notice of foreseeable FMLA leave (*see* 825.302) to be taken intermittently or on a reduced leave schedule, the employing office may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the employing office may require the employee to delay the taking of leave until the notice provision is met.

825.602 Special rules for school employees, limitations on leave near the end of an academic term.

(a) There are also different rules for instructional employees who begin leave more than five weeks before the end of a term, less than five weeks before the end of a term, and less than three weeks before the end of a term. Regular rules apply except in circumstances when:

(1) An instructional employee begins leave more than five weeks before the end of a term. The employing office may require the employee to continue taking leave until the end of the term if—

(i) The leave will last at least three weeks, and

(ii) The employee would return to work during the three-week period before the end of the term.

(2) The employee begins leave during the five-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. The employing office may require the employee to continue taking leave until the end of the term if—

(i) The leave will last more than two weeks, and

(ii) The employee would return to work during the two-week period before the end of the term.

(3) The employee begins leave during the three-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. The employing office may require the employee to continue taking leave until the end of the term if the leave will last more than five working days.

(b) For purposes of these provisions, *academic term* means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA, as made applicable by the CAA. An example of leave falling within these provisions would be where an employee plans two weeks of leave to care for a family member which will begin three weeks before the end of the term. In that situation, the employing office could require the employee to stay out on leave until the end of the term.

825.603 Special rules for school employees, duration of FMLA leave.

(a) If an employee chooses to take leave for periods of a particular duration in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

(b) In the case of an employee who is required to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. The employing office has the option not to require the employee to stay on leave until the end of the school term. Therefore, any additional leave required by the employing office to the end of the school term is not counted as FMLA leave; however, the employing office shall be required to maintain the employee's group health insurance and restore the employee to the same or equivalent job including other benefits at the conclusion of the leave.

825.604 Special rules for school employees, restoration to an equivalent position.

The determination of how an employee is to be restored to an equivalent position upon return from FMLA leave will be made on the basis of ''established school board policies and practices, private school policies and practices, and collective bargaining agreements.'' The ''established policies'' and collective bargaining agreements used as a basis for restoration must be in writing, must be made known to the employee prior to the taking of FMLA leave, and must clearly explain the employee's restoration rights upon return from leave. Any established policy which is used as the basis for restoration of an employee to an equivalent position must provide substantially the same protections as provided in the FMLA, as made applicable by the CAA, for reinstated employees. *See* 825.215. In other words, the policy or collective bargaining agreement must provide for restoration to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. For example, an employee may not be restored to a position requiring additional licensure or certification.

SUBPART G—EFFECT OF OTHER LAWS, EMPLOYING OFFICE PRACTICES, AND COLLECTIVE BARGAINING AGREEMENTS ON EMPLOYEE RIGHTS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA.

825.700 Interaction with employing office's policies.

(a) An employing office must observe any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established by the FMLA. Conversely, the rights established by the FMLA, as made applicable by the CAA, may not be diminished by any employment benefit program or plan. For example, a provision of a collective bargaining agreement (CBA) which provides for reinstatement to a position that is not equivalent because of seniority (*e.g.*, provides lesser pay) is superseded by FMLA. If an employing office provides greater unpaid family leave rights than are afforded by FMLA, the employing office is not required to extend additional rights afforded by FMLA, such as maintenance of health benefits (other than through COBRA or 5 U.S.C. 8905a, whichever is applicable), to the additional leave period not covered by FMLA.

(b) Nothing in the FMLA, as made applicable by the CAA, prevents an employing office from amending existing leave and employee benefit programs, provided they comply with FMLA, as made applicable by the CAA. However, nothing in the FMLA, as made applicable by the CAA, is intended to discourage employing offices from adopting or retaining more generous leave policies.

825.701 [Reserved]

825.702 Interaction with anti-discrimination laws, as applied by section 201 of the CAA.

(a) Nothing in the FMLA modifies or affects any applicable law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability (*e.g.*, Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act and as made applicable by the CAA). FMLA's legislative history explains that FMLA is ''not intended to modify or affect the Rehabilitation Act of 1973, as amended, the regulations concerning employment which have been promulgated pursuant to that statute, or the Americans with Disabilities Act of 1990 [as amended] or the regulations issued under that act. Thus, the leave provisions of the [FMLA] are wholly distinct from the reasonable accommodation obligations of employers covered under the [ADA] . . . or the Federal government itself. The purpose of the FMLA, as applied by the CAA, is to make leave available to eligible employees and [employing offices] within its coverage, and not to limit already existing rights and protection.'' S. Rep. No. 3, 103d Cong., 1st Sess. 38 (1993). An employing office must therefore provide leave under whichever statutory provision provides the greater rights to employees. When an employer violates both FMLA and a discrimination law, an employee may be able to recover under either or both statutes (double relief may not be awarded for the same loss; when remedies coincide a claimant may be allowed to utilize whichever avenue of relief is desired. *Laffey* v. *Northwest Airlines, Inc.*, 567 F.2d 429, 445 (D.C. Cir. 1976), *cert. denied*, 434 U.S. 1086 (1978).

(b) If an employee is a qualified individual with a disability within the meaning of the Americans with Disabilities Act (ADA), as made applicable by the CAA, the employing office must make reasonable accommodations, *etc.*, barring undue hardship, in accordance with the ADA. At the same time, the employing office must afford an employee his or her FMLA rights, as made applicable by the CAA. ADA's ''*disability*'' and FMLA's ''*serious health condition*'' are different concepts, and must be analyzed separately. FMLA entitles eligible employees to 12 weeks of leave in any 12-month period due to their own serious health condition, whereas the ADA allows an indeterminate amount of leave, barring undue hardship, as a reasonable accommodation. FMLA requires employing offices to maintain employees' group health plan coverage during FMLA leave on the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period, whereas ADA does not require maintenance of health insurance unless other employees receive health insurance during leave under the same circumstances.

(c)(1) A reasonable accommodation under the ADA might be accomplished by providing an individual with a disability with a part-time job with no health benefits, assuming the employing office did not ordinarily provide health insurance for part-time employees. However, FMLA would permit an employee to work a reduced leave schedule until the equivalent of 12 workweeks of leave were used, with group health benefits maintained during this period. FMLA permits an employing office to temporarily transfer an employee who is taking leave intermittently or on a reduced leave schedule to an alternative position, whereas the ADA allows an accommodation of reassignment to an equivalent, vacant position only if the employee cannot perform the essential functions of the employee's present position and an accommodation is not possible in the employee's present position, or an accommodation in the employee's present position would cause an undue hardship. The examples in the following paragraphs of this section demonstrate how the two laws would interact with respect to a qualified individual with a disability.

(2) A qualified individual with a disability who is also an eligible employee entitled to FMLA leave requests 10 weeks of medical leave as a reasonable accommodation, which the employing office grants because it is not an undue hardship. The employing office advises the employee that the 10 weeks of leave is also being designated as FMLA leave and will count towards the employee's FMLA leave entitlement. This designation does not prevent the parties from also treating the leave as a reasonable accommodation and reinstating the employee into the same job, as required by the ADA, rather than an equivalent position under FMLA, if that is the greater right available to the employee. At the same time, the employee would be entitled under FMLA to have the employing office maintain group health plan coverage during the leave, as that requirement provides the greater right to the employee.

(3) If the same employee needed to work part-time (a reduced leave schedule) after returning to his or her same job, the employee would still be entitled under FMLA to have group health plan coverage maintained for the remainder of the two-week equivalent of FMLA leave entitlement, notwithstanding an employing office policy that part-time employees do not receive health insurance. This employee would be entitled under the ADA to reasonable accommodations to enable the employee to perform the essential functions of the part-time position. In addition, because the employee is working a part-time schedule as a reasonable accommodation, the FMLA's provision for temporary assignment to a different alternative position would not apply. Once the employee has exhausted his or her remaining FMLA leave entitlement while working the reduced (part-time) schedule, if the employee is a qualified individual with a disability, and if the employee is unable to return to the same full-time position at that time, the employee might continue to work part-time as a reasonable accommodation, barring undue hardship; the employee would then be entitled to only those employment benefits ordinarily provided by the employing office to part-time employees.

(4) At the end of the FMLA leave entitlement, an employing office is required under FMLA to reinstate the employee in the same or an equivalent position, with equivalent pay and benefits, to that which the employee held when leave commenced. The employing office's FMLA obligations would be satisfied if the employing office offered the employee an equivalent full-time position. If the employee were unable to perform the essential functions of that equivalent position even with reasonable accommodation, because of a disability, the ADA may require the employing office to make a reasonable accommodation at that time by allowing the employee to work part-time or by reassigning

the employee to a vacant position, barring undue hardship.

(d)(1) If FMLA entitles an employee to leave, an employing office may not, in lieu of FMLA leave entitlement, require an employee to take a job with a reasonable accommodation. However, ADA may require that an employing office offer an employee the opportunity to take such a position. An employing office may not change the essential functions of the job in order to deny FMLA leave. *See* 825.220(b).

(2) An employee may be on a workers' compensation absence due to an on-the-job injury or illness which also qualifies as a serious health condition under FMLA. The workers' compensation absence and FMLA leave may run concurrently (subject to proper notice and designation by the employing office). At some point the health care provider providing medical care pursuant to the workers' compensation injury may certify the employee is able to return to work in a light duty position. If the employing office offers such a position, the employee is permitted but not required to accept the position. *See* 825.220(d). As a result, the employee may no longer qualify for payments from the workers' compensation benefit plan, but the employee is entitled to continue on unpaid FMLA leave either until the employee is able to return to the same or equivalent job the employee left or until the 12-week FMLA leave entitlement is exhausted. *See* 825.207 (e). If the employee returning from the workers' compensation injury is a qualified individual with a disability, he or she will have rights under the ADA, as made applicable by the CAA.

(e) If an employing office requires certifications of an employee's fitness for duty to return to work, as permitted by FMLA under a uniform policy, it must comply with the ADA requirement that a fitness for duty physical be job-related and consistent with business necessity.

(f) Under Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act, and as made applicable by the CAA, an employing office should provide the same benefits for women who are pregnant as the employing office provides to other employees with short-term disabilities. Because Title VII does not require employees to be employed for a certain period of time to be protected, an employee employed for less than 12 months by the employing office (and, therefore, not an ''eligible'' employee under FMLA, as made applicable by the CAA) may not be denied maternity leave if the employing office normally provides short-term disability benefits to employees with the same tenure who are experiencing other short-term disabilities.

(g) Under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4301, *et seq.*, veterans are entitled to receive all rights and benefits of employment that they would have obtained if they had been continuously employed. Therefore, under USERRA, a returning servicemember would be eligible for FMLA leave if the months and hours that he or she would have worked for the civilian employing office during the period of absence due to or necessitated by USERRA-covered service, combined with the months employed and the hours actually worked, meet the FMLA eligibility threshold of 12 months of employment and the hours of service requirement. *See* 825.110(b)(2)(i) and (c)(2) and 825.802(c).

(h) For further information on Federal antidiscrimination laws applied by section 201 of the CAA (2 U.S.C. 1311), including Title VII, the Rehabilitation Act, and the ADA, individuals are encouraged to contact the Office of Compliance.

MEASURES READ THE FIRST TIME—H.R. 5447 AND H.R. 5456

Mr. MCCONNELL. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5447) to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements.

A bill (H.R. 5456) to amend parts B and E of title IV of the Social Security Act to invest in funding prevention and family services to help keep children safe and supported at home, to ensure that children in foster care are placed in the least restrictive, most family-like, and appropriate settings, and for other purposes.

Mr. MCCONNELL. Mr. President, I now ask for a second reading, and I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the titles of the bills will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, JUNE 23, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, June 23; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each; finally, that following morning business, the Senate resume consideration of H.R. 2578.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:29 p.m., adjourned until Thursday, June 23, 2016, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, June 22, 2016*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER of Florida).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 22, 2016.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

PROTECT CONSTITUTIONAL PRIVILEGES OF DUE PROCESS AND THE SECOND AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. JOLLY) for 5 minutes.

Mr. JOLLY. Mr. Speaker, since the tragedy the Nation witnessed in Orlando about 10 days ago—a tragedy that struck at the heart of the American people, that struck at the heart of the LGBT community—we have a Nation that feels less secure, a Nation looking to Congress for answers regarding our national security posture, the policies of this administration's, of this Congress and answers, also legitimately, about how to protect our communities while also protecting the constitutional privileges of due process and the Second Amendment. They are very legitimate questions we cannot turn a deaf ear to. We answer to the American people. They entrust us to serve.

I was in Florida on the weekend of the attacks. When I left Florida to fly up here, I left a State, a community, that was united in grieving, united in mourning, united in its resolve to do something about it. I arrived at an institution as divided as ever.

It is not constructive to shout ''shame'' to your colleagues. It is not constructive to suggest that one side of the aisle is complicit in mass attacks on our Nation simply because some of us have had grave concerns about a proposal that, for 2 years, has been offered that we believe is flawed in recognizing constitutional protections; but it is also not acceptable to embrace inaction, and that is true on my side of the aisle as well.

I have voted against the Democratic proposal in committee for a couple of years. Here is why—and this is important for the American people to understand. If you are on a watch list, you should not be able to buy a gun; but if you are wrongfully on that list and if you are a law-abiding American citizen, your constitutional protections should be provided for.

You see, when an individual today is not allowed to purchase a firearm—the seven, eight, nine classes of individuals—they are all post adjudication. They have received a due process hearing and have been either convicted of a violent felony, have been adjudicated through a court of mental incompetence, or have been dishonorably discharged. In each case, there has been due process. Post adjudication is when the ban has been implemented.

The proposal on the left says there is no due process. If you are on the watch list, you are banned. I think that is wrong, but let's lead on our side of the aisle. Let's lead as a body and figure this out together.

Last week, I circulated a proposal. I didn't introduce it last week. I circulated it. I said to all of my colleagues: Help me make this better.

So last night, with some changes, based on input from my colleagues, I introduced H.R. 5544. It makes changes. It accepts the proposal of no fly, no buy. It is common sense. If you are on a watch list, you shouldn't be able to purchase a firearm; but under my legislation, if you are denied, you must be notified not at the point of sale, but within 10 days by the government that you were denied because you are on a watch list. You are then entitled to a due process hearing within 30 days by a judge, not by a political appointee within the Department of Justice.

The government must then demonstrate by a preponderance of the evidence—a 51–49 burden—why you should be prohibited. If they can do that, you are prohibited. If they cannot satisfy that burden, your Second Amendment rights remain intact. Importantly, the individual is entitled to all unclassified information against him. The hearing is private so as to protect the privacy of the individual and the interests of government.

As a result of circulating it, I have also added a provision by a colleague of mine in the Senate that, if a terror investigation has been closed and someone has been removed from the watch list and he later goes to purchase a firearm, the FBI should be notified. I think that is reasonable. That is H.R. 5544.

I ask for your consideration. I ask for you to help make it better. The terror strike in Orlando struck at the heart of America. Yes, it struck in the name of ISIS—a terrorist who proclaimed he was doing it in the name of radical Islam. Those were his words. It also struck at the heart of an LGBT community that, for generations, has been fighting for freedom, and it saw that freedom attacked.

Americans—all Americans—feel less safe now. Let's inject some radical common sense into this debate. We can ensure no fly, no buy while also ensuring due process and the Second Amendment. If we take the context of November—the narrative of a campaign—out of this, we can actually get this done. Let's listen to the 85 percent of Americans who disapprove of the job we are doing rather than go home and have a message of blaming each other. Let's go home and say we solved it together.

If H.R. 5544 is not something you can support, let's talk about how to improve it.

With regard to the proposal my friends on the left have had for 2 years, add due process, real due process. You will get the support. You will get the support on our side of the aisle if you add due process.

I say to my friends on my side of the aisle, let's lead on this issue. The American people are begging for leadership.

There is a community that is broken—a Nation that is broken—in the wake of Orlando. Let's honor the memories of those who are lost. Let's do right by the American people and do right by the surviving families. Let's do something.

NO MORE SILENCE ON GUN VIOLENCE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Massachusetts (Ms. CLARK) for 5 minutes.

Ms. CLARK of Massachusetts. Mr. Speaker, we have come to the floor today to demand action. We have come to the floor with JOHN LEWIS. When JOHN LEWIS speaks—the conscience of our Congress—America listens.

As the barbaric details of the massacre of people dancing at the Pulse nightclub were released, I grieved for those lost. I thought about their dancing and how the human species is the only species that dances. Maybe that is because dancing is a celebration of spirit. Whether you love the waltz, the dab, square dancing, disco, or raves, dancing connects us.

For the LGBT community, the dance floor is often the place at which acceptance and belonging come together. While the massacre of 49 people would have been horrifying and shocking wherever it had happened, it happened on the dance floor at a gay club. A place of refuge—where fear and intimidation give way to joy, acceptance, and belonging—was transformed by hate and cowardice into a grotesque barrow.

Many of our sanctuaries have been violated by gun violence. It is a grisly routine: first graders and their teachers shot in their elementary school; students and professors shot in their college classrooms; parishioners shot after Bible study and fellowship in their church; social workers and disabled clients shot at a holiday party; our colleague shot while meeting with constituents; neighborhood sidewalks and parks transformed into blood soaked memorials.

Over the last 12 years, gun violence has claimed more American lives than war, AIDS, and illegal drug overdoses combined. Since Newtown, tens of thousands of lives have been lost to this deadly crisis. Yet the number of bills that have been debated and passed by this Congress to help prevent such deaths: zero.

Inaction is a choice. Inaction is costing lives. Today I am asking that this House have a vote, that we perform our basic responsibilities not only as Members of Congress, but as members of a community, and debate and vote on two commonsense measures to curb gun violence. I am asking for a vote on expanding background checks and on preventing suspected terrorists from being able to buy a gun.

The debate wages on on cable news, in our living rooms, on our Twitter feeds, and on Facebook.

Why can't the debate happen here?

There is no one solution to end gun violence or even to reduce it, but we have to try. This absolutist approach that we can't even vote on commonsense measures to help protect our families leaves us in a deadly arms race with ourselves.

Why is a vote so paralyzing? Is it special interests? Is it fear? Does the House leadership really believe that our Constitution and our liberties are so fragile that we have to tolerate carnage like we saw in Orlando or like we see on the streets of Chicago rather than risk a vote?

These two proposals have widespread support from the American people. Whatever your position on the substance of the bill, let's vote. Let's put it out there for people to judge. The American people get it. They understand that we can protect our constitutional rights and take reasoned steps to reduce gun violence. The American people understand that the two are, in fact, compatible under a robust democracy, not mutually exclusive.

Millions of Americans at home are worried and frustrated by this Congress' silence on this deadly epidemic. Without action, moments of silence cease to honor the thousands of victims, survivors, and families who have been devastated by gun violence. Moments of silence should be where action begins. Sadly, in this Congress, it is the only action that is taken. No more silence.

I urge the Speaker, before he sends Members home for the 4th of July, to have us vote on these two practical proposals. There is no holiday from gun violence for ordinary Americans. Our communities and our democracy deserve a vote so our children can dance again in freedom and safety.

COMMENDING DENNIS HEINDL FOR WORK IN COMBATING OPIOID EPIDEMIC

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, thousands of Americans lose their lives every year across communities of all sizes to a terrible epidemic, and that is an epidemic of substance abuse that steals lives, that steals futures, and that tears apart families.

Mr. Speaker, I rise to commend the efforts of a constituent of mine, Dennis Heindl, who lives in Elk County, located in Pennsylvania's Fifth Congressional District. Mr. Heindl is the owner of Laurel Media, based in Ridgway. After seeing the effects of the opioid abuse and heroin epidemic affecting our Nation, the Commonwealth of Pennsylvania, and areas such as Elk County, Dennis was compelled to act.

He set up a telephone hotline in an effort to fight back against drug use in communities across the region. The hotline is anonymous, strictly confidential, and is being administered by the North Central Pennsylvania Municipal Drug Task Force. Mr. Heindl is offering a $1,000 reward for any information that leads to the arrest or conviction of any individual who sells or distributes illegal or prescription drugs.

In addition to the hotline, Mr. Heindl is organizing a series of anti-drug meetings across the area. In fact, the latest meeting in the community of Ridgway drew a crowd of nearly 300 people all interested in taking their town back from this horrible epidemic.

Just like in so many other areas of our Nation, communities across Pennsylvania's Fifth Congressional District have suffered as a result of this drug epidemic. Elk County is ranked ninth in Pennsylvania in overdose deaths per population of 100,000 people while, further west, Crawford County has seen its overdose deaths double in the past 4 years.

□ 1015

Now, I am so proud of the efforts of the people such as Dennis Heindl and all those across the Fifth Congressional District who are helping in the efforts to fight back against drugs.

I am also proud of the package passed recently in this House, which will make grant funding available to States and local governments for the creation of opioid reduction programs, creates a task force to review prescribing practices, and cares for babies who are born opioid addicted and dependent.

If we all work together, I know that we can win this battle.

GUN VIOLENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, the slaughter in Orlando struck me with special impact. The massacre of patrons of the gay night club focused deliberately on the LGBT community came at a time of unparalleled progress for equality, capped by marriage equality. It was jarring. Even though the struggle continues in places like North Carolina, these killings came at a time of amazing progress and hope.

But horrific episodes of gun violence are always personal for me, and not just because of the carnage of multiple shootings and murders. We have had shootings in Oregon in shopping centers and schools, mass shootings in a high school in Springfield and a community college in Roseburg. We have had many deaths and injuries and Presidential visits.

The gun violence issue started for me with the senseless freak death from a single shot of a high school friend from a passing car. It is personal. I saw this single, random shot devastate a family, friends, and classmates. My own brother took his life with a handgun. We know that, unlike other forms of suicide attempts, people with handguns almost always succeed.

After each horrific event, my hope—and those of millions of other Americans—are raised again. Maybe this time it will be different. You might ask how, if even the slaughter of 20 innocent first graders could not give spineless politicians the courage to stand up

to the craven apologists for gun violence?

Well, in part, what is different was that, at Sandy Hook, those 20 little children and their six teachers struck a chord that remains. It laid the foundation to help focus the relentless outspoken efforts of President Obama and his entire administration in dealing with each little element of gun safety that was within their power to make us safer. We have Secretary Clinton running for President who has put a spotlight on gun safety throughout her campaign in a way unlike any we have seen in a Presidential campaign before.

One of the most encouraging signs for me is that there is a new approach to reducing gun violence, focused on gun safety. This is taking hold. A number of us have come up with our own plans.

A couple of years ago, I formulated my approach—looking at the concept we did with traffic safety—not a single magic solution, but a series of thoughtful, focused effects that, in traffic safety, ended up cutting deaths and injuries in half with education, research, enforcement, and policy changes, large and small, that had a cumulative effect of saving hundreds of thousands of lives. We can do this with gun violence.

An agenda of simple, commonsense approaches have been taken in other parts of the world, and it has made a difference. We see, in the United States, evidence in those States and communities that have taken action to reduce gun violence that people are, in fact, safer. It makes a difference.

Sometimes in politics, we can feel an issue crest, and I think we are watching it now. This week, we have a simple, single powerful little symbol. The no fly, no buy legislation would prevent people who we think are too dangerous to allow them to buy a ticket to fly on a plane, should not be allowed to buy an assault weapon.

Today, my colleagues and I are here supporting the notion that, if there is no bill to vote on, there should be no congressional break, demanding at least to allow us a vote on the floor of the House the same way there was some action in the Senate that gave people hope.

Let's do our part this morning to raise public awareness, to build momentum to make America safer. We shouldn't go home for the Fourth of July break without at least another small step forward. We owe it to the memory of tens of thousands who have died needlessly from gun violence, and we owe it to the tens of thousands of lives that we can save.

VENEZUELA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, the situation in Venezuela is deteriorating very quickly. In Venezuela, the people are running out of medicine, running out of food, experiencing electricity shortages, and the regime cannot even provide basic goods for the people.

Time is ticking, Mr. Speaker. It is not a matter of if; it is a matter of when Venezuela implodes due to the destructive policies of Nicolas Maduro. And the United States cannot sit idly by and watch this train wreck occur before our very eyes.

Responsible countries in Latin America must also stand up and be a voice for those suffering in Venezuela. Last week, 15 countries from the region signed a joint statement that expressed respect for the Venezuelan Constitution and called on responsible nations to guarantee due process and human rights. This is a good first step, Mr. Speaker, and I applaud those countries, but more needs to be done.

Tomorrow, the Organization of American States, the OAS, will have a meeting to discuss this crisis. I know that there are some who are advocating for dialogue, but we have tried dialogue before, and it was unsuccessful as Maduro kept coming up with new delays and obstacles in order to prevent a solution. We cannot allow Maduro to continue the charade of a dialogue as a stalling tactic.

A referendum, Mr. Speaker, must occur this year. The people demand it. Because if it doesn't, then next year, Maduro can step aside, hand over power to his Vice President, and the same abusive regime continues while not addressing any of the underlying problems.

If a dialogue does occur, all sectors of the Venezuelan opposition must be at the table. That is only fair. But it cannot happen if some of them are in jail, and a precondition to any dialogue must include the release of all political prisoners.

The regime could show a good-faith effort by doing this, but instead, it continues to go the other direction. It continues to go backwards, postponing the appeal of a political prisoner, Leopoldo Lopez, indefinitely after it was scheduled to occur just 2 days ago.

With its repression, its corruption, and its disastrous economic policies, the Maduro regime is running Venezuela into the ground, and it is no wonder that Venezuelans feel like they are under siege. Riots are occurring on a daily basis, and according to one recent study, 87 percent of Venezuelans say they don't have enough money to buy enough food. This travesty is simply unsustainable, and the regime must be held accountable to the people.

Tomorrow at the OAS, I hope to see the hemisphere finally stand up for itself, stop allowing itself to be mollified by the regime's lies and stall tactics, and hold Maduro's feet to the fire.

Humanitarian aid must be allowed to get through to the people, and the referendum must be held this year. Let the Venezuelan people have their say and finally put an end to this suffering.

In September of last year, Mr. Speaker, I joined 19 of my colleagues in sending a bipartisan letter to Secretary Kerry and Secretary Lew urging the administration to enforce a bill that I passed with Senator MARCO RUBIO, the Venezuelan Defense of Human Rights and Civil Society Act, and to apply sanctions to regime officials in the Venezuelan court system in response to the unjust sentencing of Venezuelan activist Leopoldo Lopez.

I asked Obama administration officials: What justification do you have for not carrying out and implementing these sanctions for this miscarriage of justice, and what is the dollar amount of the assets seized of the seven individuals whom you have sanctioned?

The State Department has pulled some visas due to human rights violations, but I asked the State Department: Can you tell us how many visas the State Department has pulled, and who are these individuals?

Last week, at the OAS meeting in the Dominican Republic, Secretary Kerry stated that Venezuela should follow its own constitution and hold a free, fair, and timely recall referendum. Does he believe or expect that it will happen this year?

Lastly, Mr. Speaker, Maduro has stated that he is ready to exchange ambassadors. I think this would be a big mistake because it will look as though we are legitimatizing the illegitimate Maduro regime. I hope that the State Department will not nominate someone this year to be Ambassador of Venezuela, and I hope that we, in the U.S., do more to help the long-suffering people of Venezuela.

GUN VIOLENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. CICILLINE) for 5 minutes.

Mr. CICILLINE. Mr. Speaker, the horrific mass shooting that took place on June 12 at the Pulse nightclub in Orlando, Florida, is a stark reminder of the urgent responsibility that we have to reduce gun violence in this country. This monstrous attack on the LGBT community in a place of refuge and empowerment requires us to act.

The shooter in Orlando used an assault rifle that is virtually identical to the ones used by mass killers in San Bernardino, Umpqua Community College, Aurora, and Sandy Hook Elementary School. That is no coincidence.

Out of the eight high-profile mass shootings that have taken place in the past year, seven involved the use of an

assault weapon. When an assault weapon is used in a mass shooting, the number of people shot increases by 153 percent, and the number of people killed increases by 63 percent.

These are weapons of war that are designed to kill as many people as possible as quickly as possible. They belong on a battlefield; they don't belong in our communities; and I will continue to fight to reinstate the assault weapons ban.

This morning, I want to use the time that I have to talk about two proposals that the Speaker should bring up for immediate vote: no fly, no buy, and universal background checks.

This is really, really simple. If you are too dangerous to fly on an airplane, then you are too dangerous to buy a gun. But under the laws that we have in place today, someone who is on the FBI's terrorist watch list, who is too dangerous to get on a plane, can still walk into any gun store in America, pass a background check, and walk out with an assault weapon or any other gun he wants. In fact, from 2004 until 2014, more than 2,000 suspected terrorists bought firearms legally in this country, and they are going to continue doing so until we stop them.

Until 9/11, bombs were the weapon of choice for terrorists looking to strike the United States; but in the 15 years since then, 95 percent of terrorist deaths that took place in the United States resulted from gunfire.

It is impossible—impossible—to understand that House Republicans have now voted 13 times to block the no fly, no buy proposal that Congressman PETER KING and Congressman MIKE THOMPSON introduced to keep guns out of the hands of terrorists in this country. Why? What are they afraid of? That we might actually stop a terrorist from passing a background check before he buys an assault rifle at Cabela's?

Bring the no fly, no buy bill to the floor today. Let's have an up-or-down vote. Let the American people hold us accountable for where we stand. This should be a no-brainer.

More than 80 percent of Americans believe we should prevent suspected terrorists from buying a gun, and more than 90 percent of Americans believe that a background check should be required on every firearm sale so we can keep guns out of the hands of criminals and those with such serious mental illness that possessing a gun would make them a danger to themselves or others.

Bills are pending to fix our background check system and to require a background check on every gun sale. This is one of the single most important and effective steps that we can take to reduce gun violence in this country.

Right now, anyone can go to a gun show or get on the Internet and purchase a gun without a background check. As many as two out of every five firearm transactions today are conducted without a background check. It is too easy for a criminal, a domestic abuser, a terrorist, or someone with a serious mental illness to buy a gun through this loophole.

Every day, background checks block 171 attempted purchases by felons, 48 attempted purchases by domestic abusers, and 19 attempted purchases by fugitives. It is critical that we strengthen the background check system and require checks on all firearm sales so we can keep more dangerous individuals from acquiring these deadly weapons. Bring the Fix Gun Checks Act to the floor today.

Mr. Speaker, we held a moment of silence last week for the victims in Orlando. I know that all of us have kept the victims and their loved ones and the people of Orlando in our thoughts and prayers since June 12. But the best way to honor the lives lost in this horrific tragedy is to do something to prevent it from happening to others. A moment of silence is not enough. We need a moment of sustained action in this Chamber, and we need it today.

Mr. Speaker, it will be an insult to the victims of this shooting and their families and every victim of every shooting in this country if we continue to do nothing to prevent future tragedies. Do not let this Chamber adjourn until we have voted on these critical issues. Bring these bills to the floor today. Nothing is more important than stopping the bloodshed and ensuring the safety and security of our constituents.

□ 1030

THE SENATE SHOULD PASS H. CON. RES. 129

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. WEBER) for 5 minutes.

Mr. WEBER of Texas. Mr. Speaker, I rise today to speak in support of H. Con. Res. 129.

To do so, let me share a story about a constituent of mine who is a Holocaust survivor from Lithuania. She was 11 years old when the German SS Nazis marched into her town and gathered her and her family up. She was separated right away from her family, and, I guess fortunately for her, she did not appear Jewish to the German soldiers.

When she was asked her name, she told them it was Weber, which happens to be my name and the way my grandfather would have pronounced it when he came over from Germany on the boat in 1903. Anyway, the soldier thought she wasn't Jewish, so he let her go.

She ran into the forest, Mr. Speaker, and she hid in barns and other places until the end of the war. She spent the years of that war hungry and frightened but somehow managed to survive. She was liberated by the Russians at the war's end.

This woman, who was a young girl when she was 11 back during World War II, is now in her 90s and living in my district in her home in Galveston, Texas. Mr. Speaker, she is in need of 24-hour care to remain in her home. Unfortunately, funds are running low to keep her in her home, with the high cost of providers. She is unable to stay there, it looks like.

She lives on Social Security, but fortunately the Claims Conference has been able to assist her through providing funding by the German Government for 25 regular hours a week and some exceptional hours a week provided on her increasing healthcare needs.

Additionally, the Jewish community of Houston, through the generosity of a private fund which assists Holocaust survivors, through case management efforts of Jewish Family Service in Houston, has also been able to provide up to 59 hours a week of home care above that which the German Government has funded.

As of June 1, 2016, Mr. Speaker, the Jewish Family Service in Houston has not been able to continue this level of care.

She and other constituents of mine who are Holocaust victims would all greatly benefit from increased funding which is included in House Concurrent Resolution 129, asking the German Government to provide that funding for that very home care. This would ensure that those Holocaust survivors are able to remain in their homes with dignity for the remaining few years of their life.

Thankfully, H. Con. Res. 129 passed—with bipartisan support, I might add—in the House last week. I encourage our counterparts in the Senate to pass this legislation swiftly. Mr. Speaker, you know I am right.

CALLING FOR A VOTE ON BEHALF OF THE VICTIMS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO) for 5 minutes.

Ms. DELAURO. Mr. Speaker, I am ROSA DELAURO from the State of Connecticut. I represent the Third Congressional District.

I am so proud today to join with my colleagues on the issue of what do we do in the United States Congress, the body that deliberates the major issues of the day, the body that is entrusted by the people who put their faith and trust in their elected representatives to do right, to do right by the American people, yes, to keep them and their families safe.

In Connecticut, gun homicides in 2013 were 71; in 2014, 56—we went down; 2015,

79. Probably one of the most searing events in the United States of America was the massacre of children, of babies in Sandy Hook. That isn't to say that in every city in this country children are not dying every day. Since Sandy Hook, one American child is killed every single day. These are our children. Almost 100,000 have died by gun violence since Sandy Hook.

What I would like to do is to read to you the names of victims at Sandy Hook. These are not what we are here today to speak about. Yes, we talk about statistics and we talk about percentages, but what is important is to know about the flesh and blood behind those numbers.

At Sandy Hook:

Rachel D'Avino, 29, a teacher's aide.

Dawn Hochsprung, 47, principal of Sandy Hook Elementary School.

Ann Marie Murphy, 52, a teacher's aide.

Lauren Rousseau, 30, a teacher.

Mary Sherlach, 56, school psychologist.

Victoria Leigh Soto, 27, a teacher who hid her children in a closet. And I know, because she was a constituent, her family today suffers every day because of her loss. She shielded these babies, and she lost her life.

And who are these babies?

Charlotte Bacon, 6 years old.

Daniel Barden, 7.

Olivia Engel, 6.

Josephine Gay, 7.

Dylan Hockley, 6.

Madeleine Hsu, 6.

Catherine Hubbard, 6.

Chase Kowalski, 7.

Jesse Lewis, 6.

Ana Marquez-Greene, 6.

James Mattioli, 6.

Grace McDonnell, 7.

Emilie Parker, 6.

Jack Pinto, 6.

Noah Pozner, 6.

Caroline Previdi, 6.

Jessica Rekos, 6.

Avielle Richman, 6.

Benjamin Wheeler, 6.

Allison Wyatt, 6.

We all have children. We have grandchildren. And I won't forget that day because my grandchildren at that time were 5, 6, 7, and 8 years old. I had to steel myself to be away from them because when I looked at them I just began to cry, because it can be anyone's child, anyone's grandchild who will lose their life.

One child every single day is killed by gun violence in the United States of America. They leave families, they leave siblings who are unable to even cope with the sense of loss. These families have tried to channel their grief by the Newtown Promise.

Why are we here today? We are here today to say: universal background checks; no fly, no buy. It is as simple as that.

And for me personally, as my colleague from Rhode Island said, we should ban assault weapons. We should ban them. That is what occurred at Sandy Hook and several other of these tragedies.

The American people sent us here to vote. That is what you have done, demand that this Congress vote on this issue. Debate it and vote, and people can be free to vote whatever way they choose to, but our Constitution says we vote on these issues.

We should not be denied. Those children all over America, the adults, should not be forgotten. They should be remembered and that this body was allowed to vote on their behalf.

WE SHOULD PROTECT ARTISTS AND SONGWRITERS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACKBURN) for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, the Digital Millennium Copyright Act, the DMCA, as it is commonly known here in this Chamber, is nearly 20 years old.

Now, just as a reminder, 20 years ago, Google was being born, Americans were out dancing the ''Macarena,'' and they were holding cell phones that were the size of bricks. That was 20 years ago.

Tech companies like YouTube may have changed the way Americans consume music, but our laws have not kept pace to protect the songwriters and the artists who actually create that music.

This week, 180 musical artists and songwriters, including Taylor Swift, Paul McCartney, The Black Keys, and the bands Chicago and U2, sent a letter to Congress calling for the reform of the 1998 Digital Millennium Copyright Act.

Mr. Speaker, I include in the RECORD a copy of this letter.

DEAR CONGRESS: The Digital Millennium Copyright Act (DMCA) is broken and no longer works for creators.

As songwriters and artists who are a vital contributing force to the U.S. and to American exports around the world, we are writing to express our concern about the ability of the next generation of creators to earn a living. The existing laws threaten the continued viability of songwriters and recording artists to survive from the creation of music. Aspiring creators shouldn't have to decide between making music and making a living. Please protect them.

One of the biggest problems confronting songwriters and recording artists today is the Digital Millennium Copyright Act. This law was written and passed in an era that is technologically out-of-date compared to the era in which we live. It has allowed major tech companies to grow and generate huge profits by creating ease of use for consumers to carry almost every recorded song in history in their pocket via a smartphone, while songwriters' and artists' earnings continue to diminish. Music consumption has skyrocketed, but the monies earned by individual writers and artists for that consumption has plummeted.

The DMCA simply doesn't work. It's impossible for tens of thousands of individual songwriters and artists to muster the resources necessary to comply with its application. The tech companies who benefit from the DMCA today were not the intended protectorate when it was signed into law nearly two decades ago. We ask you to enact sensible reform that balances the interests of creators with the interests of the companies who exploit music for their financial enrichment. It's only then that consumers will truly benefit.

Mrs. BLACKBURN. Here is the problem: the DMCA safe harbor provision.

What this does, YouTube has created a platform where anyone with a smartphone can access nearly any song ever recorded. Often this content is infringed, and it does not—does not—compensate the artist who created it.

The safe harbor provision immunizes YouTube from claims of copyright infringement if it removes the infringing content in a timely fashion after YouTube has been notified by an artist or a record company. With millions of songs on YouTube, it is really impossible.

Grammy-winning jazz/classical composer Maria Schneider has said the following about the DMCA: ''The DMCA makes it my responsibility to police the entire Internet on a daily basis. As fast as I take my music down, it reappears again on the same site like an endless Whac-A-Mole game.''

This not only threatens the vitality of songwriters but the economic contributions they make in our communities. Take my home area in Tennessee. A 2012 study shows that in Nashville itself the music industry is a $5.5 billion asset to the economy. Looking at the entire middle Tennessee region, it is $9.7 billion.

This is a fundamental American principle. If you make something, if you create something, it belongs to you. In no other walk of life do we allow people to steal the work of others and turn a blind eye, except when it comes to songwriters and entertainers.

Our friends in the tech industry, who do little to nothing to see that the songwriter is protected on their platforms, are the first ones to complain if one of their patents is slightly infringed upon. So I ask them, why are their creations deserving of protection but the creations of others are not? It is unfair, and they know it.

But creators are not going to keep taking it. The times, they are a-changin', as Bob Dylan would say. That is why, for years, I have sought to protect music creators through legislation, like the Fair Play Fair Pay Act that Representative NADLER and I are working on and the Songwriter Equity Act.

To our friends in the tech industry, I say this: willful blindness or situational ethics aren't okay; ignorance and denial, not acceptable; and refusing to pay people for their work is unfair, and it really needs to stop.

This is about fairness, and it is about honoring the law by enforcing the law. It is that simple.

□ 1045

DEBATE GUN CONTROL LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Maine (Ms. PINGREE) for 5 minutes.

Ms. PINGREE. Mr. Speaker, we should not be here today.

We should not have to come to the floor of the House of Representatives to beg the majority party just to debate and vote on commonsense gun legislation that the vast majority of Americans demand. We should not be living in a society where debate and even scientific research about gun violence are stifled and silenced by the majority in Congress, and we should not live in a country where gun violence takes such a toll on our citizens.

But here we are, standing up for the millions of Americans who want Congress to do something and honoring the thousands of Americans who have lost their lives to gun violence. Here we are, standing up for our constituents who are tired of the excuses and want to hear a debate and want to see us take action on gun violence. And here we are today to represent the victims.

The list is so long: Orlando, San Bernardino, Newton, Fort Hood, Charleston. The list goes on. Nine in a church, 23 in a restaurant, 26 in an elementary school, and now 49 in a nightclub. The victims are men and women, Black and White, rich and poor, old and young.

At a McDonald's in California, an 8-month-old baby was killed, along with his mother who was trying to shelter him when a gunman came in and started shooting.

At a North Carolina nursing home, a 98-year-old grandmother was killed when a shooter came in and opened fire.

Here in the United States, you are 10 times more likely to be killed by a gun than in any other developed Nation in the world. Of the 23 richest and most developed countries in the world, we have, by far, the most gun violence. We have half the population of the other 22, but 90 percent of the women killed by a gun are killed by a gun in the United States. Ninety-one percent of the children under age 14, who are killed by a gun, are killed by a gun in the United States. And if you are a young person in this country, you are 50 times more likely to die of a gun death than in all of those other countries. We have the most guns and we have the most gun violence.

Mr. Speaker, we have the NRA. Through fear, intimidation, and misinformation, the NRA has taken control over the debate on guns to such an extent that we cannot even vote in this Chamber on whether we should keep guns out of the hands of terrorists.

Right now, someone can be on both the terrorist watch list and the no-fly list. In other words, the FBI thinks you are a terrorist and the TSA bans you from flying, but if you want to drive down to your local gun store and buy an assault rifle, there is nothing anyone can do to stop you.

Over the last 10 years, people on the terrorist watch list tried to buy explosives or firearms 2,233 times. Over 90 percent of the time, they were successful. This is wrong. The American people know it is wrong, public health officials know it is wrong, and nearly every single law enforcement association in America knows it is wrong, which is why they are all in favor of closing the terrorist gun loophole. In fact, a recent poll by a Republican pollster found 76 percent of gun owners and 71 percent of NRA members said suspected terrorists should not be allowed to buy guns.

If you were to walk outside the House of Representatives right now and stop someone walking down the street and ask the simple question: Should terrorists be allowed to buy guns, you would get a very simple answer. They would say: No, of course terrorists should not be allowed to buy guns.

But they can. Republicans here in the House won't even let us have a debate and a vote on it.

How did we get here, Mr. Speaker? How has the debate shifted so far away from commonsense gun regulation that a proposal to close the terrorist gun loophole is this controversial? Why is it that, here in the House, debate is silenced and we are not allowed to vote?

The closest we came to a debate on gun legislation recently came last week when a controversy erupted about the standard procedure to observe a moment of silence on the House floor after a mass shooting.

Mr. Speaker, it is shameful that we have allowed this country to get to a point where Congress has to even have a standard procedure to observe mass shootings, yet we aren't even allowed to have a debate about legislation to address this problem.

It is time for us to stand up to the NRA, to have a fair and open debate about gun violence, and it is time for all of us to do our job representing the American people.

EPIDEMIC OF GUN VIOLENCE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Illinois (Ms. KELLY) for 5 minutes.

Ms. KELLY of Illinois. Mr. Speaker, I rise today heartbroken and angered once again by the rampant epidemic of gun violence plaguing our Nation. Gun violence is on the rise across the country. I am not just talking about the tragic mass shootings that grip our collective attention. I am talking about the everyday shootings that go undetected by the national media.

Last year, gun deaths became the number one killer of youths aged 16–24. We are on track to break this record in 2016.

Just this past Father's Day weekend, 41 people were shot—13 of them fatally—in Chicago. The shootings in those 60 hours claimed the city's 300th recorded homicide this year. This is the list of the names of the people who have lost their lives to gun violence. I don't have enough time to name every name.

Amari Brown, 7 years old, was the youngest. He was shot in the back.

In 2016 alone, more than 1,800 people have been shot across Chicago.

Among this weekend's victims was 3-year-old Devon Quinn. On Sunday, Devon was riding with his father to pick up his mother from work when a hail of bullets hit their car. Devon is still hospitalized.

Devon's story is, unfortunately, all too common in communities like some of the ones that I represent, where a trip down the street to a convenience store or a gas station could end in tragedy.

I am tired of hearing stories like this. It saddens me and angers me each time I speak with constituents and hear their all too familiar story of losing a loved one to gun violence. I am frustrated not only because we are losing an entire generation to gun violence, but because so many of these deaths were preventable if Congress had just had the courage to take action.

Sadly, we don't even talk about gun deaths until it is forced into our lives with another tragic mass shooting. When this happens, we give our fiery speeches, hold our moments of silence, and then we wait for the national buzz to fade. It is a shameful and disrespectful ritual that proves that Congress has little to no plans to truly honor the lives of gun violence victims.

This weekend on ''Meet the Press,'' the Speaker gave his fellow Republicans a pass to ''vote their conscience'' with respect to their Presidential support. I ask the Speaker to give his colleagues a pass when it comes to voting on backgrounds checks, which 90 percent of Americans support.

With each shooting, we are quick to say that it is a mental health problem, it is a family problem, it is a terror problem. But somehow it is never a gun problem.

It is time we look at the common denominator and accept that the root of the problem is about how guns get into the hands of those seeking to do harm.

Prayer and reflection brings comfort to those who mourn, but scripture of all faiths teaches that prayer must be met by good deeds. Silence without action is deafening.

The majority of the American people want greater action. They want to close the gun show and online loopholes that allow people to purchase

guns without a background check. They want medical experts and their government to research this plague of gun violence for what it is: a public health crisis. They want to keep guns out of the hands of terrorists on the no-fly list.

Why is it that when someone poses a credible national security threat, we ensure that they cannot fly on a plane, but they can still purchase a firearm?

With each second that passes without action, we are risking another Devon Quinn, another Hadiya Pendleton, another Blair Holt. We are risking another Orlando, another Sandy Hook, another Virginia Tech.

So I ask my colleagues: Just who exactly has to die and how many before we finally put an end to this? Just how many birthdays, Father's Days, Mother's Days must go uncelebrated? How many would-be graduations must pass? How many empty chairs at a kitchen table must there be before we show courage and say ''enough'' and take action to pass measures that keep us safe instead of going on with our violence?

It is deafening. Bring these bills to the floor.

GUN VIOLENCE IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the Virgin Islands (Ms. PLASKETT) for 5 minutes.

Ms. PLASKETT. Mr. Speaker, I rise this morning in solidarity with my colleagues about the mass shootings that are going on in our country.

The Orlando mass shooting has been another demonstration for some Americans of an ongoing daily violence and daily nightmare: gun violence in our country.

Now, we all know that there is a systemic problem for many in our communities of lack in opportunities: lack of education, adequate after-school and summer programs, job training, expansion of economic opportunities. But we know measures that will help to increase funding for these programs will never reach this floor.

We know also that Republicans refuse to take up other measures as well. What they can address right now, right here, is expanded background checks, prevention of gun sales to those on a no-fly list, and a ban on assault weapons.

Now, I grew up fishing and hunting with my dad. I passed that on to my children. So owning a gun is not something that I believe should not happen, but I know that it is not an absolute right.

As the granddaughter of a police commissioner, the daughter of a New York City cop, a former Bronx prosecutor, and a Justice Department official, the war on crime, the war on these mass shootings and destruction would be well served by voting on expanded background checks, prevention of gun sales to those on the no-fly list, and a ban on assault weapons.

On the small islands that I represent, the U.S. Virgin Islands, there have been over 300 gun-related deaths over the last 5 years. For a place with a population of 100,000, to have 300 gun-related deaths in 3 years accounts for a murder rate and a death per capita that is several times the national average.

Now, much of this is through a lack of opportunity, but also—and absolutely—the influx of illegal assaults weapons, such as high-caliber weapons of mass murder, that come into the market. Those, coupled, in our instance, with the drug trade, have left our community in fear and mourning for our young.

Last year alone, there were twice as many gun deaths per capita in the Virgin Islands than there were in most American cities that we could traditionally think of as having a high gun rate.

Who are the victims of the destruction just this year in the Virgin Islands?

I am going to name them because we never hear names like this. We have our moments of silence for the large groups, but these are the day-to-day individuals that died:

January 9, two unnamed males; January 20, Stephen Coleman and Heidi Mills; January 21, Tishawn Samuel, 24; February 2, Juan Encarnacion, 30; March 5, Evan Ezekiel Joseph, 38; March 8, Conrad Phipps, 30; March 22, Kishawn Fleming, 23; March 27, Hans Oliver, 38; March 28, Kayan Payne and Kanta Payne, 33 and 29; April 19, Joseph duCreay, 19; April 28, Javan Benjamin, 22; May 1, Shedale Gabriel, 25; May 22, Vershawn Monsanto, 21; June 4, Shaki Alexander, 21, and Kerven Joseph 19; June 12, Ojahnia Adkins, 22, and Jahfari Samuel, 34; June 20, Devon Freeman, 42.

The blood of these victims speak to me. I hope, Mr. Speaker, it speaks to you. Bring the bills to the floor. Vote it up or vote it down, but do your job.

□ 1100

LET'S DO SOMETHING TO PROTECT THE CHILDREN OF AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. CAPUANO) for 5 minutes.

Mr. CAPUANO. Mr. Speaker, pretty much everything has been said, except I think, obviously, the leadership is still not hearing us. And it is not just us who are saying this; the American people are saying this.

Everyone has seen the polls. Everyone knows the reality that, in the last couple of weeks, 90 percent of the American people want us to do very simple things: no fly, no buy and closing gaping, not small, but gaping loopholes in the background check.

Now, like some of my colleagues, I personally would go further. My constituents would support that. There are many things we could be doing, but we are not asking for those things because we know that is a difficult lift in the House of Representatives.

But I represent the same number of people as every other Member here, about 750,000 people. And when 90 percent of those constituents in every district wants us to take simple, direct action, I think it is a dereliction of duty and responsibility and our oath to ignore that unless there is some moral reason for us to disagree with some constituents. On this issue, I can't believe anyone has a moral disagreement with this.

Everyone's talking about Orlando, and that is obviously the most important, most compelling one. But since the Orlando shooting, in the last 10 days, the last 10 days in America, there have been 77 people, at least, killed with guns—at least.

And I say that because many of these things get minimal reporting. Why? Because all of us are used to turning on the local news in every corner of this country every single night and seeing another act of violence, almost always committed with a gun, across America. It is not an urban problem or a rural problem; it is across the country. And we have become a little desensitized to it because it happens all the time.

Once in a while, we will get an Orlando tragedy or a Sandy Hook tragedy, and we will all jump up and down and say how upset we are. But, as has been pointed out many times, we don't seem to get all that upset when two or three people get shot in the middle of some other place.

Sometimes, we think: well, it is probably just gang violence. It is just one gang member shooting another gang member. Maybe they deserve it. America is better off.

How do you say that when there is a 3-year-old who gets shot, or a 7-year-old? How dare you say that. Or a woman walking down the street, or people literally just sitting in their homes innocently.

People say that some of the proposals that have been made wouldn't have stopped Orlando or wouldn't have stopped Sandy Hook or wouldn't have stopped something else. You know what? Maybe they are right. I don't know. But I have never in my life, either politically or personally, used the excuse that because I can't do everything that, therefore, I should do nothing. That is nothing more than a lame excuse.

If we can save the life of one person by taking simple actions that everybody seems to agree with—if you can't

fly, you can't buy a gun; close the loopholes in background checks—no one has a problem with background checks.

Most Americans don't know there are loopholes. And I don't mean little ones. I mean gaping ones. As you heard earlier, about 40 percent of the guns sold in this country are not subject to background checks. That is not a loophole. That is a gaping loophole.

In the last 10 days, 239 Americans have been injured with guns. Now, some say, well, it is in home defense, it is accidental shootings. And that is true. Some of them are.

All this stuff is available to anybody who wants to take 5 minutes and do a simple Internet search like I did. There are dozens of reputable Web sites that have this information.

One of them, the Gun Violence Archive—simple statistics, not advocating, statistics—in 2015, the last calendar year, they list 13,433 deaths by gun. That is 36.8 per day. And, this year, we are on pace to exceed that. Of that, two children under the age of 11 per day were shot—two per day.

Yes, about 10 percent of the incidents were home invasions, defensive use, and accidental shooting, which is why none of us are trying to impede law-abiding American citizens from owning a gun. But that leaves 90 percent of the gun activity outside that. For us to not take action, in my opinion, is indefensible.

In 18 years, I have never participated in this Morning Hour discussion. I haven't done it because I find most of this, more often than not, somebody's reason to make a political statement. And I guess on some levels that is what I am doing right now.

But, on occasion, things get to the point where we, as a group, have to stand up, that we, individually, have to stand up and demand what is the simplest action imaginable—if you are too dangerous to fly, you are too dangerous to buy—the simplest action, put it on the floor.

I would respect someone for coming up and voting ''no.'' I would disagree, but at least they wouldn't be able to hide behind their own political rhetoric that somehow people like me are trying to pull guns away from them.

The truth is it is a simple action. And I will tell you, as a House Member, I am a bit embarrassed that the Senate was at least able to put it on the floor. At least they will have to answer to their constituents.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAPUANO. I understand that, Mr. Speaker. This issue has not expired, and this issue will not go away. And this issue will not be the end of this debate today or tomorrow, until we get a vote on these simple issues and do something to protect the children of America.

GUN VIOLENCE IN CHICAGO

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Illinois (Ms. SCHAKOWSKY) for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, over last Father's Day weekend, 13 people were killed with guns in Chicago, my hometown. Another 46 were injured.

One of those critically injured was 3-year-old Devon Quinn. Devon and his father were sitting in their green van when someone pulled up and started firing shots into a crowd of people. Devon was hit in the right shoulder by a bullet as he sat in his car. He was not the target, and he was another innocent victim in a terrible year of gun violence.

A 17-year-old boy was walking down 46th Street, and he was mowed down by an assault weapon.

According to the Chicago Tribune, about 1,800 people have been shot in Chicago this year. Over 200 of them have died from guns. When shootings becomes so commonplace, we risk forgetting how traumatic each one is for the people involved.

I recently received a letter from Kiara, a high school senior in my district, and she wrote:

> Talking on the phone with a good friend a few nights ago, I heard the disturbing noise of gunshots. Feelings of fear overwhelmed me as my friend was talking as he was walking home from the train station after a long day at work.
>
> Almost immediately, communication broke. I called back over and over again with no response. I was on the verge of a meltdown, thinking of what could have happened to him.
>
> After what seemed like the longest 10 minutes of my life, I received a text letting me know that he was okay but needed to call 9-1-1, as someone had been shot by a drive-by shooting.
>
> I sat there, frozen. What could I do? Then, thoughts of hopelessness and sadness took hold over me, and I thought about the family of this poor, innocent person who was just shot and how terrible that phone call must have been from the hospital.
>
> I understand the need for guns and the role they play in protection in times of war and so on. But what I don't understand is the internal debate and menace within the United States over the use and misuse of weapons.

Too often, we forget the names of victims and the pain of their loved ones, as Congress continues to do nothing to stop the violence. Most don't even get that empty gesture of a moment of silence, and, even so, we have done 27 moments of silence since Sandy Hook.

How numb have we become to everyday violence that we only stop for that lone minute to recognize the most horrific shootings? Forty-nine victims in Orlando, schoolchildren in Newtown, churchgoers murdered in Charleston.

Just during the Senate filibuster on gun violence last week, 48 people were shot. As the mass shootings get worse and worse, we can't let these daily shootings fade into the background of America.

I know that my constituents feel frustrated and ignored when Congress responds to each of these tragedies with inaction. Angela wrote to me from the Rogers Park neighborhood of Chicago, where I grew up:

> I am writing to you as a frustrated and saddened constituent who is tired of watching innocent people die because the NRA holds our Congresspeople hostage.
>
> I am begging you, on behalf of our students, teachers, police, LGBT, and every innocent person who has been affected by senseless gun violence, to please use this moment to enact meaningful gun control in our country.
>
> We have had decades of complacency from our government on this issue. It is no longer excusable, particularly for someone representing Chicago. You know where these legally purchased guns end up and that hundreds of our children and families pay the price for what selfish maniacs claim is their personal freedom.

And I have many more letters like those calling on those of us in Congress to do our job and reduce gun violence in our country. Neighbors ask me for action at the grocery store and at the gym and as I boarded the plane yesterday.

We can start by enacting two gun safety proposals that are overwhelmingly supported among our constituents, all of our constituents.

Close the terrorist loophole. If you are too dangerous to fly on an airplane, you should not be able to buy a gun. People can't even believe that that isn't the law already.

We need universal background checks. Forty percent of those guns used in violence in Chicago are bought legally at Indiana gun shows, where there are no background checks.

These proposals won't stop every single gun death, but we know that they will stop some. And, yes, there are a lot of other things we could do too.

I call on Speaker RYAN, along with my colleagues, to bring these bills to the floor before we break. Americans are calling for action on gun violence. They are tired of being ignored. No bill, no break.

THE NEED FOR UNIVERSAL BACKGROUND CHECKS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Maryland (Ms. EDWARDS) for 5 minutes.

Ms. EDWARDS. Mr. Speaker, our Nation is still horrified and heartbroken over the brutal act of terror and hate that killed 49 and wounded many more in Orlando, Florida, just over a week ago.

We stand in solidarity with the loved ones of those who were lost, with the LGBT community that suffered this unimaginable act of violence, and the entire Orlando community as they

work to move forward from this tragedy. We can work together to disarm hate.

Gun violence has become unacceptably commonplace in the country. The Orlando attack is only the latest and the most deadly mass shooting in the history of the United States. We have a responsibility to do more to keep guns out of the wrong hands.

But, Mr. Speaker, it is not just mass shootings that should be our focus. Guns have taken more lives in this country since 1968 than were lost in all the wars this Nation has ever fought. On average, more than 89 people each day die due to gun violence, whether that is by homicide, suicide, or accident. That is more than 33,000 Americans being killed by guns each year.

In just over the 3 years since Newtown, more than 111,300 people have been killed by someone using a gun in America. In my State of Maryland, in 2015 alone, more than 340 Marylanders have lost their lives to homicide by guns.

Yet, despite the national consensus for legislation to keep guns out of the hands of terrorists and convicted felons and domestic abusers, a vocal minority, led by the National Rifle Association, stands in the way of commonsense proposals to keep our Nation safer.

Those voices are forcing a false choice between constitutional rights and safe streets. We can do both. Congress can and must enact laws that improve the public safety while respecting the Constitution.

□ 1115

This Congress has no right to hold moments of silence anymore and then do nothing to prevent the next tragedy. This is a moment of truth for Congress. We cannot have another moment of silence without action. We can and should expand and strengthen our background checks and pass the bipartisan no fly, no buy bill to keep guns out of the hands of suspected terrorists.

So today what we know is that across this country there are people who go to unlicensed dealers at gun shows and do what they could not do if they went to Walmart to get a gun, and that is to get one without passing a background check. These unlicensed dealers are a significant source of crimes in my State and across the country, with an estimate of 40 percent of all purchases made through them without a background check.

Studies show that background checks actually do stop 170 felons, 50 domestic abusers, and 20 fugitives every single day from buying weapons. It works when you do it.

Recent polling shows that universal background checks are universally supported across the political spectrum. A CBS poll released just last week showed that 89 percent of the public supports legislation requiring background checks—the low-hanging fruit, the common denominator—and that includes 97 percent of Democrats, 92 percent of Republicans, and 82 percent of Independents. Who is left out? The vocal minority led by the National Rifle Association.

Let's talk about the National Rifle Association, Mr. Speaker, because they actually used to support universal background checks at gun shows.

On May 27, 1999, Wayne LaPierre, the current executive president and CEO of the National Rifle Association, testified before the House Judiciary Committee about 1 month before Columbine, in which 12 high school students and one teacher were murdered. He said this: ''We think it's reasonable to provide mandatory instant background checks for every sale at every gun show. No loopholes anywhere for anyone.'' That is a direct quote from Wayne LaPierre of the National Rifle Association.

When did they change? When it became politically expedient to do the job of the gun industry. So, unfortunately, they have flipped their position. They no longer support expanded background checks, and they have worked to prohibit that action here in Congress.

So I will say, Mr. Speaker, to Speaker RYAN and to my Republican colleagues: Enough already. We are tired. We are done. It is past time for the Congress to listen to the American public instead of to the National Rifle Association, to listen to the overwhelming number of Democrats, Republicans, and Independents, and to take guns out of the hands of terrorists, convicted felons, and those who would do harm to others.

No bill, no break. It is time to disarm hate.

COMMONSENSE GUN CONTROL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. LEWIS) for 5 minutes.

Mr. LEWIS. Mr. Speaker, I would ask that all of my colleagues join me on the floor.

On occasion, Mr. Speaker, I have had what I call an executive session with myself. For months, even for years, through several sessions of Congress, I wondered what would bring this body to take action, what would finally make Congress do what is right, what is just, what the people of this country have been demanding, and what is long overdue.

We have lost hundreds and thousands of innocent people to gun violence: tiny little children, babies, students and teachers, mothers and fathers, sisters and brothers, daughters and sons, friends and neighbors.

What has this body done? Mr. Speaker, nothing. Not one thing. We have turned deaf ears. We have turned deaf ears to the blood of the innocent and the concern of our Nation. We are blind to a crisis.

Mr. Speaker, where is the heart of this body? Where is our soul? Where is our moral leadership? Where is our courage? Those who work on bipartisan solutions are pushed aside. Those who pursue commonsense improvement are beaten down. Reason is criticized. Obstruction is praised.

Newtown, Aurora, Charleston, Orlando. What is the tipping point? Are we blind? Can we see? How many more mothers and how many more fathers need to shed tears of grief before we do something?

We were elected to lead, Mr. Speaker. We must be headlights and not taillights. We cannot continue to stick our heads in the sand and ignore the reality of mass gun violence in our Nation.

Deadly mass shootings are becoming more and more frequent. Mr. Speaker, this is a fact. It is not an opinion.

We must remove the blinders. The time for silence and patience is long gone. We are calling on the leadership of the House to bring commonsense gun control legislation to the House floor. Give us a vote. Let us vote. We came here to do our job. We came here to work.

The American people are demanding action. Do we have the courage? Do we have raw courage to make at least a down payment on ending gun violence in America?

We can no longer wait. We can no longer be patient. So today we come to the well of the House to dramatize the need for action—not next month, not next year, but now, today.

Sometimes you have to do something out of the ordinary. Sometimes you have to make a way out of no way. We have been too quiet for too long. There comes a time when you have to say something, when you have to make a little noise, and when you have to move your feet. This is the time.

Now is the time to get in the way. The time to act is now. We will be silent no more. The time for silence is over.

COMMONSENSE GUN CONTROL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. LARSON) for 2 minutes.

Mr. LARSON of Connecticut. Mr. Speaker, I thank my colleagues. For all of America that is listening, you just heard the soul of the United States Congress speak. The soul of this Nation cries out for a vote.

We are gathered here on this floor today to accomplish a single goal. We implore and we ask our colleagues—our colleague from Georgia stood on that side to appeal to the better angels on

that side of the aisle—to provide us with the simple dignity that every American is calling for: a vote.

Mr. LEWIS. Will the gentleman yield?

Mr. LARSON of Connecticut. I yield to the gentleman from Georgia.

Mr. LEWIS. Mr. Speaker, I thank the gentleman from Connecticut (Mr. LARSON), my friend and brother, for yielding.

Now is the time for us to find a way to dramatize it, to make it real. We have to occupy the floor of the House until there is action.

Mr. LARSON of Connecticut. Mr. Speaker, reclaiming my time, rise up, Democrats. Rise up, Americans. This cannot stand. We will occupy this floor. We will no longer be denied a right to vote.

Mr. HOYER. Will the gentleman yield?

Mr. LARSON of Connecticut. I yield to the gentleman from Maryland, our minority whip and leader.

Mr. HOYER. Mr. Speaker, we sit down so we can stand up for America.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 25 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at noon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The House will be in order.

The House will be in order.

The Chair wishes to call on the Chaplain for the prayer.

Will Members please be in order for the prayer by the Chaplain. The prayer will be offered by the Chaplain, Father Conroy.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Father of mercy, we give You thanks for giving us another day.

Bless the Members of the people's House. May all their deliberations give rise to understanding. You have called us to serve this Nation by Your divine inspiration.

May we reach the destiny You have in mind for us, and may all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Members are asked to remain standing for the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 2 of rule I, the Chair is charged with preserving order and decorum in the proceedings of the House. The Chair finds that the House is currently not in a state of order due to the presence of Members in the well who are not under recognition.

The Chair would ask Members to please leave the well so that the House may proceed with business.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess.

□ 2204

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 o'clock and 4 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to make an announcement regarding decorum in the House Chamber.

The Chair appreciates that Members will differ on matters of policy and will seek to express those differences.

But the Chair would hope that the business of the House could be conducted in a fashion that reflects positively on the dignity and decorum of this institution to which we all belong and serve.

CONFERENCE REPORT ON H.R. 2577, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

Mr. ROGERS of Kentucky submitted the following conference report and statement on the bill (H.R. 2577) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

CONFERENCE REPORT (H. REPT. 114–640)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 2577), making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017 and Zika Response and Preparedness Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Statement of appropriations.
Sec. 5. Availability of funds.

DIVISION A—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

Title I—Department of Defense
Title II—Department of Veterans Affairs
Title III—Related agencies
Title IV—Overseas contingency operations
Title V—General provisions

DIVISION B—ZIKA RESPONSE AND PREPAREDNESS APPROPRIATIONS ACT, 2016

DIVISION C—ZIKA VECTOR CONTROL

DIVISION D—RESCISSIONS OF FUNDS

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2017.

SEC. 5. AVAILABILITY OF FUNDS.

Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

DIVISION A—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army

Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $513,459,000, to remain available until September 30, 2021: Provided, That, of this amount, not to exceed $98,159,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,021,580,000, to remain available until September 30, 2021: Provided, That, of this amount, not to exceed $88,230,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,491,058,000, to remain available until September 30, 2021: Provided, That of this amount, not to exceed $143,582,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That none of the funds made available under this heading shall be for construction of the Joint Intelligence Analysis Complex Consolidation, Phase 3, at Royal Air Force Croughton, United Kingdom, unless authorized in an Act authorizing appropriations for fiscal year 2017 for military construction.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $2,025,444,000, to remain available until September 30, 2021: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $180,775,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $232,930,000, to remain available until September 30, 2021: Provided, That, of the amount appropriated, not to exceed $8,729,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $143,957,000, to remain available until September 30, 2021: Provided, That, of the amount appropriated, not to exceed $10,462,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $68,230,000, to remain available until September 30, 2021: Provided, That, of the amount appropriated, not to exceed $7,500,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $38,597,000, to remain available until September 30, 2021: Provided, That, of the amount appropriated, not to exceed $3,783,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $188,950,000, to remain available until September 30, 2021: Provided, That, of the amount appropriated, not to exceed $4,500,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $177,932,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account, established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $240,237,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $157,172,000, to remain available until September 30, 2021.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $325,995,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $94,011,000, to remain available until September 30, 2021.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $300,915,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $61,352,000, to remain available until September 30, 2021.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $274,429,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $59,157,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $3,258,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 117. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the Department of Defense Base Closure Account to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 119. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 120. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'', to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 122. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of the Army to relocate a unit in the Army that—

(1) performs a testing mission or function that is not performed by any other unit in the Army and is specifically stipulated in title 10, United States Code; and

(2) is located at a military installation at which the total number of civilian employees of the Department of the Army and Army contractor personnel employed exceeds 10 percent of the total number of members of the regular and reserve components of the Army assigned to the installation.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Army certifies to

the congressional defense committees that in proposing the relocation of the unit of the Army, the Secretary complied with Army Regulation 5–10 relating to the policy, procedures, and responsibilities for Army stationing actions.

SEC. 123. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of March 2011, as in effect on the date of enactment of this Act.

SEC. 124. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

SEC. 125. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2021:

''Military Construction, Army'', $40,500,000;

''Military Construction, Navy and Marine Corps'', $227,099,000;

''Military Construction, Air Force'', $149,500,000;

''Military Construction, Army National Guard'', $67,500,000;

''Military Construction, Air National Guard'', $11,000,000;

''Military Construction, Army Reserve'', $30,000,000:

Provided, That such funds may only be obligated to carry out construction projects identified in the respective military department's unfunded priority list for fiscal year 2017 submitted to Congress by the Secretary of Defense: Provided further, That such projects are subject to authorization prior to obligation and expenditure of funds to carry out construction: Provided further, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 126. For an additional amount for ''Military Construction, Navy and Marine Corps'', $89,400,000, to remain available until September 30, 2021: Provided, That, such funds may only be obligated to carry out construction projects identified by the Department of the Navy in its June 8, 2016, unfunded priority list submission to the Committees on Appropriations of both Houses of Congress detailing unfunded reprogramming and emergency construction requirements: Provided further, That, not later than 30 days after enactment of this Act, the Secretary of the Navy, or his or her designee, shall submit to the Committees an expenditure plan for funds provided under this section.

(RESCISSIONS OF FUNDS)

SEC. 127. Of the unobligated balances available to the Department of Defense from prior appropriation Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

''Military Construction, Army'', $29,602,000;

''Military Construction, Air Force'', $51,460,000;

''Military Construction, Defense-Wide'', $171,600,000, of which $30,000,000 are to be derived from amounts made available for Missile Defense Agency planning and design; and

''North Atlantic Treaty Organization Security Investment Program'', $30,000,000:

Provided, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(RESCISSION OF FUNDS)

SEC. 128. Of the unobligated balances made available in prior appropriation Acts for the fund established in section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $25,000,000 are hereby rescinded.

SEC. 129. For the purposes of this Act, the term ''congressional defense committees'' means the Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.

SEC. 130. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

SEC. 131. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to consolidate or relocate any element of a United States Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) outside of the United States until the Secretary of the Air Force (1) completes an analysis and comparison of the cost and infrastructure investment required to consolidate or relocate a RED HORSE squadron outside of the United States versus within the United States; (2) provides to the Committees on Appropriations of both Houses of Congress (''the Committees'') a report detailing the findings of the cost analysis; and (3) certifies in writing to the Committees that the preferred site for the consolidation or relocation yields the greatest savings for the Air Force: Provided, That the term ''United States'' in this section does not include any territory or possession of the United States.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $90,119,449,000, to remain available until expended and to become available on October 1, 2017: Provided, That not to exceed $17,224,000 of the amount made available for fiscal year 2018 under this heading shall be reimbursed to ''General Operating Expenses, Veterans Benefits Administration'', and ''Information Technology Systems'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and Pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical Care Collections Fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, $13,708,648,000, to remain available until expended and to become available on October 1, 2017: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, $124,504,000, to remain available until expended, of which $107,899,000 shall become available on October 1, 2017.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That, during fiscal year 2017, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $198,856,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $36,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,517,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $389,000, which may be paid to the appropriation for ''General Operating Expenses, Veterans Benefits Administration''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $1,163,000.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, $2,856,160,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to

achieve maximum independence in daily living, shall be charged to this account: Provided further, That, of the funds made available under this heading, not to exceed 5 percent shall remain available until September 30, 2018.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note), and hospital care and medical services authorized by section 1787 of title 38, United States Code; $1,078,993,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2016; and, in addition, $44,886,554,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: Provided, That, of the amount made available on October 1, 2017, under this heading, $1,400,000,000 shall remain available until September 30, 2019: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of prosthetics designed specifically for female veterans: Provided further, That the Secretary of Veterans Affairs shall provide access to therapeutic listening devices to veterans struggling with mental health related problems, substance abuse, or traumatic brain injury.

MEDICAL COMMUNITY CARE

For necessary expenses for furnishing health care to individuals pursuant to chapter 17 of title 38, United States Code, at non-Department facilities, $7,246,181,000, plus reimbursements, of which $2,000,000,000 shall remain available until September 30, 2020; and, in addition, $9,409,118,000 shall become available on October 1, 2017, and shall remain available until September 30, 2018: Provided, That of the amount made available on October 1, 2017, $1,500,000,000 shall remain available until September 30, 2021.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), $6,654,480,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: Provided, That, of the amount made available on October 1, 2017, under this heading, $100,000,000 shall remain available until September 30, 2019.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services; $247,668,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2016; and, in addition, $5,434,880,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: Provided, That, of the amount made available on October 1, 2017, under this heading, $250,000,000 shall remain available until September 30, 2019.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $675,366,000, plus reimbursements, shall remain available until September 30, 2018: Provided, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading are available for prosthetic research specifically for female veterans, and for toxic exposure research.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $286,193,000, of which not to exceed 10 percent shall remain available until September 30, 2018.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $345,391,000, of which not to exceed 5 percent shall remain available until September 30, 2018: Provided, That funds provided under this heading may be transferred to ''General Operating Expenses, Veterans Benefits Administration''.

BOARD OF VETERANS APPEALS

For necessary operating expenses of the Board of Veterans Appeals, $156,096,000, of which not to exceed 10 percent shall remain available until September 30, 2018.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $4,278,259,000, plus reimbursements: Provided, That $1,272,548,000 shall be for pay and associated costs, of which not to exceed $37,100,000 shall remain available until September 30, 2018: Provided further, That $2,534,442,000 shall be for operations and maintenance, of which not to exceed $180,200,000 shall remain available until September 30, 2018: Provided further, That $471,269,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2018: Provided further, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: Provided further, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development, modernization, and enhancement may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That amounts made available for the ''Information Technology Systems'' account for development, modernization, and enhancement may be transferred among projects or to newly defined projects: Provided further, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: Provided further, That funds under this heading may be used by the Interagency Program Office through the Department of Veterans Affairs to define data standards, code sets, and value sets used to enable interoperability: Provided further, That of the funds made available for information technology systems development, modernization, and enhancement for VistA Evolution or any successor program, not more than 25 percent may be obligated or expended until the Secretary of Veterans Affairs:

(1) submits to the Committees on Appropriations of both Houses of Congress the VistA Evolution Business Case and supporting documents regarding continuation of VistA Evolution or alternatives to VistA Evolution, including an analysis of necessary or desired capabilities, technical and security requirements, the plan for modernizing the platform framework, and all associated costs;

(2) submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, the following: a report that describes a strategic plan for VistA Evolution, or any successor program, and the associated implementation plan including metrics and timelines; a master schedule and lifecycle cost estimate for VistA Evolution or any successor; and an implementation plan for the transition from the Project Management Accountability System to a new project delivery framework, the Veteran-focused Integration Process, that includes the methodology by which projects will be tracked, progress measured, and deliverables evaluated;

(3) submits to the Committees on Appropriations of both Houses of Congress a report outlining the strategic plan to reach interoperability with private sector healthcare providers, the timeline for reaching ''meaningful use'' as defined by the Office of National Coordinator for Health Information Technology for each data domain covered under the VistA Evolution program, and the extent to which the Department of Veterans Affairs leverages the State Health Information Exchanges to share health data with private sector providers;

(4) submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, the following: a report that describes the extent to which VistA Evolution, or any successor program, maximizes the use of commercially available software used by DoD and the private sector, requires an open architecture that leverages best practices and rapidly adapts to technologies produced by the private sector, enhances full interoperability between the VA and DoD and between VA and the private sector, and ensures the security of personally identifiable information of veterans and beneficiaries; and

(5) certifies in writing to the Committees on Appropriations of both Houses of Congress that the Department of Veterans Affairs has met the requirements contained in the National Defense Authorization Act of Fiscal Year 2014 (Public Law 113–66) which require that electronic health record systems of the Department of Defense and the Department of Veterans Affairs have reached interoperability, comply with national standards and architectural requirements identified by the DoD/VA Interagency Program Office in collaboration with the Office of National Coordinator for Health Information Technology: Provided further, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects, and in the amounts, specified under this heading in the joint explanatory statement accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $160,106,000, of which not to exceed 10 percent shall remain available until September 30, 2018.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $528,110,000, of which $478,110,000 shall remain available until September 30, 2021, and of which $50,000,000 shall remain available until expended: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account and contracting officers who manage specific major construction projects, and funds provided for the purchase, security, and maintenance of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project that has not been notified to Congress through the budgetary process or that has not been approved by the Congress through statute, joint resolution, or in the explanatory statement accompanying such Act and presented to the President at the time of enrollment: Provided further, That funds made available under this heading for fiscal year 2017, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2017; and (2) by the awarding of a construction contract by September 30, 2018: Provided further, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: Provided further, That, of the amount made available under this heading, $222,620,000 for Veterans Health Administration major construction projects shall not be available until the Department of Veterans Affairs—

(1) enters into an agreement with an appropriate non-Department of Veterans Affairs Federal entity to serve as the design and/or construction agent for any Veterans Health Administration major construction project with a Total Estimated Cost of $100,000,000 or above by providing full project management services, including management of the project design, acquisition, construction, and contract changes, consistent with section 502 of Public Law 114–58; and

(2) certifies in writing that such an agreement is executed and intended to minimize or prevent subsequent major construction project cost overruns and provides a copy of the agreement entered into and any required supplementary information to the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $372,069,000, to remain available until September 30, 2021, along with unobligated balances of previous ''Construction, Minor Projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: Provided, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $90,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal organizations in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, $45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2017 for ''Compensation and Pensions'', ''Readjustment Benefits'', and ''Veterans Insurance and Indemnities'' may be transferred as necessary to any other of the mentioned appropriations: Provided, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2017, in this or any other Act, under the ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', and ''Medical Facilities'' accounts may be transferred among the accounts: Provided, That any transfers among the ''Medical Services'', ''Medical Community Care'', and ''Medical Support and Compliance'' accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: Provided further, That any transfers among the ''Medical Services'', ''Medical Community Care'', and ''Medical Support and Compliance'' accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That any transfers to or from the ''Medical Facilities'' account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5,

United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for ''Construction, Major Projects'', and ''Construction, Minor Projects'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the ''Medical Services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for ''Compensation and Pensions'', ''Readjustment Benefits'', and ''Veterans Insurance and Indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2016.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from ''Compensation and Pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2017, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the ''General Operating Expenses, Veterans Benefits Administration'' and ''Information Technology Systems'' accounts for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2017 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2017 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not to exceed $47,668,000 for the Office of Resolution Management and $3,932,000 for the Office of Employment Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to the ''General Administration'' and ''Information Technology Systems'' accounts for use by the office that provided the service.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 212. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, Major Projects'' and ''Construction, Minor Projects'' accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, Major Projects'' and ''Construction, Minor Projects''.

SEC. 213. Amounts made available under ''Medical Services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 214. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the ''Medical Services'' and ''Medical Community Care'' accounts to remain available until expended for the purposes of these accounts.

SEC. 215. The Secretary of Veterans Affairs may enter into agreements with Federally Qualified Health Centers in the State of Alaska and Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, to provide healthcare, including behavioral health and dental care, to veterans in rural Alaska. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term ''rural Alaska'' shall mean those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, Major Projects'' and ''Construction, Minor Projects'' accounts, to remain available until expended for the purposes of these accounts.

(RESCISSION OF FUNDS)

SEC. 217. Of the amounts appropriated in title II of division J of Public Law 114–113 under the heading ''Medical Services'' which become available on October 1, 2016, $7,246,181,000 are hereby rescinded.

SEC. 218. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a report on the financial status of the Department of Veterans Affairs for the preceding quarter: Provided, That, at a minimum, the report shall include the direction contained in the paragraph entitled ''Quarterly reporting'', under the heading ''General Administration'' in the joint explanatory statement accompanying this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. Amounts made available under the ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', ''Medical Facilities'', ''General Operating Expenses, Veterans Benefits Administration'', ''General Administration'', and ''National Cemetery Administration'' accounts for fiscal year 2017 may be transferred to or from the ''Information Technology Systems'' account: Provided, That such transfers may not result in a more than 10 percent aggregate increase in the total amount made available by this Act for the ''Information Technology Systems'' account: Provided further, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 220. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2017 for ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', ''Medical Facilities'', ''Construction, Minor Projects'', and ''Information Technology Systems'', up to $274,731,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): Provided, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress: Provided further, That section 223 of title II of division J of Public Law 114–113 is repealed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts appropriated to the Department of Veterans Affairs which become

available on October 1, 2017, for ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', and ''Medical Facilities'', up to $280,802,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): Provided, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. Of the amounts available in this title for ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', and ''Medical Facilities'', a minimum of $15,000,000 shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 225. None of the funds available to the Department of Veterans Affairs, in this or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 226. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in a major construction project that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: Provided, That such notification shall occur within 14 days of a contract identifying the programmed amount: Provided further, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 227. None of the funds made available for ''Construction, Major Projects'' may be used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Veterans Affairs receives approval from the Committees on Appropriations of both Houses of Congress.

SEC. 228. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report containing performance measures and data from each Veterans Benefits Administration Regional Office: Provided, That, at a minimum, the report shall include the direction contained in the section entitled ''Disability claims backlog'', under the heading ''General Operating Expenses, Veterans Benefits Administration'' in the joint explanatory statement accompanying this Act.

SEC. 229. Of the funds provided to the Department of Veterans Affairs for fiscal year 2017 for ''Medical Support and Compliance'' a maximum of $40,000,000 may be obligated from the ''Medical Support and Compliance'' account for the VistA Evolution and electronic health record interoperability projects: Provided, That funds in addition to these amounts may be obligated for the VistA Evolution and electronic health record interoperability projects upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

SEC. 230. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to organizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

SEC. 231. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed $2,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 232. The Secretary of Veterans Affairs, upon determination that such action is necessary to address needs of the Veterans Health Administration, may transfer to the ''Medical Services'' account any discretionary appropriations made available for fiscal year 2017 in this title (except appropriations made to the ''General Operating Expenses, Veterans Benefits Administration'' account) or any discretionary unobligated balances within the Department of Veterans Affairs, including those appropriated for fiscal year 2017, that were provided in advance by appropriations Acts: Provided, That transfers shall be made only with the approval of the Office of Management and Budget: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: Provided further, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such authority to transfer may not be used unless for higher priority items, based on emergent healthcare requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: Provided further, That, upon determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation and shall be available for the same purposes as originally appropriated: Provided further, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

(INCLUDING TRANSFER OF FUNDS)

SEC. 233. Amounts made available for the Department of Veterans Affairs for fiscal year 2017, under the ''Board of Veterans Appeals'' and the ''General Operating Expenses, Veterans Benefits Administration'' accounts may be transferred between such accounts: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

SEC. 234. The Secretary of Veterans Affairs may not reprogram funds among major construction projects or programs if such instance of reprogramming will exceed $5,000,000, unless such reprogramming is approved by the Committees on Appropriations of both Houses of Congress.

(RESCISSION OF FUNDS)

SEC. 235. Of the unobligated balances available within the ''DOD–VA Health Care Sharing Incentive Fund'', $40,000,000 are hereby rescinded.

(RESCISSIONS OF FUNDS)

SEC. 236. Of the discretionary funds made available in Public Law 114–113 for the Department of Veterans Affairs for fiscal year 2017, $134,000,000 are rescinded from ''Medical Services'', $26,000,000 are rescinded from ''Medical Support and Compliance'', and $9,000,000 are rescinded from ''Medical Facilities''.

SEC. 237. The amounts otherwise made available by this Act for the following accounts of the Department of Veterans Affairs are hereby reduced by the following amounts:

(1) ''Veterans Health Administration—Medical and Prosthetic Research'', $2,000,000.

(2) ''Departmental Administration—Board of Veterans Appeals'', $500,000.

(3) ''Veterans Benefits Administration—General Operating Expenses, Veterans Benefits Administration'', $12,000,000.

(4) ''Departmental Administration—Information Technology Systems'', $8,000,000.

(5) ''Departmental Administration—Office of Inspector General'', $500,000.

SEC. 238. The Secretary of Veterans Affairs shall ensure that the toll-free suicide hotline under section 1720F(h) of title 38, United States Code—

(1) provides to individuals who contact the hotline immediate assistance from a trained professional; and

(2) adheres to all requirements of the American Association of Suicidology.

SEC. 239. (a) The Secretary of Veterans Affairs shall treat a marriage and family therapist described in subsection (b) as qualified to serve as a marriage and family therapist in the Department of Veterans Affairs, regardless of any requirements established by the Commission on Accreditation for Marriage and Family Therapy Education.

(b) A marriage and family therapist described in this subsection is a therapist who meets each of the following criteria:

(1) Has a masters or higher degree in marriage and family therapy, or a related field, from a regionally accredited institution.

(2) Is licensed as a marriage and family therapist in a State (as defined in section 101(20) of title 38, United States Code) and possesses the highest level of licensure offered from the State.

(3) Has passed the Association of Marital and Family Therapy Regulatory Board Examination in Marital and Family Therapy or a related examination for licensure administered by a State (as so defined).

SEC. 240. None of the funds in this or any other Act may be used to close Department of Veterans Affairs (VA) hospitals, domiciliaries, or clinics, conduct an environmental assessment, or to diminish healthcare services at existing Veterans Health Administration medical facilities located in Veterans Integrated Service Network 23 as part of a planned realignment of VA

services until the Secretary provides to the Committees on Appropriations of both Houses of Congress a report including the following elements:

(1) a national realignment strategy that includes a detailed description of realignment plans within each Veterans Integrated Service Network (VISN), including an updated Long Range Capital Plan to implement realignment requirements;

(2) an explanation of the process by which those plans were developed and coordinated within each VISN;

(3) a cost vs. benefit analysis of each planned realignment, including the cost of replacing Veterans Health Administration services with contract care or other outsourced services;

(4) an analysis of how any such planned realignment of services will impact access to care for veterans living in rural or highly rural areas, including travel distances and transportation costs to access a VA medical facility and availability of local specialty and primary care;

(5) an inventory of VA buildings with historic designation and the methodology used to determine the buildings' condition and utilization;

(6) a description of how any realignment will be consistent with requirements under the National Historic Preservation Act; and

(7) consideration given for reuse of historic buildings within newly identified realignment requirements: Provided, That, this provision shall not apply to capital projects in VISN 23, or any other VISN, which have been authorized or approved by Congress.

SEC. 241. None of the funds appropriated in this or prior appropriations Acts or otherwise made available to the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

SEC. 242. Paragraph (3) of section 403(a) of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 38 U.S.C. 1703 note) is amended to read as follows:

''(3) DURATION.—A veteran may receive health services under this section during the period beginning on the date specified in paragraph (2) and ending on September 30, 2017.''.

SEC. 243. (a) Section 1722A(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(4) Paragraph (1) does not apply to opioid antagonists furnished under this chapter to a veteran who is at high risk for overdose of a specific medication or substance in order to reverse the effect of such an overdose.''.

(b) Section 1710(g)(3) of such title is amended—

(1) by striking ''with respect to home health services'' and inserting ''with respect to the following:''

''(A) Home health services''; and

(2) by adding at the end the following new subparagraph:

''(B) Education on the use of opioid antagonists to reverse the effects of overdoses of specific medications or substances.''.

SEC. 244. Section 312 of title 38, United States Code, is amended in subsection (c)(1) by striking the phrase ''that makes a recommendation or otherwise suggests corrective action,''.

SEC. 245. Of the funds provided to the Department of Veterans Affairs for each of fiscal year 2017 and fiscal year 2018 for ''Medical Services'', funds may be used in each year to carry out and expand the child care program authorized by section 205 of Public Law 111–163, notwithstanding subsection (e) of such section.

SEC. 246. Section 5701(l) of title 38, United States Code, is amended by striking ''may'' and inserting ''shall''.

VA PATIENT PROTECTION ACT OF 2016

SEC. 247. (a) PROCEDURE AND ADMINISTRATION.—

(1) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

''§ 731. Whistleblower complaint defined

''In this subchapter, the term 'whistleblower complaint' means a complaint by an employee of the Department disclosing, or assisting another employee to disclose, a potential violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

''§ 732. Treatment of whistleblower complaints

''(a) FILING.—(1) In addition to any other method established by law in which an employee may file a whistleblower complaint, an employee of the Department may file a whistleblower complaint in accordance with subsection (g) with a supervisor of the employee.

''(2) Except as provided by subsection (d)(1), in making a whistleblower complaint under paragraph (1), an employee shall file the initial complaint with the immediate supervisor of the employee.

''(b) NOTIFICATION.—(1)(A) Not later than four business days after the date on which a supervisor receives a whistleblower complaint by an employee under this section, the supervisor shall notify, in writing, the employee of whether the supervisor determines that there is a reasonable likelihood that the complaint discloses a violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

''(B) The supervisor shall retain written documentation regarding the whistleblower complaint and shall submit to the next-level supervisor and the central whistleblower office described in subsection (h) a written report on the complaint.

''(2)(A) On a monthly basis, the supervisor shall submit to the appropriate director or other official who is superior to the supervisor a written report that includes the number of whistleblower complaints received by the supervisor under this section during the month covered by the report, the disposition of such complaints, and any actions taken because of such complaints pursuant to subsection (c).

''(B) In the case in which such a director or official carries out this paragraph, the director or official shall submit such monthly report to the supervisor of the director or official and to the central whistleblower office described in subsection (h).

''(c) POSITIVE DETERMINATION.—If a supervisor makes a positive determination under subsection (b)(1) regarding a whistleblower complaint of an employee, the supervisor shall include in the notification to the employee under such subsection the specific actions that the supervisor will take to address the complaint.

''(d) FILING COMPLAINT WITH NEXT-LEVEL SUPERVISORS.—(1) If any circumstance described in paragraph (3) is met, an employee may file a whistleblower complaint in accordance with subsection (g) with the next-level supervisor who shall treat such complaint in accordance with this section.

''(2) An employee may file a whistleblower complaint with the Secretary if the employee has filed the whistleblower complaint to each level of supervisors between the employee and the Secretary in accordance with paragraph (1).

''(3) A circumstance described in this paragraph is any of the following circumstances:

''(A) A supervisor does not make a timely determination under subsection (b)(1) regarding a whistleblower complaint.

''(B) The employee who made a whistleblower complaint determines that the supervisor did not adequately address the complaint pursuant to subsection (c).

''(C) The immediate supervisor of the employee is the basis of the whistleblower complaint.

''(e) TRANSFER OF EMPLOYEE WHO FILES WHISTLEBLOWER COMPLAINT.—If a supervisor makes a positive determination under subsection (b)(1) regarding a whistleblower complaint filed by an employee, the Secretary shall—

''(1) inform the employee of the ability to volunteer for a transfer in accordance with section 3352 of title 5; and

''(2) give preference to the employee for such a transfer in accordance with such section.

''(f) PROHIBITION ON EXEMPTION.—The Secretary may not exempt any employee of the Department from being covered by this section.

''(g) WHISTLEBLOWER COMPLAINT FORM.—(1) A whistleblower complaint filed by an employee under subsection (a) or (d) shall consist of the form described in paragraph (2) and any supporting materials or documentation the employee determines necessary.

''(2) The form described in this paragraph is a form developed by the Secretary, in consultation with the Special Counsel, that includes the following:

''(A) An explanation of the purpose of the whistleblower complaint form.

''(B) Instructions for filing a whistleblower complaint as described in this section.

''(C) An explanation that filing a whistleblower complaint under this section does not preclude the employee from any other method established by law in which an employee may file a whistleblower complaint.

''(D) A statement directing the employee to information accessible on the Internet website of the Department as described in section 735(d).

''(E) Fields for the employee to provide—

''(i) the date that the form is submitted;

''(ii) the name of the employee;

''(iii) the contact information of the employee;

''(iv) a summary of the whistleblower complaint (including the option to append supporting documents pursuant to paragraph (1)); and

''(v) proposed solutions to the complaint.

''(F) Any other information or fields that the Secretary determines appropriate.

''(3) The Secretary, in consultation with the Special Counsel, shall develop the form described in paragraph (2) by not later than 60 days after the date of the enactment of this section.

''(h) CENTRAL WHISTLEBLOWER OFFICE.—(1) The Secretary shall ensure that the central whistleblower office—

''(A) is not an element of the Office of the General Counsel;

''(B) is not headed by an official who reports to the General Counsel;

''(C) does not provide, or receive from, the General Counsel any information regarding a whistleblower complaint except pursuant to an action regarding the complaint before an administrative body or court; and

''(D) does not provide advice to the General Counsel.

''(2) The central whistleblower office shall be responsible for investigating all whistleblower complaints of the Department, regardless of whether such complaints are made by or against an employee who is not a member of the Senior Executive Service.

''(3) The Secretary shall ensure that the central whistleblower office maintains a toll-free hotline to anonymously receive whistleblower complaints.

''(4) The Secretary shall ensure that the central whistleblower office has such staff and resources as the Secretary considers necessary to carry out the functions of the central whistleblower office.

''(5) In this subsection, the term 'central whistleblower office' means the Office of Accountability Review or a successor office that is established or designated by the Secretary to investigate whistleblower complaints filed under this section or any other method established by law.

"§ 733. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints

''(a) IN GENERAL.—(1) In accordance with paragraph (2), the Secretary shall carry out the following adverse actions against supervisory employees (as defined in section 7103(a) of title 5) whom the Secretary, an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or the Inspector General of the Department determines committed a prohibited personnel action described in subsection (c):

''(A) With respect to the first offense, an adverse action that is not less than a 12-day suspension and not more than removal.

''(B) With respect to the second offense, removal.

''(2)(A) An employee against whom an adverse action under paragraph (1) is proposed is entitled to written notice.

''(B)(i) An employee who is notified under subparagraph (A) of being the subject of a proposed adverse action under paragraph (1) is entitled to 14 days following such notification to answer and furnish evidence in support of the answer.

''(ii) If the employee does not furnish any such evidence as described in clause (i) or if the Secretary determines that such evidence is not sufficient to reverse the determination to propose the adverse action, the Secretary shall carry out the adverse action following such 14-day period.

''(C) Paragraphs (1) and (2) of subsection (b) of section 7513 of title 5, subsection (c) of such section, paragraphs (1) and (2) of subsection (b) of section 7543 of such title, and subsection (c) of such section shall not apply with respect to an adverse action carried out under paragraph (1).

''(b) LIMITATION ON OTHER ADVERSE ACTIONS.—With respect to a prohibited personnel action described in subsection (c), if the Secretary carries out an adverse action against a supervisory employee, the Secretary may carry out an additional adverse action under this section based on the same prohibited personnel action if the total severity of the adverse actions do not exceed the level specified in subsection (a).

''(c) PROHIBITED PERSONNEL ACTION DESCRIBED.—A prohibited personnel action described in this subsection is any of the following actions:

''(1) Taking or failing to take a personnel action in violation of section 2302 of title 5 against an employee relating to the employee—

''(A) filing a whistleblower complaint in accordance with section 732 of this title;

''(B) filing a whistleblower complaint with the Inspector General of the Department, the Special Counsel, or Congress;

''(C) providing information or participating as a witness in an investigation of a whistleblower complaint in accordance with section 732 or with the Inspector General of the Department, the Special Counsel, or Congress;

''(D) participating in an audit or investigation by the Comptroller General of the United States;

''(E) refusing to perform an action that is unlawful or prohibited by the Department; or

''(F) engaging in communications that are related to the duties of the position or are otherwise protected.

''(2) Preventing or restricting an employee from making an action described in any of subparagraphs (A) through (F) of paragraph (1).

''(3) Conducting a negative peer review or opening a retaliatory investigation because of an activity of an employee that is protected by section 2302 of title 5.

''(4) Requesting a contractor to carry out an action that is prohibited by section 4705(b) or section 4712(a)(1) of title 41, as the case may be.

"§ 734. Evaluation criteria of supervisors and treatment of bonuses

''(a) EVALUATION CRITERIA.—(1) In evaluating the performance of supervisors of the Department, the Secretary shall include the criteria described in paragraph (2).

''(2) The criteria described in this subsection are the following:

''(A) Whether the supervisor treats whistleblower complaints in accordance with section 732 of this title.

''(B) Whether the appropriate deciding official, performance review board, or performance review committee determines that the supervisor was found to have committed a prohibited personnel action described in section 733(b) of this title by an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or, in the case of a settlement of a whistleblower complaint (regardless of whether any fault was assigned under such settlement), the Secretary.

''(b) BONUSES.—(1) The Secretary may not pay to a supervisor described in subsection (a)(2)(B) an award or bonus under this title or title 5, including under chapter 45 or 53 of such title, during the one-year period beginning on the date on which the determination was made under such subsection.

''(2) Notwithstanding any other provision of law, the Secretary shall issue an order directing a supervisor described in subsection (a)(2)(B) to repay the amount of any award or bonus paid under this title or title 5, including under chapter 45 or 53 of such title, if—

''(A) such award or bonus was paid for performance during a period in which the supervisor committed a prohibited personnel action as determined pursuant to such subsection (a)(2)(B);

''(B) the Secretary determines such repayment appropriate pursuant to regulations prescribed by the Secretary to carry out this section; and

''(C) the supervisor is afforded notice and an opportunity for a hearing before making such repayment.

"§ 735. Training regarding whistleblower complaints

''(a) TRAINING.—Not less frequently than once each year, the Secretary, in coordination with the Whistleblower Protection Ombudsman designated under section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.), shall provide to each employee of the Department training regarding whistleblower complaints, including—

''(1) an explanation of each method established by law in which an employee may file a whistleblower complaint;

''(2) an explanation of prohibited personnel actions described by section 733(c) of this title;

''(3) with respect to supervisors, how to treat whistleblower complaints in accordance with section 732 of this title;

''(4) the right of the employee to petition Congress regarding a whistleblower complaint in accordance with section 7211 of title 5;

''(5) an explanation that the employee may not be prosecuted or reprised against for disclosing information to Congress, the Inspector General, or another investigatory agency in instances where such disclosure is permitted by law, including under sections 5701, 5705, and 7732 of this title, under section 552a of title 5 (commonly referred to as the Privacy Act), under chapter 93 of title 18, and pursuant to regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191);

''(6) an explanation of the language that is required to be included in all nondisclosure policies, forms, and agreements pursuant to section 115(a)(1) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note); and

''(7) the right of contractors to be protected from reprisal for the disclosure of certain information under section 4705 or 4712 of title 41.

''(b) MANNER TRAINING IS PROVIDED.—The Secretary shall ensure that training provided under subsection (a) is provided in person.

''(c) CERTIFICATION.—Not less frequently than once each year, the Secretary shall provide training on merit system protection in a manner that the Special Counsel certifies as being satisfactory.

''(d) PUBLICATION.—(1) The Secretary shall publish on the Internet website of the Department, and display prominently at each facility of the Department, the rights of an employee to file a whistleblower complaint, including the information described in paragraphs (1) through (7) of subsection (a).

''(2) The Secretary shall publish on the Internet website of the Department, the whistleblower complaint form described in section 732(g)(2).

"§ 736. Reports to Congress

''(a) ANNUAL REPORTS.—Not less frequently than once each year, the Secretary shall submit to the appropriate committees of Congress a report that includes—

''(1) with respect to whistleblower complaints filed under section 732 of this title during the year covered by the report—

''(A) the number of such complaints filed;

''(B) the disposition of such complaints; and

''(C) the ways in which the Secretary addressed such complaints in which a positive determination was made by a supervisor under subsection (b)(1) of such section;

''(2) the number of whistleblower complaints filed during the year covered by the report that are not included under paragraph (1), including—

''(A) the method in which such complaints were filed;

''(B) the disposition of such complaints; and

''(C) the ways in which the Secretary addressed such complaints; and

''(3) with respect to disclosures made by a contractor under section 4705 or 4712 of title 41—

''(A) the number of complaints relating to such disclosures that were investigated by the Inspector General of the Department of Veterans Affairs during the year covered by the report;

''(B) the disposition of such complaints; and

''(C) the ways in which the Secretary addressed such complaints.

''(b) NOTICE OF OFFICE OF SPECIAL COUNSEL DETERMINATIONS.—Not later than 30 days after the date on which the Secretary receives from the Special Counsel information relating to a whistleblower complaint pursuant to section 1213 of title 5, the Secretary shall notify the appropriate committees of Congress of such information, including the determination made by the Special Counsel.

''(c) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Veterans' Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(2) the Committee on Veterans' Affairs and the Committee on Oversight and Government Reform of the House of Representatives.''.

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) CONFORMING AMENDMENT.—Such chapter is further amended by inserting before section 701 the following:

''SUBCHAPTER I—GENERAL EMPLOYEE MATTERS''.

(B) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(i) by inserting before the item relating to section 701 the following new item:

''SUBCHAPTER I—GENERAL EMPLOYEE MATTERS''; and

(ii) by adding at the end the following new items:

''SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

''731. Whistleblower complaint defined.
''732. Treatment of whistleblower complaints.
''733. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints.
''734. Evaluation criteria of supervisors and treatment of bonuses.
''735. Training regarding whistleblower complaints.
''736. Reports to Congress.''.

(b) TREATMENT OF CONGRESSIONAL TESTIMONY BY DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES AS OFFICIAL DUTY.—

(1) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, as designated by section 2(a)(2)(A), is amended by adding at the end the following new section:

''§ 715. Congressional testimony by employees: treatment as official duty

''(a) CONGRESSIONAL TESTIMONY.—An employee of the Department is performing official duty during the period with respect to which the employee is testifying in an official capacity in front of either chamber of Congress, a committee of either chamber of Congress, or a joint or select committee of Congress.

''(b) TRAVEL EXPENSES.—The Secretary shall provide travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, to any employee of the Department of Veterans Affairs performing official duty described under subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 2(a)(2)(B), is further amended by inserting after the item relating to section 713 the following new item:

''715. Congressional testimony by employees: treatment as official duty.''.

SEC. 248. (a) IN GENERAL.—For the purposes of verifying that an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seaman who is recognized pursuant to section 401 of the GI Bill Improvement Act of 1977 (Public Law 95–202; 38 U.S.C. 106 note) as having performed active duty service for the purposes described in subsection (c)(1), the Secretary of Defense shall accept the following:

(1) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom no applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner's document or Z-card, or other official employment record is available, the Secretary of Defense shall provide such recognition on the basis of applicable Social Security Administration records submitted for or by the individual, together with validated testimony given by the individual or the primary next of kin of the individual that the individual performed such service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(2) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom the applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner's document or Z-card, or other official employment record has been destroyed or otherwise become unavailable by reason of any action committed by a person responsible for the control and maintenance of such form, logbook, or record, the Secretary of Defense shall accept other official documentation demonstrating that the individual performed such service during period beginning on December 7, 1941, and ending on December 31, 1946.

(3) For the purpose of determining whether to recognize service allegedly performed during the period beginning on December 7, 1941, and ending on December 31, 1946, the Secretary shall recognize masters of seagoing vessels or other officers in command of similarly organized groups as agents of the United States who were authorized to document any individual for purposes of hiring the individual to perform service in the merchant marine or discharging an individual from such service.

(b) TREATMENT OF OTHER DOCUMENTATION.—Other documentation accepted by the Secretary of Defense pursuant to subsection (a)(2) shall satisfy all requirements for eligibility of service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(c) BENEFITS ALLOWED.—

(1) MEDALS, RIBBONS, AND DECORATIONS.—An individual whose service is recognized as active duty pursuant to subsection (a) may be awarded an appropriate medal, ribbon, or other military decoration based on such service.

(2) STATUS OF VETERAN.—An individual whose service is recognized as active duty pursuant to subsection (a) shall be honored as a veteran but shall not be entitled by reason of such recognized service to any benefit that is not described in this subsection.

SEC. 249. Section 322(d)(1) of title 38, United States Code, is amended—

(1) by striking ''allowance to a veteran'' and inserting the following: ''allowance to—

''(A) a veteran'';

(2) in subparagraph (A), as designated by paragraph (1), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(B) a veteran with a VA service-connected disability rated as 30 percent or greater by the Department of Veterans Affairs who is selected by the United States Olympic Committee for the United States Olympic Team for any month in which the veteran is competing in any event sanctioned by the National Governing Bodies of the United States Olympic Sports.''.

SEC. 250. (a) IN GENERAL.—Section 111(b)(1) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(G) A veteran with vision impairment, a veteran with a spinal cord injury or disorder, or a veteran with double or multiple amputations whose travel is in connection with care provided through a special disabilities rehabilitation program of the Department (including programs provided by spinal cord injury centers, blind rehabilitation centers, and prosthetics rehabilitation centers) if such care is provided—

''(i) on an in-patient basis; or

''(ii) during a period in which the Secretary provides the veteran with temporary lodging at a facility of the Department to make such care more accessible to the veteran.''.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the beneficiary travel program under section 111 of title 38, United States Code, as amended by subsection (a), that includes the following:

(1) The cost of the program.

(2) The number of veterans served by the program.

(3) Such other matters as the Secretary considers appropriate.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

SEC. 251. (a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a program to conduct inspections of kitchens and food service areas at each medical facility of the Department of Veterans Affairs. Such inspections shall occur not less frequently than annually. The program's goal is to ensure that the same standards for kitchens and food service areas at hospitals in the private sector are being met at kitchens and food service areas at medical facilities of the Department.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary shall seek to enter into an agreement with the Joint Commission on Accreditation of Hospital Organizations under which the Joint Commission on Accreditation of Hospital Organizations conducts the inspections required under subsection (a).

(2) ALTERNATE ORGANIZATION.—If the Secretary is unable to enter into an agreement described in paragraph (1) with the Joint Commission on Accreditation of Hospital Organizations on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(A) is not part of the Federal Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the Joint Commission on Accreditation of Hospital Organizations.

(c) REMEDIATION PLAN.—

(1) INITIAL FAILURE.—If a kitchen or food service area of a medical facility of the Department is determined pursuant to an inspection conducted under subsection (a) not to meet the standards for kitchens and food service areas in hospitals in the private sector, that medical facility fails the inspection and the Secretary shall—

(A) implement a remediation plan for that medical facility within 72 hours; and

(B) Conduct a second inspection under subsection (a) at that medical facility within 14 days of the failed inspection.

(2) SECOND FAILURE.—If a medical facility of the Department fails the second inspection conducted under paragraph (1)(B), the Secretary shall close the kitchen or food service area at that medical facility that did not meet the standards for kitchens and food service areas in hospitals in the private sector until full remediation is completed and all kitchens and food service areas at that medical facility meet such standards.

(3) PROVISION OF FOOD.—If a kitchen or food service area is closed at a medical facility of the Department pursuant to paragraph (2), the Director of the Veterans Integrated Service Network in which the medical facility is located shall enter into a contract with a vendor approved by the General Services Administration to provide food at the medical facility.

(d) QUARTERLY REPORTS.—Not less frequently than quarterly, the Under Secretary of Health shall submit to Congress a report on inspections conducted under this section, and their detailed findings and actions taken, during the preceding quarter at medical facilities of the Department.

SEC. 252. (a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a program to conduct risk-based inspections for

mold and mold issues at each medical facility of the Department of Veterans Affairs. Such facilities will be rated high, medium, or low risk for mold. Such inspections at facilities rated high risk shall occur not less frequently than annually, and such inspections at facilities rated medium or low risk shall occur not less frequently than biennially.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary shall seek to enter into an agreement with the Joint Commission on Accreditation of Hospital Organizations under which the Joint Commission on Accreditation of Hospital Organizations conducts the inspections required under subsection (a).

(2) ALTERNATE ORGANIZATION.—If the Secretary is unable to enter into an agreement described in paragraph (1) with the Joint Commission on Accreditation of Hospital Organizations on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(A) is not part of the Federal Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the Joint Commission on Accreditation of Hospital Organizations.

(c) REMEDIATION PLAN.—If a medical facility of the Department is determined pursuant to an inspection conducted under subsection (a) to have a mold issue, the Secretary shall—

(1) implement a remediation plan for that medical facility within 7 days; and

(2) Conduct a second inspection under subsection (a) at that medical facility within 90 days of the initial inspection.

(d) QUARTERLY REPORTS.—Not less frequently than quarterly, the Under Secretary for Health shall submit to Congress a report on inspections conducted under this section, and their detailed findings and actions taken, during the preceding quarter at medical facilities of the Department.

SEC. 253. Section 1706(b)(5)(A) of title 38, United States Code, is amended, in the first sentence, by striking ''through 2008''.

SEC. 254. (a) The Secretary of Veterans Affairs may use amounts appropriated or otherwise made available in this title to ensure that the ratio of veterans to full-time employment equivalents within any program of rehabilitation conducted under chapter 31 of title 38, United States Code, does not exceed 125 veterans to one full-time employment equivalent.

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the programs of rehabilitation conducted under chapter 31 of title 38, United States Code, including—

(1) an assessment of the veteran-to-staff ratio for each such program; and

(2) recommendations for such action as the Secretary considers necessary to reduce the veteran-to-staff ratio for each such program.

SEC. 255. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 256. None of the funds appropriated or otherwise made available in this title may be used by the Secretary of Veterans Affairs to enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law or required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

SEC. 257. Appropriations made available in this Act under the heading ''Medical Services'' shall be available to carry out sections 322(d) and 521A of title 38, United States Code, to include the payment of the administrative expenses necessary to carry out such sections. Of the amount appropriated for fiscal year 2017, up to $2,000,000 shall be available for the payment of monthly assistance allowances to veterans pursuant to 38 U.S.C. 322(d) and up to $8,000,000 shall be available for the payment of grants pursuant to 38 U.S.C. 521A. Of the amounts appropriated in advance for fiscal year 2018, up to $2,000,000 shall be available for the payment of monthly assistance allowances to veterans pursuant to 38 U.S.C. 322(d) and up to $8,000,000 shall be available for the payment of grants pursuant to 38 U.S.C. 521A.

SEC. 258. (a) In fiscal year 2017 and each fiscal year hereafter, beginning with the fiscal year 2018 budget request submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the budget justification documents submitted for the ''Construction, Major Projects'' account of the Department of Veterans Affairs shall include, at a minimum, the information required under subsection (b).

(b) The budget justification documents submitted pursuant to subsection (a) shall include, for each project—

(1) the estimated total cost of the project;

(2) the funding provided for each fiscal year prior to the budget year;

(3) the amount requested for the budget year;

(4) the estimated funding required for the project for each of the 4 fiscal years succeeding the budget year; and

(5) such additional information as is enumerated under the heading relating to the ''Construction, Major Projects'' account of the Department of Veterans Affairs in the joint explanatory statement accompanying this Act.

(c) Not later than 45 days after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a proposed budget justification template that complies with the requirements of this section.

SEC. 259. (a) The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Seismic corrections to buildings, including retrofitting and replacement of high-risk buildings, in San Francisco, California, in an amount not to exceed $180,480,000.

(2) Seismic corrections to facilities, including facilities to support homeless veterans, at the medical center in West Los Angeles, California, in an amount not to exceed $105,500,000.

(3) Seismic corrections to the mental health and community living center in Long Beach, California, in an amount not to exceed $287,100,000.

(4) Construction of an outpatient clinic, administrative space, cemetery, and columbarium in Alameda, California, in an amount not to exceed $87,332,000.

(5) Realignment of medical facilities in Livermore, California, in an amount not to exceed $194,430,000.

(6) Construction of a medical center in Louisville, Kentucky, in an amount not to exceed $150,000,000.

(7) Construction of a replacement community living center in Perry Point, Maryland, in an amount not to exceed $92,700,000.

(8) Seismic corrections and other renovations to several buildings and construction of a specialty care building in American Lake, Washington, in an amount not to exceed $16,260,000.

(b) There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2016 or the year in which funds are appropriated for the Construction, Major Projects, account, $1,113,802,000 for the projects authorized in subsection (a).

(c) The projects authorized in subsection (a) may only be carried out using—

(1) funds appropriated for fiscal year 2016 pursuant to the authorization of appropriations in subsection (b);

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2016 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2016 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2016 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2016 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after fiscal year 2016 for a category of activity not specific to a project.

SEC. 260. (a) Notwithstanding any other provision of law, the amounts appropriated or otherwise made available to the Department of Veterans Affairs for the ''Medical Services'' account may be used to provide—

(1) fertility counseling and treatment using assisted reproductive technology to a covered veteran or the spouse of a covered veteran; or

(2) adoption reimbursement to a covered veteran.

(b) In this section:

(1) The term ''service-connected'' has the meaning given such term in section 101 of title 38, United States Code.

(2) The term ''covered veteran'' means a veteran, as such term is defined in section 101 of title 38, United States Code, who has a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.

(3) The term ''assisted reproductive technology'' means benefits relating to reproductive assistance provided to a member of the Armed Forces who incurs a serious injury or illness on active duty pursuant to section 1074(c)(4)(A) of title 10, United States Code, as described in the memorandum on the subject of ''Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members'' issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such policy, including any limitations on the amount of such benefits available to such a member.

(4) The term ''adoption reimbursement'' means reimbursement for the adoption-related expenses for an adoption that is finalized after the date of the enactment of this Act under the same

terms as apply under the adoption reimbursement program of the Department of Defense, as authorized in Department of Defense Instruction 1341.09, including the reimbursement limits and requirements set forth in such instruction.

(c) Amounts made available for the purposes specified in subsection (a) of this section are subject to the requirements for funds contained in section 508 of division H of the Consolidated Appropriations Act, 2016 (Public Law 114–113).

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $75,100,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $30,945,000: Provided, That $2,500,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed $1,000 for official reception and representation expenses, $70,800,000, of which not to exceed $15,000,000 shall remain available until September 30, 2019. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the ''Lease of Department of Defense Real Property for Defense Agencies'' account.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $64,300,000, of which $1,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi: Provided, That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund, $22,000,000 shall be paid from the general fund of the Treasury to the Trust Fund.

ADMINISTRATIVE PROVISIONS

SEC. 301. Funds appropriated in this Act under the heading ''Department of Defense—Civil, Cemeterial Expenses, Army'', may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery, making additional land available for ground burials.

SEC. 302. Amounts deposited into the special account established under 10 U.S.C. 4727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $18,900,000, to remain available until September 30, 2021, for projects outside of the United States: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $59,809,000, to remain available until September 30, 2021, for projects outside of the United States: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'' $88,291,000, to remain available until September 30, 2021, for projects outside of the United States: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $5,000,000, to remain available until September 30, 2021, for projects outside of the United States: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION

SEC. 401. Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 503. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 504. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 505. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 506. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 507. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 508. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 509. None of the funds made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 510. None of the funds made available in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 511. None of the funds made available by this Act may be used by the Department of Defense or the Department of Veterans Affairs to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

SEC. 512. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantánamo Bay, Cuba, for the purposes of detention or imprisonment in

the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

This division may be cited as the ''Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017''.

DIVISION B—ZIKA RESPONSE AND PREPAREDNESS

TITLE I

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For an additional amount for fiscal year 2016 for ''CDC-Wide Activities and Program Support'', $476,000,000, to remain available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, health conditions related to such virus, and other vector-borne diseases, domestically and internationally: Provided, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the Public Health Service (''PHS'') Act: Provided further, That funds may be used for purchase and insurance of official motor vehicles in foreign countries: Provided further, That the provisions in section 317S of the PHS Act shall apply to the use of funds appropriated in this paragraph as determined by the Director of the Centers for Disease Control and Prevention to be appropriate: Provided further, That funds appropriated in this paragraph may be used for grants for the construction, alteration, or renovation of non-federally owned facilities to improve preparedness and response capability at State and local laboratories: Provided further, That of the amount appropriated in this paragraph, $88,000,000 may be used to reimburse accounts administered by the Centers for Disease Control and Prevention for obligations incurred for Zika virus response prior to the enactment of this Act: Provided further, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 2016 for ''National Institute of Allergy and Infectious Diseases'', $230,000,000, to remain available until September 30, 2017, for research on the virology, natural history, and pathogenesis of the Zika virus infection and preclinical and clinical development of vaccines and other medical countermeasures for the Zika virus and other vector-borne diseases, domestically and internationally: Provided, That such funds may be transferred by the Director of the National Institutes of Health (''NIH'') to other accounts of the NIH for the purposes provided in this paragraph: Provided further, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 2016 for ''Public Health and Social Services Emergency Fund'', $227,000,000, to remain available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, health conditions related to such virus, and other vector-borne diseases, domestically and internationally; to develop necessary countermeasures and vaccines, including the development and purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, and administrative activities; for additional payments for distribution as provided for under the ''Social Services Block Grant Program''; and for carrying out sections 330 through 336 and 338 of the PHS Act: Provided, That funds appropriated in this paragraph may be used to procure security countermeasures (as defined in section 319F–2(c)(1)(B) of the PHS Act): Provided further, That paragraphs (1) and (7)(C) of subsection (c) of section 319F–2 of the PHS Act, but no other provisions of such section, shall apply to such security countermeasures procured with funds appropriated in this paragraph: Provided further, That products purchased with funds appropriated in this paragraph may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the PHS Act: Provided further, That funds appropriated in this paragraph may be transferred to the fund authorized by section 319F–4 of the PHS Act: Provided further, That of the funds appropriated under this heading, $95,000,000 shall be transferred to the ''Social Services Block Grant'' for health services provided by public health departments, hospitals, or reimbursed through public health plans, notwithstanding section 2005(a)(4) of the Social Security Act, in States, territories, or tribal lands with active or local transmission cases of the Zika virus, as confirmed by the Centers for Disease Control and Prevention, of which not less than $80,000,000 shall be for territories with the highest rates of Zika transmission: Provided further, That the Secretary of Health and Human Services shall distribute funds transferred to the ''Social Services Block Grant'' in this paragraph in accordance with objective criteria that are made available to the public: Provided further, That of the funds appropriated under this heading, $40,000,000 shall be used to expand the delivery of primary health services authorized by section 330 of the PHS Act in Puerto Rico and other territories: Provided further, That of the funds appropriated under this heading, $6,000,000 shall, for purposes of providing primary health services in areas affected by Zika virus or other vector-borne diseases, be used to assign National Health Service Corps (NHSC) members to Puerto Rico and other territories, notwithstanding the assignment priorities and limitations in or under sections 333(a)(1)(D), 333(b), or 333A(a) of the PHS Act, and to make NHSC Loan Repayment Program awards under section 338B of such Act: Provided further, That for purposes of the previous proviso, section 331(a)(3)(D) of the PHS Act shall be applied as if the term ''primary health services'' included health services regarding pediatric subspecialists: Provided further, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

DIRECT HIRES

SEC. 101. Funds appropriated by this title may be used by the heads of the Department of Health and Human Services, Department of State, and the United States Agency for International Development to appoint, without regard to the provisions of sections 3309 through 3319 of title 5 of the United States Code, candidates needed for positions to perform critical work relating to Zika response for which—

(1) public notice has been given; and

(2) the Secretary of Health and Human Services has determined that such a public health threat exists.

TRANSFER AUTHORITIES

SEC. 102. Funds appropriated by this title may be transferred to, and merged with, other appropriation accounts under the headings ''Centers for Disease Control and Prevention'', ''Public Health and Social Services Emergency Fund'', and ''National Institutes of Health'' for the purposes specified in this title following consultation with the Office of Management and Budget: Provided, That the Committees on Appropriations shall be notified 10 days in advance of any such transfer: Provided further, That, upon a determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation: Provided further, That none of the funds made available by this title may be transferred pursuant to the authority in section 205 of division H of Public Law 114–113 or section 241(a) of the PHS Act.

REPORTING REQUIREMENTS

SEC. 103. Not later than 30 days after enactment of this Act, the Secretary of Health and Human Services shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations: Provided, That such plans shall be updated and submitted to the Committees on Appropriations every 60 days until September 30, 2017.

OVERSIGHT

SEC. 104. Of the funds appropriated by this title under the heading ''Public Health and Social Services Emergency Fund'', up to—

(1) $500,000 shall be transferred to, and merged with, funds made available under the heading ''Office of the Secretary, Office of Inspector General'', and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: Provided, That the Secretary of Health and Human Services shall consult with the Committees on Appropriations prior to obligating such funds: Provided further, That the transfer authority provided by this paragraph is in addition to any other transfer authority provided by law; and

(2) $500,000 shall be made available to the Comptroller General of the United States, and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: Provided, That the Comptroller General shall consult with the Committees on Appropriations prior to obligating such funds.

TITLE II

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 2016 for ''Diplomatic and Consular Programs'', $14,594,000, to remain available until September 30, 2017, for necessary expenses to support response efforts related to the Zika virus, health

conditions related to such virus, and other vector-borne diseases: Provided, That such funds may be made available for medical evacuation costs of any other department or agency of the United States under Chief of Mission authority, and may be transferred to any other appropriation of such department or agency for such costs: Provided further, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for fiscal year 2016 for ''Emergencies in the Diplomatic and Consular Service'', $4,000,000, for necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases, to remain available until September 30, 2017: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REPATRIATION LOANS PROGRAM ACCOUNT

For an additional amount for fiscal year 2016 for ''Repatriation Loans Program Account'' for the cost of direct loans, $1,000,000, to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases, to remain available until September 30, 2017: Provided, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such funds are available to subsidize an additional amount of gross obligations for the principal amount of direct loans not to exceed $1,880,406: Provided further, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for fiscal year 2016 for ''Operating Expenses'', $10,000,000, to remain available until September 30, 2017, for necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH PROGRAMS

For an additional amount for fiscal year 2016 for ''Global Health Programs'', $145,500,000, to remain available until September 30, 2017, for necessary expenses to prevent, prepare for, and respond to the Zika virus, health conditions related to such virus, and other vector-borne diseases: Provided, That funds appropriated under this heading shall be made available for vector control activities, vaccines, diagnostics, and vector control technologies: Provided further, That funds appropriated under this heading may be made available as contributions to the World Health Organization, the United Nations Children's Fund, the Pan American Health Organization, the International Atomic Energy Agency, and the Food and Agriculture Organization: Provided further, That funds made available under this heading shall be subject to prior consultation with the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading may be made available for the Grand Challenges for Development program: Provided further, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

TRANSFER AUTHORITIES

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. (a) Funds appropriated by this title under the headings ''Diplomatic and Consular Programs'', ''Emergencies in the Diplomatic and Consular Service'', ''Repatriation Loans Program Account'', and ''Operating Expenses'' may be transferred to, and merged with, funds appropriated by this title under such headings to carry out the purposes of this title.

(b) The transfer authorities provided by this section are in addition to any other transfer authority provided by law.

(c) Upon a determination that all or part of the funds transferred pursuant to the authorities provided by this section are not necessary for such purposes, such amounts may be transferred back to such appropriations.

(d) No funds shall be transferred pursuant to this section unless at least 5 days prior to making such transfer the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, notifies the Committees on Appropriations in writing of the details of any such transfer.

NOTIFICATION REQUIREMENT

SEC. 202. Funds appropriated by this title shall only be available for obligation if the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, notifies the Committees on Appropriations in writing at least 15 days in advance of such obligation.

CONSOLIDATED REPORTING REQUIREMENT

SEC. 203. Not later than 30 days after enactment of this Act and prior to the initial obligation of funds made available by this title, the Secretary of State and the Administrator of the United States Agency for International Development shall submit a consolidated report to the Committees on Appropriations on the anticipated uses of such funds on a country and project basis, including estimated personnel and administrative costs: Provided, That such report shall be updated and submitted to the Committees on Appropriations every 60 days until September 30, 2017.

OVERSIGHT

SEC. 204. Of the funds appropriated by this title, up to—

(1) $500,000 shall be transferred to, and merged with, funds available under the heading ''United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General'', and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: Provided, That the transfer authority provided by this paragraph is in addition to any other transfer authority provided by law; and

(2) $500,000 shall be made available to the Comptroller General of the United States, and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: Provided, That the Secretary of State and the Comptroller General, as appropriate, shall consult with the Committees on Appropriations prior to obligating such funds.

RESCISSION

SEC. 205. Of the unobligated balances available under the heading ''Operating Expenses'' in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), $10,000,000 are rescinded: Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III

GENERAL PROVISIONS—THIS DIVISION

EXTENSION OF AUTHORITIES AND PROVISIONS

SEC. 301. Unless otherwise provided for by this division, the additional amounts appropriated pursuant to this division are subject to the requirements for funds contained in the Consolidated Appropriations Act, 2016 (Public Law 114–113).

PERSONAL SERVICE CONTRACTORS

SEC. 302. Funds made available by this division may be used to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, Code of Federal Regulations (48 CFR 37.104)) to support the purposes of titles I and II of this division, within the United States and abroad, subject to prior consultation with, and the notification procedures of, the Committees on Appropriations: Provided, That such individuals may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management: Provided further, That the authority made available pursuant to this section shall expire on September 30, 2017.

DESIGNATION RETENTION

SEC. 303. Any amount appropriated by this division, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this division shall retain such designation.

EFFECTIVE DATE

SEC. 304. This division shall become effective immediately upon enactment of this Act.

This division may be cited as the ''Zika Response and Preparedness Appropriations Act, 2016''.

DIVISION C—ZIKA VECTOR CONTROL

SECTION 1. SHORT TITLE.

This division may be cited as the ''Zika Vector Control Act''.

SEC. 2. MOSQUITO CONTROL WAIVER.

Notwithstanding section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), during the 180 day period following the date of enactment of this Act the Administrator of the United States Environmental Protection Agency (or a State, in the case of a permit program approved under subsection (b)) shall not require a permit for a discharge from the application by an entity authorized under State or local law, such as a vector control district, of a pesticide in compliance with all relevant requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) to control mosquitos or mosquito larvae for the prevention or control of the Zika virus.

DIVISION D—RESCISSIONS OF FUNDS

SEC. 101. (a) Of the unobligated amounts made available under section 1323(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)(1)), $543,000,000 is rescinded immediately upon enactment of this Act.

(b) Of the unobligated balances available in the Nonrecurring expenses fund established in section 223 of division G of Public Law 110–161 (42 U.S.C. 3514a) from any fiscal year, $100,000,000 is rescinded immediately upon enactment of this Act.

(c) Of the unobligated balances of appropriations made available under the heading ''Bilateral Economic Assistance, Funds Appropriated to the President, Economic Support Fund'' in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), $107,000,000 is rescinded immediately upon enactment of this Act: Provided, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

And the House agree to the same.

HAROLD ROGERS,
TOM COLE,
KAY GRANGER,
CHARLES W. DENT,
JEFF FORTENBERRY,
THOMAS J. ROONEY,
MARTHA ROBY,
DAVID G. VALADAO,
Managers on the Part of the House.

THAD COCHRAN,
MARK KIRK,
MITCH MCCONNELL,
LISA MURKOWSKI,
JOHN HOEVEN,
SUSAN COLLINS,
JOHN BOOZMAN,
SHELLEY MOORE CAPITO,
ROY BLUNT,
LINDSEY GRAHAM,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate, and the amendment of the House to the amendment of the Senate, to the bill (H.R. 2577) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

This conference agreement includes the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2017, the Zika Response and Preparedness Appropriations Act, 2016, the Zika Vector Control Act, and a division on rescissions of funds. H.R. 2577 was used as the vehicle for the Senate amendment, which included the Senate-passed versions of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2017 (S. 2844) and the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017 (S. 2806). The Senate amendment also included appropriations relating to Zika Response and Preparedness. The House amendment included the House-passed text of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2017 (H.R. 4974), the Zika Response Appropriations Act, 2016 (H.R. 5243), and the Zika Vector Control Act (H.R. 897).

Section 1 of the conference agreement is the short title of the bill.

Section 2 of the conference agreement displays a table of contents.

Section 3 of the conference agreement states that, unless expressly provided otherwise, any reference to ''this Act'' contained in any division shall be treated as referring only to the provisions of that division.

Section 4 provides a statement of appropriations.

Section 5 states that each amount designated by Congress as an emergency requirement is contingent on the President so designating all such emergency amounts and transmitting such designations to Congress.

The conference agreement does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined by clause 9 of rule XXI of the Rules of the House of Representatives.

DIVISION A—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

The following is an explanation of the effects of Division A, which makes appropriations for Military Construction, Veterans Affairs, and Related Agencies for fiscal year 2017. Unless otherwise noted, reference to the House and Senate reports are to House Report 114–497 and Senate Report 114–237. The language set forth in House Report 114–497 and Senate Report 114–237 should be complied with and carry the same emphasis as the language included in the joint explanatory statement, unless specifically addressed to the contrary in this joint explanatory statement. While repeating some report language for emphasis, this joint explanatory statement does not intend to negate the language referred to above unless expressly provided herein. In cases in which the House or the Senate has directed the submission of a report, such report is to be submitted to both Houses of Congress. House or Senate reporting requirements with deadlines prior to, or within 15 days after enactment of this Act shall be submitted not later than 60 days after enactment of this Act. All other reporting deadlines not specifically directed by this joint explanatory statement are to be met.

TITLE I—DEPARTMENT OF DEFENSE

Bid Savings.—The conferees note that, given information for cost variation notices required by 10 U.S.C. 2853, the Department of Defense continues to have bid savings on previously appropriated military construction projects. Therefore, the agreement includes rescissions to the Army, Air Force, and Defense-Wide construction accounts. The Secretary of Defense is directed to continue to submit 1002 reports on military construction bid savings at the end of each fiscal quarter to the Committees.

Missile Defense.— The conferees remain committed to rapidly implementing the European Phased Adaptive Approach (EPAA). Construction of the first Aegis Ashore missile defense site in Deveselu, Romania, is complete and the site is operational. The Committees fully funded construction of the second site at Redzikowo, Poland, in fiscal year 2016, and expect the Missile Defense Agency to pursue an aggressive construction schedule to bring this critical asset online. Additionally, the conference agreement fully funds the request for the first phase of the Long Range Discrimination Radar at Clear, Alaska. This radar will dramatically improve our ability to effectively target ballistic missile threats to the homeland coming from the Pacific. As the missile threat continues to evolve, the conferees remain strongly supportive of the expeditionary deployment of a Terminal High Altitude Area Defense battery on Guam. The conferees encourage the Department of Defense to consider making this deployment permanent and request the appropriate military construction projects in support of this critical mission be requested in future budget submissions.

Overseas Contingency Operations.—The conference agreement includes House Title IV, Overseas Contingency Operations. The Senate bill included funding for similar projects in Title I.

Emerging Security Threats in Europe.—The conferees are aware that heightened tensions between Russia and Europe following Russia's invasion of Ukraine in 2014 have increased security threats to European nations, particularly in Eastern Europe. In response to Russian aggression, the Administration in 2014 announced the European Reassurance Initiative (ERI) to enhance allied security by increasing the presence and joint training activities of U.S. military forces in Europe. The ERI includes a number of military construction projects funded in both fiscal year 2015 and in this Act. The conferees note that although ERI military construction funding was originally intended to be a one-time only investment, the evolving nature of the threat has prompted the Department of Defense (DOD) to expand its plans for investing in military construction to support the continual presence of U.S. rotational military forces in Europe, increased training activities with European allies, and the prepositioning of Army combat-ready equipment in Poland to support an armored brigade combat team.

The conferees recognize the importance of providing reassurance and security to the Nation's European allies, but are concerned that DOD has not outlined a comprehensive plan for military construction requirements to support the ERI. Instead, the Committees have received ad hoc notifications of proposed planning and design expenditures for projects in support of the ERI, including a $200,000,000 facility for prepositioning Army combat brigade equipment in Poland, and nine ERI-related Air Force projects, primarily at U.S. Air Force bases in Germany, estimated to cost a total of $260,000,000.

Given the magnitude of the planned ERI military construction investment thus far, the conferees direct the Secretary of Defense to provide to the Committees on Appropriations of both Houses of Congress (the Committees), with submission of the fiscal year 2018 budget request, a comprehensive plan for military construction requirements associated with the European Reassurance Initiative through the fiscal year 2018 Future Years Defense Program.

The conferees further direct the Comptroller General of the United States to provide to the Committees, not later than one year after the date of enactment of this Act, a report evaluating the extent to which the Department of Defense has developed a comprehensive force structure plan, including military construction requirements, to meet emerging security threats in Europe. The report shall include an assessment of the extent to which the Department has:

(1) identified the near-term and long-term United States military force requirements in Europe in support of the European Reassurance Initiative;

(2) evaluated the posture, force structure, and military construction options for meeting projected force requirements;

(3) evaluated the long-term costs associated with the posture, force structure, and military construction requirements; and

(4) developed a Future Years Defense Program for force structure costs associated with the European Reassurance Initiative.

The report shall also include any other matters related to security threats in Europe that the Comptroller General determines are appropriate, and recommendations

as warranted for improvements to the Department's planning and analysis methodology. The reports shall be provided in the appropriate classified and unclassified formats.

Al Udeid Air Base Mold Contamination.—The conferees are concerned about reports that airmen serving at Al Udeid Air Base in Qatar were living in dangerously contaminated barracks. On social media and later in the press, reports detailed collapsing ceilings, contaminated water, and toxic black mold found throughout the facility. The Committees have raised concerns in the past about low levels of funding for facility sustainment, restoration and modernization, and if the black mold issues at Al Udeid were a result of a lack of funding for maintenance, that is unacceptable. Also, the conferees are aware that the Department of Defense Inspector General released a report in September 2014 (DODIG–2014–121) that identified 1,057 deficiencies and code violations ''that could affect the health, safety, and well-being of warfighters and their families'' stationed in Japan. Included among the deficiencies were elevated levels of radon and excessive mold growth. In light of the Inspector General report and the reports from Al Udeid, the conferees direct the Department to submit a report to the congressional defense committees not later than 180 days after enactment of this Act detailing global military housing and expeditionary facilities locations with mold contamination, mitigation strategies implemented or expected to be in place, and any new construction standards designed to prevent mold contamination.

MILITARY CONSTRUCTION, ARMY

The conference agreement provides $513,459,000 for Military Construction, Army. Within this amount, the conference agreement provides $98,159,000 for study, planning, design, architect and engineer services, and host nation support.

Aging Army hangars for Combat Aviation Units.—The conferees recognize that the Army's aging hangars housing combat aviation units are structurally deficient and do not meet the operational requirements of the Army's Combat Aviation Brigades. A critical need exists for the Army to modernize infrastructure associated with operational needs, inclement weather, personnel changes, and unforeseen circumstances. The conferees direct the Secretary of the Army to submit a report to the congressional defense committees not later than 90 days after the enactment of this Act detailing the age and condition of the Army's Combat Aviation Brigade aircraft maintenance hangars, a prioritization of the most deficient infrastructure assets, and a plan to modernize or replace those hangars, including the required resources.

Air traffic control facilities.—The conferees are concerned that many of the Army's air traffic control facilities are unsafe, antiquated, and do not provide adequate control, communications or observation abilities for the current air traffic levels at certain locations. For example, the current facility located at Fort Benning, Georgia, will become wholly inadequate at the current pace of operations and a replacement facility is necessary to ensure air traffic services are available to support mission readiness and deployment platforms and the military flying community. The conferees are concerned that this could be a problem throughout the Army enterprise with the recent reductions to the Department of Defense's construction accounts. Therefore, the Secretary of the Army is directed to conduct a risk assessment on Army air traffic control facilities throughout the Army enterprise and develop a plan to update these facilities. This assessment shall be submitted to the congressional defense committees not later than 60 days after enactment of this Act.

Defense Laboratory Enterprise Facilities and Infrastructure.—The conferees note that DOD investment in Defense laboratories has been lacking, resulting in negative impacts on the ability of the military to develop new acquisition programs or perform cutting-edge research. At the same time, the Nation's near-peer competitors are making significant new investments in their research and development capabilities as part of the effort to close the technology gap with the U.S. military. Of additional concern, aging lab infrastructure also creates a disincentive to attracting new employees as DOD tries to rebuild its technical workforce.

One of the tools that Congress has provided to incentivize DOD lab investment is the establishment of a higher threshold for unspecified minor military construction (UMMC) for laboratories to enable the services to keep up with a threat that evolves faster than the normal planning process. However, the conferees are concerned that the services are not programming sufficient UMMC to take full advantage of the laboratory revitalization initiative. For example, in fiscal year 2016, the Army, which operates an extensive network of DOD labs, did not allocate any unspecified minor military construction funding for necessary laboratory revitalization projects, and the request for UMMC in the Army has remained flat at $25,000,000. Therefore, the conference agreement provides an additional $10,000,000 to supplement unspecified minor military construction, and the Army is encouraged to pursue opportunities to use the additional funding for lab revitalization.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement provides $1,021,580,000 for Military Construction, Navy and Marine Corps. Within this amount, the conference agreement provides $88,230,000 for study, planning, design, architect and engineer services.

Military Construction funding for the Navy and Marine Corps.—Conferees are concerned about the need for the construction of an F–35C aircraft maintenance hangar, a communications complex and infrastructure upgrades, and an F–35C aircraft parking apron for the Marine Corps' four F–35C squadrons on the West Coast. This construction supports Carrier Air Wing operations with the USS *Carl Vinson* as the first F 35C compatible ship on the West Coast in support of the Pacific Command Area of Responsibility. The Marine Corps has identified these projects as its top priorities, critical to the F–35C squadrons and the conferees support these priorities.

Townsend Bombing Range.—Concerns still remain regarding the Townsend Bombing Range and its effect on the local timber industry. While the Navy and local stakeholders have started a dialogue, an agreement has not yet been reached. The conferees look forward to an agreement that meets the Navy's training needs and protects local timber stakeholders.

Navy Unfunded Reprogramming Requirements.—The Committees were recently informed that the Navy has been underestimating the cost of major construction projects over the past several years due to unrealistic cost assumptions and a flawed construction cost formula. The Navy acknowledges that it has been aware of this problem for some time but had taken no action to remedy the deficiencies in its construction cost estimating process or to notify the Committees in a timely manner of the situation or its potential impact on the execution of projects. As a result, the Navy is faced with a large inventory of underfunded projects, and insufficient unobligated balances from bid savings or cancelled projects to cover the shortfall. Thus, a number of authorized projects for which funds have been appropriated over the past several years are at risk due to insufficient funds to award a contract.

The conferees provide an additional $89,400,000 in this Act, to address the Navy's highest priority urgent unfunded reprogramming requirements as well as unanticipated emergency construction requirements. However, the conferees are concerned that this is just the tip of the iceberg, and that additional underfunded projects for which no ready source of reprogramming funds is available will emerge. Therefore, the conferees direct the Secretary of the Navy to reassess the sufficiency of the appropriation request for all previously appropriated projects for which contracts have not been awarded, and to provide to the congressional defense committees, within 60 days of enactment of this Act, (1) a detailed analysis of the process and decisions that led to the underestimating of construction costs, (2) the revised cost estimate, if applicable, for any project that is estimated to be underfunded due to unrealistic cost assumptions and/or a flawed construction cost formula, (3) a plan of how the Navy intends to address the shortfall within its own resources, including the identification of any previously appropriated projects that might have to be cancelled, and (4) a description of the steps it is taking to remedy the cost estimating process for future construction projects.

The conferees further direct the Secretary of Defense to review the construction cost formulas used to develop military construction appropriation requests by the Naval Facilities Engineering Command and the U.S. Army Corps of Engineers to assess the reliability of the formulas, and to report to the congressional defense committees within 90 days of enactment of this Act on its findings and any recommendations to improve the fidelity of the construction cost formulas.

All the services, including the Navy, have informed the Committees for the past several years that construction costs have been rising with the improving economy and the rebound of the construction market, and that bid savings have been subsequently decreasing. The conferees believe there is no excuse for the Navy's inability to or failure to address this problem, and fully expect a sound and justifiable cost estimate for any military construction projects submitted in the fiscal year 2018 and future budget requests.

MILITARY CONSTRUCTION, AIR FORCE

The conference agreement provides $1,491,058,000 for Military Construction, Air Force. Within this amount, the conference agreement provides $143,582,000 for study, planning, design, architect and engineer services. Additionally, the conference agreement rescinds $23,900,000 for three fiscal year 2014 projects in Saipan, Commonwealth of the Northern Mariana Islands (CNMI), to support Air Force training exercises and provide an emergency divert location. The conferees are concerned that the Air Force has been unable to reach a land use agreement

with the Government of the CNMI despite extensive negotiations, and no resolution to the issue is imminent. Therefore, the funding is rescinded without prejudice, and the Air Force is urged to resubmit the projects once agreement on the location is finalized and the projects can be executed.

Air Force Facility Security Requirements.—The conferees are concerned with the Department's funding recommendation for the Air Force's unspecified minor military construction account. An additional $10,000,000 is provided to assist installations in the continental U.S. with significant facility entry and exit point concerns. Priority should be given to installations with access control points that present safety, security and traffic hazards.

Air Force Ballistic Missile Facilities.—The conferees are aware that ground-based intercontinental ballistic missile (ICBM) facilities at the Nation's three ICBM bases in Montana, North Dakota, and Wyoming are aging and in urgent need of replacement. At a time of increased global tensions among nuclear-capable nations, it is imperative to replace crumbling and outdated ICBM infrastructure at U.S. installations with state-of-the-art nuclear deterrence facilities. Key to this effort is the replacement of the Cuban missile crisis-era Weapons Storage Facilities and Missile Alert Facilities at each of the ICBM bases. The conferees understand that the Air Force has developed a funding roadmap to replace the Weapons Storage Facilities (WSFs) at each ICBM base but are concerned that the current timeline for implementation of the roadmap is not sufficiently aggressive in light of the urgency of upgrading these facilities to meet current threat conditions. Given the failing condition of the current WSFs and the importance of the ground-based ICBM capability to the Nation's nuclear deterrence, the conferees urge the Air Force to prioritize and accelerate the replacement of the WSFs as well as the Nuclear Alert Facilities at ICBM bases. The conferees reiterate the directive in Senate Report 114–237 for the Secretary of the Air Force to undertake an analysis of the cost of maintaining the existing Missile Alert Facilities at the Nation's ICBM bases and to provide a report to the Committees within 90 days of enactment of this Act on the findings of the analysis and a projected cost and timeline for replacing the Weapons Alert Facilities at each of these bases. The conferees also direct the Secretary of Defense to assess the feasibility of using Defense Access Road funding and other sources of funding to build alternate routes for military equipment traveling on public roads to missile launch facilities, taking into consideration the proximity of local populations, security risks, safety, and weather, and to provide a report to the Committees within one year of enactment of this Act.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $2,025,444,000 for Military Construction, Defense-Wide. Within this amount, the conference agreement provides $180,775,000 for study, planning, design, architect and engineer services. Within this amount, an additional $15,000,000 is provided for Missile Defense Agency planning and design. The additional funding is to expedite the construction and deployment of urgently needed missile defense assets in various locations within the continental United States, including Alaska and Hawaii.

Pentagon Metro entrance facility.—The conference agreement includes funding for the Pentagon Metro entrance facility project as requested in the budget submission. The conferees remain concerned that this facility needs to be constructed in a manner that will further enhance the physical access and perimeter defense of the building in accordance with the Integrated Pentagon Security Master Plan and the Pentagon Century Review. Given that the design is only at 10 percent at this point, the conferees direct the Secretary of Defense to report to the congressional defense committees quarterly on the progress of the planning and design and any major construction changes to the current project's 1391.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conference agreement provides $232,930,000 for Military Construction, Army National Guard. Within this amount, the conference agreement provides $8,729,000 for study, planning, design, architect and engineer services.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conference agreement provides $143,957,000 for Military Construction, Air National Guard. Within this amount, the conference agreement provides $10,462,000 for study, planning, design, architect and engineer services.

MILITARY CONSTRUCTION, ARMY RESERVE

The conference agreement provides $68,230,000 for Military Construction, Army Reserve. Within this amount, the conference agreement provides $7,500,000 for study, planning, design, architect and engineer services.

MILITARY CONSTRUCTION, NAVY RESERVE

The conference agreement provides $38,597,000 for Military Construction, Navy Reserve. Within this amount, the conference agreement provides $3,783,000 for study, planning, design, architect and engineer services.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

The conference agreement provides $188,950,000 for Military Construction, Air Force Reserve. Within this amount, the conference agreement provides $4,500,000 for study, planning, design, architect and engineer services.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

The conference agreement provides $177,932,000 for the North Atlantic Treaty Organization Security Investment Program.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

The conference agreement provides $240,237,000 for the Department of Defense Base Closure Account, which is $35,000,000 above the request. The additional funding is for the Army and the Navy to accelerate environmental remediation at installations closed under previous Base Realignment and Closure (BRAC) rounds.

Accelerated cleanup.—The conferees recognize that many factors hinder the cleanup of BRAC sites. However, the conferees believe that strategic investments can lead to quicker clean-ups and faster turnover of DOD property to the local community. Therefore, the conferees direct the Secretary of Defense to submit to the congressional defense committees a spend plan for the additional BRAC funds not later than 15 days after enactment of this Act.

Family Housing Overview

Homeowners Assistance Program—Delayed Expression or Delayed Identification of Injured Beneficiaries.—As the Executive Agent for the Homeowners Assistance Program (HAP) across the Department of Defense, the Army mistakenly administered approximately 76 applicants whose injuries were incurred during a military deployment, while they owned a home, and experienced delayed expression or delayed identification of the injury. The applicants were paid in good faith and in accordance with guidance from Congress and the Department of Defense to err in favor of wounded, ill, and injured HAP applicants. If these beneficiaries had suffered from an obvious physical injury—which the HAP statute envisioned—their injury would have been clearly documented at the time they owned their home, and they would have qualified for HAP benefits. Therefore, no funds from this Act shall be used to collect overpayments for any wounded, ill, or injured HAP beneficiary with delayed expression or delayed identification, or send notice letters, while the Department further develops permanent legislative solutions with Congress.

FAMILY HOUSING CONSTRUCTION, ARMY

The conference agreement provides $157,172,000 for Family Housing Construction, Army.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

The conference agreement provides $325,995,000 for Family Housing Operation and Maintenance, Army.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement provides $94,011,000 for Family Housing Construction, Navy and Marine Corps.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

The conference agreement provides $300,915,000 for Family Housing Operation and Maintenance, Navy and Marine Corps.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

The conference agreement provides $61,352,000 for Family Housing Construction, Air Force.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement provides $274,429,000 for Family Housing Operation and Maintenance, Air Force.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement provides $59,157,000 for Family Housing Operation and Maintenance, Defense-Wide.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

The conference agreement provides $3,258,000 for the Department of Defense Family Housing Improvement Fund.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

The conference agreement includes section 101 limiting the use of funds under a cost-plus-a-fixed-fee contract.

The conference agreement includes section 102 allowing the use of construction funds in this title for hire of passenger motor vehicles.

The conference agreement includes section 103 allowing the use of construction funds in this title for advances to the Federal Highway Administration for the construction of access roads.

The conference agreement includes section 104 prohibiting construction of new bases in the United States without a specific appropriation.

The conference agreement includes section 105 limiting the use of funds for the purchase

of land or land easements that exceed 100 percent of the value.

The conference agreement includes section 106 prohibiting the use of funds, except funds appropriated in this title for that purpose, for family housing.

The conference agreement includes section 107 limiting the use of minor construction funds to transfer or relocate activities.

The conference agreement includes section 108 prohibiting the procurement of steel unless American producers, fabricators, and manufacturers have been allowed to compete.

The conference agreement includes section 109 prohibiting the use of construction or family housing funds to pay real property taxes in any foreign nation.

The conference agreement includes section 110 prohibiting the use of funds to initiate a new installation overseas without prior notification.

The conference agreement includes section 111 establishing a preference for American architectural and engineering services for overseas projects.

The conference agreement includes section 112 establishing a preference for American contractors in United States territories and possessions in the Pacific and on Kwajalein Atoll and in countries bordering the Arabian Gulf.

The conference agreement includes section 113 requiring congressional notification of military exercises when construction costs exceed $100,000.

The conference agreement includes section 114 allowing funds appropriated in prior years for new projects authorized during the current session of Congress.

The conference agreement includes section 115 allowing the use of expired or lapsed funds to pay the cost of supervision for any project being completed with lapsed funds.

The conference agreement includes section 116 allowing military construction funds to be available for five years.

The conference agreement includes section 117 allowing the transfer of funds from Family Housing Construction accounts to the Family Housing Improvement Program.

The conference agreement includes section 118 allowing transfers to the Homeowners Assistance Fund.

The conference agreement includes section 119 limiting the source of operation and maintenance funds for flag and general officer quarters and allowing for notification by electronic medium.

The conference agreement includes section 120 extending the availability of funds in the Ford Island Improvement Account.

The conference agreement includes section 121 allowing the transfer of expired funds to the Foreign Currency Fluctuations, Construction, Defense account.

The conference agreement includes section 122 restricting the obligation of funds for relocating an Army unit that performs a testing mission.

The conference agreement includes section 123 allowing for the reprogramming of construction funds among projects and activities subject to certain criteria.

The conference agreement includes section 124 prohibiting the obligation or expenditure of funds provided to the Department of Defense for military construction for projects at Arlington National Cemetery.

The conference agreement includes section 125 providing additional funds for various Military Construction accounts.

The conference agreement includes section 126 providing additional funds for Military Construction, Navy and Marine Corps.

The conference agreement includes section 127 rescinding funds from prior Appropriations Acts from various accounts.

The conference agreement includes section 128 rescinding unobligated balances from the fund established by Sec. 1013(d) of 42 U.S.C. 3374.

The conference agreement includes section 129 defining the congressional defense committees.

The conference agreement includes section 130 prohibiting the use of funds in this Act to close or realign Naval Station Guantanamo Bay, Cuba. The provision is intended to prevent the closure or realignment of the installation out of the possession of the United States, and maintain the Naval Station's long-standing regional security and migrant operations missions.

The conference agreement includes section 131 restricting funds in this Act to be used to consolidate or relocate any element of Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer until certain conditions are met.

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
ALASKA				
ARMY				
FORT WAINWRIGHT				
UNMANNED AERIAL VEHICLE HANGAR	47,000	47,000	47,000	47,000
AIR FORCE				
CLEAR AFS				
FIRE STATION	20,000	20,000	20,000	20,000
EIELSON AFB				
F-35A ADAL FIELD TRAINING DETACHMENT FAC	22,100	22,100	22,100	22,100
F-35A AIRCRAFT WEATHER SHELTER (SQD 2)	82,300	---	82,300	82,300
F-35A AIRCRAFT WEATHER SHELTERS (SQD 1)	79,500	79,500	79,500	79,500
F-35A EARTH COVERED MAGAZINES	11,300	11,300	11,300	11,300
F-35A HANGAR/PROPULSION MX/DISPATCH	44,900	44,900	44,900	44,900
F-35A HANGAR/SQUAD OPS/AMU SQ #2	42,700	42,700	42,700	42,700
F-35A MISSILE MAINTENANCE FACILITY	12,800	12,800	12,800	12,800
JOINT BASE ELMENDORF-RICHARDSON				
ADD/ALTER AWACS ALERT HANGAR	29,000	29,000	29,000	29,000
DEFENSE-WIDE				
CLEAR AFS				
LONG RANGE DISCRIM RADAR SYS COMPLEX PH1	155,000	155,000	155,000	155,000
FORT GREELY				
MISSILE DEFENSE COMPLEX SWITCHGEAR FACILITY	9,560	9,560	9,560	9,560
JOINT BASE ELMENDORF-RICHARDSON				
CONSTRUCT TRUCK OFFLOAD FACILITY	4,900	4,900	4,900	4,900
ARIZONA				
NAVY				
YUMA				
VMX-22 MAINTENANCE HANGAR	48,355	48,355	48,355	48,355
AIR FORCE				
LUKE AFB				
F-35A SQUAD OPS/AIRCRAFT MAINT UNIT #5	20,000	20,000	20,000	20,000
DEFENSE-WIDE				
FORT HUACHUCA				
JITC BUILDING 52110 RENOVATION	4,493	4,493	4,493	4,493
CALIFORNIA				
ARMY				
CONCORD				
ACCESS CONTROL POINT	12,600	12,600	12,600	12,600
NAVY				
CORONADO				
COASTAL CAMPUS ENTRY CONTROL POINT	13,044	13,044	13,044	13,044
COASTAL CAMPUS UTILITIES INFRASTRUCTURE	81,104	81,104	81,104	81,104
GRACE HOPPER DATA CENTER POWER UPGRADES	10,353	10,353	10,353	10,353
LEMOORE				
F-35C ENGINE REPAIR FACILITY	26,723	26,723	26,723	26,723
SAN DIEGO				
ENERGY SECURITY HOSPITAL MICROGRID	6,183	---	6,183	---
SEAL BEACH				
MISSILE MAGAZINES	21,007	21,007	21,007	21,007
AIR FORCE				
EDWARDS AIR FORCE BASE				
FLIGHTLINE FIRE STATION	24,000	24,000	24,000	24,000
DEFENSE-WIDE				
CORONADO				
SOF HUMAN PERFORMANCE TRAINING CENTER	15,578	15,578	15,578	15,578
SOF SEAL TEAM OPS FACILITY	47,290	47,290	47,290	47,290
SOF SEAL TEAM OPS FACILITY	47,290	47,290	47,290	47,290
SOF SPECIAL RECON TEAM ONE OPERATIONS FAC	20,949	20,949	20,949	20,949
SOF TRAINING DETACHMENT ONE OPS FACILITY	44,305	44,305	44,305	44,305
TRAVIS AFB				
REPLACE HYDRANT FUEL SYSTEM	26,500	26,500	26,500	26,500

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
ARMY RESERVE				
FORT HUNTER LIGGETT				
EMERGENCY SERVICES CENTER	21,500	21,500	21,500	21,500
CAMP PARKS				
TRANSIENT TRAINING BARRACKS	19,000	19,000	19,000	19,000
COLORADO				
ARMY				
FORT CARSON				
AUTOMATED INFANTRY PLATOON BATTLE COURSE	8,100	8,100	8,100	8,100
UNMANNED AERIAL VEHICLE HANGAR	5,000	5,000	5,000	5,000
AIR FORCE				
BUCKLEY AIR FORCE BASE				
SMALL ARMS RANGE COMPLEX	13,500	13,500	13,500	13,500
CONNECTICUT				
AIR NATIONAL GUARD				
BRADLEY IAP				
CONSTRUCT SMALL AIR TERMINAL	6,300	6,300	6,300	6,300
DELAWARE				
AIR FORCE				
DOVER AFB				
AIRCRAFT MAINTENANCE HANGAR	39,000	39,000	39,000	39,000
DEFENSE-WIDE				
DOVER AFB				
WELCH ES/DOVER MS REPLACEMENT	44,115	44,115	44,115	44,115
FLORIDA				
NAVY				
EGLIN AFB				
WMD FIELD TRAINING FACILITIES	20,489	20,489	20,489	20,489
AIR FORCE				
EGLIN AFB				
ADVANCED MUNITIONS TECHNOLOGY COMPLEX	75,000	75,000	75,000	75,000
FLIGHTLINE FIRE STATION	13,600	13,600	13,600	13,600
PATRICK AFB				
FIRE/CRASH RESCUE STATION	13,500	13,500	13,500	13,500
DEFENSE-WIDE				
PATRICK AFB				
REPLACE FUEL TANKS	10,100	10,100	10,100	10,100
AIR NATIONAL GUARD				
JACKSONVILLE IAP				
REPLACE FIRE CRASH/RESCUE STATION	9,000	9,000	9,000	9,000
GEORGIA				
ARMY				
FORT GORDON				
CYBER PROTECTION TEAM OPS FACILITY	90,000	90,000	90,000	90,000
FORT STEWART				
AUTOMATED QUALIFICATION/TRAINING RANGE	14,800	14,800	14,800	14,800
AIR FORCE				
MOODY AFB				
PERSONNEL RECOVERY 4-BAY HANGAR/HELO MX UNIT	30,900	30,900	30,900	30,900
DEFENSE-WIDE				
FORT BENNING				
SOF TACTICAL UNMANNED AERIAL VEHICLE HANGAR	4,820	4,820	4,820	4,820
FORT GORDON				
MEDICAL CLINIC REPLACEMENT	25,000	25,000	25,000	25,000
HAWAII				
ARMY				
FORT SHAFTER				
COMMAND AND CONTROL FACILITY, INCR 2	40,000	40,000	40,000	40,000

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
NAVY				
BARKING SANDS				
UPGRADE POWER PLANT & ELECTRICAL DISTRIB SYS	43,384	43,384	43,384	43,384
KANEOHE BAY				
REGIMENTAL CONSOLIDATED COMM/ELEC FACILITY	72,565	72,565	72,565	72,565
ARMY NATIONAL GUARD				
HILO				
COMBINED SUPPORT MAINTENANCE SHOP	31,000	31,000	31,000	31,000
AIR NATIONAL GUARD				
JOINT BASE PEARL HARBOR-HICKAM				
F-22 COMPOSITE REPAIR FACILITY	11,000	11,000	11,000	11,000
IOWA				
ARMY NATIONAL GUARD				
DAVENPORT				
NATIONAL GUARD READINESS CENTER	23,000	23,000	23,000	23,000
AIR NATIONAL GUARD				
SIOUX GATEWAY AIRPORT				
CONSTRUCT CONSOLIDATED SUPPORT FUNCTIONS	12,600	12,600	12,600	12,600
KANSAS				
AIR FORCE				
MCCONNELL AFB				
AIR TRAFFIC CONTROL TOWER	11,200	11,200	11,200	11,200
KC-46A ADAL TAXIWAY DELTA	5,600	5,600	5,600	5,600
KC-46A ALTER FLIGHT SIMULATOR BLDGS	3,000	3,000	3,000	3,000
ARMY NATIONAL GUARD				
FORT LEAVENWORTH				
NATIONAL GUARD READINESS CENTER	29,000	29,000	29,000	29,000
LOUISIANA				
AIR FORCE				
BARKSDALE AFB				
CONSOLIDATED COMMUNICATION FACILITY	21,000	21,000	21,000	21,000
NAVY RESERVE				
NEW ORLEANS				
JOINT RESERVE INTELLIGENCE CENTER	11,207	11,207	11,207	11,207
MAINE				
NAVY				
KITTERY				
UNACCOMPANIED HOUSING	17,773	17,773	17,773	17,773
UTILITY IMPROVEMENTS FOR NUCLEAR PLATFORMS	30,119	30,119	30,119	30,119
DEFENSE-WIDE				
KITTERY				
MEDICAL/DENTAL CLINIC REPLACEMENT	27,100	27,100	27,100	27,100
MARYLAND				
NAVY				
PATUXENT RIVER				
CBARS RDT&E HANGAR	40,576	40,576	40,576	40,576
AIR FORCE				
JOINT BASE ANDREWS				
21 POINTS ENCLOSED FIRING RANGE	13,000	13,000	13,000	13,000
PAR RELOCATE JADOC SATELLITE SITE	3,500	3,500	3,500	3,500
DEFENSE-WIDE				
BETHESDA NAVAL HOSPITAL				
MEDCEN ADDITION/ALTERATION INCR 1	50,000	50,000	50,000	50,000
FORT MEADE				
ACCESS CONTROL FACILITY	21,000	21,000	21,000	21,000
NSAW CAMPUS FEEDERS PHASE 3	17,000	17,000	17,000	17,000
NSAW RECAPITALIZE BUILDING #2 INCR 2	195,000	195,000	195,000	195,000

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
MASSACHUSETTS				
AIR FORCE				
HANSCOM AFB				
SYSTEM MANAGEMENT ENGINEERING FACILITY	20,000	20,000	20,000	20,000
MINNESOTA				
AIR NATIONAL GUARD				
DULUTH IAP				
LOAD CREW TRAINING/WEAPON SHOPS	7,600	7,600	7,600	7,600
MISSOURI				
DEFENSE-WIDE				
ST LOUIS				
LAND ACQUISITION-NEXT NGA WEST (N2W) CAMPUS	801	801	801	801
MONTANA				
AIR FORCE				
MALMSTROM AFB				
MISSILE MAINTENANCE FACILITY	14,600	14,600	14,600	14,600
NEVADA				
NAVY				
FALLON				
AIR WING SIMULATOR FACILITY	13,523	13,523	13,523	13,523
AIR FORCE				
NELLIS AFB				
F-35A POL FILL STAND ADDITION	10,600	10,600	10,600	10,600
NEW HAMPSHIRE				
ARMY NATIONAL GUARD				
HOOKSETT				
NATIONAL GUARD VEHICLE MAINTENANCE SHOP	11,000	11,000	11,000	11,000
ROCHESTER				
NATIONAL GUARD VEHICLE MAINTENANCE SHOP	8,900	8,900	8,900	8,900
AIR NATIONAL GUARD				
PEASE INTERNATIONAL TRADE PORT				
KC-46A INSTALL FUSELAGE TRAINER BLDG 251	1,500	1,500	1,500	1,500
NEW MEXICO				
AIR FORCE				
CANNON AFB				
NORTH FITNESS CENTER	21,000	21,000	21,000	21,000
HOLLOMAN AFB				
HAZARDOUS CARGO PAD AND TAXIWAY	10,600	10,600	10,600	10,600
KIRTLAND AFB				
COMBAT RESCUE HELICOPTER (CRH) SIMULATOR	7,300	7,300	7,300	7,300
NEW YORK				
NAVY RESERVE				
BROOKLYN				
ELECTRIC FEEDER DUCTBANK	1,964	1,964	1,964	1,964
SYRACUSE				
MARINE CORPS RESERVE CENTER	13,229	13,229	13,229	13,229
NORTH CAROLINA				
NAVY				
CAMP LEJEUNE				
RANGE FACILITIES SAFETY IMPROVEMENTS	18,482	18,482	18,482	18,482
CHERRY POINT MARINE CORPS AIR STATION				
CENTRAL HEATING PLANT CONVERSION	12,515	12,515	12,515	12,515
DEFENSE-WIDE				
CAMP LEJEUNE				
DENTAL CLINIC REPLACEMENT	31,000	31,000	31,000	31,000
FORT BRAGG				
SOF COMBAT MEDIC TRAINING FACILITY	10,905	10,905	10,905	10,905

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
SOF PARACHUTE RIGGING FACILITY	21,420	21,420	21,420	21,420
SOF SPECIAL TACTICS FACILITY (PH3)	30,670	30,670	30,670	30,670
SOF TACTICAL EQUIPMENT MAINTENANCE FACILITY	23,598	23,598	23,598	23,598
AIR NATIONAL GUARD				
CHARLOTTE/DOUGLAS IAP				
C-17 CORROSION CONTROL/FUEL CELL HANGAR	29,600	29,600	29,600	29,600
C-17 TYPE III HYDRANT REFUELING SYSTEM	21,000	21,000	21,000	21,000
AIR FORCE RESERVE				
SEYMOUR JOHNSON AFB				
KC-46A ADAL BLDG FOR AGE/FUSELAGE TRAINING	5,700	5,700	5,700	5,700
KC-46A ADAL SQUADRON OPERATIONS FACILITIES	2,250	2,250	2,250	2,250
KC-46A TWO BAY CORROSION/FUEL CELL HANGAR	90,000	90,000	90,000	90,000
OHIO				
AIR FORCE				
WRIGHT-PATTERSON AFB				
RELOCATED ENTRY CONTROL FACILITY 26A	12,600	12,600	12,600	12,600
OKLAHOMA				
AIR FORCE				
ALTUS AFB				
KC-46A FTU/FTC SIMULATOR FACILITY PH 2	11,600	11,600	11,600	11,600
TINKER AFB				
KC-46A DEPOT SYSTEM INTEGRATION LABORATORY	17,000	17,000	17,000	17,000
ARMY NATIONAL GUARD				
ARDMORE				
NATIONAL GUARD READINESS CENTER	22,000	22,000	22,000	22,000
PENNSYLVANIA				
ARMY NATIONAL GUARD				
YORK				
NATIONAL GUARD READINESS CENTER	9,300	9,300	9,300	9,300
AIR FORCE RESERVE				
PITTSBURGH IAP				
C-17 ADAL FUEL HYDRANT SYSTEM	22,800	22,800	22,800	22,800
C-17 CONST/OVERLAYTAXIWAY AND APRON	8,200	8,200	8,200	8,200
C-17 CONSTRUCT TWO BAY CORROSION/FUEL HANGAR	54,000	54,000	54,000	54,000
RHODE ISLAND				
ARMY NATIONAL GUARD				
EAST GREENWICH				
NATIONAL GUARD/RESERVE CENTER BUILDING (JFHQ)	20,000	20,000	20,000	20,000
SOUTH CAROLINA				
NAVY				
BEAUFORT				
AIRCRAFT MAINTENANCE HANGAR	83,490	83,490	83,490	83,490
PARRIS ISLAND				
RECRUIT RECONDITIONING CENTER & BARRACKS	29,882	29,882	29,882	29,882
DEFENSE-WIDE				
JOINT BASE CHARLESTON				
CONSTRUCT HYDRANT FUEL SYSTEM	17,000	17,000	17,000	17,000
AIR NATIONAL GUARD				
MCENTIRE ANGS				
REPLACE OPERATIONS AND TRAINING FACILITY	8,400	8,400	8,400	8,400
TEXAS				
ARMY				
FORT HOOD				
AUTOMATED INFANTRY PLATOON BATTLE COURSE	7,600	7,600	7,600	7,600
AIR FORCE				
JOINT BASE SAN ANTONIO				
BMT RECRUIT DORMITORY 6	67,300	67,300	67,300	67,300

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
DEFENSE-WIDE				
RED RIVER ARMY DEPOT				
CONSTRUCT WAREHOUSE & OPEN STORAGE	44,700	44,700	44,700	44,700
SHEPPARD AFB				
MEDICAL/DENTAL CLINIC REPLACEMENT	91,910	91,910	91,910	91,910
AIR NATIONAL GUARD				
ELLINGTON FIELD				
CONSOLIDATE CREW READINESS FACILITY	4,500	4,500	4,500	4,500
NAVY RESERVE				
GALVESTON				
RESERVE CENTER ANNEX	8,414	8,414	8,414	8,414
UTAH				
ARMY				
CAMP WILLIAMS				
LIVE FIRE EXERCISE SHOOTHOUSE	7,400	7,400	7,400	7,400
AIR FORCE				
HILL AFB				
649 MUNS MUNITIONS STORAGE MAGAZINES	6,600	6,600	6,600	6,600
649 MUNS PRECISION GUIDED MISSILE MX FACILITY	8,700	8,700	8,700	8,700
649 MUNS STAMP/MAINT & INSPECTION FACILITY	12,000	12,000	12,000	12,000
COMPOSITE AIRCRAFT ANTENNA CALIBRATION FAC	7,100	7,100	7,100	7,100
F-35A MUNITIONS MAINTENANCE COMPLEX	10,100	10,100	10,100	10,100
ARMY NATIONAL GUARD				
CAMP WILLIAMS				
NATIONAL GUARD READINESS CENTER	37,000	37,000	37,000	37,000
VERMONT				
AIR NATIONAL GUARD				
BURLINGTON IAP				
F-35 BEDDOWN 4- BAY FLIGHT SIMULATOR	4,500	4,500	4,500	4,500
VIRGINIA				
ARMY				
FORT BELVOIR				
SECURE ADMIN/OPERATIONS FACILITY, INCR 2	64,000	64,000	64,000	64,000
AIR FORCE				
JOINT BASE LANGLEY-EUSTIS				
AIR FORCE TARGETING CENTER	45,000	45,000	45,000	45,000
FUEL SYSTEM MAINTENANCE DOCK	14,200	14,200	14,200	14,200
DEFENSE-WIDE				
PENTAGON				
PENTAGON METRO ENTRANCE FACILITY	12,111	12,111	---	12,111
UPGRADE IT FACILITIES INFRASTRUCTURE-RRMC	8,105	8,105	8,105	8,105
ARMY RESERVE				
DUBLIN				
ORGANIZATIONAL MAINTENANCE SHOP/AMSA	6,000	6,000	6,000	6,000
WASHINGTON				
NAVY				
BANGOR				
SERVICE PIER ELECTRICAL UPGRADES	18,939	18,939	18,939	18,939
SUBMARINE REFIT MAINT SUPPORT FACILITY	21,476	21,476	21,476	21,476
BREMERTON				
NUCLEAR REPAIR FACILITY	6,704	6,704	6,704	6,704
WHIDBEY ISLAND				
EA-18G MAINTENANCE HANGAR	45,501	45,501	45,501	45,501
TRITON MISSION CONTROL FACILITY	30,475	30,475	30,475	30,475
AIR FORCE				
FAIRCHILD AFB				
PIPELINE DORM, USAF SERE SCHOOL (150 RM)	27,000	27,000	27,000	27,000

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
WISCONSIN				
ARMY RESERVE				
FORT MCCOY				
AT/MOB DINING FACILITY	11,400	11,400	11,400	11,400
WYOMING				
AIR FORCE				
F. E. WARREN AFB				
MISSILE TRANSFER FACILITY BLDG 4331	5,550	5,550	5,550	5,550
ARMY NATIONAL GUARD				
LARAMIE				
NATIONAL GUARD READINESS CENTER	21,000	21,000	21,000	21,000
AUSTRALIA				
AIR FORCE				
DARWIN				
APR - AIRCRAFT MX SUPPORT FACILITY	1,800	1,800	1,800	1,800
APR - EXPAND PARKING APRON	28,600	28,600	28,600	28,600
BULGARIA				
AIR FORCE				
GRAF IGNATIEVO				
SQUADRON OPERATIONS/OPERATION ALERT FACILITY	---	---	3,800	---
FIGHTER RAMP EXTENSION	---	---	7,000	---
UPGRADE MUNITIONS STORAGE	---	---	2,600	---
CUBA				
ARMY				
GUANTANAMO BAY				
MIGRATION COMPLEX IMPROVEMENTS	33,000	33,000	33,000	33,000
DIEGO GARCIA				
DEFENSE-WIDE				
DIEGO GARCIA				
IMPROVE WHARF REFUELING CAPABILITY	30,000	30,000	30,000	30,000
DJIBOUTI				
NAVY				
CAMP LEMONNIER				
MEDICAL/DENTAL FACILITY	---	---	37,409	---
AIR FORCE				
CHABELLEY AIRFIELD				
ACCESS ROAD	---	---	3,600	---
PARKING APRON AND TAXIWAY	---	---	6,900	---
ESTONIA				
AIR FORCE				
AMARI AB				
BULK FUEL STORAGE	---	---	6,500	---
GERMANY				
ARMY				
EAST CAMP GRAFENWOEHR				
TRAINING SUPPORT CENTER	22,000	22,000	22,000	22,000
GARMISCH				
DINING FACILITY	9,600	9,600	9,600	9,600
WIESBADEN ARMY AIRFIELD				
CONTROLLED HUMIDITY WAREHOUSE	16,500	16,500	16,500	16,500
HAZARDOUS MATERIAL STORAGE BUILDING	2,700	2,700	2,700	2,700
AIR FORCE				
RAMSTEIN AB				
37 AS SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT	13,437	13,437	13,437	13,437
SPANGDAHLEM AB				
EIC - SITE DEVELOPMENT AND INFRASTRUCTURE	43,465	43,465	43,465	43,465

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
HIGH CAPACITY TRIM PAD AND HUSH HOUSE	---	---	1,000	---
F/A-22 LOW OBSERVABLE/COMPOSITE REPAIR FACILITY	---	---	12,000	---
F/A-22 UPGRADE INFRASTRUCTURE/COMMUNICATIONS/UTILITIES	---	---	1,600	---
UPGRADE HARDENED AIRCRAFT SHELTERS FOR F/A-22	---	---	2,700	---
UPGRADE MUNITION STORAGE DOORS	---	---	1,400	---
DEFENSE-WIDE				
KAISERLAUTERN AB				
SEMBACH ELEMENTARY/MIDDLE SCHOOL REPLACEMENT	45,221	45,221	45,221	45,221
RHINE ORDNANCE BARRACKS				
MEDICAL CENTER REPLACEMENT INCR 6	58,063	58,063	58,063	58,063
GUAM				
NAVY				
JOINT REGION MARIANAS				
HARDENING OF GUAM POL INFRASTRUCTURE	26,975	26,975	26,975	26,975
POWER UPGRADE - HARMON	62,210	62,210	62,210	62,210
AIR FORCE				
JOINT REGION MARIANAS				
APR - MUNITIONS STORAGE IGLOOS, PH 2	35,300	35,300	35,300	35,300
APR - SATCOM C4I FACILITY	14,200	14,200	14,200	14,200
BLOCK 40 MAINTENANCE HANGAR	31,158	31,158	31,158	31,158
ICELAND				
NAVY				
KEFLAVIK				
P-8A AIRCRAFT RINSE FACILITY	---	---	5,000	---
P-8A HANGAR UPGRADE	---	---	14,600	---
JAPAN				
NAVY				
KADENA AB				
AIRCRAFT MAINTENANCE COMPLEX	26,489	26,489	26,489	26,489
SASEBO				
SHORE POWER (JULIET PIER)	16,420	16,420	16,420	16,420
AIR FORCE				
KADENA AB				
APR - REPLACE MUNITIONS STRUCTURES	19,815	19,815	19,815	19,815
YOKOTA AB				
C-130J CORROSION CONTROL HANGAR	23,777	23,777	23,777	23,777
CONSTRUCT COMBAT ARMS TRAINING & MAINT FAC	8,243	8,243	8,243	8,243
DEFENSE-WIDE				
IWAKUNI				
CONSTRUCT TRUCK OFFLOAD & LOADING FACILITIES	6,664	6,664	6,664	6,664
KADENA AB				
KADENA ELEMENTARY SCHOOL REPLACEMENT	84,918	84,918	84,918	84,918
MEDICAL MATERIEL WAREHOUSE	20,881	20,881	20,881	20,881
SOF MAINTENANCE HANGAR	42,823	42,823	42,823	42,823
SOF SIMULATOR FACILITY (MC-130)	12,602	12,602	12,602	12,602
YOKOTA AB				
AIRFIELD APRON	41,294	41,294	41,294	41,294
HANGAR/AMU	39,466	39,466	39,466	39,466
OPERATIONS AND WAREHOUSE FACILITIES	26,710	26,710	26,710	26,710
SIMULATOR FACILITY	6,261	6,261	6,261	6,261
KWAJALEIN				
DEFENSE-WIDE				
KWAJALEIN ATOLL				
REPLACE FUEL STORAGE TANKS	85,500	85,500	85,500	85,500
LITHUANIA				
AIR FORCE				
SIAULIAI				
MUNITIONS STORAGE	---	---	3,000	---

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
MARIANA ISLANDS				
AIR FORCE				
UNSPECIFIED LOCATION				
APR - LAND ACQUISITION	9,000	9,000	9,000	9,000
POLAND				
AIR FORCE				
LASK AIR BASE				
SQUADRON OPERATIONS FACILITY	---	---	4,100	---
POWIDZ				
SQUADRON OPERATIONS FACILITY	---	---	4,100	---
ROMANIA				
AIR FORCE				
CAMP TURZII				
MUNITIONS STORAGE AREA	---	---	3,000	---
SQUADRON OPERATIONS FACILITY	---	---	3,400	---
TWO-BAY HANGAR	---	---	6,100	---
EXTEND PARKING APRONS	---	---	6,000	---
SPAIN				
NAVY				
ROTA				
COMMUNICATION STATION	23,607	23,607	23,607	23,607
TURKEY				
AIR FORCE				
INCIRLIK AB				
AIRFIELD FIRE/CRASH RESCUE STATION	13,449	13,449	13,449	13,449
UNITED ARAB EMIRATES				
AIR FORCE				
AL DHAFRA				
LARGE AIRCRAFT MAINTENANCE HANGAR	35,400	35,400	35,400	35,400
UNITED KINGDOM				
AIR FORCE				
CROUGHTON RAF				
JIAC CONSOLIDATION - PH 3	53,082	53,082	53,082	53,082
MAIN GATE COMPLEX	16,500	16,500	16,500	16,500
DEFENSE-WIDE				
CROUGHTON RAF				
CROUGHTON ELEM/MIDDLE/HIGH SCHOOL REPLACEMENT	71,424	71,424	71,424	71,424
ROYAL AIR FORCE LAKENHEATH				
CONSTRUCT HYDRANT FUEL SYSTEM	13,500	13,500	13,500	13,500
WAKE ISLAND				
DEFENSE-WIDE				
WAKE ISLAND				
TEST SUPPORT FACILITY	11,670	11,670	11,670	11,670
VARIOUS WORLDWIDE LOCATIONS				
NAVY				
TRITON FORWARD OPERATING BASE HANGAR	41,380	41,380	41,380	41,380
NATO SECURITY INVESTMENT PROGRAM	177,932	177,932	177,932	177,932
WORLDWIDE UNSPECIFIED				
ARMY				
HOST NATION SUPPORT	18,000	18,000	18,000	18,000
MINOR CONSTRUCTION	25,000	25,000	35,000	35,000
PLANNING AND DESIGN	80,159	80,159	99,059	80,159

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
NAVY				
PLANNING AND DESIGN	88,230	88,230	91,030	88,230
MINOR CONSTRUCTION	29,790	29,790	29,790	29,790
AIR FORCE				
PLANNING AND DESIGN	84,862	84,862	94,802	84,862
PLANNING AND DESIGN - ANDREWS AFB	18,720	18,720	18,720	18,720
PLANNING AND DESIGN - HANSCOM AFB	40,000	40,000	40,000	40,000
MINOR CONSTRUCTION	30,000	30,000	40,000	40,000
DEFENSE-WIDE				
CONTINGENCY CONSTRUCTION	10,000	---	---	---
ENERGY CONSERVATION INVESTMENT PROGRAM	150,000	150,000	150,000	150,000
PLANNING AND DESIGN				
DEFENSE WIDE	23,450	22,649	23,450	23,450
DEPARTMENT OF DEFENSE DEPENDENT EDUCATION	23,585	23,585	23,585	23,585
DEFENSE LOGISTICS AGENCY	27,660	27,660	27,660	27,660
MDA	---	15,000	---	15,000
NATIONAL GEOSPATIAL INTELLIGENCE AGENCY	71,647	36,000	71,647	36,000
NATIONAL SECURITY AGENCY	24,000	24,000	24,000	24,000
SPECIAL OPERATIONS COMMAND	27,653	27,653	27,653	27,653
WASHINGTON HEADQUARTERS SERVICE	3,427	3,427	3,427	3,427
SUBTOTAL, PLANNING AND DESIGN	776,183	744,735	817,823	765,536
UNSPECIFIED MINOR CONSTRUCTION				
DEFENSE-WIDE	3,000	3,000	3,000	3,000
DEPARTMENT OF DEFENSE DEPENDENT EDUCTION	3,000	3,000	3,000	3,000
DEFENSE HEALTH AGENCY	8,500	8,500	8,500	8,500
JOINT CHIEFS OF STAFF	8,631	8,631	13,631	8,631
MISSILE DEFENSE AGENCY	2,414	2,414	2,414	2,414
NATIONAL SECURITY AGENCY	3,913	3,913	3,913	3,913
SPECIAL OPERATIONS COMMAND	5,994	5,994	5,994	5,994
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION	35,452	35,452	40,452	35,452
ARMY NATIONAL GUARD				
PLANNING AND DESIGN	8,729	8,729	8,729	8,729
MINOR CONSTRUCTION	12,001	12,001	12,001	12,001
AIR NATIONAL GUARD				
PLANNING AND DESIGN	10,462	10,462	10,462	10,462
MINOR CONSTRUCTION	17,495	17,495	17,495	17,495
ARMY RESERVE				
PLANNING AND DESIGN	7,500	7,500	7,500	7,500
MINOR CONSTRUCTION	2,830	2,830	2,830	2,830
NAVY RESERVE				
PLANNING AND DESIGN	3,783	3,783	3,783	3,783
MINOR CONSTRUCTION	---	---	---	---
AIR FORCE RESERVE				
PLANNING AND DESIGN	4,500	4,500	4,500	4,500
MINOR CONSTRUCTION	1,500	1,500	1,500	1,500
FAMILY HOUSING, ARMY				
KOREA				
CAMP WALKER (DAEGU)				
FAMILY HOUSING NEW CONSTRUCTION (90 UNITS)	54,554	54,554	54,554	54,554
CAMP HUMPHRIES				
FAMILY HOUSING NEW CONSTRUCTION (216 UNITS)	143,563	143,563	143,563	100,000

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
PLANNING AND DESIGN	2,618	2,618	2,618	2,618
SUBTOTAL, CONSTRUCTION	200,735	200,735	200,735	157,172
OPERATION AND MAINTENANCE				
UTILITIES ACCOUNT	55,428	55,428	55,428	55,428
SERVICES ACCOUNT	7,993	7,993	7,993	7,993
MANAGEMENT ACCOUNT	40,344	40,344	40,344	40,344
MISCELLANEOUS ACCOUNT	400	400	400	400
FURNISHINGS ACCOUNT	10,178	10,178	10,178	10,178
LEASING	131,761	131,761	131,761	131,761
MAINTENANCE OF REAL PROPERTY	60,745	60,745	60,745	60,745
PRIVATIZATION SUPPORT COSTS	19,146	19,146	19,146	19,146
SUBTOTAL, OPERATION AND MAINTENANCE	325,995	325,995	325,995	325,995
FAMILY HOUSING, NAVY AND MARINE CORPS				
GUAM				
NSA ANDERSON				
REPLACEMENT HOUSING PHASE I	78,815	78,815	78,815	78,815
JAPAN				
IWAKUNI				
CONSTRUCTION IMPROVEMENTS (36 UNITS)	11,047	11,047	11,047	11,047
PLANNING AND DESIGN	4,149	4,149	4,149	4,149
SUBTOTAL, CONSTRUCTION	94,011	94,011	94,011	94,011
OPERATION AND MAINTENANCE				
UTILITIES ACCOUNT	56,685	56,685	56,685	56,685
SERVICES ACCOUNT	12,855	12,855	12,855	12,855
MANAGEMENT ACCOUNT	51,291	51,291	51,291	51,291
MISCELLANEOUS ACCOUNT	364	364	364	364
FURNISHINGS ACCOUNT	17,457	17,457	17,457	17,457
LEASING	54,689	54,689	54,689	54,689
MAINTENANCE OF REAL PROPERTY	81,254	81,254	81,254	81,254
PRIVATIZATION SUPPORT COSTS	26,320	26,320	26,320	26,320
SUBTOTAL, OPERATION AND MAINTENANCE	300,915	300,915	300,915	300,915
FAMILY HOUSING, AIR FORCE				
JAPAN				
KADENA (CAMP FOSTER)				
CONSTRUCTION IMPROVEMENTS (NORTH TOWERS)	52,307	52,307	52,307	52,307
KADENA				
CONSTRUCTION IMPROVEMENTS (KADENA HEIGHTS)	4,179	4,179	4,179	4,179
SPAIN				
MORON AB				
CONSTRUCTION IMPROVEMENTS (UNITS 650 AND 658)	498	498	498	498
PLANNING AND DESIGN	4,368	4,368	4,368	4,368
SUBTOTAL, CONSTRUCTION	61,352	61,352	61,352	61,352
OPERATION AND MAINTENANCE				
UTILITIES ACCOUNT	37,241	37,241	37,241	37,241
MANAGEMENT ACCOUNT	42,919	42,919	42,919	42,919
SERVICES ACCOUNT	13,026	13,026	13,026	13,026
FURNISHINGS ACCOUNT	31,690	31,690	31,690	31,690
MISCELLANEOUS ACCOUNT	1,745	1,745	1,745	1,745

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
LEASING	20,530	20,530	20,530	20,530
MAINTENANCE	85,469	85,469	85,469	85,469
PRIVATIZATION SUPPORT COSTS	41,809	41,809	41,809	41,809
SUBTOTAL, OPERATION AND MAINTENANCE	274,429	274,429	274,429	274,429
FAMILY HOUSING, DEFENSE-WIDE				
OPERATION AND MAINTENANCE				
NATIONAL SECURITY AGENCY				
UTILITIES	367	367	367	367
FURNISHING	399	399	399	399
LEASING	11,044	11,044	11,044	11,044
MAINTENANCE OF REAL PROPERTY	800	800	800	800
DEFENSE INTELLIGENCE AGENCY				
UTILITIES	4,100	4,100	4,100	4,100
FURNISHINGS	500	500	500	500
LEASING	40,984	40,984	40,984	40,984
DEFENSE LOGISTICS AGENCY				
UTILITIES	174	174	174	174
FURNISHINGS	20	20	20	20
SERVICES	32	32	32	32
MANAGEMENT	388	388	388	388
MAINTENANCE OF REAL PROPERTY	349	349	349	349
SUBTOTAL, OPERATION AND MAINTENANCE	59,157	59,157	59,157	59,157
DOD FAMILY HOUSING IMPROVEMENT FUND	3,258	3,258	3,258	3,258
DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT	205,237	230,237	205,237	240,237
MILITARY CONSTRUCTION, ARMY (SEC. 125)	---	40,500	40,500	40,500
MILITARY CONSTRUCTION, NAVY AND MARINE CORPS (SEC. 125)	---	293,600	143,000	227,099
MILITARY CONSTRUCTION, AIR FORCE (SEC. 125)	---	26,000	195,465	149,500
MILITARY CONSTRUCTION, ARMY NATIONAL GUARD (SEC. 125)	---	67,500	16,500	67,500
MILITARY CONSTRUCTION, ARMY RESERVE (SEC. 125)	---	86,500	30,000	30,000
MILITARY CONSTRUCTION, DEFENSE-WIDE (S. SEC. 125)	---	---	64,364	---
MILITARY CONSTRUCTION, AIR NATIONAL GUARD (SEC. 125)	---	---	11,000	11,000
MILITARY CONSTRUCTION, NAVY AND MARINE CORPS (SEC. 126)	---	---	---	89,400
FAMILY HOUSING CONSTRUCTION, ARMY (S. SEC. 125)	---	---	14,400	---
RESCISSIONS FROM PRIOR YEAR UNOBLIGATED BALANCES				
ARMY (SEC. 127)	---	-25,000	-30,000	-29,602
NAVY AND MARINE CORPS (H. SEC. 126)	---	-51,848	---	---
AIR FORCE (SEC. 127)	---	---	-22,340	-51,460
DEFENSE-WIDE (SEC. 127)	---	-37,377	-132,283	-141,600
DEFENSE-WIDE - PLANNING AND DESIGN (SEC. 127)	---	---	---	-30,000
AIR NATIONAL GUARD	---	---	---	---
42 USC 3374 (SEC. 128)	---	-25,000	---	-25,000
NATO SECURITY INVESTMENT PROGRAM (SEC. 127)	---	-30,000	-15,000	-30,000

TITLE II—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION—COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $90,119,449,000 for Compensation and Pensions in advance for fiscal year 2018. Of the amount provided, not more than $17,224,000 is to be transferred to General Operating Expenses, Veterans Benefits Administration (VBA) and Information Technology Systems for reimbursement of necessary expenses in implementing provisions of title 38.

READJUSTMENT BENEFITS

The conference agreement provides $13,708,648,000 for Readjustment Benefits in advance for fiscal year 2018.

VETERANS INSURANCE AND INDEMNITIES

The conference agreement provides $107,899,000 for Veterans Insurance and Indemnities in advance for fiscal year 2018, as well as an additional $16,605,000 for fiscal year 2017.

VETERANS HOUSING BENEFIT PROGRAM FUND

The conference agreement provides such sums as may be necessary for costs associated with direct and guaranteed loans for the Veterans Housing Benefit Program Fund. The agreement limits obligations for direct loans to not more than $500,000 and provides that $198,856,000 shall be available for administrative expenses.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

The conference agreement provides $36,000 for the cost of direct loans from the Vocational Rehabilitation Loans Program Account, plus $389,000 to be paid to the appropriation for General Operating Expenses, Veterans Benefits Administration. The agreement provides for a direct loan limitation of $2,517,000.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

The conference agreement provides $1,163,000 for administrative expenses of the Native American Veteran Housing Loan Program Account.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

The conference agreement provides $2,856,160,000 for General Operating Expenses, Veterans Benefits Administration and makes available not to exceed 5 percent of this funding until the end of fiscal year 2018. The full request for the Veterans Benefits Management System is provided in the agreement, which includes $37,356,000 from this account and $143,000,000 from the Information Technology Systems account. The agreement also includes the full budget request of $26,695,000 for the centralized mail initiative and $152,924,000 for the Veterans Claim Intake Program (VCIP), which is $10,000,000 above the request.

The placement of the General Operating Expenses, Veterans Benefits Administration account in the bill has been moved from Departmental Administration to Veterans Benefits Administration to align the administrative expenses of VBA with its program activities.

Disability claims backlog.—The conferees commend the Department of Veterans Affairs (VA) on its efforts to reduce the disability claims backlog and increase the accuracy of claims decisions, and is committed to ensuring that VA maintains its goal of processing all claims within 125 days with 98 percent accuracy. The Committees are also committed to ensuring there is not a recurrence of any sizeable backlog or a reduction in accuracy and will continue to assert their oversight by monitoring on a monthly and quarterly basis each regional office's timeliness and accuracy performance measures.

The conference agreement includes section 228 which requires VBA to submit a quarterly report with the following data from each VBA regional office: (1) the average time to complete a disability compensation claim; (2) the number of claims pending more than 125 days, disaggregated by initial and supplemental claims; (3) error rates; (4) the number of claims personnel; (5) any corrective action taken within the quarter to address poor performance; (6) training programs undertaken; (7) the number and results of Quality Review Team audits; (8) the number of claims completed by each regional office based on the regional office being the station of jurisdiction; and (9) the number of claims completed by each regional office based on the regional office being the station of origin.

Regional office performance.—The conferees have been disturbed by repeated reports of manipulation of records and benefit data at several VBA regional offices, as well as irregular personnel practices that have jeopardized sound management of the regional offices. The conferees urge VA to monitor regional office performance to make certain that personnel and claims management activities remain fully transparent and comply with overall VA regulations and handbooks.

Equitable relief.—The conferees urge the Secretary to continue to grant or extend equitable relief to eligible veterans initially deemed eligible in instances of administrative error.

Service satisfaction rates among women veterans.—The conferees direct VA to provide to the Committees not later than the beginning of fiscal year 2017 an analysis of trends and satisfaction rates among women veterans participating in the Vocational Rehabilitation and Employment program to ensure these services are adapting to the changing demographics of veterans and the needs of women veterans with disabilities.

Disability benefits questionnaires.—The conferees expect VA to meet with Members of Congress to explain their plans to develop additional disability benefits questionnaires (DBQs) for chronic multi-system illnesses experienced by veterans for which DBQs do not exist. Moreover, the conferees urge the Department to make permanent the period for filing Gulf War presumptive claims under 38 CFR 3.317.

VETERANS HEALTH ADMINISTRATION—MEDICAL SERVICES

The conference agreement provides $44,886,554,000 in advance for fiscal year 2018 for Medical Services and makes $1,400,000,000 of the advance available through fiscal year 2019. The agreement also provides $1,078,993,000 for fiscal year 2017 in addition to the advance appropriation provided last year. The fiscal year 2018 advance funding for medical services is $6,786,446,000 lower than the fiscal year 2017 advance because of Department projections that increased amounts of medical care will be provided through the Medical Community Care account.

Given that there may be significant unfunded liabilities created by the winding down of the Choice Act, the conference agreement includes bill language in section 232 permitting the transfer of funding from multiple VA appropriations accounts to Medical Services to address unfunded needs.

The conference agreement includes bill language requiring the Secretary to ensure that sufficient amounts are available for the acquisition of prosthetics designed specifically for female veterans and to provide access to therapeutic listening devices to veterans with mental health or substance abuse problems or traumatic brain injury.

Curing Hepatitis C within the veteran population.—The Department is to be commended for robustly treating veterans with Hepatitis C (HCV), which is a particular concern because the veteran population is twice as likely to have the virus as the general population. Available HCV drugs have a cure rate of 96 percent, and early, preventative treatments avoid tens of thousands of dollars in future healthcare spending. To that end, the agreement includes funding for the treatment of Hepatitis C of $1,500,000,000 in fiscal year 2017, which is $840,000,000 above the President's request. The conferees understand that because of an uneven start to the Hepatitis C campaign due to funding interruptions, VA projects there will be a carryover of fiscal year 2016 funding that will increase the resources available in fiscal year 2017. The conferees are pleased that recent price reductions in the new Hepatitis C drugs will allow VA to treat patients faster and reach their target goal of treating all veterans with Hepatitis C years earlier than projected.

The conferees encourage VA to work to remove any barriers to timely screening and treatment for veterans with Hepatitis C, including maximizing the use of rapid testing techniques. Rapid testing can be especially helpful in reaching veterans who are medically underserved or who live long distances from VA facilities.

To assist in congressional oversight, VA is directed to continue to report to the Committees in quarterly briefings the number of veterans treated to date, the number of veterans treated each week, the number of veterans pronounced cured to date, the projected number of new cases, and the estimate of veterans likely to be cured during the next quarter. VA is also directed to report quarterly to the Committees obligations for funding Hepatitis C treatments as part of the larger crosscutting VA quarterly financial report required in section 218.

Program priorities.—The conference agreement provides the following fiscal year 2017 funding for these high priority areas: $243,483,000 for readjustment counseling at Vet Centers; $535,400,000 for gender-specific healthcare, which is $20,000,000 higher than the administration request; $734,628,000 for the caregivers program, which is $10,000,000 above the request; $257,477,000 for the homeless grant and per diem program, which is $10,000,000 above the request; and $320,000,000 for the homeless supportive services for low income veterans and families, which is $20,000,000 above the request.

Rural healthcare.—The conference agreement includes the full budget request of $250,000,000 for the Office of Rural Health (ORH) and the Rural Health Initiative. In addition to any directives contained in the House and Senate reports, the conferees direct that ORH coordinate directly with the Readjustment Counseling Service to develop and implement a strategy to expand the capacity of Vet Centers in order to ensure that the readjustment and psychological counseling needs of veterans in rural and highly rural communities are met. The conferees also direct VA to identify ways to obtain more accurate data on homeless and at-risk veterans in rural areas, as instructed in the

Senate report. The conference agreement includes a one-year extension through fiscal year 2017 of the Access Received Closer to Home (ARCH) program, which provides care to veterans in areas without extensive access to VA health facilities. This extension is necessary to maintain veterans' access to healthcare during the transition as VA moves to consolidate its non-VA healthcare programs. The conferees encourage VA to expand its use of telehealth for rural areas since the technique has proven particularly helpful in mental health and primary care health delivery.

Mental health.—The conference agreement provides the full budget request for all VA mental health services and programs, with additional resources within Medical Services provided for the Veterans Crisis Line and the National Centers for Posttraumatic Stress Disorder. The conference agreement includes $40,000,000 for the National Centers and $78,572,000 for the Veterans Crisis Line. Overall, the agreement includes $173,005,000 for suicide prevention outreach. The conference agreement includes bill language in section 238 similar to that contained in the House bill that requires certain professional standards for the suicide hotline.

Opioid safety.—To respond to the urgency of the opioid overdose epidemic, the Department is directed to continue to comply with the guidance included in the fiscal year 2016 conference report under the paragraph ''Opioid Safety.'' VA is also directed to make public the findings of the Office of Accountability Review investigation into accusations of widespread retaliation against whistleblowers at the Tomah VA Medical Center as well as the outside clinical review. The Department is encouraged to utilize the full spectrum of treatment options for dealing with opioid addiction and expand the use of medication-assisted treatment and other clinically appropriate services to achieve and maintain abstinence from all opioids. The conferees believe it is important for the Department to report necessary information to State-run prescription drug monitoring programs as this will ensure VA providers have the tools they need to better identify at-risk veterans.

The conferees are aware that only 14 States require their physicians to take pain management education credits. The conferees urge VA to ensure that healthcare providers learn the latest pain management techniques, understand safe prescribing practices, and be able to spot the signs of potential substance use disorders. The conferees believe that comprehensive training in the proper use of pain management medications is a vital step in combating the opioid problem.

Choice Program delays.—VA data indicate that the number of veterans waiting more than 30 days for an appointment is actually higher now than when the Veterans Choice Program was initiated. The conferees are concerned that this well-intentioned program was cobbled together quickly given the time constraints, which has contributed to delays. Further, an often-cited problem with the Choice Program is the lack of clear communications regarding the eligibility requirements of the program to both veterans and non-VA providers. The conferees believe that understanding the obstacles to efficient scheduling of appointments of veterans and swift reimbursement for providers would serve as crucial first steps in resolving some of these issues. The conferees urge VA and its third party providers to address the delays and the communication errors plaguing implementation of the Choice Program.

Nursing authority.—The conferees recognize that VA has recently published a proposed rule indicating that it is considering the issue of granting full practice authority to some or all of the four advanced practice nursing disciplines. The proposed rule indicates that decision will be reflected in the final rule, after consideration of all the public comments received. In addition, the Under Secretary for Health has testified that he plans to consider as an important variable whether there are significant shortages of the affiliated physician specialties throughout the VA system, which would validate the need for full practice authority for those advanced practice nurse specialties. The conferees urge VA to carefully and thoughtfully seek additional input from internal and external stakeholders prior to publishing the final rule. The conferees encourage VA to make all possible outreach efforts to communicate the changes contained in the proposed rule, gather public comments, and collaborate with Congress, affected stakeholders, VA physician and nursing staffs, and external organizations.

National Veteran Sports Programs.—The conference agreement includes $9,005,000, which is the budget request for the Office of the National Veterans Sports Programs and Special Events. The conferees concur with the movement of this office to the Veterans Health Administration (VHA), and the agreement includes necessary bill language in section 257 to permit VHA to carry out the Office's activities.

Patient consults.—The conferees direct VA to report not later than 30 days after the beginning of fiscal year 2017 on specific quality controls that have been implemented to ensure that patient consults are handled in a timely manner.

Collaboration with historically black health professions schools.—As described in the House and Senate reports, the conferees urge VA to increase its collaboration with the larger, urban hospitals with historically black health professions schools. The Secretary is directed, as in previous conference reports, to convene a symposium where minority collaboration concerns are discussed and addressed.

Leveraging private sector programs.—The conferees encourage VA to integrate into VA settings private sector programs that adapt information technologies and data interoperability capabilities to better coordinate healthcare services for veterans, as described in the House report.

Medical residency positions.—The conferees note that, to date, the Department has not submitted to the Committees a report that was directed in the explanatory statement accompanying Public Law 114–113 detailing current coordination with the Direct Graduate Medical Education Program, limitations that may restrict VA's program and ability to expand to underserved areas, and a plan to more effectively carry out VA's graduate medical education program within constraints that exist in the Direct Graduate Medical Education program. The conferees understand that the Department is reviewing comments provided by the Department of Health and Human Services' Center for Medicare and Medicaid Services and direct VA to move as expeditiously as possible in its review and submit the report to the Committees. Further, the conferees direct that VA provide an update to the Committees not later than 15 days after enactment of this Act on the status of this report and a timeline for submission.

Rehabilitation equipment.—The conferees are aware that the Department currently purchases or reimburses veterans for recumbent bicycles or hand cycles used for rehabilitative purposes only and does not cover the cost of upright bicycles. Given the many veterans in physical or mental rehabilitation programs who are able to use upright bicycles, the conferees urge the Department to make upright bicycles eligible for reimbursement to qualifying veterans. In addition, the conferees direct the Department to submit to the Committees on Appropriations of both Houses of Congress (hereafter ''the Committees'') a report not later than the beginning of fiscal year 2017 outlining the steps needed to be taken to make upright bicycles eligible for reimbursement.

MEDICAL COMMUNITY CARE

The conference agreement provides $7,246,181,000 for Medical Community Care, the account created in the Surface Transportation and Veterans Health Care Choice Improvement Act to consolidate all the VA programs that provide care for veterans in the community from non-VA providers. Section 217 of the conference agreement rescinds an identical amount from the Medical Services account. The agreement also provides $9,409,118,000 in advance fiscal year 2018 funding for this account. Of the fiscal year 2017 funding, $2,000,000,000 is made available until the end of fiscal year 2020; of the fiscal year 2018 funding, $1,500,000,000 is available until the end of fiscal year 2021.

Extended availability of funding.—The conferees are aware the Department books obligations for non-VA care upon a veteran receiving authorization to obtain medical care outside of the Veterans Health Administration and not upon that authorization actually being filled and the Department billed by the outside provider. Due to the timing of reconciliation between obligations, authorizations, and the number of those authorizations filled through private providers, this accounting procedure has led to the de-obligation of funds past the life of the budget authority, leading to the expiration of millions of dollars that could have been applied to veterans healthcare programs. Therefore, the conferees have provided flexibility to aid the Department in ensuring all appropriations within this account are able to be obligated before expiration. This extended availability within the new Medical Community Care account should allow VA time to correct this problem; however, the conferees also note this longer period of availability is a temporary solution and will not continue unaltered into the future. The Department is expected to work towards identifying changes in execution that will result in a permanent fix, including discussing with the Office of Management and Budget how best to define the point of obligation for these funds. The conferees expect the Department to keep the Committees apprised of its progress towards a permanent solution and request this issue be addressed within the fiscal year 2019 advance appropriations request for this account.

MEDICAL SUPPORT AND COMPLIANCE

The conference agreement provides $6,654,480,000 in advance for fiscal year 2018 for Medical Support and Compliance and makes $100,000,000 of the advance funding available through fiscal year 2019.

Filling senior position vacancies.—In order for VHA to improve access and increase efficiency within the system, it must fill the critical senior management and clinical vacancies. Therefore, the conferees direct that not less than $21,000,000, as provided in the

budget request, be used to hire medical center directors and employees for other management and clinical positions within the Veterans Health Administration.

Requirements for the hiring of VA healthcare providers.—The conferees are deeply troubled by recent reports concerning practicing VA providers whose credentials have not been verified or have been misrepresented, and who have previously entered into settlements or completed disciplinary actions in other States where they may hold a medical license. To protect our Nation's veterans, the Department must do more to guarantee that VA providers are of the highest quality and are, at the very least, in good standing with each State medical board with which they hold licenses. The conferees believe VA should be in strict compliance with Veterans Health Administration Handbook 1100.19 and Directive 2012–030 which require the Department to obtain any and all information on medical license violations from each State medical board where a provider holds or has ever held a license and whether the provider has entered into any settlement agreements with a board for disciplinary charges relating to medical practice. The Department is directed to submit a report to the Committees not later than 90 days after the beginning of fiscal year 2017 providing an analysis and an assessment of VA field compliance with Veterans Health Administration Handbook 1100.19 and Directive 2012–030.

Transmission of VA healthcare providers' information to State medical boards.—Under current VA policy outlined in Veterans Health Administration Handbook 1100.18, in each instance in which a licensed healthcare professional whose behavior or clinical practice so substantially fails to meet generally-accepted standards of clinical practice as to raise reasonable concern for the safety of patients, the Department is required to provide a report to each State licensure board (SLB) where the professional holds a license.

The conferees are aware, however, that such reports sent to SLBs are typically limited to a generic description of the clinical shortcomings involved, and if the SLB wants more details of the situation it must respond to the report with a formal request for more information. The conferees note SLBs and the Federation of State Medical Boards find it extremely difficult to gain useful information even if they follow VA's exact procedures.

It is critical for VA to improve communication with SLBs and improve transparency surrounding medical practice violations. VA is urged to send promptly to each SLB where a provider holds a license and the SLB in the State where the provider practices, the full information concerning any violations during the provider's practice at VA.

While VA providers do not need to hold a license in the same State where the medical facility resides, the conferees believe such State's medical board should, nonetheless, have access to information about a clinical violation committed at a facility in their State to ensure the board can adequately fulfill its obligation to uphold safe medical practice. The Department is directed to submit a report to the Committees not later than 90 days after the beginning of fiscal year 2017 providing an assessment of VA field compliance with Veterans Health Administration Handbook 1100.18 and its ability to provide full reporting to SLBs in instances where licensed healthcare professionals' behavior or clinical practice so substantially failed to meet generally-accepted standards of clinical practice that it needed to be reported in compliance with Handbook 1100.18.

Non-VA care provider reviews.—As the Department continues to increase the scope and size of its non-VA care programs, it is imperative that VA develop policies that ensure that a healthcare provider removed from employment with the Veterans Health Administration due to substandard care, professional misconduct, or violation of the requirements of his or her medical license does not subsequently reemerge as a contracted healthcare provider in the community care programs, including the Choice Program. Therefore, the conferees direct the Department to submit to the Committees not later than the beginning of fiscal year 2017 the current VHA policy on entering into contractual agreements with private providers, either directly or through a third-party administrator, and the provisions of that policy which detail how VA ensures that no healthcare providers removed for misconduct subsequently become providers through the VA's community care programs. In addition, the Department is directed to include, with the policy, what enforcement mechanisms are currently in place as a safeguard and any legislative authorities needed to ensure that veterans receive the highest quality of care from healthcare providers on contract to VA.

MEDICAL FACILITIES

The conference agreement provides $5,434,880,000 in advance for fiscal year 2018 for Medical Facilities, as well as $247,668,000 in fiscal year 2017 funding, which is in addition to the advance funding provided last year. Of the advance funding, $250,000,000 is made available through fiscal year 2019.

Medical facility inspections for food service and environmental quality.—The conferees are disturbed by reports of sanitation and insect infestation problems at food service areas and kitchens at VA healthcare facilities, despite existing internal requirements for periodic inspections. In addition, health-threatening mold has been found in some VA facilities, as documented by the VA Inspector General. The conference agreement includes bill language in sections 251 and 252 requiring VA to contract with the Joint Commission on Accreditation of Hospital Organizations to conduct annual inspections of healthcare facility food service areas, with remediation and re-inspection required. Section 252 includes the requirement for the Joint Commission to conduct similar periodic reviews to inspect mold issues in VA medical facilities.

Improved community-based outpatient clinics (CBOC) capabilities.—The conferees are concerned that VA needs to improve its planning and contracting practices to allow for future expansion needs of CBOCs. In the case of the recently approved Rochester, New York CBOC (Phase I), the conferees have been informed that options to expand for potential future growth could not be included in the original lease contract, warranting procurement of a second facility. The conferees urge the Department to consider economic benefits when considering locations. Furthermore, the Department is directed to provide a report to the Committees not later than the beginning of fiscal year 2017 addressing the rationale as to why such flexibility cannot be included in lease contracts and identify any barriers, including necessary statutory changes, to ensure such options for flexibility are included in future lease contracts.

Green energy management program.—Given congressional concern with some prior wind energy projects, the conferees believe that the Committees need a clearer budget presentation of all green energy projects—wind, solar, geothermal, etc.—proposed to be funded in the fiscal year 2018 budget. Because green energy management funding was used to backfill shortfalls in the Denver hospital construction project, the Committees have difficulty discerning the strategic funding plans that remain for VA green energy management.

Budget presentation.—The conferees have found the current budget presentation for Medical Facilities distressingly difficult to interpret. The conferees direct VA in the fiscal year 2018 budget submission and in future years to include a list of the projects that are funded in the request, with the project's Strategic Capital Investment Priorities score identified. Recognizing that the list of funded projects may change during the course of the year, VA is directed to provide quarterly updates to the Committees that identify any changes to the list provided in the budget.

MEDICAL AND PROSTHETIC RESEARCH

The conference agreement provides $675,366,000 for Medical and Prosthetic Research, available until September 30, 2018. Bill language is included to ensure that the Secretary allocates adequate funding for research on gender-appropriate prosthetics and toxic exposures.

Gulf War symptoms study.—The conferees are aware that on March 23, 2015, VA contracted with the Institute of Medicine to fulfill the mandated Gulf War and post-9/11 veterans report as required by Public Law 110–389 and that VA is now in receipt of the report. The conferees direct the Department to review the report in an expeditious manner and transmit it to the appropriate congressional committees of jurisdiction not later than 60 days after the beginning of fiscal year 2017.

New research areas.—As indicated in the House report, the conferees encourage VA to create a Center of Innovation for research support and use as candidates for initial research hyperbaric oxygen therapy and magnetic EEG/EKG-guided resonance therapy.

Study on toxic exposures.—The conferees are aware the Department is finalizing a contract with the National Academies of Sciences, Engineering, and Medicine (NASEM) to assess the current research available on possible generational health effects that may be the result of toxic exposures experienced by veterans. The conferees are aware NASEM will also assess areas requiring further scientific study on the descendants of veterans with toxic exposures. In addition, NASEM will further assess the scope and methodology required to conduct research on such descendants to identify current or possible health effects in the veterans' descendants. The study will be similar to what is directed in the Senate report. The Committees have been provided a detailed list of the scope of the study and are aware the contract is to be awarded in fiscal year 2017. The conferees intend to monitor the award of this contract closely and expect the Department to finalize the award, as summarized above and presented to the Committees.

NATIONAL CEMETERY ADMINISTRATION

The conference agreement provides $286,193,000 for the National Cemetery Administration (NCA). Of the amount provided, not to exceed 10 percent is available until September 30, 2018.

Rural veterans burial initiative.—The Department is directed to submit to the Committees not later than the beginning of fiscal

year 2017 a report detailing the progress to date of the Rural Veterans Burial Initiative and the expected timeline for completion of such initiative.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $345,391,000 for General Administration. Of the amount provided, not to exceed 5 percent is available for obligation until September 30, 2018. The agreement continues to include bill language in section 233 permitting the transfer of funds from this account to General Operating Expenses, Veterans Benefits Administration.

The conference agreement provides $10,545,000 for the Office of the Secretary. The recommendation fully supports and provides the requested amounts in fiscal year 2017 for the Center for Faith-Based and Neighborhood Partnerships, the Center for Minority Veterans, the Center for Women Veterans, and the Office of Survivors Assistance. The Office of Government Relations is funded at $9,146,000, to include not more than $5,900,000 for functions previously conducted by the Office of Congressional and Legislative Affairs.

Within the amounts made available for General Administration, not less than an additional $1,500,000 shall be specifically reserved for the hiring of Veterans Integrated Service Network (VISN) directors; these amounts shall supplement and not supplant amounts included in the budget request for the hiring of VISN directors. Savings below the requested level for the Office of Congressional and Legislative Affairs function and the immediate Office of the Secretary have been repurposed for this initiative, consistent with direction in the Senate report.

Improving the veterans' experience at VA.—The conferees note the Secretary is undertaking a major effort to better understand the myriad of ways veterans and eligible dependents interact with VA and then to measurably improve the veterans experience at the point of service delivery. The current customer experience when interacting with the Department is disjointed, inconsistent, and all too often frustrating for the veteran. For example, the VA has over 500 veteran-facing websites and almost a thousand 1–800 numbers for veterans to contact VA. To make matters worse, there is no consistent, VA-wide performance standard for the many call centers VA operates. In addition, the current process for training and integrating staff at VA is sorely lacking and not on par with commercial equivalents, particularly when it comes to front-line staff who directly interface with veterans. Also, many of VA's business processes (for example, compensation and pension exams) are built to be internal-facing instead of built to put the veteran at the center of the process. The sum of all these limitations has a direct impact on veterans. For example, only 47 percent of veterans surveyed marked ''strongly agree or agree'' with this statement: ''I trust VA to fulfill our country's commitment to veterans.'' The conferees believe VA can and should redesign, measure, and improve the way VA provides services to veterans nationwide, and note with interest the recent efforts by the Secretary to do that. The conferees are interested in the metrics and data the Department has promised it can provide that will show an increase in veteran satisfaction resulting from the efforts the Secretary's office has put into place over the past year intending to improve the veteran experience. The Department is directed to report quarterly to the Committees metrics and data that show improvement in customer satisfaction, the veterans experience, and employee training. The conferees did not provide a direct appropriation for this effort in fiscal year 2017; however, the Department is able and expected to continue improving the veterans experience.

Financial management system.—The conference agreement includes $8,000,000 in this account as well as $44,300,000 in the Information Technology Systems account for development of a new financial management system. The Department has dithered for years in replacing its antiquated legacy system and suffered the consequences of a near meltdown in the hospital system in 2015 when obligations could not be correctly reported. The conferees urge VA to make a decision in fiscal year 2016 to replace its inadequate system with a 21st century product so that the Committees can rely on financial information from VA and VA can manage its obligations.

VA Patient Protection Act of 2016.—The conferees remain concerned about reports of retaliation against whistleblowers within the Department across the Nation. VA has promised to foster a culture of openness by encouraging employees to report cases of wrongdoing, yet there continue to be reports that after bringing to light cases of wrongdoing, the whistleblowers become subjects of retaliation. The conferees note VA must create an environment that allows employees to openly and safely advocate on behalf of veterans, consistent with direction in the Senate report. The conference agreement includes bill language in section 247 that comprehensively addresses the creation of a formal process for whistleblowers to file disclosures when operations within the Department fail to meet the high standards of care and service veterans deserve. Section 247 establishes a Central Whistleblower Office designed as an independent investigatory body to process VA employee complaints, which will ensure whistleblower disclosures receive the prompt, impartial attention deserved. Section 247 defines what actions constitute prohibited retaliation against whistleblowers, sets forth a process under which supervisors will be punished for handling disclosures inappropriately, and requires VA supervisors to be evaluated on their handling of whistleblower complaints. Further, section 247 requires the Department to report annually to the Committees on the number of whistleblower complaints received and their outcomes and to provide the results of Office of Special Counsel investigations related to whistleblower complaints.

Quarterly reporting.—In section 218 of the conference agreement, the conferees continue to direct VA to provide on a quarterly basis, not later than 30 days after the end of each quarter, a quarterly financial status report that includes, at a minimum, the information identified in this paragraph. Such information shall include:

1. VHA obligations and collections for the four Medical Care accounts, Nonrecurring Maintenance (as a non-add), Medical Research, the VA–DOD Facility Demonstration Fund, and Medical Care Collections Fund (MCCF) collections—actual to date versus plan;

2. Updated 'VA Medical Care Obligations by Program' chart displayed in the fiscal year 2017 budget justification;

3. Choice Act obligations for sections 801 and 802—actual to date versus plan;

4. Hepatitis C obligations, amounts funded through appropriations versus Choice Act, both sources actual to date versus plan;

5. Cumulative tracking of all transfers made under any authority, including each transfer within the Medical Care appropriations accounts;

6. General Administration obligations—personal services versus all other—actual to date versus plan;

7. Board of Veterans Appeals obligations—personal services versus all other—actual to date versus plan;

8. VBA, GOE obligations—personal services versus all other—actual to date versus plan;

9. Compensation and Pensions, Readjustment Benefits, and Veterans Insurance and Indemnities—obligations year-to-date versus plan;

10. NCA obligations—personal services versus all other—actual to date versus plan;

11. Information Technology Systems obligations—personal services versus all other—actual to date versus plan;

12. Major and Minor Construction obligations—actual to date versus plan;

13. Obligations to date for each Major Construction project, broken into design versus construction; and

14. Status of VA full-time equivalent employment—by Administration/IT and revolving funds—by quarter, actual versus plan.

BOARD OF VETERANS APPEALS

The conference agreement provides $156,096,000 for the Board of Veterans Appeals (BVA), of which not to exceed 10 percent shall remain available until September 30, 2018. Bill language is included in section 233 permitting VA to transfer funding between this account and the General Operating Expenses, Veterans Benefits Administration account if needed to align funding with the appropriate account to hire staff to address the appeals backlog.

The conference agreement provides the full budget request in recognition of the growing backlog in resolving appeals. However, the conferees are skeptical that, without the necessary legislative changes proposed by the Administration, VA will be able to make a significant dent in the backlog. As one step, the conferees urge the Board to hire additional BVA board members.

Legal assistance.—The conferees request the Board to provide a report not later than 90 days after the beginning of fiscal year 2017 about the possible need for legal assistance by veterans who are appealing their ruling from the Veterans Benefits Administration. The report should include information about: (1) the percentage of appellants who receive free legal counsel from veterans service organizations or others versus those who represent themselves or have paid legal counsel; (2) the Board's estimate of unmet legal need among appellants; (3) possible mechanisms to provide free legal assistance to veterans who do not have and are unable to afford legal assistance; and (4) the legal assistance program provided through the U.S. Court of Appeals for Veterans Claims and whether such a program would be appropriate for the Board, including a description of program structure and cost.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $4,278,259,000 for Information Technology (IT) Systems. The agreement identifies separately in bill language the funding available for pay ($1,272,548,000); operations and maintenance ($2,534,442,000); and systems development, modernization, and enhancement ($471,269,000). The agreement makes $37,100,000 of pay funding available until the end of fiscal year 2018; $180,200,000 of operations and maintenance funding available

until the end of fiscal year 2018; and all IT systems development, modernization and enhancement funding available until the end of fiscal year 2018.

The conference agreement includes $259,874,000 for VistA Evolution, the modernization of the interoperable electronic health record (EHR) or any successor program; $143,000,000 in information technology funding for the Veterans Benefits Management System which processes disability claims; $19,100,000 for the claims appeals modernization effort; $20,000,000 for Section 508 compliance efforts; $44,300,000 for development of a new VA financial management system; and $370,067,000 for the VA information security program, including $125,000,000 for the Cybersecurity Strategy Implementation program.

As with the fiscal year 2013–2016 appropriations Acts, the fiscal year 2017 agreement includes a prohibition on obligation or expenditure of more than 25 percent of fiscal year 2017 funds provided for development, modernization, and enhancement of the VistA Evolution EHR or a successor program until the Department meets reporting and accountability requirements contained in the conference bill language.

The conference agreement includes language prohibiting the obligation of IT development, modernization, and enhancement funding until VA submits a certification of the amounts to be obligated, in part or in full, for each development project.

The conference agreement includes language permitting funding to be transferred among the three IT subaccounts, subject to approval from the Committees.

The conference agreement includes language providing that funding may be transferred among development projects or to new projects subject to the Committees' approval.

The conference agreement provides funding for IT development, modernization, and enhancement for the projects and in the amounts specified in the following table:

INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS

(in thousands of dollars)

Project	Conference
Electronic Health Record Interoperability/VLER Health	17,322
VistA Evolution or successor EHR program	63,339
Veterans Benefits Management System (VBMS)	85,288
Virtual Lifetime Electronic Record (VLER)	17,857
Veteran Customer Experience	73,624
VHA Research IT Support Development	15,066
Other IT Systems Development	198,773
Total, All Development	$471,269

This table is intended to serve as the Department's approved list of development projects; any requested changes are subject to reprogramming requirements.

Appointment scheduling.—For more than a decade, VA has spent millions in an attempt to replace its antiquated scheduling system. VA has begun to fix some of the worst problems in the system with its rollout of VistA Scheduling Enhancement (VSE). But further efforts to modernize scheduling have been put on hold until VA makes a decision about what direction to take with modernizing the electronic health record. The conferees understand the need to align the two systems, but are distressed about the further delays in the implementation of both. The conferees expect that VA will finalize its strategic approach for both the electronic health record and scheduling before the end of fiscal year 2016.

Expenditure plan.—The conference agreement directs the Department to continue to provide an IT expenditure plan to the Committees not later than the start of fiscal year 2017, as indicated in both the House and Senate reports. This plan should be in the same format as the table above.

Periodic briefings.—The conferees continue to require VA to provide quarterly briefings to the Committees regarding schedule, milestones, and obligations for VistA Evolution or any successor program. The conferees also require quarterly briefings from the DOD/VA Interagency Program Office on the EHR interoperability project.

Data matching with the Department of Education.—The conferees urge VA to establish a matching program with the Department of Education to identify veterans who are unemployable due to a service-connected disability. Under current law, veterans who have been determined by VA to be unemployable due to a service-connected disability are also eligible for student loan forgiveness. However, given the complexity of the loan discharge process and the seeming lack of communication between the Departments of Veterans Affairs and Education, disabled veterans would stand to benefit from greater coordination between the two Departments.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $160,106,000 for the Office of Inspector General (OIG). Of the amount provided, not to exceed 10 percent is available for obligation until September 30, 2018. The conference agreement directs that the OIG should post publicly any report or audit not later than 3 days after it is submitted to the Secretary in final form.

CONSTRUCTION, MAJOR PROJECTS

The conference agreement provides $528,110,000 for Construction, Major Projects, which is the same as the budget request. The agreement makes this funding available for five years, except that $50,000,000 is made available until expended.

Outside project management.—To ensure the Department will never again mishandle public funds on a construction project in the manner and to the degree the Denver VA Medical Center in Aurora, CO, was mismanaged, the conference agreement directs that $222,620,000 for Veterans Health Administration major construction projects shall not be available until the Department enters into an agreement with a non-Department of Veterans Affairs Federal entity to serve as the design and/or construction agent for each major construction project with a total estimated cost of $100,000,000 or above. The conference agreement makes the funding available for obligation for each project only after VA certifies that the agreement with the non-Department Federal entity is in effect for that project. The two VHA projects affected by the fencing provision are in Reno, Nevada, and Long Beach, California. The requirement to contract with an outside agent for major construction projects was also mandated in Section 502 of the Department of Veterans Affairs Expiring Authorities Act of 2015 (Public Law 114–58), enacted on September 30, 2015. The law contemplates that the non-Department Federal entity will provide management over all or part of the project design, acquisition, construction, and appropriate contract changes, and the Department will reimburse the entity for all appropriate costs associated with the provision of such services.

The conference agreement funds the following items as requested in the budget submission:

CONSTRUCTION, MAJOR PROJECTS

(in thousands of dollars)

Location and description	Conference Agreement
Veterans Health Admin. (VHA):	
Long Beach, CA, seismic corrections for mental health and community living center	$30,200
Reno, NV, upgrade seismic, life safety, utilities, and expand clinical services	192,420
Advance Planning and Design Fund—various locations	65,000
Major Construction staff—various locations	24,000
Claims Analysis—various locations	5,000
Hazardous Waste—various locations	10,000
Judgment Fund—various locations	9,000
Non-Dept. Fed. Entity Project Management Support	49,490
Total VHA	385,110
National Cemetery Admin. (NCA):	
Elmira, NY—new national cemetery—Western NY	36,000
Las Animas, CO—new national cemetery—Southern CO	36,000
Jacksonville, FL—gravesite expansion	24,000
South Florida, FL—gravesite expansion	31,000
Advance Planning and Design Fund—various locations	10,000
Total NCA	137,000
General Admin.:	
Staff Offices Advance Planning Fund	6,000
Major Construction total	$528,110

Major construction budget justification documents.—The conferees reiterate their concerns regarding the budget justifications submitted for projects funded in this account. The congressional budget justification materials that accompany the President's Budget require a greater level of detail to enhance oversight of the Department's major construction projects. Therefore, the conference agreement includes a new administrative provision section 258, requiring the Department to submit enhanced budget justification documents for projects for which funds are requested. Pursuant to section 258, such justifications shall include, at a minimum, the following elements for all major construction projects:

1. Project description, to include phases (if applicable) delineated by fiscal year, funding for each phase by fiscal year, and a detailed description of what that funding procures;
2. Project justification and analysis of benefits;
3. A comparison of budget authority with the prior year's President's Budget for budget authority already received and needed in future years;
4. A justification of any cost, schedule, or design change from prior years;
5. Total estimated cost with a detailed breakout by design, construction (differentiated by primary and support facilities), and operating costs;
6. A complete project schedule to include dates indicating design start, 35 percent design completion, award of construction documents, design completion, award of construction contract, and estimated construction completion;
7. Design contract type;
8. An analysis of alternatives with associated costs;
9. Demographic data; and
10. Workload data.

The Department is directed to submit this information in a format resembling the Department of Defense form 1391 (DD 1391). In addition, language is included requiring the Department to submit a proposed budget justification template that complies with this requirement to the Committees within 45 days of enactment of this Act.

Alternative sources of construction funding.—The conferees are aware of the budget challenges with new facility construction at VA. The conferees are pleased that VA has begun to work with the private sector in developing public- private partnerships (P3). P3 projects

take advantage of readily available private sector investment capital, expertise, and entrepreneurial discipline. Where private sector financing has already been identified, and where practical, the conferees urge VA to use a P3 model on future VA construction projects.

CONSTRUCTION, MINOR PROJECTS

The conference agreement provides $372,069,000 for Construction, Minor Projects. The agreement makes this funding available for five years. Included within the total is $285,000,000 for the Veterans Health Administration; $56,890,000 for the National Cemetery Administration; $20,000,000 for the Veterans Benefits Administration; and $10,179,000 for General Administration—Staff Offices.

Expenditure Plan.—The conference agreement includes a directive for the Department to provide an expenditure plan not later than 30 days after the beginning of the fiscal year, as provided in the Senate report. This expenditure plan shall include a complete list of minor construction projects to be supported with the fiscal year 2017 appropriation. The plan shall be updated six months and twelve months after enactment.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

The conference agreement provides $90,000,000 for Grants for Construction of State Extended Care Facilities, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

The conference agreement provides $45,000,000 for Grants for Construction of Veterans Cemeteries, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

The conference agreement includes section 201 allowing for transfer of funds among the three mandatory accounts.

The conference agreement includes section 202 allowing for the transfer of funds among the four medical accounts.

The conference agreement includes section 203 allowing salaries and expenses funds to be used for related authorized purposes.

The conference agreement includes section 204 restricting the accounts that may be used for the acquisition of land or the construction of any new hospital or home.

The conference agreement includes section 205 limiting the use of funds in the Medical Services account only for entitled beneficiaries unless reimbursement is made to the Department.

The conference agreement includes section 206 allowing for the use of certain mandatory appropriations accounts for payment of prior year accrued obligations for those accounts.

The conference agreement includes section 207 allowing the use of appropriations available in this title to pay prior year obligations.

The conference agreement includes section 208 allowing the Department to use surplus earnings from the National Service Life Insurance Fund, the Veterans' Special Life Insurance Fund, and the United States Government Life Insurance Fund to administer these programs.

The conference agreement includes section 209 allowing the Department to cover the administrative expenses of enhanced-use leases and provides authority to obligate these reimbursements in the year in which the proceeds are received.

The conference agreement includes section 210 limiting the amount of reimbursement the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication can charge other offices of the Department for services provided.

The conference agreement includes section 211 requiring the Department to collect third-party payer information for persons treated for a non-service-connected disability.

The conference agreement includes section 212 allowing for the use of enhanced-use leasing revenues for Construction, Major Projects and Construction, Minor Projects.

The conference agreement includes section 213 outlining authorized uses for Medical Services funds.

The conference agreement includes section 214 allowing for funds deposited into the Medical Care Collections Fund to be transferred to the Medical Services and Medical Community Care accounts.

The conference agreement includes section 215 which allows Alaskan veterans to use medical facilities of the Indian Health Service or tribal organizations.

The conference agreement includes section 216 permitting the transfer of funds from the Department of Veterans Affairs Capital Asset Fund to the Construction, Major Projects and Construction, Minor Projects accounts and makes those funds available until expended.

The conference agreement includes section 217 rescinding $7,246,181,000 of fiscal year 2017 Medical Services funds that were provided in advance. This funding is now provided through the Medical Community Care account.

The conference agreement includes section 218 requiring the Secretary to submit financial status quarterly reports for each of the Administrations in the Department. The specific data requested is similar to that requested in the fiscal year 2016 conference report.

The conference agreement includes section 219 requiring the Department to notify and receive approval from the Committees of any proposed transfer of funding to or from the Information Technology Systems account and limits the aggregate annual increase in the account to no more than 10 percent of the funding appropriated to the account in this Act.

The conference agreement includes section 220 prohibiting any funds from being used in a manner that is inconsistent with statutory limitations on outsourcing.

The conference agreement includes section 221 providing up to $274,731,000 of fiscal year 2017 funds for transfer to the Joint DOD–VA Medical Facility Demonstration Fund.

The conference agreement includes section 222 which permits up to $280,802,000 of fiscal year 2018 medical care funding provided in advance to be transferred to the Joint DOD–VA Medical Facility Demonstration Fund.

The conference agreement includes section 223 which authorizes transfers from the Medical Care Collections Fund to the Joint DOD–VA Medical Facility Demonstration Fund.

The conference agreement includes section 224 which transfers at least $15,000,000 from VA medical accounts to the DOD–VA Health Care Sharing Incentive Fund.

The conference agreement includes section 225 prohibiting funds available to the Department in this or any other Act from being used to replace the current system by which VISNs select and contract for diabetes monitoring supplies and equipment.

The conference agreement includes section 226 requiring that the Department notify the Committees of bid savings in a major construction project of at least $5,000,000, or 5 percent, whichever is less, 14 days prior to the obligation of the bid savings and their anticipated use.

The conference agreement includes section 227 which prohibits VA from increasing the scope of work for a major construction project above the scope specified in the original budget request unless the Secretary receives approval from the Committees.

The conference agreement includes section 228 requiring a quarterly report from each VBA regional office on pending disability claims, both initial and supplemental; error rates; the number of claims processing personnel; corrective actions taken; training programs; and review team audit results.

The conference agreement includes section 229 limiting the funding from the Medical Services and Medical Support and Compliance accounts for the electronic health record and electronic health record interoperability projects.

The conference agreement includes section 230 requiring VA to notify the Committees 15 days prior to any staff office relocations within VA of 25 or more FTE.

The conference agreement includes section 231 requiring the Secretary to report to the Committees each quarter about any single national outreach and awareness marketing campaign exceeding $2,000,000.

The conference agreement includes section 232 permitting the transfer to the Medical Services account of fiscal year discretionary 2017 funds appropriated in this Act or available from advance fiscal year 2017 funds already appropriated, except for funds appropriated to General Operating Expenses, VBA, to address possible unmet, high priority needs in Medical Services. Such unanticipated demands may result from circumstances such as a greater than projected number of enrollees or higher intensity of use of benefits. Any such transfer requires the approval of the Committees.

The conference agreement includes section 233 permitting the transfer of funding between the General Operating Expenses, Veterans Benefits Administration account and the Board of Veterans Appeals account if necessary to permit the hiring of staffing at the appropriate stage of the appeals process to address mounting claims appeals workload. Any such transfer requires the approval of the Committees.

The conference agreement includes section 234 prohibiting the Secretary from reprogramming funds in excess of $5,000,000 among major construction projects or programs unless the reprogramming is approved by the Committees.

The conference agreement includes section 235 rescinding $40,000,000 in unobligated balances in the DOD–VA Health Care Sharing Incentive Fund.

The conference agreement includes sections 236 and 237 making general rescissions of $169,000,000 in fiscal year 2017 advance appropriations and reductions of $23,000,000 in fiscal year 2017 current funded appropriations.

The conference agreement includes section 238 mandating certain professional standards for the veterans crisis hotline.

The conference agreement includes section 239 pertaining to certification of marriage and family therapists.

The conference agreement includes section 240 restricting funds from being used to close certain medical facilities in the absence of a national realignment strategy.

The conference agreement includes section 241 which prohibits funds from being used to

transfer funding from the Filipino Veterans Equity Compensation Fund to any other VA account.

The conference agreement includes section 242 which provides an extension through fiscal year 2017 of the Access Received Closer to Home (ARCH) program.

The conference agreement includes section 243 which ends a co-payment requirement for opioid antagonists and supports education on the use of opioid antagonists.

The conference agreement includes section 244 requiring the VA Inspector General to make public all work products.

The conference agreement includes section 245 permitting funding to be used in fiscal years 2017 and 2018 to carry out and expand the child care pilot program authorized by section 205 of Public Law 111–163.

The conference agreement includes section 246 making mandatory the reporting to State prescription drug monitoring programs.

The conference agreement includes section 247 which includes the text of the VA Patient Protection Act of 2016 addressing protections for VA whistleblowers.

The conference agreement includes section 248 identifying information which may be used to verify the status of coastwise merchant seamen who served during World War II for the purposes of eligibility for medals, ribbons, or other military decorations.

The conference agreement includes section 249 providing monthly assistance allowances for disabled veterans competing on United States Olympic teams.

The conference agreement includes section 250 which provides coverage under the VA beneficiary travel program for certain types of special disabilities rehabilitation.

The conference agreement includes section 251 which requires VA to conduct annual inspections of kitchens and food service areas of each medical facility, through the Joint Commission on Accreditation of Hospital Organizations, with required remediation if necessary.

The conference agreement includes section 252 which requires VA to conduct periodic inspections of mold issues at VA medical facilities through the Joint Commission on Accreditation of Hospital Organizations, along with required remediation if necessary.

The conference agreement includes section 253 reinstating the requirement for a report on the capacity of VA to provide for specialized treatment and rehabilitative needs of disabled veterans.

The conference agreement includes section 254 permitting the Secretary to use appropriated funds to ensure particular ratios of veterans to full-time employment equivalents within any VA program of rehabilitation.

The conference agreement includes section 255 indicating that no funds available in the Act may be used to deny the Inspector General timely access to Department records and documents over which the Inspector General has responsibilities under the Inspector General Act of 1978.

The conference agreement includes section 256 forbidding funds to be used to enter into a settlement that would restrict an individual's freedom to speak to Members of Congress or their staff.

The conference agreement includes section 257 providing authority for the Veterans Health Administration to administer the National Veterans Sports Program.

The conference agreement includes section 258 requiring certain data to be included in budget justifications for Major Construction projects.

The conference agreement includes section 259 which authorizes 8 VA major construction projects that were funded in fiscal year 2016.

The conference agreement includes section 260 allowing the use of Medical Services funding for fertility treatment and adoption reimbursement for veterans and their spouses if the veteran has a service-connected disability that results in being unable to procreate without such fertility treatment.

The Secretary of Veterans Affairs shall develop and publish implementing guidance within 120 days of enactment of this Act. The implementing guidance developed by the Secretary shall not be materially different from, and in no way more expansive than, the implementing guidance promulgated by the Department of Defense in the April 3, 2012 memorandum from the Assistant Secretary of Defense (Health Affairs) entitled ''Policy for Assisted Reproductive Services for the Benefit of Seriously or Severly Ill/Injured (Category II or III) Active Duty Service Members''.

TITLE III—RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $75,100,000 for Salaries and Expenses of the American Battle Monuments Commission (ABMC), as requested.

The conferees appreciate and support the meaningful work of the ABMC to preserve commemorative and historical sites and to educate the public about the United States Armed Forces. The conferees further recognize the critical role that African Americans and other minorities played during World War II. The conferees urge the ABMC to partner with Department of Defense historians to ensure that these servicemembers and support staff are properly recognized at ABMC sites. Further, the conferees direct the ABMC to appropriately incorporate the contributions of African Americans and other minorities into ABMC's interpretive exhibits and on the ABMC website.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

The conference agreement includes such sums as necessary for the Foreign Currency Fluctuations Account. However, due to favorable exchange rates, no funds are expected to be required in fiscal year 2017.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

The conference agreement includes $30,945,000 for Salaries and Expenses for the United States Court of Appeals for Veterans Claims, as requested.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

The conference agreement includes $70,800,000 for Cemeterial Expenses, Army—Salaries and Expenses, as requested. Within that amount, up to $15,000,000 in funding is available until September 30, 2019.

ARMED FORCES RETIREMENT HOME TRUST FUND

The conference agreement includes a total of $64,300,000 for the Armed Forces Retirement Home (AFRH), as requested, but does not provide the funds in the manner requested. The agreement does not include the indefinite transfer of an estimated $22,000,000 in funds from the Department of Defense (DOD), Operations and Maintenance, Defense-Wide Account, as requested. Instead, the conference agreement directs that $42,300,000 be derived from the Trust Fund and $22,000,000 be provided from the General Fund to support AFRH operations.

Trust Fund Solvency.—The conferees are disappointed the Department of Defense did not include with the fiscal year 2017 budget request legislative proposals and administrative actions that can be taken under current law in order to achieve Trust Fund solvency in spite of clear direction to do so in the Explanatory Statement accompanying Public Law 114–113, the Consolidated Appropriations Act, 2016. Both legislative and administrative actions are necessary to improve Trust Fund solvency, eliminate AFRH's reliance on the General Fund, and maintain the high-quality services provided to AFRH residents. The conferees again direct DOD, working with AFRH, to take appropriate administrative action and to develop and submit proposed authorizing language with the fiscal year 2018 budget request that addresses the issue of Trust Fund solvency. In addition, AFRH is directed to regularly report to the Committees on efforts to stabilize the Trust Fund and to lease its property at the Washington, D.C. facility.

Study Findings and Proposals.—AFRH's budget request notes that DOD has undertaken an in-depth study to develop mid-term and long-term plans to improve Trust Fund solvency. The study also includes an analysis of AFRH operations to include benchmarking and to identify potential legislative changes to revise AFRH's funding model. The Committees request further information from DOD regarding the study, including a report on its cost, scope of work, deliverables, and timeline, and requests a briefing on the findings and resulting proposals. The conferees are troubled that the study's statement of work seems to be focused on cuts to core AFRH operations as a means of achieving Trust Fund solvency. The conference agreement directs that AFRH and the Department of Defense submit by October 1, 2016, a proposal that ensures the long-term sustainability of the Trust Fund by replenishing the Trust Fund's revenues, not by cutting core AFRH operations.

ADMINISTRATIVE PROVISIONS

The conference agreement includes section 301 permitting funds to be provided to Arlington County, Virginia, for the relocation of a water main located on the Arlington National Cemetery property.

The conference agreement includes section 302 allowing Arlington National Cemetery to deposit and use funds derived from concessions.

TITLE IV—OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

The conference agreement includes title IV, Overseas Contingency Operations, for military construction projects related to the Global War on Terrorism, the European Reassurance Initiative and Counterterrorism Support that were requested by the Administration in the Fiscal Year 2017 Overseas Contingency Operations budget request.

MILITARY CONSTRUCTION, ARMY

The conference agreement includes $18,900,000 for ''Military Construction, Army'', as requested in the Fiscal Year 2017 Overseas Contingency Operations budget request, for planning and design in support of the European Reassurance Initiative.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement includes $59,809,000 for ''Military Construction, Navy

and Marine Corps'', as requested in the Fiscal Year 2017 Overseas Contingency Operations budget request, of which $21,400,000 is in support of the European Reassurance Initiative and $38,409,000 is in support of Overseas Contingency Operations.

MILITARY CONSTRUCTION, AIR FORCE

The conference agreement includes $88,291,000 for ''Military Construction, Air Force'', as requested in the Fiscal Year 2017 Overseas Contingency Operations budget request, of which $68,280,000 is in support of the European Reassurance Initiative, $11,440,000 is in support of Overseas Contingency Operations, and $8,571,000 is in support of counterterrorism efforts.

MILITARY CONSTRUCTION, DEFENSE-WIDE

The conference agreement includes $5,000,000 for ''Military Construction, Defense-Wide'', as requested in the Fiscal Year 2017 Overseas Contingency Operations budget request, for unspecified minor military construction for the Joint Staff in support of the European Reassurance Initiative.

ADMINISTRATIVE PROVISION

The conference agreement includes section 401 regarding emergency designation for the Overseas Contingency Operations accounts.

OVERSEAS CONTINGENCY OPERATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
FY 2017 OVERSEAS CONTINGENCY OPERATIONS				
OVERSEAS CONTINGENCY OPERATIONS				
WORLDWIDE UNSPECIFIED				
NAVY				
PLANNING AND DESIGN	1,000	1,000	---	1,000
AIR FORCE				
PLANNING AND DESIGN	940	940	---	940
DJIBOUTI				
NAVY				
CAMP LEMONIER				
MEDICAL/DENTAL FACILITY	37,409	37,409	---	37,409
AIR FORCE				
CHABELLEY AIRFIELD				
ACCESS ROAD	3,600	3,600	---	3,600
PARKING APRON AND TAXIWAY	6,900	6,900	---	6,900
EUROPEAN REASSURANCE INITIATIVE				
BULGARIA				
AIR FORCE				
GRAF IGNATIEVO				
SQUADRON OPERATIONS/OPERATION ALERT FACILITY	3,800	3,800	---	3,800
FIGHTER RAMP EXTENSION	7,000	7,000	---	7,000
UPGRADE MUNITIONS STORAGE	2,600	2,600	---	---
ESTONIA				
AIR FORCE				
AMARI AB				
BULK FUEL STORAGE	6,500	6,500	---	6,500
GERMANY				
AIR FORCE				
SPANGDAHLEM AB				
HIGH CAPACITY TRIM PAD AND HUSH HOUSE	1,000	1,000	---	---
F/A-22 LOW OBSERVABLE/COMPOSITE REPAIR FACILITY	12,000	12,000	---	18,000
F/A-22 UPGRADE INFRASTRUCTURE/COMMUNICATIONS/UTILITIES	1,600	1,600	---	580
UPGRADE HARDENED AIRCRAFT SHELTERS FOR F/A-22	2,700	2,700	---	2,700
UPGRADE MUNITION STORAGE DOORS	1,400	1,400	---	---
ICELAND				
NAVY				
KEFLAVIK				
P-8A AIRCRAFT RINSE FACILITY	5,000	5,000	---	5,000
P-8A HANGAR UPGRADE	14,600	14,600	---	14,600
LITHUANIA				
AIR FORCE				
SIAULIAI				
MUNITIONS STORAGE	3,000	3,000	---	3,000
POLAND				
AIR FORCE				
LASK AIR BASE				
SQUADRON OPERATIONS FACILITY	4,100	4,100	---	4,100
POWIDZ				
SQUADRON OPERATIONS FACILITY	4,100	4,100	---	4,100

OVERSEAS CONTINGENCY OPERATIONS
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	HOUSE	SENATE	CONFERENCE AGREEMENT
ROMANIA				
AIR FORCE				
CAMP TURZII				
MUNITIONS STORAGE AREA	3,000	3,000	---	3,000
SQUADRON OPERATIONS FACILITY	3,400	3,400	---	3,400
TWO-BAY HANGAR	6,100	6,100	---	6,100
EXTEND PARKING APRONS	6,000	6,000	---	6,000
WORLDWIDE UNSPECIFIED				
ARMY				
PLANNING AND DESIGN	18,900	18,900	---	18,900
NAVY				
PLANNING AND DESIGN	1,800	1,800	---	1,800
DEFENSE-WIDE				
UNSPECIFIED MINOR CONSTRUCTION				
THE JOINT STAFF	5,000	5,000	---	5,000
COUNTERTERRORISM SUPPORT				
WORLDWIDE UNSPECIFIED				
AIR FORCE				
PLANNING AND DESIGN	9,000	8,551	---	8,571

NOTE: FUNDING FOR OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION WAS REQUESTED AND IS DISPLAYED IN TITLE IV. THE SENATE PROVIDED FUNDING FOR THESE PROJECTS IN TITLE I.

TITLE V—GENERAL PROVISIONS

The conference agreement includes section 501 prohibiting the obligation of funds in this Act beyond the current fiscal year unless expressly so provided.

The conference agreement includes section 502 prohibiting the use of the funds in this Act for programs, projects, or activities not in compliance with Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

The conference agreement includes section 503 encouraging all Departments to expand their use of ''E Commerce.''

The conference agreement includes section 504 specifying the congressional committees that are to receive all reports and notifications.

The conference agreement includes section 505 prohibiting the transfer of funds to any instrumentality of the United States Government without authority from an appropriations Act.

The conference agreement includes section 506 prohibiting the use of funds for a project or program named for a serving Member, Delegate, or Resident Commissioner of the United States House of Representatives.

The conference agreement includes section 507 requiring all reports submitted to Congress to be posted on official web sites of the submitting agency.

The conference agreement includes section 508 prohibiting the use of funds to establish or maintain a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, except for law enforcement investigation, prosecution, or adjudication activities.

The conference agreement includes section 509 prohibiting the use of funds for the payment of first-class air travel by an employee of the executive branch.

The conference agreement includes section 510 prohibiting the use of funds in this Act for any contract where the contractor has not complied with E-Verify requirements.

The conference agreement includes section 511 prohibiting the use of funds in this Act by the Department of Defense or the Department of Veterans Affairs for the purchase or lease of a new vehicle except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

The conference agreement includes section 512 prohibiting the use of funds in this Act for the renovation, expansion, or construction of any facility in the continental United States for the purpose of housing any individual who has been detained at the United States Naval Station, Guantanamo Bay, Cuba.

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
TITLE I - DEPARTMENT OF DEFENSE							
Military Construction, Army	663,245	503,459	503,459	532,359	513,459	-149,786	+10,000
Military Construction, Navy and Marine Corps	1,669,239	1,027,763	1,021,580	1,087,572	1,021,580	-647,659	-6,183
Military Construction, Air Force	1,389,185	1,481,058	1,398,758	1,579,798	1,491,058	+101,873	+10,000
Military Construction, Defense-Wide	2,242,867	2,056,091	2,024,643	2,038,980	2,025,444	-217,423	-30,647
Total, Active components	5,964,536	5,068,371	4,948,440	5,238,709	5,051,541	-912,995	-16,830
Military Construction, Army National Guard	197,237	232,930	232,930	232,930	232,930	+35,693	---
Military Construction, Air National Guard	138,738	143,957	143,957	143,957	143,957	+5,219	---
Military Construction, Army Reserve	113,595	68,230	68,230	68,230	68,230	-45,365	---
Military Construction, Navy Reserve	36,078	38,597	38,597	38,597	38,597	+2,519	---
Military Construction, Air Force Reserve	65,021	188,950	188,950	188,950	188,950	+123,929	---
Total, Reserve components	550,669	672,664	672,664	672,664	672,664	+121,995	---
North Atlantic Treaty Organization Security Investment Program	135,000	177,932	177,932	177,932	177,932	+42,932	---
Department of Defense Base Closure Account	266,334	205,237	230,237	205,237	240,237	-26,097	+35,000
Total, Military Construction	6,916,539	6,124,204	6,029,273	6,294,542	6,142,374	-774,165	+18,170
Family Housing Construction, Army	108,695	200,735	200,735	200,735	157,172	+48,477	-43,563
Family Housing Operation and Maintenance, Army	375,611	325,995	325,995	325,995	325,995	-49,616	---
Family Housing Construction, Navy and Marine Corps	16,541	94,011	94,011	94,011	94,011	+77,470	---

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Family Housing Operation and Maintenance, Navy and Marine Corps	353,036	300,915	300,915	300,915	300,915	-52,121	---
Family Housing Construction, Air Force	160,498	61,352	61,352	61,352	61,352	-99,146	---
Family Housing Operation and Maintenance, Air Force	331,232	274,429	274,429	274,429	274,429	-56,803	---
Family Housing Operation and Maintenance, Defense-Wide	58,668	59,157	59,157	59,157	59,157	+489	---
Department of Defense Family Housing Improvement Fund	---	3,258	3,258	3,258	3,258	+3,258	---
Total, Family Housing	1,404,281	1,319,852	1,319,852	1,319,852	1,276,289	-127,992	-43,563
ADMINISTRATIVE PROVISIONS							
Military Construction, Army (Sec. 127) (rescission)	-86,420	---	-25,000	-30,000	-29,602	+56,818	-29,602
Military Construction, Navy and Marine Corps (H. Sec. 126) (rescission)	---	---	-51,848	---	---	---	---
Defense Access Roads (Sec. 132)	30,000	---	---	---	---	-30,000	---
Military Construction, Air Force (Sec. 127) (rescission)	-46,400	---	---	-22,340	-51,460	-5,060	-51,460
Military Construction, Defense-Wide (Sec. 127) (rescission)	-134,000	---	-37,377	-132,283	-141,600	-7,600	-141,600
Military Construction, Defense-Wide - Planning and Design (Sec. 127)	---	---	---	---	-30,000	-30,000	-30,000
Military Construction, Army (Sec. 125)	34,500	---	40,500	40,500	40,500	+6,000	+40,500
Military Construction, Navy and Marine Corps (Sec. 125)	34,500	---	293,600	143,000	227,099	+192,599	+227,099
Military Construction, Army National Guard (Sec. 125)	51,300	---	67,500	16,500	67,500	+16,200	+67,500

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Military Construction, Army Reserve (Sec. 125)	34,200	---	86,500	30,000	30,000	-4,200	+30,000
NATO Security Investment Program (Sec. 127) (rescission)	---	---	-30,000	-15,000	-30,000	-30,000	-30,000
42 USC 3374 (Sec. 128)	-105,000	---	-25,000	---	-25,000	+80,000	-25,000
Military Construction, Air Force (Sec. 125)	21,000	---	26,000	195,465	149,500	+128,500	+149,500
Military Construction, Defense-Wide (S. Sec. 125)	---	---	---	64,364	---	---	---
Military Construction, Air National Guard (Sec. 125)	6,100	---	---	11,000	11,000	+4,900	+11,000
Military Construction, Navy and Marine Corps (Sec. 126)	---	---	---	---	89,400	+89,400	+89,400
Military Construction, Air Force Reserve	10,400	---	---	---	---	-10,400	---
Family Housing, Army (S. Sec. 125)	---	---	---	14,400	---	---	---
Total, Administrative Provisions	-149,820	---	344,875	315,606	307,337	+457,157	+307,337
Appropriations	(222,000)	---	(514,100)	(515,229)	(614,999)	(+392,999)	(+614,999)
Rescissions	(-371,820)	---	(-169,225)	(-199,623)	(-307,662)	(+64,158)	(-307,662)
General Provisions							
Arlington Cemetery Defense Access Road (FY 2016) (S. Sec. 130)	---	---	---	30,000	---	---	---

DIVISION A. MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
(FY 2016, rescission) (S. Sec. 130)	---	---	---	-30,000	---	---	---
Total, General Provisions	---	---	---	---	---	---	---
Total, title I, Department of Defense	8,171,000	7,444,056	7,694,000	7,930,000	7,726,000	-445,000	+281,944
Appropriations	(8,542,820)	(7,444,056)	(7,863,225)	(8,129,623)	(8,033,662)	(-509,158)	(+589,606)
Rescissions	(-371,820)	---	(-169,225)	(-199,623)	(-307,662)	(+64,158)	(-307,662)
TITLE II - DEPARTMENT OF VETERANS AFFAIRS							
Veterans Benefits Administration							
Compensation and pensions:							
Advance from prior year	---	(86,083,128)	(86,083,128)	(86,083,128)	(86,083,128)	(+86,083,128)	---
Current year request	76,865,545	---	---	---	---	-76,865,545	---
Subtotal, current year	76,865,545	86,083,128	86,083,128	86,083,128	86,083,128	+9,217,583	---
Advance appropriation, FY 2018	86,083,128	90,119,449	90,119,449	90,119,449	90,119,449	+4,036,321	---
Readjustment benefits:							
Advance from prior year	---	(16,340,828)	(16,340,828)	(16,340,828)	(16,340,828)	(+16,340,828)	---
Current year request	14,313,357	---	---	---	---	-14,313,357	---
Subtotal	14,313,357	16,340,828	16,340,828	16,340,828	16,340,828	+2,027,471	---

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Advance appropriation, FY 2018	16,340,828	13,708,648	13,708,648	13,708,648	13,708,648	-2,632,180	---
Veterans insurance and indemnities:							
Advance from prior year	---	(91,920)	(91,920)	(91,920)	(91,920)	(+91,920)	---
Current year request	77,160	16,605	16,605	16,605	16,605	-60,555	---
Subtotal	77,160	108,525	108,525	108,525	108,525	+31,365	---
Advance appropriation, FY 2018	91,920	107,899	107,899	107,899	107,899	+15,979	---
Veterans housing benefit program fund:							
(indefinite)	---	---	---	---	---	---	---
(Limitation on direct loans)	(500)	(500)	(500)	(500)	(500)	---	---
Administrative expenses	164,558	198,856	167,612	198,856	198,856	+34,298	---
Vocational rehabilitation loans program account	31	36	36	36	36	+5	---
(Limitation on direct loans)	(2,952)	(2,517)	(2,517)	(2,517)	(2,517)	(-435)	---
Administrative expenses	367	389	389	389	389	+22	---
Native American veteran housing loan program account	1,134	1,163	1,163	1,163	1,163	+29	---
General operating expenses, VBA	2,707,734	2,826,160	2,826,160	2,856,160	2,856,160	+148,426	+30,000
Total, Veterans Benefits Administration	196,645,762	106,979,205	106,947,961	107,009,205	107,009,205	-89,636,557	+30,000
Appropriations	(94,129,886)	(3,043,209)	(3,011,965)	(3,073,209)	(3,073,209)	(-91,056,677)	(+30,000)
Advance appropriations, FY 2018	(102,515,876)	(103,935,996)	(103,935,996)	(103,935,996)	(103,935,996)	(+1,420,120)	---
Advances from prior year appropriations	---	(102,515,876)	(102,515,876)	(102,515,876)	(102,515,876)	(+102,515,876)	---

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Veterans Health Administration							
Medical services:							
Advance from prior year	(47,603,202)	(51,673,000)	(51,673,000)	(51,673,000)	(51,673,000)	(+4,069,798)	---
Current year request	2,369,158	1,078,993	864,000	1,078,993	1,078,993	-1,290,165	---
Subtotal	49,972,360	52,751,993	52,537,000	52,751,993	52,751,993	+2,779,633	---
Advance appropriation, FY 2018	51,673,000	44,886,554	44,886,554	44,886,554	44,886,554	-6,786,446	---
Medical community care:							
Advance appropriation, FY 2018	---	9,409,118	9,409,118	9,409,118	9,409,118	+9,409,118	---
Transfer from medical care accounts	---	(7,246,181)	(7,246,181)	---	---	---	(-7,246,181)
Current year request	---	---	---	7,246,181	7,246,181	+7,246,181	+7,246,181
Subtotal	---	16,655,299	16,655,299	16,655,299	16,655,299	+16,655,299	---
Medical support and compliance:							
Advance from prior year	(6,144,000)	(6,524,000)	(6,524,000)	(6,524,000)	(6,524,000)	(+380,000)	---
Current year request	---	---	---	---	---	---	---
Subtotal	6,144,000	6,524,000	6,524,000	6,524,000	6,524,000	+380,000	---
Advance appropriation, FY 2018	6,524,000	6,654,480	6,654,480	6,654,480	6,654,480	+130,480	---

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Medical facilities:							
Advance from prior year	(4,915,000)	(5,074,000)	(5,074,000)	(5,074,000)	(5,074,000)	(+159,000)	---
Current year request	105,132	649,000	---	495,100	247,668	+142,536	-401,332
Subtotal	5,020,132	5,723,000	5,074,000	5,569,100	5,321,668	+301,536	-401,332
Advance appropriation, FY 2018	5,074,000	5,434,880	5,434,880	5,434,880	5,434,880	+360,880	---
Medical and prosthetic research	630,735	663,366	663,366	675,366	675,366	+44,631	+12,000
Medical care cost recovery collections:							
Offsetting collections	-2,445,000	-2,637,000	-2,637,000	-2,637,000	-2,637,000	-192,000	---
Appropriations (indefinite)	2,445,000	2,637,000	2,637,000	2,637,000	2,637,000	+192,000	---
Subtotal	---	---	---	---	---	---	---
DoD-VA Joint Medical Funds (transfers out)	(-286,000)	(-274,731)	(-274,731)	(-274,731)	(-274,731)	(+11,269)	---
DoD-VA Joint Medical Funds (by transfer)	(286,000)	(274,731)	(274,731)	(274,731)	(274,731)	(-11,269)	---
DoD-VA Health Care Sharing Incentive Fund (Transfer out)	(-15,000)	(-15,000)	(-15,000)	(-15,000)	(-15,000)	---	---
DoD-VA Health Care Sharing Incentive Fund (by transfer)	(15,000)	(15,000)	(15,000)	(15,000)	(15,000)	---	---
Total, Veterans Health Administration	66,376,025	68,776,391	67,912,398	75,880,672	75,633,240	+9,257,215	+6,856,849
Appropriations	(3,105,025)	(2,391,359)	(1,527,366)	(9,495,640)	(9,248,208)	(+6,143,183)	(+6,856,849)
(By transfer)	(301,000)	(7,535,912)	(7,535,912)	(289,731)	(289,731)	(-11,269)	(-7,246,181)
Advance appropriations, FY 2018	(63,271,000)	(66,385,032)	(66,385,032)	(66,385,032)	(66,385,032)	(+3,114,032)	---

DIVISION A. MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Advances from prior year appropriations	(58,662,202)	(63,271,000)	(63,271,000)	(63,271,000)	(63,271,000)	(+4,608,798)	---
National Cemetery Administration							
National Cemetery Administration	271,220	286,193	271,220	286,193	286,193	+14,973	---
Departmental Administration							
General administration	336,659	417,959	316,159	417,959	345,391	+8,732	-72,568
Board of Veterans Appeals	109,884	156,096	156,096	156,096	156,096	+46,212	---
Information technology systems	4,133,363	4,278,259	4,225,869	4,278,259	4,278,259	+144,896	---
Office of Inspector General	136,766	160,106	160,106	160,106	160,106	+23,340	---
Construction, major projects	1,243,800	528,110	528,110	528,110	528,110	-715,690	---
Construction, minor projects	406,200	372,069	372,069	372,069	372,069	-34,131	---
Grants for construction of State extended care facilities	120,000	80,000	80,000	90,000	90,000	-30,000	+10,000
Grants for the construction of veterans cemeteries	46,000	45,000	45,000	45,000	45,000	-1,000	---
Total, Departmental Administration	6,532,672	6,037,599	5,883,409	6,047,599	5,975,031	-557,641	-62,568
Administrative Provisions							
Section 226 (FY16)							
Medical services	1,400,000	---	---	---	---	-1,400,000	---
(Rescission)	-1,400,000	---	---	---	---	+1,400,000	---

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Medical support and compliance	100,000	---	---	---	---	-100,000	---
(Rescission)	-100,000	---	---	---	---	+100,000	---
Medical facilities	250,000	---	---	---	---	-250,000	---
(Rescission)	-250,000	---	---	---	---	+250,000	---
JIF rescission (Sec. 235)	-30,000	---	-30,000	-52,000	-40,000	-10,000	-40,000
General rescission (Sec. 236)	---	---	-337,382	---	-169,000	-169,000	-169,000
General reduction (Sec. 237)	---	---	-46,618	---	-23,000	-23,000	-23,000
Medical Services (Sec. 217) (rescission)	---	---	---	-7,246,181	-7,246,181	-7,246,181	-7,246,181
Total. Administrative Provisions	-30,000	---	-414,000	-7,298,181	-7,478,181	-7,448,181	-7,478,181
Total, title II	269,795,679	182,079,388	180,600,988	181,925,488	181,425,488	-88,370,191	-653,900
Appropriations	(105,788,803)	(11,758,360)	(10,647,342)	(11,656,460)	(11,313,460)	(-94,475,343)	(-444,900)
Rescissions	(-1,780,000)	---	(-367,382)	(-52,000)	(-209,000)	(+1,571,000)	(-209,000)
(By transfer)	(301,000)	(7,535,912)	(7,535,912)	(289,731)	(289,731)	(-11,269)	(-7,246,181)
Advance Appropriations, FY 2018:							
Mandatory	(102,515,876)	(103,935,996)	(103,935,996)	(103,935,996)	(103,935,996)	(+1,420,120)	---
Discretionary	(63,271,000)	(66,385,032)	(66,385,032)	(66,385,032)	(66,385,032)	(+3,114,032)	---
Advances from prior year appropriations:							
Mandatory	---	(102,515,876)	(102,515,876)	(102,515,876)	(102,515,876)	(+102,515,876)	---
Discretionary	(58,662,202)	(63,271,000)	(63,271,000)	(63,271,000)	(63,271,000)	(+4,608,798)	---
(Limitation on direct loans)	(3,452)	(3,017)	(3,017)	(3,017)	(3,017)	(-435)	---
Discretionary	(76,023,741)	(78,126,787)	(76,648,387)	(77,972,887)	(77,472,887)	(+1,449,146)	(-653,900)

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Advances from prior year less FY 2018 advances	(-4,608,798)	(-3,114,032)	(-3,114,032)	(-3,114,032)	(-3,114,032)	(+1,494,766)	---
Net discretionary	(71,414,943)	(75,012,755)	(73,534,355)	(74,858,855)	(74,358,855)	(+2,943,912)	(-653,900)
Mandatory	(193,771,938)	(103,952,601)	(103,952,601)	(103,952,601)	(103,952,601)	(-89,819,337)	---
Advances from prior year less FY 2018 advances	(-102,515,876)	(-1,420,120)	(-1,420,120)	(-1,420,120)	(-1,420,120)	(+101,095,756)	---
Net mandatory	(91,256,062)	(102,532,481)	(102,532,481)	(102,532,481)	(102,532,481)	(+11,276,419)	---
Total mandatory and discretionary	162,671,005	177,545,236	176,066,836	177,391,336	176,891,336	+14,220,331	-653,900
TITLE III - RELATED AGENCIES							
American Battle Monuments Commission							
Salaries and expenses	105,100	75,100	75,100	75,100	75,100	-30,000	---
Foreign currency fluctuations account	2,000	---	---	---	---	-2,000	---
Total, American Battle Monuments Commission	107,100	75,100	75,100	75,100	75,100	-32,000	---
U.S. Court of Appeals for Veterans Claims							
Salaries and expenses	32,141	30,945	30,945	30,945	30,945	-1,196	---

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
Department of Defense - Civil							
Cemeterial Expenses, Army							
Salaries and expenses	79,516	70,800	70,800	70,800	70,800	-8,716	---
Armed Forces Retirement Home - Trust Fund							
Operation and maintenance	43,300	63,300	41,300	41,300	41,300	-2,000	-22,000
Capital program	1,000	1,000	1,000	1,000	1,000	---	---
Payment from General Fund	20,000	---	22,000	22,000	22,000	+2,000	+22,000
Total, Armed Forces Retirement Home	64,300	64,300	64,300	64,300	64,300	---	---
Total, title III	283,057	241,145	241,145	241,145	241,145	-41,912	---
TITLE IV - OVERSEAS CONTINGENCY OPERATIONS							
Overseas Contingency Operations							
Navy	---	38,409	38,409	---	38,409	+38,409	---
Air Force	---	11,440	11,440	---	11,440	+11,440	---
Subtotal	---	49,849	49,849	---	49,849	+49,849	---

DIVISION A, MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
European Reassurance Initiative							
Army	---	18,900	18,900	---	18,900	+18,900	---
Navy	---	21,400	21,400	---	21,400	+21,400	---
Air Force	---	68,300	68,300	---	68,280	+68,280	-20
Defense-Wide	---	5,000	5,000	---	5,000	+5,000	---
Subtotal	---	113,600	113,600	---	113,580	+113,580	-20
Counterterrorism Support							
Air Force	---	9,000	8,551	---	8,571	+8,571	-429
Total, title IV	---	172,449	172,000	---	172,000	+172,000	-449
Grand total	278,249,736	189,937,038	188,708,133	190,096,633	189,564,633	-88,685,103	-372,405
Appropriations	(114,614,680)	(19,443,561)	(18,751,712)	(20,027,228)	(19,588,267)	(-95,026,413)	(+144,706)
Rescissions	(-2,151,820)	---	(-536,607)	(-251,623)	(-516,662)	(+1,635,158)	(-516,662)
Advance appropriations, FY 2018	(165,786,876)	(170,321,028)	(170,321,028)	(170,321,028)	(170,321,028)	(+4,534,152)	---
Overseas contingency operations	---	(172,449)	(172,000)	---	(172,000)	(+172,000)	(-449)
Advances from prior year appropriations	(58,662,202)	(165,786,876)	(165,786,876)	(165,786,876)	(165,786,876)	(+107,124,674)	---

DIVISION A. MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017 (H.R. 4974, H.R. 2577)
(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	House	Senate	Conference Agreement	Conference vs Enacted	Conference vs Request
(By transfer)	(301,000)	(7,535,912)	(7,535,912)	(289,731)	(289,731)	(-11,269)	(-7,246,181)
(Transfer out)	(-301,000)	(-289,731)	(-289,731)	(-289,731)	(-289,731)	(+11,269)	---
(Limitation on direct loans)	(3,452)	(3,017)	(3,017)	(3,017)	(3,017)	(-435)	---

DIVISION B—ZIKA RESPONSE AND PREPAREDNESS APPROPRIATIONS

The conference agreement includes $1,108,094,000 in fiscal year 2016 appropriations for Zika response and preparedness. These funds will provide the Department of Health and Human Services and Department of State, and the U.S. Agency for International Development, with additional resources to combat the Zika virus. In addition, the conference agreement includes a rescission of $10,000,000 from unobligated balances of Ebola response and preparedness funds under Operating Expenses of the U.S. Agency for International Development.

Within the funds provided for Centers for Disease Control and Prevention (CDC), the conferees intend a robust level of funding to support mosquito control efforts conducted by State, county, or municipal programs, including mosquito control districts. CDC should consider the risk of active or local transmission of the Zika virus when allocating such funds. The conferees also encourage the Secretary to update the Healthcare Common Procedure Coding System to account for specific coding requirements and adequate reimbursement rates for Zika diagnostic tests recognized by the Food and Drug Administration.

A table displaying additional detail for the funding in division B follows.

DIVISION B: ZIKA RESPONSE AND PREPAREDNESS APPROPRIATIONS ACT, 2016
(Amounts in Thousands)

	FY 2016 Request	House	Senate	Conference	Conference vs. Request
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and Expenses (emergency)	10,000	---	---	---	-10,000
TITLE I					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Health Resources and Services Administration					
Primary Health Care (emergency)	---	---	40,000	---	---
Health Workforce (emergency)	---	---	6,000	---	---
Maternal and Child Health (emergency)	---	---	5,000	---	---
Total, Health Resources and Services	---	---	51,000	---	---

DIVISION B: ZIKA RESPONSE AND PREPAREDNESS APPROPRIATIONS ACT, 2016
(Amounts in Thousands)

	FY 2016 Request	House	Senate	Conference	Conference vs. Request
Centers for Disease Control and Prevention					
CDC-Wide Activities and Program Support	---	170,000	---	---	---
(emergency)	828,000	---	449,000	476,000	-352,000
Subtotal, CDC-Wide activities and programs	828,000	170,000	449,000	476,000	-352,000
National Institutes of Health					
National Institute of Allergy and Infectious Diseases (emergency)	130,000	230,000	200,000	230,000	+100,000
Office of the Secretary					
Public Health and Social Services Emergency Fund (emergency) 1/	295,000	103,000	150,000	227,000	-68,000

DIVISION B: ZIKA RESPONSE AND PREPAREDNESS APPROPRIATIONS ACT, 2016
(Amounts in Thousands)

	FY 2016 Request	House	Senate	Conference	Conference vs. Request
General Provisions					
Centers for Medicare and Medicaid Services: Emergency Increase in Territorial Medicaid FMAP (CBO estimate)2/	157,000	---	---	---	-157,000
Total, Title I	1,410,000	503,000	850,000	933,000	-477,000
TITLE II					
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and Consular Programs (emergency)	14,594	9,100	14,594	14,594	---
Emergencies in the Diplomatic and Consular Service (emergency)	4,000	---	4,000	4,000	---
Repatriation Loans Program Account, Direct loans subsidy (emergency)	1,000	---	1,000	1,000	---

DIVISION B: ZIKA RESPONSE AND PREPAREDNESS APPROPRIATIONS ACT, 2016
(Amounts in Thousands)

	FY 2016 Request	House	Senate	Conference	Conference vs. Request
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT					
Funds Appropriated to the President					
Operating Expenses, USAID (emergency)	10,000	10,000	10,000	10,000	---
BILATERAL ECONOMIC ASSISTANCE					
Funds Appropriated to the President					
Global Health Programs	---	100,000	---	---	---
(emergency)	325,000	---	211,000	145,500	-179,500
Subtotal, Global health programs	325,000	100,000	211,000	145,500	-179,500
International Security Assistance					
Nonproliferation, Anti-terrorism, Demining, and Related Programs (emergency)	8,000	---	4,000	---	-8,000
Multilateral Assistance					
International Organizations and Programs (emergency)	13,500	---	13,500	---	-13,500

DIVISION B: ZIKA RESPONSE AND PREPAREDNESS APPROPRIATIONS ACT, 2016
(Amounts in Thousands)

	FY 2016 Request	House	Senate	Conference	Conference vs. Request
General Provisions--This Title					
USAID Operating expenses (rescission) (emergency)	---	---	-10,000	-10,000	-10,000
Total, Title II	376,094	119,100	248,094	165,094	-211,000
GENERAL PROVISIONS - THIS ACT					
Unobligated balances (Public Law 113-235) (rescission) (emergency)	---	-352,100	---	---	---
Nonrecurring expenses fund unobligated balances (Public Law 110-161) (rescission)	---	-270,000	---	---	---
Total, General Provisions	---	-622,100	---	---	---
GRAND TOTAL	1,796,094	---	1,098,094	1,098,094	-698,000
Appropriations	---	(270,000)	---	---	---
Emergency appropriations	(1,796,094)	(352,100)	(1,108,094)	(1,108,094)	(-688,000)
Rescissions	---	(-622,100)	---	---	---
Rescissions of Emergency funding	---	(-352,100)	(-10,000)	(-10,000)	(-10,000)

1/ Includes $46M for Primary Health Services in Puerto Rico and other territories, of which $6M is used for the National Health Service Corps

2/ OMB estimate is $246M. FMAP is Federal Medical Assistance Percentage

DIVISION C—ZIKA VECTOR CONTROL ACT

The conference agreement includes the ''Zika Vector Control Act'' as division C.

DIVISION D—RESCISSIONS OF FUNDS

The conference agreement includes $750,000,000 in budgetary savings for fiscal year 2016, as follows:

- $543,000,000 are rescinded from amounts available under section 1323(c)(1) of the Patient Protection and Affordable Care Act;
- $100,000,000 are rescinded from the Nonrecurring expenses fund of the Department of Health and Human Services; and
- $107,000,000 are rescinded from the unobligated balances of Ebola response and preparedness funds under the Economic Support Fund heading.

HAROLD ROGERS,
TOM COLE,
KAY GRANGER,
CHARLES W. DENT,
JEFF FORTENBERRY,
THOMAS J. ROONEY,
MARTHA ROBY,
DAVID G. VALADAO,
Managers on the Part of the House.

THAD COCHRAN,
MARK KIRK,
MITCH MCCONNELL,
LISA MURKOWSKI,
JOHN HOEVEN,
SUSAN COLLINS,
JOHN BOOZMAN,
SHELLEY MOORE CAPITO,
ROY BLUNT,
LINDSEY GRAHAM,
Managers on the Part of the Senate.

DISAPPROVING DEPARTMENT OF LABOR RULE RELATED TO DEFINITION OF THE TERM ''FIDUCIARY''—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. Pursuant to the order of the House of June 8, 2016, the unfinished business is the further consideration of the veto message of the President on joint resolution (H.J. Res. 88) disapproving the rule submitted by the Department of Labor relating to the definition of the term ''Fiduciary''.

The Clerk read the title of the joint resolution.

The SPEAKER. The question is, Will the House, on reconsideration, pass the joint resolution, the objections of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of June 8, 2016, at page 8124.)

The SPEAKER. The gentleman from Minnesota (Mr. KLINE) is recognized for 1 hour.

Mr. KLINE. Mr. Speaker, I urge my colleagues to stand with the American people today and protect access to affordable retirement advice by voting to override the President's veto.

I yield back the balance of my time, and I move the previous question.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KLINE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER. Pursuant to clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by a 5-minute vote on passing the joint resolution, the objections of the President to the contrary notwithstanding.

The vote was taken by electronic device, and there were—ayes 229, noes 175, answered ''present'' 2, not voting 28, as follows:

[Roll No. 337]

AYES—229

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Black
Blackburn
Blum
Bost
Boustany
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Massie
McCarthy
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—175

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sinema
Sires
Slaughter
Smith (WA)
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

ANSWERED ''PRESENT''—2

Blumenauer
Foster

NOT VOTING—28

Bishop (UT)
Brady (TX)
Clawson (FL)
Cuellar
Farr
Fattah
Fincher
Franks (AZ)
Granger
Herrera Beutler
Joyce
Kirkpatrick
Love
Marino
McCaul
Paulsen
Polis
Rogers (AL)
Sanchez, Loretta
Schrader
Sherman
Shimkus
Shuster
Speier
Takai
Walz
Westmoreland
Whitfield

□ 2221

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is, Will the House, on reconsideration, pass the joint resolution, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 180, not voting 15, as follows:

[Roll No. 338]

YEAS—239

Abraham	Graves (MO)	Palazzo
Aderholt	Griffith	Palmer
Allen	Grothman	Paulsen
Amash	Guinta	Pearce
Amodei	Guthrie	Perry
Babin	Hanna	Pittenger
Barletta	Hardy	Pitts
Barr	Harper	Poe (TX)
Barton	Harris	Poliquin
Benishek	Hartzler	Pompeo
Bilirakis	Heck (NV)	Posey
Bishop (MI)	Hensarling	Price, Tom
Bishop (UT)	Hice, Jody B.	Ratcliffe
Black	Hill	Reed
Blackburn	Holding	Reichert
Blum	Hudson	Renacci
Bost	Huelskamp	Ribble
Boustany	Huizenga (MI)	Rice (SC)
Brady (TX)	Hultgren	Rigell
Brat	Hunter	Roby
Bridenstine	Hurd (TX)	Roe (TN)
Brooks (AL)	Hurt (VA)	Rogers (AL)
Brooks (IN)	Issa	Rogers (KY)
Buchanan	Jenkins (KS)	Rohrabacher
Buck	Jenkins (WV)	Rokita
Bucshon	Johnson (OH)	Rooney (FL)
Burgess	Johnson, Sam	Ros-Lehtinen
Byrne	Jolly	Roskam
Calvert	Jones	Ross
Carter (GA)	Jordan	Rothfus
Carter (TX)	Joyce	Rouzer
Chabot	Katko	Royce
Chaffetz	Kelly (MS)	Russell
Coffman	Kelly (PA)	Salmon
Cole	King (IA)	Scalise
Collins (GA)	King (NY)	Schweikert
Collins (NY)	Kinzinger (IL)	Scott, Austin
Comstock	Kline	Sensenbrenner
Conaway	Knight	Sessions
Cook	Labrador	Shimkus
Costello (PA)	LaHood	Shuster
Cramer	LaMalfa	Simpson
Crawford	Lamborn	Smith (MO)
Crenshaw	Lance	Smith (NE)
Culberson	Latta	Smith (NJ)
Curbelo (FL)	LoBiondo	Smith (TX)
Davidson	Long	Stefanik
Davis, Rodney	Loudermilk	Stewart
Denham	Love	Stivers
Dent	Lucas	Stutzman
DeSantis	Luetkemeyer	Thompson (PA)
DesJarlais	Lummis	Thornberry
Diaz-Balart	MacArthur	Tiberi
Dold	Marchant	Tipton
Donovan	Massie	Trott
Duffy	McCarthy	Turner
Duncan (SC)	McCaul	Upton
Duncan (TN)	McClintock	Valadao
Ellmers (NC)	McHenry	Wagner
Emmer (MN)	McKinley	Walberg
Farenthold	McMorris Rodgers	Walden
Fitzpatrick	McSally	Walker
Fleischmann	Meadows	Walorski
Fleming	Meehan	Walters, Mimi
Flores	Messer	Weber (TX)
Forbes	Mica	Webster (FL)
Fortenberry	Miller (FL)	Wenstrup
Foxx	Miller (MI)	Westerman
Franks (AZ)	Moolenaar	Williams
Frelinghuysen	Mooney (WV)	Wilson (SC)
Garrett	Mullin	Wittman
Gibbs	Mulvaney	Womack
Gibson	Murphy (PA)	Woodall
Gohmert	Neugebauer	Yoder
Goodlatte	Newhouse	Yoho
Gosar	Noem	Young (AK)
Gowdy	Nugent	Young (IA)
Granger	Nunes	Young (IN)
Graves (GA)	Olson	Zeldin
Graves (LA)		Zinke

NAYS—180

Adams	Ashford	Beatty
Aguilar	Bass	Becerra
Bera	Grayson	Neal
Bishop (GA)	Green, Al	Nolan
Blumenauer	Green, Gene	Norcross
Bonamici	Grijalva	O'Rourke
Boyle, Brendan F.	Gutiérrez	Pallone
Brady (PA)	Hahn	Pascrell
Brown (FL)	Hastings	Payne
Brownley (CA)	Heck (WA)	Pelosi
Bustos	Higgins	Perlmutter
Butterfield	Himes	Peters
Capps	Hinojosa	Peterson
Capuano	Honda	Pingree
Cárdenas	Hoyer	Pocan
Carney	Huffman	Price (NC)
Carson (IN)	Israel	Quigley
Cartwright	Jackson Lee	Rangel
Castor (FL)	Jeffries	Rice (NY)
Castro (TX)	Johnson (GA)	Richmond
Chu, Judy	Johnson, E. B.	Roybal-Allard
Cicilline	Kaptur	Ruiz
Clark (MA)	Keating	Ruppersberger
Clarke (NY)	Kelly (IL)	Rush
Clay	Kennedy	Ryan (OH)
Cleaver	Kildee	Sánchez, Linda T.
Clyburn	Kilmer	Sarbanes
Cohen	Kind	Schakowsky
Connolly	Kirkpatrick	Schiff
Conyers	Kuster	Schrader
Cooper	Langevin	Scott (VA)
Costa	Larsen (WA)	Scott, David
Courtney	Larson (CT)	Serrano
Crowley	Lawrence	Sewell (AL)
Cuellar	Lee	Sherman
Cummings	Levin	Sinema
Davis (CA)	Lewis	Sires
Davis, Danny	Lieu, Ted	Slaughter
DeFazio	Lipinski	Smith (WA)
DeGette	Loebsack	Swalwell (CA)
Delaney	Lofgren	Takano
DeLauro	Lowenthal	Thompson (CA)
DelBene	Lowey	Thompson (MS)
DeSaulnier	Lujan Grisham (NM)	Titus
Deutch	Luján, Ben Ray (NM)	Tonko
Dingell	Lynch	Torres
Doggett	Maloney, Carolyn	Tsongas
Doyle, Michael F.	Maloney, Sean	Van Hollen
Duckworth	Matsui	Vargas
Edwards	McCollum	Veasey
Ellison	McDermott	Vela
Engel	McGovern	Velázquez
Eshoo	McNerney	Visclosky
Esty	Meeks	Wasserman Schultz
Foster	Meng	Waters, Maxine
Frankel (FL)	Moore	Watson Coleman
Fudge	Moulton	Welch
Gabbard	Murphy (FL)	Wilson (FL)
Gallego	Nadler	Yarmuth
Garamendi	Napolitano	
Graham		

NOT VOTING—15

Beyer	Herrera Beutler	Speier
Clawson (FL)	Marino	Takai
Farr	Polis	Walz
Fattah	Sanchez, Loretta	Westmoreland
Fincher	Sanford	Whitfield

□ 2230

So (two-thirds not being in the affirmative) the veto of the President was sustained and the joint resolution was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SANFORD. Mr. Speaker, in the confusion that marked this night, I did not hear the second vote (rollcall 338) and missed the vote. I would have voted "yes."

Stated against:

Mr. BEYER. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "no" on rollcall No. 338.

The SPEAKER pro tempore. The veto message and the joint resolution are referred to the Committee on Education and the Workforce.

The Clerk will notify the Senate of the action of the House.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 31 minutes p.m.), the House stood in recess.

□ 0058

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 12 o'clock and 58 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4768, SEPARATION OF POWERS RESTORATION ACT OF 2016; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JUNE 23, 2016, THROUGH JULY 4, 2016; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 114–641) on the resolution (H. Res. 796) providing for consideration of the bill (H.R. 4768) to amend title 5, United States Code, with respect to the judicial review of agency interpretations of statutory and regulatory provisions; providing for proceedings during the period from June 23, 2016, through July 4, 2016; and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2577, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JUNE 23, 2016, THROUGH JULY 4, 2016; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 114–642) on the resolution (H. Res. 797) providing for consideration of the conference report to accompany the bill (H.R. 2577) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; providing for proceedings during the period from June 23, 2016, through July 4, 2016; and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

HOUR OF MEETING ON THURSDAY, JUNE 23, 2016

Mr. SESSIONS. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Sessions moves that when the House adjourns on the legislative day of Wednesday, June 22, 2016, it adjourn to meet at 2:30 a.m. on Thursday, June 23, 2016.

The SPEAKER pro tempore. The motion is not debatable.

The question is on the motion offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 166, not voting 34, as follows:

[Roll No. 339]

AYES—234

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—166

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Davis (CA)
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Green, Al
Gutiérrez
Hahn
Hastings
Heck (WA)
Himes
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—34

Ashford
Bost
Clawson (FL)
Clay
Cummings
Davis, Danny
DeFazio
Fattah
Fincher
Grayson
Green, Gene
Grijalva
Herrera Beutler
Higgins
Hinojosa
Jones
Kirkpatrick
Lynch
Marino
McDermott
Miller (MI)
Pallone
Pitts
Polis
Sanchez, Loretta
Schrader
Speier
Takai
Thornberry
Vela
Walz
Westmoreland
Whitfield
Young (AK)

□ 0117

So the motion to fix next convening time was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 173, not voting 27, as follows:

[Roll No. 340]

AYES—234

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher

Rokita	Smith (MO)	Walorski
Rooney (FL)	Smith (NE)	Walters, Mimi
Ros-Lehtinen	Smith (NJ)	Weber (TX)
Roskam	Smith (TX)	Webster (FL)
Ross	Stefanik	Wenstrup
Rothfus	Stewart	Westerman
Rouzer	Stivers	Williams
Royce	Stutzman	Wilson (SC)
Russell	Thompson (PA)	Wittman
Salmon	Tiberi	Womack
Sanford	Tipton	Woodall
Scalise	Trott	Yoder
Schweikert	Turner	Yoho
Scott, Austin	Upton	Young (IA)
Sensenbrenner	Valadao	Young (IN)
Sessions	Wagner	Zeldin
Shimkus	Walberg	Zinke
Shuster	Walden	
Simpson	Walker	

NOES—173

Adams	Farr	Moulton
Aguilar	Foster	Murphy (FL)
Ashford	Frankel (FL)	Nadler
Bass	Fudge	Napolitano
Beatty	Gabbard	Neal
Becerra	Gallego	Nolan
Bera	Garamendi	Norcross
Beyer	Graham	O'Rourke
Bishop (GA)	Green, Al	Pascrell
Blumenauer	Green, Gene	Payne
Bonamici	Grijalva	Pelosi
Boyle, Brendan F.	Gutiérrez	Perlmutter
	Hahn	Peters
Brady (PA)	Hastings	Peterson
Brown (FL)	Heck (WA)	Pingree
Brownley (CA)	Himes	Pocan
Bustos	Honda	Price (NC)
Butterfield	Hoyer	Quigley
Capps	Huffman	Rangel
Capuano	Israel	Rice (NY)
Cárdenas	Jackson Lee	Richmond
Carney	Jeffries	Roybal-Allard
Carson (IN)	Johnson (GA)	Ruiz
Cartwright	Johnson, E. B.	Ruppersberger
Castor (FL)	Kaptur	Rush
Castro (TX)	Keating	Ryan (OH)
Chu, Judy	Kelly (IL)	Sánchez, Linda T.
Cicilline	Kennedy	
Clark (MA)	Kildee	Sarbanes
Clarke (NY)	Kilmer	Schakowsky
Cleaver	Kind	Schiff
Clyburn	Kuster	Scott (VA)
Cohen	Langevin	Scott, David
Connolly	Larsen (WA)	Serrano
Conyers	Larson (CT)	Sewell (AL)
Cooper	Lawrence	Sherman
Costa	Lee	Sinema
Courtney	Levin	Sires
Crowley	Lewis	Slaughter
Cuellar	Lieu, Ted	Smith (WA)
Cummings	Lipinski	Swalwell (CA)
Davis (CA)	Loebsack	Takano
DeFazio	Lofgren	Thompson (CA)
DeGette	Lowenthal	Thompson (MS)
Delaney	Lowey	Titus
DeLauro	Lujan Grisham (NM)	Tonko
DelBene		Torres
DeSaulnier	Luján, Ben Ray (NM)	Tsongas
Deutch		Van Hollen
Dingell	Lynch	Vargas
Doggett	Maloney, Carolyn	Veasey
Dold		Velázquez
Doyle, Michael F.	Maloney, Sean	Visclosky
	Matsui	Wasserman Schultz
Duckworth	McCollum	
Edwards	McGovern	Waters, Maxine
Ellison	McNerney	Watson Coleman
Engel	Meeks	Welch
Eshoo	Meng	Wilson (FL)
Esty	Moore	Yarmuth

NOT VOTING—27

Clawson (FL)	Jones	Schrader
Clay	Kirkpatrick	Speier
Davis, Danny	Marino	Takai
Fattah	McDermott	Thornberry
Fincher	Miller (MI)	Vela
Grayson	Pallone	Walz
Herrera Beutler	Pitts	Westmoreland
Higgins	Polis	Whitfield
Hinojosa	Sanchez, Loretta	Young (AK)

□ 0133

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 1 o'clock and 34 minutes a.m.), under its previous order, the House adjourned until today, Thursday, June 23, 2016, at 2:30 a.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, June 22, 2016.

Hon. PAUL D. RYAN,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Section 304(b)(3) of the Congressional Accountability Act (''CAA''), 2 U.S.C. §1384(b)(3), requires that, with regard to substantive regulations under the CAA, after the Board of Directors of the Office of Compliance (''Board'') has published a general notice of proposed rulemaking as required by subsection (b)(1), and received comments as required by subsection (b)(2), ''the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the *Congressional Record* on the first day on which both Houses are in session following such transmittal.''

The Board has adopted the regulations in the Notice of Adoption of Substantive Regulations and Transmittal for Congressional Approval which accompany this transmittal letter. The Board requests that the accompanying Notice be published in the House version of the *Congressional Record* on the first day on which both Houses are in session following receipt of this transmittal.

The Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, and therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

All inquiries regarding this notice should be addressed to Barbara J. Sapin, Executive Director of the Office of Compliance, Room LA–200, 110 2nd Street, SE, Washington, DC 20540; (202) 724–9250.

Sincerely,

BARBARA L. CAMENS,
Chair of the Board of Directors, Office of Compliance.

FROM THE BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE

NOTICE OF ADOPTION OF REGULATIONS AND TRANSMITTAL FOR CONGRESSIONAL APPROVAL

Modifications to the rights and protections under the Family and Medical Leave Act of 1993 (FMLA), Notice of Adoption of Regulations, as required by 2 U.S.C. §1384, Congressional Accountability Act of 1995, as amended (CAA).

Background

The purpose of this Notice is to announce adoption of modifications to the existing legislative branch FMLA substantive regulations under section 202 of the CAA (2 U.S.C. §1302 et seq.), which applies to covered employees the rights and protections of sections 101 through 105 of the FMLA (29 U.S.C. §§2611 through 2615), and such remedies as would be appropriate if awarded under paragraph (1) of section 107(a) of the FMLA (29 U.S.C. §2617(a)(1)). These modifications are necessary in order to bring previously approved existing legislative branch FMLA regulations (approved by Congress April 15, 1996) in line with current Department of Labor (DOL) regulations implementing recent statutory changes to the FMLA, 29 U.S.C. §2601 et seq.

What is the authority under the CAA for these adopted substantive regulations?

Section 202(a) of the CAA provides that the rights and protections established by sections 101 through 105, and remedies under section 107(a)(1) of the FMLA (29 U.S.C. §§2611–2615) shall apply to covered employees.

Section 202(d)(1) and (2) of the CAA require that the Office of Compliance (OOC) Board of Directors (the Board), pursuant to section 1384 of the CAA, issue regulations implementing the rights and protections of the FMLA and that those regulations shall be ''the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 202 of the CAA] except insofar as the Board may determine, for good cause shown . . . that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' The modifications to the regulations issued by the Board herein are all on matters for which section 202 of the CAA requires regulations to be issued.

Are there FMLA regulations currently in effect?

Yes. On January 22, 1996, the OOC Board adopted and submitted for publication in the Congressional Record the original FMLA final regulations implementing section 202 of the CAA, which applies certain rights and protections of the FMLA. On April 15, 1996, pursuant to section 304(c) of the CAA, the House and the Senate passed resolutions approving the final regulations. Specifically, the Senate passed S. Res. 242, providing for approval of the final regulations applicable to the Senate and the employees of the Senate; the House passed H. Res. 400 providing for approval of the final regulations applicable to the House and the employees of the House; and the House and the Senate passed S. Con. Res. 51, providing for approval of the final regulations applicable to employing offices and employees other than those offices and employees of the House and the Senate. Once approved by Congress, these regulations would supersede and replace the current substantive Board FMLA regulations from 1996.

What does the FMLA provide?

The FMLA entitles eligible employees of covered employers to take job-protected, unpaid leave, or to substitute appropriate accrued paid leave, for up to a total of 12 workweeks in a 12-month period: for the birth of the employee's son or daughter and to care for the newborn child; for the placement of a son or daughter with the employee for adoption or foster care; to care for the employee's spouse, parent, son, or daughter with a serious health condition; when the employee is unable to work due to the employee's own serious health condition; or for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (''qualifying exigency leave''). An eligible employee may also take up to 26 workweeks of FMLA leave during a ''single 12-month period'' to care for a covered servicemember with a serious injury or illness,

when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

FMLA leave may be taken in a block or, under certain circumstances, intermittently or on a reduced leave schedule basis. In addition to providing job-protected family and medical leave, employers must also maintain any preexisting group health plan coverage for an employee on FMLA-protected leave under the same conditions that would apply if the employee had not taken leave. 2 U.S.C. §1312(a)(1) (incorporating 29 U.S.C. §2614). Once the leave period is concluded, the employer is required to restore the employee to the same or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. *Id*. Under the FMLA statute, but not applicable to the legislative branch, if an employee believes that his or her FMLA rights have been violated, the employee may file a complaint with the DOL or file a private lawsuit in federal or state court.

Under the CAA, a covered employee of the legislative branch may initiate proceedings with the OOC and may be awarded damages if the employing office has violated the employee's FMLA rights. The employee is entitled to reimbursement for any monetary loss incurred, equitable relief as appropriate, interest, attorneys' fees, expert witness fees, and court costs. Liquidated damages also may be awarded. *See* 29 U.S.C. §2617.

What changes do the proposed amendments make?

First, these regulations add the military leave provisions of the FMLA enacted under the National Defense Authorization Acts (NDAA) for Fiscal Years 2008 and 2010 (Pub. L. 110–181, Div. A, Title V §§585(a)(2), (3)(A)–(D) and Pub. L. 111–84, Div. A, Title V §565(a)(1)(B) and (4), which: extend the availability of FMLA leave to family members of the Regular Armed Forces for qualifying exigencies arising out of a servicemember's deployment; define those deployments covered under these provisions; extend FMLA military caregiver leave for family members of current servicemembers to include an injury or illness that existed prior to service and was aggravated in the line of duty on active duty; and extend FMLA military caregiver leave to family members of certain veterans with serious injuries or illnesses. These regulations also set forth the revised definition of ''spouse'' under the FMLA in light of the DOL's February 25, 2015 Final Rule on the definition of spouse, and the United States Supreme Court's decision in *Obergefell, et al., v. Hodges*, **No. 14–556**, 135 S. Ct. 2584 **(2015)**, which requires a state to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state.

Why are these changes to the FMLA regulations necessary?

The CAA requires that the FMLA regulations applicable to the legislative branch and promulgated by the Board be the same as substantive regulations issued by the Secretary of Labor, unless good cause is shown that a modification would be more effective for the implementation of the rights and protections under the section. 2 U.S.C. §1312(d)(2).

On March 8, 2013, the DOL issued its Final Rule implementing its amended FMLA regulations (77 FR 8962), which provide for military caregiver leave for a veteran, qualifying exigency leave for parental care, and special leave calculations for flight crew employees. The Board is required pursuant to the CAA to amend its regulations to achieve parity, unless there is good cause shown to deviate from the DOL's regulations.

In addition, the FMLA amendments providing additional rights and protections for servicemembers and their families were enacted into law by the NDAA for Fiscal Years 2008 and 2010. The Congressional committee reports that accompany the NDAA for Fiscal Years 2008 and 2010 and the amended FMLA provisions do not ''describe the manner in which the provision of the bill [relating to terms and conditions of employment] . . . apply to the legislative branch'' or ''include a statement of the reasons the provision does not apply [to the legislative branch]'' (in the case of a provision not applicable to the legislative branch) as required by Section 102(b)(3) of the CAA. 2 U.S.C. §1302(3); House Committee on Armed Services, H. Rpt. 110–146 (May 11, 2007), H. Rpt. 111–166 (June 18, 2009). Consequently, when the FMLA was amended to add these additional rights and protections, it was not clear whether Congress intended that these additional rights and protections apply in the legislative branch.[1]

Several commenters expressed the opinion that when a statutory provision of the FMLA that has generally been incorporated into the CAA is amended, the provision applies as amended unless a provision of the CAA precludes its application. However, there is no clear provision in the CAA that so provides.

To the extent that there may be an ambiguity regarding the applicability to the legislative branch of the 2008 and 2010 FMLA amendments, the Board makes clear through these regulations that the rights and protections for military servicemembers apply in the legislative branch and that protections under the CAA are in line with existing public and private sector protections under the FMLA.[2] Accordingly, the Board recommends that Congress use its rulemaking authority to clarify that the rights and protections for legislative branch servicemembers and their families have been expanded in a manner consistent with the 2008 and 2010 amendments to the FMLA.

What do the military family leave provisions provide?

Section 585(a) of the NDAA for Fiscal Year 2008 amends the FMLA to provide leave to eligible employees of covered employers to care for injured servicemembers and for any qualifying exigency arising out of the fact that a covered family member is on active duty or has been notified of an impending call to active duty status in support of a contingency operation (collectively referred to herein as ''military family leave''). The provisions of this amendment providing FMLA leave to care for a covered servicemember became effective when the law was enacted on January 28, 2008. The provisions of this amendment providing for FMLA leave due to a qualifying exigency arising out of a covered family member's active duty (or call to active duty) status were effective on January 16, 2009.

Section 565(a) of the NDAA for Fiscal Year 2010, enacted on October 28, 2009, amends the military family leave provisions of the FMLA. Pub. Law 111–84. The Fiscal Year 2010 NDAA expands the availability of qualifying exigency leave and military caregiver leave. Qualifying exigency leave, which was made available to family members of the National Guard and Reserve components under the Fiscal Year 2008 NDAA, is expanded to include family members of the Regular Armed Forces. The entitlement to qualifying exigency leave is expanded by substituting the term ''covered active duty'' for ''active duty'' and defining covered active duty for a member of the Regular Armed Forces as ''duty during the deployment of the member with the Armed Forces to a foreign country'' and for a member of the Reserve components of the Armed Forces as ''duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.'' 29 U.S.C. §2611(14). Prior to the Fiscal Year 2010 NDAA amendments, there was no requirement that members of the National Guard and Reserves be deployed to a foreign country.

The Fiscal Year 2010 NDAA amendments expand the definition of a ''serious injury or illness'' for military caregiver leave for current members of the Armed Forces to include an injury or illness that existed prior to service and was aggravated in the line of duty on active duty. 29 U.S.C. §2611(18)(A). These amendments also expand the military caregiver leave provisions of the FMLA to allow family members to take military caregiver leave to care for certain veterans. The definition of a ''covered servicemember,'' which is the term the Act uses to indicate the group of military members for whom military caregiver leave may be taken, is broadened to include a veteran with a serious injury or illness who is receiving medical treatment, recuperation, or therapy, if the veteran was a member of the Armed Forces at any time during the period of five years preceding the date of the medical treatment, recuperation, or therapy. 29 U.S.C. §2611(15)(B). The amendments define a serious injury or illness for a veteran as a ''qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.'' 29 U.S.C. §2611(18)(B).

What is the effect of amending the definition of "spouse"?

In its Notice of Proposed Rulemaking, the Board modified its definition of spouse and invited comment regarding whether it should adopt the DOL's current definition of spouse or revise the definition of spouse with its newly drafted definition.

All commenters suggested the Board adopt the DOL definition of ''spouse'' as announced

[1] In contrast, the committee report accompanying the bill containing the ADA Amendments Act of 2008 complied with section 102(b)(3) of the CAA and contained a provision that indicated an intent to apply the ADA Amendments to the legislative branch. Committee on Education and Labor, H. Rpt. 110–730 § VII (June 23, 2008).

[2] An approved regulation can require employing offices to provide the additional rights and protections for servicemembers and their families added to the FMLA since 1996. This is because, unlike executive branch agencies, the rulemaking power of the Board (after Congressional approval) is ''an exercise of the rulemaking power of the House of Representatives and the Senate'' under the Constitution. 2 U.S.C. §1431(1). The rulemaking power of Congress under the Constitution, U.S. Const. Art. 1, §5, cl. 2, is a ''broad grant of authority'' that allows each house of Congress to determine its own internal rules bounded only by ''constitutional restraints and fundamental rights.'' *Consumers Union of U.S., Inc. v. Periodical Correspondents' Ass'n*, 515 F.2d 1341, 1343 (D.C. Cir. 1975); *United States v. Ballin*, 144 U.S. 1,5 (1892).

in the DOL's Final Rule for 29 C.F.R. §825 dated February 25, 2015 (one suggesting it be only slightly modified to include a reference to *federal law*), because the Supreme Court's decision in *Obergefell v. Hodges* does not invalidate the DOL's definition of spouse, and the Board has not shown good cause to modify the DOL's definition. *See* 2 U.S.C. §1312(d)(2).

The Board has determined that no good cause has been shown to modify the definition of spouse found in the DOL's current regulations and, therefore, adopts the DOL definition.

Minor editorial changes have been made to sections 825.120, 825.121, 825.122, 825.127, 825.201 and 825.202 to make gender neutral references to husbands and wives, and mothers and fathers where appropriate so that they apply equally to opposite-sex and same-sex spouses. The Board uses the terms ''spouses'' and ''parents,'' as appropriate, in these regulations. These editorial changes do not change the availability of FMLA leave, but simply clarify its availability for all eligible employees who are legally married.

Procedural Summary

How are substantive regulations proposed and approved under the CAA?

Pursuant to section 304 of the CAA, 2 U.S.C. §1384, the procedure for proposing and approving substantive regulations provides that:

(1) the Board of Directors proposes substantive regulations and publishes a general notice of proposed rulemaking in the Congressional Record;

(2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking;

(3) after consideration of comments by the Board of Directors, the Board adopts regulations and transmits notice of such action (together with the regulations and a recommendation regarding the method for Congressional approval of the regulations) to the Speaker of the House and President Pro Tempore of the Senate for publication in the Congressional Record;

(4) the adopted regulations are referred to committees for action by resolution in each chamber by concurrent resolution, or by joint resolution; and

(5) approved regulations are then published in the Congressional Record, with an effective date.

This Notice of Adoption of Regulations is step (3) of the outline set forth above. For more detail, please reference the text of 2 U.S.C. §1384.

What is the approach taken by these adopted substantive regulations?

The Board will follow the procedures as enumerated above and as required by statute. The Board has reviewed and responded to the comments received under step (2) of the outline above, and made changes where necessary to ensure that the adopted regulations fully implement section 202 of the CAA, and reflect the practices and policies particular to the legislative branch.

Are there substantive differences in the adopted regulations for the House of Representatives, the Senate, and other employing offices?

No. The Board of Directors has adopted one set of regulations for all employing offices. The House suggested that separate regulations be adopted by the Board because of its ''unique administrative structures.'' For the reasons stated in this Notice, the Board finds no reason to vary the text of the regulations. Therefore, if these regulations are approved as adopted, there will be one text applicable to all employing offices and covered employees. *See* 2 U.S.C. §1331(e)(2).

Are these adopted regulations also recommended by the Office of Compliance's Executive Director, the Deputy Executive Director for the Senate, and the Deputy Executive Director for the House of Representatives?

Yes. As required by section 304(b)(1) of the CAA, 2 U.S.C. §1384(b)(1), the substance of these regulations is also recommended by the Executive Director, the Deputy Executive Director for the Senate, and the Deputy Executive Director for the House of Representatives.

What are the next steps in the process of promulgation of these regulations?

Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to recommend to Congress a method of approval for these regulations. As the Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, it therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

Are these adopted substantive regulations available to persons with disabilities in an alternate format?

Yes. This Notice of Adopted Regulations and the substantive regulations are available on the OOC's web site, www.compliance.gov, which is compliant with section 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794(d). This Notice can also be made available in large print or Braille. Requests for this Notice in an alternative format should be made to: Alexandria Sabatini, Administrative Assistant, Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, D.C. 20540; 202–724–9250; FAX: 202–426–1913.

Am I allowed to view copies of comments submitted by others?

Yes. Copies of submitted comments are available for review on the OOC's web site at www.compliance.gov, and at the Office of Compliance, 110 Second Street, S.E., Washington, D.C. 20540–1999, on Monday through Friday (non-federal holidays) between the hours of 9:30 a.m. and 4:30 p.m.

Summary

The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA, as amended, applies the rights and protections of thirteen federal labor and employment statutes to covered employees and employing offices within the legislative branch of the federal government. Section 202 of the CAA applies to employees covered by the CAA, the rights and protections established by sections 101 through 105 of the Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. §§2611—2615. The above provisions of section 202 became effective on January 1, 1997. 2 U.S.C. §1312.

The Board of Directors of the Office of Compliance is now publishing its adopted amended regulations to implement section 202 of the CAA, 2 U.S.C. §§1301–1438, as applied to covered employees of the House of Representatives, the Senate, and certain Congressional instrumentalities listed below.

The purpose of these amended regulations is to implement section 202 of the CAA. In this Notice of Adoption of Regulations, the Board adopts identical regulations for the Senate, the House of Representatives, and the seven Congressional instrumentalities. Accordingly:

(1) *Senate.* The amended regulations adopted in this Notice shall apply to entities within the Senate, as recommended by the OOC's Deputy Executive Director for the Senate.

(2) *House of Representatives.* The amended regulations adopted in this Notice shall apply to entities within the House of Representatives, as recommended by the OOC's Deputy Executive Director for the House of Representatives.

(3) *Certain Congressional instrumentalities.* The amended regulations in this Notice shall apply to the Office of Congressional Accessibility Services, the United States Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment; as recommended by the OOC's Executive Director.

Section-by-Section Discussion of Adopted Changes to the FMLA Regulations

The following is a section-by-section discussion of the adopted regulations. Where a change is made to a regulatory section, that section is discussed below. However, as the DOL has significantly reorganized its FMLA regulations, which the Board's adopted regulations mirror, many of the sections are moved into other areas of the subpart. The Board as a result will use the adopted section and numbers to provide explanation and analysis of changes. In addition, even if a section is not discussed, there may be minor editorial changes or corrections that do not warrant discussion.

In addition, several sections have been restructured and reorganized to improve the accessibility of the information (*e.g.*, guidance on leave for pregnancy and birth of a child is addressed in one consolidated section; an employing office's notice obligations are combined in one section).

Some commenters suggested that the Board modify the regulations where a commenter believed that clarification was needed to resolve potential ambiguities in the DOL regulation. However, the Board has long held that it will not opine on interpretive ambiguities in the regulations—outside of the adjudicatory context of individual cases. The Board's rulemaking authority under the CAA is restricted to circumstances where there is ''good cause'' to depart from the Secretary of Labor's substantive regulations. Further, the Board's adjudicatory function would be undermined if it prejudged ambiguous or disputed interpretive matters. Therefore, the Board does not find ''good cause'' to modify a regulation where the request is based on an ostensible need for clarification.

Section by Section Discussion and Board Consideration of Comments

SUBPART A—COVERAGE UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CAA

To clarify that the CAA and not the FMLA applies directly to employing offices, the Board has added ''as made applicable by the CAA'' to the section title at the suggestion of one commenter.

A commenter suggested that the Board clarify that these regulations supersede and replace the Board's substantive regulations currently applicable to the covered legislative branch entities. To resolve any uncertainty, if approved by Congress, these regulations would necessarily supersede and replace the current substantive Board FMLA regulations.

Section 825.100 The Family and Medical Leave Act.

825.100(a)

This section allows eligible employees to take FMLA leave for reasons including a qualifying exigency '' . . . arising out of the fact that the employee's spouse, son, daughter, or parent . . . is on call to active duty status.'' One commenter requested the Board add an ''*ed*'' to the word ''call'' for clarity—so that the phrase would read: '' . . . arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on active duty or call*ed* to covered active duty status . . . '' The Board finds that the ''call to covered active duty status'' is a status term appearing in the DOL's regulations, and finds no good cause to modify DOL's terminology.

825.100(b)

In the proposed regulations, the Board italicized a reference to the House of Representatives. A commenter suggested making consistent the House and instrumentalities' versions of these regulations with the Senate version. Because there is only one version of these regulations, the italicized and parenthetical language that references separate entities has been deleted from these adopted regulations.

Section 825.102 Definitions.

The Board finds good cause to depart from the DOL regulations with respect to some definitions. As discussed above, the Board clarifies that the CAA and not the ADA applies directly to employing offices by adding ''as made applicable by the CAA'' to the definition of ADA.

In addition, the term ''Act'' as defined in the DOL regulations and referred to in the FMLA can be confused with the Congressional Accountability Act (CAA). Accordingly, the definition of ''Act'' is excluded from the Board's regulations. To avoid any confusion, the definition for ''Administrator'' in the DOL regulations has been deleted. Similarly, as there is no airline flight crew covered under the CAA, the definition of and all references to ''airline flight crew employee'' has been deleted in the Board's regulations.

Because the DOL definitions of ''commerce and industry or activity affecting commerce'' and ''applicable monthly guarantee'' involve concepts that do not apply to employing offices covered by the CAA, the Board finds good cause to exclude these definitions from the regulations.

One commenter suggested, as a general observation, that several definitions conflict with the statutory definitions of the FMLA (29 U.S.C. §2611) and the CAA (2 U.S.C. §1312). The Board responds to the comment by addressing the definitions as they appear in the provisions.

''Covered active duty or call to covered active duty status''

One commenter suggested that the regulatory definition improperly expands the coverage of ''Covered active duty'' and suggested the Board seek a statutory correction to 2 U.S.C. §2611 or 2 U.S.C. §1312 if an expanded definition is intended. The Board finds that its regulation is consistent with DOL's regulation which was intended to expand such coverage under the FMLA in line with the military leave provisions of the FMLA enacted under the National Defense Authorization Acts (NDAA), and therefore does not find good cause to modify its regulation.

''Covered employee''

One commenter suggested that the definition of ''Covered employee'' does not need to be included in these regulations because that term is defined in 2 U.S.C. §1302(3)–(10) of the CAA. The Board finds no good cause to modify the regulation, and includes the definition of ''Covered employee'' in its regulations.

''Covered servicemember''

One commenter stated that the regulatory definition is inconsistent with the definition in 2[sic] U.S.C. §2611 (15), and suggested deleting the definition. The Board finds that the proposed definition of ''Covered servicemember'' is consistent with the DOL's regulation and that no good cause has been shown to modify the DOL's regulation.

''Covered veteran''

One commenter claimed that the regulatory definition is inconsistent with the statutory definition in 2[sic] U.S.C. §2611 (15) and (19), and suggested deletion. The Board finds that the definition of ''Covered veteran'' is consistent with the DOL's regulation and that no good cause to modify the DOL's regulation has been shown.

''Eligible employee''

A commenter noted that the definition of ''Eligible employee'' in the Board's regulations is different than the statutory definition of ''Eligible employee'' under section 202(a)(2)(B), but made no recommendation. Because the DOL's definition of ''Eligible employee'' (paragraphs ii(3)(4)(5)(6)(7) in section 825.102) is not consistent with the definition of ''Eligible employee'' in CAA section 202(a)(2)(B), the Board finds good cause to keep the definition of ''Eligible employee'' that is used in the current version of the OOC FMLA regulations and to delete the definition as it appears in the DOL regulation.

''Employee''

One commenter suggested that this definition need not be included in the FMLA regulations because it is already covered in 2 U.S.C. §1301 of the CAA. The Board finds that no good cause has been provided to modify the regulation, and includes the definition of ''Employee'' in its regulations.

''Employee employed in an instructional capacity''

One commenter suggested that reference to teachers should be deleted from the regulations because the commenter does not currently employ teachers. The Board finds that this section may be relevant to other employing offices now or in the future, and therefore finds no good cause to delete the definition.

''Employee of the House of Representatives''

One commenter suggested correcting the definition of ''Employee of the House of Representatives'' to state that it does not include any individual employed in subparagraphs 2–9 in the definition of covered employee above. The Board is following the language of the statute (*see* 2 U.S.C. §1301(7)) and finds no good cause to modify this provision.

''Employee of the Senate''

One commenter suggested that the definition of ''Employee of the Senate'' should be corrected to include ''but not any individual employed by any entity listed in subparagraphs 1, or 3–9. The Board is following the language of the statute (*see* 2 U.S.C. §1301(8)) and finds no good cause to modify this provision.

''Employing office''

One commenter suggested that the definition of ''Employing office'' does not need to be included in these regulations because this definition is already covered in 2 U.S.C. §1301 of the CAA. The Board finds good cause to keep the definition—modified to the extent that it reflects the unique definition of ''Employing office'' under the CAA.

''Employment benefits''

One commenter suggested deleting this regulatory definition because it is similar but not the same as the statutory definition found in 2[sic] U.S.C. §2611(5). The Board finds that the definition of ''Employment benefits'' is consistent with the DOL's regulation, and that no good cause has been shown to modify the DOL's regulation.

''FLSA'' means the Fair Labor Standards Act (29 U.S.C. §201 *et seq.*), as made applicable by the Congressional Accountability Act. To clarify that the CAA and not the FLSA applies directly to employing offices, the Board has added ''as made applicable by the CAA'' to the section title, at the suggestion of a commenter.

''FMLA'' means the Family and Medical Leave Act of 1993, Public Law 103–3 (February 5, 1993), 107 Stat. 6 (29 U.S.C. §2601 *et seq.*, as amended), as made applicable by the Congressional Accountability Act. To clarify that the CAA and not the FMLA applies directly to employing offices, the Board has added ''as made applicable by the CAA'' to the section title, at the suggestion of a commenter.

''Health care provider''

In the paragraphs defining ''Health care provider,'' to avoid confusion, the Board is substituting ''the Secretary'' with ''the Department of Labor.'' Thus, the Board's FMLA regulations define ''Health care provider'' as ''any other person determined by the Department of Labor to be capable of providing health care services.''

One commenter suggested that in the definition ''any other person . . . capable of providing healthcare services . . .'' is overly broad. The Board's definition of ''Health care provider'' is consistent with the DOL's regulation and good cause has not been shown to modify the DOL's regulation.

''Outpatient status''

One commenter claimed the definition of ''Outpatient status'' is different than the statutory definition in 29 U.S.C. §2611(16) and suggested that the Board use the statutory definition. The Board finds that the definition of ''Outpatient status'' in its regulations is consistent with the DOL's regulations and that no good cause has been shown to modify the DOL's regulations.

''Physical or mental disability''

Under the paragraph defining ''physical or mental disability,'' the Board has replaced the language from the DOL regulations indicating that 29 CFR part 1630, issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. §12101 *et seq.*, as amended, ''*defines*'' these terms, and states instead that regulations issued by the EEOC ''*provide guidance to*'' these terms.'' (Italics added).

Because the terms ''Person'' and ''Public agency'' are not applicable to employing offices covered by the CAA, the Board has also found good cause to exclude these DOL definitions from its proposed regulations.

''Spouse''

The Board had proposed to adopt the following definition of ''Spouse'' that is not the same as the DOL definition:

Spouse means a husband or wife. For purposes of this definition, husband or wife refers to all individuals in lawfully recognized marriages. This definition includes an individual in a same-sex marriage. This definition also includes an individual in a common law marriage that either: (1) was entered into in a State that recognizes such marriages or, (2) if entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

Commenters suggested that the Board adopt the DOL's definition of spouse noting that the Supreme Court's decision in *Obergefell* v. *Hodges*, does not invalidate the DOL's definition. In addition, one commenter suggested that the Board's proposed definition is inconsistent with the statutory definition (''spouse'' means a husband or wife, as the case may be) and the DOL's regulations. Another commenter suggested that the Board's proposed definition does not include a requirement that a valid marriage between participants of any sex is defined by reference to state law. Finding that no good cause has been shown to modify the current definition of spouse found in the DOL's regulations, the Board adopts the DOL definition.

Section 825.104 Covered employing offices.

Three commenters suggested that section 825.104(c) should be deleted because the integrated employer concept does not apply in the context of the CAA. Under the integrated employer test, separate entities of a private sector employer will be regarded as a single employer based on an evaluation of such factors as common management, interrelation between operations, centralized control of labor relations, and degree of common ownership/financial control. *See* 29 C.F.R. §825.104(c)(2). If the integrated employer test is met, all entities in question will be considered one employer, for purposes of counting employees. Under the FMLA, private sector employees engaged in commerce or an industry affecting commerce are covered if 50 or more employees are employed in at least 20 or more calendar workweeks. Under the CAA, however, there is no such numerosity requirement; the CAA covers all employing offices regardless of the number of employees. The integrated employer concept therefore is inapplicable. Based on the foregoing, the Board agrees that the integrated employer concept does not currently apply to the legislative branch covered employing offices and has deleted section 825.104(c) from its adopted regulations.

Section 825.106 Joint employer coverage.

As joint employment relationships are treated differently under the CAA than by the DOL, the Board finds good cause to keep the language in the current OOC regulations in paragraphs (b) through (e) of this section. Also, as it is not applicable under the CAA, the Board finds good cause to exclude from its definitions language relating to Professional Employer Organizations (PEOs) as joint employers. As the DOL has noted, PEOs contract with private small businesses to provide services that large businesses can afford, but that small businesses cannot afford, such as compliance with government standards, employer liability management, retirement benefits, and other employment benefits. Congress already provides these services for its employees.

Section 825.110 Eligible employees.

This section defines who may be eligible for FMLA leave. One commenter suggested that the provision is inconsistent with the statutory definition of ''Eligible employee'' under the CAA, and is thus ultra vires and should not be adopted. The Board finds that this provision is not inconsistent with the definition of ''Eligible employee'' under the CAA, and that it is in line with the expanded coverage under the FMLA, as applied by the CAA.

825.110(a)(1)

This section provides that ''An eligible employee is an employee of a covered employing office who: (1) Has been employed by any employing office for at least 12 months . . . '' One commenter stated that this section expands the definition of eligible employee found in section 825.102, and suggested that the language in section 825.110(a) be revised to read ''An eligible employee is a *covered employee* of an employing office who . . . '' (Italics added). The Board has made the language in the definition of eligible employee in section 825.110(a) consistent with the definition in section 825.102 and the CAA because the statute uses the terms ''Covered employee'' and ''Employing office.''

825.110(a)(3) and (e)

The Board finds good cause to exclude from its regulations the following language from the DOL regulations because it is not applicable to the CAA:

''(3) Is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite. (See section 825.105(b) regarding employees who work outside the U.S.) ''

Similarly, the Board finds good cause to exclude from these regulations the following paragraph:

''(e) Whether 50 employees are employed within 75 miles to ascertain an employee's eligibility for FMLA benefits is determined when the employee gives notice of the need for leave. Whether the leave is to be taken at one time or on an intermittent or reduced leave schedule basis, once an employee is determined eligible in response to that notice of the need for leave, the employee's eligibility is not affected by any subsequent change in the number of employees employed at or within 75 miles of the employee's worksite, for that specific notice of the need for leave. Similarly, an employer may not terminate employee leave that has already started if the employee-count drops below 50. For example, if an employer employs 60 employees in August, but expects that the number of employees will drop to 40 in December, the employer must grant FMLA benefits to an otherwise eligible employee who gives notice of the need for leave in August.''

825.110(b)(1)–(2)

The Board has determined that the use of the term ''any employing office'' clarifies that work in more than one employing office may be aggregated to determine eligibility.

825.110(c)(1)

Regarding the aggregation of hours where an employee works for more than one employing office, the Board proposed:

If an employee was employed by two or more employing offices, either sequentially or concurrently, the hours of service will be aggregated to determine whether the minimum of 1,250 hours has been reached.

Several commenters suggested that because section 825.110(c)(1) allows employees to aggregate their hours of work from sequential employing offices to meet the hours or months of service requirements to be eligible for FMLA leave, the Board must clarify that FMLA leave taken by an employee at a former employing office may count against FMLA leave entitlement at another employing office in the 12 month period. Section 825.208(f) of the OOC's 1996 regulations made it clear that a subsequent employing office may count FMLA leave taken with a prior employing office against a covered employee's current FMLA entitlement. As a general rule, the legislative branch allows for the aggregation of time whereas the private sector and the executive branch do not. One commenter suggested that the Board incorporate a paragraph (e) in this section that would read:

''(e) If, before beginning employment with an employing office, an employee had been employed by another employing office, the subsequent employing office may count against the employee's FMLA leave entitlement FMLA leave taken from the prior employing office.''

The Board finds good cause to add language clarifying that FMLA leave taken by an employee may count against FMLA leave entitlement at another employing office, see section 825.110(e).

825.110(c)(3)

One commenter mentioned that the second sentence of this section references ''a *person* reemployed following USERRA-covered service . . .'' (Italics added) and suggested changing the term ''person'' to ''covered employee.'' The Board has determined that language in this section is consistent with DOL regulations, and there is no good cause shown to modify the DOL regulations.

825.110(c)(4)

A commenter suggested that a parenthetical reference to the FLSA regulations should reference the OOC substantive regulations, rather than the DOL citation (i.e., OOC Regulations §§H541.1–H541.3). In addition, the commenter suggested that because the definition of ''teacher'' does not apply to any House entity, the Board should either simplify the clarifying ''example'' contained in this paragraph (e.g., removing the reference to the definition of teacher), or find another example that would be relevant to House employing offices. The Board has amended the proposed language to clarify that the FLSA is made applicable to the legislative branch by the CAA and its substantive regulations, but finds no reason to deviate from the example provided in the DOL regulation regarding this provision.

825.110(d)

One commenter suggested that the term ''worked'' is not defined, and suggests including ''met the hours or service requirement.'' The Board agrees that the term ''worked'' is not consistent with the DOL provision and has substituted the phrase ''meets the hours of service requirement'' in the section, as provided in the DOL regulations.

Section 825.112 Qualifying reasons for leave, general rule.

825.112(a)(5)

One commenter stated that the DOL limits ''qualifying exigency'' as determined by regulation of the Secretary (see 29 U.S.C. §2612(a)(1)(e)), and that the Board's proposed regulations do not place any such limitations. The commenter suggested that the Board define what is meant by any ''qualifying exigency.'' The Board has determined that no good cause has been shown to modify the DOL regulation.

Two commenters suggested adding ''duty'' in between ''covered active'' and ''status'' as shown above in section 825.112(a)(5). The Board has made the suggested change.

Section 825.114 Inpatient Care.

One commenter noted that ''any period of incapacity'' is defined as an ''inability to work'' but doesn't require medical verification. The commenter suggested adding after ''period of incapacity as defined in section 825.113(b) ''as verified by a medical certification in accordance with section 825.305'' to clarify. The Board finds no good cause to add the suggested language to the provision.

Section 825.115 Continuing Treatment.

825.115(a)(5)

The Board proposed to adopt unchanged the DOL's definitions of ''serious health condition'' and ''incapacity plus treatment.''

One commenter suggested that these definitions as written, while intending to exempt minor ailments from FMLA coverage as legislative history would require, could be argued to cover a three day absence from work combined with a visit to a doctor and round of antibiotics, or an otherwise minor ailment in contravention of the FMLA's intended coverage. The commenter requested that the Board increase the days of incapacity from three to five and further require two visits to a healthcare provider within 30 days of the incapacity to demonstrate ''continuing treatment,'' as opposed to also allowing one visit to a doctor coupled with ''a regimen of continuing treatment.'' (*See* §825.115) The commenter believed there to be good cause to change the DOL definitions because legislative branch offices offer generous paid time off and sick leave policies that would more appropriately cover the minor and nonchronic ailments that Congress recognized as outside the statutory protections of the FMLA. The Board finds that no good cause has been shown to deviate from the DOL definitions of ''serious health condition'' or ''incapacity plus treatment.''

Section 825.120 Leave for pregnancy or birth.

References in the DOL's regulations to state law in this section and other sections throughout the DOL's regulations have not been adopted by the Board because state law does not apply to the legislative branch.

Further, in this section and other sections throughout the DOL regulations, any references to spouses who are employed at two different worksites of an employer located more than 75 miles from each other have not been adopted by the Board because such scenarios are not applicable to the legislative branch.

Two commenters suggested deleting the following sentence from section 825.120(a)(3): ''Note, too, that many state pregnancy disability laws specify a period of disability either before or after the birth of a child; such periods would also be considered FMLA leave for a serious health condition of the birth mother, and would not be subject to the combined limit'' because state law does not apply to the legislative branch. Indeed, the commenter notes that the Board, in its preamble to the proposed regulations, agreed that the section should be deleted. If the reasoning for discussing ''state pregnancy disability laws'' is to underscore the point that the birth mother may suffer pre/post-birth medical complications that would not be subject to the combined limitation of FMLA leave for spouses, the language earlier in this section, as well as in the following section, (a)(4), clarifies that the serious health condition of the birth mother, either before or after the birth, would independently qualify for FMLA leave. Finally, removal of this language is consistent with the removal of similar references to state law in section 825.121(a)(2) (removing the DOL language that instructs the reader to ''*See* section 825.701 regarding non-FMLA leave which may be available under applicable State laws''). The Board finds good cause to delete this reference to state law, and has deleted the last sentence of section 825.120(a)(3) from its adopted regulations.

Section 825.121(b) Use of Intermittent and reduced schedule leave.

One commenter suggested that the reference to section 825.601 at the conclusion of this section regarding ''special rules applicable to instructional employees of schools'' is not applicable to House employing offices, and suggested deleting this language. The Board contemplates that if not currently applicable, the term may become applicable to an employing office, and finds that good cause to delete this language from its regulations has not been shown.

Section 825.122(b) Covered servicemember spouse.

Commenters noted that the definition of ''spouse'' contained in the proposed regulation deviates from the corresponding DOL regulation, and the Board has not shown good cause for such deviation. As noted previously, the Board hereby adopts DOL's current definition of spouse.

Section 825.122(d)(2) Physical or mental disability.

One commenter suggested replacing ''define these terms'' in section 825.122(d)(2) with ''provide guidance for these terms.'' As a basis, the commenter noted that the EEOC's ADA regulations do not define terms related to physical or mental disabilities but merely provide guidance in interpreting those terms. *See* 161 Cong. Rec. S6707. The Board finds good cause to deviate from DOL's language with regard to this provision, and replaces ''define these terms'' with ''provide guidance for these terms.''

Section 825.125(a)(2)–(3)

One commenter said that ''any other person'' is overly broad and expands the statutory definition in 2[sic] U.S.C. §2611(6), and suggested that the Board use the statutory definition with a clarification. The Board finds that its regulation mirrors the DOL's definition, and that no good cause to modify the regulation has been shown.

SUBPART B—EMPLOYEE LEAVE ENTITLEMENTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

Section 825.200 Amount of Leave.

825.200(a)(5)

One commenter suggested adding ''covered'' between ''order to'' and ''active duty'' in section 825.200(a)(5). The Board has made the suggested change.

825.200(h)

One commenter suggested that since the House no longer has a school, the example of a school closing two weeks for the Christmas/New Year Holiday or for a summer vacation is not helpful when discussing temporary cessation of business activities. The Board finds that no good cause has been shown to modify the DOL regulation.

Section 825.202 Intermittent leave or reduced leave schedule.

825.202(b)

One commenter requested additional guidance regarding the use of intermittent leave claiming the terms ''medical necessity'' and ''to provide care or psychological comfort to a covered family member with a serious health condition'' are too vague. As noted previously, the Board declines to modify DOL's regulations to resolve potential ambiguities.

825.202(d)

One commenter suggested that ''qualifying exigency'' be specifically defined (as discussed in section 825.112 above). The Board has determined that no good cause has been shown to modify the DOL regulation, and the Board will not modify DOL's regulations to resolve potential ambiguities.

Section 825.203 Scheduling of intermittent or reduced schedule leave.

825.203

One commenter suggested that section 825.203 addresses only situations where intermittent leave is ''medically necessary'' or ''because of a qualifying exigency'' and does not address the circumstances outlined in section 825.202. Further, the commenter suggests that the proposed regulation be rewritten to address each circumstance proposed in section 825.202, and to provide ''objective specific notice requirements an employee must provide to an employing office.'' The commenter also suggested that section 825.203 be rewritten to consider each of the factors enumerated in proposed regulation section 825.303, particularly section 303(c) ''Complying with Employing Office Policies,'' or minimally, that section 825.203 should have a 24 hour notice period requirement, absent exceptional circumstances, to ''avoid situations where an employee attempts to use intermittent leave to avoid working additional duty—placing supervisors in the position of questioning the need for leave and staffing the post.'' The Board has determined that no good cause has been shown to modify the current DOL regulation.

Section 825.205 Increments of FMLA leave for intermittent or reduced schedule leave.

825.205(a)(2)

One commenter suggested that the examples given that include reference to a flight attendant or a railroad conductor scheduled to work aboard an airplane or train, or a laboratory employee are not useful because there is no equivalent position available in the House of Representatives. The commenter suggested using examples that would occur in the House workplace. Also, given the statement in the definitions section of the Preamble that all references to ''airline flight crew employee'' have been deleted, the reference to ''flight attendant'' should be deleted because of the similarity between these descriptions. The examples given are for illustrative purposes only. The Board has determined that no good cause has been shown to modify the current DOL regulation.

Section 825.206 Interaction with the FLSA, as made applicable by the CAA.

Although the DOL amended its FMLA regulations to add computer employees to the list of exempt employees who do not lose their FLSA exempt status despite being provided unpaid FMLA leave, the Board finds good cause not to include ''computer employees'' to the list of employees who may qualify as exempt from the overtime and minimum wage requirements of the FLSA. The Board's September 29, 2004 Proposed Regulations implementing exemptions from the overtime pay requirements under the Fair Labor Standards Act of 1938 (FLSA) were never enacted into law, and so the existing OOC FLSA regulations do not include exemptions for computer employees. Therefore, the OOC's adopted FMLA regulations do not include these employees in this section.

One commenter suggested that the Board reference OOC's FLSA regulations concerning ''employees exempt under a salary and duties test'' rather than mention each category of employee subject to the exemption and specifically exclude computer employees. The Board has determined that there is good cause to modify the provision to exclude reference to DOL's specific categories of exemption because that reference conflicts with the Board's 1996 FLSA regulations.

825.206(c)

One commenter suggested that the Board delete ''such as leave in excess of 12 weeks in a year'' after ''for leave which is more generous than provided by the FMLA, as made applicable by the CAA.'' The Board has made the requested change making the Board's

regulation the same as the current DOL regulation.

Two commenters suggested that this section refers to ''. . . leave to care for a grandparent or for a medical condition which does not qualify as a serious health condition,'' but the language of the corresponding DOL regulation reads ''. . . leave to care for a grandparent or for a medical condition which does not qualify as a serious health condition *or serious injury or illness*'' (emphasis supplied). The commenters suggested that it is unclear why there is a variation between the language of the DOL regulations and the proposed amendments to the Board's regulations. One commenter noted that the April 19, 1996 FMLA regulations issued by the Board also inexplicably contain this variation in the language from the DOL regulations. Further, the broader description as stated in the DOL regulations more fully captures the scope of the definition of a ''serious health condition.'' The commenters suggested that the Board revise the language in this section to make it consistent with the DOL regulations. The Board has made the suggested change making the Board's regulation the same as the current DOL regulation.

Further, any references in this section and other sections throughout the DOL regulations which place limitations on an employee who works for an employing office with fewer than 50 employees have not been adopted by the Board because such limitations do not apply to the legislative branch. *See* 825.111.

Section 825.207 Substitution of paid leave.

825.207(a)

A commenter suggested that the phrase ''will remain entitled to all paid leave which is earned or accrued'' in section 825.207(b) is not clear when an employee takes unpaid leave. The commenter noted that many employing offices' policies do not permit paid leave to be earned or accrued when an employee takes unpaid leave, and suggested that the following language be added to section 825.207(a): ''If neither the employee nor the employing office elects to substitute paid leave for unpaid FMLA leave under the above conditions and circumstances, the employee will accrue leave in accordance with the employing offices[sic] stated policies.'' Section 825.207(a) and (b) reference the requirements of an employer's leave plan, and the Board finds no good cause to modify the regulation.

825.207(f)

Under the FLSA, an employing office always has the right to cash out an employee's FLSA compensatory time or to require the employee to use the time. Therefore, if an employee requests and is permitted to use accrued FLSA compensatory time to receive pay for time taken off for an FMLA reason, or if the employing office requires such use pursuant to the FLSA, the time taken may be counted against the employee's FMLA leave entitlement.

The Board sought comments from interested parties as to whether such a provision is appropriate for the legislative branch.

One commenter suggested that the proposed language is appropriate given the fact that there is no reason to treat compensatory time differently than paid annual or sick leave for purposes of substituting that time for unpaid FMLA leave.

One commenter suggested substituting ''as applied by §1313 of the Congressional Accountability Act'' for ''as made applicable by the CAA'' in section 825.207(f). The Board has determined that the current language sufficiently underscores the fact that the CAA, and not the FLSA, applies to employing offices.

A commenter suggested that under the proposed regulation, the payment of compensatory time is not clear because some employing offices provide compensatory time that is not covered/authorized under the FLSA, and suggested the regulation state ''FLSA'' prior to each reference to FLSA compensatory time. The commenter is correct that in some cases employing offices may grant ''time off awards'' or other nonmonetary entitlements to time away from the workplace that do not accrue under the FLSA. However, these grants of time do not necessarily entitle employees to pay, and may not be ''cashed out'' for wages as this section instructs. The section specifically covers an employee's use of accrued compensatory time that was earned in lieu of overtime pay ''under the FLSA,'' and the Board finds no good cause to modify the provision.

Section 825.209 Maintenance of employee benefits.

The Board has changed what it believes to be a typographical error in the DOL regulations and cross references this section with section 825.102 and not section 825.800 when referring to the definition of ''group health plan.''

Section 825.215 Equivalent position.

Any references from the DOL regulations in this section and other sections to the Employee Retirement Income Security Act (ERISA) have not been adopted by the Board because ERISA does not apply to the legislative branch.

Section 825.216 Limitations on employee's right to reinstatement.

This section clarifies that an employee has no greater employment rights than if the employee had been continually employed during the FMLA leave period. The Board questioned whether the following language in section 825.216(a)(3) of the DOL regulations applied to the legislative branch: ''On the other hand, if an employee was hired to perform work on a contract, and after that contract period the contract was awarded to another contractor, the successor contractor may be required to restore the employee if it is a successor employer. *See* section 825.107.''

The Board proposed that the OOC regulations contain the following language and requested comments from interested parties, especially with respect to caucus or committee employees: ''On the other hand, if an employee was hired to perform work for one employing office for a project for a specific time period, and after that time period has ended, the same employee was assigned to work at another employing office on the same project, the successor employing office may be required to restore the employee if it is a successor employing office.''

Two commenters suggested deleting section 825.216(a)(3) because it refers to the concept of successor liability, a concept they say is inapplicable, and cross-references §825.107 which has been ''reserved'' by the Board in these proposed regulations.

The concept of ''successor in interest'' is developed in section 825.107 of the Secretary of Labor's regulations. The regulations state that a determination of whether a ''successor in interest'' exists is determined by the ''entire circumstances * * * viewed in their totality.'' The regulation also states: ''The factors to be considered include: (1) Substantial continuity of the same business operations; (2) Use of the same plant; (3) Continuity of the work force; (4) Similarity of jobs and working conditions; (5) Similarity of supervisory personnel; (6) Similarity of machinery, equipment, and production methods; (7) Similarity of products or services; and (8) The ability of the predecessor to provide relief.'' Many of the factors listed above are inapplicable to the legislative branch. Thus, section 825.107 remains reserved in these regulations. However, situations may arise where the concept of successorship will be relevant. For example, if committee jurisdictions are restructured, it may be necessary to determine which, if any, of the surviving committees is the ''successor in interest'' to the former committee. Thus, determining the successor may be important in determining whether a remaining committee must grant leave for an eligible employee who provided adequate notice to the former committee, or must continue leave begun while an employee was employed by the former committee. Therefore, a determination as to successorship may yet be decided. As such, the Board finds no good cause to modify the DOL regulation, but has deleted the cross reference to section 825.107 because it is reserved in these regulations.

825.216(e)

This regulation prohibits an employing office that does not have a policy regarding outside income from denying benefits to which an employee is entitled under FMLA, unless fraudulently obtained. One commenter suggested that the Board's proposed language ignores the fact that there are statutory and ethics rules governing the outside employment of all House employees. *See, e.g.*, House Ethics Manual (2008 Ed.) 185–246. To address this issue, the commenter suggested that the Board amend the second sentence of this section to include the following italicized language:

''An employing office which does not have such a policy may not deny benefits to which an employee is entitled under FMLA, as made applicable by the CAA, on this basis unless the FMLA leave was fraudulently obtained as in paragraph (d) of this section *or the employee's outside or supplemental employment violates applicable law, regulation or House Rule.*''

The Board has determined that there is no good cause to modify the rule as suggested because the Board's proposed language is the same as the DOL regulation, and the term ''policy'' should be broad enough to include ''applicable law, regulation, or rule'' as it is applied to the employing offices, including the House, should there be such a rule.

Section 825.217 Key employee, general rule.

For the reasons already stated, the Board finds good cause to modify the DOL changes to section 825.217(b) which exempt computer employees from the minimum wage and overtime requirements of the FLSA. As the language in the FLSA is inconsistent with the 1996 OOC FLSA regulations, the Board believes that this exemption should not be included.

825.217(b)

One commenter believes the regulations should reference ''OOC's FLSA regulations concerning employees who are exempt under the salary and duties test'' instead of listing the exemption categories (professional, executive, administrative), and specifically excluding computer employees. As the salary and duties test is made applicable by the CAA, the Board finds good cause to delete the parenthetical list of exemptions as well as the superfluous ''end parentheses'' typographical error as suggested.

Section 825.220 Protection for employees who request leave or otherwise assert FMLA rights.

825.220(a)(2)

This section protects employees who exercise their rights under the law. One commenter suggested that section 825.220(a) is confusing and not consistent with 29 U.S.C. §2615, as adopted by the CAA, and stated that since section 825.220(a)(1–3) merely restates the law, they should be deleted as duplicative. In addition, by adding ''complaining about'' in section 825.220(2), a cause of action not otherwise available under the CAA is created. The Board has determined that no good cause has been shown to modify the DOL regulation, with two minor deviations (''person v. covered employee'' and ''covered employee v. eligible employee'') which are terms that are substituted to make the regulation consistent with the CAA terminology. While the term ''complaining'' is not found in section 207 of the CAA, it is the language used by the DOL in its anti-retaliation regulation (*See* 29 C.F.R. §825.220). Covered employees are covered by the anti-retaliation prohibition in both the CAA and the FMLA.

825.220(b)

Two commenters proposed removing the sentence ''An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. *See* section 825.400(c).'' One commenter suggested that the quoted language misstates the law as it applies to the CAA because an employing office could not be liable for compensation and benefits lost by reason of the violation and for other actual monetary losses sustained. See 29 U.S.C. §2617(a)(1)(A)(i). The commenter suggested that only one type of recovery is lawfully available, as an employee is entitled to either ''any wages, salary, employing benefits, or other compensation denied or lost to such employee by reason of the violation'' or when ''wages, salary, employing benefits, or other compensation have not been denied or lost to the employee, any actual monetary losses sustained by the employee as a direct result of the violation.'' In other words, an employee is not entitled to both compensation and other actual monetary losses sustained. Additionally, the commenter suggested removing the cross-reference to section 825.400(c) because it does not outline what remedies are available for violations of the FMLA, as made applicable by the CAA; rather, proposed regulation section 825.400(c) merely states where aggrieved covered employees can find the OOC's complaint procedures. Another commenter proposed removing subsection (b) because it is inconsistent with 2 U.S.C. §1361(d)(1) regarding exclusive procedures under the CAA, attempts to ''make applicable additional causes of action'' by use of the term ''manipulation,'' and expands ''the scope of rights . . . under the FMLA and the CAA.''

The Board finds that no good cause has been shown to modify or delete the DOL regulation because the CAA applies section 2617(a)(1)(A)(i) of the FMLA, and the Board's regulation is the same as the DOL regulation applying that section. While we recognize that the commenters' arguments may have merit, it would not be appropriate for the Board to make that determination as a part of its rulemaking authority under the CAA. The Board finds that it is appropriate to reserve section 825.220(b)(1) regarding numerosity.

With respect to a commenter's suggestion that the Board remove the cross-reference to section 825.400(c) in its proposed regulations because it does not outline what remedies are available for violations of the FMLA but merely states where an aggrieved covered employee can find the OOC's complaint procedures, the Board did revisit this section and add the DOL's remedies section 825.400(c) to its regulations, and moved the reference to its complaint procedures to subsection (d).

825.220(d)

Except for the paragraph related to settlements, as noted below, the Board proposed to adopt the DOL amendments with respect to this section. Section 825.220 provides protection for employees who request leave or otherwise assert FMLA rights and includes new language discussing remedies when an employing office interferes with an employee's rights under the FMLA. This section further clarifies that the prohibition against interference includes prohibitions against retaliation as well as discrimination. The Board finds that there is good cause to modify DOL's language in paragraph (d) of this section.

Sections 1414 and 1415 of the CAA govern awards and settlements made as a result of parties proceeding through an OOC process. While the Board recognizes that parties will now have the right to settle or release FMLA claims without the approval of the OOC or a court, parties seeking to release claims which were raised in an OOC process pursuant to CAA sections 1414 and 1415 must still comply with those provisions. Therefore, the Board proposed to insert the following language: ''Except for settlement agreements covered by sections 1414 and/or 1415 of the Congressional Accountability Act, this does not prevent the settlement or release of FMLA claims by employees based on past employing office conduct without the approval of the Office of Compliance or a court.''

One commenter noted that an employee's acceptance of a light duty assignment or right to restoration beyond the 12 month FMLA year may be terms of an approved settlement agreement, and ''should not be restricted in considering prospective rights in a settlement of an FMLA claim.'' The Board finds no good cause to modify the regulation.

One commenter agreed that the regulation should be amended to clarify that employing offices are permitted to settle FMLA claims without OOC or court approval unless the settlement agreement is covered by section 1414 or 1415 of the CAA. The commenter further suggested that the phrase ''based on past employing office conduct'' found in the third sentence of the section hints of presumptive inappropriate conduct by employing offices and that the phrase is unnecessary to achieve the goal of this sentence. The commenter suggested deleting it. The Board has determined that there is no good cause shown to modify the DOL regulation.

825.220(e)

Two commenters suggested that only ''covered employees'' and ''employees,'' as defined in sections 101(3) and (4) of the CAA, and not ''individuals,'' are protected by the CAA; therefore (e) should be deleted. The Board has determined that good cause has been shown to modify the DOL regulation and delete the term ''individuals'' from section 825.220(e). The 1996 Board regulations do not reference the term ''individuals.'' The term ''Individuals'' was added to the proposed regulations to be consistent with the DOL regulations. However, the Board wants to clarify that only ''covered employees,'' as defined by the CAA, are entitled to FMLA protection under the CAA.

SUBPART C—EMPLOYEE AND EMPLOYING OFFICE RIGHTS AND OBLIGATIONS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA.

Section 825.300 Employing office notice requirements.

The Board follows the DOL regulations insofar as they consolidate the employing office notice requirements from sections 825.300, 825.301, 825.110 and 825.208 into one comprehensive section addressing an employing office's notice obligations. However, the Board finds good cause not to adopt the DOL regulations in section 825.300(a) General notice, but instead to keep the requirements found in the current OOC regulations under section 825.301(a). The DOL regulations, at section 825.300(a), address the requirement that employing offices post a notice on employee rights and responsibilities under the law and the civil monetary penalty provision in the law for employing offices who willfully violate the posting requirement. In 1995, while developing the current FMLA regulations, the OOC Board determined that ''while the CAA incorporates certain specific sections of the FMLA, the CAA explicitly did not incorporate the notice posting and recordkeeping requirements of sections 106(b) and 109 of the FMLA. The CAA has not incorporated the notice posting and recordkeeping requirements of the FMLA, and the Board will not do so.'' As a result, we find no authority that would require employing offices covered under the CAA to provide notice postings of employees' FMLA rights in the workplace. *See* November 28, 1995 OOC Notice of Proposed Rulemaking S17628. As to the remainder of the paragraphs in this section, the Board finds no good cause to depart from the amendments adopted by the DOL.

The Board adopts section 825.300 regarding the eligibility notice (825.300(b)); the rights and responsibility notice (825.300(c)); the designation notice (825.300(d)); and the consequences of failing to provide notice (825.300(e)).

(b) *Eligibility notice.*

The Board adopts the DOL amendments with respect to this section. The Board also adopts the DOL regulations consolidating existing eligibility notice requirements in current sections 825.110 and 825.301 into one section, section 825.300(b) of the OOC regulations, to strengthen and clarify them. For example, section 825.300(b)(1) of the DOL regulations requires an employer to advise an employee of his or her eligibility status when the employee requests leave under the FMLA. The regulations extend the time frame for an employer to respond to an employee's request for FMLA leave from two business days to five business days. Further, the DOL regulations in section 825.300(b)(2) specify what information an employer must convey to an employee as to eligibility status. Analogous to the DOL's regulations, the Board adopts in its regulations that an employing office must provide reasons to an employee if he or she is not eligible for FMLA leave, as do the DOL regulations. The regulations limit that notification to any one of the potential reasons why an employee fails to meet the eligibility requirements.

One commenter supported the OOC's reorganization and consolidation of its notice

provisions to better align with DOL's regulations. In particular, the commenter welcomed the extension of time from 2 to 5 business days to provide an employee the required eligibility notice in response to the employee's request for FMLA leave.

Further, the OOC regulations require employing offices to include in the eligibility notice an explanation of conditions applicable to the use of paid leave that runs concurrently with unpaid FMLA leave. While this requirement is in the Board's 1996 regulations, it is expanded to require that employing offices also notify employees of their continuing entitlement to take unpaid FMLA leave if they do not comply with an employing office's required conditions for use of paid leave.

(c) *Rights and responsibilities notice.*

The Board is following the DOL regulations separating the notice of rights and responsibilities from the notice of eligibility. Accordingly, if the employee is eligible for FMLA leave, section 825.300(c) of the OOC regulations require the employing office to provide the employee with specific notice of his or her rights and obligations under the law and the consequences of failing to meet those obligations.

To simplify the timing of the notice of rights and responsibilities and to avoid unnecessary administrative burden on employing offices, section 825.300(c)(1) of the Board's regulations require employing offices to provide this notice to employees at the same time they provide the eligibility notice. Additionally, if the information in the notice of rights and responsibilities changes, section 825.300(c) requires the employing office to notify the employee of any changes within five business days of the first notice of the need for FMLA leave subsequent to any change. This timing requirement will ensure that employees receive timely notice of the expectations and obligations associated with their FMLA leave each leave year and also receive prompt notice of any change in those rights or responsibilities when leave is needed during the leave year.

In this section, employing offices are required to notify employees of the method used for establishing the 12-month period for FMLA entitlement, or, in the case of military caregiver leave, the start date of the ''single 12-month period.''

Employing offices are not, however, required to provide the certification form with the notice of rights and responsibilities. Notice of any changes in the rights and responsibilities notice must be provided within five business days of the first notice of an employee's need for leave subsequent to any change. Electronic distribution of the notice of rights and responsibilities is allowed, so long as the employing office can demonstrate that the employee (who may already be on leave and who may not have access to employing office-provided computers) has access to the information electronically.

825.300(b)(2)

Two commenters suggested deleting the sentence ''The employing office is obligated to translate this notice in any situation in which it is obligated to do so in 825.300(a)(4)'' because section 825.300(a)(4) does not exist in the regulations. The Board has made the suggested change because the referenced section does not exist in its regulations.

One commenter suggested that the OOC provide a Spanish language translation of its prototype forms and notices, as Spanish is the most widely spoken second language in the United States. The commenter suggested that because many Congressional employing offices do not have in-house capability to translate notices, uniform prototype notices in Spanish will encourage consistency and assist in compliance with the FMLA. The Board welcomes the suggestion, and will provide a Spanish language translation of its forms.

825.300(c)(ii)

One commenter suggested adding ''covered'' between ''qualifying exigency arising out of'' and ''active duty.'' The Board has made the suggested change.

825.300(c)(6)

One commenter requested that the Board provide more guidance concerning what methods are sufficient to assume and/or demonstrate receipt of notices electronically sent to employees. The commenter suggested that court decisions illustrate uncertainty in this area. The Board has determined that no good cause has been shown to modify the DOL regulations.

(d) *Designation notice.*

The Board adopts the DOL amendments with respect to this requirement. Section 825.300(d) outlines the requirements of the designation notice an employing office must provide to an employee. Once the employing office has enough information to determine whether the leave qualifies as FMLA leave, the employing office must notify the employee within five business days of making the determination whether the leave has or has not been designated as FMLA leave. This is an increase from the two-day time frame in the current OOC regulations. Further, only one designation notice is required for each FMLA-qualifying reason per leave year, regardless of whether the leave is taken as a continuous block of leave or on an intermittent or reduced leave schedule basis.

Further, the employing office must inform the employee of the number of hours that would be designated as FMLA leave, only upon employee request and no more often than every 30 days if FMLA leave was taken during that period. To the extent it is not possible to provide such information (such as in the case of unforeseeable intermittent leave), the employing office is required to provide such information to the employee every 30 days if the employee took leave during the 30-day period. The employing office is permitted to notify the employee of the hours counted against the FMLA leave entitlement orally and follow up with written notification on a pay stub at the next payday (unless the next payday is in less than one week, in which case the notice must be no later than the subsequent payday). If the employing office requires that paid leave be substituted for unpaid leave, or that paid leave taken under an existing leave plan be counted as FMLA leave, the employing office must inform the employee of this designation at the time the leave is designated as FMLA leave.

Although the designation notice has to be in writing, it may be in any form, including a notation on the employee's pay stub. If the leave is not designated as FMLA leave, the notice to the employee may be in the form of a simple written statement. Employing offices can provide an employee with both the eligibility and designation notice at the same time in cases where the employing office has adequate information to designate leave as FMLA leave when an employee requests the leave.

Employing offices must provide written notice of any requirement for a fitness-for-duty certification, including whether the fitness-for-duty certification must address the employee's ability to perform the essential functions of the employee's position and, if so, to provide a list of the essential functions of the employee's position with the designation notice. If the employee handbook or other written documents clearly provides that a fitness-for-duty certificate will be required, written notice is not required, but oral notice must be provided.

Finally, the employing office is required to notify the employee if the information provided in the designation notice changes. For example, if an employee exhausts his or her FMLA leave entitlement and the leave will no longer be designated as FMLA leave, the employing office must provide the employee with written notice of this change consistent with this section.

825.300(d)(4)

One commenter would like clarification that electronic receipt of the ''designation notices'' is permitted in addition to the notice of rights and responsibilities. The Board finds good cause to clarify that the designation notice may be distributed electronically, so long as it otherwise meets the requirements of section 825.300(d)(4) and the employing office can demonstrate that the employee (who may already be on leave and who may not have access to employing office-provided computers) has access to the information electronically.

825.300(e)

The Board proposed to adopt the DOL amendments with respect to this section entitled ''Consequences of failing to provide notice.'' Section 825.300(e) clarifies that failure to comply with the notice requirements set forth in this section could constitute interference with, restraint of, or denial of the use of FMLA leave. The Board proposed that the following language be included in the OOC regulations:

Consequences of failing to provide notice. Failure to follow the notice requirements set forth in this section may constitute an interference with, restraint, or denial of the exercise of an employee's FMLA rights. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. See section 825.400(c).

One commenter asserted that the proposed regulation section 825.300(e) derives from section 109 of the FMLA, and suggested deleting the entire section because the Board had proposed to establish a remedy for a right that does not exist under the FMLA, as applied by the CAA. The CAA incorporates the ''rights and protections established by section 101 through 105'' of the FMLA and incorporates remedies ''as would be appropriate if awarded under'' section 107(a)(1) of the FMLA. *See* 2 U.S.C. §§1312(a)(1), (b). The Board agrees that Section 109 of the FMLA is not incorporated in the CAA, and that no legal authority exists for a regulation that incorporates requirements and penalties based on section 109 of the FMLA. However, the Board does not agree with the commenter's assertion that the remedies for section 825.300(e) derive from Section 109 of the FMLA, and finds that no good cause has been shown to modify the DOL regulation.

Section 825.301 Designation of FMLA leave.

The Board proposed to adopt the DOL amendments with respect to this section. Section 825.301 addresses an employing office's obligations regarding timely designation of leave as FMLA-qualifying and reiterates the requirement to notify the employee

of the designation within five business days. Among other things, this section requires that the employing office's designation decision be based only on information received from the employee or the employee's representative and also provides that, if the employing office does not have sufficient information about the employee's reason for leave, the employing office should inquire further of the employee or of the employee's spokesperson.

One commenter suggested that the second sentence of subsection (e) regarding categories of potential remedies directs the reader to ''*See* 825.400(c),'' as does the DOL regulation. However, that section in the Board's proposed regulations simply references the regulations of the Office of Compliance, and suggests the reference be deleted. The Board agrees with the comment, and has modified the language of section 825.400 to include the potential remedies.

Another commenter suggested deleting the second sentence in section 825.301(e) for the same reasons as stated under section 825.220, above, that under the CAA, an employee is not entitled to both compensation and other actual monetary losses sustained. As discussed previously, the Board does not agree with the assertion that there is no legal authority for the remedies provided in section 825.301(e), and has determined that no good cause has been shown to modify the DOL regulation.

Section 825.302 Employee notice requirements for foreseeable FMLA leave.

The Board proposed to adopt the DOL amendments with respect to this section. In general, section 825.302 addresses an employee's obligation to provide notice of the need for foreseeable FMLA leave. This includes requiring an employee to give at least 30 days' notice when the need for FMLA leave is foreseeable at least 30 days in advance or ''as soon as practicable'' if leave is foreseeable but 30 days' notice is not practicable. In such cases, employees must respond to requests from employing offices to explain why it was not possible to give 30 days' notice. Further, the language in this section defines ''as soon as practicable'' to be ''as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case.'' This is a change from defining ''as soon as practicable'' as ''ordinarily within one or two business days.''

Further, when an employee seeks leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA but must provide: sufficient information that indicates that a condition renders the employee unable to perform the functions of the job, or if the leave is for a family member, that the condition renders the family member unable to perform daily activities; the anticipated duration of the absence; and whether the employee or the employee's family member intends to visit a health care provider or has a condition for which the employee or the employee's family member is under the continuing care of a health care provider. The regulations set forth the types of information that an employee may have to provide in order to put an employing office on notice of the employee's need for FMLA-protected leave. Rather than establish a list of information that must be provided in all cases, the regulations provide additional guidance to employees so that they would know what information to provide to their employing offices. The nature of the information necessary to put the employing office on notice of the need for FMLA leave will vary depending on the circumstances.

Employees seeking leave for previously certified FMLA leave must inform the employing office that the leave is for a condition, covered servicemember's serious injury or illness, or qualifying exigency that was previously certified or for which the employee has previously taken FMLA leave.

While an employee must still comply with the employing office's usual notice and procedural requirements for calling in absences and requesting leave, under the new regulations, language stating that an employing office cannot delay or deny FMLA leave if an employee fails to follow such procedures has been deleted. However, employing offices may need to inquire further to determine for which reason the leave is being taken, and employees will be required to respond to such inquiries.

Additionally, the regulations make clear that the requirement that an employee and employing office attempt to work out a schedule without unduly disrupting the employing office's operations applies only to military caregiver leave. It does not apply to qualifying exigency leave.

825.302 (g)

Regarding a waiver of notice requirements, one commenter suggested replacing the reference ''*See* 825.304'' with the more specific reference ''*See* 825.304(e).'' The Board understands that such a reference would be more direct, but as such would have limited context. Therefore, the Board finds that no good cause has been shown to modify the DOL regulation.

Section 825.303 Employee notice requirements for unforeseeable FMLA leave.

The Board proposed to adopt the DOL amendments with respect to this section. Section 825.303 addresses an employee's obligation to provide notice when the need for FMLA leave is unforeseeable. Section 825.303 retains the current standard that employees must provide notice of their need for unforeseeable leave ''as soon as practicable under the facts and circumstances of the particular case,'' but instead of expecting employees to give notice ''within no more than one or two working days of learning of the need for leave,'' in ''unusual circumstances,'' notice should be provided within the time prescribed by the employing office's usual and customary notice requirements applicable to such leave. Section 825.303 also retains the current standard that employees need not assert their rights under the FMLA or even mention the FMLA to put employing offices on notice of the need for unforeseeable FMLA leave, but adds the same language used in proposed section 825.302 clarifying what information must be provided in order to give sufficient notice to the employing office of the need for FMLA leave. New regulations in section 825.303 add that the employee has an obligation to respond to an employing office's questions designed to determine whether leave is FMLA-qualifying, explaining that calling in ''sick,'' without providing additional information, would not be sufficient notice.

Section 825.304 Employee failure to provide notice.

The Board proposed to adopt the DOL amendments with respect to this section. Section 825.304 follows the DOL's reorganization of the rules that are applicable to leave foreseeable at least 30 days in advance, leave foreseeable less than 30 days in advance, and unforeseeable leave. This section retains language that FMLA leave cannot be delayed due to lack of required employee notice if the employing office has not complied with its notice requirements.

One commenter suggested deleting or amending the sentence ''This condition would be satisfied by the employing office's proper posting, at the worksite where the employee is employed, of the information regarding the FMLA provided (pursuant to section 301(h)(2) of the CAA, 2 U.S.C. §1381(h)(2)) by the Office of Compliance to the employing office in a manner suitable for posting'' because posting is merely one way in which an employing office could provide employees with actual notice of the FMLA's notice requirements. Another commenter stated that since the FMLA's posting requirements do not apply to congressional employing offices, the Board has good cause to clarify that an employing office can also meet its notice requirements by distributing a written FMLA policy to employees, or including an FMLA policy in an employee handbook. The regulation merely suggests a method to provide notice, but does not provide that it is the only method. Therefore, the Board has determined that good cause has not been shown to modify the DOL regulation.

Section 825.305 Certification, general rule.

The Board proposed to adopt the DOL amendments with respect to this section. Under the FMLA, as applied under the CAA, employing offices are permitted to require that employees provide a certification from their health care provider (or their family member's health care provider, as appropriate) to support the need for leave due to a serious health condition. Section 825.305 sets forth the general rules governing employing office requests for medical certification to substantiate an employee's need for FMLA leave due to a serious health condition. Military family leave provisions have been added to permit employing offices to require employees to provide a certification in the case of leave taken for a qualifying exigency or to care for a covered servicemember with a serious injury or illness. Section 825.305 applies generally to all types of certification. In most cases, for example, former references to ''medical certification'' have been changed to ''certification.''

In section 825.305, the employing office should request that an employee furnish certification from a health care provider at the time the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave commences. This time frame has been increased from two to five business days after notice of the need for FMLA leave is provided. Further, the employing office may request certification at some later date if the employing office later has reason to question the appropriateness of the leave or its duration. This section also adds a 15-day time period for providing a requested certification to all cases.

Definitions of incomplete and insufficient certifications have been added in this section, as well as a procedure for curing an incomplete or insufficient certification. This procedure requires that an employing office notify the employee in writing as to what additional information is necessary for the medical certification and provides seven calendar days in which the employee must provide the additional information. If an employee fails to submit a complete and sufficient certification, despite the opportunity to cure the deficiency, the employing office may deny the request for FMLA leave.

Section 825.305 also deletes an earlier provision that if a less stringent medical certification standard applies under the employing

office's sick leave plan, only that lesser standard may be required when the employee substitutes any form of paid leave for FMLA leave and replaces it with a provision allowing employing offices to require a new certification on an annual basis for conditions lasting beyond a single leave year.

825.305(b)

One commenter suggested that the opportunity to ''cure'' any deficiency be deleted because it makes no sense to have the employee serve as a ''go-between''—referencing its comments to section 825.307(a), below [suggesting the employing office be able to speak directly to the healthcare provider]. The Board has determined that good cause has not been shown to modify DOL regulations.

Section 825.306 Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member.

The Board proposed to adopt the DOL amendments with respect to this section. Section 825.306 addresses the information an employing office can require in the medical certification to substantiate the existence of a serious health condition (of the employee or a family member) and the employee's need for leave due to the condition, and adds: the health care provider's specialization; guidance as to what may constitute appropriate medical facts, including that a health care provider may provide a diagnosis; and whether intermittent or reduced schedule leave is medically necessary. Section 825.306 clarifies that where a serious health condition may also be a disability, employing offices are not prevented from following the procedures under the Americans with Disabilities Act (ADA), as applied under the CAA, for requesting medical information. Section 825.306 also contains new language that employing offices may not require employees to sign a release of their medical information as a condition of taking FMLA leave.

825.306(a)(4)

One commenter suggested deleting ''and (c)'' because section 825.123(c) does not exist in the proposed regulations. The Board has made the suggested change.

This section does not apply to the military family leave provisions. The Board's proposed regulations have revised the current optional certification form into two separate optional forms, one for the employee's own serious health condition and one for the serious health condition of a covered family member.

Section 825.307 Authentication and clarification of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member; second and third opinions.

The Board proposed to adopt the DOL's amendments covered under this section. Section 825.307 addresses the employing office's ability to clarify or authenticate a complete and sufficient FMLA certification. Section 825.307 defines the terms ''authentication'' and ''clarification.'' ''Authentication'' involves providing the health care provider with a copy of the certification and requesting verification that the information on the form was completed and/or authorized by the provider. The regulations add that no additional medical information may be requested and the employee's permission is not required. In contrast, ''clarification'' involves contacting the employee's health care provider in order to understand the handwriting on the medical certification or to understand the meaning of a response. As is the case with authentication, no additional information beyond that included in the certification form may be requested. Any contact with the employee's health care provider must comply with the requirements of the HIPAA Privacy Rule.

It is no longer necessary that the employing office utilize a health care provider to make the contact with the employee's health care provider, but the regulations do clarify who may contact the employee's health care provider and ensure that the employee's direct supervisor is not the point of contact. Employee consent to the contact is no longer required. However, before the employing office contacts the employee's health care provider for clarification or authentication of the FMLA certification, the employee must first be given an opportunity to cure any deficiencies in the certification. Section 825.307 also provides requirements for an employing office's request for a second opinion, and adds language requiring the employee or the employee's family member to authorize his or her health care provider to release relevant medical information pertaining to the serious health condition at issue if such information is requested by the second opinion health care provider. Section 825.307 also increases the number of days the employing office has to provide an employee with a requested copy of a second or third opinion from two to five business days. This section of the regulations does not apply to the military family leave provisions.

One commenter supported allowing an individual from the employing office other than a health care professional to contact the health care provider for purposes of clarification and authentication of the medical certification.

One commenter suggested that the ''clarification and authentication'' creates more confusion than guidance. The commenter suggested that requiring the employer to first speak with the employee regarding clarification before it may directly contact the healthcare provider creates an opportunity for miscommunication about the information actually needed by the employer, an issue that can be best handled by direct communication. The commenter also believes that the regulation would allow an employee who may have furnished a fraudulent certification to ''cure'' the defect, and suggests that section 825.307(c) be deleted. Further, rather than deny an FMLA request for failure to 'clarify the certification' as in subsection (a), the commenter suggests that the regulation permit the employee to provide advanced authorization to the employing office to contact the healthcare provider for clarification or authentication. The Board has determined that no good cause has been shown to modify DOL regulations.

Another commenter suggested that the fourth sentence of section 825.307(a) addresses the issue of who within an employing office may contact the eligible employee's health care provider to clarify and/or authenticate the medical certification submitted by the employee. Specifically, the sentence, which is the same as that in the DOL's regulation, states that ''Under no circumstances, however, may the employee's direct supervisor contact the employee's health care provider.'' The commenter suggested that this provision would be unworkable with respect to many employing offices of the House, particularly Member offices, due to the statutory limit on the size of those offices. Specifically, under 2 U.S.C. §5321(a), Member offices are permitted to employ no more than 22 employees (this covers the total number of employees for both the Washington, D.C. and district offices). Accordingly, the vast majority of House employing offices do not have separate human resources divisions to assure compliance with the FMLA. In actuality, it is often the employee's direct supervisor (*e.g.* the District Director or the Chief of Staff) who handles FMLA requests. If the direct supervisor is prohibited from contacting the employee's health care provider, the employing office would have to find someone else—perhaps a peer/co-worker of the employee seeking FMLA—to contact the health care provider. This would unnecessarily expand the scope of individuals with knowledge of the employee's FMLA request, and would be inconsistent with the spirit of the regulations requiring that access to such FMLA-related information be limited to as few persons as possible to preserve privacy and confidentiality. The commenter also mentioned that it is notable that the DOL regulation applies to employers who have at least 50 employees (29 C.F.R. §825.104(a)), or are public agencies that are more likely to have other managers or a human resources office to contact health care providers. The commenter believes that, with respect to the House, there is good cause to deviate from the DOL regulations and to delete the fourth sentence from subsection (a).

Based on these comments and the unique nature of employing offices under the CAA, the Board modifies its regulation by deleting the fourth sentence and adding in its place ''An employee's direct supervisor may not contact the employee's healthcare provider, unless the direct supervisor is also the only individual in the employing office designated to process FMLA requests and the direct supervisor receives specific authorization from the employee to contact the employee's health care provider.'' This change will allow smaller employing offices, who only have one person designated to process FMLA leave requests to clarify and authenticate an employee's FMLA certification without violating the OOC's FMLA regulations. This narrowly tailored language will maintain the intent of the regulation—to prevent an employee's direct supervisor from contacting the employee's healthcare provider to clarify and authenticate a certification—without preventing small employing offices from clarifying and authenticating FMLA leave certifications.

A commenter also suggested that the reference to the Health Insurance Portability and Accountability Act (HIPAA) in section (a) be deleted. HIPAA, and the regulations promulgated thereunder, allow the Secretary of Health and Human Services to take enforcement action against health plans, health care clearinghouses, and specific health care providers for violations of privacy standards. 42 U.S.C. §1320d, *et seq.*; 45 C.F.R. §§160.102, 160.312. HIPAA does not create any obligations for Congressional employing offices. Thus, although a *health care provider* may require that a patient complete an appropriate HIPAA-authorization before that health care provider will speak to a representative of that patient's employing office, there is no basis for any implication that HIPAA applies *to Congressional employers*. The commenter suggested that the regulatory language in subsection (a) referencing HIPAA be deleted. The reference to HIPAA in this section should not be read to apply HIPAA to employing offices. However, it

should be clear that the level of privacy afforded individually-identifiable health information created or held by HIPAA-covered entities is satisfied when this information is shared with an employing office by a HIPAA-covered health care provider. The Board finds that good cause has not been shown to modify the DOL regulation.

One commenter would like clarification on whether an employing office may rely on the findings of a second or third opinion examination to deny FMLA leave for a future absence requested by the employee for the same condition. Current regulations are silent with respect to the use of second and third opinion examinations. The Board finds that no good cause has been shown to modify the DOL regulation.

Section 825.308 Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member.

The Board proposed to adopt the DOL amendments covered in this section. Section 825.308 of the regulations addresses the employing office's ability to seek recertification of an employee's medical condition. This section has been reorganized to clarify how often employing offices may seek recertification in situations where the minimum duration of the condition, as opposed to the duration of the period of incapacity, exceeds 30 days. Thus, an employing office may request recertification no more often than every 30 days and only in connection with an absence by the employee, unless the medical certification indicates that the minimum duration of the condition is more than 30 days, then an employing office must wait until that minimum duration expires before requesting a recertification. In all cases, an employing office may request a recertification of a medical condition every six months in connection with an absence by the employee. An employing office may request recertification in less than 30 days if, among other things, the employee requests an extension of leave or circumstances described by the previous certification change significantly. This section clarifies that an employing office may request the same information on recertification as required for the initial certification and the employee has the same obligation to cooperate in providing recertification as he or she does in providing the initial certification.

One commenter suggested that the Board clarify that an employing office may provide ''a record of the employee's absence pattern'' directly to the healthcare provider. The Board has determined that no good cause has been shown to modify the DOL regulation.

Section 825.309 Certification for leave taken because of a qualifying exigency.

The Board proposed to adopt the DOL's regulations under this section. Under the military family leave provisions of the DOL regulations, an employing office may require that leave taken because of a qualifying exigency be supported by a certification and require that the employee provide a copy of the covered military member's active duty orders or other documentation issued by the military, which indicates that the covered military member is on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation, as well as the dates of the covered military member's active duty service. While a form requesting this basic information may be used by the employing office, no information may be required beyond that specified in this section and in all instances the information on the form must relate only to the qualifying exigency for which the current need for leave exists. Section 825.309 also establishes the verification process for certifications.

This section also provides that the information required in a certification need only be provided to the employing office the first time an employee requests leave because of a qualifying exigency arising out of a particular active duty or call to active duty of a covered military member. While additional information may be needed to provide certification for subsequent requests for exigency leave, an employee is only required to give a copy of the active duty orders to the employing office once. A copy of new active duty orders or other documentation issued by the military only needs to be provided to the employing office if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty order of the same or a different covered military member. *See* DOL (Form WH–384) and OOC regulations proposed Form E.

One commenter suggested adding ''or Form WH–384 (developed by the Department of Labor)'' between ''Form E'' and ''another form containing the same basic information'' for consistency with other provisions cross-referencing DOL forms. *See*, e.g., §825.306(b) and §825.310(d). The Board has made the suggested change.

An employing office may contact an appropriate unit of the Department of Defense (DOD) to request verification that a covered military member has been called to active duty status (or notified of an impending call to active duty status) in support of a contingency operation. Again, no additional information may be requested by the employing office and the employee's permission is not required. This verification process will protect employees from unnecessary intrusion while still providing a useful tool for employing offices to verify the certification information given to them.

Consistent with the amendments to section 825.126(b)(6), with respect to Rest and Recuperation qualifying exigency leave, the employing office is permitted to request a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military indicating that the military member has been granted Rest and Recuperation leave, as well as the dates of the leave, in order to determine the employee's specific qualifying exigency leave period available for Rest and Recuperation. Employing offices may also contact the appropriate unit of the DOD to verify that the military member is on active duty or call to active duty status. The employee's permission is not required to conduct such verifications. The employing office may not, however, request any additional information.

Section 825.310 Certification for leave taken to care for a covered servicemember (military caregiver leave).

The Board proposed to adopt the amendments covered in the DOL regulations under this section. While the military family leave provisions of the NDAA amended the FMLA's certification requirements to permit an employer to request certification for leave taken to care for a covered servicemember, the FMLA's existing certification requirements focus on providing information related to a serious health condition—a term that is not necessarily relevant to leave taken to care for a covered servicemember. At the same time, the military family leave provisions of the NDAA do not explicitly require that a sufficient certification for purposes of military caregiver leave provide relevant information regarding the covered servicemember's serious injury or illness. Section 825.310 of the DOL's regulations provide that when leave is taken to care for a covered servicemember with a serious injury or illness, an employer may require an employee to support his or her request for leave with a sufficient certification. An employer may require that certain necessary information to support the request for leave be supported by a certification from one of the following authorized health care providers: (1) a DOD health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; or (4) a DOD non-network TRICARE authorized private health care provider. Sections 825.310(b)–(c) of the DOL regulations set forth the information an employing office may request from an employee (or the authorized health care provider) in order to support the employee's request for leave. The DOL developed a new optional form, Form WH–385, which the Board adopted for proposed OOC Form F. The Board agrees that OOC Form F may be used to obtain appropriate information to support an employee's request for leave to care for a covered servicemember with a serious injury or illness. However, an employing office may use any form containing the following basic information: (1) whether the servicemember has incurred a serious injury or illness; (2) whether the injury or illness may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; (3) whether the injury or illness was incurred by the member in line of duty on active duty; and (4) whether the servicemember is undergoing medical treatment, recuperation, or therapy, is otherwise on outpatient status, or is otherwise on the temporary disability retired list. Additionally, as is the case for any required certification for leave taken to care for a family member with a serious health condition, no information may be required beyond that specified above. In all instances, the information on any required certification must relate only to the serious injury or illness for which the current need for leave exists.

Additionally, section 825.310 of the proposed OOC regulations provides that an employing office requiring an employee to submit a certification for leave to care for a covered servicemember must accept as sufficient certification ''invitational travel orders'' (ITOs) or ''invitational travel authorizations'' (ITAs) issued by the DOD for a family member to join an injured or ill servicemember at his or her bedside. If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or an ITA, the regulations provide that an employing office may request further certification from the employee. Lastly this section provides that in all instances in which certification is requested, it is the employee's responsibility to provide the employing office with complete and sufficient certification and failure to do so may result in the denial of FMLA leave.

The regulations also permit an eligible employee who is a spouse, parent, son, daughter or next of kin of a covered servicemember to submit an ITO or ITA issued to another family member as sufficient certification for the duration of time specified in the ITO or ITA, even if the employee seeking leave is not the named recipient on the ITO or ITA. The regulations further permit an employing office to authenticate and clarify medical certifications submitted to support a request for

leave to care for a covered servicemember using the procedures applicable to FMLA leave taken to care for a family member with a serious health condition. However, unlike the recertification, second and third opinion processes used for other types of FMLA leave, recertification, second and third opinions are not warranted for purposes of military caregiver leave when the certification has been completed by a DOD health care provider, a VA health care provider, a DOD TRICARE network authorized private health care provider, or a DOD non-network TRICARE authorized private health care provider, but are permitted when the certification has been completed by a health care provider who is not affiliated with the DOD, VA, or TRICARE.

An employee seeking to take military caregiver leave must provide the requested certification to the employing office within the time frame requested by the employing office (which must allow at least 15 calendar days after the employing office's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

One commenter suggested that the reference to section 825.122(j) in the final sentence of subsection (d) be changed to section 825.122(k). The Board has made the suggested correction to the provision.

One commenter suggested replacing ''However, second and third opinions under 825.307 are not permitted for leave to care for a covered servicemember'' with ''Second and third opinions under 825.307 are not permitted for leave to care for a covered servicemember when the certification has been completed by one of the types of healthcare providers identified in 825.310(a)(1–4). However, second and third opinions under 825.307 are permitted when the certification has been completed by a health care provider as defined in 825.125 that is not one of the types identified in 825.310(a)(1)–(4).'' The Board has made the requested correction to the provision.

Section 825.311 Intent to Return to Work.

One commenter noted that section 825.311(b) states that, ''subject to COBRA requirements or 5 U.S.C. §8905a, whichever is applicable'' employing offices do not need to maintain health benefits once an employee gives unequivocal notice of his or her intent not to return to work. The commenter suggested that DOL regulations do not contain the reference to 5 U.S.C. §8905a. The commenter suggested that it is unclear whether the Board considered the application of the Affordable Care Act and/or enrollment in state exchanges in developing its language. The commenter requests that the Board state its position on this issue. The Board has deleted reference to ''5 U.S.C. §8905a.''

Section 825.312 Fitness-for-duty certification.

The Board proposed to adopt the amendments covered in the DOL's regulations under this section. Section 825.312 addresses the fitness-for-duty certification that an employee may be required to submit upon return to work from FMLA leave. This section clarifies that employees have the same obligation to provide a complete certification or provide sufficient authorization to the health care provider in order for that person to provide the information directly to the employing office in the fitness-for-duty certification process as they do in the initial certification process. The employing office may require that the fitness-for-duty certification address the employee's ability to perform the essential functions of the employee's job, as long as the employing office provides the employee with a list of those essential job functions no later than the employing office provides the designation notice. The designation notice must indicate that the certification address the employee's ability to perform those essential functions. An employing office may contact the employee's health care provider directly, consistent with the procedure in proposed section 825.307(a), for purposes of authenticating or clarifying the fitness-for-duty certification. The employing office is required to advise the employee in the eligibility notice required by proposed section 825.300(b) if the employing office will require a fitness-for-duty certification to return to work. Employees are not entitled to the reinstatement protections of the Act if they do not provide the required fitness-for-duty certification or request additional FMLA leave.

Section 825.312 also requires that the employing office uniformly apply its policies permitting fitness-for-duty certifications to intermittent and reduced schedule leave users when reasonable safety concerns are present, but limits the frequency of such certifications to once in a 30-day period in which intermittent or reduced schedule leave was taken. ''Reasonable safety concerns'' means a reasonable belief of a significant risk of harm to the individual employee or others. In determining whether reasonable safety concerns exist, an employing office should consider the nature and severity of the potential harm and the likelihood that potential harm will occur. This is meant to be a high standard. Thus, the determination that there are reasonable safety concerns must rely on objective factual evidence, not subjective perceptions. Employing offices cannot, under this section, require such certifications in all intermittent or reduced leave schedule situations, but only where reasonable safety concerns are present. There is no fitness-for-duty certification form, nor is there any specific format such a certification must follow as long as it contains the required information. An employing office is allowed to require that the fitness-for-duty certification address the employee's ability to perform the essential functions of his or her position. However, the employing office can choose to accept a simple statement in place of the fitness-for-duty certification (or not require a fitness-for-duty certification at all).

There is no second and third opinion process for a fitness-for-duty certification. A fitness-for-duty certification need only address the condition for which FMLA leave was taken and the employee's ability to perform the essential functions of the job. The employee's health care provider determines whether a separate examination is required in order to determine the employee's fitness to return to duty under the FMLA. A medical examination at the employing office's expense may be required only after the employee has returned from FMLA leave and must be job-related and consistent with business necessity as required by the ADA. The employing office cannot delay the employee's return to work while arranging for and having the employee undergo a medical examination.

One commenter suggested that this provision limits an employing office's ability to seek a fitness-for-duty certification at any time it deems necessary, and that it would be negligent to preclude a fitness-for-duty test on an officer carrying a weapon because the FMLA regulations limit the ability to conduct a fitness-for-duty test. The commenter suggested that proposed section 825.312(i) be added to permit the employing office to conduct fitness for duty certifications at any time it deems a police officer may not be able to perform the essential functions of the position, and that it not be considered retaliation. The Board has determined that good cause has not been shown to modify the DOL regulation.

825.312(e)

One commenter noted that when an employee is delayed by the employer from returning to work because the employee has not provided a fitness-for-duty certification, it is not clear what the employee's status is. The commenter suggested that the regulation permit the employing office to carry the employee in an AWOL (absent without approved leave) status, or the employee may use approved annual leave until the certification is provided. The commenter also suggested the regulation provide a 15 day time limit for the employee to act on the fitness for duty certification. The Board has determined that no good cause has been shown to modify the DOL regulation.

Section 825.313 Failure to provide certification.

The Board proposed to adopt the amendments covered in the DOL regulations under this section. Section 825.313 explains the consequences for an employee who fails to provide medical certification in a timely manner. An employing office may deny FMLA leave until the required certification is provided. This section also addresses the consequences of failing to provide timely recertification. Section 825.313 also clarifies that recertification does not apply to leave taken for a qualifying exigency or to care for a covered servicemember.

Employees must be provided at least 15 calendar days to provide the requested certification, and are entitled to additional time when they are unable to meet that deadline despite their diligent, good-faith efforts. An employee's certification (or recertification) is not untimely until that period has passed. Employing offices may deny FMLA protection when an employee fails to provide a timely certification or recertification, but the FMLA does not require employing offices to do so. Employing offices always have the option of accepting an untimely certification and not denying FMLA protection to any absences that occurred during the period in which the certification was delayed.

One commenter suggested that while consistent with the language of the DOL regulation that states, ''If the employee never produces the certification, the leave is not FMLA leave,'' the proposed regulation necessarily begs the question: when can an employing office plausibly state that the employee ''never'' produced a certification? Given this ambiguity, the commenter suggested that the Board deviate from the DOL language and provide more direction in this area by amending the last sentence of this section to read, ''If the employee fails to produce the certification after a reasonable amount of time under the circumstances, the leave is not FMLA leave.'' Although there still may be a question of what constitutes a ''reasonable amount of time under the circumstances,'' this language, in the commenter's view, provides more clarity on the issue. The Board has determined that no good cause has been shown to modify the DOL regulation.

One commenter suggested that a ''grace period'' should be provided, as it proposes in section 312(e) above, to bridge the gap between the expiration of FMLA leave and termination. The Board has determined that no

good cause has been shown to modify the DOL regulation.

SUBPART D—Administrative Process

Section 825.400, Administrative Process, general rules.

One commenter suggested that section 825.400 be deleted in its entirety because the CAA specifically addresses the procedures to be followed, and the proposed regulation is duplicative. Additionally, the commenter proposed that regulation section 825.400(c) is not appropriate and should be deleted because it does not govern ''enforcement of the FMLA rights,'' and the citation to a website does not assist in determining what procedures have been approved by Congress.

Another commenter agreed that there is good cause not to adopt the DOL regulation because the enforcement provisions of the FMLA differ from those applicable in CAA actions. However, in section 825.400(c), the commenter suggested that the Board identify the exact name/nature of the procedures referenced, and also clarify that these procedures only apply to CAA complaints pending before the OOC, not those brought in federal court.

Upon review of the comments regarding section 825.400, the Board has decided to retain section 825.400 in the final regulation, change the title of the Subpart D from ''Enforcement Mechanisms'' to ''Administrative Process'' and change the subtitle ''Enforcement, general rules'' to ''Administrative Process, general rules.'' In addition, the DOL language added as section 825.400(c) to the Board's final regulation describes the remedies available to covered employees for a violation of the FMLA, as made applicable by the CAA.

Sections 825.401–825.404 Filing a complaint with the Federal Government; Violations of the posting requirement; Appealing the assessment of a penalty for willful violation of the posting requirement; Consequences for an employer when not paying the penalty assessment after a final order is issued.

These sections do not apply to the CAA and will remain reserved in the OOC regulations.

SUBPART E—RECORDKEEPING REQUIREMENTS

Section 825.500 Recordkeeping requirements.

This section does not apply to the CAA and will remain reserved in the OOC regulations.

SUBPART F—SPECIAL RULES APPLICABLE TO EMPLOYEES OF SCHOOLS

Sections 825.600–825.604 Special rules for school employees, definitions; Special rules for school employees, limitations on intermittent leave; Special rules for school employees, limitations on leave near the end of an academic term; Special rules for school employees, duration of FMLA leave; Special rules for school employees, restoration to an equivalent position.

The Board proposed to adopt the amendments covered in the DOL regulations under these sections. Sections 825.600–825.604 cover the special rules applicable to instructional employees. When an eligible instructional employee needs intermittent leave or leave on a reduced schedule basis to care for a covered servicemember, the employee may choose to either: (1) take leave for a period or periods of particular duration; or (2) transfer temporarily to an available alternative position with equivalent pay and benefits that better accommodates recurring periods of leave.

These sections also extend some of the limitations on leave near the end of an academic term to leave requested during this period to care for a covered servicemember. If an instructional employee begins leave for a purpose other than the employee's own serious health condition during the five-week period before the end of the term, the employing office may require the employee to continue taking leave until the end of the term if the leave will last more than two weeks and the employee would return to work during the two-week period before the end of the term. Further, an employing office may require an instructional employee to continue taking leave until the end of the term if the employee begins leave that will last more than five working days for a purpose other than the employee's own serious health condition during the three-week period before the end of the term. The types of leave that are subject to the limitations are: (1) leave because of the birth of a son or daughter, (2) leave because of the placement of a son or daughter for adoption or foster care, (3) leave taken to care for a spouse, parent, or child with a serious health condition, and (4) leave taken to care for a covered servicemember.

One commenter suggested that this provision demonstrated a need for FMLA regulations specific to the House. The commenter suggested that, unlike in the Senate, the House no longer has a school and thus these regulations are inapplicable to the House. The Board finds no good cause to modify the regulation as a whole.

SUBPART G—EFFECT OF OTHER LAWS, EMPLOYING OFFICE PRACTICES, AND COLLECTIVE BARGAINING AGREEMENTS ON EMPLOYEE RIGHTS UNDER FMLA, AS MADE APPLICABLE BY THE CAA

Section 825.700 Interaction with employing office's policies.

The Board proposed to adopt the amendments covered in the DOL regulations under this section. Section 825.700 provides that an employing office may not limit the rights established by the FMLA through an employment benefit program or plan, but an employing office may provide greater leave rights than the FMLA requires. This section also provides that an employing office may amend existing leave programs, so long as they comply with the FMLA, and that nothing in the FMLA is intended to discourage employing offices from adopting or retaining more generous leave policies. The Board proposed to follow the DOL regulations and delete from the current OOC section 825.700(a) the following: ''If an employee takes paid or unpaid leave and the employing office does not designate the leave as FMLA leave, the leave taken does not count against an employee's FMLA entitlement.'' As explained by the DOL, this last sentence of section 825.700(a) was deleted in order to conform to the U.S. Supreme Court's decision in *Ragsdale v. Wolverine World Wide*, 535 U.S. 81 (2002), which specifically invalidated this provision.

825.700(a)

One commenter objected to the first sentence of this section, suggesting that the proposed regulation state that where an employing office fails to observe a program providing greater benefits than those provided under the FMLA, the employee has a right to bring a claim under the CAA. The commenter suggested instead, that the avenue for redress of a claim arising in another program, for example in the collective bargaining agreement, would be through the grievance process or another section of the CAA, and not under the FMLA provision of the CAA. The Board has determined that no good cause has been shown to modify the DOL regulation.

One commenter notes that subsection (a) limits an employing office's ability to change its policies, including a policy with greater employment benefits, impermissibly requiring an employing office to continue a benefit program that it may no longer be able to afford. Thus, it improperly limits management's right to determine its own policies. The Board has determined that no good cause has been shown to modify the DOL regulation.

One commenter agrees that the Board should follow the DOL regulation to comply with the Supreme Court's decision in *Ragsdale v. Wolverine World Wide*, 535 U.S. 81 (2002) (holding that an employer may retroactively designate leave as FMLA leave under certain circumstances). However, the commenter urges the Board to further clarify the following language: ''An employing office must observe any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established by the FMLA.'' Specifically, the commenter suggested that the Board clarify what constitutes such an employment benefit program or plan. This proposed section discusses a hypothetical example of a collective bargaining agreement which provides for reinstatement rights based on seniority; however, the commenter recommends that the Board offer additional examples (e.g., to clarify whether leave policies set forth in an employee handbook qualify) and clarify that this language does not contemplate the application of state law. The Board has determined that no good cause has been shown to modify the DOL regulations.

Section 825.701 Interaction with State laws.

This DOL section does not apply to the CAA and will remain reserved in the OOC regulations.

Section 825.702 Interaction with anti-discrimination laws, as applied by section 201 of the CAA.

The Board proposed to adopt the amendments covered in the DOL regulations under this section. Section 825.702 addresses the interaction between the FMLA and other Federal and State antidiscrimination laws. Section 825.702 discusses the interaction between the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the FMLA. Under USERRA, a returning servicemember would be entitled to FMLA leave if, after including the hours that he or she would have worked for the civilian employing office during the period of military service, the employee would have met the FMLA eligibility threshold. This is not an expansion of FMLA rights through regulation; this is a requirement of USERRA.

With respect to the interaction of the FMLA and ADA, where both laws may apply, the applicability of each statute needs to be evaluated independently.

Further, the reference to employers who receive Federal financial assistance and employers who contract with the Federal government in this section has not been adopted by the Board because federal contractor employers are not covered by the CAA.

One commenter suggested adding ''as made applicable by the CAA'' between ''(ADA)'' and ''the employing office.'' The same commenter suggested adding ''as made applicable by the CAA'' after ''afford an employee

his or her FMLA rights.'' The Board has made the suggested changes.

One commenter suggested adding ''as made applicable by the CAA'' after ''he or she will have rights under the ADA.'' The Board has made the suggested change.

COMMENTS ON MODEL FORMS:

I. In its final regulations, the DOL removed the following optional-use forms and notices from the Appendix of the regulations, but continued to make them available to the public on the WHD Web site: Forms WH–380–E (Certification of Health Care Provider for Employee's Serious Health Condition); WH–380–F (Certification of Health Care Provider for Family Member's Serious Health Condition); WH–381 (Notice of Eligibility and Rights & Responsibilities); WH–382 (Designation Notice); WH–384 (Certification of Qualifying Exigency for Military Family Leave); WH–385 (Certification for Serious Injury or Illness of Current Servicemember for Military Family Leave); and WH–385–V (Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave).

The Board proposed to revise its forms and to make the following OOC forms available on its website: Form A: Certification of Health Care Provider for Employee's Serious Health Condition; Form B: Certification of Health Care Provider for Family Member's Serious Health Condition; Form C: Notice of Eligibility and Rights and Responsibilities; Form D: Designation Notice to Employee of FMLA Leave; Form E: Certification of Qualifying Exigency for Military Family Leave; Form F: Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave; and Form G: Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave. The Board's proposed forms now include references to the Genetic Information Nondiscrimination Act of 2008, which is made applicable to employees covered under the CAA. In any event, the use of a specific set of forms is optional and other forms requiring the same information may be used instead. In proposing these revised forms, the Board recognizes that the use of specific forms play a key role in employing offices' compliance with the FMLA and employees' ability to take FMLA protected leave when needed.

One commenter recommended that the OOC follow its past practice of creating FMLA-related forms that are CAA-compliant rather than directing covered employees and employing offices to the DOL website for the appropriate forms.

One commenter suggested that these forms should be available on the OOC's website and not in the regulations themselves because use of the proposed model forms is not required. The Board will make the forms available on the OOC website and, consistent with the DOL, will not include them in its regulations. Some commenters suggested minor changes to the forms, and the Board has made the appropriate modifications.

One commenter suggested that the Board adopt and include (on Model Forms A, B, F, and G) the EEOC's ''safe harbor'' language for employers to use to warn employees that their healthcare providers should not provide genetic information in their response to an FMLA request. The commenter suggested use of the EEOC's model warning language as opposed to the DOL language that was included in the Board's proposal. The commenter also suggested that the language should be more prominent and obvious, which would have the intended effect of reducing additional notices to employees and thus burdens on the employing offices. Having reviewed the EEOC's model warning language, as well as model warning language from government agencies and private employers, the Board finds good cause to modify the DOL's GINA model warning language on Forms A, B, F, and G.

Substantive Regulations Adopted by the Board of Directors of the Office of Compliance Extending Rights and Protections Under the Family and Medical Act of 1993, as amended, as Made Applicable by the Congressional Accountability Act

FINAL REGULATIONS

Part 825—Family and Medical Leave

825.1 Purpose and Scope.

SUBPART A—COVERAGE UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.100 The Family and Medical Leave Act.
825.101 Purpose of the FMLA.
825.102 Definitions.
825.103 [Reserved]
825.104 Covered employing offices.
825.105 [Reserved]
825.106 Joint employer coverage.
825.107–825.109 [Reserved]
825.110 Eligible employee.
825.111 [Reserved]
825.112 Qualifying reasons for leave, general rule.
825.113 Serious health condition.
825.114 Inpatient care.
825.115 Continuing treatment.
825.116–825.118 [Reserved]
825.119 Leave for treatment of substance abuse.
825.120 Leave for pregnancy or birth.
825.121 Leave for adoption or foster care.
825.122 Definitions of covered servicemember, spouse, parent, son or daughter, next of kin of a covered servicemember, adoption, foster care, son or daughter on covered active duty or call to covered active duty status, son or daughter of a covered servicemember, and parent of a covered servicemember.
825.123 Unable to perform the functions of the position.
825.124 Needed to care for a family member or covered servicemember.
825.125 Definition of health care provider.
825.126 Leave because of a qualifying exigency.
825.127 Leave to care for a covered servicemember with a serious injury or illness (military caregiver leave).

SUBPART B—EMPLOYEE LEAVE ENTITLEMENTS UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.200 Amount of leave.
825.201 Leave to care for a parent.
825.202 Intermittent leave or reduced leave schedule.
825.203 Scheduling of intermittent or reduced schedule leave.
825.204 Transfer of an employee to an alternative position during intermittent leave or reduced schedule leave.
825.205 Increments of FMLA leave for intermittent or reduced schedule leave.
825.206 Interaction with the FLSA.
825.207 Substitution of paid leave.
825.208 [Reserved]
825.209 Maintenance of employee benefits.
825.210 Employee payment of group health benefit premiums.
825.211 Maintenance of benefits under multiemployer health plans.
825.212 Employee failure to pay health plan premium payments.
825.213 Employing office recovery of benefit costs.
825.214 Employee right to reinstatement.
825.215 Equivalent position.
825.216 Limitations on an employee's right to reinstatement.
825.217 Key employee, general rule.
825.218 Substantial and grievous economic injury.
825.219 Rights of a key employee.
825.220 Protection for employees who request leave or otherwise assert FMLA rights.

SUBPART C—EMPLOYEE AND EMPLOYING OFFICE RIGHTS AND OBLIGATIONS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA.

825.300 Employing office notice requirements.
825.301 Designation of FMLA leave.
825.302 Employee notice requirements for foreseeable FMLA leave.
825.303 Employee notice requirements for unforeseeable FMLA leave.
825.304 Employee failure to provide notice.
825.305 Certification, general rule.
825.306 Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member.
825.307 Authentication and clarification of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member; second and third opinions.
825.308 Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member.
825.309 Certification for leave taken because of a qualifying exigency.
825.310 Certification for leave taken to care for a covered servicemember (military caregiver leave).
825.311 Intent to return to work.
825.312 Fitness-for-duty certification.
825.313 Failure to provide certification.

SUBPART D—ENFORCEMENT MECHANISMS

825.400 Enforcement of FMLA rights, as made applicable by the CAA.
825.401–825.404 [Reserved]

SUBPART E—[Reserved]

SUBPART F—SPECIAL RULES APPLICABLE TO EMPLOYEES OF SCHOOLS

825.600 Special rules for school employees, definitions.
825.601 Special rules for school employees, limitations on intermittent leave.
825.602 Special rules for school employees, limitations on leave near the end of an academic term.
825.603 Special rules for school employees, duration of FMLA leave.
825.604 Special rules for school employees, restoration to an equivalent position.

SUBPART G—EFFECT OF OTHER LAWS, EMPLOYING OFFICE PRACTICES, AND COLLECTIVE BARGAINING AGREEMENTS ON EMPLOYEE RIGHTS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA

825.700 Interaction with employing office's policies.
825.701 [Reserved]
825.702 Interaction with anti-discrimination laws as applied by section 201 of the CAA.

SUBPART H—[Reserved]

FORMS

Form A: Certification of Health Care Provider for Employee's Serious Health Condition;
Form B: Certification of Health Care Provider for Family Member's Serious Health Condition;
Form C: Notice of Eligibility and Rights & Responsibilities;
Form D: Designation Notice to Employee of FMLA Leave;
Form E: Certification of Qualifying Exigency for Military Family Leave;
Form F: Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave;
Form G: Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave.

825.1 Purpose and scope.

(a) Section 202 of the Congressional Accountability Act (CAA) (2 U.S.C. 1312) applies the rights and protections of sections 101 through 105 of the Family and Medical Leave Act of 1993 (FMLA) (29 U.S.C. 2611–2615) to covered employees. (The term ''covered employee'' is defined in section 101(3) of the CAA (2 U.S.C. 1301(3)). *See* 825.102 of these regulations for that definition.) The purpose of this part is to set forth the regulations to carry out the provisions of section 202 of the CAA.

(b) These regulations are issued by the Board of Directors (Board) of the Office of Compliance, pursuant to sections 202(d) and 304 of the CAA, which direct the Board to promulgate regulations implementing section 202 that are ''the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 202 of the CAA] except insofar as the Board may determine, for good cause shown . . . that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.'' The regulations issued by the Board herein are on all matters for which section 202 of the CAA requires regulations to be issued. Specifically, it is the Board's considered judgment, based on the information available to it at the time of the promulgation of these regulations, that, with the exception of regulations adopted and set forth herein, there are no other ''substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 202 of the CAA].''

(c) In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the Secretary. Such changes are intended to make the provisions adopted accord more naturally to situations in the legislative branch. However, by making these changes, the Board does not intend a substantive difference between these regulations and those of the Secretary from which they are derived. Moreover, such changes, in and of themselves, are not intended to constitute an interpretation of the regulation or of the statutory provisions of the CAA upon which they are based.

(d) Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to recommend to Congress a method of approval for these regulations. As the Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, it therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

SUBPART A—COVERAGE UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.100 The Family and Medical Leave Act.

(a) The Family and Medical Leave Act of 1993 (FMLA), as made applicable by the Congressional Accountability Act (CAA), allows eligible employees of an employing office to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks in any 12 months (*see* 825.200(b)) because of the birth of a child and to care for the newborn child, because of the placement of a child with the employee for adoption or foster care, because the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition, because the employee's own serious health condition makes the employee unable to perform the functions of his or her job, or because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty). In addition, eligible employees of a covered employing office may take job-protected, unpaid leave, or substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 26 workweeks in a single 12-month period to care for a covered servicemember with a serious injury or illness. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

(b) An employee on FMLA leave is also entitled to have health benefits maintained while on leave as if the employee had continued to work instead of taking the leave. If an employee was paying all or part of the premium payments prior to leave, the employee would continue to pay his or her share during the leave period. The employing office or a disbursing or other financial office may recover its share only if the employee does not return to work for a reason other than the serious health condition of the employee or the employee's covered family member, the serious injury or illness of a covered servicemember, or another reason beyond the employee's control.

(c) An employee generally has a right to return to the same position or an equivalent position with equivalent pay, benefits, and working conditions at the conclusion of the leave. The taking of FMLA leave cannot result in the loss of any benefit that accrued prior to the start of the leave.

(d) The employing office generally has a right to advance notice from the employee. In addition, the employing office may require an employee to submit certification to substantiate that the leave is due to the serious health condition of the employee or the employee's covered family member, due to the serious injury or illness of a covered servicemember, or because of a qualifying exigency. Failure to comply with these requirements may result in a delay in the start of FMLA leave. Pursuant to a uniformly applied policy, the employing office may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition (*see* 825.312 and 825.313)). The employing office may delay restoring the employee to employment without such certificate relating to the health condition which caused the employee's absence.

825.101 Purpose of the FMLA.

(a) FMLA is intended to allow employees to balance their work and family life by taking reasonable unpaid leave for medical reasons, for the birth or adoption of a child, for the care of a child, spouse, or parent who has a serious health condition, for the care of a covered servicemember with a serious injury or illness, or because of a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status. The FMLA is intended to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity. It was intended that the FMLA accomplish these purposes in a manner that accommodates the legitimate interests of employing offices, and in a manner consistent with the Equal Protection Clause of the Fourteenth Amendment in minimizing the potential for employment discrimination on the basis of sex, while promoting equal employment opportunity for men and women.

(b) The FMLA was predicated on two fundamental concerns—the needs of the American workforce, and the development of high-performance organizations. Increasingly, America's children and elderly are dependent upon family members who must spend long hours at work. When a family emergency arises, requiring workers to attend to seriously-ill children or parents, or to newly-born or adopted infants, or even to their own serious illness, workers need reassurance that they will not be asked to choose between continuing their employment, and meeting their personal and family obligations or tending to vital needs at home.

(c) The FMLA is both intended and expected to benefit employing offices as well as their employees. A direct correlation exists between stability in the family and productivity in the workplace. FMLA will encourage the development of high-performance organizations. When workers can count on durable links to their workplace they are able to make their own full commitments to their jobs. The record of hearings on family and medical leave indicate the powerful productive advantages of stable workplace relationships, and the comparatively small costs of guaranteeing that those relationships will not be dissolved while workers attend to pressing family health obligations or their own serious illness.

825.102 Definitions.

For purposes of this part:

ADA means the Americans With Disabilities Act (42 U.S.C. 12101 *et seq.*, as amended), as made applicable by the Congressional Accountability Act.

CAA means the Congressional Accountability Act of 1995 (Pub. Law 104–1, 109 Stat. 3, 2 U.S.C. 1301 *et seq.*, as amended).

COBRA means the continuation coverage requirements of Title X of the Consolidated Omnibus Budget Reconciliation Act of 1986 (Pub. Law 99–272, title X, section 10002; 100 Stat. 227; 29 U.S.C. 1161–1168).

Contingency operation means a military operation that:

(1) Is designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(2) Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a),

12302, 12304, 12305, or 12406 of Title 10 of the United States Code, chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress. *See also* 825.126(a)(2).

Continuing treatment by a health care provider means any one of the following:

(1) *Incapacity and treatment.* A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(i) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (*e.g.*, physical therapist) under orders of, or on referral by, a health care provider; or

(ii) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

(iii) The requirement in paragraphs (i) and (ii) of this definition for treatment by a health care provider means an in-person visit to a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity.

(iv) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

(v) The term ''extenuating circumstances'' in paragraph (i) means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. *See also* 825.115(a)(5).

(2) *Pregnancy or prenatal care.* Any period of incapacity due to pregnancy, or for prenatal care. 825.120.

(3) *Chronic conditions.* Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(i) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(iii) May cause episodic rather than a continuing period of incapacity (*e.g.*, asthma, diabetes, epilepsy, etc.).

(4) *Permanent or long-term conditions.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(5) *Conditions requiring multiple treatments.* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

(i) Restorative surgery after an accident or other injury; or

(ii) A condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, *etc.*), severe arthritis (physical therapy), kidney disease (dialysis).

(6) Absences attributable to incapacity under paragraphs (2) or (3) of this definition qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

Covered active duty or call to covered active duty status means:

(1) In the case of a member of the Regular Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and,

(2) In the case of a member of the Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to: Section 688 of Title 10 of the United States Code, which authorizes ordering to active duty retired members of the Regular Armed Forces and members of the retired Reserve who retired after completing at least 20 years of active service; Section 12301(a) of Title 10 of the United States Code, which authorizes ordering all reserve component members to active duty in the case of war or national emergency; Section 12302 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Ready Reserve to active duty; Section 12304 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Selected Reserve and certain members of the Individual Ready Reserve to active duty; Section 12305 of Title 10 of the United States Code, which authorizes the suspension of promotion, retirement or separation rules for certain Reserve components; Section 12406 of Title 10 of the United States Code, which authorizes calling the National Guard into Federal service in certain circumstances; chapter 15 of Title 10 of the United States Code, which authorizes calling the National Guard and state military into Federal service in the case of insurrections and national emergencies; or any other provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation. *See* 10 U.S.C. 101(a)(13)(B). *See also* 825.126(a).

Covered employee as defined in the CAA, means any employee of—(1) the House of Representatives; (2) the Senate; (3) the Office of Congressional Accessibility Services; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Compliance; or (9) the Office of Technology Assessment.

Covered servicemember means:

(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or

(2) A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. *See* 825.127(b)(2).

Eligible employee as defined in the CAA, means:

(1) A covered employee who has been employed for a total of at least 12 months in any employing office on the date on which any FMLA leave is to commence, except that an employing office need not consider any period of previous employment that occurred more than seven years before the date of the most recent hiring of the employee, *unless:*

(i) The break in service is occasioned by the fulfillment of the employee's Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., covered service obligation (the period of absence from work due to or necessitated by USERRA-covered service must be also counted in determining whether the employee has been employed for at least 12 months by any employing office, but this section does not provide any greater entitlement to the employee than would be available under the USERRA, as made applicable by the CAA); or

(ii) A written agreement, including a collective bargaining agreement, exists concerning the employing office's intention to rehire the employee after the break in service (*e.g.*, for purposes of the employee furthering his or her education or for childrearing purposes); and

(2) Who, on the date on which any FMLA leave is to commence, has met the hours of service requirement by having been employed for at least 1,250 hours of service with an employing office during the previous 12–month period, *except that:*

(i) An employee returning from fulfilling his or her USERRA-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service in determining whether the employee met the hours of service requirement (accordingly, a person reemployed following absence from work due to or necessitated by USERRA-covered service has the hours that would have been worked for the employing office added to any hours actually worked during the previous 12-month period to meet the hours of service requirement); and

(ii) To determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations.

Employ means to suffer or permit to work.

Employee means an employee as defined by the CAA and includes an applicant for employment and a former employee.

Employee employed in an instructional capacity. See the definition of Teacher in this section.

Employee of the Capitol Police means any member or officer of the Capitol Police.

Employee of the House of Representatives means an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs

(3) through (9) under the definition of covered employee above.

Employee of the Office of the Architect of the Capitol means any employee of the Office of the Architect of the Capitol or the Botanic Garden.

Employee of the Senate means any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (9) under the definition of covered employee above.

Employing Office, as defined by the CAA, means:

(1) The personal office of a Member of the House of Representatives or of a Senator;

(2) A committee of the House of Representatives or the Senate or a joint committee;

(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) The Office of Congressional Accessibility Services, the United States Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

Employment benefits means all benefits provided or made available to employees by an employing office, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employing office or through an employee benefit plan. The term does not include non-employment related obligations paid by employees through voluntary deductions such as supplemental insurance coverage. *See also* 825.209(a).

FLSA means the Fair Labor Standards Act (29 U.S.C. 201 *et seq.*), as made applicable by the CAA.

FMLA means the Family and Medical Leave Act of 1993, Public Law 103–3 (February 5, 1993), 107 Stat. 6 (29 U.S.C. 2601 *et seq.*, as amended), as made applicable by the CAA.

Group health plan means the Federal Employees Health Benefits Program and any other plan of, or contributed to by, an employing office (including a self-insured plan) to provide health care (directly or otherwise) to the employing office's employees, former employees, or the families of such employees or former employees. For purposes of FMLA, as made applicable by the CAA, the term *group health plan* shall not include an insurance program providing health coverage under which employees purchase individual policies from insurers provided that:

(1) No contributions are made by the employing office;

(2) Participation in the program is completely voluntary for employees;

(3) The sole functions of the employing office with respect to the program are, without endorsing the program, to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the insurer;

(4) The employing office receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit, for administrative services actually rendered in connection with payroll deduction; and,

(5) The premium charged with respect to such coverage does not increase in the event the employment relationship terminates.

Health care provider means:

(1) The FMLA, as made applicable by the CAA, defines health care provider as:

(i) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(ii) Any other person determined by the Department of Labor to be capable of providing health care services.

(2) Others ''capable of providing health care services'' include only:

(i) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;

(ii) Nurse practitioners, nurse-midwives and clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;

(iii) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employing office that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement;

(iv) Any health care provider from whom an employing office or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

(v) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

(3) The phrase ''authorized to practice in the State'' as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

Incapable of self-care means that the individual requires active assistance or supervision to provide daily self-care in several of the ''activities of daily living'' (ADLs) or ''instrumental activities of daily living'' (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Instructional employee: See the definition of *Teacher* in this section.

Intermittent leave means leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy.

Invitational travel authorization (ITA) or *Invitational travel order* (ITO) mean orders issued by the Armed Forces to a family member to join an injured or ill servicemember at his or her bedside. *See also* 825.310(e).

Key employee means a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employing office within 75 miles of the employee's worksite. *See also* 825.217.

Mental disability: See the definition of *Physical or mental disability* in this section.

Military caregiver leave means leave taken to care for a covered servicemember with a serious injury or illness under the Family and Medical Leave Act of 1993. *See also* 825.127.

Next of kin of a covered servicemember means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. *See also* 825.127(d)(3).

Office of Compliance means the independent office established in the legislative branch under section 301 of the CAA (2 U.S.C. 1381).

Outpatient status means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. *See also* 825.127(b)(1).

Parent means a biological, adoptive, step or foster father or mother or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents ''in law.''

Parent of a covered servicemember means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents ''in law.'' See also 825.127(d)(2).

Physical or mental disability means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 CFR part 1630, issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., as amended, provide guidance for these terms.

Reduced leave schedule means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Reserve components of the Armed Forces, for purposes of qualifying exigency leave, include the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve, and

Coast Guard Reserve, and retired members of the Regular Armed Forces or Reserves who are called up in support of a contingency operation. *See also* 825.126(a)(2)(i).

Secretary means the Secretary of Labor or authorized representative.

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care as defined in 825.114 or continuing treatment by a health care provider as defined in 825.115. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of 825.113 are met.

Serious injury or illness means:

(1) In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(2) In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

(i) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

(ii) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(iii) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(iv) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. *See also* 825.127(c).

Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and ''incapable of self-care because of a mental or physical disability'' at the time that FMLA leave is to commence.

Son or daughter of a covered servicemember means a covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. *See also* 825.127(d)(1).

Son or daughter on covered active duty or call to covered active duty status means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. *See also* 825.126(a)(5).

Spouse means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

(1) Was entered into in a State that recognizes such marriages; or

(2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

Teacher (or employee employed in an instructional capacity, or instructional employee) means an employee employed principally in an instructional capacity by an educational agency or school whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

TRICARE is the health care program serving active duty servicemembers, National Guard and Reserve members, retirees, their families, survivors, and certain former spouses worldwide.

825.103 [Reserved]

825.104 Covered employing offices.

(a) The FMLA, as made applicable by the CAA, covers all employing offices. As used in the CAA, the term employing office means:

(1) The personal office of a Member of the House of Representatives or of a Senator;

(2) A committee of the House of Representatives or the Senate or a joint committee;

(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) The Office of Congressional Accessibility Services, the United States Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

825.105 [Reserved]

825.106 Joint employer coverage.

(a) Where two or more employing offices exercise some control over the work or working conditions of the employee, the employing offices may be joint employers under FMLA, as made applicable by the CAA. Where the employee performs work which simultaneously benefits two or more employing offices, or works for two or more employing offices at different times during the workweek, a joint employment relationship generally will be considered to exist in situations such as:

(1) Where there is an arrangement between employing offices to share an employee's services or to interchange employees;

(2) Where one employing office acts directly or indirectly in the interest of the other employing office in relation to the employee; or

(3) Where the employing offices are not completely disassociated with respect to the employee's employment and may be deemed to share control of the employee, directly or indirectly, because one employing office controls, is controlled by, or is under common control with the other employing office.

(b) A determination of whether or not a joint employment relationship exists is not determined by the application of any single criterion, but rather the entire relationship is to be viewed in its totality. For example, joint employment will ordinarily be found to exist when:

(1) An employee, who is employed by an employing office other than the personal office of a Member of the House of Representatives or of a Senator, is under the actual direction and control of the Member of the House of Representatives or Senator; or

(2) Two or more employing offices employ an individual to work on common issues or other matters for both or all of them.

(c) When employing offices employ a covered employee jointly, they may designate one of themselves to be the primary employing office, and the other or others to be the secondary employing office(s). Such a designation shall be made by written notice to the covered employee.

(d) If an employing office is designated a primary employing office pursuant to paragraph (c) of this section, only that employing office is responsible for giving required notices to the covered employee, providing FMLA leave, and maintenance of health benefits. Job restoration is the primary responsibility of the primary employing office, and the secondary employing office(s) may, subject to the limitations in 825.216, be responsible for accepting the employee returning from FMLA leave.

(e) If employing offices employ an employee jointly, but fail to designate a primary employing office pursuant to paragraph (c) of this section, then all of these employing offices shall be jointly and severally liable for giving required notices to the employee, for providing FMLA leave, for assuring that health benefits are maintained, and for job restoration. The employee may give notice of need for FMLA leave, as described in 825.302 and 825.303, to whichever of these employing offices the employee chooses. If the employee makes a written request for restoration to one of these employing offices, that employing office shall be primarily responsible for job restoration, and the other employing office(s) may, subject to the limitations in 825.216, be responsible for accepting the employee returning from FMLA leave.

825.107 [Reserved]

825.108 [Reserved]

825.109 [Reserved]

825.110 Eligible employees.

(a) An eligible employee is a covered employee of an employing office who:

(1) Has been employed by any employing office for at least 12 months, and

(2) Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

(b) The 12 months an employee must have been employed by any employing office need not be consecutive months, *provided:*

(1) Subject to the exceptions provided in paragraph (b)(2) of this section, employment periods prior to a break in service of seven years or more need not be counted in determining whether the employee has been employed by any employing office for at least 12 months.

(2) Employment periods preceding a break in service of more than seven years must be counted in determining whether the employee has been employed by any employing office for at least 12 months where:

(i) The employee's break in service is occasioned by the fulfillment of his or her Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, *et seq.*, covered service obligation. The period of absence from work due to or necessitated by USERRA-covered service must be also counted in determining whether the employee has been employed for at least 12 months by any employing office. However, this section does not provide any greater entitlement to the employee than would be available under the USERRA; or

(ii) A written agreement, including a collective bargaining agreement, exists concerning the employing office's intention to rehire the employee after the break in service (*e.g.*, for purposes of the employee furthering his or her education or for childrearing purposes).

(3) If an employee worked for two or more employing offices sequentially, the time worked will be aggregated to determine whether it equals 12 months.

(4) If an employee is maintained on the payroll for any part of a week, including any periods of paid or unpaid leave (sick, vacation) during which other benefits or compensation are provided by the employing office (*e.g.*, Federal Employees' Compensation, group health plan benefits, *etc.*), the week counts as a week of employment. For purposes of determining whether intermittent/occasional/casual employment qualifies as at least 12 months, 52 weeks is deemed to be equal to 12 months.

(5) Nothing in this section prevents employing offices from considering employment prior to a continuous break in service of more than seven years when determining whether an employee has met the 12-month employment requirement. However, if an employing office chooses to recognize such prior employment, the employing office must do so uniformly, with respect to all employees with similar breaks in service.

(c)(1) If an employee was employed by two or more employing offices, either sequentially or concurrently, the hours of service will be aggregated to determine whether the minimum of 1,250 hours has been reached.

(2) Except as provided in paragraph (c)(3) of this section, whether an employee has worked the minimum 1,250 hours of service is determined according to the principles established under the Fair Labor Standards Act (FLSA), as applied by section 203 of the CAA (2 U.S.C. 1313), for determining compensable hours of work. The determining factor is the number of hours an employee has worked for one or more employing offices as defined by the CAA. The determination is not limited by methods of recordkeeping, or by compensation agreements that do not accurately reflect all of the hours an employee has worked for or been in service to the employing office. Any accurate accounting of actual hours worked under the FLSA's principles, as made applicable by the CAA (2 U.S.C. 1313), may be used.

(3) An employee returning from USERRA-covered service shall be credited with the hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA-covered service in determining the employee's eligibility for FMLA-qualifying leave. Accordingly, a person reemployed following USERRA-covered service has the hours that would have been worked for the employing office added to any hours actually worked during the previous 12-month period to meet the hours of service requirement. In order to determine the hours that would have been worked during the period of absence from work due to or necessitated by USERRA-covered service, the employee's pre-service work schedule can generally be used for calculations.

(4) In the event an employing office does not maintain an accurate record of hours worked by an employee, including for employees who are exempt from the overtime requirements of the FLSA, as made applicable by the CAA and its regulations, the employing office has the burden of showing that the employee has not worked the requisite hours. An employing office must be able to clearly demonstrate, for example, that full time teachers (*see* 825.102 for definition) of an elementary or secondary school system, or institution of higher education, or other educational establishment or institution (who often work outside the classroom or at their homes) did not work 1,250 hours during the previous 12 months in order to claim that the teachers are not covered or eligible for FMLA leave.

(d) The determination of whether an employee meets the hours of service requirement for any employing office and has been employed by any employing office for a total of at least 12 months, must be made as of the date the FMLA leave is to start. An employee may be on non-FMLA leave at the time he or she meets the 12-month eligibility requirement, and in that event, any portion of the leave taken for an FMLA-qualifying reason after the employee meets the eligibility requirement would be FMLA leave. *See* 825.300(b) for rules governing the content of the eligibility notice given to employees.

(e) If, before beginning employment with an employing office, an employee had been employed by another employing office, the subsequent employing office may count against the employee's FMLA leave entitlement FMLA leave taken from the prior employing office, so long as the prior employing office properly designated the leave as FMLA under these regulations or other applicable requirements.

825.111 [Reserved]

825.112 Qualifying reasons for leave, general rule.

(a) *Circumstances qualifying for leave.* Employing offices covered by FMLA as made applicable by the CAA are required to grant leave to eligible employees:

(1) For birth of a son or daughter, and to care for the newborn child (*see* 825.120);

(2) For placement with the employee of a son or daughter for adoption or foster care (*see* 825.121);

(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition (*see* 825.113 and 825.122);

(4) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job (*see* 825.113 and 825.123);

(5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status) (*see* 825.122 and 825.126); and

(6) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember (*see* 825.122 and 825.127).

(b) *Equal Application.* The right to take leave under FMLA, as made applicable by the CAA, applies equally to male and female employees. A father, as well as a mother, can take family leave for the birth, placement for adoption, or foster care of a child.

(c) *Active employee.* In situations where the employing office/employee relationship has been interrupted, such as an employee who has been on layoff, the employee must be recalled or otherwise be re-employed before being eligible for FMLA leave. Under such circumstances, an eligible employee is immediately entitled to further FMLA leave for a qualifying reason.

825.113 Serious health condition.

(a) For purposes of FMLA, *serious health condition* entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves inpatient care as defined in 825.114 or continuing treatment by a health care provider as defined in 825.115.

(b) The term *incapacity* means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.

(c) The term treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (*e.g.,* an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (*e.g.,* oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bedrest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

(d) Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, *etc.*, are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of this section are met.

825.114 Inpatient care.

In patient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity as defined in 825.113(b), or any subsequent treatment in connection with such inpatient care.

825.115 Continuing treatment.

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(a) *Incapacity and treatment.* A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(1) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (*e.g.,* physical therapist) under orders of, or on referral by, a health care provider; or

(2) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

(3) The requirement in paragraphs (a)(1) and (2) of this section for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.

(4) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

(5) The term *extenuating circumstances* in paragraph (a)(1) of this section means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the 30-day period, but the health care provider does not have any available appointments during that time period.

(b) *Pregnancy or prenatal care.* Any period of incapacity due to pregnancy, or for prenatal care. *See also* 825.120.

(c) *Chronic conditions.* Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(1) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity (*e.g.,* asthma, diabetes, epilepsy, etc.).

(d) *Permanent or long-term conditions.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(e) *Conditions requiring multiple treatments.* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

(1) Restorative surgery after an accident or other injury; or

(2) A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, *etc.*), severe arthritis (physical therapy), or kidney disease (dialysis).

(f) Absences attributable to incapacity under paragraphs (b) or (c) of this section qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

825.116 [Reserved]

825.117 [Reserved]

825.118 [Reserved]

825.119 Leave for treatment of substance abuse.

(a) Substance abuse may be a serious health condition if the conditions of 825.113 through 825.115 are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

(b) Treatment for substance abuse does not prevent an employing office from taking employment action against an employee. The employing office may not take action against the employee because the employee has exercised his or her right to take FMLA leave for treatment. However, if the employing office has an established policy, applied in a non-discriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking FMLA leave. An employee may also take FMLA leave to care for a covered family member who is receiving treatment for substance abuse. The employing office may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

825.120 Leave for pregnancy or birth.

(a) *General rules.* Eligible employees are entitled to FMLA leave for pregnancy or birth of a child as follows:

(1) Both parents are entitled to FMLA leave for the birth of their child.

(2) Both parents are entitled to FMLA leave to be with the healthy newborn child (*i.e.,* bonding time) during the 12-month period beginning on the date of birth. An employee's entitlement to FMLA leave for a birth expires at the end of the 12-month period beginning on the date of the birth. If the employing office permits bonding leave to be taken beyond this period, such leave will not qualify as FMLA leave. Under this section, both parents are entitled to FMLA leave even if the newborn does not have a serious health condition.

(3) Spouses who are eligible for FMLA leave and are employed by the same employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a healthy, newborn child, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

(4) The expectant mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child. An expectant mother may take FMLA leave before the birth of the child for prenatal care or if her condition makes her unable to work. The expectant mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health care provider during the absence, and even if the absence does not last for more than three consecutive calendar days.

(5) A spouse is entitled to FMLA leave if needed to care for a pregnant spouse who is incapacitated or if needed to care for her during her prenatal care, or if needed to care for her following the birth of a child if she has a serious health condition. *See* 825.124.

(6) Both parents are entitled to FMLA leave if needed to care for a child with a serious health condition if the requirements of 825.113 through 825.115 and 825.122(d) are met. Thus, spouses may each take 12 weeks of FMLA leave if needed to care for their newborn child with a serious health condition, even if both are employed by the same employing office, provided they have not exhausted their entitlements during the applicable 12-month FMLA leave period.

(b) *Intermittent and reduced schedule leave.* An eligible employee may use intermittent or reduced schedule leave after the birth to be with a healthy newborn child only if the employing office agrees. For example, an employing office and employee may agree to a part-time work schedule after the birth. If the employing office agrees to permit intermittent or reduced schedule leave for the birth of a child, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced

leave. The employing office's agreement is not required for intermittent leave required by the serious health condition of the expectant mother or newborn child. *See* 825.202–825.205 for general rules governing the use of intermittent and reduced schedule leave. *See* 825.121 for rules governing leave for adoption or foster care. *See* 825.601 for special rules applicable to instructional employees of schools.

825.121 Leave for adoption or foster care.

(a) *General rules.* Eligible employees are entitled to FMLA leave for placement with the employee of a son or daughter for adoption or foster care as follows:

(1) Employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. For example, the employee may be required to attend counseling sessions, appear in court, consult with his or her attorney or the doctor(s) representing the birth parent, submit to a physical examination, or travel to another country to complete an adoption. The source of an adopted child (*e.g.*, whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for leave for this purpose.

(2) An employee's entitlement to leave for adoption or foster care expires at the end of the 12-month period beginning on the date of the placement. If the employing office permits leave for adoption or foster care to be taken beyond this period, such leave will not qualify as FMLA leave. Under this section, the employee is entitled to FMLA leave even if the adopted or foster child does not have a serious health condition.

(3) Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for the placement of the employee's son or daughter or to care for the child after placement, for the birth of the employee's son or daughter or to care for the child after birth, or to care for the employee's parent with a serious health condition. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a healthy, newly placed child, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

(4) An eligible employee is entitled to FMLA leave in order to care for an adopted or foster child with a serious health condition if the requirements of 825.113 through 825.115 and 825.122(d) are met. Thus, spouses may each take 12 weeks of FMLA leave if needed to care for an adopted or foster child with a serious health condition, even if both are employed by the same employing office, provided they have not exhausted their entitlements during the applicable 12-month FMLA leave period.

(b) *Use of intermittent and reduced schedule leave.* An eligible employee may use intermittent or reduced schedule leave after the placement of a healthy child for adoption or foster care only if the employing office agrees. Thus, for example, the employing office and employee may agree to a part-time work schedule after the placement for bonding purposes. If the employing office agrees to permit intermittent or reduced schedule leave for the placement for adoption or foster care, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced leave. The employing office's agreement is not required for intermittent leave required by the serious health condition of the adopted or foster child. *See* 825.202–825.205 for general rules governing the use of intermittent and reduced schedule leave. *See* 825.120 for general rules governing leave for pregnancy and birth of a child. *See* 825.601 for special rules applicable to instructional employees of schools.

825.122 Definitions of covered servicemember, spouse, parent, son or daughter, next of kin of a covered servicemember, adoption, foster care, son or daughter on covered active duty or call to covered active duty status, son or daughter of a covered servicemember, and parent of a covered servicemember.

(a) *Covered servicemember* means:

(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(2) A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. *Covered veteran* means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. *See* 825.127(b)(2).

(b) *Spouse* means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

(1) Was entered into in a State that recognizes such marriages; or

(2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

(c) *Parent.* Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined in paragraph (d) of this section. This term does not include parents ''in law.''

(d) *Son or daughter.* For purposes of FMLA leave taken for birth or adoption, or to care for a family member with a serious health condition, son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and ''incapable of self-care because of a mental or physical disability'' at the time that FMLA leave is to commence.

(1) *Incapable of self-care* means that the individual requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (ADLs) or instrumental activities of daily living (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, *etc.*

(2) *Physical or mental disability* means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 CFR 1630.2(h), (i), and (j), issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 *et seq.*, provide guidance for these terms.

(3) Persons who are ''in loco parentis'' include those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

(e) *Next of kin of a covered servicemember* means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. *See* 825.127(d)(3).

(f) *Adoption* means legally and permanently assuming the responsibility of raising a child as one's own. The source of an adopted child (*e.g.*, whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for FMLA leave. *See* 825.121 for rules governing leave for adoption.

(g) *Foster care* means 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster

care, and involves agreement between the State and foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody. *See* 825.121 for rules governing leave for foster care.

(h) *Son or daughter on covered active duty or call to covered active duty status* means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. *See* 825.126(a)(5).

(i) *Son or daughter of a covered servicemember* means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. *See* 825.127(d)(1).

(j) *Parent of a covered servicemember* means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents ''in law.'' *See* 825.127(d)(2).

(k) *Documenting relationships.* For purposes of confirmation of family relationship, the employing office may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child's birth certificate, a court document, *etc.* The employing office is entitled to examine documentation such as a birth certificate, *etc.*, but the employee is entitled to the return of the official document submitted for this purpose.

825.123 Unable to perform the functions of the position.

(a) *Definition.* An employee is unable to perform the functions of the position where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act (ADA), as amended and made applicable by Section 201(a) of the CAA (2 U.S.C. 1311(a)(3)). An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

(b) *Statement of functions.* An employing office has the option, in requiring certification from a health care provider, to provide a statement of the essential functions of the employee's position for the health care provider to review. A sufficient medical certification must specify what functions of the employee's position the employee is unable to perform so that the employing office can then determine whether the employee is unable to perform one or more essential functions of the employee's position. For purposes of the FMLA, the essential functions of the employee's position are to be determined with reference to the position the employee held at the time notice is given or leave commenced, whichever is earlier. *See* 825.306.

825.124 Needed to care for a family member or covered servicemember.

(a) The medical certification provision that an employee is needed to care for a family member or covered servicemember encompasses both physical and psychological care. It includes situations where, for example, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor. The term also includes providing psychological comfort and reassurance which would be beneficial to a child, spouse or parent with a serious health condition who is receiving inpatient or home care.

(b) The term also includes situations where the employee may be needed to substitute for others who normally care for the family member or covered servicemember, or to make arrangements for changes in care, such as transfer to a nursing home. The employee need not be the only individual or family member available to care for the family member or covered servicemember.

(c) An employee's intermittent leave or a reduced leave schedule necessary to care for a family member or covered servicemember includes not only a situation where the condition of the family member or covered servicemember itself is intermittent, but also where the employee is only needed intermittently—such as where other care is normally available, or care responsibilities are shared with another member of the family or a third party. *See* 825.202–825.205 for rules governing the use of intermittent or reduced schedule leave.

825.125 Definition of health care provider.

(a) The FMLA, as made applicable by the CAA, defines *health care provider* as:

(1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(2) Any other person determined by the Office of Compliance to be capable of providing health care services.

(3) In making a determination referred to in subparagraph (a)(2), and absent good cause shown to do otherwise, the Office of Compliance will follow any determination made by the Department of Labor (under section 101(6)(B) of FMLA (29 U.S.C. 2611(6)(B))) that a person is capable of providing health care services, provided the determination by the Department of Labor was not made at the request of a person who was then a covered employee.

(b) Others capable of providing health care services include only:

(1) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;

(2) Nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;

(3) Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employing office that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement;

(4) Any health care provider from whom an employing office or the employing office's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

(5) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

(c) The phrase authorized to practice in the State as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

825.126 Leave because of a qualifying exigency.

(a) Eligible employees may take FMLA leave for a qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).

(1) *Covered active duty or call to covered active duty status* in the case of a member of the Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. The active duty orders of a member of the Regular components of the Armed Forces will generally specify if the member is deployed to a foreign country.

(2) *Covered active duty or call to covered active duty status* in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to: Section 688 of Title 10 of the United States Code, which authorizes ordering to active duty retired members of the Regular Armed Forces and members of the retired Reserve who retired after completing at least 20 years of active service; Section 12301(a) of Title 10 of the United States Code, which authorizes ordering all reserve component members to active duty in the case of war or national emergency; Section 12302 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Ready Reserve to active duty; Section 12304 of Title 10 of the United States Code, which authorizes ordering any unit or unassigned member of the Selected Reserve and certain members of the Individual Ready Reserve to active duty; Section 12305 of Title 10 of the United States Code, which authorizes the suspension of promotion, retirement or separation rules for certain Reserve components; Section 12406 of Title 10 of the United States Code, which authorizes calling the National Guard into Federal service in certain circumstances; chapter 15 of Title 10 of the United States Code, which authorizes calling the National Guard and state military into Federal service in the case of insurrections and national emergencies; or any other provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation. *See* 10 U.S.C. 101(a)(13)(B).

(i) For purposes of covered active duty or call to covered active duty status, the Reserve components of the Armed Forces include the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve, and retired members of the Regular Armed Forces or Reserves who are called up in support of a contingency operation pursuant to one of the provisions of law identified in paragraph (a)(2).

(ii) The active duty orders of a member of the Reserve components will generally specify if the military member is serving in support of a contingency operation by citation to the relevant section of Title 10 of the United States Code and/or by reference to the specific name of the contingency operation and will specify that the deployment is to a foreign country.

(3) *Deployment of the member with the Armed Forces to a foreign country* means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the United States, including international waters.

(4) A call to covered active duty for purposes of leave taken because of a qualifying exigency refers to a Federal call to active duty. State calls to active duty are not covered unless under order of the President of the United States pursuant to one of the provisions of law identified in paragraph (a)(2) of this section.

(5) *Son or daughter on covered active duty or call to covered active duty status* means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age.

(b) An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:

(1) *Short-notice deployment.* (i) To address any issue that arises from the fact that the military member is notified of an impending call or order to covered active duty seven or less calendar days prior to the date of deployment;

(ii) Leave taken for this purpose can be used for a period of seven calendar days beginning on the date the military member is notified of an impending call or order to covered active duty;

(2) *Military events and related activities.* (i) To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of the military member; and

(ii) To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of the military member;

(3) *Childcare and school activities.* For the purposes of leave for childcare and school activities listed in (i) through (iv) of this paragraph, a child of the military member must be the military member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the military member stands in loco parentis, who is either under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. As with all instances of qualifying exigency leave, the military member must be the spouse, son, daughter, or parent of the employee requesting qualifying exigency leave.

(i) To arrange for alternative childcare for a child of the military member when the covered active duty or call to covered active duty status of the military member necessitates a change in the existing childcare arrangement;

(ii) To provide childcare for a child of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from the covered active duty or call to covered active duty status of the military member;

(iii) To enroll in or transfer to a new school or day care facility a child of the military member when enrollment or transfer is necessitated by the covered active duty or call to covered active duty status of the military member; and

(iv) To attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, for a child of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member;

(4) *Financial and legal arrangements.* (i) To make or update financial or legal arrangements to address the military member's absence while on covered active duty or call to covered active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust; and

(ii) To act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of 90 days following the termination of the military member's covered active duty status;

(5) *Counseling.* To attend counseling provided by someone other than a health care provider, for oneself, for the military member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the military member, or a child for whom the military member stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the covered active duty or call to covered active duty status of the military member;

(6) *Rest and Recuperation.* (i) To spend time with the military member who is on short-term, temporary, Rest and Recuperation leave during the period of deployment;

(ii) Leave taken for this purpose can be used for a period of 15 calendar days beginning on the date the military member commences each instance of Rest and Recuperation leave;

(7) *Post-deployment activities.* (i) To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the military member's covered active duty status; and

(ii) To address issues that arise from the death of the military member while on covered active duty status, such as meeting and recovering the body of the military member, making funeral arrangements, and attending funeral services;

(8) *Parental care.* For purposes of leave for parental care listed in (i) through (iv) of this paragraph, the parent of the military member must be incapable of self-care and must be the military member's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age. A parent who is incapable of self-care means that the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living. Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, *etc.* As with all instances of qualifying exigency leave, the military member must be the spouse, son, daughter, or parent of the employee requesting qualifying exigency leave.

(i) To arrange for alternative care for a parent of the military member when the parent is incapable of self-care and the covered active duty or call to covered active duty status of the military member necessitates a change in the existing care arrangement for the parent;

(ii) To provide care for a parent of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the parent is incapable of self-care and the need to provide such care arises from the covered active duty or call to covered active duty status of the military member;

(iii) To admit to or transfer to a care facility a parent of the military member when admittance or transfer is necessitated by the covered active duty or call to covered active duty status of the military member; and

(iv) To attend meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent of the military member, when such meetings are necessary due to circumstances arising from the covered active duty or call to covered active duty status of the military member but not for routine or regular meetings;

(9) *Additional activities.* To address other events which arise out of the military member's covered active duty or call to covered active duty status provided that the employing office and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

825.127 Leave to care for a covered servicemember with a serious injury or illness (military caregiver leave).

(a) Eligible employees are entitled to FMLA leave to care for a covered servicemember with a serious illness or injury.

(b) *Covered servicemember* means:

(1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness. *Outpatient status* means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

(2) A covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. *Covered veteran* means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date

the eligible employee takes FMLA leave to care for the covered veteran. An eligible employee must commence leave to care for a covered veteran within five years of the veteran's active duty service, but the single 12-month period described in paragraph (e)(1) of this section may extend beyond the five-year period.

(i) For an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to the effective date of this Final Rule, the period between October 28, 2009 and the effective date of this Final Rule shall not count towards the determination of the five-year period for covered veteran status.

(c) A *serious injury or illness* means:

(1) In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,

(2) In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces), and manifested itself before or after the member became a veteran, and is:

(i) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

(ii) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(iii) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(iv) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

(d) In order to care for a covered servicemember, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered servicemember.

(1) *Son or daughter of a covered servicemember* means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

(2) *Parent of a covered servicemember* means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents ''in law.''

(3) *Next of kin of a covered servicemember* means the nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin. An employing office is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to 825.122(k).

(e) An eligible employee is entitled to 26 workweeks of leave to care for a covered servicemember with a serious injury or illness during a single 12-month period.

(1) The single 12-month period described in paragraph (e) of this section begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date, regardless of the method used by the employing office to determine the employee's 12 workweeks of leave entitlement for other FMLA-qualifying reasons. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered servicemember during this single 12-month period, the remaining part of his or her 26 workweeks of leave entitlement to care for the covered servicemember is forfeited.

(2) The leave entitlement described in paragraph (e) of this section is to be applied on a per-covered-servicemember, per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period. An eligible employee may take more than one period of 26 workweeks of leave to care for a covered servicemember with more than one serious injury or illness only when the serious injury or illness is a subsequent serious injury or illness. When an eligible employee takes leave to care for more than one covered servicemember or for a subsequent serious injury or illness of the same covered servicemember, and the single 12-month periods corresponding to the different military caregiver leave entitlements overlap, the employee is limited to taking no more than 26 workweeks of leave in each single 12-month period.

(3) An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period described in paragraph (e) of this section, provided that the employee is entitled to no more than 12 workweeks of leave for one or more of the following: because of the birth of a son or daughter of the employee and in order to care for such son or daughter; because of the placement of a son or daughter with the employee for adoption or foster care; in order to care for the spouse, son, daughter, or parent with a serious health condition; because of the employee's own serious health condition; or because of a qualifying exigency. Thus, for example, an eligible employee may, during the single 12-month period, take 16 workweeks of FMLA leave to care for a covered servicemember and 10 workweeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the single 12-month period, even if the employee takes fewer than 14 workweeks of FMLA leave to care for a covered servicemember.

(4) In all circumstances, including for leave taken to care for a covered servicemember, the employing office is responsible for designating leave, paid or unpaid, as FMLA-qualifying, and for giving notice of the designation to the employee as provided in 825.300. In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the single 12-month period described in paragraph (e) of this section, the employing office must designate such leave as leave to care for a covered servicemember in the first instance. Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the single 12-month period described in paragraph (e) of this section must not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition. As is the case with leave taken for other qualifying reasons, employing offices may retroactively designate leave as leave to care for a covered servicemember pursuant to 825.301(d).

(f) Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 26 workweeks of leave during the single 12-month period described in paragraph (e) of this section if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 26 workweeks of FMLA leave.

SUBPART B—EMPLOYEE LEAVE ENTITLEMENTS UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT

825.200 Amount of Leave.

(a) Except in the case of leave to care for a covered servicemember with a serious injury or illness, an eligible employee's FMLA leave entitlement is limited to a total of 12

workweeks of leave during any 12-month period for any one, or more, of the following reasons:

(1) The birth of the employee's son or daughter, and to care for the newborn child;

(2) The placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child;

(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition;

(4) Because of a serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job; and

(5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty).

(b) An employing office is permitted to choose any one of the following methods for determining the 12-month period in which the 12 weeks of leave entitlement described in paragraph (a) of this section occurs:

(1) The calendar year;

(2) Any fixed 12-month leave year, such as a fiscal year or a year starting on an employee's anniversary date;

(3) The 12-month period measured forward from the date any employee's first FMLA leave under paragraph (a) begins; or

(4) A ''rolling'' 12-month period measured backward from the date an employee uses any FMLA leave as described in paragraph (a).

(c) Under methods in paragraphs (b)(1) and (b)(2) of this section an employee would be entitled to up to 12 weeks of FMLA leave at any time in the fixed 12-month period selected. An employee could, therefore, take 12 weeks of leave at the end of the year and 12 weeks at the beginning of the following year. Under the method in paragraph (b)(3) of this section, an employee would be entitled to 12 weeks of leave during the year beginning on the first date FMLA leave is taken; the next 12-month period would begin the first time FMLA leave is taken after completion of any previous 12-month period. Under the method in paragraph (b)(4) of this section, the ''rolling'' 12-month period, each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example, if an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning February 1, 2008, four weeks beginning June 1, 2008, and four weeks beginning December 1, 2008, the employee would not be entitled to any additional leave until February 1, 2009. However, beginning on February 1, 2009, the employee would again be eligible to take FMLA leave, recouping the right to take the leave in the same manner and amounts in which it was used in the previous year. Thus, the employee would recoup (and be entitled to use) one additional day of FMLA leave each day for four weeks, commencing February 1, 2009. The employee would also begin to recoup additional days beginning on June 1, 2009, and additional days beginning on December 1, 2009. Accordingly, employing offices using the rolling 12-month period may need to calculate whether the employee is entitled to take FMLA leave each time that leave is requested, and employees taking FMLA leave on such a basis may fall in and out of FMLA protection based on their FMLA usage in the prior 12 months. For example, in the example above, if the employee needs six weeks of leave for a serious health condition commencing February 1, 2009, only the first four weeks of the leave would be FMLA-protected.

(d)(1) Employing offices will be allowed to choose any one of the alternatives in paragraph (b) of this section for the leave entitlements described in paragraph (a) of this section provided the alternative chosen is applied consistently and uniformly to all employees. An employing office wishing to change to another alternative is required to give at least 60 days notice to all employees, and the transition must take place in such a way that the employees retain the full benefit of 12 weeks of leave under whichever method affords the greatest benefit to the employee. Under no circumstances may a new method be implemented in order to avoid the CAA's FMLA leave requirements.

(2) [Reserved]

(e) If an employing office fails to select one of the options in paragraph (b) of this section for measuring the 12-month period for the leave entitlements described in paragraph (a), the option that provides the most beneficial outcome for the employee will be used. The employing office may subsequently select an option only by providing the 60-day notice to all employees of the option the employing office intends to implement. During the running of the 60-day period any other employee who needs FMLA leave may use the option providing the most beneficial outcome to that employee. At the conclusion of the 60-day period the employing office may implement the selected option.

(f) An eligible employee's FMLA leave entitlement is limited to a total of 26 workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness. An employing office shall determine the single 12-month period in which the 26 weeks of leave entitlement described in this paragraph occurs using the 12-month period measured forward from the date an employee's first FMLA leave to care for the covered servicemember begins. *See* 825.127(e)(1).

(g) During the single 12-month period described in paragraph (f), an eligible employee's FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason. *See* 825.127(e)(3).

(h) For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one week, the holiday will not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, if for some reason the employing office's business activity has temporarily ceased and employees generally are not expected to report for work for one or more weeks (*e.g.*, a school closing two weeks for the Christmas/New Year holiday or the summer vacation or an employing office closing the office for repairs), the days the employing office's activities have ceased do not count against the employee's FMLA leave entitlement. Methods for determining an employee's 12-week leave entitlement are also described in 825.205.

(i)(1) If employing offices jointly employ an employee, and if they designate a primary employing office pursuant to 825.106(c), the primary employing office may choose any one of the alternatives in paragraph (b) of this section for measuring the 12-month period, provided that the alternative chosen is applied consistently and uniformly to all employees of the primary employing office including the jointly employed employee.

(2) If employing offices fail to designate a primary employing office pursuant to 825.106(c), an employee jointly employed by the employing offices may, by so notifying one of the employing offices, select that employing office to be the primary employing office of the employee for purposes of the application of paragraphs (d) and (e) of this section.

825.201 Leave to care for a parent.

(a) *General rule.* An eligible employee is entitled to FMLA leave if needed to care for the employee's parent with a serious health condition. Care for parents-in-law is not covered by the FMLA. See 825.122(c) for definition of parent.

(b) *Same employing office limitation.* Spouses who are eligible for FMLA leave and are employed by the same covered employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken to care for the employee's parent with a serious health condition, for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employing office. It would apply, for example, even though the spouses are employed at two different worksites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. Where the spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a parent, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition. *See also* 825.127(d).

825.202 Intermittent leave or reduced leave schedule.

(a) *Definition.* FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. *Intermittent leave* is FMLA leave taken in separate blocks of time due to a single qualifying reason. A *reduced leave schedule* is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

(b) *Medical necessity.* For intermittent leave or leave on a reduced leave schedule taken because of one's own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or to care for a covered servicemember with a serious injury or illness, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the certification of a serious health condition and in the certification of a serious injury or illness, if required by the employing office, addresses the medical necessity of intermittent

leave or leave on a reduced leave schedule. See 825.306, 825.310. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a serious health condition or of a covered servicemember's serious injury or illness, or for recovery from treatment or recovery from a serious health condition or a covered servicemember's serious injury or illness. It may also be taken to provide care or psychological comfort to a covered family member with a serious health condition or a covered servicemember with a serious injury or illness.

(1) Intermittent leave may be taken for a serious health condition of a spouse, parent, son, or daughter, for the employee's own serious health condition, or a serious injury or illness of a covered servicemember which requires treatment by a health care provider periodically, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy. A pregnant employee may take leave intermittently for prenatal examinations or for her own condition, such as for periods of severe morning sickness. An example of an employee taking leave on a reduced leave schedule is an employee who is recovering from a serious health condition and is not strong enough to work a full-time schedule.

(2) Intermittent or reduced schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition or a serious injury or illness of a covered servicemember, even if he or she does not receive treatment by a health care provider. *See* 825.113 and 825.127.

(c) *Birth or placement.* When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the employing office agrees. Such a schedule reduction might occur, for example, where an employee, with the employing office's agreement, works part-time after the birth of a child, or takes leave in several segments. The employing office's agreement is not required, however, for leave during which the expectant mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition. See 825.204 for rules governing transfer to an alternative position that better accommodates intermittent leave. *See also* 825.120 (pregnancy) and 825.121 (adoption and foster care).

(d) *Qualifying exigency.* Leave due to a qualifying exigency may be taken on an intermittent or reduced leave schedule basis.

825.203 Scheduling of intermittent or reduced schedule leave.

Eligible employees may take FMLA leave on an intermittent or reduced schedule basis when medically necessary due to the serious health condition of a covered family member or the employee or the serious injury or illness of a covered servicemember. See 825.202. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the employing office's operations.

825.204 Transfer of an employee to an alternative position during intermittent leave or reduced schedule leave.

(a) *Transfer or reassignment.* If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee, a family member, or a covered servicemember, including during a period of recovery from one's own serious health condition, a serious health condition of a spouse, parent, son, or daughter, or a serious injury or illness of a covered servicemember, or if the employing office agrees to permit intermittent or reduced schedule leave for the birth of a child or for placement of a child for adoption or foster care, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. *See* 825.601 for special rules applicable to instructional employees of schools.

(b) *Compliance.* Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and Federal law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced scheduled leave.

(c) *Equivalent pay and benefits.* The alternative position must have equivalent pay and benefits. An alternative position for these purposes does not have to have equivalent duties. The employing office may increase the pay and benefits of an existing alternative position, so as to make them equivalent to the pay and benefits of the employee's regular job. The employing office may also transfer the employee to a part-time job with the same hourly rate of pay and benefits, provided the employee is not required to take more leave than is medically necessary. For example, an employee desiring to take leave in increments of four hours per day could be transferred to a half-time job, or could remain in the employee's same job on a part-time schedule, paying the same hourly rate as the employee's previous job and enjoying the same benefits. The employing office may not eliminate benefits which otherwise would not be provided to part-time employees; however, an employing office may proportionately reduce benefits such as vacation leave where an employing office's normal practice is to base such benefits on the number of hours worked.

(d) *Employing office limitations.* An employing office may not transfer the employee to an alternative position in order to discourage the employee from taking leave or otherwise work a hardship on the employee. For example, a white collar employee may not be assigned to perform laborer's work; an employee working the day shift may not be reassigned to the graveyard shift; an employee working in the headquarters facility may not be reassigned to a branch a significant distance away from the employee's normal job location. Any such attempt on the part of the employing office to make such a transfer will be held to be contrary to the prohibited acts provisions of the FMLA, as made applicable by the CAA.

(e) *Reinstatement of employee.* When an employee who is taking leave intermittently or on a reduced leave schedule and has been transferred to an alternative position no longer needs to continue on leave and is able to return to full-time work, the employee must be placed in the same or equivalent job as the job he or she left when the leave commenced. An employee may not be required to take more leave than necessary to address the circumstance that precipitated the need for leave.

825.205 Increments of FMLA leave for intermittent or reduced schedule leave.

(a) *Minimum increment.* (1) When an employee takes FMLA leave on an intermittent or reduced leave schedule basis, the employing office must account for the leave using an increment no greater than the shortest period of time that the employing office uses to account for use of other forms of leave provided that it is not greater than one hour and provided further that an employee's FMLA leave entitlement may not be reduced by more than the amount of leave actually taken. An employing office may not require an employee to take more leave than is necessary to address the circumstances that precipitated the need for the leave, provided that the leave is counted using the shortest increment of leave used to account for any other type of leave. *See also* 825.205(a)(2) for the physical impossibility exception, and 825.600 and 825.601 for special rules applicable to employees of schools. If an employing office uses different increments to account for different types of leave, the employing office must account for FMLA leave in the smallest increment used to account for any other type of leave. For example, if an employing office accounts for the use of annual leave in increments of one hour and the use of sick leave in increments of one-half hour, then FMLA leave use must be accounted for using increments no larger than one-half hour. If an employing office accounts for use of leave in varying increments at different times of the day or shift, the employing office may also account for FMLA leave in varying increments, provided that the increment used for FMLA leave is no greater than the smallest increment used for any other type of leave during the period in which the FMLA leave is taken. If an employing office accounts for other forms of leave use in increments greater than one hour, the employing office must account for FMLA leave use in increments no greater than one hour. An employing office may account for FMLA leave in shorter increments than used for other forms of leave. For example, an employing office that accounts for other forms of leave in one hour increments may account for FMLA leave in a shorter increment when the employee arrives at work several minutes late, and the employing office wants the employee to begin work immediately. Such accounting for FMLA leave will not alter the increment considered to be the shortest period used to account for other forms of leave or the use of FMLA leave in other circumstances. In all cases, employees may not be charged FMLA leave for periods during which they are working.

(2) Where it is physically impossible for an employee using intermittent leave or working a reduced leave schedule to commence or end work mid-way through a shift, such as where a flight attendant or a railroad conductor is scheduled to work aboard an airplane or train, or a laboratory employee is unable to enter or leave a sealed ''clean room'' during a certain period of time and no equivalent position is available, the entire period that the employee is forced to be absent is designated as FMLA leave and counts against the employee's FMLA entitlement.

The period of the physical impossibility is limited to the period during which the employing office is unable to permit the employee to work prior to a period of FMLA leave or return the employee to the same or equivalent position due to the physical impossibility after a period of FMLA leave. *See* 825.214.

(b) *Calculation of leave.* (1) When an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. The actual workweek is the basis of leave entitlement. Therefore, if an employee who would otherwise work 40 hours a week takes off eight hours, the employee would use one-fifth (1/5) of a week of FMLA leave. Similarly, if a full-time employee who would otherwise work eight hour days works four-hour days under a reduced leave schedule, the employee would use one half (1/2) week of FMLA leave each week. Where an employee works a part-time schedule or variable hours, the amount of FMLA leave that an employee uses is determined on a pro rata or proportional basis. If an employee who would otherwise work 30 hours per week, but works only 20 hours a week under a reduced leave schedule, the employee's 10 hours of leave would constitute one-third (1/3) of a week of FMLA leave for each week the employee works the reduced leave schedule. An employing office may convert these fractions to their hourly equivalent so long as the conversion equitably reflects the employee's total normally scheduled hours. An employee does not accrue FMLA-protected leave at any particular hourly rate. An eligible employee is entitled to up to a total of 12 workweeks of leave, or 26 workweeks in the case of military caregiver leave, and the total number of hours contained in those workweeks is necessarily dependent on the specific hours the employee would have worked but for the use of leave. *See also* 825.601 and 825.602 on special rules for schools.

(2) If an employing office has made a permanent or long-term change in the employee's schedule (for reasons other than FMLA, and prior to the notice of need for FMLA leave), the hours worked under the new schedule are to be used for making this calculation.

(3) If an employee's schedule varies from week to week to such an extent that an employing office is unable to determine with any certainty how many hours the employee would otherwise have worked (but for the taking of FMLA leave), a weekly average of the hours worked over the 12 months prior to the beginning of the leave period (including any hours for which the employee took leave of any type) would be used for calculating the employee's leave entitlement.

(c) *Overtime.* If an employee would normally be required to work overtime, but is unable to do so because of a FMLA-qualifying reason that limits the employee's ability to work overtime, the hours which the employee would have been required to work may be counted against the employee's FMLA entitlement. In such a case, the employee is using intermittent or reduced schedule leave. For example, if an employee would normally be required to work for 48 hours in a particular week, but due to a serious health condition the employee is unable to work more than 40 hours that week, the employee would utilize eight hours of FMLA-protected leave out of the 48-hour workweek, or one-sixth (1/6) of a week of FMLA leave. Voluntary overtime hours that an employee does not work due to an FMLA-qualifying reason may not be counted against the employee's FMLA leave entitlement.

825.206 Interaction with the FLSA, as made applicable by the Congressional Accountability Act.

(a) Leave taken under FMLA, as made applicable by the CAA, may be unpaid. If an employee is otherwise exempt from minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA), as made applicable by the CAA, and as exempt under regulations issued by the Board, at part 541, providing unpaid FMLA-qualifying leave to such an employee will not cause the employee to lose the FLSA exemption. This means that under regulations currently in effect, where an employee meets the specified duties test, is paid on a salary basis, and is paid a salary of at least the amount specified in the regulations, the employing office may make deductions from the employee's salary for any hours taken as intermittent or reduced FMLA leave within a workweek, without affecting the exempt status of the employee.

(b) For an employee paid in accordance with a fluctuating workweek method of payment for overtime, where permitted by section 203 of the CAA (2 U.S.C. 1313), the employing office, during the period in which intermittent or reduced schedule FMLA leave is scheduled to be taken, may compensate an employee on an hourly basis and pay only for the hours the employee works, including time and one-half the employee's regular rate for overtime hours. The change to payment on an hourly basis would include the entire period during which the employee is taking intermittent leave, including weeks in which no leave is taken. The hourly rate shall be determined by dividing the employee's weekly salary by the employee's normal or average schedule of hours worked during weeks in which FMLA leave is not being taken. If an employing office chooses to follow this exception from the fluctuating workweek method of payment, the employing office must do so uniformly, with respect to all employees paid on a fluctuating workweek basis for whom FMLA leave is taken on an intermittent or reduced leave schedule basis. If an employing office does not elect to convert the employee's compensation to hourly pay, no deduction may be taken for FMLA leave absences. Once the need for intermittent or reduced scheduled leave is over, the employee may be restored to payment on a fluctuating workweek basis.

(c) This special exception to the salary basis requirements of the FLSA exemption or fluctuating workweek payment requirements applies only to employees of covered employing offices who are eligible for FMLA leave, and to leave which qualifies as FMLA leave. Hourly or other deductions which are not in accordance with the Board's FLSA regulations at part 541 or with a permissible fluctuating workweek method of payment for overtime may not be taken, for example, where the employee has not worked long enough to be eligible for FMLA leave without potentially affecting the employee's eligibility for exemption. Nor may deductions which are not permitted by the Board's FLSA regulations at part 541 or by a permissible fluctuating workweek method of payment for overtime be taken from such an employee's salary for any leave which does not qualify as FMLA leave, for example, deductions from an employee's pay for leave required under an employing office's policy or practice for a reason which does not qualify as FMLA leave, *e.g.*, leave to care for a grandparent or for a medical condition which does not qualify as a serious health condition or serious injury or illness; or for leave which is more generous than provided by the FMLA, as made applicable by the CAA. Employing offices may comply with the employing office's own policy/practice under these circumstances and maintain the employee's eligibility for exemption or for the fluctuating workweek method of pay by not taking hourly deductions from the employee's pay, in accordance with FLSA requirements, as made applicable by the CAA, or may take such deductions, treating the employee as an hourly employee and pay overtime premium pay for hours worked over 40 in a workweek.

825.207 Substitution of paid leave.

(a) Generally, FMLA leave is unpaid leave. However, under the circumstances described in this section, FMLA, as made applicable by the CAA, permits an eligible employee to choose to substitute accrued paid leave for FMLA leave. If an employee does not choose to substitute accrued paid leave, the employing office may require the employee to substitute accrued paid leave for unpaid FMLA leave. The term substitute means that the paid leave provided by the employing office, and accrued pursuant to established policies of the employing office, will run concurrently with the unpaid FMLA leave. Accordingly, the employee receives pay pursuant to the employing office's applicable paid leave policy during the period of otherwise unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employing office's normal leave policy. When an employee chooses, or an employing office requires, substitution of accrued paid leave, the employing office must inform the employee that the employee must satisfy any procedural requirements of the paid leave policy only in connection with the receipt of such payment. *See* 825.300(c). If an employee does not comply with the additional requirements in an employing office's paid leave policy, the employee is not entitled to substitute accrued paid leave, but the employee remains entitled to take unpaid FMLA leave. Employing offices may not discriminate against employees on FMLA leave in the administration of their paid leave policies.

(b) If neither the employee nor the employing office elects to substitute paid leave for unpaid FMLA leave under the above conditions and circumstances, the employee will remain entitled to all the paid leave which is earned or accrued under the terms of the employing office's plan.

(c) If an employee uses paid leave under circumstances which do not qualify as FMLA leave, the leave will not count against the employee's FMLA leave entitlement. For example, paid sick leave used for a medical condition which is not a serious health condition or serious injury or illness does not count against the employee's FMLA leave entitlement.

(d) Leave taken pursuant to a disability leave plan would be considered FMLA leave for a serious health condition and counted in the leave entitlement permitted under FMLA if it meets the criteria set forth above in 825.112 through 825.115. In such cases, the employing office may designate the leave as FMLA leave and count the leave against the employee's FMLA leave entitlement. Because leave pursuant to a disability benefit plan is not unpaid, the provision for substitution of the employee's accrued paid leave is inapplicable, and neither the employee nor the employing office may require the substitution of paid leave. However, employing offices and employees may agree to have paid

leave supplement the disability plan benefits, such as in the case where a plan only provides replacement income for two-thirds of an employee's salary.

(e) The FMLA, as made applicable by the CAA, provides that a serious health condition may result from injury to the employee on or off the job. If the employing office designates the leave as FMLA leave in accordance with 825.300(d), the leave counts against the employee's FMLA leave entitlement. Because the workers' compensation absence is not unpaid, the provision for substitution of the employee's accrued paid leave is not applicable, and neither the employee nor the employing office may require the substitution of paid leave. However, employing offices and employees may agree, to have paid leave supplement workers' compensation benefits, such as in the case where workers' compensation only provides replacement income for two-thirds of an employee's salary. If the health care provider treating the employee for the workers' compensation injury certifies the employee is able to return to a light duty job but is unable to return to the same or equivalent job, the employee may decline the employing office's offer of a light duty job. As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the employee's FMLA leave entitlement is exhausted. As of the date workers' compensation benefits cease, the substitution provision becomes applicable and either the employee may elect or the employing office may require the use of accrued paid leave. *See also* 825.210(f), 825.216(d), 825.220(d), 825.307(a) and 825.702 (d)(1) and (2) regarding the relationship between workers' compensation absences and FMLA leave.

(f) Under the FLSA, as made applicable by the CAA, an employing office always has the right to cash out an employee's compensatory time or to require the employee to use the time. Therefore, if an employee requests and is permitted to use accrued compensatory time to receive pay for time taken off for an FMLA reason, or if the employing office requires such use pursuant to the FLSA, the time taken may be counted against the employee's FMLA leave entitlement.

825.208 [Removed and reserved]

825.209 Maintenance of employee benefits.

(a) During any FMLA leave, an employing office must maintain the employee's coverage under the Federal Employees Health Benefits Program or any group health plan (as defined in the Internal Revenue Code of 1986 at 26 U.S.C. 5000(b)(1)) on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period. All employing offices are subject to the requirements of the FMLA, as made applicable by the CAA, to maintain health coverage. The definition of group health plan is set forth in 825.102. For purposes of FMLA, the term group health plan shall not include an insurance program providing health coverage under which employees purchase individual policies from insurers provided that:

(1) No contributions are made by the employing office;

(2) Participation in the program is completely voluntary for employees;

(3) The sole functions of the employing office with respect to the program are, without endorsing the program, to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the insurer;

(4) The employing office receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit, for administrative services actually rendered in connection with payroll deduction; and

(5) The premium charged with respect to such coverage does not increase in the event the employment relationship terminates.

(b) The same group health plan benefits provided to an employee prior to taking FMLA leave must be maintained during the FMLA leave. For example, if family member coverage is provided to an employee, family member coverage must be maintained during the FMLA leave. Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., must be maintained during leave if provided in an employing office's group health plan, including a supplement to a group health plan, whether or not provided through a flexible spending account or other component of a cafeteria plan.

(c) If an employing office provides a new health plan or benefits or changes health benefits or plans while an employee is on FMLA leave, the employee is entitled to the new or changed plan/benefits to the same extent as if the employee were not on leave. For example, if an employing office changes a group health plan so that dental care becomes covered under the plan, an employee on FMLA leave must be given the same opportunity as other employees to receive (or obtain) the dental care coverage. Any other plan changes (*e.g.*, in coverage, premiums, deductibles, *etc.*) which apply to all employees of the workforce would also apply to an employee on FMLA leave.

(d) Notice of any opportunity to change plans or benefits must also be given to an employee on FMLA leave. If the group health plan permits an employee to change from single to family coverage upon the birth of a child or otherwise add new family members, such a change in benefits must be made available while an employee is on FMLA leave. If the employee requests the changed coverage it must be provided by the employing office.

(e) An employee may choose not to retain group health plan coverage during FMLA leave. However, when an employee returns from leave, the employee is entitled to be reinstated on the same terms as prior to taking the leave, including family or dependent coverages, without any qualifying period, physical examination, exclusion of pre-existing conditions, *etc. See* 825.212(c).

(f) Except as required by the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) or 5 U.S.C. 8905a, whichever is applicable, and for key employees (as discussed below), an employing office's obligation to maintain health benefits during leave (and to restore the employee to the same or equivalent employment) under FMLA ceases if and when the employment relationship would have terminated if the employee had not taken FMLA leave (*e.g.*, if the employee's position is eliminated as part of a nondiscriminatory reduction in force and the employee would not have been transferred to another position); an employee informs the employing office of his or her intent not to return from leave (including before starting the leave if the employing office is so informed before the leave starts); or the employee fails to return from leave or continues on leave after exhausting his or her FMLA leave entitlement in the 12-month period.

(g) If a key employee (*see* 825.218) does not return from leave when notified by the employing office that substantial or grievous economic injury will result from his or her reinstatement, the employee's entitlement to group health plan benefits continues unless and until the employee advises the employing office that the employee does not desire restoration to employment at the end of the leave period, or the FMLA leave entitlement is exhausted, or reinstatement is actually denied.

(h) An employee's entitlement to benefits other than group health benefits during a period of FMLA leave (*e.g.*, holiday pay) is to be determined by the employing office's established policy for providing such benefits when the employee is on other forms of leave (paid or unpaid, as appropriate).

825.210 Employee payment of group health benefit premiums.

(a) Group health plan benefits must be maintained on the same basis as coverage would have been provided if the employee had been continuously employed during the FMLA leave period. Therefore, any share of group health plan premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. If premiums are raised or lowered, the employee would be required to pay the new premium rates. Maintenance of health insurance policies which are not a part of the employing office's group health plan, as described in 825.209(a), are the sole responsibility of the employee. The employee and the insurer should make necessary arrangements for payment of premiums during periods of unpaid FMLA leave.

(b) If the FMLA leave is substituted paid leave, the employee's share of premiums must be paid by the method normally used during any paid leave, presumably as a payroll deduction.

(c) If FMLA leave is unpaid, the employing office has a number of options for obtaining payment from the employee. The employing office may require that payment be made to the employing office or to the insurance carrier, but no additional charge may be added to the employee's premium payment for administrative expenses. The employing office may require employees to pay their share of premium payments in any of the following ways:

(1) Payment would be due at the same time as it would be made if by payroll deduction;

(2) Payment would be due on the same schedule as payments are made under COBRA or 5 U.S.C. 8905a, whichever is applicable;

(3) Payment would be prepaid pursuant to a cafeteria plan at the employee's option;

(4) The employing office's existing rules for payment by employees on leave without pay would be followed, provided that such rules do not require prepayment (*i.e.*, prior to the commencement of the leave) of the premiums that will become due during a period of unpaid FMLA leave or payment of higher premiums than if the employee had continued to work instead of taking leave; or

(5) Another system voluntarily agreed to between the employing office and the employee, which may include prepayment of premiums (*e.g.*, through increased payroll deductions when the need for the FMLA leave is foreseeable).

(d) The employing office must provide the employee with advance written notice of the terms and conditions under which these payments must be made. *See* 825. 300(c).

(e) An employing office may not require more of an employee using unpaid FMLA leave than the employing office requires of other employees on leave without pay.

(f) An employee who is receiving payments as a result of a workers' compensation injury must make arrangements with the employing office for payment of group health plan benefits when simultaneously taking FMLA leave. *See* 825.207(e).

825.211 Maintenance of benefits under multi-employer health plans.

(a) A multi-employer health plan is a plan to which more than one employing office is required to contribute, and which is maintained pursuant to one or more collective bargaining agreements between employee organization(s) and the employing offices.

(b) An employing office under a multi-employer plan must continue to make contributions on behalf of an employee using FMLA leave as though the employee had been continuously employed, unless the plan contains an explicit FMLA provision for maintaining coverage such as through pooled contributions by all employing offices party to the plan.

(c) During the duration of an employee's FMLA leave, coverage by the group health plan, and benefits provided pursuant to the plan, must be maintained at the level of coverage and benefits which were applicable to the employee at the time FMLA leave commenced.

(d) An employee using FMLA leave cannot be required to use banked hours or pay a greater premium than the employee would have been required to pay if the employee had been continuously employed.

(e) As provided in 825.209(f) of this part, group health plan coverage must be maintained for an employee on FMLA leave until:

(1) The employee's FMLA leave entitlement is exhausted;

(2) The employing office can show that the employee would have been laid off and the employment relationship terminated; or

(3) The employee provides unequivocal notice of intent not to return to work.

825.212 Employee failure to pay health plan premium payments.

(a) (1) In the absence of an established employing office policy providing a longer grace period, an employing office's obligations to maintain health insurance coverage cease under FMLA if an employee's premium payment is more than 30 days late. In order to drop the coverage for an employee whose premium payment is late, the employing office must provide written notice to the employee that the payment has not been received. Such notice must be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. If the employing office has established policies regarding other forms of unpaid leave that provide for the employing office to cease coverage retroactively to the date the unpaid premium payment was due, the employing office may drop the employee from coverage retroactively in accordance with that policy, provided the 15-day notice was given. In the absence of such a policy, coverage for the employee may be terminated at the end of the 30-day grace period, where the required 15-day notice has been provided.

(2) An employing office has no obligation regarding the maintenance of a health insurance policy which is not a group health plan. *See* 825.209(a).

(3) All other obligations of an employing office under FMLA would continue; for example, the employing office continues to have an obligation to reinstate an employee upon return from leave.

(b) The employing office may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which the employing office maintains health coverage by paying the employee's share after the premium payment is missed.

(c) If coverage lapses because an employee has not made required premium payments, upon the employee's return from FMLA leave the employing office must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed, including family or dependent coverage. *See* 825.215(d)(1)–(5). In such case, an employee may not be required to meet any qualification requirements imposed by the plan, including any new preexisting condition waiting period, to wait for an open season, or to pass a medical examination to obtain reinstatement of coverage. If an employing office terminates an employee's insurance in accordance with this section and fails to restore the employee's health insurance as required by this section upon the employee's return, the employing office may be liable for benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable relief tailored to the harm suffered.

825.213 Employing office recovery of benefit costs.

(a) In addition to the circumstances discussed in 825.212(b), an employing office may recover its share of health plan premiums during a period of unpaid FMLA leave from an employee if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, unless the reason the employee does not return is due to:

(1) The continuation, recurrence, or onset of either a serious health condition of the employee or the employee's family member, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under FMLA; or

(2) Other circumstances beyond the employee's control. Examples of other circumstances beyond the employee's control are necessarily broad. They include such situations as where a parent chooses to stay home with a newborn child who has a serious health condition; an employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's worksite; a relative or individual other than a covered family member has a serious health condition and the employee is needed to provide care; the employee is laid off while on leave; or, the employee is a key employee who decides not to return to work upon being notified of the employing office's intention to deny restoration because of substantial and grievous economic injury to the employing office's operations and is not reinstated by the employing office. Other circumstances beyond the employee's control would not include a situation where an employee desires to remain with a parent in a distant city even though the parent no longer requires the employee's care, or a parent chooses not to return to work to stay home with a well, newborn child.

(3) When an employee fails to return to work because of the continuation, recurrence, or onset of either a serious health condition of the employee or employee's family member, or a serious injury or illness of a covered servicemember, thereby precluding the employing office from recovering its (share of) health benefit premium payments made on the employee's behalf during a period of unpaid FMLA leave, the employing office may require medical certification of the employee's or the family member's serious health condition or the covered servicemember's serious injury or illness. Such certification is not required unless requested by the employing office. The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification. The employee is required to provide medical certification in a timely manner which, for purposes of this section, is within 30 days from the date of the employing office's request. For purposes of medical certification, the employee may use the optional forms developed for this purpose. *See* 825.306(b), 825.310(c)–(d) and Forms A, B, and F. If the employing office requests medical certification and the employee does not provide such certification in a timely manner (within 30 days), or the reason for not returning to work does not meet the test of other circumstances beyond the employee's control, the employing office may recover 100 percent of the health benefit premiums it paid during the period of unpaid FMLA leave.

(b) Under some circumstances an employing office may elect to maintain other benefits, *e.g.,* life insurance, disability insurance, *etc.,* by paying the employee's (share of) premiums during periods of unpaid FMLA leave. For example, to ensure the employing office can meet its responsibilities to provide equivalent benefits to the employee upon return from unpaid FMLA leave, it may be necessary that premiums be paid continuously to avoid a lapse of coverage. If the employing office elects to maintain such benefits during the leave, at the conclusion of leave, the employing office is entitled to recover only the costs incurred for paying the employee's share of any premiums whether or not the employee returns to work.

(c) An employee who returns to work for at least 30 calendar days is considered to have returned to work. An employee who transfers directly from taking FMLA leave to retirement, or who retires during the first 30 days after the employee returns to work, is deemed to have returned to work.

(d) When an employee elects or an employing office requires paid leave to be substituted for FMLA leave, the employing office may not recover its (share of) health insurance or other non-health benefit premiums for any period of FMLA leave covered by paid leave. Because paid leave provided under a plan covering temporary disabilities (including workers' compensation) is not unpaid, recovery of health insurance premiums does not apply to such paid leave.

(e) The amount that self-insured employing offices may recover is limited to only the employing office's share of allowable premiums as would be calculated under COBRA, excluding the two percent fee for administrative costs.

(f) When an employee fails to return to work, any health and non-health benefit premiums which this section of the regulations permits an employing office to recover are a debt owed by the non-returning employee to the employing office. The existence of this debt caused by the employee's failure to return to work does not alter the employing office's responsibilities for health benefit coverage and, under a self-insurance plan, payment of claims incurred during the period of FMLA leave. To the extent recovery is allowed, the employing office may recover

the costs through deduction from any sums due to the employee (*e.g.*, unpaid wages, vacation pay, *etc.*), provided such deductions do not otherwise violate applicable wage payment or other laws. Alternatively, the employing office may initiate legal action against the employee to recover such costs.

825.214 Employee right to reinstatement.

General Rule. On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. *See also* 825.106(e) for the obligations of employing offices that are joint employers.

825.215 Equivalent position.

(a) *Equivalent position.* An equivalent position is one that is virtually identical to the employee's former position in terms of pay, benefits and working conditions, including privileges, prerequisites and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.

(b) *Conditions to qualify.* If an employee is no longer qualified for the position because of the employee's inability to attend a necessary course, renew a license, *etc.*, as a result of the leave, the employee shall be given a reasonable opportunity to fulfill those conditions upon return to work.

(c) *Equivalent Pay.* (1) An employee is entitled to any unconditional pay increases which may have occurred during the FMLA leave period, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed must be granted in accordance with the employing office's policy or practice with respect to other employees on an equivalent leave status for a reason that does not qualify as FMLA leave. An employee is entitled to be restored to a position with the same or equivalent pay premiums, such as a shift differential. If an employee departed from a position averaging ten hours of overtime (and corresponding overtime pay) each week, an employee is ordinarily entitled to such a position on return from FMLA leave.

(2) Equivalent pay includes any bonus or payment, whether it is discretionary or nondiscretionary, made to employees consistent with the provisions of paragraph (c)(1) of this section. However, if a bonus or other payment is based on the achievement of a specified goal such as hours worked, products sold or perfect attendance, and the employee has not met the goal due to FMLA leave, then the payment may be denied, unless otherwise paid to employees on an equivalent leave status for a reason that does not qualify as FMLA leave. For example, if an employee who used paid vacation leave for a non-FMLA purpose would receive the payment, then the employee who used paid vacation leave for an FMLA-protected purpose also must receive the payment.

(d) *Equivalent benefits.* Benefits include all benefits provided or made available to employees by an employing office, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employing office through an employee benefit plan.

(1) At the end of an employee's FMLA leave, benefits must be resumed in the same manner and at the same levels as provided when the leave began, and subject to any changes in benefit levels that may have taken place during the period of FMLA leave affecting the entire work force, unless otherwise elected by the employee. Upon return from FMLA leave, an employee cannot be required to requalify for any benefits the employee enjoyed before FMLA leave began (including family or dependent coverages). For example, if an employee was covered by a life insurance policy before taking leave but is not covered or coverage lapses during the period of unpaid FMLA leave, the employee cannot be required to meet any qualifications, such as taking a physical examination, in order to requalify for life insurance upon return from leave. Accordingly, some employing offices may find it necessary to modify life insurance and other benefits programs in order to restore employees to equivalent benefits upon return from FMLA leave, make arrangements for continued payment of costs to maintain such benefits during unpaid FMLA leave, or pay these costs subject to recovery from the employee on return from leave. *See* 825.213(b).

(2) An employee may, but is not entitled to, accrue any additional benefits or seniority during unpaid FMLA leave. Benefits accrued at the time leave began, however, (*e.g.*, paid vacation, sick or personal leave to the extent not substituted for FMLA leave) must be available to an employee upon return from leave.

(3) If, while on unpaid FMLA leave, an employee desires to continue life insurance, disability insurance, or other types of benefits for which he or she typically pays, the employing office is required to follow established policies or practices for continuing such benefits for other instances of leave without pay. If the employing office has no established policy, the employee and the employing office are encouraged to agree upon arrangements before FMLA leave begins.

(4) With respect to pension and other retirement plans, any period of unpaid FMLA leave shall not be treated as or counted toward a break in service for purposes of vesting and eligibility to participate. Also, if the plan requires an employee to be employed on a specific date in order to be credited with a year of service for vesting, contributions or participation purposes, an employee on unpaid FMLA leave on that date shall be deemed to have been employed on that date. However, unpaid FMLA leave periods need not be treated as credited service for purposes of benefit accrual, vesting and eligibility to participate.

(5) Employees on unpaid FMLA leave are to be treated as if they continued to work for purposes of changes to benefit plans. They are entitled to changes in benefits plans, except those which may be dependent upon seniority or accrual during the leave period, immediately upon return from leave or to the same extent they would have qualified if no leave had been taken. For example if the benefit plan is predicated on a pre-established number of hours worked each year and the employee does not have sufficient hours as a result of taking unpaid FMLA leave, the benefit is lost. (In this regard, 825.209 addresses health benefits.)

(e) *Equivalent terms and conditions of employment.* An equivalent position must have substantially similar duties, conditions, responsibilities, privileges and status as the employee's original position.

(1) The employee must be reinstated to the same or a geographically proximate worksite (*i.e.*, one that does not involve a significant increase in commuting time or distance) from where the employee had previously been employed. If the employee's original worksite has been closed, the employee is entitled to the same rights as if the employee had not been on leave when the worksite closed. For example, if an employing office transfers all employees from a closed worksite to a new worksite in a different city, the employee on leave is also entitled to transfer under the same conditions as if he or she had continued to be employed.

(2) The employee is ordinarily entitled to return to the same shift or the same or an equivalent work schedule.

(3) The employee must have the same or an equivalent opportunity for bonuses, and other similar discretionary and non-discretionary payments.

(4) FMLA does not prohibit an employing office from accommodating an employee's request to be restored to a different shift, schedule, or position which better suits the employee's personal needs on return from leave, or to offer a promotion to a better position. However, an employee cannot be induced by the employing office to accept a different position against the employee's wishes.

(f) *De minimis exception.* The requirement that an employee be restored to the same or equivalent job with the same or equivalent pay, benefits, and terms and conditions of employment does not extend to de minimis, intangible, or unmeasurable aspects of the job.

825.216 Limitations on an employee's right to reinstatement.

(a) An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. An employing office must be able to show that an employee would not otherwise have been employed at the time reinstatement is requested in order to deny restoration to employment. For example:

(1) If an employee is laid off during the course of taking FMLA leave and employment is terminated, the employing office's responsibility to continue FMLA leave, maintain group health plan benefits and restore the employee ceases at the time the employee is laid off, provided the employing office has no continuing obligations under a collective bargaining agreement or otherwise. An employing office would have the burden of proving that an employee would have been laid off during the FMLA leave period and, therefore, would not be entitled to restoration. Restoration to a job slated for lay-off when the employee's original position is not would not meet the requirements of an equivalent position.

(2) If a shift has been eliminated, or overtime has been decreased, an employee would not be entitled to return to work that shift or the original overtime hours upon restoration. However, if a position on, for example, a night shift has been filled by another employee, the employee is entitled to return to the same shift on which employed before taking FMLA leave.

(3) If an employee was hired for a specific term or only to perform work on a discrete project, the employing office has no obligation to restore the employee if the employment term or project is over and the employing office would not otherwise have continued to employ the employee. On the other hand, if an employee was hired to perform work for one employing office for a specific time period, and after that time period has

ended, the work was assigned to another employing office, the successor employing office may be required to restore the employee if it is a successor employing office.

(b) In addition to the circumstances explained above, an employing office may deny job restoration to salaried eligible employees (key employees, as defined in 825.217(c)), if such denial is necessary to prevent substantial and grievous economic injury to the operations of the employing office; or may delay restoration to an employee who fails to provide a fitness-for-duty certificate to return to work under the conditions described in 825.312.

(c) If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition or an injury or illness also covered by workers' compensation, the employee has no right to restoration to another position under the FMLA. The employing office's obligations may, however, be governed by the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA. *See* 825.702.

(d) An employee who fraudulently obtains FMLA leave from an employing office is not protected by the job restoration or maintenance of health benefits provisions of the FMLA, as made applicable by the CAA.

(e) If the employing office has a uniformly-applied policy governing outside or supplemental employment, such a policy may continue to apply to an employee while on FMLA leave. An employing office which does not have such a policy may not deny benefits to which an employee is entitled under FMLA, as made applicable by the CAA, on this basis unless the FMLA leave was fraudulently obtained as in paragraph (d) of this section.

825.217 Key employee, general rule.

(a) A *key employee* is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employing office within 75 miles of the employee's worksite.

(b) The term *salaried* means paid on a salary basis, within the meaning of the Board's FLSA regulations at part 541, implementing section 203 of the CAA (2 U.S.C. 1313), regarding employees who may qualify as exempt from the minimum wage and overtime requirements of the FLSA, as made applicable by the CAA.

(c) A key employee must be among the highest paid 10 percent of all the employees—both salaried and non-salaried, eligible and ineligible—who are employed by the employing office within 75 miles of the worksite.

(1) In determining which employees are among the highest paid 10 percent, year- to-date earnings are divided by weeks worked by the employee (including weeks in which paid leave was taken). Earnings include wages, premium pay, incentive pay, and non-discretionary and discretionary bonuses. Earnings do not include incentives whose value is determined at some future date, *e.g.*, benefits or prerequisites.

(2) The determination of whether a salaried employee is among the highest paid 10 percent shall be made at the time the employee gives notice of the need for leave. No more than 10 percent of the employing office's employees within 75 miles of the worksite may be key employees.

825.218 Substantial and grievous economic injury.

(a) In order to deny restoration to a key employee, an employing office must determine that the restoration of the employee to employment will cause substantial and grievous economic injury to the operations of the employing office, not whether the absence of the employee will cause such substantial and grievous injury.

(b) An employing office may take into account its ability to replace on a temporary basis (or temporarily do without) the employee on FMLA leave. If permanent replacement is unavoidable, the cost of then reinstating the employee can be considered in evaluating whether substantial and grievous economic injury will occur from restoration; in other words, the effect on the operations of the employing office of reinstating the employee in an equivalent position.

(c) A precise test cannot be set for the level of hardship or injury to the employing office which must be sustained. If the reinstatement of a key employee threatens the economic viability of the employing office, that would constitute substantial and grievous economic injury. A lesser injury which causes substantial, long-term economic injury would also be sufficient. Minor inconveniences and costs that the employing office would experience in the normal course would certainly not constitute substantial and grievous economic injury.

(d) FMLA's substantial and grievous economic injury standard is different from and more stringent than the undue hardship test under the ADA, as made applicable by the CAA. *See also* 825.702.

825.219 Rights of a key employee.

(a) An employing office that believes that reinstatement may be denied to a key employee, must give written notice to the employee at the time the employee gives notice of the need for FMLA leave (or when FMLA leave commences, if earlier) that he or she qualifies as a key employee. At the same time, the employing office must also fully inform the employee of the potential consequences with respect to reinstatement and maintenance of health benefits if the employing office should determine that substantial and grievous economic injury to the employing office's operations will result if the employee is reinstated from FMLA leave. If such notice cannot be given immediately because of the need to determine whether the employee is a key employee, it shall be given as soon as practicable after being notified of a need for leave (or the commencement of leave, if earlier). It is expected that in most circumstances there will be no desire that an employee be denied restoration after FMLA leave and, therefore, there would be no need to provide such notice. However, an employing office who fails to provide such timely notice will lose its right to deny restoration even if substantial and grievous economic injury will result from reinstatement.

(b) As soon as an employing office makes a good faith determination, based on the facts available, that substantial and grievous economic injury to its operations will result if a key employee who has given notice of the need for FMLA leave or is using FMLA leave is reinstated, the employing office shall notify the employee in writing of its determination, that it cannot deny FMLA leave, and that it intends to deny restoration to employment on completion of the FMLA leave. It is anticipated that an employing office will ordinarily be able to give such notice prior to the employee starting leave. The employing office must serve this notice either in person or by certified mail. This notice must explain the basis for the employing office's finding that substantial and grievous economic injury will result, and, if leave has commenced, must provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return.

(c) If an employee on leave does not return to work in response to the employing office's notification of intent to deny restoration, the employee continues to be entitled to maintenance of health benefits and the employing office may not recover its cost of health benefit premiums. A key employee's rights under FMLA continue unless and until the employee either gives notice that he or she no longer wishes to return to work, or the employing office actually denies reinstatement at the conclusion of the leave period.

(d) After notice to an employee has been given that substantial and grievous economic injury will result if the employee is reinstated to employment, an employee is still entitled to request reinstatement at the end of the leave period even if the employee did not return to work in response to the employing office's notice. The employing office must then again determine whether there will be substantial and grievous economic injury from reinstatement, based on the facts at that time. If it is determined that substantial and grievous economic injury will result, the employing office shall notify the employee in writing (in person or by certified mail) of the denial of restoration.

825.220 Protection for employees who request leave or otherwise assert FMLA rights.

(a) The FMLA, as made applicable by the CAA, prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. More specifically, the law contains the following employee protections:

(1) An employing office is prohibited from interfering with, restraining, or denying the exercise of (or attempts to exercise) any rights provided by the FMLA, as made applicable by the CAA.

(2) An employing office is prohibited from discharging or in any other way discriminating against any covered employee (whether or not an eligible employee) for opposing or complaining about any unlawful practice under the FMLA, as made applicable by the CAA.

(3) All employing offices are prohibited from discharging or in any other way discriminating against any covered employee (whether or not an eligible employee) because that covered employee has—

(i) Filed any charge, or has instituted (or caused to be instituted) any proceeding under or related to the FMLA, as made applicable by the CAA;

(ii) Given, or is about to give, any information in connection with an inquiry or proceeding relating to a right under the FMLA, as made applicable by the CAA;

(iii) Testified, or is about to testify, in any inquiry or proceeding relating to a right under the FMLA, as made applicable by the CAA.

(b) Any violations of the FMLA, as made applicable by the CAA, or of these regulations constitute interfering with, restraining, or denying the exercise of rights provided by the FMLA, as made applicable by the CAA. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the

harm suffered. *See* 825.400(c). Interfering with the exercise of an employee's rights would include, for example, not only refusing to authorize FMLA leave, but discouraging an employee from using such leave. It would also include manipulation by a covered employing office to avoid responsibilities under FMLA, for example:

(1) [Reserved]

(2) Changing the essential functions of the job in order to preclude the taking of leave; or

(3) Reducing hours available to work in order to avoid employee eligibility.

(c) The FMLA's prohibition against interference prohibits an employing office from discriminating or retaliating against an employee or prospective employee for having exercised or attempted to exercise FMLA rights. For example, if an employee on leave without pay would otherwise be entitled to full benefits (other than health benefits), the same benefits would be required to be provided to an employee on unpaid FMLA leave. By the same token, employing offices cannot use the taking of FMLA leave as a negative factor in employment actions, such as hiring, promotions or disciplinary actions; nor can FMLA leave be counted under no fault attendance policies. *See* 825.215.

(d) Employees cannot waive, nor may employing offices induce employees to waive, their rights under FMLA. For example, employees (or their collective bargaining representatives) cannot trade off the right to take FMLA leave against some other benefit offered by the employing office. Except for settlement agreements covered by 1414 and/or 1415 of the Congressional Accountability Act, this does not prevent the settlement or release of FMLA claims by employees based on past employing office conduct without the approval of the Office of Compliance or a court. Nor does it prevent an employee's voluntary and uncoerced acceptance (not as a condition of employment) of a light duty assignment while recovering from a serious health condition. *See* 825.702(d). An employee's acceptance of such light duty assignment does not constitute a waiver of the employee's prospective rights, including the right to be restored to the same position the employee held at the time the employee's FMLA leave commenced or to an equivalent position. The employee's right to restoration, however, ceases at the end of the applicable 12-month FMLA leave year.

(e) Covered employees, and not merely eligible employees, are protected from retaliation for opposing (*e.g.*, filing a complaint about) any practice which is unlawful under the FMLA, as made applicable by the CAA. They are similarly protected if they oppose any practice which they reasonably believe to be a violation of the FMLA, as made applicable by the CAA, or regulations.

SUBPART C—EMPLOYEE AND EMPLOYING OFFICE RIGHTS AND OBLIGATIONS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA

825.300 Employing office notice requirements.

(a)(1) If an employing office has any eligible employees and has any written guidance to employees concerning employee benefits or leave rights, such as in an employee handbook, information concerning both entitlements and employee obligations under the FMLA, as made applicable by the CAA, must be included in the handbook or other document. For example, if an employing office provides an employee handbook to all employees that describes the employing office's policies regarding leave, wages, attendance, and similar matters, the handbook must incorporate information on FMLA rights and responsibilities and the employing office's policies regarding the FMLA, as made applicable by the CAA. Informational publications describing the provisions of the FMLA, as made applicable by the CAA, are available from the Office of Compliance and may be incorporated in such employing office handbooks or written policies.

(2) If such an employing office does not have written policies, manuals, or handbooks describing employee benefits and leave provisions, the employing office shall provide written guidance to an employee concerning all the employee's rights and obligations under the FMLA, as made applicable by the CAA. This notice shall be provided to employees each time notice is given pursuant to paragraph (c), and in accordance with the provisions of that paragraph. Employing offices may duplicate and provide the employee a copy of the FMLA Fact Sheet available from the Office of Compliance to provide such guidance.

(b) *Eligibility notice.* (1) When an employee requests FMLA leave, or when the employing office acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the employing office must notify the employee of the employee's eligibility to take FMLA leave within five business days, absent extenuating circumstances. *See* 825.110 for definition of an eligible employee. Employee eligibility is determined (and notice must be provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable 12-month period. *See* 825.127(c) and 825.200(b). All FMLA absences for the same qualifying reason are considered a single leave and employee eligibility as to that reason for leave does not change during the applicable 12-month period.

(2) The eligibility notice must state whether the employee is eligible for FMLA leave as defined in 825.110. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible, including as applicable the number of months the employee has been employed by the employing office and the hours of service with the employing office during the 12-month period. Notification of eligibility may be oral or in writing; employing offices may use Form C to provide such notification to employees.

(3) If, at the time an employee provides notice of a subsequent need for FMLA leave during the applicable 12-month period due to a different FMLA-qualifying reason, and the employee's eligibility status has not changed, no additional eligibility notice is required. If, however, the employee's eligibility status has changed (*e.g.*, if the employee has not met the hours of service requirement in the 12 months preceding the commencement of leave for the subsequent qualifying reason), the employing office must notify the employee of the change in eligibility status within five business days, absent extenuating circumstances.

(c) *Rights and responsibilities notice.* (1) Employing offices shall provide written notice detailing the specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations. This notice shall be provided to the employee each time the eligibility notice is provided pursuant to paragraph (b) of this section. If leave has already begun, the notice should be mailed to the employee's address of record. Such specific notice must include, as appropriate:

(i) That the leave may be designated and counted against the employee's annual FMLA leave entitlement if qualifying (*see* 825.300(c) and 825.301) and the applicable 12-month period for FMLA entitlement (*see* 825.127(c), 825.200(b), (f), and (g));

(ii) Any requirements for the employee to furnish certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of covered active duty or call to covered active duty status, and the consequences of failing to do so (*see* 825.305, 825.309, 825.310, 825.313);

(iii) The employee's right to substitute paid leave, whether the employing office will require the substitution of paid leave, the conditions related to any substitution, and the employee's entitlement to take unpaid FMLA leave if the employee does not meet the conditions for paid leave (*see* 825.207);

(iv) Any requirement for the employee to make any premium payments to maintain health benefits and the arrangements for making such payments (*see* 825.210), and the possible consequences of failure to make such payments on a timely basis (*i.e.*, the circumstances under which coverage may lapse);

(v) The employee's status as a key employee and the potential consequence that restoration may be denied following FMLA leave, explaining the conditions required for such denial (*see* 825.218);

(vi) The employee's right to maintenance of benefits during the FMLA leave and restoration to the same or an equivalent job upon return from FMLA leave (*see* 825.214 and 825.604); and

(vii) The employee's potential liability for payment of health insurance premiums paid by the employing office during the employee's unpaid FMLA leave if the employee fails to return to work after taking FMLA leave (*see* 825.213).

(2) The notice of rights and responsibilities may include other information—*e.g.*, whether the employing office will require periodic reports of the employee's status and intent to return to work—but is not required to do so.

(3) The notice of rights and responsibilities may be accompanied by any required certification form.

(4) If the specific information provided by the notice of rights and responsibilities changes, the employing office shall, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, provide written notice referencing the prior notice and setting forth any of the information in the notice of rights and responsibilities that has changed. For example, if the initial leave period was paid leave and the subsequent leave period would be unpaid leave, the employing office may need to give notice of the arrangements for making premium payments.

(5) Employing offices are also expected to responsively answer questions from employees concerning their rights and responsibilities under the FMLA, as made applicable under the CAA.

(6) A prototype notice of rights and responsibilities may be obtained in Form C, or from the Office of Compliance. Employing offices may adapt the prototype notice as appropriate to meet these notice requirements. The notice of rights and responsibilities may be distributed electronically so long as it otherwise meets the requirements of this section.

(d) *Designation notice.* (1) The employing office is responsible in all circumstances for designating leave as FMLA-qualifying, and

for giving notice of the designation to the employee as provided in this section. When the employing office has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (*e.g.*, after receiving a certification), the employing office must notify the employee whether the leave will be designated and will be counted as FMLA leave within five business days absent extenuating circumstances. Only one notice of designation is required for each FMLA-qualifying reason per applicable 12-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave. If the employing office determines that the leave will not be designated as FMLA-qualifying (*e.g.*, if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), the employing office must notify the employee of that determination. If the employing office requires paid leave to be substituted for unpaid FMLA leave, or that paid leave taken under an existing leave plan be counted as FMLA leave, the employing office must inform the employee of this designation at the time of designating the FMLA leave.

(2) If the employing office has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, the employing office may provide the employee with the designation notice at that time.

(3) If the employing office will require the employee to present a fitness-for-duty certification to be restored to employment, the employing office must provide notice of such requirement with the designation notice. If the employing office will require that the fitness-for-duty certification address the employee's ability to perform the essential functions of the employee's position, the employing office must so indicate in the designation notice, and must include a list of the essential functions of the employee's position. *See* 825.312. If the employing office's handbook or other written documents (if any) describing the employing office's leave policies clearly provide that a fitness-for-duty certification will be required in specific circumstances (*e.g.*, by stating that fitness-for-duty certification will be required in all cases of back injuries for employees in a certain occupation), the employing office is not required to provide written notice of the requirement with the designation notice, but must provide oral notice no later than with the designation notice.

(4) The designation notice must be in writing. A prototype designation notice is contained in Form D which may be obtained from the Office of Compliance. If the leave is not designated as FMLA leave because it does not meet the requirements of the FMLA, as made applicable by the CAA, the notice to the employee that the leave is not designated as FMLA leave may be in the form of a simple written statement. The designation notice may be distributed electronically so long as it otherwise meets the requirements of this section and the employing office can demonstrate that the employee (who may already be on leave and who may not have access to employing office-provided computers) has access to the information electronically.

(5) If the information provided by the employing office to the employee in the designation notice changes (*e.g.*, the employee exhausts the FMLA leave entitlement), the employing office shall provide, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

(6) The employing office must notify the employee of the amount of leave counted against the employee's FMLA leave entitlement. If the amount of leave needed is known at the time the employing office designates the leave as FMLA-qualifying, the employing office must notify the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA leave entitlement in the designation notice. If it is not possible to provide the hours, days, or weeks that will be counted against the employee's FMLA leave entitlement (such as in the case of unforeseeable intermittent leave), then the employing office must provide notice of the amount of leave counted against the employee's FMLA leave entitlement upon the request by the employee, but no more often than once in a 30-day period and only if leave was taken in that period. The notice of the amount of leave counted against the employee's FMLA entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing no later than the following payday (unless the payday is less than one week after the oral notice, in which case the notice must be no later than the subsequent payday). Such written notice may be in any form, including a notation on the employee's pay stub.

(e) *Consequences of failing to provide notice.* Failure to follow the notice requirements set forth in this section may constitute an interference with, restraint, or denial of the exercise of an employee's FMLA rights. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. *See* 825.400(c).

825.301 Designation of FMLA leave.

(a) *Employing office responsibilities.* The employing office's decision to designate leave as FMLA-qualifying must be based only on information received from the employee or the employee's spokesperson (*e.g.*, if the employee is incapacitated, the employee's spouse, adult child, parent, doctor, *etc.*, may provide notice to the employing office of the need to take FMLA leave). In any circumstance where the employing office does not have sufficient information about the reason for an employee's use of leave, the employing office should inquire further of the employee or the spokesperson to ascertain whether leave is potentially FMLA-qualifying. Once the employing office has acquired knowledge that the leave is being taken for a FMLA-qualifying reason, the employing office must notify the employee as provided in 825.300(d).

(b) *Employee responsibilities.* An employee giving notice of the need for FMLA leave does not need to expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA to meet his or her obligation to provide notice, though the employee would need to state a qualifying reason for the needed leave and otherwise satisfy the notice requirements set forth in 825.302 or 825.303 depending on whether the need for leave is foreseeable or unforeseeable. An employee giving notice of the need for FMLA leave must explain the reasons for the needed leave so as to allow the employing office to determine whether the leave qualifies under the FMLA, as made applicable by the CAA. If the employee fails to explain the reasons, leave may be denied. In many cases, in explaining the reasons for a request to use leave, especially when the need for the leave was unexpected or unforeseen, an employee will provide sufficient information for the employing office to designate the leave as FMLA leave. An employee using accrued paid leave may in some cases not spontaneously explain the reasons or their plans for using their accrued leave. However, if an employee requesting to use paid leave for a FMLA-qualifying reason does not explain the reason for the leave and the employing office denies the employee's request, the employee will need to provide sufficient information to establish a FMLA-qualifying reason for the needed leave so that the employing office is aware that the leave may not be denied and may designate that the paid leave be appropriately counted against (substituted for) the employee's FMLA leave entitlement. Similarly, an employee using accrued paid vacation leave who seeks an extension of unpaid leave for a FMLA-qualifying reason will need to state the reason. If this is due to an event which occurred during the period of paid leave, the employing office may count the leave used after the FMLA-qualifying reason against the employee's FMLA leave entitlement.

(c) *Disputes.* If there is a dispute between an employing office and an employee as to whether leave qualifies as FMLA leave, it should be resolved through discussions between the employee and the employing office. Such discussions and the decision must be documented.

(d) *Retroactive designation.* If an employing office does not designate leave as required by 825.300, the employing office may retroactively designate leave as FMLA leave with appropriate notice to the employee as required by 825.300 provided that the employing office's failure to timely designate leave does not cause harm or injury to the employee. In all cases where leave would qualify for FMLA protections, an employing office and an employee can mutually agree that leave be retroactively designated as FMLA leave.

(e) *Remedies.* If an employing office's failure to timely designate leave in accordance with 825.300 causes the employee to suffer harm, it may constitute an interference with, restraint of, or denial of the exercise of an employee's FMLA rights. An employing office may be liable for compensation and benefits lost by reason of the violation, for other actual monetary losses sustained as a direct result of the violation, and for appropriate equitable or other relief, including employment, reinstatement, promotion, or any other relief tailored to the harm suffered. *See* 825.400(c). For example, if an employing office that was put on notice that an employee needed FMLA leave failed to designate the leave properly, but the employee's own serious health condition prevented him or her from returning to work during that time period regardless of the designation, an employee may not be able to show that the employee suffered harm as a result of the employing office's actions. However, if an employee took leave to provide care for a son or daughter with a serious health condition believing it would not count toward his or her FMLA entitlement, and the employee planned to later use that FMLA leave to provide care for a spouse who would need assistance when recovering from surgery planned for a later date, the employee may be able to show that harm has occurred as a result of the employing office's failure to designate properly. The employee might establish this

by showing that he or she would have arranged for an alternative caregiver for the seriously-ill son or daughter if the leave had been designated timely.

825.302 Employee notice requirements for foreseeable FMLA leave.

(a) *Timing of notice.* An employee must provide the employing office at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember. If 30 days notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. For example, an employee's health condition may require leave to commence earlier than anticipated before the birth of a child. Similarly, little opportunity for notice may be given before placement for adoption. For foreseeable leave due to a qualifying exigency, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable. Whether FMLA leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee shall advise the employing office as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. In those cases where the employee is required to provide at least 30 days notice of foreseeable leave and does not do so, the employee shall explain the reasons why such notice was not practicable upon a request from the employing office for such information.

(b) *As soon as practicable* means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. In all cases, however, the determination of when an employee could practicably provide notice must take into account the individual facts and circumstances.

(c) *Content of notice.* An employee shall provide at least verbal notice sufficient to make the employing office aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. Depending on the situation, such information may include that a condition renders the employee unable to perform the functions of the job; that the employee is pregnant or has been hospitalized overnight; whether the employee or the employee's family member is under the continuing care of a health care provider; if the leave is due to a qualifying exigency, that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty), and that the requested leave is for one of the reasons listed in 825.126(b); if the leave is for a family member, that the condition renders the family member unable to perform daily activities, or that the family member is a covered servicemember with a serious injury or illness; and the anticipated duration of the absence, if known. When an employee seeks leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA. When an employee seeks leave due to a FMLA-qualifying reason, for which the employing office has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave. In all cases, the employing office should inquire further of the employee if it is necessary to have more information about whether FMLA leave is being sought by the employee, and obtain the necessary details of the leave to be taken. In the case of medical conditions, the employing office may find it necessary to inquire further to determine if the leave is because of a serious health condition and may request medical certification to support the need for such leave. *See* 825.305. An employing office may also request certification to support the need for leave for a qualifying exigency or for military caregiver leave. *See* 825.309, 825.310. When an employee has been previously certified for leave due to more than one FMLA-qualifying reason, the employing office may need to inquire further to determine for which qualifying reason the leave is needed. An employee has an obligation to respond to an employing office's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable employing office inquiries regarding the leave request may result in denial of FMLA protection if the employing office is unable to determine whether the leave is FMLA-qualifying.

(d) *Complying with the employing office policy.* An employing office may require an employee to comply with the employing office's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. For example, an employing office may require that written notice set forth the reasons for the requested leave, the anticipated duration of the leave, and the anticipated start of the leave. An employee also may be required by an employing office's policy to contact a specific individual. Unusual circumstances would include situations such as when an employee is unable to comply with the employing office's policy that requests for leave should be made by contacting a specific number because on the day the employee needs to provide notice of his or her need for FMLA leave there is no one to answer the call-in number and the voice mail box is full. Where an employee does not comply with the employing office's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied. However, FMLA-protected leave may not be delayed or denied where the employing office's policy requires notice to be given sooner than set forth in paragraph (a) of this section and the employee provides timely notice as set forth in paragraph (a) of this section.

(e) *Scheduling planned medical treatment.* When planning medical treatment, the employee must consult with the employing office and make a reasonable effort to schedule the treatment so as not to disrupt unduly the employing office's operations, subject to the approval of the health care provider. Employees are ordinarily expected to consult with their employing offices prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the employing office and the employee. For example, if an employee who provides notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglects to consult with the employing office to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the employing office's operations, the employing office may initiate discussions with the employee and require the employee to attempt to make such arrangements, subject to the approval of the health care provider. *See* 825.203 and 825.205.

(f) Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee shall advise the employing office, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and employing office shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the employing office's operations, subject to the approval of the health care provider.

(g) An employing office may waive employees' FMLA notice requirements. *See* 825.304.

825.303 Employee notice requirements for unforeseeable FMLA leave.

(a) *Timing of notice.* When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the employing office as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employing office's usual and customary notice requirements applicable to such leave. *See* 825.303(c). Notice may be given by the employee's spokesperson (*e.g.*, spouse, adult family member, or other responsible party) if the employee is unable to do so personally. For example, if an employee's child has a severe asthma attack and the employee takes the child to the emergency room, the employee would not be required to leave his or her child in order to report the absence while the child is receiving emergency treatment. However, if the child's asthma attack required only the use of an inhaler at home followed by a period of rest, the employee would be expected to call the employing office promptly after ensuring the child has used the inhaler.

(b) *Content of notice.* An employee shall provide sufficient information for an employing office to reasonably determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that a condition renders the employee unable to perform the functions of the job; that the employee is pregnant or has been hospitalized overnight; whether the employee or the employee's family member is under the continuing care of a health care provider; if the leave is due to a qualifying exigency, that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty), that the requested leave is for one of the reasons listed in 825.126(b), and the anticipated duration of the absence; or if the leave is for a family member that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness; and the anticipated duration of the absence, if known. When an employee seeks leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA. When an employee seeks leave due to a qualifying reason, for which the employing office has previously provided

the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave. Calling in ''sick'' without providing more information will not be considered sufficient notice to trigger an employing office's obligations under the FMLA, as made applicable by the CAA. The employing office will be expected to obtain any additional required information through informal means. An employee has an obligation to respond to an employing office's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable employing office inquiries office regarding the leave request may result in denial of FMLA protection if the employing office is unable to determine whether the leave is FMLA-qualifying.

(c) *Complying with employing office policy*. When the need for leave is not foreseeable, an employee must comply with the employing office's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. For example, an employing office may require employees to call a designated number or a specific individual to request leave. However, if an employee requires emergency medical treatment, he or she would not be required to follow the call-in procedure until his or her condition is stabilized and he or she has access to, and is able to use, a phone. Similarly, in the case of an emergency requiring leave because of a FMLA-qualifying reason, written advance notice pursuant to an employing office's internal rules and procedures may not be required when FMLA leave is involved. If an employee does not comply with the employing office's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied.

825.304 Employee failure to provide notice.

(a) *Proper notice required*. In all cases, in order for the onset of an employee's FMLA leave to be delayed due to lack of required notice, it must be clear that the employee had actual notice of the FMLA notice requirements. This condition would be satisfied by the employing office's proper posting, at the worksite where the employee is employed, of the information regarding the FMLA provided (pursuant to section 301(h)(2) of the CAA, 2 U.S.C. 1381(h)(2)) by the Office of Compliance to the employing office in a manner suitable for posting.

(b) *Foreseeable leave—30 days*. When the need for FMLA leave is foreseeable at least 30 days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employing office may delay FMLA coverage until 30 days after the date the employee provides notice. The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee 30 days in advance of the leave. For example, knowledge that an employee would receive a telephone call about the availability of a child for adoption at some unknown point in the future would not be sufficient to establish the leave was clearly foreseeable 30 days in advance.

(c) *Foreseeable leave—less than 30 days*. When the need for FMLA leave is foreseeable fewer than 30 days in advance and an employee fails to give notice as soon as practicable under the particular facts and circumstances, the extent to which an employing office may delay FMLA coverage for leave depends on the facts of the particular case. For example, if an employee reasonably should have given the employing office two weeks' notice but instead only provided one week's notice, then the employing office may delay FMLA-protected leave for one week (thus, if the employing office elects to delay FMLA coverage and the employee nonetheless takes leave one week after providing the notice (*i.e.*, a week before the two week notice period has been met) the leave will not be FMLA-protected).

(d) *Unforeseeable leave*. When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with 825.303, the extent to which an employing office may delay FMLA coverage for leave depends on the facts of the particular case. For example, if it would have been practicable for an employee to have given the employing office notice of the need for leave very soon after the need arises consistent with the employing office's policy, but instead the employee provided notice two days after the leave began, then the employing office may delay FMLA coverage of the leave by two days.

(e) *Waiver of notice*. An employing office may waive employees' FMLA notice obligations or the employing office's own internal rules on leave notice requirements. If an employing office does not waive the employee's obligations under its internal leave rules, the employing office may take appropriate action under its internal rules and procedures for failure to follow its usual and customary notification rules, absent unusual circumstances, as long as the actions are taken in a manner that does not discriminate against employees taking FMLA leave and the rules are not inconsistent with 825.303(a).

825.305 Certification, general rule.

(a) *General*. An employing office may require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member. An employing office may also require that an employee's leave because of a qualifying exigency or to care for a covered servicemember with a serious injury or illness be supported by a certification, as described in 825.309 and 825.310, respectively. An employing office must give notice of a requirement for certification each time a certification is required; such notice must be written notice whenever required by 825.300(c). An employing office's oral request to an employee to furnish any subsequent certification is sufficient.

(b) *Timing*. In most cases, the employing office should request that an employee furnish certification at the time the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave commences. The employing office may request certification at some later date if the employing office later has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification to the employing office within 15 calendar days after the employing office's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts or the employing office provides more than 15 calendar days to return the requested certification.

(c) *Complete and sufficient certification*. The employee must provide a complete and sufficient certification to the employing office if required by the employing office in accordance with 825.306, 825.309, and 825.310. The employing office shall advise an employee whenever the employing office finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. A certification is considered incomplete if the employing office receives a certification, but one or more of the applicable entries have not been completed. A certification is considered insufficient if the employing office receives a complete certification, but the information provided is vague, ambiguous, or non-responsive. The employing office must provide the employee with seven calendar days (unless not practicable under the particular circumstances despite the employee's diligent good faith efforts) to cure any such deficiency. If the deficiencies specified by the employing office are not cured in the resubmitted certification, the employing office may deny the taking of FMLA leave, in accordance with 825.313. A certification that is not returned to the employing office is not considered incomplete or insufficient, but constitutes a failure to provide certification.

(d) *Consequences*. At the time the employing office requests certification, the employing office must also advise an employee of the anticipated consequences of an employee's failure to provide adequate certification. If the employee fails to provide the employing office with a complete and sufficient certification, despite the opportunity to cure the certification as provided in paragraph (c) of this section, or fails to provide any certification, the employing office may deny the taking of FMLA leave, in accordance with 825.313. It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the employing office to support the employee's FMLA request. This provision will apply in any case where an employing office requests a certification permitted by these regulations, whether it is the initial certification, a recertification, a second or third opinion, or a fitness-for-duty certificate, including any clarifications necessary to determine if such certifications are authentic and sufficient. *See* 825.306, 825.307, 825.308, and 825.312.

(e) *Annual medical certification*. Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year (as defined in 825.200), the employing office may require the employee to provide a new medical certification in each subsequent leave year. Such new medical certifications are subject to the provisions for authentication and clarification set forth in 825.307, including second and third opinions.

825.306 Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member.

(a) *Required information*. When leave is taken because of an employee's own serious health condition, or the serious health condition of a family member, an employing office may require an employee to obtain a medical certification from a health care provider that sets forth the following information:

(1) The name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization;

(2) The approximate date on which the serious health condition commenced, and its probable duration;

(3) A statement or description of appropriate medical facts regarding the patient's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave. Such medical facts may include information on symptoms, diagnosis, hospitalization, doctor visits, whether medication has been prescribed, any referrals for evaluation or treatment (physical therapy, for example), or any other regimen of continuing treatment;

(4) If the employee is the patient, information sufficient to establish that the employee cannot perform the essential functions of the employee's job as well as the nature of any other work restrictions, and the likely duration of such inability (see 825.123(b));

(5) If the patient is a covered family member with a serious health condition, information sufficient to establish that the family member is in need of care, as described in 825.124, and an estimate of the frequency and duration of the leave required to care for the family member;

(6) If an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment of the employee's or a covered family member's serious health condition, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates and duration of such treatments and any periods of recovery;

(7) If an employee requests leave on an intermittent or reduced schedule basis for the employee's serious health condition, including pregnancy, that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the frequency and duration of the episodes of incapacity; and

(8) If an employee requests leave on an intermittent or reduced schedule basis to care for a covered family member with a serious health condition, a statement that such leave is medically necessary to care for the family member, as described in 825.124 and 825.203(b), which can include assisting in the family member's recovery, and an estimate of the frequency and duration of the required leave.

(b) The Office of Compliance has developed two optional forms (Form A and Form B) for use in obtaining medical certification, including second and third opinions, from health care providers that meets FMLA's certification requirements, as made applicable by the CAA. (See Forms A and B.) Optional Form A is for use when the employee's need for leave is due to the employee's own serious health condition. Optional Form B is for use when the employee needs leave to care for a family member with a serious health condition. These optional forms reflect certification requirements so as to permit the health care provider to furnish appropriate medical information. Forms A and B are modeled closely on Form WH–380E and Form WH–380F, as revised, which were developed by the Department of Labor (see 29 C.F.R. Part 825). The employing office may use the Office of Compliance's forms, or Form WH–380E and Form WH–380F, as revised, or another form containing the same basic information; however, no information may be required beyond that specified in 825.306, 825.307, and 825.308. In all instances the information on the form must relate only to the serious health condition for which the current need for leave exists.

(c) If an employee is on FMLA leave running concurrently with a workers' compensation absence, and the provisions of the workers' compensation statute permit the employing office or the employing office's representative to request additional information from the employee's workers' compensation health care provider, the FMLA does not prevent the employing office from following the applicable workers' compensation provisions and information received under those provisions may be considered in determining the employee's entitlement to FMLA-protected leave. Similarly, an employing office may request additional information in accordance with a paid leave policy or disability plan that requires greater information to qualify for payments or benefits, provided that the employing office informs the employee that the additional information only needs to be provided in connection with receipt of such payments or benefits. Any information received pursuant to such policy or plan may be considered in determining the employee's entitlement to FMLA-protected leave. If the employee fails to provide the information required for receipt of such payments or benefits, such failure will not affect the employee's entitlement to take unpaid FMLA leave. See 825.207(a).

(d) If an employee's serious health condition may also be a disability within the meaning of the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA, the FMLA does not prevent the employing office from following the procedures for requesting medical information under the ADA. Any information received pursuant to these procedures may be considered in determining the employee's entitlement to FMLA-protected leave.

(e) While an employee may choose to comply with the certification requirement by providing the employing office with an authorization, release, or waiver allowing the employing office to communicate directly with the health care provider of the employee or his or her covered family member, the employee may not be required to provide such an authorization, release, or waiver. In all instances in which certification is requested, it is the employee's responsibility to provide the employing office with complete and sufficient certification and failure to do so may result in the denial of FMLA leave. See 825.305(d).

825.307 Authentication and clarification of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member; second and third opinions.

(a) *Clarification and authentication.* If an employee submits a complete and sufficient certification signed by the health care provider, the employing office may not request additional information from the health care provider. However, the employing office may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the employing office has given the employee an opportunity to cure any deficiencies as set forth in 825.305(c). To make such contact, the employing office must use a health care provider, a human resources professional, a leave administrator, or a management official. An employee's direct supervisor may not contact the employee's health care provider, unless the direct supervisor is also the only individual in the employing office designated to process FMLA requests and the direct supervisor receives specific authorization from the employee to contact the employee's health care provider. For purposes of these regulations, *authentication* means providing the health care provider with a copy of the certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document; no additional medical information may be requested.

Clarification means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response. Employing offices may not ask health care providers for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, (*see* 45 CFR parts 160 and 164), which governs the privacy of individually-identifiable health information created or held by HIPAA-covered entities, must be satisfied when individually-identifiable health information of an employee is shared with an employing office by a HIPAA-covered health care provider. If an employee chooses not to provide the employing office with authorization allowing the employing office to clarify the certification with the health care provider, and does not otherwise clarify the certification, the employing office may deny the taking of FMLA leave if the certification is unclear. *See* 825.305(d). It is the employee's responsibility to provide the employing office with a complete and sufficient certification and to clarify the certification if necessary.

(b) *Second Opinion.* (1) An employing office that has reason to doubt the validity of a medical certification may require the employee to obtain a second opinion at the employing office's expense. Pending receipt of the second (or third) medical opinion, the employee is provisionally entitled to the benefits of the FMLA, as made applicable by the CAA, including maintenance of group health benefits. If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under the employing office's established leave policies. In addition, the consequences set forth in 825.305(d) will apply if the employee or the employee's family member fails to authorize his or her health care provider to release all relevant medical information pertaining to the serious health condition at issue if requested by the health care provider designated to provide a second opinion in order to render a sufficient and complete second opinion.

(2) The employing office is permitted to designate the health care provider to furnish the second opinion, but the selected health care provider may not be employed on a regular basis by the employing office. The employing office may not regularly contract with or otherwise regularly utilize the services of the health care provider furnishing the second opinion unless the employing office is located in an area where access to health care is extremely limited (*e.g.*, a rural area where no more than one or two doctors practice in the relevant specialty in the vicinity).

(c) *Third opinion.* If the opinions of the employee's and the employing office's designated health care providers differ, the employing office may require the employee to obtain certification from a third health care

provider, again at the employing office's expense. This third opinion shall be final and binding. The third health care provider must be designated or approved jointly by the employing office and the employee. The employing office and the employee must each act in good faith to attempt to reach agreement on whom to select for the third opinion provider. If the employing office does not attempt in good faith to reach agreement, the employing office will be bound by the first certification. If the employee does not attempt in good faith to reach agreement, the employee will be bound by the second certification. For example, an employee who refuses to agree to see a doctor in the specialty in question may be failing to act in good faith. On the other hand, an employing office that refuses to agree to any doctor on a list of specialists in the appropriate field provided by the employee and whom the employee has not previously consulted may be failing to act in good faith. In addition, the consequences set forth in 825.305(d) will apply if the employee or the employee's family member fails to authorize his or her health care provider to release all relevant medical information pertaining to the serious health condition at issue if requested by the health care provider designated to provide a third opinion in order to render a sufficient and complete third opinion.

(d) *Copies of opinions.* The employing office is required to provide the employee with a copy of the second and third medical opinions, where applicable, upon request by the employee. Requested copies are to be provided within five business days unless extenuating circumstances prevent such action.

(e) *Travel expenses.* If the employing office requires the employee to obtain either a second or third opinion the employing office must reimburse an employee or family member for any reasonable ''out of pocket'' travel expenses incurred to obtain the second and third medical opinions. The employing office may not require the employee or family member to travel outside normal commuting distance for purposes of obtaining the second or third medical opinions except in very unusual circumstances.

(f) *Medical certification abroad.* In circumstances in which the employee or a family member is visiting in another country, or a family member resides in another country, and a serious health condition develops, the employing office shall accept a medical certification as well as second and third opinions from a health care provider who practices in that country. Where a certification by a foreign health care provider is in a language other than English, the employee must provide the employing office with a written translation of the certification upon request.

825.308 Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member.

(a) *30-day rule.* An employing office may request recertification no more often than every 30 days and only in connection with an absence by the employee, unless paragraphs (b) or (c) of this section apply.

(b) *More than 30 days.* If the medical certification indicates that the minimum duration of the condition is more than 30 days, an employing office must wait until that minimum duration expires before requesting a recertification, unless paragraph (c) of this section applies. For example, if the medical certification states that an employee will be unable to work, whether continuously or on an intermittent basis, for 40 days, the employing office must wait 40 days before requesting a recertification. In all cases, an employing office may request a recertification of a medical condition every six months in connection with an absence by the employee. Accordingly, even if the medical certification indicates that the employee will need intermittent or reduced schedule leave for a period in excess of six months (*e.g.*, for a lifetime condition), the employing office would be permitted to request recertification every six months in connection with an absence.

(c) *Less than 30 days.* An employing office may request recertification in less than 30 days if:

(1) The employee requests an extension of leave;

(2) Circumstances described by the previous certification have changed significantly (*e.g.*, the duration or frequency of the absence, the nature or severity of the illness, complications). For example, if a medical certification stated that an employee would need leave for one to two days when the employee suffered a migraine headache and the employee's absences for his or her last two migraines lasted four days each, then the increased duration of absence might constitute a significant change in circumstances allowing the employing office to request a recertification in less than 30 days. Likewise, if an employee had a pattern of using unscheduled FMLA leave for migraines in conjunction with his or her scheduled days off, then the timing of the absences also might constitute a significant change in circumstances sufficient for an employing office to request a recertification more frequently than every 30 days; or

(3) The employing office receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification. For example, if an employee is on FMLA leave for four weeks due to the employee's knee surgery, including recuperation, and the employee plays in company softball league games during the employee's third week of FMLA leave, such information might be sufficient to cast doubt upon the continuing validity of the certification allowing the employing office to request a recertification in less than 30 days.

(d) *Timing.* The employee must provide the requested recertification to the employing office within the time frame requested by the employing office (which must allow at least 15 calendar days after the employing office's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

(e) *Content.* The employing office may ask for the same information when obtaining recertification as that permitted for the original certification as set forth in 825.306. The employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or adequate authorization to the health care provider) in the recertification process as in the initial certification process. *See* 825.305(d). As part of the information allowed to be obtained on recertification for leave taken because of a serious health condition, the employing office may provide the health care provider with a record of the employee's absence pattern and ask the health care provider if the serious health condition and need for leave is consistent with such a pattern.

(f) Any recertification requested by the employing office shall be at the employee's expense unless the employing office provides otherwise. No second or third opinion on recertification may be required.

825.309 Certification for leave taken because of a qualifying exigency.

(a) *Active Duty Orders.* The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of a military member (*see* 825.126(a)), an employing office may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the military member's covered active duty service. This information need only be provided to the employing office once. A copy of new active duty orders or other documentation issued by the military may be required by the employing office if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status (or notification of an impending call or order to covered active duty) of the same or a different military member;

(b) *Required information.* An employing office may require that leave for any qualifying exigency specified in 825.126 be supported by a certification from the employee that sets forth the following information:

(1) A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested. The facts must be sufficient to support the need for leave. Such facts should include information on the type of qualifying exigency for which leave is requested and any available written documentation which supports the request for leave; such documentation, for example, may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs;

(2) The approximate date on which the qualifying exigency commenced or will commence;

(3) If an employee requests leave because of a qualifying exigency for a single, continuous period of time, the beginning and end dates for such absence;

(4) If an employee requests leave because of a qualifying exigency on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency;

(5) If the qualifying exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting (such as the name, title, organization, address, telephone number, fax number, and email address) and a brief description of the purpose of the meeting; and

(6) If the qualifying exigency involves *Rest and Recuperation* leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates that the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

(c) The Office of Compliance has developed an optional form (Form E) for employees' use in obtaining a certification that meets FMLA's certification requirements. This optional form reflects certification requirements so as to permit the employee to furnish appropriate information to support his

or her request for leave because of a qualifying exigency. Form E, or Form WH–384 (developed by the Department of Labor), or another form containing the same basic information, may be used by the employing office; however, no information may be required beyond that specified in this section.

(d) *Verification.* If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the employing office may not request additional information from the employee. However, if the qualifying exigency involves meeting with a third party, the employing office may contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the employing office. An employing office also may contact an appropriate unit of the Department of Defense to request verification that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty); no additional information may be requested and the employee's permission is not required.

825.310 Certification for leave taken to care for a covered servicemember (military caregiver leave).

(a) *Required information from health care provider.* When leave is taken to care for a covered servicemember with a serious injury or illness, an employing office may require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember. For purposes of leave taken to care for a covered servicemember, any one of the following health care providers may complete such a certification:

(1) A United States Department of Defense (''DOD'') health care provider;

(2) A United States Department of Veterans Affairs (''VA'') health care provider;

(3) A DOD TRICARE network authorized private health care provider;

(4) A DOD non-network TRICARE authorized private health care provider; or

(5) Any health care provider as defined in 825.125.

(b) If the authorized health care provider is unable to make certain military-related determinations outlined below, the authorized health care provider may rely on determinations from an authorized DOD representative (such as a DOD recovery care coordinator) or an authorized VA representative. An employing office may request that the health care provider provide the following information:

(1) The name, address, and appropriate contact information (telephone number, fax number, and/or email address) of the health care provider, the type of medical practice, the medical specialty, and whether the health care provider is one of the following:

(i) A DOD health care provider;

(ii) A VA health care provider;

(iii) A DOD TRICARE network authorized private health care provider;

(iv) A DOD non-network TRICARE authorized private health care provider; or

(v) A health care provider as defined in 825.125.

(2) Whether the covered servicemember's injury or illness was incurred in the line of duty on active duty or, if not, whether the covered servicemember's injury or illness existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty on active duty;

(3) The approximate date on which the serious injury or illness commenced, or was aggravated, and its probable duration;

(4) A statement or description of appropriate medical facts regarding the covered servicemember's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave.

(i) In the case of a current member of the Armed Forces, such medical facts must include information on whether the injury or illness may render the covered servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating and whether the member is receiving medical treatment, recuperation, or therapy;

(ii) In the case of a covered veteran, such medical facts must include:

(A) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is the continuation of an injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating; or

(B) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and that such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(C) Information on whether the veteran is receiving medical treatment, recuperation, or therapy for an injury or illness that is a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(D) Documentation of enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

(5) Information sufficient to establish that the covered servicemember is in need of care, as described in 825.124, and whether the covered servicemember will need care for a single continuous period of time, including any time for treatment and recovery, and an estimate as to the beginning and ending dates for this period of time;

(6) If an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment appointments for the covered servicemember, whether there is a medical necessity for the covered servicemember to have such periodic care and an estimate of the treatment schedule of such appointments;

(7) If an employee requests leave on an intermittent or reduced schedule basis to care for a covered servicemember other than for planned medical treatment (e.g., episodic flare-ups of a medical condition), whether there is a medical necessity for the covered servicemember to have such periodic care, which can include assisting in the covered servicemember's recovery, and an estimate of the frequency and duration of the periodic care.

(c) *Required information from employee and/or covered servicemember.* In addition to the information that may be requested under 825.310(b), an employing office may also request that such certification set forth the following information provided by an employee and/or covered servicemember:

(1) The name and address of the employing office of the employee requesting leave to care for a covered servicemember, the name of the employee requesting such leave, and the name of the covered servicemember for whom the employee is requesting leave to care;

(2) The relationship of the employee to the covered servicemember for whom the employee is requesting leave to care;

(3) Whether the covered servicemember is a current member of the Armed Forces, the National Guard or Reserves, and the covered servicemember's military branch, rank, and current unit assignment;

(4) Whether the covered servicemember is assigned to a military medical facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as a medical hold or warrior transition unit), and the name of the medical treatment facility or unit;

(5) Whether the covered servicemember is on the temporary disability retired list;

(6) Whether the covered servicemember is a veteran, the date of separation from military service, and whether the separation was other than dishonorable. The employing office may require the employee to provide documentation issued by the military which indicates that the covered servicemember is a veteran, the date of separation, and that the separation is other than dishonorable. Where an employing office requires such documentation, an employee may provide a copy of the veteran's Certificate of Release or Discharge from Active Duty issued by the U.S. Department of Defense (DD Form 214) or other proof of veteran status. *See* 825.127(c)(2).

(7) A description of the care to be provided to the covered servicemember and an estimate of the leave needed to provide the care.

(d) The Office of Compliance has developed an optional form (Form F) for employees' use in obtaining certification that meets FMLA's certification requirements. (*See* Form F). This optional form reflects certification requirements so as to permit the employee to furnish appropriate information to support his or her request for leave to care for a covered servicemember with a serious injury or illness. Form F, or Form WH–385 (developed by the Department of Labor), or another form containing the same basic information, may be used by the employing office; however, no information may be required beyond that specified in this section. In all instances the information on the certification must relate only to the serious injury or illness for which the current need for leave exists. An employing office may seek authentication and/or clarification of the certification under 825.307. Second and third opinions under 825.307 are not permitted for leave to care for a covered servicemember when the certification has been completed by one of the types of healthcare providers identified in section 825.310(a)(1–4). However, second and third opinions under 825.307 are permitted when the certification has been completed by a health care provider as defined in 825.125 that is not one of the types identified in 825.310(a)(1)–(4). Additionally, recertifications under 825.308 are not permitted for leave to care for a covered servicemember. An employing office may require

an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to 825.122(k) of the FMLA.

(e) An employing office requiring an employee to submit a certification for leave to care for a covered servicemember must accept as sufficient certification, in lieu of the Office of Compliance's optional certification form (Form F) or an employing office's own certification form, invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill servicemember at his or her bedside. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA. During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave may not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary. An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

(1) If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or ITA, an employing office may request that the employee have one of the authorized health care providers listed under 825.310(a) complete the Office of Compliance optional certification form (Form F) or an employing office's own form, as requisite certification for the remainder of the employee's necessary leave period.

(2) An employing office may seek authentication and clarification of the ITO or ITA under 825.307. An employing office may not utilize the second or third opinion process outlined in 825.307 or the recertification process under 825.308 during the period of time in which leave is supported by an ITO or ITA.

(3) An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to 825.122(k) when an employee supports his or her request for FMLA leave with a copy of an ITO or ITA.

(f) An employing office requiring an employee to submit a certification for leave to care for a covered servicemember must accept as sufficient certification of the servicemember's serious injury or illness documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. Such documentation is sufficient certification of the servicemember's serious injury or illness to support the employee's request for military caregiver leave regardless of whether the employee is the named caregiver in the enrollment documentation.

(1) An employing office may seek authentication and clarification of the documentation indicating the servicemember's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers under 825.307. An employing office may not utilize the second or third opinion process outlined in 825.307 or the recertification process under 825.308 when the servicemember's serious injury or illness is shown by documentation of enrollment in this program.

(2) An employing office may require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember pursuant to 825.122(k) when an employee supports his or her request for FMLA leave with a copy of such enrollment documentation. An employing office may also require an employee to provide documentation, such as a veteran's Form DD–214, showing that the discharge was other than dishonorable and the date of the veteran's discharge.

(g) Where medical certification is requested by an employing office, an employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good-faith efforts to obtain such documents. *See* 825.305(b). In all instances in which certification is requested, it is the employee's responsibility to provide the employing office with complete and sufficient certification and failure to do so may result in the denial of FMLA leave. *See* 825.305(d).

825.311 Intent to return to work.

(a) An employing office may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The employing office's policy regarding such reports may not be discriminatory and must take into account all of the relevant facts and circumstances related to the individual employee's leave situation.

(b) If an employee gives unequivocal notice of intent not to return to work, the employing office's obligations under FMLA, as made applicable by the CAA, to maintain health benefits (subject to COBRA requirements) and to restore the employee cease. However, these obligations continue if an employee indicates he or she may be unable to return to work but expresses a continuing desire to do so.

(c) It may be necessary for an employee to take more leave than originally anticipated. Conversely, an employee may discover after beginning leave that the circumstances have changed and the amount of leave originally anticipated is no longer necessary. An employee may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave. In both of these situations, the employing office may require that the employee provide the employing office reasonable notice (*i.e.*, within two business days) of the changed circumstances where foreseeable. The employing office may also obtain information on such changed circumstances through requested status reports.

825.312 Fitness-for-duty certification.

(a) As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, an employing office may have a uniformly-applied policy or practice that requires all similarly-situated employees (*i.e.*, same occupation, same serious health condition) who take leave for such conditions to obtain and present certification from the employee's health care provider that the employee is able to resume work. The employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or providing sufficient authorization to the health care provider to provide the information directly to the employing office) in the fitness-for-duty certification process as in the initial certification process. *See* 825.305(d).

(b) An employing office may seek a fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave. The certification from the employee's health care provider must certify that the employee is able to resume work. Additionally, an employing office may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. In order to require such a certification, an employing office must provide an employee with a list of the essential functions of the employee's job no later than with the designation notice required by 825.300(d), and must indicate in the designation notice that the certification must address the employee's ability to perform those essential functions. If the employing office satisfies these requirements, the employee's health care provider must certify that the employee can perform the identified essential functions of his or her job. Following the procedures set forth in 825.307(a), the employing office may contact the employee's health care provider for purposes of clarifying and authenticating the fitness-for-duty certification. Clarification may be requested only for the serious health condition for which FMLA leave was taken. The employing office may not delay the employee's return to work while contact with the health care provider is being made. No second or third opinions on a fitness-for-duty certification may be required.

(c) The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

(d) The designation notice required in 825.300(d) shall advise the employee if the employing office will require a fitness-for-duty certification to return to work and whether that fitness-for-duty certification must address the employee's ability to perform the essential functions of the employee's job.

(e) An employing office may delay restoration to employment until an employee submits a required fitness-for-duty certification unless the employing office has failed to provide the notice required in paragraph (d) of this section. If an employing office provides the notice required, an employee who does not provide a fitness-for-duty certification or request additional FMLA leave is no longer entitled to reinstatement under the FMLA. *See* 825.313(d).

(f) An employing office is not entitled to a certification of fitness to return to duty for each absence taken on an intermittent or reduced leave schedule. However, an employing office is entitled to a certification of fitness to return to duty for such absences up to once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took such leave. If an employing office chooses to require a fitness-for-duty certification under such circumstances, the employing office shall inform the employee at the same time it issues the designation notice that for each subsequent instance of intermittent or reduced schedule leave, the employee will be required to submit a fitness-for-duty certification unless one has already been submitted within the past 30 days. Alternatively, an employing office can set a different interval for requiring a fitness-for-duty certification as long as it does not exceed once every 30 days and as long as the employing office advises the employee of the requirement in advance of the employee

taking the intermittent or reduced schedule leave. The employing office may not terminate the employment of the employee while awaiting such a certification of fitness to return to duty for an intermittent or reduced schedule leave absence. Reasonable safety concerns means a reasonable belief of significant risk of harm to the individual employee or others. In determining whether reasonable safety concerns exist, an employing office should consider the nature and severity of the potential harm and the likelihood that potential harm will occur.

(g) If the terms of a collective bargaining agreement govern an employee's return to work, those provisions shall be applied.

(h) Requirements under the Americans with Disabilities Act (ADA), as amended and as made applicable by the CAA, apply. After an employee returns from FMLA leave, the ADA requires any medical examination at an employing office's expense by the employing office's health care provider be job-related and consistent with business necessity. For example, an attorney could not be required to submit to a medical examination or inquiry just because her leg had been amputated. The essential functions of an attorney's job do not require use of both legs; therefore such an inquiry would not be job related. An employing office may require a warehouse laborer, whose back impairment affects the ability to lift, to be examined by an orthopedist, but may not require this employee to submit to an HIV test where the test is not related to either the essential functions of his or her job or to his/her impairment. If an employee's serious health condition may also be a disability within the meaning of the ADA, as made applicable by the CAA, the FMLA does not prevent the employing office from following the procedures for requesting medical information under the ADA.

825.313 Failure to provide certification.

(a) *Foreseeable leave.* In the case of foreseeable leave, if an employee fails to provide certification in a timely manner as required by 825.305, then an employing office may deny FMLA coverage until the required certification is provided. For example, if an employee has 15 days to provide a certification and does not provide the certification for 45 days without sufficient reason for the delay, the employing office can deny FMLA protections for the 30-day period following the expiration of the 15-day time period, if the employee takes leave during such period.

(b) *Unforeseeable leave.* In the case of unforeseeable leave, an employing office may deny FMLA coverage for the requested leave if the employee fails to provide a certification within 15 calendar days from receipt of the request for certification unless not practicable due to extenuating circumstances. For example, in the case of a medical emergency, it may not be practicable for an employee to provide the required certification within 15 calendar days. Absent such extenuating circumstances, if the employee fails to timely return the certification, the employing office can deny FMLA protections for the leave following the expiration of the 15-day time period until a sufficient certification is provided. If the employee never produces the certification, the leave is not FMLA leave.

(c) *Recertification.* An employee must provide recertification within the time requested by the employing office (which must allow at least 15 calendar days after the request) or as soon as practicable under the particular facts and circumstances. If an employee fails to provide a recertification within a reasonable time under the particular facts and circumstances, then the employing office may deny continuation of the FMLA leave protections until the employee produces a sufficient recertification. If the employee never produces the recertification, the leave is not FMLA leave. Recertification does not apply to leave taken for a qualifying exigency or to care for a covered servicemember.

(d) *Fitness-for-duty certification.* When requested by the employing office pursuant to a uniformly applied policy for similarly-situated employees, the employee must provide medical certification, at the time the employee seeks reinstatement at the end of FMLA leave taken for the employee's serious health condition, that the employee is fit for duty and able to return to work (*see* 825.312(a)) if the employing office has provided the required notice (*see* 825.300(e)); the employing office may delay restoration until the certification is provided. Unless the employee provides either a fitness-for-duty certification or a new medical certification for a serious health condition at the time FMLA leave is concluded, the employee may be terminated. *See also* 825.213(a)(3).

SUBPART D—ADMINISTRATIVE PROCESS

825.400 Administrative Process, general rules.

(a) To commence a proceeding, a covered employee alleging a violation of the rights and protections of the FMLA, as made applicable by the CAA, must request counseling by the Office of Compliance not later than 180 days after the date of the alleged violation. If a covered employee misses this deadline, the covered employee will be unable to obtain a remedy under the CAA.

(b) The following procedures are available under title IV of the CAA (2 U.S.C. 1401) for covered employees who believe that their rights under FMLA, as made applicable by the CAA, have been violated:

(1) counseling;

(2) mediation; and

(3) election of either—

(A) a formal complaint, filed with the Office of Compliance, and a hearing before a hearing officer, subject to review by the Board of Directors of the Office of Compliance, and judicial review in the United States Court of Appeals for the Federal Circuit; or

(B) a civil action in a district court of the United States.

(c) If an employer has violated one or more provisions of FMLA, and if justified by the facts of a particular case, an employee may receive one or more of the following: wages, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or, where no such tangible loss has occurred, such as when FMLA leave was unlawfully denied, any actual monetary loss sustained by the employee as a direct result of the violation, such as the cost of providing care, up to a sum equal to 26 weeks of wages for the employee in a case involving leave to care for a covered servicemember or 12 weeks of wages for the employee in a case involving leave for any other FMLA qualifying reason. In addition, the employee may be entitled to interest on such sum, calculated at the prevailing rate. An amount equaling the preceding sums may also be awarded as liquidated damages unless such amount is reduced by the court because the violation was in good faith and the employer had reasonable grounds for believing the employer had not violated the Act. When appropriate, the employee may also obtain appropriate equitable relief, such as employment, reinstatement and promotion. When the employer is found in violation, the employee may recover a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action from the employer in addition to any judgment awarded by the court.

(d) Regulations of the Office of Compliance describing and governing these procedures are found at 150 Cong. Rec. H4166–02 (2004), 150 Cong. Rec. S6870–02 (2004), and may be found on the Office's website.

825.401 [Reserved]
825.402 [Reserved]
825.403 [Reserved]
825.404 [Reserved]

SUBPART E—[RESERVED]

SUBPART F—SPECIAL RULES APPLICABLE TO EMPLOYEES OF SCHOOLS

825.600 Special rules for school employees, definitions.

(a) Certain special rules apply to employees of local educational agencies, including public school boards and elementary schools under their jurisdiction, and private elementary and secondary schools. The special rules do not apply to other kinds of educational institutions, such as colleges and universities, trade schools, and preschools.

(b) Educational institutions are covered by FMLA, as made applicable by the CAA (and these special rules). The usual requirements for employees to be eligible do apply.

(c) The special rules affect the taking of intermittent leave or leave on a reduced leave schedule, or leave near the end of an academic term (semester), by instructional employees. *Instructional employees* are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include, and the special rules do not apply to, teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

(d) Special rules which apply to restoration to an equivalent position apply to all employees of local educational agencies.

825.601 Special rules for school employees, limitations on intermittent leave.

(a) Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. An instructional employee who is on FMLA leave at the end of the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.

(1) If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered servicemember, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, the employing office may require the employee to choose either to:

(i) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

(ii) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

(2) These rules apply only to a leave involving more than 20 percent of the working days during the period over which the leave extends. For example, if an instructional employee who normally works five days each week needs to take two days of FMLA leave per week over a period of several weeks, the special rules would apply. Employees taking leave which constitutes 20 percent or less of the working days during the leave period would not be subject to transfer to an alternative position. *Periods of a particular duration* means a block, or blocks, of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave.

(b) If an instructional employee does not give required notice of foreseeable FMLA leave (*see* 825.302) to be taken intermittently or on a reduced leave schedule, the employing office may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the employing office may require the employee to delay the taking of leave until the notice provision is met.

825.602 Special rules for school employees, limitations on leave near the end of an academic term.

(a) There are also different rules for instructional employees who begin leave more than five weeks before the end of a term, less than five weeks before the end of a term, and less than three weeks before the end of a term. Regular rules apply except in circumstances when:

(1) An instructional employee begins leave more than five weeks before the end of a term. The employing office may require the employee to continue taking leave until the end of the term if—

(i) The leave will last at least three weeks, and

(ii) The employee would return to work during the three-week period before the end of the term.

(2) The employee begins leave during the five-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. The employing office may require the employee to continue taking leave until the end of the term if—

(i) The leave will last more than two weeks, and

(ii) The employee would return to work during the two-week period before the end of the term.

(3) The employee begins leave during the three-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember. The employing office may require the employee to continue taking leave until the end of the term if the leave will last more than five working days.

(b) For purposes of these provisions, *academic term* means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA, as made applicable by the CAA. An example of leave falling within these provisions would be where an employee plans two weeks of leave to care for a family member which will begin three weeks before the end of the term. In that situation, the employing office could require the employee to stay out on leave until the end of the term.

825.603 Special rules for school employees, duration of FMLA leave.

(a) If an employee chooses to take leave for periods of a particular duration in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

(b) In the case of an employee who is required to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. The employing office has the option not to require the employee to stay on leave until the end of the school term. Therefore, any additional leave required by the employing office to the end of the school term is not counted as FMLA leave; however, the employing office shall be required to maintain the employee's group health insurance and restore the employee to the same or equivalent job including other benefits at the conclusion of the leave.

825.604 Special rules for school employees, restoration to an equivalent position.

The determination of how an employee is to be restored to an equivalent position upon return from FMLA leave will be made on the basis of ''established school board policies and practices, private school policies and practices, and collective bargaining agreements.'' The ''established policies'' and collective bargaining agreements used as a basis for restoration must be in writing, must be made known to the employee prior to the taking of FMLA leave, and must clearly explain the employee's restoration rights upon return from leave. Any established policy which is used as the basis for restoration of an employee to an equivalent position must provide substantially the same protections as provided in the FMLA, as made applicable by the CAA, for reinstated employees. *See* 825.215. In other words, the policy or collective bargaining agreement must provide for restoration to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. For example, an employee may not be restored to a position requiring additional licensure or certification.

SUBPART G—EFFECT OF OTHER LAWS, EMPLOYING OFFICE PRACTICES, AND COLLECTIVE BARGAINING AGREEMENTS ON EMPLOYEE RIGHTS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA.

825.700 Interaction with employing office's policies.

(a) An employing office must observe any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established by the FMLA. Conversely, the rights established by the FMLA, as made applicable by the CAA, may not be diminished by any employment benefit program or plan. For example, a provision of a collective bargaining agreement (CBA) which provides for reinstatement to a position that is not equivalent because of seniority (*e.g.*, provides lesser pay) is superseded by FMLA. If an employing office provides greater unpaid family leave rights than are afforded by FMLA, the employing office is not required to extend additional rights afforded by FMLA, such as maintenance of health benefits (other than through COBRA or 5 U.S.C. 8905a, whichever is applicable), to the additional leave period not covered by FMLA.

(b) Nothing in the FMLA, as made applicable by the CAA, prevents an employing office from amending existing leave and employee benefit programs, provided they comply with FMLA, as made applicable by the CAA. However, nothing in the FMLA, as made applicable by the CAA, is intended to discourage employing offices from adopting or retaining more generous leave policies.

825.701 [Reserved]

825.702 Interaction with anti-discrimination laws, as applied by section 201 of the CAA.

(a) Nothing in the FMLA modifies or affects any applicable law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability (*e.g.*, Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act and as made applicable by the CAA). FMLA's legislative history explains that FMLA is ''not intended to modify or affect the Rehabilitation Act of 1973, as amended, the regulations concerning employment which have been promulgated pursuant to that statute, or the Americans with Disabilities Act of 1990 [as amended] or the regulations issued under that act. Thus, the leave provisions of the [FMLA] are wholly distinct from the reasonable accommodation obligations of employers covered under the [ADA] . . . or the Federal government itself. The purpose of the FMLA, as applied by the CAA, is to make leave available to eligible employees and [employing offices] within its coverage, and not to limit already existing rights and protection.'' S. Rep. No. 3, 103d Cong., 1st Sess. 38 (1993). An employing office must therefore provide leave under whichever statutory provision provides the greater rights to employees. When an employer violates both FMLA and a discrimination law, an employee may be able to recover under either or both statutes (double relief may not be awarded for the same loss; when remedies coincide a claimant may be allowed to utilize whichever avenue of relief is desired. *Laffey* v. *Northwest Airlines, Inc.*, 567 F.2d 429, 445 (D.C. Cir. 1976), *cert. denied*, 434 U.S. 1086 (1978).

(b) If an employee is a qualified individual with a disability within the meaning of the Americans with Disabilities Act (ADA), as made applicable by the CAA, the employing office must make reasonable accommodations, *etc.*, barring undue hardship, in accordance with the ADA. At the same time, the employing office must afford an employee his or her FMLA rights, as made applicable by the CAA. ADA's ''*disability*'' and FMLA's ''*serious health condition*'' are different concepts, and must be analyzed separately. FMLA entitles eligible employees to 12 weeks of leave in any 12-month period due to their own serious health condition, whereas the ADA allows an indeterminate amount of leave, barring undue hardship, as a reasonable accommodation. FMLA requires employing offices to maintain employees' group health plan coverage during FMLA leave on the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period, whereas ADA does not require maintenance of health insurance unless other employees receive health insurance during leave under the same circumstances.

(c) (1) A reasonable accommodation under the ADA might be accomplished by providing an individual with a disability with a part-time job with no health benefits, assuming the employing office did not ordinarily provide health insurance for part-time employees. However, FMLA would permit an employee to work a reduced leave schedule until the equivalent of 12 workweeks of leave were used, with group health benefits maintained during this period. FMLA permits an employing office to temporarily transfer an employee who is taking leave intermittently or on a reduced leave schedule to an alternative position, whereas the ADA allows an accommodation of reassignment to an equivalent, vacant position only if the employee cannot perform the essential functions of the employee's present position and an accommodation is not possible in the employee's present position, or an accommodation in the employee's present position would cause an undue hardship. The examples in the following paragraphs of this section demonstrate how the two laws would interact with respect to a qualified individual with a disability.

(2) A qualified individual with a disability who is also an eligible employee entitled to FMLA leave requests 10 weeks of medical leave as a reasonable accommodation, which the employing office grants because it is not an undue hardship. The employing office advises the employee that the 10 weeks of leave is also being designated as FMLA leave and will count towards the employee's FMLA leave entitlement. This designation does not prevent the parties from also treating the leave as a reasonable accommodation and reinstating the employee into the same job, as required by the ADA, rather than an equivalent position under FMLA, if that is the greater right available to the employee. At the same time, the employee would be entitled under FMLA to have the employing office maintain group health plan coverage during the leave, as that requirement provides the greater right to the employee.

(3) If the same employee needed to work part-time (a reduced leave schedule) after returning to his or her same job, the employee would still be entitled under FMLA to have group health plan coverage maintained for the remainder of the two-week equivalent of FMLA leave entitlement, notwithstanding an employing office policy that part-time employees do not receive health insurance. This employee would be entitled under the ADA to reasonable accommodations to enable the employee to perform the essential functions of the part-time position. In addition, because the employee is working a part-time schedule as a reasonable accommodation, the FMLA's provision for temporary assignment to a different alternative position would not apply. Once the employee has exhausted his or her remaining FMLA leave entitlement while working the reduced (part-time) schedule, if the employee is a qualified individual with a disability, and if the employee is unable to return to the same full-time position at that time, the employee might continue to work part-time as a reasonable accommodation, barring undue hardship; the employee would then be entitled to only those employment benefits ordinarily provided by the employing office to part-time employees.

(4) At the end of the FMLA leave entitlement, an employing office is required under FMLA to reinstate the employee in the same or an equivalent position, with equivalent pay and benefits, to that which the employee held when leave commenced. The employing office's FMLA obligations would be satisfied if the employing office offered the employee an equivalent full-time position. If the employee were unable to perform the essential functions of that equivalent position even with reasonable accommodation, because of a disability, the ADA may require the employing office to make a reasonable accommodation at that time by allowing the employee to work part-time or by reassigning the employee to a vacant position, barring undue hardship.

(d) (1) If FMLA entitles an employee to leave, an employing office may not, in lieu of FMLA leave entitlement, require an employee to take a job with a reasonable accommodation. However, ADA may require that an employing office offer an employee the opportunity to take such a position. An employing office may not change the essential functions of the job in order to deny FMLA leave. *See* 825.220(b).

(2) An employee may be on a workers' compensation absence due to an on-the-job injury or illness which also qualifies as a serious health condition under FMLA. The workers' compensation absence and FMLA leave may run concurrently (subject to proper notice and designation by the employing office). At some point the health care provider providing medical care pursuant to the workers' compensation injury may certify the employee is able to return to work in a light duty position. If the employing office offers such a position, the employee is permitted but not required to accept the position. *See* 825.220(d). As a result, the employee may no longer qualify for payments from the workers' compensation benefit plan, but the employee is entitled to continue on unpaid FMLA leave either until the employee is able to return to the same or equivalent job the employee left or until the 12-week FMLA leave entitlement is exhausted. *See* 825.207 (e). If the employee returning from the workers' compensation injury is a qualified individual with a disability, he or she will have rights under the ADA, as made applicable by the CAA.

(e) If an employing office requires certifications of an employee's fitness for duty to return to work, as permitted by FMLA under a uniform policy, it must comply with the ADA requirement that a fitness for duty physical be job-related and consistent with business necessity.

(f) Under Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act, and as made applicable by the CAA, an employing office should provide the same benefits for women who are pregnant as the employing office provides to other employees with short-term disabilities. Because Title VII does not require employees to be employed for a certain period of time to be protected, an employee employed for less than 12 months by the employing office (and, therefore, not an ''eligible'' employee under FMLA, as made applicable by the CAA) may not be denied maternity leave if the employing office normally provides short-term disability benefits to employees with the same tenure who are experiencing other short-term disabilities.

(g) Under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4301, *et seq.*, veterans are entitled to receive all rights and benefits of employment that they would have obtained if they had been continuously employed. Therefore, under USERRA, a returning servicemember would be eligible for FMLA leave if the months and hours that he or she would have worked for the civilian employing office during the period of absence due to or necessitated by USERRA-covered service, combined with the months employed and the hours actually worked, meet the FMLA eligibility threshold of 12 months of employment and the hours of service requirement. *See* 825.110(b)(2)(i) and (c)(2) and 825.802(c).

(h) For further information on Federal antidiscrimination laws applied by section 201 of the CAA (2 U.S.C. 1311), including Title VII, the Rehabilitation Act, and the ADA, individuals are encouraged to contact the Office of Compliance.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5752. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Use of Symbols in Labeling [Docket No.: FDA-2013-N-0125] (RIN: 0910-AG74) received June 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5753. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's interim staff guidance — Fuel Retrievability in Spent Fuel Storage Applications [NRC-2015-0241] received June 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5754. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Broad Creek, Laurel, DE [Docket No.: USCG-2015-1011] (RIN: 1625-AA09) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5755. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Kennebec River, Richmond and Dresden, ME [Docket No.: USCG-2016-0344] (RIN: 1625-AA09) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5756. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zones; Upper Mississippi River between mile 179.2 and 180.5, St. Louis, MO and between mile 839.5 and 840, St. Paul, MN [Docket No.: USCG-2016-0354] (RIN: 1625-AA00) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5757. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Hope Chest Buffalo Niagara Dragon Boat Festival, Buffalo River, Buffalo, NY [Docket No.: USCG-2016-0095] (RIN: 1625-AA00) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5758. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Chesapeake Bay, Cape Charles, VA [Docket No.: USCG-2016-0319] (RIN: 1625-AA00) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5759. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Special Local Regulation for Marine Events; James River, Midlothian, VA [Docket No.: USCG-2016-0355] (RIN: 1625-AA08) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5760. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations and Safety Zones; Recurring Marine Events Held in the Coast Guard Sector Northern New England Captain of the Port Zone [Docket No.: USCG-2015-1052] (RIN: 1625-AA08; AA00) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5761. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Monongahela River mile 97.5 to mile 100.5, Morgantown, WV [Docket No.: USCG-2016-0202] (RIN: 1625-AA00) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5762. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Upper New York Bay, Liberty Island, NY [Docket No.: USCG-2016-0318] (RIN: 1625-AA00) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5763. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Special Local Regulations; Marine Events held in the Sector Long Island Sound Captain of the Port Zone [Docket No.: USCG-2016-0324] (RIN: 1625-AA08) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5764. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Renaming of Sector Baltimore as Sector Maryland-National Capital Region; Conforming Amendments [Docket No.: USCG-2016-0060] received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5765. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Ohio River mile 43.2 to mile 43.6, East Liverpool, OH [Docket No.: USCG-2016-0389] (RIN: 1625-AA00) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5766. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Raritan Bay, Perth Amboy, NJ [Docket No.: USCG-2016-0297] (RIN: 1625-AA00) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5767. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Special Local Regulation; on water activities associated with the 2016 Macy's 4th of July Fireworks, East River, Manhattan, NY [Docket No.: USCG-2016-0377] (RIN: 1625-AA08) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5768. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Ohio River mile 25.2 to mile 25.6, Beaver, PA [Docket No.: USCG-2016-0424] (RIN: 1625-AA00) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5769. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's Notice of enforcement of regulation — Safety Zone; Cincinnati Reds Season Fireworks [Docket No.: USCG-2016-0145] received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5770. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Special Local Regulation for Marine Events; James River, Midlothian, VA [Docket No.: USCG-2016-0355] (RIN: 1625-AA08) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5771. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Indian Creek, Miami Beach, FL [Docket No.: USCG-2015-0940] (RIN: 1625-AA09) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5772. A letter from the Legal Intern, U.S. Coast Guard, Office of Regulations, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Sector Ohio Valley Annual and Recurring Special Local Regulations Update [Docket No. USCG-2015-1039] (RIN: 1625-AA08) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5773. A letter from the Legal Intern, U.S. Coast Guard, Office of Regulations, Department of Homeland Security, transmitting the Department's temporary final rule — Special Local Regulation; Cumberland River, Mile 190.5 to 194.0; Nashville, TN [Docket No.: USCG-2016-0322] (RIN: 1625-AA08) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5774. A letter from the Regulations Officer, Senior Attorney Advisor, FHWA, Department of Transportation, transmitting the Department's final rule — Heavy Vehicle Use Tax; Technical Correction [FHWA Docket No.: FHWA-2016-0004] (RIN: 2125-AF71) received June 16, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5775. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — National Highway-Rail Crossing Inventory Reporting Requirements [Docket No.: FRA-2011-0007, Notice No. 6] (RIN: 2130-AC55) received June 16, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5776. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2016-38] received June 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

5777. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Phased Retirement for Non-Qualified Plans (Rev. Proc. 2016-36) received Jun 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

5778. A letter from the Board Members, Federal Old-Age And Survivors Insurance And Federal Disability Insurance Trust Funds, transmitting the 2016 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 910(a); Aug. 14, 1935, ch. 531, title VII, Sec. 709 (as added by Public Law 98-21, Sec. 143); (97 Stat. 102) (H. Doc. No. 114—145); to the Committee on Ways and Means and ordered to be printed.

5779. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Medicare Clinical Diagnostic Laboratory Tests Payment System [CMS-1621-F] (RIN: 0938-AS33) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); jointly to the Committees on Energy and Commerce and Ways and Means.

5780. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting notice of adoption of substantive regulations and transmittal for Congressional approval, pursuant to 2 U.S.C. 1384(b)(3); Public Law 104-1, Sec. 304; (109 Stat. 29); jointly to the Committees on House Administration and Education and the Workforce.

5781. A letter from the Boards of Trustees, Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, transmitting the 2016 Annual Report of the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds (H. Doc. No. 114—146); jointly to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Kentucky: Committee of Conference. Conference report on H.R. 2577. A bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes (Rept. 114–640). Ordered to be printed.

[June 23, (legislative day of June 22) 2016]

Mr. SESSIONS: Committee on Rules. House Resolution 796. Resolution providing for consideration of the bill (H.R. 4768) to amend title 5, United States Code, with respect to the judicial review of agency interpretations of statutory and regulatory provisions; providing for proceedings during the period from June 23, 2016, through July 4, 2016; and providing for consideration of motions to suspend the rules (Rept. 114–641). Referred to the House Calendar.

[June 23, (legislative day of June 22) 2016]

Mr. SESSIONS: Committee on Rules. House Resolution 797. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2577) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; providing for proceedings during the period from June 23, 2016, through July 4, 2016; and providing for consideration of motions to suspend the rules (Rept. 114–642). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BLUMENAUER (for himself and Mr. ROE of Tennessee):

H.R. 5555. A bill to amend titles XVIII and XIX of the Social Security Act to improve end-of-life care and advanced illness management; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 5556. A bill to establish the Great Bend of the Gila National Monument in the State of Arizona, and for other purposes; to the Committee on Natural Resources.

By Mr. VEASEY (for himself, Mrs. WATSON COLEMAN, Ms. NORTON, Ms. WILSON of Florida, Mr. HINOJOSA, Ms. LEE, Mr. ELLISON, Mrs. BEATTY, Mr. CUMMINGS, Mr. TED LIEU of California, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFRIES, Mr. MEEKS, Mrs. DINGELL, Mr. HUFFMAN, Mr. GRIJALVA, Ms. JACKSON LEE, Miss RICE of New York, and Mr. RANGEL):

H.R. 5557. A bill to amend the Help America Vote Act of 2002 and the National Voter Registration Act of 1993 to prohibit an election official from requiring an individual to present a piece of identification that has an associated cost as a condition of voting or registering to vote in an election for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. YOUNG of Alaska (for himself and Mr. HINOJOSA):

H.R. 5558. A bill to extend the authorization of appropriations to the Department of Veterans Affairs for purposes of awarding grants to veterans service organizations for the transportation of highly rural veterans; to the Committee on Veterans' Affairs.

By Mr. SMITH of Missouri (for himself and Mr. CLAY):

H.R. 5559. A bill to amend section 1206 of the Pathway for SGR Reform Act of 2013 to clarify the application of rules on the calculation of hospital length of stay to certain moratorium-excepted long-term care hospitals (LTCHs); to the Committee on Ways and Means.

By Ms. ADAMS (for herself and Mrs. LOWEY):

H.R. 5560. A bill to restrict the use of steel-jaw leghold traps and Conibear traps on animals in the United States; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Georgia (for himself, Mr. GRAVES of Georgia, Mr. JOHNSON of Georgia, Mr. WOODALL, Mr. LOUDERMILK, Mr. LEWIS, Mr. CARTER of Georgia, and Mr. DAVID SCOTT of Georgia):

H.R. 5561. A bill to award a Congressional Gold Medal to former United States Senator Max Cleland; to the Committee on Financial Services.

By Mr. GRIFFITH:

H.R. 5562. A bill to amend title XIX of the Social Security Act to provide for Congressional appointment of members of the Medicaid and CHIP Payment Advisory Commission (MACPAC); to the Committee on Energy and Commerce.

By Mr. JOLLY:

H.R. 5563. A bill to amend title 49, United States Code, to provide for increased local funding of airport development projects, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE:

H.R. 5564. A bill to require that the Secretary of the Interior, acting through the National Park Service, create a program to help ensure that youth from urban areas have access to National Parks, and for other purposes; to the Committee on Natural Resources.

By Mr. KILDEE:

H.R. 5565. A bill to amend the Federal Lands Recreation Enhancement Act to provide free admission to Federal recreational lands and waters for children 17 years of age and younger on their birthday, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND:

H.R. 5566. A bill to establish a process for the termination of certain programs of the Department of Defense; to the Committee on Armed Services, and in addition to the Committees on Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALMON:

H.R. 5567. A bill to amend the Higher Education Act of 1965 to require that all Federal Direct Stafford Loans, Federal Direct Unsubsidized Stafford Loans, and Federal Direct PLUS Loans have the same rates of interest; to the Committee on Education and the Workforce.

By Mr. SCHWEIKERT (for himself and Mr. HASTINGS):

H.R. 5568. A bill to authorize assistance for the Government of Tunisia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STUTZMAN:

H.R. 5569. A bill to amend the Consumer Financial Protection Act of 2010 to repeal the authority of the Bureau of Consumer Financial Protection to restrict arbitration, and for other purposes; to the Committee on Financial Services.

By Mr. TIPTON:

H.R. 5570. A bill to release a Wilderness Study Area administered by the Bureau of Land Management in Jackson County, Colorado, that was not found suitable for wilderness designation, and to release residual Wilderness Study Area acreage in Mesa and Delta Counties, Colorado, that were excluded from their respective wilderness designations from continued management for wilderness characteristics; to the Committee on Natural Resources.

By Ms. WASSERMAN SCHULTZ (for herself and Mr. SMITH of Texas):

H.R. 5571. A bill to amend title 18, United States Code, to provide sexual assault survivors with certain rights, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky:

H. Con. Res. 139. Concurrent resolution providing for a correction in the enrollment of H.R. 2577; to the Committee on Appropriations, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII,

264. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 384, urging the President, the Congress of the United States and the EPA to expeditiously determine if a Federal drinking water standard should be issued for perfluorooctane sulfonate and perfluorooctanoic acid that can be enforced in the same manner as lead and arsenic; which was referred jointly to the Committees on Energy and Commerce and Armed Services.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BLUMENAUER:
H.R. 5555.
Congress has the power to enact this legislation pursuant to the following:
This bill modifies the Social Security Act, which Congress enacted pursuant to its powers under the commerce clause of the U.S. Constitution, as well as its powers to tax and spend for the general welfare. Congress has the power under those provisions to enact this legislation as well.

By Mr. GRIJALVA:
H.R. 5556.
Congress has the power to enact this legislation pursuant to the following:
U.S. Const. art. I, sec. 8, cl. 3
To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes;
U.S. Cont. art. IV, sec. 3, cl. 2, sen. a
The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States;

By Mr. VEASEY:
H.R. 5557.
Congress has the power to enact this legislation pursuant to the following:
Twenty Fourth Amendment, Section 1:
The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

By Mr. YOUNG of Alaska:
H.R. 5558.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8
The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. SMITH of Missouri:
H.R. 5559.
Congress has the power to enact this legislation pursuant to the following:
The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Ms. ADAMS:
H.R. 5560.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 3, Clause 3—Congress shall have the power to regulate commerce with foreign Nations, and among the several states, and with the Indian Tribes;

By Mr. BISHOP of Georgia:
H.R. 5561.
Congress has the power to enact this legislation pursuant to the following.
Article I, Section 8, Clause 5.

By Mr. GRIFFITH:
H.R. 5562.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. JOLLY:
H.R. 5563.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8

By Mr. KILDEE:
H.R. 5564.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8.

By Mr. KILDEE:
H.R. 5565.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8.

By Mr. KIND:
H.R. 5566.
Congress has the power to enact this legislation pursuant to the following:
Article I Section 8, Clause 12.

By Mr. SALMON:
H.R. 5567.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 18:
The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof

By Mr. SCHWEIKERT:
H.R. 5568.
Congress has the power to enact this legislation pursuant to the following:
Article 1. Section 8.

By Mr. STUTZMAN:
H.R. 5569.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 of the Constitution.

By Mr. TIPTON:
H.R. 5570.
Congress has the power to enact this legislation pursuant to the following:
Article 4 Section 3 Clause 2: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Ms. WASSERMAN SCHULTZ:
H.R. 5571.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the U.S. Constitution, General Welfare Clause.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 224: Mr. DOGGETT, Mr. LYNCH, Mr. HIGGINS, Mr. RUIZ, Mr. CASTRO of Texas, Mrs. BUSTOS, Mr. SEAN PATRICK MALONEY of New York, Ms. LINDA T. SÁNCHEZ of California, and Mr. HINOJOSA.
H.R. 226: Ms. GABBARD.
H.R. 335: Mr. YOUNG of Iowa.
H.R. 358: Mr. LEVIN.
H.R. 376: Mrs. WATSON COLEMAN.
H.R. 402: Mr. BROOKS of Alabama.
H.R. 525: Mr. YOUNG of Iowa.
H.R. 546: Mr. BLUM.
H.R. 612: Mr. KNIGHT.
H.R. 711: Mr. KIND.
H.R. 752: Mr. HIGGINS.
H.R. 842: Mr. JODY B. HICE of Georgia.
H.R. 887: Mr. MCCLINTOCK.
H.R. 916: Mr. GOODLATTE.
H.R. 918: Mr. GOHMERT and Mr. WITTMAN.
H.R. 921: Mr. ROONEY of Florida, Mr. JODY B. HICE of Georgia, Mr. MEADOWS, and Mr. FITZPATRICK.
H.R. 969: Mrs. LOVE.
H.R. 1076: Mr. RUIZ, Mr. CASTRO of Texas, Mr. CUMMINGS, Ms. LINDA T. SÁNCHEZ of California, Ms. FUDGE, and Mr. GRAYSON.
H.R. 1117: Mr. JOLLY.
H.R. 1172: Mr. HUFFMAN.
H.R. 1361: Mr. MULLIN.
H.R. 1362: Mr. MULLIN.
H.R. 1398: Mr. SWALWELL of California.
H.R. 1439: Mr. RUSH.
H.R. 1538: Mr. SEAN PATRICK MALONEY of New York.
H.R. 1594: Mr. MCGOVERN and Mr. LIPINSKI.
H.R. 1745: Ms. GABBARD.
H.R. 1814: Mr. PAYNE.
H.R. 1854: Mrs. LOVE.
H.R. 2059: Mr. VAN HOLLEN.
H.R. 2096: Mr. KINZINGER of Illinois.
H.R. 2180: Ms. LEE.
H.R. 2215: Mr. TIPTON.
H.R. 2274: Mr. DUNCAN of South Carolina.
H.R. 2278: Mr. BUCK.
H.R. 2311: Mr. JOYCE.
H.R. 2315: Mr. REICHERT and Mr. COURTNEY.
H.R. 2350: Mr. AL GREEN of Texas.
H.R. 2380: Ms. GABBARD.
H.R. 2404: Ms. WASSERMAN SCHULTZ and Mr. WITTMAN.
H.R. 2411: Mr. SWALWELL of California.
H.R. 2434: Mr. KELLY of Mississippi.
H.R. 2446: Mr. MULLIN.
H.R. 2641: Ms. NORTON.
H.R. 2646: Ms. JENKINS of Kansas, Ms. KUSTER, and Mr. WILLIAMS.
H.R. 2741: Mr. HASTINGS.
H.R. 2867: Mr. KENNEDY.
H.R. 2963: Ms. DELAURO.
H.R. 2992: Mr. MCCLINTOCK, Mr. CARTER of Georgia, Mr. JOLLY, and Mr. RUSSELL.
H.R. 3014: Mr. BYRNE.
H.R. 3051: Ms. SPEIER.
H.R. 3119: Mr. YODER and Mr. CLAY.
H.R. 3229: Mr. MOULTON.
H.R. 3314: Mr. PERRY.
H.R. 3323: Mr. JODY B. HICE of Georgia.
H.R. 3423: Mr. ZELDIN.
H.R. 3526: Ms. LOFGREN.
H.R. 3684: Mr. MOULTON.
H.R. 3765: Mr. RATCLIFFE.
H.R. 3815: Ms. GRAHAM and Mr. HIMES.
H.R. 3830: Ms. NORTON, Mrs. LAWRENCE, Mrs. WATSON COLEMAN, and Mr. MCGOVERN.
H.R. 3870: Mr. NUGENT and Mrs. LOVE.
H.R. 3882: Mr. HUFFMAN.
H.R. 3892: Mr. WALBERG and Mr. MOOLENAAR.
H.R. 3926: Mr. RUIZ.
H.R. 4007: Mr. BISHOP of Michigan and Mr. LAMALFA.
H.R. 4058: Mr. JODY B. HICE of Georgia.
H.R. 4164: Mr. POSEY.
H.R. 4237: Mr. YOUNG of Iowa.
H.R. 4247: Mr. WALBERG, Mr. HOLDING, Mr. HILL, and Mr. BYRNE.
H.R. 4269: Mr. VISCLOSKY, Mr. DAVID SCOTT of Georgia, and Mr. MCNERNEY.
H.R. 4277: Mr. COHEN, Ms. PINGREE and Ms. JENKINS of Kansas.
H.R. 4352: Mr. KELLY of Mississippi.
H.R. 4365: Mr. ROTHFUS, Mr. DUNCAN of South Carolina, and Mrs. BEATTY.
H.R. 4381: Mr. KELLY of Mississippi, Mr. COFFMAN, and Ms. GRANGER.
H.R. 4442: Mr. AMODEI.
H.R. 4460: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4499: Mr. HUDSON.
H.R. 4554: Mr. COHEN.
H.R. 4603: Mr. HINOJOSA.
H.R. 4614: Mr. YOHO.
H.R. 4625: Mr. BYRNE.
H.R. 4626: Mr. HUDSON, Mr. ALLEN, Mr. REICHERT, Mr. DIAZ-BALART, and Mr. SWALWELL of California.

H.R. 4632: Mr. AMODEI and Mr. RUSH.
H.R. 4643: Mr. ELLISON.
H.R. 4662: Mr. KINZINGER of Illinois, Mr. KEATING, and Mr. WHITFIELD.
H.R. 4715: Mr. BRENDAN F. BOYLE of Pennsylvania.
H.R. 4748: Ms. SLAUGHTER.
H.R. 4773: Mr. VALADAO, Mr. AMODEI, Ms. GRANGER and Mr. RICE of South Carolina.
H.R. 4817: Mr. BUTTERFIELD, Ms. BROWN of Florida, Mr. RUSH, Ms. JACKSON LEE, and Mr. CARSON of Indiana.
H.R. 4828: Mr. DUFFY.
H.R. 4907: Mr. CROWLEY and Mr. HUFFMAN.
H.R. 4955: Miss RICE of New York.
H.R. 5047: Mr. POLIQUIN.
H.R. 5061: Mr. KINZINGER of Illinois.
H.R. 5082: Mr. LONG.
H.R. 5124: Mr. CÁRDENAS.
H.R. 5133: Mr. CLYBURN and Mr. DUFFY.
H.R. 5147: Mr. CURBELO of Florida.
H.R. 5166: Mr. ROKITA, Mr. THORNBERRY, Mr. ROSKAM, and Ms. MCSALLY.
H.R. 5167: Mr. KIND and Mr. STIVERS.
H.R. 5180: Mr. SMITH of Texas, Mr. PITTS, Mr. GRAVES of Louisiana, Ms. HERRERA BEUTLER, and Mr. SMITH of New Jersey.
H.R. 5183: Ms. CLARK of Massachusetts, Mr. KEATING, and Ms. HERRERA BEUTLER.
H.R. 5187: Mr. ROUZER.
H.R. 5210: Mrs. BUSTOS.
H.R. 5292: Ms. PLASKETT, Mr. YOUNG of Iowa, Ms. BORDALLO, Mrs. LAWRENCE, Mr. MACARTHUR, Mr. BABIN, Mr. BOST, Mr. GUTIÉRREZ, Mr. GIBSON, Mr. LANGEVIN, Mr. BEYER, Mr. WITTMAN, Mr. COSTA, Mr. CROWLEY, Ms. TITUS, Mrs. DINGELL, Mr. PRICE of North Carolina, Ms. BROWN of Florida, Mr. NADLER, Mr. NEUGEBAUER, Mr. MARCHANT, Mr. HARPER, Mr. CRAMER, Mr. HUNTER, Mr. VALADAO, Mr. RIBBLE, Mr. BRIDENSTINE, Mr. TED LIEU of California, Mr. BOUSTANY, Mr. JOLLY, Mr. MICHAEL F. DOYLE of Pennsylvania, and Mr. CLAY.
H.R. 5294: Mr. ROHRABACHER.
H.R. 5313: Mrs. NAPOLITANO.
H.R. 5319: Mr. BISHOP of Michigan.
H.R. 5320: Mr. CURBELO of Florida.
H.R. 5332: Mrs. BROOKS of Indiana and Mr. POLIS.
H.R. 5386: Mr. TAKANO.
H.R. 5392: Mr. KINZINGER of Illinois.
H.R. 5396: Mr. TAKANO and Ms. DELAURO.
H.R. 5404: Mr. HASTINGS and Mr. LYNCH.
H.R. 5410: Mr. SESSIONS, Mr. ROE of Tennessee, Mr. PITTENGER, Mr. LAMALFA, and Mr. YOHO.
H.R. 5417: Ms. HAHN.
H.R. 5418: Mr. YOUNG of Iowa.
H.R. 5457: Mr. OLSON, Mrs. RADEWAGEN, and Mr. TROTT.
H.R. 5488: Mr. SWALWELL of California, Mr. RANGEL, and Mr. HINOJOSA.
H.R. 5489: Mr. KATKO.
H.R. 5499: Mr. OLSON.
H.R. 5500: Ms. LOFGREN and Mr. HASTINGS.
H.R. 5513: Mr. OLSON and Mr. WILLIAMS.
H.R. 5518: Mr. TAKANO.
H.R. 5519: Mr. TAKANO.
H.J. Res. 95: Mr. GOODLATTE, Mr. CRAMER, Mrs. MIMI WALTERS of California, Ms. JENKINS of Kansas, and Mr. GOHMERT.
H. Con. Res. 19: Mr. RYAN of Ohio and Mr. THOMPSON of Pennsylvania.
H. Con. Res. 124: Mr. LOWENTHAL.
H. Res. 28: Ms. DEGETTE and Ms. ESTY.
H. Res. 32: Mr. LEVIN.
H. Res. 112: Mr. JODY B. HICE of Georgia and Mr. FITZPATRICK.
H. Res. 494: Mr. HUDSON.
H. Res. 549: Mrs. KIRKPATRICK, Mr. CUMMINGS, Mr. TONKO, Mr. JOHNSON of Georgia, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mrs. LAWRENCE, Mr. BERA, Mr. TAKAI, Mr. BECERRA, Ms. SEWELL of Alabama, Ms. LINDA T. SÁNCHEZ of California, Mr. SCHRADER, Mr. DEUTCH, Mr. LYNCH, Mr. HIMES, Mr. CONNOLLY, Ms. ADAMS, Mr. AGUILAR, Mrs. BEATTY, Mr. BEN RAY LUJÁN of New Mexico, and Mr. CLEAVER.
H. Res. 590: Mr. BISHOP of Utah.
H. Res. 591: Mr. POMPEO and Mr. KILDEE.
H. Res. 694: Mr. MURPHY of Florida and Mrs. CAPPS.
H. Res. 728: Mr. MOULTON.
H. Res. 729: Mr. WENSTRUP, Mr. POE of Texas, Mr. KINZINGER of Illinois, Mr. LOEBSACK, Mr. JOLLY, Mr. ROGERS of Kentucky, Mr. MURPHY of Pennsylvania, Mr. JEFFRIES, Mrs. BEATTY, Mr. CARTWRIGHT, Mr. DAVID SCOTT of Georgia, Mr. YOUNG of Iowa, Mr. TIBERI, Mr. MCCAUL, Ms. TITUS, and Mr. FITZPATRICK.
H. Res. 750: Mr. POE of Texas.
H. Res. 780: Mr. ROONEY of Florida, Mr. PITTS, Mr. CICILLINE, and Ms. MOORE.
H. Res. 795: Mr. LOEBSACK.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative CONYERS (MI) or a designee to H.R. 4768, the Separation of Powers Restoration Act of 2016, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

EXTENSIONS OF REMARKS

ANNOUNCING THE RECIPIENTS OF THE 2016 CONGRESSIONAL VETERAN COMMENDATION FOR THE 16TH DISTRICT OF ILLINOIS

HON. ADAM KINZINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. KINZINGER of Illinois. Mr. Speaker, I rise today to recognize the 2016 recipients of the Congressional Veteran Commendation in the 16th District of Illinois.

The eight veterans receiving this commendation have served this country honorably and fought for the freedoms we hold dearly. These veterans answered their country's call during World War II, the Korean War, and the Vietnam War, and they served with honor and distinction. As a fellow war veteran, I thank them for their patriotism and sacrifices on behalf of our nation.

After these veterans served their country, they came home to serve their communities. They are civic leaders, active citizens, and many continue to serve their military brothers and sisters through veteran service organizations. Although their mission has changed since returning to civilian life, their leadership and tenacity have not.

The recipients of the 2016 Congressional Veteran Commendation are: Lance Corporal Glenn Borvansky of Marseilles, IL; Seaman Charles R. Brown of Diamond, IL; Sergeant John F. Duback of Ottawa, IL; Specialist Four Wayne A. Eichelkraut of Ottawa, IL; Sergeant Mervin Eutis of Grand Ridge, IL; Master Sergeant Glen Maubach of Blackstone, IL; Specialist Five Harold R. Olsen of Arlington, IL; and Specialist Five Richard Sanders of Dixon, IL.

I am honored to be able to recognize these notable veterans. The recipients of this commendation serve as the embodiment of both military and civil service, and it is my hope they will inspire the next generation.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mrs. NAPOLITANO. Mr. Speaker, I was absent due to a delayed flight into Washington. Had I been present, I would have voted yea on H.R. 5388 (Roll Call No. 335).

IN CELEBRATION OF MRS. EVEREE JIMERSON CLARKE'S 90TH BIRTHDAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. HASTINGS. Mr. Speaker, I rise today to celebrate the 90th birthday of Mrs. Everee Jimerson Clarke of Pleasant City, Florida.

Everee was born on July 6, 1926, to Cynthia and Reverend William Jimerson in Pleasant City, Florida. While she moved to Jacksonville, Florida, as a child, she continued to maintain a strong connection with her hometown. She would regularly visit Pleasant City and attended Industrial High School.

She attended college at the historically Black institution Lincoln University, before moving to New York to attend Julliard School of Music in the dance department. In 1960, she established the Everee School of Charm and Dance, while also becoming a political activist in Newark, New Jersey.

Since she returned back to Pleasant City in 1965, she has been active in local politics and business development. In 1975 and 1976, Everee was recognized by ''Who's Who in Among Black Americans.'' In 1987, she was appointed by Governor Bob Martinez and the Florida Senate to serve on the Broward County Historic Preservation Board of Trustees.

Pleasant City is the oldest African American Community in Palm Beach County. She has been committed to preserving its history and providing educational and cultural events, as well as opportunities for its descendants.

Everee has received numerous awards for her service, including the Community Service Award from the Black Educators Caucus and the Daughters of the American Revolution. She was also awarded the Historic Preservation Award from the City of West Palm Beach, and the Fannie James Pioneer Achievement Award from the historical Society of Palm Beach County.

Mr. Speaker, on this momentous occasion, please join me in honoring Mrs. Everee Jimerson Clarke for her life of service and commitment to cultural preservation. I wish her a very happy 90th birthday, and many more years success and happiness to come.

PERSONAL EXPLANATION

HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. HANNA. Mr. Speaker, on Roll Call Number 334 on H.R. 5525, I am not recorded because I was absent due to a weather-related flight cancellation. Had I been present, I would have voted Aye.

PERSONAL EXPLANATION

HON. TOM GRAVES

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. GRAVES of Georgia. Mr. Speaker, on Roll Call No. 334, I was absent due to inclement weather. Had I been present, I would have vote Yes.

On Roll Call No. 335, I was absent due to inclement weather. Had I been present, I would have vote Yes.

On Roll Call No. 336, I was absent due to inclement weather. Had I been present, I would have vote Yes.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mrs. NAPOLITANO. Mr. Speaker, I was absent due to a delayed flight into Washington. Had I been present, I would have voted yea on H.R. 5389 (Roll Call No. 336).

PERSONAL EXPLANATION

HON. J. FRENCH HILL

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. HILL. Mr. Speaker, on roll call no. 334, the End Taxpayer Funded Cell Phones Act of 2016, had I been present, I would have voted YEA.

HONORING MARIE SPAK UPON HER RETIREMENT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. COURTNEY. Mr. Speaker, I rise today to honor the distinguished service of Marie Spak who will retire after 43 years as office manager in the State Attorney's office at the Tolland Judicial District.

I had the special privilege of witnessing Marie's diligent work for many years. First when I was an Assistant Public Defender and later as an attorney in private practice. Marie started her work with the judicial branch for the State of Connecticut in East Hartford during September of 1973. In 1974, she joined the State Attorney's Office, where she worked with four different State's Attorneys during her

tenure. She is finishing her service as the most senior member of AFSCME in the Division of Criminal Justice.

I had the privilege of witnessing her admirable and dedicated efforts during these years. Her command of the office operations, getting cases ready for court, lining up witnesses, and executing judgments for trials, probation, and incarcerations was outstanding. Her ability to perform was also shown in Marie never making a single mistake in the thousands of files she worked on. I honestly do not remember Marie ever making a mistake in the thousands of files she worked on, dealing with very sensitive issues such as citizens' property and personal freedom. She is extraordinary.

I also want to express my admiration for the way she handled all of the stress, drama, and emotion that were part of the office environment, day in and day out. Marie was incredibly ''cool, calm, and collected'' in that arena, while at the same time always willing to listen and help visitors to the office, if she could. Marie always had a sense of humor—there were days when life in the Tolland Judicial District felt like a sitcom, with laughs and eye rolls.

Also, at the same time, Marie balanced family life as a devoted daughter, wife, and mother. When I talked with Marie about her family, it was clear to me that they appropriately always came first. Now, Marie embarks on this new chapter of her life, with the ability to spend more, well deserved, time with her family. I would like to thank her again for her outstanding service for 43 years and for setting an example of diligent, hard work for the public good for our state and region.

PERSONAL EXPLANATION

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Ms. SPEIER. Mr. Speaker, due to an unforeseen conflict, I unavoidably missed the following votes on June 21, 2016.

Had I been present I would have voted as follows:

On roll call No. 334, I would have voted ''nay'' (June 21) (On Motion to Suspend the Rules and Pass H.R. 5525, ''End Taxpayer Funded Cell Phones Act of 2016.'')

On roll call No. 335, I would have voted ''yea'' (June 21) (On Motion to Suspend the Rules and Pass H.R. 5388, ''Support for Rapid Innovation Act of 2016.'')

On roll call No. 336, I would have voted ''yea'' (June 21) (On Motion to Suspend the Rules and Pass H.R. 5389, ''Leveraging Emerging Technologies Act of 2016.'')

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mrs. NAPOLITANO. Mr. Speaker, I was absent due to a delayed flight into Washington. Had I been present, I would have voted nay on H.R. 5525 (Roll Call No. 334).

IN RECOGNITION OF ALDER CREEK MIDDLE SCHOOL RECEIVING A SCHOOLS TO WATCH AWARD

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. McCLINTOCK. Mr. Speaker, I rise today to honor and congratulate the students, faculty, and staff of Alder Creek Middle School in Truckee, California for receiving the 2016 Schools to Watch award, which is presented to the top 145 middle schools nationwide. This is a great accomplishment for Alder Creek and Northern California.

The Schools to Watch award recognizes Alder Creek's academic excellence, developmental responsiveness, and social equity after a rigorous review process to identify middle schools achieving excellence in each category.

Alder Creek has exemplified academic excellence by challenging its students and encouraging them to use their minds in ways that surpass typical middle school curriculum. The instruction and assessment at schools recognized for receiving the Schools to Watch award are aligned with ideals that focus on every student's understanding of essential concepts and skills that are applicable beyond the classroom. The teaching methods at Alder Creek involve a variety of engaging and effective activities, allowing students' talents to flourish.

Additionally, Alder Creek is praised for its ability to successfully address and accommodate the various developmental challenges of early adolescence and the needs of each of its students. Alder Creek provides each student with a personalized environment that supports unique ethical, social, physical, and intellectual aspects of development. Alder Creek's teachers support every student's curiosity and creativity in a well-organized, encouraging environment coupled with relevant curriculum catered to the personal interests of the adolescents.

Mr. Speaker, Alder Creek Middle School has earned a prestigious spot as one of the best in the country. I am honored to share this proud moment with the nation and congratulate Alder Creek's faculty, staff, and students on their tremendous accomplishment.

HONORING K–9 OFFICER DARA AND OFFICER ANDREW KALET

HON. JOHN KATKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. KATKO. Mr. Speaker, I rise today to recognize K–9 Officer Dara and her handler, Officer Andrew Kalet, of the City of Auburn Police Department, for their valiant actions in quickly apprehending and securing a dangerous and high risk suspect who fled police on February 26, 2013.

The fleeing suspect had attempted to dispose of valuable evidence, but thanks to K–9 Officer Dara's fearless and efficient actions, officers were able to recover this evidence, and no officers were hurt while working to apprehend the suspect.

Though K–9 Officer Dara is now retired, her actions secured the safety of everyone involved in a volatile situation and she deserves to be properly recognized for her heroic actions. I am honored to pay tribute to K–9 Officer Dara and Officer Andrew Kalet for their brave actions that led to a safe ending of a tense situation.

I would also like to recognize all K–9 Officers and their handlers for the extraordinary work they do each and every day. K–9 Officers approach every situation, no matter how dangerous with complete and total confidence and fearlessness to protect their human partners. K–9 Officers are an asset to all law enforcement and I am proud to recognize them for their service.

PERSONALIZE YOUR CARE ACT 2.0

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. BLUMENAUER. Mr. Speaker, one of the most difficult and challenging situations any family faces is dealing with circumstances surrounding end of life. From sweeping changes to how care is delivered, to the rise of personalized medicine, patients today have more treatment options than ever before. With these medical advances, the line between life and death can sometimes be blurred, which has changed the way we must talk about how we want to live and die.

There is substantial evidence that suggests the care individuals want to receive at the end of life is not necessarily the type of care they do receive. Oftentimes patients receive aggressive treatment that not only substantially shortens the length of life, but the quality. Other times, patients find the health care system undervalues the quality of their life, withholding treatments they would otherwise want to receive.

To this end, individuals should have the opportunity to participate actively in making decisions about their health care throughout their lives and receive care consistent with their values, goals, and informed preferences. Patients should feel empowered to make informed choice about the health care they want and to have their care decisions honored by their providers and family.

During the Affordable Care Act debate, I saw an opportunity to apply lessons learned in Oregon with its landmark comprehensive palliative care programs that give patients more of a say about the medical treatment they want at the end of life. I worked to ensure that Congress included a payment for doctors to talk to patients and families about advance care planning in the Affordable Care Act. Unfortunately, this provision wasn't included in the final legislation due to a breakdown of the legislative process.

Last year, the Centers for Medicare and Medicaid Services (CMS) finalized a new benefit, allowing doctors to receive reimbursement to have voluntary advance care planning conversations with their patients. For the first

time, the federal government has placed a value on these critical doctor-patient discussions.

Yet my work to improve end-of-life care is far from over, and it is for these reasons that I am introducing the bipartisan Personalize Your Care Act 2.0, legislation that will strengthen end-of-life care by establishing new models of care delivery that will better manage advanced illness, improve quality of care, and enhance training, resources, and tools for providers, patients, and their families.

Ideally, health care should work in sync with social, psychological, and spiritual support as the end of life approaches. Care near the end of life must be patient-centered and family-oriented. This legislation is supported by patient advocates, physicians, nurses, and the faith community, who understand how advance care planning fundamentally improves quality of care and quality of life. To that end, I ask my colleagues to join me and support this important piece of legislation.

PERSONAL EXPLANATION

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. COURTNEY. Mr. Speaker, I was delayed in my return to Washington, D.C. due to inclement weather and missed the following votes. Had I been present, I would have voted:

''No'' on roll call No. 334, on the End Taxpayer Funded Cell Phones Act of 2016 (H.R. 5525); and,

''Yes'' on roll call No. 335, on the Support for Rapid Innovation Act of 2016 (H.R. 5388); and,

''Yes'' on roll call No. 336, on Leveraging Emerging Technologies Act of 2016 (H.R. 5389).

HONORING WAYNE COUNTY SHERIFF'S DEPUTY CRAIG PAGNOTTI

HON. JOHN KATKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. KATKO. Mr. Speaker, I rise today to recognize Deputy Craig Pagnotti of the Wayne County Sheriff's Department. On Saturday, May 28, 2016, Deputy Pagnotti apprehended two different suspects, each on a separate felony charge, over the course of the day.

On May 28, around 9:00 a.m., Deputy Pagnotti responded to a domestic complaint in Lyons, New York. Upon arrival, the suspect, who had an outstanding warrant for his arrest, fled the scene on foot. Without hesitation, Deputy Pagnotti pursued and apprehended the suspect, pulling a tendon in his arm while taking the suspect into custody. Deputy Pagnotti was admitted to the hospital, where he received a cast for his injured arm.

Shortly after being discharged from the hospital, Deputy Pagnotti continued with his shift and pulled over a vehicle for speeding, just outside of Arcadia, New York. After Deputy Pagnotti discovered drugs in the vehicle, the suspect fled on foot, striking the Deputy in the face and arm. Shortly after the suspect was apprehended, Deputy Pagnotti was taken to the hospital and diagnosed with a broken left arm.

I am honored to recognize Deputy Pagnotti for his heroic actions on May 28, 2016. Deputy Pagnotti's efforts in this situation exemplify the commitment and dedication of the Wayne County Sheriff's Department. I want to thank Deputy Pagnotti and all those serving in law enforcement in Wayne County and throughout the 24th District.

PERSONAL EXPLANATION

HON. J. FRENCH HILL

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. HILL. Mr. Speaker, on roll call No. 335 the Support for Rapid Innovation Act of 2016, had I been present, I would have voted Yea.

PERSONAL EXPLANATION

HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. HANNA. Mr. Speaker, on Roll Call Number 335 on H.R. 5388, I am not recorded because I was absent due to a weather-related flight cancellation. Had I been present, I would have voted Aye.

TRIBUTE TO TROOPER SHAUN SMITH

HON. JOHN KATKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. KATKO. Mr. Speaker, I rise today to recognize Trooper Shaun Smith of the New York State Police. On Thursday, June 2, 2016, Trooper Smith saved the life of a 12-year old child.

On June 2, Trooper Smith, who was off-duty at the time, was swimming laps at the Northwest Family YMCA in Lysander, New York, when he noticed a 12-year old suddenly go into cardiac arrest and fall underneath the water. With the help of the 12-year old's friend, Trooper Smith pulled the boy out of the water and immediately began administering CPR. Shortly after, a lifeguard assisted in applying an AED to the 12-year old boy. Trooper Smith was also assisted by a registered nurse and a respiratory therapist who happened to be in the area during the event.

I am honored to recognize Trooper Smith for his heroic actions on June 2, 2016. The 12-year old boy is now fully recovered thanks to his brave actions. Trooper Smith's efforts in this situation exemplify the dedication of the New York State Police. I want to thank Trooper Smith and all New York State Police officers for their bravery and commitment to serving our communities.

IN RECOGNITION OF LIEUTENANT COLONEL SEAN C. BRAZIEL

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. HUNTER. Mr. Speaker, I rise today to recognize and celebrate the service of Lieutenant Colonel Sean C. Braziel, who serves as the Strategic Operations Officer for the Marine Corps Intelligence Activity (MCIA). Sean will retire from the Marine Corps on September 1st, 2016, after 20 years of distinguished and faithful service to this great nation. Throughout his unique career, Lieutenant Colonel Braziel has had the opportunity to serve our country in capacities that span intelligence analysis, policy, and operations.

Prior to his current assignment, Lieutenant Colonel Braziel served as the head of Intelligence Plans and Policy for Headquarters Marine Corps, and as the Marine Corps liaison officer to the Director of the Central Intelligence Agency (CIA) where he planned sensitive, strategic operations and briefed cabinet-level officials to positively affect U.S. national security objectives. At the CIA, he also served as the chief of crisis operations, leading joint military and interagency teams to more than 27 countries serving in combat operations on 13 separate deployments in Iraq, Afghanistan, and other contingency areas. As a major, Lieutenant Colonel Braziel served as the intelligence officer for the 26th Marine Expeditionary Unit where he led the intelligence effort for crisis and contingency operations, and integrated the first Marine Special Operations Company detachment to deploy aboard U.S. Navy shipping. Sean was the head of the Imagery Branch for MCIA where he tasked and integrated national collection assets to support Marine Corps and Navy operations in the wake of 9/11. He also served as the Air Combat Element intelligence officer for the 11th Marine Expeditionary Unit, the air combat intelligence officer, 3rd Marine Aircraft Wing, and the Marine Aircraft Group–16 intelligence officer.

In addition to his distinguished career as a Marine, Sean has used his talents to inspire the youth of this nation as a head coach for junior hockey and is a volunteer coach and speaker to USA Hockey's National Team Development Program in Plymouth, Michigan. He has led and developed athletes and diverse teams toward success, including the 2015 U–18 AA Youth Hockey National Championship. He has spoken at the semi-annual NCAA Division I Coaches Symposium on ethics in coaching and leading elite teams.

Lieutenant Colonel Braziel is married to the former Janet Jumper of Burke, VA. He has one son, Collin, and he and Janet have two daughters, Claire and Chelsea. The love and

support of his family has aided and strengthened Sean throughout his service and I congratulate them as well on this special occasion. I am proud to share in the celebration of Lieutenant Colonel Braziel's military career. As he and his family move to this next chapter of life, I wish Sean ''fair winds and following seas'' as he embarks on his future endeavors. Semper Fidelis, Marine.

SIT-IN PROTEST ON GUN SAFETY LEGISLATION

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Ms. SEWELL of Alabama. Mr. Speaker, I rise today with my colleagues sitting in on the House floor in tribute to the victims of the Orlando nightclub shooting and all those who have lost their lives or loved ones to senseless gun violence. Congress has repeatedly failed to pass gun safety measures that would protect our communities while preserving the rights of responsible gun owners. While I am a staunch supporter of the Second Amendment, I believe that strengthening background checks, eliminating gun show loopholes, and preventing potential terrorists from acquiring assault weapons will not limit the rights of lawful gun owners to protect and defend themselves. Make no mistake; this is not an attempt to take guns away from law-abiding citizens—these are commonsense gun safety measures. We must set aside party politics and work together in the best interests of our nation to reduce gun violence and senseless killings.

Mr. Speaker, the rising tide of gun violence continues to claim far too many lives. It's time for Congress to act. I urge my colleagues to take up gun safety measures that will protect our families and our communities. We cannot continue to mourn these tragedies without doing all we can to prevent them.

HONORING SUSAN LUCKIE REILLY ON THE OCCASION OF HER 100TH BIRTHDAY AND HER MANY CONTRIBUTIONS TO THE JOSHUA TREE NATIONAL PARK

HON. RAUL RUIZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. RUIZ. Mr. Speaker, I rise today to celebrate the 100th birthday of Ms. Susan Luckie Reilly. Susan is a former ranger at Joshua Tree National Park and she was born in 1916, the same year the National Park Service (NPS) was founded.

Ms. Reilly is a graduate of Stanford University, where she studied psychology, sociology, and political science, and went on to join the NPS in 1965 where she worked as a seasonal ranger and naturalist for Joshua Tree National Park. It was in the desert where she developed a life-long love for conservation efforts and preservation of the desert area.

In 1969, Ms. Reilly founded the Morongo Basin Conservation Association (MBCA), a successful grassroots effort to prevent a utility company from degrading wildlife and the natural beauty of the Morongo Basin in order to run a massive power transmission corridor straight through the heart of the basin. The MBCA has remained committed to advocating for the safety, health, and preservation of the desert area.

In 2004, Ms. Reilly was the recipient of the prestigious Minerva Hoyt Award, which recognizes individuals that promote conservation efforts and leave a lasting impact on California deserts. In 2013, she was awarded the Women of Distinction Award from Congressman PAUL COOK, an honor bestowed on women who demonstrate outstanding leadership and integrity.

Mr. Speaker, Ms. Reilly has been an inspiration to both her community and this country throughout her 100 years on this Earth. Let's all join in celebrating this special day with her and wishing her a happy 100th Birthday.

SHEILA WHITE

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. COHEN. Mr. Speaker, this week marks the 10th anniversary of the landmark Supreme Court ruling in Burlington Northern & Santa Fe Railway Co. v. White. The Court held, unanimously, that workers who stand up against workplace discrimination are entitled to protection against a broad array of retaliatory actions by their employers.

The case, and the vital precedent that it set—that the scope of the Civil Rights Act of 1964's, ''antiretaliation provision extends beyond workplace-related or employment related retaliatory acts and harms''—would not have been possible but for the courage of my constituent, Sheila White, from Memphis, Tennessee.

In 1997, Ms. White was working as a forklift operator at the Tennessee Yard of Burlington Northern & Santa Fe Railway. At the time she was the only woman in her department.

Ms. White complained that her supervisor had been sexually harassing her.

The company disciplined her supervisor, but also reassigned Ms. White to a less desirable position.

After Ms. White filed a complaint with the Equal Employment Opportunity Commission, the railway suspended her without pay for more than a month for insubordination.

Ms. White's story is a true profile in courage. Even though the company eventually found that she was not insubordinate, reinstated her and gave her backpay, she nonetheless persisted with her lawsuit to set the record straight. She knew, and the Supreme Court ultimately agreed, that the way she had been treated fell far short of the protections established by Congress in the Civil Rights Act.

As Justice Breyer explained, ''The significance of the congressional judgment that victims of intentional discrimination can recover compensatory and punitive damages to make them whole would be undermined if employers could avoid liability in these circumstances. . . . An indefinite suspension without pay could well act as a deterrent to the filing of a discrimination complaint, even if the suspended employee eventually received backpay.''

As we commemorate the 10th anniversary of this case, I want to publicly thank Ms. White—for her bravery, for her perseverance, and for her continued leadership on behalf of workplace fairness. Our nation is better because of Sheila White.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed Roll Call vote numbers 334, 335, and 336. Had I been present, I would have voted nay on Roll Call vote number 334 and aye on both Roll Call votes 335 and 336.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. BLUMENAUER. Mr. Speaker, like many of my colleagues, I missed votes on three bills, considered under the suspension of the rules, due to inclement weather.

Had I been present for the vote on H.R. 5525, the End Taxpayer Funded Cell Phones Act of 2016, I would have emphatically voted ''no.'' This misguided legislation would severely undermine the Lifeline program, a program critical to public safety and an important part of the pathway out of poverty. Low-income Americans, whether they are elderly, disabled, low-income veterans, victims of domestic violence, or part of another vulnerable group, need access to 9-1-1 services and job opportunities, a key purpose of the Lifeline program. This vital program should be expanded, not restricted. The majority has no business bringing it up under suspension of the rules.

On H.R. 5388, the Support for Rapid Innovation Act of 2016, I would have voted ''yes.'' This bill would require the Department of Homeland Security (DHS) to research ways to improve the nation's cybersecurity systems and disseminate their finds with other relevant federal departments and agencies, industry and academia.

On H.R. 5389, the Leveraging Emerging Technologies Act of 2016, I would have voted ''yes.'' The bill would require DHS to create a strategic plan to partner with technology developers and firms to combat cyberthreats.

CRYSTAL CLINE IS A BOWLING CHAMPION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. OLSON. Mr. Speaker, I rise today to congratulate Crystal Cline for winning the 2016 Texas High School Bowling Girls' singles championship.

Crystal Cline is a student at Morton Ranch High School in Katy, Texas. She was selected as one of 65 elite students from the state to participate in the tournament. She averaged a score of 201 in the qualifying round, earning her the 13th seed moving forward. In the semifinals, Crystal eliminated the 2015 girls' champion. She won the final round with a solid score of 222–173. We are proud of Crystal, and can't wait to see what she does next.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Morton Ranch's Crystal Cline for winning the 2016 Texas High School Bowling Girls' singles championship. Thank you for bringing this awesome championship to the Katy School District.

PERSONAL EXPLANATION

HON. J. FRENCH HILL

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. HILL. Mr. Speaker, on rollcall no. 336, the Leveraging Emerging Technologies Act of 2016, had I been present, I would have voted YEA.

RECOGNIZING IVAN MARAS

HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to recognize Ivan Maras, a veteran, retired teacher, and Congressional Gold Medal recipient.

When he was drafted by the Army during the Korean War, Ivan was permitted to finish his college degree before enlistment. In 1953, he left his hometown of Bulpitt and was shipped to South Korea, where he was assigned to serve in the 65th Infantry Regiment, known as the Borinqueneers. Earlier this year, the entire regiment was honored with the Congressional Gold Medal for their valiant service and devotion to duty.

When Ivan joined the 65th, it was a unit of predominantly Puerto Rican soldiers that had been recently integrated. He soon found himself in the heat of the action on the front lines at Inchon, where he described the explosions to be ''like the Fourth of July every night.''

Ivan learned that some men in the regiment were unable to read and write, so he and others set up tents to start teaching. He then spent the remainder of his enlistment using his college degree to teach at a makeshift school established by the military in Korea.

After the war, Ivan returned to central Illinois where he worked as a teacher in Kincaid for nearly fifty years.

I am proud to represent soldiers like Ivan who go above and beyond the call of duty every day. I am honored to serve the brave men and women who sacrificed so much for our country. Congratulations on this prestigious honor, Ivan.

TRIBUTE TO SUSAN McKEE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to Riverside County, California, are exceptional. On June 22nd, Sue McKee will be retiring from the University of California, Riverside (UCR) after nearly 25 years of dedicated service.

Sue is the Assistant Vice Chancellor of Governmental and Community Relations at UCR and she has worked tirelessly in that role as an advocate for UCR at the local, state, and federal levels. Her more recent accomplishments include securing funding for the first public medical school in California in over 40 years and relocating the California Air Resources Board (CARB) air pollution lab to the UCR campus. This new CARB facility, combined with UCR's existing related expertise through its Center for Environmental Research and Technology, will make Riverside the world's center for transportation and air quality research—and, in large part, this achievement is thanks to Sue McKee.

Sue is a wife, a mother, and an amazing champion for the Inland Empire. In addition to serving UCR, she has served her community by advocating for those less fortunate and mentoring the next generation of Inland Empire leaders and advocates. Sue serves as the Chair of the Riverside County's Community Action Partnership and is a former Program Chair for Leadership Riverside through the Greater Riverside Chambers of Commerce. Sue also has donated her time to the Childhood Cancer Foundation of Southern California, the Raincross Group, and the Regional Advisory Board of the Big Brothers Big Sisters of the Inland Empire.

I have had the privilege of knowing Sue McKee for nearly 20 years. During that time, I have found her to be the best kind of advocate through her compassion, intellect, sense of humor, and her commitment to UCR's mission to serve its students and the region. I applaud Sue's service and I will truly miss working with her upon her retirement. However, her service and her achievements will have a longstanding and truly positive impact on our community.

JOE ADAMS RETIRES FROM KATY ISD BOARD OF TRUSTEES

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. OLSON. Mr. Speaker, I rise today to congratulate Joe Adams on his retirement from the Katy Independent School District (KISD) Board of Trustees, after serving 27 years.

When Mr. Adams attended his first school groundbreaking 27 years ago, there was nothing but prairie to the west of this brand new elementary school. Since the beginning of Adams' tenure on the board, the area has transformed into a booming, busy suburban district. The Katy ISD enrollment has also increased by 53,000 with 41 new schools opening under his watch. Adams fondest memories are standing on the stage at graduations and congratulating outgoing KISD seniors on their accomplishments. The residents of Katy have been well served by his leadership in helping ensure a strong education for our students.

On behalf of the Twenty-Second Congressional District of Texas, congratulations and thank you to Joe Adams for his 27 years of service on the Katy ISD board of trustees. We appreciate your service and dedication to Katy.

RED ROCKS COMMUNITY COLLEGE INNOVATION CHALLENGE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and congratulate the team from Red Rocks Community College on becoming a finalist for a second year in a row in the National Science Foundation's Community College Innovation Challenge. This program serves as an innovative way for community college students to partner with local industries to create pioneering STEM-based solutions for real world issues. The Community College Innovation Challenge is an important example of encouraging STEM education and research for our nation's students and future leaders. I congratulate all of the competition's participants for their work on a variety of important projects.

The Red Rocks Team tackled water conservation which has become a critical issue in the western United States as we tackle long-term drought and the demand for water resources increases. Cooling towers are used in large office and industrial buildings for air conditioning. Through typical use of cooling towers, these systems must discharge and then replace water to continue operation in a process called blow down. These students have worked to improve the efficiency of the blow down process through reverse osmosis, ion exchange, and various filter media which reduces water consumption and saves money. This advance is important for reducing water consumption and can be scaled up for commercial deployment across the country.

I congratulate the Red Rocks Team of Matt Armijo, Mike Fisher, Sean Kelly, Valeria Mokrushova, Danny Rogers, and their faculty advisory Jeremy Beard for their success. I applaud these students for their dedication to this important project and their leadership and commitment to STEM education blazing a path for our country's future leaders and innovators. I am proud of the work Red Rocks Community College does every day and I look forward to seeing what the school and these students accomplish in the years to come.

PERSONAL EXPLANATION

HON. JOAQUIN CASTRO

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. CASTRO of Texas. Mr. Speaker, my vote was not recorded yesterday. I was absent because my flight was delayed by the poor weather in the Washington, D.C. area. Had I been present, I would have voted as follows: Roll Call No. 334: NAY; Roll Call No. 335: AYE; and Roll Call No. 336: AYE.

IN RECOGNITION OF INVESTIGATOR JEAN PIERRE GRILLO UPON HIS RETIREMENT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. COURTNEY. Mr. Speaker, I rise today to recognize Mr. Jean Pierre Grillo who will retire after 26 years as Investigator for the State's Attorney's office at the Tolland Judicial District, located in Union, Connecticut. The State's Attorney's office handles all prosecution of criminal offenses from minor infractions to major felonies. The Investigator's role is to be a liaison between all police departments, local and state, as well as to coordinate the State's Attorney's arraignments, bond hearings, trials, and sentencing. Jean Paul, or J.P. as he is known, has done an outstanding job over the last 26 years handling these tasks.

I have been privileged to see Investigator Grillo's work up close. Before assuming his duties 26 years ago, J.P. had a 17 year law enforcement career with the Norwich and Danielson Police Departments. Investigator Grillo is also a Veteran who served with the U.S. Naval Reserves.

It was clear that J.P.'s analysis and judgment of the cases he handled was considered invaluable by the attorneys he worked with. In essence, he was a de facto attorney when it came to strategy and tactics in handling cases. I can attest to the fact that J.P.'s experience working as a police officer and his innate sense of fairness were invaluable assets to the attorneys he assisted.

I admire the respectful way he interacted with visitors to the office and courtroom. Criminal courts are high stress environments and people walk in confused and anxious. He always treated people courteously and politely which kept the pace in the building day in and day out.

I would like to congratulate Investigator Grillo on an outstanding career, and for setting such an incredible example for us all in how to use the public trust that working for the people of Connecticut involves. It has been a pleasure having him in the State's Attorney's Office, and I wish him and his family all the best in this new, exciting chapter of their lives.

PERSONAL EXPLANATION

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. PAULSEN. Mr. Speaker, on Roll Call Numbers 334 through 336, I was not present due to airplane flight delays caused by inclement weather. Had I been present, I would have voted ''aye'' on Roll Call Vote No. 334, ''aye'' on Roll Call Vote No. 335, and ''aye'' on Roll Call Vote No. 336.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $19,256,656,157,468.52. We've added $8,629,779,108,555.44 to our debt in 6 years. This is over $7.5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

PERSONAL EXPLANATION

HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. HANNA. Mr. Speaker, on Roll Call Number 336 on H.R. 5389, I am not recorded because I was absent due to a weather-related flight cancellation. Had I been present, I would have voted Aye.

HONORING THE LIFE AND LEGACY OF JULIA MAE PRIMUS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. HASTINGS. Mr. Speaker, I rise today to honor the life and legacy of Julia Mae Primus, a dear friend of mine, who sadly passed away on June 18, 2016.

Julia was born on June 25, 1924 in Leesburg, Florida, where she attended the Lake County Training School and graduated valedictorian of her class. Once she finished high school, she enrolled at Florida A&M University (FAMU), where she earned a bachelor's degree in early childhood education. She later took graduate courses at Northwestern University before obtaining her Master's Degree in Speech Therapy and Pathology from the University of South Florida.

Julia paved the way for African American women as the first African American woman to be selected as a member of the Board of Directors of the Lutheran Church Missouri Synod for the Florida-Georgia District. She was also a strong presence in the Florida A&M University (FAMU) community having pledged Delta Sigma Theta Sorority, and having chartered the Broward County Alumnae Chapter, serving two terms as the 1st Chapter President.

After college, she became the first African American speech therapist hired by the Broward County school system and served for forty years as a dedicated teacher and speech therapist. She devoted her life to educating future generations and to constantly serving as a role model to not only her pupils, but to all of us who were honored to have her in our lives.

She leaves to cherish her memory her daughter Juliette Wise, her son Theodore Primus, four grandchildren: Dawn Wise McGowan, Walter Wise, III (Marla), Theodore Primus, and Julian Primus; great grandsons: George McGowan, Ryan McGowan, Walter Wise, IV, Grant Wise, Gerald Wise; special friend Demetria Broadnax, and many other close and loving friends.

Mr. Speaker, I am proud to honor Julia Mae Primus, whose service to the people of Florida is a shining example for us all. Her spirit and memory will always live on.

PERSONAL EXPLANATION

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. CULBERSON. Mr. Speaker, on roll call No. 334, I am not recorded because of travel delays due to inclement weather in the DC area. Had I been present, I would have voted ''aye.''

SUPPORTING ALZHEIMER'S AND BRAIN AWARENESS MONTH

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of Alzheimer's and Brain Awareness Month. During the month of June, we recognize the more than five million Americans living with Alzheimer's and recommit ourselves to supporting those affected by the disease and their caregivers.

Alzheimer's is the sixth leading cause of death in the United States, with someone developing the disease every 66 seconds. As an Appropriations Committee Member, I have

made it a priority to properly fund the National Institutes of Health so they can continue their cutting-edge research on diseases like Alzheimer's.

As a Representative of South Florida, this issue hits home for my constituents and me. Florida has the highest percentage of older adults in the U.S., as well as residents living with intellectual and developmental disabilities that are older than the national average. These populations are concentrated in South Florida, where nursing home costs are 50 percent above the national average. This is a sobering reality for many of my constituents and their families, which is why I will continue working to ensure that the NIH has the funding it needs to find better ways to treat the disease, delay its onset, and prevent it from developing.

Recognizing Alzheimer's and Brain Awareness Month is a small step forward in the fight against this deadly disease, and I urge my colleagues to join me in supporting federal investments in finding a cure.

PAYING TRIBUTE TO DR. W. DWIGHT ARMSTRONG FOR HIS OUTSTANDING SERVICE AS CEO OF THE NATIONAL FFA ORGANIZATION AND FOUNDATION

HON. SUSAN W. BROOKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to honor Dr. W. Dwight Armstrong on the occasion of his retirement from the National FFA Organization and Foundation. For the past several years, Dwight has devoted his life to providing an exceptional educational experience to young leaders interested in agriculture. Located in Indianapolis, Indiana, the National FFA Center is home to the National FFA Organization, an organization committed to the individual student, providing a path to achievement in premier leadership, personal growth, and career success through agricultural education, and the National FFA Foundation, which builds partnerships with industry, education, government, foundations and individuals to secure resources for the future of education, agriculture and student leader development. The National FFA Organization and Foundation flourished immensely under Dwight's strong leadership and the Hoosier community is forever grateful for his dedication to our country's future leaders.

Dwight has demonstrated a lifetime passion for agriculture and the growth of our country. Growing up on a small farm right outside of Kuttawa, Kentucky, his love for agriculture began at a young age. He attended Lyon County High School, where he was an active leader in the National FFA Organization. Upon graduating high school, he went on to pursue higher education in this vital field of study. He received his Bachelor of Science in Agriculture from Murray State University in 1971. After receiving his bachelor's, Dwight relocated to the Hoosier state to attend Purdue University, where he received his Master's and PhD in Animal Science in 1973 and 1975, respectively.

Before he began his tenure with the National FFA Organization and Foundation, he served in a number of positions that helped prepare him for his role as the leader of the National FFA. From 1975 to 1982, Dwight served as faculty in the Animal Sciences Department at North Carolina State University and was engaged with teaching, research, and extension work in swine nutrition. From 1982–2000, he held a number of leadership roles and eventually became President at Ackey Inc. in Ohio, a company providing nutritional solutions for animals and livestock throughout the United States. When Ackey was acquired by Provimi, a public company based out of the Netherlands, Dwight continued progressing with the company. From 2000 to 2008, Dwight served as CEO of North American Nutrition Companies, Director of the Americas, and eventually became Vice President of the Global Group. In this last role, he lived in the Netherlands and had operational responsibilities for Provimi's businesses in the Americas, France and Switzerland, and also served as a global innovation leader.

In 2008, he retired from Provimi and started his own consulting business with a focus on animal nutrition and agribusiness, and finally, in 2009, Dwight joined the National FFA Organization as its COO and was later named CEO. In 2014, he was also named CEO of the National FFA Foundation and served both the Organization and the Foundation in a joint appointment.

Dwight's extensive and diverse background in the agriculture world made him an impeccable candidate to lead the National FFA. During his seven-year tenure, he has overseen an era of dramatic growth and success. Under his leadership, the organization increased participation exponentially and achieved an all-time record high membership of 629,367. This increase in student participation led to a vast increase in attendance at the National FFA Convention & Expo, making it the largest annual student gathering in the nation. He also solidified close collaboration and complementary strategic direction for both the National FFA Organization and the National FFA Foundation. The National FFA Foundation achieved record results in their annual fundraising efforts and campaigns. These notable records set under Dwight's guidance exemplify the significant and essential contributions he made to both the National FFA Organization and Foundation.

Dwight's success as a leader in agriculture and astonishing dedication to our future farmers and leaders has not gone unnoticed. He has received numerous awards and recognitions, including the Distinguished Agricultural Alumni Award from Purdue (1995), American Society of Animal Science Fellow Award (2000), Outstanding Agriculture Alumni Award from Murray State University (2002), Honorary American FFA Degree (2005), National FFA VIP Award (2006), Distinguished Alumnus Award from Murray State University (2007), and the Distinguished Service Award from the American Feed Industry Association (2009). Due to his outstanding guidance and service, he has been asked to serve on a variety of agricultural and not-for-profit boards throughout the years, including the American Society of Animal Science board (1996–1998), Animal Agricultural Alliance board of trustees (1998–2001), American Feed Industry Association board (1998–2001), National FFA Foundation Sponsors' Board (2000–2005), Professional Services board (2009–present), Mathile Institute board (2011–present), and Shoulder to Shoulder board (2012–present).

Agriculture is an essential part of not only our nation, but the entire world. Dwight has made a remarkable impression on the world of agriculture and the future leaders of our great nation. He left a legacy of success that will continue to be seen through the work and efforts of our young farmers and future leaders for decades to come. On behalf of Indiana's Fifth Congressional District, I'd like to congratulate Dwight on his noteworthy career and extend a huge thank you for all the wonderful contributions he has made to the Hoosier community and our country as a whole. I wish the very best to Dwight, his wife, Judy, and their family as he enjoys a well-deserved retirement.

REMEMBERING THE LIFE OF SUSAN TOLCHIN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Ms. KAPTUR. Mr. Speaker. I rise today to remember the life of Susan J. Tolchin, someone whom I had the privilege to work with and who I had long admired for her curiosity, her judgment, and her concern for others.

An ardent feminist, who along with her husband Marty, brought attention to the plight of middle-class working women, a class of Americans often overlooked and rarely chronicled, Susan and Marty authored several books together, all of which highlighted the mechanisms that the Tolchin's considered ''occupational hazards of democracy.''

As an author and a professor, Susan focused on and scrutinized political patronage and its many pitfalls, and was one of the first political scientists to identify growing voter disenchantment and disillusion with their government. She wisely concluded that these concerns were deeply rooted in the women's and worker's rights issues, largely discounted and ignored by policymakers, but which she sought to highlight through her teaching and writings.

In her seminal and sage work on political patronage, Susan redefined political patronage as that which ''includes the vast range of favors awarded by constantly expanding governments.'' Likewise, her work on evolving voter anger was cutting-edge analysis, far ahead of her peers.

For those who had the fortune to know her, Susan was an engaging and charming conversationalist, with a natural curiosity and ability to learn from others. She was always learning and seeking new ideas, and applying this knowledge to her scholarship in the classroom and in her writings in political journals, magazines and books.

Susan's legacy of scholarship has provided those of us who also champion women's and laborers' rights with a critical knowledge base.

Her work was inspirational, and insightful, and helped me and many others to understand trends and the undercurrents that caused them which others might have missed.

Susan was not only dedicated to struggles of the working, middle-class women, but also to her family, whom she loved dearly. She and her husband Martin worked closely together for many decades, authoring many books. She adored her daughter Karen, also a professor, and their charming grandson, Charlie. The tragic loss of their son Charles from a series of health setbacks in 2003 was a show of strength, love and compassion, how a supportive family rallies behind a son in need, with courage and resilience.

They were quite a team, Susan and Marty, always joyful and supportive of each other, in the best of times and in challenging times.

Those who were fortunate to have known and loved Susan, or who had followed her work, will miss her terribly. Her passion was an inspiration for many, and one can only hope that her passing will not be the last chapter of her story, but that she will continue to inspire countless others. She certainly inspired me.

I submit the following list of books authored or co-authored by Susan Tolchin.

'To the Victor: Political Patronage from the Clubhouse to the White House', 1971 by Susan Tolchin and Martin Tolchin.

'Clout: Womanpower and Politics', 1974 by Susan Tolchin and Martin Tolchin.

'Dismantling America: The Rush to Deregulate', 1985 by Susan Tolchin and Martin Tolchin.

'Buying into America', 1988 by Susan Tolchin and Martin Tolchin.

'Selling Our Security', 1993 by Susan Tolchin and Martin Tolchin.

'The Angry American: How Voter Rage Is Changing the Nation', 1998 by Susan Tolchin.

'A World Ignited: How Apostles of Ethnic, Religious, and Racial Hatred Torch the Globe', 2007 by Susan Tolchin and Martin Tolchin.

'Glass Houses: Congressional Ethics And The Politics of Venom', 2009, by Susan Tolchin and Martin Tolchin.

'Introduction to American Government', 2013 By Brigid Harrison, Jean Harris, Susan Tolchin.

'Pinstripe Patronage', 2015, by Susan Tolchin and Martin Tolchin.

PERSONAL EXPLANATION

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. CULBERSON. Mr. Speaker, on roll call no. 335 I am not recorded because of travel delays due to inclement weather in the DC area.

Had I been present, I would have voted aye.

RECOGNIZING DR. BARBARA RISSER

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. REED. Mr. Speaker, I rise today to congratulate Dr. Barbara Risser on her retirement and recognize her outstanding career in the field of higher education.

Dr. Risser has served as president of Finger Lakes Community College since 2007. During her tenure, she oversaw a major renovation project that drastically improved the college's campus, introduced new initiatives to grow the size of the student body, and secured funding to enhance the college's academic programs. As a result of her efforts, FLCC was recently recognized as one of the fastest growing community colleges in the country.

As president of FLCC, Dr. Risser launched an active strategic planning process and developed strong ties with our local community. She established an advisory committee of K–12 superintendents and expanded the services offered to local high school students. In recognition of her efforts, the Canandaigua Chamber of Commerce honored Dr. Risser with the Athena Award for professional excellence and leadership.

For nearly four decades, Dr. Risser has worked to ensure that young people have the skills and knowledge necessary to enter the workforce and achieve success. Prior to beginning her tenure as the fourth president of FLCC, Dr. Risser served for 28 years as a professor and administrator at Onondaga Community College.

I ask my colleagues to join me in congratulating Dr. Barbara Risser on her successful career and wishing her all the best in her well-deserved retirement.

PERSONAL EXPLANATION

HON. TIM HUELSKAMP

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. HUELSKAMP. Mr. Speaker, yesterday, on June 21, 2016, I was not present for rollcall vote number 334, 335, and 336 due to weather-related travel delays returning to Washington from Kansas. If I had been in attendance, I would have voted yes on roll call votes 334, 335, and 336.

ANGIE'S STORY

HON. SCOTT PERRY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. PERRY. Mr. Speaker, Angie LeGore was a beautiful girl with a heart of gold and a smile that would light up a room. She loved to sing and would sing with her mother in church. Angie loved dressing up and she loved dressing in jeans and wrestling in the dirt with her brothers. Because of her character, compassion and listening ear, children with troubles were attracted to Angie. She became the go to person for help. Angie loved writing and kept journals about what she wanted her life to look like when she grew up. Angie was focused on a career as a journalist. Telling stories was an art of Angie's. Unfortunately, Angie's one weakness would be her downfall. Angie wanted friends to like her and so she was a follower. Before she knew it, Angie followed others right into a life of addiction.

In 1997, Angie admitted to her mother that she was using heroin. Her mother, at the time, was uneducated about the drug and said, ''Angie, if you love me you can quit.'' Angie tried to explain the power of the drug: ''Mom, I need this drug like I need air to breathe.'' After a few months, an overdose, and much begging on her mother's part, Angie agreed that she needed help and signed herself into a treatment facility. Angie stayed there for a few weeks, but the call of heroin was too great. Angie left treatment and returned to her addiction. She called her mother a few days later: ''I'm in a black hole and I can't get out.'' Angie's mother begged her to go back to treatment and Angie said she would call her the next day. They said their usual, ''I love you's'' and signed off. Having had a few weeks clean, Angie's tolerance had decreased dramatically. On February 10th Angie's body was found near a muddy creek after having been thrown down an embankment by her dealer.

The dealer had left Angie unconscious on his floor from Monday night until Tuesday night while she struggled to breathe. By the time he got home from a party on Tuesday, Angie was dead. The dealer and a friend loaded Angie into his car and dumped her body. The dealer was eventually found and prosecuted for involuntary manslaughter, seven drug violations including three felonies, and abuse of a corpse.

Despite never having used drugs or alcohol herself, Angie's mother has struggled with addiction all her life. The power that opioids and heroin have had on her children is nothing short of a tragedy. This is a family disease and must be treated as such. Over the eighteen years that she has been working on substance abuse treatment and recovery concerns, there has always been a severe lack of funding. It is time that addiction is treated as it would any other disease that has become a national crisis. Fund the solutions.

PERSONAL EXPLANATION

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. CULBERSON. Mr. Speaker, on roll call No. 336 I am not recorded because of travel delays due to inclement weather in the DC area.

Had I been present, I would have voted no.

CONGRATULATING THE BULL RUN CIVIL WAR ROUND TABLE ON ITS 25TH ANNIVERSARY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. CONNOLLY. Mr. Speaker, I rise today to recognize the Bull Run Civil War Round Table on the occasion of its 25th anniversary.

Established on May 9, 1991, the Bull Run Civil War Round Table (BRCWRT) was founded to promote a better understanding of the Civil War and preserve the historic sites associated with War's most important moments. Through lectures, research, field trips and active participation in the stewardship of Civil War sites, the group has made a lasting contribution to the preservation of Civil War history.

In order to promote a passion for history in the next generation, the BRCWRT awards annual scholarships to students who have researched and written about the War's remaining untold stories and mysteries. This year, two scholarships were awarded. I congratulate Brooke Roberts and Aaron Pirnat for receiving these honors.

The BRCWRT also offers a variety of programs featuring knowledgeable, respected Civil War historians, scholars, writers, and lecturers to educate enthusiasts and the general public. I have been proud to be a partner in the promotion and preservation of our region's rich Civil War history during my time in Congress and as a member of the Fairfax County Board of Supervisors.

The Civil War was a fateful moment in our nation's history. The War pitted brother against brother and threatened to tear apart the fabric of our young republic. Preservation of historic battlefields, homes, and other monuments ensures that we will never forget the sacrifices and pain the Civil War inflicted upon our nation, and, hopefully, through remembrance and understanding we heed the lessons of our past.

Mr. Speaker, I ask my colleagues to join me in congratulating the Bull Run Civil War Round Table on the occasion of its 25th anniversary and in commending the organization for its efforts to preserve Civil War history.

U.K. REFERENDUM

HON. GEORGE HOLDING

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. HOLDING. Mr. Speaker, tomorrow, the British people will vote in a historic referendum on the question of their continued Membership in the European Union.

Their ultimate decision on whether to remain, or to leave, will—without question—have implications on not only their future, but also on the future of the European Union.

Mr. Speaker, there has naturally been a tremendous amount of debate on both the likely final vote tally and on the precise outcomes of any given result.

And as we have observed this debate, witnessed domestic and international financial markets respond to swings in polling data, and listened to endless speculation by the pundits, there should be one thing that is absolutely certain—with no room for debate or speculation.

That, regardless of the outcome of the referendum, is the commitment on the part of the United States to stand—unequivocally—with our trusted ally the United Kingdom.

However Mr. Speaker, leading up to the vote tomorrow, the Obama administration has certainly been keen to express their preferred outcome, and justifications for this position.

And quite publicly.

It has even been suggested that the United States would not be in the market for a bilateral Free Trade Agreement with an independent United Kingdom.

Thus placing the Special Relationship at quote ''the back of the queue''.

This type of rhetoric and effort to tilt the scales has been particularly troubling.

Fortunately Mr. Speaker, I do not believe that this, and other such statements, reflect the prevailing belief in Congress that the United States would abandon our ally—let alone seek to actively penalize the United Kingdom for any decision made by their citizens.

Our relationship with the United Kingdom will remain strong.

The Special Relationship enjoyed by the United States and the United Kingdom has long advanced our shared values and forged a unique and unbreakable bond between our peoples.

Our relationship with the United Kingdom has weathered all storms and stood up to the countless challenges placed before it.

It is a central factor in the foreign, security, economic, and trading policies of our nation.

It has advanced prosperity and defended the security of our nation and the free world.

Simply put, the United States is stronger because of the Special Relationship.

Regardless of the vote tomorrow, the United States will stand shoulder to shoulder with the United Kingdom.

We will not abandon our shared commitment to freedom, security, democracy, human rights, and a strong and enduring transatlantic relationship.

PERSONAL EXPLANATION

HON. LUIS V. GUTIÉRREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House chamber for votes on Tuesday, June 21, 2016. Had I been present, I would have voted ''nay'' on roll call vote 334 and ''yea'' on roll call votes 335 and 336.

IN RECOGNITION OF FARM CREDIT'S CENTENNIAL ANNIVERSARY

HON. ANN M. KUSTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Ms. KUSTER. Mr. Speaker, as we near its 100th anniversary, I write today to commend the cooperative owners and the employees of the Farm Credit System for their continuing service in meeting the credit and financial services needs of rural communities in New Hampshire.

As a Member of the House Agriculture committee, I was pleased to cosponsor House Resolution 591, which commemorates the Farm Credit System centennial. The Farm Credit System was established by Congress through the Federal Farm Loan Act of 1916, and signed into law on July 17, 1916, by President Woodrow Wilson. Congress designed the Farm Credit System as a permanent means to support the well-being and vitality of America's rural communities and farmers.

My district is served by two Farm Credit associations: Farm Credit East and Yankee Farm Credit. Together, they have over $235 million in loan commitments to their customer owners in the Granite State.

Several leaders of both organizations are from my district, including Paul Franklin, Chairman of the Yankee Farm Credit Board, and Steve Taylor, former New Hampshire Commissioner of Agriculture, both of whom are from Plainfield, and Thomas Colgan from Lyme. Farm Credit East board members Henry Huntington of Loudon and Tim Chan of Claremont are also from New Hampshire's second district.

Farm Credit is involved in the agricultural community throughout New Hampshire, supporting organizations like Land for Good, which seeks to provide land access to farmers, and Annie's Project which assists women in agriculture. Farm Credit staff serve in leadership roles for the New Hampshire 4–H Foundation and supporting programs such as UNH Extension's Agriculture and Natural Resource Business Institute.

Farm Credit has demonstrated its commitment to its customer owners in New Hampshire for a century, and I look forward to its continued commitment for the next one hundred years.

THE GREAT AND HOLY COUNCIL MEETING OF THE ORTHODOX CHRISTIAN CHURCHES

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. ENGEL. Mr. Speaker, I rise to congratulate the Orthodox Christian community, and recognize the historic Great and Holy Council meeting in Greece from June 19–26, 2016.

Bringing together 350 leaders of 14 Orthodox Christian Churches from Istanbul to Antioch to Romania to Slovakia, this Council represents more than 300 million followers worldwide, including one million Americans. While Council attendees self-govern their churches, they remain united in their values, faith, liturgy, and following of Ecumenical Patriarch Bartholomew of Constantinople.

Under the leadership of the Ecumenical Patriarch, this is the first gathering of Orthodox churches in 1,200 years. The Council will underscore the direction, purpose, and mission of Orthodox Christian Churches. It is an opportunity to discuss the Diaspora and relations with other Christian churches worldwide.

The Ecumenical Patriarch has an unsurpassed record for steering cooperative effort, adding this remarkable Council to his record of success. Often referred to as the ''first among

equals'' by his followers, the Ecumenical Patriarch maintains collegial relations with other Patriarchs and hierarchical leaders. His effectiveness as a leader is complemented by his gracious and generous spirit.

Mr. Speaker, at a time when religious division remains a source of conflict and suffering, I celebrate this Council for its message of unity, tolerance, and peace.

IN HONOR OF THE 100TH ANNIVERSARY OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 202 (1916–2016)

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. RANGEL. Mr. Speaker, I rise today to celebrate the 100th Anniversary of the International Brotherhood of Teamsters Local 202. Let me congratulate Local 202's President, Daniel Kane, Jr., Business Agent John Rieder and all the officers, trustees and the membership for your continued service to the Union and the Labor Movement.

When the Great War, World War I, raged on in Europe in 1916, Teamsters Local 202 was born. This organization helped immigrants from all walks of life who came to this great city and Nation for a better life and to live the American Dream. ''A fair day's pay for a fair day's work'' has been the Teamsters' motto and their label that has provided and improved the quality of life of workers' rights through collective bargaining, negotiating and ratifying good contract agreements. Through collective bargaining, the union has been able to ride out the storms of rolling economies, and has made sacrifices to ensure that Local 202 continues to exist for all workers, young and old.

Through the hustle and bustle of everyday life, Local 202 has stood strong for 100 years—weathering historic global and local events such as The Great Depression and the two Great Wars, World War I and World War II. During the economic boom of the 50's and the 60's, Local 202 grew its membership and was able to include itself in all facets of manufacturing, including food service and light industrial industries.

Local 202 represented the workers of the produce and food service industry from the early days, on the West Side of Manhattan's historic Cobblestoned Streets. In 1967, the NYC Terminal Market was born at Hunts Point in the Bronx, New York. With its opening, Local 202's membership grew as more and more companies expanded in the marketplace. Today, more than any other Produce Terminal Market in the world, the New York City Terminal Market revenues exceed 2 billion dollars annually. It has become a haven for many workers and allowed them to build a better life for themselves and their families with the help and support of the International Brotherhood of Teamsters Local 202.

Mr. Speaker, it shall be their goal through the current administration and future administrations to continue to represent workers in all industries and be able to succeed into future generations. I ask you and my colleagues to join me in celebrating the 100th Anniversary of International Brotherhood of Teamsters Local 202.

OP-ED ABOUT CONGRESSMAN EDWARD R. ROYBAL AND FRED ROSS

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Ms. ROYBAL-ALLARD. Mr. Speaker, I would like to share with my colleagues a Los Angeles Times op-ed by Gabriel Thompson, which describes how my father, the late Congressman Edward R. Roybal, worked with the legendary community organizer Fred Ross to form the Community Service Organization in Boyle Heights. In this op-ed, and in his new book, ''America's Social Arsonist,'' Mr. Thompson describes how residents in and around Boyle Heights mobilized to register local voters so that these voters could make their voices heard in government. There is no right more fundamental, vital, and powerful in our society than the right to vote. The work that my father and Mr. Ross did together helped so many Angelenos exercise that right.

I would like to submit the following op-ed:

[From the Los Angeles Times, Apr. 18, 2016]

HOW TO REGISTER LATINO VOTERS

(By Gabriel Thompson)

The Spanish-language channel Univision hopes to register 3 million new Latino voters before the November election. The organization Voto Latino is sending volunteers to Maná and Los Tigres del Norte concerts with an app that scans driver's licenses and quickly registers new voters. The National Council of La Raza and the League of United Latin American Citizens are once again staffing their long-running registration campaigns.

It's no secret why: ''The rule is no one can make it to the White House without the Hispanic vote,'' said Univision anchor Jorge Ramos.

In the 1992 presidential election, Latinos cast 4.2 million votes. By 2012, that number had nearly tripled, to 11.2 million. Now the Pew Research Center estimates that between 2012 and November 2016, 3.2 million U.S.-born Latino citizens will turn 18 and be eligible to vote; another 1.2 million Latino immigrants will become naturalized citizens.

These numbers, however, obscure another trend: Since 1992, voter registration rates among Latinos have remained stuck at around 58%. By comparison, about three-quarters of whites and blacks are registered voters. This is crucial, because once Latinos register, they vote. About 82% of registered Latino voters went to the polls in 2012, just five points below the turnout of white registered voters.

''The principal problem is not voter turnout,'' concluded a January report published by CNN en Español and the Center for Latin American, Caribbean and Latino Studies at City University of New York. The report's author, Laird Bergad, didn't see signs the registration rate would improve: ''There is no reason to believe that this will change substantially by 2016, despite many announced voter registration drives.''

Of course, that was before Donald Trump emerged as the Republican front-runner. His candidacy alone may increase Latino voter registration this year. But to seal Trump's fate, and to change the trajectory Bergad documented, Univision, Voto Latino and the other groups should look closely at history. One of the most successful voter registration drives among Latinos occurred in East Los Angeles nearly 70 years ago.

In 1947, a Mexican American social worker named Edward Roybal ran for Los Angeles City Council seeking to represent the 9th District, which included Boyle Heights and downtown. About a third of the district's residents were Latino, Roybal's natural base. They were eligible to vote, but few were registered. Roybal finished third in a field of five, winning less than half the votes of incumbent Parley Christensen.

After the election, Roybal crossed paths with a community organizer, Fred Ross, who worked for Saul Alinksy. Roybal and Ross formed the Community Service Organization in Boyle Heights, tackling neighborhood issues such as police brutality and evictions. Voter registration was at the center of their work.

By the time Roybal ran for City Council again in 1949, the CSO had turned Latinos into a powerful political force. Roybal trounced Christensen in the 9th District, winning more votes in Boyle Heights alone (12,684) than his opponent did in the entire district (11,948). Roybal's final tally—20,562 votes—was a sixfold increase from two years earlier. He became the first Spanish speaker on the City Council since 1881.

The key to the CSO's success was a bottom up, face to face, community-based campaign. Ross recruited volunteers who spent night after night knocking on doors. They hosted organizing meetings in their living rooms, where newcomers were signed up to host the next meeting, inviting more friends and family members. ''We can . . . we will . . . we must vote!'' read one CSO flyer.

Ross kept a 3x5 index card for each registered voter with a Spanish surname. The collection grew to more than 10,000. He tallied who was bringing in the most voters, male or female volunteers. The local newspaper, El Pueblo, reported the results: Three women registered more than 500 voters apiece, but no one could touch Matt ''Cyclone'' Arguijos: 2,286 registered voters.

The success in 1949 proved to be repeatable. In 1968, Ross worked with volunteers from the United Farm Workers on another East L.A. registration drive. They signed up 11,000 voters in 20 days in support of Robert F. Kennedy's presidential campaign. One of those UFW volunteers was Marshall Ganz, who would later help develop Barack Obama's 2008 field campaign.

''That was my school,'' Ganz says of Ross' East L.A. efforts. ''That has always been my basic point of reference for how you do grassroots political work.'' It's not the number of paid canvassers that matters most, Ganz adds, but ''recruiting people from the community to do the work.''

Canvassing Maná fans at the Forum, and recruiting celebrities for PSAs, can't hurt in 2016. But Roybal and Ross' success in Boyle Heights lends credence to common sense: To empower Latinos, the community is key. It's great to be able to tap a screen to register to vote. It's even better to mobilize a neighborhood to knock on doors, app in hand, until someone answers.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Ms. LEE. Mr. Speaker, if I were present, I would have voted no on roll call number 334 to H.R. 5525. If I were present, I would have voted yes on roll call number 335 to H.R. 5388. If I were present, I would have voted yes on roll call number 336 to H.R. 5389.

TRIBUTE TO ROBIN READ BRUNELLI

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize posthumously the remarkable contribution of Robin Read Brunelli. Her mission to transform the National Foundation for Women Legislators is realized and commended by thousands of elected women leaders throughout the United States.

For seven years, Ms. Brunelli served as a U.S. Presidential appointee to the Governors of the Federal Reserve Board, and while there, radically improved the training programs at the Federal Reserve Board's banking school. Although she served on many nonprofit and corporate boards during her professional career, she was most proud of her work for the National Women's History Museum. Her collegiate years were spent in America's southwest, where she studied William Shakespeare and taught high school. She hosted the Midwestern iconic syndicated radio program, ''Kitchen Klatter'' for many years—a staple of Iowa values with a recipe for clean living and good meals.

Born in Shenandoah, Iowa, Robin Read Brunelli was known for her remarkable empathy and connectivity to all whom she encountered. Deaf until age 6, Robin had a deep awareness of God's love and path for her life. Those who were lucky enough to meet her were engulfed in her grace, intelligence and empathetic heart. Devoutly committed to her church and family, Robin Read Brunelli and her husband Sam leave a legacy of hope and inspiration to their many children, family members and friends.

Mr. Speaker, it is with great honor that I recognize Robin Read Brunelli today. I ask that my colleagues in the U.S. House of Representatives join me in honoring her today. I thank Robin for her service to the United States and know that her legacy of leadership and service will live on.

IN HONOR OF THE 100TH BIRTHDAY OF JAMES CECIL LINDLEY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize the birthday of James Cecil Lindley. He will turn 100 on July 20th.

Mr. Lindley was born on July 20, 1916, in Randolph County, Alabama to James Pierce Lindley and Lettie Lipham Lindley. He attended school at New Home and Randolph County High. For college, he attended Snead College, Jacksonville State University and obtained a Master's Degree at the University of Alabama.

Mr. Lindley did his basic training for the Army in June of 1942 in Miami, Florida. He then went to Air Force training at Fort Logan, Colorado and later Peterson Field in Colorado Springs, Colorado.

He served in the 5th Air Force with the 20th mapping squadron. During World War II, he served in the Philippines. Mr. Lindley was discharged after World War II at Camp Shelby in October 1945.

Mr. Lindley married Audrey Cofield and had two children: Don and Doyle (deceased). He also has a daughter-in-law, Sheila Ponder Lindley. He was blessed with four grandchildren: Tracy Lindley, James Robert (Rob) Lindley (deceased), Cinda Lindley and Kerrie Lindley. And also blessed with four great-grandchildren: Lindley Thompson, Nic Thompson, Alycia Guyer and Eric Guyer.

Mr. Lindley taught vocational education in Piedmont and later in Oxford. He moved to Montgomery in 1964 as State Supervisor of Vocational Education (VICA) and later was inducted into the Alabama Educational Hall of Fame.

Mr. Speaker, please join me in recognizing the life and achievements of Mr. Lindley and wishing him a happy 100th birthday.

MAX CLELAND CONGRESSIONAL GOLD MEDAL ACT OF 2016

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. BISHOP of Georgia. Mr. Speaker, I want to recognize the extraordinary contributions to our nation by Max Cleland, who served as a United States Senator from Georgia between 1997 and 2003, by introducing the Max Cleland Congressional Gold Medal Act of 2016.

Max Cleland's life in public service began as a young man when he joined the Reserve Officers' Training Corps at Stetson University. Following his graduation, he volunteered to serve as an Army Officer in Vietnam, where he was awarded the Silver Star for his bravery at the Battle of Khe Sanh. He later suffered extensive injuries in combat, ultimately losing both of his legs and his right arm. Facing an uncertain future while recovering at Walter Reed Army Medical Center, Senator Cleland fought to overcome his injuries with both resilience and sheer fortitude.

Following his release from Walter Reed, Cleland became the youngest member of the Georgia State Senate in 1970. Seven years later, he was appointed to head the Veterans Administration by President Jimmy Carter. Cleland then served as Georgia's Secretary of State from 1982 to 1996, after which he was elected to the United States Senate, where he represented Georgia for six years. In the U.S. Senate, Cleland advocated for veterans and a strong national defense, helped to institute significant reforms at the U.S. Department of Defense, and became a respected leader in Congress. Upon leaving the Senate, he served on the 9/11 Commission and is currently the Secretary of the American Battle Monuments Commission, a position to which he was appointed by President Obama in 2009.

As a leader on behalf of veterans for over four decades, Senator Cleland has overcome immeasurable obstacles and demonstrated how disabilities do not have to hinder having an accomplished and fulfilled life. His service, life, and fortitude in the face of adversity are indeed an example for us all.

The Congressional Gold Medal is the proper means to honor this distinguished American who has given so much and continues to work tirelessly on behalf of the entire nation. I urge my colleagues to support this measure.

CLEMENTS HIGH SCHOOL'S ANGELA LIN NAMED H&R BLOCK BUDGET CHALLENGE SCHOLARSHIP WINNER

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2016

Mr. OLSON. Mr. Speaker, I rise today to congratulate Clements High School senior Angela Lin of Sugar Land, TX for winning the H&R Block Budget Challenge grand prize scholarship.

With two older brothers attending the University of Houston, college tuition was going to pose a challenge for Angela. So she worked hard and entered the Bucket Challenge and won a $120,000 scholarship from a competitive field of 150,000 students. The challenge was a 10-week financial literacy competition in which she developed spreadsheets, made choices on insurance deductibles, planned how to spend paychecks and how to pay bills. Angela's hard work paid off and she plans to earn a double major in management systems and marketing with a potential minor in entrepreneurship. Angela's potential is limitless.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to Angela Lin on winning the H&R Block Budget Challenge scholarship. Keep up the great work, and keep on pursuing your dreams Angela.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and

any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 23, 2016 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 28

9:30 a.m.
Committee on Armed Services
To hold hearings to examine improving strategic integration at the Department of Defense.
SH–216

10 a.m.
Committee on Commerce, Science, and Transportation
Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security
To hold hearings to examine how the Internet of Things (IoT) can bring United States transportation and infrastructure into the 21st century.
SR–253

Committee on Finance
To hold hearings to examine the proposed Medicare Part B drug demonstration.
SD–215

Committee on Foreign Relations
To hold hearings to examine global efforts to defeat ISIS.
SD–419

Committee on the Judiciary
To hold hearings to examine the implementation of the Justice for Victims of Trafficking Act of 2015.
SD–226

2 p.m.
Committee on Health, Education, Labor, and Pensions
Subcommittee on Primary Health and Retirement Security
To hold hearings to examine small business health care, focusing on costs and options.
SD–430

2:30 p.m.
Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining
To hold an oversight hearing to examine the status of the the Bureau of Land Management and Forest Service's efforts to implement amendments to land use plans and specific management plans regarding sage grouse conservation, and those agencies' coordination activities with affected states.
SD–366

Committee on the Judiciary
Subcommittee on Oversight, Agency Action, Federal Rights and Federal Courts
To hold hearings to examine the consequences of agency efforts to deemphasize radical Islam in combating terrorism.
SD–226

4 p.m.
Committee on Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Andrew Mayock, of Illinois, to be Deputy Director for Management, Office of Management and Budget.
SD–342

JUNE 29

10 a.m.
Committee on Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

Committee on Health, Education, Labor, and Pensions
To hold hearings to examine Every Student Succeeds Act implementation, focusing on an update from the Secretary of Education on proposed regulations.
SD–430

Committee on Homeland Security and Governmental Affairs
To hold hearings to examine preparing for and protecting the nation from Zika.
SD–342

Committee on the Judiciary
To hold hearings to examine protecting older Americans from financial exploitation.
SD–226

Committee on Small Business and Entrepreneurship
To hold hearings to examine the consequences of dwindling startup activity.
SR–428A

2:15 p.m.
Committee on Indian Affairs
To hold hearings to examine S. 2796, to repeal certain obsolete laws relating to Indians, S. 2959, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund, and S. 3013, to authorize and implement the water rights compact among the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, the State of Montana, and the United States.
SD–628

2:30 p.m.
Committee on Environment and Public Works
Subcommittee on Superfund, Waste Management, and Regulatory Oversight
To hold an oversight hearing to examine the Environmental Protection Agency enforcement and compliance programs.
SD–406

Committee on Veterans' Affairs
To hold hearings to examine S. 244, to require an independent comprehensive review of the process by which the Department of Veterans Affairs assesses cognitive impairments that result from traumatic brain injury for purposes of awarding disability compensation, S. 603, to amend title 38, United States Code, to make permanent the authority of the Secretary of Veterans Affairs to transport individuals to and from facilities of the Department of Veterans Affairs in connection with rehabilitation, counseling, examination, treatment, and care, S. 2210, to require the Secretary of Veterans Affairs to carry out a program to establish peer specialists in patient aligned care teams at medical centers of the Department of Veterans Affairs, S. 2279, to require the Secretary of Veterans Affairs to carry out a program to increase efficiency in the recruitment and hiring by the Department of Veterans Affairs of health care workers that are undergoing separation from the Armed Forces, to create uniform credentialing standards for certain health care professionals of the Department, S. 2316, to amend title 38, United States Code, to expand the requirements for reissuance of veterans benefits in cases of misuse of benefits by certain fiduciaries to include misuse by all fiduciaries, and to improve oversight of fiduciaries, S. 2791, to amend title 38, United States Code, to provide for the treatment of veterans who participated in the cleanup of Enewetak Atoll as radiation exposed veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs, S. 2958, to establish a pilot program on partnership agreements to construct new facilities for the Department of Veterans Affairs, S. 3021, to amend title 38, United States Code, to authorize the use of Post-9/11 Educational Assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning, S. 3023, to provide for the reconsideration of claims for disability compensation for veterans who were the subjects of experiments by the Department of Defense during World War II that were conducted to assess the effects of mustard gas or lewisite on people, S. 3032, to provide for an increase, effective December 1, 2016, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, S. 3035, to require the Secretary of Veterans Affairs to carry out a pilot program to increase the use of medical scribes to maximize the efficiency of physicians at medical facilities of the Department of Veterans Affairs, S. 3055, to amend title 38, United States Code, to provide a dental insurance plan to veterans and survivors and dependents of veterans, S. 3076, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish caskets and urns for burial in cemeteries of States and tribal organizations of veterans without next of kin or sufficient resources to provide for caskets or urns, S. 3081, to amend title 38, United States Code, to provide certain employees of members of Congress with access to case-tracking information of the Department of Veterans Affairs, an original bill to clarify the scope of procedural rights of members of the uniformed services with respect to their employment and reemployment rights, to improve the enforcement of such employment and reemployment rights, an original bill to expand eligibility for readjustment counseling to certain members of the Selected Reserve of the Armed Forces, an original bill to authorize payment by the Department of Veterans Affairs for the costs associated with service by medical residents and interns at facilities operated by Indian tribes and tribal organizations, to require the Secretary of Veterans Affairs to carry out a pilot program to

expand medical residencies and internships at such facilities, and an original bill to authorize the American Battle Monuments Commission to acquire, operate, and maintain the Lafayette Escadrille Memorial in Marnes-la-Coquette, France.

SR–418

JUNE 30

9 a.m.

Committee on Homeland Security and Governmental Affairs

Subcommittee on Regulatory Affairs and Federal Management

To hold hearings to examine the use of agency regulatory guidance.

SD–342

10 a.m.

Committee on Small Business and Entrepreneurship

To hold hearings to examine small business survival amidst flood insurance rate increases.

SR–428A

JULY 13

10:30 a.m.

Committee on Appropriations

Subcommittee on Military Construction and Veterans Affairs, and Related Agencies

To hold hearings to examine a review of the Department of Veterans Affairs' electronic health record (VistA), progress toward interoperability with the Department of Defense's electronic health record, and plans for the future.

SD–124

JULY 14

10 a.m.

Committee on Banking, Housing, and Urban Affairs

To hold hearings to examine evaluating the financial risks of China.

SD–538

HOUSE OF REPRESENTATIVES—*Thursday, June 23, 2016*

The House met at 2:30 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Merciful God, we give You thanks for giving us another day.

Continue to guide the destiny of these United States. Bless the Members of this assembly.

Grant that all their deliberations give rise to understanding and that amity prevail in the people's House.

By Your divine inspiration, may we as a Nation reach the destiny You have in mind for us.

May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2577, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JUNE 23, 2016, THROUGH JULY 4, 2016; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 797 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 797

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2577) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion. During consideration of the conference report, the second sentence of clause 1(a) of rule XIX shall not apply.

SEC. 2. It shall be in order without intervention of any point of order to consider concurrent resolutions providing for adjournment during the month of July, 2016.

SEC. 3. On any legislative day during the period from June 23, 2016, through July 4, 2016—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 4. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3 of this resolution as though under clause 8(a) of rule I.

SEC. 5. It shall be in order at any time on the legislative day of June 23, 2016, or June 24, 2016, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

SEC. 6. Upon adoption of the conference report specified in the first section of this resolution, House Concurrent Resolution 139 shall be considered as adopted.

The SPEAKER pro tempore (Mr. WOMACK). The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, this rule provides for consideration of appropriations for Zika response and for Military Construction and Veterans Affairs and provides for necessary authorities over the district work period.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. MCGOVERN. Mr. Speaker, isn't it customary, when we debate a rule, that the hour is divided 30 minutes on each side?

The SPEAKER pro tempore. Is the gentleman asking for a recorded vote?

Mr. MCGOVERN. I had a parliamentary inquiry, which I was not recognized for, wanting to know where our 30 minutes was in the debate.

The SPEAKER pro tempore. The Chair has announced a result. Is the gentleman asking for a recorded vote?

Mr. MCGOVERN. Absolutely, but I would like to know where our 30 minutes are.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 232, noes 176, not voting 26, as follows:

[Roll No. 341]

AYES—232

Abraham	Fitzpatrick	Lamborn
Aderholt	Fleischmann	Lance
Allen	Fleming	Latta
Amodei	Flores	LoBiondo
Babin	Forbes	Long
Barletta	Fortenberry	Loudermilk
Barr	Foxx	Love
Barton	Franks (AZ)	Lucas
Benishek	Frelinghuysen	Luetkemeyer
Bilirakis	Garrett	Lummis
Bishop (MI)	Gibbs	MacArthur
Bishop (UT)	Gibson	Marchant
Black	Gohmert	Massie
Blackburn	Goodlatte	McCarthy
Blum	Gosar	McCaul
Bost	Gowdy	McClintock
Boustany	Granger	McHenry
Brady (TX)	Graves (GA)	McKinley
Brat	Graves (LA)	McMorris
Bridenstine	Graves (MO)	Rodgers
Brooks (AL)	Griffith	McSally
Brooks (IN)	Grothman	Meadows
Buck	Guinta	Meehan
Bucshon	Guthrie	Messer
Burgess	Hanna	Mica
Byrne	Hardy	Miller (FL)
Calvert	Harper	Moolenaar
Carter (GA)	Harris	Mooney (WV)
Carter (TX)	Hartzler	Mullin
Chabot	Heck (NV)	Mulvaney
Chaffetz	Hensarling	Murphy (PA)
Coffman	Hice, Jody B.	Neugebauer
Cole	Hill	Newhouse
Collins (GA)	Holding	Noem
Collins (NY)	Hudson	Nugent
Comstock	Huelskamp	Nunes
Conaway	Huizenga (MI)	Olson
Cook	Hultgren	Palazzo
Costello (PA)	Hunter	Palmer
Cramer	Hurd (TX)	Paulsen
Crawford	Hurt (VA)	Pearce
Crenshaw	Issa	Perry
Culberson	Jenkins (WV)	Pittenger
Curbelo (FL)	Johnson (OH)	Poe (TX)
Davidson	Johnson, Sam	Poliquin
Davis, Rodney	Jolly	Pompeo
Denham	Jordan	Posey
Dent	Joyce	Price, Tom
DeSantis	Katko	Ratcliffe
DesJarlais	Kelly (MS)	Reed
Diaz-Balart	Kelly (PA)	Reichert
Dold	King (IA)	Renacci
Donovan	King (NY)	Ribble
Duffy	Kinzinger (IL)	Rice (SC)
Duncan (SC)	Kline	Rigell
Duncan (TN)	Knight	Roby
Ellmers (NC)	Labrador	Roe (TN)
Emmer (MN)	LaHood	Rogers (AL)
Farenthold	LaMalfa	Rogers (KY)

Rohrabacher	Simpson	Walker
Rokita	Smith (MO)	Walorski
Rooney (FL)	Smith (NE)	Walters, Mimi
Ros-Lehtinen	Smith (NJ)	Weber (TX)
Roskam	Smith (TX)	Webster (FL)
Ross	Stefanik	Wenstrup
Rothfus	Stewart	Westerman
Rouzer	Stivers	Williams
Royce	Stutzman	Wilson (SC)
Russell	Thompson (PA)	Wittman
Salmon	Tiberi	Womack
Sanford	Tipton	Woodall
Scalise	Trott	Yoder
Schweikert	Turner	Yoho
Scott, Austin	Upton	Young (IA)
Sensenbrenner	Valadao	Young (IN)
Sessions	Wagner	Zeldin
Shimkus	Walberg	Zinke
Shuster	Walden	

NOES—176

Adams	Farr	Moore
Aguilar	Foster	Moulton
Amash	Frankel (FL)	Murphy (FL)
Ashford	Fudge	Nadler
Bass	Gabbard	Napolitano
Beatty	Gallego	Neal
Becerra	Garamendi	Nolan
Bera	Graham	Norcross
Beyer	Green, Al	O'Rourke
Bishop (GA)	Green, Gene	Pascrell
Blumenauer	Grijalva	Payne
Bonamici	Gutiérrez	Pelosi
Boyle, Brendan F.	Hahn	Perlmutter
	Hastings	Peters
Brady (PA)	Heck (WA)	Peterson
Brown (FL)	Higgins	Pingree
Brownley (CA)	Himes	Pocan
Bustos	Honda	Price (NC)
Butterfield	Hoyer	Quigley
Capps	Huffman	Rangel
Capuano	Israel	Rice (NY)
Cárdenas	Jackson Lee	Richmond
Carney	Jeffries	Roybal-Allard
Carson (IN)	Johnson (GA)	Ruiz
Cartwright	Johnson, E. B.	Ruppersberger
Castor (FL)	Kaptur	Rush
Castro (TX)	Keating	Ryan (OH)
Chu, Judy	Kelly (IL)	Sánchez, Linda T.
Cicilline	Kennedy	
Clark (MA)	Kildee	Sarbanes
Clarke (NY)	Kilmer	Schakowsky
Clay	Kind	Schiff
Cleaver	Kirkpatrick	Scott (VA)
Clyburn	Kuster	Scott, David
Cohen	Langevin	Serrano
Connolly	Larsen (WA)	Sewell (AL)
Conyers	Larson (CT)	Sherman
Cooper	Lawrence	Sinema
Costa	Lee	Sires
Courtney	Levin	Slaughter
Crowley	Lewis	Smith (WA)
Cuellar	Lieu, Ted	Swalwell (CA)
Cummings	Lipinski	Takano
Davis (CA)	Loebsack	Thompson (CA)
DeFazio	Lofgren	Thompson (MS)
DeGette	Lowenthal	Titus
Delaney	Lowey	Tonko
DeLauro	Lujan Grisham (NM)	Torres
DelBene		Tsongas
DeSaulnier	Luján, Ben Ray (NM)	Van Hollen
Deutch		Vargas
Dingell	Lynch	Veasey
Doggett	Maloney, Carolyn	Velázquez
Doyle, Michael F.		Visclosky
	Maloney, Sean	Wasserman Schultz
Duckworth	Matsui	
Edwards	McCollum	Waters, Maxine
Ellison	McGovern	Watson Coleman
Engel	McNerney	Welch
Eshoo	Meeks	Wilson (FL)
Esty	Meng	Yarmuth

NOT VOTING—26

Buchanan	Jones	Speier
Clawson (FL)	Marino	Takai
Davis, Danny	McDermott	Thornberry
Fattah	Miller (MI)	Vela
Fincher	Pallone	Walz
Grayson	Pitts	Westmoreland
Herrera Beutler	Polis	Whitfield
Hinojosa	Sanchez, Loretta	Young (AK)
Jenkins (KS)	Schrader	

ANNOUNCEMENT BY THE CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining.

□ 0253

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. MCGOVERN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MCGOVERN. Does House Resolution 797 provide for any debate time at all on a conference report that we just received a few hours ago, that is quite lengthy?

The SPEAKER pro tempore. The Chair will invite the gentleman to consult House Resolution 797.

Mr. MCGOVERN. Mr. Speaker, a further parliamentary inquiry; I did, and I don't see any time for debate, which kind of surprises me.

But my further parliamentary inquiry is: Will the House be allowed to have a separate vote on whether or not we remain here and deliberate on other business or adjourn? Will we have a separate vote on that?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. MCGOVERN. Well, when I read the rule, apparently we don't, so we are locked out of everything, if I am understanding the rule correctly.

This is a lousy process, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. MCGOVERN. I think I have stated——

CONFERENCE REPORT ON H.R. 2577, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution 797, I call up the conference report on the bill (H.R. 2577) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 797, the conference report is considered read, and the previous question is ordered.

(For conference report and statement, see proceedings of the House of June 22, 2016, at page 9736.)

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 171, not voting 24, as follows:

[Roll No. 342]

YEAS—239

Abraham	Graves (MO)	Palmer
Aderholt	Griffith	Paulsen
Allen	Grothman	Pearce
Amodei	Guinta	Perry
Ashford	Guthrie	Peters
Babin	Hanna	Peterson
Barletta	Hardy	Pittenger
Barr	Harper	Poe (TX)
Barton	Harris	Poliquin
Benishek	Hartzler	Pompeo
Bilirakis	Heck (NV)	Posey
Bishop (MI)	Hensarling	Price, Tom
Bishop (UT)	Hice, Jody B.	Ratcliffe
Black	Hill	Reed
Blackburn	Holding	Reichert
Blum	Hudson	Renacci
Bost	Huelskamp	Ribble
Boustany	Huizenga (MI)	Rice (SC)
Brady (TX)	Hultgren	Rigell
Brat	Hunter	Roby
Bridenstine	Hurd (TX)	Roe (TN)
Brooks (AL)	Hurt (VA)	Rogers (AL)
Brooks (IN)	Issa	Rogers (KY)
Buchanan	Jenkins (KS)	Rohrabacher
Bucshon	Jenkins (WV)	Rokita
Burgess	Johnson (OH)	Rooney (FL)
Byrne	Johnson, Sam	Ros-Lehtinen
Calvert	Jolly	Roskam
Carter (GA)	Jordan	Ross
Carter (TX)	Joyce	Rothfus
Chabot	Katko	Rouzer
Chaffetz	Kelly (MS)	Royce
Coffman	Kelly (PA)	Russell
Cole	King (IA)	Salmon
Collins (GA)	King (NY)	Sanford
Collins (NY)	Kinzinger (IL)	Scalise
Comstock	Kline	Schweikert
Conaway	Knight	Scott, Austin
Cook	Labrador	Sensenbrenner
Costello (PA)	LaHood	Sessions
Cramer	LaMalfa	Shimkus
Crawford	Lamborn	Shuster
Crenshaw	Lance	Simpson
Cuellar	Latta	Sinema
Culberson	LoBiondo	Smith (MO)
Curbelo (FL)	Long	Smith (NE)
Davidson	Loudermilk	Smith (NJ)
Davis, Rodney	Love	Smith (TX)
Denham	Lucas	Stefanik
Dent	Luetkemeyer	Stewart
DeSantis	Lummis	Stivers
DesJarlais	MacArthur	Stutzman
Diaz-Balart	Marchant	Thompson (PA)
Dold	Massie	Tiberi
Donovan	McCarthy	Tipton
Duffy	McCaul	Trott
Duncan (SC)	McClintock	Turner
Duncan (TN)	McHenry	Upton
Ellmers (NC)	McKinley	Valadao
Emmer (MN)	McMorris Rodgers	Wagner
Farenthold		Walberg
Fitzpatrick	McNerney	Walden
Fleischmann	McSally	Walker
Fleming	Meadows	Walorski
Flores	Meehan	Walters, Mimi
Forbes	Messer	Weber (TX)
Fortenberry	Mica	Webster (FL)
Foxx	Miller (FL)	Wenstrup
Franks (AZ)	Moolenaar	Westerman
Frelinghuysen	Mooney (WV)	Williams
Garrett	Mullin	Wilson (SC)
Gibbs	Mulvaney	Wittman
Gibson	Murphy (PA)	Womack
Gohmert	Neugebauer	Woodall
Goodlatte	Newhouse	Yoder
Gosar	Noem	Yoho
Gowdy	Nugent	Young (IA)
Granger	Nunes	Young (IN)
Graves (GA)	Olson	Zeldin
Graves (LA)	Palazzo	Zinke

NAYS—171

Adams	Beatty	Bishop (GA)
Aguilar	Becerra	Blumenauer
Amash	Bera	Bonamici
Bass	Beyer	

Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Buck
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McGovern
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pascrell
Payne
Pelosi
Perlmutter
Pingree
Pocan
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—24

Clawson (FL)
Davis, Danny
Fattah
Fincher
Grayson
Herrera Beutler
Hinojosa
Jones
Marino
McDermott
Miller (MI)
Pallone
Pitts
Polis
Sanchez, Loretta
Schrader
Speier
Takai
Thornberry
Vela
Walz
Westmoreland
Whitfield
Young (AK)

□ 0310

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. As the Chair has announced previously in the 114th Congress, the Speaker's policy announced on January 6, 2009, with respect to use of the Chamber will continue in the current Congress.

The Chair would call particular attention to the aspect of this policy regarding use of certain devices. Because outside ''coverage'' of the Chamber is limited to floor proceedings and is allowed only by accredited journalists, when the Chamber is on static display, no audio and video recording or transmitting devices are allowed. The long custom of disallowing even still photography in the Chamber is based at least in part on the notion that an image having this setting as its backdrop might be taken to carry the imprimatur of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLAWSON of Florida (at the request of Mr. MCCARTHY) for June 22 on account of a family emergency.

Mr. MARINO (at the request of Mr. MCCARTHY) for June 22 and the balance of the week on account of personal reasons.

Ms. JACKSON LEE (at the request of Ms. PELOSI) for June 21 on account of unavoidably delayed due to inclement weather.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3209. An act to amend the Internal Revenue Code of 1986 to permit the disclosure of certain tax return information for the purpose of missing or exploited children investigations.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 797, the House stands adjourned until 9 a.m. Friday, June 24, 2016.

Thereupon (at 3 o'clock and 13 minutes a.m.), under its previous order, the House adjourned until tomorrow, Friday, June 24, 2016, at 9 a.m.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. SCHAKOWSKY (for herself, Mr. GENE GREEN of Texas, Mr. GRIJALVA, and Mr. HONDA):

H.R. 5572. A bill to require the Federal Communications Commission to complete a rulemaking proceeding relating to placing unauthorized charges on the telecommunications bill of a consumer; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY (for herself, Mr. CUMMINGS, Mr. MCDERMOTT, Mr. DOGGETT, and Mr. WELCH):

H.R. 5573. A bill to amend the Public Health Service Act to shorten the exclusivity period for brand name biological products from 12 to 7 years; to the Committee on Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. SCHAKOWSKY:

H.R. 5572.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 7

By Ms. SCHAKOWSKY:

H.R. 5573.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 7

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 4237: Mr. TURNER.

H.R. 4966: Mr. MCDERMOTT.

SENATE—*Thursday, June 23, 2016*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, Father of Mercies, we open our hearts to You, the source of all that is good and holy. Renew and revitalize our Senators for their service to You and country, surrounding them with the shield of Your Divine favor.

Lord, help them to remember that You continue to have final control of all things, ever able to transform dark yesterdays into bright tomorrows, and to bring order out of chaos. Remind our lawmakers that to whom much is given, much will be required. May they see their lives as a privilege to be lived to the fullest in serving with humble gratitude.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. HELLER). The Democratic leader is recognized.

ZIKA VIRUS FUNDING

Mr. REID. Mr. President, I am glad to see the Presiding Officer is my colleague from Nevada.

Yesterday I said Republicans should not play loose with Zika funding. What is Zika? For the first time in recorded history, we have mosquitoes that are causing birth defects. Mosquitoes have plagued this world for centuries—perhaps forever—but they have never ever caused birth defects. They have caused death and a lot of terrible sickness but never birth defects. Now they are moving forward. We need to do something to stop this dreaded spread of this virus.

I said yesterday the Republicans shouldn't play loose with Zika funding, but that is exactly what they have done. We had an appropriations bill on the floor, and in that there were a number of things that were very important. We had money to do something about Zika. There was money in there for lots of different issues—a very broad bill, having a lot of things in it—one of our appropriations bills.

The Republican agreement on the MILCON–VA is a disgrace. It is a mockery of how Congress should treat an emergency. The conference report was jammed through the House with no debate, with a rule that was questionable. They are supposed to give a certain number of days' notice on anything they do on the House floor. Of course, they did this within a few hours. We don't know the exact time, but it happened around 3 o'clock in the morning—something like that—when they jammed through this bill. That bill provides $1.1 billion in Zika funding, which is $800 million short of the President's request.

Remember, the President's request was more than 4 months ago, and we have learned since then how awful the spread of this virus is. We knew quite a bit 4 months ago, but we know more now. There is a report also, in addition to being short in that respect—remember, this is an emergency bill as it relates to Zika. All emergencies—flood, fire, earthquake, all of the many things we face every year, we take care of as emergencies. It is part of the responsibilities of the American people that they pay for that, and they have always been happy to do it. When there was a situation with a devastating windstorm, a deluge of water with Katrina in Louisiana and all that part of the country—it doesn't matter what the emergency is, we have taken care of it in the past, but not this Republican Congress, no, no.

They also, in this so-called conference report, stripped $120 million from Ebola funding. Remember, 2 years ago, Ebola was the thing that frightened Americans. All over America people were afraid of Ebola, this terrible disease originating in Africa. Well, 2 years have gone by, Ebola has been contained but not eliminated, and there is still, according to the National Institutes of Health and the Centers for Disease Control, lots and lots of work that needs to be done, but the Republicans keep taking away from the funding. It is really unfortunate, but that is not the half of it.

They cut a half a billion dollars from the Affordable Care Act—ObamaCare. The Republicans have tried 67 times to defund ObamaCare—67 times—and that has failed, but the stripping of Ebola money and ObamaCare money—it gets worse than that.

The conference report would completely undermine access to birth control for women in Zika-affected areas by restricting money for Planned Parenthood. This is all some women have. It is the only care they have, the only place they can go. So women are disproportionately affected by Zika. At a time when it is more important than ever for women to plan their families, we are appalled at this partisan attack on health centers women rely on to get the care they need.

Instead of responding to this emergency that is threatening American women, Republicans are using this awful virus as an excuse for another attack on women's health. Republicans have voted repeatedly in this Congress to defund Planned Parenthood. The Republican Zika bill is just more of the same anti-women—something I am sorry to say is part of the McConnell-Trump tactics we have found lately, but it gets worse even than what I have already outlined.

Republicans slashed funding for veterans by one-half billion dollars—not million, $500 million—for veterans. It allows more pesticides into our environment. Republicans even used this conference report—listen to this one—to block the prohibition of Confederate flags at Federal facilities.

We should be working together to fight Zika. We should be providing public health experts the tools they need to fight this virus.

As we speak, we really don't know for sure because it changes daily, but there are almost 3,000 women who are now affected with the virus here in America, and 400 of them are pregnant. We have already had half a dozen born with birth defects.

Rather than doing something to help the public health experts with the tools they need, Republicans turned an emergency spending request into a wish list for all the anti-women, anti-veterans, anti-minorities, anti-environment, and anti-ObamaCare radicals in Congress.

Last night, the Republicans took this monstrosity of a conference report, rammed it through the House in the dead of night with no debate, and then immediately went on vacation but only until July 5. Is this how we should treat an emergency? Of course not. Is this how we should respond to a health crisis? Of course not. Shame on Republicans for turning a public health emergency into a partisan, political show.

GUN SAFETY

Mr. REID. Mr. President, yesterday I was privileged to join my Democratic colleagues in the House of Representatives for a protest on the House floor.

House Democrats were demanding that Republicans close the terror loophole which allows suspected terrorists to legally buy guns. We wanted to stop that. In the Senate, we are also waiting for Republicans to act on gun safety just like they are in the House.

The senior Senator from Maine—a Republican—has proposed legislation to keep guns and explosives out of the hands of suspected terrorists and criminals. The Collins amendment isn't perfect, but it is a step in the right direction, and I will vote for it, but in order to vote for legislation, we need to be able to first have a vote scheduled on it. Yesterday the Republican leader said: ''I'm going to be working to make sure she gets a vote on that proposal.''

Frankly, I am an expert about what goes on here on the floor. I know the procedural problems my friend the Republican leader has so I understand that. I know sometimes it gets extremely difficult, but 48 hours ago, that is what he said, and we need to be shown a path forward. I don't see it, but we will wait and see.

The American people want us to prevent suspected terrorists from buying guns so I look forward to the Republican leader's plans for the day. As is the procedure here, the majority, the Republican leader, is allowed to speak first. He just wasn't here and his staff said I should go ahead.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

MEASURES PLACED ON THE CALENDAR—H.R. 5447 AND H.R. 5456

Mr. MCCONNELL. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 5447) to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements.

A bill (H.R. 5456) to amend parts B and E of title IV of the Social Security Act to invest in funding prevention and family services to help keep children safe and supported at home, to ensure that children in foster care are placed in the least restrictive, most family-like, and appropriate settings, and for other purposes.

Mr. MCCONNELL. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be placed on the calendar.

ZIKA VIRUS FUNDING

Mr. MCCONNELL. Mr. President, combating the spread of the Zika virus has been a priority for both parties so Republicans and Democrats deliberated and forged a compromise in committee. Senators debated that $1.1 billion compromise on the floor and voted to pass it. Every single Democrat voted for it—every one of them.

We went to conference committee and the House agreed to fully fund the Senate-passed funding level. Now, with the House's action last night, we have a chance to send the $1.1 billion in Zika funding to the President's desk.

This agreement will allow us to focus on immediate needs like mosquito control, while providing resources for longer term goals like a vaccine. It also takes a broader view that U.S. experts should also have the ability to address other emerging mosquito-borne diseases as well.

The administration has called for Congress to take action on Zika by July 4. They have warned of dire consequences if Congress fails to act. Many of our colleagues here have raised similar concerns.

The House did its part, and now the Senate needs to do its part. This agreement represents our only chance to put Zika control money to work right now. Again, it contains the exact amount of Zika funding passed by the Senate last month with the vote of every single Senate Democrat.

Keeping Americans safe and healthy should be a top priority for all of us. We know pregnant women are at particular risk. Democrats should work with us to pass Zika control funding again, not block funding for combating this virus. Phony excuses and made up objections to the funding we have already passed will not help create a vaccine or eradicate the threat of Zika.

We also have an opportunity to support our veterans. This agreement substantially increases critical resources to ensure veterans receive benefits and health care they have earned. It will enhance the oversight and accountability at the VA. It will help improve quality of life on military bases for soldiers and their families. It will also advance critical national security projects like missile defense.

The Senate voted overwhelmingly to support ideas like these last month, too. We should now vote to get this critical veterans funding bill down to the President for signature.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CAPITO). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANCHIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPIOID ADDICTION EPIDEMIC

Mr. MANCHIN. Madam President, the Presiding Officer and I are colleagues from the same State, so she knows as well as I know about the problems we have with opioid addiction, prescription drug abuse throughout our State and all over this country. We have come to a crisis point in this country.

In 2014, 18,893 people died from a prescription opioid overdose. These are legal prescription drugs that are made by outstanding pharmaceutical manufacturers. They are approved by the Food and Drug Administration. They are prescribed to us by the most trusted person outside of our family—our doctor. It has created an epidemic of unbelievable proportions. Every day 51 people die from legal prescription drug abuse. Worse yet, the trend is going in the wrong way. It is not reducing; it is increasing. Sixteen percent more people died in 2014 than died in 2013. We have lost almost 200,000 since 1999. If we don't take action soon, this epidemic will become of mammoth proportion that we have done very little, if anything, to control.

Unfortunately, a major barrier for those suffering opiate addiction is insufficient access to substance abuse treatment. I, like many people in public service 20 years to 30 years ago when this epidemic hit—we basically treated it as a crime. It is a crime if it is a violent crime that was committed because of drugs, or a sexual crime, but most likely that is not the case. It is mostly stealing. To support their habit, an addict usually steals from their family, their extended family, and their friends. Once everyone realizes the problem they have is addiction, then they usually start stealing anywhere they can, which usually results in an arrest, incarceration, found guilty of larceny, and then they get a felony on their record.

But knowing how difficult this is, without treating it as an illness—between 2009 and 2013, only 22 percent of Americans suffering from opioid addiction could find treatment centers. If this was any other epidemic which is a health crisis, we have ways of treating that. You will find a hospital. You will

find someone who basically will give you treatment for the illness you have. Not with opiates.

In 2014, 42,000 of our fellow West Virginias, including 4,000 children, sought treatment for illegal abuse but failed to find any treatment.

Think about this. If you were a parent of a child who is addicted and that child wanted help and you wanted to get help for that child, there is no place to put that child. Compare that to what we do as far as incarceration.

My cousin Michael Aloi is a Federal magistrate judge. Michael and I were talking.

He said: JOE, you know, I have never ever been turned down for someone I have had to put in jail or in prison or had someone tell me ''I am sorry, Judge, you can't put them in jail because we don't have a jail cell.'' We have always been able to find a jail cell for somebody we want to incarcerate.

Then he said: Guess what, JOE. For probably 8 out of 10 times a person is recommended for treatment by the court, I have no beds to put them in, no places to send them for treatment. I can find a jail cell for them and a jail bed; I can't find a treatment bed.

That is what we are dealing with in America, so we have to change.

In West Virginia, our largest long-term facility has more than 100 beds, and that is Recovery Point in Huntington, WV. They do an unbelievable job.

In 2014, about 15,000 West Virginians received some form of drug or alcohol abuse treatment, but nearly 60,000 West Virginians who were identified as being in need of substance abuse treatment couldn't find it.

Based on conversations with our law enforcement—and you can check in any of your towns, wherever you may live in this great country of ours, and you will find out that probably 7 to 8 out of 10 people who are picked up for any crime or charged with a crime—it is drug-related. It is having a tremendous effect on our economy and the lives of our people.

What I have done is I have come up with a piece of legislation which has bipartisan support, and we are hoping to get much more. Basically, it is a lifeboat. What it really says is this: We need this treatment. How do we fund it? In these tough times we have, it is hard to find the finances, and we have to have pay-fors. So I looked at it in a very practical way, and I said: We have a fee or a tax, if you will, on cigarettes. We have a fee or a tax on alcohol. These are things that are detrimental to society and to human beings themselves. Basically, I looked at a one-penny-per-milligram fee on opiates for every opiate that is produced in America or sold in America—one penny per milligram. Unbelievably, that is spinning off about $1.5 billion to $2 billion if we enforce this. That gives us a funding stream so these judges can place a person who needs treatment. We can have adequate treatment centers with a continual funding stream.

I would hope that we would not get a penny, not one dollar from these fees because that would mean we are not out pushing opiates. But that is not the case. So this lifeboat is exactly what it says it is—it gives people a lifeboat, gives them a chance to clean themselves up.

Mr. DURBIN. Through the Chair, will the Senator from West Virginia yield for a question?

Mr. MANCHIN. Absolutely.

Mr. DURBIN. First, I thank him for his leadership on this issue. I know it is personal to him and the Presiding Officer.

In my State, I think the death rate from opioids and heroin is somewhere around 12 per 100,000; in your State, I understand it is 25; in the State of New Hampshire, 35. So you have twice the problem we have, just in strict statistical terms, and New Hampshire, for some reason, has three times. And you have been outspoken on this issue. I am pleased you have been because it is not just local to you, it is a national problem.

Yesterday we had the Acting Administrator for the Drug Enforcement Administration come before the Judiciary Committee. Most people are not aware, although I know you and the Presiding Officer are aware of the fact that each year the Drug Enforcement Administration approves the production of opioids by pharma. In other words, the pharmaceutical companies cannot produce these pills that are classified as narcotic, pain reliever pills, without the approval of the Drug Enforcement Administration.

I am sure the Senator from West Virginia is aware of the fact that when they set the annual production quotas for opioids by U.S. pharmaceutical companies—there has been a dramatic increase. Between 1993 and 2015, a 22-year period of time, oxycodone production jumped dramatically 40 times, from 3½ tons to over 150 tons of oxycodone approved by the Drug Enforcement Administration. During the same period, the production of hydrocodone went up 12 times; hydromorphone, 23 times; and fentanyl, the drug that killed Prince, 25 times.

I asked Acting Administrator Rosenberg: We are trying to destroy the opioid beast, and you are feeding it. The production levels—do you take into consideration what is happening with these drugs once they are produced by pharma and what happens to them next? Under the ordinary course of events, they are prescribed by doctors and dentists or, in some cases, some other medical professionals, and they make it to the street.

He said that he was aware of it and he understood that his agency was bearing some responsibility for what has happened. Well, that is an understatement. They are certainly bearing some responsibility.

So I ask the Senator from West Virginia, who has been outspoken and a real leader on this issue, when we look at the Food and Drug Administration's role on the types of opioids and we look at the Drug Enforcement Administration's role when it comes to the volume of production, is it clear that our government has some responsibility for where we are today with this opioid epidemic?

Mr. MANCHIN. Absolutely, I say to the Senator. I have been working on trying to change the culture of the Food and Drug Administration. I have been working with the DEA because not only does the DEA basically set the allotment, they also are the ones who give the license to the doctor and make sure that doctor is certified to dispense it. If you have a doctor who is abusing it, if you have a doctor who is basically putting 10 times to 20 times more on the market in a certain section or region of our State or our country—more than the other doctors—maybe that person is irresponsible, maybe they should be questioned and taken off the list for prescribing.

Absolutely. It is a cultural change.

This all came about in the eighties when basically pain—your element of pain was one of—the fifth criteria of wellness. It was the Veterans' Administration that brought the product on, so the genie got out of the bottle. How do we put it back? We can if we continue to fight it, but it is a horrible scourge on us.

Mr. DURBIN. Through the Chair, if the Senator will yield further for a question?

Mr. MANCHIN. Sure.

Mr. DURBIN. The Senator and I will both concede that there are people with chronic, acute pain who need relief every single day, and we are not quarrelling with that, that it should be prescribed and there is a definite need. Pain is an issue in the lives of many people, and we need to deal with it responsibly, in medically responsible ways.

I guess the question that comes to mind is, when I ask my local doctors in Illinois about this, some have shown extraordinary leadership—the Chicago Medical Society, for example. I commend them. I have written to all the medical associations saying: What are you doing in training your doctors to know when they are prescribing too much or too many pills?

I give special credit to the Chicago Medical Association. They have stepped up and said: With our members, we are educating them.

But this is what I hear repeatedly, and I would like the Senator's response to it. Three percent of the doctors are responsible for 50 percent of the prescriptions. That is probably true. I

can't quarrel with it, nor would I. But then someone said: But that is not the whole story. Many times a person going to one of the 97 percent of physicians ends up starting down the path toward opioid addiction, and then that first physician says ''No more,'' and then they turn to the 3 percent who are just doling out the prescriptions right and left.

So it seems to me that if 3 percent are the worst offenders and the ones who are really feeding the system in volume, we still can't look beyond the 97 percent and their responsibility to make sure their prescriptions do not start a person down the path toward opioid addiction.

I ask the Senator from West Virginia, have you encountered this 3 percent or the irresponsible physicians?

Mr. MANCHIN. Well, yes, when this became the problem we know it is today—my brother is a doctor. He went through medical school in the 1970s. They weren't schooled on this. They weren't trained on this. Most doctors will tell you they got very little training on substance abuse and what it could do. What they find out about it is that the salesmen from the pharmaceuticals is selling it to their office and giving them free samples, saying it is a miracle drug: Try it; I think you will like it. They are people running pill mills. It is basically a business for them.

The other thing is that the doctors who don't have that knowledge and haven't been trained in this—we have finally gotten the CDC, or the Centers for Disease Control, to put out, basically, prescription guidelines. A schedule II narcotic, which is basically oxycodone, Vicodin, Lortab—some of the most renowned ones we know of—have a ''30-day,'' a doctor can prescribe for you 30 days. I have young people in my office who go get a tooth extraction, and they get a 30-day prescription. They might need a 2-day or 3-day prescription. So this is what we are cracking down on—the 97 percent who should not be giving you a 30-day prescription just because that is what they are allowed to do. They should be using good common sense. Listen, you are a young, strong person. You may need this for 2 or 3 days. If it is worse, come back to see me.

Mr. DURBIN. If the Senator will yield further for a question, through the Chair, in the year 2014, the Drug Enforcement Agency of the United States approved the production of 14 billion opioid tablets in the United States—2014, 14 billion—enough opioid pills for every adult in America to have a 1-month prescription.

So I asked a doctor in DuPage County in Illinois why. Why would doctors prescribe, as the Senator said, a 30-day prescription for a patient who may only need 2 or 3 days, and it could be renewed if they needed more? He said: Some of them are not trained well enough and some of them don't want to get a phone call on a weekend.

Now, that was a pretty grim analysis by another doctor. But it really calls into question, first, pharma's producing 14 billion—14 billion—opioid pills for America, and doctors handing to patients a 30-day prescription when, in good conscience, a few days would have been more than enough.

The question is this: How do we at the Federal level—and I am asking the Senator because he is a moderate-to-conservative Democrat, and I know he is not looking for the big hand of government to solve all our problems—deal with pharma overproduction and how do we deal with doctors overprescribing?

Mr. MANCHIN. Basically, I truly believe it has been a business plan. That is being very cynical, if you will.

We have a lawsuit going on in the southern part of West Virginia right now, in Boone County. There has been a judge there, Judge Thompson, who has been more active than anybody I have ever seen. He has a case before him now, and it basically involves four or five distributors.

So you have pharmaceutical manufacturers that go to the distributors and basically spread it out to the pharmacies. They sent, in a very small period of time, over 200 million pills into a little part of our State. Now, you are telling me they didn't think they were oversupplying an area. Shouldn't somebody have raised a flag there? A moral conscience would say: There is no way they can consume this much. There is no way that a small rural area can consume this much narcotics. Something is wrong.

Are you telling me that wasn't a business plan? So I am going to testify. They asked me. I said I am most happy to. I would love to be on the stand. I want them to question me about what has happened to our State. I am happy to be accountable for that because I want someone to look me in the eye and say: You didn't know we only have X amount of people. We only have 1.85 million people in the whole State. If you take 6 or 7 of these counties, you might be talking a couple hundred thousand people. You are sending 200 million pills to a couple hundred thousand people—to every man, woman, child, and baby? Something is wrong with you, and I want to hear that answer.

So yes, it doesn't matter whether you are a Democrat or Republican, whether you are conservative or liberal. This doesn't have a home. This is a killer. It doesn't matter whether you are at the low end of the socioeconomic ladder or at the top end. It is hitting everybody.

Mr. DURBIN. I want to thank the Senator for yielding for questions through the Chair, and I would just say to him that I know the problem he faces and the Presiding Officer faces.

Mr. MANCHIN. We are both fighting it.

Mr. DURBIN. It is twice the intensity and the problem of my State, and I feel it personally. There is no town too small and no suburb too wealthy to avoid the opioid addiction, leading to heroin in 80 percent of the cases and heroin overdoses and deaths.

If you pick up an obituary column in downstate Illinois, my home area—small towns and rural areas, much like West Virginia—and you see the name or photograph of someone between the ages of 18 and 30, I have to tell you that in most instances, it is this—a heroin overdose. It is a sad reality all across my State.

Mr. MANCHIN. Let me tell you what we are dealing with, I say to the Senator from Illinois and the Presiding Officer, my colleague from West Virginia. We face it every day.

I am going to read a letter here from another family. I do it once a week because it puts a real family with it. But we have such a situation that we now have people who, because of the hard financial time some States are hitting, are saying: Why don't you just legalize marijuana? Just legalize it, they are telling me. That will help all your problems with all the taxes you will receive. I can tell my colleagues that 99 percent of the addicts I talk to, when I ask them how they got started—how did you go down this path of destroying your life—they say: It started with recreational marijuana.

I have people coming to me and saying: You are a public leader. You are in the political arena. Don't you think we need this revenue? I know we need revenue, but I don't think we need it by fostering more addicts. If an addict is telling me not to do it, and then I have other people saying the opposite, I am not going to do it. I can't do it in all good conscience.

So this is what we are facing right now. If they think of the revenue from narcotics—the revenue from these destroying drugs we have—and if the doctors don't understand it, here is the problem, as I have just said. We have top-notch pharmaceutical manufacturing companies doing many good things for us and improving our lives by producing a product, and we have, basically, the Federal Government—the DEA and the FDA—approving it and allowing it to get into the market. Then, we have the doctors, the most trusted people next to our family, saying: Take it; it will help you; it will be good for you. Then, we have a full-flown epidemic.

We are fighting Zika now. We have Ebola and all these other things. We are concerned about epidemics, and here we already have one that is full-blown and matured, and we are not doing anything. So I am hoping that common sense will prevail.

We found a pay-for—a lifeboat, basically. It is one penny. Opponents are

saying it is going to be passed onto the consumer. Well, it can't be. The CDC basically controls the pricing. So they can't gouge the people. Trust me, it is as profitable as anything they make in the pharmaceutical arena. One penny on a milligram is not going to bankrupt anybody, and it is not going to keep any product off the market that is needed. Tell me how else we are going to get $1.5 billion to $2 billion every year to help people get off of this horrible epidemic.

I thank the Senator for helping.

I want to continue reading a letter from one of our constituents. My colleague gets them the same as I get them, and we talk about this all the time. I want to thank her for helping me fight this because together we are going to make a difference.

The letter goes like this:

I reach out to you in hopes of possibly making a future I've worked really hard for a little brighter. My name is Kayla, and I am a recovering addict. My sobriety date is February 13, 2013. I struggle with addiction to pain medication of all sorts. It started out as drinking and smoking when I was 13. That's basically all I ever did until I turned 17 and tried my first pill.

It blew me completely out of control from there. While in active addiction, I got in trouble with law enforcement for stealing and received a charge for grand larceny. This is when I was only 20, and that was the first and last time I've been in trouble with the law.

This was a nonviolent crime, basically, for stealing.

Continuing with her letter:

I've changed so much since the day I took the first pill. I completed rehabilitation at Crossroads Recovery Home in Gilbert, West Virginia, along with my dear friend Jessica Grubb who sadly lost her battle to this horrible disease.

My colleague and I have sponsored ''Jessie's Law,'' and so we know about this tragedy.

Continuing with the letter:

It truly saved my life. When I completed treatment, I came home to start Drug Court in Greenbrier County, West Virginia. I completed that without any sanctions the whole course of the year I was in the program.

I recently moved to Washington State with my husband and children. I want more than anything to take my recovery and life a step further by starting college. Ever since I was a little girl my dream has been to become a veterinarian. That has never changed in my almost 26 years of life. Due to my felony, that dream more than likely can't come true. I would not be able to hold a license unless otherwise approved by the Board of Veterinary Medicine. It's not likely they would approve me.

I have worked so hard to be where I'm at today. My dream is to apply to Ohio State University in August of 2016 for the spring 2017 semester. I know I can be a vet. I want to prove to addicts everywhere that there is light at the end of that tunnel. The pain can be stopped. You can go from having to have a fix to get out of bed to having a Doctorate of Veterinary Medicine.

I want to show everyone that this small town West Virginia opioid addict made it, and not only that she make it, but that she pushed the limits and reached the stars. The rumor is true. We do recover.

Now, let me tell my colleagues the rest of the story. Right now, unless we change the laws, unless we change our attitudes about how we treat addiction and look at it as an illness that needs to have treatment—unless we can do that and find the treatment—we will have people like this person, who got sober—she has been sober for over 6 years—and turned her life around and wants to be a doctor of veterinary medicine, which she doesn't think she can do now because she ruined her life at a very young age and for which she is now paying the consequences. But it was a nonviolent crime. It was a nonviolent crime.

What we have said, and what we are trying to forge into a piece of legislation, is that if you have a felony on your record from a drug addiction and it was not violent—you didn't do it with a violent crime of guns and weapons and harming people, it wasn't a horrible sexual crime, and none of those things happened; all you did was steal, which is a crime, and you have a felony on your record—and if you go through drug rehabilitation, if you become a mentor for at least another year—so that is a 2-year recovery—you then qualify to go before a review panel, which will probably be made up of your sentencing judge, the arresting officers, and the addiction treatment center personnel, who can say you deserve to have one chance in life to clear your record, to expunge your record and now to be a productive citizen, to be a doctor of veterinary medicine, or to be able to be anything you want.

Yes, you did screw up. You made a heck of a mistake. But now we are going to give you that second chance because you have fought forward and become clean. You are sober, and you are helping other people become clean and sober. If not, we are going to throw a whole generation of absolutely productive Americans out.

What I am asking for is consideration on both sides of the aisle, Democrats and Republicans. Forget about being Democrats and Republicans, and let's be Americans. Let's reach out and help people who want to be productive Americans and who want to contribute to society.

These are the things we have to do that are common sense. I am hoping all of us will come together, and I know we will.

(Mr. PERDUE assumed the Chair.)

Mr. President, I thank the Chair for allowing me to speak on this subject. I do it every week. I am going to continue to do it until we make changes. This affects your beautiful State of Georgia the same as it affects West Virginia. This is one thing we all agree on. We must end this opioid drug addiction, this drug-infested addiction this country has. We are the most drug-infested Nation on Earth.

When you consider that 80 percent—80 percent—of all the opioids in the world that are produced are consumed in a country that has less than 5 percent of the world's population—in the United States of America—something is wrong. We are better than this. We are better than this.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2578, which the clerk will report.

The assistant bill clerk read as follows:

A bill (H.R. 2578) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Pending:

Shelby/Mikulski amendment No. 4685, in the nature of a substitute.

McConnell (for McCain) amendment No. 4787 (to amendment No. 4685), to amend section 2709 of title 18, United States Code, to clarify that the Government may obtain a specified set of electronic communication transactional records under that section, and to make permanent the authority for individual terrorists to be treated as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978.

McConnell motion to recommit the bill to the Committee on Appropriations for a period of 14 days.

The PRESIDING OFFICER. The minority whip.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DACA, DAPA, AND FILLING THE SUPREME COURT VACANCY

Mr. DURBIN. Mr. President, 15 years ago I introduced a bill called the DREAM Act. The DREAM Act was designed to give children brought to the United States by their parents, who were undocumented, a chance—a path toward legalization, a path toward citizenship. These were people, now in their teens and early 20s, who were brought to the United States as infants

and children. It was not their conscious decision to come to this country; it was a decision by their parents. They have grown up in the United States.

It is estimated that 2.5 million young people came to this country under these circumstances. So many of them have done everything they have been asked to do—completed their education, stood up in a classroom every morning and pledged allegiance to that flag—the only flag they have ever known, become part of America, excelled academically, started dreaming about what they might do as Americans to make their lives better and this country better.

But the law in the United States is very harsh when it comes to these young people. In its bleakest terms, the law says they have to leave the United States for 10 years and petition to come back in. Here they are, 18, 19 years of age, being told: Now that you have graduated from high school, whatever your status, leave. Go back somewhere where you cannot ever remember living and wait 10 years.

So I introduced the DREAM Act, and I said: If these young people have completed their education, if they have no serious criminal issues, if they are prepared to come forward, serve their country in the military or finish their college education, we will give them a path to citizenship.

Fifteen years of waiting—I can remember when these galleries were filled with young people, DREAMers, undocumented young people who sat one Saturday morning in their caps and gowns in the gallery, praying that we would pass the DREAM Act and give them a chance to become part of the only country they have ever known.

The measure failed on the floor of the Senate. It was a brokenhearted moment for me, facing these young people, many of them in tears, sobbing, not knowing what their lives would lead to. I said to them: If you will not give up on me, I am not going to give up on you. Let's keep working at this.

I sent a letter in April of 2010 to my friend, the President of the United States, who had been a cosponsor of the DREAM Act, and I said to President Obama: Can you do something? Can you do something to allow these young people to have a chance? Give them a chance. And he did.

He came through with a program called DACA. This deferred action program was really designed to give these young people a temporary stay from deportation. It is only temporary, for several years. But in order to get that stay, they had to come forward; they had to register with the government, pay a filing fee, make sure all their vital information had been disclosed, and go through a thorough criminal background check. Then, if they got a job, they would pay their taxes, as required of every person living in this country, and they would have a temporary stay of deportation to stay here, go to school, or work. Several years later, they would have to do it all over again and go through the same background check and pay the same fees.

The President signed that Executive action and said it was within his authority as Chief Executive to decide what are the highest priorities as to who should be deported from the United States.

The President rightly said: Let's go after felons and dangerous criminals. They shouldn't be part of our country.

Why would we go after these young people who only want to complete their education and be a positive part of our future? So the President signed the Executive action for DACA.

Sometime later came an opportunity to consider families in similar circumstances. Most people have a mistaken notion that if you are undocumented, everybody in your home is undocumented. I haven't found that to be the case. More often than not, only one parent would be undocumented. The father may be an American citizen. All the kids may be American citizens, but mom may be undocumented.

The President put in another proposal and said: In those circumstances where you have someone undocumented in the country with a child who is an American citizen, you can apply for what is known as DAPA, which gave them the same temporary stay of deportation. You had to pay your filing fee, go through a criminal background check, pay taxes on any money you earned, and for a temporary period of time, you would not be deported.

When the President signed that second Executive action, a number of Governors, Republicans from across the States, filed an action to stop the implementation of the President's Executive action. That is a big deal. It literally affects millions of people in this country who are undocumented. These Governors argued that if they were forced, for example, in the State of Texas to give drivers' licenses to undocumented people, they would have administrative expenses so the President's order would create a hardship on their State. Of course, what they failed to acknowledge was these new people under the Executive order would be paying taxes, legally paying their taxes to the Federal and State government, and they would pay any fee necessary to get a driver's license imposed by the State of Texas.

The case went before the Supreme Court. The decision was handed down a few minutes ago. The decision of the Supreme Court, sadly, shows the terrible human cost of the Senate Republican strategy to recklessly refuse to fill the vacancy on the Supreme Court created by the death of Justice Scalia.

You know what happened several months ago when Justice Scalia was on a hunting trip and sadly passed away, to the shock of everyone. There was a vacancy on the Supreme Court. The President of the United States did what he was supposed to do. In article II of the Constitution, there is a requirement the President fill the vacancies on the Supreme Court. Why would the Founding Fathers put a requirement on the President? They understood some President could play games with vacancies on the Court.

They said: No, you have to send your nominee's name to the U.S. Senate where we will have the opportunity to advise and consent as to that nominee.

The President met his responsibility. Judge Merrick Garland works for the DC Court of Appeals. In fact, he is the Chief Judge of the DC Circuit. The President sent his name to fill the Scalia vacancy.

Is Merrick Garland qualified? The American Bar Association this week said what we already knew: Merrick Garland is unanimously well-qualified for the position. The President's nominee at that point would come before the Senate. In the history of the United States, we have never ever denied a nominee for the Supreme Court vacancy a hearing and a vote in the United States—never—until this very moment when the Republican leadership in the U.S. Senate said: No, we are not going to fill the vacancy because we are hoping our Presidential candidate—in this case, Mr. Donald Trump—will be able to fill that vacancy so we will keep the vacancy open for our dream candidate, President Donald Trump.

It is the first time in the history of the United States, the Senate has turned its back on a Presidential request to fill a vacancy on the Supreme Court.

We warned the Republicans this could create some problems. Today we see exactly the kind of problem that can be created. The ''human cost of Senate Republicans' reckless refusal to fill the vacancy on the Supreme Court'' is going to be felt by literally millions of people. Today the Supreme Court failed to resolve the legal challenge to DAPA and expanded DACA, the Executive orders of President. The result of that 4-to-4 tie vote leaves millions of families across America in legal limbo.

I urge this Justice Department to consider all the legal options to swiftly overturn the injunction that is blocking President Obama from using his legal authority to set immigration enforcement priorities. DAPA and an expanded DACA will make our country safer and allow law-abiding individuals with deep roots in our communities to step out of the shadows and contribute more fully to the country they love.

A tie vote on the U.S. Supreme Court—I can't remember the last time that happened. It happens very rarely. It didn't have to happen. If the Senate

Republican majority had done its job, had faced its constitutional responsibility, held a hearing for Merrick Garland and voted him up or down, I have confidence he would have been approved and been a member of this U.S. Supreme Court. We could have avoided what we now face—a split Court, 4 to 4, which cannot resolve critical and controversial issues.

The net result of the Republican refusal to fill that vacancy is to create an injustice across America for millions living in this country, an uncertainty about their future. That is the height of constitutional irresponsibility, and it played out across the street and was announced just minutes ago. This is what happens when the Senate Republicans refuse to do their job, when they say we are going to play politics with filling a vacancy on the Supreme Court. We are going to hope and pray Donald Trump will come forward and fill this vacancy with somebody we like a little better than the nominee of President Obama.

It is a sad day, and now we know what this constitutional irresponsibility by the Senate Republicans has done. It has created a fractured Court. It has split our Nation in terms of the law. It has derogated one of the most important institutions in our government. I hope a few Republicans will step up and realize that waiting for President Trump to fill this vacancy is the wrong answer.

We need to accept the Constitution's mandate to move quickly to fill this vacancy as quickly as possible. In the meantime, with the split Court decision, we need to call on our Justice Department to do everything possible to try to find a path toward a just resolution, which the Supreme Court was unable to find today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, I first want to begin by reading a note I got this morning at 7 o'clock from a member of my staff in Maine. I think it speaks to the issues we are discussing today in this body and should be discussing in the other body.

My regional representative said:

Last night I attended the Southern Maine Planning and Development Corporation Annual Meeting in Sanford.

That is a town in Southern Maine.

From the time I walked in the door, through dinner and even walking back to my car, every single person I spoke with either wanted me to convey their thanks to Senator King for his stand on ''doing something on gun control'' to asking me that he stand firm and do more. People who own guns (and said so) and those who don't. Every single person expressed dismay that Congress has not acted on this. Many mentioned the sit-in in the House of Representatives and were shocked that the issue would not even get a vote. Many wanted to know when the vote would be taken in the Senate.

People in Maine, including responsible gun owners, want more background checks and limitations on those who raise red flags. They want common sense legislation. I had to send this because I was quite surprised at the total focus on this issue.

I hope we will have before us sometime today an amendment which I consider a national security issue. Since being in this body, I have been privileged to serve on both the Armed Services and Intelligence Committees and have studied and worked on and listened to hearing after hearing on the terrorism threat to this country. Something important has to happen with regard to that threat over the last 3 or 4 years.

We have moved into a new era of threats to our country, different than the terrorism threat we found ourselves facing after 9/11. In 2001, that plot was hatched overseas, it involved foreigners who got to our shores one way or another and performed a heinous attack on our country.

Now we are facing attacks from within—people who are already here are radicalized online and receive what I call a terrorist APB from ISIS or Al Qaeda that basically says: Go out and do harm to Americans. The difference is the threat is now here and not abroad—although, it may be inspired and, in some cases, directed from abroad. I call this terrorism 2.0. It raises an entirely new national security issue for us; that is, how do these terrorists obtain arms? With ISIS, if we are aware of an arms shipment or a cache of arms somewhere in Syria or Iraq, we take it out. We send our fighter planes. We send any resources we have to keep them from getting those arms. If an ISIS-inspired terrorist in the United States wants to obtain arms, all they have to do is go to a gun store and buy them. It makes no sense to me that we spend millions of dollars to keep arms away from terrorists in the Middle East and do nothing to keep arms away from terrorists in the United States. That is why I am supporting, along with a bipartisan group, a nonpartisan group of other Senators, led by SUSAN COLLINS of Maine, a commonsense piece of legislation that will simply add to the list of those items which prohibit people from getting guns if you are on the no-fly list or the selectee list—those people who are required to have additional screening at an airport.

This is about as simple and as common sense as it gets. To vote against this is basically saying it is OK with us that terrorist people on the no-fly list get a gun. I can't understand any argument that would justify that. The provision Senator COLLINS has painstakingly developed, with consultation with both sides of the aisle, has in it due process protections for someone who may be on one of these lists, either inadvertently through a mistake or improperly. They have the opportunity to say: I shouldn't be on the list, I should be able to buy a gun, and they have an opportunity to make that case in a very limited period of time and to have their chance to obtain full due process to protect their constitutional right.

This is a well-balanced, thoughtful proposal. It is not taking anybody's guns. It is not a ban on any kind of weapon. It simply says: No guns for terrorists. It seems to me that is a basic, commonsense amendment, and I really can't understand why it has become so difficult to move it forward.

We had a filibuster last week. As a result of that filibuster, we ended up having several votes on this issue earlier this week, and I hope and believe we are going to have at least one more either today or early next week on the Collins amendment.

However, in the House of Representatives, there is no vote whatsoever, to the point where Members of the House have had to take to the floor and literally take over the floor and say: We are not leaving until we get a vote. I guess I would call it a House version of a filibuster. I think it is important to emphasize that the people in the House are not saying ''We are going to stay here until we pass legislation,'' they are saying ''Let's have a vote. That is our job.''

If you ask any sixth grader what Senators and Representatives do, they will tell you that we vote on legislation. That is what we are supposed to be doing, and that is why we are here.

I find it inexplicable that the majority in the House adjourned to take a vacation for the next 10 days without even allowing a vote or any debate on this issue. I mean, it looks ridiculous to the people of this country. My suspicion is that when many of those Representatives get home over the next few days, their constituents are going to say: What gives? This thing about terrorists seems to make sense to me. Why didn't you get something done on this?

I hope and believe that is what will happen. But for the Members of the House to take this extraordinary step, which I understand has only happened one or two other times in our history, in order to simply get a vote on an issue that is an absolute top-of-the-line concern to the people of the United States, again—it just doesn't make sense.

One of the reasons Congress is held in such low esteem is because we are not doing our jobs. People send us here to do a job and wrestle with difficult issues, not to suppress them, not to push them under the rug, not to ignore them, but to debate and discuss and try to come up with commonsense solutions. Indeed, that is what we have done here in the Senate.

I have been working on this for the past 48 hours. I have had consultations with other Senators. We are trying to

get the language right and trying to find ways to accommodate various interests and concerns about this bill, and hopefully we will get to the floor and have a vote. The other body is not allowing that to happen.

I think this is an issue of real importance to the American people, and I sense a very significant change in terms of people's views on this issue. I understand there was a poll released just this morning which showed that 85 to 90 percent of the American people believe we should try to keep guns out of the hands of terrorists—no fly, no buy. It is a very simple message. Interestingly, that showed that the highest percentage of people who agreed with that proposition were Republicans. Ninety percent of the Republicans who responded to the CNN poll felt that terrorists should be kept from getting guns, and that is what this amendment which we are going to be considering is all about.

It seems to me that this is a case where Congress has an opportunity to do what we are supposed to do, which is not to avoid, not to obfuscate, not to sweep under the rug, but to act. I can't presuppose the outcome. I believe and hope that the outcome will be positive and that we will take action on this commonsense amendment Senator COLLINS has developed, but at least let's act. I hope the other body will do the same thing. To adjourn for a recess prematurely simply because they don't want to confront or discuss or debate this issue brings discredit on this entire institution and is greatly to be regretted.

I come from a State that believes in the Second Amendment. I believe in the Second Amendment. I have insisted through this process that anything that limits a person's ability to get guns if they are on a no-fly list or a selectee list needs to have due process in order to be sure that they are properly on that list and that there is good cause for them not to be able to purchase guns. I believe that process should be there, and it is there. This is in no way a violation of the Second Amendment. It is in no way an effort to take anybody's guns away. It is an effort to keep guns out of the hands of people who shouldn't have them. And the Supreme Court has affirmed over and over—even Justice Scalia has affirmed directly and unequivocally—that this is appropriate under the Second Amendment.

I commend my colleagues on both sides of the aisle who have developed this commonsense proposal. I hope we can pass it today by an overwhelming vote, and maybe that will help persuade the other body to at least consider, discuss, debate, and then vote on this issue that is of vital concern to the American people.

I yield the floor to the Senator from Delaware.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from Delaware.

Mr. CARPER. Mr. President, I appreciate the chance to follow the Senator from Maine this morning. If I could, I wish to briefly talk about the appropriations bill for the Departments of Commerce and Justice and major science agencies, including the National Science Foundation.

I commend the senior Senators from Alabama and Maryland for their bipartisan work on what I think we all know is important legislation. I have been told that it was reported out of the Appropriations Committee on a unanimous vote. They have worked hard to juggle many competing priorities, from keeping our country safe, to creating jobs through trade, economic development, science, and innovation.

This legislation provides critical resources and needed oversight for many issues that are important to the Committee on Homeland Security, which I serve on as the ranking member.

Just one example of many in this appropriations bill is the Census Bureau. The 2010 census was by far the costliest census in the history of our country. It faced serious technology failures, and that is why it is critical that we learn from the last decade's mistakes and make sure the 2020 census is on time, on budget, and most importantly, accurate.

I am encouraged that the Bureau has provided a plan for the 2020 count that could save $5 billion and reduce the cost per household by almost 30 percent compared to the 2010 census—30-percent savings. Now we need to do our job here in Congress by providing the resources and oversight necessary to help the Census Bureau achieve those goals, and if we do our job, they can and they will.

This appropriations bill also funds the FBI, our domestic counterterrorism agency. As we know, the FBI is on the job not just 8 hours a day, 5 days a week; they are on the job 24 hours a day, 7 days a week. They are on the job around the clock, and they do this to keep all of us in this country safe from terrorism and violent crimes.

ISIS

Mr. President, as we consider this legislation to fight terrorism at home, I also want to take just a few minutes today to discuss the progress we are making to defeat the terrorists—ISIS in this case—on the battlefields far away from our homes. We are going to have a chance to look at a visual here in just a moment.

Yesterday on the Senate floor, I heard several of my colleagues in the majority claim that our President and our administration have not done enough to fight ISIS; however, I think our friends in the majority are forgetting a few key facts, and I just wanted to dwell on those for a little bit this morning.

The truth is that we are taking the fight to ISIS, and we are making serious progress in the battle to degrade and destroy them. When I say ''we,'' I am not just talking about the United States, Canada, and maybe parts of Europe; I am talking about a coalition that now includes 60 nations from around the world, including some that are Muslim nations, and I think they are an important part of this coalition.

We have this map here, and just for a little familiarity, this is Iraq over here and the Al Anbar Province. This is Baghdad, and this is a town called Fallujah that we have heard a lot about in recent years and especially in recent days. There is a place up here called Tikrit, which is Saddam Hussein's hometown, and up here is a town called Mosul, which is pretty important. This is the Kurdish part of Iraq, if you will. This part over here, frankly, doesn't have a lot of people, but it has a lot of land.

Over here in Syria, there is a Syrian town called Raqqah that is the stronghold for ISIS, and this is part of the caliphate, or what they would like to have as part of their caliphate. This is Syria, Damascus, Lebanon, and this place is called Aleppo.

If you go back a year or so, the areas in green and salmon were sort of the high-water mark for ISIS in terms of land that they were in control of, and what has happened in recent months is that this coalition of 60 nations has stopped that.

Everyone remembers the ''Star Wars'' movie ''The Empire Strikes Back.'' Well, in this case, the coalition is striking back.

About half of the area within Iraq, which is green, was controlled by ISIS maybe 1 or 2 years ago, and about half of that has been reclaimed.

The biggest battle that is going on right now is in Fallujah, where the coalition forces, largely led by the Iraqi ground troops—not American ground troops but largely led by Iraqi ground troops—have taken over center city, and they are battling it out with ISIS forces in some of the neighborhoods. Hopefully they will be successful, and I think they will be.

The next big battle will be up here in Mosul. I am a retired Navy captain. I spent a lot of time fighting in a hot war in Southeast Asia during the Vietnam war and spent another 19 years in the Cold War as a P–3 aircraft mission commander. So I served in a hot war and I served for a long time in a cold war.

When we have a coalition this large, every station doesn't do the same thing because that would be foolish. What Americans bring to the battle is some of the equipment and training that are needed. We provide intelligence, air support, and special forces and counterterrorism troops—not tens of thousands of them, but they are in the

thousands in all. That is what we bring to the battle. We don't have a lot of boots on the ground. Some people are on the ground, but for the most part, that is not what we do.

The Iraqi Army, which did not distinguish itself well 1 or 2 years ago when ISIS pushed through this part of Syria and Iraq—as of today, the Iraqis are getting their act together, and they have some special forces, although I don't think that is what they call themselves, but I think their special forces are actually pretty darn good in terms of their capability. They are very much involved in the efforts around Fallujah, and I am sure they are involved in Tikrit, which, again, was a former stronghold and the hometown of Saddam Hussein.

I think some other fighting is going on right here in Hit.

So the coalition is striking back in Iraq.

There are interesting things going on in Syria. Again, the area shown in salmon is still controlled by ISIS, and while this land mass is controlled by the so-called caliphate, I think that is steadily being eroded.

But what is going on in Raqqah is interesting. We have the Russians providing air support. The troops loyal to President Assad of Syria—most of the world thinks he should step down at some point as President and then put a new kind of government together there—are pushing up from the southwest with support from Russian air. This area has U.S. air support, and we have coalition forces—the coalition we are an active part of. We have a squeeze movement going on here in Raqqah.

Is the battle over? No, it is not. Is it going in the right direction? Finally, after a tough couple of years, I think it is.

I want to mention a couple of metrics that I think are good for us to keep in mind. Again, at the height of its power, ISIS controlled all of the area shown in green and salmon, right here on the outskirts of Baghdad. In recent months, ISIS has lost the area in green. They still control the salmon area, but as you can see, the coalition forces are on the march, and that is good.

ISIS has lost, again, half of the land they controlled in Iraq. They have lost about 20 percent of the land they controlled in Syria. And there is real pressure being brought on the key city that they control, Raqqa.

Ramadi is a good victory for our troops, for our coalition—and Tikrit, which is right here, and Mosul is this area where we have coalition forces. They pretty much encircled Mosul, and they are preparing to enter that city in the weeks to come.

As we speak, Kurdish, Iraqi, and Syrian forces, backed by the U.S. Special Forces, are making preparations again to take Mosul, right there, and Raqqa—an interesting coalition between the Russians and the Syrian fighters.

We have cut ISIS funds, I am told, by up to a third. We have literally destroyed a lot of their money. We found out where they are hiding their cash and literally bombed it and destroyed hundreds of millions of dollars they were using to pay soldiers and provide for things they needed to fight their war.

We have also killed 25,000 ISIS fighters and, more recently, 120 of their key leaders.

We have drastically slowed the flow of foreign recruits from a high of about 2,000 per month down to about 200 per month. The folks who were joining up with ISIS 2 years ago, when they were on the margin trying to create this caliphate right here—that stopped, and the enthusiasm for their ability to actually recruit people has diminished dramatically. When this big fight for this whole area right here was underway 2 years ago, there were I think about 2,000 people a month showing up from around the world who wanted to be a part of this fight with ISIS. Today it is not 2,000 people a month; it is about 200 from around the world. The United States 2 years ago had about 10 Americans per month leaving the United States and going to join forces with ISIS to be a part of this. It is not 10 a month now; it is about one.

The folks who are turning out, whether from the United States, are down dramatically, or from around the world, are down dramatically. Those guys want to be a part of a winning team. Our job—the coalition's job—is to make it clear that ISIS might have been a winning team 2 years ago when all of this was going on right here, but they are not a winning team today. They are back on their heels. We are pushing them hard, and we are making very slow but steady progress. I wouldn't overstate it—slow but steady progress. If we keep working together, we will make a whole lot more progress.

There is an African proverb the Presiding Officer has probably heard before, and it goes something like this. If you want to go fast, go alone. If you want to go far, travel together. We are doing this together with a lot of other countries from around the world. It is taking a while to get our acts together. For somebody who has flown in a war and worked in places where we have coalition forces from other nations, sometimes speaking different languages, not used to working with one another, it takes a while to get going, and I think we have made progress in that regard.

What is going on now that ISIS is doing badly on the battlefield? They are still using social media to try to project the idea that they are doing just fine and things are going just hunky-dory. These guys are really good at social media. What they are trying to do is to win through social media in the United States what they have been unable to win on the battlefield.

One of the things ISIS tries to do in recruiting people in this country is to convince them that there is going to be a caliphate and that they could be part of a winning team. What we want to make very clear is that this isn't going to be a winning team for much longer. In fact, the winning part of their season is behind them, and what lies ahead is not good.

I will use a sports metaphor here. There were the big NBA finals a couple of nights ago, about a week ago, where the Cleveland Cavaliers made kind of an amazing comeback when they won three straight games at the end and became the NBA champs against a very good team from California. I happened to be in Cleveland for the funeral for George Voinovich the day of the finals, and everywhere I looked I saw people wearing Cavaliers shirts, hats, and other paraphernalia. My guess is, after the day of the game when Cleveland won the championship, you saw even more of that all over Ohio and throughout the country. Wherever Cleveland Cavaliers fans might be, they brought out their allegiance to their team. It was probably a little bit less on the Golden State Warrior side after they lost, despite the fact that they played brilliantly.

It is really important that we make clear and continue to make clear on the battlefield who is winning—our coalition, and who is losing—ISIS. That reduces dramatically the ability of ISIS to radicalize and recruit people here in this country who want to do harm, hurt people, kill people in this Nation.

So first, degrade and destroy—that is going on. And second, make sure the message is clear that progress is being made on our side by our forces, and the coalition is moving forward.

I think that is about it. I see my colleague on the other side, and I will allow him to take the field, so I yield. Thank you very much for the time to share these thoughts today.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

FIGHTING TERRORISM

Mr. TILLIS. Mr. President, before I get started on what I really want to talk about today, which is the real threat facing our Nation, I want to reflect for a few moments on the antics and the theater that are going on in the House of Representatives.

The Presiding Officer and I were both Speakers of the House in his great State of Florida and my great State of North Carolina. I don't know about you, but the business of the House is more important than the antics that

we see going on there. If it were my Chamber, it would be cleared, and people would be arrested if that is what is necessary to get us back to the task at hand. We have a number of things to work on, including economic security, national security, homeland security. And why people would use the pulpit of the House floor—the House Chamber—to advance their political agenda, to advance their fundraising—go to the political Web sites and see how many of them have sent out an email in the past couple of days and in the past week exploiting a tragic situation in Orlando for their political purposes. I think it is disgusting, and I am disappointed.

I think what we need to do is recognize—and I should say before I get started—that there are issues with handguns going into the hands of people who are mentally ill. There is no doubt about it. We should have a discussion to figure out how to fix that.

Let's continue to have a debate about how we keep guns out of the hands of terrorists, out of the hands of felons, out of the hands of people with mental illness, and recognize that the real threat to this Nation is terror and terrorism.

Make no mistake, in Orlando on June 12, that was an act of terror. The perpetrator was either self-radicalized or maybe even radicalized through some contact with terrorist organizations, but it is a death call that wants to destroy our way of life. It is actually a death call that particularly focuses on the LGBT community. They are murdering thousands of people in the Middle East, many of them simply because they are gay.

So we have to recognize—and make no mistake, while this attack occurred in Orlando, it could happen anywhere in the United States. Why is that so?

The distinguished Senator from Delaware talked about progress we are making with ISIS. He said we are having fewer foreign fighters. Do we know why? Because ISIS has figured out how to radicalize people in the Nation where they live. We have seen it in San Bernardino, in Orlando, and at Fort Hood. How long do we have to take before we recognize the fundamental threat to this Nation is terror and ISIS spreading its tentacles into our own homeland?

The distinguished Senator from Delaware is a good friend of mine, and we have worked together on legislation. For those in the gallery, this is an opportunity to hear two very different perspectives on the situation we are dealing with now.

I don't think we are making progress. I think when someone comes before the Senate Armed Services Committee or comes before the Judiciary Committee and tells us that the numbers of threats in the United States are greater than at any time since 9/11, that is not progress. When the FBI Director tells me that they have about 1,000 cases similar to what we saw in Orlando that they have to research every year, that is not progress. When we find out that there are investigations—active investigations—that have the potential threat of what we saw in Orlando in every single State, that is not progress.

The reason for this is that his own administration is at odds with what he says publicly. He doesn't want to discuss his own party; he doesn't want to discuss the threat of radical Islamic terror.

Over the past week, the Attorney General said that the ultimate solution to terror is compassion, unity, and love. How many people think that ISIS, Al-Nusra, Hamas, Hezbollah, and all the other terror organizations—the Iran terror network—do we honestly believe they will respond to compassion, unity, and love? We need to have compassion, unity, and love in our communities. We need to pour our hearts out to the people who were victims in Orlando; we need to show compassion and love to that community. But ISIS isn't going to respond to that.

I want to give some examples of why I think the President isn't listening to the heroes and the experts in his own administration. Starting on January 20, 2015, the President said: ''We are leading a broad coalition to degrade and ultimately destroy this terror group.''

The former CIA Director and Secretary of Defense in the Obama administration—a month after the President said that—said: ''To destroy ISIS with the means he has approved so far, I think that's an unattainable objective.''

Whom do we believe, somebody who wakes up every morning and looks at this threat, or the President, who doesn't want to communicate the reality to the American people?

Now let's go to the next one from last November. The President bragged that his nonexistent strategy to defeat ISIS was succeeding. He said: ''Our goal has been first to contain, and we have contained them''—''them'' being ISIL or ISIS.

This American hero, former Commandant of the Marine Corps, now Chairman of the Joint Chiefs of Staff, within 2 months said: ''We have not contained ISIL.''

Which one do we believe, the one who had the confidence of the Marine Corps to have him be their Commandant, and now Joint Chiefs of Staff, or someone who is apparently not listening?

The day after the terrorist attack on American soil, President Obama made another bold statement. He said: ''ISIL is not going to pose an existential threat to us. We have hardened our defenses. Our homeland has never been more protected.''

A week later, another Obama administration official—an extraordinarily talented and bright person, head of the FBI, Director James Comey, poured cold water over that statement. He said: ''Their ability to have a safe haven from which to gather resources, people, and plan and plot increases the risk of their ability to mount a sophisticated attack against the homeland.''

He said ''increases the risk''—from the FBI Director that was put in that administration by President Obama.

Now we have one more. With the President's disconnection from his administration, we have to realize the rhetoric and the reality is just not matching. On June 14, 2 days after the Orlando shooting, President Obama again insisted that ISIS is on the run. He stated: ''We are making significant progress. This campaign at this stage is firing on all cylinders. As a result, ISIL is under more pressure than ever before.''

Two days later—I have said to my colleagues over the past week and a half—2 days later, the President's Director of the Central Intelligence Agency, John Brennan, made a dramatically contradictory assessment: ''Despite all of our progress against ISIL in the battlefield and on the ground, our efforts have not reduced the group's terrorism capability and global reach.''

The CIA Director's comments are incredibly straightforward. ISIL still presents a threat to our homeland and to our allies.

Every Senator knows this reality in addition to the hearing and public statements. I have gone to the Middle East. I have traveled to Saudi Arabia, to Iraq, to the Kurdish region of Iraq, Afghanistan, Jordan, and Egypt. To a person, they say the President is in denial. We are not taking the fight to ISIL.

What happens when you don't take the fight to your enemy? They bring the fight to you. That is what we are seeing with these self-radicalized or ISIS-inspired radicals in this Nation, and there is a growing number—1,000 active investigations going on every year.

Ladies and gentlemen, we have to recognize that ISIS and these terrorist organizations are very sophisticated. They have a platform that in no other time in our history any other foes have ever had—social media. They have gotten to where they need to disperse into the community. The threat to the homeland is not decreasing, it is increasing. We have to recognize that. We have to have a President who either gets out of denial, when the administration tells him what the real threats are, or stops pretending that we are doing well.

We have a threat to this homeland. We have a threat to our men and women in uniform who have sworn to

go overseas to defend the freedom of other countries and to defend our freedom. We have an obligation in this body. The President has an obligation to recognize we are not winning. I am not saying this as a Republican trying to build political rhetoric. I am saying this because the Chairman of the Joint Chiefs, the FBI Director, and key officials in this President's administration are saying this.

Ladies and gentlemen, I hope that over the course of the next week we can focus on the real problem. God forbid that another Orlando happens in this Nation. I think it is even more important. We need to recognize that this is a very, very unsafe world we live in. We need to recognize that Democrats and Republicans have to solve that problem. We need to continue to look for ways to keep guns out of the hands of terrorists. I should add: Why don't we come up with a policy where if it were implemented, maybe Orlando could have been prevented? But the policy offered by my Democratic colleagues on the other side of the aisle last week wouldn't have done it, and they acknowledge that. Let's focus on policies where they will.

Our Nation deserves a leader who listens to his experts. Our Nation deserves a leader who will take the fight to ISIS, and our Nation will be less safe unless our President recognizes that as his No. 1 goal.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico.

WE THE PEOPLE ACT

Mr. UDALL. Thank you, Mr. President, for the recognition. In 5 months, Americans will go to the polls and vote. That is our heritage, and it is something to celebrate and something to protect. But this year, many Americans are fed up with our political system. They are tired of corporations and the super wealthy controlling our politicians and our elections. They don't trust our democracy to reflect the will of ''we the people.''

What has changed since our Founding Fathers began the Constitution with these words? What has changed since several decades ago when many more Americans had more confidence in our government?

I will tell you what I think has changed. People are now questioning the integrity of our elections. Our campaign finance system is under siege, drowning in record amounts of money, much of it from outside groups and much of it hidden money—dark money. Our elections should not be for sale to the highest bidder.

Over 150 years ago, Abraham Lincoln saw the danger of too much money in politics. Lincoln warned about ''corruption in high places . . . until the Republic is destroyed.''

We are reaching that point. Money has poisoned our political system. It is no wonder the American people have lost faith in us with this constant money chasing from special interests and very little else getting done.

Our constituents want Congress to get to work and to work together, finding real solutions to real problems. That is why a few months ago several of my colleagues and I got together to discuss the state of our democracy, our electoral system, and our political system. The question we asked ourselves was this: What can we do to repair this damage and return the government to the people?

The product of those meetings is the bill we introduced last week, the We the People Act. It will bring dark money out of the shadows, create a real watchdog to enforce campaign finance laws, and rein in the influence of special interests and lobbyists. The We the People Act includes my constitutional amendment to allow Congress and the States to enact even more significant reforms—reforms five conservative Justices on the Supreme Court can't overturn.

We are offering this to start a conversation about what needs to be done to fix a broken system. I hope it will even lead to our colleagues on the other side of the aisle to join us in this effort.

I want to talk specifically about two sections of the bill. My colleague Senator MERKLEY will be here momentarily to talk about some of the other portions of the bill that are especially important to him.

The first is the ''Democracy for All'' constitutional amendment, which I introduced after the Supreme Court's disastrous Citizens United ruling when the Court put a ''for sale'' sign on our elections. Changing the Constitution is a big step. I know that. As James Madison said, it should be amended only on ''great and extraordinary occasions.'' I agree, but I also believe we have reached one of those rare occasions. Citizens United was wrong, it is dangerous, and it cannot stand.

Amending the Constitution can take a long time, but this movement actually was started decades ago by a Republican. Many of our predecessors from both parties understood the danger. They knew that money had a corrosive impact on our elections. They spent years championing the cause.

Senator Ted Stevens, a Republican icon from Alaska, introduced a constitutional amendment to overturn Buckley v. Valeo in 1983. He saw the effect that unlimited campaign expenditures were having on Congress over three decades ago. He recognized over 30 years ago that we were in an arms race. But the drive for money would only get worse and Congress's ability to function would suffer.

That was only the beginning. In every Congress from the 99th to the 108th, Senator Fritz Hollings introduced bipartisan constitutional amendments very similar to the one that I am offering this year. Senator SCHUMER and Senator COCHRAN continued the effort in the 109th Congress. Even Majority Leader MCCONNELL once had his own constitutional amendment to limit the influence of money on our elections. That was all before the Citizens United and McCutcheon decisions by the Supreme Court. It was before things went from bad to worse. The out-of-control spending since those decisions has further poisoned our elections.

In a few minutes Senator MERKLEY and I and our colleagues will hold a press conference about this bill. We will highlight the growth of one special interest group that has increased its spending exponentially since Citizens United. That group is the NRA.

Fueled with contributions from gun manufacturers, it has Republicans so scared they don't even hold a vote on commonsense steps to protect families from gun violence, even when Americans are crying out for action, even after tragedies like Sandy Hook and Orlando, even when Democrats are holding a protest in the House Chamber itself.

I went to stand with them for a while yesterday. Republicans could loosen the hold the NRA has over themselves and the Congress if they would join us in this effort to reform our elections as they have in the past. I know the political climate of an election year makes it even more difficult, but I will reintroduce this amendment in the next Congress and the next, and I hope my Republican colleagues will join me.

Poll after poll shows that our constituents across the political spectrum want this amendment. New York just became the 17th State calling for Congress to pass this constitutional amendment. It is time we listened to the States.

I would also like to talk about my bill to replace the dysfunctional Federal Election Commission with a new organization. We would replace it with what we call the Federal Election Administration. It is also included in the We the People Act. My constitutional amendment would allow Congress to finally enact meaningful reforms. Meanwhile, it is more important than ever to have a cop on the beat enforcing the rules on the books. That job is supposed to go to the Federal Election Commission, but in today's hyperpartisan environment, the FEC is powerless to enforce the law. Gridlock is pervasive. One of its own Commissioners admitted that there is a slim chance they would be able to do anything this year. She called it ''worse than dysfunctional.'' The New York Times editorial board called the FEC ''borderline useless.'' Reform groups have dubbed it a different kind of FEC. They call it the ''Failure to Enforce Commission.''

It is time to replace the FEC with a new agency that is empowered to keep a close eye on the candidates, super PACs, and the parties and that will finally crack down on election law violations.

My friend Senator JOHN MCCAIN was one of the first to propose abolishing the FEC as we know it and to create a new bipartisan agency with the teeth it needs to do the job. He and Senator Feingold introduced this bill several times in several Congresses.

The Federal Election Administration Act will eliminate the FEC and start afresh. There will be a new sheriff in town standing up for voters nationwide. My constitutional amendment and the Federal Election Administration Act are just two pieces of the ''we the people'' reform package. My colleagues will discuss the measures they have contributed to this effort. Senators WHITEHOUSE, LEAHY, KING, BALDWIN, and BENNET all have important pieces in this legislative package.

Let me be clear. This is just a starting point. The We the People Act includes many important reforms, but there are additional issues we must address to return democracy to the people. We must ensure every American has access to the polls. We need to end the gerrymandering of congressional districts—a practice that allows incumbents to stay in office indefinitely—and we must enact comprehensive public financing that will empower small donors and make their voices heard again. This is an opportunity for Congress to respond to the American people. They want and demand reform.

Congress has a long history of regulating campaign finance, often in the wake of scandal. Since 1867 we have had the Pendleton Act, the Tillman Act, the Federal Corrupt Practices Act of 1925, the Hatch Act, the Federal Election Campaign Act of 1974, and the Bipartisan Campaign Reform Act of 2002. First scandal and then reform is the unfortunate pattern. It is a pattern that we can break with the We the People Act. Let's reform the system before there is another major scandal. Let's respond to the voters—Republicans and Democrats—who want a better government, a government of ''we the people.''

Mr. President, I ask unanimous consent that a summary of the We the People Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE ''WE THE PEOPLE'' ACT—S. 6, INTRODUCED JUNE 16, 2016

All Americans deserve a government that works hard to provide economic opportunity and a level playing field for every citizen and family. Unfortunately, today many American families are struggling, yet special interest corporations are using their lobbyists and influence to write the rules of government so it works for them. That's why we have introduced the ''We the People'' Act, a bold new plan to take back our democracy from special interest corporations and lobbyists. This legislation would increase public reporting and transparency of secret money in our elections, strengthen the lobbying laws in Washington, and put new limits on unlimited campaign contributions flowing in ever since the disastrous Citizens United Supreme Court decision.

MAKE GOVERNMENT MORE ACCOUNTABLE THROUGH CAMPAIGN DISCLOSURE AND TRANSPARENCY

Mandatory disclosure of all special interest campaign donations. Citizens United unleashed a flood of undisclosed corporate dark money on our elections. This provision authored by Senator SHELDON WHITEHOUSE (D-RI) would require organizations spending money in elections—including super PACS and tax-exempt 501(c)(4) groups to promptly disclose donors who have given $10,000 or more during an election cycle. The provision includes robust transfer provisions to prevent political operatives from using complex webs of entities to game the system and hide donor identities.

Require all candidates for federal office to report major campaign contributions within 48 hours. Today, not all candidates for federal office report campaign contributions in real-time. This provision authored by Senator ANGUS KING (I-ME) requires all candidates for federal office, including those for the U.S. Senate, to report contributions of over $1000 to the FEC within 48 hours.

Reform the Federal Election Commission to ensure campaigns and special interests follow the law. This provision authored by Senator TOM UDALL (D-NM) replaces the dysfunctional Federal Election Commission (FEC) and creates a new independent agency to serve as a vigilant watchdog over our nation's campaign finance system. The newly established agency would consist of five commissioners appointed by the President and confirmed by the Senate and would have greater enforcement and investigation powers than those of the gridlocked FEC. Unlike the existing FEC, the new agency would be empowered to hold candidates, politicians, and their financial supporters accountable for violating campaign finance laws.

Rein in the ''dark money'' SuperPACs. The Citizens United Supreme Court decision led to a huge growth in the amount of secret money ''SuperPACs.'' Senator PATRICK LEAHY (D-VT) has a provision that shuts down individual-candidate Super PACs and strengthens the rules that prohibit coordination between other outside spenders and candidates and parties.

STRENGTHEN THE LOBBYING LAWS TO LIMIT SPECIAL INTEREST INFLUENCE IN CONGRESS

Enact a permanent ban on lobbying by former Members of Congress. The current law prohibits Senators from lobbying for a two-year period after leaving Congress. House members have a one-year ban on lobbying. This provision authored by Senator MICHAEL BENNET (D-CO) permanently bans both House and Senate members from lobbying either house of Congress after they retire.

Close the reporting loopholes that allow consultants not to register as lobbyists. This provision authored by Senator MICHAEL BENNET (D-CO) requires lobbyists to register if he or she makes two or more lobbying contacts for a client over a two-year period, regardless of whether the lobbyist spends more than 20 percent of his or her time serving the particular client.

CLOSE THE FINANCIAL SERVICES INDUSTRY'S REVOLVING DOOR

Prohibit financial services companies from paying huge bonuses when employees take jobs in the federal government. It's hard for Americans to believe they have a government 'of the people, by the people, and for the people' when they see Wall Street banks paying their executives millions to take high level jobs in government—regulating their former industry. That's why Senator BALDWIN (D-WI) has a provision that prohibits private sector employers from offering bonuses to employees for leaving to join the government. Her bill also includes language to slow the revolving door by increasing cool down periods for those leaving government service and expanding recusal requirements for those entering.

AMEND THE CONSTITUTION TO STOP WEALTHY SPECIAL INTERESTS FROM MAKING UNLIMITED CAMPAIGN CONTRIBUTIONS

Overturn the Supreme Court's misguided decisions by amending the Constitution and putting real limits on campaign financing. This constitutional amendment resolution from Senator TOM UDALL (D-NM) provides Congress and the states with power to enact campaign finance reforms that withstand constitutional challenges. It would overturn Citizens United, McCutcheon, Buckley, and other bad precedents. Finally, it provides the authority to regulate and limit independent expenditures, including those made by corporations and Super PACs.

Mr. UDALL. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise to continue the discussion about ''We the People,'' those beautiful, first three words in our Constitution. My colleague from New Mexico has laid out the case that our Nation is far off track from our founding principles, and what is more ''founding'' than the very heart of our Constitution?

Our authors of the Constitution wrote these initial words in supersize font so decades or centuries later we would realize this is what our form of government is all about. It was not about a small group of highly powerful individuals charting the course of our country. It was not about a small group of highly privileged individuals charting the course for our country that our Nation was to be very different. It is symbolized by ''We the People'' or as summarized by President Lincoln many years later, ''a government of the people, by the people, and for the people.''

We are at a time now where this core principle is being profoundly challenged. Let's think for a moment about how Thomas Jefferson laid this out. He said we can claim to be a republic only to the degree that our decisions reflect the will of the people and that we can claim to be a republic only to the degree that the individuals within that government have an equal voice, so there is there principle. He referred to it as the ''mother principle,'' but the test of whether our government lived up to this vision of ''we the people'' would be whether our decisions reflect

the will, and that would only be possible when the citizens each had an equal opportunity to participate.

In fact, today that vision of equal opportunity to participate has been profoundly undermined. We had a court case 40 years ago, Buckley v. Valeo, that basically said money is speech and money can be spent without limits.

We have the ongoing situation of the Court taking a look and saying corporations can be treated as if they were people. This gives a small group of individuals on the board of a corporation the assets of thousands or millions of Americans, and they can spend it at their will—never informing the people who own that money, the owners of the corporation, without ever informing them about the political positions they are taking. This is not free speech. This is stolen speech. If a group spends my money without telling me how they are spending my money, it is stolen speech. Yet that is what we have in Citizens United, a Supreme Court 5-to-4 decision that went way off track, a Supreme Court where the majority failed to understand what the heart of our democracy, our Republic, is all about.

If we turn the clock back, there was a world in which we had the town square, and the town square was free. Anyone could stand and express their position on a policy issue or express their position on a candidate. It didn't cost a thing. Then we evolved into the electronic age. The electronic age town square is on television, it is on the radio, and it is on the Internet. It costs a lot of money to participate. Then there was a Supreme Court that said we could spend unlimited sums, which means the affluent—whether they are a multimillionaire or a billionaire or a corporation—the powerful can buy up the town square and deliberately exclude the voice of the people. They can exercise a megaphone that is equivalent to that of a stadium sound system that drowns out the voice of the people. That is what our Supreme Court has allowed to happen with our precious, our beautiful ''we the people'' Republic. This must not stand.

We see a multiplication of the corrupting influences embodied by these decisions. When the Senator from New Mexico and I were up for reelection in 2014, the Koch brothers decided to spend hundreds of millions of dollars to essentially buy control of this Chamber, the U.S. Senate. They spent their money in unlimited fashion. They did so in Louisiana and in Arkansas. They did it in North Carolina, Iowa, New Hampshire, and Michigan, in Colorado, Alaska, and—yes, my home State—Oregon. They won most of their cases. In most cases, their megaphone worked pretty well because that is what happens when you control the town square and exclude the people.

Now we have a Chamber that responds to the every whim of the Koch brothers like a puppet on a string, from the very first bill that was ever considered in this Chamber after my colleagues across the aisle took control, until now, where for the first time in U.S. history—the first time in U.S. history—the Republican Party, the majority party, has gone on a job strike, failing to fulfill their responsibility under our Constitution, a Constitution that carefully laid out a check called advice and consent. That check on nominations was laid out by Jefferson and Hamilton.

They said: We are going to place the responsibility for nominations with a single person because there is accountability, but we are concerned if that single person goes off track, if that single person hires cronies who are unqualified, hires people who don't have the appropriate background, then there has to be a body that says that individual is unfit—of ''unfit character'' is the term Hamilton used.

That is our responsibility, to decide if someone is of fit or unfit character. That is it. It isn't to utilize advice and consent, to undermine the executive branch, to undermine the courts. Yet that is the way it is being wielded at this very moment in the Senate. Never have we seen such an abuse of the Constitution as to fail to hold any effort to fulfill responsibilities to determine if a nominee is of fit character, a nominee for the Supreme Court.

This is a deliberate effort driven by the Koch brothers to pack the Supreme Court, to say we will go on a jobs strike for more than a year in the hopes that we can get a nominee to the far right who will support changing ''we the people'' to ''we the powerful,'' a nominee who will support changing ''we the people'' to ''we the privileged.'' That is the goal of the majority of this Chamber that has essentially been hired by the Koch brothers in the 2014 campaign.

We must reclaim our Republic. That is why this ''we the people'' legislative package that is put together is so important. The first major principle of this package is disclosure and transparency. Virtually every Member of this body has said disclosure is the sunlight that disinfects the political system, but when it came time to actually vote for disclosure, the Koch brothers intervened and said: No, no. That will take away some of our power, of the ultrawealthy, if we have to disclose what we are doing. Again, just like a puppet on a string, Members switched their positions—deeply disappointing—supporting the web of dark money entities.

We must change this. We must secure disclosure because it does help disinfect the political system. It may not completely cure the problem, but it is an important way to advance as a remedy.

The package includes Senator KING's Real Time Transparency Act to require all candidates for Federal office to report contributions of over $1,000 to the Federal Election Commission within 48 hours. That is a valuable addition to transparency.

It includes Senator LEAHY's Stop Super PAC-Candidate Coordination Act, which would end individual candidate super PACs and strengthen the rules, prohibiting coordination between outside entities that are super PACs and an individual's campaign because right now that coordination has grown to the extent it makes a mockery of the Supreme Court, drawing its distinction from third-party campaigns and an individual campaign.

It includes the Federal Election Administration Act from my colleague from New Mexico that he was speaking to just moments ago.

A second area the ''we the people'' package takes on is to take on lobbying and the revolving door. Senator BENNET has the Close the Revolving Door Act, which would put in effect a 6-year ban for congressional staff from lobbying and a lifetime ban for Members of Congress. If you have the honor and the privilege of serving in this Chamber, it shouldn't be that you do so with an eye to becoming a multimillion-dollar-per-year lobbyist when you resign. Yet that is all too common in the Halls of Congress, corrupting the responsibility we have to the American people. It also closes the lobbying registration loophole by requiring someone who has two or more lobbying contracts in a 2-year period to register as a lobbyist so it is more accurately understood when somebody is a paid advocate.

It also includes Senator BALDWIN's Financial Services Conflicts of Interest Act, which prohibits private sector employers from offering bonuses to employees for leaving to join the government. Picture this. A Wall Street firm says: Oh, you are going to serve in the Treasury Department, you are going to serve in the Securities and Exchange Commission, where you will have vast influence over the rules we live by. Great. We are going to give you a bonus. We will pay out that bonus at multiple thousands of dollars every month while you serve in the government. It is essentially a way for powerful entities to put a government employee on their payroll.

We have another problem. People leave these Commissions. They leave these appointments with the executive branch. They return to industry, and they get a platinum paycheck in appreciation for what they did for the industry while they were here in the Halls of Congress. That, too, is extremely corrupting.

There is much work to be done. In my lifetime, I never thought I would see the situation of the Supreme Court majority of five fail to understand the core principles on which our Nation

was founded, grotesquely politicizing the Court, becoming an activist for the powerful rather than for the people. We must reclaim our core institutions. We must reclaim the ability to have balance of power between our three branches of government. We must reclaim transparency. We must reclaim our Nation with this beautiful, revolutionary concept of a nation of, by, and for the people rather than of, by, and for the powerful.

The PRESIDING OFFICER. The Senator from Hawaii.

TITLE IX AND VOTING RIGHTS ACT

Ms. HIRONO. Mr. President, I come to the floor to mark a milestone in the fight for gender equity in America.

Forty-four years ago, a committed group of people fought and made huge strides in the battle to equalize opportunities for women in education. They passed title IX.

Many people across the country think the sole purpose of title IX was to revolutionize women's athletics, but title IX does so much more. Title IX provided new opportunities for women who for too long faced discrimination, disparagement, and quotas in our education system.

We owe so much of the progress we have made in the past 44 years since the passage of title IX to my good friend Congresswoman Patsy T. Mink. Patsy was a woman perennially ahead of her time.

Gender discrimination in our education system was not an abstract issue for Patsy. She felt the weight of it personally. Patsy dreamed of becoming a doctor, but her dream of becoming a doctor was shattered when she tried to get into medical school and was told their quota for women had already been filled. Years later, a quota prevented her daughter Wendy from enrolling at Stanford University.

These experiences fueled Patsy's fight for gender equity. Even in the face of overwhelming odds on the way, Patsy's determination resulted in the passage of title IX. Upon Patsy's death, title IX was renamed the Patsy T. Mink Equal Opportunity in Education Act. The fruits of Patsy's efforts are plain for everyone to see.

Last year, we came together as a nation to cheer on the U.S. women's national soccer team as they won the Women's World Cup. This was the women's third world title. In fact, in their 31-year history, they have not placed lower than third in the World Cup.

Much of the team's success can be attributed to the impact of title IX. Title IX's implementation means that schools have to give girls equal opportunity to play sports, and this opened the door to a new generation of girls who grew up on soccer fields and went on to represent our country on the U.S. Women's National Team, including Hawaii's own Natasha Kai, who became a breakout soccer star, playing for Kahuku High School and the University of Hawaii. Natasha went on to become part of the 2008 U.S. women's soccer team at the Beijing Olympics, and they brought home a Gold Medal.

While Natasha and the Women's National Team are examples of success thanks to title IX, they also remind us that our work is not done. After years of getting paid less than their male counterparts even though they were more successful, five members of the Women's National Team filed a complaint with the Equal Employment Opportunity Commission alleging wage discrimination. Earlier this year, this Senate unanimously passed a resolution supporting their fight for equal pay.

Of course, the fight for equal pay and equal rights is not limited to women in sports; it extends to women in all fields. This month, I am introducing two new bills that build on Patsy's work to further improve gender equity.

The Equity in Career and Technical Education Act would give schools more resources to close equity gaps in career and technical education. It also provides support to students interested in nontraditional career paths.

The second bill, the Gender Equality Educational Act, would increase training and grants to help States, school districts, and institutions of higher learning implement programs and policies to reduce sex discrimination and comply with title IX requirements. This bill also includes nondiscrimination on the basis of sexual orientation and gender identity.

Science, technology, engineering, and math, or STEM, is one area where gender equity improvements need to be made, especially in light of the fact that there will be a need in our country for millions of workers with STEM backgrounds.

In March, I read an op-ed from Hope Jahren, a geobiology professor at the University of Hawaii. She wrote in the New York Times about the pervasive challenges women face in education and the workplace, particularly in the STEM fields. She painted a very disturbing picture of how widespread harassment and other barriers discourage young women from pursuing STEM careers.

Women are much more likely than men to switch out of STEM majors in college and leave the STEM workforce. Moreover, many girls drop out of STEM pursuits long before they ever get to college. The many reasons for women abandoning STEM pursuits include negative stereotypes about women in STEM, perceived gender barriers, feelings of isolation in their jobs, and the lack of role models and mentors.

These challenges are only compounded for women of color. Asian American and Pacific Islander women often report facing bullying, sexual harassment, and discrimination in educational settings because of language issues, cultural stereotypes, and even immigration status.

I have introduced two bills to combat these systemic barriers. These bills seek to improve outreach and success of women and minorities at all stages of the STEM pursuits. We need to keep women in the STEM pipeline if we are going to come up with the millions of workers we need with STEM backgrounds in our country to keep us competitive.

Title IX has been life-changing for millions of girls and women for 44 years. Passing this law was a landmark achievement. It is a strong foundation that we must continue to build upon.

I would like to close this morning by turning to another seminal law—the Voting Rights Act—that made real for millions of Americans their fundamental right to vote. Saturday is the third anniversary of the Supreme Court's devastating and disastrous ruling in Shelby County. In a 5-to-4 decision, that case essentially gutted the Voting Rights Act and made it easier for States to make voting harder. At least 13 States have done just that.

Alabama passed a law that would require voters to show a photo ID. The State then kept 31 driver's license offices in predominantly African-American communities open just 1 day a month—1 day a month—for people to get their IDs. The city of Athens, GA, has proposed closing nearly 12 polling places, replacing them with only two early-voting centers, both of which would be located in police headquarters. Intimidating? I would say so. These are just a few examples of laws that, in effect, make it harder to vote.

So our work is not done. Three years after the Shelby decision and the ensuing laws passed by too many States to limit voting, we in Congress must enact laws that recognize beyond a shadow of a doubt that voting is a fundamental right of a free nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 12:07 p.m., recessed subject to the call of the Chair and reassembled at 1:14 p.m. when called to order by the Presiding Officer (Mr. SASSE).

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—Continued

The PRESIDING OFFICER. The majority leader.

MOTION TO RECOMMIT WITHDRAWN

Mr. MCCONNELL. Mr. President, I withdraw my motion to recommit.

The PRESIDING OFFICER. The motion is withdrawn.

MOTION TO COMMIT WITH AMENDMENT NO. 4858

Mr. MCCONNELL. I move to commit the bill to the Judiciary Committee with instructions. This is amendment No. 4858.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to commit the bill to the Judiciary Committee with instructions to report back forthwith with an amendment numbered 4858.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. MCCONNELL. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4859

(Purpose: To authorize the Attorney General to delay or deny the transfer of firearms and explosives and issuance of Federal firearms and explosives licenses and permits to known or suspected terrorists.)

Mr. MCCONNELL. I have an amendment to the instructions, amendment No. 4859.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. JOHNSON, proposes an amendment numbered 4859 to the instructions of the motion to commit H.R. 2578.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. MCCONNELL. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4860 TO AMENDMENT NO. 4859

Mr. MCCONNELL. I have a second-degree amendment at the desk, No. 4860.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4860 to amendment No. 4859.

The amendment is as follows:

At the end, add the following:

This Act shall take effect 1 day after the date of enactment.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. CORNYN. Mr. President, I think later on this afternoon we will have an opportunity yet again to express ourselves on the terrible shooting in Orlando a little over a week ago. Some have wanted to make this a debate about the Second Amendment. Others said that maybe it would be more productive to solve the problem and prevent people like the Orlando shooter from ever being able to commit this terrorist attack.

Sadly, yesterday we voted down the McCain-Burr amendment, which would have provided additional tools to the FBI, which had already had this shooter under investigation on two previous occasions and then taken him off the watch list, having found no evidence or not sufficient evidence to keep him on the watch list. The problem is, unfortunately, that failed.

We know it is important to stop people who would commit acts like this from buying guns. We know we need to alert our law enforcement agencies when people whom they have reason to suspect are planning a terrorist attack. We know it is important to keep them from buying guns. Frankly, the Feinstein amendment and the Cornyn amendment we previously voted on both share those in common—no fly, no buy. The only major difference is whether we are going to engage in a presumption of guilt and deny due process of law. In other words, just because your name appears on some secret list maintained by the Obama administration or any administration, you could somehow be denied a constitutional right.

I said earlier that the Second Amendment is one of the constitutional rights in the Bill of Rights, but there are others, obviously: the First Amendment, the Fourth Amendment, the Fifth Amendment—you name it. If we are going to say somehow that based on a mere suspicion by government and your name on a secret list, you can be denied a constitutional right, that is a dangerous and slippery slope.

Previously, we voted on an amendment that I offered. We got 53 votes—bipartisan support—for that amendment which would provide a means for the FBI to be notified. If somebody who was on one of these lists attempted to buy a gun, there would be a 3-day waiting period, and then the FBI would be able to conduct additional investigations—let's say go to court, get a search warrant, get a wiretap, find out what this is all about and whether they ought to act. Frankly, terrorists—if they are too dangerous to buy a gun, they are too dangerous to be loose in our communities, and it would provide a means consistent with the Constitution for the FBI to do their job and to keep these dangerous terrorists off the street.

We were told by some of our colleagues that the 3 days we provided in the bill wasn't enough. So we said we would be willing to discuss that. There is nothing magical about 3 days. It can't be a year, but it certainly can be more than 3 days. And we suggested that there be an alternative, perhaps, that more Members of the Senate would be comfortable with. We said that was flexible.

Then there were some who said that a probable cause standard is too high a standard to impose on the government to deny somebody a constitutional right. We said that these are people who haven't yet committed crimes, and that is a criminal evidentiary standard. Maybe there is another standard we can agree on that is something more than just a suspicion or because you happen to be from a certain ethnicity or perhaps your religion. There has to be more than just targeting people based on ethnicity and religion or suspicion, but we said that would be flexible as well.

So what it comes down to, and really the differences between the two pieces of legislation we are going to likely vote on this afternoon, is those who believe the government should not have to present the evidence they have in hand to an impartial magistrate or judge. It is just that simple.

Some would say: Well, the fact that the government puts you on the list ought to be enough to deny you your constitutional rights.

Well, having said that, we all believe that terrorists should not get access to guns, but we can't do this in a way that denies who we are as a people or denies our most fundamental law of the land, which is the due process provisions of the U.S. Constitution.

So unfortunately we are engaged in this exercise that, frankly, I don't think would have made much of a difference to what happened in Orlando. To me, that is the great tragedy of the debate we have been having last week and this week. I doubt this would stop anyone who was a licensed firearm owner already and licensed security guard from doing what Oscar Mateen did.

I think the McCain-Burr amendment which was voted down yesterday had some real potential because while the FBI conducted two separate investigations of this shooter previously because of comments he had made and suspicions they had, they didn't find sufficient evidence. An authority that the FBI calls their No. 1 legislative priority had lapsed; that is, to be able to use national security letters to not only gain access to telephone numbers—not content—and financial information but also the Internet addresses and email addresses on Mateen's computer and get that from his Internet service provider.

What is so important about this is that it is not a grant of access to content. That requires a showing of probable cause in a court of law, consistent with the Fourth Amendment to the

U.S. Constitution. But unfortunately, yesterday, the one tool that might have given the FBI some additional information that might have triggered a further investigation, might have kept Mateen on one of these lists, which would have heightened the surveillance and the investigation of this person—it didn't happen.

I would just ask my colleagues, are we engaged here in trying to solve problems and save lives, or is this just a political exercise? Sadly, I think we are guilty of engaging in a political exercise when we are voting on things that actually would not have solved the problem.

We know this is not the last time terrorists will try to attack American citizens here at home. It is going to happen again, sadly, unless we wake up and provide the FBI and our counterterrorism officials the intelligence they need so they can stop these sorts of lone wolf terrorists in place. This is the preeminent threat from ISIS today. It is not what is happening in Syria, not what is happening in Iraq, although that is a serious threat to stability in the Middle East; it is the fact that, unlike 9/11, they don't need to get in an airplane and come here because what they can do is radicalize American citizens in place using their poisonous propaganda on the Internet and through social media.

I simply don't understand why some of our colleagues voted not to give the FBI this authority which is so important for them to collect the dots so they can connect the dots. That is the only way we are going to stop these people, is by making sure that, consistent with who we are as American people and consistent with the Constitution, we let law enforcement officials collect the dots so they can connect the dots.

This afternoon I will be casting my vote in favor of due process of law before anyone's constitutional rights are denied. I would do that for the Second Amendment. I would do it for the First Amendment. I would do it for the Fourth Amendment. I would do it for every provision of our Constitution that represents a right—not given to us by government but our natural rights conferred by us by our Creator.

At this time, Mr. President, I ask unanimous consent that the time from 1:15 p.m. until 2 p.m., including any quorum calls, be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. CARPER. Reserving the right to object——

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I am not going to object.

Mr. President, I was just walking through, seeing what was going to go on later this afternoon. I heard my colleague and friend from Texas talking. He is very thoughtful and knowledgeable of the law. He is a former supreme court justice, as I recall, from the State of Texas and a very good Senator, and he is trying to reach across the aisle to get things done.

I commend SUSAN COLLINS for her work, as well as Senator HEIDI HEITKAMP and others who are trying to get us closer to a no fly, no buy approach.

I would have us keep in mind that I am the son of a guy who was a big hunter and a buyer and trader of guns—my dad, who is now deceased—but he was also a big believer in using common sense with respect to guns as well.

I think most Americans find it troubling, certainly, the idea that somebody could be denied the right to fly on an airplane and then turn around and go buy a gun. I think most Americans agree that is crazy. I hope we are going to take at least a small step in the right direction.

The other thing I find especially troubling—this came from a Bible study group that met here earlier this afternoon with the Chaplain. We talked about the idea that somebody could go to a gun show and be a convicted felon, they could be somebody with a serious mental illness——

Mr. CORNYN. Mr. President, I ask for regular order.

Mr. CARPER. If I could have 1 more minute, I will be done.

Mr. CORNYN. Mr. President, it is hard for me to say no to Senator CARPER because he is such a nice guy and so reasonable, but this isn't a time to be making speeches; it is a time to object or not. So if he has a concluding remark——

Mr. CARPER. I will be very brief. My hope is that at the end of the day, we pass what Senator COLLINS and Senator HEITKAMP have worked on, but I would also come back and consider some other issues where we could actually save more lives. That is my commitment, and I am sure it is one the Senator from Texas shares as well. Thank you.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I would say that if we were united in our desire to actually get to a solution, something that could make a difference, I believe we could. But unfortunately this debate has been hijacked by some who believe that, frankly, the right to keep and bear arms is not an individual right under the Constitution, and they are willing to presume that the government is right because out of mere suspicion your name appears on a secret classified list.

I want to defeat the terrorists. I want to protect the American people. But I don't want to sacrifice who we are as a country and our conviction that constitutional rights are important, including the basic rights in the Bill of Rights, including the right to defend yourself and your family under the Second Amendment.

There is a principle involved here, and in our desire to get to a solution, which I applaud—and the Senator is a reasonable person whom I have worked with in the past and whom I hope to work with in the future—in our haste to try to deal with this issue, we should not violate the very fundamental principles of our Constitution. That is really what is at stake.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4858

Mr. SCHUMER. Mr. President, I see that my colleague, who has worked so hard on this, is waiting. So I will be very brief.

Ever since the senseless tragedy in Orlando, Senate Democrats have been trying to get this body to deal with the issue of gun safety in America. My friend, the junior Senator from Connecticut, had to hold the floor for 15 hours to get votes on two simple, commonsense proposals to keep suspected terrorists from getting guns and on closing loopholes in our background checks.

Those votes failed—shamefully—but my friend, the Republican Senator from Maine has been working diligently to put together a compromise proposal that wouldn't achieve everything we need to do but would make some progress. I commend her for her efforts. I think she sincerely wants to get something done, as does just about every Member of my caucus. So what have Republican colleagues decided to do? They are going to give the Collins amendment a fake vote called a motion to table, which won't do a single thing to make the proposal law.

We have bills to keep guns out of the hands of suspected terrorists, and Republican leaders cynically choose to give it a path to nowhere.

Let me repeat that. The motion to table is a path to nowhere. Even if proponents of the Collins amendment—such as the Senator from Maine, many Democrats, the Senator from New Mexico, the Senator from Virginia, and myself—win on the vote—that is, the motion to table is defeated—even if we win on the vote, the amendment is still pending. Today, we are saying if the motion to table fails, we want a vote next week on the Collins amendment—up or down, plain and simple.

I would say that this motion—the motion to table—is really a motion to

kill, because that is what I suspect too many of my colleagues on the other side of the aisle want to do to the Collins proposal and, for that matter, to any reasonable measure on gun safety. They are afraid that if they give it a real vote, it might actually have a chance of passing. That is how strong a grip the NRA has on this place. Even the most modest of gun safety proposals can't get a real up-or-down vote in the Senate because, God forbid, they might pass.

I would say to my friends on the other side of the aisle that it is cynical. If you are really opposed to the Collins amendment, stand up and vote no. But the Republican leadership knows that the American people—Democrats, Independents, Republicans, North, East, South, and West—are overwhelmingly for preventing terrorists and would-be terrorists from getting guns.

So they can't just say: No, we are opposed. They come up with these legislative gyroscopic turns and twists to try to hide what they are doing, but they can't hide it from us or from the American people, plain and simple.

I say this to the Republican leadership: If the motion to table fails, they should bring the Collins amendment to a real vote. The distinguished majority leader has said many times that he believes in an open amendment process, that his caucus should not be afraid of tough votes. I still don't know why this is a tough vote—to keep guns from suspected terrorists. But, nonetheless, he should keep his word and give a proposal drafted by a Member of his caucus a real up-or-down vote.

Ninety percent of the American people support background checks. Anyone with an ounce of common sense wants to keep guns out of the hands of suspected terrorists. Yet the Senate and the House Republican caucus are fighting against the will of the people at every turn. Even if the vote to table succeeds, we should have a real debate and a real vote on the Collins amendment.

If it fails, certainly then, it is still with us. If it succeeds, let's have another vote and a real discussion on the Collins amendment when we come back next week.

For the sake of tens of thousands of victims of gun violence every year, we have to make real strides when it comes to keeping guns out of the wrong hands.

Let's start by giving the Collins amendment a real up-or-down vote. Let's show the NRA that they cannot rule what is said, voted on, and approved in this Chamber, the other Chamber, or in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise to call up amendment No. 4858.

The PRESIDING OFFICER. The amendment is pending.

Ms. COLLINS. Mr. President, this amendment is unusual when we are debating issues such as terrorist watch lists and the appropriate restrictions that are needed—desperately needed—to ensure that people who are suspected or known terrorists are not able to purchase firearms.

How is it unusual? It is bipartisan. Surely, on an issue of this importance, we should be able to come and work for commonsense solutions. This bipartisan amendment is cosponsored by Senators HEITKAMP, AYOTTE, HEINRICH, FLAKE, KAINE, GRAHAM, KING, KIRK, NELSON, MANCHIN, and BALDWIN.

I sincerely thank each of the cosponsors for their many contributions to our amendment and for their support in crafting what is a commonsense proposal.

Our amendment has three basic provisions. First, it would block the purchase of firearms by individuals who are on the no-fly list or on the selectee list. Essentially, the premise of our amendment is that if you have been designated as too dangerous to fly on an airplane or you have been designated as someone who needs extensive, secondary screening—extra screening before you are allowed to board a plane—you should not be able to buy a gun.

Second, our amendment would provide an immediate alert to the FBI and to local law enforcement if an individual who has been on the government's terrorist watch list at any time during the past 5 years purchases a firearm.

The Orlando shooting provides, perhaps, the clearest example of why this provision is so important. The gunman was on the selectee list for approximately 10 months, but then he was off the list when he purchased the two guns used to kill 50 people and injure scores more.

If our amendment were enacted, the FBI would have been notified immediately when he purchased the first firearm in the weeks leading up to the shooting. Then the FBI would have been notified a second time that the former terrorism suspect, who had watched videos of Anwar al-Awlaki, was seeking to purchase additional firearms in a short period of time. Surely that would have caused the FBI to reopen its investigation of Omar Mateen. Perhaps, if our proposal had been in effect, that massacre would have been prevented.

Third, our amendment provides robust, due process procedures to protect the Second Amendment rights of law-abiding Americans. Any American denied a purchase under this amendment would have the opportunity to have their case heard before a Federal district judge.

The government would have the burden of proof in order to deny the sale and would have to present its case within a short but reasonable period of time. If the government failed to make its case, if this turned out to be some terrible error, it would have to pay attorneys' fees for the person who had been denied the purchase and, of course, the purchase of the firearm could go forward.

Our amendment makes sure that the applicant can have cleared counsel present to make sure that the government cannot take away a fundamental right without a legal advocate to protect their due process rights.

Critics of our amendment have mistakenly claimed this will allow Americans to be denied the right to keep and bear arms based merely on suspicion or a hunch. That is simply not true. We are not using the terrorist screening database, which has 1.1 million people on it. That is not what we are using. We are using the carefully defined No Fly and selectee lists because those are the most carefully constructed subsets of all of the government's terrorist watch lists. These two lists include the names of individuals who pose the greatest threat of committing an act of terrorism against aviation, against the homeland, against U.S. interests overseas. And there are, in fact, only 109,000 individuals on this list, of which only 2,700 are Americans.

Mr. President——

The PRESIDING OFFICER. The time for the majority has expired.

The Senator from Virginia.

Mr. KAINE. Mr. President, I wish to compliment my colleagues and others for their leadership on this issue. I just want to point out something about the institution and what we are about to do.

Monday night we had competing proposals from both parties to deal with this challenging issue of no guns for terrorists. Not surprisingly, the majority party wouldn't support the minority party, and the minority party wouldn't support the majority party. And none of the bills got enough votes to go forward.

Now there is a bipartisan version on the floor. Now there is a version where both parties have worked together to do something commonsensical to stop this carnage of gun violence we are seeing in the country. And I am just curious as to why one side wants to fight against a bipartisan proposal by putting up a motion to table. That is what this is.

I hope we are able to get over that motion to proceed. But it is important to point out that when a bipartisan proposal is on the floor, where the sides are reaching together to try and do something good for our citizens, one side is trying to kill the bipartisan proposal and one side is supporting it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise today in support of the bipartisan compromise amendment drafted by the Senator from Maine, Ms. COLLINS. I say it is a good first step, and I say it is even more than that. It is a significant step forward in gun control and violence control.

I can assure you, from those of us who want to control violence, this in no way will impinge against Second Amendment rights. But we do want to curb violence in our country, which is at an epidemic level. I want to compliment Senator COLLINS, and I want to compliment the people who jumped in to help work with her to fashion a compromise. The Senator is known for her ability to put together a coalition to come up with the best ideas to find common ground.

However, we are doing something more here than finding common ground. We are trying to find higher ground. We are trying to get out of the muck and mire that goes on in this institution, where we use parliamentary techniques to stifle debate, inhibit a clear vote. Even today, with such serious consideration about to take place, we are creating a fog of parliamentary procedure where nobody knows—are you voting yes or no on Collins? Are you voting yes or no on Johnson? What we are going to do is vote on the motion to table so we don't go backward.

Of course, the American people are fed up. I am fed up. But I admire what the Senator from Maine did because her amendment—her amendment—puts us in the right direction. Why should a person be able to buy a gun to kill people when they are on the no-fly list? If you are not allowed to fly because there is fear that you will blow up an airplane, shouldn't there be fear that if you are on that same list, you will buy a gun and blow people out of wherever they are?

Oh, my gosh, when are we going to kind of man up in this institution? When are we actually going to do that? Sure, I am a champion of women's rights, but like, hello, don't we have the backbone and verve and so on to actually have straightforward debate? There is an amendment before us which is substantive and has content, and there are different views.

I want to say I support the Senator for what she is doing. The FBI under her amendment would be notified when a person who has been on the terror list at any time in the last 5 years tries to purchase a firearm. If the Collins amendment had been law, we would have alerted the FBI that the Orlando shooter wanted to buy a gun and the Second Amendment would have been protected. But most of all, those people in that nightclub would have been protected.

I am for protecting the Constitution, but I am protecting the point of the Constitution. When we take an oath, it is to defend the Constitution, but it is also to defend the American people against all enemies, foreign and domestic. Now, when we meet the enemy and it is us, we will not act. We have to act.

The effort offered by the Senator from Maine is compromise without capitulation on principle. It is what the people want. It has intellectual rigor. It meets the constitutional test. I hope we support it, and I hope somewhere we start giving votes up and down and not hiding behind the fog of parliamentary procedure.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Before my comments, I would like to yield 2 minutes to the junior Senator from Arizona, who has been so instrumental in advancing this proposal.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. I thank the Senator for yielding. I rise to thank the Senator from Maine for all the work she has put into this and all those in the bipartisan coalition who have come together and said: Let's actually put something on the floor that can pass, not that is designed to be used as a cudgel to beat the other party with. Let us actually do something designed to work.

That is what this bipartisan proposal is all about. It has been well described as to what it actually does and how it protects the due process provisions that are there.

Let me simply say that I grew up in rural Arizona. That is where my heart still is. I am a gun owner and always will be. I take my Second Amendment rights very seriously. This amendment, the bipartisan amendment, is consistent with those rights. It also will have an impact. If somebody is dangerous enough that we prohibit them from flying on a plane, they should not be able to purchase a firearm. That is the bottom line. That is what the bipartisan amendment will actually solve.

I would encourage my colleagues to support it. If we don't, we will be back here. Believe me, this issue will not go away. It will just be after we have another massacre, and we will say: Why didn't we do it before? Why didn't we give the FBI notice that somebody had purchased a firearm, or why didn't we block the purchase of that firearm for somebody on those lists?

I appreciate the work that has been done on this. I appreciate the hard work that has gone into this bipartisan amendment. I urge support of it.

I yield back, and I thank my colleague for yielding.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, this is a national security measure. It is a national security measure. It is about protecting our country.

The preamble of the United States Constitution—which establishes the reason this country was founded, the reason the Constitution was passed—says that the most solemn obligation we have is to insure domestic tranquility and provide for the common defense. That is keeping people safe, and that is what this amendment is about.

Sure, it touches on guns, but what it is really about is keeping guns out of the hands of terrorists. It is straightforward. It is simple. It is easy to understand. There should be no controversy about this. It has due process built in. It has a provision built in that might have prevented the tragedy that occurred in Orlando.

Many of my colleagues talk about our being at war and being in conflict. We are in conflict. People want to do us harm. And why we would want to facilitate their arming themselves within our own country? It makes no sense. This is about national security. It is the most solemn obligation we have. This amendment should go through this body and the other body in the next few days, or we are failing our responsibility to the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, I want to thank my colleagues, especially SUSAN COLLINS and HEIDI HEITKAMP and JEFF FLAKE, and everyone who has worked so hard to actually come out of our partisan corners and do something for a change.

It is very easy for us all to sit back and take comfortable votes. This is not going to be a comfortable vote, but it should be. It is the most nonpartisan, straightforward, commonsense amendment I have seen in many years around here. It says, basically, if you are so dangerous that we can't let you on an airplane, well, maybe you shouldn't be able to buy a gun, no questions asked.

I have spent more time with firearms than most of the folks in this Chamber. I have no reservations about this amendment. It protects the Second Amendment, it includes due process, and it will keep terrorists from being able to buy firearms in this country. Maybe it is too commonsense for this body.

I want to thank everybody who was willing to get to this uncomfortable place and do the right thing, and I yield the remainder of my time to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. I thank my colleague.

Mr. President, I think for the first time in a long time, on a very, very contentious issue, we have an amazing group of Senators who have come together in a very bipartisan way to simply say that there is an opportunity to balance the important right that is

presented in the Second Amendment and to protect the security of the people in our country.

The vast majority of gun owners in this country would gladly give up those extra 14 days in order to secure safety and security for the American people. When you look at the overall balance and the Second Amendment—and to many, many people in my State, it is a critical and important individual right. That right has been recognized by the Supreme Court. We need to appreciate that is a right just as sacred as a Fourth Amendment right, a Fifth Amendment right, and a First Amendment right.

What we have done here is achieve a balance by simply saying: If you are too dangerous to get on an airplane, maybe we ought to take a second look. But think about the process we have established—in a mere 14 days, direct access to a court, direct access and opportunity to secure your right. We are asking people just to delay for an extra 14 days.

As our colleague from South Carolina said, once the gun is in their hand, there is nothing you can do about it—in the hands of a terrorist. There is nothing you can do. You can't get it back. But you can always secure a Second Amendment right through an appropriate due process mechanism.

Today we have struck that balance. We have worked very hard to try and come up with a proposal that can achieve bipartisan support. I would ask everyone in this body to take a second look, think about the balance, but also talk to the vast majority of gun owners in your State who would say: We agree with this proposal. We agree with it—no fly, no buy.

Let's protect the American people. Let's protect the Second Amendment. Let's do what we are supposed to do here, which is to achieve a balance that actually protects the American people but also protects our Constitutional liberties.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 1 minute remaining.

Ms. MIKULSKI. Would the Senator from Maine like to have 1 minute to conclude?

Ms. COLLINS. I thank my colleague very much.

Ms. MIKULSKI. I yield such time to the Senator.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, this amendment is a commonsense approach to help make Americans safer. And I think it is highly significant that we have just received a letter that is signed by a group of generals and admirals who have been on the frontlines in fighting terrorism—people like General Petraeus—who are endorsing the bipartisan amendment that we have put forth.

Mr. President, let's not miss this opportunity to make a difference, to get something done. Let's listen to the heartbroken families in Orlando, in San Bernardino, in other terrorist attacks. This is common sense. It does not infringe upon the Second Amendment rights of Americans. All it does is say that if you are too dangerous to board an airplane, you are too dangerous to buy a gun. I urge my colleagues to support our amendment.

I thank the Senator from Maryland.

The PRESIDING OFFICER (Mr. HOEVEN). The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there be 2 minutes, equally divided, prior to each vote today.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO COMMIT WITH AMENDMENT NO. 4858

Mr. MCCONNELL. Mr. President, I move to table the motion to commit with instructions, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

There is 2 minutes of debate, equally divided.

Mr. MCCONNELL. I yield back.

Ms. MIKULSKI. I yield back.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—46

Barrasso	Gardner	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Heller	Rounds
Capito	Hoeven	Rubio
Cassidy	Inhofe	Sasse
Cochran	Isakson	Scott
Corker	Johnson	Sessions
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Crapo	McCain	Thune
Cruz	McConnell	Tillis
Daines	Moran	Vitter
Enzi	Murkowski	Wicker
Ernst	Paul	
Fischer	Perdue	

NAYS—52

Alexander	Carper	Graham
Ayotte	Casey	Heinrich
Baldwin	Coats	Heitkamp
Bennet	Collins	Hirono
Blumenthal	Coons	Kaine
Booker	Donnelly	King
Boxer	Durbin	Kirk
Brown	Flake	Klobuchar
Cantwell	Franken	Leahy
Cardin	Gillibrand	Manchin
Markey	Peters	Toomey
McCaskill	Reed	Udall
Menendez	Reid	Warner
Merkley	Schatz	Warren
Mikulski	Schumer	Whitehouse
Murphy	Shaheen	Wyden
Murray	Stabenow	
Nelson	Tester	

NOT VOTING—2

Feinstein	Sanders

The motion was rejected.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 4859

Mr. MCCONNELL. Mr. President, I move to table the Johnson amendment No. 4859 to the instructions of the motion to commit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There is 2 minutes, equally divided, for debate.

The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I would like to ask all of my colleagues a simple question: How many more constitutional rights are we going to give up in response to Islamic terror?

Coming from a business background, I certainly found out the way to reach agreement is to try to find areas of agreement. Here is something we can all agree on. Nobody in this Chamber, no American wants to see weapons transferred into the hands of terrorists or would-be terrorists. We can agree on that. We are so close. I applaud SUSAN COLLINS and our other colleagues for trying to work to a bipartisan agreement to try to accomplish that goal.

My amendment simply adds due process on the front end. Otherwise, it is pretty much identical to what the other Senators on a bipartisan basis were trying to achieve. Please, let's continue to work together. Let's try to find those areas of agreement to accomplish the goal of keeping weapons out of the hands of terrorists, would-be terrorists, while not giving up our constitutional rights.

I ask my colleagues to please vote to not table my amendment so we can continue this discussion and find areas of agreement.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I want the Senator to know our side does support the Second Amendment, but we support all of the amendments of the Constitution—not just one. One of those is the right to speech, and implicit in that is maybe to get a real vote on real substance.

I yield to the Senator from North Dakota to far more articulate the substance. Let's not only support the Constitution but the oath we took to defend all people against enemies, foreign and domestic, and that is what we want to do.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, we have been asked to vote on this. It is 20 pages—20 pages that we were just handed. We asked DOJ to help us analyze this so we can best evaluate whether that is a good vote. According to the DOJ, this would not stop them from denying one person a gun.

We are here to say no-fly, no-buy. This doesn't do it. As we work through the Collins amendment, I suggest we continue to have those discussions, but we have a vehicle on the floor where we can have further discussions with any Senator who wants to continue to have a conversation.

The PRESIDING OFFICER. The time has expired.

The question is on agreeing to the motion.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—67

Ayotte	Flake	Paul
Baldwin	Franken	Peters
Barrasso	Gardner	Reed
Bennet	Gillibrand	Reid
Blumenthal	Heinrich	Risch
Booker	Heitkamp	Roberts
Boozman	Hirono	Sasse
Boxer	Hoeven	Schatz
Brown	Kaine	Schumer
Cantwell	King	Sessions
Cardin	Kirk	Shaheen
Carper	Klobuchar	Shelby
Casey	Leahy	Stabenow
Collins	Lee	Sullivan
Coons	Markey	Tester
Cotton	McCaskill	Thune
Crapo	Menendez	Udall
Cruz	Merkley	Warner
Daines	Mikulski	Warren
Donnelly	Moran	Whitehouse
Durbin	Murphy	Wyden
Enzi	Murray	
Fischer	Nelson	

NAYS—31

Alexander	Grassley	Perdue
Blunt	Hatch	Portman
Burr	Heller	Rounds
Capito	Inhofe	Rubio
Cassidy	Isakson	Scott
Coats	Johnson	Tillis
Cochran	Lankford	Toomey
Corker	Manchin	Vitter
Cornyn	McCain	Wicker
Ernst	McConnell	
Graham	Murkowski	

NOT VOTING—2

Feinstein	Sanders

The motion was agreed to.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, I ask the Chair to lay before the Senate the conference report accompanying H.R. 2577.

The PRESIDING OFFICER. The Chair lays before the Senate the conference report to accompany H.R. 2577, which will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 2577), making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes, having met, have agreed that the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate and agree to the same with an amendment and the House agree to the same, signed by a majority of the conferees on the part of both Houses.

Thereupon, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of June 22, 2016.)

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2577, an act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, John Cornyn, Mike Rounds, Thad Cochran, Roy Blunt, John Barrasso, Marco Rubio, Lamar Alexander, Tom Cotton, Bill Cassidy, John Hoeven, Thom Tillis, Jeff Flake, James M. Inhofe, Tim Scott, Shelley Moore Capito, Steve Daines.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived with respect to the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPROMISE GUN LEGISLATION

Mr. REID. Mr. President, the Collins vote, which just took place a few minutes ago, was a vote that was, for lack of a better description, just a show vote. The Collins supporters won. That was their victory, and it is the first time since the historic vote of Senator FEINSTEIN in 1993 dealing with assault weapons that the NRA has been in a situation where they can't declare a victory. They lost this one.

But I would hope now the Republican leader will bring the Collins compromise to a vote here on the floor—a real vote. Today's vote was kind of like heads I win, tails you lose, because for the supporters of the Collins amendment, that was it with them because it guaranteed that even if Collins supporters won the vote, it wouldn't advance. But we did. We won the vote. Collins won that vote.

It is really too bad that the Republican leader worked so hard to defeat the bipartisan compromise put forward by the brave senior Senator from Maine. But despite the efforts of the majority, now the Republican leadership has a responsibility to bring the Collins bill to this floor for a real vote, not a fake vote—a vote that provides the bill a real chance to advance. I sure hope we have that opportunity. It is the right thing for the country. The country agrees that something has to be done.

Even though it wasn't a big victory, it was a victory. I hope the NRA will step back and do what they have said they would do 15 years ago, and that is work to close loopholes, especially the gun show loophole. It is disappointing that they have taken a new tack and are against anything for more gun safety.

The PRESIDING OFFICER. The Senator from Maryland.

VOTING IN THE SENATE AND HOUSE

Ms. MIKULSKI. Mr. President, it looks like this week is coming to an end in terms of legislative efforts—or the lack thereof—in the House and in the Senate. I want everyone to know what this week was. It seemed like the week of disruption. We had a filibuster in the U.S. Senate, and we had a sit-in—an unprecedented sit-in—in the House of Representatives. What was

that all about? It wasn't only over the substance—it goes to the struggle to find the best way for gun control, which really we want to be violence control. And what did we filibuster about? Yes, we wanted to take up the no-fly, no-buy issue, which says that if you are on a terrorist list, you shouldn't be able to buy a gun, and to extend background checks to Internet sales and gun shows, but it was also about the right to vote. The filibuster was to get a vote. We didn't say how people would vote. We knew that would be a subject of debate, further amendment, further amendment, and then a vote. Votes are called yes or no. But the filibuster was about getting the opportunity to offer the amendments, to even be able to vote at all.

Let's go over to the House of Representatives. What did they sit in about? This was not just a spontaneous spout or pout. One of the most distinguished Americans, the Congressman from Georgia, JOHN LEWIS, led a sit-in. He led a sit-in, once again, about getting a vote. This is a man who marched across the Pettus Bridge from Selma, AL, faced being beaten, faced dogs, and bears the permanent legacy and wounds of that civil rights struggle, but he wanted to march for the right to vote and was willing to bear any burden. Then why did this man at a certain age and stage literally sit down on his hands and knees again? And what was that for? That was for the right to vote. That wasn't taking on some authoritarian Governor; that was simply in the House of Representatives: Give us a vote.

People will say: Well, why did they do that? Those votes lost in the Senate. But there were actually two compromises here—a Collins amendment and, at the last minute, a Johnson amendment.

I want people to know what is going on here. There is the substantive debate on how we can curb violence in our country and violence perpetrated where we are just awash in guns in our country. That is the subject of debate and discussion. I welcome all ideas. I recognize and support the Second Amendment of the Constitution. As I said earlier in the discussion, I support not only the Second Amendment, I support all of the amendments, and I really take seriously my oath to defend the Constitution and to defend the American people against all enemies, foreign and domestic. We took that oath.

So I am saying here, can we get rid of the obstructionism to get to votes and to get to real votes, not only votes that are some kind of parliamentary procedure linguistic thing going on. We vote on the motion to proceed. We vote to table the motion. Those are really legitimate parliamentary processes, but they are the fog. They are the fog of parliamentary procedure.

The American people have a right—I think the Congress and Members of it should have a right to offer solutions to national problems. I think that should come in the form of legislation and the amendment process following the rules. Follow the rules. Put out the bill. But when it comes time to vote, we should be able to have a vote and we should be able to vote clearly yes or no. That is all we are asking for here.

We are going to go through yet one more week, and I hope that next week we can actually face our responsibilities and try to come up with real solutions to a very real national problem, which is how to curb violence in our country; to come up with a variety of ideas, and from those ideas, offer them through legislation and amendment and have very clear votes.

People would like us, first of all, to act like Senators and Congresspeople. They would also like us to act with civility. We have seen it time and time again here. But they would also like for us to speak in plain English and have rules that we should follow and that they can understand.

So as this week comes to an end—this has been an unprecedented week in our country of a lot of turmoil and tumult. There has been a lot within our mutual institutions. I hope calmer heads prevail when we come back. Let's really get back to the legislative process that has been established by Senate rule and tradition. Let's have civil debate. Let's approach it with intellectual rigor. Let's approach it with the sincerity I feel is known on both sides of the aisle. But, please, let's seek solutions to our national problems and not seek solutions to solve our party problems.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING COLUMBUS, OHIO, ON WINNING THE SMART CITY CHALLENGE

Mr. BROWN. Mr. President, I would be remiss if I didn't first say that I am pleased to see in the Presiding Officer's chair a fellow Eagle Scout from Wyoming who is as good to the Scouts as a middle-aged man—close enough—as the Scouts were to him as a young man. So it is an honor to speak on the floor with Senator ENZI being in the Presiding Officer's chair.

This has been a great week for my State, the State of Ohio. Yesterday, I was on this floor joining my colleague from Cincinnati to speak about the Cleveland Cavaliers' historic NBA championship victory. Cleveland had not had a winning sports team—winning meaning a championship team—since I was 12 years old, when Jim Brown ran for the Cleveland Browns. In those days, we expected the Cleveland Indians to win every year. They never did. The Cavaliers didn't even exist in 1964. So this was a particularly exciting week for the Cleveland Cavaliers and for my city of Cleveland.

My wife joined literally a million people on the streets of downtown Cleveland to celebrate yesterday. This is in a county of 1.2 million. So either everybody who lives in the county was there or people from all over Northeast Ohio came to join them.

The second great thing for my State this week is that this afternoon Transportation Secretary Anthony Foxx is in the capital, Columbus—one of our other major cities and the largest city in the State—in the Linden neighborhood, on the sort of east-northeast side of town, to announce our city as winner of the Smart City Challenge. Secretary Foxx created this competition to define what it means to be a ''smart city'' in the 21st century. It was a challenge for our cities to integrate new technologies—from self-driving vehicles to electric vehicles, to smart sensors—into this transportation network.

Just as importantly, Secretary Foxx challenged applicants to think beyond adopting new technology for its own sake. Applicants were encouraged to offer a vision for how that new technology can make a difference for all Americans—from connecting low-income neighborhoods to jobs and opportunity to reducing congestion; to making streets safer for pedestrians, bicyclists, and children to get, certainly, to work, but to get to the doctor or the grocery store; to all things that a modern big-city transportation system could be.

Earlier this year, 78 cities from across the Nation submitted applications. In March, the Department selected from those 78 just 7 finalists to compete for today's award. The competition was tough. Cities such as Portland, OR, Denver, Kansas City, Pittsburgh, San Francisco, and Austin were all finalists, joining the city of Columbus. Columbus' win was all the more impressive as a result.

Our city would not have won without, first of all, Mayor Andy Ginther's leadership. The mayor didn't do this alone, although he played such a prominent role. The Central Ohio community united to develop innovative solutions to our city's challenges, and that made all the difference in the world.

So $40 million in grant funding from DOT will be matched by an additional $10 million from Vulcan, Inc., and $90 million of matching funds will come from the community of Columbus. This investment will allow the city to deploy some very impressive technology.

Columbus will expand the use of electric vehicles. It will be testing a range of sensors, connected vehicles, and smartphone applications.

At Easton, a major commercial hub, a small fleet of driverless vehicles will link the Easton Transit Center with nearby employers. This will expand horizons for bus riders from lower income neighborhoods, such as Linden, who will be able to more easily travel to jobs not near the busline or the transit center.

I am particularly excited that Columbus will focus on the way the transportation systems affect the city's health. In some neighborhoods, the infant mortality rate is four times the national average. My State, shamefully, is 47th in the Nation in infant mortality and 50th in the Nation in Black infant mortality. It is shameful, and it is for a lot of reasons, one of which is that we have a State government that has never really invested in public health in the way they should.

We can't think about problems like this in a vacuum. It isn't just a health care problem. It is a public works problem, and that includes transportation. The ''Smart Columbus'' plan will measure missed prenatal and pediatric visits so we can align our transportation system with the goal of reducing infant mortality by 40 percent and cutting in half the racial health disparity.

I would add that Mayor Ginther, as council president prior to his job as mayor this year, led the charge citywide on reducing infant mortality. The Greater Columbus Infant Mortality Task Force's Celebrate One Program has made impressive progress in building a coalition and setting aggressive goals to tackle this issue. These new transit options will build on this work.

This is what becoming a smart city should be about—expanding how we think about infrastructure and public works, harnessing technology to ensure a transportation system that benefits everyone, making it a truly public work.

Today's award wouldn't have happened without a very long list of regional partners. I can't name them all, but the Ohio State University, the Columbus Partnership, Columbus 2020, Battelle, Nationwide, Honda, American Electric Power, and many, many more came together to build the application, and they will be working side by side with the city to roll out this vision.

I want to thank Secretary Foxx and Administrator Flowers, with whom I spent part of an afternoon just a couple of weeks ago in Columbus as she was announcing something else we were doing along the CMAX corridor, along the east-northeast Cleveland Avenue part of Columbus.

Our Nation's transportation system is undergoing radical transformation. A decade from now, my children, who live in Columbus, and my grandchildren, who live in Columbus, will travel in different ways than we do today. The Secretary's vision for this program was bold, and I am so excited for cities—for Columbus, specifically, but I also know that other cities will see what the smart city of Columbus has done with this grant, with this new technology in transportation, and they will work with Columbus, mimic Columbus, and turn it into a success for our whole Nation.

VOTING RIGHTS ACT

Mr. BROWN. Mr. President, nothing is more fundamental for a democracy than the right to vote. Last year, we celebrated the 50th anniversary of the Voting Rights Act, one of the most important pieces of legislation we passed in the 20th century. It opened the door to millions—literally millions—of Americans to exercise their constitutional right.

This year will mark the first Presidential election in half a century without the full protections guaranteed by the Voting Rights Act. Three years ago this week, the Supreme Court gutted a key part of the law, taking the teeth out of provisions that protect voters from suppression laws, with its decision in Shelby County v. Holder.

Since that misguided decision, States across the country have passed new voting restrictions that would disenfranchise hundreds of thousands of Americans. Unfortunately, Ohio is ground zero in these efforts to restrict voting rights. These laws, passed by an ultraconservative State legislature in Columbus, include cutting early voting and eliminating Golden Week—created by a more moderate Republican legislature of a decade earlier—when voters can register and vote on the same day. In other words, early voting starts a week before registration closes, so during that week a new voter can register and vote in the same trip to the board of elections.

This May, a Federal court did the right thing and struck down that law and reinstated Golden Week and early voting—proving once again that these State legislators went too far. Judge Watson, a George Bush appointee in the Southern District of Ohio, found the laws limiting early voting and registration would disproportionately impact African Americans.

Think about this: A decade ago, a more moderate Republican legislature created Golden Week and passed pretty open voter registration laws. This very far-right legislature chipped away, rolled back, and weakened these laws. A George Bush appointee to the court—apparently also more of a moderate, open-minded Republican whom we saw 10 years ago in the legislature—reinstated much of what these legislatures had done in the early 2000s.

Earlier this month, another Southern District Judge, Judge Marbley, struck down another one of these restrictions. He ruled that Ohio's rollback of access to absentee and provisional balloting would also disproportionately disenfranchise African-American voters.

In 2008, African-American voters voted early in person at a rate more than 20 times greater than White voters. In many communities, African-American leaders and activists try to encourage church members and people in the community to vote early in person—totally legal. Often, some people plan to vote on election day, and then they either get sick or they have to stay longer at work and they lose that vote. That is why early voting is so important.

We remember the scenes from Cuyahoga County in 2004, when some voters waited as long as 7 hours to vote. I remember standing at Oberlin College, where people had to wait 7 or 8 hours. In Kenyon College, students waited sometimes longer than that—9, 10 hours—to vote. For hourly workers, for college students who work the third shift, for parents who have to drop their children off at school, early voting ensures their vote will be heard. Maybe college students can stand in line a little longer because professors are pretty good if they miss class because they were voting, but a parent who stops at the polling booth at 5:30, after work, needs to vote quickly and pick up their child. If they have to stand in line for an hour and a half, they are maybe not going to likely vote in the end. That is why early voting is so important.

In 2012, 600,000 people voted early. That was 10 percent of the electorate. That is 600,000 voters' voices that might not have been heard if we hadn't had early voting.

Ohio's law may have been struck down, but too many other States have passed harsher laws that we know will keep voters—often voters of color—from the polls. Seventeen States have passed new voting restrictions since the Shelby County decision. It is almost like they were waiting for their Supreme Court—their very conservative, anti-voting rights Supreme Court—to make a move, and then, in their State legislatures, they quickly moved to restrict voting rights.

In Texas, a new photo ID law is under court review. A Federal judge called it an unconstitutional poll tax that could disenfranchise up to 600,000 mostly Black and Latino voters.

In North Carolina, the legislature and Governor have gone even further with a whole package of restrictions, including ID laws, reductions in early voting, and elimination of same-day-registration voting.

We are the only advanced democracy in the world where there are actually efforts to restrict access to the ballot box. We know who gets hurt the most. It is African Americans, it is seniors, it

is young voters, and it is Latinos. These restrictions were made possible primarily because the Shelby County decision undermined and gutted the Voting Rights Act.

There is a solution. Congress can pass the bipartisan Voting Rights Advancement Act today. We have done these with overwhelming votes in the past. Congress almost unanimously reauthorized the Voting Rights Act not that many years ago, but then the court struck it down, as if the court is wiser than an almost unanimous Congress. We could restore the full protections guaranteed by the Voting Rights Act.

In 1981, when signing an extension to the Voting Rights Act, President Reagan called the right to vote ''the crown jewel of American liberties.'' This remains true today. There are few rights more fundamental to our democracy than the right to vote. We must continue to do everything in our power to defend it.

With elections at every level of government only 5 months away, it is more important than ever that we push to restore the most sacred of rights—the right to have a voice in our democracy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his suggestion?

Mr. BROWN. Mr. President, I withdraw my suggestion.

The PRESIDING OFFICER. The Senator from Michigan, and also an Eagle Scout.

Mr. PETERS. I thank the Presiding Officer for that recognition from a fellow Eagle Scout.

AMERICAN INNOVATION AND COMPETITIVENESS ACT

Mr. PETERS. Mr. President, I rise today in support of the American Innovation and Competitiveness Act, which is a bill that I introduced yesterday with my colleagues Senator GARDNER, Commerce Committee Chairman THUNE, and Ranking Member NELSON.

This bipartisan legislation is the product of a yearlong effort that began with a series of roundtable discussions on ways to improve the American innovation system. We met with a wide range of stakeholders—representatives from the science, education, business, and economic development communities—and listened to their input. We leveraged their expertise to develop this important legislation that promotes science and research, strengthens innovation and advanced manufacturing, grows our skilled workforce, and enhances American competitiveness around the world.

Specifically, we are maximizing our Federal investment in basic research by reducing regulatory burdens on academic researchers so they can spend more of their time on science and less on paperwork.

We are strengthening our oversight of Federal research and development investments while ensuring that the integrity of the National Science Foundation's widely acclaimed, independent merit review process is fully maintained.

We are also working to promote STEM education by providing resources to improve the participation of women and minorities in STEM fields. Fixing the underrepresentation of these groups is absolutely critical to American competitiveness in the 21st century. Our country is simply not producing enough qualified new graduates in STEM fields to meet workforce needs. In fact, some studies indicate that the United States must graduate 1 million more STEM professionals than are currently projected to fill the growing number of jobs over the next decade.

Women and other minorities represent the largest untapped talent pool to meet the needs of the STEM workforce today. I am proud that the American Innovation and Competitiveness Act provides significant new support for grants and programs to increase the participation of women and other minorities in the underrepresented groups in STEM fields, both in academia and in the workforce.

We also must ensure that the United States continues to lead the world in innovation. Our Federal investment in research and development has led to discoveries that have had profound impacts on our health, safety, and quality of life. From 3D printing to GPS, we have seen that federally funded R&D has resulted in commercially viable technologies and products. Many universities today operate technology transfer offices and business incubators to expedite the transfer of these groundbreaking discoveries to the marketplace.

However, we have seen in recent years that our Nation is facing significant challenges when it comes to moving innovative ideas across the valley of death, which separates promising research from commercialization. The American Innovation and Competitiveness Act will help bridge this valley by authorizing grants for commercialization of federally funded research, broadening the scope of existing commercialization grants, and improving entrepreneurship training for research so that young researchers can be best positioned to get their innovations to the marketplace.

This legislation also encourages the Federal Government to utilize prize authority and crowdsourcing to spur innovation and public participation in science. These creative approaches will help engage more Americans in the development of the next big thing.

I am proud that the American Innovation and Competitiveness Act also fosters the expansion of the National Science Foundation's Innovation Corps Program, also known as I-Corps. The primary goal of the NSF I-Corps is to foster entrepreneurship that will lead to the commercialization of technology that has been supported by NSF research funding.

The University of Michigan is home to one of seven I-Corps nodes in the Nation and for years has been a shining example of the strength of this program and its ability to translate research into new, innovative startup companies that are improving lives with their products and creating good-paying jobs.

Our bill will expand the I-Corps Program to other Federal agencies, greatly expanding its reach and helping to facilitate the commercialization to a much broader base of federally funded research.

Finally, I am proud of what this legislation will do to support small- and medium-sized manufacturers in Michigan, as well as across the country. The American Innovation and Competitiveness Act provides for more Federal support for regional manufacturing centers, such as Michigan's Manufacturing Technology Center, or MMTC, which has provided support to Michigan businesses since 1991. By increasing the Federal cost share for the Manufacturing Extension Partnership, this bill will allow MMTC to provide training and assistance to more small- and medium-sized manufacturing businesses.

With this legislation, Congress can do its part to support and invest in the U.S. science enterprise. By enacting the American Innovation and Competitiveness Act, we can drive economic growth, increase American productivity, enhance our safety and security as a nation, and secure our competitiveness going forward. We must solidify our position as the country to beat when it comes to innovation and create more good-paying jobs here at home.

It has been an honor for me to work with my friend and colleague Senator GARDNER on this effort. I also thank Chairman THUNE and Ranking Member NELSON once again for their leadership and support throughout this process.

I look forward to the Commerce Committee considering this critical legislation next week, and I hope the full Senate takes up action soon thereafter.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF MERRICK GARLAND

Ms. STABENOW. Mr. President, today marks the 99th day since President Obama nominated Judge Merrick Garland to the Supreme Court—99 days. Yet Republican colleagues continue to refuse to do their constitutional duty and act on the nomination.

Just this week, we received more proof of Judge Garland's qualifications and another sign that Senate Republicans should act now. As we all know, the American Bar Association, a highly respected nonpartisan and nonideological group made up of qualified experts in the legal field, announced that it unanimously gave Judge Garland its highest rating of ''well qualified,'' and we know they have tough standards. After poring through the available records and speaking to colleagues and peers who know Judge Garland best, here are some of the examples of what they said about him in the ABA report: ''Garland's integrity is off the scales.'' He is a ''straight shooter'' who is ''brilliant, exceptional, and phenomenal.''

''Garland is the best that there is. He is the finest judge I have ever met. There is no one who is his peer.''

''He is very sharp and works hard to find consensus among the panel. He decides the case but does not decide more than is necessary to resolve the case.''

''He always is the best prepared because he wants to get it right.''

I would say that is pretty good. I would say all those quotes are amazing. In interviews with hundreds of individuals in the legal profession and community who knew Judge Garland, not one person uttered a negative word about him. I wish we could have that. Not one person uttered a negative word about him.

The Senate has a constitutional duty, as we all know, to provide advice and consent on Judge Garland's nomination. Yet Senate Republicans have doubled down on the obstructionism and said we should not do anything before January 20, 2017, when the next President is sworn in. This is completely irresponsible. We have a Court right now that today came to a tied decision because they didn't have a full complement on the Court on a very important issue that could have been resolved.

Just a week ago, Judge Garland gave the graduation speech at J.O. Wilson Elementary School in Northeast Washington, the school where he tutored students for the past 18 years. He told students in the graduation speech: ''Dreams don't come true by magic. . . . Go ahead and dream, and go ahead and work hard to make those dreams come true.''

Judge Garland has worked hard for over 19 years, and we have seen his dedication to public service throughout his life and his career.

People in Michigan and all across the country work hard and do their jobs every day to put food on the table, support their families, and build a brighter future for their children. They know they couldn't refuse to do a really important part of their job for 99 days in a row and get away with it.

Tonight Members of Congress on both sides of the aisle will play in the annual Congressional Baseball Game. I hope it will not rain. Baseball, a game that runs for nine innings, requires nine players on the field at a time for a complete team. I hope my Republican colleagues who are playing in the game realize that ''we need nine'' is applicable both on the field and on the Court.

I call on Republican colleagues to do their job and hold hearings and a vote for Judge Merrick Garland. You have the choice of voting yes or voting no, but we have the responsibility to have the vote.

The PRESIDING OFFICER. The Senator from Ohio.

CONGRATULATING COLUMBUS, OHIO, ON WINNING THE SMART CITY CHALLENGE

Mr. PORTMAN. Mr. President, I rise to join my colleague from the other side of the aisle, Senator BROWN, who came to the floor earlier to congratulate Mayor Andy Ginther of Columbus, OH, and the people of Columbus, OH, and Central Ohio for a big victory this week. We won the Federal Department of Transportation's Smart City grant competition. This is something we have been working on for months. It is a big deal to us in Central Ohio. It gives us the opportunity to get $40 million in terms of a grant from the Department of Transportation to be a model city and also in combination with another grant of $10 million from Vulcan Corporation and $90 million that has been raised in the private sector—that is a total of about $140 million to reshape transportation in Central Ohio to create more economic growth for the citizens of Central Ohio and to be a model not just for Ohio but for the rest of the country on how we can use smart transportation to help create economic growth and opportunity.

I want to thank U.S. Secretary of Transportation Foxx for getting this decision exactly right. As I have said to Secretary Foxx about this competition over the past several months, I believe this is the right investment for our tax dollars. I believe Columbus is the right city. I believe we have done all the right things to be the proper recipient for this. I was honored to help set up meetings between Secretary Foxx and Mayor Andy Ginther. Secretary Foxx was always a thoughtful and respectful listener, and ultimately he made the right decision.

It was a tough competition. We had 77 other cities submit applications, and among the finalists were some very impressive cities, very innovative cities—Austin, Kansas City, Denver, Pittsburgh, Portland, San Francisco.

It is easy to see why the right choice was to invest in Columbus. It is the fastest growing city in the Midwest in terms of jobs and in terms of population. It is one of the top seven centers in the country for foreign trade now.

By the way, that places a lot of pressure on our transportation system with this growth and with the increase in trade. There is a need for us to be sure our infrastructure keeps up with that success. This Smart City grant will help us ensure that happens.

I thank and commend the more than 100 organizations from Central Ohio that were part of this that expressed interest in working with Columbus on improving this infrastructure—organizations such as the Battelle research institute, the Ohio State University and their research on transportation, Clean Fuels Ohio, and the IBM Analytics Data Center. The Ohio State University had other departments involved in this, as well, in terms of engineering and so on, and dozens of others.

I also thank the leadership of the Columbus Partnership. Alex Fischer did a terrific job of bringing the business community together on this. I mentioned that they also have put $90 million of private sector investment into this. It is clearly one where the Federal dollars are being leveraged and more than matched.

I convened a meeting in Columbus several weeks ago at the Ohio State University Center for Automotive Research with many of these organizations that are part of this grant application. We talked about the need not just to work together on this grant but to ensure that Columbus and Central Ohio were on the map in terms of being centers for transportation excellence. We have some of the companies there, such as Honda and some of the suppliers, but we also have a lot of the research folks there and a lot of people who are interested in making sure the community becomes more prosperous by helping to move people.

It is almost as though physical mobility through transportation is part of economic mobility in Columbus. We see it that way. I think it is absolutely true.

I was pleased to lead in a letter from the entire Ohio delegation, along with SHERROD BROWN and all of my colleagues in the House—Democrat and Republican alike—in support of this effort. It was bipartisan. It was from the entire State. We were unanimous that Columbus is a sound investment that the Federal Government ought to make.

I thank Mayor Andy Ginther for taking the leadership role in getting this done. It was a team effort and a good example of how the public sector and

the private sector can work together to help move our country forward—in this case, to give Central Ohio the chance to show how to move the country forward literally in terms of our transportation movement.

The credit ultimately goes to the city of Columbus. They will put that $140 million to good use, improving our infrastructure, spurring economic development and jobs. It is a proposal to form a partnership with the Central Ohio Transit Authority, the Mid-Ohio Regional Planning Commission, the Ohio Department of Transportation, Ohio State's Transportation Research Center, which I talked about earlier, and other partners in a five-part strategy, a very specific strategy—access to jobs, logistics, connecting visitors and tourists, connecting citizens and sustainability.

Let me briefly talk about some of these parts of the strategy. As I mentioned, we are creating a lot of jobs in Columbus with these new jobs. We have to be sure workers can commute easily and safely. We are going to study ways in which to move people, not just from suburb to suburb but also to ensure that people who are living in neighborhoods that have high rates of poverty have an access to jobs through the transportation improvement. We have a neighborhood in Columbus called Linden. It is one of the neighborhoods that will be particularly impacted positively by this improvement. The Linden neighborhood has its challenges.

I visited many neighborhoods in Columbus that have challenges, despite the economic growth we talked about. Franklinton is one and South Side is another. We talked about our efforts to spur economic growth, how to fight drug abuse, how to help people who deserve a second chance get one, and how to bring jobs to those communities. The one thing I hear about is the difficulty with transportation—how to literally find a job and then get to that job. People don't have cars, and they have difficulty finding the bus routes that work for these jobs. Unfortunately, some of the jobs are not close to these neighborhoods. This is an opportunity, through this new innovative transportation plan, to connect people to the jobs that are there. By making it easier for residents to travel to and from jobs and schools, we can improve the future of these communities and these families.

Credit is another issue that this proposal will help with. A lot of people who live in these neighborhoods have lack of access to credit. Think about it. Whether it is getting on the Metro bus or using some other form of transportation, such as the car2go or other transportation methods, credit is really important. This project will include looking for innovative ways to bring people off the sidelines and enable them to get around easier by providing credit for transportation.

Columbus also plans to use the grant funds to improve travel information and broadband Internet access and to deploy self-driving cars to connect the East Transit Center to local employers.

Columbus has one of the only cargo-dedicated airports in the world. A lot of freight moves through Central Ohio. We have the most truckstops of any State in the union. Some 60 percent of U.S. manufacturing facilities and 50 percent of U.S. consumers can be reached within a day's drive of Columbus. So it is a big transportation hub.

I have met with a number of companies, such as Avnet, which anticipates more and more trucks on the road to and from the Rickenbacker Inland Port—again, this is our airfreight center for Columbus—because of this continuing growth. The city of Columbus plans to build a smartphone app for trucks with real-time traffic conditions and routing data for delivery of freight to better ensure efficiency on our roads. This is good for everyone. It is certainly good not only for our transportation companies and trucks but also in terms of safety and efficiency and good for commuters and all drivers.

Another reason for the city's success is that we have so many people now visiting Columbus. Visitors spend about $5.7 billion every year in Columbus. That gives the city a total economic impact of $8.7 billion and supports 71,000 jobs for Ohioans. We need to be sure we continue to find ways to have the smart transportation project work with this increasing number of visitors.

We plan to work with organizations like Experience Columbus to build a smartphone app to provide real-time information relating to events in the city for visitors, parking, traffic, and transit options. By helping visitors get around easier, we can help improve their experience in the city and also make Columbus even more attractive to more visitors and stimulate increased economic activity and jobs.

These are some of the things that are going to happen as part of the Smart City grant. We also intend to focus on sustainability, and that would be to increase the use of cleaner ways of transporting people and goods. We will be expanding the electric-vehicle charging infrastructure and converting more of the city's bus system to compressed natural gas. The electric vehicles will reduce carbon emissions even as we are increasing transportation capabilities. This investment will not only have a positive impact on jobs but also on the environment. It is a win-win.

Again, I congratulate Secretary Foxx on making a good investment decision, one that will help Columbus make history and create opportunities for Ohioans, and, most importantly, congratulations again for all of Central Ohio and those who put together this incredible application. I look forward to working with them closely to ensure that the money is well spent and that this project does indeed become a model for the rest of Ohio and the rest of our country.

I thank the Presiding Officer, and I yield back my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES V. TEXAS SUPREME COURT DECISION

Mr. SESSIONS. Mr. President, today the Supreme Court, in the case of the United States v. Texas, rendered an interim victory for the rule of law in America. It is a victory for the constitutional process by which Congress passes laws, and the President faithfully executes those laws. He has taken an oath to do that. He is the chief law enforcement officer in America, and Congress is the body that passes and makes laws. We have immigration laws, most of which have been on the books for many years. They reflect the decided view of the government and people of the United States of America. Those laws must be enforced in an effective and consistent way.

The decision that was made today means that the injunction issued below stands, at least on an interim basis. In other words, an order was issued by the lower court to block the President of the United States from carrying out a series of actions that he wants to carry out, but could not because he lacks the authority. It is a huge, significant constitutional matter.

If you remember, colleagues, it wasn't too long ago that we had a national debate and vote about reforming immigration laws in the United States. I believe that was not a good reform. We debated it and it failed in the Congress. It did not get the support of both Houses, although it did get the support of the Senate. The proposal failed. The American people spoke clearly on it. They contacted us in large numbers.

People began to understand that the bill would not be effective in doing what it promised to do; that is, to end the illegality. It was going to be effective in granting amnesty to virtually everybody unlawfully in the country today, but it would not have been able to carry out an effective and lawful system for the future. That is what I believe. I was a Federal prosecutor for 15 years. We tried to read the law and make sure it was effective; but this law was not effective.

So the President just decided: ''I am going to use my pen and I am going to

issue orders to all of the executive departments and agencies that are obliged to enforce the laws of the United States and I am going to tell them to do what the Congress rejected. I am going to execute an amnesty by the signing of my pen that legalizes everyone in the country here today.''

It is an unbelievable overreach, a matter of tremendous import, and it is an affront to the legislative process. It is an affront to the majority of the American people who want a lawful system of immigration—one that serves their interests, serves the interest of America, the national interest, not some special interest that wants cheaper labor, and not some political interest that is looking for votes—but what is the policy that best serves the American people. That is what this issue is all about.

The Supreme Court, by a 4-to-4 vote, concluded that the injunction should remain; that is, they blocked the President, at least on the portion of the Executive orders that were before the Court. He has done some other things that were not before the Court, and I think would be at risk, too, if properly challenged, but they haven't made it to the Court yet.

If my colleagues remember, the judge heard the case and issued an injunction, blocking the President from going forward with his own plan for immigration and one that Congress had rejected. Then the United States Court of Appeals ruled that the judge was correct, and now, by a 4-to-4 vote, the ruling of the Fifth Circuit has been upheld.

In November of 2014, the Obama administration went on strike. It just announced: ''We are not going to follow the requirements and the laws of the United States with regard to immigration.''

President Obama said: ''I am going to direct my offices to carry out a policy that I think should be the national policy. I am sorry Congress didn't pass it, and the historic law remains in place, but I am going to direct my officers not to do it.''

That is what he did. In effect, it was a seizing of the enforcement of immigration law in so many key ways. Under the guise of what he called exercising prosecutorial discretion, his orders directed law enforcement officers not to enforce plain law, forcing them to violate their oath of office to support and defend the Constitution of the United States and his own oath, which is to see that the laws are faithfully executed. In so doing, he effectively eliminated entire sections in the United States Code.

Not only did President Obama direct his officers and agents, all of whom are in the executive branch under his supervision as the President of the United States—the Chief Executive—he ordered those agencies of the Department of Homeland Security not to follow the plain law. He further decreed that those who came here illegally and had children in the United States would be allowed to stay in the United States and be granted work permits and access to certain Federal benefits—people who entered the country unlawfully.

No wonder Immigration and Customs Enforcement officers have such low morale.

An objective Federal study that is done every year or periodically evaluates the morale of the Federal officers in the United States found, I think again this year, that the morale of the Department of Homeland Security is the lowest of any Federal agency. Why is this? Because they have been ordered not to do their duty. They put their lives on the lines in dangerous circumstances, and they arrest people, they bring them in, and what happens? They are not deported. They are released on bail or some sort of promise to appear, and they go into the country as they planned to do all along.

This is extremely discouraging for our officers and agents. It is wrong, it should not happen, and it is a cause of the increasing number of illegal immigrants we have in the Nation today.

In fact, I say to my colleagues, a few years ago, the Immigration and Customs Enforcement Officers Association filed a lawsuit against Secretary Janet Napolitano and John Morton—their supervisors—and said that you are ordering us to violate our oath to enforce the law. I have never seen a lawsuit like this, thousands of officers suing their supervisors for ordering them not to do their duty. This is wrong. It lowers morale.

When you have that kind of situation, what message does it send to the world? It sends a message to the world that if you can get into the United States, you are going to be successful, you can stay here, and you don't have to come according to the procedures in law. We have seen an increase in lawlessness in recent years. In fact, it looks like this year, among a number of categories, we have already reached the same level of arrests we did in all of last fiscal year. So we are having a rather significant increase again this year.

Well, what happened? Over half the States in the United States filed a lawsuit in Federal court. Judge Andrew Hanen in the United States District Court for the Southern District of Texas, heard the case. It went on for a considerable amount of time. The Department of Justice defended President Obama's actions. So the top lawyers in the U.S. Department of Justice went to Texas, they defended the administration, and they were opposed by more than half of the States. Judge Hanen heard the case and he issued an injunction. He said: Mr. President, you are changing the regulations of the United States that have been issued pursuant to the Immigration and Nationality Act. You are changing those, and before you can change regulations, you have to be able to go through a process. You have to have notice and opportunity for people to be heard and objections to be made before the regulations can be altered. That was basically the decision he rendered.

The U.S. Court of Appeals for the Fifth Circuit upheld the injunction, and today's decision confirms that the Obama administration's lawless plans may not proceed.

But the fight is far from over. The case will now be sent back to Judge Hanen for additional litigation on the merits, and the ultimate outcome remains uncertain.

To issue a stay and block a Federal agency from going forward with a rule or regulation, a Federal court must find that the opposition litigants have a substantial likelihood of prevailing on the merits. I think this decision indicates Judge Hanen, the Fifth Circuit, and even the Supreme Court believe it is likely the States would prevail on the merits of their challenge.

What is clear, as highlighted by the egregious, unethical conduct of the lawyers of the U.S. Department of Justice, is that the Obama administration will stop at nothing to advance its agenda. I worked at the Department of Justice for almost 15 years—and we worked our hearts out to always be faithful and operate with integrity before the Federal judges, and always, since we were representatives of the United States of America, made sure every representation we made to the Court was accurate and had a high standard. Most assistant U.S. attorneys and Department of Justice lawyers should know that and adhere to that at the highest level. Other lawyers frequently don't, private attorneys don't, but the Federal attorneys representing the people of the United States of America have that high duty.

Well, what happened? Judge Hanen found that the administration was determined to go forward with these unlawful actions, even though he had ordered them to stop, and they appeared to cause some substantial violation of the integrity of their Department. I believe they are going to have a further hearing soon on whether there will be additional penalties. He already imposed a penalty on the Department of Justice lawyers for their improper conduct, for which he severely condemned them.

The message this administration is sending to the world is that if you can get here, you can stay here.

According to official statistics from U.S. Customs and Border Protection, the number of so-called family units who have been apprehended at the southern border has already exceeded

the number who were apprehended in all of fiscal year 2015. Approximately, 12 percent more so-called family units were apprehended through May than were apprehended through all of last year. Total apprehensions of all aliens appear to be on the rise, which is an indice of increased illegality into this country.

Last month, the head of the National Border Patrol Council testified before the Subcommittee on Immigration and the National Interest, which I chair, that for every alien apprehended at the border by the U.S. Border Patrol, we could assume at least one evaded detection. He said they are catching half of the people who enter, and they apprehended more than 300,000 illegally into the country last year.

He further testified—this is important, critically important and shows the extreme nature of the Obama administration's policies with regard to immigration—that of the half who are apprehended, at least 80 percent of those are released into the country and not deported. They are told: OK. Come back to court. Sometimes they have a bail, sometimes they don't.

At another hearing, a Federal agency official testified that they take young people to their destination city when they are apprehended. What does that mean? It means that if somebody enters the country and they are 17 years of age and they don't know what to do with them, instead of deporting them and sending them back at that time, they say: Where did you intend to go? Well, my destination was Chicago. So the Federal Government takes them to Chicago, turns them over to a cousin or an uncle or an aunt or whatever. There is no effort to ascertain whether the person they are turned over to is legally in the country or not either.

So this is the kind of thing that is causing such disturbance within the law enforcement field, and that is so discouraging to them.

The extent to which the administration has directed its officers not to enforce plain law is one of the most brazen acts of legal disobedience in the history of America. Could the next President refuse to enforce tax laws? Could the next President say: I don't like this tax, I believe this tax is too high, or I don't believe we should tax these entities so he tells his subordinate units, the head of the IRS, just like he tells the head of Homeland Security, don't enforce this law. I know that Congress passed it, but I don't think it is a fair tax. Don't collect it and tell everybody in the country that if you don't pay that tax, you can be certain the IRS is not going to spend its time and effort to collect it, so you are home free. That is the kind of logic we are dealing with.

These unlawful actions fly in the face of what the American people have asked for. Yet, despite having the Obama Administration having the most radical immigration policies in our Nation's history, former Secretary of State Hillary Clinton has promised to go even further.

I am astounded at some of the things she has declared. She promises to deport only those who commit violent felonies or happen to be terrorists. Anybody else can come in, get in illegally, sell drugs, get caught for fraud, get caught for fraudulent ID, credit card fraud, and all those kinds of things, but as long as they are not committing a violent crime, they never get sent home. They get to stay here. How is this in harmony with the will of the American people to have a lawful system of immigration, one that protects their public safety, protects them from criminal activity, protects them from terrorism and those kind of things? It is breathtaking to me.

Moreover, if Secretary Clinton is provided with the ability as President to appoint a new Justice to the Supreme Court, the outcome of this case might change. Who knows? But it certainly is clear that she has been vigorously critical of the decision and says it is correct, essentially. She said this in her statement today: ''Today's decision by the Supreme Court is purely procedural, casts no doubt on the fact that DAPA and DACA,'' these amnesty programs, ''are entirely within the President's legal authority.'' She says this is entirely within the President's authority.

Well, again, let me remind you what the President did. On the issue before the Supreme Court, he not only said to 4 million adults that they will not be deported, he declared that they are able to work. He has given them work authorization when the laws of the United States don't allow people illegally here to take jobs. Not only that, he gave them the right to Social Security. He gives them Social Security numbers. They will pay into Social Security and be able to get Social Security, Medicare, and other programs. Basically, he gave illegal persons established by the laws of the United States the ability to participate as American citizens on virtually every matter of importance. It is unacceptable.

Former Secretary Clinton said that she will introduce ''comprehensive immigration reform with a path to citizenship'' within the first 100 days of her Presidency. In other words, she would give legal status, citizenship, to everybody who has come into the country illegally. It is a damaging thing. It has remarkable consequences and impacts on the legal system, and it also incentivizes more people to come to America.

The American people have every right to demand that our very generous legal immigration flow be followed according to the law and that it reflect their wishes. The American people are good and decent people. They are not asking for anything extreme. What is extreme is this idea that we systematically refuse to guarantee the laws of the United States be executed. The actions and policies advanced by President Obama, and apparently even more radical policies by Secretary Clinton, are radical things; they are not traditional in any way. They are directly contrary to our constitutional principles and the clear will of the American people. They must be stopped.

We have a generous immigration system. We have 1.1 million at least—I think it may now be even closer to 1.2 million people every year. That is more than any nation in the world. So it is a remarkable thing that we do. In addition to that, at any given time there are 700,000 people in the United States, foreign born, who take jobs in the United States. These are supposed to be temporary jobs for the most part. A lot of them are basically permanent jobs that can be reupped and reextended.

We don't have enough jobs for the American people now. We have a surplus of labor in this country. If you believe in free markets, colleagues, that is why, since 1999 until last year, median household income in America is down $4,000 per family. A big part of that is an excessive labor flow into the United States. It is not disputable, colleagues.

Look at the great professor on this, Professor Borjas of Harvard. Born in Cuba himself, he came here as a young person. Dr. Borjas shows that an excessive labor flow pulls down wages. Why would it not? It is a commonsense, free market principle. He documented it through labor reports, census data, and there is no doubt about it. We are hammering American working people. Their lives are being diminished while some make more money because they pay a lower wage.

I am not saying we are going to end immigration. Nobody is talking about that. But we have extremely high immigration levels legally, and on top of that we have this massive illegality. So the first thing the American people have asked us to do is end the illegality, please. They have been pleading for that for 30 years, and all we have here is some complaint about any bill that actually takes a step toward that end getting blocked. We can't even get votes on amendments.

I just want to say that I think the American people are correct. Any nation state that sees itself as sovereign, sees itself as having a loyalty to its own people, should protect those people from unfair policies, should defend their legitimate interests, and we are not doing it.

We are pulling down wages right now. There are people that don't have jobs today. We have the lowest percentage

of Americans with a job than we have had in 40 years. Last month we created 38,000 jobs—a paltry, shockingly low number. It sent some shock waves through the business community. We need to have close to 200,000 a month. We are bringing in almost 100,000 immigrants a month.

From 2000 to 2014—14 years—the native born population of the United States has increased throughout that period by millions. How many jobs were created and how many jobs did native born Americans get during that period? None. The actual number of workers from 2000 to 2014 went down. All jobs that were created during that period of time went to the foreign born. Is it any surprise that wages have fallen? Is it any surprise that we have gone from around a low $50,000-a-year median American income for a family to $4,000 less? It is simple.

Somebody needs to talk about this and defend the legitimate concerns of families in this country and working Americans.

I want to say a couple more things. The outcome of this Court ruling is not going to cause any major change in what is happening today; in fact, we have been living under the policies that the Court ordered for some time now. It is not going to change. We are not going to have any mass roundups as people have suggested. That is ridiculous. The President has ordered, basically, an end to deportation except for those who commit serious crimes. Secretary Clinton has said the crime has to be a violent crime or terrorism connected before they get deported. So we are heading in that direction.

This is not a sound policy for America.

We are going to have to work our way through the many difficulties we have in the future, but the simple demand we have from the majority of the people, I believe, is to end the illegality. Do that first, and then we will talk about what we are going to do next about the people who have been here for a long time.

A lot of people just came. They just used a fraudulent identification or drove across the border or they were caught and released on bail and went to Los Angeles or Chicago or somewhere. Do they get to demand to be given legal status in America? Do they get to demand to be made a citizen when other people around the world who have waited for their time may never get into the United States because they don't qualify? That is the question we are facing.

I truly believe that we believe in immigration as Americans in this country. We are always going to have immigration, but the level of it and the nature of it should be such that we admit people who are most likely to be successful, to flourish and to benefit America, and not people who are going to have a hard time, who don't speak English and don't have skills that we need in this country today. I believe it is wrong to bring in more workers, particularly with low skills, who compete directly against Americans who are trying to get a job, pulling down their wages while making it harder for them to get a job. I think that is going beyond what the responsibility of the government is.

It is our responsibility to follow the law as it is written, and it is the President's responsibility under his oath and duties as the Chief Executive and the chief law enforcement officer in America to see that our laws are enforced. If he wants to come back again with some other changes in the law, let him bring it up. Let's talk about it. But he does not get to do that on his own. I am pleased that the Supreme Court has stopped him at least with regard to this specific program, the so-called DAPA program.

I appreciate the opportunity to share these remarks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LANKFORD). Without objection, it is so ordered.

ECONOMIC GROWTH

Mr. SULLIVAN. Mr. President, I have been on the floor quite a bit in the past several months talking about a topic I think the vast majority of Americans want us to focus on, and that is the economy. That is, in my opinion, something we don't do enough here, and certainly the current administration doesn't do enough. They never even seem to want to talk about the economy, and they do not because the news isn't good. When they do try to talk about the economy, they typically try to spin the facts and the bad news into good news. For the most part, as has become abundantly clear, when they do this, the media tries to repackage it, put a bow on it, and then the administration sells it back to the American public. Everything is going great, they tell us, or to use the language of the President's speechwriter and one of his chief spin doctors, in a recent New York Times magazine piece, he stated:

> We created an echo chamber. . . . They—
>
> The media—
>
> were saying things that validated what we had given them to say.

So to put that in simple terms: We tell them our spin, they print it, and that is good.

Well, with regard to the economy, I don't think many in America are buying it. And I am glad our Presidential candidates are finally starting to talk about this issue—economic growth for middle-class families. Secretary Clinton recently gave a speech on the economy where she mostly lambasted her opponent. She said that under Mr. Trump, the U.S. economy would be a disaster. Well, no disrespect to the former Secretary of State and former Senator, but in case Mrs. Clinton didn't notice, the economy already is a disaster right now, and we need to fix it.

I want to talk about that a little bit because it is something you never hear about from the media, from the administration, even from this body enough, to be honest, and yet Americans are feeling it all across the country. Under this administration, we have now had the worst economic recovery since the Great Depression. The executive branch may have a reverberating echo chamber, but the American people know what is going on when it comes to the economy, and it is not a pretty picture.

Let me provide some examples of the Obama administration's anemic economy and what it has done to the thing we all believe in—we all believe in—and that is the American dream.

First, let's talk about our country's gross domestic product. As you know, the GDP of the United States is really a marker for our country's health. It is basically a marker of American progress. It is a marker of the American dream. And with regard to the health of the economy, right now it is not healthy. We have a sick economy.

Last quarter, this economy grew at only 0.8 percent GDP growth. It essentially didn't grow. To put that in perspective, if you look at one of the things that have made our Nation great, it is that year after year, decade after decade, Democratic or Republican administration, we have always typically grown at traditional levels of American GDP growth—3 percent, 3.5 percent, 4 percent GDP growth, 5 percent, 6 percent in some eras.

Looking at this chart, which I have brought to the floor many times, it looks at the Kennedy, Johnson, Nixon, Ford, Carter, Reagan, Bush, and Clinton administrations. Obviously, there are ups and downs. There was some really strong growth—Kennedy, Johnson, Reagan, Clinton; 4 percent, 4.5 percent, 5 percent GDP growth. But this red line right here, this 3 percent, that is at least the number we need to hit, that everybody thinks we should be hitting. For most administrations, it has been way above that. In the 8 years now with President Obama, it never hit once—not once. Never hit 3 percent GDP growth.

That is not what we were promised by this administration when they put forward their policies, many of which, in the early years of this administration, were supported by the Congress.

Remember the stimulus package? Remember the Affordable Care Act? These were all things that were going to stimulate the economy. As a matter of fact, we were told—and these were numbers from the Obama administration—that by 2010, we would see 3 percent GDP growth, and that by 2011 to 2014, we would be at 4.1 percent GDP growth. That would have been good. Four percent is strong. That is what they told us. That is what they predicted with their policies. We never came close, and now they do not talk about that. You never hear the President talk about 3 percent, 4 percent. He sure did a lot early on. But their policies drove us in the other direction.

Now even the Federal Reserve, noting that we don't even hit 2 percent GDP growth any more, is essentially saying these numbers are not going to improve. They predicted just a couple of weeks ago that maybe we will hit 2 percent in the next 2 to 3 years—stagnant growth, surrendering the American dream. Yet nobody is talking about this.

This is the biggest issue facing our country. As Michael Boskin, a very well respected Stanford economics professor, stated recently, ''Mr. Obama will likely go down as having the worst economic growth record of any president since the trough of the Great Depression in 1933.'' That is right here. These are his numbers, by the way, right here.

So that is one thing, GDP growth. Let's talk about jobs. The American people are feeling what is happening with regard to jobs. Yes, the President likes to tout an unemployment rate that is going down. While that is true, the main reason the unemployment rate is going down is because the labor force participation rate is crashing. So most of the unemployment rate declines the President likes to talk about, his administration likes to talk about, have occurred because people have stopped looking for work. They have quit. They are done. They are so discouraged, they have just quit.

Let me give an example. Last month, in May, the jobs report sounded like a pretty good jobs report. Unemployment went from 5.1 percent down to 4.7 percent. That normally sounds good. But what really happened? Only 38,000 jobs were created and almost 700,000 Americans quit looking for work. They just quit. They were that frustrated. That is how we have this unemployment rate going down, not because of strong growth or a strong economy but because the American worker—the greatest workforce in the world, which built this amazing country—is now saying: I have had enough. I am so discouraged, I am just going to stop looking for a job. And that sends the unemployment rate down.

As I mentioned, year after year, the labor force participation rate has gone down dramatically and—I know this is kind of an economic term—a little wonky. I think it is really a measure of the optimism or the hope of the American worker. I like to call it the American worker hope index, and if you look at where it is right now, we haven't had a hope index this low since the malaise of the Carter years. As a matter of fact, the hope index we have right now under President Obama—just look at that—is cratering. It is the same as it was in 1978.

So, Mr. President, that is the job situation. That is what is happening with the hope of American workers, but also, just looking at the straight numbers, in the last 7 years Americans have become poorer. Under the President—under his administration—real median household income has gone down by 2.3 percent, from $54,920 to $53,600. That doesn't seem like a lot, this number, but for decades the trend and this number, of course, have always been up—always. So the fact that it is going in the wrong direction is a very bad sign. Essentially, Americans and their families have become poorer.

The same with home ownership. Look at this number. One of the biggest indicators of the American dream is home ownership. Again, the number is going in the wrong direction. Household income and home ownership are down, causing Americans to increasingly have to rely on government assistance. We are a proud people. This is not what most Americans want to be doing. Yet, when we look at the number of Americans on food stamps, it has almost increased by 40 percent—40 percent—from 33 million Americans to nearly 46 million. These are people who want to work. These are people who want jobs to care for their families. Yet that number is soaring.

Finally, I want to talk briefly about the Nation's fiscal outlook. If we want to talk about a number that is soaring, look at this number: The national debt of the United States—literally, one of the most important issues facing our Nation—has essentially doubled since the President took office. The national debt was $10 trillion. Today it has exploded to over $19 trillion. No other President in the history of the United States has racked up so much debt and done so much damage to the balance sheet of our Nation. Let me give one example.

Our debt now is so high, for the first time in U.S. history, our AAA credit rating—the full faith and credit of the United States. We have always had it, ever since there has been a rating, for 70 years. It was downgraded. A lot of people forget that. It was downgraded.

I look at these hard-working pages and this debt issue. If we don't get control of it, if the Congress doesn't get control of it, if the administration doesn't, it is going to be on their backs, our young people, and that is simply—simply—not fair.

I would like to summarize. The number of people giving up looking for work in our country has increased dramatically by the millions; wages for jobs have been stagnant; household incomes—families, essentially—have become poorer; economic growth is at alltime lows, at least in the last 70 years; the dream of buying a house is slipping away; and the national debt has exploded. This is the economy of this administration.

What is still interesting is 7½ years after they took office—with their policies, where they promised a 4-percent GDP growth, strong job growth—they are still looking in the rearview mirror, and when they are shown some of these numbers, they point fingers at the people who came before them, after nearly two terms in office. Well, this is the President's economy. He owns it. He should take responsibility for it, and he should start talking about it and instituting policies that start to change this, but we don't hear him or his administration do that. We don't hear them tout their record. They start to focus on this echo chamber. Fortunately, others in the public eye are more forthcoming. We are starting to talk about it more on the Senate floor. I wish my colleagues on the other side of the aisle would come out and talk about it a little bit.

Certainly, as I mentioned, former Senator Clinton was talking about it, and her husband, former President Bill Clinton, has been talking about the economy. To be honest, President Clinton has actually put his finger on what is happening. He stated:

> Millions and millions and millions and millions of people look at that pretty picture of [the America economy] Obama [has] painted and they cannot find themselves in it to save their lives.

Former President Clinton also recently said this:

> The problem is, 80 percent of the American people are still living on what they were living on the day before the [2008 financial] crash. And about half the American people, after you adjust for inflation, are living on what they were living on the last day I was president 15 years ago.

That is what the matter is. That is former President Clinton. Even Secretary Clinton has apparently decided it is prudent to step out of the echo chamber of the administration she used to work for and confirm to the American people what is happening because when you leave Washington, DC, you see it, you hear it.

In an interview with the Washington Post on Tuesday, she talked about how our current economy has failed many in this country. She even stated:

> What people are feeling is that the economy failed them, their government failed them. You don't have to go just to coal country to see that. You can go to a lot of parts of America, where people had good, decent jobs that provided a good middle class life for them and their kids. That was the American Dream. That's how we used to define it.

That is a former Secretary of State, former Senator, who is putting her finger on what is actually happening.

We need to rekindle the American dream. We need to rekindle traditional levels of American growth. Our economy is sick. The American worker can't find the great jobs that have sustained him and her in the past. What this body needs to do is focus more on these issues. Certainly, what the Obama administration needs to do is level with the American people about these challenges because besides protecting the Nation's national security, the No. 1 thing we can be doing here is focusing on policies that drive economic growth, that drive true hope, and job creation. That is what we need to be doing more of in the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from the great State of Alaska.

REMEMBERING FREDERICK CHARLES ''BULLDOG'' BECKER IV

Ms. MURKOWSKI. Mr. President, I am going to be getting on an airplane tomorrow morning to head home to join with Alaskans who are coming together to celebrate the life of a man I affectionately know as ''Bulldog.'' This is Frederick Charles Becker IV. I think that as Alaskans gather to celebrate the life of a truly extraordinary man who served his country so honorably, we will remember with great fondness a veteran who was passionate about his country, a veteran who was passionate about his State, and a veteran who truly had a love of life that he shared with so many of us. I know I was certainly honored to call him friend, and I believe that Senator SULLIVAN, who is presiding over the Senate this hour, shared that same affection for truly a great man.

There is always a lot of speculation about someone's name. When you have a name like Bulldog, there are a lot of questions. How did he come to be named Bulldog? Was it because his family had a passion for raising and breeding and showing English bulldogs? I didn't even know that. Apparently, they had a lot of English bulldogs. But that is really not why he carries that nickname. He took the moniker of ''Bulldog'' because of his tenacity.

Those of us who know him say, yes, of course, that is appropriate. Nobody knows this better than Bulldog's brothers at the Combat Veterans Motorcycle Association Chapter 43–1 and the Alaska Veterans Motorcycle Club, who will be out in force tomorrow to honor one of their own.

I had an opportunity this afternoon to meet with a fellow veteran and member of the Alaska Veterans Motorcycle Club who is leaving tonight so that he can get to Anchorage tomorrow, where so many of those who loved Bulldog will be gathering to ride to Fort Richardson for this service. It will truly be a sight to be seen.

Bulldog Becker was born in Petersburg, VA, on May 28, 1943. He married his wife Betty on January 12, 1963. He joined the Air Force and relocated to Dover, DE. He served three tours in Vietnam. Ultimately, he was transferred to Elmendorf Air Force Base just outside of Anchorage. Bulldog and Betty moved three kids, as well as three bulldogs and a cat. They all came up the Alaska Highway in a Dodge van. They were towing a trailer that had the infamous sign on the back that said ''Alaska or Bust.'' They were living the dream.

Bulldog lived a life that was truly focused around his country. He retired from the military in 1981 as a master sergeant. He then transitioned to a civilian career in retail loss prevention, rising to the position of regional asset protection manager for Sears.

If you had a chance to spend any time with Bulldog over these past many years, you know that as a veteran and as a patriot, Bulldog was not shy to talk about how he felt his fellow veterans were treated when they returned home from the Vietnam war. He was a bulldog in his approach, if you will. He was determined that no future veteran would suffer the same treatment. He was so thoroughly devoted to this principle. He was at every ceremony, every recognition. Any time there were opportunities to welcome brothers- and sisters-in-arms as they returned to our bases, as they returned to our community, Bulldog was always there. He was always there.

Bulldog was instrumental in organizing the annual Byers Lake Memorial Day motorcycle run. I want to digress a moment from his life to talk about the significance of this event because it is, for me, probably one of the most powerful and meaningful Memorial Day tributes that I have ever been able to participate in, and I go or try to go every year. I missed this year. I say that with a heaviness because I always look forward to being with the Veterans Motorcycle Clubs. Every now and again, I would get the honor of riding on the bikes with them. Bulldog is there front and center every year; he is a participant.

This Alaska State Veterans Memorial is located off the Parks Highway at Byers Lake. If you are driving the road between Anchorage and Fairbanks, you might not even notice it because it is 147 miles from Anchorage and it is 214 miles from Fairbanks. You are midway in between on the highway. It sits up on a hilltop in an extraordinarily picturesque spot. As you look out to the memorial itself, the way it is framed, when Denali is out, it is sitting front and center, spectacular as it possibly can be. It will take your breath away. The monument, tucked into the trees, gives you a sense of serenity, of peace, but also extraordinary pride in the men and women who served us there.

I give you a little bit of a geography lesson to remind you that this is not an easy place to get to on a Memorial Day. It is in between the two big cities, the two anchors. To make the trip out there, as so many of our veterans do, is truly an opportunity to pay tribute in a way that is meaningful. This is more than just getting up, having a late breakfast, and going to the Memorial Day services on the Anchorage Park Strip or in downtown Fairbanks. This is a special place, led by special Alaskans, led by special veterans, and Bulldog was one of those.

The recollection I will have moving forward is, whether it is a Memorial Day gathering at Byers Lake, whether it is the salute to the military, whether it is the Veterans Day ceremonies, whether it is the many parades, whether it is the Forgotten Soldiers ceremony, in my mind, Bulldog is always part of that picture, and he will always be part of that picture for me.

As Bulldog joins Betty, his beloved wife of 51 years, in Heaven, he leaves a strong, multigenerational family legacy of children, grandchildren and great-grandchildren.

I am honored to have known this distinguished Alaskan. I am proud to share his story with my Senate colleagues. I will take the love so many of us have for this man and treasured veteran to my grave because he truly is one of the greats.

With that, I thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ETHAN ALLEN DAY

Mr. LEAHY. Mr. President, Vermonters have many heroes, among them the original Green Mountain Boy, Ethan Allen. Today marks an important milestone in both Vermont and U.S. history as we remember the many contributions of Ethan Allen. Both a political and military figure in the years leading up to the American Revolution, Ethan Allen played a key role in championing Vermont statehood, setting our State on the path to be the standard bearer it is today on so many issues. Ethan Allen was instrumental in the capture of Fort Ticonderoga from British forces in 1775, which contributed significantly to the success of the new nation in its fight for independence.

Ethan Allen is among the Founders of my home State of Vermont and an

original organizer of the Green Mountain Boys—a rough and tumble bunch who did their part in the fight for independence in the Revolutionary War. His legacy lives on in Vermont today. Ethan Allen is celebrated annually by hundreds of people, from Vermont and across the Nation, who visit his historic homestead in Burlington to commemorate his life and to celebrate his contributions to American history.

Understanding our heritage means understanding the achievements and the sacrifices that have been made by so many, in forging the great State and the great Nation that is part of our legacy as Vermonters and as Americans. Looking to heroes like Ethan Allen helps us to appreciate, protect, and build an even brighter future for generations of Americans and generations of Vermonters to come.

TRIBUTE TO NORA JACOBSON

Mr. LEAHY. Mr. President, I want to congratulate Nora Jacobson, a documentary film maker from Norwich, VT, who recently was awarded the 2016 Herb Lockwood Prize in the Arts.

Herb Lockwood, originally from upstate New York, moved to Vermont in 1982 where he became widely respected for the extraordinary breadth and depth of his artistic talents. He was a painter, writer, woodworker, sculptor, cartoonist, and a master guitar player who inspired people of all ages, and his untimely death from a workplace accident in 1987 at the age of 27 led his friends and fans to publish his music and writings and led to his brother Todd to create the prize that bears Herb's name.

Each year, the prize is awarded to a Vermonter whose work demonstrates a high level of artistic achievement, coupled with originality, innovation, and imagination; whose creativity, drive and philosophy serve as inspiration to other artists; and who has had a beneficent influence on the Vermont community. The prize includes a cash award of $10,000. The Burlington City Arts Foundation administers the prize through the generosity of private donors.

I commend Todd Lockwood for honoring his brother's life in this way and am very pleased that Nora Jacobson is this year's prize winner. Nora grew up on a hilltop farm in Norwich, and with the exception of a few years away, she has spent her life in Vermont. She has produced a number of documentary films, some of which took as long as a decade to shoot and edit, like ''Delivered Vacant,'' about gentrification in Hoboken, NJ, and ''Freedom and Unity: The Vermont Movie,'' a unique portrayal of memorable periods and individuals in Vermont's 225-year history. The film is the product of the collaboration of dozens of film makers, conceived and directed by Nora, and it was shown in town halls and other locations around the state.

Throughout her career as an independent film maker, Nora Jacobson has demonstrated the same passionate devotion to film and recognition of the importance the arts have for Vermont communities that people so admired in Herb Lockwood. She is a well-deserving recipient of this year's Herb Lockwood Prize.

TRIBUTE TO JOHN GLENN AND RECOGNIZING THE JOHN GLENN COLUMBUS INTERNATIONAL AIRPORT

Mr. PORTMAN. Mr. President, today I wish to honor an American hero, a former marine, a former astronaut, a former U.S. Senator, and a friend, John Glenn. I also wish to celebrate renaming Port Columbus International Airport, Port Columbus, the John Glenn Columbus International Airport.

John Glenn is a former Marine Corps aviator and veteran of both the Second World War and the Korean war. He became the first American to orbit the Earth on February 20, 1962. After retirement from his position at NASA, John Glenn served as a member of the U.S. Senate, representing his home State of Ohio from 1974 until 1999.

John Glenn is the last surviving member of a group of military test pilots known as the Mercury Seven, who participated in the early stages of space exploration in the United States. Glenn was one of America's first astronauts whom NASA selected to fly the Project Mercury spacecraft. He would later return to space in 1998, becoming the oldest person to go into space. In the same year of his return to space, John Glenn helped found the John Glenn Institute of Public Service and Public Policy at the Ohio State University which recently has grown and expanded to become the John Glenn College of Public Affairs. It is one of the best public policy colleges in the country, and I am honored to serve on the advisory board. I have seen firsthand how his legacy is helping to create future leaders.

Port Columbus is one of the most important economic resources for Central Ohio. Port Columbus provides more than 33,000 jobs and has an annual economic output of $3.7 billion. Port Columbus serves nearly 6.8 million passengers each year. It is fitting that this important landmark be renamed to honor John Glenn, someone who has contributed so much to the aerospace and aviation industry.

I am honored to recognize John Glenn and the John Glenn Columbus International Airport, and I congratulate all who were involved in this accomplishment.

TRIBUTE TO CORPORAL DUANE DEWEY

Mr. PETERS. Mr. President, today I wish to recognize CPL Duane Dewey, of Baldwin, MI, for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a gunner in a machine-gun platoon of Company E, Second Battalion, Fifth Marines, First Marine Division, Reinforced, in action against enemy aggressor forces near Panmunjom, Korea, on April 16, 1952.

Dewey was born on November 16, 1931, in Grand Rapids, MI. He attended school in Muskegon until 1947. He then worked for 6 months on a farm in South Haven and for a year as a foundry worker at National Motors, Inc.

Dewey signed with the Marine Corps Reserve on March 7, 1951, for an ''indefinite'' enlistment—the duration of the war, plus 6 months. He completed recruit training at the Marine Corps Recruit Depot Parris Island in South Carolina and underwent intensive combat training at Camp Pendleton, CA.

When an enemy grenade landed close to his position while he and his assistant gunner were receiving medical attention for their wounds during a fierce night attack by numerically superior hostile forces, Corporal Dewey, although suffering intense pain, immediately pulled the corpsman to the ground and shouted a warning to the other marines around him. He bravely smothered the deadly missile with his body, personally absorbing the full force of the explosion to save his comrades from possible injury or death.

After treatment of his wounds in Korea, Dewey was evacuated to the U.S. Naval Hospital in Yokosuka, Japan, and then to the U.S. Naval Hospital in Mare Island, CA, before being transported to the Great Lakes, IL hospital. Following his recuperation at Great Lakes, he was released from active duty on August 19, 1952.

On March 12, 1953, Dewey was the first person to receive the Medal of Honor from President Dwight D. Eisenhower. After presenting the medal to Dewey during the ceremony at the White House, Eisenhower said to him, ''You must have a body of steel.'' Dewey's military awards include the Purple Heart Medal, the Navy Presidential Unit Citation, the National Defense Service Medal, the Korean Service Medal with two bronze service stars, and the United Nations Service Medal.

I am honored to ask my colleagues to join me today in recognizing CPL Duane Dewey for his service to the United States of America. His indomitable courage, outstanding initiative, and valiant efforts on behalf of others in the face of almost certain death reflect the highest credit upon Corporal Dewey and enhance the finest traditions of the U.S. naval service.

RECOGNIZING THE COLUMBUS METROPOLITAN LIBRARY MAIN LIBRARY

Mr. PORTMAN. Mr. President, today I wish to recognize Columbus Metropolitan Library, CML, and its Main Library in downtown Columbus. This week, the CML Main Library will celebrate its third major opening since being dedicated on April 4, 1907. It has recently undergone a major $35 million restoration that will help revitalize downtown Columbus for years to come and provide significant resources to the people of Columbus.

Since its opening in 1907, CML Main Library has served its community with distinction. In 2014, CML Main Library had 725,000 visitors and a circulation of 1.35 million. CML Main Library engages with the community through service programs such as Homework Help Centers, Reading Buddies, and Summer Reading Club for Kindergarten. It also provides resources to help our community reach its potential with college and career readiness, GED help, adult learning, and job assistance.

CML has been recognized as a leading library in our Nation. The vision of CML is to achieve ''a thriving community where wisdom prevails.'' In 2011, CML was named a National Medal Winner by the Institute for Museum and Library Services for its work in community service, which is the highest honor for libraries and museums. CML has also been rated a 5-star library for 7 of the last 8 years by the Library Journal.

The work that is being done by the CML is commendable, and I am confident that the restoration of the CML Main Library will add to its success in the future. I extend my congratulations to all who were involved in reaching this important milestone.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. RUTH HAWKINS

● Mr. BOOZMAN. Mr. President, today I wish to recognize the contributions of Dr. Ruth Hawkins, the director of the Arkansas State University Heritage Sites program. Her commitment to preservation, history, and tourism earned her the Arkansas Historical Association's Lifetime Achievement Award.

This is the latest in a list of accolades for her dedication to preserving places of historical significance in Arkansas. Her vision for telling the story of the State through restoration promotes an interest in the history and heritage of Arkansas and the people who have been blessed to call it home. She has been called an Arkansas preservation hero.

The Heritage Sites program preserves and promotes significant locations in the Arkansas Delta.

Dr. Hawkins played an instrumental role in restoration projects that are putting communities in Arkansas on the map. She led efforts to restore and open the Historic Dyess Colony: Johnny Cash Boyhood Home, which has made a small town in Arkansas a tourist destination. In the 2 years since it opened, the site has attracted people from all 50 States and about 30 countries. It is helping improve the economy of the Arkansas Delta.

Dr. Hawkins has led efforts to restore other history sites in the State include the Hemingway-Pfeiffer Museum and Cultural Center in Piggott, the Southern Tenant Farmers Museum in Tyronza, and Lakeport Plantation in Lake Village.

Her commitment to preserving historic sites allows Arkansans of all ages to experience educational opportunities that would otherwise be unavailable. These unique lessons unlock the natural and cultural heritage in the region, deepening knowledge and understanding of the area.

I congratulate Dr. Ruth Hawkins on her achievements as the director of the Arkansas Heritage Sites Program and her efforts to preserve Arkansas's unique history. Future generations of Arkansans and Americans will be able to learn about this history of the Natural State because of Dr. Hawkins passion for preservation.●

TRIBUTE TO LOUIS ARMENTARO

● Mr. DAINES. Mr. President, going to the rodeo is a longtime Montana tradition. Montanans sport their best boots and Stetson hats and shine up their belt buckles to connect with the rugged and untamable spirit that is the American cowboy. Livingston, MT is home to one of the longest standing rodeos in the State and home to the world record holding rodeo announcer, Louis Armentaro.

Over the Fourth of July weekend, I will have the privilege to honor Louis and watch him announce his 68th Livingston Roundup Rodeo. Louis started this tradition back in 1949, when he returned to Montana after serving in WWII. During his time in the Special Services in Japan, Louis delighted in running audio for his fellow soldiers at the GI theatre, ball games and parades. His passion for western swing and its ability to transport people inspired him to start Sound Over the West audio and announcing when he returned home.

As a child, Louis grew up with a passion for authentic country music. Not only is he one of the greatest curators of this style in Montana, he is also one of the most revered pedal steel guitar players in the country music community. In the early 1950s Louis, his brother Frank Armentaro and their friend Oscar Bergsing started the Rhythm Ramblers, one of the longest living bands in Montana. For decades they created a soundtrack for countless swing dancers across the State. While performances from the group are extremely rare today, Louis continues to play his steel guitar every morning. At 91 years old, he is one of the most experienced steel guitar players alive.

Louis, with the support of his devoted wife Donna, has become a pillar in the Livingston community. Not only have the couple raised and fostered an estimated 30 children, they are an indispensable part of the Livingston Roundup Rodeo. For many cowboys and cowgirls, this event is known as Cowboy Christmas; Louis Armentaro is their Santa Claus. He is the dependable voice and orchestrator and is the most recognizable attraction in the rodeo parade. During the parade and the rodeo, Louis blares his curated collection of western swing music. For the last six decades, he has introduced people of all ages to sounds of American country and the history these songs can teach.

I am proud to honor this unique man for his service to his community and our country.●

TRIBUTE TO BRANDON RASMUSSEN

● Mr. HELLER. Mr. President, today I wish to recognize one of Nevada's brightest students, Brandon Rasmussen, on being selected as a recipient of the 2016 Barry Goldwater Scholarship. Mr. Rasmussen is the sole recipient of this scholarship in the State of Nevada and one of nine students in the history of the University of Nevada, Reno, UNR, to be selected as a Barry Goldwater Scholar.

The Barry Goldwater Scholarship and Excellence in Education Program was created in 1986 by the U.S. Congress in honor of Barry Goldwater's service to our country. The scholarship recognizes students in pursuit of science, technology, engineering, and mathematics studies who plan to conduct research in these fields. In addition, the program awards recipients with $7,500 for future educational opportunities. I extend my sincerest congratulations to Mr. Rasmussen on this significant achievement.

Mr. Rasmussen is an honors program student at UNR, pursuing his bachelor's degrees in geology and geophysics, in addition to studying mathematics and physics. During his freshman year, he conducted research with Craig de Polo of the Nevada Bureau of Mines and Geology, where Mr. Rasmussen helped create research on flooding in Reno and coauthored a publication on the ditch flooding and historical damage in the Reno area. After completing his undergraduate degree, he plans to earn his master's and doctorate degrees in a similar field. His determination and unwavering resolve

to excel in his academic pursuits have not gone unnoticed. Mr. Rasmussen stands as a shining example to other Wolf Pack students of what hard work can accomplish.

Today I ask my colleagues and all Nevadans to join me in congratulating Mr. Rasmussen. He has worked hard to earn this incredible scholarship, and I wish him the best of luck in his future endeavors.●

TRIBUTE TO TAYLOR WILSON

● Mr. HELLER. Mr. President, today I wish to recognize a Nevada student, Taylor Wilson, who has gone above and beyond in his academic pursuits. Taylor built a nuclear reactor in his parents' garage and is 1 of only 32 people in the world to achieve a nuclear fusion reaction. Even more impressive, he achieved this feat at only 14 years old, making him the youngest individual in the world to create nuclear fusion.

From a young age, Taylor showed an interest in nuclear science. By age 10, he had already hung a periodic table in his room and memorized all of the atomic numbers, masses, and melting points. By age 13, he had set up his own nuclear laboratory in his family garage. Around this time, his family had heard about the Davidson Academy of Nevada in Reno, which educates some of the Nation's brightest and most determined students. Shortly thereafter, the Wilson family decided to make the move to the great State of Nevada and allow Taylor to attend school at the academy.

Upon arrival at the Davidson Academy of Nevada, Taylor began his work to build a nuclear reactor. By this time, he had acquired one of the most extensive collections of radioactive material in the world and began to gather pieces for his machine to attain his goal of nuclear fusion. With the help of numerous mentors from the University of Nevada, Reno and the Davidson Academy of Nevada, Taylor was successful in his endeavors. Shortly after his 14th birthday, Taylor and a mentor loaded deuterium fuel and powered his machine, ultimately confirming the presence of neutrons and nuclear fusion.

Taylor later decided his nuclear fusion machine would be best utilized as a bomb-sniffing application, using the fusion reactor to produce weapons-sniffing neutrons to scan containers as they passed through ports. In just a few weeks, Taylor continued his research and developed a concept for a device that would use a small reactor to indicate whether or not a weapon was inside. He was later contacted by the Department of Homeland Security for his innovative application.

For the last 3 years, Taylor has led major science fairs across the Nation and around the world and has been awarded nine prestigious accolades for his work. Without a doubt, Taylor's efforts are truly remarkable. I am proud to have a student of such unwavering dedication representing Nevada and would like to extend my sincerest congratulations to him for his numerous awards.

Today I wish to recognize the incredible work of one of Nevada's own, Taylor Wilson. I ask my colleagues to join me and all Nevadans in recognizing him for his many achievements, and I wish him the best of luck in all of his future endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3209. An act to amend the Internal Revenue Code of 1986 to permit the disclosure of certain tax return information for the purpose of missing or exploited children investigations.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 10:31 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 139. Concurrent resolution providing for a correction in the enrollment of H.R. 2577.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 2577) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

The message also announced that the House of Representatives having proceeded to reconsider the resolution (H.J. Res. 88) disapproving the rule submitted by the Department of Labor relating to the definition of the term ''Fiduciary'', returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said resolution do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

ENROLLED BILLS SIGNED

At 2:16 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2133. An act to improve Federal agency financial and administrative controls and procedures to assess and mitigate fraud risks, and to improve Federal agencies' development and use of data analytics for the purpose of identifying, preventing, and responding to fraud, including improper payments.

S. 2487. An act to direct the Secretary of Veterans Affairs to identify mental health care and suicide prevention programs and metrics that are effective in treating women veterans as part of the evaluation of such programs by the Secretary, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 5447. An act to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements.

H.R. 5456. An act to amend parts B and E of title IV of the Social Security Act to invest in funding prevention and family services to help keep children safe and supported at home, to ensure that children in foster care are placed in the least restrictive, most family-like, and appropriate settings, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 23, 2016, she had presented to the President of the United States the following enrolled bills:

S. 2133. An act to improve Federal agency financial and administrative controls and procedures to assess and mitigate fraud risks, and to improve Federal agencies' development and use of data analytics for the purpose of identifying, preventing, and responding to fraud, including improper payments.

S. 2487. An act to direct the Secretary of Veterans Affairs to identify mental health care and suicide prevention programs and metrics that are effective in treating women veterans as part of the evaluation of such programs by the Secretary, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5877. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Use of Electronic Information Exchange Systems; Miscellaneous Amendments'' (Docket No. APHIS–2016–0016) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5878. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Swap Data Recordkeeping and Reporting Requirements for Cleared Swaps'' (RIN3038–AE12) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5879. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus amyloliquefaciens strain PTA–4838; Exemption from the Requirement of a Tolerance'' (FRL No. 9946–62) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5880. A communication from the Chair of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–5881. A communication from the Chairman of the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Appraisal Subcommittee's 2015 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–5882. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Unverified List (UVL)'' (RIN0694–AG96) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5883. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Continuum of Care Program—Increasing Mobility Options for Homeless Individuals and Families With Tenant-Based Rental Assistance'' (RIN2506–AC29) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5884. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition of Certain Persons and Removal of Certain Persons from the Entity List'' (RIN0694–AG94) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5885. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Inflation Catch-Up Adjustment of Civil Monetary Penalty Amounts'' (RIN2501–AD79) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5886. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval and Air Quality Designation; TN; Redesignation of the Shelby County 2008 8-Hour Ozone Nonattainment Area to Attainment'' (FRL No. 9948–02–Region 4) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Environment and Public Works.

EC–5887. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Michigan; Update to Materials Incorporated by Reference'' (FRL No. 9946–98–Region 5) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Environment and Public Works.

EC–5888. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Minnesota; Sulfur Dioxide'' (FRL No. 9948–21–Region 5) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Environment and Public Works.

EC–5889. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Kansas; Cross-State Air Pollution Rule'' (FRL No. 9948–13–Region 7) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Environment and Public Works.

EC–5890. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Missouri; Cross-State Air Pollution Rule'' (FRL No. 9948–15–Region 7) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Environment and Public Works.

EC–5891. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Designation of Areas for Air Quality Planning Purposes; California; San Joaquin Valley; Reclassification as Serious Nonattainment for the 2006 PM2.5 NAAQS; Correction'' (FRL No. 9948–24–Region 9) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Environment and Public Works.

EC–5892. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment by the Attainment Date; 2008 Ozone National Ambient Air Quality Standards; Cleveland, Ohio and St. Louis, Missouri-Illinois Areas'' (FRL No. 9948–19–Region 5) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Environment and Public Works.

EC–5893. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category'' (FRL No. 9947–87–OW) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Environment and Public Works.

EC–5894. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Limited Disapproval of Air Plan Revisions; Arizona; New Source Review; PM2.5'' (FRL No. 9948–01–Region 9) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Environment and Public Works.

EC–5895. A communication from the Director of Congressional Affairs, Office of Chief Financial Officer, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules; Fee Recovery for Fiscal Year 2016'' ((RIN3150–AJ66) (NRC–2015–0223)) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Environment and Public Works.

EC–5896. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Programs; Medicare Clinical Diagnostic Laboratory Test Payment System'' ((RIN0938–AS33) (CMS–1621-F)) received in the Office of the President of the Senate on June 21, 2016; to the Committee on Finance.

EC–5897. A communication from the Board of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, transmitting, pursuant to law, the Board's 2016 Annual Report; to the Committee on Finance.

EC–5898. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, transmitting, pursuant to law, the Board's 2016 Annual Report; to the Committee on Finance.

EC–5899. A communication from the Chief Counsel, Foreign Claims Settlement Commission of the United States, Department of Justice, transmitting, pursuant to law, the Commission's annual report for 2015; to the Committee on Foreign Relations.

EC–5900. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2015 Compounding Quality Act Annual Report''; to the Committee on Health, Education, Labor, and Pensions.

EC–5901. A communication from the Director for Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, the fiscal year 2015 annual report for the Department's Office for Civil Rights and Civil Liberties; to the Committees on the Judiciary; Homeland Security and Governmental Affairs; and Select Committee on Intelligence.

EC–5902. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5903. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''General Services Administration Acquisition Regulation (GSAR); Transactional Data Reporting'' (RIN3090–AJ51) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5904. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Department's Semiannual Report from the Office of the Inspector General for the period from October 1, 2015 through March 31, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–5905. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Review of Marion S. Barry Summer Youth Employment Program Data and Activities''; to the Committee on Homeland Security and Governmental Affairs.

EC–5906. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''The District of Columbia Voter File: Compliance with Law and Best Practices''; to the Committee on Homeland Security and Governmental Affairs.

EC–5907. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Human Trafficking Awareness Training for Department of Homeland Security Personnel''; to the Committee on the Judiciary.

EC–5908. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Coming Into Focus: The Future of Juvenile Justice Reform, 2014 Annual Report''; to the Committee on the Judiciary.

EC–5909. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Dragon Boat Races; Maumee River; Toledo, OH'' ((RIN1625–AA08) (Docket No. USCG–2016–0516)) received in the Office of the President of the Senate on June 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5910. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Safety Standard for Carriages and Strollers'' (Docket No. CSPC–2013–0019) received in the Office of the President of the Senate on June 21, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5911. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Removal of Outdated and Duplicative Guidance (2016–N010)'' (RIN2700–AE28) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–193. A petition from a citizen of the State of Texas relative to constitutional conventions; to the Committee on the Judiciary.

POM–194. A petition from a citizen of the State of Texas relative to civil rights; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2795. A bill to modernize the regulation of nuclear energy (Rept. No. 114–285).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. CORKER for the Committee on Foreign Relations.

*Mary Beth Leonard, of Massachusetts, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Mary Beth Leonard.

Post: African Union.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Earl W. Leonard—deceased; Margaret M. Leonard—none.

5. Grandparents: Joseph and Catherine Mastrorio—deceased; Thomas F. and Florence Leonard—deceased.

6. Brothers and Spouses: Michael Leonard—deceased.

7. Sisters and Spouses: Claire M. and William K. McIntire, none; Ann Marie and David N. Stoica, none.

---

*Geeta Pasi, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Nominee: Geeta Pasi.

Post: Chad.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Kamla Pasi—deceased; Keshave Chandra Pasi—deceased.

5. Grandparents: Ruldu Ram Verma—deceased; Bimla Vati Verma—deceased; Karam Chand Pasi—deceased; Krishna Vati Pasi—deceased.

6. Brothers and Spouses: Sunil Kumar Pasi, brother, none; Hallie Lewis, wife of brother, none.

7. Sisters and Spouses: Usha Pasi, sister: $1,000, 11/15/12, Obama Victory Fund; Subir Sachdev, husband of sister: $500, 9/6/12, Bill Foster for Congress; Rita Pasi, sister: none.

---

*Anne S. Casper, of Nevada, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Nominee: Anne Casper.

Post: Republic of Burundi.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: N/A.

4. Parent: Ilene Casper: None.

5. Grandparents: N/A.

6. Brother and Spouse: Larry Casper and Stacy Steinberg: None.

7. Sisters and Spouses: N/A.

Mr. CORKER. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nomination of Richard Gustave Olson, Jr.

*Foreign Service nomination of Emily M. Scott.

*Foreign Service nominations beginning with Amanda R. Ahlers and ending with Lee V. Wilbur, which nominations were received by the Senate and appeared in the Congressional Record on May 18, 2016.

*Foreign Service nominations beginning with Jocelyn N. Adams and ending with Brian Joseph Zacherl, which nominations were received by the Senate and appeared in the Congressional Record on May 19, 2016.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SULLIVAN (for himself, Ms. CANTWELL, and Ms. MURKOWSKI):

S. 3088. A bill to provide a deadline for compliance with an alternate safety compliance program and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. BALDWIN (for herself, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. MARKEY, Mr. FRANKEN, Mr. LEAHY, Mrs. MURRAY, Mr. SCHATZ, and Mr. DURBIN):

S. 3089. A bill to amend title VII of the Civil Rights Act of 1964 and other statutes to clarify appropriate liability standards for Federal antidiscrimination claims; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELLER (for himself and Mr. NELSON):

S. 3090. A bill to amend title XVIII of the Social Security Act to establish a demonstration program to provide integrated care for Medicare beneficiaries with end-stage renal disease, and for other purposes; to the Committee on Finance.

By Mr. KING (for himself, Ms. AYOTTE, Mr. BROWN, and Mrs. CAPITO):

S. 3091. A bill to reauthorize the program of block grants to States for temporary assistance for needy families through fiscal year 2021, and for other purposes; to the Committee on Finance.

By Mr. HELLER (for himself and Mr. PETERS):

S. 3092. A bill to direct the Securities and Exchange Commission to provide a safe harbor related to certain investment fund research reports, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. HIRONO:

S. 3093. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 in order to improve career and technical education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN (for himself and Mr. MCCAIN):

S. 3094. A bill to amend the Public Health Service Act to shorten the exclusivity period for brand name biological products from 12 to 7 years; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOOKER (for himself, Mrs. CAPITO, Mr. BLUMENTHAL, Mr. MCCAIN, Ms. CANTWELL, and Ms. MURKOWSKI):

S. 3095. A bill to prohibit sale of shark fins and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WHITEHOUSE (for himself and Ms. WARREN):

S. 3096. A bill to establish a pilot program promoting an alternative payment model for person-centered care for Medicare beneficiaries with advanced illnesses; to the Committee on Finance.

By Mr. SCHATZ (for himself, Mr. HELLER, Mr. NELSON, and Mr. COONS):

S. 3097. A bill to establish the SelectUSA program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SULLIVAN:

S. 3098. A bill to remove reversionary clauses on property owned by the municipality of Anchorage, Alaska; to the Committee on Energy and Natural Resources.

By Mr. NELSON (for himself and Mr. RUBIO):

S. 3099. A bill to preserve and enhance saltwater fishing opportunities for recreational anglers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mrs. BOXER, Mr. BLUMENTHAL, Mr. BROWN, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. HEITKAMP, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mr. PETERS, Mr. REED, Mr. REID, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 510. A resolution affirming the importance of title IX, applauding the increase in educational opportunities available to women and girls, and recognizing the tremendous amount of work left to be done to further increase such opportunities; to the Committee on Health, Education, Labor, and Pensions.

By Ms. BALDWIN (for herself, Mrs. MURRAY, Ms. HIRONO, Mr. MARKEY, Ms. CANTWELL, Mr. DURBIN, Mr. BOOKER, Mr. WYDEN, Mr. BROWN, Mr. FRANKEN, Mr. MERKLEY, Ms. HEITKAMP, Mr. SCHUMER, Mr. COONS, Mr. SANDERS, Mr. HEINRICH, Mr. CARDIN, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. WHITEHOUSE, Mr. PETERS, Mrs. FEINSTEIN, Mr. CASEY, Mr. LEAHY, Mr. CARPER, Mr. MENENDEZ, Mr. KAINE, Mrs. BOXER, Mrs. SHAHEEN, Mr. REID, Mr. MURPHY, and Mr. SCHATZ):

S. Res. 511. A resolution expressing support for the designation of June 26, 2016, as ''LGBT Equality Day''; to the Committee on the Judiciary.

By Ms. HEITKAMP (for herself, Mr. HELLER, Mr. SULLIVAN, Mr. BLUMENTHAL, Mr. TILLIS, Mrs. MURRAY, Mr. GRASSLEY, Mrs. FEINSTEIN, Ms. COLLINS, Mr. WARNER, Mr. INHOFE, Ms. MIKULSKI, Mr. BLUNT, Mr. DURBIN, Mr. HOEVEN, Mr. CASEY, Mr. DAINES, Ms. BALDWIN, Ms. MURKOWSKI, Mr. TESTER, Mr. MORAN, Mr. MARKEY, Mr. CRAPO, Mr. COONS, Mr. ROBERTS, Mr. PETERS, Mr. KING, Ms. HIRONO, Ms. STABENOW, Mr. BROWN, and Mr. DONNELLY):

S. Res. 512. A resolution designating the month of June 2016 as ''National Post-Traumatic Stress Awareness Month'' and June 27, 2016, as ''National Post-Traumatic Stress Awareness Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. UDALL, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 6, a bill to reform our government, reduce the grip of special interest, and return our democracy to the American people through increased transparency and oversight of our elections and government.

S. 71

At the request of Mr. VITTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 71, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 488

At the request of Mr. SCHUMER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 488, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 578

At the request of Mr. SCHUMER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 578, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 603

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 603, a bill to amend title 38, United States Code, to make permanent the authority of the Secretary of Veterans Affairs to transport individuals to and from facilities of the Department of Veterans Affairs in connection with rehabilitation, counseling, examination, treatment, and care, and for other purposes.

S. 843

At the request of Mr. BROWN, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 843, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 1462

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1462, a bill to improve the safety of oil shipments by rail and for other purposes.

S. 1559

At the request of Ms. AYOTTE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1559, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 1737

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1737, a bill to provide an incentive for businesses to bring jobs back to America.

S. 1833

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1833, a bill to amend the Richard B. Russell National School Lunch Act to

improve the child and adult care food program.

S. 1982

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1982, a bill to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund the Wall of Remembrance.

S. 2219

At the request of Mrs. SHAHEEN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2219, a bill to require the Secretary of Commerce to conduct an assessment and analysis of the outdoor recreation economy of the United States, and for other purposes.

S. 2235

At the request of Mr. MARKEY, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2235, a bill to repeal debt collection amendments made by the Bipartisan Budget Act of 2015.

S. 2373

At the request of Ms. CANTWELL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2373, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 2541

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2541, a bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act to further the conservation of prohibited wildlife species.

S. 2597

At the request of Mr. BROWN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2597, a bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.

S. 2795

At the request of Mr. INHOFE, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2795, a bill to modernize the regulation of nuclear energy.

S. 2873

At the request of Mr. HATCH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2873, a bill to require studies and reports examining the use of, and opportunities to use, technology-enabled collaborative learning and capacity building models to improve programs of the Department of Health and Human Services, and for other purposes.

S. 2989

At the request of Ms. MURKOWSKI, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2989, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

S. 3023

At the request of Mrs. MCCASKILL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3023, a bill to provide for the reconsideration of claims for disability compensation for veterans who were the subjects of experiments by the Department of Defense during World War II that were conducted to assess the effects of mustard gas or lewisite on people, and for other purposes.

S. 3039

At the request of Mr. KING, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 3039, a bill to support programs for mosquito-borne and other vector-borne disease surveillance and control.

S. 3060

At the request of Ms. HEITKAMP, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 3060, a bill to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements.

S. 3082

At the request of Mr. PETERS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3082, a bill to amend title XVIII of the Social Security Act to reduce the occurrence of diabetes in Medicare beneficiaries by extending coverage under Medicare for medical nutrition therapy services to such beneficiaries with pre-diabetes or with risk factors for developing type 2 diabetes.

S. 3087

At the request of Mr. SULLIVAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3087, a bill to establish the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants and for other purposes.

S.J. RES. 35

At the request of Mr. FLAKE, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S.J. Res. 35, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of Labor relating to ''Interpretation of the 'Advice' Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act''.

S. CON. RES. 39

At the request of Mr. NELSON, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution honoring the members of the United States Air Force who were casualties of the June 25, 1996, terrorist bombing of the United States Sector Khobar Towers military housing complex on Dhahran Air Base.

S. RES. 432

At the request of Mr. CARDIN, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. Res. 432, a resolution supporting respect for human rights and encouraging inclusive governance in Ethiopia.

S. RES. 504

At the request of Mr. BOOZMAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 504, a resolution recognizing the 70th anniversary of the Fulbright Program.

AMENDMENT NO. 4848

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of amendment No. 4848 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 510—AFFIRMING THE IMPORTANCE OF TITLE IX, APPLAUDING THE INCREASE IN EDUCATIONAL OPPORTUNITIES AVAILABLE TO WOMEN AND GIRLS, AND RECOGNIZING THE TREMENDOUS AMOUNT OF WORK LEFT TO BE DONE TO FURTHER INCREASE SUCH OPPORTUNITIES

Mrs. MURRAY (for herself, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mrs. BOXER, Mr. BLUMENTHAL, Mr. BROWN, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. HEITKAMP, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mr. PETERS, Mr. REED, Mr. REID, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 510

Whereas 44 years ago President Richard M. Nixon signed title IX of the Education

Amendments of 1972 (20 U.S.C. 1681 et seq.) into law (referred to in this preamble as ''title IX''), and in 2002 a resolution was passed establishing that such title may be cited as the ''Patsy Takemoto Mink Equal Opportunity in Education Act'';

Whereas title IX prohibits any educational institution that receives Federal education funding from discriminating against students or employees on the basis of sex;

Whereas sex discrimination includes gender-based violence, sexual harassment and assault, dating violence, and domestic violence;

Whereas title IX guarantees equal educational opportunities for all students, including lesbian, gay, bisexual, and transgender (referred to in this preamble as ''LGBT'') students, pregnant or parenting students, and gender nonconforming students;

Whereas since 1972, the United States has made great progress in providing educational opportunities to women and girls, and in 2016 women earn the majority of doctoral, master's, baccalaureate, and associate's degrees;

Whereas since 1972, the participation of women and girls in sports has increased by almost 900 percent in high school and almost 500 percent in college, providing women and girls with the opportunity to develop leadership and teamwork skills, earn athletic scholarships to help finance a college degree, and become successful professional athletes;

Whereas, despite the progress that has been made in higher education and athletics, women, girls, pregnant or parenting students, LGBT individuals, and gender nonconforming individuals in the United States are still too often denied equal educational opportunities;

Whereas the share of baccalaureate degrees in science, technology, engineering, and mathematics earned by women has decreased over the past decade, and women now earn only 19 percent of engineering degrees, 18 percent of computing degrees, 42 percent of mathematics degrees, and 39 percent of physical science degrees, at the baccalaureate level;

Whereas women of color earn only 6 percent of computing degrees and 3 percent of engineering degrees at the baccalaureate level;

Whereas women have about 64,000 fewer opportunities than men to participate in college sports, and in 2015 only 37 of the 313 athletic directors in Division I sports were women;

Whereas multiple studies have confirmed that 1 in 5 women are sexually assaulted on college campuses and about 20 percent of girls have been the victims of sexual assault or attempted sexual assault while in high school;

Whereas more than 50 percent of girls in grades 7 through 12 experience sexual harassment and 10 percent of high school students experience dating violence each year, which can lead to symptoms of depression, anxiety, and unhealthy and antisocial behaviors, and can negatively impact academic achievement;

Whereas men still hold the vast majority of school leadership positions, and only about 31 percent of full professors at degree-granting postsecondary institutions are women, 26 percent of college and university presidents are women, and 27 percent of school district superintendents are women;

Whereas pregnant and parenting students are more likely to drop out of high school than other students, and only 51 percent of mothers under the age of 20 earn a high school diploma by the age of 22, leading to decreased opportunities for continuing education and employment; and

Whereas LGBT students face pervasive discrimination and harassment in school, on college campuses, and in the workforce, impeding their ability to fully access the educational opportunities they are entitled to: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the tremendous increase in educational opportunities, including in sports, for women and girls since the passage of title IX of the Education Amendments of 1972;

(2) commends the work of the Department of Education and the Department of Justice to ensure that students have a safe learning environment by working to ensure that schools prevent and respond to discrimination and harassment on the basis of sex, including sexual assault, harassment, domestic and dating violence, pregnancy, sex-stereotyping, and discrimination based on actual or perceived gender identity; and

(3) recognizes that progress must still be made to secure the promise of such title IX that no educational institution that receives Federal education funding discriminates against any person because of their sex.

SENATE RESOLUTION 511—EXPRESSING SUPPORT FOR THE DESIGNATION OF JUNE 26, 2016, AS ''LGBT EQUALITY DAY''

Ms. BALDWIN (for herself, Mrs. MURRAY, Ms. HIRONO, Mr. MARKEY, Ms. CANTWELL, Mr. DURBIN, Mr. BOOKER, Mr. WYDEN, Mr. BROWN, Mr. FRANKEN, Mr. MERKLEY, Ms. HEITKAMP, Mr. SCHUMER, Mr. COONS, Mr. SANDERS, Mr. HEINRICH, Mr. CARDIN, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. WHITEHOUSE, Mr. PETERS, Mrs. FEINSTEIN, Mr. CASEY, Mr. LEAHY, Mr. CARPER, Mr. MENENDEZ, Mr. KAINE, Mrs. BOXER, Mrs. SHAHEEN, Mr. REID, Mr. MURPHY, and Mr. SCHATZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 511

Whereas the United States recognizes that all individuals should be treated equally;

Whereas Members of the 114th Congress support the rights and freedoms of individuals who are lesbian, gay, bisexual, and transgender (in this preamble referred to as ''LGBT people'');

Whereas, on June 26, 2003, the Supreme Court of the United States ruled in Lawrence v. Texas, 539 U.S. 558, that States could no longer criminalize the private conduct in which same-sex couples engage;

Whereas, on June 26, 2013, the Supreme Court of the United States ruled in United States v. Windsor, 133 S. Ct. 2675, that section 3 of the Defense of Marriage Act (Public Law 104–199; 110 Stat. 2419) was unconstitutional and the Federal Government could no longer restrict married same-sex couples from receiving Federal benefits and protections;

Whereas, on June 26, 2015, the Supreme Court of the United States ruled in Obergefell v. Hodges, 135 S. Ct. 2584, that same-sex couples have a constitutional right to marry and States could no longer discriminate against same-sex couples when recognizing or licensing a marriage;

Whereas decisions handed down by the Supreme Court of the United States on June 26 in 2003, 2013, and 2015 ended marriage discrimination and the criminalization of same-sex private intimate conduct under the law;

Whereas LGBT people and their allies have worked together for more than 60 years to make progress toward achieving full equality for all individuals in the United States, regardless of sexual orientation or gender identity;

Whereas LGBT people in the United States continue to face many barriers that cannot be solved through courtroom litigation alone;

Whereas transgender individuals and LGBT people of color are disproportionately and uniquely burdened by such barriers, including violence, discrimination, poverty, and societal isolation;

Whereas LGBT people continue to be targets for violence based on who they are and who they love, as demonstrated most recently by the terrible massacre at the Pulse nightclub in Orlando, Florida on June 12, 2016, in which 49 individuals tragically lost their lives;

Whereas, although victories at the Supreme Court of the United States have affirmed the dignity and equality of millions of same-sex couples, statutory reforms are needed to ensure that LGBT people in the United States are free from discrimination and have equal access to the American dream; and

Whereas June 26, 2016, would be an appropriate date to designate as ''LGBT Equality Day'': Now, therefore, be it

Resolved, That the Senate—

(1) supports equal rights and protections for all individuals, regardless of actual or perceived sexual orientation or gender identity;

(2) supports the designation of June 26, 2016, as ''LGBT Equality Day'';

(3) encourages the celebration of ''LGBT Equality Day'' to—

(A) commemorate the significance of decisions handed down by the Supreme Court of the United States on June 26 in 2003, 2013, and 2015; and

(B) continue educating all people about the forms of discrimination, harassment, and intolerance that lesbian, gay, bisexual, and transgender individuals continue to face; and

(4) acknowledges the need for further legislation to ensure that individuals in the United States are free from all forms of discrimination on the basis of actual or perceived sexual orientation or gender identity, including in employment, housing, public accommodations, education, Federal funding, credit, and jury service.

SENATE RESOLUTION 512—DESIGNATING THE MONTH OF JUNE 2016 AS ''NATIONAL POST-TRAUMATIC STRESS AWARENESS MONTH'' AND JUNE 27, 2016, AS ''NATIONAL POST-TRAUMATIC STRESS AWARENESS DAY''

Ms. HEITKAMP (for herself, Mr. HELLER, Mr. SULLIVAN, Mr. BLUMENTHAL, Mr. TILLIS, Mrs. MURRAY, Mr. GRASSLEY, Mrs. FEINSTEIN, Ms. COLLINS, Mr. WARNER, Mr. INHOFE, Ms. MIKULSKI, Mr. BLUNT, Mr. DURBIN, Mr. HOEVEN, Mr. CASEY, Mr. DAINES, Ms. BALDWIN, Ms. MURKOWSKI, Mr. TESTER, Mr. MORAN, Mr. MARKEY, Mr. CRAPO, Mr. COONS, Mr. ROBERTS, Mr. PETERS, Mr. KING, Ms. HIRONO, Ms. STABENOW,

Mr. BROWN, and Mr. DONNELLY) submitted the following resolution; which was considered and agreed to:

S. RES. 512

Whereas the brave men and women of the Armed Forces of the United States (in this preamble referred to as the ''Armed Forces''), who proudly serve the United States, risk their lives to protect the freedom of the people of the United States and deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being;

Whereas more than 2,000,000 members of the Armed Forces have deployed overseas since the events of September 11, 2001, and have served in places such as Afghanistan and Iraq;

Whereas the Armed Forces have sustained a historically high operational tempo since September 11, 2001, with many members of the Armed Forces deploying overseas multiple times, placing those members at high risk of experiencing combat stress;

Whereas, when left untreated, exposure to traumatic combat stress can lead to post-traumatic stress disorder (in this preamble referred to as ''PTSD''), sometimes referred to as post-traumatic stress injury;

Whereas men and women of the Armed Forces and veterans who served before September 11, 2001, remain at risk for PTSD and other mental health disorders;

Whereas the Secretary of Veterans Affairs reports that, in fiscal year 2015, more than 569,000 of the nearly 6,000,000 veterans who sought care at a medical facility of the Department of Veterans Affairs received treatment for PTSD;

Whereas many combat stress injuries remain unreported, undiagnosed, and untreated due to a lack of awareness about post-traumatic stress and the persistent stigma associated with mental health conditions;

Whereas exposure to military trauma can lead to PTSD;

Whereas PTSD significantly increases the risk of anxiety, depression, suicide, homelessness, and drug- and alcohol-related disorders and deaths, especially if left untreated;

Whereas public perceptions of PTSD or other mental health disorders create unique challenges for veterans seeking employment;

Whereas the Department of Defense and the Department of Veterans Affairs, as well as the larger medical community, both private and public, have made significant advances in the identification, prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain;

Whereas increased understanding of post-traumatic stress can help eliminate the stigma attached to this mental health issue;

Whereas additional efforts are needed to find further ways to eliminate the stigma associated with post-traumatic stress, including—

(1) an examination of how post-traumatic stress is discussed in the United States; and

(2) a recognition that post-traumatic stress is a common injury that is treatable and repairable;

Whereas post-traumatic stress can result from any number of stressors other than combat, including rape, sexual assault, battery, torture, confinement, child abuse, car accidents, train wrecks, plane crashes, bombings, or natural disasters, and affects approximately 8,000,000 adults in the United States annually; and

Whereas the designation of a National Post-Traumatic Stress Awareness Month and a National Post-Traumatic Stress Awareness Day will raise public awareness about issues related to post-traumatic stress, reduce the associated stigma, and help ensure that those individuals suffering from the invisible wounds of war receive proper treatment: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2016 as ''National Post-Traumatic Stress Awareness Month'' and June 27, 2016, as ''National Post-Traumatic Stress Awareness Day'';

(2) supports the efforts of the Secretary of Veterans Affairs and the Secretary of Defense, as well as the entire medical community, to educate members of the Armed Forces of the United States, veterans, the families of members of the Armed Forces of the United States and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress;

(3) welcomes the efforts of the National Center for PTSD of the Department of Veterans Affairs and local Vet Centers (as defined in section 1712A(h) of title 38, United States Code) to provide assistance to veterans who are suffering from the effects of this injury;

(4) encourages commanders of the Armed Forces of the United States to support appropriate treatment of men and women of the Armed Forces of the United States who are diagnosed with post-traumatic stress disorder; and

(5) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Secretary of Veterans Affairs and the Secretary of Defense.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4857. Mr. GRASSLEY (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 4858. Ms. COLLINS (for herself, Ms. HEITKAMP, Ms. AYOTTE, Mr. HEINRICH, Mr. FLAKE, Mr. KAINE, Mr. GRAHAM, Mr. KING, Mr. NELSON, Mr. MANCHIN, Ms. BALDWIN, Mr. KIRK, and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill H.R. 2578, supra.

SA 4859. Mr. MCCONNELL (for Mr. JOHNSON (for himself, Mr. LANKFORD, Mr. CORNYN, and Mr. RUBIO)) proposed an amendment to amendment SA 4858 submitted by Ms. COLLINS (for herself, Ms. HEITKAMP, Ms. AYOTTE, Mr. HEINRICH, Mr. FLAKE, Mr. KAINE, Mr. GRAHAM, Mr. KING, Mr. NELSON, Mr. MANCHIN, Ms. BALDWIN, Mr. KIRK, and Mr. WARNER) to the bill H.R. 2578, supra.

SA 4860. Mr. MCCONNELL proposed an amendment to amendment SA 4859 proposed by Mr. MCCONNELL (for Mr. JOHNSON (for himself, Mr. LANKFORD, Mr. CORNYN, and Mr. RUBIO)) to the amendment SA 4858 submitted by Ms. COLLINS (for herself, Ms. HEITKAMP, Ms. AYOTTE, Mr. HEINRICH, Mr. FLAKE, Mr. KAINE, Mr. GRAHAM, Mr. KING, Mr. NELSON, Mr . MANCHIN, Ms. BALDWIN, Mr. KIRK, and Mr. WARNER) to the bill H.R. 2578, supra.

SA 4861. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 5293, making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table.

SA 4862. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 4863. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, supra; which was ordered to lie on the table.

SA 4864. Mr. MCCONNELL (for Mr. NELSON) proposed an amendment to the concurrent resolution S. Con. Res. 39, honoring the members of the United States Air Force who were casualties of the June 25, 1996, terrorist bombing of the United States Sector Khobar Towers military housing complex on Dhahran Air Base.

TEXT OF AMENDMENTS

SA 4857. Mr. GRASSLEY (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. 5____. ADDITIONAL PROTECTIONS FOR OUR VETERANS.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

''(a) IN GENERAL.—Beginning on the date of enactment of this section, in any case arising out of the administration by the Secretary of laws and benefits under this title, the Secretary shall not determine a person to be adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 unless the Federal Government has met the burden of proving, by clear and convincing evidence, that the person is a danger to self or others. The process to determine whether such person is a danger to self or others, as set forth in this section, shall be separate from the Department's process to determine a person mentally incompetent for the purposes of assigning a fiduciary. A person that is subject to the process that may result in a finding that he or she is a danger to self or others shall be provided formal notice and a process by which to challenge the Federal Government's position, and shall be provided written notice of the effect of the ruling with respect to their ability to own and possess firearms and the protections granted under this section.

''(b) MEDICAL REVIEW.—

''(1) IN GENERAL.—The process by which a person may be determined to be a danger to self or others shall be initiated, with the exception of those persons described in subsection (i)(1), only after 2 health care professionals of the Department conclude, based on

clear and convincing medical evidence, that the person is a danger to self or others.

''(2) LIMITATION.—If a conclusion by 2 health care professionals of the Department that a person is a danger to self or others is not made in accordance with paragraph (1) , the Federal Government may not begin the process to find that such person is a danger to self or others.

''(c) PROCESS.—If a conclusion that a person is a danger to self or others is made under subsection (b)(1), not later than 30 days after that date on which such conclusion is made, the Department shall provide notice to the person, in writing, of the medical finding, the rights and protections afforded by this section, and the effect of a future administrative or judicial ruling with respect to the ability of the person to own and possess firearms.

''(d) ADMINISTRATIVE REVIEW.—(1) Except as provided in subsection (i), not later than 60 days after the date on which a person described in subsection (a) receives notice of the pendency of the Federal Government action to determine whether or not such person is a danger to self or others, such person may request a review by the board designed or established under paragraphs (2) and (3) or a court of competent jurisdiction to determine whether such person is a danger to self or others. If such person does not specify a forum, the Federal Government shall choose the forum. In such assessment, the board may consider the person's honorable discharge or decoration and other mitigating factors.

''(2) Not later than 120 days after the date of enactment of this section, the Secretary shall designate or establish a board that shall, upon request of a person under subsection (a), make a determination after both parties have presented their case as to whether a person is a danger to self or others. If the board determines that the Federal Government failed to prove that the person is a danger to self or others, the person shall not be required to present his or her case.

''(3) The board shall consist of 3 former or current Federal judicial officers for a term of two years each and a majority decision shall control.

''(4) A determination by the board designated or established under paragraphs (2) or by a court of competent jurisdiction that a person does not meet the standard under subsection (f) shall preclude the Secretary from reporting such person to the National Instant Criminal Background Check System for the purpose of prohibiting the acquisition, receipt, transfer, shipment, transportation, or possession of firearms or ammunition.

''(5) Not later than 90 days after the date on which the person or Federal Government chooses the administrative review process, the board shall make a determination. If the board does not make a determination within the required 90-day period, the Secretary shall not report the person to the National Instant Criminal Background Check System for the purpose of prohibiting the acquisition, receipt, transfer, shipment, transportation, or possession of firearms or ammunition.

''(e) JUDICIAL REVIEW.—Not later than 45 days after the date on which an assessment of a person under subsection (d) is made, such person or the Federal Government may file a petition for judicial review of the board's determination with a court of competent jurisdiction. Such court shall review the case de novo.

''(f) BURDEN OF PROOF.—The burden of proof for all actions arising under this section shall be on the Federal Government to prove, based on clear and convincing evidence, that a person is a danger to self or others and such burden shall be met before the person may be adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18.

''(g) EMERGENCY ORDER.—(1) In the case of a person who the Secretary believes may be an imminent danger to self or others, the Secretary may file an emergency petition in a court of competent jurisdiction to seek a temporary order prohibiting the acquisition, receipt, transfer, shipment, transportation, or possession of firearms or ammunition, if the Secretary has already transmitted the notification letter described in subsection (c). The court in which such action is filed may, if the court finds probable cause exists that a person is an imminent danger to self or others, grant such petition. The Secretary shall submit to the court the information and documents, in unredacted form, that support the Secretary's position.

''(2) Except as provided in paragraph (3), an emergency order issued under this subsection shall expire on the earlier of—

''(A) the date that is 90 days after the date on which the order is issued; or

''(B) the date on which a determination is made by the board established under subsection (d)(2) or a court of competent jurisdiction as to whether the person is a danger to self or others.

''(3) The court may, in its discretion, extend an order issued under this subsection for a reasonable amount of time.

''(h) REGULATORY CHANGES.—Consistent with the requirements imposed under this section, the Secretary shall review all relevant regulations and revise such regulations as necessary.

''(i) PERSONS WITH EXISTING RECORDS.—(1) For persons with existing records in the National Instant Criminal Background Check System database supplied by the Secretary as of the date of enactment of this section, not later than 90 days after such date of enactment, the Secretary shall provide written notice of the opportunity for administrative review or judicial review consistent with this section.

''(2) Each person described in paragraph (1) may, at any time, request administrative review under subsection (d) or judicial review by a court of competent jurisdiction to challenge the placement of the person in the National Instant Criminal Background Check System database consistent with the procedures set forth in this section. If such person does not specify a forum, the Federal Government shall choose the forum. In such assessment, the board may consider the person's honorable discharge or decoration and other mitigating factors.

''(3) In an action under this subsection, the failure of the Federal Government to prove, based on clear and convincing evidence, that a person is a danger to self or others consistent with the procedures in this section shall result in the removal of such person's information from the National Instant Criminal Background Check System database.

''(j) NEW AND MATERIAL EVIDENCE.—A person or the Federal government may reopen a finally adjudicated case by submitting new and material evidence consistent with this section.

''(k) COURT OF COMPETENT JURISDICTION DEFINED.—In this section, the term 'court of competent jurisdiction' means the district court of the United States for the district in which the person who is subject to the assessment or determination lives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

''5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.''.

(c) APPLICABILITY.—Section 5511 of title 38, United States Code (as added by this section), shall apply, subject to the aforementioned exceptions, with respect to all persons who are determined by the Secretary of Veterans Affairs to be mentally incompetent as of the date of enactment. After the date of enactment of this Act, and separate from a finding of mental incompetency, in any case arising out of the administration by the Secretary of laws and benefits under this title, for persons determined to be a danger to self or others, such determination shall be made consistent with section 5511 of title 38, United States Code (as added by this Act).

(d) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to require that the Secretary of Veterans Affairs first determine that a person is mentally incompetent for purposes of assigning a fiduciary before the Secretary may initiate the process to determine whether a person is a danger to self or others, consistent with section 5511 of title 38, United States Code, as added by this section.

SA 4858. Ms. COLLINS (for herself, Ms. HEITKAMP, Ms. AYOTTE, Mr. HEINRICH, Mr. FLAKE, Mr. KAINE, Mr. GRAHAM, Mr. KING, Mr. NELSON, Mr. MANCHIN, Ms. BALDWIN, Mr. KIRK, and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. DISCRETIONARY AUTHORITY TO DENY TRANSFERS OF FIREARMS, EXPLOSIVES, AND FIREARMS AND EXPLOSIVES LICENSES AND PERMITS TO TERRORISTS.

(a) AUTHORITY.—

(1) IN GENERAL.—On and after the date of enactment of this Act, in accordance with the procedures under this section, and without regard to section 842, 843, section 922(g) or (n), or section 923 of title 18, United States Code, the Attorney General may deny the transfer of a firearm, not later than 3 business days after a licensee under chapter 44 of title 18, United States Code, contacts the national instant criminal background check system established under section 103 of Public Law 103–159 (18 U.S.C. 922 note), deny the transfer of an explosive, or deny the issuance of a Federal firearms or explosives license or permit, if either of the following are met:

(A) NO FLY LIST.—The Attorney General determines that the transferee or applicant—

(i) based on the totality of the circumstances, represents a threat to public safety based on a reasonable suspicion that the transferee or applicant is engaged, or has been engaged, in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources therefor; and

(ii) based on credible information, poses—

(I) a threat of committing an act of international terrorism or domestic terrorism

with respect to an aircraft (including a threat of piracy, or a threat to airline, passenger, or civil aviation security);

(II) a threat of committing an act of domestic terrorism with respect to the homeland;

(III) a threat of committing an act of international terrorism against any United States Government facility abroad and associated or supporting personnel, including United States embassies, consulates and missions, military installations, United States ships, United States aircraft, or other auxiliary craft owned or leased by the United States Government; or

(IV) a threat of engaging in or conducting a violent act of terrorism and is operationally capable of doing so.

(B) SELECTEE LIST.—The Attorney General determines that the transferee or applicant—

(i) based on the totality of the circumstances, represents a threat to public safety based on a reasonable suspicion that the transferee or applicant is engaged, or has been engaged, in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources therefor; and

(ii) based on credible information, is—

(I) a member of a terrorist organization (including a foreign terrorist organization designated pursuant to a statute or Executive Order); and

(II) associated with terrorist activity, unless information exists that demonstrates that the application of secondary screening to such individual is not necessary.

(2) NICS.—Solely for purposes of sections 922(t) (1), (2), (5), and (6) of title 18, United States Code, and section 103(g) of Public Law 103–159 (18 U.S.C. 922 note), a denial by the Attorney General under paragraph (1) shall be treated as equivalent to a determination that receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code. During the 3-business-day period beginning when a licensee under chapter 44 of title 18, United States Code, contacts the national instant criminal background check system established under section 103 of Public Law 103–159 (18 U.S.C. 922 note), and notwithstanding section 922(t)(2) of title 18, United States Code, the Attorney General may delay assigning a unique identification number to a transfer of a firearm in order to determine whether the transferee or applicant meets the requirements under paragraph (1).

(b) NOTIFICATION OF PROSPECTIVE FIREARMS AND EXPLOSIVES TRANSFERS TO KNOWN OR SUSPECTED TERRORIST.—The Attorney General and Federal, State, and local law enforcement shall be immediately notified, as appropriate, of any request to transfer a firearm or explosive to a person who is, or with in the previous 5 years was, identified in the Terrorist Screening Database maintained by the Terrorist Screening Center of the Federal Bureau of Investigation.

(c) REVIEW OF DENIAL.—

(1) REMEDIAL PROCEDURES AND PETITION FOR REVIEW.—

(A) IN GENERAL.—An individual who is a citizen or lawful permanent resident of the United States who seeks to challenge a denial by the Attorney General under subsection (a)(1) may—

(i) pursue the remedial procedures under section 103(g) of Public Law 103–159 (18 U.S.C. 922 note); or

(ii) file a petition for review and any claims related to that petition in the United States District Court for the District of Columbia or in the district court of the United States for the judicial district in which the individual resides.

(B) EXHAUSTION NOT REQUIRED.—A petitioner is not required to exhaust the remedial procedures authorized under clause (i) of subparagraph (A) before filing a petition for review under clause (ii) of subparagraph (A).

(C) PROCEDURES.—Notwithstanding any other provision of law, the Attorney General may promulgate regulations governing proceedings under subparagraph (A)(i) to prevent the unauthorized disclosure of information that reasonably could be expected to result in damage to national security or ongoing law enforcement operations.

(2) DEADLINES FOR FILING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a petition for review under paragraph (1)(A)(ii), and any claims related to that petition, shall be filed not later than the earlier of—

(i) 1 year after the petitioner receives actual notice of the reason for the denial by the Attorney General; or

(ii) 5 years after the petitioner receives notice of the denial by the Attorney General.

(B) EXCEPTION.—The district court in which a petition for review is to be filed under paragraph (1)(A)(ii) may allow the petition to be filed after the deadline specified in subparagraph (A) only if there is good cause for not filing by that deadline.

(3) AUTHORITY OF DISTRICT COURTS.—The district court in which a petition for review is filed under paragraph (1)(A)(ii)—

(A) shall have—

(i) jurisdiction to decide all relevant questions of law and fact; and

(ii) exclusive jurisdiction to affirm, amend, modify, or set aside any part of the denial of the Attorney General that is the subject of the petition for review; and

(B) may order the Attorney General to conduct further proceedings.

(4) EXCLUSIVE JURISDICTION.—

(A) IN GENERAL.—No district court of the United States or court of appeals of the United States shall have jurisdiction to consider the lawfulness or constitutionality of this section except pursuant to a petition for review under subsection (c)(1)(A)(ii).

(B) NONCITIZENS.—No district court of the United States or court of appeals of the United States shall have jurisdiction to hear any claim by an individual who is not a citizen or lawful permanent resident of the United States related to or arising out a denial by the Attorney General under subsection (a)(1).

(d) REQUIREMENT FOR AN ADMINISTRATIVE RECORD AND PROCEDURES FOR JUDICIAL REVIEW.—Notwithstanding any other provision of law, the following procedures shall apply with respect to a petition for review filed in a district court under subsection (c)(1)(A)(ii):

(1) The United States shall file with the court an administrative record, which shall consist of—

(A) the information the Attorney General relied upon in denying the transfer or application;

(B) a summary of known material mitigation information;

(C) any information the petitioner has submitted pursuant to any administrative process; and

(D) any information determined relevant by the United States.

(2)(A) The petitioner may file with the court any information determined relevant by the petitioner.

(B) With leave of the court, the United States may supplement the administrative record with additional information.

(3) All information in the administrative record that is not classified and is not otherwise privileged or subject to statutory protections shall be provided to the petitioner.

(4) No discovery shall be permitted, unless the court shall determine extraordinary circumstances requires discovery in the interests of justice.

(5) Sensitive security information contained in the administrative record may only be provided to petitioners counsel, pursuant to a protective order.

(6)(A) The administrative record may include classified information, which the United States shall submit to the court in camera and ex parte. The court shall review all classified information in camera and ex parte unless it enters an order under paragraph (C).

(B) The United States shall notify the petitioner if the administrative record filed under paragraph (1) contains classified information.

(C) The court is authorized to determine the extent to which cleared counsel shall be permitted to access classified information necessary to protect the due process rights of a petitioner and enter an appropriate order.

(D)(i) If the court enters an order under subparagraph (C) providing for the disclosure of information and the United States files with the court an affidavit of the Attorney General objecting to the disclosure, the court shall order that the information not be disclosed.

(ii) If information is not disclosed under clause (i), the court shall enter such an order as the interests of justice require, which may include an order quashing the denial by the Attorney General under subsection (a)(1).

(iii) An order under subparagraph (C) or clause (ii) of this subparagraph shall be subject to review by a court of appeals pursuant to section 1292 of title 28, United States Code.

(iv) An order under clause (ii) shall be administratively stayed for 7 days.

(v) The functions and duties of the Attorney General under this subparagraph—

(I) may be exercised by the Deputy Attorney General, the Associate Attorney General, or by an Assistant Attorney General designated by the Attorney General for such purpose; and

(II) may not be delegated to any other official.

(E) Any information disclosed under subparagraph (C) shall be subject to an appropriate protective order.

(7)(A) The administrative record may include information obtained or derived from an order issued under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), without regard to subsections (c), (e), (f), (g), and (h) of section 106 (50 U.S.C. 1806), subsections (d), (f), (g), (h), and (i) of section 305 (50 U.S.C. 1825), subsections (c), (e), (f), (g), and (h) of section 405 (50 U.S.C. 1845), and section 706 (50 U.S.C. 1881e) of that Act. If the United States intends to use such information against an aggrieved person (as defined in section 101, 301, or 401 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801, 1821, and 1841)), it shall provide in camera and ex parte notice to the court concerning such use.

(B) If the court receives a notice under subparagraph (A), the court shall review, in camera and ex parte, the order described in that subparagraph and any other materials that may be submitted by the United States.

(C) If the court determines that the order described in subparagraph (A) was not lawfully authorized, or the information was not

obtained in conformity with the order, it shall exclude such information from consideration as part of the administrative record.

(8) Any classified information, sensitive security information, law enforcement sensitive information, or information that is otherwise privileged or subject to statutory protections, that is part of the administrative record, or cited by the court or the parties, shall be treated by the court and the parties consistent with the provisions of this subsection, and shall be sealed and preserved in the records of the court to be made available in the event of further proceedings. In no event shall such information be released as part of the public record.

(9) The court shall award reasonable attorney fees to a petitioner who is a prevailing party in an action under this section.

(10) After the expiration of the time to seek further review, or the conclusion of further proceedings, the court shall return the administrative record, including any and all copies, to the United States. All privileged information or other information in the possession of counsel for the petitioner that was provided by the United States under a protective order shall be returned to the United States, or the counsel for the petitioner shall certify its destruction, including any and all copies.

(e) SCOPE OF REVIEW.—The district court shall quash any denial by the Attorney General under subsection (a)(1), unless the United States demonstrates, based on the administrative record, on a de novo review of fact and law—

(1) that the transferee or applicant—

(A) based on the totality of the circumstances, represents a threat to public safety based on a reasonable suspicion that the transferee or applicant is engaged, or has been engaged, in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources therefor; and

(B) based on credible information, poses—

(i) a threat of committing an act of international terrorism or domestic terrorism with respect to an aircraft (including a threat of piracy, or a threat to airline, passenger, or civil aviation security);

(ii) a threat of committing an act of domestic terrorism with respect to the homeland;

(iii) a threat of committing an act of international terrorism against any United States Government facility abroad and associated or supporting personnel, including United States embassies, consulates and missions, military installations, United States ships, United States aircraft, or other auxiliary craft owned or leased by the United States Government; or

(iv) a threat of engaging in or conducting a violent act of terrorism and is operationally capable of doing so; or

(2) that the transferee or applicant—

(A) based on the totality of the circumstances, represents a threat to public safety based on a reasonable suspicion that the transferee or applicant is engaged, or has been engaged, in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources therefor; and

(B) based on credible information—

(i) is a member of a terrorist organization (including a foreign terrorist organization designated pursuant to a statute or Executive Order; and

(ii) is associated with terrorist activity, unless information exists that demonstrates that the application of secondary screening to such individual is not necessary.

(f) EFFECT OF QUASHING.—If the district court quashes a denial by the Attorney General under subsection (e), notwithstanding any other provision of law, the Attorney General shall—

(1) for a denial of the transfer of a firearm, cause a unique identifier to issue pursuant to section 922(t)(2) of title 18, United States Code, not later than 3 days after the issuance of the order under subsection (e); and

(2) for a denial of a license or permit, expeditiously issue a license or permit under chapter 40 or 44 of title 18, United States Code, as applicable.

(g) REVIEW OF DECISION OF DISTRICT COURT.—A final decision of a district court under this section shall be subject to review by a court of appeals in accordance with section 1291 of title 28, United States Code.

(h) EXCLUSIVE REMEDIES.—The remedial procedures and a petition for review authorized under subsection (c)(1)(A) shall be the sole and exclusive remedies for a claim by an individual who challenges a denial under subsection (a)(1).

(i) EXPEDITED CONSIDERATION.—

(1) COURTS.—Not later than 14 days after the date on which a petition is filed challenging a denial under subsection (a)(1), a district court shall determine whether to quash the denial, unless the petitioner consents to a longer period.

(2) OF QUASHING.—If the district court quashes a denial by the Attorney General under subsection (e), a petitioner may submit the order quashing the denial to the Department of Homeland Security for expedited review, as appropriate.

(j) TRANSPARENCY.—Not later than 60 days after the date of enactment of this Act, and quarterly thereafter—

(1) the Attorney General shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report providing—

(A) the number of individuals denied a firearm or explosives transfer or a license or permit under subsection (a)(1) during the reporting period;

(B) the number of petitions for review filed under subsection (c)(1)(A)(ii); and

(C) the number of instances in which a district court quashed a denial by the Attorney General under subsection (e); and

(2) the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs, the Select Committee on Intelligence, and the Committee on the Judiciary of the Senate and the Committee on Homeland Security, the Permanent Select Committee on Intelligence, and the Committee on the Judiciary of the House of Representatives a report providing—

(A) the number individuals—

(i) with respect to whom a district court quashed a denial by the Attorney General under subsection (e); and

(ii) who submitted the order quashing the denial to the Department of Homeland Security under subsection (i)(2); and

(B) a description of the actions taken and final determinations made by the Department of Homeland Security with regard to submissions described in subparagraph (A)(ii) respecting the status of individuals on the No Fly List or Selectee List, including the length of time taken to reach a final determination.

(k) DEFINITIONS.—In this section:

(1) CLASSIFIED INFORMATION.—The term ''classified information'' has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(2) DOMESTIC TERRORISM.—The term ''domestic terrorism'' has the meaning given that term in section 2331(5) of title 18, United States Code.

(3) INTERNATIONAL TERRORISM.—The term ''international terrorism'' has the meaning given that term in section 2331(1) of title 18, United States Code.

(4) MILITARY INSTALLATION.—The term ''military installation'' has the meaning given that term in section 2801(c)(4) of title 10, United States Code.

(5) NATIONAL SECURITY.—The term ''national security'' has the meaning given that term in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(6) SENSITIVE SECURITY INFORMATION.—The term ''sensitive security information'' has the meaning given that term by sections 114(r) and 40119 of title 49, United States Code, and the regulations and orders issued pursuant to those sections.

(7) TERRORIST ACTIVITY.—The term ''terrorist activity'' has the meaning given that term in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)).

(l) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) except as set forth in this section, authorize the Attorney General to modify the length of period before a firearm may be transferred under section 922(t) of title 18, United States Code; or

(2) apply to any claim other than a claim challenging the denial of a firearm, explosive, or issuance of a firearm or explosives permit or license by the Attorney General.

SA 4859. Mr. MCCONNELL (for Mr. JOHNSON (for himself, Mr. LANKFORD, Mr. CORNYN, and Mr. RUBIO)) proposed an amendment to amendment SA 4858 submitted by Ms. COLLINS (for herself, Ms. HEITKAMP, Ms. AYOTTE, Mr. HEINRICH, Mr. FLAKE, Mr. KAINE, Mr. GRAHAM, Mr. KING, Mr. NELSON, Mr. MANCHIN, Ms. BALDWIN, Mr. KIRK, and Mr. WARNER) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

In lieu of the matter to be inserted, insert the following:

SEC. _____. DISCRETIONARY AUTHORITY TO DELAY OR DENY TRANSFERS OF FIREARMS AND EXPLOSIVES AND ISSUANCE OF FIREARMS AND EXPLOSIVES LICENSES AND PERMITS TO TERRORISTS.

(a) AUTHORITY.—

(1) IN GENERAL.—On and after the date of enactment of this Act, in accordance with the procedures under this section, and without regard to section 842, 843, section 922(g) or (n), or section 923 of title 18, United States Code, the Attorney General may delay or deny the transfer of a firearm, not later than 3 business days after a licensee under chapter 44 of title 18, United States Code, contacts the national instant criminal background check system established under section 103 of Public Law 103–159 (18 U.S.C. 922 note), delay or deny the transfer of an explosive, or delay or deny the issuance of a Federal firearms or explosives license or permit, if—

(A) the transferee or applicant is appropriately included on the No Fly or Selectee List; and

(B) the Attorney General determines—

(i) there is a reasonable basis to believe, based on specific and articulable information and credible evidence, that the transferee or applicant is engaged, or has been engaged, in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources therefor; or

(ii) the transferee or applicant poses a credible threat of—

(I) committing an act of international terrorism or domestic terrorism with respect to an aircraft (including a threat of piracy, or a threat to airline, passenger, or civil aviation security);

(II) committing an act of domestic terrorism with respect to the homeland;

(III) committing an act of international terrorism against any United States Government facility abroad and associated or supporting personnel, including United States embassies, consulates and missions, military installations, United States ships, United States aircraft, or other auxiliary craft owned or leased by the United States Government; or

(IV) engaging in or conducting a violent act of terrorism and is operationally capable of doing so.

(2) NICS.—Solely for purposes of sections 922(t) (1), (2), (5), and (6) of title 18, United States Code, and section 103(g) of Public Law 103–159 (18 U.S.C. 922 note), a denial by the Attorney General under paragraph (1) shall be treated as equivalent to a determination that receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code. During the 3-business-day period beginning when a licensee under chapter 44 of title 18, United States Code, contacts the national instant criminal background check system established under section 103 of Public Law 103–159 (18 U.S.C. 922 note), and notwithstanding section 922(t)(2) of title 18, United States Code, the Attorney General may delay assigning a unique identification number to a transfer of a firearm in order to determine whether the transferee or applicant meets the requirements under paragraph (1).

(3) DELAY OR DENIAL.—A delay or denial under paragraph (1) shall occur according to the process set forth in subsection (c).

(b) NOTIFICATION OF PROSPECTIVE FIREARM TRANSFERS TO KNOWN OR SUSPECTED TERRORIST.—The Attorney General and Federal, State, and local law enforcement shall be immediately notified, as appropriate, of any request to transfer a firearm or explosive to a person who is, or with in the previous 5 years was, identified in the Terrorist Screening Database maintained by the Terrorist Screening Center of the Federal Bureau of Investigation, if the Director of the Federal Bureau of Investigation annually reviews and certifies the identities of the known or suspected terrorists and the appropriateness of such designation.

(c) PROCESS FOR DELAY OR DENYING A TRANSFER OF A FIREARM OR EXPLOSIVE OR ISSUANCE OF LICENSE OR PERMIT.—

(1) EMERGENCY PETITION.—

(A) IN GENERAL.—Under the authority under subsection (a), except as provided in paragraph (9) the Attorney General may delay the transfer of a firearm or explosive, or the issuance of a license or permit, and file an emergency petition in a court of competent jurisdiction within 3 business days, to deny such transfer or issuance. The transfer of such firearm or explosive shall be delayed during the pendency of a petition under this subsection.

(B) EXPEDITED REVIEW.—A petition under subparagraph (A) and subsequent hearing shall receive the highest possible priority on the docket of the court and be subject to the Classified Information Procedures Act (18 U.S.C. App.). A hearing shall occur not later than 7 business days after the petition is filed (including any extension granted under paragraph (5)), and a decision by the court shall be issued not later than 3 business days after the hearing.

(2) HEARING.—

(A) IN GENERAL.—The prospective transferee or applicant shall receive notice of the hearing and an opportunity to participate with the assistance of counsel.

(B) STANDARD.—The court shall authorize the Attorney General to deny a transfer or issuance if the court finds—

(i) that the prospective transferee or applicant is appropriately included on the No Fly or Selectee List; and

(ii) that—

(I) there is a reasonable basis to believe, based on specific and articulable information and credible evidence, that the prospective transferee or applicant is engaged, or has been engaged, in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism; or

(II) the prospective transferee or applicant poses a credible threat of—

(aa) committing an act of international terrorism or domestic terrorism with respect to an aircraft (including a threat of piracy, or a threat to airline, passenger, or civil aviation security);

(bb) committing an act of domestic terrorism with respect to the homeland;

(cc) committing an act of international terrorism against any United States Government facility abroad and associated or supporting personnel, including United States embassies, consulates and missions, military installations, United States ships, United States aircraft, or other auxiliary craft owned or leased by the United States Government; or

(dd) engaging in or conducting a violent act of terrorism and is operationally capable of doing so.

(3) DENIAL OF PETITION.—If a petition under paragraph (1)(A) is denied, the Attorney General shall—

(A) for a transfer of a firearm or explosive, cause a unique identifier to issue pursuant to section 922(t)(2) of title 18, United States Code, not later than 3 days after the denial; and

(B) for the issuance of a license or permit, expeditiously issue the license or permit under chapter 40 or 44 of title 18, United States Code, as applicable.

(4) COURT COSTS AND ATTORNEY'S FEES.—If a petition under paragraph (1)(A) is denied, the government shall be responsible for all reasonable costs and attorney's fees.

(5) REQUEST FOR EXTENSION.—

(A) IN GENERAL.—The Attorney General may request from the court an extension for filing a petition under paragraph (1)(A) of not more than 10 additional business days.

(B) GRANT OF EXTENSION.—A court shall grant an extension if the Attorney General makes a preliminary showing to the court—

(i) that the prospective transferee or applicant is appropriately included on the No Fly or Selectee List; and

(ii) that—

(I) there is reasonable articulable suspicion and credible evidence that the prospective transferee or applicant is engaged, or has been engaged, in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism; or

(II) the prospective transferee or applicant poses a credible threat of—

(aa) committing an act of international terrorism or domestic terrorism with respect to an aircraft (including a threat of piracy, or a threat to airline, passenger, or civil aviation security);

(bb) committing an act of domestic terrorism with respect to the homeland;

(cc) committing an act of international terrorism against any United States Government facility abroad and associated or supporting personnel, including United States embassies, consulates and missions, military installations, United States ships, United States aircraft, or other auxiliary craft owned or leased by the United States Government; or

(dd) engaging in or conducting a violent act of terrorism and is operationally capable of doing so.

(C) EX PARTE PROCEEDING.—A preliminary showing under subparagraph (B) may occur in an ex parte proceeding.

(6) OPPORTUNITY TO APPEAL.—If the court rules in favor of a denial of a transfer or issuance, the prospective transferee or applicant shall be provided the opportunity to file a petition for review and any claims related to that petition in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the judicial circuit in which the individual resides.

(7) DETENTION OR ARREST.—The Attorney General may detain or arrest a prospective transferee or applicant for whom a petition under paragraph (1)(A) has been filed if probable cause exists to believe that the prospective transferee or applicant is engaged, or has been engaged, in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism.

(8) AUTHORITY OF COURTS OF APPEALS.—The court of appeals in which a petition for review is filed under paragraph (1)(A)—

(A) shall have—

(i) jurisdiction to decide all relevant questions of law and fact; and

(ii) exclusive jurisdiction to authorize, modify, set aside, or deny any part of a denial requested by the Attorney General in a petition under paragraph (1)(A); and

(B) may order the Attorney General to conduct further proceedings.

(9) NONCITIZENS.—For an individual who is not a citizen or lawful permanent resident of the United States—

(A) the Attorney General may delay or deny a transfer or issuance under subsection (a)(1) without regard to the procedures under paragraphs (1) through (9); and

(B) no district court of the United States or court of appeals of the United States shall have jurisdiction to hear any claim by such an individual related to or arising out such a denial by the Attorney General.

(d) REQUIREMENT FOR AN ADMINISTRATIVE RECORD AND PROCEDURES FOR JUDICIAL REVIEW.—Notwithstanding any other provision of law, the following procedures shall apply with respect to a petition filed in a court of appeals under subsection (c):

(1) The United States shall file with the court an administrative record, which shall consist of—

(A) the information the Attorney General relied upon in delaying the transfer or application;

(B) any information the prospective transferee or applicant has submitted pursuant to any administrative process;

(C) any information determined relevant by the United States; and

(D) any information that is exculpatory.

(2)(A) The prospective transferee or applicant may file with the court any information determined relevant by the prospective transferee or applicant.

(B) With leave of the court, the United States may supplement the administrative record with additional information.

(3) All information in the administrative record that is not classified and is not otherwise privileged or subject to statutory protections shall be provided to the prospective transferee or applicant.

(4) No discovery shall be permitted, unless the court shall determine extraordinary circumstances requires discovery in the interests of justice.

(5) Sensitive security information contained in the administrative record may only be provided pursuant to a protective order.

(6)(A) The administrative record may include classified information, which the United States shall submit to the court in camera and ex parte.

(B) The United States shall notify the prospective transferee or applicant if the administrative record filed under paragraph (1) contains classified information.

(C) The court may enter an order, after notice and a hearing, allowing disclosure to the prospective transferee or applicant, counsel for the prospective transferee or applicant, or both, of—

(i) an unclassified summary of some or all classified information in the administrative record;

(ii) a statement admitting relevant facts that some or all classified information in the administrative record would tend to prove;

(iii) some or all classified information, if counsel for the prospective transferee or applicant possess the appropriate security clearance; or

(iv) any combination thereof.

(D)(i) If the court enters an order under subparagraph (C) providing for the disclosure of classified information and the United States files with the court an affidavit of the Attorney General objecting to the disclosure, the court shall order that the classified information not be disclosed.

(ii) If classified information is not disclosed under clause (i), the court shall enter such an order as the interests of justice require, which may include an order denying the petition by the Attorney General under subsection (c)(1)(A).

(iii) An order under subparagraph (C) or clause (ii) of this subparagraph shall be subject to review pursuant to section 1254 of title 28, United States Code.

(iv) An order under clause (ii) shall be administratively stayed for 7 days.

(v) The functions and duties of the Attorney General under this subparagraph—

(I) may be exercised by the Deputy Attorney General, the Associate Attorney General, or by an Assistant Attorney General designated by the Attorney General for such purpose; and

(II) may not be delegated to any other official.

(E) Any information disclosed under subparagraph (C) shall be subject to an appropriate protective order.

(7) Any classified information, sensitive security information, law enforcement sensitive information, or information that is otherwise privileged or subject to statutory protections, that is part of the administrative record, or cited by the court or the parties, shall be treated by the court and the parties consistent with the provisions of this subsection, and shall be sealed and preserved in the records of the court to be made available in the event of further proceedings. In no event shall such information be released as part of the public record.

(8) The court shall award reasonable attorney fees and costs to a prospective transferee or applicant who is a prevailing party in an action under this section.

(9) After the expiration of the time to seek further review, or the conclusion of further proceedings, the court shall return the administrative record, including any and all copies, to the United States. All privileged information or other information in the possession of counsel for the prospective transferee or applicant that was provided by the United States under a protective order shall be returned to the United States, or the counsel for the prospective transferee or applicant shall certify its destruction, including any and all copies.

(e) SUPREME COURT REVIEW.—A decision by a court of appeals under this section may be reviewed by the Supreme Court under section 1254 of title 28, United States Code.

(f) EXCLUSIVE REMEDY.—The judicial review of a petition filed by the Attorney General under subsection (c) shall be the sole and exclusive remedy for a claim by an individual with respect to the denial requested under the petition.

(g) EXPEDITED CONSIDERATION.—

(1) COURTS.—Not later than 14 days after the date on which a petition is filed under subsection (c)(1)(A) seeking a denial, a court of appeals shall determine whether to authorize the denial, unless the prospective transferee or applicant consents to a longer period.

(2) OF DENIAL.—If the court of appeals denies a petition by the Attorney General under subsection (c)(1)(A), a prospective transferee or applicant may submit the order denying the petition to the Department of Homeland Security for expedited review, as appropriate.

(h) TRANSPARENCY.—Not later than 60 days after the date of enactment of this Act, and quarterly thereafter—

(1) the Attorney General shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report providing, for the reporting period—

(A) the number of petitions filed under subsection (c)(1)(A);

(B) the number of individuals denied a firearm or explosive transfer under an order granting such a petition; and

(C) the number of instances in which a court of appeals denied such a petition; and

(2) the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate and the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives a report providing—

(A) the number individuals—

(i) with respect to whom a court of appeals denied a petition by the Attorney General under subsection (c)(1)(A); and

(ii) who submitted the order denying the petition to the Department of Homeland Security under subsection (g)(2); and

(B) a description of the actions taken and final determinations made by the Department of Homeland Security with regard to submissions described in subparagraph (A)(ii) respecting the status of individuals on the No Fly List or Selectee List, including the length of time taken to reach a final determination.

(i) DEFINITIONS.—In this section:

(1) CLASSIFIED INFORMATION.—The term ''classified information'' has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(2) DOMESTIC TERRORISM.—The term ''domestic terrorism'' has the meaning given that term in section 2331(5) of title 18, United States Code.

(3) INTERNATIONAL TERRORISM.—The term ''international terrorism'' has the meaning given that term in section 2331(1) of title 18, United States Code.

(4) MILITARY INSTALLATION.—The term ''military installation'' has the meaning given that term in section 2801(c)(4) of title 10, United States Code.

(5) NATIONAL SECURITY.—The term ''national security'' has the meaning given that term in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(6) SENSITIVE SECURITY INFORMATION.—The term ''sensitive security information'' has the meaning given that term by sections 114(r) and 40119 of title 49, United States Code, and the regulations and orders issued pursuant to those sections.

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Attorney General to modify the length of period before a firearm may be transferred under section 922(t) of title 18, United States Code.

SA 4860. Mr. MCCONNELL proposed an amendment to amendment SA 4859 proposed by Mr. MCCONNELL (for Mr. JOHNSON (for himself, Mr. LANKFORD, Mr. CORNYN, and Mr. RUBIO)) to the amendment SA 4858 submitted by Ms. COLLINS (for herself, Ms. HEITKAMP, Ms. AYOTTE, Mr. HEINRICH, Mr. FLAKE, Mr. KAINE, Mr. GRAHAM, Mr. KING, Mr. NELSON, Mr. MANCHIN, Ms. BALDWIN, Mr. KIRK, and Mr. WARNER) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the end, add the following:

This Act shall take effect 1 day after the date of enactment.

SA 4861. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 5293, making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act for the Department of Defense may be used to enter into a contract with any offeror or any of its principals if the offeror certifies, pursuant to the Federal Acquisition Regulation, that the offeror or any of its principals—

(1) within a three-year period preceding the offer has been convicted of or had a civil judgment rendered against it for—

(A) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract;

(B) violation of Federal or State antitrust laws relating to the submission of offers; or

(C) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property;

(2) is under indictment for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph (1); or

(3) within a three-year period preceding the offer, has been notified of any delinquent Federal taxes in an amount that exceeds $3,000 for which the liability remains unsatisfied.

SA 4862. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Of amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Bureau of Justice Statistics of the Department of Justice, under section 302(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(c)), up to $1,000,000 shall be available to enter into cooperative agreements with appropriate entities to dis‡ag‡gregate local, State and Federal criminal justice statistics to the extent possible by ethnicity and the racial group categories in the decennial census.

SA 4863. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4685 proposed by Mr. SHELBY (for himself and Ms. MIKULSKI) to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. The Administrator of the National Oceanic and Atmospheric Administration shall ensure that the Administration responds in a timely manner to requests from the Chair or Ranking Member of a Congressional Committee or their staff for responses to questions for the record, requests for technical assistance, or views on legislation.

SA 4864. Mr. MCCONNELL (for Mr. NELSON) proposed an amendment to the concurrent resolution S. Con. Res. 39, honoring the members of the United States Air Force who were casualties of the June 25, 1996, terrorist bombing of the United States Sector Khobar Towers military housing complex on Dhahran Air Base; as follows:

In the third whereas clause, strike ''Staff Sergeant Daniel B. Cafourek'' and insert ''Technical Sergeant Daniel B. Cafourek''.

In the third whereas clause, strike ''Fenning'' and insert ''Fennig''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. TILLIS. Mr. President, I have seven requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on June 23, 2016, at 10 a.m., to conduct a hearing entitled ''Bank Capital and Liquidity Regulation Part II: Industry Perspectives.''

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on June 23, 2016, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on June 23, 2016, at 10 a.m.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on June 23, 2016, at 10:30 a.m., to conduct a hearing entitled ''NATO: Reviewing the Agenda and Assessing the Potential Outcomes of the Warsaw Summit.''

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on June 23, 2016, at 10 a.m., in room SR–428A of the Russell Senate Office Building to conduct a hearing entitled, ''Beyond the Bench: Ramifications of the Supreme Court Kingdomware Decision.''

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

The Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on June 23, 2016, at 10 a.m., to conduct a hearing entitled, ''Customer Service and Billing Practices in the Cable and Satellite Television Industry.''

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on June 23, 2016, at 11 a.m., in room SD–562 of the Dirksen Senate Office Building to conduct a hearing entitled ''The Right Care at the Right Time: Ensuring Person-Centered Care for Individuals with Serious Illness.''

PRIVILEGES OF THE FLOOR

Mr. KING. Mr. President, I ask unanimous consent that Amanda Bennett, an intern in my office, be granted the privileges of the floor for today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that privileges of the floor be granted to my interns Aziza Shemet Pitcher, Margaret May, Rex Miller, Holly Taylor, Molly O'SCannell, Marissa Olson, David Courtright, Robin Spaulding, Will Pate, and Kevin Allen for the rest of the month, as well as the month of July.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 5 p.m. on Monday, June 27, the Senate proceed to executive session for the consideration of Calendar No. 358; that there be 30 minutes for debate only on the nomination, equally divided in the usual form; that upon the use or yielding back of time, the Senate vote on the nomination without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session without any intervening action or debate; further, I ask that at a time to be determined by the majority leader, in consultation with the Democratic leader, on Wednesday, July 6, the Senate proceed to executive session for the consideration of Calendar No. 357; that there be 30 minutes for debate only on the nomination, equally divided in the usual form; that upon the use or yielding back of time, the Senate vote on the nomination without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc the following nominations: Calendar Nos. 513, 516, 517, 559 only, with no other executive business in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The legislative clerk read the nominations of Julie Helene Becker, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years; Steven Nathan Berk, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years; Elizabeth Carroll Wingo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years; and R. David Harden, of Maryland, to be an Assistant Administrator of the United States Agency for International Development.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I know of no further debate on the nominations.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the Becker, Berk, Wingo, and Harden nominations en bloc?

The nominations were confirmed en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

PROVIDING FUNDS TO THE ARMY CORPS OF ENGINEERS TO HIRE VETERANS AND MEMBERS OF THE ARMED FORCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 472, H.R. 3114.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3114) to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3114) was ordered to a third reading, was read the third time, and passed.

ENHANCING WHISTLEBLOWER PROTECTION FOR CONTRACTOR AND GRANTEE EMPLOYEES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 506, S. 795.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 795) to enhance whistleblower protection for contractor and grantee employees.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. ENHANCEMENT OF WHISTLEBLOWER PROTECTION FOR CONTRACTOR AND GRANTEE EMPLOYEES.

(a) PROTECTION FOR EMPLOYEES OF GRANTEES AND SUBGRANTEES.—

(1) DEFENSE GRANTS.—Section 2409(a)(1) of title 10, United States Code, is amended by inserting ''or personal services contractor'' after ''subgrantee''.

(2) CIVILIAN GRANTS.—Section 4712(a)(1) of title 41, United States Code, is amended by striking ''or grantee'' and inserting ''grantee, or subgrantee or personal services contractor''.

(3) PERMANENT EXTENSION OF PILOT PROGRAM FOR ENHANCEMENT OF CONTRACTOR PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.—

(A) IN GENERAL.—Section 4712 of title 41, United States Code, is amended—

*(i) in the section heading by striking ''**Pilot program for enhancement**'' and inserting ''**Enhancement**''; and*

(ii) by striking subsection (i).

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 41, United States Code, is amended by striking the item relating to section 4712 and inserting the following new item:

''4712. Enhancement of contractor protection from reprisal for disclosure of certain information.''.

(b) PROHIBITION ON REIMBURSEMENT FOR LEGAL FEES ACCRUED IN DEFENSE AGAINST REPRISAL CLAIMS.—

(1) DEFENSE CONTRACTS.—Section 2324(k) of title 10, United States Code, is amended—

(A) by inserting ''or subcontractor, or personal services contractor'' after ''contractor'' each place it appears;

(B) by inserting '', subcontract, or personal services contract'' after ''contract'' each place it appears; and

(C) in paragraph (1), by inserting ''or to any other activity described in subparagraphs (A) through (C) of section 2409(a)(1) of this title'' after ''statute or regulation''.

(2) CIVILIAN CONTRACTS.—

(A) IN GENERAL.—Section 4310 of title 41, United States Code, is amended—

(i) by inserting '', subcontractor, or personal services contractor'' after ''contractor'' each place it appears;

(ii) by inserting '', subcontract, or personal services contract'' after ''contract'' each place it appears; and

(iii) in subsection (b)(1), by inserting ''or to any other activity described in section 4712(a)(1) of this title'' after ''statute or regulation''.

(B) CONFORMING AMENDMENT.—Section 4304(a)(15) of title 41, United States Code, is amended by inserting ''or subcontractor, or personal service contractor'' after ''contractor''.

(c) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section and section 827 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1833).

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 795), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

HONORING THE MEMBERS OF THE UNITED STATES AIR FORCE WHO WERE CASUALTIES OF THE JUNE 25, 1996, TERRORIST BOMBING OF THE UNITED STATES SECTOR KHOBAR TOWERS MILITARY HOUSING COMPLEX ON DHAHRAN AIR BASE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Con. Res. 39 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 39) honoring the members of the United States Air Force who were casualties of the June 25, 1996, terrorist bombing of the United States Sector Khobar Towers military housing complex on Dhahran Air Base.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to; the Nelson amendment to the preamble be agreed to; the preamble, as amended, be agreed to; and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 39) was agreed to.

The amendment (No. 4864) was agreed to, as follows:

(Purpose: To amend the preamble)

In the third whereas clause, strike ''Staff Sergeant Daniel B. Cafourek'' and insert ''Technical Sergeant Daniel B. Cafourek''.

In the third whereas clause, strike ''Fenning'' and insert ''Fennig''.

The preamble, as amended, was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 39

Whereas June 25, 2016, marks the twentieth anniversary of the terrorist bombing of the United States Sector Khobar Towers military housing complex on Dhahran Air Base, also known as King Abdul Aziz Royal Saudi Air Base, near Dhahran, Saudi Arabia, on June 25, 1996;

Whereas 19 members of the United States Air Force were killed, more than 500 other members of the Armed Forces of the United States were wounded, and approximately 297 innocent Saudi and Bangladeshi civilians were casualties in this terrorist attack;

Whereas the 19 members of the United States Air Force killed in this terrorist attack while serving their country were Captain Christopher J. Adams, Technical Sergeant Daniel B. Cafourek, Sergeant Millard D. Campbell, Senior Airmen Earl F. Cartrette, Jr., Technical Sergeant Patrick P. Fennig, Captain Leland T. Haun, Master Sergeant Michael G. Heiser, Staff Sergeant Kevin J. Johnson, Staff Sergeant Ronald L. King, Master Sergeant Kendall K. Kitson, Jr., Airman First Class Christopher B. Lester, Airman First Class Brent E. Marthaler, Airman First Class Brian W. McVeigh, Airman First Class Peter J. Morgera, Technical Sergeant Thanh V. Nguyen, Airman First Class Joseph E. Rimkus, Senior Airman Jeremy A. Taylor, Airman First Class Justin R. Wood, and Airman First Class Joshua E. Woody;

Whereas the families and friends of these brave servicemembers and the survivors of this attack still mourn their loss;

Whereas the survivors of this terrorist attack suffer still, whether their suffering be through physical injury, mental anguish, or through the remembrance of their fallen compatriots;

Whereas the United States District Court for the Eastern District of Virginia indicted Ahmed Ibrahim al-Mughassil and 13 others on the count, among others, of conspiracy to kill United States nationals;

Whereas Ahmed Ibrahim al-Mughassil is the former military chief of Hezbollah Al-Hejaz, also known as Saudi Hezbollah, a militant group known to be supported by the terrorist group Hezbollah and the Islamic Republic of Iran;

Whereas the United States District Court for the District of Columbia, in a civil action, found the Islamic Republic of Iran liable for the bombing and ordered restitution to be paid to the servicemembers' families that were party to the complaint;

Whereas, on or about August 26, 2015, Ahmed Ibrahim al-Mughassil was detained in Beirut, Lebanon, and turned over to authorities of Saudi Arabia;

Whereas Ahmed Ibrahim al-Mughassil remains listed on the Federal Bureau of Investigation's most wanted terrorist list;

Whereas those guilty of carrying out this terrorist attack have yet to be brought to justice; and

Whereas terrorism remains an ever-present threat which members of the United States Armed Forces and other agents of the United States stand ready to combat throughout the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That on the occasion of the 20th anniversary of the terrorist bombing of the United States Sector Khobar Towers military housing complex on Dhahran Air Base, Congress—

(1) recognizes the service and sacrifice of the 19 members of the United States Air Force who were killed in that attack;

(2) calls upon every citizen of the United States to pause and pay tribute to those brave servicemembers;

(3) extends its continued sympathies to the families and friends of those who were killed;

(4) acknowledges the anguish and resilience of the survivors of that attack;

(5) assures the members of the United States Armed Forces and other agents of the United States serving in harm's way throughout the world that their well-being and interests will at all times be given the highest priority; and

(6) declares that any perpetrators of terrorist acts against members of the Armed Forces, other agents of the United States, or United States citizens will be vigorously pursued and finally brought to justice.

NATIONAL POST-TRAUMATIC STRESS AWARENESS MONTH AND NATIONAL POST-TRAUMATIC STRESS AWARENESS DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 512, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 512) designating the month of June 2016 as ''National Post-Traumatic Stress Awareness Month'' and June 27, 2016, as ''National Post-Traumatic Stress Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 512) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR MONDAY, JUNE 27, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, June 27; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, JUNE 27, 2016, AT 3 P.M.

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:06 p.m., adjourned until Monday, June 27, 2016, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

VALERIE MARTINEZ, OF NEW MEXICO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2022, VICE DEEPA GUPTA, TERM EXPIRING.

RAILROAD RETIREMENT BOARD

THOMAS G. KOTARAC, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2017, VICE MICHAEL SCHWARTZ, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS W. BERGESON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. THOMAS W. GEARY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN L. DOLAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD M. CLARK

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID W. MAYFIELD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MICHAEL P. GARLINGTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C. SECTION 624:

To be major

NOELA B. BACON
WILLIAM D. PLUMMER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

ELIZABETH M. MILLER

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JENNIFER L. DONAHUE
GREGORY C. SCHELL
CURTIS L. SMITH
ROBERT R. STEEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

STEVEN D. BARTELL
WILLIAM C. CANTRELL, JR.
RON P. NEITZKE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

NATHAN JOHNSTON
ROGER D. MUSSELMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PHILIP ARMAS, JR.
BRIAN J. BRADY
ELLIS C. BREWER
WILLIAM B. BUTLER
DANIEL E. FOSTER
THOMAS W. HARWELL, JR.
MICHAEL F. LEFLORE
GARY L. POLSTON
PAUL R. PORTER
ROBERT J. SCHUG
CHRISTOPHER D. THOMPSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CATHERINE O. DURHAM
KELLEY S. FOX
JOHN D. GIVENS
CATHY D. LOVELACE
MICHAEL S. LUTTRELL
JACKIE S. ROBBINS
DEIRDRE O. SMITH
MARCI J. VALENCIANO
JANET E. WESSELS
REBECCA A. ZORNADO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JAMES H. BURNS
GREGORY R. DIMLER
TOM S. DUANN
JOHN S. J. HAN
EDWARD V. HARTMAN
SABATINO F. LEO
CHRISTINE L. LUSTER
DEBORAH S. MAYER
KRISTIN L. MCCARTHY
CHRISTOPHER D. MORA
GUILLERMO J. ROJAS
CLIFFORD A. SIEGFRIED
REBECCA S. SNYDER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOHN M. HARDHAM
ERIC H. LUBECK
MARTIN W. WADEWITZ II

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PHILIP J. ABELDT
CHRISTOPHER H. CANALES
LARRY R. GOLDSTEIN
MICHAEL B. MCGOWAN
JONATHON C. MCINTOSH
FREDERICK P. OCHAVE
JOHN M. RAY
MICHAEL B. VENER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

LAUREN P. ARCHER
MICHAEL J. BARKER
JAMES BASS
BRIAN B. BLOOM
ROBERT S. BRANNAN
EDWARD J. DAMROSE
JASON D. HIGGINSON
STEPHEN D. HOAG
CHARLES A. HUGHES
KEVIN A. KAPOV
VICTORIA W. KOU
WAYNE A. KRUITHOFF
RON C. KUZDAK
MICHAEL L. MCCLAM
TAMMY MITCHELL
ROBERT J. NORDNESS
CHARLES D. PETERS, JR.
RUSSELL W. READ
SHANNON D. SCHANTZ
ELAN B. SINGER
RICHARD W. SKINNER
ALISSA G. SPEZIALE

CONFIRMATIONS

Executive nominations confirmed by the Senate June 23, 2016:

THE JUDICIARY

JULIE HELENE BECKER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

STEVEN NATHAN BERK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

ELIZABETH CARROLL WINGO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

R. DAVID HARDEN, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

EXTENSIONS OF REMARKS

CONGRATULATIONS TO DUSTIN JOHNSON OF IRMO

HON. JOE WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2016

Mr. WILSON of South Carolina. Mr. Speaker, on Sunday, South Carolina native Dustin Johnson won his first major golf title at the U.S. Open.

Dustin, a native of the Midlands, won the 2016 U.S. Open at Oakmont Country Club near Pittsburgh. Dustin played an incredible round on a tough course, finishing 4-under 276, which is the lowest winning score in the nine U.S. Opens held at Oakmont.

Dustin is a graduate of Dutch Fork High School in Irmo, South Carolina. He played at the collegiate level at Coastal Carolina University in Conway, went professional in 2007, and then in 2008 earned his PGA Tour card. Dustin won his first PGA Tour event at the Turning Stone Resort Championship and since has secured ten first place finishes on the PGA tour. Dustin is a strong talent, ranking number three in the Official World Golf Rankings. As a child he was recognized by PGA pro Jimmy Koosa of Weed Hill Driving Range and now pro at Charwood Country Club of the Town of Pine Ridge.

To his fiancée, Paulina Gretzky, and son Tatum, congratulations to you as well. Best wishes Dustin for continued success due to dedicated effort.

In conclusion, God Bless Our Troops and may the President by his actions never forget September 11th in the Global War on Terrorism.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HOUSE OF REPRESENTATIVES—*Friday, June 24, 2016*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. POMPEO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 24, 2016.

I hereby appoint the Honorable MIKE POMPEO to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Merciful God, thank You for giving us another day.

At the end of a contentious week, let Your Spirit of peace descend upon this place and those who work here. In the week to come, may the heat of political positions cool and the light of governing wisdom break forth.

Bless the Members back home in their districts and the people whom they serve.

And, as all Americans prepare to celebrate the 4th of July, may we be forever grateful for the benefits we share as citizens of a common Nation with uncommon diversity. Help us to work together to build a better community as a light for the world.

May all that is done be for Your greater honor and glory. Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 797, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
June 23, 2016.

Hon. PAUL RYAN,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Upon reflection, I hereby make official my resignation from the U.S. House of Representatives effective immediately.

In my previous letter I indicated a later resignation date in order to provide for an orderly transition of my office after 21 years of service in the House. However, out of respect for the entire House Leadership, and so as not to cause a distraction from the House's work for the people, I have changed my effective date.

I am proud of the work we have accomplished during my tenure in the House, as we have passed legislation that has helped tens of millions of families. Through GEAR UP more than 12 million young people have been able to achieve their dream of a college education; hundreds of thousands of families were able to stave off foreclosure because of the Homeowner's Emergency Relief Fund; across the nation new policies at all levels of government have been established to ensure all children have access to a high-quality education as a result of the work from the Equity and Excellence Commission; local and state governments have implemented comprehensive energy efficiency policies because of the Energy Efficiency and Conservation Block Grant Program; and most importantly, millions who suffer from brain related diseases have a renewed sense of hope for a cure or treatment because of the groundbreaking work being conducted under the Fattah Neuroscience Initiative and the President's BRAIN Initiative.

As a result of my work in Congress tens of thousands of families throughout the Philadelphia region now live in affordable revitalized housing; major investments have been in the city's infrastructure; and millions of dollars have been invested in K–12 education and University research and outreach efforts.

None of my success in the Congress would have been possible without the bipartisan support of my colleagues; the hard and dedicated work of my staff; the votes of the citizens of the Second Congressional District; and the strong support of my family.

I am honored to have had the privilege to serve.

Very truly yours,

CHAKA FATTAH,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
June 23, 2016.

Hon. TOM WOLF,
Governor, Commonwealth of Pennsylvania, Harrisburg, PA.

DEAR MR. SPEAKER: Upon reflection, I hereby make official my resignation from the U.S. House of Representatives effective immediately.

In my previous letter I indicated a later resignation date in order to provide for an orderly transition of my office after 21 years of service in the House. However, out of respect for the entire House Leadership, and so as not to cause a distraction from the House's work for the people, I have changed my effective date.

I am proud of the work we have accomplished during my tenure in the House, as we have passed legislation that has helped tens of millions of families. Through GEAR UP more than 12 million young people have been able to achieve their dream of a college education; hundreds of thousands of families were able to stave off foreclosure because of the Homeowner's Emergency Relief Fund; across the nation new policies at all levels of government have been established to ensure all children have access to a high-quality education as a result of the work from the Equity and Excellence Commission; local and state governments have implemented comprehensive energy efficiency policies because of the Energy Efficiency and Conservation Block Grant Program; and most importantly, millions who suffer from brain related diseases have a renewed sense of hope for a cure or treatment because of the groundbreaking work being conducted under the Fattah Neuroscience Initiative and the President's BRAIN Initiative.

As a result of my work in Congress tens of thousands of families throughout the Philadelphia region now live in affordable revitalized housing; major investments have been in the city's infrastructure; and millions of dollars have been invested in K–12 education and University research and outreach efforts.

None of my success in the Congress would have been possible without the bipartisan support of my colleagues; the hard and dedicated work of my staff; the votes of the citizens of the Second Congressional District; and the strong support of my family.

I am honored to have had the privilege to serve.

Very truly yours,

CHAKA FATTAH,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Pennsylvania (Mr. FATTAH), the whole number of the House is 434.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Thursday, June 23, 2016:

S. 2133, to improve Federal agency financial and administrative controls

and procedures to assess and mitigate fraud risks, and to improve Federal agencies' development and use of data analytics for the purpose of identifying, preventing, and responding to fraud, including improper payments;

S. 2487, to direct the Secretary of Veterans Affairs to identify mental health care and suicide prevention programs and metrics that are effective in treating women veterans as part of the evaluation of such programs by the Secretary, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLAWSON of Florida (at the request of Mr. MCCARTHY) for June 23 on account of a family emergency.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 2133. An act to improve Federal agency financial and administrative controls and procedures to assess and mitigate fraud risks, and to improve Federal agencies' development and use of data analytics for the purpose of identifying, preventing, and responding to fraud, including improper payments.

S. 2487. An act to direct the Secretary of Veterans Affairs to identify mental health care and suicide prevention programs and metrics that are effective in treating women veterans as part of the evaluation of such programs by the Secretary, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on June 23, 2016, she presented to the President of the United States, for his approval, the following bill:

H.R. 3209. To amend the Internal Revenue Code of 1986 to permit the disclosure of certain tax return information for the purpose of missing or exploited children investigations.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 797, the House stands adjourned until 5 p.m. on Tuesday, June 28, 2016.

Thereupon (at 9 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Tuesday, June 28, 2016, at 5 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5782. A letter from the Chair, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report to the Congress, pursuant to Public Law 106-569; to the Committee on Financial Services.

5783. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the Department's Report to Congress on American Indian and Alaska Native Head Start Facilities, in accordance with Sec. 650(b) of the Head Start Act (42 U.S.C. 9801), as amended on December 12, 2007 by the Improving Head Start for School Readiness Act of 2007 (P.L. 110-134); to the Committee on Education and the Workforce.

5784. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Approval of Iowa's State Implementation Plan (SIP); Definition of Greenhouse Gas and Prevention of Significant Deterioration (PSD) Plantwide Applicability Limits (PALs) Revisions [EPA-R07-OAR-2016-0280; FRL-9947-81-Region 7] received June 16, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5785. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval, Disapproval and Promulgation of Air Quality Implementation Plans; Partial Approval and Partial Disapproval of Air Quality Implementation Plans and Federal Implementation Plan; Utah; Revisions to Regional Haze State Implementation Plan; Federal Implementation Plan for Regional Haze [EPA-R08-OAR-2015-0463; FRL-9947-42-Region 8] received June 16, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5786. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — South Dakota: Final Authorization of State Hazardous Waste Management Program Revisions and Incorporation by Reference [EPA-R08-RCRA-2016-0131; FRL-9947-04-Region 8] received June 16, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5787. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Wyoming: Final Authorization of State Hazardous Waste Management Program Revisions and Incorporation by Reference [EPA-R08-RCRA-2016-0174; FRL-9947-06-Region 8] received June 16, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5788. A letter from the Chair, Medicaid and CHIP Payment and Access Commission, transmitting the June 2016 Report to Congress on Medicaid and CHIP, pursuant to 42 U.S.C. 1396(b)(1)(D); Aug. 14, 1935, ch. 531, title XIX, Sec. 1900 (as amended by Public Law 111-148, Sec. 2801(a)(1)(A)(v)); (123 Stat. 91); to the Committee on Energy and Commerce.

5789. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled ''Report to Congress on Abnormal Occurrences: Fiscal Year 2015'', pursuant to 42 U.S.C. 5848; Public Law 93-438, Sec. 208 (as amended by Public Law 104-66, Sec. 2171); (109 Stat. 731); to the Committee on Energy and Commerce.

5790. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 15-125, pursuant to 22 U.S.C. 2776(c)(2)(C); Public Law 90-629, Sec. 36(c) (as added by Public Law 94-329, Sec. 211(a)); (82 Stat. 1326) and 22 U.S.C. 2776(c)(2)(A); Public Law 90-629, Sec. 36(c) (as added by Public Law 104-164, Sec. 141(c)); (110 Stat. 1431); to the Committee on Foreign Affairs.

5791. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 15-126, pursuant to 22 U.S.C. 2776(c)(2)(C); Public Law 90-629, Sec. 36(c) (as added by Public Law 94-329, Sec. 211(a)); (82 Stat. 1326) and 22 U.S.C. 2776(c)(2)(A); Public Law 90-629, Sec. 36(c) (as added by Public Law 104-164, Sec. 141(c)); (110 Stat. 1431); to the Committee on Foreign Affairs.

5792. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 16-012, pursuant to 22 U.S.C. 2776(c)(2)(C); Public Law 90-629, Sec. 36(c) (as added by Public Law 94-329, Sec. 211(a)); (82 Stat. 1326) and 22 U.S.C. 2776(c)(2)(A); Public Law 90-629, Sec. 36(c) (as added by Public Law 104-164, Sec. 141(c)); (110 Stat. 1431); to the Committee on Foreign Affairs.

5793. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 15-135, pursuant to 22 U.S.C. 2776(c)(2)(A); Public Law 90-629, Sec. 36(c) (as added by Public Law 104-164, Sec. 141(c)); (110 Stat. 1431); to the Committee on Foreign Affairs.

5794. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 16-035, pursuant to 22 U.S.C. 2776(c)(2)(A); Public Law 90-629, Sec. 36(c) (as added by Public Law 104-164, Sec. 141(c)); (110 Stat. 1431); to the Committee on Foreign Affairs.

5795. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 15-097, pursuant to 22 U.S.C. 2776(c)(2)(A); Public Law 90-629, Sec. 36(c) (as added by Public Law 104-164, Sec. 141(c)); (110 Stat. 1431); to the Committee on Foreign Affairs.

5796. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 16-033, pursuant to 22 U.S.C. 2776(c)(2)(A); Public Law 90-629, Sec. 36(c) (as added by Public Law 104-164, Sec. 141(c)); (110 Stat. 1431); to the Committee on Foreign Affairs.

5797. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 15-072, pursuant to 22 U.S.C. 2776(c)(2)(C); Public Law 90-629, Sec. 36(c) (as added by Public Law 94-329, Sec. 211(a)); (82 Stat. 1326); to the Committee on Foreign Affairs.

5798. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 15-139, pursuant to 22 U.S.C. 2776(c)(2)(C); Public Law 90-629, Sec. 36(c) (as added by Public Law 94-329, Sec. 211(a)); (82 Stat. 1326); to the Committee on Foreign Affairs.

5799. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 16-018, pursuant to 22 U.S.C. 2776(c)(2)(C); Public

Law 90-629, Sec. 36(c) (as added by Public Law 94-329, Sec. 211(a)); (82 Stat. 1326); to the Committee on Foreign Affairs.

5800. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification of the Arms Export Control Act, Transmittal No.: DDTC 16-004, pursuant to 22 U.S.C. 2776(c)(2)(C); Public Law 90-629, Sec. 36(c) (as added by Public Law 94-329, Sec. 211(a)); (82 Stat. 1326); and 22 U.S.C. 2776(d)(1); Public Law 90-629, Sec. 36(d) (as added by Public Law 94-329, Sec. 211(a)); (90 Stat. 740); to the Committee on Foreign Affairs.

5801. A letter from the Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting a report concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(d)(1); Public Law 92-403, Sec. 1; (86 Stat. 619); to the Committee on Foreign Affairs.

5802. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on data mining activity in the Department of State for calendar year 2015, pursuant to Implementing Recommendations of the 9/11 Commission Act of 2007 Sec. 804; to the Committee on Foreign Affairs.

5803. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question covering the period of February 1 — March 31, 2016, pursuant to Sec. 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with Sec. 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

5804. A letter from the President and Chief Executive Officer, Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting the Federal Home Loan Bank of Atlanta Financial Statements for the Year Ended December 31, 2015, 2014 and 2013; to the Committee on Oversight and Government Reform.

5805. A letter from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Des Moines, transmitting the Federal Home Loan Bank of Des Moines 2015 management report, pursuant to the Chief Financial Officers Act of 1990; to the Committee on Oversight and Government Reform.

5806. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled ''The Department of General Services Failed to Provide Information the DC Council Needed to Make Informed Decisions on the Scope and Cost of Modernizing the Duke Ellington School of the Arts''; to the Committee on Oversight and Government Reform.

5807. A letter from the Acting Commissioner, Social Security Administration, transmitting the Administration's Semiannual Report to Congress for October 1, 2015 through March 31, 2016, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); Public Law 95-452, Sec. 5(b); (92 S tat. 1103); to the Committee on Oversight and Government Reform.

5808. A letter from the Executive Director, United States Access Board, transmitting the Board's FY 2015 No FEAR Act report, pursuant to Public Law 107-174, 203(a); (116 Stat. 569); to the Committee on Oversight and Government Reform.

5809. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Inspection of Towing Vessels [Docket No.: USCG-2006-24412] (RIN: 1625-AB06) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5810. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Monongahela River mile 97.5 to mile 100.5, Morgantown, WV [Docket No.: USCG-2016-0202] (RIN: 1625-AA00) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5811. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Railroad Workplace Safety; Roadway Worker Protection Miscellaneous Revisions (RRR) [Docket No.: FRA-2008-0086] (RIN: 2130-AB89) received June 16, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5812. A letter from the Deputy Assistant Chief Counsel for Safety, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Control of Alcohol and Drug Use: Coverage of Maintenance of Way (MOW) Employees and Retrospective Regulatory Review-Based Amendments [Docket No.: FRA-2009-0039, Notice No.: 3] (RIN: 2130-AC10) received June 16, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5813. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Section 108 — Income with respect to Discharge of Qualified Real Property Business Indebtedness (Rev. Rul. 2016-15) received June 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

5814. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Recovery of Investment in the Contract from Payments received from a Qualified Defined Benefit Plan by an Employee During Phased Retirement [Notice 2016-39] received June 20, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

5815. A letter from the Assistant Secretaries of Legislative Affairs, Department of State and Department of Defense, transmitting a joint report on the ongoing bilateral security relationship between the United States and the Republic of Cyprus, pursuant to Sec. 1276 of the National Defense Authorization Act for FY 2016; jointly to the Committees on Foreign Affairs and Armed Services.

5816. A letter from the Board Members, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f-1; Public Law 98-76, Sec. 502; (97 Stat. 440); jointly to the Committees on Ways and Means and Transportation and Infrastructure.

5817. A letter from the Board Members, Railroad Retirement Board, transmitting the 2016 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; Public Law 100-647, Sec. 7105; (102 Stat. 3772); jointly to the Committees on Ways and Means and Transportation and Infrastructure.

5818. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report entitled ''Human Trafficking Awareness Training for Department of Homeland Security Personnel'', pursuant to 6 U.S.C. 643(a); Public Law 114-22, Sec. 903(a); (129 Stat. 265); jointly to the Committees on Homeland Security and the Judiciary.

5819. A letter from the Director for Legislative Affairs, Department of Homeland Security, transmitting the Department's Office for Civil Rights and Civil Liberties: Fiscal Year 2015 report to Congress, pursuant to 6 U.S.C. 345(b); Public Law 107-296, Sec. 705; (116 Stat. 2219); jointly to the Committees on Homeland Security and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following report was filed on June 24, 2016]

Mr. DENT: Committee on Ethics. In the Matter of Allegations Relating to Representative Vernon G. Buchanan (Rept. 114–643). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SCOTT of Virginia (for himself and Mr. YOUNG of Iowa):

H.R. 5574. A bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal employment discrimination and retaliation claims, and for other purposes; to the Committee on Education and the Workforce.

By Mr. COFFMAN (for himself, Mr. SEAN PATRICK MALONEY of New York, and Mrs. COMSTOCK):

H.R. 5575. A bill to amend the Internal Revenue Code of 1986 to provide a tax-preferred savings account for first-time homebuyers; to the Committee on Ways and Means.

By Mr. CURBELO of Florida (for himself, Mr. MOULTON, Mr. KING of New York, Mr. DOLD, Mr. THOMPSON of California, Mr. RIGELL, Ms. KELLY of Illinois, Mr. CARNEY, and Ms. GABBARD):

H.R. 5576. A bill to authorize the Attorney General to deny the transfer of firearms and explosives and Federal firearms and explosives licenses and permits to known or suspected terrorists; to the Committee on the Judiciary.

By Mr. GRAVES of Louisiana (for himself and Mr. LOWENTHAL):

H.R. 5577. A bill to amend the Outer Continental Shelf Lands Act to authorize the Secretary of the Interior to conduct offshore oil and gas lease sales through Internet-based live lease sales, and for other purposes; to the Committee on Natural Resources.

By Mrs. MIMI WALTERS of California (for herself, Ms. LOFGREN, Mr. GOODLATTE, Mr. CONYERS, Mr. GOWDY, Mr.

COSTELLO of Pennsylvania, Ms. JACKSON LEE, Mr. NADLER, Mr. SMITH of Texas, Mrs. BROOKS of Indiana, Mr. MEEKS, Mr. RICHMOND, Ms. NORTON, Mrs. COMSTOCK, Ms. STEFANIK, Ms. HERRERA BEUTLER, Mr. COHEN, Mr. KEATING, Mr. BEYER, Mr. JEFFRIES, Mr. JOHNSON of Georgia, Ms. TSONGAS, Mr. LOWENTHAL, Ms. WASSERMAN SCHULTZ, Ms. SPEIER, Ms. DELBENE, and Mr. FARR):

H.R. 5578. A bill to establish certain rights for sexual assault survivors, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOK (for himself and Mr. GENE GREEN of Texas):

H.R. 5579. A bill to control the export of electronic waste in order to ensure that such waste does not become the source of counterfeit goods that may reenter military and civilian electronics supply chains in the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GUTHRIE (for himself and Mrs. BUSTOS):

H.R. 5580. A bill to clarify certain requirements under the Fair Labor Standards Act of 1938 with respect to minor league baseball players; to the Committee on Education and the Workforce.

By Mr. GOHMERT (for himself and Mr. OLSON):

H.R. 5581. A bill to amend the Internal Revenue Code of 1986 to prohibit certain charitable organizations from accepting contributions from persons connected to foreign governments; to the Committee on Ways and Means.

By Mr. HUELSKAMP:

H.R. 5582. A bill to designate a National Memorial to Fallen Educators at the National Teachers Hall of Fame in Emporia, Kansas; to the Committee on Natural Resources.

By Mr. LIPINSKI (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HULTGREN):

H.R. 5583. A bill to streamline and harmonize Federal research regulations on institutions of higher education, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABLAN (for himself, Mr. GRIJALVA, Mr. HUFFMAN, Ms. BORDALLO, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. ROYCE, Mr. FARENTHOLD, Mr. MEEHAN, and Mr. KATKO):

H.R. 5584. A bill to prohibit the sale of shark fins, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Foreign Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER (for herself, Mrs. NAPOLITANO, Mr. BRADY of Pennsylvania, Ms. CLARKE of New York, Ms. BROWNLEY of California, Ms. SCHAKOWSKY, and Mr. CARTWRIGHT):

H.R. 5585. A bill to amend the Fair Labor Standards Act of 1938 to provide that over-the-road bus drivers are covered under the maximum hours requirements; to the Committee on Education and the Workforce.

By Mrs. WATSON COLEMAN (for herself, Mr. CICILLINE, Mr. GRAYSON, Mr. HASTINGS, Mr. HONDA, Ms. LEE, Mr. LEVIN, Mr. LOWENTHAL, Mr. SEAN PATRICK MALONEY of New York, Ms. MCCOLLUM, Ms. MENG, Ms. NORTON, Mr. PETERS, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. SPEIER, Mr. SWALWELL of California, and Ms. VELÁZQUEZ):

H.R. 5586. A bill to prohibit discrimination in public accommodations on the basis of sex, gender identity, and sexual orientation, and for other purposes; to the Committee on the Judiciary.

By Mr. FLEMING (for himself, Mr. ENGEL, Mr. ZELDIN, and Mr. BRENDAN F. BOYLE of Pennsylvania):

H. Res. 798. A resolution affirming the votes of the eight countries including the United States opposing the Sixty-ninth World Health Assembly resolution titled, ''Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan''; to the Committee on Foreign Affairs.

By Mr. RANGEL (for himself, Mr. CONYERS, and Mr. SAM JOHNSON of Texas):

H. Res. 799. A resolution calling on the United States Government to resume talks with the Democratic People's Republic of Korea regarding the research, investigation, recovery, and identification of missing and unaccounted members of the United States Armed Forces from the Korean War; to the Committee on Foreign Affairs.

By Ms. NORTON:

H. Res. 800. A resolution expressing support for Lunchtime Music on the Mall in the Nation's capital to benefit the District of Columbia and regional residents as well as visitors and honor the public service of the performers and partners; to the Committee on Natural Resources.

By Ms. MAXINE WATERS of California:

H. Res. 801. A resolution supporting the goals and ideals of Alzheimer's and Brain Awareness Month; to the Committee on Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SCOTT of Virginia:

H.R. 5574.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18 of the Constitution

Amendment XIV, Section 5 of the Constitution

By Mr. COFFMAN:

H.R. 5575.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excise, to pay the Debts and provide for the common Defense and general Welfare of the United States.

By Mr. CURBELO of Florida:

H.R. 5576.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Mr. GRAVES of Louisiana:

H.R. 5577.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3 of the Constitution of the United States

By Mrs. MIMI WALTERS of California:

H.R. 5578.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 3 and 8 of the U.S. Constitution.

By Mr. COOK:

H.R. 5579.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. GUTHRIE:

H.R. 5580.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3: ''Congress shall have Power . . . To regulate Commerce . . . among the several States''

By Mr. GOHMERT:

H.R. 5581.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers conferred by the United States Constitution upon Congress by Article I, Section 8, Clause 1 which provides that ''The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debt and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.''

By Mr. HUELSKAMP:

H.R. 5582.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of section 3 of article IV of the United States Constitution

By Mr. LIPINSKI:

H.R. 5583.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3:

The Congress shall have power to regulate commerce with foreign nations, and among the several states, and with Indian tribes.

Article I, Section 8, Clause 18:

The Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof

By Mr. SABLAN:

H.R. 5584.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8.

By Ms. SPEIER:

H.R. 5585.

Congress has the power to enact this legislation pursuant to the following:

According to Article 1: Section 8: Clause 18: of the United States Constitution, seen below, this bill falls within the Constitutional Authority of the United States Congress.

Article 1: Section 8: Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United

States, or in any Department or Officer thereof.

By Mrs. WATSON COLEMAN:

H.R. 5586.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 224: Mr. PALLONE, Mr. LEVIN, Mr. RUPPERSBERGER, and Mr. PAYNE.

H.R. 969: Mr. DESANTIS.

H.R. 1000: Mr. DANNY K. DAVIS of Illinois.

H.R. 2315: Mr. SMITH of Nebraska.

H.R. 2646: Mr. RICHMOND.

H.R. 2775: Mr. THOMPSON of Mississippi and Mr. HUFFMAN.

H.R. 2799: Mr. GOODLATTE, Mr. MEEHAN, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Ms. MCCOLLUM, Mr. BABIN, Mr. DONOVAN, Mr. COSTA, Mr. LONG, Mr. ROTHFUS, Ms. KUSTER, Mr. RIBBLE, and Mr. REED.

H.R. 2804: Ms. PINGREE.

H.R. 2980: Miss RICE of New York, Mr. MICA, and Mr. CULBERSON.

H.R. 3012: Mrs. ROBY, Mr. ALLEN, Mr. JODY B. HICE of Georgia, Mr. LAMALFA, Mr. WALKER, Mr. BARTON, Mr. ROE of Tennessee, Mr. SANFORD, Mr. YOHO, Mr. MEADOWS, and Mr. PETERSON.

H.R. 3051: Mr. PAYNE and Mr. HINOJOSA.

H.R. 3084: Ms. MCSALLY and Mr. GRAYSON.

H.R. 3119: Mr. ISRAEL and Ms. ROS-LEHTINEN.

H.R. 3297: Mr. MACARTHUR.

H.R. 3411: Miss RICE of New York.

H.R. 3463: Mrs. BLACK.

H.R. 3514: Mr. KENNEDY.

H.R. 3742: Mr. GRAVES of Louisiana, Mr. SALMON, Mr. LAMBORN, Ms. SPEIER, and Mr. DAVID SCOTT of Georgia.

H.R. 4177: Mr. BRADY of Pennsylvania.

H.R. 4237: Mr. FITZPATRICK.

H.R. 4247: Mr. CARTER of Texas, Mr. TROTT, and Mr. COURTNEY.

H.R. 4269: Ms. DELBENE.

H.R. 4362: Mr. SALMON.

H.R. 4584: Mr. SMITH of Texas, Mr. LABRADOR, Mr. KING of Iowa, Mr. CHABOT, Ms. LOFGREN, Mr. JORDAN, Mr. PASCRELL, and Mr. COLLINS of New York.

H.R. 4603: Mr. PAYNE.

H.R. 4622: Mr. COLLINS of New York.

H.R. 4668: Mr. SEAN PATRICK MALONEY of New York.

H.R. 4816: Mr. DUNCAN of Tennessee.

H.R. 4823: Ms. KUSTER.

H.R. 4828: Mr. WENSTRUP.

H.R. 4942: Mr. CALVERT.

H.R. 4992: Mr. FITZPATRICK.

H.R. 5025: Ms. HAHN.

H.R. 5061: Mrs. NOEM.

H.R. 5067: Mr. MURPHY of Florida, Mr. SCOTT of Virginia, Mr. JEFFRIES, Mr. LARSEN of Washington, and Ms. WASSERMAN SCHULTZ.

H.R. 5119: Mr. BABIN.

H.R. 5172: Ms. STEFANIK, Mr. FITZPATRICK, and Mr. MURPHY of Pennsylvania.

H.R. 5230: Mr. MOOLENAAR, Mrs. BEATTY, and Mr. WHITFIELD.

H.R. 5235: Mr. GARAMENDI, Mr. TAKANO, Mr. FARR, Mr. MCNERNEY, Mr. THOMPSON of California, Mr. SCHIFF, and Mr. TED LIEU of California.

H.R. 5292: Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. MENG, Mr. GRIFFITH, Mr. RUIZ, Mr. SANFORD, Ms. STEFANIK, Mrs. LOWEY, and Ms. ROYBAL-ALLARD.

H.R. 5313: Mr. LOWENTHAL.

H.R. 5333: Mr. BYRNE, Mr. BABIN, and Mr. CRAMER.

H.R. 5341: Mr. WELCH.

H.R. 5405: Mr. MCGOVERN, Ms. MICHELLE LUJAN GRISHAM of New Mexico, and Ms. JACKSON LEE.

H.R. 5474: Mr. KIND.

H.R. 5488: Mrs. DAVIS of California, Mr. SERRANO, and Ms. WILSON of Florida.

H.R. 5504: Ms. TSONGAS, Miss RICE of New York, Mr. RANGEL, Mr. SMITH of Washington, Ms. PINGREE, Mr. TAKANO, Mr. QUIGLEY, and Mr. FARR.

H.R. 5534: Ms. JACKSON LEE and Ms. SCHAKOWSKY.

H.R. 5540: Mr. HECK of Washington.

H.R. 5563: Mr. MASSIE and Mr. BILIRAKIS.

H.R. 5573: Ms. KAPTUR and Ms. DELAURO.

H. Res. 28: Mr. MEEHAN.

H. Res. 112: Mr. CRAMER.

H. Res. 210: Mr. SHERMAN and Mr. COFFMAN.

H. Res. 549: Ms. LORETTA SANCHEZ of California, Ms. KAPTUR, Mr. DANNY K. DAVIS of Illinois, Mr. PRICE of North Carolina, Mr. PERLMUTTER, and Mr. HUFFMAN,

H. Res. 683: Mr. MURPHY of Florida.

H. Res. 729: Mr. MOULTON, Mr. BRADY of Pennsylvania, Mr. PETERS, Mr. MEEKS, and Mr. BERA.

H. Res. 750: Mr. MCCAUL.

H. Res. 769: Mr. VISCLOSKY and Mr. LYNCH.

H. Res. 782: Mr. GIBSON.

H. Res. 785: Mr. MARCHANT.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 5, June 21, 2016, by Mrs. LOWEY on H.R. 5044, was signed by the following Members: Mrs. Lowey, Ms. DeLauro, Ms. Wasserman Schultz, Mr. Doggett, Mr. McGovern, Mr. Hastings, Mr. Capuano, Mr. Garamendi, Mr. Ted Lieu of California, Ms. McCollum, Ms. DelBene, Ms. Judy Chu of California, Mr. Vela, Mr. Hinojosa, Mr. Peters, Ms. Clarke of New York, Mrs. Watson Coleman, Mr. Quigley, Ms. Eshoo, Mrs. Kirkpatrick, Mrs. Davis of California, Ms. Frankel of Florida, Mr. Nadler, Ms. Titus, Mr. Pocan, Mr. Moulton, Ms. Graham, Miss Rice of New York, Mr. Aguilar, Mr. Deutch, Mr. DeFazio, Mr. Larsen of Washington, Mr. Heck of Washington, Mrs. Bustos, Mr. Carney, Mr. Brendan F. Boyle of Pennsylvania, Mr. Honda, Mr. Rangel, Mr. Cooper, Ms. Bass, Mr. Lewis, Ms. Eddie Bernice Johnson of Texas, Ms. Adams, Ms. Kelly of Illinois, Ms. Brown of Florida, Mr. Cartwright, Mr. Engel, Mr. Al Green of Texas, Mr. Brady of Pennsylvania, Ms. Lofgren, Mr. Kennedy, Ms. Kuster, Mr. Ashford, Ms. Edwards, Ms. Roybal-Allard, and Mr. Cummings.

DISCHARGE PETITIONS—ADDITIONS AND WITHDRAWALS

The following Members added their names to the following discharge petition:

Petition 4 by Mr. AGUILAR on H.R. 2867: Mrs. Lowey, Mr. Moulton, Ms. Brown of Florida, and Ms. Bass.

EXTENSIONS OF REMARKS

CONGRATULATING ALEXIS FROST

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. CONNOLLY. Mr. Speaker, I rise today to recognize Ms. Alexis Frost, who is a 6th grade student at Lorton Station Elementary School, for placing second in the Junior Division, Individual Performance Category, of the Virginia National History Day Contest. She, along with winners from other states competed at the Kenneth E. Behring National History Day Conference, which took place June 12 through 16 at the University of Maryland in College Park.

Each year there is a specific theme on which the students' research must focus with this year's theme being: ''Exploration, Encounter, Exchange in History.'' For her entry Alexis created a performance titled ''Amelia'' in which she portrays Amelia Earhart, an early aviation pioneer who was the first female pilot to fly solo across the Atlantic Ocean and who was an inspiration to women throughout the world.

This year approximately 600,000 students from across the United States participated in these contests. For the contests, students create entries showcasing original historical research utilizing primary and secondary sources. They then present their information in one of five categories: documentary, exhibit, paper, performance, and website. Less than 1 percent of all contestants are invited to go to the national competition.

At the National History Day Finals, Alexis' project along with those of the other state winners were evaluated by more than 300 historians and education professionals. Scholarships totaling $150,000 were awarded to the winners of the contest ranging from $250 through $1,000 per award.

Mr. Speaker, I ask my colleagues to join me in commending Alexis Frost for her outstanding performance in the National History Day contest and in wishing her the very best at the National Finals as well as throughout her educational career.

HONORING CHRIST CHURCH CATHEDRAL

HON. ANDY BARR

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. BARR. Mr. Speaker, I rise to honor a very special church in Lexington, Kentucky. Christ Church Cathedral was established in 1796. This year they celebrate 220 years of ministry. The congregation of Christ Church has included several prominent members, including statesman Henry Clay, who represented Kentucky in both the U.S. Senate and the U.S. House of Representatives, served three nonconsecutive terms as Speaker of the House, and served as U.S. Secretary of State under President John Quincy Adams.

Christ Church was the first Episcopal Church congregation west of the Allegheny Mountains. The earliest church building was a small frame church, which was replaced by a larger brick building in the early 1800s. The current church building was designed by the famous architect Thomas Lewinski in the Gothic Revival style and completed in 1848.

The first rector of Christ Church was Rev. James Moore, who also served as the first President of Transylvania University. The church is currently led by The Very Reverend Carol Wade and serves a unique downtown Lexington ministry. Some of Christ Church's many community outreach ministries include mentoring at-risk students, serving the homeless through Room in the Inn and Church Under the Bridge ministries, and providing Christmas gifts to needy children through the Angel Tree project.

Many lives have been changed by the ministry of this church. Indeed, my own family has been blessed by this vibrant spiritual community: I served in the Christ Church men's and boys' choir during my childhood years; I participated in services as an acolyte as a young man; my wife Carol and I were married in the Cathedral in 2008; and both of our daughters were baptized there. As the Cathedral celebrates its historic 220th anniversary, its members will continue their ministry to worship and serve God through Jesus Christ. My family and I are honored to call Christ Church Cathedral our spiritual home and I am honored to recognize this historic Cathedral before the United States House of Representatives.

COMMENDING HERITAGE BAPTIST CHURCH ON THE OCCASION OF ITS 35TH ANNIVERSARY

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. WITTMAN. Mr. Speaker, I rise today to recognize the 35th anniversary of Heritage Baptist Church, led by Pastor Michael Edwards. During its 35 years of selfless service to the Kingdom of God and to the community, this church has proven itself to be a congregation full of energy, conviction, and action.

Heritage Baptist Church was founded by Pastor Michael E. Edwards and held its first service on June 28, 1981 at Potomac Senior High School. One year later, in 1982, Heritage Baptist Church moved to a new location on Telegraph Road in Woodbridge. As the church continued to grow in faith and in members, Heritage built a new church on Spriggs Road in Woodbridge, Virginia where it has continued its growth and expansion.

Sensing the role it could play in the community and in educating children, Heritage Baptist church opened Heritage Christian School. The School began as a K5 through 9th grade institution with 70 students and, through the Lord's blessing, has grown to over 390 children in K4 through 12th grades. The School's mission is to equip young people, both academically and spiritually, to fight for the faith and to engage culture in the service of Jesus Christ.

Heritage Baptist Church, with Heritage Christian School, has served the community by opening their doors to our office on April 30th, 2016. Heritage Baptist facilitated our Women Veterans Forum and staffed the event to help meet our administrative needs. Attended by representatives from the Veterans Affairs' Administration, the Virginia Department of Veteran Services, and many other Veteran service organizations, the event celebrated the role women have played in our nation's military and provided support resources to our local women Veterans. Heritage Baptist Church's support of this event shows their commitment to our nation's military, Veterans, and larger community.

Mr. Speaker, it is with heartfelt gratitude that I congratulate Heritage Baptist Church on their 35th anniversary. I pray that the Lord will continue to bless and prosper this congregation for many years to come.

RECOGNIZING DAVID P. BOBZIEN ON THE OCCASION OF HIS RETIREMENT AS FAIRFAX COUNTY ATTORNEY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to recognize and commend David P. Bobzien, of Reston, on the occasion of his retirement after a distinguished career spanning three decades of public service to the residents of Fairfax County, the largest local jurisdiction in the Commonwealth of Virginia and the National Capital Region. For the past 23 years, David has served as the Fairfax County Attorney. Prior to that, he served four years on the Fairfax Planning Commission, representing the former Centreville District, and he also is a past chairman of the Fairfax County Goals Advisory Commission.

I had the great pleasure of working with David throughout my 14 years on the Fairfax County Board of Supervisors, particularly during my 5 years as chairman. David was responsible for providing sound legal advice to

the Board of Supervisors on any number of issues, from land use and zoning applications to civil litigation to personnel matters. He was always meticulous and thoughtful in his approach and was a trusted counselor to the board and county staff.

David also has more than a decade of service with the federal government, where he served as assistant counsel in the Office of Professional Responsibility of the Department of Justice. Prior to that, he spent four years in private practice as an associate with the Fairfax firm of Fitzgerald and Smith, and he also served four years as a Captain in the Judge Advocate General's Corps of the United States Army.

Mr. Bobzien has ably represented Fairfax on a number of boards and associations and has used his passion for the law to benefit communities across the Commonwealth. He is a former president of the Virginia State Bar. He was the first government attorney ever to hold that post. He is a past chair of the Local Government Law Section of the Virginia State Bar, a past president of the Local Government Attorneys of Virginia, a past president of Lawyers Helping Lawyers, the organization that assists lawyers in Virginia suffering from substance addiction or mental illness, a past president of the Fairfax Law Foundation, and a past president of the Virginia Law Foundation.

Even as he neared retirement, David has remained active and is the current chairman of the Virginia CLE Committee of the Virginia Law Foundation and is a board member of Virginia Law Foundation, the Fairfax Law Foundation, and Lawyers Helping Lawyers. He is a Virginia State Bar delegate in the American Bar Association's House of Delegates having previously served on the ABA's Commission on Domestic and Sexual Violence. He is a fellow of the Fairfax Law Foundation and the Virginia Law Foundation and a Life Fellow of the American Bar Foundation.

His leadership and commitment to the law have been recognized by his peers. In 2012, David was selected to receive the Golden Gavel Award from the Fairfax Law Foundation's Society of Fellows. The Golden Gavel Award recognizes individuals, organizations, and businesses for their exceptional community service.

Mr. Speaker, David Bobzien's commitment to our community and the mission of local government is unparalleled, and he leaves behind a legacy of integrity that will benefit our community for generations to come. His career in public service is truly commendable and deserving of our sincere appreciation. When I was chairman of the county board, we often joked when retirement announcements like this came before the board that we should pass an ordinance to disallow such talented and dedicated professionals to leave public service. I certainly wish that was the case here. I have been privileged to call David not only a professional colleague but also a constituent and a friend. I wish David and his wife, Cathy, and the rest of their family the best of luck in his retirement, and I ask my colleagues in the House to join me in expressing our appreciation for his unswerving devotion to serving the residents of Fairfax County.

BASQUE HERITAGE AND SMITHSONIAN FOLKLIFE FESTIVAL

HON. DINA TITUS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Ms. TITUS. Mr. Speaker, I rise to recognize the annual Smithsonian Folklife Festival which begins on June 29 and focuses this year on the Basques. Their history, contributions, and culture will be highlighted through music, storytelling, artifacts, and food. Since the late 1800s, the Basques have been an integral part of Nevada's story. Well known and highly respected Basque families in Nevada include the Laxalts, Ascuaguas, Etcheverrias, Juaristis, and Goicoecheas, among others, who have left a legacy at all levels of government, business, academia, and the legal profession. Their history has been recorded in the sheep camps of the Northern Nevada mountains and in the boarding houses of small towns like Elko, Winnemucca, Battle Mountain, and Ely. Their strength of character and perseverance inspire us all. I look forward to seeing some of Nevada's Basque dancers on the National Mall, and I invite you to join me in celebrating this amazing community and its heritage.

HONORING THE 65TH ANNIVERSARY OF THE ROSE OF SHARON MISSIONARY BAPTIST CHURCH

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. CONAWAY. Mr. Speaker, I rise today to honor the Rose of Sharon Missionary Baptist Church as they celebrate their 65th anniversary. Over the last 65 years, Rose of Sharon has served as a place of worship for countless numbers of West Texans. Rose of Sharon was founded by Reverend A.H. Goings in 1951. After meeting in various homes for several years, the church finally found a permanent home on 300 Fitch St. in June of 1985 under the leadership of Reverend J.W. Hanson. From that point moving forward, the church was able to flourish as they made it their mission to spread the teachings of our Lord and Savior Jesus Christ.

Tragically on June 25, 2014, the church burned down and was declared a total loss. But out of the ashes and through the power of prayer and the support of the First Baptist Church of Odessa, Rose of Sharon persevered and overcame the adversity that they were dealt. After many months of rebuilding, Rose of Sharon reopened the doors to their newly constructed house of worship in February 2016.

Mr. Speaker, I ask that my colleagues join me in recognizing the Rose of Sharon Baptist Church as they celebrate their 65th anniversary. I wish them continued success moving forward. May God continue to bless the parishioners and the church leaders for many years to come.

CONGRATULATING COLONEL GUY T. SHIELDS ON HIS INDUCTION INTO THE ARMY PUBLIC AFFAIRS HALL OF FAME

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. DEFAZIO. Mr. Speaker, today, we are here to honor Colonel Guy T. Shields on his induction into the Army Public Affairs Hall of Fame, an honor deserving of a man who has dedicated his life to serving our country. Colonel Shields' accomplishments are many, and his time in the Army has been a story of passion, leadership, and innovation.

For nearly twenty years he served in the Army as a Public Affairs Officer, and he established himself as a media relations expert. He was respected and trusted by all he worked with: internal and external media, his military superiors, his peers, and his subordinates. At the NATO Nuclear Planning Conference in 1987, he successfully established an international press center, and under his guidance a team was able to handle more than 200 members of the international media for four days. His success continued as he covered stories and events such as the 50th Anniversary of the Normandy Landings, Exercise Double Eagle, Operations Support Hope, Just Cause, Golden Pheasant, and Iraqi Freedom. While working in Bosnia he coordinated the construction and operation of a radio tower and taught a team who had never worked with the equipment before how to broadcast messages to the Bosnian people. He truly has done it all.

Colonel Shields' time spent as an Army Public Affairs Officer set the standards for contingency public affairs operations for the Army and Joint Operations. Through his service, he set an example for contingency deployments worldwide in both peacetime and war. Every day I am grateful for the sacrifices and work that our service men and women do and Colonel Shields exemplifies both a dedication to our country as well as a model soldier with exceptional public affairs skills. I would like to join in congratulating him on this much deserved award.

HONORING THE RECIPIENTS OF THE WEST SPRINGFIELD ROTARY CLUB FIRE, RESCUE AND FIRST RESPONDER AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the West Springfield Rotary Club and to congratulate the recipients of the 2016 Fire, Rescue, and First Responder of the Year Awards.

The West Springfield Rotary Club (WSRC) was established over 25 years ago, making it one of the oldest of the nearly 60 clubs that comprise Rotary District 7610. Throughout its existence, the WSRC and its members have

dedicated themselves to service to our neighbors and our community. Each year, the WSRC recognizes area first responders who have gone above and beyond the call of duty. This year, the three individuals who will be honored are stationed at West Springfield Fire Station 27, and it is my honor to submit their names and to congratulate each of them on receiving this award.

Master Technician Hyun Lee has been a Fairfax County firefighter for 12 years, the last six as an engine driver. Two years ago, she earned the proficiency designation of Master Technician (MT) and assumed additional responsibilities including company and battalion level training and ensuring proficiency of the station. Master Technician Lee is known for her hands-on instruction and training of newer firefighters and personal attention to their professional growth. Her dedication has allowed her to instill her work ethic and passion into the trainees at Fire Station 27. In addition to her work on the job, Master Technician Lee serves as Secretary and Treasurer of the Fairfax County Asian Firefighter Association.

Technician William Harrington has been a Fairfax County firefighter for eight years, serving as an EMS Technician for the past four. He is also a paramedic and has volunteered as a preceptor to instruct new medics. He is described as tireless and thorough, and goes above and beyond even on his days off. Technician Harrington truly exemplifies the motto of ''service above self,'' through his initiative and ability to lead by example in even the most dangerous of situations. He is a role model to all and sets the tone for others to follow and succeed.

Fire Technician Antwaun Hawkins has served for more than 11 years with the Fairfax County Fire and Rescue Department and has been with West Springfield station since 2012. He currently serves as the EMS Technician on the B-shift and is Operator in Charge of Medic 427 nearly every day. He has successfully completed Hazmat School and is completing Inspections training to build his skills, expertise, and to open up advancement opportunities in the future. Even with the demands of his position and family responsibilities to his wife and sons, he is known for his calming presence and philosophical conversations.

Mr. Speaker, I ask that my colleagues join me commending the West Springfield Rotary Club for its support of our community and our first responders, and in congratulating the recipients of the 2016 Fire, Rescue, and First Responders of the Year awards. These individuals along with their colleagues throughout the Fairfax County Fire and Rescue Department do not hesitate to place themselves in harm's way to protect and serve county residents and property. I thank each of them for their service, bravery, and dedication. Stay Safe.

RECOGNIZING THE 20TH ANNIVERSARY OF CAMP BOGGY CREEK

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. WEBSTER of Florida. Mr. Speaker, I am pleased to recognize Camp Boggy Creek, headquartered in Orlando, Florida, on the occasion of its 20th anniversary. Camp Boggy Creek was founded in 1996 by actor/philanthropist Paul Newman and General H. Norman Schwarzkopf, with one simple premise in mind, that every child, no matter their illness, could experience the transformational spirit and friendships that go hand in hand with camp. With unobtrusive expert medical care, it was their dream that Camp would provide seriously ill children with a fun-filled experience defined by compassion, laughter and acceptance.

Since 1996, Camp Boggy Creek has made it possible for children with serious illnesses to enjoy a camp experience in a safe, medically sound environment. Located in central Florida, the 232-acre camp serves children ages 7 through 16 who have been diagnosed with chronic or life-threatening conditions.

Camp Boggy Creek never charges campers to attend and never asks them to contribute anything other than a positive, playful attitude. The camp is entirely funded by generous donations from individuals, corporations, foundations and healthcare partners. Camp Boggy Creek is a proud member of SeriousFun Children's Network.

As a year-round retreat, Camp Boggy Creek is able to serve thousands of campers and their families through activity-packed weekly and weekend camp programs. The camp offers children the chance to catch their first fish, go horseback riding or climb a ropes tower, all while making new friends. Beyond boundless fun, Camp Boggy Creek provides fellowship. Children can spend time with others who are just like them and share their life-experiences, which serves as a reminder that they are not alone.

It is my honor to recognize Camp Boggy Creek on the occasion of its 20th anniversary.

HONORING THE LIFE OF RETIRED AIR FORCE MASTER SERGEANT FRED ''BULLDOG'' BECKER

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. YOUNG of Alaska. Mr. Speaker, I come to the House Floor today with a heavy heart. On June 11, 2016, a ''Bulldog'' in the Alaska Veterans community passed from our world, and joined his comrades from Vietnam, family, and friends in Heaven above. On behalf of the countless Alaskans who were touched by Retired Air Force Master Sergeant Fred ''Bulldog'' Becker, Mr. Speaker, I would like to share my condolences with his son Fred, daughters Elizabeth, Melinda, and their many grandchildren and great-grandchildren.

Mr. Speaker, I recall one special occasion when I joined Bulldog on our nation's birthday, July 4, 2010, after he and his brothers in arms rode across the country in honor of fallen Naval Chief Special Warfare Operator Lance Vacarro. From the moment we met so many years ago, to that day in 2010, and until his passing, his commitment to his fallen brothers was never-ending, and I will always treasure our friendship.

Mr. Speaker, though Bulldog was never one to flaunt his own achievements, it is only fitting to mention several of them in recognition of this remarkable Alaskan. Bulldog served his country in the United States Air Force for 20 years, including three tours in Vietnam, before retiring in 1981. Among his many commendations, he is the recipient of the Air Force Commendation Medal with 1 Oak Leaf cluster, a Presidential Unit Citation, the Vietnam Service Medal, the Republic of Vietnam Gallantry Cross with Palm, and the Republic of Vietnam Campaign Medal.

Mr. Speaker, upon ''Bulldog'' Becker's retirement, he chose to call the great state of Alaska home. In Alaska, and across the country, he was a tireless advocate for our nation's veterans. He proudly dedicated his life to serving our nation, my home State of Alaska, and all those who wore the uniform of our great nation.

Mr. Speaker, Master Sergeant Becker never backed down from a challenge. A proud member of the Vietnam Veterans Motorcycle Club and later the Combat Veterans Motorcycle Club, he always fought to ensure our men and women in uniform received the care and respect they not only deserved, but earned.

Mr. Speaker, I have always believed that a hero is someone who has given his or her life to something bigger than themselves. In the eyes of anyone who knew him, MSgt. Fred ''Bulldog'' Becker was a true American hero. Bulldog, Godspeed my friend, until I see you again, riding through the clouds of Heaven.

PERSONAL EXPLANATION

HON. JOHN K. DELANEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. DELANEY. Mr. Speaker, on June 16, 2016 the House voted on 26 amendments to H.R. 5293, the Department of Defense Appropriations Act for Fiscal Year 2017. Congressman CONYERS offered an amendment, roll call vote number 327, to block funds from being used to transfer or authorize the transfer of cluster munitions to Saudi Arabia. Amendment votes are taken in quick succession, with two minutes allowed for each. I mistakenly voted NO when I meant to vote AYE on Mr. CONYERS' amendment.

Saudi Arabia is a U.S. ally in the Middle East, supporting our counterterrorism efforts in the region. As with many allies, the United States enters into agreements to sell military equipment to help achieve mutual goals. Included in the sale with Saudi Arabia were cluster munitions. Alarmingly, Saudi Arabia has used cluster munitions contrary to U.S. law which prohibits the use of this weapon in populated areas and those that have a failure rate of above 1 percent.

Cluster munitions contain multiple, explosive submunitions that are released mid-air and spread out, making targeting a specific location difficult and may put civilians in harm's way. The weapon is designed to kill enemy personnel and destroy their transportation and infrastructure. When used improperly, the cluster munitions are a danger to innocent civilians. Additionally, unpredictable landings and

explosive remnants can put civilians in danger long after the violence had ended. This is a human rights issue.

President Obama recently blocked the sale of cluster munitions to Saudi Arabia for use in Yemen amid reports by human rights organizations that have documented killing and wounding of civilians in violation of U.S. law. I support the President's decision to halt the sale of these dangerous weapons and support Congressman CONYERS' amendment to prevent the sale of cluster munitions in the Department of Defense Appropriations for Fiscal Year 2017.

RECOGNIZING THE 60TH ANNIVERSARY OF THE NORTH SPRINGFIELD CIVIC ASSOCIATION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. CONNOLLY. Mr. Speaker, I rise today to recognize and congratulate the North Springfield Civic Association on the occasion of its 60th anniversary.

North Springfield was forest and meadows when developer Edward R. Carr received the permits to create a community here. Construction started in 1954, and the first homes were occupied around July 1, 1955. The North Springfield Civic League (later renamed Association) was formed shortly thereafter with the first official meeting on January 25, 1956.

Over the last 60 years, the North Springfield Civic Association has led the effort to promote civic pride among its residents, inform the community about local and regional issues that affect the residents, and advocate for land use policies and public service investments that benefit the community. The quality of life and community spirit enjoyed by the residents now is a testament to their success.

As the former president of my own civic association, I know firsthand that when residents invest their time, care, and energies in their communities, it benefits us all. Fairfax County is considered one of the best places in the nation in which to work, live, and raise a family, largely because of the willingness of so many to become actively involved.

Mr. Speaker, I ask that my colleagues join me in congratulating the North Springfield Civic Association on its 60th anniversary and in thanking all of the residents for their tireless efforts and dedication to the community and region.

TRIBUTE TO ROCKY HEIGHTS MIDDLE SCHOOL

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. COFFMAN. Mr. Speaker, I rise today to recognize Rocky Heights Middle School for being designated as a School to Watch by the National Forum to Accelerate Middle-Grades Reform this year. This designation recognizes Rocky Heights Middle School, as well as 145 other schools nationwide, as being on-track to fulfill the requirements to be designated as a school of high performance.

Rocky Heights Middle School's designation as a School to Watch places it in an elite tier of adolescent education institutions. The National Forum sets criteria for high performance in middle schools, which includes, creating an environment that challenges all students, setting up structures that address and account for the significant and unique challenges of students in early adolescence, and ensuring that students have access to high-quality teachers and resources. Rocky Heights Middle School, as a School to Watch, is well on its way to meeting these criteria.

Its high level of academic achievement and its strong community have fostered an excellent educational environment for the students of Rocky Heights.

This designation is an affirmation of the excellent achievements of Rocky Heights' students, as well as the continually improving work being done by the faculty. I would like to extend my sincere congratulations to the students and teachers of Rocky Heights Middle School for being one of the nation's premier adolescent education institutions.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. COHEN. Mr. Speaker, on June 10, 2016, I attended a funeral and I was unable to vote on H.R. 5325, H. Con. Res. 89, and H. Con. Res. 112.

If present, I would have voted "yea" on Ellison of Minnesota Amendment No. 2, "nay" on Blackburn of Tennessee Amendment No. 6, "yea" on Takano of California Amendment No. 11, "nay" on Pearce of New Mexico Amendment No. 13, "yea" on the Motion to Recommit H.R. 5325 with Instructions, "nay" on passage of H.R. 5325, "nay" on H. Con. Res. 89, and "nay" on H. Con. Res. 112.

PERSONAL EXPLANATION

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. SCHRADER. Mr. Speaker, I regretfully missed the following roll call votes on Thursday, June 23, 2016. Had I been present I would have voted "NO" on the following roll call votes: Roll Call 341—H. Res. 797, the rule for the Conference Report for H.R. 2577. Roll Call 342—H.R. 2577, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2017 and Zika Conference Report.

RECOGNIZING THE 2016 INSTITUTE FOR EXCELLENCE IN SALES & BUSINESS DEVELOPMENT LIFETIME ACHIEVEMENT AWARD RECIPIENTS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the 2016 recipients of the Lifetime Achievement Awards presented by the Institute for Excellence in Sales & Business Development (IES).

IES was created to foster excellence in business sales and development practices and to help sales professionals and organizations maximize their efforts. IES conducts a variety of workshops and programs designed to provide the knowledge and tools necessary to advance the careers and growth of those who attend. Each year, IES recognizes individuals, teams, and organizations throughout the United States who demonstrate exemplary performance through leadership, risk taking, innovation, vision, and customer development. Awards are presented in categories including Excellence in Sales Innovation, Excellence in Sales Training, Excellence in Sales Management, Excellence in Customer Partnering, and Excellence in Strategic Alliances. In addition, Lifetime Achievement Awards are bestowed to a select few who have demonstrated continued success and have made significant contributions in their fields.

The recipients of the 2016 Lifetime Achievement Awards are the founders and leaders of immixGroup, a government contract management firm based in McLean, Virginia in the heart of the 11th District. I am pleased to congratulate Art Richer, Steve Charles and Jeff Copeland on receiving this prestigious award.

Mr. Richer currently serves as Vice-President, Arrow ECS. An accomplished sales and business development executive who has spent more than 25 years selling information technology products and services within the government sector, Mr. Richer has extensive experience working with technology manufacturers of all sizes, ranging very large and established companies to numerous high growth and emerging technology firms.

Mr. Charles co-founded immixGroup in 1997. Over the past two decades he has helped hundreds of technology manufacturers succeed in the government marketplace. Mr. Charles is actively involved in government-industry associations including TechAmerica, ACT–IAC, Coalition for Government Procurement, and the National Contract Management Association. A recognized expert in every dimension of the government technology ecosystem, he meets regularly with leaders in government and industry to increase understanding and positive action.

Mr. Copeland began his career with immixGroup as co-founder of the company along with Mr. Charles. Beginning in 1997, he served as Chairman and CEO before transitioning to Executive Chairman in 2013. Mr. Copeland has earned a reputation for building and managing highly effective government teams that set records for revenue and profitability.

Mr. Speaker, I ask my colleagues to join me in recognizing Art Richer, Steve Charles and Jeff Copeland for their innovative and effective leadership and in congratulating them on receiving the 2016 IES Lifetime Achievement Awards.

RECOGNIZING FATHER GEOFFREY BARAAN ON HIS SERVICE

HON. ERIC SWALWELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. SWALWELL of California. Mr. Speaker, I rise to recognize Father Geoffrey Baraan in celebration of over a decade of dedicated service as Pastor of St. Anne Catholic Church in Union City.

Before Father Geoffrey became a priest he was a counselor, a role that helped him understand the many needs and concerns of the people to whom he has ministered.

He entered St. Joseph College Seminary in Los Altos in 1990 and completed his studies at St. Patrick's Seminary in Menlo Park. Diocese of Oakland Bishop John Cummins ordained him to the priesthood in 1997, and he began serving as parochial vicar at St. Augustine Parish in Pleasanton. Later he was appointed parochial vicar at St. Joseph Parish in Pinole and then as parochial administrator at St. Ignatius Parish in Antioch in 2001. In 2005, he assumed the role of Pastor at St. Anne.

During his time as Pastor, Father Geoffrey was a beloved figure who inspired countless people. His compassionate communal leadership fostered unity in one of the most ethnically and culturally diverse parishes in the Diocese. He shepherded a ''living church'' where parishioners practiced their faith through service to others.

Today, due to Father Geoffrey's leadership, St. Anne is one of the largest parishes in my congressional district, with over 5,000 parishioners. In addition, ministry groups have thrived while faithfully and effectively serving Union City and the entire Tri-City area. They have established a variety of programs to assist the homeless and hungry in their community.

Father Geoffrey was also instrumental in establishing S.M.A.R.T., which stands for ''St. Anne Medical Action Response Team.'' He helped assemble a medical team of over 80 volunteers, including doctors, nurses, medical students, and other health professionals to provide first aid and basic care to parishioners during all of the often-crowded weekend services.

Father Geoffrey will begin a new ministry starting on July 1, 2016, when he becomes Pastor of St. Joseph's Church and School in Pinole. I wish to thank Father Geoffrey on his contributions to the 15th Congressional District during his time at St. Anne, and I wish him well in his new assignment.

IN HONOR OF MARILYN BITTERMAN AND HER RETIREMENT FROM COMMUNITY BOARD 7 IN NEW YORK'S 14TH CONGRESSIONAL DISTRICT

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. CROWLEY. Mr. Speaker, I rise today to honor the service of Marilyn Bitterman. Marilyn is a beloved member of the Queens community, who plans to retire after 40 years of service to Community Board 7.

Marilyn has been working part-time for the Community Board since 1976 and was promoted to Assistant District Manager in 1984. In 1988, she was appointed to the position of District Manager, and she has worked diligently for the people of Queens ever since. She has been a blessing to the community for over four decades and the Community Board, and surrounding community, will miss her dearly.

Marilyn is an extremely active member of the Queens community in many ways. She has worked on the Borough President's Flushing Meadows Corona Park Coordination Committee and the Queens Traffic Safety Board. She currently sits on the Community Advisory Boards of Flushing Hospital and the New York-Presbyterian Hospital Queens. She is a graduate of the Citizens Police Academy and presently serves as co-president of the Bay Terrace Garden Jewish Center. Marilyn is an incredible and giving individual, who has dedicated her life to the betterment of her community.

At the end of August, Marilyn will be retiring as District Manager from the Community Board. She has worked for much of her life to improve her community, and I would like to personally thank her for her dedication to serving the residents of Queens. I also would like to acknowledge Marilyn's loving husband, Jack, two children, Noel and Tracy, a son-in-law, Michael, and three grandchildren, Gabriel, Sadie and Cassidy, and thank them for sharing Marilyn with the people of Queens for so many years. While the Community Board may be losing an asset to their team, the whole community is extremely grateful to Marilyn for her many years of selfless service.

I hope all my colleagues will join me in honoring Marilyn Bitterman's service to the Queens community and in wishing her a happy retirement.

PAYING TRIBUTE TO THE EXTRAORDINARY SERVICE OF AMBASSADOR RUTH A. DAVIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. RANGEL. Mr. Speaker, I would like to congratulate Ambassador Ruth A. Davis on receiving the prestigious Lifetime Contributions to American Diplomacy award. I want to give thanks to this exceptional public servant for her exemplary service to her country as a United States diplomat. Her contributions to American diplomacy over the length of her impressive career with the Department of State, as well as in retirement, have contributed to making the world a safer and more peaceful place. Her vision has especially ensured that the future of America's diplomacy reflects our country's strength—its diversity.

Ambassador Davis was born in Phoenix, Arizona, but was primarily raised in Atlanta, Georgia during the Jim Crow era. She graduated magna cum laude from Spelman College where she studied abroad in Europe and the Middle East as a Merrill Scholar. She later received her Master's Degree from the University of California at Berkeley. In 1969, she embarked on one of the most challenging and rewarding careers as a U.S. diplomat.

Among her many notable accomplishments, Ambassador Davis was the first African American to become a Career Ambassador, the highest ranking position within the Foreign Service. At the time of her retirement, she was the longest-serving Career Ambassador in the department's history. Her hard work, sacrifice, and dedication to public service allowed her to serve her country all over the globe including in Porto, Benin, Nairobi, Kenya, Tokyo, Japan, Barcelona, Spain, and Naples, Italy. As the Consul General in Barcelona, Spain, she played an important leadership role in the organization of the 1992 Barcelona Olympic Games, and later utilized her experience to help Atlanta's successful Olympic bid in 1996. As a colleague and a friend, I have always admired her strength, tenacity, and selflessness in choosing to serve on the frontlines of American foreign policy at a time when the participation of African Americans and women was not welcomed at home or abroad. Through her leadership, she emulated the excellence of our society to America's global partners and pioneered a path and secured a place for minorities to represent our nation as diplomats.

Her unique talents and skills continued to bring greater understanding of and interaction between domestic and foreign policy matters. As a Pearson Fellow, she worked as a Special Advisor for International Affairs for the Washington, DC Municipal Government where she substantially enhanced the city's involvement in the international, economic, cultural, and diplomatic fields. In 2002, she was nominated by Secretary of State Colin Powell and appointed by President George W. Bush as the Director General of the U.S. Foreign Service. As the Director General, Ambassador Davis managed the promotion, discipline, career development, recruitment, and retirement policies and for all of the State Department's Foreign and Civil Service employees. During her time in Washington, she generously imparted her knowledge, expertise, and wisdom as the Distinguished Advisor for International Affairs at Howard University.

I am lucky to count Ambassador Davis as a friend and a fellow advocate of civil rights. She has dedicated her life in the Foreign Service and beyond to fostering the next diverse generation of diplomats. Her work as a mentor and supporter of those from underrepresented backgrounds will ensure that America's diplomatic force mirrors the beautiful mosaic of races, religions, and ethnicities in our country.

From her service at Howard University, to the President of the Thursday Luncheon Group, an affinity group at the State Department, to her helping found the International Women's Entrepreneurial Challenge, to her endless support for the Charles B. Rangel Fellowship, she has worked tirelessly to ensure that the Foreign Service is a more inclusive, and thus a more effective institution. I am certain that her efforts in diversifying the American diplomatic corps and mentoring rising diplomats will continue to advance the safety, security, and prosperity of our country for years to come.

Mr. Speaker, for this, I ask that you and my distinguished colleagues in Congress join me in applauding this extraordinary public servant, whose service to our country has made the U.S. and the world a better place.

RECOGNIZING PRINCE WILLIAM COUNTY PUBLIC SCHOOL TEACHERS ON OBTAINING CERTIFICATIONS AND RENEWALS FOR THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the Prince William County Public School Division and congratulate the following educators on being certified by the National Board for Professional Teaching Standards. The National Board is an independent nonprofit organization dedicated to supporting excellence in education and is governed by classroom teachers, school administrators, school board leaders, governors and state legislators, higher education officials, teacher union leaders, and business and community leaders.

To qualify for certification, each teacher must meet or exceed the demanding standards established by the National Board and must successfully complete a rigorous multicomponent assessment that demonstrates that he or she has mastered the knowledge, skills and practices required of an accomplished educator. A National Board Certification denotes the most respected professional certification available in the education field. Obtaining certification and completing the renewal process is a personal and public statement of one's commitment to the evolution of effective instruction methods. Certified educators support a vision of teaching based on the following five core principles:

1. Teachers are committed to students and their learning;
2. Teachers know the subjects they teach and how to teach those subjects to students;
3. Teachers are responsible for managing and monitoring student learning;
4. Teachers think systematically about their practice and learn from experience; and
5. Teachers are members of learning communities.

I extend my personal congratulations and appreciation to the following National Board Certified Teachers for receiving their respective certifications and renewals:

Ali M. Allen, Minnieville Elementary School

Cassandra Cornwell, Tyler Elementary School

Carolyn Doyle, Montclair Elementary School

Kimberly Lervold, Vaughan Elementary School

Martha Lipscomb, Antietam Elementary School (Renewal)

Jessica Mason, Triangle Elementary School

Tanya Parrott, Chris Yung Elementary School (Renewal)

Laura Provencio, Montclair Elementary School

Sheryl Quinlan, Marsteller Middle School (Renewal)

Kelly Serrano, West Gate Elementary School

Sarah Tracy, Minnieville Elementary School

Gerald Vile, Marsteller Middle School (Renewal)

Tamara Zimmerman, Saunders Middle School (Renewal)

Mr. Speaker, I ask that my colleagues join me in commending these teachers for their commitment to education, professional development, and the students of Prince William County Public Schools. The world-class education provided to our students is due to the tireless efforts of teachers who make excellence the standard and I thank them for their invaluable contributions.

ON THE RETIREMENT OF U.S. ARMY COLONEL CAROLYN CLOSS-WALFORD

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. BUTTERFIELD. Mr. Speaker, I rise to recognize and congratulate Colonel Carolyn Closs-Walford, the Senior Strategic Advisor to the Director of the Army National Guard, on her retirement.

Colonel Closs-Walford is a career Army officer who dedicated her life to protecting and supporting our great nation. As a young college student at Winston-Salem State University in Winston-Salem, North Carolina, she discovered her passion for the Army and joined the Reserve Officer Training Corps (ROTC). Upon graduation, she was commissioned as a Second Lieutenant in the Signal Corps and accepted a reserve commission in the Army Reserve. While in Washington, D.C., she also completed her graduate studies at National Louis University and later transferred to the Quartermaster Corps to fulfill the Army Reserve's mission of combat service support.

Colonel Closs-Walford served as a ''Citizen Soldier'' and demonstrated continuous commitment throughout her deployment and service in Southwest Asia during Operation Desert Storm. Her impressive leadership skills did not go unnoticed, and Colonel Closs-Walford became a fulltime active soldier serving as the Logistics Planner for the European Command with extensive travel to Germany, Bosnia, and Kosovo.

Colonel Closs-Walford has devoted her life to public service. She has served in senior positions in the Office of the Under Secretary of Defense and acted as an interagency liaison to the National Security Council, the United States Congress, and the Departments of Defense and State.

She has also had the distinct honor of serving as the Director for Global Outreach in the White House for U.S. Presidents George W. Bush and Barack Obama, fulfilling a variety of roles that provided support to the President, Deputy National Security Advisor, and the Counselor to the President.

Additionally, Colonel Closs-Walford served members of the U.S. House of Representatives and their staffs in the Army's House Liaison Division where she tracked and influenced legislation that impacted the Army's budget and missions. Colonel Closs-Walford organized and led 16 congressional delegations to Iraq, more than any other Legislative Liaison during that time.

Her most recent assignment was in the Office of the Chief of Staff of the Army (CSA), where she served as a Military Fellow. Handpicked by the CSA, she was responsible for identifying and studying potential obstacles that the Army is projected to face in the year 2025 and beyond.

Colonel Closs-Walford's extensive experience in defending and protecting our country demonstrates her true commitment to our great nation, a dedication that deserves the highest recognition and acknowledgement. Colonel Closs-Walford embodies the definition of a true patriot, steadfast in her devotion to answer no matter what the call.

Mr. Speaker, Colonel Closs-Walford has spent her life advancing the mission of the United States of America, on both the domestic and international stage. She has solidified a legacy of patriotism that will live on through each person that has been fortunate enough to work with her. On behalf of a most grateful nation, I ask my colleagues to join me in congratulating Colonel Carolyn Closs-Walford on her retirement.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. HINOJOSA. Mr. Speaker, I was unable to be present in the House chamber for certain roll call votes on Thursday, June 23rd. Had I been present on these days, I would have voted 'nay' on roll calls 339, 340, 341 and 342.

TRIBUTE TO DESHAUNA BARBER

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in congratulating Deshauna Barber of Northeast Washington, D.C., a graduate of Virginia State University and the University of Maryland University College, who was crowned

Miss USA 2016 this month. Ms. Barber demonstrates the best qualities of District residents, and we believe she will bring out their best qualities as well during her reign. We are particularly proud that Ms. Barber is a lieutenant in the United States Army Reserve, serving as a Logistics Commander for the 988th Quartermaster Detachment Unit at Fort Meade, Maryland. She also works as an IT consultant at the United States Department of Commerce. During her downtime, Ms. Barber enjoys hometown D.C., and has a particular fondness for Gallery Place in Chinatown and our hometown staple Ben's Chili Bowl. Deshauna is a strong advocate for gender equality, particularly for our nation's military women. The nation, especially the District of Columbia, takes great pride in the constellation of characteristics and talents Miss District of Columbia brings to her work as Miss USA 2016.

A District resident has won Miss USA only three times. Lt. Barber's victory comes at a watershed moment when District residents will be asked to approve a new D.C. statehood constitution in November. This effort has already significantly increased the visibility of D.C. statehood throughout the country. Our D.C. Miss USA almost surely brings new interest in her hometown and everything about D.C., including its quest for statehood. Today, Miss USA 2016, Deshauna Barber, has earned not only her title, but, like the almost 700,000 other residents of the District, the right to full and equal citizenship.

Mr. Speaker, I ask the House of Representatives to join me in congratulating Miss District of Columbia, Deshauna Barber, the 2016 Miss USA, and to thank her for her service to the country as a lieutenant in the United States Army Reserve and as a representative of the best of the citizens of the District of Columbia as Miss USA 2016.

RECOGNIZING THE 2016 LORDS AND LADIES FAIRFAX

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to recognize a dedicated group of men and women in Northern Virginia. Every year, each member of the Fairfax County Board of Supervisors selects two people from his or her district who have demonstrated outstanding volunteer service, heroism, or other exceptional commitments and contributions to our community. Since the program's inception in 1984, approximately 600 individuals have earned the honor of being named a Lord or Lady Fairfax by his or her representative on the Board of Supervisors. The Board also traditionally recognizes these individuals during a reception held in conjunction with the annual Celebrate Fairfax! Festival in June.

This year, the Fairfax County Board of Supervisors will recognize those individuals who have made tremendous impacts through their support of our public schools, parks, youth sports leagues, arts community, public safety, and human service programs. It is nearly impossible to fully describe the diversity of accomplishments of the honorees. Their efforts contribute greatly to the quality of life for the residents of Fairfax County and are worthy of our praise and sincere appreciation. It is my honor to submit the names of the 2016 Lords and Ladies Fairfax:

At-Large: Lady Shirley Ginwright and Lord Michael J. Hershman

Braddock District: Lady Ellen Jean ''Nell'' Hurley and Lord George C. Klein

Dranesville District: Lady Barbara A. Glakas and Lord William Glenn Yarborough, Jr.

Hunter Mill District: Lady Michele Hymer Blitz and Lord James G. Lewis, Jr.

Lee District: Lady Burnette G. Scarboro and Lord Jack Pitzer

Mason District: Lady Deborah ''Debo'' Burk and Lord Charles de Seve

Mount Vernon District: Lady Marcia Hanson and Lord Larry Clark

Providence District: Lady Anne Suter Zimmer and Lord Stephen A. McLaughlin

Springfield District: Lady Lisa Friedrich Becker and Lord Mark W. Fitzpatrick

Sully District: Lady Kelly Lavin and Lord E. Mark McConn, Jr.

I also commend the following recipients of the James M. Scott Community Spirit Award and the Celebrate Fairfax! Festival Volunteer of the Year Awards:

James M. Scott Community Spirit Award: The Peterson Companies & The Fairfax County Sheriff's Office Community Labor Force

Celebrate Fairfax! Festival Volunteer of the Year Award: The Levy Family. In addition, several students will be recognized as Celebrate Fairfax Community Spirit Scholars and Emerging Artist Scholars. I congratulate the following honorees for receiving these awards:

Community Spirit Scholars: Alec Soulders, Bridget Ray, Michelle Ma, Rebecca Jacobi, Revathi Mohan, Layla Fawaz, Lauren Eller, Alek Langford, Joel Galloway, Anastasia Slepukhova, Kayla Blatman

Emerging Artist Scholars: Doi Kim, Annie Saavedra, Hee Ra Pyo

Mr. Speaker, I ask my colleagues to join me in commending and expressing our gratitude to these men and women who volunteer their time and energy on behalf of our community. Their efforts provide immeasurable benefits to their fellow residents and serve to strengthen and enrich the Fairfax County community.

PERSONAL EXPLANATION

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Ms. SPEIER. Mr. Speaker, due to an unforeseen conflict, I unavoidably missed the following votes June 22–23, 2016.

Had I been present I would have voted as follows:

On roll call No. 337, I would have voted ''nay'' (June 22) (On Ordering the Previous Question for H.J. Res. 88, ''Disapproving the rule submitted by the Department of Labor relating to the definition of the term 'Fiduciary' '').

On roll call No. 338, I would have voted ''nay'' (June 22) (On passage, objections of the President to the contrary notwithstanding for H.J. Res. 88, ''Disapproving the rule submitted by the Department of Labor relating to the definition of the term 'Fiduciary' '').

On roll call No. 339, I would have voted ''nay'' (June 23) (On Motion to Fix Next Convening Time).

On roll call No. 340, I would have voted ''nay'' (June 23) (On Motion to Adjourn).

On roll call No. 341, I would have voted ''nay'' (June 23) (On Agreeing to the Resolution ''Providing for consideration of the conference report to accompany the bill (H.R. 2577) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; providing for proceedings during the period from June 23, 2016, through July 4, 2016; and providing for consideration of motions to suspend the rules'').

On roll call No. 342, I would have voted ''nay'' (June 23) (On Agreeing to the Conference Report H.R. 2577, ''Making appropriations for the Department of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016'').

PERSONAL EXPLANATION

HON. MIKE BOST

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. BOST. Mr. Speaker, on roll call No. 339 I was not present. Had I been present, I would have voted Yea.

HONORING MS. JAN SABO

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Jan Sabo, the Assistant Superintendent of the Napa County Office of Education, upon her retirement from an impressive career in education that spanned 42 years.

A New Jersey native, Ms. Sabo completed her B.S. in Education at Boston University and her Master in Education at Lesley University before attending the University of Massachusetts and the University of California, Davis for her post-graduate work.

Ms. Sabo has held a number of positions during her 19 years with the Napa County Office of Education. She joined the office as a Resource Specialist and served as the Coordinator of Curriculum and Instruction and as Director of Curriculum and Instruction before assuming her current position as Assistant Superintendent of Academic Services. Throughout her time with the Napa County Office of Education, Ms. Sabo has overseen early childhood education and summer programs, and has dedicated particular attention to the development of academic services for special education and low-income students.

In addition to her work in education, Ms. Sabo is a leader in our community. She spearheaded the creation of the Education Support Team serving Napa, Solano, and Contra Costa, which raises funds to support education across three counties in Northern California. Ms. Sabo belongs to the Association of California School Administrators, is a board member of Congregation Beth Shalom, and co-chairs the Every Student Succeeding Committee. She also volunteers time as a mentor for at-risk youth, to support the Humane Society, and with political organizations including the League of Conservation Voters.

Mr. Speaker, Ms. Sabo has dedicated her career to ensuring every student in our community receives a top-notch education from the day they first step foot in a classroom. Therefore, it is fitting and proper that we honor her here today and extend our best wishes for an enjoyable retirement and many happy memories to come with her husband, Tom, and children Sam, Emma, and Mary.

HONORING THE AWARDEES OF THE LITERACY COUNCIL OF NORTHERN VIRGINIA RECOGNITION CELEBRATION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the Literacy Council of Northern Virginia (LCNV) and to congratulate the volunteers, instructors, students, community partners, and others who will be recognized at the 2016 LCNV Recognition Celebration. The mission of LCNV is to teach adults the basic skills of reading, writing, speaking, and understanding English in order to empower them to participate more fully and confidently in their communities. LCNV serves low-literacy and limited English language proficient adults with a selection of low-cost, moderately intensive courses to help them transition into the workforce or other educational opportunities. LCNV provides the crucial first steps of language and literacy learning for workplace, citizenship, and community integration to help adults make measurable improvements in their lives.

Each year LCNV gathers at its Annandale headquarters to recognize students and members of the community who have achieved exceptional milestones. I am proud to submit the following LCNV honorees:

Community Partnership Awards: Catalogue for Philanthropy, John Edward Fowler Memorial Foundation, Fairfax County Department of Neighborhood and Community Services

Outstanding Student Achievement: Sofia Abdulkadir, Medina Ahmed, Nolberto Ballestero, Melida Nohemy Banegas, John Banks, Insaf Bekkaoui, David Beltz, Mustapha Boujadi, Evelin Campos, Hai-ping Chu, Albert Costanzo, Dukjun Ha, Jihyun Han, Su Chu Ho, Bai Hui Lin, Julio Marquez, Nargis Monny, Armida Montoya, Heydy Nunez, Mulki Omar, Toyin Owolabi, Shahnaz Parvin, Nisa Rasheed, Roqiya Rasooli, Rosa Recinos, Nelly Rojas, Miriam Rosas, Karla Ruiz, Saraya Saadat, Marliya Sabur, Alejandrina Tejada-Gutierrez, Ligia Varela, Natividad Vicante Romero, Eddie Williams, Tidar Zirari, Maria Alvarado, Ana Argueta, Rosa Argueta, Sanam Azhar, Siedi Brhan, Lizbeth Caro, Lenin Foresca, Kit Ho, Leanne Lee, Maria Lujan, Juana Mata, Shaheen Mohammed, Tatiana Parras, Liliana Reyes, Huy To, Phuong Vuu

Outstanding Instructor Achievement: Susan Akroyd, Karen Al-Kinani, Barbara Callen, Kathryn Contreras, Deborah Dakin, Diane DePallo, Pam DiRamio, Ruth Drees, Nancy Flores, Doris Garlock, Mimi Gronlund, Nastasya Kovalev, Beth Kramer, Janet Mackey, Rebecca McCary, Gordon McFarland, Norman Mesewicz, Betty Murphy, Michele Norris, Soo Park, Alexandra Roncal, Dennis Shannon, Mirna Solis, Stephanie Starrett, Pam Taylor, Michael Wesbecher, Susan Whitney, Loren Zander, Jody Sweet

Volunteers of the Year: Anne Jillson, Rosemary Hofford, Doris Garlock, Nina Azuola, Claire Brown, William Knowlton, Patricia Matheson, Pat May, Karen Singer

Americorps Recognition: Alexander Abdelwahed, Kathryn Contreras, Verro Ejiba, Rachel Lipscomb, Felisa Macaspac, Soo Park, Loren Zander

In addition, the following LCNV volunteers are being recognized on their service anniversaries:

30 Years: Marykate Dougherty

20 Years: Susan Clayman, Anne Jillson, Nancy Treer

15 Years: Jan Auerbach, Michael Coogan, RoseMary Hayden, Ann Kurzius

10 Years: Claire Brown, Deborah Droller, Patricia Grajewski, Brendan Grajewski, Ryan Grajewski, Stephen Isaacson, Richard Morton, Debbie Pearce

5 Years: Karen Al-Kinani, Cynthia Baskin, Connie Bernhardt, Katherine Beyer, Maria Bolin, Alicia Brooks, Rhonda Buckner, Deborah Dakin, Molly Dias, Judy Fisher, Barbara Glotfelty, Lisbeth Goldberg, Terry Herrmann, Amy Jackson, Marshall Katz, Kim Kelley, Beth Kramer, Janet Mackey, Raymond Maier, John McElfresh, Christie Phillips, Alexandra Roncal, Sandy Tiemann, Janna Unterzuber, Stephen Weber, Susan Whitney

Mr. Speaker, I ask my colleagues to join me in congratulating each of the honorees of the 2016 LCNV Recognition Celebration and in thanking them for their contributions to our community.

RECOGNIZING THE PROTECT AMERICA ACT

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. FITZPATRICK. Mr. Speaker, I rise today in support of the Protect America Act.

On June 12, 2016 we watched in horror as a lone terrorist, pledging allegiance to ISIS, carried out the nation's worst terror attack since September 11, 2001. As we continue to grieve and pray for those devastated by this attack, we must redouble our efforts and be clear in our resolve to protect our nation and her citizens from the radical Islamic terrorism that continues to target us.

Part of the effort to protect our homeland must be to ensure the Federal Bureau of Investigation and other law enforcement officials have the tools they need to block terrorists from purchasing a gun. That's why I support the Protect America Act which would establish a process to deny firearms and explosives to individuals suspected of terrorism. This common sense bill is carefully crafted to only target terrorists, and to protect the Constitutional principle of due process for law-abiding Americans who seek to exercise their Second Amendment rights. We must absolutely deny terrorists the means to attack us, but we must not undermine our freedom in the process.

Make no mistake, Mr. Speaker, the threat of radical Islamic terrorism is real. And it is once again threatening us on our own soil. From Fort Hood, to Boston, to San Bernardino, and now to Orlando, we have been tragically reminded that there are radical Islamists who seek to kill us simply for who we are as a people.

Blocking terrorists' ability to purchase weapons that can be used to wage war on innocent Americans is an important step. But we must have clear eyes about what it will take to defeat this enemy. Our efforts to combat this radicalism must be carried out on multiple fronts: through diplomatic action, military force, and countering the finances used to carry out these attacks. We cannot back down in fear. We must fight back. We must win.

TRIBUTE TO MILES WILKIN

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. MICA. Mr. Speaker, I rise today to pay tribute to a wonderful friend and an accomplished leader in American Theater, Mr. Miles Wilkin. Mr. Wilkin was recently recognized with a National Special Tony Award for his innovation in bringing Broadway to communities across America.

A six-time Tony Winner, Miles Wilkin is the COO and Executive Vice President of Key Brand Entertainment and responsible for the vision and development of ''Broadway Across America's'' significant touring network, which has expanded significantly over the years. Based on the simple principle that everyone cannot get to New York's Broadway, those productions have been taken to cities across the United States, providing millions with great Broadway theater in their communities.

Wilkin was one of the founders of North America Touring Theater, which initially brought these shows to people in every corner of our country. He was a past executive with Clear Channel Entertainment, PACE Entertainment and PACE Theatrical.

Charlotte St. Martin, President of the Broadway League said, ''Miles paved the road for the modem theater touring system.'' At the June 12th American Theatre Wing's 70th Annual Tony Awards in New York City, Miles Wilkin received a Special Tony Award for distinguished achievement and for his substantial work in promoting American Theatre and Broadway productions.

It has been my great honor to know Miles Wilkin for nearly fifty years. He was a fellow student, friend and leader of Tau Kappa Epsilon at the University of Florida campus, where he launched his theater production career. Later on in Orlando, Florida, Miles successfully managed theater productions at the Bob Carr Auditorium in the community where we both resided. It has been wonderful to watch Miles advance his career over the years and bring America's finest Broadway production to all of our doorsteps.

It is fitting that my friend and promoter of the arts is the recipient of such a special and prestigious award and recognition.

I ask my colleagues to join me in congratulating Mr. Miles Wilkin on his accomplishments and contributions to American culture and theatre.

RECOGNIZING THE 100TH ANNIVERSARY OF AUTO-OWNERS INSURANCE

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. HUIZENGA of Michigan. Mr. Speaker, I rise today to recognize the Auto-Owners Insurance Company's one-hundred years of serving citizens in Michigan and across the country.

Founded in one room of a bank building in 1916, Auto-Owners is now the largest property and casualty insurance company based in Michigan. Auto-Owners maintains its headquarters in Lansing, Michigan, where it serves its policyholders with a team of more than 43,000 agents. Today, the company offers auto and life insurance claims to Americans in more than half the country.

Over the last one-hundred years, Auto-Owners has consistently demonstrated its strength and commitment to its policyholders. During the Great Depression, the company paid all claims in cash, writing more than $2.5 million in insurance premiums, despite drastic deflation and widespread instability throughout the country. Auto-Owners now issues over 5.1 million personal, commercial, and life policies with the same values of financial accountability and loyal service. As demonstrated by its A++ rating from A.M. Best, Auto-Owners has continued to put its policyholders first.

Auto-Owners' stated mission is to provide the best claim service in the industry. It is a mission they have fulfilled for the last century, and this centennial milestone is an important achievement. For one-hundred years, Auto-Owners has maintained its dedication to its policyholders to be there when people need them most. Their unwavering commitment is worthy of recognition and applause.

I ask my colleagues to join me in honoring Auto-Owners Insurance, its employees, and its loyal agents for their efforts to live the values that define them and deliver on the promise found in their products.

RECOGNIZING THE 25TH ANNUAL BEST OF RESTON AWARDS FOR COMMUNITY SERVICE RECIPIENTS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the recipients of the 25th Annual Best of Reston Awards for Community Service. These awards are the result of collaboration between Cornerstones and the Greater Reston Chamber of Commerce and are presented to individuals, organizations, and businesses whose extraordinary efforts make our community a better place. I am pleased to submit the names of the following recipients of the 2016 Best of Reston Awards:

Individual Community Leader: Leila Gordon—Putting Community at the Center of the Reston Experience: Inviting all who live, work, and play in Reston to participate in the Reston way of living with compassion and creativity.

Civic/Community Organization: Friends of Reston for Community Projects (Katie Shaw)—The Nature of Reston Has Giving at Its Heart: Harnessing the resources of volunteers and friends to generate $2 million in community investment so all may enjoy Reston's numerous natural assets.

Vade Bolton-Ann Rodriguez Legacy Award: Amy's Amigos (Olivia Wolfe, Kacey Hirshfeld and Hannah Becker)—Friends Striving to Create a Healthy, Caring Community: Channeling grief into ongoing action, modeling wellness for our youth and throughout the community, sharing the tools of action, and passing the torch to the next generation of Reston's leaders.

Small Business Leader: Beloved Yoga—Inspiring Community Wellbeing: Providing the tools for self-empowerment, self-healing and self-realization coupled with the belief that giving back to the community is powerful when we thrive together.

Corporate Business Leader: Bechtel—Engineering the Future with Service to Others: Giving employees opportunities to create positive impacts throughout Reston, the Dulles Corridor, and the world by encouraging them to follow through on their own purpose-driven interests and passions.

Individual Community Leader: Jim Elder—A Champion of Sportsmanship for All Seasons: Teaching Reston youth that good sportsmanship and fair play are as essential to playing the games they love as skills, stats, and strategy.

Corporate Business Leader: Google—Search for "Positive Impact": Find Google in our Community: Bringing its signature culture of innovation to tackle local and worldwide challenges in education and poverty relief; and the support of returning service men and women and our K9 heroes.

Small Business Leader: Wiygul Automotive Clinic—Jump-Starting Hope for Families and Children: Making a profound difference in the lives of others by quietly and humbly delivering dependable transportation to help people secure and maintain solid employment.

Mr. Speaker, I ask that my colleagues join me in congratulating the 2016 Best of Reston honorees for their tremendous contributions to our community. I want to thank Cornerstones and the Greater Reston Chamber of Commerce for continuing this wonderful tradition, and I express my sincere gratitude to these individuals, businesses, and organizations for lending their time and energy to the betterment of our community.

CONGRATULATING THE COLLEGE OF DUPAGE ENGINEERING CLUB

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. ROSKAM. Mr. Speaker, I am pleased today to recognize the College of DuPage Engineering Club. For the second year in a row, the College of DuPage is one of only two community colleges invited to participate in the 2016 NASA Robotic Mining Competition held at the Kennedy Space Center in Florida.

This year's NASA Robotic Mining competition features participants from 40 different colleges from across the country. The competition consists of undergraduate and graduate students who are required to design and construct a mining robot that could traverse the simulated Martian surface, collect samples of gravel, and place the samples into a bin.

The members of the Engineering Club who participated in the recent NASA competition come from all corners of DuPage County and each member has a strong passion for engineering. It was necessary that the members to work together and rely on one another as they repeatedly tested their robot design to ensure the best possible strategy for the competition. The participant's hard work and long hours will prepare them for the rigors of engineering school and the lessons learned from the competition will serve them greatly in their future careers.

Mr. Speaker and my distinguished colleagues in the House please join me in congratulating College of DuPage Engineering Club and wishing them the best of luck in the future.

THE INSTITUTE OF INTERNAL AUDITORS' 75TH ANNIVERSARY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. MICA. Mr. Speaker, I rise today to recognize and congratulate an organization from Florida's 7th Congressional District, located in Altamonte Springs. This July, The Institute of Internal Auditors (IIA) celebrates its 75th anniversary.

As many of my colleagues know, internal auditors play a vital role in maintaining public trust in our institutions. Whether it is protecting shareholder value at large publicly traded companies or ensuring appropriate use of taxpayer dollars in federal, state or local government, the internal auditor is ever-vigilant in ensuring that our institutions operate effectively.

For 75 years, The IIA has helped inspire and educate generations of internal auditors who play a crucial role in our nation's success.

The IIA was founded in 1941 in New York City by a core group of 24 internal auditors with the intention of bringing the practice of internal auditing to the forefront of American business. These initial members of The IIA created many of the core principles and best practices we see in internal audit functions across the United States and world today. While the organization began with only two dozen members, it now includes more than 185,000 worldwide, with 63,000 in the United States.

In effective risk management and control, there are three lines of defense for shareholders and taxpayers who want to see our institutions play by the rules. The first line of defense is management. The second line of defense is compliance and oversight functions established by management. The final line of defense is independent assurance of compliance and control through an internal audit.

The IIA is the internal audit profession's global voice, recognized authority, acknowledged leader, chief advocate and principle educator. The IIA is a trusted resource, providing key standards, guidance and certifications for the internal audit profession.

Further, The IIA's certification programs ensure that internal auditors are recognized as employing the highest standards to protect shareholder value and to ensure proper compliance and risk management procedures are followed. The IIA and its members are truly the leaders of the internal audit profession and are consistently recognized internationally as an organization setting industry standards.

I have personally had the opportunity to meet with and discuss today's challenges with The IIA over the years. I am proud of the work its members do and how their organization is run.

Mr. Speaker, I ask my colleagues to join me in applauding The IIA and its more than 63,000 members in the United States for their hard work over the past 75 years, all they have accomplished, and all they will accomplish in the future.

RECOGNIZING THE 2016 BLACK AND GOLD SCHOLARSHIP BALL AWARD RECIPIENTS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the Joyce-Gillespie-Harrington Charitable and Educational Foundation and the Zeta Upsilon Lambda Chapter of the Alpha Phi Alpha Fraternity on the occasion of their 36th annual Black and Gold Scholarship Ball.

Since 1980, these two organizations have made tremendous contributions to promoting academic opportunities for youth in Northern Virginia and in the greater Washington, D.C., metropolitan region.

The programs offered by the foundation are vital to the success of our students. This year's Black and Gold Scholarship Ball will support scholarships for ten college-bound high school students. During the last eighteen years, ninety students have received scholarships awarded by the foundation and have attended some of the top colleges and universities in the country. With the typical college graduate's debt averaging about $30,000, the foundation's continued support of these students is absolutely crucial.

I am pleased to enter the following names of the 2016 scholarship winners:

Alisha Harris (Robinson Secondary School),
Charles Sterling (Stone Bridge HS),
Cory Pringle (Annandale HS),
Diego Flores (Herndon HS),
Evan Belcher (AOS Stone Bridge HS),
Gene Jones (Washington and Lee HS),
Jordan Randle (St. Stephens/St. Agnes School),
Madalyn Peyton (Loudoun County HS),
Simone Smith (South Lakes HS),
Stefan Carter (Potomac Falls HS).

Mr. Speaker, these students represent our country's next generation of gifted leaders who will have great impact on our society and future. I thank the Joyce-Gillespie-Harrington Charitable and Education Foundation and the Zeta Upsilon Lambda Chapter of Alpha Phi Alpha Fraternity for their dedicated commitment to fostering success in our youth and commend all of the scholarship winners for their academic excellence. I ask that my colleagues join me in congratulating these talented students and in wishing them great success in all their future endeavors.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. COHEN. Mr. Speaker, on June 21, 2016, my flight was delayed and I was unable to vote on H.R. 5525, H.R. 5388 and H.R. 5389.

If present, I would have voted "No" on H.R. 5525, and "yea" on H.R. 5388 and H.R. 5389.

IN RECOGNITION OF MAJOR MARISA PACE

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. CROWLEY. Mr. Speaker, it is with great pleasure I rise to pay tribute to Major Marisa Pace for her exemplary dedication to duty and service as an Army Congressional Liaison for the Chief of Army Reserve. In that role, she managed the Appropriations Portfolio for the Army Reserve. I am grateful that she will continue to serve the Army and Congress in her new assignment as Plans Officer for the 1179th Surface Deployment and Distribution Command in Fort Hamilton, New York. I know we all wish her well in her new position.

A native of Woodside, New York, Major Pace graduated from West Point in June of 2001 and was commissioned into the Transportation Corps as a 2nd Lieutenant. In the course of her career, she also earned a Master's degree in Legislative Affairs from The George Washington University.

Major Pace has served in a broad range of assignments during her 15 years of service as an officer in the United States Army. Prior to moving to the Army Congressional Liaison Office in 2011, she was assigned to Headquarters Army, G–4 (Logistics) as the Executive Officer for the Director of the Transportation and Distribution Directorate. She deployed in 2003 as a Platoon Leader with 68th Transportation Company, 28th Transportation Battalion, Mannheim, Germany and again in 2005 as the Plans and Training Officer for 37th Transportation Brigade out of Kaiserslautern, Germany. Major Pace's other assignments include Osan Airbase, Korea, where she served as the Officer In Charge of the Movement Control Team from 2001–2002 and Germany, where she served as a Platoon Leader in 28th Transportation Battalion and the Headquarters and Headquarters Company Executive Officer and Training Officer for 37th Transportation Brigade.

Her service in the Army Reserve is highlighted by her selection in 2012 to serve as an Army Congressional Fellow. While assigned to the Office of the Chief of Army Reserve from 2012 to 2016, Major Pace spent a year representing the Army to the Congress by working in the office of Senator Mary Landrieu (D–LA). In this role, Major Pace served as policy advisor on all matters relating to defense and national security. After this, she served as a legislative liaison in the Office of the Chief of Army Reserve. In this capacity, Major Pace directly represented the Chief of Army Reserve to the Senate and House appropriations committees to educate and inform Senators, Representatives, and staff on critical Army Reserve funding issues.

Major Pace grew accustomed to living so far from family during her time in the Army. So let me also acknowledge her parents, Paul and Renee Pace, her sisters Megan Pace and Michele Pace-Holthusen, her brother Paul Pace Jr. and her in-laws John Holthusen, Micky Harris and Janine Accardi for their unwavering love and support. I thank them for their sacrifices as well and wish them all the best for continued success in the future.

Throughout her 15 year career, Major Marisa Pace has made positive impacts on the careers and lives of her soldiers, peers, and superiors, and I am grateful that she has chosen to continue to serve back in our home state of New York. I join my colleagues today in honoring her dedication to our Nation and invaluable service to the United States Congress as an Army congressional liaison.

COMMEMORATING THE 66TH ANNIVERSARY OF THE KOREAN WAR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. RANGEL. Mr. Speaker, I rise to recognize a very significant event in our nation's history during which 1.8 million American men

and women courageously served to defend freedom and liberty. June 25th of this year marks the 66th anniversary of the outbreak of the Korean War. As a veteran who almost died fighting in Korea, I would like to pay tribute to my comrades-in-arms and all those who never made it home.

I thank Ambassador Ahn Ho-Young of the Republic of Korea and his Government for continually expressing gratitude to the Korean War veterans. He and his predecessors have annually honored the sacrifices through the wreath-laying ceremony at the National Korean War Veterans Memorial. Through this commemoration, they have paid respect to our service members who went to a country they never knew, for people they never met, for the pursuit of democracy on the Korean peninsula and around the world. I also applaud over two million Korean Americans who are flourishing across the nation and have never ceased to express their appreciation to the Korean War veterans community.

I am proud to have worked with my colleagues Representatives SAM JOHNSON and JOHN CONYERS, two other remaining veterans of the Korean War in Congress, to champion many bills that will cement the legacy of the Korean War veterans. Most recently, we sponsored H.R. 1475, the Korean War Veterans Memorial Wall of Remembrance Act of 2015, which passed in the House. The Wall pays tribute to those who were killed in action, wounded, or listed as missing from the Korean War. The Wall serves as a reminder that America will never forget those who serve to promote and defend international security, economic prosperity, and peace.

Mr. Speaker, our nation has a responsibility to make sure that we honor the members of the United States Armed Forces who served alongside the Republic of Korea and twenty other Allied nations. We have a responsibility to remember the 36,573 American lives and the 103,000 wounded to preserve the legacy of our Forgotten Victory. We have a responsibility to make sure we do not forget our men and women who sacrificed to defend the freedoms we enjoy.

Since the Korean War, the United States and the Republic of Korea have established an enduring friendship with shared interests, such as denuclearizing the Korean Peninsula, combatting aggression abroad, and strengthening our economies. It is with great pride that I have witnessed Korea rise to become an influential, international leader out of ashes of war. Its rapid and successful transformation testifies to the victorious efforts of our veterans.

The Korean War must never again be called the Forgotten War and the American people must never forget our heroes.

HONORING MS. MARINA TORRES

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Ms. Marina Torres who is being honored by the Calistoga Associated Teachers upon her retirement after 35 years of service to Calistoga Elementary School and our Calistoga community.

Ms. Torres, a native of Monterey Park, California, earned two Bachelor of Arts degrees. One from the University of California at Santa Barbara for Combined Social Sciences in 1979 and one from Sonoma State University for Latino Studies with a minor in Children's Literature in 1981.

Throughout her long tenure as a teacher at Calistoga Elementary, Ms. Torres has been a dedicated mentor to her students and a pioneer in bilingual education for young children. In fact, Ms. Torres was the first Latina teacher hired by the Calistoga Joint Unified School District in 1981. She translated her academic and personal background into a passion for educating students about living in a culturally diverse community.

Ms. Torres launched the Student Advocate Program in 1987 to address the needs of students in crisis and was inducted into the ''Who's Who of American Teachers'' in 1995 for her innovative teaching and dedication to her students' needs. Ms. Torres shares her experience with new teachers starting their careers as a beginning teacher support and assessment provider in Napa County.

A resilient fighter, Ms. Torres has overcome two different forms of cancer. Now in remission, she is an outspoken advocate for early cancer screening and expanding access to health care. During retirement, she plans to continue her support for at-risk children and for expanding education in the Calistoga community.

Mr. Speaker, Marina Torres has devoted 35 years to serving her students and our community as both a teacher and an advocate for others' needs. She is a friend of Calistoga and a friend of mine. Therefore, it is fitting and proper that we honor her here today and extend our best wishes for an enjoyable retirement and many happy memories to come with her husband Michael and her children Frank, Rafael, and Liliana.

TRIBUTE TO DR. T. WAYNE BAILEY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2016

Mr. MICA. Mr. Speaker, I rise today to pay tribute to Dr. T. Wayne Bailey of Stetson University who will be retiring this year. After more than half-a-century of faculty tenure and teaching thousands of students who pursued careers in public service, he announced his retirement at the end of this semester.

Few individuals in Florida history have had a more significant impact on political policy or in advancing the careers of those dedicated to public service. In 1963, he founded Stetson University's Department of Political Science and was a cofounder of the Stetson University Model Student Senate, which has hosted thousands of students for both memorable and valuable learning experiences. Generations of Stetson students studied civics, political science and public policy under his tutelage. His positive influence has advanced the careers of federal leaders, including Members of Congress, many federal and state office holders and public servants in Florida and throughout our Nation.

Dr. Bailey has also been an active leader in the local, State and National Democratic Party. He has been the State of Florida Democratic Party Chair, National Committeeman and a delegate to numerous Democratic National Conventions. He has been a leader and active in the American Lung Association, Tiger Bay, Florida Hospital DeLand Foundation and numerous other local, community and state organizations. The Discovery Channel presented Dr. Bailey with their Discovery Health Channel Medical Honors award.

It was my pleasure to first meet with Dr. Bailey and Dr. Bud Fleuchaus as they led the Volusia County Charter Review Commission. His knowledge and insight helped develop and enact that County's first Charter and local government Constitution.

Mr. Speaker, today I ask you and our colleagues to join me in recognizing a great Floridian and a dedicated American, my friend, Dr. T. Wayne Bailey. His life and work significantly impacted thousands. I congratulate him on the occasion of his retirement and for his years of dedication and service to Stetson University of DeLand, Florida.

SENATE—*Monday, June 27, 2016*

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the way, the truth, and the life, shine Your light upon our lawmakers as they begin a new week. Illuminate their minds with Your wisdom, that they may know what to think and do, refusing to become weary in well-doing. Lord, keep them from straying from Your precepts as they remember that those who walk with integrity walk securely. Teach them the lessons they need to learn so that they will not repeat the mistakes of the past. May they serve this land with competence and faithfulness, never forgetting their accountability to You. Cause them to hear Your words and to follow where You lead.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. ERNST). The majority leader is recognized.

ZIKA VIRUS AND VA-MILCON FUNDING BILL

Mr. MCCONNELL. Madam President, combatting the spread of the Zika virus should be a priority for both parties. We worked hard to forge a compromise solution that made $1.1 billion available to fight this virus. That compromise plan already passed the Senate with unanimous support of Democrats.

We now have a bicameral agreement that provides the exact same compromise level of funding. The House did its job and approved the legislation. The Senate can now do its job to send that legislation down to the President.

Democrats joined Republicans in sounding the alarm about Zika, but now we are at the finish line, and suddenly our friends across the aisle are changing their tune. Here is what the fourth-ranking Senate Democrat recently said:

Families are looking to Congress for action on Zika. It is well past time that we delivered.

So will she help the Senate deliver tomorrow or play partisan politics?

Here is what the third-ranking Senate Democrat recently said: ''Every day we wait, every day is increasing the risk that we will have problems with Zika.'' So will he help the Senate to take action tomorrow or play partisan politics?

The second-ranking Democrat recently said that ''the mosquitoes carrying this deadly virus are on the march.'' So will he help the Senate arrest that march before the Fourth of July or play partisan politics?

Here is what the Democratic leader recently said: ''Every day we wait is a bad day . . . for America and the world.'' So will he help the Senate pass this $1.1 billion Zika control funding compromise or play partisan politics and delay action for weeks?

The White House, which recently called for congressional action on Zika by July 4, said:

[T]he time to prepare before Zika begins to spread in the continental United States is rapidly closing. . . . [W]e need some congressional action. We need a sense of urgency and we need it now.

Democrats have tried to claim they weren't involved in negotiations over this legislation, but they were from beginning to end, and the House agreed to the funding level that Democrats supported unanimously.

Democrats have tried to trot out the ''war on women'' playbook, but this legislation actually provides more resources for women's health services—through hospitals, health departments, community health centers, and other public programs.

Democrats have even tried to claim that this Zika legislation would endanger clean water protections, but it won't. It contains a temporary, targeted compromise that will allow experts to actually get at mosquito control, the root cause of Zika, in an effective way while we wait for a vaccine. The agreement before us is a compromise with input from both parties, and it represents the last chance we will have to address Zika for weeks.

The CDC Director testified that the $1.1 billion funding level will allow him ''to do the things we need to do in the immediate term.'' He said: ''The sooner we get a bill, the better.''

Senate Democrats have already unanimously supported the $1.1 billion in funding to combat the virus. Voting to block this bill now will delay Zika control funding well beyond the White House's deadlines.

So look, there is no reason Democrats should reverse course now and block funding for Zika control in the midst of mosquito season. There is no reason they should put partisan politics above the health of pregnant women and babies, and there is no reason they should block support for our veterans, either.

The legislation before us will honor commitments to the men and women who have served to protect us. It includes a significant increase for the VA to help improve the quality of health care services and benefits that our veterans have earned, it will enhance oversight and accountability at the VA, and it will help improve quality of life on military bases for soldiers, sailors, airmen, marines, and their families.

Our men and women in uniform make sacrifices daily on our behalf—sacrifices such as missing special moments with their families, being stationed in distant places far from home, suffering physical wounds they will carry with them long after their service is over.

Sadly, too many of our servicemembers are also burdened by wounds that cannot be seen, such as traumatic brain injury and post-traumatic stress disorder. We are reminded of their daily sacrifices on this National PTSD Awareness Day.

We know that too many of our veterans and their families are unfortunately all too familiar with the challenges and sorrows this condition can bring. We know too that while our warriors may return home from the battlefield due to effective medevac and trauma care, there is a generation of warriors who will need treatment and support literally for decades to come.

We owe this support to the servicemembers who drove Al Qaeda from Afghanistan and offered the Iraqis an opportunity for a better future. We owe it to each and every veteran who has sacrificed to help keep us safe.

We have an all-volunteer force in this country. The young men and women who sign up to defend our Nation don't ask for very much, but our Nation certainly asks a lot of them. They deserve the benefits, care, and treatment they have earned.

We need to pass the Veterans Affairs and Military Construction funding bill before us as soon as possible.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

ZIKA VIRUS AND VA-MILCON FUNDING BILL

Mr. REID. Madam President, here are just a few brief words on the Zika funding matter. This conference report is full of poison pills. I will give you just a few of them.

Again, the House Republicans can't help themselves and, of course, the Senate Republicans joined with them. They have to do everything they can to whack Planned Parenthood, and that is what they do in this conference report. They restrict funding for birth control provided by Planned Parenthood. Can you believe that? And with this Zika problem, who does it affect? Women, and especially pregnant women. It exempts pesticide spraying from Clean Water Act prohibitions and protections, cuts veterans funding by $500 million, cuts Ebola funding by $107 million, and cuts ObamaCare by $543 million.

Listen to this one. Why would they do this? They stick a provision in this that strikes a prohibition that we had placed in the legislation on displaying a Confederate flag. What they have done is just great. Any veterans facility can fly that Confederate flag. Why would they put that in this bill? Of course, it sets a terrible precedent for offsetting emergency spending, and it is missing $800 million—what a shame.

It is like we are being dared to oppose this legislation. We have no choice.

UNITED KINGDOM EXIT FROM EUROPEAN UNION

Mr. REID. Madam President, last week the voters of the United Kingdom stunned the world by voting to exit the European Union. The vote was close, but ultimately the electorate decided to sever the United Kingdom from the European Union, an organization they had been a part of for 40 years. I was disappointed by that decision, but it was their decision.

In the aftermath of last week's referendum, I was pleased that President Obama reaffirmed our special relationship with the United Kingdom and our strong ties to the European Union. Regardless of what happens with the so-called Brexit, the United States will continue to maintain strong alliances with Britain and Europe.

SUPREME COURT DECISIONS AND FILLING THE SUPREME COURT VACANCY

Mr. REID. Madam President, this morning the Supreme Court issued its final set of rulings for the year for the Court's term.

I was pleased with two of the Court's decisions especially. One pertains to women's health and one with keeping guns away from dangerous individuals. In the Court's 5-to-3 decision in Whole Woman's Health, the Court affirmed the constitutionally protected rights of American women. The Justices struck down a Texas law that limited women's rights and restricted access to health care.

Infringing upon the rights of Texans has become all too familiar for the government of Texas. It is a theme they have, and they play that theme all the time and they march to it. The State has pushed laws to restrict people's right to vote. In the last general election, 600,000 Texans couldn't vote because they didn't have the right ID. The State has pushed laws to restrict people's right to vote and limit victims' ability to recover deserved damages after accidents and medical malpractice. The law restricting women's care was just the most recent example of Texas trampling on the rights of its people. So I am pleased that the Supreme Court struck down Texas' unconstitutional attempt to deprive women of health care.

In another ruling today, the Supreme Court also whacked the National Rifle Association. By a 6-to-2 decision, the Justices upheld a Federal law that bans people convicted of domestic violence from buying guns.

While the Supreme Court did its job today, I must note the many other missed opportunities in the Court over the last 4 months. Due to the Republicans historic obstruction of Judge Merrick Garland's nomination, the United States' highest Court is often deadlocked. The Court has been unable to provide definitive rulings on some of the most important issues of our time because there are not nine Justices, but only eight, due to the Republicans' obstruction. For the first time in the history of the country in a year right before an election, the Republicans have decided they are not going to allow a vote on a Supreme Court nomination. It has never happened before. By denying President Obama the chance to fill this vacancy, the Republicans have infected the Supreme Court with the same gridlock they have perfected with the Congress for the last 7 years. Eight Supreme Court Justices are simply not enough to serve the American people and the rule of law.

One Drake University constitutional law professor wrote recently:

> With just eight members, the Court cannot resolve certain controversial cases. It can split 4–4, which means there is no uniform rule of law.

All told, the Supreme Court has deadlocked on seven important cases and issues.

Because of Senate Republicans, employers can deny women who are working access to contraception coverage; because of Senate Republicans, companies can misuse the private information of consumers; and because of Senate Republicans, lenders can discriminate against married women.

There are others. The most glaring example, though, was from last Thursday when the Court was unable to reach a majority decision on an important immigration case. It issued a one-sentence ruling: ''The judgment is affirmed by an equally divided Court.''

As former Solicitor General Walter Dellinger wrote, ''Seldom have so many hopes been crushed by so few words.''

These immigration programs would take millions of people out of the shadows and allow them to work and pay taxes.

Today also happens to be the third anniversary of the Senate passing a bipartisan bill to fix our Nation's immigration system by a heavy vote of 68 to 32. It was bipartisan in nature.

Three years ago, after the bill passed in the Senate, Republicans used their obstructionist ways to prevent a vote in the House of Representatives. Today, those same Republicans are obstructing a ninth Supreme Court Justice in order to kill the President's Executive actions on immigration.

Latino and immigrant families across this Nation are watching who stands with them and who stands against them. It is very easy to see. It is appalling Republicans are willing to prevent the Court from doing its job as they wait for a Donald Trump-appointed nominee. That is startling.

Just yesterday, the Republican leader refused to say if he thinks Donald Trump is qualified to be President. His silence speaks volumes.

Republicans continue to block our justice system from functioning so this unqualified bigot can reshape the Supreme Court in his image.

It is time for Republicans to stop fomenting partisanship and gridlock, even in the Nation's highest Court. America deserves a fully functioning Supreme Court.

MINERS PROTECTION ACT AND FLOODING IN WEST VIRGINIA

Mr. REID. Madam President, just last month, we marked the 70th anniversary of President Truman's historic promise to mine workers. President Truman promised lifetime health and pension benefits to coal miners in exchange for their continuing the back-breaking work which built our Nation, but today tens of thousands of miners and widows are in imminent danger of losing not part of their health benefits but all of them—100 percent of them. Their modest pension benefits are also at serious risk. A promise that has been kept for 70 years is about to be violated, broken. We shouldn't let that happen.

There is a bipartisan solution that would avert this crisis. Senator MANCHIN wants the Senate to vote on his Miners Protection Act, and so do I.

If it is up to Senator MCCONNELL, we are not going to be given a chance to

vote before the recess, despite the gravity of the situation.

Just 2 weeks ago, more than 3,000 miners and their supporters rallied in Lexington, KY, urging congressional action. The Senate should vote on the Miners Protection Act before we recess for the political conventions that will be held this summer.

A promise made by President Truman is a promise we should keep because a promise made should be a promise kept.

Madam President, as we work to help these families, we should not forget the many West Virginians who are fighting the devastating flooding that has ravaged that State. Twenty-five have died. Our hearts go out to the victims and the families of those affected by the devastation.

I have spoken several times to the senior Senator from West Virginia. It is hard to comprehend, in that sparsely populated State, that a storm can take 25 people—men, women, and children—and still there are people unaccounted for.

On behalf of the whole Senate, I express the care and feeling we have for West Virginia. I want to be available to do everything I can to help the people of West Virginia. Senator MANCHIN is a great advocate, and we will listen closely to follow his direction and guidance.

We also thank the many brave police officers, firefighters, EMTs, and members of the National Guard who worked hard to prevent further loss of life. Many more people came close to dying. We have seen it all on television. We have read the stories. It is very frightening that something like that could happen.

I was told by Senator MANCHIN this is a 1,000-year storm—not a 100-year storm but a 1,000-year storm. Nothing like this has never happened before—9 inches of rain in just a matter of hours. It is devastating for the people of West Virginia but also for our country.

Will the Chair please announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from West Virginia.

FLOODING IN WEST VIRGINIA AND MINERS PROTECTION ACT

Mr. MANCHIN. Madam President, first, I thank Senator REID and all of my colleagues on both sides of the aisle for the compassion and the outpouring of love they have given to our State. They have expressed that to me. I also thank Senator REID and my Democratic colleagues for their commitment to the Miners Protection Act. I also thank Senator CAPITO, my colleague and counterpart in the Senate. She is committed to working on that.

There is a promise that was made, and basically the miners kept their promise. By their hard work, they have kept the country supplied with energy that has been needed. These are mostly the widows who are depending on these pensions—they are modest pensions—but basically it is their health care. They will get a 90-day notice July 15 if we do nothing, and we cannot do that. We cannot do that to any part of this great country and especially those who have worked so hard and given so much.

I thank him for that commitment. I hope my colleagues, all of my colleagues, my Republican and Democratic colleagues, will help me keep this commitment and this promise to our miners.

Madam President, I wish to tell you a little bit about what is going on in my State of West Virginia. I came back last night.

I was driving home Thursday night, and I got caught in Virginia driving on I–81. This deluge of water started. Rains I have never seen before started while I was on I–81. After getting into Lexington, VA, I cross over to I–64 to come in. Then from I–64 I go through Clifton Forge and Covington. I have traveled quite a bit that way, and I have never seen water like this.

The river started coming across the road. We were able to get through that. I was asked what my first impression was coming into West Virginia. I was driving, and we came into West Virginia on the Greenbrier County side and White Sulfur Springs. The beautiful Greenbrier is there as soon as you come into our State.

The exit where you get off where you go to the Greenbrier and go into White Sulfur Springs, I looked down, and it was totally under water—all those stores where I used to stop, see people, and the little filling stations, but the eeriest thing I ever saw in my life was all these cars were under water and their lights were on. So you know if their lights were on, someone was driving. For the water to come up that quickly that you couldn't even turn your car off, you just jumped out or tried to swim out or tried to get out the best you could, that totally gives you an idea of how fast this river rose. No one has ever seen anything like it. Then I saw a trailer, a person's home, floating down the road, the middle of the road. I am thinking, ''What happened?''

Then I drove and got into Charleston, and as Senator REID said, 9 inches. We had up to 10 inches of rain in some parts, 9 inches to 10 inches in this area of southeastern West Virginia that really got hit. All of the counties got hit pretty good, but a few of them really got inundated.

If you can imagine 9 inches to 10 inches of rain happening within a 2-hour to 6-hour period, that would be almost like turning on all the hoses you have in your house, put them in the house, turn them on full force, and let them run for that period of time and see what happens. It is just unbelievable.

Of the things we saw, first, people didn't have insurance because they didn't think they were in the flood plain. Next, people who were in the flood plain couldn't afford the insurance. Next, most of our State—the hills and the beautiful mountains we have, over the years most of the people—the last 100 years or 200 years—have built in the valleys because that is where the river had meandered and kind of cut out the flat, level places. They are asking: Why would they build? I mean, this is where they have always been.

Over the years, they have either dredged the rivers, they have done different things, they built floodwalls. We build dams to hold back the water in certain areas, which has helped tremendously. Now we have to rethink how we do this. We need the Army Corps of Engineers. We need the Federal Government.

I thank President Obama and his Chief of Staff, Denis McDonough. I called Denis, and I said: Denis, if we have ever needed help, we need it now.

He said: Senator, I can assure you the President is ready to help as quickly as you put your declaration in.

Never have we had a declaration signed and turned around. I thank the President, I thank Denis, and the entire White House staff for the compassion they have had for my State and all the people of our State—as hard as it has been hit.

We have three counties with a declaration: Nicholas, Kanawha, and Greenbrier—which was really hit hard, which is where the Greenbrier Resort is. Those counties are getting immediate relief. We have 500—going to 700—National Guardsmen coming in.

I flew over the area. I visited all the areas by car on Friday. I flew over on Saturday. I have never seen an entire town, an entire city, inundated with water, the entire town. In Rainhill, WV, there wasn't a dry spot in the town so everybody got caught.

Somebody asked about the warning. We did give warning. There is never—if you have lived all your life, your parents and grandparents before you, and you heard stories about water coming this fast and this quick—let me give you one example, and you can imagine. I went to White Sulfur Springs yesterday in the little town—you have seen

the pictures on television, the house that was floating and on fire. I was there, right where it happened.

Before I got to that house, I was walking down, and there was a lady standing there. There were foundations of a few homes, but there was no sign of a home anywhere. She had flowers and a cross. And that was where her husband, who was a grandfather, and her—but her husband, her daughter, and two grandchildren were in the house. They got clear to the attic, and the house left. One of the kids was safe, but one little child, the mother of the children—their daughter—and the grandfather were lost in the flood. She was standing there and looking.

What do you say? There are no words to replace that. You see these types of tragedies.

Then I walked across the bridge. This gentleman came and got me he said: Come on, JOE. I want you to come over and see. I walked up across the bridge where another—not large—stream comes out of the mountains, but it had become a raging river. That is where the forks basically join. When what happens, sometimes the hydrology will back up, and it creates a dam. The water creates a dam of itself.

I walked in there, and it looked like a bomb had gone off. There were three or four homes completely burning that had exploded. He lived in one of them. He said, when this all hit, the water, he ran as quickly as he could with his wife. He hid up in a cave on the hillside. They thought everybody had gotten out. A lady did get out, and she came back into the home.

Well, when the houses shifted, it broke the gas line. When the gaslines broke, they filled the homes with natural gas. When the houses shifted, then the power lines broke loose. The sparks from the power line hit the gas and blew up the homes, like explosions going off. The woman in the house got caught. She couldn't get back out—she went back in to get something. She went up into the attic and was burned over 70 percent of her body. Then she jumped into a tree and hung in a tree for 3 hours to 4 hours until they rescued her. I understand she passed away yesterday.

We have 23 confirmed dead. We thought there were 25 because two people were swept away and reported missing. They found them alive so we are at 23, but we still have 5, 6, or 7 unaccounted for.

The tragedy continues. Love is outpouring from people. First, I thank FEMA. FEMA is there doing an unbelievable job and the National Guard. We are going to depend on the Corps of Engineers. It is going to take everything we have to put our State back together where the people can have some infrastructure. Maybe we can change some streams to the point where they will move differently or water will flow a little differently, hopefully, but this is where you need your Federal Government. The State—no State, the Presiding Officer's beautiful State of Iowa—couldn't do it by itself. We cannot do it by ourselves. I thank FEMA, first responders, and Red Cross. We have everybody in.

If people want to know how they can help, there are people who say: I don't have any money, but I want to come to your State. We need you. We need volunteers who want to work. We need people who have resources who want to help with their money and donations. If they want to send goods, we need that too. We need everything. People have lost everything.

To give you an example, Jim Justice, the owner of the Greenbrier Resort—the Greenbrier is closed indefinitely right now. The big golf tournament that was planned, the Greenbrier Classic, has been cancelled. And the golf course is pretty much running to a certain extent, but they will come back. So Jim, basically, has opened up the Greenbrier to anybody who is homeless right now—anyone who has lost their home. He said: We will give you a place to stay for free; come to the Greenbrier. We don't have hot water—because of their boiler systems—but we have water. So that is what they are able to do, and he has been so gracious to do that.

I tell people, if they can get on my Web site, manchin.senate.gov—at the front of our Web site, you can see everything you can do. It will take you to the site where you can get in contact with the right people to help our State.

Again, I know of the love and compassion people have, and I have watched people come together. Our little State has always taken care of itself. When you ask people ''Do you have a place to stay?'' they will say ''Well, I am staying with my neighbor up here'' or they are doing this or that. So that has been fantastic. But the outpouring of love and compassion from around the country has been unbelievable.

We have a lot of famous West Virginians. Brad Paisley has called, and he wants to do a benefit for the State, and that is going to be tremendous. John Kruk and just so many people—so many people have stepped up to the plate.

From the bottom of my heart, I want to say thank you to everybody for reaching out. It is not over. I just called home, and it is raining again. We have flash flood warnings out for the same areas again. But I talked to the weather channel, and we are not supposed to get anywhere near what we got before, so we will be able to handle this, I hope. But it basically just stops the cleanup, and it is devastating to see what has happened.

So I say thank you to all my colleagues and everyone who has sent their heartfelt, sincere condolences for our State and for the people who have lost their lives. That is the first and foremost thing. We can replace everything else, but we can't replace those dear little kids, parents, and grandparents who were lost.

With that, Madam President, I say thank you from the great State of West Virginia, and on behalf of my colleague Senator CAPITO, I thank you very much. We have both been on the trail working together and trying to get all the relief we can, and just keep us in your prayers.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUERTO RICO

Mr. NELSON. Madam President, this week the Senate is going to consider legislation dealing with the crisis in Puerto Rico. The legislation before us, the Puerto Rico Oversight, Management, and Economic Stability Act, has already passed the House by a vote of 297 to 127. We are taking it up this week because Puerto Rico needs help. They have needed help for quite a while, but now we are running out of time to help that island territory of the United States, with 3.5 million American citizens living there.

Last week, I spoke to the Governor of Puerto Rico, Governor Alejandro Garcia Padilla. He explained just how dire the situation is in Puerto Rico.

On July 1, a $2 billion debt payment is due. That is just a few days from now. There is no way Puerto Rico can make that payment; they don't have the cash. When they don't make that payment, there will be a race to the courthouse to see which hedge fund will sue Puerto Rico first and squeeze out whatever money is left on the island, even if it comes at the expense of the 3.5 million American citizens living there today. Hedge funds have already filed for injunctive relief in the Southern District of New York. In their court documents, they state that they should be paid first in times of scarcity, even ahead of what the government needs for essential services—essential services such as schools, hospitals, law enforcement. In our conversation, the Governor told me that if the hedge funds are granted injunctive relief, then he is not going to be able to pay the salaries of law enforcement and other first responders.

This isn't abstract; this is real. Hospitals have already closed. The Secretary of the Treasury, Jacob Lew, earlier cited in a letter that hospitals can

only order dialysis treatments for premature newborns in intensive care. How? Only if they pay cash on demand daily. Let me repeat that. They are so strapped that hospitals can only order the dialysis that is essential for life for premature newborns who are in intensive care—they can only order it if they are paid in cash for that dialysis on a daily basis.

This legislation the House has crafted is certainly not the bill I would have crafted, but it is the only bill we have before us that could get by the tea party element in the House of Representatives. It is not ideal, particularly with regard to the labor provisions in the bill and the way the oversight board is organized.

We will hear bipartisan attacks against the bill in the Senate, well meaning and well felt, but this legislation is needed to get Puerto Rico out of this immediate crisis. Several of us would like to see more in the bill to address the health care disparities in Puerto Rico and the lack of economic growth on the island, but, as Governor Padilla has said, if someone is holding you up at gunpoint and says ''Your wallet or your life,'' you are going to hand him your wallet because the alternative is worse.

That is where we are. We have to compromise. That is the nature of Congress. That is how the Framers set it up. That is how we get things done. We don't get the perfect, the ideal; we have too many other opinions to consider when we put legislation together.

If we pass this legislation, once we get out of this immediate crisis, then all of us must work as hard as we can to push for solutions for some of the other long-term problems Puerto Rico has. This isn't the end; it is just the beginning. At the same time, we should not look past the achievements in this bill. At the end of the day, this is why this Senator comes down on the side of supporting this legislation. It provides for an orderly process for Puerto Rico to adjust all of its debts, including its general obligation bonds. Those are the bonds held by the hedge funds that are asking for injunctive relief, that they be the ones to get the money first, looking to squeeze the life out of the territory. They are the ones that ran all those ads saying this bill was a bailout. Have you seen those ads? Isn't it interesting that they are the only ones who have the money to run ads saying it is a bailout. Who is paying for the ads? The hedge funds that hold the bonds because they want their money first, to the exclusion of essential services on the island. Well, this is not a bailout. It doesn't spend any taxpayer money. But it has the hedge funds on Wall Street running scared because they know that if this passes, they won't be able to get special treatment and they won't be able to starve Puerto Rico of its vital resources.

Just consider the suffering going on in Puerto Rico. Nearly 200 schools have closed. Public transportation services have been cut. Payments to gasoline suppliers have been delayed, causing vendors to stop supplying gasoline to emergency vehicles like ambulances and fire trucks. Schools have had to cut services to special needs kids. Eighty percent of the businesses in San Juan's main business district have closed.

This isn't something we can continue to debate ad infinitum. Real people are suffering now. Every day we go without providing some sort of relief, more harm is done to the people of Puerto Rico. We are out of time. We need to act. And this bill is the only bill moving. I ask my colleagues to support the bill and send it to the President as soon as possible because, as the Governor said, the alternative is worse.

Might I also add that since this Senator comes from a part of the country—Florida, Central Florida, the Orlando area—where there is such a concentration of citizens who have moved from the island—there is one of the highest concentrations of Puerto Ricans in the United States right in the Orlando area. What is happening is that as the island deteriorates as far as all of its essential services—doctors can't get paid, the people do not have the essential services for life, the health, welfare, and happiness of people—what is happening is that the professional people are picking up roots and moving to the mainland United States. A good number of them are coming to my State. We are glad to have them, but look what is happening: The very people who will help Puerto Rico come out of this financial and health care crisis—by the way, with Zika piled on top of it, with huge percentages of the population already infected with the Zika virus, that is all the more compounding the problems of the people of the island. This is why we have to act.

I have a letter from the Department of the Treasury to our majority leader—from the Secretary of the Treasury—that outlines some of the island's medical woes, talking about the island's doctors in the neonatal intensive care unit. In order to get the drugs for dialysis, they have to get cash every day in order to deliver those services.

I also have Governor Alejandro Garcia Padilla's letter to me, stating why he supports the legislation. I might also say that another Member of the Government—the delegate to the U.S. House of Representatives, whom we call Congressman PEDRO PIERLUISI and is of a different party than the Governor—likewise strongly supports this legislation.

I ask unanimous consent to have printed in the RECORD those two letters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, June 27, 2016.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: Puerto Rico is in crisis, and its only hope for recovery and growth is legislation that authorizes the tools necessary for better fiscal management and a sustainable level of debt. Early in June, the House passed a compromise bill, with an overwhelming bipartisan vote, that will give Puerto Rico the tools to recover without any federal spending. The Senate should take up the matter immediately. Delay will only jeopardize the ability of Congress to conclude its work before July 1, a critical deadline Puerto Rico's leadership has publicly highlighted for months.

On July 1—only four days from now—the crisis in Puerto Rico will ratchet up to an even higher level. Puerto Rico has $2 billion in debt payments coming due that day, including payments on constitutionally prioritized debt on which Puerto Rico has not previously defaulted. In the event of default, and if creditor lawsuits are successful, a judge could immediately order Puerto Rico to pay creditors over essential services such as health, education, and public safety. This could force Puerto Rico to lay off police officers, shut down public transit, or close a hospital. Even a retroactive stay on litigation passed by Congress a few days later would not reverse such a court order. This is one of many reasons Congress must act before July 1. Creditors are hoping to gain the protection of legal judgments as quickly as possible, and this could impair Puerto Rico's chances of getting on a path to stability and eventual growth.

The people of Puerto Rico are already suffering, as I saw firsthand on my most recent visit there. About 80 percent of businesses have closed in the Plaza de Diego, once the heart of San Juan's business district. Doctors at the island's only neonatal intensive care unit described how they can order dialysis treatment for premature newborns only if they pay cash-on-demand daily for lifesaving drugs. While we do not know the full ramifications if Congress fails to act before the end of the month, we know for certain that it is the 3.5 million American citizens who live in Puerto Rico who will be further harmed.

Congress must do more in the future to address long-term economic growth and Medicaid inequalities in Puerto Rico, but doing nothing now to end the debt crisis will result in a chaotic, disorderly unwinding with widespread consequences. Some well-funded creditors are working hard to delay legislative action this week, even if it comes at the expense of the Puerto Rican people. I urge Republicans and Democrats to come together in the Senate as you have before to help our fellow citizens, and get a bipartisan bill to the President's desk before July 1.

Sincerely,

JACOB J. LEW.

ESTADO LIBRE ASOCIADO DE
PUERTO RICO GOBERNADOR,
San Juan, PR, June 22, 2016.

Hon. BILL NELSON,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR NELSON: I write to request that you vote in favor of the Puerto Rico Oversight, Management and Economic Stability Act (PROMESA) before the end of the

month. On July 1, 2016, more than $1 billion in general obligations and Commonwealth guaranteed bonds are due. We do not have the cash to make those payments. A default of that magnitude, without the automatic stay granted by PROMESA, will affect our ability to pay our public workers, including police, nurses and therapists for special needs children.

For more than a year we have been requesting Congress to provide us the tools we need to restructure all the debt. The House of Representatives passed PROMESA, which provides Puerto Rico a solution to its decade-long economic crisis. Although imperfect and intrusive to Puerto Rico's autonomy, it is the only alternative available to reach a sustainable level of debt. PROMESA also protects us from all creditor litigation. The fiscal crisis we inherited does not leave us any options.

The 3.5 million United States citizens on the island are threatened by a debt crisis that can disrupt essential public services such as health, security and education. As Governor, I am responsible for protecting the safety and well-being of the people of Puerto Rico. PROMESA is just the first step in what will be Puerto Rico's long road to recovery. I urge you to approve PROMESA before July 1st, 2016.

Sincerely,

ALEJANDRO J. GARCIA-PADILLA,

The Governor of the Commonwealth of Puerto Rico.

Mr. NELSON. Madam President, I will close by saying that we can't let these people dangle there anymore. We have to come to the aid of our fellow American citizens. Let's remember that when it comes to time of war, Puerto Rico provides some of the bravest military people we have. Let's remember they serve this Nation honorably. Now let's try to help them.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

ZIKA VIRUS FUNDING

Mr. CORNYN. Madam President, we will soon vote on a bill that would provide funding for a coordinated response to the Zika virus—a virus that has already ravaged many parts of Latin America and places like Puerto Rico. Over the past few weeks, our Democratic friends have repeatedly stressed the urgency of this matter. And the summer months coming are likely to bring us more mosquitoes, which, of course, are the primary vector that carries this virus. Thankfully, in the United States, no one who has contracted the Zika virus has done so through a mosquito; it has been from people traveling to Central and South America, who have been bitten there—at least that is according to most current statistics from the Centers for Disease Control and Prevention. We know they are coming, and we need to act with dispatch.

I know many of our friends across the aisle were very eager to get this done because they came down and made unanimous consent requests for $1.9 billion. As you will recall, the Senate passed an appropriation for $1.1 billion, and the only difference between the House and Senate was whether this would be deficit spending or whether it would actually be offset or paid for, which was the House's position. I think the House had the better argument. If we could pay for it, that would be ideal, but I think everybody agrees we need to get moving quickly to protect our communities.

Of course, the people most vulnerable to the Zika virus are women of childbearing age. If a mosquito carrying Zika were to bite you, you might not even notice it or you might feel as though you have had a little flu symptom for a day and then it would go away. We simply don't know enough about how long the virus is retained in the body, so even if a woman isn't pregnant when she is bitten, the fact that she was bitten and is of childbearing age and what that might mean is an unknown. It is frightening, particularly if you are a woman of childbearing age.

I hope we will act with dispatch. I know it is not fast enough for some of our colleagues who wanted us to do this without the usual conference committee with the House to try to reconcile differences, but we need to get this done. It is surprising now to hear some of our colleagues on the other side of the aisle say they actually plan to filibuster this legislation, and the President apparently is indicating he might veto it. I am really interested to hear how they arrived from point A to point B, having taken the position several weeks ago that we ought do it immediately, and now, once it has come to fruition, saying we can simply blow it up, that it is not good enough, and not complete our work here.

It really is unfortunate. I hope cooler heads prevail. This country is on the verge of a public health crisis, and talking to Governor Abbott in Texas and also the public health officials there, I know they are very concerned about what this means. And I am sure, like the preceding speaker from Florida—Florida, Louisiana, and Texas are some very temperate, warm weather regions and are particularly vulnerable to this particular type of mosquito and this virus, but it could spread to other parts of the country, too, unless we act with dispatch tomorrow to approve this conference report and to get this bill to the President's desk and to get the money to the researchers and the people trying to develop a vaccine, which ultimately may be the ultimate tool in the toolbox so the people can be vaccinated so that, for example, women who are of childbearing age don't have to worry about the possibility of acquiring this disease or what it might mean to their unborn child.

We need to make sure the doctors and the researchers and other public health officials on the front lines get the resources they need. The good news is that—taking some advice from the Senate and the House, Republicans, in particular—the President decided to reprogram $589 million left over in the Ebola account. They did that a few weeks ago. As of earlier this month, only $40 million of that $589 million has been obligated. There is a cushion there, but I think we should be careful about acting complacently when it comes to dealing with this particular crisis, or impending crisis.

For the President and some of our colleagues who have been insistent that we act on this now to say ''We are going to filibuster it'' or ''The President will actually veto it'' is really pretty hard to get your head around, unless you conclude it is completely disingenuous and irresponsible. I would like to give our colleagues a little more credit than that. I am anxious to hear how they have changed their position so dramatically from just a few weeks ago.

We will vote on this proposal tomorrow, and I hope that cooler heads will prevail and our colleagues will vote to support it, so we can quickly get the urgent resources needed to those public health services that are studying the virus, working on prevention—including mosquito eradication, which is an important part of this—as well as creating a vaccine.

The minority leader, in particular, spent a considerable amount of time on the floor stressing how dire the need is to fund Zika prevention efforts. He and the rest of his caucus will have a clear choice. They can either play politics at the expense of the mothers and the children across the country, or they can simply decide to do the right thing and support the bipartisan Zika bill.

FIGHTING TERRORISM

Mr. CORNYN. Madam President, on another matter, the Senate has been discussing the need to respond to terrorist threats within our own borders. To recap, this isn't about people traveling from the United States to the Middle East and returning or people coming from the Middle East to the United States. It is about that, but primarily what we are worried about in Orlando is the radicalization of an American citizen by propaganda, poisonous propaganda being issued by the Islamic State, and that falls in a fertile field with particularly susceptible individuals like the shooter in Orlando.

That is one reason it is so important we complete our work on the Commerce-Justice-Science appropriations bill. It keeps many of our counterterrorism efforts going by funding those who are on the frontlines, such as the FBI and other law enforcement. I hope we can get that legislation completed, too, and in so doing underscore our commitment to those public servants who defend the homeland.

We can't lose sight of the heart of the problem: a lack of any coherent plan to defeat ISIS and a foreign policy missing direction and leadership from the Commander in Chief, the President of the United States.

Over the past few days, it has become even clearer that not even those in the Obama administration are onboard with his short-sighted and reckless policies. First, more than 50 diplomats sent an internal protest memo to harshly criticize the President's Syria policy. You can find that draft version of the memo online. It is four frank pages, decrying Obama's failed wait-and-see-approach to Syria, from some of those who have been most involved with the policy.

The New York Times was forced to admit the number of signatures on it, 51, was ''extremely large, if not unprecedented.'' I wish I had time to read the full memo aloud here, but let me quote from a few paragraphs—actually, from the final paragraph. It says:

The status quo in Syria will continue to present increasingly dire, if not disastrous, humanitarian, diplomatic, and terrorism-related challenges. For five years, the scale of these consequences has overwhelmed our efforts to deal with this conflict; the United States cannot contain the conflict with current policy. . . . [W]e firmly believe it is time the United States, guided by our strategic interests and moral convictions, lead a global effort to put an end to this conflict.

What an indictment of the leadership of the White House by people who are part of the Obama administration. I am grateful that these diplomats opted to stand up and be counted and tell the truth for our own security as well as those in the Middle East who are suffering so much. The administration's policies—really, their inaction—have languished for 5 years with all signs pointing to a much needed course correction. Still, even after the redlines were crossed by Syria's murderous dictator and as the supposed JV team of terrorists are exporting deadly violence into our own country, the White House views its policies in a positive light. It is not just these diplomats working in the State Department of President Obama who are raising red flags.

Recently the CIA Director agreed with them while testifying before the Senate Intelligence Committee. He admitted we are further away from a diplomatic solution in Syria than a year ago, largely because of Russia's involvement in propping up the regime of Bashar al-Assad. He confirmed that ISIS, the Islamic State, is preparing to conduct further attacks, in part by training and encouraging its followers to carry out attacks in their home countries, such as the United States of America.

Contrary to the narrative the White House is selling, Director Brennan called ISIS a ''formidable adversary'' that is building a global terror network. He stressed that Libya, in particular, is a growing hotbed of Islamic extremism.

Recently I traveled to Tunisia with members of the House Homeland Security Committee, and we met with the Libyan country team—the U.S. Ambassador to Libya and the other members of that country team who had not even been able to go to Libya because it was so dangerous. They were actually working in exile in Tunisia next door.

Director Brennan called the ISIS offshoot in Libya the most developed and most dangerous branch of the terrorist group. How did we get here? President Obama and Secretary of State Hillary Clinton failed in their efforts to stabilize the country after toppling Qadhafi. Didn't we learn anything in Iraq? Apparently, the Obama administration did not. They had no plan for what to do once Qadhafi was gone. Evidently, President Obama opted to lead from behind during the military campaign and then not lead at all after Qadhafi fell.

Unfortunately, recent testimony from the President's nominee to head the U.S. forces in Africa, or AFRICOM, suggested the administration hadn't learned any lessons after this disaster. When asked whether there was a strategy in place for dealing with all the threats emanating from Libya, the nominee, the Marine Corps general who was testifying, said he wasn't aware of any strategy, even though he agreed that ISIS has a significant presence in Libya and constitutes an imminent threat to our country here at home.

Just a few days ago, an article in the Washington Post highlighted the difference between what our military leaders believe is necessary to accomplish the mission and what the White House begrudgingly agreed to give them, which is less than what they need. According to the article, U.S. commanders on the ground in Iraq are readying a request to the White House for more troops so we can help the Iraqi Army secure Fallujah and eventually take back Mosul.

The article also notes that military leaders have been regularly highlighting the need for more troops in the region—and quickly—but are concerned the administration will be reluctant to commit more. That is because the President has instituted an artificial troop cap for Iraq and Syria—it is about the numbers, it is not about the mission—just like he did in Afghanistan, and he doesn't want to add to that no matter what happens.

Apparently, the foolish campaign promises the President made when he was running are more important to him now than actually defeating ISIS abroad. As it stands, his legacy will be leaving Iraq more unstable and more dangerous for U.S. interests than it was when he came into office.

This should be a no-brainer. We don't succeed on the battlefield when we ignore the counsel of the experts, our uniformed military leaders, and we can't succeed on the ground in Iraq when the President will not provide the resources necessary to carry out the operations he has asked them to perform. We don't need a bandaid. We don't need more calls for diplomacy and other hollow talking points in Libya. What we and the world need is American leadership and a commitment from the White House to root out and annihilate ISIS where it lives and breathes.

I doubt the Orlando shooter would have pledged allegiance to the leader of the Islamic State if we had done what our military leadership believes we should have already done, which was to crush ISIS and defeat it. I doubt the Orlando shooter would have pledged allegiance to a leader whose movement had been crushed and destroyed, but he did it because he felt they were winning.

When the watching world sees we lack the will to defeat ISIS, ISIS sympathizers around the world sense weakness, and they are emboldened in their plan to carry out attacks, including on U.S. soil. There is a direct relationship between the battlefield in Iraq and Syria and our neighborhoods and communities here in America. What happens there matters here.

When the request from our military leadership arrives at the President's desk asking for more resources, he should remember Orlando, and he should grant the request. If he refuses or dithers, any resulting failure in Iraq and Syria or further attacks on the homeland will be part of his lasting legacy. From our diplomatic corps to our intelligence community, to the leaders of our military, all have directly or indirectly challenged the President's foreign policy in just the last few days.

If you think about it, it is remarkable. It takes courage and real strength of conviction to buck the leader of your political party or of the administration. I hope the President listens to them because they are trying to help him make the right decision, and they are the real experts here.

If the President will not act decisively against our adversaries abroad, Congress must do all it can do to guard against the enemy here at home. Passing appropriations bills that provide the resources for Federal, State, and local law enforcement is part of our responsibility. We need to make sure our first responders and law enforcement community have the resources they need, and I hope we get that done soon.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIEQUES TRAINING RANGE

Mr. INHOFE. Madam President, on Wednesday we are going to be voting on something significant, which has been a source of discussion recently, and I wanted to put a little different perspective on the problems that are in Puerto Rico right now. Puerto Rico has $90 billion worth of debt right now. They say they can't repay it in full. I think a bunch of guys have done a good job in establishing a solution for that. Puerto Rico is scheduled—and is going to be missing—to have another debt payment, which is going to put that amount over $90 billion.

This week, the Senate will consider legislation that will impose an oversight board that will set up the bankruptcy court restructuring process. It is important citizens of Puerto Rico and the residents of Vieques realize they still have an opportunity to play a significant role in the nation's defense—a role that could bring an economic investment of hundreds of millions of dollars to Puerto Rico.

In April of 1999, following an accident on the Vieques training range—Vieques is a little island off of Puerto Rico—that resulted in the death of a Navy civilian employee, all training activities on that range were suspended. They had been training on that range for 60 years, and they suspended it. Despite the efforts of Congress and the Department of Defense leadership to include approving additional funding to hold a referendum on Vieques, as well as increased funding per year if Vieques remained open, the Navy was forced to end all training operations in 2003. After 60 years of that arrangement, they had to suspend it. When that happened, we had to close Roosevelt Roads.

I remember when they were considering whether they were going to close Roosevelt Roads, I made the comment that they would be closing it. You guys need to quit rejoicing that you had the benefit of that because Roosevelt Roads was only there to support the Vieques training range. When the Navy left Vieques and closed Roosevelt Roads, they took with them over 2,500 uniformed military personnel, over 2,000 family members, and impacted more than 2,500 civilian employees. The total economic impact from the Navy was estimated to be over $300 million a year in 2003 when the Navy ended its operations. I recall when that happened. I was there, and I made the statement that you are going to have financial ruin on the island, and it all started when we were told we were not allowed to continue what we had been doing in Vieques.

Today, as in 1999, our military is facing a readiness crisis and needs ranges like Vieques to train in full-spectrum joint operations.

On September 2, 1999, as chairman of the subcommittee—at that time, I was the chairman of a subcommittee of the Senate Armed Services Committee called the Readiness Subcommittee—I held a hearing on the military requirement for Vieques and the assessment of alternative sites that could replace Vieques. During the hearing, ADM William Fallon, who was the commander of the Navy's Second Fleet at that time, and Gen. Peter Pace, who was the commander of the Marine Corps at that time, testified before the committee I chaired that Vieques was a unique facility. It was the only one located in the Atlantic where realistic combat training could be conducted in a combined and coordinated manner. The only Navy live-fire land, complete with day-and-night capabilities, amphibious landing beach and maneuver areas, and the range had areas of low-traffic airspace and deepwater sea space, with underwater and electronic warfare ranges. That was the only one in the world.

The Navy-Marine Corps study examined 18 alternative sites, evaluating the availability of the air-to-ground live ordnance range, with realistic targets and airspace for high-altitude deliveries, and for a naval surface fire support firing range, which permits the training of ships, forward spotters, and fire coordination teams, the ability for combat arms amphibious training, and nearby naval and air support facilities. We looked everywhere for that. We looked at 18 alternative sites. The study concluded that no single site evaluated was able to accomplish all of the training that was conducted at Vieques. The study also considered apportioning the training to various alternative locations but included the piecemeal approach—and this is using their language now—it ''significantly degrades training to support the effective integration and coordination of all combined arms.'' We are talking about the Marine Corps and the Navy. The Marine Corps is going in and bombing and the Navy has their planes up there and it is all taking place at one time.

To fully understand the capabilities of Vieques and the potential to conduct Vieques training at other training sites, I visited Vieques and all 18 alternative sites around the world, as well as additional training sites that were used by the Department of Defense that are actually here in the United States. The sites I visited included Cape Wrath in northern Scotland; Capa Tulado in Sardinia; Mona and Dog Islands in the Caribbean; Kennedy County in Texas; Pinecastle, Avon Park, Pensacola, Eglin, and Tyndall in Florida; Cherry Point and Camp Lejeune in North Carolina; Townsend in Georgia; and San Clemente in California. That is a lot of sites, and I went to all of them. None of the locations had the capability to meet the training requirements of the Navy and Marine Corps and would have placed additional restrictions due to lack of training availability for training days, sea and airspace restrictions, proximity to large populated areas, live-fire restrictions, weather, and an inability to conduct combined operations, such as air, land, and sea operations simultaneously—no place.

I also visited the John F. Kennedy Battle Group and the *Wasp*, and learned that live-fire training is essential for our Nation's ability to safely and effectively conduct combat operations, but by not allowing our forces to train using live ordnance in a realistic combined operation at sea, we are putting our military personnel at risk during actual combat operations.

Numerous DOD officials have testified before our committee and reported that the loss of training at the Vieques range has resulted in the loss of critical combat training essential to the Nation's Navy and Marine forces and would increase the risk to our sailors and marines. In fact, it did. These very brilliant people, the top military officials, talked about how many of our troops and how many of our Americans had to die as a result of the loss of that training area.

RADM Kevin Moran, the Navy commander who oversaw operations throughout the Caribbean, compared combined live training to practice for a football team. He explained that coaches could routinely do basic training for quarterbacks separate from the linemen and separate from the defense. They could train everybody individually, but—this is his quote—''at some point you have to bring them together before the big game. It's [Vieques] the only place we can do that.''

Secretary Richard Danzig, who was then the Secretary of the Navy, said: ''Only by providing in preparation can we fairly ask our servicemembers to put their lives at risk.''

Admiral Johnson, then-Chief of Naval Operations, and General Jones, who was the Commandant of the Marine Corps, said that Vieques provides integrated live-fire training ''critical to our readiness,'' and the failure to provide for adequate live-fire training for our naval forces before deployment will place those forces at an unacceptably high risk during the deployment.

CAPT James Stark, Jr., who was at that time commanding officer of the Roosevelt Roads Naval Station, said:

> When you steam off to battle you're either ready or you're not. If you're not, that means casualties and that means more POWs. That means less precision and longer campaigns. You pay a price for all this in war, and that price is blood.

Admiral Murphy, then commander of the Sixth Fleet in the Navy, said the loss of training on Vieques would ''cost American lives.''

On March 12, 2001, five people died in Kuwait when a U.S. aviator dropped three 500-pound bombs off target. They missed their target, and some comments in the report of the incident point to the lack of live-fire training. The commander and deputy commander state that they actively sought opportunities for that training, but the limiting factor was range availability. In other words, they took away the live-fire capability at Vieques and we have five dead soldiers.

What we were talking about then is true today. We put American lives at risk unnecessarily if they are not fully trained prior to combat operations. The success or failure of our military when sent into combat is a direct function of the degree of realistic training they receive before combat. Their ability to conduct live, joint operations is critical to battlefield success, and preservation of the ranges at which our military trains ensures that success.

We have to ensure that our military is prepared for the next fight against a near-peer competitor. We have more near-peer competitors now than we have ever had in the history of this country. That will demand a full strength of our joint force.

There is still no range like Vieques. This happened 15 years ago. It is still the only range with land and sea and airspace that could accommodate naval surface, aviation, and live artillery ordnance delivery with amphibious landings supported by naval fires, all conducted in a joint training environment.

I understand firsthand both the importance and the significance of having a range in your home State.

On May 3, there was a program—I keep forgetting the name of it, but it is Crossfire—where they had two different people, a liberal and a conservative. I have been on that program several times, but this was way back in 2000.

I was debating a guy who was a Congressman from New York who was wanting to close the Vieques training site. As we went down to the end of that, he said: Well, look, Senator, how would you like to have a live fire training area in your State of Oklahoma?

I said: Let me tell you about Fort Sill. At Fort Sill, we have 320 days out of the year—24 hours a day—that we have a live range going. It is within a town of about 100,000 people, and nobody complains about it. In fact, they talk about the explosions, the ordnance that are going off all the time, and they say: ''It is the sound of freedom.''

I will tell you something kind of interesting. It wasn't long ago that down in Lawton they built—that is the city right next to the live range at Fort Sill—they built what is declared to be the best elementary school in America. When you walk through it, you can't believe there could be a school like that. Well, anyway, there is, and they named it ''Freedom Elementary School'' after the sound of freedom. There are places where people in this country really want to do things that carry their end of it, and that was so significant.

Anyway, Fort Sill has a live range that operates 320 days a year and nobody complains about it.

So I think we have an opportunity to help Puerto Rico. We can do that—help them as a nation—and a program they put together for Wednesday is pretty decent. It is something that can be done. But at the same time—and I talked to the individuals who put that plan together. I said: As soon as we vote on that, let's go back and tell—since Puerto Rico has had a shock treatment with the economic problems they have had—tell them: If you guys really want to make a contribution, you can do it. You can make a contribution of something that will save American lives.

We have had people testify that when we went into Bosnia and Kosovo, that in both Bosnia and Kosovo, we lost American lives because we didn't have the training only the Vieques can give us. As I mentioned, all around the world—I will always remember when Governor Rossello came in and was complaining about all the environmental concerns and said: We are going to close Vieques as a range. And he said to me, because I was pushing it so hard—he made the statement: Don't ever come into Puerto Rico because you won't come out of there alive. And I went there the next day and I am alive.

So, anyway, that is a serious thing, and I really do think we can support the bill on Wednesday and then after that talk to them in a very reasonable way to let them know what kind of a contribution they can make to the training of their people, as well as our people, to offset what we lost way back 15 years ago. I believe that is something we are now primed to talk to them about. They ought to be ready after all of this. So that is something to come, and I would like to have anyone thinking about the vote that takes place, which I will support on Wednesday, that now you have an opportunity to actually provide a service that is going to save American lives.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. FISCHER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without Objection, it is so ordered.

NOMINATION OF ROBERT ROSSITER

Mrs. FISCHER. Madam President, I rise to speak in strong support of Bob Rossiter, who has been nominated to fill the vacancy on Nebraska's Federal district court.

The Judiciary Committee approved the nomination of Bob Rossiter without objection last October, and I am extremely pleased that the Senate will be voting on his nomination this evening.

The U.S. District Court for the District of Nebraska has a tradition of fairness and of justice. This court owes its reputation to the well-respected judges who have served on it.

With only three judgeships, Nebraska's Federal district bench is relatively small. Nebraska's Federal bench is an example of efficiency, as well as integrity. It also has one of the busiest dockets in the country.

For example, during the 12-month period ending March 31, 2016, Nebraska had the most per-judgeship weighted filings among the eight States that have only three authorized judgeships in a single Federal district.

With a small bench and a full docket, it is important that Nebraska's Federal district court operate at full capacity. As soon as Judge Bataillon announced that he would be taking senior status, I began working with Senator Mike Johanns to select a highly qualified candidate for this important position. Through an open process, we considered many applicants with excellent credentials. Approximately 20 individuals asked to be considered for this position, and we had each of them fill out the Judiciary Committee's lengthy questionnaire.

The questionnaires and the reams of supplementary materials were then carefully reviewed. Having reviewed the qualifications and materials of these applicants, I can tell you that Nebraska has no shortage of principled and sharp legal minds. Narrowing the list was challenging. After weeks of thorough consideration, we agreed to recommend Bob Rossiter to President Obama for this judgeship in August 2014. Although Senator Johanns retired from the Senate before the President nominated Mr. Rossiter in June of 2015, I know he was pleased with this nomination.

I thank the President for listening to my advocacy for Mr. Rossiter and for his support for him, for even among the many fine candidates we interviewed, Bob's accomplishments stood out.

Bob has an impressive list of professional achievements. After graduating cum laude from Creighton University School of Law, Bob clerked for U.S. district court judge C. Arlen Beam on Nebraska's Federal district court. Currently, he is a partner at the law firm of Fraser Stryker in Nebraska. Whether Bob is working on Federal and State employment litigation or administrative agency investigations, he always demonstrates an admirable commitment to integrity and to the rule of

law. Over the years, he has gained the respect of his clients by handling a variety of important issues with excellence. He is listed in ''The Best Lawyers in America'' and in ''Chambers USA, America's Leading Business Lawyers.'' Perhaps the strongest testament to Bob's aptitude and integrity, as well as the admiration of his colleagues, is the fact that he was previously selected to serve as president of the Nebraska Bar Association. Though Bob never assumed the bar presidency due to this nomination, this honor, which is not bestowed lightly, is a reflection of the trust placed in Bob by those who know and work with him.

For these reasons I am confident that we have found a truly remarkable and qualified person to fill the vacancy on Nebraska's Federal district court. I urge my colleagues to support Bob Rossiter's nomination so that he can put his outstanding intellect, skill, and judgment to work for the American people.

Thank you, Madam President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COATS). Without objection, it is so ordered.

TRIBUTE TO CORPORAL JASON CHESTER AND SERGEANT TREY DUPUY

Mr. COTTON. Mr. President, I would like to recognize Corporal Jason Chester and Sergeant Trey Dupuy of the Jonesboro Police Department as this week's Arkansans of the Week for heroically saving the life of a 13 year-old boy trapped in a storm drain.

Last month, 13-year-old Jacob Hunter was swept away during a flash flood in Jonesboro. Jacob was washed through the city's drainage system underneath a parking lot, where he held on for hours. Initial search efforts by police, fire, EMS, and other volunteers to find Jacob were unsuccessful, but Corporal Chester and Sergeant Dupuy wouldn't give up hope. They returned to the area where Jacob was first swept away and searched it again. Sergeant Dupuy leaned toward a storm drain and heard a faint cry for help. That is when the two officers jumped into action. They removed a heavy manhole cover and were able to pull Jacob to safety.

The entire State of Arkansas is grateful to Corporal Chester and Sergeant Dupuy and to all the first responders for their heroic efforts.

We don't hear news stories with happy endings enough these days, especially when the circumstances seem so grim, but because of the persistence and quick thinking of these two officers, Jacob Hunter is alive and well today.

I am honored to recognize Corporal Jason Chester and Sergeant Trey Dupuy for their efforts. Their determination and commitment to finding Jacob is a reflection of the true spirit of Arkansas. They remind us we owe a debt of gratitude to all first responders and emergency personnel across the country for the work they do to keep us safe.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Robert F. Rossiter, Jr., of Nebraska, to be United States District Judge for the District of Nebraska.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes for debate only on the nomination, equally divided in the usual form.

The Senator from Alaska.

CULTURE OF WHALING IN ALASKA

Mr. SULLIVAN. Mr. President, one of the great things about being able to come to the floor and preside—as is the Presiding Officer, and it is something I have had the opportunity to do a lot—is that when you are in the Chair, you get to hear a lot about the home States of other Members of the Senate. A lot of Senators like to come to the floor, as they should, to talk about their constituents and talk about so many things that are happening throughout our country.

We just heard the Senator from Arkansas talk about some local heroes in his State. He came to the floor to talk about them. Presiding, I have had the opportunity to hear many great stories: Vietnam veterans in North Dakota, great basketball from the Presiding Officer's State of Indiana, proud members of our military who live in Texas, and tight-knit communities in responding to disasters in States across our Nation. These are great stories and in many ways they are what make our Nation great; it is what makes our Nation strong. Hearing about all the wonderful communities we have, I certainly have learned a lot from listening to these speeches, and I encourage my colleagues to come and talk about their States and do a little bragging. That is what I am going to do for the next couple of minutes.

My State, the great State of Alaska, has certainly captured the country's imagination in a lot of ways. It is hard to turn on cable TV without seeing a new show on Alaska, and for good reason. There is so much about the great State of Alaska that is awe-inspiring and captures the imagination of the American people. Our mountain ranges, hundreds of them, literally seem to go on for miles and miles—forever, like waves in the ocean. The color of our glaciers is unlike anything you have ever seen before. Our rivers and streams, particularly this time of year, are choked with salmon—millions and millions of salmon. We have moose, bear, wolves, caribou, and muskox. But one of the very best things about Alaska, one of the things that makes us unique, is our mix of cultures and the extraordinary lengths people in Alaska go to keep these cultures alive.

Today I wish to speak specifically about the culture of whaling and to honor our Alaska Eskimo whaling captains—heroes in our communities—and the communities that support these brave Americans.

In Alaska, 11 communities in northern Alaska, which we call the North Slope, participate in two whaling seasons. Nuiqsut, Kivalina, Barrow, Kaktovik, Wainwright, Gambell, Little Diomede, Wales, Point Lay, Savoonga, and Point Hope—these are the whaling communities of my State.

There is a spring whaling season and a fall whaling season. Both correspond to the migration patterns of the great bowhead whale.

The spring has ended now, and it is time for celebration. Nalukataq season is upon us. This is when with the communities get together to celebrate the harvest. It is like a summer picnic on the top of the world, but without hot dogs. Families eat whale and muktuk.

Let me spend a few minutes talking about what it takes to harpoon a whale. I have never done it, but a lot of my constituents have. Amazingly, today's whaling captains and crews still hunt using handheld harpoons, as their ancestors had done for thousands of years. During the spring harvest, many of the villages—also as their ancestors had done—go into the icy waters of the Arctic in hand-sewn boats that are built using wooden frames and hand-sewn walrus or bearded seal skin.

When a bowhead whale is landed, to spread the good news the people exclaim ''Yay, hey, hey'' across the North Slope.

The VHF radios that sit on kitchen counters and dining room tables all across this part of Alaska begin to buzz. When a whale is brought to shore, the entire community comes out to help pull in the giant leviathan. It is such an exciting time for these communities. It is exciting because every time it happens, a piece of this important culture is reenacted and honored. The whales are honored, and every part of the animal is used.

These are subsistence communities, meaning they use this whale—all of it. Whale meat is necessary to feed these communities. On average, a whale can produce between 6 tons to 25 tons of food.

I should point out that we have no road system in northern Alaska, so these communities are accessible only by air or seasonal barge transport. Some can be reached this way only at certain times of the year. In other words, these communities need their food; they need these whales.

The annual bowhead whale migration provides the largest subsistence resource available in these remote areas of our great State. Even so, when a whale is taken, the sharing does not stop simply with the residents of the community. The food is shared with other subsistence communities and family members throughout our State. This is yet another amazing example of the resourcefulness that has enabled humans to survive in the Arctic for a millennia and that shapes the character of Alaska to this date.

Yet, throughout the years, it has sometimes been a struggle for the first peoples of Alaska to get their quota of whales. In 1977, the International Whaling Commission tried to shut down the subsistence harvest for Alaska's native people. It was relying on incorrect population estimates provided by Western scientists, and they were ignoring what we in Alaska call traditional knowledge. The Alaska Eskimo whaling captains organized and started the Alaska Eskimo Whaling Commission, which is alive, well, and thriving today.

Here is a great story. In 1977, when the IWC, the International Whaling Commission, attempted to shut down the harvest in Alaska for Alaska Natives, our whalers told the Western scientists: You don't know how to count the whales because you're looking for them from the air during the spring migration, and they're swimming under the spring ice. You have to listen for them under the ice.

When one of the scientists argued that the whales wouldn't swim under the ice because it is too dangerous, Harry Brower, Sr., the father of some of the prominent whalers today, took the scientist to the ice, put an oar in the water, and told the scientist to put his ear to the oar. What the scientist heard was an entire world of marine life invisible to the eye.

From that, a research program using both traditional knowledge—Alaska Native knowledge—and Western science was born and is used today, still today, to monitor the size of the western Arctic bowhead population.

This research program, still combining Western science and traditional knowledge, is considered the gold standard, the most accurate and sophisticated way in which marine biologists measure whaling populations.

The bowhead whale population is healthy and growing. Currently, it is estimated that there are about 20,000 bowhead whales, up from about 10,000 in 2001. Our communities in Alaska do an enormously important part in terms of making sure there is conservation of the bowhead whale.

The current catch limit for Alaska natives is no more than 67 whales a year, a fraction of a percentage of the total population. That limit was set in 2013 and will last until 2018, when the IWC meets to establish new catch limits.

Every time a new catch limit—a new quota—comes up, there is a fight between the Alaska Eskimo Whaling Commission and the countries that don't respect that tradition and want to stop all subsistence whaling, including my constituents.

What I am hoping for these kinds of talks is that they will make all the Members of the Senate understand how important this tradition is for Americans, for Alaska Natives, and they can learn more about this important tradition.

I will do everything in my power to work with my colleagues here in the Senate to ensure that when the quota comes up in 2018, they have their fair share. This is a vital tradition. It is vital for subsistence, and it is vital to keep a culture alive and to respect a group of great Americans who bring uniqueness and strength not only to Alaska but to our country.

Here is how one of our Alaska Eskimo whaling captains puts it:

> To our people, the bowhead is more than food. It keeps our families together. It keeps our children in school. It allows our elders to pass generational knowledge to our youth. It teaches us patience and perseverance. It teaches us generosity. It strengthens our community. It provides wisdom and insight. It gives us hope. It is our way of life. The spirit of the whale lives within each of us.

Let me repeat that last line. ''The spirit of the whale lives within each of us.''

These are some of the people of my State. These are my constituents. As I have said before, Alaska has bragging rights right now. Our whalers and their culture and their traditions are certainly worth bragging about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

SUPREME COURT DECISIONS, ZIKA VIRUS FUNDING, AND JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, this morning the Supreme Court reaffirmed in Whole Woman's Health v. Hellerstedt that women—women, not politicians—should make their own health care choices. This was an important decision for women's health and women's constitutional rights. But the fight to protect women's health continues. It is going to continue tomorrow here in the Senate when we have the first vote on the conference report to provide emergency funding to combat the Zika virus.

We are voting on emergency funding. Whether it is flooding in the South, wildfires in the West, ice storms in the winters, or hurricanes in the summers, Congress has always responded to crises with emergency funds. No offsets were required. Now, despite the overwhelming need for funding to fight Zika, when the threat of Zika is real and here, when the threat is of great risk to pregnant women, when the World Health Organization is urging women in Zika-impacted areas to delay pregnancy, House and Senate Republicans want to cut other programs to offset emergency funding for Zika. House and Senate Republicans decided on a conference report that continues their attacks on women's health. The report restricts Zika emergency funding for family planning services—limitations that will prevent some women from seeking health services from their own doctors or from primary care clinics that help serve women in rural areas, including in Puerto Rico, where there are already thousands of Zika cases.

Just after the Supreme Court reaffirmed a woman's right to make her own health care decisions, Republicans in the Senate and the House want to take that away. So it should come as no surprise to anyone tomorrow when I vote against this needlessly limiting response to what is a public health crisis.

Republicans should stop taking crises and using them to make attacks on women. Let's be honest about what we do here in the Senate. We have seen this kind of misguided leadership. We saw the Republicans' misguided leadership extend to the vacancy on the Supreme Court. The high cost of that obstruction was on full display last week when the Court's eight Justices deadlocked twice in one day. Since February, the Court—diminished by Republican inaction in this body—has been unable to issue a final decision on the merits in a total of seven cases. I cannot remember a time in my lifetime where that has happened in that short period of time.

The Supreme Court's inability to serve its highest function under the

Constitution has left millions of families across the country waiting for justice, and they are uncertain of what the law is. This is the devastating reality for vulnerable immigrant families who are wondering whether they are going to be torn apart, whether the parents will be taken out and deported, sometimes leaving innocent children behind—after the Court deadlocked last week in a case concerning enforcement of the President's executive action on immigration.

The immigration case demonstrates the real harm of this Republican obstruction. Three years ago today, after an extensive process in the Judiciary Committee where hundreds of amendments were debated, the Democratic-led Senate, backed by a number of Republicans, passed a comprehensive immigration reform bill on a vote of 68 to 32. Even though a majority of the House of Representatives would have passed that bill into law, the Republican Speaker of the House blocked the bill from even receiving a vote. Apparently, it would violate what they considered the revered Dennis Hastert rule. There were some Republicans who opposed it, even though it passed overwhelmingly. They had to show their reverence to the Dennis Hastert rule, so we did not get an immigration bill.

Because the Speaker refused to act and because they would not allow it to come to a vote, the President—who would not have had an Executive action if it had been voted on—was forced to use Executive action. His Executive action deferred the deportation of parents and children to prioritize the deportation of dangerous criminals. Before that Executive action could be implemented, however, a Republican-appointed district court judge in Texas issued a nationwide injunction—not just for Texas but for the whole Nation—blocking the order.

It was the inaction of Republicans in Congress that led the President to take sensible action to improve our broken immigration system. After blocking immigration reform, Republican obstruction continued in the Senate with the unprecedented refusal to consider the nomination of Chief Judge Merrick Garland to the Supreme Court. This left a hobbled Court of eight to consider this crucial immigration case.

So from legislation, to Executive action, to the hobbled Court, Republicans are responsible for creating these crises points. Why can't we go back to the days with responsible Republican leaders, like one of the greatest I served with, Howard Baker, or Bob Dole, or others, who would say we should at least do our job?

Now that the Supreme Court has finished its term, we can see the full scope of the damage caused by Republican obstruction. In addition to the nondecision in the immigration case, there have been six other cases where the Court could not reach a final decision on the merits. We still do not know whether lenders can discriminate against married women; whether consumers can sue companies for misuse of private information; whether employers can deny women employees access to contraception coverage; whether public-sector unions can recover fair-share costs for collective bargaining; whether a person can sue another State; or whether tribal courts can hold nontribal wrongdoers on tribal lands civilly liable. These are important questions, and the American people should have definitive answers. Our Constitution ensures equal justice for all; not a patchwork of different rights in different parts of the country. This is the result of Senate Republicans' refusal to do their job and provide a hearing and a vote for Chief Judge Garland.

Chief Judge Garland is an outstanding nominee for the Supreme Court, and Americans overwhelmingly want him to receive a public hearing. The American Bar Association formally weighed in last week announcing that it had reviewed Chief Judge Garland's nomination and unanimously awarded him its highest rating of ''Well-Qualified.'' To reach that rating, lawyers from across the country assessed his integrity, professional competence, and temperament. One said, ''Garland is the best that there is. He is the finest judge I have ever met.'' Another said, ''He is a judge's judge, with a very high standard and legal craftsmanship, a fine sense of fairness to all parties, a measured and dignified judicial temperament, and the highest respect for law and reasoned argument.'' One even said that Chief Judge Garland ''may be the perfect human being.''

Instead of scheduling a hearing for this impeccably qualified nominee, Republicans are holding Chief Judge Garland's nomination hostage in the hope that the Republican Party will nominate Donald Trump and they can then have Donald Trump make a different nomination. Of course, their nominee is the same candidate who has accused a sitting Federal judge of bias simply because his parents were Mexican-born. Come on.

It is unfathomable to me that Senate Republicans would prefer to diminish the Supreme Court for two terms rather than give Chief Judge Garland a fair and public hearing, but that is exactly what they are doing. No leadership in this Senate—Republican leadership or Democratic leadership—has ever done this. In fact, the last time we had a vacancy in the last year of a President's term, it was President Reagan, and the Democrats controlled the Senate. We voted unanimously to confirm President Reagan's Republican nominee to the Senate. The Democrats moved that nomination.

Senate Republicans are also failing to fulfill their constitutional responsibility to our district and circuit courts. In the 18 months that Senate Republicans have had a majority, they have allowed just 20 votes on judicial nominations—to disastrous results on our Federal courts as judicial vacancies have skyrocketed. Contrast this record to the last 2 years of George W. Bush's administration, when Democrats were in control. During that time, Democrats confirmed 68 of President Bush's judicial nominees and reduced the number of judicial vacancies to 34. Today, however, Senate Republicans' obstruction has caused judicial vacancies to nearly double from 43 to 83. Of these, 30 have been designated as judicial emergencies where caseloads are unmanageably high and the administration of justice is strained. When you look at the facts, Senate Republicans' claim that they have treated the President's judicial nominees fairly is not supported by the evidence. But more importantly, their persistent and unprecedented obstruction is harmful to the American people who are finding justice delayed in our Federal courts.

The nominee the Senate will finally vote on today, Robert Rossiter, is just one example of Republican obstruction. He was nominated over a year ago to fill a judicial emergency vacancy on the U.S. District Court for the District of Nebraska. Despite his nomination being voice voted out by the Judiciary Committee last October, Mr. Rossiter has been awaiting a floor vote for almost 250 days. Robert Rossiter has been in private practice in Nebraska for over 30 years. He has tried more than 70 cases to verdict. I will vote to support his nomination.

Even after today's vote, there will be 25 judicial nominations languishing on the Senate floor. Two of them were reported at the same time as Robert Rossiter and have also been awaiting a vote for 8 months. While there is an agreement to vote on the nomination of Judge Brian Martinotti to fill a vacancy in New Jersey, that vote will not happen until next month. And we do not have an agreement to vote on the nomination of Edward Stanton to the Western District of Tennessee. In 2010, the Senate voted unanimously to confirm Mr. Stanton as the U.S. attorney for that district, and his current nomination is supported by his two Republican home State Senators, as well as by every Republican on the Judiciary Committee. Only because of the efforts of Senator FISCHER is Mr. Rossiter's nomination receiving a vote today. I hope the Republican Senators of Tennessee will be able to persuade the majority leader to schedule a vote for Mr. Stanton's nomination before we leave for the July recess.

Instead of voting on these nominees and instead of holding a hearing on Chief Judge Garland's nomination, Senate Republicans are already talking about shutting down the confirmation

process for judicial nominees next month. This is wrong. Hard-working Americans put in long hours to get their jobs done, and they deserve a Senate that does the same. But Senate Republicans have ignored their constitutional responsibilities and continued, as their party's standard bearer has said, to ''delay, delay, delay.''

It is the Senate's duty to ensure that an independent judiciary can function. But based on the deadlocks and delays we have seen, it is clear that, unlike when Democrats controlled this body and we made it possible for President Reagan to move his nominees, today's Senate Republicans will not act responsibly.

I would say these Senate Republicans should act on Chief Judge Garland's nomination, as well as the 25 judicial nominations that have been passed out by voice vote from the Judiciary Committee. They are languishing on the Senate floor day after day after day. These are men and women who are prepared to do their job if we will give them a vote. They can't understand and the American public can't understand why the Senate Republican leadership won't let us do our job. After all, we are paid to do it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

All time is yielded back.

The question is, Will the Senate advise and consent to the Rossiter nomination?

Mr. COTTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from West Virginia (Mrs. CAPITO), the Senator from Georgia (Mr. ISAKSON), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Illinois (Mr. KIRK), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 111 Ex.]

YEAS—90

Alexander	Fischer	Nelson
Ayotte	Flake	Paul
Baldwin	Franken	Perdue
Barrasso	Gardner	Peters
Bennet	Gillibrand	Portman
Blumenthal	Graham	Reed
Booker	Grassley	Reid
Boozman	Hatch	Risch
Brown	Heinrich	Roberts
Burr	Heitkamp	Rounds
Cantwell	Heller	Rubio
Cardin	Hirono	Sasse
Carper	Hoeven	Schatz
Casey	Inhofe	Schumer
Cassidy	Kaine	Scott
Coats	King	Sessions
Cochran	Klobuchar	Shaheen
Collins	Lankford	Shelby
Coons	Leahy	Stabenow
Corker	Lee	Sullivan
Cornyn	Manchin	Tester
Cotton	Markey	Thune
Crapo	McCain	Tillis
Cruz	McCaskill	Toomey
Daines	McConnell	Udall
Donnelly	Merkley	Warner
Durbin	Mikulski	Warren
Enzi	Moran	Whitehouse
Ernst	Murphy	Wicker
Feinstein	Murray	Wyden

NOT VOTING—10

Blunt	Johnson	Sanders
Boxer	Kirk	Vitter
Capito	Menendez	
Isakson	Murkowski	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader.

NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask the Chair to lay before the body the message to accompany S. 2328.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2328) entitled ''An Act to reauthorize and amend the National Sea Grant College Program Act, and for other purposes,'' do pass with an amendment.

MOTION TO CONCUR

Mr. MCCONNELL. I move to concur in the House amendment to S. 2328.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to concur in the House amendment to S. 2328.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk on the motion to concur.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 2328, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

Mitch McConnell, John Cornyn, Thad Cochran, Marco Rubio, Lamar Alexander, John Hoeven, Jeff Flake, James M. Inhofe, Deb Fischer, Orrin G. Hatch, Johnny Isakson, Bob Corker, Lindsey Graham, John Boozman, Bill Cassidy, Mark Kirk, Daniel Coats.

MOTION TO CONCUR WITH AMENDMENT NO. 4865

Mr. MCCONNELL. I move to concur in the House amendment to S. 2328 with a further amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to concur in the House amendment to S. 2328 with an amendment numbered 4865.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

This Act shall take effect 1 day after the date of enactment.

Mr. MCCONNELL. I ask for the yeas and nays on the motion to concur with the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4866 TO AMENDMENT NO. 4865

Mr. MCCONNELL. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4866 to amendment No. 4865.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike ''1 day'' and insert ''2 days''.

MOTION TO REFER WITH AMENDMENT NO. 4867

Mr. MCCONNELL. I move to refer the House message on S. 2328 to the Committee on Energy and Natural Resources with instructions to report back forthwith with an amendment numbered 4867.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to refer the House message on S. 2328 to the Committee on Energy and Natural Resources with instructions to report back forthwith with an amendment numbered 4867.

The amendment is as follows:

At the end, add the following:

This Act shall take effect 2 days after the date of enactment.

Mr. MCCONNELL. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4868

Mr. MCCONNELL. Mr. President, I have an amendment to the instructions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4868 to the instructions of the motion to refer S. 2328.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike ''2 days'' and insert ''3 days''.

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4869 TO AMENDMENT NO. 4868

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4869 to amendment No. 4868.

The amendment is as follows:

Strike ''3 days'' and insert ''4 days''.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, I ask the Chair to lay before the Senate the conference report to accompany H.R. 2577.

The PRESIDING OFFICER. The Chair lays before the Senate the following conference report, which the clerk will report.

The senior assistant legislative clerk read as follows:

Conference report to accompany H.R. 2577, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DR. BOYD R. BUSER

Mr. MCCONNELL. Mr. President, I wish to congratulate a distinguished Kentuckian and exceptional physician who brings great honor to the Bluegrass State. Dr. Boyd R. Buser, doctor of osteopathic medicine, is the vice president for health affairs and dean for the University of Pikeville's Kentucky College of Osteopathic Medicine, or UP–KYCOM. He is also the president-elect for the American Osteopathic Association, AOA, and will be installed as that organization's president next month at its next annual meeting in Chicago.

Dr. Buser earned his osteopathic medical degree in 1981 and has served as a physician for 35 years. Originally from Iowa, he completed an osteopathic internship in Rhode Island before proudly calling Kentucky his home. He is board certified in family practice, as well as osteopathic manipulative medicine.

He has taught extensively around the world for the past 15 years and has represented the American osteopathic profession in the World Health Organization. He is an officer of the board of directors of the Osteopathic International Alliance. He has been a member of the AOA's board of trustees since 2004 and has served the AOA in a number of other capacities as well before assuming the mantle of president.

Dr. Buser has been recognized by the medical community with many awards for his achievements. In 1994, the AOA, along with the American Osteopathic Foundation, named him the osteopathic profession's ''Educator of the Year.'' The Maine Osteopathic Association presented him with the Roswell Bates Award in 1994 and the Distinguished Service Award in 1996 and 2007. He is also a current member of the Kentucky Institute of Medicine and the Kentucky Board of Medical Licensure.

A fellow of the American College of Osteopathic Family Physicians, Dr. Buser is past president of the American Academy of Osteopathy, AAO. He is also a past chair of the National Board of Osteopathic Medical Examiners, NBOME, and was a founding member of the board of directors of the Osteopathic International Alliance.

Dr. Buser was the recipient of the A.T. Still Medallion of Honor from the AAO in 2010. He also received the Riland Medal for Public Service from the New York Institute of Technology College of Osteopathic Medicine in 2013, as well as the Santucci Award for outstanding contributions to the mission of NBOME. In 2015, he received the Pioneer of Osteopathic Medicine Award from the University of New England College of Osteopathic Medicine.

Kentucky is very proud that Dr. Buser is the second dean from UP–KYCOM to serve as AOA's president; the first was Dr. John Strosnider, the founding dean of UP–KYCOM, in 2006. UP–KYCOM was founded in 1997, and since then, more than 1,000 physicians have graduated from that institution. Nearly 70 percent of them serve in primary care, frequently in rural areas. UP–KYCOM is supplying doctors to the regions of Kentucky and the Nation who need them the most.

I want to praise Dr. Buser for his many awards and accomplishments and thank him for bringing his talents and his expertise to Kentucky. The Bluegrass State is pleased to reap the benefits from his efforts to heal and comfort the sick. It is truly an honor for him to ascend to the presidency of the American Osteopathic Association, and we are glad to see him in that position. I know his colleagues at UP–KYCOM are equally pleased for him, and I wish him great success in his new role.

20TH ANNIVERSARY OF KHOBAR TOWERS BOMBING

Mr. REID. Mr. President, June 25 marked 20 years since the devastating bombing of the Khobar Towers in Saudi Arabia. This horrifying and evil act killed 19 U.S. airmen and wounded nearly 500 others, 372 of whom were American.

The Khobar Towers were part of a housing complex where American, British, and French troops lived. The complex housed nearly 2,000 military members. The night of the attack, U.S. Air Force SSGT Alfred Guerrero was on patrol and witnessed a gasoline truck drive up to the complex perimeter fence. The driver parked the gasoline truck and then immediately sprinted to the waiting vehicle where he met two other assailants who were acting as lookouts. The car then sped off. Sergeant Guerrero only had a few moments to respond, but tried bravely to begin an evacuation of the building. Tragically, there was not enough time before the truck bomb exploded.

A member of my U.S. Capitol Police security detail, Special Agent Steve Sterling, was in an adjacent building when the attack took place. Steve, an airman first class at the time, was in the lobby of his building, making a call

to the United States, when the blast erupted. He was thrown from his seat, but protected from further damage by the plywood boards surrounding the phone booth. Every other person in the lobby of his building was cut and bleeding from the debris and broken shards of glass. Later, Steve learned that four of his coworkers, whom he had just left only moments prior, were severely injured.

After waiting a few seconds to get their bearings, Steve and the other servicemembers who suffered only minor injuries rushed to the blast site. They were shocked to see the entire face of building No. 131 completely ripped off. Immediately, Steve and others started pulling people from the fallen rubble and setting up a triage. They worked through the night and into the early morning. They continued to sift through piles of debris for several days after.

If it were not for the brave efforts of the servicemembers like Steve Sterling, perhaps other lives would have been lost. Today, as we honor those who were lost and injured in the attack, I honor all of the military personnel who responded. I thank them for their selflessness and courage.

The explosion caused by the truck bomb was so great, it was heard from more than 20 miles away and left a hole in the ground nearly 35 feet deep. It was discovered later that this bombing had been planned for 3 years. We also learned it was carried out by a militant group that sought solely to target members of our military. This disgusting act was one of the most brazen attacks on American military personnel. Sadly, it was not the last.

It is important that we do not forget the victims whose lives were lost as a result because their bravery and service deserves our recognition. That is why I was pleased to support the resolution honoring these gallant men and women, ensuring they are never forgotten. There will never be a way to predict and prevent all such acts of violence, but we can take comfort in knowing that we have the best and most valiant individuals standing on the frontline.

THE ''MERCI TRAIN'' IN VERMONT

Mr. LEAHY. Mr. President, Vermonters needn't look far to see evidence of the deep French roots running through our State. From towns such as Montpelier and Isle La Motte, to the apt naming of Vert Mont, the Green Mountain State, generations of Vermonters were raised in homes where the native language was not English, but French. Deep ties to our neighbors to the north in Canada continue this rich culture in Vermont communities today.

It is no wonder then that I have such strong memories of stories about the ''Merci Train'' in Vermont. In the aftermath of World War II, Vermonters, like people across the country, rallied together to provide supplies for war-torn communities throughout France and Italy. Vermonters sent food and other gifts, through Burlington and Rutland, down to Boston, where they became part of ''the Friendship Train,'' a convoy of rail cars that traveled through France as part of one of the more remarkable humanitarian efforts after World War II.

I well remember my mother and father bringing my older brother and my youngest sister and me to see it. As children, we may not have fully understood what it meant, but for years thereafter, I would go past it, being more and more aware. As a Montpelier native, I join with everybody else with in having pride having that the Merci Train was there.

The Merci Train was France's response, a year later, thanking Americans for their support. Filled with trinkets from French citizens, crafts made by school aged children, and other items, cars from the Merci Train traveled to each State. One arrived in Vermont on February 10, 1949. Its arrival was heralded by the playing of our national anthem, as well as the French revolutionary hymn ''La Marseillaise'' by the Montpelier High School Band. Its contents, sincere expressions of appreciation from French families, were unpacked and distributed to Vermonters.

While the Merci Train's freight represented the gratitude of a nation, the railroad car itself held the history of two World Wars. Displayed behind the Vermont Supreme Court in Montpelier for a number of years, the car originally served as a railroad boxcar to haul military cargo. Often referred to as ''40 and 8s,'' in reference to their 40-man or 8-horse capacities, the cars regularly transported American soldiers throughout Europe. Upon the car's arrival in Vermont, it was displayed temporarily behind Vermont's Supreme Court building, where it remained until the 1950s. Removed to the Vermont State Police headquarters, it faced deterioration. A movement in the 1980s—with the support of veterans, private companies, the Vermont National Guard, and ''40 and 8'' enthusiasts—led to the car's restoration. Today it remains preserved and on display at the Vermont National Guard Library and Museum, a fitting tribute to the strong ties between Vermont and France and another window into the fascinating history on which our great State is built.

I ask unanimous consent that the May 30 article from the Times Argus, ''The Merci Train in Vermont,'' by Paul Heller, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Times Argus, May 30, 2016]

THE MERCI TRAIN IN VERMONT

(By Paul Heller)

Local radio celebrity Bob Bannon was master of ceremonies as 500 Vermonters gathered at the railroad station in Montpelier to receive a remarkable gift from the people of France.

The present was an antique boxcar filled with gifts from ordinary French citizens—a way of saying ''thank you'' or ''Merci'' for American assistance during and after World War II.

A similar gift had been presented to each of the 48 states with an additional one for Washington, D.C. The convoy had been dubbed the ''Merci Train,'' and the old railroad cars known as ''40 and 8s'' were carried to their destinations by rail.

The one that arrived in Montpelier on February 10, 1949, had been delivered on an American railroad flatcar and was opened in a ceremony that had started with a ''Vermont Welcomes France'' breakfast. Later, at the train station, the Montpelier High School band played ''The Star Spangled Banner'' and ''La Marseillaise.'' The Montpelier V.F.W. post provided a color guard carrying the flags of the U.S., France, and Canada.

Officially known as ''Le Train de la Reconnaissance de Francaise,'' the ''Merci Train'' was a response to the U.S. railroad convoy a year earlier that had made a similar trip the other way.

That 1947 version was called ''The Friendship Train'' and had made stops at various large U.S. cities where the cars were filled with food and other gifts from ordinary Americans to offer relief to war-ravaged France and Italy. The Friendship Train was the inspiration of nationally syndicated columnist Drew Pearson, who led the humanitarian effort that put individual Americans in a direct charitable relationship with their counterparts in France.

It is estimated that relief supplies valued at $40,000,000 were sent to France and Italy in this fashion. Although the Friendship Train did not come to Vermont for donations, the Burlington Free Press was careful to assert that the Green Mountain State was worthy of this gift from France.

Many Vermonters may feel that the Merci Train, bearing gifts from the French people for the people of Vermont, is entirely a one-way transaction. They remember that the Friendship Train, which went from coast to coast picking up food gifts for the hungry people of Italy and France, did not come to Vermont.

Thus it might appear that Vermont is being thanked for something it didn't do. But while the train did not come here, some Vermonters made their contributions just the same. Food gifts from different parts of the state were sent through Burlington and Rutland down to Boston, where they made up part of the Friendship Train.

Of course, many Vermonters served in the armed forces to help secure an Allied victory in Europe. France, recognizing the sacrifices of all Americans to save their republic, gave a similar gift to each state in the union.

The Vermont car was unpacked and gifts distributed by Earl Newton, director of the Vermont Historical Society, who was sensitive to the need for equity. Vermont legislators took token gifts back to their towns and many items, when appropriate, were given to high school French classes.

The gifts were sincere expressions of appreciation such as small knickknacks that a French family might own. There were many

pieces made by French schoolchildren who also included toys and dolls in the shipment.

Vermont Governor Gibson, reported the Burlington Free Press, accepted the car for Vermont and said ''the gifts it contained were great in spiritual value and that the people of Vermont would accept them in that sense.'' He added, ''the gifts would be accepted in a spirit of humility and friendship and that the people of Vermont would continue to march shoulder to shoulder with the people of France so that liberty, peace, and freedom might continue for all time.''

Many of the gifts included letters and drawings from French schoolchildren, and they were clearly intended for children in the United States. The letters were often addressed, ''Chers petits amies d'Amerique . . .'' (Dear little friends of America). These gifts received in Montpelier were mostly sent to museums and schools throughout the state.

While the gifts were mostly sentimental tokens of friendship, it was the railroad car itself that was to prove to be the most unique and lasting legacy of the ''Merci Train.'' The old railroad car, small by modern standards, was informally referred to as a ''40 and 8.''

Manuel Conley's history of the specialized cars noted, ''During two wars they served France as dual purpose railroad boxcars hauling the military cargoes stenciled on their sides ''HOMMES 40 CHEVAUX 8''. A more precise colloquialism might have been ''40 or 8'' as the designation referred to the cars' capacity to carry 40 men or eight horses in an era when the horse-cavalry was an essential part of a military force.

During the First World War American doughboys were carried to the front in just such cars and veterans of the Great War had vivid memories of that unique mode of transport. According to Conley, Americans were alternately enchanted and disgusted, intrigued and infuriated by the little dual-purpose cars. Sometimes they were just confused.

In ''The Doughboys: The story of the AEF,'' Laurence Stallings tells of one sergeant who reported to his leader: ''I got all my 40 artillerymen in the boxcar, lieutenant. But if you try to pull eight of our horses in, somebody's gonna be trampled to death!''

Conley notes that the cars had been updated for their new purpose in the ''Merci Train.'' ''All had been repaired, freshly painted, and decorated with plaques bearing the coats of arms of the 40 provinces of France. Across their sides, upon tricolored bands, was printed the name of the enterprise for which they stood: on one side 'Train de la Reconnaisance Francaise' and on the other 'Gratitude Train.'''

The French citizens embraced the idea of thanking America for its sacrifice and generosity and they scoured the countryside for 40 and 8s that could be reconditioned as gifts to each state in America.

''By the end of 1948 the boxcars were filled to capacity. The train carrying over two hundred and fifty tons of gratitude was pulled to the port of Le Havre for shipment to America.'' The cars were loaded on a freighter bound for Weehawken, New Jersey. Upon arrival, the cars, with a wheel base eight inches wider than standard U.S. tracks, were loaded on flatcars for delivery to their final destinations.

Vermont's Merci car first arrived in Vermont at Brattleboro on February 9, 1949 at 11 in the morning. It was received in Montpelier the following day at 8 a.m. with an official ceremony at 10 ''with Gov. Gibson and other officials participating.''

When Earl Newton unpacked the cargo, he compiled a detailed inventory on a legal pad. His original notes, in a file at the Vermont Historical Society, are still quite legible. A casual perusal of the list of gifts Mr. Newton distributed include 39 dolls, various decorated cloth wallets, stockings, thank-you cards, pencil drawings, watercolors, ornamental fans, toy cars, guns, pencil boxes, puppets, doilies, photographs, and painted ceramic souvenirs.

Antique French currency in the form of bank notes was included as well as a sampling of Confederate Bank notes from the U.S. Civil War. A representative sampling of some of the gifts may be seen at the Vermont Historical Society.

The most interesting item from the Merci Train is the old railroad car itself that was displayed on temporary rails behind the Supreme Court building at 111 State St. in Montpelier. It remained there until 1953, according to Vermont legislator John Finn, when it was transported to Redstone, then the headquarters of the Vermont State Police, to be used for storage.

With no shelter or maintenance, the car began to deteriorate, and the once brightly painted Provincial crests began to disappear in the harsh weather. When asked, a stingy Vermont Legislature would not appropriate $10,000 for a shelter, and by 1968 the car had been moved to Steamtown, a Vermont railroad museum in Bellows Falls. Funds promised for restoration never materialized, and Finn noted it again was used for ''a storage bin, rotting where it stood.''

But then, Melvin Hilliker of St. Albans came across the old car at the train museum. Hilliker, a member of the American Legion, was also a member of a group of Legionnaires who were dedicated to the history of the ''40 and 8s.'' He enlisted his cohorts to save Vermont's Merci Car by taking it to St. Albans for restoration. St. Albans, a famous old railroad town, seemed to be the perfect destination for the neglected relic.

Finn and company lobbied members of the Vermont Legislature for permission to take the car to St. Albans. For Finn, it was a relatively convenient task, as he had just been elected to represent St. Albans in the Vermont House.

After much cajoling, Steamtown released the historic boxcar. At first, moving it seemed an insurmountable problem, but the Miller Construction Company of Windsor generously moved it to the St. Albans CVRR roundhouse in June of 1983.

The ''40 and 8'' enthusiasts of St. Albans raised funds to restore the car, and with the assistance of the Vermont National Guard, it was moved to St. Albans' Switchyard Shopping Center for a rededication and display.

The history buffs who witnessed the dedication on June 7, 1984, undoubtedly believed the antique railroad car would rest at the Switchyard permanently. However, that was not to be. In just over 10 years time the members of the St. Albans American Legion realized they did not have the means to preserve the antique rail car and, in 1995, with the help of the Vermont Office of Historic Preservation, the old 40 and 8 was moved to the Military History Museum at Camp Johnson in Colchester. Under the aegis of the Vermont National Guard, the museum features the Merci Train car as the centerpiece of its World War One exhibit.

Lovingly restored and displayed, the old car may be boarded by visitors who can imagine what it must have been like to be an American doughboy carried to the front with 39 companions, and then what it looked like in 1949 when it pulled into Montpelier, laden with gifts from a thankful France.

While Vermonters have the good fortune of being able to visit their car from the Merci Train, residents of some of the other New England states are not as lucky.

A 1984 report indicated that the Connecticut car was destroyed by fire in the 1950s, the whereabouts of the Massachusetts car was unknown, and Maine's was in disrepair with most of the painted decorations removed. In 1999 the Rhode Island car was discovered in a junkyard, but now resides in The Museum of Work and Culture in Woonsocket.

In northern New England, New Hampshire (in Manchester) and Vermont have provided shelter for their 40 and 8s and preserved their legacy of sacrifice and gratitude. One may view the car at the Vermont National Guard Library and Museum, which is open Tuesday through Friday from 10 a.m. to 4 p.m. There is no charge for admission.

BUDGETARY REVISIONS

Mr. ENZI. Mr. President, section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 establishes statutory limits on discretionary spending and allows for various adjustments to those limits, while sections 302 and 314(a) of the Congressional Budget Act of 1974 allow the chairman of the Budget Committee to establish and make revisions to allocations, aggregates, and levels consistent with those adjustments. The Senate will soon consider the conference report to accompany H.R. 2577, the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017. This conference report provides funding to combat the Zika virus. For these efforts, the bill provides $991 million in budget authority for fiscal year 2016 and $39 million and $382 million in outlays for fiscal year 2016 and fiscal year 2017, respectively. These figures include rescissions of emergency funds that provide a partial offset. This legislation includes language that would designate these provisions as emergency funding pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Deficit Control Act of 1985. The inclusion of these designations makes this spending eligible for an adjustment under the Congressional Budget Act.

The conference report to accompany H.R. 2577 also includes funding for military construction outside of the United States that is designated as overseas contingency operations funding pursuant to section 251(b)(2)(A)(ii). These provisions provide $172 million in budget authority and $1 million in outlays for fiscal year 2017. The inclusion of the overseas contingency operations designations with these provisions makes this spending eligible for an adjustment under the Congressional Budget Act.

On May 26, 2016, I made adjustments to the budgetary aggregates and the Committee on Appropriation's allocations for fiscal years 2016 and 2017 to

accommodate emergency spending found in S. amendment No. 3900 to combat the Zika virus that qualified for a cap adjustment under BBEDCA. The adjustments I make today take these prior adjustments into consideration and reflect the appropriate level for overall adjustments for considering this legislation.

As a result, I am decreasing the budgetary aggregate for fiscal year 2016 by $107 million in budget authority and $108 million in outlays. I am increasing the budgetary aggregate for fiscal year 2017 by $172 million in budget authority and decreasing outlays by $125 million. Further, I am revising the budget authority and outlay allocations to the Committee on Appropriations by reducing revised nonsecurity budget authority by $107 million and outlays by $108 million in fiscal year 2016. Finally, I am revising the budget authority and outlay allocations to the Committee on Appropriations by increasing revised security budget authority by $172 million and reducing outlays by $125 million in fiscal year 2017.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISION TO BUDGETARY AGGREGATES

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016)

$s in millions	2016
Current Spending Aggregates:	
Budget Authority	3,070,927
Outlays	3,091,393
Adjustments:	
Budget Authority	−107
Outlays	−108
Revised Spending Aggregates:	
Budget Authority	3,070,820
Outlays	3,091,285

REVISION TO SPENDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2016

(Pursuant to Sections 302 and 314(a) of the Congressional Budget Act of 1974)

$s in millions	2016
Current Allocation *:	
Revised Security Discretionary Budget Authority	548,091
Revised Nonsecurity Category Discretionary Budget Authority	528,955
General Purpose Outlays	1,173,214
Adjustments:	
Revised Security Discretionary Budget Authority	0
Revised Nonsecurity Category Discretionary Budget Authority	−107
General Purpose Outlays	−108
Revised Allocation *:	
Revised Security Discretionary Budget Authority	548,091
Revised Nonsecurity Category Discretionary Budget Authority	528,848
General Purpose Outlays	1,173,106

*Excludes amounts designated for Overseas Contingency Operations/Global War on Terrorism pursuant to Section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Memorandum: Above Adjustments by Designation	Program Integrity	Disaster Relief	Emergency	Total
Revised Security Discretionary Budget Authority	0	0	0	0
Revised Nonsecurity Category Discretionary Budget Authority	0	0	−107	−107
General Purpose Outlays	0	0	−108	−108

REVISION TO BUDGETARY AGGREGATES

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 102 of the Bipartisan Budget Act of 2015)

$s in millions	2017
Current Spending Aggregates:	
Budget Authority	3,212,350
Outlays	3,219,700
Adjustments:	
Budget Authority	172
Outlays	−125
Revised Spending Aggregates:	
Budget Authority	3,212,522
Outlays	3,219,575

REVISION TO SPENDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2017

(Pursuant to Sections 302 and 314(a) of the Congressional Budget Act of 1974)

$s in millions	2017
Current Allocation:	
Revised Security Discretionary Budget Authority	551,068
Revised Nonsecurity Category Discretionary Budget Authority	518,531
General Purpose Outlays	1,182,309
Adjustments:	
Revised Security Discretionary Budget Authority	172
Revised Nonsecurity Category Discretionary Budget Authority	0
General Purpose Outlays	−125
Revised Allocation:	
Revised Security Discretionary Budget Authority	551,240
Revised Nonsecurity Category Discretionary Budget Authority	518,531
General Purpose Outlays	1,182,184

Memorandum: Detail of Adjustments Made Above	OCO	Program Integrity	Disaster Relief	Emergency	Total
Revised Security Discretionary Budget Authority	172	0	0	0	172
Revised Nonsecurity Category Discretionary Budget Authority	0	0	0	0	0
General Purpose Outlays	1	0	0	−126	−125

COMMERCE-JUSTICE-SCIENCE APPROPRIATIONS BILL

Mr. GRASSLEY. Mr. President, today I want to highlight several important provisions I am pleased are included in the fiscal year 2017 spending bill for the Departments of Commerce, Justice, Science, and Related Agencies.

Several of these provisions are transparency measures that I developed after months of oversight work, to ensure greater accountability in the use of Federal funds. The bill also includes funding for several key programs that benefit at-risk children, as well as survivors of sexual or domestic violence.

First, I am pleased the fugitive apprehension activities that are authorized under the Adam Walsh Child Protection and Safety Act are supported in this bill. The Adam Walsh Act, which is so named to honor the memory of a 9-year-old boy who was murdered in 1981, authorizes the U.S. Marshals Service to apprehend convicted sex offenders who fail to register as fugitives. The Adam Walsh Act also calls for U.S. Marshals to help jurisdictions track down those who fail to register as sex offenders or who later go missing from the registration system.

I have introduced legislation, known as the Adam Walsh Reauthorization Act of 2016, to extend the authorization for these same fugitive apprehension activities in each of the next 2 years. Earlier this year, I led the Senate Judiciary Committee in approving this reauthorization measure, and it passed the full Senate, 89–0, a few weeks ago.

Providing $61.3 million in funding for these Adam Walsh Act activities in fiscal year 2017, as our reauthorization bill proposes, will help ensure the safety of America's children. It is vital that the other chamber quickly take up and pass our reauthorization bill before the 35th anniversary of Adam Walsh's disappearance on July 27th.

Second, I appreciate the committee's efforts to ensure adequate resources for Federal juvenile justice and delinquency prevention programs. Senator WHITEHOUSE and I have filed a bill to update and extend the authorization for these very same programs. Our bill, entitled the Juvenile Justice and Delinquency Prevention Reauthorization Act, would ensure there is greater accountability, on the part of the Justice Department, in the use of the juvenile justice dollars. Our Judiciary Committee cleared this bill by voice vote, and our legislation has the support of hundreds of law enforcement officials and nonprofit organizations around the country. Its prompt enactment is vital to avert mismanagement, waste, and abuse in juvenile justice programs.

Third, many of us have stressed the importance of funding programs that benefit survivors of domestic and sexual violence across the Nation. These include the STOP Grants, transitional housing assistance, civil legal assistance, and sexual assault services programs. The bill before us adequately supports these programs.

Finally, I would like to highlight additional key provisions of this year's appropriations bill that I championed. One provision, which is based on my oversight work and another bill that I introduced last February, would bar the use of funds to deny or impede an inspector general's timely access to any records, documents, or other materials needed to carry out its oversight work. There is just one exception to this requirement in this bill, and it arises only if Congress passes legislation expressly limiting the inspector general's right of access to these materials.

It is also vital that Congress is aware of any effort by DOJ or other Federal departments or agencies to impede the inspector general's work. That is why Senate appropriators incorporated language in this year's spending bill requiring an inspector general to notify both the House and Senate Appropriations Committees within 5 days of any agency's failure to comply with the CJS bill's transparency requirement.

Until the minority leader stops obstructing passage of the bipartisan Inspector General Empowerment Act, this spending restriction is the next best thing we can do to prevent the Justice Department from acting as if the law requiring inspector general access to ''all records'' does not really mean ''all records.''

The other provision I championed would increase transparency of the Marshals Service's use of the Assets Forfeiture Fund. I have been reviewing the Marshals Service's expenditures from this fund for more than a year. Although the inspector general recently informed the Judiciary Committee that he couldn't find any laws or regulations that have been broken, he did not speak to the numerous allegations I have received from whistleblowers about the waste of monies in the fund. I continue to have concerns about extensive and cavalier spending of that fund on unnecessary facilities and frivolous furniture, as well as on salaries and activities that aren't directly related to asset forfeiture activities.

In closing, I wanted to make sure my colleagues are aware of these important provisions of the CJS spending bill.

ADDITIONAL STATEMENTS

CONGREGATION B'NAI ISRAEL SESQUICENTENNIAL

● Mr. PORTMAN. Mr. President, today I wish to honor the Congregation B'nai Israel of Sylvania, OH, as it celebrates its 150th anniversary. It was founded in 1866 by 17 families and grew to 140 members by 1908. Its first permanent synagogue was constructed in 1913 and is now listed on the National Register of Historical Places. Today the congregation serves over 425 members at the Jewish Community Center of Sylvania. These members are drawn from across northwest Ohio and southeast Michigan.

Congregation B'nai Israel's mission is to make the practice of Judaism an integral part of its members' daily lives while working in cooperation with the Jewish community. It does this by creating an accessible synagogue that encourages all of its members to study, worship, engage in acts of loving kindness, and build K'lal Yisrael. In addition, they have long promoted the equal participation of men and women in Jewish religious life, a significant goal in the Judaism Conservative movement. It has a long history of community outreach, ranging from the development of war relief programs and welcoming Holocaust survivors throughout the 1940s, to volunteering at nearby community centers and nursing homes, to mission trips in South Africa.

I am here today to honor Congregation B'nai Israel. I congratulate all who were involved in making its first 150 years a success.●

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3100. A bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Years 2016 and 2017'' (Rept. No. 114–286).

By Mr. CORKER, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 505. A resolution expressing the sense of the Senate regarding compliance enforcement of Russian violations of the Open Skies Treaty.

By Mr. CORKER, from the Committee on Foreign Relations, with amendments and with an amended preamble:

S. Res. 506. A resolution expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in Warsaw, Poland from July 8–9, 2016, and in support of committing NATO to a security posture capable of deterring threats to the Alliance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. TOOMEY:

S. 3100. A bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States; read the first time.

By Mr. CASSIDY (for himself and Mr. KING):

S. 3101. A bill to amend the Public Health Service Act to limit the liability of health care professionals who volunteer to provide health care services in response to a disaster; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 298

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 298, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option of providing services to children with medically complex conditions under the Medicaid program and Children's Health Insurance Program through a care coordination program focused on improving health outcomes for children with medically complex conditions and lowering costs, and for other purposes.

S. 313

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 313, a bill to amend title XVIII of the Social Security Act to add physical therapists to the list of providers allowed to utilize locum tenens arrangements under Medicare.

S. 1013

At the request of Mr. COCHRAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1013, a bill to amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program, and for other purposes.

S. 1562

At the request of Mr. WYDEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 2031

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2031, a bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes.

S. 2196

At the request of Mr. CASEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2196, a bill to amend title XVIII of the Social Security Act to provide for the non-application of Medicare competitive acquisition rates to complex rehabilitative wheelchairs and accessories.

S. 2216

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 2216, a bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes.

S. 2219

At the request of Mrs. SHAHEEN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2219, a bill to require the Secretary of Commerce to conduct an assessment and analysis of the outdoor recreation economy of the United States, and for other purposes.

S. 2268

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 2268, a bill to award a Congressional Gold Medal to the United States Army Dust Off crews of the Vietnam War, collectively, in recognition of their extraordinary heroism and life-saving actions in Vietnam.

S. 2659

At the request of Mr. BURR, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 2659, a bill to reaffirm that the Environmental Protection Agency cannot regulate vehicles used solely for competition, and for other purposes.

S. 2854

At the request of Mr. BURR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2854, a bill to reauthorize the Emmett Till Unsolved Civil Rights Crime Act of 2007.

S. 2895

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2895, a bill to extend the civil statute of limitations for victims of Federal sex offenses.

S. 2946

At the request of Mr. BOOKER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2946, a bill to amend title 5, United States Code, to include certain Federal positions within the definition of law enforcement officer for retirement purposes, and for other purposes.

S. 3039

At the request of Mr. KING, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3039, a bill to support programs for mosquito-borne and other vector-borne disease surveillance and control.

S. 3059

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 3059, a bill to reauthorize and amend the John H. Prescott Marine Mammal Rescue and Response Grant Program and for other purposes.

S. 3060

At the request of Mr. GRASSLEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 3060, a bill to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements.

S. 3089

At the request of Ms. BALDWIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3089, a bill to amend title VII of the Civil Rights Act of 1964 and other statutes to clarify appropriate liability standards for Federal antidiscrimination claims.

S.J. RES. 35

At the request of Mr. FLAKE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S.J. Res. 35, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of Labor relating to ''Interpretation of the 'Advice' Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act''.

S. RES. 482

At the request of Mr. RUBIO, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. Res. 482, a resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization and to increase pressure on the organization and its members to the fullest extent possible.

S. RES. 505

At the request of Mr. CORKER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 505, a resolution expressing the sense of the Senate regarding compliance enforcement of Russian violations of the Open Skies Treaty.

S. RES. 506

At the request of Mr. CORKER, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. Res. 506, a resolution expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in Warsaw, Poland from July 8–9, 2016, and in support of committing NATO to a security posture capable of deterring threats to the Alliance.

S. RES. 508

At the request of Mr. RUBIO, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 508, a resolution expressing support for the expeditious consideration and finalization of a new, robust, and long-term Memorandum of Understanding on military assistance to

Israel between the United States Government and the Government of Israel.

S. RES. 511

At the request of Ms. BALDWIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 511, a resolution expressing support for the designation of June 26, 2016, as ''LGBT Equality Day''.

AMENDMENT NO. 4762

At the request of Mr. MERKLEY, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of amendment No. 4762 intended to be proposed to H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOOMEY:

S. 3100. A bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States; read the first time.

Mr. TOOMEY. Mr. President, by Friday a lot of American families are going to be packing up the car and the kids and going somewhere to celebrate the holiday or gathering in the backyard to fire up a barbecue to celebrate the Fourth that way. But one father will be marking the day quite differently. For Jim Steinle, Friday marks the 1-year anniversary of the murder of his daughter. On July 1, 2015, as Jim Steinle was walking on a pier in San Francisco with his daughter Kate, the gunman opened fire, shot Kate, and she bled to death in her father's arms. Her last words were ''Help me, dad.''

As outrageous as this is, one of the aspects that is particularly maddening about this is that the shooter never should have been on the pier that day. The shooter was an illegal immigrant. He had been convicted of seven felonies and had been deported five times. But what is truly maddening is that 3 months prior to his murdering Kate Steinle, he was held in the custody of the San Francisco Police Department. They had him, and when Federal immigration officials learned that the San Francisco police had this guy, they asked them to hold him until they could get someone there because they knew he was here illegally. They knew his background, they knew how dangerous he was, and they wanted to deport him.

What did the San Francisco police do? They refused. They did not cooperate with the Federal immigration officials, and instead they released him onto the streets of San Francisco.

Why would the San Francisco Police Department do a thing like that? Why in the world would they do a thing like that with a seven-time convicted felon, five-time deported person whom Federal immigration officials were asking them to detain? They did it because San Francisco is a sanctuary city. That means it is the legal policy of the city of San Francisco to forbid their own police department from cooperating—from even cooperating—with Federal immigration officials. Even when the police would like to, they can't. It is against the law in San Francisco. So think about that.

Even when President Obama's administration and the local police are in complete agreement that this person is dangerous and they want to work together, they want to remove this person and the threat he poses to their community in a sanctuary city, the local politicians override that and they decide it would be illegal for the local police to cooperate. So the San Francisco police had no choice. They were forced by their own city government to release the man who would go on to kill Kate Steinle. If Federal officials had called about almost any other crime—if it had been about bank robbery, a trademark violation, car theft—it would have been perfectly legal for the San Francisco Police Department to cooperate with the Federal authorities. But because this involved an illegal immigrant, the San Francisco Police Department's hands were tied. They were forced to release Kate Steinle's eventual killer.

As the father of three young kids, I can't even imagine what Jim Steinle and his wife have endured and what they are going to go through this Friday. Sadly, the Steinles are not alone. According to an internal Department of Homeland Security memo, during an 8-month period in 2014, sanctuary jurisdictions—cities and counties and towns that have chosen to be sanctuaries—have released 8,000 immigrants during this period in 2014, and 1,800 of those released were later arrested for new criminal acts, including two cities that released individuals who had been arrested for sexual abuse of children. Not surprisingly, these individuals were arrested yet again for sexually molesting additional children because that is what these monsters do.

Let's be clear. This is not about immigration. This is really not about immigration. The vast majority of immigrants in this country would never commit a heinous crime against anybody, but any large group of individuals is going to have some bad actors. With roughly 11 million people here illegally, among them there are absolutely violent criminals. It is completely unavoidable. It makes absolutely no sense to insulate those violent criminals from capture by law enforcement.

I should point out that the dangers posed by these sanctuary city laws are not limited to domestic crimes, as appalling as they are. Obviously, the sexual abuse of children and murder are more than sufficient reason to make sure we are not conferring a special benefit on these people. But the fact is, sanctuary cities are impeding our ability to prosecute the war against terrorists.

I will give a case in point. Last month, President Obama's Secretary of Homeland Security, Secretary Johnson, took a trip to Philadelphia with a modest request, because Philadelphia has a very extreme and radical sanctuary city policy. So President Obama's Homeland Security Secretary went to Philadelphia and asked Mayor Kenney of Philadelphia to make very narrow exceptions to the sanctuary city policy of Philadelphia. Specifically, he was asking that the Philadelphia Police Department be permitted to cooperate—just sharing information is what they were asking for—with the DHS if they were dealing with a suspected terrorist or someone who had been convicted of a violent felony or someone who had been convicted of a gang-related offense. Just those cases. Just those. Mayor Kenney refused. The city refused and made no change whatsoever to their sanctuary city status.

So as we gather this evening, the Philadelphia Police Department is absolutely forbidden from cooperating with Federal officials unless the Federal officials can prove that the person in question has already been convicted of a violent felony and they have a warrant for the arrest, which, of course, since the police are not allowed to even communicate with the Federal officials, how would they know to seek an arrest warrant?

The fact is, none of this makes any sense. Imagine the Department of Homeland Security calling the Philadelphia Police Department and complaining that they discovered that the city has in custody an illegal immigrant who the FBI suspects is plotting a terrorist attack. So the Department of Homeland Security asks the Philadelphia police for information about this guy—when did they pick him up, did he have other people with him, who were they, what were they doing, when are they going to release him. There is a lot of information they might like to have. And they might say: Hold this guy until we get there in the morning so we can interrogate him and begin deportation proceedings. That would be a reasonable request from the Department of Homeland Security, but under the current sanctuary city policy of Philadelphia, the Philadelphia police have no choice—their response has to be and is ''Come back after the crime has been committed. Come back after he has committed his terrorist offense, and then come back with a warrant, and then we can cooperate with you.''

Sometimes I wonder if we have learned anything after 9/11, after the

Boston Marathon bombing, after the San Bernardino murders, and after this horrendous massacre in Orlando. When are we going to start taking this threat seriously? It is here. We see it. We are living through this.

Well, in my view, we have lived through too much—way too much. So today I am continuing my ongoing fight to end these sanctuary cities that endanger all of our communities. I am introducing the Stop Dangerous Sanctuary Cities Act, S. 3100, and it tackles two problems.

Part of the reason some communities have chosen to be sanctuary cities is in response to court decisions. There are two court decisions that we need to address—one is by the Third Circuit Court of Appeals and the other by a Federal district court in Oregon. These court decisions hold that if the Department of Homeland Security makes a mistake in issuing a detainer in a request to hold someone, if it turns out that the Department of Homeland Security made a mistake—maybe they got the wrong guy—and if the local law enforcement cooperates, as we think common sense has suggested we would like to see, according to these court decisions, the local law enforcement and the local government would bear the liability. They can be sued. That is a problem for communities. In fact, it has driven over a dozen Pennsylvania communities, counties, and municipalities to say: We can't take that legal risk, so we will, quite reluctantly, become sanctuary cities.

There is a simple solution to this. In my bill, the first action my bill takes says that when a local officer is complying with a legitimate, bona fide immigration detainer duly issued by the Department of Homeland Security, then the local officer has the same authority as the DHS official.

A way to think about it is that the local police would be considered agents of the Department of Homeland Security for this purpose. If an individual's rights are violated somehow, the individual would still have every right to sue, but they would not sue the local police department, which was just acting in good faith in cooperation with the Department of Homeland Security; the person would sue the Department of Homeland Security. There would be no diminution of the person's legal rights or their ability to redress anything that went wrong; it is just that the liability ought to attach to DHS, not the local police department.

With this change in the law, there would no longer be any pretext or any justification whatsoever for these sanctuary cities and denying the cooperation with Federal officials which we need.

The second part of my bill says that once that is in place, once we fix that legal liability problem, if a community nevertheless decides they still want to be a sanctuary city, they still want to refuse to cooperate with Federal law enforcement, then they would lose some Federal funds. They would lose some of the CDBG money, the community block grant money, and I know every Senator is very familiar with how much every city and every municipality gets because the local politicians get to decide how to spend it.

In my view, if you are going to impose the kinds of costs on all of us that sanctuary cities impose, the additional cost for Federal law enforcement, the additional cost to the American people in living in an area where they are at greater risk—it is unbelievable and impossible to quantify the cost to people like Jim Steinle, who lost his daughter—if you are going to impose those costs, then it is reasonable for the Federal Government to choose not to subsidize that.

That is my goal. It is pretty simple. Frankly, I don't think it should even be controversial. Leaders across the political spectrum have criticized sanctuary city policies. Former Pennsylvania Governor, lifelong Democrat, and former Chairman of the Democratic National Committee, Ed Rendell, has criticized the sanctuary city policies of Philadelphia. The Secretary of Homeland Security has clearly gone out of his way to try to get Philadelphia to change its misguided policy.

Pennsylvania law enforcement officers from across the entire political spectrum, across the entire Commonwealth, all agree we got this right. Last October the Senate considered a similar measure, and it got bipartisan support, but it didn't have enough to overcome a filibuster. I hope now we are finally going to fix this.

This bill is a simple, commonsense bill. I had this conversation with my constituents, and everyone is shocked that we haven't already fixed this problem. The bill stands for the simple proposition that the safety of the American people matters, that the life of Kate Steinle matters, and that protecting our homeland from violent criminals, including terrorists, matters.

As the Steinles observe the tragic anniversary of their daughter's death this Friday, I think they deserve to know that the Senate cares about that loss, too, and that we are going to do what we can to prevent another senseless and avoidable death from happening again.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4865. Mr. MCCONNELL proposed an amendment to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

SA 4866. Mr. MCCONNELL proposed an amendment to amendment SA 4865 proposed by Mr. MCCONNELL to the bill S. 2328, supra.

SA 4867. Mr. MCCONNELL proposed an amendment to the bill S. 2328, supra.

SA 4868. Mr. MCCONNELL proposed an amendment to amendment SA 4867 proposed by Mr. MCCONNELL to the bill S. 2328, supra.

SA 4869. Mr. MCCONNELL proposed an amendment to amendment SA 4868 proposed by Mr. MCCONNELL to the amendment SA 4867 proposed by Mr. MCCONNELL to the bill S. 2328, supra.

TEXT OF AMENDMENTS

SA 4865. Mr. MCCONNELL proposed an amendment to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; as follows:

At the end, add the following:

This Act shall take effect 1 day after the date of enactment.

SA 4866. Mr. MCCONNELL proposed an amendment to amendment SA 4865 proposed by Mr. MCCONNELL to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; as follows:

Strike ''1 day'' and insert ''2 days''.

SA 4867. Mr. MCCONNELL proposed an amendment to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; as follows:

At the end, add the following:

This Act shall take effect 2 days after the date of enactment.

SA 4868. Mr. MCCONNELL proposed an amendment to amendment SA 4867 proposed by Mr. MCCONNELL to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; as follows:

Strike ''2 days'' and insert ''3 days''.

SA 4869. Mr. MCCONNELL proposed an amendment to amendment SA 4868 proposed by Mr. MCCONNELL to the amendment SA 4867 proposed by Mr. MCCONNELL to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; as follows:

Strike ''3 days'' and insert ''4 days''.

PRIVILEGES OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent that Taylor Harding, an intern in my office, be given floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that Natalie Kirilichin and Elizabeth Wagner, fellows with the Health, Education, Labor, and Pensions Committee be granted floor privileges through the end of next month, July 2016.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3100

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3100) to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

Mr. MCCONNELL. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

BROWNFIELDS UTILIZATION, INVESTMENT, AND LOCAL DEVELOPMENT ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 518, S. 1479.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1479) to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions relating to grants, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1479) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Brownfields Utilization, Investment, and Local Development Act of 2015'' or the ''BUILD Act''.

SEC. 2. EXPANDED ELIGIBILITY FOR NONPROFIT ORGANIZATIONS.

Section 104(k)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(1)) is amended—

(1) in subparagraph (G), by striking ''or'' after the semicolon;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(I) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code;

''(J) a limited liability corporation in which all managing members are organizations described in subparagraph (I) or limited liability corporations whose sole members are organizations described in subparagraph (I);

''(K) a limited partnership in which all general partners are organizations described in subparagraph (I) or limited liability corporations whose sole members are organizations described in subparagraph (I); or

''(L) a qualified community development entity (as defined in section 45D(c)(1) of the Internal Revenue Code of 1986).''.

SEC. 3. MULTIPURPOSE BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended—

(1) by redesignating paragraphs (4) through (9) and (10) through (12) as paragraphs (5) through (10) and (13) through (15), respectively;

(2) in paragraph (3)(A), by striking ''subject to paragraphs (4) and (5)'' and inserting ''subject to paragraphs (5) and (6)''; and

(3) by inserting after paragraph (3) the following:

''(4) MULTIPURPOSE BROWNFIELDS GRANTS.—

''(A) IN GENERAL.—Subject to subparagraph (D) and paragraphs (5) and (6), the Administrator shall establish a program to provide multipurpose grants to an eligible entity based on the considerations under paragraph (3)(C), to carry out inventory, characterization, assessment, planning, or remediation activities at 1 or more brownfield sites in a proposed area.

''(B) GRANT AMOUNTS.—

''(i) INDIVIDUAL GRANT AMOUNTS.—Each grant awarded under this paragraph shall not exceed $950,000.

''(ii) CUMULATIVE GRANT AMOUNTS.—The total amount of grants awarded for each fiscal year under this paragraph shall not exceed 15 percent of the funds made available for the fiscal year to carry out this subsection.

''(C) CRITERIA.—In awarding a grant under this paragraph, the Administrator shall consider the extent to which an eligible entity is able—

''(i) to provide an overall plan for revitalization of the 1 or more brownfield sites in the proposed area in which the multipurpose grant will be used;

''(ii) to demonstrate a capacity to conduct the range of eligible activities that will be funded by the multipurpose grant; and

''(iii) to demonstrate that a multipurpose grant will meet the needs of the 1 or more brownfield sites in the proposed area.

''(D) CONDITION.—As a condition of receiving a grant under this paragraph, each eligible entity shall expend the full amount of the grant not later than the date that is 3 years after the date on which the grant is awarded to the eligible entity unless the Administrator, in the discretion of the Administrator, provides an extension.''.

SEC. 4. TREATMENT OF CERTAIN PUBLICLY OWNED BROWNFIELD SITES.

Section 104(k)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(2)) is amended by adding at the end the following:

''(C) EXEMPTION FOR CERTAIN PUBLICLY OWNED BROWNFIELD SITES.—Notwithstanding any other provision of law, an eligible entity that is a governmental entity may receive a grant under this paragraph for property acquired by that governmental entity prior to January 11, 2002, even if the governmental entity does not qualify as a bona fide prospective purchaser (as that term is defined in section 101(40)), so long as the eligible entity has not caused or contributed to a release or threatened release of a hazardous substance at the property.''.

SEC. 5. INCREASED FUNDING FOR REMEDIATION GRANTS.

Section 104(k)(3)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(3)(A)(ii)) is amended by striking ''$200,000 for each site to be remediated'' and inserting ''$500,000 for each site to be remediated, which limit may be waived by the Administrator, but not to exceed a total of $650,000 for each site, based on the anticipated level of contamination, size, or ownership status of the site''.

SEC. 6. ALLOWING ADMINISTRATIVE COSTS FOR GRANT RECIPIENTS.

Paragraph (5) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 3(1)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) by striking subclause (III); and

(ii) by redesignating subclauses (IV) and (V) as subclauses (III) and (IV), respectively;

(B) by striking clause (ii);

(C) by redesignating clause (iii) as clause (ii); and

(D) in clause (ii) (as redesignated by subparagraph (C)), by striking ''Notwithstanding clause (i)(IV)'' and inserting ''Notwithstanding clause (i)(III)''; and

(2) by adding at the end the following:

''(E) ADMINISTRATIVE COSTS.—

''(i) IN GENERAL.—An eligible entity may use up to 8 percent of the amounts made available under a grant or loan under this subsection for administrative costs.

''(ii) RESTRICTION.—For purposes of clause (i), the term 'administrative costs' does not include—

''(I) investigation and identification of the extent of contamination;

''(II) design and performance of a response action; or

''(III) monitoring of a natural resource.''.

SEC. 7. SMALL COMMUNITY TECHNICAL ASSISTANCE GRANTS.

Paragraph (7)(A) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 3(1)) is amended—

(1) by striking ''The Administrator may provide,'' and inserting the following:

''(i) DEFINITIONS.—In this subparagraph:

''(I) DISADVANTAGED AREA.—The term 'disadvantaged area' means an area with an annual median household income that is less than 80 percent of the State-wide annual median household income, as determined by the latest available decennial census.

''(II) SMALL COMMUNITY.—The term 'small community' means a community with a population of not more than 15,000 individuals, as determined by the latest available decennial census.

''(ii) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to provide grants that provide,''; and

(2) by adding at the end the following:

''(iii) SMALL OR DISADVANTAGED COMMUNITY RECIPIENTS.—

''(I) IN GENERAL.—Subject to subclause (II), in carrying out the program under clause (ii), the Administrator shall use not more than $600,000 of the amounts made available to carry out this paragraph to provide grants to States that receive amounts under section

128(a) to assist small communities, Indian tribes, rural areas, or disadvantaged areas in achieving the purposes described in clause (ii).

''(II) LIMITATION.—Each grant awarded under subclause (I) shall be not more than $7,500.''.

SEC. 8. WATERFRONT BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) is amended by inserting after paragraph (10) (as redesignated by section 3(1)) the following:

''(11) WATERFRONT BROWNFIELD SITES.—

''(A) DEFINITION OF WATERFRONT BROWNFIELD SITE.—In this paragraph, the term 'waterfront brownfield site' means a brownfield site that is adjacent to a body of water or a federally designated floodplain.

''(B) REQUIREMENTS.—In providing grants under this subsection, the Administrator shall—

''(i) take into consideration whether the brownfield site to be served by the grant is a waterfront brownfield site; and

''(ii) give consideration to waterfront brownfield sites.''.

SEC. 9. CLEAN ENERGY BROWNFIELDS GRANTS.

Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as amended by section 8) is amended by inserting after paragraph (11) the following:

''(12) CLEAN ENERGY PROJECTS AT BROWNFIELD SITES.—

''(A) DEFINITION OF CLEAN ENERGY PROJECT.—In this paragraph, the term 'clean energy project' means—

''(i) a facility that generates renewable electricity from wind, solar, or geothermal energy; and

''(ii) any energy efficiency improvement project at a facility, including combined heat and power and district energy.

''(B) ESTABLISHMENT.—The Administrator shall establish a program to provide grants—

''(i) to eligible entities to carry out inventory, characterization, assessment, planning, feasibility analysis, design, or remediation activities to locate a clean energy project at 1 or more brownfield sites; and

''(ii) to capitalize a revolving loan fund for the purposes described in clause (i).

''(C) MAXIMUM AMOUNT.—A grant under this paragraph shall not exceed $500,000.''.

SEC. 10. TARGETED FUNDING FOR STATES.

Paragraph (15) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 3(1)) is amended by adding at the end the following:

''(C) TARGETED FUNDING.—Of the amounts made available under subparagraph (A) for a fiscal year, the Administrator may use not more than $2,000,000 to provide grants to States for purposes authorized under section 128(a), subject to the condition that each State that receives a grant under this subparagraph shall have used at least 50 percent of the amounts made available to that State in the previous fiscal year to carry out assessment and remediation activities under section 128(a).''.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) BROWNFIELDS REVITALIZATION FUNDING.—Paragraph (15)(A) of section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) (as redesignated by section 3(1)) is amended by striking ''2006'' and inserting ''2018''.

(b) STATE RESPONSE PROGRAMS.—Section 128(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9628(a)(3)) is amended by striking ''2006'' and inserting ''2018''.

ORDERS FOR TUESDAY, JUNE 28, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, June 28; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of the conference report to accompany H.R. 2577, with the time until the cloture vote equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators TOOMEY, WYDEN, and BROWN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. TOOMEY. Thank you, Mr. President.

(The remarks of Mr. TOOMEY pertaining to the introduction of S. 3100 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. TOOMEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

INTELLIGENCE AUTHORIZATION BILL

Mr. WYDEN. Mr. President, I want to take a few minutes tonight to discuss the Intelligence authorization bill for fiscal year 2017. The Senate has been asked to provide unanimous consent to move forward on this legislation, and I have objected to doing that and want to take just a few minutes to outline why I feel very strongly about this.

The reality is, this legislation contains a number of valuable provisions, but once again it is being driven by the same issues the Senate looked at last week, and that was the McCain amendment, which involved a major change with respect to national security letters. My colleague is a valuable member of the Intelligence Committee and knows what I am talking about.

But to set the backdrop is again, I want it understood how important it is to make clear that it is a very dangerous time. Those of us who sit on the Intelligence Committee are acutely aware of that. A couple of times a week we go into that special room and come away with a very clear recognition that there are people out there who do not wish our country well. So that is not in question. This is a dangerous time. Given these dangers, it is especially important—critically important—that law enforcement and intelligence authorities have the tools they need to protect the American people.

Tonight, I wish to start with where we really left off with the amendment from the Senator from Arizona, the McCain amendment involving national security letters, because that amendment deals with the very same concern that has led me to object to the Intelligence authorization bill tonight.

I don't take a back seat to anybody—not anybody—in terms of making sure our intelligence and law enforcement officials have the tools they need to protect our country at a dangerous time. That is why in 2013, I began working for it then, and we got it into the USA FREEDOM Act. I wrote the provision that became section 102 of the USA FREEDOM Act. It said that when our government—the FBI or our intelligence and law enforcement community—believed it has to move quickly and it has to move immediately, our government could do that. It could go get the information that has been in question—the email materials, the text message logs, the chat records, and all of these digital communications. Under section 102, the government could move immediately to get this information and then come back after the fact and settle up with the court. Never once has the court denied the government.

I recall that during the debate over the McCain amendment, the distinguished chairman of the Intelligence Committee said that he was concerned that the FBI might have to wait around for a month—no way, absolutely no way, out of the question. Under section 102, there is not going to be any dawdling. There is not going to be waiting around. The government can move and move immediately to protect the American people.

Given that the government has those tools for the FBI and intelligence officials—making sure that we have the tools needed to protect the security and well-being of the American people—that is a reason for being very careful about thinking through big changes in these national security letters and what the changes would be, specifically. This was in the McCain amendment. It is in the Intelligence authorization bill. An FBI field office could issue a national security letter, in effect, administratively. It is an administrative subpoena without any court oversight. For example, the national security letters could be used to collect what are called electronic communication transaction records. This would be email, chat records, and text message logs.

I have had Senators come up to me to ask me about whether this could be true. When I was responding to questions at home about that this weekend, folks or people asked: Does this really mean that the government can get the Internet browsing history of an individual without a warrant, even when the government has the emergency authority if it is really necessary?

The answer to that question is: Yes, the government can. The government can get access to Web browsing history under the Intelligence authorization legislation, under the McCain amendment, and they can do it without getting a warrant—even when the government can go get it without a warrant when there is an emergency circumstance.

The reality is Web browsing history can reveal an awful lot of information about Americans. I know of little information that could be more intimate than that Web browsing history. If you know that a person is visiting the Web site of a mental health professional or a substance abuse support group or a particular political organization or a particular dating site, you know a tremendous amount of private, personal, and intimate information about that individual. That is what you get when you can get access to their Web browsing history without a warrant, even, as I have said, when the government's interest is protected in an emergency.

The reality is that getting access to somebody's Web browsing history is almost like spying on their thoughts. This level of surveillance absolutely ought to come with court oversight. As I have spelled out tonight, that is possible in two separate ways. There is the traditional approach with getting a warrant. Then under section 102, which I wrote as part of the USA FREEDOM Act, the government can get information when there is an emergency and come back later after the fact and settle.

The reality is the President's surveillance review group has said that they believe court oversight should be required for this kind of information.

In effect, now we have some law enforcement and intelligence officials saying that we ought to go in exactly the opposite direction. By the way, George W. Bush agreed that we ought to be careful about gathering this information. He didn't want this particular power.

Maybe somebody could argue that, well, intelligence and law enforcement officials ought to be able to do this because it is more convenient for them. To tell you the truth, if we were talking about convenience or protecting the American people in an emergency, I would be pretty sympathetic to the government's argument. But that is not the choice. As to the government's interest, given the safety of the American people being on the line, the government goes to get that information immediately—the Web browsing history, the chat records, and the email. The government gets it immediately under the specific language of section 102.

What this really comes down to is that we have had this horrible tragedy in Orlando. So we are all very concerned about the safety and the well-being of the American people. When we are home, there is no question—as I am sure it is in the case of the Presiding Officer of the Senate, my colleague from Ohio, and myself—that the American people want policies that protect their security and their liberty. They want policies that do both. Frankly, they don't think they are mutually exclusive. They think the government ought to be doing both.

After a tragedy—and you can almost set your clock by it—increasingly, proposals are being brought up that really don't do much of either. They don't do much to advance security. In this case, you protect people's security with that emergency authority when the well-being of our people is on the line and the public wants their liberties protected. They are certainly going to be very concerned about someone being able to see their Web browsing history with an administrative subpoena and no court oversight.

I am going to touch on one other section of the Intelligence authorization bill that concerns me, but I will say that I supported that emergency authority very strongly. I was the first to propose it in 2013. I did so because I said I wanted to make sure—since I am one of the longer serving members of the Intelligence Committee, and I am very pleased to have the Presiding Officer of the Senate on it—and I wanted to be able to say that my focus has been to show that security and liberty are not mutually exclusive. We can do both. I think, with what we have outlined this afternoon, we can, in fact, do both. That is why section 102 of the USA Freedom Act is so important. It spells out how and when the well-being and safety of the American people is on the line. There isn't anybody going to be dawdling around. What the distinguished chairman of the Intelligence Committee said about people waiting for a month to get a national security letter is not going to happen—not if you use section 102. We are making it clear how important security is. But we are also saying that we are not going to needlessly erode these sacred and vital constitutional protections of the American people, which is what you would be doing if a field office of the FBI, administratively and without court oversight, could go out and scoop up scores of browsing records.

That is why I have objected to giving unanimous consent to the intelligence authorization bill. We always do it publicly. That is why I am on the floor tonight.

I will tell my colleagues that this bill, on the key issue of national security letters, is essentially a redo of the vote that took place last week on the McCain legislation.

I close by saying that while the Intelligence authorization bill does contain other provisions that I think are quite constructive, I am troubled that the bill also would erode the jurisdiction of the independent privacy board for the second year in a row. Here, in particular, is where we all want to concentrate on U.S. persons. That is what is so important—focusing on U.S. persons. At a time when telecommunications systems around the world are beginning to merge—and this will increasingly be the case in the digital domain—the individual's U.S. or non-U.S. status is not always readily apparent. So I am concerned about some of the restrictions that are in the authorization, as well that I think they really ignore the way in which telecommunications systems have changed around the world and the difficulty in recognizing quickly an individual's U.S. or non-U.S. status.

With that, I note our friend and colleague is on the floor to give his remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I appreciate the always good insight from the senior Senator from Oregon, my colleague on the Finance Committee. I say thank you to Senator WYDEN.

WHOLE WOMAN'S HEALTH V. HELLERSTEDT SUPREME COURT DECISION

Mr. BROWN. Mr. President, today, the Supreme Court, despite lacking an important ninth Justice—my Republican colleagues refuse to do their jobs. That is the first time that anybody can remember, maybe in history—certainly in recent history—where a Supreme Court nominee has been sent to the Senate by a President, and the Senate has refused to do either hearings or certainly refuse to bring that Justice up for a vote. If this continues, if Senator MCCONNELL and his Republican colleagues continue their course, this will be the first time in 150 years where a Supreme Court vacancy has stayed open for an entire year. Why 150 years? Because we were in the middle of the Civil War, and there were all kinds of things going on as southerners, who had seceded, left the Supreme Court with lots of vacancies, and the Senate didn't do its job then. But that was the Civil War; this is a political war waged by one side in a refusal to do its job.

Today the Supreme Court, despite not having nine members, reaffirmed that women, not politicians, should be the ones making their own health care decisions. In a 5-to-3 decision, the Supreme Court ruled on Whole Woman's

Health v. Hellerstedt that the Texas law at issue places an undue burden on a woman's ability to access safe and legal health care.

The law's arbitrary, medically unnecessary—medically unnecessary—restrictions caused dozen of clinics to close across the State of Texas. The same thing has happened in other States with similar laws, including my State of Ohio with 11 million people. These clinics are often the only places that women, and also many men, have to turn to for basic health services. Today's decision is a victory for health care in Texas and, ultimately, for State after State across the country.

Millions of women rely on Planned Parenthood and other clinics like it for lifesaving screenings, testing, preventive care, and treatment. In Ohio, Planned Parenthood centers provide health care services to almost 100,000 men and women each year. A hundred thousand men and women depend on Planned Parenthood for things like screenings, testing, preventive care, and treatment. Many of these men and women have nowhere else to turn. They either can't afford care anywhere else or they live too far away from another health center to have real access to basic health care—screenings, testing, preventive care, counseling, treatment, and all those things.

Today's decision sets an important precedent that no politician should come between a woman and the health care she needs. We know that laws like this are part of a sustained, coordinated attack on a women's right to make personal, private health care decisions for themselves. We have seen it in Ohio, and we have seen it in so many other States across the country.

Politicians claim these harmful restrictions are all about protecting women's health. Nothing could be further from the truth. These talking points are a sham, and today's majority decision by a generally conservative Supreme Court shows the Court saw right through those arguments.

Ohio and other States with so-called TRAP laws should repeal them immediately. If they wait, they will only be struck down by the Court, just like the Texas law—again, a Court where most of those Justices, or at least half of those Justices were appointed by conservative Presidents. We need to work to get these laws off the books quickly and to fight the attacks women continue to face on their right to make their own health care decisions.

Earlier this year, Ohio passed a new law to strip Federal funding not only from Planned Parenthood but any health care facility that could be perceived as ''promoting'' safe and legal abortions. This includes health clinics that simply work with other providers to refer women to other facilities so women can make decisions that should be between them and their doctors.

This is far, far more sweeping than just defunding Planned Parenthood, which is a political talking point for Republicans across this country now. Health officials in Ohio are scared that the new law could take funding away from local health departments—as if we don't have enough problems in our State.

Let's be clear. This isn't about defunding abortion. The Federal government does not provide funding for abortion, period. It hasn't provided funding for abortion for decades. This Ohio law explicitly targets critical health and health education services for women, including HIV testing and cancer prevention services.

Today's 5-to-3 decision by the Supreme Court is a victory for all of us who want to improve the lives and health of women around the country, but it will do nothing to stop laws like this in Ohio. That is why our work goes on.

These laws that have passed in Texas and Ohio that the Court struck down are not about health or safety. The Supreme Court confirmed that today. They are about politicians thinking they know better than women and their doctors, and it is happening every day in this country. If these laws continue to chip away—or in the case of Ohio's new law, carve away—women's access to care, we will see more undiagnosed cancers, more untreated illnesses, and more unintended pregnancies.

My State, shamefully, is 50th in the Nation in Black infant mortality. We are 47th in the Nation overall in infant mortality. It is laws like these that legislators passed—laws defunding public health services, laws cutting money for local communities so they can put it into health care and education. It is the behavior of this legislature and some of its predecessor legislatures that have attacked young mothers and young women who may or may not be pregnant. And when you do that, there is simply not the emphasis on well-baby care, there is not the emphasis on preventive care, there is not the emphasis on the health of the mother, and there is not the emphasis on giving women choices.

It is time for politicians in my State and across the country to follow the guidance of the Supreme Court today and to stay out of decisions that should be confidentially between a woman and her doctor.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow morning.

Thereupon, the Senate, at 6:57 p.m., adjourned until Tuesday, June 28, 2016, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 27, 2016:

THE JUDICIARY

ROBERT F. ROSSITER, JR., OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 28, 2016 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 29

10 a.m.

Committee on Commerce, Science, and Transportation

Business meeting to consider S. 3084, to invest in innovation through research and development, and to improve the competitiveness of the United States, S. 827, to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications, S. 2770, to amend the Communications Act of 1934 to require providers of a covered service to provide call location information concerning the telecommunications device of a user of such service to an investigative or law enforcement officer in an emergency situation involving risk of death or serious physical injury or in order to respond to the user's call for emergency services, S. 2997, to direct the Federal Communications Commission to commence proceedings related to the resiliency of critical telecommunications networks during times of emergency, S. 1717, to amend title 46, United States Code, to exempt old vessels that only operate within inland waterways from the fire-retardant materials requirement if the owners of such vessels make annual structural alterations to at least 10 percent of the areas of the vessels that are not constructed of fire-retardant materials, S. 3088, to provide a deadline for compliance with an alternate safety compliance program, S. 3087, to establish the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants, S. 3059, to reauthorize and amend the John H. Prescott Marine Mammal Rescue and Response Grant Program, S. 2219, to require the Secretary of Commerce to conduct an assessment and analysis of the outdoor recreation economy of the United States, S. 3086, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, an original bill entitled, ''Access for Sportfishing Act of 2016'', and the nominations of Peggy E. Gustafson, of Maryland, to be Inspector General, Department of Commerce, and Michael A. Khouri, of Kentucky, to be a Federal Maritime Commissioner.

SR–253

Committee on Health, Education, Labor, and Pensions

To hold hearings to examine Every Student Succeeds Act implementation, focusing on an update from the Secretary of Education on proposed regulations.

SD–430

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine preparing for and protecting the nation from Zika.

SD–342

Committee on the Judiciary

To hold hearings to examine protecting older Americans from financial exploitation.

SD–226

Committee on Small Business and Entrepreneurship

To hold hearings to examine the consequences of dwindling startup activity.

SR–428A

2 p.m.

Committee on Appropriations

Business meeting to markup an original bill entitled, ''State, Foreign Operations, and Related Programs Appropriations Act, Fiscal Year 2017''.

SD–106

2:30 p.m.

Committee on Environment and Public Works

Subcommittee on Superfund, Waste Management, and Regulatory Oversight

To hold an oversight hearing to examine the Environmental Protection Agency enforcement and compliance programs.

SD–406

Committee on Indian Affairs

To hold hearings to examine S. 2796, to repeal certain obsolete laws relating to Indians, S. 2959, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund, and S. 3013, to authorize and implement the water rights compact among the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, the State of Montana, and the United States.

SD–628

Committee on Veterans' Affairs

To hold hearings to examine S. 244, to require an independent comprehensive review of the process by which the Department of Veterans Affairs assesses cognitive impairments that result from traumatic brain injury for purposes of awarding disability compensation, S. 603, to amend title 38, United States Code, to make permanent the authority of the Secretary of Veterans Affairs to transport individuals to and from facilities of the Department of Veterans Affairs in connection with rehabilitation, counseling, examination, treatment, and care, S. 2210, to require the Secretary of Veterans Affairs to carry out a program to establish peer specialists in patient aligned care teams at medical centers of the Department of Veterans Affairs, S. 2279, to require the Secretary of Veterans Affairs to carry out a program to increase efficiency in the recruitment and hiring by the Department of Veterans Affairs of health care workers that are undergoing separation from the Armed Forces, to create uniform credentialing standards for certain health care professionals of the Department, S. 2316, to amend title 38, United States Code, to expand the requirements for reissuance of veterans benefits in cases of misuse of benefits by certain fiduciaries to include misuse by all fiduciaries, and to improve oversight of fiduciaries, S. 2791, to amend title 38, United States Code, to provide for the treatment of veterans who participated in the cleanup of Enewetak Atoll as radiation exposed veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs, S. 2958, to establish a pilot program on partnership agreements to construct new facilities for the Department of Veterans Affairs, S. 3021, to amend title 38, United States Code, to authorize the use of Post-9/11 Educational Assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning, S. 3023, to provide for the reconsideration of claims for disability compensation for veterans who were the subjects of experiments by the Department of Defense during World War II that were conducted to assess the effects of mustard gas or lewisite on people, S. 3032, to provide for an increase, effective December 1, 2016, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, S. 3035, to require the Secretary of Veterans Affairs to carry out a pilot program to increase the use of medical scribes to maximize the efficiency of physicians at medical facilities of the Department of Veterans Affairs, S. 3055, to amend title 38, United States Code, to provide a dental insurance plan to veterans and survivors and dependents of veterans, S. 3076, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish caskets and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

urns for burial in cemeteries of States and tribal organizations of veterans without next of kin or sufficient resources to provide for caskets or urns, S. 3081, to amend title 38, United States Code, to provide certain employees of members of Congress with access to case-tracking information of the Department of Veterans Affairs, an original bill to clarify the scope of procedural rights of members of the uniformed services with respect to their employment and reemployment rights, to improve the enforcement of such employment and reemployment rights, an original bill to expand eligibility for readjustment counseling to certain members of the Selected Reserve of the Armed Forces, an original bill to authorize payment by the Department of Veterans Affairs for the costs associated with service by medical residents and interns at facilities operated by Indian tribes and tribal organizations, to require the Secretary of Veterans Affairs to carry out a pilot program to expand medical residencies and internships at such facilities, and an original bill to authorize the American Battle Monuments Commission to acquire, operate, and maintain the Lafayette Escadrille Memorial in Marnes-la-Coquette, France.

SR–418

JUNE 30

9 a.m.

Committee on Homeland Security and Governmental Affairs

Subcommittee on Regulatory Affairs and Federal Management

To hold hearings to examine the use of agency regulatory guidance.

SD–342

9:30 a.m.

Committee on Armed Services

To hold closed hearings to examine national security cyber and encryption challenges.

SVC–217

Committee on Energy and Natural Resources

Business meeting to consider S. 651, to authorize the Secretary of the Interior to acquire certain land in Martinez, California, for inclusion in the John Muir National Historic Site, S. 718, to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, S. 814, to provide for the conveyance of certain Federal land in the State of Oregon to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, S. 815, to provide for the conveyance of certain Federal land in the State of Oregon to the Cow Creek Band of Umpqua Tribe of Indians, S. 1007, to amend the Dayton Aviation Heritage Preservation Act of 1992 to rename a site of the Dayton Aviation Heritage National Historical Park, S. 1167, to modify the boundaries of the Pole Creek Wilderness, the Owyhee River Wilderness, and the North Fork Owyhee Wilderness and to authorize the continued use of motorized vehicles for livestock monitoring, herding, and grazing in certain wilderness areas in the State of Idaho, S. 1329, to remove the use restrictions on certain land transferred to Rockingham County, Virginia, S. 1448, to designate the Frank Moore Wild Steelhead Sanctuary in the State of Oregon, S. 1577, to amend the Wild and Scenic Rivers Act to designate certain segments of East Rosebud Creek in Carbon County, Montana, as components of the Wild and Scenic Rivers System, S. 1696, to redesignate the Ocmulgee National Monument in the State of Georgia, to revise the boundary of that monument, S. 1699, to designate certain land administered by the Bureau of Land Management and the Forest Service in the State of Oregon as wilderness and national recreation areas and to make additional wild and scenic river designations in the State of Oregon, S. 1777, to amend the Wild and Scenic Rivers Act to authorize the Secretary of Agriculture to maintain or replace certain facilities and structures for commercial recreation services at Smith Gulch in Idaho, S. 1930, to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, S. 1943, to modify the boundary of the Shiloh National Military Park located in the State of Tennessee and Mississippi, to establish Parker's Crossroads Battlefield as an affiliated area of the National Park System, S. 1975, to establish the Sewall-Belmont House National Historic Site as a unit of the National Park System, S. 1993, to establish the 21st Century Conservation Service Corps to place youth and veterans in the United States in national service positions to protect, restore, and enhance the great outdoors of the United States, S. 2018, to convey, without consideration, the reversionary interests of the United States in and to certain non-Federal land in Glennallen, Alaska, S. 2087, to modify the boundary of the Fort Scott National Historic Site in the State of Kansas, S. 2177, to authorize the Secretary of the Interior to conduct a special resource study of the Medgar Evers House, located in Jackson, Mississippi, S. 2223, to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, S. 2309, to amend title 54, United States Code, to establish within the National Park Service the U.S. Civil Rights Network, S. 2360, to improve the administration of certain programs in the insular areas, S. 2379, to provide for the unencumbering of title to non-Federal land owned by the city of Tucson, Arizona, for purposes of economic development by conveyance of the Federal reversionary interest to the City, S. 2383, to withdraw certain Bureau of Land Management land in the State of Utah from all forms of public appropriation, to provide for the shared management of the withdrawn land by the Secretary of the Interior and the Secretary of the Air Force to facilitate enhanced weapons testing and pilot training, enhance public safety, and provide for continued public access to the withdrawn land, to provide for the exchange of certain Federal land and State land, S. 2412, to establish the Tule Lake National Historic Site in the State of California, S. 2548, to establish the 400 Years of African-American History Commission, S. 2608, to authorize the Secretary of the Interior and the Secretary of Agriculture to place signage on Federal land along the trail known as the ''American Discovery Trail'', S. 2616, to modify certain cost-sharing and revenue provisions relating to the Arkansas Valley Conduit, Colorado, S. 2620, to facilitate the addition of park administration at the Coltsville National Historical Park, S. 2805, to modify the boundary of Voyageurs National Park in the State of Minnesota, S. 2839, to amend the Gullah/Geechee Cultural Heritage Act to extend the authorization for the Gullah/Geechee Cultural Heritage Corridor Commission, S. 2902, to provide for long-term water supplies, optimal use of existing water supply infrastructure, and protection of existing water rights, S. 2954, to establish the Ste. Genevieve National Historic Site in the State of Missouri, S. 3020, to update the map of, and modify the acreage available for inclusion in, the Florissant Fossil Beds National Monument, S. 3027, to clarify the boundary of Acadia National Park, S. 3028, to redesignate the Olympic Wilderness as the Daniel J. Evans Wilderness, H.R. 1475, to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund that Wall of Remembrance, H.R. 2615, to establish the Virgin Islands of the United States Centennial Commission, H.R. 2880, to redesignate the Martin Luther King, Junior, National Historic Site in the State of Georgia, H.R. 3620, to amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area, and H.R. 4119, to authorize the exchange of certain land located in Gulf Islands National Seashore, Jackson County, Mississippi, between the National Park Service and the Veterans of Foreign Wars.

SD–366

Committee on the Judiciary

Business meeting to consider S. 247, to amend section 349 of the Immigration and Nationality Act to deem specified activities in support of terrorism as renunciation of United States nationality, and the nomination of Carole Schwartz Rendon, of Ohio, to be United States Attorney for the Northern District of Ohio; to be immediately followed by an oversight hearing to examine the Department of Homeland Security.

SD–226

10 a.m.

Committee on Small Business and Entrepreneurship

To hold hearings to examine small business survival amidst flood insurance rate increases.

SR–428A

10:30 a.m.

Committee on Foreign Relations

To hold hearings to examine corruption, focusing on violent extremism, kleptocracy, and the dangers of failing governance.

SD–419

2 p.m.

Select Committee on Intelligence

To receive a closed briefing on certain intelligence matters.

SH–219

JULY 13

10:30 a.m.

Committee on Appropriations

Subcommittee on Military Construction and Veterans Affairs, and Related Agencies

To hold hearings to examine a review of the Department of Veterans Affairs' electronic health record (VistA), progress toward interoperability with the Department of Defense's electronic health record, and plans for the future.

SD–124

JULY 14

10 a.m.

Committee on Banking, Housing, and Urban Affairs

To hold hearings to examine evaluating the financial risks of China.

SD–538

HOUSE OF REPRESENTATIVES—*Tuesday, June 28, 2016*

The House met at 5 p.m. and was called to order by the Speaker pro tempore (Mr. HARRIS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 28, 2016.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Merciful God, thank You for giving us another day.

Let Your spirit of peace descend upon this place and those who work here. During this week, may the heat of political positions cool and the light of governing wisdom break forth.

Bless the Members back home in their districts, and the people whom they serve.

And as all Americans prepare to celebrate the Fourth of July, may we be forever grateful for the benefits we share as citizens of a common Nation with uncommon diversity. Help us to work together to build a better community as a light for the world.

May all that is done be for Your greater honor and glory. Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 797, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 24, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 24, 2016 at 10:28 a.m.:

That the Senate passed S. 795.

That the Senate agreed to S. Con. Res. 39.

That the Senate passed without amendment H.R. 3114.

With best wishes, I am,
Sincerely,

KAREN L. HAAS.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 795. An act to enhance whistleblower protection for contractor and grantee employees; to the Committee on Oversight and Government Reform; in addition, to the Committee on Armed Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 39. Concurrent resolution honoring the members of the United States Air Force who were casualties of the June 25, 1996, terrorist bombing of the United States Sector Khobar Towers military housing complex on Dhahran Air Base; to the Committee on Armed Services

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 797, the House stands adjourned until 9 a.m. on Friday, July 1, 2016.

Thereupon (at 5 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until Friday, July 1, 2016, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

A report concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the second quarter of 2016, pursuant to Public Law 95–384, is as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MONGOLIA, BURMA, KYRGYSTAN, AND UKRAINE, EXPENDED BETWEEN MAY 26 AND JUNE 5, 2016

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Peter Roskam	5/28	5/29	Mongolia		285.00		(3)				285.00
Hon. David Price	5/28	5/29	Mongolia		285.00		(3)				285.00
Hon. Ander Crenshaw	5/28	5/29	Mongolia		285.00		(3)				285.00
Hon. Jim McDermott	5/28	5/29	Mongolia		285.00		(3)				285.00
Hon. Dina Titus	5/28	5/29	Mongolia		285.00		(3)				285.00
Hon. Susan Davis	5/28	5/29	Mongolia		285.00		(3)				285.00
Hon. Tim Murphy	5/28	5/29	Mongolia		285.00		(3)				285.00
Hon. Gerry Connolly	5/28	5/29	Mongolia		285.00		(3)				285.00
Hon. Justin Wein	5/28	5/29	Mongolia		285.00		(3)				285.00
Hon. Jeff Billman	5/28	5/29	Mongolia		285.00		(3)				285.00
Hon. Peter Roskam	5/29	6/1	Burma		871.00		(3)				871.00
Hon. David Price	5/29	6/1	Burma		871.00		(3)				871.00
Hon. Ander Crenshaw	5/29	6/1	Burma		871.00		(3)				871.00
Hon. Jim McDermott	5/29	6/1	Burma		871.00		(3)				871.00
Hon. Dina Titus	5/29	6/1	Burma		871.00		(3)				871.00
Hon. Susan Davis	5/29	6/1	Burma		871.00		(3)				871.00
Hon. Tim Murphy	5/29	6/1	Burma		871.00		(3)				871.00
Hon. Gerry Connolly	5/29	6/1	Burma		871.00		(3)				871.00
Hon. Justin Wein	5/29	6/1	Burma		871.00		(3)				871.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MONGOLIA, BURMA, KYRGYSTAN, AND UKRAINE, EXPENDED BETWEEN MAY 26 AND JUNE 5, 2016—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jeff Billman	5/29	6/1	Burma		871.00		(3)				871.00
Hon. Peter Roskam	6/1	6/3	Kyrgyzstan		622.00		(3)				622.00
Hon. David Price	6/1	6/3	Kyrgyzstan		622.00		(3)				622.00
Hon. Ander Crenshaw	6/1	6/3	Kyrgyzstan		622.00		(3)				622.00
Hon. Jim McDermott	6/1	6/3	Kyrgyzstan		622.00		(3)				622.00
Hon. Dina Titus	6/1	6/3	Kyrgyzstan		622.00		(3)				622.00
Hon. Susan Davis	6/1	6/3	Kyrgyzstan		622.00		(3)				622.00
Hon. Tim Murphy	6/1	6/3	Kyrgyzstan		622.00		(3)				622.00
Hon. Gerry Connolly	6/1	6/3	Kyrgyzstan		622.00		(3)				622.00
Hon. Justin Wein	6/1	6/3	Kyrgyzstan		622.00		(3)				622.00
Hon. Jeff Billman	6/1	6/3	Kyrgyzstan		622.00		(3)				622.00
Hon. Peter Roskam	6/3	6/5	Ukraine		748.00		(3)				748.00
Hon. David Price	6/3	6/5	Ukraine		748.00		(3)				748.00
Hon. Ander Crenshaw	6/3	6/5	Ukraine		748.00		(3)				748.00
Hon. Jim McDermott	6/3	6/5	Ukraine		748.00		(3)				748.00
Hon. Dina Titus	6/3	6/5	Ukraine		748.00		(3)				748.00
Hon. Susan Davis	6/3	6/5	Ukraine		748.00		(3)				748.00
Hon. Tim Murphy	6/3	6/5	Ukraine		748.00		(3)				748.00
Hon. Gerry Connolly	6/3	6/5	Ukraine		748.00		(3)				748.00
Hon. Justin Wein	6/3	6/5	Ukraine		748.00		(3)				748.00
Hon. Jeff Billman	6/3	6/5	Ukraine		748.00		(3)				748.00
Committee total					25,260.00						25,260.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. PETER J. ROSKAM, June 14, 2016.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5820. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General William B. Garrett III, United States Army, and his advancement to the grade of lieutenant general on the retired list, pursuant to 10 U.S.C. 1370(c)(1); Public Law 96–513, Sec. 112 (as amended by Public Law 104–106, Sec. 502(b)); (110 Stat. 293); to the Committee on Armed Services.

5821. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting the 2016 ''Department of Defense Annual Report to Congress on Chemical and Biological Warfare Defense'', pursuant to 50 U.S.C. 1523(a); Public Law 103–160, Sec. 1703; (107 Stat. 1854); to the Committee on Armed Services.

5822. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Thomas W. Spoehr, United States Army, and his advancement to the grade of lieutenant general on the retired list, pursuant to 10 U.S.C. 1370(c)(1); Public Law 96–513, Sec. 112 (as amended by Public Law 104–106, Sec. 502(b)); (110 Stat. 293); to the Committee on Armed Services.

5823. A letter from the Chairman, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting the 2015 Annual Report of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, pursuant to 12 U.S.C. 3332(a)(5); Public Law 101–73, Sec. 1103 (as amended by Public Law 111–203, Sec. 1473(b)); (124 Stat. 2190); to the Committee on Financial Services.

5824. A letter from the Senior Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting the Bureau's final rule — Truth in Lending (Regulation Z) Annual Threshold Adjustments (CARD Act, HOEPA and ATR/QM) received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

5825. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bogata, Texas) [MB Docket No.: 14–236] (RM–11739); (Wright City, Oklahoma) [MB Docket No.: 14–257] (RM–11743) received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5826. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Raymond, Washington) [MB Docket No.: 16–74] (RM–11763) received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5827. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Settlement Intervals and Shortage Pricing in Markets Operated by Regional Transmission Organizations and Independent System Operators [Docket No.: RM15–24–000; Order No.: 825) received June 24, 016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5828. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's Major final rule — Revision of Fee Schedules; Fee Recovery for Fiscal Year 2016 [NRC–2015–0223] (RIN: 3150–AJ66) received June 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5829. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Addition of Certain Persons and Removal of Certain Persons from the Entity List [Docket No.: 160415341–6341–01] (RIN: 0694–AG94) received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

5830. A letter from the Assistant Secretary for Export Enforcement, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Guidance on Charging and Penalty Determinations in Settlement of Administrative Enforcement Cases, Revision of Supplement No. 1 to Part 766 of the Export Administration Regulations [Docket No.: 151204999–6179–02] (RIN: 0694–AG73) received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

5831. A letter from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Revisions to the Unverified List (UVL) [Docket No.: 160503391–6391–01] (RIN: 0694–AG96) received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

5832. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Review of Marion S. Barry Summer Youth Employment Program Data and Activities''; to the Committee on Oversight and Government Reform.

5833. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting the Federal Home Loan Bank of Indianapolis 2015 management report, pursuant to the Chief Financial Officers Act of 1990; to the Committee on Oversight and Government Reform.

5834. A letter from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule — General Services Administration Acquisition Regulation (GSAR); Transactional Data Reporting [GSAR Change 74; GSAR Case 2013–G504;

Docket No.: 2014–0020; Sequence No.: 1] (RIN: 3090–AJ51) received June 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Government Reform.

5835. A letter from the General Counsel, Office of Science and Technology Policy, Executive Office of the President, transmitting a notification of a federal vacancy, pursuant to 5 U.S.C. 3349(a); Public Law 105–277, 151(b); (112 Stat. 2681–614); to the Committee on Oversight and Government Reform.

5836. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''The District of Columbia Voter File: Compliance with Law and Best Practices''; to the Committee on Oversight and Government Reform.

5837. A letter from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's interim final rule — Civil Penalties Inflation Adjustments [NPS–WASO–NAGPRA–20860; PPWOCRADN0–PCU00RP14.R50000] (RIN: 1024–AE28) received June 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

5838. A letter from the Acting Deputy Chief Financial Officer and Director for Financial Management, Office of the CFO and Assistant Secretary for Administration, Department of Commerce, transmitting the Department's interim final rule — Civil Monetary Penalty Adjustments for Inflation [Docket No.: 160523449–6449–01] (RIN: 0605–AA44) received June 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

5839. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Special Local Regulation; Midwest Masters Sprints; Maumee River; Toledo, OH [Docket No.: USCG–2016–0463] (RIN: 1625–AA08) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5840. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Marine Events in the Seventh Coast Guard District [Docket No.: USCG–2013–0272] (RIN: 1625–AA08) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5841. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Holiday Events; Biscayne Bay, Miami, FL [Docket No.: USCG–2015–0786] (RIN: 1625–AA11) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5842. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Military Ocean Terminal Concord (MOTCO); Concord, California [Docket No.: USCG–2015–0330] (RIN: 1625–AA87) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5843. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Special Local Regulation; Ohio River mile 791.0 to 795.0, Evansville, IN [Docket No.: USCG–2016–0395] (RIN: 1625–AA08) received June 21, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5844. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the Department's ''Report to Congress: Assets for Independence Program'' for Fiscal Years 2012, 2013, and 2014, pursuant to 42 U.S.C. 604 note; Public Law 105–285, Sec. 414(d); (112 Stat. 2771); to the Committee on Ways and Means.

5845. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's rule — Transfers of Property to Regulated Public Utilities by Electricity Generators [Notice 2016–36] received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

5846. A letter from the Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of Treatment of Certain Health Organizations [TD 9772] (RIN: 1545–BN15) received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

5847. A letter from the Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Applicable Federal Rates — July 2016 (Rev. Rul. 2016–17) received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

5848. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's Major final rule — Medicare Program; Medicare Clinical Diagnostic Laboratory Tests Payment System [CMS–1621–F] (RIN: 0938–AS33) received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104–121, Sec. 251; (110 Stat. 868); jointly to the Committees on Energy and Commerce and Ways and Means.

5849. A letter from the Chief Counsel, Foreign Claims Settlement Commission of the United States, Department of Justice, transmitting the annual report for CY 2015 of the Foreign Claims Settlement Commission of the United States, pursuant to 22 U.S.C. 1622(c); Mar. 10, 1950, ch. 54, Sec. 3(c) (as amended by Aug. 9, 1955, ch. 645, Sec. 1); (69 Stat. 562) and 50 U.S.C. 4107; July 3, 1948, ch. 826, Sec. 9 (as amended by Public Law 89–348, Sec. 2(6)); (79 Stat. 1312);; jointly to the Committees on Foreign Affairs and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 2959. A bill to prevent States from counting certain expenditures as State spending to reduce TANF work requirements; with an amendment (Rept. 114–644). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 2966. A bill to amend the purposes of TANF to include reducing poverty by increasing employment entry, retention, and advancement; with an amendment (Rept. 114–645). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 2990. A bill to provide for the conduct of demonstration projects to test the effectiveness of subsidized employment for TANF recipients; with an amendment (Rept. 114–646). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 4582. A bill to exclude striped bass from the anadromous fish doubling requirement in section 3406(b)(1) of the Central Valley Project Improvement Act, and for other purposes; with an amendment (Rept. 114–647). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 2952. A bill to provide payments to States for increasing the employment, job retention, and earnings of former TANF recipients; with an amendment (Rept. 114–648). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. THOMPSON of Pennsylvania (for himself, Mr. BYRNE, Mr. CURBELO of Florida, Ms. CLARK of Massachusetts, Mr. LANGEVIN, and Mr. NOLAN):

H.R. 5587. A bill to reauthorize the Carl D. Perkins Career and Technical Education Act of 2006; to the Committee on Education and the Workforce.

By Mr. ABRAHAM:

H.R. 5588. A bill to increase, effective as of December 1, 2016, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. BLACKBURN:

H.R. 5589. A bill to amend title I of the Patient Protection and Affordable Care Act to require verification for eligibility for enrollment during special enrollment periods in PPACA insurance plans, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CHABOT (for himself and Mr. PIERLUISI):

H.R. 5590. A bill to amend title 36, United States Code, to revise the Federal charter for the Foundation of the Federal Bar Association; to the Committee on the Judiciary.

By Mr. CUELLAR:

H.R. 5591. A bill to designate the facility of the United States Postal Service located at 810 N US Highway 83 in Zapata, Texas, as the ''Zapata Veterans Post Office''; to the Committee on Oversight and Government Reform.

By Mr. CUMMINGS:

H.R. 5592. A bill to amend the Commodity Exchange Act to clarify which fees the Commodity Futures Trading Commission may assess and collect, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be

subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELANEY (for himself, Mr. HULTGREN, Mrs. WALORSKI, and Ms. SINEMA):

H.R. 5593. A bill to amend the Fair Credit Reporting Act and the Fair Debt Collection Practices Act to delay the inclusion in consumer credit reports and to establish requirements for debt collectors with respect to medical debt information of veterans due to inappropriate or delayed Veterans Choice Program billing payments, and for other purposes; to the Committee on Financial Services.

By Mr. FITZPATRICK (for himself, Ms. SINEMA, and Ms. VELÁZQUEZ):

H.R. 5594. A bill to require the establishment of a national strategy for combating the financing of terrorism and related financial crimes, and for other purposes; to the Committee on Financial Services.

By Mr. HUFFMAN (for himself, Mrs. NAPOLITANO, Mr. CARTWRIGHT, Ms. SPEIER, Mr. MCNERNEY, Ms. LEE, Mr. PETERS, and Mr. GARAMENDI):

H.R. 5595. A bill to direct the Secretary of the Army, acting through the Chief of Engineers, to revise the water manuals of certain flood control projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HULTGREN:

H.R. 5596. A bill to amend the Securities Exchange Act of 1934 to provide that an issuer of municipal securities is not required to retain a municipal advisor prior to issuing any such securities; to the Committee on Financial Services.

By Mr. ISRAEL:

H.R. 5597. A bill to authorize microenterprise assistance for renewable energy projects in developing countries; to the Committee on Foreign Affairs.

By Mr. KEATING (for himself, Ms. BASS, Mr. BERA, Mrs. BROOKS of Indiana, Mr. CAPUANO, Mr. CARTWRIGHT, Mr. CASTRO of Texas, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. CONNOLLY, Mr. DESAULNIER, Mr. GALLEGO, Ms. HAHN, Mr. HANNA, Mr. HASTINGS, Mr. HIGGINS, Mr. HUFFMAN, Mr. KENNEDY, Mr. KILDEE, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mr. LOEBSACK, Mr. LYNCH, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MOULTON, Mr. NEAL, Ms. PINGREE, Mr. POCAN, Mr. POSEY, Mr. STEWART, Mr. TONKO, Ms. TSONGAS, Mr. VARGAS, Mr. WELCH, Ms. WILSON of Florida, Mr. WILSON of South Carolina, Mr. PASCRELL, Mr. SCHIFF, Ms. DELAURO, Ms. ESTY, Ms. KAPTUR, and Mr. RYAN of Ohio):

H.R. 5598. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 400th anniversary of the landing and settlement of Plymouth Colony, the signing of the Mayflower Compact, and the role of the indigenous Wampanoag tribes in the realization of the settlement; to the Committee on Financial Services.

By Mr. KEATING (for himself, Mr. CAPUANO, Mr. CASTRO of Texas, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. KENNEDY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MOULTON, Mr. NEAL, Mr. POCAN, Ms. TSONGAS, Mr. WELCH, Mr. LYNCH, Ms. DELAURO, and Ms. MCCOLLUM):

H.R. 5599. A bill to establish the Plymouth 400th Commemoration Commission, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. KNIGHT (for himself, Mr. GUINTA, Mr. STEWART, Mr. JONES, Mr. GIBSON, Mr. RUSSELL, Mr. VALADAO, Mr. COOK, Mr. DENHAM, Mr. AUSTIN SCOTT of Georgia, Mr. JOYCE, Mr. HECK of Washington, Mr. KILMER, Mr. COFFMAN, Mr. MCCARTHY, Mr. CALVERT, Mr. ZINKE, Mrs. DAVIS of California, and Mr. KEATING):

H.R. 5600. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy technology to veterans; to the Committee on Veterans' Affairs.

By Ms. KUSTER (for herself and Mr. WALBERG):

H.R. 5601. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the label of any drug containing an opiate to prominently state that addiction is possible; to the Committee on Energy and Commerce.

By Mr. LYNCH (for himself and Mr. KING of New York):

H.R. 5602. A bill to amend title 31, United States Code, to authorize the Secretary of the Treasury to include all funds when issuing certain geographic targeting orders, and for other purposes; to the Committee on Financial Services.

By Mr. LYNCH (for himself and Mr. ROTHFUS):

H.R. 5603. A bill to authorize the Secretary of the Treasury to pay rewards under an asset recovery rewards program to help identify and recover stolen assets linked to foreign government corruption and the proceeds of such corruption hidden behind complex financial structures in the United States and abroad; to the Committee on Financial Services.

By Mr. MULLIN:

H.R. 5604. A bill to amend title 38, United States Code, to authorize the use of Post-9/11 Educational Assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning; to the Committee on Veterans' Affairs.

By Mrs. NOEM (for herself, Mr. CRAMER, and Mr. PETERSON):

H.R. 5605. A bill to amend the Food Security Act of 1985 with respect to the administration of wetland determinations, and for other purposes; to the Committee on Agriculture.

By Mr. PITTENGER (for himself and Ms. MAXINE WATERS of California):

H.R. 5606. A bill to facilitate better information sharing to assist in the fight against the funding of terrorist activities, and for other purposes; to the Committee on Financial Services.

By Mr. PITTENGER (for himself and Mr. LYNCH):

H.R. 5607. A bill to enhance the Department of the Treasury's role in protecting national security, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, Ways and Means, Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSKAM (for himself, Mr. MULVANEY, Mr. TIBERI, Mr. DIAZ-BALART, Mr. KING of New York, Mr. AUSTIN SCOTT of Georgia, Mr. YOUNG of Iowa, Mr. DUFFY, Mr. HOLDING, Mr. KELLY of Pennsylvania, Mr. GOWDY, Mr. HARRIS, Mr. POMPEO, and Mr. ZELDIN):

H.R. 5608. A bill to prevent Iran from directly or indirectly receiving assistance from the Export-Import Bank of the United States; to the Committee on Financial Services.

By Mr. SALMON:

H.R. 5609. A bill to prohibit any appropriation of funds to the Saint Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California (for himself and Mr. COOK):

H.R. 5610. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received from State-based earthquake loss mitigation programs; to the Committee on Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. THOMPSON of Pennsylvania:

H.R. 5587.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. ABRAHAM:

H.R. 5588.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mrs. BLACKBURN:

H.R. 5589.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause: Article 1, Section 8, Clause 3 of the U.S. Constitution gives Congress the power ''to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.''

By Mr. CHABOT:

H.R. 5590.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 18

By Mr. CUELLAR:

H.R. 5591.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7: To establish post offices and post road;

By Mr. CUMMINGS:

H.R. 5592.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII, Clause XVIII. The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. DELANEY:

H.R. 5593.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. FITZPATRICK:

H.R. 5594.

Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the Constitution
By Mr. HUFFMAN:
H.R. 5595.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof.
By Mr. HULTGREN:
H.R. 5596.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.
By Mr. ISRAEL:
H.R. 5597.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8
By Mr. KEATING:
H.R. 5598.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8 of the United States Constitution.
By Mr. KEATING:
H.R. 5599.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8 of the United States Constitution.
By Mr. KNIGHT:
H.R. 5600.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8
By Ms. KUSTER:
H.R. 5601.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Paragraph 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes
By Mr. LYNCH:
H.R. 5602.
Congress has the power to enact this legislation pursuant to the following:
Article 1 section 8 Clause 18 of the United States Constitution.
By Mr. LYNCH:
H.R. 5603.
Congress has the power to enact this legislation pursuant to the following:
Article 1 section 8 Clause 18 of the United States Constitution.
By Mr. MULLIN:
H.R. 5604.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 of the U.S. Constitution
By Mrs. NOEM:
H.R. 5605.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3
By Mr. PITTENGER:
H.R. 5606.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the Constitution
By Mr. PITTENGER:
H.R. 5607.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the Constitution
By Mr. ROSKAM:
H.R. 5608.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3: ''The Congress hsall have the power to regulate commerce with foreign Nations, and among the several sttes, and with the Indian Tribes.''
Article I, Section 8, Clause 18: ''The Congress shall have the Power to make all Laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other Powers vested by this Constitution in the Government ofthe United States, or in any Department or Officer therof.''
By Mr. SALMON:
H.R. 5609.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 9, Clause 7—''No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.''
By Mr. THOMPSON of California:
H.R. 5610.
Congress has the power to enact this legislation pursuant to the following:
U.S. Const. art. I, §1

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 224: Mr. O'ROURKE.
H.R. 320: Mr. RATCLIFFE and Ms. LOFGREN.
H.R. 605: Mr. COURTNEY.
H.R. 932: Mr. FARR.
H.R. 1062: Mr. LOEBSACK.
H.R. 1076: Mr. SERRANO and Ms. ROYBAL-ALLARD.
H.R. 1378: Mr. LEVIN.
H.R. 1427: Mr. KLINE.
H.R. 1439: Mr. FARR.
H.R. 1453: Ms. GRANGER.
H.R. 1534: Mr. CLAY.
H.R. 1594: Mr. DEFAZIO.
H.R. 1877: Mr. BRADY of Pennsylvania.
H.R. 2083: Ms. KAPTUR.
H.R. 2216: Ms. DELBENE.
H.R. 2237: Mr. MCGOVERN.
H.R. 2274: Mr. HECK of Nevada.
H.R. 2311: Mr. DUFFY.
H.R. 2404: Mr. MURPHY of Florida.
H.R. 2434: Ms. LOFGREN and Mr. FRELINGHUYSEN.
H.R. 2519: Mr. BRADY of Pennsylvania and Mr. COURTNEY.
H.R. 2660: Mr. HECK of Washington.
H.R. 2713: Ms. WASSERMAN SCHULTZ, Mr. THOMPSON of Mississippi, and Ms. KAPTUR.
H.R. 2737: Mr. DENHAM and Mr. SALMON.
H.R. 2799: Mr. THOMPSON of Pennsylvania and Mr. MCCAUL.
H.R. 2802: Mr. DAVIDSON.
H.R. 3012: Mr. COFFMAN.
H.R. 3222: Mrs. MIMI WALTERS of California and Mrs. NOEM.
H.R. 3235: Mrs. NAPOLITANO, Ms. WASSERMAN SCHULTZ, Ms. STEFANIK, and Mr. LEVIN.
H.R. 3244: Mr. COURTNEY.
H.R. 3250: Mr. COSTELLO of Pennsylvania and Mr. MEEHAN.
H.R. 3283: Mr. THOMPSON of Pennsylvania.
H.R. 3337: Mr. MICHAEL F. DOYLE of Pennsylvania.
H.R. 3355: Mr. GUTHRIE and Mr. COSTELLO of Pennsylvania.
H.R. 3365: Ms. LOFGREN.
H.R. 3514: Mr. RUPPERSBERGER.
H.R. 3591: Mr. LYNCH.
H.R. 3815: Mr. MCGOVERN, Ms. ESTY, and Ms. SLAUGHTER.
H.R. 3843: Mr. TIPTON.
H.R. 3870: Mr. MACARTHUR and Mr. VAN HOLLEN.
H.R. 4034: Mr. GOSAR.
H.R. 4237: Mr. GIBSON.
H.R. 4247: Mr. PAULSEN and Mr. CICILLINE.
H.R. 4276: Ms. SCHAKOWSKY.
H.R. 4463: Ms. STEFANIK.
H.R. 4500: Mr. SHIMKUS.
H.R. 4528: Ms. LEE and Ms. MCCOLLUM.
H.R. 4538: Mr. YOUNG of Iowa and Mr. RENACCI.
H.R. 4603: Mr. MCNERNEY.
H.R. 4626: Mr. HINOJOSA, Mr. SCOTT of Virginia, and Ms. DELAURO.
H.R. 4687: Mrs . MILLER of Michigan.
H.R. 4815: Mr. FITZPATRICK.
H.R. 4816: Mr. DESJARLAIS.
H.R. 4848: Mr. ABRAHAM.
H.R. 4860: Mr. COHEN.
H.R. 4893: Ms. KUSTER.
H.R. 4938: Mr. YOUNG of Indiana, Mrs. DINGELL, Ms. SLAUGHTER, Mr. KLINE, Mr. SWALWELL of California, Ms. BROWN of Florida, Mr. CÁRDENAS, Mr. THOMPSON of Mississippi, and Mr. MCCAUL.
H.R. 4956: Mr. MOONEY of West Virginia.
H.R. 4989: Ms. MICHELLE LUJAN GRISHAM of New Mexico.
H.R. 5064: Mr. HURD of Texas.
H.R. 5095: Mr. RYAN of Ohio.
H.R. 5119: Mr. TROTT.
H.R. 5122: Mr. ASHFORD.
H.R. 5127: Mr. BRENDAN F. BOYLE of Pennsylvania.
H.R. 5167: Ms. STEFANIK, Mr. HIGGINS, Mr. COLE, and Ms. ESTY.
H.R. 5177: Mr. MACARTHUR and Ms. NORTON.
H.R. 5190: Mr. COFFMAN.
H.R. 5191: Ms. GABBARD.
H.R. 5204: Mr. REICHERT.
H.R. 5210: Mr. MILLER of Florida and Mr. ROONEY of Florida.
H.R. 5230: Mr. COLLINS of New York.
H.R. 5232: Ms. ESHOO.
H.R. 5272: Ms. ESTY, Mr. COHEN, Ms. BROWNLEY of California, Mr. CÁRDENAS, Ms. CASTOR of Florida, and Mrs. WATSON COLEMAN.
H.R. 5275: Mr. VALADAO.
H.R. 5292: Mr. CÁRDENAS, Ms. GRANGER, Mr. O'ROURKE, Mr. COHEN, Mrs. BLACKBURN, Mr. RICHMOND, and Mr. MARINO.
H.R. 5332: Mr. DONOVAN and Ms. DELAURO.
H.R. 5333: Mr. YOUNG of Iowa.
H.R. 5365: Mr. KING of New York.
H.R. 5372: Mr. HASTINGS.
H.R. 5457: Mr. COLE.
H.R. 5474: Ms. DELAURO.
H.R. 5495: Ms. TSONGAS.
H.R. 5504: Mr. MCNERNEY, Ms. FRANKEL of Florida, Mr. KEATING, Mr. ISRAEL, and Ms. SLAUGHTER.
H.R. 5533: Mr. DOLD.
H.R. 5555: Mr. LEVIN, Mr. MCDERMOTT, and Mr. KIND.
H.R. 5561: Mr. AUSTIN SCOTT of Georgia.
H.R. 5578: Mrs. WAGNER, Ms. DELAURO, Mr. TED LIEU of California, and Mr. POSEY.
H. Con. Res. 40: Mr. COHEN.
H. Con. Res. 59: Mr. MCNERNEY and Mr. KEATING.
H. Con. Res. 132: Mr. ELLISON, Ms. JACKSON LEE, Mr. COHEN, Mr. BRADY of Pennsylvania, Ms. LOFGREN, and Mr. MCGOVERN.
H. Res. 220: Mr. JOLLY and Mr. KENNEDY.
H. Res. 549: Mr. HOYER.

H. Res. 642: Mr. COLLINS of New York.

H. Res. 728: Mr. DEFAZIO.

H. Res. 729: Ms. TSONGAS, Mr. KELLY of Mississippi, Mr. TROTT, Mrs. BUSTOS, Mr. KENNEDY, Mr. KNIGHT, Mr. TED LIEU of California, Mr. KEATING, Mr. CROWLEY, Ms. HERRERA BEUTLER, Mr. COURTNEY, Ms. HAHN, and Mr. DENHAM.

H. Res. 730: Mrs. WAGNER.

H. Res. 750: Mr. CROWLEY, Mr. FLEISCHMANN, Ms. BROWN of Florida, and Mr. ALLEN.

H. Res. 790: Mr. DUNCAN of South Carolina.

H. Res. 792: Mr. PASCRELL, Mr. KILMER, Ms. NORTON, Ms. JACKSON LEE and Mr. PALLONE.

H. Res. 801: Mr. SMITH of New Jersey and Mr. GARAMENDI.

SENATE—*Tuesday, June 28, 2016*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the center of our joy, we lift our eyes to You. In a world with change and decay, You are changeless. Your presence makes us glad, and Your peace guards our hearts.

Lord, today keep the eyes of our lawmakers focused on You. May they look to You in their going out and coming in, in their rising up and lying down. May they see You in their labor and leisure and in their pleasure and sorrow. Guide them in life's morning and evening, for the kingdom, power, and glory belong to You. Give them the wisdom to seize this day, working creatively to keep America strong.

We pray in Your majestic Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—S. 3100

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 3100) to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

ZIKA VIRUS AND VA–MILCON FUNDING BILL

Mr. MCCONNELL. Mr. President, we all heard Democrats warn that we ''cannot delay any longer'' on Zika control funding. We have heard them warn that ''every day we wait is increasing the risk that we will have problems with Zika.'' We have even heard them warn that ''the mosquitoes are not going to be on recess.'' But now, as we are about to vote on a bicameral compromise that reflects the $1.1 billion funding level that Democrats already unanimously supported here in the Senate, they are threatening to block the Zika control money.

The Democratic leader yesterday went so far as to say that his Members ''have no choice'' but to oppose it. He and our friends across the aisle can try to come up with a line of excuses as to why they are blocking funding to address the Zika crisis and blocking support for our Nation's veterans, but here is what it all boils down to: This is partisan politics.

They might like to pretend this Zika control measure is ''woefully inadequate,'' but Senate Democrats are all on the record supporting this level of funding, and the CDC Director has testified that this $1.1 billion funding level is sufficient ''to do the things we need to do in the immediate term.'' That is the head of the CDC.

They might like to pretend that the Zika control measure walks back clean water protections, but that is false too. It actually contains a temporary, targeted compromise to promote mosquito control as long-term solutions like a vaccine are being developed.

They might want to dust off the ''war on women'' playbook, too, but this Zika control measure actually provides more resources for women's health services through community health centers, public health departments, and hospitals.

It is really puzzling to hear Democrats claim to be advocates for women's health measures when they are the ones trying to block this Zika legislation and its critical resources to protect women's health. The CDC has said: ''Zika virus infection during pregnancy can cause a serious defect called microcephaly, as well as other severe fetal brain defects.''

So today Democrats have a choice: Continue pushing thinly veiled partisan arguments and block the Zika control funding or join with us to advance a serious solution and send critical funding to the President's desk right now.

Remember, this legislation is the last chance we have to get Zika control funding to the President's desk for weeks. We should pass it to protect those especially at risk—pregnant women and babies. We should pass it to help prevent the spread of Zika and other mosquito-borne illnesses. We should pass it to help keep Americans safer from this public health concern in the midst of mosquito season.

We know that blocking this bill would mean preventing critical anti-Zika funds from moving one step closer to becoming law. But here is what else it would mean: blocking critical funding for our veterans, our servicemembers, and their families. These men and women voluntarily serve in our Armed Forces in order to protect our country and our freedom. They don't ask for much, but we ask so much of them.

That is why we must meet our commitment to them by passing this Veterans and Military Construction funding measure as soon as possible. This bill will increase critical resources to help ensure veterans receive health care and the health benefits they rely on. It will improve quality of life on military bases for soldiers, sailors, airmen, marines, and their families. It will support critical national security projects such as missile defense. It is a bipartisan measure that earned the support of both Democrats and Republicans when it passed the Senate. So let's work together today and pass it again.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

ZIKA VIRUS AND VA–MILCON FUNDING BILL

Mr. REID. Mr. President, I don't know what planet my friend the Republican leader is living on. This conference report is the most irresponsible legislation I have ever seen in my 34 years in Congress. That says a lot. I can't think of anything that is close.

This Zika threat is real. It is serious. Every day more and more Americans are being infected. According to the Centers for Disease Control and Prevention, right now 2,900 Americans have already contracted Zika. There were 700 just last week alone who were added to that list. It was 2,200, and now it is 2,900, and 481 women have been tested positive for the virus in the United States. Eight pregnancies in the United States have resulted in severe

birth defects because of Zika, and when we talk about severe birth defects, we mean it. They have little shrunken heads and their skulls are caved in. Mosquitoes have caused problems forever, but never like this.

In spite of all the evidence of Zika's harm to the American people, Republicans are pushing the conference report as nothing more than the goodie bag for the fringes of the Republican Party. In April, very recently, the Republican leader told reporters:

> We are all very much aware that this is a serious crisis. . . . We'll be working with the administration, with the Democrats.

That simply hasn't proven to be true. On the conference committee the Democrats were locked out of negotiations. Then they jammed through this bill. When I say in the middle of the night, it was in the middle of the night. It was during the time they had the sit-in on the House floor. Chaos was there. There was no debate, no discussion. It was just ruled there by the Presiding Officer. It shortchanged the President's request by $800 million. It took another $100 million from the Ebola funding, which is badly needed. All you have to do is talk to anyone at NIH or the Centers for Disease Control, and they will tell you. Ebola is not gone.

Then they proceeded. I don't know if they sat in a room and said: Let's do everything we can just to hit every constituency group the American people like, and let's just poke in their eyes. That is what they did.

How about women's health? How anti-women's health can they make it? I will tell you that we are dealing here with pregnant women and women who want some type of birth control. The Republican conference report restricts funding for birth control provided by Planned Parenthood. My friend says they can go someplace else for it. In America today, there are huge segments of the American people where this is the only place they can go for help. Women need Planned Parenthood, and what do the Republicans do because of their fixation on doing everything they can to hurt Planned Parenthood? They do these phony television interviews. They have fake cameras. The courts have decided that what they did is wrong. They have been sued, but that is OK. Anything they can do to whack Planned Parenthood, they are going to do it, and they tried it here.

How about ObamaCare? They have tried to revoke it almost 70 times, and it didn't work. So what do they do? They just rescind $543 million dollars and stick it in the conference report. I guess that was just to get the President's attention. Of course he is going to veto this, but they wanted to make sure he was going to have something really substantive in order to do it.

How about the environment? Remember that what we are trying to—in addition to all of the things we have talked about—is that we want to make sure there is a way of getting rid of these pests—these mosquitoes. How do they do that? The only way we have found that is really effective is with spraying to kill these little varmints, these insects. Well, what do the Republicans do? They exempt pesticide spraying from the Clean Water Act. Why? Just because they don't like the EPA. They don't like the Clean Water Act. It has been around for 60 years, and they still don't like it.

How about this? We know the Democrats have a big constituency with veterans. Why not whack them? OK. Let's do that. What we will do is take $500 million out of veterans health. That should get the Democrats' attention.

They couldn't stop themselves from coming up with every idea. I guess they were waiting around while the chaos was happening on the House floor, saying: Can we think of anything else that would just be really good to do?

I have it. Why don't we rescind the order that is in effect saying you can't fly the Confederate flag on military cemeteries?

Great idea—OK, I am glad you came up with that. We are going to stick that in there too.

Under this legislation the Republicans stuck in there a line to prohibit the legislation that says you can't fly a Confederate flag in a military cemetery. Under their legislation, you can go ahead and do it.

This conference report is disgraceful. It is shameful to use a real-life public health crisis to push the radical Republican agenda. It is radical. I have told you what they are doing.

There is a point of order against the bill also. We could raise that.

Republicans were eager to inject politics in this legislation, even rescinding $543 million from the Affordable Care Act, making the bill rescindable. For these and other reasons, we are going to vote against cloture.

But it is not just Democrats saying this bill is a disaster. No, don't leave it to us.

I ask unanimous consent to have printed in the RECORD a letter from 40 public health care groups, including some of these radical organizations like the March of Dimes, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, Easterseals, the American Public Health Association, and 35 more.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 28, 2016.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. PAUL D. RYAN,
Speaker, House of Representatives,
Washington, DC.
Hon. HARRY REID,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN, MINORITY LEADER PELOSI, MAJORITY LEADER MCCONNELL, AND MINORITY LEADER REID: The undersigned organizations committed to the health and wellbeing of our nation's children and families would like to express our dismay at Congress' failure to produce bipartisan legislation to provide federal agencies, states and localities with the funds necessary to combat Zika virus.

Let us be clear: Zika is a public health emergency. It is increasingly likely that pregnant women in the U.S. will be infected with Zika this summer and give birth to infants with devastating, preventable birth defects next year.

The conference committee should reconvene immediately to craft a new bill that:

Provides appropriate funding levels for all aspects of Zika response, including contraception for women who wish to avoid pregnancy, and to prevent the sexual transmission of Zika;

Does not draw funds from other important public health priorities, including Ebola efforts;

Does not place unreasonable restrictions on Zika funding, which would hinder the ability of agencies to respond to the virus given that its course is unpredictable;

Lays a foundation with FY2016 funding that can be built upon responsibly in subsequent fiscal years, since Zika will be a long-term challenge; and

Is capable of garnering bipartisan support.

The fact that it is already almost July and Congress has failed to act would seem to reflect an appalling indifference to the lives of infants and their families. Our nation is perilously close to the point where it will be impossible to distribute funding to states and localities in order to make a meaningful difference this year. Many at-risk jurisdictions have been forced to lay off trained staff due to cuts and the lack of new resources, even as they are being asked to battle this new threat. Additional resources are needed immediately to protect pregnant women and their infants from Zika and life-altering birth defects.

CDC Director Tom Frieden has stated that the estimated cost of care for a baby with the severe microcephaly caused by the Zika virus could be up to $10 million per child. If 100 babies are born with this severe form of microcephaly caused by Zika, their care will cost the U.S. economy approximately $1 billion—roughly the cost of the bipartisan package passed by the Senate. If the inaction in Congress persists, the U.S. and its territories could easily see dozens or even hundreds of infants born with preventable microcephaly, an outcome that would be not only a human tragedy but a significant economic burden.

Once again, we urge you in the strongest possible terms to reconvene the conference committee to produce a responsible Zika funding bill that can pass Congress as quickly as possible. If this does not take place, Congress will bear the full responsibility for

Zika-related birth defects across the nation in the coming years.

Sincerely,

African American Health Alliance, AFSCME, American Academy of Pediatrics, American Association of Colleges of Pharmacy, American College of Nurse-Midwives, American College of Preventive Medicine, American Congress of Obstetricians and Gynecologists, American Public Health Association, American Society for Clinical Pathology, Association of Maternal and Child Health Programs, Association of Public Health Laboratories, Association of State and Territorial Health Officials.

Association of Women's Health, Obstetric and Neonatal Nurses, Big Cities Coalition, Children's Environmental Health Network, Coalition for Health Funding, Easter Seals, Every Child By Two, Genetic Alliance, Healthcare Ready, HIV Medicine Association, Infectious Diseases Society of America, March of Dimes, National Association of Community Health Centers, National Association of County and City Health Officials.

National Association of Pediatric Nurse Practitioners, National Birth Defects Prevention Network, National Coalition of STD Directors, National Environmental Health Association, National Hispanic Medical Association, National Network of Public Health Institutes, National Organization for Rare Disorders, Public Health Institute, Racial and Ethnic Health Disparities Coalition, RESOLVE: The National Infertility Association, Society for Healthcare Epidemiology of America, Society for Maternal-Fetal Medicine, Trisomy 18 Foundation, Trust for America's Health.

Mr. REID. These organizations are blasting this Republican conference report because they want real legislation to fund Zika. They call on Congress to pass a bill that ''provides appropriate funding levels for all aspects of Zika response, including contraception for women who wish to avoid pregnancy, and to prevent the sexual transmission of Zika.''

They want a bill that ''does not draw funds from other important public health priorities, including Ebola efforts.''

They want a bill that ''does not place unreasonable restrictions on Zika funding, which would hinder the ability of agencies to respond to the virus given that its course is unpredictable.''

They want a bill that ''lays a foundation with FY2016 funding that can be built upon responsibly in subsequent fiscal years, since Zika will be a long-term challenge; and is capable of garnering bipartisan support.''

The letter continues: ''The fact that it is already almost July and Congress has failed to act would seem to reflect an appalling indifference to the lives of infants and their families.''

These are not Democrats saying this, these are these public health organizations. They are aghast at what Republicans are doing.

Instead of accepting their bill is a failure that is going nowhere, Republicans are making these threats. Yesterday the assistant Republican leader came to the floor and said Republicans are going to abandon Zika funding negotiations after this vote. The Republican Senate is on pace to work the fewest days the Senate has worked in more than 60 years. Sixty years ago, the country was much smaller. There was a lot less people and a lot less business, but even with that, we are working less than they did 60 years ago. In 2 weeks, the Senate plans to leave Washington for 7 weeks, which is the longest summer recess since we can remember. Is it too much to ask Republicans to work until we have done our job in giving States and territories the resources they need to fight Zika and protect women? Public health organizations don't think so and we don't either. Republicans need to get serious about sending President Obama the full $1.9 billion that doctors, researchers, nurses, and public health experts say is needed to fight Zika. Every moment Republicans delay, there are other cases of Zika in innocent women, which affects their children more than one can imagine.

Mr. President, will the Chair please announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 2577, which the clerk will report.

The senior assistant legislative clerk read as follows:

Conference report to accompany H.R. 2577, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until the vote on the motion to invoke cloture on the conference report will be equally divided between the two leaders or their designees.

The Senator from New York.

Mr. SCHUMER. Mr. President, I rise because I want to share a few words on the Zika component of the conference report on the MILCON–VA appropriations bill, which will be on the floor shortly.

Unfortunately, but maybe not surprisingly, my friends on the other side of the aisle very well bowed down to their friends on the hard right and riddled this bill on Zika with poison pill provisions. If there was ever a bill designed to fail, it is what the Republicans have put together on Zika today. This bill is not only going to fail, it was designed to fail from the very beginning.

Democrats have pushed for over 4 months for legislation on Zika, ever since the CDC and the administration requested $1.9 billion in emergency funding to deal with the threat. We tried to work with our friends on the other side of the aisle, but after we compromised at $1.1 billion, after we reached a supposed agreement, and passed it in this body with 89 votes—the overwhelming majority from both parties—Republicans turned around, without any consultation with Democrats in the House and Senate, and rammed through a wish list of poison pill riders that defeat the very purpose of the effort. Rather than working with Democrats to produce something both parties can support, Republicans abandoned compromise in favor of an extreme rightwing bill.

These changes reflected in the conference report have poisoned the bill. It now cuts Ebola funding by $107 million. It cuts funding for the Affordable Care Act by $543 million. It sets a precedent that emergencies have to be funded when, in the past, they have not been. Worst of all, it restricts funding for family planning services provided by health centers and providers like Planned Parenthood.

We know Zika can be sexually transmitted. We know it poses the biggest danger to pregnant women and their unborn children, many of whom rely on health centers and Planned Parenthood as their primary health care provider, but Republicans cannot miss a chance to whack Planned Parenthood, even if their services are exactly what can help prevent the spread of this debilitating virus.

I listened to my friend, the majority leader. Two words never passed his lips as he talked about the bill—Planned Parenthood. Why? Because he knows saying don't fund Planned Parenthood is a poison pill if there ever was one. He knows it was a poison pill last year when we were negotiating a short-term budget agreement and there would be no budget if it was in there.

Our Republican leaders are engaged in a cynical game. They have to assure the hard right they are not funding anything, even something as important as Zika, but they know the American people demand funding, and so they put in these poison pills. It is a cynical game and it shall not stand.

My prediction is Republicans will come back after this amendment, as they know this proposal will be defeated—they knew it—and they will come back within a few weeks with their tail between their legs saying: Let's pass something. We know we have to do something on Zika.

Why they don't avoid that embarrassment is beyond me. To say that this Zika legislation is a day late and a dollar short would be a drastic understatement. It is 4 months late, $800 billion short, and now, to boot, it cannibalizes health care funding from other important priorities.

Then, after all of this, the distinguished majority leader came to the floor yesterday to accuse Democrats of playing politics with the bill because we were concerned with these changes. What a cynical and hypocritical thing to do. All Democrats have ever asked for on Zika was to give the CDC and the other agencies the funding they said they needed to do the job of protecting the American people, pregnant mothers, and their babies from this dangerous virus.

It wasn't Democrats who said: Let's give CDC only about half the money they said they need. No, Republicans did that. It wasn't Democrats who tried to jam through poison pill amendments to the bill in the dead of night with no debate. No, Republicans did that. It wasn't Democrats who dithered for months on end until mosquito season was already upon us to bring a bill forward. No, Republicans did that. And it wasn't Democrats who loaded up the bill with partisan plums, saying that unless the other side passes this bill, they are playing politics. Oh, no, it was Republicans who did that.

Moreover, these tactics mean one thing: Our Republican colleagues and particularly the Republican leadership, in both the House and Senate, are not taking the Zika threat seriously. It is no way to handle an urgent public health crisis.

We will shortly hear from my friend from Florida who can document what is happening in his State and what will happen in many other States as the warmer summer season moves on. There are 2,600 Americans who have been diagnosed with the virus, including over 400 pregnant women. Six pregnancies have already been deemed to have birth defects as a result of Zika. Americans in Puerto Rico are especially impacted with 1,800 locally acquired cases. It is a tragedy, and we should be doing something in a bipartisan way—Democrats and Republicans together—working to solve an emergency. But, no, we get a bill riddled with poison pills done by one party, designed to fail in obeisance to the right-wing, which doesn't want to spend any money.

Our public health and safety is at risk. I hope my Republican colleagues will stop this partisan gambit and come around to work with us on the issue in a serious bipartisan way. We are willing to compromise, as the great leadership of the Senator from Washington showed when she came to compromise with the Senator from Tennessee on a proposal that didn't do everything we wanted, but we voted for it. I hope that can happen again. If saner heads are going to prevail, it has to be in this body. I hope Leader MCCONNELL would rethink the strategy of going along with the cynical House bill so we can negotiate something that will do good for America.

I yield the floor.

Ms. MIKULSKI. Mr. President, I am furious and fed up at Congress's inability to act in a bipartisan way to protect us from the Zika virus. The U.S. is facing a public health emergency. Americans are desperate for Congress to respond. Instead, the House of Representatives passed a Military Construction and Veterans Affairs and Zika conference report at 3 a.m. with no debate and no Democratic input.

The bill passed by House Republicans doesn't recognize Zika as a public health emergency. It nickels and dimes our efforts to respond. It makes it more difficult for women to access birth control. And it waives safety rules for the use of pesticides. Now the House has left town and expects the Senate to pass this terrible bill.

The facts are clear: Zika is here. It disproportionately affects women and babies. It causes horrible birth defects. And there is no treatment or vaccine. If there was ever a time that Congress should act in a bipartisan way to counter a significant threat, it is now.

We are now considering cloture on the conference report on Military Construction and Veterans Affairs and Zika appropriations. We began the conference with an open meeting between Democrats and Republicans, the House and the Senate. But when we got down to the last, hardest issues, Republicans decided among themselves and then told Democrats, ''take it or leave it.''

That means no Democratic conferees signed the conference report, House or Senate. We can't sign it if it means leaving behind veterans, women's health, birth defects prevention, and clean water. I urge the Senate to reject cloture on this conference report and send conferees back to the drawing board.

The Republican conference report is flawed for many reasons, including that it provides $1.1 billion, which is $800 million less than what the President requested to fight Zika.

The Republican conference report also doesn't treat Zika like the emergency it is. The World Health Organization declared the Zika virus a public health emergency on February 1. And Zika meets the Budget Act criteria for emergency spending: It is urgent, unforeseen, and temporary. Yet Republicans insisted that we cut $750 million to pay for the response to Zika, including $543 million from the Affordable Care Act, $100 million from the Department of Health and Human Services, HHS, nonrecurring expense fund, and $107 million from Ebola response funds.

When wildfires hit the West, Congress provided emergency funding. When flooding hit South Carolina and Texas last year, Congress provided emergency funding. Now, we have an infectious disease outbreak that we know causes serious birth defects, and Republicans insist our response be paid for.

The conference report waives Clean Water Act requirements for the spraying of pesticides to control mosquitos. The need for this provision is a mystery to me, since the Clean Water Act already allows pesticides to be sprayed in pest emergencies.

Under this bill, families can get birth control services from public health departments and hospitals, but not individual doctors or primary care clinics. This is important. The bill would make it more difficult for women to access birth control from their own doctors.

I know the issue of birth control is difficult for some, but we know that Zika has terrible consequences for women and babies. The details about what Zika does to the brains of unborn children are truly horrific. In fact, evidence between Zika and birth defects is so conclusive that some countries are advising women to avoid pregnancy altogether.

So the fact that this bill would make it more difficult for women to avoid pregnancy is truly astonishing to me. Republicans don't want to treat Zika as an emergency, and they don't want to expand access to birth control. It begs the question: Will they be willing to pay the costs associated with every child born in this country with Zika-related birth defects? Dr. Frieden, director of the Centers for Disease Control and Prevention, estimated that cost to be $10 million per child.

Lastly, the conference report is $500 million short of the Senate-approved funding level for the Department of Veterans Affairs, VA. It cuts $250 million for needed maintenance for VA hospitals and clinics, more than half of which are 50 years or older. That means more leaking roofs and moldy conditions that make veterans sicker, not better.

In the 4 months since the President requested Zika emergency funds, more people have been infected, and more babies have been born with birth defects. Today there are more than 2,600 people in the U.S. and its territories infected with Zika, including nearly 500 pregnant women.

The number of those infected is growing, and the costs associated with infection are growing. We can't nickel and dime our way out of this emergency. We know what the threat is, and we know how to respond to it. So, please, whatever differences we have on other bills, let's come together to reach agreement on a better conference report.

The PRESIDING OFFICER. The Senator from West Virginia.

FLOODING IN WEST VIRGINIA

Mrs. CAPITO. Mr. President, wow, I come to the floor of the Senate to talk about a real emergency that just occurred in my State of West Virginia. I know many of you across the country have witnessed and seen the terrible destruction from the sudden flash flood that ravaged West Virginia on Thursday in the late afternoon and evening. I come with such a heavy heart.

When I hear the debate going on again about who is more cynical and who has poison pills, all I can think about is the little boy I saw at the Volunteer Fire Department in Clendenin on Friday. His dad is a fire chief, and he had been going to the fire department all the time since the time he was born. He is about 10 years old. We were standing in 6 inches of mud, with destruction everywhere in his town. I introduced myself to him, and I said: I am SHELLEY. I am your Senator. How are you doing? He just melted into tears because he was so distraught at what he saw, a place he loved, the fire station just ripped apart. People he knows were kicked out of their homes, trying to figure out how to rebuild.

To me, that is a real emergency. That is a real something we in the Senate and those in the State and those local responders are responding to now. I think about our State, I think about all the nicknames of the State of West Virginia. The one I think I like the most is ''Almost Heaven.'' Well, ''Almost Heaven'' wasn't almost Heaven last Thursday. ''Wild and Wonderful.'' It was wild, all right but not so wonderful.

I think the one that really has come to epitomize our West Virginians, our people, is ''West Virginia Strong''. I saw the National Guard, the West Virginia Department of Transportation, public elected officials, emergency services personnel, and EMTs who were up all night doing very dangerous boat rescues to get people from the roofs of their homes and the roofs of their cars. It came so fast.

I visited the shelter at Capital High School yesterday. A man told me he, the woman he lives with, and their dog just ran out with nothing. It started at his ankles, and 5 minutes later it was at his waist. That is how fast it was. Yet he still had that West Virginia strong attitude of: We are going to be OK. We are going to find a way. He had lost his car, his four-wheeler. All of his belongings are gone. He has nothing. Now he has a place to sleep in a high school gym.

You know what. He has the American Red Cross right there, with 400 volunteers from across the country so he has a warm place to sleep or a cool place to sleep away from the hot Sun, meals, the availability of cleaning supplies, and a very generous community that has come together to try to help him. That is West Virginia strong, and that is what fortifies me today.

When I think of the stories of bravery and rescue, when you look at the 23 West Virginians who lost their lives so suddenly—a little 4-year-old boy, Edward McMillion from Ravenswood, WV, was swept away in the rushing water. We just have story after story of people who didn't know what was going to happen to them, who didn't know how to get out, who found a way to brave through this awful thing.

Then there were the stories of the communities coming together. When we were traveling through Kanawha County, I ran into some people from Parkersburg and some people from Martinsburg, which probably doesn't mean much to the folks in the Gallery or to the Presiding Officer because they don't know where that is, but it is 5 hours away. They just packed up their trucks, put water and food in them, and came to the aid of their fellow West Virginians. A lot of faith communities, a lot of churches, the Mountain Mission, all kinds of volunteers have come to help to be West Virginia strong, to be West Virginians helping West Virginians.

The private sector has really stepped up. AT&T, Sprint, Frontier—our telecommunications people have really gone the extra mile to make sure that people have service and are able to charge their phones. When they had to leave their homes, they might have had their phone in their pocket, but they sure didn't have their phone charger. While that might sound like a little thing, it is a big thing. That is your lifeline to your family—to calling for help and for resources.

Walmart, Proctor & Gamble, CSX, and Dow Chemical—I am leaving people out—also helped out. Anheuser-Busch brought a bunch of water in to help. I have more stories of companies that have given their corporate supplies to help West Virginia get back on its feet. I am basically here to say thank you.

Some of the communities, such as Clendenin, White Sulfur Springs, Rupert, and Rainelle—I actually thought Rainelle's name is Rainelle, and, boy, did they get rained on. They are probably regretting the name. They lost a lot of people in Rainelle. That small community has been crushed.

FEMA has been phenomenal. The declaration from the President, for which we are very grateful, came immediately for the three counties. We are hoping to get other counties, such as Webster County, Roane County, Clay County, Pocahontas County, and Fayette County included in these declarations. Fifty-five homes in Webster Springs were totally wiped out. It has a population of 750. We all know and love the beautiful West Virginia mountains, but when the valleys fill, they fill rapidly and disastrously.

FEMA is on the ground. They have opened up their disaster recovery centers in White Sulfur Springs, Greenbrier, and other places. They will be all over the place.

I will tell people that what I have learned from this is that you have to get registered for individual assistance immediately. Call the phone number, go to the Web site, or go to the disaster recovery center because that starts the process, and help is there. The Small Business Administration is there, as well, to try and help.

The various health departments are providing tetanus shots free of charge because, as we know, sitting water and 90-degree temperatures are scenarios for disease.

What I was astounded by was the mud. We know that you can get water in your home and business, but the mud is just so destructively horrifying to look at and so difficult to clean.

West Virginians need help for all types of different things. People from all around the Nation have been offering to help. We have been inundated with people wanting to help. People want to come and lift up another American and lift up another family. I say thank you for that, but this is going to be a long-term project. When you have the kind of destruction we suffered, it goes on for a long time. During the first week you get a lot of help, but the weeks after that, when people are trying to rebuild and trying to get temporary transitional housing—these are the kind of things that families need.

Just to give a little perspective on the situation, the National Weather Service said that the rainfall was historic. There was 10 to 12 inches of rainfall in 8 hours. It was a 1,000-year event in terms of the rising waters. I live a half mile from the Elk River, which crested at 33.37 feet on Friday morning. The water rose more than 27 feet between Thursday afternoon and Friday morning and hit its highest crest in 125 years. This was a record-breaking event and very tragic for many of us.

I wish to thank FEMA for all of the representation they brought forward. I thank all of the faith community, which has been phenomenal. I also thank the nonprofits, the United Way, and the Red Cross. I have such admiration and gratitude in my heart for what I saw firsthand and will see as the days move on.

I will close the way I started. West Virginia people are just phenomenal. They are able to pick themselves up and still have a glimmer of hope in their eyes. Knowing that they will be OK and will be able to rebuild after having lost everything is just phenomenal.

I was in a meeting yesterday, and the guy leading the charge from the United Way said: Everybody close your eyes and think about the last time you lost everything. I don't think a person in that room had ever lost everything.

I thank you for all the thoughts and prayers that you kept in your heart for us. We feel them, we need them, and we appreciate them. It is a long road to recovery, but we are on our way. With your help and God's help, we will get there.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I want to start by saying how disappointed I was by the comments I heard from Republican leaders last night on Zika. It seems that after months and months of their delaying, after they rejected our bipartisan plan, kicked Democrats out of the negotiating room, and passed a partisan bill in the middle of the night, Republicans are now scrambling to blame anyone but themselves for their own inaction on Zika. It is absurd, it is irresponsible, and people across the country are not going to buy it.

Republicans control Congress. They blocked action for months and months. They fought us at every step, and now that they finally realized that the American people aren't going to stand for inaction, they are desperately searching for excuses instead of honestly looking for solutions. But women and families aren't looking for Republicans to point fingers; they are looking for a serious response to Zika.

We all know very well that Democrats and Republicans don't always see eye to eye, but one thing we should be able to agree on is that when there is a serious, national, and global public health threat, we should put our differences aside and work together to protect women, families, and communities. Unfortunately, when it comes to the Zika virus, Republicans are now doing the exact opposite.

It has been 4 months since President Obama first put forward a strong emergency funding proposal. Even though we are in the midst of mosquito season, the House Republicans chose last week to double down on a partisan, pandering bill when it comes to this frightening virus. Instead of working with Democrats on a serious response to Zika, they voted to end the conference, pass an extremely partisan report in the middle of the night, and leave town.

There is a lot to be concerned about in this legislation, but, critically, this proposal would impose politically motivated restrictions that limit women's access to contraception and health care with providers they rely on. It should go without saying, but in the midst of a public health emergency that impacts women and families, the last thing Republicans should be doing is playing politics with women's health and making it harder for them to get care when and where they need it. It is truly frustrating, especially since just weeks ago, Senate Democrats and Republicans agreed on a bipartisan downpayment on the President's proposal, and that bipartisan legislation could have already passed the House and Senate, could have been signed into law by the President, and started helping women and families in need by now.

Today, ahead of the Senate's vote on this partisan political proposal that came out of the House in the middle of the night last week, we have a clear message for Republicans: Enough is enough—enough with the partisanship, enough with the poison pills, and enough with using women's health to pander to the tea party. We have a narrow window to get an effective response to this virus under way, and every infection that we prevent now is a potential tragedy averted for a family in the communities we serve.

Democrats are ready to work together, just as we have been for months. I urge Republicans to come back to the negotiating table and work with us on a real response to a truly serious public health threat. Women and families are expecting us to act and have already waited long enough.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, it was my understanding that the Senator from Hawaii was to speak next.

I ask through the Chair if the Senator from South Dakota will let me go on and make a comment.

Mr. THUNE. And I will follow, correct?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. NELSON. Mr. President, we have just a short time before the vote. The President made a request for emergency funding in the amount of $1.9 billion 4 months ago. This is a time when the Nation has an emergency. It doesn't matter if it is an earthquake, a flood, a wildfire, a hurricane, or a volcano, we have always stepped forward. If you don't believe this Zika crisis is an emergency, well, just wait. The tale tell signs are coming.

We already have 50 confirmed cases of Zika in the United States. There are 2,600 Americans who are infected with the virus, and that includes 500 pregnant women. Obviously, the southern States, such as my State of Florida, are affected much more than other States. Just yesterday there were three new cases of the virus reported in Florida, which brings the State's total to 223, including 40 pregnant women. These numbers are only going to increase.

Four months after the request for emergency funding, the House—in the dark of night, with no opportunity to have a debate—passed a bill to deal with this virus, and as you have heard from many, it is not serious. Instead, it is another attempt to use an emergency must-pass bill to try to further extremist political agendas. It cuts money for Puerto Rico at a time that Puerto Rico can hardly stand on its own financially, and it cuts money for family planning.

The CDC has confirmed that Zika can be sexually transmitted. What did I say? They cut money for family planning, and there are over 480 pregnant women in the United States who are presently being monitored for signs of the infection. As we look for ways to prevent the spread of this sexually transmitted disease, the fact that this bill limits access to contraceptives that could help curb the spread of the virus is exactly the reverse of what makes sense.

Why can't we grow up and get to the point that we don't have to play partisan politics? This is a real threat, and it is a serious threat. The CDC has confirmed that Zika does, in fact, cause birth defects. There have been four babies born with microcephalus in the country, and two of them died shortly after birth. We have seen the pictures, and we know how horrific and how tragic it is for the families involved. So we need to stop playing these political games. It is time to treat this as a real emergency, and it is time to pass the appropriations bill without all of this political agenda added to it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, in a few short moments Senate Democrats will have a decision to make. Will they side with American families and expectant mothers dealing with the Zika virus or will they side with their far left political allies? According to media reports, unfortunately, that outcome is increasingly clear. Senate Democrats will once again side with their political allies rather than working with Republicans on a solution to keep women safe from the Zika virus.

Mr. President, Democrats have apparently decided to engage in their favorite game of late—refusing to take yes for an answer. It happened last week with terrorism. Democrats urged us to pass legislation to keep guns out of the hands of terrorists, but when Senator CORNYN offered an amendment to do just that, Democrats opposed it almost unanimously. This week it is Zika funding.

Six weeks ago, Democrats and Republicans from the relevant committees in the Senate got together and agreed on a bill to provide $1.1 billion to fight Zika. That bill then came to the floor, and every Democrat voted for it on the floor of the Senate—every single Democrat.

Last week, House and Senate negotiators reconciled the House and Senate bills and agreed on Zika funding in the amount of $1.1 billion—in other words, the exact same amount that

Senate Democrats unanimously supported 6 weeks ago. But now Democrats don't want to support it. Their reason is that the small grant program in this bill, most of which is intended for Puerto Rico, will not provide for more Federal funding for Planned Parenthood.

This bill provides expanded funding for community health centers, public health departments, and hospitals. It actually funds more avenues for access to women's health care than what the President requested. The bill funds research into a Zika vaccine. It funds research into Zika treatments. It streamlines mosquito control efforts, since the best way to protect men, women, and babies from contracting the Zika virus is to make sure they do not get bitten by a mosquito in the first place.

The head of the Centers for Disease Control and Prevention—the lead government agency for fighting diseases—has said that the Republican bill will take care of immediate Zika funding needs. Yet Democrats are holding up this bill because it will not fund a handful of Planned Parenthood clinics in Puerto Rico.

Seriously, Mr. President? Seriously? That is what this is about? Democrats like to position themselves as having the moral high ground. Again and again Democrats suggested that they were fiercely committed to fighting Zika while Republicans were dragging their feet on a public health crisis.

Well, here is what I see today. I see Republicans ready to pass a Zika bill and send it to the President this minute, right now. And I see Democrats who are more interested in pacifying a Democrat special interest group than they are in actually doing anything about Zika. Purely and simply, that is what this is—a Democratic special interest group that snapped its fingers, and the Democrats have all come running.

Forget all that urgency about getting Zika funding passed. Forget the scientists who are waiting for vaccine funding. And forget about mosquito control efforts. Apparently, none of that matters anymore. Republicans are ready to pass Zika funding, the same amount—I will repeat: the same amount—of funding Democrats already voted for unanimously in the Senate. We are ready to pass it right now, this minute, and send it to the President. We are just waiting for Democrats to agree.

Mr. President, I hope they will not keep the American people waiting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, yesterday I joined millions of Americans in celebrating the Supreme Court's decision that reaffirms a woman's right to access reproductive health care. This was the most important Supreme Court decision in decades to protect a woman's access to reproductive health care.

I listened to my colleague just now, and, yes, the amount in the bill is the same. But this is not the same bill. This bill contains poison pills that will pay for the funding for Zika on the backs of the people of Puerto Rico and funding for Planned Parenthood. So today, in spite of yesterday's celebration of the Supreme Court's decision, it is clear we are reminded once again the fight to protect a woman's reproductive rights is not over.

I was dismayed last week when House Republicans chose to play politics with a national public health emergency to continue their crusade against Planned Parenthood. The package we will be voting on this morning is profoundly irresponsible. Senators from both parties worked hard to forge a compromise Zika funding measure that would have provided the tools we need to prevent an outbreak. Instead, we will shortly be voting on an underfunded measure riddled with poison pills.

This package is not equal to the crisis before us. It fails to recognize the real threat facing American women from Zika this summer. Zika is not just a mosquito-borne disease. It can also be sexually transmitted. That is why attacking Planned Parenthood in this bill is so foolish. Limiting access to family planning services now would put millions more women at risk of contracting Zika and giving birth to a child with microcephaly.

The United States is fortunate not to have a widespread outbreak of Zika yet, but in Hawaii we are already feeling the impact of this virus. So far there have been 10 confirmed cases of Zika in Hawaii, and one child has been born with microcephaly.

To meet this challenge, I have convened key leaders on Zika in Hawaii, including Governor David Ige, Hawaii director of health Dr. Virginia Pressler, health care providers, and Dr. Elliott Parks, who is developing a Zika vaccine on Oahu. They all shared one message: Federal funding right now is critical to get ahead of a widespread Zika outbreak. Dr. Parks has been using private funding to develop his vaccine, which could turn around our fight against Zika, and an infusion of Federal funds now could push him across the finish line.

This summer is a critical moment in the fight against the Zika virus. In Hawaii, we already saw the devastating impact of a vector-borne disease when we confronted a major outbreak of Dengue. We need the same national commitment and investment to fight Zika that we provided to fight Ebola.

Months have already passed since the President sent down his emergency funding request for Zika. We must act now by passing a clean supplemental spending bill, with no harmful riders to women.

Zika is a public health crisis in the making, and I completely disagree with my colleagues who continue to say that we should support this bill because it is what we have already agreed to. It is not. It is a profoundly different bill that continues the Republican attacks against women's reproductive rights.

Mr. President, I yield the floor.

Mr. NELSON. Mr. President, do I understand that we are in the parliamentary procedure where the vote has already been called for at 11 o'clock?

The PRESIDING OFFICER. That is correct.

Mr. NELSON. Mr. President, may I be recognized for 2 minutes?

The PRESIDING OFFICER. The Senator has no time. That will take consent.

Mr. NELSON. Say again.

The PRESIDING OFFICER. That will take consent of the Senate. There is no time remaining for the minority.

Mr. NELSON. Well, I ask unanimous consent to speak for 2 minutes, until the vote at 11 clock, in order to bring the Senate up to date on what has happened to the community of Orlando.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Reserving the right to object, we are trying to set up a conversation about the conference report, and I wonder, would it be inconvenient for the Senator to defer?

Mr. NELSON. I can certainly—I didn't see anybody on the floor, and that is why——

Mr. COCHRAN. We were just passing through, checking to see what the order was, and I understand there is a standing order.

So we are going to wind up, we hope, with just a few minutes of conversation about the conference report.

Mr. NELSON. Mr. President, I can speak later in the day.

Mr. COCHRAN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we have come to a point where it is timely that we urge the Senate to approve the Military Construction and Veterans Affairs conference report.

This conference agreement increases funding for veterans programs by nearly 9 percent, including a 4.1-percent increase in discretionary funding for the Department of Veterans Affairs. The agreement provides funding for veterans health care, benefit claims processing, and medical research. The agreement funds housing for military personnel and their families and enhances the capabilities of U.S. military forces.

The conference agreement also includes $1.1 billion in emergency supplemental funding to fight the Zika virus. This is the same amount previously approved by the Senate. These funds will be used for mosquito control, vaccine

development, and health services. The conference agreement also enhances mosquito control efforts by eliminating duplicative permitting requirements for approved pesticides. This provision is specific to combating the Zika virus, and it expires after 180 days.

The conference agreement carries rescissions of previously appropriated funds that are not needed for their original purpose. The fact that rescissions are included is not novel or unique. For example, the appropriations bill that provided funding to fight the Ebola virus included nearly $5 billion in discretionary rescissions and $2.5 billion in mandatory rescissions.

This conference agreement is the result of extensive bipartisan negotiations. It is a good bill, and it should be sent to the President without delay. I urge the adoption of the conference report.

The PRESIDING OFFICER. All time has expired.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2577, an act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, John Cornyn, Mike Rounds, Thad Cochran, Roy Blunt, John Barrasso, Marco Rubio, Lamar Alexander, Tom Cotton, Bill Cassidy, John Hoeven, Thom Tillis, Jeff Flake, James M. Inhofe, Tim Scott, Shelley Moore Capito, Steve Daines.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 2577, an act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—52

Alexander	Coats	Daines
Ayotte	Cochran	Donnelly
Barrasso	Collins	Enzi
Blunt	Corker	Ernst
Boozman	Cornyn	Fischer
Burr	Cotton	Flake
Capito	Crapo	Gardner
Cassidy	Cruz	Graham
Grassley	Murkowski	Sessions
Hatch	Paul	Shelby
Heller	Perdue	Sullivan
Hoeven	Portman	Thune
Inhofe	Risch	Tillis
Isakson	Roberts	Toomey
Johnson	Rounds	Vitter
Kirk	Rubio	Wicker
McCain	Sasse	
Moran	Scott	

NAYS—48

Baldwin	Heitkamp	Murray
Bennet	Hirono	Nelson
Blumenthal	Kaine	Peters
Booker	King	Reed
Boxer	Klobuchar	Reid
Brown	Lankford	Sanders
Cantwell	Leahy	Schatz
Cardin	Lee	Schumer
Carper	Manchin	Shaheen
Casey	Markey	Stabenow
Coons	McCaskill	Tester
Durbin	McConnell	Udall
Feinstein	Menendez	Warner
Franken	Merkley	Warren
Gillibrand	Mikulski	Whitehouse
Heinrich	Murphy	Wyden

The PRESIDING OFFICER (Mr. FLAKE). On this vote, the yeas are 52, the nays are 48.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Republican leader.

Mr. MCCONNELL. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

ORDER FOR RECESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, here is where we are. We have a public health crisis descending on our country. We have been talking about this for 3 months. The administration and the CDC—all involved—said we need to get this Zika funding bill done before the Fourth of July—before the Fourth of July. This conference report, which was just prevented from passage, has exactly the same funding level that every single Democrat voted for when it left the Senate—exactly the same funding level.

We know that if we don't get this job done, we won't have a vaccine within a year and a half. In the short term, we have been told that the single most effective thing we can do is kill as many mosquitoes as possible as fast as possible right here in the United States, in the southern part of our country.

So here we are in an utterly absurd position of playing political games as this public health crisis mounts here in our country. Pregnant women all across America are looking at this with utter dismay, as we sit here in a partisan gridlock manufactured by the other side over issues that it is pretty hard for the general public to understand, refusing to pass the funds needed to address this public health concern.

If that were not bad enough, we have also stopped the passage of the MILCON-Veterans' Administration appropriations conference report, which includes funding for our veterans and funding for construction at military bases.

So here we are going into the Fourth of July and we have impeded the passage of funding to deal with an impending public health crisis and in the same vote managed to vote against veterans as well. I would say to my colleagues on the other side, that is where we will be when we come back here after this brief break for the Fourth of July. I have moved to reconsider. I have changed my vote and moved to reconsider. I would like to call on my colleagues on the other side of the aisle to think about this, to think about where they have left this issue for the American people. I have been approached in my State—and I know others have as well—by young women concerned about whether we are going to address this issue now, not at some time in the future.

So when we get back, after we have had time to think about it all, we will address this matter again and hopefully respond, as our constituents all across America are asking us to respond, to this pending health care crisis that we all understand. There has been plenty of discussion about this for months. This Republican majority has met the deadline, but we can't pass it by ourselves here in the Senate. I hope our Democratic friends, upon reflection over the course of the few days we will be away, will come back with a different attitude, and I hope we can address this crisis and address it now.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, as I said this morning, and I will repeat it, I don't know what universe my friend is living in. What does he think—that we are all stupid, that the American people are dumb? They are not. They understand what is going on here.

We have been trying for months—months. The President asked more than 4 months ago that we would get money to fight Zika. He had already had to take $500 million from Ebola because the Republicans had done nothing. He said more than 4 months ago: We need money. The CDC needs money. The NIH needs money. We have a crisis on our hands.

So we have been on top of this. We have worked hard. Republicans have objected five times to moving legislation that is meaningful. On April 28, the senior Senator from Texas objected to my request. On May 18, he objected to my unanimous consent request again and to Senator MURRAY's request—all in the same day. On May 24, he objected to Senator MURRAY's request again for funding Zika. On May

24—the same day—Senator ENZI objected to Senator NELSON's unanimous consent request.

He said that we need to reflect. Come on. Listen to this. If Republicans were sitting around, as I assume they were in the House, as we were all watching the takeover of the House floor by House Democrats—there wasn't anything going on on the House floor, so I assume—I assume—they were sitting around thinking: What can we do to fake funding for Zika? What can we do? Well, maybe what we can do is say we have money for Zika and then we could do everything we can to irritate them.

So what they did is they said: Well, we realize this is a serious issue, but these pregnant women are the ones they are concerned about, so why don't we stop them from going to obtain birth control. We hate Planned Parenthood, so why don't we stop them from going to Planned Parenthood—these desperate women who need birth control and some advice about their situation.

A significant number of American women—especially young women—go to Planned Parenthood. On the bill we have that was just turned down today, the Republicans said: You can't do that. We are not going to allow that.

It restricts funding for birth control provided by Planned Parenthood. How about that one. But if that weren't enough, they cut veterans funding by $500 million. And then I guess they said: Well, maybe we can do something—we know we hate the environment. We don't like all those greenies, so why don't we do this. We know that it is important that we control mosquitoes. If we are going to do anything regarding mosquitoes, let's kill a lot of those mosquitoes. Oh, here is what we will do. We will exempt the Clean Water Act from the provisions of spraying pesticides.

Against all environmental advice that we could get, they go ahead and do it anyway.

They cut Ebola funding by another $107 million. They rescind ObamaCare by $543 million, after they have already failed 70 times to repeal it. But if that weren't enough, listen to this one. How about this one. I guess they said: What else could we do to really stick it in their eye? There is a prohibition now in the law that says that you can't fly the Confederate flag at our military cemeteries. Let's take that away. We want to be able to fly Confederate flags at military cemeteries.

So they put that in there too. What do they think this is?

When we passed here by almost 90 votes a bill that gave not as much money as we wanted, but $1.1 billion, it was treated as an emergency, as emergencies should be treated. It is no different from a flood or a fire or an earthquake. We passed it here and sent it to the House.

The night they were there on the House floor, there was chaos. One of the Presiding Officers came out and in a matter of a minute said: We are going to pass a conference report funding Zika—funding Zika—but it makes it so that you can't go to Planned Parenthood for birth control. We are cutting $500 million from veterans, we are going to affect how we spray pesticides, we are going to cut Ebola funding, we are going to cut ObamaCare, and we are going to, just for good measure—just for good measure, we will throw in the Confederate flag thing.

I was here a week ago, and 2,200 women at that time were infected with Zika. Here it is 1 week later, and it is 2,900. About 100 women a day are being infected with Zika. We don't know how many of these pregnant women—there are about 500 now who are pregnant who have been infected with Zika—we don't know how many of those women are going to give birth to children who are tremendously handicapped. They have shrunken brains, and their skulls are caved in sometimes.

As we sit here dithering because of this foolishness on Planned Parenthood, the Clean Water Act, cutting veterans funding, Ebola funding, ObamaCare, Confederate flag, each day more women are prevented from getting the attention they need for birth control.

It is unbelievable that someone would have the audacity to come to the floor and say: Well, it is the Democrats' fault. It is the Democrats' fault. We think you should get some money for Zika funding. It should be offset; it wouldn't be truly emergency funding. But in the process, go ahead and let's whack ObamaCare, Ebola money, veterans, Planned Parenthood, the Confederate flag.

I mean, I can't imagine how anyone would have the audacity to come to the floor and talk about what a great piece of legislation this is. We know what is in the bill. We have had a woman who has worked so hard on this who is one of the premier Senators ever to serve in this body, Senator MIKULSKI from Maryland. BILL NELSON cares about this in Florida because his State has been hit harder than any other State. But Senator MIKULSKI has worked hard on appropriations bills. We know how important this bill is. We know how much she wants it passed, but she doesn't want it with this awful stuff that they have tried to do with Planned Parenthood, the Clean Water Act, veterans funding, and all of this other craziness, including the Confederate flag.

It is hard to describe. I sat here this morning when the Senate was opening. I have been here a long time. I don't remember anything as outrageous and as shameful as this piece of legislation. Believe me, in the last 7½ years, the Republicans have come up with a lot, but this is the worst.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Mr. President, I will tell you what shameful is. It is allowing more women of childbearing age to contract the Zika virus so their babies can end up looking like this. That is shameful.

Make no mistake about it—our colleagues across the aisle have filibustered on a partisan basis a bipartisan bill that funded our anti-Zika efforts. It also included measures to support our veterans.

So we need to be absolutely clear. I heard the Democratic leader basically saying that, because his party is a sore loser in a conference report they don't love, they are going to block funding to prevent more babies from contracting the birth defect that is suffered by this baby shown in this picture.

Microcephaly, basically, is a shrunken skull. This baby's prognosis is not good. Women of child-bearing age are scared to death that their baby will end up like this baby. Yet their concerns have fallen on deaf ears among those in this Chamber—largely Democrats—who voted against advancing this legislation.

We are getting closer to mosquito season. The warmer weather means we are going to see more mosquitoes, and we need to get this on the President's desk as soon as possible. The President himself asked for $1.9 billion in funding and is calling this a public health emergency, but our Democratic friends blocked it because they are sore losers in a conference negotiation report that they don't like.

We know that this virus can affect an entire generation. This birth defect is heartbreaking and life-altering, and we know it has taken a tremendous toll in much of Latin America. Fortunately, so far the only cases of Zika virus in the United States, according to the Centers for Disease Control, are from people who have traveled to South America and Central America and contracted the virus there and came home. So at least so far, the mosquitoes that carry this disease are not spreading it in the United States, but we know that will change soon. That is why we heard from the Senators from Florida, Texas, and others. They talked about its potential impact in the United States and particularly in our warmer States.

According to the Centers for Disease Control and Prevention, severe microcephaly like this is associated with seizures, intellectual disability, hearing and vision problems, and developmental delays, and that is assuming this child survives into adulthood, which most, unfortunately, do not. So how can our friends across the aisle who voted against this conference report, which provides Zika funding, look the mother of this baby in the eye and say: We have plenty of good reasons to deny help for more children like yours.

We know this impacts not only children and these babies, but it also impacts whole families. It means mothers and fathers anxious about the welfare of their baby are regularly going to the doctor to gauge progress and check development. It means finding speech, occupational, and physical therapies to help the child live as long of a normal life as they can. One neurologist quoted in the New York Times said: ''There is no way to fix the problem, just therapies to deal with the downstream consequences.''

So once a baby like this contracts the Zika virus, there is no way to fix the problem. The only defense is to prevent children like this from getting the Zika virus by getting the funding that Democrats just voted down to the medical authorities so they can look for a vaccine and so we can do mosquito eradication and the other things we know we need to do from a public health perspective to prevent more babies like this one from developing these devastating birth defects.

As I said, there is no cure. Once a baby has it, he or she has it for life. That means that the family will have to live with the great uncertainty about the health and well-being of their child as they consider the lifelong implications of caring for a child with this kind of disability.

We know we don't have to accept this as the outcome. We know there is a way to fight it, and that is by preventing the Zika virus from spreading to the United States, but unfortunately Senate Democrats just voted against that.

As I said, there are already hundreds of travel-related cases of the virus scattered throughout the country, and I hope the administration does more to underscore the real health threats that exist when people travel to areas where Zika is at its worst. That is why I joined with one of our House colleagues who is a medical doctor, Congressman MICHAEL BURGESS, in asking Secretary of State Kerry and the Director of the Centers for Disease Control and Prevention, Dr. Frieden, how they are coordinating travel warnings to regions where Zika has run rampant. Texans and all Americans need to understand the risks associated with travel to those areas, and they need real-time, accurate information so they can determine whether they should alter their travel plans.

Over the past few months, the mosquitoes who carry this virus have been inching their way north, and today locally transmitted cases have been reported in Puerto Rico and throughout the Caribbean. In other words, this virus, along with its devastating effects, is at our doorstep.

I had a chance to visit with experts in my State at the University of Texas Medical Branch at Galveston and the Texas Medical Center, and they agree this is a major public health concern and we need to act and act soon. That is why we have to prepare for the arrival of the mosquitoes that carry this virus in the United States, something that our Democratic colleagues have just prevented. Fortunately, counties and cities throughout Texas have already been working hard to counter the spread of the virus.

When I was in Houston recently, public health officials back in April told me about measures they were implementing to track and manage the spread of Zika throughout the Houston area, one of the most populous urban areas in the country, and the efforts to eradicate the breeding grounds of the mosquitoes that transmit the virus. Governor Abbott of Texas is also taking steps to make sure that we are as prepared as possible. But we can't do it alone. Unfortunately, the sort of help that is needed by States like mine for mothers and fathers who could have children like this has just been blocked.

Governor Abbott invited the Centers for Disease Control and Prevention to review the State's plan to combat the virus and he appointed an infectious disease task force to make policy recommendations on how to prevent and respond to infectious diseases including Zika. States like mine and communities like Houston are doing their part, but Senate Democrats refuse to do their part. So it should go without saying that now on the frontlines of this major public health concern we need to respond at the Federal level. That is why it is shocking and shameful to see so many Senate Democrats oppose this bipartisan effort to guard against the virus, particularly because they have repeatedly called for an expedited resolution of this appropriations request.

Over a month ago, the minority leader made clear that he viewed Zika funding a major priority and one that demanded action.

Senator REID, the Democratic leader, on May 23, 2016, said: ''Instead of gambling with the health and safety of millions of Americans, Republicans should give our Nation the money it needs to fight Zika, and they should do it now. Not next month, not in the fall—now.''

Well, of course, Senator REID was advocating bypassing the Senate legislative process, and it was really inappropriate for him to demand a $1.9 billion spending appropriation that adds to the deficit and debt without letting Congress do its job, but now the House and Senate have both passed legislation and agreed to a conference report that Senate Democrats have just voted down.

Senator REID said for us to fail to meet this crisis would be irresponsible, and yet he just advocated failing to meet that responsibility and address the crisis. We can't gamble with the health and well-being of women and children in this country just to serve partisan political needs, and most of the things that the Democratic leader raised in terms of objections to this conference report are just figments of his imagination.

There is no mention of Planned Parenthood in this conference report. I would challenge anybody to find Planned Parenthood mentioned once. As the Democratic leader knows, Planned Parenthood is a Medicaid provider, and so Medicaid eligible individuals can still seek whatever services they want through Medicaid at Planned Parenthood.

Then there is the Senator from Washington, the top-ranking Democrat on the Appropriations subcommittee, who actually crafted the bipartisan Zika response and then walked away from it and voted against it. She said on May 26, 2016:

> Families and communities are expecting us to act. Parents are wondering if their babies will be born safe and healthy. In Congress, we should do everything we can to tackle the virus without any further delay.

Well, I agree, and I frankly do not understand how Senate Democrats, having taken this position previously, can come in here and engage in a partisan filibuster to stop funding for this impending public health crisis.

Just last week, the senior Senator from New York said: ''Every day we wait, every day is increasing the risk that we will have problems with Zika.''

Well, today we had the chance to send a bill to the President's desk that would meet the demands of Senator REID, Senator MURRAY, and Senator SCHUMER, but they blocked it for fanciful and imagined reasons.

One of the arguments that Senate Democrats make against the bill is that more money is needed, yet this is funded at the very level that the Senate agreed to—$1.1 billion. President Obama and our Democratic colleagues repeatedly make the argument that throwing money at the problem will fix everything. Well, throwing no money at the problem will fix nothing, which is what they voted for today.

Less than 7 percent—just $40 million of the $589 million transferred from the Ebola fund to fight Zika has been obligated as of early June. That translates to easily more than $500 million the President can still use to fight this cause in addition to the $1.1 billion included in this bill.

We have heard from our colleagues on the other side of the aisle about this great need to prepare the country for this upcoming health crisis and how essential it is to quickly get resources to those studying the virus and working on prevention efforts and perhaps discovering a vaccine. But when given the chance to do that, Democrats shut it down. They filibustered the bipartisan bill that they themselves have been

asking the Senate to pass, which is absolutely disgraceful.

So I hope our colleagues on the other side of the aisle will reconsider their misguided efforts and follow through with what they have been saying we need all along—the funding to fight a real public health threat. It is a public health priority that demands our attention and must be addressed now and not later.

Mr. President, I wonder what the Senators who voted against this bipartisan Zika funding bill would tell the mother of this child or perhaps another woman who is pregnant and wondering whether her child will end up with this virus and this terrible birth defect. Could they possibly look that woman in the eye and justify the reasons they have voted against funding so that other children and families can avoid this terrible devastating birth defect? I bet none of them could look that prospective mother in the eye and say: Well, we voted against protecting your baby and your family for good and sufficient reasons. As I said earlier, many of the reasons stated by the Democratic leader are imagined and not real—like this idea that somehow Planned Parenthood has been targeted, which is not even mentioned in the legislation.

I can't imagine a more disgraceful vote than what some of our colleagues have cast to deny funding for this impending public health crisis. I hope they will reconsider. I hope the families who worry about the health of their children will call their offices and say: Why did you vote against funding the money necessary to eradicate the mosquitoes that carry this disease? Why did you vote against further scientific research to learn how to combat it? Why did you vote against our developing a vaccine that can prevent the spread of this disease not only here in the United States but around the world?

I will bet none of them could look that mother in the eye because what our Democratic colleagues did today by voting down this funding was absolutely hypocritical, it was cynical, and it was shameful.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, in response to the remarks of the senior Senator from Texas, I just wonder, if we had had a real conference where things were discussed, where would we be. That was impossible because the Republican leadership took the House of Representatives out of session. Had they stayed and done their work, as we are, I am sure we could have worked something out. But that, of course, was their decision.

GENETICALLY ENGINEERED FOOD LABELING

Mr. President, on another matter, this week marks a historic moment in Vermont. This coming Friday, July 1, Vermont's Act 120, the first-in-the-Nation labeling law for genetically engineered—so-called GE—foods will take effect. But unfortunately for consumers everywhere, it could be a short-lived celebration.

Late last week, a so-called deal was reached on a national mandatory labeling law. During the weekend, I had the chance to review this proposal closely. Vermonters have reviewed it closely. I can say this: It falls short.

This is an extremely complex issue—from how we define genetically engineered foods, to how we treat animal products; from the impact on the organics industry, to how small businesses respond.

It is actually not something you just talk about; the details matter here. That is why the Vermont Legislature, Republicans and Democrats working together, spent 2 years debating it. They had over 50 committee hearings featuring testimony from more than 130 representatives on all sides of the issue.

The Senate has not held a single hearing on labeling. They had only one hearing on the issue of biotechnology, and they have had none on the issue of labeling foods or seeds.

I would note that the proposal unveiled late last week—and we were able to review it this weekend—is an improvement over the legislation the Senate wisely rejected in March. That bill, the one we rejected, would continue the current status quo. It proposed a meaningless ''volunteer-only'' approach, a thinly veiled attempt to block Vermont's labeling law and to keep any other State from acting. This current proposal at least acknowledges that States like Vermont have enacted in this area. That is why I stayed on the floor and blocked that first bill. I thank those Senators who joined with me.

We heard from the organic industry, expressing reservations about how they might be treated under a Federal GE-labeling program. Some of those concerns have been addressed, and the proposal reinforces that the USDA Organic seal remains the gold standard.

The proposal follows what Vermont's Act 120 does with respect to animal products, and it addresses the gap in the Vermont law for processed foods inspected by USDA, specifically those foods with meat.

The proposal now before us also acknowledges at long last what I have been saying for the past year. In many rural parts of this country, including most of Vermont, we have significant technological challenges that make it nearly impossible for consumers to access the electronic or digital disclosure methods allowed in this bill. By requiring the Secretary of Agriculture to complete a study on this issue, I believe these difficulties unavoidably will be recognized, and the Secretary should be given the authority the needs to require additional disclosure options. I do hope, however, that proponents of this proposal will not try to put the burden on our retail establishments to install costly digital scanners.

The proponents of this deal were sent back to the drawing board after we derailed them on March 16. As I said, I was very proud to be the Vermonter leading that effort. While it is true that this new attempt is an improvement in several ways, it is clear that this revised proposal is driven more by the perspectives of powerful special interests, than by a commitment to honor consumers' right to know. Consumers' right to know merits only grudging acceptance in this plan; consumers are far from this plan's highest priority. We see evidence of that in the broad loopholes included in the definitions for which GE foods this proposal would apply to.

While this proposal makes some positive, though modest, improvements, I remain deeply concerned that it is not going to offer transparency for consumers. Transparency is something that many companies have already opted to provide.

Look at these products. I bet most Americans can go to their cupboards and find them. Campbell's, General Mills, Frito-Lay, Cheez-It, and the iconic Wonder Bread. All of them are already putting on their labels that they are produced with genetic engineering or partially produced with genetic engineering. It is easy. Just print it on there. Print it on there in the same way—if you have a child or a grandchild who has a peanut allergy or who requires gluten-free, you can go look for a label, and immediately, you know what you are feeding them.

Thanks to the citizen-led efforts in Vermont, we are seeing more and more consumer-friendly information easily accessible to shoppers. No scanning some code. No calling an 800 number. You don't pick up a product and say, ''Gee, I have to scan a code in here'' or ''I have to call an 800 number.'' No. You just pick up the product and look, and you find out what it has in it, everything from water, to celery, corn, cottonseed, and genetic engineered ingredients. We have seen countless pictures sent in by shoppers finding these labels. Labeling is not complicated or cost-prohibitive in practice. They are constantly printing new labels. You just add a line.

Of course, to make matters worse, the bill we have before us has absolutely no enforcement mechanism. The negotiators of this proposal seem to think public pressure would be enough to force these multimillion-dollar corporations to comply. What they are saying is ''You guys be the cop on the beat. You be the ones to tell them what to do.'' Surely families squeezing every

minute out of every day will not have time to hold companies accountable in the court of public opinion. Public pressure is not enough. You cannot ask consumers to go around and try to figure out whether they can buy something and then bring pressure. That is what we have legislatures for.

At the end of the day, each of us have different reasons for wanting to know what is in our food. The fact is that, without labeling of GE foods, consumers cannot make informed choices. This purported deal does not go far enough to give consumers what they are asking for, which is a simple, on-package label or symbol.

Of course, the bill does more than just block States from enacting GE-food labeling laws like Vermont's Act 120; it also blocks a longstanding seed-labeling law in Vermont, one that Vermont's organic farmers appreciate, as do conventional farmers and even backyard-hobby gardeners. This is a law that has been on the books since 2004. It ensures clear, meaningful information for farmers to know exactly what they are buying, and that is why they buy it.

Perhaps in a State such as Kansas, where the last organic farm survey in 2014 counted only 83 organic farms, or Michigan, a State which is 10 times the size of Vermont and has some 332 organic farms—maybe in States that don't have organic farms, having access to that seed information is not considered useful or important, but in a State such as Vermont with only 626,000 people, where, our Northeast Organic Farming Association of Vermont assures me, we now have over 600 organic farms, our seed-labeling law is important. The industry has complied with it the last 12 years; yet, with no hearings and no debate, this bill will block Vermont's seed law and will prevent any other State from enacting one.

When I was chairman of the Senate Agriculture Committee, I was proud that I wrote the law that set the national organic standards and labeling program. I was proud of that. It started out following a discussion across the kitchen table with organic farmers in Vermont; it is now a $40 billion industry nationwide.

I continue to closely monitor and work to protect the high standards for the organic program. They have given consumers confidence in the organic label. They have given organic producers the strong, clear, and meaningful standards they have demanded. They have worked hard to follow these standards, but they want to know what the standards are such that those who work hard and follow the rules are not going to have somebody come in and say, ''Well, we followed the rules,'' with no proof that they actually did.

Labeling of genetically engineered products is an outgrowth of the organic movement. As a watchdog of the organic program, I simply cannot support this proposal. I don't support it. We are not saying you cannot have these genetically engineered foods; just let consumers know. Label it. Then they can decide whether to buy it, just as a parent with a child who may require a gluten-free product knows when they come in whether a product is gluten-free when it says so on the label. It doesn't say you outlaw products with gluten in them; it says to give people a choice—the same as those with a peanut allergy. In this case, people want to know how their food was produced, and they want it on the label, not in some electronic code.

Vermonters have a long tradition of leading the debate on issues crossing the spectrum. Vermonters stand for transparency the consumer's right to know. Vermonters want to make informed decisions for their families and with their limited grocery budgets. I acknowledge—we Vermonters acknowledge that powerful interests are allied against Vermont's law and against the Nation's consumers, as has been the fact from the beginning.

The proposal released last week does not respect the work that Vermont has painstakingly done in this space. This Vermonter reflects the feelings of my constituents. I will not and cannot support it. Vermonters deserve better and so do all Americans.

Mr. President, I see my good friend from Oregon, Senator MERKLEY, on the floor. He knows how important Vermont's work has been in this national public debate. I have been proud to cosponsor his legislation that recognizes and respects Vermont's law.

I yield to my good friend from Oregon.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate the comments of my colleague from Vermont and the work his State has done to take on this very important issue. I wish to amplify somewhat or add to the remarks he has made.

This debate is about one simple concept; that is, a simple, mandatory label that is consumer-friendly to inform consumers whether a product has been produced with GMO ingredients. That is it. It is the consumer's right to know and nothing else.

It has been quite an interesting journey we have been on to this point. We have had the DARK Act—the Deny Americans the Right to Know Act—about the GMO status of the foods they consume, and now we have the DARK Act 2.0 coming to this floor in a deceptive strategy to persuade Americans that we are doing something important in order to justify the preemption of our State legislators from taking on this issue State by State. Unfortunately, the bill before us is an echo of what we have seen before.

So let's ask the simple question: Does it meet the 1-second test for consumers knowing what is in their foods? That is, by the way, information 89 percent of Americans want to know. This is an issue where if you poll Democrats, Republicans, and Independents, they essentially all say the same thing. Nine out of ten Americans say: We want this information on the package. It is relevant to us. We think consumers should have the right to know.

It is unusual to have an issue 9 out of 10 Democrats and 9 out of 10 Independents and 9 out of 10 Republicans all agree on, but here we are at this moment, with this Senate about to consider a bill written by and for the most powerful agricultural groups in America to deny Americans the right to know.

Let us take a closer look at what is wrong with the bill that is coming before us—the Roberts bill. First of all, it does not require that simple consumer-friendly label. Instead, it says: Well, that can be an option. A company could do that, if they would like to. Well, you know what. They can do that right now, without the permission of our Federal Government.

Then it says it could be an option for a company to put a symbol on a package. Well, that option is there for a group right now. They can put a symbol on a package, if they want to.

So we have granted nothing. Then it says: In lieu of putting actual information on the package, they can put a computer code on the package. A computer code is a square, like this, or it could be a barcode, but when you put that on the package, people say: Well, those are on the packages already. Why is it there?

This bill does have a little information in it. It says: If you put this quick response code or computer code on the package, you have to say it is for additional ingredient information—no reference to biotechnology, no reference to GMO ingredients. It could be what version of peanuts is in the product, what version of corn, where was it raised. These are all questions a consumer might possibly want to know. All it says is, for more information on the ingredients.

So if you look to the ingredients, and the ingredients say: tomato puree, high-fructose corn syrup and wheat flour and water, you get a little more information about those ingredients. That is what it is suggesting, even with the language in this bill that says ''for more information on ingredients,'' and nothing about the fact that this product was or wasn't produced with bio-engineering, nothing about the fact that this product does or doesn't contain genetically modified ingredients.

So this is a sham because it doesn't give that consumer-friendly information, and it is easy to give that consumer-friendly information. For example, let's take a look at what is happening right now on M&Ms. Here it is. The Mars corporation has said: We want to have integrity with our consumers so we are just going to tell them: partially produced with genetic engineering. It is a simple phrase. It meets the 1-second test. You can grab that candy bar or that bag of M&Ms, you can turn it over, and, boom, there it is, right there.

That is what States have wanted to do in response to their 9 out of 10 citizens who desire simple information on the package. But let's turn back. What does this bill do? This bill says companies can put on a barcode with no reference, no reference to the fact there are GMO ingredients. This is a completely different thing.

The bill also says it can put on an 800 number. We have been through this territory before too. You can put an 800 number on it. OK. That certainly is not consumer-friendly. You have to call up, wait for 20 minutes to go through a phone tree and talk to somebody on the phone. Maybe you are talking to somebody in the Philippines. Maybe they know the answer or maybe they do not. Are you kidding me? A shopper is going to go down the aisle of the grocery store, wanting to know the status of these different options before them, and they are going to make a call for each of them, standing there for 30 minutes, when it could have been answered in 1 second? No, of course not. The authors of this bill know this is a sham.

This is disturbing that we are seeing DARK Act 2.0 coming back again. If you ever do get to that person on the phone line or you ever do get to that computer Web site, there is a provision in this bill that says the information on the Web site has to be on the first page, it has to be presented clearly, but it is being done by the company itself. So how big is that first page going to be, and how is it going to incorporate other information about the ingredients?

This is not something being produced in a standard fashion, easy to use. Let's realize this. In order to use the 800 number, you have to have a phone in your pocket. In order to use the barcode, you have to have a smartphone in your pocket. You have to use up your monthly digital plan. You have to expand your money to find out this information. Furthermore, some of your information is captured by the Web site when you go there. You have to give up your privacy.

Again, we are seeing the sham and the scam brought forward in a new version, and that is not all. This bill has a definition that excludes the food derived from major GMO crops. I have the bill in front of me, and right up front it says what is covered. It says food that contains genetic material—that contains genetic material. Why is that important? Well, when you process crops into the ingredients that go into our food, you basically strip out, in many cases, the genetic material. Therefore, the things that are commonly thought of as GMO ingredients wouldn't be GMO ingredients under this bill.

I have a commentary from the Food and Drug Administration, and here is what it says. It says the phrase ''that contains genetic material'' means that many foods from GE sources will not be subject to this bill, and it gives the example of genetically engineered soy—oil made from that. It goes into all kinds of products that everyone thinks of as a GMO ingredient that wouldn't be covered.

What about high-fructose corn syrup? What about oil derived from corn? Corn oil. What about sugar derived from GMO beets—the sugar that has the genetic material stripped from it. So in the very start of this bill, it excludes the three major crops or major components of the three major crops that are GMO in America—soybeans and corn and sugar. That is disturbing, but if that isn't disturbing enough, another loophole has been put into this bill. Let's turn back to what the bill actually says. It says not only must it contain genetic material, thereby bypassing the soy oil and the corn oil and the sugar from the three major GMO crops, you also have to prove the ingredient ''could not otherwise be obtained through conventional breeding or found in nature.'' So all a person has to do is to assert it is possible, it could be, and then you have another massive loophole.

To what point? We know it is a GMO ingredient. It is in the food. But they could say: Yes, but you could have possibly developed the same thing from a non-GMO process, and they assert that so they don't put it on their can, they don't put it on their label.

There are two major loopholes undermining this bill, showing there is no serious intent to do a consumer-friendly label that justifies State preemption. I would like to say that is all, but then, as was pointed to by the Senator from Vermont, there is no enforcement in this bill. There is no authority for the USDA—U.S. Department of Agriculture—to do a recall of products improperly labeled. There is no enforcement power to exercise a fine on companies that fail to use some option under this bill.

We can see the basic facts. This does not give a consumer-friendly label and instead sends people off through a maze, through a rat hole of telephone calls and Web sites, not in any way practical to a shopper in a store. Second, it has a definition that excludes major products from the major sources of GMO crops in America. Third, it has a huge loophole expressing the theory that if you can assert something could have been derived from a conventional breeding program, you don't have to label. Then, fourth, no enforcement.

This is completely different than the power that Vermont has under their existing bill. They have a simple 1-second test label, they have a definition that does not exclude the major crops, they do not have a loophole about some theory you could possibly have reached the same thing through conventional breeding, and they have enforcement. So this represents not even a shadow of what Vermont is doing.

I have supported the idea that you could have a strong case to have a single Federal standard. It makes sense in the production of food in the country not to have different label standards in different States—the food runs through warehouses. It is spread out through different locations. Fair enough, but if you are going to take away a consumer-friendly label—the power to do that from a State—if you are going to preempt that, then we need to replace it with a credible, mandatory, consumer-friendly label at the Federal level.

This bill fails the test in every major way, and that is why we should not strip States of their power. That is why we should reject this bill, and I encourage my colleagues to do so. A consumer's right to know about the food they put in their bodies is a powerful right, and we are taking it away if we pass this bill. Let us not do that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, may I inquire of the Chair, is the Senator from Connecticut due to speak next?

Mr. BLUMENTHAL. I would be happy to yield to the Senator from Georgia, as long as I be permitted to follow him for up to 10 minutes.

Mr. ISAKSON. Mr. President, I ask unanimous consent that I be recognized for up to 5 minutes, to be followed by Senator BLUMENTHAL for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I find it unbelievable that today the United States Senate said no to pregnant moms and veterans.

The vote earlier to deny cloture on the VA–MILCON legislation and the Zika virus is to say to pregnant moms in America: We don't think the case of the Zika virus is that important; you are going to have to run the risks yourself. To say to our veterans who fought and risked their lives for us that we may not fund their health care is just not the right thing to do.

I deeply regret the fact that the cloture motion was denied this morning. I

hope that before we leave town this week, cloture will be granted so we can approve MILCON–VA appropriations and approve our response to Zika. But let me underline how important that is with two quick, brief remarks.

In terms of Zika, I represent the CDC—the Centers for Disease Control and Prevention—in Atlanta, GA, the world's health care center. I was there 2 weeks ago for a briefing on the Zika virus. There are more than 1 million Zika cases in Latin America, there are Zika cases in the Caribbean, and there are 150 in the United States of America. The Zika virus is very unique. It attacks a pregnant mom, it attacks the child in the womb, and it attacks the brain and central nervous system, causing manifested, terrible brain problems and deformities, some that we hope we can stop and prevent. But you can't do it if you don't fund the Nation's response, and the $1.1 billion in this bill, which was denied today, would go to Zika response.

There are two responses we need to fund. One is the research and development for preventive vaccines so we can find them as quickly as possible. That is obviously important. But the other is the education to do the most we can to see to it that Zika is prevented wherever possible.

A lot of people think that if you don't have mosquitoes, you don't have to worry about Zika. Zika is transmitted in two very distinct ways. One is through one of two types of mosquitoes, both indigenous to my State of Georgia and most of the southeastern United States. But Zika is also transmitted by sexual intercourse, which means whether you are in Colorado where there are no mosquitos or Georgia where there are, there is another way to transmit it as well. If we don't have a good education process in terms of how people can protect themselves against transmitting the Zika virus during sexual intercourse or protect themselves against bites by mosquitoes carrying the virus, we are going to be in big trouble. We will have a lot of babies born who will have lives of tragedy because we didn't do our jobs as U.S. Senators.

It is estimated that the cost of a live birth and the lifetime of a child born with the effects of the Zika virus will be $10 million per child on the taxpayers of America—$10 million. Think of the cost that adds up to.

We should come to the table immediately, come back, vote again, and vote for cloture on the Zika virus—the $1.1 billion response that passed the House—to pass the Senate and see to it that we tell the American people that we understand the dangers of Zika, and we are going to do everything we can to allow them the education they need to prevent it. We are going to respond to it, and do it in the right way.

As far as the VA is concerned, I have never understood how anyone can look a veteran in the eye and say no. As chairman of the Veterans Affairs Committee in the Senate, I know what these people have done. As one who served in the military, I know what sacrifice means in terms of serving in uniform. To say no to the funding of VA health care is just unconscionable, and it is wrong. Our veterans volunteered. We don't have a draft anymore. We don't conscript people anymore. People volunteer. We have had 16 straight years of deployment in the Middle East of Americans who volunteer to protect this country. They deserve to know that when they come home, their health care is going to be provided for, their benefits are going to be provided for, and the promises we made to them to get them to volunteer to join our military are promises we keep to them, regardless of the condition they may be in or the difficulties they have.

So as one Member of the Senate, I can't say no to a pregnant mom, and I can't say no to a veteran. I don't think anybody in here really wants to say no to them at all.

I would encourage members of the Democratic Party to come back to the floor and join all of us in the Republican Party to vote for cloture on the MILCON–VA and cloture on the Zika virus, and do it as soon as possible. Time is wasting. Time is of the essence. Time is important. Our response is important. Our pregnant moms are important. There is nobody more important than the veterans of the United States of America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

PUERTO RICO

Mr. BLUMENTHAL. Mr. President, I strongly agree with colleagues who have supported effective, real measures to confront the spreading toll that Zika is taking around the world and, I assume, will take an even greater number and magnitude in this country. But we need effective solutions that will provide funding for research, eradication of mosquitoes, and education of the public without harmful restrictions that prevent women from seeking family planning services that, in fact, help to prevent the spread of Zika.

Nowhere is the threat of Zika greater than in Puerto Rico. That island has been particularly hard-hit. In fact, the spreading financial crisis is combining with the spreading epidemic of Zika to create a true humanitarian crisis. That crisis will only be aggravated and deepened by a failure to deal effectively with the financial default that faces the island in just a few days from now.

On July 1, $2 billion of loans will come due, and Puerto Rico simply lacks the resources to pay those debts. It is insolvent, so far as those debts are concerned. If the Bankruptcy Code applied, it could seek relief from its creditors and prevent the race to the courthouse and the enormous litigation costs and other expenses that will ensue.

We have an opportunity to act on behalf of the people of the United States who have a powerfully important stake in the people of Puerto Rico and the welfare of that island. It is Americans who live there—3.5 million American citizens, who have fought in our wars, given of their culture and heritage to all of us, and have helped make America the greatest, strongest country in the history of the world. They are American citizens who are part of the fabric of this Nation, and the people of Puerto Rico will be the ones who pay the price of a failure on our part to act effectively.

The simple fact is that Puerto Rico cannot afford to pay all of its creditors and continue to provide a basic level of services for its people. That fact is undisputed. The question is simply whether this situation is addressed in an orderly and productive way or permitted to enter the sea of chaos—financially and in humanitarian terms—that will ensue without action on our part.

Already we have seen the beginnings of this crisis. The island's only 24/7 stroke center has closed because too many Puerto Rican neurologists have left for the mainland. The Puerto Rican Department of Education has not paid hundreds of firms that provide education and transportation services. Hospitals are barely keeping the lights on. Schools cannot pay bus drivers.

My colleague from Florida, Senator NELSON, told the story yesterday of the neonatal dialysis center that is providing services only to customers who can pay cash up front. Imagine, in the United States—Puerto Rico is part of the United States—children in need of lifesaving services are being turned away and denied basic health care.

There is no need to guess as to what will happen on July 1. Creditors have told us—in fact, they have told us very explicitly in court papers already filed last week. They wrote: ''It has long been settled law that Constitutional Debt is constitutionally required to be paid first in times of scarcity, ahead of even what government deems 'essential services.' '' They will claim to be paid in advance and in priority over essential services. That is the stark, harsh truth of litigation, and a judgment in their favor will have lasting and irreparable effects on the people of Puerto Rico. If the creditors win, the people of Puerto Rico lose, and they lose tremendously and irreparably.

The Senate has a choice. Instead of allowing a chaotic process that costs tremendously in scarce resources and benefits financially the lawyers and some of the creditors more than anyone, we can pass legislation before us today. It is not the legislation I would have preferred. In fact, this deal is not

one that I find attractive. There are defects and weaknesses in its provisions relating to minimum wage and overtime and pensions and the structure of the board, among others. But the question is, What is the alternative?

With PROMESA, the parties will have a workable judicial mechanism with a stay on litigation, ensuring that chaos is avoided and the current mess is resolved. If we devise a system that only the creditors like and works only for them, it will benefit a small group of wealthy investors that could threaten to block Puerto Rico's economic recovery. In fact, the longest lasting and most alarming effect will be the uncertainty that results from our failure to act, which almost clearly and unavoidably will cause a deep recession in that island. It will, in effect, impede investment in the island and quash economic recovery.

Representative NYDIA VELÁZQUEZ put it best. She has never stopped fighting for her homeland of Puerto Rico. Before PROMESA passed the House she said:

> Some would have you believe that if we only yell louder, there will be a third option. But let me tell you, I have screamed so loud that I no longer have a voice.

Like the vast majority of her House colleagues, she voted for PROMESA because it is the best option available now that both sides can support. No amount of wishing or yelling will change that fact.

PROMESA has the support of experts across the political spectrum and editorial boards across the country. It has won support from Puerto Rico's Governor and its sole representative in the U.S. House. It has won support from business leaders in Puerto Rico and in the United States. And, crucially, the Treasury Department says it is an essential step—a first step—to avoid humanitarian catastrophe. We can come back next month, next year, or sooner to try to make it better. But there is no better bill available this week, before July 1, and the impending humanitarian crisis will most affect and most enduringly hurt the people of Puerto Rico. The choice is hope or disaster for the Americans who live in Puerto Rico.

PROMESA could be better, but at the end of the day, we cannot permit the perfect to be the enemy of the good. I will continue to work for a better bill, seeking to offer amendments that improve it, and fighting afterward for still more improvements in this measure.

Today I urge my colleagues to join in supporting PROMESA.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I ask unanimous consent to speak in a colloquy with some of my colleagues concerning the Miners Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

MINERS PROTECTION ACT

Mr. MANCHIN. Madam President, as the Presiding Officer knows very well, we have been asking for passage of the Miners Protection Act not just for our State of West Virginia but for all miners across America, as well as the retired miners who have done everything that has been asked of them.

We have some of our colleagues here today. At this time, if I can—if my other colleagues will allow me—I will defer right now to Senator BROWN from Ohio, since he has other commitments. He will be coming back and forth. If he could go ahead and get started at this time, then I will come back and defer to our other colleague from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I know everyone is squeezed for time, but I thank Senator MANCHIN for his leadership, the Presiding Officer, the other Senator from West Virginia, Mrs. CAPITO, and Senator PORTMAN, my friend from Cincinnati.

We all know how serious this is. We are all willing in this body to do—at least the four of us and I know also Senator CASEY and Senator WARNER—whatever it takes to get this fixed. We know we can do this for our Nation's retired coal miners who are on the brink of losing their health care and retirement savings. This Congress can pull them back from that.

The UMW health care and pension plan covers 100,000 workers, 6,800 people in Senator PORTMAN's and my State. The plans were almost completely funded before the financial collapse of almost a decade ago, but the industry's pension funds were devastated by the recession.

We know if Congress fails to act, thousands of retired miners could lose their health care this year and the entire plan would fall as early as 2017.

For every one of those years where mine workers worked for decades and decades in the mines, they earned and contributed to their retiree health care plans and their pension plans—benefits they fought for. Their situation is similar to Senator MANCHIN and I, prior to—we remember what it was like here during the auto rescue, the benefits they fought for, benefits they gave up raises for, benefits they have earned, putting money aside, and now they have been betrayed, frankly, and that is why this is so important.

We just had a meeting of a group of Senators, and Senator REID played a film of what is happening in West Virginia—the flooding—and much of that flooding is in miners' country, most of it is. There were mine workers' homes—Senator CAPITO knows this too—mine workers' homes that were under water, as were other residents in these communities, proud communities that have done everything right, where people worked hard and played by the rules. They paid their taxes. They helped their community. They have lost so much, and this is the last thing they just simply should not lose.

My contention in the Finance Committee—and I know it is the contention of my colleague from Ohio too—is that committee should not do anything until we fix the miners' pension. Senator MCCONNELL, the Republican leader, seems to be the only one who doesn't want to move on this. All the rest of us do. The point a lot of us are making is, we shouldn't allow this body—as important as I think Puerto Rico is and as much as I want to help them—we shouldn't be voting on restructuring Puerto Rico's debt without lifting a finger to help our retired miners. I don't want to delay Puerto Rico. I want Senator MCCONNELL to commit to us: OK. We will move to Puerto Rico but promise a date for a vote so we can do what we need to do to move this money from the abandoned mine fund to the UMWA pension fund in a way that works for these miners, that works for the widows of miners, that works for people who are sick from working in the mines, and works for people who were injured working in the mines.

As many of my colleagues know, I wear on my lapel a depiction of a canary in a birdcage. All of us know in mining country, the mine workers used to take the canaries down into the mines. They had no unions in the old days to help them. They had no government that cared enough to help them. It is up to us to provide that. The canary in the mine has been tweeting mercilessly, and it is time for us to step up and do what we were hired to do in these jobs.

I thank Senator MANCHIN.

Mr. MANCHIN. Madam President, if I can, I will give a little background and then we will go right to Senator PORTMAN.

I thank the Senator from Ohio. I appreciate it very much.

The Presiding Officer understands very well. We are both from the same State, born and raised there, and tough times have always been a part of our DNA.

So people know the history of the mines, as to the coal that has been produced, we would not be the country we are today, we would not be the superpower of the world, if we didn't have domestic energy in our backyard. Domestic energy was the coal we used to fuel the Industrial Revolution. We basically defended ourselves in every war with coal. It was so important during World War II that if you were a coal miner, you would be asked to be deferred from fighting in the war to provide the energy the country needed to defend itself. That is how important this product has been.

Today it is kind of taboo to talk about it. People don't understand we have the life we have because of it. There is a transition going on and we understand that, but, in 1946, President Harry Truman said that we can't have the miners go on strike. John L. Lewis was going to take the miners out on strike for unfair compensation and safety reasons. Harry Truman promised them if they would stay—it was so important for our economy after World War II to keep moving forward, and without the energy, we couldn't do it. So he said: If you all will settle this strike, I will make sure everybody who produces coal—all the miners will pay into a pension fund that will guarantee that you will have health care benefits when you retire and a very meager pension. We are not talking big money. We are talking very meager supplements.

That was committed to and paid for. It had been funded all the way up until the greed of Wall Street in 2008, and it fell apart. Now, here we have the time. We go right up to the end of the time. Every time we go up to this timetable.

Well, July 1 is Puerto Rico, and then let me tell my colleagues one thing: July 15, all the retirees will start receiving notices that they will start losing their health care benefits within 90 days.

If you have seen on television all the devastation to our State in West Virginia, all the flooding, all the misery, the loss of life—one of the largest losses of life in any flooding in U.S. history. It just happened this past week in the State of West Virginia, our beautiful State. Every one of those communities you are seeing on television, with houses on fire floating down the river, with all the businesses ruined, all the homes and all the people who are left with nothing, every one of those are mining communities. Every one of them have miners living in them. Every one of them have widows who probably lost their husband to black lung depending on the health care benefits. Yet we have so many other things, and we are just asking for a vote.

This is a bipartisan bill. Here we are standing on the floor, all of us, not being Democrats or Republicans, just being Americans trying to do the right thing. All we are asking for is a vote on this. It will pass. There are ways for us to pay for it so it does not cost the American taxpayers. That is what we are asking for. I don't think that is too much to ask for.

I have said let's vote no on cloture tomorrow. I am not saying to be for or against Puerto Rico. I understand the situation they are in, but unless we defend and fight for the people who have given us the country we have, and just disregard that, then who are we? What is our purpose for being here?

With that, I yield to my good friend and colleague from Ohio, Senator PORTMAN.

Mr. PORTMAN. Madam President, I thank my friend and colleague from West Virginia. I appreciate his passion for this issue. Over the years, he has fought hard for miners in every different respect, as has his colleague from West Virginia who is in the chair right now, Senator CAPITO. They need us right now. He is absolutely right.

We have a bill on the floor of the U.S. Senate that provides for essentially the bankruptcy of Puerto Rico, right? I am not being critical of that legislation. I know Puerto Rico needs help, but I also know the people I represent need help, as do the people these two Senators represent and Senator BROWN who spoke earlier. All we are asking for is give us a chance. We have legislation that has been carefully crafted with the United Mine Workers, with the coal companies on a bipartisan basis.

This is legislation that is fiscally responsible. My own view, for what it is worth, is that if we don't help now, it is very likely there could be later a need for significant funding from the taxpayers. Why? Unfortunately, because we are in a situation now, where because of all these bankruptcies of all these coal companies—and we could talk about the policies toward the coal companies and the policies toward coal in this country, but the reality is, there are a lot of companies in places like Ohio and West Virginia and Virginia and other States out West that are either in bankruptcy or heading toward bankruptcy. The people who are getting left behind are these coal miners who worked hard, played by the rules, have their pension, have their health care lined up, and because of the bankruptcies they find themselves on the outside.

By the way, currently these mine workers' pensions are relatively modest—$530 per month is the average. They are headed toward bankruptcy, by the way, within 5 to 10 years. There are 90,000 coal miners—my colleague said closer to 100,000—a little over 90,000 coal miners affected. In Ohio alone, it is over 6,000 coal miners. When that pension goes bankrupt in 5 to 10 years, there is no guarantee, as I see it, that the PBGC—that is the Pension Guaranty Benefit Corporation—is going to be there because that agency is also in trouble.

So these mine workers who sacrificed so much for so long working in the mines—again, working hard, playing by the rules, helped power this Nation—could be left with no pensions. That is simply not acceptable.

There is a further issue that some folks aren't focused on yet but will be soon in a lot of ours States; that is, that there are about 20,000 of these retired coal miners who may well lose their retiree health coverage at the end of this year. So this is not down the road. This is now. This is this year. Again, these miners spent their careers in dangerous jobs. These jobs resulted in higher rates of injury, disease, cancer, and therefore they are especially dependent on these health benefits. They have earned them. It would be devastating to those families to lose those benefits.

Our solution—again, a bipartisan solution—Senator CAPITO is here and Senator MANCHIN and Senator BROWN and others—our solution is to have no interruption of these family health benefits, keep the pension plan solvent so it doesn't go under, so we don't have to have a bailout, and we can do it with a fund that is currently available.

Senator MANCHIN spoke for a moment about how this is something that can be handled under our current fiscal situation. As some of my colleagues know, I am a fiscal hawk, and I wouldn't have signed up for this bill if I didn't see a way to pay for it. The money would come from a miners' health fund that is currently spending over about half of its annual allocation. The fund allows for $490 million in annual spending for retired miners. Currently, it is spending closer to $225 million. So that fund is available. Our point is this: Why not use the rest of that spending authority for that fund to be able to spend the money to save the miners' pensions and make sure they are not going to lose their health care coverage? Again, I think this solution may well cost less money than simply allowing the plan to go bankrupt, which is the other alternative, because then I think it is very likely that you would end up with a major bailout and the taxpayers would have to pick up the rest.

So who are these miners? In the last several years, I have been at some of the coal mines in Ohio. I have been in aboveground coal mines and underground 600 feet with the coal miners. I have had an opportunity to visit three coal mines, one of them twice. Coal miners also come to a lot of my meetings. They come, they speak up, and they talk about why they believe they deserve to be treated fairly. They have powered this Nation.

Ohio is 70-percent coal-dependent right now for electricity. Many States

represented here are even higher. For some, virtually all their electricity comes from coal. It is a hard job. Again, when you are underground several hundred feet and you see the kind of work they do, you learn to appreciate the fact that they are taking a risk every day and they do have additional health problems because of it.

These are people who not only power our country, but power their communities. They are engaged and involved in their communities, and they want to be sure these smaller rural communities can stay vibrant. Losing that pension and losing that health care benefit obviously hurts those communities. These are people who played by the rules, as I said earlier. They are patriotic, hardworking Americans who deserve our help right now because of this pending bankruptcy.

Why on this bill? It is not about my opposition to the underlying bill, but it is about my insistence that we have a vote, and I intend not to vote to move forward with the Puerto Rico bill unless we get our vote, and it is appropriate. If we are going to help Puerto Rico escape bankruptcy, then we should also help the 90,000 miners we talked about in West Virginia, Ohio, and other States who are suffering the effects of these coal bankruptcies. They don't deserve to be left behind as the Senate addresses other bankruptcies.

Again, I want to thank my colleagues who are here. The Presiding Officer kindly took the chair so I could make these remarks. I will replace her now and have an opportunity to listen to the debate from the chair. I thank my colleagues for their willingness to stand up at this crucial time to say that this is our opportunity to be heard. That is all I am asking for. Let's have a vote.

I think if we did have a vote and all my colleagues knew the facts around this issue, I think we would be successful and we would be able to help a lot of these miners to get the benefits that they deserve.

I yield back to my colleague.

Mr. MANCHIN. I say thank you to my friend and colleague from Ohio. I thank you so much. You are absolutely correct. Of those 90,000 miners, 27,000 come from my State of West Virginia. When we talk about who are the miners, they are the most patriotic people you ever met. Most of them are veterans. They have given of themselves. They sacrifice and they will continue to do so.

This country still needs a balanced energy policy that works for all of us, and they are willing to do that. They are willing to do the heavy lifting jobs they have always done. They don't ask for a lot of accolades for doing that.

I have another one of our colleagues from the great State of Indiana who knows the mining industry very well. I have been with him, and we have been out talking to them and watching how the product moves and watching how it powers this great country.

With that, I yield to my friend Senator DONNELLY from Indiana.

(Mr. PORTMAN assumed the Chair.)

Mr. DONNELLY. Mr. President, I thank the Presiding Officer, my colleague from Ohio, and my colleague from West Virginia.

This is a critical issue. I rise today to join my colleagues in supporting the bipartisan Miners Protection Act. We are here to make sure the Federal Government makes good on its promise of lifetime benefits for miners who risked their lives to help our country meet its energy needs.

As has been noted, President Truman and the Federal Government made a promise with the 1946 Krug-Lewis Agreement to guarantee health and pension benefits for coal miners. These workers and the generations that followed sacrificed their own long-term health and now they are depending on us to make sure they get the benefits they earned.

My friend from West Virginia said that there are 27,000 miners in his State. We have 3,000 retired miners receiving pension benefits and another 1,500 receiving health benefits. Many of them are in the southern part of my State. Similarly, there are tens of thousands of other retirees—90,500-plus—across the Nation in West Virginia, Ohio, Pennsylvania, Illinois, and Kentucky. These retired miners and their families face a financial emergency unless we act now.

Additionally, Congress must work to address broader problems in the multiemployer pension system, which is on the verge of crisis as well. Many plans, such as the Central States Pension Fund, which includes hundreds of thousands of retired Teamsters, are dangerously underfunded. We owe it to these hardworking Americans who did their job to do our job and to solve this problem. This is a bipartisan proposal. It isn't about Republicans and Democrats. It is about Americans coming together to help the 90,000-plus miners and their beneficiaries who face an imminent loss of the benefits they have earned.

They have earned these benefits. This is nothing being given to them. They have earned this everyday—walking into those mines, working nonstop and facing incredible dangers, and powering our country. We can start meeting our responsibility by scheduling a vote and passing this commonsense legislation.

We made a promise to these coal miners, and we take this promise seriously. They did their part for decade after decade. We can't turn our backs on them. That is not the American way. It is not the Indiana way. It is not the Ohio way. It is not the West Virginia way.

I urge the Senate to take up this bipartisan Miners Protection Act as soon as possible because tens of thousands of retirees, our friends and neighbors, and our fellow Americans are counting on us to do our job and keep the word that has been given to them.

I yield back.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I want to thank my colleague from Indiana and the Senator from Ohio, the Presiding Officer, and my colleague from West Virginia.

This is truly a bipartisan bill. As we stand before you, my colleague and I were both born and raised in West Virginia. We come from different political parties, but we have been friends all our lives. The most important thing is that before we became a Republican or a Democrat, we were West Virginians first. Sometimes we might lose sight of that fact amidst all these great people in this great country.

It is time for us to get together and do the right thing. These are the people who have done the heavy lifting all their lives, and all we are asking for is a commonsense piece of legislation that gives to them and protects them with a promise that we made. They worked for this. They paid into this. Their pensions were solvent. No act of their own caused this. We are not asking for a bailout. There is a pay-for and a very easy pay-for.

So with that, I want to recognize my colleague from West Virginia for her dedication and commitment to fight for this. I thank her so much. I yield to Senator CAPITO from our great State of West Virginia.

Mrs. CAPITO. Mr. President, I want to thank Senator MANCHIN, certainly for putting this colloquy together. I want to thank Senator PORTMAN of Ohio, Senator DONNELLY of Indiana, and Senator BROWN of Ohio. We are deeply affected by this, and the facts bear out that we can't wait.

We talk about emergencies, and what we have on the floor is the emerging bankruptcy of Puerto Rico. I think all of us have expressed deep empathy and sympathy for Puerto Rico and the situation that they are in, and we appreciate the bipartisan effort to find a solution. But at the same time, we need our voices to be heard louder and clearer. My voice is that I cannot vote for cloture on Puerto Rico when we have stranded and are stranding our hardworking coal miners and the retirees who are upcoming.

You have to look at what is at stake here. We heard the numbers—21,000 Americans stand to lose their health care at the end of the year. By July 15, some are going to lose their health care in 90 days. That is way before the end of the year.

You often hear the trite slogan ''promises made, promises kept.'' This

was a promise that was made. This is the hard work of American coal miners who knew going in when they started to work in the mines that they were difficult and dangerous jobs. The question by the spouse was, Will my husband make it back today from the mines? They had a promise, and that is why a lot of them pursued and went forth in dangerous conditions to provide for their families and power the country.

My colleague from Ohio remarked that 70 percent of Ohio's energy is produced by coal. In our State of West Virginia 95 percent is coal-produced energy. We are blessed to have a lot of coal in West Virginia. That has been a good thing for a long time. Unfortunately, we have had a lot of issues in the coal industry, which is under assault from multiple directions—whether it is regulation, increased competition, the effects of a broader economy. All kinds of things are flying into this, but the reality is where we are today.

We mentioned the numbers. Of 12,000 Americans who could lose their health care, 5,000 of those are our fellow West Virginians. I can guarantee you that between the two of us, we know quite a few of them. We live in a small State. We live in a community where everybody knows everybody. I tell you one thing, to divert from this to what has happened to our State with the floods. I am sure other States do this just as well, but I don't think there is a State that does better than West Virginians helping West Virginians. What we have seen over the last few days with neighbors helping neighbors and people pulling up each other and pulling together is phenomenal. A lot of those folks are not coal mining families. They know coal mining families. They go to church with their families. Their kids go to school together. Their grandchildren play together. We are all connected together.

You look at the health care and pensions of 27,000 West Virginians. As was mentioned, these are not large amounts. I think the Senator from Ohio mentioned $560 a month. Unfortunately, for some retirees that is the difference between paying their electricity bill and having food on the table. That is a substantial amount. It could mean getting gas for the car, buying their medicines, or helping their children when they might need help to purchase a new pair of shoes. All of these kinds of things are extremely important in the everyday life of our retirees.

I think the best voices are the voices of the miners. I have received letters, and I am sure you all have received letters and talked to folks yourself, from people like Rita from Ieager, WV, who wrote that her husband started work as a coal miner 40 years ago right out of high school. Without the act, she and her husband will lose their entire health care coverage.

Walter is a third generation coal miner. We find these a lot. A lot of these people are third and fourth generation coal miners. He is from Danville and began working in the mines when he was still in high school. He wrote to express concern not just for himself. As a typical West Virginian and hardworking American, he is worried about his friends and former colleagues in Boone County. There are people like Teresa, also from Boone County, whose husband worked in the mines for 36 years and planned for retirement knowing that they would receive the health care and pension benefits they were promised. She asks us to ''please help these retirees to ensure that people like my husband keep the benefits he was promised and that he earned and worked hard for.''

There is Ralph from Morgantown, who reminds us—and I think this is especially important for us to reemphasize today—that ''Congress has the power to keep that promise because it is the right thing to do to protect those hardworking Americans.'' Ralph is right.

So I am going to make a stand with my colleagues. I am asking in a loud and joint voice to have this vote to keep the promise that was made.

While Puerto Rico is facing a financial crisis and I have great empathy for what is going on there, I cannot vote for cloture on the Puerto Rico bill until I get some certainty that we are going to move in a positive direction. I appreciate the passion and the willingness of Senator MANCHIN to join us together in this colloquy today. We have bipartisanship. We have a regional coalition that I think we can build on every day. I hope we will be successful so that we can make sure that our miners and their families have the assurances, the security, and the faith in us who could make that decision, and the faith in this country that made that promise.

I yield back to the Senator.

Mr. MANCHIN. Mr. President, some people say this is a union versus a nonunion issue. That is not the case at all. In 1946, anybody who was mining coal was a member of the United Mine Workers of America, almost 99.9 percent. With that type of participation, having all these people involved—that is the deal that was made. That is the deal Harry Truman, the President of our United States of America, made with John L. Lewis. You have to continue to mine the coal that keeps the country running.

Today, coal has been villainized to the point where people think they don't need it, they don't like it, they don't want it, and it is no good for them. Well, guess what. The coal we use today is cleaner and used cleaner than ever before.

We keep talking about the global climate. I am not a denier. With 7 billion people, I think we have a responsibility. We have a responsibility to clean up the environment. We have done it, and we can do a lot more in America. We can lead the rest of the world—which burns over 7 billion tons of coal—to do it much cleaner if we are serious about it and if we don't just continue to demonize it here in America, its use in America, putting all these people out of work.

My colleague talked about Puerto Rico and its finances. We have sympathy and compassion for anybody who has had difficult times. But we have people who basically gave their sweat, their blood, and their lives for the energy of this country, and their widows and other people are depending on that retirement and they are depending on their health care benefits. Let me tell you the domino effect that will happen. The domino effect is this: If these health care benefits go by the wayside, a lot of the clinics that take care of people throughout West Virginia, throughout the coal industry, throughout the coal counties all across America, are going to be hurting. They are going to be hurting as they try to keep their doors open to take care of the children, the families, the widows—the people who are depending upon them. This has a ripple effect that people don't really consider.

All we are asking of the majority leader, our majority leader—I am respectfully asking him—he comes from the State of Kentucky, and he understands the people of mining. In a compassionate way, I am asking if he would just consider giving us the vote before we leave here.

That is why we are not voting on the Puerto Rico cloture. We have basically next week, and after next week we will be gone for quite a while. These widows and all these retirees will start receiving their notices July 15. We will be out of here on the 16th. What do we tell them? Well, I am sorry we are on vacation. We have all gone home. We all gave up.

The House is gone now. They got in so much conflict, they couldn't take it anymore. They left early. They are not coming back. This is a shame. It is absolutely a shame.

I am almost ashamed to tell—people say: Where do you work?

I say: Oh, I work for the government in Washington.

I will be almost afraid to tell them what body I am in if we can't do better than we are doing.

I am getting so sick and tired of ''If you are a Republican and I am a Democrat, I am supposed to be against you.'' I am not against you; I am with you. I am with this country. I want America to do well. I want the whole world to be envious that we can help other people. But if we can't take care of ourselves, if we can't help the people we have committed to and made a promise to,

then why should anyone? Why should anyone look to America?

We are the hope of the world. Well, if we are going to be the hope of the world, we better take care of the people who gave us the country we have; that is, the mine workers of this country, the United Mine Workers of America—the toughest people I have ever been around, the most generous people I have ever been around, and the most compassionate people I have ever been around.

It is our responsibility, Mr. President and my colleagues, to keep our promise to the miners who have answered the call whenever their country needed them. When our country went to war, the miners stayed there and powered us to prosperity. When our economy was stagnant, these miners fueled its growth and expansion. They kept their promise to us, and now it is time for us to do the same. We must keep our promise of a lifetime pension and health benefits to our miners—something they paid for, something they worked for—for their dedication to our country. That is why I am calling for the immediate passage of the Miners Protection Act.

I appreciate my colleagues on both sides of the aisle. This is truly a bipartisan effort. I thank the Presiding Officer. I thank each and every one of you. Please talk to colleagues, as we do with all our friends on both sides, and do the right thing and pass the Miners Protection Act.

Mr. President, I yield the floor.

FAMILY PLANNING SERVICES

Ms. COLLINS. Mr. President, earlier today the Senate held a cloture vote on the conference report to accompany H.R. 2577, a bill that would fund military construction and veterans programs in fiscal year 2017 and provide $1.1 billion to respond to the Zika public health crisis.

There has been a great deal of misinformation on what the bill would do and which organizations and providers would be eligible to receive funding under the bill. I would like to ask a question of the chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, who helped to write the Zika funding package.

Is it accurate to say that family planning service providers that receive Medicaid reimbursement would be eligible to be reimbursed for family planning services through funding provided in this bill?

Mr. BLUNT. Mr. President, that is accurate. Let me be clear, the conference report provides the same access to birth control services as the administration's request by allowing reimbursement through public health plans, which includes Medicaid. In addition, the conference agreement goes even further than the administration's request by expanding access to services through more robust funding to community health centers, public health departments, and hospitals in areas most affected by the Zika virus.

Mr. MANCHIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. FISCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LANKFORD). Without objection, it is so ordered.

HONORING NEBRASKA'S SOLDIERS WHO LOST THEIR LIVES IN COMBAT

Mrs. FISCHER. Mr. President, I rise today to continue my tribute to Nebraska's heroes and the current generation of men and women who have given their lives defending our freedom in Iraq and Afghanistan. Each of these Nebraskans has a powerful story.

SERGEANT JOSHUA ROBINSON

Today I reflect upon the life of Marine Sgt Joshua Robinson of Hastings, NE.

Josh grew up on a farm near the small village of Oak, NE. As a boy, he thrived in the outdoors. Many would say he was born to be a marine. Josh loved hunting, fishing, and preparing animals for 4–H competitions. He first learned to shoot with a Red Ryder BB gun and became excellent at tracking wild animals.

Later, the Robinson family moved to Colorado, where Josh grew into an impressive athlete. He discovered water sports. Water skiing, wakeboarding, and kneeboarding became his passions. By high school, this natural ability was generating success on the wrestling team, and he would later represent them three times at the State championships.

In 2000, Josh's high school graduation coincided with his family's return to Nebraska, where he enrolled at Metro Community College in Omaha. His athletic ability was on full display here, too, this time riding bulls in the rodeo.

Over a year after graduating high school, Josh would find a new mission. On September 11, 2001, terrorist attacks on our homeland changed the world and instilled a deep sense of duty and patriotism for Josh. Like so many others in the days that followed, he answered the call to military service. His mother Misi remembers his passion during that time, saying:

> Our freedom was put on the line. It takes young men like Josh to enlist and protect the USA.

By 2003, Josh had enlisted in the Marine Corps. That year, he also met the love of his life, Rhonda Zaruba of Bennington, NE. They connected immediately and were engaged shortly after Josh returned from basic training in 2004. Rhonda recalls the advice Josh's marine friends gave him at the time: Never buy a truck, and never get married. In 2004, he did both. Josh and Rhonda were married in Omaha later that year. They grew in love and had two sons—Kodiak, who is now 10; and Wyatt, now 9. Together, Josh and Rhonda navigated their family through Josh's two deployments to Iraq. Like so many military families, they endured the pain of separation on birthdays, anniversaries, and holidays. His service was their service.

No one was surprised by Josh's success in the military. His mother says Josh took the skills he learned as a boy in Nebraska and he placed them in the service of his Marine Corps brothers. As a soldier, he taught courses in tracking and mountain survival. As a scout sniper with the 1st Marine Division, he taught high-angle shooting and mountain survival at California's Mountain Warfare Training Center.

Josh taught his marines, and he also nurtured his sons. He showed Kodiak and Wyatt how to identify different animal tracks, and by a very young age, both boys were masters. They still remember how to read raccoon and deer tracks.

Josh's fellow marines, who referred to Sergeant Robinson as ''Robbie,'' say he was fearless. Through extraordinary survival skills, Josh kept his men alert and safe. As fellow marine LCpl Gavin Bristol put it:

> I never had any doubt there was a better man looking out for us . . . Whenever we felt fear or anxiety, we just had to remember that ''Robbie'' was with us.

Josh was an infantryman assigned to the 1st Battalion, 5th Marine Regiment, 1st Marine Division, based out of Camp Pendleton, CA. After serving two tours in Iraq, he was deployed to the Helmand Province, Afghanistan, in March of 2011. At this time, Helmand Province was the most dangerous region in Afghanistan and the last holdout for the Taliban.

A few months later, on June 11, a fire fight broke out, lasting 6 hours. During the attack, Josh rescued a wounded marine while leading his combat team to safety. He would later earn the Bronze Star for his actions that day.

Two months later, on August 7, 2011, Josh was out on patrol and was shot twice by an enemy combatant. He died shortly after. Sgt Josh Robinson was flown to Nebraska and laid to rest on August 12, 2011, in Hastings. Saint Cecilia's Church was filled for the funeral service, and hundreds of Patriot Guard riders led his procession. Fellow marine Lance Corporal Bristol often thinks of Josh, saying:

> Every day I was able to walk alongside Sergeant Robinson was a gift. He can never be replaced as a Marine, a leader, or a friend.

To his wife Rhonda, he was a ''man's man'' and an ''amazing Marine brother.'' He took new marines under his wing, and he would bring them home to meet Rhonda and their children.

Josh's sons Kodiak and Wyatt will remember motorcycle rides with their dad. They will cherish memories of him teaching them how to ride the mechanical bull and the snow ski.

Nebraskans will remember Joshua Robinson for what he embodied and what it means to be one of the few, the proud—a marine.

Sgt Joshua Robinson earned the Purple Heart, the Combat Action Ribbon, and was posthumously awarded the Bronze Star. He lived his life the way he served his country—with distinction and with great honor.

Sgt Joshua Robinson is a hero, and I am honored to tell his story.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROMESA

Mr. MENENDEZ. Mr. President, I come to the floor, as I have many times over the last nearly half a year, to talk about the challenges the people of Puerto Rico have. I came to the floor last week to ask consent to bring to the floor the bill that the House of Representatives called PROMESA—which, in Spanish, means ''promise'' but is anything but a promise to the challenges the people of Puerto Rico have—because I knew we needed time to be able to make a horrible bill a lot better. That is the essence of what the Senate is. It is a coequal branch of the legislative body that does not have to accept what the House of Representatives sends and say, well, it is an up-or-down vote. I had been speaking for some time about what I expected was going to happen. At that time, the majority whip—Senator CORNYN, the distinguished Senator from Texas—got up and objected to my unanimous consent request but said there will be an opportunity for amendments. Obviously, the majority leader put the legislation on the table, filled the tree, and now there is no opportunity for amendments.

I think the 3.5 million U.S. citizens who call Puerto Rico home deserve more than being jammed in a legislative process where their lives and their futures are going to be dictated to for some time by a control board—and I will talk about that at length—by a control board for which there are no elected representatives from Puerto Rico, no one whom the Governor and Legislature of Puerto Rico get to name on behalf of the 3.5 million citizens and who can determine just about every facet of their life. Yet there cannot be a simple amendment here.

The citizens of Puerto Rico are citizens. They deserve to be treated as citizens, not servants. They deserve to be treated in a way that beholds a history of proud service to the Nation. They deserve to be treated as citizens, not subjects—not subjects. If all we can do for the people of Puerto Rico is have a very prolonged understanding of what this legislation will do to the people of Puerto Rico, then that is what I intend to do. I would let my colleagues know I intend to be here for some time to talk about this legislation, that it is not a promise, the consequences to the people of Puerto Rico, and to hopefully get my colleagues to understand there is another pathway, which is not to invoke cloture, therefore giving us the wherewithal to have amendments to make the legislation achieve its stated promise, which the goal is to ultimately give a pathway to the restructuring of Puerto Rico's $70 billion in debt under the Bankruptcy Code. The only reason to consider any legislation at all is to find a way to give Puerto Rico the opportunity to achieve a pathway to restructuring its debt under the Bankruptcy Code.

They had elements of that ability in the law before. Somehow, in the dark of night, someone or some entity went ahead and included in legislation the taking away of powers they had of having some element of access to the Bankruptcy Code. No one can find the legislative history of why that happened to the Government of Puerto Rico, but it did. The only reason to consider legislation in the first place is to have a clear pathway to restructuring so the enormous challenges the people of Puerto Rico are facing can be alleviated and there can be a better future, but that is not what this legislation does. I will talk at length about what the legislation does and does not do, but the essence of what I want to show is the reasons this bill is simply not acceptable.

They, meaning this control board which is appointed—remember, again, two members by the Speaker of the House, two members by the Senate majority leader, one by the Senate minority leader, one by the House minority leader, and one by the President; therefore, four Republican appointments and three Democratic appointments, of which only one has to have their principal domicile or business on the island of Puerto Rico. That person could have their primary business in Puerto Rico but not live in Puerto Rico, and there would be no say on behalf of Puerto Rico's elected leadership and no say on behalf of the 3.5 million people on the island about how their future will be dictated.

Yet this control board that makes the ultimate decisions on so many critical elements—including the very essence of why we are having legislation in the first place, which is to create a pathway toward restructuring—the legislation says: ''The Oversight Board may certify a plan of adjustment only if it determines, in its sole discretion. . . .'' This phrase, ''in its sole discretion,'' will appear nearly 30 times throughout the legislation we are going to be voting on, and I have read the legislation fully at least twice, from cover to cover, and nearly 30 times, in critical elements about critical decisions the control board will have over the people of Puerto Rico, we don't even define what the parameters are. We say: in the control board's sole discretion. That is an incredible grant of power, ''in its sole discretion, that it is consistent with the applicable certified Fiscal Plan.''

They have the discretion to grant or deny restructuring. There are a whole series of hurdles we will talk about as to what is necessary for them to even grant that determination, which is in their sole discretion. They may never get to the point they feel Puerto Rico should have access to restructuring, which is the only reason we are even considering legislation, because they are supposed to have access to restructuring.

By the way, that control board—nonelected, sole discretion, only one person from the island of Puerto Rico, either their business or their residence is going to be represented there—neither the Governor nor the legislature may exercise any control, any supervision, any oversight, or any review over the control board or its activities. That control board of seven members needs what to get to a restructuring? It doesn't need a majority vote. It needs a supermajority vote, so instead of four out of the seven ultimately saying to Puerto Rico: All right. You met the standards we set. You can go to restructuring now and get access to the bankruptcy process—which, by the way, would be determined by a bankruptcy court under the normal process. When you go for restructuring, you go to a bankruptcy court, and the judges or judge assigned the case will make those determinations.

Obviously, restructuring is not a taxpayer bailout because restructuring is to take the debts that exist and restructure them in such a way they can make payments and at the same time deal with essential services for the 3.5 million U.S. citizens who call Puerto Rico their home. No, it is not a bailout, but even to get to that restructuring, guess what, you don't need four out of seven, a simple majority. We grow up—I see our pages here—we grow up learning that majority rules, but, no, not for the 3.5 million people of Puerto Rico. We will say a supermajority has to vote, which means five of the seven have to vote to allow restructuring to take place.

What does that mean? It means a minority, three of those seven members, could forever not allow Puerto Rico to get access to restructuring. When did

that become the process in which a minority can make such a determination, an unelected minority can make such a determination to affect the lives of 3.5 million people, and instead of a majority view, it is a minority view? It is a pretty amazing extension of power.

I see my colleague is on the floor. I would be happy to yield for a question without losing my right to the floor.

Mr. SANDERS. Yes.

Mr. MENENDEZ. If the Senator has a question.

Mr. SANDERS. I have a question. It is a long question, but I certainly want my friend from New Jersey to respond to that question.

I ask my colleague from New Jersey, is this legislation smacking of the worst form of colonialism, in the sense that it takes away all of the important democratic rights of the American citizens of Puerto Rico? Basically, four Republicans, who likely believe in strong austerity programs, will essentially be running that island for the indefinite future. Would my friend from New Jersey agree this is colonialism at its worst?

Mr. MENENDEZ. Absolutely. The Senator from Vermont is right. I have called this legislation the ultimate neocolonialism we as a Congress would be passing. It treats the citizens of Puerto Rico like subjects, not citizens. It doesn't allow them to have a voice. They get no one on the control board. Yet the control board can dictate budgets. It can dictate budget cuts. It can dictate what is or is not sufficient for the running of essential services. It will dictate whether the pensions get treated fairly. My colleague is correct.

Mr. SANDERS. I ask my friend from New Jersey—there is a very strong difference of opinion in the Senate and in the House about economic issues. Many of our Republican friends think trickle-down economics—giving tax breaks to the wealthy, cutting Social Security, cutting Medicare, cutting Medicaid, cutting education—is the way they would like to see our country move forward. Does my friend from New Jersey have any doubt, if you have a financial control board dominated by four Republicans, that is exactly the type of philosophy that will be imposed on the people of Puerto Rico?

Mr. MENENDEZ. My colleague from Vermont is onto something. One of the things the control board can actually do is set the budget for Puerto Rico. As you and I both know—you have been on the Budget Committee for some time—probably the most significant things Members of Congress can set is a budget, which is a reflection of our priorities, right? How much do we believe we should spend on education, on health care? How do we provide tax breaks so students don't graduate under a mountain of debt—something my distinguished colleague has made a major issue in his Presidential campaign. How do we ensure we give tax breaks, such as the earned-income tax credit which the people of Puerto Rico don't get access to. The budget sets a series of standards. The control board will set that budget. If it wants to view austerity as its fiscal idea as to how you achieve prosperity—prosperity through austerity—it will be able to do that. I think the Senator is right. An example of that is when there are provisions included that really have no place in a bill for restructuring, that talk about eliminating the minimum-wage guarantees for certain parts of the Puerto Rican society and eliminating overtime protections. I am sure the Senator from Vermont is concerned about those.

Mr. SANDERS. I am. Let me ask the Senator from New Jersey, a significant part of Puerto Rico's $70 billion debt has been acquired in recent years by vulture funds. These are folks who purchase bonds for as little as 29 cents on the dollar and who get interest rates of up to 34 percent. I believe something like one-third—I may be wrong on this, but I believe about one-third of the debt of Puerto Rico is now controlled by these vulture funds. People who buy, by definition, ''risky bonds'' but now want to get 100 percent on the dollar, despite the fact that they paid a fraction of what the bond is worth—from a moral perspective, should the U.S. Senate be supporting legislation which allows vulture capitalists, some of whom are billionaires, to make huge profits while at the same time nutrition programs and educational programs for low-income children in Puerto Rico are cut? Does that sound like the kind of morality that should be passed in the U.S. Senate?

Mr. MENENDEZ. My colleague is right. It is a real concern in the legislation as it appears. It says here, to read to my colleague: ''The Oversight Board shall determine in its sole discretion whether each proposed Budget is compliant with the applicable fiscal plan.'' There are other sections here, to go to the Senator's particular question, which say: Before the board ever considers—if it ever does—access to restructuring, it is going to, in essence, if you read the language, not only urge but it is going to judge as to whether Puerto Rico worked out a deal with its creditors, including the vulture funds.

It can hold Puerto Rico to such a standard in its sole discretion because we don't define in the legislation what is the standard of a reasonable attempt to compromise with your creditors. That is fine, a reasonable attempt to compromise with your creditors, but if your creditors believe they have you by the neck and they want to continue to squeeze and they believe there is a control board that is going to back them up and allow you to squeeze, and every time Puerto Rico comes to the Governor of Puerto Rico, who has no vote or say here, except to recommend—comes to the control board and says: Guess what. We have tried and tried, and we have negotiated in good faith with these creditors, including vulture funds, but we can't come to an agreement because they want too much, and we have to provide police services, fire service, education, and health care. I mean, here is an island—part of the United States as a Commonwealth, with 3.5 million U.S. citizens—which ultimately is at the epicenter of the Zika virus and its challenge and yet they can continually be forced to deal with their creditors in such a way that the concern my colleague has might actually be materialized by the board itself.

Mr. SANDERS. Let me add another point to that very discussion, which I have a hard time understanding and maybe my friend from New Jersey can educate me on this. As I understand, in this bill, there is a requirement that Puerto Rico, a territory that has been experiencing a 10-year depression, a territory in which over half of the children are living in poverty, a territory in which many schools have been shut down, where people have been laid off, where unemployment is sky high, that within this legislation, there is the imposition that the people of Puerto Rico are going to have to pay for this control board to the tune—and I don't understand this—of $370 million. You have a board of seven people. No. 1, how in God's Name do you run up an administrative cost of $370 million? Yes, you need staff and you need all that stuff, but $370 million to run a small bureaucracy sounds to be totally off the charts. Then, to tell the people of Puerto Rico, you are going to have to shut down schools, you are going to have to shut down health services, we may take away the pensions of your workers, and, oh, by the way, you are going to have to pay $370 million in order to fund this control board—am I missing anything here? I know this sounds so absurd that people may think I am misleading them, but am I missing anything here or is that the reality?

Mr. MENENDEZ. No, the Senator is right. Not only is it $370 million, but the legislation specifically says Puerto Rico must have a dedicated source of funding. We know what this means in this institution, a dedicated source of funding. That means a guarantee of that money. There must be a dedicated source of funding to pay the $370 million for the seven-member board and whatever staff, in their sole discretion, they decide to hire.

Mr. SANDERS. So it means, or it certainly could mean, the closing down of schools, nutrition programs, and health care in order to fund—and I cannot for the life of me understand how a seven-member committee can spend $370 million, but this will be taking

away perhaps basic needs from hungry kids in order to maintain what seems to me an extraordinary bureaucracy.

With that, I thank the Senator from New Jersey for his leadership, and I look forward to working with him.

Mr. MENENDEZ. I thank the Senator for his concern and his points.

Mr. President, I have come to the floor time and time again with a simple message: PROMESA, the name of this legislation, which means ''promise'' in Spanish, is not a promise. It is a power play, leaving the people of Puerto Rico unable to manage their own government, make their own decisions, do what they believe is right. I have been concerned exactly about this, and I have my remarks going back to September 22, 2015, when I started off those remarks by saying, ''I rise today deeply concerned that the growing economic crisis in Puerto Rico threatens to destabilize the island, and that we must [step in] and help our fellow American citizens before the financial crisis becomes a calamity.'' September 22, 2015.

I talked about the fact that if you do not act, the results of a financial disorder would be much more expensive, much more chaotic both in the long term and the short term, would cost Puerto Rico and the United States, and the fact is that a potential solution rests in the hands of the administration with Treasury and HHS.

I talked about legislation that we introduced at that time, along with some of our colleagues, that would allow the government of Puerto Rico to authorize its public utilities to rework their debts under chapter 9.

We also talked about the fact that even though Puerto Rico pays about a third or so of every dollar that they get in revenue towards interest, which is unsustainable, that but for those interest payments, they would actually be running a surplus—a surplus—if they didn't have debt payments.

We talked about an effort that was supported by the nonpartisan National Bankruptcy Conference and numerous bankruptcy lawyers and judges to help the people of Puerto Rico. That was in September of 2015, well in advance of the crisis that has now been created, where we have brought legislation for an up-or-down vote on the Senate floor in June, on the verge of the Fourth of July recess—an up-or-down process with all of the challenges that this legislation has for the people in Puerto Rico.

At that time, I talked about the island's health care system adding additional pressure to the overall financial system and about the way in which we fund those health programs—Medicare, Medicaid. How we treat them as it relates to U.S. citizens living in Puerto Rico is different, part of which has been their challenge.

Then I came back to the floor in December of 2015 to once again speak about the urgency of the moment and to give us the time to think intelligently about how we help the people of Puerto Rico meet their challenge and at the same time be able to do it in such a way that respects their rights as citizens of the United States.

I came to the floor on December 9 of 2015 to ask unanimous consent to pursue a proposal we thought was rather modest. There were four things we needed for the citizens of Puerto Rico, and for Puerto Rico to have access to the Bankruptcy Code, restoring certain elements of that, which, of course, would not cost the Treasury a penny, nor would it raise the deficit. We tried to get a focus then—because already at that time there were serious financial issues on the island—and we had an objection by the chairman of the Finance Committee saying that there were negotiations underway to come to an agreement. That was December 9, 2015.

Then in March of 2016, we introduced legislation that I think would be a far greater set of circumstances, enabling the people of Puerto Rico to see a future but a future they would help determine. Yes, it had overtures of an oversight board—but not a control board that controls their destiny—with a greater representation under certain standards of people's abilities that would ultimately be brought to serve on the board.

I thought that legislation created the right structure; created a true oversight—not control—board; created standards that are clear and concise and that the people of Puerto Rico and its government officials would know—''This is what I must do in order to achieve a pathway to restructuring''—and that represented the people of Puerto Rico, as well as the leaders of the Congress, and that gave us an opportunity to ensure that any restructuring plan was based on an objective and independent analysis of the island's situation and provided assurances to creditors that future governments would adhere to a prudent, long-term fiscal plan, while reaffirming and representing and respecting Puerto Rico's sovereignty. That was in March of this year.

Then in April we had a press conference to try to bring forth the consequences of the need to act at that time—April 28 of 2016.

Then I came to the floor again on May 24 of 2016 to talk about the challenges that the people of Puerto Rico are facing and to have an informed, intelligent debate and process to get to the type of legislation that would both solve the problem and meet their needs.

So that continues all the way through June of this year. To me, as someone who started in September of last year to raise the alarm bells—and not only to do that but to then come up with a legislative proposal that was embraced by all of the elected leadership of Puerto Rico, by all of the major parties in Puerto Rico, by the members of their legislature, the Governor and others who all put out statements saying that this was a pathway that would respect the citizens of Puerto Rico and give them the tools they need to restructure their debt, become fiscally responsible, and realize the hopes and aspirations of the people of Puerto Rico. So I not only raised the alarm bells as of September of last year, I created a legislative solution for it so that we could have an informed debate.

What do we have in the greatest deliberative body in the world? We have legislation drafted in the House, for which there is no opportunity to do what the majority leader said he wanted this Congress and the Senate to do more often—to have a full debate and a full airing of amendments in such a way that the voices of the American people, as represented by the Members of the Senate, could speak.

So my hope is that over the next period of time, we are going to have a full display for our colleagues to understand what they will be voting on when it comes to cloture so that when they vote, they vote with open arms.

The people of Puerto Rico, unable to manage their own government, make their own decisions under this bill—that is what those who vote for it believe is right. We have heard the words of ''Invictus'': ''I am a master of my fate. I am the captain of my soul.'' But that apparently doesn't apply to the 3.5 million American citizens in Puerto Rico who have helped shape the history of this Nation, and I will talk about that at quite some length.

We have heard the words of Jack Welch, who said: ''Control your own destiny or someone else will.'' Well, apparently our Republican colleagues believe in the case of Puerto Rico that someone else should, that those 3.5 million citizens should not be part of determining their own future. They believe in an unelected control board that can rule with an iron fist, as they see fit, regardless of what the Puerto Rican people would want.

Thomas Jefferson said: ''I know of no safe depository of the ultimate powers of the society but the people themselves.''

I have heard many of my friends here on the other side quote some of the Founding Fathers, including Jefferson. He said:

> I know of no safe depository of the ultimate powers of the society but the people themselves. And if we think them not enlightened enough to exercise their control with the ultimate discretion, the remedy is not to take it from them, but to inform their discretion.

But in the case of Puerto Rico, we have decided not to help them make their own decisions but to take powers away from the society, as Jefferson

spoke of, powers away from the 3.5 million U.S. citizens who call Puerto Rico their home—away from them.

So that is what is at the heart of this debate about PROMESA, which doesn't really guarantee a pathway to restructuring, which subjugates the people of Puerto Rico to a control board on which they have no direct representation, and they will have to live with the consequences of the fiscal dictates the control board will have edict over in their sole discretion. Yet, who has to live with it and who has to pay for it, as the conversation with Senator SANDERS revealed? They will. They have to pay the $370 million; they have to have a dedicated source of revenue for it.

By the way, this control board—we will talk a little bit more about that later—has no limits as to how long it is going to exist. It says in the first instance 5 years, but then it says again, in its sole discretion, when it determines that Puerto Rico has reached a standard by which they are fiscally on the right path and have access to the bond markets. But that discretion will be totally controlled by the control board in their sole discretion, so they could extend their life for quite some period of time.

So in the spirit of making sure that the 3.5 million U.S. citizens of Puerto Rico have an opportunity for a better path and a real promise, I have many amendments to offer, many amendments that in the aggregate would show my colleagues what we might have done, what we could have done, and what we still can do by voting against cloture, what reasonable middle ground we could have reached to truly help solve the crisis and the humanitarian catastrophe that awaits the people of Puerto Rico rather than simply ignore the right of their will and choose the road to colonialism.

I would note that calls for a thorough debate on the Senate floor are bipartisan in nature. I thank my colleague Senator WICKER for joining me in a letter to the leadership asking for a full and open process to consider this bill with amendments—as many as it will take to make it right.

I would remind my colleagues that each one of us was elected to this very Chamber to debate and enact legislation, to improve the lives of Americans, and the people of Puerto Rico are Americans. I emphasize that fact.

Sometimes I have heard in my congressional career between the House and the Senate—some people ask me about—I had Members of the House, when I served in the other body, who would come to me and say: Do I need a passport to go to Puerto Rico? And I would look at them, and I thought they were jesting, but they were serious. The people of Puerto Rico are U.S. citizens. They have worn the uniform of the United States. They have shed blood. They have died. They love this country greatly. By the way, one plane flight to anywhere in the United States, and they have all the full rights, privileges, and obligations as any other citizen of the United States, which means that the human capital flight we are seeing taking place in Puerto Rico is a great flight because people, seeing there is no future for them, will ultimately leave.

But I fear that instead of a robust debate and thoughtful consideration of amendments to improve this bill, those who want to see the House bill signed into law as drafted have delayed and delayed and delayed until the last possible minute.

We can, as U.S. Senators, change that course of events. I understand that sometimes the deck is stacked against you, but I also believe that you can reshuffle the deck, that there is the power of individual Members of the Senate to ultimately say: We need a pathway that allows us to improve the legislation and to improve the lives of the 3.5 million U.S. citizens who call Puerto Rico home.

How can we as U.S. Senators shirk our responsibilities when the people of Puerto Rico are at the edge of a great challenge and yet we don't want them to have a say as to how they meet that challenge? They need our help, and they need it today.

This bill will affect a generation—a generation—of Puerto Ricans, and we owe it to them, as we would our brothers and sisters who live in our States, to get it right.

So let me once again remind every one of my colleagues how deeply poor this legislation is and how incomplete it is. In addition to the undemocratic control board and obfuscated path to restructuring, the bill would actually increase poverty and out-migration rather than stem both. That is because it provides an exception to the Federal minimum wage for younger workers, and it exempts the island from recently finalized overtime protections.

What does that have to do with a bill to allow restructuring so that Puerto Rico can restructure its debt, not pay over a third of every dollar that it takes in to creditors, and be able to deal with the health, well-being, education, and future prosperity of its people?

Why is that in here, other than as an experiment in what some would believe is the process to prosperity which is through austerity? So the way to prosperity in the minds of those who will be voting on this bill—as to my Democratic colleagues, I hope they understand that I have stood with them when they have talked about raising the minimum wage. Organized labor talked about raising the minimum wage. We see raising the minimum wage as a way to create greater rising wages for our families.

I think one of the great discontents we have in this country today, as is evidenced in the political process, is that despite all the major macroeconomic numbers—where we see the GDP rising, where we see unemployment lowering, where we see all of the realities of low interest rates, a strong stock market, and all of these macroeconomic indicators that would suggest everything is good—for the average American, their challenge is that they see their wages and income stagnant, and yet they see their challenges rising—paying a mortgage, putting food on the table, educating their kids, having them graduate but not under a mountain of debt, being able to think about retirement in the future, and increasingly having to take care of a loved one, as my sister did with my dear mother who faced the challenges of Alzheimer's before she died. That is a very American story.

What is our answer to that? Our answer to that for the people of Puerto Rico is to cut their wages. Let's not guarantee you a Federal minimum wage, and, by the way, if you are forced to work overtime, let's not give you the protections that are given in the laws of the United States.

So for U.S. citizens, my colleagues here advocate to raise the minimum wage, have overtime protections, and do what Secretary Perez did in providing the overtime protections. But for the people of Puerto Rico, it is OK. Now I know some colleagues will say: Well, that provision suggests that the Governor would have to invoke that. He would have to invoke not having a minimum wage for certain younger workers and that, as to the overtime protections, he would have to invoke waiving the overtime protections. The problem is that this control board could very well say in its sole discretion: You know what; you can't afford to pay the minimum wage to your people. You can't afford overtime protections. You should really consider revoking that.

Since that control board is the only guarantor or decider of whether you will get access to restructuring, that is an awful lot of power to weigh on the Governor of Puerto Rico. If they say to him: We believe the Republicans and the majority of the Congress have decided that there should be this exception. Ultimately, you should really revoke that. That is why they put it there in the first place—that control board will have an enormous amount of power.

Reading from the legislation:

> A fiscal plan developed under this section shall, with respect to the territorial government or covered territorial instrumentality, provide a method to achieve fiscal responsibility and access to the capital markets . . . [and] adopt appropriate recommendations submitted by the oversight board under Section 205(a). . . .''

This board is incredibly powerful. So if this board says: You know, you have

an opportunity, Governor, to undo the minimum wage and overtime protections, well, that is a lot of power that that Governor is facing and a board that holds Puerto Rico's future in its hands to determine whether or not there will be access to restructuring.

So, guess what. We are voting for this. We are going to start the demise of the minimum wage and overtime. If you somehow think you can narrow it to the citizens of Puerto Rico, who are U.S. citizens, then you are saying that they are not citizens but that they are, in fact, subjects.

At a time when we are working to increase workers' wages, this legislation goes in the opposite direction. It actually cuts workers' wages.

It amazes me that the solution to Puerto Rico's economy growing again is to ensure that workers can make even less money. I don't think lowering people's wages is a pro-growth strategy. It is a pro-migration strategy, because if I am a U.S. citizen living on the island of Puerto Rico, and I say: Wow, if I take a flight to Newark, NJ, or if I take a flight to Orlando, FL, or if I take a flight to New York City or to anywhere else in this great country and if I get a job there, I will have a full minimum wage paid and I will have overtime protections. By the way, I am going to have access, if I am a senior citizen, to have all of my Medicare paid for, like any other U.S. citizen. If I have a child eligible for Medicaid payments, I will get the full payment. When I work in the United States, I will have access to the child tax credits which I don't have in Puerto Rico. There is a whole host of reasons why cutting the minimum wage and workers' wages isn't about improving the opportunity to have a progrowth strategy. It is going to drive a pro-migration to the United States. All it will do is intensify the out-migration to the mainland, where people are eligible for higher minimum wages and commonsense overtime protections.

In addition, this bill does nothing—I repeat, nothing—to fix the impending health care funding cliff, a crisis that will impact generations of Puerto Ricans not just today but obviously for years to come. For decades, the health care system in Puerto Rico, most notably Medicare and Medicaid, have been grossly underfunded. If we talk about poor choices that maybe various administrations in Puerto Rico have made on both sides of the equation, well, we have exacerbated their circumstances by the way in which we have treated the U.S. citizens in Puerto Rico. They receive rates that are half of those anywhere else in the country. If you are a U.S. citizen living in Puerto Rico under Medicare or Medicaid, you get half, roughly, of those rates of anywhere else in the country. So if you come to the United States, you get the other half. You get full funding. That not only affects the individual in terms of their health care and their economic output, but it affects the system of providers, the services, hospitals, doctors, and technicians because the funding is less. This inequality in payments comes even as U.S. citizens on the island pay the same amount in Medicare and Social Security taxes.

Let me repeat that. Citizens on the island of Puerto Rico, who are U.S. citizens, pay the same amount in Medicare and Social Security taxes as those of us on the mainland, yet we reimburse them at different rates.

So despite paying their fair share of taxes to pay for these vital health programs, the island's health system is funded at half the rate of other U.S. providers, which is an unsustainably low rate. Is it any wonder, given this inequality, that doctors on the island aren't able to sustain a practice and are moving to the mainland?

The ''mass exodus of doctors,'' as it was called in a story on National Public Radio this year, is having a dramatic effect on the island's population. Unlike other critical issues facing the island, a prolonged emigration of health care providers to the mainland United States cannot be reversed quickly because once these providers have relocated, they are unlikely to return. Their absence is already leading to a tremendous gap in the health care workforce, further exacerbating the difficulty Puerto Rico residents face when seeking care. This funding inequality is largely responsible for the fact that health care accounts for roughly a third of the island's debt.

Let me repeat that. The funding inequality for the U.S. citizens in Puerto Rico is responsible for the fact that health care accounts are roughly a third of the island's debt. So when we talk about the people of Puerto Rico and whatever their governmental leaders have decided in the past, we have contributed as a Congress, treating the people of Puerto Rico with such a disparity that they have had to use a third of their own money, which has been generated in debt, in order to meet the health care of those U.S. citizens. How is that fair?

So we have contributed to this crisis, and our idea of helping to solve the crisis is to create an unelected control board that has total say, that can cut budgets, that can have austerity, that can eliminate minimum wage and overtime protections, and that does nothing to equalize the fairness and reimbursement on the health care that I just described as the cause of nearly one-third of the debt.

This is not a problem of bad doctors or irresponsible patients. It is a problem of unfair treatment and bottom-basement funding levels that have driven the island's health care system to a breaking point. I don't want to make light of the decisions facing providers in Puerto Rico to move off the island. On the contrary, I can only imagine how difficult it is to uproot your family to move to the mainland, leaving behind your whole legacy, your whole family, friends, schools, and, in the case of providers, patients who rely on them for critical care. So this decision cannot be easy for those providers who are still in Puerto Rico today, but it has become increasingly difficult to put off longer.

There is already a serious lack of providers to cover the needs of the island's residents. With doctors leaving the island in droves, it is a situation that is getting worse literally day by day. The situation facing health care in Puerto Rico has truly hit a crisis point.

Now, let me take a step back and look at how the island's health care system got to this point, because it is all part of why they have a fiscal challenge.

Take Puerto Rico's Medicaid Program. It is called miSALUD, or my health, and this vital program covers half of all Puerto Ricans. It is a basic lifeline to more than 1.4 million people, but it is capped and therefore limited in what it can do. Unlike the Medicaid Program in my State of New Jersey or in any of the other 49 States or the District of Columbia, the Medicaid Program in Puerto Rico is limited in the funds available to cover the health care costs of its beneficiaries.

Mississippi, which has a smaller overall population and less than half of the Medicaid enrollees as Puerto Rico, received a whopping 74 percent of its Medicaid funds from the Federal Government last year. In Puerto Rico, however, the percentage was only 55 percent, and it is set that low in statute.

During the debate on the Affordable Care Act, I was able to successfully ensure that additional funding was included to help the territories. This funding amounted to more than $7 billion in total, of which $6.3 billion went to Puerto Rico and has helped to keep the program solvent. But that is about to expire at the end of fiscal year 2019. While this may seem way out into the future, there is a good chance that the funding will run out sooner rather than later, and some estimates have the funding being used for other health expenses by this time next year. I want to add that those estimates were made before we knew of the gravity of the Zika virus and what it is imposing upon the people of Puerto Rico. It is a topic I want to momentarily discuss further.

But Puerto Rico is, in essence, the epicenter in terms of the United States, as part of the United States and its Commonwealth status, of the challenge of the Zika virus.

The solution to the impending Medicaid funding cliff is clear: Provide the

same open-ended funding stream in the same way as any other State. This would immediately provide Puerto Rico's Medicaid program with the influx of funding it needs to more adequately cover costs, ensure that beneficiaries are able to get treatments, and stem the tide of doctors and other providers fleeing for the mainland. The grand irony of the whole situation is that my Republican friends since day one have refused to consider providing this type of equitable treatment to Puerto Rico. I don't want to make assumptions on motives, but it appears that not only do they support the status quo on Puerto Rico, but they are also actively working to impose the same short-sighted, doomed-to-fail policies on the other Medicaid programs we have on Puerto Rico as well.

Just last week, Republicans released a white paper calling for the imposition of so-called per capita caps on the Medicaid program. This policy, a block grant by any other name, would be devastating for our Nation's Medicaid program, imposing the same funding limitations on Medicaid programs throughout the country as we are currently experiencing in Puerto Rico. We see the results of those caps.

As we stand here today, watching in real time as Puerto Rico's Medicaid program is in crisis and facing a funding cliff set to cause chaos for more than a million beneficiaries, Republicans have said to the people of this country: We refuse to accept that reality and admit that capping Medicaid is a terrible idea with catastrophic Medicare and health care consequences. On the contrary, what we see in Puerto Rico—we want to make that the reality for the rest of the Nation.

It is not a surprise. I know many—not all, but many—of my colleagues have refused to acknowledge the benefits of Medicaid, not only to the millions of people who rely on it to get health care, but there are billions of dollars left on the table in Republican-led States that refuse to expand Medicaid under the Affordable Care Act.

Unfortunately, in the case of Medicaid, reality plays a diminished role in Republican policy development. This is true when it comes to the very serious threat of Zika in Puerto Rico. According to the Centers for Disease Control and Prevention, there are already more than 1,800 cases of locally acquired Zika infection. That is infinitely more than the rest of the country, which has a combined total of, as I understand it, zero locally acquired infections. That means that the people in Puerto Rico face a risk everywhere they are—at home, at work, at school.

Let's not forget that 68 percent of the island's population enrolled in either Medicare or Medicaid. Therefore, the threat it poses for a health care system on the brink of collapse cannot be overstated.

This morning the Senate voted not to invoke cloture on a bill to provide funding on Zika because it not only lacks the funding necessary for an adequate response for Puerto Rico—and, for that fact, the entire country—it also includes several unacceptable policy riders. One example is to further restrict access to contraception for a disease that is not only sexually transmitted but has potentially devastating effects on fetuses. So that doesn't make any sense.

The people of Puerto Rico deserve access to health care. They deserve to know that the taxes they paid to fund critical programs such as Medicare and Medicaid will be available to them just as they are to any fellow Americans on the mainland. They deserve to know their doctors can sustain a medical practice and that they will be there to treat them when they are sick. Above all, they deserve to be treated with equity and fairness like any other American—this is a central point—not like second-class citizens simply because they call Puerto Rico home.

Let me go through some of the challenges of why this bill is, in my view, simply not acceptable. Here are five critical flaws of this legislation.

It has an undemocratic, neo-colonial control board, a majority appointed by Republicans but none by the people of Puerto Rico—none. So this would be the equivalent of our States having a challenge, and the Governor of that State and the legislature of that State and no one who resides in that State having anybody on a control board that is going to dictate its future—no one who comes from the elected representatives of that State. So that State would be told ''By the way, here is what you are going to do'' by an unelected, undemocratic control board.

Secondly, I hear a lot that supposedly the hedge funds are all against this legislation. Well, it has a prioritization of hedge funds over retirees and essential services. You have to read the language of the PROMESA legislation. It is clear that it not only reaffirms some of what it says in the Puerto Rican Constitution, but it goes beyond. It has a prioritization of those hedge funds over retirees and essential services.

As I have said before, there is a lack of a clear pathway. The only reason we are even considering legislation is to grant Puerto Rico access to the bankruptcy courts for restructuring. It had some of that capacity in the past. Somehow it was taken away. It lacks a clear pathway to restructure. It requires a 5-to-2 super majority vote, which means that a minority—three members—can hold back or never grant a pathway to restructuring or make it go through such incredible hurdles, including how it deals with creditors, before it ever guarantees—if it ever guarantees in its sole discretion—whether Puerto Rico has met the standards to qualify for the pathway to restructuring. It would only happen if they vote to do so.

The whole purpose of this legislation was to give Puerto Rico access to restructuring. Yet we are creating a control board with a super majority, which means a minority can dictate what the majority view might be, and that minority can hold the 3.5 million U.S. citizens of Puerto Rico hostage to a future that they certainly don't want.

It has continued disparity in health care funding, as I was just speaking about, and tax credits.

And it goes to a $4.25 per-hour minimum wage with no overtime protections. So if you live in Puerto Rico, the way to get ahead is to have your minimum wage cut for a certain group of citizens, as dictated by the legislation.

Let me talk about this disparity in health care funding and tax cuts. The same kind of disparate treatment is also prevalent for individual tax credits such as the earned income tax credit and the child tax credit.

Despite serving our country and being subject to payroll taxes, the 3.5 million American citizens of Puerto Rico are not eligible for the EITC and only partly eligible for the CTC. In particular, the earned-income tax credit is a ready-made tool that has been proven to reduce unemployment and poverty and increase labor participation and economic growth. It encourages people to enter the workforce rather than being part of an informal economy that strips away the tax base. Numerous studies have shown the power of the earned-income tax credit to draw people into the workforce to increase earnings and reduce poverty.

The labor force participation rate, which measures the share of adults who are working or seeking work, is 40 percent in Puerto Rico, far below the nationwide rate of 62 percent. If there were at any time an area in the United States that needed access to the earned-income tax credit to incentivize work—to create that possibility—it is in Puerto Rico.

The Department of Labor estimates that Puerto Rico's unemployment rate is 11.7 percent——

Mr. INHOFE. Will the Senator yield for a question?

Mr. MENENDEZ. I understand that I can yield for a question, but I do not yield the floor.

Mr. INHOFE. I understand that. But will the Senator please advise us as to how much longer he will be taking on the floor?

Mr. MENENDEZ. I would be happy to do so. It will be several hours.

Mr. INHOFE. Would the Senator mind, since I am going to be talking about projects in New Jersey and about the WRDA projects in which the Senator has a lot of interest—will he yield to me to talk about that for 10 minutes?

Mr. MENENDEZ. My understanding from the Parliamentarian is I cannot do that and preserve the right to the floor. Otherwise, I would be happy to do that.

Mr. INHOFE. Let me ask the Chair.

Is it possible for me to go ahead and receive from him a specific period of time at the end of which he retains the floor?

The PRESIDING OFFICER (Mr. CASSIDY). That would require unanimous consent.

Mr. INHOFE. All right.

Mr. President, I ask unanimous consent that I be recognized as in morning business.

The PRESIDING OFFICER. The Senator does not have the right for a unanimous consent, as the Senator does not have the floor.

The Senator from New Jersey has the floor.

Mr. INHOFE. Yes, I understand that.

Mr. MENENDEZ. Thank you, Mr. President.

If there were a procedural way, I would be happy to accommodate my colleague, but since there is not and since there are no amendments being permitted on this legislation, I have no other choice but to speak up for the 3.5 million U.S. citizens who call Puerto Rico home because they will not get an opportunity for amendments to be debated or passed.

So at a time where the labor force participation rate, which measures the share of adults who are working or seeking work, is 40 percent in Puerto Rico, it is far below the 62 percent throughout the country. So the earned-income tax credit would be a tremendous opportunity. This legislation does nothing as it relates to that, even in the face of Puerto Rico's unemployment rate at 11.7 percent compared with 4.7 percent for the United States as a whole.

At the height of the 2008–2009 financial crisis, unemployment peaked at 10 percent in October of 2009—10 percent at the height of the financial crisis—yet far below Puerto Rico's current 11.7-percent unemployment rate. It is fair to say we would be having a much different debate today if we were talking about a State that had an unemployment rate of 11.7 percent.

In relation to Puerto Rico, some of my Republican colleagues have suggested that there are possible tax incentives that would better incentivize growth, labor force participation and, perhaps, investment in the Puerto Rican economy, but they dismiss the earned-income tax credit as one of those because they say Puerto Ricans do not pay Federal income tax.

To begin with, most Puerto Rican households do not earn enough to be eligible for Federal income tax. More importantly, if they were pulled into the formal economy through the incentive of the earned-income tax credit, they would be paying more taxes in Puerto Rico and to Puerto Rico.

Finally, these American citizens are eligible for the EITC as soon as they leave Puerto Rico and come to the mainland, which is another powerful incentive to leave the island, further eroding its already limited tax base. The latest estimates indicate that approximately 70,000 Puerto Rican residents are now relocating to the States each year in search of economic and employment opportunities. Expanding the EITC to the people of Puerto Rico could help stem that tide. Once again, I remind my colleagues that Puerto Ricans are Americans just like you and me and should be eligible for the same benefits that we have.

In addition to the five critical flaws, let me read to you some of the language of the House Interior Committee and the powers of the board so we understand why it is that I feel compelled to try to convince my colleagues—in the face of there being no amendment process allowed—to vote against cloture, create an opportunity, a pathway toward amendments, have up-or-down votes to them, hopefully improve the legislation, and then be able to move forward.

This is what the House Natural Resources Committee said. These are not my words or my interpretation of it. This is what the House Natural Resources Committee said: ''The Oversight Board may impose mandatory cuts on Puerto Rico's government and instrumentalities—a power far beyond that exercised by the Control Board established for the District of Columbia.''

Think about that. The oversight board may impose mandatory cuts—not that they are going to suggest to the Governor and Legislature of Puerto Rico: Hey, here is a series of things we think are wasteful. Here is a series of things we think you could do better. Here is how you could save money: You should prioritize public safety over public health. You should prioritize public education over something else. They will make the absolute determination in their sole discretion on mandatory cuts on Puerto Rico's government and its instrumentalities.

''Instrumentalities'' means the different agencies, whether it be the power agency or the higher education authority or any other. That is what is meant by ''instrumentalities'' or the ''municipalities.'' It has a wide range—basically any governmental entity, as we would have any governmental entity in any of our States, for example. So they would impose the ability to have any mandatory cuts. Remember, this is an unelected board—no representation directed by the people of Puerto Rico from the people of Puerto Rico, but they are going to suffer mandatory cuts on their government and instrumentalities, and our Republican colleagues in the House wanted to pound on their chests and say ''a power far beyond that exercised by the Control Board established for the District of Columbia.''

The District of Columbia's Control Board is pretty significant. This one, as it relates to the 3.5 million people in Puerto Rico, this power is far beyond that which the District of Columbia has.

Also from the House Natural Resources Committee: ''The board would have broad sovereign''—sovereign. Words mean something in legislation when we move it into law. ''The board would have broad sovereign powers to effectively overrule decisions by Puerto Rico's legislature, governor and other public authorities.''

So if the duly-elected Governor of Puerto Rico felt it was important in the midst of the Zika virus to go ahead and raise the budget of Puerto Rico's health care system to deal with that and for some reason the control board felt they shouldn't spend that much on that, it could overrule that decision.

If the Legislature of Puerto Rico decided to extend the school year for their children in public schools or if they wanted to have a special health care program for them or if they wanted to be able to have students go to colleges and universities—and we have had a great debate in this country about the cost of a university education—and they wanted to subsidize a greater part of that, the unelected seven members of the control board—which has no one coming from Puerto Rico itself, directed by the people of Puerto Rico—can make a sovereign decision. ''Sovereign'' basically means they have the power to effectively overrule decisions by the Governor of Puerto Rico, who gets elected by the 3.5 million citizens in Puerto Rico; by the Legislature of Puerto Rico, which gets elected by the citizens of Puerto Rico; or by other public entities that may make decisions in that regard. They can overrule those public entities in Puerto Rico. So it is as if we had a control board in a State that could overrule the Governor, overrule the legislature, overrule the higher education authority, overrule any entity in that State, but that has no representation from the people of that State. That is in essence what we are saying they can do—sovereign powers to do that.

The oversight board can ''effectively nullify,'' which means that is it. You have a law and you think it is a good law for the people of Puerto Rico. Well, we don't think it is a good law, and we are going to nullify it—''any new laws or policies adopted by Puerto Rico that do not conform to requirements specified in the bill.'' But again, if those requirements were clearly stated, unambiguous, defined, and we could agree on that, then maybe that might not be such an onerous power. But when nearly 30 times you say ''in the board's sole

discretion,'' which means ''I get to decide what I think is conforming to requirements specified in the bill,'' that is an incredibly broad grant of power. Yet, for the citizens of Puerto Rico, we think that is OK. We don't want that here, but it is OK for the people of Puerto Rico.

I don't use the word ''neocolonialism'' lightly. I don't use that lightly. But there is a little bit of a history here that is going on, and maybe there is no better single example of our unfair and unjust treatment of Puerto Rico than the story of the island of Vieques, or La Isla Nina, as they call it. This is part of Puerto Rico. It is a small island, Vieques, just 21 miles long and 4 miles wide, located 8 miles off the coast of San Juan. Despite its small size, the island is home to about 10,000 Americans. It is a beautiful place, with pristine beaches and one of the few bioluminescent bays left in the world.

Behind me, in this picture, you can see a jelly fish and a snorkeler that are illuminated by the bioluminescent organisms that naturally exist there.

Mr. President, if you have an opportunity to visit Vieques and its bio bay, I would encourage you to go. It is truly an extraordinary sight, with small plankton in the water that light up in an otherworldly blue when they move. On a moonless night, the waves appear to glow in the dark, and kayak tours leave trails of light behind them as they paddle through the water and explore the natural beauty of Mosquito Bay. In fact, since 1980 the bay has been listed with the National Park Service as a national natural landmark. Surrounded by mangrove trees, with a high salt content, the bay is a perfect habitat for the bioluminescent plankton, making it unique, and it is widely considered to be the best example of a bio bay in the United States and perhaps the world.

But the history of this tropical paradise is scarred with a violent and explosive past. In the 1940s, the U.S. Navy, in search of a location for a new base and testing ground, purchased parcels of land on Vieques that amounted to two-thirds of the entire island. On the eastern half of the island lay the Vieques Naval Training Range, on the western end was the Naval Ammunition Support Detachment, and sandwiched in between were the residents of Vieques, the 10,000 U.S. citizens.

I am proud to say that my home State of New Jersey is home to military installations that are not only critical to our national defense but are a boon to our local economies and an asset to our communities and our State as a whole. And Puerto Rico has a long and storied history of support for and enlistment in our Armed Forces. However, the naval installation on Vieques was no ordinary base. Instead, the Navy used the island—which, remember, is very small and home to a vibrant local community—as a bombing range. From ship-to-shore shelling to air-to-ground bombing, Vieques was bombarded with live ammunition that left deep and lasting scars on the landscape.

I frequently hear concerns from my constituents who live near our Air Force base in New Jersey that the planes passing overhead are loud, that they are disturbing them as they go about their daily lives. It is a serious concern. We have worked with the FAA to monitor and regulate that. But imagine that instead of carrying passengers or cargo to New Jersey, those planes were dropping military-grade explosives that land just a few miles from your home. Imagine warships parked off of your shore firing live rounds onto your beaches.

Needless to say, this bombardment was of great concern to the people of Vieques, but for decades it continued unabated. It wasn't until tragedy struck that people actually began to take notice of the plight of the island and to demand change. In February of 1999, 2 AV–8 Harrier aircraft fired 263 depleted uranium rounds onto the island, in violation of the memorandum of understanding under which the base operated. Not only are the depleted uranium rounds slightly radioactive, but they contain toxic heavy metals.

Then, on April 9, 1999, an errant bomb missed its mark and killed David Sanes Rodriguez, a civilian security guard working at the base, and injured others. The Navy attributed this tragic accident to human error and miscommunication between ground crews and the pilot. The death of Mr. Sanes sparked massive protests in Puerto Rico and renewed calls for the Navy to cease operation in Vieques.

In July of 1999, when I was a Member of the House of Representatives, I had an opportunity to visit Vieques and see firsthand the impact of the naval operations there. In the midst of all the descriptions of what was going on there, there was still great patriotism—great patriotism by the U.S. citizens of Puerto Rico and the 10,000 citizens on the island of Vieques, even in the midst of what was taking place.

The Navy eventually decided to go. We are a decade removed from the cessation of military exercises on Vieques, and much of the Federal land that once housed military equipment has been turned over to a national wildlife refuge, but our legacy of failure continues. Although the Navy has left, providing some reprieve for the citizens of Vieques, they left behind a legacy of toxic contamination.

You can see here in this picture a scuba diver off the coast of Vieques standing next to a massive unexploded ordnance left over from the Navy's use of the island. This is not uncommon in Vieques.

Vieques has one of the highest cancer rates in the entire United States and the highest in Puerto Rico. Viequesans, on average, have two heavy metal-related diseases. Remember those depleted uranium rounds that were improperly fired? Diseases like hypertension and cirrhosis occur at an astronomically high rate compared to the rest of Puerto Rico and the rest of the United States.

The part of the island used by the Navy is listed on the national priorities list as a Superfund site, which could and should eventually lead to remediation, but that progress has been slow.

The EPA has identified the possibility that unexploded ordnances could contain toxins like mercury, lead, copper, magnesium, lithium, percolate, TNT, napalm, and depleted uranium, among others. A significant part of the Superfund cleanup process is identifying the responsible parties and working with them to come up with remediation plans; however, we know who the culprit is largely here. It is us. It is the U.S. Government, and we have a responsibility to the Americans living on Vieques to clean up the mess we created. Even while they were supporting the Nation and accepting what was going on and showing their patriotism, we left them with a Superfund site. This bill won't do anything to take care of that responsibility and that cost, so it continues to tell the people of Puerto Rico: You are good enough to wear the uniform of the United States, you are good enough to serve the country, you are good enough to bleed for it, good enough to die for it, but you are not good enough to determine your own future.

I think amending the bill in front of us to provide real relief would give us the opportunity to do right by the people of Puerto Rico, possibly even to do right by the people of Vieques, to do right by the American citizens who have given so much of their lives to their country and to our military and who have been taken advantage of for our benefit.

So, again, when we look at this bill and we see a control board totally unrepresentative of the Puerto Rican people, except for one person who must have either their primary residence or their primary business there—you can even have your primary business there without being a resident of the island and be part of determining the future of the island's 3.5 million people—then you get a sense of why they feel they are being taken advantage of.

(Ms. AYOTTE assumed the Chair.)

I hope we do not continue the legacy of misuse and exploitation. We cannot let this opportunity pass by. We owe it to the people of Puerto Rico to have open and robust debate on this bill and to ensure that it provides real relief. That means having amendments. We

can do it in time. I know some of my colleagues have suggested that there is a risk if we don't have the July 1 deadline, but this bill calls for retroactivity as it stands right now. It takes actions and says retroactively—I believe to December of last year—that any actions would be, in essence, frozen. So if the bill is retroactive to December, then it would be retroactive from whenever it gets passed and signed into law, which means we could freeze any potential action and get it right on behalf of the people of Puerto Rico.

Again, I want to focus on what I believe are the most significant failings of this bill, most notably the vast power and undemocratic nature of the board. Not only does this legislation remain silent on so many important issues, it actually exacerbates the colonial status and second-class citizenship view that some Members of Congress seem to have of the 3.5 million Americans who call Puerto Rico home. I don't. That is why I am on the floor trying to fight for their rights. Unfortunately, under their common-law status, they don't have a voting representative in the House of Representatives, they don't have a voting representative in the U.S. Senate.

I have one-half million U.S. citizens of Puerto Rican descent in my great State of New Jersey, many who have deep ties to family and friends on the island, and they tell me of the challenges. In fact, they also tell me how they cannot believe this is the status of where they are. We have a letter that speaks for one of those national organizations, which I will get to shortly to speak to how those people who largely represent the Puerto Rican people feel in this regard. That is why many of them feel this legislation perpetuates what happened in places like Vieques, what happened in the disproportionate payment in Medicare and Medicaid, in health care. Yet one flight away, they have all the rights of any one of us in this Chamber or any one of us in this country.

Under the legislation, the control board would have colonial-level powers, which are certainly completely unacceptable to me and certainly to the people of Puerto Rico. In fact, according to a recent poll commissioned by Puerto Rico's largest newspaper, El Nuevo Dia, 69 percent of all respondents opposed the PROMESA bill, while 54 percent opposed the very idea of an oversight board. Think about that. This is Puerto Rico's largest newspaper. Sixty-nine percent of all respondents oppose the PROMESA bill—69 percent of the people of Puerto Rico. Ultimately, how are you going to have an attempt by an undemocratic control board to make dictates over 3.5 million U.S. citizens, when 69 percent said: We oppose the legislation, legislation which is supposed to be there to help them, and 69 percent said: No, what you are offering us is not something we want. Fifty-four percent oppose the very idea of an oversight board, and that consensus is talked about by a coalition of many civil society groups in Puerto Rico, the Puerto Rican Consensus Against the Fiscal Board. They say:

We write to you on behalf of the Concertacion Puertorriquena Contra la Junta de Control Fiscal (Puerto Rican Consensus Against the Fiscal Board); we are a broad-based organization that represents numerous civic and political organizations in Puerto Rico and the continental United States.

Our signing members comprise labor syndicates and cooperatives; local business leaders, social, environmental and human rights organizations, artists, students and academics, religious organizations, LGBTQ and feminist movements, special community organizations, cooperative institutions, political parties and immigrants organizations, Puerto Rican diaspora groups as well as many individual citizens.

This multi sectorial coalition has been formed as a common front to oppose H.R. 5278. Because of the negative consequences that it will have upon all of Puerto Rican society, we respectfully urge you to vote against this bill when it is presented in the Senate.

After studying the H.R. 5278 bill we have reached a unanimous agreement that this bill is totally unacceptable. While it is certain that Puerto Rico faces serious economic and social challenges, there is simply no way that we can consider a solution that would require our country to surrender its right to a democratic government while putting such broad dictatorial powers in the hands of a few unelected individuals.

In addition to a categorical refusal to give up our human right to representative democracy and government, we consider the economic policies in this bill to be grossly inadequate and detrimental to the goal of restoring economic growth and stability. The bill has no clear mechanism for restructuring the debt and there are no defined measures for economic development. Instead it is clear that this bill is designed to impose even more. . . .

These are the people of Puerto Rico, who are very bright people, believe me. They have read the bill. They have come together in a coalition, as I described at the beginning and the introduction of their letter. Here is what they say:

Instead it is clear that this bill is designed to impose even more austerity measures which would further depress the economy, exacerbate the ongoing exodus of young people and professionals and have the effect of shrinking the tax base.

What lies ahead for Puerto Rico should H.R. 5278 be passed in the Senate is untold hardship for the most vulnerable sectors: the elderly, children and the working poor. With a poverty rate of 46 percent and a shrinking economy, the idea of imposing austerity measures that would reduce government services such as in health and education is unthinkable.

Puerto Rico, as of this moment has no clear mechanism for restructuring its debt but an unspecific restructuring mechanism in exchange for giving up our pensions—

An unspecific restructuring mechanism. It goes to what I said, which is the only reason we should be considering the bill in the first place—

our employment, our health care program and our representative democracy is not a path to recovery and cannot be considered an option.

The imposition of H.R. 5278 or similar legislation on the part of the U.S. Congress, where we have no voting representation—

Which is why I am standing on the floor today to speak on their behalf—

constitutes a violation of our human rights. Furthermore, it places in evidence that the relationship between Puerto Rico and the United States has never been anything other than that of a colonial subjugation; which is considered a crime under international law regarding the rights of non-self-governing territories.

The most recent SCOTUS decisions permit the U.S. Congress to approve H.R. 5278, using in effect its powers to unilaterally take over our governance in order to protect the interest of hedge funds and bondholders. While this action by Congress will be seen internationally as one that unmasks the intrinsic 118-year-old colonial relationship, such a measure would also evidence the underlying racism that infuses relations between Puerto Rico and the United States.

We will do everything within our power to stop this bill from being enacted. If the bill were however, to be approved, we are ready to resist its implementation by all available means. Furthermore, we have also declared our collective willingness and disposition to go forward with a plan of broad protests as well as acts of civil disobedience in Puerto Rico and in the United States. As a broad coalition defending the people of Puerto Rico against a great injustice—

These are all their words, not mine—

we have the duty and right to vigorously pursue a policy of consistent noncooperation until the legislation is withdrawn.

We urge you to forge a different path, one that respects our right to democracy and dignity and that is intent on truly fixing the underlying problems; we ask you to vote NO on H.R. 5278.

In that same vein, let me read what Gov. Rafael Hernandez Colon, one of the most respected public figures in Puerto Rico who governed the island for 12 years, wrote:

I was governor of the Commonwealth of Puerto Rico for 12 years. In 1993, I handed over my office to my successor with a modest budget surplus, a growing economy, and access to the financial markets at reasonable rates.

I write to request an open debate on the Puerto Rico Oversight, Management and Stability Act [PROMESA] which would provide Puerto Rico much needed relief for the adjustment of debts but will needlessly inflict irreparable and permanent damage to the political relationship of Puerto Rico with the United States of America.

As recently as June 9, 2016, the Supreme Court of the United States has described this relationship as follows: ''Puerto Rico, like a state, is an autonomous political entity, sovereign over matters not ruled by the [Federal] Constitution.''

This sovereignty over our internal affairs is exercised by the people of Puerto Rico through our own Constitution under a compact entered in 1952 with the Congress of the United States.

This compact was ordained in order to establish the relationship between Puerto Rico and the United States under the principle—

And I am creating emphasis here—

under the principle of the consent of the governed.

Which is the hallmark of our great democracy, the principle of the consent of the governed.

The Oversight, Management, and Stability Act needlessly, empowers the Oversight Board that it creates with the authority to override the decisions of the Governor of Puerto Rico, and the laws of the Legislature, thus encroaching on the sovereign powers of the Commonwealth rendering nugatory the right to vote of the citizens of the Commonwealth.

This empowerment of the Oversight Board by the Congress tramples upon the compact providing for self-government and undermines the democratic underpinnings of the Commonwealth relationship established with the United States. It will be an irreparable blow even after the Board is terminated.

The encroachment powers of the Board are not necessary to ensure compliance by Puerto Rico with the Fiscal Plan required by the Act. There are other means consistent with respect for Puerto Rico's sovereignty and self-government to accomplish this.

I respectfully request that the members of the Senate have the opportunity to engage in an open debate and be allowed to present amendments so that the bill may respect the democratic process in Puerto Rico and the sovereignty of its citizens.

Let me quote from a letter that another former Governor, Anibal Acevedo Vila—who at one time also served in the House of Representatives as Resident Commissioner of Puerto Rico—said:

As former governor of Puerto Rico and former member of Congress, I am writing you to express my strong opposition to S 2328 (HR 5278) under consideration of the Senate. All candidates for Governor of Puerto Rico in the November election, the majority of the members of the Puerto Rican House of Representatives and the Senate, and the majority of Puerto Ricans . . . oppose this bill as well.

A bill that promises only one thing for certain: to end our Republican form of government with its checks and balances. The bill called PROMESA is known in Puerto Rico as La Junta, a name commonly used for military dictatorships in Latin America. Please, do not take all its implications lightly.

It is incredible and a shame that the most important piece of legislation considered by Congress regarding Puerto Rico since the authorization and approval of the Commonwealth Constitution in 1952, effectively denies basic principles of democracy and self-government, trashes that same Constitution and uses the plenary powers of Congress with a mentality reminiscent of 18th century colonialism.

That is why I urge you to vote NO on Cloture and to support the amendments that have been filed to create a more representative board, limit the overreaching powers of the board, establish a clear and effective path to restructuring, and really protect pensions and basic services to the people.

These amendments will eliminate many of the most aggravating dispositions of this bill. And if the amendments are not approved I strongly urge you to vote NO on approval.

Those who are pushing to blindly pass the bill acknowledge its imperfections and its excesses. They say Congress will need to do more work in the future to help Puerto Rico. But you know, as do they and do I that the Congressional calendar won't allow further action on Puerto Rico for a long time. We will be stuck with the consequences. It's imperative to get it right this time.

The July 1st deadline is not the end of the world. The bill already has retroactive provisions. Don't make July 1st the end of democracy for Puerto Ricans.

''Don't make July 1st the end of democracy for Puerto Ricans.''

I am going to read some other statements to show you the breadth and scope of the opposition, including from those who are now running for Governor. Those are two very esteemed former Governors of Puerto Rico. You heard the consensus, the group that came together from all different walks of life. But to suggest there is political support from the people of Puerto Rico beyond those individuals I have already read—let me read to you from those who are running for Governor in Puerto Rico, what they say.

Mr. David Bernier, who leads the popular Democratic Party and who is their current candidate for Governor, wrote:

Dear Majority Leader McConnell:

I am Dr. David Bernier, former Secretary of State of Puerto Rico, as well as current candidate for Governor of the Popular Democratic Party (PPD, for its Spanish acronym), which I preside. As you know, the PPD is the governing party controlling the Executive and Legislative branch in Puerto Rico.

I have written to you on several occasions expressing my opposition to, and deep concerns with, H.R. 5278, the so-called PROMESA bill. These concerns are shared by a clear majority of Puerto Ricans who are opposed to this bill, as well as is every candidate for Governor of every political party, due to its undemocratic financial control board, the lack of real tools for economic growth, and the uncertain treatment given to pensioners, among other reasons.

Fortunately it is still not too late. That is why I urge you to approve five amendments being proposed by Senator ROBERT MENENDEZ which would remedy many of the fatal flaws contained in this bill. One of these amendments would ensure that our retirees are given a real priority during this process. Other amendments are aimed at guaranteeing a minimum level of participation by Puerto Ricans on the control board and making sure central services are rendered.

Most importantly, one of these amendments would prevent the federal overreach and wholesale takeover of Puerto Rico's government by striking Section 205 of PROMESA. This would ensure that voters' elected representatives have the last say over the Commonwealth's government, instead of a group of 7 unelected Washington bureaucrats. Surely the Governors and state legislators of Kentucky and Nevada would not accept the type of blatant violation of their fundamental right to self-government that would be imposed on Puerto Rico under this bill.

For these reasons we urge you to adopt the amendments proposed by Senator MENENDEZ, as they would avert the violation of Puerto Ricans' democratic rights and ensure the protection of our retirees' hard-earned public pensions. We will therefore continue to oppose the PROMESA bill unless and until these amendments are included in the final legislation.

There is Rafael Bernabe, who is running for Governor of Puerto Rico for the Partido del Pueblo Trabajador. He says:

As candidate for Governor of Puerto Rico for the Partido del Pueblo Trabajador I wish to convey to you our firm opposition to the PROMESA Bill that is now under consideration in the Senate.

We believe that the fiscal and economic policies that affect the Puerto Rican people need to be adopted by the representatives elected by the Puerto Rican people. The PROMESA bill violates this fundamental democratic principle as it would create an unelected board that would have considerable powers to impose or block fiscal measures and policies in Puerto Rico. Such an organism would lack all democratic legitimacy and would only make the resolution of Puerto Rico's debt crisis more difficult.

Not surprisingly, a vast array of organizations in Puerto Rico and the Puerto Rican diaspora have expressed their rejection of this legislation.

In order to regain the path of economic development, Puerto Rico requires:

1. An enabling renegotiation of its public debts. We label it enabling since it should enable Puerto Rico to attain a path of sustainable economic development. This renegotiation must have as a priority the protection of pensions and essential public services.

2. An audit of Puerto Rico's debts. There are excellent grounds to suspect that a significant portion of this debt is illegal, unconstitutional or otherwise illegitimate. This, in turn, is legal ground for annulling such portions.

3. A suspension of payments on this unsustainable debt until an audit and an adequate renegotiation is completed.

It goes on to say a series of others.

Unfortunately, the PROMESA bill includes no provisions that correspond with these requirements.

They suggest that PROMESA be put aside and that a brief substitute measure regarding point 4, which, in essence, is a temporary suspension, be in place.

Mr. Hector Ferrer is the current candidate for Resident Commissioner. Resident Commissioner, for those who may not follow this, is the nonvoting delegate from Puerto Rico to the House of Representatives. They get to be a voice for Puerto Rico. They act very strongly on behalf of the 3.5 million American citizens of Puerto Rico, but they don't have a vote in the House of Representatives, and there is no such delegate here.

This gentleman, Hector Ferrer, the current candidate for Resident Commissioner, the person who would be that voice in the House of Representatives for the popular Democratic Party of Puerto Rico, writes:

I [am] writing to respectfully request you vote NO on cloture and to support an open amendment process on the Puerto Rico Oversight, Management, and Economic Stability Act.

The simple reality is that, as drafted, PROMESA is an affront to the basic right of the Puerto Rican people to self-governance. This is not in dispute—the bill plainly supplants our elected government with a federally-appointed ''Oversight Board,'' which the people of the Commonwealth will have essential no say in. This should be alarming not

only to the Puerto Rican people, but to anyone who believes in the democratic ideals of American government.

This is a bill that can and should be improved through debate and the full amendment process. To circumvent that process simply for the purpose of meeting superfluous deadline is to do a great disservice to the Puerto Rican people. There is simply no evidence to suggest that a missed debt payment by our government on July 1 will have the consequences the proponents claim. Rather, we should be fighting for the right bill that can bring real relief and economic opportunity to the Puerto Rican people.

Puerto Ricans have much at stake in this debate, and I commend your willingness to lead and advocate for a position held by the overwhelming majority of us.

Other national organizations have written. The National Conference of Puerto Rican Women, Inc., writes:

Dear Majority Leader McConnell and Democratic Leader Reid:

We, the National Conference of Puerto Rican Women, representing Puerto Rican women and other Latinas across the United States, urge the Senate to amend bill H.R. 5278, also known as PROMESA. We believe that, as it stands today, PROMESA, cannot live up to the ''promise'' of helping Puerto Rico resolve its fiscal crisis without exacerbating the humanitarian fiscal crisis that continues to unfold in the island.

We strongly oppose the following three aspects of H.R. 5278 that was passed by the U.S. House of Representatives:

(1) The ''Oversight'' Board is not required to create a comprehensive economic development strategy and yet imposes—

This is what Senator SANDERS was bringing up in his colloquy with me earlier—

an additional debt burden of $370 million on the people of Puerto Rico to cover their expenses, with hundreds of millions more in implementation costs, according to the Congressional Budget Office scoring of the bill.

I would add, with a dedicated revenue source. How many times wouldn't we like to see a dedicated revenue source in the things we advocate? That is a difficult thing to accomplish, but this control board gets a dedicated revenue source, all paid for by the people of Puerto Rico, even in the midst of an enormous economic challenge.

H.R. 5278 authorizes the Governor of Puerto Rico, with the consent of the ''Oversight'' Board, to lower the federal minimum wage to $4.25 for those 25 years old and younger, accelerating the exodus of young talent and thereby hindering Puerto Rico's future economic growth.

The creation of the ''Oversight'' Board outlined in PROMESA focuses on the method by which members are selected without sufficient consideration to the expertise needed to ensure a viable outcome.

The lives of Puerto Ricans, who are American citizens, have been placed in an unprecedented vulnerable position so desperate that many Puerto Ricans have been forced to abandon their homes and leave loved ones to migrate to the United States mainland in search of employment. Despite efforts to maintain some semblance of normalcy, their lives have been harshly disrupted. They are struggling with low wage jobs or unemployment, while health services are drastically reduced and schools are being closed.

We therefore urge the Senate to amend H.R. 5278 as follows:

Eliminate the provisions authorizing the board to prevent the enforcement of any law, regulation or action duly taken by the elected officials of the Commonwealth of Puerto Rico.

Eliminate provisions that authorize the Board to supplement the will of the elected officials of Puerto Rico with a budget and a fiscal plan that overrides the express wishes of the Legislature and the Governor of Puerto Rico.

Require the Oversight Board to develop a sound economic development strategy for Puerto Rico inclusive of a cost benefit analysis; a plan that takes into account lowering the unemployment rate, improving public services, fostering entrepreneurship, protecting the natural resources and agricultural development as a means to achieve and sustain economic growth and stability.

Require the Oversight committee to maintain the same minimum wage and healthcare benefits equal to the U.S. including the benefits to Veterans' Federal assistance program.

Require all members of the board to be nominated by the free selection of the President.

Require only a simple majority to vote in favor of restructuring Puerto Rico's debt.

Everybody on the island recognizes this as a critical element. A minority of the board can stop the majority will because the legislation calls for a supermajority of five of seven to cast a vote for restructuring. People on the island understand that, at a minimum, a simple majority should be required for restructuring Puerto Rico's debt.

Include economic incentives to ensure that Puerto Rice not only balances its budgets, but that it can also grows its economy and eventually pay its debts.

Ensure that the language that says that Puerto Rico's pension systems are ''adequately funded'' be changed to ''fully funded'' in order to prevent over 300,000 retirees and public employees from suffering further cuts to their benefits.

It is with great hope we write this request for support of Puerto Rico during this time of hardship. As U.S. citizens, Puerto Ricans have made enormous contributions to this society: men and women [from Puerto Rico] have fought in every war, where many gave their lives, contributed to science, education and the arts and the economy. We now look to our elected officials to demonstrate their commitment to service and equity for citizens and work to amend H.R. 5278 so that any fiscal remedy is not at the expense of the Puerto Rican people and does not exacerbate the existing humanitarian crisis.

We further believe that if these amendments are not included, the bill should not be approved as is and we would oppose this legislation as it would represent a frontal attack on the island's democratic rights, and would not include any economic development measures that are the only lasting solutions to this crisis.

So there is a common thread to all of these different individuals who have led the 3.5 million citizens of Puerto Rico. All those who aspire to lead the 3.5 million citizens of Puerto Rico, all of the civic society groups, they understand the neocolonialism of the legislation. They understand there is no clear pathway to restructuring, and they understand, to quote this part of that letter, that it is ''a frontal attack on the island's democratic rights.''

As the senior member of the Senate Foreign Relations Committee, I have heard many of my colleagues on the floor, in committee, and elsewhere, talk eloquently about democratic and human rights globally, worldwide. We are a beacon of light to the rest of the world for democracy and human rights. Yet, for the 3.5 million citizens of the United States who call Puerto Rico home, if we do this, this is not a beacon of light, it is not a respect for democracy. Yet that is what we are poised to do, without amendment.

The Coalition of Women's Organizations in Puerto Rico wrote:

The Puerto Rico Women's Movement joins many organizations and other sectors that are opposed to a Federal Fiscal Control Board appointed by the US government for Puerto Rico. ''Puerto Rico is going through great economic and financial challenges.

''The Puerto Rico Women's Movement has consistently denounced how austerity measures adopted within the island are severely weakening the human rights of our population.

''The Federal Fiscal Control Board proposed by the US Congress would be staffed by individuals who do not represent Puerto Rico's interests.

''This Federal Fiscal Control Board will have only one task: ensuring the payment of a multibillion dollar debt at the expense of our people's quality of life,'' stated Josie Pantoja, spokesperson for the feminist organization. The Puerto Rico Women's Movement is a collective of women's organizations, feminist groups and activists.

The Puerto Rico Women's Movement has sent a letter to many of our colleagues requesting that they vote against the current version of H.R. 5278, which empowers the fiscal control board to supersede and veto the decisions of publicly elected officials in Puerto Rico.

And they go on:

''MAMPR, Proyecto Matria, InterMujeres, the Caribbean Institute of Human Rights, feminists and activists denounced that the imposition of such Board represents a serious human rights violation against the people of Puerto Rico,'' expressed Eva Prados, also spokesperson of the collective.

Should H.R. 5278 pass in the Senate, it would bring untold hardship to the most vulnerable sectors: the elderly, children, poor women and the working class. With a poverty rate of 46 percent (where women represent 57 percent of those living in poverty) and a shrinking economy, the idea of imposing austerity measures that would continue to reduce government services in health, education, access to justice, among others, is unthinkable.''

So here we are. The Puerto Rico Women's Movement is going to join different strategies of resistance at the People's Assembly to be held on Saturday, June 25—that took place—and to speak out against these injustices.

I ask unanimous consent that all of these letters that I have read be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 14, 2016.

From: Spokespersons, Concertación Puertorriqueña Contra la Junta de Control Fiscal, San Juan, Puerto Rico.

To: Hon. Senator Bob Menéndez, U.S. Senate, Washington, DC.

DEAR SENATOR MENÉNDEZ, We write to you on behalf of the Concertación Puertorriqueña Contra la Junta de Control Fiscal (Puerto Rican Consensus Against the Fiscal Board); we are a broad-based organization that represents numerous civic and political organizations in Puerto Rico and the continental United States. Our signing members comprise labor syndicates and cooperatives; local business leaders, social, environmental and human rights organizations, artists, students and academics, religious organizations, LGBTTQ and feminist movements, special communities organizations, cooperative institutions, political parties and immigrants organizations, Puerto Rican diaspora groups as well as many individual citizens. This multi sectorial coalition has been formed as a common front to oppose H.R. 5278. Because of the negative consequences that it will have upon all of Puerto Rican society, we respectfully urge you to vote against this bill when it is presented in the Senate.

After studying the H.R. 5278 bill we have reached a unanimous agreement that this bill is totally unacceptable. While it is certain that Puerto Rico faces serious economic and social challenges, there is simply no way that we can consider a solution that would require our country to surrender its right to a democratic government while putting such broad dictatorial powers in the hands of a few unelected individuals.

In addition to a categorical refusal to give up our human right to representative democracy and government, we consider the economic policies in this bill to be grossly inadequate and detrimental to the goal of restoring economic growth and stability. The bill has no clear mechanism for restructuring the debt and there are no defined measures for economic development. Instead it is clear that this bill is designed to impose even more austerity measures which would further depress the economy, exacerbate the ongoing exodus of young people and professionals and have the effect of shrinking the tax base. What lies ahead for Puerto Rico should H.R. 5278 be passed in the Senate is untold hardship for the most vulnerable sectors: the elderly, children and the working poor. With a poverty rate of 46% and a shrinking economy, the idea of imposing austerity measures that would reduce government services such as in health and education is unthinkable.

Puerto Rico, as of this moment has no clear mechanism for restructuring its debt but an unspecific restructuring mechanism in exchange for giving up our pensions, our employment, our health care program and our representative democracy is not a path to recovery and cannot be considered an option.

The imposition of H.R. 5278 or similar legislation on the part of U.S. Congress, where we have no voting representation, constitutes a violation of our human rights. Furthermore, it places in evidence that the relationship between Puerto Rico and the United States has never been anything other than that of colonial subjugation; which is considered a crime under international law regarding the rights of non-self-governing territories.

The most recent SCOTUS decisions permit the U.S. Congress to approve H.R. 5278, using in effect its powers to unilaterally take over our governance in order to protect the interest of hedge funds and bondholders. While this action by Congress will be seen internationally as one that unmasks the intrinsic 118–year-old colonial relationship, such a measure would also evidence the underlying racism that infuses relations between Puerto Rico and the United States.

We will do everything within our power to stop this bill from being enacted. If the bill were however, to be approved, we are ready to resist its implementation by all available means. Furthermore, we have also declared our collective willingness and disposition to go forward with a plan of broad protests as well as acts of civil disobedience in Puerto Rico and in the United States. As a broad coalition defending the people of Puerto Rico against a great injustice, have the duty and right to vigorously pursue a policy of consistent noncooperation until this legislation is withdrawn.

We urge you to forge a different path, one that respects our right to democracy and dignity and that is intent on truly fixing the underlying problems; we ask you to vote NO on H.R. 5278.

Sincerely,

The spokespersons for the Concertación Puertorriqueña Contra la Junta de Control Fiscal:

JEROHIM ORTIZ
JOSÉ RIVERA SANTANA
ANA IRMA RIVERA LASSEN
LUISA ACEVEDO
JUAN A. VERA.

NATIONAL CONFERENCE OF PUERTO RICAN WOMEN, INC.,
June 14, 2016.

Hon. MITCHELL MCCONNELL,
Majority Leader, U.S. Senate, Washington, DC.
Hon. HARRY REID,
Democratic Leader, U.S. Senate, Washington, DC.

STATEMENT ON H.R. 5278

(PROMESA BILL)

DEAR MAJORITY LEADER MCCONNELL AND DEMOCRATIC LEADER REID: We, the National Conference of Puerto Rican Women (NACOPRW), representing Puerto Rican women and other Latinas across the United States urges the Senate to amend bill H.R. 5278, also known as PROMESA. We believe that, as it stands today, PROMESA, cannot live up to the ''promise'' of helping Puerto Rico resolve its fiscal crisis without exacerbating the humanitarian and fiscal crisis that continues to unfold in the island.

We strongly oppose the following three aspects of H.R. 5278 that was passed by the U.S. House of Representatives:

1) The ''Oversight'' Board is not required to create a comprehensive economic development strategy and yet imposes an additional debt burden of $370 million dollars on the people of Puerto Rico to cover their expenses with hundreds of millions more in implementation costs, according to the Congressional Budget Office (CBO) scoring of the bill.

2) H.R. 5278 authorizes the Governor of Puerto Rico, with the consent of the ''Oversight'' Board to lower the federal minimum wage to $4.25 for those 25 years old and younger, accelerating the exodus of young talent and thereby hindering Puerto Rico's future economic growth.

3) The creation of the ''Oversight'' Board outlined in PROMESA focuses on the method by which members are selected without sufficient consideration to the expertise needed to ensure a viable outcome.

The lives of Puerto Ricans, who are American citizens, have been placed in an unprecedented vulnerable position so desperate that many Puerto Ricans have been forced to abandon their homes and leave loved ones to migrate to the United States mainland in search of employment. Despite efforts to maintain some semblance of normalcy, their lives have been harshly disrupted. They are struggling with low wage jobs or unemployment, while health services are drastically reduced and schools are being closed. We therefore, urge the Senate to amend H.R.5278 as follows:

Eliminate the provisions authorizing the board to prevent the enforcement of any law, regulation or action duly taken by the elected officials of the Commonwealth of Puerto Rico.

Eliminate provisions that authorize the Board to supplant the will of the elected officials of Puerto Rico with a budget and a fiscal plan that overrides the express wishes of the Legislature and Governor of Puerto Rico.

Require the Oversight Board to develop a sound economic development strategy for Puerto Rico inclusive of a cost benefit analysis; a plan that takes into account lowering the unemployment rate, improving public services, fostering entrepreneurship, protecting the natural resources and agricultural development as a means to achieve and sustain economic growth and stability.

Require the Oversight committee to maintain the same minimum wage and healthcare benefits equal to the U.S. including the benefits to Veterans' Federal assistance program.

Require all members of the board to be nominated by the free selection of the President.

Require only a simple majority to vote in favor of restructuring Puerto Rico's debt.

Include economic incentives to ensure that Puerto Rico not only balances its budgets, but that it can also grow its economy and eventually pay its debts.

Ensure that the language that says that Puerto Rico's pension systems are ''adequately funded'' be changed to ''fully funded'' in order to prevent the over 300,000 retirees and public employees from suffering further cuts to their benefits.

It is with great hope that we write this request for support of Puerto Rico during this time of hardship. As U.S. citizens, Puerto Ricans have made enormous contributions to this society: men and women have fought in every war, where many gave their lives, contributed to science, education and the arts and the economy. We now look to our elected officials to demonstrate their commitment to service and equity for citizens and work to amend H.R. 5278 so that any fiscal remedy is not at the expense of the Puerto Rican people and does not exacerbate the existing humanitarian crisis. We further believe that if these amendments are not included, the bill should not be approved as is and we would oppose this legislation as it would represent a frontal attack on the island's democratic rights, and would not include any economic development measures that are the only lasting solutions to this crisis.

Respectfully,

WANDA GORDILS,
National President, NACOPRW.

NACOPRW Chapter Presidents: Iris Melina Olmo, Washington D.C.; Michelle Centeno, New York City; Nydia Cabrera, Miami; Amaris Hernandez, Philadelphia; Deborah Lopez, Chicago; Aida Lugo-McAllister, Indiana; Vilma Colom, Northern Illinois; Carmen Ortiz, Milwaukee; Anaida Colon, California.

HECTOR FERRER, ESQ.,
San Juan, PR.

DEAR SENATORS: I am writing to respectfully request you vote NO on closure and to support an open amendment process on the Puerto Rico Oversight, Management, and Economic Stability Act. (S 2378)

The simple reality is that, as drafted, PROMESA is an affront to the basic right of the Puerto Rican people to self-governance. This is not in dispute—the bill plainly supplants our elected government with a federally-appointed ''Oversight Board,'' which the people of the Commonwealth will have essentially no say in. This should be alarming not only to the Puerto Rican people, but to anyone who believes in the democratic ideals of American government.

This is a bill that can and should be improved through debate and the full amendment process. To circumvent that process simply for the purpose of meeting superfluous deadline is to do a great disservice to the Puerto Rican people. There is simply no evidence to suggest that a missed debt payment by our government on July 1 will have the consequences the proponents claim. Rather, we should be fighting for the right bill that can bring real relief and economic opportunity to the Puerto Rican people.

Puerto Ricans have much at stake in this debate, and I commend your willingness to lead and advocate for a position held by the overwhelming majority of us. I look forward to doing anything that I can to further your efforts.

Sincerely,

HECTOR FERRER,
Popular Democratic Party, President (2008–2011), House of Representative Majority Leader (2001–2004), House of Representative Minority Leader (2005–2008), Resident Commissioner Candidate (2016).

JUNE 28, 2016.

TO THE SENATE OF THE UNITED STATES OF AMERICA: I was governor of the Commonwealth of Puerto Rico for 12 years. In 1993, I handed over my office to my successor with a modest budget surplus, a growing economy, and access to the financial markets at reasonable rates. I write to request an open debate on the Puerto Rico Oversight, Management and Stability Act which would provide Puerto Rico much needed relief for the adjustment of debts but will needlessly inflict irreparable and permanent damage to the political relationship of Puerto Rico with the United States of America.

As recently as June 9, 2016, The Supreme Court of the United States has described this relationship as follows: ''Puerto Rico, like a state, is an autonomous political entity, sovereign over matters not ruled by the [Federal] Constitution.'' This sovereignty over our internal affairs is exercised by the people of Puerto Rico through our own Constitution under a compact entered in 1952 with the Congress of the United States. This compact was ordained in order to establish the relationship between Puerto Rico and the United States under the principle of the consent of the governed.

The Oversight, Management, and Stability Act needlessly, empowers the Oversight Board that it creates with the authority to override the decisions of the Governor of Puerto Rico, and the laws of the Legislature, thus encroaching on the sovereign powers of the Commonwealth rendering nugatory the right to vote of the citizens of the Commonwealth.

This empowerment of the Oversight Board by the Congress tramples upon the compact providing for self-government and undermines the democratic underpinnings of the Commonwealth relationship established with the United States. It will be an irreparable blow even after the Board is terminated.

The encroachment powers of the Board are not necessary to ensure compliance by Puerto Rico with the Fiscal Plan required by the Act. There are other means consistent with respect for Puerto Rico's sovereignty and self-government to accomplish this.

I respectfully request that the members of the Senate have the opportunity to engage in an open debate and be allowed to present amendments so that the bill may respect the democratic process in Puerto Rico and the sovereignty of its citizens.

Cordially yours,

RAFAEL HERNÁNDEZ COLÓN,
Governor of Puerto Rico, 1973–1976; 1985–1992.

SAN JUAN, PUERTO RICO,
27 June 2016.

DEAR SENATOR: As candidate for Governor of Puerto Rico for the Partido del Pueblo Trabajador I wish to convey to you our firm opposition to the PROMESA Bill that is now under consideration in the Senate.

We believe that the fiscal and economic policies that affect the Puerto Rican people need to be adopted by the representatives elected by the Puerto Rican people. The PROMESA bill violates this fundamental democratic principle as it would create an unelected board that would have considerable powers to impose or block fiscal measures and policies in Puerto Rico. Such an organism would lack all democratic legitimacy and would only make the resolution of Puerto Rico's debt crisis more difficult.

Not surprisingly a vast array of organizations in Puerto Rico and the Puerto Rican diaspora have expressed their rejection of this legislation.

In order to regain the path of economic development Puerto Rico requires:

1. An enabling renegotiation of its public debts. We label it enabling since it should enable Puerto Rico to attain a path of sustainable economic development (including a transition to renewable energy). This renegotiation must have as a priority the protection of pensions and essential public services.

2. An audit of Puerto Rico's public debts. There are excellent grounds to suspect that a significant portion of this debt is illegal, unconstitutional or otherwise illegitimate. This, in turn, is legal ground for annulling such portions.

3. A suspension of payments on this unsustainable debt until an audit and an adequate renegotiation is completed.

4. Congressional action to protect Puerto Rico against litigation (a stay of legal actions) in the case of suspension in payments.

5. A plan of economic reconstruction that emphasizes reinvestment in Puerto Rico of the profits generated here, including a revision of federal and local tax policies to insure that they promote economic development.

6. Congressional support, including funding, to facilitate such an economic reconstruction, as part of similar projects to benefit U.S. working people.

Unfortunately, the PROMESA bill includes no provisions that correspond to these requirements.

Since a major debt service payment is due on the 1st of July we suggest that PROMESA be put aside and a brief substitute measure regarding point 4 above be approved instead, while adequate legislation is considered in the near future.

Cordially,

RAFAEL BERNABE,
Candidate for Governor, Partido del Pueblo Trabajador.

ESTADO LIBRE ASOCIADO DE PUERTO RICO, OFICINA DE EX-GOBERNADORES,
Río Piedras, PR, June 28, 2016.

SENATORS,
U.S. Senate,
Washington, DC.

SENATOR: As former governor of Puerto Rico and former member of Congress I am writing you to express my strong opposition to S 2328 (HR 5278) under consideration of the Senate. All candidates for Governor of Puerto Rico in the November election, the majority of the members of the Puerto Rican House of Representatives and Senate, and the majority of Puerto Ricans (see El Nuevo Dia poll of June 16, 2016) oppose this bill as well. A bill that promises only one thing for certain: to end our Republican form of government with its checks and balances. The bill called PROMESA is known in Puerto Rico as La Junta, a name commonly used for military dictatorships in Latin America. Please, do not take all its implications lightly.

It is incredible and a shame that the most important piece of legislation considered by Congress regarding Puerto Rico since the authorization and approval of the Commonwealth Constitution in 1952, effectively denies basic principles of democracy and self-government, trashes that same Constitution and uses the plenary powers of Congress with a mentality reminiscent of 18th century colonialism.

That is why I urge you to vote NO on Cloture and to support the amendments that have been filed to create a more representative board, limit the overreaching powers of the board, establish a clear and effective path to restructuring, and really protect pensions and basic services to the people. These amendments will eliminate many of the most aggravating dispositions of this bill. And if the amendments are not approved I strongly urge you to vote NO on approval.

Those who are pushing to blindly pass the bill acknowledge its imperfections and its excesses. They say Congress will need to do more working the future to help Puerto Rico. But you know, as do they and do I, that the Congressional calendar won't allow further action on Puerto Rico for a long time. We will be stuck with the consequences. It's imperative to get it right this time.

The July 1st deadline is not the end of the world. The bill already has retroactive provisions. Don't make July 1st the end of democracy for Puerto Ricans.

Thanks,

GOVERNOR ANÍBAL ACEVEDO-VILÁ.

Mr. MENENDEZ. I know there are more. I think the National Puerto Rican Coalition had one, and I will get to those in a few moments.

These threads that are constantly seen by the people of Puerto Rico and by other independent services, such as the nonpartisan Congressional Budget Office, which states:

The board would have broad sovereign powers to effectively overrule decisions by Puerto Rico's legislature, governor, and other public authorities [. . .] it can effectively nullify any new laws or policies adopted by Puerto Rico that did not conform to requirements specified in the bill.

That is not what I am saying. It is not the residents of Puerto Rico who say it. It is the Congressional Budget Office. So not to believe me—this is the nonpartisan entity we use to analyze legislation, and they say the board has broad sovereign powers to effectively overrule decisions by Puerto Rico's legislature.

We hear these people crying out from the island to their fellow citizens in the United States: Don't take away our basic democratic rights to give them to an unelected, unrepresentative control board that can nullify any new laws or policies adopted by Puerto Rico that don't conform to requirements specified in the bill.

Even the bill's own author noted in a committee report:

The Oversight Board may impose mandatory cuts on Puerto Rico's government and instrumentalities, a power—

I read this before—

far beyond that exercised by the Control Board established for the District of Columbia.

If the Board, in its sole discretion—

An enormous grant of power. ''In its sole discretion,'' what does that mean—in its sole discretion. It is pretty obvious. The seven of them will get together and decide, well, in our discretion, this is, in fact, how this should move forward.

The bill cites this 29 times in critical moments in the legislation: ''In its sole discretion,'' which, in essence, uses the superpowers in this bill. It could choose to close more schools, to shutter more hospitals, to cut senior citizens' pension to the bone. I know some people are thinking that will not happen. Well, already the government of Puerto Rico has made some very tough choices to do some of that in order to try to meet its obligations, but it came to the conclusion that there is only so far they can go. But an oversight board, ''in its sole discretion,'' could make that decision as well.

And the powers aren't limited to just budget and fiscal policy, although I would say those—just those two alone, let's forget about anything else, budget and fiscal policy—I always think that one of the most important things we do in the Congress is to set the budget for the Nation. We all have budgets in our lives. We may not think of them as budgets, but we have one. It is our income by however we derive it. By our work and our salary or our business, by maybe some investments—if we have enough money to make investments, get some interest, rates are very low—however we derive it, that is our income. And then we have our expenses: the home we keep for our family; the health care we provide for them; the educational opportunity we want to have for our children to graduate and not graduate with a mountain of debt; taking care of a loved one, a mom or dad or in-law; going ahead and thinking about our own retirement in the future; the church, synagogue, or mosque that we tithe to; the charitable contributions we make to organizations we believe are important because of the work they do, those are expressions of our values as individuals.

The Nation's budget is an expression of our collective values as a country. What will we provide for the national defense? How will we secure our homeland against acts of terrorism? What will we spend to educate our children, both elementary, secondarily, and how are we going to help students not graduate under a mountain of debt but have that human capital that we need to drive America's competitiveness?

How are we going to defend our country across the globe, for example, from ISIS? How much money are we going to spend in research and development so the Alzheimer's that took my mother's life can be cured, so we can find the cause and then develop a cure for cancer and so many other dreaded diseases.

All of these things, and many more, that we decide collectively as a Congress are in the budget is an expression of our collective values as a nation. Yet the people of Puerto Rico are not going to have the right to determine their budget and an expression of their values for the 3.5 million U.S. citizens who call Puerto Rico home.

So as the bill states in section 205:

The Oversight Board—

They call it oversight. I call it a control board because oversight is one thing, but when you have the control to dictate things, to me that is more of a control board—

may at any time submit recommendations to the Governor or the Legislature . . . relating to the management of the territorial government's financial affairs, including economic forecasting and multiyear fiscal forecasting capabilities, information technology, placing controls on expenditures for personnel, reducing benefit costs—

What does that mean? Reducing employee benefit costs maybe to make them pay more of their health care, reduce the amount of sick time or overtime they can have—

reforming procurement practices, and placing other controls on expenditures; the structural relationship of departments, agencies, and independent agencies within the territorial government; the modification of existing revenue structures—

Existing revenue structures. As a member of the Senate Finance Committee, I know what that means. A revenue structure is how we derive the money to run our government. That overwhelmingly is in Federal taxes, but there are a whole host of fees and other sources of revenues that we derive. This entity is going to be able to modify what that revenue structure is, or the establishment of additional revenue structures, which many here would revolt against in terms of having taxes imposed on them, which is taxation without representation.

That is what we are going to say to the people of Puerto Rico. It is not good for the rest of the American citizens, but for the 3.5 million citizens in Puerto Rico: You can have taxation without representation for you—for you—

the establishment of alternatives for meeting obligations to pay for pensions of territorial government employees; modifications or transfers of the type of services that are the responsibility of and are delivered by the territorial government; modifications of the types of services that are delivered by entities other than the territory government; the effects of the territory's laws and court orders on the operations of the territorial government; the establishment of a personnel system for employees of the territorial government that is based upon employee performance standards; the privatization and commercialization of entities within the territorial government.

That is pretty significant. I know many of my colleagues, particularly the Democratic caucus, have a real concern about the privatization of certain governmental services. Well, we as Democrats are going to vote to undo the minimum wage, undo overtime protections. We are going to vote to allow this unelected oversight board to ultimately say there are entities within the government of Puerto Rico that should be privatized. I will talk a little bit later because I know many of my friends on the Democratic side of the aisle are concerned about the environment and environmental sighting of sites. Well, we are going to give them fast-track to go ahead and make all types of environmental sites and bypass other laws that Puerto Rico has to preserve the environment, but for the people of Puerto Rico, we will leave those environmental laws largely by the wayside.

While this section calls these comments ''recommendations,'' section 201 of the bill allows the board to ''adopt appropriate recommendations submitted by the Oversight Board under Section 205(a).''

So these are more than recommendations because it allows the board to adopt appropriate recommendations submitted by the oversight board under a different section. So if the board decides to hold a fire sale and put some of Puerto Rico's natural wonders on the auction block to the highest bidder, they can.

I have visited the island of Puerto Rico many times, and I have seen some of its natural wonders. It has incredibly beautiful places. It has places like Vieques, which is also incredibly beautiful and is a place for the U.S. military to perform its bombing runs, and

the people of Puerto Rico for years and years supported half of the national defense. It could take a part of Vieques and say: Well, this should be sold. It could take another part of the natural wonders of Puerto Rico and say it should be sold.

So if the board decides to hold the fire sale and sell the natural wonders of Puerto Rico to the highest bidder, they can. They could decide to sell off Las Cabezas de San Juan Nature Reserve in Fajardo or Cueva Ventana in Arecibo or Guanica Dry Forest or to build condominiums in San Cristobal Canyon or hotels in Blamenco Beach on Culebra. But what do the Puerto Rican people want? Is that what we want, or is that what an oversight board would want?

The fact is, this legislation puts balanced budgets and untested ideology ahead of the health, safety, and well-being of children and families, similar to the control board travesty that unfolded in Flint. I don't know if we want to repeat a mistake like that.

Without their voices represented on the control board, there is nothing that the people of Puerto Rico will be able to do. The fact that the Puerto Rican people will have absolutely no say over who is appointed or what action they decide to take is clearly blatant neocolonialism.

I am afraid we are opening the floodgates for Puerto Rico to become a laboratory for rightwing economic policies. Puerto Rico deserves much more than to be an unwilling host of untested experiments in austerity.

I am not advocating to completely remove all the oversight powers. To the contrary, the legislation I offered actually has some oversight powers. I support helping Puerto Rico make informed, prudent decisions that put it on a path to economic growth and solvency. But despite its name, the oversight board envisioned by this bill doesn't simply oversee; it directs and it commands. It doesn't assist; it controls.

In section 201(d)(2), PROMESA makes clear that ''if the Governor fails to submit to the Oversight Board a Fiscal Plan, that the Oversight Board determines in its sole discretion''—again, undefined, but we have a generic sense of what ''in its sole discretion'' means. If we read the legislation, the Governor can recommend. The oversight board can reject. The Governor can recommend. The oversight board can reject.

If the Governor fails [ultimately] to submit to the Oversight Board a Fiscal Plan that the Oversight Board determines in its sole discretion satisfies the requirements set forth in [that subsection] by the time specified in the notice delivered under subsection (a), the Oversight Board shall—

Words of art, ''shall,'' ''mandatory''—

develop and submit to the Governor and the Legislature a Fiscal Plan.

Then, in section 202(e)(4), PROMESA reiterates that the board has the final say. They have the final say by stating:

If the Governor fails to develop an Instrumentality Budget that is a compliant budget by the day before the first day of the fiscal year for which the Instrumentality Budget is being developed, the Oversight Board shall submit an Instrumentality Budget to the Governor (including any revision to the Instrumentality Budget made by the Oversight Board pursuant to subsection(c)(2)) and such Budget shall be

(A) deemed to be approved by the Governor—

Not that the Governor approves it; the oversight board shall deem it to be approved. So the oversight board is now the Governor of Puerto Rico and its legislature too—

(B) the subject of the compliance certification issued by the Oversight Board to the Governor; and

(C) in full force and effect beginning on the first day of the applicable fiscal year.

So the oversight board goes back and forth with the Governor. The Governor is trying to represent the interests of all of the people of Puerto Rico, 3.5 million U.S. citizens, trying to balance the responsibility for making its payments but doing it in a way that can still help the citizens of Puerto Rico be able to go about their lives, to not have a brain drain, have everybody leave the island because they can take one flight on JetBlue to the United States and find a much better life. Yet, despite those actions in which he is balancing all of this, as is the Legislature of Puerto Rico, at the end of the day, the oversight board says: You know what, in our sole discretion, that doesn't meet our standards. So guess what. We are going to give you a budget. We are going to deem that the Governor approved this budget, basically, whether he approved it or not. We take it as a section of law that you approved it, and then it will go into full force and effect.

Now, in addition to the power to take the budget, which, as I described before, is the single most important document we use as a Congress because it reflects the interests of the American people and our values as a people, how will we do all of those things which the Governor of Puerto Rico and the Legislature have to do for the 3.5 million citizens of Puerto Rico? Now we have gone from an opportunity for the Governor to try to make his case of what is the best balance for Puerto Rico—but it is rejected at the sole discretion of the oversight board. They will determine what the budget is. They will mandate it, and it will go into full force and effect.

Then, in section 203(d), PROMESA allows the board make mandatory budget cuts. It says:

BUDGET REDUCTIONS BY OVERSIGHT BOARD

If the Oversight Board determines that the Governor, in the case of any then-applicable certified Instrumentality Budgets, and the Governor and the Legislature, in the case of the then-applicable certified Territory Budget—

All it means is that the instrumentality budgets are subdivisions of the Commonwealth of Puerto Rico, the territory budget is Puerto Rico, so it is either one—virtually total blanket control—

have failed to correct an inconsistency identified by the Oversight Board under subsection (c), the Oversight Board shall—

Words of art meaning ''mandatory''—

with respect to the territorial government, other than covered territorial instrumentalities, make appropriate reductions in nondebt expenditures. . . .

This is very important, reductions in nondebt expenditures. The oversight board won't touch moneys that are going to pay debt, but it can make mandatory reductions in nondebt expenditures—everything else that goes to the health and well-being of the people of Puerto Rico—''to ensure that the actual quarterly revenues and expenditures for the territorial government are in compliance with the applicable certified Territory Budget''—the certified budget that the Governor and legislature didn't pass but that the oversight board passed. So not only do they set themselves up to have total control over that budget, at the end of the day they can make a budget and they can make it mandatory. And by the way, after we tell you this budget should have so much revenue, if that falls short, we have the absolute right to cut the nondebt expenditures, meaning the expenditures for everyday life in Puerto Rico, such as public safety, public health, public education, senior citizens, and others. They can cut that, and they can do it in a way that it will become final.

To further go on, section 2 of that reads ''with respect to covered territorial instrumentalities at the sole discretion of the Oversight Board.'' Now, territorial instrumentalities or other subdivisions or other government agencies can make reductions in nondebt expenditures to ensure that the same revenues and expenses are in compliance with the applicable certified budget that the oversight board ultimately created and made mandatory. It can institute automatic hiring freezes at the territorial instrumentality. What could that be? That could be a hospital. If there is a hospital association that is part of the territorial instrumentality, hiring in the midst of the Zika challenge, they can freeze it. If there is an instrumentality that deals with the public safety, they can freeze the hiring there. Even though the government of Puerto Rico may feel they have a bigger challenge, they can institute automatic hiring freezes. They can prohibit the covered territorial instrumentality from entering into any contract or engaging in any financial or other transaction unless previously approved by the oversight board, which means that they can never, at the end of the day, act on their own. They have the

oversight board that they have to go and ask everything of.

In section 204(a)(5), the bill gives the Board the authority to veto legislation passed by the Puerto Rico Legislature and signed by the Governor, stating that ''the Oversight Board may take such actions as it considers necessary, consistent with this Act, to ensure that the enactment or enforcement of the law will not adversely affect the territorial government's compliance with the Fiscal Plan, including preventing the enforcement or application of the law.''

So in addition to having the power to basically say to the Governor: Sorry, legislature, your budget is not acceptable. Here is the budget we determined is acceptable. This budget is now deemed as mandated, and it goes into full implementation. If we are wrong, by the way—this is the oversight board—in our fiscal estimates, we will have the right to cut nondebt expenditures, meaning the predators, the hedge funds, all those, they can get their money, but we can cut nondebt expenditures to ensure that we met the lowest fiscal forecast—totally in the oversight board's control.

And then if they didn't have enough power as it was, they can veto any legislation passed by the Puerto Rican Legislature and signed by the Governor, stating that the oversight board may take such actions as it considers necessary and consistent with this act. So what is the use of having a Governor and a legislature if they can't pass their budget, if they can't direct even within a fiscal plan that they come up with? It gets vetoed. It gets imposed. The oversight board can cut nondebt expenditures. So why have a Governor? Why go through the farce?

In section 204(b)(5), PROMESA also allows the board to override contracts, rules, regulations, and executive orders. It states that ''if a contract, rule, regulation or executive order fails to comply with policies established by the Oversight Board under this subsection, the Oversight Board may take such actions as it considers necessary to ensure that such a contract, rule, regulation or executive order will not adversely affect the territorial government's compliance with the Fiscal Plan, including by preventing the execution or enforcement of the contract, the rule or the executive order or regulation.''

It sounds like a lot of legalistic words. What does that mean? It means that in addition to them passing it and saying: ''This is it; you are going to have to live with it,'' they are going to be able to make, in addition—if we made the wrong projections, we are going to be able to cut nondebt expenditures. By the way, if you do something that we think—the unelected oversight board representatives of Puerto Rico—if you pass a rule Puerto Rican society might have to live under or a rule that an entity might have to be obligated to follow or if you pass a regulation that might be for the well-being and health and safety of the people of Puerto Rico or if you pass an executive order, if it fails to comply with what we believe are the policies established by us, we have the right to basically override it and to prevent the execution or enforcement of it.

So this substitutes the oversight board's opinion of what, in fact, is in the best interest of the Puerto Rican people, even though there is no real representation of the people of Puerto Rico.

My first amendment, if given the opportunity, would be to attempt to strike the right balance and give the people of Puerto Rico at least some representation on this all-powerful board. The current legislation denies the Puerto Rican people any representation on a board that effectively replaces the decisionmaking powers of the legislative and executive branches of their democratically elected government.

Why is it that 3.5 million citizens of Puerto Rico are denied the right to put people on this board through a process of advise and consent within their own government and legislature, with certain qualifications, just like we have qualifications here? Why is it that they can have no say about who is going to dictate their future, in essence, particularly with such an enormous, powerful board reaching into every potential aspect of Puerto Rican life?

Our amendment adds two additional voting members chosen by the elected representatives of the people of Puerto Rico. The Speaker would still get his two, and the majority leader would get his two. The rest would be the same, but at least the people of Puerto Rico would have some say.

(Mr. GARDNER assumed the Chair.)

When you have stakeholders involved in the decisionmaking process, you are more likely to be able to have the population agree to the tough choices you are going to make. When there is no representation, there is revolt. That is the very essence of how this Nation came to be—taxation without representation, a desire to have a say, a desire to be governed by those who have the consent of the governed. That is what the people of Puerto Rico have had and continue to want to have.

These two additional members would be chosen by the President from a list of four candidates submitted by the Governor of Puerto Rico with the advice and consent of the Legislature of Puerto Rico. Republicans will still appoint a majority of members. From an ideological perspective, what is so wrong about that in terms of giving the people of Puerto Rico some direct say?

I personally believe that all members of the board should be chosen by the people of Puerto Rico or their elected representatives, along the standards that we set for membership in terms of backgrounds and abilities to make sure these are people who can help Puerto Rico guide its way through the future. They should come from the island, and that is exactly what my legislation would call for.

But I wanted to be reasonable and open to compromise, which is why my amendment only would require two members of a nine-person board to be chosen by Puerto Rico. Certainly, we can all agree that the people who will have to deal with this board should have some say over who is making all of the decisions.

If we had an opportunity, my second amendment would keep recommendations made by the control board to be advisory only. If they are called recommendations, the board shouldn't be able to compel them into a fiscal plan as the bill currently allows. Besides the fundamental flaws with the control board, there is also one of the most significant parts other than, of course, representation. The board structure here is so omnipotent, and there should be representation from the people of Puerto Rico. But beyond that, the fundamental flaw of the control bill is that this bill also fails to provide a clear path to restructuring, which is, as I have said several times, the whole purpose of this bill to begin with. The unelected control board created in this bill will have the authority to decide whether Puerto Rico's debts are worthy of restructuring.

Let's not fool ourselves in believing that it is a sure thing that this bill guarantees the island the ability to restructure its debts.

Indeed, section 206 of the bill lists four gatekeeping requirements before any restructuring can occur.

Section 8 requires that the oversight board ''prior to issuing a restructuring certification regarding an entity . . . shall determine''—this is the oversight board—''in its sole discretion. . . . ''

Again, one of the most important parts of why we are even considering legislation and the only reason we are really considering legislation is to help Puerto Rico through getting access to restructuring in the bankruptcy system. Yet we create a bar that says that the control board, this unelected group of these 7 people with all these other powers, in addition to that, ''shall determine, in its sole discretion, that the entity has made good-faith efforts to reach a consensual restructuring with the creditors; [and] the entity has adopted procedures necessary to deliver timely, audited financial statements; and made public draft financial statements and other information sufficient for any interested person to make an informed decision with respect to a possible restructuring.''

Let's look at the first part of that. ''The entity has made good-faith efforts to reach a consensual restructuring with the creditors''—in their sole discretion.

So what does that mean? Puerto Rico has a wide number of creditors. As part of this law, basically, the government of Puerto Rico will have to try to come to an understanding with its creditors to see if they could work out something they could agree before getting access to restructuring. But it is the board, in its sole discretion, that determines whether Puerto Rico has actually had a good-faith effort.

What if you have members appointed who believe that creditors should get every dime they invested—even the vulture funds that Senator SANDERS was talking about, which bought extremely low at high interest rates and want to maximize their profits—and the oversight board says: No, you haven't made sufficient good-faith effort to reach a consensual restructuring with your creditors; go back.

So the Governor of Puerto Rico goes back and tries again. He is weighing all of the elements of what is important for him to be able to govern like any Governor of any State would, with all of the interests of its people in every dimension. So the Governor goes back and tries to work with the creditors, but the creditors know this: You know, this oversight board is on my side on this question, so I can squeeze the Governor harder and harder and harder, because at the end of the day, it is the oversight board, in its sole discretion, that will make a determination as to whether there have been good-faith efforts to reach a consensual restructuring with the creditors.

We would like to think that this board will be totally aboveboard, that their only interest is doing the right thing for the people of Puerto Rico. But you grant this much power—unelected and unresponsive. If I read the legislation right, they may have to do a report annually or every so often. But for the most part, the control board operates on its own. It has that $370 million of dedicated funding, and dictates how long it will live because it has the ultimate discretion as to whether after 5 years whether Puerto Rico has created a fiscal stability that meets the standard in their sole discretion and also that determines whether or not they have access to the bond market in their sole discretion. If not, they can extend their life. When they extend their life, they keep control over the people of Puerto Rico.

So whoever is the Governor of Puerto Rico—this will extend far beyond the present Governor. It is not even this present Governor, who will be leaving office at the end of this year. There will be elections, and there will be a new Governor. That new Governor is going to potentially have this enormous, omnipotent power in a board that can squeeze it in a way that is simply unfair to the citizens of Puerto Rico.

They go on to say in that same vein that not only is it about the Governor of Puerto Rico, but it is whether ''the entity is either a covered territory that has adopted a Fiscal Plan certified by the Oversight Board, a covered territorial instrumentality that is subject to a Territory Fiscal Plan certified by the Oversight Board, or a covered territorial instrumentality that has adopted an Instrumentality Fiscal Plan certified by the Oversight Board.''

And as it relates to modifying, if they can come to an agreement if there is a modification, only the board can determine if such modification is accepted. But that is not even the tough part. Even if Puerto Rico meets these metrics, the bill doesn't guarantee the restructuring—not even close. Instead, PROMESA requires a super majority 5-to-2 vote of the control board for any of the island's debts to be restructured.

I grew up understanding basically that the majority rules, and that is a fundamental element in my view. I know that in the Senate we have a 60-vote requirement for closing a filibuster, coming to an end on a piece of legislation to move forward, but, generally, we come from the perspective that majority rules. Here we have a super majority that has to determine it. By virtue of insisting on a super majority, there is another, terrible, adverse possibility that a minority, or three people of the board—since there are seven, you need five—say: No, we are not satisfied; we don't believe we should go to restructuring, even though four other members of this board, as presently determined, can say: Well, yes, we think Puerto Rico has done enough to go to restructuring. But if those three stay strong and say: No, we don't think you have done enough to do restructuring, then the minority can thwart the will of the majority and thwart the whole process of why we are in the midst of having legislation in the first place, which again is to give the people of Puerto Rico a chance for restructuring. So that means that these three people, a minority of the board, could derail the island's intent to achieve sustainable debt repayments.

Now, as to sustainable debt payments, that means: Yes, we want to repay our debts, but we have to be able to sustain the health, well-being, and protection of our people at the same time that we pay those debts. That is what restructuring is all about—to permit both to take place.

Without any authority to restructure its debt, all this legislation will do is to take away the democratic rights of 3.5 million Americans and leave the future to wishful thinking and a prayer that the crisis will somehow be resolved.

Instead of leaving this critical decision up to the whims of a minority of the board, one of my amendments would provide a clear path to restructuring by removing this arbitrary vote requirement.

Instead, under my amendment, the government or instrumentality would be able to restructure its debts once it has engaged in good-faith efforts to reach a consensual agreement with creditors, establish a system to develop and make public, timely, audited financial statements, and adopted a fiscal plan that was ultimately approved by the board, but done in such a way that takes into account all of the elements that are important for the Governor and Legislature of Puerto Rico to consider on behalf of its people, as we as a legislative body consider on behalf of the American people.

When the main purpose of this bill is to give Puerto Rico the tools to restructure all of its debts, why would we leave that authority to chance or to the sole discretion of a control board for which only three can deny that opportunity ever?

Now, PROMESA also doesn't provide enough protections to ensure the health, safety, and well-being of the people of Puerto Rico. The bill only requires the board to ''ensure the funding of essential public services,'' which, when coupled with creditor priorities throughout the bill, leaves the people of Puerto Rico at the mercy of the control board. Even in this Chamber we have debates as to what is the necessary funding to ''ensure the funding of essential public services.'' Sometimes it is ideological, sometimes it is partisan, and sometimes it is not partisan. Members get together and say: We think there should be more for defense, and Republicans and Democrats might very well come together for that. We think there should be more to deal with the Zika virus, and Republicans and Democrats might come together for that, but sometimes we disagree.

The bottom line is that determination to give to an oversight board, instead of to the elected Government of Puerto Rico, the authority to determine what is ''ensure the essential funding of the public services.'' We have debates about that here all the time—robust debates. Why should such a debate and an ultimate determination be left to seven unelected, unaccountable individuals? I have two amendments to fix this if we had an opportunity for an amendment. One would strengthen the funding requirement for essential services by requiring funding ''at a level that increases the safety, health, and standard of living of the people of Puerto Rico.''

Another amendment would require the fiscal plan to reduce factors that lead to economic out-migration from the island. These are two priorities we

should all share, Democrats and Republicans alike. We saw all too painfully what happened in Flint when budgets came ahead of people. We saw it when budgets came ahead of people. Balanced budgets don't mean much when children are poisoned by the water they drink. It seems to me we have to learn from history and balance fiscal responsibility with the well-being of children and families.

Finally, I would plan to offer an amendment to protect senior citizens and avoid an increase in elderly poverty. PROMESA currently improves a vague and undefined requirement to ''provide adequate funding for public pension systems.''

We are having debates about Social Security as a form of a pension system, and we have debates in the States about what their public pension plans are. To suggest that this oversight board—with the words ''provide adequate funding,'' it is going to be their sole discretion as to what adequate funding means. They may think adequate funding is enough to pay only half of what recipients are supposed to receive. They may decide that certain categories of recipients may not receive full funding, and others may. When you read the words ''adequate funding,'' what that funding is goes undefined with a board that nearly 30 times has ''in their sole discretion'' the ability to determine what things are. Again, it is an enormous grant of power.

So those who have worked a lifetime in Puerto Rico and now are pensioned in Puerto Rico will be at a lesser standard in terms of protection than the bondholders and the hedge funds and all those entities that made huge investments, trying to make a killing. Pensioners have no real protection at the end of the day. Maybe it is true that the present system doesn't guarantee them all the protections they want to have, but we do nothing by saying this is your fig leaf. We reinforce in the language of PROMESA the importance of bondholders but minimize the importance of pensioners.

Our amendment would ensure that senior retirees and pensioners are better protected from the whims of the control board. After all, retirees in Puerto Rico, who spent 30 years serving the island as police officers, firefighters, teachers, and nurses didn't have any choice but to participate in the pension plan. They had mandatory participation. So you mandate them to participate, but now you are suggesting that a control board can make a decision as to what is sufficient and what is not sufficient.

Unlike hedge funds, which were able to pick and choose what investments to make and often bought bonds at pennies on the dollar, public servants had to invest in the pension system. They had no way of knowing their nest egg, which they worked their entire lives for, was at risk of being taken away. They didn't contribute to the fiscal problems facing Puerto Rico. They didn't borrow so much or fail to make annual contributions to the fund. They did all the right things. So why should they lose their retirement funds?

This is just a small example of the 30 amendments that I filed, which should give my colleagues some idea of how flawed I believe this bill to be and how extensive the Senate debate should be. I know, as all of us know, that success on amendments is never guaranteed. But at the very least—at the very least—the people of Puerto Rico deserve a thorough and thoughtful debate on the Senate floor and the opportunity to offer amendments. They deserve more than the Senate holding its nose to improve an inferior solution.

I filed the amendments to show the breadth and scope of what is wrong with PROMESA, but I would be happy to agree to the most important ones having an up-or-down vote. I think the 3.5 million citizens of Puerto Rico deserve at least that. I would hope the majority leader, Senator MCCONNELL, would stand true to his word when he said as we began this legislative session that we need to open up the legislative process in a way that allows more amendments from both sides—and allow us to call this bill up, I would add—for debate so that we can do what we are elected to do.

Here we are, not even talking about having more amendments; we are not having any amendments to this bill. Somehow we think the 3.5 million citizens of Puerto Rico don't deserve the debate we would insist on for any of the citizens of our States or of this Nation.

I have read through several of the letters that we asked unanimous consent to include, and I think they speak powerfully about the views of the people of Puerto Rico as they relate to what, in fact, should be the process—that there should be an effort to have amendments to change the law that is being proposed in such a way. But there is a history, and I sometimes wonder about our knowledge of Puerto Rico and its people and its history.

As I said, I used to serve in the House, and people would ask whether you needed a passport to go to Puerto Rico. I thought they were kidding, but they weren't. They did not understand that the people of Puerto Rico are United States citizens and have every right and responsibility that any other citizen of the United States has. They can come to the mainland of the United States and have all the full rights and privileges of any other citizen. That goes back to the 1900s when, on April 12, 1900, President McKinley signed the Organic Act of 1900, also known as the Foraker Act, which established the civil government of Puerto Rico.

The President of the United States appointed a Governor and Executive Council, and Puerto Ricans elected their own 35-member House of Representatives and enjoyed a judicial system with a supreme court. A Resident Commissioner was to be sent to the U.S. Congress to advise but not to vote. In addition, the Federal laws of the United States came into effect for Puerto Rico, while also formally recognizing citizenship.

Some at the time argued that the Organic Act of 1900 denied Puerto Ricans the basic rights guaranteed in the Constitution and constituted taxation without representation, the very essence now, quite a long period of time later—116 years later, we are having that same debate by virtue of this oversight board, and, in essence, the act made a sham of the Democratic principles upon which the United States was founded.

So in 1917, President McKinley signed the Jones-Shafroth Act, known as the Jones Act, into law. That law amended the previous Foraker Act and changed Puerto Rico's status to an organized but unincorporated territory. At this time, Americans were still grappling with what their imperialistic empire meant for them and for their Nation. If Puerto Rico remained a colony, with all the trappings of the Old World, the United States was no better than colonial powers of the Old World. So the Jones Act created a bill of rights which extended many U.S. Constitutional rights to Puerto Rico, and that was the beginning of having respect for all of the citizens of Puerto Rico.

The bill created a more autonomous government with three branches, much like that of the United States—the Governor, the executive branch, the Attorney General, a commissioner of education. The Governor appointed the remaining heads of executive departments. The Puerto Ricans directly elected the members of the bicameral legislature. Most importantly, the Jones Act stated that all Puerto Ricans are ''hereby declared and shall be deemed and held to be citizens of the United States.''

Interestingly enough, one of the immediate results and motivating factors for the change was the extension of conscription. The Selective Service Act of 1917 drafted 20,000 Puerto Rican soldiers into World War I—20,000 Puerto Rican soldiers into World War I.

The Great Depression severely affected Puerto Rico due to its connection to the United States economy. Relief didn't arrive for Puerto Rico until the appointment of Governor Rexford Tugwell in 1941. Governor Tugwell was an economics professor at Columbia University and was part of President Roosevelt's brain trust of Columbia academics. He was dedicated to bringing economic growth to the struggling island. He first suggested the idea of a

popularly elected Puerto Rican Governor to President Roosevelt in 1942.

The third principle of the Atlantic Charter prepared by President Roosevelt and Prime Minister Winston Churchill read that they respect ''the right of all peoples to choose the form of government under which they will live,'' and they wished to see the sovereign rights of self-governance ''restored to those who have been forcibly deprived of them.''

On February 10, 1943, the Puerto Rican Legislative Assembly, under its president of the senate at that time, Luis Munoz Marin, unanimously adopted a concurrent resolution to ''lay before the President and the Congress of the United States of America the right of the people of Puerto Rico that the colonial system of government be ended and to decide democratically the permanent political status of Puerto Rico as expeditely as possible, immediately if feasible.''

President Roosevelt, in 1943, formed a commission to evaluate the Jones Act. The commission heard Munoz Marin's grievances, but it didn't recommend the vast changes he had hoped for. Instead, it recommended the Puerto Rican people must be consulted—must be consulted—and agree to any further changes to the Foraker Act. The commission also indulged Governor Tugwell's original recommendation that the Governor of Puerto Rico be elected by the Puerto Rican people.

That first formal change to the Jones Act came with the 1947 Elective Governor Act, and in 1948 Luis Munoz Marin became Puerto Rico's first popularly elected Governor. Munoz Marin was determined to redefine Puerto Rico's status and his relationship to the United States, and he found a partner in U.S. Senator Millard Tydings. By 1945, Tydings was ready to file his third bill for Puerto Rican independence.

President Truman sent a special message to Congress concerning the status of Puerto Rico, calling for legislation that would become known as the Tydings-Pinero bill. It called for a referendum to choose from three options: independence, Statehood, or Commonwealth. That bill died in committee but was an important moment in the history of the U.S.-Puerto Rico relationship.

The provisions for an associated State set the foundation for the eventual Commonwealth status of the President of Puerto Rico, and it is that status by which, in 1952, the Constitution of Puerto Rico officially established the Commonwealth of Puerto Rico. Following amendment and ratification by the U.S. Congress, Governor Luis Munoz Marin enacted the Constitution on July 25, 1952.

Why do I share that history? Because in that whole process, there was a desire to give greater say, to give greater oversight, to give greater consent to the governed—to the people of Puerto Rico. It built slowly to the point at which it got to elect its own Governor and its own legislature. Now we are essentially considering a piece of legislation that snatches that away from the people of Puerto Rico and says: No, you don't have the right to consent the government. We will govern you as we see fit, through an oversight board that is totally unelected and nonrepresentative.

While the people of Puerto Rico weren't granted U.S. citizenship until 1917, the island has a long and proud history of fighting on the side of America long before. I want to talk about that history because it seems to me that if you are worthy of putting on the uniform of the United States, if you are worthy of fighting for the United States, if you are worthy of taking a bullet for your country, if you are worthy of dying for your country, then you are worthy of having the right of the government to be—the consent of the government to be governed.

This is a long and proud history of the people of Puerto Rico from the infancy of our Nation. This goes back—before the Commonwealth, the people of Puerto Rico have been there with us. As far back as 1777, Puerto Rican ports were used by U.S. ships, enabling them to run British blockades and keep commerce flowing, which was so crucial to the war. In one instance, members of the Puerto Rican militia guided two U.S. warships into harbor, shielding them from attack from a powerful British warship, the HMS Glasgow. Despite British demands, the Puerto Rican Governor held strong and refused to hand over the ships to the British commander, protecting American sailors from imminent capture or worse.

Two years later, Puerto Ricans took up arms and joined in an invasion of Pensacola, which was then the British capital of its West Florida Colony. They subsequently defeated a British Army 2,500 soldiers strong, capturing the stronghold and draining resources from the British.

It was Puerto Rican soldiers who took up arms in the U.S. Civil War, defending Washington, DC, from attack and fought in the Battle of Fredericksburg. Some served as officers in the Union Army, as in the case of Lieutenant Augusto Rodriquez. In 1862, Augusto Rodriquez volunteered for the 15th Connecticut Volunteer Infantry and first held the rank of First Sergeant and then promoted to 2nd Lieutenant on April 12, 1864. He led his men in the Battles of Fredericksburg and Wyse Fork and earned the Army Civil War Campaign Medal.

In World War I, approximately 20,000 Puerto Ricans were drafted into the U.S. Armed Forces. The first shot the U.S. fired in World War I was aimed at German ships sailing out of San Juan Bay to attempt to supply enemy U-boats waiting in open waters in the Atlantic. In a separate engagement, LT Fredrick Riefkohl became the first sailor of Puerto Rican descent to be awarded the Navy Cross, after he dispersed a German U-boat after a torpedo narrowly missed his ship. Lieutenant Riefkohl continued to serve in the Navy after World War I and then went on to command a ship that took part in the Battle of Guadalcanal during World War II.

It is estimated that more than 65,000 Puerto Ricans served in U.S. Armed Forces during World War II. Many soldiers from the island served in the 65th Infantry Regiment that was deployed to the Panama Canal Zone and in Germany and Central Europe. Individual awards earned by soldiers of the 65th Infantry Regiment during World War II include: a Distinguished Service Cross, two Silver Stars, two Bronze Stars, and 90 Purple Hearts. The regiment received campaign participation credit for Rome-Arno, Rhineland, Ardennes-Alsace, and Central Europe.

The Korean war. It started with the Revolutionary War. We are up to the Korean war. Sixty-one thousand Puerto Ricans served in the military during the Korean war. Once again, the 65th Infantry Regiment, known as the Borinqueneers—the segregated military unit composed almost entirely of soldiers from Puerto Rico—played a crucial and prominent role in the Korean war just as they did during World War I and World War II. Their storied history has been described as ''one of pride, courage, heartbreak and redemption.'' After disembarking at Pusan, South Korea, in September 1950, the regiment blocked the escape routes of retreating North Korean units and overcame pockets of resistance. In a critical battle near Yongam-ni, the regiment defeated a force of 400 enemy troops, and by the end of October, they captured 921 prisoners while killing or wounding more than 600 enemy soldiers. Their success led GEN Douglas McArthur to observe that the regiment was showing magnificent ability and courage in field operations.

As the Borinqueneers continued to fight and played a major role in the Army's operations, General McArthur further recognized their service by saying this:

> The Puerto Ricans forming the ranks of the gallant 65th Infantry on the battlefields of Korea by valor, determination, and a resolute will to victory give daily testament to their invincible loyalty to the United States and the fervor of their devotion to those immutable standards of human relations to which the Americans and Puerto Ricans are in common dedicated. They are writing a brilliant record of achievement in battle and I am proud indeed to have them in this command. I wish that we might have many more like them.

General McArthur.

I am proud to say I worked with Senator BLUMENTHAL and others to make

sure the heroic Borinqueneers received their well-deserved and long overdue national recognition of the Congressional Gold Medal, the highest expression of national appreciation for distinguished achievements and contributions to the United States. That resolution, by the Senate and the House of Representatives, read:

That Congress finds the following:

(1) In 1898, the United States acquired Puerto Rico in the Treaty of Paris that ended the Spanish-American War and, by the following year, Congress had authorized raising a unit of volunteer soldiers in the newly acquired territory.

(2) In May 1917, two months after legislation granting United States citizenship to individuals born in Puerto Rico was signed into law, and one month after the United States entered World War I, the unit was transferred to the Panama Canal Zone in part because United States Army policy at the time restricted most segregated units to noncombat roles, even though the regiment could have contributed to the fighting effort.

(3) In June 1920, the unit was re-designated and the ''65th Infantry Regiment, United States Army'', and served as the United States military's last segregated unit composed primarily of Hispanic soldiers.

(4) In January 1943, 13 months after the attack on Pearl Harbor that marked the entry of the United States into World War II, the Regiment again deployed to the Panama Canal Zone before deploying overseas in the spring of 1944.

It goes on to speak to a lot of what I previously said as it relates to the incredible elements of it. It goes on to say:

(6) Although an executive order issued by President Harry S. Truman in July 1948 declared it to be United States policy to ensure equality of treatment and opportunity for all persons in the armed services without respect to race or color, implementation of this policy had yet to be fully realized when armed conflict broke out on the Korean Peninsula in June of 1950, and both African-American soldiers and Puerto Rican soldiers served in segregated units.

(7) Brigadier General William W. Harris, who served as the Regiment's commander during the early stages of the Korean War, later recalled that he had initially been reluctant to take the position because of ''prejudice'' within the military and ''the feeling of the officers and even the brass at the Pentagon . . . that the Puerto Ricans wouldn't make a good combat soldier. . . . I know my contemporaries felt that way and, in all honesty, I must admit that at the time I had the same feeling . . . that the Puerto Rican was a rum and Coca-Cola soldier.''

(8) One of the first opportunities the Regiment had to prove its combat worthiness arose on the eve of the Korean War during Operation PORTREX, one of the largest military exercises that had been conducted up until that point, where the Regiment distinguished itself by repelling an offensive consisting of over 32,000 troops of the 82nd Airborne Division and the United States Marine Corps, supported by the Navy and Air Force, thereby demonstrated that the Regiment could hold its own against some of the best-trained forces in the United States military.

(9) In August 1950, with the United States Army's situation in Korea deteriorating, the Department of the Army's headquarters decided to bolster the 3rd Infantry Division and, owing in part to the 65th Infantry Regiment's outstanding performance during Operation PORTREX, it was among the units selected for the combat assignment. The decision to send the Regiment to Korea and attach it to the 3rd Infantry Division was a landmark change in the United States military's racial and ethnic policy.

(10) As the Regiment sailed to Asia in September 1950, members of the unit informally decided to call themselves the ''Borinqueneers'', a term derived from the Taino word for Puerto Rico meaning ''land of the brave lord''.

(11) The story the 65th Infantry Regiment during the Korean War has been aptly described as ''one of pride, courage, heartbreak, and redemption''.

(12) Fighting as a segregated unit from 1950 to 1952, the Regiment participated in some of the fiercest battles of the war, and its toughness, courage and loyalty earned the admiration of many who had previously harbored reservations about Puerto Rican soldiers based on lack of previous fighting experience and negative stereotypes, including Brigadier General Harris, whose experience eventually led him to regard the Regiment as ''the best damn soldiers that I had ever seen''.

(13) After disembarking at Pusan, South Korea in September 1950, the Regiment blocked the escape routes of retreating North Korean units and overcame pockets of resistance. The most significant battle took place near Yongam-ni. . . . Its success led General McArthur . . . to observe that the Regiment was ''showing magnificent ability and courage in field operations''.

I share this because here we are hearing the great GEN Douglas McArthur saying that ''the Puerto Ricans forming the ranks of the gallant 65th Infantry on the battlefields of Korea by valor, determination, and a resolute will to victory give daily testament to their invincible loyalty to the United States.''

So where is our invincible loyalty back to the people of Puerto Rico? PROMESA? False promise? A control board with no representation, one that will determine every aspect of its life, that supersedes the duly elected Governor and Legislature of Puerto Rico in virtually every significant way? Their invincible loyalty to the United States, where is ours to them? ''And the fervor of their devotion to those immutable standards of human relations to which the Americans and Puerto Ricans are in common dedicated. . . . I wish that we might have many more like them'' to send.

I was really thrilled to go to the Congressional Gold Medal ceremony. It was a fitting and appropriate moment to recognize the 65th Infantry Regiment, but the way we really would honor them and their sacrifice on behalf of our Nation would be to say that you fought for our collective freedom, and we will fight for your rights to ultimately govern by your will, not by the will imposed by us.

It is pretty amazing to me, if you were to go with me to the Vietnam Memorial, you would see an estimated 48,000 Puerto Ricans who served in Vietnam. The contributions of those brave soldiers are many. The highest decoration, the Medal of Honor, was awarded to SSG Felix M. Conde-Falcon, SP4 Hector Santiago Colon, CPT Euripides Rubio, PFC Carlos Lozada, and CPT Humbert Roque Versace. One of the most decorated U.S. military servicemembers in the Vietnam war was Jorge Otero Barreto. He was born in Vega Baja and served five tours during the war. He participated in 200 combat missions, earned 38 military decorations, including 3 Silver Stars, 3 Bronze Stars, 5 Purple Hearts, and 5 Air Medals.

To this day, more than 10,000 sons and daughters of Puerto Rico continue to proudly serve in the U.S. Armed Forces, following in the legacy of those who served before and in the spirit of the Borinqueneers.

In fact, just over 2 years ago, Congress passed a resolution honoring them for their heroism.

During Operations Desert Shield and Desert Storm, 1,700 Puerto Rican National Guardsmen were deployed. Four brave Puerto Rican soldiers paid the ultimate sacrifice to the Nation in the Gulf War. Captain Manuel Rivera, a marine, was the first serviceman of Puerto Rican descent to die in Operation Desert Shield.

The war in Iraq and Afghanistan was fought with as many as 1,800 Puerto Rican servicemembers. Our volunteer soldiers all face inherited risks of defending our freedoms. We honor their sacrifices on Memorial Day. We pay tribute to their dedication, but we are here to take away the rights away from their sons and daughters to have a say over their future, to have the basic concept of what it is to live in a democracy, to have the consent of the government.

I share this long history from the Revolutionary War to today, to Iraq and Afghanistan, so that my colleagues understand that the people of Puerto Rico have been just as American as anyone from Colorado or New Jersey or California or New York or Mississippi. They have served on behalf of the Nation. They have shed blood on behalf of the Nation, and many of them have committed the ultimate sacrifice on behalf of the Nation. On Veterans Day and Memorial Day, we all rightfully honor those who have served and those who have committed the ultimate sacrifice.

How is it that we dishonor their memories by taking away the consent of the government? Why can't we have a simple opportunity to show the rest of the world that we are not colonialists in our views, that we can have amendments to improve the opportunity for the people of Puerto Rico to feel that they have some say about their future: These are tough times, and we will make tough decisions, but

we will come through it together as we always have, and we will have a say in it. Why can't we do that? What is the urgency, especially with retroactivity in the bill? What is this false urgency of July 1? I think July 1 is important, mind you, but what is the false urgency at the end of the day to suggest that you can't get it right and to, in my view, dishonor the sacrifices that so many Puerto Ricans have made?

We remember 20-year-old SPC Frances Marie Vega of Fort Buchanan; SPC Lizbeth Robles, a 31-year-old native of Vega Baja; and Aleina Ramirez Gonzalez, who was 33 years old and grew up in Hormigueros. They gave their lives in Iraq.

I am afraid this bill doesn't honor them. Mark my words, if we don't seize this opportunity to address this crisis in a meaningful way, we will be right here next year picking up the pieces, but they will, sadly, be pieces because we have not done in this legislation what is necessary to help the people of Puerto Rico.

There is a reason we call this country the United States of America, whether it is the terrible flooding that is taking place in West Virginia—I think of my colleagues, Senator MANCHIN and Senator CAPITO. I know what that can do after Superstorm Sandy; I lived it in New Jersey and in our region—or when I cast votes for wildfires in the West, for flooding in Mississippi or that went on with Katrina. There is a reason we call this country the United States of America. There are reasons we are United States citizens. The people of Puerto Rico are also United States citizens, and they need to be treated no less. They need to be treated as citizens, not subjects.

Once again, I would highlight the nature of problems with legislation and what we can do about it. There are five critical flaws that we can correct in the Senate: ''an undemocratic, neo-colonial control board—majority appointed by Republicans, none by the people of Puerto Rico.'' With the gallantry and the devotion they have had to our country, they should have representation on the board. It is not too much to ask.

''Prioritization of hedge funds over retirees and essential services''—nothing is wrong with that.

''Lack of a clear path to restructuring''—that is the only reason we are considering this legislation. The only reason we are even considering a bill is to provide a pathway to restructuring. There is no clear pathway. We need a supermajority vote of the board.

The majority is supposed to rule, not a supermajority. When you require a supermajority, a minority of the seven-member board—three—could stop the pathway to restructuring.

''Continued disparity in health care funding and tax credits''—it doesn't even talk about that in this legislation. By the way, the way we grow prosperity—I am sure Americans watching tonight's debate would say to themselves: Wow, cut the minimum wage to $4.25 per hour. That is really going to make me more prosperous. It is really going to help me sustain my family. It is really going to be able to educate my kids. It is really going to be able to keep my home. It is really going to be able to take care of mom or dad. It is really going to help me retire. I don't think they would say that, but for the people of Puerto Rico, that is good enough. If they have to work long overtime, protection—we don't have any reason to have that.

I want to go through some of the specific language this bill has and talk about the consequences of that language one more time. My colleagues have an opportunity to change this and to be able to do it in such a way that we can get it right and do it well and in time.

I have some understanding that the House is considering a pro forma session. There is no reason why—we have reasonable amendments here, hopefully supported by some of our Republican colleagues—we can't get this right. They could adopt it in a pro forma session, or to those who are worried about the July 1 date, there are retroactive provisions of the law, and that retroactivity could encompass any period of time there is a gap, as it does right now. It goes back retroactively to freeze actions going back to December of last year.

Under this legislation, the board would have broad sovereign—sovereign is important; it means ''unto itself''—powers to effectively overrule decisions by Puerto Rico's Legislature, Governor, and other public authorities.

What is the use of electing our leadership, what is the use of electing a Governor and a legislature in a State if we can have a control board that says: Sorry Governor, sorry legislature, this is what the people of Puerto Rico may want, and this is what you may represent, but, no, we know better. We know better through this control board, which doesn't represent you, by the way, and we will ultimately be able to overrule decisions that you make. If our States were ever in a precarious economic problem, which one of our States would be willing to accept that from a control board?

The oversight board can effectively nullify any new laws or policies adopted by Puerto Rico that did not conform to requirements specified in the bill. They can nullify. ''Nullify'' means the Governor of Puerto Rico opposes—maybe the legislature, as we do, comes up with a legislative idea. They send it to the President, and in their case, they send it to the Governor. He may agree with them and sign it. Guess what. The oversight board can effectively nullify any of those new laws or policies if they do not conform to requirements specified in the bill—a bill that says nearly 30 times ''in the control board's sole discretion,'' which is an enormous grant of power without defining what that means. We know what the general use of ''in your sole discretion'' means. It is, ''I get to decide how I see fit.''

How could we accept such an enormous grant of power for such an important part of being able to nullify any law the elected representatives of the people of Puerto Rico, the Governor, and its legislature adopt? But that is exactly what this legislation that we are going to vote for does, and a vote for this is a vote to do exactly that—to give this oversight control board the power to nullify whatever the people of Puerto Rico want to see by virtue of their elected representatives, the Governor and the legislature.

I don't know who among us would cast such a vote if it meant our States would have the will of the people nullified for its elected representatives.

There are other provisions here as well. I am reading to you, by the way, from the House Natural Resources Committee language. This is not because I am saying it; it is not my interpretation of the bill. No, it is what the majority in the House Natural Resources Committee put in their bill language, and at the end of the day says: ''The Oversight Board may impose mandatory cuts on Puerto Rico's government and instrumentalities—a power far beyond that exercised by the Control Board established for the District of Columbia.''

They can make decisions that say: You know what, you are spending too much on education; you can do with fewer teachers. You are spending too much even in the midst of the Zika health crisis; you put too much in that budget for health care. Yes, there is a challenge of crime in Puerto Rico, particularly in the urban areas, but you will have to do with fewer police. Tourism is important to you as a revenue source, but you are doing too much advertising to try to get people into Puerto Rico, especially in the midst of people's concern about the Zika virus, but for you to say it is still safe to come to Puerto Rico, it has been taken care of; you are spending too much. The list is unlimited. The oversight board can impose mandatory cuts on Puerto Rico's government and instrumentalities, meaning not just the main government but all these subdivisions—a power far beyond that exercised by the control board established for the District of Columbia. That is a pretty powerful board. Look, this power that we gave is even greater than what the District of Columbia had. So it is like pounding on your chest; we gave this board even more power.

Neither the Governor nor the legislature may exercise any control, supervision, oversight, or review over the oversight board or its activities—no power whatsoever.

This is one of the ones that is the most amazing to me because a budget, as I have said several times, is in essence the single-most significant thing we do as legislators. How do we provide for the common good? How do we provide for education? How do we provide for health care? How do we provide for retirement? What incentives do we give to business? What do we do to ultimately protect our country in the homeland? What do we do to defend our country abroad? How do we promote our foreign policy? All of these things and so much more—what tax credits do we give to our families so they are able to raise their children? What benefits are we going to give so there can be homeownership? How do we provide for retirement opportunities?

All of these are contained in the budget, which we provide by the consent of the government. We are the representatives of the government. We provide these. They may not like some of our decisions, but they have that chance to change it when it is time for elections. But here, it doesn't matter, Governor of Puerto Rico; it doesn't matter, legislature of Puerto Rico. Yes, you were elected by the people of Puerto Rico, but the oversight board shall determine in its sole discretion—again, an enormous grant of power—whether each proposed budget is compliant with an applicable fiscal plan.

We have a chart that speaks to the fact that if, in fact, there is a back and forth and there is a decision that the Governor's budget is not sufficient, then at the end of the day, the oversight board can make that determination.

So the oversight board can go back and forth with the Governor. The Governor, as the elected representative of the Puerto Rican people, is going to think about this: How much money do I need to educate our people? How much money do I need for health care—especially the Zika virus. How much money do I need to protect the citizens of Puerto Rico? How much money will we be able to provide for higher education so we have the human capital to fuel the economy of the Commonwealth?

But he does that in conjunction with the legislature. He has the checks and balances that we do as a legislature with the executive branch—in our case it is the President; in his case, the Governor—and all of those considerations go back and forth. But at the end of the day, if the oversight board doesn't like any of the budgets that have been sent to them, they can say: OK. We will deem—first of all, we will devise a budget. We will say the Governor has, in essence, approved this budget, even though he didn't, and we will deem it to go into full force and effect. And, by the way, if the revenue projections we made—the oversight board—in that budget are wrong, we will be able to make mandatory cuts in the nondebt obligations—nondebt expenditures, which basically means that the money to pay the debts will not be touched, but everything else, even though they are the ones who created the budget, if it falls short, they can arbitrarily and capriciously decide to make cuts in nondebt expenditures.

So with respect to the government, they can make appropriate reductions in nondebt expenditures. That means they are going to make decisions about health and welfare and public safety and education and all the things critical for the lives of 3.5 million citizens of Puerto Rico.

So that clearly is an incredible grant of power to have mandatory budget cuts.

The other issue is, this legislation fast-tracks developments on the island as it relates to energy. Now, many of my colleagues have been so rigorous in their advocacy for making sure we get our energy policy right; that we have the right balance, that we have the right laws to observe the right siting. If we are going to have a new energy plant, what does it look like? Is it gas-fired? Is it coal-fired? Is it some other fuel source? Where is it going to be located? What air quality emissions are going to be acceptable and not acceptable?

If the Governor of Puerto Rico, who knows it best, establishes certain standards, those standards can largely be waived by the control board in an effort to site locations where, in fact, they think it is going to be good for the energy needs of Puerto Rico, but it may not be good for the environment. Why would we delegate on such critical issues that we care about—on the environment, on education, on the health and well-being of our citizens—why would we never be willing to delegate that ourselves, as a Senate and a Congress, to any other entity? We make those decisions ourselves, but we would never delegate it to a control board elected by any of us or the people we represent, but we are willing to do that with respect to the territorial governance in Puerto Rico and make those decisions. Why would we be willing to go ahead, at a time that this Congress is seeking—at least I know Democrats are seeking—to raise the minimum wage, to raise the standard of living for all Americans, to see higher incomes because many Americans feel that regardless of all of these macroeconomic numbers—I can tell people all the time that the GDP has grown, that we have the lowest rate of unemployment, that we have seen X number of consecutive years—I think 6 or 7—of private sector job growth, a whole host of economic indicators that would say things are moving in the right direction, but in the average life of many Americans, they feel their wages are stagnant. I think that has given a great rise to the unrest that exists in our national politics because you can tell people: Look at all these macroeconomic numbers, and they say: Yes, but in my life, my wages are stagnant. I haven't seen a growth in my wages and income. I have seen a growth in my challenges: in educating my kids, in making sure they don't have a lot of debt; in preparing for retirement, which I am now putting off because there is no way I can retire in that period of time; taking care of loved ones, where people increasingly take care of members of their family—on a whole host of issues. But the people of Puerto Rico will ultimately have less of a minimum wage for a young part of the population, and they will have less in terms of overtime protection.

Why would we, the party that wants to see rising wages and overtime protections, say to the people of Puerto Rico: You deserve less. As guardians of the environment who want to see a better environmental quality for all of our citizens, why would we say to the people of Puerto Rico they deserve less? Why would we be some of the strongest advocates of democracy here at home in our own elections and in the world and say to the people of Puerto Rico they deserve less? Why do we work so hard to honor the men and women who served our country in uniform? And we want to see the best health care for them, which they deserve. We want to see them taken care of if they have a disability. We want to take care of their survivors if they ultimately commit the ultimate sacrifice. But for the people of Puerto Rico and those who have fought for our country, they don't get the same democratic rights. They don't get the same respect. They are citizens.

So I don't want to see Puerto Rico's natural wonders be subjected to the auction block because a control board says they need to sell that. I don't want to see an oversight board that doesn't represent the people of Puerto Rico, ultimately be able to say to its Governor: This is what you are going to have to do if you want to get access to restructuring, if that determination is really arbitrary and capricious because the standards here are not clearly defined.

The whole reason to get access to restructuring is the reason for this bill, and without it—without that clear access and with a minority representation—this bill is so undemocratic in so many ways. It is undemocratic in the way it imposes upon the people of Puerto Rico a board that will control their destiny without any say in it, without any representation; with a control board that can determine and

dictate what its future will be in fiscal policy, in cuts to expenditures; how it will be able to deal with siting environmental issues; how it will be able to create the pressure because this control board is the gatekeeper to restructuring. It can say: Sorry. You really should use those provisions the Congress gave you to lower the minimum wage, to provide for exemptions from overtime protections because that is really a pathway to prosperity. In all these respects, this bill is so undemocratic and yet it is further exacerbated by the fact that we have an undemocratic process here.

So I hope my colleagues will—I understand sometimes the deck is stacked against you. I have been around long enough in the legislative process in the House and the Senate to understand those moments, but there are moments you have to stand in the way. I believe that while the deck may be stacked, it can be reshuffled, and it can be reshuffled by voting against cloture, so we can have—not to kill this bill but to improve it, to make it more democratic, to have it live within the ideals we all share—Republicans and Democrats alike—what representative democracy is all about, about Jeffersonian principles, about the Founders with the consent of the governed. Puerto Ricans have no less a right to be a part of the consent of the governed and to be governed by their consent. So we can make this better.

Now, if a majority of the Senate—if 60 Members of the Senate vote for cloture, there is one other procedure I will pursue after cloture, which would still allow us the opportunity for amendments to be offered. While I would like to see a process that would allow us to consider a series of amendments, I would certainly seek to embody the major elements of what I think is wrong with the bill in that amendment and to seek that opportunity. I would hope, in the first and foremost instance, that we don't have cloture and that voting against cloture means voting for democracy. It means voting for an opportunity. It respects the will of the citizens of Puerto Rico, the ones I read collectively, including former Governors, present members of the Puerto Rican Congress and Legislature, of civil society—all of those elements that actually believe they deserve a better day—to be treated better by the U.S. Senate, treated better by the Congress, treated better by their country, and that gives us an opportunity to do that, and we can do it posthaste. I am ready to stay as long as it is necessary. I must be honest with you. I know we all want to rush off to Independence Day, but this isn't independence for the people of Puerto Rico. This is how we treat subjects, not citizens. So I am willing to stay as long as necessary to work on amendments to get this process resolved so we can have the right bill at the end of the day.

Now, if I fail to convince enough of my colleagues to vote against cloture, then I hope they will join me in a procedural move that would allow me to offer an amendment—and I will explain that tomorrow when I come to the floor. I hope that at that moment, at least we would have the option of voting on an amendment where we could make this bill better—less colonial, more democratic, more respectful of the rights of the citizens of Puerto Rico so that, in fact, we can honor their fealty, their loyalty, what MacArthur said about them in their service to our country, and be seen throughout the world for the values we want for everybody else and that we tell everybody else, to promote democracy and human rights.

We need to govern by example, and the way we govern by example is making sure we have a democratic process and a democratic piece of legislation, small ''d,'' that allows the people of Puerto Rico to have their say.

I see my colleague, the distinguished ranking member of the Natural Resources Committee, is here. I am happy to recognize my colleague from Washington State, and I yield for a question.

(Mr. DAINES assumed the Chair.)

Ms. CANTWELL. Mr. President, I see my colleague from New Jersey has been on the floor for several hours talking about the very important issue that frankly deserves a lot more discussion in the U.S. Senate. It is an issue of great importance to this territory of the United States, and it certainly is an important issue to the people of the United States of America, whether they understand that or not, because the success of Puerto Rico, financially, is also tied to how well the United States, as a partner of this territory, continues to be successful as well. Everybody thinks of the situation with Greece and the European Union. Well, they should also be thinking about the situation in Puerto Rico and its relationship to the United States of America because, if it doesn't go well for Puerto Rico, I guarantee it is not going to go well for the United States of America.

My colleague has been on the floor now for hours talking about the structure of what would be a fair way to enter into a reorganization of the debt. I thank him for coming to the floor and doing this.

I think it was probably 7-plus months ago that we had one of the first hearings on this issue and tried to get people to focus their attention on the crisis. What kind of authority does the territory have today and what kind of structure should we honor as they confront this financial crisis?

So I just want to put up a couple of charts. I am going to ask that we turn it a little differently so that when I ask a question, my colleague can actually see the chart. I will try to position myself here on the floor so he might be able to join in this question.

I know there are many charts here about the situation, and I want to make sure that I am saying this the right way because part of the issue with the debt crisis is my understanding that 45 percent of Puerto Rico is in poverty, including 58 percent of the children; that there is a 12-percent unemployment rate, which is nearly double that of our highest State; and that the sales tax is 11.5 percent.

People are saying: ''Well, stop government spending.'' They are doing that. That part is being achieved. But the per capita income is almost half of the poorest State in the United States. So I think many people don't have any idea—when they look at this debt issue, they think, OK, this is where we are going to get money. This is a very difficult issue.

Part of the discussion we are going to have next—and that is what I hope my colleagues understand—that whatever happens tomorrow, this issue is not going away. The financial stability of Puerto Rico is going to be a question mark for a long time, and we are going to have to figure out how a territory that has 45 percent of the population living in poverty and these rates of unemployment—how we are going to put them back on the right path? This is the fundamental question. How do we get back on the right path?

In the Senate, there are probably 100 opinions about whether you do the earned-income tax credit, go back to tax breaks for manufacturers, whatever the ideas are, but we are not even at that stage. We are just at the financial crisis stage. The fundamental question is, How do you get out of the financial crisis when the economy of the country is in this hard of a spot?

So I ask my colleague, the Senator from New Jersey, if he is aware of these numbers and these statistics.

Mr. MENENDEZ. I appreciate the Senator raising the numbers and the statistics. Unfortunately, I am aware of them. They dramatize why what we do here is so critically important for the 3.5 million U.S. citizens who call Puerto Rico home.

When the per capita income is almost half of what it is in the poorest State, when the other 50 percent of the population lives in poverty, including 58 percent who are children—that is why I worry when the control board can make the decision to make mandatory cuts, because how do you help these children? How do you help create a rising income? How do you ultimately, in the Commonwealth of Puerto Rico, which has doubled the sales tax to 11.5 percent to get income and at the same time has the lowest spending levels since 2005, as you rightly point out, with public employment down by 20

percent—they have made cuts. So it is not that they are not being responsible and making cuts, but a control board that can make even greater cuts without any say as to how it happens and where it happens and whatnot, is undemocratic. So I agree.

Ms. CANTWELL. I am wondering if my colleague from New Jersey is aware of this point, which I find most interesting and am trying to understand. He has been talking about this control board and all the power they are going to have. Do you understand that in this House bill, the members of that control board won't be paid, but the measure allows them to accept, use, and dispose of gifts, requests, devices of services or property, both real and personal, for the purposes of aiding and facilitating their work? So they literally can accept gifts, but what kind of gifts?

Mr. MENENDEZ. Nice. It is a real concern. It is one of the many ill-defined parts of the legislation, especially when you have 7 unelected members ultimately having the fate of 3.5 million people in their hands. You worry about provisions of the bill that seem to allow them to be able to make those types of choices and accept those types of potential gifts in a way that can ultimately lead them to the wrong decisions. So I am concerned about it.

Ms. CANTWELL. As I bring up—this is a provision I am just getting familiar with, and I am obviously very concerned about it. Through the Chair, I would say that I am very concerned about the fact that now we are going to turn over all this authority to people who can accept gifts. I don't know what that means and who is going to oversee that because they are going to be appointed in a process that I believe will probably be challenged as unconstitutional, which will also take the bill to a whole other level of legal uncertainty.

But I wanted to go over this and ask about this point. It is my understanding that they are about $72 billion in debt. For fiscal year 2016, the debt payments will be about $4.1 billion. So making a full payment would require about 25 percent of their annual income. My understanding is that a significant part of this debt is the GO bonds and that various bonds have been issued. The question becomes, if your annual revenue is $17 billion a year, how are you going to reorganize this huge debt when your population is already at a 45-percent poverty rate?

So I think all of us, in a normal situation, would say: Let the bankruptcy court figure that out. That is what I would do. I would say let the bankruptcy court figure that out because bankruptcy laws in the United States of America are fairer and they decide these issues. They decide what is fair treatment under the law. I certainly would prefer that. I don't prefer a board of people who can get gifts and make all these decisions because I want legal certainty and I want it now, and I would rather be more prescriptive in the law.

Do you know of any way the people of Puerto Rico could pay the $72 billion in debt by themselves? I am trying to understand what we are asking of the rest of the people who have been investors and if people think we are going to do this on the backs of the Puerto Ricans given the fiscal crisis they are already in.

Mr. MENENDEZ. What the Senator said is absolutely right, and this is one of the critical elements of why a clear pathway to restructuring is so necessary, because if there is no clear pathway to restructuring and if there are no safeguards over the control board, the determination of how much that control board can say that you have to pursue in terms of payments towards creditors, the effort that they will consider sufficient in their sole discretion about whether they have made an appropriate, reasonable effort to deal with creditors could lead them to an enormous payment, and they are already using a third of every dollar in revenue they have to pay interest. So the whole purpose of this debate or the effort of the bill that is on the floor is to create a pathway to restructuring so that they don't have to come up with $17 billion—nearly 25 percent of all of their budget—in a way that would cripple the essential services for Puerto Rico. So, yes, it is a very legitimate concern. It is one of the reasons we need a clear pathway to restructuring. It is why we shouldn't have a control board with a supermajority vote necessary to achieve that and with arbitrary standards like ''in its sole discretion.''

Ms. CANTWELL. I wonder, because a lot of this debate has been so focused on the people of Puerto Rico, whom I fully want to support, and I wish this body would engage in a full, robust debate, with amendments and a markup. But, there are costs to the U.S. taxpayers.

Mr. President, I want to know if my colleague understands that U.S. taxpayers basically can be on the hook for as much as $24 billion over the next 10 years? The United States is already contributing as much as $6.6 billion for their budget as it relates to the Medicaid costs. And if, again, you don't have a functioning economy, if you have even more people in poverty because now you have said you are going to put the brunt of the $72 billion on the backs of the Puerto Rican government and infrastructure, then you are driving more people into poverty.

Our costs are going to be real. This is about getting it right with legal certainty so we can move forward because this issue is not going away. They are not all of a sudden going to become healthy when this bill passes.

My sense is that what has been passed by the House leads will lead to much legal uncertainty and lawsuits are going to ensue. All my colleagues know that when people disagree, the next thing they do is go to court.

What we would rather have is legal certainty so that we can get a resolution of this through the regular bankruptcy process. If we don't do this right, there are billions of dollars that the U.S. economy can be on the hook for because the worse we make it for Puerto Rico, the more money will be involved for the U.S. Government.

So while this proposal is not about giving them more money now, it is certainly about what is a fair settlement on this debt. If you ask me, that shouldn't be decided or discussed here in the Halls of the U.S. Senate or Congress just because a bunch of hedge funds have enough money to hire lobbyists to show up here. It should be decided through a bankruptcy court, through a normal bankruptcy process, just like it is done in any other place.

I wonder if my colleague thinks our colleagues understand these issues that will cost the U.S. economy? Has the Senator heard any numbers similar to this?

Mr. MENENDEZ. I appreciate the Senator raising the question. First of all, the Senator from Washington State is absolutely right that it is not a bailout. A bailout is when I give you money to pay your debts. That is a bailout. A pathway to restructuring is a way for you—in this case, Puerto Rico—to make yourself right with your creditors and find a way to do it in a way that still preserves the opportunity for essential services for the people of Puerto Rico, which is why the pathway to restructuring is so important, so it doesn't become a bailout at the end of the day.

So it is necessary to have the clear pathway to restructuring so the government of Puerto Rico and its people will take care of its obligations, and we will restructure the debt in such a way that it will be responsible and they will take care of it. But in the absence of that, there are real questions as to what the United States is going to do for the 3.5 million U.S. citizens in Puerto Rico.

Ms. CANTWELL. I would also say to my colleague that I think the mystery here is some people think that what will happen is it will just get worse in Puerto Rico, and that is true if we don't make the right decisions. This is a time where we need to come together. We all need to come together and come up with a solution that we believe in. A solution that we know has legal certainty because we are going to have thornier questions to answer.

I ask my colleague from New Jersey if he is aware that Puerto Ricans don't have to stay in Puerto Rico? They don't have to stay there. In fact, they

have come to the United States, and we have seen over the last several years that 300,000 Puerto Ricans have come to the United States of America. That is how many have come. Somebody estimated for me that last year 80,000 came.

So, if they have 45 percent poverty rate and 12 percent unemployment and now you are going to put the people and the government of Puerto Rico at the mercy of four people they don't even know and they don't even get a say in the process, I guarantee you people are going to leave. So that 300,000 people has cost us an additional $4.1 billion in the United States of America. Basically, every Puerto Rican who moves to the mainland costs us about $2,500, and we believe that, over the last several years, it has been about $175 million per year.

OK. So the reason I am asking this is because I am trying to understand whether our colleagues understand this. The Senator and I have spent a little more time on this. The Senator represents a large Puerto Rican population, and the Senator has done great service for our foreign affairs and foreign policy. Does the Senator know whether people understand this issue and the consequences, that they will come to the United States? They will be here, and we have open arms. But there is a different process here, and it is almost as if there is an incentive.

I would throw in the Medicaid numbers here as well and ask my colleague through the Presiding Officer: In Puerto Rico, the per capita Medicaid spending is about $1,800, but here in the United States, that same Puerto Rican—to cover his Medicaid costs—would be over $5,200.

So, if someone is in Puerto Rico and they realize the situation is going to get worse, they don't think there is a successful economic plan, and they can come to the United States—these numbers are going to be exacerbated by more and more Puerto Ricans coming here, the cost for us will be getting higher, to say nothing of some of the other challenges.

So, personally, I would want Puerto Rico to have the best successful opportunity to restore a robust economy, and it is going to require tough decisions. We need to have everybody in the pool when it comes to those decisions, and we have to have a fair process that will stand up in court.

I ask my colleague from New Jersey, who is on the Finance Committee, if he thinks people understand the significance of Medicaid? How much Medicaid money we are going to be asked for?

Mr. MENENDEZ. I appreciate my colleague's point. I will reiterate.

First, the people of Puerto Rico are U.S. citizens. They can take a flight to the United States, and they have all the rights, privileges, and responsibilities as any other U.S. citizen. They would have full reimbursement on Medicaid or Medicare. They would have protections of the minimum wage, overtime protections, and just about anything that any one of us has in this body or any of the people we represent in this body. So that is right.

In terms of the cost, if you have gone to Puerto Rico, as I have many times, you know that the Puerto Rican people don't want to leave. It is a beautiful island. They are beautiful people. They are hard-working and faithful to God and country, as exhibited by all of the military commitments they have had to the United States since the Revolutionary War, all through.

It is a beautiful island with idyllic views and natural wonders. The only rain forest in the United States is in Puerto Rico. They don't want to leave.

But if you choke off all of their aspirations, all of their opportunities, if you treat them so dramatically different—as we do in both tax and health care policy—then, yes, they will have no choice and many will come. When they come, they will have the full privileges of any U.S. citizen and, therefore, it will be more costly.

It is ironic that while we are creating a brain drain and a flight of human capital out of the island—which is critically necessary for it to grow again—we are creating the policies with the control board that ultimately go counter to what we would like to see the commitment of the people of Puerto Rico be in Puerto Rico versus fleeing and coming to the United States.

Ms. CANTWELL. Mr. President, I would also ask my colleague this. I have read some articles in the press on this subject, and I know in Florida there are so many Puerto Ricans and many in New Jersey as well. But I read this quote from the Miami Herald, that said: ''Some bottom-feeders bought Puerto Rican debt at cheap prices and don't want a restructuring that might allow repayment at less than the full face value of the bonds—allowing them to make a huge killing at the expense of Puerto Rico's beleaguered population.''

To me, that is what this debate is about. What I am saying is that we need to have a process that is fair and open. A bankruptcy process that people can understand, and that the people who are appointed have that done in a way that meets constitutional challenges and that don't mire us in debate for the next 2 years while the Puerto Rico economy continues to flounder.

I don't know if my colleague has read press accounts such as this, but I feel that a lot of people don't know the details about this debt, the size of it, or the background or what people are offering or the process that Puerto Rico has been through. They have tried to reorganize this debt. They haven't been successful because people think that, as long as they have the opportunity, they will not settle. That is why people go through the bankruptcy process. That is why we afford people in the United States of America these same opportunities. But, by not affording Puerto Rico the bankruptcy process, it is going to hurt the people of Puerto Rico and then, in consequence, it is going to hurt the people of the United States, including the U.S. taxpayers, because we will not have gotten this right, and we will not be able to help Puerto Rico get on the right track.

I don't know if my colleague has seen comments like this in other places?

Mr. MENENDEZ. I have read what the distinguished Senator from Washington has raised here. There was the direct quote from the Miami Herald—and there are others as well—that bottom feeders bought Puerto Rican debt at cheap prices and don't want a restructuring that might allow repayment at less than the full face value of the bonds, making a huge killing. This is why I am so concerned and why I have focused on it in the course of my discussion about the oversight board—that at the end of the day, it is the final arbitrator of whether or not Puerto Rico has actually negotiated in good faith with the creditors.

The Governor of Puerto Rico and the government of Puerto Rico can try to make all the good-faith negotiations they want. But if at the end of the day they are being squeezed by, among others, the bottom feeders that you talk about here who bought Puerto Rico's debt cheaply and wanted, ultimately, the highest price in return to make a killing, they may say: Oh, no, we are going to say to the oversight board: They haven't worked with us in a reasonable manner to try to come to an accommodation. It is in the oversight board's sole determination whether or not these entities, these creditors like the ones that you have described, ultimately are going to be told: No, Puerto Rico has done enough to try to accommodate you, and, therefore, we are going to try to let them go restructure. That, by the way, needs a super majority of vote. So the minority could decide that, no, we don't think that the bond holders have had a reasonable enough offer from Puerto Rico so we are withholding restructuring and, therefore, squeeze the government of Puerto Rico into accepting a determination as to what is the appropriate reimbursement in a way that cannot protect the people of Puerto Rico and their health and well-being.

Ms. CANTWELL. I don't know what Leonardo DiCaprio is doing, but I guarantee you there is going to be another movie. It is not going to be ''The Wolf of Wall Street,'' it is going to be about Puerto Rico.

People are going to find out exactly how we got into this situation. They are going to find out what a mess it

was, and they are going to find out how much it cost our economy. That is what is going to happen.

Instead, we could take the time here to have an open amendment process, offer some amendments, and try to get a legal process that is open, that is by the book, and is what we would provide to people in the United States—because Puerto Rico is part of the United States—then we could let a bankruptcy court make these decisions instead of letting a few people make the decision.

I think my colleagues don't understand how much is at risk or how much the cost to the U.S. economy could be and certainly how big the debate is going to be that we still have to have in the Congress, in the House of Representatives, and in the Senate on this issue of how we are going to get Puerto Rico out of this mess.

But, if you think you are putting $72 billion on the backs of the Puerto Rican economy, it is not going to help us in our economy, and it is not going to help their economy. We need a more fair restructuring plan, one that gives us legal certainty, one that will not be challenged as unconstitutional, one that doesn't give gifts to creditors—something that is fair.

I know a lot of people think there is some magic date. I read that my House counterpart from the Natural Resources Committee said July 1 is not a magic date. He is the one who worked on this bill as it came through the House. He said there wasn't a magic date. So it is wrong that somehow people think there is a magic date and that is why we have to buy a policy when you can't even have an open discussion on amendments. It is very bad policy.

Instead, I would prefer us not to be some footnote in some movie in the future that everybody in America watches and tears their hair out over, saying: ''Well, how did that happen? Why did we lose all of that money?''

These are two important issues. They are important for Puerto Rico, and they are important for the United States of America.

I will say I know all our colleagues in the House and the White House are well intentioned. They want to get a resolution. But getting a resolution that might put us into further jeopardy is a challenge given how important it is to make sure that everybody is a part of the process. That is, everybody is part of the debt reorganization.

Is it your understanding that with the decision of just four board members, the board could force Puerto Rico into a position that none of the debt would go? Or they could avoid any of that debt becoming part of that reorganization?

Mr. MENENDEZ. It is possible that even after a majority of the board, four or five members—well, four members would be a majority—would ultimately put Puerto Rico through a series of hurdles. Let's say it even meets those hurdles. A minority of the board—three members, I don't know—may be ideologically determined. They may believe the bond holders deserve every last penny, and the pensioners deserve nothing. I don't know. But since we create overly broad powers, we leave critical elements of the deciding process in the sole discretion of the members of this board. Then we say: By the way, it is not a simple majority that will give us and grant us the pathway to restructuring; it is a minority. We need a super majority. And by virtue of having a super majority and minority, only three of those seven members could say: No, we are still not satisfied. We are not giving you access to restructuring, in which case even though Puerto Rico has done a series of things—maybe even far beyond what they are willing to do for the well-being of their people but to get to restructuring, to get to the bankruptcy court that my colleague from Washington State is speaking about—they could still fall flat because that minority could deny them that possibility.

Ms. CANTWELL. Through the Chair, I would say to my colleague that I have heard your concerns on the floor, and I look at these problems. I know some colleagues say: I don't want bankruptcy. We want a process here. We don't want a bailout.

Well, by having a flawed bill that ends up in a legal process that declares it unconstitutional means that you are going to end up with a bailout, because we are going to be on the hook. What would be better is that we had all the debt in a reorganizing structure and had a fair process through a bankruptcy court for these issues to be decided.

Like you, I have a concern—on point No. 10 of this chart—about this appointee process because I think it is going to be challenged. People are even admitting that the Department of Justice says it is going to be challenged.

We don't want this process held up for 2 more years, 4 more years because somebody doesn't think the board has the authority to operate. Why not pass a bill where we are sure that they have the authority to operate? Why not do it the right way so we know the language is legal?

I think it is unbelievable that we would say to the people of Puerto Rico—where 45 percent of the population is in poverty—oh, and by the way, as to this control board, which is going to control everything you guys do, we are going to make you pay $370 million of that cost. Oh, but they could have gifts. I know people were in a hurry. They wanted to get a deal. They wanted to be respectful, but there are a lot of holes in this bill that deserve a debate and deserve an amendment process.

I ask my colleague if he is familiar with the fact that a $370 million cost would also be imposed on the people of Puerto Rico for something which they never had a say in. It is not as if they can even submit what they think the plan could be. They could, but the board doesn't have to consider it. They don't have to do anything. It is clearly given to this board of individuals. Those four people can come up with a debt process, they can come up with the requirements, and they can come up with a whole scheme.

Mr. MENENDEZ. My colleague is absolutely right.

Even at a time when there is not enough money for essential services and the dramatic cutbacks that have already taken place for the people's health, education, and safety, we are going to impose upon them a $370 million obligation.

I want to cite to my colleague language from the legislation that says this: ''Within 30 days after the date of enactment of this Act, the territorial government shall designate a dedicated funding source, not subject to subsequent legislative appropriations, sufficient to support the annual expenses of the Oversight Board as determined in the Oversight Board's sole and exclusive discretion.''

They get to dictate their own budget. They tell the government of Puerto Rico—by the way, by passing this bill, we tell the government of Puerto Rico: Have a dedicated revenue source for it, and the oversight board will tell you how much they have to spend—they want to spend—and that is what you have to pay for. It is pretty outrageous.

Ms. CANTWELL. Through the Chair, I thank my colleague from New Jersey for being on the floor.

When I think about the pressure being applied in the halls here, where one individual said, ''you can see the pressure running through the halls of the Capitol''—we don't see Puerto Ricans running through the halls of the Capitol. What we see are people who have been struggling with this issue and trying to get the best deal possible. But the best thing we could do for them is give them bankruptcy authority and a clear path that allows them to restructure their debt. That is all we have to do. Then everybody is in on restructuring the $72 billion of debt. They can then move on, and next January, we can have a realistic conversation in the Senate. Nothing precludes us from having it. What are we going to do about the 45 percent poverty rate? We will not have added another 10 percent to that. We will not have added to the unemployment rate, which is now higher than the 12 percent. We will still have very, very tough and thorny questions to deal with, but we can have a path for the $72 billion of debt to be successfully restructured with a plan that protects the interests of the U.S. taxpayers.

I certainly want to help the people of Puerto Rico, but I also know the views here are going to be varied on what that economic strategy is for Puerto Rico. Everybody is going to have an idea. But there should be 100 percent agreement that all the debt is on the table and that they should be given full bankruptcy authority to get a restructuring plan.

If our colleagues in the House think this is bankruptcy, well, then, they shouldn't be afraid of discussing a bill with us from the Senate that is bankruptcy. I don't understand the hesitation to get this right because getting it wrong will cost taxpayers here in the United States as well.

We want a successful program. We don't want constitutional challenges. We don't want this held up. We want a plan to move forward. The challenges are tough enough as it is. So I ask my colleague if he understands what the hurry is in passing this legislation without even allowing amendments or allowing floor debate.

Mr. MENENDEZ. Well, I don't understand why there are no amendments or floor debate. And I want to take my colleague's question to make some final points that I think are important.

I have talked to some of our colleagues, and they have said: Well, what happens if we don't meet the July 1 deadline, as Senator CANTWELL just referenced? Well, first of all, in the legislation there is a stay on litigation retroactive to December of 2015, meaning that any lawsuit filed after that point would be halted once the stay is enacted, which is basically when the legislation is enacted. There is no precedent to suggest that Puerto Rico would not be able to fund essential services while we work to get the bill right over the next few days. And once that stay is enacted, any pending lawsuits, including those attempting to freeze assets, would be deemed unenforceable.

So the bogeyman of July 1, if we don't do this—No. 1, no, there is a stay already in the bill that would cover that.

No. 2, I think some of my colleagues have said to me: Well, why did some of the Members of the House of Representatives who happen to be of Puerto Rican descent vote for the bill?

Well, first of all, not all of them did. Congressman GUTIÉRREZ of Chicago voted against the bill. But you have to read the statements of my colleagues, for whom I have the deepest, deepest respect. I served with them in the House. I know their passion as it relates to Puerto Rico. I know their commitment to the people of Puerto Rico. But you have to read their statements. They were tortured, really, as they were coming to this conclusion on the vote.

Basically, if you read them, they—well, here is part of Congresswoman VELÁZQUEZ's statement. She says:

> The lack of parity for federal funds caused the island government to borrow well beyond its means. . . . The federal government continued to treat Puerto Rico like it was a laboratory experiment, creating incentives and then removing them, creating economic chaos and job loss. . . . Wall Street enabled the local government's addiction to the bond market, coming up with new ways to turn cash flows to debt instruments. . . . [T]his was a . . . keg waiting to explode. . . . [I]t is not the political elite or Wall Street tycoons who suffered, but instead the working-class families who call the island home—my brothers and sisters.

And then she goes on to say, basically:

> Am I angry that this bill contains labor provisions that are not only obnoxious but counterintuitive? Yes. Am I outraged that Puerto Rico will have to foot the $370 million price tag for an Oversight Board [they] do not want? Yes.

This is what the Senator from Washington and I were just talking about. Continuing to read her letter:

> Do I believe that the creditors, who lent the island money and bought debt on the cheap, should wait in line behind retirees even though Puerto Rico's own constitution [might say] otherwise? Yes. . . . Should the bill include incentives for economic growth and parity for health care? Of course, it should. The reality is that Republicans are in control and we have no choice but to compromise.

My colleagues have said: Well, why did the Members of the House of Representatives who happen to be of Puerto Rican descent vote for it? Basically, because they had a gun to their head where they were told it is either this or nothing. But that is not what the Senate is all about. The Senate is the institution where one man or woman, standing up for an idea or an ideal, can see their way to make change. We all have that power in this institution. We have the power to make maybe what is the passion of the House at the moment be more tempered in this body. It is the nature of how the Founders structured our two legislative bodies.

It is time for us to live up to the highest calling of the Senate and take care of the 3.5 million people of Puerto Rico, who are U.S. citizens, in the right way. So where Congresswoman VELÁZQUEZ or any of my other colleagues in the House felt they had no choice and no options, that is not what the Senate is all about. That is why the Senate rules permit even the minority at times—although it had been structured in such a way to make it very hard, there are still ways, if we choose as Members, to cast that vote.

So as to the July 1 deadline, we have provisions. This provision in the bill is probably the only one I like, at least the way it is written, with a retroactive stay. Secondly, my colleagues didn't have much of a choice, so they felt that it is either this or nothing. And if it is nothing, then there are real problems. I don't accept the ''this or nothing.'' I accept it can be better, as Senator CANTWELL has suggested, and I believe that can take place. That happens tomorrow when we come back into session.

I hope there will be a vote against cloture to give us that opportunity. If we fail—if enough Members want to vote for an undemocratic bill that goes against some of the very Republican principles of being true to the Founders of the Constitution and the architects of our great democracy that suggests that consent of the governed is essential, and if they believe, at the end of the day—again, I know many of them have an aversion to corporate welfare—then I would hope they would be true to their principles and vote against cloture.

For the Democratic side, I would hope the very essence of our belief in rising wages and overtime protections and also the view of the consent of the governed—we are strong advocates of democracy—and making sure of the environmental protections we fight so hard on—those should not be denied to the people of Puerto Rico. We can vote against cloture and create a process for some reasonable amendments. I am sure there can be agreements to come to that, to have a chance for the people of Puerto Rico to have a say and make the bill better by virtue of a democratic process in the Senate.

In the absence of that, if we fail, there is a motion that is available to table an amendment that is in the tree in order to offer another amendment. I hope my colleagues, in a bipartisan fashion, if they think it is so important to get cloture—which I don't agree with in terms of timing; the July 1 deadline is dealt with; the reasons others voted for it are amply understood—then there is an opportunity to vote to table one of the amendments that are on the table now and, therefore, create an opening for an amendment where we could at least have that debate and have that opportunity. Those are available, as I understand it, from the Parliamentarian under the rules.

I hope we can achieve that moment. It would be one of the bright moments of the Senate versus one of the darkest moments, I think, if we continue on the road we are on.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROUNDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with

Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavoidably detained for rollcall vote No. 111 on confirmation of PN576. Had I been present, I would have voted yea.

RECOGNIZING HOT SPRINGS NATIONAL PARK

Mr. COTTON. Mr. President, in honor of the National Park Service's 100th birthday year, I want to recognize Hot Springs National Park in Hot Springs, AR. Hot Springs is a world famous tourist destination and it is not hard to see why. Whether it is to take advantage of the many recreational activities like hiking or boating or to bathe in the hot, therapeutic waters found in the area, guests have traveled from across the country and around the world to visit Hot Springs. In an effort to preserve its unique hot springs, Hot Springs first became a protected area in 1832 when Congress declared the area a reservation. It was officially designated as a national park in 1921.

In the years after it became a reservation, Hot Springs experienced extensive economic growth and majestic bathhouses replaced the rudimentary wooden structures surrounding the hot water springs. The remaining bathhouse row structures in Hot Springs National Park are now part of a National Historic Landmark District that sees thousands of visitors each year.

But Hot Springs has more than just unique natural features. Over the last century, they have hosted Major League Baseball spring training. They are also home to Oaklawn horse racing, and the notorious gangster Al Capone is even rumored to have spent time in town. Finally, former President Bill Clinton graduated from Hot Springs High School.

Hot Springs National Park is a true Arkansas treasure, and the surrounding town makes it that much better. This park has a storied history, but its best days are ahead of it. The hot springs are still flowing, the bathhouses are still open, and the scenery remains breathtaking. In honor of the National Park Service's 100th birthday year, I encourage you to go out and find your park.

APPOINTMENT OF ROSE GOTTEMOELLER TO BE DEPUTY SECRETARY GENERAL OF NATO

Mr. CARDIN. Mr. President, on June 27th, NATO Secretary General Jens Stoltenberg appointed Under Secretary of State Rose Gottemoeller to become the next Deputy Secretary General of the North Atlantic Treaty Organization. I am pleased to see such a well-respected and qualified individual take up a critically important post within NATO.

Rose Gottemoeller has distinguished herself at the State Department as the consummate public servant. Her work in the State Department has focused on pragmatically confronting some of the most critical international security issues the United States faces, including nonproliferation, arms control, and nuclear security. She is best known for her role in the New START Treaty, when she represented the United States as its chief negotiator. She has been confirmed by the Senate for two different positions at State, first as Assistant Secretary of State for Verification and Compliance and currently as Under Secretary for Arms Control and International Security. In these roles, Rose has been integral to ensuring that American national security priorities are realized, and I personally could not think of a more competent individual who has the requisite experience and expertise to be the next Deputy Secretary General.

Under Secretary Gottemoeller will be taking up her post at a critical time for Europe. NATO's core mission is safeguarding the freedom and security of its 28 members. The freedom and security of Europe today is threatened by Russian aggression on its eastern flank and from the instability and violence emanating from the Middle East and North Africa. The United States and our NATO allies must stand together as one in order to achieve national and international security against these threats.

I would like to conclude my remarks by saying, for the record, that I myself have had numerous opportunities to interact with Rose Gottemoeller during my time on the Senate Foreign Relations Committee and have come away impressed. She has been forthright when questioned during hearings and briefings. She has been pleasant, upfront, and informative during meetings. I know from my own experiences that she will continue to serve the United States well in her capacity as Deputy Secretary General of NATO.

ADDITIONAL STATEMENTS

TRIBUTE TO LOUIS ARMENTARO

● Mr. DAINES. Mr. President, in honor of Independence Day, I wish to recognize Louis Armentaro of Park County. Louis is an Army veteran, having served as an infantryman in the 442nd Regimental Combat Team during World War II. We celebrate our independence and freedom because of people like Louis, who selflessly put himself in harm's way, fighting against tyranny for his country.

Over the Fourth of July weekend, I will have the privilege to honor Louis and watch him announce his 68th Livingston Roundup Parade. Louis started this tradition back in 1949, when he returned to Montana after serving in World War II. During his time in the special services in Japan, Louis delighted in running audio for his fellow soldiers at the GI theatre, ball games, and parades. He is in the Guinness Book of World Records as the ''most durable rodeo parade announcer.'' His passion for western swing and its ability to transport people inspired him to start Sound Over the West audio and announcing when he returned home.

As a child, Louis grew up with a passion for authentic country music. Not only is he one of the greatest curators of this style in Montana, he is also one of the most revered pedal steel guitar players in the country music community. In the early 1950s, Louis, his brother Frank Armentaro, and their friend Oscar Bergsing started the Rhythm Ramblers, one of the longest living bands in Montana. For decades, they created a soundtrack for countless swing dancers across the State. While performances from the group are extremely rare today, Louis continues to play his steel guitar every morning. At 91 years old, he is one of the most experienced steel guitar players alive.

Louis, with the support of his devoted wife, Donna, has become a pillar in the Livingston community. Not only have the couple raised and fostered an estimated 30 children, they are an indispensable part of the Livingston Roundup Rodeo. For many cowboys and cowgirls, this event is known as Cowboy Christmas; Louis Armentaro is their Santa Claus. He is the dependable voice and orchestrator and is the most recognizable attraction in the rodeo parade. During the parade and the rodeo, Louis blares his curated collection of western swing music. For the last six decades, he has introduced people of all ages to sounds of American country and the history these songs can teach.

I am proud to honor this unique man for his service to his community and our country.●

TRIBUTE TO LIEUTENANT GENERAL JEFFERY W. TALLEY

● Mr. MCCAIN. Mr. President, today I honor a dedicated soldier and business entrepreneur who has demonstrated illustrious service to our Nation while in uniform and in private, public, and academic sectors. After 34 years of service as a model citizen-soldier, LTG Jeffery W. Talley is retiring from his distinguished Army career.

LTG Jeffrey W. Talley served as both the Chief of the Army Reserve and the Commanding General of U.S. Army Reserve Command from 11 June 2012 to 1 June 2016. Lieutenant General Talley

led the Army Reserve through one of the most tumultuous times in its history, guiding the command through the initial phases of a drawdown of forces as it simultaneously supported the war in Afghanistan and executed multiple contingency deployments in support of our Nation. Through his leadership, Lieutenant General Talley has forever changed the mission, culture, and composition of the Army Reserve. He leaves a combat-tested component that is more responsive to the Joint and Army warfighting requirements and contributes directly to our ability to fight and win our Nation's wars.

Lieutenant General Talley is responsible for developing and executing critical enabler capabilities to the Joint Force through the use of Army Reserve Engagement Cells and Teams, AREC/Ts. AREC/Ts assist Army Service Component Commands and Combatant Commands by integrating Army Reserve capabilities into plans, exercises, and operational activities and provide reachback capability to the whole of the U.S. Army Reserve Command's CONUS-based theater enabling commands. The Army Reserve possesses the majority of force structure of the Army's total capability in many key areas to include more than 90 percent of the Army's Civil Affairs capability, more than 50 percent of the Army's total logistics and medical capability, and nearly all of the Army's theater opening capability. Nothing is more important to Lieutenant General Talley than taking care of our Nation's most precious resource: our soldiers. As a citizen-soldier himself, Lieutenant General Talley is acutely aware of the challenges and sacrifices of Army Reserve soldiers as they juggle their service to the Nation, community, and family well-being. This focus on soldiers and their families, combined with the recognition that soldier support is a critical component of soldier readiness, led him to create the Private Public Partnership Office, P3O. P3O has blossomed into one of the DOD's most effective hiring and readiness generating programs. This indispensable capability recognizes the tie that Army Reserve soldiers have with their local communities.

Lieutenant General Talley codified the comprehensive transformation of the Army Reserve from a strategic, static component of the Army, to an integral, operational asset critical to the success of the Army's mission to provide trained and ready forces. Lieutenant General Talley's accomplishments will benefit the Army Reserve, the Army, and the Joint Force for years to come.

Jeffery Talley and his wife, Linda, have four children: Christopher, Joshua, and Matthew—a combat veteran—and Ashley. The Talley family moved 23 times throughout Jeffery's military career. During those times, Linda volunteered as a senior family readiness adviser. For her dedication, she was named ''Volunteer of the Year'' and received the Essayons Award for spouses who make significant contributions to the Army Engineer Regiment. I wish Jeffery, Linda, and the entire Talley family the best in their future endeavors and the next chapter of their lives.●

TRIBUTE TO MICHAEL SCHULTE

● Mr. THUNE. Mr. President, today I recognize Michael Schulte, an intern in my Sioux Falls, SD, office for all of the hard work he has done for me, my staff, and the State of South Dakota.

Michael is a graduate of BOLD High School in Olivia, MN. Currently, Michael is attending South Dakota State University in Brookings, SD, majoring in political science and global studies. Michael is a dedicated worker who has been committed to getting the most out of his experience.

I extend my sincere thanks and appreciation to Michael Schulte for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO REGAN SCOTT

● Mr. THUNE. Mr. President, today I recognize Regan Scott, an intern in my Sioux Falls, SD, office for all of the hard work she has done for me, my staff, and the State of South Dakota.

Regan is a graduate of Sioux Falls Christian in Sioux Falls, SD. Currently, Regan is attending Northwestern College in Orange City, SD, majoring in business administration. Regan is a dedicated worker who has been committed to getting the most out of her experience.

I extend my sincere thanks and appreciation to Regan Scott for all of the fine work she has done and wish her continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 5:45 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker pro tempore (Mr. HARRIS) has signed the following enrolled bill:

H.R. 3114. An act to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3100. A bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5912. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Thomas W. Spoehr, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5913. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General William B. Garrett III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5914. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Treatment of Interagency and State and Local Purchases'' ((RIN0750–AI88) (DFARS Case 2016–D009)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Armed Services.

EC–5915. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Pilot Program on Acquisition of Military Purpose Nondevelopmental Items'' ((RIN0750–AI93) (DFARS Case 2016–D014)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Armed Services.

EC–5916. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: New Designated Country—Ukraine'' ((RIN0750–AI98) (DFARS Case 2016–D026)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Armed Services.

EC–5917. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Deletion of Supplemental

Coverage for the Definition of 'Simplified Acquisition Threshold'' ((RIN0750–AI89) (DFARS Case 2016–D007)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Armed Services.

EC–5918. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Defense Contractors Performing Private Security Functions'' ((RIN0750–AI69) (DFARS Case 2016–D021)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Armed Services.

EC–5919. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Russell J. Handy, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5920. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Dennis L. Via, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–5921. A communication from the Acting Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting the report of ten (10) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5922. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled ''2016 Annual Report to Congress on the Department of Defense Chemical and Biological Defense Program''; to the Committee on Armed Services.

EC–5923. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Guidance on Charging and Penalty Determinations in Settlement of Administrative Enforcement Cases, Revision of Supplement No. 1 to part 766 of the Export Administration Regulations'' (RIN0694–AG73) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5924. A communication from the Senior Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Truth in Lending (Regulation Z) Annual Threshold Adjustments (CARD Act, HOEPA, and ATR/QM)'' (12 CFR Part 1026) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–5925. A communication from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalties Inflation Adjustments'' (RIN1024–AE28) received in the Office of the President of the Senate on June 22, 2016; to the Committee on Energy and Natural Resources.

EC–5926. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Reactive Power Requirements for Non-Synchronous Generation'' ((RIN1902–AF15) (Docket No. RM16–1–000)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Energy and Natural Resources.

EC–5927. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Battery Chargers; Final Rule'' ((RIN1904–AB57) (Docket No. EERE–2008–BT–STD–0005)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Energy and Natural Resources.

EC–5928. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Clinical Diagnostic Laboratory Tests Payment System'' ((RIN0938–AS33) (CMS–1621–F)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Finance.

EC–5929. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates - July 2016'' (Rev. Rul. 2016–17) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Finance.

EC–5930. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transfers of Property to Regulated Public Utilities by Electricity Generators'' (Notice 2016–36) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Finance.

EC–5931. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification of Treatment of Certain Health Organizations'' ((RIN1545–BN15) (TD 9772)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Finance.

EC–5932. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. support for Taiwan's participation as an Observer in the International Criminal Police Organization (INTERPOL); to the Committee on Foreign Relations.

EC–5933. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) and 36(d) of the Arms Export Control Act (DDTC 16–004); to the Committee on Foreign Relations.

EC–5934. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–072); to the Committee on Foreign Relations.

EC–5935. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–040); to the Committee on Foreign Relations.

EC–5936. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–141); to the Committee on Foreign Relations.

EC–5937. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–137); to the Committee on Foreign Relations.

EC–5938. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–021); to the Committee on Foreign Relations.

EC–5939. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–007); to the Committee on Foreign Relations.

EC–5940. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–013); to the Committee on Foreign Relations.

EC–5941. A communication from the Assistant General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on June 23, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–5942. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Exceptions Applicable to Certain Human Cells, Tissues, and Cellular and Tissue-Based Products'' (Docket No. FDA–2014–N–1484) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–5943. A communication from the Office Program Manager, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Federal Civil Penalties Adjustment Act Amendments'' (RIN2900–AP78) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Veterans' Affairs.

EC–5944. A communication from the General Counsel, Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, the report relative to a vacancy for the position of Associate Director for National Security and International Affairs, Office of Science and Technology Policy, Executive Office of the President, received in the Office of the President of the Senate on June 22, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5945. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Surface Transportation Board's CFR Chapter Heading Pursuant to the Surface Transportation Board Reauthorization Act of 2015'' (Docket No. EP 735) received in the Office of the President of the Senate on June 23, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5946. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Raymond, Washington)'' ((MB Docket No. 16–74) (DA 16–656)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5947. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Bogata, Texas and Wright City, Oklahoma)'' ((MB Docket No. 14–236 and MB Docket No. 14–257) (DA 16–648)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5948. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Connect America Fund; ETC Annual Reports and Certifications; Rural Broadband Experiments'' ((RIN3060–AF85) (FCC 16–64)) received in the Office of the President of the Senate on June 27, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5949. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled ''Report to Congress on Department of Defense Fiscal Year 2015 Purchases from Foreign Entities''; to the Committee on Armed Services.

EC–5950. A communication from the President, Inter-American Foundation, transmitting, pursuant to law, proposed legislation entitled ''Inter-American Foundation Subsidiary Corporation Act''; to the Committee on Foreign Relations.

EC–5951. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the fiscal years 2012, 2013, and 2014 Reports to Congress on the Assets for Independence Program; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–195. A petition from a citizen of the State of Nevada relative to elder care; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 2976. A bill to amend the Homeland Security Act of 2002 to reform, streamline, and make improvements to the Department of Homeland Security and support the Department's efforts to implement better policy, planning, management, and performance, and for other purposes (Rept. No. 114–287).

By Mr. VITTER, from the Committee on Small Business and Entrepreneurship:

Report to accompany S. 958, a bill to amend the Small Business Act to provide for team and joint venture offers for certain contracts (Rept. No. 114–288).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2340. A bill to require the Director of the Office of Management and Budget to issue a directive on the management of software licenses, and for other purposes (Rept. No. 114–289).

By Mr. CORKER, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 432. A resolution supporting respect for human rights and encouraging inclusive governance in Ethiopia.

S. Res. 482. A resolution urging the European Union to designate Hizballah in its entirety as a terrorist organization and to increase pressure on the organization and its members to the fullest extent possible.

S. Res. 501. A resolution expressing the sense of the Senate on Russian military aggression.

S. Res. 503. A resolution recognizing June 20, 2016, as ''World Refugee Day''.

S. Res. 504. A resolution recognizing the 70th anniversary of the Fulbright Program.

By Mr. CORKER, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1605. A bill to amend the Millennium Challenge Act of 2003 to authorize concurrent compacts for purposes of regional economic integration and cross-border collaborations, and for other purposes.

By Mr. CORKER, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 38. A concurrent resolution reaffirming the Taiwan Relations Act and the Six Assurances as cornerstones of United States-Taiwan relations.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. MCCAIN for the Committee on Armed Services.

Army nomination of Brig. Gen. Matthew T. Quinn, to be Major General.

Navy nomination of Capt. Phillip E. Lee, Jr., to be Rear Admiral (lower half).

Navy nomination of Capt. Alan J. Reyes, to be Rear Admiral (lower half).

Navy nomination of Capt. Mary C. Riggs, to be Rear Admiral (lower half).

Navy nomination of Capt. Carol M. Lynch, to be Rear Admiral (lower half).

Navy nomination of Capt. Mark E. Bipes, to be Rear Admiral (lower half).

Navy nomination of Capt. Brian R. Guldbek, to be Rear Admiral (lower half).

Navy nomination of Capt. Louis C. Tripoli, to be Rear Admiral (lower half).

Navy nomination of Capt. Robert T. Durand, to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Shawn E. Duane and ending with Capt. John A. Schommer, which nominations were received by the Senate and appeared in the Congressional Record on March 15, 2016.

Navy nomination of Rear Adm. (lh) Thomas W. Luscher, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Brian S. Pecha, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Deborah P. Haven, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Mark J. Fung, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Russell E. Allen and ending with Rear Adm. (lh) Michael J. Dumont, which nominations were received by the Senate and appeared in the Congressional Record on March 15, 2016.

*Air Force nomination of Lt. Gen. Joseph L. Lengyel, to be General.

Navy nomination of Capt. Ronald R. Fritzemeier, to be Rear Admiral (lower half).

Marine Corps nominations beginning with Brig. Gen. Charles G. Chiarotti and ending with Brig. Gen. Daniel D. Yoo, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

*Air Force nomination of Gen. David L. Goldfein, to be General.

*Marine Corps nomination of Lt. Gen. Thomas D. Waldhauser, to be General.

Army nomination of Maj. Gen. Charles D. Luckey, to be Lieutenant General.

Army nomination of Brig. Gen. Robert P. Walters, Jr., to be Major General.

Army nomination of Lt. Gen. Edward C. Cardon, to be Lieutenant General.

Army nomination of Brig. Gen. Timothy P. Williams, to be Major General.

Army nomination of Col. Joseph J. Streff, to be Brigadier General.

Army nominations beginning with Col. Anthony P. Digiacomo II and ending with Col. Kenneth A. Nava, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2016. (minus 1 nominee: Col. Robert A. Crisostomo)

Marine Corps nomination of Lt. Gen. David H. Berger, to be Lieutenant General.

Air Force nomination of Maj. Gen. Jeffrey L. Harrigian, to be Lieutenant General.

Air Force nomination of Lt. Gen. Tod D. Wolters, to be General.

Air Force nomination of Maj. Gen. Stayce D. Harris, to be Lieutenant General.

Army nomination of Maj. Gen. Gwendolyn Bingham, to be Lieutenant General.

Navy nomination of Rear Adm. Michael M. Gilday, to be Vice Admiral.

Navy nomination of Rear Adm. Colin J. Kilrain, to be Vice Admiral.

Marine Corps nomination of Lt. Gen. Glenn M. Walters, to be General.

Marine Corps nomination of Maj. Gen. Gary L. Thomas, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Lewis A. Craparotta, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Joseph L. Osterman, to be Lieutenant General.

Air Force nomination of Lt. Gen. Terrence J. O'Shaughnessy, to be General.

*Coast Guard nomination of Rear Adm. Marshall B. Lytle III, to be Vice Admiral.

Air Force nomination of Lt. Gen. Stephen W. Wilson, to be General.

Air Force nomination of Maj. Gen. VeraLinn Jamieson, to be Lieutenant General.

Air Force nomination of Maj. Gen. Thomas W. Bergeson, to be Lieutenant General.

Air Force nomination of Brig. Gen. Thomas W. Geary, to be Major General.

Air Force nomination of Lt. Gen. John L. Dolan, to be Lieutenant General.

Air Force nomination of Maj. Gen. Richard M. Clark, to be Lieutenant General.

Mr. MCCAIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar

that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Joseph H. Imwalle, to be Colonel.

Air Force nomination of Lisa A. Seltman, to be Major.

Air Force nominations beginning with Andrew M. Foster and ending with Anthony P. Gaddi, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2016.

Air Force nominations beginning with David B. Barker and ending with Angela M. Yuhas, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2016.

Army nomination of Bethany C. Aragon, to be Colonel.

Army nomination of Brian T. Watkins, to be Colonel.

Army nominations beginning with Susan M. Cebula and ending with Lisa N. Yarbrough, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Army nominations beginning with John S. Aita and ending with Derek C. Whitaker, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2016.

Army nomination of Jason B. Blevins, to be Colonel.

Army nomination of Shawn R. Lynch, to be Major.

Army nomination of Rita A. Kostecke, to be Major.

Army nomination of Helen H. Brandabur, to be Major.

Army nomination of Barry K. Williams, to be Colonel.

Army nomination of Douglas Maurer, to be Colonel.

Army nomination of Ronald D. Hardin, Jr., to be Lieutenant Colonel.

Army nomination of Edward J. Fisher, to be Colonel.

Army nomination of David W. Mayfield, to be Lieutenant Colonel.

Army nomination of Michael P. Garlington, to be Colonel.

Army nominations beginning with Noela B. Bacon and ending with William D. Plummer, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Army nomination of Elizabeth M. Miller, to be Colonel.

Navy nomination of Justin C. Legg, to be Lieutenant Commander.

Navy nominations beginning with Timothy M. Dunn and ending with Peggytara M. Stolyarova, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Suzanne M. Lesko and ending with Charles E. Summers II, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nomination of Andrew F. Ulak, to be Captain.

Navy nominations beginning with Kenneth N. Graves and ending with Billy B. Osborne, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Steve R. Paradela and ending with Reese K. Zomar, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Charles M. Brown and ending with Karl W. Wick, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Robert K. Baer and ending with John L. Morris, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Brian S. Anderton and ending with James T. Worthington III, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Christopher J.R. Demchak and ending with Steven R. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Janette B. Jose and ending with Michael J. Schwerin, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Eric R. Johnson and ending with Andrew R. Wood, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nominations beginning with Jarema M. Didoszak and ending with Richard M. Szcepanski, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2016.

Navy nomination of Conrado G. Dungca, Jr., to be Captain.

Navy nomination of Alexander L. Peabody, to be Captain.

Navy nomination of Jason G. Goff, to be Captain.

Navy nominations beginning with Olivia L. Bethea and ending with Christian A. Stover, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Roger S. Akins and ending with Michael D. Wittenberger, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Richard S. Adcook and ending with Benjamin W. Young, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Andrew M. Archila and ending with Douglas E. Stephens, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Shane D. Cooper and ending with Randall J. Vavra, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Johannes M. Bailey and ending with John E. Volk, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Susan L. Ayers and ending with Michael York, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Michael D. Brown and ending with Brian J. Stamm, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with John R. Anderson and ending with Burr M. Vogel, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Rachael A. Dempsey and ending with Sean D. Robinson, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Ann E. Casey and ending with Daryk E. Zirkle, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Claude W. Arnold, Jr. and ending with Rob W. Stevenson, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Albert Angel and ending with Scott D. Young, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Thomas L. Gibbons and ending with Kurt E. Stronach, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with David L. Aamodt and ending with Nathan S. York, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016. (minus 1 nominee: Jonathan L. Schmitz)

Navy nominations beginning with Michael B. Bilzor and ending with Matthew A. Testerman, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Paul D. Clifford and ending with Dianna Wolfson, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Errol A. Campbell, Jr. and ending with Jeffrey M. Vicario, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Jeffrey J. Chown and ending with Bret A. Washburn, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Brook Dewalt and ending with Philip R. Rosi II, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nominations beginning with Aaron C. Hoff and ending with John M. Tully, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2016.

Navy nomination of Daniel L. Christensen, to be Lieutenant Commander.

Navy nomination of Howard D. Watt, to be Commander.

Navy nomination of Daniel Morales, to be Commander.

Navy nomination of Stefan M. Groetsch, to be Captain.

Navy nomination of Jeffrey M. Bierley, to be Captain.

Navy nomination of Michael G. Zakaroff, to be Lieutenant Commander.

Navy nominations beginning with Ron J. Arellano and ending with William M. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Katie M. Abdallah and ending with Nathan J. Winters, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Matthew J. Acanfora and ending with Joseph A. Zerby, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Kenneth O. Allison, Jr. and ending with Timothy L. Yeich, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Benjamin P. Abbott and ending with Richard J. Zamberlan, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Peter Bissonnette and ending with Zavean V. Ware, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Mylene R. Arvizo and ending with Errol A. Watson, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with David R. Donohue and ending with Jason D. Weaver, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Randy J. Berti and ending with Michael Windom, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Jodie K. Cornell and ending with Sean B. Robertson, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Patricia H. Ajoy and ending with Wade C. Thames, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nominations beginning with Erin M. Ceschini and ending with Giancarlo Waghelstein, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2016.

Navy nomination of Thomas W. Luton, to be Lieutenant Commander.

Navy nominations beginning with Jennifer L. Donahue and ending with Robert R. Steen, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with Steven D. Bartell and ending with Ron P. Neitzke, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with Nathan Johnston and ending with Roger D. Musselman, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with Philip Armas, Jr. and ending with Christopher D. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with Catherine O. Durham and ending with Rebecca A. Zornado, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with James H. Burns and ending with Rebecca S. Snyder, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with John M. Hardham and ending with Martin W. Wadewitz II, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with Philip J. Abeldt and ending with Michael B. Vener, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

Navy nominations beginning with Lauren P. Archer and ending with Alissa G. Speziale, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2016.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

EXECUTIVE REPORT OF COMMITTEE—TREATIES

The following executive report of committee was submitted:

By Mr. CORKER, from the Committee on Foreign Relations:

Treaty Doc. 110–19: Treaty on Plant Genetic Resources for Food and Agriculture (without printed report);

Treaty Doc. 112–6: The Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary (without printed report);

Treaty Doc. 114–10: Extradition Treaty with the Dominican Republic (without printed report);

Treaty Doc. 113–6: Extradition Treaty with the Republic of Chile (without printed report);

Treaty Doc. 114–11: Treaty with Kazakhstan on Mutual Legal Assistance in Criminal Matters (without printed report);

Treaty Doc. 114–3: Treaty with Algeria on Mutual Legal Assistance in Criminal Matters (without printed report); and

Treaty Doc. 114–4: Treaty with Jordan on Mutual Legal Assistance in Criminal Matters (without printed report).

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

[Treaty Doc. 110–19 Treaty on Plant Genetic Resources for Food and Agriculture]

RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to an Understanding and a Declaration.

The Senate advises and consents to the ratification of the International Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States of America on November 1, 2002 (the ''Treaty'') (Treaty Doc. 110–19), subject to the understanding of section 2 and the declaration of section 3.

Sec. 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the United States instrument of ratification: The United States of America understands that Article 12.3d shall not be construed in a manner that diminishes the availability or exercise of intellectual property rights under national laws.

Sec. 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is not self-executing.

[Treaty Doc. 112–6 The Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary]

RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION OF THE CONVENTION ON THE LAW APPLICABLE TO CERTAIN RIGHTS IN RESPECT OF SECURITIES HELD WITH AN INTERMEDIARY

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary, done at The Hague on July 5, 2006, and signed by the United States on that same day (the ''Convention'') (Treaty Doc. 112–6), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Convention is self-executing.

[Treaty Doc. 114–10 Extradition Treaty with the Dominican Republic]

RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION OF THE EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE DOMINICAN REPUBLIC

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of the Dominican Republic, signed at Santo Domingo on January 12, 2015 (Treaty Doc. 114–10), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is self-executing.

[Treaty Doc. 113–6 Extradition Treaty with the Republic of Chile]

RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION OF THE EXTRADITION TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHILE

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Chile, signed at Washington on June 5, 2013 (Treaty Doc. 113–6), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is self-executing.

[Treaty Doc. 114–11 Treaty with Kazakhstan on Mutual Legal Assistance in Criminal Matters]

RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KAZAKHSTAN ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty Between the United States of America and the Republic of Kazakhstan on Mutual Legal Assistance in Criminal Matters, signed at Washington on February 20, 2015 (Treaty Doc. 114–11), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is self-executing.

[Treaty Doc. 114–3 Treaty with Algeria on Mutual Legal Assistance in Criminal Matters]

RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION OF THE TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF ALGERIA ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of the People's Republic of Algeria on Mutual Legal Assistance in Criminal Matters, signed at Washington on April 7, 2010 (Treaty Doc. 114–3), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is self-executing.

[Treaty Doc. 114–4 Treaty with Jordan on Mutual Legal Assistance in Criminal Matters]

RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION OF THE TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE HASHEMITE KINGDOM OF JORDAN ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty Between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan on Mutual Legal Assistance in Criminal Matters, signed at Washington on October 1, 2013 (Treaty Doc. 114–4), subject to the declaration of section 2.

Sec. 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration: The Treaty is self-executing.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELLER (for himself and Mr. REID):

S. 3102. A bill to promote conservation, improve public land management, and provide for sensible development in Pershing County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCOTT:

S. 3103. A bill to establish Fort Sumter and Fort Moultrie National Park in the State of South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MARKEY (for himself and Ms. WARREN):

S. 3104. A bill to establish the Plymouth 400th Commemoration Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. MARKEY (for himself and Ms. WARREN):

S. 3105. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 400th anniversary of the landing and settlement of Plymouth Colony, the signing of the Mayflower Compact, and the role of the indigenous Wampanoag tribes in the realization of the settlement; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. LEAHY, Mr. CARPER, and Mr. CARDIN):

S. 3106. A bill to provide a coordinated regional response to effectively manage the endemic violence and humanitarian crisis in El Salvador, Guatemala, and Honduras; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KING (for himself, Ms. COLLINS, Mr. MARKEY, Mr. REED, Mr. MURPHY, Mr. WHITEHOUSE, Ms. AYOTTE, Mr. BLUMENTHAL, and Mrs. SHAHEEN):

S. Res. 513. A resolution designating September 25, 2016, as ''National Lobster Day''; to the Committee on the Judiciary.

By Mr. DAINES (for himself and Mr. TESTER):

S. Res. 514. A resolution designating May 5, 2017, as the ''National Day of Awareness for Missing and Murdered Native Women and Girls''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. UDALL, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 6, a bill to reform our government, reduce the grip of special interest, and return our democracy to the American people through increased transparency and oversight of our elections and government.

S. 217

At the request of Mr. KAINE, his name was added as a cosponsor of S. 217, a bill to protect a woman's right to determine whether and when to bear a child or end a pregnancy by limiting restrictions on the provision of abortion services.

S. 386

At the request of Mr. THUNE, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 386, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 827

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 827, a bill to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

S. 849

At the request of Mr. ISAKSON, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 849, a bill to amend the Public Health Service Act to provide for systematic data collection and analysis and epidemiological research regarding Multiple Sclerosis (MS), Parkinson's disease, and other neurological diseases.

S. 2009

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2009, a bill to prohibit the sale of arms to Bahrain.

S. 2193

At the request of Mr. CRUZ, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of S. 2193, a bill to amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes.

S. 2196

At the request of Mr. CASEY, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2196, a bill to amend title XVIII of the Social Security Act to provide for the non-application of Medicare competitive acquisition rates to complex rehabilitative wheelchairs and accessories.

S. 2216

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 2216, a bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes.

At the request of Mrs. MCCASKILL, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 2216, supra.

S. 2219

At the request of Mrs. SHAHEEN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 2219, a bill to require the Secretary of Commerce to conduct an assessment and analysis of the outdoor recreation economy of the United States, and for other purposes.

S. 2283

At the request of Mr. DAINES, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2283, a bill to ensure that small business providers of broadband Internet access service can devote resources to broadband deployment rather than compliance with cumbersome regulatory requirements.

S. 2373

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2373, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 2531

At the request of Mr. KIRK, the names of the Senator from Maine (Ms. COLLINS), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. LANKFORD) and the Senator from Indiana (Mr. COATS) were added as cosponsors of S. 2531, a bill to authorize State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctions activities targeting Israel, and for other purposes.

S. 2595

At the request of Mr. CRAPO, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 2595, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit.

S. 2633

At the request of Mr. TESTER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2633, a bill to improve the ability of the Secretary of Veterans Affairs to provide health care to veterans through non-Department health care providers, and for other purposes.

S. 2641

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2641, a bill to amend the Public Health Service Act, in relation to requiring adrenoleukodystrophy screening of newborns.

S. 2690

At the request of Mr. MANCHIN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2690, a bill to amend the Pittman-Robertson Wildlife Restoration Act to modernize the funding of wildlife conservation, and for other purposes.

S. 2707

At the request of Mr. SCOTT, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2707, a bill to require the Secretary of Labor to nullify the proposed rule regarding defining and delimiting the exemptions for executive, administrative, professional, outside sales, and computer employees, to require the Secretary of Labor to conduct a full and complete economic analysis with improved economic data on small businesses, nonprofit employers, Medicare or Medicaid dependent health care providers, and small governmental jurisdictions, and all other employers, and minimize the impact on such employers, before promulgating any substantially similar rule, and to provide a rule of construction regarding the salary threshold exemption under the Fair Labor Standards Act of 1938, and for other purposes.

S. 2864

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2864, a bill to amend title XVIII of the Social Security Act to prevent catastrophic out-of-pocket spending on prescription drugs for seniors and individuals with disabilities.

S. 2878

At the request of Mr. RUBIO, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2878, a bill to amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes.

S. 2941

At the request of Ms. AYOTTE, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2941, a bill to require a study on women and lung cancer, and for other purposes.

S. 2971

At the request of Mr. PORTMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2971, a bill to authorize the National Urban Search and Rescue Response System.

S. 3083

At the request of Mr. MENENDEZ, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 3083, a bill to provide housing opportunities in the United States through modernization of various housing programs, and for other purposes.

S. 3089

At the request of Ms. BALDWIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3089, a bill to amend title VII of the Civil Rights Act of 1964 and other statutes to clarify appropriate liability standards for Federal antidiscrimination claims.

S. 3100

At the request of Mr. TOOMEY, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3100, a bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

S. RES. 503

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 503, a resolution recognizing June 20, 2016, as ''World Refugee Day''.

S. RES. 504

At the request of Mr. BOOZMAN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Arkansas (Mr. COTTON) were added as cosponsors of S. Res. 504, a resolution recognizing the 70th anniversary of the Fulbright Program.

At the request of Mr. CORKER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 504, supra.

S. RES. 508

At the request of Mr. RUBIO, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. Res. 508, a resolution expressing support for the expeditious consideration and finalization of a new, robust, and long-term Memorandum of Understanding on military assistance to Israel between the United States Government and the Government of Israel.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. LEAHY, Mr. CARPER, and Mr. CARDIN):

S. 3106. A bill to provide a coordinated regional response to effectively manage the endemic violence and humanitarian crisis in El Salvador, Guatemala, and Honduras; to the Committee on the Judiciary.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Secure the Northern Triangle Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Sense of Congress.
Sec. 4. Definitions.

TITLE I—ADVANCING REFORMS IN CENTRAL AMERICA TO ADDRESS THE FACTORS DRIVING MIGRATION
Subtitle A—Strengthening the Capacity of Central American Governments to Protect and Provide for Their Own People
Sec. 111. Authorization of appropriations for United States strategy for engagement in Central America.
Sec. 112. Strengthening the rule of law and combating corruption.
Sec. 113. Combating criminal violence and improving citizen security.
Sec. 114. Tackling extreme poverty and advancing economic development.
Subtitle B—Conditions, Limitations, and Certifications on United States Assistance
Sec. 121. Assistance funding available without condition.
Sec. 122. Conditions on assistance related to smuggling, screening, and safety of migrants.
Sec. 123. Conditions on assistance related to progress on specific issues.
Subtitle C—Effectively Coordinating United States Engagement in Central America
Sec. 131. United States Coordinator for Engagement in Central America.
Subtitle D—United States Leadership for Engaging International Donors and Partners
Sec. 141. Requirement for strategy to secure support of international donors and partners.
TITLE II—CRACKING DOWN ON SMUGGLERS, CARTELS, AND TRAFFICKERS EXPLOITING CHILDREN AND FAMILIES
Subtitle A—Strengthening Cooperation Among Law Enforcement Agencies to Target Smugglers and Traffickers
Sec. 211. Enhanced international cooperation to combat human smuggling and trafficking.
Sec. 212. Enhanced investigation and prosecution of human smuggling and trafficking.
Sec. 213. Information campaign on dangers of migration.
Subtitle B—Strengthening the Ability of the United States Government to Crack Down on Smugglers, Traffickers, and Drug Cartels
Sec. 221. Enhanced penalties for organized smuggling schemes.
Sec. 222. Expanding financial sanctions on narcotics trafficking and money laundering.
Subtitle C—Creating New Penalties for Hindering Immigration, Border, and Customs Controls
Sec. 231. Hindering immigration, border, and customs controls.
TITLE III—MINIMIZING BORDER CROSSINGS BY EXPANDING PROCESSING OF REFUGEE CHILDREN AND FAMILIES IN-COUNTRY AND IN THE REGION
Subtitle A—Providing Alternative Safe Havens in Mexico and the Region
Sec. 311. Strengthening internal asylum systems in Mexico and other countries.
Subtitle B—Expanding Refugee Processing in Mexico and Central America for Third Country Resettlement
Sec. 321. Expanding refugee processing in Mexico and Central America for third country resettlement.
Subtitle C—Improving the Efficiency of the Central American Minors Program
Sec. 331. Expansion.
Sec. 332. Expedited processing.
Sec. 333. Referral to UNHCR.
TITLE IV—MONITORING AND SUPPORTING UNACCOMPANIED ALIEN CHILDREN AFTER PROCESSING AT THE BORDER
Sec. 401. Definitions; authorization of appropriations.
Subtitle A—Strengthening the Government's Ability to Oversee the Safety and Well-Being of Children
Sec. 411. Background checks to ensure the safe placement of unaccompanied alien children.
Sec. 412. Responsibility of sponsor for immigration court compliance and child well-being.
Sec. 413. Monitoring unaccompanied alien children.
Subtitle B—Funding to States and School Districts; Supporting Education and Safety
Sec. 421. Funding to States to conduct State criminal checks and child abuse and neglect checks.
Sec. 422. Funding to school districts for unaccompanied alien children.
Sec. 423. Immediate enrollment of unaccompanied alien children in schools.
TITLE V—ENSURING ORDERLY AND HUMANE MANAGEMENT OF CHILDREN AND FAMILIES SEEKING PROTECTION
Subtitle A—Providing a Fair and Efficient Legal Process for Children and Vulnerable Families Seeking Asylum
Sec. 511. Court appearance compliance and legal orientation.
Sec. 512. Fair day in court for kids.
Subtitle B—Reducing Significant Delays in Immigration Court
Sec. 521. Eliminate immigration court backlogs.
Sec. 522. Improved training for immigration judges and members of the Board of Immigration Appeals.
Sec. 523. New technology to improve court efficiency.
Subtitle C—Reducing the Likelihood of Remigration
Sec. 531. Establishing reintegration and monitoring services for repatriating children.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since 2006, incidents of murder, other violent crime, and corruption perpetrated by armed criminal gangs and illicit trafficking organizations have risen alarmingly in El Salvador, Guatemala and Honduras (referred to in this Act as the ''Northern Triangle'').

(2) In 2013, Honduras had the highest per capita homicide rate of any nation in the world, with 90.4 murders for every 100,000 people in the country. El Salvador and Guatemala were in the top 5 countries with the highest per capita homicide rates.

(3) Since 2013, El Salvador's murder rate rose sharply to become the highest of any country in the world in 2015 at 108.5 homicides for every 100,000 people, following a dramatic escalation of violence between the country's 2 largest armed criminal gangs, Mara Salvatrucha (commonly known as ''MS-13'') and Barrio 18.

(4) According to the United Nations International Children's Emergency Fund (UNICEF), the per capita homicide rate for children in El Salvador and Guatemala is higher than any other country in the world. In 2014, 27 out of every 100,000 children were murdered in El Salvador.

(5) According to the United Nations High Commissioner for Refugees (UNHCR), Honduras and El Salvador have the highest per capita female homicide rates in the world. In 2014, 90 out of every 100,000 females were murdered in Honduras

(6) In April 2016, UNHCR's spokesperson stated, ''The number of people fleeing violence in Central America has surged to levels not seen since the region was wracked by armed conflicts in the 1980s. Action is urgently needed to ensure that unaccompanied children and others receive the protection to which they are entitled.''.

(7) Since 2013, individuals fleeing the Northern Triangle have sought sanctuary in neighboring countries and there has recently been a 1,185 percent increase in the number of asylum applications from citizens of El Salvador, Guatemala, and Honduras to the Governments of Mexico, Panama, Nicaragua, Costa Rica and Belize.

(8) Unaccompanied minors from the Northern Triangle now make up the majority of unaccompanied minors encountered at the international border between the United States and Mexico, with the fastest increase occurring among children younger than 12 years of age.

(9) Human smugglers are increasingly responsible for the transit of migrants from the Northern Triangle to the United States. According to the Government Accountability Office, human smugglers frequently use aggressive and misleading marketing to recruit migrants.

(10) Many female migrants face rape and sexual violence during the journey, either from smugglers or others encountered on the route, or risk being trafficked for sex or labor.

(11) Challenges to the rule of law in the Northern Triangle have been exacerbated by the limited ability and lack of political will on the part of governments to investigate and prosecute those responsible for murder. In 2014, approximately 95 percent of murders remained unresolved in Honduras and El Salvador.

(12) The presence of major drug trafficking organizations in the Northern Triangle contributes to violence, corruption, and criminality. The 2016 International Narcotics Control Strategy Report prepared by the Department of State estimated that ''approximately 90 percent of the cocaine trafficked to the United States in the first half of 2015 first transited through the Mexico/Central America corridor''.

(13) Widespread public sector corruption in the Northern Triangle undermines economic and social development and directly affects regional political stability, as demonstrated by the indictment and resignation of former Guatemalan president Otto Perez Molina on corruption charges.

(14) Human rights defenders, journalists, trade unionists, social leaders, and LGBT activists in the Northern Triangle face dire conditions, as evidenced by the March 2016 murder of Honduran activist Berta Cáceres and the targeted killing of more than 200 such civil society leaders since 2006. Almost none of these cases have resulted in convictions.

(15) The Northern Triangle struggles with high levels of economic insecurity. In 2014, more than 62 percent of Hondurans, more than 59 percent of Guatemalans, and more than 31 percent of Salvadorans lived below the poverty line.

(16) Weak investment climates and low levels of educational opportunity are barriers to inclusive economic growth and social development in the Northern Triangle.

(17) Although the CAM Program has approval rates of nearly 98 percent, due to limited resources, of the 8,920 children that have applied for humanitarian protection, only 626 have been conditionally approved and only 368 have entered the United States.

(18) Approximately 50 percent of unaccompanied minors facing United States immigration proceedings receive legal representation. Children with legal counsel appeared at their hearings more than 95 percent of the time.

(19) As of May 2016, 492,978 cases were pending before immigration courts, with such cases taking an average of 553 days to reach a final decision.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States must address the violence and humanitarian crisis resulting in the elevated numbers of unaccompanied children, women, and refugees from the Northern Triangle arriving at the Southwestern border of the United States;

(2) the violence and humanitarian crisis has been prompted by the severe challenges posed by—

(A) high rates of homicide, sexual violence, and violent crime perpetrated by armed criminal actors;

(B) endemic corruption; and

(C) the limited ability and the lack of political will on the part of governments to protect their citizens and uphold the rule of law in the Northern Triangle;

(3) the United States must work with international partners—

(A) to address the complicated conditions in the Northern Triangle that contribute to the violence and humanitarian crisis; and

(B) to protect vulnerable populations, particularly women and children, fleeing violence in the region;

(4) the Plan of the Alliance for Prosperity in the Northern Triangle, which was developed by the Governments of El Salvador, of Guatemala, and of Honduras, with the technical assistance of the Inter-American Development Bank, represents a comprehensive approach to address the complex situation in the Northern Triangle;

(5) the U.S. Strategy for Engagement in Central America, as articulated by President Obama and Vice President Biden, provides important support for the Alliance for Prosperity and other United States national security priorities, including rule of law and anti-corruption initiatives;

(6) combating corruption in the Northern Triangle must remain a critical priority and the United Nation's Commission Against Impunity in Guatemala (CICIG) and the Organization of American States' Mission to Support the Fight Against Corruption and Impunity in Honduras (MACCIH) are important contributions to this effort;

(7) the CAM Program provides a safe, legal, and orderly alternative to children fleeing violence in the Northern Triangle;

(8) the United States must—

(A) expand the CAM Program to ensure the safe and orderly processing of refugee children in the region;

(B) strengthen internal asylum systems in Mexico and other countries in the region to protect and process eligible children and families, including establishing and expanding in-country reception centers;

(C) expand access to legal representation for unaccompanied alien children facing United States immigration proceedings; and

(D) reduce delays in immigration courts, which contribute to misinformation that migrants who come to the United States will not be removed; and

(9) it is imperative for the United States to sustain a long-term commitment to addressing the factors causing Central Americans to flee their countries by strengthening citizen security, the rule of law, democratic governance, the protection of human rights, and inclusive economic growth in the Northern Triangle.

SEC. 4. DEFINITIONS.

In this Act:

(1) CAM PROGRAM.—The term ''CAM Program'' means the Central American Minors Refugee/Parole Program administered by U.S. Citizenship and Immigration Services.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(3) NORTHERN TRIANGLE.—The term ''Northern Triangle'' means the El Salvador, Guatemala, and Honduras.

(4) PLACEMENT.—The term ''placement'' means the placement of an unaccompanied alien child with a sponsor.

(5) PLAN.—The term ''Plan'' means the Plan of the Alliance for Prosperity in the Northern Triangle.

(6) SPONSOR.—The term ''sponsor'' means a sponsor referred to in section 462(b)(4) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(4)).

(7) UNACCOMPANIED ALIEN CHILD.—The term ''unaccompanied alien child'' has the meaning given the term in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

TITLE I—ADVANCING REFORMS IN CENTRAL AMERICA TO ADDRESS THE FACTORS DRIVING MIGRATION

Subtitle A—Strengthening the Capacity of Central American Governments to Protect and Provide for Their Own People

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES STRATEGY FOR ENGAGEMENT IN CENTRAL AMERICA.

(a) IN GENERAL.—There are authorized to be appropriated $1,040,000,000 for fiscal year 2017 to carry out the United States Strategy for Engagement in Central America, as defined by the objectives set forth in subsection (b). Amounts appropriated pursuant to this subsection shall remain available until expended.

(b) USE OF FUNDS.—Amounts appropriated pursuant to subsection (a) may be made available for assistance to Central American countries to implement the United States Strategy for Engagement in Central America in support of the Plan, including efforts—

(1) to strengthen the rule of law and bolster the effectiveness of judicial systems, public prosecutors' offices, and civilian police forces;

(2) to combat corruption and improve public sector transparency;

(3) to confront and counter the violence and crime perpetrated by armed criminal gangs, illicit trafficking organizations, and organized crime;

(4) to disrupt money laundering operations and the illicit financial networks of armed criminal gangs, illicit trafficking organizations, and human smugglers;

(5) to strengthen democratic governance and promote greater respect for internationally-recognized human rights, labor rights, fundamental freedoms, and the media;

(6) to enhance the capability of Central American governments to protect and provide for vulnerable and at-risk populations;

(7) to address the underlying causes of poverty and inequality; and

(8) to address the constraints to inclusive economic growth in Central America.

(c) PRIORITIZATION.—The Secretary of State and the Administrator of the United States Agency for International Development shall prioritize the provision of assistance authorized under this section to address the key factors in Central American countries that contribute to the flight of unaccompanied alien children and other individuals to the United States.

SEC. 112. STRENGTHENING THE RULE OF LAW AND COMBATING CORRUPTION.

(a) IN GENERAL.—Of the amounts appropriated pursuant to section 111(a), $260,000,000 may be made available to the Secretary of State and the Administrator of the United States Agency for International Development to strengthen the rule of law, combat corruption, consolidate democratic governance, and defend human rights.

(b) ASSISTANCE FOR CENTRAL AMERICA.—The Secretary and the Administrator may use the amounts made available under subsection (a) to provide assistance for Central American countries through the activities described in subsection (c).

(c) AUTHORIZED ACTIVITIES.—Activities described in this section include—

(1) strengthening the rule of law in Central American countries by providing support for—

(A) the Office of the Attorney General and public prosecutors in each such country, including the enhancement of their forensics and communications interception capabilities;

(B) reforms leading to independent, merit-based, selection processes for judges and prosecutors, and relevant ethics and professional training;

(C) the improvement of victim and witness protection; and

(D) the reform and improvement of prison facilities and management;

(2) combating corruption by providing support for—

(A) inspectors general and oversight institutions, including relevant training for inspectors and auditors;

(B) international commissions against impunity, including the International Commission Against Impunity in Guatemala (CICIG) and the Support Mission Against Corruption and Impunity in Honduras (MACCIH);

(C) civil society watchdogs conducting oversight of executive branch officials and functions, police and security forces, and judicial officials and public prosecutors; and

(D) the enhancement of freedom of information mechanisms;

(3) consolidating democratic governance by providing support for—

(A) the reform of civil services, related training programs, and relevant career laws and processes that lead to independent, merit-based selection processes;

(B) national legislatures and their capacity to conduct oversight of executive branch functions;

(C) the reform of political party and campaign finance laws; and

(D) local governments and their capacity to provide critical safety, education, health, and sanitation services to citizens; and

(4) defending human rights by providing support for—

(A) human rights ombudsman offices;

(B) government protection programs that provide physical protection to human rights defenders, journalists, trade unionists, and civil society activists at risk;

(C) civil society organizations that promote and defend human rights, freedom of

expression, freedom of the press, labor rights, and LGBT rights; and

(D) civil society organizations that address sexual, domestic, and inter-partner violence against women and protect victims of such violence.

SEC. 113. COMBATING CRIMINAL VIOLENCE AND IMPROVING CITIZEN SECURITY.

(a) IN GENERAL.—Of the amounts appropriated pursuant to section 111(a), $260,000,000 may be made available to the Secretary of State and the Administrator of the United States Agency for International Development to counter the violence and crime perpetrated by armed criminal gangs, illicit trafficking organizations and human smugglers.

(b) ASSISTANCE FOR CENTRAL AMERICA.—The Secretary and the Administrator may use the amounts made available under subsection (a) to provide assistance for Central American countries through the activities described in subsection (c).

(c) AUTHORIZED ACTIVITIES.—Activities described in this section include—

(1) professionalizing civilian police forces by providing support for—

(A) the reform of personnel vetting and dismissal processes, including the enhancement of polygraph capability for use in such processes;

(B) inspectors general and oversight offices, including relevant training for inspectors and auditors;

(C) community policing policies and programs;

(D) the establishment of special vetted units;

(E) training on the appropriate use of force and human rights;

(F) training on civilian intelligence collection, investigative techniques, forensic analysis, and evidence preservation;

(G) equipment, such as nonintrusive inspection equipment and communications interception technology;

(2) countering illicit trafficking by providing assistance to the civilian law enforcement and armed forces of Central American countries, including support for—

(A) the establishment of special vetted units;

(B) the enhancement of intelligence collection capacity;

(C) the reform of personnel vetting and dismissal processes, including the enhancement of polygraph capability for use in such processes;

(D) port, airport, and border security equipment, including—

(i) computer infrastructure and data management systems;

(ii) secure communications technologies;

(iii) communications interception technology;

(iv) nonintrusive inspection equipment; and

(v) radar and aerial surveillance equipment;

(3) disrupting illicit financial networks by providing support for—

(A) finance ministries, including the enhancement of the capacity to use financial sanctions to block the assets of individuals and organizations involved in money laundering and the financing of armed criminal gangs, illicit trafficking networks, human smugglers, and organized crime;

(B) financial intelligence units, including the establishment and enhancement of anti-money laundering programs; and

(C) the reform of bank secrecy laws; and

(4) improving crime prevention by providing support for—

(A) programs that address domestic violence and violence against women;

(B) the enhancement of programs for at-risk and criminal-involved youth, including the improvement of community centers; and

(C) alternative livelihood programs.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) operational technology transferred to governments in Central America for intelligence or law enforcement purposes should be used solely for the purposes for which the technology was intended; and

(2) the United States should take all necessary steps to ensure that the use of operation technology described in paragraph (1) is consistent with United States law, including protections of freedom of expression, freedom of movement, and freedom of association.

SEC. 114. TACKLING EXTREME POVERTY AND ADVANCING ECONOMIC DEVELOPMENT.

(a) IN GENERAL.—Of the amounts appropriated pursuant to section 111(a), $230,000,000 may be made available to the Secretary of State and the Administrator of the United States Agency for International Development—

(1) to address the underlying causes of poverty and inequality; and

(2) to improve economic development.

(b) ASSISTANCE FOR CENTRAL AMERICA.—The Secretary and the Administrator may use the amounts made available under subsection (a) to provide assistance for Central American countries through the activities described in subsection (c).

(c) AUTHORIZED ACTIVITIES.—Activities described in this section include—

(1) strengthening human capital by providing support for—

(A) workforce development and entrepreneurship training programs that are driven by market demand, specifically programs that prioritize women, at-risk youth, and minorities;

(B) improving early-grade literacy and the improvement of primary and secondary school curricula;

(C) relevant professional training for teachers and educational administrators; and

(D) educational policy reform and improvement of education sector budgeting;

(2) enhancing economic competitiveness and investment climate by providing support for—

(A) small business development centers and programs that strengthen supply chain integration;

(B) trade facilitation and customs harmonization programs;

(C) reducing energy costs through investments in clean technologies and the reform of energy policies and regulations;

(D) the improvement of protections for investors, including dispute resolution and arbitration mechanisms; and

(E) the improvement of labor and environmental standards, in accordance with the Dominican Republic–Central America Free Trade Agreement (CAFTA-DR);

(3) strengthening food security by providing support for—

(A) small-scale agriculture, including technical training and programs that facilitate access to credit;

(B) agricultural value chain development for farming communities;

(C) nutrition programs to reduce childhood stunting rates; and

(D) investment in scientific research on climate change and climate resiliency; and

(4) improving the state of fiscal and financial affairs by providing support for—

(A) domestic revenue generation, including programs to improve tax administration, collection, and enforcement;

(B) strengthening public sector financial management, including strategic budgeting and expenditure tracking; and

(C) reform of customs and procurement policies and processes.

Subtitle B—Conditions, Limitations, and Certifications on United States Assistance

SEC. 121. ASSISTANCE FUNDING AVAILABLE WITHOUT CONDITION.

The Secretary of State may obligate up to 25 percent of the amounts appropriated pursuant to section 111(a) to carry out the United States Strategy for Engagement in Central America in support of the Plan.

SEC. 122. CONDITIONS ON ASSISTANCE RELATED TO SMUGGLING, SCREENING, AND SAFETY OF MIGRANTS.

(a) NOTIFICATION AND COOPERATION.—In addition to the amounts authorized to be obligated under sections 121 and 123, the Secretary of State may obligate an additional 25 percent of the amounts appropriated pursuant to section 111(a) for assistance to the Government of El Salvador, the Government of Guatemala, and the Government of Honduras after the Secretary of State, in consultation with the Secretary of Homeland Security, certifies and reports to Congress that such governments are taking effective steps, in addition to steps taken during previous years, to—

(1) combat human smuggling and trafficking, including investigating, prosecuting, and increasing penalties for individuals responsible for such crimes;

(2) improve border security and border screening to detect and deter illicit smuggling and trafficking, while respecting the rights of individuals fleeing violence and seeking humanitarian protection asylum, in accordance with international law;

(3) cooperate with United States Government agencies and other governments in the region to facilitate the safe and timely repatriation of migrants who do not qualify for refugee or other protected status, in accordance with international law;

(4) improve reintegration services for repatriated migrants in a manner that ensures the safety and well-being of the individual and reduces the likelihood of remigration; and

(5) cooperate with the United Nations High Commissioner for Refugees to improve protections for, and the processing of, vulnerable populations, particularly women and children fleeing violence.

SEC. 123. CONDITIONS ON ASSISTANCE RELATED TO PROGRESS ON SPECIFIC ISSUES.

(a) EFFECTIVE IMPLEMENTATION.—In addition to the amounts authorized to be obligated under sections 121 and 122, the Secretary of State may obligate an additional 50 percent of the amounts appropriated pursuant to section 111 for assistance to the Government of El Salvador, the Government of Guatemala, and the Government of Honduras after the Secretary consults with, and subsequently certifies and reports to, the appropriate congressional committees that such governments are taking effective steps in their respective countries, in addition to steps taken during the previous calendar year, to—

(1) establish an autonomous, publicly accountable entity to provide oversight of the Plan;

(2) combat corruption, including investigating and prosecuting government officials, military personnel, and civil police officers credibly alleged to be corrupt;

(3) implement reforms and strengthen the rule of law, including increasing the capacity and independence of the judiciary and public prosecutors;

(4) counter the activities of armed criminal gangs, illicit trafficking networks, and organized crime;

(5) establish and implement a plan to create a professional, accountable civilian police force and curtail the role of the military in internal policing;

(6) investigate and prosecute, through the civilian justice system, military and police personnel who are credibly alleged to have violated human rights, and to ensure that the military and the police are cooperating in such cases;

(7) cooperate with international commissions against impunity, as appropriate, and with regional human rights entities;

(8) implement reforms related to improving the transparency of financing political campaigns and political parties;

(9) protect the right of political opposition parties, journalists, trade unionists, human rights defenders, and other civil society activists to operate without interference;

(10) increase government revenues, including by enhancing tax collection, strengthening customs agencies, and reforming procurement processes;

(11) implement reforms to strengthen educational systems, vocational training programs, and programs for at-risk youth;

(12) resolve commercial disputes, including the confiscation of real property, between United States entities and the respective governments; and

(13) implement a policy by which local communities, civil society organizations (including indigenous and marginalized groups), and local governments are consulted in the design, implementation and evaluation of the activities of the Plan that affect such communities, organizations, or governments.

Subtitle C—Effectively Coordinating United States Engagement in Central America

SEC. 131. UNITED STATES COORDINATOR FOR ENGAGEMENT IN CENTRAL AMERICA.

(a) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the President shall designate a senior official to coordinate all of the Federal Government's efforts and the efforts of international partners to strengthen citizen security, the rule of law, and economic prosperity in Central America and to protect vulnerable populations in the region.

(b) SUPERVISION.—The official designated under subsection (a) shall report directly to the President.

(c) DUTIES.—The official designated under subsection (a) shall coordinate all of the efforts, activities, and programs related to United States engagement in Central America, including—

(1) coordinating with the Department of State, the Department of Justice (including the Federal Bureau of Investigation), the Department of Homeland Security, the intelligence community, and international partners regarding United States efforts to confront armed criminal gangs, illicit trafficking networks, and organized crime responsible for high levels of violence, extortion, and corruption in Central America;

(2) coordinating with the Department of State, the United States Agency for International Development, and international partners regarding United States efforts to prevent and mitigate the effects of violent criminal gangs and transnational criminal organizations on vulnerable Central American populations, including women and children;

(3) coordinating with the Department of State, the Department of Homeland Security, and international partners regarding United States efforts to counter human smugglers illegally transporting Central American migrants to the United States;

(4) coordinating with the Department of State, the Department of Homeland Security, the United States Agency for International Development, and international partners, including the United Nations High Commissions for Refugees, to increase protections for vulnerable Central American populations, improve refugee processing, and strengthen asylum systems throughout the region;

(5) coordinating with the Department of State, the Department of Defense, the Department of Justice (including the Drug Enforcement Administration), the Department of the Treasury, the intelligence community, and international partners regarding United States efforts to combat illicit narcotics traffickers, interdict transshipments of illicit narcotics, and disrupt the financing of the illicit narcotics trade;

(6) coordinating with the Department of State, the Department of the Treasury, the Department of Justice, the intelligence community, the United States Agency for International Development, and international partners regarding United States efforts to combat corruption, money laundering, and illicit financial networks;

(7) coordinating with the Department of State, the Department of Justice, the United States Agency for International Development, and international partners regarding United States efforts to strengthen the rule of law, democratic governance, and human rights protections;

(8) coordinating with the Department of State, the Department of Agriculture, the United States Agency for International Development, the Overseas Private Investment Corporation, the United States Trade and Development Agency, the Department of Labor, and international partners, including the Inter-American Development Bank, to strengthen the foundation for inclusive economic growth and improve food security, investment climate, and protections for labor rights.

(d) CONSULTATION.—The official designated under subsection (a) shall consult with Congress, multilateral organizations and institutions, foreign governments, and domestic and international civil society organizations.

Subtitle D—United States Leadership for Engaging International Donors and Partners

SEC. 141. REQUIREMENT FOR STRATEGY TO SECURE SUPPORT OF INTERNATIONAL DONORS AND PARTNERS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a 3-year strategy to the appropriate congressional committees that—

(1) describes how the United States will secure support from international donors and regional partners (including Colombia and Mexico) for the implementation of the Plan;

(2) identifies governments that are willing to provide financial and technical assistance for the implementation of the Plan and a description of such assistance; and

(3) identifies the financial and technical assistance to be provided by multilateral institutions, including the Inter-American Development Bank, the World Bank, the International Monetary Fund, the Andean Development Corporation - Development Bank of Latin America, and the Organization of American States, and a description of such assistance.

(b) DIPLOMATIC ENGAGEMENT AND COORDINATION.—The Secretary of State, in coordination with the Secretary of the Treasury, as appropriate, shall—

(1) carry out diplomatic engagement to secure contributions of financial and technical assistance from international donors and partners in support of the Plan; and

(2) take all necessary steps to ensure effective cooperation among international donors and partners supporting the Plan.

(c) REPORT.—Not later than 1 year after submitting the strategy submitted under subsection (a), the Secretary of State shall submit a report to the appropriate congressional committees that describes—

(1) the progress made in implementing the strategy; and

(2) the financial and technical assistance provided by international donors and partners, including the multilateral institutions listed in subsection (a)(3).

(d) BRIEFINGS.—Upon a request from 1 of the appropriate congressional committees, the Secretary of State shall provide a briefing to the committee that describes the progress made in implementing the strategy submitted under subsection (a).

(e) DEFINED TERM.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

TITLE II—CRACKING DOWN ON SMUGGLERS, CARTELS, AND TRAFFICKERS EXPLOITING CHILDREN AND FAMILIES

Subtitle A—Strengthening Cooperation Among Law Enforcement Agencies to Target Smugglers and Traffickers

SEC. 211. ENHANCED INTERNATIONAL COOPERATION TO COMBAT HUMAN SMUGGLING AND TRAFFICKING.

(a) PARTNERSHIP EXPANSION.—The Secretary of Homeland Security, in coordination with the Secretary of State, shall expand partnership efforts with law enforcement entities in El Salvador, Guatemala, Honduras and Mexico seeking to combat human smuggling and trafficking in those countries, including—

(1) the creation or expansion of transnational criminal investigative units to identify, disrupt, and prosecute human smuggling and trafficking operations;

(2) participation by U.S. Immigration and Customs Enforcement and the Department of Justice in the Bilateral Human Trafficking Enforcement Initiative with their Mexican law enforcement counterparts; and

(3) advanced training programs for investigators and prosecutors from El Salvador, Guatemala, Honduras and Mexico.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

SEC. 212. ENHANCED INVESTIGATION AND PROSECUTION OF HUMAN SMUGGLING AND TRAFFICKING.

(a) IN GENERAL.—The Attorney General and the Secretary of Homeland Security

shall expand collaborative programs aimed at investigating and prosecuting human smugglers and traffickers targeting Central American children and families and operating at the Southwestern border, including the continuation and expansion of anti-trafficking coordination teams.

(b) HOMELAND SECURITY INVESTIGATIONS.—The Secretary of Homeland Security, in consultation with the Director of U.S. Immigration and Customs Enforcement, shall increase the resources available to Homeland Security Investigations to facilitate the expansion of its smuggling and trafficking investigations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsections (a) and (b).

SEC. 213. INFORMATION CAMPAIGN ON DANGERS OF MIGRATION.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall design and implement public information campaigns in El Salvador, Guatemala, and Honduras—

(1) to disseminate information about the dangers of travel across Mexico to the United States; and

(2) to combat misinformation about United States immigration law or policy.

(b) ELEMENTS.—The information campaigns implemented pursuant to subsection (a) shall, to the greatest extent possible—

(1) be targeted at populations and localities with high migration rates;

(2) employ a variety of communications media; and

(3) be developed in consultation with program officials at the Department of Homeland Security, the Department of State, or other government, nonprofit, or academic entities in close contact with migrant populations from El Salvador, Guatemala, and Honduras, including repatriated migrants.

Subtitle B—Strengthening the Ability of the United States Government to Crack Down on Smugglers, Traffickers, and Drug Cartels

SEC. 221. ENHANCED PENALTIES FOR ORGANIZED SMUGGLING SCHEMES.

(a) IN GENERAL.—Section 274(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(B)) is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(2) by inserting after clause (ii) the following:

''(iii) in the case of a violation of subparagraph (A)(i) during and in relation to which the person, while acting for profit or other financial gain, knowingly directs or participates in an effort or scheme to assist or cause 10 or more persons (other than a parent, spouse, or child of the offender) to enter or to attempt to enter the United States at the same time at a place other than a designated port of entry or place other than designated by the Secretary, be fined under title 18, United States Code, imprisoned not more than 15 years, or both;''; and

(3) in clause (iv), as redesignated, by inserting ''commits or attempts to commit sexual assault of,'' after ''section 1365 of title 18, United States Code) to,''.

(b) BULK CASH SMUGGLING.—Section 5332(b)(1) of title 31, United States Code, is amended—

(1) in the paragraph heading, by striking ''TERM OF IMPRISONMENT'' and inserting ''IN GENERAL''; and

(2) by inserting '', fined under title 18, or both'' after ''5 years''.

SEC. 222. EXPANDING FINANCIAL SANCTIONS ON NARCOTICS TRAFFICKING AND MONEY LAUNDERING.

(a) FINDINGS.—Congress finds the following:

(1) In July 2011, President Obama released ''Strategy to Combat Transnational Organized Crime'', which articulates a multidimensional response to combat transnational organized crime, including drug trafficking networks, armed criminal gangs, and money laundering.

(2) The Strategy calls for expanded efforts to dismantle illicit financial networks, including through maximizing the use of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Senate should immediately confirm pending nominations to key national security positions, including Mr. Adam Szubin, who was nominated by President Obama on April 16, 2015 to the position of Undersecretary for Terrorism and Financial Crimes within the Department of the Treasury, a critical position focused on identifying and confronting illicit financial networks.

(c) FINANCIAL SANCTIONS EXPANSION.—

(1) IN GENERAL.—The Secretary of Treasury, the Attorney General, the Secretary of State, the Secretary of Defense, and the Director of Central Intelligence shall expand investigations, intelligence collection, and analysis pursuant to the Foreign Narcotics Kingpin Designation Act to increase the identification and application of sanctions against—

(A) significant foreign narcotics traffickers, their organizations and networks; and

(B) the foreign persons who provide material, financial, or technological support to such traffickers, organizations, and networks.

(2) TARGETS.—The efforts described in paragraph (1) shall specifically target foreign narcotics traffickers, their organizations and networks, and the foreign persons who provide material, financial, or technological support to such traffickers, organizations and networks that are present and operating in Central or South America.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (c).

Subtitle C—Creating New Penalties for Hindering Immigration, Border, and Customs Controls

SEC. 231. HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.

(a) IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 274D the following:

''SEC. 274E. HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.

''(a) ILLICIT SPOTTING.—

''(1) IN GENERAL.—It shall be unlawful to knowingly surveil, track, monitor, or transmit the location, movement, or activities of any officer or employee of a Federal, State, or tribal law enforcement agency—

''(A) with the intent to gain financially; and

''(B) in furtherance of any violation of the immigration laws, the customs and trade laws of the United States (as defined in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–125)), any other Federal law relating to transporting controlled substances, agriculture, or monetary instruments into the United States, or any Federal law relating to border controls measures of the United States.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

''(b) DESTRUCTION OF UNITED STATES BORDER CONTROLS.—

''(1) IN GENERAL.—It shall be unlawful to knowingly and without lawful authorization—

''(A) destroy or significantly damage any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States; or

''(B) otherwise seek to construct, excavate, or make any structure intended to defeat, circumvent or evade such a fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of contents of such Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 274D the following:

''Sec. 274E. Hindering immigration, border, and customs controls.''.

TITLE III—MINIMIZING BORDER CROSSINGS BY EXPANDING PROCESSING OF REFUGEE CHILDREN AND FAMILIES IN-COUNTRY AND IN THE REGION

Subtitle A—Providing Alternative Safe Havens in Mexico and the Region

SEC. 311. STRENGTHENING INTERNAL ASYLUM SYSTEMS IN MEXICO AND OTHER COUNTRIES.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall work with international partners, including the United Nations High Commissioner for Refugees, to support and provide technical assistance to strengthen the domestic capacity of Mexico and other countries in the region to provide asylum to eligible children and families by—

(1) establishing and expanding temporary and long-term in-country reception centers and shelter capacity to meet the humanitarian needs of those seeking asylum or other forms of international protection;

(2) improving the asylum registration system to ensure that all individuals seeking asylum or other humanitarian protection—

(A) are properly screened for security, including biographic and biometric capture;

(B) receive due process and meaningful access to existing legal protections; and

(C) receive proper documents in order to prevent fraud and ensure freedom of movement and access to basic social services;

(3) creating or expanding a corps of trained asylum officers capable of evaluating and deciding individual asylum claims consistent with international law and obligations; and

(4) developing the capacity to conduct best interest determinations for unaccompanied alien children to ensure that their needs are properly met, which may include family reunification or resettlement based on international protection needs.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report that describes the plans of the Secretary of State to assist in developing the

asylum processing capabilities described in subsection (a) to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Committee on Homeland Security of the House of Representatives; and

(6) the Committee on the Judiciary of the House of Representatives.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

Subtitle B—Expanding Refugee Processing in Mexico and Central America for Third Country Resettlement

SEC. 321. EXPANDING REFUGEE PROCESSING IN MEXICO AND CENTRAL AMERICA FOR THIRD COUNTRY RESETTLEMENT.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall coordinate with the United Nations High Commissioner for Refugees to support and provide technical assistance to the Government of Mexico and the governments of other countries in the region to increase access to global resettlement for eligible children and families with protection needs by—

(1) establishing and expanding in-country refugee reception centers to meet the humanitarian needs of those seeking international protection;

(2) improving the refugee registration system to ensure that all refugees—

(A) are properly screened for security, including biographic and biometric capture;

(B) receive due process and meaningful access to existing legal protections; and

(C) receive proper documents in order to prevent fraud and ensure freedom of movement and access to basic social services;

(3) creating or expanding a corps of trained refugee officers capable of evaluating and deciding individual claims for protection, consistent with international law and obligations; and

(4) developing the capacity to conduct best interest determinations for unaccompanied alien children to ensure that—

(A) such children with international protection needs are properly registered; and

(B) their needs are properly met, which may include family reunification or resettlement based on international protection needs.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report to the committees listed in section 311(b) that describes the plans of the Secretary of State to assist in developing the refugee processing capabilities described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

Subtitle C—Improving the Efficiency of the Central American Minors Program

SEC. 331. EXPANSION.

The Director of U.S. Citizenship and Immigration Services shall increase the resources directed to the CAM Program, including—

(1) increasing the number of refugee officers available for in-country processing; and

(2) establishing additional site locations.

SEC. 332. EXPEDITED PROCESSING.

Not later than 180 days after receiving a completed application from an unaccompanied alien child seeking protection under the CAM Program, the Director of U.S. Citizenship and Immigration Services shall make a final determination on such application unless the security screening for such child cannot be completed during the 180-day period.

SEC. 333. REFERRAL TO UNHCR.

The Director of U.S. Citizenship and Immigration Services or the Assistant Secretary of State for the Bureau of Population, Refugees, and Migration shall refer any child who is the proposed beneficiary of an application under the CAM Program and is facing immediate risk of harm to the United Nations High Commissioner for Refugees for registration and safe passage to an established emergency transit center for refugees.

TITLE IV—MONITORING AND SUPPORTING UNACCOMPANIED ALIEN CHILDREN AFTER PROCESSING AT THE BORDER

SEC. 401. DEFINITIONS; AUTHORIZATION OF APPROPRIATIONS.

(a) DEFINITIONS.—In this title:

(1) DEPARTMENT.—Except as otherwise indicated, the term ''Department'' means the Department of Health and Human Services.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Refugee Resettlement of the Department.

(3) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) RESIDENT ADULT.—The term ''resident adult'' means any individual age 18 or older who regularly lives, shares common areas, and sleeps in a sponsor or prospective sponsor's home.

(5) SECRETARY.—Except as otherwise indicated, the term ''Secretary'' means the Secretary of Health and Human Services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

Subtitle A—Strengthening the Government's Ability to Oversee the Safety and Well-Being of Children

SEC. 411. BACKGROUND CHECKS TO ENSURE THE SAFE PLACEMENT OF UNACCOMPANIED ALIEN CHILDREN.

(a) CRIMINAL AND CIVIL RECORD CHECKS.—

(1) REQUIREMENT.—In carrying out the functions transferred to the Director under section 462(a) of the Homeland Security Act of 2002 (6 U.S.C. 279(a)), from amounts appropriated pursuant to section 401(b) to carry out this section, the Director shall perform, consistent with best practices in the field of child welfare, and a prospective sponsor and all resident adults in the home of the prospective sponsor shall submit to the following record checks (which shall be completed as expeditiously as possible):

(A) Fingerprint-based checks (except as described in paragraph (2)) in national crime information databases, as defined in section 534(e)(3) of title 28, United States Code.

(B) A search of the State criminal registry or repository for any State (except as described in paragraph (3)) in which the prospective sponsor or resident adult has resided during the 5 years preceding the search.

(C) A search of the National Sex Offender Registry established under section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919).

(D) A search (except as described in paragraphs (2) and (3)) of State-based child abuse and neglect registries and databases for any State in which the prospective sponsor or resident adult has resided during the 5 years preceding the search.

(2) PARENTS AND GUARDIANS.—For purposes of paragraph (1), if the prospective sponsor is the parent or guardian of the child involved, the Director shall have discretion to determine whether the Director shall perform, and the prospective sponsor and resident adults described in paragraph (1) shall submit to, a check described in subparagraph (A) or (D) of paragraph (1).

(3) WAIVERS.—

(A) IN GENERAL.—If the Secretary determines that it is not feasible to conduct the check described in subparagraph (B) or (D) of paragraph (1) for a State, including infeasibility due to a State's refusal or nonresponse in response to a request for related information, or that the average time to receive results from a State for such a check is more than 10 business days, the Secretary may waive the requirements of that subparagraph with respect to the State involved for a period of not more than 1 year. The Secretary may renew the waiver in accordance with this subparagraph.

(B) PROHIBITION ON DELEGATION.—The Secretary may not delegate the responsibility under subparagraph (A) to another officer or employee of the Department.

(C) STATES WHERE WAIVERS APPLY.—The Secretary shall make available, on a website of the Department, the list of States for which the requirements of subparagraph (B) or (D) of paragraph (1) are waived under this paragraph.

(4) USE OF RECORD CHECKS.—The information revealed by a record check performed pursuant to this section shall be used only by the Director for the purpose of determining whether a potential sponsor is a suitable sponsor for a placement for an unaccompanied alien child.

(b) PLACEMENT DETERMINATIONS GENERALLY.—

(1) DENIALS REQUIRED FOR CERTAIN CRIMES.—The Director shall deny any placement for a prospective sponsor (other than the parent or guardian of the child involved), and may deny any placement for a prospective sponsor who is the parent or guardian of the child involved subject to subsection (c), if the record checks performed pursuant to this section reveal that the prospective sponsor or a resident adult in the home of the prospective sponsor was convicted at age 18 or older of a crime that is a felony consisting of any of the following:

(A) Domestic violence, stalking, child abuse, child neglect, or child abandonment, if the prospective sponsor or resident adult served at least 1 year imprisonment for a crime specified in this subparagraph, or if the prospective sponsor or resident adult was convicted of 2 or more crimes specified in this subparagraph, not arising out of a single scheme of criminal misconduct.

(B) A crime against a child involving pornography.

(C) Human trafficking.

(D) Rape or sexual assault.

(E) Homicide.

(2) DENIALS CONSIDERED FOR CERTAIN OFFENSES.—The Director may deny a placement for a prospective sponsor if the record checks performed pursuant to this section reveal that the prospective sponsor or a resident adult in the home of a prospective sponsor was adjudged guilty of a civil offense or was convicted of a crime not covered by

paragraph (1). The Director, in making a determination about whether to approve or deny the placement, shall consider all of the following factors:

(A) The type of offense.

(B) The number of offenses the sponsor or resident adult has been adjudged guilty or convicted of.

(C) The length of time that has elapsed since the adjudication or conviction.

(D) The nature of the offense.

(E) The age of the individual at the time of the adjudication or conviction.

(F) The relationship between the offense and the capacity to care for a child.

(G) Evidence of rehabilitation of the individual.

(H) Opinions of community and family members concerning the individual.

(c) PLACEMENT DETERMINATIONS CONCERNING PARENTS OR GUARDIANS.—The Director may deny a placement for a prospective sponsor who is the parent or guardian of the child involved if the record checks performed pursuant to this section reveal that the prospective sponsor or a resident adult in the home of a prospective sponsor was adjudged guilty of a civil offense or was convicted of a crime. The Director, in making a determination about whether to approve or deny the placement, shall consider all of the factors described in subsection (b)(2).

(d) APPEALS PROCESS.—

(1) INFORMATION.—The Secretary shall provide information to each prospective sponsor on how such sponsor may appeal—

(A) a placement determination under this section, including—

(i) prompt notice of the opportunity to so appeal; and

(ii) instructions about how to participate in the appeals process; and

(B) the results of a record check performed pursuant to this section or the accuracy or completeness of the information yielded by the record check, as provided in paragraph (2), including—

(i) prompt notice of the opportunity to so appeal; and

(ii) instructions about how to participate in the appeals process.

(2) APPEAL.—Each Federal agency responsible for administering or maintaining the information in a database, registry, or repository used in a record check performed pursuant to this section or responsible for the accuracy or completeness of the information yielded by the record check shall—

(A) establish a process for an appeal concerning the results of that record check, or that accuracy or completeness; and

(B) complete such process not later than 30 days after the date on which such an appeal is filed.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Director from establishing additional checks or procedures (besides the checks required in this section) for sponsors, to enable the Director to—

(1) oversee and promote the health, safety, and well-being of unaccompanied alien children; or

(2) prevent the exploitation, neglect, or abuse of unaccompanied alien children.

SEC. 412. RESPONSIBILITY OF SPONSOR FOR IMMIGRATION COURT COMPLIANCE AND CHILD WELL-BEING.

(a) IN GENERAL.—Using amounts appropriated pursuant to section 401(b) to carry out this section, the Secretary, in consultation with the Attorney General, shall establish procedures to ensure that legal orientation programs regarding immigration court and rights and responsibilities for the well-being of unaccompanied alien children are provided to all prospective sponsors of unaccompanied alien children prior to an unaccompanied alien child's placement with such a sponsor.

(b) PROGRAM ELEMENTS.—The procedures described in subsection (a) shall include a requirement that each legal orientation program described in such subsection shall provide information on the sponsor's rights and responsibilities to—

(1) ensure the unaccompanied alien child appears at immigration proceedings and communicate with the court involved regarding the child's change of address and other relevant information;

(2) immediately enroll the child in school, and shall provide information and resources if the sponsor encounters difficulty enrolling such child in school;

(3) provide access to health care, including mental health care as needed, and any necessary age-appropriate health screening to the child;

(4) report potential child traffickers and other persons seeking to victimize or exploit unaccompanied alien children, or otherwise engage such children in criminal, harmful, or dangerous activity;

(5) seek assistance from the Department regarding the health, safety, and well-being of the child placed with the sponsor; and

(6) file a complaint, if necessary, with the Secretary or the Secretary of Homeland Security regarding treatment of unaccompanied alien children while under the care of the Office of Refugee Resettlement or the Department of Homeland Security, respectively.

SEC. 413. MONITORING UNACCOMPANIED ALIEN CHILDREN.

(a) RISK-BASED POST-PLACEMENT SERVICES.—

(1) IN GENERAL.—Using amounts appropriated pursuant to section 401(b) to carry out this section, the Secretary shall, to assist each unaccompanied alien child in a placement with a sponsor—

(A) complete an individualized assessment of the need for services to be provided after placement; and

(B) provide such post-placement services during the pendency of removal proceedings or until no longer necessary.

(2) MINIMUM SERVICES.—For the purposes of paragraph (1), the services shall, at a minimum, include—

(A) for the unaccompanied alien child, at least one post-placement case management services visit within 30 days after placement with a sponsor and the referral of unaccompanied alien children to service providers in the community; and

(B) for the family of the child's sponsor, orientation and other functional family support services, as determined to be necessary in the individualized assessment.

(b) EFFECTIVE USE OF CHILD ADVOCATES FOR THE MOST VULNERABLE UNACCOMPANIED ALIEN CHILDREN.—The Secretary shall—

(1) direct the Director—

(A) to identify and track the referral rates of unaccompanied alien children to child advocates by care providers and investigate instances in which such a rate is low;

(B) to ensure that the referral criteria established by the Director are appropriately applied when a care provider determines if such a child is eligible for referral to a child advocate;

(C) to provide technical assistance to care providers to ensure compliance with such criteria; and

(D) to establish a process for stakeholders and the public to refer unaccompanied alien children, including those placed with a sponsor, to the child advocate program to determine if such child meets the referral criteria for appointment of a child advocate; and

(2) ensure that each child advocate for an unaccompanied alien child shall—

(A) be provided access to materials necessary to advocate effectively for the best interest of the child, including direct access to significant incident reports, home studies, and similar materials and information; and

(B) be notified when new materials and information described in subparagraph (A) relating to the child are created or become available.

Subtitle B—Funding to States and School Districts; Supporting Education and Safety

SEC. 421. FUNDING TO STATES TO CONDUCT STATE CRIMINAL CHECKS AND CHILD ABUSE AND NEGLECT CHECKS.

(a) DEFINITION.—In this section, the term ''State'' means each of the 50 States of the United States and the District of Columbia.

(b) PAYMENTS TO STATES TO CONDUCT STATE CRIMINAL REGISTRY OR REPOSITORY SEARCHES AND TO CONDUCT CHILD ABUSE AND NEGLECT CHECKS.—

(1) IN GENERAL.—Using amounts appropriated pursuant to section 401(b) to carry out this section, the Secretary shall, in accordance with this subsection, make payments to States, through each agency in each State tasked with administering the State criminal registry or repository required under section 411(a)(1)(B) or the State child abuse and neglect registry required under section 411(a)(1)(D), to assist with searches of such registries, repositories, or databases for prospective sponsors of unaccompanied alien children and resident adults in the home of such prospective sponsors, in accordance with section 411.

(2) ALLOTMENTS.—

(A) STATE CRIMINAL REGISTRY AND REPOSITORY SEARCHES.—In each fiscal year, using amounts appropriated pursuant to section 401(b) to carry out this section with respect to the program providing payments to States to assist with criminal registry or repository searches, the Secretary shall allot to each State participating in such program, through the agency in each such State tasked with administering the State criminal registry or repository described in section 411(a)(1)(B), an amount that bears the same relationship to such funds as the number of searches of such State criminal registry or repository conducted in accordance with section 411(a)(1)(B) in the State bears to the total number of such searches in all States participating in the program.

(B) CHILD ABUSE AND NEGLECT CHECKS.—In each fiscal year, using amounts appropriated pursuant to section 401(b) to carry out this section with respect to the program providing payments to States to assist with child abuse and neglect registry and database searches, the Secretary shall allot to each State participating in such program, through the agency in each such State tasked with administering the State child abuse and neglect registries and databases described in section 411(a)(1)(D), an amount that bears the same relationship to such funds as the number of searches of such child abuse and neglect registries and databases conducted in accordance with section 411(a)(1)(D) in the State bears to the total number of such searches in all States participating in the program.

(C) TRANSITION RULE.—In the first fiscal year in which funds are made available under

this title to carry out this section, the Secretary shall make allotments to each State participating in the programs under this section in accordance with subparagraphs (A) and (B), based on the Secretary's estimate of the number of the searches described in each such subparagraph, respectively, that each of the States are expected to conduct in such fiscal year.

(3) STATE APPLICATIONS.—Each State agency described in paragraph (1) desiring an allotment under subparagraph (A) or (B) of paragraph (2) shall submit an application at such time, in such manner, and containing such information as the Secretary may require, which shall include an assurance that the State agency will respond promptly to all requests from the Director, within a reasonable time period determined by the Director, to conduct a search required under section 411 in a timely manner, and a description of how funds will be used to meet such assurance.

SEC. 422. FUNDING TO SCHOOL DISTRICTS FOR UNACCOMPANIED ALIEN CHILDREN.

(a) GRANTS AUTHORIZED.—Using amounts appropriated pursuant to section 401(b) to carry out this section, the Secretary of Education shall award grants, on a competitive basis, to eligible local educational agencies, or consortia of neighboring local educational agencies, described in subsection (b) to enable the local educational agencies or consortia to enhance opportunities for, and provide services to, immigrant children and youth, including unaccompanied alien children, in the area served by the local educational agencies or consortia.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—A local educational agency, or a consortium of neighboring local educational agencies, is eligible for a grant under subsection (a) if, during the fiscal year for which a grant is awarded under this section, there are 50 or more unaccompanied alien children enrolled in the public schools served by the local educational agency or the consortium, respectively.

(2) DETERMINATIONS OF NUMBER OF UNACCOMPANIED ALIEN CHILDREN.—The Secretary of Education shall determine the number of unaccompanied alien children for purposes of paragraph (1) based on the most accurate data available that is provided to the Secretary of Education by the Director or the Department of Homeland Security.

(c) APPLICATIONS.—A local educational agency, or a consortia of neighboring local educational agencies, desiring a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and containing such information, as the Secretary of Education may require, including a description of how the grant will be used to enhance opportunities for, and provide services to, immigrant children and youth (including unaccompanied alien children) and their families.

SEC. 423. IMMEDIATE ENROLLMENT OF UNACCOMPANIED ALIEN CHILDREN IN SCHOOLS.

To be eligible for funding under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), a local educational agency shall—

(1) ensure that unaccompanied alien children in the area served by the local educational agency are immediately enrolled in school following placement with a sponsor; and

(2) remove barriers to enrollment and full participation in educational programs and services offered by the local educational agency for unaccompanied alien children (including barriers related to documentation, age, and language), which shall include reviewing and revising policies that may have a negative effect on such children.

TITLE V—ENSURING ORDERLY AND HUMANE MANAGEMENT OF CHILDREN AND FAMILIES SEEKING PROTECTION

Subtitle A—Providing a Fair and Efficient Legal Process for Children and Vulnerable Families Seeking Asylum

SEC. 511. COURT APPEARANCE COMPLIANCE AND LEGAL ORIENTATION.

(a) ACCESS TO LEGAL ORIENTATION PROGRAMS TO ENSURE COURT APPEARANCE COMPLIANCE.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General, shall establish procedures, consistent with the procedures established pursuant to section 412, to ensure that legal orientation programs are available for all aliens detained by the Department of Homeland Security.

(2) PROGRAM ELEMENTS.—Programs under paragraph (1) shall inform aliens described in such paragraph regarding—

(A) the basic procedures of immigration hearings;

(B) their rights and obligations relating to such hearings under Federal immigration laws to ensure appearance at all immigration proceedings;

(C) their rights under Federal immigration laws, including available legal protections and the procedure for requesting such protection;

(D) the consequences of filing frivolous legal claims and of failing to appear for proceedings; and

(E) any other subject that the Attorney General considers appropriate, such as a contact list of potential legal resources and providers.

(3) ELIGIBILITY.—An alien shall be given access to legal orientation programs under this subsection regardless of the alien's current immigration status, prior immigration history, or potential for immigration relief.

(b) PILOT PROJECT FOR NONDETAINED ALIENS IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—The Attorney General shall develop and administer a 2-year pilot program at not fewer than 2 immigration courts to provide nondetained aliens with pending asylum claims access to legal information.

(2) REPORT.—At the conclusion of the pilot program under this subsection, the Attorney General shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the extent to which nondetained aliens are provided with access to counsel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Executive Office of Immigration Review of the Department of Justice such sums as may be necessary to carry out this section.

SEC. 512. FAIR DAY IN COURT FOR KIDS.

(a) IMPROVING IMMIGRATION COURT EFFICIENCY AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL INFORMATION.—

(1) APPOINTMENT OF COUNSEL IN CERTAIN CASES; RIGHT TO REVIEW CERTAIN DOCUMENTS IN REMOVAL PROCEEDINGS.—Section 240(b) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)) is amended—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking '', at no expense to the Government,''; and

(II) by striking the comma at the end and inserting a semicolon;

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively;

(iii) by inserting after subparagraph (A) the following:

''(B) the Attorney General may appoint or provide counsel to aliens in immigration proceedings;

''(C) at the beginning of the proceedings or as expeditiously as possible, the alien shall automatically receive a complete copy of the alien's Alien File (commonly known as an 'A–file') and Form I–862 (commonly known as a 'Notice to Appear') in the possession of the Department of Homeland Security (other than documents protected from disclosure by privilege, including national security information referred to in subparagraph (D), law enforcement sensitive information, and information prohibited from disclosure pursuant to any other provision of law) unless the alien waives the right to receive such documents by executing a knowing and voluntary written waiver in a language that he or she understands fluently;''; and

(iv) in subparagraph (D), as redesignated, by striking '', and'' and inserting ''; and''; and

(B) by adding at the end the following:

''(8) FAILURE TO PROVIDE ALIEN REQUIRED DOCUMENTS.—In the absence of a waiver under paragraph (4)(C), a removal proceeding may not proceed until the alien—

''(A) has received the documents as required under such paragraph; and

''(B) has been provided meaningful time to review and assess such documents.''.

(2) CLARIFICATION REGARDING THE AUTHORITY OF THE ATTORNEY GENERAL TO APPOINT COUNSEL TO ALIENS IN IMMIGRATION PROCEEDINGS.—Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended—

(A) by striking ''In any'' and inserting the following:

''(a) IN GENERAL.—In any'';

(B) in subsection (a), as redesignated—

(i) by striking ''(at no expense to the Government)''; and

(ii) by striking ''he shall'' and inserting ''the person shall''; and

(C) by adding at the end the following:

''(b) APPOINTMENT OF COUNSEL.—

''(1) IN GENERAL.—The Attorney General may appoint or provide counsel to aliens in any proceeding conducted under section 235(b), 236, 238, 240, or 241 or any other section of this Act.

''(2) ACCESS TO COUNSEL.—The Secretary of Homeland Security shall facilitate access to counsel for—

''(A) aliens in any proceeding conducted under section 235(b), 236, 238, 240, or 241; and

''(B) any individual detained inside an immigration detention facility or a border facility.''.

(3) APPOINTMENT OF COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN AND VULNERABLE ALIENS.—

(A) IN GENERAL.—Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), as amended by paragraph (2), is further amended by adding at the end the following:

''(c) UNACCOMPANIED ALIEN CHILDREN AND VULNERABLE ALIENS.—Notwithstanding subsection (b), the Attorney General shall appoint counsel, at the expense of the Government if necessary, at the beginning of the proceedings or as expeditiously as possible, to represent in such proceedings any alien who has been determined by the Secretary of Homeland Security or the Attorney General to be—

''(1) an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act on 2002 (6 U.S.C. 279(g)));

''(2) a particularly vulnerable individual, such as—

''(A) a person with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102); or

''(B) a victim of abuse, torture, or violence; or

''(3) an individual whose circumstances are such that the appointment of counsel is necessary to help ensure fair resolution and efficient adjudication of the proceedings.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Executive Office for Immigration Review of the Department of Justice such sums as may be necessary to carry out this section.''.

(B) RULEMAKING.—The Attorney General shall promulgate regulations to implement section 292(c) of the Immigration and Nationality Act, as added by subparagraph (A), in accordance with the requirements set forth in section 3006A of title 18, United States Code.

(b) CASE MANAGEMENT PILOT PROGRAM TO INCREASE COURT APPEARANCE RATES.—

(1) CONTRACT AUTHORITY.—The Secretary of Homeland Security shall establish a pilot program, which shall include the services set forth in section 413(a)(2), to increase the court appearance rates of aliens described in paragraphs (2) and (3) of section 292(c) of the Immigration and Nationality Act, as added by subsection (a)(3)(A), by contracting with nongovernmental, community-based organizations to provide appropriate case management services to such aliens.

(2) SCOPE OF SERVICES.—Case management services provided under paragraph (1) shall include assisting aliens with—

(A) accessing legal counsel;

(B) complying with court-imposed deadlines and other legal obligations; and

(C) accessing social services, as appropriate.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Homeland Security such sums as may be necessary to carry out this subsection.

(c) REPORT ON ACCESS TO COUNSEL.—

(1) REPORT.—Not later than December 31 of each year, the Secretary of Homeland Security, in consultation with the Attorney General, shall prepare and submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the extent to which aliens described in section 292(c) of the Immigration and Nationality Act, as added by subsection (a)(3)(A), have been provided access to counsel.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the immediately preceding 1-year period—

(A) the number and percentage of aliens described in paragraphs (1), (2), and (3), respectively, of section 292(c) of the Immigration and Nationality Act, as added by subsection (a)(3)(A), who were represented by counsel, including information specifying—

(i) the stage of the legal process at which the alien was represented; and

(ii) whether the alien was in government custody; and

(B) the number and percentage of aliens who received legal orientation presentations.

Subtitle B—Reducing Significant Delays in Immigration Court

SEC. 521. ELIMINATE IMMIGRATION COURT BACKLOGS.

(a) ANNUAL INCREASES IN IMMIGRATION JUDGES.—The Attorney General shall increase the total number of immigration judges to adjudicate pending cases and efficiently process future cases by at least—

(1) 55 judges during fiscal year 2017;

(2) an additional 55 judges during fiscal year 2018; and

(3) an additional 55 judges during fiscal year 2019.

(b) NECESSARY SUPPORT STAFF FOR IMMIGRATION JUDGES.—To address the shortage of support staff for immigration judges, the Attorney General shall ensure that each immigration judge has sufficient support staff, adequate technological and security resources, and appropriate courtroom facilities.

(c) ANNUAL INCREASES IN BOARD OF IMMIGRATION APPEALS PERSONNEL.—The Attorney General shall increase the number of Board of Immigration Appeals staff attorneys (including necessary additional support staff) to efficiently process cases by at least—

(1) 23 attorneys during fiscal year 2017;

(2) an additional 23 attorneys during fiscal year 2018; and

(3) an additional 23 attorneys during fiscal year 2019.

(d) GAO REPORT.—The Comptroller General of the United States shall—

(1) conduct a study of the hurdles to efficient hiring of immigration court judges within the Department of Justice; and

(2) propose solutions to Congress for improving the efficiency of the hiring process.

SEC. 522. IMPROVED TRAINING FOR IMMIGRATION JUDGES AND MEMBERS OF THE BOARD OF IMMIGRATION APPEALS.

(a) IN GENERAL.—To ensure efficient and fair proceedings, the Director of the Executive Office for Immigration Review shall facilitate robust training programs for immigration judges and members of the Board of Immigration Appeals.

(b) MANDATORY TRAINING.—Training facilitated under subsection (a) shall include—

(1) expanding the training program for new immigration judges and Board members;

(2) continuing education regarding current developments in immigration law through regularly available training resources and an annual conference; and

(3) methods to ensure that immigration judges are trained on properly crafting and dictating decisions and standards of review, including improved on-bench reference materials and decision templates.

SEC. 523. NEW TECHNOLOGY TO IMPROVE COURT EFFICIENCY.

The Director of the Executive Office for Immigration Review will modernize its case management and related electronic systems, including allowing for electronic filing, to improve efficiency in the processing of immigration proceedings.

Subtitle C—Reducing the Likelihood of Remigration

SEC. 531. ESTABLISHING REINTEGRATION AND MONITORING SERVICES FOR REPATRIATING CHILDREN.

(a) CONSULTATION WITH UNHCR.—The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services and the Secretary of State, shall consult with the United Nations High Commissioner for Refugees (referred to in this section as the ''UNHCR'') to develop a child-centered repatriation process for unaccompanied children being returned to their country of origin.

(b) COLLABORATION WITH REGIONAL GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—The Secretary of State and the Administrator of the United States Agency for International Development, in coordination with the Secretary of Homeland Security, shall collaborate with regional governments and international and domestic nongovernmental organizations to reduce children's need to re-migrate by—

(1) establishing and expanding comprehensive reintegration services for repatriated unaccompanied children once returned to their communities of origin;

(2) establishing monitoring and verification services to determine the well-being of repatriated children in order to determine if United States protection and screening functioned effectively in identifying persecuted and trafficked children; and

(3) providing emergency referrals to the UNHCR for registration and safe passage to an established emergency transit center for refugees for any repatriated children who are facing immediate risk of harm.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 513—DESIGNATING SEPTEMBER 25, 2016, AS ''NATIONAL LOBSTER DAY''

Mr. KING (for himself, Ms. COLLINS, Mr. MARKEY, Mr. REED, Mr. MURPHY, Mr. WHITEHOUSE, Ms. AYOTTE, Mr. BLUMENTHAL, and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 513

Whereas the American lobster is recognized around the world as a prized and flavorful culinary delicacy;

Whereas lobster fishing has served as an economic engine and family tradition in the United States for centuries;

Whereas thousands of families in the United States make their livelihoods from lobster fishing and processing;

Whereas more than 120,000,000 pounds of lobster is caught each year in the waters of the United States, representing one of the most valuable catches in the United States;

Whereas foreign markets for lobster from the United States are booming, with export values having more than doubled since 2009;

Whereas historical lore notes that lobster likely joined turkey on the table at the very first Thanksgiving feast in 1621;

Whereas responsible lobstering practices beginning in the 1600s have created one of the most sustainable fisheries in the world;

Whereas Lobster Newburg was featured at the inaugural dinner celebration for President John F. Kennedy;

Whereas lobster is an excellent source of lean protein and is low in saturated fat and high in vitamin B12;

Whereas lobster has become a culinary icon, with the lobster roll featured at the 2015 World Food Expo in Milan, Italy;

Whereas the White House proudly served lobster at the State Dinner with Chinese President Xi Jinping on National Lobster Day in 2015;

Whereas, on September 24, 2015, steamed lobster was prepared for the visit by Pope Francis to New York;

Whereas lobster is enjoyed at casual beachside lobster boils and also revered as a delicacy at fine dining restaurants; and

Whereas the peak of the lobstering season in the United States occurs in the late summer: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 25, 2016, as National Lobster Day; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 514—DESIGNATING MAY 5, 2017, AS THE ''NATIONAL DAY OF AWARENESS FOR MISSING AND MURDERED NATIVE WOMEN AND GIRLS''

Mr. DAINES (for himself and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 514

Whereas, according to a study commissioned by the Department of Justice, in some tribal communities, American Indian women face murder rates that are more than 10 times the national average;

Whereas, according to the Centers for Disease Control and Prevention, homicide was the third leading cause of death among American Indian and Alaska Native women between 10 and 24 years of age and the fifth leading cause of death for American Indian and Alaska Native women between 25 and 34 years of age;

Whereas little data exist on the number of missing American Indian and Alaska Native women in the United States;

Whereas, on July 5, 2013, Hanna Harris, a member of the Northern Cheyenne Tribe, was reported missing by her family in Lame Deer, Montana;

Whereas the body of Hanna Harris was found 5 days after she went missing;

Whereas Hanna Harris was determined to have been raped and murdered and the individuals accused of committing those crimes were convicted;

Whereas the case of Hanna Harris is only 1 example of many similar cases; and

Whereas Hanna Harris was born on May 5, 1992: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 5, 2017, as the ''National Day of Awareness for Missing and Murdered Native Women and Girls''; and

(2) calls on the people of the United States and interested groups to—

(A) commemorate the lives of missing and murdered American Indian and Alaska Native women whose cases are documented and undocumented in public records and the media; and

(B) demonstrate solidarity with the families of victims in light of these tragedies.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4870. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table.

SA 4871. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4872. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4873. Mrs. MURRAY (for herself and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4874. Mr. BROWN (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4875. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4876. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4877. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4878. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4879. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4880. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4881. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4882. Mr. MENENDEZ (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4883. Mr. MENENDEZ (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4884. Mr. MENENDEZ (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4885. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4886. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4887. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4888. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4889. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4890. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4891. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4892. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4893. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4894. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4895. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4896. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4897. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4898. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4899. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4900. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4901. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4902. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4903. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4904. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4905. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4906. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4907. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4908. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4909. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4910. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4911. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4912. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4913. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him

to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4914. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4915. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4916. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4917. Mr. PORTMAN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4918. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4919. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4920. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4921. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4922. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4923. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4924. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4925. Mr. PORTMAN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4926. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4927. Mr. RUBIO (for himself and Mr. CARDIN) proposed an amendment to the bill H.R. 3766, to direct the President to establish guidelines for covered United States foreign assistance programs, and for other purposes.

SA 4928. Mr. RUBIO (for himself and Mr. CARDIN) proposed an amendment to the bill H.R. 3766, supra

TEXT OF AMENDMENTS

SA 4870. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 404.

SA 4871. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 403 and 404.

SA 4872. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 403.

SA 4873. Mrs. MURRAY (for herself and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 403.

SA 4874. Mr. BROWN (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 404.

SA 4875. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, after line 19, add the following:

TITLE VIII—IMPROVING THE TREATMENT OF THE U.S. TERRITORIES UNDER FEDERAL HEALTH PROGRAMS

SEC. 800. EFFECTIVE DATE.

Section 2 of this Act shall apply to this title and the amendments made by this title unless otherwise specified in this title.

Subtitle A—Medicaid

SEC. 801. ELIMINATION OF GENERAL MEDICAID FUNDING LIMITATIONS ("CAP") FOR TERRITORIES.

(a) IN GENERAL.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(1) in subsection (f), in the matter before paragraph (1), by striking ''subsection (g)'' and inserting ''subsections (g) and (h)'';

(2) in subsection (g)(2), in the matter before subparagraph (A)—

(A) by striking ''subject to and'' and inserting ''subject to''; and

(B) by striking ''paragraphs (3) and (5)'' and inserting '', and paragraphs (3) and (5) of this subsection and subsection (h)''; and

(3) by adding at the end the following new subsection:

''(h) SUNSET OF MEDICAID FUNDING LIMITATIONS FOR PUERTO RICO, THE VIRGIN ISLANDS OF THE UNITED STATES, GUAM, THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA.—Subsections (f) and (g) shall not apply to Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa beginning with fiscal year 2017.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1902(j) of the Social Security Act (42 U.S.C. 1396a(j)) is amended by striking '', the limitation in section 1108(f),''.

(2) Section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) is amended by striking paragraph (4).

(3) Section 1323(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)(1)) is amended by striking ''2019'' and inserting ''2016''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply beginning with fiscal year 2017.

SEC. 802. ELIMINATION OF SPECIFIC FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP) LIMITATION FOR TERRITORIES.

Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b)(2), by inserting ''for fiscal years before fiscal year 2017'' after ''American Samoa''; and

(2) in subsection (y)(1), in the matter preceding subparagraph (A)—

(A) by inserting '', for fiscal years before fiscal year 2017,'' before ''is one of the''; and

(B) by inserting ''and, for fiscal year 2017 and subsequent fiscal years, is one of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or American Samoa,'' after ''the District of Columbia''.

SEC. 803. APPLICATION OF MEDICAID WAIVER AUTHORITY TO ALL OF THE TERRITORIES.

(a) IN GENERAL.—Section 1902(j) of the Social Security Act (42 U.S.C. 1396a(j)) is amended—

(1) by striking ''American Samoa and the Northern Mariana Islands'' and inserting ''Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa'';

(2) by striking ''American Samoa or the Northern Mariana Islands'' and inserting ''Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or American Samoa'';

(3) by inserting ''(1)'' after ''(j)'';

(4) by inserting ''except as otherwise provided in this subsection,'' after ''Notwithstanding any other requirement of this title''; and

(5) by adding at the end the following:

''(2) The Secretary may not waive under this subsection the requirement of subsection (a)(10)(A)(i)(IX) (relating to coverage of adults formerly under foster care) with respect to any territory.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply beginning October 1, 2016.

SEC. 804. APPLICATION OF 100 PERCENT FEDERAL POVERTY LINE (FPL) LIMITATION TO TERRITORIES.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(A)(i)(VIII), by inserting ''(or, subject to subsection (j), 100 percent in the case of Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa)'' after ''133 percent''; and

(2) in subsection (j), as amended by section 803, by adding at the end the following new paragraph:

''(3)(A) Subject to subparagraph (B), Federal financial participation shall not be available to Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or American Samoa for medical assistance for an individual whose family income exceeds 100 percent of the official poverty line for a family of the size involved, except in the case of individuals qualifying for medical assistance under subsection (a)(10)(A)(i)(IX).

''(B) The Secretary may, under paragraph (1) or section 1115, waive the limitation under subparagraph (A) in the case of a territory other than Puerto Rico. In carrying out

this subparagraph, the Secretary shall take into account the eligibility levels established under the State plan of the territory involved before the date of the enactment of this paragraph.''.

(b) NOT APPLYING 5 PERCENT DISREGARD.—Section 1902(e)(14)(I) of the Social Security Act (42 U.S.C. 1396b(e)(14)(I)) is amended by adding at the end the following:

''The previous sentence shall only apply to a State that is one of the 50 States or the District of Columbia.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to eligibility determinations made with respect to items and services furnished on or after October 1, 2016.

SEC. 805. PERMITTING MEDICAID DSH ALLOTMENTS FOR TERRITORIES.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396) is amended—

(1) in paragraph (6), by adding at the end the following new subparagraph:

''(C) TERRITORIES.—

''(i) FISCAL YEAR 2017.—For fiscal year 2017, with respect to the territories of Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa, the DSH allotment determined for each such territory shall bear the same ratio to $150,000,000 as the ratio of the number of individuals who are low-income or uninsured and residing in each such respective territory (as estimated from time to time by the Secretary) bears to the sums of the number of such individuals residing in all of the territories.

''(ii) SUBSEQUENT FISCAL YEAR.—For each subsequent fiscal year, the DSH allotment for each such territory is subject to an increase or reduction in accordance with paragraphs (3) and (7).'';

(2) in paragraph (7)(A), by striking clause (iv) and redesignating clause (v) as clause (iv); and

(3) in paragraph (9), by inserting before the period at the end the following: '', and includes, beginning with fiscal year 2017, Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa''.

Subtitle B—Medicare

PART I—PART A

SEC. 811. CALCULATION OF MEDICARE DSH PAYMENTS FOR IPPS HOSPITALS IN PUERTO RICO.

Section 1886(d)(9)(D)(iii) of the Social Security Act (42 U.S.C. 1395ww(d)(9)(D)(iii)) is amended to read as follows:

''(iii) Subparagraph (F) (relating to disproportionate share payments), including application of subsection (r), except that for this purpose—

''(I) the sum described in clause (ii) of this subparagraph shall be substituted for the sum referred to in paragraph (5)(F)(ii)(I); and

''(II) for discharges occurring on or after October 1, 2016, subclause (I) of paragraph (5)(F)(vi) shall be applied by substituting for the numerator described in such subclause the number of subsection (d) Puerto Rico hospital's patient days for the cost reporting period involved which were made up of patients who (for such days) were entitled to benefits under part A of this title and were—

''(aa) entitled to supplementary security income benefits (excluding any State supplementation) under title XVI of this Act;

''(bb) eligible for medical assistance under a State plan under title XIX; or

''(cc) receiving aid or assistance under any plan of the State approved under title I, X, XIV, or XVI.''.

PART II—PART B

SEC. 821. APPLICATION OF PART B DEEMED ENROLLMENT PROCESS TO RESIDENTS OF PUERTO RICO; SPECIAL ENROLLMENT PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES.

(a) APPLICATION OF PART B DEEMED ENROLLMENT PROCESS TO RESIDENTS OF PUERTO RICO.—Section 1837(f)(3) of the Social Security Act (42 U.S.C. 1395p(f)(3)) is amended by striking '', exclusive of Puerto Rico''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals whose initial enrollment period under section 1837(d) of the Social Security Act begins on or after the first day of the effective month, specified by the Secretary of Health and Human Services under section 1839(j)(1)(C) of such Act, as added by subsection (c)(2).

(c) TRANSITION PROVIDING SPECIAL ENROLLMENT PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES FOR CERTAIN MEDICARE BENEFICIARIES.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended—

(1) in the first sentence of subsection (b), by inserting ''subject to section 1839(j)(2),'' after ''subsection (i)(4) or (l) of section 1837,''; and

(2) by adding at the end the following new subsection:

''(j) SPECIAL RULES FOR CERTAIN RESIDENTS OF PUERTO RICO.—

''(1) SPECIAL ENROLLMENT PERIOD, COVERAGE PERIOD FOR RESIDENTS WHO ARE ELIGIBLE BUT NOT ENROLLED.—

''(A) IN GENERAL.—In the case of a transition individual (as defined in paragraph (3)) who is not enrolled under this part as of the day before the first day of the effective month (as defined in subparagraph (C)), the Secretary shall provide for a special enrollment period under section 1837 of 7 months beginning with such effective month during which the individual may be enrolled under this part.

''(B) COVERAGE PERIOD.—In the case of such an individual who enrolls during such special enrollment period, the coverage period under section 1838 shall begin on the first day of the second month after the month in which the individual enrolls.

''(C) EFFECTIVE MONTH DEFINED.—In this section, the term 'effective month' means a month, not earlier than October 2016 and not later than January 2017, specified by the Secretary.

''(2) REDUCTION IN LATE ENROLLMENT PENALTIES FOR CURRENT ENROLLEES AND INDIVIDUALS ENROLLING DURING TRANSITION.—

''(A) IN GENERAL.—In the case of a transition individual who is enrolled under this part as of the day before the first day of the effective month or who enrolls under this part on or after the date of the enactment of this subsection but before the end of the special enrollment period under paragraph (1)(A), the amount of the late enrollment penalty imposed under section 1839(b) shall be recalculated by reducing the penalty to 15 percent of the penalty otherwise established.

''(B) APPLICATION.—Subparagraph (A) shall be applied in the case of a transition individual who—

''(i) is enrolled under this part as of the month before the effective month, for premiums for months beginning with such effective month; or

''(ii) enrolls under this part on or after the date of the enactment of this Act and before the end of the special enrollment period under paragraph (1)(A), for premiums for months during the coverage period under this part which occur during or after the effective month.

''(C) LOSS OF REDUCTION IF INDIVIDUAL TERMINATES ENROLLMENT.—Subparagraph (A) shall not apply to a transition individual if the individual terminates enrollment under this part after the end of the special enrollment period under paragraph (1).

''(3) TRANSITION INDIVIDUAL DEFINED.—In this section, the term 'transition individual' means an individual who resides in Puerto Rico and who would have been deemed enrolled under this part pursuant to section 1837(f) before the first day of the effective month but for the fact that the individual was a resident of Puerto Rico, regardless of whether the individual is enrolled under this part as of such first day.''.

SEC. 822. PUERTO RICO PRACTICE EXPENSE GPCI IMPROVEMENT.

Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)) is amended—

(1) in subparagraph (A), by striking ''and (I)'' and inserting ''(I), and (J)''; and

(2) by adding at the end the following new subparagraph:

''(J) FLOOR FOR PRACTICE EXPENSE INDEX FOR SERVICES FURNISHED IN PUERTO RICO.—

''(i) IN GENERAL.—For purposes of payment for services furnished in Puerto Rico in a year (beginning with 2016), after calculating the practice expense index in subparagraph (A)(i) for Puerto Rico, if such index is below the reference index (as defined in clause (ii)) for the year, the Secretary shall increase such index for Puerto Rico to equal the value of the reference index for the year. The preceding sentence shall not be applied in a budget neutral manner.

''(ii) REFERENCE INDEX DEFINED.—In this subparagraph, the term 'reference index' means, with respect to a year, 0.800 or, if less, the lowest practice expense index value for the year for any area in the 50 States or the District of Columbia.''.

PART III—MEDICARE ADVANTAGE (PART C)

SEC. 831. ADJUSTMENT IN BENCHMARK FOR LOW BASE PAYMENT COUNTIES IN PUERTO RICO.

Section 1853(n) of the Social Security Act (42 U.S.C. 1395w–23(n)) is amended—

(1) in paragraph (1), by striking ''and (5)'' and inserting '', (5), and (6)'';

(2) in paragraph (4), by striking ''In no case'' and inserting ''Subject to paragraph (6), in no case''; and

(3) by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR BLENDED BENCHMARK AMOUNT FOR TERRITORIES.—

''(A) IN GENERAL.—Subject to paragraph (2), the blended benchmark amount for an area in a territory for a year (beginning with 2016) shall not be less than 80 percent of the national average of the base payment amounts specified in subparagraph (2)(E) for such year for areas within the 50 States and the District of Columbia.

''(B) LIMITATION.—In no case shall the blended benchmark amount for an area in a territory for a year under subparagraph (A) exceed the lowest blended benchmark amount for any area within the 50 States and the District of Columbia for such year.''.

PART IV—PART D

SEC. 841. IMPROVED USE OF ALLOCATED PRESCRIPTION DRUG FUNDS BY TERRITORIES.

Section 1935(e) of the Social Security Act (42 U.S.C. 1396u–5(e)) is amended by adding at the end the following new paragraph:

''(5) IMPROVED USE OF FUNDS FOR LOW-INCOME PART D ELIGIBLE INDIVIDUALS.—This

subsection shall be applied beginning on January 1, 2016, as follows, notwithstanding any other provision of this title:

''(A) CLARIFYING STATE FLEXIBILITY TO COVER NON-DUAL-ELIGIBLE INDIVIDUALS.—For purposes of this subsection, the term 'medical assistance' includes financial assistance furnished under this subsection by a State other than the 50 States or the District of Columbia to part D eligible individuals who, if they were residing in one of the 50 States or the District of Columbia, would qualify as subsidy eligible individuals under section 1860D–14(a)(3), without regard to whether such individuals otherwise qualify for medical assistance under this title.

''(B) 100 PERCENT FMAP TO REFLECT NO STATE MATCHING REQUIRED FOR PART D LOW INCOME SUBSIDIES.—The Federal medical assistance percentage applicable to the assistance furnished under this subsection is 100 percent.

''(C) LIMITED FUNDING FOR SPECIAL RULES.—Subparagraphs (A) and (B), and the provision of medical assistance for covered part D drugs to low-income part D eligible individuals for a State and year under this subsection, are limited to the amount specified in paragraph (3) for such State and year, without regard to the application of subsection (f) or (g) of section 1108.''.

SEC. 842. REPORT ON TREATMENT OF TERRITORIES UNDER MEDICARE PART D.

Paragraph (4) of section 1935(e) of the Social Security Act (42 U.S.C. 1396u–5(e)) is amended to read as follows:

''(4) REPORT ON APPLICATION OF SUBSECTION.—

''(A) IN GENERAL.—Not later than May 1, 2018, the Secretary shall submit to Congress a report on the application of this subsection during the period beginning with fiscal year 2006 and ending with December 31, 2017.

''(B) INFORMATION TO BE INCLUDED IN REPORT.—Such report shall include—

''(i) program guidance issued by the Secretary to implement this subsection;

''(ii) for each of Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa, information on the increased amount under paragraph (3) and how the territory has applied such amount, including the territory's program design, expenditures, and number of individuals (and dual-eligible individuals) assisted; and

''(iii) a description of the differences between how such territories are treated under part D of title XVIII and under this title compared with the treatment of the 50 States and the District of Columbia under such part and this title for different fiscal years within the period covered under the report.

''(C) RECOMMENDATIONS.—Such report shall include recommendations for improving prescription drug coverage for low-income individuals in each territory identified in subparagraph (B)(ii), including recommendations regarding each of the following alternative approaches:

''(i) Adjusting the aggregate amount specified in paragraph (3)(B).

''(ii) Allowing residents of the territories to be subsidy eligible individuals under section 1860D–14, notwithstanding subsection (a)(3)(F) of such section, or providing substantially equivalent low-income prescription drug subsidies to such residents.''.

Subtitle C—Miscellaneous

SEC. 851. REPORT ON EXCLUSION OF TERRITORIES FROM EXCHANGES.

(a) IN GENERAL.—Not later than February 1, 2018, the Secretary of Health and Human Services shall submit to Congress a report that details the adverse impacts in each territory from the practical exclusion of the territories from the provisions of part II of subtitle D of title I of the Patient Protection and Affordable Care Act insofar as such provisions provide for the establishment of an American Health Benefit Exchange or the administration of a federally facilitated Exchange in each State and in the District of Columbia for the purpose of making health insurance more affordable and accessible for individuals and small businesses.

(b) INFORMATION IN REPORT.—The report shall include information on the following:

(1) An estimate of the total number of uninsured and underinsured individuals residing in each territory with respect to health insurance coverage.

(2) A description of the number of health insurance issuers in each territory and the health insurance plans these issuers offer.

(3) An estimate of the number of individuals residing in each territory who are denied premium and cost-sharing assistance that would otherwise be available to them for obtaining health insurance coverage through an Exchange if they resided in one of the 50 States or in the District of Columbia.

(4) An estimate of the amount of Federal assistance described in paragraph (3) that is not being made available to residents of each territory.

(5) An estimate of the number of small employers in each territory that would be eligible to purchase health insurance coverage through a Small Business Health Options Program (SHOP) Marketplace that would operate as part of an Exchange if the employers were in one of the 50 States or in the District of Columbia.

SA 4876. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

This Act shall take effect 2 days after the date of enactment.

SA 4877. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike ''2 days'' and insert ''3 days''.

SA 4878. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

This Act shall take effect 3 days after the date of enactment.

SA 4879. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike ''3 days'' and insert ''4 days''.

SA 4880. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike ''4'' and insert ''5''.

SA 4881. Ms. WARREN submitted an amendment intended to be proposed by her to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 109, add the following:

(c) THREE-YEAR RESTRICTION.—

(1) IN GENERAL.—Any individual who serves as a member of the Oversight Board shall not, during the 3-year period beginning on the date on which his or her membership on the Oversight Board terminates, knowingly make, with the intent to influence, any communication to or appearance before any member of the Oversight Board on behalf of any other person (except the United States or a State or local government).

(2) PENALTY.—Any individual who violates subparagraph (A) shall be subject to the penalties described in section 216 of title 18, United States Code.

SA 4882. Mr. MENENDEZ (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Puerto Rico Stability Act of 2016''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—TECHNICAL ASSISTANCE AND FISCAL REFORM
Subtitle A—Technical Assistance
Sec. 101. Definitions.
Sec. 102. Improving accounting and disclosure practices.
Sec. 103. Purchases by territory government.
Subtitle B—Fiscal Stability and Reform Boards and Chief Financial Officers
Sec. 111. Establishment of Fiscal Stability and Reform Board.
Sec. 112. Establishment of Chief Financial Officer.
Sec. 113. Development and approval of fiscal plans.
Sec. 114. Severability.
TITLE II—ADJUSTMENTS OF DEBTS OF A TERRITORY OR ITS MUNICIPALITIES
Subtitle A—General Provisions
Sec. 201. Definitions.
Sec. 202. Who may be a debtor.
Sec. 203. Reservation of territorial power to control municipalities.

Sec. 204. Limitation on jurisdiction and powers of court.
Subtitle B—Initial Stay on Litigation
Sec. 211. Definitions.
Sec. 212. Effective date.
Sec. 213. Automatic stay.
Subtitle C—Adjudication and Judicial Review
Sec. 221. Petition and proceedings relating to petition.
Sec. 222. Jurisdiction.
Sec. 223. Venue.
Sec. 224. Selection of presiding judge.
Sec. 225. Appellate review.
Sec. 226. Applicable rules of procedure.
Sec. 227. Severability.
Subtitle D—The Plan
Sec. 231. Filing of plan of adjustment.
Sec. 232. Confirmation.
Subtitle E—Additional Provisions
Sec. 241. Compensation of professionals.
Sec. 242. Interim compensation.
Sec. 243. Applicability of other sections.
TITLE III—PUERTO RICO CHAPTER 9 UNIFORMITY
Sec. 301. Short title.
Sec. 302. Amendment.
Sec. 303. Effective date; application of amendment.
Sec. 304. Severability.

TITLE I—TECHNICAL ASSISTANCE AND FISCAL REFORM

Subtitle A—Technical Assistance

SEC. 101. DEFINITIONS.

In this title:

(1) BOARD.—The term ''Board'' means a Fiscal Stability and Reform Board established in accordance with section 111.

(2) CHIEF FINANCIAL OFFICER.—The term ''Chief Financial Officer'' means a Chief Financial Officer established in accordance with section 112.

(3) COMPLIANT BUDGET.—The term ''compliant budget'' means a budget that is prepared in accordance with—

(A) modified accrual accounting standards; and

(B) the applicable Fiscal Plan.

(4) COVERED TERRITORIAL INSTRUMENTALITY.—The term ''covered territorial instrumentality'' means a territorial instrumentality designated by the Board pursuant to section 111(b) to be subject to the requirements of subtitle B.

(5) COVERED TERRITORY.—The term ''covered territory'' means a territory for which a Board has been established under section 111.

(6) FISCAL PLAN.—The term ''Fiscal Plan'' means a fiscal plan for a covered territory submitted and approved in accordance with section 113.

(7) GOVERNOR.—The term ''Governor'' means the chief executive of a territory.

(8) LEGISLATURE.—

(A) IN GENERAL.—The term ''legislature'' means the legislative body responsible for enacting the laws of a territory.

(B) EXCLUSION.—The term ''legislature'' does not include Congress.

(9) MODIFIED ACCRUAL ACCOUNTING STANDARDS.—The term ''modified accrual accounting standards'' means accounting standards issued by the Governmental Accounting Standards Board that recognize—

(A) revenues as they become available and measured; and

(B) expenditures as liabilities are incurred.

(10) OFFICE.—The term ''Office'' means an Office of the Chief Financial Officer established in accordance with section 112.

(11) TERRITORIAL GOVERNMENT.—The term ''territorial government'' means the government of a covered territory, including each territorial instrumentality of the government of the covered territory.

(12) TERRITORIAL INSTRUMENTALITY.—

(A) IN GENERAL.—The term ''territorial instrumentality'' means a political subdivision, public agency, instrumentality, or public corporation of a territory.

(B) EXCLUSION.—The term ''territorial instrumentality'' does not include a Board.

(13) TERRITORY.—The term ''territory'' means—

(A) the Commonwealth of Puerto Rico;

(B) Guam;

(C) American Samoa;

(D) the Commonwealth of the Northern Mariana Islands; or

(E) the United States Virgin Islands.

SEC. 102. IMPROVING ACCOUNTING AND DISCLOSURE PRACTICES.

(a) IN GENERAL.—On request of the applicable Governor, legislature, or Board (if any), the Secretary of the Treasury (referred to in this section as the ''Secretary'') may provide technical assistance to a territory that the Secretary determines to be eligible for technical assistance relating to fiscal and financial practices.

(b) INCLUSIONS.—In providing technical assistance under subsection (a), the Secretary may, in association with any Federal department or agency or the Federal Reserve System, including any Federal Reserve Bank, provide assistance relating to—

(1) information technology upgrades;

(2) improving economic forecasting, including multiyear fiscal forecasting capabilities;

(3) budgeting, tax collection, cash management, and spending controls;

(4) ensuring that agencies in the territory use financial systems that are compatible with the systems of other agencies of the territory and Federal agencies to provide for consistent, timely financial reporting and visibility into expenses;

(5) improving and expanding economic indicators for the territory to make available for the territory the indicators regularly used to track regional conditions on the United States mainland; and

(6) such other matters as the Secretary, in consultation with the territory, determines to be appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 103. PURCHASES BY TERRITORY GOVERNMENT.

Section 302 of the Omnibus Insular Areas Act of 1992 (48 U.S.C. 1469e) is amended to read as follows:

''SEC. 302. INSULAR GOVERNMENT PURCHASES.

''The governments of the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands are authorized to make purchases through the General Services Administration.''.

Subtitle B—Fiscal Stability and Reform Boards and Chief Financial Officers

SEC. 111. ESTABLISHMENT OF FISCAL STABILITY AND REFORM BOARD.

(a) REQUEST.—Effective on the date on which the Governor of a territory signs a resolution adopted by the legislature of the territory to request the establishment of a Fiscal Stability and Reform Board under this subtitle, a Board is established for the territory.

(b) BOARD OVERSIGHT OF TERRITORIAL INSTRUMENTALITIES.—

(1) DESIGNATION.—

(A) IN GENERAL.—A Board, at such time as the Board determines to be appropriate, may designate a territorial instrumentality as a covered territorial instrumentality that is subject to the requirements of this subtitle.

(B) BUDGETS AND REPORTS.—A Board may require the Governor or the Chief Financial Officer of the applicable covered territory to submit to the Board such annual budgets or monthly or quarterly reports relating to a covered territorial instrumentality as the Board determines to be necessary.

(C) INCLUSION IN FISCAL PLAN.—The Governor of the applicable covered territory shall include in the applicable Fiscal Plan a description of each requirement under section 113(c) for each covered territorial instrumentality.

(2) EXCLUSION.—

(A) IN GENERAL.—A Board, at such time as the Board determines to be appropriate, may exclude any territorial instrumentality of the covered territory from the requirements of this subtitle.

(B) TREATMENT.—A territorial instrumentality excluded pursuant to this paragraph shall not be considered to be a covered territorial instrumentality.

(c) EXEMPTION FROM LIABILITY FOR CLAIMS.—A Board, and each member of the Board, shall not be liable for any obligation of, or claim against, the applicable covered territory resulting from any action of the Board to carry out this subtitle.

(d) MEMBERSHIP.—

(1) IN GENERAL.—A Board shall consist of 9 members who meet the qualifications described in paragraph (6), and of whom:

(A) 2 members shall be appointed by the President in accordance with the requirements described in paragraph (5).

(B) 2 members shall be appointed by the Governor of the applicable covered territory.

(C) 1 member shall be appointed by the chief justice of the highest appellate court of the applicable covered territory.

(D) 4 members shall be appointed by the legislature of the applicable covered territory as follows:

(i) If the legislature has 2 chambers—

(I) 1 member shall be appointed by the political party holding the most seats in the lower chamber of the legislature;

(II) 1 member shall be appointed by the political party holding the second-most seats in the lower chamber of the legislature;

(III) 1 member shall be appointed by the political party holding the most seats in the upper chamber of the legislature; and

(IV) 1 member shall be appointed by the political party holding the second-most seats in the upper chamber of the legislature.

(ii) If the legislature has 1 chamber—

(I) 2 members shall be appointed by the political party holding the most seats in the legislature; and

(II) 2 members shall be appointed by the political party holding the second-most seats in the legislature.

(2) CHAIRPERSON.—The member appointed under paragraph (1)(C) shall serve as the chairperson of the Board.

(3) PERIOD OF APPOINTMENT.—

(A) IN GENERAL.—Except for the member appointed under paragraph (1)(C) and for the initial terms of members, each member of the Board shall be—

(i) appointed for a term of 4 years; and

(ii) eligible for reappointment.

(B) INITIAL TERMS.—

(i) For members appointed under paragraph (1)(A), as designated by the President at the time of appointment—

(I) 1 member shall be appointed for a term of 2 years; and

(II) 1 member shall be appointed for a term of 4 years.

(ii) For members appointed under paragraph (1)(B)—

(I) both members shall be appointed to a term to terminate 6 months after the next gubernatorial election; and

(II) in the event that the Governor of a territory signs a resolution adopted by the legislature of the territory to request the establishment of a Board under this subtitle within 12 months of the next gubernatorial election, both members shall be appointed to a term of 2 years.

(iii) For members appointed under paragraph (1)(C), the member shall remain appointed for the life of the Board.

(iv) For members appointed under paragraph (1)(D), as designated by the appointing entity at the time of appointment—

(I) if the legislature has 2 chambers—

(aa) 1 member shall be appointed by the political party holding the most seats in the lower chamber of the legislature to a term to terminate 6 months after the next legislative election of the applicable territory;

(bb) 1 member shall be appointed by the political party holding the second-most seats in the lower chamber of the legislature to a term to terminate 6 months after the next legislative election of the applicable territory;

(cc) 1 member shall be appointed by the political party holding the most seats in the upper chamber of the legislature to a term to terminate 30 months after the next legislative election of the applicable territory; and

(dd) 1 member shall be appointed by the political party holding the second-most seats in the upper chamber of the legislature to a term to terminate 30 months after the next legislative election of the applicable territory; and

(II) if the legislature has 1 chamber—

(aa) 1 member shall be appointed by the political party holding the most seats in the legislature to a term to terminate 6 months after the next legislative election of the applicable territory;

(bb) 1 member shall be appointed by the political party holding the second-most seats in the legislature to a term to terminate 6 months after the next legislative election of the applicable territory;

(cc) 1 member shall be appointed by the political party holding the most seats in the legislature to a term to terminate 30 months after the next legislative election of the applicable territory; and

(dd) 1 member shall be appointed by the political party holding the second-most seats in the legislature to a term to terminate 30 months after the next legislative election of the applicable territory.

(4) VACANCIES.—

(A) IN GENERAL.—Each member shall remain appointed as long as the applicable qualifications of appointment under paragraph (6) remain satisfied, except that any member may be removed by the original appointing entity.

(B) EFFECT.—Any vacancy in the Board—

(i) shall not affect the powers of the Board; and

(ii) shall be filled in the same manner as the original appointment by the original appointing entity as soon as practicable after the date on which the vacancy occurs, subject to the approval described in paragraph (3).

(C) TERM.—A member appointed to fill a vacancy shall serve for the remainder of the term to which the member was appointed.

(5) APPROVAL OF MEMBERSHIP.—A new member appointed shall be approved by the full board, excluding the member that the new member was appointed to replace.

(6) REQUIREMENTS FOR PRESIDENTIAL APPOINTMENTS.—

(A) TIMING; REQUIRED CONSULTATION.—As soon as practicable after the date on which a territory submits to the President a resolution described in subsection (a), and after consultation with the appropriate committees of Congress and the Governor of the applicable covered territory, the President shall appoint members to the Board under paragraph (1)(A).

(B) REMOVAL.—The President may remove a member appointed by the President only for cause.

(7) QUALIFICATIONS.—

(A) IN GENERAL.—An individual meets the qualifications for membership on the Board if the individual has knowledge and expertise relating to finance, management, economics, or the organization or operation of business or government.

(B) CONNECTION TO COVERED TERRITORY.—Not less than 6 members shall have knowledge and expertise relating to the history, socioeconomic circumstances, and heritage of the applicable covered territory.

(C) RESIDENCE IN COVERED TERRITORY.—Not less than 6 members shall maintain a primary residence in the applicable covered territory.

(D) SPECIAL LIMITATION ON MEMBERSHIP.—No current member of the applicable territory's legislature shall be eligible to serve on the Board.

(8) CONFLICTS OF INTEREST.—

(A) IN GENERAL.—An individual appointed to serve as a member of the Board—

(i) shall be subject to—

(I) the Federal conflict of interest requirements described in section 208 of title 18, United States Code, except with respect to subsection (b) of that section; and

(II) the conflict of interest disclosure requirements under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(ii) shall not have any other conflict of interest relating to the duties of the Board, including ownership of any debt security of—

(I) the applicable territorial government; or

(II) a territorial instrumentality.

(B) DEFINITION.—For purposes of subparagraph (A)(ii), the term ''conflict of interest'' includes the interests of an organization in which the individual is serving as officer, director, trustee, general partner or employee, or any person or organization with whom the individual is negotiating or has any arrangement concerning prospective employment.

(C) 3-YEAR RESTRICTION.—

(i) IN GENERAL.—Any individual who serves as a member of the Board shall not, during the 3-year period beginning on the date on which membership on the Board terminates, knowingly make, with the intent to influence, any communication to or appearance before any member of the Board or Chief Financial Officer on behalf of any other person (except the United States or a State or local government).

(ii) PENALTY.—Any individual who violates clause (i) shall be subject to the penalties described in section 216 of title 18, United States Code.

(iii) VIOLATIONS.—If a member of the Board is determined to be in violation of the requirements described in subparagraph (A), the member shall be removed from membership on the Board and may be subject to additional actions or penalties set forth under Federal ethics rules.

(e) NO COMPENSATION FOR SERVICE.—Each member of the Board shall—

(1) serve without compensation; and

(2) be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(f) BYLAWS.—

(1) IN GENERAL.—As soon as practicable after the appointment of all members to the Board, the Board shall adopt bylaws, rules, and procedures to govern the activities of the Board under this subtitle, including procedures for hiring experts and consultants.

(2) TREATMENT.—The bylaws, rules, and procedures adopted pursuant to this subsection shall be—

(A) public documents; and

(B) on adoption, submitted by the Board to—

(i) the President; and

(ii) the Governor and legislature of the applicable covered territory.

(g) STAFF.—

(1) IN GENERAL.—On the approval of the chairperson, the Board may appoint such staff as are necessary to enable the Board to perform the duties of the Board.

(2) ELIGIBLE INDIVIDUALS.—For purposes of chapter 11 of title 18, United States Code, and section 2635 of title 5, Code of Federal Regulations, or any successor thereto, the executive director and other staff employed by the Board shall be considered employees of an Executive agency (as defined in section 105 of title 5, United States Code), including a member of the staff who is—

(A) a private citizen;

(B) an employee of the applicable territorial government; or

(C) an employee of the Federal Government.

(3) DETAILEES.—

(A) FEDERAL EMPLOYEES.—On request of the chairperson of the Board, the head of a Federal department or agency may detail to the Board, on a reimbursable or nonreimbursable basis, and in accordance with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.), any of the personnel of the department or agency to assist the Board in the performance of the duties of the Board.

(B) TERRITORIAL GOVERNMENT EMPLOYEES.—On request of the chairperson of the Board, the head of any department or agency of the applicable territorial government may detail to the Board, on a reimbursable or nonreimbursable basis, any of the personnel of the department or agency to assist the Board in the performance of the duties of the Board.

(4) OFFICERS.—

(A) APPOINTMENT.—The chairperson may appoint to the Board an executive director or such other officers as the chairperson determines to be necessary to assist the Board in the performance of the duties of the Board.

(B) TERM; PAYMENT.—An executive director or officer appointed pursuant to subparagraph (A) shall serve for such period and be paid such compensation as the Board determines to be appropriate.

(h) FUNDING.—

(1) IN GENERAL.—The Board—

(A) may use funds provided by the applicable territorial government to ensure sufficient funds are made available to cover all expenses of the Board; and

(B) shall submit to the Governor and legislature of the applicable covered territory for inclusion in the annual budget appropriations process of the applicable territorial government a report describing any request

and use of funds provided by the applicable territorial government.

(2) LOCAL FUNDING.—A covered territory shall designate a dedicated territorial government source of funding, not subject to subsequent legislative appropriation, sufficient to support the annual costs of the Board, as determined by the Board, to carry out this subtitle.

(i) POWERS.—

(1) HEARINGS.—The Board may, for the purpose of performing the duties of the Board—

(A) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Board considers to be appropriate; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Board considers to be appropriate.

(2) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(A) ISSUANCE.—A subpoena issued under paragraph (1)(B) shall—

(i) bear the signature of the chairperson of the Board; and

(ii) be served by any person or class of persons designated by the chairperson to serve a subpoena under paragraph (1)(B).

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the district in which the subpoenaed person resides, is served, or may be found may issue an order requiring the person—

(i) to appear at any designated place to testify; or

(ii) to produce documentary or other evidence.

(C) NONCOMPLIANCE.—Any failure to obey the order of a court under this paragraph may be punished by the court as a contempt of court.

(3) ENTRANCE INTO CONTRACTS.—The Board, or any of the staff of the Board on behalf of the Board, may enter into such contracts as the Board considers appropriate to carry out the duties of the Board.

(j) DUTIES.—

(1) MONITORING AND RECOMMENDATIONS.—

(A) IN GENERAL.—Based on information provided in a monthly report submitted under section 112(f)(1)(A), the Board may recommend to the Governor and legislature of the applicable covered territory policy adjustments that should be made to ensure the expenditures and revenues of the adopted budget for the applicable fiscal year are balanced.

(2) IMPROVEMENTS TO OPERATIONAL EFFICIENCY.—

(A) IN GENERAL.—The Board shall work with the applicable territorial government to improve the operational efficiency of the applicable territorial government, including the efforts of the applicable territorial government—

(i) to strengthen financial recordkeeping and reporting;

(ii) to control the number and cost of government contracts;

(iii) to collect and enforce the collection of taxes;

(iv) to promote economic growth;

(v) to improve Federal grant management; and

(vi) to increase the effective use of information technology.

(B) REPORT.—Within a reasonable period of time, the Board shall submit to the applicable territorial government a report describing recommendations to improve the operational efficiency of the applicable territorial government, including efforts described in subparagraph (A).

(3) REVIEW OF BUDGETS; QUARTERLY REPORTS.—

(A) BUDGET PROPOSED BY GOVERNOR.—

(i) SUBMISSION TO BOARD.—The Governor of the applicable covered territory shall submit to the Board for review a proposed budget for each fiscal year, in consultation with the Chief Financial Officer and based on the applicable forecast of revenues submitted by the Chief Financial Officer, by not later than the earlier of—

(I) the date that is 120 days before the first day of the fiscal year covered by the proposed budget; and

(II) the date that is 60 days before the date by which the Governor is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the applicable fiscal year.

(ii) DETERMINATION OF COMPLIANT BUDGET.—Not later than the date that is 15 days after the date on which a Board receives a proposed budget under clause (i), the Board shall—

(I) determine whether the proposed budget is a compliant budget; and

(II)(aa) if the proposed budget is a compliant budget—

(AA) approve the compliant budget; and

(BB) submit the compliant budget to the legislature of the applicable covered territory; or

(bb) if the proposed budget is not a compliant budget, provide to the Governor of the applicable covered territory—

(AA) a notice of violation that includes a description of any corrective action suggested by the Board; and

(BB) an opportunity to correct the violation by requiring the Governor to submit to the Board a revised budget by not later than the date that is 15 days after the date on which the notice of violation under subitem (AA) is provided.

(iii) REVISED BUDGETS.—Not later than the date that is 7 days after the date on which the Board receives a revised budget under clause (ii)(II)(bb)(BB), the Board shall—

(I) determine whether the revised budget is a compliant budget in consultation with the Chief Financial Officer; and

(II)(aa) if the revised budget is a compliant budget—

(AA) approve the compliant budget; and

(BB) submit the compliant budget to the legislature of the applicable covered territory; or

(bb) if the revised budget is not a compliant budget—

(AA) issue a notice of noncompliance;

(BB) publicly submit recommendations of the Board and the Chief Financial Officer for adjustments that should be made to ensure the adopted budget of the territorial government for the applicable fiscal year is a compliant budget;

(CC) submit the noncompliant budget to the legislature of the applicable covered territory with recommendations of the Board and the Chief Financial Officer for adjustments that should be made to ensure the adopted budget of the territorial government for the applicable fiscal year is a complaint budget; and

(DD) issue a directive that the legislature shall strive to adopt the Board's recommendations in the budget of the territorial government for the applicable fiscal year.

(B) BUDGET APPROVAL BY LEGISLATURE.—

(i) IN GENERAL.—The legislature of the applicable covered territory shall submit to the Board the budget adopted by the legislature not later than—

(I) the date that is 30 days before the first day of each applicable fiscal year; or

(II) the date previously approved in writing by the Board not to exceed 60 days after the first day of the applicable fiscal year, if a date was approved in writing.

(ii) DETERMINATION BY BOARD.—Not later than the date that is 7 days after the date on which the Board receives an adopted budget submitted under clause (i), the Board shall—

(I) determine whether the adopted budget is a compliant budget in consultation with the Chief Financial Officer; and

(II)(aa) if the adopted budget is a compliant budget, issue a compliance certification for the compliant budget; or

(bb) if the budget is not a compliant budget—

(AA) issue a certificate of noncompliance;

(BB) publicly submit recommendations of the Board and the Chief Financial Officer for adjustments that should be made to the budget of the territorial government for the upcoming fiscal year to ensure the revenues and expenditures are consistent with the Fiscal Plan;

(CC) provide to the Governor and legislature of the applicable covered territory a certificate of noncompliance that includes a description of any recommendations of the Board and the Chief Financial Officer for adjustments that should be made to the budget of the territorial government for the upcoming fiscal year to ensure the revenues and expenditures are consistent with the Fiscal Plan; and

(DD) issue a directive that the Governor and the legislature shall strive to adopt the Board's recommendations in the budget of the territorial government for the upcoming fiscal year.

(C) QUARTERLY REPORTS.—On receipt of a quarterly report from the Chief Financial Officer under section 112(f)(1)(B), the Board shall—

(i) conduct a review to determine whether the actual quarterly revenues and expenses for the applicable territorial government are in compliance with the applicable approved budget; and

(ii) if the Board determines that the actual quarterly revenues and expenses for the applicable territorial government are not in compliance with the applicable approved budget under clause (i), provide to the Governor recommendations for adjustments that should be made to ensure the revenues and expenditures of the adopted budget of the applicable territorial government for the applicable fiscal year are balanced.

(4) ISSUANCE OF DEBT.—No territorial government may, without providing prior written and public notice to the Board, issue debt or guarantee, exchange, modify, repurchase, redeem, or enter into a similar transaction with respect to the debt of the territorial government.

(5) AUTHORITY TO REVIEW DISCRETIONARY TAX WAIVERS.—

(A) IN GENERAL.—Not later than the date that is 180 days after the date of the establishment of a Board under subsection (a), the Governor of the applicable covered territory shall submit to the Board an audited report documenting each outstanding discretionary tax waiver agreement to which any entity of the applicable territorial government is a party, including each agreement pursuant to which the applicable entity of the territorial

government waived, changed the due date of, or changed the amount of taxes due.

(B) NEW TAX WAIVERS.—Effective on the date on which a Board is established under subsection (a), no new tax waiver agreement may be executed by the applicable territorial government without prior approval of the Board.

(k) TERMINATION OF BOARD.—A Board shall terminate on certification by the Board that—

(1) the Board has been in operation for not less than 3 years and the applicable territorial government has adequate access, on an unsecured basis, to short-term and long-term credit markets at reasonable interest rates to meet the borrowing needs of the territorial government using a compliant budget; or

(2) for not less than 3 consecutive fiscal years prior to the certification, the expenditures made by the applicable territorial government for each fiscal year did not exceed the revenues of the territorial government during that fiscal year, using a compliant budget.

SEC. 112. ESTABLISHMENT OF CHIEF FINANCIAL OFFICER.

(a) ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—Effective on the date on which the Governor of a territory signs a resolution adopted by the legislature of the territory to request the establishment of a Fiscal Stability and Reform Board under this subtitle, an Office of the Chief Financial Officer is established for the territory, which shall be headed by the Chief Financial Officer of the territory.

(2) AUTHORITY TO REQUEST.—Effective with the appointment of the first Chief Financial Officer under subsection (d), the Chief Financial Officer may request other offices be consolidated within the office, subject to the approval of the applicable territory's legislature, with the function and personnel of the offices transferred to the office.

(3) RETENTION OF AUTHORITY.—Notwithstanding paragraph (2), the applicable territory shall retain its authority to appoint and remove personnel and agency heads of consolidated offices.

(4) CONFLICTS OF INTEREST.—

(A) IN GENERAL.—An individual appointed to serve as a Chief Financial Officer—

(i) shall be subject to—

(I) the Federal conflict of interest requirements described in section 208 of title 18, United States Code, except with respect to subsection (b) of that section; and

(II) the conflict of interest disclosure requirements under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(ii) shall not have any other conflict of interest relating to the duties of the Chief Financial Officer, including ownership of any debt security of—

(I) the applicable territorial government; or

(II) a territorial instrumentality.

(B) DEFINITION.—For purposes of subparagraph (A)(ii), the term ''conflict of interest'' includes the interests of an organization in which the individual is serving as officer, director, trustee, general partner or employee, or any person or organization with whom the individual is negotiating or has any arrangement concerning prospective employment.

(C) 3-YEAR RESTRICTION.—

(i) IN GENERAL.—Any individual who serves as Chief Financial Officer shall not, during the 3-year period beginning on the date on which his or her tenure as Chief Financial Officer terminates, knowingly make, with the intent to influence, any communication to or appearance before any member of the Board or Chief Financial Officer on behalf of any other person (except the United States or a State or local government).

(ii) PENALTY.—Any individual who violates clause (i) shall be subject to the penalties described in section 216 of title 18, United States Code.

(iii) VIOLATIONS.—If a Chief Financial Officer is determined to be in violation of the requirements described in this subparagraph, the member shall be removed from the position of Chief Financial Officer and may be subject to additional actions or penalties set forth under Federal ethics rules.

(b) STAFF.—

(1) IN GENERAL.—The Chief Financial Officer may appoint such staff as are necessary to enable the Office to perform the duties of the Office.

(2) ELIGIBLE INDIVIDUALS.—For purposes of chapter 11 of title 18, United States Code, and section 2635 of title 5, Code of Federal Regulations, or any successor thereto, the executive director and other staff employed by the office shall be considered employees of an Executive agency (as defined in section 105 of title 5, United States Code), including a member of the staff who is—

(A) a private citizen;

(B) an employee of the applicable territorial government; or

(C) an employee of the Federal Government.

(3) DETAILEES.—

(A) FEDERAL EMPLOYEES.—On request of the Chief Financial Officer, the head of a Federal department or agency may detail to the Office, on a reimbursable or nonreimbursable basis, and in accordance with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.), any of the personnel of the department or agency to assist the Office in the performance of the duties of the Office.

(B) TERRITORIAL GOVERNMENT EMPLOYEES.—On request of the Chief Financial Officer, the head of any department or agency of the applicable territorial government may detail to the Office, on a reimbursable or nonreimbursable basis, any of the personnel of the department or agency to assist the Office in the performance of the duties of the Office.

(c) FUNDING.—

(1) IN GENERAL.—The Chief Financial Officer—

(A) may use funds provided by the applicable territorial government to ensure sufficient funds are made available to cover all expenses of the Office; and

(B) shall submit to the Governor and legislature of the applicable covered territory for inclusion in the annual budget appropriations process of the applicable territorial government a report describing any request and use of funds provided by the applicable territorial government.

(2) LOCAL FUNDING.—A covered territory shall designate a dedicated territorial government source of funding, not subject to subsequent legislative appropriation, sufficient to support the annual costs of the Office, as determined by the Chief Financial Officer, to carry out this subtitle.

(d) APPOINTMENT.—

(1) IN GENERAL.—The Chief Financial Officer shall be appointed by the applicable territory's Governor as follows:

(A) Prior to the appointment of the Chief Financial Officer, the Board may submit recommendations for the appointment to the applicable territory's Governor.

(B) In consultation with the Board and the applicable territory's legislature, the applicable territory's Governor shall nominate an individual for appointment and notify the applicable territory's legislature of the nomination.

(C) After the expiration of the 7-day period that begins on the date the applicable territory's Governor notifies the legislature of the nomination under subparagraph (B), the applicable territory's Governor shall notify the Board of the nomination.

(D) The nomination shall be effective subject to approval by a majority vote of the Board.

(2) REMOVAL.—The Chief Financial Officer may be removed for cause by the Board or by the applicable territory's Governor with the approval of the Board.

(3) SALARY.—The Chief Financial Officer shall be paid at an annual rate determined by the Board as the Board determines to be appropriate.

(e) POWERS.—

(1) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(A) PURPOSE.—The Chief Financial Officer may, for the purpose of performing the duties of the office, require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Chief Financial Officer considers to be appropriate.

(B) ISSUANCE.—A subpoena issued under paragraph (1)(B) shall—

(i) bear the signature of the Chief Financial Officer; and

(ii) be served by any person or class of persons designated by the Chief Financial Officer to serve a subpoena under paragraph (1)(B).

(C) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the district in which the subpoenaed person resides, is served, or may be found may issue an order requiring the person—

(i) to appear at any designated place to testify; or

(ii) to produce documentary or other evidence.

(D) NONCOMPLIANCE.—Any failure to obey the order of a court under this paragraph may be punished by the court as a contempt of court.

(2) ENTRANCE INTO CONTRACTS.—The Chief Financial Officer, or any of the staff of the office on behalf of the Chief Financial Officer, may enter into such contracts as the Chief Financial Officer considers appropriate to carry out the duties of the office.

(f) FUNCTIONS.—In addition to any other duties necessary and proper to fulfill the purposes of the Office, the Chief Financial Officer shall have the following duties:

(1) MONTHLY AND QUARTERLY REPORTS.—The Chief Financial Officer, in consultation with the applicable territorial government, shall submit to the Board:

(A) A report not later than the date that is 7 days after the last day of each month to provide—

(i) an accounting of the cash balance of the applicable territorial government; and

(ii) a description of the amount of actual expenditures and revenues of the applicable territorial government, as compared to the amounts budgeted, for the applicable fiscal year.

(B) Not later than the date that is 15 days after the last day of each quarter of a fiscal year, the Chief Financial Officer in consultation with the Governor of the applicable covered territory shall submit to the Board, in

such form as the Board may require, a report describing—

(i) the actual cash revenues, cash expenditures, and cash flows of the territorial government for the preceding quarter; as compared to

(ii) the actual cash revenues, cash expenditures, and cash flows contained in the approved budget for the applicable quarter.

(C) A report under subparagraph (B) shall include—

(i) a description of any accrued revenues and expenditures during the applicable quarter, as compared to the accrued revenues and expenditures contained in the approved budget for the quarter; and

(ii) a balance sheet, if the Board requires a balance sheet.

(2) REVENUE FORECASTING.—Not later than the date that is 75 days before the date on which the Governor of the applicable covered territory is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the upcoming fiscal year, the Chief Financial Officer shall submit to the applicable territorial government and Board a forecast of revenues for the upcoming fiscal year to be used to develop the budget.

(A) REQUIREMENTS.—A forecast under paragraph (2) shall be—

(i) based on applicable law; and

(ii) prepared in accordance with the applicable Fiscal Plan.

(3) FINANCIAL AND ACCOUNTING INFORMATION.—The Chief Financial Officer shall ensure the following:

(A) All financial information presented by the applicable territory is presented in a manner, and is otherwise consistent with any requirements promulgated by the Board.

(B) Appropriate procedures are implemented and institute such programs, systems, and personnel policies within the Officer's authority, to ensure that the applicable territory's budget, accounting and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis.

(C) Appropriate forms of receipts, vouchers, bills, and claims to be used by all agencies, offices, and instrumentalities of the applicable territorial government.

(4) ACCOUNTING MANAGEMENT.—The Chief Financial Officer shall:

(A) Supervise the applicable territory's financial transactions to ensure adequate control of revenues and resources, and to ensure that appropriations are not exceeded.

(B) Maintain systems of accounting and internal control designed to provide—

(i) full disclosure of the financial impact of the activities of the applicable territorial government;

(ii) adequate financial information needed by the applicable territorial government for management purposes;

(iii) effective control over, and accountability for, all funds, property, and other assets of the applicable territorial government; and

(iv) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget of the applicable territorial government.

(C) Maintain accounting of all public funds belonging to or under the control of the applicable territorial government (or any department or agency of the applicable territorial government).

(D) Maintain accounting of all investment and invested funds of the applicable territorial government or in possession of the applicable territorial government in a fiduciary capacity.

(E) Submit to the applicable territorial government a financial statement of the applicable territorial government, containing such details and at such times as the applicable territorial government may specify.

(5) CERTIFYING CONTRACTS.—All contracts (whether directly or through delegation) shall be certified by the Chief Financial Officer prior to execution as to the availability of funds to meet the obligations expected to be incurred by the applicable territorial government under such contracts during the year.

(6) AUDITING.—The Chief Financial Officer shall perform internal audits of accounts and operations and records of the applicable territorial government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the departments and agencies of the applicable territorial government.

SEC. 113. DEVELOPMENT AND APPROVAL OF FISCAL PLANS.

(a) IN GENERAL.—Not later than the date that is 60 days before the date on which the Governor of an applicable covered territory is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the upcoming fiscal year, the Governor, in consultation with the Chief Financial Officer, shall develop and submit to the Board and applicable territorial government a Fiscal Plan for the applicable territorial government in accordance with this section.

(b) INITIAL FISCAL PLAN.—The Governor of an applicable covered territory in consultation with the Chief Financial Officer shall develop an initial Fiscal Plan in accordance with subsection (a) within 90 days of the Governor of the applicable covered territory signing a resolution adopted by the legislature of the territory to request the establishment of a Fiscal Stability and Reform Board under this subtitle, or not later than the date that is 60 days before the date on which the Governor of the applicable covered territory is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the upcoming fiscal year, whichever comes chronologically first.

(c) REQUIREMENTS.—

(1) IN GENERAL.—A Fiscal Plan shall, to the maximum extent practicable, with respect to the applicable territorial government—

(A) provide for estimates of revenues and expenditures in accordance with modified accrual accounting standards and based on—

(i) applicable laws; or

(ii) specific laws that require enactment in order to reasonably achieve the projections of the Fiscal Plan;

(B) ensure the funding of essential public services;

(C) provide full funding to cover all existing public pension obligations;

(D) provide for the elimination of budget gaps in financing;

(E) provide for a reduction in the debt burden to a level that is sustainable;

(F) improve fiscal governance;

(G) enable the achievement of fiscal targets;

(H) create independent forecasts of revenue for the period covered by the Fiscal Plan; and

(I) not impede investments to promote sustained economic growth.

(2) TERM.—A Fiscal Plan shall be in effect for a period of not less than 5 years.

(3) TRANSPARENCY.—A Fiscal Plan shall be made publicly available no less than 15 days after final approval as specified within subsection (d).

(d) APPROVAL BY BOARD.—

(1) REQUIREMENT.—The Governor of a covered territory shall not submit to the legislature of the applicable covered territory an annual budget for a fiscal year unless the Fiscal Plan has been approved for that fiscal year in accordance with this subsection.

(2) APPROVAL.—Not later than the date that is 15 days after the date on which the Governor submits a Fiscal Plan to the Board under subsection (a), the Board shall—

(A) certify the Fiscal Plan; or

(B) fail to certify the Fiscal Plan and provide to the Governor recommendations for revisions to the Fiscal Plan.

(3) REVISED FISCAL PLAN.—

(A) IN GENERAL.—Not later than the date that is 15 days after the date on which the Board submits recommendations to the Governor under paragraph (2)(B), the Governor shall submit to the Board a revised Fiscal Plan.

(B) APPROVAL; DISAPPROVAL.—Not later than the date that is 7 days after the date on which the Governor submits to the Board a revised Fiscal Plan under subparagraph (A), the Board shall—

(i) certify the revised Fiscal Plan; or

(ii) disapprove the revised Fiscal Plan.

(4) DEVELOPMENT BY BOARD.—

(A) IN GENERAL.—

(i) NONACTION BY GOVERNOR.—If the Governor of a covered territory fails to submit to the Board a revised Fiscal Plan on or before the date specified in paragraph (3)(A), the Board shall develop and submit to the Governor a final revised Fiscal Plan not later than the date that is 22 days after the date on which recommendations are provided to the Governor under paragraph (2)(B).

(ii) DISAPPROVAL BY BOARD.—If the Board disapproves a revised Fiscal Plan under paragraph (3)(B)(ii), the Board shall develop and submit to the Governor a final revised Fiscal Plan not later than the date that is 7 days after the date of disapproval.

SEC. 114. SEVERABILITY.

If any provision of this subtitle or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this subtitle, and the application of the provision to any other person or circumstance, shall not be affected.

TITLE II—ADJUSTMENTS OF DEBTS OF A TERRITORY OR ITS MUNICIPALITIES

Subtitle A—General Provisions

SEC. 201. DEFINITIONS.

In this title:

(1) AFFILIATE.—The term ''affiliate'' means, in addition to the definition made applicable in a case under this title by section 243(a)—

(A) for a Territory, any municipality of the Territory; and

(B) for a municipality, the governing Territory and any of the Territory's other municipalities.

(2) BOND.—The term ''Bond'' means a bond, loan, line of credit, note, or other borrowing title, in physical or dematerialized form, of which—

(A) the issuer, borrower, or guarantor is the municipality or Territory as defined by paragraphs (5) and (11); and

(B) the date of issuance or incurrence of debt precedes the date of enactment of this Act.

(3) COURT.—The term ''court'' means the district court for the territory in which the

debtor is located or, for any territory in which the debtor is located that does not have a district court, the United States District Court for the District of Hawaii.

(4) DEBTOR.—The term ''debtor'' means the Territory or municipality concerning which a case under this title has been commenced.

(5) MUNICIPALITY.—The term ''municipality''—

(A) includes any political subdivision, public agency, instrumentality or instrumentality of a Territory; and

(B) should be broadly construed to effectuate the purposes of this title.

(6) PROPERTY OF THE ESTATE.—The term ''property of the estate'', when used in section 541 of title 11, United States Code, made applicable in a case under this title by section 243(a) means property of the debtor.

(7) SPECIAL REVENUES.—The term ''special revenues'' means receipts derived from the ownership, operation, or disposition of projects or systems of the debtor that are primarily used or intended to be used primarily to provide transportation, utility, or other services, including the proceeds of borrowings to finance the projects or systems.

(8) SPECIAL TAX PAYER.—The term ''special tax payer'' means record owner or holder of legal or equitable title to real property against which a special assessment or special tax has been levied the proceeds of which are the sole source of payment of an obligation issued by the debtor to defray the cost of an improvement relating to such real property.

(9) SPECIAL TAX PAYER AFFECTED BY THE PLAN.—The term ''special tax payer affected by the plan'' means special tax payer with respect to whose real property the plan proposes to increase the proportion of special assessments or special taxes referred to in paragraph (2) assessed against such real property.

(10) STATE.—The term ''State'' when used in a section of title 11, United States Code, made applicable in a case under this title by section 243(a) means State or Territory when used in reference to a the relationship of a State to the municipality of the State.

(11) TERRITORY.—The term ''Territory'' means the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands.

(12) TRUSTEE.—The term ''trustee'' when used in a section of title 11, United States Code, made applicable in a case under this title by section 243(a) means debtor, except as provided in section 926 of title 11, United States Code.

SEC. 202. WHO MAY BE A DEBTOR.

An entity may be a debtor under this title if the entity—

(1) is—

(A) a Territory that has requested the establishment of a Fiscal Stability and Reform Board in accordance with section 111; or

(B) a municipality—

(i) of a Territory that has requested the establishment of a Fiscal Stability and Reform Board in accordance with section 111; and

(ii) that has been specifically authorized, in its capacity as a municipality or by name, to be a debtor under this title by Territory law, or by a governmental officer or organization empowered by Territory law to authorize such entity to be a debtor under this title; and

(2) desires to effect a plan to adjust its debts.

SEC. 203. RESERVATION OF TERRITORIAL POWER TO CONTROL MUNICIPALITIES.

Subject to the limitations imposed by title III, this title does not limit or impair the power of a Territory to control, by legislation or otherwise, a municipality of or in the Territory in the exercise of the political or governmental powers of such municipality, including expenditures for such exercise, but—

(1) a Territory law prescribing a method of composition of indebtedness of such municipality may not bind any creditor that does not consent to such composition; and

(2) a judgment entered under such a law may not bind a creditor that does not consent to such composition.

SEC. 204. LIMITATION ON JURISDICTION AND POWERS OF COURT.

Subject to the limitations imposed by title II, notwithstanding any power of the court, unless the debtor consents or the plan so provides, the court may not, by any stay, order, or decree, in the case or otherwise, interfere with—

(1) any of the political or governmental powers of the debtor;

(2) any of the property or revenues of the debtor; or

(3) the debtor's use or enjoyment of any income-producing property.

Subtitle B—Initial Stay on Litigation

SEC. 211. DEFINITIONS.

In this subtitle, any term not defined under section 201 that is defined in title 11, United States Code, has the meaning given that term under title 11, United States Code.

SEC. 212. EFFECTIVE DATE.

Effective on the date on which the Governor of a territory signs a resolution adopted by the legislature of the territory to request the establishment of a Fiscal Stability and Reform Board under section 111, section 213 shall take effect.

SEC. 213. AUTOMATIC STAY.

(a) Except as otherwise provided in this section, the adoption of a resolution under section 111 operates with respect to any claim, debt, or cause of action related to a Bond as a stay, applicable to all entities (as such term is defined in section 101 of title 11, United States Code), of—

(1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against a Territory or municipality, or to recover a claim against a Territory or municipality;

(2) the enforcement, against a Territory or municipality or against property of a Territory or municipality, of a judgment;

(3) any act to obtain possession of property of a Territory or municipality, or of property from a Territory or municipality, or to exercise control over property of a Territory or municipality;

(4) any act to create, perfect, or enforce any lien against property of a Territory or municipality;

(5) any act to create, perfect, or enforce against property of a Territory or municipality any lien to the extent that such lien secures a claim;

(6) any act to collect, assess, or recover a claim against a Territory or municipality; and

(7) the setoff of any debt owing to a Territory or municipality against any claim against a Territory or municipality.

(b) The adoption of a resolution under section 111 does not operate as a stay under subsection (a) of this section of the continuation of, including the issuance or employment of process, a judicial, administrative, or other action or proceeding against a Territory or municipality that was commenced on or before the date of the adoption of the resolution under section 111.

(c) Except as provided in subsection (d), (e), or (f), a stay of an act under subsection (a) shall cease to have effect no later than 12 months after the date of the adoption of a resolution under section 111, or upon a the commencement of a voluntary case under this title by the filing with the bankruptcy court of a petition by an entity that may be a debtor under section 202, whichever comes chronologically first.

(d) On motion of a party in interest and after notice and a hearing, the court may grant relief from a stay under subsection (a)—

(1) for cause, including the lack of adequate protection of a security interest in property of such party in interest; or

(2) with respect to a stay of an act against property under subsection (a), if—

(A) the debtor does not have an equity in such property; and

(B) such property is not necessary for a Territory or municipality to provide essential services.

(e) Thirty days after a request under subsection (d) of this section for relief from the stay of any act against property of a Territory or municipality under subsection (a) of this section, such stay is terminated with respect to the party in interest making such request, unless the court, after notice and a hearing, orders such stay continued in effect pending the conclusion of, or as a result of, a final hearing and determination under subsection (d) of this section. A hearing under this subsection may be a preliminary hearing, or may be consolidated with the final hearing under subsection (d) of this section. The court shall order such stay continued in effect pending the conclusion of the final hearing under subsection (d) of this section if there is a reasonable likelihood that the party opposing relief from such stay will prevail at the conclusion of such final hearing. If the hearing under this subsection is a preliminary hearing, then such final hearing shall be concluded not later than 30 days after the conclusion of such preliminary hearing, unless the 30-day period is extended with the consent of the parties in interest or for a specific time which the court finds is required by compelling circumstances.

(f) Upon request of a party in interest, the court, with or without a hearing, shall grant such relief from the stay provided under subsection (a) of this section as is necessary to prevent irreparable damage to the secured interest of an entity in property, if such interest will suffer such damage before there is an opportunity for notice and a hearing under subsection (d) or (e) of this section.

(g) No order, judgment, or decree entered in violation of this section shall have any force or effect.

(h) In any hearing under subsection (d) or (e) concerning relief from a stay—

(1) the party requesting such relief has the burden of proof on the issue of the debtor's equity in property; and

(2) the party opposing such relief has the burden of proof on all other issues.

Subtitle C—Adjudication and Judicial Review

SEC. 221. PETITION AND PROCEEDINGS RELATING TO PETITION.

(a) A voluntary case under this title is commenced by the filing with the bankruptcy court of a petition by an entity that may be a debtor under section 202.

(b) Notwithstanding section 202 and subsection (a), a case under this title concerning an unincorporated tax or special assessment district that does not have its own officials is commenced by the filing under subsection

(a) of a petition by the governing authority of the district or the board or body having authority to levy taxes or assessments to meet the obligations of such district.

(c) After any objection to the petition, the court, after notice and a hearing, may dismiss the petition if—

(1) the debtor did not file the petition in good faith; or

(2) the petition does not meet the requirements of this title.

(d) If the petition is not dismissed under subsection (c), the court shall order relief under this title.

(e) The court may not—

(1) on account of an appeal from an order for relief, delay any proceeding under this title in the case in which the appeal is being taken; or

(2) order a stay of such proceeding pending such appeal.

(f) The reversal on appeal of a finding of jurisdiction shall not affect the validity of any debt incurred that is authorized by the court under section 364(c) or 364(d) of title 11, United States Code.

(g) For purposes of this title, the Governor may take any action necessary on behalf of the debtor to prosecute the debtor's case; including—

(1) filing a petition;

(2) submitting or modifying a plan of adjustment; or

(3) otherwise generally submitting filings in relation to the restructuring case with the court.

(h) Debtors under this title may file petitions or submit or modify plans of adjustment jointly if they are affiliates.

(i) Except as provided in subsection (j), this title shall take effect on the date of the enactment of this Act.

(j) This title shall apply with respect to—

(1) cases commenced under this title on or after the date of the enactment of this Act; and

(2) debts, claims, and liens created before, on, or after such date.

SEC. 222. JURISDICTION.

(a) The district courts shall have original and exclusive jurisdiction of a case under this title.

(b) Section 157 of title 28, United States Code, shall apply to a case under this title.

SEC. 223. VENUE.

Venue shall be proper in—

(1) with respect to a Territory, the district court for the Territory or, for any territory that does not have a district court, in the United States District Court for the District of Hawaii; and

(2) with respect to a municipality, the district court for the Territory in which the municipality is located or, for any territory that does not have a district court, in the United States District Court for the District of Hawaii.

SEC. 224. SELECTION OF PRESIDING JUDGE.

(a) For cases in which the debtor is a Territory, the chief judge of the court of appeals for the circuit embracing the district in which the case is commenced shall designate a bankruptcy judge to conduct the case.

(b) For cases in which the debtor is not a Territory, and the case has not been jointly filed with the case of a Territory or there is no case in which the affiliate Territory is a debtor, the chief judge of the court of appeals for the circuit embracing the district in which the case is commenced shall designate a bankruptcy judge to conduct the case.

(c) A bankruptcy judge designated under subsection (a) or (b) shall be subject to the provisions of chapter 6 of title 28, United States Code.

(d) Notwithstanding section 156, of title 28, United States Code, the bankruptcy judge designated under subsection (a) or (b) may appoint as many law clerks and additional judicial assistants as the judge deems necessary to assist in presiding over cases commenced under this title.

SEC. 225. APPELLATE REVIEW.

(a) Except as provided in subsection (b), subsections (a) and (d) of section 158 of title 28, United States Code, shall apply to a case under this title.

(b) Only an order confirming a plan of adjustment or dismissing a petition shall be considered final for purposes of section 158(a) of title 28, United States Code.

SEC. 226. APPLICABLE RULES OF PROCEDURE.

For all cases brought under this title, the Federal Rules of Bankruptcy Procedure shall apply.

SEC. 227. SEVERABILITY.

If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title, or the application of that provision to persons or circumstances other than those as to which it is held invalid, is not affected thereby.

Subtitle D—The Plan

SEC. 231. FILING OF PLAN OF ADJUSTMENT.

The debtor shall file a plan for the adjustment of the debtor's debts. If such a plan is not filed with the petition, the debtor shall file such a plan at such later time as the court fixes.

SEC. 232. CONFIRMATION.

(a) A special tax payer may object to confirmation of a plan.

(b) The court shall confirm the plan if—

(1) the plan complies with the provisions of title 11, United States Code, made applicable in a case under this title by section 243(a);

(2) the plan complies with the provisions of this title;

(3) the debtor is not prohibited by law from taking any action necessary to carry out the plan;

(4) except to the extent that the holder of a particular claim has agreed to a different treatment of such claim, the plan provides that on the effective date of the plan each holder of a claim of a kind specified in section 507(a)(2) of title 11, United States Code, will receive on account of such claim cash equal to the allowed amount of such claim;

(5) any regulatory or electoral approval necessary under applicable nonbankruptcy law in order to carry out any provision of the plan has been obtained, or such provision is expressly conditioned on such approval;

(6) the plan is in the best interests of creditors and is feasible;

(7) the plan is consistent with the Fiscal Plan submitted under title II;

(8) the plan ensures that accrued pension liability in the Commonwealth Employee Retirement System and Teacher Retirement System shall be treated as senior, first priority secured debt, senior to any existing senior secured debt by statutory lien and notwithstanding any other provision of law may be satisfied by payment from the general revenues of the Commonwealth, provided that the maximum claim to be treated as secured by this senior, first priority secured statutory lien of an active annuitant shall be equal to the Pension Benefit Guaranty Corporation maximum guarantee for participants in a single-employer plan and that the maximum claim to be treated as secured by this senior, first priority secured statutory lien of an active or vested inactive participant in said pension funds shall be equal to the full benefit accrued by such active or inactive participant; and

(9) feasible and equitable the plan does not unduly impair the claims of holders of bonds that are—

(A) general obligations of the Territory to which the Territory pledged the full faith and credit and the taxing power of the Territory; and

(B) identified in an applicable nonbankruptcy law as having a first claim on available Territory resources.

Subtitle E—Additional Provisions

SEC. 241. COMPENSATION OF PROFESSIONALS.

(a) After notice to the parties in interest and the United States Trustee and a hearing, the court may award to a professional person employed by the debtor, in the debtor's sole discretion, or employed by a committee under section 1103 of title 11, United States Code—

(1) reasonable compensation for actual, necessary services rendered by the professional person, or attorney and by any paraprofessional person employed by any such person; and

(2) reimbursement for actual, necessary expenses.

(b) The court may, on its own motion or on the motion of any party in interest, award compensation that is less than the amount of compensation that is requested.

(c) In determining the amount of reasonable compensation to be awarded to a professional person, the court shall consider the nature, the extent, and the value of such services, taking into account all relevant factors, including—

(1) the time spent on such services;

(2) the rates charged for such services;

(3) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this title;

(4) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed;

(5) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the restructuring field; and

(6) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title or title 11, United States Code.

(d) The court shall not allow compensation for—

(1) unnecessary duplication of services; or

(2) services that were not—

(A) reasonably likely to benefit the debtor; or

(B) necessary to the administration of the case.

(e) The court shall reduce the amount of compensation awarded under this section by the amount of any interim compensation awarded under section 242, and, if the amount of such interim compensation exceeds the amount of compensation awarded under this section, may order the return of the excess to the debtor.

(f) Any compensation awarded for the preparation of a fee application shall be based on the level and skill reasonably required to prepare the application.

SEC. 242. INTERIM COMPENSATION.

A debtor's attorney, or any professional person employed by the debtor, in the debtor's sole discretion, or employed by a committee under section 1103 of title 11, United States Code, may apply to the court not more than once every 120 days after an order for relief in a case under this title, or more often if the court permits, for such compensation for services rendered before the date of such an application or reimbursement for expenses incurred before such date as is provided under section 241. After notice and a hearing, the court may allow to such applicant such compensation or reimbursement.

SEC. 243. APPLICABILITY OF OTHER SECTIONS.

(a) Sections 101, 102, 104, 105, 106, 107, 108, 112, 333, 344, 347(b), 349, 350(b), 351, 361, 362, 364(c), 364(d), 364(e), 364(f), 365, 366, 501, 502, 503, 504, 506, 507(a)(2), 509, 510, 524(a)(1), 524(a)(2), 544, 545, 546, 547, 548, 549(a), 549(c), 549(d), 550, 551, 552, 553, 555, 556, 557, 559, 560, 561, 562, 922, 923, 924, 925, 926, 927, 928, 929, 930, 942, 944, 945, 946, 1102, 1103, 1109, 1111(b), 1113, 1122, 1123(a)(1), 1123(a)(2), 1123(a)(3), 1123(a)(4), 1123(a)(5), 1123(b), 1123(d), 1124, 1125, 1126(a), 1126(b), 1126(c), 1126(e), 1126(f), 1126(g), 1127(d), 1128, 1129(a)(2), 1129(a)(3), 1129(a)(6), 1129(a)(8), 1129(a)(10), 1129(b)(1), 1129(b)(2)(A), 1129(b)(2)(B), 1142(b), 1143, 1144, and 1145 of title 11, United States Code, apply in a case under this title.

(b) A term used in a section of title 11, United States Code, made applicable in a case under this title by subsection (a) has the meaning defined for such term for the purpose of such applicable section, unless such term is otherwise defined in section 201.

(c) A section made applicable in a case under this title by subsection (a) that is operative if the business of the debtor is authorized to be operated is operative in a case under this title.

(d) Solely for purposes of this title, a reference to ''this title'', ''this chapter'', or words of similar import in a section of title 11, United States Code, made applicable in a case under this title by subsection (a) or to ''this title'', ''title 11'', or words of similar import in a section of title 28, United States Code, made applicable in a case under this title by section 222 or 225 or in the Federal Rules of Bankruptcy Procedure made applicable in a case under this title by section 226 shall be deemed to be a reference to this title.

TITLE III—PUERTO RICO CHAPTER 9 UNIFORMITY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Puerto Rico Chapter 9 Uniformity Act of 2015''.

SEC. 302. AMENDMENT.

Section 101(52) of title 11, United States Code, is amended to read as follows:

''(52) The term 'State' includes Puerto Rico and, except for the purpose of defining who may be a debtor under chapter 9 of this title, includes the District of Columbia.''.

SEC. 303. EFFECTIVE DATE; APPLICATION OF AMENDMENT.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendment made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENT.—The amendment made by this title shall apply with respect to—

(1) cases commenced under title 11 of the United States Code on or after the date of the enactment of this Act; and

(2) debts, claims, and liens created before, on, or after such date.

SEC. 304. SEVERABILITY.

If any provision of this title or any amendment made by this title, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the amendments made by this title, or the application of that provision or amendment to other persons or circumstances, shall not be affected.

SA 4883. Mr. MENENDEZ (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION A—PUERTO RICO RECOVERY

SECTION 1. SHORT TITLE.

This division may be cited as ''Puerto Rico Recovery Act of 2016''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this division is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—TAX PROVISIONS

Sec. 101. Puerto Rico residents eligible for earned income tax credit.
Sec. 102. Equitable treatment for residents of Puerto Rico with respect to the refundable portion of the child tax credit.

TITLE II—HEALTH CARE PARITY

Subtitle A—Medicaid

Sec. 201. Elimination of general Medicaid funding limitations (''cap'') for territories.
Sec. 202. Elimination of specific Federal medical assistance percentage (FMAP) limitation for territories.
Sec. 203. Application of Medicaid waiver authority to all of the territories.
Sec. 204. Application of 100 percent Federal poverty line (FPL) limitation to territories.
Sec. 205. Permitting Medicaid DSH allotments for territories.

Subtitle B—Medicare

Sec. 211. Calculation of Medicare DSH payments for IPPS hospitals in Puerto Rico.
Sec. 212. Application of part B deemed enrollment process to residents of Puerto Rico; special enrollment period and limit on late enrollment penalties.
Sec. 213. Puerto Rico practice expense GPCI improvement.
Sec. 214. Adjustment in benchmark for low base payment counties in Puerto Rico.
Sec. 215. Eliminating exclusion of part D eligible individuals residing in territories from eligibility for premium and cost-sharing subsidies.
Sec. 216. Report on treatment of territories under Medicare part D.

Subtitle C—Miscellaneous

Sec. 221. Report on exclusion of territories from Exchanges.

TITLE I—TAX PROVISIONS

SEC. 101. PUERTO RICO RESIDENTS ELIGIBLE FOR EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(n) RESIDENTS OF PUERTO RICO.—

''(1) IN GENERAL.—In the case of residents of Puerto Rico—

''(A) the United States shall be treated as including Puerto Rico for purposes of subsections (c)(1)(A)(ii)(I) and (c)(3)(C),

''(B) subsection (c)(1)(D) shall not apply to nonresident alien individuals who are residents of Puerto Rico, and

''(C) adjusted gross income and gross income shall be computed without regard to section 933 for purposes of subsections (a)(2)(B) and (c)(2)(A)(i).

''(2) LIMITATION.—The credit allowed under this section by reason of this subsection for any taxable year shall not exceed the amount, determined under regulations or other guidance promulgated by the Secretary, that a similarly situated taxpayer would receive if residing in a State.''.

(b) CHILD TAX CREDIT NOT REDUCED.—Subclause (II) of section 24(d)(1)(B)(ii) of such Code is amended by inserting before the period ''(determined without regard to section 32(n) in the case of residents of Puerto Rico)''.

(c) EFFECTIVE DATE.—The amendment made shall apply to taxable years beginning after December 31, 2015.

SEC. 102. EQUITABLE TREATMENT FOR RESIDENTS OF PUERTO RICO WITH RESPECT TO THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(d)(1) of the Internal Revenue Code of 1986 is amended by inserting ''or section 933'' after ''section 112''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2015.

TITLE II—HEALTH CARE PARITY

Subtitle A—Medicaid

SEC. 201. ELIMINATION OF GENERAL MEDICAID FUNDING LIMITATIONS (''CAP'') FOR TERRITORIES.

(a) IN GENERAL.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(1) in subsection (f), in the matter before paragraph (1), by striking ''subsection (g)'' and inserting ''subsections (g) and (h)'';

(2) in subsection (g)(2), in the matter before subparagraph (A), by inserting ''and subsection (h)'' after ''paragraphs (3) and (5)''; and

(3) by adding at the end the following new subsection:

''(h) SUNSET OF MEDICAID FUNDING LIMITATIONS FOR PUERTO RICO, THE VIRGIN ISLANDS OF THE UNITED STATES, GUAM, THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA.—Subsections (f) and (g) shall not apply to Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa beginning with fiscal year 2017.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1902(j) of the Social Security Act (42 U.S.C. 1396a(j)) is amended by striking '', the limitation in section 1108(f),''.

(2) Section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) is amended by striking paragraph (4).

(3) Section 1323(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)(1)) is amended by striking ''2019'' and inserting ''2016''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply beginning with fiscal year 2017.

SEC. 202. ELIMINATION OF SPECIFIC FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP) LIMITATION FOR TERRITORIES.

Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b)(2), by inserting ''for fiscal years before fiscal year 2017'' after ''American Samoa''; and

(2) in subsection (y)(1), in the matter preceding subparagraph (A)—

(A) by inserting '', for fiscal years before fiscal year 2017,'' before ''is one of the''; and

(B) by inserting ''and, for fiscal year 2017 and subsequent fiscal years, is one of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or American Samoa,'' after ''the District of Columbia''.

SEC. 203. APPLICATION OF MEDICAID WAIVER AUTHORITY TO ALL OF THE TERRITORIES.

(a) IN GENERAL.—Section 1902(j) of the Social Security Act (42 U.S.C. 1396a(j)) is amended—

(1) by striking ''American Samoa and the Northern Mariana Islands'' and inserting ''Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa'';

(2) by striking ''American Samoa or the Northern Mariana Islands'' and inserting ''Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or American Samoa'';

(3) by inserting ''(1)'' after ''(j)'';

(4) by inserting ''except as otherwise provided in this subsection,'' after ''Notwithstanding any other requirement of this title''; and

(5) by adding at the end the following:

''(2) The Secretary may not waive under this subsection the requirement of subsection (a)(10)(A)(i)(IX) (relating to coverage of adults formerly under foster care) with respect to any territory.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply beginning October 1, 2016.

SEC. 204. APPLICATION OF 100 PERCENT FEDERAL POVERTY LINE (FPL) LIMITATION TO TERRITORIES.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(A)(i)(VIII), by inserting ''(or, subject to subsection (j), 100 percent in the case of Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa)'' after ''133 percent''; and

(2) in subsection (j), as amended by section 203, by adding at the end the following new paragraph:

''(3)(A) Subject to subparagraph (B), Federal financial participation shall not be available to Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or American Samoa for medical assistance for an individual whose family income exceeds 100 percent of the official poverty line for a family of the size involved, except in the case of individuals qualifying for medical assistance under subsection (a)(10)(A)(i)(IX).

''(B) The Secretary may, under paragraph (1) or section 1115, waive the limitation under subparagraph (A) in the case of a territory other than Puerto Rico. In carrying out this subparagraph, the Secretary shall take into account the eligibility levels established under the State plan of the territory involved before the date of the enactment of this paragraph.''.

(b) NOT APPLYING 5 PERCENT DISREGARD.—Section 1902(e)(14)(I) of the Social Security Act (42 U.S.C. 1396b(e)(14)(I)) is amended by adding at the end the following:

''The previous sentence shall only apply to a State that is one of the 50 States or the District of Columbia.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to eligibility determinations made with respect to items and services furnished on or after October 1, 2016.

SEC. 205. PERMITTING MEDICAID DSH ALLOTMENTS FOR TERRITORIES.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396) is amended—

(1) in paragraph (6), by adding at the end the following new subparagraph:

''(C) TERRITORIES.—

''(i) FISCAL YEAR 2017.—For fiscal year 2017, with respect to the territories of Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa, the DSH allotment determined for each such territory shall bear the same ratio to $150,000,000 as the ratio of the number of individuals who are low-income or uninsured and residing in each such respective territory (as estimated from time to time by the Secretary) bears to the sums of the number of such individuals residing in all of the territories.

''(ii) SUBSEQUENT FISCAL YEAR.—For each subsequent fiscal year, the DSH allotment for each such territory is subject to an increase or reduction in accordance with paragraphs (3) and (7).'';

(2) in paragraph (7)(A), by striking clause (iv) and redesignating clause (v) as clause (iv); and

(3) in paragraph (9), by inserting before the period at the end the following: '', and includes, beginning with fiscal year 2017, Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa''.

Subtitle B—Medicare

SEC. 211. CALCULATION OF MEDICARE DSH PAYMENTS FOR IPPS HOSPITALS IN PUERTO RICO.

Section 1886(d)(9)(D)(iii) of the Social Security Act (42 U.S.C. 1395ww(d)(9)(D)(iii)) is amended to read as follows:

''(iii) Subparagraph (F) (relating to disproportionate share payments), including application of subsection (r), except that for this purpose—

''(I) the sum described in clause (ii) of this subparagraph shall be substituted for the sum referred to in paragraph (5)(F)(ii)(I); and

''(II) for discharges occurring on or after October 1, 2015, subclause (I) of paragraph (5)(F)(vi) shall be applied by substituting for the numerator described in such subclause the number of subsection (d) Puerto Rico hospital's patient days for the cost reporting period involved which were made up of patients who (for such days) were entitled to benefits under part A of this title and were—

''(aa) entitled to supplementary security income benefits (excluding any State supplementation) under title XVI of this Act;

''(bb) eligible for medical assistance under a State plan under title XIX; or

''(cc) receiving aid or assistance under any plan of the State approved under title I, X, XIV, or XVI.''.

SEC. 212. APPLICATION OF PART B DEEMED ENROLLMENT PROCESS TO RESIDENTS OF PUERTO RICO; SPECIAL ENROLLMENT PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES.

(a) APPLICATION OF PART B DEEMED ENROLLMENT PROCESS TO RESIDENTS OF PUERTO RICO.—Section 1837(f)(3) of the Social Security Act (42 U.S.C. 1395p(f)(3)) is amended by striking '', exclusive of Puerto Rico''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals whose initial enrollment period under section 1837(d) of the Social Security Act begins on or after the first day of the effective month, specified by the Secretary of Health and Human Services under section 1839(j)(1)(C) of such Act, as added by subsection (c)(2).

(c) TRANSITION PROVIDING SPECIAL ENROLLMENT PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES FOR CERTAIN MEDICARE BENEFICIARIES.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended—

(1) in the first sentence of subsection (b), by inserting ''subject to section 1839(j)(2),'' after ''subsection (i)(4) or (l) of section 1837,''; and

(2) by adding at the end the following new subsection:

''(j) SPECIAL RULES FOR CERTAIN RESIDENTS OF PUERTO RICO.—

''(1) SPECIAL ENROLLMENT PERIOD, COVERAGE PERIOD FOR RESIDENTS WHO ARE ELIGIBLE BUT NOT ENROLLED.—

''(A) IN GENERAL.—In the case of a transition individual (as defined in paragraph (3)) who is not enrolled under this part as of the day before the first day of the effective month (as defined in subparagraph (C)), the Secretary shall provide for a special enrollment period under section 1837 of 7 months beginning with such effective month during which the individual may be enrolled under this part.

''(B) COVERAGE PERIOD.—In the case of such an individual who enrolls during such special enrollment period, the coverage period under section 1838 shall begin on the first day of the second month after the month in which the individual enrolls.

''(C) EFFECTIVE MONTH DEFINED.—In this section, the term 'effective month' means a month, not earlier than October 2016 and not later than January 2017, specified by the Secretary.

''(2) REDUCTION IN LATE ENROLLMENT PENALTIES FOR CURRENT ENROLLEES AND INDIVIDUALS ENROLLING DURING TRANSITION.—

''(A) IN GENERAL.—In the case of a transition individual who is enrolled under this part as of the day before the first day of the effective month or who enrolls under this part on or after the date of the enactment of this subsection but before the end of the special enrollment period under paragraph (1)(A), the amount of the late enrollment penalty imposed under section 1839(b) shall be recalculated by reducing the penalty to 15 percent of the penalty otherwise established.

''(B) APPLICATION.—Subparagraph (A) shall be applied in the case of a transition individual who—

''(i) is enrolled under this part as of the month before the effective month, for premiums for months beginning with such effective month; or

''(ii) enrolls under this part on or after the date of the enactment of this Act and before the end of the special enrollment period under paragraph (1)(A), for premiums for months during the coverage period under this part which occur during or after the effective month.

''(C) LOSS OF REDUCTION IF INDIVIDUAL TERMINATES ENROLLMENT.—Subparagraph (A) shall not apply to a transition individual if the individual terminates enrollment under this part after the end of the special enrollment period under paragraph (1).

''(3) TRANSITION INDIVIDUAL DEFINED.—In this section, the term 'transition individual' means an individual who resides in Puerto Rico and who would have been deemed enrolled under this part pursuant to section

1837(f) before the first day of the effective month but for the fact that the individual was a resident of Puerto Rico, regardless of whether the individual is enrolled under this part as of such first day.''.

SEC. 213. PUERTO RICO PRACTICE EXPENSE GPCI IMPROVEMENT.

Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)) is amended—

(1) in subparagraph (A), by striking ''and (I)'' and inserting ''(I), and (J)''; and

(2) by adding at the end the following new subparagraph:

''(J) FLOOR FOR PRACTICE EXPENSE INDEX FOR SERVICES FURNISHED IN PUERTO RICO.—

''(i) IN GENERAL.—For purposes of payment for services furnished in Puerto Rico in a year (beginning with 2016), after calculating the practice expense index in subparagraph (A)(i) for Puerto Rico, if such index is below the reference index (as defined in clause (ii)) for the year, the Secretary shall increase such index for Puerto Rico to equal the value of the reference index for the year. The preceding sentence shall not be applied in a budget neutral manner.

''(ii) REFERENCE INDEX DEFINED.—In this subparagraph, the term 'reference index' means, with respect to a year, 0.800 or, if less, the lowest practice expense index value for the year for any area in the 50 States or the District of Columbia.''.

SEC. 214. ADJUSTMENT IN BENCHMARK FOR LOW BASE PAYMENT COUNTIES IN PUERTO RICO.

Section 1853(n) of the Social Security Act (42 U.S.C. 1395w–23(n)) is amended—

(1) in paragraph (1), by striking ''and (5)'' and inserting '', (5), and (6)'';

(2) in paragraph (4), by striking ''In no case'' and inserting ''Subject to paragraph (6), in no case''; and

(3) by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR BLENDED BENCHMARK AMOUNT FOR TERRITORIES.—

''(A) IN GENERAL.—Subject to paragraph (2), the blended benchmark amount for an area in a territory for a year (beginning with 2016) shall not be less than 80 percent of the national average of the base payment amounts specified in subparagraph (2)(E) for such year for areas within the 50 States and the District of Columbia.

''(B) LIMITATION.—In no case shall the blended benchmark amount for an area in a territory for a year under subparagraph (A) exceed the lowest blended benchmark amount for any area within the 50 States and the District of Columbia for such year.''.

SEC. 215. ELIMINATING EXCLUSION OF PART D ELIGIBLE INDIVIDUALS RESIDING IN TERRITORIES FROM ELIGIBILITY FOR PREMIUM AND COST-SHARING SUBSIDIES.

(a) IN GENERAL.—Section 1860D–14(a)(3) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''subject to subparagraph (F),'';

(2) in subparagraph (B)(v), in the matter preceding subclause (I), by striking ''Subject to subparagraph (F), the Secretary'' and inserting ''The Secretary'';

(3) in subparagraph (C), by adding at the end the following new sentence: ''In the case of an individual who is not a resident of the 50 States or the District of Columbia, the poverty line (as such term is defined in clause (ii)) that shall apply to such individual shall be the poverty line for the 48 contiguous States and the District of Columbia.''; and

(4) by striking subparagraph (F).

(b) APPLICATION OF MEDICAID PROVISIONS.—Section 1935 of the Social Security Act (42 U.S.C. 1396u–5) is amended—

(1) in subsection (a), by striking ''subject to subsection (e)'' in the matter preceding paragraph (1); and

(2) by striking subsection (e).

(c) CONFORMING AMENDMENT.—Section 1108(f) of the Social Security Act (42 U.S.C. 1308(f)) is amended by striking ''and section 1935(e)(1)(B)'' in the matter preceding clause (i).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2017.

SEC. 216. REPORT ON TREATMENT OF TERRITORIES UNDER MEDICARE PART D.

Paragraph (4) of section 1935(e) of the Social Security Act (42 U.S.C. 1396u–5(e)) is amended to read as follows:

''(4) REPORT ON APPLICATION OF SUBSECTION.—

''(A) IN GENERAL.—Not later than May 1, 2018, the Secretary shall submit to Congress a report on the application of this subsection during the period beginning with fiscal year 2006 and ending with December 31, 2017.

''(B) INFORMATION TO BE INCLUDED IN REPORT.—Such report shall include—

''(i) program guidance issued by the Secretary to implement this subsection;

''(ii) for each of Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and American Samoa, information on the increased amount under paragraph (3) and how the territory has applied such amount, including the territory's program design, expenditures, and number of individuals (and dual-eligible individuals) assisted; and

''(iii) a description of the differences between how such territories are treated under part D of title XVIII and under this title compared with the treatment of the 50 States and the District of Columbia under such part and this title for different fiscal years within the period covered under the report.

''(C) RECOMMENDATIONS.—Such report shall include recommendations for improving prescription drug coverage for low-income individuals in each territory identified in subparagraph (B)(ii), including recommendations regarding each of the following alternative approaches:

''(i) Adjusting the aggregate amount specified in paragraph (3)(B).

''(ii) Allowing residents of the territories to be subsidy eligible individuals under section 1860D–14, notwithstanding subsection (a)(3)(F) of such section, or providing substantially equivalent low-income prescription drug subsidies to such residents.''.

Subtitle C—Miscellaneous

SEC. 221. REPORT ON EXCLUSION OF TERRITORIES FROM EXCHANGES.

(a) IN GENERAL.—Not later than February 1, 2018, the Secretary of Health and Human Services shall submit to Congress a report that details the adverse impacts in each territory from the practical exclusion of the territories from the provisions of part II of subtitle D of title I of the Patient Protection and Affordable Care Act insofar as such provisions provide for the establishment of an American Health Benefit Exchange or the administration of a federally facilitated Exchange in each State and in the District of Columbia for the purpose of making health insurance more affordable and accessible for individuals and small businesses.

(b) INFORMATION IN REPORT.—The report shall include information on the following:

(1) An estimate of the total number of uninsured and underinsured individuals residing in each territory with respect to health insurance coverage.

(2) A description of the number of health insurance issuers in each territory and the health insurance plans these issuers offer.

(3) An estimate of the number of individuals residing in each territory who are denied premium and cost-sharing assistance that would otherwise be available to them for obtaining health insurance coverage through an Exchange if they resided in one of the 50 States or in the District of Columbia.

(4) An estimate of the amount of Federal assistance described in paragraph (3) that is not being made available to residents of each territory.

(5) An estimate of the number of small employers in each territory that would be eligible to purchase health insurance coverage through a Small Business Health Options Program (SHOP) Marketplace that would operate as part of an Exchange if the employers were in one of the 50 States or in the District of Columbia.

SA 4884. Mr. MENENDEZ (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 95 strike line 13 and all that follows through page 97, line 17, and insert the following:

SEC. 403. APPLICATION OF REGULATION TO PUERTO RICO.

It is the sense of Congress

SA 4885. Mr. MENENDEZ (for himself and Mr. Booker) submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 22, insert ''1113,'' after ''1111(b),''.

SA 4886. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, between lines 17 and 18, insert the following:

(c) CERTIFICATION.—The Oversight Board may not take any action described in subsection (a) unless the Governor submits to the Oversight Board a certification that the Governor has determined that such action is necessary to prosecute the case of the debtor.

SA 4887. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, between lines 17 and 18, insert the following:

(c) A district court judge designated to conduct a case under subsection (a) may certify to a bankruptcy court any question of law related to the case.

SA 4888. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 308, add the following:

(c) Notwithstanding any other provision of law, the race, sex, national origin, or religion of a district court judge designated to conduct a case under this section may not serve as the sole basis for requiring the recusal of that district court judge.

SA 4889. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 88, strike line 20 and all that follows through page 89, line 2, and insert the following:

time set by the court.

(c) VOTE.—An affirmative vote of 5 of the members of the Oversight Board shall be required to file a plan of adjustment under this section.

SEC. 313. MODIFICATION OF PLAN.

The Oversight Board, after the issuance of a certification pursuant to section 104(j) of this Act, may, upon an affirmative vote of 5 of the members of the Oversight Board, modify the plan at any time before confirmation, but may not modify the plan so that the plan as modified fails to meet the requirements of this title. After the Oversight Board files a modification, the plan as modified becomes the plan.

SA 4890. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

In section 206, strike subsection (b) and insert the following:

(b) ISSUANCE OF RESTRUCTURING CERTIFICATION.—The Oversight Board shall issue a restructuring certification for an entity only after the Oversight Board determines that the requirements of subsection (a) have been met with respect to the entity, which shall satisfy the requirement established under section 302(2).

SA 4891. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 39, strike line 19 and all that follows through page 40, line 9, and insert the following:

the Oversight Board deems necessary; and

(M) ensure that assets, funds, or resources of a territorial instrumentality are not loaned to, transferred to, or otherwise used for the benefit of a covered territory or another covered territorial instrumentality of a covered territory, unless permitted by the constitution of the territory, an approved plan of adjustment under title III, or a Qualifying Modification approved under title VI.

SA 4892. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, strike lines 21 and 22 and insert the following:

(B) ensure the funding of essential public services at a level that increases the safety, health, and standard of living of the covered territory;

SA 4893. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, strike line 9 and insert the following:

Act; and

(O) reduce factors that lead to economic migration out of the covered territory.

SA 4894. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, lines 23 and 24, strike ''for public pension systems'' and insert ''to eliminate funding deficits for current and future public pension obligations''.

SA 4895. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, strike lines 23 and 24 and insert the following:

(C) provide funding for public pension systems at a level necessary to prevent an increase in poverty among current and future senior citizen retirees in the covered territory;

SA 4896. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 71, strike line 19 and all that follows page 72, line 21.

SA 4897. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

In section 101, strike subsection (e) and insert the following:

(e) MEMBERSHIP.—

(1) NUMBER; CATEGORIES.—

(A) NUMBER OF MEMBERS.—The Oversight Board shall consist of 9 members appointed by the President who meet the qualifications described in subsection (f) and section 109(a).

(B) CATEGORIES.—The Board shall be comprised of—

(i) 1 Category A member;

(ii) 1 Category B member;

(iii) 2 Category C members;

(iv) 1 Category D member;

(v) 1 Category E member;

(vi) 2 Category F members; and

(vii) 1 Category G member.

(2) APPOINTED MEMBERS.—

(A) APPOINTMENT.—The President shall appoint the individual members of the Oversight Board, of which—

(i) the Category A member should be selected from a list of individuals submitted by the Speaker of the House of Representatives;

(ii) the Category B member should be selected from a separate list of individuals submitted by the Speaker of the House of Representatives;

(iii) the Category C members should be selected from a list submitted by the majority leader of the Senate;

(iv) the Category D member should be selected from a list submitted by the minority leader of the House of Representatives;

(v) the Category E member should be selected from a list submitted by the minority leader of the Senate;

(vi) the Category F members should be selected from a list submitted by the Governor and approved by the Legislature; and

(vii) the Category G member may be selected in the sole discretion of the President.

(B) SUBMISSION OF LIST.—After the selection of the Category G Board member by the President under subparagraph (A)(vii), for purposes of subparagraph (A) and within a timely manner—

(i) the Speaker of the House of Representatives shall submit to the President 2 nonoverlapping lists of at least 3 individuals, of which 1 list shall include 3 individuals who—

(I) maintain a primary residence in the territory; or

(II) have a primary place of business in the territory;

(ii) the majority leader of the Senate shall submit to the President a list of at least 4 individuals;

(iii) the minority leader of the House of Representatives shall submit to the President a list of at least 3 individuals;

(iv) the minority leader of the Senate shall submit to the President a list of at least 3 individuals; and

(v) the Governor shall submit to the President a list of at least 4 individuals.

(C) ADDITIONAL NAMES.—If the President does not select any of the individuals from a list submitted under subparagraph (B), the official that submitted the list may supplement the lists submitted under that subparagraph with the names of additional individuals.

(D) REQUIREMENT FOR CATEGORY A MEMBER.—The Category A member shall—

(i) maintain a primary residence in the territory; or

(ii) have a primary place of business in the territory.

(E) SENATE CONFIRMATION.—With respect to the appointment of an Oversight Board member in Category A, B, C, D, E, or F—

(i) the appointment shall be by and with the advice and consent of the Senate; or

(ii) if the President appoints an individual from a list of individuals in accordance with this subsection, no Senate confirmation shall be required.

(F) VACANCY.—In the event of a vacancy of a Category A, B, C, D, E, or F Oversight Board member, the official responsible for submitting a list of individuals for that category under subparagraph (B) shall submit a list in accordance with this subsection within a timely manner of the date on which resignation or removal of the Oversight Board member becomes effective.

(G) DEADLINE FOR PUERTO RICO.—With respect to an Oversight Board for Puerto Rico, if any of the 9 members have not been appointed by September 30, 2016, the President shall appoint an individual from the list for the vacant category by December 1, 2016, if the list includes at least 2 individuals per vacancy who—

(i) meet the requirements under subsection (f) and section 109; and

(ii) are willing to serve.

SA 4898. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

In section 101, strike subsection (f) and insert the following:

(f) ELIGIBILITY FOR APPOINTMENTS.—An individual is eligible for appointment as a member of the Oversight Board only if the individual—

(1) maintains a primary residence in the territory;

(2) has knowledge and expertise in finance, municipal bond markets, management, law, or the organization or operation of business or government; and

(3) prior to appointment, is not an officer, elected official, or employee of the territorial government, a candidate for elected office of the territorial government, or a former elected official of the territorial government.

SA 4899. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 18, strike lines 15 through 20 and insert the following:
nization or operation of business or government;

(2) prior to appointment, an individual is not an officer, elected official, or employee of the territorial government, a candidate for elected office of the territorial government, or a former elected official of the territorial government; and

(3) maintains a primary residence in the applicable covered territory if the Oversight Board contains more than 3 members who do not maintain a primary residence in the applicable covered territory.

SA 4900. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, strike lines 11 through 19.

SA 4901. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 37, strike line 16 and all that follows through page 43, line 12, and insert the following:

SEC. 201. DEVELOPMENT AND APPROVAL OF FISCAL PLANS.

(a) IN GENERAL.—Not later than the date that is 60 days before the date on which the Governor of an applicable covered territory is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the upcoming fiscal year, the Governor, in consultation with the Chief Financial Officer, shall develop and submit to the Board and applicable territorial government a Fiscal Plan for the applicable territorial government in accordance with this section.

(b) INITIAL FISCAL PLAN.—The Governor of an applicable covered territory in consultation with the Chief Financial Officer shall develop an initial Fiscal Plan in accordance with subsection (a) within 90 days of the Governor of the applicable covered territory signing a resolution adopted by the legislature of the territory to request the establishment of a Fiscal Stability and Reform Board under this subtitle, or not later than the date that is 60 days before the date on which the Governor of the applicable covered territory is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the upcoming fiscal year, whichever comes chronologically first.

(c) REQUIREMENTS.—

(1) IN GENERAL.—A Fiscal Plan shall, to the maximum extent practicable, with respect to the applicable territorial government—

(A) provide for estimates of revenues and expenditures in accordance with modified accrual accounting standards and based on—

(i) applicable laws; or

(ii) specific laws that require enactment in order to reasonably achieve the projections of the Fiscal Plan;

(B) ensure the funding of essential public services;

(C) provide full funding to cover all existing public pension obligations;

(D) provide for the elimination of budget gaps in financing;

(E) provide for a reduction in the debt burden to a level that is sustainable;

(F) improve fiscal governance;

(G) enable the achievement of fiscal targets;

(H) create independent forecasts of revenue for the period covered by the Fiscal Plan; and

(I) not impede investments to promote sustained economic growth.

(2) TERM.—A Fiscal Plan shall be in effect for a period of not less than 5 years.

(3) TRANSPARENCY.—A Fiscal Plan shall be made publicly available no less than 15 days after final approval as specified within subsection (d).

(d) APPROVAL BY BOARD.—

(1) REQUIREMENT.—The Governor of a covered territory shall not submit to the legislature of the applicable covered territory an annual budget for a fiscal year unless the Fiscal Plan has been approved for that fiscal year in accordance with this subsection.

(2) APPROVAL.—Not later than the date that is 15 days after the date on which the Governor submits a Fiscal Plan to the Board under subsection (a), the Board shall—

(A) certify the Fiscal Plan; or

(B) fail to certify the Fiscal Plan and provide to the Governor recommendations for revisions to the Fiscal Plan.

(3) REVISED FISCAL PLAN.—

(A) IN GENERAL.—Not later than the date that is 15 days after the date on which the Board submits recommendations to the Governor under paragraph (2)(B), the Governor shall submit to the Board a revised Fiscal Plan.

(B) APPROVAL; DISAPPROVAL.—Not later than the date that is 7 days after the date on which the Governor submits to the Board a revised Fiscal Plan under subparagraph (A), the Board shall—

(i) certify the revised Fiscal Plan; or

(ii) disapprove the revised Fiscal Plan.

(4) DEVELOPMENT BY BOARD.—If the Governor of a covered territory fails to submit to the Board a revised Fiscal Plan on or before the date specified in paragraph (3)(A), the Board shall develop and submit to the Governor a final revised Fiscal Plan not later than the date that is 22 days after the date on which recommendations are provided to the Governor under paragraph (2)(B).

SA 4902. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 43, strike line 13 and all that follows through page 50, line 6, and insert the following:

SEC. 202. REVIEW OF BUDGETS.

(a) BUDGET PROPOSED BY GOVERNOR.—

(1) SUBMISSION TO BOARD.—The Governor of the applicable covered territory shall submit to the Board for review a proposed budget for each fiscal year by not later than the earlier of—

(A) the date that is 120 days before the first day of the fiscal year covered by the proposed budget; and

(B) the date that is 60 days before the date by which the Governor is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the applicable fiscal year.

(2) DETERMINATION OF COMPLIANT BUDGET.—Not later than the date that is 15 days after the date on which a Board receives a proposed budget under paragraph (1), the Board shall—

(A) determine whether the proposed budget is a compliant budget; and

(B)(i) if the proposed budget is a compliant budget—

(I) approve the compliant budget; and

(II) submit the compliant budget to the legislature of the applicable covered territory; or

(ii) if the proposed budget is not a compliant budget, provide to the Governor of the applicable covered territory—

(I) a notice of violation that includes a description of any corrective action suggested by the Board; and

(II) an opportunity to correct the violation by requiring the Governor to submit to the Board a revised budget by not later than the date that is 15 days after the date on which the notice of violation under subclause (I) is provided.

(3) REVISED BUDGETS.—Not later than the date that is 7 days after the date on which the Board receives a revised budget under paragraph (2)(B)(ii)(II), the Board shall—

(A) determine whether the revised budget is a compliant budget; and

(B)(i) if the revised budget is a compliant budget—

(I) approve the compliant budget; and

(II) submit the compliant budget to the legislature of the applicable covered territory; or

(ii) if the revised budget is not a compliant budget—

(I) issue a notice of noncompliance;

(II) publicly submit recommendations of the Board for adjustments that should be made to ensure the adopted budget of the territorial government for the applicable fiscal year is a compliant budget;

(III) submit the noncompliant budget to the legislature of the applicable covered territory with recommendations of the Board for adjustments that should be made to ensure the adopted budget of the territorial government for the applicable fiscal year is a complaint budget; and

(IV) issue a directive that the legislature shall strive to adopt the Board's recommendations in the budget of the territorial government for the applicable fiscal year.

(b) BUDGET APPROVAL BY LEGISLATURE.—

(1) IN GENERAL.—The legislature of the applicable covered territory shall submit to the Board the budget adopted by the legislature not later than—

(A) the date that is 30 days before the first day of each applicable fiscal year; or

(B) the date previously approved in writing by the Board not to exceed 60 days after the first day of the applicable fiscal year, if a date was approved in writing.

(2) DETERMINATION BY BOARD.—Not later than the date that is 7 days after the date on which the Board receives an adopted budget submitted under paragraph (1), the Board shall—

(A) determine whether the adopted budget is a compliant budget; and

(B)(i) if the adopted budget is a compliant budget, issue a compliance certification for the compliant budget; or

(ii) if the budget is not a compliant budget—

(I) issue a certificate of noncompliance;

(II) publicly submit recommendations of the Board for adjustments that should be made to the budget of the territorial government for the upcoming fiscal year to ensure the revenues and expenditures are consistent with the Fiscal Plan;

(III) provide to the Governor and legislature of the applicable covered territory a certificate of noncompliance that includes a description of any recommendations of the Board for adjustments that should be made to the budget of the territorial government for the upcoming fiscal year to ensure the revenues and expenditures are consistent with the Fiscal Plan; and

(IV) issue a directive that the Governor and the legislature shall strive to adopt the Board's recommendations in the budget of the territorial government for the upcoming fiscal year.

SA 4903. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 37, strike 16 and all that follows through page 63, line 5.

SEC. 201. DEVELOPMENT AND APPROVAL OF FISCAL PLANS.

(a) IN GENERAL.—Not later than the date that is 60 days before the date on which the Governor of an applicable covered territory is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the upcoming fiscal year, the Governor, in consultation with the Chief Financial Officer, shall develop and submit to the Board and applicable territorial government a Fiscal Plan for the applicable territorial government in accordance with this section.

(b) INITIAL FISCAL PLAN.—The Governor of an applicable covered territory in consultation with the Chief Financial Officer shall develop an initial Fiscal Plan in accordance with subsection (a) within 90 days of the Governor of the applicable covered territory signing a resolution adopted by the legislature of the territory to request the establishment of a Fiscal Stability and Reform Board under this subtitle, or not later than the date that is 60 days before the date on which the Governor of the applicable covered territory is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the upcoming fiscal year, whichever comes chronologically first.

(c) REQUIREMENTS.—

(1) IN GENERAL.—A Fiscal Plan shall, to the maximum extent practicable, with respect to the applicable territorial government—

(A) provide for estimates of revenues and expenditures in accordance with modified accrual accounting standards and based on—

(i) applicable laws; or

(ii) specific laws that require enactment in order to reasonably achieve the projections of the Fiscal Plan;

(B) ensure the funding of essential public services;

(C) provide full funding to cover all existing public pension obligations;

(D) provide for the elimination of budget gaps in financing;

(E) provide for a reduction in the debt burden to a level that is sustainable;

(F) improve fiscal governance;

(G) enable the achievement of fiscal targets;

(H) create independent forecasts of revenue for the period covered by the Fiscal Plan; and

(I) not impede investments to promote sustained economic growth.

(2) TERM.—A Fiscal Plan shall be in effect for a period of not less than 5 years.

(3) TRANSPARENCY.—A Fiscal Plan shall be made publicly available no less than 15 days after final approval as specified within subsection (d).

(d) APPROVAL BY BOARD.—

(1) REQUIREMENT.—The Governor of a covered territory shall not submit to the legislature of the applicable covered territory an annual budget for a fiscal year unless the Fiscal Plan has been approved for that fiscal year in accordance with this subsection.

(2) APPROVAL.—Not later than the date that is 15 days after the date on which the Governor submits a Fiscal Plan to the Board under subsection (a), the Board shall—

(A) certify the Fiscal Plan; or

(B) fail to certify the Fiscal Plan and provide to the Governor recommendations for revisions to the Fiscal Plan.

(3) REVISED FISCAL PLAN.—

(A) IN GENERAL.—Not later than the date that is 15 days after the date on which the Board submits recommendations to the Governor under paragraph (2)(B), the Governor shall submit to the Board a revised Fiscal Plan.

(B) APPROVAL; DISAPPROVAL.—Not later than the date that is 7 days after the date on which the Governor submits to the Board a revised Fiscal Plan under subparagraph (A), the Board shall—

(i) certify the revised Fiscal Plan; or

(ii) disapprove the revised Fiscal Plan.

(4) DEVELOPMENT BY BOARD.—If the Governor of a covered territory fails to submit to the Board a revised Fiscal Plan on or before the date specified in paragraph (3)(A), the Board shall develop and submit to the Governor a final revised Fiscal Plan not later than the date that is 22 days after the date on which recommendations are provided to the Governor under paragraph (2)(B).

SEC. 202. REVIEW OF BUDGETS.

(a) BUDGET PROPOSED BY GOVERNOR.—

(1) SUBMISSION TO BOARD.—The Governor of the applicable covered territory shall submit to the Board for review a proposed budget for each fiscal year by not later than the earlier of—

(A) the date that is 120 days before the first day of the fiscal year covered by the proposed budget; and

(B) the date that is 60 days before the date by which the Governor is required under applicable law to submit to the legislature of the applicable covered territory a proposed budget for the applicable fiscal year.

(2) DETERMINATION OF COMPLIANT BUDGET.—Not later than the date that is 15 days after the date on which a Board receives a proposed budget under paragraph (1), the Board shall—

(A) determine whether the proposed budget is a compliant budget; and

(B)(i) if the proposed budget is a compliant budget—

(I) approve the compliant budget; and

(II) submit the compliant budget to the legislature of the applicable covered territory; or

(ii) if the proposed budget is not a compliant budget, provide to the Governor of the applicable covered territory—

(I) a notice of violation that includes a description of any corrective action suggested by the Board; and

(II) an opportunity to correct the violation by requiring the Governor to submit to the Board a revised budget by not later than the date that is 15 days after the date on which the notice of violation under subclause (I) is provided.

(3) REVISED BUDGETS.—Not later than the date that is 7 days after the date on which the Board receives a revised budget under paragraph (2)(B)(ii)(II), the Board shall—

(A) determine whether the revised budget is a compliant budget; and

(B)(i) if the revised budget is a compliant budget—

(I) approve the compliant budget; and

(II) submit the compliant budget to the legislature of the applicable covered territory; or

(ii) if the revised budget is not a compliant budget—

(I) issue a notice of noncompliance;

(II) publicly submit recommendations of the Board for adjustments that should be made to ensure the adopted budget of the

territorial government for the applicable fiscal year is a compliant budget;

(III) submit the noncompliant budget to the legislature of the applicable covered territory with recommendations of the Board for adjustments that should be made to ensure the adopted budget of the territorial government for the applicable fiscal year is a complaint budget; and

(IV) issue a directive that the legislature shall strive to adopt the Board's recommendations in the budget of the territorial government for the applicable fiscal year.

(b) BUDGET APPROVAL BY LEGISLATURE.—

(1) IN GENERAL.—The legislature of the applicable covered territory shall submit to the Board the budget adopted by the legislature not later than—

(A) the date that is 30 days before the first day of each applicable fiscal year; or

(B) the date previously approved in writing by the Board not to exceed 60 days after the first day of the applicable fiscal year, if a date was approved in writing.

(2) DETERMINATION BY BOARD.—Not later than the date that is 7 days after the date on which the Board receives an adopted budget submitted under paragraph (1), the Board shall—

(A) determine whether the adopted budget is a compliant budget; and

(B)(i) if the adopted budget is a compliant budget, issue a compliance certification for the compliant budget; or

(ii) if the budget is not a compliant budget—

(I) issue a certificate of noncompliance;

(II) publicly submit recommendations of the Board for adjustments that should be made to the budget of the territorial government for the upcoming fiscal year to ensure the revenues and expenditures are consistent with the Fiscal Plan;

(III) provide to the Governor and legislature of the applicable covered territory a certificate of noncompliance that includes a description of any recommendations of the Board for adjustments that should be made to the budget of the territorial government for the upcoming fiscal year to ensure the revenues and expenditures are consistent with the Fiscal Plan; and

(IV) issue a directive that the Governor and the legislature shall strive to adopt the Board's recommendations in the budget of the territorial government for the upcoming fiscal year.

On page 66, strike lines 1 through 12.

SA 4904. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 3, insert '', if not fewer than 5 of the members of the Oversight Board certify that any corrective action would not affect funding of essential public services or public pension systems'' after ''shall''.

SA 4905. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, beginning with line 15, strike through line 17.

SA 4906. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, line 20, insert ''including recommendations on changes to the treatment of Puerto Ricans under the Internal Revenue Code of 1986 and Federal health policies,'' after ''laws,''.

SA 4907. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 136, strike lines 5 through 18.

SA 4908. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 414. REPRESENTATION IN THE HOUSE OF REPRESENTATIVES.

Notwithstanding any other provision of law, during any period in which there is an Oversight Board in effect for Puerto Rico under this Act, the Resident Commissioner of Puerto Rico shall have a vote in the House of Representatives.

SA 4909. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 86, strike line 19 and all that follows through page 87, line 6.

SA 4910. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 209 and insert the following:

SEC. 209. TERMINATION OF BOARD.

A Board shall terminate on certification by the Board that—

(1) the Board has been in operation for not less than 3 years and the applicable territorial government has adequate access, on an unsecured basis, to short-term and long-term credit markets at reasonable interest rates to meet the borrowing needs of the territorial government using a compliant budget; or

(2) for not less than 3 consecutive fiscal years prior to the certification, the expenditures made by the applicable territorial government for each fiscal year did not exceed the revenues of the territorial government during that fiscal year, using a compliant budget.

SA 4911. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

In section 101(b), strike paragraph (1) and insert the following:

(1) PUERTO RICO.—Subject to the legislature of Puerto Rico adopting a resolution approving the establishment of a Financial Oversight and Management Board for Puerto Rico, a Financial Oversight and Management Board is established for Puerto Rico.

In section 101, strike subsection (e) and insert the following:

(e) MEMBERSHIP.—

(1) NUMBER; CATEGORIES.—

(A) NUMBER OF MEMBERS.—The Oversight Board shall consist of 9 members appointed by the President who meet the qualifications described in subsection (f) and section 109(a).

(B) CATEGORIES.—The Board shall be comprised of—

(i) 1 Category A member;

(ii) 1 Category B member;

(iii) 2 Category C members;

(iv) 1 Category D member;

(v) 1 Category E member;

(vi) 2 Category F members; and

(vii) 1 Category G member.

(2) APPOINTED MEMBERS.—

(A) APPOINTMENT.—The President shall appoint the individual members of the Oversight Board, of which—

(i) the Category A member should be selected from a list of individuals submitted by the Speaker of the House of Representatives;

(ii) the Category B member should be selected from a separate list of individuals submitted by the Speaker of the House of Representatives;

(iii) the Category C members should be selected from a list submitted by the majority leader of the Senate;

(iv) the Category D member should be selected from a list submitted by the minority leader of the House of Representatives;

(v) the Category E member should be selected from a list submitted by the minority leader of the Senate;

(vi) the Category F members should be selected from a list submitted by the Governor and approved by the Legislature; and

(vii) the Category G member may be selected in the sole discretion of the President.

(B) SUBMISSION OF LIST.—After the selection of the Category G Board member by the President under subparagraph (A)(vii), for purposes of subparagraph (A) and within a timely manner—

(i) the Speaker of the House of Representatives shall submit to the President 2 non-overlapping lists of at least 3 individuals, of which 1 list shall include 3 individuals who—

(I) maintain a primary residence in the territory; or

(II) have a primary place of business in the territory;

(ii) the majority leader of the Senate shall submit to the President a list of at least 4 individuals;

(iii) the minority leader of the House of Representatives shall submit to the President a list of at least 3 individuals;

(iv) the minority leader of the Senate shall submit to the President a list of at least 3 individuals; and

(v) the Governor shall submit to the President a list of at least 4 individuals.

(C) ADDITIONAL NAMES.—If the President does not select any of the individuals from a list submitted under subparagraph (B), the

official that submitted the list may supplement the lists submitted under that subparagraph with the names of additional individuals.

(D) REQUIREMENT FOR CATEGORY A MEMBER.—The Category A member shall—

(i) maintain a primary residence in the territory; or

(ii) have a primary place of business in the territory.

(E) SENATE CONFIRMATION.—With respect to the appointment of an Oversight Board member in Category A, B, C, D, E, or F—

(i) the appointment shall be by and with the advice and consent of the Senate; or

(ii) if the President appoints an individual from a list of individuals in accordance with this subsection, no Senate confirmation shall be required.

(F) VACANCY.—In the event of a vacancy of a Category A, B, C, D, E, or F Oversight Board member, the official responsible for submitting a list of individuals for that category under subparagraph (B) shall submit a list in accordance with this subsection within a timely manner of the date on which resignation or removal of the Oversight Board member becomes effective.

(G) DEADLINE FOR PUERTO RICO.—With respect to an Oversight Board for Puerto Rico, if any of the 9 members have not been appointed by September 30, 2016, the President shall appoint an individual from the list for the vacant category by December 1, 2016, if the list includes at least 2 individuals per vacancy who—

(i) meet the requirements under subsection (f) and section 109; and

(ii) are willing to serve.

In section 201(b)(1)(C), strike ''adequate'' and insert ''full''.

In section 206, strike subsection (b) and insert the following:

(b) ISSUANCE OF RESTRUCTURING CERTIFICATION.—The Oversight Board shall issue a restructuring certification for an entity only after the Oversight Board determines that the requirements of subsection (a) have been met with respect to the entity, which shall satisfy the requirement established under section 302(2).

Strike sections 403 and 404.

SA 4912. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, strike line 24 and insert the following:

pension systems, and in so doing, treat participant contributions to any trust administered by the territory or any instrumentality thereof as the property of the contributor and ensure that funding is pledged for each fiscal year sufficient to satisfy the lawful claims of participants to their contributions;

SA 4913. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, line 23, strike ''adequate'' and insert ''full''.

SA 4914. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, strike line 24 and insert the following:

pension systems to ensure payment of retirement benefits accrued as of the effective date of this Act (to the extent such benefits do not exceed the maximum guarantee which would apply with respect to the participant under section 4022 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322) if title IV of such Act applied to the participant's plan), treat participant contributions to any trust administered by the territory or any instrumentality thereof as the property of the contributor, and ensure that funding is pledged for each fiscal year sufficient to satisfy the lawful claims of participants to their contributions;

SA 4915. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 403 and insert the following:

SEC. 403. FIRST MINIMUM WAGE IN PUERTO RICO.

Section 6(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(g)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by striking paragraphs (2) and (3) and inserting the following:

''(2) In lieu of the rate prescribed by subsection (a)(1), the Governor of Puerto Rico, subject to the approval of the Financial Oversight and Management Board established pursuant to section 101 of the Puerto Rico Oversight, Management, and Economic Stability Act, may designate a time period not to exceed four years during which employers in Puerto Rico may pay employees who are initially employed after the date of enactment of such Act a wage which is not less than the wage described in paragraph (1). Notwithstanding the time period designated, such wage shall not continue in effect after such Board terminates in accordance with section 209 of such Act.

''(3) No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in paragraph (1) or (2).

''(4) Any employer who violates this subsection shall be considered to have violated section 15(a)(3) (29 U.S.C. 215(a)(3)).''.

SA 4916. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Puerto Rico Humanitarian Relief and Reconstruction Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Commonwealth.

TITLE I—SENSE OF CONGRESS ON DEBT HELD BY THE COMMONWEALTH

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Sense of Congress.

TITLE II—PUERTO RICO RECONSTRUCTION FINANCE CORPORATION

Sec. 201. Definitions.
Sec. 202. Establishment and funding.
Sec. 203. Board of the Corporation.
Sec. 204. Duties.
Sec. 205. Default by the Commonwealth or a municipality of the Commonwealth.
Sec. 206. Rule of construction.

TITLE III—PUERTO RICO CHAPTER 9 UNIFORMITY

Sec. 301. Amendment.
Sec. 302. Effective date; application of amendment.
Sec. 303. Severability.

TITLE IV—ADDRESSING HEALTH CARE DISPARITIES IN THE COMMONWEALTH

Subtitle A—Medicaid

Sec. 411. Elimination of general Medicaid funding limitations (''cap'') for Puerto Rico.
Sec. 412. Elimination of specific Federal medical assistance percentage (FMAP) limitation for Puerto Rico.
Sec. 413. Application of 100 percent Federal poverty line (FPL) limitation to Puerto Rico.
Sec. 414. Extension of application of Medicare payment floor to primary care services furnished in Puerto Rico under Medicaid and application to additional providers.

Subtitle B—Medicare Provisions

Sec. 421. Application of part B deemed enrollment process to residents of Puerto Rico; special enrollment period and limit on late enrollment penalties.
Sec. 422. Puerto Rico practice expense GPCI improvement.
Sec. 423. Permanent extension of incentive payments for primary care services furnished in Puerto Rico.

Subtitle C—National Environmental Public Health Tracking and Studies

Sec. 431. National Environmental Public Health Tracking.
Sec. 432. Study on environmental, biological, and health data from the island of Vieques, Puerto Rico.

TITLE V—INFRASTRUCTURE INVESTMENTS

Subtitle A—Energy Infrastructure Incentives

Sec. 511. Grant program to promote of access to renewable energy and energy efficiency for Puerto Rico.
Sec. 512. Incentives for energy efficient commercial buildings.
Sec. 513. Incentives for new energy efficient homes.

Subtitle B—Transportation, Housing, and Agriculture Infrastructure Incentives

Sec. 521. General provisions.
Sec. 522. Highway program.
Sec. 523. TIGER discretionary grants.
Sec. 524. Passenger and freight rail improvements.
Sec. 525. Airport Improvement Program.
Sec. 526. Clean and safe water revolving funds.

Sec. 527. Rural Utilities Service programs.
Sec. 528. Rural Energy for America Program.
Sec. 529. Construction of ferry boats and ferry terminal facilities.
Sec. 530. Corps of Engineers funds.
Sec. 531. Predisaster hazard mitigation and resiliency.
Sec. 532. Broadband programs.
Sec. 533. Housing and community development.
TITLE VI—EARNED INCOME TAX CREDIT AND TAX EQUALIZATION MEASURES
Sec. 611. Puerto Rico residents eligible for earned income tax credit.
Sec. 612. Equitable treatment for residents of Puerto Rico with respect to the refundable portion of the child tax credit.
TITLE VII—PUERTO RICO DETERMINATION ON STATUS
Sec. 701. Vote regarding status.
Sec. 702. Certification and transmittal of results.
Sec. 703. Transition process.
Sec. 704. Rules for elections for Federal offices.
Sec. 705. Issuance of Presidential proclamation.
Sec. 706. State of Puerto Rico.
Sec. 707. Effect on membership of House of Representatives.

SEC. 2. DEFINITION OF COMMONWEALTH.

In this Act, the term ''Commonwealth'' means the Commonwealth of Puerto Rico.

TITLE I—SENSE OF CONGRESS ON DEBT HELD BY THE COMMONWEALTH

SEC. 101. FINDINGS.

Congress finds that—

(1) in 2015, a Commission for the Comprehensive Audit of Puerto Rico's Public Debt was established in Puerto Rico under Act 97; and

(2) the Commission for the Comprehensive Audit of Puerto Rico's Public Debt is currently conducting an audit of the debt held by Puerto Rico.

SEC. 102. PURPOSES.

The purposes of this Act are—

(1) to ensure that pensions of ordinary investors are protected; and

(2) to ensure that Wall Street speculators are not able to profit from the misfortune of United States citizens, including the 3,500,000 people in Puerto Rico.

SEC. 103. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) if the Commission for the Comprehensive Audit of Puerto Rico's Public Debt finds that any of the debt held by Puerto Rico was acquired in violation of the Constitution of Puerto Rico, the Puerto Rican government should immediately set aside this debt and suggest to holders of this debt that they seek redress from the investment banks that helped market and sell these unconstitutional instruments;

(2) the Board of Governors of the Federal Reserve System has the authority to provide emergency financing to Puerto Rico to facilitate an orderly restructuring of the debt held by Puerto Rico under sections 13(3) and 14(2)(b) of the Federal Reserve Act (12 U.S.C. 343 and 355); and

(3) Puerto Rico is experiencing a humanitarian crisis, and that the American government must meet the basic human needs of its citizens ahead of the profits of Wall Street.

TITLE II—PUERTO RICO RECONSTRUCTION FINANCE CORPORATION

SEC. 201. DEFINITIONS.

In this title:

(1) BOARD.—The term ''Board'' means the Board of the Corporation.

(2) BOND.—The term ''Bond'' means a bond, loan, line of credit, note, or other borrowing title, in physical or dematerialized form, of which—

(A) the issuer, borrower, or guarantor is a municipality or the Commonwealth; and

(B) the date of issuance or incurrence of debt precedes the date of enactment of this Act.

(3) CORPORATION.—The term ''Corporation'' means the Puerto Rico Reconstruction Finance Corporation established under section 202.

(4) MUNICIPALITY.—The term ''municipality''—

(A) includes any political subdivision, public agency, instrumentality or instrumentality of the Commonwealth; and

(B) should be broadly construed to effectuate the purposes of this title.

SEC. 202. ESTABLISHMENT AND FUNDING.

There is established a public bank with the authority to draw upon the Exchange Stabilization Fund, to be known as the ''Reconstruction Finance Corporation of Puerto Rico''.

SEC. 203. BOARD OF THE CORPORATION.

(a) IN GENERAL.—The Corporation shall have a board consisting of 7 members, including a chairman, of whom all shall—

(1) reside in Puerto Rico;

(2) have expertise in the economy, culture, history, and government of Puerto Rico; and

(3) represent the interests of labor, agriculture, small business, and the environment.

(b) APPOINTMENT.—

(1) IN GENERAL.—The President shall appoint the individual members of the Board, of whom—

(A) 4 members should be selected from a list submitted by the legislative branch of the Puerto Rican government;

(B) 2 members should be selected from a list submitted by the Governor of Puerto Rico; and

(C) 1 member may be selected in the sole discretion of the President.

(2) ADVICE AND CONSENT.—With respect to the appointment of a Board member described in subparagraph (A) or (B) of paragraph (1), such an appointment shall be by and with the advice and consent of the Senate, unless the President appoints an individual from a list, as provided in this subsection, in which case no Senate confirmation is required.

(c) TERM.—Each member of the Board shall serve a term of 4 years and may be reappointed after the expiration of a term.

(d) ETHICS.—

(1) CONFLICT OF INTEREST.—Notwithstanding any ethics provision governing employees of the Commonwealth, all members and staff of the Board shall be subject to the Federal conflict of interest requirements described in section 208 of title 18, United States Code.

(2) FINANCIAL DISCLOSURE.—Notwithstanding any ethics provision governing employees of the Commonwealth, all members of the Board and staff designated by the Board shall be subject to disclosure of their financial interests, the contents of which shall conform to the same requirements set forth in section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

SEC. 204. DUTIES.

The Board may—

(1) hire and pay members of the Board and staff;

(2) organize the affairs in accordance with bylaws approved by the Board;

(3) discount any note or Bond from any public entity in the Commonwealth upon approval of a majority of the Board;

(4) make any expenditure the Board determines is necessary to address the humanitarian crisis in the Commonwealth and restore economic growth;

(5) authorize expenditures and lending activities, including discounting any note or offering a financial guarantee, by an affirmative vote of a majority of the members of the Board;

(6) negotiate with the Commonwealth or a municipality that has defaulted on a Bond over budgets, revenues, and appropriations;

(7) remove a stay under section 205(d);

(8) discount Bonds and notes from the Commonwealth or a municipality;

(9) may reduce the par value of any such Bond; and

(10) protect the public pensions in the Commonwealth as well as ordinary investors and pension funds in the United States.

SEC. 205. DEFAULT BY THE COMMONWEALTH OR A MUNICIPALITY OF THE COMMONWEALTH.

(a) WHO MAY FILE AN APPLICATION WITH THE CORPORATION.—An entity may file an application with the Corporation under this title if and only if such entity—

(1) is a municipality or the Commonwealth;

(2) is specifically authorized, in its capacity as a municipality or the Commonwealth or by name, to file an application with the Corporation under this title by Commonwealth law, by the Corporation itself, or by a governmental officer or organization empowered by Commonwealth law to authorize such entity to file an application with the Corporation under this title;

(3) desires to and is authorized by Commonwealth law, by the Corporation itself, or by a governmental officer or organization empowered by Commonwealth law to make such authorization to restructure its Bond debts; and

(4)(A) has obtained the agreement of creditors holding at least a majority in amount of the claims that such entity intends to impair under a plan in a case under this title;

(B) has negotiated in good faith with creditors and has failed to obtain the agreement of creditors holding at least a majority in amount of the claims of each class that such entity intends to impair under a plan in a case under this title; or

(C) is unable to negotiate with creditors because such negotiation is impracticable, as determined by the entity.

(b) APPLICATION.—The Commonwealth or a municipality may file with the Corporation an application that the Commonwealth or municipality that the Commonwealth or municipality—

(1) meets the requirements described in subsection (a); and

(2) desires to restructure its debt.

(c) PURCHASE OF BONDS.—

(1) IN GENERAL.—If the Commonwealth or a municipality files an application under subsection (b) and the Board, by an affirmative vote of a majority of the members of the Board, accepts the application—

(A) the Corporation shall purchase each Bond from the holder of the Bond issued by the Commonwealth or municipality at the price paid for the Bond by the holder of the Bond; and

(B) the par value of each Bond issued by the Commonwealth or municipality shall be reduced to the last price paid for that Bond.

(2) AUTHORITY OF CORPORATION.—The Corporation may examine records of sales of

Bonds to determine whether the price paid by the holder of a Bond is not fraudulent.

(3) MISREPRESENTATION OF BOND PURCHASE PRICE.—Any person that violates paragraph (1) shall be subject to the penalties under section 10 of the Securities Exchange Act of 1934 (15 U.S.C. 78j) in the same manner and to the same extent as if the person had violated that section.

(4) BOND INSURERS.—Any insurer of a Bond issued by the Commonwealth or a municipality on which the Commonwealth or municipality has defaulted shall not be liable to the holder of a Bond for any amount that is greater than the purchase price of the Bond if the insurer demonstrates to the satisfaction of the Corporation that the solvency of the issuer would be affected by the restructuring of the Bond.

(5) PAYMENTS AS FINAL SETTLEMENT.—Amounts paid by the Corporation for bonds under this subsection shall be in full and final settlement of any and all debts, claims, and liens with respect to such bonds.

(d) AUTOMATIC STAY.—

(1) Except as otherwise provided in this section, the filing and acceptance of an application under subsection (b) operates with respect to any claim, debt, or cause of action related to a Bond as a stay, applicable to all entities (as such term is defined in section 101 of title 11, United States Code), of—

(A) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the Commonwealth or a municipality, or to recover a claim against the Commonwealth or a municipality;

(B) the enforcement, against the Commonwealth or a municipality or against property of the Commonwealth or a municipality, of a judgment;

(C) any act to obtain possession of property of the Commonwealth or a municipality, or of property from the Commonwealth or a municipality, or to exercise control over property of the Commonwealth or a municipality;

(D) any act to create, perfect, or enforce any lien against property of the Commonwealth or a municipality;

(E) any act to create, perfect, or enforce against property of the Commonwealth or a municipality any lien to the extent that such lien secures a claim;

(F) any act to collect, assess, or recover a claim against the Commonwealth or a municipality; and

(G) the setoff of any debt owing to the Commonwealth or a municipality against any claim against the Commonwealth or a municipality.

(2) On motion of a party in interest and after notice and a hearing, the Board may grant relief from a stay under paragraph (1)—

(A) for cause, including the lack of adequate protection of a security interest in property of such party in interest; or

(B) with respect to a stay of an act against property under paragraph (1), if—

(i) the applying entity does not have an equity in such property; and

(ii) such property is not necessary for the Commonwealth or municipality to provide essential services.

(3) Thirty days after a request under paragraph (4) for relief from the stay of any act against property of the Commonwealth or a municipality under paragraph (1), such stay is terminated with respect to the party in interest making such request, unless the Board, after notice and a hearing, orders such stay continued in effect pending the conclusion of, or as a result of, a final hearing and determination under paragraph (4). A hearing under this subsection may be a preliminary hearing, or may be consolidated with the final hearing under paragraph (4). The Corporation shall order such stay continued in effect pending the conclusion of the final hearing under paragraph (4) if there is a reasonable likelihood that the party opposing relief from such stay will prevail at the conclusion of such final hearing. If the hearing under this subsection is a preliminary hearing, then such final hearing shall be concluded not later than 30 days after the conclusion of such preliminary hearing, unless the 30-day period is extended with the consent of the parties in interest or for a specific time which the Corporation finds is required by compelling circumstances.

(4) Upon request of a party in interest, the Corporation, with or without a hearing, shall grant such relief from the stay provided under paragraph (1) as is necessary to prevent irreparable damage to the secured interest of an entity in property, if such interest will suffer such damage before there is an opportunity for notice and a hearing under paragraph (2) or (3).

(5) No order, judgment, or decree entered in violation of this section shall have any force or effect.

(6) In any hearing under paragraph (2) or (3) concerning relief from a stay—

(A) the party requesting such relief has the burden of proof on the issue of the applying entity's equity in property; and

(B) the party opposing such relief has the burden of proof on all other issues.

SEC. 206. RULE OF CONSTRUCTION.

No application submitted or accepted under this title shall be permitted to diminish or impair any pension benefit, or the funding obligations for such a benefit, nor shall it permit the impairment or rejection of any agreement between a debtor and any labor organization.

TITLE III—PUERTO RICO CHAPTER 9 UNIFORMITY

SEC. 301. AMENDMENT.

Section 101(52) of title 11, United States Code, is amended to read as follows:

''(52) The term 'State' includes Puerto Rico and, except for the purpose of defining who may be a debtor under chapter 9 of this title, includes the District of Columbia.''.

SEC. 302. EFFECTIVE DATE; APPLICATION OF AMENDMENT.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendment made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this title shall apply with respect to—

(A) cases commenced under title 11 of the United States Code on or after the date of the enactment of this Act; and

(B) debts, claims, and liens created before, on, or after such date.

(2) EXCEPTION.—No case commenced by a municipality of Puerto Rico under chapter 9 of title 11, United States Code, shall permit—

(A) the diminishment or impairment of any pension benefit, or the funding obligations for such a benefit; or

(B) the impairment or rejection of any agreement between a debtor and any labor organization.

SEC. 303. SEVERABILITY.

If any provision of this title or any amendment made by this title, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the amendments made by this title, or the application of that provision or amendment to other persons or circumstances, shall not be affected.

TITLE IV—ADDRESSING HEALTH CARE DISPARITIES IN THE COMMONWEALTH

Subtitle A—Medicaid

SEC. 411. ELIMINATION OF GENERAL MEDICAID FUNDING LIMITATIONS ("CAP") FOR PUERTO RICO.

(a) IN GENERAL.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(1) in subsection (f), in the matter before paragraph (1), by striking ''subsection (g)'' and inserting ''subsections (g) and (h)'';

(2) in subsection (g)(2), in the matter before subparagraph (A), by inserting ''and subsection (h)'' after ''paragraphs (3) and (5)''; and

(3) by adding at the end the following new subsection:

''(h) SUNSET OF MEDICAID FUNDING LIMITATIONS FOR PUERTO RICO.—Subsections (f) and (g) shall not apply to Puerto Rico beginning with fiscal year 2017.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) is amended by striking ''Puerto Rico,''.

(2) Section 1323(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)(1)) is amended by striking ''ending with 2019'' and inserting the following: ''ending with—

''(A) for purposes of payment pursuant to subsection (a) to Puerto Rico, 2016; and

''(B) for purposes of payment pursuant to subsection (a) to another territory, 2019.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply beginning with fiscal year 2017.

SEC. 412. ELIMINATION OF SPECIFIC FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP) LIMITATION FOR PUERTO RICO.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in clause (2) of subsection (b), by striking ''Puerto Rico,''; and

(2) in subsection (y)(1), in the matter preceding subparagraph (A)—

(A) by inserting '', for fiscal years before fiscal year 2017,'' before ''is one of the''; and

(B) by inserting ''and, for fiscal year 2017 and subsequent fiscal years, is one of the 50 States, the District of Columbia, or Puerto Rico,'' after ''the District of Columbia''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply beginning with fiscal year 2017.

SEC. 413. APPLICATION OF 100 PERCENT FEDERAL POVERTY LINE (FPL) LIMITATION TO PUERTO RICO.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(A)(i)(VIII), by inserting ''(or, subject to subsection (j), 100 percent in the case of Puerto Rico)'' after ''133 percent''; and

(2) in subsection (j)—

(A) by inserting ''(1)'' after ''(j)''; and

(B) by adding at the end the following new paragraph:

''(2)(A) Subject to subparagraph (B), Federal financial participation shall not be available to Puerto Rico for medical assistance for an individual whose family income exceeds 100 percent of the poverty line (as defined in section 2110(c)(5)) for a family of the size involved, except in the case of individuals qualifying for medical assistance under subsection (a)(10)(A)(i)(IX).

''(B) The Secretary may, under section 1115, waive the limitation under subparagraph (A). In carrying out this subparagraph, the Secretary shall take into account the eligibility levels established under the State plan of Puerto Rico before the date of the enactment of this paragraph.''.

(b) NOT APPLYING 5 PERCENT DISREGARD.—Section 1902(e)(14)(I) of the Social Security Act (42 U.S.C. 1396b(e)(14)(I)) is amended by adding at the end the following:

''The previous sentence shall not apply to Puerto Rico.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to eligibility determinations made with respect to items and services furnished on or after October 1, 2016.

SEC. 414. EXTENSION OF APPLICATION OF MEDICARE PAYMENT FLOOR TO PRIMARY CARE SERVICES FURNISHED IN PUERTO RICO UNDER MEDICAID AND APPLICATION TO ADDITIONAL PROVIDERS.

(a) IN GENERAL.—Section 1902(a)(13) of the Social Security Act (42 U.S.C. 1396a(a)(13)) is amended—

(1) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (C), by striking the semicolon at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) payment for primary care services (as defined in subsection (jj)) at a rate that is not less than 100 percent of the payment rate that applies to such services and physician under part B of title XVIII (or, if greater, the payment rate that would be applicable under such part if the conversion factor under section 1848(d) for the year involved were the conversion factor under such section for 2009), and that is not less than the rate that would otherwise apply to such services under this title if the rate were determined without regard to this subparagraph, and that are furnished in Puerto Rico on or after January 1, 2017—

''(i) by a physician with a primary specialty designation of family medicine, general internal medicine, or pediatric medicine, but only if the physician self-attests that—

''(I) the physician is Board certified in family medicine, general internal medicine, or pediatric medicine; or

''(II) with respect to the most recently completed calendar year (or in the case of a newly eligible physician, the preceding month), 60 percent of all services the physician billed for under the State plan or a waiver under this title, or provided through a medicaid managed care organization (as defined in section 1903(m)(1)(A)), were for services described in subparagraph (A) or (B) of subsection (jj)(1);

''(ii) by a physician with a primary specialty designation of obstetrics and gynecology, but only if the physician self-attests that—

''(I) the physician is Board certified in obstetrics and gynecology; and

''(II) with respect to the most recently completed calendar year (or in the case of a newly eligible physician, the preceding month), 60 percent of all services the physician billed for under the State plan or a waiver under this title, or provided through a medicaid managed care organization (as defined in section 1903(m)(1)(A)), were for services described in subparagraph (A) or (B) of subsection (jj)(1);

''(iii) by an advanced practice clinician, as defined by the Secretary, that works under the supervision of—

''(I) a physician that satisfies the criteria specified in clause (i) or (ii); or

''(II) a nurse practitioner or a physician assistant (as such terms are defined in section 1861(aa)(5)(A)) who is working in accordance with State law, or a certified nurse-midwife (as defined in section 1861(gg)) who is working in accordance with State law, but only if the nurse practitioner, physician assistant, or certified nurse-midwife self-attests that, with respect to the most recently completed calendar year (or in the case of a newly eligible nurse practitioner, physician assistant, or certified nurse-midwife, the preceding month), 60 percent of all services the nurse practitioner, physician assistant, or certified nurse-midwife billed for under the State plan or a waiver under this title, or provided through a medicaid managed care organization (as defined in section 1903(m)(1)(A)), were for services described in subparagraph (A) or (B) of subsection (jj)(1);

''(iv) by a rural health clinic, Federally-qualified health center, or other health clinic that receives reimbursement on a fee schedule applicable to a physician, a nurse practitioner or a physician assistant (as such terms are defined in section 1861(aa)(5)(A)) who is working in accordance with State law, or a certified nurse-midwife (as defined in section 1861(gg)) who is working in accordance with State law, for services furnished by a physician, nurse practitioner, physician assistant, or certified nurse-midwife, or services furnished by an advanced practice clinician supervised by a physician described in clause (i)(I) or (ii)(I), another advanced practice clinician, or a certified nurse-midwife, but only if the rural health clinic or Federally-qualified health center self-attests that 60 percent of all services billed for under the State plan or a waiver under this title, or provided through a medicaid managed care organization (as defined in section 1903(m)(1)(A)), were for services described in subparagraph (A) or (B) of subsection (jj)(1); or

''(v) by a nurse practitioner or a physician assistant (as such terms are defined in section 1861(aa)(5)(A)) who is working in accordance with State law, or a certified nurse-midwife (as defined in section 1861(gg)) who is working in accordance with State law, in accordance with procedures that ensure that the portion of the payment for such services that the nurse practitioner, physician assistant, or certified nurse-midwife is paid is not less than the amount that the nurse practitioner, physician assistant, or certified nurse-midwife would be paid if the services were provided under part B of title XVIII, but only if the nurse practitioner, physician assistant, or certified nurse-midwife self-attests that, with respect to the most recently completed calendar year (or in the case of a newly eligible nurse practitioner, physician assistant, or certified nurse-midwife, the preceding month), 60 percent of all services the nurse practitioner, physician assistant, or certified nurse-midwife billed for under the State plan or a waiver under this title, or provided through a medicaid managed care organization (as defined in section 1903(m)(1)(A)), were for services described in subparagraph (A) or (B) of subsection (jj)(1);''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1905(dd) of the Social Security Act (42 U.S.C. 1396(dd)) is amended—

(A) by inserting the following sentence after the first sentence: ''Notwithstanding subsection (b), with respect to the portion of the amounts expended for medical assistance for services described in section 1902(a)(13)(D) furnished in Puerto Rico on or after January 1, 2017, that is attributable to the amount by which the minimum payment rate required under such section (or, by application, section 1932(f)) exceeds the payment rate applicable to such services under the State plan as of July 1, 2009, the Federal medical assistance percentage shall be equal to 100 percent.''; and

(B) in the last sentence, by striking ''preceding sentence does not'' and inserting ''preceding sentences do not''.

(2) Section 1932(f) of the Social Security Act (42 U.S.C. 1396u–2(f)) is amended—

(A) by striking ''section 1902(a)(13)(C)'' and inserting ''subparagraph (C) or (D) of section 1902(a)(13)''; and

(B) by striking ''specified in such section'' and inserting ''specified in such subparagraphs''.

Subtitle B—Medicare Provisions

SEC. 421. APPLICATION OF PART B DEEMED ENROLLMENT PROCESS TO RESIDENTS OF PUERTO RICO; SPECIAL ENROLLMENT PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES.

(a) APPLICATION OF PART B DEEMED ENROLLMENT PROCESS TO RESIDENTS OF PUERTO RICO.—Section 1837(f)(3) of the Social Security Act (42 U.S.C. 1395p(f)(3)) is amended by striking '', exclusive of Puerto Rico''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals whose initial enrollment period under section 1837(d) of the Social Security Act begins on or after the first day of the effective month, specified by the Secretary of Health and Human Services under section 1839(j)(1)(C) of such Act, as added by subsection (c)(2).

(c) TRANSITION PROVIDING SPECIAL ENROLLMENT PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES FOR CERTAIN MEDICARE BENEFICIARIES.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended—

(1) in the first sentence of subsection (b), by inserting ''subject to section 1839(j)(2),'' after ''subsection (i)(4) or (l) of section 1837,''; and

(2) by adding at the end the following new subsection:

''(j) SPECIAL RULES FOR CERTAIN RESIDENTS OF PUERTO RICO.—

''(1) SPECIAL ENROLLMENT PERIOD, COVERAGE PERIOD FOR RESIDENTS WHO ARE ELIGIBLE BUT NOT ENROLLED.—

''(A) IN GENERAL.—In the case of a transition individual (as defined in paragraph (3)) who is not enrolled under this part as of the day before the first day of the effective month (as defined in subparagraph (C)), the Secretary shall provide for a special enrollment period under section 1837 of 7 months beginning with such effective month during which the individual may be enrolled under this part.

''(B) COVERAGE PERIOD.—In the case of such an individual who enrolls during such special enrollment period, the coverage period under section 1838 shall begin on the first day of the second month after the month in which the individual enrolls.

''(C) EFFECTIVE MONTH DEFINED.—In this section, the term 'effective month' means a month, not earlier than October 2017 and not later than January 2018, specified by the Secretary.

''(2) REDUCTION IN LATE ENROLLMENT PENALTIES FOR CURRENT ENROLLEES AND INDIVIDUALS ENROLLING DURING TRANSITION.—

''(A) IN GENERAL.—In the case of a transition individual who is enrolled under this

part as of the day before the first day of the effective month or who enrolls under this part on or after the date of the enactment of this subsection but before the end of the special enrollment period under paragraph (1)(A), the amount of the late enrollment penalty imposed under section 1839(b) shall be recalculated by reducing the penalty to 15 percent of the penalty otherwise established.

''(B) APPLICATION.—Subparagraph (A) shall be applied in the case of a transition individual who—

''(i) is enrolled under this part as of the month before the effective month, for premiums for months beginning with such effective month; or

''(ii) enrolls under this part on or after the date of the enactment of this Act and before the end of the special enrollment period under paragraph (1)(A), for premiums for months during the coverage period under this part which occur during or after the effective month.

''(C) LOSS OF REDUCTION IF INDIVIDUAL TERMINATES ENROLLMENT.—Subparagraph (A) shall not apply to a transition individual if the individual terminates enrollment under this part after the end of the special enrollment period under paragraph (1).

''(3) TRANSITION INDIVIDUAL DEFINED.—In this section, the term 'transition individual' means an individual who resides in Puerto Rico and who would have been deemed enrolled under this part pursuant to section 1837(f) before the first day of the effective month but for the fact that the individual was a resident of Puerto Rico, regardless of whether the individual is enrolled under this part as of such first day.''.

SEC. 422. PUERTO RICO PRACTICE EXPENSE GPCI IMPROVEMENT.

Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)) is amended—

(1) in subparagraph (A), by striking ''and (I)'' and inserting ''(I), and (J)''; and

(2) by adding at the end the following new subparagraph:

''(J) FLOOR FOR PRACTICE EXPENSE INDEX FOR SERVICES FURNISHED IN PUERTO RICO.—

''(i) IN GENERAL.—For purposes of payment for services furnished in Puerto Rico in a year (beginning with 2017), after calculating the practice expense index in subparagraph (A)(i) for Puerto Rico, if such index is below the reference index (as defined in clause (ii)) for the year, the Secretary shall increase such index for Puerto Rico to equal the value of the reference index for the year. The preceding sentence shall not be applied in a budget neutral manner.

''(ii) REFERENCE INDEX DEFINED.—In this subparagraph, the term 'reference index' means, with respect to a year, 0.800 or, if less, the lowest practice expense index value for the year for any area in the 50 States or the District of Columbia.''.

SEC. 423. PERMANENT EXTENSION OF INCENTIVE PAYMENTS FOR PRIMARY CARE SERVICES FURNISHED IN PUERTO RICO.

Section 1833(x)(1) of the Social Security Act (42 U.S.C. 1395l(x)(1)) is amended by inserting ''(and in the case of primary care services furnished on or after January 1, 2017, in Puerto Rico)'' after ''2016''.

Subtitle C—National Environmental Public Health Tracking and Studies

SEC. 431. NATIONAL ENVIRONMENTAL PUBLIC HEALTH TRACKING.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Prevention and Control, shall update the National Environmental Public Health Tracking Network of the Centers for Disease Control and Prevention to include Puerto Rico (including Vieques).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 432. STUDY ON ENVIRONMENTAL, BIOLOGICAL, AND HEALTH DATA FROM THE ISLAND OF VIEQUES, PUERTO RICO.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall award a grant to an institution of higher education in Puerto Rico for the conduct of a 3-year study, in collaboration with the Puerto Rico Department of Health, on the environmental, biological, and health of residents of Vieques, Puerto Rico and specifically whether and to what extent past military exercises on Vieques have contributed to health conditions experienced by some residents of Vieques.

(b) ELEMENTS.—The study conducted under subsection (a) shall include—

(1) a review of the existing literature and previous public health assessments;

(2) testing of drinking water, air, seafood, locally grown produce, and soil samples;

(3) an analysis of previous biomonitoring studies in Vieques;

(4) new biomonitoring testing to determine the source of previously unexplained findings of metals in residents' blood, urine, hair, or feces;

(5) biomonitoring control group testing from mainland Puerto Rico; and

(6) an analysis of the impact of the cumulative effects of exposure to multiple contaminants.

(c) USE OF FUNDS.—All costs related to biomonitoring and environmental testing under the study under subsection (a) shall be paid for directly with funds awarded under the grant under such subsection. Grant funds may be used to purchase testing equipment, as needed.

(d) FINAL REPORT.—The recipient of the grant under subsection (a) shall submit to the Secretary of Health and Human Services, a final report under such grant. Not later than 30 days after the submission of such report, the Secretary shall make such report public.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section.

TITLE V—INFRASTRUCTURE INVESTMENTS

Subtitle A—Energy Infrastructure Incentives

SEC. 511. GRANT PROGRAM TO PROMOTE OF ACCESS TO RENEWABLE ENERGY AND ENERGY EFFICIENCY FOR PUERTO RICO.

(a) IN GENERAL.—Upon application, the Secretary of the Treasury shall, subject to the requirements of this section, provide a grant to each eligible person who places in service specified energy property in the Commonwealth to reimburse such person for a portion of the expense of such property as provided in subsection (b). No grant shall be made under this section with respect to any property unless—

(1) in the case of specified energy property which is described in paragraph (1) of section 45(d) or clause (i) of section 48(a)(3)(A) of the Internal Revenue Code of 1986 (determined without regard to any date by which construction must begin), the construction of such property begins after the date of the enactment of this Act and before January 1 of the applicable calendar year, and

(2) in the case of any other specified energy property, such property is placed in service after the date of the enactment of this Act and before January 1 of the applicable calendar year.

(b) GRANT AMOUNT.—

(1) IN GENERAL.—The amount of the grant under subsection (a) with respect to any specified energy property shall be the applicable percentage of the basis of such property.

(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term ''applicable percentage'' means—

(A) 30 percent in the case of any property described in paragraphs (1) through (4) of subsection (d), and

(B) 10 percent in the case of any other property.

(3) DOLLAR LIMITATIONS.—In the case of property described in paragraph (1), (2), (6), or (7) of subsection (d), the amount of any grant under this section with respect to such property shall not exceed the limitation described in section 48(a)(5)(E), 48(c)(1)(B), 48(c)(2)(B), or 48(c)(3)(B) of the Internal Revenue Code of 1986, respectively, with respect to such property.

(c) TIME FOR PAYMENT OF GRANT.—The Secretary of the Treasury shall make payment of any grant under subsection (a) during the 60-day period beginning on the later of—

(1) the date of the application for such grant, or

(2) the date the specified energy property for which the grant is being made is placed in service.

(d) SPECIFIED ENERGY PROPERTY.—For purposes of this section, the term ''specified energy property'' means any of the following:

(1) QUALIFIED FACILITIES.—Any qualified property (as defined in section 48(a)(5)(D) of the Internal Revenue Code of 1986) which is part of a qualified facility (within the meaning of section 45 of such Code) described in paragraph (1), (2), (3), (4), (6), (7), (9), or (11) of section 45(d) of such Code (determined without regard to any date by which construction must begin).

(2) QUALIFIED FUEL CELL PROPERTY.—Any qualified fuel cell property (as defined in section 48(c)(1) of such Code, determined without regard to any termination date).

(3) SOLAR PROPERTY.—Any property described in clause (i) or (ii) of section 48(a)(3)(A) of such Code (determined without regard to any termination date).

(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—Any qualified small wind energy property (as defined in section 48(c)(4) of such Code, determined without regard to any termination date).

(5) GEOTHERMAL PROPERTY.—Any property described in clause (iii) of section 48(a)(3)(A) of such Code.

(6) QUALIFIED MICROTURBINE PROPERTY.—Any qualified microturbine property (as defined in section 48(c)(2) of such Code, determined without regard to any termination date).

(7) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Any combined heat and power system property (as defined in section 48(c)(3) of such Code, determined without regard to subparagraph (A)(iv) thereof).

(8) GEOTHERMAL HEAT PUMP PROPERTY.—Any property described in clause (vii) of section 48(a)(3)(A) of such Code (determined without regard to any termination date).

Such term shall not include any property unless depreciation (or amortization in lieu of depreciation) is allowable (or would be allowable if section 933 of the Internal Revenue Code of 1986 were not taken into account) with respect to such property.

(e) ELIGIBLE PERSON.—For purposes of this section, the term ''eligible person'' means—

(1) any individual that is a bona fide resident (as defined under section 937 of the Internal Revenue Code of 1986) of the Commonwealth, and

(2) any corporation which is organized under the laws of the Commonwealth.

(f) APPLICABLE CALENDAR YEAR.—For purposes of this section, the term ''applicable calendar year'' means the calendar year following the first calendar year in which the aggregate amount of grants paid under subsection (a) exceeds $1,200,000,000.

(g) OTHER DEFINITIONS.—Terms used in this section which are also used in section 45 or 48 of the Internal Revenue Code of 1986 shall have the same meaning for purposes of this section as when used in such section 45 or 48. Any reference in this section to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(h) APPLICATION OF CERTAIN RULES.—In making grants under this section, the Secretary of the Treasury shall apply rules similar to the rules of section 50 of the Internal Revenue Code of 1986, except that in applying subsection (b)(1) thereof ''Puerto Rico'' shall be substituted for ''United States''. In applying such rules, if the property is disposed of, or otherwise ceases to be specified energy property, the Secretary of the Treasury shall provide for the recapture of the appropriate percentage of the grant amount in such manner as the Secretary of the Treasury determines appropriate.

(i) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this section.

SEC. 512. INCENTIVES FOR ENERGY EFFICIENT COMMERCIAL BUILDINGS.

(a) PERMANENT EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.—Section 179D of the Internal Revenue Code of 1986 is amended by striking subsection (h).

(b) UPDATE OF STANDARD.—

(1) IN GENERAL.—Section 179D of the Internal Revenue Code of 1986 is amended by striking ''Standard 90.1-2001'' each place it appears and inserting ''the applicable ASHRAE standard''.

(2) APPLICABLE ASHRAE STANDARD.—Section 179D(c)(2) of such Code is amended to read as follows:

''(2) APPLICABLE ASHRAE STANDARD.—The term 'applicable ASHRAE standard' means—

''(A) Standard 90.1–2013 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America, or

''(B) in the case of any subsequent standard adopted by the American Society of Heating, Refrigerating, and Air Conditioning Engineers which supersedes the standard described in subparagraph (A), such subsequent standard.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2015.

(c) GRANT PROGRAM FOR PUERTO RICO.—

(1) IN GENERAL.—Upon application, the Secretary of the Treasury shall, subject to the requirements of this subsection, provide a grant to each eligible person who places in service energy efficient building property to reimburse such person for a portion of the expense of such property as provided in paragraph (2). No grant shall be made under this subsection with respect to any property unless such property is placed in service on or before the last day of the applicable calendar year.

(2) GRANT AMOUNT.—The amount of the grant under paragraph (1) with respect to any energy efficient building property shall be equal to the product of—

(A) 35 percent, and

(B) the excess of—

(i) the product of—

(I) $1.80, and

(II) the square footage of the building, over

(ii) the aggregate amount of all prior grants under paragraph (1) with respect to the building.

(3) TIME FOR PAYMENT OF GRANT.—The Secretary of the Treasury shall make payment of any grant under paragraph (1) during the 60-day period beginning on the later of—

(A) the date of the application for such grant, or

(B) the date the energy efficient commercial building property for which the grant is being made is placed in service.

(4) ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY.—For purposes of this subsection, the term ''energy efficient commercial building property'' has the meaning given such term under section 179D(c) of the Internal Revenue Code of 1986, except that—

(A) the determination of whether depreciation (or amortization in lieu of depreciation) is allowable under such section 179D(c)(1)(A) shall be made without regard to section 933 of such Code, and

(B) such section 179D(c)(1)(B)(i) shall be applied by substituting ''Puerto Rico'' for ''United States''.

(5) ELIGIBLE PERSON.—For purposes of this subsection, the term ''eligible person'' means—

(A) any individual that is a bona fide resident (as defined under section 937 of the Internal Revenue Code of 1986) of Puerto Rico, and

(B) any corporation which is organized under the laws of the Commonwealth.

(6) APPLICABLE CALENDAR YEAR.—For purposes of this subsection, the term ''applicable calendar year'' means the calendar year following the first calendar year in which the aggregate amount of grants paid under subsection (a) exceeds $400,000,000.

(7) SECRETARY OF THE TREASURY.—Any reference in this subsection to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(8) APPLICATION OF SPECIAL RULES.—Rules similar to the rules of subsections (d), (f), and (g) of section 179D of the Internal Revenue Code of 1986 shall apply with respect to grants under this subsection.

(9) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this subsection.

SEC. 513. INCENTIVES FOR NEW ENERGY EFFICIENT HOMES.

(a) PERMANENT EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.—Section 45L of the Internal Revenue Code of 1986 is amended by striking subsection (g).

(b) UPDATE OF STANDARD.—

(1) IN GENERAL.—Section 45L of the Internal Revenue Code of 1986 is amended by striking ''the standards of chapter 4 of the 2006 International Energy Conservation Code, as such Code (including supplements) is in effect on January 1, 2006'' each place it appears and inserting ''the applicable standards''.

(2) APPLICABLE STANDARDS.—Section 45L of such Code, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(h) APPLICABLE STANDARDS.—For purposes of this section, the term 'applicable standards' means, with respect to any dwelling unit, the standards in effect for residential building energy efficiency under the International Energy Conservation Code on the first day of the taxable year in which construction for the dwelling unit commenced.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to homes acquired after December 31, 2015.

(c) GRANT PROGRAM FOR PUERTO RICO.—

(1) IN GENERAL.—Upon application, the Secretary of the Treasury shall, subject to the requirements of this subsection, provide a grant to each eligible contractor with respect to each qualified new energy efficient home which is—

(A) constructed by an eligible contractor, and

(B) acquired by a person from such eligible contractor for use as a residence.

No grant shall be made under this subsection with respect to any qualified new energy efficient home unless such home is acquired by another person for use as a residence on or before the last day of the applicable calendar year.

(2) AMOUNT OF GRANT.—The amount of the grant under paragraph (1) with respect to any qualified new energy efficient home is an amount equal to—

(A) in the case of a dwelling unit described in paragraph (1) or (2) of section 45L(c) of the Internal Revenue Code of 1986, $2,000, and

(B) in the case of a dwelling unit described in paragraph (3) of section 45L(c) of the Internal Revenue Code of 1986, $1,000.

(3) TIME FOR PAYMENT OF GRANT.—The Secretary of the Treasury shall make payment of any grant under paragraph (1) during the 60-day period beginning on the later of—

(A) the date of the application for such grant, or

(B) the date the qualified new energy efficient home for which the grant is acquired by another person for use as a residence.

(4) QUALIFIED NEW ENERGY EFFICIENT HOME.—For purposes of this subsection, the term ''qualified new energy efficient home'' has the meaning given such term under section 45L(b)(2) of the Internal Revenue Code of 1986, except that—

(A) subparagraph (A) thereof shall be applied by substituting ''Puerto Rico'' for ''the United States'', and

(B) subparagraph (B) thereof shall be applied by substituting ''the date of the enactment of section 513 of the Puerto Rico Humanitarian Relief and Reconstruction Act'' for ''the date of the enactment of this section''.

(5) APPLICABLE CALENDAR YEAR.—For purposes of this subsection, the term ''applicable calendar year'' means the calendar year following the first calendar year in which the aggregate amount of grants paid under subsection (a) exceeds $400,000,000.

(6) OTHER TERMS.—Terms used in this subsection which are also used in section 45L of the Internal Revenue Code of 1986 shall have the same meaning for purposes of this subsection as when used in section 45L. Any reference in this subsection to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(7) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this subsection.

Subtitle B—Transportation, Housing, and Agriculture Infrastructure Incentives

SEC. 521. GENERAL PROVISIONS.

(a) WAIVER OF NON-FEDERAL SHARE.—Notwithstanding any other provision of law, the

non-Federal share of the cost of any program or activity carried out using funds provided under this subtitle shall be zero.

(b) MAINTENANCE OF FUNDING; ADMINISTRATIVE EXPENSES.—

(1) MAINTENANCE OF FUNDING.—The funding provided to any program or account under this subtitle shall supplement (and not supplant) any funding provided for that program or account under any other provision of law.

(2) ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of law (including regulations), of any funds provided for a program or account under this subtitle, the applicable Federal department or agency head may use such percentage for administrative expenses as is established by the limitation for administrative expenses in applicable laws (including regulations) relating to the program or activity.

SEC. 522. HIGHWAY PROGRAM.

(a) FUNDING.—Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Secretary of Transportation $450,000,000 for each of fiscal years 2017 through 2026 to carry out the Puerto Rico Highway Program under section 165(b) of title 23, United States Code.

(b) CONFORMING AMENDMENT.—Section 165(a)(1) of title 23, United States Code, is amended by striking ''$158,000,000'' and inserting ''$608,000,000''.

SEC. 523. TIGER DISCRETIONARY GRANTS.

(a) DEFINITION OF TIGER DISCRETIONARY GRANT.—In this section, the term ''TIGER discretionary grant'' means a grant awarded and administered by the Secretary of Transportation using funds made available for national infrastructure investments under title I of division L of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 129 Stat. 2835).

(b) REQUIREMENT.—Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Secretary of Transportation $50,000,000 for each of fiscal years 2017 through 2021 to award TIGER discretionary grants for eligible programs and activities in the Commonwealth of Puerto Rico.

SEC. 524. PASSENGER AND FREIGHT RAIL IMPROVEMENTS.

(a) FUNDING.—Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Secretary of Transportation $120,000,000 for each of fiscal years 2017 through 2021 for planning and capital costs to build, improve, or expand passenger and freight rail projects in the Commonwealth under titles 23 and 49, United States Code.

(b) ELIGIBLE USES.—Of the amounts made available for each fiscal year under subsection (a)—

(1) not more than 15 percent may be used for temporary operating assistance for such rail and transit projects as the Secretary of Transportation determines to be eligible; and

(2) not more than 50 percent may be allocated to another transportation capital investment account funded under this Act, on approval of the Secretary of Transportation.

SEC. 525. AIRPORT IMPROVEMENT PROGRAM.

Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Secretary of Transportation $40,000,000 for each of fiscal years 2017 through 2021 to make grants under the Airport Improvement Program under subchapter I of chapter 471 of title 49, United States Code, for eligible programs and activities in the Commonwealth.

SEC. 526. CLEAN AND SAFE WATER REVOLVING FUNDS.

Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Administrator of the Environmental Protection Agency for each of fiscal years 2017 through 2021—

(1) $25,000,000 to make a capitalization grant to the Commonwealth for the purpose of establishing and maintaining a water pollution control revolving fund under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.); and

(2) $25,000,000 to make a capitalization grant to the Commonwealth for the purpose of establishing and maintaining a drinking water treatment revolving loan fund under section 1452(a) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)).

SEC. 527. RURAL UTILITIES SERVICE PROGRAMS.

(a) WATER AND ENVIRONMENTAL PROGRAMS.—Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Administrator of the Rural Utilities Service $50,000,000 for each of fiscal years 2017 through 2021 to provide, for eligible programs and activities in the Commonwealth—

(1) water or waste disposal grants or direct or guaranteed loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a));

(2) rural water or wastewater technical assistance and training grants under section 306(a)(14) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(14));

(3) emergency community water assistance grants under section 306A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a); and

(4) solid waste management grants under section 310B(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(b)).

(b) ELECTRIC PROGRAM.—Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Administrator of the Rural Utilities Service $50,000,000 for each of fiscal years 2017 through 2021 to provide electric infrastructure grants for eligible programs and activities in the Commonwealth under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.).

SEC. 528. RURAL ENERGY FOR AMERICA PROGRAM.

Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Secretary of Agriculture $25,000,000 for each of fiscal years 2017 through 2021 to provide financial assistance and grants for eligible programs and activities in the Commonwealth under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107).

SEC. 529. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Secretary of Transportation $5,000,000 for each of fiscal years 2017 through 2021 for the construction of ferry boats and ferry terminal facilities in the Commonwealth under section 147 of title 23, United States Code.

SEC. 530. CORPS OF ENGINEERS FUNDS.

(a) CONSTRUCTION ACCOUNT.—Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Construction Account of the Corps of Engineers $150,000,000 for each of fiscal years 2017 through 2021 for authorized navigation, coastal storm and riverine flood damage reduction, ecosystem restoration, and environmental infrastructure assistance activities in the Commonwealth, with priority given to dredging the Caño Martín Peña.

(b) OPERATIONS AND MAINTENANCE ACCOUNT.—Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Operations and Maintenance Account of the Corps of Engineers $75,000,000 for each of fiscal years 2017 through 2021 for eligible operations and maintenance costs of coastal harbors and channels, and for inland harbors, to improve the movement of goods through marine ports in the Commonwealth.

SEC. 531. PREDISASTER HAZARD MITIGATION AND RESILIENCY.

Out of funds of the Treasury not otherwise appropriated, there is appropriated to the Director of the Federal Emergency Management Agency $50,000,000 for each of fiscal years 2017 through 2021 to carry out in the Commonwealth minor localized flood reduction projects and major flood risk reduction projects under the predisaster hazard mitigation program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133).

SEC. 532. BROADBAND PROGRAMS.

(a) BROADBAND INITIATIVES PROGRAM.—Out of funds of the Treasury not otherwise appropriated, there is appropriated $30,000,000 for each of fiscal years 2017 through 2021 for the broadband initiatives program established under title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.) to expand access to, and the quality of, broadband service across the Commonwealth, with preference given to—

(1) public or cooperatively owned telecommunications systems; or

(2) telecommunications systems that provide telehealth, distance learning, and public safety benefits.

(b) BROADBANDUSA PROGRAM.—Out of funds of the Treasury not otherwise appropriated, there is appropriated $30,000,000 for each of fiscal years 2017 through 2021 to the National Telecommunications and Information Administration to carry out the BroadbandUSA program in the Commonwealth, with preference given to—

(1) public or cooperatively owned telecommunications systems; or

(2) telecommunications systems that provide telehealth, distance learning, and public safety benefits.

SEC. 533. HOUSING AND COMMUNITY DEVELOPMENT.

(a) HOME INVESTMENT PARTNERSHIPS PROGRAM.—

(1) ALL PARTICIPATING JURISDICTIONS.—Out of funds of the Treasury not otherwise appropriated, there is appropriated $17,000,000 for each of fiscal years 2017 through 2021 for the HOME Investment Partnerships program authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) to be allocated proportionately among participating jurisdictions in the Commonwealth in accordance with the allocation among such jurisdictions for the most recent fiscal year.

(2) CAÑO MARTÍN PEÑA COMMUNITIES.—Out of funds of the Treasury not otherwise appropriated, in addition to the amount appropriated under paragraph (1), there is appropriated $3,000,000 for each of fiscal years 2017 through 2021 for the HOME Investment Partnerships program authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) to be allocated to the HOME Investment Partnership Program of the Municipality of San Juan for use by the Caño Martín Peña Community Land Trust (also known as ''El Fedeicomiso de la Tierra del Caño Martín Peña'') to create, improve, and rehabilitate affordable housing in the 8 Caño Martín Peña communities, including for the costs of relocating homes from the banks of the channel to other locations in the community.

(b) COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.—

(1) ALL JURISDICTIONS.—Out of funds of the Treasury not otherwise appropriated, there is appropriated $60,000,000 for each of fiscal years 2017 through 2021 for the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) to be allocated proportionately among entitlement communities and nonentitlement communities in the Commonwealth in accordance with the allocation among such communities for the most recent fiscal year.

(2) CAÑO MARTÍN PEÑA COMMUNITIES.—Out of funds of the Treasury not otherwise appropriated, in addition to the amount appropriated under paragraph (1), there is appropriated $5,000,000 for each of fiscal years 2017 through 2021 for the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) to be allocated to the Municipality of San Juan for use by the Martin Peña Canal ENLACE Project Corporation (also known as ''La Corporación del Proyecto ENLACE del Caño Martín Peña'') for housing, community, and economic development in the 8 Caño Martín Peña communities.

TITLE VI—EARNED INCOME TAX CREDIT AND TAX EQUALIZATION MEASURES

SEC. 611. PUERTO RICO RESIDENTS ELIGIBLE FOR EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(n) RESIDENTS OF PUERTO RICO.—

''(1) IN GENERAL.—In the case of residents of Puerto Rico—

''(A) the United States shall be treated as including Puerto Rico for purposes of subsections (c)(1)(A)(ii)(I) and (c)(3)(C),

''(B) subsection (c)(1)(D) shall not apply to nonresident alien individuals who are residents of Puerto Rico, and

''(C) adjusted gross income and gross income shall be computed without regard to section 933 for purposes of subsections (a)(2)(B) and (c)(2)(A)(i).

''(2) LIMITATION.—The credit allowed under this section by reason of this subsection for any taxable year shall not exceed the amount, determined under regulations or other guidance promulgated by the Secretary, that a similarly situated taxpayer would receive if residing in a State.''.

(b) CHILD TAX CREDIT NOT REDUCED.—Subclause (II) of section 24(d)(1)(B)(ii) of such Code is amended by inserting before the period ''(determined without regard to section 32(n) in the case of residents of Puerto Rico)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 612. EQUITABLE TREATMENT FOR RESIDENTS OF PUERTO RICO WITH RESPECT TO THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(d)(1) of the Internal Revenue Code of 1986 is amended by inserting ''or section 933'' after ''section 112''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2015.

TITLE VII—PUERTO RICO DETERMINATION ON STATUS

SEC. 701. VOTE REGARDING STATUS.

(a) VOTE.—

(1) IN GENERAL.—Not later than January 31, 2018, the State Elections Commission of Puerto Rico shall provide for a binding vote or series of votes as described in paragraph (2), in accordance with rules and regulations determined by the Commission, including qualifications for voter eligibility.

(2) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the State Elections Commission of Puerto Rico shall promulgate regulations governing the provision by the State Elections Commission of a binding vote, or series of binding votes, regarding whether Puerto Rico should—

(A) be admitted as a State of the United States;

(B) become a sovereign nation; or

(C) continue the status quo as a commonwealth territory of the United States and simply reform the government of the Commonwealth.

(b) FUNDS FOR VOTE.—The funds made available pursuant to Public Law 113–76 (128 Stat. 5) may be used to conduct the vote under this section.

SEC. 702. CERTIFICATION AND TRANSMITTAL OF RESULTS.

Not later than 10 days after the certification of the vote by the State Elections Commission of Puerto Rico, the Governor of Puerto Rico shall transmit the certified results to the President of the United States, the Speaker of the House of Representatives, and the President pro tempore of the Senate.

SEC. 703. TRANSITION PROCESS.

If a majority of the votes cast in the vote conducted pursuant to section 701 are for the admission of Puerto Rico into the United States as a State, the following shall apply:

(1) PROCLAMATION.—Within 30 calendar days of receipt of the certified results transmitted pursuant to section 702, the President shall issue a proclamation to begin the transition process that will culminate in Puerto Rico's admission into the United States as a State effective by not later than the date that is 4 years after the date on which the vote under section 701 is certified by the State Elections Commission of Puerto Rico.

(2) COMMISSION.—

(A) ESTABLISHMENT.—Within 90 calendar days of receipt of the certified results transmitted pursuant to section 702, the President shall appoint a commission, to be known as the ''Commission on the Equal Application of Federal Law to Puerto Rico'' (referred to in this paragraph as the ''Commission'').

(B) PURPOSE.—The Commission shall survey the laws of the United States and make recommendations to Congress as to how laws that do not apply to the territory or apply differently to the territory than to the several States should be amended or repealed to treat Puerto Rico equally with the several States as of the date of the admission of Puerto Rico into the United States as a State.

(C) MEMBERSHIP.—The Commission shall consist of 5 persons, at least 2 of whom shall be residents of Puerto Rico.

(D) REPORT.—The Commission shall issue a final report to the President of the United States, the Speaker of the House of Representatives, and the President pro tempore of the Senate by July 1, 2018.

(E) TERMINATION.—Upon issuing the final report under subparagraph (D), the Commission shall terminate.

(F) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14, shall apply to the Commission.

SEC. 704. RULES FOR ELECTIONS FOR FEDERAL OFFICES.

(a) PREPARATION FOR ELECTIONS.—If a majority of the votes cast in the vote conducted pursuant to section 701 are for the admission of Puerto Rico into the United States as a State, not later than January 1, 2020, Puerto Rico shall carry out such actions as may be necessary to enable Puerto Rico to hold elections for Federal office in November 2020 in accordance with this section.

(b) PRESIDENTIAL ELECTION.—With respect to the election for the office of President and Vice President held in November 2020—

(1) Puerto Rico shall be considered a State for purposes of chapter 21 of title 3, United States Code;

(2) the electors of Puerto Rico shall be considered electors of a State for purposes of such chapter; and

(3) for purposes of section 3 of such title, the number of electors from Puerto Rico shall be equal to the number of Senators and Representatives to which Puerto Rico is entitled during the 117th Congress, as determined in accordance with subsections (c) and (d).

(c) ELECTION OF SENATORS.—

(1) ELECTION OF 2 SENATORS.—The regularly scheduled general elections for Federal office held in Puerto Rico during November 2020 shall include the election of 2 Senators, each of whom shall first take office on the first day of the 117th Congress.

(2) SPECIAL RULE.—In the election of Senators from Puerto Rico pursuant to paragraph (1), the 2 Senate offices shall be separately identified and designated, and no person may be a candidate for both offices. No such identification or designation of either of the offices shall refer to, or be taken to refer to, the terms of such offices, or in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

(d) ELECTION OF REPRESENTATIVES.—

(1) IN GENERAL.—Effective on the first day of the 117th Congress, and until the taking effect of the first reapportionment occurring after the regular decennial census conducted for 2020, Puerto Rico shall be entitled to the number of Representatives to which Puerto Rico would have been entitled for the 116th Congress if Puerto Rico had been a State during such Congress, as shown in the statement transmitted by the President to Congress under paragraph (2).

(2) DETERMINATION OF INITIAL NUMBER.—

(A) DETERMINATION.—Not later than July 1, 2019, the President shall submit to Congress a statement of the number of Representatives to which Puerto Rico would have been entitled for the 116th Congress if Puerto Rico had been a State during such Congress, in the same manner as provided under section 22(a) of the Act of June 28, 1929 (2 U.S.C. 2a(a)).

(B) SUBMISSION OF NUMBER BY CLERK.—Not later than 15 calendar days after receiving the statement of the President under subparagraph (A), the Clerk of the House of Representatives, in accordance with section 22(b) of such Act (2 U.S.C. 2a(b)), shall transmit to the Governor of Puerto Rico and the Speaker of the House of Representatives a certificate of the number of Representatives to which Puerto Rico is entitled during the period described in paragraph (1).

(3) TERMINATION OF OFFICE OF RESIDENT COMMISSIONER.—Effective on the date on which a Representative from Puerto Rico first takes office in accordance with this subsection, the Office of the Resident Commissioner to the United States, as described in section 36 of the Act of March 2, 1917 (48 U.S.C. 891 et seq.), is terminated.

(e) ADMINISTRATION OF PRIMARY ELECTIONS.—Puerto Rico may hold primary elections for the offices described in this section at such time and in such manner as Puerto

Rico may provide, so long as such elections are held in the manner required by the laws applicable to elections for Federal office.

SEC. 705. ISSUANCE OF PRESIDENTIAL PROCLAMATION.

Following the transition process set forth in section 703, if applicable, the President shall issue a proclamation declaring that Puerto Rico is admitted into the United States on an equal footing with the other States, effective on the date that is 4 years after the date on which the vote under section 701 is certified by the State Elections Commission of Puerto Rico. Upon issuance of the proclamation by the President, Puerto Rico shall be deemed admitted into the United States as a State.

SEC. 706. STATE OF PUERTO RICO.

Upon the admission of Puerto Rico into the United States as a State, the following shall apply:

(1) STATE CONSTITUTION.—The Constitution of the Commonwealth of Puerto Rico shall be accepted as the Constitution of the State.

(2) TERRITORY.—The State shall consist of all of the territory, together with the waters included in the seaward boundary, of the Commonwealth of Puerto Rico.

(3) CONTINUITY OF GOVERNMENT.—The persons holding legislative, executive, and judicial offices of the Commonwealth of Puerto Rico shall continue to discharge the duties of their respective offices.

(4) CONTINUITY OF LAWS.—

(A) TERRITORY LAW.—All of the territory laws in force in Puerto Rico shall continue in force and effect in the State, except as modified by this Act, and shall be subject to repeal or amendment by the Legislature and the Governor of Puerto Rico.

(B) FEDERAL LAW.—All of the laws of the United States shall have the same force and effect as on the date immediately prior to the date of admission of Puerto Rico into the United States as a State, except for any provision of law that treats Puerto Rico and its residents differently than the States of the United States and their residents, which shall be amended as of the date of admission to treat the State of Puerto Rico and its residents equally with the other States of the United States and their residents.

SEC. 707. EFFECT ON MEMBERSHIP OF HOUSE OF REPRESENTATIVES.

(a) TEMPORARY INCREASE DURING INITIAL PERIOD.—

(1) TEMPORARY INCREASE.—Upon the admission of Puerto Rico into the United States as a State, during the period described in paragraph (1) of section 704(d)—

(A) the membership of the House of Representatives shall be increased by the number of Members to which Puerto Rico is entitled during such period; and

(B) each such Representative shall be in addition to the membership of the House of Representatives as prescribed by law on the date of enactment of this Act.

(2) NO EFFECT ON EXISTING APPORTIONMENT.—The temporary increase in the membership of the House of Representatives provided under paragraph (1) shall not, during the period described in paragraph (1) of section 704(d)—

(A) operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (2 U.S.C. 2); or

(B) affect the basis of reapportionment established by section 22 of the Act of June 28, 1929 (2 U.S.C. 2a), for the 82nd Congress and each Congress thereafter.

(b) PERMANENT INCREASE EFFECTIVE WITH NEXT REAPPORTIONMENT.—

(1) IN GENERAL.—Upon the admission of Puerto Rico into the United States as a State, effective with respect to the 118th Congress and each succeeding Congress, the House of Representatives shall be composed of a number of Members equal to the sum of 435 plus the number by which the membership of the House was increased under subsection (a).

(2) REAPPORTIONMENT OF MEMBERS RESULTING FROM INCREASE.—

(A) IN GENERAL.—Section 22(a) of the Act of June 28, 1929 (2 U.S.C. 2a(a)), is amended by striking ''the then existing number of Representatives'' and inserting ''the number of Representatives established with respect to the 118th Congress''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply with respect to the regular decennial census conducted for 2020 and each subsequent regular decennial census.

SA 4917. Mr. PORTMAN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. 414. BENEFIT SUSPENSIONS FOR MULTIEMPLOYER PLANS IN CRITICAL AND DECLINING STATUS.

(a) ERISA AMENDMENTS.—Section 305(e)(9)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(e)(9)(H)) is amended—

(1) in clause (ii)—

(A) by striking ''Except as provided in clause (v), the'' and inserting ''The''; and

(B) by striking ''a majority of all participants and beneficiaries of the plan'' and inserting '', of the participants and beneficiaries of the plan who cast a vote, a majority'';

(2) by striking clause (v);

(3) by redesignating clause (vi) as clause (v); and

(4) in clause (v), as so redesignated—

(A) by striking ''(or following a determination under clause (v) that the plan is a systemically important plan)''; and

(B) by striking ''(or, in the case of a suspension that goes into effect under clause (v), at a time sufficient to allow the implementation of the suspension prior to the end of the 90-day period described in clause (v)(I))''.

(b) IRC AMENDMENTS.—Section 432(e)(9)(H) of the Internal Revenue Code of 1986 is amended—

(1) in clause (ii)—

(A) by striking ''Except as provided in clause (v), the'' and inserting ''The''; and

(B) by striking ''a majority of all participants and beneficiaries of the plan'' and inserting '', of the participants and beneficiaries of the plan who cast a vote, a majority'';

(2) by striking clause (v);

(3) by redesignating clause (vi) as clause (v); and

(4) in clause (v), as so redesignated—

(A) by striking ''(or following a determination under clause (v) that the plan is a systemically important plan)''; and

(B) by striking ''(or, in the case of a suspension that goes into effect under clause (v), at a time sufficient to allow the implementation of the suspension prior to the end of the 90-day period described in clause (v)(I))''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any vote on the suspension of benefits under section 305(e)(9)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(e)(9)(H)) and section 432(e)(9)(H) of the Internal Revenue Code of 1986 that occurs after the date of enactment of this Act.

SA 4918. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Between sections 403 and 404, insert the following:

SEC. 403A. EXEMPTING PUERTO RICO FROM THE FEDERAL MINIMUM WAGE.

The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) in section 6(a)(2) (29 U.S.C. 206(a)(2)), by striking ''Puerto Rico or'' each place it appears; and

(2) in section 13 (29 U.S.C. 213)—

(A) in subsection (f), by inserting ''(except as provided under subsection (k))'' after ''Puerto Rico''; and

(B) by adding at the end the following:

''(k) The provisions of section 6 shall not apply with respect to any employee whose services during the workweek are performed in a workplace within Puerto Rico.''.

SA 4919. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXEMPTION FROM THE COASTWISE LAWS FOR PUERTO RICO.

Section 55101(b) of title 46, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon and ''or''; and

(3) by adding at the end the following:

''(4) Puerto Rico.''.

SA 4920. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 414. EXEMPTING PUERTO RICO FROM FEDERAL PREVAILING WAGE REQUIREMENTS.

Notwithstanding any other provision of law, Puerto Rico shall be exempt from any requirements regarding the payment of a prevailing wage under—

(1) any of the Acts related to subchapter IV of chapter 31 of title 40, United States Code, as listed in appendix A to part 1 of subtitle A of title 29 of the Code of Federal Regulations (as in effect on the date of enactment of this Act);

(2) chapter 67 of title 41, United States Code; or

(3) any other requirement under Federal law regarding paying workers the prevailing wage of a locality.

SA 4921. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

In section 101(b), strike paragraph (1) and insert the following:

(1) IN GENERAL.—Except as provided in paragraph (2), Congress, acting on behalf of a territory, may establish a Financial Oversight and Management Board for the covered territory, in accordance with this section.

SA 4922. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

In section 405(a)(1), insert ", including a pension or a pension plan," before "whether".

SA 4923. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 7, strike "**UPON ENACTMENT**" and insert "**AFTER OPPORTUNITY FOR CONFIRMATION OF THE BOARD**".

On page 98, line 22, strike "date of enactment of this Act" and insert "date described in subsection (p)".

On page 99, line 14, strike "(i.e., the enactment of this Act)" and insert "on the date described in subsection (p)".

On page 99, lines 22 and 23, strike "the enactment of this Act," and insert "the date described in subsection (p),".

On page 99, lines 24 and 25, strike "the enactment of this Act" and insert "the date described in subsection (p)".

On page 100, lines 3 and 4, strike "the enactment of this Act" and insert "the date described in subsection (p)".

On page 101, lines 22 and 23, strike "as established by section 101(b)" and insert "as determined by the date described in subsection (p)".

On page 106, line 25, strike "prior to the enactment of this Act" and insert "prior to the date described in subsection (p)".

On page 108, line 1, strike "the enactment of this Act" and insert "the date described in subsection (p)".

Beginning on page 109, strike line 1 and all that follows through line 3 on page 110.

On page 111, between lines 10 and 11, insert the following:

(p) DATE UPON WHICH AUTOMATIC STAY TAKES EFFECT.—The date described in this subsection shall be the earlier of—

(1) the date by which all members of the Oversight Board for Puerto Rico that are subject to confirmation by the Senate have been confirmed; or

(2) September 15, 2016.

SA 4924. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 302 and insert the following:

SEC. 302. WHO MAY BE A DEBTOR.

An entity may be a debtor under this title if—

(1) the entity is—

(A) a territory that has requested the establishment of an Oversight Board or has had an Oversight Board established for it by the United States Congress in accordance with section 101 of this Act; or

(B) a covered territorial instrumentality of a territory described in paragraph (1)(A);

(2) the Oversight Board has issued a certification under section 206(b) of this Act for such entity;

(3) the entity desires to effect a plan to adjust its debts; and

(4) the entity is insolvent, as determined before giving effect to any voluntarily or involuntarily created acceleration of debt or any clawback of revenues transferred from or allocated to that entity by the central government of the Territory.

SA 4925. Mr. PORTMAN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. _____. BENEFIT SUSPENSIONS FOR MULTIEMPLOYER PLANS IN CRITICAL AND DECLINING STATUS.

(a) ERISA AMENDMENTS.—Section 305(e)(9)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(e)(9)(H)) is amended—

(1) in clause (ii)—

(A) by striking "Except as provided in clause (v), the" and inserting "The"; and

(B) by striking "a majority of all participants and beneficiaries of the plan" and inserting ", of the participants and beneficiaries of the plan who cast a vote, a majority";

(2) by striking clause (v);

(3) by redesignating clause (vi) as clause (v); and

(4) in clause (v), as so redesignated—

(A) by striking "(or following a determination under clause (v) that the plan is a systemically important plan)"; and

(B) by striking "(or, in the case of a suspension that goes into effect under clause (v), at a time sufficient to allow the implementation of the suspension prior to the end of the 90-day period described in clause (v)(I))".

(b) IRC AMENDMENTS.—Section 432(e)(9)(H) of the Internal Revenue Code of 1986 is amended—

(1) in clause (ii)—

(A) by striking "Except as provided in clause (v), the" and inserting "The"; and

(B) by striking "a majority of all participants and beneficiaries of the plan" and inserting ", of the participants and beneficiaries of the plan who cast a vote, a majority";

(2) by striking clause (v);

(3) by redesignating clause (vi) as clause (v); and

(4) in clause (v), as so redesignated—

(A) by striking "(or following a determination under clause (v) that the plan is a systemically important plan)"; and

(B) by striking "(or, in the case of a suspension that goes into effect under clause (v), at a time sufficient to allow the implementation of the suspension prior to the end of the 90-day period described in clause (v)(I))".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any vote on the suspension of benefits under section 305(e)(9)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(e)(9)(H)) and section 432(e)(9)(H) of the Internal Revenue Code of 1986 that occurs after the date of enactment of this Act.

SA 4926. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed, insert the following:

EXEMPTING PUERTO RICO FROM THE FEDERAL MINIMUM WAGE.

The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) in section 6(a)(2) (29 U.S.C. 206(a)(2)), by striking "Puerto Rico or" each place it appears; and

(2) in section 13 (29 U.S.C. 213)—

(A) in subsection (f), by inserting "(except as provided under subsection (k))" after "PuertoRico"; and

(B) by adding at the end the following:

"(k) The provisions of section 6 shall not apply with respect to any employee whose services during the workweek are performed in a workplace within Puerto Rico.".

SA 4927. Mr. RUBIO (for himself and Mr. CARDIN) proposed an amendment to the bill H.R. 3766, to direct the President to establish guidelines for covered United States foreign assistance programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Aid Transparency and Accountability Act of 2016".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) EVALUATION.—The term "evaluation" means, with respect to a covered United States foreign assistance program, the systematic collection and analysis of information about the characteristics and outcomes of the program, including projects conducted under such program, as a basis for—

(A) making judgments and evaluations regarding the program;

(B) improving program effectiveness; and

(C) informing decisions about current and future programming.

(3) COVERED UNITED STATES FOREIGN ASSISTANCE.—The term "covered United States foreign assistance" means assistance authorized under—

(A) part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except for—

(i) title IV of chapter 2 of such part (relating to the Overseas Private Investment Corporation); and

(ii) chapter 3 of such part (relating to International Organizations and Programs);

(B) chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund);

(C) the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.); and

(D) the Food for Peace Act (7 U.S.C. 1721 et seq.).

SEC. 3. GUIDELINES FOR COVERED UNITED STATES FOREIGN ASSISTANCE PROGRAMS.

(a) PURPOSES.—The purposes of this section are to—

(1) evaluate the performance of covered United States foreign assistance and its contribution to the policies, strategies, projects, program goals, and priorities undertaken by the Federal Government;

(2) support and promote innovative programs to improve effectiveness; and

(3) coordinate the monitoring and evaluation processes of Federal departments and agencies that administer covered United States foreign assistance.

(b) ESTABLISHMENT OF GUIDELINES.—Not later than 18 months after the date of the enactment of this Act, the President shall set forth guidelines, according to best practices of monitoring and evaluation studies and analyses, for the establishment of measurable goals, performance metrics, and monitoring and evaluation plans that can be applied with reasonable consistency to covered United States foreign assistance.

(c) OBJECTIVES OF GUIDELINES.—

(1) IN GENERAL.—The guidelines established pursuant to subsection (b) shall provide direction to Federal departments and agencies that administer covered United States foreign assistance on—

(A) monitoring the use of resources;

(B) evaluating the outcomes and impacts of covered United States foreign assistance projects and programs; and

(C) applying the findings and conclusions of such evaluations to proposed project and program design.

(2) OBJECTIVES.—The guidelines established pursuant to subsection (b) shall provide direction to Federal departments and agencies that administer covered United States foreign assistance on how to—

(A) establish annual monitoring and evaluation objectives and timetables to plan and manage the process of monitoring, evaluating, analyzing progress, and applying learning toward achieving results;

(B) develop specific project monitoring and evaluation plans, including measurable goals and performance metrics, and to identify the resources necessary to conduct such evaluations, which should be covered by program costs;

(C) apply rigorous monitoring and evaluation methodologies to such programs, including through the use of impact evaluations, ex-post evaluations, or other methods, as appropriate, that clearly define program logic, inputs, outputs, intermediate outcomes, and end outcomes;

(D) disseminate guidelines for the development and implementation of monitoring and evaluation programs to all personnel, especially in the field, who are responsible for the design, implementation, and management of covered United States foreign assistance programs;

(E) establish methodologies for the collection of data, including baseline data to serve as a reference point against which progress can be measured;

(F) evaluate, at least once in their lifetime, all programs whose dollar value equals or exceeds the median program size for the relevant office or bureau or an equivalent calculation to ensure the majority of program resources are evaluated;

(G) conduct impact evaluations on all pilot programs before replicating, or conduct performance evaluations and provide a justification for not conducting an impact evaluation when such an evaluation is deemed inappropriate or impracticable;

(H) develop a clearinghouse capacity for the collection, dissemination, and preservation of knowledge and lessons learned to guide future programs for United States foreign assistance personnel, implementing partners, the donor community, and aid recipient governments;

(I) internally distribute evaluation reports;

(J) publicly report each evaluation, including an executive summary, a description of the evaluation methodology, key findings, appropriate context, including quantitative and qualitative data when available, and recommendations made in the evaluation within 90 days after the completion of the evaluation;

(K) undertake collaborative partnerships and coordinate efforts with the academic community, implementing partners, and national and international institutions, as appropriate, that have expertise in program monitoring, evaluation, and analysis when such partnerships provide needed expertise or significantly improve the evaluation and analysis;

(L) ensure verifiable, reliable, and timely data, including from local beneficiaries and stakeholders, are available to monitoring and evaluation personnel to permit the objective evaluation of the effectiveness of covered United States foreign assistance programs, including an assessment of assumptions and limitations in such evaluations; and

(M) ensure that standards of professional evaluation organizations for monitoring and evaluation efforts are employed, including ensuring the integrity and independence of evaluations, permitting and encouraging the exercise of professional judgment, and providing for quality control and assurance in the monitoring and evaluation process.

(d) PRESIDENT'S REPORT.—Not later than 18 months after the date of the enactment of this Act, the President shall submit a report to the appropriate congressional committees that contains a detailed description of the guidelines established pursuant to subsection (b). The report shall be submitted in unclassified form, but it may contain a classified annex.

(e) COMPTROLLER GENERAL'S REPORT.—The Comptroller General of the United States shall, not later than 18 months after the report required by subsection (d) is submitted to Congress, submit to the appropriate congressional committees a report that—

(1) analyzes the guidelines established pursuant to subsection (b); and

(2) assesses the implementation of the guidelines by the agencies, bureaus, and offices that implement covered United States foreign assistance as outlined in the President's budget request.

SEC. 4. INFORMATION ON COVERED UNITED STATES FOREIGN ASSISTANCE PROGRAMS.

(a) PUBLICATION OF INFORMATION.—

(1) UPDATE OF EXISTING WEBSITE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall update the Department of State's website, ''ForeignAssistance.gov'', to make publicly available comprehensive, timely, and comparable information on covered United States foreign assistance programs, including all information required under subsection (b) that is available to the Secretary of State.

(2) INFORMATION SHARING.—Not later than 2 years after the date of the enactment of this Act, and quarterly thereafter, the head of each Federal department or agency that administers covered United States foreign assistance shall provide the Secretary of State with comprehensive information about the covered United States foreign assistance programs carried out by such department or agency.

(3) UPDATES TO WEBSITE.—Not later than 2 years after the date of the enactment of this Act, and quarterly thereafter, the Secretary of State shall publish, on the ''ForeignAssistance.gov'' website or through a successor online publication, the information provided under subsection (b).

(b) MATTERS TO BE INCLUDED.—

(1) IN GENERAL.—The information described in subsection (a)—

(A) shall be published for each country on a detailed basis, such as award-by-award; or

(B) if assistance is provided on a regional level, shall be published for each such region on a detailed basis, such as award-by-award.

(2) TYPES OF INFORMATION.—

(A) IN GENERAL.—To ensure the transparency, accountability, and effectiveness of covered United States foreign assistance programs, the information described in subsection (a) shall include—

(i) links to all regional, country, and sector assistance strategies, annual budget documents, congressional budget justifications, and evaluations in accordance with section 3(c)(2)(J);

(ii) basic descriptive summaries for covered United States foreign assistance programs and awards under such programs; and

(iii) obligations and expenditures.

(B) PUBLICATION.—Each type of information described in subparagraph (A) shall be published or updated on the appropriate website not later than 90 days after the date on which the information is issued.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to require a Federal department or agency that administers covered United States foreign assistance to provide any information that does not relate to, or is not otherwise required by, the covered United States foreign assistance programs carried out by such department or agency.

(3) REPORT IN LIEU OF INCLUSION.—

(A) HEALTH OR SECURITY OF IMPLEMENTING PARTNERS.—If the head of a Federal department or agency, in consultation with the Secretary of State, makes a determination that the inclusion of a required item of information online would jeopardize the health or security of an implementing partner or program beneficiary or would require the release of proprietary information of an implementing partner or program beneficiary, the head of the Federal department or agency shall provide such determination in writing to the appropriate congressional committees, including the basis for such determination.

(B) NATIONAL INTERESTS OF THE UNITED STATES.—If the Secretary of State makes a determination that the inclusion of a required item of information online would be detrimental to the national interests of the United States, the Secretary of State shall provide such determination, including the basis for such determination, in writing to the appropriate congressional committees.

(C) FORM.—Information provided under this paragraph may be provided in classified form, as appropriate.

(4) FAILURE TO COMPLY.—If a Federal department or agency fails to comply with the requirements under paragraph (1), (2), or (3) of subsection (a), or subsection (c), with respect to providing information described in subsection (a), and the information is not subject to a determination under subparagraph (A) or (B) of paragraph (3) not to make the information publicly available, the Director of the Office of Management and Budget, in consultation with the head of such department or agency, not later than one year after the date of the enactment of this Act, shall submit a consolidated report to the appropriate congressional committees that includes, with respect to each required item of information not made publicly available—

(A) a detailed explanation of the reason for not making such information publicly available; and

(B) a description of the department's or agency's plan and timeline for—

(i) making such information publicly available; and

(ii) ensuring that such information is made publicly available in subsequent years.

(c) SCOPE OF INFORMATION.—The online publication required under subsection (a) shall, at a minimum—

(1) in each of the fiscal years 2016 through 2019, provide the information required under subsection (b) for fiscal years 2015 through the current fiscal year; and

(2) for fiscal year 2020 and each fiscal year thereafter, provide the information required under subsection (b) for the immediately preceding 5 fiscal years in a fully searchable form.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State and the Administrator of the United States Agency for International Development should coordinate the consolidation of processes and data collection and presentation for the Department of State's website, ''ForeignAssistance.gov'', and the United States Agency for International Development's website, ''Explorer.USAID.gov'', to the extent that is possible to maximize efficiencies, no later than the end of fiscal year 2018.

SA 4928. Mr. RUBIO (for himself and Mr. CARDIN) proposed an amendment to the bill H.R. 3766, to direct the President to establish guidelines for covered United States foreign assistance programs, and for other purposes; as follows:

Amend the title so as to read: ''A bill to direct the President to establish guidelines for covered United States foreign assistance programs, and for other purposes.''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. ISAKSON. Mr. President, I have ten requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on June 28, 2016, at 9:30 a.m.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on June 28, 2016, at 9:45 a.m., in room SR–253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled ''How the Internet of Things (IoT) Can Bring U.S. Transportation and Infrastructure into the 21st Century.''

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on June 28, 2016, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building to conduct a hearing entitled ''Examining the Proposed Medicare Part B Drug Demonstration.''

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on June 28, 2016, at 10 a.m., to conduct a hearing entitled ''Global Efforts to Defeat ISIS.''

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet, during the session of the Senate, on June 28, 2016, at 2 p.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Small Business Health Care: Cost and Options.''

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on June 28, 2016, at 4 p.m.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on June 28, 2016, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''One Year After Enactment: Implementation of the Justice for Victims of Trafficking Act of 2015.''

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate, on June 28, 2016, at 2:30 p.m., in room SH–219 of the Hart Senate Office Building.

SUBCOMMITTEE ON OVERSIGHT, AGENCY ACTION, FEDERAL RIGHTS, AND FEDERAL COURTS

The Committee on the Judiciary, Subcommittee on Oversight, Agency Action, Federal Rights, and Federal Courts is authorized to meet during the session of the Senate on June 28, 2016, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Willful Blindness: Consequences of Agency Efforts To Deemphasize Radical Islam in Combating Terrorism.''

SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

The Committee on Energy and Natural Resources' Subcommittee on Public Lands, Forests, and Mining is authorized to meet during the session of the Senate on June 28, 2016, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern Andrew Dunn be given the full privilege of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent that my staff member Michael McKieran be given privileges of the floor until his paperwork is processed.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 114–12

Mr. ROUNDS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 28, 2016, by the President of the United States: Protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro, Treaty Document No. 114–12. I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro. This Protocol was signed in Brussels on May 19, 2016, on behalf of the United States and the other Parties to the North Atlantic Treaty. Also transmitted for the information of the Senate is an overview of the Protocol by the Department of State. Full ratification of the Protocol by the United States and our allies will allow Montenegro to become a Party to the North Atlantic Treaty and a member of the North Atlantic Treaty Organization (NATO).

Article 10 of the North Atlantic Treaty, which outlines NATO's Open Door policy, is part of the doctrinal foundation of the Alliance. Montenegro's accession to NATO will demonstrate to

other countries in the Balkans and beyond that NATO's door remains open to nations that undertake the reforms necessary to meet NATO's requirements and contribute to the security of the Alliance, and is yet another milestone in advancing the EuroAtlantic integration of the Balkans. I am pleased that, with the advice and consent of the Senate, and the ratifications of this Protocol by our NATO allies, Montenegro can soon join us as a member of this great Alliance.

I ask the Senate to continue working with me in advancing a Europe whole, free, and at peace by providing its prompt advice and consent to ratification for this Protocol of Accession. My Administration stands ready to brief and assist you in your deliberations.

BARACK OBAMA.

THE WHITE HOUSE, *June 28, 2016*.

FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2015

Mr. ROUNDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 318, H.R. 3766.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3766) to direct the President to establish guidelines for United States foreign development and economic assistance programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROUNDS. I ask unanimous consent that the Rubio substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the Rubio title amendment be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4927) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (H.R. 3766), as amended, was ordered to a third reading, was read the third time, and passed.

The amendment (No. 4928) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: ''A bill to direct the President to establish guidelines for covered United States foreign assistance programs, and for other purposes.''.

ORDERS FOR WEDNESDAY, JUNE 29, 2016

Mr. ROUNDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, June 29; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of the House message to accompany S. 2328, with the time until the cloture vote equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ROUNDS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:56 p.m., adjourned until Wednesday, June 29, 2016, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

RICHARD D. BETZOLD
MEGAN T. BING
KEELY M. CHEVALLIER
MARYELLEN T. DOLAT
GARRETT G. FRIEDMAN
LEE R. HAFEN
REMEALLE A. HOW
LINDSEY N. JULY
ROBERT W. KRELL
GRANT W. MALLORY
MICHAEL S. MCLAUGHLIN
JENNIFER L. MITCHELL
DAVID J. MORROW
SCOTT R. NODZO
THOMAS J. PAINTER
SABRINE SEMOIN
CHARLIE N. SRIVILASA
JENNIFER E. TONNESON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

STEFANIE L. SHAVER

To be major

WILLIAM J. BRIDGHAM

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

NATHAN D. SCHROEDER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RENEE V. SCOTT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KEITH D. BLODGETT

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JEFFREY M. ALSTON
RICHARD BERTHAO
ROBERT H. BUMGARDNER
JAMES W. DEAN II
RONNIE B. DELFIN
CHRISTOPHER A. HOLLAND
STEPHEN E. SCHEMENAUER
THEODORE R. SCOTT III
DAVID T. STAUFFER
MICHAEL J. TURLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

STEVEN C. LOOS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DANIEL W. M. MACKLE

EXTENSIONS OF REMARKS

CELEBRATING THE EDUCATIONAL CONTRIBUTIONS OF MRS. SYLVIA CRIER

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2016

Mr. RICHMOND. Mr. Speaker, I rise today to congratulate Mrs. Sylvia Crier on receiving the annual New Orleans Excellence in Teaching Award from New Schools for New Orleans. The Excellence in Teaching Award is given to a teacher that goes above and beyond for their students and who has a powerful impact on their school community.

Mrs. Crier began her teaching career more than 51 years ago when New Orleans public schools were newly integrated. Prior to starting her teaching career, Mrs. Crier received her Bachelor's of Science in English from Tuskegee University and moved to New Orleans shortly after—and we're glad she did.

At the young age of 75, Mrs. Crier has taught English, U.S. History, civics and business to generations of New Orleans students. Currently, the students of McDonough 35 High are lucky enough to have a teacher who is invested in not only their educational achievement but also their professional and personal development.

Mr. Speaker, I join with the Crier family in celebrating Mrs. Crier's dedication to her students and receiving this achievement.

RECOGNIZING W. MARK DONALD, DMD, MAGD, AS THE 52ND PRESIDENT OF THE ACADEMY OF GENERAL DENTISTRY

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2016

Mr. HARPER. Mr. Speaker, I rise today on the occasion of the 2016 Academy of General Dentistry's Annual meeting in Boston, Massachusetts to commend and congratulate W. Mark Donald, DMD, MAGD, for his service as the 52nd President of the Academy of General Dentistry (AGD) 2015–2016.

A Louisville, Mississippi native, Dr. Donald is a graduate of Mississippi State University and the University of Mississippi School of Dentistry. He has served in private practice and has continued to deliver professional dental care and oral care education to the citizens in his local community for the past 28 years.

Dr. Donald is the first dentist from Region 12 of the AGD and the Mississippi AGD to hold an elected national office and to become the national President of this organization.

The Academy of General Dentistry was founded in 1952 with the foundational core principal of continuing education for general dentists to advance their knowledge, education and training in all fields of dentistry through post-graduate continuing education.

The Academy of General Dentistry is the second largest dental professional organization in North America with over 40,000 members consisting of 62 constituents in the United States and Canada with student and international members.

Members of the Academy of General Dentistry are required to acquire continuing education as a membership requirement and can obtain a coveted Fellowship and Mastership in the AGD.

Fellows in the AGD make up 15% of the membership and only 5% of the membership obtain the coveted Mastership award. Dr. Donald obtained the Mastership award in 2009.

Dr. Donald has been a member of the AGD since 1988 and has served in both appointed and elected positions of leadership within the AGD. He was appointed to the Legislative and Governmental Affairs Council in 2000 and served as chair from 2003 to 2006. He was elected as Regional Director of Region 12 and served for five years and two as chair. He has been elected to serve as AGD Speaker of the House, and in 2013 he was elected as the AGD Vice President.

Dr. Donald was instrumental in the conception, formulation and implementation of the AGD advocacy strategic plan including the introduction and initiation of the AGD Advocacy fund and the AGD Hill Day and has helped guide the AGD advocacy efforts for the general dentists for the past 16 years.

Dr. Donald received the first Dentist of the Year award in his home state of Mississippi in 2010 and was recognized as the 2016 Alumnus of the Year for the University of Mississippi School of Dentistry. He is the first and current project chair of the Mississippi Mission of Mercy which has provided 1.3 million dollars of free dental care to 2,800 patients in Mississippi.

Mr. Speaker, I ask my colleagues to join me in commending Dr. W. Mark Donald, DMD, MAGD, for his service as the 52nd President of the Academy of General Dentistry, and also to acknowledge the significance that the Academy of General Dentistry has had on the profession of dentistry, the oral health care delivery system of the United States, and the importance of oral health care for all our citizens.

HONORING THE RETIREMENT OF BRAD DOHERTY

HON. FILEMON VELA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2016

Mr. VELA. Mr. Speaker, today I rise to recognize the accomplishments of a remarkable community member, Brownsville Herald Photo Editor Brad Doherty. Mr. Doherty recently retired after nearly 33 years of dedicated service to the newspaper and the Brownsville community.

Born in the Texas Panhandle town of Slaton, Mr. Doherty dreamed of becoming a basketball player, but traded in his basketball for a camera in college. Mr. Doherty earned a degree from the University of Texas at Austin's College of Fine Arts before joining the staff at The Brownsville Herald.

Mr. Doherty was passionate about telling stories through photojournalism. For more than three decades, Mr. Doherty has been present at community events including football games, graduations, and festivals like Brownsville's famous Charro Days Fiesta.

In addition to working full-time at the newspaper, Mr. Doherty served as an adjunct professor of photography at the University of Texas at Brownsville, he became a highly regarded professor. He was a mentor to many aspiring journalists and many of his photojournalism students went on to become his coworkers at The Brownsville Herald.

Despite his busy days, he always found a way to spend time with his wife, Anna, daughter, Kenya, and their Weimaraners. The family often traveled to Real de Catorce, Mexico where Mr. Doherty would photograph scenes from both the bustling village and the stark plains surrounding it.

Brad Doherty left an indelible mark on The Brownsville Herald and the community it serves. Mr. Doherty is an immensely talented photographer and teacher, and he will be missed by his colleagues and by all those who have seen Brownsville come alive through his photography.

FRANKIE'S STORY

HON. BRENDAN F. BOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2016

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, I rise today in memory of Frankie Prout, a young man from the Port Richmond area of Philadelphia described by his devoted mother Jacqueline as happy and well-loved by everyone who knew him. I also rise in honor of the 129 victims of drug overdose deaths each day; 78 of those from opioids.

In February of 2012, at the tragically young age of 20, Frankie succumbed to a heroin overdose in a half-way house, preceded by his addiction to Percocet—an addiction that began two years earlier with a prescription from the dentist. After repeated attempts to seek rehabilitation and attempts to qualify for meaningful treatment, Frankie was denied the resources he needed to overcome his addiction.

We must remind one another of people like Frankie, and put names and faces to the nearly 30,000 people who fall victim to opioid overdose each year. But we must also take action to make that tragic number zero. We as elected leaders must not abandon any more victims like Frankie. And we cannot stand by as mothers like Jacqueline bury their children.

THE COMMODITY FUTURES TRADING COMMISSION'S POSITION LIMITS LITERATURE REVIEW

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2016

Mr. CONAWAY. Mr. Speaker, I rise today to submit into the CONGRESSIONAL RECORD an important document related to the ongoing work to finalize a position limits rulemaking at the U.S. Commodity Futures Trading Commission (CFTC). The document, an unpublished draft literature review prepared by the CFTC's Office of the Chief Economist (OCE), is titled ''Analysis of the Various Economic Studies Cited in Comment Letters in the Position Limits Rulemaking.''

The House Committee on Agriculture (Committee) conducted oversight of research practices at OCE based on a report published by the CFTC's Office of Inspector General (CFTC OIG). As part of this oversight initiative, the Committee requested, obtained, and reviewed documents and information related to the CFTC OIG's report. As a result of its oversight efforts, the Committee obtained a literature review on position limits that was never finalized or circulated to the full commission.

Having reviewed the draft literature review prepared by the CFTC's own economists, I believe it presents a comprehensive overview of the current state of economic research on excessive speculation and an objective analysis of the potential utility of position limits. The document discusses in detail the ongoing and vigorous debate among economists about what constitutes excessive speculation and what, if any, impact it might have on prices and volatility in the commodity futures markets. In addition, the document summarizes and provides a brief analysis of many of the most important academic studies cited by commenters and utilized by CFTC staff in drafting the proposed rule.

On June 14, 2016, I requested that CFTC Chairman Massad make this document public because I believe the insights and information contained in this report will benefit the general public's understanding of and ability to comment on the proposed rule. On June 17, 2016, Chairman Massad declined on the grounds that (i) the document was a summary of studies submitted during the comment period and, (ii) it was never intended to be public.

The document, however, is much more than a summary of studies submitted during the comment period; it also is a wide-ranging examination of how to define excessive speculation, how to measure it, and how it may impact markets.

For reference, I have included the entirety of the conclusion section here:

Economists debate whether ''excessive speculation,'' meaning a link between large speculation positions and unwarranted price changes or price volatility, exists in these regulated markets, and if so to what degree. The question presented is a surprisingly difficult one to answer. All the empirical studies on this question have drawbacks, and none is conclusive. This inconclusivity is not surprising. It is inevitable, given the economic uncertainties that inhere in the data and the complexity of the question. There are many theoretical and empirical assumptions, and often multiple leaps of faith, that are needed to transform and interpret raw market data into meaningful and persuasive results. There is no decisive statistical method for establishing evidence for or against position limits in the commodity.

Those that use Granger causality methodology tend to conclude that there is no evidence of excessive speculation or its consequences on price returns and price volatility, and many industry commenters opposed to position limits used this methodology. But that methodology is peculiarly sensitive to model design choices, and above we have analyzed designed modelling decisions that may have affected the ultimate conclusions of these studies. Moreover, there are countervailing Granger studies showing a link between large speculative positions and price volatility. And studies such as Cheng, Kirilenko, and Xiong, Convective Risk Flows in Commodity Futures Markets (working paper 2012), indicate that some Granger studies may mask the impact of excessive speculation in times of financial stress.

Those that use comovement and cointegration methods tend to conclude there is evidence of deleterious effects of ''excessive speculation.'' Yet comovement just tests for correlation, not causation, and a correlation between large financial trading in the commodity markets and price changes and volatility could be driven by a common causal agent such as macroeconomic factors.

Those studies that use models of fundamental supply and demand reach a whole host of divergent opinions on the subject, each opinion only as strong as the many modelling choices.

In this way, the economic literature is inconclusive. Even clearly written, well-respected papers often contain nuances. It is telling that Hamilton, Causes and Consequences of the Oil Shock of 2007–2008, Brookings Paper on Economic Activity (2009), has been cited by both proponents and opponents of position limits.

What can be said with certainty is summarized in the Commission's NPRM: that large speculative positions and outsized market power pose risks to a well-functioning marketplace. These risks may very well differ depending on commodity market structure, but can in some markets cause real-world price impacts through a higher risk premium as a component of total price. There are also economic studies indicating some correlation between increased speculation and price volatility in times of financial stress, but this correlation does not imply causation. There are studies indicating that in certain markets, such as crude oil, or certain time periods, such as times of financial stress, the impact of excessive speculation may be greater. These findings are all exceptions to the general rule that increased participation of speculators should generally be expected to lead to better price discovery and less unwarranted price volatility.

Comment letters on either side declaring that the matter is settled in their favor among respectable economists are simply incorrect. The best economists on both sides of the debate concede that there is a legitimate debate afoot. This analysis paper documents that the academic debate amongst economists about the magnitude, prevalence, and pervasiveness of the risk of outsized market positions has reputable and legitimate standard-bearers for opposing positions.

While I have my own opinion about the utility of a position limits regime, my push to make this document public has nothing to do with a disagreement over the outcome of this specific policy debate. I believe that to make informed decisions it is important that lawmakers, policy makers, and the public have access to the best available information. This literature review, much like other whitepapers, studies, and analyses published by OCE, provides such information in a manner that is clear and understandable.

It is my hope that this information will be used to continue to improve our understanding of derivatives markets and the regulatory rules we enact to govern them. For this reason, I am making this report public prior to the July 13 closing date of the comment period for the CFTC's position limits rulemaking.

The cover memo, full literature review, and all of the correspondence between the CFTC and the Committee regarding this document are available on the Committee's website at http://agriculture.house.gov/uploadedfiles/position_limits_analysis.pdf.

I would like to also submit the following letters:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, June 14, 2016.

HON. TIMOTHY G. MASSAD,
Chairman, U.S. Commodity Futures Trading Commission, Washington, DC.

DEAR CHAIRMAN MASSAD: The House Committee on Agriculture is conducting oversight of research practices at the U.S. Commodity Futures Trading Commission's (CFTC) Office of the Chief Economist (OCE) based on a report published by the agency's Office of Inspector General (OIG). As part of this oversight initiative, the Committee requested documents and information related to the OIG's report and discovered the existence of a draft literature review on position limits that was never finalized or circulated to the full commission. I write to request that you direct CFTC staff to finalize and make public this report for use in the Commission's ongoing work on the position limits rulemaking.

On February 18, 2016, the OIG published a report following up on a 2014 review of OCE research programs. After interviewing OCE economists, the OIG decided to expand its review of OCE to include research topic selection due to allegations that the Chief Economist has refused to permit research on topics relevant to the agency's mission, including position limits, and economists have begun limiting their research proposals to non-controversial topics based on a perception that the Chief Economist will not permit research that may conflict with the official positions of the CFTC.

The OIG's findings were deeply troubling, and the Committee requested documents and communications related to the OIG's investigation for additional oversight. Among the documents the Committee received was a draft literature review summarizing and analyzing economic studies cited in comment letters on the position limits rulemaking

that was sent to your office on June 30, 2015. The version we have seen is labeled draft number 20, but does not appear to have been submitted for final review within OCE after it was shared with your office.

I have reviewed the document, and I believe it presents a comprehensive overview of the current state of economic research on excessive speculation and an objective analysis of the potential utility of position limits. The report discusses in detail the ongoing and vigorous debate among economists about what constitutes excessive speculation and what, if any, impact it might have on prices and volatility in the commodity futures markets. The authors of this report raise important questions about whether position limits are an effective tool for limiting the effects of excessive speculation. They also highlight the market stabilizing effects of speculative activity and suggest that suppressing such activity may carry unintended risks, such as disruptions to liquidity and price discovery.

I appreciate your work on the recent supplement to the proposed position limits rulemaking. Your proposal takes steps towards addressing several of the concerns that have been raised before both this Committee and your agency. As stakeholders and market participants review the new language and file their comments, this report, which puts the best economic literature in context, may help clarify what can and cannot be accomplished in the final rule.

Position limits are a complex regulatory tool and their impact on markets is uncertain. Given the sweeping nature of this rulemaking and the intense debate it has provoked since its inception, this even-handed report prepared by the Commission's own economists should serve as an invaluable resource for the Commission and the public. Therefore, the Committee requests that you finalize this report before continuing with the next steps in the rulemaking process.

The Committee on Agriculture is the principal authorizing committee for all matters related to agriculture and commodity exchanges in the House of Representatives and ''shall have general oversight responsibilities'' as set forth in House Rule X.

Please respond to this request in writing on or before June 24, 2016. Your response should specify the date by which the literature review will be finalized and made public. If you have any questions about this request, please contact Emily Wong or Paul Balzano of the majority staff.

Sincerely,

K. MICHAEL CONAWAY,
Chairman.

U.S. COMMODITY FUTURES
TRADING COMMISSION,
Washington, DC, June 17, 2016.

Hon. K. MICHAEL CONAWAY,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter of June 14, 2016 regarding the U.S. Commodity Futures Trading Commission's (''CFTC'' or ''Commission'') rulemaking concerning position limits on derivatives.

As you note in your letter, the position limits rulemaking (''proposal'' or ''rule'') is a very important one. As with all rulemakings, the Commission is following a transparent and thorough process. No current Commissioner was in office when the initial position limits rule was proposed, and therefore we have taken the time to listen to market participants and consider the proposal very carefully. The Commission has made extensive efforts to ensure the public has ample opportunity to comment on the proposal and has extended the public comment period multiple times.

As part of any rulemaking process, all comment letters are made publicly available on the Commission's website. Commission staff routinely summarize these comments, which can be helpful to Commissioners and staff because comments are often voluminous in detail. In the case of this rule, some of the comment letters referenced studies regarding position limits or related matters conducted by third parties, including academic researchers, economists and trade organizations. The draft document you mention in your letter is a summary of studies submitted during the rulemaking comment periods. A majority of these studies were submitted prior to the publication of the proposed rule in December 2013 and were summarized and listed in that 2013 proposal.

While staff summaries of public comments (or material referred to in the comments) are internal Commission documents and not themselves published as part of the final rule, I can assure you that, consistent with normal practice, any final rule will summarize the comments we receive, including those comments that refer to third party studies, just as was done for the proposed rule published in December 2013.

I appreciate the complexity of the issues surrounding the position limits rule, and the importance of thoroughly and fully considering public comments. I have made it a priority to finalize a position limits rule this calendar year and believe we are making good progress toward that goal.

If you have further questions, please contact me or Cory Claussen.

Sincerely,

TIMOTHY G. MASSAD,
Chairman.

IN MEMORY OF MEMPHIS POLICE K–9 OFFICER GUNNER

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2016

Mr. COHEN. Mr. Speaker, I rise today to join with the people of Memphis who are mourning the loss of a member of the Memphis Police Department's K–9 unit.

Gunner, a fearless German Shepherd, served with his partner and handler Sgt. Roosevelt Twilley for five years before retiring in 2010.

In 2009, Gunner risked his life to help apprehend a suspected thief and saved his handler's life in the process. Gunner was stabbed 10 times during the incident. After emergency surgery and a blood transfusion, he returned to duty just two months later.

Last week, Gunner was laid to rest by his brothers and sisters of the Memphis Police Department in recognition of his life-long service to the safety of Memphis.

As a State Senator I offered legislation to increase the penalty for shooting police dogs like Gunner because an attack on a member of the K–9 unit is an attack on all our police, and we need to protect those who protect us from harm.

We are grateful for their service and we mourn the loss of K–9 officer Gunner.

HONORING MR. FRANK OMATSU

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2016

Ms. JUDY CHU of California. Mr. Speaker, I rise today to honor Mr. Frank Omatsu, an outstanding citizen who has done so much for his country and his community in his 92 years.

A native Californian, Frank was born in 1924 in Los Angeles, where he lived until the outbreak of World War II. His family was then uprooted and forced across the country to the Jerome War Relocation Center, a Japanese imprisonment camp in Arkansas. Frank was only a high school student at the time, and yet despite the cruelty of his imprisonment, he never wavered in his dedication to his country. When the imprisonment camps were finally closed, instead of returning back to the life from which he was uprooted, Frank chose to join the U.S. Army. He served in the Military Intelligence Service, 77th Division, where he served overseas in the Philippines and Japan. Even after his family was treated like prisoners, he chose to fight for his country.

When Frank returned home from the war, he immediately went back to school to complete his education, and attended Los Angeles City College and the University of California, Los Angeles (UCLA). After graduating from UCLA, he became the first 'Nisei,' or second-generation Japanese American, to manage the Sumitomo Bank of California. As a manager, Mr. Omatsu provided loans and support to Japanese Americans returning from internment camps, helping them to get back on their feet financially. Always an active leader in his community, Frank was Finance Officer for Commodore Perry Post 525 of the American Legion Veterans organization. In 1985, he served as chairperson of the Little Tokyo Centennial Time Capsule. This time capsule, buried beneath a tree at the Japanese American Cultural and Community Center in Little Tokyo, Los Angeles, preserves the culture and history of the Japanese American community in Los Angeles at the time. The following year, Frank founded the 'Astronaut Ellison Onizuka Memorial Board' to honor the first Asian Pacific American to reach outer space who was tragically killed in the *Challenger* Space Shuttle in 1986. The board celebrates the life and upholds the legacy of Astronaut Onizuka as an inspiration to future generations of Asian Pacific Americans.

Building upon his legacy of serving others and improving his community, Frank was one of the ''magnificent seven'' original board members of Keiro Senior Healthcare, a not-for-profit organization dedicated to enhancing the quality of senior life for the Los Angeles Japanese-American community. Keiro has provided quality care, bilingual resources, and culturally sensitive programs to the elderly Japanese American community. The Keiro facilities themselves have become a cornerstone of the community, where families would gather to celebrate their rich cultural history.

As one of the original board members of Keiro, Frank used his finance and banking knowledge to ensure the success of the organization, which has been operating since

1961. He served on the board for 42 years, helping to make Keiro a cherished and valued institution in the Japanese American community in Los Angeles and across the state of California.

Along with his colleagues, friends, and all those whose lives he impacted through his work, I am so grateful to Frank Omatsu for his lifelong dedication to Keiro and the Japanese American community. I congratulate him on this milestone, and wish him many more!

IN CELEBRATION OF THE 300TH ANNIVERSARY OF THE TOWN OF STRATHAM

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2016

Mr. GUINTA. Mr. Speaker, I rise today to recognize the 300th anniversary of the Town of Stratham, New Hampshire.

Though formally incorporated as a town in New Hampshire on March 20, 1716, Stratham saw settlers on its lands formally known as Squamscott Patent going back to the 1600's. I know that these early settlers must have felt the way its current residents feel today, that it is a beautiful part of our historic state, with a great deal to offer families and businesses starting out there.

Stratham has been the home to many influential leaders for the State of New Hampshire including former Members of the U.S. House of Representatives David Barker Jr. and Josiah Bartlett Jr., former Members of the U.S. Senate Daniel Clark and Maurice Murphy Jr., and Paine Wingate who served in both the U.S. Senate and U.S. House of Representatives. Thomas Wiggin also hailed from Stratham and served as the first governor of what was then called the Upper Plantations of New Hampshire. Many of these influential figures from Stratham went on to make great contributions to the Granite State, and their family names still remain strong in the residents here today who proudly carry on in the name of their forefathers.

For the past 300 years, this town has been a landmark of independence and success, and the residents of Stratham should be proud of all that they've accomplished throughout its storied history. I am pleased to join with the citizens of Stratham as they mark this great milestone for their town and community, and it is truly an honor to represent them in Congress.

HONORING THE CAREER OF DETECTIVE JOSEPH SMOLA

HON. JOHN KATKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2016

Mr. KATKO. Mr. Speaker, I rise to pay tribute to the esteemed career of Detective Joseph Smola, who served over 28 years with the City of Syracuse Police Department.

Detective Smola was appointed to the Syracuse Police Department on September 16, 1985, and served commendably in various units within the Department until his retirement in March of 2014. As a result of his excellent service throughout his 28 years of service, he received two Divisional Commendations, twelve Bureau Commendations, twelve Departmental Commendations, The Meritorious Service Award in 2004, as well as several letters of appreciation.

During my time as a federal prosecutor I had the opportunity to serve with Detective Smola as part of the Syracuse Gang Violence Task Force. Detective Smola was an integral part of this effort for more than a decade and his work helped to drastically reduce the gang presence in some of our community's most violent neighborhoods.

For over 28 years, Detective Smola served with great dignity, loyalty and devotion to our community. He has truly helped to make the City of Syracuse a better, safer place for its citizens.

RECOGNIZING ALZHEIMER'S AND BRAIN AWARENESS MONTH

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2016

Mr. SMITH of New Jersey. Mr. Speaker, as we close out the month of June, Alzheimer's and Brain Awareness Month, it is critical to note that the effort to enhance treatment and find a cure for Alzheimer's must be prioritized year round. Yet, there is no better time to reflect upon the progress that has been made in this effort, the long road ahead and opportunities just around the corner.

According to the Alzheimer's Association, 5.4 million Americans suffer from Alzheimer's or related dementia and as the baby boom population ages, that number is expected to skyrocket. This devastating disease impacts patients and families alike. Over 15 million family members and friends provide over 18 billion hours of unpaid care to their loved ones annually, at tremendous emotional and often financial sacrifice.

Alzheimer's is a progressive disease that affects an individual's cognitive abilities. While Alzheimer's is the sixth leading cause of death for Americans, it is the only disease among the ten leading causes of death in America that cannot be prevented cured or even slowed.

Alzheimer's is also the most expensive disease in America and incurs catastrophic costs to Medicare and Medicaid—approximately $236 billion in 2016. On average, Medicare spends three times more on seniors with Alzheimer's than without.

To ensure that optimum care is provided to every Alzheimer's patient, we need to find innovative ways to improve quality of care. To this end, I have introduced legislation—the Health Outcomes, Planning, and Education (HOPE) for Alzheimer's Act—which will amend the Social Security Act to add an additional one-time benefit for care planning services for Medicare beneficiaries newly diagnosed with Alzheimer's disease and related dementias. This one time comprehensive care planning session will arm patients and caregivers with the facts, prognosis, and most efficacious treatment plan.

It is our moral imperative to support individuals with Alzheimer's and their caregivers. We have an obligation to care for our citizens as they age and we must support them as they struggle to face the challenges of this disease.

HOPE fulfills this obligation by ensuring quality of life for Alzheimer's patients. These patients are often hospitalized because comorbidities, such as diabetes, become uncontrolled when patients are no longer able to manage their own care. In other instances, medicines prescribed to control the symptoms of Alzheimer's can be rendered ineffective when patients, unequipped with sufficient information, use them in conjunction with other prescriptions. Care planning can ensure this does not happen, ensuring that symptoms are controlled to the extent possible, so patients can have the best quality of life.

Not only would HOPE improve health outcomes for Alzheimer's patients, it would also mitigate the huge, unnecessary costs associated with preventable trips to hospitals and emergency rooms. This is especially important, as Alzheimer's is the most expensive disease in America and presents a unique cost to Medicare and Medicaid.

A cost estimate commissioned by the Alzheimer's Association and conducted by Healthsperien, a DC based health care consulting firm, indicated that as a result of this legislation, net federal health spending would decrease by $692 million over the 10-year period.

The cost estimate is based on a study tracking 1,756 patients newly diagnosed with dementia, depression or mild cognitive impairment, broken into two cohorts, one cohort receiving comprehensive care planning and chronic care management through a collaborative care model and the other cohort not.

The study showed a significant savings for those patients enrolled in the collaborative care model as opposed to their peers and based on the study, the HOPE benefit is estimated to have a per person savings of $600 and per person cost $200 for a 3:1 return on investment.

Passage of my legislation, which has 291 bipartisan cosponsors, will empower individuals with much-needed information to outline their future treatments and care—giving patients HOPE, and a plan for their future.

In closing Mr. Speaker, I urge my colleagues to support my bill and hope that the momentum brought to this issue during Alzheimer's and Brain Awareness Month carries forward.

TRIBUTE TO RANDY LANOIX

HON. GARRET GRAVES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2016

Mr. GRAVES of Louisiana. Mr. Speaker, I rise today to recognize Randy Lanoix of

Donaldsonville, Louisiana, as he nears the end of his term as the 111th Chairman of the Independent Insurance Agents & Brokers of America, also known as the Big "I." Randy was installed as Chairman of the Big "I" in September 2015, and he has been a strong, thoughtful and charismatic leader for independent insurance agents across the country.

Randy has a strong track record in the independent agency system, serving as president of the Independent Insurance Agents & Brokers of Louisiana (IIABL) in 2001 and as the Louisiana representative on the Big "I" national Board of Directors from January 2005 to September 2010. He received the Lou Daniel award, which is the highest honor bestowed by the IIABL, in 2010. Randy is also a past recipient of the "Mr. Chairman" award for his work as Louisiana's legislative chairman and his work with the Louisiana state legislature.

On the national level, Lanoix has served on the Professional Liability Committee, the Trusted Choice® Board of Directors, numerous task forces, and two terms on the Government Affairs Committee, where he was chairman of State Government Affairs. In these leadership positions, Randy has always sought to promote an environment where independent agents, in both Louisiana and across the country, can continue to thrive in their business and represent their customers.

Randy is the owner of the Lanoix Insurance Agency in Port Allen, Louisiana which is located in my congressional district. He has been married to his wife Nell for more than 36 years, and they have two sons, Bryan and David, who work in the family agency alongside their father. Their family also includes daughters-in-law Leslie and Michelle along with their grandson Brooks and their granddaughter Riley.

I am pleased to join Randy's colleagues from across Louisiana and the nation in congratulating him as he finishes his term as Chairman of the Big "I."

PERSONAL EXPLANATION

HON. RICHARD M. NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2016

Mr. NOLAN. Mr. Speaker, on June 21, 2016, I was unavoidably detained due to a flight delay caused by inclement weather in the Washington, DC area.

Had I been present and voting on Roll Call No. 334, I would have voted NO (On H.R. 5525, End Taxpayer Funded Cell Phones Act of 2016).

Had I been present and voting on Roll Call No. 335, I would have voted AYE (On H.R. 5388, Support for Rapid Innovation Act of 2016).

Had I been present and voting on Roll Call No. 336, I would have voted AYE (H.R. 5389, Leveraging Emerging Technologies Act of 2016).

HONORING THE 70TH ANNIVERSARY OF THE CHARTERING OF ARGONNE NATIONAL LABORATORY

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2016

Mr. FOSTER. Mr. Speaker, I rise today in honor of the 70th anniversary of the chartering of the U.S. Department of Energy's Argonne National Laboratory, located in my district in Illinois.

Argonne traces its beginnings to experiments by the renowned physicist Enrico Fermi, who led researchers in creating the world's first self-sustaining nuclear reaction. From its initial mission to fulfill the promise of the atom as a new energy source, Argonne has grown into a multidimensional laboratory addressing a range of major scientific and societal needs, still however, with the primary mission to invent, innovate, and protect energy technologies for the nation.

The lab's work now spans the spectrum from basic research to applied science in areas including physics, materials and chemistry, math and computer science, life sciences, renewable energy, nuclear energy, energy storage, transportation, establishing energy surety and securing critical infrastructure. And Argonne remains on the cutting edge as it extends its expertise into new scientific endeavors including protein characterization, nanomaterials, molecular engineering and urban sciences.

I am pleased to have in my district a national laboratory that is a longstanding global leader in battery research. Argonne continues to license its chemistries for use in bestselling electric vehicles and has positioned itself to meet the emerging storage needs of the new electric grid. This unique history, combined with its role as convener of a regional ecosystem of governments, universities, non-profits, industries and other public and private entities delivering innovative research and technology, means Argonne National Laboratory is a big reason why Chicago and the Midwest will be a focal point in the impending clean energy revolution.

I am also proud to say that not only is Argonne home to Mira, one of the world's fastest supercomputers, and the Advanced Photon Source, the brightest X-ray source in the Western Hemisphere, but that ongoing updates to these and other user facilities at the lab will help maintain U.S. leadership in scientific discovery.

Argonne is not only a scientific, but also an economic engine for my district and the state of Illinois, as the lab employs some 3,000 people, attracts thousands more as visitors and scientific facility users, and spends approximately $300 million annually through procurements to a diverse group of large and small businesses to support its overall mission.

Finally, by employing more than 400 graduate and undergraduate students each year and annually hosting approximately 3,000 elementary, middle, and high school students for various programs, the lab is also an important educator and contributor to the STEM pipeline on which future prosperity of this country depends.

Clearly, scientific research is fundamental to the progress of society. The 70th anniversary of the chartering of Argonne National Laboratory is an excellent opportunity to reflect upon the contributions this world-class institution has made, is making, and is poised to make in the years to come—across an array of essential, life-changing disciplines.

Mr. Speaker I ask my colleagues to join me in honoring the 70th anniversary of the chartering of Argonne National Lab and I yield back the balance of my time.

HONORING SHERIFF CARLOS CARRIZALES

HON. FILEMON VELA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2016

Mr. VELA. Mr. Speaker, I rise today to recognize the late Sheriff Carlos Carrizales for a lifetime of distinguished service to Bee County and the state of Texas. A selfless public servant, he spent his entire career in law enforcement and served as Bee County Sheriff for the past 12 years. He will be remembered as an admired community leader.

In addition to his steadfast professional service to Bee County, Sheriff Carrizales was active in several community organizations. He served on the advisory board of the Safe and Drug Free Schools and Communities program and was a dedicated supporter of the Boys & Girls Club.

Sheriff Carrizales also enjoyed success in sports. He earned a football scholarship to Monterrey Tech, where in 1976, his team won the Collegiate Football National Championship. He earned the title Texas State Powerlifting Champion in 1980 and was inducted into the Beeville Sports Hall of Fame in 2005 and 2006.

He is greatly missed by Pat, his wife of 35 years, his two sons, Philip and Andy, their families, and the thousands of Beeville residents he served and protected every day.

Mr. Speaker, I ask my colleagues to join me today to honor Sheriff Carrizales for his lifetime of service to the Bee County community.

HONORING CHARLES S. WEISS, PH.D.

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2016

Mr. McGOVERN. Mr. Speaker, I rise today to honor my dear friend Dr. Charles Weiss on the occasion of his retirement from the College of the Holy Cross in Worcester, Massachusetts.

Dr. Weiss, also known as "Chick," has been a member of the College of the Holy Cross family for forty-one years. He joined the faculty as a member of the Department of Psychology, which he later chaired. As a member

of the faculty, Chick was a well-loved professor, a sought after author, an inquisitive researcher, and an active participant in multiple College committees. Chick also served the College in several administrative roles, most recently as Director of the Office of Strategic Initiatives and Corporate and Foundation Relations. In this capacity, Chick has been pivotal in ensuring that the intellectual and financial assets of Holy Cross were available to numerous deserving organizations throughout my district.

While Chick has certainly left his mark on the College of the Holy Cross, it is his positive impact on Central Massachusetts that is truly remarkable. Through both his words and deeds, he has made the City of Worcester a better place. Among his many contributions, I know that he is most proud of his work with the Nativity School of Worcester, an all-scholarship middle school for economically disadvantaged boys that he helped found. Without him, there would be no Nativity School. Not only did Nativity School present him an award in recognition of his many contributions, the school named the award after him, and every year presents the Charles ''Chick'' Weiss Award to a member of the community who lives up to Chick's commitment to service—not an easy task.

In addition to his service to the Nativity School, Chick has served on the board of the Central and Western Massachusetts Chapter of the American Red Cross; the Children's Friend; The EcoTarium; the Greater Worcester Community Foundation and the Abby Kelly Foster School, just to name a few. I am particularly grateful to Chick for his leadership role on the Blackstone Valley Visitors Center Advisory Committee, a project that is particularly near and dear to my heart.

I am pleased to congratulate Chick on his retirement from the College of the Holy Cross. I know that his wife, Gayle, and son, Joe, will enjoy spending a bit more time with him, but I also know that his work in the City of Worcester is not done. Congratulations Chick on a professional life well lived, and best wishes for a happy retirement, and all that is ahead of you.

SENATE—*Wednesday, June 29, 2016*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God, our deliverer, as the tragedy in Turkey reminds us of the dangerous, discordant, and demonic forces in our world, we look to You, our light and salvation. Show us how to please You as we remember that righteousness exalts a nation, and sin destroys.

May our lawmakers make obedience to You the bottom line in their labors. Teach them to know and comply with Your commands as they never forget that obedience brings blessings. Lord, give them the wisdom to make an absolute commitment to honor You above all else. Provide them with the strength to defeat temptation as they remember that You provide a way of escape from every test. Equip them for whatever task and challenges they must tackle.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. PAUL). The majority leader is recognized.

TERROR ATTACK IN ISTANBUL

Mr. MCCONNELL. Mr. President, yesterday our NATO ally Turkey suffered a devastating terror attack at Istanbul's main airport that quickly brought to mind ISIL's attack in Brussels earlier this year.

We do not know yet if this attack was launched by ISIL or the PKK, but we do know that our intelligence community will do all it can to help the Turks combat terrorism and defeat this threat. As CIA Director John Brennan reminded us all earlier this month, ''[D]espite all of our progress against ISIL on the battlefield and in the financial realm, our efforts have not reduced the group's terrorism capability and its global reach.''

In recent days Turkey has taken diplomatic steps to improve bilateral relations with Russia and Israel, and now the United States must extend its hand to our NATO partners and assure them that we will stand with them in the face of this attack and work together to defeat ISIL.

ZIKA VIRUS AND VA–MILCON FUNDING BILL

Mr. MCCONNELL. Mr. President, let me read some headlines.

''Senate Democrats block Zika agreement ahead of recess.''

''Senate Dems block House Zika funding.''

That last article goes on to say: ''Senate Democrats . . . blocked a critical funding measure needed to combat the spreading Zika virus, a move that will now make it impossible for Congress to send legislation to President Obama before July 4.''

Our Democratic friends are working hard to spin this, but families don't want excuses, they want action. Yesterday, Senate Democrats listened to the demands of a partisan special interest group and turned their backs on women's health and fighting Zika. First, they demanded congressional action on Zika. Then, in the midst of mosquito season, Democrats chose partisan politics over $1.1 billion in critical funds to protect pregnant women and babies from Zika—after the Democrats voted for the same $1.1 billion funding level just last month.

Yesterday, Senate Democrats listened to the demands of a partisan special interest group and turned their backs on supporting our veterans. First, they demanded more funding for veterans. Then, just before the Fourth of July, Democrats chose partisan politics over significantly increasing resources for veterans' health care.

In the coming days, Democrats will hear from constituents back home who want to know what they are doing to keep them safe from the threat of Zika and what they are doing to support our veterans. Democrats will have to explain why they chose not to do their job and instead blocked funding for the Zika crisis and for our Nation's heroes.

I have moved to reconsider the legislation, and we will give everybody on the other side a chance to think about that during the Fourth of July. We will get back to that when we get back.

PUERTO RICO

Mr. MCCONNELL. Mr. President, the U.S. territory of Puerto Rico is in crisis. It owes billions of dollars in debt, and without prompt congressional action, it could be forced to leave residents without essential services such as hospitals and public safety resources. If we don't act before the island misses a critical debt payment deadline this Friday, matters will only get a lot worse—for Puerto Rico and for taxpayers. President Obama's Treasury Secretary warns that Puerto Rico could be forced to ''lay off police officers, shut down public transit, and close medical facilities.'' This could very well result in a taxpayer-funded bailout.

Today, however, we have an opportunity to help Puerto Rico in the face of this crisis and prevent a taxpayer bailout by passing the responsible bipartisan bill before us. This bill will not cost taxpayers a dime—not a dime. What it will do is help Puerto Rico restructure its financial obligations and provide much needed oversight to put in place needed reforms. It achieves this with an audit of the island's finances and the establishment of what the Washington Post has called ''an impartial panel of experts'' to bring desperately needed transparency and reform to Puerto Rico's fiscal operations.

Puerto Rico currently spends over a third of its budget on debt payments alone. By restructuring Puerto Rico's financial debt and helping reform its operations, this bill will allow the territory to invest more of its resources in growing the economy and creating more opportunities for its residents. Obviously, the bill isn't perfect, but here is why we should support it: It will not cost taxpayers a dime, it prevents a bailout, and it offers Puerto Rico the best chance to return to financial stability and economic growth over the long term, so we can help prevent another financial crisis like this in the future. In short, it is ''just the first step,'' as the Governor of Puerto Rico said, ''in what will be . . . [a] long road to recovery'' for the island. But it is the most responsible, taxpayer-friendly step we can take right now.

So let me remind my colleagues that Puerto Rico faces a critical deadline this Friday, 2 days from today. This is the best and possibly the only action we can take to help Puerto Rico. As Secretary Jack Lew put it, ''[D]oing nothing now to end the debt crisis will result in a chaotic, disorderly unwinding with widespread consequences.'' It is the surest route to both the taxpayer-funded bailout of Puerto Rico and a humanitarian crisis for its people. These are all things we should avoid.

Doing nothing is not an option. We must act now to prevent matters from

getting worse. The House already passed this bipartisan bill with the backing of nearly 300 Members. Now it is the Senate's turn to send this to the President's desk immediately.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

ISIS

Mr. REID. Mr. President, often the Republican leader comes to the floor and complains about the battle against ISIS without ever offering a word as to what he would do that is not being done by President Obama and the rest of the allied forces. But let's talk a little bit about the progress that has been made.

Is it all done? Of course not. We are working on that every day. Since the height of the ISIS power, U.S. and coalition forces have captured about 50 percent of the land ISIS once held in Iraq, and they are losing land every day. ISIS has lost 20 percent of the land it held in Syria. Ramadi and Tikrit were key victories for the U.S.-backed Iraqi forces. Iraqi forces captured the city of Fallujah in the last few days and are now working to put out the next pockets of resistance in that key Al Anbar Province town. As we speak, Kurdish, Iraq, and Syrian Democratic forces backed by the U.S. Special Forces are making preparations to retake ISIS's key strongholds in Mosul and Raqqa in Iraq. We have killed more than 25,000 ISIS fighters and 120 key ISIS leaders. We have cut ISIS funds by up to one-third and some say approaching 50 percent. We have drastically slowed the flow of foreign recruits from a high of about 2,000 a month in 2014 to 200 a month today. The same goes for the young Americans who have sought to travel and join ISIS abroad. A year ago, about 10 Americans a month—hard to comprehend that, but it is true—were leaving to join ISIS. That is now numbering about one a month.

At home the FBI is cracking down on recruits. They are doing a good job. It is a tough job. Are they going to be able to get it all done quickly enough? We don't know, but they are doing their best. Over the past 2 years the FBI has arrested 80 individuals on ISIS-related charges. Prosecutions have gone forward, and with rare exception, they have all gone forward successfully.

ZIKA VIRUS AND VA–MILCON FUNDING BILL

Mr. REID. Mr. President, the Republican leader came here yesterday and came here again this morning talking about Zika.

Understand how the House of Representatives works—and stunningly, the Republicans over here accept what they do in the House. In the House of Representatives, they have what is called the Hastert rule, named after a Congressman from Illinois who was the Speaker of the House for a number of years. He created what was called the Hastert rule. What that was is, you had to deal only with legislation that had enough votes to pass it with Republican votes. They didn't want Democrats to be involved, and they are still that way.

Even though Hastert's in prison, they follow the Hastert rule. As a result of that, in the dead of night last week, Republicans in the House—and I mean the dead of the night. Remember the House had been taken over by the House Democrats because they were upset about what had not been done with guns. The event was interrupted for probably less than a minute, and the House was called back into session. The House passed with no discussion whatsoever the conference report dealing with Zika.

As could only be understood by someone understanding what the Hastert rule is, here is what they did. They had to get all the crazies over there—I am sorry to use that term. That is the term Speaker Boehner used, and the more I see of this, I think he had it pretty down pat. They did everything they could to go after all the pet projects of Republicans. They hate Planned Parenthood. They hate it, even though millions of Americans get their care there. This Zika disease causes young women to be concerned about birth control. About one out of every five women will get care at Planned Parenthood at some point in their lives. But what did Republicans do? They said: We are going to restrict funding for birth control provided by Planned Parenthood. Why would they do that? Only to get votes from those crazies over there.

They exempted pesticide spraying from clean water. What we need to do with these mosquitoes—in addition to inventing vaccines and other medicines to fight this plague, we also have to kill the mosquitoes, and we do that by spraying. That works better than anything else. Of course, the Republicans, hating environmental laws, went after the Clean Water Act, which has been in existence for decades.

Just to make sure that they covered all their bases, they whacked veterans funding by $500 million below the Senate bill. Those were for processing claims of veterans. What do we hear complaints about? Processing claims. Well, they took care of that. They want to cut $500 million from Secretary McDonald's budget so he cannot process claims very quickly. It cuts Ebola funding by $107 million and rescinds $543 million from ObamaCare. Just for good measure, I guess they had to make sure they had all the southern votes. They said: What we are going to do now is strike a prohibition on displaying the Confederate flag. So if they got their way, you could fly Confederate flags on any military cemetery you want. And, of course, it sets a terrible precedent by offsetting emergency spending with offsets like ObamaCare, cutting Ebola money.

We did the right thing. All the press—you might find a headline someplace on some rightwing blog, but the fact is, the Republicans know they failed on funding Zika, and all the press indicates that is the case.

PUERTO RICO

Mr. REID. Mr. President, today we are going to finally consider legislation addressing Puerto Rico's economic crisis.

For the past year and even longer, Democrats in both Houses of Congress have proposed legislation that would empower Puerto Rico to adjust a significant portion of its debt. Every time we have tried, it has been blocked by the Republicans.

As the weeks and months passed without a solution, the situation in Puerto Rico has worsened, and that is an understatement.

In the New York Times this morning, the editorial board stressed the importance of congressional action, and I quote what they said:

> The fiscal crisis in Puerto Rico is also a humanitarian crisis. The Senate now has an opportunity—and the obligation—to address both. It is scheduled to vote on Wednesday on a bill already approved by the House that would restructure the island's debt and could create the conditions for recovery.
>
> If the bill loses, Puerto Rico will default on Friday on a $2 billion debt payment, creditors will keep suing for full repayment and essential services on the island, including health, sanitation, education, electricity, public transportation and public safety, will continue to decline.

The economic crisis is a humanitarian disaster. Medical services have diminished. Hospitals are unable to pay their bills. Puerto Rico's largest hospital has closed two of its wings and reduced the number of beds by 25 percent and cut pay for all employees. Electricity at one hospital, the Santa Rosa Hospital, was suspended for lack of payment. Can you imagine one of our hospitals having to close because the electricity bill can't be paid? Puerto Rico's only air ambulance company had to suspend operations. At the pediatric center in Puerto Rico's primary medical center, pharmaceutical providers are only going to supply chemotherapy drugs COD, cash on delivery. How troubling is that? Children are being deprived of cancer treatment medication.

The effects of Puerto Rico's debt crisis reach beyond health care. Already,

the Puerto Rican government has been forced to close 150 schools. Leaders anticipate closing a total of 500 schools in the next few years. That would be half of all public schools in Puerto Rico. Businesses have shuttered. Labor force participation is substantially below the U.S. average. Puerto Ricans on the island are fleeing to the mainland at an alarming rate.

Even as Puerto Rico was drowning in more than $70 billion of debt and forced to take unprecedented austerity measures, Republicans in Congress dithered. They continued to waffle. Finally, this spring congressional Republican leaders agreed to negotiate and address this economic and fiscal emergency.

The legislation before us is far from perfect. Oh, is it far from perfect. What they have done to labor, minimum wage, the oversight board, environmental—it is bad stuff. It is far from perfect. I share my colleagues' very deep concerns about this compromise legislation.

If Republicans were serious about pro-growth measures, they should have addressed some of the disparities Puerto Rico faces under Federal programs. They should have worked with us to fix Puerto Rico's unequal treatment under Medicaid and Medicare or extend key refundable tax credits to the island's government. Republicans should have extended overtime rules and the minimum wage.

I take issue with the oversight board and their excessive powers and appointment structure.

For all the Republican leader's promises about an open amendment process, Democrats have not been allowed to offer amendments to improve the bill. The tree is filled. How many times did we hear the Republican leader come to the floor and say: Oh, it is terrible; REID has filled the tree. Well, I should have waited and taken some lessons from him. We will just add that broken promise to the Republican leader's growing list of not keeping his word, such as the budget, a full workweek, and tax credits that are so vital to renewable energy projects.

If Democrats had written this bill, it would be very different from what we are voting on today. But I am going to vote for passage of this bill because we must help Puerto Rico before July 1. Otherwise, we turn that island nation—country, I should say—all American citizens—turn them over to the hedge funds, and they will sue them to death, and that is too bad. We must do something now.

As the Democrats stated in a letter that every Member of our caucus sent to Senator MCCONNELL earlier this year, Puerto Rico needs a workable debt-restructuring process.

While there are many things we may not like about this legislation, at the end of the day this legislation provides tools that allow Puerto Rico to survive, to hopefully restructure a meaningful portion of its debt. I wish we had something better.

Secretary Lew sent a letter to Senator MCCONNELL and to me a few days ago.

> [Puerto Rico's] only hope for recovery and growth is legislation that authorizes the tools necessary for better fiscal management and a sustainable level of debt.

While much work still needs to be done, this legislation meets the Treasury's criteria, and it is a step in the right direction.

Not acting today to provide Puerto Rico with debt relief and protection from creditors' lawsuits will have dire consequences and worsen the crisis.

Puerto Rico's only elected representative in Congress, Resident Commissioner PEDRO PIERLUISI, said it best in a letter he sent to me:

> PROMESA—

Which is a word meaning ''promise'' in Spanish, and that is the name of this bill—

> is an imperfect but indispensable bill that constitutes the only realistic means to prevent the collapse of Puerto Rico's government; to protect regular citizens, pension plan participants and bondholders; to stem the tide of Puerto Rico families moving to the states; to enable the Puerto Rico government to regain access to the credit markets; and to lay the groundwork for Puerto Rico's economy to grow.

The Resident Commissioner is correct. Mr. President, 3.5 million American citizens who call Puerto Rico home need this relief, and they need it now. We should pass this legislation today and give Puerto Rico the relief it so desperately needs.

Mr. President, would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany S. 2328, which the clerk will report.

The bill clerk read as follows:

> House message to accompany S. 2328, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.
>
> Pending:
>
> McConnell motion to concur in the House amendment to the bill.
>
> McConnell motion to concur in the House amendment to the bill, with McConnell amendment No. 4865, to change the enactment date.
>
> McConnell amendment No. 4866 (to amendment No. 4865) of a perfecting nature.
>
> McConnell motion to refer the House message on the bill to the Committee on Energy and Natural Resources, with instructions, McConnell amendment No. 4867, to change the enactment date.
>
> McConnell amendment No. 4868 (to (the instructions) amendment No. 4867), of a perfecting nature.
>
> McConnell amendment No. 4869 (to amendment No. 4868), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until the cloture vote will be equally divided between the two leaders or their designees.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, parliamentary inquiry: How much time do we have before the vote?

The PRESIDING OFFICER. There is 36 minutes remaining prior to the vote.

Mr. DURBIN. There is 18 minutes a side, I understand?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Is that divided on position on the bill or on a partisan basis?

The PRESIDING OFFICER. Between the two leaders or their designees.

Mr. DURBIN. Thank you.

I see the Senator from Oklahoma seeking recognition.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Illinois.

WATER RESOURCES DEVELOPMENT ACT

Mr. INHOFE. First, Mr. President, I have been told I will have our time that I may use, and I appreciate that very much.

This morning we heard from the ranking member—from both sides. I am going to bring up something here that everyone agrees on, and that is with the things we do in our committee—we passed our highway bill, and we passed the TSCA bill. Right now, I wish to talk about the WRDA bill that is coming up.

I am on the floor today to express urgency to the often-neglected issues surrounding our Nation's water resources and water infrastructure.

In my nearly five decades in elected office, I have watched the impacts of Congress prioritizing and failing to prioritize our Nation's water system.

In 1986, Congress enacted the cornerstone WRDA legislation that set cost-share standards and created the harbor maintenance trust fund and the island waterways trust fund. Following this bill, it was intended for Congress to reauthorize WRDA every 2 years. ''WRDA'' means ''Water Resources Development Act.''

When we talk about what happened in 1986, not many people are aware of the fact that my State of Oklahoma is actually navigable. We have an inland waterway.

It was our intention at that time to have this bill every 2 years because it is just as significant as the highway

bill. But then the trend came to a halt. Between 2007 and 2014, the WRDA bill—Congress went 7 years without a WRDA bill, the Water Resources Development Act. We got back on track 2 years ago. This is important because now we are getting back on track to get into the 2-year cycle.

Our coastal ports are grossly behind in their deepening projects to accommodate post-Panamax vessels. As you can see on this chart, the levees and flood walls are inadequate and well below the necessary level of protection. Our water infrastructure has become so deplorable that communities don't have the necessary resources to provide clean, safe drinking water, as you can see on this chart.

This is not a partisan problem; this is a national crisis. A lot of the things we are going to be talking about around this place—and we will see it today—are partisan. This is not.

The last WRDA took on the major reforms, and now, 2 years later, it is time for another WRDA to help clear up the logjam of Corps projects—the Corps of Engineers—and address concerns with aging infrastructure. Too often we take for granted how water resources and how water infrastructure projects affect our daily lives.

Some will argue—unlike the highway bill—that the WRDA bill is not considered a must-pass bill, that there is no shutdown of a program. However, I would argue that the WRDA bill is a must-pass bill.

Without WRDA, the 27 chiefs' reports included in the bill for port-deepening, flood protection, and ecosystem restoration will get put back on the shelf, and their construction will be delayed even further and it will cost much more money later on to make that happen.

Look at the aging infrastructure, the lead pipes. We saw what happened in Michigan, and we are addressing these things, these kinds of problems.

I have a letter addressed to Leader MCCONNELL and Majority Whip CORNYN, with 31 signatures from my fellow Republicans, asking Republican leadership to bring WRDA 2016 to the floor in the next few weeks.

I know my colleague Senator GRAHAM supports WRDA. He has been fighting to authorize the deepening of the Charleston Harbor for several years now, as you can see on the chart. Any further delay in this project is going to cause unwarranted economic loss to his State and the Nation as we prepare for the increased use of the post-Panamax vessels that we are all aware are on their way.

The same could be said for several of my other colleagues who have a vested interest in their projects. In this bill, port-deepening projects in Florida, Alaska, Maine, and Texas would be better positioned for those States to capitalize on increased import and export projections over the next 20 years.

Flood projects in Kansas and Missouri would provide communities in their State the necessary assurance that homes and businesses will not be flooded by the next storm.

Ecosystem restoration projects in Florida, Illinois, and Wisconsin would stimulate recreational and commercial economies otherwise left behind, as we can see here. That is Florida on our chart.

Senators VITTER and CASSIDY also support the passage of WRDA. Their State has experienced more catastrophic disaster from storms and flooding in the past decade than any other. They, too, have a project proposed for flood protection that had been studied for nearly 40 years. You can study something to death and never get anything done. If this project had been prioritized and constructed in the early 2000s as we intended, then St. John Parish in Louisiana and the surrounding communities would not have endured $600 million in damage from Hurricane Isaac in 2012.

That is just a snapshot of what has been included in the WRDA bill.

Water resources and water infrastructure projects are integral to our everyday lives—as we see in the next chart, the levees to protect our communities from floodwaters; ports and waterways that move American goods and services to a global marketplace.

In addition to the traditional water resources projects and the provisions that have dominated WRDA bills in the past, Senator BOXER and I decided to go one step further and address the pressing water infrastructure crisis facing this Nation. As we put this bill together and we held hearings on critical water resources and infrastructure, we heard how communities are struggling to meet ever-growing clean water and safe drinking water mandates that are needed for flexibility and for targeted assistance.

By the way, if people are wondering right now why we are dividing the time before voting on a bill, I was going to make this presentation yesterday, but the Senator from New Jersey dominated the floor so that was not possible.

Our witness representing rural water, Mr. Robert Moore from Madill, OK, recommended that we target the grant assistance program addressing issues of greatest necessity. These programs include assistance for small and disadvantaged communities.

This is something that is particularly of concern in my State of Oklahoma. We are a rural State. We have many small communities, and we have the unfunded mandates come down from Washington, and we just can't handle those. This is the one program that helps States like my State of Oklahoma.

We have also empowered local communities to meet EPA mandates on a schedule that is doable and affordable for the community and that allows the community to prioritize addressing the greatest health threats first. That is good. That allows the communities to make these determinations.

In addition to providing disaster relief for Flint, MI, we have also capitalized the new Water Infrastructure Financing Innovation Act Program, which can provide secured loans for water and wastewater. That is actually called WIFIA. I think we are all familiar with that program.

Without being able to get this done, none of these good things are going to happen. We have in this bill $70 million for this new program that delivers as much as $4.2 billion in secured loans. We are talking about the WIFIA Program. This is a fiscally responsible way to partner with the States and provide Federal assistance. So when we are concerned about Flint, MI, there are other problems in other areas that meet the same criteria.

We heard how new technologies can help address droughts and other water supply needs, like the issues we face in the Red River in Oklahoma. S. 2848 addresses this issue by promoting new technologies and the transfer of desalination technologies from other countries facing the same problems. Passing WRDA 2016 would guarantee the Federal Government's principal commitment to resilient water resources and water infrastructure and strong commerce.

This is a major bill. We are all concerned. We are all very familiar with what we did in this committee. I often say the Environment and Public Works Committee is a committee that actually does things, and we did. We did the highway bill, we did the TSCA bill on chemicals, and this is the WRDA bill coming up.

From the outset, Senator BOXER and I have worked closely with Senate Republicans and Democrats to make sure that all Members were heard and no one was left behind. We have done this successfully on several occasions, as I mentioned—the FAST Act and TSCA—and we have delivered for every Member of this body. We have done the same thing with the WRDA bill, and that is what we are talking about doing now.

We listened to your concerns, we engaged your constituents and your project sponsors in your respective States, as well as the users of our waterways and transportation infrastructure. The message was clear and uniform: Get back to regular order and build upon the reforms in the WRDA bill of 2014. We went 7 years without doing what we were supposed to be doing every 2 years, and now we are back on schedule to do that—to empower the Army Corps and local host sponsors to help keep our water resources infrastructure strong and functioning.

Let me close by saying that not passing this bill would result in nearly $6 billion in navigation and flood control projects being unnecessarily delayed or never constructed. There would also be no critical reforms to the Army Corps of Engineers and their policies, no essential affordability reforms for the communities' clean water infrastructure mandates, no new assistance for innovative approaches to clean water and drinking water needs to address drought and water supply issues, no resolution of the national lead emergencies, like in Flint, MI, and no dam rehabilitation programs.

So today, I am asking the leadership and my fellow Republicans to seize this valuable opportunity and bring the WRDA bill of 2016 to the floor. I know we want to do our appropriations bills, but we need to sandwich this in. We want it to get to the floor and passed before the July recess. Time is really of essence.

We are putting the managers' amendment together now. I encourage all Members to bring to me and to BARBARA BOXER their concerns and their amendments so they can have the proper consideration on this bill. If you bring them down, we can do that. We are going to be ready to do this very significant bill. It will take a lot of cooperation by a lot of people. It is something we are supposed to be doing in this country.

People are impatient this morning, so I am going to yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Washington.

Ms. CANTWELL. Mr. President, on this debate we are about to pursue, I ask unanimous consent that 9 minutes be given to the opponents and 8 minutes to the supporters of this legislation. I would like to take 5 minutes now, reserving 5 minutes for Senator MENENDEZ, and give my colleague from Illinois 8 minutes to control for people who are supportive of this legislation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I come to the floor to ask my colleagues to not vote for cloture on this measure and to give the Senate a chance to work its will.

Many people know this legislation is being brought over from the House. I appreciate the good relationship I have with my colleague from the Energy and Natural Resources Committee, and I would love the opportunity to have their input into this legislation, as many of my colleagues would, with just a simple amendment process. That is being denied here today if we, basically, invoke cloture.

Everybody has admitted this is a flawed bill. There is not one person who has done a presentation on this that hasn't admitted it is a flawed product from the House of Representatives. So why not take a little time today and improve that bill? Why not let the Senate work its will, as we do on so many issues—because we have the time? As I think my colleague from New Jersey will prove, we are definitely going to be here for a few days doing nothing. So, why not, instead of sitting here doing nothing, take the chance to improve a bill that, by all accounts, is flawed?

Also, there is so much discussion that somehow July 1 is a magic date. Well, actually, July 11 is the next scheduled legal hearing on this, and that is plenty of time for the Senate to weigh in on a few ways to improve this legislation and to make sure we are not suspending the constitution of Puerto Rico in the process.

There are many questionable issues about the structure of this bill. I certainly prefer a structure that is clean and simple, understood by my colleagues, and is going to lead to success by all of us. Why do I say that? Because the continued wrangling over the debt in Puerto Rico by a process that will be challenged on its constitutionality means that Puerto Rico will continue to be bled, the United States Government will continue to be bled, and we will not get a resolution of this issue.

The appointments clause requires that these officers, who are being appointed under the authority of Federal law, be appointed by the President and confirmed by the Senate. But, if this bill is enacted, we will have board members who have significant authority over Federal law and they are not appointed by the President and they are not confirmed by the Senate. So it is going to be challenged constitutionally.

Why is this important? Because there are hedge funds out there that took Argentina's debt and it took almost a decade to get a resolution because they could win in court. We want a process here in legislation in which all of the debt is part of a discussion, and in which people can offer solutions as to how to get out of this situation by giving bankruptcy to Puerto Rico.

Also, there are questions about this board and who they are? Besides the fact that they are likely to be challenged in court as unconstitutional, I brought up the point last night that they can actually receive gifts. Gifts from whom? What gifts? What can the board receive? Is it cars? Is it equipment? Is it airplanes? What is it they can receive?

So we are here now to say: Let's take the time, instead, to make sure we are going through this process and improving the bill in the Senate. I think this is something my colleagues on both sides of the aisle can appreciate. What is hard to appreciate is that this small group of people are being given some very large powers.

This group of people—just a simple majority of four of them—appointed by the two leaders of the Senate and the House, can approve the fiscal plan for Puerto Rico, approve the budget for Puerto Rico, set aside an act of law by the Puerto Rican Legislature, and disapprove or approve and expedite permitting of projects. So, this is a lot of power. If you don't think someone is going to challenge the constitutionality of this, I guarantee you they are going to challenge it. In the meantime, we will have legal wrangling and a continued process.

I urge my colleagues to vote 'No' on this legislation. Give the Senate a chance to work its will and make sure we are protecting the U.S. taxpayers on the amount of debt we will be seeing with this legislation if we don't move forward in an orderly fashion.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. CANTWELL. I thank the Chair, and I yield the floor.

Mr. DURBIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The proponents of the measure have 8 minutes remaining, and the opponents have approximately 4 minutes remaining.

Mr. DURBIN. I am going to speak, and I know my colleague and friend from New Jersey is here and opposes the measure. I have been given 8 minutes, and I don't know how much of that time I will use. I will try to leave whatever is left for his use. I know he spoke yesterday, but I am sure he wants to speak again this morning. I will yield whatever is left.

The other remaining time, as I understand, is controlled by the other side.

Ms. CANTWELL. In the unanimous consent request I locked in 5 minutes.

Mr. DURBIN. I ask for a clarification. Is there still 5 minutes remaining for the Senator from New Jersey?

The PRESIDING OFFICER. The Senator from Washington consumed 5 of 9 minutes, leaving 4 minutes remaining for the opponents of the bill.

Mr. DURBIN. If I don't use my entire time, I will yield the remainder to the Senator from New Jersey for those with opposing positions.

Mr. President, many times on the floor of the Senate we are faced with difficult, sometimes impossible choices. At the end of the day, you wish you could sit down and write a solution that you believe would achieve its purpose and do it in the most responsible manner. Many times we don't get that luxury, and this is an example.

Puerto Rico is in a unique relationship with the United States. Some have said this agreement is in the nature of a colonial imposition on the island of Puerto Rico. As the laws currently stand, Puerto Rico cannot save itself. It is $70 billion in debt, and those who hold the debt—the bond holders—are demanding payment.

The Puerto Rican economy is struggling to survive and struggling to

make a $2 billion payment on that debt by July 1. Under these emergency circumstances, there is only one place to turn. It is not an imposing colonial power; it is the United States of America that has been in partnership with Puerto Rico in the past and should be for its future.

We are trying to find a reasonable way through this that will appeal to both political parties. Of course, the political parties see this differently. A Democratic solution to this looks a lot different than a Republican solution. What we have before us is a compromise. It is a measure that was entered into with the cooperation, collaboration, and bargaining between the Speaker of the House, NANCY PELOSI, the White House, and Republican leaders. So it is a mixed bag politically that comes to us today.

I support it, although I would be the first to tell you there are parts of it I find absolutely objectionable. Bringing in the notion that they are going to put their economy on solid footing by reducing the minimum wage is laughable, as far as I am concerned. If you lower that minimum wage to an unconscionable level, more and more people will leave Puerto Rico—which they can legally do—and come to the United States, where the minimum wage is significantly larger than that proposed by the Republicans. The same thing is true when it comes to overtime pay.

I struggle with the powers of this oversight board, but I understand that time and again in history, when entities like New York City and other places are facing virtual bankruptcy, an oversight board has been the vehicle to bring them to stability. I think this oversight board is loaded—even though it is 4 to 3—loaded on the other side, but I hope they will in good conscience come up with approaches that are acceptable.

What is the alternative if we vote no? We will hear a lot of Members say: Let's just vote against this and put an end to it. The alternative if we vote no is to give the bondholders, those who are holding the debt of Puerto Rico, all the cards July 1—all the cards. They can then go to court and force their hand for payment on these debts. And Puerto Rico, which is struggling to provide basic services, will have even more money taken away from them. What is a disastrous situation will become disastrously worse if we vote no and do nothing. This oversight board, for all its flaws, has the power to stop that from happening—has the power to enter into voluntary negotiations on the debt of Puerto Rico, and if they can't reach a voluntary agreement, they have the power to go to court for restructuring all of the debt that faces the island. Now that is significant. I hope it doesn't reach that point. I hope there is a voluntary negotiation. But to say we are going to protest the creation of this board by voting against the creation of the board and this outcome I have described is to throw this poor island and the people who live there into chaos.

I received a telephone call from the archbishop of Chicago, Blase Cupich. I respect him very much. He called me on several issues, but he said: The real purpose for my call is to tell you the archbishop of San Juan, Puerto Rico, has reached out to me and told me of the desperate situation they are facing in Puerto Rico today. About 150 schools have closed. There is no money to buy gasoline for the buses to take the children to schools. Many of the medical services are down to zero. One doctor a day is leaving Puerto Rico, and they can't afford to lose any. Currently, at the major hospital, Centro Medico, there is a serious question as to whether children who are trying to survive cancer will have the drugs they need for a fighting chance. That is how desperate it is. He went further to say the air ambulance service on Puerto Rico, which transports the most gravely ill people to medical care, is now not flying. They can't afford to. People have to pay in cash for dialysis services.

This is a disastrous situation, and the notion that we can vote no today and not accept the consequences, which will be terrible for Puerto Rico, is not a fair analysis of this problem. Yes, I would have written a different bill. Yes, I would have constructed a different oversight board, but the choice now is not between some ideal or some better approach. The choice is before us. The choice is yes or no, and a ''no'' vote is one that is going to imperil this island and make the poor people living there face even worse hardship. How can that be a good outcome? How can we bargain for the possibility that several months from now there may be a better constructive oversight board? I think the responsible thing to do is to move forward.

Don't take my word for it alone. I represent the State of Illinois and am proud to do it. My connection to Puerto Rico is through 100,000 Puerto Ricans who live in my State. I have worked with them. I have met with them.

This morning, I received a letter from PEDRO PIERLUISI, who is the Member of Congress from Puerto Rico. He goes on to write:

> As Puerto Rico's sole elected representative in Congress, I write to respectfully request that you vote in favor of S. 2328. . . . On June 9th, the House approved PROMESA in a strong bipartisan vote, an all-too-rare event that I hope will be replicated in the Senate this week.

He goes on to talk about the imperfections in this bill, which we all know. But he then goes on to talk about the hardships that the island of Puerto Rico is facing and will face if this bill is not passed. We have received the same request from the Governor of Puerto Rico. To ignore these people and to ignore the people who live there and the perils they face, I don't believe is a responsible course of action. I think we have to move forward in a positive fashion. That is why I am going to support this measure today and urge my colleagues to do the same. It passed with a strong bipartisan vote in the House, as the resident Congressman has related in his letter. It is an indication that as imperfect as this agreement may be, it is the best we can come up with in this terrible and perilous situation facing the island of Puerto Rico.

I urge my colleagues today to vote yes on cloture, vote yes on final passage of this bill. Give Puerto Rico a fighting chance.

Mr. President, I yield the floor.

Mrs. BOXER. Mr. President, I oppose invoking cloture on this measure because the House version of this bill is flawed, and the Senate should have the opportunity to improve it.

Puerto Rico is drowning in more than $70 billion of debt, equal to nearly 70 percent of the island's GDP. This is a serious situation deeply affecting the 3.5 million Americans who call the island home. And let us be clear: these Americans need their country's help. But the current PROMESA Act is not the answer, and here are two reasons why.

First, one of the provisions in the bill would set up a seven-member oversight board to oversee Puerto Rico's fiscal plan and annual budgets. This board would consist of four Republicans and three Democrats and the Governor of Puerto Rico would serve as a nonvoting member. This is not a fair solution. Representation must be fair, and the way this board is currently proposed, it is one-sided. We need to fix that.

Second, this legislation could reduce the minimum wage in Puerto Rico from $7.25 an hour to $4.25 an hour for workers 25 years old and under. How can young workers needing to gain economic independence in a suffering economy begin their careers on solid footing making only $4.25 an hour? In addition, this would reduce consumer spending, hurting an already weak economy.

We should be lifting all workers—from California to Puerto Rico—up, not letting them fall further and further behind.

We must give Puerto Rico the tools it needs to come out of this disaster stronger and with a clear path forward. As it stands, I do not feel this bill provides the smart and necessary solutions needed to resolve this fiscal crisis, and therefore, I oppose invoking cloture on this measure.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, parliamentary inquiry: How much time do I have?

The PRESIDING OFFICER. The Senator from New Jersey has approximately 3 minutes 40 seconds remaining.

Mr. MENENDEZ. Is that the time that was reserved? I understand there was a 5-minute time reserved.

The PRESIDING OFFICER. The time of the Senator from Washington passed the initial reserve time used against the total reserve time.

Mr. MENENDEZ. I ask unanimous consent to have up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I rise again this morning to urge my colleagues to vote no on cloture. As drafted, PROMESA exacts a price far too high for relief that is far too uncertain.

I came to this Chamber in September and December of last year to raise the alarm bells about what was happening in Puerto Rico. The majority held the ball and ran out the shot clock, attempting to silence the voice of 3.5 million U.S. citizens living in Puerto Rico in this debate.

So let's be clear about what this vote to end debate means. Despite what the proponents of the bill will argue, opposing this cloture vote is not a vote to allow Puerto Rico to default. Any legislation we pass includes a retroactive stay on litigation, meaning that any lawsuit filed after July 1 will be halted and any judgment unenforceable. As the bill states, the stay bars ''the commencement or continuation'' of suits to recover claims against Puerto Rico. It also bars ''enforcement . . . of a judgment obtained before the enactment'' of the bill. In addition, section 362 of the Bankruptcy Code, which is incorporated by reference into the bill, bars the ''enforcement . . . of a judgment obtained before'' filing for bankruptcy, once the board files a bankruptcy petition on Puerto Rico's behalf. So even if the hedge funds win a judgment before the stay is enacted, that judgment cannot be enforced, and once the debt adjustment plan is confirmed, the judgment can be discharged.

As the Third Circuit Court of Appeals held in 2012—the circuit that has jurisdiction over Puerto Rico—''Even if [an] injunction is not a claim [for the purpose of the bar against ''commencement or continuation'' of ''claims''], any action to enforce [an injunction] is subject to the stay and cannot proceed without relief from the stay.''

I repeat, ''Any action to enforce [an injunction] is subject to the stay and cannot proceed without relief from the stay.''

There is no doubt that time is of the essence and Congress must act swiftly. However, we shouldn't allow a somewhat arbitrary deadline to force through a fundamentally flawed bill as the retroactive stay gives us time to get this right. July 1 shouldn't be used as an excuse to abdicate our responsibilities as U.S. Senators. With this in mind, I remind my colleagues that a vote for cloture is a vote against even attempting to improve any piece of this bill.

I know many have serious concerns over a lot of provisions in the bill, from the control board to the anti-worker riders, and many are even filing amendments to improve these aspects. A vote for cloture is a vote to disenfranchise 3.5 million Americans. It is a vote to authorize an unelected, unchecked, and all-powerful control board to determine Puerto Rico's destiny for a generation or more. It is a vote to force Puerto Rico, without their say, to go $370 million further in debt to pay for this omnipotent control board, which they don't even want. It is a vote to cut the minimum wage down to $4.25 per hour for young workers in Puerto Rico. It is a vote to make Puerto Ricans work long overtime hours, without fair compensation. It is a vote to jeopardize collective bargaining agreements. It is a vote to cut worker benefits and privatize inherently government functions. It is a vote to shut schools, shutter hospitals, and cut senior citizen pensions to the bone. It is a vote to put hedge funds ahead of the people. It is a vote to sell off and commercialize natural treasures that belong to the people of Puerto Rico, a vote to fast-track projects without a careful consideration of the environmental and health impacts, and, most of all, it is a vote against even attempting to fix these serious flaws.

Is our memory so short that we have already forgotten the tragedy of Flint and the emergency board failures that caused it? Are we comfortable allowing this unelected, unaccountable control board to choose budgets over people? Are we content to allow them to veto regulations ensuring clean water because they don't fit the board's imposed fiscal plan? I certainly hope not.

I have heard multiple times in my career that it is this bill or nothing, but I have and continue to reject that false dichotomy. Every issue before the Senate deserves and usually receives a full and open debate, but for far too long we have made Puerto Rico the exception—the ''other'' that is somehow outside of the United States—treating our fellow Americans like subjects, not citizens: subjects not citizens. Let's break that cycle today. Let's have an honest debate and treat the 3.5 million citizens living in Puerto Rico as we would treat the citizens in any one of our States.

I urge my colleagues to oppose cloture.

Mr. President, I yield the floor.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 2328, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

Mitch McConnell, John Cornyn, Thad Cochran, Marco Rubio, Lamar Alexander, John Hoeven, Jeff Flake, James M. Inhofe, Deb Fischer, Orrin G. Hatch, Johnny Isakson, Bob Corker, Lindsey Graham, John Boozman, Bill Cassidy, Mark Kirk, Daniel Coats.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to S. 2328 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 68, nays 32, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—68

Alexander	Franken	Nelson
Ayotte	Gardner	Paul
Barrasso	Gillibrand	Peters
Bennet	Graham	Reed
Blumenthal	Hatch	Reid
Blunt	Heinrich	Risch
Burr	Heitkamp	Roberts
Cardin	Hirono	Rounds
Carper	Hoeven	Rubio
Casey	Inhofe	Schatz
Cassidy	Isakson	Schumer
Coats	Johnson	Sessions
Cochran	Kaine	Shaheen
Collins	King	Stabenow
Coons	Kirk	Sullivan
Corker	Klobuchar	Thune
Cornyn	Lankford	Toomey
Crapo	Leahy	Udall
Durbin	McCain	Vitter
Enzi	McCaskill	Warner
Feinstein	McConnell	Whitehouse
Fischer	Mikulski	Wyden
Flake	Murphy	

NAYS—32

Baldwin	Ernst	Perdue
Booker	Grassley	Portman
Boozman	Heller	Sanders
Boxer	Lee	Sasse
Brown	Manchin	Scott
Cantwell	Markey	Shelby
Capito	Menendez	Tester
Cotton	Merkley	Tillis
Cruz	Moran	Warren
Daines	Murkowski	Wicker
Donnelly	Murray	

The PRESIDING OFFICER (Mr. SULLIVAN). On this vote, the yeas are 68, the nays are 32.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to refer falls as it is inconsistent with cloture.

The majority leader.

AMENDMENT NO. 4866

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays on amendment No. 4866.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SASSE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PERDUE). Without objection, it is so ordered.

RECESS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate recess until 2:15 p.m., with the time in recess counting postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate, at 1:07 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CRUZ).

NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2015—Continued

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, there be 5 hours of time equally divided between the two leaders or their designees; further, that Senator MENENDEZ or his designee be recognized to make a motion to table the motion to concur with amendment No. 4865, and that Senator SANDERS or his designee be recognized to make a budget point of order, and that Senator MCCONNELL or his designee be recognized to make a motion to waive the point of order; further, that following the use or yielding back of the 5 hours of debate, the Senate vote on the motions in the order listed; finally, that if the motion to table is not successful, then following disposition of the motion to waive, the remaining postcloture time be yielded back, the motion to concur with amendment be withdrawn, and the Senate vote on the motion to concur in the House amendment with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the Democrats have 150 minutes. I ask unanimous consent that that be divided as 40 minutes for MENENDEZ, 40 minutes for SANDERS, 10 minutes for CANTWELL, 10 minutes for HEITKAMP, and 50 minutes for proponents of the legislation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, further reserving my right to object, I would also say that just because you have the time, you don't have to use it. I would hope Senators on both sides would understand that the sooner we get to the votes, the better off we will be.

I would also say this. I appreciate on my side the work done by Senator MANCHIN of West Virginia. That State, in the last few weeks—actually, for the last few months—has been hit harder than any State deserves to be hit. It is just awful what has happened there. Senator MANCHIN has been stalwart in recognizing the work he has to do there.

We understand his advocacy for years now—especially the last few months—on the miners, their pensions, and health care benefits. We recognize that. We think we have ways of helping him, and we have something worked out we think is appropriate, and we have discussed that with him.

I would also recognize Senator SANDERS. Everyone knows the fervency of his opinion on a number of different things, and he certainly has one on this matter, and he has 40 minutes to explain that. We appreciate his cooperation.

The person who has been a voice on Puerto Rico for more than the last few months—for years—has been BOB MENENDEZ from New Jersey. He has been very articulate in all the caucuses we have had where we have discussed this and on the floor. I admire his feelings on this.

I wish I could say we have solved all of his problems. We have not been able to do that, but I certainly want everyone to know he has done a terrific job of recognizing, in his opinion, what is wrong with this legislation. There is no one better to articulate that position than BOB MENENDEZ.

Senator CANTWELL has worked very hard on this legislation with the chair of the Energy Committee, the senior Senator from Alaska. They have worked very hard. They had a way forward, but they couldn't get it done. They are going to continue to work on putting something together. We need more of that.

We have an Energy bill coming up. We hope we can work something out to get to conference on that and move forward on that. That is a bill that is years overdue. We have been trying to do that for almost 5 years. So I hope we can work something out.

Senator HEITKAMP is going to come and give us her opinion on what we should do on Ex-Im Bank. She has been articulate and working with Senator CANTWELL on that.

I appreciate the work of the Republican leader, and his assistant, the senior Senator from Texas. This has been kind of a difficult issue for everybody. We all didn't get what we wanted. That includes Democrats and Republicans. I wish we could have done better, but this is what we got from the House, which had been worked on over there with the Republicans, with the Speaker, with Leader PELOSI, and the President's people. This is what we have, and we have had to work through this to do what we could do.

I wish we could have done more, but I am satisfied that this is going to be a broad, broad step forward to help the people of Puerto Rico, who are desperate for help.

I have no objection.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Without objection, it is so ordered.

The majority leader.

Mr. MCCONNELL. Mr. President, for the information of our colleagues, this sets up three votes that will allow us to finish the bill later in the day. But I would remind everyone that we have a briefing from 4 to 5 on the ISIL issue, which I would encourage all of our Members to attend.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I rise in very strong opposition to the Puerto Rico Oversight, Management, and Economic Stability Act, the so-called PROMESA Act. This is a terrible piece of legislation, setting horrific precedent, and it must not be passed.

The United States of America should not treat Puerto Rico as a colony. We cannot and must not take away the democratic rights of the 3.5 million Americans of Puerto Rico and give virtually all power on that island to a 7-member board that will be dominated, as it happens, by 4 Republicans. This legislation strips away the most important powers of the democratically elected officials of Puerto Rico, the Governor, the Legislature, and the municipal governments as well. We must not allow that to happen.

This is not what the United States of America is supposed to be about, and this is not how we should treat a territory in the year 2016. The bottom line is that the United States must not become a colonial master, which is precisely what this legislation allows. Any

decisions that are made regarding the future of Puerto Rico must be made by the people of that island and their elected officials.

This legislation, I should add, is not just about taking away the democratic rights of the people of Puerto Rico. It is about punishing them economically. Since 2006, Puerto Rico has been in the midst of a major economic depression. In the last 10 years, Puerto Rico has lost 20 percent of its jobs. About 60 percent of Puerto Rico's adult population is either unemployed or has given up looking for work. Over the last 5 years alone, more than 150 public schools have been shut down and the childhood poverty rate in Puerto Rico is now 58 percent. There is a mass migration out of Puerto Rico to the mainland of professionals because there is simply no work on the island.

In the midst of this human suffering and economic turmoil, it is morally repugnant that billionaire hedge fund managers on Wall Street are demanding that Puerto Rico fire teachers, close schools, cut pensions, and lower the minimum wage so that they can reap huge profits off the suffering and misery of the American citizens on that island.

We have to understand that Puerto Rico's $70 billion in debt is unsustainable and unpayable. That is just a fact. You cannot get blood out of a stone. The reason—or one of the major reasons that it is unpayable—has a lot to do with the greed of Wall Street vulture funds. In recent years, vulture funds have purchased a significant amount of Puerto Rico's debt. In fact, it has been estimated that over one-third of Puerto Rico's debt is now owned by these vulture funds that are getting interest rates of up to 34 percent on tax-exempt bonds they purchased for as little as 29 cents on the dollar. Let me repeat that. Vulture funds are getting interest rates of up to 34 percent on tax-exempt bonds they purchased for as little as 29 cents on the dollar.

Let us be clear. This issue is a significant part of what the entire debate regarding Puerto Rico is about. Billionaire hedge fund managers who purchased Puerto Rican bonds for pennies on the dollar now want a 100-percent return on their investment, while schools are being shut down in Puerto Rico, while pensions are being threatened with cuts, while children on the island go hungry. That is morally unacceptable. That should not be allowed by the Congress.

It is bad enough for Republicans in the House to write legislation that takes away the democratic rights of U.S. citizens living in Puerto Rico, but adding insult to injury, this legislation does something even more insulting. At a time when health, education, and nutrition programs will likely be cut, this legislation, if you can believe it, requires the taxpayers of Puerto Rico to pay for the financial control board at the unbelievable sum of $370 million in order to fund the control board's bureaucracy.

So think about it for a second. The control board will likely cut programs for the elderly, the children, the sick, and the poor, on an island where 58 percent of the children are already living in poverty because Puerto Rico does not have enough money to take care of its most vulnerable people. In the midst of all that, $370 million is going to be sucked away from Puerto Rico in order to pay for the administration of the financial control board. This, to me, is literally beyond belief.

Puerto Rico must be given the time it needs to grow its economy, to create jobs, to reduce its poverty rate, and to expand its tax base so that it can pay back its debt in a way that is fair and just. In my view, we need austerity—not for the people of Puerto Rico but for the billionaire Wall Street hedge fund managers who have exacerbated the financial crisis on the island. We must tell them loudly and clearly that they cannot get everything they want while workers in Puerto Rico are fired, while schools are shut down, while health care is underfunded, and while children on that island live in poverty.

I am very disappointed that this extremely important piece of legislation is being pushed through Congress without allowing any amendments here in the Senate. That is not the way we should be doing business.

If allowed, I will offer an amendment in the form of legislation that I have introduced—legislation that would allow Puerto Rico's debt to be structured through the creation of a reconstruction finance corporation.

Let's never forget that in 2008, when Wall Street's greed, recklessness, and illegal behavior nearly destroyed our economy, the Federal Reserve provided $16 trillion in virtually zero—zero—interest loans to every major financial institution in this country, as well as central banks and corporations throughout the world. If the Federal Reserve and the Treasury Department could move quickly to stabilize our economy and global markets in 2008, we can surely help the 3.5 million American citizens in Puerto Rico who are hurting today. The Fed can and should provide low-interest loans to Puerto Rico and facilitate an orderly restructuring of Puerto Rico's debt.

This legislation is both a political and economic disaster for the people of Puerto Rico. This legislation takes away their democratic rights and self-governance and will impose harsh austerity measures, which will make the poorest people in Puerto Rico even poorer. This is legislation that should not be passed by the Congress.

I rise to offer a point of order against this legislation.

Mr. President, I understand that the Republican representative will be coming down in a few moments, so I will reserve my time and reclaim the floor in a few minutes when the Republican representative is here.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I rise to raise a point of order against this legislation and make a point of order that the pending motion to concur violates section 425(a)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of the motion to concur in the House amendment to S. 2328, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SANDERS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as we all now know, the government of Puerto Rico has run up an astounding debt of around $70 billion and has more than $40 billion in virtually unfunded pension promises. To address this financial challenge, the Senate has taken up legislation to provide greater oversight of the territory's finances and some broad debt-resolution authority.

That bill, which the authors entitled the ''Puerto Rico Oversight, Management, and Economic Stability Act,'' or PROMESA, is certainly not something I would have written and in many areas leaves a lot to be desired. Nonetheless, I voted to invoke cloture on the bill because, thanks to the stubbornness of the Treasury Department and lack of transparency from the government of Puerto Rico, it is the only option on the table, and delaying action would only hurt the Americans who reside on the island.

Astoundingly, the government of Puerto Rico has not provided audited financial statements since 2013, despite its responsibilities to do so under continuing disclosure requirements and multiple requests from Congress and investors. The territory's debt challenges have been center stage here in

Congress for about a year now, and throughout that time we have received only stale, largely useless, and untrustworthy information regarding Puerto Rico's finances. In fact, some of the disclosures have been downright insulting.

For example, earlier this year I submitted a number of detailed questions to the Governor of Puerto Rico about the state of the island's finances. One of my questions was very straightforward: ''What component units of Puerto Rico's government has issued debt, and how much does each owe?'' Amazingly, the Governor, in a delayed response, answered that simple question with a quote from an outdated report issued by the Federal Reserve Bank of New York.

In other words, the very government that issued the debt would not even provide information on what it owes and instead quoted a third party. This is not an isolated incident. Throughout this public discussion, we have yet to get anything resembling a firsthand account of the true fiscal situation in Puerto Rico. In fact, this lack of transparency—and that is putting it kindly—has gone on for years. Lately, however, Puerto Rico's withholding of information seems to have been strategic and part of a legislative strategy in concert with the Treasury Department.

The U.S. Treasury Department was given authority to provide technical assistance to Puerto Rico but evidently has not advised Puerto Rico's government to open its books. In addition, despite numerous requests I have made to Treasury to provide briefings on the nature of their technical assistance, they have, so far, refused to provide any such insight.

We have heard calls from various sources, including Members of the Senate, for the Securities and Exchange Commission to investigate actions taken on the part of private investors in relation to Puerto Rico's debt crisis. Given the apparent coordination between Treasury and the government of Puerto Rico and the overall lack of information we have about the current state of the territory's debt and finances, I sent a letter this week to the SEC asking that actions and inaction by government officials be included in any investigation into Puerto Rico's debt.

Today I also sent a letter to Treasury Secretary Lew inquiring about reported confidentiality agreements Treasury officials have signed with component units of Puerto Rico's government. The existence of such agreements raises many questions, and disturbing reports that Treasury officials may have impeded negotiations between Puerto Rico and its creditors in order to get a better legislative outcome in Congress raises even more questions.

With respect to Puerto Rico, the Obama administration is and has been interested in one thing and one thing only: obtaining the broadest and most comprehensive debt resolution authority for Puerto Rico possible, in an obvious attempt to favor public pensions in Puerto Rico. While I tried last year to work with administration officials toward a resolution for Puerto Rico, Treasury officials remained extraordinarily rigid in their objectives.

Moreover, while that administration and many of my friends on the other side have been very forthcoming in offering ideas of how to send roughly $50 billion of extra health funds to Puerto Rico and nearly $10 billion in difficult-to-administer tax incentives, none of them have been forthcoming about the actual cost of their proposal. They have also persisted in identifying what they call ''health funding inequities'' but never seem to want to own up to the fact they purposefully included a cliff in health funding for Puerto Rico as a part of ObamaCare.

This health funding cliff alone should be a clear indication to the people of Puerto Rico that while the administration and my friends on the other side of the aisle talk one way about how they care for the people of Puerto Rico, they often act quite differently and give far more attention and effort to protecting the interests of public sector unions.

I have made clear all along my main objective has been to serve the interests of the people of Puerto Rico, not the politicians on the island or here in Washington, DC. That is why I voted to invoke cloture on the legislation before us today, despite the rigidities of the Obama administration and the government of Puerto Rico.

Unfortunately, we have been put in a position where, if this legislation were to fail, there will only be more suffering for the people of Puerto Rico. We cannot wait for another administration here or on the island to finally get accurate and verified information on Puerto Rico's finances. We cannot wait for the Obama administration to start engaging reasonably with Congress about health care funding or tax incentives for the island.

Therefore, in order to finally determine the true state of Puerto Rico's finances and to provide relief from the massive indebtedness accumulated by a profligate Puerto Rican government, I will, once again, be voting yes on this bill. The bill does not have any significant effect on the Federal deficit or our massive Federal debt, which is a good thing. Unfortunately, it also will not have any significant effect on Puerto Rico's economic growth, but it does promise to finally uncover what is beneath the opaque, weblike structure of the Puerto Rican government's finances, and if we are actually going to be able to meaningfully address the island's financial challenges, that will be a very important step.

The bill also has the potential to provide some debt relief which can help the people of Puerto Rico, if effectively implemented and not used simply as a way to funnel resources into public pension programs. Despite reforms to pension programs touted by the Puerto Rican government in recent years, the territory has not actually funded those reforms. As a result, large public pension programs on the island remain, in effect, entirely unreformed, still allowing for things like government-subsidized loans to participants for cultural trips intended for ''relaxation.''

Unfortunately, there has been a lot of other misinformation about Puerto Rico's financial information put forward by some of my friends on the other side of the aisle, by some administration officials who know better, and by many in the House who could stand to learn more. None of that, if we let it persist, will help the people of Puerto Rico.

Let me close by agreeing with some remarks made yesterday by my colleague and good friend Senator CANTWELL, who correctly identified that whatever happens today with PROMESA, issues surrounding Puerto Rico are not going away.

I will note this legislation sets up a congressional task force to consider impediments to growth in Puerto Rico, including those that may stem from the Federal Government policies. Perhaps Senator CANTWELL and I could serve together on the task force. In principle, the task force can allow Congress to continue to address issues surrounding how Federal tax and health care policies affect Puerto Rico and how changes could possibly influence growth.

To be clear, I believe this task force could be useful only if both sides of the aisle are willing to seriously discuss ideas beyond sending tens of billions of dollars to Puerto Rico. If the task force will only consider a wish list of Federal spending, I don't see it accomplishing all that much for the people living in Puerto Rico.

In any event, it is long past time for holding out hope the government of Puerto Rico will provide accurate financial information. Similarly, it is likely a fruitless endeavor to keep waiting on the Obama administration to move away from its rigid focus on obtaining broad debt restructuring authority for Puerto Rico. We should not hold the people of Puerto Rico hostage to the rigidities of self-interested politicians, neither here nor in the territory. Consequently, I plan to support PROMESA, despite its shortcomings. I urge my colleagues to do the same. I appreciate the honest and decent people of Puerto Rico and wish them the very best and hope this bill will help them get on the path that will cause that great and beautiful place to be even better.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TOOMEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask the Presiding Officer to advise me when I have used 25 minutes of my time.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. MENENDEZ. Mr. President, I have come to the floor time and time again on this issue with a simple message: PROMESA, which is the Spanish word for promise, is not a promise; it is a power play leaving the people of Puerto Rico unable to manage their own government, make their own decisions, and do what they believe is necessary for their own future. In the case of Puerto Rico, we have decided not to help them make their own decisions but to take the powers of governing away from them.

While I have filed many amendments, unfortunately my colleagues seem to have thrown up their hands and said this bill cannot get any better, we will not even try to do the people's work and have actual debate and votes in the Senate.

I would note that calls for a thorough debate on the Senate floor were bipartisan in nature. I would remind my colleagues that each one of us was elected to this very Chamber to debate and enact legislation to improve the lives of Americans, and that includes the 3.5 million American citizens living in Puerto Rico.

I know proponents of the bill have argued, supporting an amendment process would force Puerto Rico to default and have serious repercussions for its people, but they are simply mistaken. The truth is, the legislation we are considering will include a retroactive stay on litigation, meaning any lawsuit filed before July 1 will be halted and any judgments unenforceable. As a matter of fact, any lawsuits that take place or any judicial decisions that take place, once the legislation is passed and signed by the President—it will be retroactive to December of last year. That will be stopped. As the bill states, the stay bars ''the commencement or continuation'' of suits to recover ''claims'' against Puerto Rico. It also bars ''enforcement . . . of a judgment obtained before the enactment'' of the bill.

In addition, section 362 of the Bankruptcy Code, which is incorporated by reference into this bill that we are considering, bars the ''enforcement . . . of a judgment obtained before'' filing for bankruptcy once the board files a bankruptcy petition on Puerto Rico's behalf to restructure their debt. Even if this apocalyptic scenario the proponents of the bill want to use to drive this bill through—if hedge funds win a judgment before the stay is enacted, that judgment cannot be enforced once the law is passed. Once the debt adjustment plan is confirmed, the judgment can actually be discharged.

The Third Circuit Court of Appeals, which has jurisdiction over Puerto Rico, held in 2012: ''Even if [an] injunction is not a claim [for purpose of the bar against 'commencement or continuation' of 'claims'], any action to enforce [an injunction] is subject to the stay and cannot proceed without relief from the stay.''

What does that basically mean? Any action to enforce is subject to the stay and cannot proceed without relief from the stay. The stay is the legislation we are passing. So all of this suggesting that we have to drive into a set of circumstances with a bad bill is not the reality.

Time is of the essence as it relates to Congress acting swiftly, but we shouldn't allow a somewhat arbitrary deadline to force through a fundamentally flawed bill, as the retroactive stay gives us the time to get it right. July 1 shouldn't be used as an excuse to abdicate our responsibilities as U.S. Senators.

Adoption of the motion to table, which I will make later, can still find a reasonable middle ground to truly help solve the crisis and the humanitarian catastrophe that awaits the people of Puerto Rico rather than simply ignoring their sovereignty and choosing the road to colonialism. While hope is getting dim, we still have one last opportunity to do right by the people of Puerto Rico. I will attempt to table a pending amendment in order to have the opportunity to replace that amendment if we succeed in going ahead and tabling it to get a vote on one of my amendments.

While that may seem a little bit confusing as a procedural vote, basically what I am saying is if you vote for my motion to table, you are giving me an opportunity to have an amendment I plan to offer in its place.

If we succeed, the majority leader might try to slip in another amendment, but at the end of the day, we will know the whole purpose of tabling is to offer an amendment to improve this legislation. Why must we improve this legislation? Let me go through what is wrong with this law.

This creates an oversight board. The board, according to the report by the House Natural Resources Committee—I did not say this; it is the official document of the House of Representatives, which passed this bill. It says: ''The board would have broad sovereign powers''—sovereign powers means it has total authority on its own—''to effectively overrule decisions by Puerto Rico's legislature, governor and other public authorities.'' These are the people who were elected by the 3.5 million citizens of Puerto Rico, U.S. citizens, to determine their future, but, no, the board is going to overrule them and have the sovereign power to do so.

Secondly, the oversight board ''can effectively nullify''—nullify means end—''any new laws or policies adopted by Puerto Rico that did not conform to requirements specified in the bill.'' The board can nullify a sovereign government's opportunity to pass laws as elected by the people. The consent of its government, the essence of democracy—well, we are nullifying that.

The control board, as I call it—and I will speak about why it is control and not oversight. These things speak to controls, not oversight. It says the control board ''may impose mandatory cuts on Puerto Rico's government and instrumentalities—a power far beyond that exercised by the Control Board established for the District of Columbia.'' Again, that is from the House Natural Resources Committee report—''a power far beyond that exercised by the Control Board established for the District of Columbia.''

They can say: Sorry, Puerto Rico, we know you put your budget together, we know the legislature passed it, and we know the Governor signed it, but we think you have to cut in these areas of education, you have to cut in these areas of health care, and you have to cut in these areas of public safety.

They have the power to decide mandatorily that these cuts must take place.

With respect to the government of Puerto Rico and its instrumentalities, which means subdivisions, it can make appropriate reductions in nondebt expenditures. That is very important. Anything that is considered as an expenditure to pay the debt is held sacrosanct and can't be touched, but as far as nondebt expenditures, this board can say: This is where you will make the cuts. What are those nondebt expenditures? They are education, health care, public safety, senior citizens, and all of the things we think about to protect the people in our society. It has sole discretion over the budget.

''The Oversight Board shall determine in its sole discretion''—a phrase used nearly 30 times throughout the bill, which means we are not defining what that means. Sole discretion, as commonsense, means they themselves can determine what is appropriate, whether each proposed budget is compliant with the applicable fiscal plan in their sole discretion even if that discretion is arbitrary and capricious. It has the sole discretion to grant or deny restructuring.

Why are we even considering legislation? The whole purpose of our legislation is to give Puerto Rico a pathway to restructuring in the bankruptcy court, where the bankruptcy court and

the Federal laws would take over, but we created a series of problems to that restructuring.

The oversight board certifies a plan of adjustment only if it determines in its sole discretion that it is consistent with the applicable certified fiscal plan. Again, they could be arbitrary and capricious.

This board, which has no representation from Puerto Rico that comes from the Puerto Rican people—it will have one person who either has their primary residence or their primary business in Puerto Rico, but they could have a primary business and not live there and make dictates about the people of Puerto Rico. And this person doesn't come from the Governor and legislature of Puerto Rico, representing the Puerto Rican people.

This board that has control over their entire lives, which includes their budgets, fiscal plan, the ability to make mandatory cuts, and the ability to impose all types of things that a governing body, in essence, would do—guess who pays for this oversight board, which includes seven unelected and unaccountable people? Puerto Rico pays for it.

''Within 30 days after the date of enactment, the territorial government shall designate a dedicated funding source''—meaning a source only to pay for this—''not subject to legislative appropriations.'' Guess what the estimate of that is. This is the Congressional Budget Office. It says Puerto Rico will have to pay about $370 million for this control board. Here is an island that doesn't have the money to meet some of the basic necessities that we heard so eloquently talked about on both sides of the aisle, but we are going to impose at least another $370 million—as is estimated by the Congressional Budget Office—on them for a control board that they have no say over.

They have no oversight over the control board. Neither the Governor, nor the legislature can exercise any control, supervision, or oversight, but they get to pay the $370 million, and they have to live with all the dictates of the control board even though they don't have representation.

To further make sure the control board is even more omnipotent, they put in a no-liability clause. ''The Oversight Board, its members and its employees shall not be liable for any obligation of or any claim against the Oversight Board or its members or employees or the territorial government resulting from actions taken to carry out this act.'' They have absolute immunity. Wow. Wouldn't we all like to have that.

My amendment is targeted at improving the most egregious flaws of this legislation. My amendment would ensure that the people of Puerto Rico have a voice in their future. The current legislation denies the Puerto Rican people any representation on a board that effectively replaces the decisionmaking powers of the legislative and executive branches of their democratically elected government. It imposes the board on Puerto Rico without ever consulting the people of Puerto Rico.

My amendment makes two critical changes to protect Puerto Rico's sovereignty and democratic rights. Under my amendment, if we get to it through the motion to table, Puerto Rico will decide for itself whether it will access restructuring and accept the control board, thus preserving the people's voice in the process.

Second, my amendment adds two additional voting members to the board chosen by the elected representatives of the people of Puerto Rico. These two additional members would be chosen by the President from a list of four candidates submitted by the Governor of Puerto Rico with the advice and consent of the Legislature of Puerto Rico. Republicans will still appoint the majority of members from an ideological perspective. I personally believe that all of the members of the board should be chosen by the people of Puerto Rico or their elected representatives, but I want to be reasonable and open to compromise, which is why my amendment only requires two members of a nine-member board to be chosen by Puerto Rico. Certainly we can all agree that the people who have to deal with all of the consequences of this board's decisions should have some say as to who is making those decisions.

My amendment would also protect senior citizens and avoid an increase in elderly poverty. PROMESA currently includes a vague and undefined requirement to provide adequate funding for public pension systems. Our amendment would ensure that senior retirees and pensioners are protected from the whims of the control board. After all, the retirees in Puerto Rico, who spent 30 years serving the island as police officers, firefighters, teachers, and nurses, didn't have any choice but to participate in the pension plan; it was mandatory. Unlike hedge funds that were able to pick and choose what investments to make and often bought bonds at pennies on the dollar, public servants had to participate in the pension system. They had no way of knowing that their nest egg, for which they worked their entire lives, was at risk of being taken away. They didn't contribute to the fiscal problems facing Puerto Rico, and they didn't borrow too much or fail to make annual contributions to the fund, so why should they lose their retirement funds?

Besides the fundamental flaws with the control board and the failure to provide critical protections for seniors and retirees, this bill also fails to provide a clear pathway to restructuring, which is the whole purpose of this legislation and this debate to begin with. The unelected control board created in this bill will have the ultimate authority to decide whether Puerto Rico's debts are even worthy of restructure.

Let's not fool ourselves into believing that is a sure thing, that this bill guarantees the island the ability to restructure its debts. Indeed, section 206 of the bill lists four gatekeeping requirements before any restructuring can occur. It must have engaged in good-faith efforts to reach a consensual agreement with creditors, it must establish a system to develop and make public timely audited financial reports, and it must adopt a fiscal plan approved by the board. But even if Puerto Rico meets and fulfills these requirements, there is still an additional, even higher hurdle it must meet to access restructuring. Instead, the fourth gatekeeping requirement in the PROMESA legislation requires a supermajority of a 5-to-2 vote by the control board in order for any of the island's debts to be restructured. When you call for a supermajority, it means that a minority of that seven—three people—may be ideologically opposed to the concept of restructuring or allowing Puerto Rico to get access to the bankruptcy court and could derail the island's attempts to achieve sustainable debt payments.

Without any authority to restructure its debt, all this legislation will do is take away the democratic rights of 3.5 million Americans and leave the future to wishful thinking and a prayer that the crisis will somehow be resolved.

Instead of leaving this critical decision up to the whims of a minority of the board, my amendment would provide a clear path to restructuring by removing this arbitrary vote requirement. Instead, under my amendment, the government or instrumentality would be able to restructure its debts once it completed the first three gatekeeping requirements. Since the main purpose of this bill is to give Puerto Rico the tools to restructure all of its debts, why would we leave this authority to chance?

In addition to the undemocratic control board and an obfuscated path to restructuring, I have serious concerns that the bill would actually increase poverty and out-migration rather than stem both. That is because it provides an exception to the Federal minimum wage for younger workers, and it exempts the island from recently finalized overtime protections. At a time when we are seeking to increase workers' wages, PROMESA goes in the opposite direction and actually cuts them.

It amazes me that the solution to getting Puerto Rico's economy growing again is to ensure that workers make even less money. Lowering people's wages is not a pro-growth strategy; it is a pro-migration strategy because

anyone who lives on the island of Puerto Rico and is a U.S. citizen can take a JetBlue flight to the United States and will then have overtime and minimum wage protections. It they are a senior, they will have full Medicare protection. If they are indigent, they will have Medicaid protections. They would have just about everything every other U.S. citizen would have.

All these provisions would do is intensify out-migration to the mainland, where Puerto Ricans are eligible for everything I just discussed. That is why my amendment strips these offensive and unrelated riders out of this bill.

I urge my colleagues to support these commonsense improvements to the bill by voting for my motion to table.

I have known for the past several weeks—well, maybe months since I started coming to the floor in September of last year and then urgently several times in December of last year to say now is the time to act so we are not up against an emergent situation—but, no, I guess the 3.5 million citizens of Puerto Rico did not deserve the type of attention and urgency we, as Members of Congress, should have given to them. I understood that for that period of time, the deck was stacked against the people of Puerto Rico, but I am not ready to give up just yet.

Put simply, PROMESA exacts a price far too high for relief that is far too uncertain. If we throw our hands up in the air and refuse to make changes to this wholly inferior bill, which we can protect by the retroactive nature that we have already put in the legislation to stay any judgments, we will cast a dark shadow on the future of Puerto Rico.

A vote against tabling my motion, against tabling the pending amendment, is a vote to disenfranchise 3.5 million Americans. It is a vote to authorize an unelected and all-powerful control board that could close schools, shutter hospitals, and cut senior citizens' pensions to the bone. It is a vote to force Puerto Rico, without their say, to go $370 million further in debt to pay for this omnipotent control board which they don't even want. It is a vote to cut the minimum wage down to $4.25 per hour for younger workers in Puerto Rico. It is a vote to make Puerto Ricans work long overtime hours without fair compensation or protection. It is a vote to jeopardize collective bargaining agreements. It is a vote to cut worker benefits and privatize inherent government functions. It is a vote to place well-heeled hedge funds and creditors ahead of the people. It is a vote to give the board the power to sell off and commercialize natural treasures that belong to the people of Puerto Rico. And at its worst, it is a vote to authorize an unelected, unchecked, and all-powerful control board that determines Puerto Rico's destiny for a generation or more.

Let's be clear. The people of Puerto Rico find this board to be offensive and disrespectful. In fact, according to a recent poll commissioned by Puerto Rico's largest newspaper, El Nuevo Dia, 69 percent of all respondents opposed—69 percent—opposed the PROMESA bill—the bill we are voting on today—while 54 percent opposed the very idea of having an oversight board.

Their concerns are validated by the nonpartisan Congressional Budget Office which, as I said earlier, says:

> The board would have broad sovereign powers to effectively overrule decisions by Puerto Rico's legislature, governor, and other public authorities.
>
> [It can] effectively nullify any new laws or policies adopted by Puerto Rico that did not conform to requirements specified in the bill.

Even the bill's own author noted in the committee report: ''[T]he Oversight Board may impose mandatory cuts on Puerto Rico's government and instrumentalities.''

If the board, in its sole discretion, as the bill cites 29 times, uses the superpowers in this bill to make mandatory budget cuts that harm the people of Puerto Rico, there is nothing anybody from Puerto Rico can do about it.

And these powers aren't limited to just budget and fiscal policy. As the bill states in section 205, the control board can submit recommendations to the Governor on a wide range of issues, including how Puerto Rico organizes its government agencies, how they meet the pension obligations, what services the government delivers, how they determine wage performance standards, and, perhaps most egregiously, the control board can submit recommendations on ''the privatization and commercialization of entities within the territorial government.''

While this section calls these comments recommendations, another section allows the board to ''adopt appropriate recommendations'' submitted by the Oversight Board under section 205. So, in essence, they can adopt the very essence of what they are saying is a recommendation.

The board can decide to hold a fire sale and put Puerto Rican natural wonders on the auction block to the highest bidder. Is that what the people of Puerto Rico want? Is that what we want?

The fact is, this legislation puts balanced budgets and untested ideology ahead of the health, safety, and well-being of children and families similar to how the control board travesty unfolded in Flint. Without their voices represented on the control board, there is nothing the people of Puerto Rico will be able to do. The fact that the Puerto Rican people will have absolutely no say over who is appointed or what action they decide to take is clearly blatant neocolonialism.

I am afraid we are opening the floodgates for Puerto Rico to become a laboratory for rightwing economic policies. Puerto Rico deserves much more than to be the unwilling host of untested experiments in austerity.

I am not advocating to completely remove all oversight powers. To the contrary, I support helping Puerto Rico make informed, prudent decisions that put it on a path to economic growth and solvency. But despite its name, the oversight board envisioned by this bill doesn't simply oversee; it directs, it commands, it controls. The control board has final say on the fiscal plan, final say on the budget. It can veto laws, contracts, rules, regulations, executive orders. It can even mandate across-the-board budget cuts with no regard to the impact on the people.

So mark my words. If we don't seize this opportunity to address this crisis in a meaningful way, we will be right back here in a year, picking up the pieces. So while it is absolutely clear that we need to act and act decisively and expediently——

The PRESIDING OFFICER. The Senator has consumed 25 minutes.

Mr. MENENDEZ. I thank the Chair.

So while it is absolutely clear that we need to act and act decisively and expediently to help our fellow citizens—U.S. citizens in Puerto Rico—just as importantly, we need to get it right. Working together and helping each other in a time of need is what this country is all about. When a hurricane hits the Gulf Coast or a tornado ravages the Midwest or when we see wildfires in the West, or we see what happened in West Virginia, I don't stand here and ask how my constituents in New Jersey were affected. Rather, I stand with my fellow Americans and fight to provide relief, regardless of what State or territory they are from.

So it seems to me there is a reason we call this country the United States of America, and U.S. citizens enjoy the privilege of calling America home. The 3.5 million U.S. citizens in Puerto Rico are also part of that great American people.

As I have outlined, I have an amendment to make reasonable and targeted improvements to this legislation so that workers get the retirement they deserve, the people of Puerto Rico are protected from egregious attacks on their pay, the island has unimpeded access to restructure its debt, and, most importantly, the people of Puerto Rico have a say in their future—the consent of the governed, the very essence of what democracy is all about.

MOTION TO CONCUR WITH AMENDMENT NO. 4865

So, Mr. President, I move to table the motion to concur with amendment No. 4865, and I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MENENDEZ. Mr. President, with that, I reserve the remainder of my time.

I yield the floor.

Mr. UDALL. Mr. President, once again, Congress has responded at the last possible moment to a dire issue—in this case, the debt crisis in Puerto Rico. Friday, July 1, is a critical deadline for the island Commonwealth, the date when Puerto Rico must repay $1.9 billion in debt service that it has repeatedly stated that it is unable to pay. If we had failed to act, over 3.5 million Americans would have faced an economic and humanitarian crisis.

The Commonwealth government has stated that, even after clawing back revenues from other parts of the public sector like education, health, and public safety, it will not have sufficient resources to meet the entire debt service obligation due on July 1. That is just a few short days from now.

On January 27 of this year, I joined 44 of my colleagues in the Senate to urge Majority Leader MCCONNELL to work with us and swiftly enact legislation to give Puerto Rico access to the tools it needs to address the debt crisis. Over 150 days later, the Senate is only just beginning to act.

This Congress has dragged its feet on important issues, waiting until we are right up against dangerous deadlines to take critical action. Puerto Rico is just one example; funding to fight Zika is another. We saw these problems on the horizon long ago; yet the majority allowed the problem to build, permitted the crisis to grow, waited until the last minute, and, in doing so, restricted the Senate's opportunity to act.

The Senate has just passed the House-passed bill, the Puerto Rico Oversight, Management, and Economic Stability Act. I understand that this was a difficult issue on which the administration and Republicans and Democrats struggled to agree. This bill is far from perfect, but without it, the situation in Puerto Rico will worsen.

I share my colleagues' concerns about the unelected fiscal control board. Cuts to public services and public safety for the benefit of debt holders and financial speculators would be unacceptable. Also, just as Republicans tried to use funding to fight Zika as cudgel to push through cuts to the Affordable Care Act and reproductive health, they now are using the crisis in Puerto Rico to chip away at fundamental labor protections, such as overtime pay and the Federal minimum wage.

I supported the bill with these substantial reservations because it was critical to pass this legislation before July 1. The Senate would have been able to exercise its right of careful consideration and debate if this bill had been brought to the floor when we called for it in January. But today, the time was up. I urge Congress to stop this destructive pattern of procrastinating on difficult issues and waiting until the eleventh hour to act on critical issues.

The PRESIDING OFFICER. The Senator from North Dakota.

EXPORT-IMPORT BANK

Ms. HEITKAMP. Mr. President, I ask unanimous consent to display a replica of a wheel loader that is produced in North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HEITKAMP. Mr. President, it may seem like an odd request, but it actually has a purpose because it reflects literally hundreds of jobs in my State—really, hundreds of jobs across the country.

June 30 will be an anniversary that is really not worthy of celebration; that is, it is the anniversary of when we literally shut down the Export-Import Bank and made it unable to function for the first time in its 80-year history.

Now, that may not seem like a lot. It may not seem as though it is something we should be very concerned about, but I can tell my colleagues that workers across our country—workers who work in manufacturing, individuals whose livelihood depends on exports from our country—know the impact today of this action, or inaction.

Despite the fact that Congress reauthorized the agency six months ago, the Ex-Im Bank has been hamstrung from supporting American jobs and businesses because there isn't a quorum on the Ex-Im Bank. For decades, the Export-Import Bank has helped level the playing field for American businesses and American workers, and it is past time for politics to stop dictating whether, in fact, the Bank can do its job.

The current nominee to the Ex-Im Bank Board—the nominee that would, in fact, provide a quorum—was nominated not by a liberal Democrat, not by the President, but instead was the Republican nominee to the Ex-Im Bank Board. His name is Mark McWatters. His nomination is currently pending in the Senate Banking Committee, and the Senate Banking Committee chairman has told us in no uncertain terms he will not bring up the McWatters vote in the committee because of his own personal opposition to the Ex-Im Bank. Again, despite the fact that 64 Republican and Democratic Senators, along with 70 percent of the Representatives in the House of Representatives, voted last year to reauthorize the Ex-Im Bank.

If we do not take this step—if we do not, in fact, get the Bank up and running—we will continue to do what we have been talking about, which is pink-slipping the American manufacturing workers.

So here we are today to recommend that this body take action so that no more workers—no more hard-working manufacturing Americans—are prevented from doing their job and are given pink slips and laid off.

When we look at where we were last year and the challenges that we had, we had an all-out debate. A lot of people say there wasn't a debate on this; we didn't get a chance to air our grievances. That is strictly nonsense. We fought this issue very hard, had many, many floor debates, many, many floor discussions about this, and at the end of the day, the vast majority of this body voted to reauthorize and put the Ex-Im Bank back to work.

So why are we in the spot we are in today? Because we cannot do any credit over $10 million without approval of a bank board. It cannot be done unilaterally. As a result, many, many credits—in fact, $2 billion worth of activity—are pending in the pipeline at the Ex-Im Bank.

When we look at many of the big companies across this country, a lot of times people will say ''Well, that is just about this company or that company''; fill in whatever big name corporation you want to. But the bottom line is this isn't just about those companies; it is about a supply chain that goes all the way down States as small as North Dakota.

If you look at Boeing, for instance, and you look at what the impact is on Boeing and what that means for our producers, Boeing currently has 16 suppliers in North Dakota, which will lose out—not just could lose out but will lose out—if Boeing doesn't get enough support from the Ex-Im Bank to sustain its operations and to continue to produce its planes with American workers.

Today I bring this wheel loader to the floor of the Senate, and I do that because this demonstrates the effect that this lack of activity on this nomination will have on Case New Holland in my State.

Case New Holland has a dealer in New Jersey called Hoffman Equipment that has secured an $80 million deal with the country of Cameroon. The only way Cameroon can afford this deal is if they use Ex-Im financing. If the deal doesn't go through, facilities in three States will lose. So who are those? Take today North Dakota, where we produce these wheel loaders in Fargo.

The great irony of this is that as we have been challenged in our agriculture economy and agriculture manufacturing, guess what. Agriculture manufacturing is down, in part because we stimulated a lot of purchases back when the economy was good in farm country. But I will tell you that 70 people just in the last couple of weeks have been laid off at Case in Fargo.

Think of what is going to happen if we lose this sale. Think of what will happen to workers in Iowa if they lose

the sale for the backhoes that are produced in Iowa by Case. Think about what is going to happen in Kansas if we lose the skid steer portion of that Cameroon sale.

I will tell you every day we are losing jobs because of the inability of the Ex-Im Bank to do its job in promoting and guaranteeing that American manufactured products find their way into the global marketplace.

GE announced in June that it will receive financing from the French export credit agency to support exports that will be made in France now rather than the United States. So the French credit export agency will be providing an additional line of credit for gas turbines that will be produced not in the United States but will be produced in France and exported to countries such as Saudi Arabia, Mexico, and Brazil. As a result, GE will invest $40 million in the French economy instead of investing $40 million in the American economy.

Do we know what that means? That means when we look at these jobs—just translate $40 million, and we recognize a lot of that is input costs, but one of the major input costs in all of this is American workers. How can we stand by and let this happen? How can we stand by and not fight for these jobs for American manufacturers? There is no way we can come to the floor and say we are for the American worker and not be for the Export-Import Bank.No way can we come to the floor and say we are for global competition that will put the best products into the marketplace, which are American products, and not move the Bank forward.

I am going to yield to my friend from the State of Washington or yield to my friend from the great State of Iowa.

Ms. CANTWELL. Mr. President, I wanted to ask the Senator from North Dakota a question, if I could. I see she has been out here with an actual display.

It is quite amazing that we have to go to this level to bring up an issue about jobs in our economy, but I admire the dedication of the Senator from North Dakota in saying how important it is because we are about to go home for another summer recess here in a few weeks and everybody thought last year we were passing legislation that was going to secure America's place in a global economy by making sure that products we make can be sold in overseas markets.

The secret is, though, that there are now 30 transactions worth more than $20 billion that aren't getting done simply because one Senator refuses to let a nominee out of the committee. So one Senator is holding up the sale of a product of which Senator HEITKAMP has a replica on her desk. They are holding up the sale of airplanes, and they are holding up the sale of other products all because they don't want to have a functioning board. We are here to ask our colleagues on the other side of the aisle to help us break this log-jam so we can sell export products.

I was curious to ask the Senator from North Dakota because she was mentioning how these transactions are happening now; that is, people are deciding to move.

Mr. President, I ask unanimous consent to have printed in the RECORD a New York Times article entitled ''A Single Senator Stymies the Export-Import Bank.''

It says that about 2 weeks ago, GE was making an announcement that they were going to expand manufacturing in France rather than in South Carolina, how they were investing in the Czech Republic instead of in Texas, and that jobs in South Carolina, Maine, and New York were also getting transferred to other countries.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 27, 2016]

A SINGLE SENATOR STYMIES THE EXPORT-IMPORT BANK

(By Jackie Calmes)

WASHINGTON.—Thursday is an ignominious anniversary for the government agency that helps finance foreigners' purchases of American exports. Thanks to a single senator, it has been a full year since the 82-year-old Export-Import Bank could approve deals exceeding $10 million, a limit that rules out high-dollar deals on airplanes, power generators, heavy equipment and nuclear reactors.

More than 30 transactions worth more than $20 billion to American businesses are stuck awaiting assistance for their buyers, in the so far vain hope that Senator Richard Shelby, Republican of Alabama and once a bank supporter, will end his power play and allow the agency to fully function.

In turn, giants like General Electric and Boeing are shifting more operations and jobs abroad. Other nations' export-credit agencies are ''rolling out the red carpet,'' said John G. Rice, the G.E. vice chairman.

Last June 30, the so-called Ex-Im Bank two blocks from the White House closed its door to all new business after a faction of conservative Republicans, denouncing ''corporate welfare,'' blocked renewal of its charter.

In December, the bank's bipartisan supporters in Congress secured the agency's reopening, only to watch Mr. Shelby play what has proved to be a very strong hand. As chairman of the Senate Banking Committee, he bottled up President Obama's nomination of a third member for the bank's five-person board. Only the board can approve transactions of more than $10 million; without a quorum of three it cannot. The resulting seven-month impasse reflects both the long-standing power of a single senator to block action in that institution, and the more recent ascendance in the Republican Party of conservative populists—hostile to all things big, business and government—over once-dominant pro-business types.

''It's very troubling to me, and I think a lot of others, that one person can hijack a process and keep the export credit agency from functioning in the United States when two-thirds of Congress support it,'' Mr. Rice said.

Two weeks ago, G.E. announced it would expand manufacturing of gas turbines in France rather than Greenville, S.C., in return for French export financing for sales in countries including Saudi Arabia, Brazil and Mexico.

Last September, G.E. announced a flurry of moves: creating up to 1,000 jobs in the Czech Republic to produce turboprop aircraft engines; shifting 500 power-project jobs from Texas, South Carolina, Maine and New York to France, Hungary and China; promising 1,000 energy-sector jobs in Britain, whose export bank will finance up to $12 billion in G.E. sales to Brazil, Ghana, India and Mozambique; and relocating 350 engine manufacturing jobs from Waukesha, Wis., to a new factory in Canada. ''Is it going to put G.E. out of business? Absolutely not,'' Mr. Rice said. ''We can go to a plant in France, or a plant in Switzerland and Germany.'' But, he added, ''A lot of our suppliers can't come with us.''

Boeing is working with Britain's agency to finance airplane purchases for unspecified customers, on the condition that Boeing use Rolls-Royce engines. A company based in Bermuda canceled a contract for satellites, a company in Singapore declined Boeing's bids to sell satellites and Ethiopian Airlines wrote the manufacturer that the lack of Ex-Im Bank financing threatened ''our ability to purchase Boeing aircraft in the future.''

Mr. Shelby was unavailable over several days to discuss the issue, a spokeswoman said. She instead provided a statement that the senator ''believes that his actions are in the best interest of the American taxpayer.''

''Nearly 99 percent of all American exports are financed without the Ex-Im Bank,'' it said, ''which demonstrates that the bank is more about corporate welfare than advancing our economy.'' The bank makes money, through proceeds from its loans and insurance lines, but conservatives cite the risks to taxpayers. The bank's chairman, Fred P. Hochberg, said he had not talked with Mr. Shelby all year, adding, ''In Washington, not returning a call is an art form.''

The Ex-Im Bank was created during the Depression as a lender of last resort for exporters' foreign customers that cannot get commercial loans. More than 60 countries followed the United States' lead. China's export credit operation is by far the largest.

By one measure, the lack of a quorum at the American bank would not seem a problem. In recent years, about 98 percent of applications for help have been for loans under $10 million. But in dollar terms, two-thirds of all assistance has gone for deals exceeding that amount, mostly for customers of big-item manufacturers like Boeing, G.E., Caterpillar, Westinghouse and John Deere.

The bank's backlog of 30 transactions does not even count a multibillion-dollar deal for Westinghouse to build six nuclear reactors in India that was announced this month by President Obama and India's prime minister, Narendra Modi. That, too, will need a functioning Ex-Im.

''We will certainly need a quorum at the bank for the project's completion,'' said Courtney A. Boone, a Westinghouse spokeswoman.

Especially in the developing world, some countries require that exporters bidding for sales have backing from an export credit agency. So some American companies are seeking or accepting support from foreign agencies, which in turn require bidders to create jobs in their countries. Boeing did win a contract with VietJet for 100 American-made aircraft, a deal announced during Mr. Obama's visit to Vietnam in May. Financing will be arranged closer to delivery, leaving

open the question of whether the Ex-Im Bank will help.

Foreign carriers like VietJet ''continue to believe that the United States wouldn't be so foolish as to dismantle its Export-Import Bank,'' said Tim D. Neale, a Boeing spokesman. ''But the other issue is to what degree does this have a chilling effect on ongoing sales campaigns for future deliveries?'' Also in May, a Boeing official at its facility in Alabama publicly criticized Mr. Shelby, saying he was putting local jobs and suppliers at risk.

Mr. Shelby has stood firm, endearing him to conservative anti-government groups crusading to close the bank—and known to spend freely against politicians who cross them. Their blessing was especially important to the senator as he faced a conservative challenger in Alabama's March Republican primary. Mr. Shelby suggested to colleagues and reporters that he would let his committee act on the Ex-Im board nominee afterward. ''He said, 'I can't do this before the primary,' '' said Senator Sherrod Brown of Ohio, the senior Democrat on the banking committee. ''We took that to mean he'd do it after he won his primary.''

Yet Mr. Shelby continues to block Senate confirmation of J. Mark McWatters, formerly an aide to the Republican chairman of the House banking committee.

Senate Democrats recently tried to force a Senate vote, bypassing Mr. Shelby's committee, but they needed the Senate's unanimous consent. Mr. Shelby objected, without further word. ''This is old school politics, right?—'I'm the chairman and I can decide,' '' said Senator Heidi Heitkamp, Democrat of North Dakota.

She added, ''I don't go to bed worrying about the executives at Boeing or G.E., because guess what? They have options. The American worker doesn't have options.''

Ms. CANTWELL. The whole point of the export credit agency is to give U.S. manufacturers the credit.

My point is that these products are agriculture based. If the Senator from North Dakota could explain, these aren't agricultural manufacturing products, but she is saying that there are also large-scale U.S. manufacturing products out of agriculture that also are not getting credit financing?

Ms. HEITKAMP. Absolutely, and if we don't move with haste, if we don't supply on time, we won't get the business.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

Ms. CANTWELL. Mr. President, do I have time reserved in the consent agreement?

The PRESIDING OFFICER. The Senator from Washington has 10 minutes.

Ms. CANTWELL. I yield whatever time for our discussion to continue of that 10 minutes.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Why I think it is absolutely critically important to make this point, not just about what we produce but who produces it, is because at the end of the day, 95 percent of all potential consumers do not live in this country, and America still remains the best and most treasured producer of quality construction equipment in the world.

These are jobs that have helped my manufacturing sector that is dependent on agriculture, which has huge challenges right now. If we can't produce tractors that farmers are going to buy, we can produce construction equipment that everyone can buy to build infrastructure in their countries. There is a narrow view in this Congress, but 67 Senators voted to open up the Export-Import Bank and over 70 percent of the House of Representatives said: This is nonsense; let's open up the Export-Import Bank. Yet we are unable to do it because credit over $10 million cannot be moved forward without the approval of the Bank Board, and the Bank Board cannot operate without a quorum. That is the bottom line.

Ms. CANTWELL. Mr. President, I wish to ask the Senator from North Dakota just one more question, because I want to make sure she continues to make her point and I know we have a colleague waiting. Aren't we here right now today to ask our colleagues that when we come back after July 4 and we have 2 weeks, we dedicate ourselves to this?

It is not every day that the Senate can be involved in an activity that creates so much economic value—$20 billion in job creation—but we can get this done. So we are here asking our colleagues to step up and help us resolve this issue in whatever way possible.

If someone doesn't want to let a nominee out of committee because they made a promise to somebody, that is fine. Let's put language somewhere in a product that is moving. We can look at the FAA bill. We can look at anything. But to go home for the recess, all the way through the month of August—leaving those farmers without economic closure to a deal that has been inked, to a sale that has been made, to jobs that are being created—because you won't let somebody have an operating majority on a board seems like a very drastic step. Is that why the Senator from North Dakota is here, to ask our colleagues to step up to the plate and help us resolve this before the July recess?

Ms. HEITKAMP. I thank Senator CANTWELL. That is why I am here. But I am also here to ask my colleagues to be empathetic, to understand what it would feel like if you were employed in a gas turbine business in one of the Carolinas and that business went to France because we couldn't figure out how to open up the Bank. How would you feel?

I think it is so important to not just reflect on our trade deficit but on the imperative of building our manufacturing base and our export base. If that is not enough of an economic argument, let's look at the microargument. Let's look at what is happening to American families because we aren't getting our job done here. So, as I said before, I don't go to bed worrying about the executives at GE or Boeing because they have options and they are exercising those options. Those options include moving to Canada and France. The American worker is not going to be moving to France to take those jobs. That American worker is getting a pink slip, and that is wrong. That is wrong in so many ways.

So I thank Senator CANTWELL for her steadfast and absolute commitment to opening up the Bank. I think everybody should have a moment of personal reflection, not just on the economics of this but on the impact this is having on literally thousands of American families.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to share my concerns about the Puerto Rico legislation we're considering.

I've been involved with this issue for quite a while now. This past December I chaired a hearing in the Judiciary Committee to examine the root cause of Puerto Rico's fiscal problems. At the hearing we learned that even when Puerto Rico's economy took a downturn, government spending did not.

Instead of making difficult decisions to cut spending and balance its budget, the government kept borrowing to finance its operations, using tax-exempt bonds to roll over debt. As a result, Puerto Rico now has one of the largest government deficits in the United States, and debt we're told isn't payable and must be restructured.

As many of you know, a wide array of investors own Puerto Rican bonds, which are issued by roughly 17 different entities. According to Bloomberg, Puerto Ricans themselves hold $20 billion of the debt.

Nearly 60 percent of Puerto Rico's debt is held largely in the individual retirement accounts and 401(k)'s of regular folks throughout the U.S. In fact, over 17,000 Iowans are invested in mutual funds containing at least one type of Puerto Rican bonds.

These folks aren't vultures. They are middle-class taxpayers who invested their hard-earned money into one of the many tax-exempt municipal bond funds containing Puerto Rico's bonds.

Why should they be forced by Congress to bailout Puerto Rico's government and pension obligations? The answer is they shouldn't, but unfortunately, there is no guarantee that these hardworking folks' investments, whether in Iowa or elsewhere, won't be haircut in order to fund pension obligations or Christmas bonuses for public workers in Puerto Rico.

This didn't have to be the case. At our December hearing I stated two principles that have guided me as this issue has progressed.

First principle, any inclusion of debt restructuring or bankruptcy should occur only at the end of the line, as a tool of last resort. Otherwise the control board will face too great of a temptation to use bankruptcy to balance the budget, as opposed to implementing all available means to increase and collect revenues, while reducing expenses within government.

Second principle, it would be a bad idea for Congress to permit Puerto Rico to walk away from its constitutional debt obligations through what some call an unprecedented super chapter 9 bankruptcy.

In fact, I received a letter from Governor Branstad of Iowa stating that granting Puerto Rico such authority ''would set a dangerous precedent and likely raise the borrowing costs for States and municipalities across the nation, which would reduce our ability to invest in vital services and erode investor confidence in the whole notion of 'full faith and credit' debt.''

Unfortunately, the House bill fails to meet the two principles I have outlined above. First, the bill operates under the presumption that the only way to balance the budget is to restructure debt.

This means that the oversight board will have more flexibility to avoid making difficult fiscal reforms to balance the budget, because the debt can simply be restructured.

In fact, one of the oversight board's first responsibilities is to create a fiscal plan that ''provides adequate funding for public pension systems'' and includes a ''debt sustainability analysis.'' Neither of these terms are defined. The oversight board may very well read these terms as permitting full funding of pensions, while only funding ''sustainable levels of debt service.''

Not surprisingly, this is exactly what the Obama administration seeks to accomplish: protecting pensions at the expense of other retirees. The effect this bill has for retirees in Iowa and elsewhere is that they must place their trust in an oversight board to act courageously and make hard decisions, lest they find themselves bailing out Puerto Rico's government.

Second, no matter what the House bill calls it, title III's debt restructuring authority, which allows for the restructuring of debt that is issued or guaranteed by Puerto Rico, is super chapter 9.

Investors and the municipal bond market have treated Puerto Rico like a State. Granting Puerto Rico the authority to restructure ''state-like'' obligations will be viewed as precedent for giving a State similar authority. Of course, no State is going to ask to be covered by the House bill. Rather, they will say if a territory can receive unprecedented authority from Congress, then why shouldn't a State? Illinois is watching this issue very closely.

Moreover, by creating this new authority Congress has invited material litigation risk.

Worst case, should the law be found unconstitutional under the Takings Clause, then the Federal government would be liable for money damages—the very definition of a bailout. And increased litigation will cause uncertainty, which is the last thing needed in Puerto Rico, making it impossible for Puerto Rico to access the capital market for years.

If that occurs, then mark my words, sooner or later we'll be considering whether to provide direct federal financial assistance to Puerto Rico, despite the claims that this bill doesn't result in a taxpayer bailout.

And given that Puerto Rico has failed to provide Congress with accurate financial information regarding their fiscal crisis, this unprecedented and risky authority appears both unnecessary and unjustified.

Given the bill's failure to satisfy the two requirements I have laid out, which unduly harm retirees in my State, and more importantly, while also setting bad precedent, I can't support this bill.

Perhaps my concerns will be proven wrong and the bill will work perfectly. But it's been my experience that bad facts make for bad law.

Unfortunately, I fear we are simply pushing this problem down the road and have failed to address the root cause of Puerto Rico's fiscal crisis at the expense of uncalled for risks and precedent.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DAINES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate recess until 4:40 p.m., with the time during the recess being charged to the Republican side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Thereupon, the Senate, at 4:20 p.m., recessed until 4:40 p.m. and reassembled when called to order by the Presiding Officer (Mr. GARDNER).

NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2015—Continued

The PRESIDING OFFICER. The Senator from Tennessee.

(The remarks of Mr. ALEXANDER and Mr. CORKER are printed in today's RECORD during consideration of S. Res. 516.)

The PRESIDING OFFICER. The Senator from Louisiana.

(The remarks of Mr. VITTER pertaining to the introduction of S. 3120 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. VITTER. Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Texas.

ZIKA VIRUS FUNDING

Mr. CORNYN. Mr. President, about 24 hours ago our Democratic friends filibustered an appropriations bill for $1.1 billion that they themselves had said was an emergency, denying mothers pregnant with babies potentially like this one depicted here from suffering the devastating birth defects associated with microcephaly. You can see the shrunken skull associated with a shrunken brain—a devastating impact. This is the principal danger of the Zika virus, which heretofore had been limited to South America and Central America, places like Puerto Rico, sadly, and Haiti. The mosquito that carries this virus is native to Texas, Louisiana, Florida, and the southern most parts of the United States. So far the only cases—save one recently in Florida—of infection from the Zika virus have been from people who traveled to those regions and then returned to the United States. As I said, it appears there has been one reported case in Florida that has been contracted on the mainland of the United States.

I simply do not understand how the Democratic leader from Nevada and his colleagues could turn this public health crisis into a political circus. When a pregnant woman contracts Zika, it can cause microcephaly like this. Of course, you can imagine, even if you are just a woman of childbearing age, the possibility that you might contract Zika—not knowing how long that virus remains in your body—would cause tremendous anxiety. You can imagine what this devastating birth defect does not only to the baby involved but to the families who must necessarily support them.

This condition is tragic. It can cause seizures, intellectual disabilities, hearing and vision problems, and developmental delays, and of course a premature death. That is the kind of life that awaits these children and the families of children born with microcephaly if they are fortunate enough to survive. As I mentioned yesterday, it was reported that a child with microcephaly was born in Florida. In this case, I stand corrected. That was not as a result of a mosquito bite in the United States, but rather the mother contracted the virus while in Haiti and traveled back to her home in Florida.

The simple point is, this is playing with fire. It was just a few weeks ago, actually May 23, 2016, when the Democratic leader insisted we immediately fund the President's request of $1.9 billion in emergency funding. He said:

Instead of gambling with the health and safety of millions of Americans, Republicans should give our Nation the money it needs to fight Zika and they should do it now. Not next month, not in the fall—now.

I think the urgency Senator REID was expressing was felt by all of us, but we know there is a right way and a wrong way to appropriate money in the U.S. Congress. We have to pass legislation in the Senate, we have to pass legislation in the House, and then we have to come together in a conference committee to reconcile those differences. It is the conference report that is the product of a negotiation between the House and the Senate that funded this effort at the level that actually passed the Senate just a few short weeks ago. Every single one of our Democratic friends voted for funding the Zika crisis at $1.1 billion. Yet yesterday, all but I believe one of our Democratic colleagues then voted against the very funding they said was an emergency back at the end of May.

We know given the warmer weather in the southernmost part of the United States and the fact that the mosquito that carries this virus is native to the southern part of the United States—we know this risk is on our doorstep, and it is really shameful our Democratic colleagues put politics ahead of sound public policy.

Here are some of the excuses they gave, and none of them withstand any sort of scrutiny.

First of all, they said: Well, this doesn't provide enough money, even though all of them voted for funding at this level of $1.1 billion. They know that if in fact the public health needs in the country are significant enough that more funding is necessary, there will be an opportunity at some point, after due deliberation and discussion and appreciation for the nature of the problem and what the proper response would be for us to act again—but they already voted for funding at this level.

The next bogus argument is that this is somehow an attack on women's health; specifically, on Planned Parenthood. The fact is, there is not a word of Planned Parenthood in this bill. You will look in vain for the word ''Planned Parenthood'' because it is simply not there. What the Appropriations Committee decided to do and what the Senate and House working together decided was to direct funding for contraceptive birth control purposes to community health centers. It didn't exclude Planned Parenthood. In fact, if you are a Medicaid beneficiary, Planned Parenthood is a Medicaid provider and you can get those services provided at Planned Parenthood.

The other bogus argument is somehow there are environmental protection concerns. Well, the very virus that causes this terribly devastating birth defect is carried by mosquitoes. Why in the world would our colleagues across the aisle interfere with efforts to try to kill more mosquitoes before they cause this sort of devastating birth defect? This legislation doesn't erode environmental protections. It provides targeted regulatory relief to combat mosquitoes that carry this virus for a short period of time by making more insecticides available to public health officials like those in Houston I visited with recently who said part of their frontline effort to combat this virus is to kill mosquitoes, and it has informed the public that if you have pooling water in a flower bed or somewhere that can be a breeding ground for mosquitoes, you need to be attentive to that and eliminate that place where mosquitoes can breed and propagate.

So there is simply no good reason to deny funding to mothers who are worried about the possibility that they may contract the Zika virus that results in the devastating birth defects like that exhibited by Laura here. That is her name, Laura. She is 3 months old.

I hope when we come back next week, as the majority leader has said, the Democratic colleagues who voted against this emergency funding bill they so ardently had insisted upon for so long will have another chance to vote. I hope in the interim our friends across the aisle will search their souls—really their consciences—and they will have maybe a little twinge of regret for having voted to deny the funding for development of a vaccine and insect control and for research so we can learn more about this virus so we can learn how to combat it more effectively. That is what they denied us yesterday. That is what they denied women like Laura's mother who need this money so this doesn't happen to anybody else's child.

Mr. President, in just a few moments, we are going to have a chance to vote on a fiscally responsible bill to help Puerto Rico better take care of its economy. We know the government of Puerto Rico has gotten themselves into an impossible situation—$70 billion of debt that its government can't repay. We can all think about reasons they shouldn't have done that, and obviously it is fiscally responsible to do so, but they are in dire financial trouble, and they are going to have some $2 billion of payments they owe on July 1 to avoid defaulting on the debt.

I have been here long enough to know what happens when there is a fiscal crisis, and Puerto Rico is after all part of the United States. Puerto Ricans are American citizens. I have been here long enough to know that in an emergency setting with a fiscal financial crisis, one of the first things that happens is people will come to Congress and say: Can you provide a bailout—a bailout using taxpayer dollars. Well, a good thing—maybe the best thing—about the legislation we are getting ready to pass, which passed in the House of Representatives, is that not one penny of tax dollars is going to be used to deal with this financial crisis in Puerto Rico. You can look at the Congressional Budget Office score. They scored zero in terms of expenditure of tax dollars for bailing out Puerto Rico.

Some of us have seen ads on television that claim this bill is a bailout. Those are run by the very hedge funds that enjoyed the profits from investing in Puerto Rican bonds that are going to take a haircut because of the restructuring of that debt. Of course they are going to try to discourage us from trying to do anything about it, but we shouldn't listen to the hedge funds on Wall Street and the people who have gotten rich investing in these risky bonds. We ought to do right by all American taxpayers and make sure they are protected from a run on the Treasury by passing this legislation. As we know, this legislation would establish a Federal oversight board that would help to restructure their debt and going forward help them get on a fiscally responsible path because what our fellow citizens in Puerto Rico need most is an economy that is growing, creating jobs and opportunities so people can live where they were born, if they want to. They can stay there. Many of them have been leaving the island for some time because, frankly, it has turned into a fiscal and health-related nightmare.

I am glad we advanced this bill a little bit earlier today. We need to pass it and get it to the President's desk. I realize it is not perfect. I know many of us wish we had an opportunity to offer amendments and constructive suggestions, but given the timing for both the deadline for default on July 1 and the fact that we did not get this bill from the House until recently, we are on this constrained timeline, which makes it hard, if not impossible, to offer additional amendments, but it is important we pass this legislation and get our work done.

We will have a chance to vote on three matters. We will have an effort by the Senator from New Jersey to tear down the so-called amendment tree so he can offer some additional amendments. Those amendments are measures such as eliminating some of the protections that I think are necessary to make this bill a better bill.

Then we are going to have a budget point of order. I talked to the chairman of the Budget Committee. He said the budget point of order is a technicality because it has more to do with jurisdictional matters and not the fact that it

busts the budget. In fact, this bill doesn't spend a penny—net—of Federal taxpayer dollars. Finally, we will have a chance to vote on final passage and then get it up to the President's desk.

I hope our colleagues will work with us. We had 68 votes on the earlier vote earlier today. I hope we will have a big vote in favor of fiscal responsibility, in favor of legislation that would avoid the potential for a taxpayer bailout, and demonstrate that we can simply work together on a bipartisan basis to pass good legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

TRIBUTE TO FEDERAL EMPLOYEES

BRIAN KULESKI AND AMALIE ZEITOUN

Mr. CARPER. Good afternoon, Mr. President.

For more than a year now, I have come to the Senate floor on a pretty regular basis. One of our colleagues sitting here I think is the Presiding Officer's relief, and he has heard me come and talk about some of the great work that is being done by some of the 225,000 men and women who work for us at the Department of Homeland Security.

As you know, the Department of Homeland Security is made up of some 22 component agencies, has more than 220,000 employees all over the world. These men and women perform some of the toughest jobs in the Federal workforce, including from stopping drugs from crossing our borders to protecting our cyber networks from hackers, to securing nuclear and radiological materials. The Department of Homeland Security has a diverse, complex, and difficult mission. In fact, they have a lot of really tough missions. Each and every day tens of thousands of Department of Homeland Security employees work quietly and diligently behind the scenes to achieve their mission which, at its core, is helping to keep 300 million of us in this country safe as we go about our daily lives.

One of the smaller teams within the Department of Homeland Security—and one that punches above its weight—is called the Domestic Nuclear Detection Office. Let me say that again. It is not one we heard of very much. It is called the Domestic Nuclear Detection Office. As you might imagine, we have an acronym for them. It is called D-N-D-O, but I am not going to use that acronym today because I don't like acronyms, especially ones that are rarely used. The Domestic Nuclear Detection Office has a staff of only 125 people out of the 220,000 that make up DHS, but they are responsible for keeping all of us safe from the threats posed by radiological and nuclear materials.

From tracking known radioactive materials to supplying detection equipment to Federal, State, and local law enforcement, to conducting research and building better detection technologies, the men and women at this office play an integral role in our Nation's effort to, No. 1, detect radiological materials and, No. 2, to keep them from falling into the wrong hands.

Very shortly we will see to my left some images of just a few of the technologies that are used at this agency and also a few of the employees who work there as they try to detect and track some of the most dangerous materials that are known to mankind. On the top half of this poster, we will see a couple of images. One is a field agent who is using mobile detectors mounted on a jeep to determine if a substance is radioactive or not. The other shows radiation portal monitors. These are right over here. Some of you have been to our border. At the border crossings between this country and others, you will see them, and you will see them at our ports too.

The second image is the radiation portal monitor, these tall yellow posts that are stationed at the ports of entry and exits that can passively scan. They can scan cars, they can scan trucks, and they can even scan shipping containers as they pass through between those tall yellow posts at our borders.

The men and women at the Domestic Nuclear Detection Office are charged with detecting and reporting unauthorized attempts to import, possess, store, develop, or transport nuclear or radiological material. They rely heavily on strong partnerships with local, State, Federal, and tribal law enforcement to achieve this mission. They act as a force multiplier as they equip thousands on the frontlines with the resources and with the knowledge they need to protect our communities from nuclear and radiological threats.

One of the individuals who takes on this task every day is a fellow named Brian Kuleski. As an operational support program analyst, Brian oversees detection operations in eight States and one U.S. territory.

Brian Kuleski makes sure that first responders have the training to coordinate and carry out detection operations, whether at a major event or in a sudden emergency. Through regular training, exercises, and strategic planning, Brian Kuleski gives our first responders the tools they need to protect some of our most vulnerable areas from the threat of nuclear materials.

Before joining the Department of Homeland Security, Brian worked for the Florida Department of Transportation as a State police officer. In that role he was supporting to detect and track radiological materials throughout his State. He conducted radiological and nuclear detection operations at over 18 large-scale events, including the 2009 Super Bowl, the 2008 World Series, and the 2008 Republican Governors Association conference.

Throughout Brian's career, he has earned the respect of his colleagues and is recognized as an authority on radiological and nuclear detection. Through his thoughtful leadership and, I am told, a little bit of humor along the way, Brian has helped Federal agencies and State and local law enforcement work together as one team to protect against terrorist attacks.

To Brian and to his team, we want to say a very big thank you today and every day.

While Brian and his team are hard at work tracking nuclear material and stopping it before it enters our borders, others within the Domestic Nuclear Detection Office are working to track the sources of these materials so they can cut off the pipeline before it ever becomes a threat in the United States.

When Brian or anyone in the Federal Government detects and confiscates nuclear materials, they are delivered to the National Technical Nuclear Forensic Center at this agency. The experts there use advanced technologies to break down and analyze the origins of nuclear and radiological materials.

In the bottom half of these images to my left, you can see some of the sophisticated technologies in these two frames right here. We can see some of the sophisticated technologies that we need to analyze the materials and track their sources. By the way, operating this state-of-the-art scientific equipment and instruments requires years of training and education.

With the right information, employees of this office can track materials to their source, find out who produced those materials, and arrest the criminals who buy, sell, or transport them.

This is an essential part of our efforts to keep nuclear and radiological materials away from terrorists whom we know would like to use them in an attack against our country.

One Domestic Nuclear Detection Office employee charged with making sure that we are the best in the world at tracing the origins of nuclear material is Amalie Zeitoun. Amalie serves as a program analyst with the National Technical Nuclear Forensic Center, overseeing nine university and National Laboratory initiatives. Amalie is responsible for hiring the best and the brightest in the field of nuclear forensics.

Since 2008, Amalie has hired 42 Ph.D.s for our nuclear forensics workforce. These individuals work every day to improve our technologies and to help us track down the sources of these dangerous materials. Her continued work will ensure that we continue to attract and retain some of the top scientists in the world.

Partnering with our detection experts in the field, like Brian and his team, the forensics experts hired by Amalie help State and local law enforcement track down and bring to justice those who seek to traffic nuclear

material and sell it to criminals and to terrorists.

Without Amalie's efforts to keep our technology and expertise moving in the right direction, detection experts in the field, such as Brian, and countless first responders and law enforcement personnel across our country would have a lot more material to track and a much harder job ensuring the safety of our communities.

Amalie's colleagues describe her as the ultimate team player. She works tirelessly to bring together government agencies in the academic community to make sure we are the best in the world at tracking nuclear material. She is intently focused on maintaining our abilities and reaching the goals set for her program, knowing that failure to reach them will make it much more difficult for Brian to achieve his goals. As a country, it is to our benefit that many say Amalie rarely takes no for an answer.

Both Brian and Amalie are the ultimate team players. With just 125 employees, the Domestic Nuclear Detection Office can't be everywhere at once. It requires everyone—Federal agencies, State and local law enforcement, emergency planners, and even the academic and scientific community. Together we can do more with less, continuously improving our training and equipment, and staying one giant leap ahead of the bad guys who seek to use these materials to harm Americans here at home.

To Brian, to Amalie, to all of the folks with whom they work at the Domestic Nuclear Detection Office and to everyone around the country who helps detect and track nuclear and radiological materials, we thank each of you. We thank the members of your team, and we thank you for coming together to keep the rest of us safe.

To all of you, we say thanks, and God bless.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PERDUE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I yield back all our time.

The PRESIDING OFFICER. All majority time is yielded back.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I yield back all the minority time.

The PRESIDING OFFICER. All time has been yielded back.

MOTION TO CONCUR WITH AMENDMENT NO. 4865

Under the previous order, the question is on agreeing to the motion to table the motion to concur with amendment No. 4865.

The yeas and nays have previously been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—44

Baldwin	Heinrich	Paul
Bennet	Heitkamp	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	Klobuchar	Sanders
Brown	Leahy	Schatz
Cantwell	Lee	Schumer
Cardin	Markey	Shaheen
Carper	McCaskill	Stabenow
Casey	Menendez	Tester
Coons	Merkley	Udall
Cruz	Mikulski	Warren
Durbin	Murphy	Whitehouse
Franken	Murray	Wyden
Gillibrand	Nelson	

NAYS—54

Alexander	Ernst	Moran
Ayotte	Feinstein	Murkowski
Barrasso	Fischer	Perdue
Blunt	Flake	Portman
Boozman	Gardner	Risch
Burr	Graham	Roberts
Capito	Grassley	Rounds
Cassidy	Hatch	Rubio
Coats	Heller	Sasse
Cochran	Hoeven	Scott
Collins	Inhofe	Sessions
Corker	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	King	Thune
Crapo	Kirk	Tillis
Daines	Lankford	Toomey
Donnelly	McCain	Vitter
Enzi	McConnell	Wicker

NOT VOTING—2

Manchin	Warner

The motion was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Let's have everybody stay close to the Chamber because the next three votes are going to be 10 minutes each.

I ask unanimous consent that the votes following this vote we just completed be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MOTION TO CONCUR

Under the previous order, the question is on agreeing to the motion to waive all applicable budget provisions for the motion to concur.

The yeas and nays have previously been ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 85, nays 13, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—85

Alexander	Flake	Nelson
Ayotte	Franken	Paul
Barrasso	Gardner	Peters
Bennet	Gillibrand	Portman
Blumenthal	Graham	Reed
Blunt	Grassley	Reid
Boozman	Hatch	Risch
Burr	Heinrich	Roberts
Capito	Heitkamp	Rounds
Cardin	Heller	Rubio
Carper	Hirono	Sasse
Casey	Hoeven	Schatz
Cassidy	Inhofe	Schumer
Coats	Isakson	Scott
Cochran	Johnson	Sessions
Collins	Kaine	Shaheen
Coons	King	Shelby
Corker	Kirk	Stabenow
Cornyn	Klobuchar	Sullivan
Cotton	Lankford	Thune
Crapo	Leahy	Tillis
Cruz	Lee	Toomey
Daines	McCain	Udall
Donnelly	McCaskill	Vitter
Durbin	McConnell	Whitehouse
Enzi	Mikulski	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	
Fischer	Murphy	

NAYS—13

Baldwin	Markey	Sanders
Booker	Menendez	Tester
Boxer	Merkley	Warren
Brown	Murray	
Cantwell	Perdue	

NOT VOTING—2

Manchin	Warner

The PRESIDING OFFICER. On this vote, the yeas are 85, the nays are 13.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, all postcloture time is yielded back.

MOTION TO CONCUR WITH AMENDMENT NO. 4865 WITHDRAWN

Under the previous order, the motion to concur with an amendment is withdrawn.

VOTE ON MOTION TO CONCUR

The question is on agreeing to the motion to concur in the House amendment to S. 2328.

Mr. THUNE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 30, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—68

Alexander	Flake	Murphy
Ayotte	Franken	Nelson
Barrasso	Gardner	Paul
Bennet	Gillibrand	Peters
Blumenthal	Graham	Reed
Blunt	Hatch	Reid
Burr	Heinrich	Risch
Cardin	Heitkamp	Roberts
Carper	Hirono	Rounds
Casey	Hoeven	Rubio
Cassidy	Inhofe	Schatz
Coats	Isakson	Schumer
Cochran	Johnson	Sessions
Collins	Kaine	Shaheen
Coons	King	Stabenow
Corker	Kirk	Sullivan
Cornyn	Klobuchar	Thune
Crapo	Lankford	Toomey
Donnelly	Leahy	Udall
Durbin	McCain	Vitter
Enzi	McCaskill	Whitehouse
Feinstein	McConnell	Wyden
Fischer	Mikulski	

NAYS—30

Baldwin	Ernst	Perdue
Booker	Grassley	Portman
Boozman	Heller	Sanders
Boxer	Lee	Sasse
Brown	Markey	Scott
Cantwell	Menendez	Shelby
Capito	Merkley	Tester
Cotton	Moran	Tillis
Cruz	Murkowski	Warren
Daines	Murray	Wicker

NOT VOTING—2

Manchin	Warner

The motion was agreed to.

STOP DANGEROUS SANCTUARY CITIES ACT—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 531, S. 3100.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 531, S. 3100, a bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 531, S. 3100, a bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

Mitch McConnell, Tom Cotton, Shelley Moore Capito, Mike Crapo, Thad Cochran, Jerry Moran, John Thune, John Hoeven, David Perdue, Orrin G. Hatch, Daniel Coats, Pat Roberts, John Barrasso, Bill Cassidy, Patrick J. Toomey, John Boozman, John Cornyn.

Mr. MCCONNELL. Mr. President, I withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

STOP ILLEGAL REENTRY ACT—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 276, S. 2193.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 276, S. 2193, a bill to amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 276, S. 2193, a bill to amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes.

Mitch McConnell, David Perdue, Pat Roberts, John Thune, Dan Sullivan, Roy Blunt, Chuck Grassley, Thom Tillis, Steve Daines, Jeff Sessions, John Barrasso, John Boozman, Richard Burr, Mike Lee, Tim Scott, Deb Fischer, Joni Ernst.

Mr. MCCONNELL. Mr. President, I withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2015

Mr. MCCONNELL. I ask the Chair to lay before the body the message to accompany S. 764.

Mr. SANDERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Reserving the right to object, I have a parliamentary inquiry.

Is one of the acts in this overall bill entitled the Defund Planned Parenthood Act of 2015?

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. I know that was a parliamentary inquiry.

Mr. SANDERS. Excuse me, I would like an answer to my question, please.

Regular order. I asked the question.

The PRESIDING OFFICER. The Defund Planned Parenthood Act is part of the House message to the Senate.

Mr. SANDERS. In other words, sir, the Defund Planned Parenthood Act of 2015 is part of the legislation we are voting on; is that correct? Yes? No? Maybe?

The PRESIDING OFFICER. Would the Senator please restate his inquiry?

Mr. SANDERS. Yes. Is it possible that, as part of the legislation that the Senator from Kentucky has introduced, that there is a title in there called the Defund Planned Parenthood Act of 2015?

Is that title in the legislation we are voting on?

The PRESIDING OFFICER. The language in question is part of the House amendment.

Mr. SANDERS. Thank you very much.

I ask that that language be withdrawn right now.

Mr. MCCONNELL. Mr. President, would the Senator yield? I think I can clear up his concern.

Mr. SANDERS. No, I really won't yield. My request is that that language be withdrawn now with unanimous consent.

Mr. LEAHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. SANDERS. I believe I have the floor.

Mr. MCCONNELL. Mr. President, if I may, I think we have explained this to everybody over and over again. Let me try again.

The Roberts amendment that I will offer is a complete—a complete—substitute for the underlying language that concerns some of our colleagues on the other side.

Mr. LEAHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. LEAHY. Parliamentary inquiry: Notwithstanding what the majority leader has said, the legislation he brought up would defund Planned Parenthood; is that correct, if it was accepted?

The PRESIDING OFFICER. That is not a judgment for the Parliamentarian.

Mr. LEAHY. Parliamentary inquiry: Would that be a position for the United States Senate if we were allowed to vote on it?

Ms. STABENOW. Parliamentary inquiry, Mr. President.

Mr. LEAHY. Could I get an answer to my parliamentary inquiry?

Ms. STABENOW. Excuse me. I am sorry.

Mr. MCCONNELL. Mr. President, Parliamentary inquiry.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. If I were to offer the Roberts amendment that will be a complete substitute for the underlying language, would it not alleviate the

concern that our colleagues on the other side have?

The PRESIDING OFFICER. The question before the Senate would be the amendment offered by the majority leader.

Mr. LEAHY. Further Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The House can respond in whatever manner it chooses.

Mrs. BOXER. What does that mean?

Mr. LEAHY. Parliamentary inquiry, Mr. President: If the majority leader were to withdraw the House bill to defund Planned Parenthood and replace it with the Roberts GMO bill, would the acceptance of that be a debatable motion before the Senate? Not asking how we should vote, but would that be a debatable motion?

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Who has the floor?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MCCONNELL. All right. It is my understanding that I don't have the authority to withdraw a House amendment. What I am doing here, if our friends and colleagues on the other side will let me, is to offer a complete substitute for that, which is the Roberts amendment, which I think everybody understands the content of.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Roberts amendment would be the question before the Senate. The House would have to respond to the Senate substitute.

Mr. LEAHY. Mr. President, further Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. If the majority leader were to withdraw the Planned Parenthood amendment and put in the Roberts amendment, which has not been previously debated, would a vote on acceptance of that be a debatable issue?

The PRESIDING OFFICER. The majority leader may not withdraw House language. He can only propose an amendment to the substitute or concur in that amendment. Those are debatable questions.

Mr. LEAHY. Mr. President, further parliamentary inquiry.

Mr. President, if my friend the majority leader were to be able to do what he has proposed, would the resolution of that matter, then, be a matter of debate before the body under the normal Senate of rules?

The PRESIDING OFFICER. Yes, the motion to concur is debatable.

Mr. LEAHY. I thank the Presiding Officer.

Mrs. BOXER. Parliamentary inquiry. Mr. President, Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I just want to understand where we are, because there is a lot of angst and discomfort, and I want to say to Senator HIRONO, who happened to read what we are voting on, which I really appreciate, and called it to our attention——is it the Presiding Officer's view, in answer to Senator LEAHY and Senator SANDERS, that the Senate has no ability to strike the title called the Defund Planned Parenthood Act of 2015 at this time; that we do not have the ability to do this? Could we not do it by unanimous consent or would that not be allowed as well?

The PRESIDING OFFICER. The Senate does not strike language; it proposes amendments.

Mrs. BOXER. So if I were to make a unanimous consent request—further parliamentary——

The PRESIDING OFFICER. Which amendment could be a complete substitute replacing that language.

Mrs. BOXER. Even the title?

The PRESIDING OFFICER. The title amendment is a separate question.

Mrs. BOXER. So the title will remain; is that correct? Even after the majority leader does what he says he is going to do, the title called Defund Planned Parenthood Act of 2015 would remain; is that correct?

The PRESIDING OFFICER. The short title is part of the amendment.

Mrs. BOXER. I am sorry. I am trying to get an answer. I didn't hear it.

The PRESIDING OFFICER. The Chair is trying to answer.

The short title is part of the amendment to the House which the majority leader's proposed amendment would replace.

Mrs. BOXER. So the title would no longer be in the bill; is that correct?

The PRESIDING OFFICER. That depends on the action of the House in response to the Senate amendment on the bill.

Mrs. BOXER. So the House is going to determine whether or not to remove this title: ''This Act may be cited as the 'Defund Planned Parenthood Act of 2015.' ''

I just say to my friends, I don't know why the majority leader chose to bring up this shell. He could have brought up any other shell. We should vote no on this.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Regular order has been called for.

Is there objection to laying down——

Mr. MCCONNELL. Mr. President, parliamentary inquiry.

What is the title of the bill?

The PRESIDING OFFICER. The clerk will read the title of the bill.

The legislative clerk read as follows:

S. 764, entitled ''An Act to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.''

Mr. MCCONNELL. Mr. President, we have many disputes around here over major issues, but I am perplexed by where we are.

What I am trying to do is to offer a complete substitute, the Roberts amendment—and I think everybody understands what that is. I must say I don't think there is a single person in America who would think any of our colleagues over here would vote to defund Planned Parenthood.

We are not trying to trick anybody. We are trying to get to the Roberts amendment, and I am offering a complete substitute for a bill with a title that I don't think sounds particularly offensive from a Democratic point of view. I am perplexed as to what the problem is here.

Mr. SCHUMER. Would the majority leader yield for a question?

The PRESIDING OFFICER. The majority leader has made a motion.

The Senator from New York.

Mr. SCHUMER. Would the majority leader yield for a question?

Mr. MCCONNELL. I will be happy to yield to the Senator from New York.

Mr. SCHUMER. So once the majority leader strikes everything but the title about whatever it was, the words ''Planned Parenthood'' will not appear in the bill before us at all; is that correct?

Mr. MCCONNELL. Yes. My understanding is it will not be in there at all.

Mr. SCHUMER. Thank you, Majority Leader.

Mr. LEAHY. Mr. President, may I make a further——

Mr. MCCONNELL. Regular order, Mr. President.

Mr. LEAHY. Parliamentary inquiry.

The PRESIDING OFFICER. The question is on the laying down of the message to accompany S. 764.

Mr. LEAHY. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The majority leader has the floor.

Will the majority leader yield for a parliamentary inquiry?

Mr. MCCONNELL. Regular order, Mr. President.

The PRESIDING OFFICER. Regular order has been called for.

Mr. LEAHY. Mr. President, would the majority leader yield for a question?

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mrs. ERNST. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—68

Alexander	Donnelly	McCaskill
Ayotte	Enzi	McConnell
Baldwin	Ernst	Moran
Barrasso	Feinstein	Nelson
Bennet	Fischer	Perdue
Blunt	Flake	Peters
Boozman	Franken	Portman
Brown	Gardner	Risch
Burr	Graham	Roberts
Capito	Grassley	Rounds
Carper	Hatch	Rubio
Casey	Heitkamp	Sasse
Cassidy	Heller	Scott
Coats	Hoeven	Sessions
Cochran	Inhofe	Shaheen
Collins	Isakson	Shelby
Coons	Johnson	Stabenow
Corker	King	Thune
Cornyn	Kirk	Tillis
Cotton	Klobuchar	Toomey
Crapo	Lankford	Vitter
Cruz	Lee	Wicker
Daines	McCain	

NAYS—29

Blumenthal	Markey	Sanders
Booker	Menendez	Schatz
Boxer	Merkley	Schumer
Cantwell	Mikulski	Sullivan
Cardin	Murkowski	Tester
Gillibrand	Murphy	Udall
Heinrich	Murray	Warren
Hirono	Paul	Whitehouse
Kaine	Reed	Wyden
Leahy	Reid	

NOT VOTING—3

Durbin	Manchin	Warner

The motion was agreed to.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives.

The legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 764) entitled ''An Act to reauthorize and amend the National Sea Grant College Program Act, and for other purposes,'' do pass with an amendment.

Pending:

McConnell motion to concur in the House amendment to the bill with McConnell (for Roberts) amendment No. 3450 (to the House amendment to the bill), in the nature of a substitute.

McConnell motion to refer the bill to the Committee on Commerce, Science, and Transportation.

The PRESIDING OFFICER. The majority leader.

MOTION TO REFER WITHDRAWN

Mr. MCCONNELL. Mr. President, I withdraw the motion to refer to the Committee on Commerce.

The PRESIDING OFFICER. The motion is withdrawn.

MOTION TO CONCUR WITH AMENDMENT NO. 3450 WITHDRAWN

Mr. MCCONNELL. I withdraw the motion to concur in the House amendment to S. 764 with a further amendment, No. 3450.

The PRESIDING OFFICER. The motion is withdrawn.

MOTION TO CONCUR WITH AMENDMENT NO. 4935

Mr. MCCONNELL. I move to concur in the House amendment to S. 764 with the Roberts substitute amendment that strikes and replaces the House amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to concur in the House amendment to S. 764 with an amendment numbered 4935.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk on the motion to concur with amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment with an amendment to S. 764, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

Mitch McConnell, Mike Crapo, John Thune, Richard Burr, James M. Inhofe, Pat Roberts, Lamar Alexander, John Barrasso, Thad Cochran, Deb Fischer, Shelley Moore Capito, John Boozman, Thom Tillis, David Perdue, Jerry Moran, John Hoeven, Roger F. Wicker.

Mr. MCCONNELL. I ask for the yeas and nays on the motion to concur with amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4936 TO AMENDMENT NO. 4935

Mr. MCCONNELL. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4936 to amendment No. 4935.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

This Act shall take effect 1 day after the date of enactment.

MOTION TO REFER WITH AMENDMENT NO. 4937

Mr. MCCONNELL. I move to refer the House message on S. 764 to the Committee on Agriculture with instructions to report back forthwith with an amendment numbered 4937.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to refer the House message on S. 764 to the Committee on Agriculture, Nutrition and Forestry with instructions to report back forthwith with an amendment numbered 4937.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. MCCONNELL. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4938

Mr. MCCONNELL. I have an amendment to the instructions.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4938 to the instructions of the motion to refer S. 764.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

This Act shall take effect 3 days after the date of enactment.

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4939 TO AMENDMENT NO. 4938

Mr. MCCONNELL. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4939 to amendment No. 4938.

The amendment is as follows:

Strike ''3 days'' and insert ''4 days''.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 524, H.R. 5293.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 524, H.R. 5293, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 524, H.R. 5293, an act making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes.

Mitch McConnell, Tom Cotton, Shelley Moore Capito, Mike Crapo, Thad Cochran, Jerry Moran, Richard C. Shelby, John Hoeven, Lamar Alexander, Orrin G. Hatch, Daniel Coats, Pat Roberts, John Barrasso, Bill Cassidy, John Thune, John Boozman, John Cornyn.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum calls for these cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Alaska.

FUNERAL OF FREDERICK CHARLES ''BULLDOG'' BECKER IV

Ms. MURKOWSKI. Mr. President, last week I had the opportunity to pay tribute to a gentleman by the name of Fred Becker. We knew him lovingly and affectionately as ''Bulldog.'' He was a veteran and a veterans activist. He passed away on June 11.

This past Friday, Bulldog's remains were interred at Fort Richardson in Anchorage. He occupied a very special place in my heart, so it was important that I be there to attend those services. It was really quite a spectacle. Bulldog was a leader of several veterans motorcycle groups. So there were more than 100 of his fellow veterans—all on bikes—who accompanied the remains to the final resting place there at Fort Richardson Cemetery. But if that were not special enough, in and of itself, there were several hundred airmen and soldiers—some say 400—that were lined up once you went through the gates there on Fort Richardson. About every 10 feet, there was an airman or a soldier for almost 2 miles into where the ceremony was. These individuals were there to pay tribute to a man who every day—every day—worked to show respect to other veterans and worked to ensure that the service and the sacrifice of those veterans would never be forgotten.

So at every ceremony—whether it was Veterans Day or Memorial Day or a salute to the military or to the change of command and at every retirement—Bulldog was there. So it was so inspiring to be there and to see the tribute paid to this amazing man.

It was Col. Brian Bruckbauer, who is the commander of the 673rd Air Base Wing at Joint Base Elmendorf-Richardson, who organized this extraordinary tribute, and I would like to take this opportunity to express my appreciation to Colonel Bruckbauer, his fellow leaders at JBER, and the soldiers and airmen who came out on Friday afternoon.

CELEBRATING TALKEETNA'S CENTENNIAL

Mr. President, coming up this next week, on July 4, the historic community of Talkeetna, AK, which sits just at the base of Denali, will celebrate the 100th anniversary of its founding. Talkeetna sits at the confluence of three glacially fed rivers. Originally settled by the Dena'ina people, it was an important location for fishing and hunting. The name Talkeetna derives from a Dena'ina word which means ''river of plenty.''

The gold rush of 1896 brought prospectors to the area. In 1905, gold was discovered in the Yentna-Cache Creek mining district to the west of town. Sternwheeler riverboats traveling up the Susitna River docked at Talkeetna, establishing the town as a supply center for the local mining districts.

Then came the Alaska Railroad. In 1914, President Wilson signed a law enabling the construction of the railroad from Seward to Fairbanks. Talkeetna was then designated as the district headquarters for railroad construction, increasing its population by about 400 people at the outset. Then, that grew to 1,000 people at the peak of construction. In December of 1916, the Talkeetna Post Office was opened, which really established it.

By 1923, railroad construction was complete and the population of Talkeetna dropped to only a few dozen people. But the few dozen that stayed were determined to make a go of it. Talkeetna remained a mining supply hub. The railroad deposited a sufficient number of gold miners to support local mining supply businesses.

Fast forward to the 1960s. In 1963, astronomers declared Talkeetna the best place in the United States to see the total solar eclipse. That brought about 2,000 people into town. The visitors then boarded the train to see what was then called ''Mt. McKinley.''

In 1964, a spur road was constructed connecting Talkeetna to the newly built Parks Highway, which is the artery connecting Anchorage and Fairbanks to Denali National Park. Suddenly, Talkeetna was open to road access. The State of Alaska then sold land for market value to those who wanted to settle in the area. Those who settled in Talkeetna found a steadily growing visitor industry awaiting them. Talkeetna has become a destination for mountaineers from around the world. Today, 1,100 to 1,250 people attempt to climb the mountain each year.

The first stop for adventurers planning to climb is the National Park Service's Talkeetna ranger station. The ranger station is named for Walter Harper, who was an Athabascan Indian, and he was the first person to reach the summit of Denali—20,310 feet up. The second stop is one of the many air taxi services that call Talkeetna home for a ride up to the base camp.

While the climbing season may be short—basically late April to early July—the visitor season continues through Labor Day. Talkeetna is a popular stop for cruise tour and independent visitors traveling the Parks Highway en route to Denali National Park.

But Talkeetna is no ''glitter gulch,'' as we in Alaska sometimes say. It is a thriving year-round community numbering some 876 people, with an active arts community, its own public radio station, and a quirkiness that is perhaps unique to Talkeetna. There are probably not too many towns that can actually boast that their mayor is a cat—a cat.

OK, Stubbs is the honorary mayor of Talkeetna. He is not really and truly the official mayor. He is the honorary mayor. He was elected back in 1997. Stubbs has had that position for all 19 years of his life. He is quite well-known and has quite the notoriety. Stubbs greets visitors at Nagley's Store. Nagley's was founded in 1921. It is one of Talkeetna's original businesses and is listed on the National Register of Historic Places. It is part of a historic district that runs roughly 2 blocks by 3 blocks.

Visitors who choose to spend this Independence Day in Talkeetna will be treated to a rich hometown experience amidst the splendor of one of Alaska's most picturesque and interesting places. I am told Talkeetna's centennial celebration will provide visitors an opportunity to enjoy the town as the locals do.

I was hoping to make it up to Talkeetna. I am probably not going to be able to do so. But I might be able to make the run from Wasilla, AK, to attend the moose-dropping event at 4 o'clock in the afternoon. It is an annual tradition on the Fourth of July, where we take a collection of moose droppings, drop them, and bet on them. So we have an interesting mayor, and we have interesting festivals, but it is the heart of gold that comes from the people in this beautifully picturesque and, again, amazing place. It is a great honor to celebrate Talkeetna's Centennial today in the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I also want to congratulate the people of Talkeetna. I wish I could go myself to the moose-dropping thing, and I want to see that before I die.

Mr. President, I thank Senator WHITEHOUSE for giving me this time.

COLLEGE WORLD SERIES

Mr. President, in 3 minutes, the final game of the championship round of the

College World Series takes place. Coastal Carolina is playing the University of Arizona.

Coastal Carolina is a relatively small school in Myrtle Beach. Dustin Johnson is a graduate and won the U.S. Open. But if you have been watching the College World Series, this baseball team is inspiring. Arizona and Coastal Carolina have had two great games. Tonight is the rubber match, winner takes all. I don't know what is going to happen. If Coastal Carolina falls short, we have won in every way we could win. It has been the most exciting World Series I can remember: South Carolina won back-to-back world championships.

Coastal Carolina, I know everybody in South Carolina is very proud, all the fans are very excited, and the best pitchers are on the mound tonight. So go Chanticleers. I am going to go home and watch the baseball game.

I thank Senator WHITEHOUSE for letting me say that.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I was delighted to let Senator GRAHAM celebrate an achievement by his home State university. I was pleased to yield him the time.

CLIMATE CHANGE

Mr. President, I am here, as the Presiding Officer knows, for the 142nd time to urge Congress to wake up to the threat of climate change. We are asleep at the wheel in Congress, heading toward climate catastrophe.

Of course, outside this Chamber there is broad support for responsible climate action from the American people and from every major scientific society. Indeed, 31 of them just sent us a letter this week, reminding us to get off our duffs and pay attention to the science. Virtually every one of our home State universities, our National Laboratories, NASA, NOAA, and the military, national security, and intelligence leadership of our country—if they are all wrong, that is one heck of a hoax.

Frustratingly, Congress is still fogged in by a decades-long, purposeful campaign of deliberate misinformation from the fossil fuel industry and its allies. And since Citizens United, that misinformation campaign is backed up by unprecedented special interest political artillery.

Outside the fossil fuel industry, there is of course broad support for action on climate change across corporate America. Leading businesses and executives vocally supported President Obama on the Paris Agreement. Many are committed to getting onto a sustainable energy path. More than 150 major American firms signed the American Business Act on Climate Pledge. Many are pushing their commitment outside of their corporate walls through their supply chains, but against these Americans corporate efforts on climate stand two major forces that claim to represent American business: the Wall Street Journal editorial page and the U.S. Chamber of Commerce.

The Wall Street Journal editorial page claims to speak for the business community, small business owners, and industry titans alike, but it is way off base from the business community's commitment to addressing climate change. Its editorial page is constantly wrong about climate change, from misstating the science of climate change, to misstating the costs versus benefits of climate action, to misstating the law when carrying the industry's water to oppose civil investigations into whether the industry climate denial scheme amounts to fraud.

It is not new. The Journal has a well-worn playbook for defending polluting industries. Look at its commentaries over time on acid rain, on the ozone layer, and of course now on climate change. It is always wrong, and worse, there is a pattern, a formula: Deny the science, question the motives of those calling for change, exaggerate the costs of taking action, and, above all, protect the polluting industry.

I have said all of this before, but now there is a study that quantifies it. Climate Nexus's recent analysis of the Wall Street Journal's editorial page shows ''a consistent pattern that overwhelmingly ignores the science, champions doubt and denial of both the science and effectiveness of action, and leaves readers misinformed about the consensus of science and of the risks of the threat.'' The analysis finds the opinion section has ''done its readers a disservice by consistently ignoring or ridiculing the scientific consensus on the reality and urgency of climate change.''

The editorial page's bias, which is out of sync with virtually every single major scientific body, ''cannot help but hinder its readers' ability to make accurate assessments of the risk climate change poses to their businesses.''

Specifically, Climate Nexus's analysis found that of 201 editorials relating to climate science or policy dating back to 1997, not one explicitly acknowledges that fossil fuels cause climate change. Of the 279 op-eds published since 1995, 40 reflect mainstream climate science, a paltry 14 percent. And of 122 columns published since 1997, just 4 accept as fact that fossil fuels cause climate change or endorse a policy to reduce emissions—out of 122 columns, 4. It is laughable.

Between April 2015 and May 2016, when global heat records were falling with regularity, the Journal published 100 climate-related op-eds, columns, and editorials. Only 4 op-eds provided information reflecting mainstream climate science, and 96 pieces in the Journal's opinion section failed to acknowledge the link between human activity and climate change. Even ExxonMobil and Charles Koch admit that link. Last January, for example, the page called recent extreme weather ''business as usual,'' while clinging to the bogus ''hiatus'' argument that global temperature increases had halted.

The Climate Nexus report illuminates a series of advertisements that have been placed—where? On the Wall Street Journal editorial page, calling attention to this preposterous bias.

The first one reads: ''Exxon's CEO Says Fossil Fuels Are Raising Temperatures and Sea Levels. Why won't the Wall Street Journal?'' The copy below goes on to say ExxonMobil has called for a carbon price, and they have.

The CEOs of BP, Shell, Total, Statoil, BG Group and ENI call climate change ''a critical challenge for our world'' and have also called for a price on carbon.

It is time for the editorial board of the WSJ to become part of the solution on climate change.

The next one says: ''Carbon Dioxide Traps Heat on Earth.'' It goes on to say:

This isn't controversial. The head of Exxon Mobil and most major oil companies agree, along with every scientific academy in the world.

Again, a fact.

The next one: ''The Earth Has Warmed. And We Did It.'' It goes on to say:

[W]e've known for more than a century that adding more heat-trapping carbon dioxide to the atmosphere from fossil fuels would warm the planet.

And we have known that. We have known that since Abraham Lincoln was President.

So it's not surprising that the planet keeps getting warmer (although you may not have seen this fact on this page).

And, of course, ''Despite what you may have heard, there has been no 'pause.'''

All of that is solid, clear science.

The next ad: ''What Goes Up Doesn't Come Down. CO_2 Emissions Stay in the Atmosphere for Centuries.'' And they do one other thing that this advertisement mentions as well: The CO_2 emissions, when they are in the atmosphere above the oceans, react chemically with the oceans. This is a reaction that you can replicate in a high school chemistry lab. This is not debatable, negotiable science. This is known, established science. It says oceans are acidifying as a result, and they are. We measure that, and we are measuring the fastest increase in acidification in the ocean in 50 million years.

The one that follows: ''Your Assets are at Risk. Beware the Carbon Bubble.''

If you thought the housing bubble and crash of 2008 were bad, consider the carbon bubble: A ticking time-bomb for fossil fuel company investors.

This is why so many conservative economists want to put a ''price'' on carbon to speed the clean energy transition while allowing the markets to cushion and adjust.

Of course that is true. Every single conservative or Republican who has fought the climate change problem through to the solution has come to the same solution, which is a revenue-neutral price on carbon.

Here we go, the most recent ad: ''The Free Market Solution to Climate Change.''

The CEOs of oil giants Exxon, BP, Royal Dutch Shell, Statoil, Total, Eni, and BG Group have all called for carbon pricing. So have the leaders of [many countries around the world].

Wall Street Journal columnist Holman W. Jenkins calls a revenue-neutral carbon tax ''our first-best policy, rewarding innovations by which humans would satisfy their energy needs while releasing less carbon into the atmosphere.''

Those are the advertisements that have been put on the Wall Street Journal editorial page. Unfortunately, it takes people paying for space on the Wall Street Journal editorial page to get the truth about climate change told on the Wall Street Journal editorial page. These are straightforward, broadly accepted statements of the science of climate change.

So if the Wall Street Journal editorial page isn't acknowledging the views of credentialed experts, whom is it representing? Back to the Climate Nexus report, and I quote:

[T]he Wall Street Journal consistently highlights voices of those with vested interests in fossil fuels . . . presenting only the dismissive side of the climate discussion. . . . [T]hat undermines a reader's ability to effectively evaluate climate risk, objectively assess potential solutions, and balance the two.

The report calls the short shrift given to climate change ''a failure of journalistic responsibility.'' Look at its commentary on acid rain, on the ozone layer, and on climate change—always the same, always wrong. You have to wonder what service the Wall Street Journal editorial page is providing to its readership, since its record seems to rule out truth or balance or factuality. Maybe the short answer is that the service the Wall Street Journal editorial page is providing isn't a service to its readership.

Let's turn to the other miscreant. You might wonder as well what service the U.S. Chamber of Commerce provides to its members who have responsible climate change policies. The U.S. Chamber is the largest lobbying organization in the country, and its power in Congress is fully dedicated to stopping any serious climate legislation. Everybody here sees the Chamber's hostility to climate legislation everywhere.

My and Senator WARREN's offices recently took a look at the lobbying positions of the U.S. Chamber of Commerce compared with the positions of its own board members. With Senators BOXER, SANDERS, BROWN, MERKLEY, BLUMENTHAL, and MARKEY, we released a report on our findings. Not one of the 108 Chamber board members we contacted would endorse the U.S. Chamber's lobbying on climate change—not one. Our investigation found that roughly half of the companies represented on the Chamber's board actually have strong pro-climate action positions, which contrast sharply with the Chamber's lobbying activities.

We also found the Chamber's decisionmaking about these policies to be awfully murky. The Chamber describes its board as its ''principal governing and policymaking body,'' but not one Chamber board member asserted that they were fully aware of and able to provide their input and views to the Chamber regarding its actions on climate. There was no sign of a board vote or any formal input. One company indicated it was ''not advised of any campaigns'' and was ''not aware of any processes'' to lobby against climate action by the Chamber of Commerce. Another company reported that ''the issues raised . . . have not been discussed during the short time [it has] been a member of the organization.''

The Chamber has aggressively lobbied for climate policies that are directly at odds with science, public health, public opinion, and—with the results of this recent research, it turns out—with most of its own board members. Again, the question comes, whom are they serving?

The Center for Responsive Politics—a nonprofit, nonpartisan research group that tracks money spent on elections and lobbying—found that in 2015 alone, the Chamber spent roughly $85 million on lobbying efforts. That is more than twice the amount spent by the second highest lobbying spending organization.

Think for a moment of the progress we could make here if the Chamber's lobbying muscle actually aligned with the positions of the businesses the U.S. Chamber of Commerce purports to represent. We don't see that. Instead, we see the bullying menace of the fossil fuel industry holding sway in these Halls. It appears to have captured the Chamber. It appears to control the Wall Street Journal editorial page.

On the other side, there is virtually zero corporate lobbying effort for a good bipartisan climate bill. The result here is not surprising. Indeed, it is quite predictable when all the artillery is on one side of a fight—all the artillery on the side of the fossil fuel industry. The result is that Members of Congress who know better are afraid to act.

Too many good companies are AWOL on climate change in Congress. Too many have farmed out their lobbying to groups like the Chamber of Commerce that actually oppose their corporate climate policies. Too many will not speak up or answer back when the Wall Street Journal editorial page purports to speak for them but emits only polluter nonsense.

Duty calls. Duty matters. It is time for private sector leaders to step up and tell Congress that those twin appendages of the fossil fuel industry do not represent corporate America on climate change. There is a change that could not come too soon.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE ADDICTION AND RECOVERY ACT

Mr. PORTMAN. Mr. President, I rise tonight to talk about an issue that is facing every single State represented in this Chamber and every community in America. Over the past week, we have talked about the potential Zika epidemic and the need for us to address that, and I agree, but there is another epidemic that is already here, and that is this issue of prescription drugs and heroin and the addiction that follows.

Far too many overdoses are occurring in our communities. There are people who are losing their lives. There are casualties beyond the overdose deaths. There are people who have seen their families broken apart because of the addiction, and because the drug becomes everything, they are unable to go to work.

We have seen the devastation in our communities in terms of the crime and violence connected with the drug trade, and we have seen, unfortunately, babies increasingly born with addiction. These babies are in every neonatal unit in America. I know these babies are in every one of the hospitals in my home State of Ohio. There has been a 750-percent increase in the number of these babies in the State of Ohio in the last dozen years.

It has gotten to the point where deaths from overdoses from heroin and prescription drugs, opioids, now exceed the deaths from auto accidents. It is the No. 1 cause of accidental deaths in my home State of Ohio. Based on the latest data I have seen, I believe that is now true for our entire country. Ohio has been particularly hard hit. We are probably in the top five based on all the data I have seen. My State is probably No. 1 in the country in terms of a particular kind of overdose, a synthetic form of heroin called fentanyl. It is devastating. On average, 129 people die every day from these overdoses.

That is why this Senate, over the last 3 years, has worked hard to pull together legislation that addresses this issue. It specifically says: Let's figure out smarter and better ways to have

better education, prevention, treatment, and recovery to help our law enforcement be able to deal with this problem.

We worked with 130 groups around the country, all of whom have now endorsed the legislation we spent 3 years putting together. We had five conferences here in Washington. We brought in experts from around the country. We didn't do it in a bipartisan way; we did it in a nonpartisan way. In other words, we didn't care who had the idea—Democrat, Republican, Independent. It didn't matter. What mattered was whether it was a good idea and whether it would help to address this growing epidemic we are facing in our States and around the country.

That legislation passed the U.S. Senate. It was on the floor for about 2½ weeks. There was a long debate, but at the end of that debate, after people became familiar with this issue—some of whom were already very familiar with this issue; some of whom, frankly, were not in this Chamber—many of them would go home and talk about this legislation. They learned more about it from their communities, their schools, and their firehouses. When they came back, after 2½ weeks of debate, the vote for this legislation called the Comprehensive Addiction and Recovery Act, otherwise known as CARA, was not close; it was 94 to 1. That never happens around this place. It happened because we took our time, did it right, and focused on evidence-based treatment, recovery, and prevention—stuff that actually works to improve what we are doing and that was also responsible. This legislation also passed because it is such a big issue in every State and every community.

It has been 110 days since the Senate passed CARA. By the way, earlier I said that 129 people, on average, are dying every day of overdoses. That means that in those 110 days since the Senate passed the legislation, over 13,000 of our fellow Americans have succumbed and died from an overdose of opioids. Think about that. Think of those numbers.

Why isn't it done yet? It is not done yet because the House needed to move through its own process. I totally understand that. You should know that the House was part of the process for the last 3 years. This was not just bipartisan; it was bicameral. In other words, both the House and Senate were involved. We had 130 cosponsors of the CARA legislation in the House, but the House wanted to go through their own process, and they did. They came up with 18 separate bills rather than 1 more comprehensive bill. We are now in the process of putting those together. We have 18 bills from the House and 1 from the Senate.

The conference committee has been named. Today I am happy to announce that the conference is actually going to meet on Wednesday of next week. They are going to vote on the final product. After having talked to a number of members of the conference committee today and over the past several weeks, I think it is going to be a very positive product. It will be very similar to the Senate bill in terms of being comprehensive, but it also picks up a number of good items that the House added. There is one that I particularly like. It would raise the cap on how many people can be treated with Suboxone, which is one of the ways to have medicated-assisted treatment, and in particular at the treatment center, which is a good change.

We do believe that the provisions we included in CARA over here are necessary because it is comprehensive and does include prevention and education. We think some of our prevention programs, which are not in the House, are necessary. We think that particularly on the treatment and recovery side—especially on the recovery side—there are some things that need to be added.

I get very good reports as to the progress of that conference, and I believe it will be something that I can not only support but enthusiastically support if they can stick to the blueprint they have worked on. Again, that bill will be next week. That is a positive sign.

This is the 11th time I have come to the floor of the Senate to urge them to act. We have been in session for 11 weeks since the bill passed. Every single week, I have come to the floor to talk about this, and I have the best report yet in the sense that we are moving forward.

This week I sent a letter, along with my colleagues, Senator WHITEHOUSE, Senator KLOBUCHAR, and Senator AYOTTE. This letter went to the conference committee to insist that the legislation be, in fact, comprehensive, and I believe from what I am hearing that it will be—the prevention grants, the Opiate Awareness Campaign, the law enforcement task forces, the education grants to educate those who are behind bars. There were other great ideas that came from both sides of the aisle that should be included.

I must say tonight, though, that I am hearing some other troubling reports, and these have now become public, so I am going to talk about them.

The Senate passed this bill 94 to 1. It is an emergency and an epidemic in our communities. There are 130 anti-drug groups from across the country who have endorsed this legislation. Everybody is together on this, and we worked hard to make it inclusive. Again, 13,000 Americans have died from overdoses since this legislation passed the Senate. Despite all of that, there are press reports that say the White House is encouraging us to delay. I hope that is not true, but here is the first report that I will tell you about.

National Public Radio talks about a White House meeting with some Democratic Members of Congress about potentially stalling CARA. One White House legislative aide is quoted as saying: ''We need to slow down the conference enough so that the White House can bring it back to the American people. We need help in slowing it down.'' The piece went on to say that ''Democratic members of Congress were asked to come to this meeting and they were eager to help slow it down.''

Slow it down? Are you kidding? Slow it down? We should have sped it up, and we certainly can't stop now. The Senate is only in session for 2 more weeks, and then it goes out of session for the conventions and the August recess. We should have already done it. Let's not slow it down; let's speed it up.

I will tell you something else that I learned today, which I found amazing, and I hope the way I am looking at it or the way I am reading about it is not accurate. The drug czar for the United States of America is Michael Botticelli. He has testified in favor of this legislation and came to three of our five conferences and testified in favor of it. We took his ideas and input, which were very helpful. He came to the hearing in the Judiciary Committee and, in response to a question from Senator WHITEHOUSE, a leading Democrat on that committee and coauthor of this legislation, said he thought this was a good bill and that it was important that it be comprehensive. He also went to New Hampshire for a hearing and said he supported the legislation in front of Senator SHAHEEN and Senator AYOTTE. He was supposed to come to Ohio but at the last minute decided he could not attend our hearing in Ohio.

I was told that yesterday he held a press briefing with Ohio reporters. I have been trying to reach him today unsuccessfully, but apparently he thought it was necessary to go to Ohio reporters to talk about this issue. Among those on the call, by the way, was at least one Democratic local official. Maybe there were a few. I am not sure because I wasn't told about the call to Ohio. I am from Ohio. I am the coauthor of the bill. In that call, he said things that led the reporters to believe that he thought CARA did not go far enough and that it wasn't the appropriate response to this epidemic.

Look, I understand there is an election every 2 years here in America, and that is fine, but I have known every single drug czar since the first one, Bill Bennett. I have worked with every single one of them. Many of them have remained close friends. General McCaffrey was the drug czar for Bill Clinton when I authored a few pieces of legislation, such as the drug-free media campaign legislation, the Drug-Free Workplace Act, the Drug-Free Communities

Support Program, which has generated over $1.3 billion of Federal dollars—matching funds. It helps to bond more than 2,000 community coalitions, including a community coalition in my hometown that I founded over 20 years ago.

I have been at this for a long time in terms of addressing this issue of drug addiction and drug abuse, and I worked with every single one of the drug czars. I have never seen them be partisan, ever.

I am very disappointed to hear these press reports about the White House wanting to delay. I am now, of course, very disappointed to hear that the drug czar is out there saying negative things about the CARA legislation when he, in fact, was part of putting it together. He, in fact, testified in favor of it. I don't understand that. I don't get it.

Let's put politics aside and actually get something done. Perhaps some of the parents who come to me and tell me about having lost a son or a daughter need to talk to some other Members of the Congress and of the administration who think this is somehow a political game. This is about saving lives. It is about saving people from ruining their lives. It is about helping people to be able to achieve their God-given purpose.

Our legislation is incredibly important. I mentioned some of the specifics of it. It does have grant programs that we know work. It has evidence-based programs. It includes medication treatment that works better. We know there are a lot of relapses, and we are trying to get the money into things that actually work. But it is bigger than that. It is about changing our attitude about this issue here in the Senate and in the House of Representatives. I would think that anybody who follows this closely—certainly someone who is the head of the Office of National Drug Control Policy—would get that.

This legislation begins to treat addiction like a disease that needs to be treated just like other diseases. Even if we didn't have $100 million of new funding in here, even if we didn't have all of these new specific grant programs and things we know work, like veterans courts and drug courts and all the recovery grant money that goes out, including to high school and colleges for recovery groups that work, it would be significant just because it establishes this new approach, saying that addiction is not a moral failure, addiction is a disease. Through this, we hope to wipe away the stigma so people do come forward and get treatment. It will help families who won't talk about the disease feel comfortable in saying: You have a problem, and we are going to support you. We are going to get you into treatment so you can pull your life, your family, and communities back together. That is what this legislation is about.

This is an authorization bill. It is not a spending bill. Everybody who follows this process knows that. Apparently the concern that has been raised is, well, there is not enough additional appropriated money in here. Well, this is not an appropriations bill.

By the way, the Appropriations Committee, at the urging of those of us who coauthored this legislation, have increased the funding substantially this year, and they have made a commitment in the subcommittee and the full committee to have a 93-percent increase in funding for this next year.

As I said, this authorizes about $100 million more every year going forward in our legislation as well, but frankly I think the appropriations ought to be greater than that. This is an emergency, but we are going down the right track there with these appropriations commitments that have been made. We need to be sure we have that commitment all the way to the final spending bills this year because we do need to have adequate funding, particularly to make sure everybody who wants treatment can get it.

I had a tele-townhall meeting this week, where 25,000 people were on the call at one time. It was a big group of people. As usual, people talked about terrorism, they talked about jobs and the economy, but three different people called in on this drug abuse issue. Two of them were recovering addicts, one was a parent. They talked about the worth of the legislation, the importance of treatment, the importance for us to deal with this issue. They talked about the fact that this knows no ZIP Code, it is not an inner city problem, it is not a suburban problem; it is everywhere.

I spoke to a woman named Leigh from Zanesville, OH. She told me she is now in recovery. She volunteers at prisons and told me that most of the prisoners there are also drug users. We talked about the CARA recovery provisions. They include critical resources to develop recovery and support services, individuals and families. We talked about the fact that in this legislation we have grants that can go to prisons to deal with this substance abuse issue in prison so when people get out, they have had the treatment to be able to get their lives back together and get out of that revolving door of the criminal justice system, where more than half of the people who get out are right back in again within a few years.

I talked to a man named John from Grove City. He told me he lost his son on June 1, just a few weeks ago, to an overdose of heroin laced with synthetic drugs. I expressed my condolences to him and his family, but I also thanked him for calling and for his willingness, in front of 25,000 people, to talk about this issue. He was very plainspoken. He said: My son was addicted to heroin for 5 years. ''It meant more to him than his family; it meant more to him than anything.''

Unfortunately, there are fathers and mothers all over the State of Ohio who are experiencing what John had to experience with his son. He wants us to pass this legislation because he thinks it is going to help, and it will.

I think those who are addicted, those families who are being affected by this have been very patient. They are looking for more help from Washington, and they deserve it. Washington is not going to solve this problem. It is going to be solved in our communities, in our families, and in our hearts. But Washington can help and be a better partner, take the existing funds we are spending and spend them more wisely to actually affect the number of people who get addicted in the first place with better prevention and through better education, and then for those who are addicted, better treatment and recovery; help them get back on their feet.

Washington can help. That is what this legislation does. It is making Washington a better partner with State and local government and the nonprofits that are in the trenches doing the hard work every day.

I hope these reports I am hearing about delay and these tactics that are being used, unbelievably, by the administration to somehow make it appear as though this legislation isn't what they said it was back when they helped put it together and when they testified in favor of it—I hope that is just a distraction, and I hope people understand the significance of getting this done and getting it done now. It is already past time. We can't wait.

Again, people have been patient. It is now time for the U.S. Congress to face this issue, to address it through legislation that went through here with a 94-to-1 vote, to send it to the President for his signature and, more importantly, to send it to our communities around our country to begin to help turn the tide, save lives, and bring back hope.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

RUSSIA

Mr. SASSE. Mr. President, I rise to express my concern about troubling new developments in Russia. Russia's Parliament, the Federal Assembly, has just approved so-called antiterrorism legislation that actually criminalizes free speech and that attacks religious liberty. If President Putin signs this legislation into law in the coming weeks, it will be illegal for Christians to share their faith outside of the church building, as if faith is constrained by the four walls of a structure and belief by a single day of the week on the calendar.

In some ways, sadly, this isn't a surprise. There is a lot that is wrong with

Russia. We are witnessing a rising authoritarianism in a declining State—a rising authoritarianism in a declining State.

Moscow routinely tramples on the rights of the press, tramples on assembly, speech, on dissent, and on national sovereignty. Ask the families of murdered journalists. Ask the student groups facing intimidation. Ask the political dissidents who fear imprisonment. Ask the Ukrainian people who fear being fully overrun.

Why is this happening? Because Putin and his cronies think they can make Russia great again by hoarding wealth, by abusing power, and by crushing any and all dissent and opposition. They strike the pose of a strong man, but this is not real strength.

True strength is rooted in virtue: selflessness and sacrifice on behalf of the weak and the oppressed. Mr. Putin is driven by cheap imitation and intimidation, more akin to bullying; vice masquerading as virtue.

We know Russia's offenses are many and egregious. At the same time, Americans well understand it is not our national calling, nor is it within our power, to attempt to right every wrong in a broken world, but we should be clear about what is happening, as well as the fact that there is no easy fix. It is naive to hope Russia can be reformed with a reset button or with promises of future flexibility. Instead, we need to begin telling the truth about an increasingly aggressive actor on the global stage.

Again, let me be explicit. The United States does not have a solemn obligation to try to make the entire world free, but we absolutely do have an obligation to speak on behalf of those who are made speechless in the dark corners of this globe.

This Russian law would be an affront to free people everywhere, at home and abroad, who believe the rights of conscience—the rights of free speech and the freedom of religion and the freedom of assembly—are pre-political.

These freedoms do not ebb and flow with history. These freedoms do not rise and fall with the political fortunes of a despot. Governments do not give us these rights and governments cannot take these rights away. These rights of free speech, freedom of religion, and freedom of assembly belong to every man, woman, and child because all of us are image-bearers of our Creator.

I am speaking tonight because this new Russian legislation is emblematic of a growing destructive nationalism and of a thirst for power that cannot be ignored. Putin has a desire to squeeze down on civil society, on other venues for discussion and debate, and on other institutions outside of politics where human dignity can and should be expressed. He does this and he desires this not because he is strong but because he is weak.

We in this body, without regard to political party and representing all 50 States, must be sober and clear-eyed about Russia. We must become more sober and clearer-eyed about its intimidations and about its hostilities and about its dangerous trajectory.

We have a duty to be telling the truth early about where this may be headed.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Nebraska.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SASSE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 473, 596, 601, 602, 603, 651, with no other executive business in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Daniel B. Maffei, of New York, to be a Federal Maritime Commissioner for a term expiring June 30, 2017; Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner for a term expiring June 30, 2020; Mary Beth Leonard, of Massachusetts, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary; Geeta Pasi, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad; Anne S. Casper, of Nevada, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi; and Michael A. Khouri, of Kentucky, to be a Federal Maritime Commissioner for a term expiring June 30, 2021.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. SASSE. I know of no further debate on the nominations and ask unanimous consent that the Senate vote on the nominations en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no further debate, the question is, Will the Senate advise and consent to the Maffei, Dye, Leonard Pasi, Casper, and Khouri nominations en bloc?

The nominations were confirmed en bloc.

Mr. SASSE. I ask unanimous consent that the motions to reconsider be considered made and laid upon the table en bloc and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 594, 606 through 650, and all nominations on the Secretary's desk; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE COAST GUARD

The following named officer for appointment to a position of importance and responsibility in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Vice Adm. Fred M. Midgette

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Matthew T. Quinn

IN THE NAVY

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Phillip E. Lee, Jr.

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Alan J. Reyes

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Mary C. Riggs

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Carol M. Lynch

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Mark E. Bipes

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Brian R. Guldbek

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Louis C. Tripoli

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Robert T. Durand

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (Lower Half)

Capt. Shawn E. Duane
Capt. Scott D. Jones
Capt. William G. Mager
Capt. John B. Mustin
Capt. Matthew P. O'Keefe
Capt. John A. Schommer

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Thomas W. Luscher

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Brian S. Pecha

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Deborah P. Haven

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Mark J. Fung

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Russell E. Allen
Rear Adm. (lh) William M. Crane
Rear Adm. (lh) Michael J. Dumont

IN THE AIR FORCE

The following named officer for appointment as Chief of the National Guard Bureau and for appointment to the grade indicated in the Reserve of the Air Force under title 10, U.S.C., sections 601 and 10502:

To be general

Lt. Gen. Joseph L. Lengyel

IN THE NAVY

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Ronald R. Fritzemeier

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Charles G. Chiarotti
Brig. Gen. David W. Coffman
Brig. Gen. Paul J. Kennedy
Brig. Gen. Joaquin F. Malavet
Brig. Gen. Loretta E. Reynolds
Brig. Gen. Russell A. Sanborn
Brig. Gen. George W. Smith, Jr.
Brig. Gen. Mark R. Wise
Brig. Gen. Daniel D. Yoo

IN THE AIR FORCE

The following named officer for appointment as Chief of Staff, United States Air Force, and appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8033:

To be general

Gen. David L. Goldfein

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Thomas D. Waldhauser

IN THE ARMY

The following named officer for appointment as Chief of Army Reserve/Commanding General, United States Army Reserve Command, and appointment in the Reserve of the Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3038:

To be lieutenant general

Maj. Gen. Charles D. Luckey

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert P. Walters, Jr.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Edward C. Cardon

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Timothy P. Williams

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Joseph J. Streff

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Anthony P. Digiacomo, II
Col. Daniel J. Hill
Col. Kenneth A. Nava

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David H. Berger

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Jeffrey L. Harrigian

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Tod D. Wolters

The following named officer for appointment in the Reserve of the Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Stayce D. Harris

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Gwendolyn Bingham

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Michael M. Gilday

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Colin J. Kilrain

IN THE MARINE CORPS

The following named officer for appointment as Assistant Commandant of the Marine Corps in the United States Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5044:

To be general

Lt. Gen. Glenn M. Walters

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Gary L. Thomas

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Lewis A. Craparotta

The following named officer for appointment in the United States Marine Corps to

the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Joseph L. Osterman

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Terrence J. O'Shaughnessy

IN THE COAST GUARD

The following named officer for appointment to a position of importance and responsibility in the United States Coast Guard and to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Rear Adm. Marshall B. Lytle, III

IN THE AIR FORCE

The following named officer for appointment as the Vice Chief of Staff of the Air Force and appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8034 and 601:

To be general

Lt. Gen. Stephen W. Wilson

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. VeraLinn Jamieson

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Thomas W. Bergeson

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Thomas W. Geary

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John L. Dolan

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard M. Clark

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1505 AIR FORCE nomination of Joseph H. Imwalle, which was received by the Senate and appeared in the Congressional Record of May 26, 2016.

PN1526 AIR FORCE nomination of Lisa A. Seltman, which was received by the Senate and appeared in the Congressional Record of June 6, 2016.

PN1527 AIR FORCE nominations (2) beginning ANDREW M. FOSTER, and ending Anthony P. Gaddi, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2016.

PN1554 AIR FORCE nominations (44) beginning DAVID B. BARKER, and ending ANGELA M. YUHAS, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2016.

IN THE ARMY

PN1102 ARMY nomination of Bethany C. Aragon, which was received by the Senate and appeared in the Congressional Record of January 28, 2016.

PN1105 ARMY nomination of Brian T. Watkins, which was received by the Senate and appeared in the Congressional Record of January 28, 2016.

PN1109 ARMY nominations (12) beginning SUSAN M. CEBULA, and ending LISA N. YARBROUGH, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2016.

PN1111 ARMY nominations (89) beginning JOHN S. AITA, and ending DEREK C. WHITAKER, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2016.

PN1141 ARMY nomination of Jason B. Blevins, which was received by the Senate and appeared in the Congressional Record of February 1, 2016.

PN1480 ARMY nomination of Shawn R. Lynch, which was received by the Senate and appeared in the Congressional Record of May 18, 2016.

PN1482 ARMY nomination of Rita A. Kostecke, which was received by the Senate and appeared in the Congressional Record of May 18, 2016.

PN1483 ARMY nomination of Helen H. Brandabur, which was received by the Senate and appeared in the Congressional Record of May 18, 2016.

PN1484 ARMY nomination of Barry K. Williams, which was received by the Senate and appeared in the Congressional Record of May 18, 2016.

PN1506 ARMY nomination of Douglas Maurer, which was received by the Senate and appeared in the Congressional Record of May 26, 2016.

PN1528 ARMY nomination of Ronald D. Hardin, Jr., which was received by the Senate and appeared in the Congressional Record of June 6, 2016.

PN1558 ARMY nomination of Edward J. Fisher which was received by the Senate and appeared in the Congressional Record of June 16, 2016.

PN1566 ARMY nomination of David W. Mayfield, which was received by the Senate and appeared in the Congressional Record of June 23, 2016.

PN1567 ARMY nomination of Michael P. Garlington, which was received by the Senate and appeared in the Congressional Record of June 23, 2016.

PN1568 ARMY nominations (2) beginning NOELA B. BACON, and ending WILLIAM D. PLUMMER, which nominations were received by the Senate and appeared in the Congressional Record of June 23, 2016.

PN1569 ARMY nomination of Elizabeth M. Miller, which was received by the Senate and appeared in the Congressional Record of June 23, 2016.

IN THE FOREIGN SERVICE

PN951—2 FOREIGN SERVICE nomination of Richard Gustave Olson, Jr., which was received by the Senate and appeared in the Congressional Record of November 19, 2015.

PN1419 FOREIGN SERVICE nomination of Emily M. Scott, which was received by the Senate and appeared in the Congressional Record of April 28, 2016.

PN1486 FOREIGN SERVICE nominations (90) beginning Amanda R. Ahlers, and ending Lee V. Wilbur, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2016.

PN1495 FOREIGN SERVICE nominations (187) beginning Jocelyn N. Adams, and ending Brian Joseph Zacherl, which nominations were received by the Senate and appeared in the Congressional Record of May 19, 2016.

IN THE NAVY

PN418 NAVY nomination of Justin C. Legg, which was received by the Senate and appeared in the Congressional Record of April 28, 2015.

PN1351 NAVY nominations (8) beginning TIMOTHY M. DUNN, and ending PEGGYTARA M. STOLYAROVA, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2016.

PN1352 NAVY nominations (2) beginning SUZANNE M. LESKO, and ending CHARLES E. SUMMERS, II, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2016.

PN1353 NAVY nomination of Andrew F. Ulak, which was received by the Senate and appeared in the Congressional Record of April 14, 2016.

PN1354 NAVY nominations (3) beginning KENNETH N. GRAVES, and ending BILLY B. OSBORNE, JR., which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2016.

PN1355 NAVY nominations (3) beginning STEVE R. PARADELA, and ending REESE K. ZOMAR, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2016.

PN1356 NAVY nominations (18) beginning CHARLES M. BROWN, and ending KARL W. WICK, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2016.

PN1357 NAVY nominations (2) beginning ROBERT K. BAER, and ending JOHN L. MORRIS, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2016.

PN1358 NAVY nominations (70) beginning BRIAN S. ANDERTON, and ending JAMES T. WORTHINGTON, III, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2016.

PN1359 NAVY nominations (14) beginning CHRISTOPHER J. R. DEMCHAK, and ending STEVEN R. THOMPSON, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2016.

PN1360 NAVY nominations (3) beginning JANETTE B. JOSE, and ending MICHAEL J. SCHWERIN, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2016.

PN1361 NAVY nominations (4) beginning ERIC R. JOHNSON, and ending ANDREW R. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2016.

PN1362 NAVY nominations (6) beginning JAREMA M. DIDOSZAK, and ending RICHARD M. SZCEPANSKI, which nominations were received by the Senate and appeared in the Congressional Record of April 14, 2016.

PN1363 NAVY nomination of Conrado G. Dungca, Jr., which was received by the Senate and appeared in the Congressional Record of April 14, 2016.

PN1364 NAVY nomination of Alexander L. Peabody, which was received by the Senate and appeared in the Congressional Record of April 14, 2016.

PN1365 NAVY nomination of Jason G. Goff, which was received by the Senate and appeared in the Congressional Record of April 14, 2016.

PN1440 NAVY nominations (5) beginning OLIVIA L. BETHEA, and ending CHRISTIAN A. STOVER, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1441 NAVY nominations (64) beginning ROGER S. AKINS, and ending MICHAEL D. WITTENBERGER, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1442 NAVY nominations (14) beginning RICHARD S. ADCOOK, and ending BENJAMIN W. YOUNG, JR., which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1443 NAVY nominations (31) beginning ANDREW M. ARCHILA, and ending DOUGLAS E. STEPHENS, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1444 NAVY nominations (13) beginning SHANE D. COOPER, and ending RANDALL J. VAVRA, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1445 NAVY nominations (30) beginning JOHANNES M. BAILEY, and ending JOHN E. VOLK, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1446 NAVY nominations (31) beginning SUSAN L. AYERS, and ending MICHAEL YORK, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1447 NAVY nominations (12) beginning MICHAEL D. BROWN, and ending BRIAN J. STAMM, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1448 NAVY nominations (14) beginning JOHN R. ANDERSON, and ending BURR M. VOGEL, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1450 NAVY nominations (5) beginning RACHAEL A. DEMPSEY, and ending SEAN D. ROBINSON, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1451 NAVY nominations (10) beginning ANN E. CASEY, and ending DARYK E. ZIRKLE, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1452 NAVY nominations (10) beginning CLAUDE W. ARNOLD, JR., and ending ROB W. STEVENSON, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1453 NAVY nominations (9) beginning ALBERT ANGEL, and ending SCOTT D. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1454 NAVY nominations (9) beginning THOMAS L. GIBBONS, and ending KURT E. STRONACH, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1455—1 NAVY nominations (215) beginning DAVID L. AAMODT, and ending NATHAN S. YORK, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1456 NAVY nominations (5) beginning MICHAEL B. BILZOR, and ending MATTHEW A. TESTERMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1457 NAVY nominations (15) beginning PAUL D. CLIFFORD, and ending DIANNA WOLFSON, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1458 NAVY nominations (8) beginning ERROL A. CAMPBELL, JR., and ending JEFFREY M. VICARIO, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1459 NAVY nominations (6) beginning JEFFREY J. CHOWN, and ending BRET A. WASHBURN, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1460 NAVY nominations (2) beginning BROOK DEWALT, and ending PHILIP R. ROSI, II, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1461 NAVY nominations (4) beginning AARON C. HOFF, and ending JOHN M. TULLY, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2016.

PN1507 NAVY nomination of Daniel L. Christensen, which was received by the Senate and appeared in the Congressional Record of May 26, 2016.

PN1508 NAVY nomination of Howard D. Watt, which was received by the Senate and appeared in the Congressional Record of May 26, 2016.

PN1509 NAVY nomination of Daniel Morales, which was received by the Senate and appeared in the Congressional Record of May 26, 2016.

PN1510 NAVY nomination of Stefan M. Groetsch, which was received by the Senate and appeared in the Congressional Record of May 26, 2016.

PN1511 NAVY nomination of Jeffrey M. Bierley, which was received by the Senate and appeared in the Congressional Record of May 26, 2016.

PN1512 NAVY nomination of Michael G. Zakaroff, which was received by the Senate and appeared in the Congressional Record of May 26, 2016.

PN1534 NAVY nominations (26) beginning RON J. ARELLANO, and ending WILLIAM M. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2016.

PN1535 NAVY nominations (28) beginning KATIE M. ABDALLAH, and ending NATHAN J. WINTERS, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2016.

PN1536 NAVY nominations (31) beginning MATTHEW J. ACANFORA, and ending JOSEPH A. ZERBY, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2016.

PN1537 NAVY nominations (44) beginning KENNETH O. ALLISON, JR., and ending TIMOTHY L. YEICH, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2016.

PN1538 NAVY nominations (481) beginning BENJAMIN P. ABBOTT, and ending RICHARD J. ZAMBERLAN, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2016.

PN1539 NAVY nominations (16) beginning PETER BISSONNETTE, and ending ZAVEAN V. WARE, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2016.

PN1540 NAVY nominations (35) beginning MYLENE R. ARVIZO, and ending ERROL A. WATSON, JR., which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2016.

PN1541 NAVY nominations (15) beginning DAVID R. DONOHUE, and ending JASON D. WEAVER, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2016.

PN1542 NAVY nominations (12) beginning RANDY J. BERTI, and ending MICHAEL WINDOM, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2016.

PN1543 NAVY nominations (6) beginning JODIE K. CORNELL, and ending SEAN B. ROBERTSON, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2016.

PN1544 NAVY nominations (16) beginning PATRICIA H. AJOY, and ending WADE C. THAMES, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2016.

PN1545 NAVY nominations (14) beginning ERIN M. CESCHINI, and ending GIANCARLO WAGHELSTEIN, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2016.

PN1559 NAVY nomination of Thomas W. Luton, which was received by the Senate and appeared in the Congressional Record of June 16, 2016.

PN1570 NAVY nominations (4) beginning JENNIFER L. DONAHUE, and ending ROBERT R. STEEN, which nominations were received by the Senate and appeared in the Congressional Record of June 23, 2016.

PN1571 NAVY nominations (3) beginning STEVEN D. BARTELL, and ending RON P. NEITZKE, which nominations were received by the Senate and appeared in the Congressional Record of June 23, 2016.

PN1572 NAVY nominations (2) beginning NATHAN JOHNSTON, and ending ROGER D. MUSSELMAN, which nominations were received by the Senate and appeared in the Congressional Record of June 23, 2016.

PN1573 NAVY nominations (11) beginning PHILIP ARMAS, JR., and ending CHRISTOPHER D. THOMPSON, which nominations were received by the Senate and appeared in the Congressional Record of June 23, 2016.

PN1574 NAVY nominations (10) beginning CATHERINE O. DURHAM, and ending REBECCA A. ZORNADO, which nominations were received by the Senate and appeared in the Congressional Record of June 23, 2016.

PN1575 NAVY nominations (13) beginning JAMES H. BURNS, and ending REBECCA S. SNYDER, which nominations were received by the Senate and appeared in the Congressional Record of June 23, 2016.

PN1576 NAVY nominations (3) beginning JOHN M. HARDHAM, and ending MARTIN W. WADEWITZ, II, which nominations were received by the Senate and appeared in the Congressional Record of June 23, 2016.

PN1577 NAVY nominations (8) beginning PHILIP J. ABELDT, and ending MICHAEL B. VENER, which nominations were received by the Senate and appeared in the Congressional Record of June 23, 2016.

PN1578 NAVY nominations (22) beginning LAUREN P. ARCHER, and ending ALISSA G. SPEZIALE, which nominations were received by the Senate and appeared in the Congressional Record of June 23, 2016.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

Mr. SASSE. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

2016 SMITHSONIAN FOLKLIFE FESTIVAL CELEBRATING THE BASQUE

Mr. REID. Mr. President, I wish to recognize the first day of the 2016 Smithsonian Folklife Festival, which is featuring the Basque.

Since 1967, the Smithsonian's Center for Folklife and Cultural Heritage has honored cultural traditions during its annual festival and celebrated the individuals who help keep important traditions alive. The festival has featured participants from all 50 States and more than 100 countries, and this summer, the festival will showcase Basque culture in Washington, DC.

The Basque migrated to the United States from an ancient and free culture located in the Pyrenees between France and Spain. In the late 1800s and early 1900s, the gold rush in Nevada and California drew the Basque out West. They became well-known for their strong work ethic and skill for business. As the western mines attracted workers from across the United States and around the world, innovative Basques capitalized on the opportunity to raise sheep and sell sheep products to miners. During this time, the sheep industry in Nevada grew exponentially.

Following World War II, Nevada's Basque population soared, with a majority of Basques settling in northern Nevada. The Basque brought with them traditional dances in colorful costumes, music, their unique language, and cuisine that remains a hallmark in the State of Nevada. Communities throughout the State have benefited from the innovation of the Basque settlers and the traditions they and their descendants have kept alive.

Over the years, the Basque have become a part of Nevada communities, established businesses, and served our Nation as doctors, lawyers, scientists, and teachers. The sons of Basque parents, Paul and Robert Laxalt, are among those who have earned a place in Nevada history, becoming well-known for their strong Basque roots and accomplishments. Paul dedicated his life to public service by serving as the Governor of Nevada and as a U.S. Senator, and Robert was a successful writer who captured the Basque experience in the American West in books such as ''Sweet Promised Land'' and ''The Basque Hotel.''

The importance of the Basque's impact on Nevada history is exemplified by the William A. Douglass Center for Basque Studies at the University of Nevada, Reno, Nevada's land grant university. The center maintains an extensive collection of Basque oral history and provides students the opportunity to gain expertise in Basque culture and tradition. The center, along with so many others in the State of Nevada and throughout the Nation, have worked hard to keep the rich history and spirit of Basque culture and tradition thriving in the United States.

I am pleased the Smithsonian Folklife Festival will celebrate this incredible culture for this year's festival, and I welcome the Nevadans who have traveled to Washington to participate in the 2016 Smithsonian Folklife Festival.

THIRD ANNIVERSARY OF SHELBY COUNTY V. HOLDER

Mr. DURBIN. Mr. President, last Saturday was the third anniversary of the Supreme Court's Shelby County v. Holder decision. In this case, a divided Court voted 5–4 to gut the Voting Rights Act. The Court struck down the provision of the Voting Rights Act that required certain jurisdictions with a documented history of discrimination to ''preclear'' any changes to their voting laws with the Department of Justice.

In the 3 years since Shelby County, Democrats and a small handful of Republicans have sought to restore the Voting Rights Act. Unfortunately, the majority of Republicans in Congress have obstructed efforts to reinstate robust Federal voting protections. As a result, 2016 will mark the first Presidential election without the full protections of the Voting Rights Act since this historic legislation was signed into law in 1965.

The restrictions on voting that many Americans face today can be traced back to the 2010 midterm election. After that election, in which Republicans won control of several State legislative chambers and governorships, State lawmakers across the country introduced burdensome voting laws. These laws ranged from strict voter identification requirements to cuts in early voting. At the time, the Voting Rights Act served as a backstop, preventing States covered by the preclearance requirement from implementing changes that had a discriminatory purpose or effect.

That is why the Shelby County decision in 2013 had an immediate impact. Released from preclearance requirements, States with discriminatory histories were free to move forward with new restrictions on voting. For example, within hours of the Shelby County decision, Texas State officials announced that they would immediately implement a photo ID requirement for in-person voting that Texas first tried to put in place in 2011. This burdensome voter ID law had previously been blocked by both the Department of Justice and a Federal appeals court, due to the law's harmful impact on poor and minority voters. As a result of this law going into effect, we heard disturbing stories of a 93-year-old veteran and nearly 70-year-old doctor who were turned away from the polls in Texas in 2014 because their IDs did not meet the onerous new requirements.

During my time as chairman of the Subcommittee on the Constitution, Civil Rights, and Human Rights, I held a series of hearings that examined restrictive State voting laws. During these hearings, we heard over and over again that these laws have a disproportionate impact on lower-income, minority, youth, elderly, and other vulnerable voting populations.

I asked the State officials at each of my hearings whether there were any widespread instances of voter fraud to justify these laws, and they were unable to point to any examples. There have been only a handful of prosecutions over the last decade. This clearly is not a problem in need of a solution. This is clearly an effort to restrict the opportunity to vote for certain Americans.

This year, voters in 17 States will face restrictions that they have not previously experienced in a Presidential election. Eight of these States were previously covered by the preclearance provision in the Voting Rights Act.

Recent primary elections in many of these States gave voters a taste of potential problems to come in the general election. In Maricopa County, AZ, some voters were forced to endure waits of more than 5 hours in order to cast their ballots in the March primary election. The cause of the delay was a decision by a local election official to massively cut the number of polling locations. In the 2008 primary, 400 polling places were available. In 2016, that number was slashed to a mere 60 locations. Prior to Shelby County, such a change would have been evaluated and likely challenged by the Justice Department in a preclearance review.

In Wisconsin, a newly implemented voter photo identification law led to challenges and confusion in the April primary. Press reports recently documented the story of one of the affected voters. Eddie Lee Holloway, Jr., moved from my home State of Illinois to Wisconsin in 2008 and was able to vote without any problems before the voter ID law went into effect. After the law was passed, Mr. Holloway went to a DMV in Milwaukee with an expired Illinois photo ID, his birth certificate, and his Social Security card to obtain a Wisconsin photo ID for voting. However, his application was rejected due to a clerical error on his birth certificate, which read ''Eddie Junior Holloway.''

Mr. Holloway spent hundreds of dollars traveling to Illinois to try to fix

this problem. In addition to the Milwaukee DMV, he visited the Vital Records System in Milwaukee, the Illinois Vital Records Division in Springfield, an Illinois DMV, and his high school in Decatur, IL—all in an attempt to obtain sufficient records for a Wisconsin voter ID. Ultimately, he was unsuccessful. Despite all of these efforts, Mr. Holloway was unable to vote in the April primary.

What is particularly infuriating about Mr. Holloway's case is that Republicans in the Wisconsin State Legislature were hoping for exactly this type of outcome. The chief of staff to a leading Republican State senator in Wisconsin resigned last year after witnessing Republican legislators who were, ''literally giddy'' over the impact the new voter ID law would have on minority and student voters. In an interview with the New York Times, the former staffer said, ''I remember when Republicans were the ones who helped Johnson pass the civil rights bill in the '60s.'' Indeed, it was 51 years ago this year President Lyndon B. Johnson signed the bipartisan Voting Rights Act into law—guaranteeing that the right to vote would not be restricted through clever schemes, like poll taxes and literacy tests, devised to keep African Americans from voting.

I wish that, 51 years after we enacted the Voting Rights Act, our society had reached a point where its protections were no longer necessary, but we clearly have not, and the Voting Rights Act is still very much needed today.

That is why Senator LEAHY, Senator COONS, and I introduced the Voting Rights Advancement Act last year. This legislation would restore the Voting Rights Act. It would ensure that burdensome voting laws will be reviewed and, if found to be discriminatory, blocked before they go into effect.

I recently joined Senator LEAHY and our Democratic colleagues on the Senate Judiciary Committee in sending a letter to the chairman of the full committee and the chairman of the Constitution Subcommittee, urging them to hold a hearing on voting rights and the Voting Rights Advancement Act. Between 2007 and 2013, Senate Democrats held nine hearings to examine the issue of voting rights. In contrast, Republicans have not held a single hearing on voting rights since taking the majority in 2015.

This is disappointing. Voting rights has traditionally been a bipartisan issue. In 2006, Congress reauthorized the Voting Rights Act with an overwhelming bipartisan vote. Three hundred and ninety Members of the House and 98 Senators came together on a bipartisan basis to reauthorize the bill. Twenty-one hearings with more than 90 witnesses and a 15,000-page record illustrated to us that the Voting Rights Act was still very much needed. Three years ago, the Supreme Court ignored our efforts in Shelby County, but we can, and we must, come together once again to address voting rights.

Congressman JIM SENSENBRENNER, a Republican from Wisconsin, has introduced legislation in the House to restore the Voting Rights Act. Earlier this year, he wrote an op-ed in the New York Times. He noted, ''Ensuring that every eligible voter can cast a ballot without fear, deterrence and prejudice is a basic American right. I would rather lose my job than suppress votes to keep it.''

I urge my colleagues to listen to Congressman SENSENBRENNER and join us in our fight to restore the Voting Rights Act. It is time to bring the bipartisan Voting Rights Advancement Act to the floor and ensure that the Federal Government is once again able to fully protect the fundamental right to vote.

REMEMBERING KASIA BOBER

Mr. DURBIN. Mr. President, today I wish to note the passing earlier this month of a treasured member of Chicago's Polish community, Kasia Bober, at the age of 80.

Back in August of 2005, I introduced a bill to grant honorary posthumous citizenship to Casimir Pulaski. I held a press conference in Chicago at the Polish Museum of America in front of a giant painting of Pulaski at the Battle of Savannah. Afterward, I sat down with leaders from the Polish community to discuss various issues. Kasia joined us for the meeting and brought those famous pierogi and other treats from her deli. I learned firsthand why some consider her the ''Pierogi Queen'' of Chicago.

Kasia's story is like many immigrant stories in the great melting pot of Chicago. She came to the United States in 1974 in search of a better life. At first, she lived with relatives and was separated from her three children who remained in Poland. But after years of hard work, she was finally able to reunite with her children and open her own deli. Kasia's cooking quickly became a hit, especially her potato and cheese pierogi. Customers began to call from different States, which led to Kasia's pierogi being available today in 26 States.

Kasia's pierogi are so well known that at least three U.S. Presidents have eaten them while in Chicago. In an article that appeared in the Chicago Sun-Times, her granddaughter recalled that President George H.W. Bush dined on Kasia's pierogi while visiting the Copernicus Center, President Bill Clinton had some at the Taste of Chicago, and President Barack Obama ate a few during a Sister Cities festival. Polish labor leader Lech Walesa also enjoyed Kasia's cooking on a trip to Chicago.

It is quite the story for an immigrant who worked 7 days a week at multiple jobs while chasing her own American dream. Up until her passing, Kasia could still be found working at her namesake deli in Chicago's Ukrainian Village neighborhood. Chicago's ''Pierogi Queen'' may be gone, but she will not soon be forgotten.

I offer my condolences to Kasia's daughters, Barbara Jakubowicz and Maria Kordas; her son, Christopher; her sisters, Janina and Jozia; her six grandchildren; and her great-grandchild.

TRIBUTE TO THOMAS VANDEN BERK

Mr. DURBIN. Mr. President, I want to take a few minutes to thank Thomas Vanden Berk for his extraordinary service to the city of Chicago. Tom has spent 40 years devoted to one cause: improving the lives of Chicago's most vulnerable by working with children and families who have been abused, neglected, and traumatized. Earlier this year, Tom announced he would be retiring as chief executive officer of the Uhlich Children's Advantage network, UCAN.

In 1987, when Tom joined UCAN, it was a small shelter housing 50 boys and girls, operating under a $1.7 million budget and on the verge of closing. Under Tom's direction, UCAN grew into a multifaceted and financially sound shelter focusing on child welfare programs, violence prevention, and strategies for combating gun violence. Today UCAN is a leading child welfare organization in Chicago with a new $41 million campus providing a full continuum of over 30 programs, servicing more than 10,000 people every year.

Tom's been the recipient of numerous awards, including the ''Friend of Child'' award from the Illinois Council on Training; Peace Leader Award from the Illinois Council for the Prevention of Violence; and the Council for Health and Human Service Ministries Executive of the Year award.

Through Tom's creative leadership and hard work, UCAN has become a vital sanctuary for young people, providing security and healing for those who have suffered trauma. Over the last 29 years, Tom has built UCAN on one simple, but powerful premise: ''Kids raised in violence are traumatized and trauma can be healed.'' Tom knows trauma better than most. As a young boy, his father, a part-time janitor at their church, was killed when a boiler he was repairing exploded. And on April 25, 1992, when kids barged into a party and started shooting, Tom lost his 15-year-old son. After the shooting, one thing became clear: ''these were kids with absurdly easy access to guns.'' So Tom asked himself, ''What am I going to do with this anger?'' What he has done is become a leading voice and advocate in the campaign to reduce gun violence. Tom understands

that it is not just a criminal justice issue; it is a public health crisis.

After his son's death, Tom realized that many of the troubled, neglected, and abused children that he spent his career working with had been traumatized by gun violence in their homes and community. His work through UCAN began to reflect that reality. He founded HELP for Survivors, a support group for parents who have lost loved ones to gun violence. Tom also became a founding member of the Bell Campaign, known today as the Million Mom March, which formed an alliance with the Brady Campaign in 2001. In 2002, Tom was named the Join Together Hero, which recognizes true leaders of the gun violence prevention movement. And in 2007, he received the Citizens Advocacy Award from the Illinois Council against Handgun Violence.

When asked to reflect on his career, Tom remains focused on the problems facing the community: not enough beds for impoverished kids who endure violence, a ridiculously high number of shootings, effective gun laws blocked by the National Rifle Association, and on and on. He says, ''I can't sit here and say, 'Oh, my God, I've done wonderful things and its better.' '' We have a long way to go and progress is hard, but no one can deny the difference Tom has made.

Just listen to those that know Tom and UCAN best—young people like Tatiara, who came to UCAN in 2012 through the Family Works program. Here is what she said: ''UCAN takes you under their wing. You are not just another number but you are your own person. They really care about you. It's like you're part of a family.'' Or take Alexis, a 23-year-old mother, whose daughter Aliyah was born premature with multiple complications including Down's syndrome, a tethered spinal cord, and a heart defect. Here is what she said: ''I would recommend UCAN because if you need something or need to get somewhere they will find the answer. I would be lost without them.'' Alexis and Aliyah are 1 of more than 100 families that UCAN's High-Risk Infant Program provides preventive and supportive services to every year. These are just a couple of the countless success stories.

I have visited UCAN and met the children it serves. Their stories are inspiring. And I am thankful that UCAN is making a difference in the lives of so many young people in Illinois. So on behalf of all those UCAN has served during Tom Vanden Berk's tenure, I want to tell him he has done wonderful things, and because of his passion and dedication, people's lives have gotten better.

Fortunately for Chicago, Tom isn't going far. Later this summer, he will transition to CEO emeritus and will continue to fundraise and advocate for UCAN and the children and families it serves. I want to congratulate Thomas Vanden Berk on his distinguished career and thank him for all he has done—and all he will continue to do. Illinois and the country are grateful for his service.

TRIBUTE TO TERI SPOUTZ

Mr. DURBIN. Mr. President, I have often remarked that the education of a Senator is a daunting task. Fortunately, the U.S. Senate is blessed with many talented staff who are dedicated to that challenge.

Among them is Ms. Teri Spoutz, a professional staff member of the Defense Appropriations Subcommittee for the past 5 years. To read through Teri's accomplishments is to understand how fortunate the Senate is to be able to attract some of the best talent in Washington, DC.

Teri grew up in southern California and began her career as a civilian at Los Angeles Air Force Base. As a financial manager, she served in a variety of positions overseeing major acquisitions of satellites and rockets for the Air Force.

Teri and her family then left sunny California for the cold, windswept plains of the missile fields at F.E. Warren Air Force Base, WY, as her husband, Stephen, pursued his promising career as an Air Force officer. The Spoutz family landed in Washington, DC, in 2003, and Teri continued her work in the Pentagon.

By 2008, Teri had been promoted to the Senior Executive Service as the Chief of Budget Investment for the Department of the Air Force. For nearly 3 years, Teri was the top financial overseer of all Air Force procurement, research and development, and military construction funding.

In March 2011, Teri was persuaded to join the staff of the Defense Appropriations Subcommittee under the leadership of Chairman Daniel Inouye. Her expert knowledge of how the defense acquisition system works—and, too often, how it does not work—has resulted in many billions of dollars for our national defense being cut from underperforming programs and reinvested in more important ones.

As a staffer, she carried out in-depth reviews on the most important programs in the Pentagon's budget, including detailed annual examinations of the F–35 Joint Strike Fighter, the largest weapons contract in the history of the Pentagon, and dozens of other large developmental and procurement programs.

But Teri has always held a special interest in space. On the Defense Subcommittee, she led investigations into bringing competition to space launch, which in just the last year has shown can cut the cost of rockets by half. She was also vital in stopping an effort to cut off access to rocket engines that are vital to our national security, which could have resulted in billions of additional costs to the U.S. taxpayer.

Teri is soon leaving the U.S. Senate. I thank her for her service on the Defense Subcommittee, commend her for all that she has accomplished, and wish her and her family all the best.

INTERNET GAMBLING

Mr. GRAHAM. Mr. President, in 2011, the Department of Justice's Office of Legal Counsel, OLC, issued a legal opinion reversing 50 years of interpretation of the Wire Act. Lawyers there concluded the act does not ban gambling over the Internet, as long as the betting is not on the outcome of a sporting event.

In effect, this opinion means the Justice Department has stopped enforcing a law it had consistently enforced for five decades. Left on its own, the DOJ opinion could usher in the most fundamental change in gambling in our lifetimes by turning every smartphone, tablet, and personal computer in our country into casinos available 24/7.

The FBI has warned online casinos are susceptible to use for money laundering and other criminal activity, and online casinos are bound to prey on children and society's most vulnerable.

It took Congress a decade to develop the Wire Act. It took Congress 7 additional years to enact the Unlawful Internet Gambling Enforcement Act, the 2006 law giving law enforcement new tools to shut down online casinos. DOJ's opinion gutted both laws.

Despite the wide-ranging implications of this opinion, there was no solicitation of public comment, nor any input sought from State and local officials. There is also no indication the Department considered the very significant law enforcement, social, and economic issues raised by Internet gambling.

We note that a number of States have authorized Internet gambling, despite the fact the DOJ opinion does not carry the force of law, a fact confirmed by our Attorney General, who, in response to questions posed during her confirmation proceedings, wrote, ''I am not aware of any statute or regulation that gives OLC opinions the force of law.''

The Attorney General is absolutely correct. Only Congress can change the Wire Act, and only the courts can interpret the act's reach.

To make clear that the Wire Act still bans all Internet gambling, the committee report accompanying the CJS appropriations bill includes the following statement:

Internet Gambling.—Since 1961, the Wire Act has prohibited nearly all forms of gambling over interstate wires, including the Internet. However, beginning in 2011, certain States began to permit Internet gambling.

The Committee notes that the Wire Act did not change in 2011. The Committee also notes that the Supreme Court of the United States has stated that ''criminal laws are for courts, not for the Government, to construe.'' Abramski v. U.S., 134 S.Ct. 2259, 2274, 2014, internal citation omitted.

I was pleased to join with my colleague from California, Mrs. FEINSTEIN, in offering this language. I appreciate the chairman and the ranking member having agreed to have it included with this legislation.

Any jurisdiction considering authorizing Internet gambling—and any entity seeking to participate in offering online casinos in this country—is well advised to consider that the Justice Department decision of 2011 did not change the Wire Act.

The question of whether there should be online casinos in this Nation has been polled widely over the past few years. It seems that no matter where one goes, Internet gambling is opposed by the public by wide margins, even in States where there is significant support for land-based casinos.

The public recognizes that there is something fundamentally different between having to go to a destination to place a bet and having a casino come to you, in your own home or office on an electronic device.

Regardless of how Senators may feel about this issue, I hope we can all agree that whether Internet gambling should be permitted in this country is a question for Congress to determine, not unelected Federal bureaucrats.

POSTPARTUM DEPRESSION

Ms. MURKOWSKI. Mr. President, I have come to the floor today to shed some light on the impacts of postpartum depression among our Nation's mothers.

Just a bit over a month ago, I sat down with a local Anchorage reporter as part of a series addressing the impacts of postpartum depression, PPD. As part of a four-part series, seven brave, strong, passionate women from the Anchorage community came forward and shared their stories. I joined those women in sharing my own account of the difficulties I faced as I transitioned into my new role as a mother.

I have been inspired by these women and other advocates that fight so hard to help raise awareness of PPD, and I wanted to share the story of one woman who lost her daughter to PPD. I met this woman shortly after I filmed my interview. She works in Anchorage and Wasilla, AK, as a child and adolescent psychiatrist and has always been passionate about providing care and support to children and adolescents in an effort to reduce and prevent suicide. She began to advocate for PPD after her daughter, Brittany, suffered and ultimately lost her life to PPD. She was only 25 years old.

Brittany was a bright, passionate, and lively young woman. She was born in Fairfax, VA in 1989. She excelled in school and graduated with an international baccalaureate degree at age 16 from Mount Vernon High School. Brittany loved animals and dreamt of becoming a sports veterinarian 1 day. She continued to excel academically while taking preveterinarian courses through the University of Pittsburg and later online through North Carolina State University.

One of Brittany's main life goals was to race in one of my favorite Alaskan events, the Iditarod. She owned, raced, and showed several Siberian Huskies, but also worked as a dog handler for Karen Ramstead as part of Karen's preparation for the Iditarod. But above all else, Brittany considered motherhood to be her greatest achievement.

Sadly, she began to struggle with PPD after a complicated delivery resulting with her newborn son spending a week in the neonatal intensive care unit. Brittany suffered from violent and powerful emotions and sought treatment from her physicians for PPD. Her cries for help went unanswered as her physicians were unable or were ill-equipped to help her. Around her son's first birthday Brittany lost her battle with PPD. Shortly thereafter, a successful Iditarod athlete, DeeDee Janrowe, raced the Iditarod in Brittany's honor. As I have said, Brittany was a bright, motivated, loving young woman who was stuck down early in her life because she did not have the access to the treatment she needed. Her story is one of many. PPD impacts women of every race, income, and background.

All too often, women who have PPD feel helpless, overwhelmed, and confused. They may feel like they are not properly bonded with their babies or ill-equipped for parenthood and cannot understand what might have gone wrong. Often, we assume that with parenthood comes immediate joy, but in fact, one in seven mothers nationwide will suffer from PPD. In Alaska, our numbers are twice the national average at one in three. There are some nonprofit organization that seek to raise awareness and help women connect with treatment for PPD, but often, they are located in only the most populous parts of a State, but what about the rural communities? What about the women who are unable to receive a proper screening, diagnosis, or treatment early on?

That is why I support legislation like the Bringing Postpartum Depression Out of the Shadows Act, and I want to thank Senators ALEXANDER, MURRAY, CASSIDY, and MURPHY for including PPD in the Mental Health Reform Act. I have cosponsored both pieces of legislation because I believe we must do more to ensure the proper screening and treatment of PPD. I support efforts to improve culturally competent programs that will help educate physicians, especially primary care providers, on the proper detection and treatment of PPD. This will not only benefit the women suffering from PPD but improve the health and well-being of their children and their families as a whole. With so many mothers across Alaska and the Nation facing PPD, it is essential we put this issue at the forefront and openly discuss, educate, and improve our understanding of this illness.

I stand here today in support of women all across the Nation facing PPD, and I will continue to advocate for the services they deserve.

LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PRIDE MONTH 2016

Mr. CARDIN. Mr. President, today I wish to celebrate Lesbian, Gay, Bisexual, and Transgender, LGBT, Pride Month. Reaching back to Stonewall, June carries a special significance for LGBT individuals across the Nation. For more than 40 years LGBT Pride month has been a time for all Americans to celebrate the immeasurable contributions LGBT individuals have made to our great Nation, the progress the LGBT community has made in the U.S. and abroad, and the challenges faced in the fight for equality.

America's never-ending effort to become a ''more perfect union'' involves the long quest to secure equal rights and justice for the LGBT community by, as I just said, changing hearts, minds, and policy. The last year has seen hard-fought progress for the LGBT Americans.

With the Supreme Court's decision last June in Obergefell v. Hodges, same-sex marriage is now a fundamental right in every State in the Union. After years of legal battles and families being told that the government would not recognize their love and mutual commitment in the same way it might view their neighbors, the Supreme Court finally ruled that equality is an inherently American value that should not be denied or taken away from anyone. And just this past Friday, President Obama designated the historic site of the 1969 Stonewall Uprising in New York City as our Nation's newest national monument. This designation will create the first official National Park Service unit dedicated to telling the story of LGBT Americans.

The LGBT community has made strides in righting past wrongs. I commend Defense Secretary Ash Carter for adding sexual orientation to the U.S. military's equal opportunity program. Roughly a year after that historic decision, Eric Fanning, an eminently qualified public servant, with a long track record of working on behalf of the men, women, and families of our Armed

Forces, finally was confirmed by the Senate to become the Secretary of the Army. Secretary Fanning is openly gay, and his confirmation reflects a long overdue but commonsense understanding that sexual orientation and gender identity are not relevant to one's ability to serve this nation.

Our military was not alone in taking steps to ensure that all who wish to serve their country and community are able to do so without discrimination.

The Boy Scouts of America announced that, ''the national executive board ratified a resolution removing the national restriction on openly gay leaders and employees.''

I think this move by the Boy Scouts is worth noting because it impacts two issues that I find very important to the future of this country: the welfare of our children and encouraging civic involvement. The Boy Scouts of America are one of our most venerated civic organizations serving young people. I believe that no individual should be prevented from serving their country or enriching their community based on their sexual orientation or gender identity. The Boy Scouts' decision not to discriminate will lead to more well-rounded scouts.

For as much progress as we have seen in the last year, there have been several recent events that show our need to recommit to building a more perfect union for all Americans.

The shooting on June 12 in Orlando and attacks on LGBT individuals across the country and abroad show that in far too many places across the world, being openly LGBT still carries great risk.

That an attacker would target this venue, especially during Gay Pride Month, is a horrific tragedy and a senseless loss of human lives.

My deepest sympathies are with those killed and injured in this terror attack and hate crime, along with their families and loved ones. My thanks go out to the first responders who saved lives in the midst of such danger. There is no simple solution to preventing this type of tragedy. But one step that would help is for Congress to enact commonsense gun safety legislation in the coming days.

American values of tolerance, compassion, freedom, and love for thy neighbor must win out over hate, intolerance, and homophobia.

No one should fear for their lives simply because of who they are. This moral truism extends beyond the LGBT community. And so it is disturbing that State legislatures have recently taken steps to breathe new life into the defunct and deplorable practice of separate but equal facilities. Attempts to restrict the use of public facilities by transgender people is unsettling to say the least.

As a ranking member of the Senate Foreign Relations Committee and Special Representative on Anti-Semitism, Racism, and Intolerance for the Organization for Security and Cooperation in Europe, OSCE, Parliamentary Assembly, I take special note when foreign legislatures take steps to codify discrimination.

When we see discrimination happening in our own society, we must take action.

In our democracy, state-sponsored discrimination sends two strong messages. First, it tells those who are being discriminated against that the government does not fully recognize you as an equal member of the society. Secondly, it sends a not-so-subtle wink and a nod to private citizens and businesses that further discrimination and abuse will be tolerated.

Thankfully, Americans of every gender sexual orientation, and gender identity have spoken out against these laws.

In the U.S. Senate, I have been a proud ally of the LGBT community and will continue to oppose efforts to return to a time when our government-sanctioned discrimination.

This struggle for equal rights continues not only in our States, but here in the Congress. The House of Representatives, for example, recently considered a provision to prevent businesses that contract with the U.S. Government from discriminating against LGBT employees. It is shameful that, in 2016, the Congress of the United States of America cannot agree that discriminating against Americans based on a core identifying characteristic is wrong, just as it is illegal to discriminate on the basis of race or religion.

Congress should take up and pass the Equality Act, which I am proud to cosponsor, which would provide comprehensive antidiscrimination protection for LGBT individuals in areas such as housing, education, employment, credit, and public accommodations.

Congress should take up and pass my End Racial Profiling Act, which prohibits discriminatory profiling by law enforcement officers, including profiling based on gender, gender identity, or sexual orientation.

As ranking member of the Senate Foreign Relations Committee, I have worked to put international human rights at the forefront of U.S. foreign policy, whenever possible. The international community has made notable strides in ensuring that LGBT individuals are treated with the respect and dignity that all people deserve.

Nepal took the commendable step of including LGBT protections in their new constitution. Malta, Ireland, Thailand, Bolivia, and Vietnam all passed laws protecting transgender individuals.

Ukraine outlawed LGBT workplace discrimination, Kazakhstan struck down a dangerous anti-LGBT law, and Mozambique decriminalized homosexuality. These are small but important steps.

But as much as we can and should celebrate global progress on these matters, we have also seen troubling setbacks. In too many countries, being LGBT still is criminalized or met with violence, most recently with the brutal murder of Xulhaz Mannan, a USAID employee at the U.S. Embassy in Bangladesh and editor of Bangladesh's first and only LGBT magazine. Tragically, what happened to Mr. Mannan in Bangladesh is seen over and over again around the world. LGBT rights are human rights, and as we engage with the international community on human rights, we must prioritize LGBT rights.

As I said at the beginning of my remarks, the American experience is about individuals working together to build a more perfect union by changing hearts, minds, and policy. Since our founding, the U.S. Senate has played a key role in achieving this goal. It is very clear that ensuing LGBT Americans are afforded all the same rights and protections as their neighbors is central to building that more perfect union. The Senate should stand as a bulwark against intolerance and guardian of civil rights for LGBT individuals everywhere.

Before I conclude my remarks, I would like to recognize the Baltimore Pride Celebration. Baltimore Pride will be held for the 41st time on July 19–24. Baltimore has a strong LGBT community with a long history of activism and civic engagement. The Baltimore Pride Celebration is a chance to celebrate all the amazing contributions LGBT Baltimoreans make to my hometown.

TRIBUTE TO HOWARD HAYES

Mr. HELLER. Mr. President, today I wish to recognize Pearl Harbor survivor and World War II veteran, Howard Hayes. Mr. Hayes was aboard United States Coast Guard Cutter *Roger B. Taney*, USCGC *Taney*, and moored in Honolulu Harbor as the attack on Pearl Harbor occurred right next door. It gives me great pleasure to honor Mr. Hayes for his bravery and service during World War II, especially on that specific day, December 7, 1941, when he selflessly placed his life on the line to defend our Nation.

Mr. Hayes joined the U.S. Coast Guard on October 21, 1940, and served on USCGC *Taney* as a cook second class. His battle station was manning the range finder on the bridge of the ship. On December 7, 1941, when the Japanese attacked Pearl Harbor, Mr. Hayes saw the planes flying overhead and knew it was not a drill. After arriving at the range finder, Mr. Hayes and his crewmates were able to shoot down four planes during the attack. I

extend my deepest gratitude to Mr. Hayes for his service and sacrifice, which are invaluable to our Nation.

Recently, Honor Flight Nevada transported Mr. Hayes to see his ship for the first time in 71 years and made arrangements so that he could go onboard USCGC *Taney*. During his visit, Mr. Hayes saluted the flag and honored his fallen comrades. He is the last known surviving member of the ship's crew from that day. This is truly an incredible opportunity provided by Honor Flight Nevada. No words or actions can adequately thank Mr. Hayes for his service, but those who went above and beyond to make this trip possible stand as examples of how we should honor our veterans.

As a World War II veteran, Mr. Hayes' commitment to his country, as well as his dedication to his family and community, exemplify why the legacy of all World War II veterans must be preserved for generations to come. These veterans truly are the Greatest Generation, selflessly serving not for recognition, but because it was the right thing to do. As a member of the Senate Veterans' Affairs Committee, I recognize that Congress has a responsibility not only to honor these brave individuals, but to ensure they are cared for when they return home. I remain committed to upholding this promise for our veterans and servicemembers in Nevada and throughout the Nation.

Mr. Hayes displayed true courage and loyalty in defending our country, especially on that historic day during the attack on Pearl Harbor. I am both humbled and honored by his service and am proud to call him a fellow Nevadan. Today I ask my colleagues to join me in recognizing Mr. Hayes for all that he has done for our country. I wish him well in his future endeavors.

30TH ANNIVERSARY OF THE COMMISSIONING OF USS ''NEVADA,'' SSBN 733

Mr. HELLER. Mr. President, today I wish to recognize the 30th anniversary of the commissioning of USS *Nevada*, SSBN 733. I am proud to honor one of Nevada's namesake ships and all Americans that served aboard her.

Launched on September 14, 1985, USS *Nevada*, SSBN 733, is a U.S. Navy *Ohio*-class ballistic missile submarine and the fourth U.S. Navy ship named in honor of our great State. She was sponsored by Carol Laxalt, the wife of then-U.S. Senator Paul Laxalt. Upon launch, Captain F.W. Rohm was in command of the Blue Crew, and Captain William Stone led the Gold Crew. The submarine was then commissioned on August 16, 1986. She is now one of eight *Ohio*-class ballistic submarines homeported at Naval Base Kitsap-Bangor, where crews have worked tirelessly to preserve this national treasure. It gives me great pleasure to honor the history and heritage of this ship and her crew members who sacrificed so much defending our freedoms.

The brave men and women serving in the U.S. Navy have demonstrated true commitment to our Nation with their selfless actions and exemplify why the legacy of all veterans must be preserved for generations to come. As a member of the Senate Veterans' Affairs Committee, I recognize that Congress has a responsibility not only to honor these brave individuals, but to ensure they are cared for after their return home. I remain committed to upholding this promise for our veterans and servicemembers in Nevada and throughout the Nation, including those who served on USS *Nevada*, SSBN 733.

Today I ask that we recognize the 30th anniversary of the commissioning of USS *Nevada*, SSBN 733, and all that sailed aboard her. I am both humbled and honored to commemorate these brave men and women and to celebrate this important milestone. May we never forget the legacy of this great submarine and her gallant crew.

200TH ANNIVERSARY OF THE TOWN OF GUILFORD, MAINE

Ms. COLLINS. Mr. President, today I wish to commemorate the 200th anniversary of the town of Guilford, ME. Located in the heart of the beautiful Maine Highlands on the banks of the mighty Piscataquis River, Guilford was built with a spirit of determination and resiliency that still guides the community today.

Guilford's incorporation on February 8, 1816, was but one milestone on a long journey of progress. For thousands of years, Maine's Western Mountains were the hunting grounds of the Abenaki Tribe. The reverence the Abenaki had for the natural beauty and resources of the region is upheld by the people of Guilford today.

Early settlers at the dawn of the 19th century were drawn by fertile soil, vast forests, and fast-moving waters, which they turned into productive farms and busy mills. With the Piscataquis providing power, Guilford became one of the premier manufacturing communities in northern New England, with skilled workers producing everything from textiles and furniture to toothpicks and violin strings. The wealth produced by the land and, by hard work, innovation, and determination, was invested in schools and churches to create a true community.

Guilford is a town of patriots. Throughout the town's history, the men and women of Guilford have stepped forward to serve our Nation, and the veterans memorial stands in solemn tribute. It is significant that a highlight of this year's bicentennial celebration was the rededication of the Guilford Memorial Bridge in their honor.

Guilford is a town of involved citizens. The active historical society, volunteer fire department, and library are evidence of a strong community spirit. The planning and volunteerism that have gone into this yearlong bicentennial celebration are evidence that Guilford's spirit grows only stronger.

This 200th anniversary is not just about something that is measured in calendar years. It is an occasion to celebrate the people who for more than two centuries have worked together and cared for one another. Thanks to those who came before, Guilford has a wonderful history. Thanks to those who are there today, it has a bright future.

ADDITIONAL STATEMENTS

TRIBUTE TO GARRY RAYNO

● Ms. AYOTTE. Mr. President, today I wish to recognize and honor one of New Hampshire's finest and most respected journalists, Garry Rayno of the New Hampshire Union Leader. Garry is set to retire after a long and impressive career covering news and people in the Granite State.

Today, he and his wife, Carolyn, live in Bow, just a few miles from our State's capital. Garry currently works in the Union Leader's State House Bureau, where he has had a front-row seat for debates that impact the future of our State. These days, he is perhaps best known for writing the State House Dome column, a must-read round-up of political news for readers following events at the State House in Concord.

As a first-rate journalist, Garry has committed himself to putting forth the facts and figures so that New Hampshire residents can be apprised of legislation, votes, and negotiations that impact their daily lives. His writing allows readers access to detailed accounts of everything from political careers of New Hampshire State representatives to our State's efforts to combat the opioid abuse epidemic.

It has been a pleasure to work with Garry over the years during my time at the attorney general's office. We will certainly miss his straightforward analysis and reports of what's happening in Concord. Since announcing his retirement, numerous letters to the editor by citizens and elected officials alike have been published in the Union Leader, thanking Garry and lauding his excellent and informative coverage of the Legislature.

I join with New Hampshire residents, as well as his colleagues, in thanking Garry for his unparalleled service to our State and commitment to journalistic integrity. I am very proud to celebrate and recognize Garry, and I wish him and his wife, Carolyn, all the best as they enter this new chapter.●

REMEMBERING DONNA KELLEY

● Mr. BOOZMAN. Mr. President, today I wish to remember Donna Kelley, a longtime reporter and anchor at KARN News Radio in Little Rock, who passed away last weekend.

Donna made the move from Orlando to Little Rock to join the KARN news team 14 years ago. Her voice quickly became a mainstay on the airwaves in central Arkansas, where listeners turned to her as a trusted source of news. In turn, Donna quickly embraced her newly adopted hometown and spoke of Little Rock with the love of a lifelong resident.

Any time there was breaking news, Donna would immediately track down everyone who could add to the story. I was always happy to talk with Donna as her sunny disposition, positive outlook, and understanding of Arkansas and the issues made for an enjoyable conversation.

In fact, with her cheerful demeanor and her great radio voice, I often joked with her about how she should have her own Delilah-style radio show.

But Donna's true passion was the news. You could tell that in her meticulous reporting on breaking news and how she tenaciously stayed on top of the stories that mattered to her listeners in an ever-changing news cycle.

You could easily judge how well-respected as a journalist Donna was, as well as how much she was liked on a personal level, by the outpouring of kind words that were shared upon the news of her passing. Public officials, fellow journalists, and KARN listeners all shared their stories of how much Donna meant to them on a professional and personal level in news reports and social media messages.

This sentiment was shared by her colleagues at KARN.

''Donna was at her happiest when she was working on a news story and never let anything keep her from getting her job done,'' said Cumulus market manager Keith Liesmann. ''She was a friend to everyone she worked with.''

My thoughts and prayers go out to Donna's friends, family, and colleagues. Her voice will truly be missed.●

RECOGNIZING THE COOPERATION BETWEEN THE CITIES OF VICKSBURG, MISSISSIPPI, AND DAYTON, OHIO

● Mr. COCHRAN. Mr. President, today I wish to express my appreciation to the Dayton Development Coalition, the city of Dayton, OH, and the Air Force Research Laboratory for recently hosting city officials and community leaders from Vicksburg, MS. Representatives from the Mississippi Development Authority, Mississippi State University, and the U.S. Army Engineer Research and Development Center also joined this trip to share ideas about how these two communities can continue their progress in support of these two critically important Department of Defense laboratories.

I would like to especially recognize Jeff Hoagland, Michael Gessel, and John Ingham of the Dayton Development Coalition for the guidance and insight they have provided and continue to provide to the Vicksburg community. I also appreciate Dayton Mayor Nan Whaley and the offices of the Senators from Ohio for their hospitality and insight. We hope that this is the beginning of a long and prosperous relationship between the city of Vicksburg, MS, and the city of Dayton, OH. I look forward to our continued work together and hope that Vicksburg will be able to host a delegation from Dayton in the near future.●

TRIBUTE TO DAWSON COUNTY HIGH SCHOOL STUDENTS AND DEAN MYER

● Mr. DAINES. Mr. President, today I would like to recognize the students of Dawson County High School and Industrial Arts teacher Dean Myer. Thanks to their initiative and hard work, children and families in Dawson County will be able to create wonderful memories this summer at Penninger Park.

Due to staffing issues and delays at the Public Works Office, brand new playground equipment had been sitting dormant in a storage unit for over a year and a half. The students and their teacher, Mr. Myer, recognized the problem and proactively decided pull the equipment out and construct it for all to enjoy.

Hands-on problem-solving is a wonderful Montana lesson, and I am proud to see our educators teaching the next generation practical skills in an innovative and community centered manner. With an eagerness to learn and help their community, they started work on the project in April and completed it before the end of the school year.

The students in Mr. Myer's class took on nearly every aspect of this project from reading the blue prints and measuring the site to learning how to operate complicated equipment. I am so impressed with the proactive teaching of Mr. Myer. I truly believe that you remember a lesson a lot longer if it requires you to get a little dirt under your fingernails.

Along with technical skills, the students learned an invaluable lesson on how to work together. Their teacher says, ''One thing the class really emphasizes is getting along with other workers.'' Thanks to their cooperation, Jack Rice, Glendive Public Works director, is now hoping to collaborate with Mr. Myers and future classes on upcoming community projects.

Their camaraderie and hard work will leave a lasting impact on the community of Glendive. For years to come, this park will be a place where Montanans can come to run, climb, laugh, and enjoy the outdoors. In 20 years, I hope that those responsible for this park will return to take their children to play on the slides and jungle gym they helped build.

Thank you to the students and Mr. Myer. I look forward to hearing about the next innovative work you will do together to benefit Montanans in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

The President pro tempore (Mr. HATCH) announced that on today, June 29, 2016, he has signed the following enrolled bill, which was previously signed by the Speaker pro tempore (Mr. HARRIS):

H.R. 3114. An act to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4902. An act to amend title 5, United States Code, to expand law enforcement availability pay to employees of U.S. Customs and Border Protection's Air and Marine Operations; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3110. A bill to provide for reforms of the administration of the outer Continental Shelf of the United States, to provide for the development of geothermal, solar, and wind energy on public land, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC–5952. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pentaerythritol tetrakis (3-(3,5-ditert-butyl-4-hydroxyphenyl)propionate); Exemption from the Requirement of a Tolerance'' (FRL No. 9947–45) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5953. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-propenoic acid, 2-methyl-, 2-oxiranylmethyl ester, polymer with ethene, ethenyl acetate, ethenyltrimethoxysilane and sodium ethenesulfonate (1:1); Tolerance Exemption'' (FRL No. 9947–34) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5954. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General David L. Mann, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5955. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Michael S. Tucker, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5956. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Jeffrey W. Talley, United States Army Reserve, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5957. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Inflation Adjustment of Civil Monetary Penalties'' (RIN1990–AA46) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Energy and Natural Resources.

EC–5958. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Settlement Intervals and Shortage Pricing in Markets Operated by Regional Transmission Organizations and Independent System Operators'' ((RIN1902–AF12) (Docket No. RM15–24–000)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Energy and Natural Resources.

EC–5959. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Dehumidifiers'' ((RIN1904–AC81) (Docket No. EERE–2012–BT–STD–0027)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Energy and Natural Resources.

EC–5960. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalty Inflation Adjustment Rate'' ((RIN2020–AA51) (FRL No. 9948–48–OECA)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Environment and Public Works.

EC–5961. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; New Jersey, Carbon Monoxide Maintenance Plan'' (FRL No. 9948–57–Region 2) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Environment and Public Works.

EC–5962. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Revisions to the New Source Review State Implementation Plan; Air Permit Procedure Revisions'' (FRL No. 9948–47–Region 6) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Environment and Public Works.

EC–5963. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Baton Rouge Nonattainment Area; Base Year Emissions Inventory for the 2008 8-Hour Ozone Standard'' (FRL No. 9948–60-Region 6) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Environment and Public Works.

EC–5964. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; New Hampshire; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standards ''(FRL No. 9948–58-Region 1) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Environment and Public Works.

EC–5965. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''2015 Report to Congress on the Comprehensive Community Mental Health Services for Children with Serious Emotional Disturbances''; to the Committee on Health, Education, Labor, and Pensions.

EC–5966. A communication from the Chair, Advisory Council on Alzheimer's Research, Care, and Services, transmitting, pursuant to law, a report that includes recommendations for improving federally and privately funded Alzheimer's programs; to the Committee on Health, Education, Labor, and Pensions.

EC–5967. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–6539)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5968. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–6547)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5969. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–2458)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5970. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2016–5592)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5971. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–1428)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5972. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–2965)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5973. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–4814)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5974. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled'' Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–3988)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5975. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Aviation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2015–7532)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5976. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Aviation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–

2014–0657)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5977. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters (Previously Eurocopter France)'' ((RIN2120–AA64) (Docket No. FAA–2015–3970)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5978. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0734)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5979. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Division Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2015–4474)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5980. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2015–4344)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5981. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2016–1363)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5982. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Kaman Aerospace Corporation'' ((RIN2120–AA64) (Docket No. FAA–2016–0183)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5983. A communication from the Management and Program Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; DG Flugzeugbau GmbH Gliders'' ((RIN2120–AA64) (Docket No. FAA–2015–1130)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5984. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca S.A. Turboshaft Engines'' ((RIN2120–AA64) (Docket No. FAA–2015–5539)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5985. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Piper Aircraft, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2014–0338)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5986. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments'' ((RIN2120–AA63) (Docket No. 31075)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5987. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Hollis, OK'' ((RIN2120–AA66) (Docket No. FAA–2016–0835)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5988. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Moriarty, NM'' ((RIN2120–AA66) (Docket No. FAA–2015–8060)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5989. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Danville, AR'' ((RIN2120–AA66) (Docket No. FAA–2015–4836)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5990. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Ketchum, OK'' ((RIN2120–AA66) (Docket No. FAA–2016–1288)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5991. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Horseshoe Bend, AR'' ((RIN2120–AA66) (Docket No. FAA–2015–5802)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5992. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Deer Lodge, MT'' ((RIN2120–AA66) (Docket No. FAA–2015–3773)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5993. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Coldwater, KS'' ((RIN2120–AA66) (Docket No. FAA–2015–5194)) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5994. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (89); Amdt. No. 3692'' (RIN2120–AA65) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5995. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (45); Amdt. No. 3691'' (RIN2120–AA65) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5996. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (34); Amdt. No. 3689'' (RIN2120–AA65) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5997. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (97); Amdt. No. 3690'' (RIN2120–AA65) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5998. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Driving of Commercial Motor Vehicles: Use of Seat Belts'' (RIN2126–AB87) received in the Office of the President of the Senate on June 28, 2016; to the Committee on Commerce, Science, and Transportation.

EC–5999. A communication from the Acting Deputy Chief Financial Officer and Director for Financial Management, Office of the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalty Adjustments for Inflation'' (RIN0605–AA44) received in the Office of the President of the Senate on June 28, 2016; to

the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRAHAM, from the Committee on Appropriations, without amendment:

S. 3117. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2017, and for other purposes (Rept. No. 114–290).

By Mr. VITTER, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute:

S. 1870. A bill to amend the Small Business Act to require the Administrator of the Small Business Administration to carry out a pilot program on issuing grants to eligible veterans to start or acquire qualifying businesses, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. THUNE for the Committee on Commerce, Science, and Transportation.

Peggy E. Gustafson, of Maryland, to be Inspector General, Department of Commerce.

*Michael A. Khouri, of Kentucky, to be a Federal Maritime Commissioner for a term expiring June 30, 2021.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ISAKSON (for himself, Mr. BENNET, Mr. GARDNER, and Mr. PERDUE):

S. 3107. A bill to amend title XVIII of the Social Security Act to provide for a temporary exception to the application of the Medicare long-term care hospital site neutral provisions for certain spinal cord specialty hospitals; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself, Mr. SCHATZ, Mr. WYDEN, Mr. MERKLEY, and Mr. BOOKER):

S. 3108. A bill to decrease the incidence of food waste, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. HEITKAMP (for herself and Mr. LANKFORD):

S. 3109. A bill to require Inspectors General to make open recommendations publicly available; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASSIDY (for himself, Ms. MURKOWSKI, Mr. SCOTT, Mr. VITTER, Mr. TILLIS, and Mr. SULLIVAN):

S. 3110. A bill to provide for reforms of the administration of the outer Continental Shelf of the United States, to provide for the development of geothermal, solar, and wind energy on public land, and for other purposes; read the first time.

By Mr. PORTMAN (for himself and Mr. BROWN):

S. 3111. A bill to amend the Internal Revenue Code of 1986 to extend the 7.5 percent threshold for the medical expense deduction for individuals age 65 or older; to the Committee on Finance.

By Mr. HELLER (for himself and Mr. CASEY):

S. 3112. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to submit an annual report regarding performance awards and bonuses awarded to certain high-level employees of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. KLOBUCHAR (for herself and Ms. COLLINS):

S. 3113. A bill to amend the Public Health Service Act to authorize grants for training and support services for families and caregivers of people living with Alzheimer's disease or a related dementia; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN:

S. 3114. A bill to express the sense of the Senate regarding the safe and expeditious resettlement to Albania of all residents of Camp Liberty; to the Committee on Foreign Relations.

By Mr. WICKER (for himself and Mr. BROWN):

S. 3115. A bill to amend the Public Health Service Act with respect to a national pediatric research network; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself, Mr. HELLER, Mr. KAINE, and Mr. GARDNER):

S. 3116. A bill to amend the loan counseling requirements under the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM:

S. 3117. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2017, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. WARREN (for herself and Mr. WARNER):

S. 3118. A bill to amend the Commodity Exchange Act to clarify which fees the Commodity Futures Trading Commission may assess and collect, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GARDNER (for himself and Mr. LEE):

S. 3119. A bill to require reductions in the direct cost of Federal regulation that are proportional to the amount of increases in the debt ceiling; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 3120. A bill to apply the provisions of the Patient Protection and Affordable Care Act to Congressional members and members of the executive branch; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WHITEHOUSE:

S. 3121. A bill to require the Secretary of the Army to carry out a comprehensive assessment and management plan to restore aquatic ecosystems in the North Atlantic coast region; to the Committee on Environment and Public Works.

By Mr. SCHATZ (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. MARKEY, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. BOOKER, and Mr. CARDIN):

S. 3122. A bill to reinstate Federal Pell Grant eligibility for individuals incarcerated in Federal and State penal institutions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEE (for himself and Mr. COTTON):

S. 3123. A bill to provide for the continuation with respect to the United Kingdom of existing commercial agreements between the United States and the European Union, to encourage the President to expeditiously negotiate a new comprehensive bilateral trade agreement with the United Kingdom, and for other purposes; to the Committee on Finance.

By Mrs. ERNST (for herself, Mr. GRASSLEY, Mr. SASSE, and Mrs. FISCHER):

S. 3124. A bill to require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY (for himself and Mr. ISAKSON):

S. 3125. A bill to establish a designation for jurisdictions permissive to terrorism financing, to build the capacity of partner nations to investigate, prosecute, and hold accountable terrorist financiers, to impose restrictions on foreign financial institutions that provide financial services for terrorist organizations, and for other purposes; to the Committee on Foreign Relations.

By Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. ISAKSON, Mr. BLUNT, and Mr. RISCH):

S.J. Res. 36. A joint resolution proposing an amendment to the Constitution of the United States relating to parental rights; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARDIN (for himself and Mr. GARDNER):

S. Res. 515. A resolution welcoming Prime Minister Lee Hsien-Loong to the United States and reaffirming Singapore's strategic partnership with the United States, encompassing broad and robust economic, military-to-military, law enforcement, and counterterrorism cooperation; to the Committee on Foreign Relations.

By Mr. ALEXANDER (for himself, Mr. CORKER, and Ms. MIKULSKI):

S. Res. 516. A resolution relative to the death of Pat Summitt, head coach emeritus of the University of Tennessee women's basketball team; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. SHELBY, Mr. VITTER, Mr. MORAN, Mr. CARDIN, Mr. BLUNT, Mr. MENENDEZ, Mrs. BOXER, Mr. DAINES, Ms. WARREN, Mr. BOOKER, Ms. AYOTTE, and Mr. GRAHAM):

S. Res. 517. A resolution designating September 2016 as ''National Prostate Cancer Awareness Month''; considered and agreed to.

By Mr. ENZI (for himself, Ms. HEITKAMP, Mr. BARRASSO, Mr. REID,

Mr. CRAPO, Mr. TESTER, Mr. RISCH, Mr. UDALL, Mr. INHOFE, Mr. HEINRICH, Mr. ROUNDS, Mr. MERKLEY, Mr. THUNE, Mr. HOEVEN, Mr. CORNYN, and Mr. LANKFORD):

S. Res. 518. A resolution designating July 23, 2016, as ''National Day of the American Cowboy''; considered and agreed to.

By Mr. WICKER (for himself and Mr. COCHRAN):

S. Res. 519. A resolution recognizing the 300th anniversary and historical significance of the city of Natchez, Mississippi; considered and agreed to.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. UDALL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 6, a bill to reform our government, reduce the grip of special interest, and return our democracy to the American people through increased transparency and oversight of our elections and government.

S. 386

At the request of Mr. THUNE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 386, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 578

At the request of Ms. COLLINS, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 578, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 689

At the request of Mr. THUNE, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 689, a bill to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

S. 785

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 785, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 901

At the request of Mr. MORAN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 901, a bill to establish in the Department of Veterans Affairs a national center for research on the diagnosis and treatment of health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces that are related to that exposure, to establish an advisory board on such health conditions, and for other purposes.

S. 1013

At the request of Mr. COCHRAN, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1013, a bill to amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program, and for other purposes.

S. 1089

At the request of Mr. BENNET, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1089, a bill to encourage and support partnerships between the public and private sectors to improve our Nation's social programs, and for other purposes.

S. 1500

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1500, a bill to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

S. 1555

At the request of Ms. HIRONO, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 1555, a bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 1663

At the request of Mr. BLUMENTHAL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1663, a bill to better protect, serve, and advance the rights of victims of elder abuse and financial exploitation by encouraging States and other qualified entities to hold offenders accountable, enhance the capacity of the justice system to investigate, pursue, and prosecute elder abuse cases, identify existing resources to leverage to the extent possible, and assure data collection, research, and evaluation to promote the efficacy and efficiency of the activities described in this Act.

S. 1714

At the request of Mr. MANCHIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1714, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 1831

At the request of Mr. TOOMEY, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1831, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 2067

At the request of Mr. WICKER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2067, a bill to establish EUREKA Prize Competitions to accelerate discovery and development of disease-modifying, preventive, or curative treatments for Alzheimer's disease and related dementia, to encourage efforts to enhance detection and diagnosis of such diseases, or to enhance the quality and efficiency of care of individuals with such diseases.

S. 2193

At the request of Mr. CRUZ, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 2193, a bill to amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes.

S. 2196

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2196, a bill to amend title XVIII of the Social Security Act to provide for the non-application of Medicare competitive acquisition rates to complex rehabilitative wheelchairs and accessories.

S. 2386

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2386, a bill to authorize the establishment of the Stonewall National Historic Site in the State of New York as a unit of the National Park System, and for other purposes.

S. 2531

At the request of Mr. KIRK, the names of the Senator from South Carolina (Mr. SCOTT), the Senator from West Virginia (Mrs. CAPITO) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 2531, a bill to authorize State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctions activities targeting Israel, and for other purposes.

S. 2590

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2590, a bill to amend title XXI of the Social Security Act to improve access to, and the delivery of, children's health services through school-based health centers, and for other purposes.

S. 2659

At the request of Mr. BURR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2659, a bill to reaffirm that the Environmental Protection Agency cannot regulate vehicles used solely for competition, and for other purposes.

S. 2712

At the request of Mr. BOOZMAN, the name of the Senator from Arkansas

(Mr. COTTON) was added as a cosponsor of S. 2712, a bill to restore amounts improperly withheld for tax purposes from severance payments to individuals who retired or separated from service in the Armed Forces for combat-related injuries, and for other purposes.

S. 2795

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2795, a bill to modernize the regulation of nuclear energy.

S. 2822

At the request of Mr. PORTMAN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2822, a bill to continue the use of a 3-month quarter EHR reporting period for health care providers to demonstrate meaningful use for 2016 under the Medicare and Medicaid EHR incentive payment programs, and for other purposes.

S. 2904

At the request of Mr. WHITEHOUSE, the names of the Senator from California (Mrs. BOXER), the Senator from Florida (Mr. NELSON) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2904, a bill to amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 2960

At the request of Mr. BOOKER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 2960, a bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes.

S. 2962

At the request of Ms. CANTWELL, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2962, a bill to amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

S. 2989

At the request of Ms. MURKOWSKI, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2989, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

S. 3026

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3026, a bill to amend the Communications Act of 1934 to expand and clarify the prohibition on inaccurate caller identification information and to require providers of telephone service to offer technology to subscribers to reduce the incidence of unwanted telephone calls, and for other purposes.

S. 3031

At the request of Mr. MURPHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3031, a bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes.

S. 3060

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 3060, a bill to provide an exception from certain group health plan requirements for qualified small employer health reimbursement arrangements.

S. 3083

At the request of Mr. MENENDEZ, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 3083, a bill to provide housing opportunities in the United States through modernization of various housing programs, and for other purposes.

S. 3095

At the request of Mr. BOOKER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 3095, a bill to prohibit sale of shark fins and for other purposes.

S. 3106

At the request of Mr. REID, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from North Dakota (Ms. HEITKAMP) were added as cosponsors of S. 3106, a bill to provide a coordinated regional response to effectively manage the endemic violence and humanitarian crisis in El Salvador, Guatemala, and Honduras.

S.J. RES. 35

At the request of Mr. FLAKE, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Mississippi (Mr. WICKER), the Senator from Tennessee (Mr. CORKER), the Senator from Arkansas (Mr. COTTON) and the Senator from Utah (Mr. LEE) were added as cosponsors of S.J. Res. 35, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of Labor relating to ''Interpretation of the 'Advice' Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act''.

S. RES. 432

At the request of Mr. CARDIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 432, a resolution supporting respect for human rights and encouraging inclusive governance in Ethiopia.

S. RES. 504

At the request of Mr. BOOZMAN, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. Res. 504, a resolution recognizing the 70th anniversary of the Fulbright Program.

AMENDMENT NO. 4875

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 4875 intended to be proposed to S. 2328, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

AMENDMENT NO. 4900

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 4900 intended to be proposed to S. 2328, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

AMENDMENT NO. 4904

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 4904 intended to be proposed to S. 2328, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

AMENDMENT NO. 4909

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 4909 intended to be proposed to S. 2328, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

AMENDMENT NO. 4911

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of amendment No. 4911 intended to be proposed to S. 2328, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

AMENDMENT NO. 4918

At the request of Mr. LEE, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of amendment No. 4918 intended to be proposed to S. 2328, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

AMENDMENT NO. 4919

At the request of Mr. LEE, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of amendment No. 4919 intended to be proposed to S. 2328, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

AMENDMENT NO. 4920

At the request of Mr. LEE, the name of the Senator from Kentucky (Mr.

PAUL) was added as a cosponsor of amendment No. 4920 intended to be proposed to S. 2328, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

AMENDMENT NO. 4921

At the request of Mr. LEE, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of amendment No. 4921 intended to be proposed to S. 2328, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

AMENDMENT NO. 4923

At the request of Mr. LEE, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of amendment No. 4923 intended to be proposed to S. 2328, a bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VITTER:

S. 3120. A bill to apply the provisions of the Patient Protection and Affordable Care Act to Congressional members and members of the executive branch; to the Committee on Homeland Security and Governmental Affairs.

Mr. VITTER. Mr. President, I rise today to discuss a really outrageous abuse of power on the part of Members of this body, Members of the House, Washington officials in general. While imposing ObamaCare on everyone else, officials in Washington have largely exempted themselves from ObamaCare's most inconvenient aspects through yet another illegal Obama Executive action that created the Washington exemption from ObamaCare.

Unfortunately, this is not a new practice on the part of the Washington elite. Washington lawmakers often create or support exemptions for themselves from the laws they pass on everyone else. This undemocratic practice dates back to the 19th century at least—the Civil Service Act of 1883; the Fair Labor Standards Act of 1938, coming into the 20th century; the Freedom of Information Act of 1966. The list goes on and on.

As the late Representative Henry Hyde is famously quoted as saying many years ago, ''Congress would exempt itself from the law of gravity if it could.'' That is sadly true, and this practice must end.

I have always believed the first rule of an American democracy should be that whatever Washington passes on America, it should have to live under itself—no special exemptions, no special subsidies, no special deals, no special treatment. This rule is important for two reasons. The first reason is basic fairness. It is simply not fair for a select group of elites to live by a different and more beneficial set of rules than everyone else. The second reason, perhaps even more importantly, is a key practical reason; that is, when you make the chef eat his own cooking, it almost always gets better and often in a hurry. Congress can be an effective, responsive, truly representative legislative body only when it lives under the same laws it imposes on the rest of the country.

Passing ObamaCare, the Patient Protection and Affordable Care Act, was a huge, complicated undertaking on the part of its advocates. Related to that, it was certainly telling when then-Speaker of the House NANCY PELOSI notoriously declared: ''We have to pass the bill so we can find out what is in it.'' After passing the bill, when Members of Congress realized what was in it for them, they scurried to figure out a scheme that would protect their own elite health care, including taxpayer-funded subsidies that don't exist in the ObamaCare statute at all, much less for anyone else.

Of course, there were even more serious problems in the ObamaCare statute for all Americans. When President Obama signed ObamaCare into law in March of 2010, it consisted of poorly written language that imposed drastic and unwanted health insurance changes on countless Americans. Despite the President's promise that Americans could keep their existing insurance, the law said otherwise. The cost of complying or failing to comply with ObamaCare belied the President's false assurances.

In the following months, insurers and employers and Americans realized this through the cancellation or nonrenewals of insurance plans for millions of Americans. Ultimately, millions of American workers faced burdens, including losing their individual and employer-provided coverage, being forced into alternatives that involved paying higher premiums with unwanted or useless new coverage, and having to change doctors and health care providers against their will.

As I said earlier, simultaneous with all of this, Members of Congress started to realize what was in ObamaCare for them. When they passed ObamaCare, they had revoked Congress's own generous health care coverage and the monthly employer government premium contributions that went with it.

Prior to ObamaCare, Members of Congress and their staff received health insurance coverage through the Federal Employees Health Benefits Program, or the FEHBP, run by the Office of Personnel Management. It had served as the health care network for Federal workers since 1959.

In 2013 alone, FEHBP represented the country's largest employer-sponsored health insurance program, with costs approaching $32.4 billion in premiums for about 8 million enrollees. One of the benefits of FEHBP was the wide variety of health insurance policies that provided coverage for individuals and their family members. Even more important was that FEHBP provided a taxpayer-funded government contribution to each enrollee's monthly premium.

In 2013 alone, the maximum FEHBP averaged $413 a month or almost $5,000 per year for individual coverage, and $920 a month or over $10,000 a year for family coverage.

An added bonus was that these taxpayer-funded contributions counted as tax-free income to employees. This is certainly a great benefit for Federal employees, and I absolutely believe they should be treated fairly in return for the public service they provide. I also believe Congress has to follow the law as written, and that is when we get to ObamaCare.

ObamaCare very clearly and specifically changed all of this. It mandated that Members of Congress and congressional staff give up that FEHBP coverage beginning January 1, 2014, and join an ObamaCare health insurance exchange. The relevant section of the act is crystal clear. It says: ''Notwithstanding any other provisions of law, after the effective date of this subtitle, the only health plans that the Federal Government may make available to Members of Congress and congressional staff with respect to their services as a Member of Congress or congressional staff shall be health plans that are—(I) created under this Act (or an amendment made by this Act); or (II) offered through an Exchange established under this Act (or an amendment made by this Act).''

It changed our entire coverage, clearly, unequivocally. The word ''notwithstanding'' means ''in spite of,'' sweeping aside any other provision of law. It definitively dictates that section 1312(d)(3)(D) takes precedence over any other conflicting provision in the bill or anywhere in the code. Some folks may not like that, but that is the law. That became the law, clearly and unequivocally, when ObamaCare was passed into law.

It didn't have to be exactly that way. For instance, Senator CHUCK GRASSLEY introduced an amendment during debate on the ObamaCare bill that would have changed this final language regarding how ObamaCare impacts Congress. The Grassley amendment clearly described which Federal employees were subject to the law and must enroll on the new exchanges. That wasn't different. It included the President, the Vice President, each Member of Congress, each political appointee, and each congressional employee, but it also permitted Federal employees to

continue receiving the employer-government contributions like those received under FEHBP. However, the Senate never voted on that language, on that Grassley amendment, before ObamaCare became law. Even more telling, even more significant, after ObamaCare became law, Senator GRASSLEY again offered that language. He got a vote then, and that language was defeated in the Senate 56 to 43.

The final Obama language very clearly states Members of Congress must purchase their health insurance on a State-based or Federal exchange, and it has absolutely no provision for a rich, taxpayer-funded subsidy. That is why I followed that law. I personally signed up for health insurance on Louisiana's individual health care exchange. It definitely costs me more money, and it definitely costs my family more money, but that is what the law says we have to do.

As millions of Americans face the possibility of losing the health insurance they had that they liked and wanted to keep, as I mentioned a few minutes ago, Members of Congress faced increased expenses on their own personal new health insurance plans. Which of these two problems do you think Congress scrambled to solve? You guessed it—their own; not all of America's problems, the Washington elite's problems. They made a determined effort to find a way to protect themselves, and sadly this was a fully bipartisan, bicameral effort that ultimately led to Washington's exemption from ObamaCare.

With the January 1, 2014, deadline quickly approaching for Congress to give up its FEHBP benefits, congressional leadership scrambled for a solution. Press reports at the time indicated that top lawmakers initiated confidential talks with Obama administration officials to carve out a suitable exemption from ObamaCare.

After extended closed-door deliberations, a proposal emerged that involved using OPM, the Office of Personnel Management, to promulgate a special agency rule that only applied to Congress. During the rulemaking process, OPM admitted that ''many commenters expressed their view that a Government contribution is antithetical to the intent of Section 1312 of the Affordable Care Act, which they interpret to require Members of Congress and congressional staff to purchase the same health insurance available to private citizens on the Exchanges. Commenters asserted that Members of Congress and congressional staff should be subject to the same requirements as citizens purchasing insurance on the Exchanges, including individual responsibility for premiums and income restrictions for premium assistance.'' That was in Politico, and I certainly agree with the sentiment. That is what ObamaCare and the statute said.

Members of Congress should absolutely live under the laws they pass. Unfortunately, though, under this cleverly hatched scheme, OPM disregarded these comments and moved forward with its insider rule. Through illegal executive action—an executive action contrary to the ObamaCare statute—the final OPM rule in effect declared Congress to be a small business so that Members of Congress and staff could purchase plans on DC's small business exchange explicitly reserved under the ObamaCare statute for small businesses of 50 employees or fewer. This rule also permitted the Washington insiders to receive a generous employer contribution toward their premiums that is not noted anywhere in the ObamaCare statute.

OPM's final rule did two things: First, it allowed all Members of Congress and staff to purchase insurance on this DC small business exchange created for small businesses. It was clearly created for businesses with 50 employees or fewer. Second, it made sure that the small employer contribution would be equal to Congress's previously acquired FEHBP contributions.

With OPM's final rule, Members of Congress and congressional staff would not have to pay any extra out-of-pocket expenses like so many millions on the ObamaCare exchanges had to pay.

I guess this is great news for Congress, but there are major problems with this final rule that make it just flatout wrong and flatout illegal and contrary to the ObamaCare statute.

The first thing that makes it flatout wrong is that it was specific to Members of Congress and congressional staff—a solution for the Washington insiders when millions of Americans continued to suffer the serious negative consequences of ObamaCare.

Second, it suggested it pushed Congress into this DC small business exchange when Congress is obviously not a small business and this exchange was created for the benefit of small businesses.

Third, the relevant statute in ObamaCare says nothing about any employer subsidy for members of staff, no taxpayer-funded subsidy, and yet OPM's rule created this out of thin air.

A fourth problem is one of the most egregious examples of how big a scam this rule is. Members of Congress actually have the option to designate any or all of their staff as ''not official,'' thus allowing the staff to stay on their old FEHBP plans to avoid the exchanges altogether, which was the intent of that ObamaCare provision. This completely frustrates the crystal-clear language of ObamaCare for those staff members in a blatant way. Again, that problem is egregious and just underscores how big a scam this rule is. Those staff members use official taxpayer-funded resources. They get paychecks funded by the taxpayer. It is official. They use official letterhead, official everything, official resources, but somehow they are not official for purposes of this ObamaCare provision. That is outrageous.

In 2014, when all of this went into effect, I served as the ranking member on the Senate EPW Committee. I certainly considered all of my staff, including committee staff, to be official government employees. It is obvious they were. I made sure they were all designated as official and had to go to the exchanges. When I took over as chairman of the Small Business Committee last year, I again absolutely did the right thing and designated my committee staff, as well as my personal staff, as official. They clearly are official.

Let's go back to the OPM rule. In order for U.S. House and Senate Members and staff to enroll in this DC small business exchange, the Senate and the House of Representatives had to submit online applications. In September 2014, Judicial Watch, a government watchdog organization, asked for and eventually received several documents from the DC Health Benefits Exchange Authority in response to their Freedom of Information Act request related to Congress receiving benefits under this DC small business exchange. The documents included nine pages of applications completed and submitted online for U.S. House and Senate Members and for House staff to enroll on that DC small business exchange.

If the House and Senate completed the online applications with truthful information, they would have been automatically rejected on the computer by the DC exchange software system based on employee size and other prohibitive factors. What happened? Well, as you can see, what was submitted were blatantly false applications—applications with completely and blatantly false information. We have an example from the U.S. Senate.

First, all of the applications state that each legislative body—the House on the one hand and the Senate on the other—employed 45 full-time equivalent employees during the previous calendar year. In order to get on this small business exchange, they were asked how many employees—the U.S. House of Representatives, 45; the U.S. Senate, 45. Here is the number right here on the application. It is blatantly, obviously, and laughably false.

Second, all three applications include blatantly false employee names and birth dates that were asked to be listed.

Third, they falsified the category of the U.S. House of Representatives and the U.S. Senate. Both Federal legislative bodies were entitled as State or local government entities to squeeze onto this small business exchange.

It should be noted that the applications submitted on behalf of the House

on the one hand and the Senate on the other contain these three identical misrepresentations. These identical false statements are evidence of a carefully coordinated scheme. The two forms allege exactly the same erroneous number of full-time equivalent employees—45—just under the maximum allowed of 50. They contain the exact same false employee name and birth date information. They use exactly the same false employer classification, State and local government.

The coordinated effort shown on both applications likely originated from the same source who either personally completed them or gave instructions to others on how to complete them. Knowingly filing false information on a government document is illegal. No legitimate private business would be able to get away with this—what Congress did to gain access to this DC small business exchange—without facing serious penalties and serious adverse consequences.

Maybe even more concerning than the information we see on these applications is the information we don't see because much of the documents Judicial Watch obtained—much of the information was redacted and blacked out. Redactions are a tool generally used to protect an individual's personal or confidential information. In this case, the redactions intentionally established additional obstacles for those seeking transparency and accountability regarding Congress's action. In other words, they just hide exactly who was responsible for submitting these blatantly false applications. The redacted applications are really a startling illustration of the extent to which Congress is willing to go in order to protect itself and its special perks and privileges.

As chairman of the Small Business Committee, I am authorized to investigate ''all problems of American small business enterprises.'' For a large entity like Congress to improperly take advantage of systems in place that are meant for small businesses is really doubly insulting and within our jurisdiction.

On February 3, 2015, I sent a letter to officials at the House of Representatives, the Senate, and the DC exchange authority requesting information that included copies of the nine pages of the applications we talked about unredacted. We wanted all the information with nothing blacked out.

The Chief Administrative Officer for the House of Representatives declined to respond based on the claim that the Senate Small Business Committee lacked jurisdiction to investigate ''internal operations of the House of Representatives.''

The clerk of the Senate Dispersing Office recited a background of the OPM rule and nothing more. In other words, they just stonewalled.

Finally, the DC Health Benefits Exchange Authority refused to comply on the grounds that a pending lawsuit filed by Judicial Watch prevented it from doing so. In March of 2015, officials from that authority agreed to meet with my committee staff to discuss producing the nine pages of applications in their original, unredacted form, but at the meeting, these officials flatly refused to produce this, citing new privacy concerns.

Followup correspondence with all three entities again yielded nonresponses—basically more stonewalling.

During this time, I also sent three letters to then-OPM Director Katherine Archuleta requesting all communications between OPM and Members of Congress or officials at the White House regarding the final OPM rule. OPM failed to provide any of that information.

The only viable option I could see to move forward with my investigation was compulsory means through the issuance of a subpoena to the DC Health Benefits Exchange Authority to get the nine pages of applications in their original form, unredacted, without protecting those responsible. In order to issue a subpoena, committee rules dictated that as chairman I would need either the consent of the committee's ranking Democratic member or the approval of a majority of the committee members, which would be 10 members.

On April 23, 2015, I convened a committee business meeting that included deliberation and a vote on issuing that subpoena.

As it turns out, Members, regardless of party, are willing to go to great lengths to protect their perks and taxpayer-funded subsidies, because the motion to issue the subpoena failed by a vote of 5 to 14, with five Republican Members—just the necessary number to stop the subpoena—joining all of the committee's Democrats to block the subpoena.

Now, it is no surprise to anybody who knows me that we didn't stop there, that the committee investigation and the work didn't stop there.

In February of this year, when the Senate Committee on Homeland Security and Governmental Affairs conducted a hearing on the President's nomination of Beth Cobert to become the permanent OPM Director, I again became engaged over this issue. In my numerous attempts to engage OPM in an honest conversation about how their final rule came to be, I never received any meaningful response. So I followed up with a letter to Ms. Cobert, who is serving as OPM's Acting Director. While her office did provide some useful information, her response largely failed to answer my questions.

It is interesting that while all of this was going on, at the same time, everyone employed by Congress received a form from the IRS. It is called form 1095–C. Excuse me. It is an IRS form. It comes, in the case of the Senate employees, from the Senate Disbursing Office, and it confirms the obvious: that people who work in the Senate—Members, staff—and people who work in the House—Members, staff—are employed by a large employer.

As the Presiding Officer may know, the Internal Revenue Code requires ''applicable large employers,'' the definition of which is 50 or more full-time employees, to report information of offers of health coverage and enrollment in health coverage for their employees. So it demands this form, and everybody in the Senate and everybody in the House got this form.

Now, this IRS form, sent to all Members and all staff, shows that everything we are talking about—the lie that enabled the Senate and the House to get on the DC small business exchange—was just that. It was a lie. It contradicts everything that was represented in that category. The Senate Disbursing Office submitted an application that said the Senate has 45 total employees to the DC small business exchange, but the same Senate Disbursing Office distributed an IRS form that labels the Senate a large employer with over 50 employees.

So what is it? Well, it seems pretty clear. The IRS form is accurate. Obviously, the Senate and the House are large employers. The OPM rule allows the Senate to fraudulently claim to be a small business as part of this scam—Washington exemption from ObamaCare. OPM promulgated a rule that allows the Senate to purchase health insurance on a small business exchange. The law States that only small employers may purchase that on the exchange. The OPM rule just makes a mockery of the law and does this to establish that Washington exemption from ObamaCare.

This is a lot to take in and certainly very confusing. That is why I asked the head of the IRS and the acting head of OPM to clarify this. I wrote to IRS Commissioner Koskinen in February: ''Can you confirm that the United States Congress''—the House and the Senate—''is a large employer?''

Apparently, my pretty simple question didn't have a simple answer. The IRS responded that they had forwarded my question up the chain of command to the Department of the Treasury, and I still await Treasury's answer from February.

I also asked OPM Acting Director Cobert: ''Can you confirm the position of the OPM as to whether Congress is a small business . . . or is it a 'Large Employer' as indicated by the 1095C forms sent to Congressional employees?''

OPM's response was this: ''OPM does not take the position that Congress is

a small employer, nor has OPM taken such a position in the past. Nothing in the proposed or final rule indicates that Congress shall be considered a small employer. . . .''

Well, why the heck is Congress in a small business exchange limited under statute to 50 or fewer employees?

It is then when I decided to place a hold on Ms. Cobert's nomination to become permanent OPM Director, and I continue to block that nomination because of OPM and her clear role in this flagrant abuse of power regarding Washington's exemption from ObamaCare.

Her failure to revoke the illegal rule as well as her failure to disclose relevant information about the rulemaking process allows OPM's illegal rule to remain in place. This, in turn, allows Congress to continue to purchase health insurance on DC's small business exchange and to continue to receive a generous and illegal employer-contribution, taxpayer-funded subsidy.

My objective today remains what it has been for the last several years, and that is to flat out end Washington's exemption from ObamaCare. So I won't lift my hold on this nomination until we do that, until my colleagues have joined me in following the law, until OPM overturns its illegal rule—something of that sort. Yes, it is more expensive to purchase my health insurance on the exchange in Louisiana, but that is what the law dictates.

I don't believe this body will find the overall fix to ObamaCare until it truly has to live under ObamaCare, and that starts with no special Washington exemption from ObamaCare—no special deal, special rule, or special subsidy for Congress.

I don't particularly care if we fix this administratively or legislatively. I have certainly offered several legislative solutions in the past, but my colleagues seem to be intent on protecting their special perk and status.

Now, if it is not for themselves, many say at least it is for their valued staff. On that point, I am willing to compromise. Every time a Member of Congress objects to my past proposals, they always talk about staff. We all value staff. I get that. Certainly, I agree with that sentiment. So I am willing to take staff out of it. That is a distraction to this debate.

I am going to offer Members to take ownership and eat their own cooking—live by the ObamaCare statute, be treated as millions of other Americans are, and go to the ObamaCare exchanges with no special exemption, no special subsidy, no special deal, no special rule.

We could start today and, by holding Congress accountable, accept that important victory and, certainly, release my hold on Ms. Cobert's nomination.

With that end in mind, I have here a new bill focused on Members of Congress, the President, and the Vice President to end their special exemption from ObamaCare, and I will be formally introducing this legislation tonight. It is simply wrong for Washington insiders to carve out loopholes for themselves in order to avoid living under the laws Congress passes for the rest of America. This new bill, again, will cover Members of Congress, the President, the Vice President—not staff. We should do that as a minimum first step to live under the laws Congress passes on the rest of the country and live under the ObamaCare statute as it exists today.

Now is the time for action. So I urge my colleagues to join me in taking this first step toward restoring the public's confidence in this body and the impartial rule of law. It is time to end the scam that is Washington's exemption from ObamaCare.

By Mr. SCHATZ (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. MARKEY, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. BOOKER, and Mr. CARDIN):

S. 3122. A bill to reinstate Federal Pell Grant eligibility for individuals incarcerated in Federal and State penal institutions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOOKER. Mr. President, I rise today to support the introduction of the Restoring Education and Learning Act of 2016, REAL Act, legislation to improve our justice system by reinstating Pell Grant eligibility for people in State and Federal prisons. I thank Senator SCHATZ for his leadership on this issue, and I am proud to be an original cosponsor of this critical bill.

In 1965, President Lyndon Johnson signed into law the Higher Education Act of 1965, legislation that created the Federal Pell Grant program. Pell Grants are the single largest source of Federal aid that supports undergraduate students. Because Pell Grants are need-based, they primarily go to students from low-income families.

When Congress created the Pell Grant program its intent was clear—to expand access to higher education for students with limited resources. By creating Pell Grants, Congress sent an unmistakable message that our country's most valuable resource is the genius and talent of our people. In an increasingly competitive global economy, investing in the education of all Americans—young and old—helps bolster our country's leadership.

Unfortunately, far too many Americans are not eligible to receive Pell Grants simply because they are behind bars. In 1994, the Violent Crime Control and Law Enforcement Act completely eliminated Pell Grant eligibility for people who are incarcerated in State and Federal correctional institutions. This is flawed policy. Rather than enhance public safety, this policy change has made our communities less safe and has destroyed the potential of so many Americans who deserve a second chance. It is time we end this failed policy of the past. It is time we work to rebuild these broken individuals and allow them to acquire the skills they need to become contributing members of our society.

Today, I am proud to join with Senator SCHATZ in introducing the REAL Act. This criminal justice reform bill would restore Pell Grant eligibility for Americans who are in state or Federal Prison. This is important because if we truly want to reform our broken criminal justice system, we need to allow incarcerated people to engage in activities that will make them more prepared for life after prison, which will in turn make them less likely to recidivate. This bill would give returning citizens the tools they need to successfully reintegrate into their communities.

Last week, President Barack Obama announced a $30 million Second Chance Pell Grant pilot program. This program will expand access to Pell Grants for over 12,000 incarcerated students at 141 State and Federal institutions. However, the president's Second Chance Pell Grant pilot program does not extend to all incarcerated people nor does it codify this policy into law. By building on the president's work, the REAL Act would codify into law that prisoners are eligible for Pell Grants.

Our criminal justice system is broken. We lead the globe in the number of people we incarcerate and we waste billions and billions of dollars locking up human potential. Passing the REAL Act would reduce staggeringly high recidivism rates because we know individuals with college degrees are less likely to commit crimes. Additionally, today, more than ever, it is clear that obtaining a college degree has become essential to obtaining employment—a key element in reducing recidivism rates.

By precluding so many people from taking college classes, we are not only hurting those who are behind bars, but we are hurting ourselves. There is an old African saying that if you want to go fast go alone, but if you want to go far go together. This bill will help so many Americans get on the right path and turn their lives around. This bill would make us all stronger.

I am proud to be an original cosponsor of the REAL Act. I urge my colleagues to support this bill, and I urge its speedy passage in the Senate.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 515—WELCOMING PRIME MINISTER LEE HSIEN-LOONG TO THE UNITED STATES AND REAFFIRMING SINGAPORE'S STRATEGIC PARTNERSHIP WITH THE UNITED STATES, ENCOMPASSING BROAD AND ROBUST ECONOMIC, MILITARY-TO-MILITARY, LAW ENFORCEMENT, AND COUNTERTERRORISM COOPERATION

Mr. CARDIN (for himself and Mr. GARDNER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 515

Whereas in August 2016, as we commemorate 50 years of diplomatic relations between the United States and the Republic of Singapore, Prime Minister Lee Hsien-Loong of Singapore will make an official visit to the United States, including a State dinner on August 2nd;

Whereas the Republic of Singapore became independent on August 9, 1965, and the United States recognized Singapore's statehood in the same year;

Whereas Singapore and the United States established formal diplomatic relations in 1966;

Whereas under the leadership of its first Prime Minister Lee Kuan Yew, Singapore became an early and continued supporter of the United States' engagement in Asia to safeguard the peace, stability, and prosperity of the region;

Whereas in 2004 the United States and Singapore implemented the U.S.-Singapore Free Trade Agreement, the first bilateral trade agreement between the United States and an Asian country;

Whereas Singapore and the United States are major trading partners, with $64,000,000,000 in bilateral goods and services trade in 2014, and a United States trade surplus in both goods and services;

Whereas Singapore provided the United States access to its military facilities through a 1990 Memorandum of Understanding, supporting the continued security presence of the United States in Southeast Asia;

Whereas the United States and Singapore concluded a Strategic Framework Agreement in 2005, which recognizes Singapore as a ''Major Security Cooperation Partner of the United States'';

Whereas the United States and Singapore signed an enhanced Defense Cooperation Agreement in 2015, expanding dialogue and cooperation in areas such as humanitarian assistance, disaster relief, cyber defense, biosecurity, and public communications;

Whereas Singapore facilitates the rotational deployment of United States Navy Littoral Combat Ships at its Changi Naval Base;

Whereas the United States currently hosts 4 Republic of Singapore Air Force training detachments, comprising the Republic of Singapore Air Force's F–15SG and F–16 fighter jets, and Apache and Chinook helicopters, at bases in Arizona, Idaho, and Texas;

Whereas the U.S.-Singapore Third Country Training Program, established in 2012 and renewed in 2015, provides regional technical and capacity-building assistance in a wide variety of areas to assist recipient countries in reaching their development goals;

Whereas Singapore was a founding member of the Association of South East Asian Nations (ASEAN) in 1967 and remains a key partner of the United States in ASEAN-led mechanisms such as the East Asia Summit, ASEAN Regional Forum and the ASEAN Defense Ministers' Meeting Plus;

Whereas Singapore will be home to a U.S.-ASEAN Connect Center, an initiative announced at the U.S.-ASEAN summit in February 2016 to facilitate U.S.-ASEAN engagement and cooperation on energy, innovation, and entrepreneurship;

Whereas Singapore has played a critical role in enhancing shared maritime domain awareness in Southeast Asia through the establishment of the Republic of Singapore Navy's Information Fusion Center, to facilitate information-sharing and collaboration with partners, including the United States, against maritime security threats, and through the deployment of United States aircraft at Paya Lebar Air Base;

Whereas Singapore has been a cybersecurity leader in Southeast Asia, through the unified Cyber Security Agency, as the convener of the annual ASEAN CERT Incident Drill, and as host of the INTERPOL Global Complex for Innovation;

Whereas Singapore was the first Southeast Asian country to join the Global Coalition to Counter ISIL in November 2014, and has contributed an air refueling tanker, imagery analysis teams, and planning and liaison officers;

Whereas Singapore has supported counterterrorism efforts, through the sharing of domestic practices, participating in the White House Summit on Countering Violent Extremism in February 2015, and hosting the East Asia Summit Symposium on Religious Rehabilitation and Social Reintegration in April 2015:

Now, therefore, be it

Resolved, That the Senate—

(1) welcomes Prime Minister Lee Hsien-Loong of Singapore for his official visit to the United States and State Dinner on August 2nd, as the United States and Singapore commemorate the 50th anniversary of the Singapore-United States bilateral diplomatic relationship that has served as an anchor for the United States in Asia;

(2) affirms the importance of the United States-Singapore strategic partnership in securing regional peace and stability, including through rotational basing and logistical support arrangements that enhance the United States' presence in Southeast Asia;

(3) applauds the Republic of Singapore's leadership in counterterrorism, including the deployment of military assets as part of the anti-ISIL coalition and innovative counterterrorism efforts within the Asia-Pacific region;

(4) anticipates the deepening of the security relationship following the signing of an enhanced Defense Cooperation Agreement in Washington on December 7, 2015, and welcomes further cooperation in areas such as cybersecurity, humanitarian assistance and disaster relief, and defense technology;

(5) recognizes the vitality of the bilateral trade and investment relationship between the United States and Singapore;

(6) supports continued close cooperation between the United States and Singapore, through bilateral initiatives such as the U.S.-Singapore Third Country Training Program, and multilateral initiatives such as U.S.-ASEAN Connect announced at the recent U.S.-ASEAN Summit in Sunnylands, to build capacity for commercial engagement, energy development, innovation, trade facilitation, and to achieve development goals in the Asia-Pacific region; and

(7) urges the President to continue United States' support of multilateral institutions and fora such as the Asia-Pacific Economic Cooperation, East Asia Summit, ASEAN Regional Forum, and the ASEAN Defense Ministers' Meeting Plus, working in close cooperation with partners, such as the Republic of Singapore, who share a commitment to an inclusive, rules-based regional architecture.

SENATE RESOLUTION 516—RELATIVE TO THE DEATH OF PAT SUMMITT, HEAD COACH EMERITUS OF THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM

Mr. ALEXANDER (for himself, Mr. CORKER, and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 516

Whereas coaching was the great passion of Pat Summitt's life and was an opportunity for her to work with student-athletes, help student-athletes discover their true potentials, and change the lives of the young women she coached;

Whereas Pat Summitt won 8 National Collegiate Athletic Association (referred to in this preamble as the ''NCAA'') championships, received National Coach of the Year honors 7 times over her career, and was recognized as the Naismith Women's Collegiate Coach of the Century in 2000;

Whereas Pat Summitt won the Gold Medal in the 1984 Summer Olympics as the head coach of the United States women's national basketball team;

Whereas the last team at the University of Tennessee that Pat Summitt coached finished the season with an overall record of 27–9, winning a Southeastern Conference Tournament Championship and earning a spot in the Elite Eight in the NCAA Women's Division I Basketball Championship in Iowa;

Whereas Pat Summitt, who had more wins than any other basketball coach, male or female, in NCAA history, concluded her coaching career after 38 seasons at the University of Tennessee on April 18, 2012;

Whereas Pat Summitt also worked off the court, holding a graduation record of 100 percent for all members of the University of Tennessee women's basketball team who completed their eligibility at the University of Tennessee during Coach Summitt's tenure;

Whereas Pat Summitt announced on August 23, 2011, that she had been diagnosed with early onset dementia, Alzheimer's type;

Whereas later in November 2011, Coach Summitt announced the Pat Summitt Foundation, which helps provide funding and research for Alzheimer's disease and dementia; and

Whereas, on May 29, 2012, President Barack Obama awarded the Presidential Medal of Freedom, the highest civilian honor of the United States, to Pat Summitt for her remarkable career as an unparalleled figure in women's team sports and for her courage in speaking out openly and courageously about her battle with early onset dementia, Alzheimer's type: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of Pat Summitt, head coach emeritus

of the University of Tennessee women's basketball team; and

(2) the Senate instructs the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

SENATE RESOLUTION 517—DESIGNATING SEPTEMBER 2016 AS ''NATIONAL PROSTATE CANCER AWARENESS MONTH''

Mr. SESSIONS (for himself, Mr. SHELBY, Mr. VITTER, Mr. MORAN, Mr. CARDIN, Mr. BLUNT, Mr. MENENDEZ, Mrs. BOXER, Mr. DAINES, Ms. WARREN, Mr. BOOKER, Ms. AYOTTE, and Mr. GRAHAM) submitted the following resolution; which was considered and agreed to:

S. RES. 517

Whereas over 2,900,000 families in the United States live with prostate cancer;

Whereas 1 in 7 men in the United States will be diagnosed with prostate cancer in their lifetimes;

Whereas prostate cancer is the most commonly diagnosed nonskin cancer and the second-leading cause of cancer-related deaths among men in the United States;

Whereas the National Cancer Institute estimates that in 2016, 180,890 men will be diagnosed with, and more than 26,120 men will die of, prostate cancer;

Whereas 40 percent of newly diagnosed prostate cancer cases occur in men under the age of 65;

Whereas the odds of developing prostate cancer rise rapidly after age 50;

Whereas African-American men suffer from a prostate cancer incidence rate that is significantly higher than that of White men and have double the prostate cancer mortality rate than that of White men;

Whereas having a father or brother with prostate cancer more than doubles the risk of a man developing prostate cancer, with a higher risk for men who have a brother with the disease and the highest risk for men with several affected relatives, particularly if the relatives were young at the time that the cancer was found;

Whereas screening by a digital rectal examination and a prostate-specific antigen blood test can detect the disease at the earlier, more treatable stages, which could increase the chances of survival for more than 5 years to nearly 100 percent;

Whereas only 28 percent of men survive more than 5 years if diagnosed with prostate cancer after the cancer has metastasized;

Whereas there are no noticeable symptoms of prostate cancer in the early stages, making appropriate screening critical;

Whereas, in fiscal year 2015, the Director of the National Institutes of Health supported approximately $288,000,000 in research projects that focus specifically on prostate cancer;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2016 as ''National Prostate Cancer Awareness Month'';

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to encourage research—

(i) to improve screening and treatment for prostate cancer;

(ii) to discover the causes of prostate cancer; and

(iii) to develop a cure for prostate cancer; and

(C) to continue to consider ways to improve access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interest groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

SENATE RESOLUTION 518—DESIGNATING JULY 23, 2016, AS ''NATIONAL DAY OF THE AMERICAN COWBOY''

Mr. ENZI (for himself, Ms. HEITKAMP, Mr. BARRASSO, Mr. REID, Mr. CRAPO, Mr. TESTER, Mr. RISCH, Mr. UDALL, Mr. INHOFE, Mr. HEINRICH, Mr. ROUNDS, Mr. MERKLEY, Mr. THUNE, Mr. HOEVEN, Mr. CORNYN, and Mr. LANKFORD) submitted the following resolution; which was considered and agreed to:

S. RES. 518

Whereas pioneering men and women, recognized as ''cowboys'', helped to establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy, who lives off the land and works to protect and enhance the environment, is an excellent steward of the land and its creatures;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the United States who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, making rodeo one of the most-watched sports in the United States;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 23, 2016, as ''National Day of the American Cowboy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 519—RECOGNIZING THE 300TH ANNIVERSARY AND HISTORICAL SIGNIFICANCE OF THE CITY OF NATCHEZ, MISSISSIPPI

Mr. WICKER (for himself and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 519

Whereas American Indians made use of the land that is now Natchez, Mississippi (in this preamble referred to as ''Natchez'') before the first European explorers reached the area;

Whereas the bluff in Natchez overlooking the Mississippi River has served as a natural geological setting that encouraged trade and cultural development;

Whereas Natchez was founded as Fort Rosalie by French settlers under Jean-Baptiste Le Moyne De Bienville in 1716;

Whereas construction of Fort Rosalie was completed on August 3, 1716;

Whereas Fort Rosalie was destroyed by Natchez Indians in 1729 and rebuilt by the French in 1731;

Whereas Natchez came under British control in 1763 and under Spanish control in 1779;

Whereas the Treaty of San Lorenzo established Natchez as a United States territory in 1798;

Whereas Natchez served as the original capital of the Mississippi Territory from 1798 to 1802 and as the original capital of the State of Mississippi from 1817 to 1821;

Whereas Natchez is the terminus of the historically significant Old Natchez Trace, which is now preserved by the United States National Park Service and known as the Natchez Trace Parkway;

Whereas Natchez was the original home to Jackson State University, which was first known as Natchez Seminary;

Whereas Natchez has been home to several notable individuals, including United States Senator Hiram Rhodes Revels, United States Representative John R. Lynch, and author Richard Wright;

Whereas Natchez city events contribute to the cultural life and historical understanding of Mississippi, including—

(1) the Natchez Literary and Cinema Celebration;

(2) the Natchez Festival of Music;

(3) the Great Mississippi River Balloon Race; and

(4) the Natchez Pilgrimage;

Whereas the city of Natchez is currently holding a year-long tricentennial celebration, in honor of the history of Natchez, that will end with a 300th birthday party on August 3, 2016;

Whereas the heritage and educational events during the tricentennial celebration will be observed by delegations from France and Canada;

Whereas Natchez is signified nationally as the oldest European-built city on the lower Mississippi River; and

Whereas it is important for the people of Mississippi and the United States to remember history in an inclusive way that honors

contributions from all backgrounds: Now, therefore, be it

Resolved, That the Senate—

(1) designates the year 2016 as the ''Natchez Tricentennial''; and

(2) honors the history and founding of Mississippi through the Natchez Tricentennial.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4929. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 4881 submitted by Ms. WARREN and intended to be proposed to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table.

SA 4930. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4931. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4932. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4933. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4934. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2328, supra; which was ordered to lie on the table.

SA 4935. Mr. MCCONNELL (for Mr. ROBERTS) proposed an amendment to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

SA 4936. Mr. MCCONNELL proposed an amendment to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, supra.

SA 4937. Mr. MCCONNELL proposed an amendment to the bill S. 764, supra.

SA 4938. Mr. MCCONNELL proposed an amendment to amendment SA 4937 proposed by Mr. MCCONNELL to the bill S. 764, supra.

SA 4939. Mr. MCCONNELL proposed an amendment to amendment SA 4938 proposed by Mr. MCCONNELL to the amendment SA 4937 proposed by Mr. MCCONNELL to the bill S. 764, supra.

SA 4940. Mrs. FISCHER (for herself, Mr. BOOKER, Mr. NELSON, Mr. THUNE, Mr. SULLIVAN, Ms. CANTWELL, Mr. WICKER, and Mr. SCHATZ) proposed an amendment to the bill S. 2829, to amend and enhance certain maritime programs of the Department of Transportation, and for other purposes.

SA 4941. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table.

SA 4942. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 764, supra; which was ordered to lie on the table.

SA 4943. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 764, supra; which was ordered to lie on the table.

SA 4944. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 764, supra; which was ordered to lie on the table.

SA 4945. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 764, supra; which was ordered to lie on the table.

SA 4946. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 764, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4929. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 4881 submitted by Ms. WARREN and intended to be proposed to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

(d) TECHNICAL CORRECTIONS.—Notwithstanding any other provision of this Act—

(1) section 301 of this Act is amended—

(A) in subsection (a), by striking ''however,'' and inserting ''however the reference to section 943(b) of title 11, United States Code, in section 930(a)(5) of title 11, United States Code, shall mean section 314 of this title, and'';

(B) in subsection (c)—

(i) in paragraph (3)(B), by inserting ''such'' after ''vote''; and

(ii) in paragraph (4), by striking ''and/or'' and inserting ''or'';

(C) in subsection (e), by striking ''1122'' and inserting ''314(c)(1)''; and

(D) in section 302, by inserting ''only'' after ''title'';

(2) section 303 of this Act is amended—

(A) in paragraph (2), by inserting ''or moratorium'' after ''composition''; and

(B) in paragraph (3), by striking ''unlawful'';

(3) section 304 of this Act is amended—

(A) in subsection (a), by striking ''voluntary'';

(B) in subsection (f), by striking ''the cases of'';

(C) in subsection (g), by striking '', on behalf of a debtor and one or more affiliates, has filed separate cases and the Oversight Board, on behalf of the debtor or one of the affiliates,'' and inserting ''has filed separates cases on behalf of debtors that are affiliates and the Oversight Board on behalf of one or more of the debtors'';

(D) in subsection (h), by inserting '', only to the extent that such obligations are being enforced or will be enforced by governmental units'' after ''provisions''; and

(E) in subsection (i), by striking ''including sections of title 11, United States Code, incorporated by reference, nothing in this section'' and insert ''nothing in this title'';

(4) section 306 of this Act is amended—

(A) in subsection (c), by inserting '', to the extent permitted by the Constitution of the United States'' after ''entity'';

(B) in subsection (d)(2), by inserting ''or subsection (e) of this section,'' before ''or by'';

(C) in subsection (e)—

(i) in paragraph (2), by striking ''in which a case under this title has venue pursuant to section 307 of this title'' and inserting ''embracing the district in which the case is''; and

(ii) in paragraph (3)(B), by striking ''direct''; and

(D) in subsection (f), by inserting ''or appropriate'' after ''necessary'';

(5) section 307 of this Act is amended by striking subsection (b);

(6) section 308(b) of this Act is amended by inserting ''of that circuit'' before ''to conduct the case.'';

(7) section 309 of this Act is amended—

(A) by inserting ''(a) IN GENERAL.—'' before ''Nothing in this title''; and

(B) by adding at the end the following:

''(b) REVIEW.—Any decision to abstain or not to abstain is not reviewable by appeal or otherwise by the court of appeals under section 1291 or 1292 of title 28, United States Code, or section 306(e) of this title, or by the Supreme Court of the United States under section 1254 of title 28, United States Code. This subsection shall not be construed to limit the applicability of the stay provided for by section 362 of title 11, United States Code, (as made applicable to cases under this title under section 301(a)) as such section applies to an action affecting the property of the estate in bankruptcy.'';

(8) section 310 of this Act is amended by inserting '', as if it were a case under chapter 9 of title 11, United States Code, or a civil proceeding arising under such chapter or arising in or related to a case under such chapter'' before the period at the end;

(9) section 312(b) of this Act is amended by inserting ''or before'' after ''plan of adjustment at'';

(10) section 314 of this Act is amended—

(A) in subsection (b)(6)—

(i) by striking ''the non-bankruptcy laws and'' and inserting ''otherwise applicable laws and the''; and

(ii) by inserting ''the recovery that'' after ''greater recovery for the creditors than''; and

(B) in subsection (c)(1), by striking ''with respect to'' and inserting ''in'';

(11) section 316(c)(3) of this Act is amended by striking ''this chapter'' and inserting ''this title'';

(12) section 405 of this Act is amended—

(A) in subsection (a)(1), in the matter preceding subparagraph (A), by striking ''any other source of law'' and inserting ''any other source'';

(B) in subsection (b)—

(i) in paragraph (1), by striking ''that arose before the enactment of this Act'';

(ii) by striking paragraph (5);

(iii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(iv) in paragraph (5), as so redesignated, by striking ''that arose before the enactment of this Act'';

(C) in subsection (j)(3)—

(i) by striking subparagraph (A) and inserting the following:

''(A) the financial condition of, or the commencement of a restructuring, insolvency, bankruptcy, or other proceeding (or a similar or analogous process) by, the Government of Puerto Rico, including a default or an event of default thereunder;''; and

(ii) in subparagraph (C), by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)''; and

(D) in subsection (l), by striking ''when such payments become due during the length of the stay'' and inserting ''as and when such payments become due during the duration of the stay''; and

(13) section 601 of this Act is amended—

(A) in subsection (a)(11)(B), by striking ''current accreted value'' and all that follows and inserting ''accreted value of such Capital Appreciation Bond or a Convertible Capital Appreciation Bond, as of the date of the determination and as applicable.'';

(B) in subsection (c), by striking ''above'';

(C) in subsection (d)(3)(B), by inserting ''applicable to such Bonds'' before the period at the end;

(D) in subsection (e), by striking ''the procedures under'';

(E) in subsection (f)—

(i) in paragraph (1), by inserting ''and'' after ''Issuer's existing debts,''; and

(ii) in paragraph (3), by inserting ''by the Oversight Board'' after ''has been certified'';

(F) in subsection (i), by inserting ''with respect to not less than 1 of'' before ''the Issuer's Outstanding Bonds.'';

(G) in subsection (j), by inserting ''such'' before ''Insured Bonds for purposes of directing remedies'';

(H) in subsection (l)—

(i) by striking ''consent of holder'' and inserting ''consent of holders''; and

(ii) by striking ''a written action'' and inserting ''an action'';

(I) in subsection (m)—

(i) in paragraph (1)—

(I) in subparagraph (B), by striking clause (iii) and inserting the following:

''(iii) any conditions on the effectiveness of the Qualifying Modification have been satisfied or, except for such conditions that have been identified in the Qualifying Modification as being non-waivable, in the Administrative Supervisor's sole discretion, satisfaction of such conditions has been waived;''; and

(II) in subparagraph (C)(ii), by striking ''the lesser of'' and all that follows and inserting ''the lesser of the Outstanding Principal amount of the Bond Claim on the effective date of the Qualifying Modification or of the value of the collateral securing such Bond Claim; and''; and

(ii) in paragraph (2), by striking ''should not be subject'' and inserting ''may not be subject''; and

(J) in subsection (n)(1), by inserting ''or related to'' before ''this section.''.

SA 4930. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(g)) is amended by striking paragraphs (2) through (4) and inserting the following:

''(2) In lieu of the rate prescribed by subsection (a)(1), the Governor of Puerto Rico, subject to the approval of the Financial Oversight and Management Board established pursuant to section 101 of the Puerto Rico Oversight, Management, and Economic Stability Act, may designate a time period not to exceed four years during which employers in Puerto Rico may pay employees who are initially employed after the date of enactment of such Act a wage which is not less than the wage described in paragraph (1). Notwithstanding the time period designated, such wage shall not continue in effect after such Board terminates in accordance with section 209 of such Act.

''(3) No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in paragraph (1) or (2).

''(4) Any employer who violates this subsection shall be considered to have violated section 15(a)(3) (29 U.S.C. 215(a)(3)).

''(5) This subsection shall only apply to an employee who has not attained the age of 20 years, except in the case of the wage applicable in Puerto Rico, 25 years, until such time as the Board described in paragraph (2) terminates in accordance with section 209 of the Act described in such paragraph.''.

SA 4931. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

(a) SPECIAL RULE.—The regulations proposed by the Secretary of Labor relating to exemptions regarding the rates of pay for executive, administrative, professional, outside sales, and computer employees, and published in a notice in the Federal Register on July 6, 2015, and any final regulations issued related to such notice, shall have no force or effect in the Commonwealth of Puerto Rico until—

(1) the Comptroller General of the United States completes the assessment and transmits the report required under subsection (b); and

(2) the Secretary of Labor taking into account the assessment and report of the Comptroller General, provides a written determination to Congress that applying such rule to Puerto Rico would not have a negative impact on the economy of Puerto Rico.

(b) ASSESSMENT and REPORT.—Not later than two years after the date of enactment of this Act, the Comptroller General shall examine the economic conditions in Puerto Rico and shall transmit a report to Congress assessing the impact of applying the regulations described in subsection (a) to Puerto Rico, taking into consideration regional, metropolitan, and non-metropolitan salary and cost-of-living differences.

SA 4932. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 405 and insert the following:

SEC. 405. AUTOMATIC STAY UPON ENACTMENT.

(a) DEFINITIONS.—In this section:

(1) LIABILITY.—The term ''Liability'' means a bond, loan, letter of credit, other borrowing title, obligation of insurance, or other financial indebtedness for borrowed money, including rights, entitlements, or obligations whether such rights, entitlements, or obligations arise from contract, statute, or any other source of law related to such a bond, loan, letter of credit, other borrowing title, obligation of insurance, or other financial indebtedness in physical or dematerialized form, of which—

(A) the issuer, obligor, or guarantor is the Government of Puerto Rico; and

(B) the date of issuance or incurrence precedes the date of enactment of this Act.

(2) LIABILITY CLAIM.—The term ''Liability Claim'' means, as it relates to a Liability—

(A) right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or

(B) right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

(b) IN GENERAL.—Except as provided in subsection (c) of this section, the establishment of an Oversight Board for Puerto Rico (i.e., the enactment of this Act) in accordance with section 101 operates with respect to a Liability as a stay, applicable to all entities (as such term is defined in section 101 of title 11, United States Code), of—

(1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the Government of Puerto Rico that was or could have been commenced before the enactment of this Act, or to recover a Liability Claim against the Government of Puerto Rico that arose before the enactment of this Act;

(2) the enforcement, against the Government of Puerto Rico or against property of the Government of Puerto Rico, of a judgment obtained before the enactment of this Act;

(3) any act to obtain possession of property of the Government of Puerto Rico or of property from the Government of Puerto Rico or to exercise control over property of the Government of Puerto Rico;

(4) any act to create, perfect, or enforce any lien against property of the Government of Puerto Rico;

(5) any act to create, perfect, or enforce against property of the Government of Puerto Rico any lien to the extent that such lien secures a Liability Claim that arose before the enactment of this Act;

(6) any act to collect, assess, or recover a Liability Claim against the Government of Puerto Rico that arose before the enactment of this Act; and

(7) the setoff of any debt owing to the Government of Puerto Rico that arose before the enactment of this Act against any Liability Claim against the Government of Puerto Rico.

(c) STAY NOT OPERABLE.—The establishment of an Oversight Board for Puerto Rico in accordance with section 101 does not operate as a stay—

(1) solely under subsection (b)(1) of this section, of the continuation of, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the Government of Puerto Rico that was commenced on or before December 18, 2015; or

(2) of the commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's or organization's police and regulatory power, including the enforcement of a judgment other than a money judgment, obtained in an action or proceeding by the governmental unit to enforce such governmental unit's or organization's police or regulatory power.; or

(3) to enforce a claim for interest on a Bond.

(d) CONTINUATION OF STAY.—Except as provided in subsections (e), (f), and (g) the stay under subsection (b) continues until the earlier of—

(1) the later of—

(A) the later of—

(i) February 15, 2017; or (ii) six months after the establishment of an Oversight Board for Puerto Rico as established by section 101(b);

(B) the date that is 75 days after the date in subparagraph (A) if the Oversight Board delivers a certification to the Governor that, in the Oversight Board's sole discretion, an

additional 75 days are needed to seek to complete a voluntary process under title VI of this Act with respect to the government of the Commonwealth of Puerto Rico or any of its territorial instrumentalities; or

(C) the date that is 60 days after the date in subparagraph (A) if the district court to which an application has been submitted under subparagraph 601(m)(1)(D) of this Act determines, in the exercise of the court's equitable powers, that an additional 60 days are needed to complete a voluntary process under title VI of this Act with respect to the government of the Commonwealth of Puerto Rico or any of its territorial instrumentalities; or

(2) with respect to the government of the Commonwealth of Puerto Rico or any of its territorial instrumentalities, the date on which a case is filed by or on behalf of the government of the Commonwealth of Puerto Rico or any of its territorial instrumentalities, as applicable, under title III.

(e) JURISDICTION, RELIEF FROM STAY.—

(1) The United States District Court for the District of Puerto Rico shall have original and exclusive jurisdiction of any civil actions arising under or related to this section.

(2) On motion of or action filed by a party in interest and after notice and a hearing, the United States District Court for the District of Puerto Rico, for cause shown, shall grant relief from the stay provided under subsection (b) of this section.

(f) TERMINATION OF STAY; HEARING.—Forty-five days after a request under subsection (e)(2) for relief from the stay of any act against property of the Government of Puerto Rico under subsection (b), such stay is terminated with respect to the party in interest making such request, unless the court, after notice and a hearing, orders such stay continued in effect pending the conclusion of, or as a result of, a final hearing and determination under subsection (e)(2). A hearing under this subsection may be a preliminary hearing, or may be consolidated with the final hearing under subsection (e)(2). The court shall order such stay continued in effect pending the conclusion of the final hearing under subsection (e)(2) if there is a reasonable likelihood that the party opposing relief from such stay will prevail at the conclusion of such final hearing. If the hearing under this subsection is a preliminary hearing, then such final hearing shall be concluded not later than thirty days after the conclusion of such preliminary hearing, unless the thirty-day period is extended with the consent of the parties in interest or for a specific time which the court finds is required by compelling circumstances.

(g) RELIEF TO PREVENT IRREPARABLE DAMAGE.—Upon request of a party in interest, the court, with or without a hearing, shall grant such relief from the stay provided under subsection (b) as is necessary to prevent irreparable damage to the interest of an entity in property, if such interest will suffer such damage before there is an opportunity for notice and a hearing under subsection (e) or (f).

(h) ACT IN VIOLATION OF STAY IS VOID.—Any order, judgment, or decree entered in violation of this section and any act taken in violation of this section is void, and shall have no force or effect, and any person found to violate this section may be liable for damages, costs, and attorneys' fees incurred in defending any action taken in violation of this section, and the Oversight Board or the Government of Puerto Rico may seek an order from the court enforcing the provisions of this section.

(i) GOVERNMENT OF PUERTO RICO.—For purposes of this section, the term ''Government of Puerto Rico'', in addition to the definition set forth in section 5(11) of this Act, shall include—

(1) the individuals, including elected and appointed officials, directors, officers of and employees acting in their official capacity on behalf of the Government of Puerto Rico; and

(2) the Oversight Board, including the directors and officers of and employees acting in their official capacity on behalf of the Oversight Board.

(j) NO DEFAULT UNDER EXISTING CONTRACTS.—

(1) Notwithstanding any contractual provision or applicable law to the contrary and so long as a stay under this section is in effect, the holder of a Liability Claim or any other claim (as such term is defined in section 101 of title 11, United States Code) may not exercise or continue to exercise any remedy under a contract or applicable law in respect to the Government of Puerto Rico or any of its property—

(A) that is conditioned upon the financial condition of, or the commencement of a restructuring, insolvency, bankruptcy, or other proceeding (or a similar or analogous process) by, the Government of Puerto Rico, including a default or an event of default thereunder; or

(B) with respect to Liability Claims—

(i) for the non-payment of principal or interest (other than to enforce a claim for interest on a Bond); or

(ii) for the breach of any condition or covenant.

(2) The term ''remedy'' as used in paragraph (1) shall be interpreted broadly, and shall include any right existing in law or contract, including any right to—

(A) setoff;

(B) apply or appropriate funds;

(C) seek the appointment of a custodian (as such term is defined in section 101(11) of title 11, United States Code);

(D) seek to raise rates; or

(E) exercise control over property of the Government of Puerto Rico.

(3) Notwithstanding any contractual provision or applicable law to the contrary and so long as a stay under this section is in effect, a contract to which the Government of Puerto Rico is a party may not be terminated or modified, and any right or obligation under such contract may not be terminated or modified, solely because of a provision in such contract is conditioned on—

(A) the insolvency or financial condition of the Government of Puerto Rico at any time prior to the enactment of this Act;

(B) the adoption of a resolution or establishment of an Oversight Board pursuant to section 101 of this Act; or

(C) a default under a separate contract that is due to, triggered by, or a result of the occurrence of the events or matters in paragraph (1)(B).

(4) Notwithstanding any contractual provision to the contrary and so long as a stay under this section is in effect, a counterparty to a contract with the Government of Puerto Rico for the provision of goods and services shall, unless the Government of Puerto Rico agrees to the contrary in writing, continue to perform all obligations under, and comply with the terms of, such contract, provided that the Government of Puerto Rico is not in default under such contract other than as a result of a condition specified in paragraph (3).

(k) EFFECT.—This section does not discharge an obligation of the Government of Puerto Rico or release, invalidate, or impair any security interest or lien securing such obligation. This section does not impair or affect the implementation of any restructuring support agreement executed by the Government of Puerto Rico to be implemented pursuant to Puerto Rico law specifically enacted for that purpose prior to the enactment of this Act or the obligation of the Government of Puerto Rico to proceed in good faith as set forth in any such agreement.

(l) PAYMENTS ON LIABILITIES.—Nothing in this section shall be construed to prohibit the Government of Puerto Rico from making any payment on any Liability when such payment becomes due during the term of the stay, and to the extent the Oversight Board, in its sole discretion, determines it is feasible, the Government of Puerto Rico shall make interest payments on outstanding indebtedness when such payments become due during the length of the stay.

(m) FINDINGS.—Congress finds the following:

(1) A combination of severe economic decline, and, at times, accumulated operating deficits, lack of financial transparency, management inefficiencies, and excessive borrowing has created a fiscal emergency in Puerto Rico.

(2) As a result of its fiscal emergency, the Government of Puerto Rico has been unable to provide its citizens with effective services.

(3) The current fiscal emergency has also affected the long-term economic stability of Puerto Rico by contributing to the accelerated outmigration of residents and businesses.

(4) A comprehensive approach to fiscal, management, and structural problems and adjustments that exempts no part of the Government of Puerto Rico is necessary, involving independent oversight and a Federal statutory authority for the Government of Puerto Rico to restructure debts in a fair and orderly process.

(5) ADDITIONALLY, AN IMMEDIATE.—but temporary—stay is essential to stabilize the region for the purposes of resolving this territorial crisis.

(A) The stay advances the best interests common to all stakeholders, including but not limited to a functioning independent Oversight Board created pursuant to this Act to determine whether to appear or intervene on behalf of the Government of Puerto Rico in any litigation that may have been commenced prior to the effectiveness or upon expiration of the stay.

(B) The stay is limited in nature and narrowly tailored to achieve the purposes of this Act, including to ensure all creditors have a fair opportunity to consensually renegotiate terms of repayment based on accurate financial information that is reviewed by an independent authority or, at a minimum, receive a recovery from the Government of Puerto Rico equal to their best possible outcome absent the provisions of this Act.

(6) Finally, the ability of the Government of Puerto Rico to obtain funds from capital markets in the future will be severely diminished without congressional action to restore its financial accountability and stability.

(n) PURPOSES.—The purposes of this section are to—

(1) provide the Government of Puerto Rico with the resources and the tools it needs to address an immediate existing and imminent crisis;

(2) allow the Government of Puerto Rico a limited period of time during which it can focus its resources on negotiating a voluntary resolution with its creditors instead

of defending numerous, costly creditor lawsuits;

(3) provide an oversight mechanism to assist the Government of Puerto Rico in reforming its fiscal governance and support the implementation of potential debt restructuring;

(4) make available a Federal restructuring authority, if necessary, to allow for an orderly adjustment of all of the Government of Puerto Rico's liabilities; and

(5) benefit the lives of 3.5 million American citizens living in Puerto Rico by encouraging the Government of Puerto Rico to resolve its longstanding fiscal governance issues and return to economic growth.

(o) VOTING ON VOLUNTARY AGREEMENTS NOT STAYED.—Notwithstanding any provision in this section to the contrary, nothing in this section shall prevent the holder of a Liability Claim from voting on or consenting to a proposed modification of such Liability Claim under title VI of this Act.

SA 4933. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 405 and insert the following:

SEC. 405. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) A combination of severe economic decline, and, at times, accumulated operating deficits, lack of financial transparency, management inefficiencies, and excessive borrowing has created a fiscal emergency in Puerto Rico.

(2) As a result of its fiscal emergency, the Government of Puerto Rico has been unable to provide its citizens with effective services.

(3) The current fiscal emergency has also affected the long-term economic stability of Puerto Rico by contributing to the accelerated outmigration of residents and businesses.

(4) A comprehensive approach to fiscal, management, and structural problems and adjustments that exempts no part of the Government of Puerto Rico is necessary, involving independent oversight and a Federal statutory authority for the Government of Puerto Rico to restructure debts in a fair and orderly process.

(5) Finally, the ability of the Government of Puerto Rico to obtain funds from capital markets in the future will be severely diminished without congressional action to restore its financial accountability and stability.

(b) PURPOSES.—The purposes of this Act are to—

(1) provide the Government of Puerto Rico with the resources and the tools it needs to address an immediate existing and imminent crisis;

(2) incentivize the Government of Puerto Rico to focus its resources on negotiating a voluntary resolution with its creditors;

(3) provide an oversight mechanism to assist the Government of Puerto Rico in reforming its fiscal governance and support the implementation of potential debt restructuring;

(4) make available a Federal restructuring authority, if necessary, to allow for an orderly adjustment of all of the Government of Puerto Rico's liabilities; and

(5) benefit the lives of 3.5 million American citizens living in Puerto Rico by encouraging the Government of Puerto Rico to resolve its longstanding fiscal governance issues and return to economic growth.

SA 4934. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

In section 104(e), add at the end the following: ''Nothing in this Act provides immunity to the Oversight Board, members of the Oversight Board, or employees of the Oversight Board from any anti-corruption laws.''.

SA 4935. Mr. MCCONNELL (for Mr. ROBERTS) proposed an amendment to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. NATIONAL BIOENGINEERED FOOD DISCLOSURE STANDARD.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

''Subtitle E—National Bioengineered Food Disclosure Standard

''SEC. 291. DEFINITIONS.

''In this subtitle:

''(1) BIOENGINEERING.—The term 'bioengineering', and any similar term, as determined by the Secretary, with respect to a food, refers to a food—

''(A) that contains genetic material that has been modified through in vitro recombinant deoxyribonucleic acid (DNA) techniques; and

''(B) for which the modification could not otherwise be obtained through conventional breeding or found in nature.

''(2) FOOD.—The term 'food' means a food (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) that is intended for human consumption.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''SEC. 292. APPLICABILITY.

''(a) IN GENERAL.—This subtitle shall apply to any claim in a disclosure that a food bears that indicates that the food is a bioengineered food.

''(b) APPLICATION OF DEFINITION.—The definition of the term 'bioengineering' under section 291 shall not affect any other definition, program, rule, or regulation of the Federal Government.

''(c) APPLICATION TO FOODS.—This subtitle shall apply only to a food subject to—

''(1) the labeling requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

''(2) the labeling requirements under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.) only if—

''(A) the most predominant ingredient of the food would independently be subject to the labeling requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

''(B)(i) the most predominant ingredient of the food is broth, stock, water, or a similar solution; and

''(ii) the second-most predominant ingredient of the food would independently be subject to the labeling requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

''SEC. 293. ESTABLISHMENT OF NATIONAL BIOENGINEERED FOOD DISCLOSURE STANDARD.

''(a) ESTABLISHMENT OF MANDATORY STANDARD.—Not later than 2 years after the date of enactment of this subtitle, the Secretary shall—

''(1) establish a national mandatory bioengineered food disclosure standard with respect to any bioengineered food and any food that may be bioengineered; and

''(2) establish such requirements and procedures as the Secretary determines necessary to carry out the standard.

''(b) REGULATIONS.—

''(1) IN GENERAL.—A food may bear a disclosure that the food is bioengineered only in accordance with regulations promulgated by the Secretary in accordance with this subtitle.

''(2) REQUIREMENTS.—A regulation promulgated by the Secretary in carrying out this subtitle shall—

''(A) prohibit a food derived from an animal to be considered a bioengineered food solely because the animal consumed feed produced from, containing, or consisting of a bioengineered substance;

''(B) determine the amounts of a bioengineered substance that may be present in food, as appropriate, in order for the food to be a bioengineered food;

''(C) establish a process for requesting and granting a determination by the Secretary regarding other factors and conditions under which a food is considered a bioengineered food;

''(D) in accordance with subsection (d), require that the form of a food disclosure under this section be a text, symbol, or electronic or digital link, but excluding Internet website Uniform Resource Locators not embedded in the link, with the disclosure option to be selected by the food manufacturer;

''(E) provide alternative reasonable disclosure options for food contained in small or very small packages;

''(F) in the case of small food manufacturers, provide—

''(i) an implementation date that is not earlier than 1 year after the implementation date for regulations promulgated in accordance with this section; and

''(ii) on-package disclosure options, in addition to those available under subparagraph (D), to be selected by the small food manufacturer, that consist of—

''(I) a telephone number accompanied by appropriate language to indicate that the phone number provides access to additional information; and

''(II) an Internet website maintained by the small food manufacturer in a manner consistent with subsection (d), as appropriate; and

''(G) exclude—

''(i) food served in a restaurant or similar retail food establishment; and

''(ii) very small food manufacturers.

''(3) SAFETY.—For the purpose of regulations promulgated and food disclosures made pursuant to paragraph (2), a bioengineered food that has successfully completed the premarket Federal regulatory review process shall not be treated as safer than, or not as safe as, a non-bioengineered counterpart of the food solely because the food is bioengineered or produced or developed with the use of bioengineering.

''(c) STUDY OF ELECTRONIC OR DIGITAL LINK DISCLOSURE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle,

the Secretary shall conduct a study to identify potential technological challenges that may impact whether consumers would have access to the bioengineering disclosure through electronic or digital disclosure methods.

''(2) PUBLIC COMMENTS.—In conducting the study under paragraph (1), the Secretary shall solicit and consider comments from the public.

''(3) FACTORS.—The study conducted under paragraph (1) shall consider whether consumer access to the bioengineering disclosure through electronic or digital disclosure methods under this subtitle would be affected by the following factors:

''(A) The availability of wireless Internet or cellular networks.

''(B) The availability of landline telephones in stores.

''(C) Challenges facing small retailers and rural retailers.

''(D) The efforts that retailers and other entities have taken to address potential technology and infrastructure challenges.

''(E) The costs and benefits of installing in retail stores electronic or digital link scanners or other evolving technology that provide bioengineering disclosure information.

''(4) ADDITIONAL DISCLOSURE OPTIONS.—If the Secretary determines in the study conducted under paragraph (1) that consumers, while shopping, would not have sufficient access to the bioengineering disclosure through electronic or digital disclosure methods, the Secretary, after consultation with food retailers and manufacturers, shall provide additional and comparable options to access the bioengineering disclosure.

''(d) DISCLOSURE.—In promulgating regulations under this section, the Secretary shall ensure that—

''(1) on-package language accompanies—

''(A) the electronic or digital link disclosure, indicating that the electronic or digital link will provide access to an Internet website or other landing page by stating only 'Scan here for more food information', or equivalent language that only reflects technological changes; or

''(B) any telephone number disclosure, indicating that the telephone number will provide access to additional information by stating only 'Call for more food information.';

''(2) the electronic or digital link will provide access to the bioengineering disclosure located, in a consistent and conspicuous manner, on the first product information page that appears for the product on a mobile device, Internet website, or other landing page, which shall exclude marketing and promotional information;

''(3)(A) the electronic or digital link disclosure may not collect, analyze, or sell any personally identifiable information about consumers or the devices of consumers; but

''(B) if information described in subparagraph (A) must be collected to carry out the purposes of this subtitle, that information shall be deleted immediately and not used for any other purpose;

''(4) the electronic or digital link disclosure also includes a telephone number that provides access to the bioengineering disclosure; and

''(5) the electronic or digital link disclosure is of sufficient size to be easily and effectively scanned or read by a digital device.

''(e) STATE FOOD LABELING STANDARDS.—Notwithstanding section 295, no State or political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food in interstate commerce any requirement relating to the labeling or disclosure of whether a food is bioengineered or was developed or produced using bioengineering for a food that is the subject of the national bioengineered food disclosure standard under this section that is not identical to the mandatory disclosure requirement under that standard.

''(f) CONSISTENCY WITH CERTAIN LAWS.—The Secretary shall consider establishing consistency between—

''(1) the national bioengineered food disclosure standard established under this section; and

''(2) the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) and any rules or regulations implementing that Act.

''(g) ENFORCEMENT.—

''(1) PROHIBITED ACT.—It shall be a prohibited act for a person to knowingly fail to make a disclosure as required under this section.

''(2) RECORDKEEPING.—Each person subject to the mandatory disclosure requirement under this section shall maintain, and make available to the Secretary, on request, such records as the Secretary determines to be customary or reasonable in the food industry, by regulation, to establish compliance with this section.

''(3) EXAMINATION AND AUDIT.—

''(A) IN GENERAL.—The Secretary may conduct an examination, audit, or similar activity with respect to any records required under paragraph (2).

''(B) NOTICE AND HEARING.—A person subject to an examination, audit, or similar activity under subparagraph (A) shall be provided notice and opportunity for a hearing on the results of any examination, audit, or similar activity.

''(C) AUDIT RESULTS.—After the notice and opportunity for a hearing under subparagraph (B), the Secretary shall make public the summary of any examination, audit, or similar activity under subparagraph (A).

''(4) RECALL AUTHORITY.—The Secretary shall have no authority to recall any food subject to this subtitle on the basis of whether the food bears a disclosure that the food is bioengineered.

''SEC. 294. SAVINGS PROVISIONS.

''(a) TRADE.—This subtitle shall be applied in a manner consistent with United States obligations under international agreements.

''(b) OTHER AUTHORITIES.—Nothing in this subtitle—

''(1) affects the authority of the Secretary of Health and Human Services or creates any rights or obligations for any person under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

''(2) affects the authority of the Secretary of the Treasury or creates any rights or obligations for any person under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.).

''(c) OTHER.—A food may not be considered to be 'not bioengineered', 'non-GMO', or any other similar claim describing the absence of bioengineering in the food solely because the food is not required to bear a disclosure that the food is bioengineered under this subtitle.

''Subtitle F—Labeling of Certain Food

''SEC. 295. FEDERAL PREEMPTION.

''(a) DEFINITION OF FOOD.—In this subtitle, the term 'food' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

''(b) FEDERAL PREEMPTION.—No State or a political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food or seed in interstate commerce any requirement relating to the labeling of whether a food (including food served in a restaurant or similar establishment) or seed is genetically engineered (which shall include such other similar terms as determined by the Secretary of Agriculture) or was developed or produced using genetic engineering, including any requirement for claims that a food or seed is or contains an ingredient that was developed or produced using genetic engineering.

''SEC. 296. EXCLUSION FROM FEDERAL PREEMPTION.

''Nothing in this subtitle, subtitle E, or any regulation, rule, or requirement promulgated in accordance with this subtitle or subtitle E shall be construed to preempt any remedy created by a State or Federal statutory or common law right.''.

SEC. 2. ORGANICALLY PRODUCED FOOD.

In the case of a food certified under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.), the certification shall be considered sufficient to make a claim regarding the absence of bioengineering in the food, such as ''not bioengineered'', ''non-GMO'', or another similar claim.

SA 4936. Mr. MCCONNELL proposed an amendment to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; as follows:

At the end, add the following:

This Act shall take effect 1 day after the date of enactment.

SA 4937. Mr. MCCONNELL proposed an amendment to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. NATIONAL BIOENGINEERED FOOD DISCLOSURE STANDARD.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

''Subtitle E—National Bioengineered Food Disclosure Standard

''SEC. 291. DEFINITIONS.

''In this subtitle:

''(1) BIOENGINEERING.—The term 'bioengineering', and any similar term, as determined by the Secretary, with respect to a food, refers to a food—

''(A) that contains genetic material that has been modified through in vitro recombinant deoxyribonucleic acid (DNA) techniques; and

''(B) for which the modification could not otherwise be obtained through conventional breeding or found in nature.

''(2) FOOD.—The term 'food' means a food (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) that is intended for human consumption.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''SEC. 292. APPLICABILITY.

''(a) IN GENERAL.—This subtitle shall apply to any claim in a disclosure that a food bears that indicates that the food is a bioengineered food.

''(b) APPLICATION OF DEFINITION.—The definition of the term 'bioengineering' under section 291 shall not affect any other definition, program, rule, or regulation of the Federal Government.

''(c) APPLICATION TO FOODS.—This subtitle shall apply only to a food subject to—

''(1) the labeling requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

''(2) the labeling requirements under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.) only if—

''(A) the most predominant ingredient of the food would independently be subject to the labeling requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

''(B)(i) the most predominant ingredient of the food is broth, stock, water, or a similar solution; and

''(ii) the second-most predominant ingredient of the food would independently be subject to the labeling requirements under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

''SEC. 293. ESTABLISHMENT OF NATIONAL BIOENGINEERED FOOD DISCLOSURE STANDARD.

''(a) ESTABLISHMENT OF MANDATORY STANDARD.—Not later than 2 years after the date of enactment of this subtitle, the Secretary shall—

''(1) establish a national mandatory bioengineered food disclosure standard with respect to any bioengineered food and any food that may be bioengineered; and

''(2) establish such requirements and procedures as the Secretary determines necessary to carry out the standard.

''(b) REGULATIONS.—

''(1) IN GENERAL.—A food may bear a disclosure that the food is bioengineered only in accordance with regulations promulgated by the Secretary in accordance with this subtitle.

''(2) REQUIREMENTS.—A regulation promulgated by the Secretary in carrying out this subtitle shall—

''(A) prohibit a food derived from an animal to be considered a bioengineered food solely because the animal consumed feed produced from, containing, or consisting of a bioengineered substance;

''(B) determine the amounts of a bioengineered substance that may be present in food, as appropriate, in order for the food to be a bioengineered food;

''(C) establish a process for requesting and granting a determination by the Secretary regarding other factors and conditions under which a food is considered a bioengineered food;

''(D) in accordance with subsection (d), require that the form of a food disclosure under this section be a text, symbol, or electronic or digital link, but excluding Internet website Uniform Resource Locators not embedded in the link, with the disclosure option to be selected by the food manufacturer;

''(E) provide alternative reasonable disclosure options for food contained in small or very small packages;

''(F) in the case of small food manufacturers, provide—

''(i) an implementation date that is not earlier than 1 year after the implementation date for regulations promulgated in accordance with this section; and

''(ii) on-package disclosure options, in addition to those available under subparagraph (D), to be selected by the small food manufacturer, that consist of—

''(I) a telephone number accompanied by appropriate language to indicate that the phone number provides access to additional information; and

''(II) an Internet website maintained by the small food manufacturer in a manner consistent with subsection (d), as appropriate; and

''(G) exclude—

''(i) food served in a restaurant or similar retail food establishment; and

''(ii) very small food manufacturers.

''(3) SAFETY.—For the purpose of regulations promulgated and food disclosures made pursuant to paragraph (2), a bioengineered food that has successfully completed the premarket Federal regulatory review process shall not be treated as safer than, or not as safe as, a non-bioengineered counterpart of the food solely because the food is bioengineered or produced or developed with the use of bioengineering.

''(c) STUDY OF ELECTRONIC OR DIGITAL LINK DISCLOSURE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, the Secretary shall conduct a study to identify potential technological challenges that may impact whether consumers would have access to the bioengineering disclosure through electronic or digital disclosure methods.

''(2) PUBLIC COMMENTS.—In conducting the study under paragraph (1), the Secretary shall solicit and consider comments from the public.

''(3) FACTORS.—The study conducted under paragraph (1) shall consider whether consumer access to the bioengineering disclosure through electronic or digital disclosure methods under this subtitle would be affected by the following factors:

''(A) The availability of wireless Internet or cellular networks.

''(B) The availability of landline telephones in stores.

''(C) Challenges facing small retailers and rural retailers.

''(D) The efforts that retailers and other entities have taken to address potential technology and infrastructure challenges.

''(E) The costs and benefits of installing in retail stores electronic or digital link scanners or other evolving technology that provide bioengineering disclosure information.

''(4) ADDITIONAL DISCLOSURE OPTIONS.—If the Secretary determines in the study conducted under paragraph (1) that consumers, while shopping, would not have sufficient access to the bioengineering disclosure through electronic or digital disclosure methods, the Secretary, after consultation with food retailers and manufacturers, shall provide additional and comparable options to access the bioengineering disclosure.

''(d) DISCLOSURE.—In promulgating regulations under this section, the Secretary shall ensure that—

''(1) on-package language accompanies—

''(A) the electronic or digital link disclosure, indicating that the electronic or digital link will provide access to an Internet website or other landing page by stating only 'Scan here for more food information', or equivalent language that only reflects technological changes; or

''(B) any telephone number disclosure, indicating that the telephone number will provide access to additional information by stating only 'Call for more food information.';

''(2) the electronic or digital link will provide access to the bioengineering disclosure located, in a consistent and conspicuous manner, on the first product information page that appears for the product on a mobile device, Internet website, or other landing page, which shall exclude marketing and promotional information;

''(3)(A) the electronic or digital link disclosure may not collect, analyze, or sell any personally identifiable information about consumers or the devices of consumers; but

''(B) if information described in subparagraph (A) must be collected to carry out the purposes of this subtitle, that information shall be deleted immediately and not used for any other purpose;

''(4) the electronic or digital link disclosure also includes a telephone number that provides access to the bioengineering disclosure; and

''(5) the electronic or digital link disclosure is of sufficient size to be easily and effectively scanned or read by a digital device.

''(e) STATE FOOD LABELING STANDARDS.—Notwithstanding section 295, no State or political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food in interstate commerce any requirement relating to the labeling or disclosure of whether a food is bioengineered or was developed or produced using bioengineering for a food that is the subject of the national bioengineered food disclosure standard under this section that is not identical to the mandatory disclosure requirement under that standard.

''(f) CONSISTENCY WITH CERTAIN LAWS.—The Secretary shall consider establishing consistency between—

''(1) the national bioengineered food disclosure standard established under this section; and

''(2) the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) and any rules or regulations implementing that Act.

''(g) ENFORCEMENT.—

''(1) PROHIBITED ACT.—It shall be a prohibited act for a person to knowingly fail to make a disclosure as required under this section.

''(2) RECORDKEEPING.—Each person subject to the mandatory disclosure requirement under this section shall maintain, and make available to the Secretary, on request, such records as the Secretary determines to be customary or reasonable in the food industry, by regulation, to establish compliance with this section.

''(3) EXAMINATION AND AUDIT.—

''(A) IN GENERAL.—The Secretary may conduct an examination, audit, or similar activity with respect to any records required under paragraph (2).

''(B) NOTICE AND HEARING.—A person subject to an examination, audit, or similar activity under subparagraph (A) shall be provided notice and opportunity for a hearing on the results of any examination, audit, or similar activity.

''(C) AUDIT RESULTS.—After the notice and opportunity for a hearing under subparagraph (B), the Secretary shall make public the summary of any examination, audit, or similar activity under subparagraph (A).

''(4) RECALL AUTHORITY.—The Secretary shall have no authority to recall any food subject to this subtitle on the basis of whether the food bears a disclosure that the food is bioengineered.

''SEC. 294. SAVINGS PROVISIONS.

''(a) TRADE.—This subtitle shall be applied in a manner consistent with United States obligations under international agreements.

''(b) OTHER AUTHORITIES.—Nothing in this subtitle—

''(1) affects the authority of the Secretary of Health and Human Services or creates any rights or obligations for any person under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

''(2) affects the authority of the Secretary of the Treasury or creates any rights or obligations for any person under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.).

''(c) OTHER.—A food may not be considered to be 'not bioengineered', 'non-GMO', or any other similar claim describing the absence of bioengineering in the food solely because the food is not required to bear a disclosure that the food is bioengineered under this subtitle.

''Subtitle F—Labeling of Certain Food

''SEC. 295. FEDERAL PREEMPTION.

''(a) DEFINITION OF FOOD.—In this subtitle, the term 'food' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

''(b) FEDERAL PREEMPTION.—No State or a political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food or seed in interstate commerce any requirement relating to the labeling of whether a food (including food served in a restaurant or similar establishment) or seed is genetically engineered (which shall include such other similar terms as determined by the Secretary of Agriculture) or was developed or produced using genetic engineering, including any requirement for claims that a food or seed is or contains an ingredient that was developed or produced using genetic engineering.

''SEC. 296. EXCLUSION FROM FEDERAL PREEMPTION.

''Nothing in this subtitle, subtitle E, or any regulation, rule, or requirement promulgated in accordance with this subtitle or subtitle E shall be construed to preempt any remedy created by a State or Federal statutory or common law right.''.

SEC. 2. ORGANICALLY PRODUCED FOOD.

In the case of a food certified under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.), the certification shall be considered sufficient to make a claim regarding the absence of bioengineering in the food, such as ''not bioengineered'', ''non-GMO'', or another similar claim.

This Act shall take effect 2 days after the date of enactment.

SA 4938. Mr. MCCONNELL proposed an amendment to amendment SA 4937 proposed by Mr. MCCONNELL to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; as follows:

At the end, add the following:

This Act shall take effect 3 days after the date of enactment.

SA 4939. Mr. MCCONNELL proposed an amendment to amendment SA 4938 proposed by Mr. MCCONNELL to the amendment SA 4937 proposed by Mr. MCCONNELL to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; as follows:

Strike ''3 days'' and insert ''4 days''.

SA 4940. Mrs. FISCHER (for herself, Mr. BOOKER, Mr. NELSON, Mr. THUNE, Mr. SULLIVAN, Ms. CANTWELL, Mr. WICKER, and Mr. SCHATZ) proposed an amendment to the bill S. 2829, to amend and enhance certain maritime programs of the Department of Transportation, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MARITIME ADMINISTRATION AUTHORIZATION

Sec. 101. Authorization of the Maritime Administration.
Sec. 102. Maritime Administration authorization request.

TITLE II—PREVENTION OF SEXUAL HARASSMENT AND ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY

Sec. 201. Actions to address sexual harassment and sexual assault at the United States Merchant Marine Academy.
Sec. 202. Sexual assault response coordinators and sexual assault victim advocates.
Sec. 203. Report from the Department of Transportation Inspector General.
Sec. 204. Sexual assault prevention and response working group.

TITLE III—MARITIME ADMINISTRATION ENHANCEMENT

Sec. 301. Status of National Defense Reserve Fleet vessels.
Sec. 302. Port infrastructure development.
Sec. 303. State maritime academy physical standards and reporting.
Sec. 304. Authority to extend certain age restrictions relating to vessels participating in the maritime security fleet.
Sec. 305. Appointments.
Sec. 306. High-speed craft classification services.
Sec. 307. Maritime workforce working group.
Sec. 308. Vessel disposal program.
Sec. 309. Maritime extreme weather task force.

TITLE IV—IMPLEMENTATION OF WORKFORCE MANAGEMENT IMPROVEMENTS

Sec. 401. Workforce plans and onboarding policies.
Sec. 402. Drug and alcohol policy.
Sec. 403. Vessel transfers.

TITLE V—TECHNICAL AMENDMENTS

Sec. 501. Clarifying amendment; continuation boards.
Sec. 502. Prospective payment of funds necessary to provide medical care.
Sec. 503. Technical corrections to title 46, United States Code.
Sec. 504. Coast Guard use of the Pribilof Islands.

TITLE VI—POLAR ICEBREAKER FLEET RECAPITALIZATION TRANSPARENCY ACT

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. Polar icebreaker recapitalization plan.
Sec. 604. GAO report icebreaking capability in the United States.

TITLE VII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION ACT

Subtitle A—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration

Sec. 711. Actions to address sexual harassment at National Oceanic and Atmospheric Administration.
Sec. 712. Actions to address sexual assault at National Oceanic and Atmospheric Administration.
Sec. 713. Rights of the victim of a sexual assault.
Sec. 714. Change of station.
Sec. 715. Applicability of policies to crews of vessels secured by National Oceanic and Atmospheric Administration under contract.
Sec. 716. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.
Sec. 717. Definition.

Subtitle B—Commissioned Officer Corps of the National Oceanic and Atmospheric Administration

Sec. 721. References to National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.

PART I—GENERAL PROVISIONS

Sec. 722. Strength and distribution in grade.
Sec. 723. Recalled officers.
Sec. 724. Obligated service requirement.
Sec. 725. Training and physical fitness.
Sec. 726. Recruiting materials.
Sec. 727. Charter vessel safety policy.
Sec. 728. Technical correction.

PART II—PARITY AND RECRUITMENT

Sec. 731. Education loans.
Sec. 732. Interest payments.
Sec. 733. Student pre-commissioning program.
Sec. 734. Limitation on educational assistance.
Sec. 735. Applicability of certain provisions of title 10, United States Code, and extension of certain authorities applicable to members of the Armed Forces to commissioned officer corps.
Sec. 736. Applicability of certain provisions of title 37, United States Code.
Sec. 737. Legion of Merit award.
Sec. 738. Prohibition on retaliatory personnel actions.
Sec. 739. Penalties for wearing uniform without authority.
Sec. 740. Application of certain provisions of competitive service law.
Sec. 741. Employment and reemployment rights.
Sec. 742. Treatment of commission in commissioned officer corps for purposes of certain hiring decisions.
Sec. 743. Direct hire authority.

PART III—APPOINTMENTS AND PROMOTION OF OFFICERS

Sec. 751. Appointments.
Sec. 752. Personnel boards.
Sec. 753. Delegation of authority.
Sec. 754. Assistant Administrator of the Office of Marine and Aviation Operations.
Sec. 755. Temporary appointments.
Sec. 756. Officer candidates.
Sec. 757. Procurement of personnel.

PART IV—SEPARATION AND RETIREMENT OF OFFICERS

Sec. 761. Involuntary retirement or separation.
Sec. 762. Separation pay.

Subtitle C—Hydrographic Services

Sec. 771. Reauthorization of Hydrographic Services Improvement Act of 1998.

TITLE I—MARITIME ADMINISTRATION AUTHORIZATION

SEC. 101. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

SEC. 102. MARITIME ADMINISTRATION AUTHORIZATION REQUEST.

TITLE II—PREVENTION OF SEXUAL HARASSMENT AND ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY

SEC. 201. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND SEXUAL ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY.

TITLE I—MARITIME ADMINISTRATION AUTHORIZATION

SEC. 101. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

There are authorized to be appropriated to the Department of Transportation for fiscal year 2017, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $99,902,000, of which—

(A) $74,851,000 shall be for Academy operations; and

(B) $25,051,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $29,550,000, of which—

(A) $2,400,000 shall remain available until September 30, 2018, for the Student Incentive Program;

(B) $3,000,000 shall remain available until expended for direct payments to such academies;

(C) $22,000,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels;

(D) $1,800,000 shall remain available until expended for training ship fuel assistance; and

(E) $350,000 shall remain available until expended for expenses to improve the monitoring of the service obligations of graduates.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $6,000,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, $57,142,000.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $20,000,000, which shall remain available until expended.

(6) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $3,000,000, which shall remain available until expended for administrative expenses of the program.

SEC. 102. MARITIME ADMINISTRATION AUTHORIZATION REQUEST.

Section 109 of title 49, United States Code, is amended by adding at the end the following:

''(k) SUBMISSION OF ANNUAL MARITIME ADMINISTRATION AUTHORIZATION REQUEST.—

''(1) IN GENERAL.—Not later than 30 days after the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105 of title 31, the Maritime Administrator shall submit a Maritime Administration authorization request with respect to such fiscal year to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(2) DEFINED TERM.—In this subsection, the term 'Maritime Administration authorization request' means a proposal for legislation that, with respect to the Maritime Administration for the relevant fiscal year—

''(A) recommends authorizations of appropriations for that fiscal year; and

''(B) addresses any other matter that the Maritime Administrator determines is appropriate for inclusion in a Maritime Administration authorization bill.''.

TITLE II—PREVENTION OF SEXUAL HARASSMENT AND ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY

SEC. 201. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND SEXUAL ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) POLICY.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

''§ 51318. Policy on sexual harassment and sexual assault

''(a) REQUIRED POLICY.—

''(1) IN GENERAL.—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual assault applicable to the cadets and other personnel of the Academy.

''(2) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual assault prescribed under this subsection shall include—

''(A) a program to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel;

''(B) procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual assault, including—

''(i) specifying the person or persons to whom an alleged occurrence of sexual harassment or sexual assault should be reported by a cadet and the options for confidential reporting;

''(ii) specifying any other person whom the victim should contact; and

''(iii) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault;

''(C) a procedure for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel;

''(D) any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual assault involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible; and

''(E) required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual assault involving Academy personnel.

''(3) AVAILABILITY OF POLICY.—The Secretary shall ensure that the policy developed under this subsection is available to—

''(A) all cadets and employees of the Academy; and

''(B) the public.

''(4) CONSULTATION AND ASSISTANCE.—In developing the policy under this subsection, the Secretary may consult or receive assistance from such Federal, State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

''(b) DEVELOPMENT PROGRAM.—

''(1) IN GENERAL.—The Secretary of Transportation shall ensure that the development program of the United States Merchant Marine Academy includes a section that—

''(A) describes the relationship between honor, respect, and character development and the prevention of sexual harassment and sexual assault at the Academy; and

''(B) includes a brief history of the problem of sexual harassment and sexual assault in the merchant marine, in the Armed Forces, and at the Academy; and

''(C) includes information relating to reporting sexual harassment and sexual assault, victims' rights, and dismissal for offenders.

''(2) TRAINING.—The Superintendent of the Academy shall ensure that all cadets receive the training described in paragraph (1)—

''(A) not later than 7 days after their initial arrival at the Academy; and

''(B) biannually thereafter until they graduate or leave the Academy.

''(c) ANNUAL ASSESSMENT.—

''(1) IN GENERAL.—The Secretary of Transportation, in cooperation with the Superintendent of the Academy, shall conduct an assessment at the Academy during each Academy program year to determine the effectiveness of the policies, procedures, and training of the Academy with respect to sexual harassment and sexual assault involving cadets or other Academy personnel.

''(2) BIENNIAL SURVEY.—For each assessment of the Academy under paragraph (1) during an Academy program year that begins in an odd-numbered calendar year, the Secretary shall conduct a survey of cadets and other Academy personnel—

''(A) to measure—

''(i) the incidence, during that program year, of sexual harassment and sexual assault events, on or off the Academy campus, that have been reported to officials of the Academy; and

''(ii) the incidence, during that program year, of sexual harassment and sexual assault events, on or off the Academy campus, that have not been reported to officials of the Academy; and

''(B) to assess the perceptions of cadets and other Academy personnel on—

''(i) the policies, procedures, and training on sexual harassment and sexual assault involving cadets or Academy personnel;

''(ii) the enforcement of the policies described in clause (i);

''(iii) the incidence of sexual harassment and sexual assault involving cadets or Academy personnel; and

''(iv) any other issues relating to sexual harassment and sexual assault involving cadets or Academy personnel.

''(3) FOCUS GROUPS FOR YEARS WHEN SURVEY NOT REQUIRED.—In any year in which the Secretary of Transportation is not required to conduct the survey described in paragraph (2), the Secretary shall conduct focus groups at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

''(d) ANNUAL REPORT.—

''(1) IN GENERAL.—The Superintendent of the Academy shall submit a report to the Secretary of Transportation that provides information about sexual harassment and sexual assault involving cadets or other personnel at the Academy for each Academy program year.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the Academy program year covered by the report—

''(A) the number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials;

''(B) the number of the reported cases described in subparagraph (A) that have been substantiated;

''(C) the policies, procedures, and training implemented by the Superintendent and the

leadership of the Academy in response to sexual harassment and sexual assault involving cadets or other Academy personnel; and

''(D) a plan for the actions that will be taken in the following Academy program year regarding prevention of, and response to, sexual harassment and sexual assault involving cadets or other Academy personnel.

''(3) SURVEY AND FOCUS GROUP RESULTS.—

''(A) SURVEY RESULTS.—Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

''(B) FOCUS GROUP RESULTS.—Each report under paragraph (1) for an Academy program year in which the Secretary of Transportation is not required to conduct the survey described (c)(2) shall include the results of the focus group conducted in that program year under subsection (c)(3).

''(4) REPORTING REQUIREMENT.—

''(A) BY THE SUPERINTENDENT.—For each incident of sexual harassment or sexual assault reported to the Superintendent under this subsection, the Superintendent shall provide the Secretary of Transportation and the Board of Visitors of the Academy with a report that includes—

''(i) the facts surrounding the incident, except for any details that would reveal the identities of the people involved; and

''(ii) the Academy's response to the incident.

''(B) BY THE SECRETARY.—The Secretary shall submit a copy of each report received under subparagraph (A) and the Secretary's comments on the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, is amended by adding at the end the following:

''51318. Policy on sexual harassment and sexual assault.''.

SEC. 202. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) COORDINATORS AND ADVOCATES.—Chapter 513 of title 46, United States Code, as amended by section 201, is further amended by adding at the end the following:

''§ 51319. Sexual assault response coordinators and sexual assault victim advocates

''(a) SEXUAL ASSAULT RESPONSE COORDINATORS.—The United States Merchant Marine Academy shall employ or contract with at least 1 full-time sexual assault response coordinator who shall reside on or near the Academy. The Secretary of Transportation may assign additional full-time or part-time sexual assault response coordinators at the Academy as may be necessary.

''(b) VOLUNTEER SEXUAL ASSAULT VICTIM ADVOCATES.—

''(1) IN GENERAL.—The Secretary of Transportation, acting through the Superintendent of the United States Merchant Marine Academy, shall designate 1 or more permanent employees who volunteer to serve as advocates for victims of sexual assaults involving—

''(A) cadets of the Academy; or

''(B) individuals who work with or conduct business on behalf of the Academy.

''(2) TRAINING; OTHER DUTIES.—Each victim advocate designated under this subsection shall—

''(A) have or receive training in matters relating to sexual assault and the comprehensive policy developed under section 51318 of title 46, United States Code; and

''(B) serve as a victim advocate voluntarily, in addition to the individual's other duties as an employee of the Academy.

''(3) PRIMARY DUTIES.—While performing the duties of a victim advocate under this subsection, a designated employee shall—

''(A) support victims of sexual assault by informing them of the rights and resources available to them as victims;

''(B) identify additional resources to ensure the safety of victims of sexual assault; and

''(C) connect victims of sexual assault to an Academy sexual assault response coordinator, or full-time or part-time victim advocate, who shall act as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

''(4) COMPANION.—At least 1 victim advocate designated under this subsection, while performing the duties of a victim advocate, shall act as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

''(5) HOTLINE.—The Secretary shall establish a 24-hour hotline through which the victim of a sexual assault can receive victim support services.

''(6) FORMAL RELATIONSHIPS WITH OTHER ENTITIES.—The Secretary may enter into formal relationships with other entities to make available additional victim advocates or to implement paragraphs (3), (4), and (5).

''(7) CONFIDENTIALITY.—Information disclosed by a victim to an advocate designated under this subsection—

''(A) shall be treated by the advocate as confidential; and

''(B) may not be disclosed by the advocate without the consent of the victim.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, is amended by adding at the end the following:

''51319. Sexual assault response coordinators and sexual assault victim advocates.''.

SEC. 203. REPORT FROM THE DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL.

(a) IN GENERAL.—Not later than March 31, 2018, the Inspector General of the Department of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the effectiveness of the sexual harassment and sexual assault prevention and response program at the United States Merchant Marine Academy.

(b) CONTENTS.—The report required under subsection (a) shall—

(1) assess progress toward addressing any outstanding recommendations;

(2) include any recommendations to reduce the number of sexual assaults involving members of the United States Merchant Marine Academy, whether a member is the victim, the alleged assailant, or both;

(3) include any recommendations to improve the response of the Department of Transportation and the United States Merchant Marine Academy to reports of sexual assaults involving members of the Academy, whether a members is the victim, the alleged assailant, or both.

(c) EXPERTISE.—In compiling the report required under this section, the inspection teams acting under the direction of the Inspector General shall—

(1) include at least 1 member with expertise and knowledge of sexual assault prevention and response policies; or

(2) consult with subject matter experts in the prevention of and response to sexual assaults.

SEC. 204. SEXUAL ASSAULT PREVENTION AND RESPONSE WORKING GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Maritime Administrator shall convene a working group to examine methods to improve the prevention of, and response to, any sexual harassment or sexual assault that occurs during a Cadet's Sea Year experience with the United States Merchant Marine Academy.

(b) MEMBERSHIP.—The Maritime Administrator shall designate individuals to serve as members of the working group convened pursuant to subsection (a). Membership in the working group shall consist of—

(1) a representative of the Maritime Administration, which shall serve as chair of the working group;

(2) the Superintendent of the Academy, or designee;

(3) the sexual assault response coordinator appointed under section 51319 of title 46, United States Code, as added by section 202;

(4) a subject matter expert from the Coast Guard;

(5) a subject matter expert from the Military Sealift Command;

(6) at least 1 representative from each of the State maritime academies;

(7) at least 1 representative from each private contracting party participating in the maritime security program;

(8) at least 1 representative from each nonprofit labor organization representing a class or craft of employees employed on vessels in the Maritime Security Fleet;

(9) at least 2 representatives from approved maritime training institutions; and

(10) at least 1 representative from companies that—

(A) participate in sea training of Academy cadets; and

(B) do not participate in the maritime security program.

(c) NO QUORUM REQUIREMENT.—The Maritime Administration may convene the working group without all members present.

(d) RESPONSIBILITIES.—The working group shall—

(1) evaluate options that could promote a climate of honor and respect, and a culture that is intolerant of sexual harassment and sexual assault and those who commit it, across the United States Flag Fleet;

(2) raise awareness of the United States Merchant Marine Academy's sexual assault prevention and response program across the United States Flag Fleet;

(3) assess options that could be implemented by the United States Flag Fleet that would remove any barriers to the reporting of sexual harassment and sexual assault response that occur during a Cadet's Sea Year experience and protect the victim's confidentiality;

(4) assess a potential program or policy, applicable to all participants of the maritime security program, to improve the prevention of, and response to, sexual harassment and sexual assault incidents;

(5) assess a potential program or policy, applicable to all vessels operating in the United States Flag Fleet that participate in the Maritime Security Fleet under section 53101 of title 46, United States Code, which carry cargos to which chapter 531 of such title applies, or are chartered by a Federal

agency, requiring crews to complete a sexual harassment and sexual assault prevention and response training program before the Cadet's Sea Year that includes—

(A) fostering a shipboard climate—

(i) that does not tolerate sexual harassment and sexual assault;

(ii) in which persons assigned to vessel crews are encouraged to intervene to prevent potential incidents of sexual harassment or sexual assault; and

(iii) that encourages victims of sexual assault to report any incident of sexual harassment or sexual assault; and

(B) understanding the needs of, and the resources available to, a victim after an incident of sexual harassment or sexual assault;

(6) assess whether the United States Merchant Marine Academy should continue with sea year training on privately owned vessels or change its curricula to provide alternative training; and

(7) assess how vessel operators could ensure the confidentiality of a report of sexual harassment or sexual assault in order to protect the victim and prevent retribution.

(e) REPORT.—Not later than 15 months after the date of the enactment of this Act, the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(1) recommendations on each of the working group's responsibilities described in subsection (d);

(2) the trade-offs, opportunities, and challenges associated with the recommendations made in paragraph (1); and

(3) any other information the working group determines appropriate.

TITLE III—MARITIME ADMINISTRATION ENHANCEMENT

SEC. 301. STATUS OF NATIONAL DEFENSE RESERVE FLEET VESSELS.

Section 4405 of title 50, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ''Vessels in the National Defense Reserve Fleet, including vessels loaned to State maritime academies, shall be considered public vessels of the United States.''; and

(2) by adding at the end the following:

''(g) VESSEL STATUS.—Ships or other watercraft in the National Defense Reserve Fleet determined by the Maritime Administration to be of insufficient value to remain in the National Defense Reserve Fleet—

''(1) shall remain vessels (as defined in section 3 of title 1); and

''(2) shall remain subject to the rights and responsibilities of a vessel under admiralty law until such time as the vessel is delivered to a dismantling facility or is otherwise disposed of from the National Defense Reserve Fleet.''.

SEC. 302. PORT INFRASTRUCTURE DEVELOPMENT.

Section 50302(c)(4) of title 46, United States Code, is amended—

(1) by striking ''There are authorized'' and inserting the following:

''(A) IN GENERAL.—There are authorized''; and

(2) by adding at the end the following:

''(B) ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the Administrator may use not more than 3 percent of the amounts appropriated to carry out this section for the administrative expenses of the program.''.

SEC. 303. STATE MARITIME ACADEMY PHYSICAL STANDARDS AND REPORTING.

Section 51506 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''must'' and inserting ''shall'';

(B) in paragraph (2), by striking ''and'' at the end;

(C) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(4) agree that any individual enrolled at such State maritime academy in a merchant marine officer preparation program—

''(A) shall, not later than 9 months after each such individual's date of enrollment, pass an examination in form and substance satisfactory to the Secretary that demonstrates that such individual meets the medical and physical requirements—

''(i) required for the issuance of an original license under section 7101; or

''(ii) set by the Coast Guard for issuing merchant mariners' documentation under section 7302, with no limit to his or her operational authority;

''(B) following passage of the examination under subparagraph (A), shall continue to meet the requirements or standards described in subparagraph (A) throughout the remainder of their respective enrollments at the State maritime academy; and

''(C) if the individual has a medical or physical condition that disqualifies him or her from meeting the requirements or standards referred to in subparagraph (A), shall be transferred to a program other than a merchant marine officer preparation program, or otherwise appropriately disenrolled from such State maritime academy, until the individual demonstrates to the Secretary that the individual meets such requirements or standards.''; and

(2) by adding at the end the following:

''(c) SECRETARIAL WAIVER AUTHORITY.—The Secretary is authorized to modify or waive any of the terms set forth in subsection (a)(4) with respect to any individual or State maritime academy.''.

SEC. 304. AUTHORITY TO EXTEND CERTAIN AGE RESTRICTIONS RELATING TO VESSELS PARTICIPATING IN THE MARITIME SECURITY FLEET.

(a) IN GENERAL.—Section 53102 of title 46, United States Code, is amended by adding at the end the following:

''(g) AUTHORITY FOR EXTENSION OF MAXIMUM SERVICE AGE FOR A PARTICIPATING FLEET VESSEL.—The Secretary of Defense, in conjunction with the Secretary of Transportation, may extend the maximum age restrictions under sections 53101(5)(A)(ii) and 53106(c)(3) for a particular participating fleet vessel for up to 5 years if the Secretary of Defense and the Secretary of Transportation jointly determine that such extension is in the national interest.''.

(b) REPEAL OF UNNECESSARY AGE LIMITATION.—Section 53106(c)(3) of such title is amended—

(1) in subparagraph (A), by striking ''or (C);'' and inserting ''; or'';

(2) in subparagraph (B), by striking ''; or'' at the end and inserting a period; and

(3) by striking subparagraph (C).

SEC. 305. APPOINTMENTS.

(a) IN GENERAL.—Section 51303 of title 46, United States Code, is amended by striking ''40'' and inserting ''50''.

(b) CLASS PROFILE.—Not later than August 31 of each year, the Superintendent of the United States Merchant Marine Academy shall post on the Academy's public website a summary profile of each class at the Academy.

(c) CONTENTS.—Each summary profile posted under subsection (b) shall include, for the incoming class and for the 4 classes that precede the incoming class, the number and percentage of students—

(1) by State;

(2) by country;

(3) by gender;

(4) by race and ethnicity; and

(5) with prior military service.

SEC. 306. HIGH-SPEED CRAFT CLASSIFICATION SERVICES.

(a) IN GENERAL.—Notwithstanding section 3316(a) of title 46, United States Code, the Secretary of the Navy may use the services of an approved classification society for only a high-speed craft that—

(1) was acquired by the Secretary from the Maritime Administration;

(2) is not a high-speed naval combatant, patrol vessel, expeditionary vessel, or other special purpose military or law enforcement vessel;

(3) is operated for commercial purposes;

(4) is not operated or crewed by any department, agency, instrumentality, or employee of the United States Government;

(5) is not directly engaged in any mission or other operation for or on behalf of any department, agency, instrumentality, or employee of the United States Government; and

(6) is not primarily designed to carry freight owned, leased, used, or contracted for or by the United States Government.

(b) DEFINITION OF APPROVED CLASSIFICATION SOCIETY.—In this section, the term ''approved classification society'' means a classification society that has been approved by the Secretary of the department in which the Coast Guard is operating under section 3316(c) of title 46, United States Code.

(c) SAVINGS CLAUSE.—Nothing in this section may be construed to affect the requirements under section 3316 of title 46, United States Code, for a high-speed craft that does not meet the conditions under paragraphs (1) through (6) of subsection (a).

SEC. 307. MARITIME WORKFORCE WORKING GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall convene a working group to examine and assess the size of the pool of citizen mariners necessary to support the United States Flag Fleet in times of national emergency.

(b) MEMBERSHIP.—The Maritime Administrator shall designate individuals to serve as members of the working group convened under subsection (a). The working group shall include, at a minimum, the following members:

(1) At least 1 representative of the Maritime Administration, who shall serve as chairperson of the working group.

(2) At least 1 subject matter expert from the United States Merchant Marine Academy.

(3) At least 1 subject matter expert from the Coast Guard.

(4) At least 1 subject matter expert from the Military Sealift Command.

(5) 1 subject matter expert from each of the State maritime academies.

(6) At least 1 representative from each nonprofit labor organization representing a class or craft of employees (licensed or unlicensed) who are employed on vessels operating in the United States Flag Fleet.

(7) At least 4 representatives of owners of vessels operating the in United States Flag Fleet, or their private contracting parties,

which are primarily operating in non-contiguous or coastwise trades.

(8) At least 4 representatives of owners of vessels operating the in United States Flag Fleet, or their private contracting parties, which are primarily operating in international transportation.

(c) NO QUORUM REQUIREMENT.—The Maritime Administration may convene the working group without all members present.

(d) RESPONSIBILITIES.—The working group shall—

(1) identify the number of United States citizen mariners—

(A) in total;

(B) that have a valid United States Coast Guard merchant mariner credential with the necessary endorsements for service on unlimited tonnage vessels subject to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended;

(C) that are involved in Federal programs that support the United States Merchant Marine and United States Flag Fleet;

(D) that are available to crew the United States Flag Fleet and the surge sealift fleet in times of a national emergency;

(E) that are full-time mariners;

(F) that have sailed in the prior 18 months; and

(G) that are primarily operating in noncontiguous or coastwise trades;

(2) assess the impact on the United States Merchant Marine and United States Merchant Marine Academy if graduates from State maritime academies and the United States Merchant Marine Academy were assigned to, or required to fulfill, certain maritime positions based on the overall needs of the United States Merchant Marine;

(3) assess the Coast Guard Merchant Mariner Licensing and Documentation System, which tracks merchant mariner credentials and medical certificates, and its accessibility and value to the Maritime Administration for the purposes of evaluating the pool of United States citizen mariners; and

(4) make recommendations to enhance the availability and quality of interagency data, including data from the United States Transportation Command, the Coast Guard, and the Bureau of Transportation Statistics, for use by the Maritime Administration for evaluating the pool of United States citizen mariners.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the study conducted under this section, including—

(1) the number of United States citizen mariners identified for each category described in subparagraphs (A) through (G) of subsection (d)(1);

(2) the results of the assessments conducted under paragraphs (2) and (3) of subsection (d); and

(3) the recommendations made under subsection (d)(4).

SEC. 308. VESSEL DISPOSAL PROGRAM.

(a) ANNUAL REPORT.—Not later than January 1 of each year, the Administrator of the Maritime Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the management of the vessel disposal program of the Maritime Administration.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) the total amount of funds credited in the prior fiscal year to—

(A) the Vessel Operations Revolving Fund established by section 50301(a) of title 46, United States Code; and

(B) any other account attributable to the vessel disposal program of the Maritime Administration;

(2) the balance of funds available at the end of that fiscal year in—

(A) the Vessel Operations Revolving Fund; and

(B) any other account described in paragraph (1)(B);

(3) in consultation with the Secretary of the Interior, the total number of—

(A) grant applications under the National Maritime Heritage Grants Program in the prior fiscal year; and

(B) the applications under subparagraph (A) that were approved by the Secretary of the Interior, acting through the National Maritime Initiative of the National Park Service;

(4) a detailed description of each project funded under the National Maritime Heritage Grants Program in the prior fiscal year for which funds from the Vessel Operations Revolving Funds were obligated, including the information described in paragraphs (1) through (3) of section 308703(j) of title 54, United States Code; and

(5) a detailed description of the funds credited to and distributions from the Vessel Operations Revolving Funds in the prior fiscal year.

(c) ASSESSMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Administrator shall assess the vessel disposal program of the Maritime Administration.

(2) CONTENTS.—Each assessment under paragraph (1) shall include—

(A) an inventory of each vessel, subject to a disposal agreement, for which the Maritime Administration acts as the disposal agent, including—

(i) the age of the vessel; and

(ii) the name of the Federal agency with which the Maritime Administration has entered into a disposal agreement;

(B) a description of each vessel of a Federal agency that may meet the criteria for the Maritime Administration to act as the disposal agent, including—

(i) the age of the vessel; and

(ii) the name of the applicable Federal agency;

(C) the Maritime Administration's plan to serve as the disposal agent, as appropriate, for the vessels described in subparagraph (B); and

(D) any other information related to the vessel disposal program that the Administrator determines appropriate.

(d) CESSATION OF EFFECTIVENESS.—This section ceases to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 309. MARITIME EXTREME WEATHER TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall establish a task force to analyze the impact of extreme weather events, such as in the maritime environment (referred to in this section as the ''Task Force'').

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary or the Secretary's designee; and

(2) a representative of—

(A) the Coast Guard;

(B) the National Oceanic and Atmospheric Administration;

(C) the Federal Maritime Commission; and

(D) such other Federal agency or independent commission as the Secretary considers appropriate.

(c) REPORT.—

(1) IN GENERAL.—Except as provided in paragraph (4), not later than 180 days after the date it is established under subsection (a), the Task Force shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the analysis under subsection (a).

(2) CONTENTS.—The report under paragraph (1) shall include—

(A) an identification of available weather prediction, monitoring, and routing technology resources;

(B) an identification of industry best practices relating to response to, and prevention of marine casualties from, extreme weather events;

(C) a description of how the resources described in subparagraph (A) are used in the various maritime sectors, including by passenger and cargo vessels;

(D) recommendations for improving maritime response operations to extreme weather events and preventing marine casualties from extreme weather events, such as promoting the use of risk communications and the technologies identified under subparagraph (A); and

(E) recommendations for any legislative or regulatory actions for improving maritime response operations to extreme weather events and preventing marine casualties from extreme weather events.

(3) PUBLICATION.—The Secretary shall make the report under paragraph (1) and any notification under paragraph (4) publicly accessible in an electronic format.

(4) IMMINENT THREATS.—The Task Force shall immediately notify the Secretary of any finding or recommendations that could protect the safety of an individual on a vessel from an imminent threat of extreme weather.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE IV—IMPLEMENTATION OF WORKFORCE MANAGEMENT IMPROVEMENTS

SEC. 401. WORKFORCE PLANS AND ONBOARDING POLICIES.

(a) WORKFORCE PLANS.—Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall review the Maritime Administration's workforce plans, including its Strategic Human Capital Plan and Leadership Succession Plan, and fully implement competency models for mission–critical occupations, including—

(1) leadership positions;

(2) human resources positions; and

(3) transportation specialist positions.

(b) ONBOARDING POLICIES.—Not later than 9 months after the date of the enactment of this Act, the Administrator shall—

(1) review the Maritime Administration's policies related to new hire orientation, training, and misconduct policies;

(2) align the onboarding policies and procedures at headquarters and the field offices to ensure consistent implementation and provision of critical information across the Maritime Administration; and

(3) update the Maritime Administration's training policies and training systems to include controls that ensure that all completed training is tracked in a standardized training repository.

(c) ONBOARDING POLICIES.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the Maritime Administration's compliance with the requirements under this section.

SEC. 402. DRUG AND ALCOHOL POLICY.

(a) REVIEW.—Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall—

(1) review the Maritime Administration's drug and alcohol policies, procedures, and training practices;

(2) ensure that all fleet managers have received training on the Department of Transportation's drug and alcohol policy, including the testing procedures used by the Department and the Maritime Administration in cases of reasonable suspicion; and

(3) institute a system for tracking all drug and alcohol policy training conducted under paragraph (2) in a standardized training repository.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the Maritime Administration's compliance with the requirements under this section.

SEC. 403. VESSEL TRANSFERS.

Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the policies and procedures for vessel transfer, including—

(1) a summary of the actions taken to update the Vessel Transfer Office procedures manual to reflect the current range of program responsibilities and processes; and

(2) a copy of the updated Vessel Transfer Office procedures to process vessel transfer applications.

TITLE V—TECHNICAL AMENDMENTS

SEC. 501. CLARIFYING AMENDMENT; CONTINUATION BOARDS.

Section 290(a) of title 14, United States Code, is amended by striking ''five officers serving in the grade of vice admiral'' and inserting ''5 officers (other than the Commandant) serving in the grade of admiral or vice admiral''.

SEC. 502. PROSPECTIVE PAYMENT OF FUNDS NECESSARY TO PROVIDE MEDICAL CARE.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

''§ 520. Prospective payment of funds necessary to provide medical care

''(a) PROSPECTIVE PAYMENT REQUIRED.—In lieu of the reimbursement required under section 1085 of title 10, the Secretary of Homeland Security shall make a prospective payment to the Secretary of Defense of an amount that represents the actuarial valuation of treatment or care—

''(1) that the Department of Defense shall provide to members of the Coast Guard, former members of the Coast Guard, and dependents of such members and former members (other than former members and dependents of former members who are a Medicare-eligible beneficiary or for whom the payment for treatment or care is made from the Medicare-Eligible Retiree Health Care Fund) at facilities under the jurisdiction of the Department of Defense or a military department; and

''(2) for which a reimbursement would otherwise be made under such section 1085.

''(b) AMOUNT.—The amount of the prospective payment under subsection (a)—

''(1) shall be derived from amounts appropriated for the operating expenses of the Coast Guard for treatment or care provided to members of the Coast Guard and their dependents;

''(2) shall be derived from amounts appropriated for retired pay for treatment or care provided to former members of the Coast Guard and their dependents;

''(3) shall be determined under procedures established by the Secretary of Defense;

''(4) shall be paid during the fiscal year in which treatment or care is provided; and

''(5) shall be subject to adjustment or reconciliation, as the Secretary of Homeland Security and the Secretary of Defense jointly determine appropriate, during or promptly after such fiscal year if the prospective payment is determined excessive or insufficient based on the services actually provided.

''(c) NO PROSPECTIVE PAYMENT WHEN SERVICE IN NAVY.—No prospective payment shall be made under this section for any period during which the Coast Guard operates as a service in the Navy.

''(d) RELATIONSHIP TO TRICARE.—This section may not be construed to require a payment for, or the prospective payment of an amount that represents the value of, treatment or care provided under any TRICARE program.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 13 of title 14, United States Code, is amended by adding at the end the following:

''520. Prospective payment of funds necessary to provide medical care.''.

(c) REPEAL.—Section 217 of the Coast Guard Authorization Act of 2016 (Public Law 114–120) and the item relating to that section in the table of contents in section 2 of such Act, are repealed.

SEC. 503. TECHNICAL CORRECTIONS TO TITLE 46, UNITED STATES CODE.

(a) IN GENERAL.—Title 46, United States Code, is amended—

(1) in section 4503(f)(2), by striking ''that'' after ''necessary,''; and

(2) in section 7510(c)—

(A) in paragraph (1)(D), by striking ''engine'' and inserting ''engineer''; and

(B) in paragraph (9), by inserting a period after ''App''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of the Coast Guard Authorization Act of 2015 (Public Law 114–120).

SEC. 504. COAST GUARD USE OF THE PRIBILOF ISLANDS.

(a) IN GENERAL.—Section 522(a)(1) of the Pribilof Island Transition Completion Act of 2015 (subtitle B of title V of Public Law 114–120) is amended by striking ''Lots'' and inserting ''Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, lots''.

(b) REPORT.—Not later than 60 days after the date of the enactment of the Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) the Coast Guard's use of Tracts 43 and 39, located on St. Paul Island, Alaska, since operation of the LORAN-C system was terminated;

(2) the Coast Guard's plans for using the tracts described in paragraph (1) during fiscal years 2016, 2017, and 2018; and

(3) the Coast Guard's plans for using the tracts described in paragraph (1) and other facilities on St. Paul Island after fiscal year 2018.

TITLE VI—POLAR ICEBREAKER FLEET RECAPITALIZATION TRANSPARENCY ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Polar Icebreaker Fleet Recapitalization Transparency Act''.

SEC. 602. DEFINITIONS.

In this title:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

SEC. 603. POLAR ICEBREAKER RECAPITALIZATION PLAN.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of the Navy, shall submit to the appropriate committees of Congress, a detailed recapitalization plan to meet the 2013 Department of Homeland Security Mission Need Statement.

(b) CONTENTS.—The plan required under subsection (a) shall—

(1) detail the number of heavy and medium polar icebreakers required to meet Coast Guard statutory missions in the polar regions;

(2) identify the vessel specifications, capabilities, systems, equipment, and other details required for the design of heavy polar icebreakers capable of fulfilling the mission requirements of the Coast Guard and the Navy, and the requirements of other agencies and department of the United States, as the Secretary determines appropriate;

(3) list the specific appropriations required for the acquisition of each icebreaker, for each fiscal year, until the full fleet is recapitalized;

(4) describe the potential savings of serial acquisition for new polar class icebreakers, including specific schedule and acquisition requirements needed to realize such savings;

(5) describe any polar icebreaking capacity gaps that may arise based on the current fleet and current procurement outlook; and

(6) describe any additional polar icebreaking capability gaps due to any further delay in procurement schedules.

SEC. 604. GAO REPORT ICEBREAKING CAPABILITY IN THE UNITED STATES.

(a) REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act,

the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the current state of the United States Federal polar icebreaking fleet.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) an analysis of the icebreaking assets in operation in the United States and a description of the missions completed by such assets;

(2) an analysis of how such assets and the capabilities of such assets are consistent, or inconsistent, with the polar icebreaking mission requirements described in the 2013 Department of Homeland Security Mission Need Statement, the Naval Operations Concept 2010, or other military and civilian governmental missions in the United States;

(3) an analysis of the gaps in icebreaking capability of the United States based on the expected service life of the fleet of United States icebreaking assets;

(4) a list of countries that are allies of the United States that have the icebreaking capacity to exercise missions in the Arctic during any identified gap in United States icebreaking capacity in a polar region; and

(5) a description of the policy, financial, and other barriers that have prevented timely recapitalization of the Coast Guard polar icebreaking fleet and recommendations to overcome such barriers, including potential international fee-based models used to compensate governments for icebreaking escorts or maintenance of maritime routes.

TITLE VII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION ACT

SEC. 701. SHORT TITLE.

This title may be cited as the ''National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Act''.

Subtitle A—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration

SEC. 711. ACTIONS TO ADDRESS SEXUAL HARASSMENT AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) REQUIRED POLICY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a policy on the prevention of and response to sexual harassment involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy developed under subsection (a) shall include—

(1) establishment of a program to promote awareness of the incidence of sexual harassment;

(2) clear procedures an individual should follow in the case of an occurrence of sexual harassment, including—

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment should be reported by an individual and options for confidential reporting, including—

(i) options and contact information for after-hours contact; and

(ii) procedure for obtaining assistance and reporting sexual harassment while working in a remote scientific field camp, at sea, or in another field status; and

(B) a specification of any other person whom the victim should contact;

(3) establishment of a mechanism by which—

(A) questions regarding sexual harassment can be confidentially asked and confidentially answered; and

(B) incidents of sexual harassment can be confidentially reported; and

(4) a prohibition on retaliation and consequences for retaliatory actions.

(c) CONSULTATION AND ASSISTANCE.—In developing the policy required by subsection (a), the Secretary may consult or receive assistance from such State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

(d) AVAILABILITY OF POLICY.—The Secretary shall ensure that the policy developed under subsection (a) is available to—

(1) all employees of the Administration and members of the commissioned officer corps of the Administration, including those employees and members who conduct field work for the Administration; and

(2) the public.

(e) GEOGRAPHIC DISTRIBUTION OF EQUAL EMPLOYMENT OPPORTUNITY PERSONNEL.—The Secretary shall ensure that at least 1 employee of the Administration who is tasked with handling matters relating to equal employment opportunity or sexual harassment is stationed—

(1) in each region in which the Administration conducts operations; and

(2) in each marine and aviation center of the Administration.

(f) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not less frequently than 4 times each year, the Director of the Civil Rights Office of the Administration shall submit to the Under Secretary a report on sexual harassment in the Administration.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) Number of sexual harassment cases, both actionable and non-actionable, involving individuals covered by the policy developed under subsection (a).

(B) Number of open actionable sexual harassment cases and how long the cases have been open.

(C) Such trends or region specific issues as the Director may have discovered with respect to sexual harassment in the Administration.

(D) Such recommendations as the Director may have with respect to sexual harassment in the Administration.

SEC. 712. ACTIONS TO ADDRESS SEXUAL ASSAULT AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) COMPREHENSIVE POLICY ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a comprehensive policy on the prevention of and response to sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(b) ELEMENTS OF COMPREHENSIVE POLICY.—The comprehensive policy developed under subsection (a) shall, at minimum, address the following matters:

(1) Prevention measures.

(2) Education and training on prevention and response.

(3) A list of support resources an individual may use in the occurrence of sexual assault, including—

(A) options and contact information for after-hours contact; and

(B) procedure for obtaining assistance and reporting sexual assault while working in a remote scientific field camp, at sea, or in another field status.

(4) Easy and ready availability of information described in paragraph (3).

(5) Establishing a mechanism by which—

(A) questions regarding sexual assault can be confidentially asked and confidentially answered; and

(B) incidents of sexual assault can be confidentially reported.

(6) Protocols for the investigation of complaints by command and law enforcement personnel.

(7) Prohibiting retaliation and consequences for retaliatory actions against someone who reports a sexual assault.

(8) Oversight by the Under Secretary of administrative and disciplinary actions in response to substantial incidents of sexual assault.

(9) Victim advocacy, including establishment of and the responsibilities and training requirements for victim advocates as described in subsection (c).

(10) Availability of resources for victims of sexual assault within other Federal agencies and State, local, and national organizations.

(c) VICTIM ADVOCACY.—

(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish victim advocates to advocate for victims of sexual assaults involving employees of the Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(2) VICTIM ADVOCATES.—For purposes of this subsection, a victim advocate is a permanent employee of the Administration who—

(A) is trained in matters relating to sexual assault and the comprehensive policy developed under subsection (a); and

(B) serves as a victim advocate voluntarily and in addition to the employee's other duties as an employee of the Administration.

(3) PRIMARY DUTIES.—The primary duties of a victim advocate established under paragraph (1) shall include the following:

(A) Supporting victims of sexual assault and informing them of their rights and the resources available to them as victims.

(B) Acting as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

(C) Helping to identify resources to ensure the safety of victims of sexual assault.

(4) LOCATION.—The Secretary shall ensure that at least 1 victim advocate established under paragraph (1) is stationed—

(A) in each region in which the Administration conducts operations; and

(B) in each marine and aviation center of the Administration.

(5) HOTLINE.—

(A) IN GENERAL.—In carrying out this subsection, the Secretary shall establish a telephone number at which a victim of a sexual assault can contact a victim advocate.

(B) 24-HOUR ACCESS.—The Secretary shall ensure that the telephone number established under subparagraph (A) is monitored at all times.

(6) FORMAL RELATIONSHIPS WITH OTHER ENTITIES.—The Secretary may enter into formal relationships with other entities to make available additional victim advocates.

(d) AVAILABILITY OF POLICY.—The Secretary shall ensure that the policy developed under subsection (a) is available to—

(1) all employees of the Administration and members of the commissioned officer corps of the Administration, including those employees and members who conduct field work for the Administration; and

(2) the public.

(e) CONSULTATION AND ASSISTANCE.—In developing the policy required by subsection (a), the Secretary may consult or receive assistance from such State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

SEC. 713. RIGHTS OF THE VICTIM OF A SEXUAL ASSAULT.

A victim of a sexual assault covered by the comprehensive policy developed under section 712(a) has the right to be reasonably protected from the accused.

SEC. 714. CHANGE OF STATION.

(a) CHANGE OF STATION, UNIT TRANSFER, OR CHANGE OF WORK LOCATION OF VICTIMS.—

(1) TIMELY CONSIDERATION AND ACTION UPON REQUEST.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall—

(A) in the case of a member of the commissioned officer corps of the National Oceanic and Atmospheric Administration who was a victim of a sexual assault, in order to reduce the possibility of retaliation or further sexual assault, provide for timely determination and action on an application submitted by the victim for consideration of a change of station or unit transfer of the victim; and

(B) in the case of an employee of the Administration who was a victim of a sexual assault, to the degree practicable and in order to reduce the possibility of retaliation against the employee for reporting the sexual assault, accommodate a request for a change of work location of the victim.

(2) PROCEDURES.—

(A) PERIOD FOR APPROVAL AND DISAPPROVAL.—The Secretary, acting through the Under Secretary, shall ensure that an application or request submitted under paragraph (1) for a change of station, unit transfer, or change of work location is approved or denied within 72 hours of the submission of the application or request.

(B) REVIEW.—If an application or request submitted under paragraph (1) by a victim of a sexual assault for a change of station, unit transfer, or change of work location of the victim is denied—

(i) the victim may request the Secretary review the denial; and

(ii) the Secretary, acting through the Under Secretary, shall, not later than 72 hours after receiving such request, affirm or overturn the denial.

(b) CHANGE OF STATION, UNIT TRANSFER, AND CHANGE OF WORK LOCATION OF ALLEGED PERPETRATORS.—

(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall develop a policy for the protection of victims of sexual assault described in subsection (a)(1) by providing the alleged perpetrator of the sexual assault with a change of station, unit transfer, or change of work location, as the case may be, if the alleged perpetrator is a member of the commissioned officer corps of the Administration or an employee of the Administration.

(2) POLICY REQUIREMENTS.—The policy required by paragraph (1) shall include the following:

(A) A means to control access to the victim.

(B) Due process for the victim and the alleged perpetrator.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall promulgate regulations to carry out this section.

(2) CONSISTENCY.—When practicable, the Secretary shall make regulations promulgated under this section consistent with similar regulations promulgated by the Secretary of Defense.

SEC. 715. APPLICABILITY OF POLICIES TO CREWS OF VESSELS SECURED BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION UNDER CONTRACT.

The Under Secretary for Oceans and Atmosphere shall ensure that each contract into which the Under Secretary enters for the use of a vessel by the National Oceanic and Atmospheric Administration that covers the crew of the vessel, if any, shall include as a condition of the contract a provision that subjects such crew to the policy developed under section 711(a) and the comprehensive policy developed under section 712(a).

SEC. 716. ANNUAL REPORT ON SEXUAL ASSAULTS IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) IN GENERAL.—Not later than January 15 of each year, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(b) CONTENTS.—Each report submitted under subsection (a) shall include, with respect to the previous calendar year, the following:

(1) The number of alleged sexual assaults involving employees, members, and individuals described in subsection (a).

(2) A synopsis of each case and the disciplinary action taken, if any, in each case.

(3) The policies, procedures, and processes implemented by the Secretary, and any updates or revisions to such policies, procedures, and processes.

(4) A summary of the reports received by the Under Secretary for Oceans and Atmosphere under section 711(f).

(c) PRIVACY PROTECTION.—In preparing and submitting a report under subsection (a), the Secretary shall ensure that no individual involved in an alleged sexual assault can be identified by the contents of the report.

SEC. 717. DEFINITION.

In this subtitle, the term ''sexual assault'' shall have the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

Subtitle B—Commissioned Officer Corps of the National Oceanic and Atmospheric Administration

SEC. 721. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

PART I—GENERAL PROVISIONS

SEC. 722. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

''SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

''(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

''(1) Vice admiral.

''(2) Rear admiral.

''(3) Rear admiral (lower half).

''(4) Captain.

''(5) Commander.

''(6) Lieutenant commander.

''(7) Lieutenant.

''(8) Lieutenant (junior grade).

''(9) Ensign.

''(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

''(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

''(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

''(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

''(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is ½, the next higher whole number shall be taken.

''(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

''(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

''(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.''.

SEC. 723. RECALLED OFFICERS.

Section 215 (33 U.S.C. 3005) is amended—

(1) in the matter before paragraph (1), by striking ''Effective'' and inserting the following:

''(a) IN GENERAL.—Effective''; and

(2) by adding at the end the following new subsection:

''(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status—

''(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

''(2) may not count against such number.''.

SEC. 724. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

''SEC. 216. OBLIGATED SERVICE REQUIREMENT.

''(a) IN GENERAL.—

''(1) RULEMAKING.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirement of officers not otherwise covered by law.

''(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, and retirements as the Secretary considers appropriate.

''(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

''(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) shall be considered for all purposes as a debt owed to the United States.

''(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

''(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

''(2) is—

''(A) not physically qualified for appointment; and

''(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Obligated service requirement.''.

SEC. 725. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 724(a), is further amended by adding at the end the following:

''SEC. 217. TRAINING AND PHYSICAL FITNESS.

''(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

''(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, midcareer training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

''(2) Providing officers and officer candidates with books and school supplies.

''(3) Acquiring such equipment as may be necessary for training and instructional purposes.

''(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 724(b), is further amended by inserting after the item relating to section 216 the following:

''Sec. 217. Training and physical fitness.''.

SEC. 726. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by sections 724 and 725, is further amended by adding at the end the following:

''SEC. 218. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

''The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 725(b), is further amended by inserting after the item relating to section 217 the following:

''Sec. 218. Use of recruiting materials for public relations.''.

SEC. 727. CHARTER VESSEL SAFETY POLICY.

(a) POLICY REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop and implement a charter vessel safety policy applicable to the acquisition by the National Oceanic and Atmospheric Administration of charter vessel services.

(b) ELEMENTS.—The policy required by subsection (a) shall address vessel safety, operational safety, and basic personnel safety requirements applicable to the vessel size, type, and intended use. At a minimum, the policy shall include the following:

(1) Basic vessel safety requirements that address stability, egress, fire protection and lifesaving equipment, hazardous materials, and pollution control.

(2) Personnel safety requirements that address crew qualifications, medical training and services, safety briefings and drills, and crew habitability.

(c) LIMITATION.—The Secretary shall ensure that the basic vessel safety requirements and personnel safety requirements included in the policy required by subsection (a)—

(1) do not exceed the vessel safety requirements and personnel safety requirements promulgated by the Secretary of the department in which the Coast Guard is operating; and

(2) to the degree practicable, are consistent with the requirements described in paragraph (1).

SEC. 728. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting ''in the commissioned officer corps'' before ''of the National''.

PART II—PARITY AND RECRUITMENT

SEC. 731. EDUCATION LOANS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

''SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

''(1) was used by the person to finance education; and

''(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

''(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

''(1) satisfy 1 of the requirements specified in subsection (c);

''(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

''(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

''(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

''(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

''(d) LOAN REPAYMENTS.—

''(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

''(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

''(e) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

''(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

''(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than 1 year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

''(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty

service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

''(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

''(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

''(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

''(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

''(1) standards for qualified loans and authorized payees; and

''(2) other terms and conditions for the making of loan repayments.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

''Sec. 267. Education loan repayment program.''.

SEC. 732. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 731(a), is further amended by adding at the end the following:

''SEC. 268. INTEREST PAYMENT PROGRAM.

''(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on 1 or more student loans of an eligible officer, in accordance with this section.

''(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

''(1) is serving on active duty;

''(2) has not completed more than 3 years of service on active duty;

''(3) is the debtor on 1 or more unpaid loans described in subsection (c); and

''(4) is not in default on any such loan.

''(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

''(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

''(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

''(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

''(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

''(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

''(f) COORDINATION WITH SECRETARY OF EDUCATION.—

''(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

''(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

''(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

''(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

''(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,'' after ''Armed Forces''.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively'' after ''Armed Forces''.

(c) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 731(b), is further amended by inserting after the item relating to section 267 the following:

''Sec. 268. Interest payment program.''.

SEC. 733. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 732(a), is further amended by adding at the end the following:

''SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

''(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

''(1) a baccalaureate degree in not more than 5 academic years; or

''(2) a postbaccalaureate degree.

''(b) ELIGIBLE PERSONS.—

''(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

''(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

''(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

''(C) enters into a written agreement with the Secretary described in paragraph (2).

''(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person agrees—

''(A) to accept an appointment as an officer, if tendered; and

''(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

''(i) up to 3 years if the person received less than 3 years of assistance; and

''(ii) up to 5 years if the person received at least 3 years of assistance.

''(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

''(1) Tuition and fees charged by the educational institution involved.

''(2) The cost of books.

''(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

''(4) Such other expenses as the Secretary considers appropriate.

''(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

''(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than 5 consecutive academic years.

''(f) SUBSISTENCE ALLOWANCE.—

''(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

''(g) INITIAL CLOTHING ALLOWANCE.—

''(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

''(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

''(h) TERMINATION OF FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

''(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

''(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

''(C) the person fails to fulfill any term or condition of the agreement.

''(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

''(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

''(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

''(B) is—

''(i) not physically qualified for appointment; and

''(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

''(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

''(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

''(i) REGULATIONS.—The Secretary may promulgate such regulations and orders as the Secretary considers appropriate to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 732(c), is further amended by inserting after the item relating to section 268 the following:

''Sec. 269. Student pre-commissioning education assistance program.''.

SEC. 734. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with fiscal year 2013, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 731(a)), section 268 of such Act (as added by section 732(a)), and section 269 of such Act (as added by section 733(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 756(d)), if such section entitled officers candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service; exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term ''officer candidate'' has the meaning given the term in section 212 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 756(c).

SEC. 735. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (20) through (23), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (12) through (17), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

''(4) Section 771, relating to unauthorized wearing of uniforms.

''(5) Section 774, relating to wearing religious apparel while in uniform.

''(6) Section 982, relating to service on State and local juries.

''(7) Section 1031, relating to administration of oaths.'';

(5) by inserting after paragraph (10), as redesignated, the following:

''(11) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.''; and

(6) by inserting after paragraph (17), as redesignated, the following:

''(18) Subchapter I of chapter 88, relating to Military Family Programs.

''(19) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.''.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking ''armed forces'' and inserting ''uniformed services''; and

(B) in subsection (b)(4), by striking ''armed forces'' both places it appears and inserting ''uniformed services''.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), by striking ''armed forces'' and inserting ''uniformed services''; and

(B) by adding at the end the following new subsection:

''(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term 'Secretary concerned' in subsection (a) shall include the Secretary of Commerce with respect to members of the National Oceanic and Atmospheric Administration.''.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting ''or the commissioned corps of the National Oceanic and Atmospheric Administration'' after ''in the case of the Navy''; and

(ii) by striking ''other armed forces'' and inserting ''other uniformed services''; and

(B) in subsection (b)(1), by inserting ''or the Secretary of Commerce, as applicable,'' after ''the Secretary of Defense''.

SEC. 736. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

''SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

''(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

''(1) Section 324, relating to accession bonuses for new officers in critical skills.

''(2) Section 403(f)(3), relating to prescribing regulations defining the terms 'field duty' and 'sea duty'.

''(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

''(4) Section 414(a)(2), relating to personal money allowance while serving as Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(5) Section 488, relating to allowances for recruiting expenses.

''(6) Section 495, relating to allowances for funeral honors duty.

''(b) REFERENCES.—The authority vested by title 37, United States Code, in the 'military departments', 'the Secretary concerned', or 'the Secretary of Defense' with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary's designee.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 261 the following:

''Sec. 261A. Applicability of certain provisions of title 37, United States Code.''.

SEC. 737. LEGION OF MERIT AWARD.

Section 1121 of title 10, United States Code, is amended by striking ''armed forces'' and inserting ''uniformed services''.

SEC. 738. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 735, is further amended—

(1) by redesignating paragraphs (8) through (23) as paragraphs (9) through (24), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: ''For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.''.

(c) REGULATIONS.—Such section is further amended by adding at the end the following:

''(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may promulgate regulations to carry out the application of section 1034 of title 10, United

States Code, to the commissioned officer corps of the Administration, including by promulgating such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.''.

SEC. 739. PENALTIES FOR WEARING UNIFORM WITHOUT AUTHORITY.

Section 702 of title 18, United States Code, is amended by striking ''Service or any'' and inserting ''Service, the commissioned officer corps of the National Oceanic and Atmospheric Administration, or any''.

SEC. 740. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces'';

(2) in paragraph (2), by striking ''or veteran'' and inserting '', veteran, or member''; and

(3) in paragraph (4), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces''.

SEC. 741. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting ''the commissioned officer corps of the National Oceanic and Atmospheric Administration,'' after ''Public Health Service,''.

SEC. 742. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this subtitle, is further amended by adding at the end the following:

''SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

''(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for at least 3 years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

''(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

''(c) COMPETITIVE SERVICE DEFINED.—In this section, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 269, as added by this subtitle, the following:

''Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.''.

SEC. 743. DIRECT HIRE AUTHORITY.

(a) IN GENERAL.—The head of a Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, a qualified candidate described subsection (b) directly to a position in the agency for which the candidate meets qualification standards of the Office of Personnel Management.

(b) CANDIDATES DESCRIBED.—A candidate described in this subsection is a current or former member of the commissioned officer corps of the National Oceanic and Atmospheric Administration who—

(1) fulfilled his or her obligated service requirement under section 216 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, as added by section 724;

(2) if no longer a member of the commissioned officer corps of the Administration, was not discharged or released therefrom as part of a disciplinary action; and

(3) has been separated or released from service in the commissioned officer corps of the Administration for a period of not more than 5 years.

(c) EFFECTIVE DATE.—This section shall apply with respect to appointments made in fiscal year 2016 and in each fiscal year thereafter.

PART III—APPOINTMENTS AND PROMOTION OF OFFICERS

SEC. 751. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—

(1) IN GENERAL.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

''SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

''(a) ORIGINAL APPOINTMENTS.—

''(1) GRADES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

''(i) the qualification, experience, and length of service of the appointee; and

''(ii) the commissioned officer corps of the Administration.

''(B) APPOINTMENT OF OFFICER CANDIDATES.—

''(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

''(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

''(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

''(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

''(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(C) Graduates of the maritime academies of the States who—

''(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

''(ii) completed at least 3 years of regimented training while at a maritime academy of a State; and

''(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

''(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(3) DEFINITIONS.—In this subsection:

''(A) MARITIME ACADEMIES OF THE STATES.—The term 'maritime academies of the States' means the following:

''(i) California Maritime Academy, Vallejo, California.

''(ii) Great Lakes Maritime Academy, Traverse City, Michigan.

''(iii) Maine Maritime Academy, Castine, Maine.

''(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

''(v) State University of New York Maritime College, Fort Schuyler, New York.

''(vi) Texas A&M Maritime Academy, Galveston, Texas.

''(B) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term 'military service academies of the United States' means the following:

''(i) The United States Military Academy, West Point, New York.

''(ii) The United States Naval Academy, Annapolis, Maryland.

''(iii) The United States Air Force Academy, Colorado Springs, Colorado.

''(iv) The United States Coast Guard Academy, New London, Connecticut.

''(v) The United States Merchant Marine Academy, Kings Point, New York.

''(b) REAPPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

''(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

''(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

''(d) PRECEDENCE OF APPOINTEES.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

''(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in the Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

''(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

''(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

''(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.''.

(2) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

''Sec. 221. Original appointments and reappointments.''.

SEC. 752. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

''SEC. 222. PERSONNEL BOARDS.

''(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—A board convened under subsection (a) shall consist of 5 or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

''(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

''(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of 2 successive personnel boards convened to consider officers of the same grade for promotion or separation.

''(c) DUTIES.—Each personnel board shall—

''(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

''(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

''(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.''.

SEC. 753. DELEGATION OF AUTHORITY.

Section 226 (33 U.S.C. 3026) is amended—

(1) by striking ''Appointments'' and inserting the following:

''(a) IN GENERAL.—Appointments''; and

(2) by adding at the end the following:

''(b) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.''.

SEC. 754. ASSISTANT ADMINISTRATOR OF THE OFFICE OF MARINE AND AVIATION OPERATIONS.

Section 228(c) (33 U.S.C. 3028(c)) is amended—

(1) in the fourth sentence, by striking ''Director'' and inserting ''Assistant Administrator''; and

(2) in the heading, by inserting ''ASSISTANT ADMINISTRATOR OF THE'' before ''OFFICE''.

SEC. 755. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

''SEC. 229. TEMPORARY APPOINTMENTS.

''(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

''(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

''(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

''(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.

''(e) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 229 and inserting the following:

''Sec. 229. Temporary appointments.''.

SEC. 756. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

''SEC. 234. OFFICER CANDIDATES.

''(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

''(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the program, and all other matters affecting such appointment.

''(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(d) AGREEMENT.—

''(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

''(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

''(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

''(B) That upon graduation from the such program, the officer candidate—

''(i) will accept an appointment, if tendered, as an officer; and

''(ii) will serve on active duty for at least 4 years immediately after such appointment.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

''(1) standards for determining what constitutes a breach of an agreement signed under such subsection (d)(1); and

''(2) procedures for determining whether such a breach has occurred.

''(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under section (d) shall be subject to the repayment provisions of section 216(b).''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

''Sec. 234. Officer candidates.''.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) OFFICER CANDIDATE.—The term 'officer candidate' means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).''.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

''(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rate equal to the basic pay of an enlisted member in the pay grade E–5 with less than 2 years service.

''(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.''.

SEC. 757. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 756(a), is further amended by adding at the end the following:

''SEC. 235. PROCUREMENT OF PERSONNEL.

''The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 756(b), is further amended by inserting after the item relating to section 234 the following:

''235. Procurement of personnel.''.

PART IV—SEPARATION AND RETIREMENT OF OFFICERS

SEC. 761. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

''(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

''(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

''(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

''(3) LIMITATION.—A deferral of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

SEC. 762. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

''(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

''(1) expresses a desire not to be selected for promotion; or

''(2) requests removal from the list of selectees.''.

Subtitle C—Hydrographic Services

SEC. 771. REAUTHORIZATION OF HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998.

(a) REAUTHORIZATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended—

(1) in the matter before paragraph (1), by striking ''There are'' and inserting the following:

''(a) IN GENERAL.—There are'';

(2) in subsection (a) (as designated by paragraph (1))—

(A) in paragraph (1), by striking ''surveys—'' and all that follows through the end of the paragraph and inserting ''surveys, $70,814,000 for each of fiscal years 2016 through 2020.'';

(B) in paragraph (2), by striking ''vessels—'' and all that follows through the end of the paragraph and inserting ''vessels, $25,000,000 for each of fiscal years 2016 through 2020.'';

(C) in paragraph (3), by striking ''Administration—'' and all that follows through the end of the paragraph and inserting ''Administration, $29,932,000 for each of fiscal years 2016 through 2020.'';

(D) in paragraph (4), by striking ''title—'' and all that follows through the end of the paragraph and inserting ''title, $26,800,000 for each of fiscal years 2016 through 2020.''; and

(E) in paragraph (5), by striking ''title—'' and all that follows through the end of the paragraph and inserting ''title, $30,564,000 for each of fiscal years 2016 through 2020.''; and

(3) by adding at the end the following:

''(b) ARCTIC PROGRAMS.—Of the amount authorized by this section for each fiscal year—

''(1) $10,000,000 is authorized for use—

''(A) to acquire hydrographic data;

''(B) to provide hydrographic services;

''(C) to conduct coastal change analyses necessary to ensure safe navigation;

''(D) to improve the management of coastal change in the Arctic; and

''(E) to reduce risks of harm to Alaska Native subsistence and coastal communities associated with increased international maritime traffic; and

''(2) $2,000,000 is authorized for use to acquire hydrographic data and provide hydrographic services in the Arctic necessary to delineate the United States extended Continental Shelf.''.

(b) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Section 306 of such Act (33 U.S.C. 892d) is further amended by adding at the end the following:

''(c) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Of amounts authorized by this section for each fiscal year for contract hydrographic surveys, not more than 5 percent is authorized for administrative costs associated with contract management.''.

SA 4941. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

This Act shall take effect 2 days after the date of enactment.

SA 4942. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

This Act shall take effect 3 days after the date of enactment.

SA 4943. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

This Act shall take effect 4 days after the date of enactment.

SA 4944. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike ''2'' and insert ''3''.

SA 4945. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike ''3 days'' and insert ''4 days''.

SA 4946. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike ''4'' and insert ''5''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SASSE. Mr. President, I have eight requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on June 29, 2016, at 10 a.m., in room SR–253 of the Russell Senate Office Building.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on June 29, 2016, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building to conduct a hearing entitled ''ESSA Implementation: Update from the U.S. Secretary of Education on Proposed Regulations.''

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on June 29, 2016, at 10 a.m., to conduct a hearing entitled ''Preparing for and Protecting the Nation from Zika.''

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on June 29, 2016, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on June 29, 2016, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Protecting Older Americans From Financial Exploitation.''

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on June 29, 2016, at 10 a.m., in room SR–428A of the Russell Senate Office Building to conduct a hearing entitled ''America Without Entrepreneurs: The Consequences of Dwindling Startup Activity.''

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on June 29, 2016, at

2:30 p.m. in room SR–418 of the Russell Senate Office Building.

SUBCOMMITTEE ON SUPERFUND, WASTE MANAGEMENT, AND REGULATORY OVERSIGHT

The Subcommittee on Superfund, Waste Management, and Regulatory Oversight of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on June 29, 2016, at 2:30 p.m. in room SD–406 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of U.S. Environmental Protection Agency Enforcement and Compliance Programs.''

PRIVILEGES OF THE FLOOR

Ms. HEITKAMP. Mr. President, I ask unanimous consent that Kelsey Boe, an intern in my office, be granted floor privileges during the duration of today's session in the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3110

Mr. SASSE. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3110) to provide for reforms of the administration of the outer Continental Shelf of the United States, to provide for the development of geothermal, solar, and wind energy on public land, and for other purposes.

Mr. SASSE. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

RESOLUTIONS SUBMITTED TODAY

Mr. SASSE. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 516, S. Res. 517, S. Res. 518, S. Res. 519.

There being no objection, the Senate proceeded to consider the resolutions.

S. RES. 516

Mr. ALEXANDER. Mr. President, Senator CORKER and I have come to the floor having submitted a resolution honoring the life and achievements of Pat Summitt, the former University of Tennessee basketball coach who died this week. She coached for 38 years and became the winningest coach—man or woman—in Division I history.

I had the privilege of going to the White House with Coach Summitt in April of 1989. I was president of the University of Tennessee at the time, and she had just won the national championship. President Bush, The first President Bush, recited the usual statistics about Pat Summitt's remarkable coaching career. The President said: ''And in 13 years she brought Tennessee to the final four 10 times, winning it twice.'' This was in 1989, a long time before she retired. ''Later on we're going down to that fountain over there that you all can see, to see if literally she can walk on water.''

That was what President Bush said of Pat Summitt.

So when it came time for Coach Summitt to speak—the winningest basketball coach in our country's Division I history—this is what she said:

Mr. President, we're honored and delighted to be here. I am extremely proud of our academic success. We have won two national championships in the last 3 years, but the most important statistic for our team and our program is the 100-percent graduation rate, of which we will hold our heads very proudly.

Pat Summitt did everything by the book, and she made sure her players did as well. She had some of the most remarkable athletes in any program in the country. One of those is Candace Parker, who is still playing in professional women's basketball. If I remember this right, there was finally a game when Candace got to play near her hometown in a Midwestern city. So the whole town turned out—all of her friends, all of her family. Everybody had come to see a young woman who was then the most celebrated women's basketball player in the country. But Candace Parker had missed a curfew the night before by a few minutes, and so Pat Summitt sat her on the bench for the first half while her family, her friends, and everybody had come to see her play watched. Everyone understood that's how Pat Summitt did things.

She began her career when she was 22. She was paid $250 a month for that. She was a graduate student at the University of Tennessee. For many, women's basketball consisted still of three women on one end of the court and three on the other. The NCAA didn't even sponsor a national championship game at that time. Pat really invented many aspects of the women's college game, and what she didn't invent she taught to the rest of us.

It will be hard for people outside Tennessee to appreciate how much she became a part of us. She literally taught us the game. She was so up-front and personal about it all. She introduced us to her players. She told us about their great abilities and successes. She told us about their failures and when they weren't living up to their potential. She invited us to go into her locker room at halftime and listen to her fiery halftime speeches. She made time for every single person who touched her. There are countless stories about that. But the best wanted to play for Pat Summitt because she was the best.

Tamika Catchings, still playing and retiring this year—one of the great players in women's college basketball—was the women's college basketball player of the year. She was in high school when Tennessee already had the best team and the best players, but Tamika wanted to go to Tennessee to play for Pat Summitt, to play with Chamique Holdsclaw because she wanted to be a part of the best team.

Tennesseans are very, very proud of Pat Summitt. We know that when the nation saw her, they might think a little better of us because she was one of us. She was a great friend, not just a friend of mine and our family, but thousands of Tennesseans.

Today, we honor her life. We honor that she lived that life by the book, that she taught so many young women how to live their lives by the book, that she brought out the best in so many of them and inspired the rest of us to think a little bigger for ourselves.

Four years ago at a young age, 60 years of age, suddenly she had Alzheimer's disease. She confronted that just as well, and set an example for the rest of us.

So for Pat Summitt, this is a day to honor a woman of style, a woman of substance, a farm girl who grew up to be the winningest coach in the country and who by her example and by her life brought out the best in her players and set an example for the rest of us.

Tennesseans are very, very proud of Pat Summitt. We know that when the Nation saw her, they might think a little better of us because she was one of us. She was a great friend—not just a friend of mine and our family but of thousands of Tennesseans. We honor her life. We honor that she lived her life by the book, that she taught so many young women how to live their lives by the book, that she brought out the best in so many of them and inspired the rest of us to maybe think a little bigger for ourselves as well.

Four years ago, at a young age—about 60, 59 years of age—suddenly she had Alzheimer's disease. She confronted that, as well, and she set an example for the rest of us in fighting through that. For Pat Summitt, this is a day to honor a woman of style, a woman of substance, a farm girl who grew up to be the winningest college coach in the country and who, by her example and by her life, brought out the best in her players and set an example for the rest of us.

I have joined Senator CORKER in submitting this resolution, which the Senate will adopt this evening.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I am so glad to join the senior Senator from our State, who set such an example in the Senate in recognizing and honoring

Pat Summitt. Basketball has lost a legend, and Tennessee has lost one of its own beloved daughters. There is perhaps no one who left with a more indelible mark on his or her profession than Pat. In her 38 years as head coach of the University of Tennessee Lady Volunteers, she amassed a historic record of achievement and blazed a trail for women across our country.

A farm girl from Henrietta, TN, Pat attended the University of Tennessee at Martin, earning a bachelor's degree and leading the women's basketball team to two national championship tournaments. Shortly after graduating, she accepted a position at the University of Tennessee in Knoxville as head coach of the women's basketball team at 22 years old. The rest, they say, is history.

In those early years, Pat washed the jerseys, drove the team van, and was paid $250 a month. Thirty-eight years later, she walked off the hardwood as the winningest NCAA Division I basketball coach in history, with 1,098 victories, 8 national championships, 32 combined Southeastern Conference titles, and zero losing seasons. If you asked Pat, there was only one number that she would point to: 161—161 Lady Vols who had the honor of wearing the orange and white over the span of her career. As she once wrote, ''I won 1,098 games, and eight national championships, and coached in four different decades. But what I see are not the numbers. I see their faces.''

Her influence on their lives was felt as much off the court as it was on it. Every player who completed her eligibility at the University of Tennessee under Pat Summitt graduated. That is remarkable—every single player in 38 years. Think about that. The impact she had on her players at the University of Tennessee, the Knoxville community, and the game of basketball will be felt for years to come.

In closing, as we look back on Pat's life, I will echo the words of my friend and former Tennessee football coach Phillip Fulmer, who said: ''Coach Summitt did not want a pity party. She said, 'If you're going to have one, I'm not coming.' ''

Today, I join all Tennesseans in celebrating her life—celebrating the victories, the titles, the relationships, and celebrating a life well-lived and a fight hard fought. I extend my thoughts and prayers to her son Tyler, the Lady Vol family, and all those who were touched by her truly remarkable life.

I yield the floor.

Ms. MIKULSKI. Mr. President, I want to add my voice of sadness and regret for the loss of Pat Summitt. I extend my deepest sympathy to her family, friends, and the entire Lady Vols community. Pat Summitt was a trailblazer for all American women. I am honored to be a cosponsor of Senators ALEXANDER and CORKER's resolution recognizing Coach Summitt's incredible and inspirational life.

America lost a true champion this week. It was not just that Pat Summitt was a competitor. It was that she was the competitor. Pat won eight NCAA championships, had 18 Final Four appearances, and won 84 percent of her games—more wins than any other woman or man basketball coach in NCAA history.

Like so many athletes, her love of basketball started when she was a young girl. Growing up in Tennessee, she was always playing basketball with her three older brothers in their family's barn house. Rather than discourage and end their daughter's interest, her parents moved their family to a school district that actually had a girl's high school basketball team. They showed how important support can be to a young girl with a dream.

Her passion only grew and followed her to college at the University of Tennessee at Martin. But she went without an athletic scholarship because women weren't offered them yet. Still, education had always been important in her family—she had never missed a day of school—and Pat graduated in 1974. Degree in hand, she was asked to be the assistant coach of Tennessee's women's team at the university's flagship campus in Knoxville. Then fate quickly took over, making her head coach the same year, at the age of 22.

Pat never took the easy road—it was never offered. Her starting salary as coach was $250, and she also taught classes, recruited players, and drove the team van to every away game—all while studying for a graduate degree. But to her, it was worth it for the game. It was worth it to teach her players and prove to the doubters and naysayers just what her Lady Vols could accomplish.

Pat was tough, there is no doubt about it. Her players recall her practices with pride. They also remember the sore muscles and pure exhaustion. But Pat knew nothing in life came easy, let alone winning.

Her determined outlook comes from her father, who used to remind her, ''It's not done till it's done right.'' Well, Pat certainly did something right. In 1976, her Lady Vols made it to the Final Four. At the same time, Pat overcame a knee injury to play for the U.S. Women's Olympic basketball team and won a silver medal.

Neither incredible finish satisfied her. She wasn't done yet. Eight years later, she coached the U.S. Women's Basketball Team and won the gold. Three years after that, she led Tennessee to a national championship—the first of the eight she would win.

But Pat knew success had to come on and off the court. That was why she made all her players sit in the first three rows in every class. Unexcused absences were not allowed. Again, she got it right, as all of her players who finished athletic eligibility also graduated with a degree—more than 100 women athletes in total.

Education was part of basketball, too. To Pat, the game wasn't just a game. It was a way to learn life's lessons, to teach young women what they can accomplish with hard work, determination, and belief in yourself

While she was often a tough coach, she was always a source of encouragement. She once wrote to a player starting her first game, ''Winning is fun, sure. But winning is not the point. Wanting to win is the point. Not giving up is the point. Never letting up is the point . . . The secret of the game is in doing your best. To persist and endure, 'to strive, to seek, to find, and not to yield.' ''

Pat was a living legend that dedicated herself to the game and to the women who played the game. She was a fighter, an Olympian, a Medal of Freedom recipient, a mother to her son, Tyler, and an educator and role model to generations of young women.

She faced stereotypes, skepticism, and hurdles. She persisted, she overcame, and she inspired others to do the same.

We will all remember and miss Pat Summitt because she always did her best, she won, and she led so many others to victory with her.

Mr. SASSE. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

MARITIME ADMINISTRATION AUTHORIZATION AND ENHANCEMENT ACT FOR FISCAL YEAR 2017

Mr. SASSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 517, S. 2829.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2829) to amend and enhance certain maritime programs of the Department of Transportation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MARITIME ADMINISTRATION AUTHORIZATION

Sec. 101. Authorization of the maritime administration.
Sec. 102. Maritime Administration authorization request.

TITLE II—PREVENTION OF SEXUAL HARASSMENT AND ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY

Sec. 201. Actions to address sexual harassment and sexual assault at the United States Merchant Marine Academy.
Sec. 202. Sexual assault response coordinators and sexual assault victim advocates.
Sec. 203. Report from the Department of Transportation Inspector General.
Sec. 204. Sexual assault prevention and response working group.

TITLE III—MARITIME ADMINISTRATION ENHANCEMENT

Sec. 301. Status of National Defense Reserve Fleet vessels.
Sec. 302. Port infrastructure development.
Sec. 303. Use of State academy training vessels.
Sec. 304. State maritime academy physical standards and reporting.
Sec. 305. Authority to extend certain age restrictions relating to vessels participating in the maritime security fleet.
Sec. 306. Appointments.
Sec. 307. High-speed craft classification services.
Sec. 308. Maritime workforce working group.
Sec. 309. Vessel disposal program.
Sec. 310. Maritime extreme weather task force.
Sec. 311. Penalty wages.
Sec. 312. Recourse for noncitizens.
Sec. 313. Floating dry docks.

TITLE IV—IMPLEMENTATION OF WORKFORCE MANAGEMENT IMPROVEMENTS

Sec. 401. Workforce plans and onboarding policies.
Sec. 402. Drug and alcohol policy.
Sec. 403. Vessel transfers.

TITLE V—TECHNICAL AMENDMENTS

Sec. 501. Clarifying amendment; continuation boards.
Sec. 502. Prospective payment of funds necessary to provide medical care.
Sec. 503. Technical corrections to title 46, United States Code.
Sec. 504. Coast Guard use of the Pribilof Islands.

TITLE VI—POLAR ICEBREAKER FLEET RECAPITALIZATION TRANSPARENCY ACT

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. Authority for polar icebreaker acquisition.
Sec. 604. Polar icebreaker recapitalization plan.
Sec. 605. GAO report icebreaking capability in the United States.

TITLE VII—VESSEL INCIDENTAL DISCHARGE ACT

Sec. 701. Short title.
Sec. 702. Findings; purpose.
Sec. 703. Definitions.
Sec. 704. Regulation and enforcement.
Sec. 705. Uniform national standards and requirements for the regulation of discharges incidental to the normal operation of a vessel.
Sec. 706. Treatment technology certification.
Sec. 707. Exemptions.
Sec. 708. Alternative compliance program.
Sec. 709. Judicial review.
Sec. 710. Effect on State authority.
Sec. 711. Application with other statutes.
Sec. 712. Relationship to other laws.
Sec. 713. Savings provision.

TITLE VIII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION ACT

Sec. 801. Short title.

Subtitle A—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration

Sec. 811. Actions to address sexual harassment at National Oceanic and Atmospheric Administration.
Sec. 812. Actions to address sexual assault at National Oceanic and Atmospheric Administration.
Sec. 813. Rights of the victim of a sexual assault.
Sec. 814. Change of station.
Sec. 815. Applicability of policies to crews of vessels secured by National Oceanic and Atmospheric Administration under contract.
Sec. 816. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.
Sec. 817. Definition.

Subtitle B—Commissioned Officer Corps of the National Oceanic and Atmospheric Administration

Sec. 820. References to National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.

PART I—GENERAL PROVISIONS

Sec. 821. Strength and distribution in grade.
Sec. 822. Recalled officers.
Sec. 823. Obligated service requirement.
Sec. 824. Training and physical fitness.
Sec. 825. Recruiting materials.
Sec. 826. Charter vessel safety policy.
Sec. 827. Technical correction.

PART II—PARITY AND RECRUITMENT

Sec. 831. Education loans.
Sec. 832. Interest payments.
Sec. 833. Student pre-commissioning program.
Sec. 834. Limitation on educational assistance.
Sec. 835. Applicability of certain provisions of title 10, United States Code, and extension of certain authorities applicable to members of the Armed Forces to commissioned officer corps.
Sec. 836. Applicability of certain provisions of title 37, United States Code.
Sec. 837. Legion of Merit award.
Sec. 838. Prohibition on retaliatory personnel actions.
Sec. 839. Penalties for wearing uniform without authority.
Sec. 840. Application of certain provisions of competitive service law.
Sec. 841. Employment and reemployment rights.
Sec. 842. Treatment of commission in commissioned officer corps for purposes of certain hiring decisions.
Sec. 843. Direct hire authority.

PART III—APPOINTMENTS AND PROMOTION OF OFFICERS

Sec. 851. Appointments.
Sec. 852. Personnel boards.
Sec. 853. Delegation of authority.
Sec. 854. Assistant Administrator of the Office of Marine and Aviation Operations.
Sec. 855. Temporary appointments.
Sec. 856. Officer candidates.
Sec. 857. Procurement of personnel.

PART IV—SEPARATION AND RETIREMENT OF OFFICERS

Sec. 861. Involuntary retirement or separation.
Sec. 862. Separation pay.

Subtitle C—Hydrographic Services

Sec. 871. Reauthorization of Hydrographic Services Improvement Act of 1998.

TITLE I—MARITIME ADMINISTRATION AUTHORIZATION

SEC. 101. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

There are authorized to be appropriated to the Department of Transportation for fiscal year 2017, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $99,902,000, of which—

(A) $74,851,000 shall be for Academy operations; and

(B) $25,051,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $29,550,000, of which—

(A) $2,400,000 shall remain available until September 30, 2018, for the Student Incentive Program;

(B) $3,000,000 shall remain available until expended for direct payments to such academies;

(C) $22,000,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels;

(D) $1,800,000 shall remain available until expended for training ship fuel assistance; and

(E) $350,000 shall remain available until expended for expenses to improve the monitoring of the service obligations of graduates.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $6,000,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, $57,142,000.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $20,000,000, which shall remain available until expended.

(6) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $3,000,000, which shall remain available until expended for administrative expenses of the program.

SEC. 102. MARITIME ADMINISTRATION AUTHORIZATION REQUEST.

Section 109 of title 49, United States Code, is amended by adding at the end the following:

''(k) SUBMISSION OF ANNUAL MARITIME ADMINISTRATION AUTHORIZATION REQUEST.—

''(1) IN GENERAL.—Not later than 30 days after the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105 of title 31, the Maritime Administrator shall submit a Maritime Administration authorization request with respect to such fiscal year to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(2) DEFINED TERM.—In this subsection, the term 'Maritime Administration authorization request' means a proposal for legislation that, with respect to the Maritime Administration for the relevant fiscal year—

''(A) recommends authorizations of appropriations for that fiscal year; and

''(B) addresses any other matter that the Maritime Administrator determines is appropriate for inclusion in a Maritime Administration authorization bill.''.

TITLE II—PREVENTION OF SEXUAL HARASSMENT AND ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY

SEC. 201. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND SEXUAL ASSAULT AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) POLICY.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

''§ 51318. Policy on sexual harassment and sexual assault

''(a) REQUIRED POLICY.—

''(1) IN GENERAL.—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual assault applicable to the cadets and other personnel of the Academy.

''(2) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual assault prescribed under this subsection shall include—

''(A) a program to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel;

''(B) procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual assault, including—

''(i) specifying the person or persons to whom an alleged occurrence of sexual harassment or sexual assault should be reported by a cadet and the options for confidential reporting;

''(ii) specifying any other person whom the victim should contact; and

''(iii) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault;

''(C) a procedure for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel;

''(D) any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual assault involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible; and

''(E) required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual assault involving Academy personnel.

''(3) AVAILABILITY OF POLICY.—The Secretary shall ensure that the policy developed under this subsection is available to—

''(A) all cadets and employees of the Academy; and

''(B) the public.

''(4) CONSULTATION AND ASSISTANCE.—In developing the policy under this subsection, the Secretary may consult or receive assistance from such Federal, State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

''(b) DEVELOPMENT PROGRAM.—

''(1) IN GENERAL.—The Secretary of Transportation shall ensure that the development program of the United States Merchant Marine Academy includes a section that—

''(A) describes the relationship between honor, respect, and character development and the prevention of sexual harassment and sexual assault at the Academy; and

''(B) includes a brief history of the problem of sexual harassment and sexual assault in the merchant marine, in the Armed Forces, and at the Academy; and

''(C) includes information relating to reporting sexual harassment and sexual assault, victims' rights, and dismissal for offenders.

''(2) TRAINING.—The Superintendent of the Academy shall ensure that all cadets receive the training described in paragraph (1)—

''(A) not later than 7 days after their initial arrival at the Academy; and

''(B) biannually thereafter until they graduate or leave the Academy.

''(c) ANNUAL ASSESSMENT.—

''(1) IN GENERAL.—The Secretary of Transportation, in cooperation with the Superintendent of the Academy, shall conduct an assessment at the Academy during each Academy program year to determine the effectiveness of the policies, procedures, and training of the Academy with respect to sexual harassment and sexual assault involving cadets or other Academy personnel.

''(2) BIENNIAL SURVEY.—For each assessment of the Academy under paragraph (1) during an Academy program year that begins in an odd-numbered calendar year, the Secretary shall conduct a survey of cadets and other Academy personnel—

''(A) to measure—

''(i) the incidence, during that program year, of sexual harassment and sexual assault events, on or off the Academy campus, that have been reported to officials of the Academy; and

''(ii) the incidence, during that program year, of sexual harassment and sexual assault events, on or off the Academy campus, that have not been reported to officials of the Academy; and

''(B) to assess the perceptions of cadets and other Academy personnel on—

''(i) the policies, procedures, and training on sexual harassment and sexual assault involving cadets or Academy personnel;

''(ii) the enforcement of the policies described in clause (i);

''(iii) the incidence of sexual harassment and sexual assault involving cadets or Academy personnel; and

''(iv) any other issues relating to sexual harassment and sexual assault involving cadets or Academy personnel.

''(3) FOCUS GROUPS FOR YEARS WHEN SURVEY NOT REQUIRED.—In any year in which the Secretary of Transportation is not required to conduct the survey described in paragraph (2), the Secretary shall conduct focus groups at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

''(d) ANNUAL REPORT.—

''(1) IN GENERAL.—The Superintendent of the Academy shall submit a report to the Secretary of Transportation that provides information about sexual harassment and sexual assault involving cadets or other personnel at the Academy for each Academy program year.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the Academy program year covered by the report—

''(A) the number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials;

''(B) the number of the reported cases described in subparagraph (A) that have been substantiated;

''(C) the policies, procedures, and training implemented by the Superintendent and the leadership of the Academy in response to sexual harassment and sexual assault involving cadets or other Academy personnel; and

''(D) a plan for the actions that will be taken in the following Academy program year regarding prevention of, and response to, sexual harassment and sexual assault involving cadets or other Academy personnel.

''(3) SURVEY AND FOCUS GROUP RESULTS.—

''(A) SURVEY RESULTS.—Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

''(B) FOCUS GROUP RESULTS.—Each report under paragraph (1) for an Academy program year in which the Secretary of Transportation is not required to conduct the survey described (c)(2) shall include the results of the focus group conducted in that program year under subsection (c)(3).

''(4) REPORTING REQUIREMENT.—

''(A) BY THE SUPERINTENDENT.—For each incident of sexual harassment or sexual assault reported to the Superintendent under this subsection, the Superintendent shall provide the Secretary of Transportation and the Board of Visitors of the Academy with a report that includes—

''(i) the facts surrounding the incident, except for any details that would reveal the identities of the people involved; and

''(ii) the Academy's response to the incident.

''(B) BY THE SECRETARY.—The Secretary shall submit a copy of each report received under subparagraph (A) and the Secretary's comments on the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, is amended by adding at the end the following:

''51318. Policy on sexual harassment and sexual assault.''.

SEC. 202. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) COORDINATORS AND ADVOCATES.—Chapter 513 of title 46, United States Code, as amended by section 201, is further amended by adding at the end the following:

''§ 51319. Sexual assault response coordinators and sexual assault victim advocates

''(a) SEXUAL ASSAULT RESPONSE COORDINATORS.—The United States Merchant Marine Academy shall employ or contract with at least 1 full-time sexual assault response coordinator who shall reside on or near the Academy. The Secretary of Transportation may assign additional full-time or part-time sexual assault response coordinators at the Academy as may be necessary.

''(b) VOLUNTEER SEXUAL ASSAULT VICTIM ADVOCATES.—

''(1) IN GENERAL.—The Secretary of Transportation, acting through the Superintendent of the United States Merchant Marine Academy, shall designate 1 or more permanent employees who volunteer to serve as advocates for victims of sexual assaults involving—

''(A) cadets of the Academy; or

''(B) individuals who work with or conduct business on behalf of the Academy.

''(2) TRAINING; OTHER DUTIES.—Each victim advocate designated under this subsection shall—

''(A) have or receive training in matters relating to sexual assault and the comprehensive policy developed under section 51318 of title 46, United States Code, as added by section 201; and

''(B) serve as a victim advocate voluntarily, in addition to the individual's other duties as an employee of the Academy.

''(3) PRIMARY DUTIES.—While performing the duties of a victim advocate under this subsection, a designated employee shall—

''(A) support victims of sexual assault by informing them of the rights and resources available to them as victims;

''(B) identify additional resources to ensure the safety of victims of sexual assault; and

''(C) connect victims of sexual assault to an Academy sexual assault response coordinator, or

full-time or part-time victim advocate, who shall act as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

''(4) COMPANION.—At least 1 victim advocate designated under this subsection, while performing the duties of a victim advocate, shall act as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

''(5) HOTLINE.—The Secretary shall establish a 24-hour hotline through which the victim of a sexual assault can receive victim support services.

''(6) FORMAL RELATIONSHIPS WITH OTHER ENTITIES.—The Secretary may enter into formal relationships with other entities to make available additional victim advocates or to implement paragraphs (3), (4), and (5).

''(7) CONFIDENTIALITY.—Information disclosed by a victim to an advocate designated under this subsection—

''(A) shall be treated by the advocate as confidential; and

''(B) may not be disclosed by the advocate without the consent of the victim.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, is amended by adding at the end the following:

''51319. Sexual assault response coordinators and sexual assault victim advocates.''.

SEC. 203. REPORT FROM THE DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL.

(a) IN GENERAL.—Not later than March 31, 2018, the Inspector General of the Department of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the effectiveness of the sexual harassment and sexual assault prevention and response program at the United States Merchant Marine Academy.

(b) CONTENTS.—The report required under subsection (a) shall—

(1) assess progress toward addressing any outstanding recommendations;

(2) include any recommendations to reduce the number of sexual assaults involving members of the United States Merchant Marine Academy, whether a member is the victim, the alleged assailant, or both;

(3) include any recommendations to improve the response of the Department of Transportation and the United States Merchant Marine Academy to reports of sexual assaults involving members of the Academy, whether a members is the victim, the alleged assailant, or both.

(c) EXPERTISE.—In compiling the report required under this section, the inspection teams acting under the direction of the Inspector General shall—

(1) include at least 1 member with expertise and knowledge of sexual assault prevention and response policies; or

(2) consult with subject matter experts in the prevention of and response to sexual assaults.

SEC. 204. SEXUAL ASSAULT PREVENTION AND RESPONSE WORKING GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Maritime Administrator shall convene a working group to examine methods to improve the prevention of, and response to, any sexual harassment or sexual assault that occurs during a Cadet's Sea Year experience with the United States Merchant Marine Academy.

(b) MEMBERSHIP.—The Maritime Administrator shall designate individuals to serve as members of the working group convened pursuant to subsection (a). Membership in the working group shall consist of—

(1) a representative of the Maritime Administration, which shall serve as chair of the working group;

(2) the Superintendent of the Academy, or designee;

(3) the sexual assault response coordinator appointed under section 51319 of title 46, United States Code;

(4) a subject matter expert from the Coast Guard;

(5) a subject matter expert from the Military Sealift Command;

(6) at least 1 representative from each of the State maritime academies;

(7) at least 1 representative from each private contracting party participating in the maritime security program;

(8) at least 1 representative from each nonprofit labor organization representing a class or craft of employees employed on vessels in the Maritime Security Fleet;

(9) at least 2 representatives from approved maritime training institutions; and

(10) at least 1 representative from companies that—

(A) participate in sea training of Academy cadets; and

(B) do not participate in the maritime security program.

(c) NO QUORUM REQUIREMENT.—The Maritime Administration may convene the working group without all members present.

(d) RESPONSIBILITIES.—The working group shall—

(1) evaluate options that could promote a climate of honor and respect, and a culture that is intolerant of sexual harassment and sexual assault and those who commit it, across the United States Flag Fleet;

(2) raise awareness of the United States Merchant Marine Academy's sexual assault prevention and response program across the United States Flag Fleet;

(3) assess options that could be implemented by the United States Flag Fleet that would remove any barriers to the reporting of sexual harassment and sexual assault response that occur during a Cadet's Sea Year experience and protect the victim's confidentiality;

(4) assess a potential program or policy, applicable to all participants of the maritime security program, to improve the prevention of, and response to, sexual harassment and sexual assault incidents;

(5) assess a potential program or policy, applicable to all vessels operating in the United States Flag Fleet that participate in the Maritime Security Fleet under section 53101 of title 46, United States Code, which carry cargos to which chapter 531 of such title applies, or are chartered by a Federal agency, requiring crews to complete a sexual harassment and sexual assault prevention and response training program before the Cadet's Sea Year that includes—

(A) fostering a shipboard climate—

(i) that does not tolerate sexual harassment and sexual assault;

(ii) in which persons assigned to vessel crews are encouraged to intervene to prevent potential incidents of sexual harassment or sexual assault; and

(iii) that encourages victims of sexual assault to report any incident of sexual harassment or sexual assault; and

(B) understanding the needs of, and the resources available to, a victim after an incident of sexual harassment or sexual assault;

(6) assess whether the United States Merchant Marine Academy should continue with sea year training on privately owned vessels or change its curricula to provide alternative training; and

(7) assess how vessel operators could ensure the confidentiality of a report of sexual harassment or sexual assault in order to protect the victim and prevent retribution.

(e) REPORT.—Not later than 15 months after the date of the enactment of this Act, the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(1) recommendations on each of the working group's responsibilities described in subsection (d);

(2) the trade-offs, opportunities, and challenges associated with the recommendations made in paragraph (1); and

(3) any other information the working group determines appropriate.

TITLE III—MARITIME ADMINISTRATION ENHANCEMENT

SEC. 301. STATUS OF NATIONAL DEFENSE RESERVE FLEET VESSELS.

Section 4405 of title 50, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ''Vessels in the National Defense Reserve Fleet, including vessels loaned to State maritime academies, shall be considered public vessels of the United States.''; and

(2) by adding at the end the following:

''(g) VESSEL STATUS.—Ships or other watercraft in the National Defense Reserve Fleet determined by the Maritime Administration to be of insufficient value to remain in the National Defense Reserve Fleet—

''(1) shall remain vessels (as defined in section 3 of title 1); and

''(2) shall remain subject to the rights and responsibilities of a vessel under admiralty law until such time as the vessel is delivered to a dismantling facility or is otherwise disposed of from the National Defense Reserve Fleet.''.

SEC. 302. PORT INFRASTRUCTURE DEVELOPMENT.

Section 50302(c)(4) of title 46, United States Code, is amended—

(1) by striking ''There are authorized'' and inserting the following:

''(A) IN GENERAL.—There are authorized''; and

(2) by adding at the end the following:

''(B) ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the Administrator may use not more than 3 percent of the amounts appropriated to carry out this section for the administrative expenses of the program.''.

SEC. 303. USE OF STATE ACADEMY TRAINING VESSELS.

Section 51504(g) of title 46, United States Code, is amended to read as follows:

''(g) VESSEL SHARING.—The Secretary, after consulting with the affected State maritime academies, may implement a program requiring a State maritime academy to share its training vessel with another State maritime academy if the vessel of another State maritime academy—

''(1) is being used during a humanitarian assistance or disaster response activity;

''(2) is incapable of being maintained in good repair as required under section 51504(c) of title 46, United States Code;

''(3) requires maintenance or repair for an extended period;

''(4) is activated as a National Defense Reserve Fleet vessel pursuant to section 4405 of title 50, United States Code;

''(5) loses its Coast Guard Certificate of Inspection or its classification; or

''(6) does not comply with applicable environmental regulations.''.

SEC. 304. STATE MARITIME ACADEMY PHYSICAL STANDARDS AND REPORTING.

Section 51506 of title 46, United States Code, is amended–

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''must'' and inserting ''shall'';

(B) in paragraph (2), by striking ''and'' at the end;

(C) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(4) agree that any individual enrolled at such State maritime academy in a merchant marine officer preparation program—

''(A) shall, not later than 9 months after each such individual's date of enrollment, pass an examination in form and substance satisfactory to the Secretary that demonstrates that such individual meets the medical and physical requirements—

''(i) required for the issuance of an original license under section 7101; or

''(ii) set by the Coast Guard for issuing merchant mariners' documentation under section 7302, with no limit to his or her operational authority;

''(B) following passage of the examination under subparagraph (A), shall continue to meet the requirements or standards described in subparagraph (A) throughout the remainder of their respective enrollments at the State maritime academy; and

''(C) if the individual has a medical or physical condition that disqualifies him or her from meeting the requirements or standards referred to in subparagraph (A), shall be transferred to a program other than a merchant marine officer preparation program, or otherwise appropriately disenrolled from such State maritime academy, until the individual demonstrates to the Secretary that the individual meets such requirements or standards.''; and

(2) by adding at the end the following:

''(c) SECRETARIAL WAIVER AUTHORITY.—The Secretary is authorized to modify or waive any of the terms set forth in subsection (a)(4) with respect to any individual or State maritime academy.''.

SEC. 305. AUTHORITY TO EXTEND CERTAIN AGE RESTRICTIONS RELATING TO VESSELS PARTICIPATING IN THE MARITIME SECURITY FLEET.

(a) IN GENERAL.—Section 53102 of title 46, United States Code, is amended by adding at the end the following:

''(g) AUTHORITY FOR EXTENSION OF MAXIMUM SERVICE AGE FOR A PARTICIPATING FLEET VESSEL.—The Secretary of Defense, in conjunction with the Secretary of Transportation, may extend the maximum age restrictions under sections 53101(5)(A)(ii) and 53106(c)(3) for a particular participating fleet vessel for up to 5 years if the Secretary of Defense and the Secretary of Transportation jointly determine that such extension is in the national interest.''.

(b) REPEAL OF UNNECESSARY AGE LIMITATION.—Section 53106(c)(3) of such title is amended—

(1) in subparagraph (A), by striking ''or (C);'' and inserting ''; or'';

(2) in subparagraph (B), by striking ''; or'' at the end and inserting a period; and

(3) by striking subparagraph (C).

SEC. 306. APPOINTMENTS.

(a) IN GENERAL.—Section 51303 of title 46, United States Code, is amended by striking ''40'' and inserting ''50''.

(b) CLASS PROFILE.—Not later than August 31 of each year, the Superintendent of the United States Merchant Marine Academy shall post on the Academy's public website a summary profile of each class at the Academy.

(c) CONTENTS.—Each summary profile posted under subsection (b) shall include, for the incoming class and for the 4 classes that precede the incoming class, the number and percentage of students—

(1) by State;

(2) by country;

(3) by gender;

(4) by race and ethnicity; and

(5) with prior military service.

SEC. 307. HIGH-SPEED CRAFT CLASSIFICATION SERVICES.

(a) IN GENERAL.—Notwithstanding section 3316(a) of title 46, United States Code, the Secretary of the Navy may use the services of an approved classification society for only a high-speed craft that—

(1) was acquired by the Secretary from the Maritime Administration;

(2) is not a high-speed naval combatant, patrol vessel, expeditionary vessel, or other special purpose military or law enforcement vessel;

(3) is operated for commercial purposes;

(4) is not operated or crewed by any department, agency, instrumentality, or employee of the United States Government;

(5) is not directly engaged in any mission or other operation for or on behalf of any department, agency, instrumentality, or employee of the United States Government; and

(6) is not primarily designed to carry freight owned, leased, used, or contracted for or by the United States Government.

(b) DEFINITION OF APPROVED CLASSIFICATION SOCIETY.—In this section, the term ''approved classification society'' means a classification society that has been approved by the Secretary of the department in which the Coast Guard is operating under section 3316(c) of title 46, United States Code.

(c) SAVINGS CLAUSE.—Nothing in this section may be construed to affect the requirements under section 3316 of title 46, United States Code, for a high-speed craft that does not meet the conditions under paragraphs (1) through (6) of subsection (a) of this section.

SEC. 308. MARITIME WORKFORCE WORKING GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall convene a working group to examine and assess the size of the pool of citizen mariners necessary to support the United States Flag Fleet in times of national emergency.

(b) MEMBERSHIP.—The Maritime Administrator shall designate individuals to serve as members of the working group convened under subsection (a). The working group shall include, at a minimum, the following members:

(1) At least 1 representative of the Maritime Administration, who shall serve as chairperson of the working group.

(2) At least 1 subject matter expert from the United States Merchant Marine Academy.

(3) At least 1 subject matter expert from the Coast Guard.

(4) At least 1 subject matter expert from the Military Sealift Command.

(5) 1 subject matter expert from each of the State maritime academies.

(6) At least 1 representative from each nonprofit labor organization representing a class or craft of employees (licensed or unlicensed) who are employed on vessels operating in the United States Flag Fleet.

(7) At least 4 representatives of owners of vessels operating the in United States Flag Fleet, or their private contracting parties, which are primarily operating in non-contiguous or coastwise trades.

(8) At least 4 representatives of owners of vessels operating the in United States Flag Fleet, or their private contracting parties, which are primarily operating in international transportation.

(c) NO QUORUM REQUIREMENT.—The Maritime Administration may convene the working group without all members present.

(d) RESPONSIBILITIES.—The working group shall—

(1) identify the number of United States citizen mariners—

(A) in total;

(B) that have a valid United States Coast Guard merchant mariner credential with the necessary endorsements for service on unlimited tonnage vessels subject to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended;

(C) that are involved in Federal programs that support the United States Merchant Marine and United States Flag Fleet;

(D) that are available to crew the United States Flag Fleet and the surge sealift fleet in times of a national emergency;

(E) that are full-time mariners;

(F) that have sailed in the prior 18 months; and

(G) that are primarily operating in non-contiguous or coastwise trades;

(2) assess the impact on the United States Merchant Marine and United States Merchant Marine Academy if graduates from State maritime academies and the United States Merchant Marine Academy were assigned to, or required to fulfill, certain maritime positions based on the overall needs of the United States Merchant Marine;

(3) assess the Coast Guard Merchant Mariner Licensing and Documentation System, which tracks merchant mariner credentials and medical certificates, and its accessibility and value to the Maritime Administration for the purposes of evaluating the pool of United States citizen mariners; and

(4) make recommendations to enhance the availability and quality of interagency data, including data from the United States Transportation Command, the Coast Guard, and the Bureau of Transportation Statistics, for use by the Maritime Administration for evaluating the pool of United States citizen mariners.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the study conducted under this section, including—

(1) the number of United States citizen mariners identified for each category described in subparagraphs (A) through (G) of subsection (d)(1);

(2) the results of the assessments conducted under paragraphs (2) and (3) of subsection (d); and

(3) the recommendations made under subsection (d)(4).

SEC. 309. VESSEL DISPOSAL PROGRAM.

(a) ANNUAL REPORT.—Not later than January 1 of each year, the Administrator of the Maritime Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the management of the vessel disposal program of the Maritime Administration.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) the total amount of funds credited in the prior fiscal year to—

(A) the Vessel Operations Revolving Fund established by section 50301(a) of title 46, United States Code; and

(B) any other account attributable to the vessel disposal program of the Maritime Administration;

(2) the balance of funds available at the end of that fiscal year in—

(A) the Vessel Operations Revolving Fund; and

(B) any other account described in paragraph (1)(B);

(3) in consultation with the Secretary of the Interior, the total number of—

(A) grant applications under the National Maritime Heritage Grants Program in the prior fiscal year; and

(B) the applications under subparagraph (A) that were approved by the Secretary of the Interior, acting through the National Maritime Initiative of the National Park Service;

(4) a detailed description of each project funded under the National Maritime Heritage Grants Program in the prior fiscal year for which funds from the Vessel Operations Revolving Funds were obligated, including the information described in paragraphs (1) through (3) of section 308703(j) of title 54, United States Code; and

(5) a detailed description of the funds credited to and distributions from the Vessel Operations Revolving Funds in the prior fiscal year.

(c) ASSESSMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Administrator shall assess the vessel disposal program of the Maritime Administration.

(2) CONTENTS.—Each assessment under paragraph (1) shall include—

(A) an inventory of each vessel, subject to a disposal agreement, for which the Maritime Administration acts as the disposal agent, including—

(i) the age of the vessel; and

(ii) the name of the Federal agency with which the Maritime Administration has entered into a disposal agreement;

(B) a description of each vessel of a Federal agency that may meet the criteria for the Maritime Administration to act as the disposal agent, including—

(i) the age of the vessel; and

(ii) the name of the applicable Federal agency;

(C) the Maritime Administration's plan to serve as the disposal agent, as appropriate, for the vessels described in subparagraph (B); and

(D) any other information related to the vessel disposal program that the Administrator determines appropriate.

(d) CESSATION OF EFFECTIVENESS.—This section ceases to be effective on the date that is 5 years after the date of enactment of this Act.

SEC. 310. MARITIME EXTREME WEATHER TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall establish a task force to analyze the impact of extreme weather events, such as in the maritime environment (referred to in this section as the ''Task Force'').

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary or the Secretary's designee; and

(2) a representative of—

(A) the Coast Guard;

(B) the National Oceanic and Atmospheric Administration;

(C) the Federal Maritime Commission; and

(D) such other Federal agency or independent commission as the Secretary considers appropriate.

(c) REPORT.—

(1) IN GENERAL.—Except as provided in paragraph (4), not later than 180 days after the date it is established under subsection (a), the Task Force shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the analysis under subsection (a).

(2) CONTENTS.—The report under paragraph (1) shall include—

(A) an identification of available weather prediction, monitoring, and routing technology resources;

(B) an identification of industry best practices relating to response to, and prevention of marine casualties from, extreme weather events;

(C) a description of how the resources described in subparagraph (A) are used in the various maritime sectors, including by passenger and cargo vessels;

(D) recommendations for improving maritime response operations to extreme weather events and preventing marine casualties from extreme weather events, such as promoting the use of risk communications and the technologies identified under subparagraph (A); and

(E) recommendations for any legislative or regulatory actions for improving maritime response operations to extreme weather events and preventing marine casualties from extreme weather events.

(3) PUBLICATION.—The Secretary shall make the report under paragraph (1) and any notification under paragraph (4) publicly accessible in an electronic format.

(4) IMMINENT THREATS.—The Task Force shall immediately notify the Secretary of any finding or recommendations that could protect the safety of an individual on a vessel from an imminent threat of extreme weather.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 311. PENALTY WAGES.

(a) FOREIGN AND INTERCOASTAL VOYAGES.—Section 10313(g) of title 46, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking ''all claims in a class action suit by seamen'' and inserting ''each claim by a seaman''; and

(B) by striking ''the seamen'' and inserting ''the seaman''; and

(2) in paragraph (3)—

(A) by striking ''class action''; and

(B) in subparagraph (B), by striking '', by a seaman who is a claimant in the suit,'' and inserting ''by the seaman''.

(b) COASTWISE VOYAGES.—Section 10504(c) of such title is amended—

(1) in paragraph (2)—

(A) by striking ''all claims in a class action suit by seamen'' and inserting ''each claim by a seaman''; and

(B) by striking ''the seamen'' and inserting ''the seaman''; and

(2) in paragraph (3)—

(A) by striking ''class action''; and

(B) in subparagraph (B), by striking '', by a seaman who is a claimant in the suit,'' and inserting ''by the seaman''.

SEC. 312. RECOURSE FOR NONCITIZENS.

Section 30104 of title 46, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before the first sentence; and

(2) by adding at the end the following:

''(b) RESTRICTION ON RECOVERY FOR NONRESIDENT ALIENS EMPLOYED ON FOREIGN PASSENGER VESSELS.—A claim for damages or expenses relating to personal injury, illness, or death of a seaman who is a citizen of a foreign nation, arising during or from the engagement of the seaman by or for a passenger vessel duly registered under the laws of a foreign nation, may not be brought under the laws of the United States if—

''(1) such seaman was not a permanent resident alien of the United States at the time the claim arose;

''(2) the injury, illness, or death arose outside the territorial waters of the United States; and

''(3) the seaman or the seaman's personal representative has or had a right to seek compensation for the injury, illness, or death in, or under the laws of—

''(A) the nation in which the vessel was registered at the time the claim arose; or

''(B) the nation in which the seaman maintained citizenship or residency at the time the claim arose.

''(c) COMPENSATION DEFINED.—As used in subsection (b), the term 'compensation' means—

''(1) a statutory workers' compensation remedy that complies with Standard A4.2 of Regulation 4.2 of the Maritime Labour Convention, 2006; or

''(2) in the absence of the remedy described in paragraph (1), a legal remedy that complies with Standard A4.2 of Regulation 4.2 of the Maritime Labour Convention, 2006, that permits recovery for lost wages, pain and suffering, and future medical expenses.''.

SEC. 313. FLOATING DRY DOCKS.

Section 55122(a)(1)(C) of title 46, United States Code, is amended by striking ''the date of the enactment of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015'' and inserting ''December 19, 2017''.

TITLE IV—IMPLEMENTATION OF WORKFORCE MANAGEMENT IMPROVEMENTS

SEC. 401. WORKFORCE PLANS AND ONBOARDING POLICIES.

(a) WORKFORCE PLANS.—Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall review the Maritime Administration's workforce plans, including its Strategic Human Capital Plan and Leadership Succession Plan, and fully implement competency models for mission–critical occupations, including—

(1) leadership positions;

(2) human resources positions; and

(3) transportation specialist positions.

(b) ONBOARDING POLICIES.—Not later than 9 months after the date of the enactment of this Act, the Administrator shall—

(1) review the Maritime Administration's policies related to new hire orientation, training, and misconduct policies;

(2) align the onboarding policies and procedures at headquarters and the field offices to ensure consistent implementation and provision of critical information across the Maritime Administration; and

(3) update the Maritime Administration's training policies and training systems to include controls that ensure that all completed training is tracked in a standardized training repository.

(c) ONBOARDING POLICIES.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the Maritime Administration's compliance with the requirements under this section.

SEC. 402. DRUG AND ALCOHOL POLICY.

(a) REVIEW.—Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall—

(1) review the Maritime Administration's drug and alcohol policies, procedures, and training practices;

(2) ensure that all fleet managers have received training on the Department of Transportation's drug and alcohol policy, including the testing procedures used by the Department and the Maritime Administration in cases of reasonable suspicion; and

(3) institute a system for tracking all drug and alcohol policy training conducted under paragraph (2) in a standardized training repository.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the

Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the Maritime Administration's compliance with the requirements under this section.

SEC. 403. VESSEL TRANSFERS.

Not later than 9 months after the date of the enactment of this Act, the Maritime Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the policies and procedures for vessel transfer, including—

(1) a summary of the actions taken to update the Vessel Transfer Office procedures manual to reflect the current range of program responsibilities and processes; and

(2) a copy of the updated Vessel Transfer Office procedures to process vessel transfer applications.

TITLE V—TECHNICAL AMENDMENTS

SEC. 501. CLARIFYING AMENDMENT; CONTINUATION BOARDS.

Section 290(a) of title 14, United States Code, is amended by striking ''five officers serving in the grade of vice admiral'' and inserting ''5 officers (other than the Commandant) serving in the grade of admiral or vice admiral''.

SEC. 502. PROSPECTIVE PAYMENT OF FUNDS NECESSARY TO PROVIDE MEDICAL CARE.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

''§ 520. Prospective payment of funds necessary to provide medical care

''(a) PROSPECTIVE PAYMENT REQUIRED.—In lieu of the reimbursement required under section 1085 of title 10, the Secretary of Homeland Security shall make a prospective payment to the Secretary of Defense of an amount that represents the actuarial valuation of treatment or care—

''(1) that the Department of Defense shall provide to members of the Coast Guard, former members of the Coast Guard, and dependents of such members and former members (other than former members and dependents of former members who are a Medicare-eligible beneficiary or for whom the payment for treatment or care is made from the Medicare-Eligible Retiree Health Care Fund) at facilities under the jurisdiction of the Department of Defense or a military department; and

''(2) for which a reimbursement would otherwise be made under such section 1085.

''(b) AMOUNT.—The amount of the prospective payment under subsection (a)—

''(1) shall be derived from amounts appropriated for the operating expenses of the Coast Guard for treatment or care provided to members of the Coast Guard and their dependents;

''(2) shall be derived from amounts appropriated for retired pay for treatment or care provided to former members of the Coast Guard and their dependents;

''(3) shall be determined under procedures established by the Secretary of Defense;

''(4) shall be paid during the fiscal year in which treatment or care is provided; and

''(5) shall be subject to adjustment or reconciliation, as the Secretary of Homeland Security and the Secretary of Defense jointly determine appropriate, during or promptly after such fiscal year if the prospective payment is determined excessive or insufficient based on the services actually provided.

''(c) NO PROSPECTIVE PAYMENT WHEN SERVICE IN NAVY.—No prospective payment shall be made under this section for any period during which the Coast Guard operates as a service in the Navy.

''(d) RELATIONSHIP TO TRICARE.—This section shall not be construed to require a payment for, or the prospective payment of an amount that represents the value of, treatment or care provided under any TRICARE program.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 13 of title 14, United States Code, is amended by adding at the end the following:

''520. Prospective payment of funds necessary to provide medical care.''.

(c) REPEAL.—Section 217 of the Coast Guard Authorization Act of 2016 (Public Law 114–120) and the item relating to that section in the table of contents in section 2 of such Act, are repealed.

SEC. 503. TECHNICAL CORRECTIONS TO TITLE 46, UNITED STATES CODE.

(a) IN GENERAL.—Title 46, United States Code, is amended—

(1) in section 4503(f)(2), by striking ''that'' after ''necessary,''; and

(2) in section 7510(c)—

(A) in paragraph (1)(D), by striking ''engine'' and inserting ''engineer''; and

(B) in paragraph (9), by inserting a period after ''App''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of the Coast Guard Authorization Act of 2015 (Public Law 114–120).

SEC. 504. COAST GUARD USE OF THE PRIBILOF ISLANDS.

(a) IN GENERAL.—Section 522(a)(1) of the Pribilof Island Transition Completion Act of 2015 (subtitle B of title V of Public Law 114–120) is amended by striking ''Lots'' and inserting ''Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, lots''.

(b) REPORT.—Not later than 60 days after the date of the enactment of the Maritime Administration Authorization and Enhancement Act for Fiscal Year 2017, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) the Coast Guard's use of Tracts 43 and 39, located on St. Paul Island, Alaska, since operation of the LORAN-C system was terminated;

(2) the Coast Guard's plans for using the tracts described in paragraph (1) during fiscal years 2016, 2017, and 2018; and

(3) the Coast Guard's plans for using the tracts described in paragraph (1) and other facilities on St. Paul Island after fiscal year 2018.

TITLE VI—POLAR ICEBREAKER FLEET RECAPITALIZATION TRANSPARENCY ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Polar Icebreaker Fleet Recapitalization Transparency Act''.

SEC. 602. DEFINITIONS.

In this title:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

SEC. 603. AUTHORITY FOR POLAR ICEBREAKER ACQUISITION.

(a) AUTHORITY.—The Secretary is authorized to carry out design and construction activities for the acquisition of new heavy polar icebreakers.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary is authorized to enter into one or more contracts for advance procurement associated with the activities described in subsection (a), including procurement of systems and equipment.

(c) INTERAGENCY FINANCING.—The Secretary is authorized to participate in interagency financing, including receiving appropriated funds from other agencies or departments of the United States, to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal year 2017 under section 2702(2) of title 14, United States Code, $150,000,000 are authorized to be available to the Secretary to carry out this section.

SEC. 604. POLAR ICEBREAKER RECAPITALIZATION PLAN.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of the Navy, shall submit to the appropriate committees of Congress, a detailed recapitalization plan to meet the 2013 Department of Homeland Security Mission Need Statement.

(b) CONTENTS.—The plan required by subsection (a) shall—

(1) detail the number of heavy and medium polar icebreakers required to meet Coast Guard statutory missions in the polar regions;

(2) identify the vessel specifications, capabilities, systems, equipment, and other details required for the design of heavy polar icebreakers capable of fulfilling the mission requirements of the Coast Guard and the Navy, and the requirements of other agencies and department of the United States, as the Secretary determines appropriate;

(3) list the specific appropriations required for the acquisition of each icebreaker, for each fiscal year, until the full fleet is recapitalized;

(4) describe the potential savings of serial acquisition for new polar class icebreakers, including specific schedule and acquisition requirements needed to realize such savings;

(5) describe any polar icebreaking capacity gaps that may arise based on the current fleet and current procurement outlook; and

(6) describe any additional polar icebreaking capability gaps due to any further delay in procurement schedules.

SEC. 605. GAO REPORT ICEBREAKING CAPABILITY IN THE UNITED STATES.

(a) REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the current state of the United States Federal polar icebreaking fleet.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an analysis of the icebreaking assets in operation in the United States and a description of the missions completed by such assets;

(2) an analysis of how such assets and the capabilities of such assets are consistent, or inconsistent, with the polar icebreaking mission requirements described in the 2013 Department of Homeland Security Mission Need Statement, the Naval Operations Concept 2010, or other military and civilian governmental missions in the United States;

(3) an analysis of the gaps in icebreaking capability of the United States based on the expected service life of the fleet of United States icebreaking assets;

(4) a list of countries that are allies of the United States that have the icebreaking capacity to exercise missions in the Arctic during any identified gap in United States icebreaking capacity in a polar region; and

(5) a description of the policy, financial, and other barriers that have prevented timely recapitalization of the Coast Guard polar icebreaking fleet and recommendations to overcome such

barriers, including potential international fee-based models used to compensate governments for icebreaking escorts or maintenance of maritime routes.

TITLE VII—VESSEL INCIDENTAL DISCHARGE ACT

SEC. 701. SHORT TITLE.

This title may be cited as the ''Vessel Incidental Discharge Act''.

SEC. 702. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Since the enactment of the Act to Prevent Pollution from Ships (22 U.S.C. 1901 et seq.) in 1980, the United States Coast Guard has been the principal Federal authority charged with administering, enforcing, and prescribing regulations relating to the discharge of pollutants from vessels engaged in maritime commerce and transportation.

(2) The Coast Guard estimates there are approximately 12,000,000 State-registered recreational vessels, 75,000 commercial fishing vessels, and 33,000 freight and tank barges operating in United States waters.

(3) From 1973 to 2005, certain discharges incidental to the normal operation of a vessel were exempted by regulation from otherwise applicable permitting requirements.

(4) During the 32 years during which this regulatory exemption was in effect, Congress enacted several statutes to deal with the regulation of discharges incidental to the normal operation of a vessel, including—

(A) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) in 1980;

(B) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

(C) the National Invasive Species Act of 1996 (110 Stat. 4073);

(D) section 415 of the Coast Guard Authorization Act of 1998 (112 Stat. 3434) and section 623 of the Coast Guard and Maritime Transportation Act of 2004 (33 U.S.C. 1901 note), which established interim and permanent requirements, respectively, for the regulation of vessel discharges of certain bulk cargo residue;

(E) title XIV of division B of Appendix D of the Consolidated Appropriations Act, 2001 (114 Stat. 2763), which prohibited or limited certain vessel discharges in certain areas of Alaska;

(F) section 204 of the Maritime Transportation Security Act of 2002 (33 U.S.C. 1902a), which established requirements for the regulation of vessel discharges of agricultural cargo residue material in the form of hold washings;

(G) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.), which provided for the implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001; and

(H) the amendment made by section 2 of the Clean Boating Act of 2008 adding subsection (r) to section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342(r)), which exempts recreational vessels from National Pollutant Discharge Elimination System permit requirements.

(b) PURPOSE.—The purpose of this title is to provide for the establishment of nationally uniform and environmentally sound standards and requirements for the management of discharges incidental to the normal operation of a vessel.

SEC. 703. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AQUATIC NUISANCE SPECIES.—The term ''aquatic nuisance species'' means a nonindigenous species (including a pathogen) that threatens the diversity or abundance of native species or the ecological stability of navigable waters or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(3) BALLAST WATER.—

(A) IN GENERAL.—The term ''ballast water'' means any water and water-suspended matter taken aboard a vessel—

(i) to control or maintain trim, list, draught, stability, or stresses of the vessel; or

(ii) during the cleaning, maintenance, or other operation of a ballast water treatment technology of the vessel.

(B) EXCLUSIONS.—The term ''ballast water'' does not include any substance that is added to water described in subparagraph (A) that is not directly related to the operation of a properly functioning ballast water treatment technology under this title.

(4) BALLAST WATER DISCHARGE STANDARD.—The term ''ballast water discharge standard'' means the numerical ballast water discharge standard set forth in section 151.2030 of title 33, Code of Federal Regulations or section 151.1511 of title 33, Code of Federal Regulations, as applicable, or a revised numerical ballast water discharge standard established under subsection (a)(1)(B), (b), or (c) of section 705.

(5) BALLAST WATER MANAGEMENT SYSTEM; MANAGEMENT SYSTEM.—The terms ''ballast water management system'' and ''management system'' mean any system, including all ballast water treatment equipment and associated control and monitoring equipment, used to process ballast water to kill, remove, render harmless, or avoid the uptake or discharge of organisms.

(6) BIOCIDE.—The term ''biocide'' means a substance or organism, including a virus or fungus, that is introduced into or produced by a ballast water management system to reduce or eliminate aquatic nuisance species as part of the process used to comply with a ballast water discharge standard under this title.

(7) DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A VESSEL.—

(A) IN GENERAL.—The term ''discharge incidental to the normal operation of a vessel'' means—

(i) a discharge into navigable waters from a vessel of—

(I)(aa) ballast water, graywater, bilge water, cooling water, oil water separator effluent, antifouling hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controllable pitch propeller and thruster hydraulic fluid, distillation and reverse osmosis brine, elevator pit effluent, firemain system effluent, freshwater layup effluent, gas turbine wash water, motor gasoline and compensating effluent, refrigeration and air condensate effluent, seawater pumping biofouling prevention substances, boat engine wet exhaust, sonar dome effluent, exhaust gas scrubber washwater, or stern tube packing gland effluent; or

(bb) any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a vessel;

(II) weather deck runoff, deck wash, aqueous film forming foam effluent, chain locker effluent, non-oily machinery wastewater, underwater ship husbandry effluent, welldeck effluent, or fish hold and fish hold cleaning effluent; or

(III) any effluent from a properly functioning marine engine; or

(ii) a discharge of a pollutant into navigable waters in connection with the testing, maintenance, or repair of a system, equipment, or engine described in subclause (I)(bb) or (III) of clause (i) whenever the vessel is waterborne.

(B) EXCLUSIONS.—The term ''discharge incidental to the normal operation of a vessel'' does not include—

(i) a discharge into navigable waters from a vessel of—

(I) rubbish, trash, garbage, incinerator ash, or other such material discharged overboard;

(II) oil or a hazardous substance as those terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321);

(III) sewage as defined in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6)); or

(IV) graywater referred to in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6));

(ii) an emission of an air pollutant resulting from the operation onboard a vessel of a vessel propulsion system, motor driven equipment, or incinerator; or

(iii) a discharge into navigable waters from a vessel when the vessel is operating in a capacity other than as a means of transportation on water.

(8) GEOGRAPHICALLY LIMITED AREA.—The term ''geographically limited area'' means an area—

(A) with a physical limitation, including limitation by physical size and limitation by authorized route such as the Great Lakes and St. Lawrence River, that prevents a vessel from operating outside the area, as determined by the Secretary; or

(B) that is ecologically homogeneous, as determined by the Secretary, in consultation with the heads of other Federal departments or agencies as the Secretary considers appropriate.

(9) MANUFACTURER.—The term ''manufacturer'' means a person engaged in the manufacture, assemblage, or importation of ballast water treatment technology.

(10) NAVIGABLE WATERS.—The term ''navigable waters'' has the meaning given the term in section 2.36 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

(12) VESSEL.—The term ''vessel'' means every description of watercraft or other artificial contrivance used, or practically or otherwise capable of being used, as a means of transportation on water.

SEC. 704. REGULATION AND ENFORCEMENT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Administrator, shall establish, implement, and enforce uniform national standards and requirements for the regulation of discharges incidental to the normal operation of a vessel.

(2) BASIS.—Except as provided under paragraph (3), the standards and requirements established under paragraph (1)—

(A) with respect to ballast water, shall be based upon the best available technology that is economically achievable;

(B) with respect to discharges incidental to the normal operation of a vessel other than ballast water, shall be based on best management practices (including practices, limitations, or concentrations); and

(C) shall supersede any permitting requirement or prohibition on discharges incidental to the normal operation of a vessel under any other provision of law.

(3) RULE OF CONSTRUCTION.—The standards and requirements established under paragraph (1) shall not supersede regulations, in place on the date of the enactment of this Act or established by a rulemaking proceeding after such date of enactment, which cover a discharge in a national marine sanctuary or in a marine national monument.

(b) ADMINISTRATION AND ENFORCEMENT.—The Secretary shall administer and enforce the uniform national standards and requirements

under this title. Each State may enforce the uniform national standards and requirements under this title.

(c) SANCTIONS.—

(1) CIVIL PENALTIES.—

(A) BALLAST WATER.—Any person who violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel of ballast water shall be liable for a civil penalty in an amount not to exceed $25,000. Each day of a continuing violation constitutes a separate violation.

(B) OTHER DISCHARGE.—Any person who violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel other than ballast water shall be liable for a civil penalty in an amount not to exceed $10,000. Each day of a continuing violation constitutes a separate violation.

(C) IN REM LIABILITY.—A vessel operated in violation of a regulation issued under this title shall be liable in rem for any civil penalty assessed under this subsection for that violation.

(2) CRIMINAL PENALTIES.—

(A) BALLAST WATER.—Any person who knowingly violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel of ballast water shall be punished by a fine of not more than $100,000, imprisonment for not more than 2 years, or both.

(B) OTHER DISCHARGE.—Any person who knowingly violates a regulation issued pursuant to this title regarding a discharge incidental to the normal operation of a vessel other than ballast water shall be punished by a fine of not more than $50,000, imprisonment for not more than 1 year, or both.

(3) REVOCATION OF CLEARANCE.—The Secretary is authorized to withhold or revoke the clearance of a vessel required under section 60105 of title 46, United States Code, if the owner or operator of the vessel is in violation of a regulation issued pursuant to this Act.

(4) EXCEPTION TO SANCTIONS.—It shall be an affirmative defense to any charge of a violation of this title that compliance with this title would, because of adverse weather, equipment failure, or any other relevant condition, have threatened the safety or stability of a vessel, its crew, or its passengers.

SEC. 705. UNIFORM NATIONAL STANDARDS AND REQUIREMENTS FOR THE REGULATION OF DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A VESSEL.

(a) REQUIREMENTS.—

(1) BALLAST WATER MANAGEMENT REQUIREMENTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the requirements set forth in the final rule, Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (77 Fed. Reg. 17254 (March 23, 2012), as corrected at 77 Fed. Reg. 33969 (June 8, 2012)), shall be the management requirements for a ballast water discharge incidental to the normal operation of a vessel until the Secretary revises the ballast water discharge standard under subsection (b) or adopts a more stringent standard under subparagraph (B).

(B) ADOPTION OF MORE STRINGENT STANDARD.—If the Secretary makes a determination in favor of a State petition under section 610, the Secretary shall adopt the more stringent ballast water discharge standard specified in the statute or regulation that is the subject of that State petition instead of the ballast water discharge standard in the final rule described under subparagraph (A).

(2) INITIAL MANAGEMENT REQUIREMENTS FOR DISCHARGES OTHER THAN BALLAST WATER.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall issue a final rule establishing best management practices for discharges incidental to the normal operation of a vessel other than ballast water.

(b) REVISED BALLAST WATER DISCHARGE STANDARD; 8-YEAR REVIEW.—

(1) IN GENERAL.—Subject to the feasibility review under paragraph (2), not later than January 1, 2024, the Secretary, in consultation with the Administrator, shall issue a final rule revising the ballast water discharge standard under subsection (a)(1) so that a ballast water discharge incidental to the normal operation of a vessel will contain—

(A) less than 1 organism that is living or has not been rendered harmless per 10 cubic meters that is 50 or more micrometers in minimum dimension;

(B) less than 1 organism that is living or has not been rendered harmless per 10 milliliters that is less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

(C) concentrations of indicator microbes that are less than—

(i) 1 colony-forming unit of toxicogenic Vibrio cholera (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

(ii) 126 colony-forming units of Escherichia coli per 100 milliliters; and

(iii) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

(D) concentrations of such additional indicator microbes and of viruses as may be specified in regulations issued by the Secretary in consultation with the Administrator and such other Federal agencies as the Secretary and the Administrator consider appropriate.

(2) FEASIBILITY REVIEW.—

(A) IN GENERAL.—Not less than 2 years before January 1, 2024, the Secretary, in consultation with the Administrator, shall complete a review to determine the feasibility of achieving the revised ballast water discharge standard under paragraph (1).

(B) CRITERIA FOR REVIEW OF BALLAST WATER DISCHARGE STANDARD.—In conducting a review under subparagraph (A), the Secretary shall consider whether revising the ballast water discharge standard will result in a scientifically demonstrable and substantial reduction in the risk of introduction or establishment of aquatic nuisance species, taking into account—

(i) improvements in the scientific understanding of biological and ecological processes that lead to the introduction or establishment of aquatic nuisance species;

(ii) improvements in ballast water management systems, including—

(I) the capability of such management systems to achieve a revised ballast water discharge standard;

(II) the effectiveness and reliability of such management systems in the shipboard environment;

(III) the compatibility of such management systems with the design and operation of a vessel by class, type, and size;

(IV) the commercial availability of such management systems; and

(V) the safety of such management systems;

(iii) improvements in the capabilities to detect, quantify, and assess the viability of aquatic nuisance species at the concentrations under consideration;

(iv) the impact of ballast water management systems on water quality; and

(v) the costs, cost-effectiveness, and impacts of—

(I) a revised ballast water discharge standard, including the potential impacts on shipping, trade, and other uses of the aquatic environment; and

(II) maintaining the existing ballast water discharge standard, including the potential impacts on water-related infrastructure, recreation, propagation of native fish, shellfish, and wildlife, and other uses of navigable waters.

(C) LOWER REVISED DISCHARGE STANDARD.—

(i) IN GENERAL.—If the Secretary, in consultation with the Administrator, determines on the basis of the feasibility review and after an opportunity for a public hearing that no ballast water management system can be certified under section 706 to comply with the revised ballast water discharge standard under paragraph (1), the Secretary shall require the use of the management system that achieves the performance levels of the best available technology that is economically achievable.

(ii) IMPLEMENTATION DEADLINE.—If the Secretary, in consultation with the Administrator, determines that the management system under clause (i) cannot be implemented before the implementation deadline under paragraph (3) with respect to a class of vessels, the Secretary shall extend the implementation deadline for that class of vessels for not more than 36 months.

(iii) COMPLIANCE.—If the implementation deadline under paragraph (3) is extended, the Secretary shall recommend action to ensure compliance with the extended implementation deadline under clause (ii).

(D) HIGHER REVISED DISCHARGE STANDARD.—

(i) IN GENERAL.—If the Secretary, in consultation with the Administrator, determines that a ballast water management system exists that exceeds the revised ballast water discharge standard under paragraph (1) with respect to a class of vessels and is the best available technology that is economically achievable, the Secretary shall revise the ballast water discharge standard for that class of vessels to incorporate the higher discharge standard.

(ii) IMPLEMENTATION DEADLINE.—If the Secretary, in consultation with the Administrator, determines that the management system under clause (i) can be implemented before the implementation deadline under paragraph (3) with respect to a class of vessels, the Secretary shall accelerate the implementation deadline for that class of vessels. If the implementation deadline under paragraph (3) is accelerated, the Secretary shall provide not less than 24 months notice before the accelerated deadline takes effect.

(3) IMPLEMENTATION DEADLINE.—The revised ballast water discharge standard under paragraph (1) shall apply to a vessel beginning on the date of the first drydocking of the vessel on or after January 1, 2024, but not later than December 31, 2026.

(4) REVISED DISCHARGE STANDARD COMPLIANCE DEADLINES.—

(A) IN GENERAL.—The Secretary may establish a compliance deadline for compliance by a vessel (or a class, type, or size of vessel) with a revised ballast water discharge standard under this subsection.

(B) PROCESS FOR GRANTING EXTENSIONS.—In issuing regulations under this subsection, the Secretary shall establish a process for an owner or operator to submit a petition to the Secretary for an extension of a compliance deadline with respect to the vessel of the owner or operator.

(C) PERIOD OF EXTENSIONS.—An extension issued under subparagraph (B) may be for a period of not to exceed 18 months from the date of the applicable deadline under subparagraph (A) and may be renewed for additional periods of not to exceed 18 months each, except that the total period of extension may not exceed 5 years.

(D) FACTORS.—In issuing a compliance deadline or reviewing a petition under this paragraph, the Secretary shall consider, with respect to the ability of an owner or operator to meet a compliance deadline, the following factors:

(i) Whether the management system to be installed is available in sufficient quantities to meet the compliance deadline.

(ii) Whether there is sufficient shipyard or other installation facility capacity.

(iii) Whether there is sufficient availability of engineering and design resources.

(iv) Vessel characteristics, such as engine room size, layout, or a lack of installed piping.

(v) Electric power generating capacity aboard the vessel.

(vi) Safety of the vessel and crew.

(vii) Any other factors the Secretary considers appropriate, including the availability of a ballast water reception facility or other means of managing ballast water.

(E) CONSIDERATION OF PETITIONS.—

(i) DETERMINATIONS.—The Secretary shall approve or deny a petition for an extension of a compliance deadline submitted by an owner or operator under this paragraph.

(ii) DEADLINE.—If the Secretary does not approve or deny a petition referred to in clause (i) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be deemed approved.

(c) FUTURE REVISIONS OF VESSEL INCIDENTAL DISCHARGE STANDARDS; DECENNIAL REVIEWS.—

(1) REVISED BALLAST WATER DISCHARGE STANDARDS.—The Secretary, in consultation with the Administrator, shall complete a review, 10 years after the issuance of a final rule under subsection (b) and every 10 years thereafter, to determine whether further revision of the ballast water discharge standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

(2) REVISED STANDARDS FOR DISCHARGES OTHER THAN BALLAST WATER.—The Secretary, in consultation with the Administrator, may include in a decennial review under this subsection best management practices for discharges (including practices, limitations, or concentrations) covered by subsection (a)(2). The Secretary shall initiate a rulemaking to revise 1 or more best management practices for such discharges after a decennial review if the Secretary, in consultation with the Administrator, determines that revising 1 or more of such practices would substantially reduce the impacts on navigable waters of discharges incidental to the normal operation of a vessel other than ballast water.

(3) CONSIDERATIONS.—In conducting a review under paragraph (1), the Secretary, the Administrator, and the heads of other Federal agencies as the Secretary considers appropriate, shall consider the criteria under section 705(b)(2)(B).

(4) REVISION AFTER DECENNIAL REVIEW.—The Secretary shall initiate a rulemaking to revise the current ballast water discharge standard after a decennial review if the Secretary, in consultation with the Administrator, determines that revising the current ballast water discharge standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

(d) ALTERNATIVE BALLAST WATER MANAGEMENT REQUIREMENTS.—Nothing in this title may be construed to preclude the Secretary from authorizing the use of alternate means or methods of managing ballast water (including flow-through exchange, empty/refill exchange, and transfer to treatment facilities in place of a vessel ballast water management system required under this section) if the Secretary, in consultation with the Administrator, determines that such means or methods would not pose a greater risk of introduction of aquatic nuisance species in navigable waters than the use of a ballast water management system that achieves the applicable ballast water discharge standard.

(e) GREAT LAKES REQUIREMENTS.—In addition to the other standards and requirements imposed by this section, in the case of a vessel that enters the Great Lakes through the St. Lawrence River after operating outside the exclusive economic zone of the United States the Secretary, in consultation with the Administrator, shall establish a requirement that the vessel conduct saltwater flushing of all ballast water tanks onboard prior to entry.

SEC. 706. TREATMENT TECHNOLOGY CERTIFICATION.

(a) CERTIFICATION REQUIRED.—No manufacturer of a ballast water management system shall sell, offer for sale, or introduce or deliver for introduction into interstate commerce, or import into the United States for sale or resale, a ballast water management system for a vessel unless it has been certified under this section.

(b) CERTIFICATION PROCESS.—

(1) EVALUATION.—Upon application of a manufacturer, the Secretary shall evaluate a ballast water management system with respect to—

(A) the effectiveness of the management system in achieving the current ballast water discharge standard when installed on a vessel (or a class, type, or size of vessel);

(B) the compatibility with vessel design and operations;

(C) the effect of the management system on vessel safety;

(D) the impact on the environment;

(E) the cost effectiveness; and

(F) any other criteria the Secretary considers appropriate.

(2) APPROVAL.—If after an evaluation under paragraph (1) the Secretary determines that the management system meets the criteria, the Secretary may certify the management system for use on a vessel (or a class, type, or size of vessel).

(3) SUSPENSION AND REVOCATION.—The Secretary shall establish, by regulation, a process to suspend or revoke a certification issued under this section.

(c) CERTIFICATION CONDITIONS.—

(1) IMPOSITION OF CONDITIONS.—In certifying a ballast water management system under this section, the Secretary, in consultation with the Administrator, may impose any condition on the subsequent installation, use, or maintenance of the management system onboard a vessel as is necessary for—

(A) the safety of the vessel, the crew of the vessel, and any passengers aboard the vessel;

(B) the protection of the environment; or

(C) the effective operation of the management system.

(2) FAILURE TO COMPLY.—The failure of an owner or operator to comply with a condition imposed under paragraph (1) shall be considered a violation of this section.

(d) PERIOD FOR USE OF INSTALLED TREATMENT EQUIPMENT.—Notwithstanding anything to the contrary in this title or any other provision of law, the Secretary shall allow a vessel on which a management system is installed and operated to meet a ballast water discharge standard under this title to continue to use that system, notwithstanding any revision of a ballast water discharge standard occurring after the management system is ordered or installed until the expiration of the service life of the management system, as determined by the Secretary, if the management system—

(1) is maintained in proper working condition, as determined by the Secretary; and

(2) continues to meet the discharge standard in effect at the time of installation.

(e) CERTIFICATES OF TYPE APPROVAL FOR THE TREATMENT TECHNOLOGY.—

(1) ISSUANCE.—If the Secretary approves a ballast water management system for certification under subsection (b), the Secretary shall issue a certificate of type approval for the management system to the manufacturer in such form and manner as the Secretary determines appropriate.

(2) CERTIFICATION CONDITIONS.—A certificate of type approval issued under paragraph (1) shall specify each condition imposed by the Secretary under subsection (c).

(3) OWNERS AND OPERATORS.—A manufacturer that receives a certificate of type approval for the management system under this subsection shall provide a copy of the certificate to each owner and operator of a vessel on which the management system is installed.

(f) INSPECTIONS.—An owner or operator who receives a copy of a certificate under subsection (e)(3) shall retain a copy of the certificate onboard the vessel and make the copy of the certificate available for inspection at all times while the owner or operator is utilizing the management system.

(g) BIOCIDES.—The Secretary may not approve a ballast water management system under subsection (b) if—

(1) it uses a biocide or generates a biocide that is a pesticide, as defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136), unless the biocide is registered under that Act or the Secretary, in consultation with Administrator, has approved the use of the biocide in such management system; or

(2) it uses or generates a biocide the discharge of which causes or contributes to a violation of a water quality standard under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

(h) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the use of a ballast water management system by an owner or operator of a vessel shall not satisfy the requirements of this title unless it has been approved by the Secretary under subsection (b).

(2) EXCEPTIONS.—

(A) COAST GUARD SHIPBOARD TECHNOLOGY EVALUATION PROGRAM.—An owner or operator may use a ballast water management system that has not been certified by the Secretary to comply with the requirements of this section if the technology is being evaluated under the Coast Guard Shipboard Technology Evaluation Program.

(B) BALLAST WATER MANAGEMENT SYSTEMS CERTIFIED BY FOREIGN ENTITIES.—An owner or operator may use a ballast water management system that has not been certified by the Secretary to comply with the requirements of this section if the management system has been certified by a foreign entity and the certification demonstrates performance and safety of the management system equivalent to the requirements of this section, as determined by the Secretary.

(i) TESTING PROTOCOLS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator, shall issue requirements for land-based and shipboard testing protocols or criteria for—

(1) certifying the performance of each ballast water management system under this section; and

(2) certifying laboratories to evaluate such treatment technologies.

SEC. 707. EXEMPTIONS.

(a) INCIDENTAL DISCHARGES.—Except in a National Marine Sanctuary or a Marine National Monument, no permit shall be required or prohibition enforced under any other provision of law for, nor shall any standards regarding a discharge incidental to the normal operation of a vessel under this title apply to—

(1) a discharge incidental to the normal operation of a vessel if the vessel is less than 79 feet in length and engaged in commercial service (as such terms are defined in section 2101(5) of title 46, United States Code); or

(2) a discharge incidental to the normal operation of a vessel if the vessel is a fishing vessel,

including a fish processing vessel and a fish tender vessel, (as defined in section 2101 of title 46, United States Code).

(b) DISCHARGES INTO NAVIGABLE WATERS.—No permit shall be required or prohibition enforced under any other provision of law for, nor shall any standards regarding a discharge incidental to the normal operation of a vessel under this title apply to—

(1) any discharge into navigable waters from a vessel authorized by an on-scene coordinator in accordance with part 300 of title 40, Code of Federal Regulations, or part 153 of title 33, Code of Federal Regulations;

(2) any discharge into navigable waters from a vessel that is necessary to secure the safety of the vessel or human life, or to suppress a fire onboard the vessel or at a shoreside facility; or

(3) a vessel of the armed forces of a foreign nation when engaged in noncommercial service.

(c) RECREATIONAL VESSEL DISCHARGES.—No permit shall be required, nor shall any standards be established, regarding a discharge incidental to the normal operation of a recreational vessel (as defined in section 2101(25) of title 46, United States Code) under this title.

(d) BALLAST WATER DISCHARGES.—No permit shall be required or prohibition enforced under any other provision of law for, nor shall any ballast water discharge standard under this title apply to—

(1) a ballast water discharge incidental to the normal operation of a vessel determined by the Secretary to—

(A) operate exclusively within a geographically limited area;

(B) take up and discharge ballast water exclusively within 1 Captain of the Port Zone established by the Coast Guard unless the Secretary determines such discharge poses a substantial risk of introduction or establishment of an aquatic nuisance species;

(C) operate pursuant to a geographic restriction issued as a condition under section 3309 of title 46, United States Code, or an equivalent restriction issued by the country of registration of the vessel; or

(D) continuously take on and discharge ballast water in a flow-through system that does not introduce aquatic nuisance species into navigable waters;

(2) a ballast water discharge incidental to the normal operation of a vessel consisting entirely of water sourced from a United States public water system that meets the requirements under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or from a foreign public water system determined by the Administrator to be suitable for human consumption; or

(3) a ballast water discharge incidental to the normal operation of a vessel in an alternative compliance program established pursuant to section 708.

(e) VESSELS WITH PERMANENT BALLAST WATER.—No permit shall be required or prohibition enforced regarding a ballast water discharge incidental to the normal operation of a vessel under any other provision of law for, nor shall any ballast water discharge standard under this title apply to, a vessel that carries all of its permanent ballast water in sealed tanks that are not subject to discharge.

(f) VESSELS OF THE ARMED FORCES.—Nothing in this title may be construed to apply to—

(1) a vessel owned or operated by the Department of Defense (other than a time-chartered or voyage-chartered vessel); or

(2) a vessel of the Coast Guard, as designated by the Secretary of the department in which the Coast Guard is operating.

SEC. 708. ALTERNATIVE COMPLIANCE PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator, may promulgate regulations establishing 1 or more compliance programs as an alternative to ballast water management regulations issued under section 705 for a vessel that—

(1) has a maximum ballast water capacity of less than 8 cubic meters; or

(2) is less than 3 years from the end of the useful life of the vessel, as determined by the Secretary.

(b) RULEMAKING.—

(1) FACILITY STANDARDS.—Not later than 1 year after the date of the enactment of this Act, the Administrator, in consultation with the Secretary, shall promulgate standards for—

(A) the reception of ballast water from a vessel into a reception facility; and

(B) the disposal or treatment of the ballast water under paragraph (1).

(2) TRANSFER STANDARDS.—The Secretary, in consultation with the Administrator, is authorized to promulgate standards for the arrangements necessary on a vessel to transfer ballast water to a facility.

SEC. 709. JUDICIAL REVIEW.

(a) IN GENERAL.—An interested person may file a petition for review of a final regulation promulgated under this title in the United States Court of Appeals for the District of Columbia Circuit.

(b) DEADLINE.—A petition shall be filed not later than 120 days after the date that notice of the promulgation appears in the Federal Register.

(c) EXCEPTION.—Notwithstanding subsection (b), a petition that is based solely on grounds that arise after the deadline to file a petition under subsection (b) has passed may be filed not later than 120 days after the date that the grounds first arise.

SEC. 710. EFFECT ON STATE AUTHORITY.

(a) IN GENERAL.—No State or political subdivision thereof may adopt or enforce any statute or regulation of the State or political subdivision with respect to a discharge incidental to the normal operation of a vessel after the date of enactment of this Act.

(b) SAVINGS CLAUSE.—Notwithstanding subsection (a), the Governor of a State may petition the Secretary to adopt a national ballast water discharge standard that is more stringent than the ballast water performance standard under section 705(a)(1)(A) upon a showing that—

(1) compliance with the proposed ballast water discharge standard can in fact be achieved and detected by a ballast water management system that is economically achievable and operationally practicable;

(2) the proposed ballast water discharge standard is consistent with obligations under relevant international treaties or agreements to which the United States is a party; and

(3) any other factors that the Secretary, in consultation with the Administrator, deems relevant.

(c) PETITION PROCESS.—

(1) SUBMISSION.—The Governor of a State shall submit a petition to the Secretary requesting the Secretary to review the statute or regulation.

(2) CONTENTS; TIMING.—A petition submitted under paragraph (1) shall be accompanied by the scientific and technical information on which the petition is based.

(3) DETERMINATIONS.—The Secretary shall make a determination on a petition under this subsection not later than 90 days after the date that the Secretary determines that a complete petition has been received.

SEC. 711. APPLICATION WITH OTHER STATUTES.

(a) EXCLUSIVE STATUTORY AUTHORITY.—Except as otherwise provided in this section and notwithstanding any other provision of law, this title shall be the exclusive statutory authority for regulation by the Federal Government of discharges incidental to the normal operation of a vessel to which this title applies.

(b) EFFECT OF EXISTING REGULATIONS.—Except as provided under section 705(a)(1)(A), any regulation in effect on the date immediately preceding the effective date of this Act relating to any permitting requirement for or prohibition on discharges incidental to the normal operation of a vessel to which this title applies—

(1) shall be deemed to be a regulation issued pursuant to the authority of this title; and

(2) shall remain in full force and effect unless or until superseded by new regulations issued under this title.

(c) ACT TO PREVENT POLLUTION FROM SHIPS.—The Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) shall be the exclusive statutory authority for the regulation by the Federal Government of any discharge or emission that is covered under the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, done at London February 17, 1978. Nothing in this title may be construed to alter or amend such Act or any regulation issued pursuant to the authority of such Act.

(d) TITLE X OF THE COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2010.—Title X of the Coast Guard and Maritime Transportation Act of 2010 (33 U.S.C. 3801 et seq.) shall be the exclusive statutory authority for the regulation by the Federal Government of any anti-fouling system that is covered under the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001. Nothing in this title may be construed to alter or amend such title X or any regulation issued pursuant to the authority under such title.

SEC. 712. RELATIONSHIP TO OTHER LAWS.

Section 1205 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4725) is amended—

(1) by striking ''All actions'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), all actions''; and

(2) by adding at the end the following:

''(b) VESSEL INCIDENTAL DISCHARGES.—Notwithstanding subsection (a), the Vessel Incidental Discharge Act shall be the exclusive statutory authority for the regulation by the Federal Government of discharges incidental to the normal operation of a vessel.''.

SEC. 713. SAVINGS PROVISION.

Any action taken by the Federal Government under this Act shall be in full compliance with its obligations under applicable provisions of international law.

TITLE VIII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SEXUAL HARASSMENT AND ASSAULT PREVENTION ACT

SEC. 801. SHORT TITLE.

This title may be cited as the ''National Oceanic and Atmospheric Administration Sexual Harassment and Assault Prevention Act''.

Subtitle A—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration

SEC. 811. ACTIONS TO ADDRESS SEXUAL HARASSMENT AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) REQUIRED POLICY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a policy on the prevention of and response to sexual harassment involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy developed under subsection (a) shall include—

(1) establishment of a program to promote awareness of the incidence of sexual harassment;

(2) clear procedures an individual should follow in the case of an occurrence of sexual harassment, including—

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment should be reported by an individual and options for confidential reporting, including—

(i) options and contact information for after-hours contact; and

(ii) procedure for obtaining assistance and reporting sexual harassment while working in a remote scientific field camp, at sea, or in another field status; and

(B) a specification of any other person whom the victim should contact;

(3) establishment of a mechanism by which—

(A) questions regarding sexual harassment can be confidentially asked and confidentially answered; and

(B) incidents of sexual harassment can be confidentially reported; and

(4) a prohibition on retaliation and consequences for retaliatory actions.

(c) CONSULTATION AND ASSISTANCE.—In developing the policy required by subsection (a), the Secretary may consult or receive assistance from such State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

(d) AVAILABILITY OF POLICY.—The Secretary shall ensure that the policy developed under subsection (a) is available to—

(1) all employees of the Administration and members of the commissioned officer corps of the Administration, including those employees and members who conduct field work for the Administration; and

(2) the public.

(e) GEOGRAPHIC DISTRIBUTION OF EQUAL EMPLOYMENT OPPORTUNITY PERSONNEL.—The Secretary shall ensure that at least 1 employee of the Administration who is tasked with handling matters relating to equal employment opportunity or sexual harassment is stationed—

(1) in each region in which the Administration conducts operations; and

(2) in each marine and aviation center of the Administration.

(f) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not less frequently than 4 times each year, the Director of the Civil Rights Office of the Administration shall submit to the Under Secretary a report on sexual harassment in the Administration.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) Number of sexual harassment cases, both actionable and non-actionable, involving individuals covered by the policy developed under subsection (a).

(B) Number of open actionable sexual harassment cases and how long the cases have been open.

(C) Such trends or region specific issues as the Director may have discovered with respect to sexual harassment in the Administration.

(D) Such recommendations as the Director may have with respect to sexual harassment in the Administration.

SEC. 812. ACTIONS TO ADDRESS SEXUAL ASSAULT AT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) COMPREHENSIVE POLICY ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop a comprehensive policy on the prevention of and response to sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(b) ELEMENTS OF COMPREHENSIVE POLICY.—The comprehensive policy developed under subsection (a) shall, at minimum, address the following matters:

(1) Prevention measures.

(2) Education and training on prevention and response.

(3) A list of support resources an individual may use in the occurrence of sexual assault, including—

(A) options and contact information for after-hours contact; and

(B) procedure for obtaining assistance and reporting sexual assault while working in a remote scientific field camp, at sea, or in another field status.

(4) Easy and ready availability of information described in paragraph (3).

(5) Establishing a mechanism by which—

(A) questions regarding sexual assault can be confidentially asked and confidentially answered; and

(B) incidents of sexual assault can be confidentially reported.

(6) Protocols for the investigation of complaints by command and law enforcement personnel.

(7) Prohibiting retaliation and consequences for retaliatory actions against someone who reports a sexual assault.

(8) Oversight by the Under Secretary of administrative and disciplinary actions in response to substantial incidents of sexual assault.

(9) Victim advocacy, including establishment of and the responsibilities and training requirements for victim advocates as described in subsection (c).

(10) Availability of resources for victims of sexual assault within other Federal agencies and State, local, and national organizations.

(c) VICTIM ADVOCACY.—

(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish victim advocates to advocate for victims of sexual assaults involving employees of the Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(2) VICTIM ADVOCATES.—For purposes of this subsection, a victim advocate is a permanent employee of the Administration who—

(A) is trained in matters relating to sexual assault and the comprehensive policy developed under subsection (a); and

(B) serves as a victim advocate voluntarily and in addition to the employee's other duties as an employee of the Administration.

(3) PRIMARY DUTIES.—The primary duties of a victim advocate established under paragraph (1) shall include the following:

(A) Supporting victims of sexual assault and informing them of their rights and the resources available to them as victims.

(B) Acting as a companion in navigating investigative, medical, mental and emotional health, and recovery processes relating to sexual assault.

(C) Helping to identify resources to ensure the safety of victims of sexual assault.

(4) LOCATION.—The Secretary shall ensure that at least 1 victim advocate established under paragraph (1) is stationed—

(A) in each region in which the Administration conducts operations; and

(B) in each marine and aviation center of the Administration.

(5) HOTLINE.—

(A) IN GENERAL.—In carrying out this subsection, the Secretary shall establish a telephone number at which a victim of a sexual assault can contact a victim advocate.

(B) 24-HOUR ACCESS.—The Secretary shall ensure that the telephone number established under subparagraph (A) is monitored at all times.

(6) FORMAL RELATIONSHIPS WITH OTHER ENTITIES.—The Secretary may enter into formal relationships with other entities to make available additional victim advocates.

(d) AVAILABILITY OF POLICY.—The Secretary shall ensure that the policy developed under subsection (a) is available to—

(1) all employees of the Administration and members of the commissioned officer corps of the Administration, including those employees and members who conduct field work for the Administration; and

(2) the public.

(e) CONSULTATION AND ASSISTANCE.—In developing the policy required by subsection (a), the Secretary may consult or receive assistance from such State, local, and national organizations and subject matter experts as the Secretary considers appropriate.

SEC. 813. RIGHTS OF THE VICTIM OF A SEXUAL ASSAULT.

A victim of a sexual assault covered by the comprehensive policy developed under section 812(a) has the right to be reasonably protected from the accused.

SEC. 814. CHANGE OF STATION.

(a) CHANGE OF STATION, UNIT TRANSFER, OR CHANGE OF WORK LOCATION OF VICTIMS.—

(1) TIMELY CONSIDERATION AND ACTION UPON REQUEST.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall—

(A) in the case of a member of the commissioned officer corps of the National Oceanic and Atmospheric Administration who was a victim of a sexual assault, in order to reduce the possibility of retaliation or further sexual assault, provide for timely determination and action on an application submitted by the victim for consideration of a change of station or unit transfer of the victim; and

(B) in the case of an employee of the Administration who was a victim of a sexual assault, to the degree practicable and in order to reduce the possibility of retaliation against the employee for reporting the sexual assault, accommodate a request for a change of work location of the victim.

(2) PROCEDURES.—

(A) PERIOD FOR APPROVAL AND DISAPPROVAL.—The Secretary, acting through the Under Secretary, shall ensure that an application or request submitted under paragraph (1) for a change of station, unit transfer, or change of work location is approved or denied within 72 hours of the submission of the application or request.

(B) REVIEW.—If an application or request submitted under paragraph (1) by a victim of a sexual assault for a change of station, unit transfer, or change of work location of the victim is denied—

(i) the victim may request the Secretary review the denial; and

(ii) the Secretary, acting through the Under Secretary, shall, not later than 72 hours after receiving such request, affirm or overturn the denial.

(b) CHANGE OF STATION, UNIT TRANSFER, AND CHANGE OF WORK LOCATION OF ALLEGED PERPETRATORS.—

(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall develop a policy for the protection of victims of sexual assault described in subsection (a)(1) by providing the alleged perpetrator of the sexual assault with a change of station, unit transfer, or change of work location, as the case may be, if

the alleged perpetrator is a member of the commissioned officer corps of the Administration or an employee of the Administration.

(2) POLICY REQUIREMENTS.—The policy required by paragraph (1) shall include the following:

(A) A means to control access to the victim.

(B) Due process for the victim and the alleged perpetrator.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall promulgate regulations to carry out this section.

(2) CONSISTENCY.—When practicable, the Secretary shall make regulations promulgated under this section consistent with similar regulations promulgated by the Secretary of Defense.

SEC. 815. APPLICABILITY OF POLICIES TO CREWS OF VESSELS SECURED BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION UNDER CONTRACT.

The Under Secretary for Oceans and Atmosphere shall ensure that each contract into which the Under Secretary enters for the use of a vessel by the National Oceanic and Atmospheric Administration that covers the crew of the vessel, if any, shall include as a condition of the contract a provision that subjects such crew to the policy developed under section 811(a) and the comprehensive policy developed under section 812(a).

SEC. 816. ANNUAL REPORT ON SEXUAL ASSAULTS IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) IN GENERAL.—Not later than January 15 of each year, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the sexual assaults involving employees of the National Oceanic and Atmospheric Administration, members of the commissioned officer corps of the Administration, and individuals who work with or conduct business on behalf of the Administration.

(b) CONTENTS.—Each report submitted under subsection (a) shall include, with respect to the previous calendar year, the following:

(1) The number of alleged sexual assaults involving employees, members, and individuals described in subsection (a).

(2) A synopsis of each case and the disciplinary action taken, if any, in each case.

(3) The policies, procedures, and processes implemented by the Secretary, and any updates or revisions to such policies, procedures, and processes.

(4) A summary of the reports received by the Under Secretary for Oceans and Atmosphere under section 811(f).

(c) PRIVACY PROTECTION.—In preparing and submitting a report under subsection (a), the Secretary shall ensure that no individual involved in an alleged sexual assault can be identified by the contents of the report.

SEC. 817. DEFINITION.

In this subtitle, the term ''sexual assault'' shall have the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

Subtitle B—Commissioned Officer Corps of the National Oceanic and Atmospheric Administration

SEC. 820. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

PART I—GENERAL PROVISIONS

SEC. 821. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

''SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

''(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

''(1) Vice admiral.

''(2) Rear admiral.

''(3) Rear admiral (lower half).

''(4) Captain.

''(5) Commander.

''(6) Lieutenant commander.

''(7) Lieutenant.

''(8) Lieutenant (junior grade).

''(9) Ensign.

''(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

''(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

''(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

''(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

''(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is ½, the next higher whole number shall be taken.

''(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

''(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

''(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.''.

SEC. 822. RECALLED OFFICERS.

Section 215 (33 U.S.C. 3005) is amended—

(1) in the matter before paragraph (1), by striking ''Effective'' and inserting the following:

''(a) IN GENERAL.—Effective''; and

(2) by adding at the end the following new subsection:

''(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status—

''(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

''(2) may not count against such number.''.

SEC. 823. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

''SEC. 216. OBLIGATED SERVICE REQUIREMENT.

''(a) IN GENERAL.—

''(1) RULEMAKING.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirement of officers not otherwise covered by law.

''(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, and retirements as the Secretary considers appropriate.

''(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

''(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) shall be considered for all purposes as a debt owed to the United States.

''(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

''(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

''(2) is—

''(A) not physically qualified for appointment; and

''(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Obligated service requirement.''.

SEC. 824. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 823(a), is further amended by adding at the end the following:

''SEC. 217. TRAINING AND PHYSICAL FITNESS.

''(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

''(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

''(2) Providing officers and officer candidates with books and school supplies.

''(3) Acquiring such equipment as may be necessary for training and instructional purposes.

''(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 823(b), is further amended by inserting after the item relating to section 216 the following:

''Sec. 217. Training and physical fitness.''.

SEC. 825. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 824(a), is further amended by adding at the end the following:

''SEC. 218. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

''The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 824(b), is further amended by inserting after the item relating to section 217 the following:

''Sec. 218. Use of recruiting materials for public relations.''.

SEC. 826. CHARTER VESSEL SAFETY POLICY.

(a) POLICY REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere, develop and implement a charter vessel safety policy applicable to the acquisition by the National Oceanic and Atmospheric Administration of charter vessel services.

(b) ELEMENTS.—The policy required by subsection (a) shall address vessel safety, operational safety, and basic personnel safety requirements applicable to the vessel size, type, and intended use. At a minimum, the policy shall include the following:

(1) Basic vessel safety requirements that address stability, egress, fire protection and lifesaving equipment, hazardous materials, and pollution control.

(2) Personnel safety requirements that address crew qualifications, medical training and services, safety briefings and drills, and crew habitability.

(c) LIMITATION.—The Secretary shall ensure that the basic vessel safety requirements and personnel safety requirements included in the policy required by subsection (a)—

(1) do not exceed the vessel safety requirements and personnel safety requirements promulgated by the Secretary of the department in which the Coast Guard is operating; and

(2) to the degree practicable, are consistent with the requirements described in paragraph (1).

SEC. 827. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting ''in the commissioned officer corps'' before ''of the National''.

PART II—PARITY AND RECRUITMENT

SEC. 831. EDUCATION LOANS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

''SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

''(1) was used by the person to finance education; and

''(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

''(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

''(1) satisfy 1 of the requirements specified in subsection (c);

''(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

''(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

''(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

''(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

''(d) LOAN REPAYMENTS.—

''(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

''(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

''(e) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

''(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

''(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than 1 year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

''(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

''(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

''(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

''(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

''(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

''(1) standards for qualified loans and authorized payees; and

''(2) other terms and conditions for the making of loan repayments.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

''Sec. 267. Education loan repayment program.''.

SEC. 832. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 831(a), is further amended by adding at the end the following:

''SEC. 268. INTEREST PAYMENT PROGRAM.

''(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on 1 or more student loans of an eligible officer, in accordance with this section.

''(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

''(1) is serving on active duty;

''(2) has not completed more than 3 years of service on active duty;

''(3) is the debtor on 1 or more unpaid loans described in subsection (c); and

''(4) is not in default on any such loan.

''(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

''(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

''(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

''(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

''(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

''(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

''(f) COORDINATION WITH SECRETARY OF EDUCATION.—

''(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

''(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

''(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

''(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

''(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,'' after ''Armed Forces''.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively'' after ''Armed Forces''.

(c) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 831(b), is further amended by inserting after the item relating to section 267 the following:

''Sec. 268. Interest payment program.''.

SEC. 833. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 832(a), is further amended by adding at the end the following:

''SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

''(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

''(1) a baccalaureate degree in not more than 5 academic years; or

''(2) a postbaccalaureate degree.

''(b) ELIGIBLE PERSONS.—

''(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

''(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

''(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

''(C) enters into a written agreement with the Secretary described in paragraph (2).

''(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person agrees—

''(A) to accept an appointment as an officer, if tendered; and

''(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

''(i) up to 3 years if the person received less than 3 years of assistance; and

''(ii) up to 5 years if the person received at least 3 years of assistance.

''(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

''(1) Tuition and fees charged by the educational institution involved.

''(2) The cost of books.

''(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

''(4) Such other expenses as the Secretary considers appropriate.

''(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

''(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than 5 consecutive academic years.

''(f) SUBSISTENCE ALLOWANCE.—

''(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

''(g) INITIAL CLOTHING ALLOWANCE.—

''(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

''(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

''(h) TERMINATION OF FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

''(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

''(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

''(C) the person fails to fulfill any term or condition of the agreement.

''(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

''(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

''(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

''(B) is—

''(i) not physically qualified for appointment; and

''(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

''(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

''(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

''(i) REGULATIONS.—The Secretary may promulgate such regulations and orders as the Secretary considers appropriate to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 832(c), is further amended by inserting after the item relating to section 268 the following:

''Sec. 269. Student pre-commissioning education assistance program.''.

SEC. 834. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with fiscal year 2013, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 831(a)), section 268 of such Act (as added by section 832(a)), and section 269 of such Act (as added by section 833(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 246(d)), if such section entitled officers candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service; exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term ''officer candidate'' has the meaning given the term in section 212 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 856(c).

SEC. 835. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (20) through (23), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (12) through (17), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

''(4) Section 771, relating to unauthorized wearing of uniforms.

''(5) Section 774, relating to wearing religious apparel while in uniform.

''(6) Section 982, relating to service on State and local juries.

''(7) Section 1031, relating to administration of oaths.'';

(5) by inserting after paragraph (10), as redesignated, the following:

''(11) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.''; and

(6) by inserting after paragraph (17), as redesignated, the following:

''(18) Subchapter I of chapter 88, relating to Military Family Programs.

''(19) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.''.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking ''armed forces'' and inserting ''uniformed services''; and

(B) in subsection (b)(4), by striking ''armed forces'' both places it appears and inserting ''uniformed services''.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), by striking ''armed forces'' and inserting ''uniformed services''; and

(B) by adding at the end the following new subsection:

''(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term 'Secretary concerned' in subsection (a) shall include the Secretary of Commerce with respect to members of the National Oceanic and Atmospheric Administration.''.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting ''or the commissioned corps of the National Oceanic and Atmospheric Administration'' after ''in the case of the Navy''; and

(ii) by striking ''other armed forces'' and inserting ''other uniformed services''; and

(B) in subsection (b)(1), by inserting ''or the Secretary of Commerce, as applicable,'' after ''the Secretary of Defense''.

SEC. 836. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

''SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

''(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

''(1) Section 324, relating to accession bonuses for new officers in critical skills.

''(2) Section 403(f)(3), relating to prescribing regulations defining the terms 'field duty' and 'sea duty'.

''(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

''(4) Section 414(a)(2), relating to personal money allowance while serving as Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(5) Section 488, relating to allowances for recruiting expenses.

''(6) Section 495, relating to allowances for funeral honors duty.

''(b) REFERENCES.—The authority vested by title 37, United States Code, in the 'military departments', 'the Secretary concerned', or 'the Secretary of Defense' with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary's designee.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 261 the following:

''Sec. 261A. Applicability of certain provisions of title 37, United States Code.''.

SEC. 837. LEGION OF MERIT AWARD.

Section 1121 of title 10, United States Code, is amended by striking ''armed forces'' and inserting ''uniformed services''.

SEC. 838. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 835, is further amended—

(1) by redesignating paragraphs (8) through (23) as paragraphs (9) through (24), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: ''For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.''.

(c) REGULATIONS.—Such section is further amended by adding at the end the following:

''(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may promulgate regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by promulgating such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.''.

SEC. 839. PENALTIES FOR WEARING UNIFORM WITHOUT AUTHORITY.

Section 702 of title 18, United States Code, is amended by striking ''Service or any'' and inserting ''Service, the commissioned officer corps of the National Oceanic and Atmospheric Administration, or any''.

SEC. 840. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces'';

(2) in paragraph (2), by striking ''or veteran'' and inserting '', veteran, or member''; and

(3) in paragraph (4), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces''.

SEC. 841. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting ''the commissioned officer corps of the National Oceanic and Atmospheric Administration,'' after ''Public Health Service,''.

SEC. 842. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this subtitle, is further amended by adding at the end the following:

''SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

''(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for at least 3 years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

''(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

''(c) COMPETITIVE SERVICE DEFINED.—In this section, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 269, as added by this subtitle, the following new item:

''Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.''.

SEC. 843. DIRECT HIRE AUTHORITY.

(a) IN GENERAL.—The head of a Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, a qualified candidate described subsection (b) directly to a position in the agency for which the candidate meets qualification standards of the Office of Personnel Management.

(b) CANDIDATES DESCRIBED.—A candidate described in this subsection is a current or former member of the commissioned officer corps of the National Oceanic and Atmospheric Administration who—

(1) fulfilled his or her obligated service requirement under section 216 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, as added by section 823;

(2) if no longer a member of the commissioned officer corps of the Administration, was discharged or released therefrom; and

(3) has been separated or released from service in the commissioned officer corps of the Administration for a period of not more than 5 years.

(c) EFFECTIVE DATE.—This section shall apply with respect to appointments made in fiscal year 2016 and in each fiscal year thereafter.

PART III—APPOINTMENTS AND PROMOTION OF OFFICERS

SEC. 851. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—

(1) IN GENERAL.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

''SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

''(a) ORIGINAL APPOINTMENTS.—

''(1) GRADES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

''(i) the qualification, experience, and length of service of the appointee; and

''(ii) the commissioned officer corps of the Administration.

''(B) APPOINTMENT OF OFFICER CANDIDATES.—

''(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

''(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

''(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

''(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

''(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(C) Graduates of the maritime academies of the States who—

''(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

''(ii) completed at least 3 years of regimented training while at a maritime academy of a State; and

''(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

''(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(3) DEFINITIONS.—In this subsection:

''(A) MARITIME ACADEMIES OF THE STATES.—The term 'maritime academies of the States' means the following:

''(i) California Maritime Academy, Vallejo, California.

''(ii) Great Lakes Maritime Academy, Traverse City, Michigan.

''(iii) Maine Maritime Academy, Castine, Maine.

''(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

''(v) State University of New York Maritime College, Fort Schuyler, New York.

''(vi) Texas A&M Maritime Academy, Galveston, Texas.

''(B) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term 'military service academies of the United States' means the following:

''(i) The United States Military Academy, West Point, New York.

''(ii) The United States Naval Academy, Annapolis, Maryland.

''(iii) The United States Air Force Academy, Colorado Springs, Colorado.

''(iv) The United States Coast Guard Academy, New London, Connecticut.

''(v) The United States Merchant Marine Academy, Kings Point, New York.

''(b) REAPPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

''(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

''(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

''(d) PRECEDENCE OF APPOINTEES.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

''(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in the Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

''(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

''(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

''(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.''.

(2) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

''Sec. 221. Original appointments and reappointments.''.

SEC. 852. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

''SEC. 222. PERSONNEL BOARDS.

''(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—A board convened under subsection (a) shall consist of 5 or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

''(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

''(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of 2 successive personnel boards convened to consider officers of the same grade for promotion or separation.

''(c) DUTIES.—Each personnel board shall—

''(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

''(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

''(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.''.

SEC. 853. DELEGATION OF AUTHORITY.

Section 226 (33 U.S.C. 3026) is amended—

(1) by striking ''Appointments'' and inserting the following:

''(a) IN GENERAL.—Appointments''; and

(2) by adding at the end the following:

''(b) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.''.

SEC. 854. ASSISTANT ADMINISTRATOR OF THE OFFICE OF MARINE AND AVIATION OPERATIONS.

Section 228(c) (33 U.S.C. 3028(c)) is amended—

(1) in the fourth sentence, by striking ''Director'' and inserting ''Assistant Administrator''; and

(2) in the heading, by inserting ''ASSISTANT ADMINISTRATOR OF THE'' before ''OFFICE''.

SEC. 855. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

''SEC. 229. TEMPORARY APPOINTMENTS.

''(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

''(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

''(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

''(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.

''(e) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 229 and inserting the following:

''Sec. 229. Temporary appointments.''.

SEC. 856. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

''SEC. 234. OFFICER CANDIDATES.

''(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

''(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the program, and all other matters affecting such appointment.

''(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer

candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(d) AGREEMENT.—

''(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

''(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

''(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

''(B) That upon graduation from the such program, the officer candidate—

''(i) will accept an appointment, if tendered, as an officer; and

''(ii) will serve on active duty for at least 4 years immediately after such appointment.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

''(1) standards for determining what constitutes a breach of an agreement signed under such subsection (d)(1); and

''(2) procedures for determining whether such a breach has occurred.

''(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under section (d) shall be subject to the repayment provisions of section 216(b).''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

''Sec. 234. Officer candidates.''.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) OFFICER CANDIDATE.—The term 'officer candidate' means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).''.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

''(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rate equal to the basic pay of an enlisted member in the pay grade E–5 with less than 2 years service.

''(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.''.

SEC. 857. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 856(a), is further amended by adding at the end the following:

''SEC. 235. PROCUREMENT OF PERSONNEL.

''The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 856(b), is further amended by inserting after the item relating to section 234 the following:

''235. Procurement of personnel.''.

PART IV—SEPARATION AND RETIREMENT OF OFFICERS

SEC. 861. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

''(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

''(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

''(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

''(3) LIMITATION.—A deferral of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

SEC. 862. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

''(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

''(1) expresses a desire not to be selected for promotion; or

''(2) requests removal from the list of selectees.''.

Subtitle C—Hydrographic Services

SEC. 871. REAUTHORIZATION OF HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998.

(a) REAUTHORIZATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended—

(1) in the matter before paragraph (1), by striking ''There are'' and inserting the following:

''(a) IN GENERAL.—There are'';

(2) in subsection (a) (as designated by paragraph (1))—

(A) in paragraph (1), by striking ''surveys—'' and all that follows through the end of the paragraph and inserting ''surveys, $70,814,000 for each of fiscal years 2016 through 2020.'';

(B) in paragraph (2), by striking ''vessels—'' and all that follows through the end of the paragraph and inserting ''vessels, $25,000,000 for each of fiscal years 2016 through 2020.'';

(C) in paragraph (3), by striking ''Administration—'' and all that follows through the end of the paragraph and inserting ''Administration, $29,932,000 for each of fiscal years 2016 through 2020.'';

(D) in paragraph (4), by striking ''title—'' and all that follows through the end of the paragraph and inserting ''title, $26,800,000 for each of fiscal years 2016 through 2020.''; and

(E) in paragraph (5), by striking ''title—'' and all that follows through the end of the paragraph and inserting ''title, $30,564,000 for each of fiscal years 2016 through 2020.''; and

(3) by adding at the end the following:

''(b) ARCTIC PROGRAMS.—Of the amount authorized by this section for each fiscal year—

''(1) $10,000,000 is authorized for use—

''(A) to acquire hydrographic data;

''(B) to provide hydrographic services;

''(C) to conduct coastal change analyses necessary to ensure safe navigation;

''(D) to improve the management of coastal change in the Arctic; and

''(E) to reduce risks of harm to Alaska Native subsistence and coastal communities associated with increased international maritime traffic; and

''(2) $2,000,000 is authorized for use to acquire hydrographic data and provide hydrographic services in the Arctic necessary to delineate the United States extended Continental Shelf.''.

(b) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Section 306 of such Act (33 U.S.C. 892d) is further amended by adding at the end the following:

''(c) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Of amounts authorized by this section for each fiscal year for contract hydrographic surveys, not more than 5 percent is authorized for administrative costs associated with contract management.''.

Mr. SASSE. Mr. President, I ask unanimous consent that the committee-reported amendment be withdrawn, the Fischer substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4940) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 2829), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, JULY 1, 2016, THROUGH WEDNESDAY, JULY 6, 2016

Mr. SASSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn, to then convene for pro forma sessions only, with no business being conducted, on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Friday, July 1, at 9:30 a.m.; Tuesday, July 5, at 9 a.m.; I further ask that when the Senate adjourns on Tuesday, July 5, it next convene at 10 a.m., Wednesday, July 6; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; I ask that following leader remarks, the Senate resume consideration of the motion to proceed to S. 3100; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings; further, that at 2:15 p.m., the Senate proceed to executive session as under the previous order; finally, that

following the disposition of the Martinotti nomination, the pending cloture motions filed during today's session ripen.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL FRIDAY, JULY 1, 2016, AT 9:30 A.M.

Mr. SASSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:03 p.m., adjourned until Friday, July 1, 2016, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DEBRA SATZ, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2022, VICE CONSTANCE M. CARROLL, TERM EXPIRED.

DEPARTMENT OF STATE

W. STUART SYMINGTON, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

THE JUDICIARY

JASON D. TULLEY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE JUDITH NAN MACALUSO, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEVEN M. SHEPRO

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. TAMMY S. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. BRIAN E. ALVIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RICHARD J. HEITKAMP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MILES A. DAVIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. FLETCHER V. WASHINGTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. NIKKI L. GRIFFIN OLIVE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DARIUS BANAJI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. TINA A. DAVIDSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. GAYLE D. SHAFFER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. FRANK D. WHITWORTH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. STEPHANIE T. KECK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID A. GOGGINS
CAPT. DOUGLAS W. SMALL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RICHARD D. HEINZ
CAPT. JOHN T. PALMER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CARL P. CHEBI
CAPT. BLAKE L. CONVERSE
CAPT. CHARLES B. COOPER II
CAPT. PAUL T. DRUGGAN
CAPT. DONALD D. GABRIELSON
CAPT. ALVIN HOLSEY
CAPT. JEFFREY T. JABLON
CAPT. GARY A. MAYES
CAPT. JOHN F. MEIER
CAPT. JAMES E. PITTS
CAPT. CHARLES W. ROCK
CAPT. JOHN B. SKILLMAN
CAPT. MURRAY J. TYNCH III
CAPT. JOHN F. WADE
CAPT. MICHAEL A. WETTLAUFER

CONFIRMATIONS

Executive nominations confirmed by the Senate June 29, 2016:

FEDERAL MARITIME COMMISSION

DANIEL B. MAFFEI, OF NEW YORK, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2017.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

VICE ADM. FRED M. MIDGETTE

FEDERAL MARITIME COMMISSION

REBECCA F. DYE, OF NORTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2020.

DEPARTMENT OF STATE

MARY BETH LEONARD, OF MASSACHUSETTS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE AFRICAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

GEETA PASI, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

ANNE S. CASPER, OF NEVADA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. MATTHEW T. QUINN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. PHILLIP E. LEE, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. ALAN J. REYES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MARY C. RIGGS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. CAROL M. LYNCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MARK E. BIPES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. BRIAN R. GULDBEK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. LOUIS C. TRIPOLI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. ROBERT T. DURAND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. SHAWN E. DUANE
CAPT. SCOTT D. JONES
CAPT. WILLIAM G. MAGER
CAPT. JOHN B. MUSTIN
CAPT. MATTHEW P. O'KEEFE
CAPT. JOHN A. SCHOMMER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) THOMAS W. LUSCHER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) BRIAN S. PECHA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) DEBORAH P. HAVEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MARK J. FUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) RUSSELL E. ALLEN
REAR ADM. (LH) WILLIAM M. CRANE
REAR ADM. (LH) MICHAEL J. DUMONT

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE NATIONAL GUARD BUREAU AND FOR

APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 601 AND 10502:

To be general

LT. GEN. JOSEPH L. LENGYEL

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. RONALD R. FRITZEMEIER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CHARLES G. CHIAROTTI
BRIG. GEN. DAVID W. COFFMAN
BRIG. GEN. PAUL J. KENNEDY
BRIG. GEN. JOAQUIN F. MALAVET
BRIG. GEN. LORETTA E. REYNOLDS
BRIG. GEN. RUSSELL A. SANBORN
BRIG. GEN. GEORGE W. SMITH, JR.
BRIG. GEN. MARK R. WISE
BRIG. GEN. DANIEL D. YOO

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8033:

To be general

GEN. DAVID L. GOLDFEIN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. THOMAS D. WALDHAUSER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF ARMY RESERVE/COMMANDING GENERAL, UNITED STATES ARMY RESERVE COMMAND, AND APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3038:

To be lieutenant general

MAJ. GEN. CHARLES D. LUCKEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT P. WALTERS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. EDWARD C. CARDON

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. TIMOTHY P. WILLIAMS

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. JOSEPH J. STREFF

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. ANTHONY P. DIGIACOMO II
COL. DANIEL J. HILL
COL. KENNETH A. NAVA

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID H. BERGER

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JEFFREY L. HARRIGIAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. TOD D. WOLTERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STAYCE D. HARRIS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GWENDOLYN BINGHAM

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL M. GILDAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. COLIN J. KILRAIN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS IN THE UNITED STATES MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5044:

To be general

LT. GEN. GLENN M. WALTERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARY L. THOMAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LEWIS A. CRAPAROTTA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH L. OSTERMAN

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. TERRENCE J. O'SHAUGHNESSY

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. MARSHALL B. LYTLE III

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF OF THE AIR FORCE AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8034 AND 601:

To be general

LT. GEN. STEPHEN W. WILSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. VERALINN JAMIESON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS W. BERGESON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. THOMAS W. GEARY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN L. DOLAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD M. CLARK

FEDERAL MARITIME COMMISSION

MICHAEL A. KHOURI, OF KENTUCKY, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2021.

IN THE AIR FORCE

AIR FORCE NOMINATION OF JOSEPH H. IMWALLE, TO BE COLONEL.

AIR FORCE NOMINATION OF LISA A. SELTMAN, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH ANDREW M. FOSTER AND ENDING WITH ANTHONY P. GADDI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2016.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID B. BARKER AND ENDING WITH ANGELA M. YUHAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2016.

IN THE ARMY

ARMY NOMINATION OF BETHANY C. ARAGON, TO BE COLONEL.

ARMY NOMINATION OF BRIAN T. WATKINS, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH SUSAN M. CEBULA AND ENDING WITH LISA N. YARBROUGH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2016.

ARMY NOMINATIONS BEGINNING WITH JOHN S. AITA AND ENDING WITH DEREK C. WHITAKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2016.

ARMY NOMINATION OF JASON B. BLEVINS, TO BE COLONEL.

ARMY NOMINATION OF SHAWN R. LYNCH, TO BE MAJOR.

ARMY NOMINATION OF RITA A. KOSTECKE, TO BE MAJOR.

ARMY NOMINATION OF HELEN H. BRANDABUR, TO BE MAJOR.

ARMY NOMINATION OF BARRY K. WILLIAMS, TO BE COLONEL.

ARMY NOMINATION OF DOUGLAS MAURER, TO BE COLONEL.

ARMY NOMINATION OF RONALD D. HARDIN, JR., TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF EDWARD J. FISHER, TO BE COLONEL.

ARMY NOMINATION OF DAVID W. MAYFIELD, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF MICHAEL P. GARLINGTON, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH NOELA B. BACON AND ENDING WITH WILLIAM D. PLUMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 23, 2016.

ARMY NOMINATION OF ELIZABETH M. MILLER, TO BE COLONEL.

IN THE NAVY

NAVY NOMINATION OF JUSTIN C. LEGG, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH TIMOTHY M. DUNN AND ENDING WITH PEGGYTARA M. STOLYAROVA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2016.

NAVY NOMINATIONS BEGINNING WITH SUZANNE M. LESKO AND ENDING WITH CHARLES E. SUMMERS II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2016.

NAVY NOMINATION OF ANDREW F. ULAK, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH KENNETH N. GRAVES AND ENDING WITH BILLY B. OSBORNE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2016.

NAVY NOMINATIONS BEGINNING WITH STEVE R. PARADELA AND ENDING WITH REESE K. ZOMAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2016.

NAVY NOMINATIONS BEGINNING WITH CHARLES M. BROWN AND ENDING WITH KARL W. WICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2016.

NAVY NOMINATIONS BEGINNING WITH ROBERT K. BAER AND ENDING WITH JOHN L. MORRIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2016.

NAVY NOMINATIONS BEGINNING WITH BRIAN S. ANDERTON AND ENDING WITH JAMES T. WORTHINGTON III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2016.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER J. R. DEMCHAK AND ENDING WITH STEVEN R. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2016.

NAVY NOMINATIONS BEGINNING WITH JANETTE B. JOSE AND ENDING WITH MICHAEL J. SCHWERIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2016.

NAVY NOMINATIONS BEGINNING WITH ERIC R. JOHNSON AND ENDING WITH ANDREW R. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2016.

NAVY NOMINATIONS BEGINNING WITH JAREMA M. DIDOSZAK AND ENDING WITH RICHARD M. SZCEPANSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 14, 2016.

NAVY NOMINATION OF CONRADO G. DUNGCA, JR., TO BE CAPTAIN.

NAVY NOMINATION OF ALEXANDER L. PEABODY, TO BE CAPTAIN.

NAVY NOMINATION OF JASON G. GOFF, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH OLIVIA L. BETHEA AND ENDING WITH CHRISTIAN A. STOVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH ROGER S. AKINS AND ENDING WITH MICHAEL D. WITTENBERGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH RICHARD S. ADCOOK AND ENDING WITH BENJAMIN W. YOUNG, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH ANDREW M. ARCHILA AND ENDING WITH DOUGLAS E. STEPHENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH SHANE D. COOPER AND ENDING WITH RANDALL J. VAVRA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH JOHANNES M. BAILEY AND ENDING WITH JOHN E. VOLK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH SUSAN L. AYERS AND ENDING WITH MICHAEL YORK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH MICHAEL D. BROWN AND ENDING WITH BRIAN J. STAMM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH JOHN R. ANDERSON AND ENDING WITH BURR M. VOGEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH RACHAEL A. DEMPSEY AND ENDING WITH SEAN D. ROBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH ANN E. CASEY AND ENDING WITH DARYK E. ZIRKLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH CLAUDE W. ARNOLD, JR. AND ENDING WITH ROB W. STEVENSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH ALBERT ANGEL AND ENDING WITH SCOTT D. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH THOMAS L. GIBBONS AND ENDING WITH KURT E. STRONACH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH DAVID L. AAMODT AND ENDING WITH NATHAN S. YORK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH MICHAEL B. BILZOR AND ENDING WITH MATTHEW A. TESTERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH PAUL D. CLIFFORD AND ENDING WITH DIANNA WOLFSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH ERROL A. CAMPBELL, JR. AND ENDING WITH JEFFREY M. VICARIO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH JEFFREY J. CHOWN AND ENDING WITH BRET A. WASHBURN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH BROOK DEWALT AND ENDING WITH PHILIP R. ROSI II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATIONS BEGINNING WITH AARON C. HOFF AND ENDING WITH JOHN M. TULLY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2016.

NAVY NOMINATION OF DANIEL L. CHRISTENSEN, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF HOWARD D. WATT, TO BE COMMANDER.

NAVY NOMINATION OF DANIEL MORALES, TO BE COMMANDER.

NAVY NOMINATION OF STEFAN M. GROETSCH, TO BE CAPTAIN.

NAVY NOMINATION OF JEFFREY M. BIERLEY, TO BE CAPTAIN.

NAVY NOMINATION OF MICHAEL G. ZAKAROFF, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH RON J. ARELLANO AND ENDING WITH WILLIAM M. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2016.

NAVY NOMINATIONS BEGINNING WITH KATIE M. ABDALLAH AND ENDING WITH NATHAN J. WINTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2016.

NAVY NOMINATIONS BEGINNING WITH MATTHEW J. ACANFORA AND ENDING WITH JOSEPH A. ZERBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2016.

NAVY NOMINATIONS BEGINNING WITH KENNETH O. ALLISON, JR. AND ENDING WITH TIMOTHY L. YEICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2016.

NAVY NOMINATIONS BEGINNING WITH BENJAMIN P. ABBOTT AND ENDING WITH RICHARD J. ZAMBERLAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2016.

NAVY NOMINATIONS BEGINNING WITH PETER BISSONNETTE AND ENDING WITH ZAVEAN V. WARE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2016.

NAVY NOMINATIONS BEGINNING WITH MYLENE R. ARVIZO AND ENDING WITH ERROL A. WATSON, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2016.

NAVY NOMINATIONS BEGINNING WITH DAVID R. DONOHUE AND ENDING WITH JASON D. WEAVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2016.

NAVY NOMINATIONS BEGINNING WITH RANDY J. BERTI AND ENDING WITH MICHAEL WINDOM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2016.

NAVY NOMINATIONS BEGINNING WITH JODIE K. CORNELL AND ENDING WITH SEAN B. ROBERTSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2016.

NAVY NOMINATIONS BEGINNING WITH PATRICIA H. AJOY AND ENDING WITH WADE C. THAMES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2016.

NAVY NOMINATIONS BEGINNING WITH ERIN M. CESCHINI AND ENDING WITH GIANCARLO WAGHELSTEIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2016.

NAVY NOMINATION OF THOMAS W. LUTON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JENNIFER L. DONAHUE AND ENDING WITH ROBERT R. STEEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 23, 2016.

NAVY NOMINATIONS BEGINNING WITH STEVEN D. BARTELL AND ENDING WITH RON P. NEITZKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 23, 2016.

NAVY NOMINATIONS BEGINNING WITH NATHAN JOHNSTON AND ENDING WITH ROGER D. MUSSELMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 23, 2016.

NAVY NOMINATIONS BEGINNING WITH PHILIP ARMAS, JR. AND ENDING WITH CHRISTOPHER D. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 23, 2016.

NAVY NOMINATIONS BEGINNING WITH CATHERINE O. DURHAM AND ENDING WITH REBECCA A. ZORNADO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 23, 2016.

NAVY NOMINATIONS BEGINNING WITH JAMES H. BURNS AND ENDING WITH REBECCA S. SNYDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 23, 2016.

NAVY NOMINATIONS BEGINNING WITH JOHN M. HARDHAM AND ENDING WITH MARTIN W. WADEWITZ II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 23, 2016.

NAVY NOMINATIONS BEGINNING WITH PHILIP J. ABELDT AND ENDING WITH MICHAEL B. VENER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 23, 2016.

NAVY NOMINATIONS BEGINNING WITH LAUREN P. ARCHER AND ENDING WITH ALISSA G. SPEZIALE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 23, 2016.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF RICHARD GUSTAVE OLSON, JR.

FOREIGN SERVICE NOMINATION OF EMILY M. SCOTT.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH AMANDA R. AHLERS AND ENDING WITH LEE V. WILBUR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 18, 2016.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JOCELYN N. ADAMS AND ENDING WITH BRIAN JOSEPH ZACHERL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 19, 2016.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 30, 2016 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 6

2 p.m.

Committee on Homeland Security and Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine ISIS online, focusing on countering terrorist radicalization and recruitment on the internet and social media.

SD–342

JULY 13

10:30 a.m.

Committee on Appropriations

Subcommittee on Military Construction and Veterans Affairs, and Related Agencies

To hold hearings to examine a review of the Department of Veterans Affairs' electronic health record (VistA), progress toward interoperability with the Department of Defense's electronic health record, and plans for the future.

SD–124

JULY 14

10 a.m.

Committee on Banking, Housing, and Urban Affairs

To hold hearings to examine evaluating the financial risks of China.

SD–538

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—*Friday, July 1, 2016*

The Senate met at 9:30 and 2 seconds a.m. and was called to order by the Honorable JEFF SESSIONS, a Senator from the State of Alabama.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 1, 2016.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF SESSIONS, a Senator from the State of Alabama, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. SESSIONS thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL TUESDAY, JULY 5, 2016, AT 9 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 9 a.m. on Tuesday, July 5, 2016.

Thereupon, the Senate, at 9:30 and 39 seconds a.m., adjourned until Tuesday, July 5, 2016, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Friday, July 1, 2016*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. MEADOWS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 1, 2016.

I hereby appoint the Honorable MARK MEADOWS to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

PRAYER

Reverend Dr. Patricia Lyons, Christ Church, Washington, D.C., offered the following prayer:

Loving God, in the dawn's early light, we come before You now, grateful for another day of Your mercies that are new every morning.

Heal us of the wounds that we make and that we take in our world.

Inspire us with wisdom and courage to face the complexity and immediacy of Your call to act justly, to love mercy, and to walk humbly.

Lead us to discover Your sacred truth that to serve is perfect freedom; that You fill us and fuel us with Your love when we live as our brother and our sister's keeper.

Plant in us the seeds of curiosity and compassion so that we grow in our ability to seek, to see, and to serve Your presence in all people. Form our lives to listen, our hearts to heal, our selves to serve, and our imaginations to envision our role in Your dreams for our world.

We pray this in Your most holy Name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 797, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 28, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 28, 2016 at 9:08 a.m.:

That the Senate passed S. 1479.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 29, 2016 at 9:29 a.m.:

That the Senate passed with amendments H.R. 3766.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 30, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 30, 2016 at 9:07 a.m.:

That the Senate concur in House amendment to the bill S. 2328.

That the Senate passed S. 2829.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by Speaker pro tempore HARRIS on Tuesday, June 28, 2016:

H.R. 3114, to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by Speaker pro tempore HARRIS on Thursday, June 30, 2016:

S. 2328, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

RESIGNATION AS LEGISLATIVE COUNSEL AND APPOINTMENT AS LEGISLATIVE COUNSEL OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation as Legislative Counsel of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE LEGISLATIVE COUNSEL,
Washington, DC, June 24, 2016.

Hon. PAUL D. RYAN,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby submit my resignation as Legislative Counsel of the United States House of Representatives, effective at the close of business August 1, 2016.

It has been a great honor and privilege to serve as Legislative Counsel.

Sincerely,

SANDRA L. STROKOFF,
Legislative Counsel.

The SPEAKER pro tempore. The Speaker accepts the resignation of Sandra L. Strokoff, Legislative Counsel, effective August 1, 2016.

Pursuant to section 521 of the Legislative Reorganization Act of 1970 (2

U.S.C. 282), the Speaker appoints Ernest Ballou, Jr., Legislative Counsel, to succeed Sandra L. Strokoff, resigned.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1479. An act to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to modify provisions relating to grants, and for other purposes; to the Committee on Energy and Commerce; in addition, to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall with the jurisdiction of the committee concerned.

S. 2829. An act to amend and enhance certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Armed Services; in addition, to the Committee on Transportation and Infrastructure; to the Committee on Natural Resources; to the Committee on Veterans' Affairs; to the Committee on the Judiciary; and to the Committee on Oversight and Government Reform for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. HARRIS, on Tuesday, June 28, 2016:

H.R. 3114. An act to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker pro tempore, Mr. HARRIS, on Thursday, June 30, 2016, announced his signature to an enrolled bill of the Senate of the following title:

S. 2328. An act to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 797, the House stands adjourned until noon on Tuesday, July 5, 2016, for morning-hour debate and 2 p.m. for legislative business.

Thereupon (at 9 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Tuesday, July 5, 2016, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5850. A letter from the Assistant General Counsel for Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting the Department's interim rule — Continuum of Care Program — Increasing Mobility Options for Homeless Individuals and Families With Tenant-Based Rental Assistance [Docket No.: FR-5476-I-03] (RIN: 2506-AC29) received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

5851. A letter from the Assistant General Counsel, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received June 27, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

5852. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's Major final rule — Energy Conservation Program: Energy Conservation Standards for Dehumidifiers [Docket No.: EERE-2012-BT-STD-0027] (RIN: 1904-AC81) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5853. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's Major Final rule — Energy Conservation Program: Energy Conservation Standards for Battery Chargers [Docket No.: EERE-2008-BT-STD-0005] (RIN: 1904-AB57) received June 27, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5854. A letter from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Connect America Fund [WC Docket No.: 10-90]; ETC Annual Reports and Certifications [WC Docket No.: 14-58]; Rural Broadband Experiments [WC Docket No.: 14-259] received June 27, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5855. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Reactive Power Requirements for Non-Synchronous Generation [Docket No.: RM16-1-000] [Order No.: 827] (RIN: 1902-AF15) received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5856. A letter from the Deputy Special Master, September 11th Victim Compensation Fund, Department of Justice, transmitting the Department's interim final rule — James Zadroga 9/11 Victim Compensation Fund Reauthorization Act [Docket No.: CIV 151] (RIN: 1105-AB49) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

5857. A letter from the Chairman, Surface Transportation Board, Department of Transportation, transmitting the Department's final rule — Revision to the Surface Transportation Board's CFR Chapter Heading Pursuant to the Surface Transportation Board Reauthorization Act of 2015 [Docket No.: EP 735] received June 27, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5858. A letter from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's final rule — Driving of Commercial Motor Vehicles: Use of Seat Belts [Docket No.: FMCSA-2015-0396] (RIN: 2126-AB87) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5859. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 31075; Amdt. No.: 526] received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5860. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure; Miscellaneous Amendments [Docket No.: 31072; Amdt. No.: 3692] received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5861. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31069; Amdt. No.: 3689] received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5862. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31070; Amdt. No.: 3690] received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5863. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31071; Amdt. No.: 3691] received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5864. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Moriarty, NM [Docket No.: FAA-2015-8060; Airspace Docket No.: 15-ASW-4] received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5865. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Coldwater, KS [Docket No.: FAA-

2015-5194; Airspace Docket No.: 15-ACE-6] received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5866. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Deer Lodge, MT [Docket No.: FAA-2015-3773; Airspace Docket No.: 15-ANM-22] received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5867. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Horseshoe Bend, AR [Docket No.: FAA-2015-5802; Airspace Docket No.: 15-ASW-17] received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5868. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hollis, OK [Docket No.: FAA-2016-0835; Airspace Docket No.: 16-ASW-1] received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5869. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Turboshaft Engines [Docket No.: FAA-2015-5539; Directorate Identifier 2015-NE-37-AD; Amendment 39-18493; AD 2016-08-16] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5870. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2016-5592; Directorate Identifier 2016-NM-040-AD; Amendment 39-18488; AD 2016-08-12] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5871. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2015-2965; Directorate Identifier 2014-NM-227-AD; Amendment 39-18487; AD 2016-08-11] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5872. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Helicopters [Docket No.: FAA-2013-0734; Directorate Identifier 2012-SW-080-AD; Amendment 39-18494; AD 2016-08-17] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5873. A letter from the Assistant Administrator, Office of Procurement, National Aeronautical and Space Administration, transmitting the Administration's final rule — Removal of Outdated and Duplicative Guidance (2016-N010) (RIN: 2700-AE28) June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Science, Space, and Technology.

5874. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of financial disclosure statements filed by the members of the board of the Office of Congressional Ethics for the period between January 1, 2015 and December 31, 2015, pursuant to Clause 3 of House Rule XXVI (H. Doc. No. 114—147); to the Committee on Ethics and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on July 1, 2016]

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 4685. A bill to take certain Federal lands located in Tulare County, California, into trust for the benefit of the Tule River Indian Tribe, and for other purposes (Rept. 114–649). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 5244. A bill to provide for the establishment of a national memorial and national monument to commemorate those killed by the collapse of the Saint Francis Dam on March 12, 1928, and for other purposes; with an amendment (Rept. 114–650). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 3844. A bill to establish the Energy and Minerals Reclamation Foundation to encourage, obtain, and use gifts, devises, and bequests for projects to reclaim abandoned mine lands and orphan oil and gas well sites, and for other purposes; with amendments (Rept. 114–651). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 5391. A bill to amend the Homeland Security Act of 2002 to enhance certain duties of the Domestic Nuclear Detection Office, and for other purposes (Rept. 114–652). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 5056. A bill to modernize and enhance airport perimeter and access control security by requiring updated risk assessments and the development of security strategies, and for other purposes (Rept. 114–653). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 5064. A bill to amend the Small Business Act to allow small business development centers to assist and advise small business concerns on relevant cyber security matters, and for other purposes; with an amendment (Rept. 114–654, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCCARTHY:

H.R. 5611. A bill to prevent terrorists from launching attacks and obtaining passports, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM PRICE of Georgia (for himself, Mr. CARTER of Georgia, Mr. BISHOP of Georgia, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, Mr. LEWIS, Mr. WOODALL, Mr. AUSTIN SCOTT of Georgia, Mr. COLLINS of Georgia, Mr. JODY B. HICE of Georgia, Mr. LOUDERMILK, Mr. ALLEN, Mr. DAVID SCOTT of Georgia, and Mr. GRAVES of Georgia):

H.R. 5612. A bill to designate the facility of the United States Postal Service located at 2886 Sandy Plains Road in Marietta, Georgia, as the ''Marine Lance Corporal Squire 'Skip' Wells Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. JENKINS of Kansas (for herself and Mr. LOEBSACK):

H.R. 5613. A bill to provide for the extension of the enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2016; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY:

H.R. 5614. A bill to amend title XVIII of the Social Security Act to provide for a change in Medicare classification for certain hospitals; to the Committee on Ways and Means.

By Mr. GRAYSON (for himself, Ms. LEE, and Ms. BROWN of Florida):

H.R. 5615. A bill to reinstate the ban on semiautomatic assault weapons; to the Committee on the Judiciary.

By Mr. NUNES (for himself and Mr. VALADAO):

H.R. 5616. A bill to authorize the conveyance of and remove the reversionary interest of the United States in certain lands in the City of Tulare, California; to the Committee on Natural Resources.

By Mr. POCAN (for himself, Mr. NOLAN, Ms. WILSON of Florida, Mr. GRIJALVA, Mr. TAKANO, Mr. MCDERMOTT, Ms. NORTON, Ms. MOORE, Ms. BONAMICI, Mr. SARBANES, Mr. HINOJOSA, Mr. ELLISON, Mr. MCGOVERN, Mr. DEFAZIO, Ms. VELÁZQUEZ, and Mr. SCOTT of Virginia):

H.R. 5617. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any discharge of student loan indebtedness; to the Committee on Ways and Means.

By Mr. TROTT:

H.R. 5618. A bill to amend title 28 of the United States Code to authorize the United States trustees to perform investigations and audits of trusts established as part of a plan of reorganization confirmed under chapter 11 of title 11 of the United States Code; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

265. The SPEAKER presented a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1017, Urging the Congress of the United States to enact the Dine College Act of 2015; which was referred to the Committee on Education and the Workforce.

266. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1007, urging the United States Environmental Protection Agency to reinstate the previous ozone concentration standard of 75 parts per billion; which was referred to the Committee on Energy and Commerce.

267. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1016, urging the United States Congress to oppose the implementation of certain rules for existing electric utility generating units; which was referred to the Committee on Energy and Commerce.

268. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2010, urging the President, Secretary of State and Congress of the United States to secure the safe release of Robert Levinson from Iran; which was referred to the Committee on Foreign Affairs.

269. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Memorial 1001, urging the members of the United States Congress from the state of Arizona to officially recognize the persecution of Christians and other religious minorities in the Middle East as genocide; which was referred to the Committee on Foreign Affairs.

270. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1013, urging the United States Congress to take action to prevent the United State from entering into the United Nations Arms Trade Treaty or other similar treaties; which was referred to the Committee on Foreign Affairs.

271. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1009, urging the United States Congress to protest and take action to fully restore the Tucson postal processing and distribution center; which was referred to the Committee on Oversight and Government Reform.

272. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1014, urging the Congress of the United States to act to prohibit federal agencies from recommending and identifying Arizona's public lands as wilderness areas with express congressional consent; which was referred to the Committee on Natural Resources.

273. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2009, urging the United States Congress to direct the American Legion to expand its membership eligibility; which was referred to the Committee on the Judiciary.

274. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1008, urging the Congress of the United States to enact the Regulatory Integrity Protection Act; which was referred to the Committee on Transportation and Infrastructure.

275. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1006, urging the United States Congress to act to increase the number of United States Customs and Boarder Protection personnel at the ports of entry in Arizona; which was referred to the Committee on Homeland Security.

276. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1011, urging the Congress of the United States to enact the Resilient Federal Forests Act; which was referred jointly to the Committees on Agriculture and Natural Resources.

277. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1012, urging the United States Congress to direct the appropriate federal agencies to secure the borders of the United States; which was referred jointly to the Committees on the Judiciary and Homeland Security.

278. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 219, urging the United States Congress to take such actions as are necessary to reimburse the state of Louisiana for the state dollars expended annually to provide essential services including but not limited to education, welfare, medical, law enforcement, and incarceration of illegal immigrants; which was referred jointly to the Committees on the Judiciary and Education and the Workforce.

279. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2006, urging the United States Congress to adopt legislation similar to the Toxic Exposure Research Act of 2015; which was referred jointly to the Committees on Veterans' Affairs and Armed Services.

280. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1015, urging the United States Congress to enact the Stopping EPA Overreach Act; which was referred jointly to the Committees on Energy and Commerce, Natural Resources, Transportation and Infrastructure, and Agriculture.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MCCARTHY:

H.R. 5611.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. TOM PRICE of Georgia:

H.R. 5612.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7, ''The Congress shall have Power to . . . Establish Post Offices and post Roads . . .'' In the Constitution, the power possessed by Congress embraces the regulation of the Postal System in the country. Therefore, the proposed legislation in naming a post office would fall under the powers granted to Congress in the Constitution.

By Ms. JENKINS of Kansas:

H.R. 5613.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States.

By Mr. CROWLEY:

H.R. 5614.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. GRAYSON:

H.R. 5615.

Congress has the power to enact this legislation pursuant to the following:

Article 1—Section 8—Clause 3

By Mr. NUNES:

H.R. 5616.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution of the United States.

By Mr. POCAN:

H.R. 5617.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. TROTT:

H.R. 5618.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 239: Ms. BASS.

H.R. 589: Mr. WEBSTER of Florida.

H.R. 711: Mr. YOUNG of Alaska.

H.R. 835: Mr. VEASEY.

H.R. 1151: Mr. JOYCE.

H.R. 1312: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 1439: Mr. SARBANES and Mr. VARGAS.

H.R. 1926: Mr. MICHAEL F. DOYLE of Pennsylvania.

H.R. 2096: Mr. KNIGHT.

H.R. 2170: Mr. UPTON and Ms. KAPTUR.

H.R. 2197: Mr. VARGAS.

H.R. 2948: Mr. BRENDAN F. BOYLE of Pennsylvania.

H.R. 2962: Mr. JOHNSON of Georgia, Mr. CÁRDENAS, Ms. SCHAKOWSKY, and Mr. THOMPSON of Mississippi.

H.R. 3071: Mr. CAPUANO.

H.R. 3323: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 3337: Mrs. KIRKPATRICK and Mr. RUSH.

H.R. 3477: Mr. HUFFMAN.

H.R. 3765: Mr. TIBERI, Mr. BROOKS of Alabama, Mr. ROGERS of Kentucky, and Mr. TROTT.

H.R. 3870: Ms. KAPTUR and Mrs. LAWRENCE.

H.R. 4151: Mr. MEEHAN.

H.R. 4237: Mr. KNIGHT, Mr. HULTGREN, Mr. MESSER, Ms. MCSALLY, and Ms. STEFANIK.

H.R. 4247: Mr. AGUILAR.

H.R. 4365: Mr. GUTHRIE.

H.R. 4394: Mrs. CAPPS.

H.R. 4499: Ms. SLAUGHTER.

H.R. 5095: Mrs. NAPOLITANO.

H.R. 5131: Mr. SMITH of Washington.

H.R. 5195: Ms. BROWN of Florida, Mrs. DINGELL, Mr. BISHOP of Georgia, Mr. ELLISON, Mrs. CAROLYN B. MALONEY of New York, Mr. CICILLINE, Mr. LOEBSACK, and Mr. CONYERS.

H.R. 5232: Mr. CONYERS.

H.R. 5279: Ms. LEE.

H.R. 5292: Mrs. DAVIS of California, Mr. YODER, Ms. SEWELL of Alabama, Mr. COOPER, Mr. TURNER, and Mr. AMODEI.

H.R. 5356: Mr. DOGGETT.

H.R. 5373: Mr. LEVIN and Ms. JACKSON LEE.

H.R. 5418: Mr. BRIDENSTINE, Mr. BARTON, and Mr. GROTHMAN.

H.R. 5470: Mr. CONYERS, Mr. MCNERNEY, and Mr. KEATING.

H.R. 5474: Mr. GUTIÉRREZ and Mrs. LAWRENCE.

H.R. 5488: Mr. TONKO, Mr. AL GREEN of Texas, Mr. JEFFRIES, Mr. MCNERNEY, Mr. FOSTER, and Ms. BROWN of Florida.

H.R. 5578: Mr. ISSA.

H. Res. 112: Mr. HARPER and Mrs. DAVIS of California.

H. Res. 210: Mr. LAMBORN.

PETITIONS, ETC.

Under clause 3 of rule XII,

72. The SPEAKER presented a petition of the Franklin Area School District, Franklin, Pennsylvania, relative to Resolution No. 2, supporting the plaintiffs in the William Penn School District lawsuit; which was referred jointly to the Committees on Education and the Workforce and the Judiciary.

EXTENSIONS OF REMARKS

IN HONOR OF THE UNIVERSITY OF ARIZONA'S BIOSPHERE 2 RESEARCH FACILITY

HON. PAUL A. GOSAR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Mr. GOSAR. Mr. Speaker, I rise today to honor the faculty and students of the University of Arizona for the work they do at Biosphere 2.

Biosphere 2 was built in 1991. Its original purpose was to simulate different climates and biomes from around Earth and to see if it was possible to recreate the natural cycles of the earth inside a contained space. Their goal was to see if this type of habitat was sustainable and to ultimately use this technology for space colonization.

Although the original experiments were unsuccessful, the investment in infrastructure continues to provide scientific value to this day. The University of Arizona has turned this science experiment of the 1990s into a first-class research facility with a myriad of uses. The fact that Biosphere 2 is completely separated from the rest of the environment has made it the perfect area to study some of the great challenges society faces today as they relate to the environment, water, and energy management. The work completed there has advanced mankind's understanding of environments, both natural and manmade, allowing the next generation of scientists to be better educated and trained in this field of study.

The advancements in horticulture, water usage and environmental science as a result of their work are commendable. I urge them to continue pursuing their commitment to scientific excellence.

COMMEMORATING THE 52ND ANNIVERSARY OF THE CIVIL RIGHTS ACT OF 1964

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Ms. JACKSON LEE. Mr. Speaker, I rise to commemorate the 52nd anniversary of the Civil Rights Act of 1964, which prohibits discrimination in public accommodations and education institutions, and banned discrimination in the workplace on the grounds of race, religion, sex, and national origin.

On July 2, 1964, President Lyndon B. Johnson signed the legislation that set in motion the social and economic revolution that transformed our country for the better and would bring about the greatest reduction in economic and social inequality among Americans in history.

Mr. Speaker, today it is difficult to imagine there once was a time in our country when it was illegal for African Americans and whites to eat in the same public restaurants or to use the same public restrooms.

It was not so long ago, just 52 years, that it was legal to deny African Americans accommodation at hotels, amusement parks, theaters, libraries, and swimming pools because they were black.

But the Civil Rights Act of 1964 changed that.

This change did not happen overnight or by accident.

It took hard work, courage, patience, determination, and most of all, an unwavering faith that America could live up to the true meaning of its creed.

With American leaders embodying faith and courage the Civil Rights Act signifies battles fought over many years that our champions finally won.

Leaders like the Rev. Dr. Martin Luther King Jr., Whitney Young, Rosa Parks, and JOHN LEWIS are just a few of the many champions who took a stand for freedom and risked their lives to make real the promise of America for all Americans.

Mr. Speaker, our nation is a growing melting pot, and we must continue to make sure all American citizens, regardless of their religion, race, or gender, enjoy the freedoms, opportunities, and equality of treatment and opportunity that makes this country the most exceptional and indispensable nation in the history of the world.

But our work is not done.

Regrettably, Mr. Speaker, in too many places and areas of American life, inequalities and unfairness persist.

For example, women still receive unequal pay.

The majority of women do not receive paid maternity leave, women only make 79 cents per dollar earned by white men.

The pay gap for women of color is even worse because African American women make 64 cents per dollar earned by white men and Latina women make 54 cents per dollar earned by white men.

Our LGBT brothers and sisters still do not yet enjoy the privileges as all Americans.

Victories such as the Supreme Court decision on marriage equality do not overshadow the fact that those who identify as LGBT can get married on Monday, be fired by Friday, and be kicked out of their apartment by Sunday.

The fight is not over.

Mr. Speaker, we still have members of minority communities being killed based on the basis of the ethnicity, race, gender, religion, or sexual orientation.

The fight is not over; our work is not done.

Members of the LGBTQ community in too many places are treated as second class citizens facing workplace discrimination and subjected to bullying, poor mental health, and coping with disparities in access to affordable, quality health care.

Recidivism rates still remain too high in part because formerly incarcerated persons find it difficult to obtain the treatment, support, and care needed to successfully reintegrate into society.

Mr. Speaker, although we still have more work to do to ensure that equality of opportunity and equal treatment under law is a reality for all Americans, we should not let that deter us from taking considerable pride in the progress we have made as a nation in the 52 years since the passage of the Civil Rights Act, which now includes marriage equality and the Supreme Court's decision in *Whole Woman's Health* v. *Hellerstedt* affirming the right of women to make their own reproductive health decisions.

Social progress and justice does not always come easy or overnight but with commitment, determination, and perseverance, progress can be made and barriers broken.

RETIREMENT OF ASSISTANT CHIEF EARL C. PAYSINGER FROM THE LOS ANGELES POLICE DEPARTMENT

HON. KAREN BASS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Ms. BASS. Mr. Speaker, I would like to make note of the retirement of Assistant Chief Earl C. Paysinger, who has served in the Los Angeles Police Department for over four decades.

Appointed in 2006 as Director, Office of Operations, he oversaw the daily activities of over 7,000 sworn members of the Department, and previously served as Deputy Chief and Commanding Officer in Charge of Operations South Bureau.

Assistant Chief Paysinger's career has included a focus on serving children and youth. He authored the Department's Youth First campaign and developed the LAPD Cadet Leadership Program, which has provided over 8,000 children with mentorship, resources and opportunities, and increased high school graduation rates for program participants. He also headed the ''Project Elementoring'' initiative that allowed newly appointed police officers to adopt and mentor a local elementary school.

He enhanced the role of leadership teams in the twenty-one Area Community Relations Offices, including Senior Lead Officers, in engaging community residents and businesses.

He received a Bachelor of Science degree in Criminal Justice from California State University, Long Beach, graduated from the Federal Bureau of Investigation Command College, and completed the West Point Leadership Command Development Program.

For forty-one years, Assistant Chief Paysinger has worked to serve the people of the City and County of Los Angeles. I would like to salute him, and thank him for his service.

IN HONOR OF THE OSBOURN PARK GIRLS' SOFTBALL TEAM

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the girls' softball team from Osbourn Park High School in my District who recently won the 2016 6A Virginia State Championship. They practiced long hours as a team, and this achievement shows how far dedication, hard work, and commitment to teamwork can take a group as they played against some of the best competition in the nation.

The Osbourn Park girls' softball team has made Virginia's 10th Congressional District proud and they have represented us well. Winning a state championship attests to their impressive athletic ability, unselfish mentality, and determination to succeed. I commend them for their tireless dedication to both their school and their teammates, without neither of which this could have been possible. It takes a delicate combination of superior skill and many hours of practice to win a state title. The Osbourn Park girls' team has certainly earned this honor and the lessons learned over the years will valuably serve them as they continue on in their lives.

This year, Osbourn Park broke a 12 year dry spell for Prince William County softball teams by winning the county's first statewide softball title since 2004. They played to the team's 20th straight win this season, jumping out to a two run lead early in the game, ultimately dominating their opponent 4–0. This senior-less team is sure to be successful in the years to come as they practice and grow together as a hard-working team of young women.

Mr. Speaker, I ask that my colleagues join me in honoring the Osbourn Park girls' softball team for their achievement and representing Virginia's 10th Congressional District with such distinction. I wish them all the best in their future endeavors.

IN HONOR OF THE 50TH ANNIVERSARY OF THE TOWN OF JEROME, ARIZONA

HON. PAUL A. GOSAR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Mr. GOSAR. Mr. Speaker, I rise today to honor a town from my district, Jerome, Arizona.

The Town of Jerome recently celebrated its 50th anniversary as a National Historic Landmark. Jerome was founded in the late 1800's on a hill near rich supplies of minerals. The town was named after one of the founders of the United Verde Copper Company that mined those very hills, and it eventually hosted the largest copper producing mine in the Arizona Territory.

When it was designated a National Historic Landmark, it was proclaimed that "this site possesses national significance in commemorating the history of the United States of America." The Town of Jerome has been beneficial to the growth of our nation in so many ways. It has provided the copper in the wiring that spread electricity across the country as well as the materials that aided our troops in both World Wars.

The Town of Jerome should be recognized not only for its historical contributions, but also for its ability to adapt and survive. During the Great Depression, many mining jobs were cut. In response, the town invested in tourism and retail sales. To increase tourism, Jerome hosts music festivals, historic-home tours, and a variety of businesses, such as craft stores, art galleries, coffee houses, wineries, and restaurants.

The Town of Jerome is the type of community that perseveres in difficult times and flourishes in prosperity. This is a model community that should inspire the rest of society to work hard in order to succeed. I would like to congratulate the citizens of Jerome on 50 years of preserving such a unique National Historical Landmark, and wish them years of richness and success in the future.

EXPRESSING CONDOLENCES TO THE VICTIMS OF THE ISTANBUL ATATURK AIRPORT ATTACK

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Ms. JACKSON LEE. Mr. Speaker, I rise today in sorrow over the loss of so many innocent lives cut short by the outrageous and heinous acts of terrorism that shocked and rocked the visitors and people in Turkey.

Right now, our prayers are with the victims and their families at this terrible time.

And we stand in unyielding solidarity with the visitors and people of Turkey, which like the United States, welcomes people from across the globe.

Mr. Speaker, Turkey is a nation that opens its doors for tourists to see all of its beautiful attractions.

Airports are a place of connection; connecting loved ones to and from their homes.

Those who think that they can terrorize the people of Turkey or the values cherished by them underestimate a nation that has faced and prevailed against far more sinister and lethal adversaries.

And they will again, but they will not confront these adversaries alone.

They will be joined by the United States and the other countries of the civilized world.

The people of Turkey are justly proud of their national motto, "Egemenlik, kayıtsız şartsız milletindir," (Sovereignty unconditionally belongs to the Nation!) and no act of terrorism by cowardly perpetrators will succeed in leading them to renounce their heritage of freedom or justice.

It is a heritage that we here in the United States share.

And that is why the civilized world must and will rededicate itself to combating and defeating the source of influence of these terrorists.

We will continue to face and overcome threats to our way of life together.

We will not bow and will never break; we will not falter or fail.

We will respond. We will endure. We will overcome.

The terrorist attack in the International Istanbul Atatürk Airport, is an attack on the whole world.

This horrific attack on the innocent visitors and civilians perpetrated by depraved individuals who are yet to be named, misuse teachings for their own misguided purposes.

Their horrible and heinous acts are their responsibility, and theirs alone, and for which they can be assured that they alone will be held accountable.

But that will come another day; today I ask for a moment of silence and remembrance for the victims killed and injured in the terrorist attack in Turkey.

IN HONOR OF THE CHANTILLY BOYS' TENNIS TEAM

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the boys' tennis team from Chantilly High School in my District who recently won the 2016 6A Virginia State Championship. They practiced long hours as a team, and this achievement shows how far dedication, hard work, and commitment to teamwork can take a group as they played against some of the best competition in the nation.

The Chantilly boys' tennis team has made Virginia's 10th Congressional District proud and they have represented us well. Winning a state championship attests to their impressive athletic ability, unselfish mentality, and determination to succeed. I commend them for their tireless dedication to both their school and their teammates, without neither of which this could have been possible. It takes a delicate combination of superior skill and many hours of practice to win a state title. The Chantilly boys' tennis team has certainly earned this honor and the lessons learned over the years will valuably serve them as they continue on in their lives.

Chantilly came into the state championship as just the three seed in the 6A North region tournament and had to beat the three higher seeded teams than them simply to qualify for the tournament. They finished the season with a record of 7–3, but came into the state tournament hungry for a state title and beat Cosby 5–3 to become Chantilly's most successful boys' tennis team.

Mr. Speaker, I ask that my colleagues join me in honoring the Chantilly boys' tennis team for their achievement and representing Virginia's 10th Congressional District with such distinction. I wish them all the best in their future endeavors.

H.R. 5389, THE ''LEVERAGING EMERGING TECHNOLOGIES ACT OF 2016''

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Mr. MCCAUL. Mr. Speaker, I submit the following cost estimate from the Congressional Budget Office regarding H.R. 5389.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 24, 2016.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5389, the Leveraging Emerging Technologies Act of 2016.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 5389—Leveraging Emerging Technologies Act of 2016

H.R. 5389 would direct the Department of Homeland Security (DHS), within six months of the bill's enactment, to develop a strategy to work with emerging technology firms to improve DHS programs. Based on information from DHS, CBO estimates that devising the strategy would cost less than $500,000; such spending would be subject to the availability of appropriated funds.

Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 5389 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 5389 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REMEMBERING BARBARA CHARLINE JORDAN, FIRST WOMAN AND AFRICAN AMERICAN TO DELIVER KEYNOTE ADDRESS AT DEMOCRATIC NATIONAL CONVENTION

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Ms. JACKSON LEE. Mr. Speaker, I rise to commemorate an historic event.

Forty years ago this month, on July 12, 1976, the legendary Barbara Charline Jordan, who held the seat I now hold made history when she became the first woman and the first African American to deliver the Keynote Address at the Democratic National Convention, that nominated Jimmy Carter in New York City.

Barbara Jordan indeed was a friend to many, a mentor, and an icon.

Barbara Jordan was one of the first two African-Americans from the South to be elected to this body since reconstruction; the other was Andrew Young of Georgia.

Barbara Jordan was a renaissance woman, eloquent, fearless, and peerless in her pursuit of justice and equality.

Barbara Jordan was the first black woman elected to the Texas Senate.

Ms. Jordan graduated from Texas Southern University, where she majored in government and history.

While at Texas Southern University, Barbara Jordan was an active student and an esteemed member of the prestigious debate team for 4 years, as well as a member of Delta Sigma Theta Sorority.

After graduating magna cum laude from Texas Southern University in 1956, she went on to receive her law degree from Boston University in 1959.

She exhorted all of us to strive for excellence, stand fast for justice and fairness, and yield to no one in the matter of defending the Constitution and upholding the most sacred principles of a democratic government.

Barbara Jordan retired from Congress in 1978 after serving 3 terms and was appointed a distinguished professor at the Lyndon B. Johnson School of Public Affairs at the University of Texas at Austin.

Barbara Jordan was a lawyer, legislator, scholar, author, and presidential adviser.

Barbara made history again in 1976, when she became the first African American woman to deliver keynote speeches at a Democratic National Convention.

She was immensely gifted, and used every bit of her talent and skill to address, improve, and dignify the conditions of human life.

In the tradition of Frederick Douglass, Martin Luther King, and Thurgood Marshall, Barbara Jordan challenged the Federal Government and the American people to uphold the principles set forth in the United States Constitution and the fabric of our social mores.

Barbara Jordan made a difference and because of her contributions, America is a better place.

GARRISON KEILLOR'S FINAL ''PRAIRIE HOME'' BROADCAST

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Ms. MCCOLLUM. Mr. Speaker, I rise today to share the news from St. Paul, Minnesota, my hometown.

Garrison Keillor, one of our great storytellers in Minnesota and the nation, will be hosting ''A Prairie Home Companion'' for the final time this Saturday.

As one of the most iconic shows on public radio, ''Prairie Home'' was created by Mr. Keillor more than 40 years ago. Its characters and tales sprung from his imagination, and from his wry observation of the comedies and tragedies of everyday life in the Midwest.

This will be his last official appearance on stage hosting musical guests, sharing the stories of Guy Noir and the Lives of the Cowboys, and bringing us ''the news from Lake Wobegon, where all the women are strong, all the men are good looking, and all the children are above average''.

Mr. Keillor created a space where families could gather around and ''hear that old piano from down the Avenue'', not to mention some of America's most talented folk and gospel musicians.

His serial skits are as much beloved for their witty wordplay as the campy characters.

The gentle satire in his weekly monologues allowed us to laugh at ourselves and see America's flaws and wisdom echoed back to us in the stories of that small town on the edge of the prairie.

To many in St. Paul, however, Mr. Keillor isn't just the soothing voice that poured out from our radios every Saturday night. He's a treasured member of our community and my neighbor.

IN HONOR OF THE HANDLEY BOYS' TENNIS TEAM

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the boys' tennis team from Handley High School in my District who recently won the 2016 4A Virginia State Championship. They practiced long hours as a team, and this achievement shows how far dedication, hard work, and commitment to teamwork can take a group as they played against some of the best competition in the nation.

The Handley boys' tennis team has made Virginia's 10th Congressional District proud and they have represented us well. Winning a state championship attests to their impressive athletic ability, unselfish mentality, and determination to succeed. I commend them for their tireless dedication to both their school and their teammates, without neither of which this could have been possible. It takes a delicate combination of superior skill and many hours of practice to win a state title. The Handley boys' tennis team has certainly earned this honor and the lessons learned over the years will valuably serve them as they continue on in their lives.

Handley boys' tennis team won this year's 4A state championship to cap off an amazing 22–0 undefeated season. This state tennis title is Handley's first in over ten years and these boys could not deserve it more. The only team to even get a point on this team after the regular season was a three-time defending state champion and that was just a single point.

Mr. Speaker, I ask that my colleagues join me in honoring the Handley boys' tennis team for their achievement and representing Virginia's 10th Congressional District with such distinction. I wish them all the best in their future endeavors.

CELEBRATION OF EID-AL-FITR MARKING THE END OF THE HOLY MONTH OF RAMADAN

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Ms. JACKSON LEE. Mr. Speaker, I rise today in the celebration of Eid-al-Fitr, formally marking the end of the Holy month of Ramadan.

Ramadan is a month where over 1.6 billion Muslims across the globe come together and fast for a spiritual cleanse.

The fast begins daily at the rising of the sun and is completed as the sun sets—nearly 17 hours of no food or water for a month.

Our fellow Muslim community is brought remembrance of the less fortunate, who are forced to fast out of compulsion and unfortunate circumstances.

During this beautiful month of spiritual improvement, our neighboring Muslims across the nation come together to build stronger relationships with each one of us and worship as a community.

As the festivities of Eid are celebrated, I hope each one of us will continue to remember those less fortunate and continue on the path of strengthening communities and building bridges.

I extend my warmest wishes to my Muslim constituents in Texas and here in Washington, and thank each and every one of them for their continued efforts to serve our community.

This dedication is a testament to the beautiful faith of Islam.

Eid Mubarak, or Happy Eid; I wish to you peace and prosperity in the years to come.

H.R. 5388, THE ''SUPPORT FOR RAPID INNOVATION ACT OF 2016''

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Mr. MCCAUL. Mr. Speaker, I submit the following cost estimate from the Congressional Budget Office regarding H.R. 5388.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 30, 2016.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5388, the Support for Rapid Innovation Act of 2016.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 5388—Support for Rapid Innovation Act of 2016

Current law permits the Department of Homeland Security (DHS) to waive the requirements of the Federal Acquisition Regulation (procedures that guide federal procurement actions) for certain research and development projects. That authority (known as ''other transaction authority'') enables the department to increase its use of small contractors for research and development activities and is scheduled to expire on September 30, 2016. H.R. 5388 would extend it for four years.

Based on information from DHS about the department's research and development plans, CBO estimates that implementing H.R. 5388 would not significantly affect DHS spending for those activities. In recent years DHS has spent around $0.7 billion annually on research and development activities. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 5388 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 5388 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

IN HONOR OF THE CHANTILLY BOYS' BASEBALL TEAM

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the boys' baseball team from Chantilly High School in my District who recently won the 2016 6A Virginia State Championship. They practiced long hours as a team, and this achievement shows how far dedication, hard work, and commitment to teamwork can take a group as they played against some of the best competition in the nation.

The Chantilly boys' baseball team has made Virginia's 10th Congressional District proud and they have represented us well. Winning a state championship attests to their impressive athletic ability, unselfish mentality, and determination to succeed. I commend them for their tireless dedication to both their school and their teammates, without neither of which this could have been possible. It takes a delicate combination of superior skill and many hours of practice to win a state title. The Chantilly boys' baseball team has certainly earned this honor and the lessons learned over the years will valuably serve them as they continue on in their lives.

This team unfortunately had come up short the previous two years, and came into this year's final determined to be victorious. Seven innings into the state championship final, they found themselves down two scores to their zero. Thinking back to the previous two years of disappointment, they dug deep and rallied to score three quick runs to win the state title by just one run in an exhilarating fashion.

Mr. Speaker, I ask that my colleagues join me in honoring the Chantilly boys' baseball team for their achievement and representing Virginia's 10th Congressional District with such distinction. I wish them all the best in their future endeavors.

TRIBUTE TO LT. COL. EILEEN MARIE COLLINS, TRAILBLAZING FIRST WOMAN NASA SPACE SHUTTLE FLIGHT COMMANDER

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Ms. JACKSON LEE. Mr. Speaker, as the representative of the 18th Congressional District of Texas, and on behalf of its constituents within the City of Houston, which is home to the Johnson Space Center, I rise to pay tribute to Lt. Colonel Eileen Marie Collins, the first woman to command a Space Shuttle mission in the long and storied history of the National Aeronautics and Space Administration (NASA).

Lt. Colonel Eileen Marie Collins was born in Elmira, New York on November 19, 1956.

As a child, Eileen Collins dreamed about space and of becoming an astronaut.

The Collins family wanted the young Eileen to attend college but did not have the money to send her.

So after graduating from high school, Eileen Collins attended Corning Community College where her hard work and superior academic performance enabled her to win a scholarship to Syracuse University, from which she graduated in 1978 with a Bachelor of Arts degree in mathematics and economics.

Not stopping there, Eileen Collins went on to earn a Master of Science degree in operations research from Stanford University and a Master of Arts degree in space systems management from Webster University.

In 1979, Eileen Collins graduated from Air Force Undergraduate Pilot Training at Vance Air Force Base and was commissioned as an officer, where her excellent performance earned her several promotions, up to and including her current rank of Lieutenant Colonel.

In 1990, while attending the Air Force Test Pilot School, Eileen Collins was selected for the astronaut program and realized her childhood dream of becoming an astronaut when she completed her training and earned her appointment as a NASA astronaut.

Just four short years later, Eileen Collins made history when she became the first woman to pilot a Space Shuttle mission (STS–9) on February 2, 1995.

Lt. Col. Collins made history once again on July 23, 1999, when she became the first woman to command a Space Shuttle mission.

Lt. Colonel Collins is also a wife and mother, but on top of all these titles and distinctions she is an inspiration for many women throughout the world.

Mr. Speaker, the extraordinary achievements of Lt. Colonel Eileen Marie Collins are a tribute to her hard work and perseverance, but they also reflect favorably upon the nation that made it possible for her to take advantage of opportunities that enabled her to realize her dreams.

In the end, this is what really makes America great.

From Sally Ride to Mae Jemison, women pioneers in the space program have made great strides in opening doors and opportunities for women and because of them no

dream is impossible for American women, whether it is commanding a NASA space shuttle or becoming President of the United States.

H.R. 5456

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Mr. BUCHANAN. Mr. Speaker, I submit the following on H.R. 5456, the Family First Prevention Services Act of 2016:

VOICE FOR ADOPTION,
Washington, DC, June 13, 2016.

DEAR CHAIRMAN BRADY AND RANKING MEMBER LEVIN:

DEAR CHAIRMAN HATCH AND RANKING MEMBER WYDEN:

DEAR CHAIRMAN BUCHANAN AND RANKING MEMBER DOGGETT:

Today I offer Voice for Adoption's full support of the proposed Family First Prevention Services Act (H.R. 5456). It takes historic and long overdue steps to direct federal child welfare dollars to improve outcomes for vulnerable children and families. I urge you to move toward a timely mark up in both the House and the Senate so these vulnerable children do not have to wait longer for these important reforms. Voice for Adoption (VFA) is a national advocacy organization with a mission to speak in a single voice with policy-makers, representing the interests of more than 100,000 foster children awaiting adoption and the families who adopt them.

The Family First Prevention Services Act would allow adoptive families to receive needed post-adoption services by allowing states to use Title IV–E funds to pay for up to 12 months of family services that can prevent children from reentering foster care, and help keep the children safely in their adoptive families.

While the Families First Prevention Services Act would delay final implementation of additional federal adoption assistance reimbursement for the adoptions of infants and toddlers, VFA is willing to support this delay as a way to extend needed services. VFA was pleased to see a Government Accountability Office (GAO) study that will examine compliance with the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110–135) requirement that states reinvest the state funds freed up by providing additional federal reimbursement.

Beyond the important post-adoption support this Act will provide, the Family First Prevention Services Act takes important steps to ensure children who need care will be placed in the least-restrictive, most family-like setting appropriate to their needs.

VFA will offer our continued support in the implementation of the Families First Prevention Services Act to ensure that the voice of the adoption community is heard—specifically to assure that the Act does provide critical post-adoption services that assist in keeping children with their adoptive families and helps children to avoid reentering the foster care system and in crafting the GAO report.

VFA looks forward to working with all of you to make the proposed improvements for children in the Family First Prevention Services Act (H.R. 5456) a reality. Thank you for your continuing leadership on behalf of the most vulnerable children and their families.

Sincerely yours,

SCHYLAR BABER,
Executive Director.

WAYS AND MEANS COMMITTEE

FAMILY FIRST PREVENTION SERVICES ACT OF 2016

Strengthen families by providing evidence-based prevention services to keep children out of foster care and reduce inappropriate group home placements.

SUPPORT FOR THE FAMILY FIRST PREVENTION SERVICES ACT (NATIONAL)

1. AAJ Research & Evaluation (Florida)
2. Adoption Exchange Association
3. Adoptive and Foster Families of Maine, Inc and the Kinship Program
4. Advocates for Children and Youth (Maryland)
5. Advocates for Children of New Jersey
6. Alliance for Strong Families and Communities
7. American Academy of Pediatrics (AAP)
8. American Bar Association (ABA)
9. American Psychological Association (APA)
10. American Public Human Services Association (APHSA)
11. Arizona's Children Association
12. Arkansas Advocates for Children and Families
13. Association of University Centers on Disability
14. Brazelton Touchpoints Project, Inc.
15. CASA Youth Advocates (Pennsylvania)
16. Catholic Charities USA
17. Center for Children's Justice (Pennsylvania)
18. Center for Native American Youth
19. Center for Public Priorities (Texas)
20. Center for the Study of Social Policy (CSSP)
21. Child and Family Policy Center (Iowa)
22. Child and Family Services of New Hampshire
23. Child Care Aware of America
24. Child First, Inc.
25. Child Welfare League of America
26. Children & Families First (Delaware)
27. Children and Family Futures
28. Children Awaiting Parents (New York)
29. Children First for Oregon
30. Children's Action Alliance (Arizona)
31. Children's Advocacy Alliance (Nevada)
32. Children's Advocacy Institute
33. Children's Defense Fund—California
34. Children's Defense Fund—Minnesota
35. Children's Defense Fund—Mississippi
36. Children's Defense Fund—New York
37. Children's Defense Fund—Texas
38. Children's Defense Fund (CDF)
39. Children's Home + Aid (Illinois)
40. Children's Home Society of America
41. Children's Home Society of North Carolina
42. Children's Hospital Associations
43. Children's Hospital of Wisconsin
44. Children's Leadership Council
45. Children's Rights
46. Citizens' Committee for Children of New York, Inc.
47. Coalition of Human Needs
48. Conference of Chief Justices
49. Conference of State Court Administrators
50. Connecticut Voices for Children
51. Corporation for Supportive Housing (CSH)
52. Dakota Boys and Girls Ranch (North Dakota)
53. Every Child Matters
54. Family Policy Alliance
55. First Focus Campaign for Children (FFCC)
56. Florida's Children First, Inc.
57. Focus on the Family
58. Foster Adopt Connect
59. Foster Adopt Connect (Missouri and Kansas)
60. Foster Club
61. Foster Family-based Treatment Association (FETA)
62. Generations United
63. Governor Gary R. Herbert—State of Utah
64. Healthy Teen Network
65. Home Instruction for Parents of Preschool Youngsters (HIPPY)
66. Human Rights Project for Girls (Rights4Girls)
67. Illinois Department of Children & Family Services
68. Juvenile Law Center (JLC)
69. Juvenile Law Center (Pennsylvania)
70. Kansas Appleseed
71. Kentucky Youth Advocates
72. Louisiana Department of Children and Family Services (DCFS)
73. Lutheran Social Service of Minnesota
74. Lutheran Social Services of Indiana
75. Massachusetts Adoption Resource Exchange
76. Massachusetts Law Reform Institute
77. Michigan's Children
78. Nathan L. Hecht—Chief Justice—The Supreme Court of Texas
79. National African American Drug Policy Coalition, Inc.
80. National Alliance of Children's Trust and Prevention Funds
81. National Association for Children of Alcoholics
82. National Association for Children's Behavioral Health (NACBH)
83. National Association of Black Social Workers
84. National Association of Counsel for Children
85. National Association of Pediatric Nurse Practitioners
86. National Association of Public Child Welfare Administrators (NAPCWA)
87. National Association of Social Workers
88. National Association of State Alcohol and Drug Abuse Directors (NASADAD)
89. National Center on Adoption and Pregnancy
90. National Center on Child Welfare and Housing
91. National Center on Shared Leadership
92. National Child Abuse Coalition
93. National Children's Alliance
94. National Family Preservation Network
95. National Foster Parent Association
96. National Foster Parent Association
97. National Indian Child Welfare Association
98. National Kinship Alliance for Children
99. Nebraska Appleseed
100. New Mexico Voices for Children
101. New York Coalition for Child Welfare Finance Reform
102. North American Council on Adoptable Children (NACAC)
103. Parents Anonymous Inc.
104. Parents as Teachers
105. Partners for Our Children (Washington)
106. Pennsylvania Partnerships for Children
107. Prevent Child Abuse America/Healthy Families America
108. Ray E. Helfer Society
109. Strengthening Families All Across America

110. The Black Administrators in Child Welfare, Inc.
111. The Center for Law and Social Policy (CLASP)
112. The Children's Hospital of Philadelphia
113. The Children's Partnership (California)
114. The Dalton Daley Group
115. The Dave Thomas Foundation for Adoption
116. The Donaldson Adoption Institute, Inc.
117. The Mockingbird Society
118. The National Campaign to Prevent Teen and Unplanned Pregnancy
119. The National Crittenton Foundation (TNCF)
120. The Ounce of Prevention Fund (Illinois)
121. The United States Conference of Catholic Bishops' Committee on Domestic Justice and Human Development
122. Think of Us
123. University of California Davis Guardian Professions Program
124. Voice for Adoption
125. VOICES (California)
126. Voices for Alabama's Children
127. Voices for Children in Nebraska
128. Voices for Ohio's Children
129. Voices for Vermont's Children
130. Voices for Virginia's Children
131. YMCA of San Diego County, Kinship Support Program
132. YMCA of the USA
133. Youth Law Center
134. Youth Law Center (California)
135. Youth Villages
136. Zero to Three

NOTABLE REMARKS

''[The Families First Prevention Services Act] not only recognizes the unique needs of children and families in adversity, but also makes great strides to meet them in a way that pediatricians can stand behind: through evidence-based, prevention-focused approaches. The bill offers states much-needed federal funding to support mental health, substance abuse and in-home parenting skills programs for families of children at-risk of entering foster care.''—American Academy of Pediatrics

''[The Family First Prevention Services Act] takes historic and long overdue steps to direct federal child welfare dollars to improve outcomes for vulnerable children and families . . . [It] takes important steps to ensure children who need foster care will be placed in the least-restrictive most family-like setting appropriate to their needs, and gives special attention to children whose emotional or other special needs require residential treatment.''—Children's Defense Fund

''We greatly appreciate the flexibility in federal funding for evidence-based prevention services and the strong focus in the [Families First Prevention Services Act] on child well-being''—Children's Hospital of Wisconsin

''We strongly support the Family First [Prevention Services] Act and believe it would greatly improve the ability of child welfare agencies to keep children in their own homes and shorten their time in the system if they do enter.''—Juvenile Law Center

The [Family First Prevention Services Act] aligns very closely with what we consider an essential focus on preventing the occurrence and recurrence of child abuse and neglect whenever possible. It also supports the practice of keeping or returning kids safely home, rather than in foster care, whenever possible.''—Massachusetts Law Reform Institute

''Federal support for prevention services will be a win-win for children and families throughout the country''—Citizens' Committee for Children

''The Act will expand the availability of such services and reflects the reality that many families, including adoptive families, need targeted, effective services to meet their children's needs and prevent foster care entry.''—North American Council on Adoptable Children

''We firmly believe that far too many children are placed in group care for no therapeutic reason, which research suggests can harm children.''—North American Council on Adoptable Children

''We feel that the [Family First Prevention Services Act] offers the important possibility of allowing funds to provide vital mental health, substance use and in-home services that could help children stay with their own families.''—Child Welfare League of America

''[The Family First Prevention Services Act] takes historic and long overdue steps to direct federal child welfare dollars to improve outcomes for vulnerable children and families.''—Voice for Adoption

''Supports offered through the Family First Prevention Services Act such as individual and family therapy, home visiting and kinship navigator programs can offer relatives the support they need to keep children out of foster care and help them thrive.''—Generations United

IN REMEMBRANCE OF CAPITOL HILL POLICE OFFICERS JOHN GIBSON AND JACOB CHESTNUT

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Ms. JACKSON LEE. Mr. Speaker, 18 years ago, the world tragically lost two Capitol police officers when a gunman shot his way into the Capitol and, in a barrage of violent chaos, took the lives of Officers John Gibson and Jacob J. Chestnut.

I rise today to commemorate the tragic deaths of these two courageous officers, in the hopes of remembering that the safety we often take for granted here on Capitol Hill is both delicate and precious.

On July 24, 1998, at a time when the Capitol was packed with tourists and staff alike, a gunman sparked mass panic and chaos when he shot his way through a security checkpoint, killing two Capitol police officers.

The shooting was the first in the Capitol in nearly fifty years, and the worst since Congress first met in the Capitol in 1800.

In just a moment, the tranquility of the Capitol was transformed into a scene of chaos and pandemonium, as staffers and tourists alike ran for their lives.

After the shooter failed to bypass a security checkpoint's metal detector, he immediately shot and killed Officer Chestnut, and later exchanged gunfire with Officer Gibson before fatally shooting him as well.

Having been wounded by Officer Gibson before he managed to fatally hit the Officer, the gunman was overwhelmed by Capitol officers soon thereafter.

I rise today to remember and honor the lives of these fallen officers, who tragically died in true service of public safety, democracy, and the United States of America.

While our beloved Capitol has fortunately not seen such a violent disregard for life since, it is important to remember that we are all united in the fragility and beauty of human life, and that it is easy to take for granted our basic safety in our day-to-day lives.

As President John F. Kennedy once said, ''A man does what he must in spite of personal consequences, in spite of obstacles and dangers and pressures, and that is the basis of all human mortality.''

The lives of officers Chestnut and Gibson exemplified and embodied this idea in the most sincere way possible.

They gave their lives in protection of ours, so that we may continue to effect positive change on our country.

In the immediate aftermath of the shooting, the reaction of the Capitol was one of sadness, shock, and outrage.

As we have said here before, however, ''The worst thing we can do is cower in fear. We will not shut down the Capitol.''

It is this attitude of remembrance and respect without any trace of fear or cowardice that we must take from the tragic deaths of these officers.

As members of Congress, we must continue to remember the lives of the men who gave theirs for ours.

But we must also learn from them.

We must take with us the importance of continuing to stand for our country without fear or cowardice, as Officers Gibson and Chestnut once did for us.

Today, we pause to commemorate and remember the brave officers who passed away eighteen years ago.

Tomorrow, we take up the mantle that they once did for us.

IN RECOGNITION OF THE STERLING VOLUNTEER FIRE COMPANY'S 50TH ANNIVERSARY

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to acknowledge the Sterling Volunteer Fire Company, which is celebrating its 50th year of service to the good citizens of the Sterling community this year. I would like to personally commend the courageous men and women who so selflessly volunteer themselves and put themselves in danger on behalf of neighbors, friends, and strangers, without asking anything in return. These brave citizens embody the very best of this nation's values through their service to our community and their exemplary performance in the line of duty.

The Sterling Volunteer Fire Company has grown exponentially since its inception in 1966, which at the time was little more than an old barn on Holly Avenue housing a single tanker and two used pumpers. Within a short two years, this small institution had flourished, now settled into two larger locations: Station 11, which it shares with the Sterling Volunteer

Rescue Squad, as well as Station 18, also known as SVRS 25. Even more recently, the company expanded into Station 24 in 2013. This is a clear testament to the outstanding work which is conducted by these everyday heroes and they are deserving of recognition.

Mr. Speaker, it brings me immense pride to recognize such a fine group, and I sincerely hope that we all can live up to their tremendous example. I ask my colleagues to join me in congratulating the Sterling Volunteers. I wish them good luck and hope that they remain safe in the fulfillment of their future duties.

IN HONOR OF BRENT OFFENBERGER, LUKE OFFENBERGER, AND CHRIS ATWELL FOR THEIR RESCUE OF THREE NAVY HELICOPTER CREWMEMBERS

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Mr. HUDSON. Mr. Speaker, I rise today to recognize Brent Offenberger, Luke Offenberger, and Chris Atwell for their heroic efforts in rescuing three U.S. Navy helicopter crew members who crashed into the James River during a routine training mission on June 14, 2016. All three men should be recognized for their selfless attitude and willingness to help those in need.

Brent Offenberger was fishing with his son, Luke, and father-in-law, Chris, when they saw a U.S. Navy MH–60S helicopter flying at low altitude near their boat. While it is not uncommon to see helicopters in the area, the men noticed the helicopter was having issues as it began to hover a mere ten feet above the surface, throwing water into the air. Soon after, the propeller hit a metal buoy and shattered into pieces. Immediately after the propeller hit the buoy, the men sprang into action to lend assistance to the crew.

Approximately 30 seconds after the helicopter went down, the family was at the crash site and began assisting the crew members who were in the water. Because of the swift actions of these men, the entire crew was pulled to safety without any serious injuries. While the Navy is still investigating the incident to find out what went wrong, I am thankful these good Samaritans were there to lend a hand. It is an honor to celebrate their actions today.

Mr. Speaker, please join me today in recognizing these fine men for exhibiting bravery and fortitude in helping rescue the crew of the downed U.S. Navy helicopter.

COMMEMORATING THE 99TH ANNIVERSARY OF THE PASSAGE OF THE NATIONAL PARK SERVICE ACT

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Ms. JACKSON LEE. Mr. Speaker, I rise today to commemorate the centennial anniversary of the passage of the ''National Park Service Act''.

Because of the ''National Park Service Act,'' the history and heritage of America is being preserved to teach and inspire future generations.

Since the mid-19th century, the National Park Service is responsible for carrying out the Historic Sites, Buildings, and Antiquities Act, the National Historic Preservation Act, and other laws relating to protecting and preserving sites that illustrate America's history.

The Centennial is about celebrating the achievements of the past 100 years, but today is about the future.

Today is the start of a second century of stewardship.

As many as 407 national parks inspire community-based recreation, conservation, and history preservation programs that positively impact their own communities.

According to the National Park Service, the economic contributions brought to the United States economy was $32 billion dollars in economic output and provided 295,000 jobs nationwide.

Texas is a proud home to 14 National Parks, 20 National Natural Landmarks, and 46 National Historic Landmarks.

In areas surrounding Houston, Texas, there are wonderful national parks including the Brazos Bend State Park, Galveston Island State Park, Huntsville State Park, Stephen F. Austin State Park and Lake Livingston State Park.

Tourists also enjoy educational sites and centers in the Houston Area as well, including the Sheldon Lake State Park and Environmental Learning Center, the Fanthorp Inn State Historic Site, and the San Jacinto Battleground State Historic Site.

It's no wonder that in 2015, 5,044,926 people visited national parks in Texas.

National Park Service estimates tourism in Texas contributed $372.6 million in economic output and supplied 4,100 jobs statewide.

The Centennial of the National Park Service is a day we acknowledge and celebrate the fruits of our investment, for every dollar invested in the National Park Service generates $10 in economic activity.

Investing in protecting America's National Parks is the right thing to do for our environment, for our people, and for our economy.

On the birthday of our nation's National Park Service, let us continue robust investment in protecting our environment and also improving the lives of millions of people.

I also want to commemorate the bipartisan efforts made leading to this day through passing H.R. 1068, ''Title 54, United States Code, National Park System,'' becoming a law in December of 2014.

As we recall the great efforts made by Congress in the past century, let us also bear in mind the importance of continued bipartisan support as we embark upon this next century of protecting our beloved national parks.

IN HONOR OF ANDREW SHAPIRO'S SIGNIFICANT ACCOMPLISHMENT TO RAISE MONEY TO FIGHT CANCER

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Mrs. COMSTOCK. Mr. Speaker, please allow me to take a moment to recognize the significant accomplishments of Andrew Shapiro, a remarkable individual from my district. A junior at Langley High School in McLean, Virginia, Andrew has dedicated his time to breaking three world records in the name of cancer research.

Andrew's passion for combating cancer is laudable. Inspired by his father's battle against colon cancer, over the past year Andrew dedicated his time and energy towards training for the Relay For Life event held in Fairfax County, Virginia.

Preparing for several months, Andrew broke the world records for the most pullups over 6-hour, 12-hour, and 24-hour periods on Saturday, May 14th, as part of the annual fundraiser. Andrew completed 7,306 pullups over the course of 18 hours, raising over $7,000 dollars for the American Cancer Society. It is estimated that there will be 43,190 new cancer diagnoses in Virginia alone, resulting in an estimated 14,910 deaths. The money that Andrew raised will go towards giving cancer patients and caregivers free lodging for a year at an American Cancer Society Hope Lodge. This enables patients to concentrate less on how they will afford to stay near their treatment centers, and more on staying strong in their fight against cancer. In the future, Andrew hopes to qualify for American Ninja Warrior, a sports entertainment competition in which athletes compete in a series of obstacle courses that increase in difficulty at each stage.

In closing, Mr. Speaker, I ask that my colleagues join me in sending our most sincere congratulations to Andrew Shapiro for his athletic accomplishments and fundraising efforts for the American Cancer Society. His actions will have an incredible impact on others who have also been affected by cancer.

HISPANIC HERITAGE MONTH

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 1, 2016

Ms. JACKSON LEE. Mr. Speaker, I am pleased to speak today on the importance of Hispanic Heritage Month (HHM).

American society today embraces a remarkable breadth of cultures, and Hispanics are an integral part of this diversity.

The Hispanic American community is a beautiful array of distinct groups, including people with roots in Central and South America, Mexico, the Caribbean, and Spain.

In 1968 President Lyndon Johnson designated a National Hispanic Heritage Week because of the growing impact of the Latin

American culture in shaping the nation and society.

The week was expanded in 1988 to a 31-day period to provide all Americans the opportunity to participate and commemorate the contributions of the Hispanic culture to mainstream America.

Today in communities across the nation millions of American families come together to celebrate in this facet of American culture and participate in traditional comidas and fiestas.

There are over 54 million Hispanics living in the U.S. and Hispanics continue to be the fastest growing ethnic group.

Harris County has the second largest Hispanic population in the United States.

In 2010, 43.8 percent of the Houston population identified as Hispanic or Latino in the Census.

On behalf of my constituents and in my duties as a U.S. Representative, I am committed to speaking up for the rights of Hispanics and confronting the issues that affect them.

From lowering the uninsured rates and fighting to make higher education more affordable, to championing an increase in the minimum wage and addressing the economic challenges facing working women and families, my colleagues and I will continue working for the Latino community's top priorities.

Devoted to family, faith, country, and hard work, Hispanic Americans bring unique and bountiful perspectives and experiences to our national community and character.

The vibrant Hispanic influence can be seen in all aspects of American life and culture, from distinctive cuisine to colorful festivals, and from the rhythms and melodies of traditional music to the contagious beat of today's most popular songs.

The Hispanic community has persevered in the face of discrimination and hardships.

While significant barriers still stand in our way, I will continue fighting with a strong commitment, to achieve comprehensive immigration reform and to support an inclusive and unified country.

SENATE—*Tuesday, July 5, 2016*

The Senate met at 9 and 2 seconds a.m., and was called to order by the Honorable CORY GARDNER, a Senator from the State of Colorado.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 5, 2016.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CORY GARDNER, a Senator from the State of Colorado, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. GARDNER thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 10 a.m. on Wednesday, July 6, 2016.

Thereupon, the Senate, at 9 and 25 seconds a.m., adjourned until Wednesday, July 6, 2016, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, July 5, 2016*

The House met at noon and was called to order by the Speaker pro tempore (Mr. WOMACK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 5, 2016.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 1:50 p.m.

WE ARE ASKING FOR A VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. LARSON) for 5 minutes.

Mr. LARSON of Connecticut. Mr. Speaker, we come to the floor early this afternoon knowing that later this day we have a meeting with the Speaker. It is our goal and our hope that the Speaker will provide an opportunity for the minority party to have its two votes taken up in this Congress.

We prevail on the good nature of the Speaker and know him to be an honest and forthright man and an institutionalist who understands the House. We also know that he is not just Speaker for the Republican Conference, but he is indeed Speaker of the entire House.

We face an extraordinary calamity, a catastrophe unlike anyone has experienced in any other country in the world, and it is the ongoing slaughter that occurs. There have been more than 1,000 mass murders since the tragedy at Sandy Hook when they took, as Senator JOE MANCHIN said, our babies from us.

What we are asking for on this side of the aisle are very commonsense solutions; no fly, no buy. If you can't get on an airplane because you are a terrorist but you can buy a gun, doesn't it seem as though there should be regulations that would prevent that and keep guns out of the hands of terrorists, criminals, and the mentally challenged?

Also, there are background checks, which most law enforcement entities have talked about on the very bill that Senators PAT TOOMEY and JOE MANCHIN introduced in the United States Senate that received the majority of votes and that Representatives PETER KING and MIKE THOMPSON introduced in the House of Representatives.

We are asking for a simple vote. After all, that is what we are elected to do. We are elected to represent the people whom we are sworn to serve and cast votes.

It has been more than 3½ years we have not even been allowed to cast a vote in the House of Representatives. That is why so many took to this floor in an organic movement demonstrating that we have had enough and that we deserve a vote and that we demand a vote for the countless victims and families of these tragedies.

It is not enough, as respectful as it is, to stand for a moment of silence. Our caucus will not be silent anymore. We feel that silence means you are complicit with these ongoing tragedies.

So we have asked for two pieces of legislation, both commonsense and, oh, by the way, supported by—no matter what poll you read—between 85 and 95 percent of the American public. They are not controversial.

All we are asking for is the decency to perform our constitutional responsibility in representing our constituents and to have the ability to cast the vote that they are all asking for. We are prevailing upon the decency of the other side, their understanding of the Constitution, their understanding of the rules of this House. We are counting on their decency for the families and the victims to allow us those simple measures that we swear an oath to this office in order to perform.

We are asking you for a vote. It is nothing more than what is required of us when we raise our hand and take the oath here. To deny us of that is to deny us of our basic rights.

HOUSE RULES OR RULES FOR RADICALS?

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, on the afternoon of June 22, a large number of Democrats brought the deliberations of the House of Representatives to a standstill in one of the most disgraceful and childish breaches of decorum in the history of this institution. In complete contempt of this House and the rule of law, they shouted down all with whom they disagreed. They blocked access to the microphones as Members sought to address the Chair, and they illegally occupied the Hall of the House, forcing an early adjournment and costing this House three full days of legislative deliberations.

Abraham Lincoln said it best: ''There is no grievance that is a fit object of redress by mob law.''

What we saw was the mob law of Occupy Wall Street brought to the House floor. They are seeking to use the recent terrorist attacks as justification for making it harder for law-abiding Americans to defend themselves. That is a strange logic, but so be it. They certainly have a right to their opinions. They have a right to express those opinions on the House floor, and they have a right to use all of the procedures of the House to act on their opinions. What they do not have is the right to prevent those with different views from exercising the same rights, and yet that is precisely what they did.

These Democratic Members have many procedures and opportunities to bring their bills to the House for a vote. They could have executed a discharge petition to bring their bill immediately to the floor. They could have moved to have their bill inserted into any bill pending on the House floor, a common motion that we routinely hear and vote upon several times a week.

The fact is their proposals were considered in the Senate and voted down. Their proposals were considered in the House committee and voted down. Their discharge petition is pending at this desk right now, awaiting enough signatures to execute it. Their only problem is they don't have enough votes. Well, sorry, that is called democracy. The majority of their colleagues simply disagree with them for some very good reasons.

Their rights were honored and protected by the Republican majority under the rule of law, yet they denied those same rights to others by replacing the rule of law with the rule of the

mob; and they did so on the most sacred ground of our democratic Republic, the Hall of the House of Representatives.

Instead of working within the time-honored rules of the House to convince the majority of their way of thinking, they decided to tear down the rules. This was the lawless left on full display, and I hope the American people took a long, hard look at it and understand the threat to our democratic traditions and institutions that this conduct reveals.

In recent days, we have seen leftist mobs assembled under a foreign flag violently attacking American citizens who were merely trying to exercise their right to peaceably assemble to support their candidate for President. We have seen this administration attempt to criminalize political dissent and use our institutions of government to intimidate people out of participating in our political process. And now we have watched this lawless behavior imported onto the floor of the House of Representatives.

The House leadership decided not to confront this unprecedented spectacle as it unfolded, and I do not gainsay their decision here. It was obvious the Members involved were trying to provoke a physical confrontation, but serious damage was done that day to our orderly process of government and it cannot go unchallenged. Doing so would establish a dangerous and corrosive precedent, antithetical to everything which this institution and our country stands for.

The Constitution provides that the House may sanction Members for disorderly behavior, and the Members responsible for the events of June 22 and 23 must be called to account for their actions. If we fail to do so, we will have replaced the House rules with rules for radicals.

GUN VIOLENCE PREVENTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. CICILLINE) for 5 minutes.

Mr. CICILLINE. Mr. Speaker, a little over a week and a half ago, my colleagues and I came to the House floor. We came to the floor to protest the inaction of this Republican Congress, the tyranny of the majority, to act on gun violence prevention measures—their deliberate inaction in the face of 33,000 deaths caused by gun violence every year. We came to demand substantive action to address our country's epidemic of gun violence.

Yet, today we will be presented with legislation promoted by the NRA that fails to address this serious problem. H.R. 4237 does not close or otherwise address the terror gap that allows known or suspected terrorists in the United States to legally buy guns.

Instead, this bill handicaps law enforcement, creating an impossibly burdensome process and allowing terrorists to take advantage of the Charleston loophole. In fact, H.R. 4237 doesn't just leave the loophole open, which led to the loss of nine lives at the Emanuel AME Church, it reinforces it and the terror gap.

Under this legislation, to prevent the transfer of a firearm, the government will be required to file an emergency petition, schedule a hearing, provide the suspect with notice and counsel, and win the hearing all within 72 hours of the attempted purchase. And even if the government is able to win the hearing, it can only prevent the transfer if the court finds that the suspected terrorist committed, attempted to, or will commit an act of terrorism. Put another way, the government can only prevent a gun sale to a suspected terrorist if they can arrest the person for terrorist activity within 3 days of an attempted purchase.

Ultimately, this legislation does not provide any meaningful safeguards to prevent terrorists from purchasing guns. Sadly, it is nothing more than a political tactic to avoid responsibility, a contrived effort to look busy and feign concern while thousands of Americans lose their lives to gun violence. The American people are smarter than this.

We have a moral responsibility to do something meaningful. The American people demand that we do more, that we do something, that we do anything to help prevent another mass tragedy in this country. Make no mistake, this legislation falls short of a good-faith effort to save lives.

The GAO found that individuals on the terrorist watch list were able to pass a background check and legally purchase a firearm 2,043 times between February of 2004 and December of 2014. The FBI was only able to prevent 10 percent of these purchases.

As we all, unfortunately, learned on June 12, when we fail to prevent dangerous individuals from getting their hands on guns, we put the lives of Americans at risk. But there is legislation that the House can consider that will reduce gun violence.

First, H.R. 1076, the no fly, no buy bill, would effectively close the terror gap by providing the Department of Justice with the discretion to block gun sales to terrorist suspects. It will preserve due process for individuals who were mistakenly listed to appeal their denial.

Second, H.R. 1217 would implement universal background checks for all commercial gun sales. It is a measure supported by the overwhelming majority of the American people. And empirical research shows that universal background checks for all handgun sales have lowered levels of gun violence in those States where that occurs. Nationally, 34 percent of gun sales and 40 percent of all gun transfers occur without a background check.

□ 1215

This legislation would represent an important step toward closing this loophole and reducing gun violence.

I urge my colleagues on the other side of the aisle to bring these two bills to the floor, to respond to the demands of the American people, to do something about the pandemic of gun violence, to do something meaningful that will actually reduce gun violence in this country and protect the American people, as we are sworn to do.

I know I speak for all of my colleagues in the Democratic Caucus. We will continue to fight in every way that we can until we can persuade our Republican colleagues to bring these bills to the floor, to do something about the carnage of mass gun violence in this country.

AMERICANS WANT CONGRESS TO PASS MEANINGFUL GUN LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of California. Mr. Speaker, Americans want Congress to pass meaningful legislation that will actually keep guns out of dangerous hands.

So what is our majority doing?

They are bringing up a bill that was not only drafted by the gun lobby, but that makes it nearly impossible to block gun sales to suspected terrorists. That is shameful.

The American people deserve a Congress that is willing to stand up to the gun lobby and do what it takes to help keep our communities safe. Congress has a responsibility to listen to the people who we are supposed to represent, to put partisan politics aside, and to bring up commonsense, bipartisan legislation to keep guns away from those who shouldn't have them: suspected terrorists, criminals, domestic abusers, and the dangerously mentally ill. And the American people want those bills brought up now.

More than 30 people are killed every day by someone using a gun. We can't afford to allow more innocent lives to be lost to gun violence.

Just a few weeks ago, 49 innocent people were shot to death in the worst mass shooting our country has ever seen. Sadly, this isn't an insulated case. It has now been 3½ years since the tragedy at Sandy Hook took the lives of 20 elementary school kids and six educators, but for reasons that I will never understand, that horrific tragedy wasn't enough to convince the Republican leadership that something—something—needs to be done to prevent the next tragedy.

Let me give you some numbers:

Three and a half, that is how many years it has been since Sandy Hook; 34,000, that is the number of people who have been killed by someone using a gun since Sandy Hook; 1,182, that is the number of mass shootings that have taken place since Sandy Hook; 520, that is the number of days the House has been in session; 30, the moments of silence that we have observed on this House floor because of gun violence.

Most important, zero. Zero. That is the number of votes that this House has taken to keep guns out of the hands of dangerous people.

What is the majority so afraid of? Is their fear greater than the fear of those young kids at Sandy Hook, or those parishioners in Charleston, or those young people at the nightclub in Orlando?

It is long past time for the House to give us a vote on meaningful legislation to make sure that terrorists, criminals, domestic abusers, and the dangerously mentally ill don't have easy access to guns in our country.

There is bipartisan legislation that would prohibit those on the FBI's terrorist watch list from being able to purchase firearms, and I have authored legislation, which has bipartisan support, to require background checks for all commercial gun sales. Background checks are our first line of defense when it comes to stopping dangerous people from getting firearms. They work. Every day more than 170 felons, some 50 domestic abusers, and nearly 20 fugitives are stopped from buying a gun because of background checks. But in 34 States, criminals, domestic abusers, and the dangerously mentally ill can bypass the background check by purchasing guns online, at a gun show, or through an ad in the paper. This is a dangerous loophole that needs to be closed, and it needs to be closed now.

The bill has 186 bipartisan coauthors. Bring our bill up for a vote. There is absolutely no reason why anyone should oppose this background check bill. Not only is it bipartisan, it respects the Second Amendment rights of law-abiding citizens.

I am a gun guy. I own guns. I support the Second Amendment. If this bill did anything to violate those rights, my name wouldn't be on it.

All this background check bill does is require that folks pass a background check before purchasing guns online, at a gun show, or through an ad. Plain and simple. It does nothing to infringe on the Second Amendment right of law-abiding citizens to own firearms.

This debate on background checks isn't a choice between either protecting the Second Amendment or reducing gun violence. It is about the willingness of a responsible majority to do both. If there is one thing we should all be able to agree on, it is that suspected terrorists, criminals, domestic abusers, and the dangerously mentally ill shouldn't have guns.

Mr. Speaker, give us a vote. Bring up H.R. 1076: bipartisan, effective, no fly, no buy legislation. And bring up H.R. 1217: bipartisan background check legislation.

Mass shootings followed by moments of silence and no action cannot become America's new normal. We need to vote, and we need to vote now.

INACTION IS NOT AN OPTION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Illinois (Ms. KELLY) for 5 minutes.

Ms. KELLY of Illinois. Mr. Speaker, with over 30 Americans killed by a gun every single day, for far too long I have been saying that inaction is not an option. Yet, in my 3-plus years in Congress, House Republicans have refused to do anything on gun violence. This week's lackluster, Beltway, big-gun-lobby-written bill is the only gun vote this Congress has had.

Why is it that when our country was facing a horrific opioid epidemic, we empowered our local, State, and Federal governments with the resources necessary to combat this issue? And why is it that when a terrorist boarded a plane with a bomb in his shoe, we passed legislation that makes passengers remove their shoes when they go through airport security? Yet, after countless mass shootings and daily violence in the streets of Chicago, Newark, and Baltimore, we do nothing.

Many of us here today are still rightfully discussing the horrible 49 deaths in Orlando a few weeks ago, but I would like to share two other statistics with you about gun violence since Orlando.

During our honorable colleague, Senator CHRIS MURPHY's 15-hour filibuster, 48 people in America were shot. Forty-eight people in 15 hours. In Chicago, the last month has seen 79 people lose their lives to gun violence. Seventy-nine lost souls:

Fabian Lavinder; Kevin Montell Atkins, Jr.; Victor Felix; Marshawn Clinkscale; Kaysar Chako; Joseph Harden; Jamaal Bellamy; Christian Bandemer; Daniel Alcantara; Anthony Howard; Darnell Hardeman; William Palmer; Kori O. Sellers; Dontay Murray, Jr.; Donkel Riley; Anreco Nichols; Sami Salaymeh; Victor Sanders; Lewis Johnson; Lanarris Webster; Dawson Stephan; Paul Webster; Terry Bates, Jr.; Jeremy Ray; Fatimah Muhammed; Travell Montgomery; Timothy Boyd; Christopher Fields; Javil Nunn; Antwon Brooks; Dwayne Triplett; Jordan Liggins; Davion Barron; Adrian Watson; Antoine Randle; Steven Edwards; William Sandifer; Antonio Perkins; Jeremy Rodgers; Denzel Thornton; Angelo Davis; Demetrius Archer; Marshaun Jackson; Victor Robinson; Melvin Cook; Charles Wiley; Latrell McMahon; Eric Knox; Eric Smith; Margaret Shanahan; Alejandro Rosas; Michael A. Brown; Carlton Hall; Salvador Suarez; Otis Richmond; Eugene Singleton; Ramal Hicks; Amari Catchings; Stanley Boston; Jessica Hampton; Eric Burgin; Trevell Parker; Jeremy Clark; Brandon Nolls; Reginald Turner; Trayvon Wilson; Wondale Collier; Selton Ellis; Frederick Johnson; Lonnie King; Kentrail McCray; Alfondia Kelly; Matusalem Gutierrez; Darrell Guy, Jr.; Marshawn Hilson; Chanda Foreman; Robert Vaughn; Kenneth Whitaker; Hector Badillo, Jr.; and Willie Pittman.

We were led during our sit-in 2 weeks ago by an icon, Congressman JOHN LEWIS, and I was very, very, very proud to participate and would do it again. He is fond of referencing a dream he shared with his mentor, a mentor of many of us, Dr. King, the dream of the Beloved Community, a place where people of all races, creeds, religions, and gender identification can live together in peace.

Certainly there is no place for assault rifles in the Beloved Community. There is no place for gun rights for terrorists in the Beloved Community. There is no place for gun rights for criminals and the dangerously mentally ill in the Beloved Community. In the Beloved Community, no child has to live a life where going to the park risks them from being mowed down by a stray bullet.

I will keep fighting and speaking out until we honor these victims' lives with action, not with moments of silence.

WE HAVE TO MAKE A DECISION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. BASS) for 5 minutes.

Ms. BASS. Mr. Speaker, in the month of June, 22 people were murdered by guns in Los Angeles. The oldest person was 46, and the youngest was 3. On one day alone, June 11, eight people were killed. We all know the statistics: every 24 hours, 30 people are killed in the United States by guns. The leading cause of paralysis is gun violence.

People around the Nation have demanded action from Congress. When I returned to my district after the protest, I was met with cheers and standing ovations. People said, Finally, finally they saw us act. Finally, they saw us fight. Fight against the NRA, which has a stranglehold on Congress. My constituents reflect the over 90 percent of the U.S. public that is demanding that we act and pass legislation to address the carnage from gun violence.

I am proud to say that the State legislature in California has acted. Now Congress needs to act. The Governor signed five bills recently passed by the legislature. In California it is now against the law to possess ammunition

magazines that hold more than 10 rounds. Background checks are now required to purchase ammunition. The Governor signed bills that ban bullet buttons designed to make it easy to detach a magazine and reload, a creative idea from gun manufacturers to get around the assault weapon ban when it was in effect.

Other bills signed by the Governor prohibit the lending of guns to family members who have not completed background checks, and people who knowingly make false reports about the loss or theft of a gun cannot possess firearms for 10 years. The bills were signed too late to have saved the 22 people who died in Los Angeles, but I have no doubt that these laws will help reduce death and injury from gun violence.

I am proud California is setting an example for the Nation, and it is my hope after the tremendous public response and demand that we act, that we pass sensible legislation to bring an end to the deaths and injuries. It is very difficult to explain to constituents how someone considered too dangerous to purchase an airline ticket is not too dangerous to buy a gun.

The no fly, no buy legislation authored by Republican Representative PETER KING is a modest piece of legislation that is really a first step. All of us are clear, much more needs to be done: comprehensive background checks, closing the gun show loophole.

My Republican colleagues argue that we don't need any new laws, we just need to enforce the ones we already have, but then hypocritically claim the President is overstepping his authority when he increases resources to the ATF so that they can modernize their technology to address Internet sales. The last time serious legislation was passed, the Internet didn't exist.

The shooter who killed the nine churchgoers in South Carolina might have been blocked from purchasing a weapon, but his background check wasn't processed in time. Three days or you get your gun. Without the staffing and the technology, 3 days is almost impossible; and although he shouldn't have had a gun because of a prior arrest, he was able to purchase anyway.

As a nation, at some point we have to make a decision. The decision is ours. As a legislative body, we have to decide who rules this place.

Is it a handful of industries that dictate what we do?

I can name just a few industries that cause my colleagues on the other side of the aisle to vote however the industry decides, not their constituents. If they voted with their constituents who, poll after poll, say 85 percent of Republicans support sensible gun control. They vote the way an industry dictates or they face the consequences of an independent expenditure campaign and an opponent.

In memory of the following people who were killed in one day in Los Angeles, I mention their names:

June 11, Jesus Alfredo Duran, 31 years old;

June 11, Eddie Hernandez, 22 years old;

June 11, Stephanie Gonzalez, 17 years old;

June 11, Kimberly Gonzalez, Stephanie's sister, 13 years old;

June 11, Johnny Mark Elizalde, 27 years old;

June 11, Juan Zataray, 43 years old;

June 11, Jose Rene Espinoza, 46 years old;

June 11, Cynthia Ambriz, 19 years old.

□ 1230

WE NEED MEANINGFUL GUN LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. DOGGETT) for 5 minutes.

Mr. DOGGETT. Mr. Speaker, when this House last convened, a number of us were willing to sit in, in order to stand up—to stand up to the gun lobby, to stand up against gun violence. During our protest, House Republicans fled Washington, rather than face accountability on gun safety, leaving behind significant unfinished business.

During the past week, many of us across the country have joined neighbors in a national day of action against gun violence. I joined over 100 people in San Antonio, gathering with Patricia Castillo with the P.E.A.C.E. Initiative, Jamie Ford with Moms Demand Action, and State Senator Jose Menendez.

On a hot afternoon in Austin, Texas, more than 100 of us also gathered with Mayor Steve Adler, Andrea Brauer from Texas Gun Sense, members of the Austin City Council, State Representative Donna Howard, and other elected officials, all asking this Congress to respond to the horrific wave of gun carnage that threatens the security of our families. Each of these gatherings included powerful testimony from family tragedies and losses as a result of guns.

After the mass murders in Orlando and San Bernardino, carried out by individuals professing a twisted version of Islam, the most obvious next step is to question why, if someone is too dangerous to get on an airplane with you, they ought to be able to buy as many assault weapons as they would like? And ask why, in Orlando, the law enforcement officials did not hear about assault weapon purchases of one person who had been on the terrorist watch list? One of the three modest bills about which we were sitting-in would institute a no-fly, no-buy restriction.

The day after our protest, to their credit, four of our Republican colleagues here in the House, for the first time, introduced a version of a proposal to prohibit such gun purchases, but also to provide a means by which someone could get off the no-fly list if they were on it improperly.

This proposal copies verbatim one proposal that has been offered by Republican Senator SUSAN COLLINS. Hers is the only proposal pending in the United States Senate today that has not already been rejected. I think it is time for us to come together to unite behind this proposal. It is a modest step forward, but it is a step forward to address gun violence.

Instead, we are told today that Speaker RYAN is, apparently, committed to blocking this bipartisan initiative and anything else that doesn't have a seal of approval from the National Rifle Association. Apparently, the only provision on which we will be allowed to vote here in this House is a proposal that the Senate has already rejected.

This isn't action. It is theatrics. It is the appearance of the response to the concern of so many Americans for action on gun safety, without changing anything.

Under this gun lobby proposal, in order to prevent a gun purchase, the Justice Department would be required to obtain a court order within 72 hours to prove probable cause that a person has ''committed, conspired to commit, attempted to commit, or will commit an act of terrorism.'' Well, if our law enforcement can do that, they should not only be preventing a person from acquiring a gun, they ought to be taking them to prison.

So much attention has focused on the sit-in on this floor, not enough has focused on the ''sit-on.'' I am talking about the Speaker, who sits on any legislation concerning gun violence, including that advanced by fellow Republicans, if it does not have approval of the gun lobby.

We just celebrated Independence Day. How about the Republicans declaring independence from the gun lobby? Just once, in a very small, modest way declaring independence on a proposal that Republicans themselves have advanced—a few of them—to address more security for our families.

The Republican leadership has tried so very desperately to avoid accountability on gun safety. They cut off these microphones. They fled the House in the middle of the night. Now they are cloaking themselves in an NRA-approved bill already rejected by the United States Senate that won't keep weapons of war out of the hands of terrorists.

Everyone who owns a gun knows that sometimes you need to keep the safety on that gun. I think it is time to put the safety back in gun safety legislation. It is time to engage in meaningful, real reform.

ERSKINE FIRE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCARTHY) for 5 minutes.

Mr. MCCARTHY. Mr. Speaker, for nearly 2 weeks now, a wildfire has raged throughout my district. High heat, dry winds, and a long drought conspired together, enabling a fire that has burned tens of thousands of acres, hundreds of homes, and taken the lives of two people.

I did not know Byron and Gladys McKaig personally, but I have heard about them and learned a small part of their story. They were good and loving people. They met in a church. He was an Episcopal priest and she played the organ. Byron would preach; Gladys would play. They helped their friends and each other grow closer to God.

They died, it seems, from smoke. A neighbor said he spotted them, after the fire, lying out in front of their house near their fence. The trees were still burning. Byron looked as if he were shielding his wife from the coming flames. It was one last act of sacrifice for the woman he spent his life loving. Such people are a gift to everyone they meet.

As our community struggles now to return to a sense of normalcy, faced with the immense task of rebuilding after so much loss, we have our firefighters, police officers, and first responders to thank that this disaster was not worse. For days, with little sleep and near exhaustion, they kept the flames at bay. They remind us how willingly some face danger to protect others. We are forever thankful to them.

We continue to pray for those suffering from the loss of their businesses, their homes, their families, and their friends. Our community always has and always will stand strong in the face of disaster as we rebuild.

PASS GUN SAFETY LEGISLATION AND GIVE D.C. THE VOTE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON) for 5 minutes.

Ms. NORTON. Mr. Speaker, anyone who thought the Democrats would go away after we were driven to a sit-in on the House floor for gun safety legislation learned differently very soon after we got home on Wednesday, June 29, when events were held all across the country on a National Day of Action for Gun Violence Prevention. We served notice.

Yes, there have been moments of outrage and sometimes we have not kept up the battle unceasingly. Watch us this time.

I am very pleased that our very effective police chief, Cathy Lanier, came with me to a roundtable where we heard not only from her, but from residents of the District of Columbia who have experienced the incredible heartache and throbbing agony of the loss of a loved one to gun violence.

This morning, unstimulated by me, parents organized themselves to come to the Capitol at 9 a.m. They call themselves D.C. Moms and Dads for Rational Gun Safety Legislation. They are a group of spontaneously formed District of Columbia parents who lack voting representation in the Congress, although they pay the highest taxes per capita of any Americans. They do not have the final vote on the House floor, and they have no Senators.

They wanted to come and show their support for national gun legislation to prevent gun violence in our city and our country. They came when, the week before, I had just fought off three amendments in the House Rules Committee to undermine D.C.'s gun laws with an attempt to erase some of those laws.

It is interesting that, in the Rules Committee, I was able to keep those Republican amendments to take away our gun laws from being made in order. I think it is because the Rules Committee took place only days after Orlando, and even Republicans didn't have the nerve to authorize gun legislation so close to the Orlando gun massacre. Is that what it is going to take? Or will it take the persistence that you saw when Democrats had no alternative but to sit on this hard floor just before recess?

Now, the Republicans have gotten the permission of the NRA to include a gun bill in a pending bill. No wonder, it makes things worse. Now you would have to go before a judge before you can get someone off the no-fly list, instead of depending on the slow administrative process, you would go through the much slower judicial process. Thank you for nothing. It certainly won't satisfy us or the American people.

We who live in your Nation's Capital, need national gun legislation to keep guns from flowing in from weak gun jurisdictions, and we need Congress to leave our gun safety laws alone.

Without fail, every single year, I have to drive back attempts to overturn our gun laws. I just described three that were in the Rules Committee before we left that I was able to drive back because of Orlando.

Yes, I am proud that the Nation's Capital has the strongest gun laws in the country, as well it might. Controversial world figures walk our streets and visit our restaurants. Weak gun laws we do not need in this Capital.

We have effective enforcement. We have good relations among Chief Lanier and her police force and our residents. But we are still at the mercy of a Congress, which will not do its job.

During our House sit-in, I left the floor to go to a press conference held by the Mayor and the police chief, displaying AK–47s and other guns illegal in the District of Columbia but that you can simply go to a gun show and buy, undermining our gun laws.

Our gun problem in cities like ours and many cities and jurisdictions across the country are not local problems. They are a national problem. That is why you see us demanding universal background checks. That is why we are demanding that Congress stop censuring the CDC from studying gun laws.

I thank the moms and dads and kids who marched to the Capitol today for overriding their denial of a vote to come here. You sent a dual message: pass gun safety legislation, and give D.C. the vote.

DOMESTIC VIOLENCE AND THE NEED FOR UNIVERSAL BACKGROUND CHECKS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Maryland (Ms. EDWARDS) for 5 minutes.

Ms. EDWARDS. Mr. Speaker, years before coming to Congress, as many of my colleagues know, I cofounded and served as the executive director of the National Network to End Domestic Violence.

Twenty years ago, we worked with a bipartisan Congress to pass the Domestic Violence Offender Gun Ban. It became law in 1996. It was known as the Lautenberg amendment, after the late Senator Frank Lautenberg of New Jersey.

□ 1245

Since that time, we have made a lot of progress in preventing domestic violence, but, sadly, there are several Mack Truck-size loopholes that prevent the law from coming to its full effect. In fact, just last week, in a fight against the gun lobby, yet again, over these last 20 years, the Supreme Court upheld the domestic violence offender gun ban in a 6–2 decision.

As many know, leaving an abusive relationship is the most dangerous time for a domestic violence victim, and adding a firearm to that situation severely heightens the risk of injury or death. In fact, in America, the majority of fatal domestic violence homicides are committed with firearms. At least 52 percent of American women murdered with guns are killed by intimate partners or family members.

Despite impressions from media coverage, mass shootings in which at least four people are murdered with a gun are also typically acts of domestic or family violence. An Everytown, USA, analysis of every mass shooting between 2009 and 2015 found that 57 percent were committed by intimate partners or the family of victims.

Research shows that commonsense gun laws have a marked effect on improving women's safety from gun violence. In States that require background checks for all handgun sales, 46 percent fewer women are murdered with a gun by an intimate partner. And State laws ensuring that convicted abusers or those subject to domestic violence restraining orders are separated from their firearms are also associated with reductions in gun violence against women. But because of loopholes in these laws and failures to enforce them, they do little to curb the uniquely lethal American problem of guns and violence against women.

Four gaps in the law are particularly harmful. First, Federal law does nothing to keep guns out of the hands of abusive dating partners or convicted stalkers. The Federal law prohibits domestic abusers from buying or owning guns but doesn't apply to dangerous people convicted of misdemeanor stalking offenses or to dating partners, even though more women in the U.S. are killed by their dating partners than their spouses.

Second, in 35 States, State law does not prohibit all people convicted of misdemeanor domestic violence crimes and all people subject to restraining orders from buying or using guns.

Third, and importantly, Federal law allows domestic abusers and stalkers to easily evade gun prohibitions by purchasing guns from unlicensed private sellers. That is the Mack Truck loophole. Federal law only requires background checks for gun sales at licensed dealers. Sixteen States require checks on all handgun sales, but in the remaining States, prohibited abusers seeking to avoid a background check have very little trouble purchasing a gun from an unlicensed dealer they meet online, at a gun show, or in a parking lot.

Prohibited domestic abusers know about this loophole and they have taken advantage of it to deadly effect. And, in fact, in a first-of-its-kind investigation of illegal gun sales, Mayors Against Illegal Guns found that one in four prohibited purchasers seeking guns online had a domestic violence arrest.

Finally, 41 States do not require prohibited abusers to relinquish the guns they already own, so I have joined in legislation to prohibit these guns from falling into the hands of domestic abusers. We know that a proven way to help with people who are not eligible to purchase guns, such as felons and domestic abusers, is to expand and strengthen universal background checks on all firearms sales no matter where that sale takes place. And, very tragically, our lax gun laws make it easier for abusers to acquire a firearm than it is, in fact, to purchase a box of Sudafed.

So you ask, Mr. Speaker, why do we protest? Why did we take the dramatic action of taking to the floor of this House?

It is because we have had enough, and we know that, working together, we can and must change the fact that women across this country lose their lives to gun violence by their domestic abusers.

Nine American women are shot and killed by their husbands and intimate partners every single week. We can do something about it. Let's close the gun show loophole.

BIPARTISAN GUN VIOLENCE PREVENTION MEASURES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Connecticut (Ms. ESTY) for 5 minutes.

Ms. ESTY. Mr. Speaker, this House's silence on preventing gun violence and keeping guns out of the hands of dangerous individuals is a betrayal of the American people.

Americans are 25 times more likely to be murdered with a gun than in any of our peer countries; and since the horrific shootings at Sandy Hook Elementary School in my district, in the last 3½ years, 100,000 Americans have lost their lives to gun violence. Think about that—100,000 Americans. That is the size of a good-sized American city, every single one of them dead because of a gun. And this House—this House—has done nothing.

We are elected to respond to the needs of the American people. We are elected to keep Americans safe; and right now, felons, domestic violence abusers, even suspected terrorists can buy a gun of their choice without a background check, no questions asked.

And the bad guys are well aware of this big, gaping loophole in our laws. Here is what an al Qaeda spokesman said in a propaganda video in 2011:

''America is absolutely awash in easily obtainable firearms. You can go down to a gun show at the local convention center and come away with a fully automatic assault weapon, without a background check, and most likely without having to show an identification card. So what are you waiting for?''

The real question is: What are we, what are we in this Chamber, waiting for?

We have the no fly, no buy bill, a bipartisan bill to close the terror loophole, and we have a bipartisan bill to strengthen background checks so that they apply to all commercial sales of guns.

Now, I know many Americans assume that the laws we have on the books are strong enough, it is just a question of enforcement; but, sadly, that is not true. That is not true. Somewhere between 30 and 40 percent of all gun sales right now do not go through background checks at all, not at all, so the bad guys just have to go to an unlicensed dealer or go online.

And let's be very clear. Twenty years ago, when Congress passed the background check bill, when they passed that bill, people didn't buy guns online. People didn't buy much of anything online, so Congress didn't even have it in its head to close a loophole it wasn't aware of. But it is now this Congress', it is now our job to respond to the needs of the 100,000 Americans who have died in the last 3½ years and to take action to save lives.

Now, no single law—no single law—can end gun violence, but we do know that laws work. They work, and improved background checks save lives.

For example, in Connecticut, our permit-to-purchase law has reduced gun homicides by 40 percent. That translates into 296 lives saved over a 10-year time period.

In States that have closed background check loopholes, 46 percent fewer women are killed by domestic partners, and 48 percent fewer on-duty police officers are shot to death. That is half of those lives saved. And each one of those lives saved is precious. Each one has a family. Each one has loved ones. Sometimes we forget that when we are talking about thousands of this and hundreds of that and millions of dollars and trillions of dollars. Each and every life is important and precious, and we are sworn to help the American people.

Here is the bottom line. Better laws work, and background checks work to save lives.

The bill that the majority is bringing up this week doesn't really help. In fact, it addresses the terror gap in ways that will hamper the FBI's efforts to keep us safer.

But let me be very, very clear. Without background checks on every single gun sale, no matter what we do on closing the terror gap, it won't matter, because the bad guys will continue avoiding the law, whether it is domestic violence abusers, felons, the dangerously mentally ill, or suspected terrorists.

Mr. Speaker, there are steps we can take to make our communities safer; there are steps we can take to save lives; and I call on this House to call up, this week, the bipartisan bill to expand background checks.

ADDRESSING THE EPIDEMIC OF GUN VIOLENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. TAKANO) for 5 minutes.

Mr. TAKANO. Mr. Speaker, yesterday, we reflected on how fortunate we are to live in a country that gives each of us a voice in our government. Today, this Congress will, once again, ignore the voices of millions of Americans by refusing to address the epidemic of gun violence in our communities.

Yesterday, we honored the courage that millions of Americans have demonstrated throughout our history by

standing up in defense of their fellow citizens. But today, this Congress will not muster the courage to hold a vote on two proposals that are supported by roughly 90 percent of this country and that can save American lives.

Mr. Speaker, the American people deserve to be heard. They deserve a vote. If the U.S. homeland security community places a person on the FBI terrorist watch list or determines that a person is too dangerous to board an airplane, then surely we can agree that person is too dangerous to buy a firearm.

This week, the majority will introduce a bill that pretends to close this gap in our homeland security laws, but, in reality, it would create a system in which it is both legal and likely for suspected terrorists to buy a firearm.

The Republican measure takes no fly, no buy and turns it into no fly, no problem. Under their proposal, if a known or suspected terrorist attempts to buy a weapon, they will be denied that ability for a mere 3 days.

From the moment they attempt to purchase that firearm, the following things must happen, all within 72 hours, to prevent that purchase: the Attorney General must file a petition in Federal court; the court must schedule a hearing; the suspect must be provided actual notice and the opportunity to appear at that hearing with a lawyer; the court must rule on the petition. And if all those things do not occur in 3 days, the suspect is legally entitled to buy a weapon.

Not only does the Republican bill set an impossible timeline, it also requires the Justice Department to meet an extremely high burden of proof. A sale would only be prevented if the court finds probable cause that the suspect has committed or will commit an act of terrorism.

The Republican proposal is specifically designed to ensure the Justice Department fails and the suspect is allowed to buy a gun. It is a fig leaf to cover up the Republicans' refusal to take any meaningful action on gun violence. It is no surprise that this bill is supported by the gun lobby.

Instead of spending our time on toothless, ineffective proposals, we should vote on the original no fly, no buy bill that will keep guns out of the hands of suspected terrorists.

We are also demanding a vote on a bipartisan proposal to require that commercial gun purchases include a background check, background checks for all. I have yet to hear one good explanation on why this should not be the law of the land. If a dangerous person cannot pass a background check at a licensed gun dealer, they should not be able to avoid a background check by going to a gun show or purchasing a firearm over the Internet.

In States that have closed loopholes in their background check laws, 48 percent fewer on-duty police officers are shot to death—but my colleagues across the aisle still refuse to hold a vote.

Mr. Speaker, 33,000 people were killed by gun violence in America last year. The American people deserve more than moments of silence. They deserve action to keep dangerous weapons out of the hands of dangerous people.

□ 1300

They deserve to have their voices heard. They deserve to send their kids to school without fearing an assault-style weapon will be waiting for them. But, at the very least, they deserve to know where each Member of Congress stands. I am asking my Republican colleagues to find the courage to hold a vote on real gun violence prevention legislation that will save American lives.

GUN VIOLENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. CLYBURN) for 5 minutes.

Mr. CLYBURN. Mr. Speaker, I am pleased that the House will finally consider legislation to make reforms to our background check system for firearm purchases. Now, Mr. Speaker, the word ''reform'' can either be a noun or a verb. As a noun, reform means a change for the better, improving a situation without revolutionary change, a moral improvement. But I am afraid, Mr. Speaker, that in this instance, the reform we are about to vote upon is a verb, where it simply means to form again or to become formed again.

Americans are demanding a background check system that is a change for the better and is not riddled with loopholes. They demand a system that protects the rights of law-abiding Americans while preventing dangerous individuals from obtaining weapons. They demand a system where, to purchase a gun, you must pass a background check. Unfortunately, the bill before us, crafted by the NRA, will not deliver this to the American people.

One of the fundamental loopholes in the Brady bill, which requires background checks for most purchases, is that, if the sale is not approved after 3 days, a firearm dealer can make the sale anyway, even though the background check is still pending. Tragically, this loophole has been given a new name and nine new faces following the attack at Emanuel AME Church in Charleston on June 17, 2015.

Prior to that fateful day, the Charleston shooter was arrested in Columbia, South Carolina, on March 1, 2015, and charged with a felony drug offense. FBI Director James Comey has since confirmed that, as part of this arrest, the shooter admitted to the city of Columbia police that he was in possession of drugs. Under the Brady Handgun Violence Prevention Act, an unlawful drug user or addict is prohibited from purchasing a firearm, and this information should have barred the shooter from the purchase.

Now, on Saturday, April 11, 2015, the shooter attempted to purchase a firearm in West Columbia, South Carolina, and the background check process was initiated. Now, Mr. Speaker, 91 percent of FBI background checks are processed within minutes, and gun dealers are informed the buyer is either approved or denied; however, the other 9 percent require additional scrutiny by FBI examiners and are not processed immediately. The Charleston shooter's background check was marked ''delayed/pending.''

Though the shooter was arrested on March 1 by the city of Columbia police, he, for some reason, was taken to the Lexington County jail, and his arrest record listed the arresting agency as the Lexington County Sheriff's Office. Columbia, South Carolina, is in Richland County. This clerical error was noticed by a Lexington County corrections officer shortly after and corrected, but was only corrected internally. That correction was not given to the FBI.

On Monday, April 13, when the FBI investigator sought to get more information about the shooter's March arrest, she initially contacted the Lexington County Sheriff's Office for more information, who informed her that the case was in the city of Columbia. Not seeing a listing for Columbia on the Lexington County law enforcement list, she contacted West Colombia, who had no knowledge of the arrest.

By Thursday, April 16, the background check was still listed as delayed/pending, but three business days had passed. Consequently, Mr. Speaker, he was allowed to purchase a gun, and nine souls lost their lives because of this loophole. We should close it and do it today.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 6 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving and merciful God, we give You thanks for giving us another day.

As the Members of this assembly return from days away celebrating our Nation's birth, grant them measured patience and a spirit of common purpose in addressing the pressing issues of these days.

We pray for the needs of the Nation, the world, and all of creation. Bless those who seek to honor You and serve each other and all Americans in this House through their public service.

May the words and deeds of this place reflect an earnest desire for justice, and may men and women in government build on the tradition of equity and truth that represents the noblest heritage of our people.

May Your blessing, O God, be with us this day and every day to come, and may all we do be done for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Connecticut (Mr. COURTNEY) come forward and lead the House in the Pledge of Allegiance.

Mr. COURTNEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

FBI RECOMMENDATION NOT TO PROSECUTE

(Mr. FARENTHOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARENTHOLD. Mr. Speaker, today FBI Director James Comey announced his recommendation not to prosecute Hillary Clinton. I am extremely disappointed with this decision. In fact, Mr. Comey said that it was extremely careless of Secretary Clinton to store public emails and classified emails on her server. There were 110 messages in 52 chains that contained information that was classified at the time, 8 of which were top secret, 36 secret, and 8 confidential.

We really need to protect our national security. The FBI Director talked about the word ''intentionally.'' Well, if this had been defense information, some of which it may have been, the statute only requires criminal liability to show the form of gross negligence. I think extremely careless comes to gross negligence, and I encourage the FBI and prosecutors to continue to look at this and do what is right.

We need people in government who are not extremely careless. We need people who are careful.

COMMONSENSE LEGISLATION TO DISARM HATE

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, in the wake of the horrific events in Orlando on June 12, an extraordinary group of Americans have come together calling for commonsense gun control legislation. The Veterans Coalition for Common Sense was formed, again, within hours, and among its ranks are General David Petraeus; General Stanley McChrystal; Admiral Thad Allen, the retired commandant of the Coast Guard; and General Michael Hayden, former head of the Air Force. The list goes on and on.

And why?

General Pete Chiarelli, the former vice chief of staff of the Army, stated it very clearly: ''I have seen firsthand what weapons of war can do. There is no reason we cannot close the loopholes that allow these killing machines to fall into the hands of criminals, those who are mentally ill or those who wish to do harm to innocent men, women and children.''

The sit-in a couple of weeks ago was exactly about what General Chiarelli said, which is to pass the King-Thompson bills to close the loopholes and to require that people who are on the no-fly list cannot purchase weapons that go out and result in mass killings of far too many Americans.

We should listen to the people who wore the uniform of our country, those leaders who, again, protected and defended not only the Constitution but all of us, and listen to their message and pass the King-Thompson bills.

A MOMENT IN HISTORY TO DO SOMETHING SIGNIFICANT

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Speaker, while massive terrorist acts are raging all around the world, in my district yesterday 3 people were shot and killed, one a 28-year-old father of 3. And just last week a mother shot dead her two daughters and was killed because she refused to put down a gun.

We have a moment in history—in the backdrop of the largest mass murder by guns by a bad person in Orlando, Florida, as we mourn—to be able to do something significant, Mr. Speaker, and that is to pass the Thompson-King bipartisan, commonsense, responsible gun legislation.

Let me tell you what is being offered on the floor. That bill that is being offered on the floor would not have prevented the Emanuel 9 because it allows individuals to go past, if you will, the checking because in the part of it that deals with terrorism in particular, you can ask or the prosecutors must prove that you belong on that terrorist list, and, therefore, you put a barrier to protecting the American people.

We need a no fly, no buy; on the terrorist list, you can't do it; and we need a longer period for law enforcement to check the background checks. We need to save lives.

OUR FAMILIES CANNOT AFFORD FOR US TO WAIT ANY LONGER

(Ms. MCCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCCOLLUM. Mr. Speaker, today I rise to demand action to prevent gun violence. Nearly every year 30,000 Americans die from gun violence. The American Medical Association has defined the situation as a public health crisis. There are two immediate commonsense solutions: preventing known suspects who are terrorists from buying guns and strengthening our background system to keep guns away from criminals.

Everywhere I went in Minnesota last week, I heard from families who strongly support these commonsense ideas. An overwhelming majority of Americans support the ideas as well.

The American people deserve to know where their Representative stands, yet Republicans refuse to allow a vote on these solutions. Republican leadership instead is shamefully peddling a gun lobby-endorsed bill that even Republicans back home say doesn't do enough to prevent terrorists from having guns.

Our families cannot afford for us to wait any longer. We need to take action. The House must act to prevent gun violence and keep our families and communities safe.

RESPONSIBLE GUN SAFETY LEGISLATION

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, the time has long passed for Congress to act to enact responsible gun safety legislation. Mr. Speaker, bring these two bills to the floor for a vote.

GIVE US A VOTE

(Mr. THOMPSON of California asked and was given permission to address the House for 1 minute.)

Mr. THOMPSON of California. Mr. Speaker, it has now been 3½ years

since the horrific tragedy at Sandy Hook Elementary School. In the past 3½ years, a lot has happened. There have been 1,182 mass shootings in our country and 34,000-plus people have been killed by someone using a gun. The House has been in session for 526 legislative days, and we have held 30 moments of silence for victims of gun violence.

But what hasn't happened in the past 3½ years is a vote. That is shameful. The American people deserve a Congress that is willing to stand up to the gun lobby and do what it takes to keep our communities safe. There is bipartisan legislation that would prohibit those on the terrorist watch list from being able to purchase firearms legally in our country, and there is bipartisan legislation to close a dangerous loophole in our background check system.

Mr. Speaker, give us a vote.

TINA MEINS SPEAKS FOR ME

(Mr. TAKANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAKANO. Mr. Speaker, over and over again my colleagues have pleaded with the majority to give us a vote on legislation that will protect Americans from gun violence. Those pleas and the pleas of millions of Americans continue to be ignored.

So instead of my words, I am going to read the words of Tina Meins, whose father, Damian, was killed in San Bernardino last year: ''There is room in this national debate for reason, for compromise and for compassion,'' she wrote. ''Let us find common ground. Let's not be paralyzed because proposed solutions will not be perfect. If one person can be saved, isn't it worth the effort to fix this? Let's work together, please, for the good of everyone.''

Well, Tina speaks for me, and she speaks for the thousands of families who have lost loved ones to gun violence in America.

GUN VIOLENCE MUST END TODAY

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, 3 weeks ago we gathered on this floor for another moment of silence to remember 49 victims of the mass shooting in Orlando. In the days that followed, our response was the same as it was after Sandy Hook, Umpqua Community College, and Colorado Springs—silence followed by more silence.

In the days since, we can add hundreds of names to the list of those lost in our Nation to a unique epidemic of gun violence, including the following from Massachusetts:

David Atherton, a young firefighter and veteran;

Marcus Hall, killed as his 4-year-old son sat feet away getting his haircut;

Trevor Washington, gunned down after a disagreement at a party;

Andrew Flonory, murdered less than a mile from where his sister and 2-year-old nephew had been executed 6 years earlier;

Anthony Clay, a married father of two, who died as a woman yelled ''Don't leave me'' over his body;

And 19-year-old Sabrina DaSilva, who had just stepped out of her apartment to grab juice out of her car for her 2-year-old daughter, a daughter who will never see her mother again.

Mr. Speaker, they are friends and neighbors who will be forever missed by the lives they touched, daughters and sons, mothers and fathers, whose families will forever live with the pain and suffering of losing a loved one. This violence must stop.

WE MUST DO SOMETHING

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, after the historic sit-in that took place on this floor a couple weeks ago, last week I hosted a discussion on gun violence in my district. In attendance were people with a wide range of experiences with gun violence, constituents who volunteered time to advocate for better gun laws, individuals who lost family members due to gun violence, some who themselves were victims of gun violence but thankfully survived.

There were representatives from the LGBT community, public health professionals, a youth violence intervention program director, and the director of a theater production featuring people who lost loved ones to gun violence.

They came from different hometowns and different walks of life, and they have their own beliefs and world views, but they agree on one thing: we must do something to curb the tragic, persistent threat of gun violence in America.

Mr. Speaker, I don't expect all 435 Members of this body to agree on a perfect solution to this troubling issue, but I do expect them to do something that will meaningfully address it, and so do the American people.

WHEN WE SAT DOWN, WE STOOD UP

(Mrs. WATSON COLEMAN asked and was given permission to address the House for 1 minute.)

Mrs. WATSON COLEMAN. Mr. Speaker, when my colleagues and I sat down on the floor, we stood up for millions of Americans who agree it is time for commonsense legislative action to help prevent gun violence.

When the Republican leadership ignored that call and then canceled the rest of the workweek, we took that message back to our districts. At a roundtable in my district, I met with families broken by random acts of gun violence, mothers who were moved by mass shootings, advocates calling for change, and just regular people who just wanted to see less violence. Their stories and their motivations were entirely different, but they all told me one thing: We are with you.

I refuse to let them down, and I refuse to let up until this body considers basic bipartisan, broadly supported reforms, and not shoddily crafted NRA-endorsed bills that do even less than moments of silence.

□ 1415

GIVE US A VOTE

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, a moment ago, the House Chaplain expressed the hope—I would imagine it is a fervent hope—that we would return to this place with ''a spirit of common purpose.'' Those are the words that he used.

Nothing would reflect the common purpose of the American people more than allowing us to have a vote on gun safety legislation in this House. Ninety percent of Americans support universal background checks. That is common purpose. A majority of responsible gun owners in this country support universal background checks. That is common purpose. Eighty-five percent of Americans say that, if you can't fly on a plane because you are too dangerous, you shouldn't be able to buy a weapon. That is common purpose.

So, what is the problem? Why can't we bring legislation? Why can't we respond to the anguish and grief of so many families and communities around this country? The Speaker of this House will not allow legislation to come to the floor. He won't allow us to express the common purpose of the American people.

Give us a vote. Give us a chance to demonstrate that common purpose and address this scourge of violence in our country.

NO MORE EMPTY GESTURES

(Mr. HUFFMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUFFMAN. Mr. Speaker, the whole point of the Democratic sit-in to demand congressional action on gun violence was to say that empty gestures and moments of silence for 30 seconds, followed by the bang of a gavel and resumption of business as usual will not

be tolerated anymore in the face of this national gun violence epidemic.

Yet this week, our Republican colleagues are bringing forward a bill, written and blessed by the NRA, that is yet another empty gesture—a glorified moment of silence—because it establishes a completely arbitrary and artificial 72-hour timeframe and unreasonable standards that must be met within that timeframe.

I can't get my dry cleaning back in 72 hours, yet the NRA and our Republican friends expect the Attorney General to come forward, serve process, have a defendant hire an attorney, show up at a hearing, and prove with probable cause as the standard that this individual is about to commit an act of terror? Give me a break.

No more empty gestures. No more moments of silence that are completely disingenuous, including this glorified moment of silence that Republicans are bringing forward this week.

PURSUE COMMONSENSE GUN LEGISLATION

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, last week, I had the opportunity to hear from the families of victims of gun violence. Each story was unique and heartbreaking. But for all the differences in their tragic circumstances, one common thread was echoed by every individual in the room: too many guns are too easily available.

One mother said: ''Until we get these guns off the street, the cycle is going to continue.''

One way to start to get the guns off the streets is through background checks.

My office has heard from thousands over the last 2 weeks, over the phone, over Facebook, over Twitter. We have heard that Congress can no longer bend to the will of the gun lobby and prevent the passage of commonsense legislation that could save lives.

During that meeting last week, a mother told me: ''Changes can be made because I have a voice.''

Mr. Speaker, now is the time to heed our constituents' call and pursue real, commonsense legislation that helps get guns out of the hands of dangerous people.

END GUN VIOLENCE

(Mr. MICHAEL F. DOYLE of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, the American public want us to act. They spoke loud and clear. They want an end to the gun violence that is taking place in this country.

We sat down on this House floor to stand up for those Americans who want to see Congress put on record as to where they stand on this issue. Democrats, Republicans, and Independents—80 percent-plus support background checks. They support no fly, no buy. Mr. Speaker, all we are asking for this week and what the American people are asking you for is a vote on these two simple principles.

The Rules Committee is going to meet tonight. We ask that you include two amendments that Democrats will bring forward: no fly, no buy—if you can't fly on an airplane, you can't buy a gun—and comprehensive, expanded backgrounds checks.

Mr. Speaker, I don't think that is too much for us to ask. The American people will be watching to see where their Members of Congress stand on these two important issues.

SILENCE IS DEAFENING

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, between the time that 20 little children and 6 teachers were shot at Sandy Hook Elementary School and the 49 people that were slaughtered in Orlando, we have stood on this floor 27 times for a moment of silence. We send our condolences and our thoughts and prayers, and then the gavel sounds and we go back to business as usual. Well, 2 weeks ago, the Democrats in this House said no more silence. The silence has become deafening.

In the city of Chicago, we lost 70 people in the month of June to gun deaths. There is no moment of silence for them. They are women, children, men, sons, husbands.

We have the ability in the House of Representatives to save lives—not every life, but a lot of lives—and the moments of silence, of doing nothing, have run out. It is time for us to act. We have two bills on our agenda that would begin to address the problem. Republicans have to join with us to act now. The silence is too deafening.

GUN VIOLENCE

(Mr. CONYERS asked and was given permission to address the House for 1 minute.)

Mr. CONYERS. Mr. Speaker, I rise to join with all the voices that we hear today to speak to the urgent need to address the problem of gun violence in this country.

We need to consider not only mass shootings, but the daily toll of gun violence that afflicts all of our communities. In 1 year, on average, 108,000 Americans are shot in murders, assaults, suicides and suicide attempts, accidents, and police action. Approximately 32,500 of these individuals die. Nearly 12,000 are murdered—more than 31 Americans every day.

We know what will work to reduce deaths. We must act to expand background checks to close the private sale loophole and make sure those checks prevent the sale of guns to terrorists. We should come together to vote on the two bills and reduce gun violence.

PUT THE BILLS ON THE FLOOR

(Mr. CAPUANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAPUANO. Mr. Speaker, the issues are pretty clear. I came up for one simple reason: I am asking my Republican friends: What are you afraid of? What are you afraid of? You get the votes.

I ran for Congress to debate and vote on the issues of the day, vote my conscience—win some, lose some. What did you run for? Did you run to stifle democratic debate? Did you run to simply say to the American people, ''We don't care what you say''?

If you believe the words you have been saying for the last week, put the bills on the floor and have a vote. That is the American way.

What are you afraid of? Are you afraid you can't control your Members? Are you afraid some of your Members may actually have to stand up, find some courage, and vote their conscience?

Put these two bills on the floor. The American people want it, the American people deserve it, and the American people are demanding it.

BIPARTISAN ACTION TO PREVENT GUN VIOLENCE IS NEEDED

(Ms. ESTY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESTY. Mr. Speaker, the American people expect us to act to protect them. We need a tough and smart counterterrorism strategy to go after ISIS, and that has to include taking commonsense steps to keep guns out of the hands of terrorists.

In a 2011 propaganda video, an al Qaeda spokesman encouraged radicals to buy guns in the United States, saying: America is absolutely awash in obtainable firearms.

The overwhelming majority of the American people support reasonable fixes to prevent terrorists from buying guns and to expand background checks for all commercial gun sales. Yet, in the 3½ years since the tragedy at Sandy Hook Elementary School, the House has not held a single vote on legislation to prevent gun violence. In that time, gun violence has killed more than 100,000 Americans.

It took a 25-hour sit-in and thousands of Americans rising up and demanding

a vote, but here we are finally voting on something. It is a step forward. Unfortunately, the bill we are voting on this week was written by the gun lobby, and it won't do anything to keep guns out of the hands of dangerous individuals.

So let's keep working. Let's send bipartisan legislation to the President's desk, because the American people are demanding action. We should listen and we should act.

IN THE SPIRIT OF ELIE WIESEL

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, Elie Wiesel, one of the great human beings who graced this Earth, passed away this week. He said that sometimes we are powerless to prevent injustice, but we should never fail to protest against injustice.

JOHN LEWIS is a man in this House who is of the same caliber as Nelson Mandela and Martin Luther King. He is the same caliber as Elie Wiesel. When JOHN LEWIS and other Democrats protested on this floor, they were here because they might not have been able to prevent injustice, but they needed to protest. And they did it in the spirit of Elie Wiesel.

Mr. Speaker, you said JOHN LEWIS and the Democrats' activity on the floor was a stunt. It wasn't a stunt. It was in keeping with the great tradition of people like Elie Wiesel and JOHN LEWIS who know that at sometimes, when society and the government are so far out of line, there need to be extraordinary steps to bring attention to issues and make a change. The bill you are bringing to the floor is a stunt. JOHN LEWIS does not engage in stunts.

REJECT THE GUN LOBBY BILL

(Ms. KELLY of Illinois asked and was given permission to address the House for 1 minute.)

Ms. KELLY of Illinois. Mr. Speaker, it is sad that it took a 26-hour sit-in of 177 Members just to get a vote on one gun violence prevention bill this Congress. It is even sadder that Speaker RYAN still doesn't get it.

This week, we are voting on a big gun lobby bill that already failed in the Senate. It would give the Attorney General only 72 hours to determine if someone on the no-fly list should be able to purchase a gun. House rules require 3 days between a bill's introduction and a vote. Why does Speaker RYAN think that the House deserves 3 days to read a bill, but the FBI, Attorney General, and our courts should fully investigate a suspected terrorist in the same amount of time?

This isn't an attempt to address gun violence. It is a shameful attempt to claim that a vote was held, without hurting the majority's precious scorecard rating with the big gun lobby.

This isn't a game. With each passing hour, another family mourns the loss of a loved one.

I urge my colleagues to reject the gun lobby bill. I call on you, Speaker RYAN, to have the courage to call up H.R. 1217, the bipartisan King-Thompson background check bill, a real gun violence prevention measure.

□ 1430

ASSAULT WEAPONS

(Mr. GALLEGO asked and was given permission to address the House for 1 minute.)

Mr. GALLEGO. Mr. Speaker, in the Iraq war, my unit fought door-to-door in some of the areas now controlled by ISIL, and we did it armed with an assault rifle called the M16A4.

Why did the Marine Corps send us into battle with this weapon?

At the risk of making anyone feel uncomfortable, the simple answer is this: Because the M16 is a machine designed to kill and maim people. It is not for target shooting, or hunting deer. The M16 was refined for the sole purpose of taking enemy lives in combat.

That is why it defies explanation that Republicans believe assault rifles like the M16 or the SIG SAUER MCX used in Orlando should be carried in our communities. Weapons that Marines use to kill enemy combatants in Iraq don't belong on the streets of Phoenix.

Mr. Speaker, it is even harder to understand why Republicans apparently think known terrorists should be allowed to purchase these firearms. They plan to bring a sham bill to the floor later this week that law enforcement leaders tell us will do nothing to prevent individuals on the terrorist watch list from obtaining these deadly weapons. That is unacceptable.

Mr. Speaker, here is the bottom line. If you are too dangerous to fly on a plane, then you are too dangerous to buy the kind of weapon I carried in Iraq.

GUN VIOLENCE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, in the wake of the endless gun violence happening across the country, the American people are calling desperately on Congress to act.

Under pressure from House and Senate Democrats during the historic sit-in, Republican leadership has finally agreed to allow a vote on legislation to prevent gun sales to suspected terrorists placed on the no-fly list. While it is my view that this legislation does not go far enough to prevent violence in our neighborhoods, it serves as an important step in order to continue an open dialogue on this issue.

My grandson, who is a responsible district manager in a very large corporation in this Nation, is an NRA member. He hunts and he plays golf. He asked me: ''Granny, why must anybody have an AK–47? Why must these kind of weapons be sold to people? They must have background checks.'' Now, this is a member of the NRA.

Mr. Speaker, as Congress works to reduce gun violence and gun-related deaths throughout our country, I encourage my colleagues to immediately bring forward meaningful and comprehensive reforms.

THIS IS THE TIME TO ACT

(Mr. BRENDAN F. BOYLE of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, yesterday we celebrated Fourth of July, the 240th birthday of our Nation's independence, and the celebrations were quite vivid in my district, which includes parts of Philadelphia, the birthplace of our Nation.

One refrain I got often when walking in parades in my district yesterday, and I was really struck by it, was people calling out: ''Thank you, thank you for the sit-in. I watched the sit-in. That's great.''

I was really struck because, frankly, I have not had that experience of people so finely tuned to what is being broadcast on C–SPAN. It speaks to the desire for people that we address this issue and the frustration that is out there that we just have moments of silence, and then total silence.

This is the time to act. No more Orlandos, no more Sandy Hooks, no more Auroras. Let's call up today the two bills that are supported by 90 percent of the American people.

IT IS TIME TO DO THE RIGHT THING

(Mr. MEEKS asked and was given permission to address the House for 1 minute.)

Mr. MEEKS. Mr. Speaker, I am here today simply because it is time. It is time to save lives. It is time to close the gun show and Internet loophole. It is time to make sure if you are on the no-fly list, you can't buy a gun in America.

It is time for the American people to know where their representatives stand. It is time to find out who will prevail, the people of the United States, or the NRA. It is time to end moments of silence and move into legislative action to save lives.

Mr. Speaker, don't you think it is time to give the people a vote?

Mr. Speaker, it is time for you to do the right thing for all American people

and help save lives throughout the United States of America. It is time to do the right thing.

THE FEDERAL GOVERNMENT HAS FAILED US

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, I believe it is time and I think it is time for the Congress and the House of Representatives to not look at diversionary issues, but to look at how the Federal Government has failed us. The Federal Government failed us in Orlando, it failed us in San Bernardino, it failed us in Boston.

The United States is under attack by extremist organizations, radicals. They have used a pressure cooker in Boston. They used pipe bombs and mechanisms they bought from plumbing stores in San Bernardino. They used weaponry that they acquired when the Federal Government failed in Orlando.

It is time that we get our watch list corrected so that we don't put people on, take them off, don't know who is on the list, who is off the list. It is time that the Federal agencies for law enforcement and protecting us connect the dots and not miss the opportunities to stop the Orlandos, the San Bernardinos and the Bostons.

THE TIME IS NOW

(Ms. CLARK of Massachusetts asked and was given permission to address the House for 1 minute.)

Ms. CLARK of Massachusetts. Mr. Speaker, the American people have been clear: they are demanding a vote to keep Americans safe from gun violence.

When the Speaker announced a vote this week on gun violence, the American people hoped this would be a vote for families and children, a vote to honor victims and survivors of senseless gun violence, and a vote to keep Americans safe from harm. Instead, the American families have been given a bait-and-switch.

The bill we have in front of us is a vote for powerful special interests, a vote to honor the millions of dollars of the NRA's campaign spending, and a vote for a bill that does nothing to keep Americans safe from harm. This is a bill backed by the heavyhanded gun lobby that ensures it is easier for terrorist suspects to buy an assault rifle than to get on a plane.

Last week, representing half a million people, the mayors in my district came together and asked me to deliver a letter to Speaker RYAN. In part it reads:

''A strong and growing number of our constituents are deeply frustrated with the inaction of this Congress. We urge you to allow debate and votes on expanding background checks and keeping guns out of the hands of suspected terrorists.''

The time is now for those votes.

IS THIS THE PEOPLE'S HOUSE?

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, we have heard Speaker RYAN say it. We have heard Majority Leader MCCARTHY say it. We have heard Leader PELOSI say it. We have heard Whip HOYER say it. We have all said it. We proudly refer to this body as the people's House.

Well, implicit in calling this the people's House is that we are responsive to what the citizens of this country want us to do. What a sham that description is when it comes to gun safety, what a total sham.

In my district, we are running at a record pace of homicide by gunfire. My constituents want to know why we can't even have a debate and a vote on sensible universal background checks which, according to a poll this week, 92 percent of the American people want.

I call on Speaker RYAN to fulfill the promise of the people's House and bring sensible gun safety legislation to this floor.

NO FLY, NO BUY

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I am privileged to represent a diverse district in New York, a State whose ban on assault weapons was just upheld by the Supreme Court, and a State which just closed, on the State level, the senseless loopholes in our Federal gun purchasing regulations that allow known criminals and domestic abusers to obtain guns.

But one group of people New York's gun safety laws cannot reach are terrorist suspects. That is because the Federal Government controls the terrorism watch list. So it is up to Congress to make sure we keep guns out of the hands of known terrorists. And the vast majority of Americans agree, so we must act.

Mr. Speaker, this body has no more important mandate than to ensure the safety of our citizens. We must pass no fly, no buy, and we must pass comprehensive background checks to close the loopholes for those that are trying to purchase guns, and we need to act now. Enough is enough.

CITIZENS ARE DEMANDING REAL ANSWERS

(Ms. MATSUI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, since our sit-in, led by our moral leader, JOHN LEWIS, a steady, consistent chorus of voices across the country is growing louder demanding action on gun violence. The heartfelt calls, letters, emails, and social media postings continue to flood in from my constituents.

These are grandparents, mothers, young people who are saying ''enough.'' In Sacramento alone, 60 people have lost their lives this last year. These are people who believe in the power of democracy, who are raising their voices, and who are counting on us to listen. They are saying ''enough'' to Republicans not having the courage to stand up to the powerful gun lobby.

The NRA-backed Republican deal we are considering today is an empty promise to the American people. It would make it nearly impossible to stop suspected terrorists from purchasing firearms, and it would do nothing to close a loophole that allows criminals to bypass a background check by simply going online or to a gun show.

Mr. Speaker, our citizens are demanding real answers, not hollow gestures. Let's listen to them. We will not rest until you do.

MEANINGFUL GUN SAFETY LEGISLATION

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, last week I joined my Democratic colleagues from Michigan for a standing-room-only meeting of community members concerned about gun violence in our country. We were joined by representatives from law enforcement, the faith community, domestic violence advocates, the LGBT community, and grassroots organizations.

We are at a turning point. The Speaker called our sit-down efforts a stunt. How wrong. It is the proposal that he is offering that would be a stunt instead of really addressing tragic gun violence confronting this Nation.

We should be considering the bipartisan, commonsense legislation that Americans overwhelmingly support: preventing suspected terrorists from buying guns, known as no buy, no fly, and closing loopholes that allow online and gun show sales to go forward without background checks.

There is strong public interest for action. We witnessed that last week. The Speaker must no longer stand in the way.

WE MUST PURSUE COMMONSENSE GUN VIOLENCE LEGISLATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, we must pursue commonsense gun violence legislation, legislation that makes a real impact on the epidemic of gun violence in our country. The American people are crying out for a vote, and we have a moral obligation to take action.

Two weeks ago, Democrats stood and sat on this floor and demanded a commonsense gun violence prevention bill. We are back today to continue that fight.

The bills the Republicans are bringing to the floor this week do little to eliminate the scourge of gun violence in our communities. In fact, the Zeldin bill is supported by the National Rifle Association. I think that is all you need to know.

We need to move a real no fly, no buy bill, one that actually prevents potential terrorists from getting dangerous weapons. But our work cannot stop there because gun violence in this country does not only occur at the hands of terrorists. We need to address the issue of universal background checks, to ban assault weapons, and to conduct research on gun violence.

No more deaths. The American people deserve a Congress that votes on the issues that they most care about. Not one more death in this country.

□ 1445

GUN VIOLENCE

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, in my district, the Fourth District of Georgia, the people are tired of gratuitous gun violence. Gun violence and gun deaths have risen by 8 percent over the last decade.

Just this Friday night, a 35-year-old female was killed. Her brother had been killed a year earlier—both by gunfire. Saturday night, a 35-year-old male was killed. His brother had been killed a year ago by gunfire—both of them. Families are being torn asunder. No family should have to live under that. A 38-year-old male not far from my office lost his life over a parking space over this past weekend.

Gratuitous gun violence has to stop. There is something that Congress can do about it. We need to take action, little, small action like closing the gun show loophole. It makes a big difference. A little action like no fly, no buy makes a big difference. But this Congress, under the control of the NRA, is unable to do so.

It is time for change.

GUN VIOLENCE

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, 2 weeks ago, Democrats made a clear and powerful statement that we will not stand silent as thousands of Americans are victimized by gun violence.

JOHN LEWIS, JOHN LARSON, and more than 100 other Democratic Members didn't hold this floor for 26 straight hours—and hold events with thousands of people across the country just last week—just to get a vote on legislation that won't make Americans safer. This week, Republicans will have a vote on a bill that was written by the NRA and would not address the scourge of gun violence.

The American people deserve a vote on legislation that will actually keep those under investigation for terrorism from purchasing guns legally in our country, bipartisan legislation like Republican Representative PETER KING's no fly, no buy bill. They also deserve a vote on legislation that would strengthen and make comprehensive background checks.

GUN VIOLENCE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, if Democrats sound frustrated with the House's failure to act on gun violence, it is because we are. In New York City over this past weekend, 14 people were shot in 10 incidents. Three weeks ago, more than 100 people were shot in a single evening in a single club in Orlando, and 49 of them died.

My Democratic colleagues and I have been running through the statistics over and over again for years now—tens of thousands of deaths every year. Since we had the sit-in on the House floor just a few weeks ago, more than 1,000 Americans have died from gun violence. That is shameful.

So, yes, we are frustrated because this is the only country in the developed world with gun laws like these. Australia changed its gun laws, and as a result, they virtually have no gun homicides in that place. We just sit and mourn and do nothing.

You can order one over the Internet. We don't require background checks, and they will ship it to your house.

We are asking for no fly, no buy, and we are asking for background checks.

You can walk up to a booth at a gun show and hand a stranger a stack of cash and walk away with a semiautomatic assault rifle, no questions asked. Under current law, even if the FBI has probable cause to believe you are a terrorist, you can walk into a gun store and pass a background check. That is shameful.

We have to make a choice. We have to act. I ask my good colleagues on both sides of the aisle to come together and pass sensible gun control legislation.

GUN VIOLENCE

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, as the representative of New Jersey's Tenth Congressional District—which suffered one-third of the State's total gun deaths last year—I know the destruction that gun violence inflicts, and I know how important it is that we do more to keep guns out of the wrong hands.

Today we stand with the vast majority of the American people in support of a very simple principle: our gun laws should uphold and protect the freedom of all Americans—that includes responsible gun owners and those Americans trying to exercise their basic right to be free from gun violence.

We stand with the vast majority of Americans who believe that, if you are too dangerous to fly, you are too dangerous to buy a gun; who believe that we need to keep guns from criminals, domestic abusers, and dangerously mentally ill individuals.

Mr. Speaker, on this day of action, we renew our call for Republican leadership to give the American people a vote that is bipartisan in nature on gun safety legislation. We cannot continue to have the NRA stand for ''no Republican action.''

GUN VIOLENCE PREVENTION

(Mr. BEYER asked and was given permission to address the House for 1 minute.)

Mr. BEYER. Mr. Speaker, I rise in strong opposition to the NRA-authored H.R. 4237, the so-called Protect America Act.

Mr. Speaker, how does this legislation protect America from gun violence? This bill would do nothing to close the terror gap that currently allows suspected terrorists to legally buy guns. This bill would do nothing to address our anemic background check system that allows up to 40 percent of all firearm transfers to proceed without a background check. And this bill will do nothing to keep guns out of the hands of the dangerously mentally ill.

Mr. Speaker, there are steps that Congress can take to keep guns out of the hands of dangerous people and to keep Americans safe from gun violence. Unfortunately, the Protect America Act would accomplish neither.

This body should be concerned with protecting Americans from gun violence, not protecting its Members from tough votes.

Mr. Speaker, let the people's House vote on real, meaningful, commonsense legislation that would keep our constituents safe.

GUN VIOLENCE

(Ms. FRANKEL of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FRANKEL of Florida. Mr. Speaker, as a mother, the second best day of my life was when my son was born. The first best day was when he returned safely from war. That is because every night was almost unbearable. I prayed that I would not get that fateful knock at the door.

My son went to war, and that knock on the door—while you don't want it, it is unimaginable—but you expect it. But no parent—no parent—should worry that they are going to get that knock on the door when they put their child on a schoolbus or when their child goes to the movies or out for a celebration.

My constituent, Greg Key, got that knock. His daughter, Lindsay, age 19, went to a party and became the victim of a stray bullet.

Mr. Speaker, how many more devastated parents like Greg and the moms and dads we have heard about have to get devastating news and feel devastating pain? It is time for this Congress to do its job.

No more guns for criminals or terrorists.

GUN VIOLENCE

(Mr. LARSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Speaker, we are here with a very simple plea this morning with 5-minutes and this afternoon with 1-minutes.

We know the Speaker is an honorable man. We know that the chairman of the Rules Committee, Mr. SESSIONS, is an honorable man. We in the minority are just asking for two commonsense, simple votes, both that have bipartisan support and sit here waiting to be discharged. But in the minority, it is the only voice that we have.

This minority party represents, actually, a majority of the American citizens, and we can't get a vote on what the American people are crying out for. Mr. Speaker, 85 to 95 percent—depending upon what poll you read—believe that there should be a bill that does not provide terrorists who are on the no-fly list with a gun. Also, people believe that there should be background checks to keep guns out of the hands of criminals.

There have been more than 1,000—1,000—mass murders since Sandy Hook. We cannot be silent anymore. We respectfully ask that our colleagues in the majority who control the floor allow us the simple dignity of what we take an oath here for: a vote.

PROVIDING FOR CONSIDERATION OF H.R. 4768, SEPARATION OF POWERS RESTORATION ACT OF 2016; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JUNE 23, 2016, THROUGH JULY 4, 2016; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 796 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 796

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4768) to amend title 5, United States Code, with respect to the judicial review of agency interpretations of statutory and regulatory provisions. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. It shall be in order without intervention of any point of order to consider concurrent resolutions providing for adjournment during the month of July, 2016.

SEC. 3. On any legislative day during the period from June 23, 2016, through July 4, 2016—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 4. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3 of this resolution as though under clause 8(a) of rule I.

SEC. 5. It shall be in order at any time on the legislative day of June 23, 2016, or June 24, 2016, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore (Mr. COLLINS of New York). The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1500

Mr. SESSIONS. Mr. Speaker, this rule provides for the consideration of H.R. 4768, the Separation of Powers Restoration Act of 2016. I rise today in support of this rule and the underlying legislation, which I believe directly benefits the American people by ensuring unelected bureaucrats are not able to reinterpret the intent of legislation passed by this body, the United States Senate, signed by the President, or known also as lawmakers under the legislative process Article I powers that are directly elected by the people of this country.

Two weeks ago, the Rules Committee met and reported a structured rule for H.R. 4768. This rule provides for 1 hour of debate equally divided by the chair and ranking member of the Judiciary Committee. I also want to point out that the Rules Committee asked Members to submit their ideas and amendments, and, as a result, this resolution makes in order all of the amendments submitted that did not raise a point of order.

Mr. Speaker, the Constitution of these United States established three coequal branches of government, each with a clearly defined role. The separation of powers protects Americans by

preventing any one branch from gaining too much power.

Unfortunately, this system is being, I believe, abused by unlawful actions by administrative agencies that are increasingly asserting lawmaking powers. This modern ''Federal administrative state,'' as it is called, runs counter to our Founders' intent, outlined in our Constitution, and I believe must be reined in. That is why we are on the floor of the House of Representatives today with our ideas to move forth on behalf of the ideas that we believe should rule in law, in rulemaking, and in the way the American people find governance of these United States.

Mr. Speaker, in 1984, the Supreme Court ruled that, when a congressional statute is ambiguous, courts hearing challenges to executive actions must preemptively defer to the regulators' interpretation of the law. The Court effectively rigged America's regulatory and judicial system in favor of unelected bureaucrats and against the American citizens that are being targeted.

Later, in Auer v. Robbins, the Court required deference to agencies' interpretations of their own regulations. This great deference to administrative agencies is particularly troubling because it effectively gives unelected bureaucrats the power to make law.

Administrative agencies issue, enforce, and settle disputes involving regulations that have the force of law in many, many respects. In every aspect of our daily life, we are impacted by these decisions. Though the courts have a duty to check the abuses of the political branches in certain appropriate cases, they too often rely on deferential doctrines in reviewing agency actions. Given the inconsistent application of Chevron deference and concerns about the separation of powers, it is imperative that Congress act.

H.R. 4768 reverses this erosion of our constitutional system that has allowed unelected bureaucrats to mandate their own interpretations of laws. The legislation overturns the Chevron and Auer doctrines by clarifying the intent of the Administrative Procedure Act. Specifically, the bill directs courts to conduct a de novo, or from scratch, review of all relevant questions of law, including the interpretation of constitutional and statutory provisions and the provisions of agency rules.

I believe, Mr. Speaker, that, at the time we pass laws, at the time we debate intent, and at the time we pass these laws and give to the agencies the opportunity to work with us on the formation of how the laws will be played out, meaning the agencies' rules and regulations, it should be done with the intent of Congress. Many States have regulatory systems that require all regulations come back through their elected officials.

We find that what we are trying to do is to simply return the power of legislating to Congress and ensure the courts, not the agencies, interpret the laws, based upon the original intent of the laws. This is a critical step in restoring the constitutional balance and, I believe, limiting executive overreach to the balance that works on behalf of people for the intent of the original passage of the laws.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Texas (Mr. SESSIONS) for the customary 30 minutes. I really want to thank him because, after what happened 2 weeks ago when we in the minority were denied any debate time on the rule or the underlying bill, I know that being given the customary 30 minutes is no longer something we should automatically assume.

Let me begin by saying I rise in strong opposition to this rule. I am going to rise in strong opposition to the rule that comes after this, and the one that comes after that.

We are debating three rules today that would provide for the consideration of legislation on the separation of powers bill, a health savings account bill that they put together, and a financial services bill. All three bills, I want my colleagues to know, are going nowhere. There are Statements of Administration Policy on all three pieces of this legislation saying the administration would veto them.

Some of these bills are so bad, I am not even sure the Senate will consider them. They are either press releases that were written in the Republican congressional campaign committee or they are bills that are so loaded up with extraneous materials and riders on all kinds of subjects that have nothing to do with the underlying legislation that, again, we are just sitting here debating bills that have no future, that are going nowhere. We are wasting the time of our colleagues, and we are wasting taxpayer money.

What we should be debating here today, and you have heard from a series of my colleagues earlier, is legislation that would provide for comprehensive background checks on anybody who wants to buy a gun, and also on legislation that says that, if you are on an FBI terrorist watch list and you cannot fly on an airplane, then you should not be allowed to go into a gun store and buy a weapon of war—or buy any gun, for that matter.

Those are the two pieces of legislation that we tried 2 weeks ago to get the Speaker of the House to give us time to debate and a vote on them, and we are still demanding consideration of these two very basic, commonsense pieces of legislation that I believe will save lives in this country. Quite frankly, that is what we should be concerned with: how we better protect our constituents, how we better protect the American people.

The issue of gun violence is something that Democrats and Republicans, alike, care about. In fact, the two pieces of legislation that we want to bring to the floor are authored by a Republican Member. The distinguished gentleman from New York (Mr. KING) is the prime author of both of these pieces of legislation.

This problem is something that seems to worry the American people, trouble the American people, but doesn't seem to trouble the people who are in charge of this House.

Listen to this statistic from PolitiFact:

So many people die annually from gunfire in the United States that the death toll between 1968 and 2011 eclipses all wars ever fought by the country. There were about 1.4 million firearm deaths in that period compared to 1.2 million U.S. deaths in every conflict from the War of Independence to Iraq.

Mr. Speaker, 2 weeks ago, many of us came to this floor and joined with our colleagues—JOHN LEWIS, KATHERINE CLARK, JOHN LARSON, MIKE THOMPSON, and so many others—in a protest, in a sit-in. The reason we did that is because the frustration level on this side of the aisle is boiling over. This is supposed to be a deliberative body where important issues get debated and voted on. Instead, this has become a place where trivial issues get debated passionately and important ones not at all.

In the aftermath of the terrible tragedy in Orlando where 49 people were killed, all we could do in this House was have a moment of silence. That was it. That was what that protest was all about. That is what that sit-in was all about.

We have exhausted every other way to try to get this legislation to the floor. Every time we try to go through regular order, we are blocked, we are blocked, we are blocked, we are blocked.

Enough.

The American people overwhelmingly support the no fly, no buy bill and universal background checks. They are not going to fall for the theatrics that my Republican friends are now engaged in this week, which is to bring up an NRA-written bill, which they are going to say is no fly, no buy.

But what they are not going to tell you is that all of the loopholes still exist. It doesn't matter what this bill purports to do; you could still be on the terrorist watch list and go online and buy a gun. You could still be on the terrorist watch list and not be able to fly and go to a gun show and buy a gun.

It is pathetic that the loopholes and the background checks in our laws continue to be unaddressed. All we are trying to do is have our moment where we

can debate this issue, which, again, is a bipartisan issue. It is not a partisan issue. Again, the two pieces of legislation that we want to bring to the floor are authored by a Republican Member.

Mr. Speaker, we are not going away. This issue is too important. We are not going to be silent. We are going to continue to use every means available to us to raise our voices and to demand that the leadership of this House respect not the wishes of the Democratic minority, but respect the wishes of the vast majority of the American people, Democrats and Republicans alike.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia (Mr. COLLINS), a member of the Rules Committee

Mr. COLLINS of Georgia. Mr. Speaker, I appreciate the chairman yielding me the time.

I rise today in support of House Resolution 796, the rule providing for consideration of H.R. 4768, the Separation of Powers Restoration Act.

I want to thank not only the chairman, but the gentleman from Texas (Mr. RATCLIFFE), my friend, for introducing this legislation and bringing it through the Judiciary Committee. This is something that we have had hearings on, we have had work done on, and I am proud to be an original cosponsor of H.R. 4768. I am glad to see it moving forward today.

The Judiciary Committee discussed these concepts, worked on these concepts, and looked at the whole issue. Frankly, this is one that in many ways, except for the very partisan nature of what we are doing in Congress these days—and it is, and there are things that we disagree on—this one, to me, should really have been one that, frankly, shouldn't be partisan.

In regards to an administrative determination that they will veto it, I am not sure that their machine knows anything else except to send us an administrative statement saying they are going to veto it. I have been on the Rules Committee 1½ years now, and I think I have seen one bill that they thought maybe we could sign. Now, there is a balance between both, but that doesn't bother me near as much as putting forth policy that actually helps and puts forward ideas that make sense.

The Separation of Powers Restoration Act amends the Administrative Procedure Act to overturn two doctrines that call for judicial deference to agency interpretations of statutory and regulatory provisions: the Chevron and Auer doctrines. The legalese description of the bill may sound dry, but its importance cannot be understated. Let's just put it in plain English.

The Separation of Powers Restoration Act ensures Federal bureaucrats can't interpret the legality of their own regulations at the expense of hardworking Americans and the separation of powers.

The United States Constitution clearly defines the duties of each branch of government, but today the executive branch far too often acts as a lawmaker or a law interpreter when it is supposed to be a law enforcer. And for this Congressman, this is both parties. I do not want the executive to take this constitutional role of this body. I don't care who sits in the White House. This is not something that should be taking place. It has taken place over time. We have got to understand why this matters.

This is a serious threat to the separation of powers. I believe the administration has gone out of its way to try to ignore or to rewrite what they don't like from up here. The Chevron and Auer doctrines are helping them justify these unacceptable actions.

Executive branches should be seen not as lawmaking authorities, but instead almost as expert advisers or witnesses on regulation. But under the Chevron doctrine, agencies essentially got the power to make policy when Congress either explicitly or implicitly delegated the power.

□ 1515

Under the Chevron doctrine, or the Chevron deference, agencies are essentially free to define the meaning of statutes that they administer, and the courts defer to the agencies' interpretations.

Mr. Speaker, just for a moment, listen here. The courts have set up the Chevron doctrine and have said, basically, this may be what Congress said, and here is what unelected officials have said. We are going to side with them. At what point, in the judicial frame of reference, does that make sense when they are to be the interpreter of the law that has been written in these bodies—in this building—instead of by those down the street who have decided, in their own infinite wisdom, that they know better than those here?

They may have larger degrees; they may have longer time; they may have studied it forever. That is fine. If they want to make law, let them put their money down and run for Congress. Do not make law from the cubicle, and that is what we are seeing. Unfortunately, the courts have said: We are going to side with the executive in this.

In my opinion, this is out of the realm of what the Constitution actually states. In other words, really, what the courts are saying is, to avoid interpreting the law, they are allowing the agencies that wrote the regulations to be free to play political games and to do whatever they want to do.

The Separation of Powers Restoration Act will address this situation. It replaces the current standard of review with a requirement that the courts review challenged agency decisions without their having deference or regard of the agency's legal conclusions. This will ensure that unelected bureaucrats are not left to write and interpret laws in order to achieve political gain at the expense of the American people.

Federal regulations impose more than $1.88 trillion—that is trillion with a T—on the economy. The regulatory burden and the unelected bureaucrats who implement it have spun out of control, and it is the taxpayers of America who are left holding the bag. I am tired of it, and I know the American people are tired of it.

When I go home, one of the first things that is talked about is the overreach and the continuous burden of a bureaucracy that seems to be completely out of control. In northeast Georgia, examples of regulatory burden include everything from ill-conceived requirements for the poultry industry, to new labor requirements that impact manufacturers, to the silica rule's effect on the granite industry in Elberton. It runs across the spectrum. In fact, with that last one, the silica rule, they can't even measure what they are wanting to enforce.

Explain to me how that helps business. Explain to me how that actually helps anyone when you can't measure what you are wanting to actually enforce, except it sounds good, and it is a great press release as I have heard today. The press release is at the expense of American business and is not within the constitutional principles by which we operate.

Part of the problem is that this is just an erosion of power. In fact, last month, the D.C. Circuit Court relied heavily on the Chevron deference to uphold the Federal Communications Commission's Open Internet Order, also known as the net neutrality rule. That rule attempts to regulate our way to new innovation and is a huge blow to Internet freedom.

The FCC said it was acting in the interest of fairness and competition, but, in reality, it stifled fairness and competition. A shocker there, Mr. Speaker. What the government interferes with typically doesn't do what they intend it to do. We can go through program after program and see that.

The FCC rule would slow Internet speeds, increase consumer prices, and hamper infrastructure development, including at my home in northeast Georgia, in my home district. Rather than interpreting the legality of the rule, the court's decision basically said it was acceptable for Federal agencies to rewrite the law to suit political whims. The court deferred to the agency's interpretation of its own rule.

I wish I had the ability to say that with a Federal agency such as, maybe, the IRS. I am just going to write them

a little letter and say: I interpret the law differently. I don't owe anything this year. Thanks for asking—and have the court uphold mine. Do you think they would go along with that? No. Of course, this is the same IRS that has one person in control of almost a million people. They have one customer service agent in my district; so I don't think they care, really, about that. You see, if you go back to this right here, it is interpretation. The court said: Interpret your own rules. Do what you want to do.

The Chevron doctrine is bankrupt when it comes to the separation of powers. We have got to get back to a way that this actually does this. This simply does this, and this is not new. This is not something that is unheard of.

Importantly, the bill will also extend this requirement to not only judicial review under the Administrative Procedure Act, but also to various mini APAs that are scattered throughout the United States Code. For example, the Clean Air Act includes its own individual version of the APA. This bill ensures cases like that can't escape notice.

We need to reverse the course. It is time we stopped diminishing congressional authority and handing the power over to the agencies. It is past time that we restore the checks and balances that our Founders built into this system.

Mr. Speaker, this is where it is understandable. We can have differences of opinion on this floor. In fact, that is what our country was based on. We are going to have differences of opinion and different ways to go about it; but what I cannot understand is, on this floor, when we can't even come together to say we will hold for our own authority—our own congressional, constitutional authority. We say we will happily give it, and let the courts say that the folks who have not been elected and who will be there, maybe, long after we are gone can decide that that is not what Congress really meant, whether it be a Democratic Congress or a Republican Congress, whether it be a Democratic President or a Republican President.

The Constitution was set up with three branches—three, not one. Just because the one—the executive—feels that because there is inaction on the Hill it can do whatever it wants is no excuse to not go by the law. It is even less of an excuse that the courts should turn a blind eye to the intent of Congress. That is what this is about.

We are going to hear everything else today on this rule. I just wanted to take a few minutes to talk about the actual rule before you, not about everything else. We will have plenty of time on that. This bill is a good bill. It does what it needs to do. It restores for Republicans and Democrats and the American people what it needs to have.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I am tired of this Republican leadership, on a regular basis, bringing meaningless bills to this floor for debate and taking up the time of the Members and wasting taxpayers' money. This bill is going nowhere, and we all know that.

I am also tired of moments of silence after every massacre that occurs in this country—Sandy Hook, San Bernardino, Orlando, Aurora, Virginia Tech, Charleston. I can go on and on and on and on. All this body can do is have a moment of silence.

We can't even have a debate on the floor on serious legislation, which is bipartisan legislation, because the NRA wouldn't like it. Too bad. Too many people are dying in this country, and we have to do something. We have to come together.

Mr. Speaker, I ask that we defeat the previous question, and I will offer an amendment to the rule to bring up bipartisan legislation that would allow the Attorney General to bar the sale of firearms and explosives to those on the FBI's terrorist watch list.

The Republican majority refused to even debate closing this glaring loophole for the first half of the year. Only after Democrats took action did the majority decide to offer a toothless NRA bill that will do nothing to keep our communities safer. The country, simply, cannot wait any longer for this Congress to take meaningful action to end gun violence. The American people will not be fooled by this latest—cynical—Republican capitulation to the gun lobby.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. THOMPSON) to discuss our proposal.

Mr. THOMPSON of California. I thank the gentleman for yielding.

Mr. Speaker, I, too, plan to vote to defeat the previous question so we can have some debate on some gun violence prevention legislation—which is long overdue to be debated in this body. The gentleman mentioned that he is going to offer our amendment on the no fly, no buy legislation—a Republican bill, authored by Republican Congressman PETER KING from New York. I think it is essential that we do that.

I understand we are also going to introduce an amendment on the background check legislation, which is also a bipartisan measure—with the overwhelmingly bipartisan support of 187 coauthors in this body. You have got to look at a lot of bills to find one that has that many coauthors—and bipartisan coauthors at that. Also, it is a measure that has overwhelming support amongst the American people. Upwards of around 90 percent of Americans believe that we should do everything possible to make it more difficult for people who shouldn't have guns to be able to get guns. That is what our bill does. That is what our effort does. It makes it more difficult for individuals who shouldn't have guns to get those guns.

I have said it before on this floor, in an attempt to try and get a vote on this critically important legislation, that, if the Republicans don't like the way we are working, work with us. Help us figure out what we can do to make our communities safer.

To my friend on the other side of the aisle, do the Republican Members really believe that it should be easy for criminals, the mentally ill, domestic abusers, or terrorists to get guns?

I know their constituents don't think that they should be able to easily get guns.

The truth of the matter is that the background check legislation that we have makes it more difficult. That is our first line of defense against criminals, the dangerously mentally ill, domestic abusers, and terrorists from being able to get guns. We should bring that bill to the floor; we should debate that bill; and we should pass it. We should be in step with the 90 percent of American people who think that comprehensive background checks should be the law of this great land.

I am a gun owner. I believe strongly in the Second Amendment. Personally, I wouldn't sell a gun to people unless I knew they weren't criminals, they weren't dangerously mentally ill, they weren't domestic abusers, and they weren't terrorists. How do you find out? If you are selling your gun to those you do not know, how do you know if they fall into one of these categories? That is why the background check is so critically important.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. THOMPSON of California. Mr. Speaker, the fact of the matter is that 34 States do not go beyond what that Federal floor is. They allow guns to be sold at gun shows, through newspaper ads, or online without the benefit of there being a background check. We should stop that. We should make sure that we do everything we can to ensure that criminals, the dangerously mentally ill, domestic abusers, and terrorists don't get guns. Right now, some 40 percent of the firearms that are sold in our country are sold without the benefit of there being a background check. How does that make our constituents safe? How does that make America more safe?

It is shameful. We need to bring this bill to a vote. We need to pass a background check. We need to make sure that we know who it is who is buying guns. We must do everything we can to keep guns out of the hands of people who should not have guns: criminals, the dangerously mentally ill, domestic abusers, and terrorists.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. ESTY).

Ms. ESTY. Mr. Speaker, we need to act. We need to act to save lives as 100,000 Americans have died in the last 3½ years since Sandy Hook—since 6- and 7-year-olds were killed in my district. What has this House done? Nothing but hold moments of silence.

Do any of my colleagues on either side of the aisle think that moments of silence are responsive to the needs of 100,000 American families who have lost loved ones in the last 3½ years?

There is no other crisis we wouldn't be responding to. That is why that sense of frustration and urgency is what caused 150 or more of my colleagues to come to the floor 2 weeks ago to demand that we vote on two commonsense, bipartisan bills. These are bipartisan, and they will save lives.

Background checks on all commercial sales work. They have stopped over 2 million felons and domestic violence abusers from buying weapons in the last 20 years. Those are all lives that are potentially saved; so they actually work.

We also have bipartisan no fly, no buy legislation. The no fly, no buy legislation would also help keep guns out of the hands of terrorists.

With all due deference to other legislative matters, 100,000 American families have borne the ultimate loss of their loved ones while this body has failed to act. The time to act is now. We should call up these two bills and vote on them this week. We will continue to push these bills.

□ 1530

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

The purpose why we came to the floor was to support the rule and the underlying legislation. And I believe that the gentleman from Georgia (Mr. COLLINS) spoke very clearly about how this Congress needs to stand up and speak clearly about not only the role of Congress in writing laws, but also working more carefully with agencies as they write rules and regulations.

We get that. We have oversight. We work with regulatory bodies. But what we are trying to say, as we provide the information on this bill, is that we want the courts to recognize that in the power struggle that takes place between the executive, legislative branch, and the courts, that we would like to defer to the people who originally wrote the law. What we are here to do today to talk about is exactly that.

I know my colleagues on the other side of the aisle feel like they have a lot of frustration about a lot of issues. I would say to them: 2 weeks ago, that was the Zika virus; this House has tried to work its will on that. We will get to rather quickly this issue of the terrorist watch list.

What we are trying to do today are also things that are of grave importance to the American people because of the loss of jobs in this country, based upon the executive branch that is overusing what we believe are the rules and regulations to inhibit the American people that are costly—over a trillion dollars' worth of cost—that have been placed over these years on private industry and the American citizens.

We are here today to also talk about an important aspect, and that is jobs opportunity. The American people are overburdened. We are trying to bring back the discussion today that we believe the intent of those who write the law, that the rules and regulations that are the underpinning of how those laws will be looked at, will be supported by the same effort that we wrote the law with. And so we are trying to go back to the intent that the people who wrote the laws and the agencies that are attempting to enforce the laws, that they would mirror each other to the benefit of the American people.

We have had virtually 1 percent GDP growth now during the entirety of President Obama's administration. For 7 years, America has lagged behind in its ability to catch up and be competitive with the world. And the question becomes: Why do we allow the Federal Government to be bigger and larger and put roadblocks, impediments in front of job creators?

That is why we are here today. We are here today to say we would like to balance out the process. We would like the courts to understand and the administration to understand that for America to continue to be competitive with the world, we have to go back to some balance of power that we believe directly is related to Article I; that we believe that the courts should understand that the original intent of laws come from the legislative process. And that is why we are on the floor today.

We have too many people who cannot find work, cannot find a job because of rules and regulations that are burdening industry and people who are job creators. This is why we are here today, Mr. Speaker. I think we are here doing the right thing.

We are talking about jobs, job creation, the original intent of this body, the legislation that is written by legislators with the intent and rule of law.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

My Republican friends have the right to talk about whatever they want to talk about no matter how inconsequential or meaningless. We all know that this stuff we are dealing with today is going nowhere.

We Democrats reserve the right to talk about matters of consequence, to talk about things that, quite frankly, our constituents are concerned about.

From every public opinion poll I have seen, the majority of Americans want us to do something about it, and that is this issue of gun violence. People don't want to have massacres become the new norm in this country. They want us to do something.

I would suggest to my colleagues that those who are resisting, allowing us to have these debates and to have these votes are on the wrong side of not only public opinion, they are on the wrong side of history.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Massachusetts (Ms. CLARK), one of the leaders in our Caucus.

Ms. CLARK of Massachusetts. Mr. Speaker, the American people have been very clear. They are demanding a vote to keep American families safe from gun violence. When the Speaker announced a vote this week on gun legislation, the American people hoped this would be the moment when the silence would end and debating and voting here in Congress on commonsense proposals to curb gun violence would begin. Instead, American families have been given a bait-and-switch. And for years, the majority of Americans have supported bipartisan, commonsense legislation that has been gathering dust on the Speaker's desk.

Over the last few weeks since the horrendous event in Orlando, whether it was a sit-in on the floor of the House, to demonstrations across this country, the American people have clearly stated they will no longer stand for capitulation to the gun lobby. Yet, instead of listening to those demands, Speaker RYAN has doubled down on the gun lobby's demands.

You, in America, are 25 times more likely to be shot to death than in any other developed country. But we know it doesn't have to be this way. We can look to my home State of Massachusetts where we rolled up our sleeves. We had tough debates with local communities, with sportsmen, with gun rights advocates, with law enforcement, moms, dads, teachers, voices from across our communities and neighborhoods. We worked together to close loopholes and enact some of the strongest gun safety bills in the country.

What happened as a result?

We in the Commonwealth are the third lowest in the country in terms of gun deaths. This wasn't easy, but we

fought for it because we knew it would save lives. Most importantly, the families of victims and survivors fought to make sure their voices were heard so others would not have to endure their same pain. Massachusetts lawmakers went to work for them.

Shouldn't the American people know that their Federal lawmakers work for them, too?

So I ask the Speaker: Does this Congress work for the American people? Or are we working for the gun lobby?

I urge my colleagues on both sides of the aisle to vote the will of the American people, to reject a cynical bill bought and paid for by the gun lobby and that will do nothing to make Americans safe.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. CLARK of Massachusetts. Mr. Speaker, I ask this Congress to pass comprehensive background checks and to keep guns out of the hands of suspected terrorists and defeat the previous question.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

The bill that we are debating and going to vote on is a bill that is a very important bill talking about what is essentially the power of the United States Congress as we pass laws and to have the rules and regulations that are written by agencies to conform not only with the law, but even the intent of the law.

This administration increasingly goes further and further and further and further beyond not only the original intent and narrowness of bills and laws, but they are into a power grab.

That is why we are here, Mr. Speaker, because we are concerned about the GDP growth, the lack of jobs in this country, the huge number of people who are unemployed and the strong, strong support that they are not getting from Washington, D.C., to try and say that we need a pro-growth agenda and we need less rules and regulations.

We have many, many, many laws that are already on the books. And this administration keeps pouring on more and more and more rules, taking the laws that we have passed and taking advantage by writing rules that will inhibit not only business, but job creation. That is why we are on the floor today, and this is why Republicans will pass this bill, because we are talking about the real problems today that the average American has.

Americans want to see themselves in a good job, a job that is located near their home, a job that provides good access not only for them, to provide more goods and services for their family, but for communities to survive the onslaught of rules and regulations where it seems like Washington knows better than people back home about how to provide not just jobs, but to make things better for people that are in their own environment.

So, Mr. Speaker, that is why we are here. Republicans are going to stay after this. We deeply believe that what we are doing today is offering the American people a good solution to a huge, huge problem.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Again, I would remind my colleague that what we are doing today is considering three rules that will bring forward legislation that is going absolutely nowhere. And when the gentleman talks about the power of Congress, he is right; Congress does have power.

Congress has the power to actually pass a universal background check, to make sure that there are no loopholes in our law that allows criminals or suspected terrorists from getting weapons that they could use against our people.

Congress could pass a no fly, no buy bill, which says that if you are on an FBI terrorist watch list, then you should not be able to go to a gun store and buy a gun. So we have the power to do some important things for the American people. Unfortunately, this leadership in this House refuses to bring these important priorities to the floor.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY), the vice chairman of the Democratic Caucus.

Mr. CROWLEY. Mr. Speaker, I sense a bit of frustration in the voice of my good friend from Texas (Mr. SESSIONS) in appealing to Democrats to focus on the issue before us.

We are focusing on the issue before us, the issue of gun violence in America today. If we learn nothing from 2 weeks ago, we should have learned this: it is no longer business as usual, and we are going to use whatever tactics we need to to get on this floor votes on no fly, no buy and on universal background checks. We are not going to settle for what is being cooked up right now as we speak in the Rules Committee, which has taken the Cornyn language in the Senate that will provide for a 3-day background check, which law enforcement has said over and over and over again will not work.

So I can understand the frustration that I'm hearing, but I have to say get used to it because you are going to be frustrated for some time longer until we get on the floor a vote on those two measures that we have asked for.

Now, Mr. Speaker, while most Americans were celebrating the anniversary of our Nation's independence this last weekend, hundreds more were mourning the loss of loved ones. Because in the past 72 hours—in just these 72 hours—and since we have gotten these statistics, this number has probably grown. What we know is that 94 people died and 248 were injured due to gun violence in America. That is one person killed or injured about every 12 minutes. At the end of the day, that number will have increased at pretty much that same pace.

Now, I know we could not have prevented all of these senseless deaths and injuries, but perhaps if this House majority had allowed action in some meaningful way to improve our gun laws, we could have prevented just some of them.

Would that not have been worth it to have prevented just some of them?

Democrats in the House have been calling on Speaker RYAN and Republican leadership to, at the very least, consider, debate, and vote on the reforms we are requesting.

□ 1545

But not even the lowest common denominator, keeping firearms out of the hands of suspected terrorists, would be put to a vote on this floor. Until today maybe or maybe tomorrow. Caving in to the pressure—not that the House Democrats bore—the House Republicans have finally decided to address this issue, sort of, kind of.

The legislation we will consider this week doesn't really make Americans safer. In fact, it does just the opposite. The bill will actually create a brand-new loophole just for terror suspects. That is right, despite Republicans' description of the bill, individuals who are being investigated for links to terrorist groups won't be kept from buying a gun under their bill. Instead, they will get the firearm they tried to buy just because their background check wasn't completed in 72 hours, even if the background check fails at hour 73.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. Mr. Speaker, I yield an additional 1 minute to the gentleman from New York.

Mr. CROWLEY. Mr. Speaker, we have called this the Charleston loophole because it is how Dylan Roof, who opened fire on a Bible study group at the AME church in Charleston, South Carolina, received his gun. He failed his background check, but not within 3 days, so he got his gun. And now the terror suspects will have that same opportunity.

Now, given this, you would think the Republicans would provide the funding needed to complete background checks and make them faster, but not under the bill they have proposed.

So let's just call it what it is. More than the Charleston loophole, it is a brand-new ''anywhere loophole'' for terrorists. And dare I mention that all the other loopholes in our background check system will remain open under the legislation that they are stirring up in the Committee on Rules.

So, Mr. Speaker, let's be under no illusion. I get the frustration on the

other side of the aisle. More frustration to come until we get a vote on this floor for universal background checks that are long enough for law enforcement to do their job and we get a vote on this floor on the no fly, no buy legislation.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Once again, what we are here to do today is to bring forth a bill that would bring about the constitutional authority that would give a clearer understanding and meaning to not only the legislative process, the executive process, but also the judicial process whereby there would be an understanding of the laws that are passed and rules and regulations which very understandably must be given to a branch of government, in this case the executive, to look at the law which the executive signed to determine its implementation.

The facts of the case are that years later, this administration comes in and uses that same law which was very specific, which rules and regulations were passed for, and create new and onerous roadblocks and problems for not only industry, but also the development of jobs and job creation. And it is an apparent administration policy that they will use this as their advantage rulemaking authority to prevent further opportunities for us to grow jobs and job creation in this country.

Mr. Speaker, I really could not be here at a more genuine time and say that just last month this great country only netted adding 28,000 jobs—net 28,000 jobs—and yet we had millions and millions of young people who had just graduated from high school or college who should be seeking an opportunity to help themselves into a line of business, into a career, into an opportunity to sustain themselves, their way of life, their city, their State, and this great Nation.

But the sign is there that said: No jobs available; we are not interested; we cannot hire more people; no thank you. And the number one reason back from industry, from employers, from people who want to make America stronger is rules and regulations, rules and regulations coming out of Washington, D.C., that are harming job creation, that are impediments to effectively being able to create new jobs.

That is uncertainty. That is agency power that specifically targets all sorts of industry in this country. And they are doing it for a reason—to the demise of the free enterprise system of America on behalf of Washington, D.C., unnamed, unknown bureaucrats who hide behind their rules and regulations.

We, as Members of Congress, are getting questions: Hey, what about our generation having jobs? What about our communities that cannot have jobs and job creation?

Ask the coal industry in West Virginia. The war on West Virginia, Ohio, Virginia, people who are in an industry not only that has a lineage in this country, but who have adapted themselves very rapidly in the environment that we are in.

How about truckers, men and women who are engaged in moving goods and services back and forth? How about bankers? How about financial services people who look up and see a regulatory scheme that keeps coming after them? How about my old industry that I spent 16 years at, the telecommunications industry, that would wish to put an extra some $18 billion a year more in investment in the ground, up in the air, and available to people, $18 billion they would like to put into the ground for people to have better services?

No. The rules and regulations out of Washington, D.C.—and that is why you see the Democratic Party today talking about something else, because they are protecting this administration. They are protecting these people who write rules and regulations who are making sure that we only have 1 percent GDP growth and, Mr. Speaker, only 28,000 net new jobs last year in the middle of summer in 2016. Meanwhile, we look up and India is at a 7.9 percent GDP growth rate. We are minuscule. We can't sustain what we have, Mr. Speaker. That is why we are here.

I understand the Democrats are frustrated. They are frustrated because their utopia of this idea of this land that would be just a giveaway isn't working because people don't have jobs, and that is why people are shooting each other—drug gangs, drug cartels, people who we have allowed to be in this country who shouldn't be here. That is why, because there are not jobs for people to do, and they are taking it out on each other.

So we are going to stay on the floor. We are going to get our work done here on this bill, and it is about jobs and job creation, but more important, it is back to the original intent of what we believe that those people who write the rules, that the rules and the laws should better be in line with what they wrote in the original intent.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentleman from Texas' defense of what I think is a lousy and meaningless piece of legislation. It is going nowhere. And just so people can put it in perspective, basically what it is about is easing up on regulations on polluters and big corporations that, quite frankly, don't care about average working people.

But be that as it may, let me make clear to my colleagues, both Democrats and Republicans, that when I am asking Members to defeat the previous question, you can still vote on this meaningless and lousy piece of legislation. It would just also allow us to bring up the no fly, no buy legislation as well, the bipartisan no fly, no buy legislation.

The underlying bill that the gentleman from Texas is talking about is a purely partisan document. And if we want to talk about how we get this economy moving even faster, maybe we ought to talk about how we work in a bipartisan way to do that, not constantly bringing partisan documents like this to the floor.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS. Mr. Speaker, I urge my colleagues to vote ''no'' on the previous question. It has nothing to do with the bad bill, as indicated.

Mr. Speaker, for years Democrats in this House and a majority of the American people have demanded a vote on gun safety bills. After hundreds of thousands of Americans have lost their lives to a gun, Republican leadership is bringing up an NRA-written bill that does little to make our communities safer. Republicans aren't serious about gun reform, not even preventing suspected terrorists on the no-fly list, like the one in Orlando, from buying a gun.

It is ridiculous, absolutely ridiculous that suspected terrorists can still buy guns at gun shows or online without completing a background check, and it is downright irresponsible for this loophole to continue to put guns in the hands of those who shouldn't have them. It is just as irresponsible for Republicans to allow the NRA and gun manufacturers to dictate how the gun industry is regulated. That is insane.

Should we also allow the tobacco industry to write a bill regulating cigarettes?

The answer to that is no.

We should protect the people who elected us, not the interests of the gun lobby. With 33,000 friends and family members dying by a gun every year, it is truly upsetting that these bills fail on very short or real reform that would protect American lives.

During the civil rights movement, when legislation was slow in moving, Dr. Martin Luther King asked the question: How long? He said: No matter how difficult the moment or how frustrating the hour, not long.

And so today the question is: How long before someone who is on the no-fly list can no longer buy a gun?

I say not long because truth crushed to Earth will rise again.

How long before the NRA run the Republican Congress?

Not long because no lie can live forever.

How long before the Republicans keep good bills from the floor?

Not long because you shall reap what you sow.

What we have and what we will have is legislation that will help reduce gun

violence because the arc of the moral universe bends toward justice, and justice requires us to have a vote that will save American lives because Americans are sick and tired of being sick and tired of gun violence.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. KELLY).

Ms. KELLY of Illinois. Mr. Speaker, I rise in opposition to the rule and underlying bill. I, instead, urge consideration of H.R. 1217, the Public Safety and Second Amendment Rights Protection Act. This bipartisan bill has the support of 186 Members of Congress and it would simply require every firearm sale to conduct a background check. It is a commonsense bill that 90 percent of Americans support and that would save lives.

Right now anyone can buy a gun online or at a gun show without a background check. I ask you, Mr. Speaker, how does that make sense?

By not requiring background checks for gun shows or online purchases, we are inviting bad guys to access guns. We have a gaping hole in our system that must be closed. It is time for the House to take action on gun violence.

This week we finally have a gun bill on the floor, except that it isn't a gun violence prevention bill. It is a bill written by the big gun lobby that would give the Attorney General just 72 hours to determine if someone on the no-fly list should be able to purchase a gun. To call this a gun violence protection bill is disrespectful and dishonors the millions of victims of gun violence.

What will it take for this House to take action on a real gun violence bill?

When Congresswoman Gabby Giffords was shot, Congress did nothing. When innocent schoolchildren were slaughtered in Newtown, this House did nothing. As thousands of Americans each month continue to fall victim to gun violence, this House does nothing.

□ 1600

This past weekend, the world lost a great man, Elie Wiesel. He famously said that the opposite of love isn't hate; it's indifference.

My Republican colleagues for too long have been indifferent to America's gun violence epidemic. They have been indifferent to grieving mothers. They have been indifferent to dying children. They have been indifferent to communities that have lost hope for their future. They are indifferent to 90 percent of the American people who want expanded background checks.

The American people are sick of this inaction. I am one of these Americans.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlewoman an additional 30 seconds.

Ms. KELLY of Illinois. I can think of at least 185 other Americans in this Chamber right now who want to vote on a real gun violence prevention bill.

Mr. Speaker, call a vote on H.R. 1217. This is the people's House. The people and their Representatives are speaking. We implore you to find the courage to stand up against the gun lobby and call a vote on this commonsense, bipartisan bill.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, once again, I urge my colleagues to defeat the previous question so that we can bring up bipartisan legislation that would allow the Attorney General to bar the sale of firearms and explosives to those on the FBI's terrorist watch list.

Mr. Speaker, enough is enough is enough is enough. The American people demand action. We are supposed to be the greatest deliberative body in the world. It is time we act like it.

Vote ''no'' to defeat the previous question and vote ''no'' on the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my friends failed to tell you that we know of not one person—not one—that has used the terrorist watch list as an excuse to buy a gun and do things.

What they are forgetting to tell you is that we do have a problem with terrorists and people in this country. The President of the United States is not, in my opinion and in many other people's opinion, taking executive and affirmative action against this. They can't even call terrorism what it really is. That is our problem. But today, Mr. Speaker, we are on the floor trying to debate a bill which we are going to be voting on in a few minutes.

In 2014, Mr. Speaker, 224 laws were enacted by Congress during the calendar year, yet 3,554 rules were passed by agencies. That means that there were 16 rules issued for every law.

Mr. Speaker, the administration is attempting to smother, to overrun the free enterprise system in favor of administrations that are not for job creation, that are not for raising GDP. They have a 7-year history of trying to kill the free enterprise system.

We are here for the American people to talk about jobs and job creation and more investment in America. As long as you have got an administration that is all about issuing some 3,554 new rules in exactly 1 year, you have got a problem. That is why we are here.

Mr. Speaker, I know what we are trying to do, and so do they. This legislation restores all Americans' basic rights and it also helps this body. For that reason, I urge my colleagues to support this rule and the underlying bill.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 796 OFFERED BY MR. MCGOVERN

At the end of the resolution, add the following new sections:

SEC. 6. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 7. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate

vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 1270, RESTORING ACCESS TO MEDICATION ACT OF 2015

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 793 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 793

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1270) to amend the Internal Revenue Code of 1986 to repeal the amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for over-the-counter drugs under health savings accounts and health flexible spending arrangements. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–60 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 793 provides for consideration of H.R. 1270, the Restoring Access to Medication Act.

The rule provides 1 hour of debate, equally divided between the majority and minority of the Committee on Ways and Means. Further, the rule makes in order an amendment in the nature of a substitute consisting of the text of the Rules Committee print considered previously during the Rules Committee hearing on this measure. As is standard with all legislation pertaining to the Tax Code, the Committee on Rules made no further amendments in order; however, the rule affords the minority the customary motion to recommit.

Under the rule, we will be considering commonsense policies from three different bills that empower individuals and families as healthcare consumers, while protecting taxpayer dollars. Each bill advanced through regular order and was favorably reported out of the Committee on Ways and Means.

H.R. 1270, the Restoring Access to Medication Act, would eliminate barriers created in the Affordable Care Act for those who want to purchase over-the-counter medications with funds from their health savings accounts. Congresswoman LYNN JENKINS of Kansas introduced this bipartisan, bicameral bill to cut through the bureaucratic red tape created in the President's healthcare law.

H.R. 5445, the Health Care Security Act, introduced by Congressman PAULSEN and myself, eliminates certain burdensome limitations on health savings accounts to help consumers take back control of their health spending decisions.

Finally, H.R. 4723, also introduced by Congresswoman JENKINS, protects taxpayers by recovering improper payments of Affordable Care Act subsidies.

At the end of last month, the Speaker's Task Force on Health Care Reform released the Republican plan to replace the Affordable Care Act and modernize the American healthcare system. Good policy that will stand the test of time requires hard work, compromise, and the scrutiny of the American people.

As, unfortunately, we learned during the run-up to the Affordable Care Act, policy hastily crafted by government bureaucrats behind closed doors results in devastating consequences. While we are committed to large-scale reform, real people are struggling as we speak, and we are not waiting to take action. These bills are an important example of the work that is going on right now to advance Member-driven solutions that will improve health care for all Americans.

Mr. Speaker, the post-Affordable Care Act world is riddled with flaws, but one of its biggest problems is the failure to promote consumer-driven health care. Expanding the use of health savings accounts could go a long way to reverse this trend.

Health savings account plans give consumers incentives to manage their own healthcare costs by coupling a tax-favored savings account used to pay medical expenses with a high-deductible health plan that meets certain requirements for deductibles and out-of-pocket expense limits. The funds in the health savings account are owned by the individual, controlled by the individual, and may be rolled over from year to year.

Health savings accounts are not a novel idea. They have been available since 2004. In fact, their precursor, the medical savings account, is enjoying its 20th anniversary of being signed into law this month as part of the Kennedy-Kassebaum Act back in 1996.

Current HSA policy is extraordinarily restrictive, making it harder for consumers to take advantage of them. While I have spent several years in developing extensive reforms to tap the potential for health savings accounts for consumers, H.R. 5445 includes meaningful improvements that can actually get across the finish line today.

Deductibles and out-of-pocket limits have been steadily growing. Congress

should be taking steps to make it easier for Americans to save, not restricting their options. Unfortunately, current law limits health savings account contributions to levels that are lower than the combined annual limits on deductibles and out-of-pocket expenses. H.R. 5445 resolves this discrepancy by raising the individual and family contribution limits for health savings accounts to equal the annual limit on deductibles and out-of-pocket costs.

Another problem in current law reduces the flexibility of HSAs for married couples. Under current law, if both spouses are HSA-eligible and age 55 or older, they must open separate HSA accounts to be able to make the maximum available contribution. Individuals should not be forced to jump through hoops just to save for their health care. H.R. 5445 would allow both spouses to deposit catch-up contributions into a single health savings account.

Finally, H.R. 5445 will take steps to ensure that HSA funds can reliably be used for medical expenses. Under current law, taxpayers may use HSA funds only for qualified medical expenses incurred after the establishment of the HSA, which might be some time after the establishment of the associated high-deductible health plan.

If, for example, the taxpayer purchases an HSA-eligible health plan and then immediately incurs medical expenses before opening the HSA, the taxpayer may not use tax-favored HSA funds to pay those expenses. H.R. 5445 would treat HSAs opened within 60 days after gaining coverage under an HSA-eligible plan as having been opened on the same day as the health plan. This would allow for a reasonable grace period between the time of coverage through an HSA-eligible plan and establishment of the actual health savings account.

H.R. 1270, the base bill, makes commonsense, patient-centered reforms to help defray costs for individuals.

Over-the-counter medications, such as allergy or cold medications, proton pump inhibitors, antibiotic ointment, or pain relievers were historically eligible expenditures for a health savings account and other similar tax-favored healthcare accounts. However, the Affordable Care Act created a requirement in Federal law that forces the accountholders to go to their doctor to obtain a prescription for these over-the-counter medications before purchasing them with their health savings account or flexible savings account.

Individuals who fail to jump through these hoops and purchase over-the-counter medications without a prescription face a tax penalty for making a nonqualified distribution. This policy drives unnecessary utilization of doctors' services, decreases access to reasonable over-the-counter medications, and discourages people from taking control of saving for their healthcare needs.

H.R. 1270 repeals this harmful provision of the President's healthcare law, puts the consumer back in the driver's seat, and allows sufficient access to appropriate medication.

□ 1615

Last but not least, H.R. 4723 fulfills our duty as stewards of the tax dollars of hardworking Americans. Improper subsidy payments are treated to arbitrary and inconsistent standards. This is surely not good governance. The policy of H.R. 4723 will ensure that everyone who receives improper Affordable Care Act subsidy overpayments will be treated identically. This commonsense solution is a straightforward approach to saving billions of tax dollars for hardworking Americans.

Instead of empowering individuals, the Affordable Care Act erected barriers to consumer-driven health care. The combined policies in H.R. 1270 are an attempt to instill some of the rationality of a market-based system into the chaotic world of the Affordable Care Act. H.R. 1270 makes targeted but important reforms to strengthen the integrity of the healthcare system and improve access to quality care. This legislation is another example of the concrete actions that are being taken to return power to individual healthcare consumers.

I encourage colleagues to improve the state of health care in America and vote for the rule and the underlying bill, H.R. 1270.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Texas for yielding me the customary 30 minutes. I appreciate having an opportunity to debate the rule because, as we learned a couple of weeks ago, we are not always guaranteed that right.

I yield myself such time as I may consume.

First of all, Mr. Speaker, with regard to the underlying bill that would be considered if this rule were passed, H.R. 1270, the so-called Restoring Access to Medication Act of 2015, I will insert into the RECORD the Statement of Administration Policy, which says that if the President were presented with H.R. 1270, he would veto the bill.

Let me just read the first paragraph so my colleagues know why.

He says: ''The Administration strongly opposes House passage of H.R. 1270, which would create new and unnecessary tax breaks that disproportionately benefit high-income people, increase taxes for low- and middle-income people, and do nothing to improve the quality of or address the underlying costs of health care.''

STATEMENT OF ADMINISTRATION POLICY

H.R. 1270—THE RESTORING ACCESS TO MEDICATION ACT OF 2015—REP. JENKINS, R–KS, AND 39 COSPONSORS

The Administration strongly opposes House passage of H.R. 1270, which would create new and unnecessary tax breaks that disproportionately benefit high-income people, increase taxes for low- and middle-income people, and do nothing to improve the quality of or address the underlying cost of health care.

The Affordable Care Act is working and is fully integrated into an improved American health care system. Discrimination based on pre-existing conditions is a thing of the past. Thanks to the Affordable Care Act, 20 million more Americans have health insurance. And under the Affordable Care Act, we have seen the slowest growth in health care prices in 50 years, benefiting all Americans.

H.R. 1270 would repeal the Affordable Care Act's provisions that limit the use of flexible savings accounts for over-the-counter drugs—provisions that help fund the law's coverage improvements and expansions. The bill also would provide additional tax breaks that disproportionately benefit those with higher income by expanding tax-preferred health savings accounts. These changes would do little to reduce health care costs or improve quality. To fund these new high-income tax breaks, H.R. 1270 would increase taxes paid by low- and middle-income families by removing the law's limit on repayment of premium tax credits available through the Health Insurance Marketplaces.

Rather than refighting old political battles by once again voting to repeal parts of the Affordable Care Act, Members of Congress should be working together to grow the economy, strengthen middle-class families, and create new jobs.

If the President were presented with H.R. 1270, he would veto the bill.

Mr. MCGOVERN. Mr. Speaker, like the previous bill we considered, this is a bill that is going nowhere. And it is, I guess, the 64th time that we have voted and considered a bill to either repeal or undermine the Affordable Care Act, but we have yet to consider one piece of legislation, not even one, to deal with the issue of preventing any additional gun violence in this country.

For some reason, the leadership of this House can't find the time to have that debate and to bring such legislation to the floor, like the legislation we have been advocating for, which is the no fly, no buy legislation, which says that if you are on the FBI terrorist watch list and you cannot fly on an airplane, that you ought not to be able to go in and buy a gun.

And the other piece of legislation would be one that would close all these loopholes that are currently in our background check laws; loopholes that say that, while you need to get a background check when you go into a licensed gun dealer, you don't need one if you buy a gun online or if you buy a gun at a gun show.

I mean, how ridiculous is that?

And for the life of me, why that kind of initiative is controversial or so difficult to get to the House floor is beyond me. I just don't get it.

The number of mass shootings in the United States of America continues to increase. There were 372 mass shootings in the United States in 2015, killing 475 people and wounding 1,870 people.

Why isn't there more alarm about those statistics by my friends on the other side of the aisle?

There were 64 school shootings in 2015. I mean, nobody should have to worry about the safety of their child when they send them to school in the morning. Nobody should have to worry about their safety if they go into a movie theater or if they go into a church or if they go into a nightclub.

Yet gun violence is at an epidemic level in this country, and we can't seem to get the leadership in this House to want to do anything about it.

Now, I guess in response to the sit-in that the Democrats did 2 weeks ago, and to the growing calls that I know my colleagues are getting from concerned citizens, they are trying to bring a bill to the floor that essentially was written by the National Rifle Association, which I guess is a sound bite. But other than that, you can't say much about it because it would still allow people on the terrorist watch list to be able to get guns.

So, Mr. Speaker, I would just say to my colleagues that they can talk all they want about bills that are going nowhere, about meaningless pieces of legislation. That is their right. But we have the right—unless my colleagues want to take that away from us, too—to speak about the issue that, quite frankly, is in the forefront of the minds of the American people.

Every public opinion poll shows that 85, 90, 95 percent, Democrats and Republicans, support the commonsense gun safety legislation that we have proposed, and yet we can't even get a vote. The greatest deliberative body in the world, and we can't deliberate on the great issues confronting our country. We have to deliberate on issues that are going nowhere, issues that amount to nothing more than a press release written in the basement of the Republican Congressional Committee. I think that is shameful.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time I yield 3 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding.

Mr. Speaker, I am going to vote against this rule so we can bring up an amendment that will keep our constituents safe; a bill that would say if you are on the terrorist watch list, you can't buy a gun; and an amendment that says that if you buy a gun, you should have a background check.

Federal law says that if you buy a gun at a licensed dealer, you have to get a background check. So about 60 percent of the guns that are purchased are purchased in a situation where a licensed dealer is involved, and they go through a background check. The reason for this is to make sure that criminals, the dangerously mentally ill, domestic abusers, and terrorists can't get their hands on firearms. It makes it more difficult for them to get their hands on firearms, so it is our first line of defense.

The problem is about 40 percent of the guns that are purchased are able to go around that requirement for a background check. Now, the irony is the places where they buy them. They buy them online. They buy them at gun shows. And if you go to a gun show or if you go online, there are licensed dealers that sell guns there. And if you go to the table that the licensed dealer has and try and buy a gun, you have to get a background check.

Well, if you can't pass a background check, you can go to the next table, you can find an individual selling guns at a gun show, and you can buy the same gun without going through a background check.

Thirty-four States allow guns to be sold through commercial sales without the benefit of a background check. This is tragic. Even if you are from one of the 16 States that don't allow it, all you have to do is, all a terrorist, a criminal, or a domestic abuser, all they have to do is just drive to the State next door that doesn't require background checks, buy the gun, and bring it back to your neighborhood.

Now we know this happens. We know this. I have a friend, Elvin Daniels, from Wisconsin, whose sister was threatened by her husband. She got a restraining order. The husband went to the gun store to try and buy a gun, and because there was a restraining order, he was prohibited from buying that gun. So he went online, he bought the same gun he was prohibited from buying in the gun store, killed Elvin's sister and two other people.

Background checks work. We know that in the licensed dealers arena, where you have to have a background check, 170 felons a day are prohibited from buying guns. Fifty domestic abusers a day are stopped from buying guns. Yet we allow an avenue for domestic abusers, the dangerously mentally ill, criminals, and terrorists to go straight down the road and buy a gun without the benefit of a background check.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. THOMPSON of California. Now, I want to emphasize there is nothing about either one of our measures—as a matter of fact, they are Republican bills that we are trying to bring to the floor—there is nothing about either one of them that is against the Second Amendment.

I am a gun owner. I believe strongly in the Second Amendment. And the Supreme Court spelled out specifically in the Heller decision that individuals have a right to own firearms. But they also said that there can be certain restrictions, restrictions such as criminals, terrorists, domestic abusers, dangerously mentally ill; they can't have guns. Well, you can't do that unless you have a background check.

Now, 70 of my friends across the aisle voted to augment the funding for the background check system, $20 million they voted to add to the system.

How can you vote to fund a system, spend 20 million taxpayer dollars to fund a system that you won't require people to use? It is absurd.

What are you afraid of? What are you afraid of that you won't bring this bill to the floor for a vote?

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time I am happy to yield 2½ minutes to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. I thank the gentleman from Massachusetts for yielding.

Mr. Speaker, the American people may be wondering why my colleagues and I are focusing on gun violence today and not on this financial services appropriations bill which, I should add, is loaded with poison pill riders.

The reason is simple. We refuse to continue treating gun violence as business as usual in America. Forty-nine were killed in Orlando. We took a moment of silence, then it was business as usual.

Fourteen were killed in San Bernardino. We took a moment of silence, then it was business as usual.

Nine were killed in Roseburg. We took a moment of silence, then it was business as usual.

Nine more were killed in Charleston. We took a moment of silence, then it was business as usual.

Thirty-three thousand were killed by gun violence last year. We took a moment of silence, then it was business as usual.

I cannot, in good conscience, debate a rule on an appropriations bill when so many of our communities continue to suffer from gun violence every day.

I hear my Republican colleagues say this is our democracy at work, but a Congress that rejects two gun violence prevention bills that are supported by 90 percent of Americans is not democracy at work.

I hear my Republican colleagues say we don't have the votes. Then prove it. Bring these bills to the floor. I am betting they pass.

Every day that goes by, these firearms become more powerful and our

failure to act becomes more reckless. I implore my Republican friends to disobey the gun lobby, hold a vote, and let's pass legislation that will save American lives.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUFFMAN).

Mr. HUFFMAN. Mr. Speaker, it seems that when it comes time to attempt another repeal of the Affordable Care Act, House Republicans are willing to bring an unlimited number of bills to this floor, consume an almost unlimited amount of this House's resources. It seems that Congress is always ready to act and always ready to have debates and votes on their favorite issues for their favorite special interests.

But when it comes to the worsening gun violence epidemic in America, we are back to the moments of silence. We are back to the banging of the gavel, the 30 seconds, at best, of silence, followed by another bang of that gavel and the resumption of business as usual; no meaningful debates, no meaningful votes.

And we are now hearing that this week we are going to get a glorified moment of silence, a bill, written and blessed by the NRA, that would not keep guns out of the hands of terrorists or other dangerous people because it imposes a completely arbitrary 72-hour time window within which standards must be met that are simply unachievable.

The prosecutor, the U.S. attorney, the Attorney General, must somehow, within this 72-hour window, marshal evidence that meets a probable cause standard that an individual is about to commit an act of terror, serve process on this individual, make sure that individual has been able to hire an attorney, and give that individual the opportunity to show up at a hearing and present their side of the case.

□ 1630

If none of that happens within 72 hours, guess what. They get to proceed right to their gun purchase.

So this is not meaningful gun violence reform. This is window dressing. This is cosmetic. It is a glorified moment of silence.

If we defeat the previous question on the 4,000th attempt to repeal or undermine ObamaCare, we can get serious about this issue. We can show the American people that we are listening to their voices and that we take seriously the thousands of people who are killed by gun violence each and every year. We can bring forward bills that will make a difference—and that is what we should do, Mr. Speaker.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to urge that we defeat the previous question. If we do, I will once again offer an amendment to the rule to bring up no fly, no buy, bipartisan legislation that would give the Attorney General the authority to bar the sale of firearms and explosives to those on the FBI's terrorist watch list.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. ESTY).

Ms. ESTY. Mr. Speaker, the American people sent us here to solve problems. They sent us here to work together to help the American people.

Frankly, the American people are getting pretty frustrated. We noticed a little bit of frustration break out on the floor of this body 2 weeks ago, and they did that because, although we are hearing today about the consumer reigns supreme, the American people are afraid. They are afraid right now because you have to worry when you are praying in a church, when you are teaching or have your child in a first grade classroom, when you are playing in a park, walking down a street, or enjoying a Saturday night at a nightclub that a dangerous person with a gun may cut you down.

That is the most fundamental right we all have as Americans, our right to our very lives, and we have not been allowed the opportunity to even debate this matter in the 3½ years that I have been in Congress.

The time has passed. The time has passed for handwringing and for moments of silence. We have two bills. They are bipartisan bills. They will make a meaningful difference and save lives. We should call them up this week. The time is now.

If you are too dangerous to get on an airplane because you are dangerous to the national security of this country, you should not be free to buy an arsenal. We should pass no fly, no buy.

Fundamentally, we need to have expanded background checks on all sales of guns. None of this other legislation works. If we don't ask whether you are a dangerous, forbidden, prohibited person from buying a weapon, then even closing the terrorist watch list will be of no meaning because you can just go online, as so many Americans now do, and avoid the law.

It is our job to help fix problems and to make things right. We are not doing our job if we are not debating—much less even voting on—legislation that will save lives. The time has come to act. The time is now: no fly, no buy this week; expanded background checks this week.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I thank the gentleman from Massachusetts for yielding

I come to the floor again to ask my Republican colleagues to bring to the floor two commonsense proposals that will significantly reduce gun violence in this country. We have, each day it feels like—certainly regularly—come to the floor of the House and observed moments of silence. That is what we have done. We have spent one moment, said, and done nothing as our communities continue to be ravaged by gun violence. There are many of us who believe we have a responsibility to do more than to just observe moments of silence.

So these two bills are overwhelmingly supported by the American people. The first bill says that if you are determined to be too dangerous to get on an airplane, if you are a suspected terrorist barred from getting on an airplane because it is too dangerous, then you should also be prevented from going into a gun store and buying as many guns as you want.

The American people should know this: between 2004 and 2014, over 2,000 individuals on the terrorist watch list went into a gun store and bought guns. Ninety-five percent of the American people who have been killed by terrorists since September 11 in this country were killed with a firearm. We have allowed more than 2,000 individuals on that watch list, that terrorist watch list, to go into a gun store. We must stop that.

No fly, no buy: if you are too dangerous to get on a plane, then you are too dangerous to buy a gun. We owe it to those we serve, the people who sent us here, to end this practice and close this loophole.

The second bill is to ensure that there are universal background checks. Background checks work. Every day, 171 attempted purchases by felons are stopped because of criminal background checks; 48 attempted purchases by domestic abusers and 19 attempted purchases by fugitives are stopped every single day in those sales where background checks occur. But some reports are that up to 35 percent of gun sales don't have a background check because they happen on the Internet or they happen at gun shows.

Background checks make sense. Ninety percent of the American people support universal background checks.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. Mr. Speaker, I yield an additional 1 minute to the gentleman from Rhode Island.

Mr. CICILLINE. Universal background checks will require that all gun sales be subjected to that important safeguard.

This is about our solemn responsibility to keep our constituents safe. We can't pass a bill that is going to eliminate every single instance of gun violence, but I will tell you this: we can do a lot to significantly reduce gun violence in this country. These two bills are an important first step, broadly supported by the American people. I know that I speak for so many of my constituents when I say that we have a moral responsibility to do something to respond to the carnage of gun violence in this country.

I had an event in Rhode Island at the National Day of Action, and a couple came up to me. They said: Congressman, we lost our son at Virginia Tech. When we saw you and your colleagues sitting down on the House floor, we thought finally someone is trying to do something about it.

Let's respond to those parents and to all the other parents who have lost a child to gun violence. Let's pass these two bills and show the American people we can get something done that will help keep them safe.

Mr. Speaker, I urge my Republican colleagues to bring those bills to the floor, and I thank the gentleman for yielding.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include in the RECORD a letter from 141 of the Nation's leading medical and public health organizations, a letter sent to all Members of Congress that urges us to end the dramatic and chilling effect of the current rider language restricting gun violence research, which, apparently, in the wisdom of the people who run this House, thought they would prevent the Centers for Disease Control and Prevention the ability to do research into this, which shows you just how powerful the National Rifle Association is in this House of Representatives.

APRIL 6, 2016.

Hon. THAD COCHRAN,
Chairman, Appropriations Committee, U.S. Senate, Washington, DC.
Hon. BARBARA MIKULSKI,
Vice Chairwoman, Appropriations Committee, U.S. Senate, Washington, DC.
Hon. HAROLD ROGERS,
Chairman, Appropriations Committee, House of Representatives, Washington, DC.
Hon. NITA LOWEY,
Ranking Member, Appropriations Committee, House of Representatives, Washington, DC.

DEAR SENATOR/REPRESENTATIVE: The undersigned health care, public health, scientific organizations and research universities representing over 1 million members across the country urge you to end the dramatic chilling effect of the current rider language restricting gun violence research and to fund this critical work at the Centers for Disease Control and Prevention (CDC).

In 1996, Congress passed the so-called Dickey amendment as a rider to the Labor-Health and Human Services-Education Appropriations bill. The language stated that the CDC could not fund research that would ''advocate or promote gun control,'' and the language has remained in each subsequent annual funding bill. At the same time, Congress cut CDC funding for this research. Although the Dickey amendment does not explicitly prevent research on gun violence, the combination of these two actions has caused a dramatic chilling effect on federal research that has stalled and stymied progress on gathering critical data to inform prevention of gun violence for the past 20 years. Furthermore, it has discouraged the next generation of researchers from entering the field.

Gun violence is a serious public health epidemic resulting in the senseless deaths of an average of 91 Americans, and another 108 gun injuries, each and every day. A central part of preventing future tragedies is through conducting rigorous scientific research as this has been a proven successful approach in reducing deaths due to other injuries.

Health care providers and public health professionals are overwhelmed in emergency departments, clinics, offices, and communities with the victims of mass shootings, homicides, suicides, accidental shootings, and firearm injuries. Medical professionals and our communities work to address the devastating and long-lasting physical and emotional effects of gun violence on victims, their families and their friends, but are hampered by the insufficient body of evidence-based research to use to point communities toward proven gun violence prevention programs and policies.

Former Representative Jay Dickey (R–AR), author of the current language that has effectively restricted gun violence research, recently noted that, ''it is my position that somehow or someway we should slowly but methodically fund [gun] research until a solution is reached. Doing nothing is no longer an acceptable solution.''

Here are some of the critical questions that enhanced research would help us answer:

(1) What is the best way to protect toddlers from accidentally firing a firearm? Safe firearm storage works, but what kinds of campaigns best encourage safe storage? What safe storage methods are the most effective and most likely to be adopted? What should be the trigger pull on a firearm so a toddler can't use it?

(2) What are the most effective ways to prevent gun-related suicides? Two-thirds of firearm related deaths are suicides. Are firearm suicides more spontaneous than non-firearm suicides? Do other risk factors vary by method? How do we prevent it in different populations active military, veterans, those with mental illness, law enforcement or correctional officers, the elderly, or teenagers?

(3) What is the impact of the variety of state policies being enacted? How are different policies around safe storage, mental health, public education, and background checks impacting firearm injuries and deaths?

The CDC's National Center for Injury Prevention and Control is an important part of answering these types of questions. Public health uniquely brings together a comprehensive approach connecting the complex factors that result in violence and injuries including clinical, social, criminal, mental health, and environmental factors.

The impact of federal public health research in reducing deaths from car accidents, smoking and Sudden Infant Death Syndrome has been well proven. Decades ago, we did not know infant car seats should be rear-facing. Robust research on car accidents and subsequent legislation has helped save hundreds of thousands of lives without preventing people from being able to drive. It's time to apply the same approach to reducing gun violence in our communities.

As professionals dedicated to the health of the nation and to the application of sound science to improving the lives of our fellow Americans, we urge you to take action this year. Americans deserve to know that we are working with the best tools and information in the fight to reduce gun violence deaths and injuries.

As Congress works to craft the FY 2017 Labor-HHS-Education Appropriations bill, we urge you to provide the Centers for Disease Control and Prevention with funding for research into the causes and prevention of gun violence.

Thank you for your consideration. We look forward to working with you to improve health and protect the safety of all Americans.

Sincerely,

Academic Consortium for Integrative Medicine & Health
Academic Pediatric Association
Alameda Health System Department of Emergency Medicine
American Academy of Family Physicians
American Academy of Pediatrics
American Association for the Advancement of Science
American Association of Colleges of Pharmacy
American Association of Nurse Practitioners
American College of Emergency Physicians
American College of Emergency Physicians, California Chapter
American College of Occupational and Environmental Medicine
American College of Physicians
American Congress of Obstetricians and Gynecologists
American Educational Research Association
American Geriatrics Society
American Medical Association
American Medical Student Association
American Medical Women's Association
American Pediatric Society
American Psychiatric Association
American Psychological Association
American Public Health Association
American Society for Clinical Pathology
American Society of Hematology
American Thoracic Society
American Trauma Society
Arkansas Public Health Association
Asociación de Salud Pública de Puerto Rico
Association for Psychological Science
Association of American Universities
Association of Medical School Pediatric Department Chairs
Association of Population Centers
Association of Public and Land-grant Universities
Big Cities Health Coalition
Boulder County Public Health
Brigham Psychiatric Specialties
California Center for Public Health Advocacy
California Public Health Association-North
Center for Science and Democracy at the Union of Concerned Scientists
Central Oregon Medical Society
Champaign-Urbana Public Health District
Chicago Center for Psychoanalysis
Chicago Chapter Physicians for Social Responsibility
Colorado Public Health Association

Committee of Interns and Residents/SEIU Healthcare
Congregation Gates of Heaven
Consortium of Social Science Associations
Council of State and Territorial Epidemiologists
Cure Violence
Delaware Academy of Medicine/Delaware Public Health Association
Doctors Council SEIU
Doctors for America
Eastern Association for the Surgery of Trauma
Federation of Associations in Behavioral and Brain Sciences
Florida Chapter of the American Academy of Pediatrics, Inc.
Futures Without Violence
Georgia Public Health Association
Hawaii Public Health Association
Health Officers Association of California
Houston Health Department
Illinois Public Health Association
International Society for Developmental Psychobiology
Iowa Chapter Physicians for Social Responsibility
Iowa Public Health Association
JPS Health Network
Kansas Public Health Association
Koop Institute
KU Department of Preventive Medicine and Public Health
Law and Society Association
Lee County Health Department
Local Public Health Association of Minnesota
Louisiana Center for Health Equity
Maine Public Health Association
Maryland Academy of Family Physicians
Minnesota Public Health Association
Montana Public Health Association
National AHEC Organization
National Association of County and City Health Officials
National Association of Medical Examiners
National Association of Nurse Practitioners in Women's Health
National Association of Social Workers
National Association of State Emergency Medical Services Officials
National Association of State Head Injury Administrators
National Black Nurses Association
National Hispanic Medical Association
National Medical Association
National Network of Public Health Institutes
National Physicians Alliance
National Violence Prevention Network
Nevada Public Health Association
New Hampshire Public Health Association
New Mexico Public Health Association
North Carolina Public Health Association
Ohio Public Health Association
Oregon Academy of Family Physicians
Oregon Physicians for Social Responsibility
Oregon Public Health Association
Pediatric Policy Council
Physicians for Social Responsibility, Arizona Chapter
Physicians for a National Health Program NY Metro Chapter
Physicians for Reproductive Health
Physicians for Social Responsibility/Northeast Ohio
Physicians for Social Responsibility Wisconsin
Physicians for Social Responsibility, Arizona Chapter
Physicians for Social Responsibility/New York
Physicians for the Prevention of Gun Violence
Population Association of America
Prevention Institute
Psychonomic Society
Public Health Association of Nebraska
Public Health Association of New York City
Public Health Institute
Research!America
RiverStone Health
Safe States Alliance
San Francisco Bay Area Chapter, Physicians for Social Responsibility
Society for Adolescent Health and Medicine
Society for Advancement of Violence and Injury Research
Society for Mathematical Psychology
Society for Pediatric Research
Society for Psychophysiological Research
Society for Public Health Education
Society of Experimental Social Psychology
Society of General Internal Medicine
Southern California Public Health Association
Southwest Ohio Society of Family Medicine
Student National Medical Association
Suicide Awareness Voices of Education
Texas Doctors for Social Responsibility
Texas Public Health Association
Trauma Foundation
Tri-County Health Department
Trust for America's Health
United Physicians of Newtown
Vermont Public Health Association
Virginia Public Health Association
Washington Chapter of the American Academy of Pediatrics
Washington State Public Health Association
Wellness Institute of Greater Buffalo
Whiteside County Health Department

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for yielding.

When I spoke earlier, I asked: What are you afraid of? Why won't you bring these bills to the floor?

I think back to when I met with the parents of some of the children who were killed in one of the most horrific incidents in our country, the terrible, terrible incident at Sandy Hook Elementary School, and listening to the parents and hearing their stories, and I can't help but think to myself: Are you more afraid to bring this bill to the floor for a vote than those kids were hiding for their lives in those classrooms? Are you more afraid than those movie-goers in Aurora, Colorado, who were hiding, trying not to be killed? Are the people who were praying in Charleston when they were gunned down, are you more afraid; is this more frightening than what they experienced or San Bernardino or Orlando? What is stopping you from bringing commonsense, pro-Second Amendment gun violence prevention legislation to the floor for a vote?

Gun owners are for this. I am a gun owner. I have told you that before. As a matter of fact, I am proud to say I am one of the 26 Democrats who were labeled by the rightwing media for being hypocrites because we owned guns and we want to pass gun violence prevention legislation.

As a matter of fact, I bought a gun. I bought it before the break but picked it up during the break because, in California, not only are you required to get a background check, but there is a cooling-off period that they require. You have to wait 10 days.

So before the break, I bought a gun from a very close friend of mine, someone whom I have known for over 25, 30 years, yet the law says background check. It wasn't a problem. I took it in, left the gun. My friend signed the paper. I signed the paper. Ten days later, over this last break, I came and picked it up. It is no big deal.

Why would you want to sell a gun to someone who may be a criminal, dangerously mentally ill, a domestic abuser, or a terrorist?

These bills make sense. Bring them to the floor, and let's vote.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank my good friend for yielding to me because I must rise in strong opposition to H. Res. 794 and H.R. 5485. They assault the District of Columbia's right to govern itself.

This bill contains undemocratic, harmful, Big Government riders that prohibit the D.C. government from spending its local funds, consisting of local taxes and fees, as it deems necessary.

In addition, the Republican-led Rules Committee has allowed Representative GARY PALMER to offer an amendment and interfere with my jurisdiction to keep D.C. from spending its local funds to enforce its own employment non-discrimination law.

This bill repeals the D.C. budget autonomy referendum, which allows D.C. to spend its local funds after a 30-day review period.

The Rules Committee prevented me from offering my amendments to strike the provisions in this bill that prohibit D.C. from spending its local funds on taxing and regulating marijuana sales and on abortion services for low-income women.

Let's see the results.

While recreational marijuana use is legal under D.C. law, Congress has uniquely prohibited the city from spending its local funds to set up a tax and regulatory system. This rider, therefore, has been referred to as the Drug Dealer Protection Act.

As one marijuana dealer told the press, the rider is ''a license for me to print money.''

Regulating marijuana, like alcohol, would allow D.C., instead of violent drug gangs, to control marijuana production, distribution, sales, and revenue collection.

Every State has the authority to spend its own funds on abortion services for low-income women, and 17 States fund these services. The rider in

this bill effectively prevents low-income women in D.C. from exercising their constitutional right to abortion, just affirmed by the Supreme Court, by depriving them of necessary funds.

Republicans claim to support devolving Federal authority to State and local governments. Here is your chance. That support should not end at the D.C. border. The Constitution allows, but does not require, Congress to legislate on local D.C. matters.

The Rules Committee had a choice to allow me to offer my amendments on the floor to strike the D.C. marijuana and abortion riders as well as to block the amendment on the D.C. non-discrimination law. In our democracy in the 21st century, these decisions should not be difficult because these are purely local matters.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BURGESS. I yield myself 2 minutes, Mr. Speaker.

I just want to again clarify what we have under consideration at this time, three different bills, a rule that would allow votes on three different bills that empower individuals and families as healthcare consumers while protecting taxpayer dollars. Each of these bills did advance through regular order and was favorably reported out of the Committee on Ways and Means.

H.R. 1270, the Restoring Access to Medication Act, would eliminate barriers created in the Affordable Care Act for those who want to purchase over-the-counter medications with funds from their health savings account. H.R. 5445, the Health Care Security Act, introduced by Congressman PAULSEN and myself, eliminates certain burdensome limitations on health savings accounts to help consumers take back control of their healthcare spending decisions. Finally, H.R. 4723, also introduced by Congresswoman JENKINS, protects taxpayers by recovering improper overpayments from subsidies awarded under the Affordable Care Act.

Mr. Speaker, I reserve the balance of my time.

□ 1645

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE of New York. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I would like to express my opposition to the rule being debated on the floor this evening, but also take this opportunity to remind the Speaker that the American people are waiting. They are waiting for us to bring commonsense gun violence prevention measures to this floor.

Mr. Speaker, every day in New York City and in the Borough of Brooklyn, people are hurt and killed by gun violence. Too many families hold fear and sorrow in their hearts from their experiences with senseless gun violence.

Mr. Speaker, people in my district and from all over our Nation have been demanding action. You and your Republican colleagues cannot continue to ignore their pleas and their pain.

Well, I cannot ignore their pleas and their pain, and my Democratic colleagues will not either. Enough is enough. Congress must act to protect the lives of Americans. Congress must do more than hold a moment of silence to absolve you, Mr. Speaker, of your role in the death and destruction due to gun violence.

For me and many in this Nation, gun violence is personal and it has hit home. My colleague, former New York City Councilman James E. Davis, was gunned down in the chambers of the New York City Council before me and his colleagues, the New Yorkers who visited our gallery, and the children, who were part of our audience on that infamous day. Whether it is in the legislative chamber of city hall, in a theater, an elementary school, or a night club, gun violence must end.

Mr. Speaker, I will work tirelessly, relentlessly here on Capitol Hill to protect our communities from the ever-present threat of gun violence. I will continue to stand with all people of goodwill to demand action on the legislation that puts an end to this crisis. I will be their voice here in Washington, D.C.

Mr. BURGESS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, let me begin by saying that it is frustrating for not only many of us on this side of the aisle, but I am sure it must be frustrating to the American people who are watching this debate that here we are debating a bill that would essentially be the 64th bill that we have debated and voted on to either repeal or undermine the Affordable Care Act.

We all know this bill is not going anywhere, and I doubt very much that we will see much action in the Senate, but we know that the President will definitely veto it. This is not like the other bills that we have been dealing with in this Congress, bills that really are more designed for press releases and sound bites than for really, actually, making people's lives better.

In the aftermath of Orlando where 49—49—of our brothers and sisters were murdered, the best that the leadership of this House could do was have a moment of silence. I have to tell you, people that I have talked to in the aftermath of that moment of silence viewed that as the ultimate inaction by Congress because all we do is moments of silence when there are massacres. We don't do moments of silence after each individual loses a life to gun violence in this country because we would never have time to do anything else if we did. But people are just so angry that the people who serve in this Chamber don't seem to have the political will to do anything about it. I mean, massacre after massacre after massacre cannot be the new norm.

Last Wednesday, a number of us participated in a national day of action all across the country in an attempt to try to raise awareness of ways to prevent gun violence. I did one in Worcester, Massachusetts, where I am from. We had a grandmother, Beverly Spring, who talked about how she lost not only one grandson to gun violence, but she lost two grandchildren to gun violence.

Does anybody have any idea the heartache that this woman and mothers and fathers and grandmothers and grandfathers have gone through who have lost their loved ones to gun violence? Does anyone have any idea the pain of those family members whose loved ones were lost in Orlando or Aurora or Sandy Hook? Or I could go right down the list of massacres.

I am asking my colleagues here to give us an opportunity to have a debate and to have a vote on two commonsense gun safety legislative initiatives. One is no fly, no buy. And the other is let's have our background check system be universal so that people who have criminal backgrounds or who have a history of mental illness do not go to gun shows to buy guns or go online to buy guns.

That is why I am urging my colleagues to defeat the previous question. If we defeat the previous question, we could vote on the underlying bill, but we could vote on this sensible piece of legislation. Enough is enough. Let's do something. Let's not just sit around here and continue to be indifferent. The American people expect more of us than what they have seen.

I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, today's rule provides for consideration of an important bill to correct some of the most egregious changes in the Affordable Care Act that affected individuals' ability to save for their own healthcare needs. I was happy to be able to work with Mr. PAULSEN, Ms. JENKINS, and Mr. KIND, who each contributed to the underlying legislation which will be considered by the House following the passage of today's rule.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 793 OFFERED BY MR. MCGOVERN

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the

issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 5485, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2017

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 794 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 794

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5485) making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

SEC. 2. (a) After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 265, line 9. Points of order against provisions in the bill for failure to comply with clause 2 or clause 5(a) of rule XXI are waived except as follows: beginning with '': Provided further'' on page 122, line 19, through ''2012'' on page 122, line 22. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph.

(b) No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution, amendments en bloc described in section 3 of this resolution, and pro forma amendments described in section 4 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as provided by section 4 of this resolution, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or against amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chair of the Committee on Appropriations or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees, shall not be subject to amendment except as provided by section 4 of this resolution, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 4. During consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their respective designees may offer up to 10 pro forma amendments each at any point for the purpose of debate.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. Section 1201 of H.R. 5485 shall be considered to be a spending reduction account for purposes of section 3(d) of House Resolution 5.

SEC. 7. During consideration of H.R. 5485, section 3304 of Senate Concurrent Resolution 11 shall not apply.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time

as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 794 provides for consideration of H.R. 5485, the Financial Services and General Government Appropriations Act for fiscal year 2017.

The rule provides 1 hour of debate equally divided between the chair and the ranking minority member of the Committee on Appropriations. The resolution also provides for consideration of 70 amendments to H.R. 5485, and provides the minority the customary motion to recommit.

Mr. Speaker, H.R. 5485, the Financial Services and General Government Appropriations Act for fiscal year 2017, provides $10.9 billion for the Internal Revenue Service, maintains the current $2.1 billion level for taxpayer services, and provides a further $290 million to improve customer service such as phone call and correspondence response times, fraud prevention, and cybersecurity.

For the past several years, the American public has viewed the Federal Internal Revenue Service as one that targets organizations for their political affiliation, slowing down approval for tax-exempt status, and attempting to chill their First Amendment-protected speech. House Republicans have exposed the many violations that have taken place at the Internal Revenue Service, and the bill before us continues to reflect the close eye that Congress continues to have on this agency, reining in their ability to further chill speech by manipulating the Tax Code.

To achieve this, the bill includes language that prohibits the Internal Revenue Service from using funds to target specific individuals or groups exercising their First Amendment rights, and further prohibits the White House—under the current administration or the next one, from either political party—from using the Internal Revenue Service to scrutinize their political opponents. This protection of the right to freedom of speech is critical, and, of course, I urge all Members to support it.

The bill also provides $1.5 billion for the Securities and Exchange Commission, almost an identical figure to last year's request. The bill keeps the Securities and Exchange Commission focused on critical information technology initiatives and methods to help the Commission better serve investors. It also rescinds the balance of what is known as the Securities and Exchange Commission's reserve fund, a slush fund that was created under the Dodd-Frank law that can be spent by the SEC without congressional oversight.

□ 1700

To assist Congress in its constitutionally obligated checks and balances of the executive branch, the bill includes language to increase the oversight of another creation of the Dodd-Frank Act—the Consumer Financial Protection Bureau. Currently, this agency is wholly unaccountable to the American people as its funding was placed in the Dodd-Frank legislation outside of the yearly appropriations process, leaving little legislative check on that agency.

As it exists today, the Consumer Financial Protection Bureau draws its funds on autopilot directly from the Federal Reserve. This bill would place the CFPB into the regular, annual appropriations process and, in doing so, would increase the transparency and the accountability of its actions and allow for the appropriate oversight from Congress.

Additionally, the bill replaces the single-person leadership structure of the Consumer Financial Protection Bureau with a more balanced, five-person commission that mirrors those of other financial regulators, such as the Securities and Exchange Commission and the CFTC.

The bill also includes $692 million for the Executive Office of the President, which, in addition to providing funds for White House staff, also includes critical funding for drug control efforts, such as the High Intensity Drug Trafficking Areas and Drug Free Communities Support Programs. In his budget request this year, the President sought to reduce funding for these programs by $70 million. This bill keeps those important programs intact and actually increases their funding by a $5 million mark. The bill further includes a provision that requires the Office of Management and Budget to release information on the expected costs of executive orders and Presidential memoranda.

H.R. 5485 also includes $725 million as the Federal payment to the Nation's Capital City, the District of Columbia, which includes funding for public safety resources and security costs as well as $45 million for the Scholarships for Opportunity and Results Act, which is an important program to help children in our Nation's Capital get the education they deserve and to choose the educational path that best fits their needs. The bill includes $7 billion to the Federal court system, which will improve public safety, bolster the security of courtrooms, and improve the speed and efficiency of processing Federal cases.

The consideration of appropriations bills each year is the core function of the Congress. With the passage of today's rule, the House will be taking another step in completing that responsibility. I urge support for the rule and for the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I thank and appreciate the gentleman from Texas (Mr. BURGESS) for yielding me the customary 30 minutes. As we all remember, 2 weeks ago, we were not given that courtesy to have 30 minutes to debate the rule. We also had no debate on the underlying bill that was brought up 2 weeks ago. In any event, I appreciate his yielding me the time.

First of all, Mr. Speaker, I rise in strong opposition to this rule, which provides for the consideration of H.R. 5485, the Financial Services and General Government Appropriations Act.

I hope there is a strong bipartisan vote against this rule for, among other things, in the Rules Committee, they denied my colleague, Representative SEAN PATRICK MALONEY, the right to offer his amendment, which would prevent discrimination against lesbian, gay, bisexual, and transgender people.

For the life of me, Mr. Speaker, I cannot figure out why my Republican friends think it is so controversial—or that it is a poison pill—to put in statute language that bars Federal contractors from discriminating against the LGBT community. Yet this amendment, which is perfectly germane, was not allowed to be made in order. I think that that alone should encourage both Democrats and Republicans to vote against this rule.

In addition, Mr. Speaker, the underlying bill is awful as it undermines key elements of the Affordable Care Act; it undermines key elements of the Dodd-Frank financial reform; it diminishes women's access to legal health services; it meddles in the District of Columbia's internal affairs; it undermines the President's Cuba policy; it prevents the fair treatment of Internet content in order to benefit the interests of a few large corporations; and the bill rewards tax cheats, not honest, hard-working Americans, by its failing to provide sufficient funding to enforce tax law.

For all of those reasons, I urge my colleagues to vote against the underlying bill as well.

Mr. Speaker, I include in the RECORD the President's Statement of Administration Policy, which says, if presented with this bill, he will veto it.

STATEMENT OF ADMINISTRATION POLICY

H.R. 5485—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2017—REP. ROGERS, R–KY

The Administration strongly opposes House passage of H.R. 5485, making appropriations for financial services and general government for the fiscal year (FY) ending September 30, 2017, and for other purposes.

The bill's reductions in funding for the Internal Revenue Service (IRS) exacerbate the damaging reductions inflicted on the IRS since 2010, and irresponsibly cut funding for the agencies charged with implementing Wall Street reform. The bill also underfunds the Federal Trade Commission's efforts to promote economic competition.

Furthermore, the legislation includes highly problematic ideological provisions, including provisions that restrict the IRS's ability to implement the Affordable Care Act (ACA), interfere with important new regulations designed to protect consumers from risky or abusive lending, and undermine the principle of home rule for the District of Columbia. These provisions also prevent the Federal Communications Commission from promoting a free and open internet and encouraging competition in the set-top box market, impacting millions of broadband and cable customers. Furthermore, these provisions would bar Federal agency efforts to reduce the risks and costs of flood disasters. Despite these shortcomings, the Administration welcomes the bill's investments in entrepreneurship and small business financing.

In October 2015, the President worked with congressional leaders from both parties to secure the Bipartisan Budget Act of 2015 (BBA), which partially reversed harmful sequestration cuts slated for FY 2017. By providing fully-paid-for equal dollar increases for defense and non-defense spending, the BBA allows for investments in FY 2017 that create jobs, support middle-class families, contribute to long-term growth, and safeguard national security. The Administration looks forward to working with the Congress to enact appropriations that are consistent with that agreement, and fully support economic growth, opportunity, and our national security priorities. However, the Administration strongly objects to the inclusion of problematic ideological provisions that are beyond the scope of funding legislation.

If the President were presented with H.R. 5485, his senior advisors would recommend that he veto the bill.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

Department of the Treasury

Internal Revenue Service (IRS). The Administration strongly objects to the $766 million reduction in funding for the IRS compared to the FY 2017 Budget request. This reduction would bring IRS funding to FY 1993 levels, in real terms, hindering the agency's efforts to provide robust service to taxpayers, improve enforcement operations, and implement new statutory responsibilities. Furthermore, these reductions would negatively impact efforts aimed at deficit reduction, with enforcement revenues in FY 2017 estimated to be more than $11 billion lower than if FY 2010 staffing levels had been maintained. In addition, the Administration strongly opposes sections of the bill that limit IRS funding and transfers to carry out implementation of the ACA, under which millions of individuals have signed up for coverage through the Health Insurance Marketplaces. The Administration also objects to provisions that unnecessarily encumber IRS operations with burdensome reporting requirements and that would constrain enforcement of tax laws.

Departmental Offices. The Administration appreciates the support for targeted investments in Department-wide cybersecurity enhancements. However, the Administration objects to the bill's defunding of the Department's Systems and Capital Investment Program and is disappointed that the bill fails to permit funding for oversight and administration of the Gulf Coast Restoration Trust Fund to be paid from the Trust Fund. In total, the bill would require a $27.4 million reduction in funding from the comparable level in the FY 2017 Budget request for core Departmental Offices Salaries and Expenses.

Community Development Financial Institution (CDFI) Fund. The Administration appreciates the Committee's support for the CDFI Fund, which is funded above the FY 2017 Budget request. However, the Administration is disappointed that the bill provides neither the $22 million requested for the Healthy Food Financing Initiative, which offers financial and technical assistance to expand the availability of healthy food options in distressed communities, nor the $10 million requested for the Small Dollar Loan Program to expand access to small dollar loans in underserved communities and combat predatory lending. The Administration also appreciates the continuation of the CDFI Bond Guarantee Program, but is concerned about the $250 million limitation on new commitments, which is below the program's annual average commitment level. This lower level of commitment authority would unnecessarily constrain the provision of long-term capital in low-income and underserved communities.

Office of Financial Research (OFR) and Financial Stability Oversight Council (FSOC). The Administration strongly opposes section 130 of the bill, which would subject OFR and FSOC to the annual appropriations process beginning in FY 2018. This language would hinder the independence of these entities and limit their ability to develop critical market analysis and improve regulator coordination if future funding shortfalls prevent information technology (IT) investments or the hiring of highly-skilled staff. The Administration also opposes onerous new procedural requirements that could effectively prohibit FSOC from formally designating nonbank financial companies whose material financial distress could pose a threat to U.S. financial stability. In addition, the Administration strongly opposes section 129 of the bill, which would require OFR to publish notice 90 days prior to issuing any report, rule, or regulation; research reports are intended to provide independent analysis of the facts, unswayed by public or political sentiment.

Digital Accountability and Transparency Act of 2014 (DATA Act). The Administration appreciates that the Committee fully funded the FY 2017 Budget request for the Bureau of the Fiscal Service for Government-wide implementation of the DATA Act, and urges the Congress to fully fund the FY 2017 Budget request for the Department of the Treasury's own implementation of the DATA Act. This funding supports efforts to provide more transparent Federal spending data, such as updating information technology systems, changing business processes, and linking financial and Federal award data with the Award ID.

Executive Office of the President (EOP)

EOP Funding and Operations. The Administration objects to section 621 of the bill, which would continue a prohibition on paying salaries and expenses for certain White House staff positions and impinge on the President's ability to organize EOP operations. The Administration appreciates funding for Presidential transition costs but strongly objects to the lack of funding for Unanticipated Needs, which would severely hamper the President's ability to meet unexpected requirements for the furtherance of the national interest, security, or defense. The Administration also objects to the funding level in the bill for the National Security Council, which is $2.1 million below the FY 2017 Budget request.

Office of Management and Budget (OMB). The Administration strongly opposes the funding level in the bill for OMB, which is $10 million below the FY 2017 Budget request. This reduction would significantly diminish OMB's ability to carry out its mission. The Administration also objects to continuation of bill language that would require burdensome OMB cost estimates to accompany the issuance of all Executive Orders, as well as language that requires OMB to submit a report to the Congress estimating the costs of implementing the Dodd-Frank Act, an onerous and duplicative report of limited value.

Information Technology Oversight and Reform (ITOR). The Administration strongly opposes the funding level in the bill for the ITOR account, which is $10 million below the FY 2017 Budget request. ITOR funds important efforts to improve the most critical public-facing Federal digital services through the application of best practices in product design and engineering by the U.S. Digital Service and its agency partners. The ITOR fund also supports efforts to protect Federal systems through implementation of leading solutions to address new and constantly evolving advanced, persistent cyberthreats, drive value in Federal IT investments, and implement the Federal Information Technology Acquisition Reform Act. The bill's reductions to these initiatives would undermine efforts to secure the Nation's highest value information targets and build on successful reforms to the Federal Government's management of IT resources, which have resulted in about $3.6 billion in cost savings and avoidance.

General Services Administration (GSA)

Overall GSA Funding. Funding for GSA is an integral part of supporting agencies in their performance of critical missions. The bill's funding level would undermine GSA's ability to deliver services, impacting agencies Government-wide.

Federal Buildings Fund (FBF). The Administration finds the bill's funding level for the FBF unacceptable at nearly $934 million below the FY 2017 Budget request and the anticipated level of rent collections from other Federal agencies in FY 2017. The bill also denies critical construction funding for the Federal Bureau of Investigation (FBI) Headquarters project and the next phase of the Department of Homeland Security's headquarters consolidation at St. Elizabeths, Washington, D.C. Since FY 2011, the Committee has chosen to fund the FBF at levels billions below what GSA collects in rent from agencies. Underfunding construction and renovation is particularly damaging, as the Government must be a good steward of its own assets, able to take advantage of opportunities to save money over the long term and maintain its buildings adequately to avoid more costly failures in the future. Further, the practice of chronically underfunding the FBF is unfair to other Federal agencies, who are no longer receiving the space and services that they are paying for, as well as to the other appropriations subcommittees who are providing funds that are never used for their intended purpose.

FBI Headquarters. The Administration strongly urges the Congress to provide the full request in the FY 2017 Budget for the new consolidated FBI headquarters facility. The bill provides only $200 million, $559 million below the FY 2017 Budget request for

GSA for construction of the new FBI headquarters. In total, the FY 2017 Budget requests $1.4 billion for the FBI headquarters project—$646 million for FBI and $759 million for GSA's Federal Building Fund. Full funding of the FY 2017 Budget request is required for GSA to award a design and construction contract for the project this year. Absent a new, modern, and secure headquarters facility, the ability of the FBI to fully support its critical national security and law enforcement missions may be compromised.

Information Technology (IT) Modernization Fund. The Administration is concerned that the Committee does not provide the requested $100 million for the IT Modernization Fund (ITMF), part of a larger $3.1 billion request in the FY 2017 Budget that creates a revolving fund to retire and replace legacy IT systems across Government. Absent funding for the ITMF, the cost to operate and maintain legacy systems, as well as security vulnerabilities and other risks, would continue to grow.

Unified Shared Services Management (USSM). The Administration urges the Congress to support the $5 million requested in the FY 2017 Budget for the establishment of the USSM, a new organization housed in GSA that would serve as an integration body for the shared services environment. The funding is needed to give the USSM a stable funding source.

Small Business Administration (SBA)

SBA Support for Businesses. The Administration appreciates the strong support for small businesses through the bill's robust funding for the SBA's business loan and entrepreneurial development programs. The SBA's business loan programs would support over $46 billion in lending to small businesses in FY 2017, and the increased funding for technical assistance and development programs would ensure business owners can effectively deploy capital to grow their businesses and create good jobs. However, the Administration opposes the elimination of funding for Regional Innovation Cluster grants and Growth Accelerators, as these innovative programs help regions leverage their unique assets to create jobs by turning entrepreneurial ideas into sustainable high-growth small businesses.

Disaster Loans Program. The Administration urges the Congress to utilize the disaster relief cap adjustment authorized in the Budget Control Act of 2011 to fund the $159 million FY 2017 Budget request for SBA's administrative costs associated with major disasters. By not utilizing the cap adjustment, the bill makes unnecessary reductions to other programs to accommodate this line of support to small businesses after a disaster has struck.

Other Independent Agencies

Securities and Exchange Commission (SEC). The Administration strongly objects to the funding level of $1.55 billion for SEC, which is $226 million below the FY 2017 Budget request. The bill would hinder SEC's enforcement, examination, and market oversight functions and undercut investor protections strengthened by Wall Street Reform that benefit both consumers and Main Street. The bill would also shortchange SEC's core programs by mandating that funding for IT initiatives increase by $50 million over the FY 2016 enacted level and prohibiting authorized IT spending from the agency's mandatory Reserve Fund. Taken together, these provisions would inhibit SEC's ability to improve oversight and examination functions in a way that investors expect and deserve. The SEC is fee-funded and its funding level has no impact on the deficit, nor does it impact the amount of funding available for other agencies.

Consumer Financial Protection Bureau (CFPB). The Administration strongly opposes sections 502 and 503 of the bill that subject CFPB to annual appropriations and politicizes its leadership, which would severely weaken its independence and undermine its ability to serve the most vulnerable consumer populations. In addition, the Administration strongly opposes sections 506, 637, 638, and 639 of the bill that undermine key consumer protections by preventing the CFPB from finalizing or implementing payday lending and arbitration regulations and would amend the Truth in Lending Act to deny borrowers protections from certain high-cost loans. These are problematic, ideological provisions that are beyond the scope of this bill.

Consumer Product Safety Commission (CPSC). The Administration objects to the total funding level of $120 million for CPSC, an $11 million reduction below the FY 2017 Budget request. This funding level would significantly impede CPSC's public safety mission intended to safeguard consumers, particularly children, from hidden hazards that continue to cause death and severe injuries, including its ability to expand the import surveillance program through which CPSC identifies hazardous products that can cause injury or death before these goods can enter the U.S. market. In addition, the Administration objects to section 510 of the bill that would continue to prohibit CPSC from using funds to finalize or implement mandatory standards for recreational off-highway vehicles (ROVs) until CPSC commissions and completes a study with the National Academy of Sciences. This provision could indefinitely delay CPSC's ability to complete rulemaking on ROVs, potentially compromising public safety. The language also would undermine the Commission's statutory independence and authority to write public safety regulations, interfering with its regulatory independence and public safety mission.

Election Assistance Commission (EAC). The Administration urges the Congress to provide the full $9.8 million requested for EAC in the FY 2017 Budget, including $1.5 million for the National Institute of Standards and Technology. The $4.9 million provided in the bill is half of the funding requested in the FY 2017 Budget. Such a significant reduction would severely limit EAC's ability to assist State and local entities administer Federal elections, test and certify voting equipment, and provide information about voting system standards.

Federal Communications Commission (FCC). The Administration strongly opposes the deep reductions to the funding level for FCC, which is $53 million, or 14 percent, below the FY 2017 Budget request. These reductions unnecessarily force FCC to scale back important work on public safety and wireless spectrum, delay efforts to modernize IT systems, and undermine efforts to save the taxpayers money by consolidating office space and improving oversight of the Universal Service Fund. The Administration objects to the $106 million cap on auction program funding, which is $18 million, or 15 percent, below the FY 2017 Budget request. This would severely harm the FCC's efforts to modernize its auction infrastructure to support the increasingly complex auctions of the future, which have the potential to return tens of billions of dollars to the U.S. Treasury.

FCC, Open Internet Order. The Administration strongly objects to sections 630, 631, and 632 that aim at delaying or preventing implementation of FCC's net neutrality order. The order, which was issued after a lengthy rulemaking process that garnered input from four million Americans, ensures a level playing field that is increasingly vital to the future of the Nation's digital economy and online competition. For almost a century, U.S. law has recognized that companies who connect Americans to the world have special obligations not to exploit the monopoly they enjoy over access in and out of Americans' homes or businesses. It is common sense that the same philosophy should guide any service that is based on the transmission of information—whether a phone call, or a packet of data. The FCC's rules recognize that broadband service is of the same importance, and must carry the same obligations as so many of the other vital services do. These carefully-designed rules have already been implemented in large part with little to no impact on the telecommunications companies making important investments in the U.S. economy, and would ensure that neither the cable company nor the phone company would be able to act as a gatekeeper, restricting what Americans can do or see online. The appropriations process should not be used to overturn the will of both an independent regulator and millions of Americans on this vital issue.

FCC, Set-top Rule. The Administration opposes section 636 that aims at delaying the FCC from adopting or enforcing new rules to open the video set-top box market to additional competition. Currently, 99 percent of cable and satellite TV consumers rent set-top boxes directly from the cable providers, costing households an average of $230 per year. The FCC is already committed to a lengthy, thorough rulemaking process that would establish a robust record of comment and analysis from companies, non-profit organizations, and academics. The current provision unnecessarily interferes with these long-established processes by requiring a delay of at least 270 days, and probably much longer, and a redundant, potentially costly study.

Federal Trade Commission (FTC). The Administration is concerned that the Committee is underfunding the efforts by the FTC and the Department of Justice's (DOJ) Antitrust Division to protect American consumers from criminal cartel practices—such as price fixing, fraud, and currency manipulation—and anticompetitive mergers. Since 2010, the number of proposed $1 billion ''mega mergers'' reviewed annually by the FTC and DOJ's Antitrust Division has more than doubled. Anticompetitive mergers can harm American consumers significantly by raising prices, reducing quality, limiting output, restricting consumer choice, and stifling innovation in markets such as healthcare and pharmaceuticals, defense contracting, energy and petroleum, cable television and internet, cell phones and service, airline travel, appliances, and common food items. The bill provides $317 million for the FTC, $25 million below the FY 2017 Budget request.

United States Postal Service. The Administration strongly opposes new language in the bill that would roll back cost saving measures implemented by the Postal Service over the last four years. The Administration is also disappointed that language under the Payment to the Postal Service Fund account would prohibit the Postal Service from modifying its delivery schedule to better

adapt to its current business environment. Each year, the President's Budget has proposed balanced reforms to provide the Postal Service with the operational flexibility to continue to meet its universal service obligation and implement structural changes that would help put it on a sustainable trajectory. While the Congress has failed to act, the Postal Service has undertaken significant administrative reforms under existing authority to reduce expenses. Despite these efforts, since FY 2012 the Postal Service has been forced to default each year on scheduled payments to reduce its unfunded liability for retiree health benefits and is expected to default on an additional $5.8 billion due during FY 2016. The Postal Service estimates that reversing four years of service changes would increase its operating deficit by roughly $1.5 billion annually and impose an additional $500 million in one-time costs.

Privacy and Civil Liberties Oversight Board (PCLOB). The Administration objects to the funding level of $8.3 million in the bill for the PCLOB, which is $1.8 million, or more than 17 percent, below the FY 2017 Budget request. The funding level provided would impair PCLOB's ability to maintain sufficient staff to independently and robustly assess the multi-billion dollar counterterrorism enterprise's efforts to balance privacy and civil liberties. The Congress and the Executive Branch have asked the Board to analyze a number of complex issues that are subject to ongoing public debate, including electronic surveillance. The impact of the funding reduction on the Board's staffing would hinder its ability to satisfy these requests.

Udall Foundation. The Administration opposes the elimination of funding requested in the FY 2017 Budget for the Udall Foundation, which provides education and research resources to American Indians and Alaska Natives. In addition, through the U.S. Institute for Environmental Conflict Resolution, the Foundation provides mediation services for conflicts involving Federal agencies or interests. The Administration urges the Congress to fully fund the Udall Foundation at the $5 million level included in the FY 2017 Budget request.

District of Columbia (D.C.)

D.C. Local Budget Autonomy. The Administration does not object to the one-year shutdown exemption in section 816 of the bill, which would allow D.C. to spend local funds in the event of a lapse in appropriations in FY 2018. However, the Administration strongly objects to section 817 of the bill, which repeals the D.C. Local Budget Autonomy Act of 2012. The residents of the District and their elected leaders deserve to have the same ability as other U.S. residents and elected leaders to determine how to use their local revenues. Such authority is fundamental to a well-functioning democracy and the denial of such authority is an affront to the residents and leaders of the District. The Administration urges the Congress to adopt provisions included in the FY 2017 Budget request that would permanently allow the District to use local funds without congressional action.

Restrictions on the District's Use of Local Funds. The Administration strongly opposes language in the bill that bars the elected leaders of the District of Columbia from determining how to use local revenues. Specifically, the Administration strongly opposes section 810 of the bill, which prohibits the District from using both Federal and local funds for abortion services for low-income women. Longstanding policy prohibits Federal funds from being used for abortions, except in cases of rape or incest, or when the life of the woman would be endangered, but restrictions on the District's use of local funds for abortion services is contrary to the principle of home rule. In addition, the Administration strongly opposes the restriction in section 809(b) of the bill on the use of both Federal and local funds for regulatory or legislative activity pertaining to recreational use of marijuana, which was approved by D.C. voters. The Administration urges the Congress to adopt the provisions in the FY 2017 Budget request that limit the abortion and recreational marijuana restrictions to Federal funds.

D.C. Syringe Services Program. The Administration strongly opposes the restriction in the bill on the use of Federal funds for the District's syringe services program. This is contrary to current law, which prohibits the use of Federal funds for syringe services programs only in locations where local authorities determine such programs to be inappropriate.

D.C. Education Funding. The Administration strongly opposes the $20 million funding level in the bill for the Tuition Assistance Grant Program (TAG), which is $20 million below the FY 2017 Budget request level. TAG provides grants of up to $10,000 per year to District residents to cover the difference between in-State and out-of-State tuition at public colleges and universities and helps to make college affordable for many low-income District residents. In addition, the Administration opposes the $30 million funding level in the bill for D.C. public schools, which is $10 million below the FY 2017 Budget request, and the Administration strongly opposes the additional $12 million the bill provides for the Opportunity Scholarship Program (OSP), a private school voucher program. The Administration appreciates the bill's support for evaluation and administration of OSP and will continue to use available OSP funds to support students returning to the program until they complete school, but strongly opposes additional funding for more vouchers. The Administration remains focused on improving the quality of public schools for all children rather than supporting a handful of students in private schools.

D.C. Water and Sewer Authority. The Administration opposes the bill's lack of funding for D.C. Water and urges the Congress to provide the $14 million included in the FY 2017 Budget request for ongoing work on the combined sewer overflow project.

Mr. MCGOVERN. Here we are again, Mr. Speaker, for the third time, talking about a rule to consider a bill that is going nowhere. We are doing this at a time when a vast majority of our constituents want us to do something about preventing more gun violence in this country. Mass shootings have become unacceptably commonplace in the United States of America, and we have a responsibility to do more to keep guns out of the wrong hands. The shooting in Orlando was the largest mass shooting in our country's history. This is a moment of truth, and we cannot have another moment of silence without some action.

We are pleading with the Speaker of the House, and we are pleading with our Republican colleagues to allow us to bring two bipartisan bills to the floor for consideration so that we can debate them and vote on them. One is the no fly, no buy legislation. If you are too dangerous to fly on an airplane because you are on the terrorist watch list, according to the FBI, then you are too dangerous to buy a gun. It shouldn't be controversial. The second is to eliminate the loopholes in our background check system, which says that you have to go through a background check if you go to a licensed gun dealer but that you can get around that by going to a gun show or by buying a gun online.

Overwhelming numbers of Democrats and Republicans, according to the latest public opinion polls, think both of these ideas are smart, commonsense approaches. The only thing that is standing in the way is the Republican leadership in this House.

Mr. Speaker, please schedule these bills for a vote. No, we will not be satisfied with the NRA bill that you want to bring to the floor this week that, basically, is nothing but a press release but will not keep guns out of the hands of people who are suspected of being terrorists.

Mr. Speaker, I hope that we can reach some sort of accommodation with our Republican friends. We are not going away. This issue is too important, and it is about time we acted. Silence and indifference can no longer be tolerated in this Chamber.

If we defeat the previous question, I will offer an amendment to the rule to bring up no fly, no buy. It is bipartisan legislation that will give the Attorney General the authority to bar the sale of firearms and explosives to those who are on the FBI's terrorist watch list.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMPSON) to discuss our proposal.

Mr. THOMPSON of California. I thank the gentleman for yielding.

Mr. Speaker, I want to reiterate what it is we are trying to do by defeating the previous question and bringing up commonsense, pro-Second Amendment, gun violence prevention legislation.

We don't think that terrorists, criminals, or the dangerously mentally ill should have easy access to firearms. We believe that we should do everything possible to make sure that terrorists, criminals, and the dangerously mentally ill can't get their hands on firearms. That is why it is so important to pass the no fly, no buy and to pass the background check legislation.

We know that background checks work. Every day, 170 felons are prevented from buying a gun because of

the background check, and 50 domestic abusers are prevented from buying a gun because of the background check. That is every day. The bill that we are talking about expands the background checks to include all commercial sales.

As the gentleman from Massachusetts just explained, there are loopholes. In some States, you can go online and buy a gun without having a background check. In some States, you can go to a gun show and buy a gun without having a background check. That is absolute foolishness.

Now, we are not talking about requiring family members to do background checks. We are not talking about requiring your next-door neighbor to do a background check. We are not talking about requiring your hunting buddy or your shooting buddy to get a background check.

We are talking about gun sales through commercial sales—gun shows, newspaper ads, online sales—because we know it works. It is our first line of defense against the criminals, terrorists, and the dangerously mentally ill from being able to easily access firearms.

It was once explained that the Federal Government set up a system to screen these folks to make sure that the criminals, the terrorists, the domestic abusers, and the dangerously mentally ill didn't get firearms. What they said is, if you buy it from a licensed dealer, you have to have a background check, but if you buy it from a gun show or if you buy it online, you don't have to have one.

The juxtaposition has been made that this is a lot like setting up a screening system after 9/11 that says that all passengers have to go through a metal detector so they don't bring guns, knives, and explosives on the airplane, but only 60 percent of you have to do that. The other 40 percent can go around—you can get on the airplane with whatever you have in your pocket. Then you choose which one goes in the 40 percent line and which one goes in the 60 percent line.

It doesn't make sense. We need to have background checks to make sure that criminals, that the dangerously mentally ill, that domestic abusers, and that terrorists don't get their hands on weapons.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. THOMPSON of California. Mr. Speaker, I can't believe that our friends on the other side of the aisle want criminals, terrorists, and the dangerously mentally ill to have easy access to firearms. As a matter of fact, there was an amendment on this floor that beefed up the funding for the system that checks on the background checks, and 76 Republicans voted to increase the funding by $20 million—a $20 million funding augmentation to the NICS system. Now you are telling us, ''Well, we supported the funding, but we don't want people to use the system.'' That is an out-and-out waste of taxpayer money.

Not bringing these bills up is an out-and-out shameless ordeal on the part of the leadership. You need to bring these bills to the floor. We need to have a vote. We need to do everything we can to make sure our constituents are safe—safe in places of worship, safe in the movie theater, safe in school. We need to make sure that we do all we can to keep our constituents safe. Bring it up for a vote.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. ESTY).

Ms. ESTY. Mr. Speaker, people who are watching may wonder: What are these folks talking about? They are talking about a rule. What is this about? If you just tuned in, I will tell you what it is about.

One hundred thousand Americans have died from guns in the last 3½ years, and this body—this House of Representatives, this U.S. House of Representatives, the people's House—has done nothing, nothing at all, not one little thing. The time has long passed for marking the deaths of Americans by guns when we could help to prevent them. The time has passed for moments of silence. We need to take action, and the action needs to be now because, while we wait, Americans die.

What makes the news are the mass shootings. Sadly, they are becoming more frequent, and they are becoming more horrific. Every single day, Americans are dying in small towns, in big cities. They are dying in bedrooms, dying in domestic violence arguments, dying on the streets of Hartford and Chicago. It often doesn't even make the news, but, believe me, those families know their loved ones are gone. Their friends know—their friends at church, those in the neighborhood.

It is in the ripple of those deaths that we could do something that has us here—that has us here all day, that had us here all night 2 weeks ago. We will keep raising our voices because the American people depend on us to not just talk but to take action, and that is within our power.

□ 1715

Ninety-three percent of the American people support background checks. Ninety-three percent. That is more probably than like chocolate ice cream. We can do this. More than that support, keeping guns out the hands of terrorists, there is nothing controversial about these proposals.

It seems to have become an article of faith that, if the gun lobby is opposed to it, that it is too dangerous for politicians to act.

I will tell you what is too dangerous. It is too dangerous to our constituents for us not to act. It is too dangerous for them to have this institution not listen to their cries, to their weeping, to their pleading.

It is time for us to be strong, to be resolute. And whether it is the gun lobby or whatever it is that keeps you from protecting American lives with passing bipartisan commonsense legislation, it is time to let go of those fears because the fears of the American people depend on us relieving them, and we can only do that by taking action. We are the body that is elected to do that. And the States are trying, but they can't get the job done without our help.

It is up to us to do what our sworn duty is to do, to protect and defend the American people. We can't defend them from all harms, but we can do our job with this.

Background checks work. They save lives. They save uniform police officers. They save folks in domestic violence situations. It is time for us to do our job.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. JUDY CHU).

Ms. JUDY CHU of California. Mr. Speaker, I rise to oppose this rule and to speak about a critical issue. We must stop the senseless gun violence in this country.

Last Wednesday, at my SpeakOut to stop gun violence, a courageous young man stood up to tell his story. Josh Stepakoff here was the victim of a mass shooting when he was 6 years old and miraculously survived it. He was finishing a game at his home away from home, the North Valley Jewish Community Center in Los Angeles. He assumed that the strange man in front of him was a construction worker and that what he held at his hip was a power drill.

How could he know that this man was a neo-Nazi carrying a semiautomatic weapon and hundreds of rounds of ammunition intent on killing as many people as he could?

Two of those bullets hit Josh, barely missing his spine and vital organs. The physical and mental damage changed Josh's life forever, and now he and his mother have devoted their lives to stopping gun violence.

The NRA is saying that the way to keep people safe is by making more guns available to everybody. If this is the solution, the U.S. would be the safest place in the world. Instead, we face danger from guns everywhere, even movie theaters, elementary schools, and churches.

Enough is enough. We must pass commonsense gun violence prevention laws now. Now is the time to pass no fly, no buy and the comprehensive background check bills.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I am in strong opposition to the rule, to this flawed financial services bill, but that is not why I have risen to speak.

I have risen to speak today because the American people are crying out. They are crying out for a vote on legislation that makes a real impact on the epidemic of gun violence in our country.

Last week, in my district, Stratford, Connecticut, I stood in front of the Victoria Soto School, demanding commonsense gun violence legislation.

When the gunman began firing at Sandy Hook Elementary, Vicki Soto hid her students in the closet. She died protecting them. The AR–15 was on the floor by her body. She was a hero. She committed her time, her effort, and her life to protecting and caring for children.

The school is a fitting tribute to Vicki and her life's work. There, children can be children. But it is also a stark reminder of the real and heartbreaking cost of gun violence, and it is a visible reminder of what is at stake and why we need comprehensive gun violence legislation now.

We must take action for Victoria, for the Soto family. I watch how her parents suffer and her siblings suffer every single day, but we need to do that for the Soto family and for every family like them who know grief most of us will never understand.

We must now act for the families in Aurora, the families in Newtown, the families in San Bernardino, the families in Orlando, and the families of those who are killed every single day on the streets of every city in this Nation.

You know, we cannot heal the hole in their heart, but what we can do is what we have been charged to do in this institution, and that is to vote on public policy that makes a difference in the lives of the people that we have sworn to serve to uphold their rights.

That is why I urge commonsense gun legislation; universal background checks; and no fly, no buy. Let's keep guns out of the hands of terrorists.

I would go further. I would ban assault weapons. I want to see gun violence prevention research done. I want to see the mental health services that we need additionally to protect people in this Nation from gun violence. But I think that what we can conclude is that not one more death.

While moments of silence are good things to do, we cannot just have one more moment of silence. The American people deserve real, concrete gun violence prevention legislation. That is what our job is to do. We can do it. That is what we have been elected to do.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Massachusetts (Ms. CLARK), my colleague.

Ms. CLARK of Massachusetts. Mr. Speaker, there is an African proverb that says: ''When you pray, move your feet.''

But this Congress meets our gun violence crisis with only deadly silence. Forty-nine people massacred on a dance floor, silence. First graders and their teachers shot in their elementary school, silence. Students and professors shot in their college classrooms, silence. Parishioners shot after Bible study in their church, silence. Social workers and disabled clients shot at a holiday party, silence. Moviegoers shot watching a film, silence. Our colleague shot while meeting with constituents, silence. Neighborhood sidewalks and parks transformed into blood-soaked memorials, silence.

Over the past 12 years, gun violence has claimed more American lives than war, AIDS, and illegal drug overdoses combined. Since Newtown, tens of thousands of lives have been lost to this deadly crisis.

Yet the number of bills that have been debated and passed by this Congress to help prevent such deaths, to put an end, to start to slow this violence: zero.

Inaction is a choice. Inaction is costing lives, and that is why I am asking this House to have a vote that we perform our basic responsibilities as Members of Congress and members of our communities. Let's debate and vote on two commonsense measures to curb gun violence. Let's vote on expanding background checks and preventing suspected terrorists from being able to buy a gun.

Why is this so paralyzing? It is widely supported by the American people. Why is the only proposal scheduled for a vote drafted by the NRA?

Does House leadership really believe that our Constitution and liberties are so fragile that we have to tolerate carnage like we saw in Orlando rather than risk a vote?

These proposals are widely supported by people of all types of political ideologies. The American people get it. They understand we could protect our constitutional rights and take reasoned steps to reduce gun violence.

Moments of silence should be where the action begins. Sadly, in this Congress, it is the only action ever taken.

No more silence. I urge us to bring up these two practical proposals for a vote. Our communities and our democracy deserve that.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Speaker, about 10 days ago, something extraordinary happened on this House floor. Members violated the rules, and they sat in.

Some folks asked me the question: ''Peter, why did you do that? Why did you join in that?''

I had to think hard about it because it is not something that should be done in anything close to normal circumstances.

The reason was that, since Newtown, when there have been one mass shooting after another—San Bernardino; Orlando the most recent—Congress has responded with a moment of silence followed by complete and utter inaction.

Congress is not doing its job. The issue of what gun legislation we should pass is debatable.

Why won't we debate it? Why won't Congress face the fact that the job of Congress is to come up with policies that are going to provide protection to American citizens from this gun violence?

There is legislation out there. Two things that are very sensible: if you are on a terrorist watch list, you can't buy a gun; if you are subject to a background check, you can't evade it by all the loopholes. We should debate those. And then those of our citizens who disagree with us, they can vote against us or they can vote for us.

What we have no right to do is to fail to do our job, so I joined with other Members of Congress sitting here basically saying: Let's debate, let's discuss, but let's act. Let's not run the other way in cowardly disrespect of our responsibilities in the expectation that our citizens who sent us here rightly have that we address the issue of gun violence and be held accountable by them for at least making an effort, honestly, to do the job they have given us to do.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I, too, rise in strong opposition to the rule, but I would like to speak to the two pieces of legislation that we are imploring our colleagues to bring to the floor: the no fly, no buy and universal background checks.

Since the House adjourned on June 23, at least 522 more Americans have been killed in incidents of gun violence just since we adjourned; men, women, children, sons, daughters, fathers, and mothers. We dishonor the lives of those we have lost to gun violence with this NRA-written bill that we are taking up this week rather than the two commonsense gun safety proposals pending before the Congress.

Just in case anyone doesn't understand, we have a gun violence epidemic in this country, different from every

other country in the world. We kill each other with guns at a rate 297 times higher than Japan, 49 times higher than France, and 33 times higher than Israel, just to give you an example.

So far this year, more than 6,300 people have been killed and more than 13,000 wounded in incidents of gun violence, and that includes 1,600 children. On average, 31 Americans are murdered with guns every single day and 151 are treated for gun assaults in an emergency room.

This issue of making sure terrorists or suspected terrorists don't have access to guns and making sure there are universal background checks is not controversial anywhere else in America except in Congress. It is widely supported by the American people, 85 and 90 percent. These are commonsense proposals to keep guns out of the hands of people who shouldn't have them.

Behind each of the numbers I just mentioned, each of those statistics, are real families who have been crushed and heartbroken by gun violence. Let's do the right thing. Bring these bills to the floor, debate them, make your arguments, and take a vote.

□ 1730

Mr. BURGESS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, we lose over 30,000 people a year to gun violence. We must never forget that that number is made up of thousands of individual stories: a family grieving over the death of a child, a teenager missing a friend at school, a son who must get used to spending holidays every year without a parent.

One of my constituents in Sacramento lost her cousin and her cousin's son to gun violence right before Christmas. She wrote to me and said, ''I would like to see a world where such crime is minimized . . . if not erased. Gun control is an important and essential step in the path toward nonviolence.''

We must listen to these stories that have become all too common. Just over the weekend, another person in my community was shot and killed. Every moment we don't act matters. Must we feel vulnerable in our churches, sending our children to theaters or to the schools?

We are not going to accept this bloodshed any longer. We must disarm the hate and vote on real solutions for the American people. Democrats are calling for a vote on two pieces of bipartisan, commonsense legislation. We must not wait any longer to answer the call for action.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Hampshire (Ms. KUSTER).

Ms. KUSTER. Mr. Speaker, I rise to oppose the rule, but I also want to join my colleagues in urging the Speaker to bring forward a vote on these two commonsense gun reforms.

I took an oath of office to uphold the Constitution and to protect my constituents. And while we were home over the holiday recess, going to parades and celebrating our independence and celebrating our history, time after time I spoke with constituents from all different backgrounds. I am from a rural district. Hunting is important to us. People hunt for their food. They want to protect their family. I respect the Second Amendment, and I respect their right.

But the question that I got is people do not understand why we cannot have a debate in this hallowed Hall about protecting our constituents. People watched as an entire community was massacred simply going out to dance and enjoy the evening. The American people watched as children died in schools, as one of our colleagues was shot in a shopping center, as people died in a church. We should be able to go to Bible study; we should be able to go to the movies; we should be able to go to the shopping centers; and certainly, our children should be able to go to school.

My constituents, Mr. Speaker, who are gun owners, who care about protecting their families and their homes, who care about their right to enjoy hunting with their families, my constituents are asking, Mr. Speaker: Please bring these two commonsense issues to the floor so that we can protect our families.

When someone has taken an oath of allegiance to ISIS and has evil intent in their heart, help us to protect our constituents.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, first of all, I urge all of my colleagues to vote against the rule—the underlying bill is terribly flawed—but I also urge my colleagues to work with us to try to bring two commonsense pieces of legislation to the floor. The first is the no fly, no buy legislation. If you are on a terrorist watch list and you are too dangerous to fly, then you ought to be too dangerous to buy a gun.

Just so my colleagues understand this, according to the Government Accountability Office, since 2004, nearly 2,500 suspects on the FBI terrorist watch list have successfully purchased weapons in the United States. Ninety-one percent of all suspected terrorists who attempted to purchase guns in the last 12 years walked away with the weapon that they wanted. That should trouble every single person in this Chamber.

The other piece of legislation is to strengthen our background checks so we get rid of these loopholes so that everybody who wants to buy a gun goes through a background check; they can't escape going through a background check by going to a gun show or buying a gun online.

That is it. That is all we are asking for.

Mr. Speaker, we had 9 people murdered in Charleston, 12 in Aurora, 14 in San Bernardino, 26 in Sandy Hook, and 49 innocent people murdered in Orlando. Maybe the numbers are getting too big for some of my colleagues to fully comprehend how horrendous this all is. Sometimes I feel that with all these numbers that some of us are losing the human ability to feel what is happening here. These people had families. These people's lives were cut short for no good reason.

We can do something about it. The legislation that we have proposed here is not going to solve everything, but if it could save one life, then it is worth it. But inaction and indifference and silence can no longer be tolerated. We will not have business as usual in this House until we address some of these issues.

The American people want us to do this. They are waiting for us. Please, Mr. Speaker, schedule these pieces of legislation for debate and vote. No, we are not going to be satisfied with the NRA bill that will come up to the floor under a closed rule that you want us to take. That is just unacceptable. Give us a vote on this legislation. I urge my colleagues to defeat the previous question so we can have that vote.

Mr. Speaker, I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I would remind Members that today's rule provides for the consideration of the Financial Services and General Government Appropriations Act for the fiscal year 2017. This is an important piece of legislation to fund the Federal Government. I urge support for the rule and the underlying bill.

Ms. NORTON. Mr. Speaker, I rise in strong opposition to this rule and bill. The rule and bill are assaults on the District of Columbia's right to govern itself. This bill contains three undemocratic, harmful, big-government riders that prohibit the D.C. government from spending its local funds, consisting of local taxes and fees, as it deems necessary. In addition, the Republican-led Rules Committee has allowed Representative GARY PALMER to offer an amendment to block D.C. from spending its local funds to enforce a local employment non-discrimination law, the Reproductive Health Non-Discrimination Act.

The bill repeals D.C.'s budget autonomy referendum, which allows D.C. to spend its local funds after a 30-day congressional review period. Astonishingly, House Republicans appear

to be so afraid of a local jurisdiction spending its local funds without the approval of a federal body, the U.S. Congress, that they will be voting for a second time in a little over a month to repeal the referendum. I will offer an amendment to strike the repeal of the referendum.

However, the Rules Committee prevented me from offering my amendments to strike the provisions in this bill that prohibit D.C. from spending its local funds on taxing and regulating marijuana sales and on abortion services for low-income women.

Four states have legalized the possession of marijuana for recreational use, and they either have set up a tax and regulatory system or are in the process of doing so. While recreational use is legal under D.C. law, Congress has uniquely prohibited D.C. from spending its local funds to set up a tax and regulatory system.

This rider has been referred to as the Drug Dealer Protection Act. As one marijuana dealer told the press, the rider is ''a license for me to print money.'' Regulating marijuana like alcohol would allow D.C., instead of violent drug gangs, to control marijuana production, distribution, sales and revenue collection.

Every state has authority to spend its own funds on abortion services for low-income women, and 17 states fund these services. This rider effectively prevents low-income women in D.C. from exercising their constitutional right to abortion by depriving them of necessary funds.

Remarkably, this bill could have been even more harmful to the District of Columbia. Three amendments were filed to block D.C. gun safety laws, but they were not made in order. There was no way the Republican leadership could bring these deadly amendments to the floor so soon after Orlando. Representative Thomas Massie filed two amendments. One would have allowed handguns, shotguns and rifles to be carried, openly or concealed, on the streets of the nation's capital. The other would have blocked D.C. from enforcing its enhanced penalties for carrying a gun in schools and other places where children congregate. Representative DAVID SCHWEIKERT filed an amendment that would have allowed people to get a concealed carry permit without demonstrating a ''good cause'' for needing one.

These amendments presented a threat not only to D.C. residents, but also to the millions who visit the nation's capital and the high-ranking federal officials and foreign dignitaries who travel around the city daily.

Republicans claim to support devolving federal authority to state and local governments. That support should not end at the D.C. border. The Constitution allows, but does not require, Congress to legislate on local D.C. matters. The Rules Committee had a choice to allow me to offer my amendments on the floor to strike the D.C. marijuana and abortion riders, as well as to block the Palmer amendment. In our American democracy in the 21st century, that choice should not have been difficult.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 794 OFFERED BY MR. MCGOVERN

At the end of the resolution, add the following new sections:

SEC. 8. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 9. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 30, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 30, 2016 at 3:01 p.m.:

That the Senate relative to the death of Pat Summitt S. Res. 516.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PATIENT ACCESS TO DURABLE MEDICAL EQUIPMENT ACT OF 2016

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5210) to improve access to durable medical equipment for Medicare beneficiaries under the Medicare program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patient Access to Durable Medical Equipment Act of 2016'' or the ''PADME Act''.

SEC. 2. INCREASING OVERSIGHT OF TERMINATION OF MEDICAID PROVIDERS.

(a) INCREASED OVERSIGHT AND REPORTING.—

(1) STATE REPORTING REQUIREMENTS.—Section 1902(kk) of the Social Security Act (42 U.S.C. 1396a(kk)) is amended—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following new paragraph:

''(8) PROVIDER TERMINATIONS.—

''(A) IN GENERAL.—Beginning on July 1, 2018, in the case of a notification under subsection (a)(41) with respect to a termination for a reason specified in section 455.101 of title 42, Code of Federal Regulations (as in effect on November 1, 2015) or for any other reason specified by the Secretary, of the participation of a provider of services or any other person under the State plan (or under a waiver of the plan), the State, not later than 21 business days after the effective date of such termination, submits to the Secretary with respect to any such provider or person, as appropriate—

''(i) the name of such provider or person;

''(ii) the provider type of such provider or person;

''(iii) the specialty of such provider's or person's practice;

''(iv) the date of birth, Social Security number, national provider identifier, Federal taxpayer identification number, and the State license or certification number of such provider or person;

''(v) the reason for the termination;

''(vi) a copy of the notice of termination sent to the provider or person;

''(vii) the date on which such termination is effective, as specified in the notice; and

''(viii) any other information required by the Secretary.

''(B) EFFECTIVE DATE DEFINED.—For purposes of this paragraph, the term 'effective date' means, with respect to a termination described in subparagraph (A), the later of—

''(i) the date on which such termination is effective, as specified in the notice of such termination; or

''(ii) the date on which all appeal rights applicable to such termination have been exhausted or the timeline for any such appeal has expired.''.

(2) CONTRACT REQUIREMENT FOR MANAGED CARE ENTITIES.—Section 1932(d) of the Social Security Act (42 U.S.C. 1396u–2(d)) is amended by adding at the end the following new paragraph:

''(5) CONTRACT REQUIREMENT FOR MANAGED CARE ENTITIES.—With respect to any contract with a managed care entity under section 1903(m) or 1905(t)(3) (as applicable), no later than July 1, 2018, such contract shall include a provision that providers of services or persons terminated (as described in section 1902(kk)(8)) from participation under this title, title XVIII, or title XXI be terminated from participating under this title as a provider in any network of such entity that serves individuals eligible to receive medical assistance under this title.''.

(3) TERMINATION NOTIFICATION DATABASE.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

''(ll) TERMINATION NOTIFICATION DATABASE.—In the case of a provider of services or any other person whose participation under this title, title XVIII, or title XXI is terminated (as described in subsection (kk)(8)), the Secretary shall, not later than 21 business days after the date on which the Secretary terminates such participation under title XVIII or is notified of such termination under subsection (a)(41) (as applicable), review such termination and, if the Secretary determines appropriate, include such termination in any database or similar system developed pursuant to section 6401(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 1395cc note; Public Law 111–148).''.

(4) NO FEDERAL FUNDS FOR ITEMS AND SERVICES FURNISHED BY TERMINATED PROVIDERS.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(A) in subsection (i)(2)—

(i) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (B), by striking ''or'' at the end; and

(iii) by adding at the end the following new subparagraph:

''(D) beginning not later than July 1, 2018, under the plan by any provider of services or person whose participation in the State plan is terminated (as described in section 1902(kk)(8)) after the date that is 60 days after the date on which such termination is included in the database or other system under section 1902(ll); or''; and

(B) in subsection (m), by inserting after paragraph (2) the following new paragraph:

''(3) No payment shall be made under this title to a State with respect to expenditures incurred by the State for payment for services provided by a managed care entity (as defined under section 1932(a)(1)) under the State plan under this title (or under a waiver of the plan) unless the State—

''(A) beginning on July 1, 2018, has a contract with such entity that complies with the requirement specified in section 1932(d)(5); and

''(B) beginning on January 1, 2018, complies with the requirement specified in section 1932(d)(6)(A).''.

(5) DEVELOPMENT OF UNIFORM TERMINOLOGY FOR REASONS FOR PROVIDER TERMINATION.—Not later than July 1, 2017, the Secretary of Health and Human Services shall, in consultation with the heads of State agencies administering State Medicaid plans (or waivers of such plans), issue regulations establishing uniform terminology to be used with respect to specifying reasons under subparagraph (A)(v) of paragraph (8) of section 1902(kk) of the Social Security Act (42 U.S.C. 1396a(kk)), as amended by paragraph (1), for the termination (as described in such paragraph) of the participation of certain providers in the Medicaid program under title XIX of such Act or the Children's Health Insurance Program under title XXI of such Act.

(6) CONFORMING AMENDMENT.—Section 1902(a)(41) of the Social Security Act (42 U.S.C. 1396a(a)(41)) is amended by striking ''provide that whenever'' and inserting ''provide, in accordance with subsection (kk)(8) (as applicable), that whenever''.

(b) INCREASING AVAILABILITY OF MEDICAID PROVIDER INFORMATION.—

(1) FFS PROVIDER ENROLLMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended by inserting after paragraph (77) the following new paragraph:

''(78) provide that, not later than January 1, 2017, in the case of a State plan (or a waiver of the plan) that provides medical assistance on a fee-for-service basis, the State shall require each provider furnishing items and services to individuals eligible to receive medical assistance under such plan to enroll with the State agency and provide to the State agency the provider's identifying information, including the name, specialty, date of birth, Social Security number, national provider identifier, Federal taxpayer identification number, and the State license or certification number of the provider;''.

(2) MANAGED CARE PROVIDER ENROLLMENT.—Section 1932(d) of the Social Security Act (42 U.S.C. 1396u–2(d)), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

''(6) ENROLLMENT OF PARTICIPATING PROVIDERS.—

''(A) IN GENERAL.—Beginning not later than January 1, 2018, a State shall require that, in order to participate as a provider in the network of a managed care entity that provides services to, or orders, prescribes, refers, or certifies eligibility for services for, individuals who are eligible for medical assistance under the State plan under this title (or under a waiver of the plan) and who are enrolled with the entity, the provider is enrolled with the State agency administering the State plan under this title (or waiver of the plan). Such enrollment shall include providing to the State agency the provider's identifying information, including the name, specialty, date of birth, Social Security number, national provider identifier, Federal taxpayer identification number, and the State license or certification number of the provider.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as requiring a provider described in such subparagraph to provide services to individuals who are not enrolled with a managed care entity under this title.''.

(c) COORDINATION WITH CHIP.—

(1) IN GENERAL.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N), and (O) as subparagraphs (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (O), (P), (Q), and (R), respectively;

(B) by inserting after subparagraph (A) the following new subparagraphs:

''(B) Section 1902(a)(39) (relating to termination of participation of certain providers).

''(C) Section 1902(a)(78) (relating to enrollment of providers participating in State

plans providing medical assistance on a fee-for-service basis).'';

(C) by inserting after subparagraph (K) (as redesignated by subparagraph (A)) the following new subparagraph:

''(L) Section 1903(m)(3) (relating to limitation on payment with respect to managed care).''; and

(D) in subparagraph (P) (as redesignated by subparagraph (A)), by striking ''(a)(2)(C) and (h)'' and inserting ''(a)(2)(C) (relating to Indian enrollment), (d)(5) (relating to contract requirement for managed care entities), (d)(6) (relating to enrollment of providers participating with a managed care entity), and (h) (relating to special rules with respect to Indian enrollees, Indian health care providers, and Indian managed care entities)''.

(2) EXCLUDING FROM MEDICAID PROVIDERS EXCLUDED FROM CHIP.—Section 1902(a)(39) of the Social Security Act (42 U.S.C. 1396a(a)(39)) is amended by striking ''title XVIII or any other State plan under this title'' and inserting ''title XVIII, any other State plan under this title (or waiver of the plan), or any State child health plan under title XXI (or waiver of the plan)''.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as changing or limiting the appeal rights of providers or the process for appeals of States under the Social Security Act.

(e) OIG REPORT.—Not later than March 31, 2020, the Inspector General of the Department of Health and Human Services shall submit to Congress a report on the implementation of the amendments made by this section. Such report shall include the following:

(1) An assessment of the extent to which providers who are included under subsection (ll) of section 1902 of the Social Security Act (42 U.S.C. 1396a) (as added by subsection (a)(3)) in the database or similar system referred to in such subsection are terminated (as described in subsection (kk)(8) of such section, as added by subsection (a)(1)) from participation in all State plans under title XIX of such Act (or waivers of such plans).

(2) Information on the amount of Federal financial participation paid to States under section 1903 of such Act in violation of the limitation on such payment specified in subsections (i)(2)(D) and (m)(3) of such section, as added by subsection (a)(4) of this section.

(3) An assessment of the extent to which contracts with managed care entities under title XIX of such Act comply with the requirement specified in section 1932(d)(5) of such Act, as added by subsection (a)(2) of this section.

(4) An assessment of the extent to which providers have been enrolled under section 1902(a)(78) or 1932(d)(6)(A) of such Act (42 U.S.C. 1396a(a)(78), 1396u–2(d)(6)(A)) with State agencies administering State plans under title XIX of such Act (or waivers of such plans).

SEC. 3. REQUIRING PUBLICATION OF FEE-FOR-SERVICE PROVIDER DIRECTORY.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (80), by striking ''and'' at the end;

(2) in paragraph (81), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (81) the following new paragraph:

''(82) provide that, not later than January 1, 2017, in the case of a State plan (or waiver of the plan) that provides medical assistance on a fee-for-service basis or through a primary care case-management system described in section 1915(b)(1) (other than a primary care case management entity (as defined by the Secretary)), the State shall publish (and update on at least an annual basis) on the public Website of the State agency administering the State plan, a directory of the physicians described in subsection (mm) and, at State option, other providers described in such subsection that—

''(A) includes—

''(i) with respect to each such physician or provider—

''(I) the name of the physician or provider;

''(II) the specialty of the physician or provider;

''(III) the address at which the physician or provider provides services; and

''(IV) the telephone number of the physician or provider; and

''(ii) with respect to any such physician or provider participating in such a primary care case-management system, information regarding—

''(I) whether the physician or provider is accepting as new patients individuals who receive medical assistance under this title; and

''(II) the physician's or provider's cultural and linguistic capabilities, including the languages spoken by the physician or provider or by the skilled medical interpreter providing interpretation services at the physician's or provider's office; and

''(B) may include, at State option, with respect to each such physician or provider—

''(i) the Internet website of such physician or provider; or

''(ii) whether the physician or provider is accepting as new patients individuals who receive medical assistance under this title.''.

(b) DIRECTORY PHYSICIAN OR PROVIDER DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 2(a)(3), is further amended by adding at the end the following new subsection:

''(mm) DIRECTORY PHYSICIAN OR PROVIDER DESCRIBED.—A physician or provider described in this subsection is—

''(1) in the case of a physician or provider of a provider type for which the State agency, as a condition on receiving payment for items and services furnished by the physician or provider to individuals eligible to receive medical assistance under the State plan, requires the enrollment of the physician or provider with the State agency, a physician or a provider that—

''(A) is enrolled with the agency as of the date on which the directory is published or updated (as applicable) under subsection (a)(82); and

''(B) received payment under the State plan in the 12-month period preceding such date; and

''(2) in the case of a physician or provider of a provider type for which the State agency does not require such enrollment, a physician or provider that received payment under the State plan (or waiver of the plan) in the 12-month period preceding the date on which the directory is published or updated (as applicable) under subsection (a)(82).''.

(c) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—The amendment made by subsection (a) shall not be construed to apply in the case of a State (as defined for purposes of title XIX of the Social Security Act) in which all the individuals enrolled in the State plan under such title (or under a waiver of such plan), other than individuals described in paragraph (2), are enrolled with a medicaid managed care organization (as defined in section 1903(m)(1)(A) of such Act (42 U.S.C. 1396b(m)(1)(A))), including prepaid inpatient health plans and prepaid ambulatory health plans (as defined by the Secretary of Health and Human Services).

(2) INDIVIDUALS DESCRIBED.—An individual described in this paragraph is an individual who is an Indian (as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)) or an Alaska Native.

(d) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), which the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet one or more additional requirements imposed by amendments made by this section, the respective plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

SEC. 4. EXTENSION OF THE TRANSITION TO NEW PAYMENT RATES FOR DURABLE MEDICAL EQUIPMENT UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services shall extend the transition period described in clause (i) of section 414.210(g)(9) of title 42, Code of Federal Regulations, from June 30, 2016, to September 30, 2016 (with the full implementation described in clause (ii) of such section applying to items and services furnished with dates of service on or after October 1, 2016).

(b) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study that examines the impact of applicable payment adjustments upon—

(i) the number of suppliers of durable medical equipment that, on a date that is not before January 1, 2016, and not later than September 1, 2016, ceased to conduct business as such suppliers; and

(ii) the availability of durable medical equipment, during the period beginning on January 1, 2016, and ending on September 1, 2016, to individuals entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or enrolled under part B of such title.

(B) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

(i) SUPPLIER; DURABLE MEDICAL EQUIPMENT.—The terms ''supplier'' and ''durable medical equipment'' have the meanings given such terms by section 1861 of the Social Security Act (42 U.S.C. 1395x).

(ii) APPLICABLE PAYMENT ADJUSTMENT.—The term ''applicable payment adjustment'' means a payment adjustment described in section 414.210(g) of title 42, Code of Federal Regulations, that is phased in by paragraph (9)(i) of such section. For purposes of the preceding sentence, a payment adjustment that is phased in pursuant to the extension under subsection (a) shall be considered a payment adjustment that is phased in by such paragraph (9)(i).

(2) REPORT.—The Secretary of Health and Human Services shall, not later than September 10, 2016, submit to the Committees on Ways and Means and on Energy and Commerce of the House of Representatives, and to the Committee on Finance of the Senate,

a report on the findings of the study conducted under paragraph (1).

SEC. 5. EXCLUSION OF PAYMENTS FROM STATE EUGENICS COMPENSATION PROGRAMS FROM CONSIDERATION IN DETERMINING ELIGIBILITY FOR, OR THE AMOUNT OF, FEDERAL PUBLIC BENEFITS.

(a) IN GENERAL.—Notwithstanding any other provision of law, payments made under a State eugenics compensation program shall not be considered as income or resources in determining eligibility for, or the amount of, any Federal public benefit.

(b) DEFINITIONS.—For purposes of this section:

(1) FEDERAL PUBLIC BENEFIT.—The term ''Federal public benefit'' means—

(A) any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

(B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States.

(2) STATE EUGENICS COMPENSATION PROGRAM.—The term ''State eugenics compensation program'' means a program established by State law that is intended to compensate individuals who were sterilized under the authority of the State.

SEC. 6. DEPOSIT OF SAVINGS INTO MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking ''$0'' and inserting ''$3,000,000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from Vermont (Mr. WELCH) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on the bill, including an exchange of letters between the Committee on Energy and Commerce and the Committee on Ways and Means.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PITTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bipartisan bill before us accomplishes several important objectives. Since 2003, the durable medical equipment, DME, competitive bidding program has required DME suppliers in certain large, densely populated areas to compete for contracts to serve Medicare beneficiaries in those areas. This market-based competition has saved the Medicare program and beneficiaries billions of dollars in saving and reduced cost sharing.

Since 2009, CMS has had the authority to expand the program to additional areas, and in 2014 the agency published a final rule that will expand competitive bidding to all areas of the country. Beginning January 1, 2016, CMS began phasing in new regional reimbursement rates for noncompetitive bid areas using a 50–50 blend of old and new rates. Starting July 1, rates will be based on the new calculations.

To ensure we have a full appreciation of the impact of the phase-in, the bill continues the 50–50 blend payment for an additional 3 months. It also requires HHS to report to Congress on any access issues caused by the blended rate before the full rate change can go into effect.

The bill also improves access to quality healthcare providers for vulnerable Medicaid patients and includes legislation that recently passed the House 406–0.

In this legislation, we again reiterate the House's support to address two important issues that plague Medicaid beneficiaries: first, State Medicaid programs too often suffer from waste, fraud, and abuse; and, second, too many Medicaid patients may have a hard time finding a doctor.

The bill would ensure healthcare providers terminated from Medicare or one State's Medicaid program for reasons of fraud, integrity, or quality are also terminated from other State Medicaid programs. The Office of Inspector General at HHS has previously found that 12 percent of terminated providers were participating in a State Medicaid program after the same provider was terminated from another State Medicaid program. It is critical that fraudulent providers are not allowed to defraud taxpayers or harm patients across the board.

The bill also requires State Medicaid programs to provide beneficiaries served under fee-for-service or primary care case management programs an electronic directory of physicians participating in the program. This important effort will address a critical challenge of Medicaid patients in accessing certain types of care, such as obtaining specialty care or dental care. Medicaid patients would now have better information by simply applying requirements similar to those in place for Medicaid-managed care plans to fee-for-service and/or primary care case management programs.

Finally, the bill includes legislation by Mr. MCHENRY and Mr. BUTTERFIELD that ensures that payments made under a State eugenics compensation program cannot be considered as income in determining eligibility for any Federal public benefit. Simply put, the bill prevents any funds from such a compensation program to be counted as income for purposes of receiving any Federal benefits.

According to the Congressional Budget Office, H.R. 5210, as amended, would be completely offset over the budget window. We will provide more time to understand the impact of DME payment changes on Medicare beneficiaries. We will also enact commonsense reforms that help protect Medicaid beneficiaries, improve access to care, and enact an important clarification for those eligible for certain State compensation programs.

I want to thank Ranking Member PALLONE and his staff as well as the Committee on Ways and Means for their work on this compromise, and I urge my colleagues to support H.R. 5210, as amended.

Mr. Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 21, 2016.

The Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN UPTON: I am writing concerning H.R. 5210, the ''Patient Access to Durable Medical Equipment Act of 2016,'' on which the Committee on Ways and Means was granted an additional referral.

In order to allow H.R. 5210 to move expeditiously to the House floor, I agree to waive formal consideration of this bill. The Committee on Ways and Means takes this action with our mutual understanding that by foregoing consideration on H.R. 5210 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this bill or similar legislation moves forward. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and asks that you support any such request.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Congressional Record during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

KEVIN BRADY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 21, 2016.

The Hon. KEVIN BRADY,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN BRADY: Thank you for your letter regarding H.R. 5210, the ''Patient Access to Durable Medical Equipment Act of 2016,'' on which the Committee on Ways and Means was granted an additional referral.

I appreciate your agreeing to waive formal consideration of H.R. 5210 in order to allow the bill to move expeditiously to the House floor.

I agree that by foregoing consideration on H.R. 5210 at this time, the Committee on Ways and Means does not waive any jurisdiction over subject matter contained in this or similar legislation, and that the Committee will be appropriately consulted and involved as this bill or similar legislation moves forward. I also agree that the Committee reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and I will support any such request.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill.

Sincerely,

FRED UPTON,
Chairman.

Mr. WELCH. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague, Mr. PITTS. It is a pleasure to be working with him and with Mr. PALLONE and Mr. UPTON.

This legislation, as Mr. PITTS indicated, is going to give some relief to communities, particularly rural communities, from the imposition of changes in how charges are made in competitive bidding processes that have a significant potential to make inaccessible durable medical equipment.

I was a cosponsor, but the lead sponsor is here, Dr. PRICE, a good colleague and a really good doctor. Dr. PRICE, Legislator PRICE, came up with a pretty good bill that is going to help Georgia but also help rural Vermont, so I appreciate that.

□ 1745

The bottom line, the DME Competitive Bidding Program was created in 2003. It was aimed at a goal all of us have. It was trying to lower spending on durable medical equipment. It was well-intended, but it has had some serious consequences, especially for rural providers, like in Vermont, and I am sure parts of Georgia and other rural parts of the country.

By the way, when we do something, it can have a good intention, it can even accomplish some of its goals, but I think it always makes sense for us on both sides to step back after there is some history—this went in in 2003—and take a look, kick the tires. What are some of the improvements that we can make so that we get back to the original intention and don't do harm that is unnecessary? And that is what the Price legislation is doing.

In January 2016, the Competitive Bidding Program began its nationwide rollout. That was under the new CMS guidelines. As a result, the rural areas saw significant cuts. It really does jeopardize access to this important equipment for beneficiaries.

The CMS continued its rollout in July with a second round of cuts. It further slashed reimbursement rates for DME across rural America, including Vermont.

In Vermont, we have an excellent equipment provider, Yankee Medical, that is reasonable in its price and incredibly good in its service. It will bring equipment to people all across rural Vermont. That is such a benefit for folks who can't get out of their homes.

The rural areas do have different challenges than urban areas. It is much more challenging for stakeholders to absorb these cuts. For instance, a small business in rural Vermont in a noncompetitively bid area may not have a large amount of Medicare-related businesses and, therefore, might not be able to afford the prices that a business in a much larger populated area could offer.

So this legislation is going to put on hold for 3 months what these prices will be. It is going to allow time for some adjustment and, hopefully, for us to consider other positive reforms that will be helpful to maintaining access to important healthcare equipment for folks in rural Vermont and rural America.

The bill contains a couple of other provisions, one of which I will speak about. My colleague on the Energy and Commerce Committee, Mr. BUCSHON, was the lead sponsor and I was his cosponsor. As a way to pay for this—and that was cracking down on this Medicare fraud, where there has been a failure administratively—when a provider is found to be fraudulent in one district, that fraud is not then communicated to all other districts or States, so that fraudulent provider tries to just take their operation elsewhere. This is going to require that notification and it is going to shut down that fraud much more quickly, saving money, and then helping us to pay for this.

So this is practical legislation, the result of a compromise by the chairman and ranking member of the Energy and Commerce Committee, Mr. PITTS, and some of my colleagues. Mr. LOEBSACK of Iowa played a very, very active role in this legislation. Of course, Dr. PRICE did as well.

Mr. Speaker, I yield back the balance of my time.

Mr. PITTS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. PRICE), the distinguished Budget Committee chairman.

Mr. TOM PRICE of Georgia. Mr. Speaker, I want to thank the gentleman from Pennsylvania for his work on this and his interest and passion for healthcare issues and the work that we do in this House. I also want to thank the gentleman from Vermont for his kind words and the work he has done on this; and the gentleman from Iowa as well, who has been instrumental in moving this legislation forward.

Mr. Speaker, many Medicare beneficiaries rely on a set of healthcare products and services that are classified as durable medical equipment, or DME. DME is often life-improving or lifesaving; things like blood sugar monitors, canes, crutches, hospital beds, power wheelchairs, and even things like oxygen supplies and tanks. Without access to these items, many Medicare beneficiaries would not be able to survive or would see their quality of life greatly diminished.

In January 2016, Medicare started to slash reimbursement rates for these products and services as part of a nationwide rollout of their Competitive Bidding Program.

Mr. Speaker, I would suggest that this program is neither competitive nor is it a real bidding process. CMS now wants to extend these substandard rates and this substandard program to other areas, as you have heard, including rural regions of our Nation, where these new rates will oftentimes not even cover the cost of the delivery of the item or the service, which means they just won't happen.

In addition, this CMS program has failed to hold bidders to account. It has failed to produce rates that are financially sustainable for those who are trying to provide these services and items to patients.

The National Minority Quality Forum has data that demonstrates this program is driving up costs through avoidable hospital bills and inpatient admissions, increasing out-of-pocket payments by patients, and has led to increased mortality rates. Mr. Speaker, that is more people dying in our Nation because of this program.

In just my home State of Georgia, there has been a 20 percent decrease in the number of DME suppliers between 2013 and 2016. The number of medical equipment supply stores in our State has similarly decreased by nearly 40 percent.

The legislation we have before us today, H.R. 5210, would provide a 3-month delay in the cuts, hopefully allowing for work to be done to come up with a real solution.

This legislation represents a bipartisan commitment to ensure that Medicare beneficiaries continue receiving critical care provided through durable medical equipment, particularly those living in the rural areas of our Nation who would be disproportionately harmed by cuts in reimbursements.

Again, this delay will, hopefully, provide policymakers additional time to come up with a consensus on a long-term solution. Every effort must be made to protect access to quality health care for seniors.

I want to thank, again, my colleagues on both sides of the aisle for their work on this issue. I want to, once again, commend Chairman PITTS for his work on this issue.

I urge adoption of the bill.

Mr. PITTS. Mr. Speaker, I urge support for this bipartisan bill, H.R. 5210.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I cannot support a delay in the expansion of the competitive bidding program. Competitive bidding for durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) has saved the Medicare program billions of dollars. And lowering costs for the Medicare program means lower copayments for Medicare beneficiaries.

Over the years, it has been widely documented by the HHS Office of Inspector General and the Government Accountability Office

that Medicare payments for DMEPOS far exceeded reasonable costs. This is why Congress passed legislation requiring competitive bidding for DMEPOS incrementally. Since 2011, CMS has closely monitored all beneficiaries in the competitive bidding areas, and there have been no access concerns. Health outcomes are steady compared to before Medicare began the competitive bidding program. CMS will continue to monitor health outcomes, and until we see any concerns, I do not believe we should stop the progress in saving money for both beneficiaries and the Medicare program.

That said, the Medicaid policies in this legislation were passed by the House in March of this year, 406–0, after consideration by the House Energy and Commerce Committee. The first policy, the Medicaid DOC Act, is an initiative first introduced by Reps. COLLINS and TONKO and would require states that participate in fee-for-service Medicaid to publish electronic provider directories. It's important for patients to know what providers participate in the Medicaid program. States are required to provide electronic directories in managed care, but the same requirement does not exist across the full Medicaid program. The Committee worked throughout the legislative process to streamline this policy with current federal provider directory regulations in Medicaid managed care. The legislation details the minimum items that must be included in a provider directory, but also allows states to go beyond these standards.

The second policy is an initiative first introduced by Reps. BUCSHON, WELCH, and BUTTERFIELD and would provide CMS with critical tools to keep patients safe, protect taxpayer dollars, and protect the integrity of the Medicaid program. The ACA included a provision that prohibited disqualified providers from Medicare or one state Medicaid program from simply crossing state lines and receiving payments in another state Medicaid program. Unfortunately, as drafted, the law has been hard to implement, because states don't have a consistent or standardized way of knowing when a specific provider has been terminated by Medicare or another state. States are not currently required to report this information, and if it is reported, it is in many differing formats, limiting the data's usability. This provision would require all states to report information on fraudulent providers to the Secretary for inclusion in a currently existing termination database that is accessible to all states. The legislation also requires the Secretary to develop uniform criteria for states to use when submitting information. I supported both of these commonsense policies in the past, and I continue to support them today.

Mr. MCDERMOTT. Mr. Speaker, this bill, H.R. 5210, the Patient Access to Durable Medical Equipment Act, delays the implementation of recent changes to durable medical equipment payments.

For the past several years, Medicare has been reforming how we pay for DME, including items like oxygen tanks, walkers, or hospital beds.

In much of the country, CMS uses competitive bidding to determine how much DME costs. But in some communities, primarily in rural areas, CMS pays under the DME fee schedule. Under this payment system, there is no competitive market to drive prices down.

Nonpartisan, independent experts, including MedPAC and the Government Accountability Office, have warned us that Medicare is overpaying for DME through the fee schedule.

To address this problem, CMS has been phasing in new payments that will reduce DME costs under the fee schedule based on competitive bidding pricing. These lower payments are scheduled to be fully phased in by July.

Getting DME costs under control is critical. Higher prices result in increased Medicare spending and, even more importantly, they force beneficiaries to pay more out of pocket.

At the same time, some DME suppliers and beneficiary groups have expressed concerns that lowering the price for DME too far could hinder beneficiary access to important equipment.

To address this issue, the bill before us provides a compromise that will institute a temporary delay of the lower DME fee schedule payments for three months. This pause will allow us to gather more data on how the new payment rates impact beneficiary access.

That being said, it's not entirely clear that this delay is necessary. CMS has already been carefully monitoring access to DME. Just this month, the agency released data showing that payment cuts have not caused any harm to suppliers or to beneficiaries.

Even as we have significantly reduced spending, suppliers continue to accept the reformed payment rates, and there is no evidence that beneficiary access to high quality DME has been hindered.

This bill will give us three more months to verify that this is the case. This is only a short-term freeze, and if the evidence continues to show that the new payment rates are working, there will be no reason for us to delay any longer.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, H.R. 5210, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUPPORTING AMERICA'S INNOVATORS ACT OF 2016

Mr. GARRETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4854) to amend the Investment Company Act of 1940 to expand the investor limitation for qualifying venture capital funds under an exemption from the definition of an investment company, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Supporting America's Innovators Act of 2016''.

SEC. 2. INVESTOR LIMITATION FOR QUALIFYING VENTURE CAPITAL FUNDS.

Section 3(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(1)) is amended—

(1) by inserting after ''one hundred persons'' the following: ''(or, with respect to a qualifying venture capital fund, 250 persons)''; and

(2) by adding at the end the following:

''(C) The term 'qualifying venture capital fund' means any venture capital fund (as defined pursuant to section 203(l)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(l)(1)) with no more than $10,000,000 in invested capital, as such dollar amount is annually adjusted by the Commission to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. GARRETT) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GARRETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4854, Supporting America's Innovators Act of 2016; and I want to thank the sponsor of the legislation, the gentleman from North Carolina (Mr. MCHENRY).

Mr. Speaker, it is no secret that 7 years after our last recession apparently ended, our economy continues to trudge along at historically weak rates of growth and job creation.

Three points: The most recent jobs report showed that only 38,000 jobs were created during the month of May. That was the worst report since 2010;

New business startups in the country are near a 20-year low;

And, finally, American families and small businesses are finding it extremely difficult to obtain credit in order to expand their businesses or purchase a home.

More than ever, Mr. Speaker, Americans are looking at us, their elected Representatives in Congress, to help get our economy back on track and create opportunities for people that have struggled for too long.

Fortunately, over the last 5 years, the Financial Services Committee has stepped up to the plate and passed a number of bipartisan pieces of legislation. Most notably, in 2012, Congress passed the JOBS Act, which is one of the few bright spots. In April, the Capital Markets and GSE Subcommittee held a hearing to examine the positive

impacts that the JOBS Act has had, and to consider further ways that we can work across the aisle to promote job growth. But for just about every measure the JOBS Act has been a resounding success, there is more that Congress can be doing.

So today, Mr. Speaker, the House will consider a couple of measures that will build upon the success of the JOBS Act. The first is this one. This measure is Supporting America's Innovation Act of 2016.

What will the bill do?

First, it would fix what is known as the 99 investor problem. That is, under current securities law, once a venture capital fund gains more than 99 investors, it would have to become registered with the SEC under the Investment Company Act of 1940.

Just in case there is any confusion, registering with the SEC isn't free. It creates a number of costs and regulatory burdens on small venture funds that hinder the ability to deploy vital capital for startup businesses.

What is more, the current investor cap was put in place way back in 1940, at a time when nobody had ever heard of Silicon Valley, and venture capital did not play anywhere near the role it does today.

So while the JOBS Act raised the registration threshold for private companies from 500 to 2,000 investors, it did not concurrently raise the threshold for investors acting as a coordinated group.

As Kevin Laws, COO of AngelList, told our subcommittee back in April:

> With online fundraising and general solicitation becoming more common because of the JOBS Act, companies are bumping up against the limit more frequently. The limit of 99 investors now acts as a brake on the amount of capital that they can raise.

So, Mr. Speaker, in conclusion, the solution envisioned under this legislation is simple. It simply bumps the number from 100 to 250, and it clarifies that registration would not be triggered until the fund crossed a threshold of $10 million invested in a particular company.

This legislation is simple. It is straightforward. It would allow venture capital funds to continue to play the important role they do in our economy without any of the burden having to deal with any unnecessary regulation.

So, once again, I thank the sponsor of the underlying bill, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and Members, this bill, H.R. 4854, is an example of how the two sides can work together. I worked with Mr. MCHENRY on this legislation. It just goes to show that when the opposite side of the aisle is not focused on trying to destroy and undo Dodd-Frank, we can get to doing some credible legislation.

So I am very, very pleased about this legislation. It is another piece of legislation intended to help our Nation's startups and the venture capitalists who take a chance on them by providing a targeted exemption for certain venture capital funds.

It is also a piece of legislation that appropriately balances the ability of a startup to raise capital with the need to protect investors in the startup. When we fail to strike this balance, investors suffer, small businesses suffer; and when taken to the extreme, our entire economy can suffer.

During consideration of this bill in committee, Mr. MCHENRY and I offered an amendment to create a new exemption for qualifying venture capital funds that have no more than 250 investors and only $10 million in invested capital. These smaller funds will allow angel investor groups to better pool their resources among more accredited investors to make targeted, high-impact investments in the very companies that create the most jobs: startups.

This structure is used today by AngelList, a company that matches investors meeting certain income and asset thresholds to pool their money into a special purpose fund and invest together in startup companies.

□ 1800

Importantly, both the companies and the investors benefit from this structure, compared with making hundreds of smaller direct investments. A company, for example, only has a single point of contact, the angel fund advised by fiduciary, rather than hundreds of investors who all must individually approve corporate actions such as acquisitions and expanding ownership.

Investors also like this structure because they can delegate monitoring the startups they invest in to the investment adviser to fund. Such monitoring may be significant, considering that investors typically diversify among 30 to 80 companies.

H.R. 4854, as amended, is appropriately tailored to only certain venture capital funds, which must invest at least 80 percent of their committed capital in the equity of small companies. Under the bill, those funds must have no more than 250 investors and no more than $10 million in this invested capital, ensuring that they are small enough that investors are able to monitor and manage their investments with the funds.

This language ensures that we aren't creating a loophole for other investment companies, like mutual funds, to avoid regulation, nor are we providing relief to other private funds, like hedge funds or private equity funds, that have very little restrictions and investor protections.

Finally, I would like to express my appreciation of Mr. MCHENRY's efforts to make changes to this bill addressing some of the concerns of investor advocates, like the Consumer Federation of America and Americans for Financial Reform. His efforts have made this a good bill that deserves our support.

Mr. Speaker, I reserve the balance of my time.

Mr. GARRETT. Mr. Speaker, at this time, I yield such time as he may consume to the gentleman from North Carolina (Mr. MCHENRY), the sponsor of the legislation.

Mr. MCHENRY. Mr. Speaker, I thank the chairman of the Capital Markets and Government Sponsored Enterprises Subcommittee, and I rise today to support the Supporting America's Innovators Act.

Mr. Speaker, these days, American small businesses are facing a capital crisis. This is particularly true for early-stage companies and startups.

Despite the headlines from Silicon Valley, the truth is that the vast majority of early-stage companies are not securing venture capital funding. Indeed, almost 80 percent of startup investment goes to just three States in these United States.

Meanwhile, angel investing for these early-stage companies is challenging. Investing in startup companies is inherently risky, which is why the wealthy investors who qualify to become angels often shy away from it.

This is why we need to address the challenges facing angel investing. This is accomplished by changing our mindset and creating a regulatory framework that encourages innovation and growth, while ensuring that shareholder and investor protections remain strong.

Ranking Member WATERS and I proposed an amendment that would increase the cap of investors from 100 to 250 for accredited investors of angel funds, and this would only apply to qualifying venture funds narrowly tailored to early-stage investing.

What we have before us in the full House is a great work of compromise, and I thank the ranking member, Ms. WATERS, for her diligent work, working with my staff and her staff together over many long hours to come up with this compromise that we have that will, I believe, garner bipartisan support like it did in the Financial Services Committee. I do thank the ranking member for working diligently to make this outcome possible.

The result of our proposed amendment and what we have before us allows for early-stage companies to raise the capital they need by opening up angel investing to more accredited investors.

This is a good bill. It is a compromise bill, and I am pleased that this legislation enjoyed wide support. I urge my

colleagues to support it and vote for it, and let's get this thing done and signed by the President.

Ms. MAXINE WATERS of California. Mr. Speaker and Members, again, I am very pleased to join with Mr. MCHENRY on this legislation. I really have no further requests for time, and I am going to yield back the balance of my time because I am so looking forward to getting back to the discussion that we are going to have later on this evening on guns and gun violence.

I want my constituents to know I have not abandoned that issue. Others have not abandoned that issue. We look forward to really debating whether or not we are going to make sure that people who are on the no-fly list certainly can't buy guns, and we want universal background checks. I know this has nothing to do with this bill, but I will just take this opportunity to say that.

Mr. Speaker, I yield back the balance of my time.

Mr. GARRETT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I rise today because of the economic importance of what we are doing. We are trying to help grow the economy, create jobs across this country in a more fruitful way than just in pockets of prosperity across this country. In areas that are like my district in rural western North Carolina or the ranking member's district that is an urban district, we want to have prosperity in all 50 States, in all communities, and the economic opportunities that our constituents are desirous of, and I urge the adoption of this bill to help expand economic opportunity.

Mr. GARRETT. Mr. Speaker, I yield myself such time as I may consume.

Again, I thank the gentleman, and I thank the bipartisan nature of what we are doing here on the floor this evening with this legislation and the two pieces of legislation that follow. It shows the American public that this House, when we work together across the aisle and focus our attention on these important economic issues, can get things done.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. GARRETT) that the House suspend the rules and pass the bill, H.R. 4854, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GARRETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

FIX CROWDFUNDING ACT

Mr. GARRETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4855) to amend provisions in the securities laws relating to regulation crowdfunding to raise the dollar amount limit and to clarify certain requirements and exclusions for funding portals established by such Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fix Crowdfunding Act''.

SEC. 2. CROWDFUNDING VEHICLES.

(a) AMENDMENTS TO THE SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended—

(1) in section 4A(f)(3), by inserting ''by any of paragraphs (1) through (14) of'' before ''section 3(c)''; and

(2) in section 4(a)(6)(B), by inserting after ''any investor'' the following: '', other than a crowdfunding vehicle (as defined in section 2(a) of the Investment Company Act of 1940),''.

(b) AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) is amended—

(1) in section 2(a), by adding at the end the following:

''(55) The term 'crowdfunding vehicle' means a company—

''(A) whose purpose (as set forth in its organizational documents) is limited to acquiring, holding, and disposing securities issued by a single company in one or more transactions and made pursuant to section 4(a)(6) of the Securities Act of 1933;

''(B) which issues only one class of securities;

''(C) which receives no compensation in connection with such acquisition, holding, or disposition of securities;

''(D) no associated person of which receives any compensation in connection with such acquisition, holding or disposition of securities unless such person is acting as or on behalf of an investment adviser registered under the Investment Advisers Act of 1940 or registered as an investment adviser in the State in which the investment adviser maintains its principal office and place of business;

''(E) the securities of which have been issued in a transaction made pursuant to section 4(a)(6) of the Securities Act of 1933, where both the crowdfunding vehicle and the company whose securities it holds are co-issuers;

''(F) which is current in its ongoing disclosure obligations under Rule 202 of Regulation Crowdfunding (17 C.F.R. 227.202);

''(G) the company whose securities it holds is current in its ongoing disclosure obligations under Rule 202 of Regulation Crowdfunding (17 C.F.R. 227.202); and

''(H) is advised by an investment adviser registered under the Investment Advisers Act of 1940 or registered as an investment adviser in the State in which the investment adviser maintains its principal office and place of business.''; and

(2) in section 3(c), by adding at the end the following:

''(15) Any crowdfunding vehicle.''.

SEC. 3. CROWDFUNDING EXEMPTION FROM REGISTRATION.

Section 12(g)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(6)) is amended—

(1) by striking ''The Commission'' and inserting the following:

''(A) IN GENERAL.—The Commission'';

(2) by striking ''section 4(6)'' and inserting ''section 4(a)(6)''; and

(3) by adding at the end the following:

''(B) TREATMENT OF SECURITIES ISSUED BY CERTAIN ISSUERS.—An exemption under subparagraph (A) shall be unconditional for securities offered by an issuer that had a public float of less than $75,000,000 as of the last business day of the issuer's most recently completed semiannual period, computed by multiplying the aggregate worldwide number of shares of the issuer's common equity securities held by non-affiliates by the price at which such securities were last sold (or the average bid and asked prices of such securities) in the principal market for such securities or, in the event the result of such public float calculation is zero, had annual revenues of less than $50,000,000 as of the issuer's most recently completed fiscal year.''.

The SPEAKER pro tempore (Mr. KNIGHT). Pursuant to the rule, the gentleman from New Jersey (Mr. GARRETT) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and enter in extraneous material on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GARRETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4855. This is the Fix Crowdfunding Act. Once again, I thank the gentleman from North Carolina (Mr. MCHENRY), the sponsor of the bill, which also passed the Financial Services Committee in June with a vote of 57–2.

Let's get into it, Mr. Speaker.

Title III of the JOBS Act, known as the crowdfunding title, is one of the most promising provisions of that law, and so, by opening the door for equity crowdfunding to literally millions of Americans, people who want to invest in companies that they believe in, title III has the potential to further democratize our capital markets, and doing so will create opportunities for Main Street to generate wealth.

Unfortunately, in part due to provisions added by the Senate during conference negotiations and in part due to problems with the SEC's implementation of title III, equity crowdfunding in the United States may never reach its full potential.

As SEC Commissioner Mike Piwowar noted in his dissent to the SEC's rules that came out last year, he said: ''The rules will spin a complex web of provisions and requirements for compliance

. . . Such burdens will spook many small businesses from pursuing crowdfunding as a viable path to raising capital.''

Fortunately, once again, the Financial Services Committee has stepped up to the plate to address these problems; and fortunately, we have Mr. MCHENRY here, who has put forward his Crowdfunding Act to fix it.

The Fix Crowdfunding Act would address some of these issues, and it does so in two important ways. First, the bill would enable special purpose vehicles, as defined by the bill, to be considered an authorized investor in crowdfunding offerings.

What does this mean?

Well, this means a group of investors can basically come together and pool the resources and then invest alongside some more sophisticated investors in these new, growing startup businesses.

As I tell you this, it is important to note that, under current regulations, unless you are, well, extremely wealthy, you are typically prohibited from investing in private businesses here in the United States.

Secondly, Mr. MCHENRY's Fix Crowdfunding Act increases the amount that a company can raise through this mechanism of crowdfunding before it has to go and register with the SEC.

So while these things may be just technical fixes to a complicated set of security laws, at the end of the day, what they will do is break down what we say is historical barriers that prevented startup companies and businesses from connecting with literally millions of Americans and investors across the country.

So the Fix Crowdfunding Act that we are seeing here today will address many of the problems that currently exist with the crowdfunding regulations.

Again, I want to thank the gentleman from North Carolina, and also my colleagues on the Financial Service Committee for their support.

Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my colleague from North Carolina for his efforts to work with me to craft this bipartisan legislation. H.R. 4855 is an example of how Congress can assist startups to finance their operations while still protecting the investors who entrust their hard-earned funds to those companies.

Equity crowdfunding, through which startup companies sell stock to hundreds or even thousands of everyday people, has been and will always be a high-risk, high-reward investment.

The sad reality is that most new businesses fail. As a result, Congress and the Securities and Exchange Commission have put in place guardrails to prevent less-sophisticated investors from suffering financial ruin.

In 2012, Congress cautiously approached equity crowdfunding by creating a number of investor protections in the Jumpstart Our Business Startups Act, or JOBS Act. The SEC followed our directions and finalized a crowdfunding rule that protects investors by setting reasonable investment limits based on income and provides helpful disclosures for investors to weigh the risk. Last month, those rules went live, with hundreds of businesses successfully raising capital that, in turn, funds American jobs.

H.R. 4855, as amended in committee, seeks to enhance the investor and company experience in crowdfunding. The bill would authorize crowdfunding portals to pool investors together in order to make a joint investment in a business. These vehicles would only make investments in one company and would be advised by a registered investment adviser with a fiduciary duty to the fund. Importantly, the investors would have the same rights to sue the company as if they had directly invested in the company itself.

This provision will also aid companies as they will be able to more efficiently make financial decisions, provided that the investment adviser agrees that they are in the best interest of the fund's investors.

H.R. 4855 also clarifies that as long as a crowdfunding company continues to make ongoing disclosures to investors required under the SEC's rules, it would not have to make the more detailed public reports until it had either a $75 million value or $50 million in revenue. This change is consistent with the levels set under Regulation A, another exempt offering sold to retail investors.

I am pleased that the amended bill no longer includes problematic provisions that were opposed by advocates like the Consumer Federation of America. Instead, the bill is now crafted to make target improvements to crowdfunding for all investors and startups.

□ 1815

Now, although crowdfunding should be viewed as a highly risky investment, especially for retail investors, both of the changes in H.R. 4855 will ensure a longer choice of high-quality crowdfunding companies and a higher degree of finance savvy for investors.

Mr. Speaker and Members, I had reservations about crowdfunding. I had real concerns, but I am very pleased that I was able to work with Mr. MCHENRY, and he was so very cooperative in dealing with those concerns that made me feel even better about crowdfunding than I had been feeling. So I am just so hopeful that this works and it works well, and that even though there is some risk involved in this, that we have the opportunity for people who want to take a little risk to go out there and to be able to organize the kind of funding that perhaps can make them reap substantial profits in a real credible way.

So I want to thank, again, Mr. MCHENRY for his cooperation and for the work and the time that he has put into this.

Mr. Speaker, I reserve the balance of my time.

Mr. GARRETT. Mr. Speaker, I appreciate the fact that the gentleman from North Carolina was able to bring about that hope and change to the gentlewoman.

Mr. Speaker, I yield to the gentleman from California (Mr. MCCARTHY).

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

I want to take this moment to not only thank the subcommittee chair, but thank the ranking member and Congressman MCHENRY for their bipartisan work on this bill and bringing it to the floor.

Mr. Speaker, it is clear that many—too many—communities are still trying to pull themselves up after the past 8 years of economic stagnation. Some have succeeded, but the current system has left millions of people behind with a long road of recovery left to go.

Now, the House is not blind to it, and we recognize, like so many others, that an anticompetitive state is depriving us of our ability to prosper. That is why we started the Innovation Initiative and why this bill is so important.

Four years ago, Congress came together to pass the JOBS Act, a bill that provided small businesses and entrepreneurs more ways to raise capital investment.

Now, this wasn't a banker's bill. It was a bill that opened the door for members of our communities to invest in ideas that could create good-paying jobs, provide goods and services, and increase the quality of life for the American people in their community.

After all, it is small businesses that have created two-thirds of all net new jobs since the 1970s. But while small businesses remain the cornerstone of our economy, the Federal Government has made it harder and harder to start one.

The entry of new businesses in the United States has declined by nearly 44 percent since the late 1970s. Starting a business has been especially hard in recent years. The policies today, after 7½ years under President Obama, are not a roadmap for those looking for a better way.

The JOBS Act was a good start to creating a more dynamic economy. But it was never followed through after the bill's initial success. These bills today are targeted fixes to restore the original spirit of the JOBS Act: to harness innovation and bring together millions of Americans with potential new businesses through crowdfunding.

These new businesses could become the next Apple or Under Armour. They could revitalize the most downtrodden communities who were hardest hit by the recession and faced the slowest recovery.

Now, a couple of weeks ago, I was in Baltimore visiting a cybersecurity startup. The work they do to protect cyber networks is growing more important by the day. By engaging with the changing world—using the power of innovation to improve our security—this startup also lifted up a community and helped it to thrive.

Today, ZeroFOX has ushered in a new era for their southern Baltimore community. That community is part of the future helping our country become a better place.

This is the power of the innovation economy. This is what we are voting to support. This is how America has a better and brighter future.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

I am sure there are those who wonder why we on the opposite side of the aisle work so hard to pay attention to our constituents as it relates to investment and why we work so hard to pay attention to our consumers. I will tell you why.

Everyone recognizes what happened in 2008 in this country. We literally had a meltdown. We went into a recession—almost a depression. Why did we do that?

We went into a recession and almost a depression because our regulatory agencies were not paying attention and people were being taken advantage of. We had a very difficult time trying to explain to the people of this country why we had so many foreclosures, why people were losing their homes, and why communities were so displaced.

But we recognized that our regulatory agencies who had the responsibility for oversight and who had the responsibility for making sure people weren't taken advantage of just had not been doing their jobs. I want you to know that with Dodd-Frank reforms, we have gone a long way to correct that. In addition to looking at our markets and looking at Wall Street, we created the Consumer Financial Protection Bureau that is doing a magnificent job in looking out for our consumers and making sure that what happened that led up to the 2008 meltdown does not happen again in America.

So I am very pleased that the Obama administration in the last 75 months has had consecutive job growth. It looks as if it is about 14.5 million private-sector jobs. Of course, when Mr. Obama took over, we know that about 800 jobs per month were being lost. So we don't take our job lightly, and we don't play with this.

We want to make sure that there is capital available for startups because we support business and we absolutely support small business. We want to make sure they have access to capital. But what we don't want is we don't want, then, to be tricked or fooled or to be led into so-called opportunities that are really not opportunities at all.

Mr. Speaker, I reserve the balance of my time.

Mr. GARRETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentleman from North Carolina, I will say that I agree with the gentlewoman that prior to 2008 and the crisis, the regulators were not doing their jobs. They were not monitoring as they were supposed to be. So true to form to the Washington way of dealing with things at that time, this administration was able to pass through a 2,000-page Democratic-inspired and -crafted piece of legislation called the Dodd-Frank legislation—2,000 pages and 400 regulations. It did as Washington normally does: give those failed regulators raises, more authority, and bigger and fancier buildings.

What was the result of that?

Well, some jobs were created since 2008. We have had one of the slowest recoveries on record. As I said before, the most recent jobs report showed that only 38,000 jobs out of 300-plus million people in this country—think about that—were created during the month of May. That was the worst jobs record since 2010. New business startups in this country are at a 20-year low. Think about that if you are waiting to get a new job from a new business—a 20-year low.

So because of that, because Dodd-Frank did not fix the problem, because those 2,000 pages and those more highly paid bureaucrats in Washington didn't solve the problem, American families and small businesses are finding it extremely difficult to find credit to expand their businesses and to hire more people.

So thank goodness we have this legislation here today and the work by the gentleman from North Carolina not only on this bill, but the previous bill that he was able to accomplish in a bipartisan manner.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. MCHENRY) to explain the bill in more detail.

Mr. MCHENRY. Mr. Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore. The gentleman from New Jersey has 13 minutes remaining.

Mr. MCHENRY. Mr. Speaker, I rise today in support of the Fix Crowdfunding Act.

Mr. Speaker, these days, small businesses are struggling to find the financing investment that they need to start up and to grow. That affects jobs. It certainly does.

Recently in my district, we have read reports that smaller counties in America, which used to lead the Nation in the growth of new businesses, now have actually lost more businesses than they have created.

The reason why the ranking member and I are actually able to work together on an important piece of legislation like this in a very logjammed discussion point about appropriate regulation—a lot of stuff gets locked up in partisan debate—what unites our conversation is a rural issue and an urban issue, and it is about capital deserts in America.

Now, everybody talks about food deserts. If you think about this, if you are not close to a grocery store, then you can't get fresh fruit, fresh vegetables, and you can't get foodstuffs for your family.

But we have capital deserts in America. Capital deserts are about those areas that are not Boston, Austin, and Silicon Valley. It is the rest of America that is struggling to get the capital they need so they can start a business, so they can grow a business.

I am not talking about the next Google or Facebook—maybe it is. I am talking about a lawn service. I am talking about a coffee shop. I am talking about a baker who wants to sell her goods on a wider scale so that she can provide for her family. Those are the concerns that are real and that we can address in a real way before Congress today—tonight—in this vote.

Investment crowdfunding is one way we can reverse this disturbing trend. What this bill does is allow us to expand what you are able to do through investment crowdfunding.

Five years ago in the JOBS Act, we had a revolutionary change to the way we allowed individuals to invest a little bit of money in their fellow men. It allowed men or women in local communities to invest in a local coffee shop. You didn't have to be a wealthy investor to get these great opportunities. You could be the average, everyday investor like me or like many of my constituents.

But in the JOBS Act and in the investment crowdfunding part of that bill that I wrote 5 years ago, out of that, the Securities and Exchange Commission wrote four regulations, and they created a couple of major challenges as a result of that. One is the 12(g) problem. Let me explain this.

What the 12(g) problem is is that, in essence, you are subjecting very low fundraising to very expensive regulatory disclosures. That is a problem. It is a problem because it is costly. It is economically costly and restricts economic opportunity. We fixed that in the Fix Crowdfunding Act.

Another significant problem for crowdfunding is that under SEC rules, single-purpose funds are not permitted. Let me explain this. Single-purpose funds are like this: you have somebody who has a fiduciary responsibility,

meaning that I am going to look out for your best interests on this investment and we are able to create a fund in order to pool those resources, that investor acumen, if you will, and work together with them. So it allows unsophisticated people to get sophisticated advice if we allow special purpose vehicles.

So these two very important provisions, understood at a very simple level, if we fix these things we will provide more economic opportunity, we will have better investor advice, and we will be able to expand and make real the utility of crowdfunding.

The essence of this is that we believe in the capacity of individual Americans to make decisions for themselves and to take a little bit of risk for themselves. It is a powerful thing. It is a powerful, meaningful step forward.

Now, it doesn't solve the greater debate that we are having here in Washington on so many challenging issues of policy where perhaps the left and the right don't see eye to eye. But on this, we came together and we were able to create a small opening of economic opportunity and try to get those resources out into the community. It is a meaningful step forward.

I thank the ranking member of the Financial Services Committee. I thank Ranking Member WATERS for her active engagement on this. She helped improve our original bill that came through the Financial Services Committee 5 years ago, and she has helped work through this compromise before us on the House floor tonight.

□ 1830

While we may not agree on so many other issues of policy, we have worked together on two substantive areas of policy here in recent weeks. I think that is a hopeful sign. I think it is a positive sign.

What we are doing here today will expand that opportunity for millions of Americans to have that little bit of investment that they would like to make in their fellow man and their fellow woman to create new jobs to provide new economic opportunity.

Ladies and gentlemen, I ask and encourage your support for the Fix Crowdfunding Act, and I urge an ''aye'' vote.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself the balance of my time.

I am so pleased that the gentleman from New Jersey recognized that the regulatory agencies were not doing their job. We don't agree on much, but he did indicate just a moment ago that he agreed that the regulatory agencies had not protected consumers or our small business people—or anybody—and that is why we ended up with the Dodd-Frank reform. We may disagree about Dodd-Frank reform, but I think with that recognition I am sure he would logically conclude that something had to be done, and so I am very pleased about that.

Let me just say to Mr. MCHENRY again, I want to thank him for the work that he has done and the leadership that he has provided. He is absolutely correct, whether it is in the cities or in urban areas, we need to have access to capital for our small businesses and our start-ups. In addition, he has led the way for us to make investing and venture capital, et cetera, more accessible. I think we still have more work to do.

One of the things we are going to have to take a very close look at is why our bigger banks and financial institutions are not investing in these communities and why they are not welcoming small businesses in to the banks and to these financial institutions and listen to their dreams and their ideas about businesses and provide the capital for that.

Again, I am very pleased about what he has done, his leadership, and the work that we are doing.

Mr. Speaker, I yield back the balance of my time.

Mr. GARRETT. Mr. Speaker, I encourage my colleagues to vote ''yes'' on this very important legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. GARRETT) that the House suspend the rules and pass the bill, H.R. 4855, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GARRETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4361, FEDERAL INFORMATION SYSTEMS SAFEGUARDS ACT OF 2016, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 114–666) on the resolution (H. Res. 803) providing for consideration of the bill (H.R. 4361) to amend section 3554 of title 44, United States Code, to provide for enhanced security of Federal information systems, and for other purposes, and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 796;

Adopting House Resolution 796, if ordered;

Ordering the previous question on House Resolution 793;

Adopting House Resolution 793, if ordered;

Ordering the previous question on House Resolution 794;

Adopting House Resolution 794, if ordered; and

Suspending the rules and passing H.R. 4854 and H.R. 4855.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 4768, SEPARATION OF POWERS RESTORATION ACT OF 2016

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 796) providing for consideration of the bill (H.R. 4768) to amend title 5, United States Code, with respect to the judicial review of agency interpretations of statutory and regulatory provisions; providing for proceedings during the period from June 23, 2016, through July 4, 2016; and providing for consideration of motions to suspend the rules, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 232, nays 168, not voting 33, as follows:

[Roll No. 343]

YEAS—232

Abraham	Buck	Denham
Aderholt	Bucshon	Dent
Allen	Burgess	DeSantis
Amash	Calvert	DesJarlais
Amodei	Carter (GA)	Diaz-Balart
Babin	Chabot	Dold
Barletta	Chaffetz	Donovan
Barr	Coffman	Duffy
Barton	Cole	Duncan (SC)
Benishek	Collins (GA)	Duncan (TN)
Bilirakis	Collins (NY)	Emmer (MN)
Bishop (MI)	Comstock	Farenthold
Bishop (UT)	Conaway	Fitzpatrick
Blackburn	Cook	Fleischmann
Blum	Costello (PA)	Fleming
Bost	Cramer	Flores
Boustany	Crawford	Forbes
Brady (TX)	Crenshaw	Fortenberry
Brat	Culberson	Foxx
Bridenstine	Curbelo (FL)	Franks (AZ)
Brooks (AL)	Davidson	Frelinghuysen
Brooks (IN)	Davis, Rodney	Garrett

Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—168

Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis, Danny
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Hahn
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—33

Adams
Black
Brown (FL)
Buchanan
Butterfield
Byrne
Carter (TX)
Clawson (FL)
Clay
Davis (CA)
DeFazio
DeGette
Duckworth
Ellmers (NC)
Fincher
Grijalva
Gutiérrez
Harper
Hastings
Hudson
Kaptur
Kirkpatrick
Marino
Nadler
Nugent
Price (NC)
Rohrabacher
Rooney (FL)
Rush
Sanchez, Loretta
Takai
Westmoreland
Young (AK)

□ 1855

Mr. RUPPERSBERGER, Ms. MAXINE WATERS of California, and Mr. CLEAVER changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 168, not voting 35, as follows:

[Roll No. 344]

AYES—230

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buck
Bucshon
Burgess
Calvert
Carter (GA)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—168

Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis, Danny
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Hahn
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan

Polis
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—35

Adams
Black
Brown (FL)
Buchanan
Butterfield
Byrne
Carter (TX)
Clawson (FL)
Clay
Davis (CA)
DeFazio
DeGette
Duckworth
Ellmers (NC)
Fincher
Grijalva
Gutiérrez
Harper
Hastings
Hudson
Kaptur
Kirkpatrick
Marino
Nadler
Nugent
Price (NC)
Rohrabacher
Rooney (FL)
Rush
Sanchez, Loretta
Takai
Tsongas
Westmoreland
Whitfield
Young (AK)

□ 1902

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1270, RESTORING ACCESS TO MEDICATION ACT OF 2015

The SPEAKER pro tempore (Mr. YODER). The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 793) providing for consideration of the bill (H.R. 1270) to amend the Internal Revenue Code of 1986 to repeal the amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for over-the-counter drugs under health savings accounts and health flexible spending arrangements, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 168, not voting 34, as follows:

[Roll No. 345]

YEAS—231

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buck
Bucshon
Burgess
Calvert
Carter (GA)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—168

Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis, Danny
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Hahn
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—34

Adams
Black
Brown (FL)
Buchanan
Butterfield
Byrne
Carter (TX)
Clawson (FL)
Clay
Davis (CA)
DeFazio
DeGette
Duckworth
Ellmers (NC)
Fincher
Grijalva
Gutiérrez
Harper
Hastings
Hudson
Kaptur
Kirkpatrick
Marino
Nadler
Nugent
Price (NC)
Rohrabacher
Rooney (FL)
Rush
Sanchez, Loretta
Takai
Westmoreland
Whitfield
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1909

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 168, not voting 39, as follows:

[Roll No. 346]

AYES—226

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buck
Bucshon
Burgess
Calvert
Carter (GA)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)

Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harris
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nunes
Olson
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—168

Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis, Danny
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Hahn
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—39

Adams
Black
Brown (FL)
Buchanan
Butterfield
Byrne
Carter (TX)
Clawson (FL)
Clay
Crawford
Davis (CA)
DeFazio
DeGette
Duckworth
Ellmers (NC)
Fincher
Grijalva
Gutiérrez
Harper
Hartzler
Hastings
Hudson
Kaptur
Kirkpatrick
LaMalfa
Marino
Nadler
Nugent
Palazzo
Price (NC)
Rohrabacher
Rooney (FL)
Rush
Sanchez, Loretta
Takai
Webster (FL)
Westmoreland
Whitfield
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1914

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5485, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2017

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 794) providing for consideration of the bill (H.R. 5485) making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 169, not voting 35, as follows:

[Roll No. 347]

YEAS—229

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buck
Bucshon
Burgess
Calvert
Carter (GA)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—169

Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis, Danny
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Hahn
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman

Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—35

Adams
Black
Brown (FL)
Buchanan
Butterfield
Byrne
Carter (TX)
Clawson (FL)
Clay
Davis (CA)
DeFazio
DeGette
Duckworth
Ellmers (NC)
Fincher
Grijalva
Gutiérrez
Harper
Hastings
Hudson
Kaptur
Kirkpatrick
Marino
Nadler
Nugent
Price (NC)
Rohrabacher
Rooney (FL)
Rush
Sanchez, Loretta
Takai
Walker
Westmoreland
Whitfield
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1920

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 172, not voting 34, as follows:

[Roll No. 348]

AYES—227

Abraham
Aderholt
Allen
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buck
Bucshon
Burgess
Calvert
Carter (GA)
Chabot
Chaffetz
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—172

Aguilar
Amash
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis, Danny
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Hahn
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Massie
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—34

Adams
Black
Brown (FL)
Buchanan
Butterfield
Byrne
Carter (TX)
Clawson (FL)
Clay
Davis (CA)
DeFazio
DeGette
Duckworth
Ellmers (NC)
Fincher
Grijalva
Gutiérrez
Harper
Hastings
Hudson
Kaptur
Kirkpatrick
Marino
Nadler
Nugent
Price (NC)
Rohrabacher
Rooney (FL)
Rush
Sanchez, Loretta
Takai
Westmoreland
Whitfield
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1927

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING AMERICA'S INNOVATORS ACT OF 2016

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4854) to amend the Investment Company Act of 1940 to expand the investor limitation for qualifying venture capital funds under an exemption from the definition of an investment company, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. GARRETT) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 9, not voting 36, as follows:

[Roll No. 349]

YEAS—388

Abraham
Aderholt
Aguilar
Allen
Amodei
Ashford

Babin
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Blackburn
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brownley (CA)
Buck
Bucshon
Burgess
Bustos
Calvert
Capps
Cárdenas
Carney
Carson (IN)
Carter (GA)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davidson
Davis, Danny
Davis, Rodney
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Grothman
Guinta
Guthrie
Hahn
Hanna
Hardy
Harris
Hartzler
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins
Hill
Himes
Hinojosa
Holding
Honda
Hoyer
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Massie
Matsui
McCarthy
McCaul
McClintock
McCollum
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nunes
O'Rourke
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Pocan
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanford
Sarbanes
Scalise
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—9

Amash
Capuano
Cohen
Gabbard
Griffith
Lynch
McDermott
McGovern
Schakowsky

NOT VOTING—36

Adams
Black
Brown (FL)
Buchanan
Butterfield
Byrne
Carter (TX)
Clawson (FL)
Clay
Curbelo (FL)
Davis (CA)
DeFazio
DeGette
Duckworth
Ellmers (NC)
Fincher
Grayson
Grijalva
Gutiérrez
Harper
Hastings
Hudson
Kaptur
Kirkpatrick
Marino
Nadler
Nugent
Price (NC)
Rohrabacher
Rooney (FL)
Rush
Sanchez, Loretta
Takai
Westmoreland
Whitfield
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1933

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FIX CROWDFUNDING ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4855) to amend provisions in the securities laws relating to regulation crowdfunding to raise the dollar amount limit and to clarify certain requirements and exclusions for funding portals established by such Act, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. GARRETT) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 4, not voting 35, as follows:

[Roll No. 350]

YEAS—394

Abraham
Aderholt
Aguilar
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Blackburn
Blum
Blumenauer
Bonamici
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brownley (CA)
Buck
Bucshon
Burgess
Bustos
Calvert
Capps
Cárdenas
Carney
Carson (IN)
Carter (GA)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davidson
Davis, Danny
Davis, Rodney
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Hahn
Hanna
Hardy
Harris
Hartzler
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins
Hill
Himes
Hinojosa
Holding
Honda
Hoyer
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Massie
Matsui
McCarthy
McCaul
McClintock
McCollum
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Napolitano
Neal
Neugebauer

Newhouse	Ross	Thompson (PA)
Noem	Rothfus	Thornberry
Nolan	Rouzer	Tiberi
Norcross	Roybal-Allard	Tipton
Nunes	Royce	Titus
O'Rourke	Ruiz	Tonko
Olson	Ruppersberger	Torres
Palazzo	Russell	Trott
Pallone	Ryan (OH)	Tsongas
Palmer	Salmon	Turner
Pascrell	Sánchez, Linda T.	Upton
Paulsen	Sanford	Valadao
Payne	Sarbanes	Van Hollen
Pearce	Scalise	Vargas
Pelosi	Schakowsky	Veasey
Perlmutter	Schiff	Vela
Perry	Schrader	Velázquez
Peters	Schweikert	Visclosky
Peterson	Scott (VA)	Wagner
Pingree	Scott, Austin	Walberg
Pittenger	Scott, David	Walden
Pitts	Sensenbrenner	Walker
Pocan	Serrano	Walorski
Poe (TX)	Sessions	Walters, Mimi
Poliquin	Sewell (AL)	Walz
Polis	Sherman	Wasserman Schultz
Pompeo	Shimkus	Waters, Maxine
Posey	Shuster	Watson Coleman
Price, Tom	Simpson	Weber (TX)
Quigley	Sinema	Webster (FL)
Rangel	Sires	Welch
Ratcliffe	Slaughter	Wenstrup
Reed	Smith (MO)	Westerman
Reichert	Smith (NE)	Williams
Renacci	Smith (NJ)	Wilson (FL)
Ribble	Smith (TX)	Wilson (SC)
Rice (NY)	Smith (WA)	Wittman
Rice (SC)	Speier	Womack
Richmond	Stefanik	Woodall
Rigell	Stewart	Yarmuth
Roby	Stivers	Yoder
Roe (TN)	Stutzman	Yoho
Rogers (AL)	Swalwell (CA)	Young (IA)
Rogers (KY)	Takano	Young (IN)
Rokita	Thompson (CA)	Zeldin
Ros-Lehtinen	Thompson (MS)	Zinke
Roskam		

NAYS—4

Ashford	Cohen
Capuano	Lynch

NOT VOTING—35

Adams	Duckworth	Nadler
Black	Ellmers (NC)	Nugent
Brown (FL)	Fincher	Price (NC)
Buchanan	Grijalva	Rohrabacher
Butterfield	Gutiérrez	Rooney (FL)
Byrne	Harper	Rush
Carter (TX)	Hastings	Sanchez, Loretta
Clawson (FL)	Hudson	Takai
Clay	Kaptur	Westmoreland
Davis (CA)	Kirkpatrick	Whitfield
DeFazio	Marino	Young (AK)
DeGette	McDermott	

□ 1941

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5580

Mrs. BUSTOS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5580.

The SPEAKER pro tempore (Mr. BLUM). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on additional motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record votes on postponed questions will be taken later.

TULE RIVER INDIAN RESERVATION LAND TRUST, HEALTH, AND ECONOMIC DEVELOPMENT ACT

Mr. JODY B. HICE of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4685) to take certain Federal lands located in Tulare County, California, into trust for the benefit of the Tule River Indian Tribe, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tule River Indian Reservation Land Trust, Health, and Economic Development Act''.

SEC. 2. LANDS TO BE TAKEN INTO TRUST.

(a) IN GENERAL.—Subject to subsection (b), valid, existing rights, and management agreements related to easements and rights-of-way, all right, title, and interest (including improvements and appurtenances) of the United States in and to the approximately 34 acres of Federal lands generally depicted on the map titled ''Proposed Lands to be Held in Trust for the Tule River Tribe'' and dated May 14, 2015, are hereby held in trust by the United States for the benefit of the Tule River Indian Tribe.

(b) EASEMENTS AND RIGHTS-OF-WAY.—For the purposes of subsection (a), valid, existing rights include any easement or right-of-way for which an application is pending with the Bureau of Land Management on the date of the enactment of this Act. If such application is denied upon final action, the valid, existing right related to the application shall cease to exist.

(c) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be on file and available for public inspection at the office of the California State Director, Bureau of Land Management.

(d) CONVERSION OF VALID, EXISTING RIGHTS.—

(1) CONTINUITY OF USE.—Any person claiming in good faith to have valid, existing rights to lands taken into trust by this Act may continue to exercise such rights to the same extent that the rights were exercised before the date of the enactment of this Act until the Secretary makes a determination on an application submitted under paragraph (2)(B) or the application is deemed to be granted under paragraph (3).

(2) NOTICE AND APPLICATION.—Consistent with sections 2800 through 2880 of title 43, Code of Federal Regulations, as soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall notify any person that claims to have valid, existing rights, such as a management agreement, easement, or other right-of-way, to lands taken into trust under subsection (a) that—

(A) such lands have been taken into trust; and

(B) the person claiming the valid, existing rights has 60 days to submit an application to the Secretary requesting that the valid, existing rights be converted to a long-term easement or other right-of-way.

(3) DETERMINATION.—The Secretary of the Interior shall grant or deny an application submitted under paragraph (2)(B) not later than 180 days after the application is submitted. Such a determination shall be considered a final action. If the Secretary does not make a determination within 180 days after the application is submitted, the application shall be deemed to be granted.

(e) RESTRICTION ON GAMING.—Lands taken into trust pursuant to subsection (a) shall not be considered to have been taken into trust for, and shall not be eligible for, class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JODY B. HICE) and the gentleman from California (Mr. COSTA) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JODY B. HICE of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JODY B. HICE of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCCARTHY), the majority leader.

□ 1945

Mr. MCCARTHY. I thank the gentleman for yielding.

Mr. Speaker, the Tule River Indian Tribe are constituents of mine, and I believe that they have a right to self-governance and local control.

This bill is about putting some unused Federal land in trust for the tribe. More fundamentally, this is about giving the people who actually live in a place more control over that land.

This is a good, practical rule of thumb when it comes to governance. People at the local level govern themselves best. That is definitely the case when it comes to Native American tribes. My principle is that Indian tribes will use their land better than a distant Federal Government, and we should let them.

Today's legislation transfers a relatively small piece of land, only about 34 acres, but it will allow the Tule River Tribe to unify their property, giving them the freedom to live as they

choose. And that freedom has more value than any amount of acreage.

Mr. COSTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the members of the Tule River Tribe are descendants of the original inhabitants of the San Joaquin Valley that occupied the territory along the rivers and creeks flowing from the Sierra Nevada Mountains and Tulare Lake in south-central California.

Like many other tribes in California and around the country, the Tule River people have suffered many injustices and inequities over the years, including forced removal and relocation of the tribe to the roughly 54,000-acre reservation which they have resided in for 140 years.

H.R. 4685, and Mr. MCCARTHY, will add to that existing land base by deeming that approximately 34 acres of Bureau of Land Management land be held in trust for the tribe. It is a small amount of acreage in the bigger picture. This land is situated between the tribal fee land and the reservation land, near the only entrance to the reservation, and it is entirely cut off from Federal lands in the vicinity.

Mr. Speaker, this is a very small amount of land, as I said, but as the vice chairman of the tribe stated in testimony before the committee, ''every acre of land is important'' to the Tule River people.

I want to commend the sponsor of the bill, Majority Leader Mr. MCCARTHY, for bringing this legislation to the floor. It passed by unanimous consent. I urge its quick adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. JODY B. HICE of Georgia. Mr. Speaker, I would just like to commend my colleague, Majority Leader KEVIN MCCARTHY, for his work on this important piece of legislation, and I urge my colleagues to support H.R. 4685.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JODY B. HICE) that the House suspend the rules and pass the bill, H.R. 4685.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BUREAU OF LAND MANAGEMENT FOUNDATION ACT

Mr. JODY B. HICE of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3844) to establish the Energy and Minerals Reclamation Foundation to encourage, obtain, and use gifts, devises, and bequests for projects to reclaim abandoned mine lands and orphan oil and gas well sites, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bureau of Land Management Foundation Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Foundation.

(2) BLM.—The term ''BLM'' means the Bureau of Land Management.

(3) CHAIRMAN.—The term ''Chairman'' means the Chairman of the Board.

(4) DIRECTOR.—The term ''Director'' means an individual member of the Board.

(5) FOUNDATION.—The term ''Foundation'' means the Bureau of Land Management Foundation established by this Act.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) NATIONAL CONSERVATION LANDS.—The term ''National Conservation Lands'' means the system of lands established by section 2002 of the Omnibus Public Lands Management Act of 2009 (16 U.S.C. 7202).

(8) WILD FREE-ROAMING HORSES AND BURROS.—The term ''wild free-roaming horses and burros'' has the same meaning that term has under section 2(b) of the Wild Free-Roaming Horses And Burros Act Of 1971 (16 U.S.C. 1332(b)).

(9) ORPHANED OIL AND GAS WELL SITES.—The term ''orphaned oil and gas well sites'' means all onshore oil and gas wells in the United States that have no responsible or liable parties and that—

(A) are located on federally managed lands;

(B) are located on lands or minerals that were federally managed at the time oil and gas operations were initiated; or

(C) adversely impact the health or productivity of Federal lands.

(10) ABANDONED MINE LANDS.—The term ''abandoned mine lands'' means all hard rock mines in the United States that were abandoned before January 1, 1981, and all coal mines in the United States that were abandoned before August 3, 1977, and that—

(A) are located on federally managed lands;

(B) are located on lands or minerals that were federally managed at the time mining operations were initiated; or

(C) adversely impact the health or productivity of Federal lands.

SEC. 3. ESTABLISHMENT AND PURPOSES OF THE BUREAU OF LAND MANAGEMENT FOUNDATION.

(a) ESTABLISHMENT.—There is established the Bureau of Land Management Foundation as a charitable and nonprofit corporation that shall not be considered an agency or establishment of the United States.

(b) PURPOSES.—

(1) IN GENERAL.—The purposes of the Foundation are to—

(A) encourage, accept, obtain, administer, and use private gifts of money, devises, and bequests of real and personal property for the benefit of, or in connection with, the activities and services of the BLM described in subparagraph (B);

(B) undertake, conduct, and encourage programs and activities that support—

(i) educational, technical, scientific, and other assistance or activities that support the management of BLM lands in regard to—

(I) wild free-roaming horses and burros;

(II) fish and wildlife and their habitats;

(III) National Conservation Lands;

(IV) recreation resources; and

(V) cultural and historic resources; and

(ii) activities that support the reclamation and remediation of—

(I) abandoned mine lands;

(II) orphaned oil and gas well sites; or

(III) public lands impacted by development connected to mineral exploration and development activities.

(2) INCLUDED RECLAMATION ACTIVITIES.—Reclamation activities under paragraph (1)(B) should include, but not be limited to, the remediation of soil and water contamination, the restoration of wildlife habitat in order to restore the natural, scenic, historic, cultural, and ecological values of such areas, or the promotion of the economic potential of such areas.

(c) ACTIVITIES OF THE FOUNDATION AND THE BUREAU OF LAND MANAGEMENT.—The activities of the Foundation authorized under this Act shall be supplemental to and shall not preempt any authority or responsibility of the BLM under any other provision of law.

(d) RANGE OF FOUNDATION ACTIVITIES.—The activities and grants made by the Foundation under subsection (b)(1)(B) that are not subject to limitations under section 5(d)(4) shall be undertaken in equal proportion under clauses (i) and (ii) of subsection (b)(1)(B).

SEC. 4. BOARD OF DIRECTORS.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) IN GENERAL.—The Foundation shall have a governing Board of Directors, which shall consist of no more than 9 members, each of whom shall be a United States citizen.

(2) REQUIREMENTS OF MEMBERS.—Of the appointed members of the Board—

(A) at least 3 shall have education or experience in natural, cultural, conservation, or other resource management, law, research, or advocacy;

(B) at least 3 shall have education or experience in energy and minerals development, reclamation, or remediation; and

(C) up to 3 shall be appointed as at-large members.

(3) EX OFFICIO MEMBER.—The Director of the Bureau of Land Management, or a designee of the Director of the Bureau of Land Management, shall be an ex officio nonvoting member of the Board.

(b) APPOINTMENT AND TERMS.—

(1) INITIAL APPOINTMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall appoint the members of the Board in accordance with paragraph (6) who, except as otherwise provided in paragraph (2), shall be appointed for terms of 6 years.

(2) STAGGERED APPOINTMENTS.—In appointing the initial members of the Board, the Secretary shall appoint, as determined to be appropriate by the Secretary—

(A) one-third of the members to serve an initial term of 2 years;

(B) one-third of the members to serve an initial term of 4 years; and

(C) one-third of the members to serve an initial term of 6 years.

(3) VACANCY.—A vacancy on the Board shall be—

(A) filled not later than 60 days after the vacancy occurs, in the manner of which the original appointment was made; and

(B) for the balance of the term of the individual who was replaced.

(4) REMOVAL.—A Director may be removed from the Board by a majority vote of the Board if the individual misses 3 consecutive regularly scheduled meetings.

(5) TERM LIMIT.—In no case may an individual serve more than 12 consecutive years on the Board.

(6) NOMINATIONS.—The Secretary shall publish a solicitation in the Federal Register seeking nominations from the public of individuals for appointment to the Board. Such solicitation shall be open for a period of 30 days. Nominations submitted shall not be binding, but the Secretary shall give consideration to the names received. Within 30 days after the end of such period, the Secretary shall appoint members who comply with the requirements of subsection (a)(2), and publish the names and backgrounds of those appointed in the Federal Register.

(7) REPRESENTATION OF DIVERSE AREAS OF EXPERTISE.—In appointing the members of the Board the Secretary shall seek to appoint, and may give preference to, individuals who have experience with State or local government partnerships and represent diverse areas of expertise.

(c) CHAIRMAN.—The Chairman—

(1) shall be elected by the Board from its members for a 2-year term; and

(2) may be reelected as Chairman while serving as a Director.

(d) QUORUM.—A majority of the current voting membership of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year.

(f) REIMBURSEMENT OF EXPENSES.—Serving as a Director shall not constitute employment by the United States Government for any purpose. Members of the Board shall serve without pay other than reimbursement for the actual and necessary traveling and subsistence expenses incurred in the performance of their duties for the Foundation in accordance with section 5703 of title 5, United States Code.

(g) GENERAL POWERS.—The Board may complete the organization of the Foundation by appointing officers and employees, adopting a constitution and bylaws consistent with the purposes of the Foundation and this Act, and undertaking other such acts as may be necessary to function and to carry out the provisions of this title.

(h) OFFICERS AND EMPLOYEES.—Officers and employees of the Foundation may not be appointed until the Foundation has sufficient funds to pay them for their service. Appointment as an officer or employee of the Foundation shall not constitute employment by the United States.

(i) LIMITATION AND CONFLICTS OF INTEREST.—

(1) PROHIBITION ON POLITICAL CAMPAIGN ACTIVITY.—The Foundation shall not participate or intervene in a political campaign on behalf of any candidate for public office.

(2) CONFLICT OF INTEREST.—No Director, officer, or employee of the Foundation shall participate, directly or indirectly, in the consideration or determination of any particular matter before the Foundation affecting—

(A) the financial interests of that Director, officer, employee, or an immediate family member of such Director, officer, or employee; or

(B) the interests of any corporation, partnership, entity, or organization in which such Director, officer, employee, or an immediate family member of such Director, officer, or employee—

(i) is an officer, director, or trustee; or

(ii) has any direct financial interest.

(3) LIMITATION ON ADMINISTRATIVE EXPENDITURE.—Starting in the fifth fiscal year beginning after the date of the enactment of this Act, of the amounts available to the Foundation for expenditure each fiscal year, not more than 15 percent may be used for administrative expenses.

SEC. 5. POWERS AND OBLIGATIONS.

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession; and

(2) may conduct business throughout the several States, territories, and possessions of the United States.

(b) NOTICE AND SERVICE OF PROCESS.—The Foundation shall at all times maintain a designated agent in the District of Columbia authorized to accept service of process for the Foundation. The serving of notice to, or service of process upon, the agent required under this subsection, or mailed to the business address of such agent, shall be treated as service upon or notice to the Foundation.

(c) SEAL.—The Foundation shall have an official seal selected by the Board, which shall be judicially noticed.

(d) POWERS.—In addition to powers otherwise authorized under this Act, to carry out its purposes the Foundation shall have the usual powers of a not-for-profit corporation in the District of Columbia, including the power to—

(1) accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) acquire by donation, gift, devise, purchase, or exchange, and dispose of, any real or personal property or interest therein;

(3) sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom unless limited by the instrument of transfer;

(4) accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, at the request of the donor thereof, strictly and exclusively for any purpose set forth in section 3(b), and such use shall include the expenditure of funds or use of property for reasonable administrative expenses related to actions to carry out the bequest;

(5) borrow money and issue bonds, debentures, or other debt instruments;

(6) sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Board shall not be personally liable, except for gross negligence;

(7) enter into contracts or other arrangements with public agencies, private organizations, and persons and to make such payments as may be necessary to carry out the purposes thereof; and

(8) do any and all acts necessary and proper to carry out the purposes of the Foundation.

(e) PROPERTY.—

(1) ACCEPTANCE OF PROPERTY.—A gift, devise, or bequest of real property may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.

(2) REFUSAL OF PROPERTY.—The Foundation may, in its discretion, decline any gift, devise, or bequest of real or personal property.

(3) TITLE AND INTEREST IN REAL PROPERTY.—For the purposes of this Act, an interest in real property shall be treated as including mineral and water rights, rights-of-way, and easements, appurtenant or in gross.

(4) CONDEMNATION OF REAL PROPERTY PROHIBITED.—No lands or waters, or interests therein, that are owned by the Foundation shall be subject to condemnation by any State or political subdivision, or any agent of instrumentality thereof.

(5) LIMITATION ON THE ACQUISITION OF REAL PROPERTY.—The Foundation shall not use any funds to purchase real property, unless such property is to be used by the Foundation for administrative or other support purposes or is an easement for right-of-way access necessary to utilize, manage, or otherwise dispose of any bequest or gift of real property to the Foundation.

SEC. 6. ADMINISTRATIVE SERVICES AND SUPPORT.

(a) ESTABLISHMENT SUPPORT.—For fiscal years 2017 through 2019, the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation for the purposes of assisting the Foundation in establishing an office and meeting initial administrative, project, and other expenses in conformance with this Act.

(b) ADMINISTRATIVE SERVICES.—The Secretary may provide personnel, facilities, equipment, and other administrative services to the Foundation with such limitations and on such terms and conditions as the Secretary shall establish. The Foundation may reimburse the Secretary for any support provided under this subsection, in whole or in part, and any reimbursement received by the Secretary under this subsection shall be deposited into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing the services.

SEC. 7. VOLUNTEERS.

The Secretary may accept, without regard to the civil service classification laws, rules, and regulations, the services of the Foundation, the Board, and the offices, employees, or agents of the Foundation, without compensation from the Department of the Interior, as volunteers for the performance of the functions under section 307(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(d)).

SEC. 8. AUDITS AND REPORTS REQUIREMENTS.

(a) AUDITS.—For purposes of section 10101 of title 36, United States Code, the Foundation shall be treated as a corporation in part B of subtitle II of such title.

(b) ANNUAL REPORT.—The Foundation shall transmit at the end of each fiscal year a report to Congress of its proceedings and activities during that fiscal year, including—

(1) a full and complete statement of its receipts, expenditures, and investments;

(2) a description of all acquisition and disposal of real property by the Foundation;

(3) a detailed statement of the recipient, amount, and purpose of each grant made by the Foundation; and

(4) a copy of any audit prepared for the Foundation in the previous fiscal year.

SEC. 9. UNITED STATES RELEASE FROM LIABILITY.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation, nor shall the full faith and credit of the United States extend to any obligations of the Foundation.

SEC. 10. RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.

The Attorney General may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate if the Foundation engages in any act, practice, or policy that is inconsistent with this Act or the bylaws of the Foundation.

SEC. 11. LIMITATION ON AUTHORITY.

Nothing in this Act authorizes the Foundation to perform any function the authority

for which is exclusively provided to the BLM under any other provision of law.

SEC. 12. LIMITATIONS ON USE OF FUNDS.

Amounts available to, or provided by, the Foundation shall not be used for—

(1) any activity the purpose of which is to influence legislation pending before Congress; or

(2) any activity inconsistent with this Act.

SEC. 13. CLARIFICATION ON FUNDING.

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JODY B. HICE) and the gentleman from California (Mr. LOWENTHAL) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JODY B. HICE of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JODY B. HICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to be the author of H.R. 3844, the Bureau of Land Management Foundation Act. This legislation is one part of the Natural Resources Committee's response to the complex, technical, legal, educational, and funding-related challenges for abandoned mine lands, also referred to as AML, as well as orphan oil and gas sites across the country. These issues were highlighted last year with the EPA's Gold King and Standard Mine spills in Colorado's Animas River.

I am happy to present this piece of legislation as part of a comprehensive response to the Gold King spill and am glad that it comes less than 1 year from the anniversary of that disaster. I hope the other bills, H.R. 3734, authored by the gentleman from Nevada (Mr. HARDY), and H.R. 3843, authored by Energy and Mineral Resources Subcommittee Chairman LAMBORN, will also be considered by the House soon.

H.R. 3844 seeks to address part of the funding-related challenge for abandoned mine lands and orphan oil and gas well sites by creating a foundation. Based on other successful models for the national park system, the U.S. Fish and Wildlife Service, and the U.S. Forest Service, this foundation would solicit private contributions to remediate sites that were abandoned prior to the enactment of the Surface Mining Control and Reclamation Act of 1977 and the implementation of the Bureau of Land Management's mining regulation of January 1, 1981.

Mr. Speaker, I want to take a moment to thank the ranking member of the Energy and Mineral Resources Subcommittee, Mr. LOWENTHAL of California, for his willingness to work in a bipartisan manner to help sharpen the focus of the foundation, while also allowing the foundation to solicit private donations to help aid the broader mission of the Bureau of Land Management. I strongly believe that this bill represents our collective ability to work in a bipartisan manner at a time when many people say we can't do so, so I thank the gentleman very much for his cooperation and input.

In addition to reclamation of mines and wells, the foundation would also supplement educational, technical, scientific, and other assistance or activities that support the management of wild free-roaming horses and burros, fish and wildlife and their habitats, National Conservation Lands, recreation resources, and cultural and historic resources.

Those individuals who donate to the foundation will be able to direct how they would like their money to be used, and any general donations would be divided equally amongst the two areas of the foundation. This, in turn, grows the pie and the slice that will go toward fixing legacy mine sites.

I am pleased that the end product of our bipartisan work will greatly involve the private sector in ways that will help us prevent future events like the EPA spill in Colorado. I urge my colleagues to support H.R. 3844.

Mr. Speaker, I reserve the balance of my time.

Mr. LOWENTHAL. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3844 is a bipartisan bill that I am proud to have worked cooperatively on with Mr. HICE and the Natural Resources Committee.

H.R. 3844 would establish a charitable foundation to support the mission and activities of the Bureau of Land Management. Congress has chartered a number of similar foundations to serve as partners to our land management agencies, including the National Park Foundation, the National Fish and Wildlife Foundation, and the National Forest Foundation.

By establishing a Bureau of Land Management Foundation, H.R. 3844 will provide the BLM with an important partner and allow private individuals and corporations to support the Bureau's diverse mission, which includes activities such as managing wild horses, protecting cultural resources, and cleaning up abandoned mines.

Again, I join with my colleague, and I would like to commend my colleague, Mr. HICE, and the committee for working with me so that we, together, could put together this final bipartisan language that was adopted in the Natural Resources Committee and that we are voting on today.

The establishment of a Bureau of Land Management Foundation is long overdue, and I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. JODY B. HICE of Georgia. Mr. Speaker, again, I just want to say a huge thank you to the ranking member for his willingness to work with us. It has been an honor, indeed, to work with him.

I am pleased with this end product, and I urge the support of our colleagues and the passage of H.R. 3844.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JODY B. HICE) that the House suspend the rules and pass the bill, H.R. 3844, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to establish the Bureau of Land Management Foundation to encourage, obtain, and use gifts, devises, and bequests for projects for the benefit of, or in connection with, activities and services of the Bureau of Land Management, and for other purposes.''.

A motion to reconsider was laid on the table.

SENIOR SAFE ACT OF 2016

Mr. GARRETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4538) to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Senior Safe Act of 2016''.

SEC. 2. IMMUNITY.

(a) DEFINITIONS.—In this Act—

(1) the term ''Bank Secrecy Act Officer'' means an individual responsible for ensuring compliance with the requirements mandated by subchapter II of chapter 53 of title 31, United States Code;

(2) the term ''broker-dealer'' means a broker or dealer, as those terms are defined, respectively, in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a));

(3) the term ''covered agency'' means—

(A) a State financial regulatory agency, including a State securities or law enforcement authority and a State insurance regulator;

(B) each of the Federal financial institutions regulatory agencies;

(C) the Securities and Exchange Commission;

(D) a law enforcement agency;

(E) and State or local agency responsible for administering adult protective service laws; and

(F) a State attorney general.

(4) the term ''covered financial institution'' means—

(A) a credit union;

(B) a depository institution;

(C) an investment advisor;

(D) a broker-dealer;

(E) an insurance company; and

(F) a State attorney general.

(5) the term ''credit union'' means a Federal credit union, State credit union, or State-chartered credit union, as those terms are defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(6) the term ''depository institution'' has the meaning given the term in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c));

(7) the term ''exploitation'' means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that—

(A) uses the resources of a senior citizen for monetary personal benefit, profit, or gain; or

(B) results in depriving a senior citizen of rightful access to or use of benefits, resources, belongings or assets;

(8) the term ''Federal financial institutions regulatory agencies'' has the meaning given the term in section 1003 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3302);

(9) the term ''investment adviser'' has the meaning given the term in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2);

(10) the term ''insurance company'' has the meaning given the term in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a));

(11) the term ''registered representative'' means an individual who represents a broker-dealer in effecting or attempting to affect a purchase or sale of securities;

(12) the term ''senior citizen'' means an individual who is not less than 65 years of age;

(13) the term ''State insurance regulator'' has the meaning given such term in section 315 of the Gramm-Leach-Bliley Act (15 U.S.C. 6735); and

(14) the term ''State securities or law enforcement authority'' has the meaning given the term in section 24(f)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78x(f)(4)).

(b) IMMUNITY FROM SUIT.—

(1) IMMUNITY FOR INDIVIDUALS.—An individual who has received the training described in section 3 shall not be liable, including in any civil or administrative proceeding, for disclosing the possible exploitation of a senior citizen to a covered agency if the individual, at the time of the disclosure—

(A) served as a supervisor, compliance officer (including a Bank Secrecy Act Officer), or registered representative for a covered financial institution; and

(B) made the disclosure with reasonable care including reasonable efforts to avoid disclosure other than to a covered agency.

(2) IMMUNITY FOR COVERED FINANCIAL INSTITUTIONS.—A covered financial institution shall not be liable, including in any civil or administrative proceeding, for a disclosure made by an individual described in paragraph (1) if—

(A) the individual was employed by, or, in the case of a registered representative, affiliated or associated with, the covered financial institution at the time of the disclosure; and

(B) before the time of the disclosure, the covered financial institution provided the training described in section 3 to each individual described in section 3(a).

SEC. 3. TRAINING REQUIRED.

(a) IN GENERAL.—A covered financial institution may provide training described in subsection (b)(1) to each officer or employee of, or registered representative affiliated or associated with, the covered financial institution who—

(1) is described in section 2(b)(1)(A);

(2) may come into contact with a senior citizen as a regular part of the duties of the officer, employee, or registered representative; or

(3) may review or approve the financial documents, records, or transactions of a senior citizen in connection with providing financial services to a senior citizen.

(b) TRAINING.—

(1) IN GENERAL.—The training described in this paragraph shall—

(A) instruct any individual attending the training on how to identify and report the suspected exploitation of a senior citizen;

(B) discuss the need to protect the privacy and respect the integrity of each individual customer of a covered financial institution; and

(C) be appropriate to the job responsibilities of the individual attending the training.

(2) TIMING.—The training required under subsection (a) shall be provided as soon as reasonably practicable but not later than 1 year after the date on which an officer, employee, or registered representative begins employment with or becomes affiliated or associated with the covered financial institution.

(3) BANK SECRECY ACT OFFICER.—An individual who is designated as a compliance officer under an anti-money laundering program established pursuant to section 5318(h) of title 31, United States Code, shall be deemed to have received the training described under this subsection.

SEC. 4. RELATIONSHIP TO STATE LAW.

Nothing in this Act shall be construed to preempt or limit any provision of State law, except only to the extent that section 2 provides a greater level of protection against liability to an individual described in section 2(b)(1) or to a covered financial institution described in section 2(b)(2) than is provided under State law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. GARRETT) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and add extraneous material to the bill therein.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GARRETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4538. It is the Senior Safe Act of 2016, and I would like to thank the sponsors, principally the gentleman from Maine (Mr. POLIQUIN), also the gentleman from South Carolina (Mr. MULVANEY), for all of their hard work in bringing this bill to the floor of the House today.

Mr. Speaker, we spend a lot of time in our committee and this Congress debating ways in which we can help Americans achieve a secure and dignified retirement. And while there are often disagreements about how to achieve that goal, one issue that is not debatable is that we must do everything in our power to stop fraudsters and scam artists from preying on the vulnerable senior citizen.

Currently, Americans over the age of 50 account for roughly 75 percent, over three-quarters of the financial assets of the U.S.; and unfortunately, one in five of those seniors, that is 20 percent, over the age of 65, have been the victim of fraud—one in five. Think of that. This costs senior citizens almost $2.9 billion every year, not to mention the stress and the pain that comes along with it for a person who has been victimized, trying to rebuild their financial security.

Oftentimes, employees of banks or financial advisers are on the front lines against such fraud when they see that one of their clients may be a potential target. Unfortunately, current laws make it very difficult for employees of such institutions to report the occurrences of those frauds.

So what do we do? We come to the floor tonight for something called the Senior Safe Act.

What does it do? It provides a very simple fix that would allow a supervisor or a compliance officer of a bank or investment adviser to report instances of fraud to a Federal or State regulator so long as they reported the matter in good faith and, of course, with reasonable care.

□ 2000

Employees at these institutions want to protect their clients just as much as any regulator does, and so this bill would allow them to speak up when they see fraud that is being unreported. This bill passed the Financial Services Committee last month unanimously, so I encourage all my colleagues in the House to support it today.

Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4538 is a bill intended to better aid our law enforcement agencies, State and Federal regulators, and agencies assisting seniors to quickly respond to and prevent financial abuse of elders.

Currently, financial institutions such as banks, credit unions, and financial advisers are required to report suspicious activity, including cases of suspected abuse of our Nation's seniors. Nevertheless, industry has raised concerns that they are prevented from doing so out of fear that they might later be sued.

Even though our regulators have taken considerable steps to allay such concerns, it seems that congressional action may be necessary to ensure that financial institutions take actions to stop elders from being swindled in their vulnerable years.

Like Ms. SINEMA, I also want to ensure that when any employee at a financial institution sees something suspicious, she immediately says something to the appropriate authorities and regulators. Indeed, I recently introduced legislation with a similar objective of ensuring the continued flow of critically important reporting of suspicious activity as it relates to terrorism, money laundering, and other serious illicit activities.

Although it is not explicitly specified in the legislation before us today, the Consumer Financial Protection Bureau should also use its existing authority to set standards for this training, and is authorized to ensure that the training is being conducted.

H.R. 4538 is a good first step, but should not be the end of our efforts to rein in elder abuse. For example, State regulators are going further and mandating that financial firms make such reports to authorities instead of making the reports voluntary. The States and FINRA, the regulator of broker-dealers, also want to authorize financial advisers to put holds on financial transactions before a swindler can run off with the retirement savings of our Nation's grandparents.

Finally, I would like to acknowledge the numerous changes Ms. SINEMA has incorporated to improve the bill. These edits ensure that the bill covers all financial institutions and will enhance reporting of suspected elder abuse. However, more changes are still needed before the bill can be enacted, including language suggested by the Office of the Comptroller of the Currency, the Consumer Financial Protection Bureau, and other advocates. I hope that the Senate's sponsors will work with the administration and others to ensure their suggested changes are incorporated into the bill before it is enacted into law.

However, today, Mr. Speaker, I support H.R. 4538.

I reserve the balance of my time.

Mr. GARRETT. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. POLIQUIN) who has brought so much to this committee, and I very much appreciate all of his hard work on that and especially on the legislation that is here before us today.

Mr. POLIQUIN. Mr. Speaker, I thank the chairman.

Our great State of Maine has the oldest average age in the country. Like thousands of fellow Mainers, I help care for my special 86- and 88-year-old parents.

Now, it is scary to realize that our vulnerable seniors, whom we love so much, are increasingly being victimized by aggressive financial scams. This fraud is costing them not only sleepless nights, but about $3 billion each year.

So today, Mr. Speaker, here in the House, Republicans and Democrats have a chance to show our compassion and to help our seniors.

Now, our Senior Safe Act will help local bank and credit union tellers and retirement and insurance advisers and others to identify and stop these crimes before they happen. Our bill enables professionals in the financial sector and the institutions they work for to report this crookery to the proper authorities. We must do everything humanly possible, Mr. Speaker, to stop these scams before our parents and grandparents are fooled into draining and transferring their savings accounts and their nest eggs.

Mr. Speaker, I am grateful for the opportunity to work with Democrat Congresswoman SINEMA and Congressman MURPHY of Florida and for Republican Congressman MULVANEY to write this important legislation. I thank Chairman HENSARLING and Chairman GARRETT for quickly moving this bill through our Financial Services Committee.

I also want to congratulate and thank our Maine Senator, SUSAN COLLINS, for authoring the original legislation in the Senate. I am proud to work and join with Senator COLLINS by authoring this companion legislation here in the House. As we all know in Maine and throughout the country, Senator COLLINS has been a national leader and a champion on all sorts of issues important to aging adults throughout our country.

Finally, I want to thank Judy Shaw, Maine's Securities Administrator, who has been instrumental in developing this type of program in our great State of Maine where it has been so successful in preventing financial fraud against our seniors.

Now, Mr. Speaker, we Americans are facing many challenges here at home and abroad. But that doesn't mean that we can't find solutions that we can agree upon—commonsense solutions—to the serious problems that hurt our seniors, and this is one case. As a result, Mr. Speaker, I urge all of my colleagues, both Republicans and Democrats, to support the Senior Safe Act.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Arizona (Ms. SINEMA), the sponsor of this legislation.

Ms. SINEMA. Mr. Speaker, I want to thank the chairman, Ranking Member WATERS, Congressman POLIQUIN, Congressman MURPHY of Florida, and Congressman MULVANEY for working with me on our bipartisan legislation to help law enforcement combat senior financial exploitation.

In 2014, Tinna Kay Lujan, while employed as a certified nursing assistant at Amber Lights, an assisted living facility in Tucson, my home State of Arizona, took 87-year-old Donald Hansen out of his facility and into her own home where he was later found dehydrated and suffering from an infection.

Lujan not only moved Mr. Hansen into her home against his will, she also exploited him financially. As reported in the Arizona Republic, Washington Federal Bank staff contacted law enforcement because they were suspicious when Lujan and Hansen, who had been a long-time customer, visited the bank together.

Ms. Lujan provided the bank with a power-of-attorney document signed by Hansen. She also requested bank cards and checks from Hansen's accounts and added Hansen's grandchildren as beneficiaries. But bank staff knew that Hansen had no grandchildren, and later they learned those beneficiaries were, in fact, Ms. Lujan's children.

Donald Hansen is only one of thousands of Arizona seniors who are victims of financial exploitation every year. Recent studies estimate that nearly one in five American seniors may be a target for fraud or financial abuse, and seniors lose at least $2.9 billion annually to financial exploitation.

But even when financial institutions suspect abuse, the abuse may go unpunished because current laws lack flexibility to allow these companies to report suspected abuse to authorities. Our bill, the Senior Safe Act, helps individuals and financial institutions communicate with appropriate agencies when they suspect financial exploitation of seniors.

The bill also encourages firms to train employees to identify and stop financial fraud targeting seniors.

Seniors deserve to retire with dignity, and they shouldn't have to worry that their hard-earned savings are at risk of fraud. Our legislation protects these firms and advisers from liability when they report suspected financial exploitation of a senior citizen.

It is a commonsense solution to help ensure financial institutions can identify fraud, report it, and stop financial abuse of the elderly.

Again, I thank my colleagues on both sides of the aisle for their work and support to protect seniors and end financial exploitation.

Mr. GARRETT. Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GARRETT. Mr. Speaker, I thank the gentlewoman for her work and her bipartisan effort on this legislation. I very, very much, as I said, thank the gentleman from Maine for all of his contributions to the Financial Services Committee.

Mr. Speaker, today I urge unanimous support in the House like we had in committee.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. GARRETT) that the House suspend the rules and pass the bill, H.R. 4538, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZATION OF THE USE OF ACTIVE CAPACITY OF THE FONTENELLE RESERVOIR

Mrs. LUMMIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2273) to amend the Colorado River Storage Project Act to authorize the use of the active capacity of the Fontenelle Reservoir, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO MAKE ENTIRE ACTIVE CAPACITY OF FONTENELLE RESERVOIR AVAILABLE FOR USE.

(a) IN GENERAL.—The Secretary of the Interior, in cooperation with the State of Wyoming, may amend the Definite Plan Report for the Seedskadee Project authorized under the first section of the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'' (43 U.S.C. 620)) to provide for the study, design, planning, and construction activities that will enable the use of all active storage capacity (as may be defined or limited by legal, hydrologic, structural, engineering, economic, and environmental considerations) of Fontenelle Dam and Reservoir, including the placement of sufficient riprap on the upstream face of Fontenelle Dam to allow the active storage capacity of Fontenelle Reservoir to be used for those purposes for which the Seedskadee Project was authorized.

(b) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Interior may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out subsection (a).

(2) STATE OF WYOMING.—

(A) IN GENERAL.—The Secretary of the Interior shall enter into a cooperative agreement with the State of Wyoming to work in cooperation and collaboratively with the State of Wyoming for planning, design, related preconstruction activities, and construction of any modification of the Fontenelle Dam under subsection (a).

(B) REQUIREMENTS.—The cooperative agreement under subparagraph (A) shall, at a minimum, specify the responsibilities of the Secretary of the Interior and the State of Wyoming with respect to—

(i) completing the planning and final design of the modification of the Fontenelle Dam under subsection (a);

(ii) any environmental and cultural resource compliance activities required for the modification of the Fontenelle Dam under subsection (a) including compliance with—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(III) subdivision 2 of division A of subtitle III of title 54, United States Code; and

(iii) the construction of the modification of the Fontenelle Dam under subsection (a).

(c) FUNDING BY STATE OF WYOMING.—Pursuant to the Act of March 4, 1921 (41 Stat. 1404, chapter 161; 43 U.S.C. 395), and as a condition of providing any additional storage under subsection (a), the State of Wyoming shall provide to the Secretary of the Interior funds for any work carried out under subsection (a).

(d) OTHER CONTRACTING AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior may enter into contracts with the State of Wyoming, on such terms and conditions as the Secretary of the Interior and the State of Wyoming may agree, for division of any additional active capacity made available under subsection (a).

(2) TERMS AND CONDITIONS.—Unless otherwise agreed to by the Secretary of the Interior and the State of Wyoming, a contract entered into under paragraph (1) shall be subject to the terms and conditions of Bureau of Reclamation Contract No. 14–06–400–2474 and Bureau of Reclamation Contract No. 14–06–400–6193.

SEC. 2. SAVINGS PROVISIONS.

Unless expressly provided in this Act, nothing in this Act modifies, conflicts with, preempts, or otherwise affects—

(1) the Act of December 31, 1928 (43 U.S.C. 617 et seq.) (commonly known as the ''Boulder Canyon Project Act'');

(2) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(3) the Act of July 19, 1940 (43 U.S.C. 618 et seq.) (commonly known as the ''Boulder Canyon Project Adjustment Act'');

(4) the Treaty between the United States of America and Mexico relating to the utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, and supplementary protocol signed November 14, 1944, signed at Washington February 3, 1944 (59 Stat. 1219);

(5) the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31);

(6) the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.);

(7) the Colorado River Basin Project Act (Public Law 90–537; 82 Stat. 885); or

(8) any State of Wyoming or other State water law.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. LUMMIS) and the gentleman from California (Mr. COSTA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming.

GENERAL LEAVE

Mrs. LUMMIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

Mrs. LUMMIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2273 was introduced by me, and it allows the State of Wyoming and the Federal Government to study, design, plan, and perform construction that will expand the active storage capacity at the Fontenelle Reservoir and Dam in Wyoming. This is a reservoir that is on the Green River.

The State of Wyoming will pay for the entire expansion. It will take us up about 87,000 acre-feet. Currently, the dam is at about 260. It will take us up to about 345,000 acre-feet. It will do it by riprapping the face of the dam. Riprap is when you take broken up concrete or stone and prevent erosion on the face of the dam. The additional storage capacity will be used by my State of Wyoming.

As you know, Mr. Speaker, expanding surface water storage projects in the West has to continue to be on the table. This bill allows for that expansion and does not require any additional expenditure from the Federal Government.

I am in support of the bill, of course, as the sponsor.

Mr. Speaker, I reserve the balance of my time.

□ 2015

Mr. COSTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2273 is a real straightforward piece of legislation. It would increase the amount of water that can be stored in the Fontenelle Reservoir, which is a reservoir located in Lincoln County, Wyoming, the great State of Wyoming.

I want to commend the author, the gentlewoman from Wyoming (Mrs. LUMMIS), for her efforts on this important legislation for Wyoming. This bill has been written in a balanced manner that respects existing laws, compacts, and treaties. It does not attempt to expand Wyoming's entitlement to the Colorado River supplies. Any time we are talking about the Colorado River, Upper Basin or Lower Basin, it gets to be a bit of a sticky wicket. This does not involve any of those issues at the expense of any of the Colorado River Basin States.

H.R. 2273 is an important piece of legislation for the Congresswoman. It passed the Natural Resources Committee unanimously. Therefore, I lend my support to H.R. 2273, and I urge its adoption.

I yield back the balance of my time.

Mrs. LUMMIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. LUMMIS) that the House suspend the rules and pass the bill, H.R. 2273, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to authorize the Secretary of the Interior to amend the

Definite Plan Report for the Seedskadee Project to enable the use of the active capacity of the Fontenelle Reservoir.''.

A motion to reconsider was laid on the table.

SAVE OUR SALMON ACT

Mrs. LUMMIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4582) to exclude striped bass from the anadromous fish doubling requirement in section 3406(b)(1) of the Central Valley Project Improvement Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Save Our Salmon Act'' or the ''SOS Act''.

SEC. 2. LEGISLATIVE FINDINGS.

Congress finds the following:

(1) California is home to many populations of native salmon and steelhead.

(2) Many of the native salmon and steelhead populations in California are listed under the Endangered Species Act of 1973.

(3) The Central Valley Project Improvement Act (CVPIA) required a doubling of natural production of Central Valley populations of anadromous fish within 10 years.

(4) Striped bass are anadromous fish indigenous to the East Coast of the United States and are not native to the State of California.

(5) Striped bass were included in the CVPIA's fish doubling goal even though they are not a native species.

(6) Striped bass prey on native salmon and steelhead.

(7) Predation poses a serious threat to federally protected juvenile salmon and other native fish in California.

(8) According to the National Marine Fisheries Service, reducing abundance of striped bass and other non-native predators must be achieved to prevent extinction of Central Valley salmon and steelhead or to prevent the species from declining irreversibly.

(9) Therefore, the CVPIA's fish-doubling goal for two competing species is contradictory and counterproductive for salmon and steelhead recovery.

SEC. 3. TREATMENT OF STRIPED BASS.

(a) ANADROMOUS FISH.—Section 3403(a) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575) is amended by striking ''striped bass,'' after ''stocks of salmon (including steelhead),''.

(b) FISH AND WILDLIFE RESTORATION ACTIVITIES.—Section 3406(b) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575) is amended by—

(1) striking paragraphs (14) and (18);

(2) redesignating paragraphs (15) through (17) as paragraphs (14) through (16), respectively; and

(3) redesignating paragraphs (19) through (23) as paragraphs (17) through (21), respectively.

(c) RESTORATION FUND ESTABLISHED.—Section 3407(a) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575) is amended by striking ''(10)–(18), and (20)–(22)'' and inserting ''(10)–(16), and (18)–(20)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. LUMMIS) and the gentleman from California (Mr. COSTA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming.

GENERAL LEAVE

Mrs. LUMMIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

Mrs. LUMMIS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DENHAM), the author of this bill.

Mr. DENHAM. Mr. Speaker, H.R. 4582, the Save Our Salmon Act, which I introduced earlier this year, removes a contradiction in Federal law. This Federal law mandates that not only do we double the amount of threatened and endangered species, the salmon and steelhead, that we spend so much time, effort, and money trying to save, but the contradiction is it also wants us to double the striped bass that eat 98 percent of the fish we are trying to save.

This is a simple bill that is bipartisan that will save taxpayer dollars and that will save our water in California while addressing what we feel is a simple mistake.

Under the Central Valley Project Improvement Act, the CVPIA, this doubling goal was set in place in 1992. Again, the steelhead and the salmon are being eaten by the striped bass, which is a nonnative predator fish. This mandated population doubling of the predator fish has proven contradictory to protecting native species under the Endangered Species Act.

This bill not only removes this provision, but at the request of the administration, my bill also removes other sections in the CVPIA which provide for the implementation of the strategies to double the striped bass.

NOAA, NMFS, and the California Department of Fish and Wildlife have all indicated that predation of juvenile salmon is one of the primary stressors to these endangered species. In California, predation is rampant.

Predation of endangered fish in California continues to be one of the major factors in the complex equation of California water and the drought that our State faces. By eliminating this contradictory provision in the CVPIA, native species will again thrive without wasting the massive amounts of freshwater and taxpayer dollars currently required to do so.

Again, this is a commonsense, easy solution for Republicans and Democrats to agree on. If we want to save the threatened endangered species, let's stop spending so much money on the very fish that eat 98 percent of the fish that we are trying to save.

I want to thank my colleagues from both sides of the aisle for cosponsoring this legislation, and I urge my colleagues to support H.R. 4582.

Mr. COSTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the author, as the original cosponsor of this important legislation, for trying to provide a balancing act in maintaining the waters for all beneficial uses in California.

This legislation by Congressman DENHAM that has good bipartisan support, H.R. 4582, is known also as the Save Our Salmon Act. It would amend the Central Valley Project Improvement to exempt striped bass from the law's fish-doubling goals.

One should understand that striped bass is a nonnative fish to California that was introduced in the late 1800s. Unfortunately, for the native salmon, the delta smelt, and other native fisheries, the striped bass is a very aggressive predator fish. The fact is that they eat not only juvenile salmon, but they eat delta smelt, which is part of the food chain for the salmon. As a result of this introduction, the striped bass are thriving, but, unfortunately, the native salmon of California are not.

This measure, H.R. 4582, is the first step in a range of overall policy decisions that we have got to take under consideration. Common sense tells us that we must look at all—all—of the stressors that are impacting the native fisheries of California. This attempts to do that to aid salmon recovery by providing, also, an additional, more reliable water supply for Californians.

Those in the San Joaquin Valley that Congressman DENHAM, others, and I represent have been devastated by the impact of the drought over the last 4, now going on 5, years. Farms, farm communities, and farmworkers have lost their jobs as a result of a zero—zero—water allocation. We don't even have a program to deal with what the Fish and Wildlife agencies have indicated is one of the greatest impacts of native species, which are predator fish. We don't have a predator control program as we have on the Columbia River. It is about time we do something about it.

While there are many stressors that impact the California salmon populations, thereby impacting the water supply reliability for much of California, this measure attempts to begin to do something about the predator problem.

I want to commend again Congressman DENHAM for his ongoing efforts, along with all of us, on a bipartisan effort to look at an overall balanced solution.

I support H.R. 4582, and I urge its adoption.

I yield back the balance of my time.

Mrs. LUMMIS. Mr. Speaker, I yield myself such time as I may consume.

I want to commend these California Members. I have been to their districts. I have seen and been at hearings in Fresno where these issues have come to my level of understanding of now a sympathetic outsider. These issues are almost intractable. When we see bipartisan support on something this important to the economy, to the farmers and ranchers, to the wonderful ecosystems that they are trying to balance in a way that will conserve farming and ranching, that benefits every consumer in this country of some of the finest fruits, vegetables, and other commodities that you can ever imagine. I mean, this is like the breadbasket of our country. To find ways to combat nonnative species in a way that protects native species and also protects the people who produce our food and fiber is so important.

I commend the gentlemen from California on both sides of the aisle and their colleagues.

I want to offer my complete support of H.R. 4582.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. LUMMIS) that the House suspend the rules and pass the bill, H.R. 4582, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CLEAR CREEK NATIONAL RECREATION AREA AND CONSERVATION ACT

Mrs. LUMMIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1838) to establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, California, to designate the Joaquin Rocks Wilderness in such counties, to designate additional components of the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clear Creek National Recreation Area and Conservation Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MANAGEMENT PLAN.—The term ''management plan'' means the Plan for the Recreation Area prepared under section 4(c).

(2) RECREATION AREA.—The term ''Recreation Area'' means the Clear Creek National Recreation Area.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of California.

(5) OFF HIGHWAY VEHICLE.—The term ''off highway vehicle'' means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, or other natural terrain and not intended for use on public roads.

SEC. 3. ESTABLISHMENT OF CLEAR CREEK NATIONAL RECREATION AREA.

(a) IN GENERAL.—To promote environmentally responsible off highway vehicle recreation, the area generally depicted as ''Proposed Clear Creek National Recreation Area'' on the map titled ''Proposed Clear Creek National Recreation Area'' and dated December 15, 2015, is established as the ''Clear Creek National Recreation Area'', to be managed by the Secretary.

(b) OTHER PURPOSES.—The Recreation Area shall also support other public recreational uses, such as hunting, hiking, and rock and gem collecting.

(c) MAP ON FILE.—Copies of the map referred to in subsection (a) shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management; and

(2) the appropriate office of the Bureau of Land Management in California.

SEC. 4. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage the Recreation Area to further the purposes described in section 3(a), in accordance with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) any other applicable law.

(b) USES.—The Secretary shall—

(1) prioritize environmentally responsible off highway vehicle recreation and also facilitate hunting, hiking, gem collecting, and the use of motorized vehicles, mountain bikes, and horses in accordance with the management plan described in subsection (c);

(2) issue special recreation permits for motorized and non-motorized events; and

(3) reopen the Clear Creek Management Area to the uses described in this subsection as soon as practicable following the enactment of this Act and in accordance with the management guidelines outlined in this Act and other applicable law.

(c) INTERIM MANAGEMENT PLAN.—The Secretary shall use the 2006 Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision as modified by this Act or the Secretary to incorporate natural resource protection information not available in 2006, as the basis of an interim management plan to govern off highway vehicle recreation within the Recreation Area pending the completion of the long-term management plan required in subsection (d).

(d) PERMANENT MANAGEMENT PLAN.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall create a comprehensive management plan for the Clear Creek Recreation Area that—

(1) shall describe the appropriate uses and management of the Recreation Area in accordance with this Act;

(2) shall be prepared in consultation with—

(A) appropriate Federal, State, and local agencies (including San Benito, Monterey, and Fresno Counties);

(B) adjacent land owners;

(C) other stakeholders (including conservation and recreational organizations); and

(D) holders of any easements, rights-of-way, and other valid rights in the Recreation Area;

(3) shall include a hazards education program to inform people entering the Recreation Area of the asbestos related risks associated with various activities within the Recreation Area, including off-highway vehicle recreation;

(4) shall include a user fee program for motorized vehicle use within the Recreational Area and guidelines for the use of the funds collected for the management and improvement of the Recreation Area;

(5) shall designate as many previously used trails, roads, and other areas for off highway vehicle recreation as feasible in accordance with this in order to provide a substantially similar recreational experience, except that nothing in this paragraph shall be construed as precluding the Secretary from closing any area, trail, or route from use for the purposes of public safety or resource protection;

(6) may incorporate any appropriate decisions, as determined by the Secretary, in accordance with this Act, that are contained in any management or activity plan for the area completed before the date of the enactment of this Act;

(7) may incorporate appropriate wildlife habitat management plans or other plans prepared for the land within or adjacent to the Recreation Area before the date of the enactment of this Act, in accordance with this Act;

(8) may use information developed under any studies of land within or adjacent to the Recreation Area carried out before the date of enactment of this Act; and

(9) may include cooperative agreements with State or local government agencies to manage all or a portion of the recreational activities within the Recreation Area in accordance with an approved management plan and the requirements of this Act.

(e) ACQUISITION OF PROPERTY.—

(1) IN GENERAL.—The Secretary may acquire land adjacent to the National Recreation Area by purchase from willing sellers, donation, or exchange.

(2) MANAGEMENT.—Any land acquired under paragraph (1) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this Act; and

(C) any other applicable law (including regulations).

(3) IMPROVED ACCESS.—The Secretary may acquire by purchase from willing sellers, donation, exchange, or easement, land, or interest in land to improve public safety in providing access to the Recreation Area.

(f) PRIVATE PROPERTY.—

(1) ACCESS TO PRIVATE PROPERTY.—

(A) IN GENERAL.—The Secretary shall provide landowners adequate access to inholdings within the Recreation Area.

(B) INHOLDINGS.—For access purposes, private land adjacent to the Recreation Area to which there is no other practicable access except through the Recreation Area shall be managed as an inholding.

(2) USE OF PRIVATE PROPERTY.—Nothing in this Act affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

(3) BUFFER ZONES.—Nothing in this Act creates a protective perimeter or buffer zone around the Recreation Area.

(4) VALID RIGHTS.—Nothing in this Act affects any easements, rights-of-way, and other valid rights in existence on the date of the enactment of this Act.

(g) WATER RIGHT EXCLUSION.—Nothing in this Act—

(1) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or

water rights with respect to the Recreation Area; or

(2) shall affect any water rights existing on the date of the enactment of this Act.

(h) HUNTING AND FISHING.—Nothing in this Act—

(1) limits hunting or fishing; or

(2) affects the authority, jurisdiction, or responsibility of the State to manage, control, or regulate fish and resident wildlife under State law (including regulations), including the regulation of hunting or fishing on public land managed by the Bureau of Land Management.

(i) MOTORIZED VEHICLES.—Except in cases in which motorized vehicles are needed for administrative purposes or to respond to an emergency, the use of motorized vehicles on public land in the Recreation Area shall be permitted only on roads, trails, and areas designated by the management plan for the use by motorized vehicles.

(j) GRAZING.—In the Recreation Area, the grazing of livestock in areas in which grazing is allowed as of the date of the enactment of this Act shall be allowed to continue, consistent with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) any regulations promulgated by the Secretary, acting through the Director of the Bureau of Land Management.

(k) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Recreation Area is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patenting under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(l) FEES.—Amounts received by the Secretary under the fee structure required by subsection (d)(4) shall be—

(1) deposited in a special account in the Treasury of the United States; and

(2) made available until expended to the Secretary for use in the Recreation Area.

(m) RISK STANDARD.—The National Oil and Hazardous Substances Pollution Contingency Plan (section 300 of title 40, Code of Federal Regulations), published pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605), shall not apply to the Secretary's management of asbestos exposure risks faced by the public when recreating within the Clear Creek Recreation Area described in section 3(b).

SEC. 5. JOAQUIN ROCKS WILDERNESS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 21,000 acres of Federal lands located in Fresno County and San Benito County, California, and generally depicted on a map entitled ''Proposed Joaquin Rocks Wilderness'' and dated January 14, 2015, is designated as wilderness and as a component of the National Wilderness Preservation System and shall be known as the ''Joaquin Rocks Wilderness''.

SEC. 6. RELEASE OF SAN BENITO MOUNTAIN WILDERNESS STUDY AREA.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the San Benito Mountain wilderness study area has been adequately studied for wilderness designation.

(b) RELEASE.—The San Benito Mountain wilderness study area is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 7. CLARIFICATION REGARDING FUNDING.

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. LUMMIS) and the gentleman from California (Mr. COSTA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming.

GENERAL LEAVE

Mrs. LUMMIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

Mrs. LUMMIS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1838, the Clear Creek National Recreation Area and Conservation Act, would reopen an area administratively closed by the Bureau of Land Management to off-highway vehicle and other recreational activities, designate new wilderness, and release a wilderness study area back into multiple use.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1838 establishes the Clear Creek National Recreation Area, as stated before, and the Joaquin Rocks Wilderness Area on land administered by the Bureau of Land Management in the Central Coast region of California in Fresno County. I am very familiar with this. It used to be in a previous district I represented.

This area has mutual beneficial uses, from hiking and hunting to off-highway vehicle use. Adjacent to this area are areas that have been used for cattle grazing for families for generations. They have worked together to ensure that we can protect those areas for appropriate uses for cattle grazing but also, at the same time, separately provide areas where this hiking and hunting and off-highway vehicle use can take place.

This legislation will improve and enhance the success for a variety of recreational activities, which is what it is intended to, and, at the same time, try to preserve ecological sensitive and unique areas in a way that supports the overall use.

In addition to the many ecological benefits they are providing, including clean air and clean water, wilderness areas throughout the country play a large role in supporting the approximately $646-billion-per-year outdoor recreational economy. I am pleased that we are advancing a bill that adds 21,000 acres to the National Wilderness Preservation System.

Our colleagues in the House have introduced several bills to designate wilderness areas. These bills are developed from the ground up with input and support from our constituents.

This bill, in particular, has been a priority for Congressman FARR for many years. I want to congratulate him for his hard work and tenacity.

Mr. Speaker, I reserve the balance of my time.

□ 2030

Mrs. LUMMIS. Mr. Speaker, I yield such time as he may consume to the fine gentleman from California (Mr. DENHAM), one of the Republican cosponsors of this bill. These fine gentleman include all here present. They worked together on a bipartisan basis for one of the most economically and ecologically versatile places on Earth.

Mr. DENHAM. I thank the gentlewoman.

Mr. Speaker, I thank my good friend, SAM FARR. Together, we have coauthored a bill that brings two valleys together. We have the Salinas Valley and the Central Valley that come together in this beautiful spot and bring a national forest to what its intended use is—for hikers, for off-roaders, and for people who just want to use the beauty of this park.

This has truly been a bipartisan effort, not only between Republicans and Democrats, but by pulling two valleys together, a number of different Members are wanting to see this area open back up and be utilized by the taxpayers. This is something that is going to provide generations to come an opportunity to spend time together—to off-road together, to hike together, and to even take photographs, which I know my good friend likes to do in areas like this.

I am proud to be a coauthor, and I am proud of the widespread bipartisan support. I am proud to have worked with such a good friend on a fine piece of legislation.

Mr. COSTA. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FARR), my good friend from California's Central Coast area.

Mr. FARR. I thank very much Ranking Member COSTA and Chairwoman LUMMIS for their support of this bill.

Mr. Speaker, I think this bill is more than what we just talked about, because it is an incredible collaboration of groups that are not necessarily friendly to each other. We have in this sponsorship the Off-Road Vehicle Association and the Native Plant Society. Normally, they would not be on the same legislation. Why did it all happen? It is because we have 60,000 acres that have been shut down for nobody's use. It was a former asbestos surface mining area.

Clear Creek has been a destination for outdoor recreation by off-road vehicle users, hikers, bird and animal enthusiasts, and many others. The area is home to unique habitats of plants and animals that attract visitors, which

has helped a low-income rural area economically; but in 2008, the Bureau of Land Management closed the area because of an EPA report that said the naturally occurring asbestos may be dangerous. Without any further thought about assuming risk in the national area, it just closed it all down; but as long as people are aware of the risks and know how to safely enjoy Clear Creek, it is not dangerous at all.

For example, people climb El Capitan, which is, probably, one of the more difficult climbs in America. You make a mistake there and you die, yet the National Park Service allows you to climb it. The risks go on and on. You also see the same with heli-skiing, skydiving, and many other high-risk activities. Two of my constituents—and they really deserve tremendous credit because they really learned how to petition government—Ed Tobin, who is with the Salinas Ramblers Motorcycle Club, and Ron DeShazer, who is a forklift operator in Salinas and a longtime Clear Creek rider, know about risks. They also know how to recreate safely in Clear Creek. We should learn from them.

Clear Creek's closure not only upset the vast off-road vehicle community, but also the California Native Plant Society, the Sierra Club hikers, and, especially, the local community, which is suffering the economic loss.

This is commonsense legislation that does three things:

First, the bill redesignates the Clear Creek Management Area as the Clear Creek National Recreation Area. This allows it to be used for off-road vehicle recreation, and it requires the Bureau of Land Management to alert all users to the risks and to instruct people to wash off vehicles that may be used on the roads. The wash racks are already in place and have been there for years.

Second, it gives the Bureau of Land Management the authority to levy a recreational user fee and apply the proceeds to the management of the area.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COSTA. I yield the gentleman an additional 2 minutes.

Mr. FARR. I thank the gentleman for yielding.

Third, it allows the BLM to enter into joint management agreements with the California State Parks system that manages a nearby off-road vehicle park without asbestos surfaces, known as Hollister Hills.

Fourth, this legislation designates the adjacent Joaquin Rocks landscape as wilderness and five BLM-identified streams as National Wild and Scenic Rivers.

The conservation piece of this legislation protects a diverse array of flora and fauna and several species of wildlife. In addition to falcons, hawks, and owls, the area provides a potential nesting habitat for the California condor, which was reintroduced in the nearby Gabilan Range.

I thank my colleagues JEFF DENHAM and DAVID VALADAO for being tremendous partners and for their leadership in bringing this bill to the House floor today. In working with Representatives DENHAM and VALADAO, their staffs, and many of our constituents in central California, we crafted a bill to support recreation, conservation, and economic growth.

I also thank Chairman BISHOP of the committee and Ranking Member GRIJALVA, subcommittee Chairman MCCLINTOCK and subcommittee Ranking Member TSONGAS for their support.

Mr. Speaker, I urge support for the legislation, and I also urge the members of the committee to think about this when trying to solve difficult, conflicting problems in that we can bring all parties of interest together and end up with a win-win.

Mr. COSTA. Mr. Speaker, I think the bipartisan support is here.

I yield back the balance of my time.

Mrs. LUMMIS. Mr. Speaker, I yield myself the balance of my time.

I express my support for this bill and my thanks to my colleagues from California for their hard work on this bill—on my side of the aisle, Mr. DENHAM and Mr. VALADAO; on the Democratic side, Mr. FARR, with whom I served on the Appropriations Committee and who did a wonderful job, by the way, and Mr. COSTA, with whom I now serve on the Natural Resources Committee. They are fine gentlemen, one and all, from California.

Before I close, I must say I have a unique love for the State. My relative, a gentleman named Charles Fletcher Lummis, walked from Ohio to California—walked—in the 1800s, arrived in Los Angeles, and became the assistant editor of what is now the Los Angeles Times. There were only 14,000 people in Los Angeles, California. His home, El Alisal, which is between Los Angeles and Pasadena, is a State historic site in California and is a wonderful, historic place to visit.

He was the first person to photograph the Penitentes ceremony, where they actually crucified some of their colleagues in a ceremony in New Mexico. He was the American who chronicled the capture of Geronimo. He was knighted by the King of Spain for being the Californian who led the designation of national historic sites for San Juan Capistrano and others of the great missions of southern California before they were destroyed. He was a magnificent, flowery character in the State of California. His friends were people like John Muir, Teddy Roosevelt, and other famous conservationists and preservationists. I am proud to be a relative of Charles Fletcher Lummis.

I am proud of what California has done to balance its efforts in having a uniquely diverse culture and a fabulous agriculture and recreation economy. This is a unique State. This is a State that has pistachios and almonds and vegetables, which we all need to sustain ourselves in a way that will allow America to continue to play a role in feeding itself.

I was involved in an effort to try to make sure, for our own national security, that we would continue to be able to feed ourselves in this Nation, and we thought we were going to be able to feed ourselves until around the year 2050. It has been years ago since we became a net importer of food. That is not necessary. We can grow enough food in America to sustain our population. To allow us to become a net importer of food, I think, is a mistake because we have a magnificent place like California that can outgrow almost any area of our Nation if we will only be respectful and listen to the people who live there and to the people who feed us, whether they are the farm owners or the farmworkers. These are people who want to work on California and with California so as to feed America, to support their families, and to sustain a fabulous environment.

To the fine gentlemen from California who bring this bill forward and who work so hard every day to try to make sure that these different valleys and these very diverse communities come together, I offer my full support of this bill, and I commend them for their work.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ZINKE). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. LUMMIS) that the House suspend the rules and pass the bill, H.R. 1838, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, California, to designate the Joaquin Rocks Wilderness in such counties, and for other purposes.''.

A motion to reconsider was laid on the table.

SAINT FRANCIS DAM DISASTER NATIONAL MEMORIAL ACT

Mrs. LUMMIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5244) to provide for the establishment of a national memorial and national monument to commemorate those killed by the collapse of the Saint Francis Dam on March 12, 1928, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Saint Francis Dam Disaster National Memorial Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) On March 12, 1928, the Saint Francis Dam located in the northern portion of Los Angeles County, California, breached, resulting in a devastating flood that caused the death of approximately 425 individuals.

(2) The residents of Santa Clarita Valley, San Francisquito Canyon, Castaic Junction, Santa Clara River Valley, Piru, Fillmore, Bardsdale, Saticoy, and Santa Paula were directly impacted and suffered greatly from the worst flood in the history of the State of California.

(3) The disaster resulted in a tremendous loss of human life, property, and the livelihood of local residents, and was surpassed in the level of destruction in the 20th century only by the great San Francisco earthquake of 1906.

(4) The collapse of the dam may represent America's worst civil engineering failure in the 20th century.

(5) The site of the disaster is subject to the theft of historic artifacts, graffiti, and other vandalism.

(6) It is right to pay homage to the citizens who were killed, injured, or dislocated due to the flood, and to educate the public about this important historical event.

(7) It is appropriate that the site of the Saint Francis Dam and surrounding areas be specially designated and protected to commemorate this tragic event.

SEC. 3. SAINT FRANCIS DAM DISASTER NATIONAL MEMORIAL.

(a) ESTABLISHMENT.—The Secretary is authorized to establish a memorial at the Saint Francis Dam site in the County of Los Angeles, California, for the purpose of honoring the victims of the Saint Francis Dam disaster of March 12, 1928.

(b) REQUIREMENTS.—The Memorial shall be—

(1) known as the Saint Francis Dam Disaster National Memorial; and

(2) managed by the Forest Service.

(c) DONATIONS.—The Secretary is authorized to accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Secretary for purposes of developing, designing, constructing, and managing the Memorial.

SEC. 4. RECOMMENDATIONS FOR MEMORIAL.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit to Congress recommendations regarding—

(1) the planning, design, construction, and long-term management of the Memorial;

(2) the proposed boundaries of the Memorial;

(3) a visitor center and educational facilities at the Memorial; and

(4) ensuring public access to the Memorial.

(b) CONSULTATION.—In preparing the recommendations required under subsection (a), the Secretary shall consult with—

(1) appropriate Federal agencies;

(2) State, tribal, and local governments, including the Santa Clarita City Council; and

(3) the public.

SEC. 5. ESTABLISHMENT OF SAINT FRANCIS DAM DISASTER NATIONAL MONUMENT.

(a) ESTABLISHMENT.—There is established as a national monument in the State, certain National Forest System land administered by the Secretary in the County of Los Angeles comprising approximately 440 acres, as generally depicted on the map entitled ''Proposed Saint Francis Dam Disaster National Monument'', created on June 14, 2016, to be known as the Saint Francis Dam Disaster National Monument.

(b) PURPOSE.—The purpose of the Monument is to conserve and enhance for the benefit and enjoyment of the public the cultural, archaeological, historical, watershed, educational, and recreational resources and values of the Monument.

SEC. 6. DUTIES OF THE SECRETARY WITH RESPECT TO MONUMENT.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Secretary shall develop a management plan for the Monument.

(2) CONSULTATION.—The management plan shall be developed in consultation with—

(A) appropriate Federal agencies;

(B) State, tribal, and local governments; and

(C) the public.

(3) CONSIDERATIONS.—In developing and implementing the management plan, the Secretary shall, with respect to methods of protecting and providing access to the Monument, consider the recommendations of the Saint Francis Disaster National Memorial Foundation, the Santa Clarita Valley Historical Society, and the Community Hiking Club of Santa Clarita.

(b) MANAGEMENT.—The Secretary shall manage the Monument—

(1) in a manner that conserves and enhances the cultural and historic resources of the Monument; and

(2) in accordance with—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) and the laws generally applicable to the National Forest System;

(B) this Act; and

(C) any other applicable laws.

(c) USES.—

(1) USE OF MOTORIZED VEHICLES.—The use of motorized vehicles within the Monument may be permitted only—

(A) on roads designated for use by motorized vehicles in the management plan required under subsection (a);

(B) for administrative purposes; or

(C) for emergency responses.

(2) GRAZING.—The Secretary shall permit grazing within the Monument, where established before the date of the enactment of this Act—

(A) subject to all applicable laws (including regulations and Executive orders); and

(B) consistent with the purpose described in section 5(b).

SEC. 7. CLARIFICATION ON FUNDING.

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.

SEC. 8. DEFINITIONS.

In this Act:

(1) MEMORIAL.—The term ''Memorial'' means the Saint Frances Dam Disaster National Memorial authorized under section 3(a).

(2) MONUMENT.—The term ''Monument'' means the Saint Francis Dam Disaster National Monument established under section 5(a).

(3) STATE.—The term ''State'' means the State of California.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. LUMMIS) and the gentleman from California (Mr. COSTA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming.

GENERAL LEAVE

Mrs. LUMMIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

Mrs. LUMMIS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. KNIGHT), the author of this bill.

Mr. KNIGHT. I thank the Speaker for letting us talk about such an important issue.

Mr. Speaker, this issue has been bantered about in my district for many years, and we are finally getting recourse whereby we are going to have a memorial for the second largest disaster in California's history.

It is interesting that this happened about 20 miles from my house, and many people will drive by and not know that the Saint Francis Dam is there. Yet the Saint Francis Dam was there in 1928, and it killed approximately 437 people, becoming the second largest disaster in California's history. Entire families were wiped out in the early hours of March 12, 1928, as nearly 12 billion gallons of water flowed down the San Francisquito Canyon, located in my district, all the way to the Pacific Ocean, which is 54 miles away.

The dam was a project by the great William Mulholland, who was best known for creating the L.A. aqueduct system. However, this project of his ended in disaster, and it is one of the biggest civil engineering disasters in our Nation.

Subsequently, the failure of the Saint Francis Dam changed the methods that were used to create new dams and to set new safety standards across the Nation, including the construction of the Hoover Dam. The dam site has remained unprotected and hidden for 88 years and needs to be protected. As well, there needs to be a memorial established for the victims and their families.

My bill, H.R. 5244, seeks to memorialize these people who perished at the site of the Saint Francis Dam, and it creates a 440-acre national monument to preserve the site for educational purposes and to attract visitors.

□ 2045

The remains of the dam are of local and national historical significance and should be protected for the future of all Americans.

Mr. Speaker, I urge the support of this bill.

Mr. COSTA. Mr. Speaker, I yield myself such time as I may consume.

In one of the worst civil engineering failures of the 20th century, the breach of the Saint Francis Dam on March 12, 1928, tragically took the lives of over 400 Americans. To honor the memory of those who lost their lives on that fateful day, H.R. 5244 establishes a national memorial at the disaster site in California's Santa Clarita Valley. This memorial will provide a permanent place of remembrance and healing.

In addition to the memorial, H.R. 5244 also establishes the Saint Francis Dam National Monument on 440 acres of public land that is currently managed by the Forest Service. The national monument designation authorizes the U.S. Forest Service, in consultation with a range of stakeholders, to develop educational programs to improve the health of these regional wetlands.

I want to thank Congressman KNIGHT and the Santa Clarita Valley Historical Society for bringing the legacy of the Saint Francis Dam disaster to the attention of the Congress. As we all have heard, those who cannot remember the past are doomed to repeat it. So we need to ensure that we remember the lessons of history that are part of the Saint Francis story.

I also want to thank Mr. KNIGHT for his work with the Forest Service to address some of the concerns before the bill was marked up in committee.

This is a good bill, and I urge my colleagues to support its adoption.

I yield back the balance of my time.

Mrs. LUMMIS. Mr. Speaker, I thank the gentleman from California (Mr. KNIGHT) for his work and leadership on this legislation.

I urge my colleagues to join me to honor the more than 400 individuals who lost their lives nearly 90 years ago by supporting this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. LUMMIS) that the House suspend the rules and pass the bill, H.R. 5244, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TUOLUMNE BAND OF ME-WUK LAND INTO TRUST

Mrs. LUMMIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3079) to take certain Federal land located in Tuolumne County, California, into trust for the benefit of the Tuolumne Band of Me-Wuk Indians, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND INTO TRUST.

(a) FEDERAL LAND.—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal land described in subsection (b) shall be held in trust by the United States for the benefit of the Tuolumne Band of Me-Wuk Indians for nongaming purposes.

(b) LAND DESCRIPTION.—The land taken into trust under subsection (a) is the approximately 80 acres of Federal land under the administrative jurisdiction of the United States Forest Service, located in Tuolumne County, California, and described as follows:

(1) Southwest 1/4 of Southwest 1/4 of Section 2, Township 1 North, Range 16 East.

(2) Northeast 1/4 of Northwest 1/4 of Section 11, Township 1 North, Range 16 East of the Mount Diablo Meridian.

(c) GAMING.—Class II and class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) shall not be permitted at any time on the land taken into trust under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. LUMMIS) and the gentleman from California (Mr. COSTA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming.

GENERAL LEAVE

Mrs. LUMMIS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

Mrs. LUMMIS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCCLINTOCK), the author of this bill, the chairman of the Federal Lands Subcommittee of the Natural Resources Committee, a committee on which I serve.

I want to salute the fine work during this Congress and previous Congresses of the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Mr. Speaker, I thank the gentlewoman for yielding, although I am still very angry at her for her decision to retire from the House at the end of this term. I don't think anyone blames her for wanting to deprive herself of the pleasure of our company, but I do blame her very much for depriving all of us of the pleasure of her company. She will be sorely missed.

Mr. Speaker, H.R. 3079 would transfer two 40-acre parcels owned by the Forest Service to the Tuolumne Band of Me-Wuk Indians. These parcels are landlocked Forest Service property that are caught between a private property owner to the north and east, and tribally owned lands to the south and west that are currently in the process of being converted from fee to trust.

These new parcels would be added to the tribe's existing tribal conservation area and would be forbidden from being used for gaming.

This bill has the full support of the Tuolumne County Board of Supervisors, the elected land use agency in this jurisdiction. The private property owner whose lands abuts this parcel also supports the transfer. Similar legislation has been introduced in the Senate by Senators Feinstein and Boxer.

The Federal Lands Subcommittee has held extensive hearings into the maintenance backlog of U.S. Forest Service properties and the horrific fire danger posed by these overgrown Federal lands. Acreage in the Sierra now typically carries four times the timber density that the land can support. This region has been devastated by forest fires in the past decade because the Federal lands have been so badly neglected. The land in question is designated as a High Fire Hazard Severity Zone. The tribal chairman testified that the Forest Service has done no thinning of these parcels throughout his lifetime.

Now, in my district that spans the Sierra Nevada, forest fires have utterly destroyed more than 1,000 square miles of forest in just the last 3 years. The Rim Fire, the largest in the history of the Sierra and one of the largest in the history of the State, came within just a few miles of this parcel.

When I visited the command center at the Rough Fire just south of Tuolumne in August, the beleaguered firefighters begged me to carry back one message to Congress: that forest treatment matters. Where the fire ran into treated acreage, it slowed enough to extinguish, but there just wasn't enough of it. So that fire burned for more than 10 weeks and destroyed 151,000 acres of forest land.

By adding these parcels to the existing tribal conservation area, we ensure that this acreage will be properly maintained, which means additional fire protection for the region. It will add 80 acres of properly managed and maintained forest land where excess timber can be carried out before it burns out. And in association with the tribe's other conservation work, that just could make the difference in stopping or slowing the next catastrophic fire in the region. It is, at least, a start.

I thank the gentlewoman for the time, and I thank the House for hearing this bill today and ask for its adoption.

Mr. COSTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Tuolumne Band of the Me-Wuk Indians of the Tuolumne

Rancheria is seeking a transfer of the two parcels that have been mentioned from the U.S. Forest Service land to the Department of the Interior to be held in trust for the tribe. These two parcels, which represent a combined total of about 80 acres, are both undeveloped and they are landlocked.

The parcels are located in an area of great cultural and historical significance to the tribe and are contiguous to lands the tribe currently owns in fee simple, known simply as the Murphy Ranch.

When the tribe inquired about the status of these parcels, the local U.S. Forest Service staff confirmed that there are no current or future uses to the U.S. Forest Service or any other Federal agency.

The tribe would like to make these existing two parcels a part of their Murphy Ranch Conservation Area, which was established to protect the environment, wildlife, and the natural beauty of the area, and also, as Congressman MCCLINTOCK noted, to provide additional fire protection, which is absolutely essential.

We, as a result of 4 devastatingly dry years, combined with the bark beetle, have a tinderbox of extreme fire conditions that we are dealing with in California. Some of you have noted the fires that have taken place already in other Western States.

So fire protection is a part of the concern of this effort, and I feel very strongly that we need to do everything we can to improve the Forest Service's ability to manage our forest lands. Frankly, we are spending all the money that we do give to the Forest Service to put out fires and, therefore, it only makes matters worse because we are not doing the kind of work we ought to be doing in managing the forests.

So I want to commend the tribe for working with the Tuolumne County Board of Supervisors and the Edward Ingalls Trust to mitigate any other concerns that the land transfer might have had.

Of course, Congressman MCCLINTOCK has been tenacious in working with all the parties to try to bring this legislation to the floor for swift adoption, and I want to commend his efforts.

We have no further speakers, and I think it would be appropriate that I thank the gentlewoman from Wyoming (Mrs. LUMMIS) for all her good work. I, too, will be one of those who will miss her presence, her active engagement, and her constructive efforts to try to find bipartisan solutions to the challenges we face here in Congress.

I yield back the balance of my time.

Mrs. LUMMIS. Mr. Speaker, I yield myself the balance of my time.

I urge all of my colleagues to support H.R. 3079. The tribe intends to incorporate the 80 acres into what is commonly referred to as the ''Murphy Ranch,'' as the gentleman from California (Mr. COSTA) just indicated, and to designate the land as part of the tribe's 2013 permanent conservation area.

Once again, we have Californians coming together in a bipartisan way to do the right thing for their State. Nobody knows better than the people of their own State how best to manage their State.

I think this evening's debates are an example of people coming together to do the right thing on a bipartisan basis for their State. This is how Congress should work. This is how Congress can work.

Mr. Speaker, I want to salute my colleague, chairman of the Federal Lands Subcommittee, Mr. TOM MCCLINTOCK, for all of his important work on this piece of legislation and other pieces of legislation. As I leave Congress, I am delighted to entrust the future of this Nation's lands and water and air to the gentleman with whom I have been having these conversations tonight and debating these very bipartisan bills, practical commonsense approaches, just what the American people want to see more of in this Congress.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. LUMMIS) that the House suspend the rules and pass the bill, H.R. 3079, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

UNITED STATES SEMIQUINCENTENNIAL COMMISSION ACT OF 2016

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4875) to establish the United States Semiquincentennial Commission, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Semiquincentennial Commission Act of 2016''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that July 4, 2026, the 250th anniversary of the founding of the United States, as marked by the Declaration of Independence in 1776, and the historic events preceding that anniversary—

(1) are of major significance in the development of the national heritage of the United States of individual liberty, representative government, and the attainment of equal and inalienable rights; and

(2) have had a profound influence throughout the world.

(b) PURPOSE.—The purpose of this Act is to establish a Commission to provide for the observance and commemoration of the 250th anniversary of the founding of the United States and related events through local, State, national, and international activities planned, encouraged, developed, and coordinated by a national commission representative of appropriate public and private authorities and organizations.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the United States Semiquincentennial Commission established by section 4(a).

(2) PRIVATE CITIZEN.—The term ''private citizen'' means an individual who is not an officer or employee of—

(A) the Federal Government; or

(B) a State or local government.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—There is established a commission, to be known as the ''United States Semiquincentennial Commission'', to plan, encourage, develop, and coordinate the commemoration of the history of the United States leading up to the 250th anniversary of the founding of the United States.

(b) COMPOSITION.—The Commission shall be composed of the following members:

(1) 4 members of the Senate, of whom—

(A) 2 shall be appointed by the majority leader of the Senate; and

(B) 2 shall be appointed by the minority leader of the Senate.

(2) 4 members of the House of Representatives, of whom—

(A) 2 shall be appointed by the Speaker of the House of Representatives; and

(B) 2 shall be appointed by the minority leader of the House of Representatives.

(3) 16 members who are private citizens, of whom—

(A) 4 shall be appointed by the majority leader of the Senate;

(B) 4 shall be appointed by the minority leader of the Senate;

(C) 4 shall be appointed by the Speaker of the House of Representatives;

(D) 4 shall be appointed by the minority leader of the House of Representatives; and

(E) 1 of whom shall be designated by the President as the Chairperson.

(4) The following nonvoting ex officio members:

(A) The Secretary.

(B) The Secretary of State.

(C) The Attorney General.

(D) The Secretary of Defense.

(E) The Secretary of Education.

(F) The Librarian of Congress.

(G) The Secretary of the Smithsonian Institution.

(H) The Archivist of the United States.

(I) The presiding officer of the Federal Council on the Arts and the Humanities.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—All meetings of the Commission shall be convened at Independence Hall in Philadelphia, Pennsylvania, to honor the historical significance of the building as

the site of deliberations and adoption of both the United States Declaration of Independence and Constitution.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) prepare an overall program for commemorating the 250th anniversary of the founding of the United States and the historic events preceding that anniversary; and

(2) plan, encourage, develop, and coordinate observances and activities commemorating the historic events that preceded, and are associated with, the United States Semiquincentennial.

(b) REQUIREMENTS.—

(1) IN GENERAL.—In preparing plans and an overall program, the Commission—

(A) shall give due consideration to any related plans and programs developed by State, local, and private groups; and

(B) may designate special committees with representatives from groups described in subparagraph (A) to plan, develop, and coordinate specific activities.

(2) EMPHASIS.—The Commission shall—

(A) emphasize the planning of events in locations of historical significance to the United States, especially in those locations that witnessed the assertion of American liberty, such as—

(i) the 13 colonies; and

(ii) leading cities, including Boston, Charleston, New York City, and Philadelphia; and

(B) give special emphasis to—

(i) the role of persons and locations with significant impact on the history of the United States during the 250-year period beginning on the date of execution of the Declaration of Independence; and

(ii) the ideas associated with that history, which have been so important in the development of the United States, in world affairs, and in the quest for freedom of all mankind.

(3) INFRASTRUCTURE.—The Commission shall—

(A) evaluate existing infrastructure;

(B) include in the report required under subsection (c) recommendations for what infrastructure should be in place for the successful undertaking of an appropriate celebration in accordance with this Act; and

(C) coordinate with State and local bodies to make necessary infrastructure improvements.

(c) REPORT SUBMITTED TO THE PRESIDENT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President a comprehensive report that includes the specific recommendations of the Commission for the commemoration of the 250th anniversary and related events.

(2) RECOMMENDED ACTIVITIES.—The report may include recommended activities such as—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials focusing on the history, culture, and political thought of the period of the American Revolution;

(B) bibliographical and documentary projects and publications;

(C) conferences, convocations, lectures, seminars, and other programs, especially those located in the 13 colonies, including the major cities and buildings of national historical significance of the 13 colonies;

(D) the development of libraries, museums, historic sites, and exhibits, including mobile exhibits;

(E) ceremonies and celebrations commemorating specific events, such as—

(i) the signing of the Declaration of Independence;

(ii) programs and activities focusing on the national and international significance of the United States Semiquincentennial; and

(iii) the implications of the Semiquincentennial for present and future generations; and

(F) encouraging Federal agencies to integrate the celebration of the Semiquincentennial into the regular activities and execution of the purpose of the agencies through such activities as the issuance of coins, medals, certificates of recognition, stamps, and the naming of vessels.

(3) REQUIREMENTS.—The report shall include—

(A) the recommendations of the Commission for the allocation of financial and administrative responsibility among the public and private authorities and organizations recommended for participation by the Commission; and

(B) proposals for such legislative enactments and administrative actions as the Commission considers necessary to carry out the recommendations.

(d) REPORT SUBMITTED TO CONGRESS.—The President shall submit to Congress a report that contains—

(1) the complete report of the Commission; and

(2) such comments and recommendations for legislation and such a description of administrative actions taken by the President as the President considers appropriate.

(e) POINT OF CONTACT.—The Commission, acting through the secretariat of the Commission described in section 9(b), shall serve as the point of contact of the Federal Government for all State, local, international, and private sector initiatives regarding the Semiquincentennial of the founding of the United States, with the purpose of coordinating and facilitating all fitting and proper activities honoring the 250th anniversary of the founding of the United States.

SEC. 6. COORDINATION.

(a) IN GENERAL.—In carrying out this Act, the Commission shall consult and cooperate with, and seek advice and assistance from, appropriate Federal agencies, State and local public bodies, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations.

(b) RESPONSIBILITY OF OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Federal agencies shall cooperate with the Commission in planning, encouraging, developing, and coordinating appropriate commemorative activities.

(2) DEPARTMENT OF THE INTERIOR.—

(A) IN GENERAL.—The Secretary shall undertake a study of appropriate actions that might be taken to further preserve and develop historic sites and battlefields, at such time and in such manner as will ensure that fitting observances and exhibits may be held at appropriate sites and battlefields during the 250th anniversary celebration.

(B) REPORT.—The Secretary shall submit to the Commission a report that contains the results of the study and the recommendations of the Secretary, in time to afford the Commission an opportunity—

(i) to review the study; and

(ii) to incorporate in the report described in section 5(c) such findings and recommendations as the Commission considers appropriate.

(3) ARTS AND HUMANITIES.—

(A) IN GENERAL.—The presiding officer of the Federal Council on the Arts and the Humanities, the Chairperson of the National Endowment for the Arts, and the Chairperson of the National Endowment for the Humanities shall cooperate with the Commission, especially in the encouragement and coordination of scholarly works and artistic expressions focusing on the history, culture, and political thought of the period predating the United States Semiquincentennial.

(B) LIBRARY OF CONGRESS, SMITHSONIAN INSTITUTION, AND ARCHIVES.—

(i) IN GENERAL.—The Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States shall cooperate with the Commission, especially in the development and display of exhibits and collections and in the development of bibliographies, catalogs, and other materials relevant to the period predating the United States Semiquincentennial.

(ii) LOCATION.—To the maximum extent practicable, displays described in subparagraph (A) shall be located in, or in facilities near to, buildings of historical significance to the American Revolution, so as to promote greater public awareness of the heritage of the United States.

(C) SUBMISSION OF RECOMMENDATIONS.—Each of the officers described in this paragraph shall submit to the Commission a report containing recommendations in time to afford the Commission an opportunity—

(i) to review the reports; and

(ii) to incorporate in the report described in section 5(c) such findings and recommendations as the Commission considers appropriate.

(4) DEPARTMENT OF STATE.—The Secretary of State shall coordinate the participation of foreign nations in the celebration of the United States Semiquincentennial, including by soliciting the erection of monuments and other cultural cooperations in founding cities of the United States so as—

(A) to celebrate the shared heritage of the United States with the many peoples and nations of the world; and

(B) to provide liaison and encouragement for the erection of international pavilions to showcase the spread of democratic institutions abroad in the period following the American Revolution.

SEC. 7. POWERS.

(a) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of money, property, or personal services.

(e) ADDITIONAL POWERS.—As determined necessary by the Commission, the Commission may—

(1) procure supplies, services, and property;

(2) make contracts;

(3) expend in furtherance of this Act funds donated or received in pursuance of contracts entered into under this Act; and

(4) take such actions as are necessary to enable the Commission to carry out efficiently and in the public interest the purposes of this Act.

(f) USE OF MATERIALS.—

(1) TIME CAPSULE.—A representative portion of all books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials relating to the United States Semiquincentennial shall be deposited in a time capsule—

(A) to be buried in Independence Mall, Philadelphia, on July 4, 2026; and

(B) to be unearthed on the occasion of the 500th anniversary of the United States of America on July 4, 2276.

(2) OTHER MATERIALS.—All other books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials relating to the United States Semiquincentennial, whether donated to the Commission or collected by the Commission, may be deposited for preservation in national, State, or local libraries or museums or be otherwise disposed of by the Commission, in consultation with the Librarian of Congress, the Secretary of the Smithsonian Institution, the Archivist of the United States, and the Administrator of General Services.

(g) PROPERTY.—Any property acquired by the Commission remaining on termination of the Commission may be—

(1) used by the Secretary for purposes of the National Park Service; or

(2) disposed of as excess or surplus property.

SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—The members of the Commission shall receive no compensation for service on the Commission.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines necessary.

SEC. 9. EXPENDITURES OF COMMISSION.

(a) IN GENERAL.—All expenditures of the Commission shall be made solely from donated funds.

(b) ADMINISTRATIVE SECRETARIAT.—The Secretary of the Interior shall, through a competitive process, seek to enter into an arrangement with a nonprofit organization, the mission of which is consistent with the purpose of this Act. Under such arrangement, such nonprofit organization shall—

(1) serve as the secretariat of the Commission, including by serving as the point of contact under section 5(e);

(2) house the administrative offices of the Commission;

(3) assume responsibility for funds of the Commission; and

(4) provide to the Commission financial and administrative services, including services related to budgeting, accounting, financial reporting, personnel, and procurement.

(c) PAYMENT FOR FINANCIAL AND ADMINISTRATIVE SERVICES.—

(1) IN GENERAL.—Subject to paragraph (2), payment for services provided under subsection (b)(4) shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed on by the Chairperson of the Commission and the secretariat of the Commission.

(2) RELATIONSHIP TO REGULATIONS.—

(A) ERRONEOUS PAYMENTS.—The regulations under section 5514 of title 5, United States Code, relating to the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to, or on behalf of, a Commission employee.

(B) NO PROMULGATION BY COMMISSION.—The Commission shall not be required to prescribe any regulations relating to the matters described in subparagraph (A).

(d) ANNUAL REPORT.—Once each year during the period beginning on the date of enactment of this Act and ending on December 31, 2027, the Commission shall submit to Congress a report of the activities of the Commission, including an accounting of funds received and expended during the year covered by the report.

SEC. 10. TERMINATION OF COMMISSION.

The Commission shall terminate on December 31, 2027.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Mr. Speaker, I rise today in support of H.R. 4875, as introduced by Congressman PATRICK MEEHAN of Pennsylvania.

I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MEEHAN) to talk about this bill.

Mr. MEEHAN. Mr. Speaker, one of my favorite Founding Fathers, Benjamin Franklin, once said that ''by failing to prepare, you are preparing to fail.''

H.R. 4875, the United States Semiquincentennial Act of 2016 establishes a commission to facilitate the national plans leading up to America's 250th birthday on July 4, 2026. This is the same process that was used in planning for the bicentennial celebrations all across the Nation in 1976.

There is much to do, so we are following Ben Franklin's advice here and starting the planning 10 years ahead of what should be an historic celebration.

To develop these plans, the 32-member body of private citizens and public officials will meet in historic Independence Hall in Philadelphia, the very place where our new Nation was declared. Within 2 years of its formation, the commission is charged with reporting recommendations on plans to the President and to Congress. Importantly, this legislation does not appropriate any funds toward the commission activities. The commission will rely solely on generous donations from private citizens.

□ 2100

While the United States was founded in Philadelphia, Pennsylvania, the commission will not be limited to planning events just in our great city. H.R. 4875 encourages the commission to develop event plans at sites of historical significance, at battlefields and important locations all across the Nation that will truly celebrate the birth of the United States of America.

I want to thank my colleague BOB BRADY for his leadership and the Committee on Oversight and Government Reform for their work on the measure.

Mr. CHAFFETZ. Mr. Speaker, I reserve the balance of my time.

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 4875, the United States Semiquincentennial Commission Act of 2016. The bill, as we just heard, was introduced in the House by my colleague and friend, Representative PATRICK MEEHAN, and I am proud to be an original cosponsor of this legislation.

Yesterday in my district, in Philadelphia, like all of the districts around the country, we were proudly celebrating the 240th birthday of the United States. On July 4, 2026, we will be celebrating the 250th anniversary of the signing of the Declaration of Independence and the founding of our country.

H.R. 4875 would establish a commission to plan, develop, and coordinate the commemoration of this important anniversary across the country. The commission's events would highlight locations of historical significance, including key cities such as Boston, Charleston, New York, and of course the Nation's birthplace of Philadelphia, my hometown.

The commission would also emphasize the roles of individuals who have made significant impacts on American history.

Under this legislation, the Department of the Interior would be required to study and report on actions to further the preservation of historic sites and develop fitting commemoration exhibits.

Other Federal agencies would coordinate the development of scholarly works on, and artistic expressions of, American history, culture, and political thought; and the Secretary of State would facilitate the participation of foreign countries in the celebration.

Mr. Speaker, we should pass this bill to begin the planning of this special event only a decade away. I urge Members to support this resolution.

I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I would urge the passage of H.R. 4875. I appreciate the good work of Mr. MEEHAN, who helped champion this through in a bipartisan way. I appreciate Mr. BOYLE and his passion on this issue as well.

All Americans are grateful for this Nation. And certainly celebrating its history is appropriate. I urge the passage of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 4875, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

400 YEARS OF AFRICAN-AMERICAN HISTORY COMMISSION ACT

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4539) to establish the 400 Years of African-American History Commission, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''400 Years of African-American History Commission Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMEMORATION.—The term ''commemoration'' means the commemoration of the 400th anniversary of the arrival of Africans in the English colonies, at Point Comfort, Virginia, in 1619.

(2) COMMISSION.—The term ''Commission'' means the 400 Years of African-American History Commission established by section 3(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. ESTABLISHMENT.

(a) IN GENERAL.—There is established a commission, to be known as the ''400 Years of African-American History Commission''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 15 members, of whom—

(A) 3 members shall be appointed by the Secretary after considering recommendations of Governors, including the Governor of Virginia;

(B) 6 members shall be appointed by the Secretary after considering recommendations of civil rights organizations and historical organizations;

(C) 1 member shall be an employee of the National Park Service having experience relative to the historical and cultural resources related to the commemoration, to be appointed by the Secretary;

(D) 2 members shall be appointed by the Secretary after considering the recommendations of the Secretary of the Smithsonian Institution; and

(E) 3 members shall be individuals who have an interest in, support for, and expertise appropriate to the commemoration, appointed by the Secretary after considering the recommendations of Members of Congress.

(2) TIME OF APPOINTMENT.—Each appointment of an initial member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(3) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(C) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as an employee of the National Park Service, and ceases to be an employee of the National Park Service, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to be an employee of the National Park Service.

(c) DUTIES.—The Commission shall—

(1) plan, develop, and carry out programs and activities throughout the United States—

(A) appropriate for the commemoration;

(B) to recognize and highlight the resilience and contributions of African-Americans since 1619;

(C) to acknowledge the impact that slavery and laws that enforced racial discrimination had on the United States; and

(D) to educate the public about—

(i) the arrival of Africans in the United States; and

(ii) the contributions of African-Americans to the United States;

(2) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of—

(A) the significance of the arrival of Africans in the United States; and

(B) the contributions of African-Americans to the United States;

(3) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(4) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of—

(A) the arrival of Africans in the United States; and

(B) the contributions of African-Americans to the United States;

(5) ensure that the commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs; and

(6) help ensure that the observances of the commemoration are inclusive and appropriately recognize the experiences and heritage of all individuals present at the arrival of Africans in the United States.

SEC. 4. COMMISSION MEETINGS.

(a) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(b) MEETINGS.—The Commission shall meet—

(1) at least 3 times each year; or

(2) at the call of the Chairperson or the majority of the members of the Commission.

(c) QUORUM.—A majority of the voting members shall constitute a quorum, but a lesser number may hold meetings.

(d) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(2) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(e) VOTING.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

SEC. 5. COMMISSION POWERS.

(a) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(b) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this Act.

(c) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this Act.

(d) PROCUREMENT.—

(1) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this Act (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

(2) LIMITATION.—The Commission may not purchase real property.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(f) GRANTS AND TECHNICAL ASSISTANCE.—The Commission may—

(1) provide grants in amounts not to exceed $20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration;

(2) provide grants to research and scholarly organizations to research, publish, or distribute information relating to the arrival of Africans in the United States; and

(3) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall serve without compensation.

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) DIRECTOR AND STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), nominate an executive director to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(d) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(2) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(e) DETAIL OF GOVERNMENT EMPLOYEES.—

(1) FEDERAL EMPLOYEES.—

(A) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(B) CIVIL SERVICE STATUS.—The detail of an employee under subparagraph (A) shall be without interruption or loss of civil service status or privilege.

(2) STATE EMPLOYEES.—The Commission may—

(A) accept the services of personnel detailed from the State; and

(B) reimburse the State for services of detailed personnel.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(h) SUPPORT SERVICES.—

(1) IN GENERAL.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(2) REIMBURSEMENT.—Any reimbursement under this paragraph shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

(i) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the National Park Service with respect to the commemoration.

SEC. 7. PLANS; REPORTS.

(a) STRATEGIC PLAN.—The Commission shall prepare a strategic plan for the activities of the Commission carried out under this Act.

(b) FINAL REPORT.—Not later than July 1, 2020, the Commission shall complete and submit to Congress a final report that contains—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission; and

(3) the findings and recommendations of the Commission.

SEC. 8. TERMINATION OF COMMISSION.

(a) DATE OF TERMINATION.—The Commission shall terminate on July 1, 2020.

(b) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in subsection (a), the Commission shall transfer all documents and materials of the Commission to the National Archives or another appropriate Federal entity.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4539, introduced by Congressman BOBBY SCOTT of Virginia.

In 1619, the first people from Africa arrived at the English colonies in Point Comfort, Virginia. To highlight the significant history and cultural impact of the 400th anniversary of the first Africans to arrive at Point Comfort, this bill creates a commission to plan and carry out commemorative activities.

The Commission's membership will be comprised of members appointed by the Secretary of the Interior after considering recommendations of civil rights and historical organizations: the secretary of the Smithsonian, Members of Congress, and Governors from across the country.

Under the bill, the commission will plan, develop, and carry out programs and activities to recognize and highlight the resilience and contributions of African Americans since 1619 and to acknowledge the impact that slavery and laws that enforced racial discrimination had on the United States.

The bill will also coordinate and facilitate for the public scholarly research on the arrival of Africans in the United States and the contributions of African Americans throughout our Nation's history.

Mr. Speaker, I urge my colleagues to support the passage of H.R. 4539.

I reserve the balance of my time.

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would be happy to speak on this resolution, but we are very privileged to have its author right here with us. So I will yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of H.R. 4539. The 400 Years of African-American History Commission Act was introduced earlier in the Senate by Senators TIM KAINE and MARK WARNER, and I was proud to introduce the House version with the support of Representatives RIGELL, BUTTERFIELD, FORBES, BEYER, WITTMAN, LEWIS, and many others.

I would like to thank Chairman CHAFFETZ, Ranking Member CUMMINGS, and the gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE) for their assistance in bringing the bill to the floor today.

This bill would establish a commission to begin planning programs and activities across the Nation to recognize the many contributions of African Americans since the first arrival of Africans in the English colonies at Point Comfort, Virginia, in 1619.

African Americans have contributed greatly to our Nation, and their achievements deserve to be celebrated. The history of Virginia and our Nation cannot be fully understood without recognizing the role played by the slave trade.

Slavery was an abhorrent institution; but for hundreds of years, it was the foundation of the colonial and early American agricultural system and was essential to its economic sustainability. The 20 Africans who arrived at Point Comfort, Virginia, in Hampton, Virginia, in 1619 were the first on record to be forcibly settled as involuntary laborers in the English colonies.

The 400 Years of African-American History Commission Act will be instrumental in recognizing and highlighting

the resilience and contributions of African Americans since 1619. From slavery, to fighting in the Civil War, to working against the oppression of Jim Crow segregation, to the civil rights movement, the rich history of African Americans and their contributions to our Nation began hundreds of years ago but obviously does not end there.

The commission established by this bill will be charged with the important task of planning, developing, and implementing a series of programs and activities throughout 2019 to fully tell the story of African Americans, their contributions, and their resilience over the last 400 years and even earlier, as Africans were brought to North America by the Spanish more than a century earlier.

The efforts of this 15-member commission, which will include historical experts and not politicians, will ensure that the legacy of those Africans in colonial America, along with other African American leaders whose contributions have helped move our Nation forward, are recognized appropriately.

It would be a great disservice not only to African Americans but all Americans if we failed to appropriately recognize this important upcoming milestone in our Nation's history.

Mr. Speaker, I thank the chairman, the ranking member, and the gentleman from Pennsylvania for their leadership in this effort. And I urge my colleagues to support the bill.

Mr. CHAFFETZ. Mr. Speaker, I have no additional speakers.

I reserve the balance of my time.

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, let me thank the distinguished gentleman from Pennsylvania for yielding. I thank the manager for his leadership, the chairman of the Committee on Oversight and Government Reform. And let me also thank the ranking member of the Committee on Education and the Workforce, the original sponsor of this bill, Mr. SCOTT of Virginia.

I cannot think of a more important statement and act on the vast expanse of African American history. The 400 Years of African-American History Commission Act, as has been offered by Mr. SCOTT, is giving one of the most authoritative and widely needed reviews of African American history. It is extensive; it is detailed; and it is distinct.

Specifically, I come from the region called Texas and the Gulf States. In particular, as relates to the Emancipation Proclamation, we commemorate something called Juneteenth. That means that in 1863, we did not get the word that President Lincoln had freed the slaves. It came in 1865 when General Granger landed on the shores of Galveston. So we have this phenomenon called Juneteenth. It may not be an idea or a commemoration that is known all over.

And then, of course, the early stages of slavery. The vast differences in the regions on how slaves were held, the many places where African Americans participated in war and peace that may not be known, the science and scientific research that we have evidenced beyond the likes of Dr. George Washington Carver or the debate between W.E.B. DuBois and Booker T. Washington on the pathways of African Americans. Certainly, we are well aware of the civil rights movement. Many believe they know their current history, but there are so many different nuances. And I imagine the commission of this particular legislation, this commission would go even far more deeply into African American history.

So let me say that this is a very important legislative initiative. I want to thank the gentleman from Virginia (Mr. SCOTT) for bringing it forward. And I will say that if this is signed by the President, America will be better for knowing the history of all people, and this commission will certainly be part of telling that very detailed, diverse, and different story of African Americans in the history of the United States of America.

Mr. Speaker, I ask support of the bill.

Mr. CHAFFETZ. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, I yield myself the balance of my time.

I thank my colleagues for bearing with me while I am a little hoarse in doing this duty here tonight. I had a little bit too much screaming at our 4th of July festivities and parades in Philadelphia and Montgomery County yesterday.

Mr. Speaker, I really admire—and I am not sure if it was done intentionally this way—the wisdom of the chairman and those who scheduled these two resolutions coming in tandem because I think they are both important, and I am enthusiastic about both of them.

It is impossible to tell the story of the United States of America without the enormous contributions and resilience shown by those who are the descendants of slaves who were brought here to our shores against their will.

I am, like many of us, the descendant of immigrants who came here willingly. Though they came here with nothing, at least they came here willingly. And of course that does not represent the entire American experience.

So I think that this is an important resolution. I commend my colleague from Virginia (Mr. SCOTT) as well as Senators TIM KAINE and MARK WARNER for their championing of it. I am proud to support this bill.

I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, again, let me echo the wide bipartisan support in favor of this bill.

I want to thank our ranking member, Mr. CUMMINGS. I want to thank Mr. BOYLE for his support in championing this through with our committee. And I particularly want to thank BOBBY SCOTT of Virginia, his representation of that area and is a pivotal voice in bringing this bill forward. I am glad to be supportive of this bill, and I would urge my colleagues to also support it.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 4539, the "400 Years of African-American History Commission Act," which will develop and carry out activities that commemorate the arrival of Africans in English colonies in 1619 at Point Comfort, Virginia.

Mr. Speaker, today it is difficult to imagine there once was a time in our country when African-Americans were owned, disrespected, and treated as less than second-class citizens for hundreds of years.

However, since the 1960's we have witnessed social and economic revolutions that have transformed our country for the better and brought about the greatest reduction in economic and social inequality among Americans in history.

H.R. 4539 will create programs that highlight the undeniable impact that slavery, de jure segregation, Jim Crow Laws, and the Black Codes had in creating and mandating systemic racism and inequality.

The Commission will plan programs that acknowledge the impacts that marred the social, political, and economic progress of African-Americans in the United States.

The Commission encourages the collaboration of organizations that honor the great contributions of African-American activists, leaders, writers, and artists.

H.R. 4539 encourages the collaboration and participation of civic, economic, historical, educational, patriotic, artistic, and religious organizations to come together to celebrate anniversary activities.

The contributions of African-Americans to our great nation is an essential part of our history and should be celebrated.

Tribute must be paid to the trailblazers, pioneers, heroes, and leaders, the countless number of well-known and unsung heroes whose contributions have helped our nation become a more perfect union

The African-American History Commission will help us honor those who have come before us, and pay forward to future generations by addressing what is the number one issue for all American families today: preserving the American promise of economic opportunity for all.

To accomplish this, the Commission will assist non-profit organizations, localities, and states to further the commemoration of the 400th anniversary of the arrival of Africans in English colonies by allowing grant funding for the development of programs

The Commission is also authorized to provide funding for research and academic and public policy organizations to publish and distribute information about the arrival of Africans

in the United States and their contribution to this country.

It took hard work, courage, patience, determination, and most of all, an unwavering faith that America could live up to the true meaning of its creed.

Mr. Speaker, enacting H.R. 4539 and establishing the African-American History Commission will lay the foundation for the next generation of groundbreaking activists, leaders, scientists, writers and artists to continue contributing to the greatness of America.

Social progress and justice does not always come easy or overnight but with commitment, determination, and perseverance, progress can be made and barriers can be broken.

It is through our work in creating possibilities and programs for today and future generations that we best honor the accomplishments and legacy of our predecessors.

Through the establishment of the 400 Years of African-American History Commission, that is made possible.

I urge all Members to join me in supporting H.R. 4539.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 4539, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 2115

GLOBAL FOOD SECURITY ACT OF 2016

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1252) to authorize a comprehensive strategic approach for United States foreign assistance to developing countries to reduce global poverty and hunger, achieve food and nutrition security, promote inclusive, sustainable, agriculturalled economic growth, improve nutritional outcomes, especially for women and children, build resilience among vulnerable populations, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Global Food Security Act of 2016''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Food and Agriculture Organization of the United Nations (referred to in this section as the ''FAO''), 805,000,000 people worldwide suffer from chronic hunger. Hunger and malnutrition rob people of health and productive lives and stunt the mental and physical development of future generations.

(2) According to the January 2014 ''Worldwide Threat Assessment of the US Intelligence Community''—

(A) the ''[l]ack of adequate food will be a destabilizing factor in countries important to US national security that do not have the financial or technical abilities to solve their internal food security problems''; and

(B) ''[f]ood and nutrition insecurity in weakly governed countries might also provide opportunities for insurgent groups to capitalize on poor conditions, exploit international food aid, and discredit governments for their inability to address basic needs''.

(3) A comprehensive approach to sustainable food and nutrition security should not only respond to emergency food shortages, but should also address malnutrition, resilience to food and nutrition insecurity, building the capacity of poor, rural populations to improve their agricultural productivity and incomes, removing institutional impediments to agricultural development, value chain access and efficiency, including processing and storage, enhancing agribusiness development, access to markets and activities that address the specific needs and barriers facing women and small-scale producers, education, and collaborative research.

SEC. 3. STATEMENT OF POLICY OBJECTIVES; SENSE OF CONGRESS.

(a) STATEMENT OF POLICY OBJECTIVES.—It is in the national interest of the United States to promote global food security, resilience, and nutrition, consistent with national food security investment plans, which is reinforced through programs, activities, and initiatives that—

(1) place food insecure countries on a path toward self-sufficiency and economic freedom through the coordination of United States foreign assistance programs;

(2) accelerate inclusive, agricultural-led economic growth that reduces global poverty, hunger, and malnutrition, particularly among women and children;

(3) increase the productivity, incomes, and livelihoods of small-scale producers, especially women, by working across agricultural value chains, enhancing local capacity to manage agricultural resources effectively and expanding producer access to local and international markets;

(4) build resilience to food shocks among vulnerable populations and households while reducing reliance upon emergency food assistance;

(5) create an enabling environment for agricultural growth and investment, including through the promotion of secure and transparent property rights;

(6) improve the nutritional status of women and children, with a focus on reducing child stunting, including through the promotion of highly nutritious foods, diet diversification, and nutritional behaviors that improve maternal and child health;

(7) demonstrably meet, align with and leverage broader United States strategies and investments in trade, economic growth, national security, science and technology, agriculture research and extension, maternal and child health, nutrition, and water, sanitation, and hygiene;

(8) continue to strengthen partnerships between United States-based universities, including land-grant colleges, and universities and institutions in target countries and communities that build agricultural capacity; and

(9) ensure the effective use of United States taxpayer dollars to further these objectives.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President, in providing assistance to implement the Global Food Security Strategy, should—

(1) coordinate, through a whole-of-government approach, the efforts of relevant Federal departments and agencies to implement the Global Food Security Strategy;

(2) seek to fully utilize the unique capabilities of each relevant Federal department and agency while collaborating with and leveraging the contributions of other key stakeholders; and

(3) utilize open and streamlined solicitations to allow for the participation of a wide range of implementing partners through the most appropriate procurement mechanisms, which may include grants, contracts, cooperative agreements, and other instruments as necessary and appropriate.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Agriculture of the House of Representatives; and

(F) the Committee on Appropriations of the House of Representatives.

(2) FEED THE FUTURE INNOVATION LABS.—The term ''Feed the Future Innovation Labs'' means research partnerships led by United States universities that advance solutions to reduce global hunger, poverty, and malnutrition.

(3) FOOD AND NUTRITION SECURITY.—The term ''food and nutrition security'' means access to, and availability, utilization, and stability of, sufficient food to meet caloric and nutritional needs for an active and healthy life.

(4) GLOBAL FOOD SECURITY STRATEGY.—The term ''Global Food Security Strategy'' means the strategy developed and implemented pursuant to section 5(a).

(5) KEY STAKEHOLDERS.—The term ''key stakeholders'' means actors engaged in efforts to advance global food security programs and objectives, including—

(A) relevant Federal departments and agencies;

(B) national and local governments in target countries;

(C) other bilateral donors;

(D) international and regional organizations;

(E) international, regional, and local financial institutions;

(F) international, regional, and local private voluntary, nongovernmental, faith-based, and civil society organizations;

(G) the private sector, including agribusinesses and relevant commodities groups;

(H) agricultural producers, including farmer organizations, cooperatives, small-scale producers, and women; and

(I) agricultural research and academic institutions, including land-grant universities and extension services.

(6) MALNUTRITION.—The term ''malnutrition'' means poor nutritional status caused by nutritional deficiency or excess.

(7) RELEVANT FEDERAL DEPARTMENTS AND AGENCIES.—The term ''relevant Federal departments and agencies'' means the United States Agency for International Development, the Department of Agriculture, the Department of Commerce, the Department of State, the Department of the Treasury, the Millennium Challenge Corporation, the

Overseas Private Investment Corporation, the Peace Corps, the Office of the United States Trade Representative, the United States African Development Foundation, the United States Geological Survey, and any other department or agency specified by the President for purposes of this section.

(8) RESILIENCE.—The term ''resilience'' means the ability of people, households, communities, countries, and systems to mitigate, adapt to, and recover from shocks and stresses to food security in a manner that reduces chronic vulnerability and facilitates inclusive growth.

(9) SMALL-SCALE PRODUCER.—The term ''small-scale producer'' means farmers, pastoralists, foresters, and fishers that have a low asset base and limited resources, including land, capital, skills and labor, and, in the case of farmers, typically farm on fewer than 5 hectares of land.

(10) STUNTING.—The term ''stunting'' refers to a condition that—

(A) is measured by a height-to-age ratio that is more than 2 standard deviations below the median for the population;

(B) manifests in children who are younger than 2 years of age;

(C) is a process that can continue in children after they reach 2 years of age, resulting in an individual being ''stunted'';

(D) is a sign of chronic malnutrition; and

(E) can lead to long-term poor health, delayed motor development, impaired cognitive function, and decreased immunity.

(11) SUSTAINABLE.—The term ''sustainable'' means the ability of a target country, community, implementing partner, or intended beneficiary to maintain, over time, the programs authorized and outcomes achieved pursuant to this Act.

(12) TARGET COUNTRY.—The term ''target country'' means a developing country that is selected to participate in agriculture and nutrition security programs under the Global Food Security Strategy pursuant to the selection criteria described in section 5(a)(2), including criteria such as the potential for agriculture-led economic growth, government commitment to agricultural investment and policy reform, opportunities for partnerships and regional synergies, the level of need, and resource availability.

SEC. 5. COMPREHENSIVE GLOBAL FOOD SECURITY STRATEGY.

(a) STRATEGY.—The President shall coordinate the development and implementation of a United States whole-of-government strategy to accomplish the policy objectives set forth in section 3(a), which shall—

(1) set specific and measurable goals, benchmarks, timetables, performance metrics, and monitoring and evaluation plans that reflect international best practices relating to transparency, accountability, food and nutrition security, and agriculture-led economic growth, consistent with the policy objectives described in section 3(a);

(2) establish clear and transparent selection criteria for target countries, communities, regions, and intended beneficiaries of assistance;

(3) describe the methodology and criteria for the selection of target countries;

(4) support and be aligned with country-owned agriculture, nutrition, and food security policy and investment plans developed with input from key stakeholders, as appropriate;

(5) support inclusive agricultural value chain development, with small-scale producers, especially women, gaining greater access to the inputs, skills, resource management capacity, networking, bargaining power, financing, and market linkages needed to sustain their long-term economic prosperity;

(6) support improvement of the nutritional status of women and children, particularly during the critical first 1,000-day window until a child reaches 2 years of age and with a focus on reducing child stunting, through nutrition-specific and nutrition-sensitive programs, including related water, sanitation, and hygiene programs;

(7) facilitate communication and collaboration, as appropriate, among local stakeholders in support of a multi-sectoral approach to food and nutrition security, to include analysis of the multiple underlying causes of malnutrition, including lack of access to safe drinking water, sanitation, and hygiene;

(8) support the long-term success of programs by building the capacity of local organizations and institutions in target countries and communities;

(9) integrate resilience and nutrition strategies into food security programs, such that chronically vulnerable populations are better able to build safety nets, secure livelihoods, access markets, and access opportunities for longer-term economic growth;

(10) develop community and producer resilience to natural disasters, emergencies, and natural occurrences that adversely impact agricultural yield;

(11) harness science, technology, and innovation, including the research and extension activities supported by relevant Federal Departments and agencies and Feed the Future Innovation Labs, or any successor entities;

(12) integrate agricultural development activities among food insecure populations living in proximity to designated national parks or wildlife areas into wildlife conservation efforts, as necessary and appropriate;

(13) leverage resources and expertise through partnerships with the private sector, farm organizations, cooperatives, civil society, faith-based organizations, and agricultural research and academic institutions;

(14) strengthen and expand collaboration between United States universities, including public, private, and land-grant universities, with higher education institutions in target countries to increase their effectiveness and relevance to promote agricultural development and innovation through the creation of human capital, innovation, and cutting edge science in the agricultural sector;

(15) seek to ensure that target countries and communities respect and promote land tenure rights of local communities, particularly those of women and small-scale producers;

(16) include criteria and methodologies for graduating target countries and communities from assistance provided to implement the Global Food Security Strategy as such countries and communities meet the progress benchmarks identified pursuant to section 8(b)(4); and

(17) demonstrably support the United States national security and economic interest in the countries where assistance is being provided.

(b) COORDINATION.—The President shall coordinate, through a whole-of-government approach, the efforts of relevant Federal departments and agencies in the implementation of the Global Food Security Strategy by—

(1) establishing monitoring and evaluation systems, coherence, and coordination across relevant Federal departments and agencies;

(2) establishing linkages with other initiatives and strategies of relevant Federal departments and agencies; and

(3) establishing platforms for regular consultation and collaboration with key stakeholders and the appropriate congressional committees.

(c) STRATEGY SUBMISSION.—

(1) IN GENERAL.—Not later than October 1, 2016, the President, in consultation with the head of each relevant Federal department and agency, shall submit to the appropriate congressional committees the Global Food Security Strategy required under this section, including a detailed description of how the United States intends to advance the objectives set forth in section 3(a) and the agency-specific plans described in paragraph (2).

(2) AGENCY-SPECIFIC PLANS.—The Global Food Security Strategy shall include specific implementation plans from each relevant Federal department and agency that describes—

(A) the anticipated contributions of the department or agency, including technical, financial, and in-kind contributions, to implement the Global Food Security Strategy; and

(B) the efforts of the department or agency to ensure that the activities and programs carried out pursuant to the strategy are designed to achieve maximum impact and long-term sustainability.

SEC. 6. ASSISTANCE TO IMPLEMENT THE GLOBAL FOOD SECURITY STRATEGY.

(a) FOOD SHORTAGES.—The President is authorized to carry out activities pursuant to section 103, section 103A, title XII of chapter 2 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151a–1, 2220a et seq., and 2346 et seq.) to prevent or address food shortages notwithstanding any other provision of law.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State and the Administrator of the United States Agency for International Development $1,000,600,000 for each of fiscal years 2017 and 2018 to carry out those portions of the Global Food Security Strategy that relate to the Department of State and the United States Agency for International Development, respectively.

(c) MONITORING AND EVALUATION.—The President shall seek to ensure that assistance to implement the Global Food Security Strategy is provided under established parameters for a rigorous accountability system to monitor and evaluate progress and impact of the strategy, including by reporting to the appropriate congressional committees and the public on an annual basis.

SEC. 7. EMERGENCY FOOD SECURITY PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the crisis in Syria, which is characterized by acts of terrorism and atrocities directed against civilians, including mass murder, forced displacement, aerial bombardment, ethnic and religious persecution, torture, kidnapping, rape and sexual enslavement, has triggered one of the most profound humanitarian crises of this century and poses a direct threat to regional security and the national security interests of the United States;

(2) it is in the national security interests of the United States to respond to the needs of displaced Syrian persons and the communities hosting such persons, including with food assistance; and

(3) after four years of conflict in Syria and the onset of other major humanitarian emergencies where, like Syria, the provision of

certain United States humanitarian assistance has been particularly challenging, including the 2013 super-typhoon in the Philippines, the 2014 outbreak of Ebola in west Africa, the 2015 earthquake in Nepal, ongoing humanitarian disasters in Yemen and South Sudan, and the threat of a major El Nino event in 2016, United States international disaster assistance has become severely stressed.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States, in coordination with other donors, regional governments, international organizations, and international financial institutions, to fully leverage, enhance, and expand the impact and reach of available United States humanitarian resources, including for food assistance, to mitigate the effects of manmade and natural disasters by utilizing innovative new approaches to delivering aid that support affected persons and the communities hosting them, build resilience and early recovery, and reduce opportunities for waste, fraud, and abuse.

(c) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—

(1) Section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

''(c) EMERGENCY FOOD SECURITY PROGRAM.—

''(1) IN GENERAL.—Subject to the limitations in section 492, and notwithstanding any other provision of this or any other Act, the President is authorized to make available emergency food assistance, including in the form of funds, transfers, vouchers, and agricultural commodities (including products derived from agricultural commodities) acquired through local or regional procurement, to meet emergency food needs arising from manmade and natural disasters.

''(2) DESIGNATION.—Funds made available under this subsection shall be known as the 'International Disaster Assistance – Emergency Food Security Program'.''.

(2) Section 492 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a) is amended—

(A) in subsection (a), by striking ''$25,000,000 for the fiscal year 1986 and $25,000,000 for the fiscal year 1987.'' and inserting ''$2,794,184,000 for each of fiscal years 2017 and 2018, of which up to $1,257,382,000 should be made available to carry out section 491(c).''; and

(B) by inserting after subsection (b) the following new subsections:

''(c) AMOUNTS IN ADDITION TO OTHER AMOUNTS.—Amounts authorized to be appropriated pursuant to the authorizations of appropriations under section 491(c) are in addition to funds otherwise available for such purposes.

''(d) FLEXIBILITY.—

''(1) UNITED STATES POLICY.—It is the policy of the United States that the funds made available to carry out section 491 are intended to provide the President with the greatest possible flexibility to address disaster-related needs as they arise and to prepare for and reduce the impact of natural and man-made disasters.

''(2) SENSE OF CONGRESS.—It is the sense of Congress that any amendments to applicable legal provisions contained in this Act are not intended to limit such authorities.

''(e) REPORT.—Not later than March 1 of each fiscal year, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report that describes the activities undertaken by the President over the course of the prior fiscal year pursuant to section 491(c), including the amounts of assistance provided, intended beneficiaries, monitoring and evaluation strategies, anticipated outcomes, and, as practicable, actual outcomes.''.

SEC. 8. REPORTS.

(a) GLOBAL FOOD SECURITY STRATEGY IMPLEMENTATION REPORTS.—Not later than 1 year and 2 years after the date of the submission of the strategy required under section 5(c), the President shall submit to the appropriate congressional committees reports that describe the status of the implementation of the Global Food Security Strategy for 2017 and 2018, which shall—

(1) contain a summary of the Global Food Security Strategy as an appendix;

(2) identify any substantial changes made in the Global Food Security Strategy during the preceding calendar year;

(3) describe the progress made in implementing the Global Food Security Strategy;

(4) identify the indicators used to establish benchmarks and measure results over time, as well as the mechanisms for reporting such results in an open and transparent manner;

(5) describe related strategies and benchmarks for graduating target countries and communities from assistance provided under the Global Food Security Strategy over time, including by building resilience, reducing risk, and enhancing the sustainability of outcomes from United States investments in agriculture and nutrition security;

(6) indicate how findings from monitoring and evaluation were incorporated into program design and budget decisions;

(7) contain a transparent, open, and detailed accounting of spending by relevant Federal departments and agencies to implement the Global Food Security Strategy, including, for each Federal department and agency, the statutory source of spending, amounts spent, implementing partners and targeted beneficiaries, and activities supported to the extent practicable and appropriate;

(8) describe how the Global Food Security Strategy leverages other United States food security and development assistance programs on the continuum from emergency food aid through sustainable, agriculture-led economic growth and eventual self-sufficiency;

(9) describe the contributions of the Global Food Security Strategy to, and assess the impact of, broader international food and nutrition security assistance programs, including progress in the promotion of land tenure rights, creating economic opportunities for women and small-scale producers, and stimulating agriculture-led economic growth in target countries and communities;

(10) assess efforts to coordinate United States international food security and nutrition programs, activities, and initiatives with key stakeholders;

(11) assess United States Government-facilitated private investment in related sectors and the impact of private sector investment in target countries and communities;

(12) identify any United States legal or regulatory impediments that could obstruct the effective implementation of the programming referred to in paragraphs (8) and (9);

(13) contain a clear gender analysis of programming, to inform project-level activities, that includes established disaggregated gender indicators to better analyze outcomes for food productivity, income growth, control of assets, equity in access to inputs, jobs and markets, and nutrition; and

(14) incorporate a plan for regularly reviewing and updating strategies, partnerships, and programs and sharing lessons learned with a wide range of stakeholders in an open, transparent manner.

(b) GLOBAL FOOD SECURITY CROSSCUT REPORT.—Not later than 120 days after the President submits the budget to Congress under section 1105(a) of title 31, United States Code, the Director of the Office of Management and Budget shall submit to the appropriate congressional committees a report including—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the principal Federal agencies that carries out global food security activities in the upcoming fiscal year, separately reporting the amount of planned funding to be provided under existing laws pertaining to the global food security strategy to the extent available; and

(B) to the extent available, identifies all assistance and research expenditures at the account level in each of the five prior fiscal years by the Federal Government and United States multilateral commitments using Federal funds for global food security strategy activities;

(2) to the extent available, a detailed accounting of all assistance funding received and obligated by the principal Federal agencies identified in the report and United States multilateral commitments using Federal funds, for global food security activities during the current fiscal year; and

(3) a breakout of the proposed budget for the current and budget years by agency, categorizing expenditures by type of funding, including research, resiliency, and other food security activities to the extent that such information is available.

(c) PUBLIC AVAILABILITY OF INFORMATION.—The information referred to in subsections (a) and (b) shall be made available on the public website of the United States Agency for International Development in an open, machine readable format, in a timely manner.

SEC. 9. RULE OF CONSTRUCTION.

(a) EFFECT ON OTHER PROGRAMS.—Nothing in the Global Food Security Strategy or this Act or the amendments made by this Act shall be construed to supersede or otherwise affect the authority of the relevant Federal departments and agencies to carry out programs specified in subsection (b), in the manner provided, and subject to the terms and conditions, of those programs, including, but not limited to, the terms, conditions, and requirements relating to the procurement and transportation of food assistance furnished pursuant to such programs.

(b) PROGRAMS DESCRIBED.—The programs referred to in subsection (a) are the following:

(1) The Food for Peace Act (7 U.S.C. 1691 et seq.).

(2) The Food for Progress Act of 1985 (7 U.S.C. 1736o).

(3) Section 416(b) of the Agriculture Act of 1949 (7 U.S.C. 1431).

(4) McGovern-Dole Food for Education Program (7 U.S.C.1736o–1).

(5) Local and Regional Procurement Program (7 U.S.C. 1726c).

(6) Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1).

(7) Any other food and nutrition security and emergency and non-emergency food assistance program of the Department of Agriculture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the Global Food Security Act.

The Global Food Security Act, led by Representatives SMITH and MCCOLLUM, establishes very clear priorities for and enhances the transparency of existing, yet unauthorized, food security and disaster assistance programs.

What this does is it authorizes, for the first time in 30 years, International Disaster Assistance, the essential humanitarian account that provides everything from tents and sheeting to water and medicine for people afflicted by conflict and hit by natural disasters around the globe.

It authorizes, for the first time, the Emergency Food Security Program, which is the flexible, efficient, and effective food aid program that helps refugees when and where they need it most so they won't be forced to seek refuge in Europe or beyond.

Finally, with an eye toward the future, it advances policies which will improve food security, stimulate economic growth, and better enable people to grow their own way out of poverty so they will no longer have to depend upon U.S. foreign assistance. It does this without increasing spending, Mr. Speaker.

The legislation before us is the product of more than 3 years of careful deliberation and inclusive negotiations. The Foreign Affairs Committee has held multiple hearings on food security. We marked and reported not one, but two earlier versions, H.R. 5656 and H.R. 1567. The House passed each of these bills with broad bipartisan support. I want to thank our ranking member, Mr. ELIOT ENGEL of New York, for his assistance in all of this work.

This bill, S. 1252, maintains all of the provisions the House previously approved, while filling a critical gap. By adding International Disaster Assistance and the Emergency Food Security Program, S. 1252 brings the bill full cycle and enables Congress to conduct effective oversight of the full range of international food security programs from disaster to resilience, to development, to trade. At the same time, it adds even more transparency requirements so that we can eliminate duplication and we can eliminate the waste.

So I want to thank Mr. SMITH also for his leadership on this important legislation, and I urge Members to help get it to the President's desk without further delay.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this measure. I am very proud that we are about to take our final step on the Global Food Security Act and send it to the President's desk.

I want to thank Representatives SMITH and MCCOLLUM for their hard work on this issue here in the House, as well as Senators CASEY and CORKER for steering this effort in the other body. I also want to thank our chairman, ED ROYCE, as always, for his leadership. This is another great example of bipartisan, commonsense cooperation on foreign policy issues.

Mr. Speaker, nearly 800 million people around the world live without the certainty that their families will have enough to eat. When children don't make it to the age of 5, half the time it is because of malnutrition. That is just heartbreaking. There is more than enough food on this planet to feed everyone. The idea that so many are starving is simply unconscionable.

It is also a major roadblock for countries and communities. Underfed populations are less productive and more vulnerable to disease. Without reliable access to food, it is much harder for a country to achieve stability and prosperity. So we have an interest—and a moral obligation—in trying to tackle this problem as part of our foreign policy.

This bill places a special priority on foreign assistance programs that aim to reduce global poverty and hunger. It also authorizes a robust investment in the Obama administration's signature Feed the Future initiative as well as other State Department and USAID efforts dealing with global hunger.

This bill has moved forward with tremendous bipartisan support, and I am glad to cast one final vote for it today. I support this bill. I urge my colleagues to do the same. I thank Chairman ROYCE once again.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. CONAWAY), chairman of the Committee on Agriculture, for the purpose of a colloquy.

Mr. CONAWAY. Mr. Speaker, I thank the gentleman for yielding.

The rule of construction under section 9 affirms that nothing in this act, or amendments made by this act, will supersede or otherwise affect the authority of a relevant Federal department or agency to carry out a number of vital international food aid programs, including Food for Peace, Food for Progress, USDA's Local and Regional Food Aid Procurement Program, the Bill Emerson Humanitarian Trust Program, the McGovern-Dole International Food for Education and Child Nutrition Program, or any other emergency or non-emergency food aid program of the U.S. Department of Agriculture.

Is it the gentleman from California's understanding that this rule of construction applies equally to all parts of the bill, including section 7, which authorizes an Emergency Food Security Program, or EFSP?

I yield to the gentleman from California for his response.

Mr. ROYCE. That is correct. The rule of construction under section 9 of the Global Food Security Act—which was carefully negotiated with the chairman of the House and Senate Committees on Agriculture, the House Committee on Foreign Affairs, and the Senate Committee on Foreign Relations—applies equally to all parts of the bill. This includes section 7, which authorizes the existing International Disaster Assistance-funded Emergency Food Security Program.

Mr. CONAWAY. Reclaiming my time, is it also the gentleman's understanding that the ''notwithstanding authority'' granted to the Emergency Food Security Program will not in any way affect the existing requirements under the Food for Peace Act, including requirements relating to the purchase and shipment of U.S. agriculture commodities under this act?

I yield to the gentleman.

Mr. ROYCE. Correct. The committee has conferred with the Government Accountability Office and received its confirmation that ''notwithstanding authority'' cannot migrate to other provisions of law.

For example, funds provided to carry out the Food for Peace Act are subject to the requirements of the Food for Peace Act and funds provided to carry out the International Disaster Assistance/Emergency Food Security Program are subject to the requirements of the Foreign Assistance Act. Neither the funds nor the authorities for these programs are interchangeable.

Mr. CONAWAY. Reclaiming my time, does the committee chairman agree that the Food for Peace program, which is wholly separate from the bill we are debating on the floor today, is vital to U.S. efforts to respond to emergencies and alleviate global hunger? Does the gentleman also agree that the provision of U.S. agriculture commodities through the Food for Peace program has saved millions of lives, and that the U.S. agriculture commodities

must remain a significant part of U.S. international food aid programs?

I yield to the gentleman.

Mr. ROYCE. Yes. Through the Food for Peace program, the United States has reached more than a billion people around the globe in times of need, reducing poverty and improving food security in the process. American farmers are rightfully proud of this legacy. Unfortunately, ever-growing world crises have stressed our international food aid, leading us to look to new approaches that will help us stretch our food aid dollars further and, ultimately, save more lives.

The Global Food Security Act authorizes one of these approaches—the International Disaster Assistance/Emergency Food Security Program—to provide electronic transfers, vouchers, and locally procured food to help desperate people meet their needs in the wake of disasters or war.

This program is meant to complement, not replace, time-tested approaches to delivering food aid, including the Food for Peace program. Like the gentleman from Texas, I have had an opportunity to see how the Emergency Food Security Program works in places like Jordan, where humanitarian organizations are working to meet the needs of Syrian refugees.

While the world may be changing rapidly, one thing will never change: the American farmer will always play a significant role in promoting food security at home and abroad. U.S. agricultural commodities will always be in demand and will always remain a part of the Food for Peace program. While the two of us may differ on the specific degree to which they should be, I have no doubt that this principle will be reflected in the next farm bill.

In the meantime, I would like to thank the gentleman from Texas for his continued leadership on this issue, including his efforts to ensure that the vast expertise and experience of the U.S. agriculture community will be fully leveraged through the Global Food Security Act. I look forward to continuing our close collaboration on these important matters, and I appreciate his support for this important legislation.

Mr. CONAWAY. Reclaiming my time, I appreciate the gentleman from California for his continued work on this important matter, particularly his recognition of the crucial role that the Agriculture Committee must play in any global food security strategy.

As he rightly points out, programs like EFSP should be used in tandem with the time-tested Food for Peace program. It should not serve as a step towards eliminating the donation of U.S. commodities abroad.

I look forward to closely monitoring the progress of this strategy and developing a better understanding of how our foreign assistance dollars are being used.

I thank the gentleman for his extended colloquy and patience with the Committee on Agriculture's concerns with the bill. I thank him for that consideration and I look forward to supporting this bill.

Mr. ENGEL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am reminded of the proverb, ''If you give a man a fish, you feed him for a day. If you teach a man to fish, you feed him for the rest of his life.''

That is the aim of our food assistance efforts. We want to help populations to feed themselves. We want to get at the root causes of poverty and malnutrition. We want to help build strong, sustainable communities that contribute to stability and prosperity in their countries, across regions, and around the world.

We need to invest in the initiatives that have made a difference. That is what we are doing here by authorizing strong support for Feed the Future and working to ramp up other foreign assistance efforts focusing on food aid.

This is a good bill. This is Congress at its best. This is bipartisanship at its best. I am glad we are sending it to the President's desk. This was done, really, as a collaborative effort by both sides of the aisle. I thank my colleagues again for their good work on this, and I urge a ''yes'' vote.

Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. I yield myself such time as I may consume.

Mr. Speaker, the link between conflict and hunger is undeniable. Mr. ENGEL and I recently traveled to Sub-Saharan Africa to a drought-stricken region, Ethiopia, where more than 10.2 million people are on the verge of what I would designate as ''starvation,'' yet no one really used that word or used the word ''famine'' because of the concern that it might provoke a coup.

□ 2130

But the reality is that this is the situation on the ground. And at the same time, massive humanitarian disasters in Syria and Yemen, in South Sudan, have sparked these massive refugee flows. They threaten regional security. All told, there are currently 800 million people suffering from chronic hunger, and over 60 million people displaced by conflict, who desperately need our help.

It is in our national security and economic interest to help address these needs, to meet humanitarian needs while supporting the growth of healthier, more stable societies through cost-effective programs that promote agriculture-led economic growth, that open markets for U.S. investment and trade, that promote food and nutrition security, and, ultimately, that break the cycle of dependence on aid. The Global Food Security Act can help.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise today in support of S. 1252, the ''Global Food Security Act of 2015,'' which requires the President to develop and implement a Global Food Security Strategy to reduce hunger and maintain global food security and nutrition.

Even in an age of globalization and industrialization, hunger and food security remain fundamental impediments to global wellbeing.

According to UN estimates, 795 people currently live undernourished lives, with 12.9 percent of the population of underdeveloped countries living without proper nutrition and 3.1 million children under the age of five dying of malnutrition every year.

Moreover, with the world's natural resources and biodiversity rapidly degrading, global food security continues to be threatened, as one of the global economy's most crucial driving forces, agriculture, continues to suffer globally, and particularly in underdeveloped states.

Even as the threats of hunger and food instability loom, the necessity of global food security remains, as solutions to global food issues also represent instrumental steps to poverty eradication and economic growth.

In an age where food concerns plague underdeveloped nations and largely industrialized international powers alike, moreover, it is more important than ever to remain committed to proven food initiatives and measures of global food assistance.

In particular, the Food Security Act specifies the importance of promoting activities and programs that strive to promote global food security, resilience, and nutrition.

These measures include programs that:

1. place food insecure countries on a path toward self-sufficiency by coordinating U.S. assistance programs;

2. accelerate agricultural and economic growth in a manner that reduces global poverty, hunger, and malnutrition;

3. increase the productivity and livelihoods of small-scale producers;

4. build resilience to food shocks in vulnerable populations;

5. create an environment for agricultural growth and investment;

6. improve the nutritional status of women and children globally;

7. align with existing U.S. strategies and investments to achieve these objectives;

8. and strengthen relationships between U.S. and foreign universities that contribute to agricultural growth.

In addition, this measure specifies that the President must coordinate a comprehensive government strategy to promote global food security by coordinating across federal departments and agencies to provide assistance under the Foreign Assistance Act of 1961 to prevent or address food shortages.

The President's annual report to Congress on the implementation of these specifications and measures will enable continued monitoring and evaluation of the success of these strategies.

This measure is integral to restoring global food security, and represents a vital step in the global war against world hunger.

I urge all Members to join me in voting to pass S. 1252.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, S. 1252.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MASSIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2015

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3766) to direct the President to establish guidelines for United States foreign development and economic assistance programs, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Foreign Aid Transparency and Accountability Act of 2016''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) EVALUATION.—The term ''evaluation'' means, with respect to a covered United States foreign assistance program, the systematic collection and analysis of information about the characteristics and outcomes of the program, including projects conducted under such program, as a basis for—

(A) making judgments and evaluations regarding the program;

(B) improving program effectiveness; and

(C) informing decisions about current and future programming.

(3) COVERED UNITED STATES FOREIGN ASSISTANCE.—The term ''covered United States foreign assistance'' means assistance authorized under—

(A) part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except for—

(i) title IV of chapter 2 of such part (relating to the Overseas Private Investment Corporation); and

(ii) chapter 3 of such part (relating to International Organizations and Programs);

(B) chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund);

(C) the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.); and

(D) the Food for Peace Act (7 U.S.C. 1721 et seq.).

SEC. 3. GUIDELINES FOR COVERED UNITED STATES FOREIGN ASSISTANCE PROGRAMS.

(a) PURPOSES.—The purposes of this section are to—

(1) evaluate the performance of covered United States foreign assistance and its contribution to the policies, strategies, projects, program goals, and priorities undertaken by the Federal Government;

(2) support and promote innovative programs to improve effectiveness; and

(3) coordinate the monitoring and evaluation processes of Federal departments and agencies that administer covered United States foreign assistance.

(b) ESTABLISHMENT OF GUIDELINES.—Not later than 18 months after the date of the enactment of this Act, the President shall set forth guidelines, according to best practices of monitoring and evaluation studies and analyses, for the establishment of measurable goals, performance metrics, and monitoring and evaluation plans that can be applied with reasonable consistency to covered United States foreign assistance.

(c) OBJECTIVES OF GUIDELINES.—

(1) IN GENERAL.—The guidelines established pursuant to subsection (b) shall provide direction to Federal departments and agencies that administer covered United States foreign assistance on—

(A) monitoring the use of resources;

(B) evaluating the outcomes and impacts of covered United States foreign assistance projects and programs; and

(C) applying the findings and conclusions of such evaluations to proposed project and program design.

(2) OBJECTIVES.—The guidelines established pursuant to subsection (b) shall provide direction to Federal departments and agencies that administer covered United States foreign assistance on how to—

(A) establish annual monitoring and evaluation objectives and timetables to plan and manage the process of monitoring, evaluating, analyzing progress, and applying learning toward achieving results;

(B) develop specific project monitoring and evaluation plans, including measurable goals and performance metrics, and to identify the resources necessary to conduct such evaluations, which should be covered by program costs;

(C) apply rigorous monitoring and evaluation methodologies to such programs, including through the use of impact evaluations, ex-post evaluations, or other methods, as appropriate, that clearly define program logic, inputs, outputs, intermediate outcomes, and end outcomes;

(D) disseminate guidelines for the development and implementation of monitoring and evaluation programs to all personnel, especially in the field, who are responsible for the design, implementation, and management of covered United States foreign assistance programs;

(E) establish methodologies for the collection of data, including baseline data to serve as a reference point against which progress can be measured;

(F) evaluate, at least once in their lifetime, all programs whose dollar value equals or exceeds the median program size for the relevant office or bureau or an equivalent calculation to ensure the majority of program resources are evaluated;

(G) conduct impact evaluations on all pilot programs before replicating, or conduct performance evaluations and provide a justification for not conducting an impact evaluation when such an evaluation is deemed inappropriate or impracticable;

(H) develop a clearinghouse capacity for the collection, dissemination, and preservation of knowledge and lessons learned to guide future programs for United States foreign assistance personnel, implementing partners, the donor community, and aid recipient governments;

(I) internally distribute evaluation reports;

(J) publicly report each evaluation, including an executive summary, a description of the evaluation methodology, key findings, appropriate context, including quantitative and qualitative data when available, and recommendations made in the evaluation within 90 days after the completion of the evaluation;

(K) undertake collaborative partnerships and coordinate efforts with the academic community, implementing partners, and national and international institutions, as appropriate, that have expertise in program monitoring, evaluation, and analysis when such partnerships provide needed expertise or significantly improve the evaluation and analysis;

(L) ensure verifiable, reliable, and timely data, including from local beneficiaries and stakeholders, are available to monitoring and evaluation personnel to permit the objective evaluation of the effectiveness of covered United States foreign assistance programs, including an assessment of assumptions and limitations in such evaluations; and

(M) ensure that standards of professional evaluation organizations for monitoring and evaluation efforts are employed, including ensuring the integrity and independence of evaluations, permitting and encouraging the exercise of professional judgment, and providing for quality control and assurance in the monitoring and evaluation process.

(d) PRESIDENT'S REPORT.—Not later than 18 months after the date of the enactment of this Act, the President shall submit a report to the appropriate congressional committees that contains a detailed description of the guidelines established pursuant to subsection (b). The report shall be submitted in unclassified form, but it may contain a classified annex.

(e) COMPTROLLER GENERAL'S REPORT.—The Comptroller General of the United States shall, not later than 18 months after the report required by subsection (d) is submitted to Congress, submit to the appropriate congressional committees a report that—

(1) analyzes the guidelines established pursuant to subsection (b); and

(2) assesses the implementation of the guidelines by the agencies, bureaus, and offices that implement covered United States foreign assistance as outlined in the President's budget request.

SEC. 4. INFORMATION ON COVERED UNITED STATES FOREIGN ASSISTANCE PROGRAMS.

(a) PUBLICATION OF INFORMATION.—

(1) UPDATE OF EXISTING WEBSITE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall update the Department of State's website, ''ForeignAssistance.gov'', to make publicly available comprehensive, timely, and comparable information on covered United States foreign assistance programs, including all information required under subsection (b) that is available to the Secretary of State.

(2) INFORMATION SHARING.—Not later than 2 years after the date of the enactment of this Act, and quarterly thereafter, the head of each Federal department or agency that administers covered United States foreign assistance shall provide the Secretary of State with comprehensive information about the covered United States foreign assistance programs carried out by such department or agency.

(3) UPDATES TO WEBSITE.—Not later than 2 years after the date of the enactment of this Act, and quarterly thereafter, the Secretary of State shall publish, on the ''ForeignAssistance.gov'' website or through a successor online publication, the information provided under subsection (b).

(b) MATTERS TO BE INCLUDED.—

(1) IN GENERAL.—The information described in subsection (a)—

(A) shall be published for each country on a detailed basis, such as award-by-award; or

(B) if assistance is provided on a regional level, shall be published for each such region on a detailed basis, such as award-by-award.

(2) TYPES OF INFORMATION.—

(A) IN GENERAL.—To ensure the transparency, accountability, and effectiveness of covered United States foreign assistance programs, the information described in subsection (a) shall include—

(i) links to all regional, country, and sector assistance strategies, annual budget documents, congressional budget justifications, and evaluations in accordance with section 3(c)(2)(J);

(ii) basic descriptive summaries for covered United States foreign assistance programs and awards under such programs; and

(iii) obligations and expenditures.

(B) PUBLICATION.—Each type of information described in subparagraph (A) shall be published or updated on the appropriate website not later than 90 days after the date on which the information is issued.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to require a Federal department or agency that administers covered United States foreign assistance to provide any information that does not relate to, or is not otherwise required by, the covered United States foreign assistance programs carried out by such department or agency.

(3) REPORT IN LIEU OF INCLUSION.—

(A) HEALTH OR SECURITY OF IMPLEMENTING PARTNERS.—If the head of a Federal department or agency, in consultation with the Secretary of State, makes a determination that the inclusion of a required item of information online would jeopardize the health or security of an implementing partner or program beneficiary or would require the release of proprietary information of an implementing partner or program beneficiary, the head of the Federal department or agency shall provide such determination in writing to the appropriate congressional committees, including the basis for such determination.

(B) NATIONAL INTERESTS OF THE UNITED STATES.—If the Secretary of State makes a determination that the inclusion of a required item of information online would be detrimental to the national interests of the United States, the Secretary of State shall provide such determination, including the basis for such determination, in writing to the appropriate congressional committees.

(C) FORM.—Information provided under this paragraph may be provided in classified form, as appropriate.

(4) FAILURE TO COMPLY.—If a Federal department or agency fails to comply with the requirements under paragraph (1), (2), or (3) of subsection (a), or subsection (c), with respect to providing information described in subsection (a), and the information is not subject to a determination under subparagraph (A) or (B) of paragraph (3) not to make the information publicly available, the Director of the Office of Management and Budget, in consultation with the head of such department or agency, not later than one year after the date of the enactment of this Act, shall submit a consolidated report to the appropriate congressional committees that includes, with respect to each required item of information not made publicly available—

(A) a detailed explanation of the reason for not making such information publicly available; and

(B) a description of the department's or agency's plan and timeline for—

(i) making such information publicly available; and

(ii) ensuring that such information is made publicly available in subsequent years.

(c) SCOPE OF INFORMATION.—The online publication required under subsection (a) shall, at a minimum—

(1) in each of the fiscal years 2016 through 2019, provide the information required under subsection (b) for fiscal years 2015 through the current fiscal year; and

(2) for fiscal year 2020 and each fiscal year thereafter, provide the information required under subsection (b) for the immediately preceding 5 fiscal years in a fully searchable form.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State and the Administrator of the United States Agency for International Development should coordinate the consolidation of processes and data collection and presentation for the Department of State's website, ''ForeignAssistance.gov'', and the United States Agency for International Development's website, ''Explorer.USAID.gov'', to the extent that is possible to maximize efficiencies, no later than the end of fiscal year 2018.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3766, the Foreign Aid Transparency and Accountability Act, and I would like to thank Judge TED POE, chairman of the Subcommittee on Terrorism, Nonproliferation, and Trade, for his years of dedication to this important issue.

Effective U.S. foreign assistance can help advance the diplomatic, economic, and national security interests of the United States, and it can help support the growth of healthier, more stable societies. It can provide alternatives to extremism. It can combat global health threats, foster self-sufficiency, and open new markets to U.S. trade and investment. But it can also be wasted, as it has many times, and that is why making U.S. foreign assistance as efficient and effective as possible has been a central focus of the Foreign Affairs Committee.

This is no easy task. There are more than 20 Federal departments and agencies delivering food aid. Too many of them do not share our interest in transparency, accountability, and results.

Too often, the importance of an agency is measured by the amount of resources it controls and not by its positive impact. Unfortunately, the success of initiatives are too often measured by ''things delivered,'' like bed nets, instead of ''program outcomes,'' like malaria infections averted and lives saved. As long as our foreign aid agencies and organizations are allowed to operate beyond scrutiny, nothing will change.

Congress needs the tools to break down these barriers to effective aid. We need to help U.S. foreign aid agencies and organizations improve coordination, identify duplication, eliminate waste, and learn from experience, and this bill will help.

The Foreign Aid Transparency and Accountability Act will establish tough standards for monitoring and evaluation. It will ensure that many Federal departments and agencies that implement these programs, all of them, coordinate, rather than duplicate, their efforts and then apply the lessons learned. And it will require these agencies to publish foreign assistance data on a consolidated Web site so we can better track investments against results.

This bill is the result of years of consultation and collaboration between Congress, experts, and advocates, and I want to again thank Judge POE as well as Representative CONNOLLY for their steadfast work and leadership in bringing this important measure before us today. I also thank our ranking member, ELIOT ENGEL of New York.

I would urge Members to support this bill and get it to the President's desk without further delay.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this measure.

I want to again thank our chairman, ED ROYCE, for his leadership on the Foreign Affairs Committee. I want to thank my colleagues who have worked so hard on this bill, Mr. POE of Texas and Mr. CONNOLLY of Virginia.

We marked up this bill in the Foreign Affairs Committee, and the House approved it last winter. The Senate sent it back to us with a few changes, and now I am pleased that we are taking a final vote on this measure before we send it to the President's desk.

Mr. Speaker, I view foreign assistance as one of our most important foreign policy tools. Whether we are helping a community build a school and train teachers, helping a country improve its power grid, or making it easier for farmers to irrigate their fields and families to get clean water, foreign assistance shows the rest of the world that the United States is eager to be a friend and eager to be a partner. And partnership is good for us as well.

Of course, foreign assistance isn't about handouts. It is about helping build capacity and capabilities. We want to see countries become vibrant and productive. We want to see societies become strong and prosperous. Stronger partners around the world

mean better lives for the people in those countries and greater stability and security for their neighbors and regions and, of course, a greater partnership with the United States of America. That is important to us as well as to the nations we are helping.

At its best, foreign assistance is like planting a seed, nurturing it, and seeing it grow into something strong and self-sufficient. If we are doing it right, it will give us a tremendous bang for our buck.

Foreign policy, foreign assistance is less than 1 percent of the total American budget. Although people think it is 15 percent or even more, it is less than 1 percent. But we don't have a lot to work with because our foreign assistance represents that 1 percent, just a small sliver of the Federal budget, so we need to know that these investments are being put to the best use. We need to take a hard look at the results in order to cut away dead wood and focus on the efforts that are giving us the best outcomes.

The administration has already taken tremendous steps to provide accountability and transparency in our foreign assistance programs. This bill would write many of those steps into law and build on them, requiring measurable goals for foreign aid and requiring strong plans for monitoring and evaluation.

We need to see just what a difference our foreign assistance is making and get a better understanding of the way foreign assistance programs tie into our own national security interests, and they do. We have national security concerns, and foreign aid is one way of addressing those concerns.

So I am glad to support this measure. I am grateful for the hard work of Mr. POE, Mr. CONNOLLY, and Chairman ROYCE.

Mr. Speaker, in closing, I again want to thank my colleagues for their work on this measure, and I am pleased that we are getting near the finish line.

Let me just say that, as ranking member of the Foreign Affairs Committee, I often hear the question: Why are we sending tax dollars overseas when we have our share of problems here at home?

It is a fair question, but there are good answers.

The United States isn't an island. Our stability and security are tied to those countries around the world. We see where threats emerge. Often they emerge in places where there is a lack of opportunity, poor access to education, weak justice systems, poor governance.

When we send assistance overseas, we are not just putting cash in people's pockets willy-nilly. We are targeting these areas that we know are tied to making countries more stable. We are looking at the root causes of instability and helping countries overcome those challenges so, hopefully, they can thrive on their own.

But we need to make sure we are using these limited dollars efficiently and effectively. The administration has taken the groundbreaking measures to track and publicize the effectiveness of our foreign assistance programs. This bill will make those efforts stronger. It will help us and all the American people know exactly what our foreign assistance investments are paying for and that they are paying dividends in the long run.

I want to again stress the partnership because it is a fair question to say: Well, we have pressing needs here at home. Why are we sending money abroad?

We look at the instability of the world. We see terrorism. We see what is happening. The United States has a stake in having partners all around the world. The United States has a stake in making conditions better for people all around the world so that radicalism isn't appealing. People can understand that what we have to offer is just so much better.

This partnership is important. This bill sustains that partnership, so I am glad to support the bill. I urge a ''yes'' vote.

I thank Chairman ROYCE.

Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Smart investments and development can help support growth of healthier, more stable societies, open markets that can generate consumers of U.S. goods. It can create opportunities for people there and for U.S. businesses to grow. But unwise investments can have the exact opposite effect.

This bill will give us the tools we need to make our foreign aid programs more smart and wise, and I strongly support this bill. I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. CONNOLLY. Mr. Speaker, I rise today in support of the Senate Amendment to the Foreign Aid Transparency and Accountability Act of 2016 (H.R. 3766).

I want to thank my friend, Judge TED POE of Texas, for working with me to introduce and advance this bill.

I also want to thank Chairman ED ROYCE and Ranking Member ELIOT ENGEL of the House Foreign Affairs Committee for previously marking up this measure in Committee and bringing it to the Floor today.

And finally, I want to thank our colleagues in the Senate, including Senators CARDIN, RUBIO, and LEAHY for working with us to strengthen the bill and shepherd it through the Senate.

The Foreign Aid Transparency and Accountability Act is a project that I have worked on with Judge POE for several years now, and in December 2015 this bill passed in the House by voice vote.

The bill directs the President to establish monitoring and evaluation or M&E guidelines for the federal agencies charged with implementing foreign assistance programs abroad.

The guidelines will require M&E plans as part of the project development process, and agencies will be encouraged to incorporate the findings of project evaluations and impact studies into subsequent foreign assistance programs.

This feedback loop will include measurable goals, performance metrics, and a clearing house for lessons learned on U.S.-led aid projects.

Additionally, the legislation requires that the documents and reports created under this M&E regime be made available to the public on foreignassistance.gov.

This administration has developed an encouraging record on foreign aid transparency. The Foreign Assistance Dashboard created in 2010 demonstrated a promising inclination towards disclosure that we should hope to enshrine in law.

This measure will strengthen and codify those transparency best practices to ensure that they exist as agency policy under future Administrations that might not be as accommodating of the aid community's demand for this information.

Aid programs that are held accountable for their performance and results can be made more effective, and their impact on communities and countries abroad can be more easily demonstrated.

Perhaps with more information, we can dispel the commonly held belief that 26 percent of the federal budget is spent on foreign aid when the actual amount is less than 1 percent.

I am hopeful that this bill will help foreign assistance operations become more focused and efficacious.

It is time to apply a data driven approach to constructing an assistance operation that has the support of Congress and a well-informed public.

We cannot ignore the increasingly important role diplomacy and development play in meeting our most pressing security challenges and demonstrating American leadership in global affairs.

It is an act of political malpractice that this vital part of the federal budget is so misunderstood and that the direct link between our national security and stability and prosperity abroad is so underappreciated.

I urge my colleagues to join the Modernizing Foreign Assistance Network, the Professional Services Council, the U.S. Global Leadership Coalition, and several other well-regarded members of the foreign assistance community in supporting this bipartisan legislation and foster greater understanding of our vital investments abroad.

I would like to close by thanking, once again, Judge POE for his leadership on the issue of foreign aid effectiveness.

I think his advocacy is motivated by a shared belief that our foreign assistance dollars have the potential to create a path to prosperity in the most poverty stricken areas of the world, and nurture the promise of democracy in the face of even the most repressive authoritarian regimes.

I look forward to working with Judge POE to ensure that those common goals are advanced by the implementation of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3766.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

BRAGGING ON SIMONE MANUEL

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, Members of Congress love to brag. Texans like me brag the most.

Today, I am going to brag about a young lady from my hometown of Sugar Land, Texas. She is a Bulldog from Austin High School. Her name is Simone Manuel. If you don't know that name today, you will after this summer's Olympics in Rio de Janeiro.

Simone swims fast, really fast, water-on-fire fast. In fact, she recently swam so fast she is swimming in three events at the Olympics: the 50-meter freestyle, the 100-meter freestyle, and the 4-by-100-meter freestyle relay.

Texas women love precious metal. They are okay with bronze, they like silver, and they love gold.

Good luck, Simone. Bring home some precious metal to Sugar Land, Texas. Sugar Land loves you.

ROULETTE TOWNSHIP BICENTENNIAL

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in recognition of the 200th anniversary of the founding of Roulette Township, Potter County.

The township was founded on January 29, 1816, in honor of John Sigmund Roulet. Roulet was an associate of John Keating, one of the original settlers of Potter County. Today, the community's name is spelled a bit differently due to an early error by the Post Office Department.

Today, the township is home to more than 1,300 people. Later this week, members of the community will kick off a 2-day celebration, starting on Friday, in honor of the township's bicentennial and its history.

The celebration will start with a 5K walk for the fight against domestic violence, and it will continue with an ice cream social and bingo. On Saturday, a prayer service is planned, followed by a barbecue, with a parade planned for Saturday afternoon. A hymn sing is planned for Sunday, along with a ''Walk Down Memory Lane,'' with signs placed highlighting the long history of Roulette Township.

Mr. Speaker, I am proud to see the residents of Roulette Township honoring their history with this week's celebration, making sure that the region's past is not forgotten.

□ 2145

GUN VIOLENCE

(Mr. DEUTCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTCH. Mr. Speaker, we know that ISIS and other terror groups are trying to manipulate, exploit, and radicalize vulnerable Americans to commit acts of terror.

An al Qaeda spokesman called for violence saying: ''America is absolutely awash with easily obtainable firearms. You can go down to a gun show at the local convention center and come away with a fully automatic assault rifle, without a background check, and most likely without having to show an identification card. So what are you waiting for?''

Our law enforcement, Mr. Speaker, needs the tools to stop an attack. Unfortunately, the proposal to be offered by the Republican majority this week will actively hinder investigations. It will make it easier for terrorists to evade capture, and it will make America more vulnerable to attack.

I have spoken with the FBI Director. He knows the current law prevents law enforcement from blocking a gun purchase by suspected terrorists. This loophole will certainly lead to tragedy. It is only a matter of time.

We must act now. The terrorists who attacked us on 9/11 used planes. In response, we barred suspected terrorists from flying. Now terrorists are attempting to exploit our weak gun laws. Let's make the laws stronger. Let's stop the next attack before it happens and before it is too late.

GUN VIOLENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from California (Mr. GARAMENDI) is recognized for half of the remaining time until 10 p.m. as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, 2 weeks ago on this floor, the Democrats said: We want a vote. We want a vote on a bill that would prohibit terrorists who are on the no-fly list from being able to buy a gun and explosives, and we want a vote on comprehensive background checks. So we sat down and created a bit of confusion and maybe even some anger.

I am pleased that the Speaker has decided that maybe there will be some piece of legislation, a piece of legislation, H.R. 5611. Unfortunately, it doesn't even come close to solving the problem and probably makes it worse. It is written in such a way that it is virtually unenforceable, will guarantee that terrorists will be given a heads-up that they are being looked at and investigated by the FBI, and it puts the courts in an impossible situation where they have to find probable cause that there is a terrorist out there who has done something bad or is likely to do something bad, in which case just go arrest them. You don't need to do more than that. You already have probable cause. Arrest them.

The bill is a nonstarter, so we are not going to go away. We are going to stay at this until we have decent legislation.

There are two pieces: a bill by Mr. KING of New York, a Republican, and the same, coauthored by Mr. THOMPSON of California, that would expand the background checks, which is absolutely essential; and also one that provides for no fly, no buy.

We would like to have a vote on the bills. Put them on the floor, Mr. Speaker. You can do this. Put your bill on the floor, put our two bills on the floor, and let us, the 435 Representatives, speak to this issue.

Mr. Speaker, I yield to the minority leader.

Ms. PELOSI. Mr. Speaker, I thank Representative GARAMENDI for his consistent, persistent leadership in these Special Orders to put forth issues of concern to the American people.

Right now, we are talking about saving lives. We are talking about responsible background checks on gun purchases as well no fly, no buy. If you are on the terrorist list, if you can't fly, then you shouldn't be able to buy a gun. What is so difficult about that for our Republican majority to understand?

Actually, on the background check legislation, we are talking about expanding the background check bill that already exists to include Internet sales, something relatively new—not new compared to when we passed the bill in the middle nineties—and we are talking about gun shows. This would save lives to have background checks on everyone who is there to purchase a gun.

Eighty-five percent of the American people support responsible legislation for background checks, which is what we are proposing, and 90 percent support no fly, no buy. The only place where there is an obstacle to this reasonable commonsense legislation is on the floor of the House of Representatives.

I am so proud of our Members led by JOHN LEWIS 2 weeks ago, tomorrow, who led the sit-in on the floor of the House. It was remarkable, and it generated interest throughout the world—

over 2 billion impressions from what went out from the floor of this House—something remarkable, something appropriate for the people's House. Then, following that, for this to go on for 25 hours and then to continue over the weeks when we were in recess into our districts, to have the beat go on. Now we are back, and the beat will continue to go on.

I think if there is one message of hope that JOHN LEWIS gave all of us, it is that we are not going away until the job is done.

So, respectfully, I ask our Speaker of the House to give us a vote, to enable us to show the support that commonsense, sensible gun safety legislation has in this House. I believe that, if given the opportunity, this House would support that legislation. Maybe that is why it will not be brought up.

But I will also associate myself with the concerns expressed by Mr. GARAMENDI about a bill, the Cornyn bill. I think it has a new name in the House. It is the gun lobby bill—the gun lobby bill—the NRA bill. It is not a gun safety bill. It is an excuse for not doing something really effective and sensible.

So you will be seeing the stories of the people and the families affected, the most eloquent stories of all, their stories of their loss, and they are channeling their grief to make sure it doesn't happen to other families. What a beautiful sense of community.

We thank JOHN LEWIS for being the unifier in all of that, and we thank all of our Members for their participation.

Mr. Speaker, I thank the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I thank the minority leader. I am delighted to have the gentlewoman's leadership on this issue. It is profoundly important.

I understand tomorrow, at 10 o'clock, 91 people will be outside, together with many members of our caucus, to demonstrate that each day 91 people are killed by guns here in the United States.

So we have work to do. It is very simple. All we are asking for is a vote on a no fly, no buy bill that actually works—not the Cornyn bill, not the Republican bill, but one that actually works, put together by Mr. KING of New York and Mr. THOMPSON of California—and also a bill that deals with expanding the background check. Put them on the floor, Mr. Speaker.

And one more, I promise, Mr. Speaker, we are not going to go away until the American public has the safe gun measures written into law.

Mr. Speaker, I yield back the balance of my time.

DEL LATTA, A DEDICATED PUBLIC SERVANT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Ohio (Mr. CHABOT) is recognized until 10 p.m. as the designee of the majority leader.

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I rise this evening in honor of Delbert Latta, who served in this body for 30 years and who sadly passed away in Bowling Green, Ohio, on May 12.

Del lived a full and productive 96 years, and he used that time very wisely. While I never had the privilege of serving with him here in this House, I think we all have felt the impact of the time that he spent here in Congress.

Del Latta was a lot of things. He was an attorney, teacher, a leader, a competitive boxer in his youth, and a loving husband, father, grandfather, and great-grandfather. Perhaps most of all, though, he was dedicated to serving the people of the Fifth District of Ohio, and he kept in touch with them on a very regular basis. He drove home every week. He was with his family. He was very much a family man.

Congressman Latta, also known as Del, attended Findlay College before graduating from Ohio Northern University in 1943. While in school, he served in the Ohio National Guard, the United States Army, and in the U.S. Marine Corps Reserves. Del was admitted to the Ohio bar in 1944, and began practicing law as well as teaching at his alma mater, Ohio Northern University.

After several years in private practice, Congressman Latta was called to service again when he was elected to the Ohio senate in 1952. He would serve in the senate until 1958, when he was elected to the United States Congress.

He did many things here. Probably the most significant thing was when he was ranking member of the Budget Committee, he accomplished, really, his crowning achievement at that time, which was the enactment of President Ronald Reagan's economic recovery plan.

As those around in the late 1970s and early 1980s will recall, the Nation was mired in an economic morass when Ronald Reagan was elected. Stagflation, a combination of high employment and high inflation, had crippled our economy. President Reagan knew that the only way to escape this situation was to stimulate, through the private sector, economic growth.

To achieve this, he proposed a combination of tax cuts and spending reductions, which would come to be known as supply-side economics. At first, many in Congress were skeptical of the plan, but Congressman Del Latta saw the promise that the idea held. So he began working with his colleagues from both sides of the aisle to draft legislation to build support for the plan.

In addition to Del Latta, the other central player in the effort was Congressman Phil Gramm, then a Democratic Representative from Texas. Together, they would introduce two pieces of legislation to enact Ronald Reagan's economic plan: the 1981 Gramm-Latta budget and the Gramm-Latta Omnibus Reconciliation Act. A great deal of credit for that bipartisan support is due to the efforts of Congressman Del Latta.

Del had great respect for his colleagues in the House and got along with people of every political persuasion. As a result, he was liked and respected by his colleagues on both sides of the aisle, making Latta the ideal person to build a consensus for President Reagan's economic package, which turned this economy around and this country around for the better. Latta and Gramm worked hard to build that consensus, and President Reagan's economic plan may not have been enacted if not for their efforts.

They sometimes say ''the apple doesn't fall far from the tree,'' and I think that is the case with the next speaker here this evening, and that is his son, Congressman BOB LATTA, who also goes home every week, works his district extremely hard, stays very much in touch, and I think also very important, he is respected by the people in this institution, again, on both sides of the aisle. He truly is one that people take him at his word.

Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Ohio (Mr. CHABOT) has 2½ minutes remaining.

Mr. CHABOT. Mr. Speaker, I yield to Congressman LATTA.

Mr. LATTA. Mr. Speaker, I thank the gentleman for yielding and also for having this Special Order tonight.

We heard Dad's time down here as 30 years, and I must have to also mention that was 30 years in the minority. He never served 1 day in the majority the whole time he was here.

When he was elected in 1958, he served on the Ag Committee, and then went to the Rules Committee. In 1974, Gerald Ford put him on the Judiciary Committee during Watergate, a committee he did not want to serve on, but then he went on to serve as the ranking member on the Budget Committee until his retirement along with being on the Rules Committee.

If I could just in the remaining time talk a little about Dad because a lot of people know about his work here, but also I think it is important to know that he was one of those they call the greatest generation.

His younger brother, Lester Latta, was asked by his son what it was like

when they were growing up, and my uncle had said that they didn't have much, but there were a lot of other people they knew that didn't have as much as they did.

He grew up in a small town in McComb, Ohio, which had 1,600 people, which it is today. My grandfather was a barber, sold insurance, and was an auctioneer. He did anything he could to keep six kids going during the Depression. My grandmother wallpapered and did everything else and raised a family. Dad was the first to graduate from high school in his family, the first to even go to college. The thought of going to college back then was something that most people never thought about.

Growing up, he knew the value of hard work. He would mow yards for 15 cents, caddied 18 holes for 25 cents, shoveled snow off the township roads with his brothers and his father, unloaded coal cars with a shovel, hauled corncobs, worked on construction crews building one of the high schools in Findlay, blocked beets, cut down trees with a crosscut saw for Rural Electric, sold shoes on commission for 5 percent, and he was also a prizefighter when he was younger.

But Dad always knew what the value of an education was. He also knew what hard work was. One of Dad's crowning achievements, and he was always very proud of it, at Bowling Green State University there was a scholarship that is still there, and 174 students have received this scholarship. One of the things my dad always told my sister and me was to always remember that you never want to think that you shouldn't have much education, because one thing in life they can't take away from you is your education, so get as much as you want.

One of the things I always mention about here, and I would like to close on this, Dad always told me that this is not a profession my dad told me to get into, but I learned from him. Two of the sayings were that you want to remember when you go into public service, you go in with nothing and you should come out with nothing. He also said: Always remember in life it is not the big things you do for people, it is little things, because people expect the big things, not the little things.

So I think that that is the memory that Dad had not only here, but also in the district. After Dad's passing I had people coming up to me telling what my dad did for them over 50 years ago for some problem that they were having. But Dad always said to always remember that there is a big difference between a politician and a public servant. A politician sees how much they can take from the people they represent, while a public servant sees how much they can give back.

I thank the gentleman from Ohio (Mr. CHABOT) very much for having this Special Order.

Mr. CHABOT. Mr. Speaker, I yield back the balance of my time.

Mrs. BEATTY. Mr. Speaker, today I join my colleagues to pay tribute to former Ohio Congressman Delbert Latta.

While I did not have the opportunity to serve with "Del"—as he was known—I am pleased to serve in the Ohio Delegation with his son, Congressman BOB LATTA, who represents his father's former District—Ohio's Fifth District.

And I know that Del would be proud of his son's record here in the House of Representatives.

While many Members here tonight have or will mention Del's achievements, given his tenure in the House, his accomplishments are certainly worth repeating.

Del served our nation proudly as a member of the Ohio National Guard and the U.S. Army from 1938 to 1941 and in the Marine Corps Reserve from 1942 to 1943.

However, his service to the great state of Ohio and our nation did not end with his military career.

After serving in the Army and Marine Corps Reserve, Del received his undergraduate and law degrees from Ohio Northern University, and was elected to the Ohio Senate in 1952.

Six years later, in 1958, he was elected to the House of Representatives and served in the people's House for 15 terms before retiring in 1988.

During his tenure in the House, he served as the dean of the Ohio Congressional delegation as well as the top Republican on the House Budget Committee.

During the Watergate hearings, he was appointed to the House Judiciary Committee.

Outside of the Halls in Congress, Del was a devoted father and husband, and he is survived by his wife, Rose Mary, his two children, five grandchildren, and three great-grandchildren.

From his record, surely he will be missed by many at home, in Ohio, and in Washington.

Mr. TURNER. Mr. Speaker, this evening I would like to honor a great Ohioan, former Congressman Del Latta. Mr. Latta served northwest Ohio from 1959 to 1989. During his thirty-year career he found himself at the center of history as he sat on the Judiciary Committee in 1974 during the Watergate scandal.

He also helped President Ronald Reagan cut the federal budget and fought for a robust defense budget. Mr. Latta bravely served in the Army and Marine Corps Reserves before serving in Congress. He will be remembered for his unwavering service to his country and the great state of Ohio. Mr. Latta is a true statesman and his legacy will be remembered for years to come. I continue to send my condolences to Congressman BOB LATTA and his family.

Mr. WENSTRUP. Mr. Speaker, I recently came across a short poem called "The Dash," and I'd like to submit the first few lines:

I read of a man who stood to speak
at the funeral of a friend.
He referred to the dates on the tombstone
from the beginning . . . to the end.

He noted that first came the date of birth
and spoke the following date with tears,
but he said what mattered most of all
was the dash between those years.

For that dash represents all the time
that they spent alive on earth.
And now only those who loved them
know what that little line is worth.

For it matters not, how much we own,
the cars . . . the house . . . the cash.
What matters is how we live and love
and how we spend our dash.

Del Latta's dash represents a life dedicated to his fellow Ohioans and his fellow Americans.

First as a state senator, and then later as a U.S. Congressman, Mr. Latta was a true public servant, a trait he passed on to his son, and my friend, BOB.

I offer my prayers and condolences to BOB, and to his family, and I thank his father for spending his dash in service to our state and our country.

HOUSE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the following titles:

April 29, 2016:

H.R. 1670. An Act to direct the Architect of the Capitol to place in the United States Capitol a chair honoring American Prisoners of War/Missing in Action.

H.R. 2722. An Act to require the Secretary of the Treasury to mint coins in recognition of the fight against breast cancer.

May 9, 2016:

H.R. 1493. An Act to protect and preserve international cultural property at risk due to political instability, armed conflict, or natural or other disasters, and for other purposes.

H.R. 2908. An Act to adopt the bison as the national mammal of the United States.

May 20, 2016:

H.R. 4238. An Act to amend the Department of Energy Organization Act and the Local Public Works Capital Development and Investment Act of 1976 to modernize terms relating to minorities.

H.R. 4336. An Act to amend title 38, United States Code, to provide for the inurnment in Arlington National Cemetery of the cremated remains of certain persons whose service has been determined to be active service.

H.R. 4923. An Act to establish a process for the submission and consideration of petitions for temporary duty suspensions and reductions, and for other purposes.

H.R. 4957. An Act to designate the Federal building located at 99 New York Avenue, N.E., in the District of Columbia as the ''Ariel Rios Federal Building''.

June 3, 2016:

H.R. 2814. An Act to name the Department of Veterans Affairs community-based outpatient clinic in Sevierville, Tennessee, the Dannie A. Carr Veterans Outpatient Clinic.

June 13, 2016:

H.R. 136. An Act to designate the facility of the United States Postal Service located at 1103 USPS Building 1103 in Camp Pendleton, California, as the ''Camp Pendleton Medal of Honor Post Office''.

H.R. 433. An Act to designate the facility of the United States Postal Service located at 523 East Railroad Street in Knox, Pennsylvania, as the ''Specialist Ross A. McGinnis Memorial Post Office''.

H.R. 1132. An Act to designate the facility of the United States Postal Service located at 1048 West Robinhood Drive in Stockton,

California, as the ''W. Ronald Coale Memorial Post Office Building''.

H.R. 2458. An Act to designate the facility of the United States Postal Service located at 5351 Lapalco Boulevard in Marrero, Louisiana, as the ''Lionel R. Collins, Sr. Post Office Building''.

H.R. 2928. An Act to designate the facility of the United States Postal Service located at 201 B Street in Perryville, Arkansas, as the ''Harold George Bennett Post Office''.

H.R. 3082. An Act to designate the facility of the United States Postal Service located at 5919 Chef Menteur Highway in New Orleans, Louisiana, as the ''Daryle Holloway Post Office Building''.

H.R. 3274. An Act to designate the facility of the United States Postal Service located at 4567 Rockbridge Road in Pine Lake, Georgia, as the ''Francis Manuel Ortega Post Office''.

H.R. 3601. An Act to designate the facility of the United States Postal Service located at 7715 Post Road, North Kingstown, Rhode Island, as the ''Melvoid J. Benson Post Office Building''.

H.R. 3735. An Act to designate the facility of the United States Postal Service located at 200 Town Run Lane in Winston Salem, North Carolina, as the ''Maya Angelou Memorial Post Office''.

H.R. 3866. An Act to designate the facility of the United States Postal Service located at 1265 Hurffville Road in Deptford Township, New Jersey, as the ''First Lieutenant Salvatore S. Corma II Post Office Building''.

H.R. 4046. An Act to designate the facility of the United States Postal Service located at 220 East Oak Street, Glenwood City, Wisconsin, as the Second Lt. Ellen Ainsworth Memorial Post Office.

H.R. 4605. An Act to designate the facility of the United States Postal Service located at 615 6th Avenue SE in Cedar Rapids, Iowa as the ''Sgt. 1st Class Terryl L. Pasker Post Office Building''.

June 22, 2016:

H.R. 812. An Act to provide for Indian trust asset management reform, and for other purposes.

H.R. 1762. An Act to name the Department of Veterans Affairs community-based outpatient clinic in The Dalles, Oregon, as the ''Loren R. Kaufman VA Clinic''.

H.R. 2137. An Act to ensure Federal law enforcement officers remain able to ensure their own safety, and the safety of their families, during a covered furlough.

H.R. 2212. An Act to take certain Federal lands located in Lassen County, California, into trust for the benefit of the Susanville Indian Rancheria, and for other purposes.

H.R. 2576. An Act to modernize the Toxic Substances Control Act, and for other purposes.

June 30, 2016:

H.R. 3209. An Act to amend the Internal Revenue Code of 1986 to permit the disclosure of certain tax return information for the purpose of missing or exploited children investigations.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

April 11, 2016:

S. 1180. An Act to amend the Homeland Security Act of 2002 to direct the Administrator of the Federal Emergency Management Agency to modernize the integrated public alert and warning system of the United States, and for other purposes.

April 19, 2016:

S. 192. An Act to reauthorize the Older Americans Act of 1965, and for other purposes.

S. 483. An Act to improve enforcement efforts related to prescription drug diversion and abuse, and for other purposes.

S. 2512. An Act to expand the tropical disease product priority review voucher program to encourage treatments for Zika virus.

April 29, 2016:

S. 719. An Act to rename the Armed Forces Reserve Center in Great Falls, Montana, the Captain John E. Moran and Captain William Wylie Galt Armed Forces Reserve Center.

S. 1638. An Act to direct the Secretary of Homeland Security to submit to Congress information on the Department of Homeland Security headquarters consolidation project in the National Capital Region, and for other purposes.

May 11, 2016:

S. 1890. An Act to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

May 16, 2016:

S. 32. An Act to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity, and for other purposes.

S. 125. An Act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2020, and for other purposes.

S. 2755. An Act to provide Capitol-flown flags to the immediate family of firefighters, law enforcement officers, members of rescue squads or ambulance crews, and public safety officers who are killed in the line of duty.

May 20, 2016:

S. 1492. An Act to direct the Administrator of General Services, on behalf of the Archivist of the United States, to convey certain Federal property located in the State of Alaska to the Municipality of Anchorage, Alaska.

S. 1523. An Act to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.

S. 2143. An Act to provide for the authority for the successors and assigns of the Starr-Camargo Bridge Company to maintain and operate a toll bridge across the Rio Grande near Rio Grande City, Texas, and for other purposes.

June 3, 2016:

S. 184. An Act to amend the Indian Child Protection and Family Violence Prevention Act to require background checks before foster care placements are ordered in tribal court proceedings, and for other purposes.

June 22, 2016:

S. 2276. An Act to amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

June 30, 2016:

S. 337. An Act to improve the Freedom of Information Act.

S. 2133. An Act to improve Federal agency financial and administrative controls and procedures to assess and mitigate fraud risks, and to improve Federal agencies' development and use of data analytics for the purpose of identifying, preventing, and responding to fraud, including improper payments.

S. 2328. An Act to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

S. 2487. An Act to direct the Secretary of Veterans Affairs to identify mental health care and suicide prevention programs and metrics that are effective in treating women veterans as part of the evaluation of such programs by the Secretary, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUDSON (at the request of Mr. MCCARTHY) for today on account of a family medical emergency.

Mr. MARINO (at the request of Mr. MCCARTHY) for today on account of medical reasons.

Mr. NUGENT (at the request of Mr. MCCARTHY) for today on account of illness.

Mr. HASTINGS (at the request of Ms. PELOSI) for today through July 8.

Mr. NADLER (at the request of Ms. PELOSI) for today.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on June 29, 2016, she presented to the President of the United States, for his approval, the following bill:

H.R. 3114. To provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes.

ADJOURNMENT

Mr. CHABOT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10:03 p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, July 6, 2016, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5875. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Amendments to Swap Data Recordkeeping and Reporting Requirements for Cleared Swaps (RIN: 3038-AE12) received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

5876. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: New Designated Country-Ukraine (DFARS Case 2016-D026) [Docket No.: DARS-2016-0022] (RIN: 0750-AI98) received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec.

251; (110 Stat. 868); to the Committee on Armed Services.

5877. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Deletion of Supplemental Coverage for Definition of ''Simplified Acquisition Threshold'' (DFARS Case 2016-D007) [Docket No.: DARS-2016-0008] (RIN: 0750-AI89) received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

5878. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's interim final rule — Implementation of the Program Fraud Civil Remedies Act of 1986 (RIN: 2590-AA76) received June 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

5879. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's interim final rule — Rules of Practice and Procedure; Civil Money Penalty Inflation Adjustment (RIN: 2590-AA88) received June 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

5880. A letter from the Assistant General Counsel, Regulatory Affairs Division, Consumer Product Safety Commission, transmitting the Commission's direct final rule — Revisions to Safety Standard for Carriages and Strollers [Docket No.: CPSC-2013-0019] received June 24, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5881. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Limited Disapproval of Air Plan Revisions; Arizona; New Source Review; PM2.5 [EPA-R09-OAR-2015-0187; FRL-9948-01-Region 9] received June 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5882. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Determination of Attainment by the Attainment Date; 2008 Ozone National Ambient Air Quality Standards; Cleveland, Ohio and St. Louis, Missouri-Illinois Areas [EPA-R05-OAR-2016-0276; FRL-9948-19-Region 5] received June 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5883. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Designation of Areas for Air Quality Planning Purposes; California; San Joaquin Valley; Reclassification as Serious Nonattainment for the 2006 PM2.5 NAAQS; Correction [EPA-R09-OAR-2014-0636; FRL-9948-24-Region 9] received June 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

5884. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Kaman Aerospace Corporation [Docket No.: FAA-2016-0183; Directorate Identifier 2015-SW-016-AD; Amendment 39-18498; AD 2016-08-21] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5885. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2015-6547; Directorate Identifier 2014-NM-129-AD; Amendment 39-18490; AD 2016-08-14] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5886. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Aviation [Docket No.: FAA-2015-7532; Directorate Identifier 2015-NM-069-AD; Amendment 39-18477; AD 2016-08-01] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5887. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company Turbofan Engines [Docket No.: FAA-2015-4344; Directorate Identifier 2015-NE-32-AD; Amendment 39-18486; AD 2016-08-10] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5888. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt and Whitney Division Turbofan Engines [Docket No.: FAA-2015-4474; Directorate Identifier 2015-NE-34-AD; Amendment 39-18485; AD 2016-08-09] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5889. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2015-6539; Directorate Identifier 2015-NM-036-AD; Amendment 39-18504; AD 2016-09-06] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5890. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2015-2458; Directorate Identifier 2014-NM-122-AD; Amendment 39-18468; AD 2016-07-23] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5891. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Helicopters (previously Eurocopter France) [Docket No.: FAA-2015-3970; Directorate Identifier 2015-SW-006-AD; Amendment 39-18497; AD 2016-08-20] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5892. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2015-4814; Directorate Identifier 2015-NM-105-AD; Amendment 39-18502; AD 2016-09-04] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5893. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. Airplanes [Docket No.: FAA-2016-1363; Directorate Identifier 2015-CE-040-AD; Amendment 39-18496; AD 2016-08-19] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5894. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. Airplanes [Docket No.: FAA-2014-0338; Directorate Identifier 2014-CE-010-AD; Amendment 39-18495; AD 2016-08-18] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5895. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Gliders [Docket No.: FAA-2015-1130; Directorate Identifier 2015-CE-008-AD; Amendment 39-18492; AD 2015-09-04 R1] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5896. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Aviation Airplanes [Docket No.: FAA-2014-0657; Directorate Identifier 2014-NM-058-AD; Amendment 39-18501; AD 2016-09-03] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5897. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2015-3988; Directorate Identifier 2015-NM-005-AD; Amendment 39-18491; AD 2016-08-15] (RIN: 2120-AA64) received June 28, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

5898. A letter from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting the Administration's final rule — Revised Medical Criteria for Evaluating Neurological Disorders [Docket No.: SSA-2006-0140] (RIN: 0960-AF35) received June 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

5899. A letter from the Director, Office of Regulations and Reports Clearance, Social

Security Administration, transmitting the Administration's final rule — Extension of Effective Date for Temporary Pilot Program Setting the Time and Place for a Hearing Before an Administrative Law Judge [Docket No.: SSA-2016-0019] (RIN: 0960-AI02) received June 29, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 210. A bill to amend the Internal Revenue Code of 1986 to exempt student workers for purposes of determining a higher education institution's employer health care shared responsibility; with an amendment (Rept. 114–655). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 3080. A bill to amend the Internal Revenue Code of 1986 to provide an exception to the employer health insurance mandate for Indian tribal governments and tribally owned businesses; with an amendment (Rept. 114–656). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 3590. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in the income threshold used in determining the deduction for medical care; with an amendment (Rept. 114–657). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 3734. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide support to mining schools, and for other purposes (Rept. 114–658). Referred to the Committee of the Whole House on the state of the Union.

Mr. HENSARLING: Committee on Financial Services. H.R. 4538. A bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes; with an amendment (Rept. 114–659). Referred to the Committee of the Whole House on the state of the Union.

Mr. HENSARLING: Committee on Financial Services. H.R. 4854. A bill to amend the Investment Company Act of 1940 to expand the investor limitation for qualifying venture capital funds under an exemption from the definition of an investment company; with an amendment (Rept. 114–660). Referred to the Committee of the Whole House on the state of the Union.

Mr. HENSARLING: Committee on Financial Services. H.R. 4855. A bill to amend provisions in the securities laws relating to regulation crowdfunding to raise the dollar amount limit and to clarify certain requirements and exclusions for funding portals established by such Act; with an amendment (Rept. 114–661). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 5385. A bill to amend the Homeland Security Act of 2002 to make technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews, and for other purposes; with an amendment (Rept. 114–662). Referred to the Committee of the Whole House on the state of the Union.

Mrs. MILLER of Michigan: Committee on House Administration. H.R. 4511. A bill to amend the Veterans' Oral History Project Act to allow the collection of video and audio recordings of biographical histories by immediate family members of members of the Armed Forces who died as a result of their service during a period of war (Rept. 114–663). Referred to the Committee of the Whole House on the state of the Union.

Mrs. MILLER of Michigan: Committee on House Administration. H.R. 4733. A bill to permit the United States Capitol Police to accept certain property from other Federal agencies and to dispose of certain property in its possession (Rept. 114–664). Referred to the Committee of the Whole House on the state of the Union.

Mrs. MILLER of Michigan: Committee on House Administration. H.R. 4734. A bill to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate (Rept. 114–665). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODALL: Committee on Rules. House Resolution 803. Resolution providing for consideration of the bill (H.R. 4361) to amend section 3554 of title 44, United States Code, to provide for enhanced security of Federal information systems, and for other purposes, and providing for consideration of motions to suspend the rules (Rept. 114–666). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YOUNG of Iowa (for himself and Mr. ASHFORD):

H.R. 5619. A bill to require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLER of Florida:

H.R. 5620. A bill to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL (for himself, Mr. RENACCI, Mr. CAPUANO, Mr. BUTTERFIELD, Mr. RYAN of Ohio, and Mr. CARSON of Indiana):

H.R. 5621. A bill to posthumously award a Congressional Gold Medal to Lawrence Eugene ''Larry'' Doby in recognition of his achievements and contributions to American major league athletics, civil rights, and the Armed Forces during WWII; to the Committee on Financial Services.

By Mr. AGUILAR:

H.R. 5622. A bill to amend the Higher Education Act of 1965 to give borrowers an option to extend the grace period prior to the beginning of the repayment period, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ABRAHAM (for himself, Mr. BOUSTANY, Mr. FLEMING, and Mr. GRAVES of Louisiana):

H.R. 5623. A bill to authorize the award of the Distinguished Service Cross to Chaplain (First Lieutenant) Joseph Verbis LaFleur for acts of valor during World War II; to the Committee on Armed Services.

By Mr. EMMER of Minnesota (for himself and Ms. MCCOLLUM):

H.R. 5624. A bill to require the Secretary of State to take such actions as may be necessary for the United States to rejoin the Bureau of International Expositions, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MOULTON (for himself, Mr. HURD of Texas, Mr. SWALWELL of California, Mr. ISSA, Mr. MEADOWS, and Mrs. BUSTOS):

H.R. 5625. A bill to provide for reimbursement for the use of modern travel services by Federal employees traveling on official Government business, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MULLIN (for himself and Mr. GUTHRIE):

H.R. 5626. A bill to amend title XIX of the Social Security Act to eliminate the requirement for 3 months of retroactive coverage under the Medicaid program; to the Committee on Energy and Commerce.

By Mr. RIBBLE:

H.R. 5627. A bill to adopt the monarch butterfly as the national butterfly of the United States; to the Committee on Oversight and Government Reform.

By Mr. COLLINS of New York (for himself, Mr. GOHMERT, Mr. ROHRABACHER, Mr. OLSON, Mr. BISHOP of Michigan, and Mr. LAMALFA):

H.J. Res. 96. A joint resolution proposing an amendment to the Constitution of the United States to prohibit the President from making recess appointments; to the Committee on the Judiciary.

By Mr. RENACCI (for himself, Mr. AMODEI, Mr. BARLETTA, Mr. BARR, Mrs. BROOKS of Indiana, Mr. BUCSHON, Mrs. BUSTOS, Mr. CARNEY, Mr. DESAULNIER, Mr. HANNA, Mr. JOYCE, Mr. KELLY of Pennsylvania, Mr. KILMER, Mr. SEAN PATRICK MALONEY of New York, Mr. MEEHAN, Mr. MOULTON, Mrs. NOEM, Mr. PETERS, Mr. QUIGLEY, Miss RICE of New York, Ms. STEFANIK, Mr. VALADAO, Mr. WEBSTER of Florida, and Mr. WELCH):

H. Con. Res. 140. Concurrent resolution providing for a joint session of Congress to receive a presentation from the Comptroller General of the United States regarding the audited financial statement of the executive branch; to the Committee on House Administration.

By Mr. COHEN (for himself, Mr. KELLY of Mississippi, Mr. THOMPSON of Mississippi, and Mr. HARPER):

H. Res. 802. A resolution recognizing the historical significance and the 50th anniversary of the ''James H. Meredith March Against Fear'', a 220-mile walk down Highway 51 from Memphis, Tennessee, to Jackson, Mississippi; to the Committee on the Judiciary.

By Mr. BERA (for himself, Mr. QUIGLEY, Mr. PETERS, Mrs. LAWRENCE, Mrs. WATSON COLEMAN, and Ms. LEE):

H. Res. 804. A resolution amending the Rules of the House of Representatives to allow independent, non-government television cameras to broadcast House floor proceedings; to the Committee on Rules.

By Mr. RUIZ (for himself, Ms. LEE, and Ms. ROS-LEHTINEN):

H. Res. 805. A resolution supporting the goals and ideals of ''National Latino AIDS Awareness Day'' on October 15, 2016, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina (for himself and Mr. MOULTON):

H. Res. 806. A resolution expressing condolences for the killing of the British Member of Parliament (MP) Jo Cox; to the Committee on Foreign Affairs.

By Mr. ZINKE (for himself, Mr. YOUNG of Alaska, Mrs. KIRKPATRICK, Mrs. LAWRENCE, Mr. CRAMER, Ms. BROWN of Florida, Ms. LEE, Mr. ADERHOLT, Mr. PEARCE, Ms. MCCOLLUM, and Mr. COLE):

H. Res. 807. A resolution expressing support for designation of May 5, 2017, as ''National Day of Awareness for Missing and Murdered Native Women and Girls''; to the Committee on Natural Resources.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. YOUNG of Iowa:

H.R. 5619.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States

By Mr. MILLER of Florida:

H.R. 5620.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. PASCRELL:

H.R. 5621.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. AGUILAR:

H.R. 5622.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. ABRAHAM:

H.R. 5623.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 14 of the U.S. Constitution: ''To make rules for the government and regulation of the land and naval forces''

By Mr. EMMER of Minnesota:

H.R. 5624.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the U.S. Constitution grants Congress the authority to:

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes

By Mr. MOULTON:

H.R. 5625.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. MULLIN:

H.R. 5626.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. RIBBLE:

H.R. 5627.

Congress has the power to enact this legislation pursuant to the following:

No section of Article I of the Constitution prohibits Congress from honoring flora and fauna of the United States.

By Mr. COLLINS of New York:

H.J. Res. 96.

Congress has the power to enact this legislation pursuant to the following:

Article V of the United States Constitution grants Congress the authority, ''whenever both Houses shall deem it necessary,'' to propose Amendments to the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 292: Mr. LYNCH and Ms. LORETTA SANCHEZ of California.

H.R. 378: Mr. MCNERNEY.

H.R. 391: Mr. BISHOP of Georgia.

H.R. 508: Ms. SLAUGHTER and Mr. MEEKS.

H.R. 546: Mr. GIBBS, Mr. JOYCE, and Ms. MATSUI.

H.R. 556: Mr. NEWHOUSE.

H.R. 581: Mr. RICHMOND.

H.R. 605: Mr. CONYERS.

H.R. 649: Ms. HAHN.

H.R. 711: Mrs. LAWRENCE, Mr. CURBELO of Florida, and Mr. PAULSEN.

H.R. 916: Ms. GRAHAM and Mr. GRIJALVA.

H.R. 921: Mr. POE of Texas, Mr. WALDEN, Mr. HUIZENGA of Michigan, Ms. JUDY CHU of California, Mr. SANFORD, Mr. NUNES, Mr. BLUMENAUER, and Mr. ROYCE.

H.R. 1002: Ms. KUSTER.

H.R. 1055: Mr. MCDERMOTT.

H.R. 1076: Mr. GALLEGO.

H.R. 1111: Mr. CÁRDENAS.

H.R. 1112: Mr. MCDERMOTT.

H.R. 1114: Mr. BOUSTANY.

H.R. 1147: Mr. GOSAR.

H.R. 1192: Mr. VELA, Mr. MARCHANT, and Mrs. LAWRENCE.

H.R. 1220: Ms. GRANGER and Mr. LYNCH.

H.R. 1284: Ms. BORDALLO, Mr. LEWIS, Mr. HONDA, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1380: Mr. MCGOVERN.

H.R. 1449: Mr. FARR, Mr. MEEKS, and Mrs. LAWRENCE.

H.R. 1516: Mr. NEAL and Mr. BLUMENAUER.

H.R. 1519: Mr. HECK of Washington.

H.R. 1559: Mr. GRAVES of Georgia.

H.R. 1603: Mrs. MCMORRIS RODGERS.

H.R. 1653: Mr. KIND and Mr. MCDERMOTT.

H.R. 1713: Ms. VELÁZQUEZ.

H.R. 1904: Mr. SEAN PATRICK MALONEY of New York.

H.R. 1905: Mr. SEAN PATRICK MALONEY of New York and Mr. YOHO.

H.R. 2014: Mr. NOLAN.

H.R. 2114: Mr. CLAY.

H.R. 2151: Mr. MULLIN.

H.R. 2205: Mr. YOUNG of Iowa.

H.R. 2254: Ms. PINGREE.

H.R. 2285: Mr. DAVID SCOTT of Georgia.

H.R. 2311: Mr. ENGEL.

H.R. 2315: Mr. SALMON.

H.R. 2342: Ms. LORETTA SANCHEZ of California.

H.R. 2404: Mr. SMITH of New Jersey, Mr. CICILLINE, and Mr. SCHRADER.

H.R. 2446: Mrs. LAWRENCE.

H.R. 2610: Mr. YOUNG of Iowa.

H.R. 2624: Ms. JUDY CHU of California.

H.R. 2646: Mr. HARDY and Mr. NORCROSS.

H.R. 2656: Mr. CARTWRIGHT.

H.R. 2698: Mr. KLINE.

H.R. 2846: Mr. NEAL.

H.R. 2903: Mr. GENE GREEN of Texas, Mr. LANGEVIN, Mr. SANFORD, and Mr. KILDEE.

H.R. 2963: Mr. JEFFRIES.

H.R. 2972: Mr. CICILLINE.

H.R. 3014: Mr. POE of Texas.

H.R. 3051: Mr. HUFFMAN and Mr. VEASEY.

H.R. 3229: Ms. LORETTA SANCHEZ of California.

H.R. 3268: Mr. RICHMOND.

H.R. 3337: Mr. ENGEL.

H.R. 3339: Mr. TROTT.

H.R. 3355: Mr. BLUMENAUER and Mr. COURTNEY.

H.R. 3381: Mr. HULTGREN, Mr. LOEBSACK, Ms. BASS, Mr. MCDERMOTT, Ms. MENG, and Mr. GALLEGO.

H.R. 3411: Mr. CROWLEY and Mr. COURTNEY.

H.R. 3445: Mr. CAPUANO.

H.R. 3520: Mr. PAYNE.

H.R. 3535: Mr. CUMMINGS, Mr. FITZPATRICK, and Ms. TSONGAS.

H.R. 3637: Mr. HASTINGS.

H.R. 3706: Mrs. LAWRENCE, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Mr. DEFAZIO, Mr. YARMUTH, Mr. NEAL, and Mr. JOHNSON of Georgia.

H.R. 3720: Ms. BROWNLEY of California.

H.R. 3742: Mr. GUTHRIE, Mr. HULTGREN, and Ms. WASSERMAN SCHULTZ.

H.R. 3815: Mr. KATKO.

H.R. 3846: Mrs. NOEM.

H.R. 3870: Ms. SLAUGHTER.

H.R. 3926: Mr. HUFFMAN, Ms. KELLY of Illinois, and Mrs. TORRES.

H.R. 3929: Mr. LYNCH, Ms. JACKSON LEE, Ms. TITUS, Mr. CONYERS, Mr. KENNEDY, Mr. NEAL, Mr. NOLAN, Mr. KEATING, Mr. WILLIAMS, Mr. CALVERT, Mr. BRADY of Texas, Mr. RATCLIFFE, Mr. COSTELLO of Pennsylvania, Mr. CARTER of Georgia, Mr. MULLIN, Mr. ALLEN, Mr. JENKINS of West Virginia, Mr. LANCE, Mr. MULVANEY, Mr. FLEISCHMANN, Mr. HILL, Mr. TAKANO, Ms. DELAURO, Mr. JORDAN, Mr. SMITH of New Jersey, Mr. ROGERS of Kentucky, Mr. YARMUTH, Mr. YOUNG of Indiana, Mr. O'ROURKE, Mr. ASHFORD, Mr. DESAULNIER, Mrs. BUSTOS, Mr. SEAN PATRICK MALONEY of New York, Mr. SALMON, Mr. DUNCAN of South Carolina, Mr. PALLONE, Mr. COLLINS of Georgia, and Mr. BUTTERFIELD.

H.R. 3952: Mr. CONNOLLY.

H.R. 4043: Ms. NORTON, Mr. GRIJALVA, Mrs. DAVIS of California, and Mr. FOSTER.

H.R. 4114: Ms. KUSTER.

H.R. 4118: Mr. KEATING.

H.R. 4137: Mr. KEATING.

H.R. 4164: Mr. CHAFFETZ.

H.R. 4223: Ms. HAHN.

H.R. 4247: Mr. BARR and Mr. RENACCI.

H.R. 4298: Mr. CARTWRIGHT.

H.R. 4381: Mr. REICHERT and Mr. KING of New York.

H.R. 4422: Ms. WASSERMAN SCHULTZ.

H.R. 4435: Mr. POLIS.

H.R. 4474: Mr. COSTA and Mr. BROOKS of Alabama.

H.R. 4481: Mr. VAN HOLLEN, Ms. DELBENE, Mr. GRAYSON, Mr. KEATING, Mr. ASHFORD, and Ms. BROWN of Florida.

H.R. 4488: Mr. JEFFRIES and Mr. KILDEE.

H.R. 4514: Mr. COLLINS of New York, Mr. REED, Mr. MICA, Mr. MACARTHUR, Mr. DAVID SCOTT of Georgia, Mr. SIRES, Mr. GRAVES of Missouri, and Mr. LANCE.

H.R. 4531: Ms. BORDALLO and Mrs. RADEWAGEN.
H.R. 4538: Ms. WASSERMAN SCHULTZ.
H.R. 4559: Mr. PITTS.
H.R. 4567: Mr. FITZPATRICK.
H.R. 4584: Mr. KILMER.
H.R. 4640: Mr. COLLINS of New York, Mr. KIND, Ms. SLAUGHTER, and Ms. KAPTUR.
H.R. 4665: Mr. JOLLY and Mr. BLUMENAUER.
H.R. 4695: Ms. JUDY CHU of California.
H.R. 4715: Mr. TIBERI, Mr. JONES, and Mr. SHUSTER.
H.R. 4740: Mr. NEAL.
H.R. 4764: Mr. ROSKAM and Mr. POLIQUIN.
H.R. 4773: Mr. LOBIONDO, Mr. MICA, and Mr. LANCE.
H.R. 4817: Mr. GALLEGO, Ms. LEE, Mr. HECK of Washington, and Mr. RICHMOND.
H.R. 4828: Mr. DAVIDSON, Mr. GOSAR, Mr. HARPER, Mr. DESJARLAIS, Mr. YODER, Mr. KELLY of Pennsylvania, Mr. GOHMERT, and Mr. HUIZENGA of Michigan.
H.R. 4869: Mr. CURBELO of Florida.
H.R. 4893: Mr. EMMER of Minnesota.
H.R. 4907: Mr. ROUZER, Mr. THOMPSON of California, Ms. KAPTUR, and Mr. KILMER.
H.R. 4922: Mr. COFFMAN.
H.R. 4927: Ms. PINGREE.
H.R. 4938: Mr. MCKINLEY and Mr. ROGERS of Alabama.
H.R. 4941: Ms. KAPTUR.
H.R. 4979: Mr. FLEISCHMANN.
H.R. 4980: Mr. KLINE, Mr. WALBERG, and Mrs. HARTZLER.
H.R. 5001: Mr. SANFORD and Mr. ABRAHAM.
H.R. 5007: Mr. COHEN.
H.R. 5021: Mr. MULLIN.
H.R. 5025: Mr. CÁRDENAS.
H.R. 5062: Mr. LEWIS.
H.R. 5073: Mr. BEYER.
H.R. 5090: Mr. GUINTA, Mr. HECK of Washington, Mr. SHERMAN, Mr. ASHFORD, Mr. MICHAEL F. DOYLE of Pennsylvania, and Mr. DANNY K. DAVIS of Illinois.
H.R. 5094: Mrs. MCMORRIS RODGERS.
H.R. 5124: Ms. WASSERMAN SCHULTZ.
H.R. 5143: Mr. BABIN.
H.R. 5166: Mr. SWALWELL of California and Mr. HURD of Texas.
H.R. 5167: Mr. REICHERT.
H.R. 5171: Mr. HULTGREN.
H.R. 5180: Mr. COLLINS of New York, Mr. NEUGEBAUER, Mr. COLE, and Mr. ZINKE.
H.R. 5182: Mr. MURPHY of Florida, Mr. SIRES, Mr. DUFFY, and Miss RICE of New York.
H.R. 5204: Mr. HULTGREN.
H.R. 5207: Mr. LEWIS.
H.R. 5210: Mr. GRIFFITH and Ms. SEWELL of Alabama.
H.R. 5230: Mr. STEWART.
H.R. 5232: Mr. RYAN of Ohio.
H.R. 5235: Ms. JUDY CHU of California and Ms. LEE.
H.R. 5256: Mr. HIGGINS and Mr. CARTWRIGHT.
H.R. 5265: Mr. SEAN PATRICK MALONEY of New York, Mr. CÁRDENAS, Mr. GRIJALVA, and Ms. SPEIER.
H.R. 5292: Mr. BARR, Mr. PALLONE, Mr. LYNCH, Mr. NEWHOUSE, Mr. REICHERT, Mr. KEATING, Ms. SLAUGHTER, Mr. LAHOOD, and Mr. CRAWFORD.
H.R. 5319: Mr. GOHMERT.
H.R. 5332: Mr. CRAMER and Mr. VAN HOLLEN.
H.R. 5341: Mr. CONNOLLY.
H.R. 5344: Mr. COHEN.
H.R. 5355: Ms. KAPTUR.
H.R. 5369: Mr. ELLISON, Mr. JOYCE, and Mr. BUTTERFIELD.
H.R. 5392: Mr. FLEISCHMANN.
H.R. 5413: Mr. BARR.
H.R. 5457: Mr. GRAVES of Missouri, Mr. GOHMERT, Mr. MEADOWS, Mr. KING of Iowa, and Mr. WITTMAN.
H.R. 5465: Mr. SMITH of Nebraska.
H.R. 5474: Mr. DANNY K. DAVIS of Illinois.
H.R. 5489: Mr. SCHRADER, Mr. COLLINS of New York, Ms. ESTY, and Mr. ROONEY of Florida.
H.R. 5500: Mr. ISRAEL.
H.R. 5506: Mr. GUTHRIE, Mr. COSTELLO of Pennsylvania, Ms. CLARKE of New York, and Mr. VELA.
H.R. 5513: Mr. PALAZZO, Mr. NEWHOUSE, and Mr. EMMER of Minnesota.
H.R. 5523: Mr. RENACCI.
H.R. 5528: Mr. TAKANO.
H.R. 5534: Mr. CÁRDENAS.
H.R. 5544: Mr. GRAYSON.
H.R. 5560: Mr. BLUMENAUER, Ms. BROWN of Florida, Mrs. WATSON COLEMAN, and Ms. NORTON.
H.R. 5592: Ms. NORTON.
H.R. 5605: Mr. THOMPSON of Pennsylvania.
H.R. 5608: Mr. SCHWEIKERT and Mrs. BLACK.
H.R. 5617: Mr. BRENDAN F. BOYLE of Pennsylvania.
H. Con. Res. 19: Mr. QUIGLEY.
H. Con. Res. 114: Mr. DUNCAN of Tennessee.
H. Con. Res. 122: Mr. KILMER.
H. Res. 28: Mr. SARBANES, Mr. BERA, and Ms. TSONGAS.
H. Res. 112: Ms. JUDY CHU of California.
H. Res. 445: Mrs. CAROLYN B. MALONEY of New York.
H. Res. 473: Ms. KELLY of Illinois.
H. Res. 584: Mr. MCDERMOTT.
H. Res. 590: Mr. PERLMUTTER and Mr. SMITH of Missouri.
H. Res. 617: Ms. ROS-LEHTINEN.
H. Res. 631: Mr. ENGEL.
H. Res. 642: Mr. LAMBORN.
H. Res. 686: Mr. KILDEE, Mr. AL GREEN of Texas, Mr. COURTNEY, Mr. MCGOVERN, and Mrs. KIRKPATRICK.
H. Res. 694: Ms. MOORE.
H. Res. 695: Mr. CLAY.
H. Res. 740: Mr. WENSTRUP and Ms. KAPTUR.
H. Res. 750: Mr. HASTINGS and Mr. DIAZ-BALART.
H. Res. 782: Mr. KILMER.
H. Res. 786: Mr. JOHNSON of Georgia and Mr. MCDERMOTT.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. GOODLATTE

The provisions that warranted a referral to the Committee on the Judiciary in H.R. 5611 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. MCCAUL

The provisions that warranted a referral to the Committee on Homeland Security in H.R. 5611 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. ROYCE

The provisions that warranted a referral to the Committee on Foreign Affairs in H.R. 5611 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative PALMER, or a designee, to H.R. 4361, the Federal Information Systems Safeguards Act of 2016 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 5580: Mrs. BUSTOS.

EXTENSIONS OF REMARKS

TRIBUTE TO ADAM HACKFORT

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Adam Hackfort, a member of the 2016 Iowa Boys 2A State Golf Tournament Championship Team.

Adam, and his teammates at Panorama High School, persevered through a tough season. With steady and consistent play at the state tournament, these students showed the state of Iowa that they were worthy of a state championship two years in a row.

Mr. Speaker, Adam's determination, hard work, commitment and team work is what contributed to the stellar success of his team. His willingness to give it his best effort is what will be valuable later in life and I am honored to represent Adam in the United States Congress. I ask my colleagues in the United States House of Representatives join me in congratulating Adam Hackfort and his team for competing and winning this rigorous competition. We all share in wishing him nothing but continued success.

RETIREMENT OF COLONEL SAMUEL D. GRABLE

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Ms. GRANGER. Mr. Speaker, I rise today to honor the Director of the Air Force Office of Budget and Appropriation Liaison, Colonel Samuel Grable.

Colonel Grable is retiring after a long and impressive career in the Air Force. Here in Congress, we are especially grateful for his work in communicating the Air Force message in a clear and concise manner.

He played a critical role during the budget roll-out process in 2013, 2014, 2015 and 2016, setting the highest standards for clarity and honesty. His personal approach and respect for others helped rebuild credibility between the Air Force and the Congress.

Colonel Grable is a native of Seattle, Washington, and earned a Bachelor's degree in Accounting from Pepperdine University in Malibu, California, and a Master of Arts degree in Organizational Management from George Washington University in Washington, DC.

During his career he has served in a variety of operational, command and staff assignments in the United States and overseas. He deployed as the Chief of Plans to Multi-National Corps in Baghdad and as Mission Support Group Commander at Kandahar Airfield, Afghanistan in support of Operations Iraqi, and Enduring, Freedom.

Colonel Grable became the director of the Air Force Office of Budget and Appropriation Liaison in July 2012. He became the principal strategist and advisor to both the Secretary, and Chief of Staff, of the Air Force and a critical conduit between their offices and Congress. Under Colonel Grable's leadership, his office was able to shape programs critical to the future of our national defense such as the KC–46 Tanker and F–35 Joint Strike Fighter.

The Congressional Appropriations Committees and our country owe Colonel Grable a debt of gratitude for his tireless work.

HONORING GARY BERBLINGER

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor Mr. Gary Berblinger as he retires after 46 years in publishing. Gary began his career in Belleville, Illinois, in 1973 and continued to work in journalism in St. Louis and in Bradenton, Florida. Since 2006, he has worked in Park Hills, Missouri, first as business manager and since 2008, as publisher of the Daily Journal, Farmington Press, and Democrat News.

Gary has distinguished himself in the communities he serves as a member of the St. Francois County Rotary Club, Greater Farmington Regional Chamber of Commerce, and the St. Francois County Community Partnership. He and his wife Mary have been members of St. Joseph Catholic Church in Farmington.

Mary says of her husband's retirement, ''I'm looking forward to having him home. He's worked 50 years of his life. He has always loved his job. His work has been his hobby, too. Now is our time to travel and go see the kids and grandkids.''

In celebration of his dedication to publishing, his community involvement, and his citizenship, it is my pleasure to recognize Mr. Gary Berblinger of Farmington, Missouri before the United States House of Representatives.

HONORING AND CELEBRATING THE LIFE OF JOSEPH E. RYAN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. HIGGINS. Mr. Speaker, I rise today to honor and celebrate the life of Joseph E. Ryan, a man who served his country, city and community in times of need. A leader on the field of battle so many times and in so many ways, Joe Ryan lived a life full of triumph and tragedy that is testament to his indomitable spirit and determination to make a difference in this world.

The first born in a family of ten, Joe Ryan graduated from St. Joseph's Collegiate Institute in 1961, where he was class president and an all-Catholic and all-Western New York football player. He went on to earn his degree in industrial and labor relations from Cornell University, while also capturing all-Ivy League honors as a center and linebacker on the football team.

Mr. Ryan served in the Navy from 1965 to 1969, in which he spent 17 months in Vietnam as a diving team commander. He earned the Bronze Star for his actions and rose to the rank of lieutenant before returning home from service.

Upon his return, Mr. Ryan's involvement and influence in the community began and grew for more than forty years. An engineering consultant in 1971, the late Mayor Frank Sedita tapped this rebel with a cause to serve as the executive director of the Citizens Advisory Committee, where he energetically directed the Community Development Block Grant program and fostered the growth of local nonprofit neighborhood groups.

In 1982, he helped found the local Vietnam Veterans Leadership Program and served as its first president. A horrific bicycle accident in 1985 would leave Mr. Ryan paralyzed but his efforts to assist others in need could never be contained as even from his hospital bed he finalized arrangements for his self-created Best of the Turtles race to raise scholarship money for the children of local Vietnam veterans.

In 1998, City of Buffalo Mayor Anthony Masiello appointed him as Community Development Commissioner. Mr. Ryan remained in that position for more than four years leading the creation of the Department of Strategic Planning and a focused effort to engage residents in planning initiatives to revitalize neighborhoods.

With staunch determination to be an advocate for others, Joe Ryan volunteered countless hours to the community and those in need. He served on the national board of directors of the Eastern Paralyzed Veterans, which advocated for veterans on health care issues. He took part in the Paralyzed Veterans America Wheelchair Games in 1987, helping raise money for the Erie County Medical Center spinal cord injury unit.

He served as a chairman of the Board of Managers for Erie County Medical Center in the 1990s and was President of the Friends of the Night People. Mr. Ryan had also been on the board of directors of St. Joseph's Collegiate Institute, and a board member of the National Spinal Cord Injury Association, the Buffalo Area Council of Alcoholism and Substance Abuse, the United Cerebral Palsy Foundation, and the Cornell University Presidential Council.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Ryan was justifiably recognized many times for his life's work in public service. He received the D'Youville College Community Service Award, and was named Buffalo News Citizen of the Year in 1986. He was given the Clarkson Center's Courage to Come Back Award for devoting his talents to providing customized housing that allow people with disabilities to live independently.

And while he lived an independent and purposeful life, little would have been possible without the unconditional, unyielding love and loyalty of his devoted wife of 44 years, Eileen and their greatest shared accomplishment, son Sean, a former NFL player.

Mr. Speaker, I honor the life of Mr. Joseph E. Ryan. I ask that my colleagues join me in expressing our deepest condolences to all of the Ryan family, including his daughter-in-law, Mary Elizabeth, his grandchildren, Emmie, Sienna and Colin, his brothers, sisters and many friends and colleagues as they join together at a celebration of his life on Saturday, June 25 at St. Joseph's University Church.

The extraordinary story of his life will continue to be told by all those who will always remember: here was a man who could not stand himself, yet made it his life's work to always stand up for others.

OLNEY/RICHLAND CO. 175TH ANNIVERSARY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. SHIMKUS. Mr. Speaker, I rise today to acknowledge the Dodransbicentennial, or 175th Anniversary of Richland County. Richland County was created in 1841 by combining sections of western Lawrence County and eastern Clay County. Olney was named the seat of Richland County due to its centrality and desirable proximity to the Fox River.

Over the years, many students have benefitted from being able to receive a quality and affordable education at Olney Central College. In addition to its support of education, Olney has a marvelously rich history of being a center of transportation, medicine, culture, and agriculture for Southeastern Illinois.

A large colony of albino squirrels first found sanctuary in Olney in the early 1900s. Because of this, inquiring visitors from near and far are attracted to the ''Home of the White Squirrels.'' Olney and Richland County are the home to many churches and volunteer organizations, as well.

I look forward to the continued prosperity of Olney and Richland County largely due to its citizens who respect their history and have a vision for their future; I also offer my congratulations on the occasion of the 175th anniversary celebration which will take place from July 22–24, 2016.

HONORING THE 300TH ANNIVERSARY OF THE INCORPORATION OF GEORGETOWN, MAINE

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Ms. PINGREE. Mr. Speaker, I rise today to celebrate the 300th birthday of a town in my District. On June 13, 1716, Georgetown was incorporated as the 10th town in the Province of Maine.

Located on an island between the mouths of the Kennebec and Sheepscot Rivers, Georgetown has a rich history that goes back far longer than 300 years. For generations, the Abenakis knew the island as a place for good spear fishing. John Parker—to whom many current residents can still trace their lineage—built its first permanent homestead on land he purchased for a hogshead of rum and a few pumpkins in 1649. And its location on the border between what was then New France and New England brought several conflicts during the French and Indian Wars of the 1700s.

Thankfully, though, peace did eventually come to Georgetown. Since then, generations of Mainers have made their living there in boatbuilding, fishing, and other trades. And countless visitors have gone there searching for the best of what the Maine coast has to offer. Indeed, with the town's picturesque scenes, wicked good lobster, and hard-working people, that's exactly what they've found.

Mr. Speaker, it makes me very proud to represent a community with such a rich history and uniquely Maine character. My congratulations to Georgetown and all its residents on this wonderful occasion—and my best wishes for many more birthdays in the future.

TRIBUTE TO AL PIZZANO

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Mr. Al Pizzano, Chief of Police of Pleasant Hill, Iowa and retired Captain of the New York City Police Department's elite Emergency Service Unit. Chief Pizzano assumed his post as Chief of Police of Pleasant Hill in September 2015. He was recently honored in New York by the city's mayor and police chief during its annual Medal Day ceremony which pays tribute to the exemplary public servants whose selfless acts have made the ultimate sacrifice while protecting the lives and safety of all Americans. He was one of 53 recipients for the awards.

Chief Al Pizzano received the Police Combat Cross, the Department's second highest award, granted to members who have successfully and intelligently performed an act of extreme heroism while engaged in combat with an armed adversary. On April 8, 2012, Chief Pizzano and five members of the elite Emergency Service Unit were called to negotiate with an armed suspect, were injured in the ensuing gunfire, but avoided civilian casualties during the apprehension.

Chief Al Pizzano began his law enforcement career in 1987 with the New York Police Department, training and supervising 200 officers and 30 civilian employees while commanding the K–9 Resources throughout New York City. He left the Department to join Homefront Protective Group where he analyzed police agencies and administered police-related training courses before coming to Iowa as Police Chief of Pleasant Hill.

Mr. Speaker, I applaud and congratulate Chief Al Pizzano for this award and for sharing his servant leadership with an entire community. I am proud to represent him in the United States Congress. I ask that my colleagues in the United States House of Representatives join me in congratulating Chief Al Pizzano and wishing him nothing but continued success.

CONGRATULATING THE WEST VIEW MASONIC LODGE NUMBER 103

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. SMITH of Missouri. Mr. Speaker, I rise today to congratulate the West View Masonic Lodge No. 103 for its 150th anniversary. Chartered on June 2, 1866, the West View Lodge has served the Millersville, MO area and has stood as a symbol for brotherly love, relief, and truth for one hundred and fifty years.

As a branch of the world's oldest fraternal organization, the Ancient Free and Accepted Masons of Missouri has over 36,000 members who work hard to serve and improve their communities. The millions of freemasons worldwide comprise various bodies, including the Shriners, Order of the Eastern Star, Tall Cedars of Lebanon, and nearly 30 others. These philanthropic groups donate over sixty million dollars to their communities each month.

As a result of its efforts and passion for service to the Millersville community, the West View Masonic Lodge No. 103 has helped countless citizens throughout the years. I'm proud of their achievements thus far, and I look forward to seeing the ongoing fruits of their mission. For the special place it holds in the hearts and lives of many in the community, it is my pleasure to recognize the 150th anniversary of the West View Masonic Lodge No. 103 before the House of Representatives.

TRIBUTE TO RONALD NABAKOWSKI

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Ms. KAPTUR. Mr. Speaker, I rise today to commemorate a true public servant and fellow Ohio politician, Ronald Nabakowski. Ron passed away Friday, June 10th after a long struggle with ALS, and will be dearly missed by his family and friends.

At the time of his passing Ron was retired, fully enjoying his time with family and actively

promoting the redevelopment of downtown Lorain. He had been a public servant in government for forty-two years.

Prior to his retirement Ron served as Clerk of Court of Common Pleas in Lorain County for fourteen years, after a long career as State Senator, Lorain County Commissioner, and Director of the Ohio Lottery on Governor Dick Celeste's cabinet.

Throughout his long career Ron remained dedicated to making government work better for the people. A Democrat, Ron did not hesitate to reach across the aisle to create comprehensive legislation that could pass the State legislature, and to ensure the community he represented flourished.

One of his proudest moments in public service came while serving as Director of the Ohio Lottery. During his tenure, 17 cents of each state dollar went towards primary and secondary education in Ohio—a record that would remain unrivaled by subsequent Lottery administrations.

An outspoken politician at times, Ron had many admirers and critics. Regardless of party affiliation, there was no denying that Ron was genuine, and that he would certainly act in a fair manner. He was led by Christian values and his love for the Lorain community. These values served him well, establishing Ron as a public servant of the highest order.

Ron is survived by his wife of 55 years, Dorothea, and six of his children, having been preceded in death by a daughter and his parents.

We offer them our prayers and hope that they find comfort in the wonderful memories of our dear friend, Ron, who will be remembered with affection and gratitude for his probing intellect, kind heart, and utter dedication to advancing Lorain as a community, its people and its institutions.

RECOGNIZING JOAN M. FLANAGAN ON HER RETIREMENT FROM U.S. CITIZENSHIP & IMMIGRATION SERVICES

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. HIGGINS. Mr. Speaker, I rise to honor the remarkable Joan M. Flanagan on the occasion of her retirement after more than thirty years of accomplished and distinguished service with what was the Immigration and Naturalization Service (INS) and is now United States Citizenship and Immigration Services.

Ms. Flanagan entered on duty on November 24, 1985 as a Mail and File Clerk in the Records unit at the INS Office then located at the Buffalo Federal Court House on Court Street. In June of 1987, she joined the Investigations Unit of INS as the Anti-Smuggling/Vehicle Seizure clerk where she participated in a pilot program to track data pertaining to vehicle seizures into the automated seizure/forfeiture system. That system was expanded when the data was entered into the Operation Activities Special Information System (OASIS) and rolled out to all Ports of Entry proving to be a very useful tool for the inspection program.

In January of 1990, Joan Flanagan joined the Information/FOIA–PA Unit (Freedom of Information Act/Privacy Act), as an Information Officer for Buffalo. At that time, the Buffalo Information Officers also staffed INS Information offices in Rochester and Syracuse several days a week.

In October 2002, Ms. Flanagan was promoted to Supervisory Information Officer. She was the leader of the Information employees of INS who answered sometimes extremely complicated questions from the public who appeared at the office in person. The Information Officers also answered phone inquiries, and reviewed and responded to those who had written letters to INS.

In 2004 she served as a core member and subject matter expert in the area of Immigration Information on the Government's Team known as the ''Most Efficient Organization Team'' during a Competitive Sourcing competition relating to all IIOs positions nationwide. At that time, the IIO positions nationwide were deemed commercial in the ''Fair Inventory'' and were placed in A–76 competition to allow private companies to compete for these positions. The Team goal was to prepare the most cost effective proposal that would allow the IIOs to remain as federal employees.

As the subject matter expert, Ms. Flanagan conducted site visits to various offices to research and gather data to aid in the progress of new concepts. She helped streamline workloads and identify and implement the most cost effective measures during the development of the Government's competitive bid for the 1,300 IIO positions. This competition was cancelled in October 2004 prior to submission of final proposals after it was likely learned the work being done by the Information Officers was done as well as possible in terms of cost efficiency, accuracy and service to the public.

In September 2007 Joan Flanagan was promoted to District Adjudications Officer, now called Immigration Service Officer II. In this position, now as part of the U.S. Citizenship and Immigration Service in the Department of Homeland Security, she interviewed applicants who had applied to become permanent residents of the United States and/or those who applied to become citizens of the United States through Naturalization. In January 2011 she was promoted to Supervisory Immigration Services Officer.

In June of 2013 Joan Flanagan was promoted to Chief of Staff of District 2, the Buffalo District, in USCIS which oversees USCIS field offices in Albany, New York, Hartford Connecticut and St Albans, Vermont and a sub office in Syracuse, New York.

While her dedication to country is well documented and her stellar reputation is well deserved, it is her love and loyalty to family and community that is also deserving of our deepest respect and recognition. The wife of William ''Bill'' Flanagan for 26 years, Joni is the very proud mother of the late Jeffrey Fuqua, Kristie (Daron) Moore, Karyn (Duane) Smith and Erin (Kyle) Kiminski. As a completely devoted grandmother to Marissa Stack, Nicholas Moore, Carolyn and Kameron Kiminski, Kaylee Reid and Madison Fuqua, there is no stopping her and Bill from cheering them all on at school programs and sporting events.

The tragic loss of her beloved son, Technical Sergeant Jeffrey Fuqua, to PTSD following more than eleven years of active service in the US Air Force, including tours of Iraq and Afghanistan, compelled her and her daughters to action. This fierce trio of warriors moved with a sense of urgency to help other veterans and their families struggling with PTSD as they brought the community together to raise awareness and funds for WNY Heroes and Horizon Health Services-Freedom Village. She recently joined with her family in unveiling a bench in memory of her son at her grandchildren's school, Notre Dame Academy in South Buffalo.

In sharing great joy as well, it is expected that Joni and Bill, a veteran and a retiree from federal service, will use this time to be together with family and visit the Magic Kingdom even more often.

From an entry level position as a GS–3 clerk, Chief of Staff Joan Flanagan rose through the ranks holding three supervisory positions. Her influence is found in significant policies and programs for USINS and USCIS, she has advised and mentored scores of other employees, and became one of the key players in the Buffalo District, a district known for many years to demonstrate the absolute highest standards of accomplishment, dedication, and service in the federal government to the people of the United States.

Throughout three decades of service, Joan became a reliable resource for information due to her expertise in a myriad of subjects. Joan's intelligence and compassionate personality have made her a truly valued individual and admired friend inside and outside of the office. Joan's dedication to her many positions throughout her career and incredible work ethic will leave her dearly missed.

Mr. Speaker, I recognize and congratulate Joan M. Flanagan on her extensive service and remarkable achievements in both the Immigration & Naturalization Service and the U.S. Citizenship & Immigration Services. We join with her colleagues and many friends in wishing Joan, her husband and family good health and happiness as she brings her extraordinary career to a close and begins a new chapter in her life.

IN RECOGNITION OF BARBARA TAKEI

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Ms. MATSUI. Mr. Speaker, I rise today to honor Ms. Barbara Takei, who is being awarded the National Parks Conservation Association's Marjorie Stoneman Douglas Award for her work in the protection of the Tule Lake confinement site as a national park. As her family, friends and colleagues gather to celebrate her long list of valiant accomplishments, I ask my colleagues to join me in honoring this awe-inspiring individual who has served and contributed greatly to the National Park System.

Born in Sacramento, the daughter of camp internees, Ms. Takei was raised in Detroit and graduated from Howard University. She eventually became the chief financial officer of the

non-profit Tule Lake Committee, an organization focused on the education and recognition of Tule Lake, one of the largest and most controversial sites where thousands of men, women, and children of Japanese ancestry were incarcerated and detained. Ms. Takei is being honored for spearheading the effort to prevent the construction of an intrusive fence for an airport on the Segregation Center Property, which would have disturbed visitor access to the site and its visual history. Without her longstanding and tireless leadership, the Tule Lake confinement site would likely not be a protected unit of the National Park System today.

In addition to her steadfast fight for national park protection, Ms. Takei has been active in the community for preserving the cultural history of Japanese-Americans, as well as spending the past decade researching and writing about Tule Lake's segregation history.

Mr. Speaker, as the members of the National Parks Conservation Association celebrate and recognize Ms. Barbara Takei for her accomplishments and value to the National Park System at the annual Tule Lake Pilgrimage, along with Tule Lake survivors and their families, I ask all my colleagues to join me in honoring this outstanding individual.

RECOGNIZING PENNRIDGE CITIZEN OF THE YEAR: PATRICIA A. GUTH

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize Patricia Guth being named the Pennridge Citizen of the Year.

Dedicated to education and administration; Dr. Guth began her teaching career in the Central Bucks School District and in 1958 began teaching in the Pennridge School District. Throughout her career with the Pennridge School District, Dr. Guth was the director of Elementary Education as well as the Assistant Superintendent for Curriculum & Instruction.

In addition, Dr. Guth was the author and model presenter of Alternative Teaching Strategies for the federal grant awarded to the Pennridge School District.

In 1992 Pennridge School District Board of Directors, rededicated Perkasie Elementary School as Dr. Patricia A. Guth Elementary School. Patricia A. Guth Elementary School is a fitting tribute to Dr. Guth's work and the dedicated faculty and staff who have shaped it over the last five decades.

Dr. Guth is an example of countless individuals who have served their community professionally and continue to contribute their experience, time and service through their retirement years. Dr. Guth, has set the bar for citizenship and service for which others should aspire to.

TRIBUTE TO JOHN OVERTON

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize John Overton of Indianola, Iowa for his 50 years of service in the funeral home industry, as recognized by the 2016 Iowa Funeral Directors Association Convention.

Mr. Overton was licensed as a funeral director and embalmer in 1966. He took over the family business, Overton Funeral Home, in 1983. It is one of the oldest businesses in Indianola, founded by his grandfather, Lewis Overton, in 1928. John's wife, Barbara, also helped the funeral home with bookkeeping, marketing and community outreach programs, as well as serving as treasurer.

Though he retired as President of Overton Funeral Home, he continued to serve as funeral director. Through all of his years in the funeral service, he has been an active member of his community. He is also an ordained elder at Trinity United Presbyterian Church, Past President of the Indianola Rotary Club, and a former board member of the Indianola Chamber of Commerce.

I commend John for his half century of service to families during those tough times we all face. I urge my colleagues in the U.S. House of Representatives to join me in congratulating John Overton for his dedication and years of service.

HONORING THE COAST GUARD TRAINING CENTER PETALUMA

HON. JARED HUFFMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. HUFFMAN. Mr. Speaker, I rise today to recognize the Coast Guard Training Center Petaluma in Sonoma County, California, on their 45th year of operations. The Training Center, the Coast Guard's largest on the West Coast, plays an essential role in training and developing their workforce and carrying out the mission of the organization.

Originally known as Two Rock Station, the 876-acre property was purchased by the United States Army in 1942 to serve as an electronic intercept station during World War II. During the Vietnam War, it was expanded to include training facilities for Army soldiers. On July 1, 1971, the United States Coast Guard took over ownership of the facility, renaming the site and expanding the property's functionality with new barracks, family housing units, and a water treatment plant.

Today, the Training Center serves as home to more than 650 active duty service members, civilian employees, and military family members. Each year, more than 3,000 students attend basic and advanced career training courses to become cooks, medics, yeomen, information technicians, operations specialists, and more. The Training Center also hosts leadership courses like the Chief Petty Officers Academy, which prepares members of the service's senior enlisted corps for their roles as front-line leaders and mentors.

Mr. Speaker, it is therefore fitting that we congratulate the United States Coast Guard Training Center Petaluma on its 45th year of operations, and thank the Center and its people for its contributions to our nation's safety, security and environmental stewardship.

HONORING IRONDALE UNITED METHODIST CHURCH

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor the Irondale United Methodist Church on its 150th anniversary.

The church has a rich history in Washington County. Known first as the Irondale Methodist Episcopal Church—South, its first building was constructed in 1866 and dedicated in 1867, free of debt. The first trustees of the church were: John Jamison, Stephen Denton, Garrett Tidwell, Elbridge Thompson, James D. Denton, James S. Evans and James B. Yeargin. It is the oldest church in Irondale.

Irondale Methodist celebrates its 150th with two days of celebration featuring Rev. Jimmie Robinson who grew up across the street from the church.

Known affectionately as the ''Old Brick Church,'' Irondale Methodist currently has only 12 members. Although its numbers have diminished, its mission remains the same: To spread the Good News of Jesus Christ and reach the people of Washington County.

It is my great pleasure to recognize the Irondale United Methodist Church's sesquicentennial celebration today before the United States House of Representatives.

IN RECOGNITION OF TIM HILL, CAPTAIN, PHOENIX FIRE DEPARTMENT, PAST PRESIDENT, PROFESSIONAL FIRE FIGHTERS OF ARIZONA, EXECUTIVE VICE PRESIDENT, UNITED PHOENIX FIRE FIGHTERS ASSOCIATION

HON. KYRSTEN SINEMA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Ms. SINEMA. Mr. Speaker, I rise today to recognize Captain Tim Hill of the Phoenix Fire Department. Tim is retiring today and an incredible thirty one years as a first responder in our community. In addition to serving as a fire fighter, Tim also dedicated his career to serving the greater needs of the fire fighter community and Arizona as a whole.

Tim served as the President of the Professional Fire Fighters of Arizona and as the Executive Vice President of the United Phoenix Fire Fighters Association. In both roles he provided support to his brothers and sisters in the fire-fighting profession and worked with elected officials and the Arizona Legislature to

make policy changes to help every Arizona first responder.

Tim served as President of the Professional Fire Fighters of Arizona when we lost 19 brave young fire fighters from the Granite Mountain Hot Shot team in June of 2013. That was such a tragic loss for our community and our state, and I am so grateful to Tim for the grace, leadership, and compassion he showed in such a difficult time.

Additionally Tim served on the Arizona Fallen Fire Fighter Memorial Commission which recently completed the construction and grand opening of the only memorial honoring the 119 fire fighters, paramedics and emergency personnel in Arizona. His work to make the memorial a reality is a testament to his dedication to his fellow fire fighters and emergency personnel and the entire State of Arizona.

CONGRATULATING MR. CARL GOTZMER ON FIFTY YEARS OF SERVICE TO THE UNITED STATES NAVY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. HOYER. Mr. Speaker, I rise to offer my congratulations to Carl Gotzmer of Accokeek, Maryland, in the Fifth District. On June 30, Carl will be receiving his fifty-year pin from the United States Navy in recognition of a half-century of civilian service at the Naval Surface Warfare Center, Indian Head Division.

Carl is one of our nation's leading experts on energetics, the field of study concerning the movement of energy in a system. This field has wide application in defense technologies, and Carl has drawn on his deep knowledge of it to design systems that help seamen protect our homeland and carry out missions overseas in support of our interests and our allies. He has published more than 100 papers and articles in the field and holds dozens of patents. Furthermore, Carl's analysis of the threat from foreign energetic materials has strengthened our intelligence, and it earned him a Letter of Appreciation from the Office of Naval Intelligence in 2014.

Praised for his ability to translate complex energetics concepts into plain English for policymakers, Carl has been an invaluable asset not only to the Navy but also to the other service branches, as well as to the CIA, FBI, and other national security agencies. In 2013, Secretary Ashton Carter presented him with the Distinguished Civilian Service Award—the Defense Department's highest civilian honor. Over the years, Carl has also received three Meritorious Civilian Service Awards in recognition of his having provided the Navy with solutions to difficult, large-scale problems.

Many of Carl's innovations and discoveries in energetics have subsequently been applied in industry and benefitted America's economy. He developed and named High Temperature Thermal Radiation (HTTR) devices and invented a new class of rocket propellants. Carl has also been a pioneer in the development of undersea explosives and reactive materials. Undoubtedly, his work at Indian Head has saved lives and aided our troops in countless missions around the world.

Before coming to Indian Head in 1966, Carl worked for a year at the U.S. Atomic Energy Commission. He and his wife Kathleen, who also works for the Navy, run a small business in Accokeek that sells their hand-crafted dulcimers to collectors and musicians throughout the country.

On June 30, Carl's family, friends, and colleagues will celebrate his half-century of service at an All-Hands ceremony at the Indian Head Pavilion. Carl has said he intends to continue serving the Navy and our country, with no intention of retiring anytime soon. I congratulate him and wish him continued success in his service to the Navy and to our country.

IN RECOGNITION OF THE 38TH ANNUAL BDPA TECHNOLOGY CONFERENCE

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. BUTTERFIELD. Mr. Speaker, it is with great pride that I rise to recognize and congratulate the National Black Data Processing Associates (BDPA) on its 38th Annual Technology Conference in Atlanta, Georgia.

BDPA was founded in May 1975 by Earl Pace and the late David Wimberly out of concern that minorities were not adequately represented in the IT field. Today, BDPA is comprised of over 2,000 African American IT professionals and has over 40 active chapters nationwide, making it the oldest and largest organization for African American professionals in the information technology field. Since its founding over 40 years ago, BDPA has remained committed to its mission of advancing diverse talent 'from the classroom to the boardroom.'

Each year, BDPA trains over 800 high school students across the nation in computer programming and web development. The organization has trained more students to write code than any other non-profit in the country since 1986.

The theme for the 2016 BDPA Technology Conference—''BDPA Connect''—is especially fitting, as the conference is a time for professionals, employers, vendors, and all attendees alike to connect with one another in over 50 sessions on digital thought leadership preparedness for diverse students and professionals from across the country.

In addition to the innovative contributions provided by this organization, I am proud that BDPA continues to fulfill its mission to promote inclusion and diversity at all levels within the field by providing career growth opportunities for its members.

Last year, BDPA partnered with the Congressional Black Caucus to adopt an African American inclusion plan that outlines specific, measurable steps that the organization will take to increase the recruitment and retention of African Americans in the IT industry. BDPA fully understands that diversity spurs innovation. Infusing diversity and inclusion into various layers of the field will best reflect the communities it serves.

The steps taken by BDPA to promote and boost the contributions of African American professionals are earnest and effective. I applaud BDPA's decades-long commitment to enhancing diversity and inclusion in the information technology field.

Mr. Speaker, I ask my colleagues to join me in congratulating the National Black Data Processing Associates for its outstanding achievements and on the occasion of its 38th Annual Technology Conference.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $19,381,591,140,792.22. We've added $8,754,714,091,879.14 to our debt in 7 years. This is over $8.7 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

HONORING MR. JOHN AUSTIN WERTHING SR.

HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. FINCHER. Mr. Speaker, I rise today to celebrate the life and career of Mr. John Austin Werthing Sr. of Jackson, Tennessee. On June 25, 2016, hundreds of family, friends, and former students gathered for the dedication of LaBelle Street as ''John Austin Werthing, Sr. Boulevard.'' I sincerely congratulate Mr. Werthing on this great honor.

Mr. Werthing was born, raised and schooled in Lexington, Tennessee and completed his education with a Chemistry degree from Lane College. Upon graduation in 1952, Mr. Werthing was drafted into the United States Army where he served two years and is a veteran of the Korean War. While in uniform, he married Sallie Russell of Jackson. The two met in chemistry class years earlier while attending Lane College.

In 1954, Mr. Werthing began teaching in Lexington, Tennessee. Three years later, he moved over to Merry High School and joined the Jackson-Madison School System where he would dedicate the next 40 years of his life to educating students. Throughout his tenure, he touched the lives of thousands of students as a principal of Washington-Douglass, Merry Jr. High, Parkway Jr. High, and Northeast schools.

Mr. Werthing's lifelong love for education continued as he attended several institutes including St. Louis, Tennessee State, Memphis State, and Indiana University where he earned

his Master's degree in 1960. Along with education, he participated in numerous community activities including Lane Alumni, Boys and Girls Club, the Airport Authority, NAACP, and was a member of Macedonia Baptist Church for over 60 years.

For his unwavering devotion to education and the children of Jackson-Madison County, Mr. Werthing certainly deserves this appreciation and recognition from his students, friends, and entire community. On behalf of Tennessee's 8th Congressional District, I would like to congratulate and wish the best of luck for all future endeavors to the family and friends of Mr. John Austin Werthing Sr.

TRIBUTE TO REID COBB

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Reid Cobb, a member of the 2016 Iowa Boys 2A State Golf Tournament Championship Team.

Reid, and his teammates at Panorama High School, persevered through a tough season. With steady and consistent play at the state tournament, these students showed the state of Iowa that they were worthy of a state championship two years in a row.

Mr. Speaker, Reid's determination, hard work, commitment and team work is what contributed to the stellar success of his team. His willingness to give it his best effort is what will be valuable later in life and I am honored to represent Reid in the United States Congress. I ask my colleagues in the United States House of Representatives to join me in congratulating Reid Cobb and his team for competing and winning this rigorous competition. We all share in wishing him nothing but continued success.

100TH BIRTHDAY OF DOROTHY WILSON

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor the remarkable 100th birthday of Dorothy Wilson. Dorothy was born on August 14, 1916 in Tipton, Indiana.

Dorothy is the daughter of Alta and Lou Pursley. She graduated from Summerville High School in Summerville, Missouri and then went on to work at Colling Radio in Cedar Rapids, Iowa. Dorothy spent many cherished years with her loving husband, Bill Wilson.

Dorothy enjoys all of the time she gets to spend with her family. She is a kind and loving person that has brought joy to many lives throughout her years. She is known within her community for her generous heart.

Dorothy has reached a huge milestone in her life by celebrating her 100th birthday. The characteristics that she has displayed thus far in her life have proven to show her as an exceptional person. She has been an extremely beneficial member to our society and with that it is my pleasure to recognize Dorothy before the United States House of Representatives.

PERSONAL EXPLANATION

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. MARCHANT. Mr. Speaker, due to the severe weather in Washington on June 21, 2016, my flight was delayed and I unexpectedly missed roll call votes 334 and 335.

On roll call vote 334, passage of H.R. 5525, End Taxpayer Funded Cell Phones Act of 2016, I would have voted ''yes.''

On roll call vote 35, passage of H.R. 5388, Support for Rapid Innovation Act of 2016, I would have voted ''yes.''

HONORING RETIRED MARINE MASTER SERGEANT RODNEY BUENTELLO

HON. JOAQUIN CASTRO

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. CASTRO of Texas. Mr. Speaker, I rise today to honor a San Antonio hero we tragically lost recently. Retired Marine Master Sergeant Rodney Buentello bravely served our nation in both Iraq and Afghanistan and was awarded the Purple Heart twice.

Last month, when he and his family were enjoying a day at Bandera City Park, Buentello unexpectedly had to tap into the courage and selflessness that served him so well overseas. He saw two teenagers in peril, drowning in rushing water by the park's dam. Disregarding his own safety, Master Sergeant Buentello dove in and rescued the teens, saving their lives. Sadly, he was pulled under the water himself and drowned before rescuers could reach him.

Master Sergeant Buentello lost his life a hero, sacrificing to help those in need. He is emblematic of the best our military has to offer. I offer my deepest sympathies to his wife, their three sons, and all of his loved ones in this time of grief. I also want to extend my prayers and condolences to the John Jay High School community, where Master Sergeant Buentello most recently served as a teacher's aide. His city and nation will forever be grateful for his life and his service.

HONORING L'DINA ROBINSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable public servant, Ms. L'Dina Robinson, the Daughter Ruler and State President of the Grace Jones Temple of Daughter Elkton's. Ms. Robinson has held this position since 1957. Ms. Robinson has been a daughter member of the L. K. Atwood Elk's Lodge Number 518 located on Lynch Street since 1952 some 59 years.

Ms. Robinson is a product of the city of New Orleans, Louisiana. She attended and graduated from Gilbert Academy High School. She also attended and graduated from Dillard University located in Louisiana. Ms. Robinson's work histories include: Office manager for the Historical Edward Lee Hotel of West Church Street and Instructor at Campbell College located on Lynch Street. Ms. Robinson worked many years for the United States Veterans Administration Regional Office. She was first employed as a clerk and she retired as a senior executive several years ago.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. L'Dina Robinson for her dedication to serving.

RECOGNIZING THE CONTRIBUTIONS OF PROFESSOR CARA DRINAN TO H.R. 5124

HON. SEAN PATRICK MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. SEAN PATRICK MALONEY of New York. Mr. Speaker, I want to recognize the contributions of Professor Cara Drinan in the development of H.R. 5124, the Equal Justice Under Law Act of 2016. It was her law review article, The National Right to Counsel Act: A Congressional Solution to the Nation's Indigent Defense Crisis, that initially proposed introducing a cause of action for Sixth Amendment violations prior to conviction. Her efforts were instrumental to the introduction of the bill, and her guidance was invaluable to its development.

TRIBUTE TO LEONA KESTER AND LEO (BILL) STALDER

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate sister and brother, Leona Kester and Leo (Bill) Stalder, on the occasion of their 97th birthday which was celebrated June 2, 2016.

Our world has changed greatly during the course of Leona's and Bill's lives. Since their birth, we have revolutionized air travel and walked on the moon. We have invented the television, cellular phones and the internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and witnessed the birth of new democracies. They have lived through seventeen United States Presidents and twenty-four Governors of Iowa. In their lifetime, the population of the United States has more than tripled.

Mr. Speaker, it is an honor to represent Leona Kester and Leo (Bill) Stalder in the United States Congress. It is my sincere

pleasure to wish them a very happy 97th birthday. I invite my colleagues in the House of Representatives to join me in congratulating them on reaching this incredible milestone together, wishing them even more health and happiness in the years to come.

TRIBUTE TO MARY HEINEY ON HER 100TH BIRTHDAY

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor the remarkable 100th birthday of Mary Heiney. Mary was born to George and Lola Newby on June 19, 1916 in Hartshorn, Missouri.

Mary has lived in the Hartshorn and Summersville areas all her life, before moving to Mountain View Healthcare. She attended and graduated from Black Valley School. Mary married Arthur Heiney with whom she shares four children, Harold, Joe, Doyle, and Kathy. Mary has a total of 20 sweet grandchildren who she loves to spend time with. An active member of the Valley Center Church, faith is of upmost importance to Mary.

Mary has achieved a great milestone in her life by celebrating her 100th birthday. She is a woman of character and is greatly beloved to all who know her. She has displayed exceptional leadership and has contributed greatly to our society throughout her many years. For all of these reasons, it is my pleasure to recognize Mary before the United States House of Representatives.

CONGRATULATING THE TRI-CITY JEWISH CENTER ON ITS 80TH JUBILEE

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mrs. BUSTOS. Mr. Speaker, I rise today to congratulate the Tri-City Jewish Center in Rock Island, Illinois, on their 80th Jubilee.

Jews first came to Illinois' Quad-Cities in the 1850s, contributing greatly to the growth of our region. The Tri-City Jewish Center opened its doors in 1936, and is now the central location for Jewish life in the Quad-Cities area. Since then, they have been a warm and welcoming place for the Jewish community to celebrate, worship, and learn.

Members of the Tri-City Jewish Center pride themselves on providing a first-rate Jewish education to their young children, allowing them to appreciate their history and their heritage. They pride themselves on a strong community that comes together to support members in times of joy and in times of need. And they pride themselves on their service to the broader Quad-City community: leading the charge on interfaith discussions, community service, and education. Countless members volunteer their time to speak with children and educators about Jewish heritage, Israel, the dangers of antisemitism, and the lessons of the Holocaust. This community truly values tikkun olam, or repairing the world.

In July, the center will celebrate its 80th anniversary with members current and past, young and old. Since its founding, The Center has been a credit to the rich history of Rock Island.

Mr. Speaker, I again want to wish a hearty mazel tov to Rabbi Jeffrey Lipschultz, President Steve Geifman, and all of the members of the Tri-City Jewish Center on the celebration of their 80th Jubilee as they look forward to another successful 80 years.

HONORING JUDGE CAROL A. CONNOR

HON. MICHELLE LUJAN GRISHAM

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, I rise today to honor my dear friend, the Honorable Judge Carol A. Connor. Carol represented the best of our great State of New Mexico: she was a loving mother, grandmother, and great-grandmother, a loyal friend to many, a brilliant, hard-working and talented lawyer and judge, and a dedicated advocate for the rights of women, Native Americans, and the environment.

Carol was born in Wolf Point, Montana to Lora M. Worthington and Fred Whitebear Connor on December 31, 1941 and belonged to the Assinibione Sioux tribe. After she graduated from the University of New Mexico Law School in 1978, Carol began an extraordinary career representing numerous tribes across the country. The capstone of her career was her appointment to sit on the bench as a Federal Administrative Law Judge, where she served for 20 years.

In addition to her prolific career, Carol helped establish the New Mexico Women's Bar Association. She lived a life dedicated to serving others and fighting for the rights of those in need.

Carol's greatest joy in life was her family whom she cherished. After meeting in Normandy, France, Carol married Jacques Lacan. They spent their time together in Albuquerque, in the company of family, friends, and their three dogs: Bisoux Boy I, Bisoux Boy II, and Kissy Face. Carol's passion and love of life touched all those she encountered; her mark on the world is truly endless.

On May 10, 2016, Carol passed away at the age of 74 surrounded by her family. She was preceded in death by her loving son, Robert. Surviving her are her husband, Jacques, her daughters, Cindy Montgomery and Lori Matier Vittatoe, as well as her 4 grandchildren, and 5 great-grandchildren.

Carol was a true friend and we will all miss her dearly. I cherish our friendship and all of the wonderful contributions she has made to our state. Her memory and legacy is a blessing to us all.

IN CELEBRATION OF MR. JOHN ATWOOD CHASE'S 90TH BIRTHDAY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. COSTA. Mr. Speaker, I rise today to recognize the service and career of Mr. John Atwood Chase as he celebrates his 90th birthday. John has dedicated many years to ensuring the safety and security of our great nation.

John Atwood Chase was born in Pepperell, Massachusetts on June 27, 1926 to his parents, Francis ''Curly'' Chase and Annabel Dougherty Chase. From a young age, John displayed many exemplary traits which ultimately led him to achieve many successes early in life. During his senior year of high school, he received the ''Outstanding Citizen'' and ''Person Who Has Done the Most for Lawrence Academy'' awards for the work he did as President of his senior class and the entire student body. In addition to his academic achievements, John was also a student athlete and captain of both the basketball and baseball teams. His success in sports led him to attract baseball scouts from the Boston Red Sox, but John declined their offer in order to serve our nation in the United States Navy.

John was accepted to the U.S. Navy Officer's Program at Bates College; however, he left ten months later to attend a school providing more of an Annapolis education and ultimately selected Tufts over Harvard. Upon finishing school, John went on to complete his training at the Chicago Naval Base and was later stationed at Camp Shoemaker in Dublin, California. He then joined the light Pacific cruiser ship, the Pasadena.

After the 1945 bombing in Hiroshima brought an end to the war, John was discharged from the Navy and went on to participate in a six month course with the Insurance Company of North America (ICNA). The experiences John had during this course led him to pursue a career in ICNA's Special Risk Division in New York City. Shortly after, in 1951, John left his career with the ICNA to join the Federal Bureau of Investigation (FBI) as a Special Agent. During his time with the FBI, John had the opportunity to complete many assignments in cities such as: Los Angeles, Santa Barbara and San Francisco, California; Miles City, Montana; and the Washington D.C. Field Office. A few short years later, in 1958, John returned to FBI headquarters and took on the position of Assistant Agent in Charge at Quantico.

It was during this time that John was introduced to his wife, Janice Morgan, who also worked at the FBI headquarters. They were married a year later, in 1959, and were blessed with three beautiful children, John Jr., Lisa, and Julie. In 1963, John ended his career with the FBI to join a New York Securities Firm, McDonnell & Company which was later merged to become Butcher & Singer. Throughout the years, John had the opportunity to work with many prominent figures in the financial industry at firms including White Weld & Co., Kidder Peabody, Shearson Lehman, Merrill Lynch, Paine Webber, and UBS. Through his entire adult life, John was an avid

golfer, even shooting a hole in one at the Bethesda Country Club in 1963. He now spends his time swimming at the Columbia Country Club and entertaining his four grandchildren, Madeline, Ryker, Kendall and Finn.

Mr. Speaker, I ask my colleagues to join me in celebrating the career and noble service of Mr. John Atwood Chase. John's many accomplishments are a direct reflection of what can result from hard work and perseverance. It is with great pride that we thank him for his service, and wish him continued health and happiness with his friends and family.

HONORING GEORGE LEE ADRAIN OWEN

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor George Lee Adrain Owen of Douglas County, Missouri for his lifelong work and dedication to this country.

Mr. Owen was born and raised in Douglas County before being drafted into the United States Army when he was 18 years old. He was immediately sent overseas where he served as an infantryman for the 75th Infantry Division. He fought in several battles, including the Battle of the Bulge, where he earned the Purple Heart for an injury he sustained in that battle. He also received three Bronze Stars, the Combat Infantry Badge, and several other commendations for his valiant actions in the war before being discharged on March 14, 1946.

Upon reentering the civilian workforce, Mr. Owen worked as a dairy farmer, as well as at the Rock Island Arsenal for 30 years before retiring in 1980. He then moved back to Douglas County and bought a farm that he owns to this day. Mr. Owen enjoyed nearly 56 years of marriage to his wife Laverne, before her passing in 2002. Together, they have three children: Linda, James, and Brenda.

Mr. Owen continues to be active in his community to this day, serving as the Chaplain for the local VFW, American Legion, and Douglas Country Veterans Memorial Association. He is also the Deacon at Bethany Baptist Church and is a strong supporter of the Senior Center and their activities. For his outstanding career and community achievements, it is my pleasure to recognize George Lee Adrain Owen before the United States House of Representatives.

TRIBUTE TO WILL BABCOCK

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Will Babcock, a member of the 2016 Iowa Boys 2A State Golf Tournament Championship Team.

Will Babcock and his teammates at Panorama High School, persevered through a tough season. With steady and consistent play at the state tournament, these students showed the state of Iowa that they were worthy of a state championship two years in a row.

Mr. Speaker, Will's determination, hard work, commitment and team work is what contributed to the stellar success of his team. His willingness to give it his best effort is what will be valuable later in life. I am honored to represent Will in the United States Congress. I ask my colleagues in the United States House of Representatives join me in congratulating Will Babcock and his team for competing and winning this rigorous competition. We all share in wishing him nothing but continued success.

IN HONOR OF LADY RUTH SKINNER

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to congratulate a dear friend of longstanding to my wife, Vivian and me, Lady Ruth Skinner, on 60 years of life and 40 years devoted to the ministry of Jesus Christ. David Viscott once said that, ''The purpose of life is to discover your gift. The work of life is to develop it. The Meaning of life is to give your gift away.'' Ruth Skinner has given her life away in service to God, her family, the Columbus community and the broader faith community. Truly, we and the world are all better for it.

Ruth Skinner, affectionately called ''Lady'', was born and reared in Columbus, Georgia where she attended Columbus Technical College and became a Master Cosmetologist and businesswoman, in her own right. Furthermore, she is a member of Bread of Life Christian Center Ministries, Inc., where she has served as the Founding First Lady for over 31 years alongside her loving husband, Bishop L.D. Skinner, Sr.

Lady Ruth Skinner's passion and dedication for her faith inspired her to lead. She has dedicated 40 years of her life to the ministry and has taken the gifts with which she had been endowed by God to better support her community. As a Ruling Elder of Bread of Life Christian Center Ministries and National Director of Explosion Ministries Fellowship Association of Churches (EMFAC), a fellowship of interdenominational ministries and churches, she demonstrates her leadership and unwavering faith in God.

She is the mother to three sons—Pastor Darnel Skinner, Jr., Darrell Skinner, and Darius Skinner—and loves spending time with her siblings and grandchildren. Her 60 years of life, thus far, have been filled by travel with her husband, expanding her knowledge through literature, and nurturing her relationship with both God and God's people. Lady Ruth lives by the idea that only what you do for Christ will last, and her selfless dedication and service make it clear the lives she has touched over the years have been irreversibly changed.

Mr. Speaker, I ask my colleagues to join my wife, Vivian, and me in extending our gratitude and best wishes to Lady Ruth Skinner on the occasion of her 60th birthday, and the celebration of 40 years of faithful service in the ministry of Jesus Christ. To God be the glory for the things He has done through the life of Lady Ruth Skinner.

HOWARD L. CHAMBERS, LEGENDARY LAKEWOOD CITY MANAGER TO RETIRE

HON. ALAN S. LOWENTHAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. LOWENTHAL. Mr. Speaker, Howard L. Chambers, who has served as the city manager of the City of Lakewood for four decades, is the California city manager with the longest tenure in the same city—this in a profession where the average length of service in California is about seven years.

A lifelong member of the Lakewood community, Howard grew up near Mayfair Park, went to neighborhood schools, and worked at the YMCA.

After earning his degree at Cal State Long Beach, Howard interned at the City of Lakewood for two years, handling youth services. He then went to work with the City of Rosemead as an assistant city manager.

Howard returned to Lakewood in 1972 in the role of an executive assistant to the city manager. In 1976, he was named acting city administrator and shortly thereafter hired to permanently fill the position, which was later re-titled as city manager, by the city council.

During his 40-year tenure as a city manager, Howard Chambers has become a respected leader among area city managers, always willing to take the time to share his professional experience with his colleagues on issues affecting Southern California, its residents, and its infrastructure.

Howard has also worked tirelessly and effectively on ad hoc committees and coalitions to address federal, state, and local issues, and has never shied away from a principled battle. As a long-term member of the International City/County Management Association (ICMA), Chairman of the Southeast Los Angeles County Municipal Management Group, the California Contract Cities Association, and a member of the League of California Cities' City Managers Division, Howard has worked with elected and appointed city officials, legislators, regulators, the business community, residents, and others to achieve solutions to the critical issues affecting local governments.

In addition to his public service, Howard Chambers has made community service a priority. His involvement includes the Lakewood Rotary Club, the Weingart-Lakewood Family YMCA, Lakewood Special Olympics, the American Heart Association, Su Casa Ending Domestic Violence, Lakewood Regional Hospital, Kris Kringle Charity Golf Tournament, and Project Shepherd.

For his sustained excellence, he has been recognized throughout his career by a variety of organizations including ICMA, Harvard University John F. Kennedy School of Government, California Jaycees, YMCA, Lakewood

City Council, Lakewood City Employees Association, and Su Casa Ending Domestic Violence.

During his tenure, Howard Chambers managed the city's largest public works project in its first 50 years: the $16 million improvement of the Lakewood Civic Center and construction of The Centre at Sycamore Plaza. He later oversaw the $21-million expansion and modernization of the Lakewood Sheriff's Station, the largest single project in the city's history. The sheriff's station expansion project was completed without a new tax, tax increase, or special assessment.

Howard Chambers is considered a legend in the city management profession and is known for his ability to build working relationships with city staffers, civic leaders, and state legislators. He also is a role model for his peers. Known for his ''teachable moments,'' he has become a mentor and teacher to new city managers. He has been and will continue to be passionate about local government, and his involvement in community activities and achievements in public service have resulted in significant benefits to Lakewood and surrounding communities.

During his four decades of service, Lakewood has deservedly earned many awards for the quality of its services, its commitment to responsive government, and its innovations.

IN RECOGNITION OF WILLIAM B. PITTARD

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. BARTON. Mr. Speaker, I would like to take this opportunity to recognize William B. Pittard who is leaving the House to reenter the private practice of law. Mr. Pittard has served in the Office of the General Counsel for five and one-half years, initially as an Assistant Counsel; then, for nearly four and one-half years, as Deputy General Counsel; and, most recently, as Acting General Counsel. We will miss him.

Mr. Pittard provided frequent and invaluable legal advice and representation to Members of the House (including me and my staff), the officers of the House, the committees of the House, and the leadership of the House—most often in connection with their interactions with the other branches of the Federal Government. He did so professionally and without regard to partisan identity and, as a result, we came to rely on his expertise and guidance. Over the years, Mr. Pittard played a very significant role in safeguarding the legal and institutional interests of the House of Representatives.

Mr. Pittard has served the House with great distinction, and I am confident he will exhibit that same level of distinction in representing private clients. On behalf of myself and the entire House community, we thank Mr. Pittard for his many years of devoted service, and extend to him our very best wishes for his continued success.

HONORING THE LIFE OF COACH PAUL GROVER OF PENSACOLA, FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. MILLER of Florida. Mr. Speaker, it is with profound sadness that I rise to remember Coach Paul Grover from Florida's First Congressional District. Paul passed away on Wednesday June 22, after six courageous years of battling with cancer.

Coach Grover was born in Pensacola, graduating from Pensacola Catholic High School in 1988. After graduation, he attended Livingston University before returning home and completing his degree at the University of West Florida.

In 1997, Paul began his coaching career at his alma mater, Pensacola Catholic High School, coaching football and baseball. However, in 1998, he began his true passion, coaching girls' basketball, where he remained the school's assistant coach until 2000. In 1999, under his leadership, the girls won a state title, and in 2000 they were runner ups. Finally, last year, Paul moved to Jay High School, becoming head coach of the girls' basketball team, and working with his dear friend and Jay Athletic Director, Lance Youngblood.

Coach Grover's friends, family, and students will remember him as a selfless man, hard-working and encouraging. Outside of love of organized sports, Paul was also an avid sportsman and active member of Olive Baptist Church.

My wife, Vicki, and I will keep all who love him, especially his mother Lily; brothers, George and Richard; sisters Sharon, Barbara, and Marlanne, as well as his numerous nieces, nephews, and godchildren in our thoughts and prayers.

TRIBUTE TO MAX MONTHEI

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Max Monthei, a member of the 2016 Iowa Boys 2A State Golf Tournament Championship Team.

Max, and his teammates at Panorama High School, persevered through a tough season. With steady and consistent play at the state tournament, these students showed the state of Iowa that they were worthy of a state championship two years in a row.

Mr. Speaker, Max's determination, hard work, commitment and team work is what contributed to the stellar success of his team. His willingness to give it his best effort is what will be valuable later in life and I am honored to represent Max in the United States Congress. I ask my colleagues in the United States House of Representatives join me in congratulating Max Monthei and his team for competing and winning this rigorous competition. We all share in wishing him nothing but continued success.

H.R. 5456

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. BUCHANAN. Mr. Speaker, I submit the following extraneous materials on H.R. 5456, the Family First Prevention Services Act of 2016:

FOSTER FAMILY-BASED TREATMENT ASSOCIATION,
Hackensack, NJ, June 15, 2016.

Re: H.R. 5456 Family First Prevention Service Act

Hon. KEVIN BRADY,
Chair, House Ways and Means Committee, Washington, DC.
Hon. VERN BUCHANAN,
Chair, House Human Resources Subcommittee, Washington, DC.
Hon. ORRIN HATCH,
Chair, Senate Finance Committee, Washington, DC.
Hon. SANDER LEVIN,
Ranking Member, Ways and Means, Washington, DC.
Hon. LLOYD DOGGETT,
Ranking Member, House Human Resource Subcommittee, Washington, DC.
Hon. RON WYDEN,
Ranking Member, Senate Finance Ranking Member, Washington, DC.

DEAR CHAIRMAN BRADY AND RANKING MEMBER LEVIN; SUBCOMMITTEE CHAIR BUCHANAN AND RANKING MEMBER DOGGETT, AND CHAIRMAN HATCH AND RANKING MEMBER WYDEN: The Foster Family-based Treatment Association congratulates you on the important bipartisan work and agreement reflected in H.R. 5456 Family First Prevention Service Act.

Title I will provide crucial funding to keep families together, in particular those facing substance abuse problems, mental health, and generational deprivation of health parenting skills. Providing funding to address these crises is the first step to reforming our child welfare system so that families might stay together whenever possible and safe and avoid additional trauma of family breakup.

Title II will provide clarity about professional roles and responsibilities to assess each child and provide the most appropriate, least restrictive placement when a child must be removed from their home. Overall the bill recognizes the importance of a continuum of care from family support to family-like out of home placement to congregate care placements as needed by a child and family contingent on on-going, individualized assessments.

We look forward to working with the 115th Congress to be sure that this full continuum is supported and efficient: that qualified residential programs are able to meet these new requirements and serve youth clearly needing that level of care, and that community-based, family-like settings are supported and sustained so that youth who would otherwise be at the residential level of care can be served safely and professionally in the community in placements with biological family, with kin or guardians, or with non-kinship foster families.

We furthermore support the important reauthorization of Title IV–B programs and are

especially pleased to see continuation of the adoption-kinship incentives, court improvement funds, and the regional partnership grants.

Again, thank you for your work on H.R. 5456. Please call on FFTA as we move forward in improving the family preservation and foster care systems for all of America's youth requiring such support.

Sincerely,

JODIE A. AUSTIN,
LCSW, Board President.

CONFERENCE OF CHIEF JUSTICES AND CONFERENCE OF STATE COURT ADMINISTRATORS, GOVERNMENT RELATIONS OFFICE,

June 15, 2016.

Re: Family First Prevention Services Act of 2016 (H.R. 5456)

Hon. KEVIN BRADY
Chairman, Ways and Means Committee,
House of Representatives, Washington, DC.
Hon. VERN BUCHANAN,
Chairman, Subcommittee on Human Resources, Ways and Means Committee, House of Representatives, Washington, DC.
Hon. SANDER M. LEVIN,
Ranking Member, Ways and Means Committee, House of Representatives, Washington, DC.
Hon. LLOYD DOGGETT,
Ranking Member, Subcommittee on Human Resources, Ways and Means Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN BRADY, RANKING MEMBER LEVIN, CHAIRMAN BUCHANAN, AND RANKING MEMBER DOGGETT: On behalf of the Conference of Chief Justices and the Conference of State Court Administrators, we are writing in support of your efforts to promote and improve outcomes for the children and youth who come to the attention of the child welfare system, including children in foster care. Over the decades the House Ways and Means Committee, with bipartisan support, has taken significant steps forward on behalf of our most vulnerable children.

We are aware that the House Ways and Means Committee is considering the Family First Prevention Services Act of 2016 (H.R. 5456), which would allow funds under Title IV–E of the Social Security Act to be used for prevention services to help keep children at risk of placement in foster care safely at home with their parents or kin and would take important steps to ensure that children who need to enter foster care will be placed in the least restrictive setting appropriate to their needs, by targeting federal dollars on smaller family-foster homes and on other care settings for children and youth with special treatment needs or those in special circumstances, such as pregnant and parenting teens or older youth in independent living settings.

For your information, we enclose resolution, In Support of Reforms to Improve the Outcomes for Children in the Child Welfare System, recently adopted by our respective Conferences. We commend your efforts to promote and improve outcomes for the children and youth who come to the attention of the child welfare system. We hope that you consider our resolutions and support as you move forward to adopt this legislation.

Additionally, the legislation reauthorizes child and family services programs under Title IV–B of the Social Security Act, including the three Court Improvement Program (CIP) grants through FY 2021 at the current $30 million level. The three CIP grant programs are critical for state courts as they provide the only federal funds to state courts for the purpose of improving state court oversight of abuse and neglect cases; and have been invaluable in assisting courts to improve and expedite our processes and procedures. These funds have resulted in abused and neglected children moving more expeditiously to safe, permanent homes and improved outcomes for children in need of protection. Our work, however, is not complete, so the reauthorization of these funds will allow us to continue our work to improve results for these children.

We look forward to working with you to ensure these child welfare reforms will truly benefit children who come to the attention of the child welfare system and to continue to explore additional improvements on their behalf to ensure they all have safe, permanent families. Thank you for your continuing leadership on behalf of these children.

Sincerely,

Hon. DAVID GILBERTSON,
President, Conference of Chief Justices.
PATRICIA W. GRIFFIN,
President, Conference of State Court Administrators.

CONFERENCE OF CHIEF JUSTICES AND CONFERENCE OF STATE COURT ADMINISTRATORS

RESOLUTION 5—IN SUPPORT OF REFORMS TO IMPROVE THE OUTCOMES FOR CHILDREN IN THE CHILD WELFARE SYSTEM

Whereas, the Conference of Chief Justices and the Conference of State Court Administrators recognize the importance of securing safe and permanent homes for children and the importance of moving children in state custody to permanent and safe homes as quickly as possible through the efficient and effective handling of child abuse and neglect cases; and

Whereas, the Conferences have made child welfare system reform a priority and undertaken initiatives to strengthen court oversight of child welfare cases; and

Whereas, Congress is considering a number of legislative proposals that seek to improve the outcomes for children coming to the attention of the child welfare system; and

Whereas, the legislative proposals have provisions that would:

allow states to use Title IV–E funds for time-limited prevention services for eligible children who are candidates for foster care at ''imminent risk'' of entering or re-entering foster care but who can safely remain at home or with a kinship caregiver if provided services, or pregnant and parenting youth in foster care, or parents or kin caregivers of children at risk of entering foster care;

allow Title IV–E funds to be used to provide evidence-based time-limited prevention services for up to 12 months when an intervention is necessary;

require state child welfare agencies to develop a prevention plan for each case that lists the services or assistance needed and identifies the permanency goal for a child, how services are tied to the placement and permanency goal and are trauma-informed in order to receive time-limited prevention services;

allow for a child to receive a Title IV–E maintenance payment when placed with a parent in a residential substance abuse treatment facility;

provide short-term financial assistance through Title IV–B for up to three months for a child's parent or kinship caregivers when it can be demonstrated that such assistance can prevent a child from entering foster care;

eliminate the time limit on the use of Title IV–B funds for family reunification services for children in foster care;

require states to take steps to safely reduce the inappropriate use of congregate/group care for children in the child welfare system;

require state child welfare agencies, at the initial placement and subsequent state reviews and permanency hearings, to demonstrate why the child cannot be served in a least restrictive placement and document efforts it has made to place the child into a more family-like setting;

require state child welfare agencies to conduct an assessment of appropriate placement prior to each permanency hearing or review;

require courts to review the assessment of the initial congregate care placements and updated assessments of congregate care placements and approve or disapprove those placements;

condition receipt of Court Improvement Program funding on the provision of training for judges about new federal policies on placement of foster children in non-family settings;

amend the Elementary and Secondary Education Act of 1965 to require a state plan for academic content and achievement standards to describe how the state will ensure the educational stability of children in foster care and include assurances that: a foster child will remain or be enrolled in the child's school of origin absent a determination that such enrollment is not in the child's best interest; if such a determination is made, the child will be immediately enrolled in a new school, which must immediately contact the child's previous school to obtain relevant records; and the state will designate a point of contact for child welfare agencies; and

allow states to certify that the state will provide assistance and services under the John H. Chafee Foster Care Independence Program to youths who have aged out of foster care and have not attained age 23; and

Whereas, state courts, in their oversight role, have a responsibility to insure that state child welfare agencies are complying with these new federal policies and requirements; and

Whereas, while these added responsibilities will lengthen the time of court hearings, the Conference of Chief Justices and the Conference of State Court Administrators are committed to working with Congress and the United States Department of Health and Human Services to effectively implement the new policies and requirements: Now, therefore, be it

Resolved, That the Conference of Chief Justices and the Conference of State Court Administrators urge Congress to give favorable consideration to these legislative proposals; and be it further

Resolved, That the Conference of Chief Justices and the Conference of State Court Administrators further urge Congress and the United States Department of Health and Human Services to provide adequate funding to state courts to: provide training for judges and court personnel so that they understand and comply with the federal policies and requirements; develop resources and best court practices; and fully implement these resources and best practices.

Adopted as proposed by the CCJ/COSCA Courts, Children, and Families Committee at the Conference of State Court Administrators 2015 Midyear Meeting on December 5, 2015 and at the Conference of Chief Justices 2016 Midyear Meeting on February 3, 2016.

THE SUPREME COURT OF TEXAS,
Austin, Texas, June 20, 2016.

Re: Family First Prevention Services Act of 2016 (H.R. 5456)

Hon. KEVIN BRADY,
House of Representatives,
Washington, DC.

DEAR KEVIN: I understand the House may vote tomorrow on the Family First Prevention Services Act of 2016 (H.R. 5456), and that the bill has broad support so far. It would allow Social Security Title IV–E funds to improve the foster care system. It would also reauthorize child and family service programs under Title IV–B of the Social Security Act including the three Court Improvement Program grants through FY 2021 at the current $30 million level. These grants are critical for state courts in improving oversight of abuse and neglect cases and generally improving procedures.

As you well know, improvement in the foster care system is of growing concern in Texas as well as a national issue. I enclose a recent resolution of the Conference of Chief Justices and the Conference of State Court Administrators ''In Support of Reforms to Improve the Outcomes for Children in the Child Welfare System''.

Thanks, as always, for your consideration.

Cordially,

NATHAN L. HECHT,
Chief Justice.

CONFERENCE OF CHIEF JUSTICES AND CONFERENCE OF STATE COURT ADMINISTRATORS

RESOLUTION 5—IN SUPPORT OF REFORMS TO IMPROVE THE OUTCOMES FOR CHILDREN IN THE CHILD WELFARE SYSTEM

Whereas, the Conference of Chief Justices and the Conference of State Court Administrators recognize the importance of securing safe and permanent homes for children and the importance of moving children in state custody to permanent and safe homes as quickly as possible through the efficient and effective handling of child abuse and neglect cases; and

Whereas, the Conferences have made child welfare system reform a priority and undertaken initiatives to strengthen court oversight of child welfare cases; and

Whereas, Congress is considering a number of legislative proposals that seek to improve the outcomes for children coming to the attention of the child welfare system; and

Whereas, the legislative proposals have provisions that would:

allow states to use Title IV–E funds for time-limited prevention services for eligible children who are candidates for foster care at ''imminent risk'' of entering or re-entering foster care but who can safely remain at home or with a kinship caregiver if provided services, or pregnant and parenting youth in foster care, or parents or kin caregivers of children at risk of entering foster care;

allow Title IV–E funds to be used to provide evidence-based time-limited prevention services for up to 12 months when an intervention is necessary;

require state child welfare agencies to develop a prevention plan for each case that lists the services or assistance needed and identifies the permanency goal for a child, how services are tied to the placement and permanency goal and are trauma-informed in order to receive time-limited prevention services;

allow for a child to receive a Title IV–E maintenance payment when placed with a parent in a residential substance abuse treatment facility;

provide short-term financial assistance through Title IV–B for up to three months for a child's parent or kinship caregivers when it can be demonstrated that such assistance can prevent a child from entering foster care;

eliminate the time limit on the use of Title IV–B funds for family reunification services for children in foster care;

require states to take steps to safely reduce the inappropriate use of congregate/group care for children in the child welfare system;

require state child welfare agencies, at the initial placement and subsequent state reviews and permanency hearings, to demonstrate why the child cannot be served in a least restrictive placement and document efforts it has made to place the child into a more family-like setting;

require state child welfare agencies to conduct an assessment of appropriate placement prior to each permanency hearing or review;

require courts to review the assessment of the initial congregate care placements and updated assessments of congregate care placements and approve or disapprove those placements;

condition receipt of Court Improvement Program funding on the provision of training for judges about new federal policies on placement of foster children in non-family settings;

amend the Elementary and Secondary Education Act of 1965 to require a state plan for academic content and achievement standards to describe how the state will ensure the educational stability of children in foster care and include assurances that: a foster child will remain or be enrolled in the child's school of origin absent a determination that such enrollment is not in the child's best interest; if such a determination is made, the child will be immediately enrolled in a new school, which must immediately contact the child's previous school to obtain relevant records; and the state will designate a point of contact for child welfare agencies; and

allow states to certify that the state will provide assistance and services under the John H. Chafee Foster Care Independence Program to youths who have aged out of foster care and have not attained age 23; and

Whereas, state courts, in their oversight role, have a responsibility to insure that state child welfare agencies are complying with these new federal policies and requirements; and

Whereas, while these added responsibilities will lengthen the time of court hearings, the Conference of Chief Justices and the Conference of State Court Administrators are committed to working with Congress and the United States Department of Health and Human Services to effectively implement the new policies and requirements: Now, therefore, be it

Resolved, That the Conference of Chief Justices and the Conference of State Court Administrators urge Congress to give favorable consideration to these legislative proposals; and be it further

Resolved, That the Conference of Chief Justices and the Conference of State Court Administrators further urge Congress and the United States Department of Health and Human Services to provide adequate funding to state courts to: provide training for judges and court personnel so that they understand and comply with the federal policies and requirements; develop resources and best court practices; and fully implement these resources and best practices.

Adopted as proposed by the CCJ/COSCA Courts, Children, and Families Committee at the Conference of State Court Administrators 2015 Midyear Meeting on December 5, 2015 and at the Conference of Chief Justices 2016 Midyear Meeting on February 3, 2016.

HONORING COMMAND SGT. MAJ. TONIA WALKER

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. COOPER. Mr. Speaker, I rise today to recognize Command Sgt. Maj. Tonia Tuwarne Walker on her retirement from the United States Army.

Tonia is a native of Columbia, S.C., and enlisted in the Army in 1987. Tonia has served our nation honorably over her long and distinguished career spanning numerous assignments, most notably two deployments to Iraq. A decorated combat veteran, Tonia earned dozens of awards, including a Bronze Star.

In 2012, Tonia joined the Pentagon as a Congressional Legislative Liaison. I was fortunate to have her on my staff as a Department of Defense Fellow. Her hands-on experience and in-depth knowledge of national security affairs assisted me greatly in my role as a senior member of the House Armed Services Committee.

Mr. Speaker, Tonia has dedicated herself to the United States Army every day for nearly 30 years. I want to thank Tonia, her husband Ray, and their beautiful family for serving our community and country and for the many sacrifices they have made. I also want to thank Tonia for her friendship, and wish her all the best in her future endeavors.

TRIBUTE TO GEORGE APPLESETH

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate George Appleseth, a member of the 2016 Iowa Boys 2A State Golf Tournament Championship Team.

George, and his teammates at Panorama High School, persevered through a tough season. With steady and consistent play at the state tournament, these students showed the state of Iowa that they were worthy of a state championship two years in a row.

Mr. Speaker, George's determination, hard work, commitment and teamwork is what contributed to the stellar success of his team. His willingness to give it his best effort is what will be valuable later in life and I am honored to represent George in the United States Congress. I ask my colleagues in the United States House of Representatives join me in congratulating George Appleseth and his team for competing and winning this rigorous competition. We all share in wishing him nothing but continued success.

RECOGNIZING BOETJE'S STONE GROUND MUSTARD'S SUCCESS AS 2016 GRAND CHAMPION

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mrs. BUSTOS. Mr. Speaker, I rise today to recognize Boetje's Stone Ground Mustard, which recently was named Grand Champion in the 2016 World-Wide Mustard Competition.

In the late 19th century, Fred Boetje began making stoneground Dutch mustard in his garage in Rock Island, Illinois. To this day, Boetje's is still a Quad Cities-based company and is gaining international recognition for their excellent and unique product. In fact, Boetje's is the first grainy mustard to win the Grand Champion award in the World-Wide Mustard Competition's history. Previously, in 2008, it took first prize in the ''Best Coarse Grained'' category at the World-Wide Mustard Competition, and in 2002, their mustard was named the ''Best Illinois Food Product'' by Illinois Magazine.

Mr. Speaker, I want to again recognize Boetje's Mustard's victory in being named Grand Champion at the 2016 World-Wide Mustard Festival, and I wish them even more success in the future.

RESOLUTION HONORING THE 50TH ANNIVERSARY OF THE JAMES MEREDITH MARCH AGAINST FEAR

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. COHEN. Mr. Speaker, I rise today in support of a bipartisan resolution I introduced today with my colleagues TRENT KELLY, BENNIE THOMPSON and GREGG HARPER in honor of the 50th anniversary of the James Meredith March Against Fear.

Senator ROGER WICKER recently offered a similar resolution in the Senate with his colleagues Senator THAD COCHRAN and JEANNE SHAHEEN. The Senate swiftly passed that resolution, and I hope the House will do the same with the one we introduced today.

Fifty years ago last month, after already making history at the University of Mississippi, James Meredith risked his life once again by organizing a march from Memphis, Tennessee to Jackson, Mississippi to encourage African Americans to register to vote. This was not long after passage of the landmark Voting Rights Act, and a march like this—into the heart of Mississippi—was anything but safe.

Sure enough, Meredith was brutally shot and wounded.

Civil rights leaders quickly met at the Centenary United Methodist Church in Memphis to plan a resumption of the march. They were aided by the church's courageous Reverend James M. Lawson.

They were also aided by the Memphis chapter of the N.A.A.C.P. and civil rights leaders Maxine and Vasco Smith, Jesse Turner, Russell Sugarmon, and A.W. Willis, among others.

The next day, Dr. Martin Luther King, Jr., Floyd McKissick, and Stokely Carmichael resumed the Meredith March Against Fear.

By the time marchers reached Jackson, 4,000 African Americans in Mississippi had registered to vote.

This was a great moment in the history of voting rights in our country, and I urge my colleagues to help us pay homage to it by passing this resolution.

RECOGNIZING KAREN J. LEE

HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to recognize Ms. Karen J. Lee, a Community Programs Specialist with the United States Department of Agriculture (USDA). Karen retired on June 30, 2016, after 33 years and 11 months of federal service.

Karen started her federal career working for the Department of Defense from 1980 to 1992. In May of 1992, she began working as a Temporary Clerk Typist within the Rural Housing agency of USDA Rural Development. Later that year, she was converted to a permanent member of the Community and Business Programs staff. In December of 1993, she was promoted to State Loan Technician and in January 2002, further promoted to Community and Business Programs Specialist. During 2005, she was assigned to her current position as Community Programs Specialist.

Throughout her career, Karen assisted Illinois in processing loans and grants to rural communities and nonprofit organizations to improve and construct infrastructure projects. The projects she assisted on ranged from water and wastewater systems, public safety, and health and community services. She received numerous awards for outreach, marketing, and processing, and served on various national task forces which ultimately benefited residents in rural Illinois.

I am proud to honor Karen for her work on behalf of the people of Illinois, and I wish her the best in her retirement.

HONORING BLAIR FREDERICK KARGES

HON. JASON SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. SMITH of Missouri. Mr. Speaker, I rise today to honor Blair Frederick Karges of Douglas County, Missouri for his lifelong care and service to this country.

Mr. Karges graduated from Pine City, Minnesota High School in May of 1939. At the age of 20 he was drafted into the United States Army. He served with the 544th Engineer Boat and Shore Regiment, 4th Engineer Special Brigade as a Company Armor & Squad Leader in the Cargo Control section moving cargo, troops, and anything else the army might need. He served on islands in the Netherland East Indies, Luzon, Philippines, and the occupation of Japan following their surrender. He received numerous awards, including the Philippine Liberation Ribbon Bronze Star, before being discharged on January 9, 1946. He later went on to serve in the Colorado Air National Guard as a Staff Sergeant from October of 1953 until October of 1956.

Mr. Karges then worked as an insurance agent for Metropolitan Life Insurance Co. until he retired in April of 1981. He married his loving wife, Pamela, on November 21, 1984 and they have lived happily together since.

Mr. and Mrs. Karges moved to Douglas County thirty years ago in May of 1986. Here he has remained very active in the community. Mr. Karges distributes meals for the Senior Center every week, works at Heart of the Hills distribution center one day a week, and is a member of the Douglas County Veterans Memorial Association. For his outstanding career and community achievements, it is my pleasure to recognize Blair Frederick Karges before the United States House of Representatives.

TRIBUTE TO DR. JACQUELINE A. YOUNG

HON. DONALD M. PAYNE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. PAYNE. Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me as I rise to pay tribute to Dr. Jacqueline A. Young on her retirement from the Essex Regional Educational Services Commission in June 2016.

Dr. Young has been an educator for 42 years. She received her B.A. from Douglas College and her M.Ed. and Ed.D. from Rutgers University Graduate School of Education. Dr. Young began her career as an Elementary School Teacher in the Newark Public Schools. She then worked as an Elementary School Teacher and a Reading Resource Teacher for the East Orange School District. In 1980, she joined the New Jersey Department of Education as a Basic Skills Consultant and soon became a School Program Coordinator. In that capacity, she served as a facilitator between the Essex County Office of Education and the special needs urban districts for school improvement activities.

Since 1982, Dr. Young has been at the Essex Regional Educational Services Commission (ERESC) where she has held several positions including Supervisor of Instruction and Director of Services to Nonpublic Schools. In 1992, she assumed the position of Superintendent. Under her leadership and direction, the ERESC has grown into the largest educational services commission in the State of New Jersey. The ERESC provides services to local school districts, agencies and nonpublic schools throughout northern New Jersey.

Over half of Dr. Young's career has been spent championing the needs of special education and at risk students. During her tenure at the ERESC, she has assisted school districts by developing programs and establishing schools to meet the needs of those students

who have difficulty functioning in traditional school settings. These schools incorporate strategies and techniques conducive to the educational and emotional needs of the students in an environment with a low student/teacher ratio. In September 1997, Dr. Young assumed the responsibility of establishing a school for pre-adjudicated adolescents in the Essex County Juvenile Detention Center in Newark which is now called Sojourn High School. Sojourn High School addresses the specific needs of the students using a combination of thematic instruction and service learning. For the past 19 years, she and her staff have provided these students with the opportunity to earn high school diplomas from their resident school districts or GEDs. Presently, the ERESC operates the following schools: Essex Campus Academy in Fairfield; Essex Junior Academy in Cedar Grove and Essex High School in Passaic in addition to Sojourn High School.

Dr. Young has received awards from a variety of organizations and communities for her work with this population of students. She was inducted into the Rutgers African American Alumni Alliance Hall of Fame Award in October 2011 and received the Shirley Chisholm ''Catalyst For Change'' Award. She is a member of the National Association of School Administrators, New Jersey Association of School Administrators, New Jersey Network of Superintendents, New Jersey Superintendents' Study Council, Essex County Superintendents' Group, Association of Educational Service Agencies, Association for Supervision and Curriculum Development, International Reading Association and Phi Delta Kappa. In addition, she is a member of Delta Sigma Theta Sorority, Inc., Montclair Alumnae Chapter. At this time, she is Co-Chairperson of Delta GEMS which stands for ''Growing and Empowering Myself Successfully''. This program services teenage girls between the ages of 14 and 18 in grades 9–12 addressing the following areas: sisterhood, community service, scholarship, college preparation and career options. Dr. Young's sincere concern for these young people and dedication to helping them has been a source of inspiration throughout her career.

Mr. Speaker, I know my fellow members of the U.S. House of Representatives agree that Dr. Jacqueline A. Young deserves to be recognized for a job well done and for many years of service to the people of New Jersey.

TRIBUTE TO THE CITY OF WEST DES MOINES

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize the City of West Des Moines, Iowa for its recognition as a 2015 Tree City USA sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the U.S. Department of Agriculture Forest Service's Urban and Community Forestry program (the Forest Service).

The City of West Des Moines has met the core standards for tree care during the past year. Over 135 million Americans live in Tree USA communities. In its 40th year of celebration, the Tree City USA program is critical to the U.S. Forest Service. This federal partner delivers technical and financial resources to states, cities and communities across the nation with each community adhering to a State Action Plan, guiding investments in each state while accomplishing local projects and programs.

The U.S. Forest Service and Arbor Day Foundation cooperate with communities to establish healthy forests, improve air and water quality and contribute to important national energy conservation goals. These local investments create long term major environmental improvements nationwide.

I commend the City of West Des Moines and urge my colleagues in the U.S. House of Representatives to join me in congratulating the community on this award and in wishing the city nothing but continued success.

POPE COUNTY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. SHIMKUS. Mr. Speaker, I rise today because I wish to acknowledge the residents of Pope County celebrating their Bicentennial Anniversary.

Pope County was established on January 10, 1816, when it received its name from Nathaniel Pope, then Secretary of the Illinois Territory. In 1818 when Illinois entered the Union as a free state, the population of Pope County mostly reflected the emigration of Europeans to America that occurred in the 19th century.

Pope County has since been the home to many notable citizens including: American Civil War General James L. Alcorn, Military Governor of South Korea (preceding the Korean War) John R. Hodge, and American Civil War General Green B. Raum.

Pope County is also home to the Shawnee National Forest, which covers one third of the county, and provides residents and tourists with lakes, creeks, caves, rock formations, valleys, and wooded hills that are excellent for hiking, camping, fishing, hunting, horseback riding, and to just get away.

Pope County hosts many yearly events, including the 9-day Trail Ride, the River-to-River Relay, and the Deer Festival.

The residents of Pope County began celebrating their county's bicentennial on January 10, 2016, and will hold a multitude of festivities throughout the rest of the year.

I congratulate the residents of Pope County on the 200th anniversary of the county's founding, and I extend my best wishes for many more.

RECOGNIZING MS. BETTY REID SOSKIN

HON. MARK DeSAULNIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. DESAULNIER. Mr. Speaker, I rise to recognize Ms. Betty Reid Soskin, a constituent, friend, and influential figure in my congressional district in Contra Costa County, California.

For my colleagues who may not know Betty, she is a fabled Park Ranger with the National Park Service at the Rosie the Riveter/World War II Home Front National Historic Park. She also enjoys the unique distinction of our nation's oldest Park Ranger at age 94.

Betty has a tremendous life story. Born in Detroit, Betty and her family lived in New Orleans before relocating to Oakland, California in 1927. She worked as a file clerk for the Boilermakers Union A–36 during World War II, a Jim Crow all-African American union auxiliary. In the 1950s, she moved with her family to Walnut Creek where she fought against discrimination in her new mostly-white neighborhood, became active in her local church, and became a well-known songwriter during the civil rights movement during the 1960s.

In 1995, Betty was named a ''Woman of the Year'' by the California State Legislature and was named one of the nation's ten outstanding women in 2006 by the National Women's History Project.

As a field representative for members of the California legislature, Betty was active in the development of the Rosie the Riveter/World War II Home Front National Historic Park to acknowledge the role of black neighborhoods surrounding the Richmond, California site, which had been bulldozed after the war. She now serves the park as a Ranger. In 2015, the White House recognized Betty with a Presidential Coin after she introduced President Obama at the National Christmas Tree lighting ceremony at the White House.

Last week, Betty was brutally assaulted and robbed when an unknown assailant broke into her home. True to form, Betty fought off her assailant, but during the encounter the thief managed to steal various personal items—among them, a special commemorative coin given to her by President Obama when she helped light the national Christmas tree last winter.

Thanks to her strong spirit and perseverance, Betty is recovering quickly. Our office has been in touch with the White House to ensure Betty receives a new commemorative coin from the President to replace the one that was stolen.

We are thankful that Betty was not more seriously injured, and we look forward to welcoming her back to full health. Her spirit and drive are an inspiration to Californians everywhere.

HONORING LAKE FOREST POLICE CHIEF JAMES HELD

HON. ROBERT J. DOLD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. DOLD. Mr. Speaker, I rise today to recognize the career of Lake Forest Police Chief James Held.

Chief Held's career is a testament to his hard work. He rose through the ranks from being a student at the College of Lake County and a security guard in 1984 to being police chief thirty-two years. His creation of the Bike Rodeo and the twenty-year-old Citizen's Police Academy programs helped increase community outreach and education on behalf of local police forces.

Chief Held leaves behind a legacy of outstanding leadership at the Lake Forest Police Department, where he connected with his fellow officers and innovatively engaged with the community.

Mr. Speaker, it is my honor to express my gratitude to Police Chief James Held for his thirty-one years of laudable service.

CELEBRATING THE DEDICATION OF THE SCOTT AIR FORCE BASE VISITOR CENTER TO SENATOR DIXON

HON. CHERI BUSTOS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mrs. BUSTOS. Mr. Speaker, I rise today to celebrate the dedication of the Scott Air Force Base Visitor Control Center, which will be renamed in honor of Senator Alan J. Dixon.

Senator Dixon dedicated his life to public service, fighting for our country in the United States Navy during World War II before representing Illinois in the United States Senate for 12 years, from 1981 to 1993. The Scott Air Force Base will honor Senator Dixon's commitment to our country and his tireless work on behalf of Illinois families—and given his lifetime of service, I cannot think of a more appropriate celebration of Senator Dixon's life. I was able to witness his dedication to Illinois first hand when my father worked for Senator Dixon as his Chief of Staff. As my father would often say, ''he was a senator from Illinois, for Illinois.''

As chairman of the subcommittee that authorized spending on armed services, Senator Dixon was known for reaching across the aisle. His support for Illinois ensured that the Scott Air Force Base became one of the largest employers in the state, which now employs approximately 13,000 people and its airfield serves both military and civilian planes.

Mr. Speaker, I'd like to commend the Scott Air Force Base for honoring Senator Dixon for his lifetime of service to our country and the State of Illinois.

TRIBUTE TO GEORGE VOINOVICH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Ms. KAPTUR. Mr. Speaker, I rise today to commemorate a fellow public servant from Ohio, George Voinovich, who passed away Sunday, June 12th.

George was a pillar of the Republican Party, though he occasionally opposed the establishment in the name of good governance. His intellect was unsurpassed, helping him to become a two-term Governor of Ohio, and later to win a seat in the U.S. Senate.

Among his numerous achievements, George was proudest of passing the global anti-Semitism bill, efforts to expand NATO, and a bill to protect intellectual property. These accomplishments are a testament to his character, one which helped restore the city of Cleveland in the late 1970s.

In addition to political accomplishments, George prided himself on his frugality, in both his public life and private life. Throughout his governorship, his mantra was ''working harder and smarter, doing more with less.'' Occasionally this mantra put George in juxtaposition with his party, such as when he pushed a tax increase that would help stabilize the state's finances.

Born in Cleveland on July 15, 1936, George Victor Voinovich was the son of Eastern European immigrants. His culture would strongly shape the man he became, endearing him to the ethnic communities that thrived in the Cleveland area.

Sadly, tragedy would also shape his life in later years, after the death of his youngest daughter, Molly, when she was 9 years old. George readily acknowledged this incident as one that elicited a greater depth of feeling and understanding, all of which he reflected back on his work in public service.

George passed away suddenly on Sunday, in the company of his wife, Janet. He had just made a public appearance the Friday before at the 25th Slovenian Independence Day event at Cleveland City Hall, and was a delegate to the upcoming Republican National Convention.

George is survived by his loving wife and three children. We offer them our prayers and hope that they find comfort in the wonderful memories of our dear friend and colleague, George, who will be remembered with affection and gratitude for his probing intellect, kind heart, and utter dedication to our wonderful state of Ohio.

TRIBUTE TO AARON KLING

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Aaron Kling, a member of the 2016 Iowa Boys 2A State Golf Tournament Championship Team.

Aaron, and his teammates at Panorama High School, persevered through a tough season. With steady and consistent play at the state tournament, these students showed the state of Iowa that they were worthy of a state championship two years in a row.

Mr. Speaker, Aaron's determination, hard work, commitment and team work is what contributed to the stellar success of his team. His willingness to give it his best effort is what will be valuable later in life and I am honored to represent Aaron in the United States Congress. I ask my colleagues in the United States House of Representatives join me in congratulating Aaron Kling and his team for competing and winning this rigorous competition. We all share in wishing him nothing but continued success.

IN RECOGNITION OF THE LEESBURG COMPOSITE SQUADRON AND THE CIVIL AIR PATROL

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to acknowledge the Civil Air Patrol (CAP) which is celebrating its 75th year of service to this country as an auxiliary of the United States Air Force. The Civil Air Patrol helps bring together citizens with a passion for aviation to volunteer in defense of our great nation. Furthermore, in light of the approaching appointment of its new squadron commander, I would like to specifically acknowledge the Leesburg Composite Squadron, of Leesburg, Virginia, for its exemplary service as part of the CAP, not only through its performance of duties such as search and rescue and disaster relief, but also through promoting community service, leadership, and health in our youth.

The Civil Air Patrol has a rich history beginning in the wake of the attacks on Pearl Harbor where over 150,000 brave citizens offered themselves towards answering the nation's call to arms. These volunteers provided essential assistance to the U.S. War Department, logging over 500,000 hours of flight time during the Second World War alone. Their service helped rescue hundreds of crash victims and sink several enemy submarines.

The Leesburg Composite Squadron of the CAP traces its roots back to 1973, under the vision of Captain Dorothy Tuller, and has continued to uphold the values and reputation set by the original CAP volunteers. They have displayed integrity, professionalism, and excellence in the performance of their duties and this is reflected by the institution's growth from under 40 volunteers to its present day size of over 100 cadets and 68 senior staff They are more than worthy of their motto 'Citizens Serving Communities'.

Mr. Speaker, these fine men and women embody the greatest strengths of our nation through their service and sacrifice and make me proud to call myself an American. I ask that my colleagues join me in congratulating the Civil Air Patrol and the Leesburg Composite Squadron for all their achievements, and wishing its new commander good luck in all their future endeavors.

IN RECOGNITION OF STERLING VOLUNTEER FIRE COMPANY'S 50TH YEAR OF SERVICE

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to acknowledge the Sterling Volunteer Fire Company, which is celebrating its 50th year of service to the good citizens of the Sterling community this year. I would like to personally commend the courageous men and women who so selflessly volunteer themselves and put themselves in danger on behalf of neighbors, friends, and strangers, without asking anything in return. These brave citizens embody the very best of this nation's values through their service to our community and their exemplary performance in the line of duty.

The Sterling Volunteer Fire Company has grown exponentially since its inception in 1966, which at the time was little more than an old barn on Holly Avenue housing a single tanker and two used pumpers. Within a short two years, this small institution had flourished, now settled into two larger locations: Station 11, which it shares with the Sterling Volunteer Rescue Squad, as well as Station 18, also known as SVRS 25. Even more recently, the company expanded into Station 24 in 2013. This is a clear testament to the outstanding work which is conducted by these everyday heroes and they are deserving of recognition.

Mr. Speaker, it brings me immense pride to recognize such a fine group, and I sincerely hope that we all can live up to their tremendous example. I ask my colleagues to join me in congratulating the Sterling Volunteers. I wish them good luck and hope that they remain safe in the fulfillment of their future duties.

PERSONAL EXPLANATION

HON. VICKY HARTZLER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mrs. HARTZLER. Mr. Speaker, on Tuesday, June 21, 2016, I was unable to vote due to a cancelled flight. Had I been present, I would have voted as follows:

On roll call no. 334, Yea.
On roll call no. 335, Yea.
On roll call no. 336, Yea.

IN RECOGNITION OF GUILFORD ELEMENTARY'S 50TH ANNIVERSARY

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize Guilford Elementary School of Sterling, Virginia, on their 50th anniversary. This is an important milestone for this wonderful school in my District. Guilford Elementary School celebrated this anniversary in Loudoun County earlier this month on June 9th and it is my pleasure to briefly highlight the impact this school has had on my constituents.

Guilford Elementary School has a terrific history of success since first opening their doors in 1966. With the creation of Dulles Airport, this once rural space of Northern Virginia has developed into one of the most diverse and rapidly growing communities in the nation. Boasting one of the premier English as a Second Language (ESL) programs in the region, Guilford Elementary produces some of the highest test scores in the county. Equipped with top tier teachers and staff, this school has produced countless student success stories.

Coming from a family of educators, I understand how important a strong education is to the future of our nation. It is schools like Guilford Elementary that will continue to help shape the United States' role in the increasingly global economy, while also producing many of our nation's future leaders. Over the years, the faculty has shown an impressive dedication not only to its students, but to the Loudoun community as a whole. The success of this school is a tremendous accomplishment that should make past and present faculty proud.

Mr. Speaker, I ask that my colleagues join me in congratulating Guilford Elementary School for their half-century of serving children and their families. I wish them all the best in their future endeavors.

PERSONAL EXPLANATION

HON. SUZANNE BONAMICI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Ms. BONAMICI. Mr. Speaker, I was unable to attend votes on Tuesday, June 21, 2016 because my flight from Oregon was delayed because of inclement weather. Had I been present, I would have supported passage of H.R. 5389, Leveraging Emerging Technologies Act, and H.R. 5388, Support for Rapid Innovation Act, and I would have opposed H.R. 5525, End Taxpayer Funded Cell Phones Act.

The Leveraging Emerging Technologies Act and the Support for Rapid Innovation Act are commonsense bills that will make it easier for the Department of Homeland Security (DHS) to identify threats to cybersecurity and develop strategies to partner with industry to combat these cyber threats. Cybercrime is—and will continue to be—a serious threat to families, the United States economy, and our national security. I am proud to support two bills that will provide more tools for DHS to use when combating cybercrime.

I would have opposed the End Taxpayer Funded Cell Phone Act, a shortsighted bill that seeks to eliminate access to affordable cell phones and broadband for low-income individuals and families. Currently the Federal Communications Commission's (FCC) Lifeline program provides subsidies for low-income families to obtain landline or wireless cell phones. This service is critical for people looking for jobs, children working on homework after school, and families scattered across the country who need to stay in touch. Under the End Taxpayer Funded Cell Phone Act, the Lifeline subsidy would only be available for landline phones. In our increasingly mobile economy, it is neither practical nor fair to force people to rely only on a landline phone. This bill would do nothing to level the playing field for those who need it most, and it would impede families who are trying to make ends meet and struggling to get ahead.

IN HONOR OF STANLEY LICKEY, SR.

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise today to honor the life of Stanley Lickey, Sr., former Fire Chief of the Philomont Volunteer Fire Company Number 8, located in Loudoun County, Virginia.

A lifelong volunteer, Chief Lickey served dutifully for 32 years as Fire Chief, making him one of the longest continuously serving fire chiefs in the United States. He was instrumental in forming Loudoun County's Fire and Rescue Commission, whose mission was to create a county-wide fire and rescue system. Thanks to Chief Lickey's tireless efforts, today's system has become a model for career and volunteer cooperation.

He dedicated his life to serving his community and his enduring legacy is his willingness to lead by example, placing service to his neighbors in their time of greatest need above service to self.

Chief Lickey passed away at the age of 80 on May 27, 2016, surrounded by family, friends, and colleagues. Blessed to have been a grandfather and great-grandfather, he is survived by an extensive family who misses him greatly.

Mr. Speaker, in closing, I ask my colleagues to join me in honoring the life of Fire Chief Stanley Lickey, Sr. and expressing gratitude for his life of service to our community.

RESTORATION TUESDAY: ALABAMA RULING ON VOTER REGISTRATION REQUIRING PROOF OF CITIZENSHIP

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Ms. SEWELL of Alabama. Mr. Speaker, today on Restoration Tuesday, I rise to draw attention to U.S. District Judge Richard Leon's egregious ruling on June 29, 2016 allowing U.S. elections officials to change proof-of-citizenship requirements on the federal voting registration form at the request of Alabama, Kansas, and Georgia and without public notice. This ruling marks yet another example in a long line of restrictive voting practices used to suppress the right of eligible voters under

the guise of circumventing voter fraud. This ruling means residents of Kansas, Georgia and Alabama will have to prove they are U.S. citizens when registering to vote for federal elections without prior public notice. One of the missions of the U.S. Election Assistance Commission which implemented this new law is to help make voting easier and not harder for eligible voters. Enforcing a new law and process without notifying the public falls far short of that goal. Instead, the court has sanctioned yet another ''solution'' to a problem that doesn't exist.

This new proof of citizenship requirement joins the other restrictions efforts like photo ID laws, DMV closings, poll site closings—which put up barriers to voter access. Mr. Speaker, Alabama has a storied history of voter suppression, and Judge Richard Leon's ruling last week yet again underscores the importance of the need for federal preclearance for changes to voting practices and procedures that could have a discriminatory impact. Unfortunately, these stories continue to be far too common in states across the country.

As the 2016 Presidential Election cycle continues, it is critically important that we recognize and defend against any attempts to create modem day barriers to the ballot box, instead of making voting more difficult, we should be working to ensure that every American is able to exercise their constitutionally protected right. It is reprehensible that in 2016, many Americans continue to face barriers to the ballot box. Now, citizens in Alabama, Georgia and Kansas have to show proof to citizenship to register to vote. These states have not shown a propensity for voter fraud due to lack of citizenship. It is another example of overzealous election officials putting up barriers to voting. Such suppression must stop! Our democracy is built on the premise that every citizen is able to have their voices heard and vote counted! No Vote, No Voice! America cannot and must not be silenced.

I continue to call upon Congress to pass and enact meaningful legislation that restores key protections under the Voting Rights Act. All who believe in our great democracy should fight to ensure a fair and inclusive election process for all. The time is always ripe to do what is right.

IN RECOGNITION OF WOODGROVE HIGH SCHOOL

HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 5, 2016

Mrs. COMSTOCK. Mr. Speaker, I rise to acknowledge the students of Woodgrove High School for their incredible determination in earning the Class 4A Wells Fargo Cup for academics. Formerly the Wachovia Cup, this prestigious award has been given to one academic and one athletic winner in each of the six enrollment classifications of the Virginia High School League (VHSL) since 1990. Throughout the year, schools across Virginia compete in 12 academic challenges, such as the scholastic bowl, creative writing, theater, forensics, debate, film festival, broadcast, newspaper, yearbook, and magazine. Woodgrove High School students especially proved themselves more than capable in the areas of film festival, forensics, yearbook and newspaper. This award signifies excellence, with the winner commonly referred to as the 'state champion of state champions'.

Coming from a family of educators, I truly appreciate the significance of this award. This is the first time that a Loudoun County school has been awarded this trophy, and I am sure that it will not be the last. It is therefore with great pleasure and enthusiasm that I congratulate the students of Woodgrove High School on their excellent achievement. I cannot emphasize how proud I am to be their representative in Congress.

Education is the cornerstone of American innovation and these students are championing their generation towards greater success. It is my hope that additional schools will follow the standard of academic excellence set by Woodgrove High School, and encourage their students to be the best that they can be.

Mr. Speaker, I would ask my colleagues to join me in applauding Woodgrove High School, its staff, and its students in making this result possible, and for setting a great example for others to follow. I wish them all continued success in the future.